

Christchurch City Council ATTACHMENTS UNDER SEPARATE COVER

Thursday 28 July 2022

12pm

Date: Time:

Ven	ue:	Council Chambers, Civic Offices, 53 Hereford Street, Christchurch	
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#	Panel Member/ Date	Panel Question	Council Officer Response
1	Briefing	West end section – In relation to submissions received, were there any submitters who indicated that they would begin to bike to Nunweek Park as a result of the cycleway?	Response previously provided by memo. A copy of the memo is attached with this response.
2	Briefing	West end section – Concerns were raised regarding the high parking demand at Nunweek Park particularly during sporting events. The Hearings Panel requested for Officers to investigate if any other dedicated parking in or around the park is viable.	Response previously provided by memo. A copy of the memo is attached with this response.
3	Briefing	East end section – Concerns were raised regarding the potential conflict points between vehicles and cyclists at the Mitre 10 entrance. The Hearings Panel requested for Officers to provide further information on the impacts of having a two way cycleway on the south side after Chapel St as opposed to the preferred option.	Response previously provided by memo. A copy of the memo is attached with this response.
4	Site Visit	Central section/Median U-turn opposite the Bishopdale Mall located on Harewood Rd – As part of the design can improvements be made to have clearer markings and/or allow more room for a vehicle to wait in the median whilst making a U- turn movement?	Yes, the project team is investigating improvements to both markings and the median island itself as part of the preferred design, which would allow a vehicle to stop in the median clear of traffic when making a right turn or U-turn. The investigations indicate this can be achieved, and these changes can be incorporated at the detailed design stage.
5	Site Visit	Copenhagen Bakery Resource Consent – Depending on the outcome of the final decision, can staff assist the bakery in their Resource Consent change application to allow for staff to use the on-site car park?	Yes, staff can assist the bakery with information that may be required and will refer the concerns to the consenting unit.

Wheels to Wings Papanui ki Waiwhet Major Cycle Route Hearings Panel – Questions and Officer Responses

6	Site Visit	West end section – Parking at Nunweek Park – Is it
		possible to start the cycleway further out and have
		a drive in/out lane along with angled parking?

No, to have the cycleway between a drive in/out lane with angle parking and the traffic lanes would require moving the parking further into the park. New kerb and channel would be required for the parking area that would need to be located along the first line of trees. This would mean the removal of these trees, and possibly the second row of trees. A full arboricultural assessment would be needed to determine the impact on all affected trees.

It would also be less comfortable to cycle along and there would be the risk of conflicts between cycleway users and vehicles entering and exiting the lane.

As an alternative, to provide angle parking at an acceptable standard at this location (i.e. not requiring reversing vehicles to manoeuvre into the traffic lane), the shared path would need to be shifted into Nunweek Park on the south side of the trees, refer below sketch. While this would be possible to construct, it would affect the use of the park for sports and other activities, and the proximity of the path to loose balls would need to be considered.

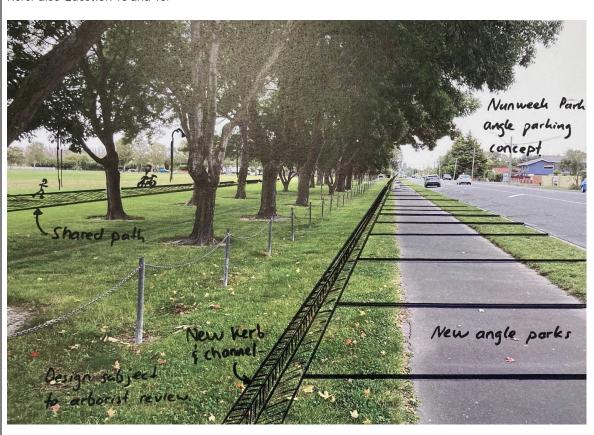
This option would require new kerb and channel to be located where it is expected to impact the trees, and this would need a full arboricultural assessment. Further engagement with local residents, park users and the wider community would be required to understand their views on this design.

There would be CPTED issues from the lack of passive surveillance from the street created by the double row of trees, especially during the hours of darkness as there would be little chance of passing vehicles overlooking the path. Due to the location of the path, lighting would be required to encourage people onto the path at night. New lighting would also have a visual impact on neighbouring properties.

Initial feedback from Council Parks, Arborists, and Sport and Recreation representatives indicate this is an option that could be investigated further, and further discussions would need to be had after the above assessments and engagement had been completed.

The construction of the path within Nunweek Park is estimated to cost approximately \$400,000 more than the existing design, this cost does not include the assessments and further engagement.

Refer also Question 13 and 46.



7	Middlemiss 17.02.22	With the increasing uptake of E-bikes and the increased speeds that result from that has there been any integration of this trend into the design / safety considerations of our cycleway(s)?	 Key allowances made are: Providing adequate facility widths that allow for overtaking (on Wheels to Wings, the one-way cycleways are typically 2.2 m wide, two-way cycleways are typically 3 m wide and shared paths are typically 3-4 m wide), which maximises clearance between opposing riders on two-way and shared paths, and Minimising the use of shared paths in residential or commercial areas where pedestrian volumes are typically higher, to reduce conflicts.
8	Middlemiss 17.02.22	Will the Harewood Road lanes in option one be the same width as current lanes or wider to allow for large turning vehicles / buses?	Option 1 (the preferred design) traffic lanes would be approximately 0.5 m wider than the existing lanes. Tracking of large vehicles at intersections has been provided for.
9	Middlemiss 17.02.22	Was an underpass option at Bishopdale round about ever seriously investigated as part of the design process and if not why not?	 Yes it was considered, and discounted for the following reasons: An underpass would require the removal of trees in the roundabout and the relocation of underground services. Providing appropriate ramp grades would create a very long underpass, without providing passive surveillance (i.e. the underpass would feel unsafe, particularly at night and there would be CPTED issues). It would not provide the pedestrian and cycle connectivity across Harewood Road that signals would provide. It would also cost significantly more than the signals in the preferred design.
10	Middlemiss 17.02.22	How will rubbish removal down Harewood Road work in a single lane environment? Will there be enough room for trucks?	Trucks may at times be positioned in the path of traffic when collecting bins. This is common on different parts of the road network, with the key difference being the presence of the central median instead of an opposing traffic flow. However, there would be width for the trucks to pull over between driveways to allow following traffic to pass more easily. Painted markings would be used to show residents where to place their bins, as on other MCR's. Bin collection would take place as early as possible, when traffic volumes are lower and the on-street parking demand is very low. There would be 6.1 m between the cycleway separator and the central median. If bins were placed in line with the separator at each side of a driveway, cars will easily be able to pass a collection truck. This would be possible where a driveway services one property. Where bins are placed on the road shoulder - in line with on-street parking, collection trucks would be expected to be positioned partially in the path of traffic when collecting bins, with cars typically able to pass at lower speeds. This would be the likely scenario where there are multiple properties served by a single driveway and there is insufficient space for all bins to be placed in line with the separator. This situation is comparable to Halswell Junction Road near Wigram Road that caters for 9,000 vehicles per day (2019) with 5.3 m available width between the kerb line and central median. The project team have spoken with Waste Management, who collect the bins, and they have no reported concerns with the Halswell Junction Road layout. They did note that during collection some larger trucks would not be able to pass the rubbish collection truck.
11	Middlemiss 17.02.22	Have we seen any increases in traffic flows down Harewood with the changes at the top of Wairakei Road?	There has been a slight increase in traffic volumes due to the changes to the intersection of Wairakei Road with Russley Road, predominantly west of Wooldridge Road. The changes were prior to Wheels to Wings and have been incorporated in the analysis for Wheels to Wings.
12	Middlemiss 17.02.22	Have we seen any increase in traffic flows down Harewood Road as a result of the increasing commercial activities in the airport business parks and has this been factored into the traffic flow modelling?	Modelling for the project has been undertaken in the CCC CAST model, which is updated every three years to account for land use changes such as the commercial developments at the airport. Count data compared between 2017 and 2020 at two sites on Harewood Road reveals an increase in traffic volumes, predominantly at the western end of Harewood Road. Further east (between Gardiners/Breens and the roundabout) there was no notable increase in traffic volumes.
13	Middlemiss Hearing 16.02.22	Nunweek Park traffic issues – Is this something that can be addressed as a separate issue in future, potentially with the Community Board?	The Wheels to Wings project team have carried out an initial assessment. See response to Question 6.

14	Keown Hearing 16.02.22	Submissions – What has been done to address issues raised by submissions from heavy haulage/AA/Trucks etc?	Members of the project team met with three AA representatives to talk through the design, answer questions and discuss their concerns. Following this meeting AA were more comfortable with the proposal than they initially indicated. Members of the project team met with the Road Transport Association (RTA) and talked through the concerns raised and the wider network availability for heavy vehicle use. The main concern they wanted highlighted was safety between cyclists and heavy vehicles, and to ensure that this has been taken into consideration with the design. Their concerns were not specific to cycleway infrastructure, acknowledging that conflicts occur on all roads. They agreed that solutions include training of drivers and riders, and improvements to truck safety with cameras, side under run protection, etc. The RTA are actively supporting these training and safety improvement measures. Members of the project team met with the Heavy Haulage Association (HHA) to discuss the plans in further detail. This included detailed discussions on overdimension routes in the area, how Harewood Road is used when shifting over-dimension loads, and design details to accommodate these. The detailed recommendations from the meeting and their consultation submission have been reviewed and we consider that the design, in conjunction with the ongoing consideration of the details during detailed design, will accommodate the minimum requirements for an over-dimension route. These details include design aspects such as kerb types and traffic signal pole location and types, as well as existing restrictions such as overhanging tree branches. The design team will liaise with HHA during detailed design to ensure the detailed aspects are developed appropriately.
15	Middlemiss Hearing 16.02.22	Wilmot Street – What is the net parking loss in the immediate area?	 All on-street parking is proposed to be removed on the northern side of Harewood Road in the immediate area, equating to 16 spaces within 100 m of Wilmot Street. On the southern side, two spaces of the existing 23 spaces are proposed to be removed within 100 m of Wilmot Street, to improve the bus stop lead-in. A new pedestrian refuge island is proposed near Wilmot Street, which improves access to on-street parking on the southern side of Harewood Road. On Wilmot Street, two spaces of existing 25 spaces are proposed to be removed. Twelve of the remaining 23 spaces are proposed to be P180 to cater for funeral and church services. Daytime on-street parking demand from the Kainga Ora development has been observed to be very low.
16	Davidson Hearing 16.02.22	Vehicle emissions – Does the QTP report show the emissions caused by the lane reduction vs signalisation of the route?	The QTP report does not split emissions caused by the lane reduction vs signalisation. The method adopted was to estimate fuel use based on average midblock vehicle speeds, in accordance with the Waka Kotahi's Monetised Benefits and Costs Manual (MBCM) procedures, which is the industry's standard for economic evaluation of land transport activities in New Zealand. Total emissions is the important output and will remain the same as QTP reported, whether or not split into lane reduction and intersection components, so there is limited value in doing this.
17	Keown Hearing 16.02.22	37637 – Papanui/Innes Community Board Submission Harewood crossing – Who/what is the liability if there is an accident?	CCC and KiwiRail have been working together on the installation of traffic signals at the Harewood Road railway level crossing. The intersection is part of a programme of works and is ranked in order of priority within the city and wider NZ by KiwiRail.
18	Dalziel Hearing 16.02.22	37899 – Mervyn Graham Land designation Trafford Street to Johns Road – Has the land already been designated?	There is currently no designation for any land along this section of Harewood Road.
19	Dalziel Hearing 16.02.22	38509/42688/38357/37534 Bill Greenwood and on behalf of others Visual of the community preferred option (3) – Staff to develop visuals of the concept and liaise with the submitter to ensure it is captured accurately.	Staff have met with Bill and Brian to develop drawings of their design, building on work undertaken with them in 2021. Their feedback on a draft drawings was incorporated and the design was finalised following this, which Bill and Brian confirmed captured their design intent. These drawings and associated artist's impressions were provided to the Hearings Panel on 17 March 2022.

20	Keown Hearing 16.02.22	38817/42741 Philip Clark Are there any other examples in New Zealand or internationally with similar traffic volumes where the submitter's concept has worked well?	Other examples considered comparable are the CCC urban villages, such as Ferry Road through Woolston Village or Riccarton Road near the Mall. Ferry Road caters for 16,000 vpd (2020) which is comparable to Harewood Road, 14,500 vpd (2019). Riccarton Road volumes are recorded as 14,000 vpd (2021). Neither Ferry Road nor Riccarton Road provide protected cycle facilities consistent with MCR guidelines, however these examples demonstrate traffic calming and speed restrictions being applied to higher volume roads by CCC.
21	Dalziel Hearing 16.02.22	37836 Wednesday Wheelies Robert Fleming and Lynne O'Keefe Compromised design concerns – The submitter used the Wellington Island Bay cycleway as an example of how a compromised design has not worked. Advice requested on this example/situation.	The Island Bay Cycleway used a similar concept to Harewood Road and other MCR's, locating the cycleways behind parked vehicles but did so only with painted markings (which caused some confusion amongst people driving), while maintained on-street parking close to driveways (which limited visibility), and significantly narrowed the traffic lanes. The multiple compromises and departures from design guidance contributed to a poor outcomes for all road users. The design also utilised different design details to Christchurch MCR's at locations such as bus stops, and people cycling needed to transition into a shared traffic lane on parts of the route. Wellington City Council is currently redesigning the cycleway.
22	Davidson 28.02.22	What are differences between staff's option 3 and the option presented by Ray Edwards and Bill Greenwood?	The key differences of Bill's design compared to staff's Option 3 (in the section of Harewood Road between Nunweek Boulevard and Greers Road, to which Option 3 relates) are: • The narrowing of the main road traffic lanes and flush median, in order to shift traffic further from and retain the power poles and trees on the northern side • On-street parking only provided around trees and poles on the northern side (refer point above) • The use of rubber speed humps instead of exposed aggregate concrete cycleway separators • Two signalised tee intersections at the intersections of Harewood Road with Highsted Road and Farrington Avenue, instead of the signalised roundabout (Bishopdale Court intersection signalised with both options) • Road widening for additional traffic lanes on Greers Road Staff were concerned with and had not resolved the issue of the access road entries and exits being located in close proximity to other intersections in Option 3.
23	Davidson 28.02.22	Do staff have an approximate cost for the option presented by Ray Edwards and Bill Greenwood?	The option as presented by Bill would cost approximately \$2-\$2.5 m more than the preferred design for the full route. The cost difference is made up of the following: • West end: \$2 m less than the preferred design due to: • Not providing a signalised crossing at Harewood School • Not providing traffic signals at Wooldridge Road • Use of narrow shared paths • Central section: \$3.5-\$4 m more than the preferred design due to: • Not providing a signalised crossing at Nunweek Boulevard • New traffic signals at Bishopdale Court intersection (mall access) • Additional signals and civil works for two tee intersections replacing the roundabout • Additional civil works and underground service alterations on Greers Road • Additional civil works at side road intersections • Civil works and underground service alterations at indented parking bays • Use of rubber speed bumps instead of concrete separators, on one side of the road • East end: \$500,000 more than the preferred design due to: • Providing a signalised intersection of Matsons Avenue instead of an adjacent crossing The additional cost does not include the further design development and community consultation that would be required for this option to be progressed.

24	Davidson	How does the option presented by Ray Edwards	Refer drawings provided to Hearings Panel on 17 March 20220 for full details. Cycleway users are given protection from traffic at signalised intersections via red turn
	28.02.22	and Bill Greenwood work at the intersections?	arrows. There is rider priority at side roads, slow road accesses and cycleway crossings, however there are legal and safety concerns with rider priority proposed with this layout. Examples shown below:
			Amount of on-street parking to be confirmed with properly owners (1572) (1572) (1572) (1515) (151
			351

25	Davidson 28.02.22	Where do cars access the slow road in the option presented by Ray Edwards and Bill Greenwood and how are these points controlled?	Refer drawings provided to Hearings Panel on 17 March for full details. Cars access the slow road at new intersections with the main road, with give way controls at the exits. Examples shown below:
26	Davidson 28.02.22	Are there any safety concerns with the option presented by Ray Edwards and Bill Greenwood?	 Staff have noted the below key safety concerns with this option: Accesses into and out of access roads are in close proximity to other intersections, leading to potential driver confusion and queues from signalised intersections overlapping with the access road intersections. Drivers will be required to make right turns across two lanes of traffic travelling in opposing directions when turning right out of the access road and properties on the northern side of the road. In the current situation, and with the preferred design, this can be achieved with a left turn and a U-turn. Queued traffic from the signalised intersections of Gardiners/Breens will restrict visibility from the exit east of this location. Cyclists crossing the access road are close to the main road (refer red circles above) where it may be difficult for them to see and judge turning traffic. It is less safe for pedestrians and cyclists to cross the road due to no raised median being provided between opposing lanes of traffic. Some pedestrian refuge islands have been provided, however standing in the flush median and cycling on the narrow shoulder or footpath is expected. The provision of multiple minimum widths in the roadway, with power poles remaining in relatively close proximity to the edge of the traffic lane. Restricted visibility for drivers exiting properties on the north side due to parked cars, power poles and trees being more directly in their line of sight, with little opportunity to see approaching traffic behind them. Refer also the independent review by Abley, presented to the Hearings Panel on 18 March 2022.

27 Davidson	In the preferred design, can people on bikes have	Based on a review of the latest guidance and experience in this area, it is believed that with some design modifications, riders on the two-way cycleway could have
28.02.22	priority over cars at the T intersections? If not, why?	priority at the intersections of Wilmot Street and Chapel Street with Harewood Road. It is not certain that a safe crossing with rider priority can be provided at Sails Street, where delivery trucks are amongst the vehicles turning off Harewood Road and across the cycleway. Further consideration will be given during detailed design to the feasibility of cycle priority and the implications of having different priorities at alternating intersections.
		For any design of a two-way cycleway on higher-volume roads, there are concerns with drivers not looking for or seeing riders travelling in the contraflow direction amongst the volume of traffic travelling on the road. To consider people travelling on bikes having priority, the cycleway crossing would need to be separate from the roadway intersection so that drivers can cross the two separately. The distance to do this is a minimum of 7 m, which allows for a limit line to be set back from the crossing, and a car to be clear of the main road when stopped for riders (refer image below from NZ design guidance). This can be achieved on the side roads at the eastern end of Harewood Road due to the road narrowing from the access restrictions, albeit with tight curves on the cycleway approaches.
		W16-7.1 warning sign in advance of crossing GIVE WAY sign with TO CYCLISTS supplementary each side of crossing Area between cycle path & road must be kept clear of any obstacles which hamper visibility Provide a contrasting surface on path approaches and across side street to reinforce cyclist priority RP65 sign Area between cycle path & road must be kept clear of any obstacles which hamper visibility
		Figure 8: Bent-out cycle path layout (adapted from Austroads Guide to Road Design part 4)
		 Other considerations are: The cycleway would need to have tighter curves at the intersections (which requires greater attention from riders to negotiate). Footpath space would be slightly more constrained and pedestrians would need to walk a less direct path due to the cycleway alignment. Large vehicles would not be able to stop between the cycleway and the main road, notably on Sails Street (although the flush median would provide space for following vehicles to manoeuvre around them in some instances).

28	Davidson 28.02.22	Do we have feedback from emergency services on the preferred design?	The design team met with Police, Fire and Emergency NZ and St John to discuss the cycleway at early stages of investigations in 2017, and again during the first round of community consultation at the start of 2021. The 2017 meetings informed the details of the cycleway design, with none of the organisations indicating concern with the proposed road layout changes. Police and Fire and St John feedback 2021: Police did not have any major concerns, and supported the measures to improve cyclist safety. Fire and Emergency NZ did not have any concerns with the proposed lane widths and did not see any major issues with the cycleway design, noting they will adapt to the proposed changes. St John operational staff identified potential concerns with delays to time-critical callouts, if these occurred when times of high parking demand coincided with peak traffic flows in the central section. The design team subsequently undertook additional parking surveys and confirmed parking demand at peak traffic times is low, providing plentiful space for vehicles to pull clear of the traffic lane to let emergency services vehicles pass. Even at times of high parking occupancy, with approximately 50% of on-street parking removed there would still be adequate space for vehicles to pull out of the traffic lane to let emergency service vehicles past.
29	Davidson 28.02.22	Will a rubbish truck be able to operate on Wilmot Street?	Yes, three-point turns will be possible for rubbish trucks within the turning head at the end of Wilmot Street.
30	Davidson 28.02.22	Is there anything that can be included into the design from Philip Clark's submission	Harewood Road is currently designated as an over-dimension vehicle route, with the railway crossing at Harewood Road being a preferred crossing due to not having signal poles in the middle of the road. Over-dimension vehicle routes have requirements on the clear widths between objects within the roadway. Many of the items in this submission would not be possible with these requirements and would require another over-dimension route to be identified and agreed with operators. This submission includes urban design enhancements in conjunction with the preferred cycleway type, to improve the amenity and reduce the severance caused by Harewood Road. A possibility would be to incorporate some aspects shown in this submission, instead of the full boundary to boundary street upgrade design as submitted. Some elements could potentially be included are: • Gateways could be provided, although their effectiveness would be compromised if the over-dimension vehicle route was retained. • Buildouts with trees/plantings could be provided at some locations, although these would be limited if the over-dimension vehicle route. Planted islands would be Trees in central median islands could be provided in this area if Harewood Road were to not be an over-dimension vehicle route. Planted islands would be
			 possible in some locations, although these would impact on vehicles being able to use the median for making turns. Some zebra crossings may be able to be incorporated if located on raised platforms and the speed limit reduced to 30 km/h (further evaluation would be required). 30 km/h speed limit could be incorporated if a slower road environment could be created (refer above items). Additional street furniture and high-quality finishings could be provided but have cost implications. Localised consultation with directly affected residents and key stakeholders would be required for any of these changes, with wider consultation required for the 30 km/h speed limit. Additional funding would also be required to cover the inclusion of these aspects.

31	Norrish	Would it be possible to trial a lane reduction on the	A trial would be possible, however there are risks and limitations associated with this, as detailed below. It is not considered that a trial would give a realistic
	03.03.22	central section before deciding on a permanent design?	impression of the impact of the lane reduction as part of the wider cycleway scheme and associated network changes. All of the viable concepts considered along Harewood Road require a lane reduction. There would be a significant cost involved with any trial on Harewood Road.
			 Considerations and risks of a trial lane reduction include: The length of time needed for drivers to become accustomed to the new layout and travel patterns to change. How closely the trial layout would reflect/represent the proposed permanent layout (a road with a lane coned off with temporary traffic management will not operate like the proposed road would – a semi-permanent trial with changes to road markings would be required). How the trial would be monitored and how any community feedback would be captured/incorporated. The impact of elements of the project not included in the trial (i.e. other network changes would not be recognised, intersection capacity improvements not included, no new signals creating gaps in traffic for drivers exiting properties or side roads). Consideration would also need to be given to what (if any) cycle facilities would be provided, with a clear understanding given that the full ridership uptake of the MCR would not be realised in the short term, and with only a temporary layout and lack of physical separation.
32	Norrish 03.03.22	Will the proposed new signals at Greers/Langdons Rd impact the modelling which has been used, especially with regards to the Harewood/Greers intersection?	The inclusion of signals at Greers / Langdons is included in the network modelling, and the effects captured in analysis as part of a broader area wide traffic study. It is expected that the scheme would be designed to work efficiently with the Greers / Harewood intersection (providing a 'green wave') and would have the effect of increasing access to Greers Road and Sawyers Arms Road, effectively removing the need for as much traffic to use Harewood Road.
33	Norrish 03.03.22	Why not incorporate the signalised crossing just west of Nunweek Boulevard into full signals at the intersection? Is cost the reason for not doing this?	Full signals at the intersection would cost more than a signalised crossing, and result in additional delay to both cycleway users and general traffic. Full signalisation is not required for the MCR. When Harewood Road traffic stops for the signalised crossing it will create an opportunity for vehicles to turn right out of Nunweek Boulevard.
34	Norrish 03.03.22	Matsons/Harewood intersection - Why not incorporate the signalised crossing into full signals at the intersection? Is cost the reason for not doing this?	Full signals at the intersection would cost more than a signalised crossing, and result in additional delay to both cycleway users and general traffic. Full signalisation is not required for the MCR. Matsons Ave is currently used as a rat-run by drivers trying to avoid the congestion on Papanui Road. Traffic counts indicate Matsons Ave is well used from 8am to
			7pm. Full signals will likely attract more traffic to Matsons Ave, a local residential street, which would have a negative impact to the residents. Matsons Ave caters to the Nor'West Arc MCR, so it is not desirable to attract more traffic onto the street. When Harewood Road traffic stops for the midblock signals, this creates an opportunity for vehicles to exit both Matsons Ave and Mitre 10.

35		38507 Brian and Grace Breen	The crossing is proposed to be shifted to the west to separate it from the carpark exit, and to allow a pedestrian refuge to be provided between the cycleway and the
	04.03.22	Pimlico Alley road crossing – What is the reason for shifting the pedestrian crossing 10 metres west	roadway. This means that people crossing this side of the road can do so in two shorter steps rather than one longer crossing of both the cycleway and traffic lane.
		from the existing crossing?	340 HAREWO
			Proposed 2.2m wide one-way cycleway
			Proposed 2.2m wide one-way cycleway
			Regarding the location of the crossing at the carpark exit, as the crossing is not currently separated from the Liquor Land et al carpark exit, pedestrians crossing the road need to look up Harewood Road for approaching traffic as well as towards the carpark exit. Exiting drivers' attention will be focussed on traffic coming from their right and they may not see pedestrians standing at the crossing.
36	Hearing 04.03.22	38507 Brian and Grace Breen Widening of the gateway at Bishopdale Park – What is the reason for this change?	The vehicle crossing into Bishopdale Park would be widened, the gateway would not be changed. The change was made in response to a request from a sporting club that uses the park, so they can access the ground using maintenance equipment.
37	Hearing 04.03.22	Traffic calming / creating a shared space entering Harewood Road as proposed in Phillip Clark's submission – Advice on calming traffic at that specific point.	Refer also Question 30 for further details. Some traffic calming features could be provided, although the extent and effectiveness of these would be limited if Harewood Road is to remain an over-dimension vehicle route. Localised consultation and additional funding would be required. Note that this submission included separated cycleways.

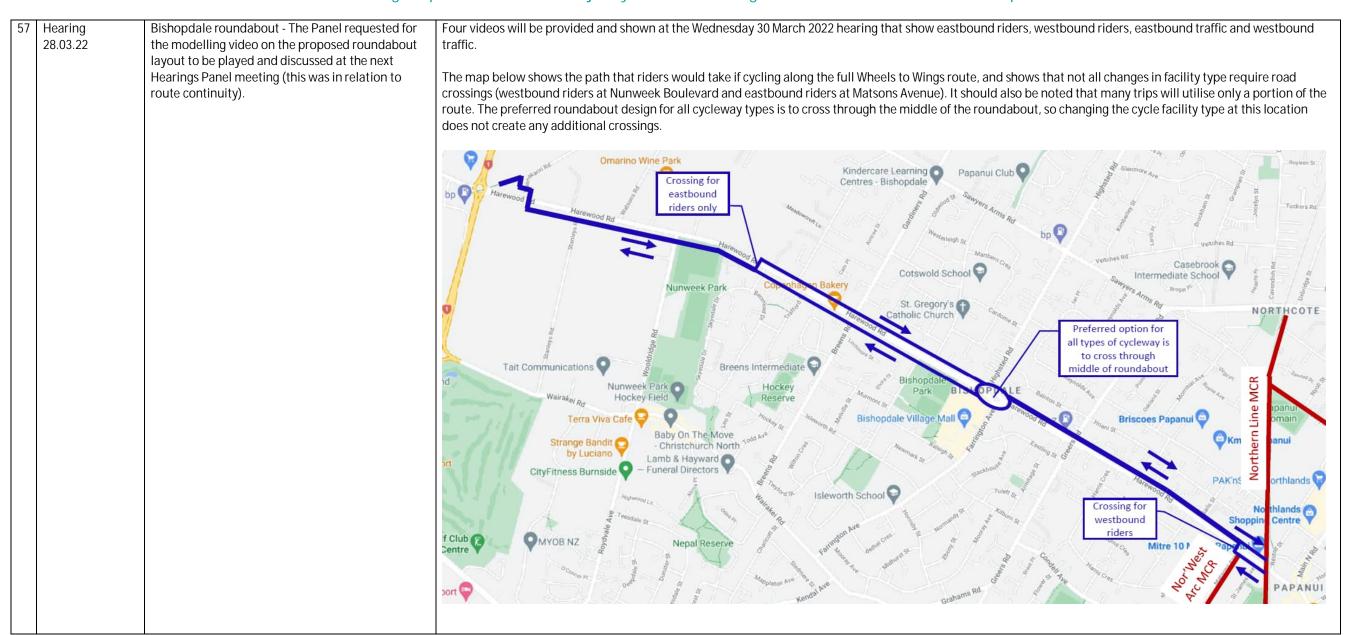
38	Hearing 04.03.22	39082/43063 Sandy Bragg Sunstrike issue – Are there any safety measures that need to be addressed?	Sunstrike occurs during sunrise and sunset especially when turning or driving towards the sun. It is more common during winter when peak traffic coincides with sunrise and sunset. On Harewood Road there are issues with the afternoon sun in winter months, with the setting sun in the north-west, aligning with Harewood Road. Having the two-way cycleway on the northern side is beneficial as drivers' view of contraflow riders (who they are less expecting to see) is less affected by sunstrike. While trees can sometimes be used to reduce the impact of sunstrike, opportunities to plant more trees in the berm are restricted by the presence of underground services. Further guidance in driving when there is a risk of sunstrike is given by AA.	
39	16.03.22 points on left hand turns why isn't this factored in to current design? cycleway users over turning vehicle traffic under the current rules, the cycleway need changed prior to construction, the design would be reviewed and updated. The layout as presented by Josh sits halfway between two different types of intersect angle to approaching cyclists. Instead, they would need to look slightly behind them the car. The buildouts would also prevent larger cars from completing U-turns around length of no stopping restriction leading up to the intersection to allow drivers visibility that the current (preferred) design, the use of a mountable separator or road humps.		The layout as presented by Josh sits halfway between two different types of intersection design, and in this situation would not allow a driver a 90-degree observation angle to approaching cyclists. Instead, they would need to look slightly behind them and their view would be obscured by the middle pillar and passenger headrest of the car. The buildouts would also prevent larger cars from completing U-turns around the central median at such intersections. The consulted design provides a length of no stopping restriction leading up to the intersection to allow drivers visibility of cyclists, and to pull parallel to the cycleway and check in their mirror. With the current (preferred) design, the use of a mountable separator or road hump as a continuation of the cycleway separator through intersections and commercial accessways will be considered for all intersections on the route (it is already proposed for use at the Caltex and Mitre 10 driveways).	
40	Norrish 16.03.22	Could Sails St be made into a cul-de-sac instead of Wilmot St in order to remove the safety issues residents are concerned about at the Sails/Hoani intersection?	Centre. Shifting the cul-de-sac to Sails Street would divert much of this traffic through Wilmot Street and Hoani Street, which are both narrower roads. This is like	
41	Hearing 16.03.22	How was the airport engaged with regarding the Waka Kotahi decision to site underpass?	 Waka Kotahi have advised: There were extensive discussions between Waka Kotahi and Christchurch International Airport (CIAL) regarding the western corridor development (Russ Road – Johns Road), which included intersection types. Memorial Avenue was to have a same-level crossing for CIAL traffic, including pedestrian and cycle provisions. Harewood Road is the next northern connection to CIAL. Harewood Road was selected for the underpass due to its connection to both CIAL and McLeans Island. At the time, Council was looking at changing Harewood Road from a major arterial to a minor arterial. Sawyers Arms Road was to become the main alternate connection to CIAL, with longer term plans for a better interchange at Sawyers Arms Road. The lot term plan was for Sawyers Arms Road to be the northern access to airport via Orchard Road. 	
42	Hearing 16.03.22	37961 – Jay Nitke The submitter provided cycle counts within his presentation. Are the figures associated with Major Cycleway Routes? If so which ones?	Four of the counts are on Major Cycle Routes, although three of these are on incomplete routes (some with construction underway in the adjacent section), and some were counts of people cycling in one direction only. Old Blenheim Road path at the rail crossing – counts on the route but prior to construction of the South Express MCR. Sawyers Arms Road – counts at the end of the Papanui Parallel MCR (numbers are higher at other locations along the route). Linwood Avenue – counts on Rapanui MCR (in the central median), do not include counts of on-road cycle lanes. Route is not completed. Pages Road – on-road cycle lane (count in one direction only). Ilam Road – counts on route during construction of adjacent section of Nor'West Arc MCR (count in one direction only).	

43	Hearing 16.03.22	Are there any other examples of roads with similar traffic volumes to Harewood Road that have a 50mph with speed bumps?	Note that the raised safety platforms proposed are different to the speed humps and raised tables used in local area traffic calming. • Frosts Road: 12,000 vehicles per day, area posted at 50km/h • Gordonton Road / Thomas Road, Hamilton, posted at 60 km/h - https://youtu.be/upiUyeZei3E
44	Hearing 16.03.22	Can staff prepare an advice note on the current road rules regarding right of way for drivers/cyclists.	Excerpt from Waka Kotahi TN002: Updated guidance on separated cycleways at side roads and driveways: Where the cycleway separation continues right up to the side street cycleway users are not legally considered to be on the 'roadway', and the legal situation is less clear [than painted cycle lanes]. Technically, cycleway users 'enter the roadway' at the side street, and under the Road User Rules and common law, they would be required to give way to all traffic entering the intersection, even if that traffic is coming from a side road controlled by a give way sign. Transitioning the cycleway to a painted cycle lane prior to side road intersections (such as at Leacroft Street) ensures that riders have priority over turning traffic. This issue is expected to be resolved with the adoption of the Accessible Streets Regulatory Package, in which case the design of the cycleway at side roads will be reviewed and updated. Priority for two-way cycleways requires additional consideration for contraflow riders. Refer Question 27.
45	Hearing 16.03.22	Have there been any incidents at the public hospital (Oxford Gap) recorded?	No incidents have been reported to Police since the completion of this path in 2019. There is a history of near misses between pedestrians and cyclists, especially involving pedestrians coming down the steps onto the shared path at the corner opposite Hagley Park. Differences between this location and the Wheels to Wings route are the lower pedestrian and cycle volumes on Harewood Road, which result in a lower likelihood of conflicts, and there is a greater offset between the cycleway and the property boundary, giving more time for pedestrians and cyclists to see each other.
46	Hearing 16.03.22	Angle parking at Nunweek Park - Request for staff to speak to the Parks unit and relevant user groups of the Park regarding the potential to put the cycleway through the park.	See response to Question 6.

47	Hearing 16.03.22	Sails Street/Hoani Street – intersection treatment Relocation of number 16 bus stop to Harris Crescent – Submitter raised that there were previous crime issues at this location. Are there any potential CPTED issues or improvements that could be made?	Sails Street / Hoani Street Intersection Two crashes (both non-injury) reported in last five years, in 2018 and 2019. One failed to stop, the other was a right turn from Sails Street who failed to give way. The intersection is wide, with high parking demand on all approaches. Sight distance to the STOP sign is obscured by vegetation for eastbound traffic, with clear visibility for westbound traffic. Treatments such as kerb buildouts or splitter islands, four-way stop or give way, raised intersection or speed humps on all approaches (like existing on Hoani Street was of Sails Street) could be considered. Install centrelline on Sails Street on approach to Hoani Street. These concerns have been forwarded to the area engineer. Number 16 Bus Stop Relocating this bus stop is required to provide appropriate bus stop spacings. Due to the relocation of the 'Number 18' bus stop opposite Mitre 10 to the west of Matsons Avenue (to avoid an in-lane bus stop next to a busy accessway), retaining the 'Number 16 bus stop by Marble Wood Drive at its current location would result in two bus stops located close together in the same block. The relocated bus stop between Matsons Avenue and Wesley Care, next to the signalised crossing over Harewood Road, will be well located for residents of both rest homes and likely used more than the relocated 'Number 16' bus stop by Harris Crescent. A CPTED review of the proposed relocation of the 'Number 16' stop identified consideration of improved lighting at the bus stop where it does not meet standards. At the intersection with Harewood Road and Sails Street ir recommended lighting improvements and limbing of canopy trees with low planting to allow clear sightlines at all hours through the Sails Street one-way section. While the proposed bus stop does not have direct observation from houses, like it does outside Wesley Care, there is a low risk of anti-social behaviour and personal safety issued us to the proximity to a main road corridor – the proposed design leverages passive surv
48	Davidson 18.03.22	What safety improvements are allowed for in the preferred design for the Harewood/Greers intersection?	Green arrows for right turns will operate on all approaches all day, as well as red arrow protection for pedestrians and cycleway users.

49	Davidson 18.03.22	 With regards to the community submitted option from Bill and Brian: a) How much support is there from the wider community? b) How many people have seen the drawn design? c) Do residents on the north side of Harewood Road understand the consequences for them? d) Are there safety concerns with intersection of Harewood/Greers? e) It appears there is less parking around the Copenhagen Bakery. Is the bakery aware of this? f) Would Orion have issues with a live traffic lane close to power poles? 	 a) Six submissions expressed support for the option during the initial (January-March 2021) consultation. Another four submissions expressed support in the second round of consultation, following the information days in October 2021. Most of the support heard to date has been reported through Bill and Ray Edwards or has come from people presenting at the hearing. b) The project team has not presented the drawn design to anyone except Bill and Brian, since it was recently finalised in early March 2022. We are not aware of what information has been shared by Bill. An initial layout of the design was developed by Urbis (Ray Edwards) on behalf of Copenhagen Bakery, the Charity Hospital and Caltex in early 2021, and informed their submissions. A 3D rendering of the design was presented at the information days in October 2021, alongside renderings of the other concepts considered. c) We do not believe so. d) The design team consider there are several key safety concerns with the design presented by Bill and Brian at this location, including: the provision of cycle lanes of inadequate width, a footpath immediately adjacent to a traffic lane, long pedestrian crossings that will be difficult to control turning traffic across, resulting in a poorer outcome for mobility and vision impaired people. e) We are unsure of what Bill has communicated to Copenhagen Bakery or Urbis (who have been representing the bakery). f) Orion is expected to have issues with this from a traffic safety perspective and from the point of view of safely accessing the poles to carry out maintenance works. 		
50	Davidson 18.03.22	Why is the pedestrian/cyclist signalised crossing by Matsons Ave not a raised platform?	There is a greater need for raised platforms at the western end of Harewood Road, where vehicle speeds are higher and drivers are less likely to be expecting to stop at a crossing. Vehicle speeds are lower around Matsons Avenue therefore a raised platform is not needed.		
51	Davidson 18.03.22	Can we create a bit of a cut out in the raised medium by the charity hospital to help delivery trucks?	This could be provided, however this would have an adverse impact on the adjacent tree and its roots, and it would likely need to be removed.		
52	Davidson 18.03.22 Is there any cycle vs pedestrian crash or speed data at other similar conflicts on built MCR routes (e.g. Rutland Street outside Meshino and other shops, Ferry Rd, Colombo Street in Edgeware etc)		No cycle vs pedestrian crashes have been reported to Police since the completion of these routes, nor on Main North Road by Couplands Bakery. There is no cycle speed data for these or similar locations. A key consideration for the likelihood of conflicts at these locations are the times at which peak cycle and customer volumes occur. At Copenhagen Bakery, the busiest hours of mid-morning through to early afternoon do not coincide with typical work and school commute periods for cycling of before 9 am and after 3 pm, resulting in a lower risk of conflicts.		
53	Davidson 18.03.22 Can we look at "slow down for pedestrian" signs (or something similar) at Copenhagen Bakery and Charity Hospital? Yes, details for signs and markings to slow cycleway users are being developed and are intended to be used at these and other and would be included at the detailed design stage.		Yes, details for signs and markings to slow cycleway users are being developed and are intended to be used at these and other locations, such as around Golden Age, and would be included at the detailed design stage.		
54	Davidson 18.03.22	Have we spoken to the Charity Hospital about the actual need for those car parks (demand can be met on-site and Leacroft Street) and the users of the car parks (staff using car parks to remove higher turnover)?	Yes we have on several occasions, and representatives from the Charity Hospital have expressed a preference for the parking outside the hospital to be retained. The parks are often used by staff, but some patients/carers prefer to park on-street rather than in the off-street carpark.		

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55	Dalziel 28.03.22	 For Waka Kotahi, regarding the decision to put the underpass to the cycleway at the end of Harewood Road (further to previous questions): 1. What was the nature of the consultation process? When did it take place? 2. Who was contacted/engaged with regarding the proposal? 3. Was there Christchurch City Council feedback/input? 4. Who gave feedback? 5. How was the decision made? 	Waka Kotahi provided an attachment, which outlines the consultation process and timeline of the changes to the Russley Road (SH1)/Memorial Avenue interchange and the Russley Road (SH1) four-laning from Wairakei to Yaldhurst. Further information is only available in hard copy format and would need to be recovered from storage. Newsletter updates of the project were also provided and attached. A public notified designation process was followed which required a Hearing. There was a Notice of Requirement (NOR) which outlined all of the options considered and presented to the CCC Commissioners for the change of Designation. Attached is the Commissioner's recommendations which highlights issues on the cycle underpass and references CCC support and future cycle route along Harewood Road (Appendix 1 (pg49)). An extensive stakeholder list was also provided which contained those who were consulted at the time of lodgement of the NOR, this included the Christchurch International Airport and Christchurch City Council. Adverts were also placed in the newspaper informing of the Open Days.
566	Hearing 28.03.22	Nunweek Park section – If the Panel were to explore putting the cycleway through the park, could the new kerb line be at a slightly higher-level and the existing kerb be used to feed into the drainage? Would this be cheaper?	From investigations to date, both relocating the kerb as shown in the sketch below and the higher-level kerb requested appear feasible, although the exact treatment would need to be investigated further during detailed design. Considerations will include tree root location, ground conditions, road levels and gradients, stormwater flow and underground service locations. Costs would be comparable between the two treatments. Refer also to the responses to Questions 6, 13 and 46. **Vanweek Park aske parking concept** **



58 Hearing 28.03.22	Project works alignment – The Panel would like transport projects within the area to be aligned as much as possible, including those listed below. Staff advised that they would provide the Panel with a work programme list for the Panel's deliberations/recommendations. - Sawyers Arms Road, Highsted, Sawyers/Northcote/Greers and Greers/Langdons - Harewood and Langdons rail crossings - Right turn arrow off Main North Road heading west (mainly for buses)	Construction funding for Wheels to Wings in the draft Annual Plan is in FY 24, 25 and 26. Funding for the other projects in the draft Annual Plan: • Highsted & Sawyers Arms Intersection Improvement: FY 28, 29 and 30 • Greers, Northcote & Sawyers Arms Intersection Improvement: FY 23, 24, 25 and 26 • Greers/Langdons Traffic Lights: FY 23, 24 and 25 • Railway Crossings: FY 22, 23 and 24. Anticipated construction of the Harewood Road crossing is FY 23. A review by Council Operations staff of the need for a right turn arrow from Main North Road onto Harewood Road found it is not currently required for efficiency or safety purposes. There is not currently a high enough right-turn volume to warrant a right turn arrow at this location, there have been no crashes involving this movement reported in the last five years and there are no road layout or sight distance concerns. There is no funding currently allocated for this, although this intersection may be considered as part of a separate project investigating bus priority at signalised intersections around the city.	
59 Hearing 28.03.22	Impact on the Breens Road/Wairakei Road intersection – The Panel noted this issue was raised in submissions, how will/could this be addressed?	As noted in the staff decision report to Council regarding signalising the Harewood/Gardiners/Breens intersection in 2019, traffic volumes are expected to increase by approximately 30% on Breens Road in the evening peak once the signals are operational. Treatments for intersection improvements could be evaluated prior to the Harewood/Gardiners/Breens traffic signals being installed. This would include a review of traffic modelling, the expected change in crash types, and an assessment of options to mitigate any issues identified.	
60 Hearing 28.03.22	The Panel requested the modelling numbers for the traffic on Harewood Road once all intersections are complete.	The Harewood Road corridor study was completed and adopted by Council in 2018. The study concluded a forecast drop in traffic on Harewood Road by almost 4,000 vehicles per day (vpd), and a near equivalent increase on Sawyers Arms Road. Existing traffic volumes on Harewood Road vary along the length, with approximately 15,000 vpd at either end and 19,000 vpd near Bishopdale roundabout (2020 traffic counts). Based on the study, volumes would decrease to 11,000 vpd and 15,000 vpd respectively. The reasons for the volume reduction include a 'push – pull' effect • changes in traffic patterns associated with schemes on the surrounding network, • impacts of an MCR scheme on the corridor itself, deterring through traffic and increasing north-south crossing demands, • other background land use changes. The programme of schemes in the LTP provides an opportunity to remove pinch points and access constraints to the arterial network, which currently defines a lot of travel behaviour in the area. Examples include: • Signals at Sawyers Arms/Northcote/Greers will improve safety and remove the observed pinch-point currently restricting access between Northcote Road and Sawyers Arms Road. It is predicted these specific turning demands would increase from 200 vph to over 500 vph, following increasing capacities of turning movements, and at the same time removing impediments for vulnerable pedestrians that has seen the loss of life at this location. • Signals at Greers/Langdons will enable right turn access from Langdons Road towards Northcote Road, and previously cited to service 200 vph. Both of these schemes - and others - are forecast to reduce traffic on Harewood Road, whilst offering an overall area wide improved level of service for multiple user types. The Wheels to Wings design options have ensured adequate turning lane capacity at intersections, which is where delays to traffic occur.	

61 Hearing 28.03.22	"Harewood Boulevard" concept raised by submitter Philip Clark – Noting the staff advice provided in question 30 above, the Hearings Panel asked if there were any other options to include aspects of this submission, particularly around the care homes on Harewood Road?	Some aspects of the boulevard concept could be incorporated on this section of Harewood Road regardless of the overdimension route status. This would make it similar to the likes of Woolston Village on Ferry Road, rather than the full boulevard plan presented. These could include: • Gateways treatments to indicate entry into the slow speed area (these can include road narrowings, raised platforms, different surfacing treatments) • Buildouts with trees or plantings • Zebra or raised crossings (further evaluation of this would be required) • A 30 km/h speed limit • Additional street furniture and high-quality finishings Refer also to the response to Question 30 for further details on these. Localised consultation with directly affected residents and key stakeholders would be required for the changes, with wider consultation required for the 30 km/h speed limit. Additional funding would also be required to cover the inclusion of this.
62 Hearing 30.03.22	Bishopdale Court median widening to space for a vehicle turning right-out to wait clear of traffic.	This will be included in the preferred option. The sketch below shows the widening by paint markings to provide approximately 6 m of width between the traffic lanes, which is enough room for a car to wait clear of traffic when turning right out of Bishopdale Court. This also caters for the U-turn around the median to access Caltex/Subway/Hell Pizza, although far fewer vehicles would undertake this movement.

63 Hearing 30.03.22	Width of flush cycleway separator at Charity Hospital.	The cycleway is raised to footpath level at this location, the flush separation area next to parking is 1 m wide for the 65 m long section of raised cycleway along the hospital frontage. The cycleway is 1.5 m wide – this encourages riders to travel in single file, with the road shoulder and separator both widened. To maintain the offset from the cycleway to the property boundary, any further widening of the separator would be into the cycleway, which is not recommended over this length. CHARITY HOSPITAL CHARITY HOSPITAL
64 Hearing 30.03.22	Planting of trees in the area adjacent to the drain at No. 541R/541E by Nunweek Boulevard.	It is possible to plant trees in this location. Localised consultation with the adjacent property owner on Nunweek Boulevard will be required to confirm their agreement to this.

Wheels to Wings Papanui ki Waiwhet Major Cycle Route Hearings Panel – Questions and Officer Responses

Existing issu	Review of issues Cranford Street shared path at	Hearing	65
the speed of contraflow runreported	Waitomo petrol station and PlaceMakers to avoid repeating these at the Z station.	30.03.22	
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Existing issues on the Cranford Street shared path have been linked to; the visibility exiting multiple commercial properties being restricted by parked vehicles, and the speed of exiting vehicles being too high. One crash involving a cyclist has been reported to Police, where a driver turning into Waitomo who did not see a contraflow rider who was obstructed by parked cars. The project team has been unable to get more details on the exact movements and contributing factors for the unreported crashes.

Differences between the Cranford Street shared path and the proposed cycleway design at Z Bishopdale include:

- Z Bishopdale is one isolated commercial property, while Cranford Street has multiple high-use commercial properties.
 - here is no on-street parking alongside the proposed cycleway at Z Bishopdale, providing good visibility between drivers and cycleway users.
- There is better visibility for drivers exiting Z Bishopdale due to the cycleway being further from the property boundary, and signs being smaller and set back from the boundary.
- Z Bishopdale is approximately half the size of the Waitomo service station, indicating that it generates fewer trips and therefore would have a lower risk of conflicts.
- Traffic volumes on Harewood Road are approximately half that of those on Cranford Street, creating a lower load on drivers looking for gaps when exiting. Lower speeds are expected on Harewood Road.
- Signs with solid bases are located against the property boundary on Cranford Street, which will limit the ability for exiting drivers to see or notice approaching cyclists, who will be travelling faster than the pedestrians they are accustomed to looking for.

The latest treatments for cycleways at commercial accesses would be used where the cycleway crosses Z Bishopdale. These include signage and markings, and speed bumps at the property boundary. Improvements to the Cranford Street path are being worked on.





30.03.22 Road central median to the west of Greers Road. noted to be reviewed at the detailed design stage in conjunction with site investigations.	Initial investigations suggest it is possible to plant one or two trees in the new median whilst avoiding underground services and other constraints. This has been noted to be reviewed at the detailed design stage in conjunction with site investigations.	
Dimensions of Greers Road lanes. No changes to the existing lane widths on Greers Road are proposed as part of Wheels to Wings. The existing widths are as below Greers Road: northbound lane widths Greers Road: southbound lane widths Greers Road: southbound lane widths		

68	Hearing 30.03.22	Investigations for providing additional on-street parking around Brain Gains Tutors at No. 182 Harewood Road.	Investigations during the consultation phase of the project found that the provision of on-street parking on the northern side of Harewood Road around Brain Gains Tutors would result in a sub-optional road layout, expecting to create safety and operational issues for people cycling, driving, and using the car parks. Recent further investigations have been undertaken, however the design team could not find a solution that provides safe on-street parking. Providing one or two on-street parking spaces outside the property would restrict visibility for vehicles crossing the cycleway and entering the road, with the cycleway and footpath narrowed considerably to fit the spaces. It is not desirable to provide on-street parking adjacent to a two-way cycleway on an arterial road, due to the added risk of drivers not seeing cyclist. Providing an indented parking space to the rear of the bus stop towards Greers Road was also considered. This is not viable due to inadequate width and the restriction to visibility for drivers exiting properties at the merge of the eastbound traffic lanes. Also at 75 m from the property, this would offer little convenience over parking across the road and crossing via the new pedestrian refuge island. Members of the project team are meeting with Brain Gains Tutors prior to the 13 April hearing to discuss the recent investigations, and to discuss how the site could be utilised to provide safe off-street parking, which is a safer option than on-street parking.	
69	Hearing 30.03.22	Options to maximise rider safety at Mitre 10 access.	The project team is continuing to investigate treatment details around the Mitre 10 vehicle access to optimise rider safety at this location. This includes options to make changes the cycleway design, such as raising it past the access, along with finer design details such as signage and speed bumps. Members of the team will be discussing these options with Mitre 10 prior to the 13 April Hearings Panel meeting. A focus of the investigations is seeking to manage the encroachment of exiting vehicles into the cycleway when looking for gaps in traffic.	
70	Hearing 30.03.22	Potential increases to extent of works.	At the request of the Hearings Panel, options have been identified to provide angle parking at Nunweek Park and incorporate aspects of the "Harewood Boulevard" concept at the eastern end of the route. Whilst these both appear to be viable, they are estimated to cost in the order of an additional \$500,000 each, which is not allowed for in the project budget, and will require some localised consultation prior to implementation.	
71	Hearing 30.03.22	Investigation and proactive mitigation of crashes at the Breens Road/Wairakei Road intersection following the installation of traffic signals at the Harewood Road/Gardiners Road/Breens Road intersection.	Treatments for intersection improvements will be evaluated prior to the Gardiners/Breens traffic signals being installed. This will include a review of traffic modelling, the expected change in crash types, and an assessment of options to mitigate any issues identified. This work will be passed to the Transport Operations team to be undertaken and prioritised within the wider Long Term Plan programme.	
72	Hearing 30.03.22	Feasibility of right turn arrow for buses turning right into Harewood Road off Main North Road during peak traffic times.	Advance Bus Detection (ABD) uses real time information from buses and connects this to signalised intersections to allow traffic signals to make a decision on extending green time or calling green time early to give buses priority. A trial of this technology is already planned for a 'simple' intersection to prove the concept works and to resolve any software/data compatibility issues between ECAN and CCC. The intersection of Main North Road and Harewood Road is within the scope of the Advance Bus Detection project, however it is likely that ABD for right-turning buses would have an impact on the opposing northbound Route 1 (formerly Blue Line) buses, as well as wider network impacts. ABD for right turning buses from Main North Road into Harewood Road would require the installation of signalised arrows, which could cost up to \$300k, depending on the condition and capacity of existing signals infrastructure. Given the likely low overall benefits, wider network implications, potentially high costs of implementation, and the high suitability of other intersections, this site is low on the priority list for implementation.	

#	Bill Greenwood's Comment	Council Officer Response					
Em	Email Received 18 March 2022: Confirmation of zoom link for today's hearings						
	We note the following issues are yet to be addressed; a/ West section rain gardens compared with kerb and channel to reinforce the cycleway is off road.	This is not feasible as it would steepen the existing bank where children exit vehicles near Harewood School, which the school has already identified as an issue. Children would also need to cross the rain garden to get to the path.					
		This treatment might be possible to the east of Stanleys Road where there is not so much height difference between the road and path, but detailed design investigations and a stormwater assessment to determine the size of any rain garden (or swale) will need to be completed to confirm this.					
74	b/ Grass berm cycleway/roadway separators are preferable to raised concrete barriers that are a well recognised trip hazards (Domain Tce compared with St Asaph St).	This is not feasible as grass berm separators can only be used when the kerb and channel is replaced and the entire footpath and road shoulder re-graded (which is not required on Wheels to Wings), otherwise the cycleway becomes too steep. On Harewood Road, concrete separators need to be used, like on many of the other suburban cycleways. The cycleway is raised to avoid any potential trip hazards at key destinations such as outside the bakery and hospital, with trip-free access at bus stops and crossing points.					
75	The following points are further emphasised; i/ Dual cycleways reduce the number of driveways crossed by around 50%. A majority of users will therefore be comfortable accessing across a cycleway via the central section service road.	As noted in the Abley review, the community concept involves more conflicts between cycleway users as vehicles parking on-street will cross the cycleway when entering and exiting the access road. The meaning of the second part of this statement is unclear, with cycleway users coming from/going to the northern side of Harewood Road needing to cross both directions of traffic with limited dedicated crossing points.					
76	ii/ The community concept two lane with painted (1.8m) median and parking bays is similar to other higher volume minor arterial roads such as Waimairi Road 23,000vpd.	This is not comparable. The difference is that Waimairi Road has painted cycle lanes, which vehicles can encroach into when manoeuvring (although this is not ideal from a cycling perspective).					
77	iii/ A dual cycleway on the southside avoids most busy commercial crossings (two service stations two takeaway business, Mitre 10 and busy local roads. The two exceptions on the south side Bishopdale Mall and Matsons Ave are traffic signal controlled (see also below).	Agree. However, these conflicts are mitigated through standard design treatments applicable to New Zealand and are presented in the Cycle Network Guidance developed by Waka Kotahi.					
78	There remains a need to address important linked capacity/safety issues that are potentially fatal (GO/NOGO) to the preferred concept. As acknowledged by the engineers from Abley, they had insufficient time or skills to address 'capacity aspects' of the two concepts. Capacity is directly related to our significant safety concerns.	Specific sites are responded to below. The Abley review noted that the major signalised intersection designs proposed in the community design are compromised due to the emphasis on capacity.					

79	The community concept includes important capacity improvements that involve SAFETY ISSUES that need addressing; 1/ Bishopdale Roundabout; Fixed time traffic signals at roundabouts are normally used for entry metering purposes not to facilitate cycleways. The resulting un-linked four cycle crossings will perform poorly for road traffic and cyclists. Two Tee intersections with one cycle crossing and no control at the Mall intersection or preferably three Tee intersections with traffic signal double phased with Greers Rd are needed. The resulting two cycle crossings are clearly safer.	The staggered T-intersections proposed are not viable. Traffic modelling of the options at the roundabout, including the preferred partially signalised roundabout and staggered T-intersections, showed the preferred design to operate the most efficiently for cycleway users and general traffic, has the least impact on trees and is the most cost-effective. The staggered T-intersections modelled had an additional through lane on Harewood Road, compared to Bill's layout, and failed to operate efficiently due to protection for people crossing the road and limited stacking length for right turners on Harewood Road.
		Signalised roundabouts are successfully used in Tauranga and the UK. The four crossings at the roundabout are linked, advanced cycle detectors are used to call crossings, except outside Caltex. Coordination cannot be achieved for eastbound cyclists outside Caltex due to crossing an approach road and circulating lane. The maximum eastbound and westbound cyclist delays are approximately 60 seconds and 50 seconds respectively. For the two T-intersections the maximum delays are approximately 75 seconds each direction, increasing to 120 seconds if the mall is signalised.
		There is no reason why the linked traffic signals proposed cannot be used to facilitate crossings for pedestrians and cyclists at the roundabout; it is not clear what the specific safety concern with this is.
80	2/ Greers/Harwood intersection Currently Level of service F. This capacity constraint limits the Harewood Road Right turn phase to 1 hour morning peak and limits "pedestrian protection". Our suggested minor improvement increases capacity allowing safety improvements to be provided.	The operation of this intersection will improve with the MCR and wider network changes and cannot be compared to the currently observed traffic volumes and patterns.
	be provided.	The preferred design allows for protected right turns from Harewood Road and Greers Road with protected pedestrian crossings to operate at all times of the day.
		The suggested "improvements" create other pedestrian and cycle safety issues with wider roads to cross and with narrower pedestrian footpaths and cycle lanes on Greers Road.
81	3/ East section intersection restrictions; Although northern intersections are less in number they have much higher demand that the southside (except for Matsons Ave see below). The northern restrictions will cause 'rat running' past the Mitre 10 building entrance. These additional vehicles plus current vehicles (4,000vpd) will experience safety issues crossings the uncontrolled Harewood Road and North West Arc cycleway.	The operation of Chapel Street and Sails Street was reversed from the initial design following feedback from Mitre 10 and the Chapel Street Centre, to reduce the likelihood of these rat runs happening.
		Traffic volumes at side roads on the southern side of Harewood Road are higher than at those on the northern side, with less opportunity to use turn/access restrictions without creating significant rerouting lengths for residents.
82	4/ Matsons Ave adjacent signals; North West Arc cyclists are unlikely to cycle west to use traffic signals crossing Harewood Road then head east over the Mitre 10 driveway. They will stay on the north side of Harewood Rd and ride upstream to the Northern line cycleway. Signalising the Matsons Ave (4,200vpd) intersection with the dual cycleway on the South side address both safety issue 3 & 4.	It is considered most cyclists will make the small deviation to the crossing due to the volume of traffic on Harewood Road. Some experienced riders may choose to turn right at the intersection from the roadway, which is legal. Agree that some riders may ride contra-flow on the south side of Harewood Road if they have a destination within that block.

Email Rece	Dived 25 March 2022: Harewood Road Wheels to Wings (W2W) Cycleway Answers to Questions from Hearings Panel	
Email Rece	Evied 25 March 2022: Harewood Road Wheels to Wings (W2W) Cycleway Answers to Questions from Hearings Panel 1. How much support is there from the wider community? A. The Bishopdale Centre (Mall and Parkside) Association AGM unanimously supported; having a dual cycleway on the southside of Harewood Rd and traffic signals at their Harewood road entrance. There was also strong support (one abstention) for a signalised Highstead Rd Farrington Ave crossroad. See item 2.C. below. B. Copenhagen Bakery Café, Charity Hospital and Caltex service station owner have been publicly critical of the Preferred Concept. They employed their own specialist (Ray Edwards) to convey their concerns to the Council's consultant. While the specialist obtained some concessions, they all continued to express total support for the Community Concept. The Charity Hospital commented at the hearing that "if they couldn't have the Community Concept, they would prefer no cycleway." C. Individual operators of Hells Pizza, Subway, Caltex and Shell service stations have offered their support but are unable formally comment. Foodstuffs NZ (New World) formally support the Community Concept. D. During the first round of consultation, we received support for the Community Concept from MITRE 10. I have an excellent relationship with the Smith family owner of the business. They assist establishing our Bishopdale MENZSHED and donated material to the Enliven Bishopdale Group for our Bishopdale Village Green. Although approached we have yet to receive further feedback on recent iterations of the Community Concept. See 2.B. below. E. We have over 20 emails specifically in support of the Community Concept including Organisations, local businesses, retirement home (operator and resident association), a church leader, member, petition organiser and residents. F. Submitters at the hearings that raised issues that are addressed by the Community Concept have been approached and if interested have supported the concept. G. Spokes in their submissions favoured	 A. Staff response not required. B. Staff response not required. C. In Foodstuffs SI Ltd's written submission to the Hearings Panel (in lieu of attending in person), their first preference was for the intersection of Harewood Road with Bishopdale Court to be signalised, and alternatively for a hatched area to be installed in the median gap to ensure a safer passage for right-turning vehicles exiting Bishopdale Court. They did not state a preference for the community design. D. Mitre 10 stated that they were generally happy with a cycleway past their frontage in the first round of consultation. Their submission is specific to the eastern section. E. Staff response not required. F. Staff response not required. G. The project team have met with Spokes twice to discuss the design and its background. H. Staff response not required.
84	H. The Community Concept has been 'socialised' throughout the two-year consultation period on the 192 member Harewood Road Wheels to Wings Cycleway Facebook page. 2. How many people have seen the drawn design?	Staff response not required
04	A. Few of the Community Concept supporters have seen the design for the full route, it is quite a long plan! Many have seen plans specific to their interest and are happy that their need has been addressed.	Staff response not required.

85	 B. While remaining true to the concept of <u>a dual cycleway on the southside the length of Harewood Road</u> 'opportunities for improvement' have been take when identified and added to the original drawn design. These have been 'socialised' on the Facebook page. 1. A significant example of a design change relates to the Matsons Ave intersection and MIRE 10 entrance and goods vehicle exit. 2. The Harewood Rd/Matsons Ave intersection carries a similar number of vehicle movements to the MITRE 10 Harewood Road entrance (4,000+vpd). We recently became aware that the North West Arc was approved with traffic signals on Harewood Road east of the Matsons Ave. This created a <u>fatal flaw</u> in the Preferred Concept. 3. Traffic Signals in this location require Cyclist on the Arc Cycleway to cross Matsons Ave (uncontrolled 4,00vpd) to access the traffic signals on Harewood Rd to the west. They are then required to cycle across the MITRE 10 entrance (uncontrolled 4,00vpd) and the goods vehicle exit to travel north on the Northern Line Cycleway. 4. The Community Concept has subsequently relocated these traffic signals to the Matsons Ave intersection. This removes the need for our previous right turn bans and assists the dual cycleway crossing of Matsons Ave. Most importantly it removes the need for any cycleway to cross the MITRE 10 entrance and goods exit the <u>fatal flaw</u> in the Preferred Concept. 	 The project team has prepared a memo for options for the MCR to be moved from the Mitre 10 access, which was included with the Hearings Panel report. Refer 3, below. Note the signals approved are west of Matsons Avenue. The project team does not agree this is a fatal flaw in the preferred design. However, an alternative option presented in the Mitre 10 options memo that can be incorporated into the preferred design addresses this concern locates the crossing to the east of Matsons Avenue, crossing to a two-way cycleway on the south side of Harewood Road, avoiding the Mitre 10 access. This is a smaller change that would require much less consultation than changing the cycleway to the southern side for the full length and would provide a good connection to the Nor'West Arc MCR. The project team does not agree that this is a fatal flaw, a position supported by the independent Abley review. Full traffic signals at this intersection are expected to attract more traffic to Matsons Avenue, which is not desirable for a local road and MCR route.
86	 C. A further improvement is the 3 Tee junction traffic signal replacement of the signalised roundabout also recently added. 1. The Enliven Bishopdale Group and the Bishopdale Centre (Mall and Parkside) Association AGM submission during the first round of consultation requested the Roundabout be replaced with 'cross road' traffic signals. This was identified by the consultants as likely to increase congestion (Level of service F). It was therefore not proceeded with during the second consultation round. Both organisations are aware of the 3 Tee junction proposal. 2. A large number of submitters at the hearings raise concerns regarding the Preferred Concept signalised roundabout. The consultant also very recently identified that the proposed traffic signals would have a 20 second fixed cycle time. Clearly a signalised roundabout especially with 'metered' approaches lacks community support. This will be very evident if installed with a fixed time cycle. 3. The Community Concept now includes 3 signalised Tee junctions at Farrington Ave Highstead Rd and Mall entrance. These can be linked and double phased with Greers/Harewood intersection to minimise congestion. 4. The Community Concept Cycleway is incorporated into two of the intersection traffic signals (Farrington Ave and Mall entrance) rather than up to four crossings in the Preferred Concept. 	 Congestion associated with three staggered T-intersections with minimal separation is comparable with a crossroads intersection and less efficient for all users compared to the preferred design. The operation of the roundabout has been communicated throughout the project. A video at the October information days demonstrating its operation after it was noted that there had been confusion within the community regarding how it would operate. The operation would be similar to the SH29A/Mangatapu Road roundabout in Tauranga. The indicative cycle time is 40 seconds; however, this will vary throughout the day depending on traffic conditions. The staggered T-intersections proposed are not viable. These three intersections cannot be efficiently linked to cater for both east- and westbound traffic on Harewood Road and the right turns into Highsted Road and Farrington Avenue. The delay for cycleway users is expected to be greater crossing through two intersections with signal cycle times of approximately 60 – 90 seconds each. This is due to minimal green time provided to cyclists compared to turning vehicle traffic.
87	 D. On balance, it is recognised that the wider community has unfortunately not had a chance to specifically comment to Council on the current Community Concept. It has however been well exposed in our community. It is suggested to avoid 'consultation fatigue' and further cost resulting from a third round of consultation the Hearings Panel Resolve that; 1. The Hearings Panel recommend to the Transport Infrastructure Committee that the Community Concept for the Wheels to Wings Cycleway is the preferred concept. 2. All submitters to the panel be notified and that any further feedback be forwarded for consideration by the Committee. 	

- 3. <u>Do residents on the north side of Harewood Road understand the consequences for them?</u>
 - A. As noted in our submission the Community Concepts includes a void filling seal coat on the Central section of Harewood Road This will reduce traffic noise below current levels.
 - B. A number of submitters were concerned regarding vehicle access to their property and for emergency vehicles. The Community Concept roadway cross section has a painted median for right turning into driveways and pedestrian refuges to assist pedestrian access to bus stops. The median awill also be available for emergency vehicles to overtake if necessary.
 - C. Both the consultants and our surveys suggest there is limited demand for on street parking by residents on the central section northside (Max 10 spaces). It is suggested that residents be approached and be provided with a parking bay rather than a grass berm if desired. These carparks can be finalised during the detailed design.
- A. The project team believes that the impacts to residents extend far beyond only noise. This was highlighted in the independent review undertaken by Abley.
- B. The concern of parked cars restricting visibility at driveways in the preferred design is mitigated by parking setbacks, with the low on-street parking demand also improving visibility. The driveway openings in the cycleway separator were increased to a minimum of 5.5 m to make access easier for residents.
 - The community design would make property access more difficult, as noted in the independent review undertaken by Abley, with the narrow road widths also requiring emergency services to travel slowly when using the flush median.
- C. On-street parking needs to be confirmed as part of the scheme approval, as not all requests for on-street parking are able to be included.

Wheels to Wings Papanui ki Waiwhet Major Cycle Route Hearings Panel – Questions and Officer Responses

A. <u>It appears there is less parking around the Copenhagen Bakery. Is the bakery aware of this?</u>

A The owner of Copenhagen Bakery Café responds as follows;

"We are most concerned about the council preferred design parking allocation, because we had this at 31 - so they have taken a couple away again after we discussed this.

We prefer the community preferred design because it is outright safer to all cyclists, vehicles and pedestrians. We are most concerned about our entry and exits - the council preferred design is a total liability and waiting for more accidents to occur!

We are in favour of the lazy road - slow road option also due to its safer qualities for all and it is outright more aesthetically appealing for the community directly around us.

We have spoken to 3 other direct neighbours on the north side and they have shown interest in the community concept. The council cycleway panel need to seriously consider this option before making a huge decision which has such an impact on a very popular service road.

If it needs to go out to the community again for discussion - then so be it, and also get a different unbiased consultants opinion if need be. (one that doesn't need the council to feed it!) ".

B The Bakery consultant Ray Edwards Urbis TPD Limited comments as follows;

"the community preferred option, with the Councils revised yard layout, gets more parking at the bakery than the councils preferred option.

There exists 63 on-street spaces on this section of road.

The Councils originally notified design proposal reduced this to 31 spaces.

The alternate design prepared by Urbis to Bill's specification provides 54 spaces.

I then met with the Councils design team and they modified their design to provide 38 spaces. The additional space locations are shown in blue boxes.

Following further discussion with the Councils design team, they modified the design of the Bakery front yard parking layout and this netted two more spaces to 40 spaces.

The Council then prepared their version of the Greenwood/Urbis design and this showed 39 spaces.

However I can easily add ten spaces to this making it 49 spaces.

The Councils preferred option as I last saw it provided 40 spaces."

There is an opportunity to increase on street parking by reducing the large landscaped area east of the Copenhagen Bakery Café. Space would still be available to undertake tree planting included in the Community Concept as a 'carbon offset' for concrete used in its construction.

A. The assessment by independent specialists from Abley supported the Council's preferred design as the safest option for all road users, and noted more conflicts would be expected at the slow road access points with the community design. The preferred design incorporates changes following feedback from Copenhagen Bakery, such as space for vehicles entering the carpark to wait clear of following traffic if waiting for a rider to pass. On-street parking is set back prior to the carpark entry to allow visibility between riders and drivers entering the carpark. The independent SANF review by Velos did not identify any concerns with the central section one-way cycleway facility type.

An independent review by Jeanette Ward from Abley was originally requested by Bill.

The number of on-street parking spaces around the bakery with the preferred design was increased from 22 spaces to 29 spaces following consultation. This number has not been changed since consultation.

The number of off-street parking spaces in the bakery carpark remains at 11, with access to these improved with the entrance being relocated.

The total number of on-street and off-street parking spaces provided around the bakery in the preferred design is 40.

B. The on-street parking configuration shown on the Community Concept plans was as detailed by Bill, who has advised that the plans have been shown to key stakeholders.

The Community Concept includes 26 on-street parking spaces and 11 spaces in the bakery carpark, a total of 37 spaces.

The inclusion of additional on-street parking on the northern side, as proposed by Ray would require power lines to be undergrounded, which has a significant cost implication and as far as we are aware, was not supported by Bill. Several more on-street parking spaces may be possible on the southern side; however, this may require safety and/or traffic flow compromises to be made.

Wheels to Wings Papanui ki Waiwhet Major Cycle Route Hearings Panel – Questions and Officer Responses

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	Email Received 27 March 2022: RE: Final Wheels to Wings Abley options review document, and attachment Feedback on the Able	v Review of the Community C	oncent W2W Cv	ıcleway	_
	Email Received 27 March 2022. Re. Final Wheels to Wings Abic y options review document, and attachment recaback on the Abic	y ite view of the community of	Officept wizw cy	CICVVay	

90 Thank you for sending through the final Review of the Wheels to Wings Abley options review document late Friday.

Brian, Ray and I continue to be seriously concerned that the Abley Review and the Preferred Concept do not address the significant and GO/NOGO safety issues we addressed in our submissions, Community Concept design plans and reply to Questions from the Hearings Panel.

That these issues were also identified in the Velos independent Safety Audit and Network Functionality Review (SANFR) and ignored strongly suggests a lack of interest in our Council receiving or responding to feedback.

Rather than repeat our feedback, attached are quoted the <u>relevant significant and GO/NOGO safety issues</u> we also identified to the Hearings Panel and addressed in the Community Concept. The SANFR reinforces our professional opinion.

Is the Hearings Panel aware of the Velos SA&NFR? If not, it is suggested to <u>show clearly interest in receiving independent feedback</u> the SA&NFR or the attached summary be provided to the Hearings Panel to assist their deliberations.

Thank you for the ongoing opportunity to identify a safe, fit-for-purpose and attractive Wheels to Wings Cycleway. If further information or clarification is required please contact us.

A Safety Audit and Network Functionality Review (SANF) is a modified safety audit process used on all MCR projects, which includes other aspects such as network functionality and urban design and does not include a go/no-go component as suggested.

Every SANF identifies items for consideration by the project team, the objective being to ensure an independent holistic project review. The Wheels to Wings project has been subject to SANFs at route selection and scheme design stages, with all issues raised evaluated and responses provided. This led to some design changes being made to the design prior to community consultation. There is a process within Council to ensure that all issues raised in SANFs and safety audits are addressed.

The SANF had no concerns with the provision of the one-way cycleways in the central section of Harewood Road.

91 Quotes from Velos Safety Audit

A/ Conectivity dual or single lanes

"It is noted that the proposed facility design starts off as a shared path at the western end, changes to a uni-directional and then to either a bi-directional or uni-directional again after the Bishopdale roundabout. As detailed throughout this SANF the consistency of the facility is not only important for recognition and comfort of the MCR by all road users, but the SANF team believe that a consistent facility will help to change the streetscape along the route. If done correctly the MCR could assist in reducing the operating speed and improving the safe operation of the whole road corridor by providing safer connectivity throughout."

"The design team needs to consider what additional opportunities there are along these stretches of Harewood Road to incorporate tree planting. The cycleway will then be seen to adding to the character of the existing high values previously described, rather than detracting from them as currently proposed."

A key point to note is that the SANF recommended one-way cycleways for the full length of Harewood Road. The continuity of the facility type has also been covered in the Abley review.

Additional trees have been added to the preferred option plans after the SANF, such as alongside the shared path at the western end of the route. The planting of further trees is desirable, but opportunities to do so are restricted by the presence of underground and overhead cables.

92 Quotes from Velos Safety Audit

B/Roundabout

"The SANF team observed the current traffic patterns at this intersection and were concerned at the high speed dual lane intersection. Speed measurements should be undertaken and a design speed of 30km/hr or less should be a key design principal at this intersection." "The proposed signalisation of crossing at this roundabout will be a unique layout for Christchurch and will create driver confusion. Having three lane circulation lanes at this intersection is not recommended and would appear to provide excessive capacity and is not supported. This will make access to properties at this intersection more dangerous especially with limited onsite turning for some properties. The crossing points are set too far back from the intersection and encourage a higher speed approach from vehicles exiting the intersection. Dual lane approaches to traffic signals run the risk of signals being obscured by queued cars and by trees and has a high risk of drivers unfamiliar with the intersection layout running the traffic lights or not seeing them at all. It is very difficult at this intersection to advance sign the traffic signals and will lead to a proliferation of signage at this complex intersection which will further add to driver distraction."

"SANF Review – SANF II Wheels to Wings 23 The removal of trees seems excessive and the SANF team is extremely concerned about the loss of these significant trees and the destabilisation of the entire tree

group which are a significant landscape feature. The CAS history at this intersection shows there have been 9 crashes over the last 5 years with one cycle minor injury cycle crash ... Other crash types were failed to give way, lane changing sideswipe and driveway access crashes. Increasing lanes and making it more difficult to access driveways will increase this crash risk."

The quote provided is incomplete as it does not include the designer response, safety engineer comment and Council close-out of this concern.

The concerns raised are expected to apply to the community concept at least as much in terms of the safety, access and tree removal impacts.

The reduction of the circulating lanes was considered, but could not be incorporated, and was considered likely to raise other safety issues.

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Wheels to Wings Papanui ki Waiwhet Major Cycle Route Hearings Panel – Questions and Officer Responses

93 Quotes from Velos Safety Audit

Mitre 10 and other high use commercial driveways.

"The SANF team observed the current Mitre 10 access and how this currently functioned. This new development has created a significant number of movements in and out of Harewood Road and the SANF team consider that the current access is unsuitable for the volume of movement. During the site visit the SANF team observed numerous unsafe manoeuvres from motorists entering and exiting the access. They appeared to be taking risks due to the high number of vehicles and lack of available time to make safe manoeuvres."

"Recommendation(s) The Mitre 10 access will require specific consideration for MCR users who will be traversing across the access with consideration that the access has been observed to be performing poorly from a safety perspective. It is recommended that the movements in and out of the access are reviewed and if possible reduced, potentially by banning right turn movements out of the access."

"Frequency Severity Rating SANF Review – SANF II Wheels to Wings; Crashes are likely to be Frequent Death or serious injury is Unlikely The safety concern is Significant"

"Designer response Agreed. This is a busy access. Agree that banning of movements will improve safety, and banning the right turn out will improve visibility for left turn out vehicles. It is understood the right turn out movement is already difficult, and some drivers turn left out and U-turn at St James Avenue. Recommend further engagement with Mitre 10 at the next stage to scope options for a right turn out ban, noting that this change is not likely to be supported, and could result in more traffic crossing the MCR at other locations."

The quote provided is incomplete as it does not include the safety engineer comment and Council close-out of this concern. The Abley review considered that this concern could be managed through the use of appropriate design treatments.

A key point to note is that the SANF recommended one-way cycleways for the full length of Harewood Road, which necessitates the crossing of accessways to businesses such as Caltex and Mitre 10. The recommendation referenced measures that could be used to make the crossings safer, rather than avoiding them.

Questions 1-3

Memos



Memo

Date: 17 January 2022

From: Kelly Griffiths (Senior Project Manager), Ann Tomlinson (Senior Engagement

Advisor)

To: Hearings Panel – Wheels to Wings Major Cycle Route

Cc: Samantha Kelly (Team Leader Hearings and Committee Support)

Reference: 22/44084

Wheels to Wings Major Cycle Route - response to Hearings Panel briefing questions

1. Purpose of this Memo

1.1 The purpose of this memo is to respond to a request for further information following the Wheels to Wings Hearings Panel briefing held on Thursday 21 October 2021.

Briefing - Hearings Panel 21 October 2021



Officer Actions

The following action points were noted:

- The Hearings Panel requested for the current cycle counts along the route to be made available on the Wheels to Wings webpage.
- West end section In relation to submissions received, were there were any submitters who
 indicated that they would begin to bike to Nunweek Park as a result of the new cycleway?
- West end section Concerns were raised regarding the high parking demand at Nunweek Park particularly during sporting events. The Hearings Panel requested for Officers to investigate if any other dedicated parking in or around the park is viable.
- East end section Concerns were raised regarding the potential conflict points between
 vehicles and cyclists at the Mitre10 entrance. The Hearings Panel requested for Officers to
 provide further information on the impacts of having a two way cycleway on the south side
 after Chapel Street as opposed to the preferred option.

2. Update

- 2.1 The Hearings Panel requested for the current cycle counts along the route to be made available on the Wheels to Wings webpage.
 - This has been actioned the week following the briefing.
- 2.2 West end section In relation to submissions received, were there any submitters who indicated that they would begin to bike to Nunweek Park as a result of the new cycleway?
 - Feedback received regarding biking to Nunweek Park (5 submissions):

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Questions 1-3

Memos



- 2.2.1 As a local (Nunweek Park) I am concerned about cycle safety under the current arrangements so am delighted with this plan and it will definitely encourage me to cycle more.
- 2.2.2 One of my children and I play tennis at Bishopdale tennis Club in Leacroft Street in the Winter and Summer. My other child plays hockey and often has several practices, games and umpiring duty to attend at the Nunweek Park Hockey field. The proposed cycleway would mean we could safely navigate the Bishopdale roundabout and Harewood Road to reach these sports venues. The proposed route will be particularly valuable in the winter when it is dark, and we are riding with lights and reflective gear as the cycleway will provide us with a safe route separated from traffic.
- 2.2.3 If the Council wants to encourage people to cycle to these venues where are the plans for the bike parks at Nunweek Park and Bishopdale Park?
- 2.2.4 I am in favour for the development as I think cycle ways are the best step forward for transport and climate change initiatives. I currently cycle Harewood Road with my daughter (to Nunweek Park for touch football) and she's often on the pathway while I go on the road beside her.
- 2.2.5 Fully support this cycleway. We live in Papanui and often travel to Bishopdale and Nunweek Park for kids activities. I wouldn't currently bike this route with my kids, mainly because of the busy roundabout at Harewood/Farrington/Highsted, which is difficult to traverse in a car.
- 2.3 West end section Concerns were raised regarding the high parking demand at Nunweek Park particularly during sporting events. The Hearings Panel requested for Offices to investigate if any other dedicated parking in or around the park is viable. The design team assessed if angled parking could be accommodated at the Harewood Road end of Nunweek Park, however the manoeuvring space is inadequate between the live westbound traffic lane and angled parking. Therefore the parking configuration will remain as currently operating.
- 2.4 East end section Concerns were raised regarding the potential conflict points between vehicles and cyclists at the Mitre 10 entrance. The Hearings Panel requested for Officers to provide further information on the impact of having a two way cycleway on the south side after Chapel Street as opposed to the preferred option.
 In response, seven alternative options for the cycleway to transition to the south side of Harewood Road to avoid crossing the Mitre 10 access have been considered for the section between Harris Crescent (east end) and the railway line.

The best of the alternative options (Option 5) crosses to a two-way cycleway on the south side of Harewood Road east of Matsons Avenue. It takes the cycleway away from crossing both the Mitre 10 access and Matsons Avenue, and improves connectivity to the Nor'West Arc MCR.

However, Option 5 does not provide a direct eastbound cycle connection, and it is likely that many riders will continue to cycle past the Mitre 10 access even with a two-way cycleway on the south side. These include confident riders continuing on-road to Papanui Road - who would enter the roadway close to the Mitre 10 access - as well as less confident riders wishing to access the Papanui shops or the Northern Line MCR on Restell Street. Some of the latter are expected to ride along the footpath instead of riding on the road or crossing Harewood Road twice. Of particular concern from a MCR user perspective is the risk of less confident riders continuing along the footpath, where they are closer to the boundary and where drivers are less likely to be expecting them.

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Questions 1-3

Memos



For safety reasons, the alternative design also requires additional restrictions to vehicle access, these being a ban of the right turn out of Matsons Avenue, and St James Avenue being exit only onto Harewood Road. This would require further consultation with affected parties.

None of the seven alternative options considered are likely to prevent riders - current and expected - from riding past the Mitre 10 access.

The consulted design (Option 1) makes crossing this access as safe as possible; the other options will make the access less safe for both experienced and less confident riders who will continue to pass it. This option also includes elements to improve rider safety, with further measures to be investigated. Please refer to Attachment B for the details of the seven alternative options considered.

The consulted design (Option 1) was confirmed as the option that caters best for all cycle movements and remains the Preferred Option.

2.5 Please refer to the attached document for more information on the seven alternative options considered.

3. Recommendation

3.1 That the above information be received.

Attachments Ngā Tāpirihanga

No.	Title	Page
Α	Wheels to Wings - Mitre 10 area of Harewood Road, options	

Signatories Ngā Kaiwaitohu

Authors	Ann Tomlinson - Senior Engagement Advisor
	Kelly Griffiths - Senior Project Manager
Approved By	Lynette Ellis - Head of Transport & Waste Management
	Jane Davis - General Manager Infrastructure, Planning & Regulatory Services

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Technical Note

Issued to: Christchurch City Council **Date:** December 2021

From: Peloton **Our Ref:** 3385027-1100

Subject: Wheels to Wings Technical Note – Mitre10 area options

Executive Summary

Some panel members at the Wheels to Wings Hearings Panel briefing raised concerns with cyclists crossing the Mitre10 access. In response, seven alternative options for the Major Cycle Route (MCR) to transition to the southern side of Harewood Road to avoid crossing the Mitre10 access are further considered in this Technical Note. Option 1 - the consulted design, was confirmed as the option that caters best for all cycle movements and remains the Preferred Option. Option 5 crosses to a two-way cycleway on the southern side east of Matsons Avenue and was considered the best of the alternatives. It takes the MCR away from crossing both Mitre10 and Matsons Avenue and improves connectivity to the Nor'West Arc MCR.

However, Option 5 does not provide a direct eastbound cycle connection, and it is likely that many riders will continue to cycle past the Mitre10 access. These include confident riders continuing on-road to Papanui Road, who would enter the roadway close to the Mitre10 access, as well as less confident riders wishing to access the Papanui shops or the Northern Line MCR on Restell Street. Some of the latter are expected to ride along the footpath instead of riding on the road or crossing Harewood Road twice. Of particular concern from a MCR user perspective is the risk of less confident riders continuing along the footpath, where they are closer to the boundary and where drivers are less likely to be expecting them. For safety reasons, the alternative design also requires additional restrictions to vehicle access, being a ban of the right turn out of Matsons Avenue and St James Avenue being exit only onto Harewood Road. This would require consultation with affected parties.

None of the options are going to prevent riders, current and expected, from riding past the Mitre10 access. The consulted design (Option 1) makes crossing this access as safe as possible; the other options will make the access less safe for both experienced and less confident riders who will continue to pass it. Option 1 includes elements to improve rider safety, with further measures to be investigated.



Introduction

Following concerns from members of the Hearings Panel, options for the cycleway to transition to the southern side of Harewood Road to avoid crossing the Mitre10 access have been considered. These include options previously considered as part of developing the preferred scheme, as well as options developed following consultation. The options and their impacts are presented in this Technical Note, where a potential alternative design is identified. The advantages and disadvantages of this design compared to the preferred scheme design of one-way cycleways are presented.

A two-way cycleway on the northern side of the road remains preferred over one on the southern side for the balance of the section east of the Bishopdale Roundabout. This is because a cycleway on the northern side crosses fewer side roads, has side roads that can have access/movements restricted with less rerouting for residents, has an adequate cycleway to boundary offset and retains on-street parking outside more destinations that rely on it, most notably Featherstone Dairy. A cycleway on the southern side has a higher overall safety risk associated with the number of intersections crossed and length of facility with property boundary offsets less than the minimum design standard.

The following figure presents the connections between the Wheels to Wings Major Cycle Route and the other MCRs at the eastern end of Harewood Road (shown in red), along with the key connection to the local cycle network (shown in blue). The line thicknesses are indicative of the relative split of cycle trips to and from Wheels to Wings and the other MCRs.



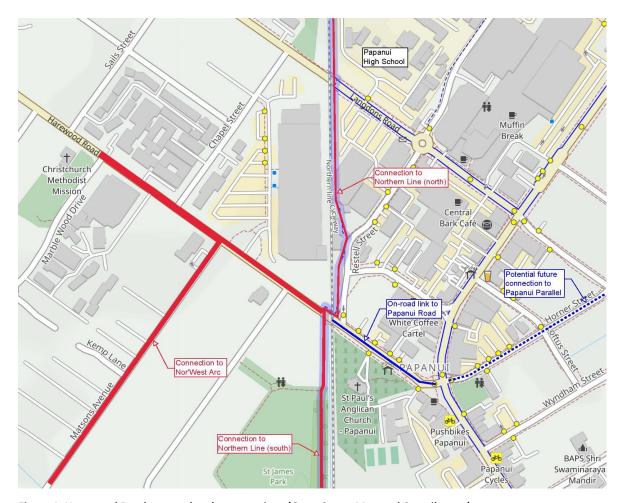
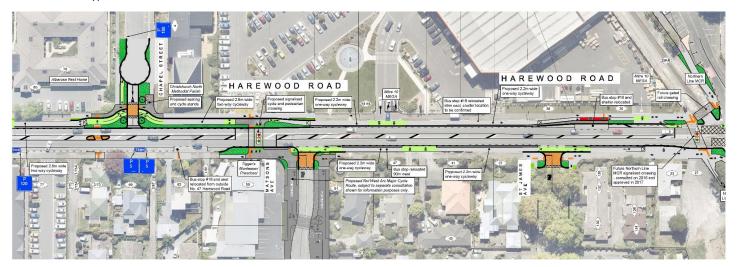


Figure 1: Harewood Road east end cycle connections (Open Street Map and Contributors)



Option 1 - Consulted design

- Two-way cycleway on northern side west of Matsons Avenue reduces side road conflicts and maintains on-street parking on one side.
- The MCR splits to one-way cycleways east of Matsons Avenue maximises safety at side roads and commercial accesses. This is consistent with design standards.
- Full vehicle movements are retained at all side roads and accesses east of Chapel Street.
- Traffic volumes at the Mitre10 access are within the range of traffic volumes that a MCR would cross on a side road, with vehicle speeds lower than those observed at typical side roads.



Advantages

- One-way cycleways without on-street parking adjacent are generally the safest type of on-road cycle facility.
- MCR-standard cycle facilities connect directly to the Northern Line MCR.
- Provides a good eastbound connection to Papanui Road for experienced riders

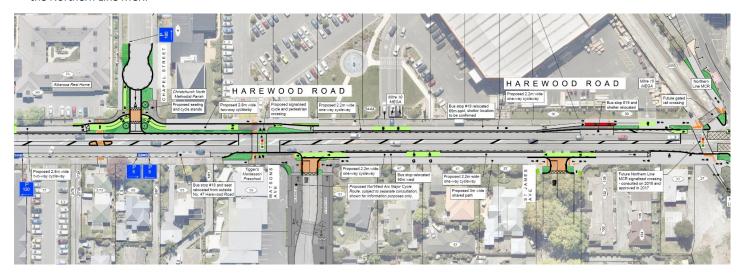
Disadvantages

- MCR crosses Mitre10 accessway.
- Nor'West Arc MCR users (on the east side of Matsons Avenue) need to cross Matsons Avenue to connect onto Wheels to Wings.



Option 2 - Consulted design with shared path on south side

• The same as the consulted design with addition of a shared path on south side between Matsons Avenue and St James Avenue, providing a continuous route to the Northern Line MCR.



Advantages

- One-way cycleways without on-street parking adjacent are generally the safest type of on-road cycle facility.
- MCR-standard cycle facilities connect directly to the Northern Line MCR.
- Shared path provides more direct option for riders coming from Nor'West Arc to connect to Northern Line.

Disadvantages

- MCR crosses Mitre10 accessway.
- Shared paths are less safe for pedestrians, with increased crash risk for riders at driveways.
- Nor'West Arc MCR users on the east side of Matsons Avenue need to cross Matsons Avenue to connect onto Wheels to Wings.



Option 3 - Crossing to south side at consulted crossing point - vehicle access restrictions

- Two-way cycleway on northern side crosses to southern side at the consulted crossing point between Chapel Street and Matsons Avenue.
- On-road cycle lane for eastbound riders to connect to Papanui Road.
- To improve safety of the two-way facility, vehicle access to Matsons Avenue is restricted to left-in/left-out and St James Avenue entry only.



Advantages

- MCR avoids Mitre10 access (although a proportion of riders will continue to cycle past it).
- More direct route for connection between Nor'West Arc and Northern Line MCRs, avoiding crossing Matsons Avenue.

Disadvantages

- Additional crossings of Harewood Road for eastbound MCR users wishing to access the Northern Line MCR (north), unless they ride on-road.
- Crash risk at Mitre10 remains for on-road eastbound riders, plus less confident riders who may continue on the footpath for directness. Overall, the level of protection for these riders is less therefore the crash risk is higher.
- Two-way cycleway crosses five side roads delays to riders, turning/access restrictions required for cycle safety create some re-routing issues.



Option 4 - Crossing to south side east of Matsons Avenue - left-in/left-out

- Two-way cycleway on northern side crosses to southern side between Matsons Avenue and Mitre10. On-road cycle lane continues east to Papanui Road.
- Matsons Avenue is restricted to left-in/left-out to remove the risk of vehicles turning out across the nearby crossing. St James Avenue is exit-only.



Advantages

- MCR avoids Mitre10 access (although a proportion of riders will continue to cycle past it).
- Good connectivity to Nor'West Arc MCR on east side of Matsons Avenue.

Disadvantages

- Additional crossings of Harewood Road for eastbound MCR users wishing to access the Northern Line MCR (north), unless they ride on-road.
- Crash risk at Mitre10 remains for on-road eastbound riders, plus less confident riders who may continue on the footpath for directness.
- Eastbound riders on the northern side wishing to continue on-road would enter the roadway immediately prior to the Mitre10 access, which drivers will not
 expect and are therefore unlikely to look for.
- Two-way cycleway crosses four side roads with signalised crossing close to intersection delays to riders, turning/access restrictions required for cycle safety create some re-routing issues.



Option 5 - Crossing to south side east of Matsons Avenue - right-turn out banned

- Two-way cycleway on northern side crosses to southern side between Matsons Avenue and Mitre10. On-road cycle lane continues east to Papanui Road.
- Matsons Avenue right turn out restricted to reduce the risk of vehicles turning out across the nearby crossing. St James Avenue is entry-only.



Advantages

- MCR avoids Mitre10 access (although a proportion of riders will continue to cycle past it).
- Good connectivity to Nor'West Arc MCR on east side of Matsons Avenue.

Disadvantages

- Additional crossings of Harewood Road for eastbound MCR users wishing to access the Northern Line MCR (north), unless they ride on-road.
- Crash risk at Mitre10 remains for on-road eastbound riders, plus less confident riders who may continue on the footpath for directness.
- Eastbound riders wishing to continue on-road would enter the roadway immediately prior to the Mitre10 access, which drivers will not expect.
- Two-way cycleway crosses four side roads with signalised crossing close to intersection delays to riders, turning/access restrictions required for cycle safety create some re-routing issues.



Option 6 - Crossing to south side west of Chapel Street

- Two-way cycleway on northern side crosses to southern side west of Chapel Street.
- On-road cycle lane for eastbound riders to connect to Papanui Road commences after shared path crossing of Chapel Street.



Advantages

- MCR avoids Chapel Street and Mitre10 access (although a proportion of riders will continue to cycle past them).
- Vehicle access restrictions at Chapel Street are not required.

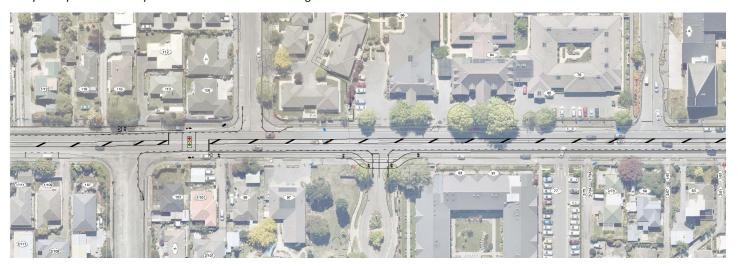
Disadvantages

- Signalised crossing is close to the WesleyCare access, creating a risk of drivers exiting onto the crossing without realising it is operating. This risk also exists with the private property access located between the limit line and the crossing.
- Shared path area and crossing of Chapel Street is less safe for eastbound riders and pedestrians. This is a notable concern with Wesley Care and Golden Age rest homes being adjacent. Whilst the location of the crossing would provide some benefits, it introduces additional conflicts on shared paths.
- Additional crossings of Harewood Road for eastbound MCR users wishing to access the Northern Line MCR (north), unless they ride on-road.
- Crash risk at Mitre10 remains for on-road eastbound riders, plus less confident riders who may continue on the footpath for directness.
- Two-way cycleway crosses four side roads delays to riders, turning/access restrictions required for cycle safety create some re-routing issues.



Option 7 - Crossing to south side west of Sails Street

- Two-way cycleway on northern side crosses to southern between Harris Crescent and Sails Street.
- Cycleway crosses WesleyCare access instead of Golden Age accesses.



Advantages

- MCR avoids Mitre10 access.
- MCR avoids Sails Street and Chapel Street vehicle turning/access restrictions are not required at these locations.

Disadvantages

- Additional crossings of Harewood Road for eastbound MCR users wishing to access the Northern Line MCR (north).
- Poor safety and connectivity for eastbound riders continuing to Papanui Road (unless all on-street parking removed east of Sails Street). Riders will still want to do this movement.
- Two-way cycleway crosses four side roads delays to riders, turning/access restrictions required for cycle safety create some re-routing issues.
- Crossing location is less convenient for Wesley Care and Golden Age residents who have destinations in the Mitre10 area.



Option 8 - Crossing to south side at new signalised intersection with Matsons Avenue (NOT VIABLE)

• Two-way cycleway on northern side crosses to southern side at new signalised intersection at Matsons Avenue.



Advantages

- MCR avoids Mitre10 access (although a proportion of riders will continue to cycle past it).
- Easier right turns out of Matsons Avenue (but would attract traffic to this local road and the Nor'West Arc route).

Disadvantages

- Results in an unacceptable westbound traffic lane geometric alignment and removal of flush median at Mitre10, or no dedicated left-turn lane into Matsons Avenue.
- Will result in greater delays to cycleway users and general traffic than other options.
- Crash risk at Mitre10 remains for on-road eastbound riders, plus less confident riders who may continue on the footpath for directness.
- Eastbound riders wishing to continue on-road would enter the roadway immediately prior to the Mitre10 access, which drivers will not expect.
- Turning restrictions are required at St James Avenue for cyclist safety, which result in extended re-routing to and from this residential area.



Option Assessment

All options have some advantages and disadvantages. Whilst the alternatives to the consulted design avoid the MCR crossing over the Mitre10 accessway, they do create other conflict points and have impacts on other road users.

Of the options identified, Option 1 (the consulted design) remains the preferred design, and the option that caters best for all for all cycle movements. Option 5 (crossing to the south side east of Matsons Avenue) is considered the best of the alternative designs. It takes the MCR away from crossing both Mitre10 and Matsons Avenue and improves connectivity to the Nor'West Arc MCR. However, Option 5 does have the following impacts:

- Whilst Option 5 does not involve the MCR passing the Mitre10 access, it does not provide a direct eastbound MCR connection, and it is likely that many riders will continue to cycle past the access. These include confident riders continuing on-road to Papanui Road, or less confident riders wishing to access the Papanui shops or the Northern Line MCR on Restell Street riding along the footpath instead of crossing Harewood Road twice. Of particular concern from a MCR user perspective is the risk of less confident riders continuing along the footpath, where they are closer to the exit and where drivers are less likely to be expecting them.
- Eastbound riders transitioning to the road past the crossing would do so in close proximity to the Mitre10 access. Drivers entering or exiting will not expect riders to make this movement and would have little time to react to a rider emerging on the road approximately 10 m before the access. This design has sought to slow riders making this movement, but it is still closer than desirable, and this risk remains. If the transition on-road is too onerous for riders, they will likely use the footpath.
- This option requires vehicle access restrictions at Matsons Avenue and St James Avenue. This will require further consultation with affected residents and organisations. At Matsons Avenue, the right turn onto Harewood Road needs to be banned as this is in close proximity to the crossing and drivers making this movement may turn across it whilst people are crossing. Like other two-way cycleway crossings of side roads, vehicle access restrictions are proposed at St James Avenue to make the crossing safer for cycleway users by simplifying the intersection and reducing the crossing distance.

Having considered the advantages of Option 5 against the consulted design (Option 1) of one-way cycleways east of Chapel Street, the consulted design remains the preferred option due to its better connectivity into the surrounding network. None of the options are going to prevent riders, existing and those attracted by the MCR, from riding past the Mitre10 access. The consulted design makes crossing this access as safe as possible; the other options will make the access less safe for both experienced and less confident riders. The access has similar traffic volumes to side road intersections and was observed to have lower traffic volumes at a weekday traffic survey than Matsons Avenue. It is within the range of traffic volumes on a side road that a MCR would cross.

Preferred Design

The concerns with the Mitre10 access highlighted at the hearings panel briefing are noted and have been evaluated further. The Mitre10 access layout and traffic volumes are the reason why the MCR splits to the one-way cycleways at this point; otherwise, the two-way cycleway would have continued to the Northern Line on



the northern side of Harewood Road. However, site observations have noted several aspects of the operation of the access that reduce the likelihood of crashes involving cycleway users. Drivers exiting Mitre10 were typically observed to approach the exit slowly, presumably due to them expecting to stop due to the traffic volumes Harewood Road, as well as the "stop" markings present at the property boundary. Drivers entering and exiting the access were typically observed to do so at low speeds, likely due to the large change in grade between the road shoulder and driveway being uncomfortable to drive at higher speeds.

These factors result in the accessway operating differently to a typical side road and contribute to some mitigation of concerns with the access layout and traffic volumes, although do not remove them. Further measures are included in the design in the form of signage, markings and vertical deflection measures in the separator. Additional measures such as flashing studs in the cycleway and flashing signs will be investigated following the conclusion of trials in other parts of New Zealand, the key concern with them being a driver reliance on them alongside false or missed detections. Mitre10 were not supportive of banning turns or reducing the exit to a single lane.



Consultation on Russley Road March to December 2010

In March and November/December 2010 The NZ Transport Agency asked for feedback on the Russley Road (SH1)/Memorial Avenue interchange and the Russley Road (SH1) four-laning from Wairakei to Yaldhurst.

This consultation closed in December 2010

A newsletter was delivered to residents and businesses in the area and distributed via email, service centres, libraries, etc. Information has also been updated regularly on the project website.

A project open day was held on Tuesday 30 November at the Russley Golf Course. Transport Agency staff and the project consultants were available at this open day to discuss the details of the project.

The project open day was advertised in newspapers and in the newsletter.

A consultation update was distributed to attendees in Dec 2010

Changes made to the Russley Road project as a result of consultation In response to this feedback we made changes to the plans for Russley Road. The main changes we made were:

- increased access at Wairakei
- a new access to the airport area from the south
- an upgraded Harewood Road roundabout
- a cycle and pedestrian underpass at Harewood Road
- a local road western airport bypass has been made possible.

September 2012 consultation

We made a number of changes to the plans for Russley Road in line with the feedback we received.

These changes were presented at an open day, a press conference with Gerry Brownlee and in a newsletter in October 2012. The open day allowed more detailed information to be displayed and feedback could be given to project staff or on a feedback form provided at the venue.

The newsletter was delivered to all residents and businesses in the area and distributed via email, service centres, libraries, etc. Information has also been updated regularly on the project website.

The project open day was advertised in newspapers on the radio and in the newsletter.

We also completed a transport impact assessment (TIA) and a social impact assessment (SIA) to help measure the likely effects of this highway plan on the local area. The findings of these studies were used to make refinement to the project plan and were also available at the open day.

Consultation in 2013

We consulted the public on the Southern Airport Access as this was a new facility introduced as a result of feedback after our first round consultation. This gave affected parties and the public the opportunity to give us feedback on these plans.

2013–14 project consenting

A notice of requirement and resource consent applications for this project were lodged with the Christchurch City Council (CCC) and Environment Canterbury (ECan) who jointly notified the applications on Wednesday 20 November 2013. Submissions needed to be with the councils by 18 December 2013. Eighteen submissions were received and a hearing was held in May 2014. The appointed commissioner reported back and the Transport Agency accepted all the recommendations made by the commissioner.

A newsletter was delivered to all residents and businesses in the area and distributed via email, service centres, libraries, etc. outlining the final plans for this project. Information has also been updated regularly on the project website.

During this time the design team also worked closing with effected parties to ensure the project's impacts were minimised as much as possible.

2015 - Communication during construction

Affected residents and businesses were invited to the project sod turning and blessing, this included a repressive from St James'.

A Stakeholder Group has been set up that meets quarterly to discuss the project and any issues. St James has been invited to be members of this group and have attended.

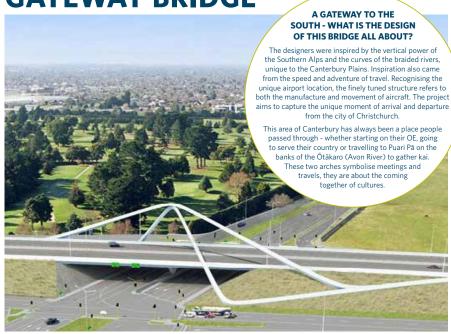
We have produce special communication information just for St James to keep their congregation informed and safe during construction.

NZ Transport Agency

ssley Road Upgrade August 2015

August 2015 Russley Road Upg

THE RUSSLEY/MEMORIAL GATEWAY BRIDGE



The intersection of Memorial Avenue and Russley Road (SH1) is the gateway to Christchurch City, Canterbury and to the South Island of New Zealand for many travellers. The Christchurch gateway bridge is one of the first things travellers, and locals returning, will see when entering the city from the airport. This bridge will be a powerful gateway symbol for Christchurch and it is hoped it will form part of the future identity of the city.

A partnership of the NZ Transport Agency, the Christchurch City Council and Christchurch International Airport Limited ran an urban design competition to develop the design concept for this bridge.

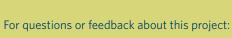


Ruilding the slip lanes at the Russley/Memeorial intersection

PUBLIC SAFETY INFO

At all times during construction, the public (including cyclists and pedestrians) will have access through the area.

We ask that members of the public who wish to discuss any issues onsite or have access to the site, approach one of the project team (someone in a hard hat and high-vis vest) before entering any active work zones. In many instances there will be hazards such as open excavations and/or heavy equipment working in these areas. Our project team has a target of zero harm to anyone on-site, both workers and members of the public, and we ask for your assistance with this.



Phone:

McConnell Dowell and Downer 03 359 0700 (24 hours)

NZ Transport Agency 03 964 2800 **Email:** russleyroad@nzta.govt.nz

Web: nzta.govt.nz/russley-road/

www.facebook.com/nztasouthisland

www.twitter.com/nztacwc
Check for traffic delays on www.tfc.govt.nz

You can request project updates via email on our website or by sending us an email

WHAT IS BEHIND THE BLACK PLASTIC?

Part of RoNS

The government has

transportation projects

that meet the Roads of

National Significance

economic growth and

productivity by moving

people and freight faster,

safer and more efficiently.

The Christchurch Roads

of National Significance

programme is a package of

projects on the Northern,

Western and Southern

Corridors.

throughout New Zealand

principles. These projects

will support New Zealand's

prioritised seven

The area behind the black plastic covered fence was once a landfill site and we are using the fencing and other protocols to ensure any possible contaminates don't spread. When we work in this area we remove all contaminated material we come across and dispose of it appropriately.



New Zealand Government

CHRISTCHURCH MOTORWAYS - A ROADS OF NATIONAL SIGNIFICANCE PROJECT



Russley Road Upgrade

part of the Western Corridor

August 2015



PROJECT UPDATE

Since our last newsletter, this project has been through the Resource Management Act approvals process with Environment Canterbury and the Christchurch City Council. The designation and consents are now in place for the project. Construction kicked off in April with a blessing and sod-turning event. We are currently carrying out enabling work (site clearance and moving pipes and cables), building the Russley/Memorial slip lanes and road widening in the Harewood Road area.

PROJECT NUTSHELL

- Work has started and McConnell Dowell and Downer are the contractors for work, their first task is to prepare the road side for construction.
- While we will do our best to keep traffic flowing through this worksite, if you are heading to the airport be prepared for possible delays - Check for delays on www.tfc.govt.nz
- Work will be staggered along the project length to reduce the overall impact on traffic at any given time
- Access to the Airport and along Russley Road and Memorial Avenue will be
 Access to the Airport and along Russley Road and Memorial Avenue will be
 Access to the Airport and along Russley Road and Memorial Avenue will be
- We will keep you informed via signage and other media as road layouts change
 We expect the project to be finished in 2018.
- If you have questions or feedback about construction of the project:
 Phone McConnell Dowell and Downer on 03 359 0700 (24 hours) or email russleyroad@nzta.govt.u

PROJECT BENEFITS

- The project will reduce congestion and improve travel time predictability on the Western Corridor.
- The new expressway-standard design, including a raised central median and side and central barriers, will improve safety.
- The project design includes improved cycle and pedestrian facilities.
- The intersection changes will improve safety for all road users.
- The project will support economic growth and create jobs.
- The environment will benefit from improved stormwater management and landscaping.



New Zealand Government

PROJECT DESCRIPTION

The existing two-laned Russley Road (SH1) between Harewood Road and Avonhead Road is being upgraded to a four-lane median separated expressway. A median will separate on-coming traffic, selected main road intersections will be improved and access at some roads will be reduced to improve safety and efficiency.

Traffic management

The traffic management set up will change during the project. We will use signage and also intend to produce update notices $% \left\{ \left(1\right) \right\} =\left\{ \left($ during the project to keep the public informed of current traffic nanagement. Two-way traffic will be maintained along Russley

While we will make every effort to keep traffic moving through the work site, delays are possible. If you are planning a trip to

Road at all times.

the airport or other time critical destination please plan for possible delays. Real time information on congestion in this area (and in the rest of Christchurch) can be found at

Zone Three

www.tfc.govt.nz. Please be mindful that road layouts will change as the project progresses, follow all on-site signage and drive to the conditions

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What will happen first?

Work will be staggered across the four zones of the project to reduce the overall impact on traffic at any given time. However

Just now we are getting the site ready. This includes the removal of existing vegetation within the new road alignment, relocation

telecommunications and power lines underground and moving all existing underground pipes and cables away from the new alignment. Construction has begun at Harewood Road roundabout (zone one) and Memorial Avenue roundabout (zone three). Harewood Road roundabout work will begin with the construction of the cycle/pedestrian subway. At the Russley/Memorial Avenue intersection, work will first focus on building the slip lanes.

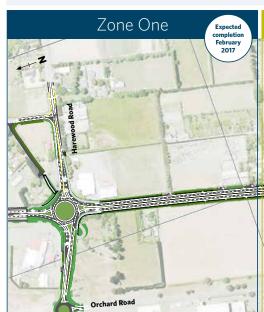
When this project is

complete, we will have

laid 30km of cable and

20km of ducting on this

3.5km length of road



Harewood Road roundabout

The Harewood Road roundabout will be replaced with a larger roundabout and an additional lane for vehicles turning left onto Russley and access to both the airport precinct and the McLean's Island

roundabout and cycle/pedestrian underpass. We will be starting on the north eastern side of the roundabout between Harewood Road manage traffic.

Wairakei Road/Russley Road intersection

Access at the intersection of Wairakei Road needs to be reduced as this is too close to the end of the Russley/Memorial interchange slip

Drivers on Wairakei Road will be able to turn left onto Russley Road (SH1) and southbound drivers on Russley Road will be able to exit

Drivers on Wairakei Road wanting to go north on Russley Road can do so by turning left onto Russley Road and making a U-Turn through the Memorial Avenue/Russley Road (SH1) intersection. Drivers coming from the south on SH1 wanting to access Wairakei Road can do so by making a U-Turn through the Harewood Road roundabout and then a left turn into Wairakei Road.

Russley Road (SH1)/Memorial Avenue interchange

0

The Russley/Memorial roundabout will be replaced with a grade separated interchange with Russley Road (SH1) going over Memorial Avenue. This design will mean uninterrupted traffic flow along State Highway 1 and provide a long term solution to congestion and delays. The signalised intersection at ground level (under the bridge) will improve safety for all, especially pedestrians and cyclists. The bridge has been designed to

To allow for the construction of the Russley Memorial Bridge traffic will be moved onto the slip lanes once they are built. The roundabout with traffic signals regulating some approaches.

Southern Airport Access Due to the expected increase in industry around the airport, a third high quality access

point to the airport will be created south of Avonhead Road. This will improve access for **POSSIBLE** This intersection will be grade separated (one road will go over the other) with on and If you are planning a trip to the off ramps giving traffic the ability to enter and exit the airport area from the north and the south. Traffic turning right into or out of the airport area will drive under Russley Road via airport or other time critical estination please plan for possible delays. Real time information on

an underpass, while Russley Road (SH1) will remain at ground level. This access point makes it possible to separate much of the heavy freight traffic using the airport's freight services from tourist and commuter traffic, allowing the airport precinct to function more safely and Access to and from Avonhead Road to Russley Road (SH1) will be closed as this intersection

is too close to the end of the Russley/Memorial interchange slip lanes to be safe. There will be cycle access from the city side of Avonhead Road to the southbound shoulder of Russley Road. Work in this area is currently programmed to start in February 2016

you will see our crews working all along Russley Road, as there are multiple phases to the project.

of boundary fencing where required, relocating overhead



Road (SH1) from both the airport side and city side of Harewood Road. A pedestrian and cycle underpass will be built under the roundabout. The underpass will provide safe access across Russlev Road (SH1)

A roundabout will be built at Orchard Road to improve safety at this sharp corner.

There are several phases to the construction of the Harewood Road and Whitchurch Place. Barriers and temporary signage will be used to

left onto Wairakei Road.

We will not start on Wairakei Road until work in the Harewood area is completed. It will remain as a roundabout until then

DELAYS

transport options.

Russley/Memorial intersection will function as a large elongated







Zone Four















congestion in this area and in the

rest of Christchurch can be

found at www.tfc.govt.nz

Christchurch Motorways

Southern airport access

We received feedback from the Christchurch International Airport Limited, the Christchurch City Council, emergency organisations, businesses and the general public voicing concerns about reduced access to the airport with the closure of Avonhead Road and the changes at Wairakei Road. For this reason and the expected increase in industry around the airport we are planning a third access point to the airport south of Avonhead Road.

As well as providing additional access to the airport, the southern airport access will mean heavy vehicles servicing the business and cargo areas of the airport will be separated from the light vehicles using the passenger terminals of the airport.

Initially, access to Dakota Park will be developed for left-in movements as part of the four-laning works through to Avonhead Road. The final grade separated southern airport access will be completed following the required consenting and property purchase process.

We expect the consenting process for the Harewood Road to Pyne Gould Stream project to start early next year. The consenting process will be publicly notified providing the opportunity for interested parties to submit on the application. This process plus land matters will take about two years to work through and then construction of the Russley Road project will take a further 2-3 years to complete.

Western airport bypass

A significant number of people who provided feedback on this project have asked whether we have considered diverting SH1 to the west of the

We have done a considerable amount of work to determine if a western airport bypass would be a better option for SH1 than the current planned Russley Road (SH1) upgrade.

A western airport bypass could run from Johns Road (north of Sawyers Arms) and then join into Pound Road. If it was going to be the new SH1 it would need to be a high speed (100 km/h) route with limited entry and exit points. This route would also need a grade separated interchange at the northern connection around Sawyers Arms Road to meet highway safety standards

We have assessed this option and found it is not viable at this stage because:

- Less than 15% of traffic on Russley Road (SH1) is going beyond the Hornby area and would use a western airport bypass. This small decrease in traffic on Russley Road (SHI) would not greatly reduce congestion on this road and the improvement works proposed would still be needed
- Land would need to be purchased from numerous land owners
- The western airport bypass option has a high cost that outweighs the benefits it

The Western Corridor as proposed will not preclude a future western airport bypass In the interim the NZ Transport Agency, Christchurch International Airport Limited and Christchurch City Council will work together to enhance the local road route to the

What we are planning

We are planning a number of minor road upgrades that will allow traffic to use Pound Road to bypass Hornby. This would not be a highway but a local road option. These ents include:

- Better access to SH1 at the north through an extension of Broughs Road through to McLeans Island Road
- Better access to SH1 at the south through an upgrade to the Barters Road
- Christchurch International Airport Limited will develop a realignment of Pound Road around the north west runway (expected



NZ Transport Agency September 2012

What happens next?

An open day will be held on Tuesday 9 October at Russley Golf Club from 3:30pm to 7:30pm. Members of the project team will be there to answer questions and additional information will be available.

Christchurch Motorways

The project needs to go through a Resource Management Act approvals process with Environment Canterbury and the Christchurch City Council. The applications for the necessary approvals will be publicly notified and therefore any interested parties will have the opportunity to lodge a submission on the proposal. We are planning to lodge the applications for these approvals early next year.

NZ TRANSPORT AGENCY

Open day

Tuesday 9 October at Russley Golf Club from 3:30 to 7:30pm



For more information

- Attend the public open day
- Email your query to russleyroad@nzta.govt.nz
- Contact the project representatives below.

For further information online visit www.nzta.govt.nz/russley-road

Our contact details

NZ Transport Agency Telephone: +64 3 964 2800



September 2012

Roads of national significance



Russley Road (SH1) upgrade

Western Corridor

Including the Russley/Memorial Interchange and the new southern airport access.

Update September 2012

Project update

As part of the Western Corridor improvements, the NZ Transport Agency (NZTA) is upgrading Russley Road (SH1) between Yaldhurst Road and Harewood Road. This project will four-lane Russley Road, upgrade the Russley Road (SH1)/Memorial Avenue intersection and provide a new southern access to the airport area.

In November 2010 we presented plans for the upgrade of Russley Road (SH1) including a grade separated interchange (overbridge) at the Russley (SH1)/Memorial intersection. We received a lot of feedback about the ned changes to Russley Road (SH1) and the impact on the local community. We have considered all this feedback in depth and made changes to the scheme

The main changes we have made are:

- · A new access to the airport area from
- A cycle and pedestrian underpass at
- Harewood Road
- · Improvements to the local road western

Western Corridor improve access to and across Russlev Road (SH1), and to the airport The changes at Wairakei Road and the Harewood Road roundabout retain the Road (east) from Russlev Road (SH1).

These changes to the plans for this part of the

- Increased access at Wairakei Road
- An upgraded Harewood Road

Open day

Tuesday 9 October at Russley Golf Club from 3:30 to 7:30pm



Project background

The SH1 Western Corridor runs from Belfast to Hornby along Johns, Russley, Masham and Carmen Roads. A Western Belfast Bypass is proposed as part of the corridor, and will run from the Northern Motorway and join Johns Road near The Groynes. When complete, the Western Corridor will be a four-lane highway (two lanes in each direction) with a median separating oncoming traffic. Access to the highway will be made safer by rationalising and upgrading local road intersections and by changing access to

The corridor's role is to provide a safe and fficient, free flowing arterial for long distance journeys through Christchurch and local medium distance journeys between Belfast and Hornby. It also provides safe and efficient access to Christchurch International Airport and Christchurch City, via high quality

Traffic volumes on this corridor are increasing and this is expected to continue into the future as commercial and industrial activity grows (particularly in Hornby and at the airport). There is insufficient capacity in the existing two-lane roads to absorb this future traffic growth. To ensure businesses based in and outside Christchurch are able to get their goods to and from suppliers, customers and the airport, the current road requires upgrading to improve safety, reduce congestion and

The Western Corridor is part of significance (RoNS) project, which ecognises that this project will improve safety and support economic growth. It is also a key project in the rebuild of

NZ Transport Agency September 2012

Feedback

of feedback in response to the consultation newsletter and open day held in November 2010. The common

- A solution to the growing congestion on SH1 is vital
 General road safety concerns.
- The Russley (SH1)/Memorial interchange was
- Concern about reduced access to the airport and Russley Road (SH1) because of the changes at Wairakei Road and the closure of Avonhead Road
- Concern about a possible increase in traffic on local roads like Roydvale Avenue and Wooldridge Road
- The NZ Transport Agency received a significant amount Safe access across and along Russley Road (SH1) for cyclists and pedestrians is a concern
 - Have alternatives such as a bypass to the west of the airport been considered

In November 2010 we agreed to carry out two studies, a transportation impact assessment and a social impact assessment. These studies helped us measure the likely effects of this highway plan on the local area. The findings of these studies combined with the communi feedback have shaped the changes we have made.

Transportation impact assessment

This study measured the effects this project would have on state highway traffic and the surrounding local road network. Traffic modelling was used to determine the likely redistribution of traffic once the project is finished. This modelling compared predicted traffic volumes and movements in 2021 with and without the Russley Road (SH1) improvements. Conclusions from this study include:

Without the Russley Road (SH1) improvements (2021)

- There would be heavy congestion and considerable delays at all intersections on
- There would be heavy congestion and considerable delays on a number of local network roads in proximity to Russley Road (SH1) including Harewood Road, Wairakei Road, Memorial Avenue and Roydvale Avenue.

With the Russley Road (SH1) improvements completed (2021)

- There will be an increase in traffic on east-west routes like Harewood Road and Memorial Avenue due to drivers choosing to use the improved Russley Road (SH1) and also because of the changes at the Russley (SH1)/Wairakei intersection
- A slight increase in traffic on Roydyale Avenue and Wooldridge due to the
- Vehicles travelling along Russley Road (SH1) or using the Russley (SH1)/Memorial interchange will find travel time and travel time reliability significantly improved as congestion is markedly reduced. They will also enjoy improved safety.

The transportation impact assessment has confirmed the need for the four-laning of Russley Road (SH1) and the proposed Russley (SH1)/Memorial interchange

Social impact assessment

This study helped us understand the community's concerns about possible project impacts on the health and wellbeing of the local neighbourhood. Interviews were conducted, with a range of resident, business, school and unity representatives, who either requested to be involved or were contacted by the project team.

The interviews confirmed many changes have taken place for the residents and businesses in the area, particularly since the Christchurch earthquakes. These changes mean local roads are already experiencing issues like more commuter parking and congestion at key intersections.

The social impact assessment recorded participants' positive and negative thoughts on the highway's potential impacts and their suggestions for dealing with these impacts. The issues identified included; congestion, road safety, safety of pedestrian and cycle crossings (particularly near schools) and social

We used the information gathered in these studies to help finalise the highway design including what solutions to issues we could put in place. In response to predicted vehicle increases on Roydvale Avenue and Wooldridge Road, we are working with the Christchurch City Council to reduce delays at he Wooldridge/Harewood intersection and safety improvement have already been made outside the Roydvale School with a new school zone now in place.

The social impact assessment also identified a number of existing issues in the surrounding area that the NZ Transport Agency has no control over (lack of parking and increased traffic congestion due to businesses moving into this area). We have passed this information on to the Christchurch City Council to



HAREWOOD ROAD ROUNDABOUT

The Harewood Road roundabout will be replaced with a larger diameter roundabout and additional lanes on the Harewood Road approaches to the roundabout. A pedestrian and cycle underpass will be built under the Harewood roundabout. The underpass will provide safe access across Russley Road (SH1) and access to both the airport precinct and the McLean's Island

THE ROUNDABOUT AT ORCHARD ROAD

To improve safety at this sharp corner, we are proposing a roundabout.

RUSSLEY ROAD (SH1) / WAIRAKELROAD INTERSECTION

The intersection at Wairakei Road needs to be changed as it is too close to the Russley (SH1)/Memorial interchange slip lanes to be safe.

The safety standards require a minimum of 900m separation between two intersections of this type, so vehicles can merge safely. The distance between the end of the Russley (SH1)/Memorial Interchange slip lanes and the Wairakei Road intersection is only about 200m. This distance does not allow the Wairakei Road intersection to have direct access to Russlev Road (SH1).

The changes to this intersection outlined in the November 2010 newsletter were to remove the roundabout and only allow a left turn from SH1 onto the eastern (city) side of Wairakei Road. We received a lot of feedback asking for access at Wairakei Road to be increased. Now we are also providing a left turn from the eastern (city) side of Wairakei Road onto the SH1 slip lane. Access to and from Russley Road (SH1) from the west (airport) side of Wairakei Road will need to remain

We considered a number of intersection options for Wairakei Road including Wairakei Road going over Russley Road (SH1) via a bridge. All these options direct access to Russlev Rd (SH1) than the chosen option.

RUSSLEY ROAD (SH1)/MEMORIAL AVENUE INTERCHANGE

The Russley Road (SH1)/Memorial Avenue intersection is the gateway to Christchurch from the airport. This important intersection is currently experiencing congestion and delays, which are predicted to worsen in the future. To allow this intersection to function well into the future the existing roundabout will be replaced with a grade separated interchange with Russlev Road (SH1) going over Memorial Avenue.

The advantages of this design are:

- Uninterrupted traffic flow along SH1
- · A long term solution to congestion and delays
- Improved travel time and reliability
- Good provision for pedestrians, cyclists and public transport
- Room for future public transport options.

A range of short and long-term intersection options were investigated for this key gateway into the city.

Short-term options considered included: improvements to the existing roundabout, traffic signals, a signalised roundabout, and a larger multi-laner roundabout. These options made little improvement in terms of safety and capacity for significant cost.

Several grade separated (long-term) options were also considered including Memorial Avenue going over Russley Road (SH1) and Russley Road (SH1) sunk either fully or partially in a trench under Memorial Avenue.

The Russley Road (SH1) over Memorial Avenue option was chosen after a consultation process in March 2010, where it found support. This option also needs considerably less land and earthworks than the Memorial

As this bridge is an important gateway to Christchurch and the South Island, we have commissioned a gateway bridge design to welcome visitors and those returning home. The design can be seen on the back page and more images will be available at the open day and on the website.

RUSSLEY ROAD (SH1) / AVONHEAD ROAD INTERSECTION

As with the Russley (SH1)/Wairakei Intersection, the Russley (SH1)/ Memorial interchange slip lanes are too close to Avonhead Road to allow it to stay open safely. There are relatively low traffic numbers using Avonhead Road (east) to access Russley Road (SH1) and an alternative route exists via Rovdvale Avenue and Memorial Avenue. For Avonhead Road (west) an alternative is available via internal airport roads to access Russley Road (SH1).

SOLITHERN AIRPORT ACCESS

This southern airport access is in response to feedback we received during our consultation asking for more access to the airport precinct. This intersection allows direct access for both north and southbound traffic to the airport freight and business area at Dakota Park. We have planned this intersection in the form shown because it is too close to the Russley (SH1)/Memorial interchange because it is too close to the Russley (SHI)/Memorial interchange slip lanes to allow a roundabout or traffic signals to function safely and efficiently. Traffic wishing to turn right into or out of the airport precinct at this point will drive under Russley Road (SHI) via an underpass. Russley Road (SHI) will remain at ground level. This is subject to full investigation into the groundwater level in this

Access to adjacent residential properties to the east of Russley Road (SH1) will be via a service road. (More information on the southern airport access is on the back page.)

NZ Transport Agency September 2012

Commissioner Recommendation

CHRISTCHURCH CITY COUNCIL
PROPOSED NOTICE OF REQUIREMENT
BY
NEW ZEALAND TRANSPORT AGENCY

Recommendation Report of
David J. McMahon
Acting as Commissioner appointed by the
Christchurch City Council
pursuant to Section 34 of the Resource Management Act 1991

16 June 2014

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Notice of Requirement – NZTA Recommendation of Commissioner Christchurch City Council 16 June 2014

RECOMMENDATION

I, the independent Hearing Commissioner, acting under delegated authority from the Christchurch City Council, pursuant to Part 8 of the Resource Management Act 1991, and under the provisions of the Christchurch City Plan, recommend to the requiring authority, New Zealand Transport Agency, that their **notice of requirement be confirmed subject to the conditions** set out in Appendix 2 of this report for its proposal to:

alter an existing designation to enable the upgrade of Russley Road from just north of Harewood roundabout to Avonhead Park for 'State Highway' purposes (SH1) from two lanes to a four lane median separated carriageway.

Dated at Wellington this 16th day of June 2014

DJ McMahon

Independent Commissioner

Notice of Requirement – NZTA Recommendation of Commissioner Christchurch City Council 16 June 2014

RECOMMENDATION OF THE HEARING COMMISSIONER DAVID MCMAHON

HEARING APPEARANCES

Heard on the 11th of April 2014 at Eliza's Manor House, 82 Bealey Avenue, Christchurch

Hearing Commissioner

Mr David McMahon (Independent Commissioner)

Territorial Authority Reporting Officers

Ms Melinda Smith Senior Planner, CCC

Mr Russell Malthus Environmental Health Consultant, Novo Group

Mr Adam Taylor Senior Transport Planner, CCC

For the Requiring Authority

In attendance/ Reports presented

Mr Cedric Carranceja Legal Submissions
Mr Andrew Whaley Project Design
Mr Tim Ensor Policy and Planning

Reports tabled

Mr Nick Scarles Landscape, Visual and Urban Design

Mr Michael Smith Noise and Vibration

Mr Andrew Curtis Air Quality

Mr Stuart Woods Strategic Transport Policy Context
Mr Ian Clark Traffic Modelling Impact Assessment

Submitters

Mr Dirk De Lu Spokes Canterbury

Dr Alistair Humphrey Canterbury District Health Board

Mr M McCarthy Landowner

Mr Ray Edwards Traffic Engineer for Mr McCarthy

Mr Andrew Mason Boulder Trust
Mr J Edward Bayley Boulder Trust

Reports tabled/Submitters not in Attendance

Mr Mark Christensen/Ms Sarah Eveleigh Equus Trust

Others in attendance but not presenting

Mr Richard Shaw Project Manager, NZTA

Mr Michael Singleton Counsel, Christchurch International Airport Ltd

Notice of Requirement – NZTA Recommendation of Commissioner Christchurch City Council 16 June 2014

1.0 INTRODUCTION

Context

- 1.1 I was appointed by the Christchurch City Council ("the Council" or "CCC") to hear submissions to, and to consider and make a recommendation on, a Notice of Requirement ("NoR" or "the application") from the New Zealand Transport Agency ("NZTA", "the Requiring Authority" or "the Applicant").
- 1.2 The NoR seeks to alter an existing designation in the Christchurch City District Plan (the "City Plan") within the vicinity of Russley Road from north of the Harewood Road roundabout to Avonhead Park. The NoR will enable an upgrade of Russley Road (SH1) from two lanes to a four lane median separated carriage way, to be designated for "State Highway purposes".
- 1.3 The background to this application, which I will canvas in due course, has been the subject of Council reporting, and of course the public notification and hearing to which this recommendation is a culmination of.
- 1.4 Before discussing the detail of the NoR and the submissions to it, there are some minor administrative and procedural issues that I need to address, beginning with my role as Commissioner.

Role of Commissioner and Report Outline

- 1.5 My appointment under Section 34A of the Resource Management Act, 1991 ("the RMA" or "the Act") was made because of Council policy for decisions on Plan matters and resource consent applications where there is potential for conflict of interest either real or perceived to appoint independent commissioners. In this case, as the CCC has been identified as a potentially adversely affected party in relation to their ownership or tenancy of Harewood Road property and the Council's position as a major shareholder in Christchurch International Airport Limited, a submitter on this application, it is critical that the Council's operational functions and their decision-making functions regarding the same matter are kept separate.
- 1.6 On the above basis, I was appointed by the Council by delegation dated 12 February 2014. The terms of that delegation were approved as follows:

That David McMahon be appointed as Commissioner to consider the publicly notified notice of requirement application by the New Zealand Transport Agency for an alteration to their existing designation, and if appropriate, to hear the matter and then to make a recommendation to the New Zealand Transport Agency as to whether the notice of requirement should be confirmed, modified, subject to conditions or withdrawn under Part 8 of the Resource Management Act 1991.

1.7 Unlike a District Plan Change or Resource Consent, the role of decision-maker for a NoR is not conferred to the Council. Rather, the decision is ultimately a matter for the relevant Requiring Authority. The Council's role, on the other hand, is to

Notice of Requirement – NZTA Recommendation of Commissioner Christchurch City Council 16 June 2014

consider the requirement and the submissions received (in addition to other statutory matters, which I will address subsequently) and to make a recommendation to the Requiring Authority prior to its decision being made. The RMA sets out 1 that the Council may recommend to the Requiring Authority that the requirement/designation is:

- a) confirmed;
- b) modified;
- c) subject to conditions;
- d) withdrawn.
- 1.8 For this particular NoR, the Council has delegated its authority to me to make the recommendation to the Requiring Authority on its behalf.
- 1.9 In terms of the above, having familiarised myself with the NoR and the background material, read all the submissions, conducted the hearing, heard from the submitters/the appointed advisors, and requested, received and considered additional information from the Applicant and Submitters, as well as having visited the relevant sites/surrounds, I hereby record my findings and recommendation.
- 1.10 In this respect, this report is generally divided into the following parts:

(a) Factual Background:

This section includes an outline of the background to the proposed NoR, including the sequence of events leading to this recommendation. It corresponds to the ensuing report sections as follows:

- SECTION 2 outlines the main components of the requirement including an overview of the route and works involved, as well as submissions received to the application and the matters addressed in these;
- SECTION 3 outlines the hearing process, and post hearing information exchanges that have led to this recommendation.

(b) <u>Evaluation and Recommendation</u>:

This section evaluates the notice of requirement for the purposes of providing a recommendation to the Requiring Authority, and is organised as follows:

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Notice of Requirement – NZTA Recommendation of Commissioned Christchurch City Council 16 June 2014

- SECTION 4 outlines the relevant statutory considerations from which my evaluation is based;
- SECTION 5 contains the requisite assessment of environmental effects for the notice and includes an evaluation of the overarching statutory and policy framework relevant to the proposed altered designation;
- SECTION 6 provides an overall evaluation of the NoR in the context of Part 2 of the RMA.
- 1.11 Before moving onto the background and proposal outline, I would like to make two preliminary comments.

Preliminary Comments

- 1.12 Firstly, I record my appreciation at the manner in which the hearing was conducted by all the parties taking part. In this respect, I would like to acknowledge the following:
 - The s42A report and on-going assistance from the Council's Senior Planner, Melinda Smith. Her input into the hearing process and subsequent information exchanges has been invaluable.
 - The willingness of the Requiring Authority, various submitters and advisors to accommodate a certain amount of dialogue between the parties before, during and after the hearing via the approach I adopted.
- 1.13 The above actions promoted a smooth proceeding that has greatly assisted me when assessing and determining the issues.
- 1.14 Secondly, I stress that the findings I have made and the decisions I have arrived at are based squarely on the evidence presented and my consideration of that material.

Notice of Requirement – NZTA Recommendation of Commissioner Christchurch City Council 16 June 2014

2.0 BACKGROUND

Application Overview

- 2.1 The notice of requirement subject to this application has been bought about by the NZTA, as the Requiring Authority. NZTA advised that:
 - (a) the proposed Russley Road upgrade forms part of the Western Corridor and is a vital link in the Christchurch transport system and State Highway network; and
 - (b) the proposed link also forms part of the "One Network" transport planning philosophy for Greater Christchurch.
- 2.2 NZTA have stated that the objectives of the NoR are as follows:
 - To improve the efficiency of personnel and freight travel times along SH1 Russley Road and to Christchurch Airport;
 - To improve safety for road users;
 - To make better use of the existing transport capacity;
 - To promote multi-modal transport; and
 - Ensure that the state highway network improves both mobility and accessibility.
- 2.3 In accordance with section 168A of the Act, as the Requiring Authority, NZTA have undertaken an options assessment to determine the most appropriate means for addressing these project objectives.
- 2.4 The proposed *state highway project* has also been detailed in the application documentation and the s42A report prepared by Ms Smith. I adopt that description for the purposes of this report.
- 2.5 Having appraised myself of those descriptions, my understanding of the project is that the Russley Road upgrade will consist of a four lane expressway, medians, barriers, lights and associated infrastructure upgrades including:
 - Alterations to the Harewood Road roundabout;
 - Closure of Wairakei Road west (airport side of Russley Road);
 - Removal of Wairakei Road/Russley Road roundabout;
 - New service road to provide access to and from Wairakei Road east (city side of Russley Road);
 - Replacement of Memorial Avenue roundabout with a new gateway to Christchurch City including grade separation with Russley Road passing over Memorial Avenue;
 - Closure of Avonhead Road to motor vehicles; and
 - Construction of a replacement "Southern Airport Access" including cycle lane.
- 2.6 The project will also include other highway infrastructure such as:

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- Cycle and pedestrian facilities;
- Storm water controls;
- Landscaping; and
- Ancillary highway infrastructure.
- 2.7 The proposed site to which the NoR applies runs along Russley Road from immediately north of the Harewood Road roundabout to the portion of road adjoining Avonhead Park, including alterations to roads intersecting Russley Road along this corridor. The total distance is approximately 10.5km.
- 2.8 The designation area incorporates the existing road; and land in private ownership including parts of 52 different land parcels adjoining the existing road designation and identified in the notice of requirement. The following intersections and/or their approaches on this part of Russley Road form part of the designation, as follows:
 - Orchard Road/Harewood Road intersection;
 - Russley Road / Harewood Road intersection;
 - Russley Road / Wairakei Road intersection;
 - Russley Road / Memorial Avenue intersection;
 - Russley Road / Avonhead Road intersection;
 - Russley Road / Syd Bradley Road (airport road) intersection; and
 - Russley Road / George Bellew Road (airport road) intersection
- 2.9 The majority of the land required is already designated in the City Plan as "State Highway" and has been recognised in the City Plan since 1991 for proposed "four laning". NZTA advised that they could implement four laning within the existing designation corridor. However they consider that the development of this designated section of state highway without the additional components proposed in this revised designation (such as the ability to grade separate the Russley/Memorial intersection, to properly plan intersections with local roads, and to accommodate cycle and pedestrian facilities, stormwater management and treatment facilities and other highway infrastructure such as safety barriers and signs) would significantly compromise the efficiency and safety of the proposal.

Notice of Requirement

- 2.10 On 7 August 2013, the NoR was lodged on behalf of the Requiring Authority, with Christchurch City Council. The main features of the proposal and route are described in the application documents, the Applicant's evidence, the Section 42A officers report, and (briefly) above. For completeness, I note that the application documentation comprised:
 - A covering letter and Notice of Requirement;
 - Assessment of Environmental Effects; and
 - Appendices A-P²;

² Appendices include maps, plans, design detail and specialist reports/assessments

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2.11 A request for further information under section 92 of the Act was made by the CCC on 29 August 2013, for which a number of responses were provided by the NZTA between 30 October and 14 November 2013. In total 39 response items were provided at this time to CCC by NZTA. Since that time, various other details have been lodged relating to specific aspects of the project in response to issues raised by Council officers. For example, there was additional information related to the detail of lighting, pavement plans etc that was submitted to assist understanding and narrow down necessary conditions. That information is all in the CCC records and forms part of the documentation that defines the proposal before me and to which implementation of the project will need to be in accordance with.

Consultation

- 2.12 The s42A report prepared by Ms Smith, Planning Officer for the Council states that the Applicant (NZTA) engaged in consultation early and extensively, with consultation beginning well in advance of the lodgement of the application. The application was also placed on hold on a number of occasions to undertake further consultation and negotiation between the lodgement of the NoR in August 2013, and the commencement of the Hearing in April 2014.
- 2.13 Consultation commenced in November and December 2010 and included an open day and the distribution of a newsletter. This consultation resulted in the identification of general support of the upgrade; however, a number of concerns were also identified, including (but not limited to):
 - airport access;
 - business and private property access;
 - cycling facilities;
 - emergency service access to the Airport; and
 - increased traffic volumes on local roads.
- 2.14 Further consultation in the form of a project update newsletter was undertaken in September 2012, with ongoing consultation between the project team and directly affected land owners and stakeholders continuing throughout 2013 and 2014.
- 2.15 Mr Carranceja, counsel for the Applicant, stated in his submissions that significant dialogue between NZTA and submitters prior to the hearing had resulted in the majority of issues raised by submitters being resolved. Ms Smith also stated in her s42A report that based on the above dialogue and resolutions that a number of submitters had advised the Council that either:
 - They wished to withdraw their submission³; or
 - They wished to withdraw their right to be heard at the hearing⁴

³ C and K Corsten, Devon Downs, GC Knight and EM Smith

⁴ Wallace Bros & Hellaby Meats (SI) Ltd (Raeward Fresh), Christchurch International Airport Ltd (CIAL), Mahaanui Kurataiao Ltd (MKT), Harewood School and Harewood Playcentre.

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- 2.16 Agreed outcomes between the Applicant and Submitters were summarised in Appendix 1 of Ms Smith's report, and as Attachment B to the evidence of Mr Ensor. For completeness these have been included in this report as **Appendix 1**.
- 2.17 I note that whilst the submission by Mahaanui Kurataiao Ltd ("MKT") on behalf of Ngāi Tūāhuriri Rūnanga acknowledges the efforts of NZTA and CCC throughout the project, this submitter also expressed the view that the consultation could have been improved. As MKT did not wish to appear at the hearing, it was difficult for me to consider this matter in any greater detail. I have merely adopted the position that if MKT felt the issue of consultation was fatal to the proceedings then they would have elected to appear at the hearing and tell me so. Moreover, I take some comfort from the fact that Ms Smith's report sets out the terms of agreement between MKT and NZTA which includes ongoing consultation on this and other RONS projects in the region. On that basis, I consider that this issue has been resolved between the parties without the need for any intervention from the CCC.
- 2.18 Having reviewed the evidence, I accept that the consultation undertaken has been appropriate to the scale and nature of the project. Accordingly there is no reason for me to consider this matter further in this recommendation. Rather, I will focus on the effects of the proposal as raised in the application, the s42A report and submission notices.

Notification

2.19 Public notification of the NoR occurred on 20 November 2013 at the request of the Applicant, with the submission period closing on 18 December 2013.

Submissions and Late Submissions

- 2.20 A total of 15 submissions were received before the closing date as follows:
 - Wallace Bros & Hellaby Meats (SI) Ltd (Raeward Fresh);
 - GC Knight and EM Smith;
 - Christchurch International Airport Ltd (CIAL);
 - Canterbury District Health Board (CDHB);
 - SPOKES Canterbury;
 - R Fleming;
 - G and K Corsten;
 - Canterbury Regional Council (CRC);
 - Harewood School;
 - Harewood Playcentre;
 - Devon Downs (West Melton) Ltd;
 - M McCarthy;
 - Boulder Trust;
 - Memorial Avenue Investments Ltd;
 - Equus Trust

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- One late submission was lodged on 19 December 2013 by Mahaanui Kurataiao Ltd on behalf of Ngāi Tūāhuriri Rūnanga.
- 2.22 The RMA⁵ enables a local authority to grant a waiver for failure to comply with the allocated time for service of documents (in this case a submission on a NoR). The Act⁶ also prescribes the requirements for granting such a waiver, including:
 - a) that the local authority take into account:
 - the interests of any party that may be directly affected by the extension;
 - the interests of the community in achieving an adequate assessment of effects;
 - its duty under s21 to avoid unreasonable delay; and
 - b) that the time period for extension not exceed twice the maximum time period.
- 2.23 As the late submission was received only one day after the prescribed closing date of 18 December 2013, NZTA advised they are not opposed to this submission being accepted, and Ms Smith stated in her report that this submitter has since met with NZTA and agreed upon terms to meet concerns raised in this submission (as referenced under the 'Consultation' heading), I see no reason that the submission should not be accepted under s37 of the RMA.
- 2.24 On this basis <u>I hereby grant a waiver for the receipt of the submissions from Mahaanui Kurataiao Ltd</u>.
- 2.25 Two of the submissions⁷ were in general support of the proposed NoR and these submitters did not wish to be heard. Fourteen of the submissions were in opposition (either in full or partial/conditional opposition) to the NoR. Submissions were received from a range of people, both within close proximity to the site, and from further afield including advocacy agencies (e.g. SPOKES Canterbury) and institutions (e.g. Canterbury District Health Board).
- 2.26 As mentioned above under consultation certain submitters officially withdrew their submissions prior to the hearing. They were:
 - G & K Corsten:
 - GC Knight and EM Smith, and
 - Devon Downs (West Melton) Ltd.
- 2.27 Other submitters indicated that their concerns had been either fully or largely resolved and they did not wish to be heard further. Those submitters were:

⁶ s37A, RM*A*

⁵ s37, RMA

Canterbury Regional Council (CRC) and Memorial Avenue Investments Ltd

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- Wallace Bros & Hellaby Meats (SI) Ltd (Raeward Fresh);
- · Christchurch International Airport Ltd (CIAL);
- Mahaanui Kurataiao Ltd
- Harewood School
- Harewood Playcentre
- 2.28 On the above basis I have not assessed the concerns raised in those submissions which have been either withdrawn or where the concerns have been fully resolved (i.e. Wallace Bros & Hellaby Meats (SI) Ltd and Christchurch International Airport Ltd). I note that the reasons for, or the details of how, such concerns may have been resolved between the Agency and any given submitter in that category is something that I have not largely been privy too (and generally do not need to be privy to). The exception is where the Agency in resolving a concern has undertaken to formalise something by way of a condition or an alteration to the proposal. To the extent that has occurred, I will discuss later in my consideration of effects/conditions. I note also the two submissions supporting the proposal and take these into account.
- 2.29 With respect to MKT, Harewood School and Harewood Playcentre I understand from the summary table in Ms Smith's and Mr Ensor's report and evidence, respectively, that those organisations had concerns that were not completely resolved but they were resolved to a level they did not wish to oppose them further at the hearing. For example, and without wanting to focus on any one party, I understand that the School originally requested that the speed limit be changed outside their premises but accepted that the better crossing would go a long way toward resolving their concern. The point of this single example is that the concerns of the three organisations have not been fully resolved. I accept this but note without the benefit of hearing and testing their concerns directly at the hearing against the uncontested evidence of the NZTA and the reports of the CCC advisors, it is difficult for me to adjudicate on the unresolved parts of their submission. Nevertheless, these submitters can be assured that I do take into account the wider issues of the project concerning traffic effects and ongoing consultation in Section 5 of this recommendation report.
- 2.30 In the meantime, I record that the 'live' and contested submissions opposing the proposal and being not withdrawn or resolved are confined to the following:
 - R Fleming;
 - SPOKES Canterbury
 - Canterbury District Health Board (CDHB)
 - M McCarthy
 - Boulder Trust
 - Equus Trust
- 2.31 I now turn to the hearing itself where the remaining live submissions were presented. For the record, whilst submitter R Fleming did not present his submissions at the hearing, I have still taken his submissions into account as part of my consideration of this NoR.

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3 HEARING PROCESS

Pre-Hearing Process

Pre-hearing Tasks

3.1 Prior to the hearing, I familiarised myself with the NoR, the submissions and the report that was produced pursuant to s42A of the RMA by the Council Reporting Officer. I also undertook a very brief familiarisation of the site/route and its surrounds.

Section 42A report

- 3.2 The s42A report was prepared by Ms Smith a Senior Planner with the Christchurch City Council.
- 3.3 The report provided an analysis of the matters requiring my consideration and recommended that the NoR be confirmed, subject to conditions.
- 3.4 I was advised that the report was circulated to all parties in accordance with the requirements of the Act, being no later than 5 working days before the hearing.

Pre-hearing Commissioner Minutes

- 3.5 On two occasions, I issued instructions to the parties by way of formal minute.

 Minute 1, the first of these communications, was issued on 25 February 2014 and subsequently distributed by CCC on 26 February 2014. This minute outlined preliminary matters to be addressed, including actions required by parties in preparation for the hearing. No hearing date had been set at the time of this minute being issued.
- 3.6 In addition to addressing the circulation of the Councils s42A report, the hearing process and requesting submitters indicate their attendance or otherwise at the hearing, this minute indicated my preference for pre-hearing meetings and conferencing to be undertaken between parties. My preliminary review of the submissions indicated that conferencing may be beneficial to address the following issues:
 - access and operational arrangements;
 - amenity and property effects; and
 - Iwi/cultural matters.
- 3.7 On 13 March 2014 I issued Minute 2. Prior to issuing Minute 2, my understanding was that the CCC had minimal response to the direction I set out in Minute 1. My intention in issuing Minute 2 was to encourage the resolution, where possible, of issues prior to the hearing. I considered this to be an appropriate mechanism, and as

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- a means of providing a less intimidating, constrained and time consuming hearing process.
- 3.8 At this stage I would like to acknowledge the efforts of the Applicant and submitters in pursuing resolutions outside of the hearing, following the issuance of Minute 2.
- 3.9 Copies of all the Commissioner minutes are held on CCC files.

Hearing

- 3.10 I was informed that notice of the hearing was given as prescribed under the Act; being no later than 10 working days before the hearing commencement.
- 3.11 Following my direction, the Applicant provided briefs of evidence prior to the hearing.
- 3.12 The hearing was conducted at the Eliza's Manor House, 82 Bealey Avenue on 11 April 2014. The full list of attendees is outlined on page 4 of this document. Where witnesses prepared statements but did not attend the hearing, their statements were taken as read.
- 3.13 I opened the hearing at 9.30am. After initial introductions and procedural issues, the hearing commenced with the presentations from the Requiring Authority, from submitters, and from the Council. I was also presented with a statement of evidence from submitter Equus Trust, who did not wish to be heard. I took my own notes of the verbal presentations and answers. The written evidence and reports tabled and presented by these parties is held on file at the Council.
- 3.14 The following is a brief précis of the hearing sequence and presentations.

Requiring Authority

3.15 For the Applicant, I heard firstly from Mr Carranceja, NZTA's legal advisor. Mr Carranceja presented an overview of the NoR and outlined the statutory considerations under section 171(1). In addition to these requirements he identified a number of issues raised by submitters (namely Boulder Trust and Equus Trust) that he considered to be outside the scope of the NoR consideration. Mr Carranceja also referred to the unresolved issues raised by submitters to be considered and the experts to present their statements of evidence on the Requiring Authority's behalf, as follows:

Mr Ensor- Planning and Conditions

- 3.16 The scope of Mr Ensor's evidence included:
 - An overview of the existing environment
 - NZTA's consideration of alternatives
 - Consultation undertaken by NZTA

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- A summary of the outstanding environmental effects
- Assessment of relevant planning provisions
- A response to the submissions received; and
- Proposed designation conditions
- 3.17 Mr Ensor established that the existing designation provided a permitted baseline against which the effects of the project needed to be assessed. He addressed each of the above points in turn and in particular responded to the submissions of Mr McCarthy, CDHB, SPOKES and Mr Fleming, and Boulder Trust and Equus Trust. Mr Ensor's discussion of the submissions extended to the agreements reached between NZTA and submitters. Mr Ensor provided a statutory assessment of the proposal.

Mr Whaley- Project Design and Safety

- 3.18 For the most part Mr Whaley outlined the proposal and provided a roadmap of the alternatives considered in reaching the preferred option. He also addressed each of the unresolved submissions in turn, and highlighted the particular aspects of the s42A report which referred to these.
- 3.19 In addition to Mr Ensor and Mr Whaley, the following experts prepared written evidence for my consideration:
 - Mr Clark traffic modelling
 - Mr Woods transport planning
 - Mr Curtis air quality
 - Mr M Smith noise effects; and
 - Mr Scarles visual and landscape effects;

Submitters

3.20 A number of submitters presented at the hearing, and I have provided an overview of their presentations below.

Canterbury District Health Board

3.21 Dr Alistair Humphrey - the Medical Officer of Health for the region - gave a power point presentation in support of the submission from the Canterbury District Health Board (CDHB). Dr Humphrey's focus was squarely on the absence of dedicated facilities along the proposed highway for cyclists. He outlined statistics associated with cycling accidents and fatalities in the region. He also referred to the health costs to the region and the country of such events.

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- 3.22 Dr Humphrey's submission was accompanied by a video of a cyclist on the QEII expressway at night where he advised that provision for cyclists was also very poor and where fatalities had occurred.
- 3.23 The position of the CDHB was that either adequate provision should be made for a dedicated cycleway or that cycling along the highway should be either actively discouraged or even prohibited.

SPOKES Canterbury

- 3.24 Mr De Lu presented on behalf of SPOKES and addressed the suitability of the pedestrian and cycle provisions included in the NoR.
- 3.25 A number of alternatives to the NoR solutions were proposed by Mr De Lu, including the use of an overpass at Harewood Road, reducing traffic speeds and introducing signalised crossings.
- 3.26 The position of SPOKES on the NoR was that while the project made some provisions for cycling, these were only suitable for confident riders, and did not meet the objective of providing for multi modal options and mode choice. In their submission SPOKES requested that a number of signalisation alterations, road markings and signage options should be used to increase safety for cyclists, and additional separated cycling lanes should be provided for.

Mr Edwards (for Mr McCarthy)

- 3.27 I heard from Mr Edwards, Managing Director of Urbis TPD Ltd, who appeared on behalf of Mr McCarthy. Mr McCarthy, a land owner on Russley Road with his access onto Whitchurch Street in the vicinity of the Harewood Road roundabout, submitted on:
 - The effects of the proposed cycle underpass on access to his property; and
 - The lack of identified demand for the underpass, and therefore public safety and amenity effects arising from low usage.
- 3.28 In general, Mr Edwards' evidence expanded on the matters raised in Mr McCarthy's submission and provided detail on the safety concerns anticipated to result from the overall design of the underpass. His evidence included input from an independent cycling advocate from the Netherlands, and from Christchurch Community Constable Wayne Stapley.
- 3.29 Mr Edwards sought that information detailing the full evaluation of alternative cycle facilities be provided for my consideration. He expressed the view that, should the designation be approved with the Harewood Underpass as proposed, CCTV security systems and associated monitoring should be implemented from the outset.

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Boulder Trust (Mr Mason and Mr Bayley)

- 3.30 Boulder Trust own land on the south-western corner of the Russley Road/Avonhead Road intersection, which is currently accessed via Avonhead Road. Mr Mason advised that as access to Avonhead Road would be lost as a result of the works, the Trust would be reliant on private roads held in the ownership of CIAL to access their property. The proposed Southern Airport Access only links to CIAL roads, and the Trust are concerned that public access in these areas is not guaranteed.
- 3.31 Mr Bayley provided a legal submission for the access issue raised by Boulder Trust, which centred around two key points associated with the Southern Airport Access, being:
 - The southern airport access is not a "public work"; and
 - The southern airport access is not reasonably necessary for the project objectives
- 3.32 The Trust sought to have the southern airport access removed from the designation, however would not object to its inclusion if the relevant airport roads were vested in the CCC as local roads prior to the designation taking effect.

Equus Trust

- 3.33 Equus Trust (76 Hawthornden Road) did not attend the hearing, however tabled a statement prepared by Mark Christensen and Sarah Eveleigh (Anderson Lloyd Lawyers) for my consideration.
- 3.34 The submitter sought that the designation be extended to provide a road connection between the Southern Airport Access and Hawthornden Road. Alternatively, the road design within the Southern Airport Access should provide for a road connection to Hawthornden Road for future development by CCC.

Council Reporting Officers

- 3.35 For the Council, I heard from Ms Smith, the Reporting Planner. Ms Smith produced the s42A report which included inputs from the following experts:
 - a) Mr Russell Malthus, Senior Environmental Consultant, Novo Group
 - b) Mr Adam Taylor, Senior Transportation Planner for Christchurch City Council
- 3.36 It is important for me to record that Mr Taylor and Mr Malthus did not undertake a full assessment of the proposed NoR; rather they were respectively responsible for providing an independent review of the traffic and environmental health assessments contained in the Application. They were present at the hearing but their respective reports were attached to the s42A report produced by Ms Smith and the latter relied on those expert assessments in providing her planning assessment of traffic and environmental health issues raised by submissions and by the proposal generally.

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Mr Taylor

- 3.37 Mr Taylor reviewed the various NOR documents, and carried out traffic modelling using the CAST model to determine the impacts of the proposal. Overall, Mr Taylor stated that he is satisfied that the design of the project will ensure adequate integration with the existing roading network, and safe movement of all traffic modes.
- 3.38 Mr Taylor also addressed the submissions in his report. Whilst he recognised that there are some localised dis-benefits arising from the proposal, his view was that the changes made by NZTA to alleviate these concerns represent an improvement to the overall proposal.

Mr Malthus

- 3.39 Mr Malthus, the Environmental Health expert, attended the morning session of the hearing; however given that no party wished to contest any of the issues he had reported on he was excused for the remainder of the hearing. His written report was pre-circulated as Appendix 2 of the s42 report for all to consider.
- 3.40 His report considered the construction and operational effects of the project and determined that the proposed conditions and management plans would address all relevant effects. Accordingly, he supported the NoR, subject to a number of revisions to the conditions (as included in his report).

Ms Smith

3.41 Given that it was pre-circulated to all parties, Ms Smith did not read her s42A report verbatim. Instead she provided a précis of the main contents of it and answered questions I raised. Her report was a very valuable resource for my consideration of the NZTA case and the submissions lodged to it. Further, her and Mr Taylor's verbal summaries at the hearing were also very useful.

Right of Reply/Hearing Adjournment

- 3.42 During the course of the Hearing a number of matters were raised that required further clarification. In this instance there were several issues of which I required further information to be provided by the Requiring Authority and submitter Boulder Trust. In particular, these included the following responses from the Applicant:
 - a) The concerns expressed by the submitter, Boulder Trust to be addressed in a meeting attended by the submitter, the Applicant, CCC and CIAL;
 - b) A response to the Hardwood Underpass issues raised by Mr McCarthy and Mr Edwards.

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- 3.43 Before adjourning the hearing, I explained that these were all matters that the Applicant needed to attend to before I would be able to complete my assessment and recommendation.
- 3.44 It was clear that the parties would require time to formulate an appropriate response. I requested that a response be provided to me via Ms Smith within 5 days of the meeting occurring.
- 3.45 On the above basis, the hearing was adjourned, pending the receipt of the further information responses.

Site and Locality Visits

- 3.46 I conducted a second site visit following the adjournment of the Hearing. This site visit was undertaken on 16 April, 2014. In addition to travelling the route of the project, I also visited the property boundaries of several submitters including those of Mr McCarthy and Boulder Trust.
- 3.47 On the issue of underpasses I asked for and received from NZTA a plan showing the details of the subways on CSM1 and the location of the subways on the Northern Arterial which will be extended as part of that project. The plan showed the following subways, and I visited those:
 - Canterbury Park subway
 - Annex Road subway
 - Owaka subway
 - Grimseys Road subway
 - Hills Road subway
- 3.48 I note that the Hills Road subway was featured in Mr Edwards' hearing presentation.

Post hearing

- 3.49 **Minute 3**, dated 13 April 2014, provided confirmation of the verbal directions I delivered at the hearing and provided a timeframe to the Applicant for the delivery of that further information.
- 3.50 Minute 3 also directed the parties (NZTA and Boulder Trust) to meet and attempt to resolve the issue raised by Boulder Trust in a practical manner. For example, I suggested that non-RMA measures may be appropriate, such as Memorandum of Understanding (MoU) between the parties. Input from the CIAL and the CCC was also considered important, and following an indication from all parties during the hearing that they were happy to attend such a meeting, I requested this take place no later than 2 May 2014.

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- 3.51 A response was provided by Boulder Trust on 15 May stating that no agreement had been reached between the parties following a meeting on 7 May 2014 (and subsequent communication).
- 3.52 With regard to the Harewood Road underpass, I requested that the Applicant advise if it wished to proceed with the underpass. If so the issues raised by Mr Edwards were to be addressed in the Applicant's response, to be lodged by 9 May 2014 with their written right of reply. The Applicant provided a reply to the Council on 16 May which addressed all matters that I asked be attended to. This response was forwarded to me on 24 May 2014.
- 3.53 Given the above clarifications, I commenced my deliberations and considered whether I had sufficient information to be able to undertake the appropriate statutory assessment of the proposal. Specifically, I weighed whether I had a full understanding of the proposed designation and work, sufficient clarity around the project's components, spatial delineation and its potential effects.
- 3.54 Having completed this exercise, I concluded that I did have sufficient information to make my recommendation. Accordingly, I issued **Minute 4** of the Commissioner to record the close of the hearing on **26**th **May 2014**.

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4 STATUTORY CONSIDERATIONS

The Law

- 4.1 This is an application to alter an existing designation under Section 181. As the change is not a "minor change" to the designation, under Section 181(2), it needs to be assessed under sections 168-179 of the Act "as if it were a requirement for a new designation". The 'requiring authority' NZTA requested that the notice of requirement application be publicly notified.
- 4.2 In terms of the above, the principal provision I need to consider is section 171(1) which states:

The territorial authority when considering a requirement and any submissions received, must subject to Part II, consider the effects on the environment of allowing the requirement, having particular regard to:

- (a) any relevant provisions of:
 - (i) a national policy statement:
 - (ii) a New Zealand coastal policy statement:
 - (iii) a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if:
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.
- 4.3 Based on the above and put more simply, I note that the Section 171 matters are subject to the purpose and principles of the RMA as set out in Part 2, and require that the following be given particular regard (in summary):
 - a) the relevant provisions of any NPS, NZCPS⁸, RPS⁹ or PRPS¹⁰, and the Christchurch City Plan;

⁸ NZCPS = the New Zealand Coastal Policy Statement (2010)

⁹ RPS = Regional Policy Statement (in this case, the Canterbury Regional Policy Statements)

¹⁰ PRPS = Proposed Regional Policy Statement

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- b) whether adequate consideration has been given to alternatives if the Requiring Authority does not have an interest in the land sufficient for undertaking the work, or it is likely that the works will have significant environmental effects;
- c) whether the work and designation are necessary to NoR to achieve its objectives; and
- d) any "other" relevant matters.

My Approach

- 4.4 In considering these statutory tests, I have recorded my findings as follows:
 - Section 5 of this report (below) includes my assessment of the effects on the environment of allowing the requirement. It has been informed by the NoR documentation, the submissions, the s42A report, the hearing proceedings and the information exchanged subsequent to adjournment of the hearing up to and including the hearing closure on 26th May 2014. This section incorporates all 'other' relevant matters for the purposes of clause '(d)' above. I also have regard to the consideration of alternatives (clause '(b)'). This section also considers the relevant plan policy matters outlined in clause '(a)'.
 - **Section 6** includes the required consideration of the purpose and principles of Part 2 of the RMA.
- 4.5 This leaves a need to consider the matter encapsulated by clause '(c)' above necessity of the work and designation which I will turn to first before considering the remaining tests.

Necessity of the works and designation

- 4.6 Under section 171(1)(c) it is necessary to determine "whether works and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought".
- 4.7 Ms Smith stated that she considers the proposed NoR is an appropriate tool to achieve the desired outcome of the requiring authority given the scale of the project, the number of properties impacted, the strategic significance and the priority for the completion of the project in support of earthquake recovery.
- 4.8 The application by NZTA for the NoR itself states that the works and designation are reasonably necessary and are in line with the relevant strategic documents. Mr Ensor and Mr Carranceja also established the necessity for the NoR in their evidence and opening statement respectively, in order to achieve the objectives of:
 - Improving efficiency of personnel and freight travel times along SH1 and Russley Road and to Christchurch Airport;

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- Improving safety for road users;
- making better use of the existing transport capacity;
- promoting multi-modal transport; and
- ensuring that the state highway network improves both mobility and accessibility.
- 4.9 I concur with the assessment provided by the Applicant and the Council. In fact for the record it is important to note that, although aspects of the works were queried (such as the southern airport access and the Harewood Road underpass), no party (submitters included) seriously disputed the necessity of the work or the designation technique. For completeness, however, I briefly consider the need for the works and the designation separately.

Project Necessity

- 4.10 It is apparent in the application, evidence and Ms Smith's report that a need for the project had been established prior to the 2011 Christchurch earthquakes. As a vital link in the Christchurch and State Highway transport networks, the route is identified as requiring strategic upgrade in a number of strategic documents including:
 - the Canterbury Regional Policy Statement (RPS),
 - the Canterbury Regional Land Transport Strategy (RLTS),
 - the Government's Roads of National Significance (RONS) programme,
 - the Land Use Recovery Plan (LURP) and
 - the Christchurch City Plan.
- 4.11 In my view, a clear case has been established for the need for the proposed works.

Designation Necessity

- 4.12 The application also provides a description of the need for the designation in section 3. That section concludes that "alteration to the existing designation is the best planning mechanism to achieve these objectives due to the certainty it provides along with maintaining a level of flexibility that a resource consent may not".
- 4.13 Mr Carranceja states that "a designation is an appropriate mechanism to achieve the Transport agency's objectives" and refers to the assessment of Ms Smith of the designation being appropriate given:
 - the scale of the project,
 - the number of properties impacted and
 - the strategic significant and priority given to the project in support of earthquake recovery.
- 4.14 I note that the Applicant and Ms Smith recognise that the land required to four lane SH1/Russley Road has already been designated. However it is considered that the proposed alteration to that designation is necessary to construct, use and maintain the four land state highway, intersections with local roads, cycling and pedestrian

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facilities, stormwater treatment facilities and other infrastructure with as safety barriers and signs.

- 4.15 I consider that a *designation* is an effective tool under the RMA with which to undertake the necessary construction and operational works associated with a project of this scale. As an alternative to Resource Consent, a designation allows the Requiring Authority to undertake an Assessment of Environmental Effects of the project as a whole, and furthermore allows for the on-going operation, maintenance and upgrade requirements of the road.
- 4.16 For the above reasons, I concur with the position of Ms Smith and the Applicant and find both the works and designation reasonably necessary for achieving the objectives of the Requiring Authority for which the designation is sought.

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5 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Scope

- 5.1 On balance, I agree with the scope of the relevant effects anticipated by the proposed designation set out in Ms Smith's report as précised in Section 3 of this recommendation report.
- 5.2 The AEE submitted by NZTA with the application, and complimented by the numerous further documents submitted in response to CCC's RFI and further as issues were assessed in detail by CCC staff, is thorough in the range of issues it identified and assessed. Further, and in relation to the issues it canvassed, it concluded the impact of the proposal on the environment will be minimal or adequately mitigated for through design and conditions.
- 5.3 In relation to the following matters which are not contested by submissions, and where I accept and adopt the analysis included in the application, I will not comment further:
 - Positive effects
 - Effect on landscape
 - Social effects
 - Effects on ecology
 - Effects on ground and surface water
- 5.4 Accordingly, I will limit my own discussion to the matters considered by Ms Smith as follows:
 - Environmental health effects
 - Effects on residential amenity
 - Wider visual amenity effects
 - Cultural impacts
 - Impact on protected trees
 - Transport related effects
 - Cycling provisions (Harewood Road Underpass)
- 5.5 Also, as construction effects were not raised by any of the submitters, I have not addressed these issues independently. Where appropriate, construction and operational effects have been addressed in turn under the matters set out below.

Environmental health effects

- 5.6 The environmental health effects identified by Mr Malthus relate to construction effects associated with:
 - Hazardous substances;
 - Contaminated soil;

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- Erosion sediment and dust control; and
- Construction noise and vibration
- 5.7 Mr Malthus also identified effects he considered relevant to the ongoing operation of the project, including:
 - Light spill at residential dwellings; and
 - Road noise
- 5.8 Both Mr Malthus and Ms Smith drew to my attention that the Applicant has proposed a number of **Management Plans** to address potential adverse health effects, in particular those to occur during the construction phase. These management plans are to be prepared with input from suitably qualified and experienced practitioners, and to be submitted to Council prior to works commencing for confirmation. Ms Smith stated that this is a commonly used technique in approvals for such large projects and I accept this.
- 5.9 Ms Smith also identified that a number of the matters addressed via sub-plans and the assessments in the NOR documents cross referenced to relevant National Standards, or are subject to the provisions of other legislation or to regional planning documents (such as the Canterbury Land & Water Plan). Council and other parties also have broad enforcement options under the Resource Management Act to deal with nuisance impacts that might arise during construction. Overall, Ms Smith expressed her satisfaction that any adverse environmental effects associated with the construction of the project are able to be readily managed by the framework proposed by the Applicant and enforced by the suite of conditions being recommended.
- 5.10 Mr Malthus has commented on the **operational effects of light spill and road noise**, and concluded that the design and control measures in place, limiting light spill to 5 lux and requiring low noise road surfaces¹¹ will result in effects that are no more than minor. He further concluded that the net effect was not unreasonable when compared to what could be constructed under the existing designation.
- 5.11 These effects were also addressed in the statements of evidence provided by the Applicant's experts, whom concur with the information provided in the s42A report. I have no reason not to accept Mr Malthus' conclusions on these operational matters.
- 5.12 Only one submitter, GC Knight and EM Smith, landowners on Russley Road, submitted in opposition to the NoR on grounds of "environmental health matters" and this submission was subsequently withdrawn so I have not considered the issue any further.
- 5.13 As no conflicting views were presented to me during the hearing, I adopt the position of Ms Smith and consider that the potential effects on environmental health are

 $^{^{\}rm 11}$ As further detailed in proposed conditions 2 and 3 of the S42A report.

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suitably addressed via the proposed conditions to the NoR. In particular, I consider that:

- the proposed Construction Management Plan and associated sub-management plans will sufficiently mitigate and manage environmental health effects during construction.
- the General Conditions will suitably manage post-construction lighting effects¹², while the amendments recommended by Council regarding the road surface will suitably mitigate noise effects¹³.
- 5.14 Overall and when considered in the context of what is permitted in the City Plan under the existing designation, I consider the effects on environmental health matters to be no more than minor.

Impact on residential amenity

- 5.15 Ms Smith has identified a number of design measures adopted by the Applicant in response to public consultation to reduce the potential negative impacts of the state highway on existing residential properties that could be affected as a result of the works. These measures that have been referenced by Ms Smith were identified by the Applicant in Appendix A to the RFI Response 3, and include:
 - A new service land between the Southern Airport access and adjoining dwellings as a physical barrier between the State Highway and properties
 - Safe access to properties off Wairakei Road slip lane
 - Retaining existing vegetation where possible, and restricting removal from already designated areas
 - Use of low-noise road surfaces (Condition2)
 - Lighting design requirements (Condition 3)
 - Landscaping and stormwater measures to enhance visual amenity
 - Relocation or replacement of fencing, landscaping and bunding where agreed with affected landowners
- 5.16 In general, Ms Smith considered that the measures proposed to minimise adverse effects on the amenity of residential properties are practical. Furthermore, she highlighted that submissions received with regard to this issue were predominantly matters of clarification regarding details of how the proposal would affect properties. She noted that ongoing consultation has been undertaken by NZTA to resolve further outstanding issues on a case by case basis.
- 5.17 Mr Scarles' statement for NZTA focussed on the **visual and landscape effects** of the proposal. His view is that the potential for visual impacts to be greater than minor is

¹³ Condition 2

¹² Condition 3

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most likely to affect properties located near Harewood Road and Avonhead Road; however in his opinion the existing vegetation to be retained in this area (as part of the project) along with other existing buildings provide sufficient screening. Accordingly, his view is that on balance the visual effects of the proposal will be no more than minor.

- 5.18 Other visual amenity features that Mr Scarles considered will reduce the overall impact of the proposal include the retention of the protected Wellingtonia tree at St James Church. He states that the tree contributes to the setting of the Church and is visually significant in the local context. Additionally, the tree is protected under the CCC District Plan.
- 5.19 Ms Smith recommended general condition 4 to the NoR, which requires a 1.8 metre fence adjacent to the Southern Airport Access, stating this was agreed following discussions with the requiring authority. I note that Mr Malthus also considered that this visual screen would assist in shielding headlight glare and thus would be of benefit from a health and safety perspective. Prior to the hearing there was further discussion regarding this issue between Mr Malthus and NZTA and it was subsequently agreed that with property fences at 1.8m, a 1.2m high fence on the inside of the service lane would be adequate to mitigate potential adverse effects.
- 5.20 The evidence of Mr Ensor included a set of proposed conditions agreed by NZTA and CCC. I note that Condition 5 requires a 1.2 metre fence, and I accept that this height has been agreed by both parties.
- 5.21 In his statement relating to **noise effects**, Mr Michael Smith for the NZTA considered that:
 - the use of a low-noise road surface will offset effects where traffic is located closer to houses.
 - the removal of two roundabouts at the Memorial Avenue and Wairakei Road will reduce noise caused by acceleration and deceleration during the operational phase of the project.
 - Construction noise and vibration is to be addressed though comprehensive conditions successfully used in other roading projects.
- 5.22 I note that Mr Malthus concurred with Mr M Smith's assessment in general; however he considered that there should be more certainty around what low-noise road surface is to be used, and accordingly recommended a revised condition to specify the road surface required (condition 2). I adopt that condition and the rationale for it.
- 5.23 I note that matters of amenity with regard to residential properties were not canvassed by any submitter at the hearing, though as mentioned earlier they were raised in the now withdrawn submission of Mr Knight and Mr EM Smith. Having

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reviewed the communications between NZTA and these submitters following notification, and before the hearing proceeded, I consider that any outstanding concerns at the point of notification have been resolved.

- 5.24 I agree with the position of Ms Smith and NZTA that the proposed measures are sufficient to address any negative effects of the NoR associated with amenity on residential properties for the following reasons:
 - The retention of existing vegetation, and in particular the protected Wellingtonia tree, has been presented as sufficient screening to reduce visual effects, and maintain a familiar setting;
 - Measures have been included in general conditions 3 and 5 to reduce the visual impact of lighting; and
 - Mitigation of noise effects through the use of appropriate road surfaces is appropriate.
- 5.25 Overall, the proposed conditions, and the minimal concern raised by submitters demonstrate that effects will be appropriately avoided, managed and mitigated and are therefore no more than minor.
- 5.26 Before leaving the issue of amenity, I note that in respect to the impact on property values, Mr Carranceja concluded that any effect on value can be attributed to an amenity effect, and therefore the consideration of property value on its own is effectively double-counting amenity effects. Both the Applicant and the Council consider that issues relating to amenity have been resolved. I agree.

Wider visual impacts

- 5.27 The application includes some physically dominant project components which have the potential to adversely impact on visual amenity within the wider project area. Ms Smith identified four such areas. Two areas, identified as widening of the route between Harewood and Wairakei Roads, as well as at the southern airport access will not be of significant effect. This assessment is based on the widening being mostly at grade, which will in Ms Smith's view be absorbed into the localised traffic environment.
- 5.28 The more visually dominant aspects of the project are identified by Ms Smith and Mr Scarles as:
 - the proposed Memorial Avenue bridge structure (from near Wairakei Road to near Avonhead Road), and
 - the associated Gateway structure which is to reach a peak height of 26 metres.
 The structure is a design feature intended to be highly visible, and it defines the point at which the airport connects to the wider city area.

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- 5.29 The application documents and the evidence of Mr Scarles concluded that though the road user experience will be fundamentally changed from the status quo, the screening by buildings and vegetation, and distances of residences from the above listed structures will result in effects that are no more than minor.
- 5.30 Ms Smith considered that these elements will significantly change the visual appearance within the vicinity of the Memorial Avenue intersection. Specifically, she expressed the view that the solid structure of the earth embankments proposed to support the bridge design will add visual dominance; however, she also accepted that the extensive planting proposed will considerably soften this effect. Overall, she concurred will the Applicant's assessment that the visual effects will be no more than minor.
- 5.31 A submission was received from Christchurch International Airport Ltd (CIAL) with regard to the gateway structure and the potential impact of the structure as a hazard to air traffic. CIAL sought:
 - that the bridge be painted in a non-reflective manner;
 - a review the lighting strategy for compliance with safe airfield operations; and
 - assurance of delivery on appropriate landscaping and visual mitigation features.
- 5.32 MKT also submitted on the design of the structure, and sought to be consulted on the final design and implementation of the gateway. As noted by Ms Smith in her assessment, MKT will have this opportunity through a Cultural Advisory Group (CAG). In this respect I was advised by NZTA that they formed an agreement to form a Cultural Advisory Group (CAG) to ensure that both MKT and Te Ngāi Tūāhuriri Rūnanga are consulted through the detailed design and construction phase for the project. I was also advised that the CAG will have representation from NZTA, MKT, Te Ngāi Tūāhuriri Rūnanga and Taumutu Rūnanga to address the on-going engagement for all of the Canterbury RoNS projects. Further, NZTA advised that the initial meeting of this wider CAG has already been held and a Draft Terms of Reference for the group is being developed between the parties.
- 5.33 On the above basis I accept that NZTA has committed to this approach and is progressing towards finalising the arrangements for this project, as well as the other RoNS projects. On this basis a specific condition to address this issue is not required.
- 5.34 With regard to wider visual effect of the NoR, I adopt the findings of Ms Smith. As CIAL withdrew their intention to appear at the hearing, and I am aware that subsequent discussions have occurred between CIAL and NZTA, I assume that the issues raised in their submission have been resolved to the satisfaction of both parties. With regard to the submission of MKT, I consider the CAG to be a suitable mechanism for the input sought by MKT, and am of the opinion that this issue is no longer outstanding.
- 5.35 Whilst I was a little surprised that the proposed Memorial Avenue bridge structure and the associated Gateway structure did not attract more attention from

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submitters, I accept that Mr Scarles and Ms Smith are both in agreement over the actual and potential wider visual impact effects of the proposal, and that no evidence was presented to me which challenged their assessment. I therefore conclude that both the general conditions and management plans proposed to manage the visual effects of the proposal are satisfactory.

Cultural impacts

- 5.36 No known sites of particular significance to Maori have been identified by the Applicant, and it is noted in Ms Smith's report that early and on-going consultation with tangata whenua did not raise any particular concerns. In addition, an Accidental Discovery Protocol¹⁴ has been included in the application, should construction activities uncover any sensitive material.
- 5.37 As previously canvassed, a submission was lodged by MKT, who met with NZTA and agreed suitable terms upon which on-going concerns would be met. This includes the establishment of a Cultural Advisory Group.
- 5.38 I agree that the proposed Cultural Advisory Group and Accidental Discovery Protocol are appropriate mechanisms to be applied.
- 5.39 Given the above, I consider that the cultural effects of the project are likely to be no more than minor.

Impact on protected trees

- 5.40 Ms Smith has drawn on the assessment of Mr John Thornton, of the Asset & Network Planning Unit at CCC with regard to the potential impact of the project on protected trees in the area. Of particular note, and as previously mentioned, there is a Wellingtonia tree located in the church grounds in Whitchurch Lane. This tree is to be retained, and Mr Thornton has concluded that there will be no adverse effects of the works on protected trees in the area. Ms Smith has included a condition¹⁵ on the recommendation of Mr Thornton to ensure no adverse effects on the Wellingtonia tree health occur.
- 5.41 Mr Scarles also considers the tree to be of value from a visual amenity perspective and considers it should be maintained.
- 5.42 I adopt the positions of Ms Smith, Mr Thornton and Mr Scarles with regard to the impact on protected trees and consider that the proposed condition 13 (e) requiring a tree protection plan will ensure that effects on protected trees will be less than minor.

¹⁴ Construction Environmental Management Plan Conditions 14 and 1, including advice notes

¹⁵ Sub-management Plans Condition 13 e).

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Transportation related effects

- 5.43 Based on Ms Smith's report, the application information and evidence, and submissions received, I consider the transportation effects in relation to the NoR to be twofold:
 - Firstly, there are general effects on traffic flows and network capacity, and
 - Secondly, there are effects on changes to access for a number of properties within the vicinity of the NoR.
- 5.44 I have addressed each of these in turn.

Traffic Effects

- 5.45 For NZTA, the key evidence on the need for the designation from a traffic perspective came from Mr Clark whose statement primarily addressed traffic modelling. Mr Clark stated that a significant increase in traffic flows and delays in the area are predicted, due to post-earthquake growth in the Greater Christchurch sub-region. Also, as a gateway for traffic heading to/from the Airport, he expressed the view that, without intervention, the Russley Road/Memorial Avenue intersection will struggle to accommodate the predicted traffic demands and provide the level of service expected along the Western Corridor. On these grounds, the Applicant has identified a need to improve travel time, reliability and safety along the SH1 corridor in this vicinity. No one disputed the evidence of Mr Clark and I therefore I adopt it without reservation.
- 5.46 On the issue of specific traffic effects, I heard from Mr Taylor, Senior Transport Planner with Council. Mr Taylor advised that he has been involved in considering all traffic related issues of relevance to the notice of requirement.
- 5.47 Mr Taylor explained to me that he accepts the Integrated Traffic Assessment provided by NZTA shows the State Highway improvements will result in some adverse flow-on effects of significance on levels of service at intersections with and on the local road network. However, he also made it clear that he is now satisfied that the Memorandum of Understanding (MoU) has been agreed between NZTA and the CCC regarding the mitigation of the adverse effects of the Christchurch Western Corridor on the local road network.
- 5.48 Mr Taylor explained for my benefit that the MoU signed in December 2013 introduces a "One Network Approach" to the management of the effects associated with the Christchurch Western Corridor. He pragmatically acknowledged the various commitments the Council and NZTA have made to working together in this regard and relies in part on these commitments working effectively in the future.
- 5.49 Mr Taylor's key conclusions included the recognition of inconvenience to property owner access arrangements, and some adverse effects on localised traffic. However,

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he considered that these effects are minor when considering the significant benefits to the operation and safety of this strategic route, and development which can occur as of right within the existing designation area. Ms Smith adopted the view of Mr Taylor in her evaluation of this issue.

- 5.50 In terms of submissions, I note the following:
 - The issue of safety due to increased traffic along the route was raised in the submissions of the Harewood Playcentre and Harewood School, particularly in relation to young people using the area. As mentioned earlier, I was advised by Ms Smith that both of these parties withdrew their right to be heard prior to the hearing following an agreement with NZTA over the provision of a pedestrian crossing. This was noted by both the Council and NZTA in their various statements of evidence.
 - Memorial Avenue Investments Ltd provided a submission in support of the roading project and the improvements to traffic conditions as a result of the NoR.
 - Submitters CIAL, Boulder Trust, Canterbury Regional Council (CRC) and Wallace Bros & Hellaby Meats Ltd (Raeward Fresh) also support the NoR in general due to the traffic improvements anticipated.
- 5.51 Given the foregoing, I concur with the position of Ms Smith and Mr Taylor, in that the negative effects on traffic will be less than minor, and in the majority of cases, the effects will be positive. Mr Clark agreed with the position of the CCC and concluded that the project will ensure a safe and efficient accessway for the city long term. I heard no evidence that leads me to question this view. The advice from Ms Smith is that no specific conditions are required to address the long term traffic effects of the proposal, with exception of condition 1 requiring the designation be undertaken in general accordance with the Designation Plans. I accept that position.
- 5.52 Overall I conclude that the traffic effects are, as a whole, positive.

Effects on Access

- 5.53 A number of submitters have raised property access issues in their submissions.
 - Submitter Raeward Fresh was concerned over the access to their commercial
 property from Harewood Road being closed before an alternative access from the
 Orchard Road roundabout was provided. The submitter met with NZTA before
 the hearing, and has reached an understanding with regard to the staging of the
 works. I was advised that Raeward Fresh withdrew the right to be heard, and
 resultantly I consider that the matter has been resolved between the parties.
 - The submission of **Mr Knight and Mr EM Smith** opposed the closure of Avonhead Road at Russley Road, expressing their view that this would disrupt traffic flow

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and lower property values. Their submission was subsequently withdrawn and I have not considered it further.

- Mr McCarthy considered that the Harewood Road underpass location would prevent vehicle access to his residence at 7 Whitchurch Place. In the evidence of Mr Edwards presented at the hearing, it is stated that the issue of site access to the property has been resolved between the parties, and is therefore no longer outstanding. Further matters raised by Mr McCarthy are discussed under the Harewood Underpass section of this decision.
- 5.54 The issue of access was also raised by submitters **Boulder Trust** and **Equus Trust**, and addressed in the evidence of Mr Clark and Mr Wood for NZTA.

Equus Trust

- 5.55 With regard to the Equus Trust, who has sought an additional designation to provide a connection between the Southern Airport Access and Hawthornden Road, a letter was tabled for my consideration, though the submitter did not attend the hearing. That letter:
 - Addressed the LURP, and in particular the requirement for the repair and upgrading of roads and other infrastructure services to be integrated with land use development.
 - Stated that the Canterbury Earthquake Recovery Act (CERA) 2011 requires any person exercising functions under the RMA to not make a decision or recommendation, including on a NoR, that is inconsistent with the LURP.
- 5.56 Therefore Equus Trust sought an amendment to the designation to provide for the road connection outlined above, to be provided by CCC. Equus Trust considered that the relief sought is consistent with the direction of the LURP.
- 5.57 In considering this matter I note the following:
 - Mr Taylor advised me that the Greenfield Priority Area to which land at Hawthornden Road is subject is to be addressed though the second phase of the District Plan Review, and a connection point, with an additional road to be provided at a later date, would be appropriate.
 - NZTA have noted through the legal submissions of Mr Carranceja and the
 evidence of Mr Whaley that while the relief sought be Equus Trust is considered
 to be outside of the scope of the NoR, and there is no jurisdiction to consider it,
 access would be possible, subject to any future project confirming that it will not
 have an adverse impact on the wider roading network.
- 5.58 On the above basis, whilst I adopt the legal opinion provided by Mr Carranceja that the works are outside of the scope of the NoR and therefore cannot be considered, I also am mindful that the statement of Mr Whaley regarding "access being possible"

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meets the assurance sought by Equus Trust in their submission that the NoR "does not preclude a connection though the Greenfield Priority Area".

5.59 Accordingly, not only is it not possible for me to grant the relief sought by the Trust, but importantly my not doing so does not preclude the Trust from pursuing this outcome directly with the CCC as part of the second phase of the District Plan Review.

Boulder Trust

- 5.60 In their submission Boulder Trust sought to secure public access over Syd Bradley Road, George Bellew Drive and Ron Guthrie Drive, which are private access roads in ownership of CIAL, through extending the designation over these roads, or alternatively by requiring they be vested in CCC. Additionally, Boulder Trust submitted that it is inappropriate for NZTA to fund a connection to private land, where there is not any guarantee of future public access over that land. I have addressed this submission firstly in legal terms and secondly from an effects based perspective.
- 5.61 Opening legal submissions to the hearing from Mr Carranceja stated that the extension of the NoR beyond the Southern Airport Access to include the aforementioned roads falls outside of the scope of the NoR, and therefore there is no jurisdiction for me to consider them. Regardless of this assessment, I do canvas the issues raised here.
- 5.62 With regard to the matter of roads being vested in Council, Mr Carranceja noted that Mr Taylor expressed that the Council is currently undergoing a process of vesting roads around the airport, ensuring public access in to adjacent areas to replace Avonhead Road. Mr Ensor also referred to the vesting of these roads, however stated that as NZTA do not hold an interest in either the roads, or the adjacent land, they have not been involved in these discussions. Mr Ensor was of the view that this relief is outside the scope of the matters that can be considered though the NoR.
- 5.63 With regard to the matter of funding a connection to private land, Mr Carranceja responded to the submission as follows:
 - NTZA determine where and when to commit funding to designations, and this is not a concern of the recommending authority
 - There is no statutory prerequisite that local road connections must exist prior to giving effect to a designation
 - The RMA does not prohibit a requiring authority to designate land to provide for connections to/from private land, and in many cases this is intended.
- 5.64 Boulder Trust appeared at the hearing represented by legal counsel, Mr Bayley. Their representation addressed the legal status of the southern airport access as a "public work" and queried whether land can be taken under the Public Works Act 1981 to provide access to privately owned land. Mr Bayley also questioned the necessity of this access to achieve the project objectives. In summary, Mr Bayley considered that

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the provision of access to land owned only by CIAL, and not to legal roads, is not required for the purpose of road improvements, and is not necessary to achieve the objectives of the project, nor for NZTA's government work.

- 5.65 Mr Bayley considered that the legal issue may be remedied by imposing a condition on the designation which requires the vesting of roads in council in order for the southern access to be included.
- 5.66 In the Applicant's written right of reply Mr Carranceja rightly highlighted that as the Commissioner, I have no legal jurisdiction to consider or make a recommendation on PWA issues, therefore this is not relevant to issues to be considered for an NoR under the RMA.
- 5.67 Additionally, Mr Carranceja noted that:
 - "(a) The Transport Agency can seek to compulsory require land for a project of work, which need not be a public work
 - (b)The project or work will be treated as if it were a Government work under the Public Works Act, irrespective of whether or not the work or project is a "public work""
- 5.68 In relation to the issues of access raised by Boulder Trust, the Applicant's response noted that currently access can be gained over Avonhead Road and Greys Road, which are public roads unaffected by the NoR. Furthermore, any formal road stopping proposal would be subject to an independent statutory process, and the Trust would have participation rights to protect its interest if required.
- 5.69 The Applicant has additionally provided evidence of an existing agreement between CIAL and Boulder Trust 16 which guarantees rights of access for the Trust and its visitors over CIAL's privately owned roads, which cannot be revoked without agreement with Boulder Trust.
- 5.70 With regard to the effects of the NoR on the ability of Boulder Trust to access their property, it is clear from the above that while the access directly on to Russley Road from Avonhead Road is no longer available for reasons of safety, alternative access is available and therefore the effects are no more than minor.
- 5.71 Having reviewed the legal evidence of Mr Carranceja, it is clear to me that the relief sought by Boulder Trust is outside of my jurisdiction in consideration of the NoR. While my preference was for the parties concerned to resolve this issue prior to my decision, I may have no further input from a legal perspective, and therefore have not considered this matter further.

¹⁶ Affidavit of Rhys Duncan Boswell, General Manager of Strategy and Sustainability, CIAL

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Summary of access issues

- 5.72 For the above reasons I find as follows:
 - I am legally constrained from granting the relief sought by Boulder Trust and Equus Trust. However I do accept that each party has the ability through existing arrangements and a future process respectively, to maintain and enhance their access arrangements.
 - I acknowledge that other issues of access raised by Mr McCarthy and Raeward Fresh have been resolved between NZTA and the various parties, and no longer consider these to be outstanding.
- 5.73 Overall, I consider that the issue of access has been suitably mitigated by the Applicant where required, and while some properties are likely to experience minor effects based on a change of access due to the NoR, there is no overall loss of access, therefore these effects are no more than minor.

Effects of cycling provisions

- 5.74 There are two issues requiring my consideration that relate to the effects of cycling provisions in relation to the proposal.
 - Firstly, submitters CDHB, Mr Fleming and SPOKES Canterbury sought that a range
 of further cycling facilities beyond those proposed as a component of the NoR be
 included.
 - Secondly, safety issues associated with the Harewood Road pedestrian/cycle underpass were raised in the submission from Urbis on behalf of Mr McCarthy.
- 5.75 I have canvassed each of the issues in turn.

Provision of Cycling/Pedestrian Facilities

- 5.76 Mr Ensor, Mr Wood and Mr Whaley addressed the concerns raised by submitters CDHB, Mr Fleming and SPOKES (as canvassed earlier in this report). In particular, the issues raised by these submitters are as follows:
 - Opposition to the use of the road shoulder for cycling
 - Cycling facilities provided parallel to the Western corridor, using local roads
 - Designation and development of alternative cycle routes
 - Off-road cycling option on the north east side of Memorial Avenue connecting to Burnside Cycleway
 - Lower speeds along Harewood Road, with safe crossing points
- 5.77 The opposition to the use of the road shoulder, raised by CDHB was addressed by NZTA, whom stated that because SH1 is not a Motorway cyclists cannot be prevented from using the route, and the provision of a 2.5 metre carriageway for cycling is an

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improvement to the current 1.5 metre shoulder. Whilst I accept that this does not completely overcome the concerns raised by Dr Humphrey at the hearing, the relief he sought of either extending the width of the cycling corridor or otherwise prohibiting cyclists along the route, is either not practically feasible or is outside my jurisdiction.

- 5.78 With regard to the other issues, while I generally acknowledged that the submitters raise valid concerns, NZTA are of the view that all practicable steps have been taken to address these issues, which, for the most part, fall outside of the scope of the NoR, or, as is the case with reducing road speeds, outside of the jurisdiction of the requiring authority. I note that pedestrian crossings at Harewood Road have been provided through discussions with the Harewood School and Playcentre.
- 5.79 As Mr Carranceja highlighted in his opening, the request for cycling works that fall outside the boundary of the designation are outside of the scope of the NoR, and therefore there is no jurisdiction for me to consider them in this decision.
- 5.80 Having considered the evidence presented before me, I am of the view that in the circumstances NZTA have provided sufficient cycle facilities where possible.

Safety issues associated with Harewood Road Underpass

- 5.81 Four submitters, CDHB, SPOKES, Mr Fleming and Mr McCarthy questioned the proposal for the Harewood Road underpass from a safety perspective. Ms Smith advised that the Crime Prevention Through Environmental Design (CPTED) review of the design included in the NoR documentation at Appendix W identified some problems with the design and location of the underpass due to its excessive length (105metres), isolated location, anticipated low demand, limited activity and surveillance from surrounding land uses and lack of visibility and sightlines at the western entrance. However, the Applicant has proposed the underpass as a component of the NoR.
- 5.82 At the hearing Mr Taylor gave his view that, despite CPTED concerns noted above, from a road safety perspective the provision of an underpass is preferable to pedestrians and cyclists using the multi-laned Harewood Road roundabout. He noted that provision of some link does need to be made in the vicinity of Harewood Road for a grade separated crossing, particularly given Council's intention to operate Harewood Road as one of its *Major Cycle Routes*.
- 5.83 The evidence of Mr Edwards (for Mr McCarthy) canvassed this issue the most thoroughly, and addressed the need, safety and amenity of the proposed Harewood Road underpass.
- 5.84 In his view, the proposed design does not meet CPTED design principles, though no assessment of the potential effects was demonstrated to have been undertaken by NZTA, and no information regarding alternative design options was provided in the AEE. He also commented on the recommendation to approve the overall proposal in

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the s42A report, and the overall independence of this report considering the Council's role in the cycle infrastructure development.

- 5.85 The key matters raised by Mr Edwards, and for which I requested further clarification from the Applicant, are summarised as follows:
 - The establishment of need for the cycle underpass, considering the low count data, the potential for significant cycle growth in the area and the impact of poor design outcomes on the use of cycling facilities;
 - Design of the underpass, and in particular the adopted changes from the Harrison Grierson CPTED review
 - The limited potential for passive surveillance, and hence Mr McCarthy's submission to include security cameras from the outset
 - The perceived social safety issues of the design
 - The choice of intersection and cycleway design option
 - Need for underpass in this location current frequency of traffic low all create public safety and amenity concerns
- 5.86 The Applicant's written reply stated that they had considered the matters raised by Mr Edwards, and still wished to pursue the underpass at Harewood Road, and referred to the written response of Mr Whaley with regard to this matter.
- 5.87 Mr Whaley's written response addresses the questions raised in my Minute 3 and during the hearing as follows:
 - Need/demand for a grade separated cycle crossing
 - · Alternatives considered
 - Detail of design options and constraints
 - Assessment of the current proposal in the context of what is permitted under the existing planning scenario (existing designation and Special Purpose (Road) Zone); and
 - Conditions to address daylighting for the underpass and ducting for potential future CCTV installation.
- 5.88 Mr Whaley stated that the need for cycle and pedestrian facilities has been established through consultation throughout the development of the project. Harewood Road has also been identified by CCC as a key cycle route and a focus for investment to improve cycling facilities, which included modelling of likely demand.
- 5.89 He stressed that the requirement for grade separation for the cyclist and pedestrian crossing is based on safety, as roundabouts in general are known to be unsafe for active transport users. He also noted that additional input from CCC determined that the Council would be unlikely to support a non-grade separated solution as per the existing conditions.
- 5.90 At Mr Edwards' request, Mr Whaley also reviewed the blog post relating to viability of alternative suggested by Mr David Hembrow. Mr Whaley considered that the

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speed of the route, and volume of vehicles using Russley and Harewood roads present an unacceptable safety risk for the Hembrow alternative, and considered this conclusion to be consistent with the views of Mr Hembrow. Other design solutions proposed in Mr Hembrow's other blog were considered by Mr Whaley to present similar CPTED passive surveillance issues determined for the proposed Harewood Road underpass.

- 5.91 The information presented by Mr Whaley demonstrates that a number of options were considered during the development of the proposal and the factors considered when determining the preferred option included road safety, CPTED assessment and input from SPOKES. He advised that the preferred option presented at the hearing was recommended based on the following factors:
 - Least CPTED issues
 - Least road safety issues
 - Minimal visual impact
 - Least property impact
 - Potential for natural lighting within underpass
- 5.92 In terms of what would be permitted under the existing planning scenario, Mr Whaley provided a figure demonstrating that while the proposed underpass would be located within the existing designation, the access ramps at either end would not. Therefore the construction of the proposed underpass would require consent as a discretionary activity.
- 5.93 Finally, Mr Whaley addressed the issue of daylighting through the central length of the underpass and the ducting for potential future CCTV installation. In this respect, I note that a revised condition¹⁷ has been recommended in the Applicant's reply to ensure these design measures are delivered. Mr Whaley also highlighted that the Harewood intersection itself was also refined prior to notification to include an at grade option for pedestrians and cyclists to cross the corridor as an alternative to the underpass.
- 5.94 The underpass issue has been a difficult one to adjudicate on and I am grateful for the material provided by both Mr Edwards and Mr Whaley in this respect. For the most part, I consider that Ms Smith has summarised the crux of the issue of pursuing the Harewood Road Underpass in the following statement:

"...overall it would be beneficial to proceed with the underpass as planned. It will alleviate issues likely to eventuate if a grade separated link is not provided in the north western area of the City, and will provide a safe (from road traffic) option for cyclists and pedestrians to get across the highway. While there is clearly potential for CPTED safety issues to arise, some of these issues relate to perception of the space being unsafe, and it is unlikely that groups of cyclists would be deterred from using the facility. The NZTA has done what it can to

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make the facility as safe as it can, but the fact remains that it needs to link into the local road network to be of any use, and to do so means spanning what is a wide road corridor. Design elements seek to ensure the facility will not be a place where anti-social behaviour prevails, and its isolated location may in some respects assist in this regard..."

- 5.95 Whilst I accept that the proposed underpass is not the perfect solution, and there are some outstanding issues relating to the safety of the design as demonstrated by the CPTED assessment, I consider that Mr Whaley has demonstrated that the alternatives have been fully evaluated and discounted for suitable reasons, many of which also relate to CPTED evaluations. The trigger for the installation of CCTV 'if required' is a potential shortcoming of the proposal, however I find that the installation costs and monitoring requirements as mitigation measures for an effect that may not eventuate is difficult to justify.
- 5.96 As identified by Mr Whaley, the CCC consider Harewood Road a key cycle route, and the development of the proposed underpass contributes to the investment in improved facilities in this area. The provision of the route has been established by the Applicant and the Council as necessary, and while Mr Edwards rightly questions this, no evidence has been presented to demonstrate otherwise.

Conditions

- 5.97 The Applicant and the Council have agreed upon 16 conditions required to avoid, manage and mitigate the actual and perceived effects of the NoR, which were appended to Mr Ensor's hearing evidence. These conditions were briefly addressed by Ms Smith in her report which called for a number of minor changes to road surfacing requirements, fencing and the protection of the Wellingtonia Tree identified in the Christchurch City Plan.
- 5.98 No further discussion was held over the proposed Conditions at the hearing, however in response to Minute 3 Mr Whaley proposed a modification to Condition 1. This modification requires the NoR to be altered in general accordance with (amongst other things) the landscaping plans C-13-002 to C-13-004 and the response to the CPTED review in Appendix W to the NOR. I note that these modifications are included in response to the views of Mr Edwards expressed during the hearing.
- 5.99 In the view of Mr Whaley, these plans clearly show the light tubes providing natural lighting to the underpass from the centre of the roundabout, and the table in Appendix W responds to recommendations made to the CPETED review of the underpass and sets out NZTA's intent to provide ducting for CCTV installation. Mr Whaley referred to wording 'general accordance' as providing a level of flexibility under which NZTA may operate to allow for subtle design changes and issues which may arise during construction.
- 5.100 I note that Ms Smith for the CCC reviewed these conditions and is broadly in agreement with them. However, at the hearing she suggested to NZTA two

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additional conditions to specifically acknowledge their commitment to include daylighting columns and the installation of ducting for CCTV cables at construction time. In her view, it was more appropriate to include specific construction related conditions to deal with these two matters, for clarity, certainty and ease related to enforcement.

- 5.101 I agree that this is the most appropriate approach in this instance for the reasons Ms Smith gave above, but also because I do not wish to see as much flexibility around these issues as Mr Whaley suggested above might be appropriate. With a project of this scale, being less specific about these issues by relying on the "general accordance" approach would lack certainty. The inclusion of two additional construction conditions will ensure the issue is dealt with appropriately.
- 5.102 The proposed Construction Management Plan and Sub-management plans appear to address all relevant effects, and are suitable for a project of this scale.

Summary of Operational Effects

5.103 Having regard to my findings above, the submissions received, the information provided in the NoR and the s42A report, and to the proposed conditions of consent attached to this report, my view is that the confirmation of the proposed designation will have no more than minor effects on the environment.

Other Statutory Tests

Necessity (s171(1)(c))

- 5.104 Section 171(1)(c) of the Act requires consideration of whether the proposed works are reasonably necessary to achieve the objectives of the Requiring Authority for which the designation is sought.
- 5.105 I have already canvassed this is some detail in Section 4 of this report but for the record I simply note that the application states that an upgrade to Russley Road under the *existing* designation would not achieve the project objectives, as the necessary intersection (and other associated) improvements could not occur. These improvements are a key aspect of the project, and are required to achieve RoNS design standards, thus ensuring the level of service, safety and function sought under the project objectives. Considering the scale of the project and the necessity in support of earthquake recovery, NZTA consider the designation process preferable to other consenting avenues. I agree.
- 5.106 As also discussed in Section 4 of this recommended report, I consider that the necessity of the designation as a tool have been demonstrated by the Applicant and also Ms Smith. I accept that this statutory test has been satisfied.

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Consideration of alternatives (s171(1)(b))

- 5.107 I have elected to discuss the requisite consideration of alternatives at this point due to the relationship between the effects assessment and the test under s171(1)(b) of the Act as to whether or not alternatives must be contemplated.
- 5.108 Having concluded that it is unlikely that the works associated with the designation will have significant adverse effects, the remaining consideration to determine whether or not alternatives need be examined is to determine whether or not the requiring authority has "an interest in the land sufficient for undertaking the proposed works."
- 5.109 In this instance, both the NoR and the s42A report of Ms Smith state that the Requiring Authority does not have sufficient interest in the land for undertaking the work. I concur with this assessment and therefore also consider that adequate consideration is required to be given to alternative sites, routes, or methods of undertaking the work, as specified in section 171(1).
- 5.110 A consideration of alternatives as a threshold test required under section 171(1)(b) of the Act has been undertaken and forms part of the application documentation. Alternatives were investigated by NZTA in Section 6 of the NoR documents. Ms Smith highlights that the 2002 Scheme Assessment Report (SAR) looked at alternative approaches to providing a strategic route to act as a City Bypass, major distributor and commuter route, as well as airport access. The overall policy framework shows that alternative routes have been assessed at various times in the past, before commitment to the current Western Corridor State Highway was agreed upon by the relevant strategic partners.
- 5.111 Methods for undertaking the works have been summarised in Table 6-1 of the application and in Appendix L. The consideration of cyclists, stormwater management, and grade separation has been purposely chosen to maximise safety and efficiency gains. Additionally, the proposal makes use of an existing designation, rather than trying to consent a new route.
- 5.112 Ms Smith concurred with the view of the requiring authority that pursuing an alternative route to that proposed in the NoR at this late stage (given the identification of the Western Corridor as a short term project in the LURP, and in The Greater Christchurch Transport Statement), would be unlikely to support the goals of the Recovery Strategy.
- 5.113 On the above basis, and to the extent that they need to be assessed, I am satisfied that alternatives have been thoroughly investigated in the interests of minimising both operational and environmental costs and maximising efficiency.

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Policy and Plan Matters (s171(1)(a))

- 5.114 Under s171(1)(a) of the RMA I am required to have particular regard to relevant policy provisions in the relevant statutory instruments.
- 5.115 The relevant statutory instruments to consider for my evaluation were well canvassed by Ms Smith in her s42A report. These included:
 - the Land Use Recovery Plan 2013,
 - the Canterbury Regional Policy Statement 2013,
 - Christchurch City Plan,
 - Canterbury Regional Land Transport Strategy (RLTS),
 - The Greater Christchurch Transport Statement 2012,
 - the Government's Roads of National Significance programme; and
 - the Recovery Strategy for Greater Christchurch 2012
- 5.116 Policy matters have also been fully canvassed by the Applicant in the statement of evidence of Mr Ensor. Further, no submitters raised any policy issues.
- 5.117 On balance, I adopt Ms Smith's findings and the view of Mr Ensor that the NoR is consistent with the objectives and policies of these plans/strategies.
- 5.118 Insofar as the matters to have particular regard to under s171(1)(a) of the RMA are concerned, my view is that the NoR is consistent with the relevant policy provisions in the relevant statutory instruments.

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6 PART 2 OF THE RESOURCE MANAGEMENT ACT / OVERALL EVALUATION

Context

6.1 The final consideration for this report is to evaluate the proposal against the purpose and principles set out in Part 2 of the Act. This includes an evaluation as to whether or not the proposal has sufficiently recognised and provided for all matters of national importance (s6), and whether or not it has given sufficient regard to the other matters outlined in s7 and the principles of the Treaty of Waitangi (s8).

Section 6 - Matters of National Importance

6.2 Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this NoR. Of particular relevance to this decision is:

Section 6 (f) - the protection of historic heritage from inappropriate subdivision, use, and development

6.3 The protection of the Wellingtonia Tree through the NoR is considered to recognise and provide for section 6 of the RMA. No other matters of national importance are considered relevant to the proposed works.

Section 7 - Other Matters

6.4 Section 7 includes matters that I am required to have particular regard to. In this case the relevant section 7 matters are as follows:

Section 7(b) – The efficient use and development of natural and physical resources;

Section 7(c) – The maintenance and enhancement of amenity values;

Section 7(f) – Maintenance and enhancement of the quality of the environment.

6.5 It is noted that 'amenity value' is defined under section 2 of the Act as:

"Those natural or physical qualities or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".

- 6.6 In terms of the above, I find that:
 - the proposal provides for more efficient use and development of the transport network;
 - the mitigation measures proposed, including landscaping, would maintain amenity values and the quality of the environment;

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• the project is consistent with the relevant section 7 matters.

Section 8 - Treaty of Waitangi

6.7 There are no matters relevant to Section 8 of the Act associated with this application.

Section 5/Overall Summary

6.8 In relation to this application, consideration under Part 2 of the Act (and specifically Sections 5 and 7) requires balancing of the needs and well-being of the wider community. In this respect I adopt the conclusion of Ms Smith who stated;

"The proposal will contribute positively to the sustainable management of this section of SH1 as a physical resource and community asset. It will play an important part in enabling the community to provide for their social, cultural and economic wellbeing and particularly their health and safety while avoiding, remedying or mitigating significant adverse effects on the environment, and on the life-supporting capacity of land, water and air"

- 6.9 Having regard to the above, and for all the reasons set out in section 5 of this recommendation report concerning effects, the provisions in the relevant statutory documents, necessity of the project and alternatives, I find and determine that the sustainable management of resources can be achieved by confirming the NoR, subject to conditions (as prescribed in Appendix 3) that avoid, remedy or mitigate any adverse effects of the project on the environment.
- 6.10 Accordingly, as the independent Hearing Commissioner, acting under delegated authority from the Council, pursuant to Part 8 of the Resource Management Act 1991, and under the provisions of the Christchurch City Plan, I recommend to the requiring authority, NZTA, that its **notice of requirement be confirmed subject to the conditions** set out in Appendix 2 of this report.

Dated at Christchurch this 16th day of June 2014

DJ McMahon

Independent Commissioner

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Appendix 1

Table of Submissions and agreed outcomes

No.	Submitter	Support /oppose	Submission points	Submission detail	Steps taken to address submission	Outcome
1	Wallace Bros & Hellaby Meats (SI) Ltd (Raeward Fresh)	Support with exceptions Wish to be heard	Access to Raeward Fresh from Harewood Road	Programming of works to complete the Orchard Road roundabout before the right turn access from the Harewood Road entrance to Raeward Fresh is cut-off.	Works will be programmed to complete the Orchard Road roundabout before the right turn access from the Harewood Road entrance to Raeward Fresh is cut-off. This will be written into the construction contract.	Submitter withdrawn wish to be heard 20/2/2014
2	GC Knight and EM Smith	Oppose Wish to be heard	The closure of Avonhead Road Further widening of SH1 Russley Road	Will disrupt traffic flows and lower property values. Will impact on value and amenity of 302 Russley Road. Open to total property purchase.	Discussions had with submitters to explain the change in effects associated with the Project. The response from NZTA has resolved the amenity aspect of the submission.	Submission withdrawn 11/4/2014
3	Christchurch International Airport Ltd. (CIAL)	Support with exceptions Wish to be heard	Showing detail of CIAL realignment of Ron Guthrey/Peter Leeming roads Orchard Road extension and Harewood/Orchar d Road intersection upgrade. Relocation of the Spitfire Memorial	Drawings issued should identify realigned Ron Guthrey/Peter Leeming road signalised intersection to allow all parties to fully understand long term access arrangements. CIAL would like confirmation that the roundabout at the Orchard Road/Harewood Road intersection has been designed to accommodate heavy vehicle use into the future if an Orchard Road extension onto McLeans Island Road occurs. CIAL believe CCC and NZTA should be funding partners in relocating the two memorials located at the Memorial Avenue intersection. To enable this discussion CIAL believes CCC need to confirm the following: 1) The ownership status of the memorials; 2) The setback requirements from the intersection; 3) That the large memorials do not create any negative safety or visual effects in their current location.	Meetings and written communication with submitter has led to the following response from the Transport Agency: • The Transport Agency has told CIAL that they will not update the set of drawings lodged with CCC as part of the NoR but will ensure that future design plans show the Ron Guthrey/Peter Leeming signalised intersection. • The Transport Agency confirmed that the design of the Harewood/Orchard Road intersection can accommodate vehicles that may utilise future extensions of Orchard Road. • The Transport Agency confirmed that there is no design or safety issues associated with the Spitfire or other memorials in their current location and that the Transport Agency does not see any need to relocate these memorials.	Submitter withdrawn wish to be heard 18/3/2014
		corner of SH1 Russley Road and Harewood Road	Russley Road and Harewood Road Vertical elements of project in proximity to operational	CIAL seek confirmation that the proposed service station development is still feasible alongside the NZTA's proposal. Specifically: 1) An off ramp that provides space for deceleration from 80km/hr to 30km/hr (85-100m) 2) An off ramp that diverges at a rate of 1in 15 3) An off ramp with a traffic lane of 4m with 2m shoulders. CIAL is concerned that the gateway arch and lighting may pose a hazard to air traffic. CIAL recommends that the bridge is painted in a manner that eliminates light reflection. CIAL wishes to review the lighting strategy to ensure it complies with safe airfield operations. CIAL have requested that NZTA are	The Transport Agency confirmed that the current road design does not preclude the development of a service station at the southwest corner of SH1 Russley Road and the Harewood Road intersection. The Transport Agency confirmed that it has taken into account the end protection requirements at the end of runway 29 in the design of the Gateway Arches and other road elements such as street lighting. Written confirmation that the design of the arch lighting will not adversely affect air traffic safety has been obtained from Airways New Zealand subject to a post construction check. The Transport Agency	

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				cognisant of the development restrictions around runway ends in the City Plan. CIAL seeks confirmation that budget has been approved to deliver the landscaping and visual features proposed. CIAL would like the opportunity to work alongside NZTA and their contractors to enable effective traffic management and stakeholder communications.	acknowledges that CIAL is a significant stakeholder for this project and will involve them in partnering meetings which will discuss, among other things, traffic management during construction.	
4	Mahaanui Kurataiao Ltd. (MKT)	Opposed Wish to be heard	A cultural assessment is required. Project to recognise and provide for tangata whenua values (kaitiakitanga, mahinga kai, and protection and restoration of natural features of cultural significance)	Runanga specifically seek that the following matters are addressed: 1) Reference to cultural landscapes in design statements and context analysis; 2) An assessment of Ngai Tahu cultural values; 3) Restrictions (conditions?) that directly relate to the maintenance and enhancement of tangata whenua values and the cultural landscape; 4) Controls relating to accidental discovery of cultural materials; 5) Incorporation of a wider variety of indigenous plant species in landscaping; 6) Incorporation of the Mahaanui accidental discovery protocol; 7) Continued consultation on the final design and implementation of the gateway arches.	Meetings and written communication with submitter has led to the following: MKT being satisfied with the process undertaken to address cultural concerns; Agreeing to limiting the exclusion zone around the site of an accidental discovery to 100m; and The inclusion of an MKT representative on the Cultural Advisory Group to be set up with three Rünanga representatives.	Submitter withdrawn wish to be heard
5	Canterbury District Health Board (CDHB)	Oppose in part Wish to be heard	Amend outline plan to provide safe and strategic cycling and footpath connections.	The CDHB strongly opposes the promotion of the use of the road shoulder for cycling. The pedestrian/cycle underpass at Harewood Road presents safety issues for pedestrians and cyclists. The road layout of the Memorial Avenue intersection is very dangerous for pedestrians and cyclists. Cycle crossing facilities proposed are very dangerous and should be better designed to reduce transport mode conflict. This design has not been constructed on the Christchurch Southern Motorway (CSM). The CDHB recommends separate cycling facilities along the western corridor similar to along CSM.	Meetings have been held with the submitter and a written response to concerns also provided.	Submitter to appear at hearing
6	SPOKES Canterbury	Opposed in part Wish to be heard	Minimum requirements for project to meet its stated goals of supporting all transport modes	Proposed 2.5m shoulders puts cyclists at a disadvantage and at risk. A well separated cycle lane or signals at ramps is required. Provide advance stop boxes and first start green light advantage. Bollards or other separation to be provided at intersections to discourage drivers from using the cycleway as a turning lane. No indication that hook turn street markings or signage will be provided. Future proof Memorial Avenue intersection by adding off road cycle option on the north east side of Memorial Avenue and connect to	Meetings have been held with the submitter and a written response to concerns also provided. Issues have been distilled to the following: Proposed 2.5m shoulders puts cyclists at a disadvantage and at risk. SPOKES would like to work with the Transport Agency and CCC to identify, designate and develop alternate high quality cycle routes on adjacent roads; Leave underpass open through Harewood Road or install an overpass to better	Submitter to appear at hearing

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				existing Burnside cycleway. Location of Harewood Road underpass forces users to cross up to five lanes of traffic or cross SH1 at grade. Provide shared underpass/overpass on both sides of Harewood Road or signalised crossings. Leave underpass open through Harewood Road to better meet CPTED goals. Provide cycling connection from Avonhead Road to SH1 Russley Road. Provide a ramp directly from SH1 to Dakota Park access (south bound).	meet CPTED goals; • Memorial Avenue crossing should be future proofed by adding an off road cycling option on the north east side of Memorial Avenue connecting to the existing Burnside cycleway; and • Speeds along Harewood Road need to be lowered and safe crossing points created on both the west and east to allow non-motorised users to access the Harewood Road underpass.	
7	R Fleming	Oppose in part No wish to be heard	Provide a separated cycle lane along this section of SH1.		A meeting was held with submitter.	Submitter did not wish to be heard
8	G and K Corsten	Oppose Wish to be heard	Property access at 733 Harewood Road	Concerned that changes to Harewood Road will restrict access to their property at 733 Harewood Road, specifically the ability to turn right onto Harewood Road.	A meeting was held with the submitter and a written response to concerns also provided. Importantly the Transport Agency confirmed that the Project will not prevent the ability to turn right onto Harewood Road.	Submission withdrawn 11/4/2024
9	Canterbury Regional Council (CRC)	Support No wish to be heard	The project is consistent with regional transportation strategy and key objectives in the Canterbury Regional Policy Statement including provisions inserted by the Land Use Recovery Plan.		Submitter in full support. A written response to the submission was provided indicating that the Transport Agency was available to discuss the submission if required.	Submitter did not wish to be heard
10	Harewood School	Oppose Wish to be heard	Increased traffic past Harewood School poses safety risk for parents and children using Harewood School and Playcentre.	Make speed limit 50km past school on Harewood Road. Install pedestrian lights outside school. Improve parking and footpath areas.	Meetings have been held with the submitter and a written response to concerns also provided. This has led to the following response from the Transport Agency: • The Transport Agency in conjunction with the CCC, is proposing to combine a pedestrian refuge with the current school crossing opposite the Harewood School entrance; • The design of the shared cycle and pedestrian path and stormwater treatment devices (swale) on Waimakariri Road will not impact on the ability of the public to park in this area.	Submitter has withdrawn their wish to be heard
11	Harewood Playcentre	Oppose Wish to be heard	Increased traffic past Harewood School poses safety risk for parents and children using Harewood School and Playcentre.	Make speed limit 50km past school on Harewood Road. Install pedestrian lights outside school. Improve parking and footpath areas.	Meetings have been held with the submitter and a written response to concerns also provided. This has led to the following response from the Transport Agency: • The Transport Agency in conjunction with the CCC, is proposing to combine a pedestrian refuge with the current school crossing opposite the Harewood School entrance; • The design of the shared cycle and pedestrian path and	Submitter has withdrawn their wish to be heard

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12	Devon Downs	Oppose Wish to be heard	Proposed designation will degrade and devalue the property (751 Harewood Road)		stormwater treatment devices (swale) on Waimakariri Road will not impact on the ability of the public to park in this area. A meeting was held with the submitter and a written response to concerns also provided. Importantly the Transport Agency confirmed that the Project will not prevent the ability to turn right onto Harewood Road and that the designation required for the construction of the 'tie-in' to Harewood Road will be lifted once construction is complete.	Submission withdrawn 18/3/2014
13	M M ^c Carthy	Oppose Wish to be heard	Opposed to Harewood Road underpass	Underpass location will prevent vehicle access to the residence at 7 Whitchurch Place. May result in conflict between vehicles and cycles at intersection of Waimakarri and Harewood Roads. Demand for underpass is not clear. Given the negative CPTED assessment submitter is concerned that it may result in more than minor effects.	Meetings have been held with the submitter and written material exchanged. This has resulted in the following: • An amendment to the proposed vehicle access to 7 Whitchurch Place has been agreed with the submitter. and • There remains disagreement regarding the effects on amenity due to the presence of the proposed underpass.	Submitter to appear at hearing
14	Boulder Trust	General support with exceptions Wish to be heard	Future public access over airport roads	It is inappropriate for NZTA to commit significant funding to providing connection to private land where there is no guarantee of future public access over that land. Ensure there is provision for continued and uninterrupted public access over Syd Bradley Road, George Bellew Drive and Ron Guthrey Drive through extending the designation over these roads; or Require that these roads are vested with CCC; or Have in place another enforceable legal mechanism to provide continues and uninterrupted public access across these roads.	Meetings have been held with the submitter and written material exchanged. The submitter still wishes to appear at the hearing.	Submitter to appear at hearing
15	Memorial Avenue Investments Ltd.	Support Wish to be heard	Roading improvements are necessary to accommodate current and projected increases in traffic volume.	access across trese roads.	Submitter in full support. A written response to the submission was provided indicating that the Transport Agency was available to discuss the submission if required.	Submitter did not wish to be heard
16	Equus Trust	Support with exceptions Wish to be heard	Provide a connection from the Southern Airport Access through to Hawthornden Road.	To facilitate access to SH1 in lieu of the closure of Avonhead Road and to provide access to Greenfield Priory Business Area B9.	A meeting was held with the submitter and a written response provided. This stated that the Transport Agency was not going to designate land for a local road connection through to the submitters land on Hawthornden Road.	Submitter did not wish to be heard but has provided a written response to be tabled at the hearing.

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Appendix 2

Conditions

General Conditions – 1- 6 to be included in the City Plan

- 1. The designation of State Highway 1 (SH1 / Russley Road) shall be altered in general accordance with:
 - (a) the Designation Plans attached in the appendices to the Notice of Requirement to alter the existing State Highway 1 Designation;
 - (b) the associated assessment of environmental effects;
 - (c) the response from NZ Transport Agency to the request for further information dated 30 October 2013; and
 - (d) the letters from NZ Transport Agency in February and March 2014 updating agreements with submitters and correspondence confirming changes to the proposal.

The above documents are contained in Council records as RMA92023223 (Approved Designation Documentation).

Advice Notes:

For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the Project following construction, such as changes to street furniture or signage over time. Depending upon the nature of such works, Outline Plans or Outline Plan waivers may be required for any such works.

The Notice of Requirement to alter the existing State Highway 1 designation includes all the information that would be required to be provided with an Outline Plan under Section 176A of the RMA, therefore once the designation is confirmed no separate Outline Plans for construction of the works shown in the said support documentation will be submitted.

An Outline Plan may be prepared and submitted for any works not included within Condition 1 in accordance with the requirements of Section 176A of the RMA.

- 2. Open Graded Porous Asphalt (OGPA) or other road surfacing producing equivalent or better noise adjustments when compared to asphaltic concrete (AC-10) shall be applied to SH1 Russley Road and interchanges, except that roads with a speed limit of 60 km/hr or less may be surfaced with an alternative low-noise surface such as asphaltic concrete (AC), and high stress areas such as intersections may be surfaced with stone mastic asphalt (SMA). If a chip seal road surface is used initially, the low noise road surface above shall be implemented within 12 months of the completion of laying the chip seal surface.
- Any operational highway lighting located within 20m of a residential dwelling shall be fitted with 'KAOS 2 250w P3 High Pressure Sodium' luminaires, or other luminaires, giving a light output of less than 5 lux at the façade of any residential dwelling.

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- Landscaping shall be undertaken in general accordance with the landscape plans C-13-000 to C-13-001, C-13-005 to C-13-017 Revision A and C-13-002 to C-13-004 Revision C.
- A 1.2m high fence creating a solid visual screen shall be erected at the location shown on Figure 9-9 of the Notice of Requirement for the purposes of mitigation against headlight glare.
- 6. The NZ Transport Agency decision on this designation dated (NZTA to insert date as part of Section 172 decision) includes further conditions numbered 7-18 which also apply to this designation. These conditions deal with the control of potential adverse effects and mitigation measures agreed as applying during the construction period for this project.

Construction Environmental Management Plan – Conditions 7-18 not to be included in the City Plan

- 7. The NZ Transport Agency or their agents shall prepare a Construction Environmental Management Plan (CEMP) that outlines the construction plan and associated procedures to be adopted in the construction and maintenance of the upgrade to SH1 / Russley Road as proposed. The CEMP shall, as a minimum identify:
 - a) the purpose, duration and scope of the CEMP;
 - b) the environmental objectives, management approaches and methods;
 - c) the environmental management responsibilities in all areas of preparation, construction, maintenance and mitigation measures to apply throughout the whole of the construction period;
 - d) construction processes and techniques, and associated effects monitoring, management, maintenance and reporting;
 - e) emergency response and contingency measures such as hazardous substance spill response methods and reporting;
 - f) accidental discovery protocol's for the disturbance and / or discovery of any material or artefacts likely to be pre-1900 in origin;
 - g) site signage locations with 24-hour contact details;
 - h) complaint recording, response and reporting procedures;
 - i) any sub-management plans as may be necessary to address specific aspects of effects mitigation during construction.
- 8. The CEMP shall include information, plans, maps, diagrams and drawings as may be necessary to identify:
 - a) the location, extent and anticipated duration of Construction Management Areas (CMA's);
 - b) staging, construction access and egress points, stockpile areas, stormwater management areas, and site facilities;
 - c) site facilities / storage areas for plant and equipment;
 - d) refuelling procedures and locations, including spill management and emergency management procedures;
 - e) CMA rehabilitation and / or reinstatement procedures where necessary;

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- f) contractual arrangements where necessary to demonstrate compliance with these conditions;
- g) traffic management and access management during construction, particularly where the works will interface with and may affect traffic using roads intersecting with the project corridor. Traffic management shall be carried out in accordance with the NZ Transport Agency's "Code of Practice for Temporary Traffic Management", and shall be specified in a Temporary Traffic and Property Access Management Plan.
- 9. Prior notice of construction works that may affect land owners, occupiers or activities within 100m of the edge of the construction zone shall be provided in writing where possible, no less than 10 working days prior to that activity commencing. Access arrangements will be made where necessary, in consultation with directly affected landowners or occupiers.
- 10. No less than one month prior to commencing construction, the NZ Transport Agency or its agents shall provide the CEMP and sub-management plans to the consent authority, confirming that:
 - a) the CEMP and sub-management plans have been prepared and completed by, or in consultation with appropriately experienced and qualified practitioners; and
 - b) the CEMP and sub-management plans adopt the mitigation measures identified in the Notice of Requirement documentation and / or otherwise required under the conditions of the designation; and
 - c) that the implementation of the CEMP and sub-management plans will appropriately mitigate the anticipated adverse effects of the public work.

The requiring authority shall provide the CEMP and sub-management plans to all contractors working on its behalf.

- 11. The NZ Transport Agency shall amend the CEMP or any sub-management Plan at any time that it is necessary to maintain or enhance the degree or extent that any adverse effects resulting from construction or maintenance activities are avoided or mitigated. A copy of any amendments shall be provided to the Christchurch City Council for its information.
- 12. All works shall be carried out in accordance with the CEMP and submanagement plans or their amendments.

Sub-management Plans

- 13. The following sub-management plans shall be prepared in conjunction with, and subject to the CEMP:
 - a) Hazardous Substances Management Plan;

The NZTA will develop and implement a Hazardous Substances Management Plan (HSMP). The HSMP will detail the procedures and methods for the storage and distribution of hazardous substances on the project site. The HSMP will include as a minimum:

- i. Details of hazardous substances stored on site;
- ii. Location of hazardous substance storage areas;
- iii. Details of any resource consent requirements;

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- iv. Procedures and methods for the storage, handling and distribution of hazardous substances to avoid, remedy or mitigate any effects on the environment;
- v. Spill procedures; and
- vi. Details of the person(s) responsible for the implementation of the HSMP.

b) Contaminated Material Management Plan;

The NZTA shall develop a Contaminated Material Management Plan (CMMP) and implement this throughout the course of the project. The CMMP shall outline the procedures to be followed to identify and manage contaminated land that may exist on the project site.

The CMMP shall as a minimum address the following:

- i. Procedures to identify the presence of contaminated material;
- ii. Protocol for unexpected discovery of contaminated material;
- iii. A description of how effects associated with the material will be assessed and managed. This shall include but not be limited to:
 - Measures to avoid, remedy or mitigate effects on groundwater;
 - Measures to manage landfill gas;
 - Sediment control measures including the management of dust; and
 - Measures to protect human health.
- iv. Procedures for handling contaminated material;
- v. Procedures for disposal of contaminated material;
- vi. Validation sampling procedures;
- vii. Stormwater management;
- viii. The requirements, roles and responsibilities of those implementing the CMMP;
- ix. Regulatory requirements;
- x. Emergency procedures; and
- xi. Reporting requirements.

c) Erosion, Sediment Control Plan:

This Plan shall be consistent with Environment Canterbury's *Erosion and Sediment Control Guidelines 2007* or its successor;

d) Construction Noise and Vibration Management Plan:

A Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably experienced acoustical consultant in accordance with the standard NZ Transport Agency draft CNVMP format¹⁸ that:

- i. identifies the construction programme, construction activities likely to cause significant noise and / or vibration, and any sensitive parties and / or locations potentially affected by construction noise and vibration:
- ii. outlines baseline noise and vibration monitoring at sensitive locations, and ongoing monitoring and reporting as necessary in response to construction activities;
- iii. applies appropriate construction noise and vibration limits, including restrictions on operating times and days where appropriate;

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¹⁸ Available from the NZTA website.

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- iv. specifies measures to be adopted to avoid or minimise adverse construction noise effects, consistent with New Zealand Standard NZS6803: 1999 "Acoustics Construction Noise".
- v.identifies and adopts construction methods, equipment, plant and frequencies as necessary to avoid or minimise adverse vibration effects on buildings, properties, activities and affected parties adjacent to construction works.
- vi. Includes a complaints, response and reporting procedure

e) Tree Protection Plan

A Tree Protection Plan outlining the measures and procedures for working around the Wellingtonia (Sequoiadendron giganteum) ID 5475 shall be prepared by a suitably qualified and experienced Arborist prior to any on site works starting at this location. The plan will include but will not be limited to:

- i. A statement with regard to tree stability
- ii. A plan showing the tree root protection zone and access around the tree
- iii. Pre-construction tree maintenance
- iv. Construction phase tree/root monitoring
- v. Drainage
- vi. Protective fencing or barriers during construction
- vii. Roots outside the root protection zone
- viii. Soft landscaping
- ix. Monitoring tree health post construction
- x. Details of those responsible for implementing the tree protection plan
- xi. A requirement that any work within 10 metres of this tree shall be conducted under the supervision and direction of a suitably qualified and experienced Arborist.
- xii. A requirement that any soil excavation within 10 metres of this tree shall utilise hand digging only, unless other methods are approved and overseen by the supervising Arborist.

The tree protection plan shall also outline procedures for working around other protected trees within the project area. These procedures shall include:

- i. A statement with regard to tree stability
- ii.A plan showing the tree root protection zone and access around the tree
- iii. Protective fencing or barriers during construction

Accidental Discovery

14. In the event of any disturbance of koiwi tangata (human bones) or taonga (treasured artefacts) the procedures set out in the Accidental Discovery Protocol detailed in Condition 15 shall be implemented.

Accidental Discovery Protocol

- 15. In the event of any discovery of archaeological material:
 - a. the consent holder shall immediately:
 - i. cease earthmoving operations in the affected area and mark off the affected area;
 - ii. advise the Christchurch City Council of the disturbance; and
 - iii. advise the New Zealand Historic Places Trust of the disturbance.

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- b. If the archaeological material is determined to be Koiwi Tangata (human bones) or taonga (treasured artefacts) by the New Zealand Historic Places Trust, the consent holder shall immediately advise the office of the appropriate rūnanga (office contact information can be obtained from the Christchurch City Council) of the discovery.
- c. If the archaeological material is determined to be Koiwi Tangata (human bones) by the New Zealand Historic Places Trust, the consent holder shall immediately advise the New Zealand Police of the disturbance.
- d. Work may recommence if the New Zealand Historic Places Trust (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to the Christchurch City Council, that appropriate action has been undertaken in relation to the archaeological material discovered. The Christchurch City Council shall advise the consent holder on written receipt from the New Zealand Historic Places Trust that work can recommence.

Advice Note: This may be in addition to any agreements that are in place between the consent holder and the Papatipu Runanga (Cultural Site Accidental Discovery Protocol).

Advice Note: Under the Historic Places Act 1993 an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. For sites solely of Māori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metals, etc, may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/koiwi may date to any historic period.

It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The Historic Places Act provides for substantial penalties for unauthorised damage or destruction.

- 16. Temporary lighting for construction work shall be directed away from adjacent residential properties wherever practicable.
- 17. Daylighting columns as shown in Council records at "RFI Response 13 Appendix E.4 Replacement plan showing changes to location of underpass structure Harewood roundabout C-13-002 C-13-004" and in Appendix W to the NOR, shall be installed in the Harewood Road underpass at the time of construction.
- 18. As part of the construction of the Harewood Road underpass, ducting to provide for future CCTV installation to the underpass shall be provided.

Advice Note: (not to be included in the City Plan)

NZTA has agreed to fund three sets of on-street works as part of this project as outlined in Adam Taylor's report. While this arrangement is not readily able to be included in the conditions of consent, given the requirement for these works to go through a Local Government Act process, they are nevertheless considered to form part of the proposal.

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QTP Ltd Level 1 • Cowlishaw Mews • 48 Worcester Boulevard PO Box 106 • Christchurch 8140 • New Zealand

Memorandum

То:	Kelly Griffiths, CCC
From:	Paul Roberts, QTP
Subject:	Wings to Wheels Major Cycle Route (Harewood Road) – CO2 Assessment
Date:	23 November 2021
Сору:	Oliver Brown (CCC Major Cycleway Routes - Delivery Team) Mark Gregory (CCC Asset and Network Planning)

1 Introduction

Thank you for asking QTP Ltd to comment on the potential impacts on carbon emissions¹ of the proposed Wings to Wheels (**W2W**) Major Cycle Route (**MCR**).

QTP are well-qualified to assist in this matter, given our prior involvement with related matters on behalf of CCC and partner agencies, including development of city-wide cycle, strategic transport and traffic models and preparation of economic assessments to support funding applications for the MCR programme.

Although this memorandum does offer supporting detail below, it may be helpful to summarise our 'headline' conclusions at the outset here:

- The enabling works for the W2W project are predicted to have modest impacts on travel times along the Harewood Road Corridor
- Because of the forecast speed reduction however, the works are actually anticipated to reduce (non-cycle) vehicle demand within the corridor itself, to the extent that total CO₂ emissions would actually reduce, if *only* vehicle travel along Harewood Road is considered by around 17% annually, compared to the existing road and intersection layout.
- The assessment however has considered not only Harewood Road, but also a wider local area (bounded by Sawyers Arm Road and Wairakei Road) and indeed Greater Christchurch network impacts. This was then updated to include mode shift to cycle.
- The forecast CO₂ emissions will be effectively marginal or neutral when a wider local area

Greenhouse gases include water vapour (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone and halocarbons. Global Warming Potential (GWP) is measured by CO_2 -e or Carbon dioxide equivalent, a way to express the GWP of each different greenhouse gases, in terms of the amount of CO_2 that would create the same amount of warming. E.g. MoE adopt the following global warming potentials: CO_2 -e = CO_2 + ($298 \times N_2O$) + ($25 \times CH_4$). However, because motor vehicle exhaust N_2O and CH_4 emissions produced by engines are now strictly controlled (including by catalytic convertor) they only add around +1.2% to GC motor vehicle GWP of CO_2 alone (and this is declining).



(and indeed Greater Christchurch as a whole) is considered², given that these areas take due account, for example, of traffic reassigning from Harewood Road to other parts of the network, as well as the potential impacts (mainly positive) on side road accessibility.

- The results of local area analysis indicate a potential 5 tonne/year increase (0.01%) in CO₂-e emissions compared to the existing network. CO₂-e emissions from mode shift are however expected to reduce by 704 tonnes/year (-1.6%), resulting in a project net decrease of 700 tonnes/year (-1.6%) in emissions from the Local Area.
- Net Greater Christchurch CO2-e emissions have been forecast to reduce by 447 tonne/year (-0.05%) when traffic and mode changes are considered, with a net value of between \$27,300-\$54,600/year.
- Indeed, it should be noted that this may be a 'worst-case' scenario, given that:
 - The net effects of the W2W works could be even less, if compared to a 'potential base' that includes works that could proceed irrespective of W2W: These include a planned re-phasing at the Greers/Harewood traffic signals to improve safety, installation of signals at Breens/Gardiners/Harewood and two programmed cycle crossings at the eastern end to support the Northern and Nor'West Arcs MCRs.
 - It does not take into account the potential for reduction in vehicle demand due to mode shift to cycle (both in the corridor and on the wider network). This can be shown (below) as likely to offset any marginal local or indeed wider area increase.
 - It does not take into account the potential for a further small reduction in vehicular demand due to 'road diet' (the reverse of 'induced demand')
 - Our assessment reflects the Cycleway works being implemented 'today' (2021) and therefore does not take account of *further* diversion of traffic from Harewood Road anticipated due to wider network changes programmed within the next 10 years (e.g. improvement of the Northcote/Sawyers Arms corridor) noting that previous modelling by CCC has indicated this is likely to outweigh increases due to general population and employment growth. These changes are therefore likely to further reduce any marginal net adverse impact on emissions of the proposals (before mode-shift is accounted for).

2 Background

Given the range of factors that can influence uptake of then-proposed network of 13 Major Cycle Routes (MCRs), in addition to Central City cycleways & the Coastal Pathway, in 2016 a 'probability-weighted' estimate of the overall MCR package benefits was determined by QTP using both the Council's Christchurch Strategic Cycle Model (CSCM) and the Christchurch Assignment and Simulation Tool (CAST) Model - the latter being used to establish potential impacts on other motorised road users (light and heavy vehicles and buses).

This determined that the Present Value (PV) of Benefits of the full programme over a 40 year evaluation period was around \$800m for a then-estimated MCR total cost present value of \$147.5m, including increased opex. (The actual undiscounted capex of the 13 routes at that time

Compared to the Existing Layout, the Proposed Changes are anticipated to effect a change to CO₂-e of +5t/year for the Local Area (+0.01%), while for Greater Christchurch the change is predicted to be +257t/year (+0.03%), before account is taken of potential CO₂-e emission reduction through encouraging mode-shift to cycling.



being estimated at some \$160m). Put another way, the 'Benefit-Cost' ratio was (then) estimated to be around 5.4 with a potential range between 4.9-6.0³.

Of the total MCR package, W2W was estimated to generate some \$31.45m in Total Benefits, for a then-estimated MCR total cost PV of \$5.62m, including increased opex. (The actual undiscounted capex of the route then being estimated at some \$7.8m). Put another way, the 'Benefit-Cost' ratio for this route was estimated (if forming part of the full package of MCR's proposed), to be around 5.6 with a potential range between 5.0-7.0. It should be noted that benefits would likely to be lower than this if individual routes, such as W2W, were constructed as a stand-alone entity, because the 'network-effect' in terms of increased attracted demand and in particular improved cyclist safety would be lower.

Some 66% of MCR benefits are estimated to arise through 'Health and Environment' benefits, principally through the added km of new cycling engendered. Of this the bulk is made up of improved health outcomes for new cyclists (reduced morbidity and mortality), but around 6% was estimated due a reduction in Air Pollution and Greenhouse Gases. principally because the more-attractive cycling facilities encourage *some* of the anticipated new users to transfer to travel by bike, rather than by car. (Other forecast users include both existing cyclists diverting to use the cycleway, and completely new trips) The overall 'Greenhouse Gas' benefits (as valued *directly* by NZTA) thus equated to around \$0.10c/km⁴ for each km cycled. It should perhaps be noted that total benefits arise from additional cycle use encouraged by the MCR's *throughout* the network not just on the MCR's themselves.

However, apart from 'Health & Environment' Benefits, the other biggest contributor to the estimated benefits of the MCR programme (including W2W), at a PV of around \$223m, was actually the value of 'Decongestion, forming around 28% of total (PV) benefits. This significant benefit arises from the actual Travel Time (TT) and Vehicle Operating Cost (VOC) Savings to road network users who choose to continue to travel by car (or bus) and rise over time because of an overall reduction in road congestion estimated to arise from a predicted increased mode shift to cycle given completion of the MCR network. Although 'small' in terms of the proportion of *all* network trips, use of cycling is expected to nearly double over the next 20 years or so as a result of the MCR network (and other factors such as rising road congestion), realising an increase in cycling mode share from around 2.4%, to 3.5% by 2041⁵.

That said, the future road networks to which predicted vehicle demand was loaded (in the without-MCR and with-MCR scenarios) to establish the decongestion benefits did not and could not fully reflect *all* detailed aspects of the routes, as, for the most part⁶, these were then at a very early stage of planning.

This was not of a particular concern - given the relatively very significant overall decongestion and other benefits suggested as likely to occur from improving the attractiveness of cycling, some

Other methods were also investigated that yielded higher estimated benefits and BCR's.

Expressed in \$2013, now equivalent to approx. \$0.13c/km in today's \$.

Note that the 'probability-weighted' economic assessment reflected a potential lag in achieving predicted MCR cycle use of between 0-10 years following completion of the programme.

Where new cycle crossing signals, for example, were known to be planned at that time, these were however reflected in our cycle and traffic modelling.



small offsetting delays (to motorized road users) at specific locations required to achieve this mode shift in practice was considered unlikely to change the overall conclusions - particularly as extensive sensitivity-testing was undertaken, which confirmed that the overall (economic) benefits of the cycleways were resilient to even significant reductions in the anticipated decongestion benefits.

However, it is fair to acknowledge that the Peer Reviewer of the MCR Funding Assessment did pick up on this point in their detailed comments:

Effect on Cars

"A further matter relates to the effects of cars on cyclists and vice versa. We understand that delays likely to be incurred by cyclists, for example at intersections, are reflected in the cycle model, based on outputs from CAST. However, the effects on motorised vehicles of having more cyclists has, to our knowledge, not been taken into account. It is difficult to estimate the significance of this issue, which would occur where cyclists cross roads, or on sections of road the cycle network does not extend"

We agree with the Peer Reviewer that it is indeed difficult to assess the significance of this issue—although we consider it likely to be fairly low (i.e. not highly significant—given the (lack of) sensitivity noted above to a potential 1/3 reduction in decongestion benefits). The Reviewer is however correct in that delays incurred by cyclists are accounted for but that effects on motor vehicles of having more cyclists have not been (except for our sensitivity test that does account for potential additional safety costs for other road users including motor vehicles). In many cases, more cyclists may not have any effect on other road users (for example queuing in their own dedicated space or crossing in give-way situations via central refuges where safe to do so...as this minimises delays to both cyclists and other road users. However, it is acknowledged that there will indeed be some situations where, for example, new traffic signals or slightly changed phase timings at existing signals may be required. These could lead to some additional delays for motor vehicles, as could more vehicular (cycle) traffic at priority intersections.

Peer Reviewer's Response:

The issue is accepted, but, as noted, the effects are difficult to quantify.

It should be emphasised that the overall conclusion of the Peer Review was that the demand estimates and economics were found to be robust and consistent with good practice and the NZTA's Economic Evaluation Manual. They further concluded that the Benefit Cost ratio had reasonably be assessed as 5 or more, which justified a High priority rating (in terms of Efficiency) for the MCR programme.

Nevertheless, the following section does now provide an updated and detailed assessment of the potential impacts on travel times – and CO2 production of the W2W route in particular, to take advantage of the level of detail now available following detailed design within the corridor.



3 Assessment of Vehicular CO₂ Emissions

3.1 Network Changes Considered

Given that the W2W project has now developed further detail of enabling works, we have been able to include these to provide an updated assessment of the effects on travel times and an assessment of CO₂ emissions. This assessment uses the latest version of the Council's CAST model (v21a), this being based upon updated (2018) Census information. In order to provide suitable context, the v21a 2021 ('Existing') model has been adopted for this assessment. This thus includes estimates of current (2021) population and employment, whilst the road network also includes changes that have occurred since 2018 and these include, for example, current traffic signal phase times.

The performance with 3 Harewood Road configurations has been considered:

- 1. The 'Existing' corridor
- 2. A 'Potential Base' corridor, to reflect the performance with potential changes that may occur, irrespective of W2W. From east to west these include:
 - Installation of a signalled cycle and pedestrian crossing at the Railway (as part of the Northern Line MCR)
 - Installation of a signalled cycle and pedestrian crossing W Matsons (as part of the Nor'West Arc MCR)
 - c. Rephasing of the Greers/Harewood signals to enable safer (non-filtered) right turns; and
 - d. Installation of signals at the Breens/Gardiners/Harewood intersection.
- 3. The 'Proposed' corridor. In addition to the changes in 2 above, this network reflects:
 - a. Entry-only at Chapel St⁷
 - b. Exit-only at Sails St
 - c. Closure at Wilmot St
 - d. Partial signals at Bishopdale Roundabout, with signalised pedestrian/cycle crossings on both Harewood Road exits
 - e. Reduction of part of Harewood (between Greers and Crofton Tce) from 2>1 lane;
 - f. Addition of a signalled crossing W of Nunweek Blvd
 - g. Installation of signals at the Harewood/Wooldridge intersection; and
 - h. Addition of a signalled crossing E of Waimakariri Rd.

Note that the detailed plans developed for consultation (and used as the basis for this modelling) have since been amended, swapping Chapel St to Exit-only and Sails St to Entry-only. This detail is considered unlikely to materiallyaffect the results presented here.



3.2 Impact on Corridor Travel Times

The modelled travel times differ between each of the above corridor options and by time period, as shown in **Figures 3-1 to 3-6** overleaf. The diagrams in general confirm earlier work by CCC (based on a v18-2028 model version), which suggested a maximum potential increase of around 1 minute (for a vehicle traversing the full length of the corridor, in the peak hour), compared to existing (network) travel times.

However, these diagrams also now serve to confirm that much of this increase might be attributed to potential base network changes that might be implemented irrespective of the W2W cycleway, particularly at Greers Road and signalisation of the Breens/Gardiners/Harewood intersection.



Figure 3-1: Eastbound Travel Times (AM Peak Hour, 2021 existing demands)

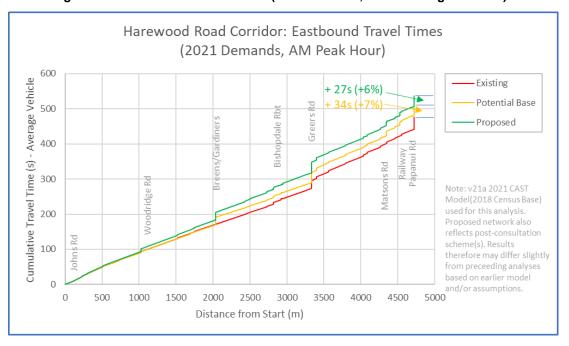


Figure 3-2: Westbound Travel Times (AM Peak Hour, 2021 existing demands)





Figure 3-3: Eastbound Travel Times (Average Interpeak Hour, 2021 existing demands)



Figure 3-4: Westbound Travel Times (Average Interpeak Hour, 2021 existing demands)

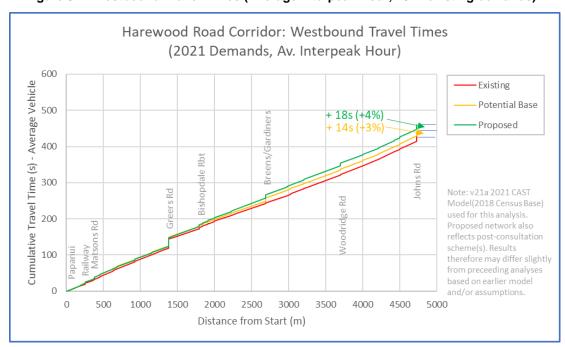




Figure 3-5: Eastbound Travel Times (PM Peak Hour, 2021 existing demands)

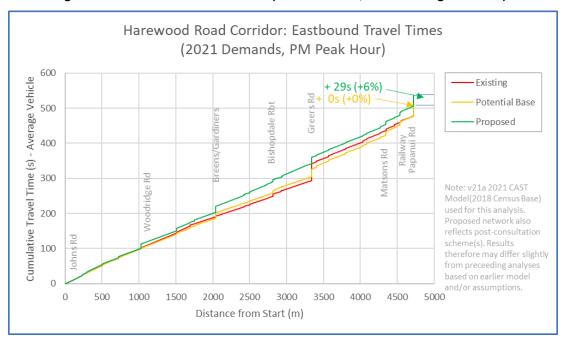
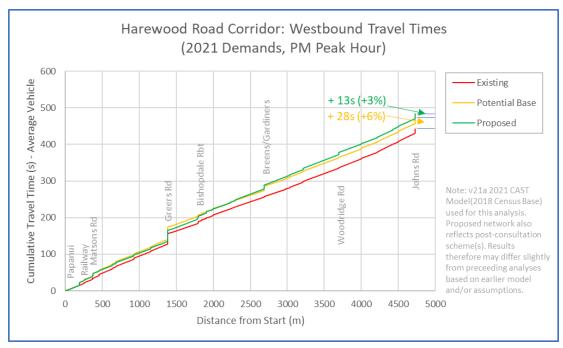


Figure 3-6: Westbound Travel Times (PM Peak Hour, 2021 existing demands)





Given the updated base, modelled *average* travel times are a little longer than previous modelling suggested (eg 7.9 minutes for an eastbound trip between Johns and Papanui Rd in the AM peak, compared to 7.0 minutes previously), but the impacts of the proposed network changes are similar, with a maximum increase of 1.0 minute (+13%), for this trip. Projected westbound increases are however generally lower, at between +7-9% depending on the period (compared to +12-17% reported by CCC previously), this reflecting our further optimisation of signal timings. The maximum (average) speed difference between the Proposed and Existing corridors is still projected to be around -4kph – albeit that 60% of this may be attributed to the schemes noted above that have been assumed within the 'Potential Base' network.

3.3 Impact on CO₂ Emissions

The method adopted to estimate CO₂-e emissions follows that required by Waka Kotahi (formely NZTA) in their Monetised Benefit and Costs Manual⁸ (**MBCM**). This process also use inputs from their Vehicle Emissions Prediction Model (VEPMv6.2), being 2021 fleet-averaged estimated CO₂-e emissions per vehicle-km, based on varying average speeds.

The assessment considers CO₂ production over 3 areas:

- Travel only on the corridor itself ('Harewood only') noting that this considers all traffic, including that only using a short section, rather than those users who may travel from one end to the other;
- The 'Local Area' (shown overleaf in Figure 3.7 consideration of this wider area enables
 capture not only of the impact on emissions of Harewood Rd use only, but also the effects
 of traffic that may choose to take alternative routes in the locality, as well as e.g. the effects
 on queuing and delay on corridor side roads; and
- 3. 'Greater Christchurch'. This area reflects the full coverage of both CAST and CSCM and includes parts of the adjacent Waimakariri and Selwyn Districts, stretching between the Ashley and Selwyn Rivers. Most of Christchurch City is included, but parts of the former Banks Peninsula (East of Diamond Harbour and Motukarara) are not represented. Use of this area however not only provides context for the scale of the above assessments but also serves to enable an estimate of CO2/capita emissions (for on-road transport).

⁸ August 2021 issue. Note this effectively an updated version of the New Zealand Transport Agency's 'Economic Evaluation Manual' (EEM), previously used for the assessment of transport projects, including the MCR Programme.



Figure 3-7: Definition of 'Local Area' adopted to capture wider CO₂ Impacts



Figure 3-8: Modelled Emissions – Tonnes CO₂-e (unless stated)

Existing Layout					
	Harewood				
Period	Only	Local Area	Greater Chch		
AM	1.63	11.91	235.18		
IP	1.05	8.54	177.15		
PM	1.75	12.73	277.56		
Annual(kT)	5.77	44.68	924.39		
Tlassessitus			1 007		

'___< compare to CCC/Aecom estimate (for Christchurch City only)=c.2.55T/person, 2018/19)</p>

(based on local petrol/diesel sales and assuming all consumed in Chch)

Proposed (With Cycleway)				Change from Existing			% Change from Existing		
	Harewood			Harewood			Harewood		Greater
Period	Only	Local Area	Greater Chch	Only	Local Area	Greater Chch	Only	Local Area	Chch
AM	1.26	11.84	235.26	-0.37	-0.06	0.08	-22.48%	-0.53%	0.04%
IP	0.88	8.56	177.22	-0.17	0.02	0.07	-16.64%	0.24%	0.04%
PM	1.49	12.70	277.54	-0.25	-0.03	-0.03	-14.47%	-0.26%	-0.01%
Annual(kT)	4.77	44.68	924.64	-1.00	0.00	0.26	-17.31%	0.01%	0.03%
T/person/yr			1.868			0.0005			0.03%
Proposed (With Cycleway) Change from Existing (T/year)				-998	5	257	-17.3%	0.01%	0.03%
Changes due to Cycle mode-shift (W2W Route only) (T/year)				-704	-704	-704	-12.2%	-1.58%	-0.08%
Net Impact of Proposals (T/year)				-1702	-700	-447	-29.5%	-1.57%	-0.05%



It will be noted from Figure 3-8 that this method of assessment implies a current estimated production (for on-road transport CO_2 only), of around 1.9t/person/year, when considering the 495,000 people residing across Greater Christchurch⁹ - for the current road network.

The results further suggest that (prior to the consideration of mode-shift benefits), the Proposed Network could have a marginal negative impact (increased) CO₂-e production, within the Local Area¹⁰, and across Greater Christchurch as a whole. The reasons for this will be expanded upon below.

The results may also be compared to an estimate of about 2.5t/person/year provided by CCC's emissions inventory¹¹. We have however not sought to 'calibrate' our results to this estimate produced by others – As to do so would require the effective average (current) fuel economy behind

Figure 3-9 above to be raised from some 9.2l/100km (which we consider credible), to around 12.5l/100km, in order to match the Aecom estimates of (18/19) on-road CO₂-e production (for Christchurch City). Furthermore, our estimate of around 1.9t/capita is more closely aligned with the National HH transport emissions from StatsNZ, which equate to a national average of around 1.75t CO₂-e/capita, if their available 2018-19 estimates are extrapolated to 2021^{12} .

The results are illustrated, relative to the CO₂ production under the 'Existing' corridor, in **Figure 3-9** below.

Figure 3-9: Relative Impact on On-Road Transport CO₂-e Production

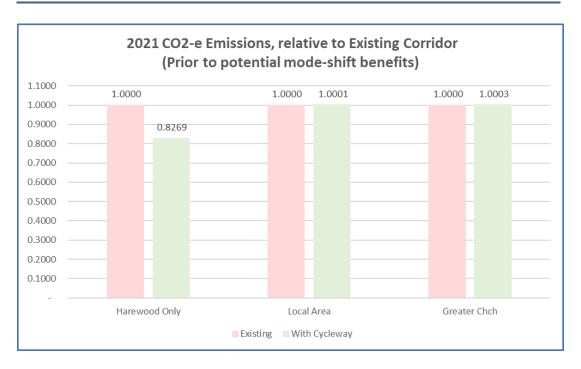
⁹ Estimated Residential Population, 30 June 2021

The estimated CO₂-e produced within the Local Area amounts to +5t/year for the Proposed layout (+0.01%), The estimated CO₂-e produced within Greater Christchurch amounts to +257t/year for the Proposed layout (+0.03%)

Reference 'Christchurch Greenhouse Gas Emissions Inventories for Financial Years 2018/19 and 2016/17'. Aecom New Zealand Ltd, on behalf of CCC, The 2018/19 inventory figure of 2.55t/person for on-road transport (out of Total Gross CO₂ ex Forestry of 7t/person/year) for the whole of Christchurch City (2018 ERP=383,800) if adjusted based on trends in CO₂ production, would suggest an estimate of 2.5t/person/year for 2021.

Differences may be readily accounted for by the fact the Aecom approach generally follows one of 4 alternative transportation accounting approaches outlined in the 'Global Protocol for Community-Scale Greenhouse Gas Emission Inventories', in that 'All fuel sales from in-boundary fuel dispensaries should be accounted for in scope 1, even though fuel purchases may be for transboundary trips.' Here 'scope 1' refers to emissions produced (or in case of transport consumed) within the City boundary. With due allowance for 'scope 3' production (being the out-of-city portion of all transboundary GHG emissions from trips that either originate or terminate within the city boundaries) and a modest allowance for fuel sales in outer Districts, the 2021 CO₂-e across the whole of Greater Christchurch can readily be estimated at around 2.1t/capita - which does closely align with our (Method 1) estimate.





It may be seen from the above (bars at the left-hand side) that the Proposed (with Cycleway) proposals are forecast to actually realise a *reduction* in total CO₂-e produced by vehicles – if *only* travel along Harewood Road is considered – i.e. a positive change in respect of reduced CO₂-e production. Given the Proposed Corridor (W2W) measures, this reduction would equate to around -17% annually, compared to the Existing road and intersection layout.

This apparently-anomalous result arises (principally) because lower average speeds are forecast to reduce the demand on the corridor itself. Thus the (CO₂ benefits) of this reduction in *demand* actually serve to offset the effects of the lower average speeds (arising from increased queuing/vehicle at new signals etc), when it comes to calculation of *total* emissions.

That said, such a comparison is too limited in scope - particularly given the reality that CO_2 production is naturally a global issue – Hence our consideration of wider areas.

When the wider 'Local area' is considered (which also takes into account patterns of demand and resulting queues and delays at intersections that may change because of the proposals), the net impact calculated using is *very marginally* negative – with a forecast increase of +5t/year equating to around +0.01% over the Local Area. Although the figures for Greater Christchurch suggest that this may be higher still, adding +257t/year (or +0.03%) over the whole network, it should be noted that the latter is actually within the margin of 'model noise', which can arise from differing levels of assignment convergence over such a wide area. Indeed with the bulk of the apparent net difference (between the Local Area and Greater Christchurch totals) confirms that these occur in areas remote from the Local Area (eg within the Central City) and are highly unlikely to be a product of the network changes modelled.

Indeed, as noted within the Introduction, the above analysis does not account for:

· A reduction in (vehicular) demand due to mode shift to cycle (both in the corridor and



across the wider network) is <u>not</u> accounted for. The potential scale of this is covered within the following section.

- A potential small reduction in vehicular demand due to the effect of 'road dieting' being a
 slight reduction in vehicle capacity along the corridor that would arise by e.g. reverting the
 2 lane section of Harewood Rd to 1 lane. This effect is the reverse of 'induced demand'
 and reflects the elasticity of transport demand to perceived 'costs'. It differs from the effect
 of re-routeing of a fixed demand, the latter being accounted for by the transport models
 (and above assessment).
- Our assessment reflects the Cycleway works being implemented 'today' (2021) and therefore does not take account of *further* potential diversion of traffic from Harewood Road due to wider network changes programmed within the next 10 years (e.g. improvement of Northcote/Sawyers Arms corridor), noting that previous modelling by CCC has indicated this is likely (for Harewood Road) to outweigh future increases due to general population and employment growth. This could be expected to further mitigate the potential for negative CO₂-e impacts of the current proposals
- It also does not take into account anticipated future improvements in fleet technology and fuel efficiency, that are anticipated to reduce the per-km CO₂ production of road vehicles¹³.

¹³ For example, between 2021 and 2041, the NZ fleet-averaged economy is currently anticipated to improve from around 9.4l/100km to 6.3l/100km (-33%), and CO2-e emissions fall to a similar degree, from around 234g/km to 158g/km (-32%), at 50kph.



4 Assessment of Emission Impacts of Increased Mode-Shift to Cycle

Increasing cycling has the potential to reduce CO₂ emissions, because if the cyclists did not make their journey by cycle then a proportion of them would make the journey by car. Encouragement of cycling thus helps avoid increased emissions by directly avoiding the extra travel that would result from the extra trips themselves.

A 'typical' car trip (of 7.2km) in Greater Christchurch is estimated to currently produce around 1.8-2.0kg CO₂-e emissions and this is the 'saving' in CO₂-e production, if a car trip of that distance is avoided.

However, and broadly, each trip undertaken by cycle is currently estimated to avoid around 0.625 car trips (taking account trip purpose, other mode share and car occupancy). Furthermore, because the typical trip undertaken by cycle is shorter than a typical car trip, each cycle trip is (broadly) equivalent, on average, to *avoiding* around 0.3 car (vehicle) trips¹⁴ - yielding a current direct saving estimated to be around 0.6kg CO₂/cycle trip.

Additionally, however, there are further savings that arise, through avoiding an increase in congestion that would occur for *non-cyclists*, if there was more traffic on the road.

Indeed calculations suggest that the totality the CO₂ benefits of the latter are actually estimated to be about 1.5 times higher than the benefits from the 'avoided trips' themselves, because a small difference (in congestion relief) to a large number (the bulk of travel being undertaken by cars) can make a large number and this source of benefit is anticipated to increase in the future as congestion increases. This is illustrated in **Figure 4-1**, while **Appendix 1** provides a more-detailed summary of the analysis¹⁵.

Adding the CO₂ reduction due to congestion relief to the direct benefit due to avoided trips thus yields a total estimated current saving (at 2021) of around 1.0-1.2kg CO₂/cycle trip - although this could rise to the equivalent of 2.0 kg CO₂/cycle trip (if 2041 forecasts are reached for the full MCR programme).

Across the whole of Greater Christchurch, cyclists have been estimated to reduce CO_2 on-road transport emissions by around 1.5% annually, prior to construction of the MCR's. However if the full benefits of the programme are realised this is expected to increase to 3.5% (by roughly 2026, given a potential 5 year lag behind model forecasts of cycle demand) and to 5% (by roughly 2046).

What this all amounts to in absolute terms is an anticipated saving in CO₂ production across Greater Christchurch totalling around 18kT/year from increased cycling encouraged by the MCR's – and this benefit could rise to 21kT/year by 2031 (even with anticipated fleet improvements over the next 10 years).

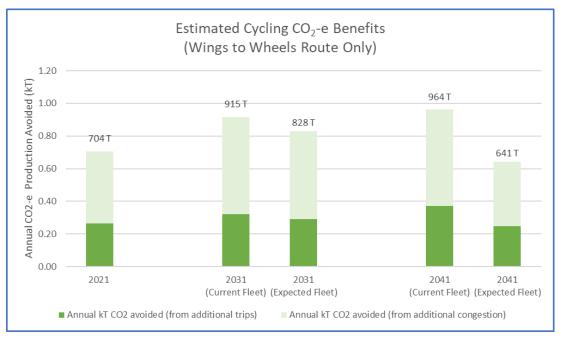
The cycling CO₂ benefits attributable to the W2W Route (as part of a complete MCR network) are considered likely to potentially rise from around 704t/year to 828t/year by 2036.

Because of the expected increased attractiveness of the MCR's that will not only encourage more trips but also increase average length cycled, this equivalence is expected to rise to about 0.37 avoided car trips for each cycle trip by 2041.

Derivation of the assumed proportion of total MCR Programme benefits attributed to the W2W Route may be found in QTP Report "Christchurch Major Cycleway Routes - Route Economics - May 2016", QTP, on behalf of CCC.



Figure 4-1: Estimated W2W Cycling CO₂ Benefits (From reduction in Road Congestion)



The figures can be compared to the changes forecast to arise from road network changes outlined in Figure 3-8, with the net effects summarised below:

Figure 4-2: Net CO2 Production of W2W Route

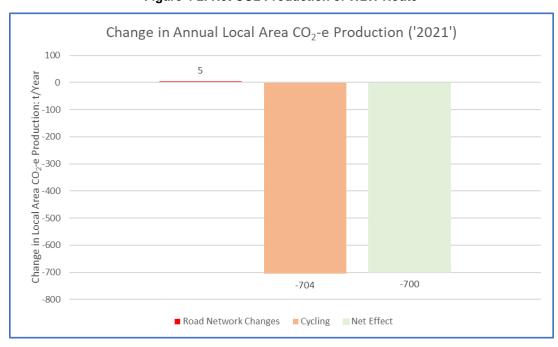




Figure 4-2 shows that the net impact on CO₂ production of the proposed changes can be shown to be overwhelmingly positive, in terms of enabling reduced CO₂ production.

Whilst there is some potential for negative CO₂ impacts arising from redistribution of traffic on the local network, the net impact, when cycling benefits are *also* accounted for, certainly remains positive, in terms of enabling reduced CO₂ production. Even if, say, the expected mode-shift benefits were halved (or anticipated uptake in cycling lags someway behind predictions), the impact on global warming emissions would remain positive.



Appendix A: Summary of Cycle CO2 Production Assessment

Note: Results below alig	ned with v21_2	2021 Product	ion Estimate (MBCM Aug	21/VEPM6.2)
(Note this assessment do					Adopted W2W Proportion
fleet improvements over	r time)			2.92%	Potential Range (min)
				4.95%	Potential Range (max)
,		With All	Benefit		
a)	Do Min (No	MCRs	(MCR	Benefit	
2021 (Full Benefit Case)	MCR's)	Completed	Programme)	W2W	
Annual Cycle Trips (m)	17.51	22.87	5.36	0.211	
% vkt avoided due to					
Cycling	-0.5%	-1.7%	-1.2%	-0.05%	
On-Road CO2 kT with					
Cycling	930.13	918.96	-11.17	-0.440	
Annual kT CO2 avoided					
(from additional trips)	9.82	16.54	6.72	0.264	
Annual kT CO2 avoided					
(from additional					
congestion)	4.35	15.53	11.17	0.440	
Total kT CO2					Range = .523 (Min) to .886
avoided/year	14.17	32.06	17.89	0.704	(Max)
% CO2 Avoided	1.5%	3.5%	2.0%	0.08%	
	0.56	0.72	0.64		
	0.81	1.40	1.11		
		With All	Benefit		
b)	Do Min (No	MCRs	(MCR	Benefit	
2031 (Full Benefit Case)	MCR's)	Completed	, ,	W2W	
Annual Cycle Trips (m)	19.47	25.94	6.47	0.255	
% vkt avoided due to			27.17		
Cycling	-0.8%	-2.2%	-1.5%	-0.06%	
On-Road CO2 kT with	0.070	2.270	1.570	0.0070	
Cycling	1027.69	1012.61	-15.08	-0.593	
Annual kT CO2 avoided	1027.03	1012.01	15.00	0.555	
(from additional trips)	11.33	19.50	8.17	0.322	
Annual kT CO2 avoided	11.55	15.50	0.17	0.522	
(from additional					
congestion)	7.96	23.04	15.08	0.593	
Total kT CO2	7.50	25.04	15.00	0.555	Range = .679 (Min) to
avoided/year	19.29	42.54	23.25	0.915	1.151 (Max)
% CO2 Avoided	1.9%	4.2%	2.3%	0.09%	1.131 (Wax)
70 COZ AVOIGEG	1.570	4.270	2.570	0.0570	
		With All	Benefit		
c)	Do Min (No	MCRs	(MCR	Benefit	
2041 (Full Benefit Case)	MCR's)	Completed	, ,	W2W	
Annual Cycle Trips (m)	21.15	28.54	7.39	0.291	
% vkt avoided due to	21.13	20.34	7.33	0.231	
Cycling	-1.5%	-2.9%	-1.3%	-0.05%	
On-Road CO2 kT with	-1.370	-2.370	-1.370	-0.0370	
Cycling	1100.21	1085.15	-15.06	-0.593	
Annual kT CO2 avoided	1100.21	1000.10	-13.00	-0.393	
(from additional trips)	12.64	22.07	9.43	0.371	
Annual kT CO2 avoided	12.04	22.07	5.43	0.371	
(from additional					
`	17.14	32.20	15.06	0.593	
congestion) Total kT CO2	17.14	32.20	15.06	0.593	Range = .716 (Min) to
	20.70	E # 20	24.50	0.064	1.213 (Max)
avoided/year	29.78	54.28	24.50		T. ZTO (INIGX)
% CO2 Avoided	2.7%	5.0%	2.3%	0.09%	

CHRISTCHURCH CITY COUNCIL

HEARING OF PROPOSED PLAN CHANGE 5 GROUPED CHANGES

Report and recommendations by Hearing Commissioners

Paul Thomas

Alan Matheson

Andrew Henderson

VOLUME 1

17 June 2022

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1.INTRODUCTION

1.1 Proceedings

- 1 Pursuant to instructions from the Christchurch City Council (CCC) Paul Thomas, Alan Matheson and Andrew Henderson were appointed as the Hearing Commissioners to hear and consider Proposed Plan Change 5 (PC5). As such we are required to recommend to the Council decisions on whether the proposed plan change should be declined, approved or approved with modifications and consequent on that to recommend decisions on submissions to the Plan Change. This main volume of our report addresses all the evidence and our recommendations including amended provisions. The exception is in relation to PC5F – Planning Maps where the changes to provisions are located in Volume 2. Volume 2 also contains the tables of submissions with recommended decisions and reasons and any associated Section 32AA Evaluations.
- 2 For that purpose we conducted a hearing of the details of this Plan Change and related submissions. Directions regarding the exchange of evidence and conduct of the hearing were initially issued to all parties on 8 July 2021 for a hearing commencing 17 September 2021.
- 3 However, due the effects of the COVID 19 lockdown restrictions at that time the timetable was adjourned and this was recorded in Minute 2 dated 31 August 2021. Further directions were then issued in Minute 3 with a timetable leading to a hearing commencing on 13 December 2021.
- 4 The hearing was held in Committee Room 1 at the Council Civic Offices at 53 Hereford Street. The entire hearing was livestreamed on You Tube and some parties appeared by way of Zoom.
- 5 The hearing was adjourned on the afternoon of 16 December 2021 after Councils preliminary reply. We then issued Minute 4 which advised that final written reply would be provided by 11 February 2022. This was to allow time for further discussions between Council officers and some parties on specific plan provisions. That period was extended to 25 February 2022 at the request of Council by way of Minute 5 on 3 February 2022.
- 6 The Councils Reply signalled that submitters who had engaged with further discussions were provided with the opportunity to confirm their position as reported in the Council's Reply. This was directed through Minute 6 with a deadline of 7 March 2022. Responses were duly provided and the hearing was finally closed by way of Minute 7 on 9 March 2022.
- 7 In preparing this report we have chosen not to specifically record all of the evidence we received, nor do we record an analysis of all of the evidence. The report however

does consider all the relevant evidence for each principal issue and any other areas where changes to the provisions have been proposed.

1.2 The Proposed Plan Changes

- PC 5 consists of a group of changes to the District Plan some of which have important interrelationships, and some are wholly independent of the others. However, in all cases the changes aim to improve the clarity of the Plan provisions and to "better reflect what was intended achieving better outcomes for communities and to align with national direction"
- 9 The public notification of the PC5 identified each element as follows.
- 10 PC 5A: To reinforce direction that offices and shops are to be primarily located in the Central City and commercial centres as well as clarifying the role of these centres as commercial focal points
- PC 5B: Clarify and better reflect the intent and outcomes sought in the Commercial chapter, including the role of centres and the types and scale of retail, offices and other activities that are anticipated in centres amongst other changes including definitions.
- PC 5C: Clarify what is sought and/or required in the Industrial chapter, including clearer direction for the redevelopment of former industrial land for residential and mixed uses that support good neighbourhood design amongst other changes including definitions.
- PC 5D: Make sure that home-based businesses are of a type and scale appropriate in residential and rural areas through various changes including to definition.
- 14 PC 5E: Simplify a rule for noise insulation near railways and roads.
- PC 5F: Changes to zoning and overlays on the planning maps for identified sites, including to reflect what is already happening or anticipated, zone new roads and open spaces for their intended purpose, as well as realigning the zone boundaries between Christchurch and our neighbouring Districts, amongst other changes.
- PC 5G: Make changes from the implementation of new national direction that requires removal of car parking requirements. This includes consequential changes arising such as a landscaping rule for car parking areas, which is based on the number of car parks required.
- 17 PC 5H: Provide for antenna associated with telecommunications at an appropriate scale.
- PC 5I: Enable temporary signs associated with general and local government elections (candidate and party) and referendums.

- The hearing did not consider all the parts of PC 5 above. Importantly, there were no submissions on PC 5I and there are no consequential matters for us to address in PC 5I arising from our recommendations in this report. That part of the Plan Change is therefore deemed to be operative.
- 20 In addition, PC 5E which relates to noise sensitive activities near roads and rail corridors has not been heard to allow for further pre-hearing discussions between the parties on this part of the Plan Change. This part, similarly, does not have interrelationships with other part of PC 5.
- 21 PC 5 was publicly notified for submissions on 22 October 2020 with submissions closing on 30 November 2020. The summary of submissions was notified for further submissions on 28 January 2020 closing on the 12 February 2020. There were no late submissions.

2. RELEVANT STATUTORY CONSIDERATIONS.

- The relevant statutory considerations that we must consider in making our recommendations were considered briefly in each of the section 42A reports and in more detail in the legal submissions for Council for PC 5A in Appendices A and B.
- 2. As stated in the Appendix B the summary of the matters required to be considered was set out in *Colonial Vinyard v Marlborough District Council [2014] (NZ EnvC 55)* as follows:

A General Requirements

- A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.
- 2. The district plan (change) must be prepared in accordance with any regulation and any direction given by the Minister for the Environment;
- 3. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.
- 4. When preparing its district plan (change) the territorial authority shall:
 - (a) have regard to any proposed regional policy statement;
 - (b) give effect to any operative regional policy statement.
- 5. In relation to regional plans:
 - (a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) or a water conservation

order; and

- (b) must have regard to any proposed regional plan on any matter of regional significance etc;
- 6. When preparing its district plan (change) the territorial authority must also:
 - have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations to the extent that their content has a bearing on resource management issues of the district, and to consistency with plans and proposed plans of adjacent territorial authorities;
 - take into account any relevant planning document recognised by an iwi authority; and
 - not have regard to trade competition or the effects of trade competition;
- 7. The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.

B. Objectives [the section 32 test for objectives]

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

C. Policies and methods (including rules) [the section 32 test for policies and rules]

- 9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;
- 10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:
- (i) the benefits and costs of the proposed policies and methods (including rules); and (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
- (iii) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.

D. Rules

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

- 12. Rules have the force of regulations.
- 13. Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive than those under the Building Act 2004.
- 14. There are special provisions for rules about contaminated land.
- 15. There must be no blanket rules about felling of trees in any urban environment.

E. Other statutes:

- 16. Finally territorial authorities may be required to comply with other statutes.
- 3. Section 32AA also requires us to undertake further evaluation where we recommend changes to the content of the Plan Change.

3. JURISDICTION TO DETERMINE SUBMISSIONS

- PC 5 is a compendium of changes to the operative Christchurch District Plan (the 'Plan').
 The Plan became operative in December 2017. Three plan changes have been made operative since that time, all relating to reasonably confined issues.
- 2. PC 5 was described in the public notice as "a group of plan changes". However, Mr Pizzey for the Council confirmed at the hearing that the package of changes was a single plan change and not multiple plan changes.
- 3. In nearly all the parts of the Plan Change there are issues of whether certain submissions are "on" the plan change and, therefore, that we have jurisdiction to consider the merits of the submission.
- 4. The starting point for the issue of scope is Clause 6(1) of Schedule 1 of the Act, which states that "Once a proposed policy statement or plan is publicly notified under Cause 5, the persons described in subclauses (2) to (4) below may make a submission on it to the relevant local authority." With the key words here being "on it".
- 5. The purpose of this section of our report, is to establish the legal tests that must be applied to this question in each case.
- 6. The chain of case law associated with this issue goes back to 2003 with Clearwater Resort Ltd v Christchurch City Council which was followed some years later with the High Court decision of Palmerston North City Council v Motor Machinists Ltd. These two cases were used as the basis for setting the tests in the legal submissions and s42A report for the Council.
- 7. However, more recent case law was also provided to us in the submissions by Ms Limmer for Belfast Village JV Ltd.

- 8. We agree with Ms Limmer that context is important. Indeed, each part of PC 5 has a somewhat different context. However, what is common is that this is a Council initiated Plan Change but does not form part of a review of the District Plan pursuant to Section 79 of the Act. As explained to us by Mr Pizzey this Plan Change is a combination of dealing with a large number of matters that were not able to be remedied through the Independent Hearing Panel process (including both policy and zoning matters) and matters that have arisen in applying the Plan over the last four years that have created uncertainties or lack of clarity and therefore efficiency and effectiveness shortcomings. In essence, this is something of a mid-term tidy up as opposed to any level of fundamental review.
- 9. The public notice of the Plan Change is a clear statement of the purpose of the Plan Change and is one of the relevant matters to applying scope tests and was quoted in full in Section 1.2 above.
- 10. Within each separate Plan Change document, the detailed and specific scope of the changes being proposed are set out in the "Explanation" section of the changes and in the "Overview" section of the Section 32 Evaluation. For some of the separate Plan Changes, the "Explanation" also identifies what the plan change does not include (refer for example to part 5C Industrial).
- 11. As already stated, there were no submissions to part 5I on signage and submissions on part 5E were not heard at this hearing to allow for further discussions between Council and the submitter parties.
- 12. The two tests arising from *Clearwater* and *Motor Machinists* were not contested at the hearing. These are:
 - The submission must reasonably fall within the ambit of the plan change by addressing a change to the status quo advanced by the plan change.
 - If the effect of treating a submission as being on the plan change would be to permit the plan change to be appreciably amended without any real opportunity for participation by those potentially affected, then that is a powerful consideration against finding that the submission was on the plan change.
- 13. In effect test 2 above is one aspect of determining test 1, ie whether it is within the ambit of the plan change.
- 14. Other guidance in terms of how the tests should be applied arises from more recent cases which were referred to in the legal submissions of Ms Limmer on behalf of Belfast Village JV Ltd. This included reference to and copies of a number of cases that have applied the tests above.
- 15. The specific cases were:

- Bluehaven Management Ltd v Western Bay of Plenty District Council [2016] NZEnvC 191
- Tussock Rise Ltd v Queenstown Lakes District Council [2019] NZEnvC
 111
- Mackenzie v Tasman District Council [2018] NZHC 2304
- Well Smart Investment Holding (NZQN) Ltd v Queenstown Lakes District Council [2015] NZEnvC 214
- Calcutta Farms Ltd v Matamata-Piako District Council [2018] NZEnvC 187
- 16. The submissions made by Ms Limmer were specifically in relation to the context of submissions by Belfast Village JV Ltd on part 5F Planning Maps (Zoning and Overlays), which sought particular changes of zoning associated with the Belfast Village site. However, there is a wide range of scope recommendations to make on submissions to other parts of Plan Change 5, as part of this report and we have, therefore, undertaken a broader review of the cases to assist in determining how the tests should be applied in different circumstances and what measures have been identified.
- 17. As would be expected, many of the cases quote the cases prior to them and consider the tests considered previously. The most recent case cited is *Tussock Rise v Queenstown Lakes District Council* which is a 2019 case. However, this case concerned the full review of the Queenstown District Plan that is being heard in Stages and, therefore, is not directly applicable to the Plan Change 5 situation.
- 18. The additional tests to those set out in *Clearwater* and *Motor Machinists* identified from the above cases include the following (in no particular order):
 - (i) Is it incidental or a foreseeable consequence of the change proposed and does not require substantial s32 analysis to inform affected persons of the comparative merits of the change? (*Motor Machinists* at 81)
 - (ii) Is it unrelated to the plan change or "out of left field"? (*Motor Machinist* at 55)
 - (iii) Is it proposing something completely novel? (Clearwater at 89)
 - (iv) Does the submission seek to substantially alter or add to the relevant objectives of the plan change, or whether it only proposes an alternative policy or method to achieve any relevant objective in a way that is not radically different from the notified plan change. (*Bluehaven* at 37)
 - (v) Is the submission seeking an option that should have been considered in the s32 analysis? (*Bluehaven* at 38).

- (vi) The entire review of a planning instrument has a much wider scope context to achieve an integrated regime than a plan change that is not part of a review. (*Bluehaven* at 40).
- (vii) Does the submission address the planning regime promoted by the plan change, or is the submission on a matter where the management regime is not altered by the plan change? (*McKenzie* at 103)
- (viii) Assessment should involve considerations of whether there are statutory obligations national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission (*Bluehaven* at 38).
- 19. We note that test (v) above, which comes from the *Bluehaven* case, refined the previous position from *Motor Machinists* at para 81, that if the submission raises matters that should have been addressed in the s32 evaluation report, then the submission is unlikely to be on the plan change.
- 20. The second test arising from *Clearwater* and *Motor Machinists*, focusses on fairness of process and ensuring that those potentially affected are notified and have the opportunity to have their say.
- 21. Factors include:
 - The scale and degree of amendment of the provisions sought; and
 - The range and extent of potentially interested parties.
- 22. We note here that the *Wellsmart Investment* case generates an interesting connection between the issue in test 5 above namely that the matter should reasonably have been assessed in the Section 32 report and was not, and the consequential effects of that situation denying the opportunity for the participation of interested persons. This was expressed at para 38 as follows:
 - "Simply because a local authority may have put forward what is possibly an inferior section 32 evaluation at the initial step does not mean that a further wrong should be done to interested persons by denying them the right to participate."
- 23. Also, importantly the Court determined that the issue of potential submitters not being given sufficient notice of what was being proposed, was not remedied by the Council's summary of submissions.
- 24. We apply the relevant tests above in the context of individual submission matters for each section of the Plan Change where this arises.

4. THE PLANNING CONTEXT

- One of the statutory tests identified above is that the District Plan must give effect to the Canterbury Regional Policy Statement (CRPS). Chapter 6 of the CRPS was inserted by direction of the Minister for Canterbury Earthquake Recovery in the Land Use Recovery Plan for Greater Christchurch. It is titled Recovery and Rebuilding of Christchurch and includes a number of policies and provisions that are relevant to PC 5 and are considered in the s42A reports. In order to plan for recovery and rebuilding Chapter 6 directs a particular land use strategy based around defined greenfield priority areas for urban growth. This has largely been implemented and Change 1 to the CRPS has now added further growth with identified Future Development Areas. The CRPS is particularly relevant to PC5A and is considered further in that section.
- 2. The Land Use Recovery Plan and Christchurch Central Recovery Plan are potentially relevant documents that we are to have regard to. However, the requirements of these are largely already enshrined in the CRPS and District Plan.
- 3. The NPS on Urban Development (NPS-UD) is a further important part of the Planning Context. Its purpose is to support productive and well-functioning cities by ensuring adequate opportunities are available to meet community needs for businesses and housing. The NPS-UD continues its predecessor's focus on ensuring sufficient development capacity is enabled through planning documents to meet short, medium and long term needs, by requiring regular reviews of existing plan enabled development capacity and preparation of a Future Development Strategy to describe where and how any capacity shortfalls will be addressed.
- 4. It also directs where development capacity should be enabled by District Plans and how Councils can be more responsive to development opportunities with a focus on achieving a "well functioning urban environment".
- 5. The District Plan itself is also an important part of the Planning Context. All of the above have been considered in the initial Section 32 reports and the s42A evidence to the hearing.

5. PLAN CHANGE 5A – STRATEGIC COMMERCIAL OBJECTIVES

5.1 Background and purpose

- Plan Change 5A Strategic Commercial Objectives ('PC5A') and the supporting s32
 evaluation document, identifies that the purpose of PC5A is to provide 'clear
 direction/certainty' for plan users on the existing centres-based direction for
 commercial activities to be located in commercial centres, as is contained within
 Chapter 15 Commercial of the Christchurch District Plan.
- 2. The issue of 'clear direction/certainty' is discussed in more detail within the s32 Report¹. In summary, the following matters were identified:
 - a. the key theme of the district plan to implement a centres-based framework across the City is only articulated in *Chapter 15 Commercial*, but there is no complementary expression of that theme within *Chapter 3 Strategic Directions*;
 - b. there is a reduced clarity of direction between the CRPS and LURP with the lower order directions in *Chapter 15 Commercial*;
 - there is a risk that other directions in *Chapter 3 Strategic Directions* will be given more weight, potentially leading to commercial activity in less appropriate locations; and
 - d. a recent Commissioner resource consent decision has recorded that the *Strategic Objectives 3.3.5, 3.3.8* and *3.3.10* were 'very high level and aspirational'.
- 3. PC5A seeks to address the above matters by proposing to amend:
 - a. Strategic Objectives 3.3.7(a)(v) and 3.3.8(a) to recognize the role of the Central City, Key Activity Centre and Neighbourhood centres as commercial focal points; and
 - b. Strategic Objective 3.3.10(b) to articulate the importance of centres and the centres-based framework, thereby elevating the direction in Chapter 15 Commercial and making it applicable across all zones.

5.2 Scope of changes

- 4. As set out in the section "Background and purpose" of this report, there are changes proposed to three of the *Chapter 3 Strategic Directions objectives* as follows (shown in **bold underline**):
 - a. Objective 3.3.7 Urban growth, form and design
 Adding the words 'and commercial' to (a)(v) to read as follows:
 - v. Maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community <u>and commercial</u> focal points; and

¹ Plan Change 5A – Section 32 Evaluation, Section 2.10, pages 7 & 8

- b. Objective 3.3.8 Revitalising the Central City
 Adding the words 'and commercial' to (a) to read as follows:
 - a. The Central City is revitalized as the primary community **and commercial** focal point for the people of Christchurch; and
- c. Objective 3.3.10 Commercial and industrial activities

 Adding a new subclause to the objective to read as follows:
 - b. The critical importance of centres for people and the economy is recognized in a framework that primarily directs commercial activity into centres, consistent with their respective roles.

5.3 Section 42A Report

- 5. A comprehensive s42A report was prepared by Ms Emily Allan (Senior Policy Planner, Christchurch City Council).
- 6. It was noted that the s42A report was prepared in August 2021. Mr Pizzey (Solicitor, Christchurch City Council) in his legal submissions and Ms Allan in her summary of evidence advised that her opinion had not changed from the s42A report, being that PC5A should be granted with the wording as notified².

5.4 Evidence heard

- 7. As noted in paragraph 6 of this report, Ms Allan provided a summary of her evidence as contained in the s42A report as well addressing the subsequent legal submissions and planning evidence. In support of her opinion that no changes to the wording as notified were required, Ms Allan addressed the key outstanding matters of disagreement between herself and submitters who filed evidence. In summary, she concluded that³:
 - a. In relation to *Objectives 3.3.7* and *3.3.8*, the changes do not and are not intended to narrow the land use outcomes sought, as there is no proposed restriction on other legitimate land uses (such as residential) in and around centres;
 - Elevation of the centres-based framework provides vertical alignment between the zone and strategic directions chapters and with the CRPS, which will guide not only resource consent applications where there are competing objectives, but also plan changes;
 - c. The inclusion of the word 'primarily' in new subclause (b) to *Objective 3.3.10*, reflects the direction in the CRPS and district plan Objective 15.2.2; and
 - d. Horizontal alignment across the objectives in *Chapter 3 Strategic Directions* is achieved through the inclusion of the proposed wording.

² Summary of Evidence of Emily Allan on behalf of Christchurch City Council, 10 December 2021, paragraph 7, page 3

³ Summary of Evidence of Emily Allan on behalf of Christchurch City Council, 10 December 2021, paragraph 5, pages 1-3

8. The evidence and legal submissions of submitters heard, is discussed under the section titled "Principal Issues".

5.5 Scope of Submissions

- 9. At Section 3 'Jurisdiction to Determine Submissions' of this report, the matters to be considered with respect to the scope of submissions is set out. As noted in Section 3, the relevant scope of submission tests will be considered in the context of individual submission matters for each section of PC5.
- 10. Ms Allan⁴ and Mr Pizzey⁵ address the scope of submissions, and these are commented on in the following paragraphs.

M Lawry (S19.3 – S19.8)

11. The Panel agrees that these submission points are out of scope for the reasons set out in the s42A report and legal submissions, being that they are in relation to matters that are seeking changes that are unrelated to the plan change (such as airport noise contours) or are matters that are outside the jurisdiction of the Hearing Panel (such as seeking to remedy issues related to Plan Change 84).

1027 Investments Limited (S37.1, S37.2 and S37.3)

12. The Panel considers that these submission points are **not** on PC5A (but may be within scope with respect to PC5F – Planning Maps and will be addressed as part of the report on that specific plan change). The parts of the submission seeking amendments to the Strategic Directions chapter in terms of additional support in the provisions for existing commercial ('non-residential') activities, is not a matter that sits 'fair and square' within PC5A, nor can it be considered to be an incidental or consequential matter. It does fall to be 'out of left field' and suggests changes where the management regime is not altered by PC5A. Accordingly, the submissions are **not** within scope and the merits of the submissions are not able to be considered further. However, as noted, the matter of scope for the rezoning of the site is considered with respect to PC5F – Planning Maps.

Halswell Hornby Community Board (\$40.2)

13. The Panel agrees that this submission point is out of scope for the reasons set out in the s42A report and legal submissions, being that the submission point is unrelated to the notified purpose of the plan change. Ms Broughton appeared for the submitter and accepted that the submission point is out of scope.

⁴ Refer to Section 7.2 (paragraphs 7.2.1 – 7.2.4) of the s42A report

⁵ Refer to paragaphs 27 – 33 of the CCC legal submissions on Plan Change 5A Strategic Commercial Objective, 8 December 2021

5.6 Principal issues

14. Council's s42A report addressed five (5) issues that were subject to submissions. This report addresses Issues 1, 2 and 3 of the s42A report as a whole, as each issue is related. The legal submissions and evidence are set out first, then each aspect of matters raised considered in turn. Issues 4 and 5 were not subject to either legal submissions or evidence at the hearing of PC5A and are not considered in this report.

Issue 1: Limiting Commercial Activity Outside Commercial Centres

Issue 2: Necessity and Consistency with other Objectives in Chapter 3

Issue 3: Role of Centres

- 15. Christchurch International Airport Limited ('CIAL') addressed (through the legal submission by Ms Hill⁶ and company evidence from Ms Blackmore) the following issues with respect to this matter (in summary):
 - a. It is inappropriate to create a rigid policy framework which does not recognize that out-of-centre development can be appropriate;
 - b. The rationale for PC5A is unclear, as the centres-based approach set out in Chapter 15 Commercial, has been recognized and applied in the Council's assessment and the Commissioners decisions for any out-of-centre development (including those within the Specific Purpose (Airport) Zone), without it being included within Chapter 3 Strategic Directions;
 - The whole of the centres-based approach in Chapter 15 Commercial needs to be elevated to the Chapter 3 Strategic Directions, not just the requirement to primarily locate commercial activity in commercial centres;
 - d. PC5A does not properly give effect to the NPS-UD, as it limits the responsiveness
 of the planning framework and would inhibit delivery of some of the objectives
 and policies of the NPS-UD;
 - e. PC5A does not properly give effect to the provisions of the CRPS which has a nuanced direction of **primarily** locating commercial activities in centres and that commercial development may be appropriate outside of centres; and
 - f. The proposed changes are unnecessary as the centres-based framework is already contained in all the relevant chapters and the relevant objectives in *Chapter 3 Strategic Directions*.
- 16. Ms Blackmore sets out that CIAL's experience with respect to consenting for commercial activities at the Airport Campus, has been that the centres-based objectives and policies have been rigorously applied and been a major component in the assessment process. Her concern is that the changes proposed in PC5A may

⁶ Refer to paragraphs 7 – 46 of legal submission from CIAL, 8 December 2021

make it harder for out-of-centre commercial development, even if that were not the Council's intention.⁷

- 17. CIAL seeks that if the Panel were minded to adopt PC5A, new proposed *Objective* 3.3.10(b) needs to be amended to properly reflect both the centres-based framework **and** the provisions of the CRPS that provide for out-of-centre commercial development subject to not giving rise to significant adverse distributional effects.
- 18. Lyttelton Port Company Limited ('LPC') addressed (through the legal submission by Ms Hill⁸) similar matters that were raised in the legal submissions on behalf of CIAL. In addition, LPC considers that the word 'critical' is not appropriate as that term is used in relation to life-line infrastructure, business and economic prosperity as part of the recovery of the City (*Objective 3.3.5*), and wai (*Objective 3.3.17*). Ms Hill's submission was that as centres themselves are not analogous to these situations, they should not be elevated to the same level of importance.
- 19. LPC seek the same relief as CIAL, with the addition of removing the word 'critical' from the proposed subclause (b) to *Objective 3.3.10*.
- 20. Foodstuffs (South Island) Properties Limited ('Foodstuffs') addressed through the legal submissions from Ms Brooker and company evidence from Ms Rebecca Parish (Property Development Manager for Foodstuffs) the relationship between its submissions on the objectives by referencing their experience with recent consenting of three sites. In summary, Ms Brooker's legal submissions sought to retain the objectives and policies framework in Chapter 15 Commercial that provides for both the commercial centres hierarchy and out-of-centre commercial development. She contended that the proposed plan changes unnecessarily tighten that centres framework.
- 21. Woolworths New Zealand Limited ('Woolworths') addressed through the legal submissions from Mr Leckie, similar issues raised by CIAL and LPC. Mr Leckie also submitted that the importance of the centres-based approach is already clearly articulated and there is no ambiguity in *Chapter 3 Strategic Directions*, and PC5A lacks evidential justification for the change.⁹
- 22. Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Incorporated ('Ryman and RVA') addressed through the legal submissions from Mr Hinchey and planning evidence from Mr Turner, similar issues raised by CIAL, LPC and Woolworths, with particular emphasis on the enabling nature of the provisions within the NPS-UD¹⁰.

⁷ Refer to paragraphs 30 – 38 of evidence of Ms Blackmore, 3 December 2021

 $^{^{\}rm 8}$ Refer to paragraphs 7 – 36 of legal submission from LPC, 8 December 2021

⁹ Refer to paragraph 24 of legal submission from Woolworths, 8 December 2021

¹⁰ Refer in particular to paragraphs 22 – 40 of legal submission from Ryman and RVA, 8 December 2021

- 23. Mr Turner noted that the district plan as a whole (not just an individual chapter or provision) needs to give effect to the CRPS and the centres-based approach is clearly set out in *Objective 15.2.2* and *Policy 15.2.2.1*. His evidence also discussed the effective narrowing of activities by focusing on one particular activity to the exclusion of other legitimate activities. This matter was of specific interest to Ryman and RVA as it relates to the need to provide higher density living environments (including mixed use and greater range of housing types) in and around centres as expressed in *Objective 6.2.2* of the CRPS¹¹. Mr Turner concludes that the proposed additional wording to *Objectives 3.3.7* and *3.3.8* inadvertently detracts from rather than enhances alignment with the objectives in the CRPS.
- 24. Mr Lawry provided legal submissions on behalf of himself which in large part provided background to the current centres-based approach and its relationship with the *Special Purpose (Airport) Zone* provisions that were included within the district plan through the Plan Change 84 process. Mr Lawry discussed the difference in meaning or emphasis between the proposed word 'primarily' verses the word 'primary' within new subclause (b) to *Objective 3.3.10*. His submission is that the word 'primary' is a stronger word that will drive development to the desired places.¹²
- 25. Mr Pizzey (Legal Counsel, Christchurch City Council) provided Council's reply and in summary with respect to PC5A noted the following:
 - a. While Chapter 15 Commercial provides clear direction to focus commercial activity in commercial centres, this is not explicit in other zone chapters and the inclusion of the proposed changes within Chapter 3 Strategic Directions will support the centres-based approach and its consideration in zones that are not zoned commercial¹³;
 - b. Council is not opposed to an 'out-of-centres' second limb being included in *Objective 3.3.10*, but cautions that vertical alignment between the second limb and the zone chapters would require significantly more amendments¹⁴;
 - c. The term 'critical' is retained to reflect the importance of the centres hierarchy¹⁵;
 - d. There is no intention to narrow activities, but rather to fill the gap in the direction of the CRPS for commercial, as well as community and service activities to be provided (noting that the last two activities are already provided)¹⁶; and

 $^{^{\}rm 11}$ Refer in particular to paragraphs 59 – 65 of Mr Turners evidence, 3 December 2021

¹² Refer to paragraph 3 of legal submissions from Mr Lawry

¹³ Refer to paragraphs 22 & 23 of Council's Reply, 25 February 2022

 $^{^{14}}$ Refer to paragraphs 24 - 27 and 29 -31 of Council's Reply, 25 February 2022

¹⁵ Refer to paragraph 32 of Council's Reply, 25 February 2022

¹⁶ Refer to paragraph 33 of Council's Reply, 25 February 2022

- e. Confirming that the use of the term 'community' is a holistic term within the phrase 'key community focal points' that includes housing, commercial, service, community and transport activity¹⁷.
- 26. With regard to considering the matters raised with respect to PC5A Strategic Directions, the Panel found it somewhat artificial to separate these out from some of the matters raised in PC5B Commercial. Accordingly, in considering the provisions required to be included in *Chapter 3 Strategic Directions* as part of PC5A, reference will be made where relevant to the recommended amendments to PC5B.

Justification for PC5A Strategic Commercial Objectives

- 27. Legal submissions and evidence from submitters (particularly CIAL and Foodstuffs) identified that resource consent applications for out-of-centre commercial developments have required the presentation of economic, planning and other evidence and have been subject to rigorous testing of the *Chapter 15 Commercial* objectives and policies. This is despite the zone that the commercial activity is sought to be located in not being a commercial zone, and there is no explicit reference to commercial activities and the centres-based framework in the objectives within Chapter 3 Strategic Directions.
- 28. Council identified one resource consent application (RMA/2019/1821) which had raised in paragraph [36], that:
 - "...these strategic objectives to be very high level and aspirational, and not at all directive as to exactly how and to what extent commercial activity is to be restricted outside the City Centre and other Commercial zones." ¹⁸
- 29. However, the s32 report fails to record that the Commissioners noted that while the objectives of *Chapter 15 Commercial* do not apply to commercial activities outside of the commercial zones, that *Objective 6.3.6* of the CRPS is implemented primarily in the provisions of other zones in which commercial activities might seek to locate¹⁹. Accordingly, they then turned their minds to the assessment of relevant objectives and policies in the following chapters of the district plan²⁰:
 - a. Chapter 15 Commercial;
 - b. Chapter 14 Residential;
 - c. Chapter 16 Industrial;
 - d. Chapter 17 Rural; and
 - e. Specific Purpose (Airport) Zone.

¹⁷ Refer to paragraphs 34 – 38 of Council's Reply, 25 February 2022

 $^{^{\}rm 18}$ Refer to paragraph 2.10.4 of the s32 Report

¹⁹ Refer to paragraphs [37] and [40] of decision RMA/2019/1821

²⁰ Refer to paragraphs [37] to [52] of decision RMA/2019/1821

- 30. The decision also recorded that following that assessment of the objectives and policies of the district plan, when considered as a whole, the proposal was not contrary to those relevant objectives and policies²¹. The Panel notes that the approach of considering objectives and policies as a whole for both resource consents and plan changes, is well established through planning practice and case law.
- 31. The Panel notes that consideration of the *Chapter 3 Strategic Directions* as the first matter of assessment in the decision, does not reflect the approach established through *King Salmon* and *Davidson*, in that higher order policy document provisions only need to be relied on in specific circumstances (such as there being a void, a conflict between provisions or the provisions are 'out of date'). However, the Commissioners assessment of the objectives and policies as a whole as they applied to the resource consent did not raise any such circumstances and accordingly, they did not need to subsequently have recourse to the objectives in *Chapter 3 Strategic Directions* in their decision. On the basis of the evidence provided by submitters and the resource consent decision referenced by Council in support of PC5A, the Panel finds that PC5A cannot be supported on the basis that there is uncertainty being created in resource consent and plan change assessments.
- 32. The other justifications in support of PC5A put forward by Council in the s32 report were:
 - a. Gap in the *Chapter 3 Strategic Directions* reduces clarity of direction between the CPRS and LURP, with the lower order zone objectives and policies²²; and
 - b. Risk that other directions in *Chapter 3 Strategic Directions* will be given more weight and potentially lead to support for commercial activity in less appropriate locations²³.
- 33. In considering the above two justifications, the Panel was cognisant of the directions contained in the 'Interpretation' section of *Chapter 3 Strategic Directions*, which require the other objectives in Chapter 3 to be expressed and achieved in a manner consistent with *Objectives 3.3.1* and *3.3.2*, and the objectives and policies in all other chapters to be expressed and consistent with the Chapter 3 objectives. Of particular relevance to PC5A is *Objective 3.3.2 Clarity of language and efficiency*, which amongst other matters requires:

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

ii. Sets objectives and policies that clearly state the outcomes intended; and

²¹ Refer to paragraph [80] of decision RMA/2019/1821

²² Refer to paragraph 2.10.2 of the s32 Report

²³ Refer to paragraph 2.10.3 of the s32 Report

iii. Uses clear, concise language so that the District Plan is easy to understand and use.

- 34. The question needing to be answered is whether the outcomes for the centres-based framework as it applies to commercial activity is clearly stated and if it is, is it easy to understand and use. There appeared to be consensus amongst the parties that the centres-based framework is clearly stated in *Chapter 15 Commercial*, especially at *Objectives 15.2.1* and *15.2.2*, and *Policies 15.2.2.1* and *15.2.2.4*. However, even then, most of the parties have concurred that changes to these objectives and policies are required and they have agreed on those changes (refer to the report on PC5B Commercial).
- 35. Although no parties drew this matter to the Panel's attention, a comparison as to the manner in which housing development is to be achieved across the City is expressed in detail in the following objectives of Chapter 3 Strategic Directions:
 - a. 3.3.4 Housing capacity and choice;
 - b. 3.3.7 Urban growth, form and design (especially parts a.i., a.iv. and a.iv.); and
 - c. 3.3.8 Revitalising the Central City (especially part c.).
- 36. Also, other city-wide topics are comprehensive, standalone and clearly articulate the outcomes sought, such as:
 - a. 'Natural hazards' (Objective 3.3.6),
 - b. 'Infrastructure' (Objective 3.3.12),
 - c. 'Temporary recovery activities' (Objective 3.3.15); and
 - d. 'Wai (Water) features and values, and Te Tai o Mahaanui (Objective 3.3.17).
- 37. By comparison, the centres-based framework, which applies not only to commercial zones but to other zones across the City (as discussed in paragraphs 27 31 of this report in relation to the recent Commissioner resource consent decision), is not clearly articulated in the *Chapter 3 Strategic Directions* objectives. That articulation is found in *Chapter 15 Commercial*, particularly *Objective 15.2.1 Recovery of commercial activity*. It is noted that the term 'critical importance' is used in this objective. As noted in paragraph 18 of this report, Ms Hill on behalf of LPC identified that the term 'critical' is used in two strategic objectives. Accordingly, it is somewhat of an anomaly in terms of the district plan chapter structure, that such an important and 'across the City' objective is found only in the commercial zones chapter.
- 38. Accordingly, the Panel has concluded that the problem definition as identified in the s32 report²⁴ is supported. Also, the Panel concludes that there is a gap in the vertical alignment of objectives, in that *Objective 15.2.1* does not align with the strategic

²⁴ Refer to section 2.10 of the s32 Report

objectives in *Chapter 3 Strategic Directions*, as there is no 'hook' for the objectives in *Chapter 15 Commercial* to connect to.

Inclusion of 'and commercial' to Objectives 3.3.7 and 3.3.8

- 39. As noted in paragraph 25.e. of this report, the terms 'community' and 'community activity' in the relevant objectives are not hyperlinked to *Chapter 2 Abbreviations* and *Definitions*, as the term is used to cover a wide variety of activities that would be found within the Central City and other centres. This wide variety of activities anticipated in these centres is supported by definitions including:
 - a. 'Key activity centres' which includes employment, community activities, transport and intensive mixed use development; and
 - b. 'Mixed use' which includes residential, commercial and community activities.
- 40. While Mr Turner's planning evidence was focused on the provision of retirement villages within commercial centres, the Panel found his analysis of the relevant objectives and policies of the NPD-UD, CRPS and District Plan particularly helpful. As noted already in this report, this analysis was supported in the legal submissions and planning evidence of other submitters. The Panel agrees with the conclusion reached by Mr Turner that:

"Whilst Objective 6.2.6 of the CRPS is focused on the provision of business activities, it does not seek to preclude other types of land uses within centres. It also needs to be considered in context of the other objectives of the CRPS that do recognize the need for diversity in land use centres" ²⁶

41. The Panel agrees that elevation of the centres-based framework into *Chapter 3*Strategic Directions does give effect to the CRPS and provides the vertical alignment sought by Council between the chapters of the District Plan. However, the Panel has concluded that addition of the words 'and commercial' or the alternative suggested in the evidence of Mr Turner to broaden the range of activities listed²⁷, to the two objectives has potential unintended consequences of elevating commercial activities and narrowing other activities to the detriment of enabling a wide variety of land use activities in the centres. This is not in accordance with the anticipated environmental result of the objectives and policies of the CPRS as set out in Section 6.4(17), which states:

"The function and role of the Central City, the Key Activity and neighbourhood centres is maintained".

²⁵ Refer to *Overview of the Planning Framework* in paragraphs 32 – 69 of Mr Turners evidence, 3 December 2021

²⁶ Refer to paragraph 65 of Mr Turners evidence, 3 December 2021

²⁷ Refer to paragraph 69 of Mr Turners evidence, 3 December 2021

<u>Justification for addition of sub-clause (b) to Objective 3.3.10 – Commercial and industrial activities</u>

- 42. As noted in paragraph 38 of this report, there is potential for a lack of vertical alignment of the objectives in *Chapter 15 Commercial* with respect to the centresbased framework, without that matter being elaborated on within *Chapter 3 Strategic Directions*.
- 43. The Hearing Panel report on proposed plan change PC5B records the agreement reached amongst the parties and concludes that changes to the objectives and policies in *Chapter 15 Commercial* are necessary to clearly establish the centresbased framework, and the important role that applies to commercial activity (amongst other activities) within those centres.
- 44. Objective 15.2.1 (as agreed amongst the parties and set out in the Hearing Panel decision on proposed plan change PC5B) states the 'critical importance' of commercial and community activities to the recovery and long term growth of the City. The wording of this objective is nearly word-for-word to that proposed in new sub-clause (b) to Objective 3.3.10, which has the potential to create confusion.
- 45. It is noted that *Objective 5.2.1.1 Natural hazards objective* in *Chapter 5 Natural Hazards*, has provided vertical alignment and managed the potential duplication between the strategic directions objective and the natural hazards chapter by stating that Objective 3.3.6 in *Chapter 3 Strategic Directions* is the objective for the natural hazards chapter.
- 46. However, the Panel is satisfied that the two objectives are complementary to each other. The addition of the sub-clause in *Chapter 3 Strategic Directions* provides the wider context with regard to commercial activity across all the zones within the City (refer to discussion later on with respect to commercial activities outside of centres), with the objectives and policies within *Chapter 15 Commercial* focussed on the commercial centres.

Wording of sub-clause (b) to Objective 3.3.10 – Commercial and industrial activities

47. The issue of whether the word 'critical' should be included within the new subclause is discussed in paragraphs, 19, 25.c, and 37 of this report. The Panel concludes that the word should be included in the sub-clause for the reasons discussed. However, as Objective 15.2.1 – Recovery of commercial centres has narrowed the focus to commercial and community activities only, there is potential for the importance of other activities (such as mixed use and residential) to be downgraded. Accordingly, the Panel recommends that the word "critical" is retained in sub-clause (b), but a consequential amendment is made to remove the word from Objective 15.2.1.

- 48. The other matter raised by CIAL, LPC, Foodstuffs and Ryman/RVA was the lack of recognition that commercial activity is focused both within and outside of centres as set out in the CRPS²⁸. In the Council Reply, Mr Pizzey conceded that Council is not opposed to the addition of this matter, but noted that there are potential vertical alignment issues with respect to this approach as identified in the s32 report and in the evidence of Ms Allan. However, no specific evidence or reference to specific objectives and policies elsewhere in the District Plan was provided in the s32 report, in Ms Allan's evidence or in Council's legal submissions/reply in support of this position. While not having undertaken a comprehensive review of all the relevant objectives and policies throughout the District Plan, the Panel noted for example that *Chapter 14 Residential* sets out the approach to non-residential activities (including specifically commercial and industrial activities) in *Objective 14.2.6 Non-residential activities*, *Policy 14.2.6.4 Other non-residential activities* and *Policy 14.2.6.5 Retailing in residential zones*.
- 49. The growth of commercial activities in and around commercial centres has been agreed amongst the parties (and is included in the Hearing Panel decision on plan change PC5B) with respect to the amended wording of *Policy 15.2.2.4 (b)* and specifically at new sub-clauses (v) and (vi) as follows:
 - "v. ensure the centre is coherent in form; and
 - vi. ensure the large format activity proposed within 400 metres does not have a significant adverse effect on the function and viability of the centre."
- 50. Without a corresponding objective within Chapter 3 Strategic Directions, there is no 'hook' for this new subclause to link through Objective 15.2.2. Accordingly, in terms of vertical alignment, the Panel has concluded that the additional wording proposed in submissions is necessary, and recommends the following wording (additional wording in bold-red underlined):
 - b. The critical importance of centres for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects.
- 51. Mr Lawry raised the issue as to whether the term 'primarily' or 'primary' is the correct term to use within this objective sub-clause.
- 52. The Panel considers that the Independent Hearings Panel carefully differentiated between use of these two terms in the strategic objectives. They used 'primary' when referring to the importance of the Central City, clearly not providing any

²⁸ Refer in particular to Objective 6.2.6 (3) and (4) and Policy 6.3.6 (3) and (4)

flexibility in this aspect.²⁹ The term 'primarily' has been used when there is some degree of flexibility being provided. Accordingly, the Panel confirms the use of the word 'primary' in the proposed objective sub-clause.

5.7 Section 32AA Report

- 53. As discussed in this report, a comprehensive s32 and s42A report were prepared by the Council. As no changes were proposed by Council, there was no need for any further s32AA evaluation to be provided.
- 54. The analysis provided in this report comprises the requirements of a s32AA report and no additional analysis or report is required.

5.8 Recommendation

55. It is recommended that the Christchurch City Council make the following decisions:

- a. Adopt the amendments proposed to Chapter 3 Strategic Directions as set out in
 Appendix 1 PC5A Recommended Decision;
- b. Adopt the amendment proposed to Objective 15.2.1 of Chapter 15 Commercial as set out in **Appendix 1** PC5B Recommended Decision; and
- c. Accept and reject the submissions as set out in **Appendix 2**.

²⁹ Refer to Objective 3.3.8 – Revitalising the Central City (at sub-clauses a. and d.)

Appendix 1 – PC5A Recommended Decision



Resource Management Act 1991

Christchurch District Plan Proposed Plan Change

5A

DISTRICT PLAN AMENDMENTS

Note: For the purposes of this plan change, any unchanged text is shown as normal text, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as **bold strikethrough**.

Text in green font identifies existing terms defined in Chapter 2 - Definitions. Where the newly added text contains a defined term, the term is shown as **bold underlined text in green**.

Text in blue font indicates links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Changes recommended by the Independent Hearings Panel is shown as **bold underlined** for additional text and **bold deleted** for text to be deleted. Where the additional text includes a defined term, this is shown as **red bold dotted underline**.

Amend the District Plan as follows:

Chapter 3 – Strategic Directions

3.3.7 Objective - Urban growth, form and design

- a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:
 - i. Is attractive to residents, business and visitors; and
 - Has its areas of special character and amenity value identified and their specifically recognised values appropriately managed; and
 - iii. Provides for urban activities only:
 - A. within the existing urban areas; and
 - B. on greenfield land on the periphery of Christchurch's urban area identified in accordance with the Greenfield Priority Areas in the Canterbury Regional Policy Statement Chapter 6, Map A; and
 - iv. Increases the housing development opportunities in the urban area to meet the intensification targets specified in the Canterbury Regional Policy Statement, Chapter 6, Objective 6.2.2 (1); particularly:

- A. in and around the Central City, Key Activity Centres (as identified in the Canterbury Regional Policy Statement), larger neighbourhood centres, and nodes of core public transport routes; and
- B. in those parts of Residential Greenfield Priority Areas identified in Canterbury Regional Policy Statement Chapter 6, Map A; and
- C. in suitable brownfield areas; and
- v. Maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community and commercial focal points; and
- vi. Identifies opportunities for, and supports, the redevelopment of brownfield sites for residential, business or mixed use activities; and
- vii. Promotes the re-use and re-development of buildings and land; and
- viii. Improves overall accessibility and connectivity for people, transport (including opportunities for walking, cycling and public transport) and services; and
- ix. Promotes the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure; and
- x. Co-ordinates the nature, timing and sequencing of new development with the funding, implementation and operation of necessary transport and other infrastructure.

3.3.8 Objective - Revitalising the Central City

- a. The Central City is revitalised as the primary community and commercial focal point for the people of Christchurch; and
- b. The amenity values, function and economic, social and cultural viability of the Central City are enhanced through private and public sector investment, and
- c. A range of housing opportunities are enabled to support at least 5,000 additional households in the Central City between 2012 and 2028.
- d. The Central City has a unique identity and sense of place, incorporating the following elements, which can contribute to a high amenity urban environment for residents, visitors and workers to enjoy:
 - i. a green edge and gateway to the City defined by the Frame and Hagley Park;
 - a variety of public spaces including the Avon river, squares and precincts and civic facilities;
 - iii. built form and historic heritage that reflects the identity and values of Ngai Tahu, and the City's history as a European settlement; including cathedrals and associated buildings at 100 Cathedral Square and 136 Barbadoes Street;
 - iv. a wide diversity and concentration of activities that enhance its role as the primary focus of the City and region; and
 - a range of options for movement within and to destinations outside the Central City that are safe, flexible, and resilient and which supports the increased use of public transport, walking and cycling.

3.3.10 Objective - Commercial and industrial activities

- a. The recovery and stimulation of commercial and industrial activities in a way that expedites recovery and long-term economic and employment growth through:
 - Enabling rebuilding of existing business areas, revitalising of centres, and provision in greenfield areas; and
 - ii. Ensuring sufficient and suitable land development capacity.
- b. The critical importance of centres for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects.

6. PLAN CHANGE 5B - COMMERCIAL

6.1 Background and purpose

- 1. Plan Change 5B Commercial chapters ('PC5B') and the supporting s32 evaluation documents, identifies that there are more than fifty discrete amendments proposed to objectives, policies, rules, matters of discretion and definitions. The purpose of the Plan Change has been helpfully summarised by grouping the changes into three groups as follows:
 - a. A number of discrete matters that collectively risk undermining the effective management of commercial centres and commercial activity through not being in accordance with the 'centres-based framework';
 - b. Lack of clarity about the outcomes sought for residential activity in commercial centres, particularly in respect to ground floor residential activities and urban design matters; and
 - c. A number of provisions that lack clarity of language and/or are inefficient as a result of unclear drafting, errors or inconsistencies and out-of-date or redundant provisions.
- 2. For each of the three groups set out in paragraph 1, consideration of the National Policy Statement on Urban Development provisions has also been undertaken by Council.
- 3. The changes are proposed mainly to the provisions in Chapter 15 (Commercial), along with changes to related definitions contained in Chapter 2 (Abbreviations and Definitions).
- 4. It is noted in the 'Explanation' section to the notified PC5B that consequential amendments are also proposed to be made to Chapter 14 (Residential). However, no consequential changes are actually proposed to this chapter. Rather, as is explained in the S42A report, the only change proposed is the rezoning of land at Prestons from 'Residential New Neighbourhood' to 'Commercial Local'. These rezoning changes at Prestons along with zoning changes from one commercial zone to another at Wigram and Aranui, are referenced as "Specific Sites #7 – See separate evaluation under PC5B Commercial Chapter" within the s32 evaluation in support of PC5F – Planning Maps. 30
- 5. It is also noted in the 'Explanation' section to the notified PC5B, that "Significantly, it is not the purpose of the plan change to reconsider the principle of the overarching strategic framework for managing commercial activity through a centres-based framework." The Panel noted that none of the submissions it heard as part of PC5B sought to challenge the commercial centres-based framework, and accordingly no issue as to scope arose with respect to that specific aspect.

³⁰ PC5F Maps Appendix 1 Plan Change and s32, page 39

6.2 Scope of changes

6. As set out in the section "Background and purpose" of this report, there are a wide number of detailed changes proposed to definitions, objectives, policies and rules applying to the commercial zones in Chapter 15 and the planning maps. Rather than detailing the scope of those changes in this section (as has been done for the other reports on Plan Changes 5A, 5C, 5D, 5F, 5F-KSH, 5G and 5H) the section headed "Principal issues" of this report incorporates a summary of proposed changes (where necessary).

6.3 Section 42A Report

- 7. A comprehensive s42A report was prepared by Mr Mark Stevenson (Team Leader, Christchurch City Council). In addition to the appendices providing submissions, district plan amendments and accept/reject tables, the s42A report also included the following appendices that provided additional information or illustration:
 - Appendix 5 s104 report on the cinema complex at Wigram;
 - Appendix 6 Building height comparisons applying to different centres within the commercial hierarchy; and
 - Appendix 7 Summary comparison of centre roles.
- 8. It was noted that the s42A report was prepared in August 2021. Mr Pizzey (Solicitor, Christchurch City Council) and Mr Stevenson advised that there were further amendments proposed, as set out in the legal submissions and the summary of evidence presented by Mr Stevenson. These are discussed within the relevant sections of this report.

6.4 Evidence heard

- 9. Mr Stevenson provided a summary of his evidence contained in the s42A report, confirming his opinion that:
 - a. Issue 1: Objective 15.2.1 Recovery of Commercial Activity
 It is the recovery of 'centres' that is of importance, not the recovery of just
 'commercial activity'. Hence no change to the version contained in the s42A
 report is recommended;
 - b. Issue 2: Objective 15.2.2(a)(iii): 'small scale' 'with a focus on' The proposed addition of the word 'primarily' as contained in the policy means the role of Neighbourhood Centres is not limited to just 'small scale commercial activities'. Hence no change to the version contained in the s42A report is recommended;

- c. Issue 3: Policy 15.2.2.1(a) Role of centres The description of the size of centres, along with the range and scale of activities that locate within them, are the key methods of how the District Plan gives recognition to Objective 15.2.2.(a)(iv), being the primacy of the CBD followed by Key Activity Centres. Hence no change to the version contained in the s42A report is recommended;
- d. Issue 4: Policy 15.2.2.1 Table 15.1 The description of activities including reference to 'retailing' in Neighbourhood Centres and 'stores with large footprints' in Large Format Centres, encompasses the references to commercial activities and supermarkets sought in the submissions. Hence no change to the version contained in the s42A report is recommended;
- e. Issue 5: Policy 15.2.2.4 Accommodating growth

 Continue to recommend the changes as set out in the s42A report to the notified PC5B to:
 - delete proposed 15.2.2.4(b)(i) relating to responding to the Business Lands Capacity Assessment and/or Future Development Strategy;
 - amend 15.2.2.4(b)(ii) to refer to the "...within a strategic network of centres...";
 - managing upward expansion (Policy 15.2.2.4(b)); and
 - retain the proposed word 'scale' (ie to replace the word 'objective') in policy 15.2.2.4(b)(v)(A).

Hence no change to the version contained in the s42A report is recommended with respect to the above matters.

With regard to Policy 15.2.2.4(b)(i – new numbering), change is recommended to the wording in the s42A report, by replacing the proposed wording of "...while not undermining the function of other centres" with "...while not undermining the function of having significant adverse effects on other centres".

f. Issue 6: New Policy 15.2.2.6 – Residential activity in district and neighbourhood centres

Continue to recommend the wording of the new policy and the complementary discretionary activity status, to ensure there is clear policy direction as to what are the circumstances where residential activity at the ground floor level would be appropriate, and broad scrutiny of resource consent applications is available.

With regard to the provision of retirement villages within commercial centres (putting the issue of scope to one side), restricted discretionary activity status

with matters of discretion for retirement villages above ground floor, could be drafted, drawing on the matters in Rule 15.13.2.14, and adding matters that address:

- integration within the centre;
- maintaining capacity of the centre for commercial activities; and
- impacts on the functioning of the centre.
- g. Issue 11: Neighbourhood centre catchment Table 15.1 C. The amended description reflects the role of neighbourhood centres as focal points for small-scale commercial activity focused on convenience shopping and align with the zone description in the National Planning Standards. Hence no change to the version contained in the s42A report is recommended with respect to this matter.

6.5 Scope of Submissions

- 10. At Section 4 'Jurisdiction to Determine Submissions' of this report, the matters to be considered with respect to the scope of submissions is set out. As noted in Section 4, the relevant scope of submission tests will be considered in the context of individual submission matters for each section of PC5.
- 11. Mr Stevenson³¹ and Mr Pizzey³² address the scope of each submission in turn, and these are commented on in the following paragraphs.
 - W Hoddinott (S12.1), S Vallance (S24.7) and Hospitality New Zealand (Canterbury Branch) (S39.2)
- 12. The Panel agrees that these submissions are out of scope for the reasons set out in the s42A report³³ and legal submissions³⁴.
 - Christchurch International Airport Limited (S13.8) ('CIAL')
- 13. The Panel agrees that the submission by CIAL is out of scope for the reasons set out in the s42A³⁵ report and legal submissions³⁶. In particular, the submission fails to meet the following relevant tests as set out in Section 4 of this report:

Test 2 - it is unrelated to the plan change as PC5B does not seek to alter the status quo with respect to the provisions that apply to the Specific Purpose Airport Zone;

 $^{^{31}}$ Refer to Section 7.2 (paragraphs 7.2.1 – 7.2.27) of the s42A report

³² Refer to paragaphs 24 – 33 of the CCC legal submissions on Plan Change 5B Commercial, 8 December 2021

³³ Refer to paragraphs 7.2.14 and 7.2.15 of the s42A report

³⁴ Refer to paragaph 30 of the CCC legal submissions on Plan Change 5B Commercial, 8 December 2021

³⁵ Refer to paragraphs 7.2.5 and 7.2.6 of the s42A report

³⁶ Refer to paragaph 30 of the CCC legal submissions on Plan Change 5B Commercial, 8 December 2021

Test 4 – the submission is not proposing an alternative policy, but is seeking to alter existing policies;

Test 5 – the option should not have been considered in the s32 analysis as it is not an option that needed to be considered as the Specific Purpose Airport Zone is not part of the commercial centres hierarchy, although it does have commercial activities; and

Test 7 – the submission is on a matter where the management regime is not sought to be altered.

14. It is noted that the s42A report recommendation that this part of the submission was out of scope, was not challenged in the legal submission³⁷ on behalf of Christchurch International Airport Limited.

Ryman Healthcare Limited ('Ryman') (S33.20, S33.11 and S33.12) and Retirement Villages Association of NZ Incorporated ('RVA') (38.10, S38.11 and S38.12)

- 15. Both Mr Stevenson and Mr Pizzey set out their reasons as to why the submissions by Ryman and RVA are out of scope³⁸³⁹.
- 16. Mr Hinchy provided legal submissions in support of Ryman and RVA and specifically addressed that the submission points are "on" PC5B and accordingly are within scope⁴⁰. The 'within scope' matter was further discussed in planning evidence from Mr Turner in support of Ryman and RVA⁴¹.
- 17. The legal submissions and planning evidence presented on behalf of Rymans and RVA disagree with the Council's conclusion and recommendation that the submission points are out of scope for the following main reasons:
 - a. The s32 report noted that one of the reasons for PC5B was to give effect to the NPS-UD which includes providing for different residential locations and form (including in and around an urban environment – Objective 3). The submissions from Ryman and RVA seek to enable residential activity in the form of retirement villages in commercial centres. The manner in which retirement villages are provided in commercial centres should have been part of the s32 report analysis; and
 - b. PC5B seeks to change the management regime for residential activities in centres. The submissions from Ryman and RVA seek to provide further clarification on the proposed management regime, as to the manner in which

 $^{^{}m 37}$ Refer to paragraph 5 of legal submissions on behalf of CIAL, 8 December 2021

³⁸ Refer to paragraphs 7.2.7 – 7.2.13 of the s42A report

³⁹ Refer to paragraph 29 of the CCC legal submissions

 $^{^{40}}$ Refer to paragraphs 91 – 93 and Appendix 1 of legal submission on behalf of Ryman and RVA, 8 Decmber 2021

 $^{^{41}}$ Refer to paragraphs 95-110 of Statement of Evidence of Mr Turner, 3 Decmber 2021

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retirement villages (which are a form of residential activity) should be provided for consistently across the commercial centres.

18. The Panel considers that relevant Tests 1, 2, 3, 4, 5 and 7 as set out in Section 4 of this report are met for the reasons set out above. Accordingly, the submissions are within scope and the merits of the submissions are able to be considered further.

Foodstuffs SI Limited (S29.5 and S29.6) ('Foodstuffs')

- 19. Both Mr Stevenson and Mr Pizzey set out their reasons as to why the submissions by Foodstuffs that seek the reclassification of existing commercial centres, are out of scope 4243.
- 20. Ms Brooker (legal counsel for Foodstuffs) and Ms Rebecca Parish (Property Development Manager for Foodstuffs) illustrated the relationship between its submissions on the objectives and policies by referencing their experience with recent consenting of three sites. In summary, Ms Brooker's legal submissions sought to retain the objectives and policies framework that provides for both the commercial centres hierarchy and out-of-centre commercial development. She contended that the proposed plan changes unnecessarily tighten that centres framework.
- 21. The Panel considers that the relevant Tests 1, 2, 3, 4, 7 and 8 as set out in Section 4 of this report are met for the reasons outlined in Ms Brookers legal submissions.

 Accordingly, the submissions are within scope and the merits of the submissions are able to be considered further.

1027 Investments Limited (S37.5, S37.6 and S37.7)

- 22. Mr Stevenson sets out his reasons as to why the submissions by 1027 Investments Limited that seek amendments to Chapter 14 Residential, to better support historic non-residential activities that sit outside of commercial centres (as an alternative relief to the rezoning of the property) is out of scope.⁴⁴
- 23. Mr Barr (planning consultant) addressed the matter of scope in his evidence⁴⁵ and further addressed the matter at the hearing. In summary, Mr Barr emphasized the long standing non-residential use of the site and that the individual plan changes make up a package of relationship between changes to objectives and policies (PC5B), with changes to the zoning of properties (PC5F), which makes the submission within scope.

⁴²Refer to paragraphs 7.2.19 – 7.2.23 of the s42A report

⁴³ Refer to paragraph 31 of the CCC legal submissions

⁴⁴ Refer to paragraphs 7.2.24 – 7.2.26 of the s42A report

⁴⁵ Refer to paragraphs 4.14 – 4.20, Evidence of Craig Barr, 3 December 2021

24. The Panel considers that the submission is **not** on PC5B (but may be within scope with respect to PC5F – Planning Maps and will be addressed as part of the report on that specific plan change). The part of the submission seeking amendments to the Residential Chapter in terms of additional support in the provisions for existing non-residential activities, is not a matter that sits 'fair and square' within PC5B, nor can it be considered to be an incidental or consequential matter. It does fall to be 'out of left field' and suggests changes where the management regime is not altered by PC5B. Accordingly, the submissions are **not** within scope and the merits of the submissions are not able to be considered further. However, as noted, the matter of scope for the rezoning of the site will be considered with respect to PC5F – Planning Maps.

6.6 Principal issues

25. Council's s42A report addressed fifteen (15) issues that were subject to submissions. This report addresses each of these issues in the same order as the s42A report, noting those that were/were not subject to either legal submissions or evidence at the hearing of PC5B.

Principal Issue 1: Changes to Objective 15.2.1 – Recovery of commercial activity

- 26. Christchurch International Airport Limited specifically addressed (through its legal submission at the hearing⁴⁶) the issues raised in relation to the change in wording of the objective from 'activity' to 'centres', and the proposed removal of the hyperlinking from the term 'commercial activity'.
- 27. The Panel concurs with the planning evidence of Mr Stevenson and the legal submission from Mr Pizzey on behalf of Council, that the broader meaning of commercial and community activities (not just specifically defined activities) better reflects the intent of this objective as it applies to the recovery of centres. Accordingly, the Panel recommends the version of Objective 15.2.1 as set out in the notified and s42A report versions.

<u>Principal Issue 2</u>: Objective 15.2.2 – Centres-based framework for commercial activities

28. The main issue addressed in legal submissions and planning evidence related to subclause a. iii. of the objective, with regard to the terms 'small scale' and 'with a focus on'.

 $^{^{46}}$ Refer to paragraphs 47 – 51 of legal submission from CIAL, 8 December 2021

- 29. Mr Clease addressed this matter in detail in his evidence⁴⁷ and this was helpfully reflected on by Mr Stevenson⁴⁸.
- 30. The Panel noted the evidence of both Mr Clease and Mr Stevenson that the introduction of the word 'primarily' before the words 'small scale commercial activities' addresses the main issue raised through the proposed wording of this part of the objective in that without this qualifying word, it would have the effect of not recognizing that most Neighbourhood Centres are anchored with supermarket(s) or other anchor stores, and has the potential to down-grade the purpose of Neighbourhood Centres.
- 31. The Panel agrees with the evidence of Mr Stevenson that the proposed wording changes relate to the small scale of the commercial activities, not to the overall size of the neighbourhood centre itself and does not preclude larger sized tenancies.
- 32. Mr Clease suggested that the sub-clause could be split into two clauses addressing the role of District Centres and Neighbourhood Centres respectively. However, the Panel prefers that the two centres remain in the one sub-clause, as this clearly identifies the relationship and differences between the two centres in the one place.
- 33. The Panel noted that the differences between Mr Clease and Mr Stevenson were more in relation to the 'form' of wording rather than the 'intent' of what was being sought. Accordingly, the Panel recommends the amended wording as contained in the s42A report.

Principal Issue 3: Policy 15.2.2.1 - Role of centres

- 34. The changes to this policy seek to clarify the size of centres and that the range and scale of activities that occur within them, in a manner that gives primacy to the higher order centres with the CBD first and Key Activity Centres second.
- 35. The same conclusion was reached by the Panel with respect to Objective 15.2.2 a. iii. in that there is no 'downgrading' of the role that Neighbourhood Centres play within the hierarchy of centres.
- 36. Accordingly, the Panel recommends the amended wording as contained in the s42A report.

<u>Principal Issue 4</u>: Policy 15.2.2.1 – Table 15.1 – Centre's roles

 $^{^{47}}$ Refer to paragrpahs 20 – 36 of Evidence of Mr Clease on behalf of Belfast Village JV Limited, 3 December 2021

 $^{^{48}}$ Refe to paragrpahs 7 – 17 of Summary of Evidence Mr Stevenson, 10 December 2021

- 37. No additional evidence or legal submissions were provided in relation to this specific matter from either Foodstuffs or Woolworths. Accordingly, the Panel recommends the amended wording of Table 15.1 and for the reasons as set out in the s42A report.
 - <u>Principal Issue 5</u>: Policy 15.2.2.4 Accommodating Growth and Rule 15.13.3.1 Matter of discretion for built form standards Maximum building height
- 38. The changes proposed under this issue sought to address the requirements of the National Policy Statement on Urban Development ('NPS-UD), and managing growth of centres (particularly with respect to upward growth) within the centres-based framework. In response to matters of concern raised within submissions, Mr Stevenson in his s42A report concluded that he could no longer support most of the proposed changes to the policy as notified.⁴⁹
- 39. This issue was subject to differing opinions expressed in evidence presented to the Panel and that is set out in the following paragraphs.
- 40. Mr Clease (on behalf of Belfast Village) supports the changes proposed in Mr Stevenson's s42A report.⁵⁰
- 41. Ms White (on behalf of Reefville Properties Ltd) concludes her evidence by supporting the deletion of proposed sub-clause b. i. of the policy as recommended by Mr Stevenson.⁵¹
- 42. Mr Smith (on behalf of Scentre (New Zealand) Ltd 'Scentre') summarised and concluded his evidence by supporting the centres-based approach and recommending a number of amendments to enable centres to grow and expand in a manner that is consistent with the higher order policy documents (particularly the NPS-UD)⁵². The amendments related to the removal of 'upward expansion', replacing the word 'undermining' with 'significantly adversely impacting' and retaining the word 'objective' rather than replacing it with 'scale'. Each of these matters were addressed in the summary of evidence from Mr Stevenson.⁵³
- 43. Mr Turner (on behalf of Ryman and RVA) noted that the deletion of the additional sub-clause b.i. of the policy was supported in the recommendation in Mr Stevenson's s42A report⁵⁴.
- 44. Mr Pizzey and Mr Stevenson advised the Panel that further consideration of the wording of Policy 15.2.2.4 was required, and this was addressed in the Council's

⁴⁹ Paragraph 7.8.6 of Evidence of Mr Stevenson

 $^{^{50}}$ Paragraphs 37 - 39 of Evidence of Mr Clease

⁵¹ Paragraph 24 of Evidence of Ms White

⁵² Paragraphs 1.1, 1.2 and 6.5 – 6.18 of Evidence of Mr Smith

⁵³ Paragraphs 25 – 29 of Summary of Evidence of Mr Stevenson

⁵⁴ Paragraph 74 of Evidence of Mr Turner

- Preliminary Right of Reply.⁵⁵ Subsequently, the Chair of the Panel issued Minute 4 noting that Council sought to consult further with the relevant planning experts and that the outcome would be included in the Council's final right of reply.⁵⁶
- 45. Following the issuing of Minute 6, submitters were invited to verify whether the Council's written closing accurately reflected discussions held with the parties. Apart from Scentre, all the other relevant parties confirmed that they had discussed the matter with Council and that they agreed with the revised Policy 15.2.2.4 as set out in Appendix A to the Council's reply.
- 46. Scentre advised that the Council's closing reply does accurately reflect discussions held, but that Scentre strongly disagrees with and does not accept that the addition of the '400 metres' provision to the policy would address Scentre's concerns, as they consider the addition would significantly distort the operation of the policy.
- 47. The version of Policy 15.2.2.4 b. as set out in the Council's closing reply is considered in the following paragraphs with respect to each of the changes in turn, then in consideration of the policy as a whole. This is because this policy was subject to debate during the hearing and was not agreed by all parties.

Any outward <u>or upward</u> expansion of a <u>commercial centre</u> <u>beyond commercial zone</u> <u>boundaries and/or within 400 metres of a commercial centre for large format</u> <u>activities, or any upward expansion of commercial activity above permitted-height limits and/or commercial zone boundaries</u> must:

- 48. The Panel agrees that the splitting of 'outward' and 'upward' into two separate parts removes the confusing wording that was in the notified and s42A versions of this part of the policy.
- 49. The Panel agrees that the inclusion of the words "beyond commercial zone boundaries" and 'or any upward expansion of commercial activity above height limits" also provide clarity with respect to the two forms of centre growth that may occur. As set out in the Council's reply, Mr Stevenson agrees with Mr Smith (on behalf of Scentre) that it is the expansion upward of only commercial activity that has the potential to impact on the function of other centres. Hence the inclusion of the words "commercial activity" within the policy. The Panel agrees with this analysis and conclusion.
- 50. The other main change in this part of the policy relates to the inclusion of the words "and/or within 400 metres of a commercial centre for large format activities". The inclusion of these words responds to the submission from Foodstuffs with respect to the ability to consent out-of-centre supermarket activity (in particular). Foodstuffs

⁵⁵ Pages 8 & 9 of Synopsis of Christchurch City Council Preliminary Right of Reply, 16 December 2021

⁵⁶ Paragraphs 38 – 61 of Council's Reply, 25 February 2022

provided legal submissions that amongst other matters identified that Neighbourhood Centres are larger than the commercially zoned area, as Policy 15.2.2.1 and the role described in Table 15.1 identifies that it includes community facilities within walking distance (400m) of the centre, noting that this distance is not defined on the planning maps. Foodstuffs identified that due to the land area requirements for supermarkets and other large format activities, it was very difficult to find sufficient land within the zoned extent, even though supermarkets are identified as anchor tenants in both the District and Neighbourhood centres. This requires that new supermarkets that would serve the needs of surrounding residential areas have difficulty in locating within existing commercial zones and seek to locate nearby or adjoining those existing zones. Foodstuffs contends that proposed restrictions contained within PC5B on the resource consenting pathway for out-of-centre supermarkets that is currently within the Christchurch District Plan:

- a. does not reflect the discretionary activity status or the support for such activities in Policy 14.2.6.4 – Other non-residential activities, of the Residential Zone chapter; and
- b. is contrary to the objectives of the National Policy Statement on Urban Development and the Canterbury Regional Policy Statement.
- 51. As set out in paragraphs 45 and 46 of this report, all parties other than Scentre confirmed their acceptance of the proposed changes to Policy 15.2.2.4.
- 52. The Panel considers that the proposed changes to this part of Policy 15.2.2.4 (in conjunction with the deletion of the 'community facilities within 400 metres' description for District and Neighbourhood Centres in Table 15.1) responds to the objectives of the National Policy Statement on Urban Development (particularly Objective 3) by clearly setting out the policy framework for resource consent consideration as to whether large format retail will support the function of a centre in a manner that does not cause adverse effects on the function and viability of that centre and other centres in the hierarchy. The Panel considers that the proposed wording with respect to the 'large format activities' in the version included in the Council's Reply, could be worded more clearly without changing the intent, by bringing the subject of this part of the policy (ie large format activities) to the beginning and adding the word 'retail' to link to the defined term, to read as follows:

"...and/or establishment of large format retail activities within 400 metres of a commercial centre,..."

 Ensure the expanded centre remains commensurate with the centre's role and spending growth in its primary catchment within a strategic network of centres, while not undermining having significant adverse effects on the function of other centres;

53. For the reasons set out in Paragraph 52, the Panel confirms that the amended wording of the policy clearly sets out the parameters within which a centre can be expanded.

iv.be consistent with:

- A. responsive to the objective scale of increasing residential development
 opportunities to meet anticipated increase in population in the surrounding catchment
 while continuing to support intensification targets in and around centres;
- **B. consistent with** revitalising the Central City CBD as the primary community focal point.
- 54. Mr Stevenson (on behalf of Council) and Mr Smith (on behalf of Scentre) disagreed as to whether the word 'objective' or 'scale' was the better descriptor to guide the remainder of this part of the policy. The Panel agrees that both words have difficulty due to the common understanding of each and the use of 'objective' in the RMA. The Panel agrees that the revised wording (particularly the words 'responsive to') is more enabling and flexible, which is the intent of this policy and as evaluated in the s32AA evaluation.
 - (v) ensure the centre is coherent in form and the activity proposed within 400 metres does not have a significant adverse effect on the function and viability of the centre.
- 55. This new clause in the policy responds to the inclusion of the 400 metre provision set out in part b. of the policy. The Panel agrees with the s32AA evaluation for the reasons set out under the heading 'Effectiveness and Efficiency' that sub-clause v:
 - supports a compact urban form and integration of activities;
 - gives effect to Objective 6 of the NPSUD; and
 - provides capacity for growth.
- 56. The Panel notes that this sub-clause v. provides a specific policy to be considered with respect to large format activities as set out in sub-clause b. of the policy. The non-inclusion of the words 'large format' within sub-clause v. has the potential for the policy to be applied to other activities, which is not the intent. In the Panel's opinion, this part of the policy should be split into two parts, with the first part applying to any upward or outward expansion, and the second part applying specifically to large format activities, as follows:
 - (v) ensure the centre is coherent in form; and
 - (vi) <u>ensure</u> the <u>large format retail</u> activity proposed within 400 metres does not have a significant adverse effect on the function and viability of the centre.

- 57. This amendment would require a consequential deletion of the word 'and' at the end of sub-clause iii. (new number).
- 58. In conclusion, the Panel recommends the version of Policy 15.2.2.4 as provided in the Council's Reply and s32AA evaluation, with the changes set out in paragraphs 56 and 57, and as shown in **Appendix 1**.

<u>Principal Issue 6</u>: Policy 15.2.2.6 – Residential activity in district and neighbourhood centres

- 59. This policy was subject to legal submissions and planning evidence which has resulted in a revised version that was subsequently discussed between the Council and submitters.
- 60. In response to Minute 6, there is one matter of disagreement from Ryman/RVA with respect to the inclusion of the words 'long term' in addition to 'short' and 'medium' terms, and a matter of consistency in the wording of the matters of discretion raised by Kainga Ora.
- 61. The evidence of Mr Turner (on behalf of Ryman)⁵⁷ was that as Clause 3.4 of the NPSUD does not require Council to have all potential long term commercial land requirements included in the District Plan at this point. However, the Panel notes that while the NPSUD requires specific policies to be complied with, it does not preclude Council from including such policies beforehand⁵⁸. Accordingly, the Panel agrees with the Council position as expressed in the Council reply and s32AA evaluation.⁵⁹
- 62. Kainga Ora noted that while the policy referred to 'special historical characer' in Banks Peninsula, the proposed matter of discretion 15.13.2.2 d. only referred to 'the area's character'. In the Panel's opinion, while it is not necessary for a matter of discretion to repeat a policy provision, in this instance where the policy is restrictive to the 'special historical character', it would remove confusion for the matter of discretion to also refer to this historical character, thereby removing any potential that other characteristics need to be considered. The Panel also considers that as matter of discretion 'd.' is addressing two distinct matters, it would benefit from being split into two matters of discretion.
- 63. Overall and for the reasons expressed in the Council reply and s32AA evaluation, the Panel recommends amended Policy 15.2.2.6, Rule 15.4.1.3 and Matters of discretion 15.13.2.2 (with the addition of the words 'special historical' to and separation of Matter of discretion 'd.' into two matters).

⁵⁷ Paragraph 86 of Evidence of Mr Turner, 3 December 2021

 $^{^{\}rm 58}$ Part 4: Timing, National Policy Statement on Urban Development, July 2020

⁵⁹ Paragraphs 62 – 68 Council Reply, 25 February 2022

<u>Principal Issue 7</u>: Entertainment and Recreation Activity - Policy 15.2.1 Table 15.1 C. and Rule 15.4.1.1 P7 and P8

64. This matter is set out in the legal submissions⁶⁰ and s42A report⁶¹ on behalf of Council. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel agrees with the change in the Council position for the reasons set out in the s42 report.

Principal Issue 8: Defining the Central City Commercial Centre

65. This matter is set out in the legal submissions⁶² and s42A report⁶³ on behalf of Council. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel agrees with the change in the Council position with respect to clarifying what constitutes the central city commercial zone (particularly the new definition of CBD) for the reasons set out in the s42 report.

Principal Issue 9: Wigram Centre - Commercial Zoning and Rules

66. This matter is set out in the legal submissions⁶⁴ and s42A report⁶⁵ on behalf of Council. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel agrees with the Council position for the reasons set out in the s42 report.

<u>Principal Issue 10</u>: Extent of District and Neighbourhood Centres – Policy 15.2.2.1 Table 15.1 B. and C.

67. This matter is set out in the legal submissions ⁶⁶ and s42A report ⁶⁷ on behalf of Council. The Panel agrees with the Council position for the reasons set out in the s42 report. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel also notes that the deletion of the 'community facilities within walking distance (400m) of the centre' complements the proposed changes to Policy 15.2.2.4 – Accommodating Growth, which gives policy direction for large format retail activities outside of commercial zones.

⁶⁰ Paragraphs 77 – 79 of Legal Submissions, 8 December 2021

⁶¹ Section 7.10 of s42A Report

⁶² Paragraphs 80 - 82 of Legal Submissions, 8 December 2021

⁶³ Section 7.11 of s42A Report

⁶⁴ Paragraph 83 of Legal Submissions, 8 December 2021

⁶⁵ Section 7.12 of s42A Report

⁶⁶ Paragraph 84 of Legal Submissions, 8 December 2021

⁶⁷ Section 7.13 of s42A Report

Principal Issue 11: Neighbourhood Centre Catchment – Policy 15.2.2.1 Table 15.1 C.

68. This matter is set out in the legal submissions⁶⁸ and s42A report⁶⁹ on behalf of Council. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel agrees with the Council position for the reasons set out in the s42 report.

Principal Issue 12: Landscaping Rules 15.4.2.7 and 15.5.2.6

69. This matter is set out in the legal submissions⁷⁰ and s42A report⁷¹ on behalf of Council. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel agrees with the Council position for the reasons set out in the s42 report.

<u>Principal Issue 13</u>: Definition of Commercial Services

70. This matter is set out in the legal submissions⁷² and s42A report⁷³ on behalf of Council. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel agrees with the Council position for the reasons set out in the s42 report.

Principal Issue 14: Other

71. This matter is set out in the legal submissions⁷⁴ and s42A report⁷⁵ on behalf of Council. No legal submissions or additional planning evidence that was contrary to the Council position was presented in respect of this matter at the hearing. The Panel agrees with the Council position for the reasons set out in the s42 report.

6.7 Section 32AA Report

72. As discussed in this report, a comprehensive s32 and s42A report were prepared by the Council. Following the hearing of submissions, the Council continued with further discussions with submitters and provided a s32AA report to support any further changes as part of the Council Reply. A copy of the s32AA report is included as **Appendix 3**.

 $^{^{68}}$ Paragraphs 85 - 89 of Legal Submissions, 8 December 2021 $\,$

⁶⁹ Section 7.14 of s42A Report

 $^{^{70}}$ Paragraphs 90 & 91 of Legal Submissions, 8 December 2021

⁷¹ Section 7.15 of s42A Report

⁷² Paragraphs 92 - 94 of Legal Submissions, 8 December 2021

⁷³ Section 7.16 of s42A Report

 $^{^{74}}$ Paragraph 95 of Legal Submissions, 8 December 2021 $\,$

⁷⁵ Section 7.17 of s42A Report

- 73. The Panel has had regard to each of these three evaluations and where relevant, provided comment on matters raised therein.
- 74. Other than the change to Policy 15.2.2.4 b. v. as discussed in paragraphs 56 & 57, and minor consistency wording change to 'special historical character' discussed in paragraphs 62 & 63, no other changes to the text subject to PC5B Commercial is proposed by the Panel.

6.8 Recommendation

- 75. It is recommended that the Christchurch City Council make the following decisions:
- 76. Adopt the amendments proposed to Chapter 2 Definitions and Chapter 15 Commercial as set out in **Appendix 1** Recommended Decision; and
- 77. Accept and reject the submissions as set out in **Appendix 2** Table of Submissions with Recommended Decisions and Reasons.

Appendix 1 - PC5B Recommended Decision

Appendix 1 - PC5B Recommended Decision



Resource Management Act 1991

Christchurch District Plan Proposed Plan Change

5B

DISTRICT PLAN AMENDMENTS

Note: For the purposes of this plan change, any unchanged text is shown as normal text, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as **bold strikethrough**.

Text in green font identifies existing terms defined in Chapter 2 - Definitions. Where the newly added text contains a defined term, the term is shown as **bold underlined text in green**.

Text in blue font indicates links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Changes recommended by the Independent Hearings Panel is shown as **bold underlined** for additional text and **bold deleted** for text to be deleted. Where the additional text includes a defined term, this is shown as **red bold dotted underline**.

Amend the District Plan as follows:

Chapter 2 Definitions List

C

(...)

CBD – Central Business District

means the Commercial Central City Business Zone.

Central City

means that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues.

For the purposes of Chapters 15 and 16 Central City means the Commercial Central City Business Zone. (...)

Commercial centre

means <u>the Central City CBD</u>, district centres, neighbourhood centres, local centres and large format centres zoned <u>Commercial Central City Business</u> <u>Zone</u>, Commercial Core, Commercial Local, Commercial Banks Peninsula and/or Commercial Retail Park.

(...)

1

Commercial services

means a business providing personal, property, financial, household, or <u>other</u> <u>private or business retail</u> services to the general public <u>where a front counter service is provided to cater for anticipated walk-in customers, and is limited to:</u> It includes:

- a. authorised betting shops;
- b. copy and quick print services;
- c. financial and banking facilities;
- d. postal services;
- e. counter insurance services;
- f. dry-cleaning and laundrette services;
- g. electrical goods repair services;
- h. footwear, and leather goods and clothing repair and alteration services;
- i. hairdressing, beauty salons and barbers;
- j. internet and computer services cafes;
- k. computer, internet and phone services and repairs;
- I.k. key cutting services;
- m.l. real estate agents and valuers;
- n.m. travel agency, airline and entertainment booking services;
- o.n. optometrists and/or opticians;
- p.o. movie and game hire; and
- q.p. animal welfare-veterinary care facilities and/or animal grooming services;
- r. massage therapists;
- s. tattoo and piercings studios; and
- t. weight management services.; and

It excludes gymnasiums.

D

(...)

District centre

In relation to Chapter 15 Commercial, means the Commercial Core Zone and, where applicable, the Commercial Retail Park Zone at Belfast / Northwood (emerging), Eastgate/Linwood, Hornby, North Halswell (emerging), Papanui/Northlands, Riccarton and Shirley/Palms.

Κ

(...)

Key activity centres

means the following key existing and proposed commercial centres identified as focal points for employment, community activities and the transport network, and which are suitable for more intensive mixed-use development, as identified in the Canterbury Regional Policy Statement, Chapter 6, on Map A:

- a. Papanui/Northlands;
- b. Shirley/Palms;
- c. Linwood/Eastgate;
- d. New Brighton;
- e. Belfast/Northwood;
- f. Riccarton;
- g. North Halswell;

2

h. Spreydon/Barrington; and

i. Hornby.

The key activity centre in each location is land zoned Commercial Core and, where applicable, Commercial Retail Park.

L

(...)

Local centre

means those areas zoned Commercial Local (excluding those areas at Beckenham and Wigram that are which is zoned Commercial Local but is are categorised as a neighbourhood centre) and Commercial Core at Wainoni, Spreydon (Lincoln Road) and Upper Riccarton Peer Street.

N

(...)

Neighbourhood centre

means:

- a. the Commercial Core Zone at Addington, Aranui, Avonhead, Beckenham, Bishopdale, Bush Inn/Church Corner, Colombo/Beaumont, Cranford, Edgeware, Fendalton, Ferrymead, Halswell, Hillmorton, Ilam/Clyde, Merivale, New Brighton, North West Belfast, Parklands, Prestons (emerging), Redcliffs, Richmond, Linwood Village, Stanmore/Worcester, Spreydon (Barrington), St Martins, Sumner, Sydenham, Sydenham South, Wairakei/Greers Road, West Spreydon (Lincoln Road), Wigram (emerging), Woolston and Yaldhurst (emerging);
- b. the Commercial Local Zone at Beckenham-and Wigram; and
- c. the Commercial Banks Peninsula Zone at Lyttelton and Akaroa.

Chapter 15 - Commercial

15.1 <u>Introduction</u>

<u>(...)</u>

d. This chapter seeks to manage commercial activity in the City through a 'centres-based' approach. The hierarchy of centres comprises the Gentral City, CBD, District Centres, Neighbourhood Centres, Local Centres and Large Format Centres. The centres-based approach gives primacy to the Central City, CBD, and reognises its role as a principal employment and business centre for the City and surrounding region. Existing commercial activity in existing office parks and mixed use zones is also recognized.

15.2 Objectives and Policies

15.2.1 Objective – Recovery of commercial activity centres

a. The critical importance of Commercial activity commercial and community activity to the recovery and long term growth of the City is recognised and facilitated in a framework that supports commercial centres.

¹ Refer to discussion at paragraph 47 of the PC5A Report

15.2.2 Objective - Centres-based framework for commercial activities

- a. Commercial activity Commercial activity is focussed within a network of centres (comprising the Central City CBD, District Centres, Neighbourhood Centres, Local Centres and Large Format Centres) to meet the wider community's and businesses' needs in a way and at a rate that:
 - i. supports intensification within centres;
 - enables the efficient use and continued viability of the physical resources of commercial centres and promotes their success and vitality, reflecting their critical importance to the local economy;
 - iii. supports the function of District Centres as major focal points for commercial activities, entertainment activities, guest accommodation, employment, transport and community activities, and Neighbourhood Centres as a focal point for primarily small-scale commercial activities with a focus on convenience shopping, and community activities and guest accommodation;
 - iv. gives primacy to the Central City CBD, followed by District Centres and Neighbourhood Centres identified as Key Activity Centres;
 - v. is consistent with the role of each centre as defined in 15.2.2.1 Policy Role of centres Table 15.1;
 - vi. supports a compact and sustainable urban form that provides for the integration of commercial activity with <u>guest accommodation</u>, community activity, residential activity and recreation activity in locations accessible by a range of modes of transport;
 - vii. supports the recovery of centres that sustained significant damage or significant population loss from their catchment, including the Central City CBD. Linwood, and Neighbourhood Centres subject to 15.2.4.3 Policy Suburban centre master plans;
 - viii. enhances their vitality and amenity and provides for a range of activities and community facilities:
 - ix. manages adverse effects on the transport network and public and private infrastructure;
 - x. is efficiently serviced by infrastructure and is integrated with the delivery of infrastructure; and
 - recognises the values of, and manages adverse effects on, sites of Ngāi Tahu cultural significance identified in Appendix 9.5.6 and natural waterways (including waipuna).

15.2.2.1 Policy – Role of centres

- a. Maintain and strengthen Recognise and manage the Central City and commercial centres as the focal points for the community and business through intensification within centres that reflects their functions and catchment sizes, and in accordance with a framework that:
 - gives primacy to, and supports, the recovery of the Central City CBD, followed by Key
 <u>Activity Centres</u>, by managing the size of all centres and the range and scale of activities
 that locate within them;
 - ii. supports and enhances the role of District Centres; and
 - iii. maintains the role of Neighbourhood Centres, Local Centres and Large Format Centres. as set out in Policy 15.2.2.1, Table 15.1 Centre's role.

Table 15.1 - Centre's role

	Role	Centre and size (where relevant)
Α.	Central Business District Principal employment and business centre for the City and wider region, and to become the primary destination providing for a the widest range and	Centre: Central City CBD

4

	Role	Centre and size (where relevant)
	greatest scale of activities available in centres, including comparison shopping, dining and night life, entertainment activities, guest accommodation, events, cultural activities and tourism activities. The CBD is ideally positioned to accommodate retail and other commercial activities of a type and scale intended to serve its city and region-wide catchment and visitors to it. Provides for high density residential activity,	
	recreation activities and community activities and community facilities (including health and social services) as well as civic and cultural venues/ facilities (including museums, art galleries). Serves the district's population and visitors. The focus for the district, sub-regional and wider transport services with a central public transport interchange, providing access to large areas of the district and the surrounding districts of Selwyn and Waimakariri.	
	The extent of the centre is the Commercial Central City Business Zone.	
В.	District Centre - Key Activity Centre Major retail destination for comparison and convenience shopping and a focal point for employment (including offices), community activities and community facilities (including libraries, meeting places), entertainment activities, (including movie theatres, restaurants, bars), food and beverage and guest accommodation. Medium density housing is contemplated in above ground floor level and around the centre. Anchored by large retailers including department store(s) and supermarket(s). Serves the needs of a wide primary catchment	Centres: Riccarton, Hornby, Papanui/Northlands, Shirley/Palms, Eastgate/Linwood, Belfast/ Northwood, North Halswell (emerging) (All Key Activity Centres) Size: Greater than 30,000m ²
	extending over several suburbs. Accessible by a range of modes of transport, including multiple bus routes. Public transport facilities, including an interchange, may be incorporated. The extent of the centre is the: a. is the Commercial Core Zone and Commercial Retail Park Zone at Hornby, Belfast/ Northwood and Papanui/Northlands; and the	

	Role	Centre and size (where relevant)
	 b. is the Commercial Core Zone in all other District centres: and community facilities within walking distance (400 metres) of the commercial zone. 	
C.	Neighbourhood Centre A destination for weekly and daily retailing shopping needs as well as for community facilities. In some cases, Neighbourhood Centres offer a broader range of activities including comparison shopping, entertainment (cafes, restaurants and bars), residential activities, small scale offices and other commercial activities. In some cases, Neighbourhood centres offer a broader range of activities comprising guest accommodation, residential activities, along with small-scale comparison shopping, food and beverage outlets, entertainment and recreation activities and offices. A wider range of activities is anticipated in Neighbourhood Centres that are Key Activity Centres or those located in Banks Peninsula, reflecting their distinctive roles and/or remote catchments. Anchored principally by a supermarket(s) and in some cases, has a second or different anchor store. Primarily serves the immediately surrounding suburbs and in some cases, residents and visitors from a wider area. Medium density housing is contemplated in (above ground floor level) and around the centre.	Centres:-Spreydon/ Barrington (Key Activity Centre), New Brighton (Key Activity Centre), Bush Inn/Church Corner, Merivale, Bishopdale, Prestons (emerging), Ferrymead, Sydenham (Colombo Street between Brougham Street and Moorhouse Avenue); Addington, Avonhead, Sumner, Akaroa, Colombo/Beaumont (Colombo Street between Devon Street and Angus Street), Cranford, Edgeware, Fendalton, Beckenham, Halswell, Lyttelton, Ilam/Clyde, Parklands, Redcliffs, Richmond, St Martins, Stanmore/Worcester Linwood Village, Sydenham South (Colombo Street between Brougham Street and Southampton Street), Wairakei/Greers Road, Wigram (emerging), Woolston, Yaldhurst (emerging), West Spreydon (Lincoln-Road) Hillmorton,
	Accessible by a range of modes of transport, including one or more bus services.	Aranui, North West Belfast. Size: 3,000 to 30,000m ² GFA.
	The extent of the centre is the: a. is the-Commercial Core Zone in the identified centres, Commercial Local Zone at Wigram and Beckenham and the Commercial Banks Peninsula Zone at Lyttelton and Akaroa.; and b. Community facilities within walking distance (400 metres) of the centre.	

	Role	Centre and size (where relevant)
D.	Large format centre Standalone retail centre, comprising stores with large footprints, including yard-based suppliers, trade suppliers-including building improvement centres, and other vehicle oriented activities. Provision of other commercial activities and residential and community uses is limited. This includes limiting offices to an ancillary function, and at Tower Junction, providing for a limited amount of commercial services. Serves large geographical areas of the city. Not necessarily connected to a residential catchment. Primarily accessed by car with limited public transport services. The extent of the centre is the Commercial Retail Park Zone.	Centres: Moorhouse Avenue, Shirley Homebase, Tower Junction.
E.	Local centre A small group of primarily convenience shops and, in some instances, community facilities. Accessible by walking, cycling from the area served and on a bus route in some instances. Also includes standalone supermarkets serving the surrounding residential community. The extent of the centre is the Commercial Local Zone, except Wainoni, Spreydon (108 Lincoln Road) and Peer Street Upper Riccarton where the Commercial Core Zone applies.	Centres: Wainoni (174 Wainoni Road), Spreydon (108 Lincoln Road), Upper Riccarton (57 Peer Street), both are zoned Commercial Core; and All other commercial centres zoned Commercial Local. Size: Up to 3,000m² (excluding Wainoni and Upper Riccarton standalone supermarket based centres)

15.2.2.2 Policy - Comprehensive approach to development of the North Halswell and Belfast/ Northwood Key Activity Centres

- a. Require development within the Belfast/Northwood and North Halswell Key Activity Centre to:
 - i. be planned and co-ordinated in accordance with an outline development plan;
 - ii. provide for a high quality, safe commercial centre which is easily accessible by a range of transport modes and is well connected to the surrounding area; and
 - iii. be integrated with the transport network and developed in a manner aligned with improvements to the transport network in order to avoid adverse effects on the safe, efficient and effective functioning of the road network.
- b. Require development within the North Halswell Key Activity Centre to:
 - i. be developed to a scale that:
 - A. protects the Central City's CBD's role as the region's primary commercial area; and

- ensures the role of District Centres and Neighbourhood Centres within the city and commercial centres in Selwyn District is maintained.
- provide high quality public open spaces, a strong main street with a concentration of finer grain retailing, and strong linkages between key anchor stores;
- iii. achieve a supply of both large and finer grain retail activity that provides for the long term needs of the population in the south west.
- c. Require development within the Belfast/ Northwood Key Activity Centre to:
 - i. provide for Ngāi Tahu/ mana whenua values through high quality landscaping;
 - avoid adverse effects on the natural character, ecology and amenity values of the Styx River corridor; and
 - iii. for office and retail activity-at the Styx Centre, be developed to a scale that:
 - A. protects the <u>Central City's CBD's</u> role as the region's primary commercial centre;
 and
 - B. ensures the role of District Centres and Neighbourhood Centres within the City and commercial centres commercial centres in the Waimakariri District are maintained.

15.2.2.4 Policy – Accommodating growth

- a. Growth in commercial activity is focussed within existing commercial centres.
- b. Any outward or upward expansion of a commercial centre beyond commercial zone boundaries and/or establishment of large format retail activities within 400 metres of a commercial centre, or any upward expansion of commercial activity above permitted height limits must:
 - i. Respond to a land supply need identified in a Business Land Capacity Assessment and/or Future Development Strategy prepared under the National Policy Statement on Urban Development Capacity/Urban Development;
 - ensure the expanded centre remains commensurate with the centre's role and spending growth in its primary catchment within a strategic network of centres within a strategic network of centres, while not undermining having significant adverse effects on the function of other centres;
 - ii. be integrated with the provision of infrastructure, including the transport network;
 - iii. be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone; and
 - iv. be consistent with:
 - A. responsive to the objective scale of increasing residential development opportunities to meet anticipated increase in population in the surrounding catchment while continuing to support intensification targets in and around centres; and
 - B. consistent with revitalising the Central City CBD as the primary community focal point; and
 - v. ensure the centre is coherent in form; and
 - vi. ensure the large format retail activity proposed within 400 metres does not have a significant adverse effect on the function and viability of the centre.

15.2.2.6 Residential activity in district and neighbourhood centres

- a. Residential activity in district and neighbourhood centres is encouraged above ground floor level where it supports, and benefits from, centre amenities, and is avoided provided for at ground floor level unless where:
 - the site is not required to meet it can be demonstrated that there is sufficient capacity
 in the catchment of the centre to meet demand in the short, medium and long-term
 needs for commercial floorspace activities; and/or

- ii. the building containing for the residential activity is designed and constructed to facilitate straightforward conversion to commercial floorspace use so as to not foreclose future options; or and for sites in Banks Peninsula, the residential activity contributes positively to the area's special historical character; or
- iii. the site is in Banks Peninsula and the residential activity contributes positively to the
- iii. it can be demonstrated that the ground floor residential activity will not have a significant adverse effect on the commercial viability and function of a centre.
- In addition, residential activity is to be integrated with surrounding activities in the centre, including maintaining continuity of active uses fronting the street.

15.2.3.1 Policy - Office parks

 Recognise and enable office activities in the existing Addington and Russley office parks that are within the Commercial Office Zone.

15.2.4.2 Policy - Design of new development

- a. Require new development to be well-designed and laid out by:
 - encouraging pedestrian activity and amenity along streets and in adjoining public spaces, to a degree that is appropriate to the location and function of the road;
 - providing a principal street facing façade of visual interest that contributes to the character and coherence of a centre;
 - iii. facilitating movement within a site and with the surrounding area for people of all mobilities and ages, by a range of modes of transport through well-defined, convenient and safe routes;
 - enabling visitors to a centre to orientate themselves and find their way with strong visual and physical connections with the surrounding area;
 - v. promoting a safe environment for people and reflecting principles of Crime Prevention through Environmental Design (CPTED);
 - vi. enabling the re-use of buildings and sites while recognising the use for which the building is designed;
 - vii. incorporating principles of low impact design including energy efficiency, water conservation, the reuse of stormwater, on-site treatment of stormwater and/or integration with the wider catchment based approach to stormwater management, where practicable;
 - viii. achieving a visually attractive setting when viewed from the street and other public spaces, while managing effects on adjoining environments; and
 - ix. providing adequate and convenient space for storage while ensuring it is screened to not detract from the site's visual amenity values.
- Recognise the scale, form and design of the existing built form within a site and the immediately surrounding area and the functional and operational requirements of activities.
- d. Require residential development to be well-designed and laid out by ensuring a high quality healthy living environment **including** through:
 - i. the provision of sufficient and conveniently located internal and outdoor living spaces;
 - ii. good accessibility within a development and with adjoining areas; and
 - iii. minimising disturbance from noise and activity in a centre (and the potential for reverse sensitivity issues to arise).

15.2.4.5 Policy - Greenfield development / strategic infrastructure

a. Support a comprehensive approach to the planning, design and implementation of development and infrastructure in <u>greenfield</u> areas, including stormwater management, through measures such as low impact design.

15.2.4.6 Policy – Strategic infrastructure

a. Provide for the effective development, operation, maintenance and upgrade of strategic infrastructure and avoid adverse effects of development on strategic infrastructure through managing the location of activities and the design of stormwater areas. This includes but is not limited to, avoiding sensitive activities within commercial zones located within the 50 dB Ldn Air Noise Contour and within the Lyttelton Port Influences Overlay Area.

15.2.7 Objective - Role of the Commercial Central City Mixed Use Zone

 The development of vibrant urban areas where a diverse and compatible mix of activities can coexist in support of the Commercial Central City Business Zone and other areas within the <u>Central City Central City</u>.

15.2.8.2 Policy - Amenity and effects

- Promote a high standard of built form and amenity and discourage activities from establishing where they will have an adverse effect on the amenity values of the <u>Central City</u> <u>Central City</u>, by:
 - i. requiring minimum areas of landscaping and of site frontages not occupied by buildings;
 - ii. setting fencing and screening requirements;
 - iii. prescribing setback requirements at the boundary with any adjoining residential zone;
 - iv. ensuring protection of sunlight and outlook for adjoining sensitive zones;
 - v. protecting the efficiency and safety of the adjacent transport networks; and
 - vi. controlling industrial activity.

15.2.8.3 Policy - Residential development

- a. Provide for residential development within the Commercial Central City Mixed Use Zone in support of, and to encourage, intensification of residential activity in the <u>Central City Central City</u>, and provide for a level of amenity for residents consistent with the intended built form and mix of activities within that environment, by including:
 - i. provision of outdoor living space and service area;
 - ii. screening of outdoor storage areas and outdoor service space;
 - iii. separation of balconies or habitable spaces from internal site boundaries;
 - iv. prescribed minimum unit sizes; and
 - v. internal noise protection standards.

15.2.10 Objective - Built form and amenity in the South Frame

a. A form of built development within the Commercial Central City (South Frame) Mixed Use Zone that improves the safety, amenity, vibrancy, accessibility and attractiveness of the Commercial Central City (South Frame) Mixed Use Zone, the South Frame Pedestrian Precinct and the <u>Central City Central City</u>.

15.2.10.2 Policy - Residential development

Provide for a range of types of residential development within the Commercial Central City (South Frame) Mixed Use Zone to support intensification of residential activity within the <u>Central City</u> Central City, and to provide for an appropriate level of amenity for residents, by including:

- i. provision for outdoor living space and outdoor service space;
- ii. screening of outdoor storage areas and outdoor service space; and
- iii. prescribed minimum residential unit sizes.

15.2.11.1 Policy - Range of activities

a. Enable small scale, mixed use, commercial activities in the Commercial Local Zone in the <u>Central City Central City</u> that provide for the day-to-day convenience shopping, service and employment needs of the local community and limit the size of any single tenancy to ensure that larger scale tenancies, that would be better located in the Commercial Central City Business Zone, do not establish.

15.2.11.2 Policy - Community facilities

 Enable the establishment of small scale community facilities, co-located with potential neighbourhood reserves, within the Commercial Local Zone in the Central City Central City.

15.2.11.3 Policy - Residential activity

a. Enable residential activity to establish in the Commercial Local Zone in the <u>Central City</u> <u>Central</u> <u>City</u> outside of a ground floor <u>road</u> frontage area.

15.3 How to interpret and apply the rules

- a. (...)
- b. Area specific rules also apply to activities within the Commercial Core Zone and Commercial Local Zone in the following areas:
 - i. Belfast/ Northwood (as identified in Appendix 15.15.1) Rule 15.4.3
 - ii. Ferrymead (as identified in Appendix 15.15.2) Rule 15.4.4
 - iii. North Halswell (as identified in Appendix 15.15.3) Rule 15.4.5
 - iv. Prestons Rule 15.4.6
 - v. Yaldhurst Rule 15.4.7
 - vi. Commercial Core Zone (Other areas) Rule 15.4.8, these being:

Commercial Core Zone (Land between Huxley Street and King Street)

Commercial Core Zone (Fendalton)

Commercial Core Zone (Wigram - The Runway)

- vii. St Albans (as identified in Appendix 15.15.5) Rule 15.5.3
- c. (...)
- d. (...)
- e. (...)

- 15.4 Rules Commercial Core Zone
- 15.4.1 Activity status tables- Commercial Core Zone

15.4.1.1 Permitted activities

- a. The activities listed below are permitted activities in the Commercial Core Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 15.4.2. Note, the built form standards do not apply to an activity that does not involve any development.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.4.1.2, 15.4.1.3, 15.4.1.4, 15.4.1.5 and 15.4.1.6.
- c. The activities listed below include any associated landscaping, access, parking areas, loading, waste management areas and other hardstanding areas.

Activity		Activity specific standards		
P1	Any new building or addition to a building, for any permitted activity listed in Rule 15.4.1.1 P2 to P24.	Nil		
P2	Department store, supermarket, unless specified below. (refer to Rule 15.4.1.4 D2)			
P3	Retail activity excluding supermarket and department store, unless otherwise specified	a. The maximum tenancy size shall be 500m ² GLFA in a Neighbourhood Centre. This clause does not apply to the Key Activity Centres at		
P4	Trade supplier	Spreydon/Barrington and New Brighton.		
P5	Second-hand goods outlet			
P6	Commercial services			
P7	Entertainment activity located in a Key Activity Centre			
P8	Recreation activity located in a Key Activity Centre, unless otherwise specified			
P9	Food and beverage outlet			
P10	Gymnasium			
P11	Office	a. The maximum tenancy size shall be 500m ² GLFA in a District Centre or Neighbourhood Centre.		
P12	Guest accommodation	a. Any bedroom shall be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB D _{tr,2m,nTw+} C _{tr} .		
P13	Community facility (unless otherwise specified in P7, P8, and P14-P17)	Nil		
P14	Health care facility: a. outside the 50 dB Ldn Air Noise Contour as defined on the planning maps; and b. inside the 50 dB Ldn Air Noise Contour as defined on the planning maps, with no accommodation for overnight care.			

Activit	t y	Activity specific standards
P15 P16 P17	a. outside the 50 dB Ldn Air Noise Contour as defined on the planning maps; and b. inside the 50 dB Ldn Air Noise Contour as defined on the planning maps, limited to trade and industry training activities. Preschool: a. outside the 50 dB Ldn Air Noise Contour. Care facility: a. outside the 50 dB Ldn Air Noise Contour. Spiritual activity	
P19	Public artwork	
P20 P21	Public transport facility Residential activity	a. The activity shall be: i. located above ground level: or ii. located to the rear of any activities listed in Rule 15.4.1.1 P1 - P18 on the ground floor
		frontage to the street, excluding: A. any pedestrian entrance including lobby and/or reception area associated with residential activity; or B. the Brougham Street and Buchan Street frontages of the site at 350 Colombo Street in Sydenham (Sec 1 SO19055).
		b. Clause (a)(ii) shall not apply to the Commercial Core Zone at North Halswell (as identified in Appendix 15.15.3), where all residential activity shall be above ground level. This clause has been deleted c. The activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking areas, garages_and_balconies) per unit of:
		i. Studio 35m² ii. 1 bedroom 45m²
		iii. 2 bedrooms 60m²
		iv. 3 or more bedrooms 90m²
		d. Each residential unit shall be provided with:
		i. an outdoor service space of 3m² and a waste

Activi	ity	Activ	ity specific standards			
			management are a minimum dime a private or comr	nsion of	1.5 metres in	
			ii. a single, indoor st			vith a
			iii. any space designa management, wh shall not be locat boundary and an screened from ad adjoining outdoo from the floor lev management are	nether properties of the prope	rivate or coming een the road of and shall be sites, roads, a paces by screen waste	e nd ening
		e. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and <u>directly</u> accessible from an internal living area of the residential unit.				
		Type Area Dimension				
		i.	Studio, 1 bedroom	6m ²	1.5 metres	
		ii.	2 or 3 bedroom	10m ²	1.5 metres	
		iii.	More than 3 bedrooms	15m ²	1.5 metres	
		f.	Any bedroom must	be desig	ned and	1
			constructed to achie noise reduction of n $D_{tr,2m,nTw+}C_{tr}$.			ernal
		g.	The activity shall no dB Ldn Air Noise Co			
			planning maps.			-
P22	Emergency service facilities	Nil				
P23	Parking lot					
P24	High technology industrial activity					

15.4.1.3 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 15.13.1, 15.13.2 and 15.13.3, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	a. Any activity listed in Rule 15.4.1.1 P21 that does not meet one or more of the activity specific standards aca. – e.	d. Residential activity - Rule 15.13.2.3 e. Activity at ground floor level - Rule 15.13.2.2

	Activity	The Council's discretion shall be limited to the following matters:
	b. Any application arising from this rule shall not be limited or publicly notified.	b. Activity at ground floor level - Rule 15.13.2.2
()		

15.4.2 Built form standards - Commercial Core Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activities <u>RD1</u>, RD3- RD7, unless otherwise stated.

15.4.2.3 Building setback from road boundaries/ street scene

a.	The minimum <u>building setback</u> from <u>road boundaries</u> shall be as follows:			
	Standard			
i.	On the <u>road frontage</u> of a <u>site</u> identified as a <u>Key pedestrian frontage</u> (identified on the planning maps), all <u>buildings</u> shall:			
	A. be built up to the <u>road boundary</u> except for:			
	 a <u>setback</u> of up to a maximum of 4 metres from the <u>road boundary</u> for a maximum width of 10 metres. 			
	II. any pedestrian or <u>vehicle access</u> .			
	B. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street.			
	C. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street.			
	D. This rule shall not apply to <u>emergency service facilities</u> (P22).			
	E. On Colombo Street, between Moorhouse Ave and Brougham Street, <u>buildings</u> shall be <u>set back</u> no more than 2 metres from the <u>road boundary</u> and the <u>setback</u> shall not be used as a <u>parking area</u> .			
ii.	On the <u>road frontage</u> of a <u>site</u> that is not identified as a <u>Key pedestrian frontage</u> on the Planning Maps, all <u>buildings</u> shall:			
	A. be <u>setback</u> a minimum distance of 3 metres from the <u>road boundary</u> unless the <u>building</u> is built up to the <u>road boundary</u> ; and			
	B. have visually transparent glazing for a minimum of 40% of the ground floor elevation facing an <u>arterial road</u> or <u>collector road</u> .			
iii.	On the <u>road frontage</u> of a <u>site</u> that is not identified as a <u>Key pedestrian frontage</u> on the Planning Maps, and is opposite a residential zone:			
	A. the <u>road frontage</u> shall have a <u>landscaping strip</u> with a minimum width of 1.5 metres, and a minimum of 1 tree for every 10 metres of <u>road frontage</u> or part thereof, for that part of the <u>building</u> not built up to the <u>road boundary</u> (excluding pedestrian and <u>vehicle accesses</u>).			

15.4.2.7 Landscaping and trees

a. Landscaping and trees shall be provided as follows:

	Standard
i.	On sites adjoining with an internal boundary with a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced extending to the road boundary within the setback.
ii.	On all sites,
	A. one tree shall be planted for every 5 car parking spaces (or part thereof) provided between buildings and the street; and
	B. Trees shall be planted within or adjacent to the car parking area at the front of the site.
iii.	All landscaping / trees required under these rules shall be in accordance with the provisions in Appendix 6.11.6 of Chapter 6.

15.4.3 Area specific rules - Commercial Core Zone (Belfast/Northwood) Outline Development Plan area

The following rules apply to the areas specified. All activities specified are also subject to the rules in 15.4.1 and 15.4.2 unless specified otherwise in 15.4.3.

15.4.3.1 Area-specific activities - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area

15.4.3.1.3 Area-specific restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 15.13.4.1, 15.13.1 and 15.13.3, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following	
		matters:	
RD1	()		
RD2	Any activity or building that	As relevant to the standard that is not met:	
	does not meet one or more of	a. Maximum building height – Rule 15.13.3.1	
	the built form standards in Rule	b. Landscaping – Rule 15.13.4.1.3	
	15.4.3.2, unless otherwise	c. Roading, access and parking – Rule 15.13.4.1.4	
	specified in Rule 15.4.3.1.4 D1	d. Maximum total number of vehicles exiting the site –	
	or Rule 15.4.3.1.5 NC1.	Rule 15.13.4.1.6	
		and	
	Advice note:	e. Matters of discretion for Belfast/ Northwood Outline	
	1. Refer to relevant built form	Development Plan area – Rule 15.13.4.1	
	standard for provisions	f. The extent to which development is in general	
	regarding notification.	accordance with the outline development plan in	
		Appendix 15.15.1	
		g. Urban design – Rule 15.13.1	
		h. Maximum retail / office-thresholds - Rule 15.13.4.1.5	

15.4.3.1.5 Area-specific non-complying activities

a. The activities listed below are non-complying activities.

	Activity
NC1	Any activity or building that does not meet Rule 15.4.3.2.2 (Building setback and size).
NC2	Any activity or building that does not meet Rule 15.4.3.2.8 (Maximum threshold for
	non-residential activities).

15.4.3.2 Area-specific built form standards - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area

15.4.3.2.6 Maximum thresholds for offices

a. The maximum thresholds for offices shall be as follows:

	Activity	Standard	
i.	Offices up until 1	The total amount of floorspace for offices within the 'Styx centre	
	February 2020	boundary' as defined on the outline development plan (Appendix	
		15.15.1) shall not exceed 8,000m²-GLFA.	
ii.	Offices from 1	The total amount of floorspace for offices within the 'Styx	
	February 2020	Belfast/Northwood centre boundary' as defined on the outline	
	onwards	development plan (Appendix 15.15.1) shall not exceed 12,000m ² GLFA.	

15.4.3.2.7 Maximum thresholds for retailing activity

 The total amount of floorspace for retailing within the '<u>Styx-Belfast/Northwood</u> centre boundary ' as defined on the outline development plan (Appendix 15.15.1) shall not exceed 20,000m² GLFA.

15.4.3.2.8 Maximum threshold for non-residential activities

a. The total amount of floorspace for non-residential activities within the '-Styx Belfast/Northwood centre boundary ' as defined on the outline development plan (Appendix 15.15.1) shall not exceed 45,000m² GLFA.

15.4.6 Area-specific Rules - Commercial Core Zone (Prestons)

15.4.6.1.5 Area-specific non-complying activities

The activities listed below are non-complying activities.

	Activity	
NC1	Any activity that does not meet Rules 15.4.6.2.5 (Staged development) and 15.4.6.2.6	
	(Maximum retail activity thresholds).	

15.4.6.2.5 Staged development

- a. <u>This rule has been deleted</u> No development shall occur until either:
 - ir a comprehensive plan which shows the overall wastewater system for all activities is provided to the Council; or
 - ii. it is demonstrated that such a plan has already been provided to Council pursuant to clause (i) above or as part of a subdivision application, and either:
 - an approved wastewater system is established within the zone and as required, beyond the zone to service the activity; or
 - iv. it is demonstrated that such an approved wastewater system has already been established.

- Any application arising from this rule shall not be limited or publicly notified.
- 15.4.8 Area-specific rules Commercial Core Zone (Other areas)
 - 15.4.8.1 Area-specific activities Commercial Core Zone Other area specific rules
 15.4.8.1.3 Area-specific restricted discretionary activities
- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 15.13.3, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	()	
RD2	()	
RD3	Any activity that does not comply with Rule 15.4.8.2.1.	a. Maximum retail activity threshold - Rule 15.13.4.7.1

- 15.4.8.2 Area-specific built form standards Commercial Core Zone (Other areas)
 15.4.8.2.1 Maximum retail activity threshold Wigram (The Runway)
- a. The maximum total amount of GLFA for retail activity (P2 and P3 in Rule 15.4.1.1) in the Commercial Core Zone at Wigram (The Runway) shall be 6,000m².

15.5 Rules - Commercial Local Zone

15.5.1 Activity status tables - Commercial Local Zone

15.5.1.1 Permitted activities

- a. The activities listed below are permitted activities in the Commercial Local Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 15.5.2. Note, the built form standards do not apply to an activity that does not involve any development.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.5.1.2, 15.5.1.3, 15.5.1.4, 15.5.1.5 and 15.5.1.6.
- c. The activities listed below include any associated landscaping, access, parking areas, loading, waste management areas and other hardstanding areas.

Activ	ity	Activity specific standards	
P1	Outside the Central City, any new building or addition to a building for any permitted activity listed in Rule 15.5.1.1 P2 to P24 below, except for any new building or addition to a building requiring resource consent under Rule 15.5.1.3 RD3 below.	Nil	
P2	Supermarket outside the Central City	 a. The maximum tenancy size at ground floor level shall be 1,000m² GLFA unless specified below. b. The maximum size for an individual tenancy in the Commercial Local Zone at Wigram (The Runway) shall be 2,600m²-GLFA. 	
P3	Retail activity excluding supermarket unless otherwise specified	 a. Outside the Central City, the maximum size for an individual tenancy at ground floor level shall be 350m² GLFA unless specified below. b. The maximum size for an individual tenancy in the Commercial Local Zone at Halswell West (Caulfield Avenue) shall be 1,000m² GLFA c. In the Central City, the maximum tenancy size for an individual tenancy shall be 250m² GLFA. 	
P4	Yard-based supplier outside the Central City	a. The maximum tenancy size at ground floor level shall be 250m ² GLFA.	
P5	Trade supplier outside the Central City		
P6	Second-hand goods outlet		
P7	Commercial services		
P8	Service station outside the Central City	Nil	
P9	Food and beverage outlets	a. In the Central City, the maximum tenancy size for an individual tenancy shall be 250m² GLFA.	
P10	Office	a. Outside the Central City, the maximum tenancy shall be 350m ² GLFA, except for offices at 20 Twigger Street (Lot 1 DP78639) which shall not have any GLFA limit.	

Activi	ty	Activity specific standards
		b. In the Central City, the maximum individual
		tenancy size shall be 250m² GLFA.
P11	Guest accommodation	a. Outside the Central City, any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB D _{tr,2m,nTw} +C _{tr} .
P12	Community facility (unless specified	a. In the Central City, the maximum individual
	in P13-P16 below)	tenancy size shall be 250m ² GLFA unless specified below. b. In the Central City, the maximum individual
P13	Health care facility:	tenancy size for a health care facility shall be
	 a. outside the 50 dB Ldn Air Noise Contour as defined on the planning maps; and b. inside the 50 dB Ldn Air Noise Contour as defined on the planning maps, with no accommodation for overnight care. 	300m² GLFA.
P14	Education activity: a. outside the 50 dB Ldn Air Noise Contour as defined on the	
	planning maps; and b. inside the 50 dB Ldn Air Noise	
	Contour as defined on the planning maps, limited to trade and industry training activities.	
P15	Care facility: a. outside the 50 dB Ldn Air Noise Contour.	
P16	Preschool: a. outside the 50 dB Ldn Air Noise Contour.	
P17	Spiritual activity	
P18	Public artwork	
P19	Residential activity	 a. Outside the Central City, i. Any residential activity shall be located: A. above ground level; or
		 B. to the rear of any activity listed in Rule 15.5.1.1 P1 to P17, P21 to P22 on the ground floor frontage to the street, excluding any pedestrian entrance including lobby and/or reception area associated with a residential activity. ii. Any residential activity shall not be located within the 50 dB Ldn Air Noise Contour as shown on the planning maps. iii. Any residential activity shall have a
		minimum net floor area (including toilets

Activity	Activity specific standards
	and bathrooms but excluding lobby and/or
	reception area , car <u>parking area, garages</u> and <u>balconies</u>) per unit of:
	A. Studio 35m²
	B. 1 bedroom 45m²
	C. 2 bedrooms 60m²
	D. 3 or more bedrooms 90m²
	iv. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB $D_{tr,2m,nTw}$ + C_{tr} .
	v. Each residential unit shall be provided with:
	A. an outdoor service space of 3m ² with a minimum dimension of 1.5 metres in either a private or communal area;
	B. a waste management area of 2m ² per unit with a minimum dimension of 1.5 metres in either a private or communal area; and
	C. a single, indoor storage space of 4m ³ with a minimum dimension of 1 metres.
	vi. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres. vii. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as set out in the following table, and located immediately outside and directly accessible from an internal living area of the residential unit.
	Type Area Dimension
	i. Studio, 1 bedroom $6m^2$ 1.5 metres
	ii. 2 or 3 bedroom 10m² 1.5 metres
	iii. More than 3 15m² 1.5 metres
	bedrooms
	b. In the Central City,

Activity	Activity specific standards
	 i. Any residential activity is to be located more than 10 metres from the road frontage at ground floor level. ii. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking area, garages and balconies) per unit of: A. Studio 35m² B. 1 Bedroom 45m² C. 2 Bedrooms 60m² D. 3 or more bedrooms 90m².
	 iii. Each residential unit shall be provided with: A. an outdoor service space of 3m² with a minimum dimension of 1.5 metres in either a private or communal area;
	B. a waste management area of 2m ² per unit, with a minimum dimension of 1.5 metres in either a private or communal area; and
	C. a single, indoor storage space of 4m ³ with a minimum dimension of 1 metres.
	iv. If a communal outdoor service space, and waste management area with a minimum area of 10m² is provided within the site, the outdoor service space, and waste management area may reduce to 3m² for each residential unit.
	v. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.
	vi. Each residential unit shall be provided with a minimum of 30m² of outdoor living space on site and this can be provided through a mix of private and communal areas, at ground level or in balconies, provided that: A. each unit shall have private outdoor living space of at least 16m² in total;

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Activit	ty	Activity specific standards
Activit	Y	B. each dimension of private outdoor living space is a minimum of 4 metres when provided at ground level and a minimum of 1.5 metres when provided by a balcony with a maximum balustrade height of 1.2 metres; C. each private outdoor living space shall be directly accessible from a habitable space of the residential unit to which it relates and at least one private outdoor living space is to be directly accessible from a living area of that unit; D. Outdoor living space provided as a communal space shall be accessible for use by all units and
		each dimension shall be a minimum of 4 metres and capable of containing a circle with a diameter of 8 metres; and E. 50% of the outdoor living space required across the entire site shall be provided at ground level. vii. Any outdoor service space or outdoor living space shall not be used as a parking area or access.
P20	Public transport facility	Nil
P21	Activities listed in Rule 15.5.1.1 P1 to P20 in the Commercial Local Zones at East Belfast (Blakes Road), Upper Styx/ Highsted (Claridges	a. The maximum amount of GLFA for retail activity in the following Local centres shall be as follows: i. East Belfast (Blakes Road) 2,000m²
	Road), <u>and</u> Redmund Spur and Wigram (The Runway)	ii. Wigram (The Runway) 6,000m² This clause has been deleted.
		iii. Upper Styx/Highsted (Claridges Road) 2,000m ²
		iv. Redmund Spur 2,500 m ²
P22	Emergency service facilities outside the Central City	Nil
P23	Parking lot	
P24	Drive-through services outside the Central City	
P25	Gymnasium	a. The maximum tenancy size at ground floor level shall be 250m² gross leaseable floor area.

15.5.1.3 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 15.13.1 and 15.13.4.6, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following
		matters:
RD1	Activities listed in Rule 15.5.1.1	Outside the Central City, as relevant to the standard that is not
	P1 to P24 and Rule 15.5.1.3	met:
	RD2, that do not meet one or	a. Maximum building height – Rule 15.13.3.1
	more of the built form	b. For the Commercial Local Zone (Wigram), Building
	standards in Rule 15.5.2,	height in the Commercial Local Zone at Wigram – Rule
	unless otherwise specified	15.13.4.6.3- This clause has been deleted.
	Advice note:	
	1. Refer to relevant built form	
	standard for provisions	
	regarding notification.	
RD2	a. Outside the Central City,	a. For Rule 15.5.1.1 P2 – P7, P10 - Maximum tenancy size –
	activities listed in:	Rule 15.13.2.1.
	i. Rule 15.5.1.1 P2 - P7,	b. For Rule 15.5.1.1 P19 – Activity at ground floor level – Rule
	P10 and P21 that do	15.13.2.2
	not meet one or more	c. For Rule 15.5.1.1 P19 – Residential activity – Rule 15.13.2.3
	of the activity specific	d. For Rule 15.5.1.1 P19 in the Commercial Local Zone at
	standards; and	Highfield - Residential activities in the Commercial Local
	ii. Rule 15.5.1.1 P19 that	Zone at Highfield – Rule 15.13.4.6.2.
	do not meet one or	e. For Rule 15.5.1.1 P2, P3 and P21 applicable to East Belfast,
	more of activity	Halswell West (Caulfield Avenue), <u>Wigram</u> and Upper Styx/
	specific standards a(i),	Highsted - Maximum retail activity threshold – Rule
	a(iii), a(v)-(vii) and	15.13.4.6.1.
	b(ii) b(v).	
	b. Any application arising	
	from this rule shall not be	
	limited or publicly notified.	
•••		

15.5.2 Built form standards – Commercial Local Zone

a. The following built form standards shall be met by all permitted activities and restricted discretionary activity RD2, unless otherwise stated.

15.5.2.1 Maximum building height

a. The maximum height of any building shall be as follows:

	Applicable to	Standard
i.	All sites unless specified below	8 metres
ii.	Commercial Local Zone at	15 metres; or
	Wigram (The Runway).	2-buildings-up to 32 metres with a maximum-GFA-of 800m ² -on
		any single floor
iii.	2 Carrs Road, Awatea	11 metres
ii.		

b. Outside the Central City, any application arising from this rule shall not be publicly notified.

15.5.2.4 Sunlight and outlook at boundary with a residential zone

- a. Where an internal boundary adjoins a residential zone, no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3m above the site boundary in accordance with the diagrams in Appendix 15.15.9.
- b. In the Central City, the level of site boundaries shall be measured from filled ground level, except where the site on the other side of the internal boundary is at a lower level, then that lower level shall be adopted.
- In the Commercial Local Zone Wigram (The Runway), where a site-boundary-adjoins a residential zone and
 - Immediately adjoins an access or part of an access, the recession plane shall be constructed from points 2.3 metres above the far side of the access; and
 - ii. where buildings on adjoining sites have a common wall along an internal boundary or a wall is not setback from the internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

This clause has been deleted.

- b. Outside the Central City, where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels shall not be limited or publicly notified.
- c. Outside the Central City, any application arising from this rule shall not be publicly notified.
- d. In the Central City, any application arising from this rule shall not be limited or publicly notified.

Advice note.

1. In the Central City, there is no recession plane requirement for sites located in the Commercial Local Zone that adjoin sites also zoned Commercial Local zone.

15.5.2.6 Landscaping and trees

a. Landscaping and trees shall be provided as follows:

	Standard		
i.	Outside the Central City:		
	B. On sites adjoining-with an internal boundary with a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced.		
	C.	All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 6.11.6 of Chapter 6.	
ii.	In the Central City:		
	A.	A. Where a site adjoins a residential zone or Avon River Precinct (Te Papa Ōtākaro) Zone, provision shall be made for landscaping, fence(s), wall(s) or a combination to at least 1.8 metres in height along the length of the zone boundary, excluding any road frontages. Where landscaping is provided it shall be for a minimum depth of 1.5 metres along the zone boundary; and	
	B. Where the use of any part of a site is not undertaken in a building, that part of the site:		

Standard I. with a road frontage of at least 10 metres shall be planted with a minimum of one tree, plus one additional tree for every 10 metres of road frontage (or part thereof); II. where three or more trees are required, these shall be planted no more than 15m apart, or closer than 5 metres apart; one tree shall be planted for every five car parking spaces (or part thereof) provided on the site. Trees shall be planted within or adjacent to the car parking area; and IV. any trees required by this rule shall be of a species capable of reaching a minimum height at maturity of 8m and shall be not less than 1.5 metres high at the time of planting. Any trees required by this rule shall be located with a planting protection area around each tree, with a minimum dimension or diameter of 1.5 metres; No more than 10% of any planting protection area shall be covered with any impervious surfaces; and Planting protection areas and landscaping adjacent to a road boundary or adjacent to or within a car parking area shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least 1 metre from any tree; any landscaping or trees required by these rules shall be maintained, and if dead, diseased, or damaged, shall be replaced.

15.6 Rules – Commercial Banks Peninsula Zone

15.6.1 Activity status tables – Commercial Banks Peninsula Zone

- a. The activities listed below are permitted activities in the Commercial Banks Peninsula Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 15.6.2. Note the built form standards do not apply to an activity that does not involve any development.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.6.1.2, 15.6.1.3, 15.6.1.4, 15.6.1.5 and 15.6.1.6.
- c. The activities listed below include any associated landscaping, access, parking areas, loading, waste management areas and other hardstanding areas.

15.6.1.1 Permitted activities

	Activity	Activity specific standards
P1	In Lyttelton or Akaroa, the use of	Nil
	an existing building for activities	
	listed in Rule 15.6.1.1 P3 P22.	This rule has been deleted.
P2	The erection of a building, relocatable building or relocation of a building, external additions, alterations, and repairs for	Nil

	Activity	Activity specific standards
	activities listed in Rule 15.6.1.1 P3-P22 at Governors Bay, Diamond Harbour, Church Bay and Little River.	
Р3	Retail activity	Nil
P4	Second-hand goods outlet	
P5	Supermarket	
P6	Commercial services	
P7	Office	
P8	Entertainment activity	
P9	Recreation activity	
P10	Gymnasium	
P11	Community facility	The fellowing shall another to the table and on
P12	Health care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps	 a. The following shall apply in Lyttelton only: Any habitable space shall be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB
P13	Education activity outside the Lyttelton Port Influences Overlay Area defined on the planning maps	a. The following shall apply in Lyttelton only: i. Any habitable space shall be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB
P14	Care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps	D _{tr,2m,nTw} +C _{tr} . ii. Any bedroom shall be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB D _{tr,2m,nTw} +C _{tr} .
P15	Preschool outside the Lyttelton Port Influences Overlay Area defined on the planning maps	 a. The following shall apply in Lyttelton only: Any habitable space shall be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr. Any bedroom shall be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.
P16	Public artwork	Nil
P17	Residential activity outside the Lyttelton Port Influences Overlay Area	a. The activity shall: i. be located above ground floor level or at the rear of a commercial activity. In Akaroa this shall only apply to sites fronting Beach Road between Rue Jolie and Bruce Terrace; and

Activity	Activity specific standards
	 ii. have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, garages and balconies) per unit of:
	A. Studio 35 m ²
	B. 1 bedroom 45 m ²
	C. 2 bedrooms 60 m²
	D. 3 or more bedrooms 90 m ² ; and
	b. Each residential unit shall be provided with:
	 i. an outdoor service space of 3m² and a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;
	ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre; and
	iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres.
	c. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as follows, located immediately outside and accessible from an internal living area of the residential unit.
	Type Area Dimension
	i. Studio, 1 6m ² 1.5 metres
	ii. 2 or 3 10m ² 1.5 metres
	iii. 3 or more 15m ² 1.5 metres bedrooms
	d. In Lyttelton:
	 i. Any bedroom shall be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB D_{tr,2m,nTw}+C_{tr}.
	 ii. Any habitable space shall be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB D_{tr,2m,nTw}+C_{tr}.

	Activity	Activity specific standards
P18	Guest accommodation outside the Lyttelton Port Influences Overlay Area defined on the planning maps	 a. In Akaroa: Guest accommodation shall be located above ground floor level or to the rear of a commercial activity on Beach Road, between Rue Jolie and Bruce Terrace, except for a pedestrian entrance/ ground floor lobby/ reception area. b. In Lyttelton:
P19	Public transport facility	Nil
P20	Emergency service facilities	
P21	Parking building	
P22	Parking lot	
P23	Port activities, within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street.	a. Unless otherwise permitted by Rule 15.6.2.1, shall only occur within the period, or part of the period, up to 1 January 2026.

15.7 Rules – Commercial Retail Park Zone

15.7.1 Activity status tables – Commercial Retail Park Zone

15.7.1.1 Permitted activities

- The activities listed below are permitted activities in the Commercial Retail Park Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 15.7.2. Note that the built form standards do not apply to an activity that does not involve any development.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.7.1.2, 15.7.1.3, 15.7.1.4 15.7.1.5 and 15.7.1.6.
- c. The activities listed below include any associated landscaping, access, parking areas, loading, waste management areas and other hardstanding areas.

	Activity	Activity specific standards
P1	Any new building or addition to a building for any permitted activity listed in Rule 15.7.1.1 P2 to P17 and P19-P20 below.	Nil
P2	Retail activity, unless specified below	a. The minimum tenancy size of any single retail activity shall be 450m² GLFA.
Р3	Supermarket	Nil
P4	Trade supplier	
P5	Yard-based supplier	

	Activity	Activity specific standards
P6	Second-hand goods outlet	
P7	Service station	
P8	Food and beverage outlet	
Р9	Ancillary offices on the same site as	a. The activity shall occupy no more than 500m ² or
	a permitted activity	30% of the GFA of all buildings on the same site,
		whichever is the lesser.
P10	Public transport facility	Nil
P11	Emergency service facilities	
P12	Health care facility	
P13	Preschool	
P14	Gymnasium	
P15	Drive-through services	
P16	Parking lot	
P17	Parking building	
P18	Any permitted activity within the	a. All activities within the zone shall not result in
	Commercial Retail Park Zone	more than 950 trips per hour being generated
	located north of Langdons Road.	during the Thursday PM peak period of 16:00 to
		18:00.
		b. Compliance with this rule is to be determined
		by undertaking traffic counts at the zone during the Thursday PM peak period of 16:00 to 18:00
		over a consecutive three week period. The peak
		hour within each surveyed two hour period is
		to be determined from count data. The 950 trip
		value used for compliance assessment
		purposes is to be determined from the average
		peak hour value from the three week data set.
		This rule has been deleted
P19	Offices within the Commercial Retail	a. The activity shall be limited to a total of
	Park Zone located north of Langdons	10,000m ² GFA in the Commercial Retail Park
	Road.	Zone north of Langdons Road.
		b. The activity shall have a maximum tenancy size
		of 500m ² GLFA.
P20	Commercial services within the	a. The maximum tenancy size shall be 250 m ²
	Commercial Retail Park Zone located	GLFA.
	at Tower Junction.	b. The maximum GLFA of commercial services
		within the Commercial Retail Park Zone at Tower
		Junction shall be 10% of the total GLFA.
P21	Any permitted activity within the	a. Use of this site shall be limited to access and its
	Commercial Retail Park Zone at 121	associated landscaping.
	Briggs Road (Lot 2 DP16288).	

15.7.2 Built form standards – Commercial Retail Park Zone

a. The following built form standards shall be met by all permitted activities, and for restricted discretionary activity RD2 and RD3, unless otherwise stated.

15.7.2.6 Landscaping and trees

a. Landscaping and trees shall be provided as follows:

Standard

- . The area adjoining the road <u>boundary</u> frontage of all sites shall contain landscaping in accordance with the following standards:
- A. Minimum width 1.5 metres
- B. Minimum density of tree planting 1 tree for every 10 metres of <u>boundary</u> <u>frontage</u> or part thereof, evenly spaced.
- ii. On sites adjoining with an internal boundary with a residential zone, trees shall be planted adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.
- iii. 1 tree shall be planted for every 5 car parking spaces (or part thereof) within any car parking area and along any pedestrian routes.
- iv. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 6.11.6 of Chapter 6.
- Any application arising from clauses a.i and a.iii of this rule shall not be publicly or limited notified.

Advice notes:

- Any landscaping required by Rule 15.7.2.6 may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
- 2. Stormwater facilities that support multiple values such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

15.7.2.9 <u>Maximum trip generation – Langdons Road</u>

- a. All activities within the zone shall not result in more than 950 trips per hour being generated during the Thursday PM peak period of 16:00 to 18:00.
- b. Compliance with this rule is to be determined by undertaking traffic counts at the zone during the Thursday PM peak period of 16:00 to 18:00 over a consecutive three week period. The peak hour within each surveyed two hour period is to be determined from count data. The 950 trip value used for compliance assessment purposes is to be determined from the average peak hour value from the three week data set.

15.8 Rules – Commercial Office Zone

15.8.2 Built form standards – Commercial Office Zone

a. The following built form standards shall be met by all permitted activities unless otherwise stated.

15.8.2.1 Maximum building height for buildings and fences or screening structures

- a. The maximum height of buildings shall be 15 metres.
- b. Any application arising from this rule shall not be publicly notified.

15.8.2.6 Landscaped areas

a. Landscaping shall be provided as follows:

	Standard
i.	A. The minimum percentage of the site to be landscaped shall be 20%, excluding those areas required to be set aside for trees within or adjacent to parking areas (refer to clause (iv) below).
	B. This clause shall not apply to emergency service facilities.
ii.	A. The area adjoining the road frontage of all sites shall have a landscaping strip in accordance with the following standards:
	I. Minimum width - 1.5 metres
	II. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part
	thereof, evenly spaced with shrubs between each tree.
	B. This clause shall not apply to emergency service facilities.
iii.	On sites adjoining with an internal boundary with a residential zone, trees shall be planted
	adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the
	boundary or part thereof, with the trees evenly spaced along that boundary.
iv.	In addition to clauses (a)(i), (ii) and (iii) above, where car parking is located at the front of a site, 1
	tree shall be planted for every 5 car parking spaces (or part thereof) within any car parking area.
v.	All landscaping/trees required for these rules shall be in accordance with the provisions in
	Appendix 6.11.6 of Chapter 6.

b. Any application arising from clauses (a)(i) and (a)(ii) of this rule shall not be publicly or limited notified.

Advice note:

- 1. Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater.
- 2. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ mana whenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

15.9 Rules – Commercial Mixed Use Zone

15.9.1 Activity status tables – Commercial Mixed Use Zone

15.9.1.1 Permitted activities

- The activities listed below are permitted activities in the Commercial Mixed Use Zone if they
 meet the activity specific standards set out in this table and the built form standards in Rule
 15.9.2. Note that the built form standards do not apply to an activity that does not involve any
 development.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.9.1.2, 15.9.1.3, 15.9.1.4, 15.9.1.5 and 15.9.1.6.
- c. The activities listed below include any associated landscaping, access, parking areas, loading, waste management areas and other hardstanding areas.

	Activity	Activity specific standards
P1	Any new building or addition to a building for any permitted activity listed in Rule 15.9.1.1 P3 to P8 and P11 to P27 below.	Nil
P2	 a. Existing retail activity in an existing building, or b. Existing consented retail activity and associated building; at 15 January 2016 	Nil
Р3	Ancillary retail activity	a. The activity shall:
		 i. occupy no more than 250m² or 25% of the <u>GFA</u> of all buildings on the same site, whichever is the lesser; and
		ii. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the street; and
		iii. be limited to the display and sale of goods produced, processed or stored on the site.
P4	Food and beverage outlet	Nil
P5	Trade supplier	
P6	Yard-based supplier	
P7	Second-hand goods outlet	
P8	Service station	
P9	 a. Existing commercial services in an existing building, or b. Existing consented commercial services and associated building; as at 15 January 2016. 	
P10	 a. Existing office in an existing building, or b. Existing consented office and associated building; as at 15 January 2016. 	

	Activity	Activity specific standards
P11	Ancillary offices	a. The activity shall:
		 i. occupy no more than 500m² or 30% of the GFA of all buildings on the same site, whichever is the lesser; and
		 have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office fronts the street.
P12	Industrial activity in the Commercial Mixed Use Zone on Blenheim Road and Main South Road (as shown in Appendix 15.15.10)	Nil
P13	Warehousing and distribution activities	
P14	Service industry	
P15	High technology industrial activity	
P16	Trade and industry training activity	
P17	Emergency service facilities	
P18	Public transport facility	
P19	Health care facility	
P20	Preschool	
P21	Gymnasium	
P22	Drive-through services	
P23	Parking lot	
P24 P25	Parking building Tertiary education and research	
P25	activities	
P26	Guest accommodation	
P27	Residential activity in the	a. The activity shall be:
	Commercial Mixed Use Zone at Addington, Mandeville Street and	i. located above ground floor level; or
	New Brighton (as shown in Appendix 15.15.10)	ii. located to the rear of activities listed in Rule 15.9.1.1 P2 – P12, P14– P23 on the ground floor frontage to the street, excluding any pedestrian entrance including lobby and/or reception area associated with residential activity.
		 b. The activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking area, garages and balconies) per unit of:
		i. Studio 35m²
		ii. 1 bedroom 45m²
		iii. 2 bedrooms 60m²
		iv. 3 or more bedroom 90m²

	Activity	Activity	specific standard	ds		
		c. Ea	an outdoor serv	ential unit shall be provided with: door service space of 3m ² and a waste gement area of 2m ² per unit, each with		
			a private or cor	nmunal a	f 1.5 metres in e rea; space of 4m³ wit	
		ii.	minimum dime	nsion of 1	l metre.	ii a
		iii.	shall not be loc boundary and a screened from adjoining outdo from the floor I	whether pated betwany building adjoining por living evel of the	orivate or commo veen the road ng and shall be sites, roads, and spaces by screer	d ning
			d. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and accessible from an internal living area of the residential unit.			
			Туре	Area	Dimension	
		i.	Studio, 1 bedroom	6m²	1.5 metres	
		ii.	2 or 3 bedroom	10m²	1.5 metres	
		iii.	More than 3 bedrooms	15m²	1.5 metres	
		to	ny bedroom shall achieve an exter not less than 35	nal to inte	ernal noise reduc	
P28	Spiritual activity at 113 Seaview Road (PT Lot 16 DP 100)	a. Nil				

15.9.1.3 Built form standards – Commercial Mixed Use Zone

a. The following built form standards shall be met by all permitted activities and restricted discretionary activities RD2 unless otherwise stated.

15.9.1.6 Landscaping and trees

a. Landscaping shall be provided as follows:

Standard

i. The area adjoining the road frontage of all sites shall be landscaped in accordance with the following standards:

Standard

- A. Minimum width 1.5 metres
- B. Minimum density of tree planting 1 tree for every 10 metres of road frontage or part thereof, evenly spaced.
- ii. On sites adjoining with an internal boundary with a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.
- iii. 1 tree shall be planted for every 5 car parking spaces (or part thereof) within any car parking area and along any pedestrian routes.
- iv. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 6.11.6 of Chapter 6.
- v. Clause (a)(i) shall not apply to emergency service facilities
- Any application arising from clauses (a)(i) and (a)(iii) of this rule shall not be publicly or limited notified.

Advice note:

i. Stormwater facilities that support multiple values such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

15.13 Rules - Matters of control and discretion

15.13.2.2 Activity at ground floor level

- a. The operational and functional requirements of the activity and the existing nature of activities and built form on and around the <u>site</u>.
- b. The visual impact of any activity upon the street façade of a building and streetscene. The extent to which residential activity addresses the Residential Design Principles set out in 14.15.1.
- Any potential for <u>residential activity</u> to restrict the ability of existing <u>or future</u> <u>commercial</u> <u>activities</u> to operate <u>or establish</u> without undue constraint <u>(reverse sensitivity effects)</u>.
- d. Any beneficial effects of the activity in providing for natural surveillance, and its contribution to the night-time economy.
- e. In Banks Peninsula, the positive contribution to the areas' special historic character.
- f. In the Commercial Core Zone at North Halswell, the effect of residential activity at ground floor on the ability to accommodate commercial activities over the long term while achieving a compact and mixed use centre.
- f. The extent to which the activity satisfies one of the criteria in Policy 15.2.2.6(a)(i)-(iii), and the criterion in Policy 15.2.2.6(b).

15.13.3 Matters of discretion for built form standards

15.13.3.1 Maximum building height

- a. The extent to which an increase in height of the development:
 - Is visually mitigated through the design and appearance of the building, and the quality and scale of any landscaping and tree planting proposed;
 - ii. May allow better use of the site and the efficient use of land in the centre;
 - iii. Enables the long term protection of sites of Ngāi Tahu cultural significance identified in Schedule 9.5.6.1, significant trees listed in Appendix 9.4.7.1, or natural features on the balance of the site through more intensive development;

- iv. Improves the legibility of a centre in the context of the wider area;
- v. Contributes to variety in the scale of buildings in a centre, and creates landmarks on corner sites;
- vi. Reflects functional requirements of the activity;
- vii. Results in adverse effects on adjoining residential zones or on the character, quality and use of public open space;
- viii. Contributes to the visual dominance of the building when viewed from the surrounding area, having regard to the anticipated scale and form of buildings in the surrounding environment.
- ix. If in New Brighton, provides for residential activity above ground floor, promoting a mix of uses and greater levels of activity in the centre.
- x. <u>Would maintain a scale of development consistent with the anticipated role of the commercial centre, as set out in Policy 15.2.2.1, Table 15.1; and</u>
- xi. Would cause adverse effects on the function and recovery of the Central City or the role and function of District and Neighbourhood Centres as a result of enabling any additional gross leasable floor area.

15.13.4 Matters of discretion for Area-specific standards

15.13.4.1 Area-specific rules - Matters of Discreton - Commercial Core Zone (Belfast / Northwood) Outline Development Area

15.13.4.1.5 Maximum retail/office thresholds

- a. The extent to which the additional gross leasable floor area:
 - avoids adverse effects on the function and recovery of the Central City and District centres within Christchurch District and Kaiapoi and Rangiora in Waimakariri District; and
 - ii. limits adverse effects on people and communities who rely on the Central City and District centres for their social and economic wellbeing, and allows ease of access to these centres by a variety of transport modes.

15.13.4.5 Area-specific rules - Matters of discretion – Commercial Local Zone (St Albans) 15.13.4.5.2 Maximum retail activity threshold

a. The effects of any larger floor space for non-residential activity on <u>the Central City</u>, District centres and Neighbourhood centres.

15.13.4.6 Area-specific rules - Matters of discretion for Commercial Local Zone in greenfield areas

15.13.4.6.1 Maximum retail activity threshold at East Belfast (Blakes Road), Halswell West (Caulfield Avenue), Wigram (the Runway) and Upper Styx/ Highsted (Claridges Road)

- a. The extent to which the Local centre will remain dominated by finer grain retailing;
- b. The potential for strategic effects on the function and amenity values of the Central City,
 District centres and Neighbourhood centres and their role in providing for the future needs of
 their communities;
- c. Any adverse effects, created by increased vehicular traffic from the development, on the adjoining road network;
- d. Any adverse effects on the amenity values of neighbouring residential properties; and
- e. In Wigram, the extent to which convenient access to retailing and community uses may be positively or adversely affected by the proposed quantum of retail activity.

15.13.4.6.3 Building height in the Commercial Local Zone at Wigram

 Whether the additional <u>building</u> bulk and activities will have an adverse effect on the amenity values of the town centre and surrounds;

- b. The extent to which the character of the residential areas surrounding the Commercial Local Zone (Wigram) remains reasonably open rather than being dominated by buildings; and
- C. The extent to which the additional <u>height</u> results in a built form which would strengthen the role of the Commercial Local Zone as the physical, visual and activity centre for the community.
 - 15.13.4.7 Area-specific rules Matters of discretion for Commercial Core Zone at Wigram (The Runway)

15.13.4.7.1 Maximum retail activity threshold

- a. The extent to which an increase in retail floorspace would:
- b. maintain a scale of development consistent with the anticipated role of the commercial centre, as set out in Policy 15.2.2.1, Table 15.1; and
- cause adverse effects on the function and recovery of the Central City or the role and function of District and Neighbourhood Centres as a result of enabling any additional gross leasable floor area.

Consequential changes to Chapter 14 rules. Delete the following rules in 14.12.1.1 and 14.12.1.3 to preserve the numbering.

14.12.1 Activity status tables

14.12.1.1 Permitted activities

- The activities listed below are permitted activities in the Residential New Neighbourhood Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 14.12.2
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.12.1.2, 14.12.1.3, 14.12.1.4, 14.12.1.5 and 14.12.2.6.

Activity	Activity specific standards
P1 Residential activity, except for residential units containing more than six bedrooms and boarding houses ()	 b. No more than one heavy vehicle shall be stored on the site of the residential activity. c. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.
All permitted activities in the Commercial Local Zone - Rule 15.5.1.1, within an area identified for this purpose on an approved subdivision consent plan.	d. The area identified for commercial_activities shall not exceed 2,000m² in gross floor area. e. Activities shall meet the following standards of the Commercial Local Zone: i. Rule 15.5.2.1 Maximum building height ii. Rule 15.5.2.2 Building setback from road boundaries iii. Rule 15.5.2.3 Minimum building setback from residential zones iv. Rule 15.5.2.4 Sunlight and outlook with a residential zone v. Rule 15.5.2.5 Outdoor storage areas vi. Rule 15.5.2.6 Landscaping and trees vii. Rule 15.5.2.7 Water supply for fire fighting viii. Rule 15.5.2.8 Minimum building setback from railway corridor The built form standards in Rule 14.12.2 do not apply

Activity		Activ	ity specific standards	
P21	All permitted activities	f. Activities shall meet the following standards of the Rural Urban		
	in the Rural Urban	F	ringe Zone:	
	Fringe Zone - Rule	i	Rule 17.5.2.2 Maximum building height	
	17.5.1.1 Permitted	ii. Rule 17.5.2.3 Minimum building setback from road		
	activities		boundaries	
		i	ii. Rule 17.5.2.4 Minimum building setback from internal	
		boundaries		
		iv. Rule 17.5.2.6 Maximum site coverage		
		Т Т	The built form standards in Rule 14.12.2 do not apply.	

14.12.1.3 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 14.15, or as otherwise specified, as set out in the following table.
- c. Within Area 5 in Appendix 8.10.30 East Papanui Outline Development Plan, any restricted discretionary activity shall also be subject to the matters of discretion specified under Rule 14.12.1.2 C7 (matters of control to be treated as matters of discretion).

Activit	у	The <u>Council</u> 's discretion shall be limited to the following matters:		
RD1	Student hostels owned or operated by a secondary education activity or tertiary education and research activity containing 7 to 9 bedrooms. ()	a. Scale of activity – Rule 14.15.5		
RD22	In locations to which Rule 14.12.1.1 P20 applies, activities and buildings that are permitted activities in the Local Commercial Zone but do not meet any one or more of the activity specific standards specified in Rule 14.12.1.1 P20.	a. Impacts on neighbouring property - Rule 14.15.3 b. Scale of activity - Rule 14.15.5 c. Traffic generation and access safety -Rule 14.15.6 d. Non residential hours of operation -Rule 14.15.21		
RD23	Activities and <u>buildings</u> that are permitted activities in the Rural Urban Fringe Zone but do not meet any one or more of the activity specific standards specified in Rule 14.12.1.1 P21	a. Whether appropriate recognition has been given to the development requirements set out in the relevant Outline development plan and adverse effect of the rural activity on achieving the development requirements in the future.		

7 PLAN CHANGE 5C - INDUSTRIAL

7.1 Background and purpose

- 1. Plan Change 5C Industrial chapter ('PC5C') proposes to amend or remove specific provisions of Chapter 16 of the Christchurch District Plan. The purpose of the plan change is to reinforce the intent of existing provisions and for outcomes in industrial zones to better give effect to the Strategic Directions of the District Plan and objectives of the Industrial chapter (Chapter 16). It also seeks to better give effect to the Canterbury Regional Policy Statement (CRPS) with regard to brownfield redevelopment and the role of centres.
- 2. The supporting s32 evaluation document identifies numerous amendments that are proposed to objectives, policies, rules, matters of discretion and definitions. The purpose of the Plan Change and the changes promoted have been summarised in the section 32 report, the section 42A report and Mr Davison's summary of his evidence. Plan Change 5C largely addressed 12 distinct issues, as follows:
 - Amendments to the definitions for 'Gymnasium', 'High technology industrial activity' and 'Service industry' to increase the scope of activities included in those definitions, which in turn reduces resource consent requirements for those activities as they are provided for as permitted activities in the Chapter 16 framework. Apart from a submission in support of the definition of 'Heavy industrial Activity' from the Halswell Hornby Riccarton Community Board, no other submissions were received in relation to these definition, and they are addressed no further in this report.
 - Amendments to the definition of "Heavy Industrial Activity" so that the
 District Plan does not provide for activities that result in the discharge of
 odour and dust beyond a site boundary to occur as a permitted activity as
 those activities require resource consent by default under the Canterbury Air
 Regional Plan. No submissions were received on this definition and it is
 addressed no further in this report.
 - Amendments to Policy 16.2.1.1 (Sufficient land supply) and Policy 16.2.2.1 (Brownfield site identification). These policies apply to all industrial zones broadly. The amendments seek to ensure that the policy direction of the DP relating to industrial land supply reflects the requirements of the NPS-UD for the short, medium and long term, and that the activities provided for in industrial zones reflect the proposed amendments to the industrial activity specific definitions.

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- PC5C also amends objective 16.2.2 (Brownfield redevelopment) and policies 16.2.2.1 and 16.2.2.2 (Brownfield site identification and Brownfield redevelopment) The purpose of these amendments is to provide for the redevelopment of suitable brownfield sites while still ensuring that the Central City and commercial centres are protected, and to provide more certainty on factors that can be taken into consideration when determining if a site is "under-utilised". These amendments also seek to better give effect to the CRPS with regard to brownfield re-development.
- Limiting community activities and providing for community corrections
 facilities to the extent compatible with the primary purpose of the industrial
 zones Policy 16.2.1.4 (Activities in industrial zones). No submissions were
 received on this issue, and it is therefore not addressed any further in this
 report.
- Indoor parts of preschools that require noise insulation. No submissions were received on this issue, and it is therefore not addressed any further in this report.
- Activity status for the boarding of domestic animals in industrial zones. No submissions were received on this issue, and it is therefore not addressed any further in this report.
- Restrictions on activities where infrastructure limitations have been resolved (16.4.4.1.5 NC1; 16.4.5.1.3 RD1 plus consequential deletion of 16.4.5.2; and 16.5.4.1.3 RD2). No submissions were received on this issue, and it is therefore not addressed any further in this report.
- Required tree planting (Rule 16.6.2.7(iv)). No submissions were received on this issue, and it is therefore not addressed any further in this report.
- How to apply setback distances and recession plane requirements in Rule 16.6.5.2.5 (Boundary with residential properties within the zone) on sites adjoining properties used for residential activity in the Industrial Park Zone (Wairakei Road). No submissions were received on this issue, and it is therefore not addressed any further in this report.
- Offices in the Industrial Park Zone (Tait and Awatea) Zones. No submissions
 were received on this issue, and it is therefore not addressed any further in
 this report.
- Areas subject to wastewater discharge restrictions. No submissions were received on this issue, and it is therefore not addressed any further in this report.

 Consideration of the National Policy Statement on Urban Development provisions has been undertaken for each of these provisions (where relevant).

7.2 Scope of changes

- 3. As set out in the "Background and purpose" section of this report, there are a wide number of detailed changes proposed to the industrial Zone in Chapter 16 of the Plan, as well as changes to specific related definitions in Chapter 2 of the Plan. A number of these matters, as identified above, were not subject to any submissions and are therefore not considered in detail in this report.
- 4. The parts of the Plan Change that were subject to submissions are identified in the Table below, replicated from the s42A report (with minor alterations). The Table groups the submissions into 5 broad Issues. The section headed "Principal issues" of this report includes incorporates a summary of the changes and considers the submissions and evidence received in relation to these matters, as well as addressing submissions received that were considered to be outside the scope of Plan Change 5C.

Table – Issues Raised in Submissions:

	ISSUE		CONCERN/REQUEST
1.	Plan Change 5C (General)	1.	Approve Plan Change 5C and/or support the provisions as notified.
			Submissions:
			S6.2 – S6.4; S7.3 – S7.4; S13.11 – S13.14; S15.19 – S15.20; S16.8 – S16.9; S17.6; S30.14; S33.15; S38.15; S40.10 – S40.11.
		2.	General Opposition to specific provisions as notified.
			<u>Submissions</u> :
			S29.8
2.	Objective 16.2.2 – Brownfield redevelopment	1.	Amend Objective 16.2.2 (Brownfield redevelopment) to include a reference to 'business' as well as residential and mixed use redevelopment as an option available for the re-development of brownfield sites.
			<u>Submissions</u> :
			S23.1; S26.1; FS04.18 2.
		2.	Amend Objective 16.2.2 to require brownfield re-development to avoid significant adverse effects on the function and role of

		the Central City and commercial centres rather than support the
		role and function of those centres.
		<u>Submissions</u> :
2 0.11: 46.2.2.4	-	\$23.2; 26.2; F\$12.04
3. Policy 16.2.2.1 – Brownfield	1.	Application of the land to capital value ratio qualifier to abandoned land as well as underutilised industrial land.
site		abandoned land as well as underutilised industrial land.
identification		Submissions:
lacitimeation		<u> </u>
		S15.16; S16.5; FS09.1; FS09.4 2.
	2.	Removal of the term 'generally' from the land to capital value
		qualifier
		Submissions:
		S15.17; S16.6; FS09.2; FS09.5
	3.	Amending the land to capital value qualifier to 90% rather than 70%.
		<u>Submissions</u> :
		S15.18; S16.7; FS09.3; FS09.6
	4.	Removal of the land to capital value ratio qualifier in its entirety.
		<u>Submissions</u> :
		S23.3; S26.3
	5.	Referring to underutilised 'business' land rather than 'industrial' land.
		<u>Submissions</u> :
		S23.3; S26.3
	6.	Timeframes and industrial land supply.
		<u>Submissions</u> :
		S23.4; S26.4; S29.12

4.	Policy 16.2.2.2	1.	Restrictions on brownfield re-development activities.
	BrownfieldRedevelopment		Submissions:
			S23.5; S26.5; S29.11; FS04.21
		2.	Convenience or community activities required as part of proposals for solely residential redevelopment.
			Submissions:
			S33.16; S33.17; S38.16; S38.17; FS09.7; FS09.8
		3.	Requirement for brownfield redevelopment to 'enhance' the strategic role of the Central City and commercial centres.
			Submissions:
			S23.8; S26.8
		4.	Re-development outcomes for brownfield regeneration.
			Submissions:
			S23.7; S23.9; S26.7; S26.9
		5.	Mitigation of nuisance effects for residential amenity.
			Submissions:
			S23.10; S26.10; FS11.12; FS11.18; FS04.17; FS04.20
5.	Other matters (Out of Scope)	1.	Amend planning rules for industrial zones to expressly enable some quantum of office activity to occur.
		2.	Amend planning rules for 165 Main South Road to expressly recognise lawfully established activities (including office activities and a staff café) in the Industrial General Zone.
		3.	Amend the maps, issues, objectives, policies, rules, controls/discretions, and assessment criteria of the Christchurch District Plan to provide better support and enable non-residential activities on sites outside of the centres that have an historic non-residential use.

4. Amend Policy 16.2.2.2 by adding the word 'significant' to reverse sensitivity effects in clause (b)(i).

Submissions:

S29.9; S29.10; S37.5; S37.6; S23.6; S26.6; FS04.16; FS04.19; FS11.11; FS11.17

7.3 Section 42A Report

- 5. A comprehensive s42A report was prepared by Mr Craig Davison (Christchurch City Council). In addition to the appendices providing submissions, district plan amendments and accept/reject tables, the s42A report also included the following appendices that provided additional information or illustration:
 - Appendix 5 Economic Advice for underutilised Land.
- 6. It was noted that the s42A report was prepared in August 2021. Mr Pizzey (Solicitor, Christchurch City Council) and Mr Davison advised that additional changes were proposed as set out in the legal submissions and the summary of evidence presented by Mr Davison. These are discussed with the relevant sections of this report.
- 7. Mr Davison provided a summary of his evidence contained in the s42A report. He identified recommendations in the section 42A report that were not contested in legal submissions or evidence and therefore remained unchanged, as well as identifying matters where agreement had not been reached with submitters. The following paragraphs summarise Mr Davison's evidence, and the substantive assessment of these matters is undertaken in section 7.6 of this report.

7.4 Evidence heard

- 8. Mr Davison confirmed his view in the s42A report that Objective 16.2.2 should be amended so that "business" redevelopment is explicitly stipulated as an option for brownfield redevelopment. No further changes are recommended.
- 9. Mr Davison confirmed his recommendation in the s42A report that amendments to Objective 16.2.2 be amended to balance the requirements of the centres framework and brownfield regeneration framework of the CRPS. Mr Davison also noted that submissions had sought additional changes to Objective 16.2.2 such that the Objective facilitate brownfield re-development for residential, mixed use, and or business redevelopment [emphasis added]. He agreed that amending the "and" to "or" was in accordance with Policy 6.3.8 of the CRPS, and Strategic Objective 3.3.7 of the DP, and also recommended minor drafting corrections.

- 10. The notified land to capital value ratio qualifier from Policy 16.2.2.1 that seeks to define what constitutes underutilised industrial land should be deleted, and the Policy amended to include a non-exhaustive list of evidence-based qualifiers be included. Additional changes were also proposed in the section 42A report to correct drafting errors. No further changes to the version in the section42A report were recommended.
- 11. Policy 16.2.2.1 should continue to refer to underutilised industrial land, as the policy only applies to industrial land. No further changes were recommended to this part of Policy 16.2.2.1.
- 12. Mr Davison addressed the issue of whether commercial activities associated with a mixed use brownfield redevelopment should be restricted to convenience and/or community activities that support the needs of the local residential community. Having further considered the issue, he considered the position conveyed in the s42A report to be potentially overly restrictive in terms of Policy 6.3.8 of the CRPS and Strategic Objective 3.3.7 of the DP, on the basis that both of the higher order provisions clearly state that the redevelopment of a brownfield site can be solely for business developments (un-restricted), subject to compliance with the three provisos set out in Policy 6.3.8 relating to adverse effects. In that regard he considered that Policy 16.2.2.2 should align with the recommended changes to Objective 16.2.2 and should also explicitly reference "business" activities as an option for brownfield redevelopment. Additional Changes were recommended to ensure that Policy 16.2.2.2 still implements revised Objective 16.2.2 as a result of this change.
- 13. There is no support for requiring brownfield development to "enhance" the strategic role of the Central City and commercial centres in either the RPS or District Plan, and Policy 16.2.2.2 should be amended by deleting this provision. Mr Davison therefore recommended no further changes to this part of the Policy and confirmed the view expressed in the s42A report.
- 14. The likely location of brownfield sites necessitates the need to mitigate nuisance effects to protect industrial activities. The notified amendment to Policy 16.2.2.2 should therefore be retained.
- 15. Mr Davison confirmed his view that submissions requesting that Policy 16.2.2.2 should require brownfield redevelopment to not give rise to reverse sensitivity effects (as operative), or significant reverse sensitivity effects, were not "on the plan change". However, he considered that should the Panel determine there to be scope to address these points, then wording changes he proposed would be an appropriate amendment to the Policy.

7.5 Scope of Submissions

16. At Section 4 - 'Jurisdiction to Determine Submissions' of this report, the matters to be considered with respect to the scope of submissions is set out. As noted in Section 4,

the relevant scope of submission tests will be considered in the context of individual submission matters for each section of PC5.

17. Mr Davison and Mr Pizzey addressed the scope of submissions, and these are commented on in the following paragraphs.

Foodstuffs (\$29.9 and \$29.10)

18. The Panel agrees that the submission seeking to (i) amend the planning rules for industrial zones to expressly enable some quantum of office activity and (ii) to amend planning rules for 165 Main North Road to expressly recognise its existing lawfully established activities are out of scope for the reasons set out in the section 42A report and legal submissions, given that they are seeking changes that are not on the Plan Change. As noted in the section 32 report, there was no evaluation of options for the provision of offices in industrial zones generally or specifically at 165 Main North Road, and the Panel considers that the submission points are therefore unrelated to the notified purpose of the plan change.

1027 Investments Ltd (S37.5 and S37.6)

19. The Panel agrees that the submissions seeking to (i) amend the objectives and policies of the District Plan to provide better support and enable non-residential activities on sites outside of the centres that have a historic non-residential use and (ii) provide any other additional or consequential relief to the District Plan, including but not limited to, the maps, issues, objectives, policies, rules, controls/discretions, assessment criteria and explanations that will give effect to the matters raised in the submission are out of scope for the reasons set out in the section 42A report and legal submissions. The submissions of 1027 Investments Ltd also sought the rezoning of their site at 1027 Colombo Street, and this is addressed in the consideration of submissions on Plan Change 5F. The Panel considers that the submission points are unrelated to the notified purpose of the plan change, which is to amend the brownfield identification and redevelopment specific provisions of Chapter 16 that relate to industrial zones and related definitions in Chapter 2.

Annex Developments Ltd (S23.6) and PTL Property Trust (S26.6) and Further Submissions FS06.16, FS04.19, FS11.11 and FS11.17

20. The Panel agrees with the section 42A report that these submissions are out of scope on the basis that they do not address the changes to the status quo advanced by this plan change, and were not addressed in the Section 32 Evaluation of options to examine their efficiency, effectiveness and appropriateness.

20.4 Principal Issues

21. Council's s42A report addressed the matters that were raised in submissions, grouping them into 5 distinct Issue groupings, as set out in Paragraph 4 above. Issue 5, relating to out of Scope submissions, is addressed above. The remainder of this

report addresses each of Issues 1 – 4 in the same order as the s42A report, noting those that were/were not subject to either legal submissions or evidence at the hearing of PC5C.

Principal Issue 1 – General Submissions on Plan Change 5C.

(1) Approve Plan Change 5C and/or support the provisions as notified

22. A number of submitters sought that PC5C be approved as notified, and/or supported specific provisions as notified and/or took a neutral position to the notified provisions and requested they be retained as notified. These submissions are identified in section 8.4 of the section 42A report. The Panel has reviewed these submissions and note that while in many cases they support the provisions of the Plan Change, some of the provisions have been amended as a result of other submissions. We agree that it is appropriate that these are accepted or accepted in part, and these recommendations are recorded in the Accept / Reject Table in Attachment 5C2.

(2) General opposition to specific provisions as notified

- 23. Foodstuffs (South Island) Properties Limited (\$29.8) does not support PC5C as notified and requested that PC5 in its current form be either rejected or amended to reflect the issues raised in its submission, on the grounds that the basis for further restrictions on brownfield redevelopment are unclear, including further limitations on commercial activities.
- 24. The Panel agrees with the planning evidence of Mr Davison. While brownfield redevelopment is an outcome sought to be encouraged and provided for, there may be circumstances where redevelopment includes commercial components where a mixed use development is proposed. Such circumstances may result in commercial activity being located out of centres. The Panel notes in this regard that Policy 6.3.8 of the CRPS requires that significant adverse distributional or urban form effects on centres do not arise. To ensure those adverse effects do not occur, Mr Davison advised that Plan Change 5C proposes to limit the commercial component of a mixed-use redevelopment to convenience and/or community activities that support the needs of the local residential community.
- 25. The Panel agrees that this approach balances enabling brownfield redevelopment and upholding the strategic role of the Central City and commercial centres. Accordingly, the Panel recommends that the submission be rejected.

Principal Issue 2: Objective 16.2.2 - Brownfield Redevelopment

(1) Redevelopment of Brownfield Sites for "Business" Use

26. Annex Developments Ltd (\$23.1) and PTL Property Trust (\$26.1) requested that the Objective be amended to explicitly stipulate that "business" redevelopment is an

- option for brownfield redevelopment. CIAL (FS04.18) took a neutral stance on this submission.
- 27. Mr Davison considered this request in Paragraphs 8.5.4 to 8.5.6 of his section 42A report, and overall recommended in paragraph 8.5.7 that the change be accepted on the grounds that they were supported by Policy 6.3.8 of the RPS and Strategic Objective 3.3.7 of the District Plan. There were no submissions or evidence that contested this recommendation. While we reached the same conclusion, being that the changes sought are consistent with the RPS and the Strategic Objectives of the District Plan, we also queried whether Objective 16.2.2 should specify "commercial activities" instead of "business activities" on the basis that "business" is defined in the CRPS as encompassing both industrial and commercial activities, and industrial activities are enabled in industrial zones, including on potential brownfield sites. Mr Davison subsequently supported this change, as identified in the Council's closing submissions. We therefore recommend that Objective 16.2.2 be amended to specify "commercial" instead of "business".
- 28. Mr Davison also noted that the evidence filed by Annex Developments Limited (paragraph 29) requests that Objective 16.2.2 be further amended to facilitate brownfield re-development for residential, mixed use, or business redevelopment, as opposed to the "and" recommended in the s42A report. The Panel agrees with this requested change, as did Mr Davison. We consider that the requested change and note it is in accordance with Policy 6.3.8 of the CRPS, and Strategic Objective 3.3.7 of the DP. We also agree with Mr Davison's recommend additional drafting changes in accordance with Clause 16(2) of Schedule 1 of the RMA as alternations with minor effect to correct errors.
- 29. Accordingly, the Panel recommends the amended wording as contained in the schedule of changes attached to the Council's Reply.

(2) Adverse effects on Centres of Brownfield Redevelopment

- 30. Objective 16.2.2 (Brownfield Redevelopment). Annex Developments Ltd (S23.2) and PTL Property Trust (S26.2) sought that Objective 16.2.2 be amended to require that brownfield redevelopment avoids significant adverse effects on the function and role of the Central City and commercial centres rather than supporting the function and role of those centres. The further submission of Scentre (FS12.04) takes a neutral position to this relief.
- 31. Mr Davison referred us to paragraphs 8.5.8 8.5.14 of the s42A report, where he considered that the notified amendments that require a brownfield redevelopment proposal to "support the function and role of the Central City and commercial centres" focussed too much on the provisions of the CRPS that apply to centres and did not take into account the enabling direction contained in the brownfield specific provisions of the CRPS.

32. Mr Davison noted that that there may be circumstances where commercial activity will be located outside of centres (i.e. in the case of a brownfield redevelopment), and we agree. Accordingly, we accept Mr Davison's recommended amendments to Objective 16.2.2 which balance the requirements of the centres framework and brownfield regeneration framework of the CRPS. We agree that no change to the version contained in the s42A report is necessary.

Principal Issue 3 – Policy 16.2.2.1 Brownfield Site identification

(1-4) Land to Capital Value Ratio Qualifier

- 33. A number of submissions were received in relation to the land to capital value ratio qualifier in policy 16.2.2.1, specifically:
 - (1) seeking the application of the land to capital value ratio qualifier to abandoned land as well as underutilised industrial land (Submissions **S15.16**; **S16.5**; **FS09.1**; **FS09.4** 2);
 - (2) Removal of the term 'generally' from the land to capital value qualifier (Submissions **S15.17**; **S16.6**; **FS09.2**; **FS09.5**);
 - (3) Amending the land to capital value qualifier to 90% rather than 70% (Submissions **S15.18; S16.7; FS09.3; FS09.6**); and
 - (4) Removal of the land to capital value ratio qualifier in its entirety (Submissions **S23.3; S26.3**)
- 34. Mr Davison addressed these submissions in paragraphs 8.6.3 to 8.6.6 of the section 42A report. Addressing the submissions of Annex Developments (S23.3) and PTL Property Trust (S26.3) in particular, he noted that the submitters' opposition to the policy was on the basis that the land to capital value ratio qualifier introduced a test that went beyond the CRPS definition of brownfield, and neither encouraged nor provided for the regeneration of brownfield land as sought in Policy 6.3.8 of the CRPS.
- 35. That noted, Mr Davison considered that the land to capital value ratio qualifier is potentially "to (sic) blunt of an instrument" to be used to define what underutilised is, because it only provided for consideration of one factor, when what is determined to be 'underutilised' varies on a case by case basis, as there is a range of factors that should be considered when determining whether a site is or is not underutilised. We agree with this view. Applying a single factor to determine whether a site is 'underutilised' does not in our view facilitate sound decision making.
- 36. Having determined that the existing Policy was an ineffective tool in determining whether a site was under utilised, Mr Davison considered, however, that there remains a need for Policy 16.2.2.1 to provide more certainty on what factors could be taken into consideration when determining whether land is underutilised or not and

- could therefore facilitate brownfield redevelopment. Accordingly, he drew on economic advice from Formative Ltd to identify factors that could be considered when making a determination as to whether a site was underutilised (or not).
- 37. Mr Davison therefore recommended the inclusion of a non-exhaustive list of evidence based qualitative factors supported in the economic evidence of Mr Derek Foy of Formative Limited. These factors relate to:
 - the intensity of existing and recent land use activities on the site;
 - the quality of built form, including the age and condition of existing buildings;
 - the extent of buildings and other physical development on the site relative to the total area .
- 38. We note that the changes recommended by Mr Davison were not contested in evidence or legal submissions presented to us.
- 39. Having considered the factors included in the proposed amendments to the Policy, we agree that it is appropriate to remove the single qualifier and replace it with a non-exhaustive list of factors that should be considered when determining whether a site is 'underutilised'. We also note that Mr Davison has identified minor wording changes that were necessary, and recommended these be undertaken in accordance with Clause 16(2) of Schedule 1 of the RMA. We agree this is appropriate.
- 40. It follows that some of the submissions seeking changes to the land to capital value ratio will be rejected, at least in part, and these are addressed in the Accept / Reject table appended to this report.
 - (5) Policy 16.2.2.1 Underutilised to refer to 'business' land rather than 'industrial' land only
- 41. Annex Developments Ltd (S23.3) and PTL Property Trust (S26.3) requested that Policy 16.2.2.1 (Brownfield Site Identification) be amended so that the term 'underutilised' applies to "business" land, rather than industrial land only in order to be consistent with the definition of brownfield in the CRPS.
- 42. The section 42A report addressed this in paragraphs 8.6.7 to 8.6.9, where it was noted that while the CRPS definition of brownfield refers solely to underutilised "business land", the District Plan definition refers to underutilised "commercial or industrial land". We agree with Mr Davison that this distinction is appropriate as the definition recognises that a brownfield site can be commercial or industrial zoned land, and the framework of the District Plan provides for the redevelopment of commercial or industrial brownfield sites Chapters 15 and 16 respectively. We agree that as Policy 16.2.2.1 applies only to the redevelopment of an industrial zoned site, it is appropriate for it to explicitly reference industrial land rather than business land broadly. We also agree that a brownfield site that is zoned commercial can be redeveloped for residential, commercial or mixed-use activities under the framework of Chapter 15 (Commercial). We consider that the distinction is appropriate as it is

- consistent with the existing framework of the district plan. We note that no party presented evidence supporting a different outcome to the hearing.
- 43. Accordingly, the Panel recommends the wording as contained in the section 42A report.
 - (6) Timeframes and industrial land supply.
- 44. Annex Developments Ltd (S23.4) and PTL Property Trust (S26.4) requested that clause (a)(ii) of Policy 16.2.2.1 be deleted. Foodstuffs (South Island) Properties Limited (S29.12) opposes the replacement of the term '2028' with 'short, medium and long term' in clause (a)(ii) and requests that those terms be expressed in years, similar to the operative policy, to ensure Policy 16.2.2.1 remains certain.
- 45. In paragraphs 8.6.11 8.6.13 of the s42A report, Mr Davison recommended no changes to this aspect of Policy 16.2.2.1. He reiterated this view in his summary statement on the basis that the NPS-UD requires that the Council ensure there is sufficient provision of industrial zoned land for the short, medium and long term (as rolling periods, rather than to fixed years).
- 46. Although this position was not challenged in evidence or legal submissions that had been filed, Mr Davison identified that the need for this component of Policy 16.2.2.1 was questioned in Annex Developments Limited's evidence. This was because they noted that a Business Development Capacity Assessment completed for the Council in 2018 concluded that there is likely to be sufficient industrial land supply for the next 30 years and beyond.
- 47. We agree with Mr Davison that this is not grounds for deleting clause (iv) of the Policy as it appears in the version appended to the s42A report. The Policy as drafted is consistent with the NPS-UD, and recognises that the short, medium and long term are rolling terms as opposed to fixed periods.
- 48. For the sake of consistency with Plan Change 5B, we note that Mr Stevenson recommended the deletion of a similar clause in Policy 15.2.2.4 in Plan Change 5B (Commercial). However, we agree with Mr Davison that the two Policies are distinguishable in that the wording in Policy 15.2.2.4 refers to a "Business Land Capacity Assessment" as an external reference document, and any expansion of existing centres under Policy 15.2.2.4 is required to consider the findings of that document. We consider that there is no certainty that the Business Land Capacity Assessment will be updated in a timely manner (or regularly), and we therefore consider that it may act as a constraint to the growth of centres under that policy if the assessment is out of date. It is appropriate to delete the clause from Policy 15.2.2.4, therefore, because of this potential uncertainty. However, we do not agree that it is necessary to delete the clause in Policy 16.2.2.1 for the reasons in 45 and 47 above.

49. It is also noted that an additional matter was raised at the hearing, where Mr Davison was asked whether Policy 16.2.2.1 was intended to be drafted such that clause (iv) applies in addition to the criteria in clauses (a)(i) – (iii) for identifying a brownfield site. Mr Davison confirmed that it is intended to be an additional requirement. We agree this is appropriate as there remains a need for brownfield regeneration to not adversely affect the supply of industrial land. On that basis, we agree with the Council's view that the proposed revisions to Policy 16.2.2.1 are necessary to reflect this.

Principal Issue 4 Policy 16.2.2.2 - Brownfield Redevelopment

- (1) Restrictions on brownfield re-development activities.
- 50. Annex Developments Ltd (23.5) and PTL Property Trust (S26.5) oppose the notified change to Policy 16.2.2.2 that narrows the scope of activities that can be undertaken on a brownfield site by limiting redevelopment to only residential activities, or mixed use activities, which include convenience activities and/or community activities that support the needs of the local residential community.
- 51. Foodstuffs (South Island) Properties Limited (S29.11) opposes any further restrictions on commercial activities associated with brownfield redevelopment. A further submission by Christchurch International Airport Limited (FS04.21) seeks that the relief sought in Foodstuffs submission S29.11 is accepted, provided there is no amendment to Policy 16.2.1.4 which requires the avoidance of sensitive activities within the 50dB Ldn Air Noise Contour.
- 52. The section 42A report assessed these submissions in paragraphs 8.7.2- 8.7.7. Mr Davison's opinion at that time was that changes to the policy as notified were unnecessary.
- 53. Evidence was subsequently filed by Mr Clease for Annex Developments Ltd, contesting this position and seeking that the Operative wording for Policy 16.2.2.2 be retained as it provides for a "limited quantum of commercial activity" to be provided through brownfield redevelopment.
- 54. Having considered the evidence of Mr Clease and the submitter's position, Mr Davison advised in his summary statement at page 8 that he considered the position conveyed in my s42A report to be potentially overly restrictive in terms of Policy 6.3.8 of the CRPS and Strategic Objective 3.3.7 of the DP on the basis that both of those higher order provisions clearly state that the redevelopment of a brownfield site can be solely for business developments (un-restricted), subject to compliance with the three proviso's set out in Policy 6.3.8 relating to adverse effects.
- 55. Mr Davison therefore agreed with Mr Clease that clause (a) of Policy 16.2.2.2 as notified did not give effect to CRPS Policy 6.3.8 or Strategic Objective 3.3.7 of the District Plan. However, he disagreed that retaining the operative wording providing for "a limited quantum of commercial activities" was the most appropriate means to

- give effect to the provisions. Having reviewed the evidence of Mr Clease and Mr Davison, the Panel agrees that the operative wording is ambiguous, as noted by Mr Davison. There is no guidance as to what may be considered a 'limited quantum'.
- 56. We agree that policy 16.2.2.2 should align with the changes that have been recommended to Objective 16.2.2 and should explicitly refer to 'business' activities as an option for brownfield redevelopment. We consider that providing such support in the Policy will enable more effective implementation of the Objective, particularly noting that Objective 16.2.2 as amended now includes clear direction regarding the outcomes sought in the Central City and commercial centres where the redevelopment of a brownfield site outside of existing centres includes commercial activity. Alignment of the Objective and Policy will assist in the implementation of the relevant rules when considering applications for development in brownfield sites.
- 57. We therefore agree with the evidence of Mr Davison that it is appropriate to broaden the scope of Policy 16.2.2.2(a) in response to the evidence of the submitters. We also agree that there is a need to consider the potential adverse effects that such commercial activity may have on centres. To that end, we agree with Mr Davison's consideration that these potential adverse effects will be managed appropriately. We agree with Mr Davison for the following reasons, as set out in his summary statement:
 - Brownfield redevelopment, including any that is solely for business redevelopment, requires consent for a discretionary activity. This means that the Council, in its regulatory capacity, can consider the full range of actual and potential effects of the proposal.
 - The proposed revisions to the Policy are consistent with Objective 16.2.2 as revised, which provides clear direction as to the outcomes sought for the Central City and centres when commercial activity is proposed as part of a brownfield redevelopment located outside of a centre.
 - Revised Objective 16.2.2 and the revisions proposed to Policy 16.2.2.2 clearly identify the type and magnitude of effects that should not arise in centres.
 This reflects the requirements of CRPS Policy 6.3.8.
 - Any brownfield proposal solely for commercial activity, or including a
 commercial component, will also need to consider the framework contained
 in Chapter 15 (Commercial), which provides further safeguards for the Central
 City and commercial centres. We note in relation to this point that the policy
 framework in Chapter 15 also applies to land outside the commercial zoned
 areas
- 58. Having considered the evidence, we consider that the proposed revisions to Policy 16.2.2.2 (a) proposed by Mr Davison are appropriate, and we reproduce them below, with the additions recommended in this report identified as <u>blue underlined and</u>

bolded, with deletions shown as blue strikethrough, as set out in the summary statement (subject to a further change addressed in 59-61 below). We also noted in Council's Reply that a change was recommended to part (b)(2) to include a second reference to reverse sensitivity effects. However, we consider that the proposed amendment is unnecessary as it duplicates wording already in the policy. We have therefore not adopted that wording change. For clarity that deletion is shown below

(2) Policy 16.2.2.2 Policy – Brownfield Redevelopment:

- (a) Support Provide for the redevelopment of brownfield sites identified by a brownfield overlay or identified in accordance with Policy 16.2.2.1 for residential activities, mixed use activities or business commercial activities, where:
 - i. Commercial activities are of a scale and/or type that do not have significant adverse distributional or urban form effects on the Central City and commercial centres; and
 - ii. <u>Industrial activities are the predominant use in the same geographic</u> area zoned industrial.

Including a limited quantum of commercial activities that provide convenience activities and/or community activities that support the need o the local residential community.

- b. <u>Brownfield</u> <u>regeneration</u> <u>redevelopment</u> proposals <u>as provided for in sub-</u> <u>clause a. above</u> shall <u>also</u> ensure that:
 - any residential or mixed use redevelopment will not give rise to reverse sensitivity effects on existing industrial activities, or other effects, including reverse sensitivity, that may hinder or constrain the establishment or ongoing operation or development of industrial activities and strategic infrastructure;
- 59. A further question related to this revision to the Policy arose at the hearing. The Panel queried whether new clause (a)(ii) referenced above that requires industrial activities to be the predominant use in the same geographic area zoned industrial is required. The question arose because Mr Davison's evidence (pages 8 9 roman numeral (v)) stated that it is necessary to ensure that revised Objective 16.2.2 (iii) is implemented, whereas on the other hand, Mr Clease's evidence challenged this on the basis that clause (iii) of Objective 16.2.2 is implemented via clause (b) of Policy 16.2.2.2 in relation to reverse sensitivity effects.
- 60. This matter was addressed in the council's Right of Reply, where the Council accepted that the proposed wording may cause confusion. Mr Davison recommended, and the Council proposes through its reply, to change the wording to improve its implementation. The proposed amendment is replicated below:

- (ii) Industrial activities <u>remain</u> are the predominant use in the same geographic area zoned industrial.
- 61. The Council's amendment is considered appropriate. The Panel agrees that the insertion of "remain" with regard to industrial activities remaining the predominant use in the same geographic area zoned industrial will assist both applicants for resource consent and decision makers in determining whether a brownfield redevelopment proposal will compromise the wider industrial area.
- (3) Convenience or community activities required as part of proposals for solely residential redevelopment.
- 62. Ryman Healthcare Limited (S33.16 S33.17) and Retirement Villages Association of New Zealand Incorporated (S38.16 S38.17) submit that Policy 16.2.2.2(a) is amended to remove the requirement that brownfield redevelopment for residential purposes has to include convenience activities or community activities. Further submissions from Ngāi Tahu Property Limited (FS09.7 FS09.8) seek that the submissions of Ryman Healthcare Limited and Retirement Villages Association of New Zealand Incorporated are accepted.
- 63. Mr Davison confirmed that the intent of the amended provisions was not to require convenience or community activities as part of a residential development as this would be contrary to the brownfield specific provisions of the CRPS. He noted that this amendment should only apply for brownfield redevelopment proposals for a mixed use development.
- 64. The evidence of Mr Richard Turner, on behalf of Ryman Healthcare Ltd and the Retirement Villages Association supported Mr Davison's assessment, and agreed that the changes recommended in the section 42A report appropriately addressed this matter. The Panel agrees and considers that no further changes to the drafting of Policy 16.2.2.2(a) as presented in the section 42A report are necessary.
- (4) Requirement for brownfield redevelopment to 'enhance' the strategic role of the Central City and commercial centres
- 65. Annex Developments Ltd (S23.8) and PTL Property Trust (S26.8) sought the removal of the words 'and enhances' from Clause (b)(vi) of Policy 16.2.2.2. Mr Davison noted that there is no support for such a requirement in the CRPS or strategic objectives of the District Plan and agreed with the submitters that this change was appropriate, recommending as such in paragraph 8.7.15 of the section 42A report. There were no submissions or evidence that contested this recommendation.
- 66. Accordingly, the Panel recommends the amended wording as contained in the section 42A report.

- (5) Policy 16.2.2.2 Redevelopment outcomes for brownfield regeneration.
- 67. Annex Developments Ltd (S23.7 and S23.9) and PTL Property Trust (S26.7 and S26.9) sought to retain the existing operative wording of Clause (b)(iii) of Policy 16.2.2.2, rather than adding a reference to 'high quality urban design', and sought to amend Policy 16.2.2.2 accordingly by removing proposed Clause (b)(viii) which requires any redevelopment to be comprehensively planned and consider any innovative approaches such as low impact urban design, energy and water efficiency, etc. For the reasons set out in paragraphs 8.7.16 8.7.22 of the s42A report, namely that there is no support for such a requirement in the CRPS or strategic objectives of the DP and the likely existing level of amenity for brownfield sites being low relative to other residential zones, Mr Davison recommended that the notified amendment be changed from "high" to "good" quality urban design, and that the aspects of Clause (b)(viii) relating to high quality urban design be deleted. There were no submissions or evidence that contested this recommendation.
- 68. Accordingly, the Panel recommends the amended wording as contained in the section 42A report.
- (6) Policy 16.2.2.2 Mitigation of nuisance effects on residential amenity
- 69. Annex Developments Ltd (S23.10) and PTL Property Trust (S26.10) sought the removal of proposed Clause (b)(xi) from Policy 16.2.2.2. The proposed clause seeks that any redevelopment mitigates effects of noise in order to protect residential amenity. Further submissions of Kāinga Ora (FS11.12) and (FS11.18) supported this relief. The Further submissions of Christchurch International Airport Limited (FS04.17) opposed the submissions because it is important that residential redevelopment in brownfield areas is constructed so that noise effects on occupants are appropriately managed. Mr Davison considered that the likely location of brownfield sites necessitates the need to mitigate nuisance effects to protect industrial activities and recommended the notified amendment be retained. There were no submissions or evidence that contested this recommendation.
- 70. Accordingly, the Panel recommends the amended wording as contained in the section 42A report.
- (7) Reverse Sensitivity / Potential inconsistencies between Policy 14.2.7.1 and Policy 16.2.2.2.
- 71. Mr Davison addressed the issue of whether Policy 16.2.2.2 should require brownfield redevelopment to not give rise to reverse sensitivity effects (as operative), or significant reverse sensitivity effects, as requested by Annex Developments (S23.6) and PTL Properties (S26.6). He considered that these submission points are "not on the plan change" and were therefore out of scope for the reasons that the submission points do not address the changes to the status quo advanced by this

- plan change, and were not addressed in the Section 32 Evaluation of options to examine their efficiency, effectiveness and appropriateness.
- 72. We note that Plan Change 5C amends Clause (b)(i) of Policy 16.2.2.2 that relates to specifying brownfield "redevelopment" broadly, rather than listing the types of redevelopment that can occur under that policy. We agree with Mr Davison that the proposed amendments therefore do not relate to the magnitude of reverse sensitivity effects that can arise from redevelopment. It is the Panel's view therefore that while Policy 16.2.2.2 was included in the Section 32 Evaluation, its evaluation of options did not include any consideration of reverse sensitivity effects, or their magnitude, and was intentionally limited to better giving effect to Objectives 3.3.2 of the District Plan. We therefore consider the submissions to be out of scope.
- 73. We noted at the hearing that Policy 14.2.7.1 requires that redevelopment of brownfield sites in residential zones "manage" reverse sensitivity effects on industrial areas, whereas Policy 16.2.2.2 requires brownfield redevelopment to "not give rise to reverse sensitivity effects. We acknowledge, as did Mr Pizzey in the Council's reply, there is an inconsistency in the management of reverse sensitivity effects therefore between these the policies in Chapters 16 and 14, and these should be addressed at a future date. We agree that in the meantime, reference to Policy 6.3.8 of the CRPS is available for brownfield redevelopment in residential zones where there is any uncertainty concerning how reverse sensitivity effects on industrial activities should be managed.

7.7 S32AA Evaluation

- 74. As discussed in this report, a comprehensive s32 and s42A report were prepared by the Council. Changes were proposed by Council to Policy 16.2.2.2, and an additional s32AA assessment was appended to Mr Davison's summary of evidence, and we adopt that as an appropriate assessment, and attach it as Appendix 5C3.
- 75. With respect to the other changes discussed in this report, the analysis provided in this report comprises the requirements of a s32AA report and no additional analysis or report is required.

7.6 Recommendation

- 76. It is recommended that the Christchurch City Council make the following decisions:
- 1. Adopt the amendments proposed to Chapter 16 Industrial as set out in Appendix 5C1; and
- 2. Accept and reject the submissions as set out in Appendix 5C2.

Attachment A

Appendix 1 – PC5C Recommended Decision

Resource Management Act 1991

Christchurch District Plan
Proposed Plan Change

5C



DISTRICT PLAN TEXT AMENDMENTS WITH RECOMMENDED CHANGES

As a result of consideration of submissions, some amendments to the District Plan provisions are recommended. For the purposes of these amendments, the District Plan text is shown as normal text.

Text in **bold strikethrough** is proposed to be deleted by the Plan Change as notified. Text **bold and underlined** is proposed to be added.

Any text recommended to be added, following consideration of submissions, is shown as **bold underlined text in red** and that to be deleted as **bold strikethrough in red**. Where the additional text includes a defined term, this is shown as **red bold dotted underline**.

Text in green denotes existing defined expressions, and text in blue represent jumps links to provisions.

Final recommended text changes (additions introduced through the right of reply) are shown as <u>purple underlined and bolded</u> and deletions are shown as purple strikethrough.

Amend the District Plan as follows:

Chapter 2 Abbreviations and Definitions

Gymnasium

means a building or room/s used for <u>individual or</u> organised or instructed indoor exercise, including aerobics or weight/circuit training, <u>fitness centres with equipment for self-exercise</u>, and <u>ancillary</u> facilities such as health care services, spa/sauna, a small apparel sales area and cafeteria for patrons. Specialised facilities, such as squash courts, are considered <u>ancillary</u> to the gymnasium for the purposes of calculating parking requirements.

Heavy industrial activity

means:

- a. blood or offal treating; bone boiling or crushing; dag crushing; fellmongering; fish cleaning or curing; gut scraping and treating; and tallow melting;
- b. flax pulping; flock manufacture or teasing of textile materials for any purpose; and wood pulping;
- c. storage and disposal of sewage, septic tank sludge or refuse;
- d. slaughtering of animals; storage, drying or preserving of bones, hides, hoofs or skins; tanning; and wool scouring;
- e. the burning of waste oil in the open air or in any combustion processes involving fuel-burning equipment;
- f. any other processes involving fuel-burning equipment, which individually or in combination with other equipment, have a fuel-burning rate of up to 1000 kg/hr;
- g. the open burning of coated or covered metal cable or wire, including metal coated or covered with varnish, lacquers, plastic or rubber;
- h. any activity with the potential to discharge asbestos to air, including the removal or disposal of friable asbestos, except where it complies with the Health and Safety in Employment (Asbestos) Regulations 1998 and is supervised and monitored by Occupational Safety and Health staff;
- i. burning out of the residual content of metal containers used for the transport or storage of chemicals;
- j. the burning of municipal, commercial or industrial wastes, whether by open fire or the use of incinerators for disposal of waste;
- k. any industrial wood pulp process in which wood or other cellulose material is cooked with chemical solutions to dissolve lining, and the associated processes of bleaching and chemical and by-product recovery; and
- I. crematoriums and embalming services.; and
- m. any industrial activity which involves the discharge of odour or dust beyond the site boundary.

High technology industrial activity

means the use of land and/or buildings for the research, development and application of advanced technology and applied science. It includes communications technology development, computer and information technology development, scientific research laboratories, and any associated manufacturing, electronic data storage and processing.

- a. communications technology development;
- b. computer and information technology development; and
- c. associated manufacturing, electronic data storage and processing, and research and development.

Service industry

means the use of land and/or buildings for the transport, storage, maintenance, cleaning or repair of goods and vehicles and the hire of commercial and industrial equipment and machinery.

Chapter 16 Industrial

16.2 Objectives and Policies

16.2.1.1 Policy – Sufficient land supply

a. Maintain a sufficient supply of industrial zoned land to meet <u>short, medium and long</u> <u>term supply needs of industrial activities</u> <u>future demand up to 2028</u>, having regard to the requirements of different industries, and to avoid the need for industrial activities to locate in non-industrial zones.

16.2.1.4 Policy - Activities in industrial zones

 Maintain and support the function of industrial zones while, subject to Clauses (b) and (c), providing for limited non-industrial activities that:

i.are ancillary in scale (subject to Clause (d)) and on the same site as a permitted or consented activity;

ii.are not appropriate in more sensitive environments due to their potential noise, odour or other environmental effects;

iii.incorporate characteristics that are compatible with the industrial zone and do not cause an undue constraint on other permitted activities within the zone;

iv.comprise yard based supplier or trade suppliers in the Industrial General Zone;

v.provide an emergency service emergency service facilities and/or provide for community activities community corrections facilities;

vi.support the needs of workers and businesses in the zone including food and beverage outlets, commercial services, gymnasiums, and the care of children;

vii.meet the convenience needs of residents, workers and businesses in the Industrial General Zone (Waterloo Park) in a Local Centre;

viii.are rural activities associated with the irrigation of food processing wastewater in the identified area of the Industrial Heavy Zone (South West Hornby) (Appendix 16.8.8) that is integral to the ongoing operation of an established industrial activity.

ix.are recreation facilities in the Industrial General Zone that:

- A. provide for active indoor recreation activities that due to scale are not appropriately located in the Central City or a commercial centre; and
- B. are located near a commercial centre to support that centre; and
- C. do not give rise to reverse sensitivity effects on industrial activities, and do not undermine the ability of industrial activities to continue to operate or establish in the zone.
- b. (...)

16.2.2 Objective - Brownfield redevelopment

a. The recovery and economic growth of the <u>Christchurch District</u> is provided for by enabling <u>residential</u>, <u>and mixed-use</u> and <u>or <u>business</u> <u>commercial</u> redevelopment,</u>

including mixed use development, of appropriate <u>brownfield</u> sites while <u>supporting the</u> function and role of the Central City and commercial centres, ensuring that:

- i. Commercial activities are primarily directed to the Central City and commercial centres; and¹
- ii. Where commercial activities are located out of centres as a result of brownfield redevelopment, there are no significant adverse distributional or urban form effects on the Central City and commercial centres; and²
- iii. not compromising the function of the wider industrial area for primarily industrial activities is not compromised."

16.2.2.1 Policy - Brownfield site identification

- a. Unless a <u>site</u> is identified by a 'brownfield' overlay on the planning maps, a <u>brownfield</u> site shall meet the following criteria:
 - the land is abandoned previously used industrial land that is no longer being used; or
 - ii. <u>the land is underutilised industrial land where the land to capital value ratio is generally greater than 70%, taking into consideration (including, but not limited to):</u>
 - the intensity of existing and recent land use activities on the site, including the period of time the land has not been used, or used for low intensity land uses;
 - B. quality of built form, including the age and condition of existing buildings;
 - C. the extent of buildings or other physical development on the site relative to the total area of the site; or
 - iii. <u>or the land is no longer required by a requiring authority for a designated purpose.</u>
 - iv. in addition, the redevelopment of the brownfield site will not adversely affect the supply of land to meet anticipated short, medium and long term supply needs of industrial activities text-2028 including industrial activities with specific locational requirements; and
 - v. <u>(...)</u>

16.2.2.2 Policy - Brownfield redevelopment

- a. Support Provide for the redevelopment of brownfield sites identified by a brownfield overlay or identified in accordance with Policy 16.2.2.1 for residential activities, or mixed use activities or business commercial activities where:
 - Commercial activities are of a scale and/or type that do not have significant adverse distributional or urban form effects on the Central City and commercial centres; and

 $^{^{1}}$ Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

² Clause 16(2) of Schedule 1 to the RMA – alteration of minor effect

³ Annex Developments Limited

ii. Industrial activities are remain the predominant use in the same geographic area zoned industrial⁴.

including a limited quantum of <u>commercial activities</u> that provide convenience <u>activities and/or community activities that support the needs of the local</u> residential community.

- b. <u>Brownfield</u> <u>regeneration</u> <u>redevelopment</u> proposals <u>as provided for in sub-clause a.</u> above shall also ensure that:
 - any residential or mixed use redevelopment will not give rise to reverse sensitivity effects on existing industrial activities, or other effects, including reverse sensitivity, that may hinder or constrain the establishment or ongoing operation or development of industrial activities and strategic infrastructure;
 - ii. the safety and efficiency of the current and future <u>transport system</u> is not significantly adversely affected;
 - iii. high-good quality urban design and an appropriate level of residential amenity can will be achieved on the site;
 - iv. the site enhances connectivity to public transport routes, commercial and community services, and open space where appropriate;
 - v. any <u>contaminated land</u> is managed in accordance with national and regional standards;
 - vi. the redevelopment maintains <u>and enhances</u> the strategic role of <u>the Central City and commercial centres</u> as the focal points for commercial and other activities, and the efficient and effective use of land and/or community and <u>transport infrastructure</u> investment in centres; <u>and</u>
 - vii. <u>any the</u> environmental and cultural values of waterways within or adjoining the site are recognised and provided for in any redevelopment;
 - the development is comprehensively planned; and considers innovative approaches such as low impact urban design elements, energy and water efficiency, and life stage inclusive and adaptive design;
 - ix. the effects of natural hazards are managed in accordance with the framework in Chapter 5;
 - x. <u>the principles of crime prevention through environmental design are incorporated into the development; and</u>
 - xi. the design of the development mitigates the effects of noise from traffic, railway activity, and other sources where necessary to protect residential amenity.

16.4 Rules - Industrial General Zone

16.4.1 Activity status tables - Industrial General Zone

16.4.1.1 Permitted activities

⁴ Consequential amendments to implement Objective 16.2.2

- a. The activities listed below are permitted activities in the Industrial General Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 16.4.2. Note, the built form standards do not apply to an activity that does not involve any development.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 16.4.1.2, 16.4.1.3, 16.4.1.4, 16.4.1.5, and 16.4.1.6.
- c. The activities listed below include any associated landscaping, access, parking areas, loading, waste management areas and other hard standing areas.

Activi	ity	Activity specific standards
P1 ()	Any new building or addition to a building for any activity listed in Rule 16.4.1.1 P2 to P21.	Nil.
P18	Preschool: a. outside the 50 dB Ldn Air Noise Contour; b. in Lyttelton, outside the Lyttelton Port Influences Overlay Area as defined on the planning maps; c. outside the Woolston Risk Management Area as defined on the planning maps.	 a. Any preschool activity shall-be: A. be located more than 100 metres from the boundary of an Industrial Heavy Zone; and B. have any habitable space indoor areas (excluding bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby or clothes drying room) must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr, 2m, nT,w+ Ctr; and C. have any bedroom or sleeping area must be designed and constructed to achieve an external to internal noise reduction of not less than 30dB Dtr, 2m, nT,w+ Ctr

16.4.1.3 Restricted discretionary activities

a. The activities listed below are restricted discretionary activities.

b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 16.7.1 and 16.7.2, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
()		
RD6	Boarding of domestic animals.	a. Boarding of domestic animals – Rule 16.7.2.4
RD7	Recreation facilities	a. Display of goods, showroom and non-industrial activities – Rule 16.7.2.1

16.4.1.5 Non-complying activities

a. The activities listed below are non-complying activities.

()	
NC3	Any activity in the Industrial General Zone between Main South Road and the railway line, south west of 15 Foremans Road which results in the daily average sewage flow from a site-exceeding 0.09 l/s/ha. [Removed]
()	
NC5	Any activity within the area defined in by the overlay on the planning maps Appendix 16.8.1 as "Area subject to wastewater discharge restrictions", which results in daily average sewage flows from a site to the Council's reticulated network exceeding 0.09 l/s/ha.

- 16.4.4 Area-specific rules Industrial General Zone (Portlink Industrial Park)
- 16.4.4.1 Area-specific activities Industrial General Zone (Portlink Industrial Park)
- 16.4.4.1.5 Area-specific non-complying activities

a. The activities listed below are non-complying activities. There are no area-specific non-complying activities.

	Activity
NC1	Any development resulting in more than 10 hectares (excluding roads) of land within the development plan area in Appendix 16.8.3-being occupied by businesses before completion of the upgrade of the intersection of Kennaway Road and Chapmans Road to provide dedicated right turn bays with two approach lanes on the minor arm that are continuous for a length of no less than 35 metres.

16.4.5 Area-specific rules - Industrial General Zone (Musgroves)

16.4.5.1 Area-specific activities - Industrial General Zone (Musgroves)

16.4.5.1.3 Area-specific restricted discretionary activities

- a. The activities listed below are restricted discretionary activities. There are no area-specific restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 16.7.3.3, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	n. Any activity listed in Rule 16.4.1.1 P1 P21 that does not meet one or more of the built form standards in Rule 16.4.5.2. Advice note: 1. Refer to relevant built form standard for provisions regarding notification.	a. Roading and access 16.7.3.3.1

16.4.5.1.5 Area-specific non-complying activities

a. The activities listed below are non-complying activities.

	Activity
NC1	Any site access to Wigram Road or Aidanfield Drive.
NC2	Any activity which results in the daily average sewage flow from a site exceeding 0.09I/s/ha. [Removed]

16.4.5.2 Area-specific built form standards - Industrial General Zone (Musgroves)

a. There are no area-specific built form standards.

16.4.5.2.1 Roading and access

- a. There shall be no development, preceding subdivision, within the development plan area defined in Appendix 16.8.4 unless a road is formed through the zone that links Wigram Road with Aidanfield Drive.
- b. This road shall include the formation of a road connection with Aidanfield Drive, located between points (c) and (d) or at point (e) as marked on the development plan in Appendix 16.8.4 and described below:
 - i. the road connection shall be at least 40 metres south-east of the centreline of Wigram Road and its intersection with Aidanfield Drive; and
 - ii. at least 40 metres north west of the centreline of the future Glen Arrife Place extension intersection with Aidanfield Drive.
- c. This road shall be completed prior to or in conjunction with development in the locations that clause a relates to as a permitted activity standard.
- d. Any application arising from this rule shall not be publicly notified.

16.4.6 Area-specific rules - Industrial General Zone (North Belfast)
16.4.6.1 Area-specific activities - Industrial General Zone (North Belfast)
16.4.6.1.5 Area-specific non-complying activities

a. The activities listed below are non-complying activities.

Activity	
NC1	Any activity which results in the daily average sewage flow from a site exceeding 0.091/s/ha.[Removed]

Activity	
()	

16.4.7 Area-specific rules - Industrial General Zone (Stanleys Road)

16.4.7.1 Area-specific activities - Industrial General Zone (Stanleys Road)

16.4.7.1.5 Area-specific non-complying activities

a. The activities listed below are non-complying activities: There are no area-specific non-complying activities.

NC1	Any activity which results in the daily average sewage flow from a site exceeding 0.09 l/s/ha.

16.5 Rules - Industrial Heavy Zone 16.5.1 Activity status tables – Industrial Heavy Zone 16.5.1.5 Non-complying activities

a. The activities listed below are non-complying activities.

	Activity
()	
NC2	Any activity on the land legally described as Lot 3, DP 49632 (330 Springs Road), or on land north of Johns Road, which results in the daily average sewage flow from a site exceeding 0.09l/s/ha (litres/ second/ hectare). [Removed]
()	
NC5	Any activity within the area defined in by the overlay on the planning maps Appendix 16.8.1 as "Area subject to wastewater discharge restrictions", which results in daily average sewage flows from a site to the Council's reticulated network exceeding 0.09 l/s/ha.

16.5.3 Area-specific rules - Industrial Heavy Zone (Sir James Wattie Drive)

16.5.3.1 Area-specific activities – Industrial Heavy Zone (Sir James Wattie Drive)

16.5.3.1.5 Area-specific non-complying activities

The activities listed below are non-complying activities.

	Activity
NC1	Any activity which results in the daily average sewage flow from a site exceeding 0.09I/s/ha. [Removed]
()	

16.5.4 Area-specific rules - Industrial Heavy Zone (South West Hornby) 16.5.4.1 Area-specific activities – Industrial Heavy Zone (South West Hornby) 16.5.4.1.3 Area-specific restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 16.7.1, 16.7.2 and 16.7.3.9, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
()		a. Roading and access - Rule 16.7.3.9.4
RD2	a. Any development resulting in more than 15 hectares of land (excluding roads) being developed within the Industrial Heavy Zone (South West Hornby) south west of the area identified as 'rural wastewater irrigation area' on the outline development plan in Appendix 16.8.8, until construction (being physical works) of the Christchurch Southern Motorway has commenced. b. Any application arising from this rule shall not be publicly notified. [Removed]	

	Activity	The Council's discretion shall be limited to the following matters:
()		

16.5.4.1.5 Area-specific non-complying activities

a. The activities listed below are non-complying activities.

	Activity
NC1	Any activity within the area defined by the overlay on the planning maps as "Area subject to wastewater discharge restrictions" which results in the daily average sewage flow from a site exceeding 0.09l/s/ha, excluding wastewater that is discharged to ground in the 'rural wastewater irrigation area' on the outline development plan (Appendix 16.8.8).
()	

16.5.5 Area-specific rules - Industrial Heavy Zone (Springs Road) 16.5.5.1 Area-specific activities - Industrial Heavy Zone (Springs Road) 16.5.5.1.5 Area-specific non-complying Activities

a. The activities listed below are non-complying activities.

	Activity
()	
NC3	Any activity which results in the daily average sewage flow from a site exceeding 0.09
	I/s/ha. [Removed]

16.6 Rules - Industrial Park Zone 16.6.1 Activity status tables - Industrial Park Zone 16.6.1.1 Permitted activities

a. The activities listed below are permitted activities in the Industrial Park Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 16.6.2. Note, the built form standards do not apply to an activity that does not involve any development.

- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 16.6.1.2, 16.6.1.3, 16.6.1.4, 16.6.1.5 and 16.6.1.6.
- c. The activities listed below include any associated landscaping, access, parking areas, loading, waste management areas and other hard standing areas.

()		
P11	[Relocated] Offices within the Industrial Park Zone (Tait, Awatea)	[Relocated] a. Offices within each Industrial Park Zone (Tait, Awatea) shall: i. be limited to a total of 5,000 m²; ii. have visually transparent glazing on the ground floor elevation facing the road for a minimum of 20% of that elevation where the office activity fronts the road; iii.have a maximum tenancy size of 500m² GLFA.
P12	()	

16.6.1.3 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 16.7.1 and 16.7.2, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
()		
RD2	Any activity listed in Rule 16.6.1.1 P7, P10, P11 and P12 that does not meet	a. Display of goods, showroom and non-industrial activities – Rule 16.7.2.1

Activity	The Council's discretion shall be limited to the following matters:
one or more of the activity specific standards.	

16.6.1.5 Non-complying activities

a. The activities listed below are non-complying activities.

NC3	()
NC4	Any activity within the area defined by the overlay on the planning maps as "Area subject to wastewater discharge restrictions", which results in daily average sewage flows from a site to the Council's reticulated network exceeding 0.09 l/s/ha.

16.6.2 Built form standards - Industrial Park Zone 16.6.2.7 Landscaped areas

a. Landscaping and trees shall be provided as follows:

	Standard
()	
iv.	In addition to clauses (i), (ii) and (iii) above, where parking areas are located at the front of a site, 1 tree shall be planted for every 5 car parking spaces (or part thereof) within any car parking area.
()	

16.6.3 Area-specific rules - Industrial Park Zone (Tait Campus)

16.6.3.1 Area-specific activities - Industrial Park Zone (Tait Campus)

16.6.3.1.1 Area-specific permitted activities

a. The activities listed below are permitted activities in the Industrial Park Zone (Tait Campus) if they meet the activity specific standards set out in this table and the built form standards in Rule 16.6.3.2.

Activity		Activity specific standards
()		
<u>P3</u>	Offices	 a. Offices shall: i. be limited to a total of 5,000 m²; ii. have visually transparent glazing on the ground floor elevation facing the road for a minimum of 20% of that elevation where the office activity fronts the road; iii. have a maximum tenancy size of 500m² GLFA.

16.6.3.1.3 Area-specific restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 16.7.1, 16.7.2 and 16.7.3.11, as set out in the following table.

	•	The Council's discretion shall be limited to the following matters:
()		
RD3	Any office activity that does not meet Rule 16.6.3.1.1 P3 (a)(ii) activity specific standards.	a. <u>Display of goods, showroom and non-industrial activities</u> Rule 16.7.2.1

16.6.3.1.5 Area-specific non-complying activities

a. The activities listed below are a non-complying activity.

	Activity
()	
NC2	Any activity which results in the daily average sewage flow from a site exceeding 0.09l/s/ha. [Removed]
NC3	Any office activity that does not meet Rule 16.6.3.1.1 P3 (a)(i) or (a)(iii) activity specific standards.

16.6.4 Area-specific rules - Industrial Park Zone (Awatea)

16.6.4.1 Area-specific activities - Industrial Park Zone (Awatea)

16.6.4.1.1 Area-specific permitted activities

a. The activities listed below are permitted activities in the Industrial Park Zone (Awatea) if they meet the activity specific standards set out in this table and the built form standards in Rule 16.6.4.2.

Activity		Activity specific standards	
()			
<u>P3</u>	Offices	 a. Offices shall: be limited to a total of 5,000 m²; have visually transparent glazing on the ground floor elevation facing the road for a minimum of 20% of that elevation where the office activity fronts the road; have a maximum tenancy size of 500m² GLFA. 	

16.6.3.1.3 Area-specific restricted discretionary activities

a. The activities listed below are restricted discretionary activities.

b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 16.7.1, 16.7.2 and 16.7.3.11, as set out in the following table.

		The <u>Council</u> 's discretion shall be limited to the following matters:
()		
RD3	Any office activity that does not meet Rule 16.6.4.1.1 P3 (a)(ii) activity specific standards.	a. Display of goods, showroom and non- industrial activities – Rule 16.7.2.1

16.6.4.1.5 Area-specific non-complying activities

a. The activities listed below are non-complying activities.

	Activity
NC1	Any activity which results in the daily average sewage flow from a site exceeding 0.09l/s/ha.[Removed]
NC2	Any office activity that does not meet Rule 16.6.4.1.1 P3 (a)(i) or (a)(iii) activity specific standards.

16.6.5 Area-specific rules - Industrial Park Zone (Wairakei Road)

16.6.5.2 Area-specific built form standards - Industrial Park Zone (Wairakei Road) 16.6.5.2.5 Boundary with residential properties within the zone

a. The following built form standards shall apply to any boundary with properties used for residential activity within the zone:

i. Rule 16.6.2.4 Minimum building setback from the boundary with a residential zone;

ii. Rule 16.6.2.5 Sunlight and outlook at boundary with a residential zone. For the purpose of this rule, Diagram E of Appendix 16.8.11 shall apply;

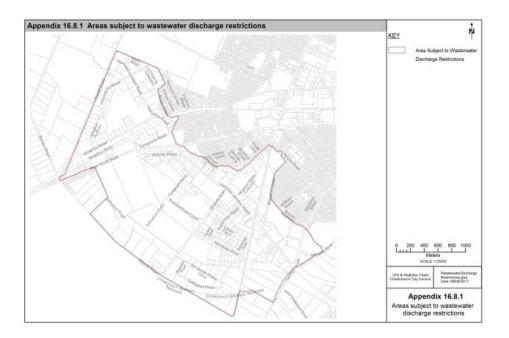
- D. The minimum building setback from the boundary with properties used for residential activity within the zone shall be 6 metres;
- E. Where an internal site boundary adjoins properties used for residential activity within the

- zone, no part of any building shall project beyond a building envelope contained by a recession plane measured at any point 2.3 metres above the internal boundary in accordance with Diagram E of Appendix 16.8.11;
- F. Where sites are located within a Flood management area, recession plane breaches created by the need to raise floor levels shall not be limited or publicly notified; and
- G. Rule 16.6.2.6 Outdoor storage of materials/ car parking.
- b. Any application arising from this rule shall not be publicly notified.

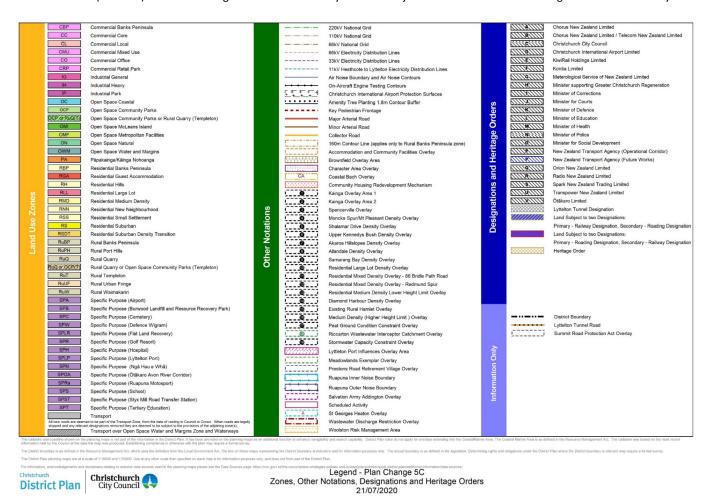
16.7.2.4 Boarding of domestic animals

- a. The extent to which the proposal takes into account:
 - i. the number and type of animals;
 - ii. building design, including soundproofing and ventilation;
 - iii. effluent management and disposal;
 - iv. prevailing climatic conditions and topography of the site and surrounding area that may affect odour and noise generation;
 - v. existing and proposed landscaping;
 - vi. the frequency and nature of management and supervision; and
 - vii. the sensitivity of the receiving environment.
- a. The extent to which the scale of the operation and location of associated building/s maintain the anticipated level of amenity of the zone, including relevant zone built form standards.
- b. The extent to which buildings, compounds or part of a site used for animals are sufficiently designed and located or separated from sensitive activities, identified building areas and residential zone boundaries to avoid adverse effects on residents.
- c. The effects of the hours of operation and public visiting the site on the surrounding environment.
- d. Any other mitigation proposed including visual screening.

Appendix 16.8.1 Areas subject to wastewater discharge restrictions – To be removed as being replaced by overlays on planning maps as shown on following pages.

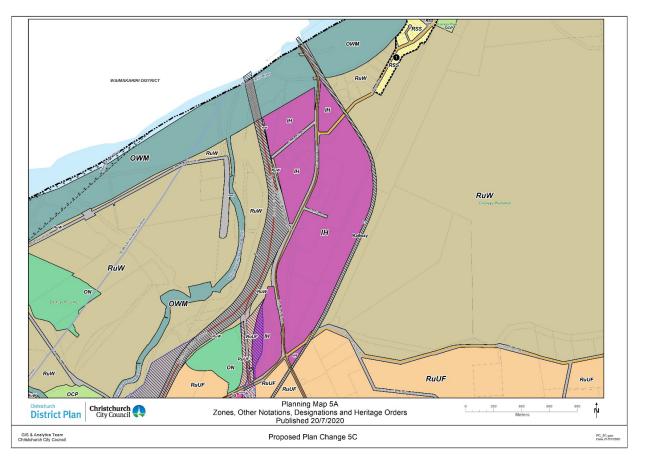


Planning Maps – red dashed line () added to the legend to show boundary of areas subject to the Wastewater Discharge Restrictions Overlay.



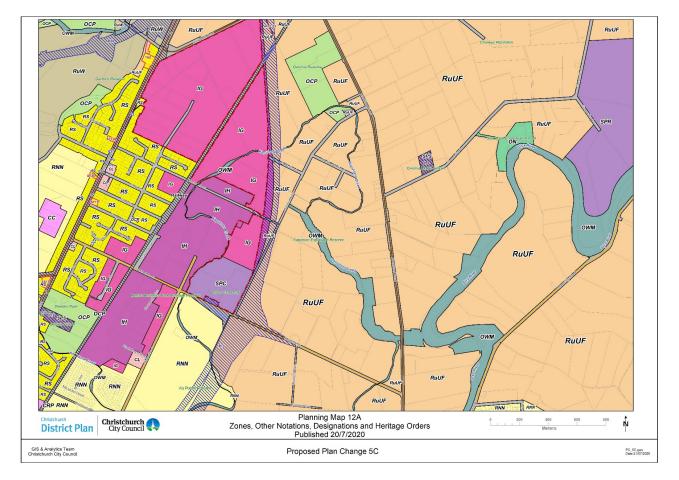
Planning Map 5A

As shown on the attached map, amend Planning Map 5A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



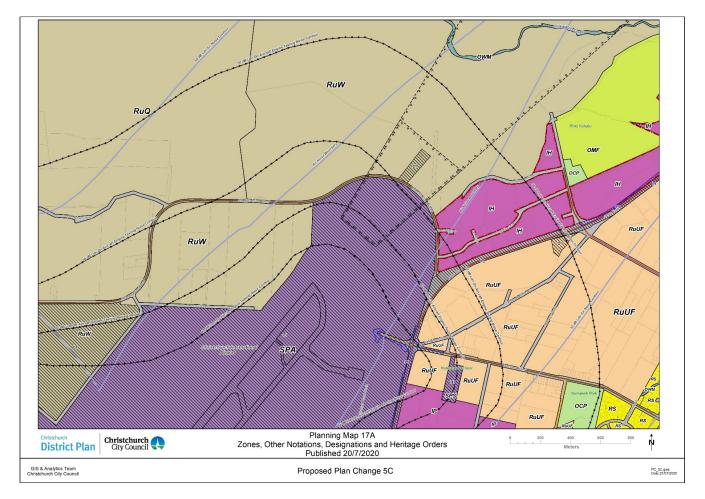
Planning Map 12A

As shown on the attached map, amend Planning Map 12A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



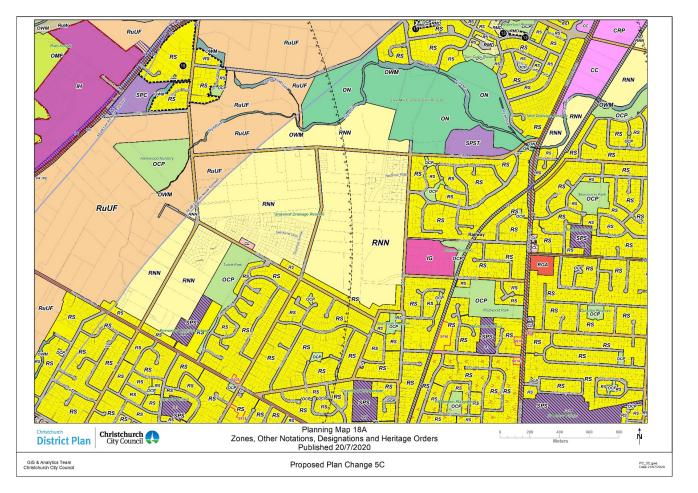
Planning Map 17A

As shown on the attached map, amend Planning Map 17A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



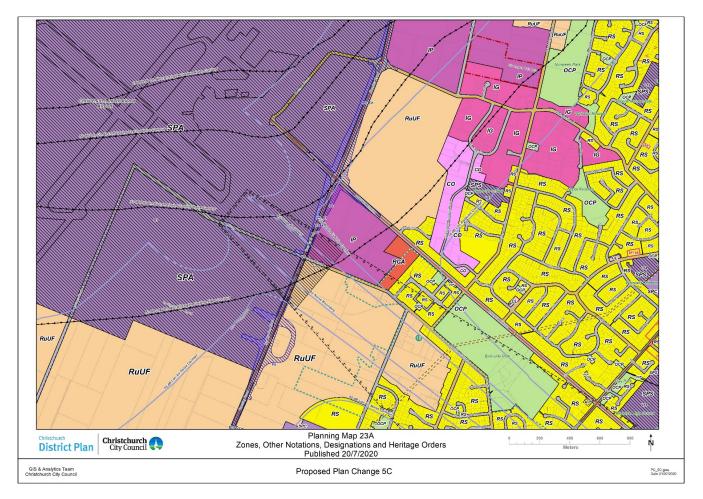
Planning Map 18A

As shown on the attached map, amend Planning Map 18A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



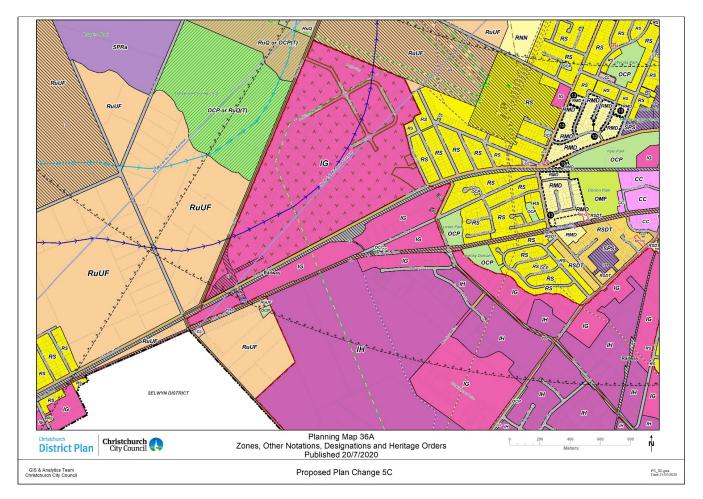
Planning Map 23A

As shown on the attached map, amend Planning Map 23A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



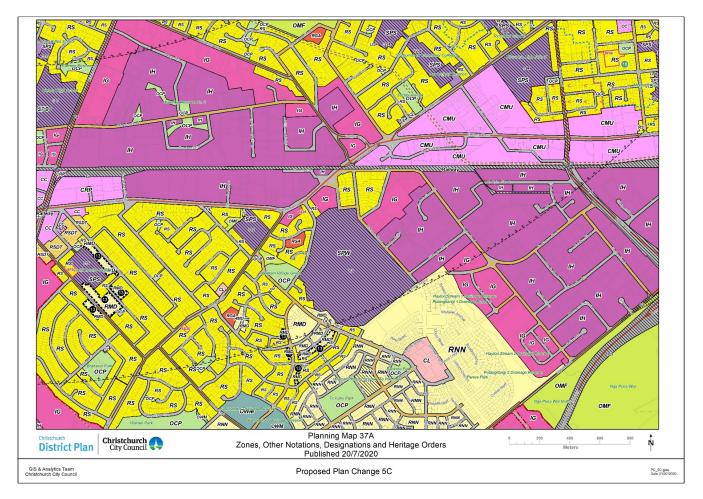
Planning Map 36A

As shown on the attached map, amend Planning Map 36A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



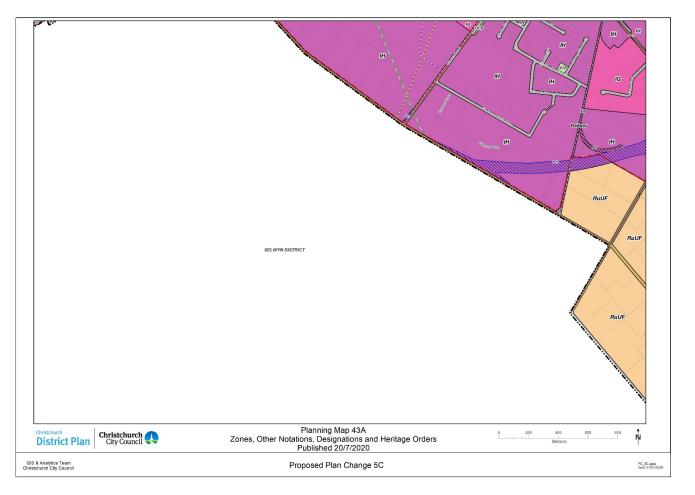
Planning Map 37A

As shown on the attached map, amend Planning Map 37A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



Planning Map 43A

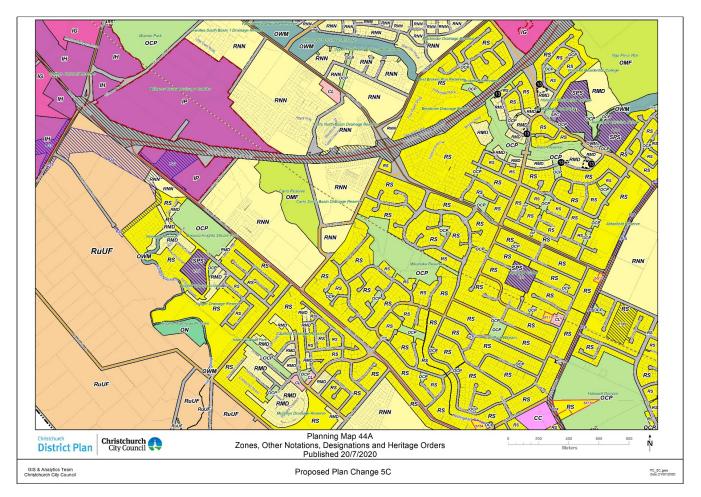
As shown on the attached map, amend Planning Map 43A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



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Planning Map 44A

As shown on the attached map, amend Planning Map 44A and the Planning Map Legend by adding an overlay (shown by (shown by that shows areas affected by wastewater discharge restrictions.



8. PLAN CHANGE 5D – HOME OCCUPATIONS

8.1 Background and purpose

- 1. In summary, Plan Change 5D ('PC5D) and the supporting s32 evaluation documents identifies that the purpose of the Plan Change is to define the nature, scale and intensity of home occupation activities undertaken in residential units in both residential and rural areas.
- 2. The s32 report notes that there have been a number of home occupation proposals and Court decisions, as well as implementation and enforcement issues, that have raised questions regarding the clarity of the existing Christchurch District Plan provisions (mainly definitions and standards). In particular, matters such as the provision for retail, commercial service and other activities (including their compatibility with residential amenity values), traffic generation, signage and calculation of floor area, had been evaluated and considered.
- 3. The recommended changes within PC5D seek to provide certainty to rule interpretation and other provisions, so that the objectives of the Christchurch District Plan with respect to the following matters are achieved:
 - a. maintaining residential activities as the dominant activity in residential zones;
 - b. maintaining a high level of residential amenity and character in residential zones; and
 - c. maintaining the function, character and amenity values of rural areas.

8.2 Scope of changes

- 4. The scope of the proposed detailed changes is set out in Appendix 3 to PC5D, and in summary is restricted to:
 - a. Chapter 2 Definitions add a new definition of 'Funeral home' and amend the definitions of 'Home occupation' (to exclude incompatible activities) and 'Spiritual activity' (to exclude funeral homes);
 - b. Chapter 13.11 Specific Purpose (Flat Land Recovery) Zone amend the rules to align them with other residential zones, including the addition of 'boarding of domestic animals' to discretionary activity Rule 13.11.4.1.4 D4;
 - c. Chapter 14 Residential amend permitted activity standards, restricted discretionary activity status rules and matters of discretion, and discretionary activity status rules relating to home occupations in the residential zones;
 - d. Chapter 17 Rural amend permitted activity standards, restricted discretionary activity status rules, and discretionary activity status rules relating to home occupations in the rural zones.

8.3 Section 42A Report

- 5. A comprehensive s42A report was prepared by Ms Hansbury (Policy Planner, Christchurch City Council). She concluded that other than the recommended changes to clarify the role of the brothels bylaw, and to correct a 'cut and paste' error with regard to home occupation signage along Memorial Avenue/Fendalton Road, PC5D as publicly notified be approved.
- 6. It is noted that the s42A report was prepared in August 2021. We were advised by Mr Pizzey (Solicitor, Christchurch City Council) and Ms Hansbury that there are no other subsequent proposed changes to those changes recommended in the s42A report.

8.4 Evidence heard

- 7. Ms Hansbury provided a summary of her evidence confirming her opinion that:
 - a. the provisions recommended in the s42A report manage the adverse effects of home occupations in a way that is efficient and effective, through clarifying the wording of the provisions and removing unnecessary restrictions;
 - the submission and evidence provided by 1027 Investments Ltd is not relevant to PC5D, and as such are considered to be outside the scope of this particular plan change (supported in the legal submissions by Mr Pizzey);
 - the submission by the Canterbury Branch of Hospitality NZ relates to the matter of visitor accommodation which is the subject of Plan Change 4 and were heard as part of that process (supported in the legal submissions by Mr Pizzey);
 - d. the recommended changes in the s42A report in response to the Waimāero/ Fendalton-Waimairi-Harewood Community Board with respect to noting the role of the Brothels Bylaw and the reduction in size of home occupation signs is still supported;
 - e. the recommendation to delete the activity standard prescribing no signage for home occupations along Memorial Avenue and Fendalton Road is a cut and paste error and still supported; and
 - f. the recommended changes result in amended policies and rules that better implement the relevant operative and proposed policies and objectives, give effect to the higher order documents and better meet the purpose of the RMA.
- 8. In response to questions from the Panel, Ms Hansbury confirmed that:
 - a. the size limit of the home occupation being set by the gross floor area of the residential unit is a more certain measurement, as it avoids interpretation as to whether accessary buildings (such as garden sheds or a standalone garage)

- are part of the gross floor area calculation, but does not preclude the home occupation being carried out in an accessory building; and
- b. the provisions of the Brothels Bylaw apply to single detached dwellings in residential areas to avoid a number of home occupation brothels establishing in multiple residential units on one site.
- 9. Ms Helen Broughton attended the hearing but had no further comment to make with respect to the submissions from the Community Board.

8.5 Scope issues

- 10. Council advisors confirmed that no change to any other rules, objectives or policies is required or proposed. The Panel accepts this advice.
- 11. The Panel considered the scope issues in respect of the submission from 1027 Investments Ltd and submission from Canterbury Branch of Hospitality NZ. It accepts the legal opinion and planning advice provided by Mr Pizzey and Ms Hansbury respectively, and notes that the Canterbury Branch of Hospitality NZ did not attend this or any other part of the Plan Change 5 hearing and that 1027 Investments Ltd did not address PC5D when they presented evidence to the Panel with respect to the zoning of its property as part of the hearing into PC5F Planning Maps.
- 12. Accordingly, the Panel confirms that the submission from 1027 Investments Ltd and the submission from Canterbury Branch of Hospitality NZ are outside the scope of PC5D.

8.6 Principal issues

- 13. The principal issues to be addressed by PC5D with respect to home occupations relates to:
 - a. the residential policies applicable to home occupations do not effectively achieve a high quality residential environment;
 - some aspects of the rules and standards designed to manage home occupations are unclear or enable a scale or level of adverse effects that will not lead to the residential amenity outcomes sought in the objectives and policies; and
 - c. administration difficulties associated with the use of the term 'GFA' and the provisions for retailing associated with home occupations in both the residential and rural zones.
- 14. The Panel concurs with the analysis undertaken with respect to these principal issues in the Council's s32 report and further elaborated on in the s42A report, as well as the following additional issues raised in the submission from the Waimāero/Fendalton-Waimairi-Harewood Community Board:

- a. reference to the bylaw applicable to the operation of brothels in residential areas; and
- b. the use of artwork or illumination in relation to signage.

8.7 Section 32AA

- 15. As discussed in this report, a comprehensive s32 report and comprehensive s42A report were prepared by the Council.
- 16. The Panel is satisfied that the proposed changes recommended in Ms Hansbury's s42A report and summary of evidence are the only changes that are required to the provisions of the Christchurch District Plan as a result of PC5D.
- 17. It is noted that s32AA(1)(a) of the RMA only requires a further evaluation with respect to any changes that are made to or are proposed to the plan change as notified. The Panel considered that the following changes should be made to the plan change as notified and each change is discussed in turn.

Advice Note to refer to the Brothels Bylaw

- 18. Ms Hansbury identified that clarity needed to be provided that both the Christchurch District Plan rules and the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 apply to small owner-operator brothels. In her opinion she considered the "How to interpret and apply the rules" section of each relevant zone to be the suitable location for the inclusion of an advice note.
- 19. The Panel is satisfied that the minor change is in accordance with Strategic Objective 3.3.2 a. iii., as the change makes the District Plan easy to understand and use.

Sign Rules – Memorial Avenue and Fendalton Road

- 20. Ms Hansbury identified that a 'cut and paste' error had occurred with respect to the 'no signage' standard which is only to apply in the Residential Suburban Zone along the two roads.
- 21. The Panel is satisfied that this is clearly a drafting error, which is best to be corrected now. The Panel notes that this correction is in accordance with Clause 16(2) of Schedule 1 to the RMA that provides for a local authority to make an amendment without using the Schedule 1 process to alter any information where it corrects any minor errors.

8.8 Recommendation

- 22. It is recommended that the Christchurch City Council make the following decisions:
 - a. Adopt the amendments proposed to the definitions and residential and rural zone provisions as set out in **Appendix 1** PC5D Recommended Decision; and
 - b. Accept and reject the submissions as set out in **Appendix 2** PC5D Table of Submissions with Recommended Decisions and Reasons.

Appendix 1 - PC5D Recommended Decision



Resource Management Act 1991

Christchurch District Plan Proposed Plan Change 5D

DISTRICT PLAN AMENDMENTS

Note: For the purposes of this plan change, any unchanged text is shown as normal text, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as **bold strikethrough**.

Text in green font identifies existing terms defined in Chapter 2 - Definitions. Where the newly added text contains a defined term, the term is shown as **bold underlined text in green**.

Text in blue font indicates links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Changes recommended by the Independent Hearings Panel is shown as **bold underlined** for additional text and **bold deleted** for text to be deleted.

Amend the District Plan as follows:

Chapter 2 - Abbreviations and Definitions

1. [Note: Information and instruction only, not part of the plan change. Amend the following definitions as shown to clarify that home occupations should not involve the activities listed, and that funeral homes are not part of 'home occupation' or 'spiritual activity'. Add a new definition of 'Funeral home':]

Funeral home

means the use of land and/or buildings for a business activity offering, for a charge, the services of preparing bodies for burial or cremation and/or the use of rooms where viewings and a funeral service can be held.

Home occupation

means any occupation, including a profession, undertaken within a residential unit <u>or an accessory</u> building by a person who resides permanently within that residential unit. It excludes:

- a. motor vehicle or boat trading and/or storage, other than those owned by, and for the use of, people who live on the same site;
- b. motor-servicing facilities;
- c. heavy industrial activities;
- d. boarding of domestic animals; and
- e. funeral homes.

Spiritual activity

means the use of land and/or buildings primarily for worship and spiritual meditation and deliberation purposes. It includes:

- a. ancillary social and community support services associated with the spiritual activity; and
- b. ancillary hire/use of church buildings for community groups and activities.

It excludes funeral homes, but includes funeral services held in memory of the deceased.

Chapter 13.11 – Specific Purpose (Flat Land Recovery) Zone

- **2.** [Note: Information and instruction only, not part of the plan change. Amend Chapter 13.11 Amend the activity specific standards for home occupations in Rule 13.11.4.1.1, P14 to align them with the relevant amended provisions for home occupations in other residential zones as follows:
 - a) clarify the activity specific standards for home occupations with respect to floor area, retail activity, signage size, and mitigation of potential adverse/nuisance effects of activities;
 - b) introduce a maximum total floor area limit for restricted discretionary home occupations above which the activity becomes fully discretionary to align with changes to residential zones.]

13.11.3 How to interpret and apply the rules

d. Advice note:

Refer to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for rules and restrictions on establishing and operating a small owner-operated brothel as a home occupation.

13.11.4 Rules - Specific Purpose (Flat Land Recovery) Zone

13.11.4.1.1 Permitted activities

Activity		Activity specific standards		
	ity () Home occupation on a site that was privately owned as at 12 October 2015.	a. The activity shall limit: i. the gross-total floor area of the building or part of the building (measured internally), plus the area used for any outdoor storage area, occupied by the home occupation to less no more than 40m²; ii. the number of FTE employed persons, who reside permanently elsewhere than on the site, to two; iii. any retailing retail activity to: A. the sale of goods grown or produced on the site, B. goods incidental to the on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area, or		
		no more than 1m² of floor area, or C. internet-based sales where no customer visits occur; and D. retail activity shall exclude food and beverage outlets. iv. manufacturing, altering, repairing, dismantling or processing of		
		any materials, goods or articles to within a fully enclosed building; v. the hours of operation when the site is open to visitors, clients, and deliveries to between the hours of: A. 07:00 - 21:00 Monday to Friday; and B. 08:00 - 13:00 Saturday, Sunday and public holidays; vi. visitor or staff parking area to outside the road boundary setback; vii. outdoor advertising signage to a maximum area of 2-0.5 m².		
		b. The activity shall meet the following built form standards of the Residential Suburban Zone: Rules 14.4.2.1, 14.4.2.3, 14.4.2.4, 14.4.2.5, 14.4.2.6, 14.4.2.7, 14.4.2.8, 14.4.2.9 and 14.4.2.11, except as provided for in c. below.		
		c. In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6), the activity shall meet the following built form standards of the Residential Small Settlement Zone: Rules 14.10.2.1, 14.10.2.2, 14.10.2.3, 14.10.2.4, 14.10.2.5, 14.10.2.6 and 14.10.2.8.		

13.11.4.1.3 Restricted discretionary activities

(...)

Activi	ty	The Council's discretion shall be limited to the following matters:		
	()			
RD11	Activities listed in Rule 13.11.4.1.1 P14 that do not meet activity specific standard a. and occupy a total area, comprising the floor area of the building or	a.	Scale of <u>and nature</u> activity - 14.15.5	

part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.

- b. Traffic generation and access safety 14.15.6
 - Non-residential hours of operation 14.15.21

13.11.4.1.4 Discretionary activities

(...)

Activity

- D4 <u>Veterinary care facility</u> <u>or boarding of domestic animals</u> on a <u>site</u> that was privately owned as at 12 October 2015.
- D8 Activities listed in Rule 13.11.4.1.1 P3 that do not meet activity specific standard (a).
- D9 Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.

Chapter 14 - Residential

3. [Note: Information and instruction only, not part of the plan change. Amend Chapter 14 – Delete Policy 14.2.4.3 and renumber the subsequent policies accordingly. Following Policy 14.2.6.2, add a new Policy 14.2.6.3 specific to home occupations which provides a framework for the management of the scale, nature and effects of these activities. Renumber the subsequent policies accordingly.]

14.2 Objectives and Policies

14.2.4 Objective - High quality residential environments

(...)

14.2.4.3 Policy Scale of home occupations

a. Ensure home occupation activity is secondary in scale to the residential use of the property.

14.2.4.3 14.2.4.4 Policy - Character of low and medium density areas

(...)

14.2.6 Objective - Non-residential activities

(...)

14.2.6.3 Policy – Home occupations

- a. Ensure that home occupations:
 - i. are secondary in scale and incidental to the residential activity on the same site; and
 - ii. <u>avoid conflicts between incompatible activities where there may be significant adverse</u> effects on the amenity of the residential environment or on residential activities; or
 - iii. where the adverse effects are not significant, minimise adverse effects on residential activities and the amenity of the site and the surrounding residential environment.

14.2.6.4 14.2.6.3 Policy - Existing non-residential activities

(...)

- 4. [Note: Information and instruction only, not part of the plan change. Amend Chapter 14 Residential rules for the relevant zones to:
 - a) clarify the activity specific standards for home occupations with respect to floor area, retail activity, vehicle trip generation, signage size, and mitigation of potential adverse/nuisance effects of activities;
 - b) introduce a maximum total floor area limit for restricted discretionary home occupations above which the activity becomes fully discretionary;
 - c) as a minor correction, add a jump link to the definition of 'FTE' wherever the term is used in the home occupation rules, e.g. in 14.4.1.1, P13 (b);
 - clarify Rule 14.4.1.5 NC1 by excluding home occupations from the rule that applies to nonresidential activities on Memorial Avenue.

14.3 How to interpret and apply the rules

I. Advice note:

Refer to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for rules and restrictions on establishing and operating a small owner-operated brothel as a home occupation.

14.4 Rules - Residential Suburban Zone and Residential Suburban Density Transition Zone 14.4.1.1 Permitted activities

(...)

Activ	Activity		tivity specific standards
	()		
P13	Home occupation	a.	The <u>gross-total</u> floor area of the building <u>or part of the building</u> (<u>measured internally</u>), plus the area used for any outdoor storage area, occupied by the home occupation shall be <u>less no more</u> than 40m ² .

- b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. Any retailing retail activity shall be limited to:
- - i. the sale of goods grown or produced on the site;
 - ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or
 - iii. internet-based sales where no customer visits occur; and
 - iv. retail activity shall exclude food and beverage outlets.
- d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building.
- e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of:
 - i. 07:00 21:00 Monday to Friday; and
 - ii. 08:00 19:00 Saturday, Sunday and public holidays.
- f. Visitor, courier vehicle and or staff parking areas shall be within the net site area of the property and outside the road boundary setback.
- g. Vehicle movements associated with the home occupation shall not exceed:
 - heavy vehicles: 2 per week; and
 - ii. other vehicles: 16 per day.
- h. Outdoor advertising Signage shall be limited to a maximum area of 2 <u>0.5</u>m², except that where the activity is located on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.

14.4.1.3 Restricted discretionary activities

(...)

Activi	ty	The Council's discretion shall be limited to the following matters:	
	()		
RD30	 a. Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.4.1.1 (except for P16 - P18 standard ix. relating to noise sensitive activities in the 50 dB Ldn Air Noise Contour, refer to Rule 14.4.1.3 RD33; or P16-P19 standard x. relating to storage of heavy vehicles, refer to Rule 14.4.1.4 D2) for: P13 Home occupations: A. that do not meet standard a. and occu a total area, comprising the floor area the building or part of the building 	standard that is not met: i. Scale <u>and nature</u> of activity - Rule 14.15.5 ii. Traffic generation and access safety - Rule 14.15.6 iii. Non-residential hours of operation - Rule 14.15.21	

(measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings;

- B. that do not meet one or more of standards b. to h.
- i. P16 Education activity;
- ii. P17 Preschools, other than as provided for in Rule 14.4.1.1 P14 and Rule 14.4.1.4 D2;
- iii. P18 Health care facility;
- iv. P19 Veterinary care facility.
- b. Any application arising from this rule shall not be limited or publicly notified.

14.4.1.4 Discretionary activities

(...)

Act	Activity		
D6	Multi-unit residential complexes in Residential Suburban Zones		
<u>D7</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.		

14.4.1.5 Non-complying activities

(...)

Activ	Activity	
NC1	Any non-residential activity, other than a home occupation, located on a <u>site</u> with <u>frontage</u> to Memorial Avenue or Fendalton Road.	
	()	

14.5 Rules - Residential Medium Density Zone

14.5.1.1 Permitted activities

(...)

Activity		Activity specific standards		
	()			
P4	Home occupation	a. The gross-total floor area of the building or part of the building (measured internally), plus the area used for any outdoor storage area, occupied by the home occupation shall be less no more than 40m².		
		b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.		
		c. Any retailing retail activity shall be limited to: i. the sale of goods grown or produced on the site; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets.		
		d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building.		
		e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays.		
		f. Visitor, <u>courier vehicles and or</u> -staff <u>parking areas</u> shall be <u>within the</u> <u>net site area of the property and</u> outside the road boundary setback.		
		 g. Vehicle movements associated with the home occupation shall not exceed: heavy vehicles: 2 per week; and other vehicles: 16 per day. h. Outdoor advertising Signage shall be limited to a maximum area of 2 0.5m², except that where the activity is located 		
		on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.		

14.5.1.3 Restricted discretionary activities

(...)

Activi	ty	The Council's discretion shall be limited to the following matters:
	()	

- RD8 a. Activities that do not meet one or more of the activity specific standards in
 Rule 14.5.1.1 (except for P7 P10 standard ix., refer to Rule 14.5.1.4 D2) for:
 - i. P4 Home occupations:
 - A. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings;
 - B. that do not meet one or more of standards b. to h.
 - ii. P7 Education activity
 - iii. P8 Preschools, other than as provided for in Rule 14.5.1.1 P5 and Rule 14.5.1.4 D2;
 - iv. P9 Health care facility;
 - v. P10 Veterinary care facility.
 - Any application arising from this rule shall not be limited or publicly notified.

- As relevant to the activity specific standard that is not met:
 - i. Scale <u>and nature</u> of activity -Rule 14.15.5
 - ii. Traffic generation and access safety Rule 14.15.6
 - iii. Non-residential hours of operation Rule 14.15.21

14.5.1.4 Discretionary activities

(...)

C...) D6 a. Redevelopment of brownfield areas for mixed commercial and residential activities on the following sites: i. 25 Deans Avenue (Former Saleyards) D7 Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.

14.6 Rules - Residential Central City Zone

14.6.1.1 Permitted activities

(...)

Activity		Activity specific standards		
	()			
P7	Care of non-resident children within a residential unit in return for monetary payment to the carer	a. There shall be: i. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and ii. at least one carer residing permanently within the residential unit.		
P8	Any non-residential activity <u>or home</u> <u>occupation</u> up to 40m ² <u>gross in total</u> <u>floor</u> area (<u>including comprising the</u> <u>floor area of the building or part of</u> <u>the building (measured internally)</u> <u>and</u> any <u>area of outdoor storage</u> <u>area used for the activity</u>) that is otherwise not provided for under Rule 14. <u>6.</u> 13.2.1 P9 and P10.	 a. Only those persons who reside permanently on the site can be employed in the activity. b. The maximum total number of hours the site shall be open to visitors, clients or deliveries for the activity shall be 40 hours per week, and shall be limited to between the hours of: 07:00 – 21:00 Monday to Friday, and 08:00 – 19:00 Saturday, Sunday, and public holidays. c. The maximum number of vehicle movements per site, other than for residential activities, shall be: heavy vehicles: 2 per week; and other vehicles: 16 per day. d. Boarding animals on a site shall be limited to a maximum of four animals in the care of a registered veterinarian for medical or surgical purposes only. e. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building. 		
P9	Any education facility, spiritual activity, health care facility, preschool (other than as provided for in Rule 14.6.1.1 P7), or guest accommodation up to 40m² gross in total floor area (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area used for activities other than residential activities), except those activities provided for in Rule 14.6.1.1 P10.	 a. Only those persons who reside permanently on the site can be employed in the activity. b. The maximum total number of hours the site shall be open to visitors, clients or deliveries for the activity, other than for guest accommodation activities, shall be 40 hours per week, and shall be limited to between the hours of: 07:00 – 21:00 Monday to Friday, and 08:00 – 19:00 Saturday, Sunday, and public holidays. c. The maximum number of vehicle movements per site, other than for residential activities, shall be: heavy vehicles: 2 per week; and other vehicles: 16 per day. 		

14.6.1.4 Discretionary activities

(...)

Act	ctivity			
D1	De	Development of Lot 1 DP 475662, for the purposes of ()		
D2	a.	Any education facility, spiritual activity, health care facility, preschool (other than as provided for in Rule 14.6.1.1 P7 and Rule 14.6.1.4 D3), or guest accommodation, that is over 40m² but less than 201m² in gross total floor area (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area used for activities), other than: i. on a site with frontage to Fitzgerald Avenue, or Bealey Avenue between Durham Street North and Madras Streets; or ii. on a site with frontage to a local road, provided that the following standards are met: i. For guest accommodation, at least one employee must must reside permanently on the site. ii. The maximum ()		

14.6.1.5 Non-complying activities

(...)

Activ	vity
NC1	Any non-residential activity or home occupation not otherwise provided for as a permitted, restricted discretionary, discretionary or non-complying activity with a gross-total floor area over 40m² (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area used for that activity).
	()
NC5	Any <u>education facility</u> , <u>spiritual activity</u> , <u>health care facility</u> , <u>preschool</u> (other than as provided for in Rule <u>14.6.1.1</u> P7 and Rule <u>14.6.1.4</u> D3), or <u>guest accommodation</u> with a <u>gress-total floor</u> area over 40m ² (<u>including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area) with <u>frontage</u> to a <u>local road</u>.</u>
NC6	Any <u>education facility</u> , <u>spiritual activity</u> , <u>health care facility</u> , <u>preschool</u> (other than as provided for in Rule <u>14.6.1.1</u> P7 and Rule <u>14.6.1.4</u> D3), or <u>guest accommodation</u> , that exceeds a gross

total floor-area of 200m² (including comprising the floor area of the building or part of the building (measured internally) and any area of-outdoor storage area) other than on a site with frontage to Fitzgerald Avenue, or Bealey Avenue between Durham Street North and Madras Streets.

14.7 Rules - Residential Hills Zone

14.7.1.1 Permitted activities

(...)

Activity		Activity specific standards	
	()		
P8	Home occupation	 a. The gross-total floor area of the building or part of the building (measured internally), plus the area used for any outdoor storage area, occupied by the home occupation shall be less no more than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. c. Any retailing retail activity shall be limited to: i. the sale of goods grown or produced on the site; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets. d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building. e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays. f. Visitor, courier vehicles and or-staff parking areas shall be within the net site area of the property and outside the road boundary setback. g. Vehicle movements associated with the home occupation shall not exceed: i. heavy vehicles: 2 per week; and ii. other vehicles: 16 per day. h. Outdoor advertising Signage shall be limited to a maximum area of 2 0.5m², except that where the activity is located 	

on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.

14.7.1.3 Restricted discretionary activities

(...)

Activity						The Council's discretion shall be limited to the following matters:	
	())					
RD19	a.	or Ru sta vel i. ii. iii. An	mor le 14 inda hicle P8 A. B. P1 P1 y ap	occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings;	a.	star i. ii.	relevant to the activity specific ndard that is not met: Scale and nature of activity - Rule 14.15.5 Traffic generation and access safety - Rule 14.15.6 Non-residential hours of operation - Rule 14.15.21

14.7.1.4 Discretionary activities

(...)

Ac	Activity			
	()			
D5	Activities and buildings that do not comply with Rule 14.7.2.3 – Site coverage where the site coverage is exceeded by more than 10%			

D6 Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.

14.8 Rules - Residential Banks Peninsula Zone

14.8.1.1 Permitted activities

(...)

Activity		Activity specific standards		
	()			
P5	Home occupation	 (measured internally), plus the area used for any outdoor storage area occupied by the home occupation shall be less no more than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. c. Any retailing retail activity shall be limited to: i. the sale of goods grown or produced on the site; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets. d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building. e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays. f. Visitor, courier vehicles and or staff parking areas shall be within the net site area of the property and outside the road boundary setback. 		
		 g. Vehicle movements associated with the home occupation shall not exceed: heavy vehicles: 2 per week; and other vehicles: 16 per day. h. Outdoor advertising Signage shall be limited to a maximum area of 2 		
		0.5 m², except that where the activity is located		

on sites with frontage to Memorial Avenue or Fendalton Road there
shall be no signage .

14.8.1.3 Restricted discretionary activities

(...)

Activi	ity	The Council's discretion shall be limited to the following matters:	
RD11	a. Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.8.1.1 (except P8 - P11 standard viii. relating to storage of heavy vehicles, (refer to Rule 14.8.1.4 D2)) for: i. P5 Home occupations: A. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally)	a. As relevant to the activity specific standard that is not met: i. Scale and nature of activity - Rule 14.15.5 ii. Traffic generation and access safety - Rule 14.15.6 iii. Non-residential hours of operation - Rule 14.15.21	
	and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings; B. that do not meet one or more of standards b. to h. ii. P8 Education activity iii. P9 Preschools, other than () iv. (). d. Any application arising from this rule shall not be limited or publicly notified. Advice note: ()		

14.8.1.4 Discretionary activities

(...)

Activity			
	()		
D6	a. Retail activity where: i. all outdoor areas associated with the activity are screened ()		

<u>D7</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.
<u>D8</u> -D7	All other non-residential activities not otherwise listed in these tables.
<u>D9</u> -D8	Integrated family health centres which ().

14.9 Rules - Residential Large Lot Zone

14.9.1.1 Permitted activities

(...)

Activity		Activity specific standards		
	()			
P5	Home occupation	 (measured internally), plus the area used for any outdoor storage area, occupied by the home occupation shall be less no more than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. 		
		c. Any retailing-retail activity shall be limited to: i. the sale of goods grown or produced on the site; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets.		
		d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building.		
		e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays.		
		f. Visitor, courier vehicles and er-staff parking areas shall be within the net site area of the property and outside the road boundary setback.		
		g. Vehicle movements associated with the home occupation shall not exceed: i. heavy vehicles: 2 per week; and ii. other vehicles: 16 per day.		

h. Outdoor advertising Signage shall be limited to a maximum area of 2

O.5m², except that where the activity is located on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.

14.9.1.3 Restricted discretionary activities

(...)

Activi	ity		The Council's discretion shall be limited to the following matters:	
RD6	a.	Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.9.1.1 (except P8-P12 ()	()	
RD7	a.	Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.9.1.1 for: i. P5 Home occupations: A. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings; B. that do not meet one or more of standards b. to h. ii. P6 Care of non-resident children () iii. P7 Bed and breakfast.	 a. As relevant to the activity specific standard that is not met: Scale and nature of activity - Rule 14.15.5 Traffic generation and access safety - Rule 14.15.6 Non-residential hours of operation - Rule 14.15.21 	

14.9.1.4 Discretionary activities

(...)

A	Activity			
		()		
D	5	Activities and buildings that do not comply with Rule 14.9.2.3 – Site coverage where the site coverage is exceeded by more than 10%		

<u>Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.</u>

14.10 Rules - Residential Small Settlement Zone

14.10.1.1 Permitted activities

(...)

Activity		Activity specific standards			
	()				
P4	Home occupation	 a. The gross-total floor area of the building or part of the building (measured internally), plus the area used for any outdoor storage area occupied by the home occupation shall be less no more than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. c. Any retailing-retail activity shall be limited to: 			
		i. the sale of goods grown or produced on the site; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets. d. Manufacturing, altering, repairing, dismantling or processing of any			
		materials, goods or articles shall be carried out in a fully enclosed building. e. The hours of operation, when the site is open to visitors, clients, and			
		deliveries, shall be limited to between the hours of: i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays. f. Visitor, courier vehicles and or-staff parking areas shall be within the			
		net site area of the property and outside the road boundary setback. g. Vehicle movements associated with the home occupation shall not exceed: i. heavy vehicles: 2 per week; and ii. other vehicles: 16 per day.			
		h. Outdoor advertising Signage shall be limited to a maximum area of 2 O.5 m², except that where the activity is located on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.			

14.10.1.3 Restricted discretionary activities

(...)

Activi	ty	The Council's discretion shall be limited to the following matters:		
	()			
RD9	a. Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.10.1.1 for: i. P4 Home occupations: A. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings; B. that do not meet one or more of standards b. to h. ii. P5 Care of non-resident children () iii. P6 Bed and breakfast.	 a. As relevant to the activity specific standard that is not met: Scale and nature of activity - Rule 14.15.5 Traffic generation and access safety - Rule 14.15.6 Non-residential hours of operation - Rule 14.15.21 		
RD10	Buildings that do not meet Rule 14.10.2.2 ()	()		

14.10.1.4 Discretionary activities

(...)

Activity		
	()	
D3	Heli-landing areas that do not meet one or more of the activity specific standards in Rule 14.10.1.1 P16.	
<u>D4</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.	

14.12 Rules - Residential New Neighbourhood Zone

14.12.1.1 Permitted activities

(...)

Activity		Activity specific standards	
	()		
P5	Home occupation	 a. The gross-total floor area of the building or part of the building (measured internally), plus the area used for any outdoor storage area occupied by the home occupation shall be less no more than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. c. Any retailing retail activity shall be limited to: i. the sale of goods grown or produced on the site; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no 	
		more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets. d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed	
		 building. e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays. 	
		f. Visitor, <u>courier vehicles and or</u> staff parking areas shall be <u>within the</u> <u>net site area of the property and</u> outside the road boundary setback.	
		 g. Vehicle movements associated with the home occupation shall not exceed: i. heavy vehicles: 2 per week; and ii. other vehicles: 16 per day. 	
		h. Outdoor advertising Signage shall be limited to a maximum area of 2 0.5 m², except that where the activity is located on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.	

14.12.1.3 Restricted discretionary activities

(...)

Activity	The Council's discretion shall be limited to
	the following matters:

	()			
RD16	a. b.	Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.12.1.1 (except for P8 to P10 activity standard ix. relating to noise sensitive activities in the 50 dB Ldn Air Noise Contour refer to RD26; or P8 to P12 activity standard x. relating to storage of heavy vehicles refer to Rule 14.12.1.4 D2)for: i. P5 Home occupations: A. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings; B. that do not meet one or more of standards b. to h. ii. P8 Education activity; iii. P9 Preschool () () Any application arising from this rule shall not be publicly or limited notified.	a.	As relevant to the activity specific standard that is not met: i. Scale and nature of activity - Rule 14.15.5 ii. Traffic generation and access safety - Rule 14.15.6 iii. Non-residential hours of operation - Rule 14.15.21
RD17	a.	Integrated family health centres where: ()	()	

14.12.1.4 Discretionary activities

(...)

Activ	Activity			
	()			
D4	Integrated family health centres which do not meet any one or more of the requirements specified in Rule 14.12.1.3 RD17.			
<u>D5</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.			

5. [Note: Information and instruction only, not part of the plan change. Consequential amendments - In the restricted discretionary rules listed below, amend any references to matters of discretion in Rule 14.15.5 'Scale of activity', to read 'Scale and nature of activity - Rule 14.15.5' as shown in the example below:]

• 13.11.4 Rules - Specific Purpose (Flat Land Recovery)

13.11.4.1.3 Restricted discretionary activities

RD11	Activities listed in Rule 13.11.4.1.1 P14 that do	a.	Scale and nature of activity - 14.15.5	
	not meet activity specific standard a.	b.	()	

- 14.4 Rules Residential Suburban Zone and Residential Suburban Density Transition Zone 14.4.1.2 Controlled activities, C2
- 14.4.1.3 Restricted discretionary activities, RD9, RD11-RD15, RD17, RD30
- 14.4.3.1.3 Area-specific restricted discretionary activities, RD9 and RD10
- 14.5 Rules Residential Medium Density Zone 14.5.1.2 Controlled activities, C1
- 14.5.1.3 Restricted discretionary activities, RD3-ED5, RD7-RD9, RD24
- 14.5.3.1.3 Area-specific restricted discretionary activities, RD7-RD8
- 14.7 Rules Residential Hills Zone 14.7.1.2 Controlled activities, C2
- 14.7.1.3 Restricted discretionary activities, RD6-RD7, RD9-RD10 RD19-RD20, RD22
- 14.8 Rules Residential Banks Peninsula Zone 14.8.1.2 Controlled activities, C1
- 14.8.1.3 Restricted discretionary activities, RD11-RD13, RD15
- 14.9 Rules Residential Large Lot Zone

14.9.1.3 Restricted discretionary activities, RD4, RD6-RD7

• 14.10 Rules - Residential Small Settlement Zone 14.10.1.2 Controlled activities, C1

14.10.1.3 Restricted discretionary activities, RD3, RD6-RD9

- 14.11 Rules Residential Guest Accommodation Zone 14.11.1.3 Restricted discretionary activities, RD5
- 14.12 Rules Residential New Neighbourhood Zone 14.12.1.2 Controlled activities, C4

14.12.1.3 Restricted discretionary activities, RD1, RD4, RD16-RD19, RD22, RD25

5. [Note: Information and instruction only, not part of the plan change. Amend matters of discretion in Rule 14.15.5 to add considerations of sensitivity of residential environment to potential adverse effects of home occupations.]

14.15 Rules - Matters of control and discretion

14.15.5 - Scale and nature of activity

- a. Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:
 - i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;
 - ii. the ability for the locality to remain a predominantly residential one; and
 - iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.
- b. The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:
 - i. the character of the surrounding living environment; and
 - ii. noise, disturbance and loss of privacy of nearby residents.
- c. For home occupations, whether:
 - i. whether the non-compliance is an integral and necessary part of the home occupation;
 - ii. the extent to which the scale and/or nature of the activity, including signage, has an adverse effect on the anticipated level of amenity and character of the site and the surrounding area; and
 - iii. whether the nature of the activity conflicts with residential activities and the wellbeing of the surrounding residents; and

- <u>iv.</u> <u>whether retail activity remains small in scale, does not create adverse effects through additional pedestrian and traffic movements, noise, disturbance and loss of privacy, and does not undermine the centres-based framework for commercial activities.</u>
- d. For residential units with more than six bedrooms, whether there should be a limit on the number of bedrooms over six bedrooms based on the impact on the surrounding neighbourhood and residential character.
- e. The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.
- f. The opportunity the activity provides to support an existing nearby commercial centre.
- g. The opportunity the activity provides to support and compliment any existing health-related activities and/or community activities in the surrounding area.
- For Residential Guest Accommodation Zone sites only, the extent to which any additional bedrooms and quantum of floor space proposed avoids adverse effects on the function and recovery of the Central City.

Chapter 17 - Rural

6. [Note: Information and instruction only, not part of the plan change. Amend provisions for home occupations in the relevant rural zones to enable retail activity where the goods are made / manufactured as part of the home occupation activity.]

17.3 How to interpret and apply the rules

d. Advice note:

Refer to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for rules and restrictions on establishing and operating a small owner-operated brothel as a home occupation.

17.4 - Rural Banks Peninsula Zone

17.4.1.1 Permitted activities

(...)

Activity		Activity specific standards
	()	

Р9	Home occupation		(me	e GFA-total floor area of the building or part of the building easured internally) occupied by the home occupation, plus the any a used for outdoor storage area, shall be less no more than 40m².
		D.	ine	e maximum number of FTE persons employed in the home
			occ	upation, who reside permanently elsewhere than on the site, shall
			be	two.
		c.	An	y retail activity shall be limited to:
			<u>i.</u>	the sale of goods produced on the site, other than rural produce
				retail provided for in Rule 17.4.1.1 P3;
			<u>ii.</u>	goods incidental to an on-site service provided by the home
				occupation where the goods storage and/or display occupies no
				more than 1m ² of floor area; or
			<u>iii.</u>	internet-based sales where no customer visits occur; and
			<u>iv.</u>	retail activity shall exclude food and beverage outlets.

17.4.1.3 Restricted discretionary activities

(...)

Activi	ty	The Council's discretion shall be limited to the following matters:		
RD2	a. Any activity listed in Rule 17.4.1.1 P3, P4, P9-P10 - P15, P17, P18, P20 and P21 that does not meet one or more of the activity specific standards; and b. P9 Home occupations: i. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings;	 a. Scale of activity - Rule 17.11.2.1; b. Effects of activities on the coastal environment - Rule 9.6.3.1; c. Significant features and rural amenity landscapes - Rule 9.2.8.2; d. Indigenous biodiversity and ecosystems - Rule 9.1.5.2; and e. Within a Site of Ngāi Tahu cultural significance identified in Appendix 9.5.6 - Rule 9.5.5 as relevant to the site classification. 		
	ii. that do not meet one or more of standards b. to c.			
RD3	Any activity listed in Rule 17.4.1.1 P8 that ().	()		

17.4.1.4 Discretionary activities

(...)

Activit	ty
	()
D3	a. A residential unit on a site in existence as at 2 May 2015 with a net site area: i. greater than 4ha ()
<u>D4</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.

17.5 - Rural Urban Fringe Zone

17.5.1.1 Permitted activities

(...)

Activity		Activity specific standards				
	()					
P8	Home occupation	b. 1 c. <u>i</u>	The GFA-total floor area of the building or part of the building (measured internally) occupied by the home occupation, plus the any area used for outdoor storage area, shall be less no more than 40m². The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. Any retail activity shall be limited to: Ithe sale of goods produced on the site, other than rural produce retail provided for in Rule 17.5.1.1 P3; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or internet-based sales where no customer visits occur; and retail activity shall exclude food and beverage outlets.			

17.5.1.3 Restricted discretionary activities

(...)

Activity	The Council's discretion shall be limited to the
	following matters:

	()				
RD2	a. Any activity listed in Rule 17.5.1.1 P3, P4, P8, P9, P11, P13, P15 and P19 that does not meet one or more of the activity specific standards (except for P11 where this rule relates to activity specific standards a. and b. only); and b. P8 Home occupations: i. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no		a.	Scale of activity - Rule 17.11.2.1	
		greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings; ii. that do not meet one or more of			
	. h		standards b. to c.		
	<u>c.</u>		y application arising from this rule ill not be publicly notified.		
RD3	Any	Any activity listed in Rule 17.5.1.1 P7 that (

17.5.1.4 Discretionary activities

(...)

Activi	ity
	()
D5	Recreation activities where the area of buildings and/or impervious surfaces in combination is equal to or exceeds 500m ² .
<u>D6</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.

17.6 – Rural Waimakariri Zone

17.6.1.1 Permitted activities

Activity		Activity specific standards			
	()				
P9	Home occupation	 a. The GFA-total floor area of the building or part of the building (measured internally) occupied by the home occupation, plus the any area used for outdoor storage area, shall be less-no more than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. c. Any retail activity shall be limited to: the sale of goods produced on the site, other than rural produce retail provided for in Rule 17.6.1.1 P3; goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets. 			

17.6.1.3 Restricted discretionary activities

Activity				The Council's discretion shall be limited to the following matters:		
	()					
RD2	b.	on sta rel	Py activity listed in Rule 17.5.1.1 P3, P4, P10-P14 and P16 that does not meet be or more of the activity specific andards (except for P12 where this rule lates to activity specific standards a. d b. only); and P9 Home occupations:	a. b.	Scale of activity - Rule 17.11.2.1; Effects of activities on the coastal environment - Rule 9.6.3.1; Within a Site of Ngāi Tahu cultural significance identified in Appendix 9.5.6 - Rule 9.5.5 as relevant to the site classification.	
		<u>i.</u>	that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA			

	calculation excluding detached accessory buildings; ii. that do not meet one or more of standards b. to c. c.b. Any application arising from this rule shall not be publicly notified.	
RD3	Any activity listed in Rule 17.6.1.1 P8 that ()	. ()

17.6.1.4 Discretionary activities

(...)

Activ	Activity				
	()				
D3	Quarrying activity located 250 metres or more from a residential zone or Specific ()				
<u>D4</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.				

17.7 - Rural Port Hills Zone

17.7.1.1 Permitted activities

Activity		Activity specific standards		
	()			
P8	Home occupation	a. b.	(measured internally) occupied by the home occupation, plus the any area used for outdoor storage area, shall be less_no more than 40m².	

i. the sale of goods produced on the site, other than rural produce retail provided for in Rule 17.7.1.1 P3;
 ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or
 iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets.

17.7.1.3 Restricted discretionary activities

(...)

Activi	Activity				The Council's discretion shall be limited to the following matters:	
	()					
RD2	a.	ii.	y activity listed in Rule 17.5.1.1 P3, P4 December 29 - P16 that does not meet one or ore of the activity specific standards; and home occupations: That do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings; that do not meet one or more of standards b. to c. y application arising from this rule shall to be publicly notified.	a. b.	Scale of activity - Rule 17.11.2.1; Effects of activities on the coastal environment - Rule 9.6.3.1; Within a Site of Ngāi Tahu cultural significance identified in Appendix 9.5.6 - Rule 9.5.5 as relevant to the site classification.	
RD3	An	y act	tivity listed in Rule 17.7.1.1 P7 that ().	()		

17.7.1.4 Discretionary activities

(...)

Activity			
	()		

D4	Plantation forestry
<u>D5</u>	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.

9. PLAN CHANGE 5F - PLANNING MAPS

9.1 Background and purpose

- 1. Plan Change 5F Planning Maps ('PC5F-PM') and the supporting s32 evaluation documents, identifies that the purpose of this part of the plan change is to:
 - a. Ensure that unnecessary consents due to incorrect zoning and / or overlays are avoided, and that the District Planning maps are up to date;
 - b. Provide for the outcomes, including activities, anticipated on identified sites in the District;
 - c. Remove unnecessary uncertainty for affected persons where there is no zoning; and
 - d. Reinstate rights for development that were removed during the District Plan Review process due to omissions.
- 2. This is expanded on in the Section 32 report and Council legal submissions define the problems being addressed in this part of the Plan Change as follows:

ISSUE 1 – Errors or omissions on planning maps do not provide clarity for landowners of the environmental outcomes anticipated for the sites in question – eg a railway corridor zoned industrial, Hillmorton commercial area shown in the planning maps as zoned Commercial Local but being defined in Policy 15.2.2.1 as a Neighbourhood Centre, residential overlays extending over land zoned for Commercial use.

ISSUE 2 – Zone/overlay boundaries that do not extend to the property boundary or where a property has a split zoning has the potential to create uncertainty, leading to unintended outcomes.

ISSUE 3 – The extent of the Existing Urban Area as defined in the RPS is based on previous evaluations carried out some years ago that may predate current property boundaries. There is a risk of properties being partly outside the urban limit and development outside the Existing Urban Area being developed/used for residential purposes.

ISSUE 4 – Zoning that does not reflect actual/anticipated use of land that has the potential for unintended environmental outcomes and unnecessary resources consent processes – eg Commercial areas that are not zoned as commercial, legal roads not zones as Transport, schools not zones as Specific Purposes (School), residential properties not zoned as residential. With respect to the issue of providing suitable activities, the PC5F-KSH supporting documents note that the range of activities provided for under the

Residential Suburban Density Transition zone ('RSDT zone') does not fit comfortably within the closest permitted activity descriptions, such as P20 - Place of assembly, and the learning and research activities proposed also do not fit well within the definition of P16 – Education activity. While Heritage New Zealand Pouhere Taonga ('HNZPT') has a general understanding of the activities it wants to carry out, these are not confirmed. The option of applying for repeated resource consents is not efficient and has the potential to be confusing to administer for both HNZPT and Council. Accordingly, the proposed plan change seeks to provide site specific activity listings for functions, conferences and community events. ⁸¹

9.2 Scope of changes

- 3. The outcome of this exercise is map changes that in total affect 585 properties and 259 parts of legal road. The s42A report groups these into the following bundles
 - Group Bundle # 1 Property boundary and zoning/overlay alignment, including new subdivisions (123 properties);
 - Group Bundle # 2 Zoning reflecting the intended purpose of the subject land (20 properties);
 - Group Bundle # 3 Legal roads not zoned transport (259 roads or parts thereof):
 - Group Bundle # 4 Land set aside for reserve/utility purposes (171
 properties), including open space on either side of a waterway (36
 properties);
 - Group Bundle # 5 Corrections of errors on planning maps (61 properties);
 - Group Bundle # 6 Christchurch City boundary alignment (41 properties).

9.3 Section 42A Report

- 4. A comprehensive s42A report was prepared by Ms Pollisco (Policy Planner, Christchurch City Council).
- 5. This reports that there were 15 submissions relating to this part of PC 5. These submissions request 28 separate decisions. In response there were 12 further submissions from 7 further submitters. In terms of the issues to be addressed in this report a total of 10 submissions request amendments to PC5F-PM.
- 6. The question of whether the submissions are within the scope of the Plan Change is relevant to all these matters and is therefore addressed in some detail in each case. This draws on the summary of the legal tests set out in Section 4 of this report.

⁸¹ Para 8 PC 5F Legal Submissions B Pizzey.

- 7. The scope of changes sought are as follows:
- 8. Group 1:
 - Change 12 and 24 Curries Road from part Residential Suburban to Industrial General
 - Change 165 Main North Road from part Residential Suburban to Industrial General.
- 9. Group 2
 - Change 58 Somme Street from Specific Purpose (School Zone) to Residential Suburban Density Transition Zone.
 - Change 753 779 Main Road North, Belfast from Residential Suburban / Residential New Neighborhood to Commercial Core and amend the North West Belfast Outline Development Plan.
 - Change 150 and 200 Cumnor Terrace, 13 Tanner Street and 65 and 75
 Maunsell Street from Industrial General to Commercial Local.
 - Add the Brownfield Overlay to 79,81 Bickerton Street and 157 183 Pages Road.
 - Change 171 Main Road North from Residential Suburban to Commercial Core.
 - Change 1027 Columbo Street from Residential Medium Density to Commercial Local or Commercial Core.

9.4 Evidence heard

- 10. Ms Pollisco provided a summary of her evidence confirming her opinion that with respect to PC5F-PM:
 - The additional changes to plan map zoning are not within the scope of the plan change and should therefore be declined.
 - On the merits if there was scope:
 - o the change of zoning at 165 Main Road North is supported; and
 - o The change of zoning at 1027 Columbo Street is supported
- 11. Informing Ms Pollisco's recommendations were specialist evidence as follows:
 - Memorandum from Mr Andrew Milne Senior Transportation Planner at CCC on transport matters.
 - Memorandum from Ms Michele McDonald Team leader Asset Planning Water and Wastewater at CCC on water and wastewater matters.
 - Memorandum from Mr David Hattam Senior Urban Designer at CCC on urban design matters.
 - Memorandum from Mr Robert Norton Senior Stormwater Engineer at CCC on stormwater matters.
 - Report by Mr Derek Foy of Formative Ltd on economic matters.

- 12. At the hearing Mr Foy provided a summary of his evidence and Mr Hattam provided a further written memo.
- 13. During the course of the hearing legal submissions and evidence were presented on PC5F-PM by the following:

For 1027 Investments Ltd and relating to 1027 Columbo Road.

Company evidence from Ms Bonnie Stone.

Planning evidence from Mr Craig Barr.

For Kainga Ora in support of the relevant Council recommendations Planning evidence from Ms Jennifer Rose.

For Annex Developments in relation to The Tannery

Planning evidence from Mr Jonathan Clease with Mr Alasdair Cassels also in support. In this regard we acknowledge the recent passing of Mr Cassels and the Commissioners send our condolences to his family and friends.

For Foodstuff South Island Properties Ltd in relation to 159, 161 ad 171 main Road North.

Legal submissions from Ms Alex Booker

For Belfast Village JV Ltd

Legal submissions by Ms Alanya Limmer
Economic evidence from Ms Natalie Hampson
Company evidence from Mr Laurence Flynn
Transport evidence from Mr Andrew Metherell
Planning evidence from Mr Jonathan Clease
A brief supplementary statement from Mr Anthony Geddes.

on matters relating to the Belfast Village and related submissions.

- 14. Mr John Cosgrove and Jocelyn Valenski gave lay submissions as further submitters
- 15. Mr Cole who was scheduled to be heard did not appear but filed late written evidence prior to final closing of the hearing. This was in relation to submissions and evidence from Belfast Village JV Ltd. His statement was made available to Belfast Village JV Ltd and in response a brief supplementary statement was filed from Mr Laurence Flynn and was accepted.

9.5 Scope Versus Merit

16. Firstly, it is important to record that there are very limited principal issues to be determined that arise from the Plan Map changes proposed in PC5F-PM. All the

principal issues arise from submissions seeking additional Plan Map changes. Consequently, and as noted earlier in this report the question of scope is at play with all these matters. The Panel's view is that the assessment of scope is best informed if all the merit issues are first understood and considered and then input into the scope tests. We have, therefore, approached this part of the report in that manner.

17. In Section 4 we set out the legal tests derived from the cases put before us. The context of each case is important as is the context of this Plan Change. In particular, PC 5 is not part of a ten year Plan Review, in fact to a large degree it is a post review tidy up of matters not addressed by the Independent Hearing Panel while they had jurisdiction to do so. Importantly, PC5F-PM addresses correcting errors and updating the Planning Maps for accuracy together with changes in zones to reflect the established current legal use of the land.

9.6 12 & 24 Curries Road – Curries Road Limited Partnership

- 18. Curries Road Limited Partnership owns a large property of 19,228 m² at 24 Curries Road. The site is zoned Industrial General except for 12 and 24 Curries Road which form part of a wider Residential Suburban zone. The submission seeks to change the zoning of these two properties to Industrial General consistent with the rest of the site.
- 19. Both these parcels of land are used for vehicle access from Curries Road to an existing road haulage operation. The s42A report records that this was authorised by way of resource consent granted to Hilton Haulage Limited Partnership on 18 February 2021 to establish and operate a transport and storage facility. Conditions were imposed to provide for the retention and maintenance of existing landscaping within the site access, and adjacent to the zone boundary, to address any visual effects on residential amenity to the adjoining residential properties.
- 20. Council advisers are satisfied that the change will not have any traffic or services consequences as the use is established. However, Mr Hattam has concerns regarding potential issues with the design outcomes, such as signage that could adversely affect the adjoining residential zone.
- 21. Ms Pollisco noted that while it is anticipated in Objective 16.2.3 that sites adjoining an industrial zone will not have the same level of amenity as other areas with the same zoning, there is a need to manage effects on the adjoining environment.
- 22. The submitter did not present any evidence or submissions to the hearing.
- 23. We agree with Ms Pollisco that there are risks associated with the change sought.
- 24. The question to consider therefore is what are the appropriate activities that should be enabled in the event that the current use as access should cease.

- 25. An Industrial General zoning over that part of the site would enable a range of uses and scale of development in between established residential properties, with potential to compromise the residential amenity of the adjoining sites.
- 26. We agree with Ms Pollisco that the existing residential amenity of the Curries Road residential properties is better maintained by retaining the part residential zoning of the site, as this will limit the extent of any potential adverse effects on the adjoining properties.
- 27. In terms of scope we consider that this submission is within the ambit of the plan change because it specifically addresses issue 4 of PCF-MP being "Zoning that does not reflect actual/anticipated use of land that has the potential for unintended environmental outcomes and unnecessary resources consent processes."
- 28. However, given the adjacent residential properties we do consider this raises material issues of procedural fairness and therefore cannot be within scope.
- 29. For reasons of scope and merits, we recommend this submission be declined.

9.7 165 Main North Road - Foodstuffs Ltd.

- 30. This matter relates to Foodstuffs South Island Head Office site at 165 Main North Road in Northlands. The site is for the most part zoned Industrial General. However, there are two small areas of former residential land that are now used for a reconfigured access to the existing head office buildings which front Main Road North and car parking. The land is currently zoned Residential Suburban. The submission seeks that these areas be zoned Industrial General which is the zoning of the rest of this area.
- 31. The s42A report notes that there is an additional small strip of land between the two areas at 165 which is numbered as 159 Main North Road and is also zoned Residential Suburban. The submission did not expressly seek a change to the zoning of this small strip so unfortunately this is not within our scope of jurisdiction and cannot be addressed.
- 32. The s42A report initially recommended that the submission be declined because it could enable more development on the site than has been authorized by way of resource consents.
- 33. Legal submissions for Foodstuffs Ltd were presented by Ms Alex Booker. She submitted that a change to the zoning would make it consistent with the rest of the Foodstuffs Head Office site and it is unlikely that the use will change from the existing activities. It is also noted that one of these land areas is amalgamated with adjacent land which is zoned Industrial General.

- 34. At the hearing Ms Pollisco, after hearing the submissions, amended her recommendation agreeing that it was appropriate to change the zoning and recommended the submission be accepted if within scope.
- 35. We agree that a change to the zoning as sought will reflect the consented use and development of the site and is appropriate. We also consider that it would be appropriate to tidy up the zoning of the land at 159 Main North Road in a future Plan Change.

Scope

- 36. We consider that this submission is within the ambit of the plan change because it specifically addresses Issue 4 of PCF-MP being "Zoning that does not reflect actual/anticipated use of land." We are also satisfied that it is likely to remain part of the commercial office use of this site in the longer term.
- 37. In terms of the more detailed tests.
 - We consider this matter does qualify as incidental to the consented use of the site and also consequential on the current use of the land.
 - It is directly related to the plan change and is not "out of left field".
 - Is it not proposing something completely novel.
 - The submission does not seek to alter or add to the relevant objectives of the plan change, and is not radically different from the notified plan change.
 - Arguably the matter should have been considered in the s32 analysis.
 - The submission does address the purpose of this part of plan change.
 - There are no national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission.
- 38. Consequently, we are satisfied that we have jurisdiction to recommend approval of this submission.

Section 32AA

39. We agree that this land is more appropriately zoned Industrial General along with the rest of the site and consider this provides a more efficient and effective framework for management of the future of the resource. Ms Pollisco has provided

a further s32AA assessment as part of the Council reply which we adopt. This is included as **PC 5F- PM Appendix 1** to this section of the report.

9.8 171 Main North Road - Foodstuffs Ltd

- 40. To the north of the site considered above is the site of a consented and under construction PAK'n'SAVE supermarket. It is located 750 m north of the Papanui / Northlands Key Activity Centre (KAC) and the Cranford Neighbourhood Centre. It is currently zoned Industrial General and the submission seeks a change the zoning to Commercial Core.
- 41. Mr Hattam for the Council expressed concerns in the s42A report that the site is poorly integrated into its surroundings and has limited walkable catchment. Mr Milne also has reservations regarding the traffic effects and recommended further assessment. Ms Pollisco was concerned that the amended zoning could open up the site to further development of activities that are better suited to locations in existing commercial centres. She considered that the effect of the sought change of zoning would be to create a new commercial centre not far away from the existing Cranford Neighbourhood Centre and Papanui / Northland KAC. At the hearing Ms Pollisco reported that she has undertaken a recent site visit and at that point no construction work had commenced.
- 42. Ms Booker did not make extensive submissions on this matter save to say that the consented development is proceeding and, therefore, the zoning should be changed to reflect the consented activity.
- 43. We consider that this is different order of scale significance to 165 Main Road North. The consent issued is specific to a supermarket development. However, a Commercial Core zoning opens up a wide range of opportunities and requires more considered assessment. It is not an automatic matter that zoning should follow consented activities. The question is more one of, if a the site were not to be used as a supermarket what is the correct zoning. Overall, we are not satisfied that there is adequate evidence to satisfy us of the merits of this submission point and recommend it be declined.

Scope

- 44. Notwithstanding the recommendation above we have considered whether the submission is within the scope of PC 5F-PM. In terms of broad category, like the matters above it come within the ambit of Issue 4 of PCF-MP being "Zoning that does not reflect actual/anticipated use of land." However, that anticipated use currently remains anticipated rather than actual.
- 45. In terms of the more detailed tests.

- We consider this matter does not qualify as incidental to the consented use
 of the site but may arguably be considered consequential.
- It is of a much larger scale of change than is generally addressed in the Plan Change and therefore could be regarded as "out of left field".
- Is it not proposing something completely novel.
- The submission does not seek to alter or add to the relevant objectives of the plan change, but is of greater significance than a minor change and should reasonably have been included in the notified plan change to be within scope.
- The matter does raise wider issues and to be within scope should have been considered in the s32 analysis.
- The submission does arguably address the purpose of this part of plan change albeit at a larger scale.
- There are no national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission.
- 46. Overall, we find that this submission is not in scope.

9.9 58 Somme Street - Roman Catholic Archbishop of the Diocese of Christchurch

- 47. The Roman Catholic Bishop of the Diocese of Christchurch seeks to amend the zoning of land at 58 Somme Street St Albans, now known as 54 Somme Street.
- 48. The site was previously part of St Albans Catholic School but has now been subdivided from that land and the designation for education purposes uplifted in 2019.
- 49. The land is currently zoned Specific Purpose (School) and the submission seeks a zone of Residential Suburban Density Transition (RSDT). The s42A report advises that the land is now owned by Balance Developments Limited and has a land use consent to construct seven residential units.
- 50. The submitter did not appear at the hearing.
- 51. The Council advisers do not have any material concerns regarding services or transport and Mr Hattam supports the change of zoning.
- 52. Ms Pollisco considers that the RSDT zone is more appropriate particularly now that it is no longer required for school purposes and the Ministry of Education designation

for education purposes has already been uplifted. In her opinion the RSDT zone will provide certainty for landowners of the environmental outcomes anticipated for the site. She consequently recommends that the submission be accepted if found to be in scope.

Scope

- 53. In broad terms we consider that this submission is within the ambit of the plan change because it specifically addresses Issue 4 of PCF-MP being "Zoning that does not reflect actual/anticipated use of land that has the potential for unintended environmental outcomes and unnecessary resources consent processes." We are also satisfied that in this case, having granted consent for a residential development on the land the change of zoning does not trigger any fairness issues.
- 54. In terms of the more detailed tests identified earlier we consider:
 - It does fit as a consequence of the activity now authorized on the land.
 - It is directly related to the plan change and is not "out of left field".
 - Is it not proposing something completely novel.
 - The submission does not seek to alter or add to the relevant objectives of the plan change, and is not radically different from the notified plan change.
 - Arguably the matter should have been identified and considered in the s32 analysis.
 - The submission does address the purpose of this part of plan change.
 - There are no national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission.
- 55. Consequently, we are satisfied that we have jurisdiction to recommend approval of this submission.

Section 32AA Evaluation

56. In terms of its s32AA evaluation, we agree with Ms Pollisco's further evaluation that the requested rezoning is appropriate, having regard to the efficiency and effectiveness and nature of the proposed changes considered in this part of the Plan Change. The submission fits within Group Bundle 2 – Zoning reflecting purpose of land. We are satisfied that the RSDT zoning will provide certainty for future landowners of the environmental outcomes anticipated for the site and better align with outcomes of the District Plan. The s32AA evaluation is adopted and included as PC5F-PM Appendix 2 to this section.

9.10 North West Belfast - Belfast Village JV Ltd.

- 57. A group of submitters made submissions opposing the continued residential zoning to the east of the North-West Belfast Neighbourhood Centre. They seek an amendment to the Planning Maps to rezone to Commercial Core Zone (CCZ) existing residential zoned land to the north of the CCZ and to the east extending to Main North Road. A consequential to this would be to amend Appendix 8.10.23 North West Belfast Outline Development Plan in line with this zone extension.
- 58. The submitters promoting this are Belfast Village JV Ltd, Russell Craigie, and Johns Road Horticultural Limited. Opposing this by way of further submission are John Gary Cosgrove & Jocelyn Cynthia Velenski, Michael Cole and Gareth Turner.
- 59. The s42A report lists the specific properties which each of their submissions relate to, in Table 2. Part of the land involved being 755 Main North Road is part of the notified Plan Change and involves changing its zoning of 0.2 ha from Residential New Neighbourhood to Commercial Core. This is supported by Belfast Village JV Ltd, Russell Craigie, and Johns Road Horticultural Limited, and is opposed by John Gary Cosgrove & Jocelyn Cynthia Velenski, and Gareth Turner.
- 60. The properties subject of the rezoning request are shown in red in Figure 1 which is taken from the s42A report. The land area that was included in notified PC5F is shown in blue. The North West Belfast Neighbourhood Centre is currently an area of 3.3 hectares. The submission seeks to add a further 2.7 hectares of land. This is made up of:
 - a. 0.5 ha that is the subject of a resource consent for a Countdown Supermarket.
 - b. 1.4 ha of undeveloped land zoned Residential New Neighbourhood abutting the north boundary of the land zoned Commercial Core.
 - c. 0.8 ha of land being 10 residential titles fronting Main Road North.
- 61. Figure 1 records that the areas of land sought to be included in the Commercial Core zone are not consistent between the three submitters promoting changes of zoning. Importantly it is only Belfast Village JV Ltd that seek to include the northern most area of land to be included and this includes the three residential properties of 775, 777 and 779 Main Road North. This is clear from both Figure 1 and Figure 2 within the original submission. We note that on the third page of the submission attachment the specific properties stated to be subject to the rezoning are listed with their legal descriptions. This lists all the properties fronting Main Road North from 751 to 779. The other property listed is 40B Johns Road, this includes Lot 3 DP 540607 which is the area identified in this submission to the north of the CCZ. The Belfast JV Ltd submission, therefore, establishes scope to consider this northern area

in terms of the scope of submission lodged. We note that none of these submissions sought to amend the planning maps to show new road zoned as Transport. However, it is shown as such on Figure 2 of the Belfast Village JV submission. We also note in the existing District Plan Map Legend that "All new roads are deemed to be part of the Transport Zone from the date of vesting in Council or Crown."



Figure 1: Extent of Rezoning Sought: Extracted From the Section 42A Report

- 62. The background and planning history of this part of Belfast are described in the submissions. They note that part of the land that is the subject of these submissions, located between the CCZ and the properties fronting the Main North Road, was previously zoned in the Environment Court Decision C41/2008 as "Deferred Business" (This decision is Appendix 7 to the s42A report). The s42A report states that this was to enable time to obtain the written consents of the adjacent Main North Road owners. Subsequently, the previous City Plan Appendix 3X(a) Densities and Key Infrastructure (North West Belfast) shows that area as being Density "B" Residential, consistent with the residential zoning shown on District Plan Appendix 8.10.23 North West Belfast Outline Development Plan.
- 63. A principal issue at the heart of this matter is that the nearby partly developed Belfast Northwood KAC involves a total zoned area of 18 hectares. However,

- consent has recently been granted for a Ryman Retirement Village on 7 hectares of this area reducing the land available for centre development to 11 ha.
- 64. The role of Neighbourhood Centres is described in the District Plan as "a destination for weekly and daily shopping needs, as well as for community facilities. In some cases, they offer a broader range of activities including shopping, entertainment, residential activities, small-scale offices, and other commercial activities, anchored principally by a supermarket."82
- 65. This is taken from Policy 15.2.2.1 which also indicates that neighbourhood centres can vary in size/scale from 3,000m² to 30,000m².
- 66. The s42A report considers that the rezoning request would result in a significant increase in potential floorspace supply. Importantly, in the hierarchy of centres the nearby Belfast Northwood District Centre has the status of a Key Activity Centre (KAC). In this regard the s42A report considers that based on Objective 15.2.2.a.iv, the Belfast/Northwood District Centre has primacy over the North-West Belfast Neighbourhood Centre. Hence, the rezoning of an additional 2.7ha would result in a centre that is not consistent with its function and/or role.
- 67. In relation to any potential effects a larger centre would have on the Belfast/Northwood KAC, the submissions refer to a 2020 Economic report by Urbacity. In Mr Foy's view, the Urbacity Report and the submissions do not recognise that the existing Belfast/Northwood KAC is a Large Format Centre zoned Commercial Retail Park Zone. While some of the KAC's smaller tenants such as food and beverage outlets could relocate to the North-West Belfast Neighbourhood Centre, the larger retail stores are not permitted in the Commercial Core Zone. His opinion is that because there has been no assessment of any potential effects on the Belfast/Northwood KAC, it is difficult to draw any conclusion as to the economic merits of the submissions.
- 68. Further the s42A report considers that any review of the roles of the two centres should be undertaken as part of a strategic planning process such as a Future Development Strategy or a review of the Regional Policy Statement, and would need to be informed by a Business Capacity Assessment.
- 69. At this stage there has been no demand/supply assessment on whether an expanded North-West Belfast Neighbourhood Centre is the most appropriate way to provide for the weekly and daily shopping needs, in relation to its location and accessibility by modes other than private vehicles such as pedestrian, cycling and public transport.

⁸² Refer Policy 15.2.2.1 Christchurch District Plan

- 70. There are also urban design issues that need to be addressed as identified in Mr Hattam's memo. These include a consequential reorientation of the centre from Belfast Road and the new collector road to the west towards Main North Road. He was concerned that this would "internalise the activities, to the detriment of the public realm". 83
- 71. About 10-15 properties with residential dwellings, fronting Main North Road, are part of the submission of this rezoning request. The submitter's position is that the inclusion of these properties within the centre zone would be beneficial for the successful operation of the centre given the improved visibility and accessibility provided for by being open to the Main North Road frontage.
- 72. Mr Milne reported that the transport network has extra capacity in this area due to the opening of the Northern Arterial and the installation of signals at the Belfast / Main North Road intersection as part of the overall development. He notes that the site would also have frontage to Main North Road, which has a high frequency bus route along the corridor.
- 73. Council advisers report that wastewater and water services do not present a material constraint. Similarly, Mr Norton reported that Council may be able to cater for the increased stormwater runoff with minor design changes to its forthcoming Otukaikino Stormwater Facility.
- 74. Notwithstanding these issues, Ms Pollisco concluded that the strategic planning issues are such that such that the submissions seeking this change should be rejected.
- 75. For the submitter Belfast Village JV Ltd legal submissions were presented by Ms Limmer which largely focussed on the scope issue which is considered in detail later. Similarly, Mr Geddes filed a written statement about contact and meetings with landowners of the properties directly affected on Main North Road and their ability to lodge a further submission.
- 76. Mr Flynn gave Company evidence. He is the Property Development Manager for the Watts Group of Companies which includes Belfast Village Centre Ltd. He confirmed that the site for the Countdown Supermarket was purchased in December 2019 and this includes one house site at 755 Main Road North. Two other properties were subsequently purchased being 751 and 753 Main Road North. The land to the north of the supermarket site that is sought to be zoned CCZ, excluding the remaining Main North Road properties is also under Unconditional Agreement for purchase. He also confirmed that the supermarket is under construction and has an anticipated opening date of August 2022.

⁸³ Para 8.5.21 s42A Report.

- 77. Mr Andrew Metherell presented evidence on transportation matters which largely agrees with Mr Milnes position. He agrees that the recent Motorway developments have significantly reduced the traffic on Main North Road making this location suitable for additional traffic generation. In his opinion this will balance against the reduced commercial development at Belfast Northwood KAC. Further, he considered any urban design issues can be addressed at resource consent stage, which would as a minimum be triggered by the High Trip Generator Rule.
- 78. Expert evidence on demand and capacity modelling was provided by Ms Natalie Hampson. Her evidence considers each element of zoning change. She supports the two areas of zone change included with the notified plan change as they will facilitate improved urban form and function with street frontage activation.
- 79. Ms Hampson also supports the transfer of the land now being developed for road into the Future Transport Zone. As noted earlier once vested this land is deemed to be part of the Transport Zone.
- 80. She notes that the Countdown Supermarket consent connects the neighbourhood centre with Main North Road and includes 0.46 hectares of partly Residential Suburban and partly Residential New Neighbourhood land. She supports this being zoned Commercial Core because it provides for the functional and operational needs of the supermarket and improves visibility of the centre from Main North Road.
- 81. If the zone was then expanded to the north on the undeveloped land is would result in an increase in the size of the Neighbourhood Centre by 48%. If the zone was then extended as sought to include the residential properties on Main North Road it would result in an overall zone of 6.64 ha, an increase of 73% or 2.67 ha. Ms Hampson agrees with Mr Foy that the inclusion of the Main North Road properties will be beneficial to the commercial viability of the centre due to the improved visibility and accessibility.
- 82. Ms Hampson assessed the potential gross floor area of the total neighbourhood centre as $22,600 25,400 \text{ m}^2$. This would allow for $4,600 7,400 \text{ m}^2$ gfa to be above ground floor and still keep the size within the upper range for Neighbourhood Centres stated in Table 15.1(C) in the Plan.
- 83. The evidence also supports the notified changes at the nearby Groynes Local Centre. Her assessment is that, only if the western side is fully redeveloped, would all of the zone provide feasible development capacity. On the eastern side part of the existing Commercial Local Zone PC5F-PM proposes a change to Residential New Neighbourhood Zone to reflect the residential subdivision that has occurred in this location. Ms Hampson considers this leaves only one site of 3079 m² for future commercial development. Given the reduced offering at this location local spend can, in her evidence, be expected to transfer to other centres, including the North

- West Belfast Neighbourhood Centre. She considers that such a "capacity transfer" to be a "more efficient use of zoned land in the northern centre network".
- 84. Ms Hampson also provided evidence relating to demand and capacity modelling.

 This involved defining a trade catchment for the North West Belfast Neighbourhood

 Centre which she defined as the area in which consumers will naturally see the

 centre as their primary destination for weekly and daily retailing.
- 85. It is a separate catchment from the Belfast Northwood KAC which also has a supermarket. The methodology also defines a secondary catchment in which consumers are expected to shop at the centre "some of the time when convenient to do so".84
- 86. Using 2018 Statistics data she calculates that in 2018 there over 1760 households in the primary catchment and nearly 4000 in the secondary catchment. Growth to 2048 is estimated to be 43% in the primary catchment and 33% in the secondary catchment. She then supplements this with a maximum uptake of greenfield growth scenario and adds employment in the catchment plus an increase in retail spend of 1% per annum.
- 87. With all existing greenfield areas developed this sees a spend growth of \$101m or 204% in the primary catchment and growth of \$123m or 100% in the secondary catchment. Her evidence is that this would sustain 11,600 m² gfa of centre based small format retail floorspace and 23,770 m² gfa of centre based large format retail floorspace. Her evidence is that this would sustain 11,600 m² gfa of centre based large format retail floorspace. Her evidence and 23,770 m² gfa of centre based large format retail floorspace. Her evidence is that this would sustain 11,600 m² gfa of centre based large format retail floorspace. Her evidence is that this would sustain 11,600 m² gfa of centre based large format retail floorspace.
- 88. Market share has also been assessed and a key matter arising is whether the Countdown at Belfast Northwood KAC remains or effectively moves to the North West Belfast Centre. This assessment concludes that for the combined centres in the primary catchment a market share of 36% SFR and 22% LFR and 26% overall, and 9% SFR, 5%LFR and 6% overall for the secondary catchment.
- 89. This is estimated to support 2380m² gfa in 2018 for LFR growing to 6280 m² gfa in 2048. ⁸⁷ For SFR floorspace this is 1890m² in 2018 growing to 5020 m² in 2048. An increment for commercial services was then added and the floor area converted to land demand. This concluded a forecast demand for centre land for retail and commercial services in the primary catchment of 4 ha in the long term under the baseline market share scenario. ⁸⁸

⁸⁴ Para 5.5 Evidence of Natalie Hampson.

⁸⁵ Para 5.20 ibid

⁸⁶ Para 5.24 ibid

⁸⁷ Para 5.41 ibid

⁸⁸ Para 5.46 ibid

- 90. Ms Hampson's assessment concludes that unless there is additional zoned land there is likely to be a shortfall in land supply to meet expected future demand. With the additional land she assesses a surplus capacity of 2.41ha 4.70 ha which in her assessment would be taken up by visitor facilities and community facilities not included in the modelling.⁸⁹
- 91. Finally, Ms Hampson considers the effect of the loss of 7.16 ha of land to retirement village purposes from the planned Belfast Northwood District Centre KAC. This leaves 2 hectares of undeveloped land on the south side of Radcliffe Road for future development. She considers that this centre combined with Papanui Northlands District Centre will be able to provide LFR and higher order needs for the short and medium term. However, as more growth occurs this will be come inefficient. She considers that the changing role of this KAC is justification for a Neighbourhood Centre at the larger end of the scale at North West Belfast, and that this is consistent with long term catchment demand.⁹⁰
- 92. Finally, Mr Jonathan Clease gave planning evidence is support of this submission. He helpfully traversed the planning history of the centre and associated urban growth since its inception in the late 1990's. Interestingly, it was a scope driven matter that created a residential buffer strip between the proposed centre and the existing dwellings on Main North Road. The Court subsequently gave this a deferred business zoning which could be lifted with the agreement of the adjacent houses. Subsequently what is now the operative District Plan did not include this land in the area zoned Commercial Core Zone (Neighbourhood Centre). This was changed from a Commercial Local zoning by way of submission but it would appear that the expansion of the zone to the rear of the Main Road North properties did not appear to be put in from of the Independent Hearing Panel through submission and therefore was not considered.
- 93. A subdivision consent for development of the northern half of the ODP area was granted in 2017. This includes roads, recreation reserve and 338 residential sections which is now under construction. Further resource consent was granted for full development of the neighbourhood centre in 2018. This consisted of three two story buildings with parking for each. The upper floor was to be offices and it included a 3560 m2 supermarket with access off the Belfast Road extension. This did not encroach beyond the land zoned Commercial Core. However, the supermarket was then redesigned and re consented with access from Main Road North and parking extending onto land zoned Residential New Neighbourhood.
- 94. Mr Clease considers that there are a number of contributing factors to the need to expand the zone in this location including:
 - The loss of 1.22 ha of commercially zoned land at the Groynes to housing.

⁸⁹ Para 5.56 ibid

⁹⁰ Para 6.12 ibid

- The loss of 0.49 ha of land in the Neighbourhood Centre to roading.
- The loss of the 7 ha of Commercial Core Zone land to retirement village at the Belfast Northwood KAC.
- 95. This is offset to a small degree by the PC5F proposed addition of 0.21 ha to the Commercial Core Zone.
- 96. Mr Clease evaluates four options as follows:
 - 1. PC5 as notified
 - 2. Amend the CCZ boundaries to reflect road positions and the supermarket consent.
 - 3. Extend the CCZ north and east to the edge of undeveloped land.
 - 4. Extend the CCZ further to include the properties fronting Main Road North. 91
- 97. He calculates that the changes will see a loss of 1.1 ha in the ODP area including the Groynes. This is replaced under Option 4 with 2.88 ha added giving a total developable Commercial area for development of 5.64 ha. The leaves a net loss of 5.2 ha when the Ryman consent is taken into account.
- 98. Mr Clease then considers the options in relation to Policy 15.2.2.4. The wording of this policy is the subject of amendment in PC 5B and has been reported on in that section. The policy relates to the expansion of a commercial centre beyond permitted limits. It is therefore applicable when seeking resource consents for centre growth beyond the zoned area of land. In this case Mr Clease considers it is also applicable for determining the acceptability of expansion of the zone.
- 99. The first test is whether the expanded centre will remain "commensurate with the centres role within a strategic network of centres, while not undermining the function of other centres" Mr Clease relies on the Greater Christchurch Business Capacity Assessment 2018 which concludes that there is a long term capacity shortfall and therefore the expansion of the centre was both "prudent and necessary" to meet the requirements of the NPS UD.
- 100. The expanded centre in his assessment fits within the size range for neighbourhood centres of 30,000 gfa and can reasonably coexist with the now reduced scale Belfast KAC. He acknowledges that there is a need to review the status of the Belfast KAC and considers that the options are limited. This is very much a Principal Issue that we will return to shortly.
- 101. Secondly, in terms of integration with infrastructure he notes that Council advice is that there are no infrastructure issues.

⁹¹ Para 78. Evidence of Jonathan Clease

⁹² Policy 15.2.2.4 Christchurch District Plan.

⁹³ Para 88 Evidence of Jonathan Clease

- 102. Thirdly in relation to management of adverse effects at the zone interface he considers that the rule package has proved appropriate for managing the interface with residential neighbours to date. Option 4 reduces the extent of such interfaces and has urban design benefits of frontage to Main North Road.
- 103. Finally, he considers the residential development of the strip of land between the Main North Road properties and the existing CCZ is not practically achievable or efficient and that the scale of expansion and net effect on commercial land will not affect the revitalisation of the CBD.
- 104. Mr John Cosgrove and Ms Jocelyn Valenski spoke to the hearing in support of their further submission which opposes the relief sought in the Belfast Village JV Ltd, Russell Craigie, and Johns Road Horticultural Limited submissions. They live at 765 Main North Road. Their concern is the expansion of commercial interests into the existing residential community and consider that a change in zoning will force them out of the area. Previous background dealings to sell their property to the previous development entity being Belfast Village Ltd which defaulted on a sale contract has further strengthened their opposition. Mr Flynn later explained in his evidence that the entity that dealt with this sale matter was a different entity to the current landowner and has no relationship with the current landowner.
- 105. As set out in Minute 6, we received after hearing submitters an e mail from Mr Cole of 761 Main North Road who is a further submitter. He expressed concerns about the process, nearby construction effects and loss of sunlight from existing trees. This e mail was made available to the submitter who provided a brief response from Mr Flynn which may have helped clarify some matters for Mr Cole but these matters do not weigh heavily on our recommendation.
- 106. The final position of Council on the merits of the submission was changed somewhat in Councils reply after consideration of the evidence. There is general agreement that there are urban design benefits of Option 4 and that infrastructure is not a constraint. We agree with that conclusion.
- 107. The principal Issue here however is that the relationship between the North West Belfast Neighbourhood Centre and the Northland Belfast KAC is left unresolved. Mr Foy in the reply states "At 5.65 ha North West Belfast might be comprised of 2-3 ha for a supermarket and department store and 2-3 ha for all other activities. The KAC has only 2 ha of land available for all other activities , making North West Belfast a larger, potentially more attractive destination for these activities to locate, undermining the KAC." 94

⁹⁴ Para 116 Council's Reply.

- 108. This is in conflict with the established and stated hierarchy of centres in the District Plan as was recognised by Mr Clease in his evidence. Mr Foy notes that there remain a number of options for where and how a Northern Christchurch KAC is delivered and this matter requires considerable further strategic assessment beyond what Ms Hampson has provided and as accepted by Mr Clease is beyond the scope of the submission.
- 109. We agree with Mr Foy that determination of the merits of Options 3 and 4 involves a much wider assessment and is not as simple as replacement of Commercial zoned land lost to residential activities and roads.
- 110. It may be that North West Belfast should be further expanded beyond that sought to provide the Northern Christchurch KAC but we are not in a position to make that recommendation and nor is it within the scope of any submission. While there are differences between Mr Foy and Ms Hampson, we generally accept her modelling conclusion that unless there is additional zoned land there is likely to be a shortfall in land supply to meet expected future demand. We also accept that the land is generally suitable for an expanded centre. However, what is evidently lacking is the broader strategic assessment of where and how that should be provided to ensure that a Key Activity Centre is delivered and the nature of any policy and zone changes to enable this.
- 111. The Council's Reply has, however, recommended that the land area consented for supermarket be fully included in the Commercial Core Zone and this includes some frontage to Main Road North. We have considered the s32AA assessment provided with the Council's Reply. This includes a revised Outline Development Plan (ODP) which we recognise was not specifically tabled until this stage of the hearing and therefore has not been commented on by the submitter however some of the issues were raised in Mr Hattam's report.
- 112. In particular, he has concerns about the corner of Belfast Road and Main North Road and the importance of any future building in this location being built up to the road boundary under Rule 15.4.2.3 avoiding a continuous length of car parking next to Main Road North. Consequently, he has recommended that the ODP include "Key Pedestrian Frontage" status at this corner. Figure 7 from Mr Clease evidence shows that this area of land is within the supermarket consent but is to be greenspace and not car park.
- 113. Secondly, he considers the ODP should identify indicative pedestrian routes through the site particularly that linking Main Road North to the new Collector Road. A second proposed route links the Belfast Road extension to the undeveloped land to the north. We note that this is in effect an additional ODP to be located within the Commercial Zone provisions. However, it is also located within the area covered by the North West Belfast Outline Development Plan at Appendix 8.10.23. and this

also needs to be amended to bring the Commercial Core Zone in line with this recommendation.

- 114. To give effect to the new ODP Ms Pollisco has now recommended a suite of area specific rules applying to the North West Belfast Commercial Core Zone. This makes activities and buildings that comply with both the new and existing wider ODP a permitted activity. Non compliance with the ODPs is classed as a Restricted Discretionary Activity. Matters of discretion are pedestrian movement to and from adjoining area(s), and roading and access. Assessment criteria are proposed in association with these.
- 115. Importantly, the zone wide rule framework also applies.
- 116. We consider that these measures are not unduly constraining and are both efficient and sufficiently effective and we adopt the Section 32AA assessment, amended ODP and proposed amended plan provisions provided subject to assessment of scope below. These are found at **PC 5F- PM Appendix 4.**

Scope

- 117. Mr Clease has considered 4 options within this submission and Ms Limmer provided extensive submission on the case law relating to scope. We have drawn on those submissions in our synopsis of the legal framework and tests in Section 3.
- 118. Clearly Option 1 is confined to the changes notified and is clearly within scope of the Plan Change.
- 119. Option 2 involves amending the CCZ boundaries to reflect road positions and the supermarket consent. This option is recommended to be accepted in Councils reply and we consider that both the road and supermarket matter are within the ambit of the plan change because they specifically address Issue 4 of PCF-MP being "Zoning that does not reflect actual/anticipated use of land." The supermarket is now under construction and therefore there is long term certainty about the area of land used for the commercial activity.
- 120. In terms of the more detailed tests:
 - We consider this scope of change does qualify as incidental to the consented use of the site in terms of subdivision and the supermarket and is consequential on the new uses of the land.
 - It is directly related to the plan change and is not "out of left field".
 - Is it not proposing something completely novel.

- This option does not seek to alter or add to the relevant objectives of the plan change, and is not radically different from the notified plan change.
- The Council was formally advised of the interest in amendment to the zone through this Plan Change and in this regard we consider that matter should have been considered in the s32 analysis.
- The submission does address the purpose of this part of plan change.
- There are no national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission.
- 121. Consequently, we are satisfied that we have jurisdiction to recommend approval of Option 2.
- 122. As the scope of this change relates to road zoning and land consented and under construction for supermarket we are satisfied that this scope of change does not present procedural fairness issues.
- 123. Options 3 and 4 involve significant extensions to the zone which has broad ranging ramifications as discussed above. These issues such as the future role of the Neighbourhood Centre versus the KAC are materially beyond the ambit of this plan change as has clearly been demonstrated in the evidence. The issues arising do not fit within any of the groups of changes addressed by PC5F-PM.
- 124. Further, in terms of the more detailed tests:
 - The scope of change does qualify as incidental or consequential to the changes included in PC5F- MP for this centre.
 - The issues raised are not directly related to the plan change and in the context of the Plan Change are "out of left field".
 - Is it not proposing something completely novel.
 - This option does have implications for wider objectives and policies in the Plan and raises issues that are radically different from the notified plan change.
 - The Council was formally advised of the interest in amendment to the zone through this Plan Change and in this regard it would have been helpful if the s32 analysis had made it clear that this was beyond the scope of the Plan Change and when these issues would be separately addressed.

- The submission does not address the purpose of this part of plan change.
- There are both national or regional policy provisions and other operative plan provisions which bear on the issue raised with these Options.
- 125. These options also raise material issues in terms of procedural fairness. Any party considering the notified version of PC 5F would not have anticipated the scale of change sought in Options 3 and 4. We note that the submitter took specific initiatives to make owners and occupiers of properties directly affected by Option 4 aware of the submission and the opportunity to make a further submission in support or opposition. Indeed at least two parties did so.
- 126. However, we consider the scope of potentially affected or interested parties is materially wider than those specific directly affected properties. It likely includes the adjoining residential development company, parties who have signed up to buy sections close to the land involved and even owners and occupiers of land on the eastern side of Main North Road.
- 127. Consequently, we find that Options 3 and 4 are not within scope of PC 5F-PM and we do not have jurisdiction to recommend approval of these options. Despite this it is very clear that issue of the planning for the North Christchurch KAC is one that needs to be addressed through a separate plan change and we recommend to the Council that this be given priority in their near future work program and the timing and process involved be communicated to the parties and wider public. It is possible that this may need to be undertaken in conjunction with changes to the Regional Policy Statement as well as the District Plan.

9.12 The Tannery - Annex Development Ltd.

- 128. Annex Development Limited seeks to rezone the area of "The Tannery" shopping centre currently covered by a Brownfield Overlay from Industrial General to Commercial Local. The area consists of the following properties: 150 & 200 Cumnor Terrace, 13 Tanner Street, 65 & 75 Maunsell Street. Their submission included a secondary relief seeking amendments to the Brownfield objective and policies, should their primary relief not be supported. That part of the submission is addressed in Plan Change 5C Industrial.
- 129. The s42A report advises that a mixture of retail, hospitality, and light industrial activities in the Tannery are currently authorised by a resource consent. The site is currently serviced by wastewater and water supply infrastructure, and there are no existing capacity constraints. Further the site is already 100% impervious so the change in zoning is unlikely to alter the scale or character of stormwater discharge.

- 130. In Mr Milne's view, there is potential for existing retail activities within the Tannery to intensify and/or develop with further activities not anticipated for the site. If this happens, access is likely to be an issue, particularly to Garlands Road, which is part of the state highway network (SH74). In his opinion, a full transport assessment is required on the potential effects of the rezoning requested, particularly the potential traffic and travel impacts on the surrounding road network, the suitability of the existing Garlands Road access, and the accessibility of the subject sites for all modes serving the development. I agree with Mr Milne that further information is required to consider the submission.
- 131. Mr Hattam considers that the zoning sought would allow the centre to diversify away from its current restricted role, which would have an impact on the urban structure and allow the establishment of a range of retail activities where they would not most appropriately serve local residents. Although he considers a commercial zoning would have some benefits from a design perspective in that it would better align with the expected quality of environment for a centre providing specialist retail.
- 132. Mr Foy provided an economic review in relation to this requested change. In his opinion, the requested rezoning would "result in the creation of a local centre that does not have the defining characteristics of a local centre". However, his opinion was that the risk of adverse distributional effects is minimal.
- 133. Ms Pollisco noted that the site does not fall within the definition of a local centre, as defined in Policy 15.2.2.1(e). The existing zoning does trigger individual consent requirements as the centre evolves. These would be easier to achieve, or potentially be permitted, under the Commercial Local zone sought. However, there would as a consequence be increased potential for reverse sensitivity effects to arise with surrounding industrial land uses.
- 134. In Mr Foys opinion, a Local Centre zoning would "not be inappropriate to afford the Tannery some operational surety and confidence in its ongoing business because it appears to more closely fit the description of a Local centre than any other centre". 95
- 135. However, Ms Pollisco was concerned that the rezoning would enable a wider range of activities to be established in the area, which goes against the purpose and the effectiveness of the current Industrial General zone to act as a buffer between the Industrial Heavy Zone and the surrounding areas. Ms Pollisco recommended that the submission be rejected.

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⁹⁵ Para 8.5.35 s42A Report.

- 136. Mr Clease gave planning evidence for the submitter on this matter. He clarified that the site was identified as a brownfield site through the District Plan Review process and has two site specific rules attached to it. Firstly, that retailing of up to 2278 m² is permitted on the site reflecting the size of the 'galleria' arcade. Secondly residential activity is a non complying activity reflecting the need to manage reverse sensitivity effects on nearby industry.
- 137. These rules sit alongside the Industrial General rules applying to the site. The site is one of only two sites identified in the District Plan as having a Brownfield Overlay.
- 138. Mr Clease describes the Tannery as a mixed-use commercial centre which sits alongside and serves a different function to the Woolston neighbourhood centre. This centre is anchored by a supermarket and library and has a wide range of convenience shops.
- 139. His evidence is that the site is largely developed with scope for further redevelopment limited to conversion of some light manufacturing / storage areas. At the southern end of the site is the Cassells brewery (65 and 75 Maunsell Street and 200 Cumnor terrace). Mr Clease agrees with Ms Pollisco that this part of the site should remain Industrial General zoning.
- 140. He also agrees that the rest of the site does not fully align with any of the available zone choices. He described the zone choices as "a blunt set of tools", however this is largely an inherent consequence of the legislative framework under which we work. Notwithstanding this, he considers the best fit for the northern part of the site to be the Commercial Local Zone.
- 141. In relation to the reverse sensitivity issue he notes that the site is bounded by Industrial general zoning to the north and west and roads and river to the east, all providing buffers to any land zoned Heavy Industrial. There are also existing residential properties within the Industrial General zone to the west.
- 142. He recommends that the existing rule making residential activities on the site a non complying activity simply be transferred to the Commercial Local zone rules. In conjunction with this he supports removal of the brownfield overlay over the northern part of the site.
- 143. Ms Pollisco undertook further evaluation of the alternative zonings in the Council reply and associated s32AA report. The reply maintains the position that Council does not support the adoption of the Commercial Local zone because the function of that zone is to provide primarily for convenience activities serving a local catchment. This would enable a much wider range of convenience activities to be enabled with potential reverse sensitivity risks.

- 144. The other options considered in this assessment are the use of the Commercial Mixed Zone for either the whole site or just the northern part.
- 145. The purpose of this zone is best expressed in Policy 15.2.2.2 which is for clarity quoted below:

Recognise the existing nature, scale and extent of <u>retail activities</u> and <u>offices</u> in Addington, New Brighton, off Mandeville Street and adjoining Blenheim Road, while limiting their future growth and development to ensure <u>commercial activity</u> in the City is focussed within the network of <u>commercial</u> centres.

- 146. This does appear to be the zone that seeks to manage commercial and retail activities that are 'outliers" and do not fit the centres framework. It recognises the existing nature and scale of activity while limiting future growth.
- 147. In order to ensure we understand to what extent growth would be limited we have noted from Mr Clease above, that opportunities for expansion of the retail activities are limited.
- 148. The rule regime for this zone provides for the following new activities:
 - Ancillary retail limited to 250 m2 or 25% of gfa on the site.
 - Food and beverage outlet
 - Trade supplier
 - Yard based supplier
 - · Second hand goods outlet
 - Service Station
 - Ancillary offices
 - Warehousing and distribution
 - Service industry
 - High technology industrial activity
 - Trade and industry training activity
 - Emergency service facilities
 - Public transport facility
 - Health care facility
 - Preschool
 - Gymnasium
 - Drive through services
 - Parking lot
 - Parking building
 - Tertiary education and research activities
 - Visitor accommodation (PC4)
 - Residential activity at specified locations
 - Commercial film and video production.

- 149. Other activities are largely classed as Discretionary.
- 150. While Mr Clease in his evidence did describe the site as a "mixed use commercial centre", the permitted activities above do not appear to reflect the current mix of uses which he describes as hospitality, food and beverage, comparison and speciality retail, cinema, hairdresser, yoga studio, health and well being centre and specialty light manufacturing and importation businesses.
- 151. Ms Pollisco's further evaluation does not support applying this zone to the southern part but does support its adoption for the northern part. The 32AA refers to further consultation with the submitter in preparing this assessment and reports that the submitter prefers the Commercial Local Zoning, but if Commercial Mixed is adopted it considers that the brownfield overlay should be retained over the southern part of the site.
- 152. Ms Pollisco does not support retention of the brownfield overlay because the site the southern part of the site having been redeveloped for a brewery does not now qualify under the tests of Policy 16.2.2.1 regarding brownfield site identification. We agree with that assessment.
- 153. She is also concerned about the existing rule provision of 2278m2 of retail floorspace applying to the southern part of the site. However this provision could simply be deleted. The ancillary retail rule would for the Industrial General zone would continue to enable a level of retail on this part of the site.
- 154. In summary Ms Pollisco recommends
 - Applying the Commercial Mixed zone to the northern part of the site.
 - Making residential activities on this part a non complying activity
 - Removal of the brownfield overlay over the whole site.
- 155. We note that the Plan definition of brownfield is stated to be means abandoned or underutilised commercial or industrial land, or land no longer required by a requiring authority for a designated purpose
- 156. The Tannery is an established mixed use commercial centre, it is no longer a "redundant industrial site in Woolston". The site has successfully been redeveloped and rejuvenated. In that sense the brownfield overlay, if it had a purpose for the site, has served it. The nature of a brownfield overlay is that it is a temporary planning tool and should be removed once redevelopment has occurred. We therefore agree that the brownfield overlay should be removed.
- 157. In terms of the zoning we recognise that the Tannery is something of a boutique type centre for which the mix of activities existing or appropriate do not fit well with any existing zone framework. We note that the Commercial Local zone has

floor area limits for permitted retail activities of 350 m2 but provides for 1000 m^2 supermarkets.

158. The Commercial Mixed zone does not have such limitations and provides for a range of activities but excludes retail which would require a discretionary activity consent. On balance we agree with Ms Pollisco that the Commercial Mixed Zone is a better fit than Commercia Local and to that extent we adopt her section 32AA evaluation provided in the Council Reply.

Scope

- 159. Given the position reached above there is an additional aspect to scope in this case and that is whether a recommendation for the northern part of the site to be zoned Commercial Mixed is within the relief sought in a submission.
- 160. While the submission includes a primary relief and a back up alternative secondary relief none of these include zoning the land Commercial Mixed. Further there are no other submissions that seek this zoning for all or part of the site.
- 161. We therefore do not have jurisdiction to recommend this outcome.
- 162. In terms of whether the submission is on the plan change we consider that this submission is potentially within the ambit of the plan change because it specifically addresses issue 4 of PCF-MP being "Zoning that does not reflect actual/anticipated use of land that has the potential for unintended environmental outcomes and unnecessary resources consent processes." However, this is subject to the further consideration below:
 - The submission does fit as a consequence of the activity now authorized on the land.
 - The submission however is not directly related to the plan change because it is of a scale and nature beyond the scope of map changes address in this plan change although it is not altogether "out of left field".
 - We consider this matter does not qualify as incidental to the consented use
 of the site but may reasonably argued to be considered consequential.
 - Is it not proposing something completely novel.
 - The submission does not seek to alter or add to the relevant objectives of the plan change, and is not radically different from the notified plan change.
 - As is evident above the matter does require careful s32 analysis.

- The submission does address the purpose of this part of plan change.
- There are no national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission.
- 163. Given the above we find that it does not pass the first scope test. We also agree with Ms Pollisco that the potential for reverse sensitivity issues means that neighbouring parties may have wished to participate in this process and the submission does therefore trigger fairness issues.
- 164. Consequently, while we have considered in some detail the merits of the submission and indeed an outcome beyond that submission, we find on multiple grounds that we do not have jurisdiction to determine this submission.
- 165. While we are not in a legal position to recommend anything other than decline on the submission we do recommend that Council prepares and notifies a plan change in accordance with Ms Pollisco's final 32AA evaluation and our findings above.
- 9.13 79 & 81 Bickerton Street: 157, 159, 171, 179, 181 & 183 Pages Rd PTL Property Trust.
- 166. PTL Property Trust seeks that industrial sites they own at 81 Bickerton Street, 171 and 179 Pages Road, be shown on the planning maps as having a Brownfield Overlay. They also seek that the brownfield overlay be extended to include adjoining residential properties at 157, 159, 181 & 183 Pages Road and 79 Bickerton Street.
- 167. Amendments to the Brownfield Objectives and Policies were also sought in their submission which is addressed in Plan Change 5C Industrial.
- 168. The s42A report notes that Ms Pollisco obtained confirmation from the submitter that the privately owned residential property at 177 Pages Road partly within the Industrial General Zone is part of their request.
- 169. The report also notes that the geographic area shown on Figure 1 of the submission and the list of their properties listed as provided in their submission, are not consistent. The submitter was not heard at the hearing so we did not obtain any further clarity on this.
- 170. The s42A report advises that the PTL Complex is occupied by a church, café, preschool facilities, gymnasium, community facility and offices, and some residential dwellings.

- 171. Council advisers considered that additional information was required to determine the merits of their request. From an economic angle Mr Foy agreed with the submission that applying a "brownfield overlay to the industrial part of the site is appropriate to encourage a positive contribution to urban redevelopment, and to make efficient use of the site while being able to manage the types of activities that seek to establish on the site if they are contrary to Policy 16.2.2.b.vi".
- 172. However, Ms Pollisco noted that the identification as a brownfield site through the consents process is only in respect of 171 and 179 Pages Road rather than the whole site.
- 173. Further, Policy 16.2.2.1 in particular specifies criteria to be met in determining whether land constitutes a brownfield site including:
 - i. The land is abandoned or underutilised industrial land...
 - ii. The redevelopment of the brownfield site will not adversely affect the supply of land to meet anticipated needs of industrial activities to 2028, including industrial activities with specific locational requirements; and
 - iii. The brownfield site is in a location that is not surrounded by industrial activities and/or will not erode the anticipated outcomes, including the function and amenity levels, of those parts of the zone not subject to brownfield redevelopment.
- 174. Ms Pollisco considered that the submitter had not supplied sufficient information to determine whether the land meets all 3 of the criteria as required by the Policy.
- 175. Notwithstanding this, she agreed with Mr Foy's conclusion that there is no operational need for an overlay to be identified over the PTL Complex because the policy can be applied irrespective of the overlay being in place. Our understanding from this is that there are two methods in the Plan for identifying qualifying brownfield sites. The brownfield overlay where it has been applied and the policy tests of policy 16.2.2.1. The rule regime around brownfield sites, however, is less clear.
- 176. Irrespective of this, we agree that there is insufficient information for us to recommend in favour of this submission and recommend it be declined.

Scope

- 177. We also find that this submission does not fit within the ambit of the plan change because it does not fit with any of the groups of cases addressed in this part of the Plan Change.
- 178. A review of the application of brownfield overlays to specific sites has specific application and has not been considered within the scope of PC 5.

- 179. We also consider that the areas of land involved which in many cases have residential neighbours do not pass the second test of fair process.
- 180. In terms of the more detailed tests:
 - It does not adequately fit as a consequence of the activity now authorized on the land.
 - It is not directly related to the plan change.
 - Is it not proposing something completely novel.
 - The submission does not seek to alter or add to the relevant objectives of the plan change, but is sufficiently different from the notified plan change.
 - The matter should not reasonably have been considered in the s32 analysis.
 - The submission does not address the purpose of this part of plan change.
 - There are no national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission.
- 181. Consequently, we find that we do not have jurisdiction to determine this submission.

9.14 Wairakei Commercial Area - 285 Wairakei Road Ltd.

- 182. The submission of 285 Wairakei Rd Ltd opposes the continued residential zoning of their properties at 7 Springbank Street and 255 Greers Road, and seeks for both sites to be rezoned Commercial Core. Both sites are currently zoned Residential Suburban and located adjacent to a private accessway to a carparking area behind the shops at the intersection of Wairakei Road and Greers Road, known as the Wairakei/Greers Road Neighbourhood Centre. 7 Springbank Street has single level dwelling with a high hedge at the boundary with the accessway. 255 Greers Road contains a former dwelling which has been converted to a childcare centre. The adjoining land to the south east is all established residential properties.
- 183. The s42A report advises that the centre contains a mixture of retail activities, food and beverage outlets, and commercial services. The Council advice was that there were no servicing issues although if developed for commercial development on site stormwater storage and treatment would be required. Mr Milne, however, sought further information on the effects of additional traffic generation on the nearby Greers/Wairakei intersection. The submitter did not appear at the hearing so this was not addressed.

- 184. Mr Hattam expressed his view that the existing extent of the centre is logical from a design perspective, with the existing semi-commercial nature of activities (childcare centre) being a good transition between the two zones.
- 185. In terms of urban form, both properties' north-eastern boundaries are directly opposite the Commercial Core zoned block along Wairakei Road. However activities enabled in the Commercial Core zone could result in adverse effects from signage and taller buildings located close to the boundary, or servicing and limited landscaping on the boundaries.
- 186. Mr Foy noted in his report that in his assessment the submitter is well-placed to undertake and coordinate redevelopment of a significant part of the centre. The departure of the anchor tenant supermarket provides redevelopment opportunities which would be benefitted by the additional land zoned Commercial.
- 187. Ms Pollisco considered that including these properties within the Wairakei/Greers Road Neighbourhood Centre would provide more certainty for the activities located in this area and would support the establishment of commercial activities. This would also reduce reliance on resource consent processes for existing non-residential activities, such as the early childhood centre, to evolve when compared to a residential zoning.
- 188. Mr Foy does not consider that there is potential for an expanded Wairakei/Greers Road Neighbourhood Centre to generate adverse effects on other centres, given the very small marginal increase that would be created by the rezoning request in this submission.
- 189. Ms Pollisco recommended that subject to the provision of the further information requested the submission be accepted. However, somewhat surprisingly with this recommendation, the submitter did not address these matters and consequently we are not in a position to recommend acceptance.

Scope

- 190. This submission is effectively seeking the extension of a commercial core zone based on an established neighbourhood centre into the adjacent residential zone. This is not an error or omission, or minor boundary issue. While a child care is established these are not uncommon in residential zones and future commercial use of this land is not a given. We therefore conclude that this submission is not within the ambit of the purpose of this part of the Plan Change.
- 191. We also consider that there are potential effects on the adjacent residential neighbours and, for them, this would be an appreciable change without any opportunity for the participation of those parties.

192. We therefore find that this submission fails both tests without the need to take the assessment further. We, therefore, find that we do not have jurisdiction to recommend approval.

9.15 1027 Columbo Street – 1027 Investments Ltd.

- 193. The submission from 1027 Investments Ltd seeks that the existing Residential Medium Density zone for the property at 1027 Columbo Street be changed to Commercial Local or Commercial Core.
- 194. The site is located on a corner of Columbo Street and Canon Street. Ms Stone told us that the building originates from the 1950's and has been used for various forms of industrial and retail uses. A dry cleaning services has been operating on the site since the 1960's. Currently the building has three tenants, Maxwells Dry-Cleaning, Nile Rugs and Unbreakable Training Company Ltd.
- 195. The s42A report records that there have been two consents issued for demolition and a new building in 2012 and 2014 neither of which were given effect to. Instead the building has been restored and strengthened to current standards. The site is 498 m2 amongst an area zoned Medium Density Residential. It is approximately 140 m from the Edgeware Neighbourhood Centre.
- 196. The s42A report advised that water, stormwater and wastewater capacity do not raise any concerns. Mr Hattam noted that there are a number of similar isolated sites along Columbo Street and that the change of zoning sought would not lead to a logical urban structure based on a network of centres. However, Mr Foy did not consider that the scale of this site would undermine the centres based approach.
- 197. Ms Pollisco referenced Objective 14.2.6 and Policy 14.2.6.3 which recognize non residential activities in residential zones provided they do not undermine the potential for residential development. Ms Pollisco recommended that the submission be declined because it "would provide for the establishment of a greater range of commercial activities and introduce a greater range of effects into the surrounding residential zone." ⁹⁶
- 198. Ms Stone explained that her principle difficulty is that every time a new tenant is established with a different activity a new resource consent is required to be sought. This has deterred a number of potential tenants such as hairdressers and beauty therapists.
- 199. Mr Craig Barr gave planning evidence for the submitter. He supported a change of zone to Commercial Local. He considers that the site lends itself to the provision of a range of small scale commercial services without conflicting with the

⁹⁶ Para 8.5.86 s42A report.

centers based objectives. He referenced the definition of "local centre" which includes "A small group of primarily convenience shops and, in some instances, community facilities. Accessible by walking and, cycling from the area served and on a bus route in some instances." The site is on a bus route and cycleway.

- 200. His evidence is that there are a number of examples of single site Commercial Local Zones in the Plan and therefore this would not represent a departure in plan approach.
- 201. At the hearing after consideration of the planning evidence Ms Pollisco and Mr Milne changed their recommendation on this matter to one in favour of accepting this submission. This was subject to being satisfied that the submission meets the scope tests and also that there is no future vehicle crossing to Colombo Street.
- 202. The existing plan standards for vehicle crossings are set out in Appendix 7.5.11 of Chapter 7 Transport. Columbo Street is classed as a Local Distributor Road and there are minimum distances of vehicle crossings from intersection within Table 7.5.11.4. Ms Pollisco in the Council Reply recommends this be addressed by way of adding an additional matter of discretion to Rule 15.5.1.3 and a new built form standard for vehicle access to be only from Canon Street.

Scope

- 203. In broad terms we consider that this submission is within the ambit of the plan change because it specifically addresses issue 4 of PCF-MP being "Zoning that does not reflect actual/anticipated use of land that has the potential for unintended environmental outcomes and unnecessary resources consent processes."
- 204. We are also satisfied that given the long history of commercial and retail operations within this building that the change of zoning to Commercia Local does not trigger any fairness issues.
- 205. In terms of the more detailed tests identified earlier we consider
 - It does not fit as an incidental or a foreseeable consequence of the change proposed and does require some minor s32 analysis.
 - It is directly related to the plan change and is not "out of left field".
 - Is it not proposing something completely novel.
 - The submission does not seek to alter or add to the relevant objectives of the plan change, and is not radically different from the notified plan change.

- Arguably the matter should have been considered in the s32 analysis.
- The submission does address the purpose of this part of plan change.
- There are no national or regional policy provisions or other operative plan provisions which bear on the issue raised in the submission.
- 206. Consequently, we are satisfied that we have jurisdiction to recommend approval of this submission.

Section 32AA

207. While we note that there may have been an option for a more flexible consent regime for commercial and retail activities on the site, on balance, we agree that this site is more appropriately zoned Commercial Local and we consider this provides a more efficient and effective framework for management of the future of the resource. Ms Pollisco has provided a further s32AA assessment as part of the Council reply which we adopt and include as PC 5F – PM Appendix 3.

9.16 Other Matters

208. There is one other small matter to address. The hearing heard from the Halswell Hornby Community Board largely in relation to PC5B. However, the s42A report at 8.8.2 notes that the submission expresses concern that development along Riccarton Road remains largely accommodation related and not commercial and opposed removal of the Accommodation and Community Facilities Overlay. Ms Pollisco clarified that this change was limited to a single property at 28 Riccarton Road which is currently zoned commercial and therefore the overlay is something of a double up because the provisions already enable the overlay activities. We agree that the overlay on this site is unnecessary and support its removal.

9.17 Recommendations

- 209. It is recommended that the Christchurch City Council approve Plan Change 5F subject to the amendments set out in **PC 5F-PM Appendix 4** and in accordance with the schedule of recommendations on submissions set out in **PC 5F PM Appendix 5**.
- 210. The key recommendations on the principal issues are as follows.
 - a. The submission by Curries Road Limited partnership seeking change of zoning of 12 and 24 Curries Road to Industrial General be rejected as being not within scope and would not have been appropriate given the existing residential amenity of the locality.
 - b. The submission by Foodstuffs Ltd seeking change of zoning of 165 Main Road North to Industrial General be accepted as being in scope and accepted on

- merits and that a future plan change address the zoning of 159 Main Road North.
- c. The submission by Foodstuffs Ltd seeking change of zoning of 171 Main Road North to Commercial Core be declined as being not in scope and declined on merits.
- d. The submission by The Diocese of Christchurch seeking change of zoning of 58 Somme Street to Residential Suburban Density Transition (RSDT) be accepted as being in scope and accepted on merits.
- e. The submissions by Belfast Village JV Ltd, Russell Craigie, and Johns Road Horticultural Limited seeking the expansion of the Commercial Core Zone at the North West Belfast Neighbourhood Centre be accepted in part reducing the expansion to the additional land included in the current supermarket resource consent. This extent of change is within scope and accepted on merits with the insertion of a new Outline Development Plan, amended existing Outline Development Plan and some additional plan provisions. In addition, we recommend that further review is undertaken on the planning for a new Key Activity Centre in this sector of the City.
- f. The submission by Annex Developments Ltd seeking change of zoning of parts of the Tannery to Commercial Local be rejected as not being in scope. However, our recommendation is that a further plan change is advanced to change that part of the site to be zoned Commercial Mixed and removal of the Brownfield Overlay, leaving the land occupied by the brewery with its existing Industrial General zoning.
- g. The submission by PTL Property Trust seeking that the Brown field Overlay be applied to the land at 79 & 81 Bickerton Street: 157, 159, 171, 179, 181 & 183 Pages Rd be declined as being out of scope and would also have been declined on merits.
- h. The submission by 285 Wairakei Road Ltd seeking change of zoning of 7 Springbank Street and 255 Greers Road to Commercial Core be rejected as not being in scope and would also have been declined on merits.
- The submission by 1027 Investments Ltd seeking change of zoning of 1027
 Columbo Street to Commercial Local or Commercial Core be accepted as being with in scope and be accepted on merits for zoning the land
 Commercial Local with a rule restricting vehicle access from Columbo Street.

10. PLAN CHANGE 5F – KATE SHEPPARD HOUSE

10.1 Background and purpose

- 1. Plan Change 5F Kate Sheppard House ('PC5F-KSH') and the supporting s32 evaluation documents, identifies that the purpose of the plan change is to:
 - a) Change the planning maps to amend zoning and overlay boundaries for a small corner of the property at 83 Clyde Road to match the zoning of the rest of the property; and
 - b) Introduce site specific rules (such as hours of operation, and number of events) and broaden the range of complementary activities that can take place on the property (such as functions, and community events), to enable the primary purpose of the property to tell the story of womens' suffrage and broader themes of social change. The property is a Category 1 Historic Place in the Heritage New Zealand List and is also scheduled in the Christchurch District Plan as a highly significant building.
- 2. With respect to the issue of providing suitable activities, the PC5F-KSH supporting documents note that the range of activities provided for under the Residential Suburban Density Transition zone ('RSDT zone') does not fit comfortably within the closest permitted activity descriptions, such as P20 Place of assembly, and the learning and research activities proposed also do not fit well within the definition of P16 Education activity. While Heritage New Zealand Pouhere Taonga ('HNZPT') has a general understanding of the activities it wants to carry out, these are not confirmed. The option of applying for repeated resource consents is not efficient and has the potential to be confusing to administer for both HNZPT and Council. Accordingly, the proposed plan change seeks to provide site specific activity listings for functions, conferences and community events.
- 3. The second issue relates to site specific standards (including hours of operation and vehicle access) that need to be included to enable the activities proposed to operate as permitted activities. The proposed plan change includes specific standards that would apply to the site, recognizing the amenity values of adjoining and nearby residents.

10.2 Scope of changes

4. The scope of changes as set out in PC5F-KSH is restricted to:

- 5. Rule 14.4.4.3.1.1 Area-specific permitted activities introduction of new permitted activity *P3 Place of assembly* specifically for Kate Sheppard House; and
- 6. Rule 14.4.3.1.4 Area-specific discretion activities introduction of new discretionary activity D4 for activities that do not comply with the activity specific standards for permitted activity P3.
- 7. Council officers subsequently recommended a minor consequential change to Rule 14.4.1.1 P20, to clarify that the Rule did not apply to the property. This matter is discussed later in this report under the Section 32AA heading.

10.3 Section 42A Report

- 8. A comprehensive s42A report was prepared by Ms Dixon (Senior Policy Planner, Christchurch City Council).
- 9. It is noted that the s42A report was prepared in August 2021. We were advised by Mr Pizzey (Solicitor, Christchurch City Council) and Ms Dixon that a minor consequential amendment is recommended to remove a potential rule interpretation issue. Mr Pizzey advises that this minor consequential amendment can be made as the submissions in support of the Plan Change include support for any minor consequential amendments that assist in its implementation.⁹⁷ This matter is discussed later in this report under the Section 32AA heading.

10.4 Evidence heard

- 10. Ms Dixon provided a summary of her evidence confirming her opinion that PC5H-KSH·
- 11. appropriately balances HNZPT's desire to hold a range of events while protecting neighbourhood amenity;
- 12. provides benefits in terms of greater public access to showcase heritage and social change;
- 13. will facilitate re-use of the house as a nationally significant historic building and property with no adverse effects on heritage values;
- 14. will ensure the additional activities will be secondary to the primary purpose of the property, being heritage related activities;
- 15. does not need to be amended to state a rule for opening hours to the public, as the hours of operation already provide that flexibility;
- 16. does not need to be amended to state an opening time of 9am rather than 7am on Sundays and public holidays as there is no evidence that the scale of activities at that time (such as rubbish collection) would generate significant adverse effects;
- 17. does not need to be amended to change the operating hours;

⁹⁷ Legal submissions for Council, 8 December 2021, paragaph 24.

- 18. does not provide for noise sensitive activities to occur on the site, so no change is required in response to the CIAL submission; and
- 19. should be amended to avoid any risk that Rule 14.4.4.1 P20 -Places of assembly does not apply to the site.
- 20. In response to questions from the Panel, Ms Dixon confirmed that the following policies (in addition to those contained in the s32 and s42A reports) support PC5F-KSH:
- 21. Policy 9.3.2.2.5 Ongoing use of heritage items and heritage settings, particularly part 'iii.' That provides for *specific exemptions to zone and transport rules to provide for the establishment of a wider range of activities*; and
- 22. Policy 14.2.6.3 Existing non-residential activities, which provides for existing non-residential activities to continue and expand subject to there being no significant adverse effect on the character and amenity of the residential zone.
- 23. Ms Fiona Wykes (Kaiwhakahaere-ā-Takiwā, Area Manager Canterbury/West Coast) and Ms Christine Whybrew (Manager Assets Southern Region) from HNZPT spoke to and answered questions from the Panel with respect to the evidence from Ms Wykes and operational aspects of the Kate Sheppard property.
- 24. The Panel was assisted by the written evidence and the information provided by Ms Wykes and Ms Whybrew, as it clarified that the focus for the types of activities being promoted is community events. The evidence also clarified that the management and operational aspects proposed (such as staff always being on site and a 10pm finish) reflects the type of activities that are proposed. Lastly, the evidence also clarified matters relating to visitor capacity; the nature of activities anticipated before 9am on Sundays and public holidays; and vehicle access and parking arrangements).
- 25. Ms Helen Broughton spoke on behalf of the both the Fendalton-Waimairi-Harewood and Halswell-Hornby-Riccarton Community Boards submissions with respect to the matter of hours of operation and opening hours to the public. Ms Broughton specifically spoke to the experience of the Boards in responding to residents' concerns with activities operating late on a Saturday night then starting early again on the Sunday. Ms Broughton suggested a late night/late starting hours rule may be relevant to the Kate Sheppard House situation.
- 26. The Panel noted the written evidence of Ms Felicity Blackmore (Environment and Planning Manager, CIAL) indicating that it supported the Council officer's recommendations.

10.5 Principal issues

Hours of operation

27. As noted earlier in this report, the matter of the appropriate hours of operation for Sundays and public holidays was addressed during the hearing, with confirmation from Ms Whybrew (HNZPT) that restricting deliveries and visitors before 9am on a Sunday or public holiday is acceptable, and that only staff be allowed on site between 7am and 9am on those days. Accordingly, a change to the hours of operation is recommended.

Vehicle access and parking

- 28. Ms Whybrew (HNZPT) confirmed that the property has limited vehicle access and parking, and that service vehicle and accessible car parking only is proposed to be provided. Visitors and guests are advised that paid parking is available at the University of Canterbury carpark facility off Arts Road to the south of the Kate Sheppard property and that only pedestrian access to the property is available.
- 29. Ms Dixon notes in her s42A report that a "no vehicles' sign has been attached to the gate to the property. Her report also notes that as vehicle access is restricted to servicing and accessible parking only, there will be limited right hand turns into and out of the property and as such any safety issues are mitigated. No other evidence provided a contrary view.
- 30. Accordingly, the Panel agrees that no traffic safety improvements or rules are specifically required to be included.

10.6 Section 32AA

- 31. As discussed in this report, a comprehensive s32 report and comprehensive s42A report were prepared by the Council.
- 32. Through the hearing of PC5F-KSH, the Panel asked questions and discussed matters relating to the hours of operation and the possible lack of clarity with respect to whether the base rule for Places of Assembly (Rule 14.4.1.1 P20) still applied to the property.
- 33. It is noted that s32AA(1)(a) of the RMA only requires a further evaluation with respect to any changes that are made to or are proposed to the plan change as notified.
- 34. The Panel considers that the following changes should be made to the plan change as notified, and each change is discussed in turn.

Rule 14.4.1.1 P20 – Places of assembly

- 35. Ms Dixon identified that greater clarity to the rules applicable to Kate Sheppard House would be achieved if there was an exception to permitted activity P20, to clarify that this Rule did not apply, but that area specific Rule 14.4.3.1.1 P3 applied.
- 36. The Panel is satisfied that this minor change in accordance with Strategic Objective 3.3.2 a. iii., as the change makes the District Plan easy to understand and use.

Rule 14.4.3.1.1 P3 – Area-specific permitted activities

- 37. In response to submissions, Ms Dixon provided updated wording in her s42A report to clarify the hours of operation applicable to the Kate Sheppard House property. The Panel is satisfied that the recommended changes provide clarity that the hours of operation are 'voluntary' and do not change the effect of the Rule in any way.
- 38. The hours of operation applicable to Sundays and public holidays was addressed during the hearing and representatives of HNZPT confirmed that the hours of operation from 7.00 9.00 am, would be only for staff (ie there would be no service vehicles or visitors).
- 39. The Panel is satisfied that this change is of minor effect as all it does is reflect the manner in which the property is managed, addresses concerns raised in submissions and is acceptable to HNZPT. The recommended change gives effect to objectives and policies in Chapter 14 Residential and Chapter 6.1 Noise, in that it addresses potential adverse noise effects on the amenity values of adjoining residents, while still enabling the reasonable use of this heritage property.
- 40. The Panel concludes that both of the proposed amendments do not significantly affect the conclusions of the s32 evaluation and are the most appropriate way to achieve the objectives of the District Plan.

10.7 Recommendation

- 41. It is recommended that the Christchurch City Council make the following decisions:
 - a) Adopt the amendments proposed to Rule 14.4.1.1 P20, Rule
 14.4.3.1.1 P3 and Rule 14.4.3.1.4 D4 as set out in Appendix 1 –
 PC5F KSH Recommended Decisions; and

 b) Accept and reject the submissions as set out in Appendix 2 – PC5F Kate Shepard House Table of Submissions with Recommended Decisions and Reasons.

Appendix 1 – PC5F KSH Recommended Decision



Resource Management Act 1991

Christchurch District Plan

> Proposed Plan Change

5F – SITE SPECIFIC RULES FOR KATE SHEPPARD HOUSE, 83 CLYDE ROAD, ILAM

DISTRICT PLAN AMENDMENTS

Note: For the purposes of this plan change, any unchanged text is shown as normal text, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as **bold strikethrough**.

Text in green font identifies existing terms defined in Chapter 2 - Definitions. Where the newly added text contains a defined term, the term is shown as **bold underlined text in green**.

Text in blue font indicates links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Changes recommended by the Independent Hearings Panel is shown as **bold underlined** for additional text and **bold deleted** for text to be deleted.

Amend the District Plan as follows:

14.4.1.1 Permitted activities

200	51 (11	a. The act	ivity shall:	
P20	Place of assembly, except at Kate Sheppard House, 83 Clyde Road, where Rule 14.4.3.1.1 P3 applies	a. The act i. ii. iii.	only locate entrance to road where A. a lis B. a sou only occup than 200m less than 3 limit outdo	right turn offset, either informal or formal, available, or; solid median prevents right turns into or it of the primary entrance. by a gross floor area of building of less or in the case of a health care facility, 300m ² ; or advertising to a maximum area of 2m ² ;
		iv.	visitors, stu	ours of operation when the <u>site</u> is open to udents, patients, clients, and deliveries to ne hours of:
		A. Educat		I. 07:00 - 21:00 Monday to Saturday;
		activity		II. Closed Sunday and public holidays
		B. Presch		 07:00 - 21:00 Monday to Friday, an 07:00 - 13:00 Saturday, Sunday an
				holidays.
		C. Health	care	I. 07:00 - 21:00.
		facility	<u>ourc</u>	1. 07.00 21.00.
		D. Veterin	arv care	
		facility		
		E. Places	of	
		<u>assembly</u>		
		V.	and facilities	to preschools, limit outdoor play areas es to those that meet Rule 6.1.5.2.1 Table pise limits outside the Central City;
		vi.	in relation facilities ar	to <u>preschools</u> , <u>veterinary care</u> nd <u>places of assembly</u> (see Figure 1): lly locate on <u>sites</u> where any <u>residential</u>
			ac sit	tivity on an <u>adjoining front site</u> , or <u>front</u> e separated by an <u>access</u> ,
			lea	th <u>frontage</u> to the same <u>road</u> is left with at ast one residential neighbour. That ighbour shall be on an <u>adjoining front</u>
				e, or front site separated by an access,
			B. on the ac	Id have frontage to the same road; and ly locate on residential blocks where ere are no more than two non-residential tivities already within that block;
		vii.		to <u>veterinary care facilities</u> , limit the if animals on the <u>site</u> to a maximum of
		viii.		to <u>places of assembly, entertainment</u> hall be closed Sunday and public
		ix.	located wit	to noise <u>sensitive activities</u> , not be thin the 50 dB _{ಟೊ} Air Noise Contour as the planning maps; and
		Х.	not include	the planning maps, and the storage of more than one <u>heavy</u> the <u>site</u> of the activity.

14.4.3.1.1 Area-specific permitted activities

P3 Place of Assembly, including functions, conferences, community events and festivals at Kate Sheppard House, 83 Clyde Road

- a. There shall be a maximum of 5 parking spaces on the site.
- b. The maximum hours of operation during which when the site is may be open to visitors, staff and deliveries shall be limited to:
 - i. 07:00 23.00 Monday to Saturday; and
 - ii. 07:00 22:00 Sundays and Public Holidays.
- c. There shall be no amplified music after 22.00 on any day.
- d. No more than 15 events shall be held outside the house in any twelve month time period.

14.4.3.1.4 Area-specific discretionary activities

<u>Place of Assembly, including functions, conferences, community events and festivals at Kate Sheppard House, 83 Clyde Road that does not comply with one or more of the activity specific standards in rule 14.4.3.1.1 P3</u>

11. PLAND CHANGE 5G – CONSEQUENTIAL CAR PARKING CHANGES

11.1 Background and purpose

- Plan Change 5G ('PC5G'), and the supporting s32 evaluation documents, identifies
 that the purpose is to address consequential amendments associated with the
 removal of the minimum standard car parking requirements as directed by the
 National Policy Statement on Urban Development ('NPS-UD'). PC5G also addresses
 the environmental effects of parking areas where those are provided.
- 2. Due to the manner in which the definitions and standards relating to the 'required' carparking are worded, the removal of the requirement to provide carparking has resulted in unintended consequences in that non-complying resource consent applications are needed where parking is provided (as opposed to being required) outside of a building. In addition, the potential environmental effects of providing carparking (such as impact on water bodies) are not able to be assessed.

11.2 Scope of changes

- 3. The scope of changes as set out in PC5G is restricted to:
 - a. Chapter 2 Definitions amend the definition of "Light manufacturing and servicing" by removing the word 'required';
 - b. Rule 6.2.5.5 a. Matter of discretion Site disturbance or alteration amend by replacing the word 'required' with 'provided'; and
 - c. Chapter 13.3 Specific Purpose (Airport) Zone, Built Form Standard Rule 13.3.4.2.4
 c. iv. add the word 'car' before 'parking spaces' and replace the word 'required' with 'provided'.
- 4. In both the definition and rules, the change is to clarify that the carparking provisions only apply to where the parking is provided, and only with respect to the potential environmental effects of the provided parking.

11.3 Section 42A Report

- 5. A comprehensive s42A report was prepared by Mr Law (Policy Planner, Christchurch City Council). Subsequently Mr Law left the Council and Ms Pollisco (Policy Planner, Christchurch City Council) took over the processing of the plan change.
- 6. It is noted that the s42A report was prepared in August 2021. In her summary of evidence, Ms Pollisco confirmed that she agreed with the content of the s42A report prepared by Mr Law, with the amendments contained in her replacement page 14

and Appendix 7 to that s42A report, as a result of her consideration of the submissions. 98

11.4 Evidence heard

- 7. As noted above, Ms Pollisco provided a summary of her evidence confirming her opinion that:
 - a. the wording of the definition and two rules needed to be amended to provide interpretation certainty for plan users; and
 - b. the sole submitter seeking changes to the notified provisions (CIAL) supports the recommended changes as set out in the s42A report, and confirms they do not need to pursue this matter further at the hearing.
- 8. In response to questions from the Panel, Ms Pollisco reviewed whether there was a need to amend the provision to clarify situations where there was a fraction of the 'one tree per 5 carparks' (ie was there a need to add "or part thereof" to the rule). That matter is addressed in the Council's right of reply and discussed under 'Principal issue" below.
- 9. Ms Helen Broughton spoke to the submission from the Halswell Hornby Riccarton Community Board. She noted that the submission concerning minimum carparking requirements was a matter under the National Policy Statement for Urban Development and could not be addressed through this plan change. Accordingly, she did not address the matter further.

11.5 Scope issues

- 10. Council advisors confirmed that no change to any other rules, objectives or policies is required or proposed.
- 11. The Panel accepted this advice and no other issues as to scope arose that needed to be addressed by the Panel.

11.6 Principal issue – trees and car parks

12. The principal issue to be addressed by PC5G was the ratio of the number of carparks provided to the number of trees to be planted. The Panel noted that CIAL agreed with the Council proposal to provide for activities at the airport that generated a lesser number of carparks and the hence need for visual mitigation by planting of trees from those activities that generated a greater number of carparks. This approach is consistent with the tree planting requirements associated with carparks in other parts of the City.

⁹⁸ Summary of Evidence of Marifil Florinda Pollisco on behalf of the Christchurch City Council, 10 December 2021, paragraph 5.

13. The only matter raised by the Panel was in relation to the situation where less than 10 or less than 5 carparks are proposed (ie the 'part thereof'). Council's suggested approach of rounding up or down depending on the number of carparks is supported, as this is the approach already contained in the Christchurch District Plan for calculating the number of carparks (refer to Appendix 7.5.1 a. ii. – Parking space requirements). Although this matter was not part of the publicly notified version of PC5G and was not raised in submissions, the Panel's assessment is that this proposed amendment falls within the provisions of Clause 16(2) of Schedule 1 to the RMA, in that the alteration is of minor effect. This matter is discussed further under the heading of Section 32AA.

11.7 Section 32AA

- 14. As discussed in this report, a comprehensive s32 report and comprehensive s42A report were prepared by the Council. In addition, a further evaluation under Section 32AA was included as Appendix 2 to the s42A report.
- 15. It is noted that s32AA(1)(a) of the RMA only requires a further evaluation with respect to any changes that are made to or are proposed to the plan change as notified. The Panel concurs with and adopts the content of both the s32 and the s32AA reports. A copy of the s32AA report is attached to this report as **Appendix 3**.
- 16. As set out above, the Panel considers that a minor change is required to Rule 13.3.4.2.4 c. iv. to made clear the tree planting required where there is a fraction of either the 10 or 5 carparks. The recommended change is in accordance with the way carparking fractions are addressed elsewhere in the Christchurch District Plan and are in accordance with:
 - a. Strategic Objective 3.3.2 a. i. as the change minimizes reliance on the resource consent process; and
 - b. Strategic Objective 3.3.2 a. iii. as the change makes the District Plan easy to understand and use.
- 17. The Panel concludes that the proposed amendments do not significantly affect the conclusions of the s32 evaluation and are the most appropriate way to achieve the objectives of the District Plan.

11.8 Recommendation

- 18. It is recommended that the Christchurch City Council make the following decisions:
 - a. Adopt the amendments proposed to the definitions and Rule 6.2.5.5 a. Matter of discretion, and Rule Built Form Standard Rule 13.3.4.2.4 c. iv. as set out in Appendix 1 PC5G Recommended Decision; and

Accept and reject the submissions as set out in Appendix 2 – Plan Change 5G –
Consequential Car Parking - Table of Submissions with Recommended Decisions
and Reasons.

Appendix 1 - PC5G Recommended Decision



Resource Management Act 1991

Christchurch District Plan
Proposed Plan Change

5G

DISTRICT PLAN AMENDMENTS

Note: For the purposes of this plan change, any unchanged text is shown as normal text, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as **bold strikethrough**.

Text in green font identifies existing terms defined in Chapter 2 - Definitions. Where the newly added text contains a defined term, the term is shown as **bold underlined text in green**.

Text in blue font indicates links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Changes recommended by the Independent Hearings Panel is shown as **bold underlined** for additional text and **bold deleted** for text to be deleted.

Amend the District Plan as follows:

Chapter 2 Abbreviations and Definitions

Light manufacturing and servicing

in relation to the Specific Purpose (Airport) Zone, means <u>sites</u> in which articles, goods or produce are prepared and/or repaired for sale or rent, and, apart from-required parking and manoeuvring, the light manufacturing and servicing activity will be contained entirely within a <u>building</u>.

Chapter 6 General Rules and Procedures, 6.2 Temporary Activities, Buildings and Events

6.2.5 Rules - Matters of discretion

a. When considering applications for restricted discretionary activities, the <u>Council</u>'s discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the table in <u>Rule 6.2.4.1.3</u>, and as set out for that matter below.

6.2.5.5 Site disturbance or alteration

a. The extent to which proposed activities, <u>buildings</u>, associated <u>earthworks</u>, servicing or any additional <u>accesses</u> or <u>parking areas</u> <u>required provided</u> will create an alteration or disturbance to any:

i.land;

ii. water bodies or their margins;

iii.vegetation; and/or

iv.ecosystems

that is irreversible or that will last beyond the duration of the activity or event and, where any such effects are reversible, the adequacy of any proposals for restoration.

Chapter 13 Specific Purpose Zones, 13.3 Specific Purpose (Airport) Zone

13.3.4.2 Built Form Standards

13.3.4.2.4 Visual amenity

a. Outdoor	i. Any outdoor storage area on any site with frontage to Russley Road, Johns
Storage	Road, McLeans Island Road, Jessons Road or Memorial Avenue, other
area	than those for the storage of aircraft or for the hire of vehicles or
	caravans, shall be screened by shrub planting capable of growing to a
	minimum height of 2m at maturity. The planting shall be spaced at a
	maximum of 3m centres with a gap between shrubs of no more than 1m;
	ii. Any outdoor storage area shall not be sited within the
	setbacks specified in Clauses 13.3.4.2.1 and 13.3.4.2.2.

b. Location of landscaping Landscaping areas shall be provided along road frontages as follows;

- A landscaping area shall be provided along Russley Road, Johns Road and McLeans Island Road, and shall be a minimum of 20m deep on any site adjoining the road frontage, exclusive of any road widening required.
- ii. A landscaping area shall be provided along Memorial Avenue averaging 10m deep on any site on the road frontage, and not less than 5m deep at any point, except for permitted access points.
- iii. A landscaping area shall be provided along Jessons Road of a minimum depth of 45m from the road frontage, consisting of dense vegetation capable of reaching a height of 1.8m, to screen properties in Jessons Road from any existing or future airport development south of that road, and to provide a limited degree of attenuation of airport and aircraft noise.
- iv. A landscaping area with a grass surface and/or shrubs shall be provided along any other public or private road frontage and shall be an average of 3m deep on any site on the road frontage, and not less than 1.5m deep at any point except for access points.
- v. A landscaping area shall be provided along the southern boundary of the
 Development Precinct, with a minimum depth of 8m from the Rural
 Urban Fringe Zone boundary. It shall be planted with a mixture of exotic
 and native trees of a variety of height and form to screen buildings.
- vi. The minimum average width of a landscape strip shall be calculated by excluding any part of the strip that is further back than the minimum required building setback for the site.

c. Trees

- i. Sites with road frontages of at least 10m shall be planted with a minimum of one tree, plus one additional tree for every 10 metres of road frontage (e.g. 10 metres frontage 2 trees, 20 metres frontage 3 trees, etc.).
- ii. Where three or more trees are required these trees shall be planted no more than 15 metres apart, or closer than 5 metres apart.
- iii. Any trees required shall be planted along the road frontage and in front of any buildings on the site.
- iv. In addition to (i) (iii) above;:

A.one tree shall be planted for every 10 car parking spaces provided
on the site for dispatch and receipt of freight and ancillary
facilities, container storage and transfer activities, and
industrial activities; and

B.one tree shall be planted for every 5<u>car</u> parking spaces required provided on the site<u>for all other activities;</u>

C. where the number of car parking spaces provided results in a

fractional number of either 5 or 10 respectively, any fraction
that is less than one-half will be disregarded (ie less than 3 or 5
respectively (and any fraction of one-half or more (ie 3-4 or 6-9
respectively) will require one tree to be planted; and

D.trees shall be planted within or adjacent to the carparking area.

v. Any trees required by this rule shall be of a species capable of reaching a minimum height at maturity of 8 metres and shall be not less than
1.5 metres high at the time of planting. Any trees listed in Appendix
16.6.1 are deemed to comply with this rule.

d.	Protection of trees and landscaping	 Any trees required under Clause (c) above shall be located within a landscaping strip (see Clause (b)), or within a planting protection area around each tree, with a minimum dimension or diameter of 1.5 metres. 	
		ii. No more than 10% of any landscaping strip (see Clause (b)) and planting protection area shall be covered with any impervious surfaces.	
		iii. Landscaping strips or planting protection areas adjacent to a road boundary or adjacent to or within a carparking area shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least 1 metre from any tree.	
e.	Wallicellance	Any landscaping of trees required by these rules shall be maintained, and if dead, diseased, or damaged, shall be replaced.	

Exception from rules:

a. The provisions for tree planting in Clause 13.3.4.2.4 shall not apply to any sites or parts of sites affected by the airport protection surfaces as identified on the planning maps, and in Appendix 6.11.7.

12. PLAND CHANGE 5H - ANTENNA SIZE

12.1 Background and purpose

- 1. Plan Change 5H ('PC5H') and the supporting s32 evaluation documents, identifies that the purpose of the plan change is to address an ambiguity in the wording of rules 11.7.1 P1 and P2 of Chapter 11 Utilities and Energy, as it relates to the calculation of the surface area size limit of panel antenna (1.5m²). As currently drafted the size limit within both rules has been administered by Council as applying to the total area of all six faces of an antenna (not just the largest face). As a consequence of this interpretation, most panel antenna would not meet the size limit standard and would require resource consent (restricted discretionary activity).
- 2. The application of the surface area control to all six faces of a panel antenna is considered in the PC5H documents to be inconsistent to similar controls in other district plans and the application of the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 ('NESTF'), where the area size limit is applied to the largest face of a panel. The NESTF applies only to the road reserve and the rural zone. There would be inconsistency created if a panel antenna within the road reserve could have a 1.5m² largest face as a permitted activity (administered under the NESTF), but exactly the same antenna would require resource consent approval if located within the urban zone immediately adjoining the road reserve (administered under the Christchurch District Plan).
- 3. The supporting documents to PC5H also note that requiring resource consent for panel antenna is not in accordance with the objectives in *Chapter 3 Strategic Objectives* and the objectives and policies for in *Chapter 11 Utilities and Energy*.
- 4. Accordingly, the purpose of PC5H is to provide certainty to rule interpretation, align with the administration of similar provisions in other district plans and the NESTF, and remove the need for unnecessary resource consent applications.

12.2 Scope of changes

- 5. The scope of changes as set out in PC5H, is restricted to:
 - a. Rule 11.7.1 P1 Freestanding communication utilities (activity specific standard d.); and
 - b. Rule 11.7.1 P2 Communication utilities attached to a building, including ancillary equipment (activity specific standard b.)

6. In both rules, the change is to clarify that the 1.5m² surface area size of an antenna is to be applied to the largest face of any one antenna panel, not the total surface area of all six faces.

12.3 Section 42A Report

- A comprehensive s42A report was prepared by Ms Allan (Senior Policy Planner, Christchurch City Council) and included a memo from Ms Stout (Senior Environmental Health Officer – Regulatory Compliance) addressing the matter of environmental exposure to radio frequency electromagnetic radiation.
- 8. It is noted that the s42A report was prepared in August 2021. We were advised by Mr Pizzey (Solicitor, Christchurch City Council) and Ms Allan that there were no changes to the s42A report.

12.4 Evidence heard

- 9. Ms Allan provided a summary of her evidence confirming her opinion that:
 - a. the wording of the two rules needed to be amended to provide interpretation certainty for plan users;
 - b. there was no need to change the NESTF to clarify the wording in that document prior to changing the district plan;
 - c. the rule change will reduce costs and constraints to benefit telecommunication facility providers; and
 - d. relying on the evidence of Ms Stout, no changes are required to manage the effects on human health (such as signage and testing to ensure compliance with NZS 2772.1 standard).
- 10. In response to questions from the Panel, Ms Allan agreed that:
- a. consideration of Objective 3.3.2.a.iii is also relevant as it requires the District Plan to use clear, concise language so that the District Plan is easy to understand and use;
- comparison with other standards (such as Rule 11.7.1 P1c and P2a that provide for dish antenna to be less than either 1.8 metres or 0.8 metres in diameter, depending on the zone) provides a visual effects context for the consideration as to the complementary size for the largest face of a panel antenna; and
- c. no other consequential changes are required.
- 11. Mr Chris Horne (Resource Management Consultant, Incite) spoke to and answered questions from the Panel with respect to the planning evidence prepared by himself and Mr Colin Clune (Resource Management Planning Advisor) on behalf of Spark and Vodafone respectively and the "Summary of Key Points" prepared by himself. Mr Graeme McCarrison (Engagement & Planning Manager, Spark) also spoke to and

- answered questions from the Panel with respect to his joint statement of evidence prepared with Mr Clune.
- 12. The Panel was assisted by the written and verbal evidence provided by Messrs Horne, Clune and McCarrison, specifically noting the following:
 - a. provided the background to the development, implementation/administration and review of the NESTF, particularly in relation to the difference in wording of Regulation 37(3)(a) NESTF which refers to the area of the panel, cf the surface area of the panel in the Christchurch District Plan, which accounts for the practice of only applying area to the largest face of a panel antenna;
 - explained the physical limitations to the number of antenna that can be accommodated on poles and headframes; the need for more than one antenna to accommodate different spectra; and the encouragement for providers to colocate a number of antenna on one structure;
 - c. clarified the relationship between the NESTF and the Resource Management Act and its implementation/administration through district plans; and
 - d. confirmed the wording proposed by Council in the plan change meet the requirements of the telecommunication operators.
- 13. Ms Susan Turnball (Policy Researcher, Safer (EMR) Technology Aotearoa New Zealand Incorporated ('STANZ') spoke to her written evidence and provided verbal responses to the questions from the Panel.
- 14. Ms Turnball clarified that she had updated her evidence from the time the submission was lodged and the hearing, to reflect changes that had occurred during that time. The Panel appreciated the background investigations and discussions Ms Turnball has had with the parties to this matter, in order to have greater understanding of the issues and process of the plan change.
- 15. Ms Turnball raised a number of additional other matters of concern to STANZ (such as radiation reflection between buildings, antenna for new spectrum and number of antenna), during her presentation.

12.5 Scope issues

- 16. Council advisors confirmed that no change to any other rules, objectives or policies in Chapter 11.7 is required or proposed. This includes the rules that control radio frequency exposures (refer to 11.9 Rules Activity standards All activities).
- 17. The Panel accepted this advice and as a consequence advised at the start of the hearing that as Ms Stout's evidence is not challenged and is accepted by the Panel, she would not be required to attend the hearing to answer any questions.

18. No other issues as to scope arose that needed to be addressed by the Panel.

12.6 Principal issue – best terminology

- 19. The principal issue to be addressed by PC5H, was the correct wording of Rules 11.7.1 P1 and P2 as they relate to the control of the area size of antenna, to ensure the rules were:
 - a. clear and understandable to enable their effective administration;
 - consistent with the administration of complementary provisions in the NESTF and other district plans; and
 - c. consistent with and implements the relevant visual amenity policies and objectives of the District Plan as they relate to telecommunication facilities.
- 20. The Panel concurs with the analysis undertaken with respect to this principal issue in the Council's s32 report and further elaborated on in the s42A report regarding:
 - a. The appropriateness of the provisions in proposed PC5H;
 - b. No alteration or addition to any objectives, policies or rules in the District Plan is required;
 - c. There are no other reasonably practicable option(s) for achieving the relevant objectives of the District Plan needing to be considered;
 - d. The relevant higher order statutory documents and the directions within them have been identified, examined and found to be in accordance with them;
 - The option of amending the rules as proposed is the most appropriate to achieve the NESTF and the objectives of the District Plan, and also meets the efficiency, effectiveness, benefits, costs and risks of not acting as required by s32; and
 - f. Meeting the purpose of Part 2 of the RMA.

12.7 Section 32AA

- 21. As discussed in this report, a comprehensive s32 report and comprehensive s42A report were prepared by the Council.
- 22. Through the hearing of this matter, the Panel questioned participants on a number of matters, including:
 - a. Whether the wording of rules 11.7.1 P1 and P2 needed to be amended to refer to 'outward facing', 'front facing' or some other description rather than 'largest face' as proposed;
 - b. The relevance of Objective 3.3.2 a.iii relating to clarity of language; and
 - c. Relationship between the NESTF and the provisions of a district plan.

- 23. The Panel is satisfied that the proposed changes to Rules 11.7.1 P1 and P2 as contained in the notified Plan Change 5H, are the only changes that are required to the provisions of the Christchurch District Plan.
- 24. It is noted that as s32AA(1)(a) of the RMA only requires a further evaluation with respect to any changes that are made to or are proposed to the plan change as notified. Accordingly, no s32AA evaluation is required.

12.8 Recommendation

- 25. It is recommended that the Christchurch City Council make the following decisions:
 - a. Adopt the amendments proposed to Rules 11.7.1 P1 and P2 as notified in PC5H as set out in **Appendix 1** PC5H Recommended Decision; and
 - b. Accept and reject the submissions as set out in **Appendix 2** PC5H Panel Antenna Table of Submissions with Recommended Decisions and Reasons.

Appendix 1 – PC5H Recommended Decision



Resource Management Act 1991

Christchurch District Plan Proposed Plan Change

5H

DISTRICT PLAN AMENDMENTS

Notes:

For the purposes of this plan change, any unchanged text is shown as normal text, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as **bold strikethrough**.

Text in green font identifies existing terms defined in Chapter 2 - Definitions. Where the newly added text contains a defined term, the term is shown as **bold underlined text in green**.

Text in blue font indicates links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Changes recommended by the Independent Hearings Panel is shown as <u>bold underlined</u> for additional text and <u>bold deleted</u> for text to be deleted (Note: no changes to the notified version of Proposed Plan Change 5H are recommended).

Amend the District Plan as follows:

11.7 Rules - Communication facilities

11.7.1 Permitted activities - Communication facilities

- a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table and the activity standards in Rule 11.9.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 11.7.2, 11.7.3, 11.7.4, 11.7.5, 11.7.6, 11.4, 11.5, 11.6, and 11.8.

	Activity	Activity specific standards
P1	Freestanding communication utilities.	 a. Freestanding communication <u>utilities</u> (other than where located in a Transport Zone) shall not be located within or on: a Character Area Overlay an Outstanding Natural Landscape identified in Appendix 9.2.9.2.2; an Outstanding Natural Feature identified in Appendix 9.2.9.2.1; a Significant Feature or Rural Amenity Landscape identified in Appendices 9.2.9.2.3 and 9.2.9.2.4; an Important Ridgeline identified on the planning maps; an Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8; or a heritage item or heritage setting listed in Appendix 9.3.7.2;
		Freestanding communication <u>utilities</u> shall not be located within: viii. the <u>dripline</u> of a significant tree listed in Appendix 9.4.7.1.
		 b. Any utility structure shall not exceed: 25 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its widest point in the Transport, Specific Purpose (Port), Industrial, Commercial or Rural Urban Fringe Zones; or 35 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its widest point in the Rural Waimakariri Zone; or 30 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its widest point in the Transport, Industrial, Commercial, or Rural Urban Fringe Zones, where two or more network utility operators utilise the same utility structure; or

		 iv. 40 metres in height (excluding lightning rods) and any head frame shall be no greater than 6 metres in diameter at its widest point in the Rural Waimakariri Zone where two or more network utility operators utilise the same utility structure; or v. 20 metres in height (excluding lightning rods) and 1 metre in diameter above a height of 6 metres, except for any head frame which shall be no greater than 6 metres in diameter at its widest point in any other zone.
		c. Any dish <u>antenna</u> shall be less than 1.8 metres in diameter in Industrial, Commercial or Rural Zones, and less than 0.8 metres in any other zone.
		d. Any other antenna shall not exceed a surface area of 1.5 m². The area of any panel (largest face) for any other antennas must not be more than 1.5m².
P2	Communication utilities attached to a building, including ancillary equipment.	 Any dish <u>antenna</u> shall be less than 1.8 metres in diameter in the Industrial, Commercial or Rural Zones, and less than 0.8 metres in diameter in any other zone.
		b. Any other antenna shall not exceed a surface area of 1.5 m ² . The area of any panel (largest face) for any other antennas must not be more than 1.5m2.
		c. Any <u>antenna</u> shall not exceed a <u>height</u> of 3 metres from the point of attachment or the <u>height</u> limit for the relevant zone, whichever is the greater.

CHRISTCHURCH CITY COUNCIL

HEARING OF PROPOSED PLAN CHANGE 5 GROUPED CHANGES

Report and recommendations by Hearing Commissioners

Paul Thomas

Alan Matheson

Andrew Henderson

VOLUME 2

23 May 2022

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APPENDIX 2

PC5A - STRATEGIC COMMERCIAL OBJECTIVE

TABLE OF SUBMISSIONS WITH RECOMMENDED DECISIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
Lyttelton Port Company Limited	\$7	\$7.1	Oppose in part	Delete clause 2 of Obj	ective 3.3.10.	Reject This is not deemed appropriate as it does not give effect to the CRPS and does not recognise the centres based framework existing in the District Plan.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS04.1	Christchurch International Airport Limited	Support	Reject
		S7.2	Amend	Alternative relief sought is to amend Objective 3.3.10 to include a further policy "that recognises commercial activities may establish at the Port and other similar environments"		Accept in part The establishment of commercial activities outside centres is (without specifically referencing the Port), while recognising the critical importance of the centres based framework existing in the District Plan, proposed to give effect to the CRPS.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS04.2	Christchurch International Airport Limited	Support	Accept

Submitter	Submission No.	Decision No.	Request	Decision Soเ	ıght	Recommendation and Reasons
Kiwi Property Group Limited and Kiwi Property Holdings Limited	\$10	\$10.1	Support	The change to Obj proposed within PC5A without amendment.	•	Reject The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS14.3	Hospitality New Zealand (Canterbury Branch)	Support	Reject
		\$10.2	Support	The change to Objective 3.3.8 proposed within PC5A is confirmed without amendment.		Reject The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS14.4	Hospitality New Zealand (Canterbury Branch)	Support	Reject
		S10.3	Support	The change to Objet proposed within PC5A without amendment.		Reject The establishment of commercial activities outside centres is proposed to be added, while recognising the critical importance of the centres based framework existing in the District Plan, to give effect to the CRPS.

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS14.5	Hospitality New Zealand (Canterbury Branch)	Support	Reject
Christchurch International Airport Limited	S13	\$13.1	Oppose	The change to Obproposed within PC5A		Accept The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS11.1	Kainga Ora	Support	Withdrawn
			FS14.6	Hospitality New Zealand (Canterbury Branch)	Oppose	Reject
			FS06.1	Kiwi Property Group Oppose Limited and Kiwi Property Holdings Limited		Reject
			FS01.1	David Michael Lawry	Oppose	Reject
		\$13.2	The change to Objective 3.3.8 proposed within PC5A is rejected.		Accept The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider	

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
						meaning of community activities, existing in the District Plan.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS11.2	Kainga Ora	Support	Withdrawn
			FS14.7	Hospitality New Zealand (Canterbury Branch)	Oppose	Reject
			F\$06.2	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose	Reject
			FS01.2	David Michael Lawry	Oppose	Reject
		\$13.3	Oppose	The change to Objective 3.3.10 proposed within PC5A is rejected.		Reject The establishment of commercial activities outside centres is proposed to be added, while recognising the critical importance of the centres based framework existing in the District Plan, to give effect to the CRPS.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			F\$11.3	Kainga Ora	Support	Withdrawn

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
	NO.		FS14.8	Hospitality New Zealand (Canterbury Branch)	Oppose	Accept
			FS06.3	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose	Accept
			FS01.3	David Michael Lawry	Oppose	Accept
		\$13.4	Oppose in part	Secondary relief sought - If the Council seeks to amend strategic objective 3.3.10 it cannot do so selectively. It should also include this further direction [New commercial activities are enabled outside of a centre in the RPS where that location will not give rise to significant adverse distributional or urban form effects] in the drafting. An evidence-based and effects-		Accept The establishment of commercial activities outside centres is proposed to be added, while recognising the critical importance of the centres based framework existing in the District Plan, to give effect to the CRPS.
			Further Submission No.	focused approach is n Further Submitter	Support or Oppose	Recommendation and Reasons
			F\$14.9	Hospitality New Zealand (Canterbury Branch)	Oppose	Reject
			FS06.4	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose	Reject

Submitter	Submission No.	Decision No.	Request	Decision	n Sought		Recommendation and Reasons
			FS01.4	David Michael La	wry Oppo	ose	Reject
Scentre (New Zealand) Limited	S14	S14.1	Support	Scentre generally supports the intent of the changes of PC5A proposed to the Strategic Directions chapter.			Accept in part This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan, noting the changes proposed.
Carter Group Limited	\$15	\$15.1	Support	Supports the amendments outlined in PC5A for the reasons expressed in the section 32 evaluation report.			Accept in part This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan, noting the changes proposed.
			Further Submission No.	Further Submitter	Support of Oppose	or	Recommendation and Reasons
			FS14.14	Hospitality New Zealand (Canterbury Branch)	Support		Accept
	S15.2 Support Seeks to retain Objective 3.3.7 notified.		3.7 as	Reject The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.			
			Further Submission No.	Further Submitter	Support of Oppose	or	Recommendation and Reasons

Submitter	Submission No.	Decision No.	Request	Decision	n Sought	Recommendation and Reasons
			FS14.15	Hospitality New Zealand (Canterbury Branch)	Support	Reject
		\$15.3	Support	Supports PC5A to the extent that it endeavours to recognise and provide for the primacy of the Central City		This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan, noting the changes proposed.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			F\$14.16	Hospitality New Zealand (Canterbury Branch)	Support	Accept
AMP Capital Palms Pty Limited	S16	\$16.1	Support	Supports the amendments outlined in PC5A for the reasons expressed in the section 32 evaluation report.		Accept in part This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan, noting the changes proposed.
		\$16.2	Support	Seeks to retain (notified.	Objective 3.3.7 as	Reject The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
TEL Property Nominees Limited	\$17	\$17.1	Support		A for the reasons the section 32	

Submitter	Submission No.	Decision No.	Request	Decisio	n Sought	Recommendation and Reasons
						District Plan, noting the changes proposed.
		\$17.2	Support	Seeks to retain on notified.	Objective 3.3.7 as	Reject The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
David Michael Lawry	\$19	\$19.1	Oppose in part	Oppose the inclusion of the word 'primarily' in Objective 3.3.10(b).		Reject The reference to "primarily" reflects the wording in the CRPS and reflects existing provision made for commercial activities outside centres in the zone chapters of the District Plan.
			Further	Further	Support or	Recommendation and Reasons
			Submission No.	Submitter	Oppose	
			FS02.1	Woolworths New Zealand Limited	Oppose	Accept
			FS04.3	Christchurch International Airport Limited	Oppose	Accept
		\$19.2	Amend	The limiting threshold that would actually stop development being pushed away from the priority areas needs to be articulated in strong enforceable language.		Reject Taking a stricter approach would go beyond the direction in the CRPS. Additionally it would not result in vertical alignment through the District Plan without review of objectives, policies and methods in zone chapters.

Submitter	Submission No.	Decision No.	Request	Decision	Sought	Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS02.2	Woolworths New Zealand Limited	Oppose	Accept
		\$19.3	Amend	report be modified to include the		Reject This point is considered to be out of scope.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS02.3	Woolworths New Zealand Limited	Oppose	Accept
		\$19.4	Amend	Mr Lawry seeks the identification of the CCC member who gave approval to Solicitor SCOTT to remove CCC opposition to including the "significant" threshold into Objective 12.12 at the PC84 hearings. He seeks confirmation or otherwise that this approval was sanctioned by CCC executives and		Reject This point is considered to be out of scope.
			F	the motivation behind it.		
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons

Submitter	Submission No.	Decision No.	Request	Decisio	n Sought	Recommendation and Reasons
			FS02.4	Woolworths	Oppose	Accept
				New Zealand		
				Limited		
		S19.5	Amend	Mr Lawry seeks C		Reject
				level position on		This point is considered to be out of
				that this alteration	•	scope.
				green lighted CIA		
				with little to no C	•	
					impact it has had	
					pment away from	
				the Central City a	nd Key Activity	
				Areas.		
			Further	Further	Support or	Recommendation and Reasons
			Submission	Submitter	Oppose	
			No.			
			FS02.5	Woolworths	Oppose	Accept
				New Zealand		
				Limited		
		S19.6	Amend	Mr Lawry seeks C		Reject
				that the issues or		This point is considered to be out of
				submission] will	be investigated	scope.
				and rectified.	1	
			Further	Further	Support or	Recommendation and Reasons
			Submission	Submitter	Oppose	
			No.			
			FS02.6	Woolworths	Oppose	Accept
				New Zealand		
				Limited		
		S19.7	Amend	Mr Lawry seeks confirmation and a specific date for the re-evaluation		Reject
						This point is considered to be out of
				of the air noise co		scope.
				carried out that t	•	
				process for that e	evaluation will be	

Submitter	Submission No.	Decision No.	Request	Decisio	n Sought	Recommendation and Reasons
				adhered to by CCC even in face of the screams of aguish from CIAL.		
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS02.7	Woolworths New Zealand Limited	Oppose	Accept
			FS04.4	Christchurch International Airport Limited	Oppose	Accept
		\$19.8	Amend	Mr Lawry seeks that this submission be brought to the attention of the CCC, CEO immediately so that conflict of interest risks to CCC can be managed from the outset of this plan change.		Reject This point is considered to be out of scope.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			F\$02.8	Woolworths New Zealand Limited	Oppose	Accept
		\$19.9	Amend	Mr Lawry seeks an enforceable wording that actually will deliver the alleged CCC goal of prioritizing development to the Central City and Key Activity Areas.		Accept in part It is agreed that any provision in the District Plan needs to include enforceable wording and consider that the proposed plan change provisions as amended by decisions will achieve this.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons

Submitter	Submission No.	Decision No.	Request	Decision	n Sought	Recommendation and Reasons
			FS02.9	Woolworths New Zealand Limited	Oppose	Reject
Suzanne Vallance	Amend While opposing car dependen strip development and endorsing 'centres-based development' in broad terms, the submitter' concern is that the commercia thrust of PC5A may be incommensurate with the achievement of these other.				nt and endorsing development' in the submitter's the commercial C5A may be with the of these other development	The deletion of the words 'and commercial' in Objectives 3.3.7 and 3.3.8 is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities as well as the agglomeration of commercial activity, existing in the District Plan.
		S24.2	Oppose in part	Ms Vallance urges Council to undertake deeper engagement with affected communities in Neighbourhood Centres before making a decision on PC5A, perhaps using a form of participatory design Concern that limiting commercial activity to centres may raise land /building prices thus making it more difficult for small scale independent, niche, non-profit and third sector organisations to find places to operate.		Reject While it is agreed that a public participatory process could add value for community engagement, this is greater than the statutory requirements for consultation.
		\$24.3	Oppose in part			It is recognised that focusing commercial and community activities in centres may increase the value of land in these locations relative to out of centre locations. However, there are benefits derived from commercial and community activities being directed to centres as articulated in evidence for the District Plan hearings and supported by the centres based framework which exists in Chapter 15 of the District Plan.

Submitter	Submission	Decision	Request	Decision Sought	Recommendation and Reasons
	No.	No.			
		S24.4	Oppose in part	Ms Vallance encourages Council to consider those matters raised above about community wellbeing and ensuring the commercial chapter serves a full range/does not inadvertently destroy small operators and non-profits including those referred to in the CRPS where centres act as a focus for commercial, community and service activities (Objective 6.2.5).	It is recognised that focusing commercial activities to the determent of wider community activities in centres may increase the value of land in these locations relative to out of centre locations. Accordingly, Objectives 3.3.7 and 3.3.8 have been amended to recognise the wider community role that they play.
		\$24. 5	Oppose in part	Ms Vallance suggests much more attention be given to the role of Neighbourhood Centres which seem largely forgotten in the proposal.	Reject Chapter 15 of the District Plan recognises the role of Neighbourhood centres in Objective 15.2.2 and the plan change is not changing this provision.
		\$24.6	Oppose in part	More emphasis needs to be given to how the commercial thrust of PC5A will affect the District Plan's Strategic Objective 3.3.7(a)(v) Maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community focal points."	Accept It is recognised that focusing commercial activities to the determent of wider community activities in centres may increase the value of land in these locations relative to out of centre locations. Accordingly, Objectives 3.3.7 and 3.3.8 have been amended to recognise the wider community role that they play.
Foodstuffs (South Island) Properties Limited	\$29	\$29.1	Oppose in part	Foodstuffs does not support PC5A in its current form, including but not limited to: - Objective 3.3.7 (Urban growth, form and design), and	Accept Refer to specific reasons for Objectives 3.3.7, 3.3.8 and 3.3.10.

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons	
				 Objective 3.3.8 (Revitalising the Central City). Objective 3.3.10 (Commercial and Industrial activities). Reject PC5A in its current form or amend the provisions to reflect the issues raised in the submission and / or such other relief as may be required to give effect to this submission, including consequential amendments to the District Plan that address the matters raised by Foodstuffs. 			
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons	
			FS04.5	Christchurch International Airport Limited	Oppose	Reject	
			FS06.6	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Reject	
Peebles Group Limited	\$30	\$30.1	Support	Generally supports th	e Proposal.	Accept in part This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan, noting the changes proposed.	
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons	

Submitter	Submission	Decision	Request	Decision Sou	ıght	Recommendation and Reasons
	No.	No.				
			FS14.19	Hospitality New Zealand (Canterbury Branch)	Support	Accept
		\$30.2	Support Further Submission No.	Seeks to retain Objective 3.3.7 as notified. Further Submitter	Support or Oppose	Reject The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan. Recommendation and Reasons
			FS14.20	Hospitality New Zealand (Canterbury Branch)	Support	Reject
Waka Kotahi NZ Transport Agency	\$32	\$32.1	Support	Supports the proposed changes to Objective 3.3.7, Objective 3.3.8 and Objective 3.3.10 within PC5A without amendment.		Reject The deletion of the words 'and commercial' and the recognition of the establishment of commercial activities outside centres is proposed to be added, is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
Ryman Healthcare Limited	S33	\$33.1	Oppose	The changes to Objection and 3.3.8 proposed water rejected		Accept The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
		\$33.2	Amend	Alternative relief sought that "Objectives 3.3.7 and 3.3.8 be amended to better reflect the multiple uses of centres and the need to enable flexibility for these uses."		Accept The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
Spreydon Lodge Limited	S34	S34.1	Support	Spreydon Lodge supports the intent of the proposed changes in PC5A; however, it seeks further amendment to the provisions in order to achieve better alignment with the higher order docs and the Plan		Accept in part This submission is accepted to the extent that it supports the intent of the proposed changes. However, while it is agreed that better alignment with higher order documents and the District Plan is preferable, the further amendments to the provisions are not clearly articulated and consequently are not accept this part of the submission.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS06.13	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept
		S34.2	Support in part	Spreydon Lodge supports the intent of the plan change [PC5A] to more effectively achieve the Plan's centres based framework for managing commercial activities and recognising the National Policy Statement on Urban Development (NPS-UD).		Accept This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan.

Submitter	Submission No.	Decision No.	Request	Decision Soเ	ıght	Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS06.14	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept
		\$34.3	Support	Spreydon Lodge "s inclusion of further around the growth of centres."	clarification	Accept This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS06.15	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept
		\$34.4	Amend	That the drafting of the and policies relating to based approach georements of commer specifically, reinforces in the higher order do Plan provisions, (incoset out above) and effect to Part 2 of the Management Act 1991	o the centres enerally and cial centres is the aims set cuments and luding those better gives he Resource	This submission is accepted to the extent that it supports the intent of the proposed changes which is considered appropriate to give effect to the CRPS and recognise the centres based framework existing in
			Further Submission	Further Submitter	Support or Oppose	Recommendation and Reasons
			No.			

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
			FS12.5	Scentre (New Zealand) Limited	Neutral	Accept
			FS06.16	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept
Woolworths New Zealand Limited	\$35	\$35.1	Oppose			Accept The establishment of commercial activities outside centres is proposed to be added, while recognising the critical importance of the centres based framework existing in the District Plan, to give effect to the CRPS.
1027 Investments Limited	\$37	\$37.1	Amend	As alternative to the p sought [rezoning of 10 Street], amend Chapte Strategic Directions, 3 Objective - Urban Groand design by adding following: "xi. Recogn provides for existing non-residential activity buildings that are not commercial zones." Further Submitter	27 Colombo er 3, 3.3.7.a wth, form the <u>nises and</u>	Reject This is not deemed appropriate as it does not give effect to the CRPS and does not recognise the centres based framework existing in the District Plan. Recommendation and Reasons
			Submission No.		Oppose	

Submitter	Submitter Submission Decision Reque		Request	Decision Sou	ıght	Recommendation and Reasons
	No.	No.				
			FS04.6	Christchurch	Support in	Reject
				International Airport	part	
				Limited		
		\$37.2	Amend	As alternative to the p	•	Reject
				sought [rezoning of 10		This is not deemed appropriate as it does
				Street], amend Chapte	•	not give effect to the CRPS and does not
				Strategic Directions, 3		recognise the centres based framework
				Objective – Commerci		existing in the District Plan.
				industrial activities by		
				to: "i. Enabling rebuild	-	
				existing business areas		
				existing activities, rev		
				centres, and provision	ın greentiela	
				areas; and"	1	
			Further	Further Submitter	Support or	Recommendation and Reasons
			Submission		Oppose	
			No.	Ch. database h	6	D.C
			FS04.7	Christchurch	Support in	Reject
				International Airport	part	
		\$37.3	A a a d	Limited		Painet
		531.3	Amend	As alternative to the p	-	Reject
				sought [rezoning of 1027 Colombo Street], amend Chapter 3, Strategic Directions, 3.3.10		This is not deemed appropriate as it does not give effect to the CRPS and does not
						recognise the centres based framework
				Objective – Commerci		existing in the District Plan.
				industrial activities by		existing in the district tail.
				following: "b. The criti		
				importance of centres		
				and the economy is red		
				framework that prima		
				commercial activity in	•	
				consistent with their re		
				roles, while providing	•	
	1			, <u>mine providing</u>	0/11011119	

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
				commercial uses in es	<u>stablished</u>	
				locations in the distri	<u>ct.</u> "	
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS04.8	Christchurch International Airport Limited	Support in part	Reject
Retirement Villages Association of New Zealand Incorporated	\$38	\$38.1	Oppose	The changes to Objective 3.3.7 and 3.3.8 proposed within PC5A are rejected		Accept The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS14.23	Hospitality New Zealand (Canterbury Branch)	Oppose	Reject
		S38.2 Amend		Alternative relief sought that "Objectives 3.3.7 and 3.3.8 be amended to better reflect the multiple uses of centres and the need to enable flexibility for these uses."		Accept The deletion of the words 'and commercial' is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework for the wider meaning of community activities, existing in the District Plan.
Hospitality New Zealand (Canterbury Branch)	\$39	\$39.1	Support	Hospitality NZ is supportive of PC5 wh further emphasis on based approach for activities in the distric	nere it places the centres- commercial	Accept This is deemed appropriate as it gives effect to the CRPS and recognises the centres based framework existing in the District Plan.

Submitter	Submission No.	Decision No.	Request	Decision Sou	ıght	Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			FS14.30	Hospitality New Zealand (Canterbury Branch)	Support	Accept
Hospitality New Zealand (Canterbury Branch)	\$39	\$39.2	Oppose in part	Hospitality NZ is conce PC5 has not gone far of through its objectives and rules, to ensure the visitor accommodation commercial activity—within the centres base approach. It seeks that amendme made to the provision to give effect to the receive effect to the receive effect including any other acconsequential relief to including but not limit maps, issues, objective rules, controls/discrete assessment criteria are explanations that will effect to the matters of submission. The policy text has an on "guest accommodate defined. Hospitality Not the text is expanded to wider coverage and to account those matters."	enough, , policies nat unhosted on – being a is captured sed ents are as under PC5 lief sought additional or o the CDP, ted to, the es, policies, cions, and fully give raised in this emphasis ation" as Z seeks that o ensure a o take into	Reject It is not considered appropriate to identify different types of commercial activities or other activities reflecting the purpose of the chapter as providing strategic directions, which are then articulated through the rest of the plan.

Submitter	Submission	Decision	Request	Decision	Sought	Recommendation and Reasons
	No.	No.				
				submission on PC4 [short-term accommodation].		
				As stated in that su		
				"There will be a		
				"unhosted visitor		
				activity in a re		
				renders the residen		
				and the "residention		
				the visitor accomm	,	
				is undertaken is		
				residential unit. Tl		
				not captured an		
				supports controls		
				minimise effects on		
			Further Submission	Further Submitte	• •	Recommendation and Reasons
			No.		Oppose	
			FS14.31	Hospitality New	Support	Reject
			F314.31	Zealand (Canterbu		Reject
				Branch)	'y	
Halswell Hornby	S40	\$40.1	Support	Support the propo	sed	Reject
Riccarton Community		0.002	Capport	amendments to Ob		The deletion of the words 'and
Board				Objective 3.3.8 and	•	commercial' and the recognition of the
				3.3.10 within PC5A	•	establishment of commercial activities
				amendment.		outside centres is proposed to be added,
						is deemed appropriate as it gives effect to
						the CRPS and recognises the centres
						based framework for the wider meaning
						of community activities, existing in the
						District Plan.
			Further		Support or	Recommendation and Reasons
			Submission	Submitter	Oppose	
			No.			

Submitter	Submission No.	Decision No.	Request	Decision	n Sought	Recommendation and Reasons
			FS02.10	Woolworths	Oppose	Accept
				New Zealand		
				Limited		
			FS14.25	Hospitality New	Support	Reject
				Zealand		
				(Canterbury		
				Branch)		
			FS06.20	Kiwi Property	Oppose	Accept
				Group Limited		
				and Kiwi		
				Property		
				Holdings		
				Limited		
		\$40.2	Amend	Amend the strate		Reject
					nclude "a stronger	This point is considered to be out of
				statement relatin		scope.
				centres that adjoi		
				communities to e	nsure sufficient	
			F	separation."	C	D
			Further	Further	Support or	Recommendation and Reasons
			Submission	Submitter	Oppose	
			No.	Ma alona atlas	0	Assemb
			FS02.11	Woolworths	Oppose	Accept
				New Zealand		
			FC0C 21	Limited	0	Account
			FS06.21	Kiwi Property	Oppose	Accept
				Group Limited and Kiwi		
				Property Holdings		
				Limited		
			F\$14.26		Cupport	Poinct
			F314.26	Hospitality New Zealand	Support	Reject
1				Zealanu		

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				(Canterbury Branch)		

Plan Change 5B - Commercial

Appendix 2 – PC5B Table of Submissions with Recommended Decisions and Reasons

Appendix 3 – PC5B Council Section 32AA Evaluation

APPENDIX 2

PROPOSED PLAN CHANGE 5B - COMMERCIAL

TABLE OF SUBMISSIONS WITH RECOMMENDED DECISIONS AND REASONS

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
Infinity Yaldhurst Limited	\$4	\$4.1	Support in part	Supports the proposal to reinforce the hierarchy of centres and clarify the role of centres. However, considers that the role of centres should be defined primarily by their size and the scale of activities within those centres, rather than restricting the range/type of activities within certain centres.		Accept in part The hierarchy of centres is achieved also with reference to the range / type of activities so the wording of this policy is appropriate. However it is understood that the submitter's concern is largely about the proposed limits to entertainment and recreation activities in neighbourhood centres (refer to S4.3 and S4.4).
	s		Further Submission No.	Further Submitter	Support or Oppose	
			F\$12.1	Scentre (New Zealand) Limited	Neutral	Accept in part
			FS14.2	Hospitality New Zealand (Canterbury Branch)	Support in part	Accept in part.
		\$4.2	Support in part	Amend Clause (a)(i)as follows: "gives primacy to, and suppor Central City, followed by Key Act managing the size of all centres of activities that locate within th	ivity Centres, by and the range and scale	Reject. Notified policy wording is appropriate. The hierarchy of centres is achieved also with reference to the range / type of activities.

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			FS12.2	Scentre (New Zealand) Limited	Neutral	Reject
		S4.3	Amend	Amend Table 15.1.C as follows: "In some cases, Neighbourhood range of activities comprising residential activities, along with shopping, food and beverage our recreation activities and offices."	g guest accommodation, h small-scale comparison utlets, entertainment and	Accept. Entertainment and recreation activities are permitted activities in all commercial zones and the additional wording provides alignment between the rules and policies.
		\$4.4	Oppose	Reject the proposed changes to (P7) and (P8)		Accept. Entertainment and recreation activities are permitted activities in all commercial zones and the additional wording provides alignment between the rules and policies.
		\$4.5	Support	[Definition: Neighbourhood Centre] Retain as notified.		Accept For the reasons set out in the notified S32 Report.
		\$4.6	Support in part	Amend the definition of 'comme "means a business providing per household, or other private or buthe general public where a front provided to cater for anticipated is limited to: It includesIt inc	rsonal, property, financial, usiness retail services to counter service is lwalk-in customers, and	Accept The amended wording provides flexibility to respond to activities that are not anticipated.
Ngāi Tahu Property Limited	S6	\$6.1	Support	Supports the zone change from Commercial Local to Commercial Core including: - Support for retail cap being limited to P2 [Department store or supermarkets] and P3 [Retail activity], unless otherwise specified.		Accept For the reasons set out in the notified S32 report.

Submitter	Sub. No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				 Support the increase in tenancy sizes that result from the proposed zone change. Support the related s32 assessments and conclusions related to these matters. Seeks retention of the notified provisions relating to commercial zoning and rules at Wigram [commercial centre]. 	
Kiwi Property Group Limited and Kiwi Property Holdings Limited	\$10	\$10.4	Support in part	Generally support the policy direction of PC5 and PC5B, particularly insofar as it proposed to reinforce and clarify the role of centres as the primary focal point for commercial activities in the district. That subject to the amendments sought in [\$10.3, \$10.4, and \$10.5] below, PC5 is confirmed without amendment.	Accept in part The submission is general in nature with specific submission points addressed.
		\$10.5	Oppose	Decline changes proposed to Policy 15.2.2.4 – Accommodating Growth.	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
		\$10.6	Oppose	[Matters of Discretion - 15.13.3.1 – Maximum building height] Decline the proposed additional matters of discretion in 15.13.3.1 (x) and (xi). [these being matters that enable consideration of key aspects of the centres-based framework as a result of any	Reject The matters of discretion need to recognise that additional commercial floor space can be generated within centres beyond that anticipated and a mechanism to assess the effects of that additional floor space needs to be provided.

Submitter	Sub. No.	Decision No.	Request	Decision Sc	ought	Recommendation and Reasons
				increase in building height which enables additional commercial floorspace]		
			Further Submission No.	Further Submitter	Support or Oppose	
			FS12.3	Scentre (New Zealand) Limited	Support	Reject
		\$10.7	Amend	Such further, other or consequential relief as is considered appropriate or necessary to address the concerns expressed in this submission.		Accept in part Some changes to the wording of the policy are proposed to clarify that it is additional commercial floor space that is to be considered.
Wendy Hoddinott	\$12	\$12.1	Not specified	That the intended outcomes and implications of the plan change are discussed in a meaningful way with the residents of Neighbourhood Centres before making a decision.		Reject. Submission is out of scope.
The Christchurch International Airport Limited	\$13	\$13.5	Support in part	Overall CIAL seeks that PC5 be approved with amendments, as set out in S13.6 to S13.10 below.		Accept in part Responses to submissions on CIAL's suggested amendments is set out below.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS14.10	Hospitality New Zealand (Canterbury Branch)	Oppose	Accept in part
		\$13.6	Oppose	Reject proposed amendment "commercial services" in Chapte		Accept The amended wording provides flexibility to respond to activities that are not anticipated.

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			F\$14.11	Hospitality New Zealand (Canterbury Branch)	Oppose	Reject
		\$13.7	Oppose	Reject proposed amendments to 15.2.2 (a) [that seek to remove to 'commercial activity'].		Reject. In both objectives the broad meaning of commercial activity and community activity are sought, with the implementing policies and rules providing the specific activity status and rules applying in different centres.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS14.12	Hospitality New Zealand (Canterbury Branch)	Oppose	Accept
		\$13.8	Amend	Policy 15.2.2.1 Table 15.1 (A) Amend to include recognition economic and transport nodes, s		Reject The relief is inappropriate and out of scope as it seeks to introduce a new category for the enablement of commercial activity which is inconsistent with the existing 'centres based framework'.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS14.13	Hospitality New Zealand (Canterbury Branch)	Support	Reject

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
	NO.	NO.	FS06.5	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose	Accept
		S13.9	Oppose in part	Policy 15.2.2.6 - Residential activineighbourhood centres (new) Amend as follows [to reflect that neighbourhood centres are located. Noise Contour where it is not apported residential activity]. 15.2.2.6 Residential activity in neighbourhood centres a. Residential activity in district centres is encouraged above go it supports, and benefits from, avoided at ground floor level upon i. the site is not required to me commercial floorspace; and / oii. the building containing the indesigned and constructed to factorize for the site is in Banks Peninsul activity contributes positively historical character. b. despite a., residential activity the site is located within the Contour.	some district and ed within the 50dB Ldn Air ropriate to enable district and et and neighbourhood round floor level where centre amenities, and is inless: et long-term needs for or residential activity is acilitate straightforward rspace so as to not la and the residential to the area's special	Accept in part. Alternative relief is recommended such that proposed clause (b) is not accepted but a change is made to Policy 15.2.4.5 to achieve the same.

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			FS10.1	Lyttelton Port Company Limited	Support in principle	Accept in part.
		\$13.10	Oppose	Reject proposed amendments 15.2.10 and Policies 15.2.8.2, 15 15.2.11.2 and 15.2.11.3 [which s from 'central city']	.2.8.3, 15.2.10.2, 15.2.11.1,	Accept in part. In so far as the hyperlinking be retained in favour of an alternative method for identifying the 'central city commercial centre'.
Scentre (New Zealand) Limited	514	514.2	Support in part	Scentre generally supports the intent of the changes of PC5B, subject to amendments to 15.2.2.4(b) Policy – Accommodating growth. Scentre seeks confirmation of PC5 subject to Policy 15.2.2.4(b) being amended to more appropriately enable the expansion of centres, including by: (a) removing reference to land supply identified in a BLCA or FDS by deleting 15.2.2.3(b)(i) in its entirety; (b) amending 15.2.2.4(b)(ii) to more appropriately reflect the catchments from which centres draw and more accurately reflect appropriate criteria for growth; and (c) any such further relief or alternative or consequential amendments as may be necessary to address		Accept The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
Carter Group Limited	S15	\$15.4	Supports in part	Scentre's concerns set out above. Supports proposal to the extent that it endeavours to recognise and provide for the primacy of the Central City.		Accept There is no change to the objectives and policies with respect to the primacy of the central city.

Submitter	Sub.	Decision	Request	Decision Sought	Recommendation and Reasons
	No.	No.	_	(5 C t)	
	S15.5 Oppose [Definition: Central City] Retain the definition of the 'Cent Plan, as shown below:		Retain the definition of the 'Central City' in the Operative	Accept in part. In so far as the definition is to be retained in favour of an alternative method for identifying the 'central city	
				Central City: means that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues	commercial centre', through the introduction of a definition of 'CBD'.
		S15.6	Support	[Definition: Commercial Centre]	Accept in part
				Adopt the proposed changes to the definition of 'commercial centre'.	In so far as the definition would retain reference to the Commercial Central City Business Zone but be amended to replace Central City with 'CBD'.
		\$15.7	Support in part	CGL supports the proposed amendments to Objective 15.2.1.	Accept. No change other than the transfer of the word 'critical' from the objective to Strategic Objective
				Adopt the changes as notified, subject to the relief sought in submission points [S15.3 and S15.4] above.	3.3.10 b.
	\$15.8		Amend	Amend the proposed wording of Objective 15.2.2. (a) iii as below, and otherwise retain objective 15.2.2 as notified:	Accept. Addition of words "primarily" appropriately recognises that Neighbourhood Centres can be
				iii. supports the function ofNeighbourhood Centres as a focal point for <u>primarily</u> small scale commercial activities with a focus on convenience shopping, community activities,	anchored by a larger commercial tenancy
				and guest accommodation'.	
		\$15.9	Support in part	Supports recognition of the CCB [Central City Business] zone as a commercial centre, but considers that this policy [Policy 15.2.2.1] should also consider the wider Central City as a whole and the role this plays as a focal point for the community and business (among other things).	Accept in part. Other than in respect to the matters addressed in S15.10 and S15.11 (separately addressed)
				Accordingly, CGL support the changes to Policy 15.2.2.1 and seeks their retention, other than as identified in submission points \$15.10 and \$15.11, below.	

Sub	mitter	Sub. No.	Decision No.	Request	Decision Sc	ought	Recommendation and Reasons
			\$15.10	Oppose	Retain the reference to 'Central City' (insofar that this term is currently defined as relating to the Four Aves) in part (a) of the Policy [Policy 15.2.2.1], such that the policy seeks to 'Recognise and manage the Central City and commercial centres as focal points'		Reject. All commercial centres are focal points and the amended wording clarifies this position.
			\$15.11	Oppose	Delete the proposed words 'The extent of the centre is the Commercial Central City Business Zone' in Part A of Table 15.1 relating to the Central Business District.		Reject. The extent of the Central Business District is clearly defined.
			\$15.12	Support	that relate to growth of commercial centres beyond permitted limits.		Accept in part. The general intent of the submission is still retained even though there are consequential changes to recognise growth in and around centres.
			\$15.13	Amend	Retain the amendments proposed to Policy 15.2.2.4. Opposes the proposed policy [Policy 15.2.2.6] insofar that it seeks to 'avoid' residential activity at ground level in both district and neighbourhood centres. Seeks amendment to the wording by removing the term 'avoid' and replacing it with 'manage' as shown below: Residential activity in district and neighbourhood centres is encouraged above ground floor level where it supports, and benefits from, centre amenities, and manage ground floor level unless ()		Accept in part. The proposed wording of the policy recognises that residential activity is an important component of centres that needs to be managed with respect to the commercial and community role that centres play.
				Further Submission No.	Further Submitter	Support or Oppose	
				FS11.4	Kainga Ora	Support	Accept in part.

Submitter Sub.	Decision No.	Request	Decision Sought	Recommendation and Reasons
NO.	\$15.14	Oppose	Seeks retention of Rule 15.4.1.1 (P7) and (P8) as detailed the Operative Plan, as shown below: P7 Entertainment Activity P8 Recreation Activity	d in Entertainment and recreation activities are permitted activities in all commercial zones and the additional wording provides alignment between the rules and policies.
	\$15.15	Support	Supports all other amendments in PC5B as notified.	Accept in part.
AMP Capital Palms Pty Limited \$16	\$16.3	Oppose in part Further Submission No.	[Policy 15.2.2.6 - Residential activity in district and neighbourhood centres] Opposes the proposed policy insofar that it seeks to 'avoid' residential activity at ground floor level in both district and neighbourhood centres. Palm's suggests softening of the term 'avoid' as this is considered to be strong a direction for policy and could effectively (and unnecessarily) prevent ground floor level development residential purposes. Palms' seeks amendment of the wording of the notified version by removing the term 'avoid' and replacing it w 'manage', as shown below: Residential activity in district and neighbourhood centre encouraged above ground floor level where it supports, benefits from, centre amenities, and manage ground level unless Further Submitter Support or Oppose	es is and

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
			FS04.9	Christchurch International Airport Limited	Neutral	Reject
			FS11.5	Kainga Ora	Support	Accept
		\$16.4	Support	Supports all other amendments Retain [all other] provisions as no		Accept in Part
TEL Property Nominees Limited	\$17	\$17.3	Support in part	Retain wording of Objective 15.2.2 as notified other than a minor change to the wording as shown below: iii. supports the function ofNeighbourhood Centres as a focal point for primarily small scale commercial activities with a focus on convenience shopping, community activities, and guest accommodation'. Opposes the proposed policy [15.2.2.6] insofar that it seeks to 'avoid' residential activity at ground level in both district and neighbourhood centres. Amend the wording of the notified version by removing the term 'avoid' and replacing it with 'manage' as shown below: Residential activity in district and neighbourhood centres is encouraged above ground floor level where it supports, and benefits from, centre amenities, and manage ground floor level unless()		Accept. Addition of words "primarily" appropriately recognises that Neighbourhood Centres can be anchored by a larger commercial tenancy.
		\$17.4	Oppose in part			Accept in part. The proposed wording of the policy recognises that residential activity is an important component of centres that needs to be managed with respect to the commercial and community role that centres play.
			Further Submission No.	Further Submitter	Support or Oppose	

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
	NO.	NO.	FS04.10	Christchurch International Airport Limited	Neutral	Reject
			FS11.6	Kainga Ora	Support	Accept in part
		\$17.5	Oppose	Seeks retention of Rule 15.4.1.1 (P7) and (P8) as detailed in the Operative Plan, as shown below: • P7 Entertainment Activity • P8 Recreation Activity		Accept. Entertainment and recreation activities are permitted activities in all commercial zones and the additional wording provides alignment between the rules and policies.
Russell Craigie	S18	\$18.1	Oppose	Opposes proposed amendments to 15.2.2 Objective – Centres-based framework for commercial activities. Specifically, the introduction of the words 'small-scale commercial activities' in clause 15.2.2 a.iii is opposed. Seeks that the change in Objective 15.2.2.2(a)(iii) to refer to the function of Neighbourhood Centres as a focal point for "small-scale" commercial activity be deleted .		Reject. Addition of words "primarily" appropriately recognises that Neighbourhood Centres can be anchored by a larger commercial tenancy along with smaller scale activities.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.12	Johns Road Horticultural Limited	Support	Reject.
			FS05.1	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS15.1	Michael Cole	Oppose	Accept.

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
		\$18.2	Oppose	The wording in Policy 15.2.2.1(a) of all centres and the range and solution locate within them" be deleted.	scale of activities that	Reject. Notified policy wording is appropriate. The hierarchy of centres is achieved also with reference to the range / type of activities.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.13	Johns Road Horticultural Limited	Support	Reject.
			F\$05.2	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			F\$15.2	Michael Cole	Oppose	Accept.
		\$18.3	Oppose	The current (pre Plan Change 5) (Neighbourhood Centre) to "in s visitors from a wider area" be re t	ome cases, residents and	Reject. While the wording may be technically correct, the proposed wording reflects that not all patronage will come from immediate suburbs.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.14	Johns Road Horticultural Limited	Support	Reject.
			FS05.3	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			FS15.3	Michael Cole	Oppose	Accept.
		\$18.4	Oppose	(District Centre) to "community facilities within walking distance (400m) of the centre" be retained .		Reject. Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.15	Johns Road Horticultural Limited	Support	Reject.
			FS05.4	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS15.4	Michael Cole	Oppose	Accept.
		\$18.5	Oppose	The current (pre Plan Change 5) reference in Table 15.1(C) (Neighbourhood Centre) to "community facilities within walking distance (400m) of the centre" be retained .		Reject. Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.16	Johns Road Horticultural Limited	Support	Reject.

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
	NO.	NO.	F\$05.5	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS15.5	Michael Cole	Oppose	Accept.
		\$18.6	Oppose	growth, in particular the introduction of a new clause 15.2.2.4 b.i. relating to responding to a land supply [need].		Accept in part. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.17	Johns Road Horticultural Limited	Support	Accept in part.
			FS05.6	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept in part.
			FS15.6	Michael Cole	Oppose	Accept in part
		\$18.7	Oppose	The proposed wording of Policy 15.2.2.4(b)(i) "respond to a land supply need identified in a Business Land Capacity Assessment and / or Future Development Strategy prepared under the National Policy Statement on Urban Development" be deleted .		Accept. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.18	Johns Road Horticultural Limited	Support	Accept.
			FS05.7	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject.
			FS15.7	Michael Cole	Oppose	Reject.
		S18.8 Oppose		The current (pre Plan Change 5) wording of Policy 15.2.2.4(b)(ii) "ensure the expanded centre remains commensurate with the centre's role and within a strategic network of centres, while not undermining the function of other centres" be retained.		Accept in part. The wording of this part of the policy has been amended to better reflect the network or centres and for growth to not adversely affect the function of other centres.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.19	Johns Road Horticultural Limited	Support	Accept
			FS05.8	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject
			FS15.8	Michael Cole	Oppose	Reject

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
		\$18.9	Amend	Any other necessary consequent the above submission points.	cial relief to give effect to	Accept in part.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS08.20	Johns Road Horticultural Limited	Support	Accept
			FS05.9	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject
			F\$15.9	Michael Cole	Oppose	Reject
Johns Road Horticultural Limited	S20	\$20.1	Oppose	Oppose proposed amendments to 15.2.2 Objective – Centres-based framework for commercial activities. Specifically, the introduction of the words 'small-scale commercial activities' in clause 15.2.2a iii is opposed. Delete the change in Objective 15.2.2(a)(iii) to refer to the function of Neighbourhood Centres as a focal point for "small-scale" commercial activity".		Accept in part The word 'primarily' has been added to recognise that larger commercial activities are provided for and can act as an anchor for commercial centres.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.12	Russell Craigie	Support	Accept

Submitter	Sub. No.	Decision No.	Request	Decision Sc	ought	Recommendation and Reasons
			FS05.13	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject
			F\$15.11	Michael Cole	Oppose	Reject
		\$20.2	Oppose	The wording in Policy 15.2.2.1(a) all centres and the range and scu within them" be deleted.		Reject. The wording of the policy reflects the existing centres based framework, particularly in how the plan gives primacy to the Central City and Key Activity Centres.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.13	Russell Craigie	Support	Reject.
			FS05.14	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept
			F\$15.12	Michael Cole	Oppose	Accept
		\$20.3	Oppose	The current (pre Plan Change 5) (Neighbourhood Centre) to "in visitors from a wider area" be ret	some cases, residents and	Reject. While the wording may be technically correct, the proposed wording reflects that not all patronage will come from immediate suburbs.
			Further Submission No.	Further Submitter	Support or Oppose	

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
	NO.	NO.	FS03.14	Russell Craigie	Support	Reject.
			FS05.15	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS15.13	Michael Cole	Oppose	Accept.
		\$20.4	Oppose	(District Centre) to "community facilities within walking distance (400m) of the centre" be retained .		
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.15	Russell Craigie	Support	Reject.
			FS05.16	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS15.14	Michael Cole	Oppose	Accept.
		\$20.5	Oppose	The current (pre Plan Change 5) (Neighbourhood Centre) to "co walking distance (400m) of the ce	ommunity facilities within	

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.16	Russell Craigie	Support	Reject.
			FS05.17	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS15.15	Michael Cole	Oppose	Accept.
		\$20.6	Oppose	The current (pre Plan Change 5) wording of Policy 15.2.2.4(b) "Any outward expansion of a commercial centre must" be retained.		Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.17	Russell Craigie	Support	Accept
			FS05.18	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject

Submitter	Sub. No.	Decision No.	Request	Decision Sc	ought	Recommendation and Reasons
	NO.	NO.	FS15.16	Michael Cole	Oppose	Reject
		\$20.7	Oppose	growth. In particular, JRHL opposes the introduction of a new clause 15.2.2.4 b. i. [in] relation to responding to land		Accept. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.18	Russell Craigie	Support	Accept.
			FS05.19	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject.
			FS15.17	Michael Cole	Oppose	Reject.
		\$20.8	Oppose	The current (pre Plan Change 5) wording of Policy 15.2.2.4(b)(ii) "ensure the expanded centre remains commensurate with the centre's role within a strategic network of centres, while not undermining the function of other centres" be retained.		Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
						significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.19	Russell Craigie	Support	Accept
			FS05.20	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject
			FS15.18	Michael Cole	Oppose	Reject
		\$20.9	Amend	Any other necessary consequen the above submission points [S20]		Reject
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.20	Russell Craigie	Support	Reject
			F\$05.21	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept
			F\$15.19	Michael Cole	Oppose	Accept

Submitter	Sub.	Decision	Request	Decision Se	ought	Recommendation and Reasons
= 16	No.	No.				
Belfast Village JV Limited	\$22	\$22.1	Oppose	Centres-based framework for commercial activities.		Reject. The word 'primarily' has been added to recognise that larger commercial activities are provided for and can act as an anchor for commercial centres.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.1	Russell Craigie	Support	Reject.
			FS08.1	Johns Road Horticultural Limited	Support	Reject.
			FS05.25	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS07.01	Gareth Turner	Oppose	Accept.
			F\$15.21	Michael Cole	Oppose	Accept.
		\$22.2	Oppose	Opposes proposed amendments to 15.2.2.1 Policy – Role of centres Seeks that wording in Policy 15.2.2.1(a)(i) "by managing the size of all centres and the range and scale of activities that locate within them" be deleted.		Reject. The wording of the policy reflects the existing centres based framework, particularly in how the plan gives primacy to the Central City and Key Activity Centres.

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
	1101	1101	Further Submission No.	Further Submitter	Support or Oppose	
			FS03.2	Russell Craigie	Support	Reject
			FS08.2	Johns Road Horticultural Limited	Support	Reject
			FS05.26	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept
			FS07.02	Gareth Turner	Oppose	Accept
			FS15.22	Michael Cole	Oppose	Accept
		S22.3	Oppose	Opposes proposed amendments role Seeks that current (pre Plan Cha 15.1(C) (Neighbourhood Centre) residents and visitors from a wide	inge 5) wording in Table to "in some cases,	Reject. While the wording may be technically correct, the proposed wording reflects that not all patronage will come from immediate suburbs.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.3	Russell Craigie	Support	Reject.

Submitter	Sub. No.	Decision No.	Request	Decision Se	ought	Recommendation and Reasons
			FS08.3	Johns Road Horticultural Limited	Support	Reject.
			F\$05.27	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.
			FS07.03	Gareth Turner	Oppose	Accept
			F\$15.23	Michael Cole	Oppose	Accept.
		S22.4	Oppose	Opposes proposed amendments role Seeks that the current (pre Plan Table 15.1(B) (District Centre) to within walking distance (400m) o	Change 5) reference in "community facilities	Reject. Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.4	Russell Craigie	Support	Reject.
			FS08.4	Johns Road Horticultural Limited	Support	Reject.
			F\$05.28	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept.

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
			FS07.04	Gareth Turner	Oppose	Accept.
			FS15.24	Michael Cole	Oppose	Accept.
	S22.5		Oppose	Opposes proposed amendments to 15.2.2.4 – Accommodating growth Seeks that the current (pre Plan Change 5) wording of Policy 15.2.2.4(b) "Any outward expansion of a commercial centre must" be retained.		Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			F\$03.5	Russell Craigie	Support	Accept
			FS08.5	Johns Road Horticultural Limited	Support	Accept
			FS05.29	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject
			FS07.05	Gareth Turner	Oppose	Reject

Submitter	Sub.	Decision	Request	Decision S	ought	Recommendation and Reasons
	No.	No.			T	
			F\$15.25	Michael Cole	Oppose	Reject
		\$22.6	Oppose	"Respond to a land supply need identified in a Business Land Capacity Assessment and/or Future Development		Accept. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.
			Further Submission No.	Further Submitter	Support or Oppose	
			F\$03.6	Russell Craigie	Support	Accept.
			FS08.6	Johns Road Horticultural Limited	Support	Accept.
			FS05.30	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject.
			FS07.06	Gareth Turner	Oppose	Reject.
			FS15.26	Michael Cole	Oppose	Reject.
		\$22.7	Oppose	Seeks that the current (pre Plan Policy 15.2.2.4(b)(ii) "ensure the commensurate with the centre's network of centres, while not uncother centres" be retained.	expanded centre remains role within a strategic	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
						upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			F\$03.7	Russell Craigie	Support	Accept
			FS08.7	Johns Road Horticultural Limited	Support	Accept
			FS05.31	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject
			FS07.07	Gareth Turner	Oppose	Reject
			F\$15.27	Michael Cole	Oppose	Reject
		\$22.8	Amend	Any other necessary consequent the above submission points [S2]		Reject
			Further Submission No.	Further Submitter	Support or Oppose	
			FS03.8	Russell Craigie	Support	Reject

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
			FS08.8	Johns Road Horticultural Limited	Support	Reject
			FS05.32	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject
			FS07.08	Gareth Turner	Oppose	Reject
			FS15.28	Michael Cole	Oppose	Reject
Suzanne Vallance	S24	\$24.7	Oppose in part	[Policy 15.2.2.1 - Role of Centres, Objective 15.2.1 - Recovery of Commercial Centres and Policy 15.4.1.1 - Permitted activities in Commercial Core Zones] Council should engage with communities in areas affected by name-changes (e.g. Stanmore to Linwood Village), reclassifications (e.g. Aranui) and rule changes to make sure those potentially affected understand the implications of these changes.		Reject. Out of scope as it seeks consultation beyond that required by Schedule 1 of the RMA.
		S24.8	Oppose in part	The implications and rules around which entertainment and recreates establish in neighbourhood central Activity Centres' are very uncleated. Council should consider the	ition activities can tres that are not Key r. implications of PC5 for [and non-commercial imercial aspects of the CC ty Centres] as per amended ovide greater clarity and	Accept in part Entertainment and recreation activities are permitted activities in all commercial zones and the additional wording in Table 15.1 C, provides alignment between the rules and policies.

Submitter	Sub. No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
	140.	NO.		implements the centres hierarchy, particularly to achieve the objective of giving primacy to the central city and key activity centres' but ignoring Neighbourhood Centres).	
		\$24.9	Oppose in part	Defer decision until greater clarity about the proposed changes is provided to affected communities / appropriate consultation has been undertaken.	Reject. Out of Scope – seeks consultation beyond that required by Schedule 1 of the RMA.
Reefville Properties Limited	\$28	\$28.1	Oppose in part	Proposed sub-clause b.i. [of Policy 15.2.2.4 – Accommodating growth], is deleted. Policy 15.2.2.4 – Accommodating growth, is amended to read as follows, with changes to the notified version sought through the submission shown using red text. Policy 15.2.2.4 – Accommodating growth a. Growth in commercial activity is focussed within existing commercial centres. b. Any outward or upward expansion of a commercial centre beyond permitted limits must: i. Respond to a land supply need identified in a Business Land Capacity Assessment and / or Future Development Strategy prepared under the National Policy Statement on Urban Development Capacity / Urban Development. ii. I. Ensure the expanded centre remains commensurate with the centre's role and spending growth in its primary catchment within a strategic network of centres, while not undermining the function of other centres; iii. Be integrated with the provision of	Accept in part. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.
				infrastructure, including the transport network;	

Submitter	Sub.	Decision	Request	Decision Sought	Recommendation and Reasons
	No.	No.			
				 iv. iii. Be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone; and iv. Be consistent with: A. The objective scale of increasing residential development opportunities to meet intensification targets in and around centres; and B. Revitalising the Central City as the primary community focal point. 	
Foodstuffs (South Island) Properties Limited	529	S29.2	Oppose in part	Foodstuffs does not support PC5B in its current form including the additional prescriptiveness and restrictiveness in the District Plan relating to the roles of centres, including but not limited to the following provisions in bold and strikethrough which is the submitters refined position dated 07 July 2021 and included in Appendix 2 of the s42A report. - Objective 15.2.1 (Recovery of commercial centres) - Objective 15.2.2 (Centres-based framework for commercial activities) - Objective 15.2.7 (Role of the Commercial Central City Mixed Use Zone) - Objective 15.2.10 (Built form and amenity in the South Frame) - Policy 15.2.2.1 (Role of centres) - Policy 15.2.2.2 (Comprehensive approach to development of the North Halswell and Belfast / Northwood Key Activity Centres) - Policy 15.2.2.4 (Accommodating growth) - Policy 15.2.2.6 (Residential activity in district and neighbourhood centres) - Associated rules and amendments to Chapter 2 (Abbreviations and Definitions) including 'Local centre' and 'Neighbourhood centre'.	Reject the relief sought in seeking to reinstate the word 'activity' in the title of Objective 15.2.1. The objective is concerned with the recovery of the city in a way that supports commercial centres, not the recovery of commercial activities in and of themselves. Accept in part the relief seeking to delete the words 'small-scale' and 'with a focus on convenience shopping'. Addition of words "primarily" appropriately recognises that Neighbourhood Centres can be anchored by a larger commercial tenancy Reject the relief seeking deletion of the wording in Policy 15.2.2.1(a)(i) "by managing the size of all centres and the range and scale of activities that locate within them". The wording of the policy reflects the existing centres based framework, particularly in how the plan gives primacy to the Central City and Key Activity Centres.

Submitter	Sub.	Decision	Request	Decision So	ought	Recommendation and Reasons
	No.	No.		Reject Proposed Plan Change 5B in its current form or amend the provisions to reflect the issues raised in this submission and / or such other relief as may be required to give effect to this submission, including consequential amendments to the District Plan that address the matters raised by Foodstuffs.		Reject the relief seeking retention of the reference to commercial activities and community facilities in Policy 15.2.2.1 Table 15.1(c) - Neighbourhood Centres. The amended wording as set out in the decision version has sought to avoid using words that lack clarity and dilute the intent of the policy to provide clear direction for plan users about the types of activities anticipated. Reject the relief seeking to retain last deleted sentence ["and includes community facilities within walking distance of the commercial zone"] In Policy 15.2.2.1 Table 15.1(B) and (C). Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS12.8	Scentre (New Zealand) Limited	Neutral	Reject
			FS06.7	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept
		\$29.3	Support	Supports supermarkets (including associated car parking and access) having a Commercial Core zone in District and Neighbourhood Centres.		Accept. No change to the notified version is proposed.
			Further Submission No.	Further Submitter	Support or Oppose	

Submitter	Sub. No.	Decision No.	Request	Decision Sc	ought	Recommendation and Reasons
			FS06.8	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Reject
		\$29.4	Support	Specifically, Foodstuffs supports Wigram Neighbourhood Centre f Commercial Core Zone.		Accept. Refer to the decision made under PC5F – Planning Maps
			Further Submission No.	Further Submitter	Support or Oppose	
			FS06.9	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Reject.
		\$29.5	Oppose	[Chapter 15, Policy 15.2.2.1 – Role and (E), and Chapter 2, Definition Neighbourhood Centre] Opposes the classification of Corcontaining Foodstuffs' supermar Road), Wainoni and Peer Street, Amend to reclassify the commer (Lincoln Road), Wainoni and Pee	mmercial Core zones rkets at Spreydon (Lincoln as Local Centres.	Reject. Out of scope and unmerited. The centre classification for standalone supermarkets was determined through the District Plan Review and forms part of the Centres-based framework; it falls outside the scope of this PC5B to reassess the centres based framework for managing commercial activity.
				Neighbourhood Centres rather t		
			Further Submission No.	Further Submitter	Support or Oppose	
			FS06.10	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept.

Submitter	Sub.	Decision	Request	Decision Se	ought	Recommendation and Reasons
	No.	No. \$29.6	Amend	[Chapter 15 Policy 15.2.2.1 – Role of Centres Table 15.1 (C), and Chapter 2, Definitions of Neighbourhood Centre] Seeks that the site containing PAK'nSAVE at 171 Main North Road be identified as a Neighbourhood centre.		Reject. The decision with respect to the zoning was made under PC5F – Planning maps, which rejected the submission as it was not within scope and there was insufficient evidence to determine the merits of the correct zoning.
			Further Submission No.	Further Submitter	Support or Oppose	, and the second
			FS06.11	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept
		S29.7	Oppose in part	[Policy 15.2.2.4 – Accommodating Opposes further restrictions on to activity, and on the redevelopme existing centres including the recoutward expansion of a commer land supply need identified in a Assessment and / or Future Development. Reject proposed amendments to	the growth of commercial ent and expansion of quirement for any reial centre to respond to a Business Land Capacity elopment Strategy licy Statement on Urban	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS06.12	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Reject

Submitter	Sub. No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Peebles Group Limited	\$30	\$30.3	Oppose	[Definition: Central City] Retain the definition of the 'Central City' in the Operative Plan, as shown below: Central City: means that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues	Accept in part. In so far as the definition is to be retained in favour of an alternative method for identifying the 'central city commercial centre'; introduction of a definition of 'CBD'.
		\$30.4	Support	[Definition: Commercial Centre] Adopt the proposed changes to the definition of 'commercial centre'.	Accept in part In so far as the definition would retain reference to the Commercial Central City Business Zone but be amended to replace Central City with 'CBD'.
		\$30.5	Support in part	Supports the proposed amendments to Objective 15.2.1. Adopt the changes as notified, subject to the relief sought in submission points [S30.2 and S15.3] above.	Accept No change other than the transfer of the word 'critical' from the objective to Strategic Objective 3.3.10 b.
		\$30.6	Amend	Amend the proposed wording of Objective 15.2.2. (a) iii as below, and otherwise retain objective 15.2.2 as notified: iii. supports the function ofNeighbourhood Centres as a focal point for primarily small scale commercial activities with a focus on convenience shopping, community activities, and guest accommodation'.	Accept. Addition of words "primarily" appropriately recognises that Neighbourhood Centres can be anchored by a larger commercial tenancy.
		\$30.7	Support in part	Supports recognition of the CCB zone as a commercial centre, but considers that this policy [Policy 15.2.2.1] should also consider the wider Central City as a whole and the role this plays as a focal point for the community and business (among other things). Accordingly, PGL support the changes to Policy 15.2.2.1 and seeks their retention, other than as identified in submission points \$30.8 and \$30.9, below.	Accept in part. No change proposed to the policy.
		\$30.8	Oppose	Retain the reference to 'Central City' (insofar that this term is currently defined as relating to the Four Aves) in part (a) of the Policy [<i>Policy 15.2.2.1</i>], such that the policy seeks to	Reject.

Submitter	Sub. No.	Decision No.	Request	Decision Sc	ought	Recommendation and Reasons
				'Recognise and manage the Cercentres as focal points'	ntral City and commercial	The wording of the policy reflects the existing centres based framework, particularly in how the plan gives primacy to the Central City and Key Activity Centres.
		\$30.9	Oppose	Delete the proposed words 'The Commercial Central City Busines 15.1 relating to the Central Busin	ss Zone' in part A of Table	Reject. The extent of the Central Business District is clearly defined.
		\$30.10	Support	that relate to growth of commercial centres beyond permitted limits. Retain the amendments proposed to policy 15.2.2.4.		Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
		\$30.11	Amend	Oppose the proposed policy [Pol seeks to 'avoid' residential activi district and neighbourhood cent Seeks amendment to the wordin 'avoid' and replacing it with 'mar Residential activity in district and encouraged above ground floor lobenefits from, centre amenities, level unless ()	ty at ground level in both res. Ig by removing the term hage' as shown below: If neighbourhood centres is evel where it supports, and	Accept in part. The proposed wording of the policy recognises that residential activity is an important component of centres that needs to be managed with respect to the commercial and community role that centres play.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS04.11	Christchurch International Airport Limited	Neutral	Reject

Submitter	Sub.	Decision	Request	Decision So	ought	Recommendation and Reasons
	No.	No.	F\$11.21	Kainga Ora	Support	Accept in part.
		\$30.12	Oppose	Seeks retention of Rule 15.4.1.1 the Operative Plan, as shown be • P7 Entertainment Activity • P8 Recreation Activity	` ' ' '	Accept. Entertainment and recreation activities are permitted activities in all commercial zones and the additional wording provides alignment between the rules and policies.
		\$30.13	Support	Supports all other amendments	in PC5B as notified.	Accept in part.
7990 Limited	d S31 S31.1 Oppose Reject PC5B in its entirety.			Reject. Changes are appropriate as set out in the decisions.		
		\$31.2	Amend	Any other relief that is able to namely through a reduction in changes introduced by PC5B.		Reject. Submitter has not articulated any specific concerns.
Waka Kotahi NZ Transport Agency	S32	\$32.2	Support	Supports the change in focus on within the Central City, Key Activ Neighbourhood Centres. Retain PC5B in its entirety.		Accept in Part In so far as changes are proposed to address matters identified through submissions.
		\$32.3	Support	[Policy 15.2.2.4 – Accommodating Supports the policy requirement of a commercial centre must be identified in a Business Capac under the National Policy Stater	t that any outwards growth in accordance with a need city Assessment prepared	Reject. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.
Ryman Healthcare Limited	S33	\$33.3	Oppose	Opposes proposed amendment 15.1 (B) which seeks to restrict n above ground floor level.	to Policy 15.2.2.1 Table	Reject While residential development is generally contemplated, amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
				Seeks that the amendments to F 15.1(B) be rejected.	Policy 15.2.2.1 Table	recognise the situations where ground floor residential development could be undertaken.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS11.23	Kainga Ora	Support	Reject
		\$33.4	Oppose	Opposes proposed amendment 15.1 (C) which seeks to restrict n above ground floor level. Seeks that the amendments to F 15.1(C) be rejected.	Policy 15.2.2.1 Table	Reject While residential development is generally contemplated, amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development could be undertaken.
		\$33.5	Oppose	Opposes proposed amendments which requires that any outward commercial centres beyond per to a land supply need identified Capacity Assessment and / or Fu Strategy prepared under the NP Seeks that the amendments to F	d or upward expansion of mitted limits is to respond in a Business Land iture Development SUD or NPSUDC.	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
		\$33.6	Oppose	Opposes adding new Policy 15.2 in district and neighbourhood conseeks that the amendments to F	entres".	Reject The final wording of Policy 15.2.2.6 was subject to extensive legal submissions and evidence, but was agreed to (subject to changes recommended by the Panel to the matter of discretion) as it provides for residential development within a commercial setting.

Submitter	Sub.	Decision	Request	Decision Sought		Recommendation and Reasons
	No.	No.	Further Submission No.	Further Submitter	Support or Oppose	
			FS11.24	Kainga Ora	Support	Reject
		\$33.7	Oppose	Opposes the proposed amendm Activity P21, removing alternativ standards to the residential activ Seeks that the amendments to P 15.4.1.1 P21 be rejected.	e activity specific vity rule.	Reject The permitted activity status reflects the amended policy and matters of discretion that have been agreed between the parties.
		\$33.8	Oppose	Opposes the proposed amendment to the activity status for ground floor residential activity in the Commercial Core Zone from restricted discretionary to full discretionary activity status. Seeks that the amendments to Restricted Discretionary rule 15.4.1.3 RD1 be rejected.		Accept The restricted discretionary activity status along with the amended matters of discretion have been agreed between the parties.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS11.25	Kainga Ora	Support	Accept
		\$33.9	Amend	Alternatively, the provisions outl [S33.3-33.8] be amended to bett uses of commercial centres and flexibility in these locations.	er reflect the multiple	Reject
		\$33.10	Amend	Amend to enable Retirement vill District Plan) in the commercial Commercial Office Zone, the Con	zones (other than the	Accept in part. Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the

Submitter	Sub. No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				within the Lyttelton Port Influences Overlay area in the Commercial Banks Peninsula Zone) as a restricted discretionary activity.	situations where ground floor residential development (including retirement villages) could be undertaken.
		\$33.11	Amend	In addition to the above point [S33.10], amend to add a corresponding new policy that supports the enabling of retirement villages in these areas (all commercial zones other than the Commercial Office Zone, the Commercial Retail Park Zone and within the Lyttelton Port Influences Overlay area in the Commercial Banks Peninsula Zone).	Reject. Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development (including retirement villages) could be undertaken.
		\$33.12	Amend	In addition to the points s33.10 and S33.11, Ryman seeks that the matters of discretion generally follow those outlined in Chapter 14.15.9 Retirement Villages, with appropriate amendments to reflect applicable commercial zone provisions (such as reference to any applicable outline plans).	Accept Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development (including retirement villages) could be undertaken.
		\$33.13	Amend	Any consequential relief required to remove the restrictions on residential activities on the ground floor level within commercial zones.	Reject. Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development (including retirement villages) could be undertaken.
		\$33.14	Amend	Any consequential relief to enable retirement villages as a restricted discretionary activity within commercial zones.	Accept in part. Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development (including retirement villages) could be undertaken.
Spreydon Lodge Limited	S34	\$34.5	Support in part	Supports the intent of the plan change to more effectively achieve the Plan's centres based framework for managing commercial activities and recognising the National Policy Statement on Urban Development (NPS-UD). However Spreydon Lodge seeks the amendment to Policy 15.2.2.4 to	Accept in part The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
	NO.	NO.		achieve better alignment with th and the Plan.	e higher order documents	format activities nearby subject to not having significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS06.17	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Reject
		S34.6	Amend	the centres based approach generally and growth of commercial centres specifically, reinforces the aims set in the higher order documents and Plan provisions, (including those set out above) and better gives effect to Part 2 of the Resource Management Act 1991.		Accept in part The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS06.18	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept
		\$34.7	Amend	In particular, Spreydon Lodge set 15.2.2.4 (and any associated pro role of Key Activity Centres as development and ensure that ar capacity occurs in and around t and in a way that supports those	visions) to strengthen the the focus of commercial ny increase in commercial chose Key Activity Centres	Accept in part The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
						significant adverse effects and ensuring coherent form.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS12.6	Scentre (New Zealand) Limited	Neutral	Reject
			FS06.19	Kiwi Property Group Limited and Kiwi Property Holdings Limited	Oppose in part	Accept.
Woolworths New Zealand Limited	\$35	\$35.2	Oppose	Opposes proposed change to Obrefer to the function of Neighbour point for "small-scale" commerce. Woolworths seeks clarification amendments to Plan Change 5 to any necessary consequential resubmission.	irhood Centres as a focal ial activity. on and any necessary address [this matter]; and	Accept in part Addition of words "primarily" appropriately recognises that Neighbourhood Centres can be anchored by a larger commercial tenancy.
	Opposes the proposed reference in Policy 15.2.2.1(a)(i) to "managing the size of all centres". Woolworths seeks clarification and any necessar amendments to Plan Change 5 to address [this matter]; and any necessary consequential relief to give effect to it submission.		Reject. The wording of the policy reflects the existing centres based framework, particularly in how the plan gives primacy to the Central City and Key Activity Centres.			
			Further Submission No.	Further Submitter	Support or Oppose	

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			F\$12.7	Scentre (New Zealand) Limited	Neutral	Reject
		\$35.4	Oppose	the deletion of the reference to "community facilities within walking distance (400m) of the centre" from the description of the "extent of centre".		Reject. Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
				Woolworths seeks clarification amendments to Plan Change 5 to any necessary consequential rusubmission.	address [this matter]; and	
		\$35.5	Oppose	Opposes in Policy 15.2.2.1, Table 15.1(C) (Neighbourhood Centre) the deletion of the reference to "community facilities within walking distance (400m) of the centre" from the description of the "extent of centre".		Reject. Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
				Woolworths seeks clarification amendments to Plan Change 5 to any necessary consequential rusubmission.	address [this matter]; and	
		\$35.6	Oppose	Opposes the proposed reference in [Policy 15.2.2.1] Table 15.1 (C) (Neighbourhood Centre) to "small-scale comparison shopping" and the deletion of the reference to these centres serving "in some cases, residents and visitors from a wider area".		Accept in part The amended wording recognises the wider range of activities anticipated in Neighbourhood Centres. While the reference to 'wider area' may be technically correct, the proposed wording reflects that not all patronage will come from immediate suburbs.
				Woolworths seeks clarification amendments to Plan Change 5 to any necessary consequential resubmission.	address [this matter]; and	

Submitter	Sub.	Decision No.	Request	Decision Sought	Recommendation and Reasons
	\$35.7 Oppose		Oppose	Opposes the lack of reference to supermarkets in the list of activities that occur in large format centres in Table 15.1(D) [Policy 15.2.2.1], given they are a permitted activities in the relevant zone (Commercial Retail Park Zone). Woolworths seeks clarification and any necessary amendments to Plan Change 5 to address [this matter]; and any necessary consequential relief to give effect to its	Reject. Suggested amendment is unnecessary. Policy 15.2.2.1 Table 15.1(D) already provides sufficient clarity that Large Format Centres are standalone retail centres comprising stores with large footprints, which includes supermarkets.
		\$35.8	Oppose	submission. Opposes all changes to Policy 15.2.2.4, in particular, the additional reference to "land supply need" based on a capacity assessment prepared under the National Policy Statement on Urban Development Capacity / Urban Development. Woolworths seeks clarification and any necessary amendments to Plan Change 5 to address [this matter]; and any necessary consequential relief to give effect to its submission.	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
		\$35.9	Support	Woolworths supports the proposed changes to the wording of Policy 15.2.2.1(a) from "maintain and strengthen" to "recognise and manage" commercial centres. [Retain]	Accept.
285 Wairakei Rd Ltd	\$36	\$36.1	Oppose	The change in Objective 15.2.2(a)(iii) to refer to the function of Neighbourhood Centres as a focal point for "small-scale" commercial activity be deleted .	Accept in part Addition of words "primarily" appropriately recognises that Neighbourhood Centres can be anchored by a larger commercial tenancy.
		\$36.2	Oppose	The wording in Policy 15.2.2.1(a)(i) "by managing the size of all centres and the range and scale of activities that locate within them" be deleted.	Reject. The wording of the policy reflects the existing centres based framework, particularly in how the plan gives primacy to the Central City and Key Activity Centres.

Submitter	Sub. No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
	NO.	\$36.3	Oppose	The current (pre Plan Change 5) wording in Table 15.1(C) (Neighbourhood Centre) to "in some cases, residents and visitors from a wider area" be retained.	Reject. While the reference to 'wider area' may be technically correct, the proposed wording reflects that not all patronage will come from immediate suburbs.
		\$36.4	Oppose	The current (pre Plan Change 5) reference in Table 15.1(B) (District Centre) to "community facilities within walking distance (400m) of the centre" be retained.	Reject. Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
		\$36.5	Oppose	The current (pre Plan Change 5) reference in Table 15.1(C) (Neighbourhood Centre) to "community facilities within walking distance (400m) of the centre" be retained .	Reject. Community facilities continue to be enabled as permitted activities in commercial zones and in surrounding areas. As such the description is incorrect.
		S36.6	Oppose	The current (pre Plan Change 5) wording of Policy 15.2.2.4(b) "Any outward expansion of a commercial centre must" be retained.	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
		\$36.7	Oppose	The proposed wording of Policy 15.2.2.4(b)(i) "respond to a land supply need identified in a Business Land Capacity Assessment and / or Future Development Strategy prepared under the National Policy Statement on Urban Development" be deleted.	Accept. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.
		\$36.8	Oppose	The current (pre Plan Change 5) wording of Policy 15.2.2.4(b)(ii) "ensure the expanded centre remains commensurate with the centre's role and within a strategic network of centres, while not undermining the function of other centres" be retained.	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and

Submitter	Sub. No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
					upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.
		\$36.9	Amend	Any other necessary consequential relief to give effect to the above submission points (\$36.1-\$36.8]	Reject
1027 Investments Limited	\$37	\$37.5	Amend	As alternative to the primary relief sought, amendment to the objectives and policies of the CDP to provide better support and enable non-residential activities on sites outside of the centres that have an historic non-residential use.	Reject The submission references PC5B but then does not seek any changes in respect of the commercial chapter. Rather it seeks specific changes to Chapters 3 and 14 which are addressed in the decisions for PC5A - Strategic and PC5F - Planning Maps respectively.
		\$37.6	Amend	Any other additional or consequential relief to the CDP, including but not limited to, the maps, issues, objectives, policies, rules, controls/discretions, assessment criteria and explanations that will give effect to the matters raised in this submission.	Reject The submission references PC5B but then does not seek any changes in respect of the commercial chapter. Rather it seeks specific changes to Chapters 3 and 14 which are addressed in the decisions for PC5A - Strategic and PC5F - Planning Maps respectively.
		\$37.7	Amend	That the zoning of the Submitter's site [1027 Colombo Street] is amended on planning map 27 from Residential Medium Density to Commercial Local or Commercial Core. [Rezone 1027 Colombo Street from Residential Medium Density to Commercial Local or Commercial Core]	Reject The submission references PC5B but then does not seek any changes in respect of the commercial chapter. Rather it seeks specific changes to Chapters 3 and 14 which are addressed in the decisions for PC5A - Strategic and PC5F - Planning Maps respectively.
Retirement Villages Association of New	\$38	\$38.3	Oppose	Opposes amendments to Policy 15.2.2.1 Table 15.1(B) that seek to restrict medium density housing to above ground floor level. Seeks that the amendments to Policy 15.2.2.1 Table 15.1(B) be rejected.	Reject While residential development is generally contemplated, amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to

Submitter	Sub. No.	Decision No.	Request	Decision	n Sought	Recommendation and Reasons
Zealand Incorporated						recognise the situations where ground floor residential development could be undertaken.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS11.28	Kainga Ora	Support	Reject
		\$38.4	Oppose	Opposes amendments to Policy 15.2.2.1 Table 15.1(C) that seek to restrict medium density housing to above ground floor level. Seeks that the amendments to Policy 15.2.2.1 Table 15.1(C) be rejected.		Reject While residential development is generally contemplated, amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development could be undertaken.
			Further Submission No.	Further Submitter	Support of Oppose	
			FS11.29	Kainga Ora	Support	Reject
		S38.5	Oppose	Opposes amendments to Pol requires any outward or upw centres beyond permitted lin supply need identified in a Bu Assessment and/or Future Deprepared under the NPSUD of amendments to Policy 15.2.2	ard expansion of commercial nits to respond to a land usiness Land Capacity evelopment Strategy r NPSUDC. Seeks that the	Accept in part. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.

Submitter	Sub.	Decision	Request	Decisio	n Sought	Recommendation and Reasons
	No.	No. \$38.6	Oppose	Opposes adding new Policy 15.2.2.6 "Residential activity in district and neighbourhood centres". Seeks that the amendments to Policy 15.2.2.6 be rejected.		Reject The final wording of Policy 15.2.2.6 was subject to extensive legal submissions and evidence, but was agreed to (subject to changes recommended by the Panel to the matter of discretion) as it provides for residential development within a commercial setting.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS11.30	Kainga Ora	Support	Reject
		\$38.7	Oppose	Opposes the proposed amendments to 15.4.1.1 Permitted Activity P21, removing alternative activity specific standards to the residential activity rule. Seeks that the amendments to Permitted Activity rule 15.4.1.1 P21 be rejected.		Reject The permitted activity status reflects the amended policy and matters of discretion that have been agreed between the parties.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS11.31	Kainga Ora	Support	Reject
			FS14.24	Hospitality New Zealand (Canterbury Branch)	Oppose	Accept
		\$38.8	Oppose	Opposes the proposed amendment to the activity status for ground-floor residential activity in the Commercial Core Zone from restricted discretionary to full discretionary activity status.		Accept The restricted discretionary activity status along with the amended matters of discretion have been agreed between the parties.

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
	NO.	NO.		Seeks that the amendments to R rule 15.4.1.3 RD1 be rejected.	lestricted Discretionary	
			Further Submission No.	Further Submitter	Support or Oppose	
			FS11.32	Kainga Ora	Support	Accept
		\$38.9	Amend	Alternatively, the provisions outlined above at 38.1 (sic) [38.3-S38.8] be amended to better reflect the multiple uses of commercial centres and the need to enable flexibility in these locations.		Reject
		\$38.10	Amend	Amend to enable Retirement v District Plan) in the commerci- Commercial Office Zone, the Co within the Lyttelton Port Influe Commercial Banks Peninsula Discretionary activity.	al zones (other than the ommercial Retail Park and ences Overlay area in the	Accept in part. Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development (including retirement villages) could be undertaken.
		\$38.11	Amend	In addition to the above, add a corresponding new policy that supports the enabling of retirement villages in these areas (all commercial zones other than the Commercial Office Zone, the Commercial Retail Park Zone and within the Lyttelton Port Influences Overlay area in the Commercial Banks Peninsula Zone).		Reject. Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development (including retirement villages) could be undertaken.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS04.12	Christchurch International Airport Limited	Neutral	Reject

Submitter	Sub. No.	Decision No.	Request	Decision Sc	pught	Recommendation and Reasons
		\$38.12	Amend	[in relation to submission points S38.10 and S38.11], add matters of discretion that generally follow those outlined in Chapter 14.15.9 Retirement Villages, with appropriate amendments to reflect applicable commercial zone provisions (such as reference to any applicable outline plans).		Accept Amendments to Policy 15.2.2.6 and matter of discretion 15.13.2.2 have been made to recognise the situations where ground floor residential development (including retirement villages) could be undertaken.
		\$38.13	Amend	Any consequential relief re- restrictions on residential activ level within commercial zones.		Reject
			Further Submission No.	Further Submitter	Support or Oppose	
			FS04.13	Christchurch International Airport Limited	Neutral	Reject.
		\$38.14	Amend	Any consequential relief require villages as a restricted discrete commercial zones.		Reject
			Further Submission No.	Further Submitter	Support or Oppose	
			FS04.14	Christchurch International Airport Limited	Neutral	Reject
Hospitality New Zealand (Canterbury Branch)	\$39	\$39.2	Oppose in part	Hospitality NZ is concerned that enough, through its objectives, pensure that unhosted visitor accommercial activity – is captured approach. It seeks that amendments are mounder PC5 to give effect to the results.	policies and rules, to commodation – being a d within the centres based ade to the provisions	Reject. It is not within the scope of this plan change to consider the extent to which guest accommodation should be enabled or not outside of commercial centres. This matter is being addressed in Plan Change 4.

Submitter	Sub.	Decision	Request	Decision Se	ought	Recommendation and Reasons
	No.	No.	Further	other additional or consequential including but not limited to, the policies, rules, controls/discretic and explanations that will fully graised in this submission. The policy text has an emphasis accommodation" as defined. Hotext is expanded to ensure a wid into account those matters raise [short-term accommodation]. As stated in that submission: "There will be a point whe accommodation activity in a reresidential activity null, and the the visitor accommodation activity a residential unit. This distinct Hospitality NZ supports controls effects on centre vitality."	maps, issues, objectives, ons, assessment criteria give effect to the matters on "guest ispitality NZ seeks that the er coverage and to take ed in its submission on PC4 or ean "unhosted visitor is idential unit" renders the "residential unit" in which the is undertaken is no longer on is not captured and is on such uses to minimise	
			Submission No.	Further Submitter	Support or Oppose	
			F\$14.31	Hospitality New Zealand (Canterbury Branch)	Support	Reject
Halswell Hornby Riccarton Community Board	S40	S40.3	Oppose	Does not support the proposal to amend Policy 15.2.2.1(a) to delete 'Central City'. The Board considers that the Central City should be mentioned separately in the policy.		Reject. There is no change to the objectives and policies with respect to the primacy of the central city.

Submitter	Sub. No.	Decision No.	Request	Decision So	ought	Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			FS02.12	Woolworths New Zealand Limited	Oppose	Accept
		\$40.4	Oppose	Does not support the proposal to to add additional requirements for commercial centres with referenceds.	for outward expansion of	Accept. Reference to external documents that will be prepared in between district plan reviews is not enabling and actually reads as a further constraint.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS02.13	Woolworths New Zealand Limited	Oppose	Reject.
	S40.5 Oppose Does not support replacement of the word 'scale' objective' for clarity. [Policy 15.2.2.4]		f the word 'scale' with	Accept. The final wording of Policy 15.2.2.4 was subject to extensive legal submissions and evidence, but was generally agreed (subject to changes recommended by the Panel) as it provides for both outward and upward growth of centres, accommodates large format activities nearby subject to not having significant adverse effects and ensuring coherent form.		
			Further Submission No.	Further Submitter	Support or Oppose	
			FS02.14	Woolworths New Zealand Limited	Oppose	Reject.

Submitter	Sub.	Decision	Request	Decision So	ought	Recommendation and Reasons
	No.	No.				
		\$40.6	Support in part	The Board believes it necessary to ensure that the expanded centre remains commensurate with centres role and spending growth in its primary catchment but considers that the horse has already bolted with regard to Riccarton Centre.		Reject There is no change sought in the submission.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS02.15	Woolworths New Zealand Limited	Oppose	Accept
		\$40.7	Support	Strongly supports the proposal to amend specified policies including 15.2.8.2 to remove the underlining of 'central city' to clarify that in these instances the broader meaning of central city (i.e. not limited to the Commercial Central City Business Zone, identified in the definition) would apply.		Reject. Removal of hyperlinking no longer necessary with the alternative method now proposed to introduce a definition for the term CBD used in Policy 15.2.2.1 and use that in place of 'central city' in stances where 'central city' means 'the central city commercial centre'.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS02.16	Woolworths New Zealand Limited	Oppose	Accept
		S40.8	Support	Strongly supports the proposal t standards for 'Landscaping and Core, Commercial Local, Comme Commercial Mixed Use Zones re for tree planting along residentia parking areas (Rules 15.4.2.7, 15	trees' in the Commercial ercial Retail Park and garding the requirements al zone boundaries and car	Accept Minor changes proposed have not been subject to any other submissions.

Submitter	Sub. No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			Further Submission No.	Further Submitter	Support or Oppose	
			F\$02.17	Woolworths New Zealand Limited	Oppose	Reject
		\$40.9	Support	Supports the proposal to add ne (Residential activity in district ar centres) to provide policy suppo these centres where located abo policy direction for consideration floor residential.	nd neighbourhood rt for residential activity in ove ground floor and	Accept The final wording of Policy 15.2.2.6 was subject to extensive legal submissions and evidence, but was agreed to (subject to changes recommended by the Panel to the matter of discretion) as it provides for residential development within a commercial setting.
			Further Submission No.	Further Submitter	Support or Oppose	
			FS02.18	Woolworths New Zealand Limited	Oppose	Reject
Christchurch City Council	\$43	S43.1	Amend	Seeks the inclusion of revised Appendix 15.15.1 - Commercial Core Zone (Belfast / Northwood) Outline Development Plan, to correct name of the commercial centre from 'Styx' to 'Belfast / Northwood', as intended by the Plan Change document and related section 32 evaluation.		Accept Corrects an incorrect reference.
		\$43.2	Amend	Seeks the inclusion of new Appendix 15.15.10 - Accept		Supports changes to Rules 15.9.1.1 P12 and P27for

APPENDIX 3

PLAN CHANGE 5B: COUNCIL SECTION 32AA EVALUATION

- As required by Section 32AA of the Resource Management Act 1991 (RMA), this report further
 evaluates changes to District Plan amendments proposed in the notified Plan Change 5B
 document since the Section 32 evaluation was undertaken. This evaluation should be read in
 conjunction with the Plan Change 5B document, Section 32 evaluation and Section 42A Report.
 Refer to these documents for detailed analysis of submissions and other options considered.
- 2. Changes proposed to the plan change 5B since the Section 32 evaluation was undertaken in response to submissions are assessed in Table 1. In evaluating the effects of the changes in accordance with Section 32AA of the RMA, the following questions have been considered. Do the changes recommended:
 - a. Make a significant difference to the conclusions of the Section 32 evaluation?
 - b. Have significant effects on their own or in combination with the other amendments?
 - c. Address the identified problems?

Development;

Further evaluation under Section 32AA shows that the recommended amendments to the notified provisions, in response to submissions, are considered the most appropriate way to achieve the objectives of the District Plan, and the Objectives and Policies of higher order documents.

Table 1 – Evaluation of Recommended Amendments to the Notified Provisions

Amendments to PC5B Notified Provisions Effects and Evaluation of Amendments 15.2.2.4 Policy - Accommodating growth Changes are proposed to two parts of the policy as Growth in commercial activity is focussed marked in purple, additional to the amendments within existing commercial centres. proposed through Council's s42A report, which are Any outward or upward expansion of a evaluated below. commercial centre beyond commercial Note, Clause (i) is amended, consistent with zone boundaries and/or within 400 paragraphs 27 and 28 of the Summary of Evidence of metres of a commercial centre for large Mark David Stevenson on behalf of the Christchurch format activities, or any upward City Council, dated 10 December 2021. expansion of commercial activity above **Benefits** permitted-height limits and/or commercial zone boundaries must: Increased clarity of what constitutes upward Respond to a land supply need and outward expansion, and what clause (iv) identified in a Business Land of the operative policy is concerned with. In Capacity Assessment and/or doing so, the policy can be more easily **Future Development Strategy** administered. prepared under the National **Policy Statement on Urban Development Capacity/Urban**

Amendments to PC5B Notified Provisions

ii i ensure the expanded centre remains commensurate with the centre's role and spending growth in its primary catchment within a strategic network of centres, while not undermininghaving significant adverse effects on the function of

- other centres;

 iii-ii be integrated with the provision of infrastructure, including the transport network;
- wiii be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone; and

v-iv be consistent with:

- A. responsive to the objective scale of increasing residential development opportunities to meet anticipated increase in population in the surrounding catchment while continuing to support intensification targets in and around centres; and
- B. <u>consistent with revitalising the Central City CBD</u> as the primary community focal point.

(v) ensure the centre is coherent in form and the activity proposed within 400 metres does not have a significant adverse effect on the function and viability of the centre.

Effects and Evaluation of Amendments

- Clarify that outward growth of a centre may not be directly adjoining the commercial zone and that expansion can comprise development within walking distance (400m) that can support the function of a centre e.g. a supermarket on a brownfield site within close proximity of the centre. This is subject to an additional clause that seeks to manage effects on the function and viability of a centre.
- The provision for growth of a centre within walking distance of a commercial zone provides greater responsiveness to the changing demands in the catchment, while acknowledging that capacity may not be sufficient within the commercial zone.
- Clause (iv)(A) as amended provides for growth of a centre in response to the anticipated increase in population, recognising that growth of a centre may be proposed to meet anticipated demand from the increase in population provided for through intensification. In enabling expansion of a centre, a centre can provide for the range and scale of activities that meets the needs of those living (or anticipated to) in the catchment of the centre.
- Use of the word 'responsive' in clause (iv)(A) could be interpreted as more enabling than the operative and notified wording (the words "be consistent with the scale/objective of..."). As a result, the plan could be seen as more flexible.
- The addition to the policy on upward expansion enables consideration of whether the centre remains commensurate with its role and the effects on other centres. In doing so, effects on the Central City and other centres are appropriately managed.

Costs

 The amended version continues to manage upward expansion by reference to height that limits the development and growth of a centre and in doing so, does not provide for the efficient use of land to the extent otherwise achieved.

Amendments to PC5B Notified Provisions	Effects and Evaluation of Amendments
	 The additions in respect of upward expansion will result in additional transaction costs associated with implementation through consenting and plan change processes. It may incentivise intensification within the permitted development envelope (zone boundaries and building height) over a breach to the height limit, even if the two were of the same intensity but the breach of the height limit achieved a better outcome. The provision for outward growth of a centre to include sites within 400m may draw spending that otherwise occurs in the commercial zone, impacting on the vitality and viability of a centre.
	Effectiveness and Efficiency
	The change with regard to clauses (b) and (b)(iv) will more effectively achieve Objective 3.3.2(a)(ii) and (iii) of more clearly stating the outcomes intended and using clear language so the plan is more easily understood.
	The change to clause (b) (with reference to upwards growth) is more effective in supporting the function of different centres, consistent with Objective 15.2.2 (a)(iv) and (v) by managing upwards growth that can otherwise have effects comparable to outwards growth.
	The change to manage upwards growth gives effect to the Canterbury Regional Policy Statement (CRPS), particularly Objectives 6.2.2(3) of reinforcing the role of the central business district and 6.2.5 of supporting and maintaining the existing network of centres. It also gives effect to Objective 1 of the National Policy Statement on Urban Development (NPSUD) by maintaining a network of centres as focal points for the community, which contributes to a well-functioning urban environment and in doing so, enables people and communities to provide for their well-being.
	The change to clause (b) (of expansion including within 400m of a centre) contributes to Objective 15.2.1 in recognising the critical importance of commercial activity while supporting centres. It also supports Objective 15.2.2(a)(vi) in supporting a compact urban form and integration of activities in locations accessible by a range of modes.

Amendments to PC5B Notified Provisions	Effects and Evaluation of Amendments
	The changes to clauses (b) (of expansion including within 400m of a centre) and (b)(iv) give effect to Objective 6 of the NPSUD, which anticipates that planning decisions are "responsive, particularly in relation to proposals that would supply significant development capacity".
	Clause (b) of the policy in allowing for growth within 400m of a centre provides capacity for growth of a centre in circumstances where there is not sufficient capacity e.g. there are no sites of a suitable size. In doing so, the policy provides for consolidation in and around a centre.
	The reference to "anticipated increase in population in the surrounding catchment" is also aligned with Policy 15.2.2.1 of the Christchurch District Plan which seeks to "maintain and strengthen the Central City and commercial centres as the focal points for the community and business through intensification within centres that reflects their functions and catchment sizes".
	With regard to the efficiency of the proposed changes, the costs (including additional transaction costs) are outweighed by the benefits having regard to the potential effects of an upward expansion on other centres and the objective of supporting and maintaining the network of centres in accordance with their anticipated role. If upward expansion gave rise to effects on another centre, there is potential for inefficiencies in the functioning of that centre and a need for people to travel elsewhere to meet their needs.
	The changes do not otherwise affect the conclusions of the section 32 evaluation of the notified version and amendments proposed through the s42A report.
15.2.2.6 Residential activity in district and neighbourhood centres a. Residential activity in district and neighbourhood centres is encouraged	Changes are proposed to the policy as marked in purple, additional to the amendments proposed through Council's s42A report, which are evaluated below.
above ground floor level where it supports, and benefits from, centre amenities, and is avoided provided for at ground floor level unless where:	 The replacement of the word "avoided" with "provided for" reflects there being circumstances where residential activity at ground floor is appropriate e.g. locations on the periphery of a centre that meet the criteria. It also achieves vertical alignment with the activity status recommended (Restricted Discretionary).

Amendments to PC5B Notified Provisions

- the site is not required to meet it can be demonstrated that there is sufficient capacity in the catchment of the centre to meet demand in the short, medium term and long-term needs-for commercial floorspaceactivities; and/or
- the building containing for the residential activity is designed and constructed to facilitate straightforward conversion to commercial floorspaceuse so as to not foreclose future options; orand for iii.the sites is in Banks Peninsula-and, the residential activity contributes positively to the area's special historical character+; or
- iii. It can be demonstrated that the benefits of ground floor residential activity to-will not have a significant adverse effect on the commercial viability and function of a centre, would outweigh the disbenefits of the loss of commercial space.
- b. In addition, residential activity is to be integrated with surrounding activities in the centre, including maintaining continuity of active uses fronting the street.

Effects and Evaluation of Amendments

- Changes to subclause (i) reframe the criterion to reflect the objective of ensuring sufficient capacity to accommodate demand, rather than it being about 'need'.
- Changes to subclause (iv) recognise that the benefits do not need to outweigh the disbenefits and that residential activity at ground floor may be appropriate where effects are less than significant.

Benefits

- Increased clarity provided bν amendments e.g. deletion of the word "straightforward" and the removal of "and" at the end of the first clause. In doing so, the policy can be more easily administered.
- The proposed amendments are generally more enabling in providing a pathway for residential activity at ground floor relative to the notified version. In doing so, the benefits can be realised including additional spending and activity in the centre while supporting residents needs including access to employment, services and amenities.
- The reframing of criterion (i) provides greater clarify of how an applicant is to address it in an application for resource consent.

Costs

- There is a risk that residential activity at ground floor results in adverse effects that are not anticipated or appropriately addressed by the policy.
- The policy and amendments to it introduce a greater level of regulation than exists in the operative plan, resulting in additional transaction costs. This may curtail appropriate opportunities for residential activity at ground floor in centres.
- Where the criteria are not met, land that is not suitable or there is not a demand for uses other than residential may remain vacant and/or under-utilised, impacting on amenity within the commercial zone.

Effectiveness and Efficiency

Amendments to PC5B Notified Provisions	Effects and Evaluation of Amendments
	The changes e.g. deletion of the word "straightforward" and the removal of "and" at the end of the first clause, will more effectively achieve Objective 3.3.2(a)(ii) and (iii) of more clearly stating the outcomes intended and using clear language so the plan is more easily understood.
	The replacement of the word "avoided" with "provided" removes the presumption against residential activity at ground floor level, subject to addressing the criteria. In doing so, the policy provides a pathway for residential activity at ground floor level that may contribute towards Objective 3.3.1 of enabling recovery and facilitating enhancements, including meeting needs for housing; Objective 3.3.7 of increased housing opportunities in the Key Activity Centres and larger Neighbourhood Centres, and Objective 14.2.1 of an increased supply of housing. However, it is recognised that this is to a lesser extent than the status quo due to the additional regulation introduced by the policy.
	The additions to the policy better give effect to Objectives 3.3.7(a)(v) and 15.2.2(a)(iii) and (v) of the Christchurch District Plan, and Objective 6.2.5 of the CRPS of maintaining a network of centres as focal points for commercial and community activities. Clause (a)(i) seeks to ensure appropriate consideration of the effect on the capacity of the centre to accommodate demand over the short, medium and long-term while clause (a)(iii) enables the effects on the centre's function to be assessed.
	Clause (a)(i) supports Objective 3.3.10(a)(ii) of the Christchurch District Plan of "ensuring sufficient and suitable land development capacity" and gives effect to the NPSUD that requires the Council to provide "at least sufficient development capacity in its region or district to meet the expected demand for business land". The revised wording to refer to capacity and demand is consistent with the NPSUD in this regard and therefore, better gives effect to the NPSUD compared with the previous wording.

Amendments to PC5B Notified Provisions	Effects and Evaluation of Amendments
	Changes to clause (a)(iii) support Objective 15.2.2(a)(ii) and (iii) of the Christchurch District Plan of ensuring the continued viability of commercial centres and meeting needs in a way that supports the function of centres. In doing so, it supports Objective 3.3.5 of the Christchurch District Plan and Objective 6.2.5 of the CRPS which seek a range of opportunities for business activities to establish and prosper, particularly in centres where commercial activities are to be focussed. This is particularly important for activities that have functional requirements to be at ground floor as recognised in Objective 15.2.4(a)(iii).
	New clause (b) supports Objective 15.2.2 (a)(ii) of the District Plan by seeking to ensure residential activity integrates with surrounding activities and contributes to the vitality and amenity anticipated in centres. It also contributes to achieving Objective 15.2.4 of the District Plan of a scale, form and design of development that is consistent with the role of a centre. In doing so, it gives effect to the CRPS, particularly policy 6.3.2 of incorporating principles of good urban design, including integration "to provide an appropriate form and pattern of use and development".
	With regard to the efficiency of the proposed changes, the benefits outweigh the costs insofar that the new policy provides a framework that is more enabling than was notified and can provide for a more efficient consenting process and ultimately, it could result in the more efficient use of land in a centre. Notwithstanding this, the criteria enable effects on capacity and function of a centre to be managed in a manner that centres can function more efficiently through provision of a range of activities accessible to people, living in and around centres.
Rule 15.4.1.3 Restricted discretionary activities Activity a. Any activity listed in Rule 15.4.1.1 P21 that does not meet one or more of the activity specific standards ac.a – e. b. Any application arising from this rule shall not be limited or publicly notified.	Changes are proposed to the activity status of residential activity at ground floor level so it is Restricted Discretionary rather than Discretionary, with additions to the Matters of Discretion in 15.13.2.2 as marked in purple. Benefits
The Council's discretion shall be limited to the following matters:	

Amendments to PC5B Notified Provisions

a. Residential activity - Rule 15.13.2.3

b. Activity at ground floor level — Rule 15.13.2.2 Activity at ground floor level — Rule 15.13.2.2

Matters of discretion

15.13.2.2 Activity at ground floor level

- The operational and functional requirements of the activity and the existing nature of activities and built form on and around the site.
- b. The visual impact of any activity upon the street façade of a building and streetscene. The extent to which residential activity addresses the Residential Design Principles set out in 14.15.1.
- Any potential for <u>residential activity</u> to restrict the ability of existing <u>or future</u> <u>commercial activities</u> to operate <u>or</u> <u>establish</u>-without undue constraint (Reverse sensitivity effects).
- d. Any beneficial effects of the activity in providing for natural surveillance, and its contribution to the night-time economy and in Banks Peninsula, the positive contribution to the area's character.
- e. In the Commercial Core Zone at North
 Halswell, the effect of residential activity
 at ground floor on the ability to
 accommodate commercial activities over
 the long term while achieving a compact
 and mixed use centre.
- f. The extent to which the activity satisfies one of the criteria in Policy 15.2.2.6(a)(i)-(iii), and the criterion in Policy 15.2.2.6(b)

Effects and Evaluation of Amendments

- The change in activity status provides clarity
 of the matters to be addressed in any
 application for resource consent and
 therefore more certainty in interpretation.
 As a consequence, there are anticipated to
 be reduced transaction costs.
- The change to activity status better aligns with provision for residential activity at ground floor in the Central City for which the effects may be similar.

Costs

- There is a risk that residential activity at ground floor results in adverse effects that are not anticipated or appropriately addressed by the matters of discretion.
- The additions to the matters of discretion introduce a greater level of regulation than exists in the operative plan, resulting in additional transaction costs. This may curtail appropriate opportunities for residential activity at ground floor in centres.

Effectiveness and Efficiency

The change in activity status and additions to matters of discretion will more effectively achieve Objective 3.3.2(a)(iii) of using clear language so the plan is more easily understood without adding complexity. In particular, the addition of the words "Reverse sensitivity effects" to clause (c) provides clarity of what the matter is concerned with and to avoid any perceived overlap, while the addition to clause (d) is to achieve vertical alignment with the proposed policy 15.2.2.6 as notified.

The change in activity status will also more effectively achieve 3.3.2 (a)(i) of minimising transaction costs. Discretionary activity status could otherwise lead to an assessment of effects that is broader than necessary and beyond what was anticipated by the policy and associated rules.

There is considered to be sufficient certainty of the matters to be assessed to enable the use of Restricted Discretionary activity status. The potential effects can be reasonably defined without it being a lengthy list that takes the form of a Discretionary activity. In doing so, it provides for efficiencies in the preparation and subsequent assessment of applications for resource consent.

Amendments to PC5B Notified Provisions	Effects and Evaluation of Amendments
	The proposed changes give effect to Objectives 1 and 3 of the NPSUD of enabling people to live in a centre zone while providing for their well-being through access to employment, services and amenities. The change in activity status and certainty of the matters to be addressed provides a pathway for residential activity at ground floor while ensuring effects are appropriately managed. This includes the effects on the function of the centre and its ability to serve the needs of those living in or near centres.
	The addition to the matters of discretion of matters defined under policy 15.2.2.6 better gives effect to Objectives 3.3.7(a)(v) and 15.2.2(a)(iii) and (v) of the Christchurch District Plan, and Objective 6.2.5 of the CRPS of maintaining a network of centres as focal points for commercial and community activities. Through consideration of the effects of residential activity at ground floor on the capacity of the centre to accommodate demand and effects on the centre's function, these objectives can be achieved.
	As noted in the evaluation of policy 15.2.2.6, the addition to the matters of discretion supports Objective 3.3.10(a)(ii) of the Christchurch District Plan of "ensuring sufficient and suitable land development capacity" and gives effect to the NPSUD that requires the Council to provide "at least sufficient development capacity in its region or district to meet the expected demand for business land".
	Also, as noted in the evaluation of policy 15.2.2.6, the addition to the matters of discretion provides for flexibility in the future use of space, enabling a change to commercial use if there is unanticipated demand or a change in the environment in the future. In doing so, sufficient land can be provided to accommodate growth, consistent with Objective 3.3.10(a)(ii).
	It can support achievement of Objective 15.2.4(a)(iii) of recognising the functional and operational requirements of activities.

Amendments to PC5B Notified Provisions	Effects and Evaluation of Amendments
	The matter of discretion (by reference to policy 15.2.2.6) also supports Objective 15.2.2(a)(ii) and (iii) of the Christchurch District Plan of ensuring the continued viability of commercial centres and meeting needs in a way that supports the function of centres. In doing so, it supports Objective 3.3.5 of the Christchurch District Plan and Objective 6.2.5 of the CRPS which seek a range of opportunities for business activities to establish and prosper, particularly in centres where commercial activities are to be focussed. This is particularly important for activities that have functional requirements to be at ground floor as recognises in Objective 15.2.4(a)(iii).
	The additional matter of discretion, with reference to policy 15.2.2.6, supports Objective 15.2.2 (a)(ii) by enabling consideration of how residential activity integrates with surrounding activities and contributes to the vitality and amenity anticipated in centres. It also contributes to achieving Objective 15.2.4 of a scale, form and design of development that is consistent with the role of a centre. In doing so, it gives effect to the CRPS, particularly policy 6.3.2 of incorporating principles of good urban design, including integration "to provide an appropriate form and pattern of use and development".
	The matters in policy 15.2.2.6 are also consistent with matters of discretion for residential activity at ground floor in the Central City (15.13.2.9).
	With regard to the efficiency of the proposed changes, the benefits outweigh the costs insofar that the matters of discretion are aligned with the proposed policy and provide certainty of what needs to be considered for any residential activity at ground floor. By inclusion of the reference to matters in policy 15.2.2.6, effects on capacity and function of a centre can be appropriately managed such that centres can function more efficiently through provision of a range of activities accessible to people, living in and around centres.

Plan Change 5C- Industrial

Appendix 2 – PC5C Table of Submissions with Recommended **Decisions and Reasons**

Appendix 3 – PC5C Council Section 32AA Evaluation

APPENDIX 2 - TABLE OF SUBMISSIONS WITH RECOMMENDATIONS AND REASONS

Submitter	Submission No.	Decision No.	Decision Sough	ıt	Recommendation and Reasons
Ngāi Tahu Property Limited	S6	D2	Support for adding the explicit reference to enabling residential and mixed-use redevelopment of appropriate brownfield sites in Objective 16.2.2.		Accept Supports the amendment as notified.
		Further su	ıbmission	Support?	Recommendation and Reasons
		FS04.15 Internation Limited	– Christchurch nal Airport	Yes	Accept Supports the amendment as notified.
		D3	Neutral to all other changes proposed to Chapter 16. Ngāi Tahu Property Limited supports the assessments and conclusions contained in the Council's section 32 evaluation to the extent that they relate to matters raised in their submission.		Accept in part Accept in part due to recommended amendments to various PC5C provisions in response to other submissions.
		D4			Accept in part Accept in part due to recommended amendments to various PC5C provisions in response to other submissions.
Lyttelton Port Company Limited	S7	D3	Adopt the amendments to Clause (a) (iv) of Policy 16.2.1.4 (to no longer provide for community activities in general). Adopt the changes to Clause (a) (viii) of Policy 16.2.1.4 and associated rules (provided that the ability of industrial		Accept No recommended amendments to Policy 16.2.1.4 as notified, which achieves the outcome sought.
		D4			Accept No recommended amendments to Policy 16.2.1.4 as notified, which achieves the outcome sought.

Submitter	Submission No.	Decision No.	Decision Sought	Recommendation and Reasons
			activities to continue to operate are not undermined).	
Christchurch International Airport Limited	S13	D11	Retain provided that there is no amendment proposed to Policy 16.2.1.4 where avoidance of sensitive activities within 50dB Ldn Air Noise Contour is required.	Accept No recommended amendments to Policy 16.2.1.4 as notified, meaning no amendments are proposed which would have an impact on the ability of sensitive activities to establish in the 50dB Ldn Air Noise Contour.
	D13	D12	Retain Objective 16.2.2 provided that there is no amendment proposed to Policy 16.2.1.4 where avoidance of sensitive activities within 50dB Ldn Air Noise Contour is required.	Accept Recommended amendments are made to Objective 16.2.2, but are considered not have an impact on the ability of sensitive activities to establish in the 50dB Ldn Air Noise Contour.
		D13	CIAL notes that the Tait Campus is located within the 50dB Ldn Air Noise Contours. CIAL is not opposed to the proposed plan change but seeks to be involved in the development of this rule [16.6.3 P3] to ensure no further amendment is made which may result in adverse reverse sensitivity effects.	Accept No further amendments recommended to Rule 16.6.3 (P3) as notified. The notified amendments relocate the rule from general rules into the area specific rules to improve clarity.
		D14	Retain amendments [to the rules / planning maps in regards to wastewater]. CIAL is neutral as to the proposed amendments provided they will have no impact on the management of wastewater in the Specific Purpose (Airport) Zone. CIAL supports the limited nature of this change	Accept No further amendments proposed which would have an impact on the management of wastewater in the Specific Purpose (Airport) Zone. The new overlay only recognises the status quo.

Submitter	Submission	Decision	Decision Sough	t	Recommendation and Reasons
	No.	No.			
			and particular	-	
			addition of the	-	
			maps is only		
			recognise the		
			rather than	make any	
			amendment to t		
			are already in pl	ace.	
Carter Group	S15	D16	Amend Poli	cy 16.2.2.1	Reject
Limited			(Brownfield	Site	Reject on the basis that the land to
			Identification)		capital value ratio qualifier has been
			qualifier for la	-	removed in response to other
			value ratio rel		submissions.
			previously underutilised in	used and	
			underutilised in	dustriai iand.	
			I.e. amend pro		
			16.2.2.1 as follow	ws:	
			"the land i	s abandoned	
			previously use	ed industrial	
			land that is no	longer being	
			used , [<i>delete</i>	comma] or	
			underutilised	industrial	
			land"		
		Further su	ıbmission	Support?	
		FS09.1	- Ngāi Tahu	No	Reject
		Property L	_		Reject on the basis that the land to
		Reiect su	ıbmissions and		capital value ratio qualifier has been
		_	ified version of		removed in response to other
		Policy 16.2	2.2.1. Ngāi Tahu		submissions.
			imited consider		
			otified version is		
		unambigu	ous. The plain		
		reading o	f the proposed		
		policy is t	hat the land to		
		· ·	o only applies to		
		underutilis			
			this reason the		
		submissio	n is opposed.		

Submitter	Submission	Decision	Decision Sough	it	Recommendation and Reasons
	No.	No.			
		D17	Amend Poli (Brownfield Identification) the term 'gener land to capital qualifier. I.e. amend profile. 16.2.2.1 as follow "where the law value ratio is gethan"	Site by removing rally' from the all value ratio opposed Policy ws:	Reject Reject on the basis that the land to capital value ratio qualifier (and the term "generally") has been removed in response to other submissions.
		Further su		Support?	
		FS09.2 -	- Ngāi Tahu	No	Reject
		Property Limited Reject submissions and retain notified version of Policy 16.2.2.1.			Reject on the basis that the land to capital value ratio qualifier (and the term "generally") has been removed in response to other submissions.
		D18	Amend Poli (Brownfield Identification) the land to value to 90%. I.e. amend pro 16.2.2.1 as follor "greater than longer required authority for purpose; and"	Site by increasing eratio qualifier oposed Policy ws: 90 70 %, or no by a requiring a designated	Reject Reject on the basis that the land to capital value ratio qualifier has been removed in response to other submissions.
		Further submission		Support?	
		FS09.3 - Ngāi Tahu Property Limited Reject submissions and retain notified version of Policy 16.2.2.1.		No	Reject Reject on the basis that the land to capital value ratio qualifier has been removed in response to other submissions.

Submitter	Submission No.	Decision No.	Decision Sough	nt	Recommendation and Reasons
		D19	Retain the proposed wording of Policy 16.2.2.2 Brownfield Development.		Reject Reject on the basis that Policy 16.2.2.2 has been amended in response to other submissions, relating to reverse sensitivity effects, community and/or convenience activities supporting the local residential community, and urban design outcomes.
		D20	Retain all other		Accept in part Accept in part due to recommended amendments to various provisions in response to other submissions.
AMP Capital Palms Pty Limited	S16	D5	Amend Policy 16.2.2.1 (Brownfield Site Identification) so that the qualifier for land to capital value ratio relates to both previously used and underutilised industrial land. I.e. amend proposed Policy 16.2.2.1 as follows: "the land is abandoned previously used industrial land that is no longer being used; [delete comma] or underutilised industrial land" ubmission Support? - Ngāi Tahu No Limited ubmissions and tified version of .2.2.1. Ngāi Tahu Limited consider notified version is		Reject Reject on the basis that the land to capital value ratio qualifier has been removed in response to other submissions.
		Further su			
		Property L Reject su retain not Policy 16.2 Property L			Reject Reject on the basis that the land to capital value ratio qualifier has been removed in response to other submissions.

Submitter	Submission	Decision No.	Decision Sough	it	Recommendation and Reasons
	No.				
		unambiguous. The plain reading of the proposed policy is that the land to capital ratio only applies to underutilised industrial land. For this reason the submission is opposed.			
		D6 Amend Policy 16.2.2.1 (Brownfield Site Identification) by removing the term 'generally' from the land to capital value ratio qualifier. I.e. amend proposed Policy 16.2.2.1 as follows: "where the land to capital value ratio is generally greater		Site by removing rally' from the ol value ratio opposed Policy ws:	Reject Reject on the basis that the land to capital value ratio qualifier has been removed (including reference to "generally") in response to other submissions.
		Further su	than"	Support?	
		Property L Reject su	bmissions and ified version of	No	Reject Reject on the basis that the land to capital value ratio qualifier has been removed (including reference to "generally") in response to other submissions.
		D7	Amend Poli (Brownfield Identification) the land to value to 90%. I.e. amend pro 16.2.2.1 as follor "greater than longer required authority for purpose; and"	Site by increasing eratio qualifier oposed Policy ws: 90 70 %, or no by a requiring a designated	Reject Reject on the basis that the land to capital value ratio qualifier has been removed in response to other submissions.

Submitter	Submission	Decision Decision Sought		it	Recommendation and Reasons
	No.	No.			
		Further su	ıbmission	Support?	
		FS09.6		No	Reject
		Property L	imited		Reject on the basis that the land to
		-	ibmissions and ified version of		capital value ratio qualifier has been removed in response to other
		Policy 16.2			submissions.
		D8	Retain the prop	osed wording	Reject
			of Policy 16.2.2 Development.	2.2 Brownfield	Reject on the basis that Policy 16.2.2.2 has been amended in
					response to other submissions, relating to reverse sensitivity effects, community and/or convenience activities supporting the local residential community, and urban design outcomes.
		D9 Retain all other amendments		amendments	Accept in part
			in PC5C as notified.		Accept in part due to recommended amendments to various provisions in response to other submissions.
TEL Property	S17	D6	Support the	amendments	Accept in part
Nominees Limited			outlined in PC50 retain provision notified.		Accept in part due to recommended amendments to various provisions in response to other submissions.
Annex	S23	D1	Secondary re	elief sought:	Accept
Developments Ltd			Amend Objective 16.2.2 (Brownfield redevelopment) to include a reference to 'business' as well as residential and mixed use redevelopment. Amendments are shown in red below, with the notified PC5 amendments shown in black.		Accept on the basis that the amendment better gives effect to Policy 6.3.8 of the CRPS and Strategic Direction Objective 3.3.7 of the District Plan.
			"The recovery	and economic	
			growth of the	Christchurch	

Submitter	Submission	Decision	Decision Sought		Recommendation and Reasons
	No.	No.			
			District is pro enabling residential, ar and or redevelopment, mixed use devalpropriate brown."	business including	
		D2	Amend Obje (Brownfield re to include a 'avoiding signif effects on the role of Centr commercial ce than 'supportin and role of the and commercia Amendments ar below, with the amendments sh " of appropria sites white significant ad on the sup function and Central City an	reference to ficant adverse function and ral City and entres' rather g the function e Central City l centres'. The shown in red e notified PC5 fown in black. The brownfield avoiding verse effects porting the role of the d commercial and not the function of strial area for	recommended to Objective 16.2.2 to redefine the outcome for the Central
		Further su	ıbmission	Support?	
		FS12.04 - S	Scentre	No	Accept

Submitter Submissi	on Decision	Decision Sought	Recommendation and Reasons
	in the Dis concerned any furth to the	supports the used framework trict Plan and is I to ensure that er amendments objectives and e consistent with ework.	Accept on the basis that the recommended amendments to Objective 16.2.2 are considered to better implement the CRPS framework for the centres based approach, and that of the District Plan.
	D3	Secondary relief sought: Amend Policy 16.2.2.1 (Brownfield site identification) clause (a)(i) to remove the reference to the 70% land to capital value qualifier and to refer to underutilised 'business' rather than 'industrial' land. Amendments are shown in red below, with the notified PC5 amendments shown in black. "the land is abandoned previously used industrial land that is no longer being used, or underutilised industrial business land where the land to capital value ratio is generally greater than 70%, or no longer required by a requiring authority for a designated purpose; and"	Accept in part Accept in part on the basis that the land to capital value ratio is not the most appropriate way to encourage and provide for brownfield redevelopment in accordance with Policy 6.3.8 of the CRPS as it predetermines all land that is could be redeveloped, without any market or developer consideration. However, it is recommended to replace it with alternative text that directs that where a residential or mixed use business development represents a more efficient use of land than an industrial activity, it can be considered a brownfield site for redevelopment. Such amendments are considered necessary to provide more clarity on what land is "underutilised". No amendments are recommend with regard to the request for the Policy to refer to underutilised "business land" rather than industrial land on the basis that Policy 16.2.2.1 applies only in Chapter 16 (Industrial) of the District

Submitter	Submission	Decision	Decision Sought	Recommendation and Reasons
Junimitter	No.	No.	Decision Sought	Recommendation and Reasons
				Plan, so its application can only be to industrial land.
		D4	Secondary relief sought: Amend Policy 16.2.2.1 (Brownfield site identification) by removing clause (a)(ii) which refers to the redevelopment of brownfield sites not adversely affecting the supply of land anticipated to meet short, medium and long term land supply needs. Amendments are shown in red below. "ii. the redevelopment of the brownfield site will not adversely affect the supply of land to meet anticipated short, medium and long term supply needs of industrial activities to 2028, including industrial activities with specific locational requirements; and"	Reject Reject on the basis that Policy 2 of the NPS-UD states that local authorities are, at all times, to provide at least sufficient development capacity to meet expected demand for business land over the short term, medium term, and long term.
		D5	Secondary relief sought: Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing the reference to convenience or community activities that support the needs of the local residential community, and replace it with 'business developments' (Clause a).	Accept in part Accept in part on the basis restricting convenience and/or community activities potentially extends beyond the direction contained in the CRPS in Policy 6.3.8 relating to brownfield redevelopment. However, their replacement with
			Amendments are shown in red below, with the notified PC5 amendments shown in black .	"business activities" is not specific and would be inconsistent with the RPS policy 6.3.6 (6).

Submitter	Submission	Decision	Decision Sought		Recommendation and Reasons
Submitter	No.	No.			Recommendation and Reasons
			"a. Provide for redevelopment sites identified in with Policy residential activuse or business activities include quantum of activities the convenience accommunity a support the necessidential community accidential commu	of brownfield ied by a overlay or accordance 16.2.2.1 for vities, or mixed developments ling a limited commercial at provide tivities and/or ectivities that ids of the local	
		D6	Amend Poli (Brownfield re by adding	the word to reverse ts in Clause b	Accept Accept on the basis that it is limited to significant reverse sensitivity effects on surrounding industrial activities in accordance with the direction set out in Policy 6.3.8 of the CRPS.
		"b. i. any residential or mixed- use redevelopment will not give rise to significant reverse sensitivity effects on existing industrial activities, or other effects that may hinder or constrain the establishment or ongoing operation or development of industrial activities and strategic infrastructure;"			
		Further submission		Support?	
		FS04.16 - CIAL		No	Accept in part / Out of scope

Submitter	Submission No.	Decision No.	Decision Sough	nt	Recommendation and Reasons
		Reject the relief sought. CIAL opposes this relief – the addition of 'significant' changes the threshold of reverse sensitivity effects that the policy addresses. It is crucial that brownfield regeneration proposals do not give rise to any reverse sensitivity effects on strategic infrastructure. The addition of 'significant' would enable reverse sensitivity effects to occur, which is inconsistent with RPS policy and Strategic Objective 3.3.12.			Accept in part due to the distinction between "significant" reverse sensitivity effects, and "any other" adverse effects in Policy 16.2.2.2(b)(i).
		Kāinga Or amendme seeks appropriat developme		Yes	Accept in part / Out of Scope Accept on the basis that it is limited to significant reverse sensitivity effects on surrounding industrial activities in accordance with the direction set out in Policy 6.3.8 of the CRPS.
		D7	Secondary re Amend Poli (Brownfield re by removing th 'high quality ur Clause (b)(iii). Amendments ar below, with the amendments sh "b. high quality and an approp	edevelopment) the reference to oban design' in the eshown in red to notified PC5 thown in black. Turban design	Accept in part Accept in part on the basis that Policy 6.3.2 of the CRPS includes direction on good quality urban design, rather than "high" and Policy 16.2.2.2 should reflect this.

Submitter	Submission	Decision	Decision Sought	Recommendation and Reasons
	No.	No.		
			residential amenity can will be achieved on the site;"	
		D8	Secondary relief sought: Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing the words 'and enhances' from Clause (b)(vi). Amendments are shown in red below, with the notified PC5 amendments shown in black. "b. vi. the redevelopment maintains and enhances the strategic role of the Central City and commercial centres as the focal points for commercial and other activities, and the efficient and effective use of land and/or community and transport infrastructure investment in centres; and"	Accept on the basis that Objective 6.2.5 of the CRPS includes an outcome of supporting and maintaining the Central City and Commercial Centres as focal points for commercial activity.
		D9	Secondary relief sought: Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing proposed Clause (b)(viii) which requires any redevelopment to be comprehensively planned and consider any innovative approaches such as low impact urban design. Amendments are shown in red below. "b. viii. The development is comprehensively planned, and considers innovative approaches such as low	Accept on the basis that Policy 6.3.2 of the CRPS includes direction on good quality urban design and includes no reference to other aspects of the notified amendments.

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Submitter	Submission No.	Decision No.	Decision Sough	it	Recommendation and Reasons
			impact urb elements, ener efficiency, ar inclusive an design;"	gy and water ad life stage	
		D10	Secondary relief sought: Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing proposed Clause (b)(xi) which seeks that any redevelopment mitigates effects of noise in order to protect residential amenity. Amendments are shown in red below. "b. xi. The design of the development mitigates the effects of noise from traffic, railway activity, and other sources where necessary to protect residential amenity."		Reject Reject on the basis that brownfield redevelopment should not give rise to significant reverse sensitivity effects in accordance with Policy 6.3.8 of the CRPS and revised Objective 16.2.2 of the District Plan.
		Further su	ıbmission	Support?	
		FS04.17 - CIAL Reject the relief sought. It is important that residential redevelopment in brownfield areas is constructed so that noise effects on occupants are appropriately managed. FS11.12 - Kāinga Ora Kāinga Ora supports the proposed amendment, to the extent it is consistent		Yes	Reject on the basis that brownfield redevelopment should not give rise to significant reverse sensitivity effects in accordance with Policy 6.3.8 of the CRPS and revised Objective 16.2.2 of the District Plan. Reject Reject on the basis that brownfield redevelopment should not give rise to significant reverse sensitivity
			its primary		effects in accordance with Policy

Submitter	Submission	Decision	Decision Sough	ıt	Recommendation and Reasons
	No.	No.			
					6.3.8 of the CRPS and revised Objective 16.2.2 of the District Plan.
PTL Property Trust	S26	D1	eutral as to this vided there is no		Accept on the basis that the amendment better gives effect to Policy 6.3.8 of the CRPS and Strategic Direction Objective 3.3.7 of the District Plan.
		Further su			
		relief prov collateral enabling e sensitive			Accept Accept on the basis that the recommended amendments do not impact on sensitive activities being able to establish within the 50dB Ldn Air Noise Contour.
		D2			Accept in part Accept in part on the basis that the notified amendments to Objective 16.2.2 do potentially go beyond the direction contained in Chapter 6 of the CRPS with regard to brownfield redevelopment having to support the

Submitter	Submission No.	Decision No.	Decision Sought	Recommendation and Reasons
	NO. NO.		than 'supporting the function and role of the Central City and commercial centres'. Amendments are shown in red below, with the notified PC5 amendments shown in black. " of appropriate brownfield sites while avoiding significant adverse effects on the supporting the function and role of the Central City and commercial centres, and not compromising the function of the wider industrial area for primarily industrial activities."	function and role of the Central City and Commercial Centres. However, the relief sought is also considered to go beyond the direction in the CRPS in terms of brownfield redevelopment avoiding significant adverse effects (without qualification) on the Central City and Commercial Centres. Therefore, amendments are recommended to Objective 16.2.2 to redefine the outcome for the Central City and Commercial Centres to ensure it better gives effect to the CRPS and District Plan framework for the network of centres and brownfield redevelopment, to ensure it is enabled, while protecting those centres.
		D3	Amend Policy 16.2.2.1 (Brownfield site identification) clause (a)(i) to remove the reference to the 70% land to capital value qualifier and to refer to underutilised 'business' rather than 'industrial' land. Amendments are shown in red below, with the notified PC5 amendments shown in black. "the land is abandoned previously used industrial land that is no longer being used, or underutilised industrial business land where the land	Accept in part Accept in part on the basis that the land to capital value ratio is not the most appropriate way to encourage and provide for brownfield redevelopment in accordance with Policy 6.3.8 of the CRPS as it predetermines all land that is could be redeveloped, without any market or developer consideration. However, it is recommended to replace it with alternative text that directs that where a residential or mixed use business development represents a more efficient use of land than an industrial activity, it can be considered a brownfield site for redevelopment. Such amendments are considered necessary to provide

Submitter	Submission	Decision	Decision Sought	Recommendation and Reasons
	No.	No.	to capital value ratio is	more clarity on what land is "underutilised".
			greater than 70%, or no longer required by a requiring authority for a designated purpose; and"	No amendments are recommend with regard to the request for the Policy to refer to underutilised "business land" rather than industrial land on the basis that Policy 16.2.2.1 applies only in Chapter 16 (Industrial) of the District Plan, so its application can only be to industrial land.
		D4	Secondary relief sought: Amend Policy 16.2.2.1 (Brownfield site identification) by removing clause (a)(ii) which refers to the redevelopment of brownfield sites not adversely affecting the supply of land anticipated to meet short, medium and long term land supply needs.	Reject Reject on the basis that Policy 2 of the NPS-UD states that local authorities are, at all times, to provide at least sufficient development capacity to meet expected demand for business land over the short term, medium term, and long term.
			Amendments are shown in red below. "ii. the redevelopment of the brownfield site will not adversely affect the supply of land to meet anticipated short, medium and long term supply needs of industrial activities to 2028, including industrial activities with specific locational requirements; and"	
		D5	Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing the reference to convenience or community	Accept in part Accept in part on the basis restricting convenience and/or community activities potentially extends beyond

Submitter	Submission	Decision	Decision Sought	Recommendation and Reasons
	No.	No.		
			activities that support the	the direction contained in the CRPS
			needs of the local residential	in Policy 6.3.8 relating to brownfield
			community, and replace it	redevelopment.
			with 'business developments' (Clause a).	However, their replacement with "business activities" is not specific
			Amendments are shown in red	and would be inconsistent with the
			below, with the notified PC5	RPS policy 6.3.6 (6).
			amendments shown in black .	111 3 policy 0.3.0 (0).
			"a. Provide for Support the	
			redevelopment of brownfield	
			sites <u>identified</u> by a	
			brownfield overlay or	
			identified in accordance	
			with Policy 16.2.2.1 for	
			residential activities, or mixed	
			use or business developments	
			activities including a limited	
			quantum of commercial	
			activities that provide	
			convenience activities and/or	
			community activities that	
			support the needs of the local residential community."	
		D6	Amend Policy 16.2.2.2	Accept
			(Brownfield redevelopment)	•
			by adding the word	Accept on the basis that it is limited
			'significant' to reverse	to significant reverse sensitivity
			sensitivity effects in Clause b	effects on surrounding industrial
			(i).	activities in accordance with the direction set out in Policy 6.3.8 of the
			Amendments are shown in red	CRPS.
			below.	
			"b. i. any residential or mixed	
			use redevelopment will not	
			give rise to significant reverse	
			sensitivity effects on existing	
			industrial activities, or other	
			effects that may hinder or	

Submitter	Submission	Decision	Docision Court	•	Recommendation and Reasons
Subilitter	No.	No.	Decision Sough	ıı	Recommendation and Reasons
	110.	110.	constrain the	establishment	
			or ongoing		
			development	•	
			activities an		
			infrastructure;"		
		Further su	ıbmission	Support?	
		FS04.19 -	CIAL	No	Accept in part
		Reject the	e relief sought.		Accept in part due to the distinction
		CIAL oppo	ses this relief –		between "significant" reverse
		the addition	on of 'significant'		sensitivity effects, and "any other"
		changes t	he threshold of		adverse effects in Policy
			ensitivity effects		16.2.2.2(b)(i).
		-	olicy addresses.		
			that brownfield		
		_	regeneration proposals do		
		not give rise to any reverse			
		,	sensitivity effects on		
		strategic infrastructure. The addition of 'significant'			
			nable reverse		
			effects to occur,		
		-	nconsistent with		
		RPS policy	y and Strategic		
		Objective 3			
		FS11.17 - I	Kāinga Ora	Yes	Accept
		Kāinga Or	a supports the		Accept on the basis that it is limited
		amendme	nt to the extent it		to significant reverse sensitivity
		seeks	to enable		effects on surrounding industrial
		appropriat	e residential		activities in accordance with the
		developme	ent where		direction set out in Policy 6.3.8 of the
		effects can	be managed.		CRPS.
		D7	Amend Poli	cy 16.2.2.2	Accept in part
			(Brownfield re	-	Accept in part on the basis that Policy
			by removing th		6.3.2 of the CRPS includes direction
			'high quality ur	ban design' in	on good quality urban design, rather
			Clause (b)(iii).		than "high" and Policy 16.2.2.2
					should reflect this.

Submitter	Submission No.	Decision No.	Decision Sought	Recommendation and Reasons
			Amendments are shown in red below, with the notified PC5 amendments shown in black .	
			"b. high quality urban design and an appropriate level of residential amenity can will be achieved on the site;"	
		D8	Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing the words 'and enhances' from Clause (b)(vi). Amendments are shown in red below, with the notified PC5 amendments shown in black. "b. vi. the redevelopment maintains and enhances the strategic role of the Central City and commercial centres as the focal points for commercial and other activities, and the efficient and effective use of land and/or community and transport infrastructure investment in centres; and"	Accept on the basis that Objective 6.2.5 of the CRPS includes an outcome of supporting and maintaining the Central City and Commercial Centres as focal points for commercial activity.
		D9	Secondary relief sought: Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing proposed Clause (b)(viii) which requires any redevelopment to be comprehensively planned and consider any innovative approaches such as low impact urban design. Amendments are shown in red below.	Accept Accept on the basis that Policy 6.3.2 of the CRPS includes direction on good quality urban design, and does not include reference to the other components in notified Policy 16.2.2.2.

Submitter	Submission No.	Decision No.	Decision Sough	ıt	Recommendation and Reasons
	D10		"bviii. The development is comprehensively planned, and considers innovative approaches such as low impact urban design elements, energy and water efficiency, and life stage inclusive and adaptive design;" Amend Policy 16.2.2.2 (Brownfield redevelopment) by removing proposed Clause (b)(xi) which seeks that any redevelopment mitigates effects of noise in order to protect residential amenity. Amendments are shown in red below. "b. xi. The design of the development mitigates the effects of noise from traffic, railway activity, and other sources where necessary to		Reject Reject on the basis that brownfield redevelopment should not give rise to significant reverse sensitivity effects in accordance with Policy 6.3.8 of the CRPS and revised Objective 16.2.2 of the District Plan.
		Further su		Support?	Accept in part / Out of scope
		Reject the is impresidential in brown constructe effects on	relief sought. It portant that redevelopment ifield areas is ed so that noise occupants are sely managed.		Reject on the basis that brownfield redevelopment should not give rise to significant reverse sensitivity effects in accordance with Policy 6.3.8 of the CRPS and revised Objective 16.2.2 of the District Plan.
		Kāinga Or	Kāinga Ora ra supports the	Yes	Accept in part / Out of scope Reject on the basis that brownfield
		proposed	amendment, to		redevelopment should not give rise

Submitter	Submission	Decision	Decision Sought		Recommendation and Reasons
	No.	No.			
			it is consistent its primary n.		to significant reverse sensitivity effects in accordance with Policy 6.3.8 of the CRPS and revised Objective 16.2.2 of the District Plan.
Foodstuffs (South Island) Properties Limited	S29	D8	Does not support PC5C as notified, including but not limited to Objective 16.2.2, Policies 16.2.1.1, 16.2.2.1, and 16.2.2.2, Rules 16.5.4.1.3 and 16.5.4.1.5 and requests that PC5 in its current form is rejected, or it is amended to reflect the issues raised in its submission.		Reject Reject on the basis that the purpose of PC5C is to enable brownfield redevelopment while still ensuring that the Central City and Commercial Centres remain focal points for commercial activities as well as amending other provisions to provide further clarity.
	Amend planning rules for industrial zones so that some quantum of office activity is expressly enabled to occur.		Reject Out of scope		
		D10	Amend planning rules for 165 Main North Road to expressly recognise its existing lawfully established activities (including office activities and staff café) within the Industrial General Zone.		Reject Out of scope.
	Remove the proposed restrictions on brownfield redevelopment (such as the exclusion of any quantum of commercial activities within mixed-use brownfield redevelopment sites).		h as the antum of es within rownfield	Reject Reject on the basis that restrictions on the commercial component of mixed use brownfield redevelopment proposal is required to protect the Central City and Commercial Centres in accordance with the CRPS.	

Submitter	Submission No.	Decision No.	Decision Sough	nt	Recommendation and Reasons
		Further su	ıbmission	Support?	
		FS04.21 - C	CIAL	Yes	Reject
		there is no Policy 16 avoidance activities v	e relief provided o amendment to .2.1.4 requiring of sensitive within the 50dB ise Contour.		Reject on the basis that the relief sought in the primary submission is rejected.
		D12	Oppose the re	•	Accept in part
			the term '2028 medium and Policy 16.2.2.1 (I identification) a should be speci	long term' in Brownfield site and that years	Accept in part on the basis that the short, medium and long term years can be specified based on their respective definitions in the NPS-UD and its gazettal date.
Peebles Group	S 30	D14	Supports the amendments		Accept in part
Limited			outlined in PC5 retain provision notified.		Accept in part on the basis that there are recommended amendments to the provisions as notified in response to other submissions.
Ryman	S33	D15	Retain the	proposed	Reject
Healthcare Limited			amendments 16.2.2.	to Objective	Reject on the basis that amendments are recommended to Objective 16.2.2 in response to other submissions.
		D16	Amend Policy 16.2.2.2(a) by removing the requirement for redevelopment of brownfield sites for residential or mixed use activities to also include convenience activities or community activities.		Accept Accept on the basis that the intent was not that redevelopment for residential purposes was required to include convenience or community activities.
		Further su	bmission	Support?	
		FS09.7 Property L	- Ngāi Tahu imited	Yes	Accept As above.

Submitter	Submission	Decision	Decision Sough	nt	Recommendation and Reasons
	No.	No.			
		amend Pothat redeveloped brownfield required convenien	to include ce and y activities. Any consequer that the rede brownfield sites or mixed use ac required to convenience	velopment of for residential tivities are not o include activities or	Accept As above.
		community activ		Support?	
		Accept s amend Pot that redevelope brownfield required convenien	ubmission and olicy 16.2.2.2.(a) so that ment of I sites is not to include	Yes	Accept The intent was not that redevelopment for residential purposes was required to include convenience or community activities.
1027 Investments Limited	S37	D5	As alternative to the primary relief sought, amendment to the objectives and policies of the CDP to provide better support and enable non-residential activities on sites outside of the centres that have an historic non-residential use		Reject Out of scope.
		D6		additional or relief to the	Reject

Submitter	Submission No.	Decision No.	Decision Sought	Recommendation and Reasons
			CDP, including but not limited to, the maps, issues, objectives, policies, rules, controls/discretions, assessment criteria and explanations that will give effect to the matters raised in this submission.	Out of scope.
Retirement Villages Association of New Zealand	S38	D15	Retain the proposed amendments to Objective 16.2.2.	Reject Reject on the basis that recommended amendments are in response to other submissions.
Incorporated		D16	Amend Policy 16.2.2.2(a) by removing the requirement for redevelopment of brownfield sites for residential or mixed use activities to also include convenience activities or community activities.	Accept The intent was not that redevelopment for residential purposes was required to include convenience or community activities.
		D17	Any consequential relief so that the redevelopment of brownfield sites for residential or mixed use activities are not required to include convenience activities or community activities.	Accept The intent was not that redevelopment for residential purposes was required to include convenience or community activities.
Halswell Hornby Riccarton Community Board	S40	D10	Supports the direction and rules of the proposed Plan Change [5C], in particular the clearer direction for the redevelopment of brownfield land that support good neighbourhood design.	Accept in part Accept in part on the basis that recommended amendments are made to provisions of Plan Change 5C in response to other submissions.
		D11	Supports the proposed amendment to remove the reference to 'the discharge of odour or dust beyond the site	Accept Submission is in support of the proposed amendments to remove the reference to 'the discharge of

Submitter	Submission No.	Decision No.	Decision Sought	Recommendation and Reasons		
			boundary' from the definition	odour or dust beyond the site		
			of heavy industrial activity.	boundary' the definition of heavy		
				industrial activity.		

Appendix 5C3 - Section 32AA Evaluation

- As required by Section 32AA of the Resource Management Act 1991 (RMA), this report evaluates the
 recommended amendments to Policy 16.2.2.2 set out in this summary evidence in response to
 evidence filed by Annex Developments Limited.
- 2. This evaluation should be read in conjunction with the section 32 evaluation completed for the notified provisions and the s32AA evaluation appended to my s42A report.
- I consider that the amendments to Policy 16.2.2.2 that I propose above in response to the
 evidence are the most appropriate way to achieve the objectives and policies of the District Plan
 and CRPS.
- 4. The evaluation is provided in Table 1.

Table 1 – Evaluation of Recommended Amendments to Policy 16.2.2.2

Amendments Effects and Evaluation of Amendments Policy 16.2.2.2 - Brownfield redevelopment Effects and Significance of the Change: Further changes to Policy 16.2.2.2 beyond those set out in my The section 32 evaluation concluded that s42A report are recommended in response to evidence filed limiting commercial activities associated by Annex Developments Limited. More specifically, I am with brownfield redevelopment is more in recommending changes to clause (a) of Policy 16.2.2.2 to line with CRPS direction of protecting the Central City and commercial centres (e.g. delete the notified amendments that seek to restrict any commercial component of a mixed use brownfield that expressed in Objectives 6.2.5 and 6.2.6, development to convenience and/or community activities and Policy 6.3.1 of the CRPS. that support the needs of the local residential community, and However, I consider that there is a need to instead specifying "business activities" as an option for balance that direction with that contained brownfield redevelopment. I also recommend inserting new in the provisions that apply to brownfield reclauses (i) and (ii) to ensure that clause (a)(i)-(iii) of revised development (Objective 6.2.6(2), and Objective 16.2.2 are implemented. Policies 6.3.6(4) 6.3.8 which and acknowledge that brownfield redevelopment will result in commercial activity outside centres. Further, Policy 6.3.8 lists the adverse effects for consideration and their magnitude in those circumstances. I consider that where effects of brownfield redevelopment accord to the direction contained in Policy 6.3.8, there is no need to further restrict the types of activities that can occur. The amendments to Policy 16.2.2.2 set out in this summary evidence can be considered significant due to the removal of restrictions on commercial activities and replacing it

with wording that provides for a broader range of commercial activities to occur on a brownfield site.

However, with regard to adverse effects, a discretionary activity resource consent is required in all circumstances for brownfield redevelopment to ensure effects can be managed. Further, the adverse effects that are required under the CRPS to be considered are reflected in Objective 16.2.2 and revised Policy 16.2.2.2.

Therefore, I consider there is an appropriate mechanism to manage adverse effects that may arise as a result of my recommended amendments.

Benefits

The Section 32 report concluded that a benefit of the notified provisions is that there is less risk that any commercial components of a brownfield redevelopment adversely affecting the Central City or commercial centres.

While this is true given the reduced scale of commercial activity that could occur under the notified provisions in contrast to my amendments in this summary evidence, there remains the safeguard of a discretionary activity resource consent being required to manage effects. Further, amendments to Objective 16.2.2 will ensure that adverse effects on the Central City and commercial centres will be managed in accordance with CRPS direction.

On that basis, the benefit of this proposal is that it potentially enables a wider range of commercial activities to occur on a brownfield site, on a case by case basis, while centres remain protected.

Costs

The Section 32 report concluded that a cost of the notified provisions is that commercial activity on brownfield sites will be limited.

This proposal overcomes these costs and I have not identified any further costs as a result of this proposal.

Effectiveness and Efficiency

The section 32 report concluded that limiting commercial development is effective and efficient at ensuring that the Central City and commercial centre are protected. I agree that it is effective, however, I disagree that it is efficient as a discretionary activity resource consent is required for all brownfield redevelopments, including for limited commercial activities under this proposal.

I consider that the proposal contained in this summary evidence is still effective, and is more efficient than the notified provisions as it encourages applications for resource consents for a greater range of commercial activities to be considered for brownfield redevelopment to be lodged. Where those applications are able to demonstrate that there are no significant adverse distributional or urban form effects on the Central City and commercial centres, as set out in Policy 6.3.8 of the CRPS, then this proposal is more enabling of brownfield redevelopment, while still ensuring centres are protected. This is a key outcome required by Policy 6.3.8 of the CRPS.

I also consider it also better gives effect to Strategic Objective 3.3.7 of the DP, which states that business redevelopments of brownfield sites should be supported. Plan Change 5D – Home Occupations

Appendix 2 – PC5D Table of Submissions with Recommended Decisions and Reasons

PC5D - HOME OCCUPATIONS

TABLE OF SUBMISSIONS WITH RECOMMENDED DECISIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
Waimāero/Fendalt on-Waimairi- Harewood Community Board	52	52.1		Support the proposed amendments man scale, nature and effects of home occupatensure that residential activities remain the dominant activity in residential areas, income a. changes to the definitions of Home together with the inclusion of Funer the list of occupations excluded from within a residential unit or accessory. b. retention of the rule relating to no sites with frontages to Memorial Amendment of the residential activities are sidential and the residential accessory.	Bylaw 2013 in an advice note; and ii. deleting references to no signs in Memorial Avenue and Fendalton Road from the activity standards in rules for	
			Further Submission No.	Further Submitter Support or Oppose		Recommendation and Reasons
			FS14.1	Hospitality New Zealand (Canterbury Branch)	Support	Accept in part Reasons as above.
		\$2.2	Support in part	Support the reduction in the maximum a signage for home occupation activities to have questions around the distinction be signage and art used for advertising purp example working style and coloured light	Accept in part The submission is recommended to be accepted in part to the extent that it supports the reduction of sign size for	

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
					home occupations in residential zones to 0.5m² and the rule is recommended to be adopted without change for Residential Suburban Zone rule (applying to residential properties in Memorial Avenue and Fendalton Road). It is recommended (see submission S2.1 above) that references to Memorial Avenue and Fendalton Road, inserted in error into the sign standard for other residential zones, be deleted. Chapter 6.8 - Signs sets out the rules for signage in all zones, including three-dimensional, moving or illuminated signs. There is no need to duplicate any of these rules in other chapters and no changes to the rules are recommended.
		S2.3	Amend	There is no reference in the Home Occupations rules to the operation of brothels located in residential areas and it is recommended that this be given consideration.	Accept An advice note referring Plan users to the Council's Brothels Bylaw 2013 is proposed to be added to the introductory rule "How to interpret and apply the rules" in all zones PC5D relates to.
Carter Group Limited	\$15	S15.21	Support	Retain provisions in PC5D as notified.	Accept in part The rules this submission supports are recommended to be adopted as notified but an amendment adding a reference to

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
						the Brothels Bylaw 2013 in an advice note is also recommended.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS14.17	Hospitality New Zealand (Canterbury Branch)	Support	Accept in part Reasons as above.
AMP Capital Palms Pty Limited	\$16	\$16.10	Support	seeks to retain provisions in PC5D as notified.		Accept in part The rules this submission supports are recommended to be adopted as notified but an amendment adding a reference to the Brothels Bylaw 2013 in an advice note is also recommended.
TEL Property Nominees Limited	S17	S17.7	Support	Support the amendments outlined in PC5D and seeks to retain provisions in PC5D as notified.		Accept in part The rules this submission supports are recommended to be adopted as notified but an amendment adding a reference to the Brothels Bylaw 2013 in an advice note is also recommended.
Peebles Group Limited	\$30	\$30.15	Support	Supports the amendments outlined in PC 5D and seeks to retain provisions in PC5D as notified.		Accept in part The rules this submission supports are recommended to be adopted as notified but an amendment adding a reference to the Brothels Bylaw 2013 in an advice note is also recommended.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
			FS14.21	Hospitality New Zealand (Canterbury Support Branch)	Accept in part Reasons as above.
1027 Investments Limited			I DOILCIES ATTA TATES TETALEU LO HOTTE		
		\$37.6	Amend Any other additional or consequential relief to the CDP, including but not limited to, the maps, issues objectives, policies, rules, controls/discretions assessment criteria and explanations that will give effect to the matters raised in this submission.		5,
Hospitality New Zealand (Canterbury Branch)	\$39	\$39.2	Oppose in part	Hospitality NZ is concerned that PC5 has not gone far enough, through its objectives, policies and rules, to ensure that unhosted visitor accommodation – being a commercial activity – is captured within the centres based approach. It seeks that amendments are made to the provisions under PC5 to give effect to the relief sought [including] any other additional or consequential relief to the CDP, including but not limited to, the maps, issues, objectives, policies, rules, controls/discretions, assessment criteria and explanations that will fully give effect to the matter raised in this submission.	Out of scope / Reject The scope of Plan Change 5D is limited to policies and rules related to home occupations only, the rules for which require the person engaged in the home occupation to live permanently in the same residential unit/ on the same site. Unhosted visitor accommodation could not be classified as a home occupation because the owners of a residential unit being rented out for short term accommodation live permanently off-site. The submission is considered to be out of scope/ not on the plan change.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				The policy text has an emphasis on "guest accommodation" as defined. Hospitality NZ seeks that the text is expanded to ensure a wider coverage and to take into account those matters raised in its submission on PC4 [short-term accommodation]. As stated in that submission: "There will be a point where an "unhosted visitor accommodation activity in a residential unit" renders the residential activity null, and the "residential unit" in which the visitor accommodation activity is undertaken is no longer a residential unit. This distinction is not captured and Hospitality NZ supports controls on such uses to minimise effects on centre vitality."		
			Further Submission No.	Further Submitter	Further Submitter Support or Oppose	
			FS14.31	Dura mah)		Out of scope/ Reject Reasons as above.
Halswell Hornby Riccarton Community Board	\$40	\$40.12	Support	Plan Change [5D] regarding Home Occupation, including support for the proposed new policy 14.2.6.3 aiming to give greater clarity and more protection for the existing residential amenity.		Accept in part The rules this submission supports are recommended to be adopted as notified but an amendment adding a reference to the Brothels Bylaw 2013 in an advice note is also recommended.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Decision Sought	
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS14.27	Hospitality New Zealand (Canterbury Branch)	Support	Accept in part Reasons as above.
		\$40.13	Support	Strong support for a change to ru Permitted activities reducing the size of [signage] to .5 square metres.	le 14.5.1.1- of permitted	Accept in part The rules this submission supports are recommended to be adopted as notified but an amendment adding a reference to the Brothels Bylaw 2013 in an advice note is also recommended.
		\$40.14	Support	The Board would support any further t the rules, if proposed by other submitter residential amenity.		Accept The submission is recommended to be accepted on the basis that an addition of an advice note referring Plan users to the Brothels Bylaw is recommended to be added to the introductory rule "How to interpret and apply the rules". The proposed addition is the result of acceptance of submission S2.3 by Waimāero/Fendalton-Waimairi-Harewood Community Board which sought that further consideration be given to the establishment of small owner-operated brothels as home occupations.

Plan Change 5F – Planning Maps

Appendix 1 - 165 Main North Road - Foodstuffs Ltd. Section 32AA
Assessment

Appendix 2 - North West Belfast - Belfast Village JV Ltd. Section 32AA Assessment.

Appendix 3 - 1027 Columbo Street – 1027 Investments Ltd. Section 32AA Assessment

Appendix 4 - Recommended Changes To District Plan Provisions

- a. Text
- **b.** Outline Development Plans
- c. Plan Maps

Appendix 5 – PC5F – PM Table of Submissions with Recommended Decisions and Reasons.

165 Main North Road - Foodstuffs Ltd. Section 32AA Assessment

165 Main North Road

- 1.1 In its submission, Foodstuffs (South Island) Properties Limited (**\$29.16**) sought the rezoning of the Foodstuffs South Island Head Office site at 165 Main North Road from Residential Suburban to Industrial General. Two areas zoned Residential Suburban within 165 Main North Road were identified in the Reporting Officer's s42A Report¹, and are shown within the table below, as the subject area of the rezoning request.
- 1.2 In the Legal Submissions on behalf of Foodstuffs², Counsel referred to the sites requested for rezoning as 159 and 165 Main North Road. However, no submission has sought rezoning of 159 Main North Road.
- 1.3 For the submitter's properties at 159, 161 and 165 Main North Road, a resource consent (RMA/2020/1932) was obtained to establish additional car parking, reconfigure access, establish a storage shed, and implement landscaping. The consent was processed on a limited notified basis³ and has subsequently been implemented. It was decided during the consent process that the residential properties across the road were not affected, and so were not notified of the resource consent application. I do not consider it necessary for notification of the owners of those properties on the proposed rezoning, on the basis that the effects of the rezoning are similar to the effects assessed in processing of the resource consent application.
- 1.4 In my evidence for the hearing I recommended that the decision requested be rejected should the Panel consider it as within scope. The recommendation to reject the decision requested was based on the Transport expert's advice of the need for a traffic impact assessment of the potential effects of the requested change due to the sensitive location of the site on the transportation network, and the volume and movement of traffic. ⁴After further consideration, the Transport expert verbally confirmed with me that there is no longer a need for a traffic impact assessment. Mr Milne is satisfied with the Integrated Transport Assessment prepared and assessed as part of the consent application.
- 1.5 Should the Panel consider the submission (**S29.16**) as within scope, it is recommended that the proposed rezoning of the two areas within 165 Main North Road from Residential Suburban to Industrial General be **accepted**, as shown in PM24A (Enlargement 2). The requested rezoning of 165 Main North Road is assessed in **Table 1** below.

Table 1: Assessment of 165 Main North Road – Final Right of Reply

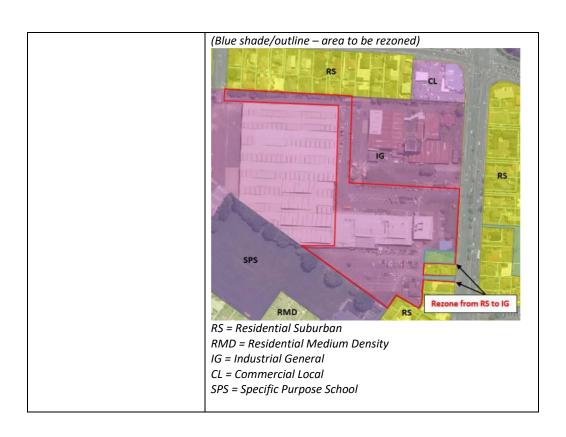
¹ 1(b) – 165 Main North Road (Planning Map 24A), Section 42A Report.

² Paragraph 13(b)

³ 153 Main North Road was deemed to be affected.

⁴ S42a Report, para 8.4.17

Address	165 Main North Road			
Planning map	24A			
Operative Zoning	Part Industrial General and part Residential Suburban			
Proposed zoning	Industrial General			
Evaluation of proposed zoning				
a. Efficiency	Benefits			
	 Avoids the current situation where unnecessary compliance costs (time and resources) are incurred due to split zoning. Provides a greater level of certainty to landowners in relation to zone boundaries relative to the physical extent of the site, and relevant provisions in relation to their land. Ensures that any future development can be properly assessed against the appropriate zone provisions of the district plan. Costs Extension of zoning to the property boundary will 			
	affect the activities including development enabled on that part of the property without a consent or plan change process. This could give rise to a greater level of visual amenity effects on the adjoining residential zoned property at 153 Main North Road, than is enabled under the operative zoning. These effects are however mitigated by Rule 16.4.2.3 with a required minimum building setback of 3m from the boundary with a residential zone and Rule 16.4.2.4 on recession plane requirements at boundary with a residential zone and road. The proposed zoning alignment up to the property boundary of			
	165 Main North Road is more efficient in achieving the desired outcome for the site, having regard to the benefits.			
b. Effectiveness in achieving objectives of the DP/ Higher order documents	The proposed zoning alignment to property boundaries will contribute to Objective 3.3.2 by minimising transaction costs in not requiring unnecessary resource consents. It provides certainty for the landowner on the future use of land and enables outcomes consistent with what was anticipated.			
Risk of acting/ not acting	The level of information used in the identification and assessment of the change sought to the planning map is considered to be well-founded. Consequently, the risk of acting based on the information available is considered to be low. The risk of not acting will result in unnecessary costs			
	particularly in relation to resource consent processes.			
Alternatives – evaluation	The status quo of retaining split zoning of properties is not considered appropriate on the basis that the sites are not used nor anticipated to provide for the outcomes sought based on the existing zoning, i.e., residential.			
Aerial photo	(Red outline – affected property)			
	(= - =			



North West Belfast - Belfast Village JV Ltd. Section 32AA Assessment.

North-West Belfast

- 1.6 Belfast Village Centre Ltd (formerly Belfast Village JV Ltd) (\$22.11) sought to amend Planning Map 12A to rezone the area shown in Figure 1 of its submission from Residential New Neighbourhood and Residential Suburban to Commercial Core, and amend Appendix 8.10.23 North West Belfast Outline Development Plan. The specific properties subject of the submitter's rezoning request are listed in Table 2, paragraph 8.2.2 of the \$42A Report.
- 1.7 In the s42A Report, it was recommended that the decision requested be rejected should the Panel consider it as within scope. The recommendation to reject the requested decision was based on the advice of Mr Foy for the need of an economic assessment of any potential effects on the Belfast/Northwood KAC. Ms Hampson provided economic evidence for the submitter at the hearing; however, Mr Foy's evidence as part of the Council's Synopsis of its response on 16 December was that Ms Hampson's assessment had not provided the strategic assessment needed to adequately justify a plan change.
- 1.8 The Council's preliminary Synopsis of its Reply dated 16 December 2021 states the Council's position that the orange and blue areas shown on Map 1 in Table 2 below are out of scope while the red area consented for the supermarket is within scope⁵ and that Mr Foy and Ms Pollisco had no issues with that rezoning on the merits.
- 1.9 I do not consider it necessary for notification of the owners of properties beyond those notified of the resource consent application. This is on the basis that the effects of the proposed rezoning are similar to the effects assessed in processing of the resource consent application.

Urban design outcomes in the ODP area

- 1.10 There is an existing Outline Development Plan (ODP) for North-West Belfast⁶. However, the development under RMA/2020/1965 is not in accordance with the ODP⁷. The indicative collector road shown on the ODP is now located north-west of the commercial zoned area so there are no connections through the commercial area as anticipated by the ODP. The structure of the likely development, specifically in ensuring vibrant streets and walking and cycling linkages, is important. Hence, a new ODP or an alteration to the existing ODP is appropriate, with high quality pedestrian connections through the site, i.e., from one site to another within the commercial area.
- 1.11 The Council's Urban Design expert expressed concern that not enough priority will be given to Main North Road and in particular the corner of Belfast Road and Main North Road, which is a defining location of the proposed Commercial Zone. Corner sites are important

⁵ Council's Preliminary Right of Reply, 16 December 2021, p12

⁶ Appendix 8.10.23 North West Belfast, Christchurch District Plan

⁷ Sections 104/104D Report/Decision on a Resource Consent Application, p3

because "they are prominent: they have long sightlines from multiple directions. Corner sites are conventionally seen as an opportunity for wayfinding and prominent landmark buildings and corners create areas of increased activity where street/paths come together. Further they can reinforce and anchor the street edge, particularly when commercial/community use is intended. The converse is that if a corner is occupied by car parking or larger signage, the potential impacts can be widespread."8

- 1.12 In the Commercial Core Zone, car parking associated with a permitted activity and a parking lot are permitted. If relying on the existing rules, it is likely that parking at the corner of Main North Road and Belfast Road would eventuate if the subject site was rezoned without any provisions relating to this corner. Whilst the operative urban design rules will help to reduce the impact of parking and blank frontages in this area, they do not recognise the corner's particular significance and the impact of parking on adjacent sites.
- 1.13 The Main North Road frontage is sensitive and thus needs quality buildings facing the road. It is important to have a strong built frontage wrapping around the corner, and facing both Main North Road and Belfast Road, to reinforce the street edge. A Key Pedestrian Frontage notation on the planning map is appropriate to ensure that if a building is constructed in this prominent location, it is then built up to the road boundary under Rule 15.4.2.3, and thus avoids a continuous length of car parking next to Main North Road.
- 1.14 Good safe connectivity within the area, and to surrounding areas is particularly important because it is anticipated that more people will use the network of walking routes through the zone. If the whole area was zoned, there is no certainty that connectivity through the area by walking will be prioritised based on the operative provisions. An ODP is therefore recommended that defines pedestrian routes so there is at least one connection from Main North Road to the collector road to improve connectivity through the commercial zone. The identification of pedestrian routes also seeks to achieve a high level of amenity for those walking through the zone without the need to walk across car parks.

Recommendation

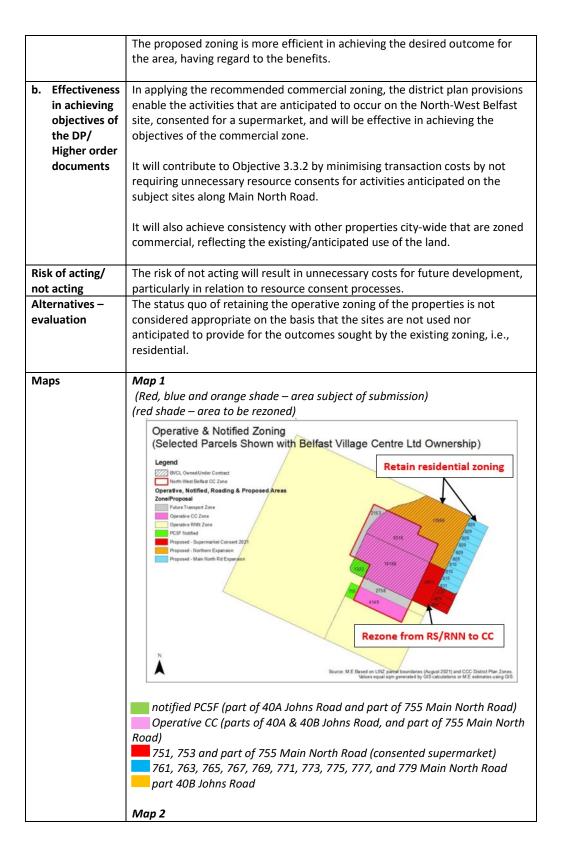
- 1.15 Should the Panel decide that the submission (**\$22.11**) is within scope, it is recommended that the decision requested be **accepted in part**, as follows:
 - a. the requested rezoning of the blue and orange areas (shown on Map 1 in Table 2 below) to Commercial Core be **rejected**,
 - b. the requested rezoning of the red area (shown on Map 1 in Table 2 below) to Commercial Core be **accepted**, subject to:
- a new ODP for the Commercial Core Zone of North-West Belfast, as shown in Proposed New Appendix 15.15.11 – Commercial Core Zone (North-West Belfast) Outline Development Plan
- ii. site-specific rules, as shown in District Plan Amendments, and

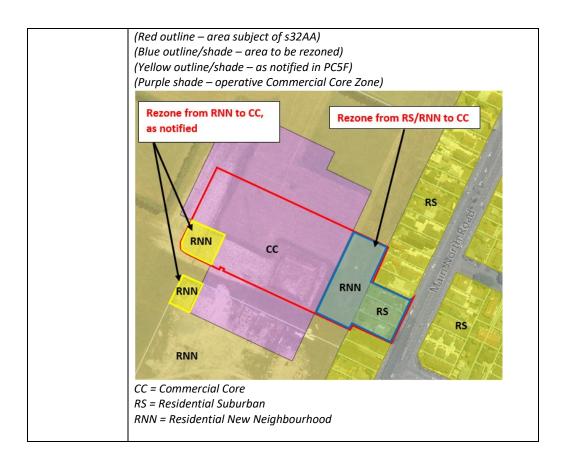
 $^{^8}$ David Hattam, Memo dated 10 December 2021 to Hearings Panel for Plan change 5 to the Christchurch District Plan, paragraph 7

- iii. a Key Pedestrian Frontage notation along Main North Road on the planning map, as shown in PM12A (Enlargement 2).
- 1.16 The requested rezoning of the red area (751, 753, and 755 Main North Road) is assessed in **Table 2** below. The proposed provisions are evaluated in **Table 5** below.

Table 2: Evaluation of Recommended Rezoning for North-West Belfast - Final Right of Reply

Address		Operative Zoning	Proposed zoning			
	North-West Belfast					
	• 751 Main North Road – Lot 24 DP 20313 (CB3C/904)	Residential Suburban	Commercial Core (shown red in Map 1 below)			
	 753 Main North Road – Flats 1 and 2 DP 41470 on Lot 3 DP 20313 (CB20A/448 and CB27A/286) 	Residential Suburban	Commercial Core (shown red in Map 1 below)			
	• 755 Main North Road – Lot 2 DP 540607 (Record of Title: 907213)	Part Residential Suburban, part Residential New Neighbourhood, part Commercial Core	Commercial Core (that part shown red in Map 1 below)			
Planning map number/s	12A					
Evaluation of prop						
a. Efficiency	 Provides certainty for landowners of the environmental outcomes anticipated for the subject properties along Main North Road. Aligns the District Plan with the intended environmental outcomes of the subject properties. The change in zoning means that some land use activities and development are permitted, and for which a resource consent is not required under the proposed zoning (where previously one would have been). As a consequence, the development process is more efficient and there are reduced compliance costs. Greater certainty leads to more efficient administration and monitoring, including interpretation of relevant provisions of the district plan. 					
	 would require a resource conse A change to the zoning of the pactivities including development could give rise to a greater leveloperative zoning although the 	 Any future development that does not comply with the provisions would require a resource consent application. 				





1027 Columbo Street - 1027 Investments Ltd. Section 32AA Assessment

1027 Colombo

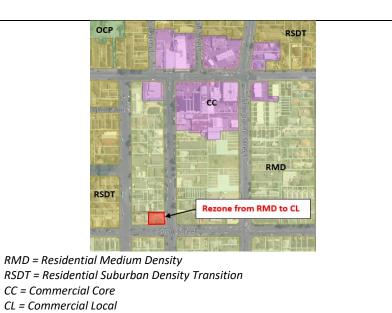
- 1.17 The submitter 1027 Investments Ltd (\$37.7) seeks to rezone their property at 1027 Colombo Street from Residential Medium Density to Commercial Local or Commercial Core.
- 1.18 In the s42A Report, it was recommended that the decision requested be rejected should the Panel consider it as within scope. The recommendation to reject the requested decision was based on the potential effect of its rezoning by providing for the establishment of a greater range of commercial activities and, thereby, introduce a greater range of effects into the surrounding residential zone.
- 1.19 At the plan change hearing, the rezoning request (\$37.7) was reconsidered and recommended to be accepted, if there is scope to do so. This is subject to maintaining no direct access to Colombo Street to protect the Major Cycle Route along Colombo Street. Proposed amendments to the provisions in the Transport Chapter and the Commercial Local Zone sub-chapter, to address this issue, are shown in **Appendix 1**.
- 1.20 The requested rezoning of 1027 Colombo Street is assessed in **Table 4** below. The proposed provisions are evaluated in **Table 5** below.

Table 4: Evaluation of Recommended Rezoning for 1027 Colombo Street - Final Right of Reply

Reply				
Address	1027 Colombo Street	Operative Zoning	Proposed zoning	
	1027 Colombo Street	Residential Medium Density	Commercial Local	
Planning map number/s	32A			
Evaluation of prop	oosed zoning			
a. Efficiency	 Efficiency Provides certainty for landowners of the environmenta anticipated for the property at 1027 Colombo Street. Aligns the District Plan with the intended environmenta the subject property. The change in zoning means that some land use activiti development are permitted, and for which a resource or required under the proposed zoning (where previously have been). As a consequence, the development proce efficient and there are reduced compliance costs. 			

⁹ Summary of Evidence of MF Pollisco, 13 December 2021, paragraph 16.5

		 Greater certainty leads to more efficient administration and monitoring, including interpretation of relevant provisions of the district plan. 				
		 Any future development that does not comply with the provisions would require a resource consent application. A change to the zoning of 1027 Colombo Street may provide for the establishment of a greater range of commercial activities and introduce a greater range of effects into the surrounding residential zone. The property at 1027 Colombo Street however has a long history of commercial use and is unlikely to revert back to residential use. 				
		The proposed zoning is more efficient in achieving the desired outcome for the area, having regard to the benefits.				
b.	Effectiveness	In applying the recommended zoning i.e., commercial, the district plan				
	in achieving	provisions enable the activities that are anticipated to occur on the property				
	objectives of	at 1027 Colombo Street and will be effective in achieving the objectives of the				
	the DP/	relevant zone.				
	Higher order	Televant zone.				
	documents	It will contribute to Objective 2.2.2 by maining in a transportion poets by not				
documents		It will contribute to Objective 3.3.2 by minimising transaction costs by not requiring unnecessary resource consents for activities anticipated on the subject site at 1027 Colombo Street.				
Ris	k of acting/	The risk of not acting will result in unnecessary costs for future development,				
	acting	particularly in relation to resource consent processes.				
	ernatives –	The status quo of retaining the operative zoning of the property is not				
evaluation		considered appropriate on the basis that the site is not used nor anticipated				
		to provide for the outcomes sought by the existing residential zoning.				
D 4						
Ma	ps	1007 Calaush a Chuash				
		1027 Colombo Street				
		(Red outline/shade – property subject of submission)				



OCP = Open Space Community Parks

Recommended Changes To District Plan Provisions.

Appendix 4A - TEXT

Key:

The Operative District Plan text is shown as normal text.

Amendments proposed through Council's closing right of reply are shown as <u>bold underlined text in</u> purple and that to be deleted as bold strikethrough in purple.

Text in green font identifies existing terms in Chapter 2 – Definitions. Where the proposed change contains a term defined in Chapter 2 – Definitions, the term is shown as **bold underlined text in green** and that to be deleted as **bold strikethrough in green**.

Text in blue font indicates links to other provisions in the district Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Amend the District Plan, as follows:

Chapter 7 Transport

7.4 Rules – Transport

7.4.4 Rules – Matters of control and discretion

7.4.4.9 Vehicle access design

a. The following are matters of discretion for Rule 7.4.3.7.a:

viii. For 1027 Colombo Street (Lot 1 DP 17924), whether there are any adverse effects of vehicle access design and access points on the safe and efficient operation of the transport network, including the Major Cycle Route network.

Chapter 15 Commercial

15.4 Rules - Commercial Core Zone

15.4.8 Area-specific rules – Commercial Core Zone (Other areas)

- a. The following rules apply to the areas specified. All activities specified are also subject to the rules in 15.4.1 and 15.4.2 unless specified otherwise in 15.4.8.
- 15.4.8.1 Area-specific activities Commercial Core Zone Other area-specific rules

15.4.8.1.1 Area-specific permitted activities

a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table.

Activity	у	Activity specific standards
<u>P2</u> <u>a</u>	a. Any activity or building in the North-West Belfast Commercial Core Zone (Refer to Appendix 15.15.11).	a. Development is to comply with the outline development plan for the North-West Belfast Commercial Core Zone (Refer to Appendix 15.15.11). b. Development is to comply with the North West Belfast Outline Development Plan (Refer to Appendix 8.10.23)

15.4.8.1.3 Area-specific restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 15.13.3 and 15.13.4.8, as set out in the following table.

	Acti	vity		Council's discretion shall be ted to the following matters:
RD3	a.	Any activity or building that does not comply with the outline development plan in Appendix 15.15.11.and Appendix 8.10.23	a.	Matters of discretion in Rule 15.13.4.8

15.5 Rules - Commercial Local Zone

15.5.1.3 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rules 15.13.1 and 15.13.4.6, as set out in the following table.

Activity	The Council's discretion shall be limited to the following matters:
a. Activities listed in Rule 15.5.1.1 P1-P24 and Rule 15.5.1.3 RD2 that do not meet one or more of the built form standards in Rule 15.5.2, unless otherwise specified. Advice note: 1. Refer to relevant built form standard for provisions regarding notification.	Outside the Central City, as relevant to the breached built form standard: a. Maximum building height – Rule 15.5.3.1 b. For the Commercial Local Zone (Wigram), Building height in the Commercial Local Zone at Wigram – Rule 15.13.4.6.3 c. Minimum building setback from road boundaries/ street scene – Rule 15.13.3.2 d. Minimum separation from the internal boundary with a residential or open space zone – Rule 15.13.3.3 e. Sunlight and outlook at boundary with a residential zone – Rule 15.13.3.4 f. Outdoor storage areas – Rule 15.13.3.5 g. Landscaping and trees – Rule 15.13.3.6 h. Water supply for fire fighting – Rule 15.13.3.8 i. Minimum building setback from the railway corridor – Rule 15.13.3.10 j. For 1027 Colombo Street (Lot 1 DP 17924)

15.5.2 Built Form Standards - Commercial Local Zone

15.5.2.10 Vehicle access

a. For 1027 Colombo Street (Lot 1 DP 17924), vehicle access shall only be from Canon Street.

Rules - Commercial Core Zone

15.13.4 Matters of discretion for area-specific standards

15.13.4.8 Area-specific rules – Matters of discretion - Commercial Core Zone (North-West Belfast) Outline Development Plan area

15.13.4.8.1 Pedestrian movement to and from adjoining area

a. The degree to which safe, landscaped pedestrian access is provided through the site, to connect with the wider movement network and with any open spaces while avoiding adverse effects on ecological areas.

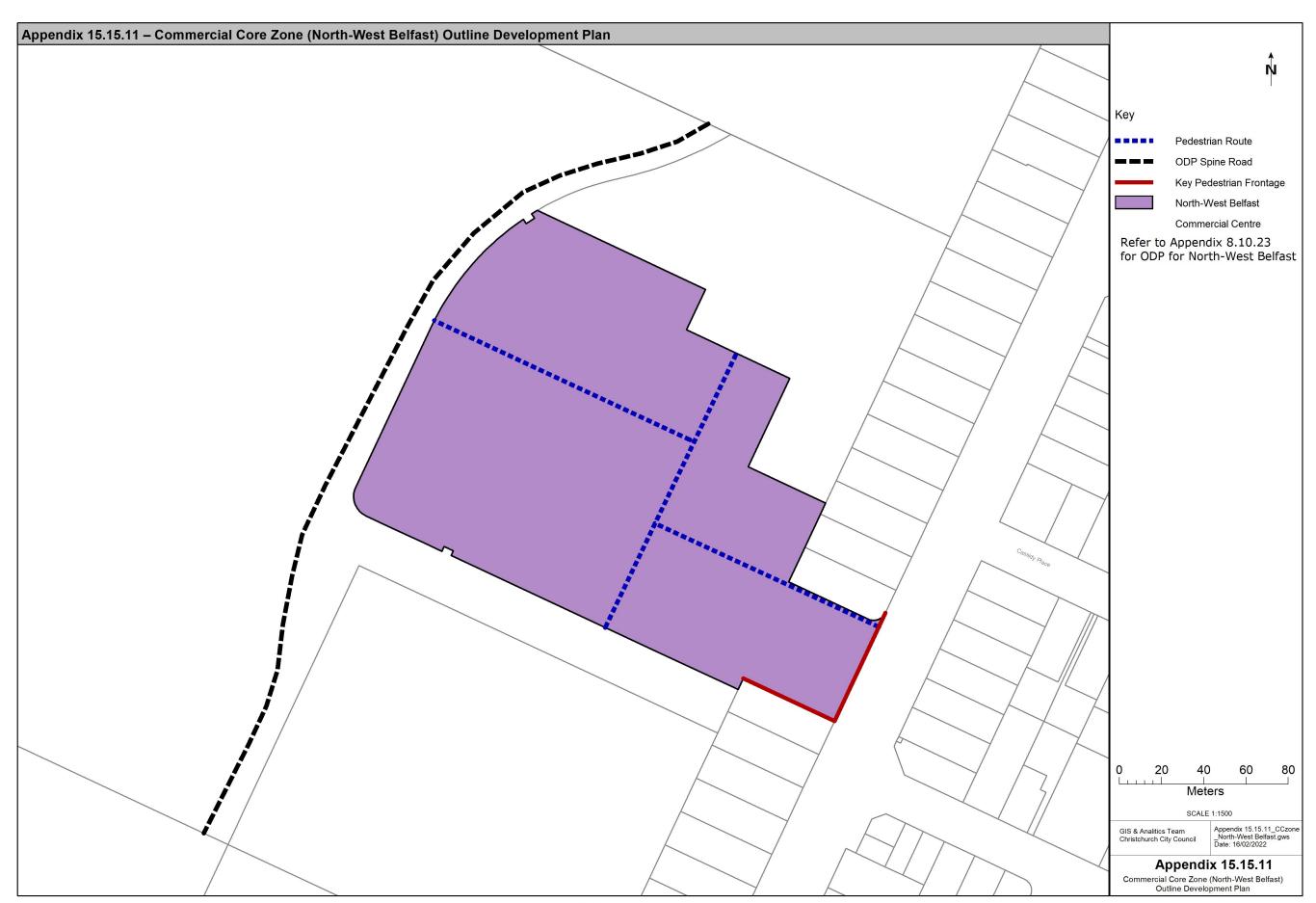
15.13.4.8.2 Roading and access

- a. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic that will use the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points;
- b. The extent to which the location of vehicular access points, the design of the transport network including intersection design and connections with the wider network, may individually or cumulatively impact on amenity of the zone and the surrounding area, and the safety and efficiency of the transport network;
- c. The extent to which traffic generated by the development may individually or cumulatively impact on amenity of the zone and the surrounding area, and the safety and efficiency of the transport network; and
- d. The extent to which future access through the site for pedestrians and vehicles is enabled.

APPENDIX 4B

OUTLINE DEVELOPMENT PLANS

- 1. New Commercial Core Zone (North West Belfast) Outline Development Plan Appendix 15.15.11.
- 2. Amended North West Belfast Outline Development Plan Appendix 8.10.23.



Proposed Plan Change 5F

NORTH-WEST BELFAST

Key:

The Operative District Plan text is shown as normal text or **bold**.

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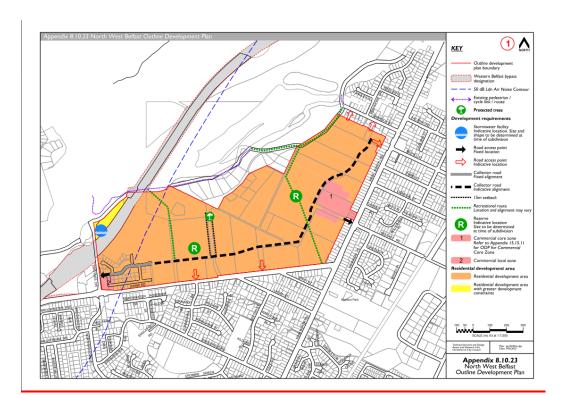
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Amend the District Plan, as follows:

Chapter 8 Subdivision, Development and Earthworks

8.10 Appendices



Appendix 8.10.23 North West Belfast Outline Development Plan

8.10.23.A CONTEXT

a. The North West Belfast Outline Development Plan area is located on the northern edge of the city and is generally bounded by Johns Road, the Main North Road, the Groynes open space and the Waimakariri stopbank. The neighbourhood lies in close proximity to many essential facilities and amenities including the shopping centres at Belfast and Northwood as well as having easy access to major employment nodes at Belfast and the Airport. The established residential areas at Belfast and Northwood are located to the immediate east, north and south of the site. The Western Belfast bypass is located to the west of the site.

8.10.23.B **GUIDANCE**

a. Guidance on the means to achieve the development requirements and form and design elements is provided within the Christchurch City Council's New Neighbourhood Design Guide. Further background and guidance is also provided in the Belfast Area Plan, Christchurch City Council, June 2010.

8.10.23.C DEVELOPMENT FORM AND DESIGN

- a. The following design elements and features are relevant considerations in exercising control over the matters in 8.7.1 8.7.4 or the matters for discretion in 8.8. They are not requirements for the purposes of Rule 8.6.11(a) or Rule 14.12.2.16.
- The main feature of this area will be the outlook to the adjacent open space to the north west of the site and the connections available to the Groynes, Clearwater and Waimairi walkway. Maximum advantage can be taken of these features through the provision of view shafts, pedestrian/cyclist links, alignment of roads and footpaths, location of reserves and orientation of allotments.
- This new neighbourhood offers significant opportunities in respect of integrating the new
 areas with on-site and nearby natural features and open space including the Groynes
 Reserve, Clearwater and the adjacent walkways.
- A new neighbourhood centre (zoned Commercial Core, refer to Appendix 15.15.11
 Commercial Core Zone (North-West Belfast) Outline Development Plan) located close to the Main North Road intersection with Johns Road, will provide a focus for the area and offer a range of local retail, business and community services.
- 4. Where existing properties are to remain or where the boundary of the RNN abuts properties in the Residential Suburban Zone, larger section sizes and/or planting buffers at the interface may be required.
- 5. The subdivision design is to achieve an open and attractive interface with the adjoining open spaces.
- 6. The subdivision design is to provide a good interface with adjacent roads and generally the interface treatment is to be consistent along the length of the road.
- 7. Any on-site surface stormwater treatment/detention facilities provided are to be generally associated with open space locations.

8.10.23.D DEVELOPMENT REQUIREMENTS

a. The development requirements for the purposes of Rule 8.6.11(a) and Rule 14.12.2.16 are described below and shown on the accompanying plan.

1. INTEGRATION

a. There are multiple landowners within the ODP area and a number of well-established existing properties. Subdivisions shall demonstrate how new development is to be coordinated between the different land owners.

2. DENSITY VARIATIONS

a. Whilst a density of at least 15hh/ha is required across the ODP area, the land to the west of the Western Belfast ByPass will not achieve this yield due to access constraints. Rule 8.6.11(b) density exemptions apply to this constrained area.

3. OPEN SPACE, RECREATION AND COMMUNITY FACILITIES

- A walkway link between Belfast (intersection of Main North Road and Johns Road) to the Waimairi walkway.
- b. Two community (neighbourhood) parks generally located on the west end of the site and within the east section of the site close to the neighbourhood centre.
- c. A site boundary setback of 15 metres from the Devondale Driveway and the area within the setback is to include a consistent design of permeable fences and the placement of key trees and shrubs within this 15m setback.

4. ACCESS AND TRANSPORT

- a. A collector road running through the site from a point generally opposite Richill Street to Groynes Drive. This road is to be capable of accommodating a bus route.
- b. A single intersection is to be formed either directly on the Richill Street intersection with Main North Road or on Darroch Street, at a safe distance from the intersection of Darroch Street and Main North Road, in consultation with the relevant road controlling authority.
- c. Access to Johns Road between Lagan Street and Swift Street.
- d. A fully connected local road network across the neighbourhood that achieves a high level of accessibility for people including opportunities for walking, cycling and public transport. This will provide connections to Main North Road, Johns Road, and Groynes Drive and pedestrian and cyclist connections to the Groynes and the Waimairi walkway.
- e. Residential and other activities will have no direct vehicle access to Johns Road other than via intersections shown on the ODP while Johns Road between Groynes Drive and Main North Road is defined as a major arterial road in this Plan or until the state highway status of this part of Johns Road is revoked, whichever occurs the earlier. This requirement can be Defer with the written approval from the relevant road controlling authority.
- f. The connection of the collector road across the Devondale Driveway will be subject to agreement being reached with the existing owners of that land or alternative legal mechanisms such as acquisition under the Public Works Act.

5. STORMWATER

- a. A stormwater management solution for the area which allows for the integration of stormwater with the surrounding Otukaikino catchment.
- b. Where off-site stormwater treatment/detention facilities are provided these are to be developed in conjunction with enhancement of the habitat and ecological values of the Otukaikino River and tributaries that the stormwater system is connected to.
- c. Natural Springs (if any) to be identified and safeguarded at the time of subdivision.

d. The design, layout and plant species proposed for any stormwater areas are to be undertaken and selected having consideration to the operations of the Christchurch International Airport.

6. WATER AND WASTEWATER

- a. A new water supply main through the ODP area connecting to the Belfast water supply pump station and existing water supply mains on Groynes Drive and Johns Road.
- b. A new wastewater main through the ODP area connecting to the existing wastewater main on Main North Road. Wastewater Pump Station 62 will need to be upgraded to accommodate growth in the Belfast area.

NORTH-WEST BELFAST

Key:

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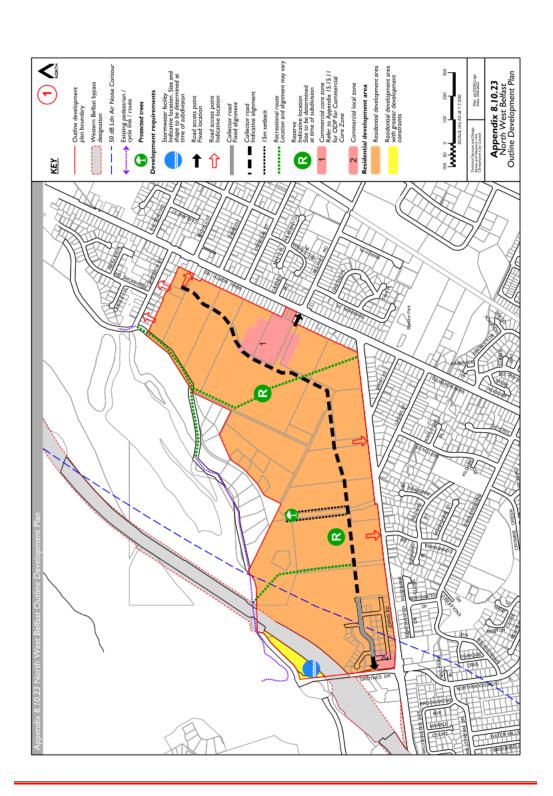
Chapter 8 Subdivision, Development and Earthworks

8.10 Appendices

Appendix 8.10.23 North West Belfast Outline Development Plan

8.10.23.A CONTEXT

a. The North West Belfast Outline Development Plan area is located on the northern edge of the city and is generally bounded by Johns Road, the Main North Road, the Groynes open space and the Waimakariri stopbank. The neighbourhood lies in close proximity to many essential facilities and amenities including the shopping centres at Belfast and Northwood as well as having easy access to major employment nodes at Belfast and the Airport. The established residential areas at Belfast and Northwood are located to the immediate east, north and south of the site. The Western Belfast bypass is located to the west of the site.



8.10.23.B **GUIDANCE**

a. Guidance on the means to achieve the development requirements and form and design elements is provided within the Christchurch City Council's New Neighbourhood Design Guide. Further background and guidance is also provided in the Belfast Area Plan, Christchurch City Council, June 2010.

8.10.23.C DEVELOPMENT FORM AND DESIGN

- a. The following design elements and features are relevant considerations in exercising control over the matters in 8.7.1 8.7.4 or the matters for discretion in 8.8. They are not requirements for the purposes of Rule 8.6.11(a) or Rule 14.12.2.16.
- 8. The main feature of this area will be the outlook to the adjacent open space to the north west of the site and the connections available to the Groynes, Clearwater and Waimairi walkway. Maximum advantage can be taken of these features through the provision of view shafts, pedestrian/cyclist links, alignment of roads and footpaths, location of reserves and orientation of allotments.
- 9. This new neighbourhood offers significant opportunities in respect of integrating the new areas with on-site and nearby natural features and open space including the Groynes Reserve, Clearwater and the adjacent walkways.
- 10. A new neighbourhood centre (zoned Commercial Core, refer to Appendix 15.15.11 Commercial Core Zone (North-West Belfast) Outline Development Plan) located close to the Main North Road intersection with Johns Road, will provide a focus for the area and offer a range of local retail, business and community services.
- 11. Where existing properties are to remain or where the boundary of the RNN abuts properties in the Residential Suburban Zone, larger section sizes and/or planting buffers at the interface may be required.
- 12. The subdivision design is to achieve an open and attractive interface with the adjoining open spaces.
- 13. The subdivision design is to provide a good interface with adjacent roads and generally the interface treatment is to be consistent along the length of the road.
- 14. Any on-site surface stormwater treatment/detention facilities provided are to be generally associated with open space locations.

8.10.23.D DEVELOPMENT REQUIREMENTS

a. The development requirements for the purposes of Rule 8.6.11(a) and Rule 14.12.2.16 are described below and shown on the accompanying plan.

7. INTEGRATION

c. There are multiple landowners within the ODP area and a number of well-established existing properties. Subdivisions shall demonstrate how new development is to be coordinated between the different land owners.

8. DENSITY VARIATIONS

d. Whilst a density of at least 15hh/ha is required across the ODP area, the land to the west of the Western Belfast ByPass will not achieve this yield due to access constraints. Rule 8.6.11(b) density exemptions apply to this constrained area.

9. OPEN SPACE, RECREATION AND COMMUNITY FACILITIES

- e. A walkway link between Belfast (intersection of Main North Road and Johns Road) to the Waimairi walkway.
- f. Two community (neighbourhood) parks generally located on the west end of the site and within the east section of the site close to the neighbourhood centre.
- g. A site boundary setback of 15 metres from the Devondale Driveway and the area within the setback is to include a consistent design of permeable fences and the placement of key trees and shrubs within this 15m setback.

10. ACCESS AND TRANSPORT

- A collector road running through the site from a point generally opposite Richill Street to Groynes Drive. This road is to be capable of accommodating a bus route.
- A single intersection is to be formed either directly on the Richill Street intersection with Main North Road or on Darroch Street, at a safe distance from the intersection of Darroch Street and Main North Road, in consultation with the relevant road controlling authority.
- j. Access to Johns Road between Lagan Street and Swift Street.
- k. A fully connected local road network across the neighbourhood that achieves a high level of accessibility for people including opportunities for walking, cycling and public transport. This will provide connections to Main North Road, Johns Road, and Groynes Drive and pedestrian and cyclist connections to the Groynes and the Waimairi walkway.
- I. Residential and other activities will have no direct vehicle access to Johns Road other than via intersections shown on the ODP while Johns Road between Groynes Drive and Main North Road is defined as a major arterial road in this Plan or until the state highway status of this part of Johns Road is revoked, whichever occurs the earlier. This requirement can be Defer with the written approval from the relevant road controlling authority.
- m. The connection of the collector road across the Devondale Driveway will be subject to agreement being reached with the existing owners of that land or alternative legal mechanisms such as acquisition under the Public Works Act.

11. STORMWATER

n. A stormwater management solution for the area which allows for the integration of stormwater with the surrounding Otukaikino catchment.

- Where off-site stormwater treatment/detention facilities are provided these are to be developed in conjunction with enhancement of the habitat and ecological values of the Otukaikino River and tributaries that the stormwater system is connected to.
- p. Natural Springs (if any) to be identified and safeguarded at the time of subdivision.
- q. The design, layout and plant species proposed for any stormwater areas are to be undertaken and selected having consideration to the operations of the Christchurch International Airport.

12. WATER AND WASTEWATER

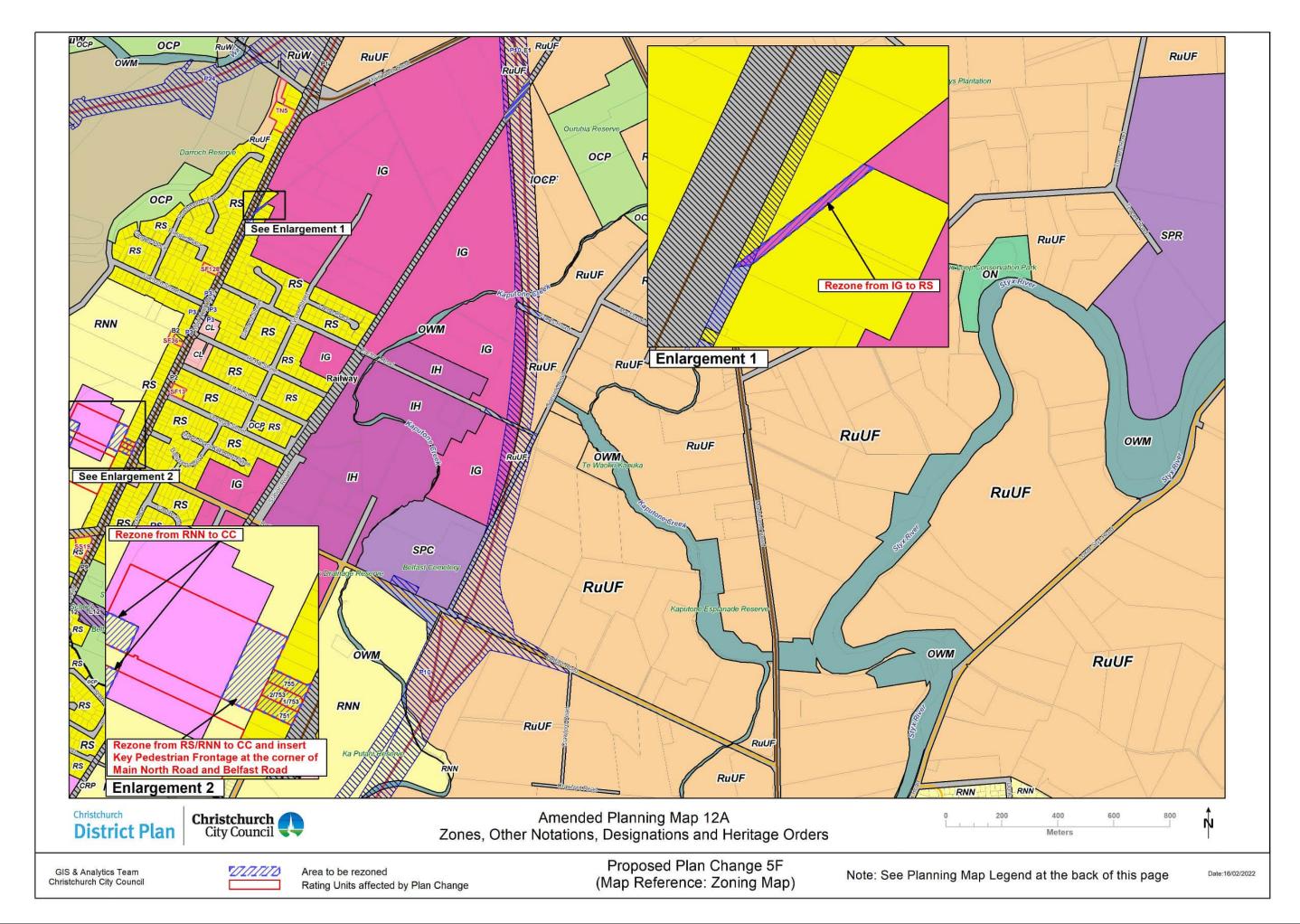
- r. A new water supply main through the ODP area connecting to the Belfast water supply pump station and existing water supply mains on Groynes Drive and Johns Road.
- s. A new wastewater main through the ODP area connecting to the existing wastewater main on Main North Road. Wastewater Pump Station 62 will need to be upgraded to accommodate growth in the Belfast area.

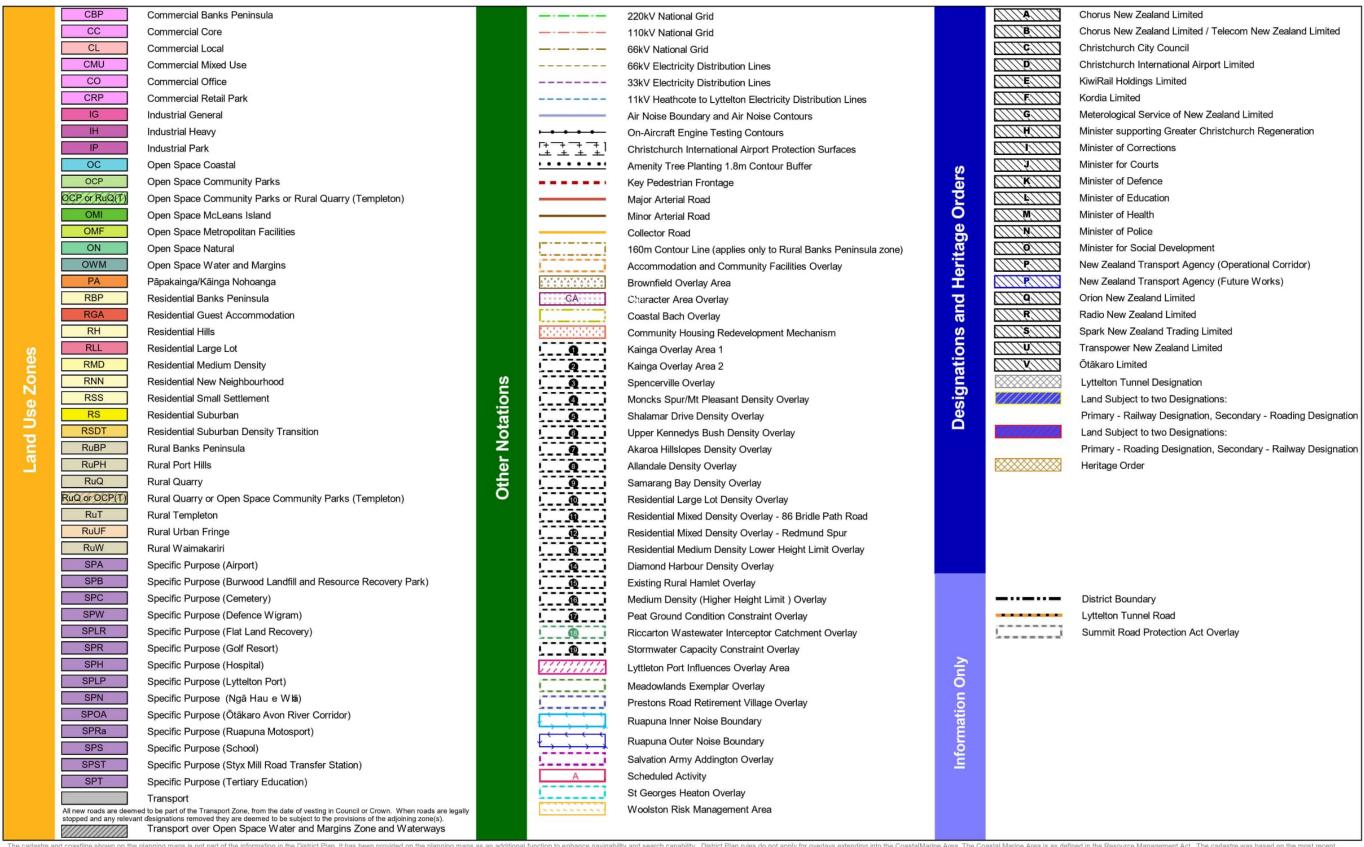
APPENDIX 4C

PLANNING MAPS

Amend the notified PC5F Planning Maps, as follows:

- a. **PM12A** (Zoning Map) by rezoning the consented supermarket at 751, 753, and 755 Main North Road from Residential Suburban/part Residential New Neighbourhood to Commercial Core Zone and inserting a Key Pedestrian Frontage notation at the corner of Main North Road and Belfast Road (see Appendix 3a Enlargement 2);
- b. **PM24A** (Zoning Map) by rezoning the two areas within 165 Main North Road from Residential Suburban to Industrial General (see Appendix 3b Enlargement 2);
- c. **PM32A** (Zoning Map) by rezoning 1027 Colombo Street from Residential Medium Density to Commercial Local (see Appendix 3c Enlargement 4);





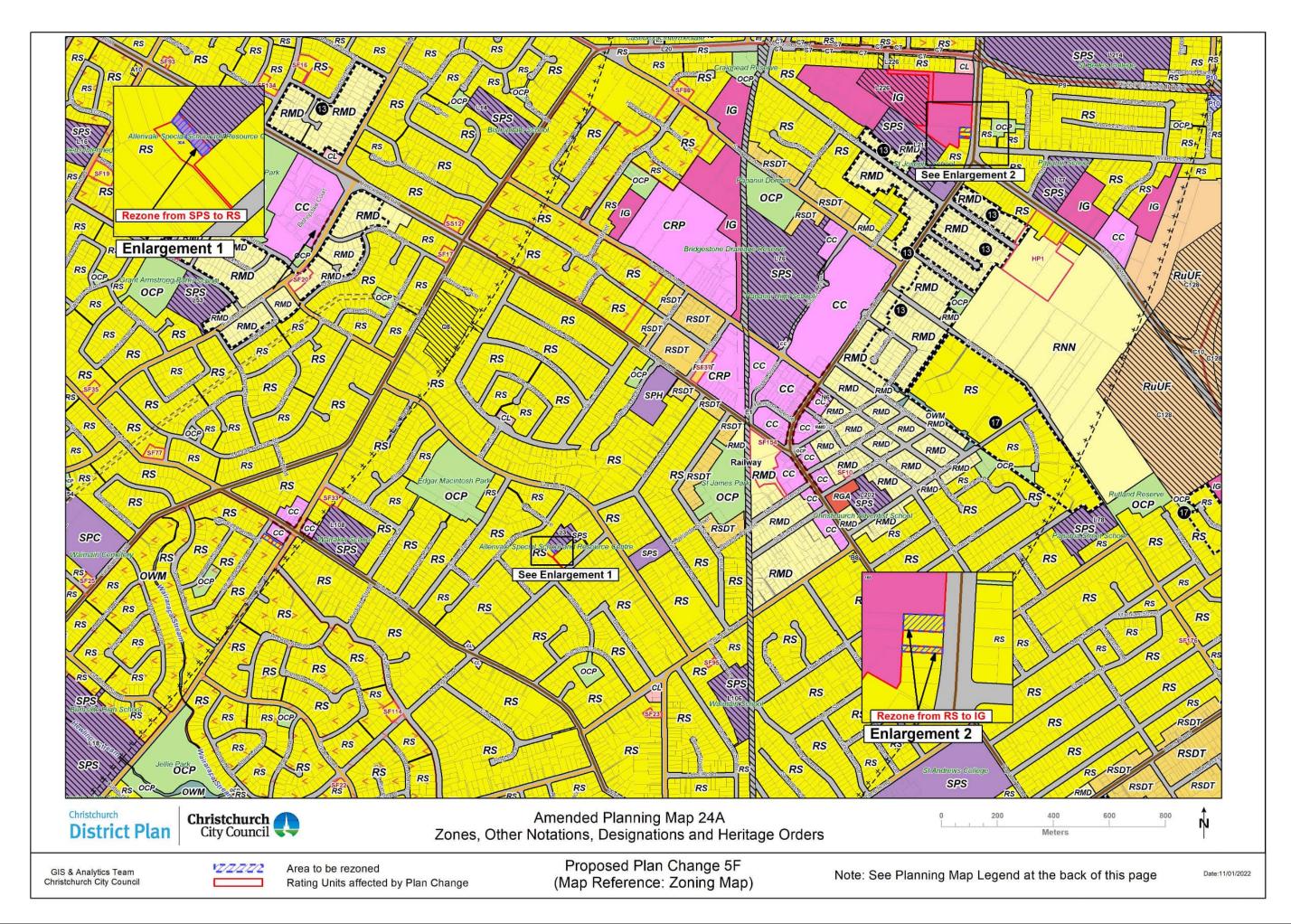
The cadastre and coastline shown on the planning maps is not part of the information in the District Plan. It has been provided on the planning maps as an additional function to enhance navigability and search capability. District Plan rules do not apply for overlays extending into the Coastal Marine Area. The Coastal Marine Area is as defined in the Resource Management Act. The cadastre was based on the most recening information held by the Council at the date the map was produced. Establishing compliance or otherwise with the plan may require a formal survey.

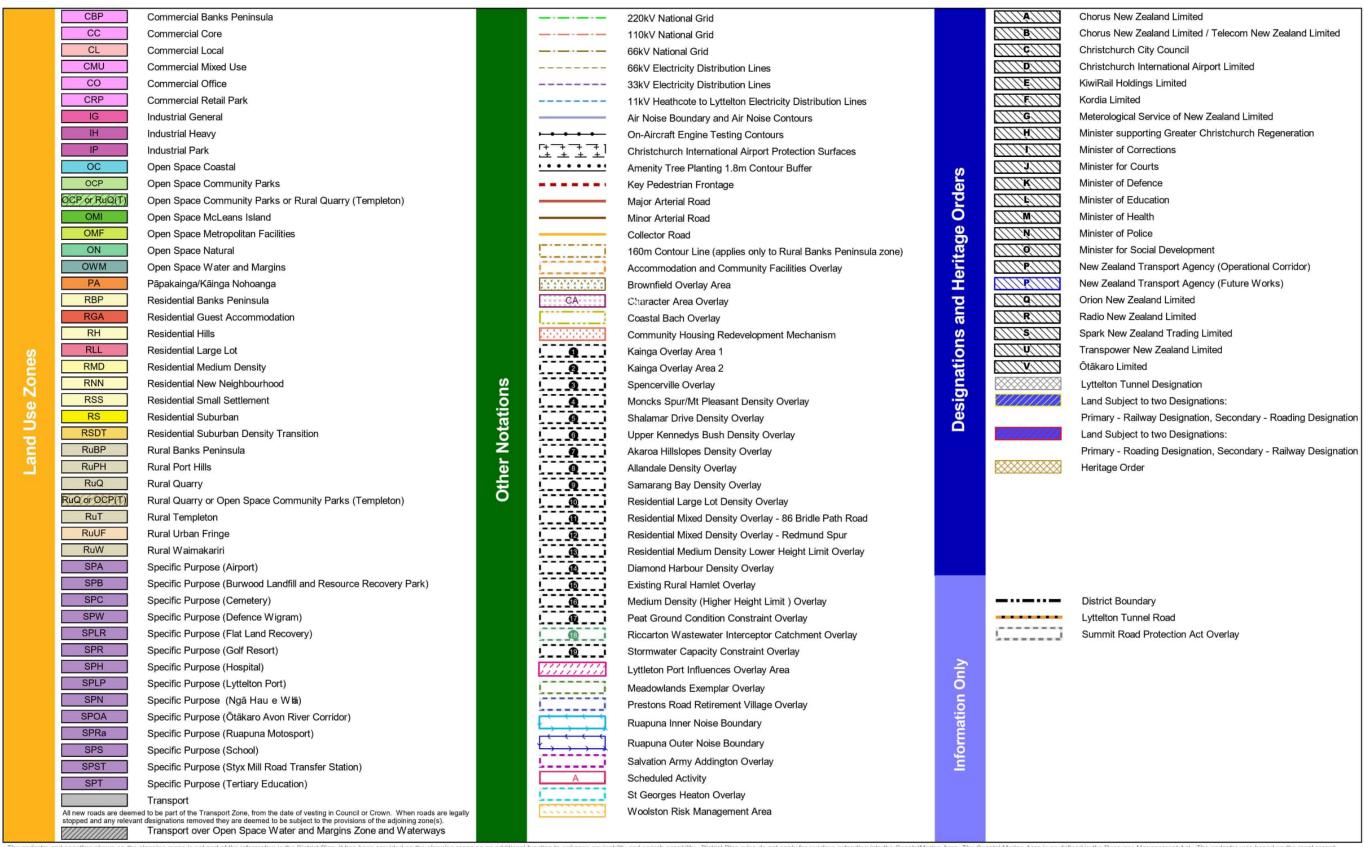
For information, acknowledgements and disclaimers relating to external data sources used in the planning maps please see the Data Sources page: https://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/additional-information/christchurch-district-plan/





The District boundary is as defined in the Resource Management Act, which uses the definition from the Local Government Act. The line on these maps representing the District boundary is and defined in the legislation. Determining rights and obligations under the District Plan where the District Plan where the District Plan where the District Plan where the District Plan planning maps are at a scale of 1:10000 and 1:50000. Use at any other scale than specified on each map is for information purposes only, and does not form part of the District Plan.





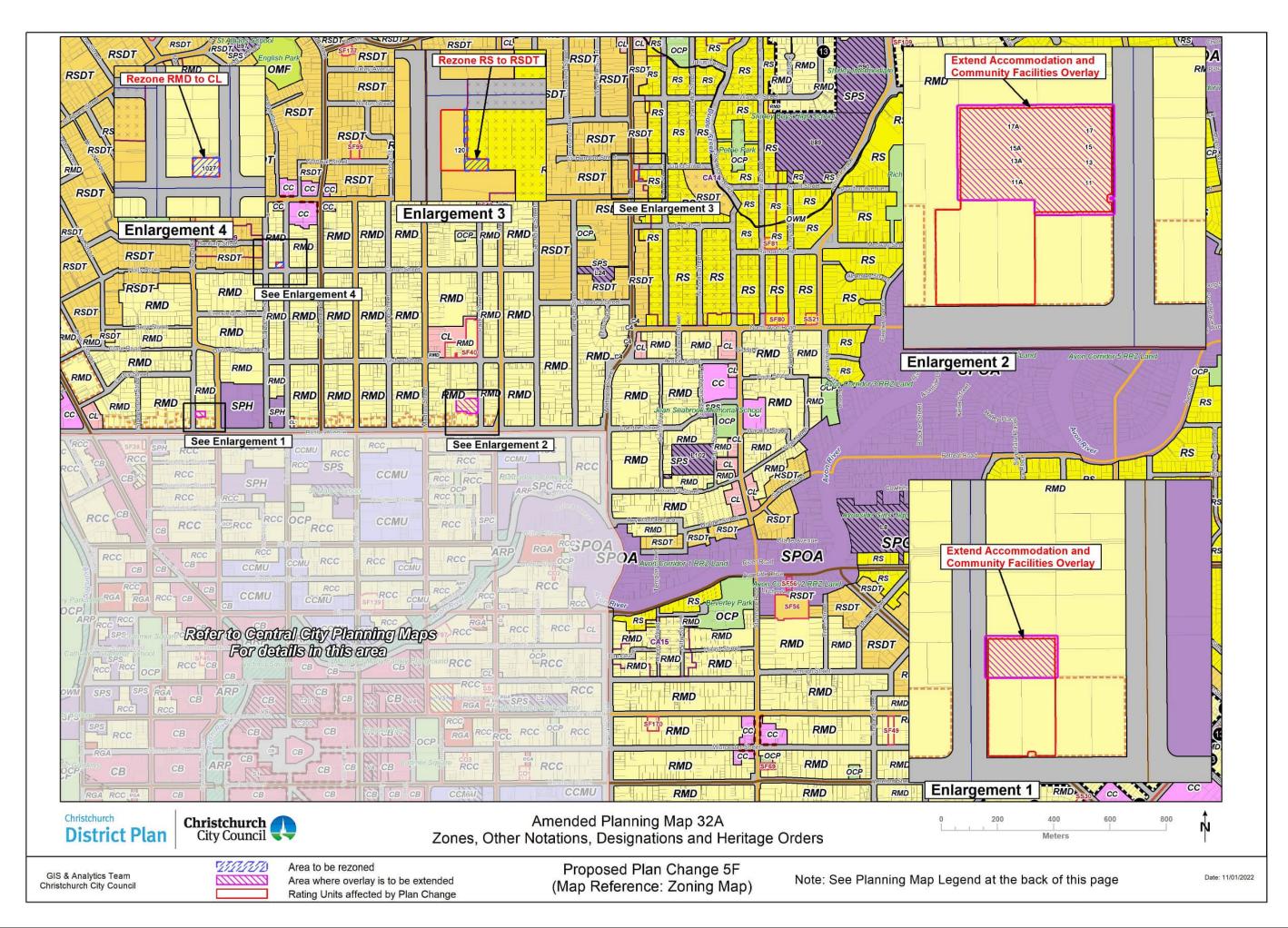
The cadastre and coastline shown on the planning maps is not part of the information in the District Plan. It has been provided on the planning maps as an additional function to enhance navigability and search capability. District Plan rules do not apply for overlays extending into the Coastal Marine Area. The Coastal Marine Area is as defined in the Resource Management Act. The cadastre was based on the most recening formation held by the Council at the date the map was produced. Establishing compliance or otherwise with the plan may require a formal survey.

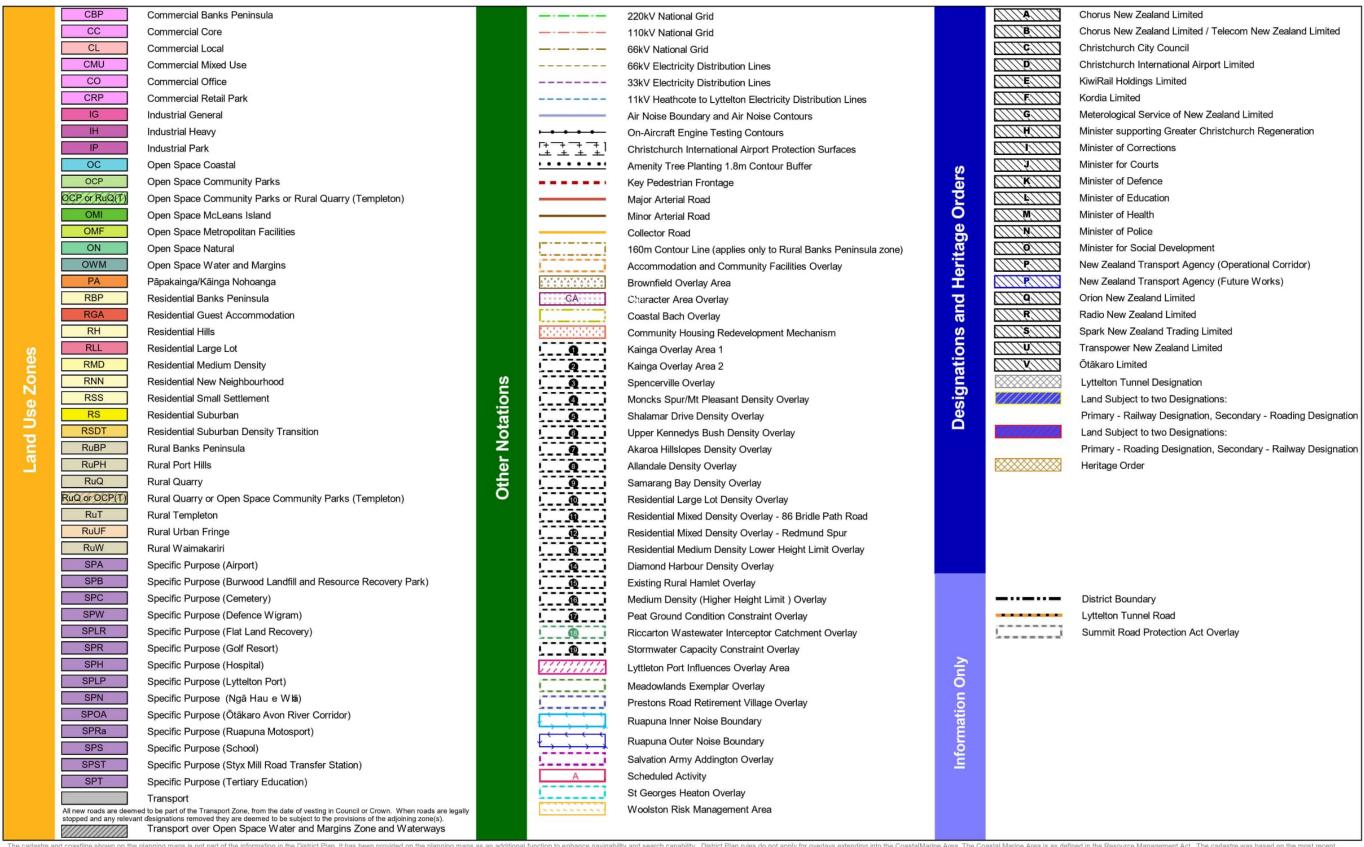
The District boundary is as defined in the Resource Management Act, which uses the definition from the Local Government Act. The line on these maps representing the District boundary is and defined in the legislation. Determining rights and obligations under the District Plan where the District Plan where the District Plan where the District Plan where the District Plan planning maps are at a scale of 1:10000 and 1:50000. Use at any other scale than specified on each map is for information purposes only, and does not form part of the District Plan.

For information, acknowledgements and disclaimers relating to external data sources used in the planning maps please see the Data Sources page: https://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/additional-information/data









The cadastre and coastline shown on the planning maps is not part of the information in the District Plan. It has been provided on the planning maps as an additional function to enhance navigability and search capability. District Plan rules do not apply for overlays extending into the Coastal Marine Area. The Coastal Marine Area is as defined in the Resource Management Act. The cadastre was based on the most recening information held by the Council at the date the map was produced. Establishing compliance or otherwise with the plan may require a formal survey.

The District Plan planning maps are at a scale of 1:10000 and 1:50000. Use at any other scale than specified on each map is for information purposes only, and does not form part of the District Plan

For information, acknowledgements and disclaimers relating to external data sources used in the planning maps please see the Data Sources page: https://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/additional-information/data-sources





The District boundary is as defined in the Resource Management Act, which uses the definition from the Local Government Act. The line on these maps representing the District boundary is as defined in the legislation. Determining rights and obligations under the District Plan where the District Plan where the District Doundary is relevant may require a formal survey.

PLAN CHANGE 5F – PLANNING MAPS: RECOMMENDED DECISIONS ON SUBMISSIONS

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Curries Road Limited Partnership	S5	\$5.1	Amend	Amend to include the sites at 12 Curries Road (Part Lot 16 DP 15293) & 24 Curries Road (Lot 1 DP 414928) in this Plan Change and amend the zoning to Industrial General for the entire sites including the site access. [Rezone 12 & 24 Curries Road from part Residential Suburban to Industrial General – PMs 46A & 47A]	Assessed as out of scope of PC 5.
Ngāi Tahu Property Limited	\$6	\$6.5	Support	Supports the zone change for the Wigram commercial centre (The Landing) from Commercial Local to Commercial Core.	Accept As proposed.
		\$6.6	Support	Supports the related s32 assessments and conclusions related to the above matters [the rezoning of Wigram Commercial Centre from Commercial Local to Commercial Core].	Accept As proposed.
Catholic Diocese of Christchurch	S8	58.1	Amend	Amend to include the site at 58 Somme Street (Lot 13 DP 3627) in this plan change and amend the zoning at 58 Somme Street (Lot 13 DP 3627) from Specific Purpose (School) Zone to Residential Suburban Density Transition Zone. [PM25A]	Assessed as in the scope of PC 5. The proposed zone is more appropriate because the land is no longer to be used for school and is being developed for a residential development.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
		\$8.2	Amend	The submitter noted that the subdivision of 58 Somme Street is well underway (at the time the submission was lodged), and the new legal description of the land no longer required for school purposes will be Lot 4 DP 553572. The submitter proposes the amended RSDT zoning apply to Lot 4 DP 553572, as shown in Figure 5 of the submission. [Rezone Lot 4 DP 553572 from Specific Purpose (School) to Residential Suburban Density Transition – PM 25A]	As above
Christchurch International Airport Limited	S13	\$13.15	Support	Overall, CIAL seeks that PC5 be approved with amendments, as set out in S13.16 – S13.18.	Accept in part Decision sought relates to other parts of the plan change not covered by this sub-topic.
		\$13.16	Support	Retain changes to zoning affecting CIAL property, which are [PM23A]: • Avonhead Road (only that part within the Specific Purpose (Airport) Zone) • George Bellew Road • Grays Road (only that part within the Specific Purpose (Airport) Zone) • Ron Guthrey Road • Syd Bradley Road	Accept As proposed.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons		
Russell Craigie	\$18	S18.10 Support Supports rezoning from Commercial Local to Residential New Neighbourhood on Planning Map 11A. [Groynes Park]			Accept As proposed.			
			Further	Further submitter	Support			
			submission no.		/Oppose			
			FS08.21	Johns Road Horticultural Limited	Support	Accept Reasons as above.		
		S18.11	FS05.10	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject Reasons as above.		
			\$18.11	\$18.11	Support	Supports rezoning from Residential Neighbourhood to Commercial Consouth-western corner of the North Neighbourhood Centre on Planning 11A and 12A. [This expansion is over part of Lot 2 540607 (Record of Title: 907213) ar DP 448815 (Record of Title: 568111	e in the Belfast Maps DP nd Lot 1	Accept As proposed.
				Further submission no.	Further submitter	Support /Oppose		
			FS08.22	Johns Road Horticultural Limited	Support	Accept Reasons as above.		
			FS05.11	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject Reasons as above.		

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
		\$18.12	Amend	Amend Planning Map 12A to rezone the area shown in Figure 1 (of submission) from Residential New Neighbourhood and Residential Suburban to Commercial Core and amend Appendix 8.10.23 North West Belfast Outline Development Plan accordingly.	Reject, except regarding that part of 755 Main North Road that is in the notified Plan Change proposed to be rezoned as Commercial Local. Assessed as out of scope of PC 5.
				[Rezone the following properties from Residential Suburban/Residential New Neighbourhood to Commercial Core:	
				• 751 Main North Road – Lot 24 DP 20313 (CB3C/904)	
				• 753 Main North Road – Flats 1 and 2 DP 41470 on Lot 23 DP 20313 (CB20A/448 and CB27A/286)	
				• 755 Main North Road – Lot 2 DP 540607 (Record of Title: 907213)	
				• 761 Main North Road – Lot 22 DP 20313 (CB17B/828)	
				• 763 Main North Road – Lot 21 DP 20313 (CB3D/1181)	
				• 765 Main North Road – Lot 20 DP 20313 (CB4A/1202)	
				• 767 Main North Road – Lot 19 DP 20313 (CB6D/67)	
				• 769 Main North Road – Lot 18 DP 20313 (CB3A/288)	

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				• 771 Main North Road – Flats 1 and 2 DP 46721 on Lot 17 DP 20313 (CB25F/115 and CB25F/116)		
				 part 40B Johns Road – Lot 3 DP 5 (part 907212)] 	40607	
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS08.23	Johns Road Horticultural Limited	Support	Reject Reasons as above.
			FS05.12	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Accept Reasons as above.
			FS15.10	Michael Cole	Oppose	Accept Reasons as above.
Johns Road Horticultural Limited	S20	S20.10	Support	Supports rezoning from Commercial Residential New Neighbourhood or Map 11A. [Groynes Park]		As proposed.
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS03.21	Russell Craigie	Support	Accept
						Reasons as above.
			FS05.22	John Gary Cosgrove & Jocelyn Cynthia Velenski	Oppose	Reject Reasons as above.
	,		Now			
		320.11	Support	Neighbourhood to Commercial Cor south-western corner of the North	e in the	As proposed.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				Neighbourhood Centre on Planning Maps 11A and 12A. [This expansion is over part of Lot 2 DP 540607 (Record of Title: 907213) and Lot 1 DP 448815 (Record of Title: 568111.]		
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS03.22	Russell Craigie	Support	Accept
						Reasons as above.
			FS05.23	John Gary Cosgrove & Jocelyn	Oppose	Reject
				Cynthia Velenski		Reasons as above.
		\$20.12	Amend	Amend Planning Map 12A to rezond shown in Figure 1 (of submission) Residential New Neighbourhood an Residential Suburban to Commercia and amend Appendix 8.10.23 North Belfast Outline Development Plan accordingly. [Rezone the following properties for Residential Suburban/Residential Neighbourhood to Commercial Cord	. from id al Core in West om ew e:	Reject, except regarding that part of 755 Main North Road that is in the notified Plan Change proposed to be rezoned as Commercial Local. Assessed as out of scope of PC 5.
				 751 Main North Road – Lot 24 DF (CB3C/904) 753 Main North Road – Flats 1 an 41470 on Lot 23 DP 20313 (CB20, CB27A/286) 	nd 2 DP	
				• 755 Main North Road – Lot 2 DP ! (Record of Title: 907213)	540607	

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				• 761 Main North Road – Lot 22 DI (CB17B/828)	P 20313	
				• 763 Main North Road – Lot 21 DI (CB3D/1181)	P 20313	
				• 765 Main North Road – Lot 20 DI (CB4A/1202)	P 20313	
				• 767 Main North Road – Lot 19 DI (CB6D/67)	P 20313	
				• 769 Main North Road – Lot 18 DI (CB3A/288)	P 20313	
				• 771 Main North Road – Flats 1 and 2 DP 46721 on Lot 17 DP 20313 (CB25F/115 and CB25F/116)		
				• part 40B Johns Road – Lot 3 DP 5 (part 907212)]	40607	
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS03.23	Russell Craigie	Support	Reject
						Reasons as above.
			FS05.24	John Gary Cosgrove & Jocelyn	Oppose	Accept
				Cynthia Velenski		Reasons as above.
			FS15.20	Michael Cole	Oppose	Accept
						Reasons as above.
Belfast Village	S22	S22.9	Support	Supports rezoning from Commercia		Accept
JV Limited				Residential New Neighbourhood or Map 11A.	n Planning	As proposed.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				[Groynes Park]		
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS03.9	Russell Craigie	Support	Accept
						Reasons as above.
			FS08.9	Johns Road Horticultural Limited	Support	Accept
						Reasons as above.
			FS05.33	John Gary Cosgrove & Jocelyn	Oppose	Reject
				Cynthia Velenski		Reasons as above.
			FS07.09	Gareth Turner	Oppose	Reject
						Reasons as above.
	\$22.10		Support Supports rezoning from Residential New Neighbourhood to Commercial Core in the south-western corner of the North Belfast Neighbourhood Centre on Planning Maps 11A and 12A.		e in the Belfast	As proposed.
				[This expansion is over part of Lot 2 540607 (Record of Title: 907213) ar DP 448815 (Record of Title: 568111	nd Lot 1	
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS03.10	Russell Craigie	Support	Accept
						Reasons as above.
			FS08.10	Johns Road Horticultural Limited	Support	Accept
						Reasons as above.
			FS05.34	John Gary Cosgrove & Jocelyn	Oppose	Reject
				Cynthia Velenski		Reasons as above.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			FS07.10	Gareth Turner	Oppose	Reject
						Reasons as above.
		S22.11	Amend	Amend Planning Map 12A to rezond shown in Figure 1 (of submission) Residential New Neighbourhood and Residential Suburban to Commercia and amend Appendix 8.10.23 North Belfast Outline Development Plan accordingly.	. from nd al Core	Accept in part The extent of change to zoning recommended is limited to the land associated with the consented supermarket.
				[Rezone the following properties fr Residential Suburban/Residential N Neighbourhood to Commercial Cor	ban/Residential New This is considered to be within scope	
				• 751 Main North Road – Lot 24 DP (CB3C/904)	20313	Note this land recommended for change is part
				• 753 Main North Road – Flats 1 an 41470 on Lot 23 DP 20313 (CB20/ CB27A/286)		of 40B Johns Road.
				• 755 Main North Road – Lot 2 DP 5 (Record of Title: 907213)	540607	
				• 40B Johns Road – Lot 3 DP 54060 907212)	7 (part	
				• 761 Main North Road – Lot 22 DP (CB17B/828)	20313	
				• 763 Main North Road – Lot 21 DP (CB3D/1181)	20313	
				• 765 Main North Road – Lot 20 DP (CB4A/1202)	20313	

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				 767 Main North Road – Lot 19 DP (CB6D/67) 769 Main North Road – Lot 18 DP 		
				(CB3A/288)		
				• 771 Main North Road – Flats 1 an 46721 on Lot 17 DP 20313 (CB25F CB25F/116)		
				• 773 Main North Road – Lot 16 DP (CB3D/718)	20313	
				• 775 Main North Road – Flats 1 and 2 DP 67072 on Lot 15 DP 20313 (CB39B/603 and CB39B/602)		
				• 777 Main North Road – Lot 14 DP (CB4B/633)	20313	
				• 779 Main North Road – Lot 13 DP (CB4A/1187)]	20313	
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS03.11	Russell Craigie	Support	Accept in part
						Reasons as above.
			FS08.11	Johns Road Horticultural Limited	Support	Accept in part
						Reasons as above.
			FS05.35	John Gary Cosgrove & Jocelyn	Oppose	Accept in part
				Cynthia Velenski		Reasons as above.
			FS07.11	Gareth Turner	Oppose	Accept in part
						Reasons as above.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			FS15.29	Michael Cole	Oppose	Accept in part
						Reasons as above.
Annex Developments Ltd	S23	S23.11	Amend	Primary relief sought: Rezone the a Tannery currently covered by the b overlay from Industrial General to Commercial Local Zone as shown in of the submission. [Rezone 150 & 200 Cumnor Terrace Tanner Street, 65 & 75 Maunsell Str Industrial General to Commercial Local 40A & 47A)]	rownfield Figure 1 7, 13 reet from	Reject Assessed as out of scope of PC 5. If it was in scope it would be recommended to be partly zoned Commercial Mixed which was not in the scope of the submission.
PTL Property Trust	S26	\$26.11	Amend	Seeks that the industrially zoned portions of their site be shown on the planning maps as a Brownfield overlay as shown in Figure 1 (in submission). It is also sought that the residential zoned		Assessed as out of scope of PC 5.
				land owned by PTL as shown in Figurencompassed within the Brownfield if there is scope to do so under Plar SF. [Properties owned by PTL: 79, 8. Bickerton Road and 157, 159, 171, 183 Pages Road – PM 33A)	d overlay n Change 1	
Foodstuffs (South Island) Properties Limited	S29	S29.13	Oppose in part	Does not support PC5 in its current including but not limited to: All Planning maps relevant to prope		Accept in part The change of zoning sought for 165 Main Road Noth is assessed to be within scope.
				Foodstuffs has an interest in.		Trotti is assessed to be within scope.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				Reject Proposed Plan Change 5 in its current form or amend the provisions to reflect the issues raised in this submission and / or such other relief as may be required to give effect to this submission, including consequential amendments to the District Plan that address the matters raised by Foodstuffs.	This part of the submission is recommended to be accepted as a change of zoning to Industrial General meets the requirements of the Act. The change of zoning at 171 Main Road North is assessed as out of scope of PC 5.
		\$29.14	Amend	The consented PAK'nSAVE supermarket in Papanui and its associated accessway should have a commercial core zoning. [Rezone 171 Main North Road from Industrial General to Commercial Core – PM 24A]	Reject Assessed as out of scope of PC 5.
		\$29.15	Support	The rezoning of the Wigram Neighbourhood Centre from Commercial Local to Commercial Core is supported. [Retain proposed Commercial Core zoning of Wigram neighbourhood centre – PM 37A]	Accept As proposed.
		\$29.16	Amend	Foodstuffs South Island Head Office site at 165 Main North Road, Northcote is zoned a mix of Industrial General Zone and Residential Suburban Zone and requires a consistent zoning of the whole office site as Industrial General Zone. [Rezone 165 Main North Road from part Residential Suburban to Industrial General – PM 24A]	Accept Assessed as in scope of PC 5. Recommended to be accepted as a change of zoning to Industrial General meets the requirements of the Act.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Waka Kotahi NZ Transport Agency	S32	S32.5	Support	Waka Kotahi is supportive of the amendments to the zoning changes proposed and seeks that PC5F is retained in their entirety.	Accept As proposed.
285 Wairakei Rd Ltd	\$36	\$36.10	Amend	Amend Planning Map 24 to rezone the sites shown in Figure 1 (of submission) from Residential Suburban to Commercial Core [Rezone 7 Springbank Street (Lot 115 DP 19419) and 255 Greers Road (Lot 27 DP 18017) from Residential Suburban to Commercial Core]	Reject Assessed as out of scope of PC 5.
1027 Investments Limited	\$37	\$37.6	Amend	Any other additional or consequential relief to the CDP, including but not limited to, the maps, issues, objectives, policies, rules, controls/discretions, assessment criteria and explanations that will give effect to the matters raised in this submission.	Accept-in-part Decision sought relates to other parts of the plan change not covered by this sub-topic.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
		S37.7	Amend	That the zoning of the Submitter's site [1027 Colombo Street] is amended on planning map 32 from Residential Medium Density to Commercial Local or Commercial Core. [Rezone 1027 Colombo Street from Residential Medium Density to Commercial Local or Commercial Core – PM 32A]		Assessed as within the scope of PC 5. The proposed zone change is found to be appropriate and meets the requirements of the Act.
Halswell Hornby Riccarton Community Board	S40	\$40.17	Oppose	The Board expresses concern regarding the removal of the overlay on accommodation and community facilities along Riccarton Road. [PM31A]		Reject The change is limited to a single property currently zoned Commercial.
			Further	Further submitter	Support	
			submission no.		/Oppose	
			FS14.28	Hospitality New Zealand	Support	Reject
				(Canterbury Branch)		Reasons as above.
Kainga Ora	S42	S42.8	Support	Supports the plan change and more specifically, the properties listed below to be rezoned. Rezoning of 4 Menin Gate Crescent Rezoning of 6 Menin Gate Crescent Rezoning of 8 Menin Gate Crescent Rezoning of 10 Menin Gate Crescent Rezoning of 44 Menin Gate Crescent Rezoning of 46 Menin Gate Crescent		As proposed.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				 Rezoning of 48 Menin Gate Crescent Rezoning of 50 Menin Gate Crescent Rezoning of 52 Menin Gate Crescent Rezoning of 62 Vanguard Drive Rezoning of 64 Vanguard Drive Rezoning of 66 Vanguard Drive Rezoning of 68 Vanguard Drive 	
				Rezoning of 70 Vanguard DriveRezoning of 72 Vanguard Drive	

Plan Change 5F – Kate Sheppard House

Appendix 2 – PC5F KSH Table of Submissions with Recommended Decisions and Reasons

PC5F - KATE SHEPARD HOUSE

TABLE OF SUBMISSIONS WITH RECOMMENDED DECISIONS AND REASONS

Submitter	No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Waimāero/Fendalton- Waimairi-Harewood Community Board	\$2	S2.4	Support in part	Support need for hours of operation but concerned that these may be confused with opening hours to the public.	Accept in part by amending the rule wording to read "the maximum hours during which the site may be open to visitors, staff and deliveries shall be:"
					Opening hours to the public could change over time and should not be fixed in the District Plan (with the exception of a limitation on opening to the public before 9am on Sundays and public holidays).
		S2.5	Amend	Allow a shoulder period for contractors such as Waste Management to access the facility outside of the hours of operation.	Reject Operating hours are already considered sufficiently wide for a residential zone.
Heritage New Zealand Pouhere Taonga	\$3	\$3.1	Support	Supportive of the changes proposed in relation to Kate Sheppard House. Specifically: a) Support the proposal to zone the site as a "place of assembly", as this will enable the site to be used for the purposes for which it was purchased. There will be provision for other activities such as conferences, community events and social functions.	a) Accept b) Accept c) Accept.

Submitter	No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				 b) Support the activity specific standards proposed, which will enable a broader range of activities to be undertaken than those that come under "place of assembly". c) Support slightly extended hours of operation which will ensure greater flexibility in the use of the site when necessary. 		The proposed changes balance the re-use of a nationally significant building and property while protecting the amenity values of neighbours. These changes give effect to the relevant heritage and residential objectives and policies of the District Plan.
			No.	Further Submitter	Support or oppose?	
			FS04.22	Christchurch International Airport	Neutral. Support if their primary relief is granted.	Reject as it is recommended that S13.17 be rejected.
		\$3.2	Support		aff on site at all times and or and meet noise rule	Accept.
		\$3.3	Support	On-site parking will be for Other visitors will be advis cycle or use public par	to cap parking at 5 spaces. It staff and for the disabled. It sed to use public transport, king in the neighbouring niversity carpark, with only ite.	Accept.
University of Canterbury	S11	\$11.1	Support	Supports the use of Kate Sheppard House as proposed and sees an opportunity for collaboration with Heritage NZ to deliver cultural activities complementary to the primary purpose of the house.		Accept
		\$11.2	Support	availability and use of UC off Clyde Road will be a	ssion with HNZ on the carparks. The UC carpark vailable to HNZ as for the e spaces available. The UC	-

Submitter	No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				is not responsible for mitigating any effects of parking from the Kate Sheppard site.		
Christchurch International Airport Limited	S13	\$13.17	Support in part	CIAL supports rules enablin House, but notes that the pr could include noise sensi activity standard "e" to pro as follows: "In relation to noise sensitiv located within the 50 dB L shown on the Planning Map	oposed suite of activities tive activities. Add an posed rule 14.4.3.1.1 P3 we activities, shall not be dn Air Noise Contour as	Reject. Submission points resolved as CIAL is satisfied that the proposed rule would not allow (noise) sensitive activities.
		S13.18	Support in part	Retain 14.4.3.1.4 D4 as notifications sought above being granted	· · · · · · · · · · · · · · · · · · ·	Reject as it is recommended that Submission 13.17 is rejected.
Halswell Hornby Riccarton Community Board	\$40	\$40.18	Support in part	Strongly supports the proposal to widen the range of activities and extend the hours of operation at Kate		Accept support for widened range of activities. Accept in part, with the later opening time on these days for visitors and deliveries, and only staff being able to access the property before 9am. Heritage NZ proposed this at the hearing.
			No.	Further Submitter	Support or oppose?	
			FS04.23	Christchurch International Airport	Neutral. Support if their primary relief is granted.	Reject as it is recommended that S13.17 be rejected.

Plan Change 5G – Consequential Car Parking Changes

Appendix 2 – PC5G Table of Submissions with Recommended Decisions and Reasons

Appendix 3 - PC5G Council Section 32AA Evaluation

PC5G - CONSEQUENTIAL CAR PARKING

TABLE OF SUBMISSIONS WITH RECOMMENDED DECISIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Christchurch International Airport Limited	\$13	\$13.20	Neutral	[Re: Definition of 'light manufacturing and servicing']. Retain [as proposed].	Accept
		S13.21	Oppose	[Re: 13.3.4.2.4 c.] Amend as follows: 'i. Sites with road frontages of at least 10m shall be planted with a minimum of one tree, plus one additional tree for every 10 metres of road frontage (e.g. 10 metres frontage – 2 trees, 20 metres frontage – 3 trees, etc.). ii. Where three or more trees are required these trees shall be planted no more than 15 metres apart, or closer than 5 metres apart. iii. Any trees required shall be planted along the road frontage and in front of any buildings on the site. iv. In addition to (i) – (iii) above, one tree shall be planted for every 510 car parking spaces required provided on the site. Trees shall be	Accept in part 1 tree per 10 car parks is appropriate for some activities such as industrial land uses with less interaction with the public and visitors. However, 1 tree per 10 car parks is not appropriate for more publicly facing activities such as retail and entertainment activities. 1 tree per 5 car parks is appropriate for these activities.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				planted within or adjacent to the ca area. v. Any trees required by this rule sh species capable of reaching a minim at maturity of 8 metres and shall be than 1.5 metres high at the time of Any trees listed in Appendix 16.6.1 at to comply with this rule.'	all be of a num height not less planting.	
Carter Group Limited	\$15	\$15.23	Support	Supports the amendments propose 5G and seeks to retain the provision notified.		
			Further submission No.	Further Submitter	Support / Oppose	
			FS14.18	Hospitality New Zealand (Canterbury Branch)	Support	Accept in part The amendments proposed to the notified rule 13.3.4.2.4 c. iv. will better achieve the relevant objectives of the Plan
AMP Capital Palms Pty Limited	\$16	\$16.12	Support	Supports the amendments proposed within PC 5G and seeks to retain the provisions in PC5G as notified.		Accept in part The amendments proposed to the notified rule 13.3.4.2.4 c. iv. will better achieve the relevant objectives of the Plan.
TEL Property Nominees Limited	\$17	S17.9	Support	Supports the amendments proposed within PC 5G and seeks to retain the provisions in PC5G as notified.		Accept in part The amendments proposed to the notified rule 13.3.4.2.4 c. iv. will better achieve the relevant objectives of the Plan.
	S21	\$21.1	Oppose	A complete rejection of the NPS [Na Policy Statement on Urban Develop		Reject

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
Central Riccarton Residents' Association Inc.				commensurate with the number of bedrooms		
			Further submission No.	Further Submitter	Support / Oppose	
			FS11.10	Kainga Ora	Oppose	Accept Reasons as above.
Peebles Group Limited	\$30	\$30.17	Support	Supports the amendments proposed within PC5G and seeks to retain the provisions in PC5G as notified.		•
1027 Investments Limited	\$37	\$37.8	Amend			Reject Out of scope. The removal of minimum car parking requirements under the NPS UD must be undertaken without using the Schedule 1 process.
Halswell Hornby Riccarton	S40	\$40.19	Oppose	The Board has real concerns about to of the direction [in the NPS-UD] part		Reject

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
Community Board				requirements from businesses and industries and is aware that others share those concerns. In light of this opposition the Board considers it is premature to propose changes to consequential rules. The Board is also concerned about the removal of the Council's parking requirements for residential houses.		car parking requirements.
			Further submission No.	Further Submitter	Support / Oppose	
			FS14.29	Hospitality New Zealand (Canterbury Branch)	Support	Reject Reasons as above.

APPENDIX 2 – SECTION 32AA EVALUATION

FURTHER EVALUATION UNDER SECTION 32AA

- As required by Section 32AA of the Resource Management Act, this report further evaluates changes to District Plan amendments proposed in the notified Plan Change 5G document since the s32 evaluation was undertaken. This evaluation should be read in conjunction with Plan Change 5G document, Section 32 evaluation and Section 42A report. Refer to these documents for detailed analysis of submissions and other options considered.
- 2. Changes to proposed amendments since the s32 evaluation are assessed in Table 1 below. In evaluating the effects of the changes in accordance with 32AA, the following questions have been considered. Do the changes recommended:
 - a. make a significant difference to the conclusions of the s32 evaluation?
 - b. have significant effects on their own or in combination with the other amendments?
 - c. address the identified problems?
- 3. Further evaluation under s32AA shows the changes to the proposed amendments do not significantly affect the conclusions of the s32 evaluation and are the most appropriate way to achieve the objectives of the District Plan.

Table 1 - Evaluation of recommended changes

Changes to PC 5G proposed amendments	Effects and evaluation of changes
Chapter 13	Effects and significance of the change:
Chapter 13 Rule 13.3.4.2.4 c. iv. The change tailors the rule to require a different ratio of trees depending on the activity.	Effects and significance of the change: The proposed changes do not make a significant difference to the conclusions of the s32 evaluation. The changes are relevant only to the Specific Purpose (Airport) Zone. The reduction in tree planting required for industrial activities is appropriate given the reduced public access to these sites. Activities for 'Airport purposes' can be undertaken within the scope of the designation, and are not subject to the rule. The effects of the change, is a more efficient rule that targets the tree planting requirement to the type of activity. This ensures the amenity provided at the Airport Zone is of good quality, and reflective of the role and
	functions of the Airport as sought by Objective 13.3.2.1.

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The change proposed resolves the problem identified, being, the need to ensure an appropriate level of amenity within the Specific Purpose (Airport) Zone.

Efficiency:

More efficient because the rule is more tailored. So the amenity outcome is more reflective of the function of the activity.

Efficiency gains from the tailored tree planting requirement outweigh the additional complexity to the rule.

Effectiveness:

Effective – no change to S32. Similarly as effective at achieving Objective 13.3.2.1.

Recommendation:

Adoption of the proposed revised rule. Most appropriate way of achieving the Objective 13.3.2.1 and Objective 3.3.2.

Plan Change 5H – Antenna Size

Appendix 2 – PC5H Table of Submissions with Recommended Decisions and Reasons

PC5H - PANEL ANTENNA

TABLE OF SUBMISSIONS WITH RECOMMENDED DECISIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Spark New Zealand	S1	\$1.1	Support	Adopt the amendments in the proposed	Accept Gives effect to the directions in:
Trading Limited and Vodafone New Zealand Limited				plan change.	 Objective 3.3.2 a. i. A. to minimise transaction costs and reliance on resource consent processes; and Objective 3.3.2 a. iii. to use clear, concise language so that the District Plan is easy to understand and use. Consistent with and implements the visual amenity objectives and policies of the District Plan as they relate to telecommunications. Aligns with the manner in which the same provision in the NES TF is implements across New Zealand.
Safer Technology Aotearoa New Zealand Inc. (STANZ)	S9	\$9.1	Oppose	"STANZ opposes the specific provisions of the plan change [PC5H]"	Reject Would not give effect to the directions in:
				Reject the changes proposed in PC5H	Objective 3.3.2 a. i. A. to minimise transaction costs and reliance on resource consent processes; and

Submitter	Submission No.	Decision No.	Request	Decisio	on Sought	Recommendation and Reasons
						Objective 3.3.2 a. iii. to use clear, concise language so that the District Plan is easy to understand and use. Not consistent with and does not implement the visual amenity objectives and policies of the District Plan as they relate to telecommunications. Does not align with the manner in which the same provision in the NES TF is implements across New Zealand.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			FS13.1	Derek Gilbert	Support	Reject Refer to reason for S9.1
		\$9.2	Oppose		g that the status quo ntinuing into, and to the	Reject Refer to reason for S9.1
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons
			F\$13.2	Derek Gilbert	Support	Reject Refer to reason for S9.1
		\$9.3	Amend	STANZ suggest that control of urban and part of this planning	l suburban Dense Air a	Reject This point is out of scope.
			Further Submission No.	Further Submitter	Support or Oppose	Recommendation and Reasons

No. No.	
FS13.3 Derek Gilbert Support Reject This p	eject iis point is out of scope.