

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER APPOINTED BY
THE CHRISTCHURCH CITY COUNCIL**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of an application for resource consent under section 88 of
the RMA by Cambridge 137 Limited for demolition of a
heritage building and construction of a hotel

APPLICANT Cambridge 137 Limited

**STATEMENT OF EVIDENCE OF MATTHEW BONIS ON BEHALF OF
CAMBRIDGE 137 LIMITED**

PLANNING

2 October 2024

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WYNN WILLIAMS

INTRODUCTION

- 1 My full name is Matthew William Bonis.
- 2 I am a Planner employed by Planz Consultants, a role I have held for over 20 years.

Qualifications and experience

- 3 I hold a Bachelor of Regional Planning degree and have been employed in the practise of Planning and Resource Management for 25 years. I am a full member of the New Zealand Planning Institute and also an accredited Commissioner under the 'Making Good Decisions' Ministry for the Environment Certification process.
- 4 My experience in planning and resource management includes policy development, formation of plan changes and associated s.32 assessments; s.42A report preparation and associated evidence; the preparation and presentation of evidence at Environment Court; and the preparation and processing of resource consent applications. I have set the relevant experience in **Attachment A**.
- 5 I am familiar with the site at 137 Cambridge Terrace. I undertook an internal site visit in October 2017 as part of compiling a resource consent (RC 2017 3196) for the demolition of Harley Chambers and establishment of a hotel complex on the site (and adjoining Worcester Chambers and 65 Worcester Boulevard) as lodged in December 2017 and later withdrawn. I have a broad experience of the subject site and wider context.
- 6 I have prepared this brief of evidence to support the application for resource consent by Cambridge 137 Limited to demolish the Harley Chambers and to construct a new hotel in its place (**the Application**).

Code of conduct

- 7 While the resource consent application is not before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this evidence, and will follow it when presenting evidence at the hearing.

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

Scope of Evidence

- 10 My evidence addresses the following:
- (a) The background to the application, including an overview of the resource consents required and the activity status;
 - (b) A full planning assessment in relation to the application against the matters in section 104 of the Resource Management Act 1991 (**RMA**);
 - (c) A response to matters raised in submissions;
 - (d) Matters raised in the section 42A report; and
 - (e) My recommendations in relation to conditions.
- 11 I have reviewed the following documents for the preparation of my evidence:
- (a) A copy of the full Application.
 - (b) All submissions lodged on the Application.
 - (c) A copy of the s42A report prepared by Mr Scott Blair dated 24 September 2024 (and associated Appendices).
 - (d) The briefs of evidence prepared by, and relied on, include:
 - Mr Jonathan Lyttle and Mr Michael Doig: Corporate
 - Mr Jonathan Cleese: Urban Design
 - Mr Grant Armstrong: Architecture and Design
 - Mr John Brown: Heritage
 - Mr Andrew Leckie: Transport
 - Mr Jared Pettersson: Contamination

EXECUTIVE SUMMARY

- 12 The Application seeks land use consent to demolish the existing building at 137 Cambridge Terrace (known as **Harley Chambers**) and to construct and operate a hotel building with a maximum height of 42m over 11 floors. The 200-room capacity Hotel also contains a reception, restaurant, back of house and fitness centre as located at the ground level.
- 13 The location of the site and surrounding area is identified in the application and s42A Report¹; as are the plan notations and overlays as relevant to the site².
- 14 The site is zoned City Centre Zone (**CCZ**)³ in the Operative District Plan (**District Plan** or **Plan**). As identified by Mr Blair, the relevant components of Plan Change 14⁴ have modified the planning framework as relating to the proposal and these provisions are now operative.
- 15 A recommendation to grant consent is not in dispute with the Council Reporting Officer, with the general nature of adverse effects being agreed to by the relevant technical experts. The issues of contention have been narrowed to the following urban design matters:
 - (a) Design and articulation of the proposed building, particularly in terms of character and associations with the Cambridge Terrace streetscape (eastern elevation) for proximate pedestrian and mid-term views.
 - (b) Setback of the building, particularly along Cambridge Terrace: and
 - (c) A 5m setback along the northern façade above Lane Neave building.
- 16 The proposal remains classified as a **Discretionary** activity, as agreed with Mr Blair⁵.

¹ Application [Section 2] s42A [6]

² Application [Section 4], s42A [Intituling page]

³ The modifications made by PC14 include that the formerly Commercial Central City Business Zone has been renamed the City Centre Zone.

⁴ Notified 17 March 2023, Recommendations 27 July 2024, Adopted 18 September 2024.

⁵ S42A District Plan [17], NES-Soil Disturbance / Contamination [19]

- 17 The former **heritage listing** associated with the Harley Chambers building and setting have been removed⁶. Mr Blair acknowledges in his report⁷ that the regulatory constraint to demolition (and loss of any residual fabric) has been removed. He recommends an advice note as to recording and retaining heritage features⁸ which is agreed.
- 18 The Central City **Built Form Standards** have also been appreciably amended as these relate to development associated with the site.
- 19 These amendments are a direct consequence of giving effect and local colour⁹ to the requirements of the NPS-UD¹⁰. It is the application of the now operative statutory framework that results in the more substantial dispute between the evaluative urban design experts, being Mr Clease for the applicant and Ms Ekin Sakin for the Council as primarily associated with the Cambridge Terrace elevation.
- 20 Objective 15.2.1 of the Commercial Chapter¹¹ states:
- Objective 15.2.1 – Recovery of commercial centres*
- a. *The importance of 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.* (emphasis added).
- 21 Conversely, Ms Sakin openly puts that ‘framework’ to one side, stating:¹²
- “... While I do not consider that the urban design assessment of the context and the urban design merits of a proposal change according to District Plan provisions, the relative weighting of critical aspects can differ when the assessment is done in the regulatory framework of the relevant District Plan”. (emphasis added).
- 22 I consider that much of Ms Sakin’s urban design analysis is therefore inappropriately predicated outside the operative planning framework, and places undue emphasis on existing amenity and character (itself a

⁶ S42A [8]

⁷ S42A [51]

⁸ S42A [53]

⁹ NPS-UD Policy 1 ‘*well functioning urban environment*’, Policy 4

¹⁰ Fundamentally, in response to Objective 1, Objective 3, Objective 4, Policy 1, and Policy 3(a)

¹¹ Which is to ‘give effect to the Chapter 3 Strategic Directions Objectives’ [District Plan 15.1(b)]

¹² S42A [Attachment E, pg 4]

feature of (re)development under a specific recovery regulatory context) in concluding that the (short to mid-range) effects of the proposal are, particularly as these relate to Cambridge Terrace '*significant*'¹³ and a '*significant departure from ... established form*'¹⁴.

- 23 Such an approach is, at a minimum, inconsistent with the direction of Objective 4¹⁵ and Policy 6(b)¹⁶ of the NPS-UD as now embedded into the District Plan¹⁷ which seek collectively to provide for commensurate scale, form and design as related to the central city site and its prominence on a street corner¹⁸ and that amenity will change over time, and these changes are not of themselves an adverse effect¹⁹.
- 24 Mr Blair does not completely agree with the views of Ms Sakin and instead recommends a balcony setback of 1.2m at a height above 28m along the eastern elevation with Cambridge Terrace, and a 5m setback at the ninth (9th) level along the northern elevation (with the Lane Neave building)²⁰. The exact foundation behind these recommendations is unclear.
- 25 As set out in the evidence of Mr Armstrong²¹, both Ms Sakin or Mr Blair's amendments have several (unintended) consequences impacting on the functional nature of the hotel and its viability.
- 26 I concur with the analysis of Mr Cleese that the effects as associated with urban design of the unamended proposal are appropriate within the planning framework.
- 27 Therefore, in terms of s104(1)(a):
- (a) All adverse effects are agreed to be no more than minor. The exception being a narrow range of urban design matters, where Mr

¹³ S42A [Attachment E, pg 13]

¹⁴ S42A [Attachment E, pg 14]

¹⁵ NPS-UD. Objective 4 - *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

¹⁶ NPS-UD. Policy 6(b) - When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

¹⁷ Including Policy 15.2.2.1 and Policy 15.2.4.1

¹⁸ Policy 15.2.4.1(b)(ii) 'increase the prominence of buildings on street corners', and associated Rules Rule 15.11.2.3 and Rule 15.11.2.12 which except Sunlight and Wall height restrictions respectively within 30m of an intersection.

¹⁹ Policy 15.2.6.3(viii)

²⁰ S42A Recommended Conditions 28.

²¹ EiC Armstrong [16]

Blair, as partly informed by Ms Sakin, seeks additional refinements to the building to establish a de-facto wall height via setback²² along the eastern elevation and step-in along the northern elevation²³.

- (b) Mr Blair²⁴ and I agree that the proposal will generate positive effects, including facilitating the regeneration of an important central city site, fostering investment and increasing resources associated with tourist accommodation in the city.

- 28 In terms of s104(1)(b)(vi) I consider that the proposal is consistent with, and responds positively with the relevant operative District Plan provisions.
- 29 In terms of the contested matters relating to urban design, the proposal responds appropriately to provisions seeking that “*the scale and form of development in centres shall reflect the context, character and anticipated scale of the zone and centres function*”²⁵, where the scale and concentration of built development is to be focused and concentrated in the central city²⁶. I disagree with Mr Blair that there is a tension with Policies 15.2.4.2 and 15.2.6.3²⁷ that can only be resolved through a balcony / wall height setback and greater articulation.
- 30 As directed by policies in the District Plan, built form is to be encouraged to increase the prominence of buildings on street corners²⁸ and provisions specifically identify that amenity values will develop and change over time²⁹ as is represented by the proposal.
- 31 In terms of s104(1)(b)(iii) when ‘*making a planning decision that affect urban environments*’, I consider that the proposal is consistent with **Objective 1** and **Policy 1** of the NPS-UD and will contribute to a well-functioning urban environment.

²² S42A [109]

²³ S42A [110]

²⁴ S42A [148 – 150]

²⁵ Policy 15.2.4.1(b)(i)

²⁶ Objective 3.3.10, Objective 3.3.8, Objective 15.2.1, Table 15.1, Policy 15.2.6.1.

²⁷ S42A [168, 173]

²⁸ Policy 15.2.4.1(b)(ii) and Policy 15.2.4.2(a)(x).

²⁹ Policy 15.2.6.3(a)(ix)

- 32 I consider that the proposal maximises the benefits of intensification through realising development capacity³⁰ as enabled by the District Plan (as amended in accordance with the NPS-UD) and to which regard is to be had pursuant to **Policy 6(a)** of the NPS-UD.
- 33 In terms of s104(1)(c) matters raised within the Mahaanui Iwi Management Plan as considered by Rūnanga have subsequently informed conditions of consent.
- 34 I consider that the Condition set appended to s42A Report are largely fit for purpose in terms of s108. Additional matters and the minor outstanding areas of disagreement have been identified in this evidence and are track changed into **Attachment D**.

BACKGROUND

Site and Surrounds

- 35 137 Cambridge Terrace is a 938m² site located on the corner of Cambridge Terrace³¹ and Worcester Boulevard³². Importantly, in terms of the application of District Plan rules relating to Sunlight and Outlook³³ and Wall Height³⁴, the Plan excludes these regulations '*within 30m of a street corner*' (**Figure 1**).

³⁰ Policy 3(a)

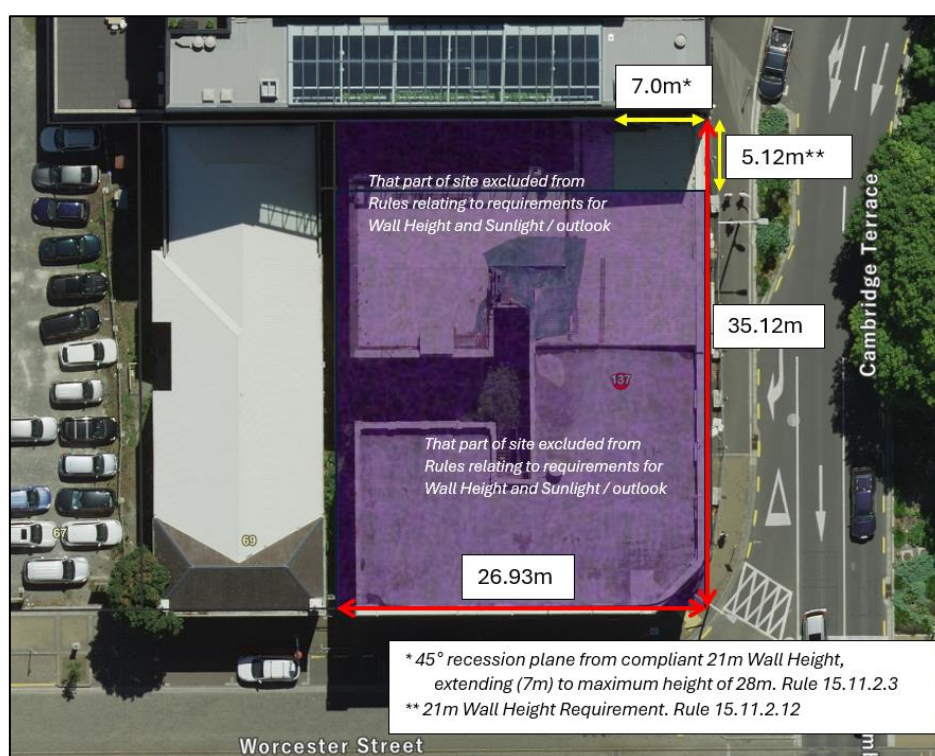
³¹ Main Distributor (Appendix 7.5.12)

³² Local Road (Appendix 7.5.12).

³³ Rule 15.11.2.3

³⁴ Rule 15.11.2.12

Figure 1: Site and Plan exclusions



- 36 The site contains Harley Chambers, being a three-level character building. The earthquake damaged building has been unoccupied since February 2011 (apart from a high level of vagrancy), despite efforts by the current and previous landowners to secure the site. The interior of the building has been subject to graffiti, vandalism, feculence and litter.
- 37 The building is assessed as having an NBS of less than 15%.
- 38 The building is subject to an Earthquake Prone Notice under the Building Act 2004 requiring works be undertaken by 14 June 2025. Current and previous landowners have implemented security fencing and hoardings³⁵.
- 39 In May 2017 the Christchurch City Council issued a letter to the landowners identifying Harley Chambers as one of the derelict 'dirty 30' barrier sites to Central City redevelopment (**Attachment B**).

³⁵ Responding to s124 and s125 of the Building Act 2004

- 40 The building is listed as a Category 2 Historic Plan by NZHPT / Pouhere Taonga which does not, of itself, correlate to statutory protection of the building³⁶. The building is no longer listed in the District Plan.
- 41 As identified in the AEE³⁷, the surrounds consist of a mixture of inner city civic, hospitality and commercial buildings with a varied and diverse range of ages, architectural design and massing:
- (a) To the **west**, adjacent to the site is Worcester Chambers (69 Worcester Boulevard), a two-storey red brick Georgian revival building (circa 1928), which has a heritage listing in the District Plan³⁸. Further to the west are the Anthony Harper Building (43m) and the Christchurch City Council (44m). Some 60m to the west is the Christchurch Art Gallery, and further still (260m) is the Arts Centre.
 - (b) To the **north**, are the recently built 'Lane Neave' building (six storeys, 25m) and Deloitte building (six storeys, 25m) on the western edge of the Avon River corridor.
 - (c) To the **east** adjacent to the site is Cambridge Terrace Road reserve as adjoining the Ōtākaro Avon River corridor. The Worcester Boulevard bridge leads to Oxford Terrace, the Scott Statue³⁹ and Municipal Chambers⁴⁰. Further to the east is the Rydges building at 47 Cathedral Street (39.6m)⁴¹ and Cathedral Square.
 - (d) To the **south**, across Worcester Boulevard is the two storey heritage listed Canterbury Club⁴² circa 1872. Further south is a large expanse of carparking, with the five story Vero / EY buildings occupying the corners of Cambridge Terrace, Hereford Street and Cashel Street.

³⁶ An archaeological authority from Heritage New Zealand Pouhere Taonga under s44 of the Heritage New Zealand Pouhere Taonga Act 2014 will be required as the site is associated with pre-1900 human occupation.

³⁷ AEE [2.2]

³⁸ Heritage No.571, Setting No 342.

³⁹ Heritage No 572

⁴⁰ Heritage No 415

⁴¹ RMA10183123

⁴² Heritage No 305

- 42 The Ōtakaro Avon River is located to the east of the site, at a distance of 29m at its closest edge. The river is of significance to mana whenua as notated as Nga Tūranga Tupuna, and Ngā Wai in the District Plan.

The Application

- 43 As set out in the AEE⁴³ and in the s42A Report of Mr Blair, the proposal consists of:
- (a) Demolition and removal of the Harley Chambers building, removal of on-site fuel tank and ground works (assumed eight weeks);
 - (b) Construction and operation a 200-bedroom hotel complex, consisting of
 - (a) Eleven floors (20 bedrooms per floor of the 10 floors above ground);
 - (b) Ground floor containing a reception, restaurant, back of house facilities and fitness centre;
 - (c) Ground floor containing a guest pick up and drop off via a one way porte-cochere from Cambridge Terrace to Worcester Boulevard. No on-site vehicle parking is provided.
 - (d) The Architectural design response is predicated on the functional requirements associated with a 200 bedroom hotel, and the design considerations as set out in the Architectural Statement⁴⁴.

Applicable District Plan framework

- 44 In response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Housing Supply Amendment Act), now incorporated into the RMA and to give effect to the requirements of Policy 3 and Policy 4 of the NPS-UD, the Christchurch City Council notified an Intensification Planning Instrument (**IPi**) known as Plan Change 14 (**PC14**)⁴⁵.

⁴³ AEE [Section 3]

⁴⁴ AEE [Attachment 2, pg 13]: *Ground Floor activation, Human scale, Corner Treatment, Location and Community interaction.*

⁴⁵ 17 March 2023.

- 45 The Panel recommendations on the IPI were released on 29 July 2024, and Christchurch City Council made the decision to accept the Panel recommendations on the District Plan provisions relevant to this proposal on 18 September 2024. The Council has notified its decisions such that the provisions are now operative under clause 104 of Schedule 1 of the RMA.
- 46 I consider that the NPS-UD Policy 3(a) response as now embedded in the District Plan for the central city deliberately represents a transformative change from the regulatory approach introduced post Canterbury earthquake(s).
- 47 Prior to the IPI process, the 28m maximum height and certification pathway for urban design matters was to support the recovery of the central city and to implement the Central City Recovery Plan. The directive aim of the height limit was to rebuild a lower rise city on a smaller city footprint, both to accord with the communities' aspirations but also in terms of economic efficiency and to encourage building distribution across all of the core of the central city.
- 48 The District Plan no longer provides a Discretionary consenting approach to building heights exceeding 28m. As amended by the IPI process, the District Plan provides an enabling framework between 28m and 45m in height and encourages massing at street corners. This is associated with a more enabling suite of plan policies providing for significant built scale and form as commensurate with the role of the centre within the centre's hierarchy⁴⁶ and the prominence of buildings on street corners⁴⁷.
- 49 Mr Blair and I have generally agreed the application of the amended and operative provisions against the proposal. There is no change in activity status to that associated with the application as first lodged with the Council⁴⁸.

⁴⁶ Policy 15.2.4.1(a)

⁴⁷ Policy 15.2.4.1(b)(ii), 15.2.4.2(a)(x)

⁴⁸ S88A(1A) RMA1991

- 50 The proposal requires resource consent as associated with the following provisions of the District Plan:

Matter	Status	Rule	Reason
Road Wall Height	DIS	Rule 15.11.1.4(D1)	Breach of Rule 15.11.2.12 Exemption where a wall is more than 30m from the corner of Worcester Street and Cambridge Terrace – a 5.12m extent of wall for the Proposal extends further than 30m from the intersection on Cambridge Terrace) for 7m of elevation fronting Cambridge Terrace.
Sunlight & Outlook Building Height*	RDIS	Rule 15.10.1.3(RD5)	15.11.2.3(a)(ii) (Sunlight and Outlook). Breach for 5.12m of elevation fronting Cambridge Terrace. Matters of discretion: 15.14.3.17 15.11.2.11 Building Height*. Matters of discretion 15.14.3.1
Natural Hazards Filling	RDIS	Rule 5.4.1.5(RD2)	The proposed excavation will exceed 0.6m. Matters of discretion in table 5.4.1.5a
Construction Noise	RDIS	6.1.6.1.3(RD2) Construction noise that does not comply with NZS6803:1999.	Matters of Discretion: Rule 6.1.8
Waterway Setbacks	RDIS	6.6.4.3 – RD1/RD2	Matters of Discretion limited to Natural Hazards - Rule 6.6.7.1
Transport Mobility parking, Heavy Vehicle Bays, Gradient of parking areas, High Trip Generation, Access more than one street.	RDIS	7.4.3.1 – Car parking 7.4.3.3 – Minimum number of loading spaces 7.4.3.5 – Gradient of parking and loading areas 7.4.3.10 – High trip generator 7.4.3.11 – Vehicle access to sites fronting more than one street	- Discretion limited to Mobility Parking Spaces Rule 7.4.4.2 - Discretion limited to Minimum number of loading spaces required Rule 7.4.4.4. - Discretion Limited to Gradient of parking areas and loading areas Rule 7.4.4.6 - Discretion limited to High Trip Generators. Rule 7.4.4.18 - Discretion limited to Vehicle Access to sites fronting more than one street. Rule 7.4.4.21

* A breach of the height provision (Rule 15.11.2.11(a)(i) is arguable if the structure for the porte cochere is considered as 'building base'.

- 51 A full compliance table is included in **Attachment C**.

Submissions

- 52 The Application was publicly notified⁴⁹, and thirty-three submissions were received. Of these
- (a) Seventeen (17) support the proposal largely on the basis of the removal of the existing building⁵⁰
 - (b) Ten (10) support the proposal on the basis of investment and regeneration of the site for the benefit of the City⁵¹
 - (c) Two (2) support the proposal, as subject to Conditions and mitigation⁵²; and
 - (d) Four (4) oppose the proposal (either in full or in part), two in relation to transport⁵³ and two in relation to building height and design⁵⁴. These matters are discussed under their relevant s104(1)(a) considerations.
- 53 A summary of these submissions is included in **Attachment E**.

Resource consents required, activity status and anticipated built form

- 54 The proposal is to be assessed as a **Discretionary Activity** under the District Plan. The trigger to this status relates to the Road Wall height as associated with the proposed Hotel complex, noting that this status is triggered by only that 5.12m of the building along the eastern elevation as shown in **Figure 1**.
- 55 The proposal also requires consent under the NES-Contaminants as it has been identified as HAIL land (Category A17 – Storage Tanks, rear of the site and Category E1 (presence of deteriorated ACM)) and breaches the following provisions:
- Regulation 8(1) removing or replacing a fuel storage system.

⁴⁹ S95A(3)(a)

⁵⁰ Example. Sub No.22 Walker 'Remove the eyesore', Sub No.15 'Heritage values are diminished'.

⁵¹ Example. Sub No.27 'Provision of quality accommodation for tourists'.

⁵² Heritage New Zealand Ltd Sub No.31 'Conditions for recording, salvageable items and TPP'. Boffa Miskell Ltd Sub No 33 Construction Management.

⁵³ Sub Nos 6 and 28.

⁵⁴ Sub Nos 29 and 30.

Pursuant to Regulation 11(2) the proposal is a **Discretionary Activity** as only a Preliminary Site Investigation (PSI) of the piece of land exists.

This aspect of the proposal is in relation to the demolition of the existing Harley Chambers building on the site through the removal of the onsite fuel tank.

- 56 As outlined in the AEE, the proposal is predicated in two parts with demolition decoupled from the hotel proposal, albeit clearly the hotel development will be dependent on the removal of the existing building and groundworks. The decoupling approach remains appropriate as the demolition / ground restoration works are able to occur independently of the hotel development, noting that a condition is volunteered, albeit as amended given the removal of Harley Chambers from the District Plan heritage schedule such that should Building Consent not be lodged with the Christchurch City Council within nine months of demolition that the site is compacted to avoid dust nuisance and either grassed or gravelled.

SECTION 104 ASSESSMENT

- 57 In the following section of my evidence, I provide an assessment of the Application against the statutory considerations under section 104 of the RMA and subsequently whether consent can be granted pursuant to s104B and conditions imposed under s108.

Section 104(1)(a) assessment of effects

Written approvals

- 58 Pursuant to s104(3)(a)(ii), effects on any person who has given written approval to the application site are to be disregarded.
- 59 Written approvals as owner and occupier have been provided as associated with the properties immediately to the south across Worcester Boulevard (the Canterbury Club, 129 Cambridge Terrace), and also adjacent to the west (Worcester Chambers, 69 Worcester Street). The occupier (but not landowner, nor other levels) on Level 5 of the Lane Neave Building (141 Cambridge Terrace) adjacent to the south of the site has also provided written approval.

Permitted Baseline

- 60 Pursuant to s104(2) of the Act, in terms of a discretion to disregard the effects of permitted activities, I agree with Mr Blair that the District Plan provides for buildings up to 28m that meet the built form standards (noting that there are no built form standards relating to glazing extent, proportion of entries / block length, or internal depth at ground floor for public access).
- 61 In addition, 'Small Buildings'⁵⁵ being less the 21m in height and with appropriate proportions of glazing are permitted.
- 62 The District Plan also contemplates the demolition of the existing Harley Chambers to grade⁵⁶, including any associated construction and vibration effects.
- 63 I am not aware of any reason why the discretion to apply the 'permitted baseline' should not be undertaken to disregard these permitted effects associated with the proposal.

The 'environment' for the purposes of s104(1)(a)

- 64 When considering the actual or potential effects under s104(1)(a), the consideration is to be informed by analysis against the identified 'environment' as defined in s2 of the Act⁵⁷. The extent of permitted activities for the site is identified above. There are no existing resource consents which could otherwise be implemented⁵⁸.
- 65 The existing site contains the three storey Harley Chambers building which as a derelict and vacant building has a negative effect on amenity, vibrancy and Central City recovery. The site and building provide no activation or vibrancy to the street and promotes a negative pedestrian experience.

⁵⁵ Rule 15.11.1.1(P17)

⁵⁶ That is without removal of a fuel storage system or disturbance of a piece of land as associated with the NPS-Contamination.

⁵⁷ Including (b) *all .. physical resources*; (c) *amenity values* and (d) *the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters*.

⁵⁸ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 (CA) at [79]

- 66 The matters referred to as '*anticipated built form outcomes*' by Mr Blair⁵⁹ provides a useful context to consider the scale and form of buildings for the site as envisioned by the District Plan. The Plan provides a series of built form standards which contemplate the massing and scale of buildings but retain discretion to the City Council for massing above a height of 28m⁶⁰.
- 67 As a matter of strict statutory interpretation, built form standards provide useful guidance for considering the effects associated with building bulk, shading and height, but do not, of themselves, extend to 'permitted' effects in terms of s104(2) of the Act or strictly form part of the existing environment.
- 68 The *anticipated* built form and consequential effects do however extend to the policy framework and consideration of assessment matters. Notably, the following provisions all refer to 'anticipated' built form:
- (a) Policy 15.2.4.2 'Design of new development'
- b. *Recognise the scale, form and design of the anticipated built form within a site and the immediately surrounding area and the functional and operational requirements of activities.*
- (b) Assessment Matters 15.14.3.1 'Maximum Building Height'
- a. *The extent to which an increase in height of the building:*
- viii. *Is visually dominant within the streetscape and public realm, and in the context of the anticipated built form;*
- xiii. *Detracts from the anticipated urban form of the centre and city;*
- xiii. *Causes adverse effects on the anticipated amenity of adjoining sites and activities, particularly where they are subject to lower maximum height controls.*
- 69 The application of the Building Height Rule⁶¹ and anticipated massing of built form on the site requires careful explanation in light of the recommendations of Ms Sakin and Mr Blair which appear to rely more heavily on the need to reflect the current built form evident in the wider area⁶².

⁵⁹ S42A [44]

⁶⁰ Either as a Controlled Activity with Certification (Rule 15.11.1.2(C1)) up to 45m, or as a Restricted Discretionary Activity without Certification (Rule 15.11.1.3(RD1)).

⁶¹ Rule 15.11.2.11(a)(i).

⁶² S42A [Attachment E, Sakin, pg 23] seeking a 4.2m Wall Height setback at 28m. S42A Blair [109] 1.2m Wall Height Setback at 28m.

- 70 A breach of the Building Height Rule is a Restricted Discretionary activity⁶³.
- (a) The height rule does not set any built form upper limit for total building height.
 - (b) The Building Height rule provides for a '*Building Base*'⁶⁴ up to a maximum height of **28m**. It is arguable that the structure associated with the porte cochere (which could be considered to form a '*structural element of the building*' and is not cantilevered in the form of a veranda or covered ground level walkway) forms a '*building base*', which would confirm compliance with Rule 15.11.2.11 'Building Height'.
 - (c) Above **45m**, separate rules⁶⁵ relating to '*Building Towers*'⁶⁶ require internal boundary building setbacks and control tower dimensions.
 - (d) As discussed above, there are no requirements for *Wall Height* (21m) or *Sunlight and Outlook* within 30m of a street corner.
 - (e) Below 28m there are no urban design controls (for otherwise compliant buildings). Between 28-45m there is a requirement for a controlled activity (urban design certified), or restricted discretionary without certification. Above 45m the controlled activity pathway is replaced by a restricted discretionary urban design assessment. Additional matters of discretion come into play for building above 28m.

⁶³ Matters contained in Rule 15.14.3.1

⁶⁴ Building Base: means all of those parts of the building above ground level, that form a structural element of a building, but excluding the building tower, and any street level veranda, signage or covered ground level walkways.

⁶⁵ Rule 15.11.2.14 Building Tower internal setbacks, and Rule 15.11.2.15 Maximum building tower dimension and building tower coverage.

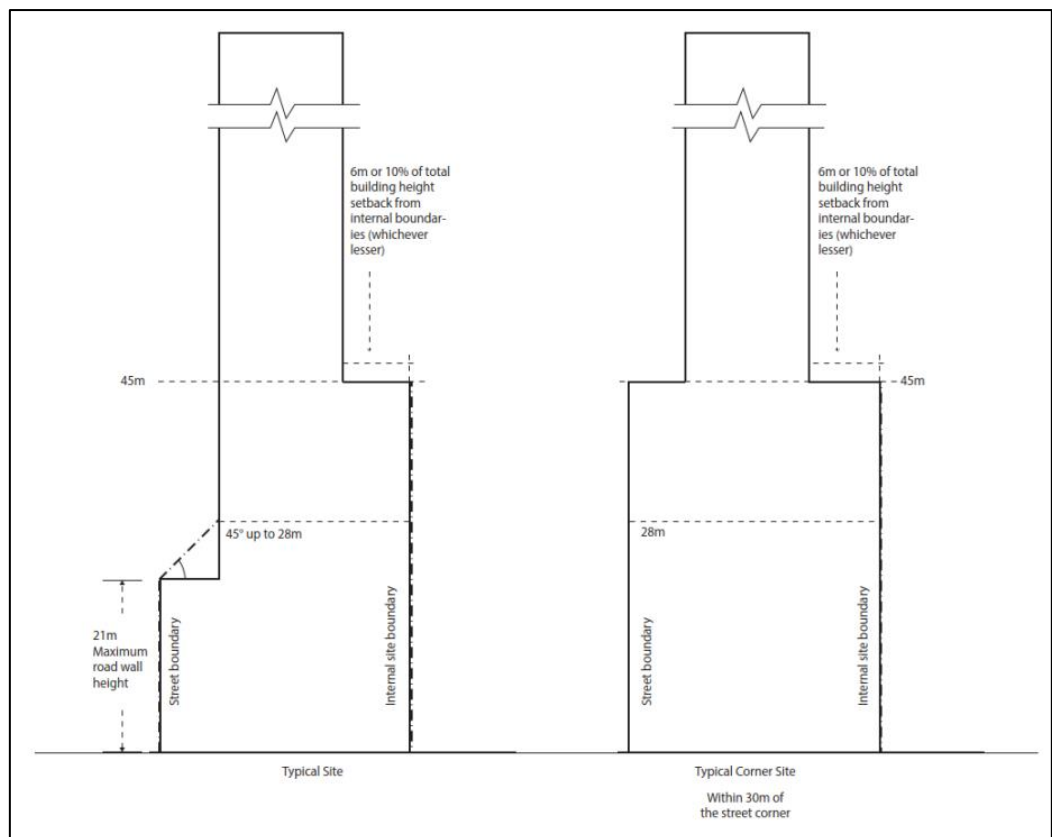
⁶⁶ Building Tower: means any part of the building that is setback from the boundary and extends above the building base. It includes any structural components, as well as any protrusions above the roof.

Figure 2: Building base as associated with the porte cochere



- 71 The Plan includes an interpretation diagram which demonstrates these matters for 'typical' corner sites as shown in **Figure 3**.

Figure 3: Interpretation Diagram Rule 15.11.2.3 Sunlight and Outlook (Typical vs Corner sites).



- 72 The Plan expressly identifies that within 30m of a street corner there is no requirement for either a Wall Height setback or Sunlight and Outlook related recession planes. There is also no need to differentiate between a base and a tower, up to the 45m mark.
- 73 That is, built form is anticipated to the street edge, and heights of up to 45m are provided for.
- 74 This illustrates an internal tension within the Plan, where in relation to the Height Rule⁶⁷ (for sites on street corners up to a height of 45m), there is effectively no distinguishable '*Building Base*' or '*Building Tower*' as those terms are defined. As shown in **Figure 3**, the Plan provides for massing within 30m of the corner of up to 45m in height, fronting the street boundary⁶⁸.
- 75 Mr Blair and I conclude that the adverse effects of the proposal would be no more than minor, with the exception of urban design considerations as discussed below (and where Mr Blair and I come to differing conclusions). I have considered all the effects concisely below.

Positive Effects

- 76 Both Mr Blair and I agree that the proposal will result in revitalising an unoccupied premises through private investment and intensive site development.
- 77 I consider that the proposal results in enhanced amenity, vitality and vibrancy for the adjacent area.
- 78 Amenity values are enhanced through:
- (a) the removal of a badly damaged and vacant commercial building which is subject to an Earthquake Prone notice and with associated security hoardings located on the public road reserve; and
 - (b) vitality and viability as commensurate with the provision of additional visitor, tourist and restaurant facilities in this locality

⁶⁷ Rule 15.11.2.11(a)(i)

⁶⁸ An urban design assessment is still required (as either controlled or RDIS), for the portion of any buildings above 28m in height.

which interacts with street environment and delivers a high quality and visually prominent building on a key central city corner.

- 79 Lastly, as noted in the application the proposal assists in facilitating the reuse of an unoccupied heritage building where it is understood that the leasing of the adjacent Worcester Chambers is challenged by the currently derelict state of Harley Chambers next door.

Heritage

- 80 The contribution of Harley Chambers to the historic heritage of the district is no longer notated and protected within the Schedule of Significance in Appendix 9.3.7.1 of the Plan. This is a consequence of the IPI process as identified above. Accordingly, the submission from Ms Nelson⁶⁹ opposing demolition, and Heritage New Zealand⁷⁰ which is largely neutral but seeks recording of heritage fabric prior to demolition, is to be considered in this light.
- 81 There are several submissions supporting the removal of Harley Chambers, including as associated with the diminished heritage values⁷¹, being a barrier to development⁷², and adverse effects on amenity and pleasantness of the environment⁷³.
- 82 The District Plan anticipates that the building can be removed without recourse to consideration and preservation of residual heritage fabric. Accordingly, the removal of Harley Chambers does not, of itself, require authorisation under the District Plan, and is not an adverse effect pursuant to s104(2). This extends to an ability to impose conditions of consent requiring additional recording and / or salvage of fabric, as such a condition would not reasonably and fairly relate to the development authorised. Regardless, the advice note recommended by Mr Blair⁷⁴ is considered appropriate.

⁶⁹ Sub 29.

⁷⁰ Sub 31

⁷¹ Example Sub 2 Black, Sub 20 Risk.

⁷² Example Sub 3 Andrews, Sub 11 Easting

⁷³ Example Sub 17 Craw, Sub 21 Hoogerwerf.

⁷⁴ S42 [Appendix I]

Acoustic Attenuation - Hotel

- 83 Mr Blair⁷⁵ and I agree that as subject to Condition(s), the hotel proposal through building consent will achieve compliance through acoustic design with requirements to acoustically insulate for appropriate levels of noise generated within the Central City. The resultant adverse effects are agreed to be less than minor.

Soil Contamination

- 84 A PSI⁷⁶ exists acknowledging the HAIL land (Category A17 – Storage Tanks, rear of the site), and identifying that further investigation is reliant on the removal of the buildings. As Mr Pettersson advises, deteriorating asbestos present on the existing building also warrants the entire site being deemed a HAIL site⁷⁷.
- 85 Mr Blair⁷⁸ considers that subject to conditions of consent these matters are appropriately addressed.
- 86 Mr Pettersson has considered these matters in his evidence and concluded that additional clarity is required with the conditions of consent. He identifies that these amendments are necessary⁷⁹ to:
- (a) Improve clarity as to the focus of contaminated land investigation.
 - (b) Clarify the objectives and content of the Contaminated Site Management Plan (**CSMP**).
 - (c) Anticipate and provide a mechanism should contaminated soil be managed on site.
- 87 On the basis of these amendments, which I have included in **Attachment D**, I consider that any related adverse effects will be less than minor.
- 88 I also note that this resolves the relevant Cultural Advice Report (Appendix K of the s42A report) concerns in relation to contamination.

⁷⁵ S42 [55, 56, Appendix I Condition 26]

⁷⁶ AEE Appendix 11

⁷⁷ EiC Pettersson [15]

⁷⁸ S42A [45]

⁷⁹ EiC Pettersson [19]

Construction and Vibration effects

- 89 Construction activities, and associated noise and vibration are, subject to management, an anticipated part of Central City recovery and investment.
- 90 Construction effects relate to noise, vibration, earthworks and erosion and sediment control and traffic movements.
- 91 Boffa Miskell⁸⁰ have made a submission and sought additional clarification and certainty in relation to the management of construction effects.
- 92 In terms of relevant standards:
- (a) In terms of earthworks, it is confirmed that no ‘construction’ works will occur until building consent is obtained⁸¹, noting that this also includes demolition works for Harley Chambers.
 - (b) Regarding noise, activities undertaken will be in accordance with the New Zealand Construction Standard (NZS6803:1999)⁸², for the proposed hotel development as subject to detailed design and construction methodology.
- I understand that NZS 6803:1999 states that construction noise should generally not exceed the guideline numerical noise limits but acknowledges that this is not always possible even with the best practicable options for noise mitigation to be applied, typically by way of a Construction Noise and Vibration Management Plan (**CNVMP**). The relevant matters to be considered in terms of assessment, include consideration of machinery and equipment used, reducing noise generation, the receiving environment, and the character and duration of Construction noise⁸³.
- 93 The application identified the need for preparation and implementation of a Traffic Management Plan⁸⁴. This has been endorsed by Mr Chen ‘to *demonstrate procedures and operations for managing adverse effects*

⁸⁰ Sub 33.

⁸¹ Rule 8.9.3 exemptions

⁸² Rule 6.1.6.1.1(P2) requires meeting relevant noise limits in Tables 2 and 3 of NZS6803:1999

⁸³ Rule 6.1.8

⁸⁴ AEE [Section 6.7, Section 11 Conditions]

*resulting from construction impact on the safety of other road users*⁸⁵, and has been recommended by Mr Blair⁸⁶.

Construction and Vibration effects - Harley Chambers Demolition

- 94 The demolition associated with the existing building is anticipated to be some eight weeks, which is classed as a 'typical duration' under NZS6803:1991.
- 95 I agree with Mr Blair that demolition works, at least to grade and as subject to being undertaken to meet 'Tables 2 and 3' of NZS6803:1999⁸⁷, are permitted by the District Plan (now that the delisting has occurred). Hence imposing vibration related conditions on these works would extend beyond being fairly and reasonably related to the development as authorised by the consent in terms of s108 and directly connected to the proposal under s108AA.
- 96 I confirm that Building Consent will be sought for demolition, and as identified by Mr Blair that process is not devoid of consideration of vibration⁸⁸.
- 97 The entire site should be considered as a HAIL⁸⁹, with either soil disturbance or removal of the former underground tank engaging with the NES-Contamination⁹⁰. The associated classification as a Discretionary Activity in my view appropriately engages with a requirement to impose both a Contaminated Site Management Plan (**CSMP**) as recommended by Mr Pettersson, as well as a Construction Management Plan (**CMP**) and Erosion and Sediment Control Plan (**ESCP**) to manage potential adverse effects to ensure that any residual effects are less than minor.
- 98 For the demolition and earthworks associated with Harley Chambers, Mr Blair has recommended a series of construction management related conditions stemming from the Application. I agree but for clarity and to reflect the decoupling have recommended separate regimes for

⁸⁵ S42A [80, 81]

⁸⁶ S42 [Appendix I, Conditions 1 – 3].

⁸⁷ Rule 6.1.6.1.1(P2)

⁸⁸ S42A [64-75, referencing Building Code B1 – Structure]

⁸⁹ Hazardous Activities and Industries List (HAIL), MfE, October 2011

⁹⁰ Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

earthworks / construction for Harley demolition and the Hotel development respectively.

- 99 Demolition and construction will not occur concurrently. Additionally, the nature and scope of works will be demonstrably different with both deconstruction and construction works responding to different time scales, outcomes and machinery. I have recommended amended Conditions as set out in **Appendix D** noting that these do not extend to a CNVMP for the demolition works.

Construction and Vibration effects - Proposed Hotel

- 100 The groundworks and construction of the hotel proposal are unknown until detailed design and a contractor commissioned. The construction works would exceed 20 weeks and hence would be considered a long-term duration under NZS6803:1999.
- 101 Subject to the above, which seeks to impose specific Management Plans to demolition works as distinct from subsequent works, the Conditions sought to be imposed by Mr Blair will address construction effects associated with the proposed hotel to acceptable levels.
- 102 In terms of vibration effects as associated with the hotel development, I agree with Mr Blair as to the imposition of a CNVMP including reference to ISO4866:2010. This is not the German DIN standard as set out in the Boffa Miskell submission⁹¹, but addresses the effects of vibration.
- 103 I have recommended one amendment in **Attachment D** in relation to this matter, that Construction works as associated with the Hotel development be 'undertaken in accordance with ISO4866:2010' as I understand that 'compliance' could be misconstrued with explicit standards, rather than imposition of best practicable options contained within the standard.
- 104 Accordingly, I consider that the adverse effects associated with Construction works can be appropriately addressed as subject to the following:

⁹¹ Sub No.33

- (a) For Harley Chambers Demolition – Imposition of a **CSMP, CMP, ESCP** and **TMP**.
- (b) For the proposed Hotel – Imposition of a **CMP, CNVMP, ESCP** and **TMP**.

105 I also acknowledge and agree with Mr Blair's inclusion of an explicit requirement in the TMP as associated with the Boffa Miskell submission that safe pedestrian access is to be identified and provided within the TMP(s) during both demolition and construction of the proposed hotel and have also included such in the recommended Objective associated with the TMP.

Transport Effects

106 As associated with the hotel proposal, the AEE⁹² identifies and considers the relevant transport breaches of the Plan as they relate to:

- Mobility parking spaces;
- Loading spaces;
- Access gradient;
- High traffic generation; and
- Vehicle access to more than one street.

107 Whilst the activity is a Discretionary Activity, and hence any effect can be considered, the above standards as restricted discretionary matters are generally concerned with the following:

- Effects on the network⁹³;
- Effects on safety and efficiency⁹⁴;
- Safety for mobility impaired⁹⁵;

108 In terms of **effects on the network**, the AEE and as confirmed in the evidence of Mr Leckie is that the proposal represents an additional 25

⁹² AEE [Sections 4.2 and 6.7]

⁹³ High Traffic Generation Rule 7.4.4.18(v)

⁹⁴ High Traffic Generation Rule 7.4.4.18(i), Vehicle Access Rule 7.4.4.21(i), Loading Spaces Rule 7.4.4.4(i)

⁹⁵ Mobility Parking Spaces Rule 7.4.4.2(i) and (ii), Gradient Rule 7.4.4.6(i)

vehicles per hour (vph) or one vehicle every two minutes onto the network, which will not contribute to any noticeable effects on the operation of the road network or function⁹⁶.

- 109 Regarding effects on **safety and efficiency**, the small size of the site means that the operation of the porte-cochere provides the most appropriate means to allow for efficient entry and provides queuing space within the site that there will be little if any effect on vehicle movements on Cambridge Street⁹⁷. As identified in the evidence of Mr Leckie, the proposed vehicle access configurations will operate safely⁹⁸.
- 110 Mr Leckie identifies that the pedestrians will retain priority where the crossings traverse the footpaths, and that there will be clear visibility for coaches entering the site of pedestrians and to give way accordingly⁹⁹. For the exit on Worcester Boulevard the extent of visibility splays provides appropriate visibility to minimise conflicts with pedestrians¹⁰⁰. I note that the proposal will not disrupt active frontages and that the site is not identified as a key pedestrian frontage or major cycle route¹⁰¹.
- 111 Regarding the **mobility impaired**, the proposed hotel provides a drop off location within the porte-cochere and accessible entrance via the reception. An orthodox valet parking service will also be available, as is typical within central city hotels. Pedestrian mobility access is provided via lift from the Worcester Boulevard entrance.
- 112 It is understood that both expert transport engineers, Mr Chen (for the Council) and Mr Leckie (for the applicant) agree that the transport effects associated with the proposal are adequately managed through design, including the amendments to the proposal through the lodgement process and associated conditions. In terms of additional matters, Mr Blair, based on the advice of Mr Chen has recommended the following:
- (a) signage at the Cambridge entrance to the porte-cochere (s42A - Condition 5);

⁹⁶ AEE Appendix 10 [7]

⁹⁷ AEE Appendix 10 [7]

⁹⁸ EiC Leckie [20]

⁹⁹ EiC Leckie [21]

¹⁰⁰ EiC Leckie [21]

¹⁰¹ Plan Rule 7.4.4.21(ii) as amended by the IPI

- (b) Requirements of TMP associated with construction activities, as addressed above (s42A Conditions 1 - 3); and
- (c) Internal operating procedures for special transport requests (s42A Advice note).

113 I agree, and these matters are contained in the amended Conditions as included in **Attachment D**, including that as associated with the light pole at the corner of Worcester Street and Cambridge Terrace which is to be relocated to a position agreed by the Council and at the consent holders expense¹⁰².

114 In addition, I note that Mr Leckie has recommended an additional Condition, in part to address the Submission from Mr Halliday¹⁰³ as relating to pedestrian priority. Accordingly, Condition 5 'Access Signage' has been amended as follows:

Condition 5: Prior to operation of the hotel the consent holder must install and permanently maintain:

- (a) *a sign on site adjoining the Cambridge Terrace entry to the porte-cochere which is clearly visible to, and readable, by heavy vehicle drivers (including bus drivers) setting out the limit on the length of vehicle than can safely navigate into the access in one right turn manoeuvre from Cambridge Terrace. The sign clearly state that larger vehicles beyond that limit are prohibited from entry.*
- (b) *A painted stopline and a judder bar (in advance of the stopline) at the site boundary as associated with the egress from the porte-cochere exiting onto Worcester Terrace.*

115 With regard to the remainder of the submission from Mr Halliday, I agree with Mr Leckie¹⁰⁴, that access and egress design appropriately establishes pedestrian priority at crossings, and that pedestrian safety is appropriately recognised and provided for taking into account design, vehicle access arrangements, and vehicle speeds and frequency.

116 The submission from Mr Phelps¹⁰⁵ seeking additional carparking, has been addressed by Mr Blair¹⁰⁶ and Mr Leckie¹⁰⁷, appropriately identifying that the NPS-UD has removed minimum carparking requirements in District Plans, and that consequences **Policy 17.2.1.4** seeks only to

¹⁰² S42A [84, Attachment I Condition 6]

¹⁰³ Sub 6.

¹⁰⁴ EiC Leckie [19 -22]

¹⁰⁵ Sub 28

¹⁰⁶ S42A [89]

¹⁰⁷ EiC Leckie [23 -27]

'enable' the provision of carparking and not require such. In addition, as identified by Mr Leckie, the designed porte-cochere appropriately addresses pick-up and drop-off activity within the functional confines of the hotel site, and that there is reasonable capacity for metered on-street parking resource in the immediate area.

- 117 I note that Ms Sakin's recommended design amendments reducing the width of the porte cochere¹⁰⁸ could likely result in functional impediments in facilitating safe and efficient transport access to the building.
- 118 On the basis of the above, I consider that the transport effects from the proposal will be less than minor.

Flood Management

- 119 I agree with Mr Blair that the adverse effects associated with potential risk from flood hazard are addressed through compliance in the design with the associated flood floor certificate¹⁰⁹. These effects are appropriately addressed, and any residual effects are less than minor.
- 120 As discussed under a consideration of Urban Design, compliance with the Flood Floor Certificate results in the 'ground floor level' and associated activation at the interface with Cambridge Terrace being displaced by some 1m.

Cultural Effects

- 121 The site itself is not notated with any cultural values overlay¹¹⁰.
- 122 A cultural advice report from Mahaanui Kurataiao Limited¹¹¹ on behalf of Ngāi Tūāhuriri Rūnanga has considered the proposal. The advice report has assessed the proposal against the relevant provisions of the Mahaanui Iwi Management Plan (IMP) and concluded that subject to the following conditions, do not consider themselves to be affected parties.
- 123 The requested conditions are affixed to this Evidence and relate to:

¹⁰⁸ S42A [Attachment E, page 22]

¹⁰⁹ Issued 9th October 2023 minimum floor level is 14.88m RL.

¹¹⁰ Wāhi tapu, Wāhi taonga, Ngā Tūranga Tūpuna, Ngā Wai.

¹¹¹ Dated 4 April 2024

- (a) Accidental discovery protocol;
- (b) Requirements as to erosion and sediment control; and
- (c) Contamination.

124 Subject to the imposition of these conditions it is considered that effects on cultural values are less than minor.

Waterway Setbacks

125 I agree with Mr Blair¹¹² that the combination of the distance of the site from the Avon River, the extent of the site contained within the setback (1m), and the intervening road corridor¹¹³ that the effects of the Proposal on the values and attributes associated with this classified 'downstream waterway' will be less than minor.

Shading and Height

- 126 Mr Blair¹¹⁴ and I both agree that the anticipated built form and massing outcome for the site¹¹⁵ is represented in **Figure 3** above.
- 127 I have identified above that the District Plan embeds consideration of the '*anticipated built form*' in terms of both policy considerations and relevant matters of discretion in relation to building height¹¹⁶.
- 128 The interplay of the provisions at paragraph [70] and as spatially identified for the site in **Figure 1** provide enablement of built form massing and height proximate to intersections. These are to implement and achieve the policy in the District Plan that seeks to '*increase the prominence of buildings on street corners*¹¹⁷' within the context of the primacy and built form role of the Central City¹¹⁸.

¹¹² S42A [131]

¹¹³ Assessment focused to Rule 6.6.7.1 Natural Hazards

¹¹⁴ S42A [135]

¹¹⁵ Excluding the 5.12m frontage at the southern end of the Cambridge Terrace frontage

¹¹⁶ Refer [67]

¹¹⁷ Policy 15.2.4.1(b)(ii), Policy 15.2.4.2(a)(x)

¹¹⁸ Policy 15.2.4.1(b)(i) '*reflect the ... anticipated scale of the zone and centre's function*' and Objective 15.2.1 / Table 15.1 '*greatest scale of activities*' and Policy 15.2.6.1 '*provides for the widest range of commercial activities ... and visitor accommodation and the greatest concentration and overall scale of built development in Christchurch*'.

- 129 Appendix 2 to the Application contained shading diagrams as associated with the proposal. I agree with Mr Blair that the anticipated built form outcomes for the buildings are 45m¹¹⁹, accordingly as the building bulk as proposed is 42m, I consider that the shading effects from the proposal on the sense of openness and admission of sunlight to the street, or the dominance of buildings on the street environment¹²⁰, is less than that associated with the anticipated built form.
- 130 In addition, shading effects as felt at Worcester Chambers and the Canterbury Club are to be disregarded as written approval has been received from these parties.
- 131 I therefore agree with Mr Blair¹²¹ that the extent of shading and dominance effects from the breach of these provisions is less than minor.

Wind effects

- 132 The assessment matters relating to wind effects relate to a breach of rules relating to sunlight¹²², urban design¹²³ and building height¹²⁴. The matters seek to mitigate the impacts of wind on the 'safety and comfort' of people at street level. The provisions implement **Policy 15.2.6.3** 'Amenity' which seeks to '*reduce adverse effects from wind*'.
- 133 I have considered the Report from Mr Green¹²⁵, and consider the following:
- (a) Figure 4 of the modelled build scenario identifies that whilst there is a slight deterioration of wind comfort levels as a consequence of the proposal (as compared to Figure 2), there are no unacceptable pedestrian safety effects (Figure 6), and wind conditions are '*mostly appropriate for these locations (such as 'acceptable for external pavements and open walkways')*'¹²⁶.

¹¹⁹ S42A [136]

¹²⁰ Assessment matters 15.14.3.17

¹²¹ S42A [146]

¹²² Assessment matter 15.14.3.17(b)

¹²³ Assessment matter 15.14.2.6(f)

¹²⁴ Assessment matter 15.14.3.1(b)(iv)

¹²⁵ S42A [Appendix J]

¹²⁶ S42A [Attachment J, page 8]

(b) Mr Green identifies that:

“...two park benches adjacent to the Canterbury Club on Worcester Boulevard that turn their back rests to the proposed building as shown in Figure 5. The comfort levels for people using these benches will on occasions be at Level C, and close to Level D using the Lawson LDDC scale. This means that these benches will experience wind speeds of 6 m/s or higher for about 5% of the time.”

- 134 On that basis, Mr Green identifies that mitigation could involve relocation of the benches or screening. Mr Blair recommends an advice note for the former.
- 135 The District Plan includes an Advice Note for the interpretation and application of assessing wind ‘safety and comfort’ identifying that these matters are not an issue where modelled wind condition do not exceed ‘6m/s within any carriageway adjacent to the site’.
- 136 On this basis, and in considering the evidence of Mr Green I consider that there is not a demonstrable wind effect on pedestrian safety. With regard to pedestrian comfort, I consider that the modelled analysis based on the Plan Advice Note and as related to the ‘two park benches’ is at the margin of being a material effect, I do not consider that the adverse effect would be considered any more than minor, as it is unlikely that the benches would be used in windy conditions given their exposure, even in the absence of the proposal. I do not support the recommendation by Mr Blair, noting it is unenforceable and uncertain. I also consider a condition requiring relocation of the benches to be unjustified.

Urban Design

Framework for consideration

- 137 I understand that amenity effects are to be assessed along a continuum between nil to substantial. A substantial effect is not necessarily a substantial adverse effect but rather an assessment of the degree of *change* to amenity as considered within the associated statutory framework. I also agree with the statement of Mr Clease, that:
- ‘simply being visible is quite different from being inappropriately visually dominant’.*
- 138 In addition, the ‘change’ in amenity for the environment associated with the proposal is to be considered through the applicable planning framework as introduced through the IPI - PC14 process.

- 139 Through the IPI process there has been a transformative shift in the regulatory framework managing City Centre built form and design. These changes give effect to Policy 3(a) of the NPS-UD to realise as much development capacity as possible in city centre zones to maximise benefits of intensification as engaging against Objective 1 and Policy 1 which seek well-functioning urban environments.
- 140 The District Plan now explicitly exempts corner sites (within 30m of a corner) from built form standards relating to Wall Height setbacks and Sunlight and outlook requirements, and within that context a 28m height limit (*building base* and *building tower*) is not applicable as identified in **Figure 3**.
- 141 Correctly Mr Blair and I record that there is a technical breach of 15.11.2.11 which relates to the height of '*building base*' at 28m. However, I am not of the view that this is reconciled by imposing road wall height setbacks to the site as has been sought by Mr Blair and Ms Sakin. Ms Sakin has recommended such setbacks explicitly referencing the existing street scene context and character¹²⁷. In my view Ms Sakin has not appropriately accounted for the applicable plan framework made operative under the NPS-UD and PC14, setting that to one side to focus on the existing character.
- 142 As outlined in my consideration under s104(a)(vi), effects should be contextualised within the Plan framework. That framework:
- (a) Creates and reinforces a strong 'centres based' hierarchy for commercial centres seeking to intensify activities across the hierarchy in a manner (through increased scale and form¹²⁸) that reflects the centres role and function, with primacy given to *re-developing* Central City as the principal commercial centre¹²⁹.
 - (b) The corresponding form, scale and design is to recognise functional and operational requirements of activities and contribute to a visually attractive urban form and respond positively to context¹³⁰, and *shall* increase the prominence of buildings on street

¹²⁷ S42A [Attachment E, page 3]

¹²⁸ Objective 15.2.4

¹²⁹ Objective 15.2.1, Objective 15.2.6.

¹³⁰ Objective 15.2.4

corners¹³¹, and achieve a visually attractive setting that embodies a human scale and fine grain¹³².

- (c) A high standard of amenity is to be achieved in the Central City including *through setting design standards .. to avoid the impact of overlay dominant buildings*, and to recognise that amenity values will change over time which of themselves is not an adverse effect¹³³.

143 Relevant assessment matters, acknowledging that the application is for a Discretionary activity, include:

- (a) Central City Urban Design – Rule 15.14.2.6
- (b) Building Height – 15.14.3.1; and
- (c) Sunlight and Outlook – 15.14.3.17.

144 Noting the somewhat exhaustive nature of these matters, I consider that they can be grouped as follows, and are discussed within the subsequent assessment:

- (a) **Site Context:** Site context, including having regard to identified / anticipated urban form as consistent with the role of the centre¹³⁴.
- (b) **Human Scale:** Human scale and active engagement with the street¹³⁵.
- (c) **Anticipated continuity of street wall:** Retention of, or contribution to *the anticipated* continuity and visual coherence of the street wall¹³⁶.
- (d) **Prominence of Street Corner:** Emphasise the street corner¹³⁷.
- (e) **Maximise development capacity below 45m:** Maximises development capacity along street frontages for those parts of the building below 45m¹³⁸.

¹³¹ Policy 15.2.4.1, Policy 15.2.4.2

¹³² Policy 15.2.4.2.

¹³³ Policy 15.2.6.3.

¹³⁴ Matter 15.14.2.6(a)(i), 15.14.2.6(a)(iv), Matter 15.14.3.1(iv), 15.14.3.1(x), 15.14.3.1(vi)

¹³⁵ Matter 15.14.2.6(a)(iii)

¹³⁶ Matter 15.14.3.1 ((b)(i)

¹³⁷ Matter 15.14.2.6(a)(v), Matter 15.14.3.1(v)

¹³⁸ Matter 15.14.2.6(a)(ix)

- (f) **Coherent design:** For buildings between 28m and 45m a clear and coherent design that avoids dominant built form¹³⁹.
- (g) **Functional requirements:** Reflects functional requirements of the activity¹⁴⁰.

Urban Design Matters agreed

- 145 The broad urban design aspects generally agreed with the s42A Reporting Officers include replacing a vacant building that does not provide vitality or activation at the street edge; hotel accommodation of this scale is encouraged within the central city and at this location; tall buildings are generally appropriate in the central city; there is limited coherent built form along Worcester Boulevard; and the proposal responds appropriately to the Worcester Chambers interface.

Urban Design Matters contested

- 146 I understand that these are specific to:
- (a) Medium range views of the building's massing and coherence of the eastern elevation within the built form character along Cambridge Terrace; and
 - (b) Pedestrian experience immediately adjacent to the eastern elevation, including absence of further engagement which would be provided by an additional street entrance.
- 147 I have set out at **Figure 4** the amendments to the design that are sought separately between Ms Sakin and Mr Blair, noting the disparity between the two.

¹³⁹ Matter 15.14.2.6(a)(x)(b).

¹⁴⁰ Matter 15.14.3.1(vi), Matter 15.14.3.1(viii)

Figure 4: S42A Amendments to Design

	Ms Sakin	Mr Blair
<i>Application as a whole</i>	Decline in unmodified form	Support subject to condition requiring certification of amendments
<i>Bottom three levels</i>	Footprint to level three is expanded to west (into porte cochere). That is floorplate extends towards the western boundary encroaching further towards Worcester Chambers ¹⁴¹ (from the application).	Disagrees with Ms Sakin given porte cochere provides safe and efficient transport circulation ¹⁴² . No change from application.
<i>Three levels to 28m</i>	Building floorplates to 28m match the expanded footprint of the first three floor levels (that is as extended to the west).	No change from application.
<i>28m to 42m</i>	Worcester and Cambridge Terrace Wall Height setbacks ¹⁴³ of 4.2m introduced at 28m with tower above having more of a square form.	Introduce a 1.2m setback on the eastern elevation fronting Cambridge Terrace ¹⁴⁴ , with no setback requested for the southern elevation fronting Worcester Boulevard ¹⁴⁵ .
<i>Northern Boundary 32m to 45m</i>	5m setback along the full width of the northern elevation ¹⁴⁶ .	5m setback along the full width of the northern elevation. Not to be used as a balcony ¹⁴⁷ .
<i>Cambridge Terrace entrance.</i>	Insertion of pedestrian entrance ¹⁴⁸ .	Finely balanced but not necessary given functional and operational requirements of the restaurant ¹⁴⁹ .

¹⁴¹ S42A [Attachment E, Recommendation 1, page 22]

¹⁴² S42A [108]

¹⁴³ S42A [Attachment E, Recommendation 1 page 22]

¹⁴⁴ S42A [109]

¹⁴⁵ S42A [105, 116]

¹⁴⁶ S42A [Attachment E, Recommendation 2, page 22]

¹⁴⁷ S42A [110, 116]

¹⁴⁸ S42A [Attachment E, page 18]

¹⁴⁹ S42A [115]

Consideration

148 I have considered the evidence of Ms Sakin, Mr Clease and Mr
Armstrong. As stated, I consider Ms Sakin has expressly¹⁵⁰ and
inappropriately set aside the amended operative planning framework.

149 Assessing the contested views against the Plan framework as identified
above, I consider the following:

- (a) **Site Context:** Ms Sakin identifies that the proposal represents a
*'significant departure from this established [Cambridge Terrace]
form'*, which results in significant impacts on the more immediate
environment¹⁵¹.

The site context is to be considered within the framework of the
anticipated urban form as is explicitly identified in the assessment
matter(s), including those referenced by Ms Sakin.

As identified, the plan framework as amended by the IPI process
encourages greater massing along street corners, without the
provision of road wall height setbacks and sunlight recession
planes. These rule exemptions seek to implement plan provisions
seeking greater massing on street corners¹⁵², and recognising that
amenity associated with built form will change¹⁵³.

Mr Brown has identified that the proposed design appropriately
responds to the heritage cues associated with the adjacent
Worcester Chambers and the Canterbury Club opposite, including
establishing a built form 'breathing space' for the former¹⁵⁴. Mr
Brown concludes that the:

"new design [*will have*] ... little adverse effect on the context and values of
neighbouring heritage sites".¹⁵⁵

- (b) **Human Scale:** Ms Sakin considers that the proposal lacks human
scale and sufficient activation of the street¹⁵⁶, although

¹⁵⁰ S42A [Attachment E, pg 4]

¹⁵¹ S42A [Attachment E, pg 13, 14]

¹⁵² Policies 15.2.4.1, 15.2.4.2

¹⁵³ Policy 15.2.6.3

¹⁵⁴ EiC Brown [20]

¹⁵⁵ EiC Brown [21]

¹⁵⁶ S42A [Attachment E, pg 13, 14]

acknowledges that it is provided to a degree as associated with the northern (Worcester Boulevard) elevation¹⁵⁷.

Mr Clease has addressed this in his evidence¹⁵⁸, noting that the building as a whole appropriately engages with the public realm through the avoidance of large blank walls and a sense of singular mass, with the lower levels providing a *'richness in detailing, glazing, cladding and fenestration that breaks the mass of the building into a light, visually permeable floor with strong and direct connection between the internal use (restaurant and reception) and the external streetscape'* and higher levels presenting *'a 'lightness' to the tower relative to visually impermeable materials, and enables a sense of depth, reflection, and lighting during the evening periods'*.

- (c) **Anticipated continuity of street wall:** Ms Sakin references the proposal as 'disrupting the continuity of the street edge on Cambridge Terrace'¹⁵⁹.

The Plan provisions and associated matters reference the *anticipated* continuity of the street wall. The Plan removes the road wall height requirements as associated with the Proposal (with the exception of the 5.12m northern extent fronting Cambridge Terrace) so as to promote contrast rather than consistency.

I am unable to reconcile Ms Sakin's reliance on the existing character to impose a requirement on this site where the Plan specifically excludes such. As identified by Mr Clease, the Plan outcome is to emphasise street corners to assist in wayfinding and provide visual interest¹⁶⁰. The Plan enables this outcome through removal of the requirement for setbacks associated with built form proximate to street corners.

- (d) **Prominence of Street Corner:** This matter is largely addressed above. I consider that the proposal establishes a built form, massing and design that accords with the anticipated built form

¹⁵⁷ S42A [Attachment E, pg 16]

¹⁵⁸ EiC Clease [commencing 53]

¹⁵⁹ S42A [Attachment E, pg 23]

¹⁶⁰ EiC Clease [40]

and achieves policy provisions seeking prominence of built form on street corners. I agree with Mr Clease that:

“The PC14 rule framework clearly anticipates (and indeed encourages) tall buildings to be built to the street edge for corner sites. It is hard to be a landmark building if you look the same as the neighbours”.

- (e) **Maximise development capacity below 45m:** This matter is specifically engaged as the proposal relates to a corner site. The setbacks sought by both Mr Blair and Ms Sakin are considered less appropriate (than the application) in achieving this matter. As set out in the evidence of Mr Armstrong¹⁶¹, the setbacks proposed within the s42A Report have the consequence of removing some 24 bedrooms from the hotel proposal (11% of total capacity).
- (f) **Coherent design:** The Plan articulates that dominance is to be considered against the anticipated built form (paragraph 70) which largely encourages a built form of 45m in height within 30m of the street corner (as subject to urban design assessment).

The proposal does not result in a dominant built form when considered either at mid-range or proximate range views and provides a good quality pedestrian experience, including through the inclusion of active internal spaces overlooking both Worcester Boulevard and Cambridge Terrace¹⁶². I consider that the 5m setback along the northern elevation in conjunction with either the Mr Blair setback (1.2m at 28m Cambridge Terrace only) or Ms Sakin (4.2m at 28m Cambridge Terrace and Worcester Boulevard) introduces considerable complexity to the design and associated streetscape¹⁶³, at the expense of the sleek and simple design response inherent in the proposal¹⁶⁴.

- (g) **Functional requirements:** Mr Armstrong has set these out in his evidence in chief identifying (unintended) consequences including the net loss of 24 rooms¹⁶⁵ and / or reduction in the standard / categorisation of the Hotel. I agree with Mr Blair that:

¹⁶¹ EiC Armstrong [page 14]

¹⁶² EiC Clease [65]

¹⁶³ Reference montages EiC Armstrong [81]

¹⁶⁴ EiC Armstrong [70], EiC Clease [69]

¹⁶⁵ EiC Armstrong [page 12]

- (i) The requirement for an additional entrance along Cambridge Terrace (and resolving the height distance to achieve the Flood Floor Level certificate) would result in impediments to the capacity and use of the proposed restaurant. Hence Ms Sakin's request for such¹⁶⁶ is also recommended to be rejected.
- (ii) The requirement from Ms Sakin to extend the ground level floorplate to the west would result in substantial impediments in terms of the safe and efficient functioning of the porte cochere¹⁶⁷ and is also recommended to be rejected.

150 Whilst not functional impediments, Mr Armstrong has also outlined in his evidence several (unintended) design consequences from the s42A recommendations as outlined in **Figure 4**, being:

- (a) The need for realignment of the structural grid, including structural cantilever at lower levels¹⁶⁸.
- (b) Issues with weathertightness¹⁶⁹.
- (c) Complexity in terms of building facades and design, including the curvature fronting the Worcester / Cambridge intersection¹⁷⁰.
- (d) Hotel design preference¹⁷¹.

151 I disagree with the recommendations contained within the s42A Report as to redesigning the built form of the proposal. Those recommendations are unnecessary, and less appropriate in achieving the planning framework than the urban design, form and massing of the proposal as sought. I consider that the urban design effects of the proposal, as unamended, to be appropriate, and result in a number of positive effects, chiefly as associated with the activation, vitality and reinvestment reintroduced into an influential Central City site.

¹⁶⁶ S42A [Attachment E, page 10]

¹⁶⁷ S42A [Attachment E, page 22]

¹⁶⁸ EiC Armstrong [10]

¹⁶⁹ EiC Armstrong [10]

¹⁷⁰ EiC Armstrong [13]

¹⁷¹ EiC Armstrong [10]

Conclusion as to effects

- 152 In my opinion, the proposal does not result in any actual or potential adverse effects on the environment that are more than minor, these adverse effects are primarily in relation to construction-phase matters that can be appropriately managed through conditions, and that overall, the proposal will result in positive effects on the environment through the replacement of a derelict building with a high quality hotel.

Section 104(1)(b) relevant planning documents

Christchurch District Plan - 104(1)(b)(vi)

- 153 In terms of s104(b)(vi), Mr Blair and I agree that the proposal is consistent with the relevant provisions of the operative District Plan, acknowledging Mr Blair's conclusion relates to his specific urban design recommendations.
- 154 As with my consideration on environmental effects, the relevant lens to assessing the proposal against the policies and objectives of the Plan is in my view, to contextualise the relevant provisions against the environment as anticipated by the Plan. This is particularly relevant in terms of the consideration against the relevant Central City policies as amended through the IPI process to give effect to the NPS-UD.
- 155 To summarise, Mr Blair and I agree that the proposal is consistent with:
- (a) *Chapter 4 – Contaminated Land*¹⁷². The assessment provided within the application and confirmed in the evidence of Mr Pettersson addresses these matters, including amended recommended Conditions for consent.
 - (b) *Chapter 5 – Natural Hazards*¹⁷³. The proposal appropriately addresses and responds the built form design to account for the Flood Floor Certificate. There is no change in potential displacement from floodwaters given the existing building footprint.

¹⁷² Objective 4.2.2.1, Policy 4.2.2.1.1, Policy 4.2.2.1.2, Policy 4.2.2.1.3

¹⁷³ Objective 3.3.6, Policy 5.2.2.1.2 'Manage' and Policy 5.2.2.2.1 'Flooding'

- (c) *Chapter 6 – Waterbody Setbacks*¹⁷⁴. The proposal will not be detrimental to any of the values attributed to the Avon River as a downstream waterway.
 - (d) *Chapter 7 – Transport*¹⁷⁵. As identified in the effects assessment the proposal is designed to function in a manner that is not to the detriment of network efficiency and safety, and appropriately accommodates the mobility impaired. Subject to the amended conditions as advised by Mr Leckie with regard to additional matters (painted stopline and judder bar) for the egress to Worcester Boulevard, I consider the proposal consistent with these provisions.
 - (e) *Chapter 8 - Earthworks*¹⁷⁶. These matters are subject to several conditions and associated Management Plans which are designed to address and provide a response to such matters as nuisance, contamination and water quality. I accept the amendments recommended by Mr Pettersson to the Contamination Management Plan conditions. Accordingly, I consider the proposal to be consistent with these provisions.
- 156 To In addition, although not identified by Mr Blair, I consider that the proposal (as unamended) is consistent with:
- (a) *Chapter 3 – Strategic Directions*¹⁷⁷. The proposal as unamended revitalises an important Central City site some 13 years after the Christchurch Earthquake sequence diminished the values and vitality associated with the existing Harley Chambers building. The proposal commensurately contributes to reinforcing the central city as the primary community focal point, and enhances amenity values, and function and economic viability through private sector investment.
- 157 Mr Blair and I depart in terms of our consideration of the **Commercial objectives and policies of the Plan**, albeit only as these relate to the

¹⁷⁴ Objective 6.6.2.1, Policy 6.6.2.1.2 'Setbacks'

¹⁷⁵ Objective 7.2.1, Policy 7.2.1.3 'Vehicle access'

¹⁷⁶ Objective 8.2.4, Policy 8.2.4.1 'Water Quality', Policy 8.2.4.3 'Benefits of Earthworks', Policy 8.2.4.4 'Amenity', Objective 8.2.5 'Earthworks – health and safety', Policy 8.2.5.2 'Nuisance', Policy 8.2.5.4 'Earthworks Design', Policy 8.2.5.5 'Management of contaminated land'.

¹⁷⁷ Objective 3.3.1 'Enabling Recovery' and Objective 3.3.8 'Revitalising the Central City'

design recommendations made by Mr Blair for the elevation fronting Cambridge Terrace and adjoining the Lane Neave building.

- 158 The Commercial Centre policy framework which corresponds to the outcomes sought, and hence effects to be managed seeks the following:
- (a) **Objective 15.2.1** recognises and manages commercial centres, through intensification and reflecting the centre hierarchy and functions in a framework (as set out in Table 15.1) that gives primacy to the central city.
 - (b) **Objective 15.2.4** seeks that scale, form and design of development is consistent with the role of the centre, recognising the Central City as strategically important, recognising functional and operational requirements of activities, and contributing to an urban environment that is visually attractive and responds positively to local character and context
 - (c) Associated **Policy 15.2.4.1** seeks development *shall* increase the prominence of buildings on street corners¹⁷⁸.
 - (d) In conjunction **Policy 15.2.4.2** *requires* new development to be well-design and laid out including by increasing the prominence of buildings on street corners¹⁷⁹, and achieving a visually attractive setting that embodies a human scale and fine grain¹⁸⁰.
- 159 For the Central City the following provisions are pertinent:
- (a) **Objective 15.2.6** seeks that the Central City zone *re-develops* as the principal commercial centre and is attractive including for visitors.
 - (b) **Policy 15.2.6.1** seeks to ensure that the Central City zone provides *the greatest concentration and overall scale of built development in Christchurch*.
 - (c) Associated **Policy 15.2.6.3** 'Amenity' seeks to promote a high standard of amenity, including through setting design standards ...to avoid the impact of overly dominant buildings¹⁸¹, and

¹⁷⁸ Policy 15.2.4.2(b)(ii)

¹⁷⁹ Policy 15.2.4.2(a)(x)

¹⁸⁰ Policy 15.2.4.2(a)(viii)

¹⁸¹ Policy 15.2.6.3 (ii)

recognising that amenity values will change over time which of themselves are not adverse effects¹⁸².

160 In considering each of the contested elements in turn:

(a) *Addition of further pedestrian entrance within the Cambridge Terrace elevation:*

There is no dispute between the urban design experts, or Mr Blair and I that in an ideal world an additional pedestrian entrance to the Cambridge Street frontage would add visual interest and engage with streetscape.

However, as acknowledged by Mr Blair the built form design responds to the requirements of the Flood Floor Certificate in managing flood risk¹⁸³ and the associated design corresponds to associated functional requirements with the ground floor restaurant as proposed¹⁸⁴.

In addition, as identified by Mr Clease the existing Harley Building has windowsill heights at the same level as that proposed, and the elevated seating areas still engage with pedestrian activity at the streetscape¹⁸⁵.

In addition, I note that the site frontage is a relatively short 35m in length, and the wider context is not associated with a high degree of permeability of entrances along the street front¹⁸⁶.

Accordingly, I do not consider this aspect of the proposal to be inconsistent with any of the relevant Chapter 15 provisions, including **Policy 15.2.4.2(a)(i)** which states:

“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 street;”

Nor **Policy 15.2.4.2(a)(viii)** which states:

‘achieving a visually attractive setting when viewed from the street and other public spaces, that embodies a human scale and fine grain, while managing effects on adjoining environments;’

¹⁸² Policy 16.2.6.3(ix).

¹⁸³ Policy 5.2.2.1.2

¹⁸⁴ As consistent with Objective 15.2.4(ii) ‘recognise functional and operational requirements of activities’

¹⁸⁵ EIC Clease [57, 58]

¹⁸⁶ EIC Clease [Figure 1]

(b) *Scale and form, including requested setbacks:*

Both Mr Blair and I consider that the proposed hotel responds positively to those provisions in the Plan that seek to reinforce a form and function as consistent with the role of the Centre¹⁸⁷, which is to be afforded primacy¹⁸⁸ in the Plan in terms of the range of activities (including visitor accommodation¹⁸⁹) and overall scale.

In terms of the setbacks requested within the s42A report, I do not consider that the proposal represents any substantial tension with relevant provisions. In particular, the amenity outcomes as relevant to the site are to be considered within the following framework:

Policy 15.2.4.1 – Scale and form of development

- a. *Provide for development of a significant scale and form in the core of District Centres and Neighbourhood Centres, and of a lesser scale and form on the fringe of these centres.*
- b. *The scale and form of development in centres shall:*
 - i. *reflect the context, character and the anticipated scale of the zone and the centre's function;*
 - ii. *increase the prominence of buildings on street corners;*

Policy 15.2.4.2 – Design of new development

- a. *Require new development to be well-designed and laid out by:*
 - x. *increasing the prominence of buildings on street corners;*
- b. *Recognise the scale, form and design of the anticipated built form within a site and the immediately surrounding area and the functional and operational requirements of activities.*

Policy 15.2.6.3 – Amenity

- (a) *Promote a high standard of amenity and discourage activities from establishing where they will have an adverse effect on the amenity values of the Central City by:*
 - (ii) *setting design standards to manage access to sunlight, reduce adverse effects from wind, ensure a high quality street interface and avoid the impact of overly dominant buildings on the street and other public spaces;*
 - (viii) *recognising that amenity values develop and change over time to meet the changing needs of people and communities, including increased and varied housing densities and types, which may detract from the amenity of some, but enhance the amenity of others. Those changes are not of themselves an adverse effect.*

(emphasis underlined)

¹⁸⁷ Objective 15.2.1

¹⁸⁸ Objective 15.2.2(iv), Policy 15.2.2.1 / Table 15.1, Objective 15.2.4, Policy 15.2.4.1, Objective 15.2.6, Policy 15.2.6.1.

¹⁸⁹ Table 15.1, Policy 15.2.6.1.

In relation to Policy 15.2.6.3(a)(i) I consider that the policy explicitly identifies that ‘design standards’ are set to manage (and avoid) the impact of overly dominant buildings. As identified, I consider that the design standards (including those in relation to height, sunlight and outlook) anticipate and provide for a building of the massing and form as proposed on this street corner, and hence as measured against these standards the proposal cannot be considered dominant on the street and other public spaces. Furthermore, I understand *dominant* to mean ‘*more important, powerful or noticeable than other things*¹⁹⁰’ whereas *prominent* means ‘*standing out from its surroundings or noticeable*¹⁹¹’, and consider the proposal is characterised as the latter as is appropriate in achieving the design standards for buildings on street corners¹⁹².

Ms Sakin’s places considerable reliance on the ‘*context and character*’ matters identified in Policy 15.2.4.1(b)(i) (noting the provision also specifically references ‘anticipated scale’). In my view, this Policy drives the scale and form outcomes of development explicitly to achieve the zone and centre function. This engages with the broader District Plan commercial provisions relating to the role and scale of the centres hierarchy, including those which seek prominence and the greatest overall scale of built form in the Central City Zone. I do not read Policy 15.2.4.1(b)(i) in a manner that new development is constrained to conform to the existing scale and massing at a localised level.

The more directive provisions as identified above explicitly identify that it is the ‘*anticipated*’ built form that is to be considered, including that within the Central City design standards have been established to manage effects on sunlight, wind and dominance.

According as identified in the effects assessment, it is considered that the proposal achieves and implements those provisions seeking prominence to the street corner and aligning with anticipated built form, including associated amenity values.

¹⁹⁰ Oxford Dictionary definition.

¹⁹¹ Oxford Dictionary definition.

¹⁹² As consistent with Policy 12.4.1(b)(ii) and Policy 12.2.4.2(a)(x)

- 161 I therefore consider that the proposal, as unamended, is consistent with the Chapter 15 objectives and policies associated with commercial development.

National Policy Statement for Urban Development – S104(1)(b)(iii)

- 162 NPS-UD Policy 3(a) required the Council in the City Centre Zone (**CCZ**), to enable building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification. That enablement is in my view only tempered by consideration of achieving a 'well-functioning urban environment' for the purposes of Objective 1 and Policy 6 of the NPS-UD.
- 163 The Plan as amended by PC14 embedded the requirements of the NPS-UD for Christchurch City.
- 164 I have concluded that the proposal implements and achieves the post IPI operative District Plan in terms of built form and design. Therefore, I consider the proposal has regard to, and is consistent with, the NPS-UD.
- 165 I note that Policy 6 provides additional matters in relation to the consideration of this proposal, in seeking that when making '*planning decisions*' that affect urban environments particular regard is given to:
- (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement;*
 - (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not, of themselves, an adverse effect.*
 - (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1).*
- 166 I consider that the unamended proposal is consistent with this policy.
- 167 There are no other national policy statements that I consider are relevant to this proposal.

Canterbury Regional Policy Statement – s104(1)(b)(v).

- 168 The operative District Plan gives effect to and implements the relevant provisions of the Canterbury Regional Policy Statement (**CRPS**). I consider that the proposal is therefore also consistent with the CRPS.

Section 104(1)(c) any other relevant matters

The Mahaanui Iwi Management Plan

- 169 Both Mr Blair and I consider that the recommendations of the Cultural Advice Report produced by Mahaanui are inserted as appropriate conditions and advice notes to be affixed to any consent granted.

RESPONSE TO SUBMISSIONS

- 170 Despite being fully public notified, only four (4) submissions were received that were in opposition to varying extents, and only two (2) in support / neutral and seeking amendments (**Attachment E**). Accordingly, I consider that this illustrates that there is general support for the redevelopment and revitalisation of this site as represented by the project.
- 171 I have reviewed the submissions that comment on matters relevant to my evidence. I have responded to the key matters raised within the body of this evidence.

RESPONSE TO S42A REPORT

- 172 I have reviewed the aspects of the s 42A report that comment on matters relevant to my evidence. I have responded to the key matters raised within the body of this evidence.

DRAFT CONDITIONS OF CONSENT

- 173 Mr Blair and I are largely in agreement with respect to recommended suite of Conditions. Where I have identified material amendments these are identified in the body of this evidence. A number of minor

amendments for certainty and clarification are 'track-changed' into the Condition suite as set out in **Attachment D**.

CONCLUSION

- 174 The proposal represents a significant regeneration project for the Central City, resulting in the replacement of a considerably diminished earthquake affected building with associated diminished amenity and vitality, with a substantial four-star category hotel development.
- 175 The Hotel proposal will contribute enhanced amenity, vitality and economic and social associations as associated with the site and surrounds, engaging with the well-being needs of the Christchurch community and visitors alike. Form and design is considered to be undertaken in a manner that is compatible within the surrounding environment as engaging with the respective statutory context as amended by the IPI process, and assists in achieving a 'well-functioning urban environment'.
- 176 The proposal will have no more than minor effects on the environment, noting that the environment for consideration includes the anticipated built form and height consistent for street corners within the Central City Zone. Other actual or potential adverse effects are managed through design (such as transport), management (such as controlling construction activities and contamination) and conditions (such as acoustic insulation).
- 177 The proposal, through the replacement of a derelict and vacant building has commensurate positive amenity and vibrancy effects associated with the provision of additional visitor, tourist and restaurant facilities in this locality which interacts with the street environment, and delivers a high quality and visually prominent building on a key central city corner.
- 178 The proposal is consistent with the policies and objectives of the Plan. I do not consider there to be any material tension with the provisions in Chapter 15 – Commercial Centres, noting that inherent references to anticipated built form and the prominence of buildings on corners.
- 179 Accordingly, I consider that the proposal finds support within the NPS-UD and is also consistent with the CRPS.

- 180 I consider that consent can be granted in considering those matters under s104 and subject to conditions pursuant to s108 and s108AA of the Act and as contained in **Attachment D**.

A handwritten signature in blue ink, appearing to read 'Matthew Bonis', with a long horizontal flourish underneath.

Matthew Bonis

2 October 2024

ATTACHMENT A – RELEVANT EXPERIENCE AND QUALIFICATIONS

I have been based in Christchurch since 1999. My relevant experience includes:

- (a) **Heritage resource consents** associated with the restoration of Christchurch Town Hall both prior to (RMA92017145) and post the Canterbury earthquake sequence (RMA92020093, RMA92023324) and demolition consent for the Group 1 Listed Troup Ashburton Railway Station (*Redson Corporation Holdings Ltd vs Ashburton District Council* NZEnvC 224), as well as appearing before the PC14 IHP Panel regarding the delisting of Harley Chambers;
- (b) **Commercial Developments in central Christchurch** including the University of Otago Tuam Street Medical Facility (RMA20201776) and the Performing Arts Court Theatre (RMA20212464); and
- (c) **Commercial developments** including Woolworths New Zealand Limited (*Woolworths NZ Ltd vs Christchurch City Council 2021 NZEnvC 133*; the Auckland Regional Council (Specified Commercial Appeals to the Change 6 LG(A)AA2004); Christchurch City Council (*National Investment Trust v Christchurch City Council. C152/2007*).

I am a certified¹⁹³ and practicing Hearings Commissioner, having undertaken Hearings in Waimakariri, Selwyn, Ashburton and Kaikoura Districts.

¹⁹³ Making Good Decisions. Certification expiry 30 June 2027.

ATTACHMENT B – CORESPONDANCE FROM THE CITY COUNCIL RE BARRIER SITE (DIRTY 30)



17 May 2017

Attn: Gerald and Szu Siu McCoy
Lee Pee Ltd
165 Gardiners Rd
Harewood
CHRISTCHURCH 8051

Dear Gerald and Szu Siu,

Re: 137 Cambridge (Hartley Building)

The Christchurch City Council, as part of the city's regeneration efforts, is reviewing how it can reset the image of the central city. Many people, including residents, business operators and media have commented that parts of the central city are not showing enough progress and are still characterised by large areas of vacant land and derelict buildings. It is not surprising therefore that investors and business operators report that their confidence in the central city is being undermined.

On 25 May, the Council will consider a report outlining a more proactive role in addressing this problem. During an analysis of land use in the central city, 30 sites – including your property – were identified that warrant attention. These sites were seen as the most prominent examples of 'barrier sites' – properties that are considered a physical or perceptual barrier to regeneration.

Staff will contact you soon to discuss the issues preventing you from making progress with your site and to see what can be done to support you. You will be assigned a case manager whose role is to help you find solutions or offer suggestions for you to pursue. This could include connecting you with people able to do structural appraisals, commercial operators, and others helping you work through issues with insurers or other agencies.

The Council is keen that there is timely action to resolve the issues concerning your property. While Council will exercise some patience, the report sets out a framework that is intended to drive progress in the interests of regeneration across the wider city. In addition to the supportive approach outlined above, the framework sets out that:

- From 1 July, 2017, normal fees and charges will become payable for the temporary use of a legal road and for traffic management (for sites encroaching on to the footpath and carriageway). This step is being taken in the interest of fairness to those landowners and developers who are paying

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Phone: 03 941 8902
Email: Carolyn.Jingles@ccc.govt.nz
www.ccc.govt.nz

to occupy part of the road during redevelopment work. It is also possible that the Council will consider a substantial increase in these fees for inactive sites in the coming year.

- If discussions – between you and the Council – prove fruitless, the Council and its regeneration partners (Regenerate Christchurch, Land Information New Zealand and Environment Canterbury) may use other tools in existing legislation to spur on progress. Such measures would not be entered into lightly, and not without initial discussions with you or your nominated agent.

In coming months other measures to improve the appearance of sites will be explored and trialled and this will extend to a number of sites across the city. Fundamentally, it is essential that the city sustains the rebuild momentum of the past 18 to 24 months. The Council is keen to help you bring your property back into use, as this will be of benefit to the city as a whole.

At this stage, the Council does not intend to publish a list of the sites, however it is likely media or other parties may request any documents that might identify properties. The Council would be obligated to provide this information under the Local Government Official Information and Meetings Act.

I look forward to fruitful discussion between you and council staff over the coming months.

Yours faithfully,



Carolyn Ingles
Head of Urban Design, Regeneration and Heritage
Strategy & Transformation Group

ATTACHMENT C – COMPLIANCE TABLE (POST 18 SEPTEMBER 2024)

Applicable Zones, Overlays and Map Notations:	• Central City Zone • Category 3: Lower Noise Level Area. • Central City Core overlay. • Downstream Waterway (Setback Avon / Ōtakaro River). • Central City Inner Zone. • Flood Management Area (FMA). • Liquefaction Management Area (LMA).
Activity Status – Christchurch District Plan	Discretionary 15.11.2.12 Maximum Road wall height is 21m (proposal includes 5.12m at southern extent on Cambridge Terrace) beyond 30m from an intersection. Rule 15.11.1.4 (D1) states: <i>Any rule that does not meet built form standard 15.11.2.12 (Maximum Road Wall Height) unless otherwise specified.</i>
NES contamination	Discretionary Clause 11 of the NES applies because a detailed site investigation has not been provided.

Individual Breaches of the Christchurch District Plan

- Discretionary – Wall Height (where a wall is more than 30m from the corner of Worcester Street and Cambridge Terrace – a 7m extent of wall more than 30m from the intersection on Cambridge Terrace) Rule 15.11.2.12.
- RDIS – Urban Design (15.11.1.3(RD1)), Sunlight & Outlook (7m extent) and Building Height* (15.10.1.3)(RD5)
- RDIS – Natural Hazards Filling (5.4.1.5(RD2))
- RDIS – Noise Compliance with NZS6803:1999 (6.1.6.1.1(P1). Matters of Discretion Rule 6.1.8
- RDIS – Waterway Setbacks (Rule 6.6.7.1)
- RDIS – Transport (HTG and Loading)
- NES – Contamination: PSI Provided. DIS Activity (cl 11 of the NES Regs).

* Arguable where porte cochere represents 'building base'

Compliance Table

Amended Terms:

Building Base: means all those parts of the building above ground level, that form a structural element of a building, but excluding the building tower, and any street level veranda, signage, or covered ground level walkways.

Building Tower: means any part of the building that is set back from the boundary and extends above the building base. It includes any structural components, as well as any protrusions above the roof.

Rule	Assessment	Compliance/Activity Status	Plan Change 14 – IHP Recommendations	RDIS Matters
Chapter 15 Commercial Central City Business Zone				
15.10.1.1 Permitted Activities				
15.10.1.1 – P1 – Retail	Retail activities, including food and beverage are a permitted activity. The proposal includes a restaurant at the ground floor level	Complies	15.11.1.1(P1) No Change - Complies	-
15.10.1.1 – P5 – Gymnasium	The proposal includes a gym at the ground floor level.	Complies	15.11.1.1(P5) No Change – Complies	-
15.10.1.1 – P12 – Office	The proposal includes a front of house office at ground floor and an admin office at ground floor level.	Complies	15.11.1.1(P12) No Change - Complies	-
15.10.1.1 – P14 – Visitor Accommodation	The activity shall not be located at ground floor level within 10m of the boundary of a road, except for pedestrian entranceways or reception areas. The ground floor contains a reception, bar / café / restaurant and associated amenity areas and offices.	Complies	15.11.1.1(P14) No Change - Complies	-
15.10.1.3 Restricted Discretionary Activities				
15.10.1.3 – RD1	Any new building within the Commercial Central City Business zone shall be a restricted discretionary activity, assessed against urban design Rule 15.13.2.6.	Restricted discretionary activity	15.11.1.3 (RD1)	Central City Zone Urban Design – Assessment Matters Rule 15.14.2.6
15.10.1.3 – RD5	Any activity that does not meet one or more of the built form standards in Rule 15.10.2 (unless otherwise specified).	Restricted discretionary activity	15.11.1.3(RD5)	Breach of Rule: 15.11.2.3(a)(ii) (Sunlight and Outlook). Breach for 5.12m of elevation fronting Cambridge Terrace. Assessment Matters 15.14.3.17 15.11.2.11 Building Height. Assessment matter 15.14.3.1
15.10.1.4 Discretionary Activities				
15.10.1.4 – D1	Any activity that does not meet 15.10.2.11 – building height and 15.10.2.12 – maximum road wall height, is a discretionary activity.	Discretionary activity	Rule 15.11.1.4(D1)	Discretionary Breach of Rule 15.11.2.12 (Maximum Road Wall Height) for 7m of elevation fronting Cambridge Terrace.
15.10.2 Built Form Standards				
15.10.2.1 – Building Setback and Continuity	This site is located in the Commercial Central City Business zone. The proposed building will be built up to both road boundaries. Except for the access way, the building will be built across 100% of the width of the allotment.	Complies	Rule 15.11.2.1 – No Change Complies	-

15.10.2.3 – Sunlight and Outlook for the Street	Buildings shall not project beyond a 45 degree recession plane measured from the maximum road wall height and angling into the site. The maximum road wall height on this site is 21m where within 30m of the corner. As the proposal is for a 42m high building, with no setback from the road, the proposal will breach this rule.	Does not comply – restricted discretionary activity – assessment matters – 15.13.3.17	Rule 15.11.2.3 45 degree recession plane up to a maximum height of 28m, excluding (ii) sites located on Street intersection this rule shall not apply within 30m of the street corner.	Assessment matters – 15.14.3.17 
15.10.2.4 – Minimum Number of Floors	The minimum number of floors is two. The proposal is for 12 floors (including ground level and roof plant).	Complies	Rule 15.11.2.4 – No Change Complies	-
15.10.2.5 – Flexibility in Building Design for Future Uses	The minimum distance between the top of the ground floor surface and the bottom of the first floor slab shall be 3.5m. The distance between the top of the ground floor surface and the first floor is 5m.	Complies	Rule 15.11.2.5 – No Change Complies	-
15.10.2.6 – Location of onsite parking areas	Parking areas within the Core shall be located to the rear of, on top of, within or under buildings, or when located on the ground floor of any building, not located within 10m of the road boundary. No car parking is proposed on the site, only a vehicle drop off is provided.	Complies	Rule 15.11.2.6 – No Change Complies	-
15.10.2.7 – Fences and screening structures	n/a no fences are proposed.	Complies	Rule 15.11.2.7 – No Change Complies	-
15.10.2.8 – Screening of outdoor storage and services areas or spaces	Any outdoor storage area or outdoor service space shall be located to the rear of the principal building of the site and screened from any adjoining site by landscaping, fencing or walls at least 1.8m in height. The service area and waste are to be located at ground level and will be screened by a wall.	Complies	Rule 15.11.2.8 – No Change Complies	-
15.10.2.11 – Building height	The maximum height shall be 28m. The proposed building height is 42m at its tallest point.	Compliance where porte cochere forms the building base. Otherwise Restrict Discretionary.	Rule 15.11.2.11 Building Height. The maximum height of the <i>building base</i> shall be 28m.	RDIS Assessment matters – 15.14.3.1
15.10.2.12 – Maximum Road wall height	The maximum road wall height is 21m. The height of the building along the road frontage will be 42m.	Does not comply – discretionary activity- 15.10.1.4 – D1	Rule 15.11.2.12 Wall Height. The maximum wall height shall be 21m, except for sites located within 30m of a street corner.	DIS Rule 15.10.1.4 (D1)

15.10.2.13 – Water supply for fire fighting	Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings via Council's urban reticulated system in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice. The site has access to a sufficient water supply.	Complies	Rule 15.11.2.13 No Change Complies and confirmed (e-mail 29 July 2024)	-
			Rule 15.11.2.14 Building Tower Internal Setbacks. Applicable to buildings exceeding 45m.	NA
			Rule 15.11.2.15 Building Tower Dimension and Building Tower Coverage. Applicable to buildings exceeding 45m.	NA
Chapter 5 Natural Hazards				
5.4 Flood Hazards				
5.4.1.1 – P3	Minimum floor levels shall be the level specified in the Minimum Floor Level Certificate-14.68m RL. The proposed floor levels are 14.88m RL.	Permitted	No Change - Complies	-
5.4.1.2 – Minimum floor level certificate	New buildings within the Flood Management Area, but outside of the Fixed Minimum Floor Level Overlay shall have a floor level that is greater than or equal to that specified in a Minimum Floor Level Certificate. The Council will issue a Minimum Floor Level Certificate (which will be valid for 2 years from the date of issue) which specifies the design floor level for a building. A Minimum Floor Level Certificate was issued on 9th October 2023 and states that the minimum floor level is 14.88m RL.	Complies	No Change - Complies	-
5.4.1.5 – RD2 – Filling or excavation	A maximum height of 0.3m of filling above ground level and 0.6m depth of excavation below ground level is permitted in 5.4.1.1- P13. The maximum volume of filling above ground is 10m3. The proposed excavation will exceed 0.6m.	Restricted discretionary activity – matters of discretion in table 5.4.1.5a	No Change - RDIS	RDIS Matters of discretion in table 5.4.1.5a (no Change)
Chapter 6.1 Noise				

6.1.7.1.1 – P1 – Sensitive activities near roads	Acoustic insulation in accordance with the measures in 6.1.7.2.1 are required as Cambridge Terrace is a Central City Main Distributor Road. A design report will be provided to Council at the same time as the building consent application. The report will be prepared by a suitably qualified acoustics specialist, stating that the design proposed is capable of meeting the required internal noise levels.	Complies	No Change - Complies	-
Rule 6.1.6.1.1(P2) Construction Noise	Compliance with NZS6803:1999	Not identified in initial application.	No Change – But discussions with experts has confirmed that compliance cannot be guaranteed, but can be mitigation subject to CNV Management Plan.	6.1.6.1.3(RD2) Construction noise that does not comply with NZS6803:1999. Matters of Discretion: Rule 6.1.8
Chapter 6.6 Waterbody				
6.6.4 – waterway classification	The Avon / Ōtakaro River is classified as a downstream waterway.			
6.6.4.1 – P4	Removal or demolition of any building including associated earthworks is a permitted activity.	Complies	No Change - Complies	-
6.6.4.3 – RD1	The application site is within the 30m setback. As a legal road intervenes between the site and the waterway Council's discretion is restricted to Natural hazards – Rule 6.6.7.1.	Does not comply – Restricted discretionary activity	No Change - RDIS	RDIS Discretion limited to Natural Hazards - Rule 6.6.7.1
6.6.4.3 – RD2	New buildings within the waterway setback are to be assessed as a restricted discretionary activity. Discretion is restricted to Natural hazards – Rule 6.6.7.1.	Does not comply – Restricted discretionary activity	No Change - RDIS	RDIS Discretion limited to Natural Hazards - Rule 6.6.7.1
Chapter 7 Transport				
7.4.3 Standards				
7.4.3.1 – Car parking	No car parking is to be provided. Rule 7.4.3.1 requires all buildings with a GFA greater than 2,500 m ² to provide mobility parking spaces, even if no other parking spaces are provided. If no other car parking spaces are provided, the amount of mobility parking spaces required shall be calculated by determining how many mobility parking spaces would be required if one standard parking space per 100 m ² GFA were provided. The hotel has a GFA of 6,788m ² . Equating to a requirement for 3 mobility parking spaces.	Does not comply – restricted discretionary activity – 7.4.2.3 – RD1-	No Change - RDIS	RDIS Discretion limited to Mobility Parking Spaces Rule 7.4.4.2

7.4.3.2 – Minimum number of cycle parking facilities	1 space / 30 beds for visitors and 1 space per 80 beds for staff are required. 8 visitor cycle parks and 4 staff cycle parks have been provided.	Complies	No Change - Complies	-
7.4.3.3 – Minimum number of loading spaces	Heavy vehicle bays are required at a rate of 1 bay / 1000 bedrooms and 1 99 percentile bay per 50 bedrooms is required. No marked loading areas have been proposed.	Does not comply – Restricted discretion any activity – 7.4.2.3 – RD1	No Change - RDIS	RDIS Discretion limited to Minimum number of loading spaces required Rule 7.4.4.4.
7.4.3.4 – Manoeuvring for parking and loading areas	On-site manoeuvring shall be provided for parking and loading areas. The drop off area will operate as one way and therefore sufficient manoeuvring will be provided.	Complies	No Change - Complies	-
7.4.3.5 – Gradient of parking and loading areas	The 1:8 gradient of the porte-cochere exit ramp exceeds 1:16 but does not form part of the primary pick-up / drop-off area. Access routes between the vehicle pick-up / drop-off area and entrance is level.	Does not comply – Restricted discretion any activity – 7.4.2.3 – RD1	No Change RDIS	RDIS Discretion Limited to Gradient of parking areas and loading areas Rule 7.4.4.6
7.4.3.6 – Design of parking and loading areas	The surface of loading areas shall be formed, sealed and drained. The proposal will comply with this requirement.	Complies	No Change - Complies	-
7.4.3.7 (a) – Vehicle access	The minimum legal width shall be 5m, the minimum formed width shall be 4m, the maximum formed width shall be 7m and the minimum height shall be 4m. A formed width of 7m to Worcester Boulevard and 6m to Cambridge Terrace is proposed. The height clearance exceeds 4m. The maximum grade of the ramp is 1 in 8.	Complies	No Change - Complies	-
7.4.3.7 (b)	Queuing space shall be provided in accordance with Appendix 7.5.8 for any activity providing 4 or more parking spaces. No marked on-site parking is proposed, but queuing space exceeds 16m between Cambridge Terrace and pick-up / drop off area.	Complies	No Change - Complies	-
7.4.3.7 (d) – Audio and visual warning	If the vehicle access serves more than 10 heavy vehicle movements per day an audio and visual method of warning pedestrians about vehicles about to exit the access point is required.	n/a	-	NA
7.4.3.8 (a) – vehicle	A vehicle crossing shall be provided from the property boundary to the edge of the	Complies	No Change - Complies	-

crossing	carriageway.			
7.4.3.8 (e) – Maximum number of vehicle crossings	The maximum number of vehicle crossings permitted on each road frontage by the District Plan is one. One vehicle crossing is proposed on each road frontage.	Complies	No Change - Complies	-
7.4.3.8 (f) – Minimum distance between a vehicle crossing and intersection	The minimum permitted distance between the vehicle crossing on Cambridge Terrace and the intersection is 10m. The minimum permitted distance between the vehicle crossing on Worcester Boulevard and the intersection is 10m. Both vehicle crossings are over 10m from the intersection.	Complies	No Change - Complies	-
7.4.3.10 – High trip generator	The activity would be considered an 'other activity' with regards to assessment of the high trip generator rule. As the building does not comply with the built form requirements this rule is triggered.	Does not comply- 7.4.2.3 – RD1	No Change - RDIS	RDIS Discretion limited to High Trip Generators. Rule 7.4.4.18
7.4.3.11 – Vehicle access to sites fronting more than one street	If a site fronts more than one road then vehicle access shall only be gained from the most preferred road that the site has frontage to. The site proposes vehicle accesses from both roads.	Does not comply – 7.4.2.3 – RD1	No Change RDIS	RDIS Discretion limited to Vehicle Access to sites fronting more than one street. Rule 7.4.4.21
Chapter 8.9 Earthworks				
8.9.2.1 – P1	Rule 8.9.3 Exemptions (iv) <i>Any earthworks subject to an approved building consent where they occur wholly within the footprint of the building are exempt from this rule.</i> No works will occur on site until a building consent has been obtained. Accordingly, the proposal would be exempt from the requirements of 8.9.2.1(P1), including: A maximum volume of 20m³ of earthworks are permitted per site. Earthworks shall not exceed a maximum depth of 0.6m. and Earthworks involving soil compaction methods which create vibration shall comply with DIN 4150 199902 and compliance shall be certified through a statement of professional opinion provided to the Council from a suitably qualified and experienced chartered or registered engineer. and Earthworks would take place within 5m of a Heritage Item (Harley Chambers and Worcester Chambers).	Application states Compliance on the basis of exemption (Rule 8.9.3(iv)).	Note 1: Building Consent may not be necessary for the Demolition of Harley Chambers – hence exemption would not apply. Note 2: PC14 Panel Recommendation is for the following addition to Rule 8.9.2.1(P1) Activity Standard (i): <i>Earthworks shall not occur within 5 metres of a heritage item, or above the volumes contained in Table 9 within a Heritage Setting listed in Appendix 9.3.7.2.</i> Noting that (a) The Heritage notation and Setting have been removed for Harley Chambers; and (b) the works will take place within 5m of the Heritage Notation of Worcester Chambers	Application assumed compliance on basis of Building Consent being issued for both demolition of Harley and new build. Notified on this basis. Rule 8.9.2.3(RD1) for a breach of Rule 8.9.2.1(P1) RDIS Discretion Limited to Matters contained within Rule 8.9.4.

			and its setting.	
Chapter 9.3 Historic Heritage				
9.3.4.1.4 – D2 – Demolition of a heritage building	Harley Chambers is a significant (group 2) heritage building. The demolition of a Significant (Group 2) heritage item is to be assessed as a discretionary activity.		Removed from Schedule	Permitted.

ATTACHMENT D – RECOMMENDED CONDITIONS OF CONSENT

Amendments from the s42A Report are identified as insertions or deletions.

General

1. Except where varied by the conditions of this consent (if the conditions go beyond what is proposed in the application) the development shall proceed in accordance with the information and plans submitted with the application, including the further information/amended plans submitted on + ... The approved plans include:
 - i. **XXXXX As determined at decision**

Management Plans

2. The following Management Plans are required to be prepared, submitted and implemented as associated with the following works:
 - i. Traffic Management Plan (TMP).
 - a. Pursuant to Conditions 3 and 4 below individual TMPs are required for **both** the Demolition works and Hotel development.
 - b. The **objective** of the TMP is to reference the combination of measures necessary during construction works to minimise as far as is reasonably practicable impacts on traffic capacity and road users; and maintain the security, safety and reliability of the adjoining transport network, including identification and provision of safe pedestrian access during works.
 - ii. Contamination Site Management Plan (CSMP)
 - a. Pursuant to Condition 20 below a CSMP is required for any Demolition works which disturb the soil on the site.
 - b. The **objective** of the CSMP is to reference the combination of measures necessary when undertaking the proposed works to establish and manage actual or potential contamination risks to the following, and associated land and ground water contamination are adequately managed:
 - (i). The health of workers;
 - (ii). The on-site environment; and
 - (iii). The off-site environment.
 - iii. Construction Management Plan (CMP).
 - a. Pursuant to Condition 8 below individual CMPs are required for **both** the Demolition works and Hotel development.
 - b. The **objective** of the CMP is to ensure that any potential effects arising from construction activities on the site are effectively managed.
 - iv. Erosion and Sediment Control Plan (ESCP)
 - a. Pursuant to Condition 9 below individual ESCPs are required for **both** the Demolition works and Hotel development.

- b. The **objective** of the ESCP is to identify the measures that will be implemented to minimise erosion and subsequent sediment loss from the site as a result of soil disturbing activities.
- v. Construction Noise and Vibration Management Plan (CNVMP)
 - a. Pursuant to Condition 19 below a CNVMP is required for works associated with the Hotel development.
 - b. The **objective** of the CNVMP is to ensure noise and vibration are effectively managed in accordance with the best practicable options, having regard to the construction period associated with the Hotel development.

Traffic Management Plan

3. Pursuant to Condition 2(i) All works on site must be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of demolition on the site. No works are to commence until the TMP has been accepted and installed.

The TMP must be submitted to the relevant Road Controlling Authority via the web portal www.myworksites.co.nz. To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR must be supplied to the Council's resource consent monitoring team (via email to rcmon@ccc.govt.nz) at least 3 working days prior to the commencement of works under this consent.

Note: Please refer to <https://ccc.govt.nz/transport/legal-road/traffic-management-news-and-information> for more information.

4. The TMP the subject of condition **23** must include, but is not limited to, provision of safe pedestrian routes.

Site Management

5. Should building consent for the hotel not be lodged with the Christchurch City Council within nine months of demolition being completed, the site must be ~~contoured and grassed~~. retained with a stable and compacted surface, which provides effective dust control, through either of the following:
 - Site contouring and grassed; or
 - Compacted gravel.

Access signage

6. Prior to operation of the hotel the consent holder must install and permanently maintain:
 - i. a sign on site adjoining the Cambridge Terrace entry to the porte-cochere which is clearly visible to, and readable, by heavy vehicle drivers (including bus drivers) ~~attempting to turn into the site from Cambridge Terrace~~ setting out the limit on the length of vehicle that ~~it~~ can safely navigate into the access in one right turn manoeuvre from Cambridge Terrace. The sign must ~~prohibit access by larger vehicles~~ clearly state that larger vehicles beyond that limit are prohibited from entry

- ii. A painted stopline and a judder bar (in advance of the stopline) at the site boundary as associated with the egress from the porte-cochere exiting onto Worcester Terrace.

Light pole

7. Prior to commencement of work on the site as associated with the construction of the hotel the consent holder must agree with Council:
 - i. the location of a replacement light pole for the light pole located in the legal road at the north western corner of the intersection with Worcester Street and Cambridge Terrace; and
 - ii. All fair and reasonable costs associated with the relocation of the light pole shall be met by the consent holder.

Earthworks / Construction

8. Pursuant to Condition 2(iii) All proposed works must be carried out in accordance with an accepted Construction Management Plan (CMP). ~~The purpose of the CMP is to ensure that any potential effects arising from construction activities on the site are effectively managed.~~ The CMP must be prepared by a suitably qualified and experienced practitioner.
The CMP must include, but not be limited to the following:
 - a. Site description, topography, vegetation, soils and other reference information;
 - b. Details of proposed works;
 - c. Roles and responsibilities, including contact details for the site manager appointed by the Consent Holder;
 - d. Site establishment;
 - e. Programme and Timing of works (including any staging required);
 - f. Reference to the TMP prepared under Condition 3 and explicit reference of the provision of safe pedestrian routes.
 - g. Storage of fuel and/or lubricants and any handling procedures;
 - h. Contingency plans (including use of spill kits);
 - i. Environmental compliance monitoring and reporting.
 - j. All works being under the control of a nominated and suitably qualified engineer.
 - k. Actions to be undertaken in the event that soils are unexpectedly found to have visible staining, odours and/or other conditions that indicate soil contamination. Including but not limited to ceasing works until a SQEP on land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils.

The consent holder must submit this CMP to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction works associated with this consent as set out in Condition 2(iii). This CMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 8 prior to the commencement of any construction work and, once certified, the CMP will thereafter form part of the Approved Consent Document.

NOTE: The Team Leader (or their nominee) will either certify, or refuse to certify, the CMP within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the CMP, then they will provide a letter outlining why certification is refused based on the parameters contained in this condition.

Should the Team Leader (or their nominee) refuse to certify the CMP, the consent holder must submit a revised CMP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 8.

The CMP may be amended at any time by the Consent Holder. Any amendments to the CMP must be submitted by the Consent Holder to the Council for certification. Any amendments to the CMP must be:

- a. for the purposes of improving the measures outlined in the CMP for achieving the CMP purpose (see condition; and
- b. consistent with the conditions of this resource consent.

If the amended CMP is certified, then it becomes the certified CMP for the purposes of condition 8 and will thereafter form part of the Approved Consent Document.

9. Pursuant to Condition 2(iv) All earthworks shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP) prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://esccanterbury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.
10. The consent holder must notify Christchurch City Council no less than three working days prior to works as set out in Condition 2(iv)(a) to which the ESCP relates commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The consent holder shall at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition ~~5~~9 above.
11. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.

Note: For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.

12. Pursuant to Condition 2(iv)(a) ~~No~~ earthworks shall ~~not~~ commence until the relevant ESCP has been implemented on site. The ESCP measures shall be maintained over the period of the relevant construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces shall be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.

13. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts, sprinklers or polymers shall be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
14. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
15. Any surplus or unsuitable material from the project works shall be removed from site and disposed at a facility authorised to receive such material.
16. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, must be reinstated as specified in the [Construction Standard Specifications](#) (CSS) at the expense of the consent holder and to the satisfaction of the Council.
17. The earthworks must be under the control of a nominated and suitably qualified engineer.

Vibration and construction noise

18. Construction works associated with the hotel development which create vibration must be undertaken in accordance ~~comply~~ with ISO4866:2010 ~~and compliance must be as~~ monitored by the applicant. Where compliance with specified vibration limits in ISO4866:2010 is not practicable, construction work must occur in accordance with the vibration management measures outlined in the Construction Noise and Vibration Management Plan (CNVMP) required by Condition 19.
19. Pursuant to Condition 2(v) All construction works undertaken in conjunction with the hotel development must occur in accordance with an accepted Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified practitioner which addresses the requirements of NZS6803:1999 Acoustics - Construction Noise and: Effects on Structures. ISO4866:2010. The purpose of the CNVMP is to ensure noise and vibration are effectively managed in accordance with the best practicable options. The CNVMP shall be submitted to rcmon@ccc.govt.nz at least 10 days prior to commencing the relevant works on site and include at a minimum:
 - a. Assessment of proposed machinery and equipment to be used;
 - b. Days and hours of work;
 - c. Management measures for noise and vibration, including specific triggers or thresholds for implementing them, including regard being had to measures developed following consultation with the occupiers of the following buildings
 - (i). 69 Worcester Boulevard;
 - (ii). 129 Cambridge Terrace; and
 - (iii). 141 Cambridge Terrace.
 - d. Procedures for noise and vibration monitoring and reporting;
 - e. Communication strategy for occupiers of neighbouring sites; and
 - f. Procedures for managing and responding to any complaints received about noise and vibration.

The consent holder must submit this CNVMP to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz

at least 20 working days prior to the commencement of construction work associated with this consent. This CNVMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 19. prior to the commencement of any construction work and, once certified, the CNVMP will thereafter form part of the Approved Consent Document.

NOTE: The Team Leader (or their nominee) will either certify, or refuse to certify, the CNVMP within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the CNVMP, then they will provide a letter outlining why certification is refused based on the parameters contained in this condition.

Should the Team Leader (or their nominee) refuse to certify the CNVMP, the consent holder must submit a revised CMP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 16.

The CNVMP may be amended at any time by the Consent Holder. Any amendments to the CNVMP must be submitted by the Consent Holder to the Council for certification. Any amendments to the CNVMP must be:

- a. for the purposes of improving the measures outlined in the CNVMP for achieving the CNVMP purpose (see condition 2(v)(b)); and
- b. consistent with the conditions of this resource consent.

If the amended CNVMP is certified, then it becomes the certified CNVMP for the purposes of condition 19 and will thereafter form part of the Approved Consent Document.

Contamination

20. A Contaminated Site Management Plan (CSMP) must be prepared by a Suitably Qualified and Experienced Practitioner and provided to Council by email to rcmon@ccc.govt.nz no later than 10 working days prior to the commencement of the development works (including demolition of the existing buildings). The CSMP shall include:
 - i. A site investigation plan to be undertaken post demolition of the existing buildings, the objective of this investigation shall be:
 - To determine if the former underground storage tank resulted in the contamination of the surrounding soils
 - To determine if the existing soils on site are suitable for the proposed land use, taking into account the relevant human health exposure pathways
 - To determine if asbestos contamination exists in the sites soils, and to what degree
 - To identify if remedial actions are required for soil contamination that may exist on site.
 - To determine the appropriate disposal location/facility for soil that may need to be removed offsite
 - ii. Stockpiling procedures and controls
 - iii. The process for the handling and disposal of contaminated soil.
 - iv. Environmental controls to prevent the discharge of contaminants from the site
 - v. Documentation requirements to verify the soil has been handled and disposed of correctly.
21. All areas identified in the ~~detailed~~ site investigation ~~(DSI) report as exceeding the~~ NES standards (undertaken pursuant to Condition 20(i) that exceed the relevant

human health soil contaminant standards for commercial/industrial land use, the soil in identified areas must be remediated or managed in accordance with the MfE Contaminated Land Management Guidelines and the NZ Guidelines for Assessing and Managing Asbestos in Soil (GAMAS, 2017).

~~21. The Council must be notified at least ten working days prior to the commencement of earthworks. The notification must be emailed to rcmon@ccc.govt.nz.~~

22. All contaminated soils removed from the site will not be suitable to be disposed of at a cleanfill facility and must be disposed of at a facility whose waste acceptance criteria permit the disposal.

~~23. In the event that soils are unexpectedly found to have visible staining, odours and/or other conditions that indicate soil contamination then work must cease until a SQEP on land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils.~~

23. The consent holder must submit evidence (i.e. weighbridge receipts or waste manifest) of the disposal of surplus soils from the site to an authorised facility to the Council, by email to rcmon@ccc.govt.nz, no later than 20 working days following ~~this disposal the completion of earthworks on site.~~

24. Should remediation works be required to manage human health risks the DSI identify contaminants above the NES standards for commercial/industrial land use, a Site Validation Report (SVR) must be prepared and submitted to Council within three (3) months of the completion of the earthworks. Delivery of the SVR may be by way of email to rcmon@ccc.govt.nz. The SVR must be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (revised 2021). The SVR must include as a minimum:
- Details of any variations to the proposed work plan;
 - Details of any discharges or contingency measures employed during the earthworks;
 - Photographic evidence of the site works;
 - Evidence the objectives of the final site remediation have been met with regard to commercial land use; and
 - Evidence of the disposal of any soils off site to an authorised facility.

25. Should soil above the relevant human health soil contaminant standards be retained and managed on the site, a Long-Term Site Management Plan (LTSMP) must be prepared and submitted to Council within three (3) months of the completion of the earthworks. Delivery of the LTSMP may be by way of email to rcmon@ccc.govt.nz. The LTSMP must be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (revised 2021). The LTSMP must include as a minimum:
- A plan showing the location of the contaminated soils and the required management measures
 - Details of the maintenance and inspections necessary to ensure the long-term effectiveness of the management measures
 - Contingency measures should future maintenance and excavation works need to disturb the contaminated soils. These measures should include health and safety controls as well as procedures for the handling and

disposal of contaminated soil.

Acoustic insulation

26. At the time of the lodgement of building consent, the consent holder must demonstrate **compliance with an acceptable solution** listed in Appendix 6.11.4 Noise Attenuation Construction Requirements or provide a **design report prepared by a suitably qualified acoustics specialist** stating that the design is capable of achieving compliance with District Plan Rule 6.1.7.2.3 Sensitive activities near roads in the Central City. The development must be constructed in accordance with this information.

If design changes are required to meet the requirements of rule 6.1.7.2.3, and are outside the scope of this consent, an application under s127 for a change of conditions will need to be lodged and processed at the consent holder's expense.

Fire fighting

27. Fire sprinkler system design parameters (flow and pressure) that are supported by hydraulic tests must be submitted to Christchurch City Council Three Waters Unit to enable the confirmation of the water supply network adequacy for the sprinkler system proposed, prior to the lodgement of the building consent application, via email to WaterCapacity@ccc.govt.nz. Any required changes to design flows or pressures identified by the Three Waters Unit must be incorporated into the final design of the sprinkler system and included in the building consent application.

Built form

- ~~28. Prior to application for a building consent the consent holder must submit plans for the hotel for certification by a Team Leader Planning (or their nominee) to rcmon@ccc.govt.nz that shows:~~

~~a. a balcony set back into the site a minimum of 1.2m from the eastern (Cambridge Terrace) façade, at 28 metres above ground level; and the eastern façade above the balcony setback is at least matching the minimum setback of the balcony~~

~~and~~

~~b. a 5m setback from the northern boundary starting from the 9th level of the building. This area:~~

- ~~i. must not be used as a balcony; and
ii. must maintain a solid wall above the 9th level of the same design as shown on the northern elevations of the plans submitted with the application for public notification.~~

~~The Team Leader (or their nominee) will either certify, or refuse to certify, the amended plans within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the CMP, then they will provide a letter outlining why certification is refused based on the parameters contained in this condition.~~

~~Should the Team Leader (or their nominee) refuse to certify the plan, the consent holder must submit revised plans to The Team Leader (or their nominee) for certification. The certification process must follow the same procedure and requirements as outlined in condition 28.~~

Advice Notes:

Lapse of consent

This resource consent will **lapse five years from the date it is issued** unless it is given effect to (i.e. the activity is established) before then. Application may be made under Section 125 of the Resource Management Act 1991 to extend the period for giving effect to the resource consent, and this must be submitted prior to the consent lapsing.

Monitoring

Monitoring will be carried out to ensure the **conditions are complied with** and that the development proceeds in accordance with the plans and details which were submitted with the application.

The Council will require payment of its **administrative charges** in relation to monitoring, under section 36 of the Resource Management Act 1991. The monitoring programme administration fee and initial inspection fee will be charged to the applicant with the consent processing costs. If more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required, the additional time will be invoiced to the consent holder when the monitoring is carried out, at the applicable hourly rate. The current monitoring charges are outlined on the [Resource Management Fee Schedule](#).

Other consents

This resource consent has been processed under the Resource Management Act 1991 and relates to **district planning matters only**. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Canterbury Regional Plans, health licence, liquor licence, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).

Vehicle crossing

As the proposal involves the construction or alteration of a **vehicle crossing**, a Vehicle Crossing Application to the Council's Transport Unit is required. Please refer to our webpage for more information: <https://ccc.govt.nz/transport/legal-road/vehiclecrossing>

~~**Public Seating on Worcester Street**~~

~~The consent holder should contact the Council's Programme Manager Transport Capital Programme to discuss the resolution of the location of the benches.~~

Heritage recording

Should the consent holder wish to record the heritage values of the Harley Chambers before it is demolished is recommended:

- a. Compile a list identifying those features and materials from the building which are proposed for salvage and how these may be reused in the future redevelopment of the site. This should include at least the matters set out in the Amanda Ohhs advice held on Council file TRIM 24/1328595, and
- b. Identify and carry out methodology for removal and storage, and proposed storage location of these materials/features.

The consent holder should submit to the Heritage Team Leader or nominee by email to rcmon@ccc.govt.nz, the following records:

Photographic record:

- Photographs should be submitted of each external elevation showing as much of the elevation in each image as possible, at the closest distance possible which also allows for general identification of architectural features. Short range photographs showing details of building features should also be submitted.
- The same camera positions should be used for all photo sets before, during and after the works to enable comparison.
- Photos should be labelled with a brief description of what is being photographed, position on site or in relation to the site, date and photographer's name, and submitted as individual image files, with a plan showing photograph locations.
- Photos should be submitted to the Council's nominated Heritage team contact electronically, either by email (noting that Council's email data transfer limit is 20MB per email), or via a file transfer website such as wetransfer.com or dropbox.com to rcmon@ccc.govt.nz.

Archaeology

There may be archaeology on this site as protected under the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the Act as any place where there is physical evidence of pre-1900 occupation, regardless of whether the site is known or recorded or not. Authority from Heritage New Zealand Pouhere Taonga (HNZPT) is required for any work that affects or may affect an archaeological site. Please contact the regional archaeologist at Heritage New Zealand Pouhere Taonga (HNZPT): archaeologistcw@heritage.org.nz or 03 363 1880 before commencing any work on the land. For more information visit <http://archaeology.nz>.

Cultural

Te Ngāi Tūāhuriri Rūnanga do not support discharge of contaminants, such as flocculants to water or land where contaminants may enter water. This should be considered in the stormwater system design (operational and construction phase) and for dewatering activity.

Operational procedures for special needs guests

The hotel operator should have internal operational procedures and practical experience to handle various special requests, such as mobility parking demands and

the arrival of large coach loads of customers. These can be managed through parking management, valet services, and efficient service vehicle arrangements.

Transport

The consent holder is advised to install and maintain a right-turn-only sign on the access to Worcester Boulevard.

~~The consent holder is advised the visitor cycle parking spaces located at the far site corner are not ideal in terms of location and accessibility and should re-consider their location.~~

Development Contributions

This proposal has been assessed for development contributions under the provisions of the [Christchurch City Council's Development Contributions Policy](#). The proposal has been found to create additional demand on network and community infrastructure or reserves.

The Local Government Act 2002 enables a council to charge development contributions if the effect of a development requires the Council to provide new or upgraded infrastructure. This ensures developers pay a fair share of the cost of providing infrastructure to service growth development. The Council's approach to development contributions is included in the Council's Development Contributions Policy, available on the Council website ccc.govt.nz.

This Notice informs you of the development contributions required for the development but it is not a request for payment.

Development Contributions Assessment Summary

Development Contributions Summary				Application Ref:		RMA/2024/576	
						Assessment	
Customer Name		Cambridge 137 Limited					
Project Address		137 Cambridge Terrace					
Assessment Date		19/03/2024					

		Existing HUE	Proposed HUE	Net Increase to HUE Demand	Discount	Chargeable HUE	HUE Rate (incl GST)	DC Charge (incl GST)
Activity	Catchment	A	B	C	D	E	F	G
Network Infrastructure								
Water Supply	Central North	2.00	54.98	52.98	0.00%	52.98	\$1,340.85	\$71,041.99
Wastewater Collection	City	2.00	61.77	59.77	0.00%	59.77	\$300.85	\$17,982.05
Wastewater Treatment & Disposal	Christchurch	2.00	61.77	59.77	0.00%	59.77	\$1,075.65	\$64,292.46
Stormwater & Flood Protection	Avon	3.56	3.56	0.00	0.00%	0.00	\$954.01	\$0.00
Road Network	Central City	2.00	72.63	70.63	0.00%	70.63	\$1,131.61	\$79,927.42
Active Travel	Metro Zone	2.00	72.63	70.63	0.00%	70.63	\$979.46	\$69,180.83
Public Transport	Metro Zone	2.00	72.63	70.63	0.00%	70.63	\$553.63	\$39,103.77
Community Infrastructure	District Wide	2.00	1.00	0.00	0.00%	0.00	\$988.43	\$0.00
Total Network & Community Infrastructure								\$341,528.52
Reserves								
Regional Parks	District Wide	2.00	1.00	0.00	0.00%	0.00		\$0.00
Garden & Heritage Parks	District Wide	2.00	1.00	0.00	0.00%	0.00		\$0.00
Sports Parks	District Wide	2.00	1.00	0.00	0.00%	0.00		\$0.00
Neighbourhood Parks	Central	2.00	1.00	0.00	0.00%	0.00		\$0.00
Total Reserves								\$0.00
GST 15%								\$44,547.20
Total Development Contribution								\$341,528.52

Inputs*

Existing	
Gross Floor Area	0.00 m²
Impervious Surface Area	938.00 m²
Proposed	
Gross Floor Area	6,788.00 m²
Impervious Surface Area	938.00 m²

*Refer to Table 3, A.4.2 & A.4.4 of the Development Contributions Policy 2021 for non-residential HUE equivalences

If you require both a resource consent and building consent for your development, a development contribution assessment will be undertaken for each consent. The Council will only invoice for whichever is the lower of the two assessments (after any corrections or reassessments undertaken in accordance with its Development Contributions Policy).

Invoicing and Payment

An invoice will be sent to you when payment of the development contributions is required shortly before issue of a code compliance certificate for a building consent, commencement of the resource consent activity, issue of a section 224(c) certificate for a subdivision consent or authorisation of a service connection, whichever is first.

You can request that the invoice is issued early if you wish.

The Council may issue an invoice earlier, at its discretion, if it considers your development is already utilising Council infrastructure for which development contributions are required.

Once an invoice is issued, payment is required within 30 days.

Reconsiderations and Objections

Under section 199A of the Local Government Act 2002 you can request that the Council reconsider the required development contributions on the following grounds:

- the development contributions were incorrectly calculated or assessed under the Council's Development Contributions Policy; or
- the Council incorrectly applied its Development Contributions Policy; or
- the information used to assess your development against the Development Contributions Policy, or the way the Council has recorded or used it when requiring development contributions, was incomplete or contained errors.

A completed Request for Reconsideration form must be lodged with the Council within 10 working days of you receiving this Notice.

Under section 199C of the Local Government Act 2002 you can object to the assessed development contributions required on the following grounds:

- the development contributions were incorrectly calculated or assessed under the Development Contributions Policy; or
- the Council incorrectly applied its Development Contributions Policy; or
- the information used to assess your development against the Development Contributions Policy, or the way the Council has recorded or used it when requiring a development contributions, was incomplete or contained errors.

A completed Objection to Development Contributions form must be lodged with the Council within 15 working days of you receiving this Notice or a reconsidered assessment.

You will need to pay a deposit of \$1,000 at the time you lodge an objection.

A form to request a reconsideration or lodge an objection can be found on the Council website ccc.govt.nz.

Contact

For further information or to request an invoice please contact our Development Contributions team.

Phone: 03 941-8999

Email: developmentcontributions@ccc.govt.nz

Please quote your project number with all correspondence.

ATTACHMENT E – SUBMISSIONS RECEIVED

	Forename	Surname	Company	Oppose/Support	Wish to be heard	Issues raised
1	Peter	Dwan	Individual (Note Lane Neave Written Approval)	Support	No	Current structure is unsafe and a danger to anyone passing by. We support the development of a new building on site
2	Annabel	Black		Support	No	Harley is derelict.
3	Pip	Andrews		Support	No	Support barrier to development.
4	Tom	Rose		Support	No	Exiting opportunity. Optimises site
5			Elmbias Health	Support	No	New hotel will provide for accommodation, including patients.
6	Jack	Halliday		Support with changes	No	Concerns as to bus and drive through, wants pedestrian priority.
7	Sarah	Harrison		Support	Yes	Better for tourism
8	Adam	Nicewonger		Support	No	Great for the city, including tourism.
9	Tracy	Olson		Support	No	Old building is beyond its useful life. Creates vibrant street front.
10	Philippa	Curtis		Support	No	Good location for a Hotel
11	Caroline	Easting		Support	No	Harley is holding back development.
12	Krista	Fletcher		Support	No	Will boost tourism.
13	Penny	Siegrist		Support	No	Obstacle to development
14	Maxine	Thomas		Support	No	Accommodate travellers.
15	Teresa	Lawry		Support	No	Building is beyond repair
16	Danielle	McCallum		Support	No	Eyesore
17	Jacqui	Craw		Support	No	Harley is an eyesore.
18	Nicola	Clark		Support	No	Heritage values are diminished.
19	Alice	Talbot		Support	No	Hotel will activate pedestrian and tram connection. Remove derelict building
20	Henry	Risk		Support	No	Proposal to remove the existing derelict building which is a deterrent to any further development and improvement of the immediate area. I also support the proposal to construct a new hotel on the site, which would enrich and activate the surrounding streetscape
21	Penny	Hoogerwerf		Support	No	Harley is an eyesore
22	Geoff	Walker		Support	No	Remove the eyesore
23	Leigh	Smith		Support	No	Need to accommodate more visitors. Allow investment in the site
24	Lindsay	Smith		Support	No	Little heritage value for Harley.
25	Nicholas	Martin		Support	No	Not economic to save

26	Nicholas	O'Connor		Support	No	Strong positive architectural look of new building.
27	Andrew	Nicol		Support	Yes	Provision of quality accommodation for tourists
28	Derek	Phelps		Oppose	No	Lack of Carparking (Do not wish to speak at Hearing). Resolve – NPS-UD no minimum carparking requirements.
29	Amanda Jane	Nelson		Oppose	Yes	Building too high, loss of character.
30	C/Richard Raymond		Canterbury Chambers	Oppose in part	Yes	Opposed (in part) Height only – supports up to 8 levels.
31	C/- Arelene Baird		Heritage New Zealand Pouhere Taonga	Does not oppose	No	Should consent be granted Conditions on recording, salvageable items, TPP for Worcester Building (during construction / demolition), Photographic records, and interpretative panels. Arch Authority.
32	Mark	Duff		Support	No	This building has been an eyesore on our city landscape for too long
33	C/- Maurice Dale		Boffa Miskell Limited	Neutral	Yes	Construction management.