

Report on a Publicly Notified Resource Consent Application

(Section 42A)

Application Reference: RMA/2024/3209

Applicant: Woolworths New Zealand Ltd

Site address: 476-494 Madras Street, St Albans

Legal Description: Lots 1-2 LT 60663, Lots 60-62 and 64-65 of DP 953, Pt Lots 33-34 DP 1212, Lot 1 DP 77018

Proposal: Establish a new commercial centre containing a supermarket, smaller scale retail activities, amenity spaces and carparking and to undertake earthworks on land with contaminated soils

Zoning: Neighbourhood Centre Zone and Residential Medium Density Zone

Overlays & Map Notations: Flood Management Area
Liquefaction Management Area
Collector Road (Madras Street)

Activity status: Discretionary

Submissions: 24 in support
73 in opposition
4 Neutral
(27 of these submitters seek to be heard 16 of which have indicated that they would consider a joint submission at the hearing)

Date of Hearing: 11 August 2025

Recommendation: Decline

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Preamble

1. My name is Scott Blair. I am employed as a Senior Planner by the Christchurch City Council. I have been employed by the Christchurch City Council since July 2003. I hold a MPhil Regional Planning. I am a full member of the New Zealand Planning Institute and have 32 years of experience working in the planning and resource management field.
2. This report has been prepared with advice from specialist Council staff or specialist consultants as detailed in the table below. Copies of their reports have been attached in the appendices. The full list of appendices to this report is:

Officer / Consultant/Topic	Position	Appendix
Issues raised in submissions	N/A	A
Relevant District Plan objectives and policies	N/A	B
Matters of discretion	N/A	C
Tim Heath Property Economics Ltd	Consultant Economist	D
Jeremy Head	Consultant Landscape Architect	E
David Hattam	Urban Designer	F
David McGonigal	Transportation Network Planner	G
Cindy Asmat	Surface Water Planning Engineer	H
Victor Mthamo	Planning Engineer	I
Ian Bochow	Civil / Structural Engineer	K
Alison Tang	Planning Engineer Water and Waste	L
Kirsten Rayne	Environmental Health Officer	M
Scheme Plan RMA/2025/1356	N/A	N
Orion block planning and development history	N/A	O
Water infrastructure and outline development plan overlayed on aerial	N/A	P
Caselaw and legal submissions	N/A	Q
Suggested Draft conditions should the application be approved	N/A	R
Memorandum with Orion block history	N/A	S
Location of Dragon Win owned properties	N/A	T
Discussion of Sections 308A and 308 B of the RMA	N/A	U

3. This report reviews the application for resource consent and addresses the relevant information and issues raised. I emphasise that any conclusions reached or recommendations made in this report are not binding on the Commissioners. It should not be assumed that the Commissioners will reach the same conclusion or decision having considered all the evidence to be brought before the Commissioners by the applicant and submitters.
4. A panel of three Commissioners has been appointed because:
 - A range of expertise legal, planning and transportation is considered necessary; and
 - The applicant and multiple submitters have requested that the application be considered by Commissioner or Commissioners.
3. Because of the number of issues to be addressed hyperlinks between sections and Appendices have been used whenever possible. Hyperlinks can be activated by pressing Ctrl and clicking the link.

Proposed activity

5. Woolworths New Zealand Limited have applied for a land use consent to construct and operate a supermarket based commercial centre on the subject land.
6. The proposal is outlined in detail on pages 9. – 10. of the application. In summary, the main features include:
 - A 3350m² gross floor area (GFA) supermarket;
 - 200m² floor area ancillary office;
 - A 150m² floor area online purchase and collection facility;
 - A 150m² floor area entrance lobby;
 - 860m² floor area small format retail tenancies;
 - 530m² floor area small format retail tenancy at first floor level;
 - Outdoor courtyard space framed by food outlets;
 - Two vehicle access points from Madras Street;
 - Central pedestrian covered walkway from Madras Street to the tenancies;
 - 223 at grade car parks;
 - 34 cycle parks;
 - Loading areas;
 - 18 x 10000lt stormwater detention tanks along the eastern boundary;
 - 12 x 30000lt stormwater detention tanks along the southern boundary; and
 - 10,300m³ of earthworks.
7. The proposed site plan showing land holdings and the area of the Neighbourhood Centre Zone in yellow is:

Site plan of the proposed supermarket and retail center. The plan shows a large yellow area labeled "PROPOSED SUPERMARKET" and a smaller yellow area labeled "RETAIL A". Other areas include "RETAIL B + COMMERCIAL", "RETAIL C", "LOBBY", and "ONLINE". The plan also shows "LOT 4", "LOT 3", and "LOT E". A legend indicates "COMMERCIAL LOCAL ZONE" (yellow) and "RESIDENTIAL MEDIUM DENSITY ZONE" (green). A north arrow and "PARDON STREET" are also shown.

8. The application site is located on the land as shown outlined in this aerial photograph from the Council's geographic information system:



- ### District Plan and National Environmental Standards – Relevant rules and activity status

Christchurch District Plan

12. The site is zoned Residential Medium Density Zone and Neighbourhood Centre Zone under the District Plan.

13. The Residential Medium Density Zone as described in District Plan policy [14.2.1.1](#) (set out fully in [Appendix B](#)) is:

*Located close to the **Central City** and around other larger **commercial centres** across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, **retailing**, entertainment, parks and public transport.*

*The zone provides for medium scale and density of predominantly two or three storey **buildings**, including semi-detached and terraced housing and low-rise apartments, with innovative approaches to comprehensively designed, high quality, medium density residential development also encouraged.*

*Residential intensification is anticipated through well-designed redevelopments of existing **sites**, and more particularly through comprehensive development of multiple adjacent **sites**. Zone standards and urban design assessments provide for new residential development that is attractive, and delivers safe, secure, private, useable and well landscaped **buildings** and settings.*

14. The Neighbourhood Centre Zone as described in District Plan policy [15.2.2.1](#) (set out fully in [Appendix B](#)) is:

*A small group of primarily convenience shops and, in some instances, **community facilities**. Accessible by walking, cycling from the area served and on a bus route in some instances. Also includes standalone **supermarkets** serving the surrounding residential community. The extent of the centre is the Neighbourhood Centre Zone.*

15. At the time that the applicant made the application the applicable commercial zone was Commercial Local Zone. However, on 2 December 2024 the Council accepted the Independent Hearing Panel (IHP) recommendations on Plan Change 14 (where they related to National Policy Statement – Urban Development Policy 3 areas) to rezone the land to Neighbourhood Centre Zone and introduce an amended set of Objectives, Policies and Standards that apply to the zone. These changes became operative on 12 December 2024. The Neighbourhood Centre Zone Objectives, Policies, and Standards are the District Plan provisions that apply to the commercially zoned portion of the application site.

16. The proposal requires resource consent under the following rules in the District Plan:

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
5.4.1.2 RD2	5.4.1.1P13	The maximum permitted Residential zone volume of filling above ground level is 10m³ and the maximum permitted cumulative volume of filling in a 10 year period is 25m³. The maximum permitted depth of earthworks below ground level is 600mm. The	As set out in the third column of the table in 5.4.1.2

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
		maximum permitted depth of earthworks above ground level is 300mm. (The filling or excavation for residential building platforms only to the extent necessary to achieve the minimum floor levels is permitted) The applicant provides the following description: <i>The proposal involves construction phase earthworks within a residential zone. Across the site as a whole, earthworks beyond the 1.8m building footprint are as follows:</i> <i>Total cut: 4,700m³</i> <i>Total fill: 5,600m³</i> <i>Total earthworks: 10,300m³</i> <i>Net fill: 900m³</i> <i>Maximum cut depth: up to 600mm</i> <i>Maximum fill depth: up to 600mm</i>	
5.4.1.5 RD2	5.4.1.1 P14	The maximum permitted commercial zone earthworks are 20m³ and the maximum permitted cumulative volume of filling in a 10 year period is 50m³. The maximum permitted depth of earthworks below ground level is 600mm. The maximum permitted depth of earthworks above ground level is 300mm. The earthworks volumes and depths are set out in the preceding row.	As set out in the third column of the table in 5.4.1.2
6.1.5.1.3 RD1	6.1.5.1.1 P1	Activities must comply with the zone noise standards as set	6.1.8

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
		out in 6.5.2.1 Table 1 a. Residential zones 0700-2200 50dB L_{AEQ} 2200-0700 40L_{AEQ} 65$L_{A_{max}}$ The application states: <i>The Acoustic Assessment identifies non-compliance with the day-time noise standards received at Lot 3, 479 and 483 Madras Street.</i>	
6.8.4.1.3 RD1	6.8.4.1.1 P1 and 6.8.4.1.3 RD1	The applicant states: <i>Whilst specific tenant signage design is yet to be confirmed, a package of signage areas is sought through this application that shows the area and location of both free-standing and on-building signage.</i> <i>The application is made on the basis that all signage is site related. All signs are expected to be illuminated, however they will not contain digital displays and will not contain flashing or moving parts.</i> <i>In the event that tenants require additional / different signage areas then a separate signage-specific resource consent will be sought in the future.</i> <i>The proposed plans show signage areas. The on-building areas in the Commercial Local zone comply. On building</i>	6.8.5.1

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
		<i>signage for those parts of the building located in the RMD Zone does not comply with the respective Residential zone signage provisions.</i> <i>The free-standing blade sign adjacent to the southern entrance in the Commercial Local zone exceeds the permitted width and area (3.3m proposed cf. 2.5m permitted).</i> <i>The free standing 'entry' sign adjacent to the northern entrance in the RMD zone exceeds permitted standards.</i>	
7.4.2.3 RD1	7.4.3.7(a)	Access must be formed in accordance with Appendix 7.5.8. Formed access must not exceed a width of 9m. 16.5 m is proposed at the boundary with the legal road and 24.5m at the edge of the carriageway on the northern access crossing.	7.4.4.9
7.4.2.3 RD1	7.4.3.7(b)	Appendix 7.5.8 requires as queue space of 18m at each access. 7m is proposed at the southern access and 10m at the northern access.	7.4.4.10
7.4.2.3 RD1	7.4.3.10(c)	Retail activities with a gross leasable floor area exceeding 500m ² are High Trip Generator requiring resource consent.	7.4.4.18
8.9.2.3 RD1	18.9.2.1	In the Residential Medium Density Zone the maximum permitted volume of earthworks 20m ³ per site. In	8.9.4

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
		the commercial zone the maximum permitted volume of earthworks is 20m ³ per site. The earthworks volumes are set out in the top row.	
14.5.1.3 RD1	N/A	The erection of new buildings and alterations or additions to existing buildings including all accessory buildings, fences and walls associated with that development, that result in over 40m ² of building used in other activities is a restricted discretionary activity. All of the buildings in the residential zone portion of the site are to be used in 'other activities'.	14.15.1 14.15.5
14.5.1.2 C2	14.5.2.2	20% of the RMD portion of the site must be landscaped. It is proposed 6.67% of the site be landscaped. The RMD part of the site is 6,450m ² which requires 26 trees. The proposal includes 24 trees within the RMD zoned portion of the site.	14.15.17
14.5.1.3 RD15	14.5.2.6	Buildings must comply with the recession planes in Appendix 14.16.2. The proposed 3m high acoustic fence around the loading bay meets the definition of a 'building' and therefore intrudes the recession plane to the site's northern and eastern internal boundary.	14.15.3
14.5.1.3 RD17	14.5.2.7	The required setback for buildings from internal	14.15.3 14.15.18

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
		boundaries is 1m. The proposed 3m high acoustic fence around the loading bay meets the definition of a 'building' and therefore is located within the setback. The noise is on an internal boundary so the set back provided is zero.	
14.5.1.3 RD8	14.5.1.1 P8 and P9 a.iii.	The applicant states: <i>Tenancies for the first floor commercial space are yet to be confirmed. In the event that the space is used for either a preschool or health facility, the following compliance is noted</i> <i>Signs will exceed the permitted area.</i>	14.15.5
14.5.1.4 D1	N/A	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity is a discretionary activity. <i>The proposed village green and the commercial tenancies surrounding it, and parts of the supermarket loading area, access, and carpark are located within the RMD zone and are not listed under any other activity status.</i>	N/A
Area specific rule 14.5.3.1.3 RD4	N/A	Development in Areas A, B and C of the Neighbourhood Centre Zone/Residential Medium Density Zone in the Neighbourhood Centre Zone (St Albans) Development plan Chapter 15 Appendix 15.15.5 is a Restricted Discretionary Activity.	14.15.15

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
		The application site is within the area covered by the outline development plan.	
15.6.1.3 RD1	15.6.2.2	Outside the Central City on sites with a road frontage all buildings must be built up to the road frontage, occupying the full length of the frontage, except for pedestrian or vehicle access or for a setback of 3m for a maximum length of 6m. <i>The supermarket is set back from Madras Street, and the proposed buildings do not occupy the full length of the road frontage.</i>	15.14.3.2
15.6.1.3 RD1	15.6.2.2	Outside the Central City on sites with a road frontage all buildings must have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street. Ground floor street facing façade is 47% glazed.	15.14.3.2
15.6.1.3 RD1	15.6.2.3	The minimum building setback for all buildings within sites which share an internal boundary with a residential zone must be 3 metres. The stormwater tanks are located adjacent to the eastern boundary and 1.3m from the southern boundary.	15.14.3.3
15.6.1.3 RD1	15.6.2.6	Outside the Central City: A. On sites with an internal boundary with a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the	15.14.3.6

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
		boundary or part thereof, and evenly spaced. The required trees are not provided along the eastern side of the loading bay area.	
15.6.1.3 RD2	15.6.1.1	The maximum permitted gross lease-able floor area of a supermarket outside the Central City is 1000m². The applicant proposes 3550m² including the ancillary office.	15.14.2.1
Area specific rule 15.6.3.1.3 RD1	15.6.3.1.1 P1	All the key structuring elements on the Commercial Local Zone (St Albans) Development Plan must be complied with. This includes, activity areas, public access, and circulation, semi-public access and circulation with the residential zone, and the dedicated stormwater capture area. Refer Appendix P for outline development plan (overlayed on Aerial Photograph). The proposed development differs in all of these aspects.	15.14.4.5.1
Area specific rule 15.6.3.1.3 RD2	15.6.3.2.1	There shall be a maximum 3500m² of gross lease-able floor area of non-residential activities within combined areas A and B defined on the Commercial Local Zone (St Albans) Development Plan. The maximum GLFA within the ODP area is 3,290m², noting that total GLFA is 5,303m². <i>(15.5.3.2.1 RD2) if total GLFA is deemed to be subject to the rule</i>	15.14.4.5.2

Activity status rule	Standard not met	Reason	Matters of control or discretion as set out in Appendix C
Area specific rule 15.6.3.1.3 RD2	15.6.3.2.1	Other than as provided for in 15.6.3.2.1A. individual tenancy in areas A and B shall have greater than 450m ² GLFA of retail activity. <i>The first floor area may contain other types of activities e.g. gym, health, preschool, community uses that exceed 450m².</i>	15.14.4.5.2
Area specific rule 15.6.3.1.3 RD2	15.6.3.2.1 A.	<u>One</u> individual tenancy in areas A and B on the outline development plan may have a gross lease-able floor area of up to 800m ² . (Pursuant to rule 15.6.3.2.1 B. all other retail tenancies are limited to 450m ² GLFA).	15.14.4.5.2

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

17. These standards seek to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or contaminants contained to make the land safe for human use.
18. The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site is identified as HAIL land therefore the provisions of the NES apply.
19. The proposal requires consent under the NES as it breaches the following regulations:
 - **Regulation 8(3)(c)** – the volume of soil disturbance will exceed 25m³ per 500m² (approximately 4700m³ proposed).
 - **Regulation 8(3)(d)(ii)** - the volume of soil to be removed from the site will exceed 5m³ per 500m².
20. Kirsten Rayne, Environmental Health Officer with the Christchurch City Council has identified that the application is for a **Restricted Discretionary Activity** under the NES.

Overall consent status

21. Overall, the proposal must be considered as a **Discretionary Activity**.

Plan Change 14

22. Plan Change 14 has been publicly notified and the IHP appointed to hear submissions on the plan change has released recommendations to the Council. The Plan Change sought to rezone the Residential Medium Density Zone (RMD) to High Density Residential Zone (HRZ). The IHP has recommended that the RMD in the Orion block be rezoned to HRZ.
23. Plan Change 14 also addressed development capacity in Commercial Zones. The IHP made recommendations relating to the subject commercial zone, and objectives, policies and standards that apply to this zone.
24. On 2 December 2025 the Council made decisions to accept IHP recommendations to rezone some RMD areas to HRZ, and to change the commercial zone name from Commercial Local Zone to Neighbourhood Centre Zone - where those areas were within the outcomes sought in the National Policy Statement – Urban Development (NPS-UD) Policy 3 directives. These changes became operative on 12 December 2024.
25. Where areas sat outside NPS-UD Policy 3 areas the Council did not make decisions on the IHP recommendations. The subject area of Residential Medium Density zone is not within a NPS-UD Policy 3 area so a decision in regard to whether the existing Residential Medium Density Zone would be rezoned to High Density Residential Zone was not made. The relevant Chapter 14 Residential Zone objectives, policies and standards applying to residential zone portion of the site are those for the operative Residential Medium Density Zone provisions of the District Plan

Public Notification of the Application

26. The applicant has requested the application be publicly notified and consequently a section 95 decision to publicly notify the application was made on 3 March 2025.
27. This application was publicly notified on 19 May 2025. The submission period closed on 16 April 2025 at 5pm.

Submissions

28. 101 submissions were received on this application.
 - 24 submissions in support of the application;
 - 73 submissions opposing the application; and
 - 4 taking a neutral position on the application.
29. Copies of all submissions have been provided to the Hearing Commissioners and for brevity I have not appended them to this report.

Late submissions and late addition to a submission

30. Three late submissions were received. These were Late submission 99, Late submission 100, and late submission 101. These submissions were received within 2 days of the close of submissions. Given the short duration between the close of submissions and the receipt of the submissions I recommended that the Commissioners extend the timeframe for submissions to be received for submission under Section 37 of the Act. The Commissioners extended the timeframes on 10 June 2025.

31. A request to add links to media articles by submitter Andy Calder (submitter 9) was received on 8 May 2025. I recommended that the Commissioners extend the timeframe for submissions to be received for the addition to this submission under Section 37 of the Act. The Commissioners extended the timeframes on 10 June 2025.

Issues raised in submissions

32. Tables in [Appendix A](#) list issues raised in submissions and the numbers of submissions that raised the issues.

Error on Submission Forms – Trade Competitor Question

33. After the notification period closed it was identified that questions relating to whether a submitter was a potential trade competitor that are stipulated in the RMA forms regulations Form 13 (the form for submissions) were inadvertently left off the Council's standard submission forms.

34. The questions or statements left off the submission form were:

I am/am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.*

**Select one.*

**I am/am not† directly affected by an effect of the subject matter of the submission that —*

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

**Delete this paragraph if you are not a trade competitor.*

†Select one.

35. Accordingly, each submitter was provided an opportunity, by email and mail, to rectify the omission by responding to the above questions.

36. 41 submitters responded that they did not consider themselves to be trade competitors.

37. I do not consider that any one submitter or the applicant was prejudiced by the omission.

Trade Competition, s308A & s308B of the RMA

38. I have set out a discussion of Sections 308A and 308B and caselaw arising from these sections on [Appendix U](#) to this report. The conclusions in this appendix frame the conclusions reached in the next section of this report.

Potential Trade Competitor Submissions

41. Submissions have been received from Fresh Choice Edgeware – Submission 82 and Stephen Anderson submission 78. They have both been written by Fresh Choice Edgeware Shop Manager Stephen Anderson. Both submissions state the submitter wishes to be heard.
42. A response to the email requesting clarification as to trade competitor status from Mr Anderson under either submission was received from Mr Anderson on 6 June 2025. Mr Anderson stated:

I made two submissions. One on behalf of my company Edgware Services Ltd T/As Fresh Choice Edgware and one personal submission.

My company runs a supermarket. However, both my submissions are related to the adverse effects on the environment inter alia and the economic distributions effects caused by the proposed development by Woolworths.

My submissions do not relate to trade competition or the effects of trade competition.

43. I do not agree with Mr Anderson's statements.

41. The context in terms of distributional effects is partly similar to those in *Woolworths NZ Ltd v Christchurch City Council* Decision [2021] NZEnv C 133 (copy in [Appendix Q](#)) albeit that Spreydon Lodge held a resource consent for and intended to develop a similar retail offer to that of Woolworths where as Fresh Choice Edgware already provides a similar offer.

42. Given that Fresh Choice Edgware is a supermarket engaged in selling the same types of goods as Woolworths I have concluded that Fresh Choice Edgware is a trade competitor and that Mr Anderson is a representative of Fresh Choice Edgware.

43. The issues raised in the submissions are:

- 1/ Reduction of Consumer Choice
- 2/ Undermining Edgware Village and Local Enterprise
- 3/ Traffic Impact and Threat to Community safety
- 4/ Inadequate Green Space Provision
- 5/ Contaminated Land not appropriate for Large Scale Development
- 6/ The residential land should not be rezoned to commercial

44. I note that all issues raised are issues that have been raised by other submitters – but they are not to the best of my knowledge trade competitors.

45. Submission points 1/ and 2/ clearly raise issues related to trade competition and I recommend these should be struck out pursuant to Section 308B(2)(b).

46. Fresh Choice Edgware could be directly affected by changes to transport patterns in the area – e.g. customers and staff getting to and from the shop. This submission point could remain.

47. I cannot identify how submission point 4/ could be on an effect that directly affects Fresh Choice Edgware or Mr Anderson.

48. Fresh Choice Edgware / Mr Anderson are not directly affected by submission point 5 because they cannot be directly affected by the remediation of the contaminated land.

49. Submission point 6/ could be linked to submission points 1/ and 2/, but they could also be linked to matters of supply of land for residential development. If it is the latter, I cannot see either Fresh Choice Edgware or Mr Anderson could be directly affected.

50. I recommend that the Commissioners strike out points 1/ 2/ 4/ 5/ and 6/ and all supporting statements relating to them from submissions 82 and 78.

s104 & s104B of the RMA

51. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104, and 104B of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act's purpose and principles, including matters of national importance, the consent authority shall have regard to:
- a. Any actual and potential effects on the environment of allowing the activity.*
 - b. Any relevant provisions of a plan or proposed plan, and national environment standard/ national / coastal / regional policy statement*
 - c. Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
52. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.
53. Under Section 104B, when considering an application for resource consent for a discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.
54. Pursuant to Section 104(3)(a)(i) a consent authority must not have regard to trade competition when considering an application. This is discussed above in the report.
55. Section 104(3)(a)(ii) states that a consent authority must not have regard to any effect on a person who has given written approval to the application (unless that approval is withdrawn in a written notice before the date of the hearing). The applicant has obtained the written approval of the following parties:
- i. Dragon Win Investments Ltd Owner and Occupier of Lot 3 and Lot 4 of the subdivision approved under RMA/2024/1031 and the owner of the four residential units on 466 Madras Street. These are shown on the plan in [Appendix T](#).

Actual and Potential Effects on the Environment S.104(1)9a)

56. As a discretionary activity the Council's assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control.
57. The objectives and policies in the District Plan set the context for assessing the effects of the application.
58. Commercial Zone objectives and policies that were introduced by Plan Change 14 where they affect Policy 3 NPS – UD areas became operative on 12 December 2024 – after the application was lodged. The now relevant Commercial Chapter Objectives and Policies are set out in [Appendix B](#).
59. As noted above the currently relevant Residential Zone Objectives and Policies are those in the currently operative District Plan and are set out in [Appendix B](#). The relevant Transportation, Natural Hazards, Contaminated Land and other environmental health effects and Earthworks related objectives and policies are also set out in [Appendix B](#).

60. Taking into account the objectives and policies and relevant matters raised in submissions I have considered the relevant environmental effects and it is my view that they fall broadly into the following categories:

-
- Sale of Alcohol
- Attraction of rodents
- Effects on existing commercial centres;
- Social effects;
- Landscape effects;
- Urban design effects;
- Signage effects;
- Transport effects;
- Effects on achieving housing targets;
- Flooding effects;
- Servicing effects – Stormwater;
- Servicing effects – Water supply and Waste Water;
- Earthworks effects;
- Health effects- Soil contamination, noise, and glare; and
- Positive effects.

Section 104(2) – Permitted baseline

61. Prior to undertaking an assessment of the effects of this proposal it is useful to consider discretion available under Section 104(2) of the Act (referred to as the “permitted baseline”) whereby a consent authority may disregard an adverse effect of an activity on the environment if the Plan or national environmental standard permits an activity with that effect. This means that no land use consent of any sort would be required to achieve the development. Case law has established that this relates to the effects of non-fanciful hypothetical activities which could be carried out as of right under the Plan.
62. The applicant has set out a what it considers to be a permitted baseline at section 7.1 of the AEE. I do not accept this discussion as outlining a valid permitted baseline.
63. The site is within the Flood Management Area and a commercial development is unlikely to ever be able to meet the earthworks volumes maximums set out in Chapter 8 and Chapter 15 Standard Table 5.4.1.1b (there is no exemption for earthworks raising commercial building floor levels to the required minimum floor level as there is for residential building platforms – Chapter 5 Table 5.4.1.1B P10). There are non-compliances with Table 5.4.1.1B P14 listed in the reasons for application tables above.
64. More fulsomely in regard to the FMA earthworks matter there is no permitted baseline for earthworks in the FMA for Commercial Buildings in Commercial Zones because the only exemptions in the plan for earthworks in the FMA are for earthworks to raise finished floor levels to the required RL for *Residential* building platforms. Residential buildings at ground level are not a permitted activity in the neighbourhood centre zone – therefore they cannot enjoy the exemption.
65. Even though residential buildings are permitted above ground floor (but not on the ground floor) the foundations that they sit on are for Commercial Buildings and therefore there is no permitted baseline.
66. Also I note that Table 5.4.1.1B P14 limits earthworks in general.

67. I consider therefore there is no permitted baseline within the strict meaning of permitted baseline¹.
68. This is an important consideration because advice provided to the applicant's civil engineering consultant in 2024 from a Council engineer noted specifically (in Appendix H of Appendix 13 of the application document):

For floodplain displacement, as the modelling of this is probably quite limited accuracy where this exceeds neighbouring flood levels, and this appears quite shallow and limited area (when compared to permitted baseline site coverages etc), I'm not concerned about this subject to no nuisance being caused to neighbouring property, particularly anything also located in that localised low lying 'x2' area around the pipe corridor.
(Emphasis added)

69. Strictly speaking there is no actual permitted baseline for the reasons discussed above. Nevertheless, putting aside the matter of the earthworks, I consider that there is an *anticipated* outcome for commercial buildings and that the displacement of floodwaters by those commercial buildings is *anticipated*. This is reflected in rule Table 5.4.1.1B P3:

P3	New buildings outside the Fixed Minimum Floor Level Overlay unless specified in P5, P6, P7, P8 or P9 in Rule <u>5.4.1.1</u> .	a. Minimum floor levels shall be the level specified in the Minimum Floor Level Certificate (refer to Rule <u>5.4.1.2</u>)
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70. Overall, in terms of what is outlined in 7.1 of the application document I consider that while there is no permitted baseline it signals some outcomes *anticipated* by the District Plan. This is discussed further in the next section.

Section 104(1)(b)(vi) and anticipated outcomes in the District Plan

71. The consent authority, subject to Part II, of the Act must have regard to a plan or proposed plan. The section amongst other matters states:

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#) and [section 77M](#), have regard to
- ...
- (b) any relevant provisions of –
- ...
- (vi) a plan or proposed plan; and

72. Whilst there is no permitted baseline there is an *anticipated*² outcome:

73. The anticipated outcome is a commercial centre that:

- Provides a maximum 14m building height – built form standard (BFS)15.6.2.1;
- Is built up to the Madras Street Road boundary, except for any pedestrian or vehicle access, or for a setback of up to 3m for a maximum width of 6 metres BFS 15.6.2.2;

¹ Where every aspect of the proposal for comparative purposes complies with all rules in the District Plan.

² Anticipated by the parameters in the built form standards in the Neighbourhood Centre Zone.

- Has pedestrian access from Madras Street BFS 15.6.2.2;
- Has visual transparent glazing for a minimum of 60% of the ground floor elevation facing the street BFS 15.6.2.2;
- Has visually transparent glazing for a minimum 20% of each elevation above ground floor and facing the street BFS 15.6.2.2; BFS 15.6.2.2;
- Buildings are set back 3m from the internal boundaries with residential zones; BFS 15.6.2.3;
- Complies with recession plane of 4m and 60 degrees at the residential zone boundaries – except that part of a building that is above 12m in height and is 6m from a northern boundary, or 8m from a southern boundary or 7m from an eastern or western boundary BFS 15.6.2.4;
- Outdoor storage is screened from an adjoining site by 1.8m high fence or landscaping and is not within a road boundary setback BFS 15.6.2.5;
- Landscaping at shared boundaries of residential zones of 1 tree for every 10 metres BFS 15.6.2.6;
- Compliant public access as per the development plan; Permitted Activity Standard 15.6.3.1.1;
- Publicly accessible open space 550m²
- A maximum 3500m² GLFA of non residential activity with one individual tenancy with a maximum of 800m² GLFA of retail activity; and no other individual tenancy having greater than 450m² GLFA of retail activity.
- Does not build over the stormwater line traversing north to south through the site;
- Commercial buildings that meet the required finished floor level RL in relation to the flood management area rules.

74. On the Residential Medium Density Zone portion of the site the *anticipated* outcome is a residential development that:

- Produces multiple residential units;
- Each unit is no higher than 11m from ground level and there are no more than three storeys per unit BFS 14.5.2.3.
- Coverage of the net site area is no more than 50%.
- Each building meets day light recession planes in Appendix 14.6.2 Diagram C BFS 14.5.2.6
- Is no closer than 2m to the road boundary BFS 14.5.2.9

75. I consider it appropriate to take these parameters into account when considering the environmental effects of the proposal.

Matters Raised in Submissions out-of scope

76. Submission 1 seeks that the site be rezoned for residential purposes. This cannot be achieved through this resource consent process and would require a plan change under the First Schedule of the Resource Management Act 1991 (noting that a portion of the site is already zoned for residential purposes).

Submission 4 seeks that the application be changed to one for residential development. The nature of the activity sought and to be decided on is the application as submitted.

77. Submission 4 raises issues in regard to air pollution. Matters in relation to discharges to air fall within the jurisdiction of the Regional Plan administered by the Canterbury Regional Council.

78. Submissions 10, 17, 93, 96, raise issues in relation to a lack of consultation. In this regard I note that:

- While good practice, the applicant is not obligated to consult the public in relation to resource consents applications;

- the Council cannot consult on the applicant's behalf; and
- The application was publicly notified giving the submitters an opportunity to submit – opportunity that was taken up.

79. Submission 18 raises issues in relation to odour effects from onsite cooking of products. Ms Kirsten Rayne, Environmental Health Officer with the Christchurch City Council advised:

ECan routinely investigate discharges to air under the RMA.

Sometimes we have scope under Section 29 of the Health Act 1956 to look at whether a discharge could be considered offensive or injurious to health; though a commercial cooking smell would be very unlikely to fit into this category.

80. This is a matter related to discharges to air and within the jurisdiction of the Regional Council not the Christchurch City Council.
81. Submissions 51 and 96 raise issues in relation to the application company being a foreign company. The country of origin of the company is not a relevant resource management matter.
82. Submission 96 states that the land at the corner of Manchester and Salisbury Street should attract an extra rate to 'pressure' the applicant to develop this land. How land is rated is not a resource management related matter.

Clarification St Alban's Resident's Association meetings with 'CCC Staff' & Elected Members as Noted in Submission 97

83. I am not one of the staff that has participated in meetings with the St Alban's Resident's Association. Whilst I am aware that the meeting took place I did not attend for reasons of preservation of impartiality and objectivity.
84. I am also aware that my Council contact details were added to a flier that the association circulated to the St Albans community. This was not done at the Council's or my request.
85. I provided factual information about potential issues to the staff who attended. I understand that these were relayed to the Association in a factual and unbiased manner.
86. I have not had any contact with elected members on this matter – other than a phone call from one Community Board member who requested process details and location of information on the application. No comment was made as to my analysis or what my recommendation would be and I was not asked.
87. For the avoidance of doubt I do not belong to any Community Groups, Community Associations, lobby organisations, or political parties.

Environmental Effects

Submitters have raised potential effects on 'Spring'

88. The Council has no formal record of springs in the Orion block or near the Orion block. I am advised by the Council's stormwater engineers that the perception of the springs in the area is likely related to times of high ground water levels during rain periods.

Sale of alcohol

89. The control of sale of alcohol is generally addressed through the liquor licencing system. However, there are District Plan standards at Chapter 6.9 that control the sale of alcohol within 75m of residential zone at night. If the Commissioners are minded to grant the consent I recommend the conditions in [Appendix R](#).

Attraction of Rodents

90. Supermarkets and other commercial activities could attract rodents (recent events in a Dunedin supermarket late 2024 being an example). However, an anticipated commercial development could also attract rodents. I consider that this is matter better addressed through good on site management and through the Council's environmental health functions.

Effects on existing commercial centres

91. The relevant matter of discretions in relation to tenancy floor size are set out in [Appendix C](#). They are 15.14.2.1 and 15.14.4.5.2. :

92. In regard to [15.14.2.1](#) I consider a.i. I consider that the commercial centre would have limited effect on the recovery and function of the City Centre.

93. a.ii. is a matter for consideration of the tenancy size in relation to the subject centre's role and position in the commercial hierarchy. This is a matter for consideration in the objective and policy assessment latter in this report.

94. In regard to [15.14.4.5.2](#) sub- matters b. – e. are matters for consideration in the objective and policy assessment latter in this report.

Advice from Mr Tim Heath Property Economics Ltd

95. Mr Tim Heath of Property Economics Ltd has provided expert advice on what::

- is a sustainable catchment for Neighbourhood Centre;
- is a catchment for a development of the size of that sought by the applicant; and
- whether the catchment for a development the size of that sought by the applicant, factoring in population growth, will have adverse distributional effects on other centres.

96. Mr Heath's advice is in [Appendix D](#) to this report. Mr Heath's conclusion as to distributional effects of the proposed centre is:

Based on the economic analysis undertaken in this report, Property Economics considers that the potential retail economic impacts of the proposed supermarket within the St Albans Centre, in the context of the RMA and CDP, is likely insignificant.

97. I accept Mr Heath's analysis of the potential distribution effects on other centres and conclude that they will be insignificant. I note that applicant's economic assessment, utilising a different analysis methodology has reached a similar conclusion to Mr Heath in regard to the significance of effects.

Social effects

98. Many submissions have raised adverse social effects on the St Albans community related to a potential decline in the Edgware Commercial Centre.

99. I accept that the Edgware Commercial Centre is a well regarded centre that provides an important focal point for social cohesion in the St Alban's community. However, I consider that if there could be significant adverse social effects on the St Alban's community they could only be a result of a significant decline in the existing Edgware Commercial Centre as a result of a reduction in patronage and visitor numbers to the centre. Mr Heath's economic assessment has concluded that there will be insignificant adverse economic distributional effects on the Edgware Commercial Centre.

100. I conclude that as there will not be economic effects of any note that would lead to a decline of the Edgware Centre any adverse social effects will be at worst minor.

Landscape effects

101. Landscape related matters of discretion are set out in [Appendix C](#).

Advice from Jeremy Head Consultant Landscape Architect

102. Jeremy Head, Consultant Landscape Architect, has provided advice in relation to the landscape effects of the proposed commercial centre. Mr Head's advice is in [Appendix E](#) to this report.

103. Mr Head has identified that there are aspects of the proposed landscape plan that are not satisfactory:

- Plant spacings have not been provided;
- An annotated cross section of carpark planting strips has not been provided;
- The numbers of and species of trees in the carpark will not provide a satisfactory level of mitigation for the visual effects of the carpark;
- The 10m spacings of kowhai at the southern boundary is insufficient and that the spacings should be 7.5m;
- At the road boundary the screening is unsatisfactory. This could be rectified by:
 - i. the Bronze bush flax and Dwarf mountain flax forming a continuous line; or
 - ii. some of the low growing species being substituted with plants that would reach 1m in height in numbers that would achieve the same visual outcomes in a; or
 - iii. a low clipped hedge;
 - iv. species should be able to grow to 1m in height;
 - v. In regard to trees at the road boundary - *Liquidambar* spp should be replaced with native trees at 5m spacings.
- Additional trees need to be planted between planted islands near the Madras Street pedestrian entrance.
- The trees in the south and east (gated) building setbacks should all be Ribbonwood.
- The hedge plants in the south and east (gated) building setbacks should be *Griselinia littoralis* 'Canterbury' / Kapuka / Broadleaf.
- More trees should be planted in the between the proposed building and the south and eastern boundary where this is feasible.

- The boundary fences at the tanks areas should be appropriately constructed to prevent unauthorised entrance to these spaces.
- The three metre high acoustic fence should be finished in recessive colours.

104. Mr Head's conclusion is:

As discussed throughout this memorandum, and as it is currently presented the proposal has some flaws, although not fatal ones from a landscape effects point of view. While the proposal does not neatly fit with what is anticipated or provided for in the zone, it does have some consistency with the ODP and permitted baseline - it is not completely alien. Further, residential building heights around the site are similar (or higher) to the proposed building height. With improvements made to the landscape design to help offset the broad built form, expansive nature of the carpark and weak road frontage, there is potential to further reduce any potentially adverse landscape effects.

105. I accept Mr Head's conclusions and note that changes to the landscape plan would be required for there to be an acceptable level of landscape effects if the Commissioners are minded to grant the consent. Changes are set out in draft conditions in [Appendix R](#).

Urban design including commercial centre design and residential character and amenity;

106. The relevant matters of discretion are set out in [Appendix C](#) to his report.

Advice from David Hattam

107. David Hattam, Senior Urban Designer with the Christchurch City Council. provided a report in regard to his urban design expert views on the proposal. This is in [Appendix F](#).

108. Mr Hattam sets out and discusses the relevant matters of discretion in his advice.

109. Mr Hattam disagrees with many of the conclusions of the applicant's urban designer Tim Church. Mr Hattam's key conclusions are:

1.1 Key areas of disagreement with the applicant's urban design assessment

I have reviewed Mr Church's report and I consider that:

- *The building is well designed when seen from Madras Street, however the impacts of the car park are not discussed or addressed.*
- *The ODP has ongoing relevance and the impact of not providing the connections expected has not been discussed.*
- *The proposed plaza does not correspond to the 'publicly accessible open space' shown in the ODP.*
- *The area behind the supermarket will [create] opportunities for crime and anti-social behaviour.*
- *The back of the building is monotonous and reliant on meaningful and long-lasting mitigation from landscaping.*
- *The proposal will create a harsh environment due primarily to the dominance of parking.*

The issues primarily result from site layout decisions and that the proposed architectural resolution and landscaping are not sufficient to mitigate the issues.

110. I have reviewed Mr Church's opinion as submitted with the application and in the request for information responses. With all due respect to Mr Church I agree with Mr Hattam's advice because:

- Mr Hattam has clearly set out how the proposed development significantly conflicts with the built form outcomes signalled in matters of discretion; and
- Mr Hattam has correctly concluded that the development plan has aspects that are still relevant considerations even though the context in the block has changed³ and that these have not been delivered in the proposal.

111. I note and accept in particular Mr Hattam's conclusions in regard to the car park's dominance and resultant harshness, the inappropriate location of open space, and the poor pedestrian connectivity with the community it is meant to serve.

112. I conclude that the adverse effects in relation to the urban design outcomes are significant.

Signage effects

113. The matters of discretion that would apply in relation to the signage non compliances are set out in [Appendix C](#):

Advice from David Hattam

114. Mr Hattam has also provided comments on the signage sought by the applicant. This is in Appendix F. Once again for brevity I will not repeat the relevant matters of discretion here.

115. Mr Hattam has concluded that the signage on buildings is generally appropriate but he has concerns in relation to the pylon signage. The pylon signage would *"detract from the coherence and amenity of the centre due to its size"*.

116. I accept Mr Hattam's advice and conclude that the general signage effects are acceptable but that the adverse effects of the free standing pylon sign are significant. The pylon signage will be directly facing a residential context as discussed by Mr Hattam.

Transport effects

117. The relevant matters of discretion are set out in Appendix C:

Advice from David McGonigal

118. The application was reviewed by David McGonigal, Transportation Network Planner with the Christchurch City Council as part of this review Mr McGonigal reviewed and commented on submissions raising transport related matters.

119. Mr McGonigal's report and advice are in Appendix G. Mr McGonigal's general conclusions are:

- The heavy vehicle access is too wide because *it creates a far greater level of exposure to pedestrians using the frontage footpath and invites greater vehicle entry speeds*. Mr McGonigal concludes a condition should be imposed requiring redesign of the access to reduce its width;

³ A change in context partly created by subdivision by Woolworths NZ Ltd creating an allotment sold to an adjoining landowner that makes access to Packer Street more difficult. This subdivision detail is set out in [Appendix N](#).

- That the vehicle queuing space provided is too short and that it will create access safety issues for pedestrians. Mr McGonigal recommends that the car park be redesigned to extend the queuing spaces. I understand from discussions with Mr McGonigal this could be in the form of reorientating some rows of carparks to be parallel to the Madras Street boundary.;
- Pedestrian access to the site is poor with the safety of mobility impaired particularly compromised. Pedestrian access needs to be reconsidered;
- Pedestrian access to Packe Street should be provided as per the development plan;
- The proposed narrowing of the cycle lanes and the parking lane on the eastern side of Madras Street will create unacceptable adverse effects unless Madras Street itself is widened by 0.5m. Mr McGonigal has provided a cross section of layout that would suffice. This is attached in Appendix G;
- The changes to the volume of vehicle movements including heavy vehicle movements on the surrounding network will be acceptable;
- Changes to the supply of on street carparking, taking into account the plan's approach to not requiring on site parking is not significant.

120. I accept the advice of Mr McGonigal and conclude:

- that adverse transportation related effects on site will be significant without changes;
- that adverse transportation related effects on Madras Street in regard to width of parking and cycle lanes will be significant without changes;
- that at least pedestrian connectivity should be provided via the development plan connection to Packe Street.
- That without the above changes the adverse transportation related effects will be significant.

121. If the Commissioners are minded to grant the consent but require changes to the layout within the legal road to address Mr McGonigal's (and my) concerns I recommend the conditions set out in Appendix R. They address the process and standards that must be adhered to before the Council, as asset receiver, will accept the asset.

Potential solutions to matters raised by Mr Head, Mr Hattam, and Mr McGonigal.

122. I held a meeting with these advisors to identify whether there was a practical outcome for development of the site, within the context of the District Plan's built form standards and development plan.

123. The point of the exercise was to identify whether the standards and the key connectivity elements in the development plan created constraints that lead to impractical outcomes. The parameters for identifying potential practical outcome were:

- The connectivity points in the development plan – to Packe Street and to Purchase Street;
- a maximum 14m high – built form standard (BFS)15.6.2.1;

- Built up to the Madras Street Road boundary except for any pedestrian or vehicle access for a setback of up to 3m for a maximum width of 6 metres BFS 15.6.2.2;
- Pedestrian access from Madras Street BFS 15.6.2.2;
- Visual transparent for a minimum of 60% of the ground floor elevation facing the street BFS 15.6.2.2;
- Visually transparent glazing for a minimum 20% for each elevation above ground floor and facing the street BFS 15.6.2.2; BFS 15.6.2.2;
- Set back of 3m for the abutting residential zones; BFS 15.6.2.3;
- Recession plane of 4m and 60 degrees at the residential zone boundaries – except that part of a building that is above 12m in height and is 6m from a northern boundary, or 8m from a southern boundary or 7m from an eastern or western boundary BFS 15.6.2.4;
- Outdoor storage is screened from an adjoining site by 1.8m high fence or landscaping and is not within a road boundary setback BFS 15.6.2.5;
- Landscaping at shared boundary of residential zone of 1 tree for every 10 metres BFS 15.6.2.6;
- Compliant public access as per the development plan; Permitted Activity Standard 15.6.3.1.1;
- Advice from Council stormwater engineers as to appropriate solutions for stormwater attenuation.

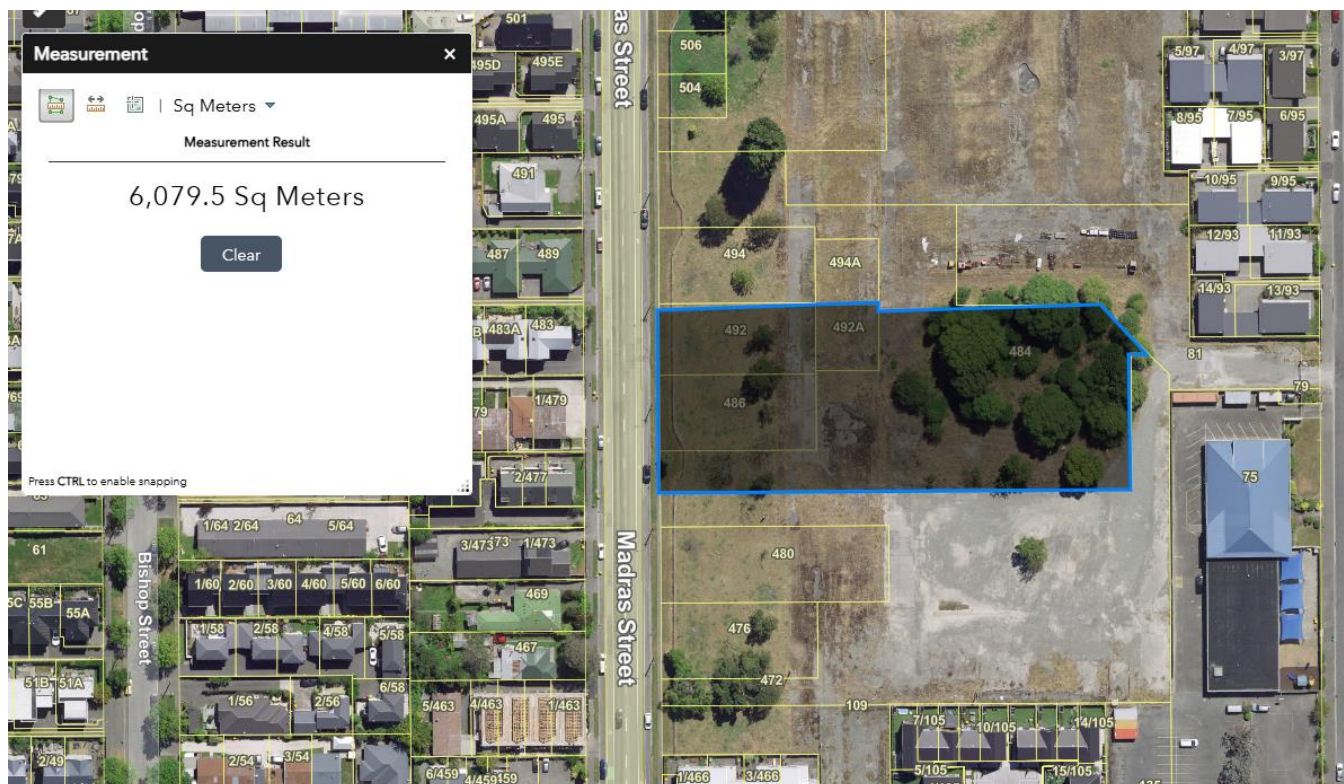
124. In addition to the above parameters I note that there is a Council owned stormwater pipe running north to south within the site. This is shown in the plan in [Appendix P](#). There is an easement in gross over the stormwater pipe. The Stormwater and Land Drainage Bylaw prevents building over this pipe or within the easement. I understand that permission under the bylaw to build over the pipe is very unlikely.

125. A potential solution integrating all of the matters raised by the experts – showing that they are achievable is outlined in the report of Mr Hattam in [Appendix F](#).

126. However, there are potential scope issues in delivering the outcomes demonstrated in the appendix. It was not what was publicly notified and the development demonstrated in the appendix may have generated submissions from persons not currently involved in the hearings process.

Effects on achieving the housing targets in objectives and policies (and therefore housing for the community).

127. The area of land that would be removed from the available zoned area for residential growth is approximately 6000m².



Advice form Ike Klynbos

128. Ike Klynbos, Principal Planner with the Council's City Planning Team (the Team responsible for defining housing targets and parameters in the District Plan) as set out projected residential unit growth numbers and an opinion as to whether the loss of the land outlined in blue above would have adverse effects of delivery of housing to meet projected needs. The advice is in Appendix J to this report. Mr Klynbos is of the opinion that use of the land for the activities the subject of this consent will have insignificant effects on the delivery of housing to meet community needs because of the small size of the site that would be given over to commercial development.

129. I accept Mr Klynbos's advice and conclude that if the consent is granted construction of the commercial centre will have negligible effect on delivering housing to meet the needs of the Christchurch community because the area is small and there sufficient capacity in land identified in for residential intensification elsewhere.

Flooding effects

130. The relevant matters of discretion are set out in [Appendix C](#) to this report.

Advice form Cindy Asmat

131. Cindy Asmat, Surface Water Planning Engineer with the Christchurch City Council, has provided comments on the proposal via an iterative discussion including coordination with the advice of Victor Mthamo as set out in [Appendix H](#).

132. Ms Asmat's advice refers to a permitted baseline. I have discussed this under the permitted baseline section above. I consider the references to permitted baseline should be read as anticipated outcomes.

133. Ms Asmat's conclusions are:

- That there will be sufficient storage in the above ground detention tanks to address flood waters from a 50 year 24 hour event.
- That the displacement of flood waters will be within the anticipated outcomes for flood displacement in the 200 year return period event.

134. I accept Ms Asmat's advice and conclude, taking into account the anticipated outcomes of the flood management regime in the District Plan that the adverse flooding effects will be acceptable.

135. In the time available prior to circulation of this report I have not been able to obtain Ms Asmat's advice in regard to effects of displacement should the Commissioner's not accept the concept of *anticipated* outcomes for flood displacement.

Servicing effects – Stormwater

Advice from Victor Mthamo

136. The applicants propose a number of above ground stormwater detention tanks between the south and east wall of the supermarket and the site boundaries. Victor Mthamo, Planning Engineer – Contractor to the Christchurch City Council has provided advice in regard to this design in a series of emails as set out in [Appendix I](#).

137. Mr Mthamo's conclusions are:

The important thing from a stormwater point of view is to maintain pre and post development neutrality for 50 year 24 hr events and so we expect the attenuation provided to help achieve this. The maximum discharges from the site should match the accepted predevelopment discharge rate.

138. Mr Mthamo also set out options for stormwater treatment. If the Commissioner's are minded to grant the proposal I recommend conditions in relation to these options and these are set out in [Appendix R](#).

139. With the conditions I have recommended I conclude that stormwater system related adverse effects will be acceptable.

Servicing effects – Water supply and wastewater

Advice from Alison Tang

140. Alison Tang, Planning Engineer Water and Waste with the Christchurch City Council, has provided advice in relation to whether the proposed development will have effects on the water and wastewater infrastructure and whether it can be serviced. Ms Tang's advice is in [Appendix L](#). In summary Ms Tang advised that the development can be serviced for water and waste water.

141. I note that the applicant has confirmed with Fire and Emergency New Zealand that there is a water supply for firefighting.

142. I have concluded that subject to final design likely assessed at the building consent stage the proposed development can be serviced for wastewater and that there will be no effects on wastewater system.

Earthworks effects

143. The relevant matters of discretion are set out in [Attachment C](#).

Advice of Ian Bochow

144. Mr Ian Bochow, Civil / Structural Engineer with the Christchurch City Council, has provided comments on the earthworks required to give effect to the proposal. Ian Bochow's comments are in [Appendix K](#) to this report. Mr Bochow's general conclusions are that if consent is granted it be subject to conditions to ensure that the adverse effects are avoided, remedied or mitigated.
145. I accept Ian Bochow's assessment. In regard to conditions I have set out a series of conditions that I consider reflect requests of Ian Bochow the scale of the works and the management of construction needed to better the detail required should the Commissioner's be minded to grant the consent. These conditions are in [Appendix R](#).

Construction effects

146. Construction activities for a development of the scale proposed by the applicant has the potential to have significant adverse effects on surrounding activities through construction noise, vibration, dust and vehicle movements. In the context of this site I note that the site is predominantly surrounded by residential activities. However appropriately targeted construction activity conditions, such as those I have set out in [Appendix R](#) can address these effects. They are the same as or similar to other conditions that have been imposed on consents for large scale commercial construction projects.
147. If the Commissioners are minded to grant the consent I recommend the conditions set out in [Appendix R](#).

Health effects – soil contamination, noise, glare.

148. The relevant soil contamination matters of discretion are set out in Clause 10 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. They are shown in [Appendix C](#) of this report.
149. The relevant matters of discretion relating to the noise standard non compliance are set out in [Appendix C 6.1.8](#).

Advice of Kirsten Rayne – Soil contamination and noise

150. Kirsten Rayne, Environmental Health Officer with the Christchurch City Council has provided advice in relation to soil contamination, noise and glare. Kirsten Rayne's comments are set out in [Appendix M](#). I accept Kirsten Rayne's advice.
151. Kirsten Rayne has provided advice in the context of these matters of discretion and identified that conditions relating to addressing the adverse effects of disturbing the contaminated soil on site and noise mitigation are necessary.
152. I accept Kirsten Rayne's advice and conclude that with conditions the adverse effects will be acceptable.
153. If the Commissioners are minded to grant the consent I recommend conditions related to:

- Soil contamination discussed in Kirsten Raynes paragraphs 39– 42.
- Noise mitigation discussed in Kirsten Rayne’s paragraphs 9, 11, 18, and 24..

Advice of Kirsten Rayne – Glare and Light Spill

154. Kirsten Rayne has confirmed that the proposed lighting will comply with the glare and lightspill standards in the District Plan.
155. Taking into account that that the District Plan has identified standards for glare and spill that lead to an acceptable level of glare and spill effects and that proposal meets those standards I conclude that any adverse effects relating to glare and light spill will be acceptable.

Positive effects.

156. The applicant discusses positive environmental effects at section 7.10 of the Assessment of Environmental Effects submitted with the application. Aspects of that discussion that I agree with are:
- Utilisation of a long standing brownfield site;
 - Commercial activity support for residential intensification – albeit that I do not agree the quantum of commercial activity; and
 - Provision of employment opportunities.

Summary of effects on the environment

157. In summary, it is my opinion that:
- adverse urban design related effects would be **significant**;
 - adverse effects relating to the transport system from the proposed design of the road layout adjacent the site and the queuing space on site would be **significant** without widening the road and deepening the queuing space;
 - adverse effects on the transport network wider than the site and the abutting roads will be **insignificant** and **acceptable**;
 - Flood management effects will be **acceptable** ;
 - adverse effects relating noise would be **insignificant** and **acceptable**;
 - Adverse effects relating to glare and light spill will be **insignificant** and **acceptable**;
 - adverse effects relating to water and waste water infrastructure will be **insignificant** and **acceptable**;
 - adverse effects relating to soil contamination, noise and glare would be **insignificant** and **acceptable** **subject to imposition of conditions**;
 - There would be positive effects:
 - Utilisation of a long standing brownfield site;
 - Commercial activity support for residential intensification – albeit that I do not agree the quantum of commercial activity; and
 - Provision of employment opportunities.

158. On balance I consider that the effects will be adverse and more than minor.

Relevant Objectives, Policies & Other Provisions of a Plan or Proposed Plan (s104(1)(b))

159. Regard must be had to the relevant objectives and policies in the Christchurch District Plan and Proposed Plan Change 14. These are discussed below.:

Natural Hazard Chapter 5 Objectives and Policies.

160. The relevant objectives and policies are objective 3.3.6, Policy 5.2.2.1.1, Policy 5.2.2.1.2, Policy 5.2.2.1.4, Policy 5.2.2.1.8, and Policy 5.2.2.2.1. They are set out in [Appendix B](#):

161. Taking into account the advice that I have received from Ms Asmat in regard to the potential flood displacement effects of the proposal I conclude that the outcomes sought by these objectives and policies will be met.

Soil contamination Chapter 4 Objectives and Policies

162. The relevant objectives and policies are Objective 4.2.2.1, Policy 4.2.2.1.1, Policy 4.2.2.1.2, Policy 4.2.2.1.3 and are set out in [Appendix B](#).

163. Taking into account the advice of Kirsten Rayne I conclude that if the Commissioners are minded to grant the consent with the conditions in [Appendix R](#) the outcomes sought in these objectives and policies will be met.

Signage Chapter 6 related Objectives and Policies

164. The relevant objectives and policies are objective 6.8.2.1, Policy 6.8.2.1.1, 6.8.2.1.2, 6.8.2.1.3 and are all set out in [Appendix B](#).

165. Taking into account the advice of David Hattam I conclude that the outcomes sought in Objective 6.8.2.1a.i and a.ii. are met. However, a.iii. is not met. Policy 6.8.2.1.2 is strongly directive in its language i.e *ensure*. The residential context the sign would face is a sensitive location on a Collector Road (albeit busy as Mr Hattam says) and the sign would have significant adverse visual amenity effects. The pylon sign conflicts with this policy.

Noise and lightspill / glare Chapter 6 related objectives and policies.

166. The noise and lightspill / glare related objectives and policies are Objective 6.3.2.1 and Policy 6.3.2.1.1 and are set out in [Appendix B](#).

167. Taking into account the advice I have received from Ms Rayne I conclude that the outcomes sought in this objective and policy will be met.

Residential Chapter 14 objectives and policies

168. The relevant Residential Chapter Objectives and Policies are set out in [Appendix B](#).

169. Objectives [14.2.1](#), [3.3.4](#), and [3.3.7](#) seek an outcome where:

- housing supply is increased in line with targets;
- housing is provided within existing urban areas;
- delivered housing typologies meet the diverse needs of the community;
- brownfield sites are used for commercial or residential development (I discuss brownfield sites more fulsomely below);
- development is of a high quality;
- residential development is intensified around centres, including neighbourhood centres;
- development is coordinated with infrastructure provision.

170. In regard to Objective [14.2.1](#) the commercial development on the residentially zoned portion of the land will not lead to an increased supply of housing, but from a wider strategic perspective the displaced yield analysis in the environmental effects section of the report has demonstrated that there will be negligible effect on the intended outcomes signalled in the Objective.

171. In regard to Policy [14.2.1.1](#) the residentially zoned portion of the land is *anticipated* to yield residential units at a relatively high density of 30 households per hectares and that a range of housing types is provided for. The directive word in the policy is *provide* and the Residential Medium Density Zone *provides* for medium density development.. Where the opportunity to *provide* for Residential Medium Density is taken up the housing outcome must *ensure*:

medium density residential development in and near identified commercial centres in existing urban areas where there is ready access to a wide range of facilities, services, public transport, parks and open spaces, that achieves an average net density of at least 30 households per hectare for intensification development

172. Policy [14.2.1.1](#) does not direct that the Residential Medium Density Zone can only be for residential development and other objectives and policies address circumstances where non-residential activities are sought in Residential Zones – particularly those circumstances related to development in brownfield sites discussed below.

173. In regard to Objective [14.2.4](#) whilst the application is for commercial activity, I consider that these are of relevance to the consideration of the proposal because I consider that *residential environments* and *medium density areas* refers not just to the residential development on the site but also the residential environment surrounding the site.

174. The desired outcome is:

High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

175. In regard to Policy [14.2.4.1](#) the directive is to facilitate⁴ a development's contribution to high quality residential development. It is not directive policy, but it does signal desired outcomes. Obviously, this is not a residential development so there is some tension with the policy – but I note that the wider residential neighbourhood could still be a high quality sustainable residential neighbourhood. I consider that the application is neutral in relation to the policy.

⁴ which I consider means provide a framework in the District Plan that offers an opportunity to develop.

176. In regard to [14.2.4.2](#) I have reached a similar conclusion to [14.2.4.1](#).
177. In regard to Policy [14.2.4.4](#) the directive is to *ensure* that the development on the residentially zoned part of the site itself and the wider residential area will be characterised by the outcomes signalled in the policy. In regard to the residential portion of the site itself Mr Hattam has concluded, and I agree, that the development is of a medium scale and commensurate with a building of two or three storeys. In regard to the wider area ongoing development of the adjoining residential sites will be subject to this policy so the forth coming residential developments in the Orion Block will deliver those outcomes.

Chapter 14 non-residential activity objectives and policies

178. Turning to the objectives and policies relating to non-residential activities (the proposed activities clearly being non-residential activities) there are two sets of objectives policies that could apply to the site; but only one set can apply. These are the objectives and policies under [14.2.6](#) and the objectives and policies under [14.2.7](#).
179. [14.2.6](#) does not apply if the site is a brownfield site. The applicant has analysed the Objective [14.2.7](#) and its supporting policies and not referred to Objective [14.2.6](#), presumably because the applicant considers the site to be a brownfield site. A note in Objective [14.2.6](#) states the objective and its policies do not apply to brownfield sites. I have set out an analysis of why I consider Objective [14.2.7](#) and its supporting policies apply in [Appendix V](#).
180. The objective of [14.2.7](#) is to *provide* for comprehensively planned, environmentally and socially sustainable commercial development (and residential development but that of course is not what is being sought here). Providing for such development is by considering the environmental and social sustainability of the proposal via the outcomes sought in the underlying Policy [14.2.7.1](#).
181. Policy [14.2.7.1](#) directs plan administrators to support and incentivise comprehensive redevelopment where the outcomes of sub policies of [14.2.7.1](#),a are satisfactorily addressed. The proposal satisfactorily meets some of the sub policies, but does not meet others. Based on my preceding assessment I consider that the outcomes of sub policies:
- a.i. are not satisfactorily addressed – flooding natural hazard adverse effects in regard to displacement of flood water particularly at the corner of Madras Street and Purchas Street will be significant.
 - a.ii. are satisfactorily addressed - Adequate infrastructure services and capacity are available (noting that the design proposed for pumping are satisfactorily addressed – but also noting that pumping of (non flood related) stormwater of stormwater to storage is not an acceptable solution).
 - a.iii. are addressed - There will be no reverse sensitivity effects on existing industrial areas.
 - a.iv. are not satisfactorily addressed - although the adverse effects identified by Mr McGonigal can be addressed.
 - a.v. is not satisfactorily addressed - . Walking access from Packe Street is identified in the development plan as a very important outcome and has not been provided.
 - a.vi can be addressed by conditions as set out in the advice of Ms Rayne.
 - a. vii. - as discussed in the commercial objectives and policies this has not been satisfactorily addressed.
182. I conclude that the development should not be supported or incentivised because of the conflicts with the outcomes sought in the sub policies of [14.7.2.1](#) a and b.

183. Further this policy directs that where a brownfield development is supported the plan administrator must *ensure* (a strongly worded directive) a high quality urban design and onside amenity outcome. The assessment by Mr Hattam has clearly shown that this outcome cannot be achieved by the proposed development.

Conclusion Residential Chapter Objectives and Policies

- 198 I have concluded that the application meets some outcomes out objectives and policies but does not meet important objectives and policies as discussed above. The conflict with the outcomes of the objectives and policies is significant.

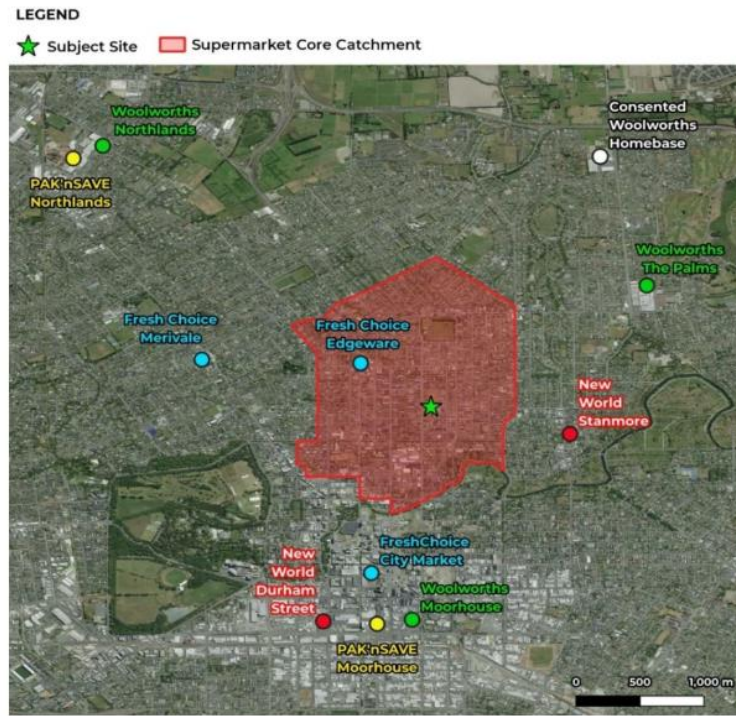
Commercial Zone objectives and policies.

184. Relevant objectives and policies and definitions from the objectives and policies are set out in [Appendix B](#).
185. Taking into account these definitions in regard to the objectives and policies discussion that follows the subject site is not:
- a. In the City Centre;
 - b. A Town Centre;
 - c. A Local Centre;
 - d. A Large Format Centre; or
 - e. A Key Activity Centre.
186. The Edgware commercial centre the subject of several submissions is a Local Centre.
187. Important undefined terms in the objectives and policies are *intensification*, *function*, and *role*. As they are not defined in the plan they need to read in terms of the context of their use and the dictionary definition.
188. The relevant Oxford languages definitions of intensification is:
the action of making or becoming more intense.
189. The relevant Oxford dictionary definition of function is:
the purpose or intended role of a thing.
190. The relevant Oxford languages definition of role is:
the function assumed or part played by a person or thing in a particular situation.
191. In regard to the role of the centre in the commercial strategic network, the relevant comparison as to a centre's function within in the hierarchy in Policy [15.2.2.1](#) is between the Central Business District, Town Centres , Local Centres, and Neighbourhood Centres. (D Large Format Centres caters for a specific retail offer and format generally not provided for in other commercial zones and is not a relevant comparison).
192. The 'size' in row E of Table 15.1 Policy [15.2.2.1](#) refers to the square meterage of the zone area and not the square meterage of the expected gross floor area (GFA). GFA is specifically referred to in the row C of the table indicating that if 'size' square meterage in Row E was a reference to GFA it would have specifically said so. The square meterage of the subject Neighbourhood Centre Zone is approximately 11000m² it is a standalone supermarket based centre not subject to the general expectation of a Neighbourhood Centre being limited to

3000m² in area. I also interpret the description in Row E as meaning a small group of convenience retail shops plus a standalone supermarket.

193. In regard to serving the *surrounding residential community* as referred to in Policy [15.2.2.1](#) I consider that that residential community is represented by the intended catchment of a Neighbourhood centre and that the supermarket should be sized to address that catchment. If inappropriately ‘oversized’ in its catchment a centre will not maintain its role and function – its role and function will become one of the roles and functions that is higher in the hierarchy.
194. Policy [15.2.2.4](#) does envisage that commercial activity could expand outside of a commercial centre (i.e. the abutting zone) but the expansion **must** be at a size that **ensures** the sub policies of [15.2.2.4](#) b. are achieved.
195. In summary I have concluded (in the context of the size of the commercial centre that would result from the proposal):
- a. that development within a centre should not elevate that centre to a function or role of a centre higher in the hierarchy, particularly (but not limited to) the City Centre, Town Centres and Local Centres where they are Key Activity Centres;
 - b. that growth of a centre is meant to be within the centre’s zone boundaries –but that it can expand beyond those boundaries when the centre would remain within its *function* and *role* in the commercial hierarchy;
 - c. Subject to d. and e. growth outside of the boundaries of the zone should be responsive to increases in population but at the same time support residential intensification targets;
 - d. that the *function* and *role* of this Neighbourhood Centre Zone is to provide a small group of convenience retail tenancies and a standalone supermarket; and
 - e. the retail tenancies included a supermarket tenancy when one is proposed should reflect what is needed to serve the Neighbourhood Centre’s catchment.
196. Mr Heath’s analysis in [Appendix D](#) has identified the proposed supermarket’s core catchment:

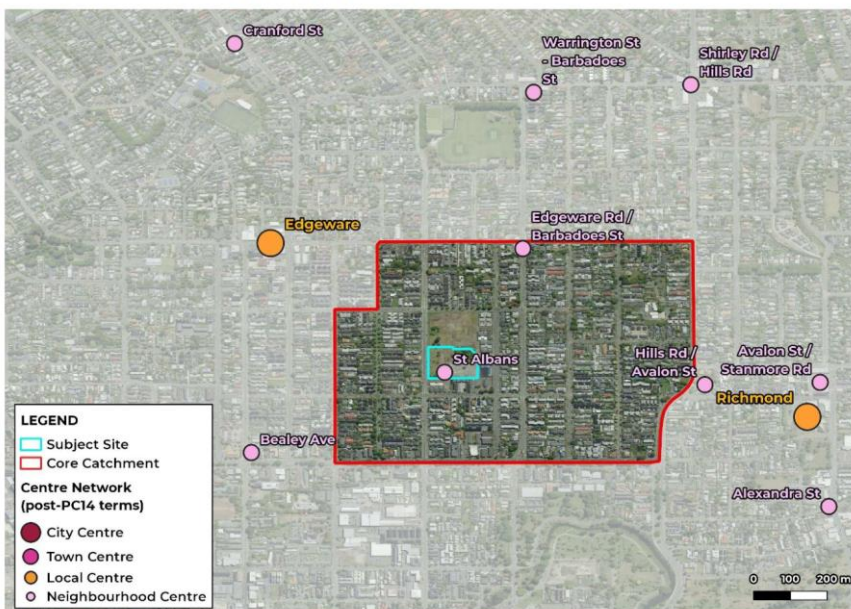
FIGURE 2: GEOSPATIAL EXTENT OF THE RETAIL CATCHMENT



Source: Stats NZ, Google Maps, LINZ, Property Economics

197. Mr Heath has also identified the core catchment for what he considers to be a Neighbourhood Commercial Zone catchment:

FIGURE 1: ST ALBANS CENTRE ZONE CORE CATCHMENT EXTENT



Source: Google Maps, Stats NZ, Property Economics

198. Clearly the proposed catchment exceeds the anticipated neighbourhood centre catchment.

199. Mr Heath has provided this commentary on where he considers this centre will sit within the Objective and Policy hierarchy:

However, concern regarding the integrity of the commercial centre hierarchy and centres zone network, as defined by the CDP and NPS. A full-service supermarket has the potential to significantly increase the drawing power of the St Albans Centre, effectively elevating its role beyond that of a typical Neighbourhood Centre.

This potential misalignment with the intended planning framework requires careful consideration and a balanced planning response to ensure that the functional role and integrity of the commercial centre hierarchy is upheld but not at the expense of benefits to the community. Introducing a full-service supermarket, particularly one with a significantly larger GFA and wider product range than what is typically envisaged for a Neighbourhood Centre, risks functionally elevating the St Albans Centre beyond its intended position within the city's centre network.

While the proposed development may respond to the projected supermarket demand and generate economic and community accessibility benefits, it also has the potential to undermine the coherence of the planning framework, set an unexpected precedent for similar scale developments in other lower-tier centres, and inadvertently create a 'functional' upzoning of the site. Economically the elevated zone status is considered to generate benefits on balance, however there remains potential non-economic reasons why a different conclusion could be reached.

200. I acknowledge that Mr Heath's is an economist and has analysed the proposal on that basis. But I also note that Mr Heath is a qualified planner and that it is appropriate for him to recognise the planning framework within which to analyse economic effects. I have also reviewed Mr Heath's report with a planner's lense and I consider that Mr Heath has correctly identified a planning issue in regard to fit with the objective and policy framework.

I have concluded that the proposed development will elevate the centre to a level commensurate with at least a local centre and would sit outside of its position within the hierarchy. I also consider that Mr Heath has raised a legitimate concern in relation to undermining the coherence of the planning framework.

201. I also conclude that a resource consent process is an inappropriate process by which to elevate this centre beyond its identified position in the hierarchy. This proposal, given its implications for the integrity of the hierarchy would be better considered as a plan change under Part 2 of the First Schedule of the RMA and be subject to an assessment under Section 32 of the Act⁵.

⁵ Woolworths made a submission, submission 740, on Plan Change 14 seeking the zone be elevated to a local centre (small) and through evidence change matters of discretion that related to being consistent with a neighbourhood centre to a local centre. The Council's evidence, including evidence from Mr Heath, opposed this. The IHP's recommendation in part 7 of its recommendation report was:

[79] *The Panel has found that the request by the submitter is within the scope of PC 14, for the reasons in Part 1 at [210] of the report. However, the Panel has recommended that the submission is rejected on its merits. That is because, the zone nomenclature is largely moot, as the nature of the activities within the zone are defined in the development plan, and associated rules in Appendix 15.15.5,*

202. I turn now to Objective [15.2.4](#), Policy [15.2.4.1](#) and Policy [15.2.4.2](#) as set out in [Appendix B](#).
203. Under Policy [15.2.4.2](#) sub policy a. new development is to be *required* by the plan administrator to be well-designed and laid out. *Require* is a strongly directive statement in resource management terms and the outcomes sought within the sub-policy a. should be achieved. I consider that where less directive terms such as *encourage* or *promoting* are used these should be interpreted under the umbrella of *require*. i.e. it is required that the outcome be encouraged or that the outcome be promoted through the physical design of the development.
204. The directive statement in Policy [15.2.4.2](#) sub policy b. is to *recognise* the scale form and design outcomes sought in the anticipated built form for the Neighbourhood Centre Zone. Recognise is not a directive to ensure that an outcome is achieved – it does however mean that the outcome should be carefully considered in the context of the application and its site. I consider that the anticipated built form outcome is that which sits within the parameters created by the design outcomes expressed in the policy and the zone built form standards giving effect to those outcomes.
205. Policy [15.2.4.2](#) sub policies c. and d. have no relevance to the context of this application.
206. [15.2.4.1](#) Sub-policy a. has limited relevance outside of providing a point of comparison for the expected scale of development in the commercial hierarchy. Sub-policies [15.2.4.1](#) b.i., b.ii., b.vi. are of more direct relevance as they provide some direction on expected scale and form of development within the context of the centre’s expected function. It is noted that there are no street corners in the context of this site. Adverse effects on the surrounding environment – particularly the residential interface should be managed. In an RMA context I consider that management means avoidance, remedy or mitigation of adverse effects as appropriate.
207. In regard to Policy 15.2.4.4 there are no identified sites of Ngāi Tahu cultural significance on the site. I note that Ngāi Tahu Iwi were notified in the public notification process and have not made a submission.
208. Mr Hattam has identified, with reference to matters of discretion that the urban design is unsatisfactory. The design does not encourage pedestrian activity and amenity along Madras Street to the degree is appropriate for a Collector Road. These matters are reflected in Objective [15.2.4a.](#), and Policy [15.2.4.2](#).
209. I must balance Mr Hattam’s conclusions against the functional and operational requirements of activities. In regard to *the functional and operational requirements of activities* (policy [15.2.4.2b](#)). I have concluded that this means the functional and operational requirements of activities that fit within role and function of the Neighbourhood Centre Zone as defined in the wider objective and policy context. Given that I have concluded that the proposed development does not fit the wider objective and policy context I conclude that what the applicant wants to achieve in terms of the size of the supermarket is not a relevant consideration.
210. Mr Head has provided commentary on [15.2.4.2.b](#) as to what, through the lense of a landscape expert the scale form and design of the development in the immediately surrounding area is for context for his consideration of the relevant matters of control and discretion as discussed under the environmental effects section of this report.

which the submitter accepts and seeks no change to. The Panel accept the recommendation of Mr Lightbody on merit and retain the status quo equivalent zone as more appropriate.

Conclusions Commercial Chapter objectives and policies

211. I have accepted David Hattam's conclusions in regard to the urban design outcomes of the proposal. Accordingly, I consider that outcomes sought by sub policies [15.2.4.2](#) a.i, aii, aiii, aviii and b. will not be delivered.
212. Taking into account Mr Heath's advice I have concluded that the proposed supermarket and the smaller commercial tenancies will conflict with the outcomes sought in Policy [15.2.2.4.b.i](#).
213. Further taking into account Mr Heath's advice my conclusion is that the proposed centre is not appropriately sized. I consider that the outcomes sought in Policy [15.2.2.1](#) overall have not been met.
214. The conflict with the outcomes of the objectives and policies is significant.

Precedent Effect/Plan Integrity

215. Case Law has established, through the High Court in *Rodney District Council v Gould*, that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:
- Whether a proposal is contrary to the objectives and policies of the plan; and if so
 - Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.
216. Whilst the application is not for a non-complying activity where precedent and plan integrity issues are more commonly considered, if granted the development could nevertheless set a precedent or could undermine the integrity of the plan as discussed in above in regard to elevating the site to a position in the commercial hierarchy thereby providing a basis for other applications in the Neighbourhood Centre Zones to do the same – either within the zone or by expansion outside of the zone as is the case here.

Part 2 of the Act

217. The matters outlined previously are subject to Part 2 of the Act which outlines its purpose and principles.
218. The use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.
219. Taking guidance from case law⁶, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared via independent hearing and decision-making processes in a manner that appropriately reflects the provisions of Part 2. Accordingly, no further assessment against Part 2 is considered necessary

s104(1)(b)(i) National Environmental Standards

⁶ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

220. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health has been discussed above in this report.
221. No other National Environment Standards apply.

s104(1)(b)(iii) National Policy Statements

222. The National Policy Statement - Urban Development is being addressed by the Council through the Plan Change 14 process. Reference to the NPS has been made throughout this report and below.
223. The National Policy Statement – Highly Productive Land is is not relevant. The land is urban and clearly not highly productive.
224. No other National Policy Statements apply.

Other relevant matters Section 104 (1) c.

225. The Independent Hearings Panel considering Plan Change 14 has recommended to Council that the Residential Medium Density Zone be rezoned to High Density Residential. The Council must make a decision on this recommendation before the end of 2025. However the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill to give the Council the power to make a decision on rezonings under PC14 and not have those decisions that do not follow the recommendations of the IHP referred to the Minister for a final decision has been through the select committee process and is due its second reading in Parliament. It is expected to become law. What the Council's decision will be in relation to this site is unknown. Accordingly, I have placed little weight on the IHP recommendation.

Conclusion

General Conclusion

226. After considering the actual and potential effects on the environment of allowing the application, it is my conclusion that the adverse effects significantly outweigh the positive environmental effects.
227. In my opinion this proposal is consistent with the outcomes sought in some of the objectives and the direction of the policies but is inconsistent with other important objectives and policies as discussed above. Overall, I consider that the proposal is inconsistent with the objectives and policies of the District Plan.
228. I consider that the proposal is inconsistent with Part 2 of the Resource Management Act 1991.
229. Having considered all of the relevant matters under Sections 104, and 104B it is my opinion that consent should be declined.

Recommendation

230. I have assessed this application to construct a commercial centre at 484 Madras Street. Having considered all the matters relevant to this application, I recommend that this application be **declined** pursuant to Sections 104, 104B, of the Resource Management Act 1991.



Scott Blair
SENIOR PLANNER

Reviewed by:

Jo McAfee
TEAM LEADER PLANNING TEAM 1

Appendix A - Issues Raised in Submissions

Submissions in support

The reasons for the submissions in support are summarised into categories as follows:

Reason	Submission number(s)
Economic benefits including job creation and competition	9, 33, 34, 44, 49, 80,
High visual amenity	9,
The surrounding transport network can accommodate the vehicle, pedestrian and cycle movements generated	9,
Nearby bus networks	9,
Improved access to goods and services	29, 32, 35, 38, 44, 53, 86,
Improved 'quality' of Edgeware / St Albans	50
Submitters tenants support the application	23

Submissions in support but raise some matters:

Submissions that support the application but raise some matters are summarised into categories as follows:

Reason	Submission number(s)
Adverse effects relating to additional street parking	14, 15,
Adverse construction period effects including vibration, noise, and traffic management	14,15, 52,
Insufficient staff parking leading to uptake of on street parking	54,
Control of operational noise	52,
Ongoing sufficient supply of parking on site for contractors and staff	15,
Safe pedestrian access – crossing Madras Street	37,
Safety of vehicle crossings to the site	54
Increased traffic along Madras Street towards Forfar Street	37,
Traffic monitoring and enforcement following opening of complex	52,
Information should be disseminated to local residents by the operators regarding entrances., exits and consideration of neighbours	52,
Resident parking permits should be made available for local residents	52,
Cleaning of stormwater before it is released	52,
Carpark be covered with shade and solar panels installed to off-set carbon emissions	52,
Location of refuse storage affecting neighbours	54
No accommodation for EBikes	99
Insufficient number and type of cycle parks	99
Adverse effects of narrowing of cycle lanes	99

Provision of a separate cycle and footpath through the centre of the carpark	99
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Submissions in opposition

The reasons for the submissions in opposition are summarised into categories as follows:

Reason	Submission number(s)
Adverse economic effects on existing nearby commercial centres including diverting their customers to the new centre leading to businesses in nearby centres closing.	1, 4, 5, 8, 10, 11, 17, 19, 25, 26, 27, 28, 30, 31, 36, 39, 40, 41, 42, 43, 45, 46, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 69, 72, 73, 77, 78, 83, 84, 85, 87, 89, 90, 91, 92, 93, 95, 96, 97, 101.
Adverse effects on competition	78, 87.
Alternative models of grocery service provision are available	77, 97.
Adverse effects on the adjoining transportation network	1, 10, 17, 21, 22, 27, 36, 39, 40, 41, 42, 43, 46, 48, 55, 58, 59, 60, 61, 62, 64, 68, 69, 72, 73, 76, 77, 78, 79, 81, 82, 83, 84, 85, 88, 91, 92, 93, 95, 96, 97, 98, 100, 101.
Insufficient staff carparking	27, 39, 46, 56, 57.
Adverse effects on the supply of on street parking for locals	40, 41, 42, 57, 76, 92, 96.
Adverse operational noise effects on residential areas – including from pumping of stormwater	3, 4, 7, 10, 17, 39, 60, 67, 92, 95, 97.
Adverse construction noise effects	10, 56.
Light spill effects	17, 39, 46, 93.
Adverse effects on the stormwater system and ground water	10, 17, 22, 92, 96, 97.
Flooding effects	17, 76, 95, 92.
Visual amenity effects	10, 30, 42, 46, 48, 97.
Insufficient supply of local greenspace	17, 22, 55, 92.
Poor design of proposed greenspace	55, 78, 87, 88.
Adverse effects on existing greenspace (including trees on the site)	36, 56, 88, 96, 97.
Adverse effects on reticulated water supply	95, 97.
Adverse effects on the wastewater system	95, 97.
Adverse effects on the 'natural spring' on Purchas Street	76, 81, 87, 97.
Construction dust effects	76.
Geotechnical effects	97.
Adverse effects on Community and Social Cohesion	39, 40, 41, 42, 45, 46, 61, 67, 70, 72, 73, 78, 88, 95, 97.
Cultural adverse effects	40, 97.
Adverse effects from soil contamination	40, 42, 78, 87, 96.
Crime Prevention Through Environmental Design and general crime Issues	56, 67.

Submissions in support and no reasons given

Submissions not giving a reason for support: 16, 20, 24, 47.

Submissions in opposition and no reasons given

Submissions not giving a reason for opposition: 71, 74, 75.

Neutral submissions

39. The points raised in the neutral submissions are summarised into categories as follows:

Reason	Submission number(s)
Adverse economic effects on existing nearby commercial centres including diverting their customers to the new centre leading to businesses in nearby centres closing	2, 6.
Adverse light spill effects	18.
Adverse effects on the transportation network	18, 94.
Insufficient cycle parking provided	94.
Adverse construction effects and seeking a limit on construction hours	18.
Adverse operational noise effects	18.

Appendix B - Relevant Operative District Plan Objectives & Policies

14.2 Objectives and Policies

14.2.1 Objective - Housing supply

- a. An increased supply of housing that will:
 - i. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives [3.3.4\(a\)](#) and [3.3.7](#);
 - ii. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and
 - iii. assist in improving housing affordability.

3.3.4. Objective – Housing bottom lines and choice

- a. For the period 2021-2051, at least sufficient development capacity for housing is enabled for the Ōtautahi Christchurch urban environment in accordance with the following housing bottom lines:
 - i. short-medium term: 18,300 dwellings between 2021 and 2031, and
 - ii. long term: 23,000 dwellings between 2031 and 2051; and
 - iii. 30 year total: 41,300 dwellings between 2021 and 2051; and

3.3.7 Objective – Urban growth, form and design

- a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:
 - i. Is attractive to residents, business and visitors; and
 - ii. Has its areas of special character and amenity value identified and their specifically recognised values appropriately managed; and
 - iii. Provides for urban activities only:
 - A. within the existing urban areas unless they are otherwise expressly provided for in the CRPS; and
 - B. on greenfield land on the periphery of Christchurch's urban area identified in accordance with the Greenfield Priority Areas in the [Canterbury Regional Policy Statement Chapter 6, Map A](#); and
 - iv. Increases the housing development opportunities in the urban area to meet the intensification targets specified in the [Canterbury Regional Policy Statement, Chapter 6, Objective 6.2.2 \(1\)](#); particularly:
 - A. in and around the Central City, Key Activity Centres (as identified in the [Canterbury Regional Policy Statement](#)), larger neighbourhood centres, and nodes of core public transport routes; and
 - B. in those parts of Residential Greenfield Priority Areas identified in [Canterbury Regional Policy Statement Chapter 6, Map A](#); and
 - C. in suitable brownfield areas; and
 - v. Maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community focal points; and
 - vi. Identifies opportunities for, and supports, the redevelopment of brownfield sites for residential, business or mixed use activities; and
 - vii. Promotes the re-use and re-development of buildings and land; and
 - viii. Improves overall accessibility and connectivity for people, transport (including opportunities for walking, cycling and public transport) and services; and
 - ix. Promotes the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure; and

- x. Co-ordinates the nature, timing and sequencing of new development with the funding, implementation and operation of necessary transport and other infrastructure.

14.2.1.1 Policy - Housing distribution and density

- a. Provide for the following distribution of different areas for residential development, in accordance with the residential zones identified and characterised in Table 14.2.1.1a, in a manner that ensures:
 - i. new urban **residential activities** only occur in existing urban areas or in **greenfield** priority areas identified in Map A of the [Canterbury Regional Policy Statement](#);
 - ii. [not relevant]
 - iii. medium density residential development in and near identified **commercial centres** in existing urban areas where there is ready **access** to a wide range of facilities, services, public transport, parks and open spaces, that achieves an average **net density** of at least 30 households per hectare for intensification development;
 - iv. [not relevant]
 - v. [not relevant]
 - vi. [not relevant]
 - vii. [not relevant]

Table 14.2.1.1a

Residential Medium Density Zone	Located close to the Central City and around other larger commercial centres across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, retailing, entertainment, parks and public transport. The zone provides for medium scale and density of predominantly two or three storey buildings, including semi-detached and terraced housing and low-rise apartments, with innovative approaches to comprehensively designed, high quality, medium density residential development also encouraged. Residential intensification is anticipated through well-designed redevelopments of existing sites, and more particularly through comprehensive development of multiple adjacent sites. Zone standards and urban design assessments provide for new residential development that is attractive, and delivers safe, secure, private, useable and well landscaped buildings and settings.
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[other zone descriptions not relevant]

14.2.4 Objective - High quality residential environments

- a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

Note: Policies [14.2.6.1](#), [14.2.6.2](#), [14.2.6.3](#), [14.2.6.6](#), and [14.2.6.8](#) also implement Objective [14.2.4](#).

14.2.4.1 Policy - Neighbourhood character, amenity and safety

- a. Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table [14.2.1.1a](#)), through design:
 - i. reflecting the context, character, and scale of **building** anticipated in the neighbourhood;

- ii. contributing to a high quality **street** scene;
- iii. providing a high level of on-site amenity;
- iv. minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;
- v. providing safe, efficient, and easily **accessible** movement for pedestrians, cyclists, and vehicles; and
- vi. incorporating principles of crime prevention through environmental design.

14.2.4.2 Policy - High quality, medium density residential development

- a. Encourage innovative approaches to comprehensively designed, high quality, medium density residential development, which is attractive to residents, responsive to housing demands, and provides a positive contribution to its environment (while acknowledging the need for increased densities and changes in residential character), through:
 - 1. consultative planning approaches to identifying particular areas for **residential intensification** and to defining high quality, built and urban design outcomes for those areas;
 - 2. encouraging and incentivising amalgamation and redevelopment across large-scale **residential intensification** areas;
 - 3. providing design guidelines to assist developers to achieve high quality, medium density development;
 - 4. considering input from urban design experts into resource consent applications;
 - 5. promoting incorporation of low impact urban design elements, energy and water efficiency, and life-stage inclusive and adaptive design; and
 - 6. recognising that built form standards may not always support the best design and efficient use of a site for medium density development, particularly for larger **sites**.

14.2.4.4 Policy - Character of low and medium density areas

- a. Ensure, consistent with the zone descriptions in Table [14.2.1.1a](#), that:
 - i. low density residential areas are characterised by a low scale open residential environment with predominantly one or two storey detached or semi-detached housing, and significant opportunities for **landscaping** and good **access** to sunlight and privacy are maintained; and
 - ii. medium density areas are characterised by medium scale and density of **buildings** with predominantly two or three storeys, including semi-detached and terraced housing and low rise apartments, and **landscaping** in publicly visible areas, while accepting that **access** to sunlight and privacy may be limited by the anticipated density of development and that innovative approaches to comprehensively designed, high quality, medium density residential development are also encouraged in accordance with Policy [14.2.4.2](#).

14.2.6 Objective - Non-residential activities

- a. **Residential activities** remain the dominant activity in residential zones, whilst also recognising the need to:
 - i. provide for **community facilities** and **home occupations** which by their nature and character typically need to be located in residential zones;
 - ii. provide for **visitor accommodation** in accordance with Objective 14.2.9 and Policies 14.2.9.1 to 14.2.9.4; and
 - iii. restrict other non-residential activities, unless the activity has a strategic or operational need to locate within a residential zone.

Note: this objective and its subsequent policies do not apply to **brownfield sites**.

14.2.6.1 Policy - Residential coherence character and amenity

Proposed new 14.2.9.1

- a. Ensure that non-residential activities do not have significant adverse effects on residential coherence, character, and amenity.

Note: This policy also implements Objective [14.2.4](#)

14.2.6.6 Policy - Retailing in residential zones

- a. Ensure that small scale **retailing**, except for **retailing** permitted as part of a **home occupation**, is limited in type and location to appropriate **corner sites** on higher **order** streets in the road hierarchy.

14.2.7 Objective - Redevelopment of brownfield sites

- a. On suitable **brownfield sites**, provide for new **mixed use** commercial and residential developments that are comprehensively planned so that they are environmentally and socially sustainable over the long term.

14.2.7.1 Policy - Redevelopment of brownfield sites

Proposed new 14.2.10.1

- a. To support and incentivise the comprehensive redevelopment of **brownfield sites** for **mixed use residential activities** and **commercial activities** where:
 - i. natural hazards can be mitigated;
 - ii. adequate infrastructure services and capacity are available;
 - iii. **reverse sensitivity** effects on existing industrial areas are managed;
 - iv. the safety and efficiency of the current and future **transport system** is not significantly adversely affected;
 - v. there is good walking and cycling **access** to public transport routes, commercial and community services, and open space;
 - vi. if necessary, **contaminated land** is remediated in accordance with national and regional standards; and
 - vii. the redevelopment does not impact on the vitality and strategic role of **commercial centres**.
- b. Ensure the redevelopment is planned and designed to achieve:
 - i. high quality urban design and on-site amenity; and
 - ii. development that is integrated and sympathetic with the amenity of the adjacent neighbourhoods and **adjoining sites**.

Chapter 15 Commercial with relevant definitions from Chapter 2

Definition: Adjoining

has its ordinary dictionary meaning but, if the context requires, includes land separated from other land only by a road, railway, drain, water race, river or stream.

The relevant Oxford languages definition of adjoining is:

(of a building, room, or piece of land) next to or joined with.

Definition: City Centre

means the [City Centre Zone](#).

Definition: Commercial centre

means the city centre, town centres, local centres, neighbourhood centres, and large format centres zoned [City Centre](#), [Town Centre](#), [Local Centre](#), [Neighbourhood Centre](#), [Commercial Banks Peninsula](#) and [Large Format Retail zone](#).

Definition: Town Centre

means the Town Centre zones at Belfast/Northwood, Eastgate/Linwood, Hornby, North Halswell, Papanui/Northlands, Riccarton, Shirley/Palms

Definition: Local centre

means:

the Local Centre zones at Addington, Avonhead, Beckenham, Bishopdale, Colombo/Beaumont, Cranford, Edgeware, Fendalton, Ferrymead, Halswell, Hillmorton, Ilam/Clyde, Merivale, New Brighton, Northwest Belfast, Parklands, Prestons, Redcliffs, Richmond, Linwood Village, Barrington, St Martins, Sumner, Sydenham North, Sydenham South, Wairakei/Greens Road, Wigram, Woolston and Yaldhurst; and the Commercial Banks Peninsula Zone at Lyttelton and Akaroa

Definition: Neighbourhood centre

means the areas zoned Neighbourhood Centre

Definition: Large format centre

means those commercial centres at Moorhouse Avenue, Shirley Homebase, Tower Junction, Northlink Papanui, SupaCenta Belfast and Chappie Place Hornby zoned Large Format Retail Zone on the planning maps.

Definition: Commercial activities

means retail activities, offices and commercial services. It excludes industrial activities, high technology industrial activities and heavy industrial activities.

Definition: Key activity centres

means the following key existing and proposed commercial centres identified as focal points for employment, community activities and the transport network, and which are suitable for more intensive mixed-use development

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

The key activity centre in each location is land zoned Town Centre or Local Centre Zone.

15.2.1 Objective – 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.

15.2.2 Objective - Centres-based framework for commercial activities

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

15.2.2.1 . Policy – Role of centres

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

Table 15.1 – Centres Role

	Role	Centre and size (where relevant)
A.	Central Business District Principal employment and business centre for the City and wider region providing for the widest range and greatest scale of activities available in centres, including comparison shopping, dining and night life, <i>entertainment activities</i> , <i>visitor accommodation</i> , events, <i>cultural activities</i> and tourism activities. The <i>City Centre</i> is ideally positioned to accommodate retail and other commercial activities of a type and scale intended to serve its city and region-wide catchment and visitors to it.	Centre: <i>City Centre</i>

	Provides for high density <i>residential activity, recreation activities and community activities and community facilities</i> (including health and social services) as well as civic and cultural venues/facilities (including museums, art galleries). The focus for the district, sub-regional and wider transport services with a central <i>public transport interchange</i>, providing access to large areas of the district and the surrounding districts of Selwyn and Waimakariri. The extent of the centre is the City Centre Zone.	
B.	District Town Centre - Key Activity Centre Major retail destination for comparison and convenience shopping and a focal point for employment (including <i>offices</i>), <i>community activities and community facilities</i> (including libraries, meeting places), entertainment activities, food and beverage and visitor accommodation. High density housing is contemplated in and around the centre. Anchored by large retailers including <i>department store(s) and supermarket(s)</i>. Serves the needs of a wide primary catchment extending over several suburbs. <i>Accessible</i> by a range of modes of transport, including multiple bus routes. <i>Public transport facilities</i>, including an interchange, may be incorporated. The extent of the centre is the Town Centre Zone.	Centres: Riccarton, Hornby, Papanui/Northlands, Shirley/Palms, Eastgate/Linwood, Belfast/Northwood, North Halswell (emerging). Size: Greater than 30,000m²
C.	Local Centre A destination for weekly and daily retailing needs as well as for <i>community facilities</i>. In some cases, <i>Local Centres</i> offer a broader range of activities comprising <i>visitor accommodation, residential activities</i>, along with small-scale comparison shopping, <i>food and beverage outlets, entertainment and recreation activities and offices</i>. A wider range of activities is anticipated in <i>Local Centres</i> that are <i>Key Activity Centres</i> or located in Banks Peninsula, reflecting their distinctive roles and/or remote catchments. Anchored principally by a <i>supermarket(s)</i> and in some cases, has a second or different <i>anchor store</i>. Primarily serves the immediately surrounding suburbs. High density housing is contemplated in and around larger <i>Local Centres</i> and medium density housing is contemplated within (above ground floor level) and around, <i>Local Centres</i>.	Local Centres (large): Bush Inn/Church Corner, Merivale, Sydenham North (Colombo Street between Brougham Street and Moorhouse Avenue) and Ferrymead. Local Centres: Addington, Avonhead, Sumner, Akaroa, Colombo/Beaumont (Colombo Street between Devon Street and Angus Street), Cranford, Edgeware, Fendalton, Beckenham, Halswell, Lyttelton, Ilam/Clyde, Parklands, Redcliffs, Richmond, St Martins, Linwood Village, Sydenham South (Colombo Street between Brougham Street and Southampton Street), Wairakei/Greens Road, Wigram, Woolston, Yaldhurst Hillmorton, North West Belfast, Prestons, Barrington (Key Activity Centre), New Brighton (Key Activity Centre),

	<i>Accessible by a range of modes of transport, including one or more bus services.</i> <i>The extent of the centre is the Local Centre Zone and the Commercial Banks Peninsula Zone at Lyttelton and Akaroa</i>	<i>Bishopdale Wainoni (174 Wainoni Road), Spreydon (108 Lincoln Road), Upper Riccarton (57 Peer Street).</i> <i>Size: 3,000 to 30,000m² GFA.</i>
D.	Large format centre <i>Standalone retail centre, comprising stores with large footprints, including yard-based suppliers, trade suppliers and vehicle oriented activities.</i> <i>Provision of other commercial activities and residential and community uses is limited. This includes limiting offices to an ancillary function, and at Tower Junction, providing for a limited amount of commercial services.</i> <i>At the Homebase Centre, retail activities are limited in type until 4 October 2031. Serves large geographical areas of the city. Not necessarily connected to a residential catchment. Primarily accessed by car with limited public transport services.</i> <i>The extent of the centre is the Large Format Retail Zone</i>	<i>Centres: Moorhouse Avenue, Shirley Homebase, Tower Junction, Northlink (Papanui), Supa Centa (Belfast), and Hornby (Chappie Place).</i>
E.	Neighbourhood Centre <i>A small group of primarily convenience shops and, in some instances, community facilities. Accessible by walking, cycling from the area served and on a bus route in some instances. Also includes standalone supermarkets serving the surrounding residential community. The extent of the centre is the Neighbourhood Centre Zone.</i>	<i>Centres:</i> <i>All commercial centres zoned Commercial Local Neighbourhood Centre Zone. Size: Up to 3,000m² (excluding standalone supermarket based centres)</i>

15.2.2.4 Policy – Accommodating growth

- a. Growth in commercial activity is focussed within existing commercial centres.
- b. Any outward expansion of a commercial centre beyond commercial zone boundaries and/or establishment of large format retail activities within 400 metres of a commercial centre, or any upward expansion of commercial activity above height limits must:
 - i. ensure the expanded centre remains commensurate with the centre's role and within a strategic network of centres, while not having significant adverse effects on the function of other centres;
 - ii. be integrated with the provision of infrastructure, including the transport network;
 - iii. be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone;
 - iv. be:
 - A. responsive to the anticipated increase in population in the surrounding catchment while continuing to support intensification targets in and around centres; and
 - B. consistent with revitalising the City Centre as the primary community focal point; and
 - v. ensure the centre is in a coherent form; and
 - vi. ensure the large format retail activity proposed within 400 metres does not have a significant adverse effect on the function viability of the centre.

15.2.4 Objective - Urban form, scale and design outcomes

- a. A scale, form and design of development that is consistent with the role of a centre and which:
 - i. recognises the **Central City** and **Town Centres** as strategically important focal points for community and commercial investment;
 - ii. contributes to an urban environment that is visually attractive, safe, easy to orientate, conveniently **accessible**, and responds positively to local character and context;
 - iii. recognises the functional and operational requirements of activities and the existing built form;
 - iv. manages adverse effects on the surrounding environment; and
 - v. recognises Ngāi Tahu/ mana whenua values through landscaping and the use of low impact urban design, where appropriate.

15.2.4.1 Policy – Scale and form of development

- a. Provide for development of a significant scale and form in the core of **Town Centres** and **Local 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 centre's function;
 - ii. increase the prominence of buildings on street corners;
 - iii. **Local Centres**, maintain a low rise moderate scale of built form to respect and integrate with their suburban residential context;
 - iv. for **Key Activity Centres** and **Large Format Centres**, enable larger floor plates while maintaining a high level of amenity in the centre; and
 - v. manage adverse effects on the surrounding environment, particularly at the interface with residential areas, **sites of Ngāi Tahu cultural significance** identified in Appendix 9.5.6 and natural waterways.

15.2.4.2 Policy – Design of new development

- a. Require new development to be well-designed and laid out by:
 - i. 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;
 - ii. providing a principal street facing façade, or facades (where located on a corner site), of visual interest that contributes to the character and coherence of a centre;
 - iii. facilitating movement within a **site** and with the surrounding area for people of all mobilities and ages, by a range of modes of transport through well-defined, convenient and safe routes;
 - iv. enabling visitors to a centre to orientate themselves and find their way with strong visual and physical connections with the surrounding area;
 - v. promoting a safe environment for people and reflecting principles of Crime Prevention through Environmental Design (**CPTED**);
 - vi. enabling the re-use of **buildings** and **sites** while recognising the use for which the **building** is designed;
 - vii. incorporating principles of low impact design including energy efficiency, water conservation, the reuse of stormwater, on-site treatment of stormwater and/or integration with the wider catchment based approach to stormwater management, where practicable;
 - viii. achieving a visually attractive setting when viewed from the street and other public spaces, that embodies a **human scale** and **fine grain**, while managing effects on adjoining environments;
 - ix. providing adequate and convenient space for storage while ensuring it is screened to not detract from the **site's** visual **amenity values**;
 - x. increasing the prominence of **buildings** on street corners;
 - xi. ensuring that the design of development mitigates the potential for adverse wind-related effects;
 - xii. ensuring that the upper floors (including roof form and associated mechanical plant) are well-modulated and articulated to provide visual interest to the building when viewed from beyond the **Central City** or from adjacent **buildings** above; and
 - xiii. recognising the importance of significant public open space by maintaining sunlight access, and managing visual dominance effects on, these spaces;
- 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.

- c. *Require residential development to be well-designed and laid out to ensure a high quality healthy living environment including through:*
 - i. *the provision of sufficient and conveniently located internal and outdoor living spaces;*
 - ii. *good accessibility within a development and with adjoining areas; and*
 - iii. *minimising disturbance from noise and activity in a centre (and the potential for reverse sensitivity issues to arise).*
- d. *Enable high quality small buildings on mid-block sites in the City Centre and Central City Mixed Use (South Frame) Zones, because they have minimal adverse effects on people and the environment.*

Appendix C - Matters of Discretion

Clause 10 NES Contaminated soils

Clause 10 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

The matters over which discretion is restricted are as follows:

- (a) the adequacy of the detailed site investigation, including—*
 - (i) site sampling;*
 - (ii) laboratory analysis;*
 - (iii) risk assessment;*
- (b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination;*
- (c) the approach to the remediation or ongoing management of the piece of land, including—*
 - (i) the remediation or management methods to address the risk posed by the contaminants to human health;*
 - (ii) the timing of the remediation;*
 - (iii) the standard of the remediation on completion;*
 - (iv) the mitigation methods to address the risk posed by the contaminants to human health;*
 - (v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants;*
- (d) the adequacy of the site management plan or the site validation report or both, as applicable;*
- (e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity;*
- (f) the requirement for and conditions of a financial bond;*
- (g) the timing and nature of the review of the conditions in the resource consent;*
- (h) the duration of the resource consent.*

Matter of discretion for 5.4.1.2 RD2

5.4.1.5 RD2

- a. The Council's discretion is limited to the following matters:*
 - i. timing, location, scale and nature of earthworks ;*
 - ii. earthworks method; and*
 - iii. mitigation of effects as they impact flooding and surface drainage*

- b. These restricted discretionary activities will be assessed against the following criteria:
- i. Whether any effects arise from **filling** or **excavation** on land stability, flooding, **water bodies**, groundwater and natural **ground levels** on and/or off site, including:
 - A. any likelihood of exacerbation of flooding, erosion, or siltation either upstream or downstream of the **site**;
 - B. any likelihood of affecting the stability of **adjoining** land, including its susceptibility to subsidence or erosion;
 - C. any adverse effects on other properties from disturbances to surface drainage patterns;
 - D. effects on flood storage capacity and function in the immediate area, and any wider effects on the flood storage in the catchment including any compensatory storage proposed; and any effects on existing stormwater and flood protection works;
 - E. any implications for groundwater and the water table, on or off site; and
 - F. any benefits associated with flood management.
 - ii. Whether there are any benefits arising that enable the reasonable use of the **site**.
 - iii. Whether any mitigation measures are proposed, their effectiveness and whether, and to what extent there is a transfer of adverse effects to other properties.

Matter of discretion for 6.1.5.1.3 RD1

6.1.8 Rules - Matters of discretion

- a. When considering applications for restricted discretionary activities, the **Council's** discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the tables in Rules [6.1.5.1.3](#), [6.1.6.1.3](#) and [6.1.7.1.3](#), and as set out for that matter below.
- i. The level, duration and character of the noise, and proximity and nature of nearby activities, and the adverse effects that may arise from these factors on activities anticipated in the receiving environment and associated amenity.
 - ii. Whether the noise generated would be of such a level as to create a threat to the health or well-being of persons living or working in the vicinity.
 - iii. The proposals made by the applicant to reduce noise generation, including:
 - A. reduction of noise at source;
 - B. alternative techniques or machinery which may be available;
 - C. insulation or enclosure of machinery;
 - D. mounding or screen fencing/walls;
 - E. hours of operation;
 - F. [Not relevant]
 - G. [Not relevant]
 - H. [Not relevant]
 - iv. Outside the **Central City**, the adequacy of measures to address the adverse effects of noise on the natural character of the coastal environment.
 - v. The value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites.
 - vi. The extent to which achieving the standard is appropriate where the existing noise environment is subject to significant noise intrusion from **road** traffic, or Transport Zone activities in the **Central City**.
 - vii. Any relevant standards, codes of practice or assessment methods based on sound acoustic principles, including those which address the reasonableness of the noise in terms of community health and amenity and/or sleep protection.
 - viii. [Not relevant].
 - ix. [Not relevant]
 - x. Additional criteria where sound insulation is required by the rules:
 - A. The extent to which a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise impacts through other means, e.g. screening by other structures, or distance from noise sources.
 - B. The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials.

- C. *The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site.*
- D. [Not relevant].
- E. [Not relevant].
- F. [Not relevant].
- xi. [Not relevant]
- xii. [Not relevant]

Matter of discretion for 6.8.4.1.3 RD1 (6.8.4.1.1 P1)

6.8.5.1 All signs and ancillary support structures

- a. *Whether the scale, design, colour, location and nature of the signage will have impacts on the architectural integrity, amenity values, character, visual coherence, and heritage values of:*
 - i. *the building and the veranda on which the signage is displayed and its ability to accommodate the signage;*
 - ii. *the surrounding area (including anticipated changes in the area);*
 - iii. *residential activities; and*
 - iv. *heritage items or heritage settings, open spaces, protected trees or areas possessing significant natural values.*
- b. *Whether the extent of the impacts of the signage are increased or lessened due to:*
 - i. *the design, dimensions, nature and colour of the sign or support structure;*
 - ii. *the level of visibility of the sign;*
 - iii. *vegetation or other mitigating features; and/or*
 - iv. *the length of time that temporary election or referendum signage is proposed to be displayed.*
- c. *Whether the signage combines with existing signage on the building, the site or in the vicinity, to create visual clutter or set a precedent for further similar signage.*
- d. *Whether there are any special circumstances or functional needs relating to the activity, building, site or surroundings, which affect signage requirements, including:*
 - i. *operational, safety, directional, and functional requirements;*
 - ii. *its size, scale or nature; and*
 - iii. *the length of the road frontage.*
- e. *Whether the signage:*
 - i. *enlivens a space or screens unsightly activities;*
 - ii. *will result in an orderly and co-ordinated display; and*
 - iii. *relates to the business or activity on the site and the necessity for the business or activity to identify and promote itself.*
- f. *For small-scale, grouped poster signage, the nature and extent of any management and maintenance regime in place including keeping the posters current, and the posters and sites on which they are installed clean and free of graffiti.*
- g. *The potential of the signage to cause distraction or confusion to motorists and/or adversely affect traffic safety due to its location, visibility, and/or content, including size of lettering, symbols or other graphics.*
- h. [Not relevant]
- i. [Not relevant]

Matter of discretion for 7.4.2.3 RD1 (7.4.3.7(a))

7.4.4.9 Vehicle access design

- a. *The following are matters of discretion for Rule 7.4.3.7 a.:*
 - i. *Whether the driveway serves more than one site and the extent to which other users of the driveway may be adversely affected.*
 - ii. *Whether there are any adverse effects on the safety and amenity values of neighbouring properties and/or the function of the transport network.*
 - iii. *The effects on the safety and security of people using the facility.*

- iv. Whether the **access** disrupts, or results in conflicts with, active frontages, convenient and safe pedestrian circulation and cycling flows or will inhibit **access** for emergency service vehicles where on-site **access** is required.
- v. Whether the safety of pedestrians, particularly the aged and people whose mobility is restricted, will be compromised by the length of time needed to cross a wider driveway.
- vi. Whether the legal width of **access** is restricted by the **boundaries** of an existing **site** and/or an existing **building**.
- vii. Where the **access** exceeds the maximum gradient standards, in addition to i. to vi. **above**:
 - A. whether the gradient will make the use of the **access** impracticable, including inhibiting **access** for emergency service vehicles where on-site **access** is required.
 - B. whether the drainage facilities are adequately designed and will not cause adverse effects on neighbouring **sites**.
- viii. [Not relevant]

Matter of discretion for 7.4.2.3 RD1 (7.4.3.7(b))

7.4.4.10 Queuing spaces

- a. The following are matters of discretion for **Rule 7.4.3.7 b.**:
 - i. Whether there would be any adverse effects on the safety, **amenity values** and/or efficient operation and functioning of the **frontage road** or a rail **level crossing**.
 - ii. The effect of queuing vehicles on the safety of pedestrians and cyclists.

Matter of Discretion for 7.4.2.3 RD1 (7.4.3.10)

7.4.4.18 High trip generators

- a. The following are matters of control for Rule **7.4.2.2 C1** or matters of discretion for Rule **7.4.2.3 RD1**. ...
 - i. Access and manoeuvring (safety and efficiency): Whether the provision of access and on-site manoeuvring area associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the transport network (including considering the road classification of the **frontage road**).
 - ii. Design and Layout: Whether the design and layout of the proposed activity maximises opportunities, to the extent practicable, for travel other than by private car, including providing safe and convenient **access** for travel by such modes. [balance of matter not relevant]
 - iii. Heavy vehicles: For activities that will generate more than 250 **heavy vehicle trips** per day, whether there are any effects from these trips on the roading infrastructure.
 - iv. Accessibility of the location: Whether the proposed activity has demonstrated the **accessibility** of the **site** by a range of transport modes and whether the activity's location will minimise or reduce travel to and from the activity by private vehicles and encourage public and **active transport** use.
 - v. Network effects: Having particular regard to the level of additional traffic generated by the activity and whether the activity is permitted by the zone in which it is located, whether measures are proposed to adequately mitigate the actual or potential effects on the transport network arising from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure, and construction work associated with the activity.
 - vi. Strategic framework: Whether the proposal is consistent with the local and regional transport policy framework.

Matter of discretion for 8.9.2.3 RD1

8.9.4 Matters of discretion

8.9.4.1 Nuisance

- a. The extent to which any potential dust nuisance, sedimentation and water or wind erosion effects can be avoided or mitigated.

- b. The extent to which effects on neighbouring properties, and on the **road** network, of **heavy vehicle** and other vehicular traffic generated as a result of **earthworks** can be avoided or mitigated.
- c. The extent to which any potential changes to the patterns of surface drainage or subsoil drains can be avoided or mitigated if those changes would put the **site** or **adjoining** land at higher risk of drainage problems, inundation run-off, flooding, or raise that **site's** or **adjoining** land's water table.
- d. Whether any change in **ground level** would be likely to impact on trees in terms of access to water and drainage.
- e. The extent of any potential adverse effects on the quality of groundwater and whether any such can be avoided or mitigated.
- f. The extent to which any adverse effects from noise and vibration associated with **earthworks** and land improvement can be avoided or mitigated, and the effectiveness of any methods to mitigate such effects.
- g. [Not relevant]

8.9.4.2 Resources and assets

- a. Whether versatile soils would be lost to production, or have their physical and biochemical qualities compromised.
- b. In relation to **National grid transmission lines** and **electricity distribution lines**
 - i. the risk to the structural integrity of the **National grid** or **electricity distribution lines**;
 - ii. compliance with **NZEC 34:2001**;
 - iii. any implications arising from technical advice provided by the **utility** operator;
 - iv. the effects on the ability of the **utility** operator to operate and upgrade and develop the **National grid** and/or **electricity distribution lines**, including on-going safe and direct access; and
 - v. the effects on the ability of the **utility** operator to operate, upgrade and develop its **utility**, including on-going safe and direct **access**.

8.9.4.3 Land stability

- a. Whether the **earthworks** affect the stability of **adjoining** land and its susceptibility to subsidence or erosion upon **excavation** taking place.
- b. The extent of any alteration to natural **ground levels** in the vicinity and, consequently, to the **height** and bulk of **buildings** that may be erected on the **site**.
- c. Whether the **earthworks** affect the future development potential of land for permitted activities, taking account of the nature of **filling** material proposed and the degree of compaction.

8.9.4.6 Amenity

- a. The level of alteration to existing **ground levels** and the degree to which the resultant levels are consistent with the surrounding environment.
- b. The resultant effects that result from the **earthworks** in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy.

Matters of discretion for 14.5.1.3 RD 1

14.15 Rules - Matters of control and discretion

14.15.1 Residential design principles

- a. New developments shall be assessed against the seven residential design principles c.-i. set out below. Each residential design principle is accompanied by relevant considerations which are a guide to applicants and consent officers when considering an application against the residential design principles themselves.
- b. The relevance of the considerations under each residential design principle will vary from **site** to **site** and, in some circumstances, some of the considerations may not be relevant at all. For example, c.ii. is likely to be highly relevant to a development adjacent to **heritage items**; whereas c.ii. might be less relevant to a development in an area void of heritage items.
- c. **City context and character:**

- i. Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features.
 - ii. The relevant considerations are the extent to which the development:
 - A. includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as **building** dimensions, forms, **setbacks** and alignments, and secondarily materials, design features and tree plantings; and
 - B. retains or adapts features of the **site** that contribute significantly to local neighbourhood character, potentially including existing **heritage items**, **Sites of Ngāi Tahu Cultural Significance** identified in [Appendix 9.5.6](#), **site** contours and mature trees.
- d. Relationship to the street and public open spaces**
- i. Whether the development engages with and contributes to adjacent streets, and any other adjacent **public open spaces** to contribute to them being lively, safe and attractive.
 - ii. The relevant considerations are the extent to which the development:
 - A. orientates **building** frontages including entrances and **windows** to habitable rooms toward the street and adjacent **public open spaces**;
 - B. designs **buildings** on **corner sites** to emphasise the corner; and
 - C. avoids street facades that are blank or dominated by garages.
- e. Built form and appearance**
- i. Whether the development is designed to minimise the visual bulk of the **buildings** and provide visual interest.
 - ii. The relevant considerations are the extent to which the development:
 - A. subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines;
 - B. utilises variety of **building** form and/or variation in the alignment and placement of **buildings** to avoid monotony;
 - C. avoids blank elevations and facades dominated by **garage** doors; and
 - D. achieves visual interest and a sense of human scale through the use of architectural detailing, glazing and variation of materials.
- f. Residential amenity**
- i. In relation to the built form and residential amenity of the development on the **site** (i.e. the overall site prior to the development), whether the development provides a high level of internal and external residential amenity for occupants and neighbours.
 - ii. The relevant considerations are the extent to which the development:
 - A. provides for outlook, sunlight and privacy through the **site** layout, and orientation and internal layout of **residential units**;
 - B. directly connects private outdoor spaces to the **living spaces** within the **residential units**;
 - C. ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units; and
 - D. includes tree and garden planting particularly relating to the street frontage, **boundaries**, **access ways**, and **parking areas**.
- g. Access, parking and servicing**
- i. Whether the development provides for good access and integration of space for parking and servicing.
 - ii. The relevant considerations are the extent to which the development:
 - A. integrates access in a way that is safe for all users, and offers convenient access for pedestrians to the street, any nearby parks or other public recreation spaces;
 - B. provides for **parking areas** and **garages**, where provided, in a way that does not dominate the development, particularly when viewed from the street or other **public open spaces**; and

- C. provides for suitable storage and service spaces which are conveniently accessible, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces.

h. Safety

- i. Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.
- ii. The relevant considerations are the extent to which the development:
 - A. provides for views over, and passive surveillance of, adjacent public and publicly accessible private open spaces;
 - B. clearly demarcates boundaries of public and private space;
 - C. makes pedestrian entrances and routes readily recognisable; and
 - D. provides for good visibility with clear sightlines and effective lighting.

Matter of discretion for 14.5.1.3 RD8

14.15.5 Scale and nature of activity

- a. Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:
 - i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;
 - ii. the ability for the locality to remain a predominantly residential one; and
 - iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.
- b. The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:
 - i. the character of the surrounding living environment; and
 - ii. noise, disturbance and loss of privacy of nearby residents.
- c. For home occupations :
 - i. whether the non-compliance is an integral and necessary part of the home occupation ;
 - ii. the extent to which the scale and/or nature of the activity, including signage , has an adverse effect on the anticipated level of amenity and character of the site and the surrounding area; and
 - iii. whether the nature of the activity conflicts with residential activities and the wellbeing of the surrounding residents; and
 - iv. whether retail activity remains small in scale, does not create adverse effects through additional pedestrian and traffic movements, noise, disturbance and loss of privacy, and does not undermine the centres-based framework for commercial activities .
- d. For residential units with more than six bedrooms, whether there should be a limit on the number of bedrooms over six bedrooms based on the impact on the surrounding neighbourhood and residential character.
- e. The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.
- f. The opportunity the activity provides to support an existing nearby commercial centre .
- g. The opportunity the activity provides to support and compliment any existing health-related activities and/or community activities in the surrounding area.
- h. [Not relevant]
- i. [Not relevant]

Matter of discretion for 14.5.1.3 RD15 and RD17

14.15.3 Impacts on neighbouring property

- a. Whether the increased height, reduced setbacks, or recession plane intrusion would result in buildings that do not compromise the amenity of adjacent properties taking into account:

- i. overshadowing of *adjoining sites* resulting in reduced sunlight and daylight admission to internal *living spaces* and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;
- ii. any loss of privacy through being overlooked from neighbouring *buildings*;
- iii. whether development on the *adjoining site*, such as large *building setbacks*, location of *outdoor living spaces*, or separation by land used for *vehicle access*, reduces the need for protection of *adjoining sites* from overshadowing;
- iv. the ability to mitigate any adverse effects of increased *height* or recession plane breaches through increased separation distances between the *building* and *adjoining sites*, the provision of screening or any other methods; and
- v. within a *Flood Management Area*, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.

Matter of discretion for 14.5.1.2 C2

14.15.17 Street scene – road boundary building setback, fencing and planting

- a. The extent to which the proposed *building* will detract from the coherence, openness and attractiveness of the *site* as viewed from the street.
- b. The ability to provide adequate opportunity for garden and tree planting in the vicinity of *road boundaries*.
- c. The ability to provide passive surveillance of the street.
- d. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the *site*, or the long term protection of *Sites of Ngāi Tahu Cultural Significance* identified in *Schedule 9.5.6.1*, significant trees listed in *Appendix 9.4.7.1*, or natural features on the *site*.
- e. [Not relevant]
- f. The ability to provide adequate *parking areas* and *manoeuvring areas* for vehicles clear of the road or shared *access* to ensure traffic and pedestrian safety.
- g. The effectiveness of other factors in the surrounding environment in reducing the adverse effects.
- h. [Not relevant]

Matter of discretion for 14.5.1.3 RD17 (14.5.2.7)

14.15.18 Minimum building, window and balcony setbacks

- a. Any effect of proximity of the *building* on the amenity of neighbouring properties through loss of privacy, outlook, overshadowing or visual dominance of the *buildings*.
- b. Any adverse effects on the safe and effective operation of *site access*.
- c. The ability to provide adequate opportunities for garden and tree plantings around *buildings*.
- d. The extent to which the intrusion is necessary to enable more efficient cost effective and/or practical use of the remainder of the *site*, or the long term protection of significant trees or natural features on the *site*.
- e. [Not relevant]

Matter of discretion for 14.5.3.1.3 RD4

14.15.15 Development plans

- a. Whether the development need be in accordance with the development plan taking into account:
 - i. coordination of development, particularly roading access and cycle linkages, with adjoining land;
 - ii. the adequacy and location, of open space areas within the development;
 - iii. any adverse effects on the visual appearance of development in the zone as seen from outside the zone, particularly where the land is highly visible;
 - iv. adverse effects on the strength of definition of the rural urban boundary;
 - v. any potential adverse effects on the surrounding road network;
 - vi. any adverse effects on Christchurch International Airport and its approach path, including any reverse sensitivity complaints;
 - vii. any adverse effects on the visual amenity of residents in adjoining areas;
 - viii. any adverse effects in terms of the enhancement of waterways within the development;
 - ix. effective, efficient and economically viable provision of services; and

- x. any adverse effects on Sites of Ngāi Tahu Cultural Significance identified in [Appendix 9.5.6](#).

Matter of discretion for 15.6.1.3 RD2

15.14.2.1 Maximum tenancy size

- a. The extent to which the scale of the activity:
 - i. affects recovery of the **City Centre** and its function as the principal Centre;
 - ii. supports the intended role of the Centre having regard to the Centres Hierarchy (Refer to 15.2.2.1 Policy – Role of centres);

Matter of discretion for 15.6.1.3 RD1 (15.6.2.2)

15.14.3.2 Minimum building setback from road boundaries/ street scene

- a. The extent to which the **setback** of the **building** from the street and the design of the **building** facades:
 - i. Provides for continuity of facades along the street frontage;
 - ii. Provides visual interest appropriate to the context and character of the **site** and surrounds; i
 - iii. Incorporates architectural variation into the **façade** and **building** form to provide interest and to break up the bulk of a **building**;
 - iv. Provides for main entrances, openings and display **windows** onto the street, and maintains clear and visible visual and physical connections between the interior of a **building** and public spaces;
 - v. Provides for functional and quality space for **public amenity** and **accessibility**, such as for outdoor dining, and contributes to the functional width of a public footpath, without compromising the overall character of the street **frontage** and its continuity;
- b. The extent to which a **setback** of the **building** from the street results in the visual dominance of vehicles through the use of space for car parking, vehicle manoeuvring or **loading**.
- c. The extent to which functional requirements and/or the existing form, scale and design of **buildings** on the site necessitates a non-compliance.
- d. [Not relevant]

Matter of discretion for 15.6.1.3 RD1 (15.6.2.3)

15.14.3.3 Minimum separation from the internal boundary with a residential or open space zone

- a. The extent to which **building** intrusion into the **setback**:
 - i. Allows for better utilisation and outcomes for the **site**, for example, the protection of significant trees or significant environmental features on the **site**;
 - ii. Impacts on the **outdoor living spaces** and main living areas of residential **buildings**, and/or activities undertaken within the space affected (including bulk and dominance);
 - iii. Impacts on the privacy or solar access for an **adjoining site**;
 - iv. Is mitigated by the extent and quality of any **landscaping** proposed.
 - v. The relative size of the building which encroaches into the setback area required.
- b. [Not relevant]

Matter of discretion for 15.6.1.3 RD1 (15.6.2.6)

15.14.3.6 Landscaping and trees

- a. The extent to which the proposed **landscaping** and tree planting:
 - i. achieves a high level of on-site amenity while minimising the visual effects of activities and **buildings** on the surroundings;
 - ii. supports the growth of vegetation and its protection through the provision of space, or other methods e.g. barriers;

- iii. *continues to recognise Ngāi Tahu/mana whenua values through the use of indigenous species in riparian areas, where appropriate, that supports the establishment of ecological corridors;*
- b. *The extent to which the non-compliance is mitigated through the design, scale and type of landscaping proposed including the species used;*
- c. *The appropriateness and design of landscaping having regard to the potential adverse effects on safety for pedestrians and vehicles.*

Matter of discretion for 15.6.3.1.3 RD1

15.14.4.5.1 Development plan

- a. *The extent to which comprehensive, mixed-use development would continue to be achieved;*
- b. *The nature and degree of any adverse effects caused by proposals not in accordance with the development plan;*
- c. *The relationship and integration of proposals with any other existing development within the block;*
- d. *Whether the scale and nature of development is consistent with that anticipated for a Neighbourhood centre;*
- e. *The degree to which vehicle, cycle and pedestrian access has provided for internal pedestrian and cycle circulation, including the connections with that part of the block zoned;*
- f. *The extent to which comprehensive design enables greater use of open space within the development than would be the case with piecemeal development; and*
- g. *The extent to which stormwater treatment areas are integrated with open space.*

Matter of discretion for 15.6.3.1.3 RD1

15.14.4.5.2 Maximum retail activity threshold

- a. *The effects of any larger floor space for non-residential activity on the Central City, Town Centres and Local centres.*
- b. *Any effects in terms of traffic generation and access.*
- c. *The maintenance of permeability within the block for internal pedestrian and cycle circulation including the connections with that part of the block within the residential zone.*
- d. *Form, amenity and function of the Neighbourhood Centre Zoned area as a Neighbourhood centre would be maintained.*
- e. *Any potential for the role of other Commercial centres to be eroded by development or urban form effects, and any wider transport network effects from any associated transport generation.*

Appendix D - Economics - Tim Heath Property Economics Ltd

Refer to PDF.

Appendix E - Landscape Advice (Jeremy Head – Landscape Architect)

CHRISTCHURCH CITY COUNCIL

Woolworths NZ Ltd (RMA/2024 3209)

Woolworths supermarket-based local centre, Madras Street, St Albans

LANDSCAPE MEMORANDUM

To: Scott Blair, Senior Planner, Resource Consents Unit, Christchurch City Council

Copy: David Hattam, Senior Urban Designer, Urban Design, Christchurch City Council

From: Jeremy Head, Registered NZILA Landscape Architect

Jeremy Head Landscape Architect 2022 Ltd.

Date: 24 June 2025

Scope

I have been asked by Christchurch City Council (CCC) to review the landscape-related aspects of the proposed Woolworths supermarket at Madras Street, St Albans at the former 'Orion site'. I have read the following:

- Applicant's response to CCC's s92 further information request (21 February 2024)
- Updated Landscape Design Report⁷ prepared by Boffa Miskell (8 October 2024)
- AEE prepared by Planz Consultants (November 2024)
- CPTED report prepared by Boffa Miskell (21 February 2025)
- CCC Urban Design panel's recommendations (8 April 2025)
- CCC Draft Urban Design Report by David Hattam (22 May 2025)
- CCC Final Urban Design Report by David Hattam (18 June 2025)

I understand that CCC expressed their concerns to the Applicant through initial feedback on the proposal in their s92 reporting, and most recently through Mr Hattam's Urban Design Report, with particular emphasis regarding the proposed layout of the site. I attended a meeting at the CCC offices with Mr Blair, Mr Hattam and Mr McGonigal on 12 June 2025 to consider and test alternative options for how the proposal could be potentially better configured on the site. These alternative concepts are now included in Mr Hattam's Urban Design Report.

Key Issues and Approach

I understand the following comprise the key issues which also have some bearing on landscape effects:

- The building is 'massed' in one corner of the site, set back some distance from Madras Street.

⁷ This does not include all the changes proposed in the Boffa Miskell response to the RFI, however for the purposes of this report I assume that the changes form part of the current proposal.

- Due to the above, the building will be very close to two internal boundaries where it presents two monotonous facades coupled with an expansive area of carpark / hardstand which will dominate the site.
- The proposed plaza / pocket park is not located where it would be easily seen from public places and used by the general public, other than those shopping within the site.
- I understand that the proposed temporary stormwater storage in the multiple tanks to the rear of the building will be largely reliant on mechanical pumping stormwater.
- Freestanding signage exceeds what is permitted for the proposed type of activity.

In my opinion, the alternatives included in Mr Hattam's report in my view would promote a better outcome (so long as an appropriate landscape package was integral to any concept) for the site in landscape terms, as well as for good urban design reasons.

Including some built form along the Madras Street road boundary would lessen the unfortunate effect of the 'missing tooth' effect currently introduced by the broad carpark area across the full site frontage and extending back a considerable distance. This is the key landscape-related issue that can't be easily remedied through landscape works – at least not in the short to medium term.

I note that the Woolworths Ferrymead building is relatively close to Ferry Road, compared with the proposal's proximity to Madras Street⁸, where the Woolworths Ferrymead building is seen associated with two separate groups of shops. This helps reduce the effect of the large carparking area dominating the Ferry Road streetscape (Figure 1).



Figure 1 Woolworths Ferrymead (building at right) seen associated with two separate groups of shops (green rooves). While the expansive carpark is partly concealed by buildings, the supermarket does not have good street appeal (rotated perpendicular to Ferry Road) and the various buildings are still 'islands' to a degree, surrounded by hardstand and bisected by internal traffic lanes. Pedestrian connectivity from Ferry Road is also very poor. Note lack of any public park space.

With regards to the above, I support an alternative arrangement of buildings and carpark area within the site such as what is illustrated in Mr Hattam's urban design report which would reduce the effect of carpark / hardstand and vehicles parked and moving about dominating the locality.

I also support at least some provision of public open/pocket park space better associated with the Madras Street site frontage. This would likely best suit a situation where it is associated with an adjacent building/s, preferably a building (such as a café) where the outdoor space would be a natural extension of / support internal activity. In this

⁸ I acknowledge that the existing stormwater pipe running north-south through the centre of the site means the primary building cannot be easily moved closer to Madras Street.

way the pocket park could provide both outdoor 'living' and a natural 'gateway' into the site – similar to the small pocket park that once existed opposite the CCC Tuam Street offices pre-quakes. That small (and very simply designed) pocket park provided a pleasant shaded outdoor space for the adjacent café building, a passive seating area, screened the CCC carpark from Tuam Street and acted as a pleasant transition between Tuam Street and the CCC carpark. It was seen and perceived as very much part and parcel of the Tuam Street road corridor, and would draw people in off the footpath.

I support the concept that there could be two 'pocket parks' within the site – one near Madras Street and one near the primary building, interconnected via a high amenity landscape 'corridor' of some sort which would prioritise pedestrians in this part of the carpark area. This corridor could possibly include stormwater attenuation through high amenity rain gardens.

The Current Proposal

In the event that the proposal is not substantively reconfigured from what is currently presented, I have been asked to carefully appraise the proposed landscape works for the site set out in the Boffa Miskell 'Landscape Design Report' including the RFI response which updated that report.

My focus is therefore on the landscape-related aspects of the proposal, the appropriateness of plant species type, whether the landscape package adequately compensates for the level of built development / arrangement of built forms and hardstand, and its effectiveness in mitigating any adverse effects.

This report does not provide specific comment on the alternatives discussed to date and presented in Mr Hattam's Urban Design Report or how well the proposal 'fits' with the urban framework in this part of the city including public connections. In addition, I will not provide specific comment on how well (or not) the proposal fits with the ODP - as that has also been traversed by others.

I understand that the proposal is a discretionary activity due to the scale of non-residential activity in the Residential Medium Density Zone which covers half of the site (more or less). The aspects most related to landscape effects and covered in this memorandum include the effects of the over-sized building - more so in the residential zoned part of the site, its deep setback from Madras Street with consequential broad expanse of carpark / hardstand area, internal landscape works, the acoustic fence, tanks located within the building setback and a recession plane breach.

My memorandum will be largely framed around how well the proposal as it is currently presented compares with the relevant objectives and policies and matters of discretion in the Christchurch District Plan in terms of the expected levels of landscape character and amenity for the zone, including within its residential context. The following memorandum also discusses ways in which the current proposal in terms of its landscape treatment may be improved.

As part of my assessment methodology, I visited and walked around the site via Madras, Canon, Packe and Purchas Streets. I noted that the contextual setting includes predominantly low rise residential housing which is currently undergoing a 'refresh' where the existing older housing stock is now being replaced in many instances with modern medium density 2 or 3 storey 'town house' development.

Proposed plant species

All the proposed plant species and their generic locations by area are listed in the Boffa Miskell Landscape Design Report on pages 17 – 19 with updates included in the RFI response. All plant species proposed will thrive at the site, subject to best practice planting site preparation, plant quality and ongoing maintenance. Of note the majority of the proposed tree and shrub species and several of the 'low shrubs / groundcovers / ferns' plant species are locally indigenous to this wetter part of Christchurch which is commended. There are also several native hybrid and exotic species proposed which will 'do' well at the site also. I note that Hinau and Red beech have been replaced with other

smaller native and exotic tree species in response to the RFI. In my opinion, Hinau and Red beech would do well at the site and I commend the Landscape Architect's intent to include some long-term 'noble' native trees. However, they would do best in suitably large planting sites well away from buildings, building footings and hardstand areas. They are also ultimately very large trees which may be problematic over time in terms of shading adjacent public and residential areas.

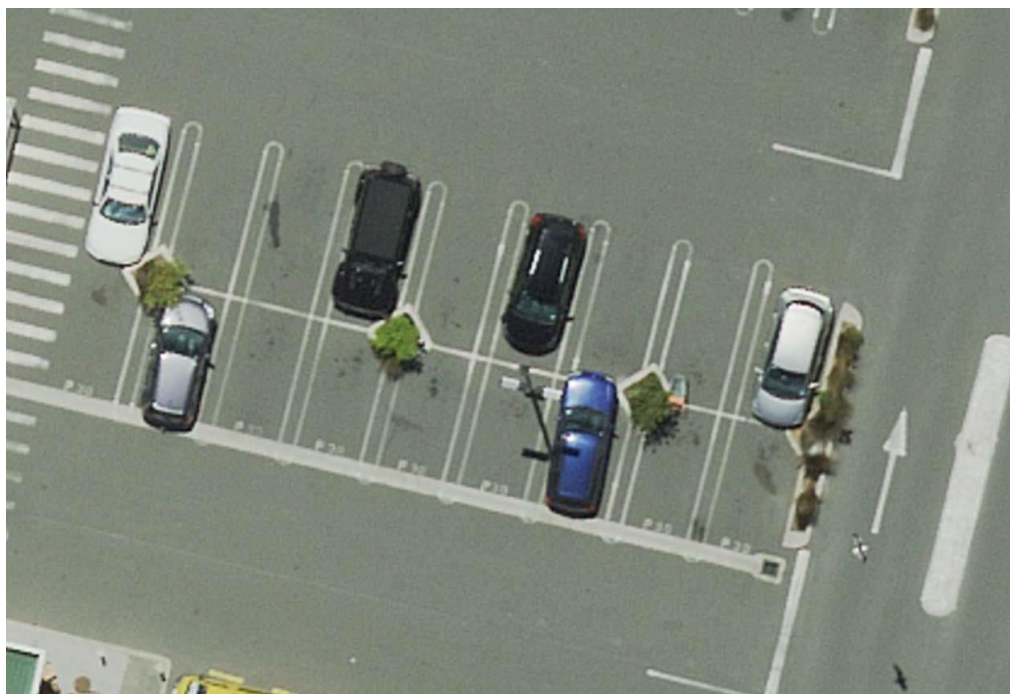
Other than the proposed trees which are located on the plans, no proposed plant spacings are provided. It is assumed that the intent is for the planted areas to quickly 'mass up' in low shrubs and ground covers to provide rapid amenity, minimise weed invasion and reduce ongoing maintenance. However, plant spacings would be helpful to be provided to provide certainty that the areas will contribute maximum levels of amenity in as short a timeframe as possible. It is noted that mature plant sizes are included in the plant palette species lists which is helpful.

Planting arrangement

Carpark area

The internal planting strips in the carpark are noted in the Boffa Miskell RFI response as 'nominally 1 m wide'. I agree that trees can survive and thrive in a 1 m wide planting strip, but that is subject to adequate site preparation beneath the paving surface to enable natural and adequate root expansion. A suitable methodology has been discussed in the RFI response at page 3. I suggest that the provision of an annotated cross section would be useful, demonstrating how the planting sites within the 1 m wide strips will be prepared, and that this would form a condition of consent, should consent be granted.

The **internal carpark area** includes 18 trees comprising Lancewoods and Narrow-leaved lacebarks. In my opinion these small native trees (especially lancewoods) will be substantially out of scale with the extent of hardstand, parked and moving vehicles. The levels of amenity these trees will provide both within the site and to neighbours' views from the south in particular will be minimal. I recommend that these two tree species in the internal carpark area be replaced with much larger tree species that have broader canopies and in greater numbers. It is acknowledged that larger trees will require specific site preparation below paving level. I note that in other supermarkets appropriate tree numbers can be achieved with approximately 7.5 m tree spacings within paved areas (**Figures 2 and 3**).



Figures 2 and 3 Woolworths Ferrymead (top) and New World supermarket St Martins (below). Note (small) trees in relatively small planting 'squares', protected by raised kerbing / wheelstops. While the tree numbers are appropriate, these tree species are too small and are out of scale with their large, expansive carpark setting. A better solution would be to use larger tree species located in more generous sized planting beds. Note that overhead lighting is still provided for.

The **south boundary** includes a 1.1 m wide planting strip including Narrow-leaved lacebark and South Island kowhai at approximately 10 m centres plus a 2 m high native hedge. Two storey residential dwellings are located south of the site here (**Figure 4**). The tree species type is attractive and will be appropriate. However, the 10 m spacings are considered generous for what are relatively small native trees. Both trees have a mature canopy diameter of 3 m according to Southern Woods which in my experience is realistic. At 10 m spacings there will not be a sufficient level of buffering to the proposed building and activity for these residents. I suggest that the tree spacings be closed up to perhaps 7.5 m spacings, which will still maintain a sufficient degree of sun access and open space for the

occupants of these dwellings which orientate to the north. The additional and continuous clipped 2 m high hedge will contribute to the screening of the proposed activity, particularly tall vehicles that may park close by.



Figure 4 Residential development adjacent to the southwest corner of the site near Madras Street. Photograph by J. Head 26 May 2025.

I understand that the Applicant has affected party sign-off from the landowner to the north of the site and so no comment is provided here with regards to any potentially adverse landscape effects on that neighbour. Putting that to one side, the proposed plant species and planting arrangement along the north side of the site / carpark will be appropriate and contribute positively to the site's internal amenity.

Madras Street site frontage

How the Madras Street site frontage is treated will be pivotal in reducing the adverse landscape effects of the proposed carpark area which is expansive. The adverse effect includes large numbers of vehicles parked and moving about within the carpark area which contribute visual clutter. While the expansive nature of the carpark will always be present to a degree as CPTED requires an adequate level of openness, it appears possible to strengthen the site's one road boundary. This is critical in order to reduce the effect of the large area of hardstand and parked vehicles visually 'bleeding out' into the similarly open streetscape. This would form a weak edge through reducing the contrast between the proposal and the open road corridor. Retaining the *Cordyline australis* / Ti kōuka / Cabbage tree is commended, however.

The proposed plant species type along the road boundary will all survive and thrive well. In the right numbers and combinations, the low-shrubs (Bronze bush flax and Dwarf mountain flax) will provide some screening to parked vehicles while providing clear views in and out of the site for CPTED reasons which is supported. However, the remainder of the proposed planting (other than the trees) is quite low in height at between 0.2 m to 0.6 m which is relatively low, and if these species are used predominantly, they will provide very limited screening and form a weak edge to the site. It would improve things if (a) the Bronze bush flax and Dwarf mountain flax formed a continuous line, or (b) some of the low growing species were substituted with plants that would reach 1 m in height, providing the same overall effect as (a). Another option would be to include a low clipped hedge which would contribute a strong line. The visualisation on page 12 of the Landscape Design report indicates planting which appears around 1 m in height which is supported. However, as mentioned, many plants specified for this area in the Planting Plan and Strategy and Planting Palette Species List on pages 17 and 18 respectively in the Landscape Design Report are much lower than 1 m in height. Further, it would improve things and strengthen this site boundary if the proposed tree species were increased in number to enable closer, approximately 5 m spacings. In this way and over time the tree canopies would 'knit together' providing a strong, raised foliage canopy along the roadside edge enabling

views underneath. It is noted that *Liquidambar* spp are proposed which will be ultimately larger than the native trees, providing good visual 'anchor points' at key locations. These trees are deciduous, and while providing attractive leaf colour, particularly during autumn and high levels of amenity, they will be bare over the winter months, and as such, increased native trees would be of benefit as suggested above.

Madras Street pedestrian entrance

The proposed canopies, entrance walls / seats and contrasting paved surface, while relatively small-scale compared with the vastness of the carpark area will contribute positively to amenity and help draw pedestrians safely into the site which is supported. It would further assist and provide better continuity / amenity value between the street entry and the supermarket if this area was 'scaled up' and additional trees were located 'along the way' between the planted islands (see **Figures 3 and 4** above). This would require surrendering some carpark spaces.

South and east (gated) building setbacks

These gated / secure setback areas are discussed together as their proposed landscape treatments are similar. The cross sections provided in the RFI response are helpful. Both boundaries include a series of large water tanks with 13 trees at 10 m spacings located in gaps between groupings of two or three tanks. A 2.5 m high native hedge (discontinuous along the eastern boundary) is proposed inside the boundary fence. Both fenced boundaries have a 1.8 m high 'lapped and capped' timber paling fence, which is proposed be left unchanged, and where new fencing is required, will match this typology. Of note, fence rails are on part of the residential zoned side of the fence along the site's southern boundary, which would be potentially climbable.

The proposed tree species include Manatu / Ribbonwood which is semi deciduous and will reach 12 m in height / 4 m in diameter when mature (and 4 m in height after approximately 5 years). The Evergreen magnolia will only reach 5 m height at maturity and 4 m in height after 5 years according to Southern Woods which I do not dispute. In my view, it would be preferable to solely use Ribbonwoods here which will be taller and better at mitigating the bulk and scale of the two blank supermarket walls. I note that trees are proposed to be 3 m high at time of planting which is supported. The 1.5 m and 1.8 m square tree pits would be appropriate.

The 2.5 m high hedging will provide a reasonable visual screen over time to the tanks which are at a similar height. Two plant species are proposed; *Coprosma robusta* / Karamu and *Griselinia littoralis* 'Canterbury' / Kapuka / Broadleaf. In my view, *C. robusta* is not an ideal choice. While very fast growing, it is not overly attractive and is a prolific self-seeder through bird dispersal. This would include seedlings taking hold in the guttering of the building. The Broadleaf is a very handsome plant and would be ideal as a hedge reaching 3 m in height after 5 years according to Southern Woods.

It is unclear from the landscape plan what the ground surfacing will be around these sides of the proposed building as it is left 'white' – the same as how the majority of the carpark is shown, and so it can only be assumed that the area is paved with asphaltic concrete other than where planting is located.

The east and south walls of the proposed supermarket are blank and combined with the tops of 30 water storage tanks, rising up between 1.1 m and 1.3 m above the top of the fence will reduce the amenity value for those living to the south and for those attending the Korean Presbyterian Church to the east in the short to medium term (up to approximately 5 years). In terms of the latter group, any adverse effects on amenity will be less than for those permanently residing in the residential zone. It is acknowledged that the district plan zoning provides for smaller-grained built development including local convenience shopping, which this is not, requiring screening where possible. It is also acknowledged that the blank concrete walls will be textured and grey in colour which will help reduce any adverse visual effects, although they will still appear monotonous in the short to medium term.

In order to improve the outlook and amenity for those living and visiting the areas to the south and east of the site, I suggest that efforts are made to increase the tree planting along these two site boundaries. This would better mitigate the building's blank walls and utilitarian-looking and multiple tanks. This could be by way of spreading the individual tanks out more and locating trees between each tank / at the same offset from the boundary fence as shown, essentially closing up the tree spacings. I note that on page 13 of the Landscape Design Report, the tanks are drawn with 2.5 m diameters (eastern setback) and 4 m diameters (southern setback) which is slightly larger than their specified diameters of 2.2 m and 3.66 m respectively. While I acknowledge that the plan is only conceptual, it appears there may be more space available for increased tree numbers. It may be feasible to reduce the tree pits in size slightly to compensate for the spreading out of the tanks more. I suggest this be explored as it will have a considerable bearing on reducing the effects of the building's bulk and scale in a more contiguous way.

The 600 mm wide gap between the tanks and the building and the additional 700 mm gap between the tanks and the hedge along the south boundary, while tight, will be sufficient to provide access to maintain the planting which would need to be regular in order to encourage a hedge form⁹. Any adjustment to the tanks layout discussed above would obviously require adequate space left between the tanks for maintenance access to the boundary planting.

Mr Hattam raises the issue of people climbing the 1.8 m high timber fence and accessing the area between the building and fence. I agree that this is certainly possible. A 1.8 m high fence will provide little impediment to those with a strong enough reason, even without the benefit of fence rails. Other than providing a 2 m high corrugated steel fence which would be very sharp to climb over or adding security barbed wire to the top of a fence, an alternative might be to use a 2 m high open steel-type fence, similar to a pool fence where there would be clear views into the area which may improve security and better meet CPTED requirements. An advantage of this type of fence is that it is quite difficult to climb, as it includes largely vertical and smooth uprights only. The disadvantage is that more of the tanks / building will be visible at 'day one', although this could be offset by the planting being visible as it matures. If the steel 'pool fence' was powdercoated black, which I would recommend, it would be visually subservient to the new planting – a positive attribute.

A 3 m high acoustic fence is proposed around the northeast corner of the site / loading bay area. I understand that the affected neighbour has provided their approval for the fence's setback and recession plane breach. However, the fence is tall and will be potentially visible from Packe Street and to a lesser degree, Madras Street. The effects of this tall structure would be reduced if it were finished in a recessive colour.

Park / plaza

The proposed plant species are appropriate for the scale of the 'plaza' area and would contribute positively to amenity at the entrance to the supermarket. Obviously, this space would only be used by those shopping at the supermarket and associated small-scale retail activities. The area would not be a destination in itself as it would not be overly visible from the street for example, where it might otherwise draw people in. However, it is well-designed as a 'pocket park' and would provide an attractive and comfortable place for taking pause or transitioning between the carpark into the building and vice versa.

I understand that several submissions were concerned with the location, size, arrangement and limited use of the park / plaza and that it would only serve shoppers and staff. I agree with that sentiment. The park / plaza is around half the minimum 550 m² provided for in the ODP's 'Area C' and essentially hidden from public view, which some submitters are mindful of. I also acknowledge that due to the carpark layout, there is no obvious way to locate this aspect of the proposal where it would have a greater public benefit. I agree with Mr Hattam, that moving it to the Madras Street boundary would be of little benefit without a substantive redesign of the broader proposal. As such, what is proposed cannot really be improved.

⁹ If the sides of the plant are not regularly clipped, the plant will grow out more, rather than up.

Statutory considerations

The following section addresses the relevant objectives and policies:

14.2.4 Objective - High quality residential environments

Proposed new 14.2.5

- a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.*

14.2.4.1 Policy - Neighbourhood character, amenity and safety

Proposed new 14.2.5.1

- a. Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.2.1.1a), through design:*
 - i. reflecting the context, character, and scale of building anticipated in the neighbourhood;*
 - ii. contributing to a high quality street scene;*
 - iii. providing a high level of on-site amenity;*
 - iv. minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;*
 - v. providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and*
 - vi. incorporating principles of crime prevention through environmental design.*

14.2.4.2 Policy - High quality, medium density residential development

Proposed new 14.2.5.2

- a. Encourage innovative approaches to comprehensively designed, high quality, medium density residential development, which is attractive to residents, responsive to housing demands, and provides a positive contribution to its environment (while acknowledging the need for increased densities and changes in residential character), through:*
 - i. consultative planning approaches to identifying particular areas for residential intensification and to defining high quality, built and urban design outcomes for those areas;*
 - ii. encouraging and incentivising amalgamation and redevelopment across large-scale residential intensification areas;*
 - iii. providing design guidelines to assist developers to achieve high quality, medium density development;*
 - iv. considering input from urban design experts into resource consent applications;*
 - v. promoting incorporation of low impact urban design elements, energy and water efficiency, and life-stage inclusive and adaptive design; and*
 - vi. recognising that built form standards may not always support the best design and efficient use of a site for medium density development, particularly for larger sites .*

14.2.4.4 Policy - Character of low and medium density areas

Proposed new 14.2.5.6 Policy - Character of low density areas

- a. Ensure, consistent with the zone descriptions in Table 14.2.1.1a, that:*

- i. *low density residential areas are characterised by a low scale open residential environment with predominantly one or two storey detached or semi-detached housing, and significant opportunities for landscaping and good access to sunlight and privacy are maintained; and*
- ii. *medium density areas are characterised by medium scale and density of buildings with predominantly two or three storeys, including semi-detached and terraced housing and low rise apartments, and landscaping in publicly visible areas, while accepting that access to sunlight and privacy may be limited by the anticipated density of development and that innovative approaches to comprehensively designed, high quality, medium density residential development are also encouraged in accordance with Policy 14.2.4.2.*

Part of the site has a residential zoning and so the above applies. However, the proposal cannot meet the above objective and policies as it includes non-residential development within the RMD zoned part of the site. The form and appearance of the proposed supermarket and carpark has little in common with the form of development anticipated above.

15.2.4 Objective - Urban form, scale and design outcomes

- a. *A scale, form and design of development that is consistent with the role of a centre, and which:*
 - i. *recognises the Central City and District Centres as strategically important focal points for community and commercial investment;*
 - ii. *contributes to an urban environment that is visually attractive, safe, easy to orientate, conveniently accessible, and responds positively to local character and context;*
 - iii. *recognises the functional and operational requirements of activities and the existing built form;*
 - iv. *manages adverse effects on the surrounding environment; and*
 - v. *recognises Ngāi Tahu/ mana whenua values through landscaping and the use of low impact urban design, where appropriate.*

In terms of landscape effects, Objective 15.2.4 a (ii), (iv) and (v) are relevant to the commercially zoned part of the site. In the case of (v), I note that Ngāi Tahu/ mana whenua values have not been explicitly expressed in the Landscape Design Report, nor are obvious in the landscape design itself, other than obliquely through the use of native species local to the site and the retention of an existing Ti Kouka / Cabbage tree. Objective 15.2.4 a (ii) and (iv) can be partly met by the proposal subject to improvements in the landscape package discussed in this report.

15.2.4.2 Policy - Design of new development

- a. *Require new development to be well-designed and laid out by:*
 - i. *encouraging pedestrian activity and amenity along streets and in adjoining public spaces, to a degree that is appropriate to the location and function of the road.*
 - ii. *providing a principal street facing façade of visual interest that contributes to the character and coherence of a centre;*
 - iii. *facilitating movement within a site and with the surrounding area for people of all mobilities and ages, by a range of modes of transport through well-defined, convenient and safe routes;*
 - iv. *enabling visitors to a centre to orientate themselves and find their way with strong visual and physical connections with the surrounding area;*
 - v. *promoting a safe environment for people and reflecting principles of [Crime Prevention through Environmental Design](#) (CPTED);*
 - vi. *enabling the re-use of buildings and sites while recognising the use for which the building is designed;*

- vii. *incorporating principles of low impact design including energy efficiency, water conservation, the reuse of stormwater, on-site treatment of stormwater and/or integration with the wider catchment based approach to stormwater management, where practicable;*
 - viii. *achieving a visually attractive setting when viewed from the street and other public spaces, human scale and fine grain, while managing effects on adjoining environments;*
 - ix. *providing adequate and convenient space for storage while ensuring it is screened to not detract from the site's visual amenity values;*
- b. *Recognise the scale, form and design of the existing built form within a site and the immediately surrounding area and the functional and operational requirements of activities.*

Policy 15.2.4.2a relates to urban design which has been covered in the Urban Designer's reporting.

Policy 15.2.4.2b partly signals an anticipated landscape outcome. The site is currently vacant and so there is no existing built form that the proposal can relate to. However, this part of the policy directs that any proposal on the site acknowledges context. As discussed above, the form, bulk and scale of the building and its large carpark area are substantially different to the surrounding residential zone, which is characterised by relatively small scale buildings, of a similar height to the proposed building. The key difference is that the surrounding residential activity is 'fine grain' and includes many different built forms, roof types, cladding and textures and colours.

15.13 Rules - Matters of control and discretion

Proposed new 15.14.3.6 Matters of Discretion – Landscaping and trees

- a. *The extent to which the proposed landscaping and tree planting:*
 - i. *achieves a high level of on-site amenity while minimising the visual effects of activities and buildings on the surroundings;*
 - ii. *supports the growth of vegetation and its protection through the provision of space, or other methods e.g. barriers;*
 - iii. *continues to recognise Ngāi Tahu/mana whenua values through the use of indigenous species in riparian areas, where appropriate, that supports the establishment of ecological corridors;*
- b. *The extent to which the non-compliance is mitigated through the design, scale and type of landscaping proposed including the species used;*
- c. *The appropriateness and design of landscaping having regard to the potential adverse effects on safety for pedestrians and vehicles*

With improvements and additions to the landscape works, the proposal will have a 'moderate' level of on-site amenity. A 'high' level cannot be achieved due to the size of the carpark and its expansive area of hardstand particularly inside the RMD zoned part of the site. While low in numbers in places, the vegetation species proposed are appropriate to the site conditions and should thrive subject to best practice planting methodology. A significant level of the proposed planting includes indigenous species, especially the tree species which is commended.

Given the expected outcome for the site in the ODP, several non-compliances such as the location and format of the building and the large carpark area can only be partly mitigated through the landscape works which include the suggested improvements made in the above report.

Proposed new 15.14.3.33 Matters of Discretion – Visual amenity and external appearance

- a. The extent and quality of any screening proposed for outdoor storage areas and to provide screening for sensitive adjoining activities;*
- b. The type and volume of materials or goods that are stored in any outdoor storage area; and*
- c. The extent to which any site or part of any site that does not contain a building is designed and landscaped to soften the visual appearance of such areas from any public space*

The Loading Bay / outdoor storage area is partly screened by the proposed building and 3 m high acoustic fence. Further, the potentially affected neighbour to the northwest has signed their written approval. As such the Loading Bay area is considered to be satisfactorily screened. The water storage tanks located to the east and south of the building will be problematic as they exceed the height of the boundary fence. However, if the arrangement of the tanks and additional tree planting is possible, then any adverse effects on neighbours' visual amenity will be mitigated over time as the planting matures.

The large building footprint, loading bay area and carpark leave little 'leftover' space for landscape works. As it is currently proposed the landscape works leave some room for limited improvements to better soften the appearance of the building and carpark (and vehicles).

Conclusion

As discussed throughout this memorandum, and as it is currently presented the proposal has some flaws, although not fatal ones from a landscape effects point of view. While the proposal does not neatly fit with what is anticipated or provided for in the zone, it does have some consistency with the ODP and permitted baseline - it is not completely alien. Further, residential building heights around the site are similar (or higher) to the proposed building height.

With improvements made to the landscape design to help offset the broad built form, expansive nature of the carpark and weak road frontage, there is some potential to further reduce any potentially adverse landscape effects.



Jeremy Head

Registered NZILA Landscape Architect

24 June 2025

Appendix F - Urban Design Advice (David Hattam – Urban Designer)

RMA/2024/3209 – Woolworth Supermarket, Madras Street

Urban Design Report

David Hattam, 18 June 2025

1 Introduction

I have read the urban design report by Boffa Miskell and considered it in the light of the District Plan. I generally agree that the NCZ zone provisions provide useful guidance for this discretionary activity. However, I also consider that the ODP provided in 15.15.5 retains some relevance, to a greater extent than acknowledged by Mr Church.

Overall, I consider that the proposal is so inconsistent with the ODP that it is contrary to it. I also consider that it only partially meets assessment matters because there are fundamental issues with the design and layout of the proposal.

As a result, I disagree with the conclusions of Mr Church.

In my opinion it would be possible to accommodate a centre of this size on the site, if it was more compatible with the outcomes described in the District Plan. I have provided some concepts illustrating how this could be achieved.

1.1 Key areas of disagreement with the applicant's urban design assessment

I have reviewed Mr Church's report and I consider that:

- The building is well designed when seen from Madras Street, however the impacts of the car park are not discussed or addressed.
- The ODP has ongoing relevance and the impact of not providing the connections expected has not been discussed.
- The proposed plaza does not correspond to the 'publicly accessible open space' shown in the ODP.
- The area behind the supermarket will offer opportunities for crime and anti-social behaviour.
- The back of the building is monotonous and reliant on meaningful and long-lasting mitigation from landscaping.
- The proposal will create a harsh environment due primarily to the dominance of parking.

The issues primarily result from site layout decisions and that the proposed architectural resolution and landscaping are not sufficient to mitigate the issues.

I discuss these issues in detail below.

2 Assessment

2.1 City Context (Section 4.1)

I generally agree with the comments Mr Church makes in this section with one caveat. I generally agree that the site is well located for transport. I note that the site is located on a deep block as is noted in the report. Whilst this can

reduce the impact of development on the public realm, another key implication of the large block size is that it reduces the level of connectivity. A centre functions well when it is highly accessible from all directions so that as many people as possible have the opportunity to walk to it. The site has quite a restricted walking catchment and this is explored further in 4.2 below.

In paragraph 25 Mr Church mentions some other local centres. Without going into the examples provided I comment that a centre could be appropriate on this empty site subject to a good standard of design and layout. From an urban design perspective there is nothing about the site that makes it unsuitable for a centre as such. However, the scale of buildings and associated development (which includes car-parking, loading and stormwater management) are relevant in the assessment of this appropriateness and are explored in this report.

2.2 Integration with Context (Section 4.2)

I disagree that the current state of the site is an important consideration. Instead, I think the relevant consideration is whether the site achieves the expected outcomes in the plan. In any case I disagree that the site currently has a particularly negative impact on amenity. It is open ground which appears vegetated. It is not typical of a suburban area but it does not detract from it – it would be more accurate to say it does not make a positive contribution.

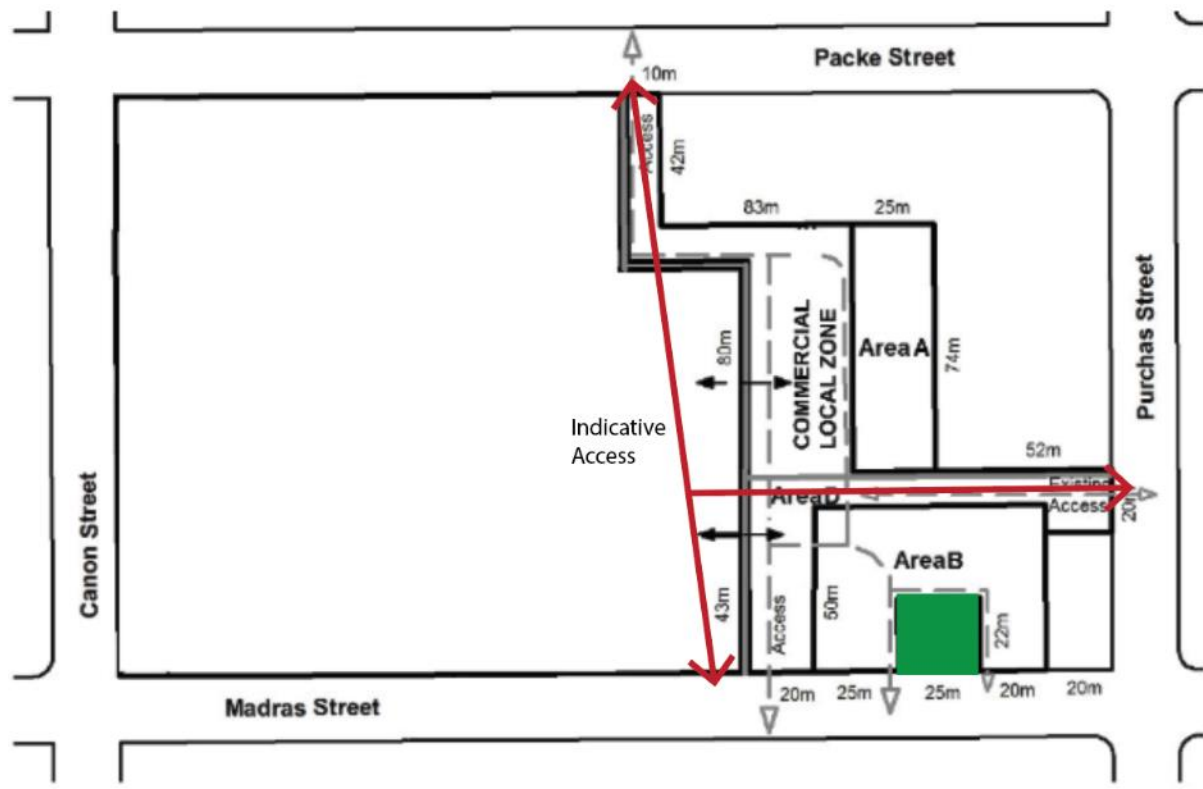
Consequently, it is not self-evident that the proposed development could be seen as an improvement in terms of amenity (although it may have other benefits).

2.2.1 The Development Plan

In relation to the ODP, I do agree that it is out of date and the suggested layout is not practical if read literally. However, I do not agree that the context is so thoroughly changed that the ODP is no longer relevant. It remains part of the plan and aspects of it are still necessary for the development to integrate internally and with the surrounding area. :

- The basic connections through the site (though not the detail of exactly where these might be).
- The pedestrian plaza in the corner of the subject site.
- The expected area for stormwater treatment (anticipated to be 1,800m²).

The connections and the Publicly Accessible Open Space are shown below:



The ODP with key features highlighted

2.2.2 ODP Connections – Area D

The connections are to allow “circulation within the commercial zone” and “permeability through the site”. This becomes more important if a centre (or stand-alone supermarket) is to be established as there would likely be more desire to walk to the centre. Of particular importance is the connection east to Packe Street, halfway up the block, which significantly extends the walkable catchment of the supermarket.

The issue of pedestrian access is explored in 4.4, but I consider the ODP would provide substantial walkability benefits which are not realised in the proposal.

Mr Church asserts that the Packe Street connection would not be safe due to the loading bay. However, the need for the connection was clearly expressed in the plan and the site layout could have been designed accordingly. Consequently, the obvious solution to this issue is to configure the site in such a way that the loading dock does not prevent a safe and high amenity connection. I present some options for this in section 3 of this report.

The connection to the south (Purchas Street) would be somewhat useful but it is worth noting that it does not provide any additional access (in terms of a 5 minute walk) that is not provided by the Packe Street connection. In any case this connection is not facilitated.

2.2.3 The ODP Publicly accessible Open Space – Area C

With regard to the publicly accessible open space, this was intended to be publicly accessible and is shown directly adjacent the street. Although the applicant has provided the area (ie quantum) shown on their site, its location some 65m away from the street, set behind the full width of the supermarket carparking is a significant obstacle to benefiting the overall area (which was the point of the publicly accessible space in the ODP in the first place).. An obvious aim of providing a development plan is to ensure integrated development of an area. Moving elements of the development can undermine this.

In my view, the benefits of the ODP plaza are:

- integrating development with the public realm - the street.
- Enhancing the amenity around Madras Street to make the centre more attractive and functional.
- Providing an accessible de-facto public space (albeit that much of the space would be used for outdoor dining and other commercial activities).

The proposal is quite different from the ODP in that it is quite separate from the public realm – it would be pleasant for those on the site but is not a de-facto public space. It also does not help to integrate the commercial development into the street or improve the amenity of Madras Street.

I do accept that it was always intended to be a partially private area, but I am also of the view that the current proposal does not provide the public benefit expected. Note that I would not recommend the provision of an isolated plaza at the street edge, and for the concept to work it needs to directly connect the development with the public realm in some way.

I do agree with Mr Church that there are some benefits in the supermarket being “recessive”. However, I also consider that the site layout behind such an extensive car park creates a different set of problems from what can be a visually dominant and monotonous building at the street front. In particular, I disagree that the convenience shops provide a welcoming local centre along Madras Street. They are simply too distant, and set behind a car park to provide any sense of a welcoming local centre.

I understand the point Mr Church is making about the balance between the needs of a supermarket and the qualities of a local centre and I acknowledge that the needs of a supermarket should be taken into account when considering appropriate urban design outcomes. The question is whether the mitigations proposed are sufficient. This is explored further below.

2.3 Stormwater

The ODP anticipates that there would be some surface stormwater treatment. This is not proposed and instead a tank based solution is. My concern here is the impacts of the tanks rather than any other compliance issues and this is discussed elsewhere.

2.4 Street Scene (Section 4.3)

The effects on street scene arise largely from the impact of the car park, and the absence of a built frontage at or close to the boundary. This is a key aspect that is not well traversed in Mr Church's report.

In this context (due to the zoning, the built form standards, and the ODP) a well-designed built frontage closer if not on the road boundary is the anticipated outcome. The quality of a street largely depends on the way that buildings frame it. An empty space such as a car park detracts from this, whereas buildings will generally contribute positively. Whilst Mr Church seems to imply that residents will appreciate the open space provided by the car park, this is not likely because a large scale supermarket car park, notwithstanding the traffic it generates, is inherently a visually harsh and monotonous environment.

In this context, the provision of car park and landscaping is not an improvement on an undeveloped site, even if we did consider the site unkempt (which I do not think it is). It is therefore spurious to state that residents are "familiar" with a brownfield site and that "a car park will maintain this sense of openness". The existing situation is clearly temporary, is not particularly adverse, and the expected level of development would bring urban design benefits from an anticipated domestic scale. The presence of a car park brings with it adverse effects which need to be considered.

Mr Church notes that undergrounding powerlines would enhance the street. This is not likely to occur unless Woolworths are proposing to undertake it.

I have considered the impact of the covered walkway extending to the footpath extending to the street. This will help in that it will emphasise the location of the path, but in the context of a 100m wide site, it is tokenistic.

Overall, I consider that Mr Church's assessment of the effects on the street is incomplete. In order that these can be considered in the assessment, I describe them as follows.

2.4.1 Anticipated Environment

A good built frontage provides:

- a sense of enclosure to the street;
- visual interest;
- Active frontage, which adds interest, life and vitality to the public realm.

This combination of enclosure, visual interest and active frontage combine to create a sense of place, that the centre is a destination in itself. Whilst the street environment is not high quality, the ODP provides for a public space which would allow people to step out of the existing environment into a higher quality space. In this way the public space would perform a function of integrating the new development into the existing urban fabric. The ODP envisages a place where the pedestrian flow from the public realm into the centre is relatively seamless. Such an arrangement encourages pedestrian activity and amenity.

By contrast, a car park will not provide street enclosure, is a barrier to pedestrian movement, and does not provide street activation or engagement.

Active frontage is defined by frequent doors and windows, articulation of the façade and internal uses that are visible from the street. The distance of the proposed buildings from the street (70m) means that they cannot provide for active frontage in relation to Madras Street because they are set too far back for any activities to be visible in a meaningful sense.

A strong presence of trees on the street boundary can provide some street definition, and can be visually attractive, however does not provide activation or the same level of engagement. The car park beyond will still be visible and will not be visually engaging.

The proposal does not provide for an engaging built frontage. It does instead provide some mitigation:

- Trees at the road boundary instead of active frontage.
- Well-designed buildings, but set too far back for engagement with the activities within.
- A pedestrian walkway through the car-park instead of conveniently located access.

Whilst these will improve the appearance of the proposal, they will not overcome the more fundamental issue that it is disconnected from the public realm and does not activate it.

2.5 Built Form and Appearance (Section 4.4)

Mr Church considers that the proposal is a low-rise built form that respects and integrates into the suburban context. I partially agree with the assessment, that the building is well designed when viewed from the west, but consider it does not overcome the issues caused by the prominence of car parking and that its south and east facades are monotonous. The building would sit within a semi-established residential area. To the north, a large medium density complex (consisting of 2 and 3 storey townhouses) is under construction whilst there are some established two storey housing complexes located to the south. To the east is a Korean Church as described by Mr Church and its car park. In paragraphs 42-45, Mr Church describes the public face of the building, which I agree is well modulated and visually interesting.

In paragraph 46 he described the “pocket park”. I also agree with this, although note that its location means the space would have limited public use, as previously described.

In paragraph 47 he states that positioning the supermarket against internal boundaries is “the most effective way to manage longer inactive parts of the building that inevitably arise” and that these setbacks have a functional role in accommodating stormwater.

I acknowledge the benefits to locating the building in this way. However, I would comment that it also means that the effects fall on the neighbouring properties. The back of the building is also visible from the public realm (from Packe Street and Purchas Street) so it does not eliminate the adverse effects.

I am also concerned about the impact of the water tanks on neighbouring properties, for safety reasons (discussed elsewhere) and for the visual impact they create, because they reduce the level of landscape possible and are likely to be quite an ungainly feature in themselves.

The ODP anticipates surface stormwater treatment and provides an indication of the land likely to be required for this. I consider that any alternative stormwater treatment should be considered on its merits. There should not be an assumption that the functional necessity for stormwater attenuation justifies the particular solution proposed if it results in significant urban design amenity adverse effects and I am concerned that not enough space has been allocated to manage these visual and safety effects (I discuss CPTED later in this report).

From the east, I agree that the building largely affects the Korean Church. However, I am not convinced that we can assume that curtains will usually be closed (now and in plausible future scenarios, which could include the redevelopment of the site). I agree that the proposal could be appropriate if the landscaping is sufficient and can be reliably established in a way that provides for safety and maintenance in the long term.

Similar issues exist on the south boundary, where the wall is taller because of the ridgeline. There would be a more significant impact on neighbours from this direction due to its scale and because of the residential use. I also note the building will be visible from the public realm across the church car park. Mr Church does make the point that when seen from this direction that the wall would be similar to what is anticipated in the ODP. I do agree with this, but still consider that the management of its appearance is important.

I agree that these issues could be managed by a high quality landscaping that effectively disguised or broke up the form of the building. Such landscaping would need to have a good height (including trees higher than the wall) and a reasonable density. Importantly, it would also need to provide access for maintenance, which is especially critical for establishment of planting for long term endurance. I observe the available space seems quite minimal (to the east in particular), is affected by the watertanks and at the east boundary seems to rely on the Church property for canopy spread. Mr Head will comment on whether the proposal is adequate but it may be that the setbacks are not large enough to accommodate the different functions that are shown in the space.

The loading dock fence will be visible from Packe Street and will affect the neighbouring site, as is acknowledged by Mr Church. From the street it will be quite harsh in appearance and although its scale will be mitigated by the distance of its setback, there is currently no proposal to landscape in front of it to manage this. I consider that there will be a low impact on the public realm because it will be set back and the angle of view is narrow. However, this is not the case for the neighbouring site, which will have a much greater degree of exposure, notably on entry to their site.

Finally, Mr Church has not discussed the impact of site layout and parking, which makes a considerable contribution to the overall appearance of the development. I have largely discussed these issues in my comments on section 4.2, but the impacts are also relevant with respect to built form and appearance.

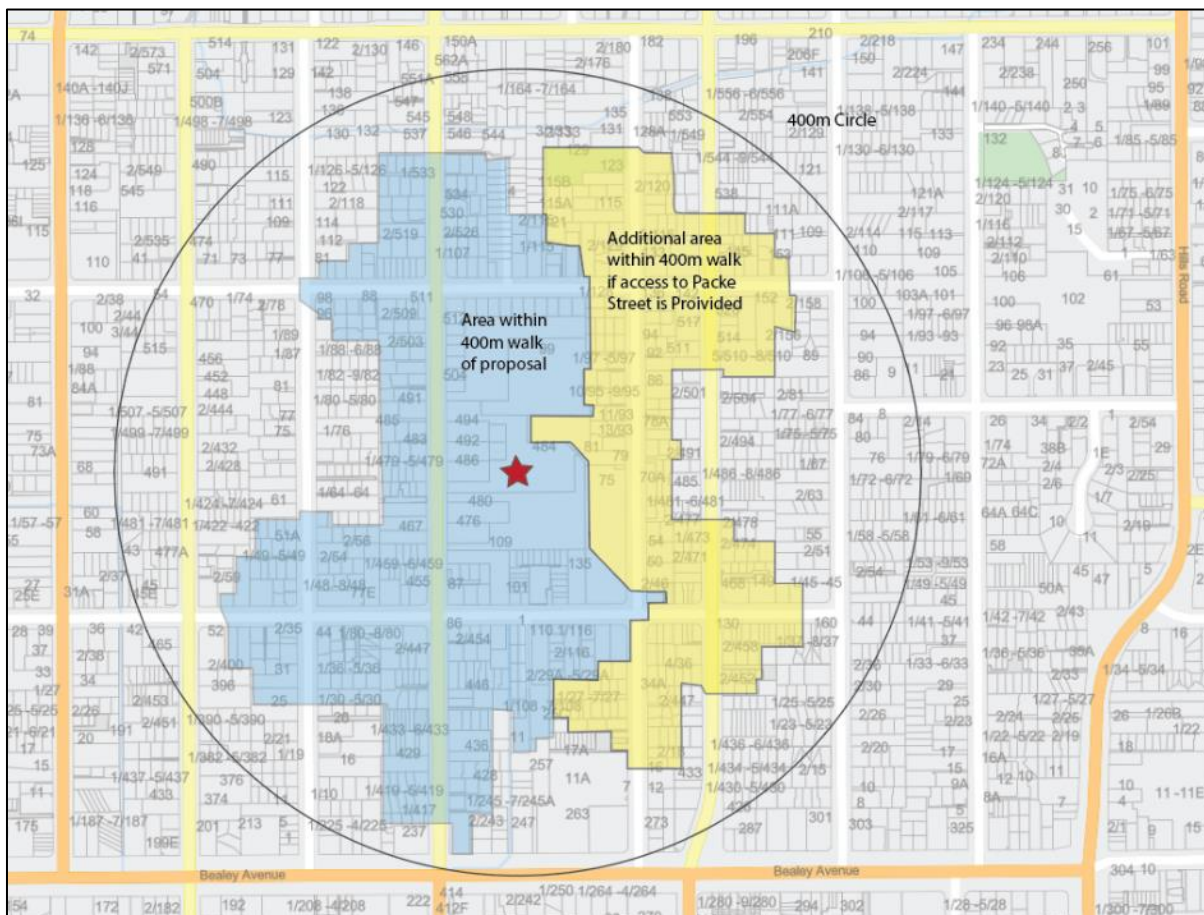
2.6 Access Parking and Servicing (Section 4.5)

I disagree that the proposal is a comprehensive development or that it takes a multi-modal approach. Rather it is a stand-alone development of a single site, that is physically detached from its neighbours and has not implemented the ODP where the key structuring elements of the ODP relate to management of access issues.

The level of pedestrian connectivity can be illustrated by a ped-shed diagram. This shows the area within a 400m walking distance of the site, compared to that of a 400m radius circle. The more of the circle that is infilled, the greater the accessibility. This provides a good indication of walkability, noting that people will often walk further than this, depending on the purpose of the trip and the quality of the environment .

For the site as proposed, there is an area of about 15ha which is walkable within 400m (approx. 450 dwellings within an easy 5 minute walk). As the diagram shows, this represents quite a small proportion of the circle and is very much biased to the west. There is an obvious lack of walkability to the east.

If the ODP connection to Packe Street is added, the 5 minute walkable catchment increases by some 57% to 24ha (and an additional 220 dwellings). This is a significant increase in accessibility. In my view this shows the relevance of the ODP and the importance of providing (or facilitating) this connection.



Walkable Catchment of proposal with and without the ODP connections to Packe Street

The proposal does provide pedestrian access but the location of the building marginalises pedestrians because of the length of car park they must cross and its overall scale and utilitarian design. In particular there is no amenity attached to the walkway (for instance there are no trees associated with it). The access provides for pedestrians, but the site is clearly designed primarily for vehicles.

I agree that the “external plaza” at the end of the walkway is a good idea, but consider it would need to have some amenity associated with it (eg some planting) to be effective, as should main pedestrian connections through the site. It could make sense to integrate it with the ODP public space.

In paragraph 63 Mr Church refers to the car park’s “shared surfaces” providing for cycle access. I consider this to be unrealistic as these are vehicle dominated spaces designed around the needs of cars in the high turn-over and low amenity environment of a supermarket car park, that will feel risky to pedestrians and cyclists (especially children) and where collisions are likely (acknowledging that the low speed may reduce the severity but not the likelihood). A shared space is usually one where pedestrians and cyclists have greater priority than vehicles and would usually be one with low vehicle volumes.

A separate, high quality cycle access would avoid the need for cyclists to pass through the parking aisles, whether this was via a separate access route or a shared vehicle access. I consider the challenge of integrating cycle access to be another example of a set of conflicts created by site layout decisions.

Landscaping within the car park appears to be quite sparse. In my view it should be especially associated with footpaths and pedestrian circulation for optimum functional and visual benefit. A car park is a harsh environment and trees can

often struggle so it is important that any landscaping is robust. Mr Head will comment on this from a landscape perspective.

In general Mr Church has provided an explanation of the site layout. This is useful in providing information about why the site layout works the way it does (the vehicle and truck circulation), but the assessment has largely avoided discussing the impact of the car parking and site layout (focussing instead on mitigation).

2.7 Crime Prevention Through Environmental Design (Section 4.6)

The proposal would bring change to an existing area. Commercial centres are associated with higher levels of crime than residential areas. It is important that the centre is designed with safety in mind. For this reason, a more detailed CPTED report was requested from the applicant (provided by Ms Rennie). I agree with most of the CPTED analysis (from both Mr Church and Ms Rennie) but I have two points of difference outlined below:

2.7.1 Receiving Environment

As noted by Ms Rennie, the current rate of crime is low. However the application will bring change. Crime is largely opportunistic and because of this it is associated with commercial areas where there are more potential victims. This should be part of the consideration (whilst noting that the level of crime in the area is generally low).

By way of illustration using a similar environment, there were 35 victimisations in the meshblock containing the Countdown at Sydenham, with the surrounding blocks generally having around 4 – a similar level to St Albans. The concern is the additional crime risk that comes with the change in use, and whether the management of this is adequate. Regarding the relevance of current state of the site, this is not the most relevant comparison. There do not appear to be significant anti-social behaviour issues with the site at present, and if it was developed for an alternative use, then I would expect it would continue to be part of the generally safe surroundings. There are no current or anticipated safety issues that would be solved by the proposal.

2.7.2 Eastern and Southern Boundaries

The 3m fence around the loading dock is likely to be quite secure and I agree that this area is managed appropriately. However, elsewhere a 1.8m fence is proposed to enclose a landscape area which also includes water tanks. This is an unusual situation and it is worth considering how it will function and what risks it may bring.

There will be little observation of this space. Once an offender is behind the fence, they cannot be seen. The vegetation and the water tanks would provide further cover for any person in this space. The tanks also divide the space into cells, each of which is an unobserved entrapment space. The environment appears to be peculiarly risky.

A particular risk for this environment is that it can provide unobserved access to the rear of residential properties for burglary.

In this case there is relatively easy access over a fence to this space. Access to the fence is currently straightforward through the relatively unsecure church site and relying on this site for security throughout the life of the consent is uncertain at best. Again, once an offender has obtained access to the church site, they have the luxury of time and privacy to get access over the fence.

Children and young people may be attracted to explore the space and come into contact with illicit users or their effects. The CPTED report considers raising the fences, but considers this unnecessary. I suggest it would be ineffective. Whilst the landscape plan seeks to prevent access through dense planting it is difficult to be certain how successful this would be, and in any case it may be impractical as access will be needed for maintenance. I am doubtful that a sufficiently discouraging environment could be created through planting as it is proposed. I therefore consider the proposal does create a significant safety risk. It may be better addressed by more open fencing to the church site (probably combined with a greater depth of landscaping) and more secure access to the residential interface. This concept could create a space that is relatively visible next to the non-residential uses (eg using railing fences), and that makes it harder to access areas next to the residential sites – eg a 3m high wall that divides the spaces.

2.8 Signage

I agree with Mr Church regarding the building signage (paragraph 55). It is generally contained within the form and is not excessive in size. Because the building is well modulated, the signage appears to be part of a smaller unit. This ensures that it is of a modest scale that would fit within the expectations of the Commercial Local Zone. The use of corporate colours is also modest which helps to reduce dominance.

Regarding freestanding signage, I note that there is an error in the statement made in paragraph 57 regarding the 9m high signage being compliant with the signage rule. The Commercial Local Zone allows for vehicle entry signs with a height of 6m and an area of 9m², and pedestrian entry signs with a height of 2m and an area of 2m² (as opposed to the proposed signs which are 9m and 5m respectively, with areas of 29.7m² and 10.3m². These represent significantly higher levels of signage than are permitted.

I also note that other supermarkets in Christchurch do not usually have signage of this scale. For instance the pylon sign at the Richmond New World is 8m² and some other examples are shown below.



Modest Signage associated with suburban supermarkets (Bush Inn, Sydenham and Peer Street).

Whilst there are examples of larger signage, these are typically located on arterial roads .



Larger Signage on a major arterial road

In my opinion, the signage would be visually dominant in this location, which is an inner suburban area with a predominantly domestic scale on a Collector Road (albeit busy) with residential premises opposite. Signage should be reduced in size to a more typical level in such an environment, more compliant with the Commercial Local Zone.

2.9 Assessment Conclusions

I have reviewed Mr Church's report and I consider that:

- The building is well designed when seen from Madras Street, however the impacts of the car park are not discussed or addressed. These impacts are substantial and include visual impacts and a lack of street engagement, leading to the not adequately engaging with or integrating with the public realm.
- The ODP has ongoing relevance and the impact of not providing the connections expected has not been discussed. I consider that the ODP would provide significant extra connectivity whilst the proposal does not adequately provide for pedestrian connections.
- The proposed plaza does not correspond to the 'publicly accessible open space' shown in the ODP functionally or by location..
- The area behind the supermarket will provide opportunities for crime and anti-social behaviour.
- The back of the building is monotonous and reliant on meaningful and long-lasting mitigation from landscaping.
- The proposal will create a harsh environment due primarily to the dominance of parking. For landscaping to be considered as an appropriate mitigation, it would need to be significantly more substantial than is proposed.

I consider that the issues primarily result from site layout decisions. While having merits, the proposed architectural resolution and landscaping are not sufficient to mitigate the issues.

I have also considered the proposal against the District Plan assessment matters and in my view:

- It does not comply with the Development Plan and fails to take most of the matters into account. I consider that the ODP is still relevant at a high level although changed circumstances mean that some of the detail may not be realisable. This failure to comply will result in poor connections, reduced amenity and little integration between the centre and the public realm or its neighbours.
- The proposal is consistent with some urban design assessment matters (for commercial zones) but inconsistent with others. In particular it does not meet the expected character of the centre or promote active engagement with the street, includes elements that are unsafe and does not provide a good level of connectivity. It has some positive design aspects but these do not mitigate the more fundamental issues which are related to site layout.

There are alternative ways to configure the site to provide for improved outcomes. These could take the form of a revised concept, or significant improvements to what has been proposed, including modifications to the site layout.

3 Alternative Concepts for Site Layout

After reviewing Mr Church's report, I met with Mr Blair, Mr Head and Mr McGonigal on 12 June 2025 where we discussed the conclusions each had reached to that date as to issues with the design with a review to avoiding identifying potential outcomes that would frustrate resolution of those issues.

In my view, the issues are caused by the site layout and cannot be resolved by tweaks to the building and landscaping. A substantial redesign is required.

I have considered the outcomes expected and I have prepared some illustrative concepts to show how these could be met. In considering these, note that details have not been fully resolved and that there will be advantages and disadvantages of any proposal.

It is important to note that the concepts are provided to assist with the application process, and that this advice memo does not change my original recommendation that the original proposal is contrary to the outcomes sought in the plan. I have approached this from an urban design perspective and have not sought to amend the quantum of floor space proposed – particularly that of the supermarket. I understand from Mr Blair that there may be potential scope issues in regard to the public notification process and natural justice relating to that process. There may also be planning issue that need to be further explored. The concepts are not intended to be final designs. They simply illustrate how a centre could work.

I am also aware that some land may be needed for at grade stormwater treatment. If this is the case, it would reduce the land available for parking (and may also reduce the area of buildings). However, it could also contribute to landscaping and amenity, especially if co-located with the plaza area.

3.1 Actions to Improve the Site Layout

The main site layout issues with the proposal can be summarised as follows:

- The visual impact and severance from the car park is substantial.
- The proposal is remote from and poorly integrated with the street.
- The anticipated connection to Packe Street has not been provided.
- The proposed plaza is not next to the street and would not act as a public space.

I also noted that the building appears to be quite well designed, but that there are safety concerns with the area at the rear. I expect these can be resolved with some more careful design.

Potential 'fixes' of these issues are:

- Re-arrange or reduce the size of buildings to facilitate a pedestrian route to Packe Street
- Move the plaza to the street
- Move elements of the built form to the street edge, in conjunction with the plaza
- Provide a higher quality route to the supermarket entrance, passing through the plaza.

With regard to the above, locating the plaza away from the buildings is not recommended as it will not create an attractive or useful space. An example of where this has occurred is a Pak n Save in Papanui, where a similar plaza is rarely used and lacks purpose. It is clearly an 'add on' and not an integrated part of the development.



Pak N Save Plaza, Papanui (Streetview)

The options for achieving the above would be that either the supermarket is moved to the street front, or that some or all of the small shops are moved to the frontage, and carefully linked to it via a high quality walkway.

A limitation of the site is the need to avoid building over the central north south stormwater line and its easement .

If we assume the dimensions of the supermarket remain the same, the potential locations for it are shown below (these may be adjusted somewhat but indicate the broad possibilities). Obviously alternatives using a smaller footprint may have more flexibility.



Diagram 1: Some Potential Locations for Supermarket Building, noting the stormwater easement

The advantage of rotating the building is that it allows for the loading dock to be relocated so that a connection can be made to Packe Street over adjacent land. It may be possible to route trucks this way as well.

A discussion of the options is presented below.

3.2 Concepts

3.2.1 Original Proposal

This is the original proposal (as applied for) and is provided for context.



Diagram 2: Illustration of the Site layout as proposed

3.2.2 Option 1 – Bring some Retail to Madras Street

This option would retain the supermarket at the back of the site as proposed, but bring some or all of the smaller shops to the front to create a cluster of activity at the street edge. (I note that land use consent for a Mitre 10 and smaller commercial tenancies on Prestons Road in a similar arrangement has recently been granted.) The plaza can be used as part of this, to create structure to the site and provide part of a high quality legible route on the site.

A key aspect would be that there is a high priority given to pedestrians, such as via a landscaped walkway. An example of this is at Wigram where a wide pedestrian path is provided through the car park:



High quality pedestrian route at Wigram

Some high level concepts are presented below, to show some of the options there are for developing the site in this way.

Concept 1A – Using the Supermarket Floorplan as proposed



Diagram 3: Concept 1A

This concept would use the existing footprint of the supermarket and use the plaza and small shops to integrate it with the street. There are a variety of options for how the cluster of retail could work at the street. Some of the shops could still be associated with the supermarket if desired, or all could be located around the plaza and street frontage.

If executed appropriately, this concept would integrate the supermarket into the wider area quite well, and provide a good level of activation for the plaza and the street. It would reduce the dominance of the car park and the marginalisation of pedestrians. However, it would not provide the link to Packe Street which appears to be a key outcome sought by the ODP.

Concept 1B – Rotating the Supermarket



Diagram 4: Concept 1B

Rotating the supermarket would allow for a pedestrian path to be provided to Packe Street. The small shops could be provided at the street front, around the supermarket or both. The link from the street to the supermarket and to Packe Street should be designed carefully and holistically.

In the above example, a path leads through the plaza and the distance to cross through the car park to the supermarket would be minimised. This would have the same advantages as concept 1A but would also provide the Packe Street connection. However, that route would be a bit indirect and its quality is uncertain (although this could probably be managed by good detailed design).

Concept 1C - Rotating the supermarket and straightening the walkway

This concept splits the plaza in two, and provides a more direct connection through to Packe Street via the plaza. This latter feature would make sure the connection was useful and safe.

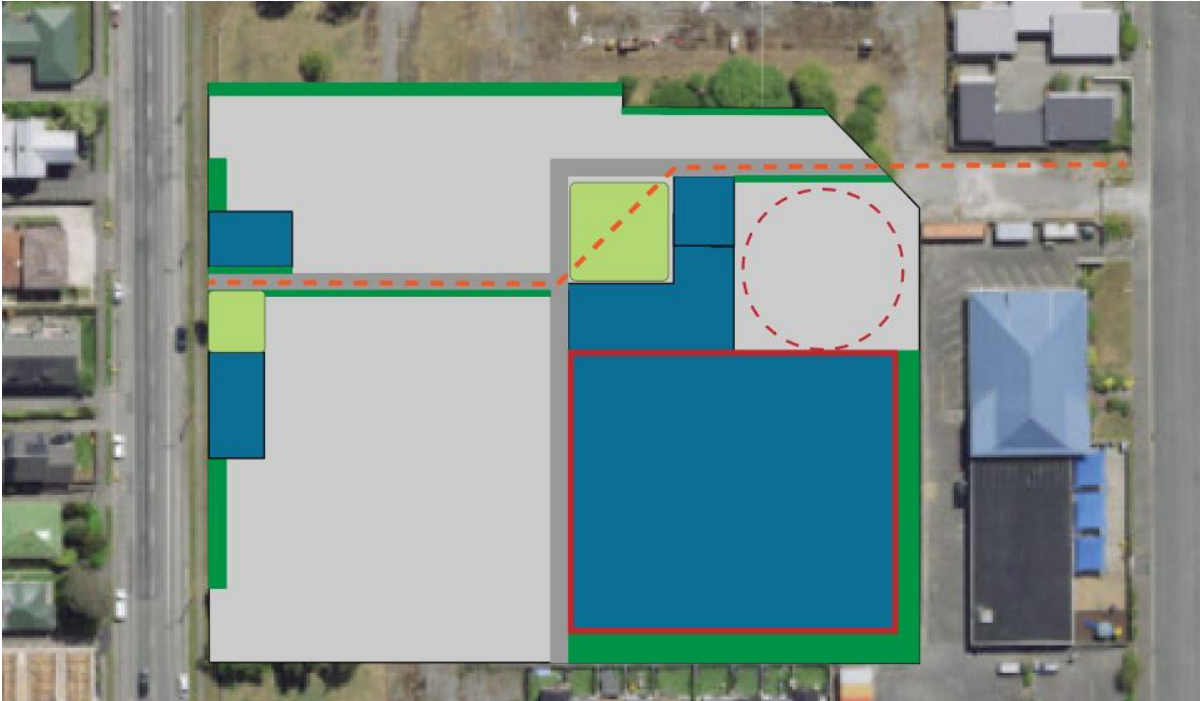


Diagram 5: Concept 1C

Concept 1D – Corner Development

This concept provides for a more direct walkway. It can also be an advantage to place the back of the smaller buildings to the edge of the site so that they are not exposed to public view, and safety issues at the back can be avoided. However, it biases the centre to the north (where land is not zoned commercial), which may be a disadvantage.

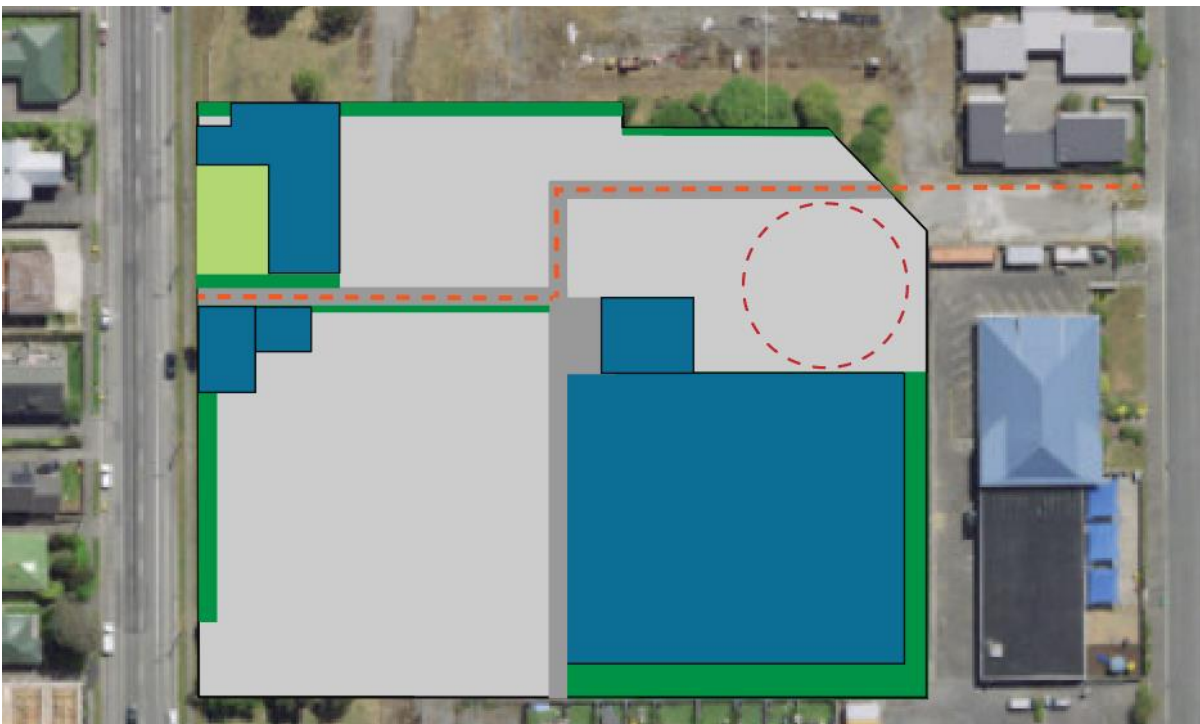


Diagram 6: Concept 1D

The above concepts show how various alternatives could work and aspects could be mixed and matched as desired. Options 1B, C and D would implement the walkway and some aspects of the urban design assessment matters. In my opinion 1C would provide the best balance between activating the street and connecting the pieces together.

3.2.3 Option 2 – Locating the Supermarket on Madras Street

Supermarkets are traditionally reluctant to locate car parking to the rear of the site, but locating it to the side can be workable. It can be split so that “overflow” parking is at the rear whilst there is more prominent parking for everyday use.

The example below shows the creation of an internal street (which may or may not be vested), with the use of the small shops to create an internal street, sleeving the side wall of the supermarket on one side. This layout centralises the car parking, meaning it is hidden from the street, but is still accessible and well observed from publicly accessible space.



Diagram 6: Concept 2

Examples of Supermarkets at the front of the site

A similar example to this is the New World at Levin, which was built to face Bath Street, with an entrance in the corner. It was originally a mid-block development but subsequently expanded with the acquisition of the adjacent Horowhenua District Council Building. The car park has always been located at the side as it is now:



The Levin New World faces the street and its car park

Nearby Foxton New World backs onto its car park and instead faces the adjacent corner. It uses high quality materials and a covered walkway to direct patrons to the front door.



The Foxton New World backs onto its car park

Another example of a supermarket which faces the street is New World in Otaki, where the entrance is in the corner of the supermarket and checkouts face the street.



The Otaki New World is side on to its car park

Between them, these North Island supermarkets illustrate some ways that supermarkets can contribute to a more engaging and active street scene.

3.3 Site Layout Conclusions

There are some options to reconfigure the development to better align with the urban design assessment matters and the ODP. These involve relocating some or all of the development to the street and improving the connection between the supermarket building and the street.

Of the options explored, 1B, C, D and Option 2 would implement the relevant matters in the Plan. More detailed resolution of these options is needed, but they show how an appropriate centre of the desired size could be accommodated, and that there a variety of options to achieve this.

4 Statutory Considerations

I have assessed the proposal against the relevant District Plan matters as set out below.

4.1 The Development Plan (Appendix 15.15.5)

When considered against the ODP matters of discretion, it is evident that the proposal is contrary to many of them:

1. ***The extent to which comprehensive, mixed-use development would continue to be achieved;***

The proposal is a retail centre which is physically and functionally separated from neighbours and dominated by vehicles. It contains limited mixed use elements and would not result in or be compatible with the comprehensive development of the area, in principle because of the poor connections.

2. ***The nature and degree of any adverse effects caused by proposals not in accordance with the development plan;***

The failure to provide ODP connections would result in significantly reduced accessibility from that expected. The location of the plaza would not provide significant public benefits or aid the proposals integration into the street.

I consider that the non-provision of a dedicated stormwater area and instead managing it through tank use is closely linked to safety issues and amenity issues for neighbours.

3. ***The relationship and integration of proposals with any other existing development within the block;***

The proposal is functionally separate from neighbours and shows a very low level of physical or other integration.

4. ***Whether the scale and nature of development is consistent with that anticipated for a Local centre ;***

The proposal includes a variety of premises which would provide some functions of a local centre but the scale of development is not consistent with the ODP. This manifests in particular in the scale and location of parking which is visually dominant from the street. The appearance and bulk of the proposal is quite well managed from the public realm, but less so from neighbouring sites.

5. ***The degree to which vehicle, cycle and pedestrian access has provided for internal pedestrian and cycle circulation, including the connections with that part of the blocked zoned Residential Medium Density Zone;***

The proposal is contrary to this matter as explained as part of the discussion of the urban design analysis.

6. ***The extent to which comprehensive design enables greater use of open space within the development than would be the case with piecemeal development;***

The development is dominated by car parking which is not usable open space in a meaningful sense. A small plaza is provided but it is generally a commercial area for the use of business, although it would provide some landscaping benefits (and likely would provide a venue which local people would enjoy). However, the plaza is not located in the anticipated location, is not integrated with the neighbouring site and is also not accessible from the public realm.

7. ***The extent to which stormwater treatment areas are integrated with open space.***

Stormwater treatment is not integrated with open space, instead it is provided on an internal boundary with residential neighbours, utilising water tanks. This leads to a significantly different physical and functional

outcome from an open space integrated solution. It does not use natural processes, creates safety risks in the way it is provided and would lead to lower amenity for neighbours.

4.2 Urban Design (15.13.1)

These matters are used in the commercial core zone for large buildings like supermarkets. These are a useful framework for analysis and relate to the relevant policy matters.

The extent to which the development:

1. ***Recognises and reinforces the centre's role, context, and character, including any natural, heritage or cultural assets;***

The proposal would bring change to the anticipated role of the centre and this is not necessarily adverse. However, it would not respect the context because it would be poorly integrated into the urban fabric and surrounds, due primarily to its physical separation from the street and poor connectivity. The vehicle based nature of the activity is not fully consistent with the commercial local zone character and the impacts of this have not been managed.

2. ***Promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces;***

The proposal would not provide active engagement with the streets or public spaces and would not provide vibrancy to the public realm.

3. ***Takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building ;***

The proposed building has quite a positive appearance when seen from the west (Madras Street) due to the well-considered detailing and modulation but it does not contribute positively when viewed from the south and east. However, its bulk may be consistent with the anticipated outcome (the existing zoning) and could potentially be mitigated with improved landscaping.

4. ***Provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;***

The proposed building has a human scale when seen from the west which is the most public view of the building. The height of the building has been managed quite well, but the walls are long and monotonous. This relies on landscaping to manage it as a mitigation strategy.

5. ***Is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas and boundary demarcation;***

Predominantly due to the long and narrow utilitarian areas created along the internal boundaries, the proposal includes areas I consider to be high risk, which are potentially accessible to wrong-doers, and may provide opportunities for crime and anti-social behaviour. Otherwise safety matters are appropriately addressed as described in section 2.7.

6. ***Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection;***

Mr Head will comment on this but I note the form of the development creates a need for good quality and substantial landscaping of a higher standard than seems to be present.

7. Provides safe, legible, and efficient access for all transport users;

The proposal provides access for vehicles and pedestrians. However, the poor connectivity to the east means that pedestrian access is not as efficient as expected.

The proposed path is legible and the inclusion of a shading structure will help to reinforce this. Its central location could make it inconvenient for some users (for instance people visiting the café/square from the north). There is no dedicated cycle access and cyclists will have to enter through the car park.

8. Where relevant, has regard to the actions of the Suburban Centre Master Plan to support their recovery, long term growth and a high level of amenity.

There is no masterplan in place but for this discretionary activity it is worth noting that there is an ODP in place, which the proposal does not implement.

4.3 Signage (6.8.5.1)

I have assessed the signage against the matters listed below. Overall I consider it is appropriate, except for the freestanding pylon sign, which would detract from the coherence and amenity of the centre due to its size.

a. Whether the scale, design, colour, location and nature of the signage will have impacts on the architectural integrity, amenity values, character, visual coherence, and heritage values of:

- i. the building and the veranda on which the signage is displayed and its ability to accommodate the signage;**
- ii. the surrounding area (including anticipated changes in the area);**
- iii. residential activities; and**
- iv. heritage items or heritage settings, open spaces, protected trees or areas possessing significant natural values.**

As described in section 2.8, building signage is generally contained within the form and is of a modest scale that would fit within the expectations of the Commercial Local Zone.

However, freestanding signage is excessive in size, particularly given the residential context next door and directly opposite. As such it would be visually dominant and detract from the coherence and amenity of the wider area.

b. Whether the extent of the impacts of the signage are increased or lessened due to:

- i. the design, dimensions, nature and colour of the sign or support structure;**
- ii. the level of visibility of the sign;**
- iii. vegetation or other mitigating features; and/or**
- iv. the length of time that temporary election or referendum signage is proposed to be displayed**

As noted the proposed freestanding signage is particularly large and bulky for the context. It would be placed at the front of the site, without any built backdrop. As a result it will stand out strongly against the negative space of the sky making it especially noticeable.

c. Whether the signage combines with existing signage on the building, the site or in the vicinity, to create visual clutter or set a precedent for further similar signage.

The building signage is moderate in size and clearly associated with each tenancy. Regarding the freestanding signage, I do not consider there would be an issue with visual clutter as the number of signs on the frontage is limited and well separated from the building.

- d. *Whether there are any special circumstances or functional needs relating to the activity, building, site or surroundings, which affect signage requirements, including:*
 - i. *operational, safety, directional, and functional requirements;*
 - ii. *its size, scale or nature; and*
 - iii. *the length of the road frontage.*

I appreciate there is a need for some signage for the activities on the site. However, there does not appear to be a special circumstance that would create a need for the very large freestanding sign.

- e. *Whether the signage:*
 - i. *enlivens a space or screens unsightly activities;*
 - ii. *will result in an orderly and co-ordinated display; and*
 - iii. *relates to the business or activity on the site and the necessity for the business or activity to identify and promote itself.*

The signage will result in an orderly display and relate to on-site activities. It will not enliven a space.

4.4 Residential Design Principles (14.15.1)

These matters relate to residential development and it is worth noting that the proposal would create a fundamentally different environment where these considerations have limited relevance. In my view it is more important to create a good commercial development than one where effects have been managed in ways that may not support this.

14.15.1 Residential design principles

- a. *City context and character:*
 - i. *Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features.*
 - ii. *The relevant considerations are the extent to which the development:*
 - A. *includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as building dimensions, forms, setbacks and alignments, and secondarily materials, design features and tree plantings; and*
 - B. *retains or adapts features of the site that contribute significantly to local neighbourhood character, potentially including existing heritage items, Sites of Ngāi Tahu Cultural Significance identified in [Appendix 9.5.6](#), site contours and mature trees.*

This issues of character is addressed in section 2.2. Due to the site layout issues identified in this report, the proposal would not complement the character of the area because it would be set back behind an expensive car park. Tree plantings would only partially mitigate this issue, because there would remain a shortfall of positive built frontage.

- b. *Relationship to the street and public open spaces*
 - i. *Whether the development engages with and contributes to adjacent streets, and any other adjacent public open spaces to contribute to them being lively, safe and attractive.*
 - ii. *The relevant considerations are the extent to which the development:*
 - A. *orientates building frontages including entrances and windows to habitable rooms toward the street and adjacent public open spaces;*
 - B. *designs buildings on corner sites to emphasise the corner; and*

C. avoids street facades that are blank or dominated by garages.

I discuss this in detail in section 2.4. The proposed car park is very prominent and would not contribute to an active or residential type interface. The effects generally arise from the expanse of parking and shortfall of visual interest rather than the building itself.

c. Built form and appearance

- i. Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest.*
- ii. The relevant considerations are the extent to which the development:*
 - A. subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines;*
 - B. utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony;*
 - C. avoids blank elevations and facades dominated by garage doors; and*
 - D. achieves visual interest and a sense of human scale through the use of architectural detailing, glazing and variation of materials.*

As discussed in section 2.5, the bulk of the building is managed quite well in the proposal for the street-facing elevation and partly for the north façade. The internal boundaries are less well managed (the building is monotonous) but these are principally in the existing commercial local zone and mitigated by planting. Adjacent Lot 4 is affected by the monotonous form of the loading dock, but I understand has given written consent.

d. Residential amenity

- i. In relation to the built form and residential amenity of the development on the site (i.e. the overall site prior to the development), whether the development provides a high level of internal and external residential amenity for occupants and neighbours.*
- ii. The relevant considerations are the extent to which the development:*
 - A. provides for outlook, sunlight and privacy through the site layout, and orientation and internal layout of residential units;*
 - B. directly connects private outdoor spaces to the living spaces within the residential units;*
 - C. ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units; and*
 - D. includes tree and garden planting particularly relating to the street frontage, boundaries, access ways, and parking areas.*

The proposal is a commercial development but may affect amenity of neighbouring properties, notably those located to the south of the site, next to both the building and the car park. The proposal would not provide a high level of amenity to neighbours due to its monotonous form, and the potential for nuisance from the car park. These issues may form part of the anticipated environment as described by the applicant, and tree plantings may help to manage the impact of the buildings. Refer to section 2.5.

e. Access, parking and servicing

- i. Whether the development provides for good access and integration of space for parking and servicing.*
- ii. The relevant considerations are the extent to which the development:*

- A. *integrates access in a way that is safe for all users, and offers convenient access for pedestrians to the street, any nearby parks or other public recreation spaces;*
- B. *provides for parking areas and garages, where provided, in a way that does not dominate the development, particularly when viewed from the street or other public open spaces; and*
- C. *provides for suitable storage and service spaces which are conveniently accessible, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces.*

The proposal is dominated by parking when viewed from the street as discussed in section 2.2.

f. Safety

- i. *Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.*
- ii. *The relevant considerations are the extent to which the development:*
 - A. *provides for views over, and passive surveillance of, adjacent public and publicly accessible private open spaces;*
 - B. *clearly demarcates boundaries of public and private space;*
 - C. *makes pedestrian entrances and routes readily recognisable; and*
 - D. *provides for good visibility with clear sightlines and effective lighting.*

CPTED matters are explored in section 2.7. I consider there are safety issues but these could be managed through changes to the boundary treatment and the management of the area behind the supermarket.

4.5 Other Assessment Matters

I have been asked to consider the assessment matters listed below. In doing so, I have confined my comments to the urban design related aspects of these matters.

14.15.5 Scale and nature of activity (Proposed new 14.15.6)

- a. *Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:*
 - i. *the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;*
 - ii. *the ability for the locality to remain a predominantly residential one; and*
 - iii. *the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.*

I have discussed this issues in section 2.5 (above). I agree with Mr Church that the immediate effects of the building fall on the southern boundary where they are broadly similar to what could be expected in the commercial local zone and that they can be mitigated by landscaping. I would defer to Mr Head on whether the proposal achieves this.

- b. *The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:*
 - i. *the character of the surrounding living environment; and*
 - ii. *noise, disturbance and loss of privacy of nearby residents.*

The proposal is situated on a main road leading away from the city centre where a higher level of traffic would be expected. It will obviously result in more traffic, and on-site manoeuvring and parking.

The character of the area would change, in part due to the site layout and in particular the large area of car parking at the front of the site. This would not provide a residential character, and would also not result in a good quality commercial area which would compensate for it. Whilst I consider that a large centre of the scale proposed could be integrated into vicinity, it requires a design and layout that provides more positive features, something I explore in Section 3.

c. *For home occupations :*

whether the non-compliance is an integral and necessary part of the home occupation ;

- i. *the extent to which the scale and/or nature of the activity, including signage , has an adverse effect on the anticipated level of amenity and character of the site and the surrounding area; and*
- ii. *whether the nature of the activity conflicts with residential activities and the wellbeing of the surrounding residents; and*

N/A

d. *whether retail activity remains small in scale, does not create adverse effects through additional pedestrian and traffic movements, noise, disturbance and loss of privacy, and does not undermine the centres-based framework for commercial activities .*

I have no urban design comments on this matter

e. *For residential units with more than six bedrooms, whether there should be a limit on the number of bedrooms over six bedrooms based on the impact on the surrounding neighbourhood and residential character.*

N/A

- f. *The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.*
- g. *The opportunity the activity provides to support an existing nearby commercial centre .*
- h. *The opportunity the activity provides to support and compliment any existing health-related activities and/or community activities in the surrounding area.*

I have no urban design comments on these matters

i. *For Residential Visitor Accommodation Zone sites only, the extent to which any additional bedrooms and quantum of floorspace proposed avoids adverse effects on the function and recovery of the Central City .*

N/A

j. *For the Accommodation and Community Facilities Overlay area, the extent to which any additional quantum of floorspace for activities ancillary to visitor accommodation avoids adverse effects on the function and recovery of other commercial centres.*

N/A

14.15.17 Street scene – road boundary building setback, fencing and planting (Proposed new 14.15.18)

a. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street.

i. The ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries .

The proposed car park is very prominent and would not contribute to a residential type planted interface.

The provision of landscaping could help to integrate it into the street scene somewhat, but would not create the high quality positive street front expected. The effects generally arise from the expanse of parking and shortfall of visual interest rather than the building itself.

ii. The ability to provide passive surveillance of the street.

The proposal is set well back from the street and so would provide limited passive surveillance. I consider a more fulsome CPTED analysis has demonstrated the application is appropriate.

iii. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site , or the long term protection of Sites of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1, significant trees listed in Appendix 9.4.7.1, or natural features on the site .

N/A

iv. For fencing, whether solid fencing is appropriate to provide acoustic insulation of living spaces where the road carries high volumes of traffic

N/A

v. The ability to provide adequate parking areas and manoeuvring areas for vehicles clear of the road or shared access to ensure traffic and pedestrian safety.

I have no urban design comments on this matter.

vi. The effectiveness of other factors in the surrounding environment in reducing the adverse effects.

I have not identified any factors that would reduce the adverse effects

14.15.18 Minimum building, window and balcony setbacks (Proposed new 14.15.19)

a. Any effect of proximity of the building on the amenity of neighbouring properties through loss of privacy, outlook, overshadowing or visual dominance of the buildings .

The main impacts would be on the adjacent church property and on units located directly to the south of the supermarket building. The building would be quite dominant because it is quite monotonous. This is managed by planted setbacks which would generally mean it no longer infringes recession planes.

b. Any adverse effects on the safe and effective operation of site access .

I have no urban design comments on this matter.

c. The ability to provide adequate opportunities for garden and tree plantings around buildings .

Mr Head will consider this in his evidence.

- d. *The extent to which the intrusion is necessary to enable more efficient cost effective and/or practical use of the remainder of the site , or the long term protection of significant trees or natural features on the site.*
- e. I have no urban design comments on this matter

15.14.4.5.2 Maximum retail activity threshold

a. The effects of any larger floor space for non-residential activity on the Central City, Town Centres and Neighbourhood centres.

I have not been asked to comment on this matter.

b. Any effects in terms of traffic generation and access.

I have not been asked to comment on this matter.

c. The maintenance of permeability within the block for internal pedestrian and cycle circulation including the connections with that part of the block within the residential zone.

This matter is explored in Section 2.2 which demonstrates the effect of not providing the expected connections.

d. Form, amenity and function of the Neighbourhood Centre Zoned area as a Neighbourhood centre would be maintained.

The impacts of car parking relate substantially to the scale of the centre, so it would not maintain the expected form and amenity.

e. Any potential for the role of other Commercial centres to be eroded by development or urban form effects, and any wider transport network effects from any associated transport generation.

I have not been asked to comment on this matter.

Appendix G - Transport Advice (David McGonigal – Transportation Network Planner)

RMA/2024/3209 - Madras Street – Supermarket

Transport Review 3 June 2025

Introduction

1. This report provides a transport review of the application RMA/2024/3209 for a Supermarket at Madras Street.
2. This review has considered the Integrated Transport assessment (ITA), dated 24 October 2024 prepared by Stantec and the additional transport information provided by Stantec dated 26 February 2025.

Assessment of Non-Compliances

District Plan Standard 7.4.3.7 (a) Access Design

3. The formed width of the northern most access exceeds the maximum permitted of 9m.
4. The proposed vehicle crossing is 16.5m at the road boundary and 24.5 m at the road edge. It is understood that this non-compliance is a result of having to accommodate large delivery vehicles at the access. Whilst it is accepted that there will need to be a degree of non-compliance to accommodate the large vehicles this level of non-compliance is not supported as it creates a far greater level of exposure to pedestrians using the frontage footpath and invites greater vehicle entry speeds.
5. A recommended condition of consent is for a re-design of the northern access to reduce the level of non-compliance.

District Plan Standard 7.4.3.7 (b) Access Design – Queue Space

6. For this development, Appendix 7.5.8 of the District Plan requires a queue space of 18m at each of the two accesses. The application proposes 7m at the southern access and 10m at the northern access which falls well short of the District Plan requirements. Queue space is calculated in multiples of 6m to accommodate the length of a vehicle, therefore the effective queue space at each access only accommodates 1 vehicle before the second vehicle is overhanging the footpath on Madras Street.
7. Pedestrians and cyclists and to a lesser extent vehicles using Madras Street could be affected if vehicles are unable to enter the accesses efficiently. Pedestrians would be affected if the footpath is blocked by a queueing vehicle. The frequency of potential queueing is considered high especially during the PM peak traffic periods. The unique nature of the traffic flow along Madras Street which in a northbound direction moves in platoons of vehicles lasting 40 to 60 seconds means that there will be a concentration of vehicles trying to enter the car park in short succession.
8. Given the level of vehicle movements at the accesses, the collector road status of Madras Street and the volume and flow characteristics of traffic entering the supermarket this non-compliance is not acceptable. It will lead to safety issues for pedestrians if vehicles are queueing at the access across the footpath. I recommend that amendments are made to the internal design to better accommodate the potential queueing within the site.

District Plan Standard 7.4.3.10 High Trip Generators Assessment

Access and Manoeuvring (safety and efficiency)

9. Access to the site for all travel modes is from Madras Street which is classified in the District Plan as a collector route carrying on average approximately 7,000 vehicles per weekday. Traffic flow past the site is very uni-directional with 89% of daily traffic travelling north on Madras Street. The northbound traffic flow is around 700 vehicles per hour in the PM peak period and is controlled by the traffic signals at Bealey Avenue which results in traffic moving in platoons of between 40-60 seconds followed by a 30 second gap. In the southbound direction on Madras Street traffic flow is low at between 50 to 60 vehicles per hour throughout the day.
10. Vehicular access is proposed to be shared with bicycles at the two vehicle crossings one at the southern end of the site and a second at the northern end of the site. The northern vehicular access provides access to the site for service vehicles. Pedestrian access is via a walkway positioned centrally along the site frontage.

11. The ITA proposes that both accesses allow left and right exit movements with up to 6 vehicles queueing to exit and delays of up to 20 seconds per vehicle. This operational performance is based on the traffic movement along Madras Street occurring in platoons with the time between platoons being available for vehicles to exit the site.
12. I consider that the accesses are likely to perform as predicted particularly at off-peak traffic periods although the layout of the exit lanes could be better configured to ensure that they do operate efficiently. The movements at each access means that when there is a gap in traffic then vehicles at the two accesses will be competing against each other for the same gap. Right-turning traffic from the southern access will restrict right-turning traffic from the northern access. Left turning traffic from the northern access will affect the right-turn from the southern access.
13. The layout of the car park that has a car park aisle located close to the accesses resulting in a non-compliance with District Plan queue space requirements. This will further adversely affect the operation of the accesses and create issues for vehicles trying to enter if their route is restricted by vehicles queueing to exit the car park.
14. Accessibility to the site for pedestrians is poorly considered and the safety of those that are mobility restricted most compromised. There are no pedestrian access facilities at the two vehicular accesses with pedestrians having to negotiate their way past each vehicle access to reach the centrally located walkway between the two vehicular accesses. It is unlikely that pedestrians would use the walkway and instead be more inclined to risk entering and exiting at the vehicle accesses where there is no pedestrian provision.
15. The concept of two vehicular accesses serving the site is supported, however queue space non-compliance and poor consideration for pedestrians requires revision to mitigate the unacceptably adverse efficiency and safety effects.

Design and Layout

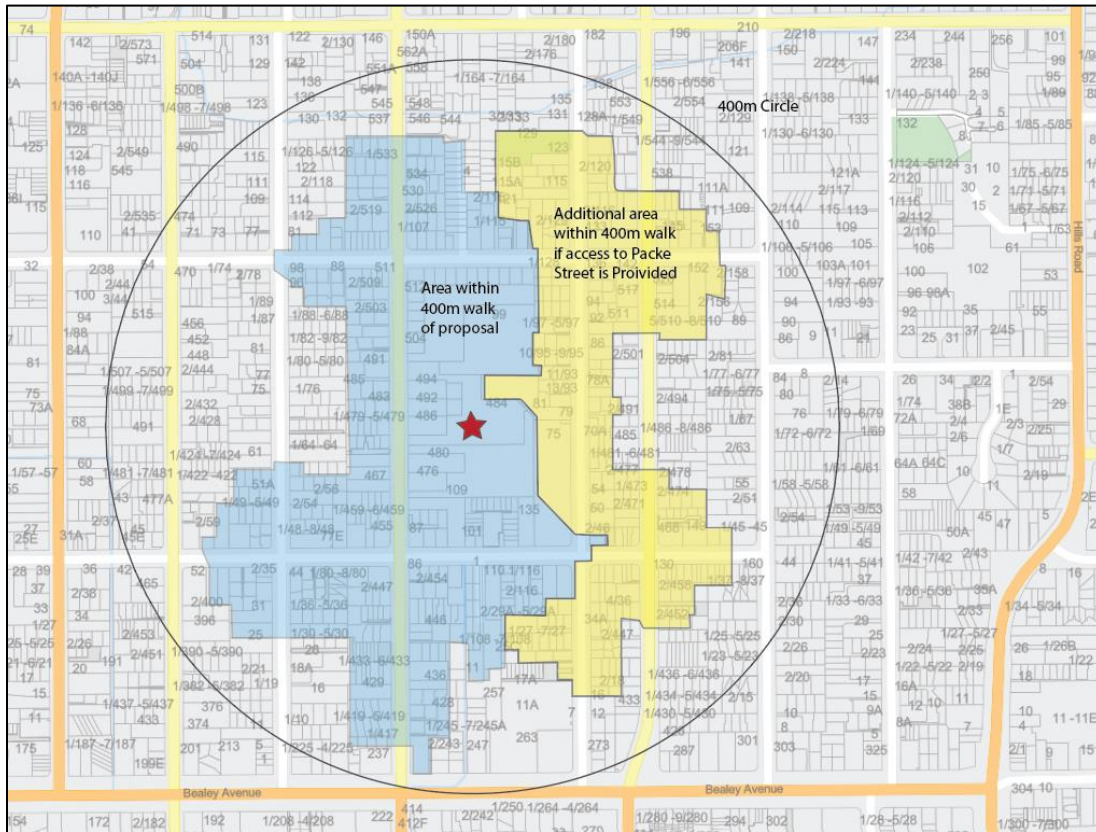
16. Pedestrian access to the site is only provided from Madras Street which does not comply with the ODP which planned further access points from Packe Street and Purchas Street. The opportunity to provide a safe and convenient access for pedestrians and cyclists to encourage non car-based travel is lost if not provided.
17. Regarding the access from Madras Street, it is likely that pedestrians would choose to enter the car park through the vehicle access and with no facilities for pedestrians at the access, could lead to safety issues at the access for pedestrians and their presence will affect the efficiency of the accesses. Given this and the non-compliance with the ODP pedestrian access from Madras Street should be improved.

Heavy Vehicles

18. The volume of heavy vehicles generated by the proposed development is expected to have minor effects on the roading infrastructure.

Accessibility of the Location

19. The location of the development within the urban area provides the opportunity for high levels of accessibility for all travel modes and especially pedestrians and cyclists.
20. The intent of the ODP was for a pedestrian access from Madras Street, Purchas Street and Packe Street. However, the application only provides access from Madras Street which significantly reduces the walkable catchment of the site and does not maximise the opportunity to access the site more conveniently by walking and cycling.
21. Mr Hattam's advice shows a walkable catchment to the east of the block that is foreclosed by not providing access from the eastern connection point to the site:



Network Effects

22. I have reviewed the methodology used to identify changes to vehicle movements arising from the proposal in the ITA. I have concluded that the methodology is satisfactory
23. The ITA predicts that the site will generate 500 two-way (250 in and 250 out) vehicle movements per hour during the PM peak traffic period. Of those 500 movements, 150 vehicle movements would already be using Madras Street, and 350 vehicle movements would be new to the frontage of the site on Madras Street. I consider this to be a reasonable estimate based on the empirical data provided in the ITA.
24. To allow vehicles to turn-right into the site from Madras Street a central median with right-turn bays is proposed. The application proposes that the cycle lanes be reduced in width and parking along the eastern side of Madras Street would be removed as well as the parking lane on the western side being narrowed to accommodate the median.

25. I consider the adverse effects of narrowing of the parking lane, cycle lane and traffic lane are unacceptable.
26. Observations of parking on Madras Street indicate that vehicles using the current western parking lane even when parked as close as practical to the kerb still encroach into the cycle lane. Narrowing the parking lane will only increase the amount of encroachment into the cycle lane.
27. The narrowing of cycle lanes is not supported as this will impact the safety of cyclists on what is a busy traffic route. The narrowing of the parking lane and the narrowing of the cycle lane will have a compounding effect on the safety of cyclists.
28. Narrowing of the traffic lanes will reduce the efficiency of traffic flow along Madras Street which is a key collector road.
29. To maintain the existing lane widths and include a 2.5m wide median to facilitate right-turning into the site the width of Madras Street needs to be increased by approximately 0.5m. The cross-section that would be acceptable is shown on the following table.

	Lane Widths (m) West to East							Total (m)
	Parking	Cycle	Traffic	Median	Traffic	Cycle	Parking	
Existing	2.0	2.0	3.2	-	3.2	1.7	2.0	14.1
CCC Acceptable	2.0	2.0	3.2	2.5	3.2	1.7	-	14.6

Strategic Framework

30. The location of the site provides the *opportunity* for reduced all mode travel distance for grocery and general convenience shopping by providing a shopping facility within an urban area that will increase in population density lessening the need to travel further afield for grocery shopping.
31. However this opportunity has not been appropriately taken up from a transport perspective especially regarding walking and cycling which will reduce car-based trips. There is an entire walkable catchment for trips to the development (that to the east as shown in yellow above) that has not been provided for.

Assessment of Transport related Public Submissions

32. There is a large overlap regarding the transport issues raised in the submission process and those that I have considered in regard to the relevant transport rules and matters of discretion as well as the information presented as part of the application and supporting information. The transport related submissions can be grouped into the following themes:

Increased traffic putting pressure on Madras Street with concerns emphasising an extra 500 customers per hour

33. The ITA predicts the development will attract 500 two-way vehicle movements per hour, of which 150 vehicles are already using Madras Street which leaves an increase of 350 two-way vehicle movements. The ITA indicates

that there would be an increase in demand on Madras Street of 212 vehicles south of the site and 138 north of the site.

34. Results of the intersection capacity analysis of the Madras Street/ Edgeware Road intersection show that the development will have a negligible effect on the performance of the intersection. The performance of the straight through movement on Madras Street heading north can be described by considering the degree of saturation of the movement which is calculated by dividing the volume of traffic by the capacity of the movement. The development changes the degree of saturation from 0.615 without the development to 0.640 with the development which is negligible impact.
35. Analysis of the Madras Street/Purchas Street intersection shows that the development has a negligible impact on Madras Street with the level of service for this movement being unchanged by the development.
36. The level of traffic increase predicted is not expected change the overall flow of traffic along Madras Street particularly when in a northbound direction the traffic flow is controlled by the traffic signals at Bealey Avenue. Overall, whilst there will be additional traffic movements at the site these are unlikely to cause any issues to the flow of traffic along Madras Street.

Reduction in cycle lane width

37. I support the concerns raised regarding the proposed reduction in cycle lane width. An alternative solution that does not require narrowing of the cycle lanes is required. One way of achieving this would be to widen the road corridor into the site.

Rat running on Purchas Street and Packe Street

38. A low volume of traffic will use Purchas Street to access the supermarket and is predicted in the ITA to be 20 vehicles in the PM peak period. This increase and will not have any effect on Purchas Street.
39. I would not anticipate traffic rat running by using Packe Street. Analysis of the Madras Street/Edgeware Road intersection does not show any reductions in performance due to the development so it is unlikely traffic would rat run to avoid it.
40. The traffic flow along Madras Street has a relatively short peak period in the evening with the traffic flow at all other times being significantly less. The probability of any noticeable rat-running occurring is limited.

Staff Parking on adjacent streets, 100 staff 10 spaces provided

41. In my view, given the removal of parking requirements in the District Plan as directed by the National Policy Statement on Urban Development (NPS-UD), increased on-street parking is an anticipated outcome throughout tier 1, 2 and 3 territorial authorities which include Christchurch. From a network operational perspective, additional on-street parking can be supported where such parking does not compromise the ability for service and emergency vehicles to use such roads to fulfil their roles and responsibilities or compromise access to properties. The proposal provides 223 on-site parking spaces. Reference to NZTA Research Report 453

indicating upper parking demand rates of 5 spaces per 100m² GFA which include customer and staff demands, suggest that the proposed on-site parking provision would broadly meet the parking needs of the development.

Impact on Packe Street

42. There is no increase in traffic expected on Packe Street. The development is not expected to change the performance of the road network particularly along Madras Street that would mean that traffic would rat-run and use Packe Street.

No pedestrian crossing directly opposite the site

43. Most customers who are walking to the development will be able to use existing pedestrian crossing facilities located to the north and south of the site on Madras Street.

Lack of compliance with ODP regarding no pedestrian access from Purhas and Pakce Streets

44. I agree with the submitters concerns that the development does not comply with the access requirements of the ODP by omitting access from Purchas and Packe Street for pedestrians and cyclists.
45. Providing access from Packe Street would increase the convenient walking catchment for pedestrians would encourage walking and reducing the dependency on car-based travel.

Loss of parking

46. There will be a loss of parking along the site frontage to accommodate the right turn bay. Changes in on-street parking will result from any commercial development on the site and as mentioned previously there are no minimum parking standards in the District Plan.

Conclusions and recommendations

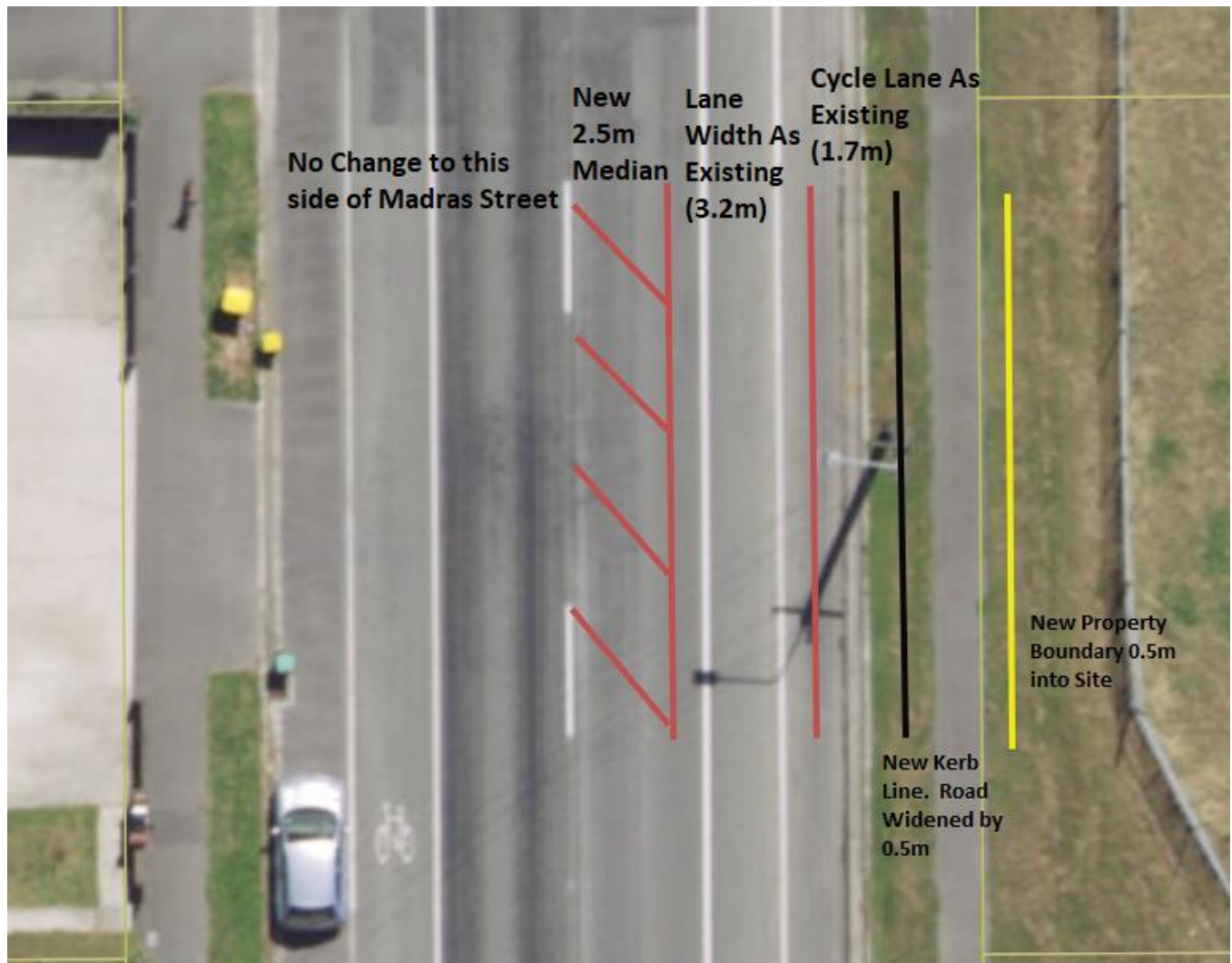
47. Overall while I consider the proposal to be acceptable in general terms in relation to the function of the road network and vehicle trip patterns, I find that there are key safety and efficiency adverse effects arising from various non-compliances and design choices in regard to access and layout on the site that point towards a conclusion that can be described as more than minor. The proposal in front of me includes the following adverse effects on the surrounding transport network:

- lack of complying queuing space, resulting on queuing onto the public road
- lack of consideration to ensure the safety of people passing and attracted to the site
- narrowed cycle lanes that reduce the functionality of an existing road feature and compromises the safety of cyclists passing and attracted to the site.

48. I am of the view that changes to the access design and site frontage can be made to address the above adverse effects.

New road layout – Madras Street

It is likely that the location of the proposed accesses will need to move further from the boundaries of the site to allow transition from the full road width to that proposed in the diagram, this is especially so for the northern access.



Appendix H - Flood Management Advice (Cindy Asmat)

Initial advice of Cindy Asmat

According to ECAN bore information, groundwater levels in the area are very shallow, which could lead to potential groundwater issues on the site.

While the proposed building for the new development is not located within the flood-prone area for a 1-in-10-year flood event, the surrounding areas do experience flooding, particularly near 480 Madras Street. Flooding along the road appears to worsen at the corner of Madras Street and Purchas Street, recorded flood complaints/roading works seem to align with this corner, where flooding is more likely to occur.



Cindy Asmat additional advice after reviewing Victor Mthamo's advice.

After reviewing Victor's comments, I have revised my assessment.

1. Present 10-Year Flood Event:

Flooding during the present 10-year flood event will be managed by the proposed stormwater system. This is possible because the flooding is caused by ponding and is not connected to any other source of flooding. The tanks are designed to capture stormwater for events up to and including a 50-year, 24-hour duration. This means that all floodwaters on the site from a 10-year event will be stored and discharged via a restricted outlet to the road. The restricted discharge is not expected to significantly impact flooding on the road.

The ponding areas extend beyond the northern boundary of the new development site. However, by capturing the ponding within the development area using the stormwater system, the overall ponding volume in the low-lying areas will be reduced, resulting in a beneficial outcome.

2. Permitted Baseline for a 1-in-200-Year Flood Event:

The earthworks plan indicates that the applicant proposes to fill the parking area to a height of 0.2–0.3m. Most of the flooding during a 1-in-200-year event remains localised in the low-lying areas, with some minor connections to the road. The average depth of floodwaters in this event is approximately 100mm.

The flooding covers less than 50% of the area, which remains within the permitted baseline. The baseline is calculated based on the site coverage allowance (50% of the area) plus an additional 10% volume. This equates to an allowable displacement of approximately 700m³ for the entire site.

The applicant's proposed filling is estimated to displace approximately 300m³ of floodwaters during a 1-in-200-year event, which is below the permitted baseline.

Appendix I - Stormwater System Advice (Victor Mthamo)

Victor Mthamo to Resource Consents Unit initial assessment comments

The site is considered to be greenfield. The buildings here were long gone before the earthquakes (sometime between 2004 and 2007), plus the site is poorly serviced. Onsite stormwater attenuation would be required to achieve stormwater neutrality between the pre and post development phases for all rainfall events up to and including the 50 Year 24 hr events.

Stormwater treatment will be required for all trafficable hardstanding prior to discharge to the CCC network. The following is a list of the treatment systems:

Systems Approved for Basic Treatment (private ownership and operation)	
Atlan Filter	5mm/hr
Atlan Flowfilter	5mm/hr
Atlan Flowguard	5mm/hr
Hynds Up-Flo Filter with CPZ Media	5mm/hr
Oldcastle/Austin Bluewater Perk Filter	5mm/hr
Oldcastle/Austin Bluewater Biopod	5mm/hr
Stormwater360 Filterra/Bioscape	5mm/hr
Stormwater360 Jellyfish	5mm/hr
Stormwater360 Stormfilter with ZPG Media	5mm/hr

Systems Approved for Enhanced Treatment (private ownership and operation)	
CCC Rain Garden	20mm
Oldcastle/Austin Bluewater Biopod	5mm/hr
Stormwater360 Filterra/Bioscape	5mm/hr
StormwaterRx Aquip	5mm/hr

Systems Approved for Public Treatment (owned and operated by CCC)	
First Flush Basin + Stormwater Wetland Treatment Train	25mm
Soil Adsorption Basin	25mm
Hynds Up-Flo Filter with CPZ Media*	5mm/hr
Stormwater360 Filterra/Bioscape*	5mm/hr
Stormwater360 Stormfilter with ZPG Media*	5mm/hr

The site is also considered to be contaminated and ECan consents will be required for stormwater discharge.

Scott Blair to Victor Mthamo Clarifying questions regarding the servicing report in the application – post notification.

Here is the servicing report that you would have reviewed when you provided your November 24 comments.

There are some matters I need to get clarity around. In regard to section 5.5. and 5.6 Do you agree with those statements? Is the CCC reluctance to accept pumping actually confined to primary drainage and not pumping to attenuation as stated for the option of above ground tanks (not underground tanks) for hardstand areas.

I see that according to Eliot Sinclair ground water has been encountered as shallow as 0.1m and as deep as 2.6m – section 3. They refer to the Engio report attached. There are bore logs etc. Is the ground water level as constraint for detention basins? Is the 50 year flood a constraint to detention basins?

I will be looking for reports in the files for Plan Change 31 that specified the area of attenuation basins. This may lead to further questions.

Response from Victor Mthamo to Scott Blair in regard to whether the stormwater can be pumped into detention tanks.

They can pump into the tanks but the discharge from the tanks has to be by gravity via a controlled outlet.

Scott Blair clarifying questions to Victor Mthamo

Just so I am absolutely clear does not allowing pumping include pumping from the carpark stormwater into the tanks before it drains by gravity to the stormwater pipe?

Response from Victor Mthamo to Scott Blair on whether stormwater can be pumped

Pumping negates the purposes of the tanks and so we won't permit it.

If detention basins are used where groundwater is high, they will need to be shallow and their bases to be above the highest groundwater level. This would also need consents from ECan and will likely be consented because of their potential for groundwater interception unless the applicant provides some mitigation acceptable to ECan (e.g. clay lining the bases of the basins) to reduce the groundwater interception/take to the permitted level state.

Scott Blair to Victor Mthamo regarding previous assessments for Private Plan Change 31

Further to my [query] yesterday as set out below I have found buried in the Private Plan Change 31 boxes retrieved from Iron Mountain the assessments and reports regarding the stormwater detention / system changes that would be required for the development of the Orion Block for residential and the then Business 1 zone.

Attached are:

1. The request for information from the Council to the then applicant regarding stormwater.
2. The response from the applicant.
3. Steve Bensberg's more comprehensive advice / evidence for the planner's report regarding the stormwater system required.

These lead to the identification of a required area of first flush treatment of 1800m² on the ODP. My understanding is that this catered for the whole block and not just the Commercial Zone area. Perhaps Steve B cc'd can confirm this.

I also note that it was recognised at the time that the shallow depth of ground water was a constraint. This I expect has not changed.

Given changes to context that has occurred in the last 15 years or so. Please advise asap, in addition to the questions I set out below, if detention of stormwater via a detention basin is still viable and if so what the area should be.

Scott Blair clarifying questions to Victor Mthamo

Can they pump to or from their retention tanks? Yes or No.

Is it feasible to have any surface detention basins given the relatively shallow nature of the ground water? Yes or no?

Response from Victor Mtham to Scott Blair on clarifying questions.

From our end they just need to provide water quantity mitigation this can be via a combination of strategies – above/below ground tanks, onsite ponding (e.g within the carparks), swales, basins. It's really up to them as long as they meet our water quantity objectives.

The area/volume/flow will depend be based on the requirements needs to achieve the stormwater neutrality. Please my Nov 2024 for the design basis.

Cindy Asmat to Victor Mthamo regarding detention tank capacity

I have read some of the emails exchange between the applicant and you. My question is that if the tanks will also retain the volume of floodwaters that the applicant is displacing due to the development or is it only the stormwater during rain events? I assume is only the stormwater, but please let me know.

Victor Mthamo to Cindy Asmat regarding detention tank capacity

I have not considered the flood flows. It's just the stormwater. The important thing from a stormwater point of view is to maintain pre and post development neutrality for 50 year 24 hr events and so we expect the attenuation provided to help achieve this. The maximum discharges from the site should match the accepted predevelopment discharge rate.

Appendix J - Residential Growth Projections (Ike Klynbos – Principle Advisor - City Plan)

Scott Blair to Ike Klynbos

I am looking for some form of formal confirmation of my assumption that the removal of approximately 6000m² of area from the RMD zone in the Orion Block will have insignificant effects on strategic target levels of housing intensification. Low, Medium and High growth scenarios.

Ike Klynbos response to Scott Blair

I agree that this will have a very small impact of the overall housing yield. Yield calculations for site would typically remove 20% for site access, dividing the rest by 100m², resulting in 48 units.

Over the last 5yrs, consent has been granted for over 15,000 residential units. See: [Built environment reporting : Christchurch City Council](#)

At an average of 3,000 units per year, 48 units represents 1.6% of housing gain.

The last pre-PC14 housing capacity assessment in 2021 showed the long-term feasible capacity is 101,994 residential units. See: [Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf](#)

Again, proportionate to both what has been historically delivered and what is commercially viable, this is a very low number of houses that is unlikely to have any discernible impact on housing sufficiency.

Appendix K - Earthworks Advice (Ian Bochow)

Please see Engineers input for – 484 Madras Street, St Albans – Lot 62 Deposited Plan 953.
RMA/2024/3209 – for proposed Civil Earthworks.
(New supermarket-based local centre).

Technical Category: TC N/A

The surrounding area has a Residential Medium Density Zoning, and as such provides for higher density forms of housing. The density of housing in the surrounding area reflects both the current zoning and the previous Living 3 zoning in the old City Plan.

Madras Street is classified as a Collector Road in the District Plan roading hierarchy, and Packe, Purchas, and Cannon Streets are all local roads.
The site is approximately 850m from the Edgeware shopping centre to the northwest, and 1km to the Richmond commercial centre to the east.

The proposal is to establish a full-service supermarket sleeved with small-format retail to form a local community hub set around a village green pocket park, along with associated car parking, loading and landscaping.
223 carparks (including 6 accessible parks, 3 parents parks, 10 staff parks, 6 click and collect parks, and 1 drop off park.

The proposal includes:

- A 3,350m² GFA supermarket located adjacent to the south and east internal boundaries,
- A 200m² ancillary office associated with the supermarket operation;
- A 150m² ‘click and collect’ facility;
- A 150m² entrance lobby;
- Separate 860m² small format retail tenancies sleeving the supermarket;
- 530m² non-retail commercial tenancy at first floor level;
- Total of 5,303m² GFA;
- A new ‘village green’ outdoor courtyard space, framed by food outlets to the east and south;
- Associated landscaping and trees planted around the perimeter of the site, including a continuous landscape strip and trees along the Madras Street road frontage;
- Vehicle access is provided in the form of two access points to Madras Street. A right-turning bay is proposed within the Madras Street road corridor to facilitate movement.

On-site stormwater management including 18 x 10,000lt tanks along the eastern internal boundary and 12 x 30,000lt tanks along the southern internal boundary to the rear of the supermarket.
Overall, the proposal is to deliver a comprehensively designed local centre to provide accessible convenience retail and supermarket requirements to the surrounding and intensifying neighbourhood as part of a brownfield regeneration package.

The site is identified as a HAIL site in Environment Canterbury's Listed Land Use Register (LLUR).

The following **HAIL Activities** were found within your search area.

What is a HAIL Activity? 

No.	HAIL
ACT5720	B2 - Electrical transformers
ACT4156	A17 - Storage tanks or drums for fuel, chemicals or liquid waste
ACT4157	A17 - Storage tanks or drums for fuel, chemicals or liquid waste

The following **Sites** were found within your search area.

What is a Site? 

No.	Site Category	Site Name
SIT1403	Superseded	Orion New Zealand Ltd, Packe Street Depot
SIT3461	Contaminated - Residential	Former Packe Street Depot - Remainder of Site

The following **Investigations** were found within your search area.

What is an Investigation? 

No.	Type	Investigation Title	Report Date
INV296	Detailed Site Investigation	Resource Consent Application & Assessment of Environmental Effects for Excavation of Contaminated Soils	1 Apr 2002
INV755	Detailed Site Investigation	Site Assessment Report, Packe Street Yard	1 Sep 2002
INV757	Detailed Site Investigation	Site Investigation Report, Balance of Site, Packe Street Yard	1 Aug 2003
INV759	Detailed Site Investigation	Packe Street Former Maintenance Yard, Site Management Plan for 'Balance of site' - Post development	1 Feb 2004
INV17469	Detailed Site Investigation	Environmental Site Investigation - Summary Report - Temporary Housing Complex - 500 Madras Street, Christchurch	3 Dec 2012
INV308950	Detailed Site Investigation	Environmental Site Assessment and Management Report, Preliminary and Detailed Site Investigation, 476 Madras Street, Christchurch	1 Jun 2021

A Finished Floor Level Certificate has been obtained from Council (15.450RL) and is attached as part of the civil servicing report.

It is anticipated that earthworks will be undertaken in accordance with the SMP/ RAP, with such required under Council's standard conditions relating to the management of contaminated soil.

ESCP must be provided.

The central city already contains a number of large and medium sized supermarkets (Countdown, Pak n Save, and New World on Moorhouse Avenue and Fresh Choice in the CBD).

Earthworks are limited to foundation construction for the building, installation of services, and a shallow site scrape to remove organic material prior to backfilling with basecourse for the parking area and if need be the installation of below ground stormwater attenuation

structures. No material changes are expected to ground levels beyond site levelling and grading to ensure that stormwater falls away from boundaries and into the on-site stormwater network.



The proposed buildings will be constructed to minimise damage from flooding, and the proposed earthworks will not exacerbate any potential flood risk.

Foundation design in relation to appropriately managing liquefaction risks are well understood, with proven solutions able to be confirmed through the Building Consent process.



Summary:

- The site has some HAIL activities listed
- ESCP must be provided
- Weather conditions (e.g. heavy rain) to be monitored during earthworks
- All earthworks to be carried out in accordance with NZS 4431
- Run-off must be controlled/ monitored
- Dust control
- TMP to be implemented as required
- Noise control
- Vibration to be monitored (vibration management plan may be required)
- ECAN guidance's for stockpiles and building material storage to be followed.

Recommended site conditions, 1-10.

1. All earthworks shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP to be provided), 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://esc Canterbury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.

The ESCP shall include (but is not limited to):

- a. Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
- b. Details of proposed activities;
- c. A report including the method and time of monitoring to be undertaken;
- d. A locality map;
- e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;
- f. Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
- g. Environmental monitoring and auditing, including frequency;

- h. Corrective action, reporting on solutions and update of the ESCP;
 - i. Stabilised entrance/exit and any haul roads;
 - j. Site laydown and stockpile location(s) and controls.
- 2.

The consent holder must notify Christchurch City Council no less than three working days prior to works 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 + above.

- 3. 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
- 4. 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.

- 5. No earthworks shall commence until the ESCP has been implemented on site. The ESCP measures shall be maintained over the period of the 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.
- 6. 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.
- 7. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
- 8. Any surplus or unsuitable material from the project works shall be removed from site and disposed at a facility authorised to receive such material.
- 9. 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, shall be reinstated as specified in the [Construction Standard Specifications](#) (CSS) at the expense of the consent holder and to the satisfaction of the Council.
- 10. Traffic management plan to be implemented as required.

Appendix L - Water & Waste Water System Advice (Alison Tang)

WATER AND WASTEWATER SERVICES REPORT

484 Madras Street

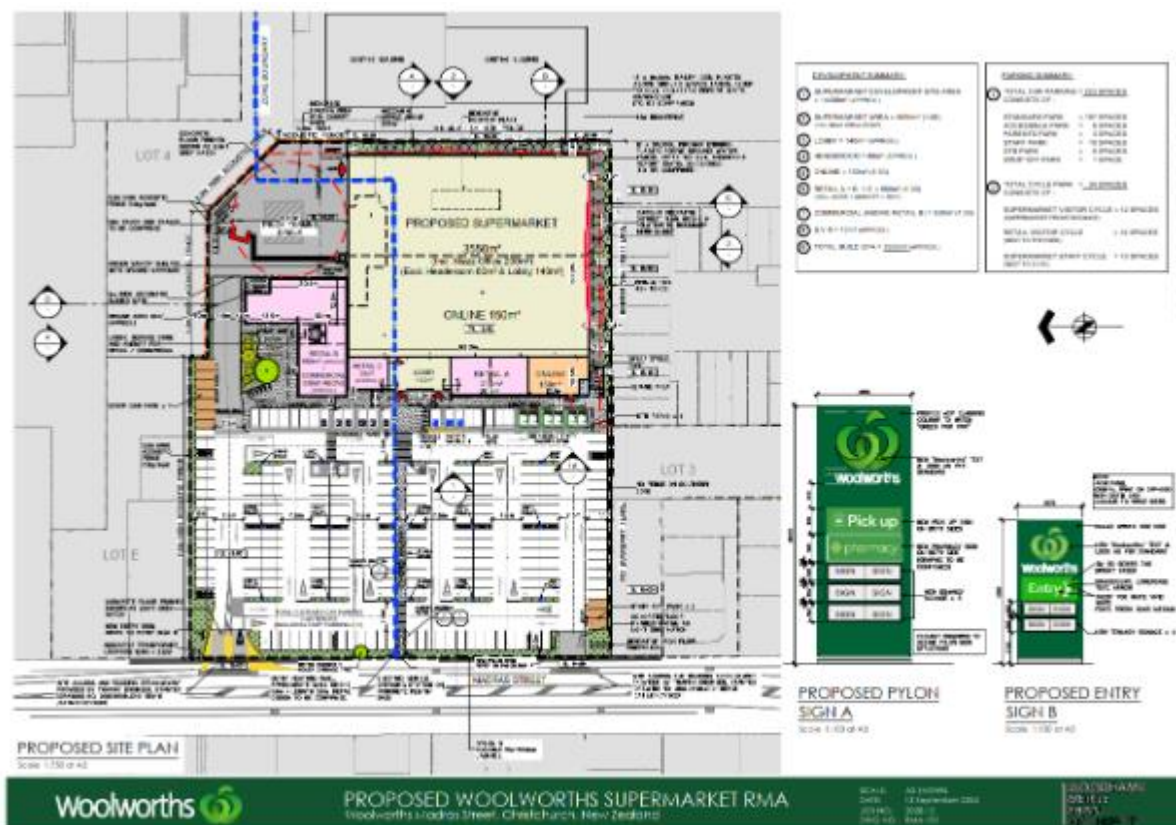
INTRODUCTION

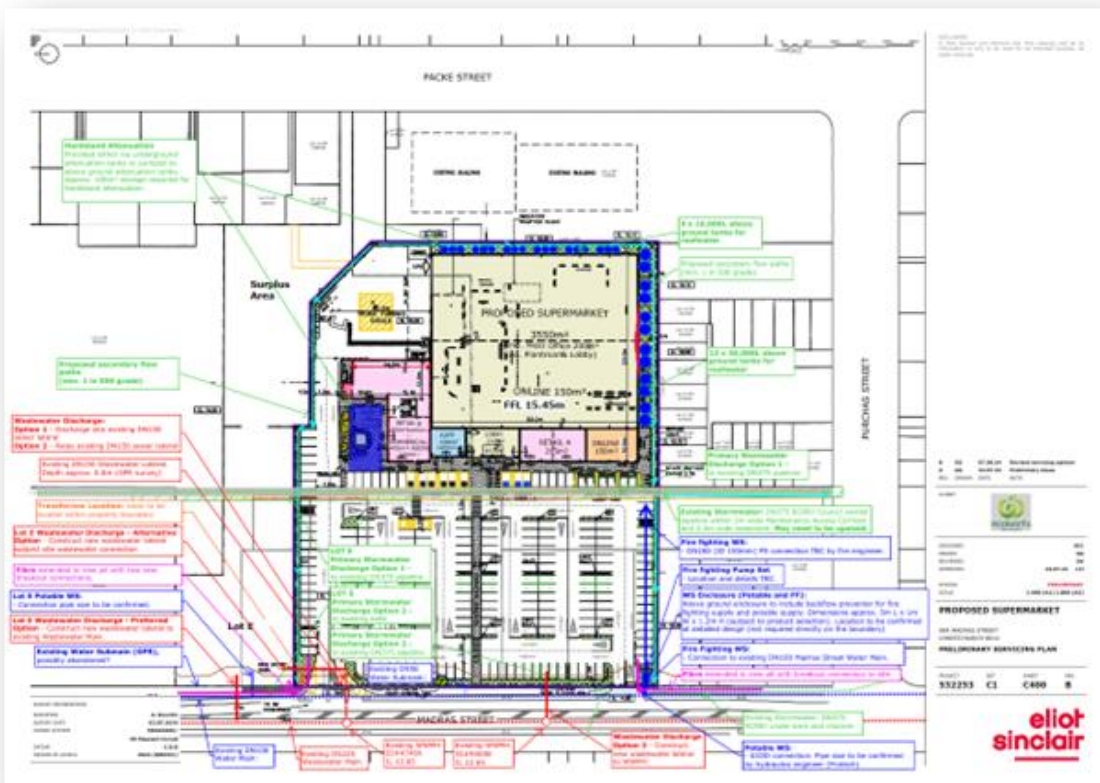
Report To (Planner):	Owen Jeffreys	Address:	476-494 Madras Street
Report To (Engineering):	Nigel Baker	Applicant:	Woolworths New Zealand Ltd
Date:	November 2024	Consultant:	Planz Consultants Ltd
Council Nr.:	RMA/2024/3209	Author:	Alison Tang
Record File Nr.:	25/	Team Leader:	Michele McDonald
Zoning	RNN	# lots	n/a
Legal Description	Lots 1-2 of approved subdivision RMA/2024/1031, Lots 60-62 and 64-65 of DP 953, Pt Lots 33-34 DP 1212, Lot 1 DP 77018		

Version Reference	Changes	Date
0	Draft conditions	2025-05-08

BACKGROUND

In November 2024, Council received the land use consent application for a new supermarket-based local centre on 476-494 Madras Street in St Albans.





There is no record of a pre-application meeting for this application, however pre-application type advice was provided during the due-diligence stage:

Wastewater Capacity Comments - 486 Madras Street



Wastewater Capacity

To ● Simon Crundwell

Cc ● Liam Jagvik



9/07/2024

UNCLASSIFIED

Hi Simon/Liam,

Thanks for your mails. Please see the image below. I had a check into the private drainage layer and found that the highlighted laterals (both to Madras Street and Packe Street) from the mentioned lots are abandoned. There are WW mains removed/abandoned in both Madras Street and Packe street and I believe these highlighted laterals are connecting into these abandoned/removed WW mains.

The only live sewer lateral is the DN150 outfall from the lot 492 Madras Street which is circled in the image below. Thanks



Cheers,

Thomas Joshi Vithayathil

Water & Wastewater Asset Planning

Wastewater Capacity Comments - 486 Madras Street



Wastewater Capacity

To ● Simon Crundwell

Cc ● Liam Jagvik



11/07/2024

UNCLASSIFIED

Hi Simon,

Thanks for the enquiry. 486 Madras Street in St Albans does not fall in a wastewater capacity constraint area. Wastewater capacity can however only be confirmed once the extent of development is known. Can you please provide us an expected flow (L/s) from this development. I'm sure there will be capacity in the network, however, we need to know flow rate before confirming the capacity. Thanks

Kind Regards,

Thomas Joshi Vithayathil

Assistant Engineer

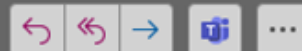
Asset Planning- Water & Wastewater

RMA/2024/3209 - Wastewater Capacity Comments - 476-494 Madras ...



Wastewater Capacity <WastewaterCapacity@ccc.gov

To ● RC Specialist Input



18/11/2024

UNCLASSIFIED

Hi Debbie,

Thanks for the enquiry. 476-494 Madras Street in St Albans does not fall in a wastewater capacity constraint area. However, wastewater capacity can however only be confirmed once the extent of development is known. **We need to know the additional sewer flow rate coming from this site due to the proposed development. Please provide us with the expected occupancy to calculate the domestic discharge and please confirm if the site will be discharging any trade waste and if so, supply the expected flow rates.**

There are no Council wastewater assets on the private property. Thanks

Cheers,

Thomas Joshi Vithayathil

Water & Wastewater Asset Planning

The pipework in this area is too small to accommodate an FW7 fire classification. The applicant has other options such as fire sprinkler systems which would reduce the fire classification or the likes of on-site storage – the applicant could contact FENZ for advice on Canterbury-RRTeam@fireandemergency.nz.

Please note that I have confirmed with my TL that there is no council WS main upgrade planned here in the Madras street.

Could you please confirm potential water supply capacity available for the proposed development? In particular, could you please confirm:

- Is there capacity available in both the water supply mains to service this site?

Please note that this site is on the ECAN Listed Land Use Register as a contaminated site. All water pipes will need to be protected against contamination with barrier pipe such as PE-AL-PE unless other contamination mitigation measures address the issue to the Building Consent Authority's satisfaction.

We can confirm that the Council water supply network can support your proposal. Details regarding sub-mains, commercial water meters and connection must be addressed through the WS1 Water Connections process during the building consent stage. A backflow prevention device will also be required—please contact Backflow@ccc.govt.nz for details.

- What supply pressure can we assume is available in the water mains?

The mentioned site is in a Medium Pressure water supply zone. Please have a look into this link for you to check the water pressure and sprinkler pressure of each zones; <https://ccc.govt.nz/services/water-and-drainage/water-supply/about-the-water-supply/water-pressure/>

- Do the Council have fire hydrant pressure testing and / or water supply hydraulic modelling or will this be required to be completed by the applicant to confirm the above?

If the applicant elects for a sprinkler system, fire sprinkler system design parameters (flow and pressure) that are supported by hydraulic tests shall be submitted to Christchurch City Council's 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 shall be incorporated into the final design of the sprinkler system and included in the building consent application.

RFI AND COMMENTS

The following comments regarding the application:

#	RFI/Comment	Response
1	Thanks for the enquiry. 476-494 Madras Street in St Albans does not fall in a wastewater capacity constraint area. However, wastewater capacity cannot however only be confirmed once the extent of development is known. We need to know the additional sewer flow rate coming from this site due to the proposed development. Please provide us with the expected occupancy to calculate the domestic discharge and please confirm if the site will be discharging any trade waste and if so, supply the expected flow rates.	There could be between 30-40 staff working in the stores during the busiest hours. WWNZ typically provide 4-6 toilets for staff plus 1-2 shower facilities. WWNZ also provide one accessible toilet for customers - as a ballpark I suggest allowing 10 customer usages / flushes per hour. Total Discharge Units (in accordance with NZBC G13/AS2) is 173Dus. For comparison this is approximately equivalent to 6 residential dwellings with kitchen, laundry, bathroom, ensuite, separate toilet. Feedback from Woolworths NZ Ltd.'s internal operations team for another Christchurch supermarket is that their expected trade waste generation is likely to be: • Total annual volume approx. 1825m³/year. • Average total daily volume 5m³/day. • Max daily volume 10m³/day. • Max flow 2L/sec.

Wastewater Disposal

Existing Sewage Disposal

The site is connected to the sewer network by Ww Lateral ID 634676 from 492 Madras Street.

Proposed Sewer

Connection should be made via the existing sewer lateral. If falls cannot be achieved due to the lateral's invert level, re-laying along the same alignment using the same manhole would be acceptable. Alternatives proposed can be assessed when drainage plan becomes available.

This site does not fall within a wastewater capacity constraint area and the proposed discharge can be accommodated in the Council's wastewater network.

6.2. Commercial Development

There are three potential options for wastewater discharge as follows:

- **Option 1** - Discharge to an existing DN150 sewer lateral located at #492 Madras Street (subject to confirmation of pipe depth and condition). GPR survey indicates that this lateral is approximately 800mm below existing ground level, so it is unlikely to be deep enough to re-use.
- **Option 2** - Replace the existing DN150 sewer at #492 Madras Street with a new wastewater lateral connection to existing Council wastewater manhole ID#47469.
- **Option 3** - Provide a new wastewater lateral with a new connection to the existing Council wastewater manhole ID#94008 (adjacent to #467 Madras Street).

Potential wastewater discharge options have been displayed on the Service Plan in Appendix F.

6.3. Lot E

The preferred wastewater discharge option is to construct a new lateral to the existing Madras Street sewer main. Alternatively, a new wastewater lateral could discharge to the subject site wastewater lateral.

Water Supply

Existing WATER SUPPLY

This site is not currently connected to the water supply. There is a crossover and gate valve at 472 and 484 Madras Street. There are fire hydrants along the DN100 CI water main in Madras Street, three of which are within 135m.

This site is on the ECAN Listed Land Use Register as a contaminated site. All water pipes will need to be protected against contamination with barrier pipe such as PE-AL-PE unless other contamination mitigation measures address the issue to the Building Consent Authority's satisfaction.

4.1. Existing Infrastructure

There is an existing DN100 watermain located in the Madras Street carriageway. This watermain supplies a DN50 water submain running along part of the frontage of the subject site and serving other properties along the east side of Madras Street. GPR survey indicates that there is also a submain extending along the Lot E frontage, however this may be an abandoned pipe as it is not shown on the CCC 3 waters GIS viewer.

There is an existing DN100 watermain located in the Purchas Street carriageway. This watermain supplies a DN40 water submain running along the northern Purchas Street frontage.

There is also a DN150 watermain located under the eastern side of the Packe Street carriageway. However, supplying the development from Packe Street would require an easement over neighbouring land.

Proposed WATER SUPPLY

We have confirmed there is water supply available for domestic demands from the shopping centre and that details regarding submains, commercial water meters and connection must be addressed through the WS1 Water Connections process during the building consent stage. A backflow prevention device will also be required—please contact Backflow@ccc.govt.nz for details.

The fire fighting demand as established in the application is 3200 l/min, which is an FW4 demand in the SNZ PAS 4509:2008 Fire Code Table 2. Hydrant flow tests conducted confirm the network can meet this demand flow.

4.2. Potable Water Supply

It is proposed to service the site via a new submain(s) for potable water supply. The potable connection will be separate to the firefighting supply. It is likely that this supply will be from the DN100 water main in Madras Street.

4.3. Fire Fighting Supply

The firefighting connection will be from the existing DN100 watermain on Madras Street. Elliot Sinclair has liaised with the fire engineer (Protech Design Limited) to discuss the firefighting demand for the site. Protech has confirmed that 3,200 L/min is the preferred firefighting supply rate.

A fire hydrant flow test was carried out on the 24th July 2024 (refer to hydrant test results in Appendix E). Protech have confirmed that the hydrant test results indicate that there is enough water volume to supply the firefighting demands. A pump set will be required, and the pump duty will need to take into consideration the CCC pressure management program. Please refer to the correspondence attached in Appendix D.

The firefighting supply connection will be configured with an underground valve and water meter installed within the road reserve as public infrastructure near the property boundary. A backflow preventer would be installed within the site boundary as a private asset. A typical diagram of this connection is provided below.

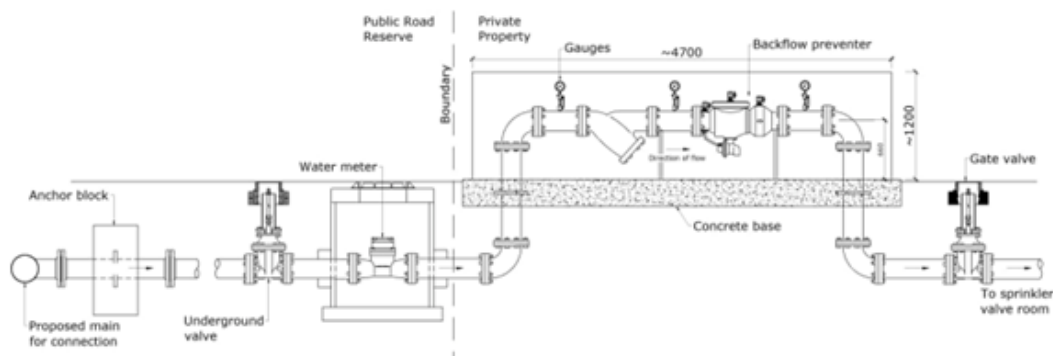


Figure 2 Firefighting water supply meter and backflow preventor

4.4. Lot E

Lot E can be serviced (potable water supply) directly from a new crossover connection from the DN100 Madras Street watermain. Alternatively, the existing DN50 submain can be extended along the subject site and Lot E frontage.

Note that GPR survey indicates that there is an existing water submain located along the Lot E frontage, however this is not shown on the CCC 3 water GIS viewer, which suggests that this pipeline may be abandoned.

Questions from online submission forms:

- *Over extending our local water infrastructure - How will the CCC water supply infrastructure handle the increased supply?*

We expect the water supply network to be able to accommodate the commercial use demand from the supermarket complex. The applicant has also demonstrated the network will meet the site's fire flow demand.

- *Stormwater and wastewater issues*

Our City wastewater model [which is calibrated in this area] does not predict wastewater overflows in this area of the network.

- *'Council have confirmed that the site is not in a capacity constrained area and therefore does not require wastewater attenuation.' Does this still stand with the intensified housing that has already occurred.*

Assessment of wastewater capacity includes growth in the catchment for all the lots serviced by the Council wastewater network, so yes applications for development in the same catchment are part of the capacity assessment. [Language about calibrated model in this area]

- *What happens to the wastewater in a flooding event? – as we are expecting more and worse flooding due to more unpredictable weather patterns. Will our streets be flowing poos more often?*

The Water Supply & Wastewater Bylaw 2022 Section 32 *Private wastewater drains*, requires that onsite pipes “must be maintained in a state which is free from cracks and other defects which may allow infiltration, leakage, or cause blockages.”

NZ Building Code Clause G13 *Foul Water* “Requires the safe disposal of foul water to prevent illness and the loss of amenity due to odour and accumulated matter. Under this clause, buildings in which sanitary fixtures and sanitary appliances using water-borne waste disposal are installed must be provided with adequate plumbing and drainage to appropriate outfalls or system for storage/treatment. This safeguards people from infection or contamination of the water supply. It sets out requirements for the construction of plumbing systems and protects against loss of amenity due to odour or accumulation of offensive matter from foul water disposal.”

NZ Building Code Clause E1.3 *Surface Water* requires “Disposal of rainwater from external surfaces and confirmation surface water cannot enter the building. This clause requires buildings and site work to be constructed to protect people and other property from the adverse effects of surface water. It sets out performance requirements to ensure drainage systems are in place for the disposal of surface water using gravity where possible, and to avoid blockages and leakage.”

These rules are meant to keep the wastewater separate from other types of waters, including flood waters. The City flood modelling is updated on a regular basis with the latest climate information to prepare development to mitigate flood risk.

Appendix M - Environment Health Advice (Kirsten Rayne)

Regulatory Compliance Unit

Memo

Date: 30 May 2025

From: Kirsten Rayne, Senior Environmental Health Officer, Food Safety and Environmental Health

To: Scott Blair, Senior Planner, Resource Consents

Subject: RMA/2024/3209 – 476 – 494 Madras Street – Establish a New Stand Alone Supermarket

Introduction

1. My name is Kirsten Rayne. I am employed as a Senior Environmental Health Officer in the Food Safety and Environmental Health Team at the Christchurch City Council. I have a Bachelor of Science in Geography and a Graduate Diploma in Environmental Health.
2. I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state I am relying on the advice of another person, I confirm that the opinions expressed within these comments are my own and are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Site Description

3. The application site is located at 476 – 494 Madras Street and is zoned between Commercial Local and Residential Medium Density.

Scope

4. This application is seeking consent to establish and operate a new supermarket based local centre with associated small scale retail activities. The proposed development includes a supermarket, sleeved by small format retail on the ground floor, commercial activities at first floor level and a ‘village green’ pocket park. The application also addresses matters relating to the National Environmental Standard for Assessing and

Managing Contaminants in Soil to Protect Human Health (the NES-CS). The proposed daily hours of operation are currently 0700 – 2200.

5. The purpose of this memo is to assess the potential for any noise, light, or soil contamination related adverse effects.

Noise

6. Acoustic Engineering Services were engaged to provide acoustic advice on the proposed development.
7. The District Plan noise limits for sound received in the relevant zones are outlined in 6.1.5.2.1.a. (reproduced below):

Table 1: Zone noise limits outside the Central City

Zone of site receiving noise from the activity	Time (hrs)	Noise Limit (dB)	
		L_{Aeq}	L_{Amax}
a. All residential zones (other than in the Accommodation and Community Facilities Overlay) b. All rural zones, except Rural Quarry Zone, assessed at any point within a notional boundary c. Specific Purpose (Flat Land Recovery) and Specific Purpose (Ōtākaro Avon River Corridor) Zones d. Papakāinga/Kāinga Nohoanga Zone	07:00-22:00	50	n/a
	22:00-07:00	40	65
e. All commercial zones f. All open space zones g. All rural zones, except Rural Quarry Zone, assessed at the site boundary h. Accommodation and Community Facilities Overlay i. All industrial park zones (excluding Awatea and Memorial Avenue) j. Industrial Office Zone k. Specific Purpose (Cemetery, Schools, Tertiary Education, Golf Resort, Defence Wigram and Hospital) Zones	07:00-22:00	55	n/a
	22:00-07:00	45	70

8. AES have assessed noise from all potential sources; including back of house operations such as service and goods vehicles using the loading bay for deliveries and rubbish collection, traffic (customers and delivery vehicles) on site, mechanical plant including outdoor condensers and extract systems, as well as potential break out noise from the small-scale tenancies.
9. At this stage, the design and positioning of any mechanical plant is yet to be confirmed. AES have advised that in their opinion, these systems can be designed, installed and operated with District Plan requirements. I have recommended a condition below to this effect.
10. Noise from the loading bay has been calculated based on 10-15 heavy vehicle movements per day, with the time taken to unload anticipated to be between 5 and 30 minutes; depending on the size of the truck. Trucks that require a period longer than 5 minutes to unload are expected to turn their engines off during unloading. Refrigeration units will also be turned off whilst unloading.
11. Goods will be unloaded manually, and with electric forklifts. AES have recommended that a condition of consent is adopted to ensure the forklifts are electric, and have non-tonal reversing alarms.
12. Due to the intermittent nature of the activity, AES have considered it appropriate to apply a duration/energy averaging adjustment of 5dB, as noise is expected to be present for less than 30% of the day.

- 13.Noise from the carpark has been modelled using data from the draft Integrated Traffic Assessment. As noise is expected to vary considerably throughout the day AES have used the energy average method and included a 4 dB duration/averaging adjustment.
14. Noise from small scale retail activity has also been included in the calculations.
- 15.Worst case cumulative noise levels have been modelled based on the above assumptions; as well as a 3.0 metre acoustic fence around the loading bay, a 2.3 metre acoustic fence around the remainder of the northern boundary and a 1.8 metre acoustic fence to the eastern boundary, extending to meet the existing 2.0 metre fence at 101 Purchas Street.
- 16.The results of the modelling indicate noise is expected to comply with the District Plan day time noise limits at all neighbouring properties; except at 472, 479 and 483 Madras Street where a 1dB exceedance has been predicted. I agree that a 1dB will have a minimal adverse effect.
- 17.In terms of night time noise levels, all noise sources are expected to be capable of complying with the applicable limits, except at the boundary shared with 472 Madras where a 2dB exceedance has been predicted. AES have confirmed that APA has been provided in this case therefore effects have not been considered.
- 18.AES have acknowledged that some mitigation measures may be required should a gym wish to operate during the night time period.
- 19.Noise during construction will be managed in accordance with NZS6803:1999.
- 20.AES have not included predicted noise levels for each source in their assessment; instead including a single, cumulative (and adjusted, as appropriate) in each location.
- 21.AES subsequently provided some additional, unadjusted data for both the loading bay and car-park. I was accepting of a duration adjustment being applied for noise associated with the loading bay as this noise is expected to be intermittent in nature. Noise from the carpark area however is expected to take on a different pattern, with cycles of busier periods and quieter periods evident depending on the time of day. Usage of the carpark is unrestricted, so whilst the intensity of sound will vary, it would be reasonable to expect there to be some sound/activity from the carpark present throughout the day time period. As a result I considered there was merit in reviewing the unadjusted, raw data in the case of the car-park.
22. AES have confirmed the worst case, unadjusted level of carpark noise to be 60dB LAeq at the boundary with 472 Madras Street (CL zoned) and 54dB LAeq at the boundary with 479 and 483 Madras Street (RMD zoned). In the event that a duration adjustment was not applied I still consider these levels acceptable, and unlikely to generate adverse effects.
- 23.Based on the current AES report, It appears that compliance can generally be achieved with District Plan limits, subject to the installation of some acoustic fencing and limitations around deliveries and the use of tonal alarms.
24. In regard to the construction phase, I would recommend that noisy works on site do not commence until after 0730.

Site Contamination

25. The DSI confirms that contaminant concentrations on site are generally elevated above background level, with some locations/depths returning above guideline results.
26. In light of that, the proposed soil disturbance and off-site disposal will be a restricted discretionary activity pursuant to Reg 10 of the NES-CS. The Site Management Plan/Remedial Action Plan provided has been developed to manage those soils on site which exceed site specific criteria, as well as guide the disposal of any soils requiring removal off-site.
27. The remedial strategy for the proposed commercial area includes a combination of off-site disposal and capping. ENGEO understands that approximately 0.5m of soils will require off-site disposal to facilitate the construction of the hardstand surface (in accordance with Figure 3 of the RAP), with any remaining 'contaminated' soil to be capped in situ. Measures have been put in place to manage the risks associated with uncharacterised soils (at S30, for example) and asbestos as required.
28. The capping will include a combination of concrete, a damp-proof membrane and fill. As built remediation level drawings will be prepared on completion and included in the final reporting (a Summary of Works (SOW)/Site Validation Report). Information will also be included around what is required around long term site management. I haven't requested a stand alone long term site management plan on this basis.

Lighting

29. Lighting on site is expected to comply with control of glare and light-spill requirements of the District Plan. Whilst lighting will be visible from neighbouring properties at night no adverse effects are anticipated.

Submissions

30. A number of submissions have been received in relation to this proposal, covering a wide variety of potential effects including noise, light and ground contamination.
31. Noise related concerns have referred to the increase in traffic, and general business noise, noise from unloading (machinery, doors, beeping loaders and brush sounds from reversing), noise from construction as well as noise from the activity in general.
32. AES have conducted a thorough assessment of all the noise sources expected to occur as a result of the proposed development. Their modelling indicates that compliance with the relevant District Plan noise limits (with the exception of a 1dB exceedance in three locations) is achievable. As I've noted above, a 1dB difference is considered to have a minimal adverse effect.
33. I do acknowledge that these noise sources, despite complying with the required limits, will represent a noticeable change in the surrounding environment which will require some adjustment.
34. I am confident that with the installation of acoustic fencing, controls around opening hours, the frequency of deliveries, the type of vehicles permitted in the loading bay, and a requirement to ensure all plant is designed and installed to operate in accordance with District Plan limits should ensure noise effects are acceptable at all times.
35. In regard to construction noise, works will be required to comply with NZS6803:1999; which states that particularly noisy works should not commence until 0730.

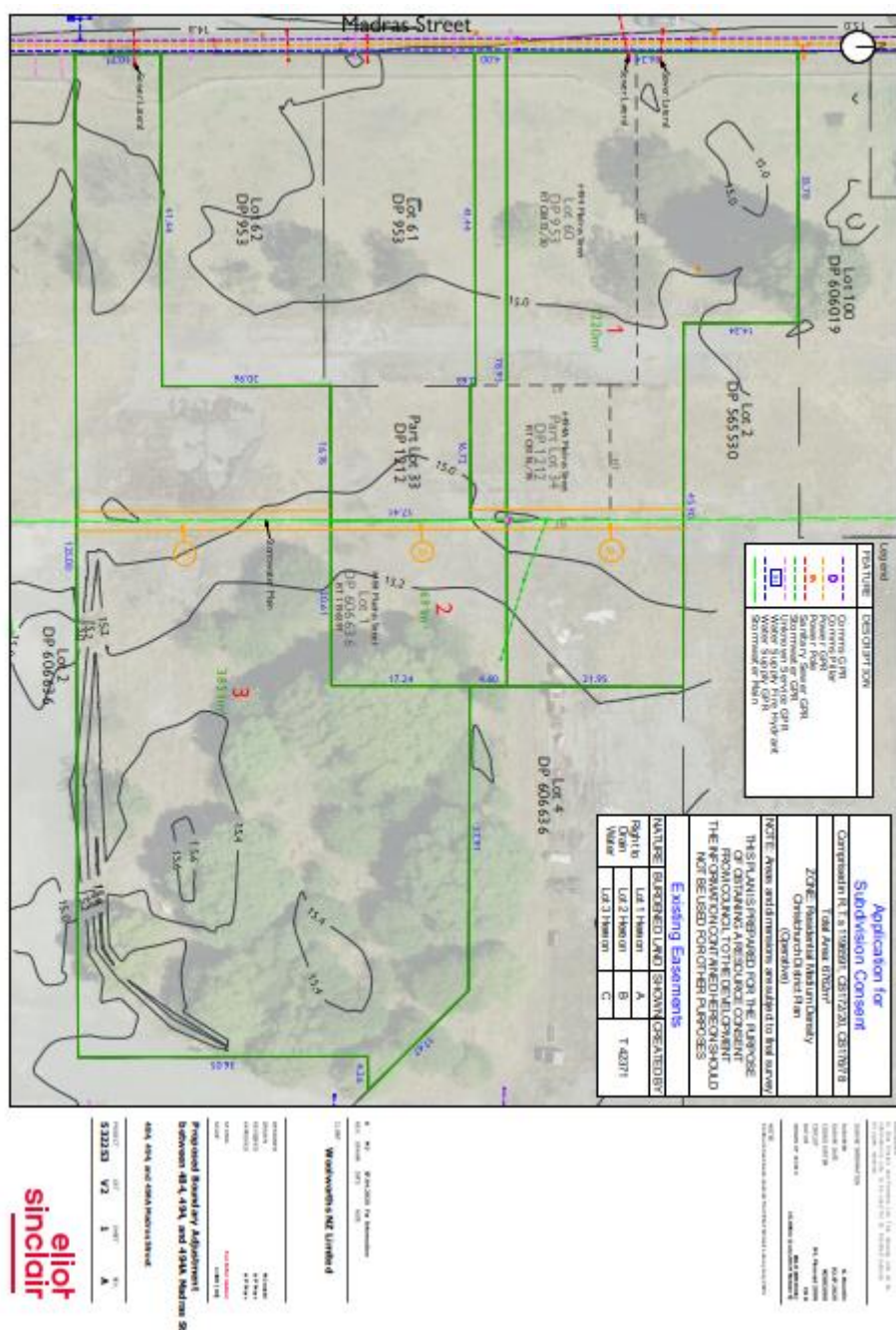
36. Lighting can be designed and installed to meet the control of glare and lightspill requirements of the District Plan.
37. Mitigating the effects of ground contamination has also been raised by a submitter; with concerns about the proposed remedial strategy not being sufficient to remove all the contamination present on site.
38. The remedial action proposed includes a combination of excavation and off-site disposal, and on-site management (i.e. encapsulation). This methodology is considered appropriate given the proposed end-use and will not result in any adverse health effects on site users or neighbours.

Recommendations

I recommend the following:

39. Works on site must be carried out in accordance with the Site Management Plan/Remedial Action Plan prepared by ENGEO and dated 16 August 2024.
40. Soils removed from site must be disposed of to a facility consented/licensed to receive such material. Evidence of disposal such as weighbridge receipts shall be provided to the Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.
41. 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 in land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils.
42. A Summary of Works (SOW)/Site Validation Report must be prepared and provided to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.
43. Prior to operations commencing acoustic fencing must be installed along all internal boundaries. Fencing must be constructed at the heights specified on the approved plans, be continuous and maintained with no gaps or cracks, and have a minimum mass of 12kg/m².
44. A design report confirming all mechanical plant systems (except for emergency back-up generators) have been designed to achieve 40dB LAeq at nearby sites containing residential activity at all times must be provided to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz no later than 10 working days prior to commissioning.
45. No forklifts or vehicles must operate within the outdoor loading zone area between the hours of 2200 – 0700.
46. Forklifts must be electric, and be fitted with non-tonal reversing alarms.
47. No emptying of bottles or removal of waste bins must occur on site between the hours of 2200 – 0700.
48. Works on site shall be carried out in accordance with NZS6803:1999 Acoustics – Construction Noise.

Appendix N - Scheme plan RMA/2025/1356



Appendix O - Orion Block – Planning and development history.

I have attached a copy of a memorandum from the Council's counsel to the former Independent Hearings Panel making decisions on the Replacement District Plan in Appendix S. It contains a very useful overview of the history of the 'Orion site', Private Plan Change 31 and its framework within the District Plan (a function that has not changed significantly in the intervening period – in terms of the Local Neighbourhood Commercial Zone portion of the site). (TRIM 24/2045721). See in particular Attachment A. (b)

Reference of Private Plan Change 31 Council decision to the Environment Court.

The applicant referred the Council's decision to the Environment Court on The St Albans Resident's association joined the proceedings as a s.274 party

A consent order was signed by Judge Borthwick of the Environment Court on 28 July 2010. The consent order made changes to the outline development plan. The consent order ordered that the District Plan be altered (the consent order document noted that otherwise the Commissioner's decision was confirmed);

1. Amend Volume 3: Part 3: Business Zones as follows:

3.4.7 Development Plan

(a) *Within that part of the land shown in the development plan contained in Part 3, Appendix 14 zoned Business 1, development shall be in accordance with the layout, position and floor areas of activities shown.*

...

(d) *Within that part of the land shown in the development plan contained in Part 3, Appendix 14 zoned Business 1, there shall be a maximum total GLFA within combined areas D and E of 3,500m² for non-residential activities, and;*

(i) one individual tenancy in these Areas shall have a GLFA of up to 800m²; and

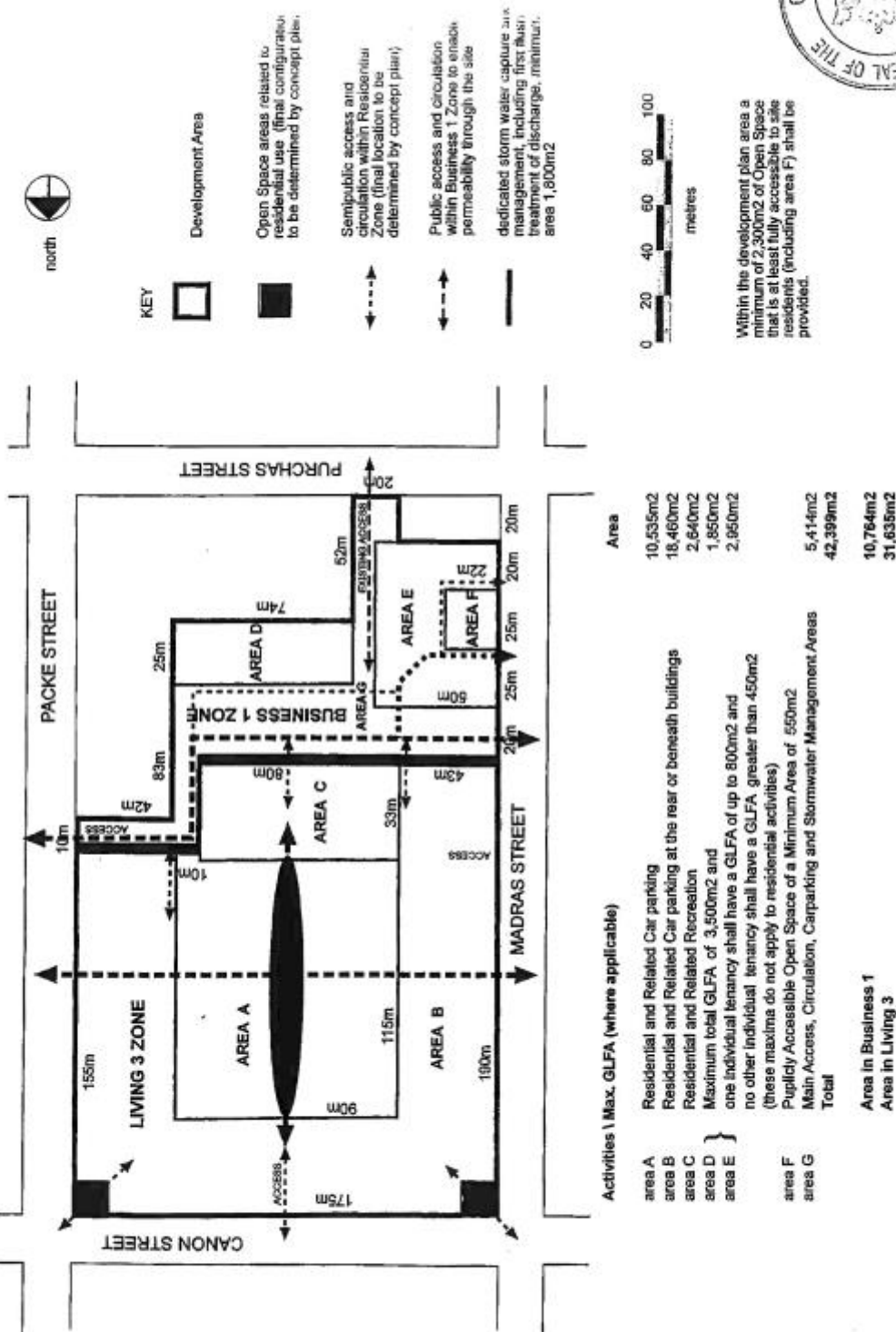
(ii) no other individual tenancy in these Areas shall have a GLFA of greater than 450m².

2. Insert an new Appendix 11 and Appendix 14 as attached in **Appendix 1.**

Private Plan Change 31 as per the Commissioner's recommendations and the consent order became operative on 26 October 2010 as per a resolution made by the Council on 23 September 2010.

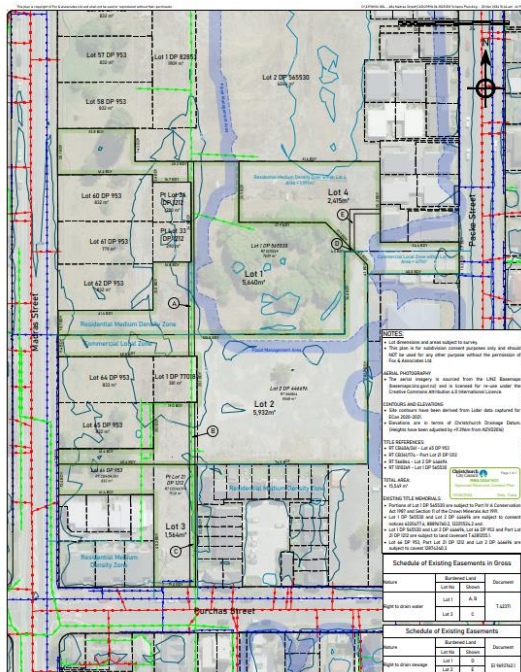
DEVELOPMENT PLAN - LIVING 3 & BUSINESS 1 ZONES proposed Plan Change 31

Appendix 1:



Recent titles background – 81 Packe Street.

- I also note that a boundary adjustment subdivision was granted under RMA/2024/1031 on 7 June 2024. The application was by Woolworths New Zealand Ltd and sought to create this land holding pattern:



At the time all of the land (including the newly created Lot 4) the subject of the application was owned by General Distributors Ltd (also known at the time as Countdown and now known as Woolworths New Zealand Ltd). Lot 4 transferred to Dragon Win Investments Ltd on 11 March 2025.

Boundary adjustment subdivision consent concurrent with this application.

The Council has received a further 3 lot boundary adjustment subdivision application RMA/2025/1356. The applicant is Woolworths NZ Ltd. It was received at the Council on 13 May 2025 (although deposit payment was made after this date) after the close of the submission period – 16 April 2025.

The proposed subdivision would adjust the site boundaries within the subdivision site and on an adjoining site as described in that application as follows:

3.1.1. Allotments

21. *The proposed boundary adjustment will consist of adjusting the internal boundaries for the exiting (sic) three records of titles.*

22. *The purpose of this boundary adjustment is to rationalise the historic allotment boundaries to better align with the "application site" that is the subject of RMA2024/3209; **and to facilitate any future development on the proposed Lot 1 (which does not form part of the said application).** (emphasis added).*

23. *Lots 2 and 3 (as defined sit on the plan enclosed, Appendix A) sit within and form part of the Woolworths application RMA/ 2024/3209.*

24. *As a result of the boundary adjustment Proposed Lot 1 being 494 Madras Street will be 2220m². Proposed Lot 2 being 494A Madras Street will be 691m². Proposed Lot 3 being 484 Madras Street will be 3851m² and the balance of the subdivision (subject to final survey and LINZ approval).*

The scheme plan received with RMA/2025/1356 is:

Four residential units -south west corner of the Neighbourhood Centre Zone.

Four residential units are located in the south west corner of the site. These were subject to a 2004 land use consent. RMA/2004/1268 granted on 18 August 2004. At the time the land use consent was granted the site was zone Living 3. A subdivision consent creating titles for the units was granted on 23 January 2006. The land is now zoned Neighbourhood Centre Zone and is shown as area B on the Development Plan. At the time of writing these are all held in ownership by one owner – the person who has provided the written approval with the consent application.

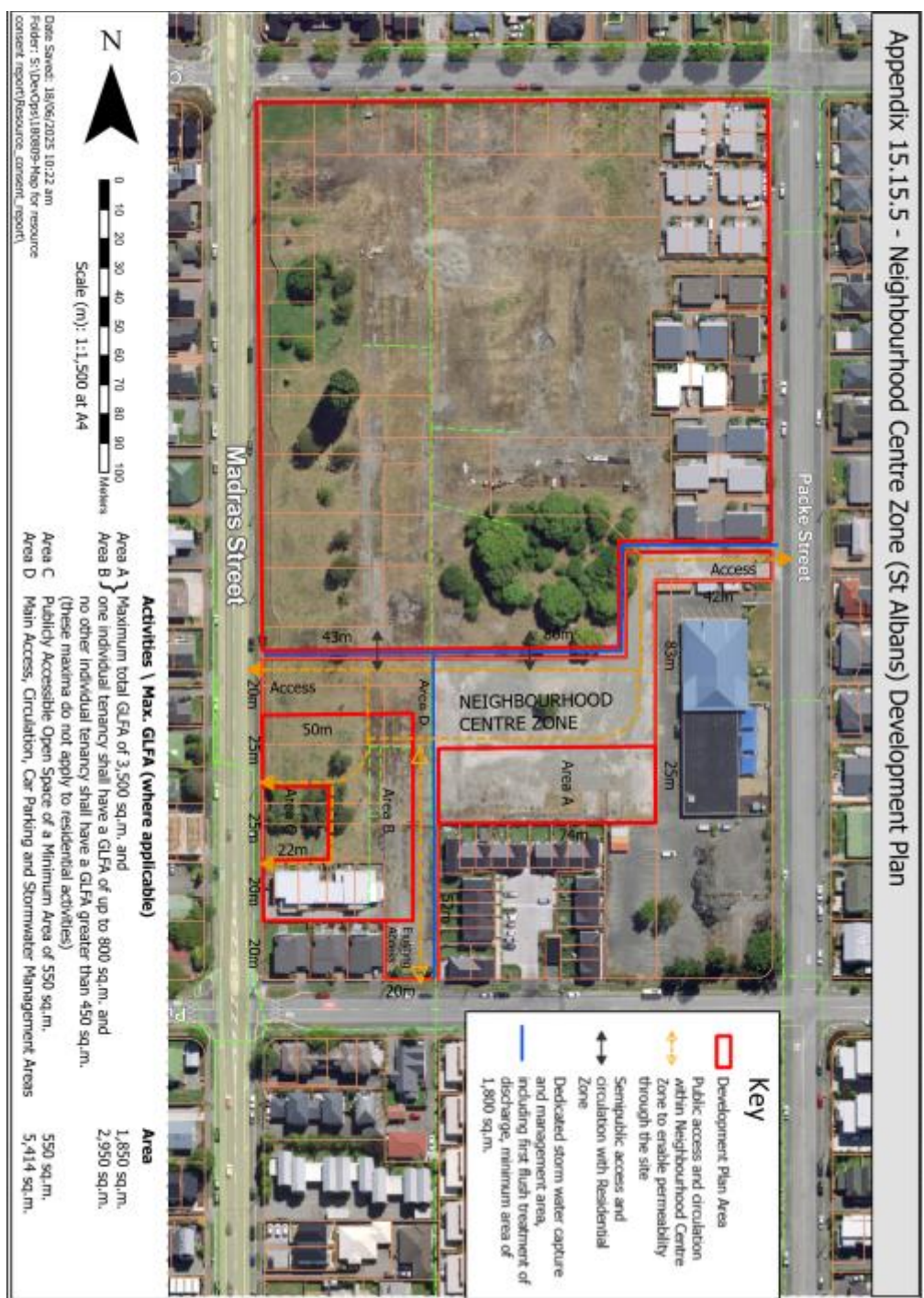


RMA/2022/342 11 Residential Unit Development

On 29 April 2022 a land use consent was granted for an 11 unit residential development on the vacant land to the north of the subject site – construction of the units is underway. The approved site plan was:



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Appendix Q - Caselaw & Legal Submissions

[Refer PDF](#)

Appendix R - Draft Conditions

1. The development shall proceed in accordance with the information submitted with the application, including revisions and now all stamped RMA/2024/3209.

Management Plans

2. The following Management Plans must be prepared, submitted and implemented by the Consent Holder as associated with the following works:
 - a. Traffic Management Plan (TMP).
 - i. Pursuant to Condition 3. below individual TMPs are required for **both** the earthworks and development.
 - ii. 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.
 - b. Construction Management Plan (CMP).
 - i. Pursuant to Condition 5. below individual CMPs are required for **both** the earthwork works and general development works.
 - ii. The **objective** of the CMP is to ensure that any potential effects arising from construction activities on the site are effectively managed.
 - c. Erosion and Sediment Control Plan (ESCP)
 - i. Pursuant to Condition 6. below individual ESCPs are required for **both** the earthwork works and general development works.
 - ii. 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.
 - d. Construction Noise and Vibration Management Plan (CNVMP)
 - i. Pursuant to Condition 17. below a CNVMP is required for works associated with the development.
 - ii. 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 development.

Traffic Management Plan

3. Pursuant to Condition 2.a. works on site must be subject to a Traffic Management Plan (TMP) which must be prepared by a Suitably Qualified and Experienced Practitioner (SQEP) and submitted by the Consent Holder for acceptance prior to the commencement of work on the site. No works are to commence until the TMP has been accepted and installed.

The Consent Holder must submit the TMP 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 3. must include, but is not limited to, provision of safe pedestrian routes.

Construction Management Plan

5. Pursuant to Condition 2.b proposed works must be carried out in accordance with an accepted Construction Management Plan (CMP). The CMP must be prepared by a SQEP.

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 SQEP 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.b. This CMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 5 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 5.

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 2.b.); 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 5 and will thereafter form part of the Approved Consent Document.

Earthworks including Erosion and Sediment Control Plan

6. Pursuant to Condition 2.c. all filling and excavation work must be carried out in accordance with Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate Environment Canterbury (ECan) resource consent for stormwater discharge or ECan resource consent for excavation/filling, the ESCP will require formal acceptance by Christchurch City Council's Subdivision Engineer (via email to rcmon@ccc.govt.nz) prior to any work starting on site.

The ESCP must be designed by a SQEP and a design certificate ([Appendix IV in IDS Part 3](#)) supplied with the ESCP for acceptance at least 5 working days prior to any earthworks commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control must be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esc Canterbury.co.nz/>.

The ESCP must include (but is not limited to):

- a. Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
- b. Details of proposed activities;
- c. A report including the method and time of monitoring to be undertaken;
- d. A locality map;
- e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;
- f. Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
- g. Environmental monitoring and auditing, including frequency;
- h. Corrective action, reporting on solutions and update of the ESCP;
- i. Stabilised entrance/exit and any haul roads;
- j. Site laydown and stockpile location(s) and controls.

Note:

Any changes to the accepted ESCP must be submitted to the Council in writing following consultation with the Council's Subdivision Engineer. The changes must be accepted by the Subdivision Engineer prior to implementation.

7. The Consent Holder must notify Christchurch City Council no less than three working days prior to works 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 must at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 6 above.
8. 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.

9. Earthworks must not commence until the relevant ESCP has been implemented on site. The ESCP measures must 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 must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled **and** vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
10. Dust emissions must 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 must 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.
11. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
12. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
13. 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.
14. The earthworks must be under the control of a nominated and SQEP engineer.
15. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained. Following the completion of the filling and associated work an engineering report including a finished section level as built, with retained wall height and slope batter details, must be submitted to the Subdivision Engineering Section of the Council. This report must be undertaken by a SQEP engineer. The information contained in this report will be placed on the property record.

16. Any change in ground levels must not affect the stability of the ground or fences on neighbouring properties

Construction Noise and Vibration Management

17. Construction works associated with all aspects of the development which create vibration must be undertaken in accordance with ISO4866:2010 as monitored by the Consent Holder, with compliance with any vibration levels to be monitored and assessed as set out in the Construction Noise and Vibration Management Plan (CNVMP) as required by Condition 2.d.
18. Pursuant to Condition 2.d. all earthworks and construction works undertaken in conjunction with the development must occur in accordance with an accepted Construction Noise and Vibration Management Plan (CNVMP) prepared by a SQEP which addresses the requirements of NZS6803:1999 Acoustics - Construction Noise and ISO4866:2010 Vibration of fixed structures. Noise from construction works must where practicable comply with the recommended noise limits for long term duration construction outlined in NZS6803:1999, and where compliance is not practicable be undertaken in accordance with the measures outlined in the CNVMP. The CNVMP must 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.
 - d. Procedures for noise and vibration monitoring and reporting.
 - e. Vibration levels must be monitored and assessed as follows:
 - i. Vibration monitoring must be conducted by a SQEP (e.g., Member of the Acoustical Society of New Zealand or equivalent).
 - ii. Measurements are to be undertaken to enable assessment against the relevant vibration triggers or thresholds, using metrics taken from ISO4866:2010.
 - iii. Select measurement positions to be representative of the receiver location of interest, including sites which contain buildings, including buildings under construction at locations agreed by the Team Leader Compliance and Investigations with Christchurch City Council.
 - f. Communication strategy for occupiers of neighbouring sites; and
 - g. 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 CNVPP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 18.

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.d); 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.

Site Management if works cease

19. Should any works subject of this consent cease for more than two weeks the site must be retained with a stable and compacted surface, which provides effective dust control, through either of the following:
 - a. Site contouring and grassed; or
 - b. Compacted gravel.

Landscaping generally

20. The Consent Holder must submit for certification the following amendments to the landscape concept plans pages 8. -9. of the Application Appendix 3:
 - a. Plant spacings;
 - b. An annotated cross section of carpark planting strips;
 - c. An increase in the numbers of and species of trees in the in the carpark;
 - d. 7.5m spacings of the kowhai at the southern boundary of the site;
 - e. Spacings for the kowhai at the southern boundary of 7.5m;
 - f. At the road boundary the Bronze bush flax and Dwarf mountain flax should form a continuous line; or some of the low growing species should be substituted with plants that would reach 1m in height in numbers that would achieve the same visual outcomes in f.; or
 - i. a low clipped hedge.
 - ii. species reaching 1m in height;
 - g. At the road boundary - *Liquidambar* spp be replaced with native trees at 5m spacings;
 - h. Additional trees planted in islands near the Madras Street pedestrian entrance;
 - i. Trees in the south and east (gated) building setbacks all changed to Ribbonwood;
 - j. The hedge plants in the south and east (gated) building setbacks all changed to *Griselinia littoralis* 'Canterbury' / Kapuka / Broadleaf;
 - k. More trees between the proposed building and the south and eastern boundary where this is feasible;
 - l. Boundary fencing at the area of the detention tanks that prevents unauthorised access to tank space while preserving the visual amenity of the adjoining residential properties. This might include pool style fencing upon review by the certifier;
 - m. The three metre high acoustic fence painted in recessive colours.
21. The Consent Holder must submit the amended landscape plan the subject of condition 20 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 landscape plan is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 30. prior to the commencement of any construction work and, once certified, the landscape plan will thereafter form part of the Approved Consent Document.

Note:

The Team Leader (or their nominee) will either certify, or refuse to certify, the amended landscape plan within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the Landscape Plan, 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 landscape plan, the Consent Holder must submit a revised landscape plan to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 21.

22. The landscaping as shown on the plans and as certified under condition 21 must be established on site within the first planting season (extending from 1 April to 30 September) following the final, passed building inspection for the supermarket building.
23. The certified landscaping under condition 21 must, where applicable, be installed in accordance with Chapter 6 Appendix 6.11.6 of the District Plan.
24. All landscaping required for this consent must be maintained. Any dead, diseased, or damaged landscaping must be replaced by the Consent Holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.

Environmental Health

25. Works on site must be carried out in accordance with the Site Management Plan/Remedial Action Plan prepared by ENGEO and dated 16 August 2024.
26. Soils removed from site must be disposed of to a facility consented/licensed to receive such material. Evidence of disposal such as weighbridge receipts shall be provided to the Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.
27. 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 in land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils.
28. A Summary of Works (SOW)/Site Validation Report must be prepared and provided to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.
29. Prior to operations commencing acoustic fencing must be installed along all internal boundaries. Fencing must be constructed at the heights specified on the approved plans, be continuous and maintained with no gaps or cracks, and have a minimum mass of 12kg/m².
30. A design report confirming all mechanical plant systems (except for emergency back-up generators) have been designed to achieve 40dB LAeq at nearby sites containing residential activity at all times must be provided to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz no later than 10 working days prior to commissioning.
31. No forklifts or vehicles must operate within the outdoor loading zone area between the hours of 2200 – 0700.
32. Forklifts must be electric, and be fitted with non-tonal reversing alarms.

33. No emptying of bottles or removal of waste bins must occur on site between the hours of 2200 – 0700.

Lighting

34. Prior to commencement of operation of any commercial activity in buildings subject to this consent the consent holder must submit a design certificate from a SQEP confirming that the development will achieve compliance with the standards in Chapter 6.3 of the District Plan as it was at [Date of Consent] .
35. Upon completion of the lighting installation, the Consent Holder must provide n installation certificate from a SQEP to the Council showing that the lighting has been installed in accordance with design certificate.

Note:

The required design certificate and installation certificate must be provided to the Council Attention: Team Leader Compliance and Investigations, by way of email to rcmon@ccc.govt.nz.

Works on Madras Street

General layout requirements – road layout upgrade

36. Prior to first operation of any of the commercial activities the subject of this consent, the physical layout of Madras Street must be established in accordance with the general layout within the legal road as shown on the plan labelled xxxxx in the Stamped Approved Plans.

Quality assurance

37. The design and construction of all assets must be subject to a project quality system in accordance with Part 3: Quality Assurance of the Infrastructure Development Standard (IDS)
38. Prior to the commencement of physical works on Madras Street the Consent Holder must submit to the Planning Team - Subdivision Engineers a Design Report, Plans and Design Certificate complying with clause 3.3.2 of the IDS for review and acceptance under clause 2.10 of the IDS 2022. The Design Report and engineering plans must provide sufficient detail to confirm compliance with the requirements of the Council's latest Infrastructure Design Standards (IDS) and this consent..

Asset Design and Construction

39. All infrastructural assets to be vested in the Council must be designed and constructed in accordance with the Council's latest Infrastructure Design Standard (IDS) and the Council's latest Construction Standard Specifications (CSS).
40. Asset structures must include but not be limited to gravity and pressure pipelines, manholes, chambers, valves, hydrants, stormwater treatment devices, culverts or any other physical asset to be vested in Council including road pavements.
41. All infrastructure shall be designed to resist the effects associated with earthquake induced liquefied soils. All liquefaction hazard mitigation shall be designed for a 1 in 25 year return period serviceability limit seismic design event and a 1 in 500 year return period ultimate limit state seismic design event as defined in NZS1170.5.2004.

Beyond a SLS seismic event, it is recognised asset structures may become progressively less serviceable.

42. In addition to the above all proposed infrastructure must be designed to resist the effects associated with earthquake induced liquefiable soils and lateral spread from a seismic event as defined in condition 41.
43. Prior to the commencement of physical works on the road the Consent Holder must submit to the Council's Planning Team - Subdivision Engineers a Contract Quality Plan and supporting Engineer's Review Certificate, complying with clause 3.3.3 of the IDS, for review and acceptance by Council under Clause 2.11 of the IDS 2022.
44. Prior to commencement of commercial operations on the site the Consent Holder must submit to the Planning Team - Subdivision Engineers an Engineer's Report complying with clause 3.3.3 of the IDS and an Engineer's Completion Certificate complying with clause 3.3.4 of the IDS for review and acceptance under clause 2.12 of the IDS 2022. The Engineer's Report must provide sufficient detail to confirm compliance with the requirements of the IDS, the CSS and this consent, including compliance with consent conditions requiring mitigation measures with respect to any liquefaction and lateral spread hazards.

Note:

Part 3 of the IDS sets out the Council's requirements for Quality Assurance. It provides a quality framework within which all assets must be designed and constructed. It also sets out the process for reporting to Council how the works are to be controlled, tested and inspected in order to prove compliance with the relevant standards. It is a requirement of this part of the IDS that certification is provided for design and construction as a pre-requisite for the release of the 224c certificate. The extent of the documentation required should reflect the complexity and/or size of the project.

45. Landscaping plans shall be submitted by the Consent Holder for acceptance at the same time as the engineering design plans are submitted and is to be accepted by Council. The Landscape Plans and Design Report must be submitted to landscape.approval@ccc.govt.nz as well as the Subdivision Engineer.

Maintaining operating conditions on Legal Road

46. All work within the legal road, or activities outside the legal road that affect the normal operating conditions of the legal road, cannot start until the consent holder has been issued with an Approved Works Access Permit (WAP);

Note:

A Corridor Access Request (CAR) application and TMP can be submitted to the Council through the following web portal <http://www.myworksites.co.nz>.

47. 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 Council.

Traffic Safety Audit

48. The Consent Holder must provide traffic safety audits undertaken by a SQEP and independent traffic engineer at the engineering acceptance stage (design) and at works completion (post construction).
49. Detailed engineering design for the transport network must ensure the recommendations of the Safety Engineer in the preliminary scheme design (concept) safety audit are incorporated in the design where those recommendations are agreed with the Council.

Existing Road Frontage

50. No excavation shall start within legal road until service location (including depths) has been carried out, existing services are shown on the engineering plans where their locations are different from those presented through the design acceptance process, and any resulting amendments to the design have been accepted by the Subdivision Engineer.

Streetscape Landscape Plans

51. Landscape plans and an accompanying Design Report for street trees and street garden beds are to be submitted to the Technical Design Services (Landscape Architecture and Environment Team at landscape.approval@ccc.govt.nz) for acceptance.

Note:

Grassed berms within road reserves do not form part of the landscape acceptance or landscape bond.

52. The Landscape Plans and Design Report are to provide sufficient detail to confirm compliance with the requirements of the IDS (current version) and the CSS (current version). All landscaping required by this condition is to be carried out in accordance with the accepted plan(s) at the Consent Holder's expense, unless otherwise agreed.
53. Prior to Council's practical completion inspection and acceptance, the consent holder must submit (to the Landscape Architecture and Environment Team at landscape.approval@ccc.govt.nz) all required completion documentation in accordance with IDS Part 10.3.4 Engineer's Report and the Quality Assurance System, to provide evidence that the work is completed in accordance with the accepted plans, the IDS and CSS (current versions), and the conditions of consent.
54. The Consent Holder must maintain all landscape assets within road corridors to the standards specified in the CSS (current version) for the **24 months** Establishment Period (Defects Liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the assets by Council. Acceptance must be based upon the criteria outlined in the CSS, Part 7 Landscapes.
55. The Consent Holder must maintain an accurate and up-to-date monthly report on the condition of the landscape assets and the works undertaken during the Establishment Period (Defects Maintenance). The report must be submitted to the Landscape Architecture and Environment Team at landscape.approval@ccc.govt.nz within five days of the end of each month during the Establishment Period. (Refer: *Monthly Establishment Report*, CSS, Part 7 Landscape (current version)).
56. The Consent Holder must enter into a separate bond with Council to the value of 50% of the cost to replace and establish all street trees and street garden beds. The bond will be held for the Establishment Period of a minimum of **24 months** and may be extended by a further **24 months** for the replacement planting(s), as required. The bond will be released after the trees have been accepted by Council at final completion / handover.
57. Any replacement plantings and extended establishment period required due to street trees or street garden beds not being accepted must be carried out at the Consent Holder's expense.

Final Completion / Handover

58. Prior to Council's final completion inspection and acceptance of the assets at the end of the 24 month Establishment Period, the Consent Holder must submit all required completion documentation in accordance with IDS Part 2:2.12 Completion of Land Development Works and the Quality Assurance System, to provide evidence that the work has been completed and maintained in accordance with the agreed standards and

conditions of this consent. Where it is not possible to determine the condition of the assets due to seasonal constraints (e.g. trees not being in full leaf) then the final inspection and final completion may be delayed until the condition of the assets can be accurately determined.

Earthworks – road layout upgrade

59. All filling and excavation work must be carried out in accordance with an Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate Environment Canterbury (ECan) resource consent for stormwater discharge or ECan resource consent for excavation/filling, the ESCP will require formal acceptance by Christchurch City Council's Subdivision Engineer (via email to rcmon@ccc.govt.nz) prior to any work starting on site.

The ESCP is to be designed by a SQEP and a design certificate ([Appendix IV in IDS Part 3](#)) supplied with the ESCP for acceptance at least 5 working days prior to any earthworks commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control must be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esccanterbury.co.nz/>.

The ESCP must include (but is not limited to):

- a. Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
- b. Details of proposed activities;
- c. A report including the method and time of monitoring to be undertaken;
- d. A locality map;
- e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;
- f. Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
- g. Environmental monitoring and auditing, including frequency;
- h. Corrective action, reporting on solutions and update of the ESCP;
- i. Stabilised entrance/exit and any haul roads;
- j. Site laydown and stockpile location(s) and controls.

Note:

Any changes to the accepted ESCP must be submitted to the Council in writing following consultation with the Council's Subdivision Engineer. The changes must be accepted by the Subdivision Engineer prior to implementation.

60. Earthworks must not commence until the ESCP has been implemented on site. The ESCP measures must be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled **and** vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
61. The Consent Holder must notify Christchurch City Council no less than three working days prior to works 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 must at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 59. above.
62. 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 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.

63. Dust emissions must 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 must 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.
64. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
65. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
66. All concentrated stormwater or collected groundwater, including that from behind retaining walls (where there are any), must be discharged in a controlled manner to the Council network.

Note:

It is the Consent Holder's responsibility to ensure that the activity, including where carried out by contractors on their behalf, complies with the below Christchurch District Plan standard - failure to do so may result in enforcement action and the need for additional land-use consent:

Rule 6.1.6.1.1 P2 - All earthworks related construction activities must meet relevant noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, when measured and assessed in accordance with that standard.

67. Any change in ground levels must not affect the stability of the ground or fences on neighbouring properties.

Contaminated soils

68. Unless a Suitably Qualified and Experienced Practitioner (SQEP) in land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils a Site Management Plan or Remedial Action Plan must be provided to Christchurch City Council for certification by way of e-mail to rcmon@ccc.govt.nz no later than 10 working days prior to the commencement of works.
69. Works on site must be carried out in accordance with the certified Site Management Plan or Remedial Action Plan or the advice of the SQEP as the case may be.
70. All soils removed from site must be disposed of to a facility consented/licensed to receive such material. The Consent Holder must provide evidence of disposal such as weighbridge receipts to the Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.
71. A SQEP must prepare a Final Site Report and the Consent Holder must provide this to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.

72. If required, a SQEP must prepare a Long Term Site Management Plan and the Consent Holder must provide this to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks, if required.
73. 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.

Sale of Alcohol

74. There must be no sale of alcohol from any commercial activity on the site located within 75m of the abutting Residential Zones between the hours of 2300 and 0700.

Stormwater

75. Stormwater from all trafficable hardstanding must be treated with one of the following treatment systems before discharge to the Christchurch City Council stormwater network.

Systems Approved for Basic Treatment (private ownership and operation)	
Atlan Filter	5mm/hr
Atlan Flowfilter	5mm/hr
Atlan Flowguard	5mm/hr
Hynds Up-Flo Filter with CPZ Media	5mm/hr
Oldcastle/Austin Bluewater Perk Filter	5mm/hr
Oldcastle/Austin Bluewater Biopod	5mm/hr
Stormwater360 Filterra/Bioscape	5mm/hr
Stormwater360 Jellyfish	5mm/hr
Stormwater360 Stormfilter with ZPG Media	5mm/hr

Systems Approved for Enhanced Treatment (private ownership and operation)	
CCC Rain Garden	20mm
Oldcastle/Austin Bluewater Biopod	5mm/hr
Stormwater360 Filterra/Bioscape	5mm/hr
StormwaterRx Aquip	5mm/hr

Systems Approved for Public Treatment (owned and operated by CCC)	
First Flush Basin + Stormwater Wetland Treatment Train	25mm
Soil Adsorption Basin	25mm
Hynds Up-Flo Filter with CPZ Media*	5mm/hr
Stormwater360 Filterra/Bioscape*	5mm/hr
Stormwater360 Stormfilter with ZPG Media*	5mm/hr

Appendix S - Memorandum from the Council's Counsel to the Former Independent Hearings Panel

[Refer to PDF](#)

Appendix T - Location of Dragon Win Properties

Dragon Win Properties outlined in Red.



Appendix U - Discussion of s308A & s308B of the RMA

Mr Tim Heath, Property Economics Ltd, has provided advice on Distribution Effects and their relevance to resource management assessments in this report. In regard to the difference between trade competition and distribution effects Mr Heath has provided a useful commentary in section 5 of [Appendix D](#) to this report. Mr Heath's commentary should be read in conjunction with this section.

Sections 308A and 308B of the RMA limit the ability of a submitter who is a trade competitor of an applicant to make a submission:

308A Identification of trade competitors and surrogates

In this Part, —

*(a) **person A** means a person who is a trade competitor of person B:*

*(b) **person B** means the person of whom person A is a trade competitor:*

*(c) **person C** means a person who has knowingly received, is knowingly receiving, or may knowingly receive direct or indirect help from person A—*

(i) to bring an appeal or be a party to an appeal against a decision under this Act in favour of person B:

(ii) to be a party to a proceeding before the Environment Court that was lodged by person B under [section 87G](#), [149T](#), [165ZFE\(9\)\(a\)\(ii\)](#), [198E](#), or [198K](#).

308B Limit on making submissions

(1) Subsection (2) applies when person A wants to make a submission under [s96](#) about an application by person B.

(2) Person A may make the submission only if directly affected by an effect of the activity to which the application relates, that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

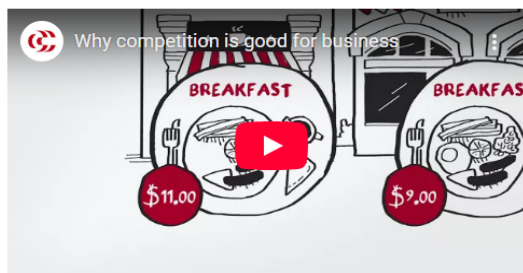
(3) Failure to comply with the limits on submissions set in [s149E](#) or [s149O](#) or [Schedule 1](#) is a contravention of this Part.

For the purposes of analysis of the submissions appropriate account can be taken of whether the submitter is a *trade competitor* and whether that trade competitor is subject to sections 308A and 308B of the RMA.

The RMA does not provide a formal definition of what a trade competitor is. However the Commerce Commission provides a simple definition on its website at [Commerce Commission - What is a competitor?](#) That definition (as snipped from the website) is:

Competitors are other businesses who can offer the same or similar goods and services to your customers.

Your competitors are not just those you are currently competing with. They also include any potential competitors who may choose to compete in your market in the future. This could involve a competitor from a different geographic location expanding into your area or a competitor deciding to expand its offering to target a different part of the market.



Further, the High Court in *Montessori Pre-School Charitable Trust v Waikato District Council* [2007] NZRMA 55 discussed what trade competitor means in the context of the RMA:

[13] ... that s 104(3)(a) prohibits a consent authority from having regard to trade competition when considering under s 104 an application for resource consent. ...

[14] The Trust's concern expressed in affidavits supporting the application is the loss of pupils to the new school. There can be no doubt that the Trust and Mr and Mrs Bhana are in competition, defined by the Shorter Oxford as "the action of seeking to gain what another attempts to gain at the same time". The further question is whether theirs is "trade competition".

[15] "Trade" can bear the narrow meaning of exchange of goods for goods or money or the slightly wider sense of business carried on with a view to profit: Words and Phrases Legally Defined (3rd ed) Vol 4 p 312. According to the Shorter Oxford it can also mean:

a. The practice of some occupation, business or profession habitually carried on, esp. when practiced as a means of livelihood or gain; a calling; now usu. applied to a mercantile occupation and to a skilled handicraft, as dist. from a profession, and spec. restricted to a skilled handicraft, as dist. from a professional or mercantile occupation on the one hand, and from unskilled labour on the other.

b. Anything practiced for a livelihood.

[16] The question is whether what the Trust and Mr Bhana are doing falls within the term.

[17] That must if possible be judged in accordance with the purpose of the RMA: Interpretation Act 1999 s 5(1). That is to promote the sustainable management of natural and physical resources (defined in s 2 RMA as including land and structures): S 5(1) RMA. "Sustainable management" is defined by s 5(2). It includes managing the use of natural and physical resources in a way that which enables people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of the resources to meet foreseeable needs and to avoid or mitigate adverse effects on the environment. Section 104(1)(a) requires a consent authority to have regard to any actual and potential effects on the environment of allowing the activity; by s 3 "effect" includes any positive or adverse effect; those provisions are stated broadly. Offering an alternative outlet for Montessori education can be said both to qualify in general terms as provision for people's social, economic and cultural wellbeing and to constitute competition to an existing provider. But is it "trade"?

[18] "Trade competition" is also to be construed within the wider context of New Zealand law. While there is a good distance to go, there is a clear tendency for it to move towards becoming a seamless whole, each part developing in sympathy with neighbouring parts.¹ That trend should where practicable be encouraged. The common law has long promoted the public interest against restraint of trade: Burrows, Finn and Todd Law of Contract in New Zealand (2nd ed) pp 452-5

[13.1.9-2]. Section 1A of the Commerce Act 1986 has as its purpose:

...to promote competition in markets for the long-term benefit of consumers in New Zealand.

It is reasonable to infer that s 104(3)(a) has a similar purpose.

[19] In characterising the respective activities as of "trade competition" or not I have concluded that what matters is that there be a competitive activity having a commercial element;

In *Woolworths NZ Ltd v Christchurch City Council* Decision [2021] NZEnv C 133 the Environment Court had to decide whether a s.274 party (Spreydon Lodge Ltd) to a direct referral to the Environment Court by Woolworths NZ Ltd of a

land use consent for a supermarket was a trade competitor. The Court found that the Spreydon Lodge was a trade competitor:

[53] Ms Arthur-Young submitted that the retail component of the Woolworth's Proposal would not result in any legitimate adverse effect in economic, planning or urban design terms. In her submission, the opposition raised by Spreydon Lodge to the retail proposed by Woolworths was motivated on trade competition grounds, albeit put to the Court in the guise of adverse effects on the form, function and vitality of the centre.

[54] We address the relevant factual matrix in some detail later in this decision, although we record here that we agree with Woolworth's submissions on this issue.

The Court went onto address the 'factual matrix' that lead to the Court concluding Spreydon Lodge was trade competitor.

I have included this decision and the legal submissions that Woolworths counsel made to the Court in [Appendix Q](#).

I have concluded that the specific circumstances of a submitter who is a potential trade competitor should be examined to determine whether they are a trade competitor.