

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

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

AND

IN THE MATTER of the Commercial
Proposal (part) and
Residential Proposal
(part) of the proposed
Replacement District
Plan

**JOINT MEMORANDUM OF COUNSEL ON BEHALF OF CHRISTCHURCH CITY
COUNCIL AND WAKEFIELD MEWS LIMITED**

7 JULY 2015



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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the Christchurch City Council (**Council**). In a minute dated 19 June, the Panel requested the Council to file a report detailing certain matters set out in the minute. The Council's report is attached as **Attachment A** to this memorandum.
2. The Council notes that it sought comments on the report from Wakefield Mews Limited, but has not received any comments as at the time of filing of the memorandum.

DATED 7 July 2015



J G A Winchester / S J Scott / M D Leslie
Counsel for Christchurch City Council

Attachment A: Report of Council on zoning of 466 Madras Street

Report – Zoning 466 Madras Street

The following report provides a response to the Panel's Minute of 19 June 2015 relating to a Joint Memorandum of Counsel on behalf of the Council and Wakefield Mews Limited in respect of 466 Madras Street.

The Panel has sought a report that addresses 3 matters:

- The zoning that appears in the operative City Plan
- The requirements of the ODP in the operative City Plan; and
- Any relevant history of Plan Change 31 or the site generally.

(a) The zoning that appears in the operative City Plan

The zoning of the subject land at 466 Madras Street is Business 1 in the Operative City Plan. The Memorandum of Counsel on behalf of Council and Wakefield Mews Limited incorrectly stated at paragraph 5 that the operative zoning is Commercial Local.

The Business 1 zone is described in the City Plan as follows (from Volume 3, Part 3, Section 1.2 of the City Plan).

These areas are dominated by small scale retail shops and service activities, and many are characterised by "strip" development of shops immediately adjoining road frontages. The Business 1 Zone's purpose is to provide for local opportunities for employment, community activities and convenient (often pedestrian) access to goods and services.

The zone also includes those fringe parts of district centres which adjoin a Business 2 zone and generally comprise the older component of strip frontage development along major roads. These areas have in most cases existed for many decades, and in some centres there has been progressive ribbon development extending along roads. Generally, no further strip development of this nature will be provided for, and these zones will continue to accommodate predominantly business activities of a modest scale but within the framework of the centre as a whole.

The standards of the Business 1 zone control activities where the levels of effects would unduly impact on the amenities, particularly immediately adjoining residential areas. It is recognised that many of these local centres have a poor physical layout and parking arrangements, or are located across major traffic routes from larger centres. Some of the smaller Business 1 zoned centres may not survive in the longer term, and conversion to residential uses may become appropriate.

In the context of the land at 466 Madras Street, the Business 1 zone was intended to function as a local centre with small scale retail shops and service activities. The function of Local centres is described in Policy 12.7.1 of Section 12, Volume 2 of the Operative City Plan.

The proposed zoning of the site is Commercial Local and it is identified as a Local centre in the centres hierarchy of the Commercial Proposal (as set out in Table 15.1 following Policy 1 of the Commercial Proposal) in the proposed Replacement District Plan.

(b) The requirements of the Outline Development Plan in the operative City Plan

The Outline Development Plan (ODP) in the operative City Plan was introduced by Plan Change 31, which is described further under (c) below. The ODP in the operative City Plan and attached as Appendix 1 relates to a large part of the block bordered by Canon Street, Packe Street, Purchas Street and Madras Street, zoned Living 1 and Business 1. The area within the block not covered by the ODP is the south western corner (87, 89 and 91 Purchas Street) and south eastern corner (75 Packe Street, 105, 105A and 135 Purchas Street). The area subject to the ODP reflects the extent of the area subject to Plan Change 31.

The ODP is intended to manage development of the block in an integrated way with other development within the block and with the surrounding area.

In respect of the land zoned Business 1 (including 466 Madras Street), the effect of the ODP is that development shall be in accordance with the layout position and floor area of activities shown on the ODP¹. Any development within the area subject to the ODP is a “Discretionary activity”² with Council’s discretion being limited to a range of matters including “conformity with the detail contained in the development plan”³.

For defined areas on the ODP, being A to G, the ODP also specifies the activities anticipated in each area and the maximum gross leasable floor area of those activities. An additional matter of discretion for development within the ODP area is *“in the case of any floor area greater than that prescribed in the development plan, any distributional effects on other commercial centres and any wider transport network effects from any associated transport generation”*⁴.

For the full suite of rules introduced by the plan change, refer to Appendix 2. Pages 10 – 13 of that document have rules for the Business 1 zone, which includes 466 Madras Street.

Elements on the ODP specific to land at 466 Madras Street

The land subject to the Joint Memorandum is in Area E on the ODP, which together with Area D is subject to a maximum limit on non-residential activities of 3,500 m² (and tenancy limits)⁵.

The land to the immediate south of 466 Madras Street is outside the ODP area and zoned Living 3, while land to the immediate north is within Area F as defined on the ODP which is intended as publicly accessible open space⁶.

¹ Rule 3.4.7 of Part 3 to the City Plan

² With Rule 3.4.7 stating that Council’s discretion is limited to specified matters, the activity is effectively Restricted Discretionary despite the rule stating it is a Discretionary activity.

³ Rule 3.4.7 of Part 3 to the City Plan

⁴ Rule 3.4.7 of Part 3 to the City Plan

⁵ Clause (d) of Rule 3.4.7 of Part 3 to the City Plan.

⁶ Refer to paragraphs 3.80 – 3.101 of Commissioners recommendation.

(c) Any relevant history of Plan Change 31 or the site generally

Site description

The land that was subject to Plan Change 31 comprises 4.32 hectares of largely vacant land. Land at 466 Madras Street is occupied by four units (and was at the time of the plan change), forming a housing development of a medium density.

As described in paragraphs 2.10 of the Council decision (as recommended by the Commissioner and attached as Appendix 3), former uses of the majority of the area subject to Plan Change 31 include an MED disposal yard and subsequently an Orion depot, which are likely to have contributed to contamination of the site.

Plan change

The plan change was a private request made under clause 21 of Schedule 1 to the Resource Management Act. The Commissioner's recommendation, which was adopted by Council, is attached as Appendix 3. References below to paragraph numbers are from the decision.

The proposed amendments in the plan change request as notified are summarised in paragraph 2.4. As outlined in paragraph 2.5, the plan change was subject to modifications during the period of submissions, and hearings process. The revised amendments proposed by the plan change are summarised in paragraph 2.7.

Paragraphs 2.30 to 2.33 describe the process and timing of submissions and the hearing on the plan change. As explained in paragraph 2.30, there were sixteen submissions on the plan change, eight supporting the change in part, two opposed in part and six opposed the plan change in its entirety.

As presented in paragraph 3.1, the key issues raised in submissions were as follows:

- Retailing and its distribution
- The transportation network
- Open space, vegetation and recreation facilities
- Continuous building length, building height and urban design controls
- Stormwater management
- Planning policy and consistency with the City Plan

Two critical issues that 'go to the very viability of the proposals' (paragraph 3.4) were firstly, the scale and extent to which retailing is enabled to occur, and secondly, the effects on the functioning of the surrounding transport network.

In terms of the first issue, the Commissioner concluded at paragraph 3.20 that "*What is able to be concluded however is the potential for commercial development at the scale proposed on the subject site to significantly limit the likelihood of the Edgeware shopping centre developing much further towards its anticipated (and planned) potential as a fully*

functioning Business 2 zoned District Centre.” This is discussed further in paragraphs 3.34 to 3.39 including the extent to which the plan change is appropriate in achieving the Objectives of the City Plan.

Relevant to the consideration of the zoning of 466 Madras Street was submitters’ “concern as to the scale of the business zone and the activity enabled by it, both in amenity terms and in terms of the continued viability of other established commercial centres.” (paragraph 3.5). The Commissioner concluded at paragraph 3.40 that a reduced area was neither necessary nor appropriate. The Commissioner’s reasons included the existence of maximum limits on non-residential activities and tenancy size⁷ and areas of the Business 1 zone being identified on the ODP for open space, access, circulation, car parking and stormwater management, therefore limiting the developable area.

With regard to the second issue of transport effects, submitters raised concern with “*The size of the proposed Business 1 zoning and the effects of anticipated traffic on the functioning and performance of the surrounding road network*” (paragraph 3.53). The Commissioner was satisfied that additional limits beyond those prescribed were necessary to manage traffic effects (paragraph 3.66). At paragraph 3.71, it was concluded that traffic effects would not offend transport objectives of the City Plan.

A separate but related issue raised in submissions was the effects of traffic on amenity for the surrounding area, with one submitter recommending a reduced area of Business 1 zoned land. The Commissioner at paragraph 3.75 identified the potential for adverse amenity effects to arise and recommended adding “*amenity related matters to the generic matter of ‘vehicular, cycle and pedestrian access’*”. These are bullet points 5 and 6 of clause (b) to rule 3.4.7 in Appendix 2.

The Council’s decision was subject to appeal by Wakefield Mews⁸, the subject of the appeal being proposed limits on non-residential activities of 3,500 m² and a tenancy limit of 450 m². Following mediation, a joint memorandum was agreed between the parties⁹ dated 22 July 2010 and Consent order issued by the Court (dated 25 July 2010). Amendments to the Council decision included provision for one individual tenancy in Areas D and E of up to 800 m² with all other individual tenancies being limited to no greater than 450 m². The Council’s decision on the plan change otherwise remained unchanged.

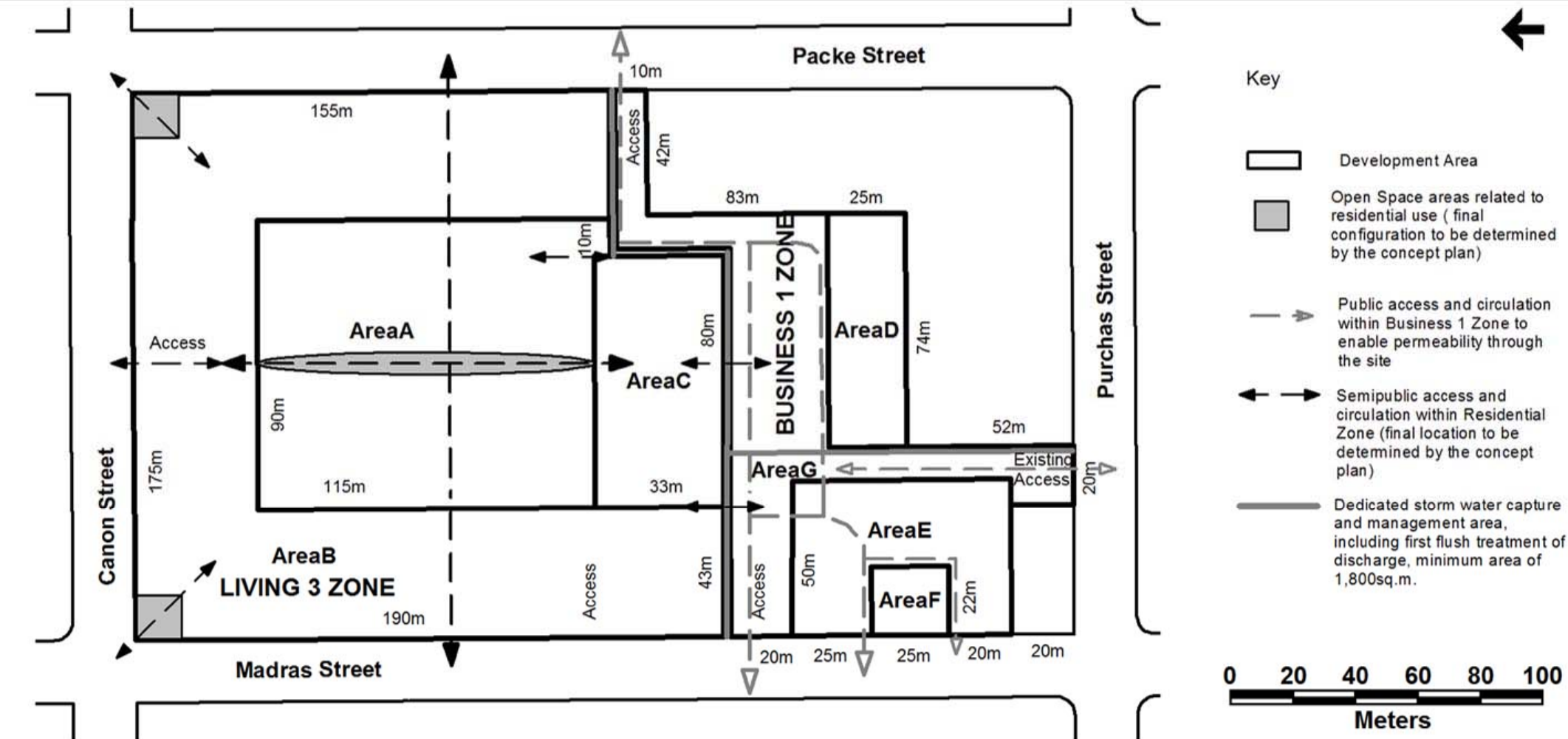
⁷ Paragraphs 3.41 to 3.48 provide the rationale for floorspace limits on non-residential activities and tenancy size.

⁸ Notice of Appeal dated 7 December 2009.

⁹ Christchurch City Council, Wakefield Mews Ltd and St Albans Residents Association (as a party under s274).

Appendix 1: ODP in the operative City Plan

Appendix 14 - Development Plan (Living 3 and Business 1 Zones) - St Albans



Activities \ Max.GLFA (where applicable)		
Area A	Residential and Related Car Parking	10,535sq.m.
Area B	Residential and Related Car Parking at the Rear or Beneath Buildings	18,460sq.m.
Area C	Residential and Related Recreation	2,640sq.m.
Area D	Maximum total GLFA of 3,500 sq.m. and one individual tenancy shall have a GLFA of up to 800sq.m. and no other individual tenancy shall have a GLFA greater than 450sq.m. (these maxima do not apply to residential activities)	1,850sq.m.
Area E		2,950sq.m.
Area F	Publicly Accessible Open Space of a Minimum Area of 550 sq.m.	550sq.m.
Area G	Main Access, Circulation, Car Parking and Stormwater Management Areas	5,414sq.m.
Total		42,399sq.m.
Area in Business 1		10,764sq.m.
Area in Living 3		31,635sq.m.

Within the development plan area a minimum of 2,300 sq.m. of Open Space that is at least fully accessible to site residents (including Area F) shall be provided.

Appendix 2: Operative Plan Change 31



**TO AMEND LIVING 3 ZONE PROVISIONS AND TO INTRODUCE BUSINESS 1
ZONE AT PACKE STREET, ST ALBANS**

Explanation

The purpose of the plan change is to provide for the comprehensive and integrated development of the greater part of the city block bounded by Packe Street, Madras Street, Purchase Street and Canon Street. The type of outcome proposed is the development of what is known in new urbanist parlance as a Traditional Neighbourhood Development (T.N.D). The land is currently zoned Living 3 and for the most part it is proposed to develop the land in general accord with the provisions for that zone apart from the rules controlling height (central units only), maximum continuous building length and maximum parapet length. It is proposed to enable apartment blocks above the currently permitted height levels, but only in the internal part of the block where surrounding property will not be affected. In that way the peripheral area will act as a visual buffer. A joint outcome of a higher level of density and respect for existing amenity is the aim. A significant difference and a product of the comprehensive planning for the block is the inclusion of a business component. This, together with the wish to exceed the height provisions of the Living 3 zoning over a limited central area, and to ensure an integrated development is the main reason for the request for a zone change.

The changes have the following effect:

- The whole area of the plan change will be exempted from the continuous building length rules for the Living 3 zone.
- The permitted height limit for the central part of the block will be increased from 9 to 14m.
- The introduction of an outline development plan for the block.
- The introduction of a small Business 1 Zone.

...To be continued

Date Publicly Notified: 26 August 2008

Date Operative: 26 October 2010

Council Decision: 22 October 2009

Plan Details: Planning Map 32A

File No: PL/CPO/3/31

Continued ...

The amendments that would be required to the Living 3 zone to permit the residential component are to those rules relating to: height (central units only), maximum continuous building length, and maximum parapet length. Residential densities, including basement parking, as a result of these changes, will be able to be achieved in accord with the intent of the Living 3 zoning at the same time as allowing for considerable areas of shared open space, tennis courts and a swimming pool, the development of which would be the subject of an outline development plan. The entire development is also not to be subject to the High Traffic Generation Rule, which would normally require an assessment of the transport generating aspects of future development within the relevant area.

A small area of Business 1 type zoning is proposed in order to create an integrated community both within the site and in terms of the inter-connectivity with the surrounding community. This, together with site specific changes to the parking and access rules, would enable the development of a small Local Centre of which there are currently about 100 in the urban area. A full service supermarket and up to 15 small shops would then be able to be provided for. The details of the potential development are shown on the attached plans.

The two components are intended to allow for the development of an integrated mixed use urban development each adding to the survivability and potential success of the other.

City Plan Amendments

Note: For the purposes of this plan change, any text amended as a result of other decisions is shown as “normal text”. Any text added by the plan change as notified is shown as **bold underlined** and text deleted as ~~**bold strikethrough**~~. New text added by the Council’s decision and Environment Court Consent Order is shown as **bold double underlined** and text deleted is shown as ~~**bold double strikethrough**~~.

Amend the City Plan as follows:

Volume 2: Section 6: Urban Growth

Add the following words to the explanation and reasons for Policy 6.1.2 as follows:

Policy 6.1.2 Redevelopment and Infill

(...)

A comprehensive and integrated development of the greater part of the City block bounded by Packe Street, Madras Street, Purchas Street and Canon Street is sought through the application of a development plan to this urban block.

Volume 3 : Part 2 : Living Zones

After the words “except that: (i) and (ii) add the following new sub-clause (iii):

4.2.5 Continuous building length – ridgelines and parapets – exterior walls residential and other activities.

(iii) This rule shall not apply within the Areas A, and B and C of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11Appendix 12 Part 3.

After the words “except that (i) and (ii) add the following new sub-clause (iii) and renumber (iii) to (iv) and (iv) to (v):

4.2.6 Continuous building length – exterior walls – residential and other activities

(iii) This rule shall not apply within the Areas A, and B and C of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11Appendix 12 Part 3.

Add the following new subclauses as shown below:

4.2.7 External appearance – residential and other activities

(...)

(d) Within the Areas A, B and C of Living Zone 3 bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11, the erection of new buildings, additions and alterations to existing buildings shall be a limited discretionary activity. The Council's discretion is limited to overall urban design and appearance including façade modulation, and the provision of open space between buildings.

4.2.18 Development plans - Residential and other activities

- a) The development of land in that part of the Living 3 Zone at Styx Mill - Belfast within the development plan area defined in Appendix 3f (generally bounded by Main North Road, the Styx Mill Reserve, Johns Road and Englefield Road), shall be in general accordance with the layout shown on the development plan in that Appendix.

Note: The assessment matters in Clause 6.3.1 (for the Living 1A, 1B, 1D, 1E, HA and HB Zones) shall also apply to this land.

- (b) The development of land in that part of the Living 3 Zone at North Halswell within the development plan area defined in Appendix 3h (generally bounded by Dunbars, Halswell, Templetons and the Southern Arterial) shall be in general accordance with the layout shown on the development plan in that Appendix.

Note: The assessment matters in Clause 6.3.1 (for the Living 1A, 1B, 1D, 1E, HA and HB Zones) shall also apply to this land.

- (c) Within the Living 3 Zone bounded by Deans Avenue, Blenheim Road, Lester Lane and the railway line, the development of land shall be in general accordance with the development plan contained in Appendix 5, Part 3. Any development not in conformity with the development plan shall be a controlled activity with the exercise of the Council's discretion limited to access and open space links. Assessment matters and Reasons for the rule are contained in Part 3, Business Zones.

- (d) The development of land in that part of the Living 3 Zone at Wigram within the development plan as defined in Appendix 3r Wigram (generally bounded by RNZAF Bequest Land, Awatea Road and Wigram aerodrome and runway) shall be in general accordance with the layout shown on the development plan in the Appendix.

(de) Within the Areas A, B and C of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street the development of land and vehicular access to that land shall be in general accordance with the development plan contained in Part 2, Appendix 11Part 3, Appendix 12.

Note: This access location requirement overrides Rule 13-2.3.6 of the City Plan.

(ef) Any development ~~not in conformity with~~ within the Areas A, B and C of the development plan contained in Part 2, Appendix 11 ~~development plan~~ shall be a discretionary activity with the Council's discretion ~~restricted~~ limited to:

- conformity with the detail contained in the development plan
- vehicular, cycle and pedestrian access ~~location matters~~
- conformity with the concept plan required under (g) below
- ~~any distributional effects on other commercial centres~~
- any wider transport network effects from any associated transport generation caused by development not in accordance with the ~~D~~development ~~P~~plan
- the maintenance of ~~permeability~~ permeability within the block for internal pedestrian and cycle circulation including the connections with that part of the block within the Business 1 zone
- the integration and mix of activities provided, including facilities for resident's recreation and other non-residential activities

(g) Should the development proposed be the first development within the Areas A, B and C of the development plan contained in Part 2, Appendix 11 (including that part within the Business 1 zone), that the application be accompanied by a concept plan covering the development of the whole area within the said development plan, such concept plan to show in outline:

- the bulk and location of all buildings
- the nature of each activity and the integration of the mix of activities
- access, circulation (vehicular/pedestrian/cycle) and parking areas
- overall landscaping concepts
- areas of open space, including the degree to which such spaces are private, shared by onsite residents or available for wider public use
- stormwater capture and management, including first flush

Add a new section (f) and renumber the existing sections of 4.4.4 (f) - (i) as (g) – (j).

4.4.4 Building Height – Residential and Other Activities

(f) Within the Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown ~~in~~ as Area A ~~in~~ on the development plan contained in Part 2, Appendix 11 ~~Appendix 12 Part 3~~ the maximum height of any building shall be 14m.

Add the following new subclause as shown below:

7.2.6 External appearance

(...)

(d) Within the Areas A, B and C of Living Zone 3 bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11:

In relation to urban design and appearance including façade modulation, the following:

- Generally blank facades or flat elevations devoid of relief should be avoided, particularly on street and open space frontages.
- Buildings facing streets should be articulated to provide visual interest and depth.
- Building frontages at ground level should encourage interaction with the street or open spaces, to provide visual interest and enhance public safety, including maximising use of doors, windows and balconies.
- Buildings should be orientated towards the street or internal access ways and entrances should be clearly identifiable and accessible.
- The design of vehicle entrances and access ways should recognise the relationship between vehicles, pedestrians and cyclists and reinforce pedestrian priority, particularly in terms of materials, sightlines and location of accesses.
- Car parking and garaging should be located behind or beneath buildings such that it is not visually dominant from the street.
- Buildings should have a rhythm, scale and proportion to address the streetscape and to ensure sufficient relief on larger façade elements.
- Material expression should ensure cohesion and consistency throughout the development and reflect its predominantly residential character.
- Fenestration should consider outlook and privacy.

In relation to open space between buildings the following:

- Buildings should encourage overlooking of streets and open spaces to improve safety.
- Design, size and location of open space should reflect the character and scale of surrounding buildings.
- The extent to which comprehensive design has led to greater utility of open space provision than would be the case with piecemeal development.
- Landscape treatment including lighting of open space (landscape plan) with regard to safety, boundary treatment, streetscape and planting.
- Interaction between open space and circulation patterns.
- Interaction between open space and buildings with regard to outlook, views and privacy for residents.

- Integration of stormwater treatment within open space with regard to visual amenity.

Add the following new clause as shown below:

7.2.27 Development Plan – Living 3 Zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street

For activities not in accordance with the development plan contained in Part 2, Appendix 11:

- The extent to which comprehensive, mixed use development would continue to be achieved
- The nature and degree of any adverse effects caused by proposals not in accordance with the development plan
- The ability of the proposal to integrate with the surrounding context
- The relationship of proposals to any other existing development within the block.

When considering the concept plan required as part of the first development within the development plan area:

- The extent to which the lack of a concept plan, or the lack of detail provided, undermines the ability for the site to be developed comprehensively and in an integrated manner
- The extent to which the nature and extent of future development can be integrated with existing development within the block

Add new paragraph for Reasons for Rules at the end of the clause as shown below:

8.1.2 Building Height and Sunlight and Outdoor for Neighbours:

These two standards are closely related to one another in controlling the height and bulk of buildings. Building height is a major determinant of the scale and character of the living areas of the city. Both standards are key factors in determining the visual amenity, dominance of buildings, access to sunlight and daylight, spaciousness of living environments, and to some extent, levels of privacy.

(...)

A maximum height of 14m for part of the block in the Living 3 zone bounded by Madras, Canon, Packe and Purchas Street has been set to enable greater densities building height to be achieved under the control of a development plan. The increased height limits enable greater flexibility of development form, with the location of the additional height central to the block ensuring that

it is well separated from other land areas beyond the area covered by the development plan.

Add the following text to clause 8.1.5 as follows:

8.1.5 Continuous building length

The purpose of the continuous building length rule is to mitigate the visual effect of long monotonous structures on the amenity of adjacent sites. The rules operate in conjunction with each other as well as with other rules such as those for sunlight admission and setbacks.

(...)

Given the diversity of lot sizes, shapes and boundaries, it is acknowledged that the rule cannot anticipate all the circumstances that may apply to the siting of long buildings.

Exceptions have been provided where large setbacks can be provided, distance being the mitigating factor, **or where development can be achieved comprehensively under the control of a Development Plan.**

For the Living 5 (Travellers Accommodation Zone) the rule has a narrower application, and only addresses the effect of continuous building length on the interface of the zone with other Living Zones, including on sites on the opposite side of the road from a Living 5 Zone.

8.1.6 External appearance

A rule relating to external appearance applies in those special amenity areas of particularly high street scene and/or heritage value. Assessment as discretionary activity is seen as necessary in order to provide some protection and/or enhancement of the existing characteristics which makes these areas particularly attractive and/or of social and historical importance and to avoid incompatible development. Although not a special amenity area in that part of the Avon Loop area outside of SAM 24, external appearance has been made a controlled activity. This is in recognition of the special character of the wider loop area in terms of the setting, street layout and river boundaries. For SAM 24 specific recognition is also made of the importance of fences and walls within the required streetscene setback to the amenity values, and existing characteristics of the Avon Loop Area. In the Living 5 Zone (Kilmarnock) an external appearance requirement applies to promote building design that is in sympathy with existing buildings on the site including roof pitch, exterior cladding and exterior colour. In the Living G (Yaldhurst) zone the external appearance rules are intended to maintain or enhance visual amenity and the quality of the surrounding residential environment.

Provision has been made within this rule for consideration of all new buildings, additions and alterations to existing buildings within the area of Living Zone 3 bounded by Madras Street, Canon Street, Packe Street and Purchas Street, subject to a development plan. This is intended to enable consideration of urban design principles and appearance, along with the provision of open space between buildings, to ensure a high level of amenity is provided both within this comprehensive development and as it relates to surrounding areas.

Add the following text to clause 8.1.24 as follows:

8.1.24 Development plans

Development plans for several new residential growth areas have been included in this Plan. Their purpose is to assist the Council in carrying out its functions under Section 31 of the Act – managing the effects of the use, development and protection of natural and physical resources in an integrated manner. More specifically they indicate the outcomes being sought for that particular area and means of avoiding or mitigating adverse effects.

A development plan applies to land at Styx Mill, Belfast, which will involve staged development of a large area of land at mixed densities, including Living 1, and Living 3. (Refer to clause 8.2.2 for the reasons for a development plan, which also apply to the Living 1 Zone at Styx Mill.)

A development plan applies to land at North Halswell which will involve staged development of a large area of land at mixed densities, including Living 1, Living 1A and Living 3. (Refer to clause 8.2.2 for the reasons for a development plan, which also apply to the Living 1 Zone at North Halswell.)

A development plan applies to land at Taylors Mistake to ensure that the layout of the baches will not adversely effect the surrounding natural environment. The location of the baches also promotes the maintenance of views from the baches to the beach as well as co-ordinating access to the baches and public access through the bach zone.

An outline development plan applies to the Living G (Yaldhurst) zoned / and which requires the development of a large area of land in accordance with specified urban design principles and at mixed densities.

The development plan that relates to an area of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street is intended to control overall development patterns within this comprehensive development and ensure coordinated development over this large block of land.

After Appendix 10, add new Appendix 11:

New Appendix 11 - Development Plan Living 3 and Business 1 Zones
(see attached)

Volume 3 : Part 3 : Business Zones

Add the following new clause:

3.4.7 Development Plan

(a) Within that part of the land shown in the development plan contained in Part 3, Appendix 1214, Part 3 zoned Business 1 development shall be in general accordance with the layout position and floor areas of activities shown.

(b) Any development ~~not in conformity with~~ within the development plan contained in Part 3, Appendix 14 ~~development plan~~ shall be a discretionary activity with the Council's discretion limited to: ~~access location matters~~

- conformity with the detail contained in the development plan
- ~~access location matters~~ vehicular, cycle and pedestrian access
- conformity with the concept plan required under (c) below
- in the case of any floor area greater than that prescribed in the development plan, any distributional effects on other commercial centres and any wider transport network effects from any associated transport generation ~~caused by development not in accordance with the Development Plan~~
- any wider transport network effects from any associated transport generation caused by development not in accordance with the ~~D~~development ~~P~~plan
- effects on the amenity values for surrounding activities including as a result of noise, vibration, fumes, and glare from vehicles
- effects of traffic generated by the development on the amenity and safety of surrounding streets
- the maintenance of permeability within the block for internal pedestrian and cycle circulation, including the connections with that part of the block zoned Living 3
- overall urban design and appearance including façade modulation, and the provision of open space between buildings.
- the integration and mix of activities provided, including facilities for resident's recreation and other non-residential activities

(c) Should the development proposed be the first development within the development plan contained in Part 3, Appendix 14 (including that part within the Living 3 zone), that the application be accompanied by a concept plan covering the development of the whole area within the said development plan, such concept plan to show in outline:

- the bulk and location of all buildings
- the nature of each activity and the integration of the mix of activities
- access, circulation (vehicular/pedestrian/cycle) and parking areas
- overall landscaping concepts

- areas of open space, including the degree to which such spaces are private, shared by onsite residents or available for wider public use
- stormwater capture and management, including first flush

(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.

Add new clause for Assessment Matters for Business 1 Zone:

~~6.7.12 Floor Space within the Business 1 Zone at the Junction of Madras and Purchas Streets.~~

6.5.12 Development Plan

For activities not in accordance with the development plan contained in Part 3, Appendix 14:

- The extent to which comprehensive, mixed use development would continue to be achieved
- The nature and degree of any adverse effects caused by proposals not in accordance with the development plan
- The ability of the proposal to integrate with the surrounding context
- The relationship of proposals to any other existing development within the block.
- Whether the scale and nature of development is consistent with that anticipated for a local centre

In relation to urban design and appearance including façade modulation, the following:

- Generally blank facades or flat elevations devoid of relief should be avoided, particularly on street and open space frontages.
- Buildings facing streets should be articulated to provide visual interest and depth.
- Building frontages at ground level should encourage interaction with the street or open spaces, to provide visual interest and enhance public safety, including maximising use of doors, windows and balconies.

- Buildings should be orientated towards the street or internal access ways and entrances should be clearly identifiable and accessible.
- The design of vehicle entrances and access ways should recognise the relationship between vehicles, pedestrians and cyclists and reinforce pedestrian priority, particularly in terms of materials, sightlines and location of accesses.
- Car parking and garaging should be located behind or beneath buildings such that it is not visually dominant from the street.
- Buildings should have a rhythm, scale and proportion to address the streetscape and to ensure sufficient relief on larger façade elements.
- Material expression should ensure cohesion and consistency throughout the development and reflect its predominantly residential character.
- Fenestration should consider outlook and privacy.

In relation to open space between buildings the following:

- Buildings should encourage overlooking of streets and open spaces to improve safety.
- Design, size and location of open space should reflect the character and scale of surrounding buildings.
- The extent to which comprehensive design has led to greater utility of open space provision than would be the case with piecemeal development.
- Landscape treatment including lighting of open space (landscape plan) with regard to safety, boundary treatment, streetscape and planting.
- Interaction between open space and circulation patterns.
- Interaction between open space and buildings with regard to outlook, views and privacy for residents.
- Integration of stormwater treatment within open space with regard to visual amenity.

When considering the concept plan required as part of the first development within the development plan area:

- The extent to which the lack of a concept plan, or the lack of detail provided, undermines the ability for the site to be developed comprehensively and in an integrated manner
- The extent to which the nature and extent of future development can be integrated with existing development within the block

When considering additional floor areas or tenancy areas:

- The effects of any larger floor space ~~retail or office~~ for non-residential activity on other centres particularly district centres.
- 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 Living 3 zone.
- (d) The extent to which the form, amenity and function of this Business 1 zoned area as a local centre would be maintained

Add new clause for Reasons for Rules Business 1 Zone:

7.3.13 Floor Space (Business 1 Zone only)

7.3.14 Development Plan

The development plan that relates to the Business 1 zone within the block bounded by Madras Street, Canon Street, Packe Street and Purchas Street is intended to control overall development patterns within this comprehensive development and ensure coordinated development over this large block of land.

Provision has also been made within this rule for consideration of urban design principles and appearance, along with the provision of open space between buildings, to ensure a high level of amenity is provided both within this comprehensive development and as it relates to surrounding areas.

The floor space provision within the Business 1 Zone at the junction of Madras and Purchas Streets is subject to a Development Plan which this rule limits the floor space of commercial non-residential activity. This is to ensure that the provision of such activities are of sufficient scale to service adjacent higher density residential development local neighbourhood needs for goods and services but not so large as to detract from the form, function and amenity range of services offered in existing of other centres.

After Appendix 13, add New Appendix 14:

New Appendix 1413 - Development Plan Living 3 and Business 1 Zones
(see attached)

Volume 3 : Part 13 : Transport

In Rule 2.3.8 High traffic generators (a) after the words “25 parking spaces” add the following:

2.3.8 High traffic generators

- (a) Any activity on a site which is not in the Central City Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces (with the exception of the land within the Living 3 and Business 1 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street which is subject to the development plan contained in Part 3,

Appendix 1413) shall be a discretionary activity with the Council's discretion limited as follows:

- retail activities in B3, B3B, B4, BRP, Central City Edge, and Special Purpose (Wigram) (Areas B and B1) zones: matters associated with any traffic effects of the activity.
- other activities and other zones: matters associated with vehicular access.

Add the following text to clause 4.14 as follows:

4.14 High traffic generators

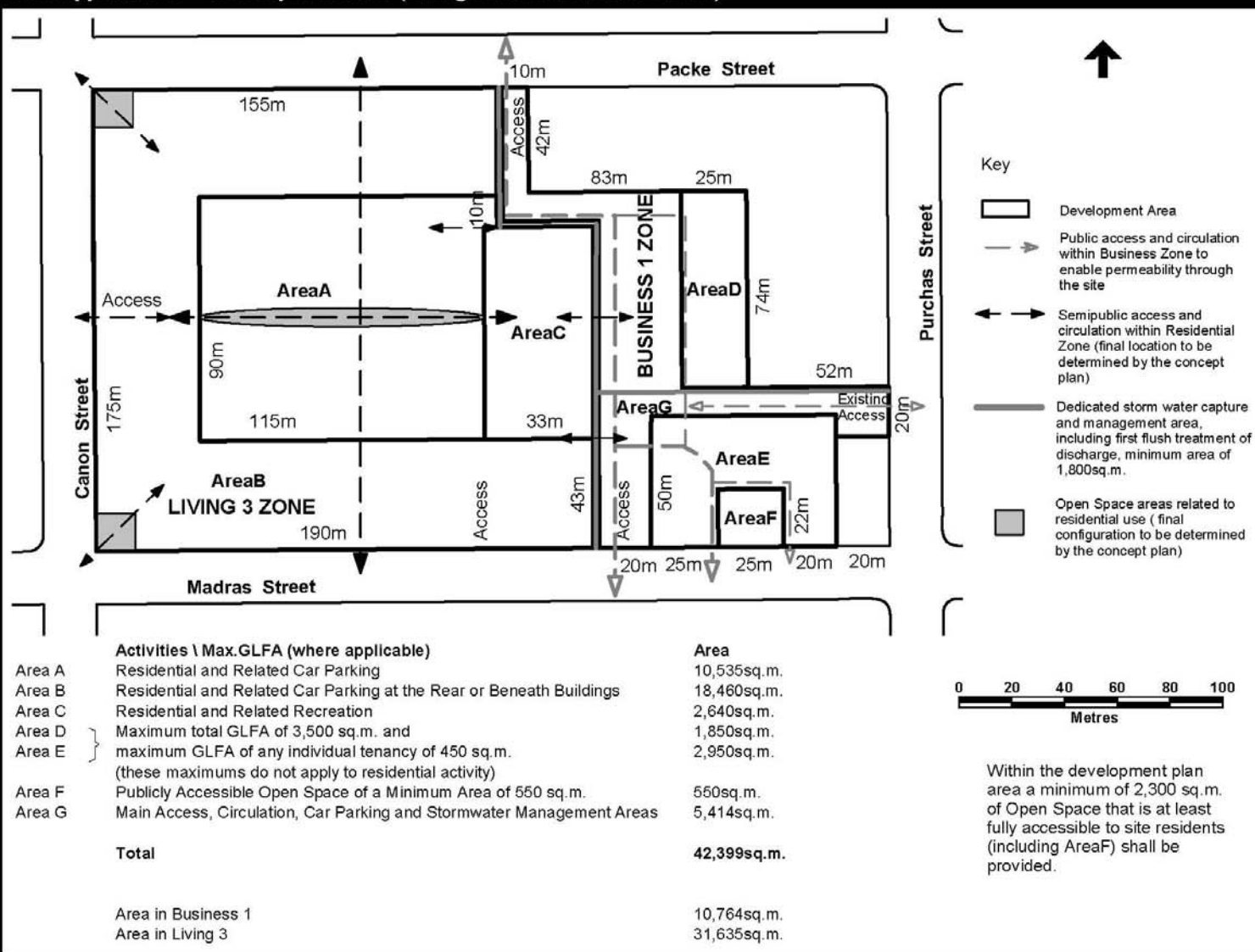
This is a particularly important rule, which is fundamental to the planned effectiveness of roads within the roading hierarchy. High traffic generators (more than 250 vehicle movements per day or requiring the provision of 25 or more parking spaces) can have a major impact on arterial and inner city roads with the development of large retail and vehicle oriented land uses. The vehicle generation and potential associated adverse effects on the road network and surrounding land uses can be major if the siting is inappropriate or the access is not well located or designed. Therefore the roads in the city with the most important traffic functions (arterial roads) need to have the highest degree of protection. By requiring high traffic generators on these roads to be discretionary activities (or controlled within the Central City zone), each development can be considered in terms of its particular character, location, and levels of traffic effects and ways to mitigate these effects where possible, through the use of appropriate traffic management and design conditions. Most zones restrict the limit of discretion to matters associated with access. However, retail activities in the BRP, B3, B3B and B4 zones have retained a broader level of discretion, regarding any traffic effects. This acknowledges the dispersed location of these zones and the ability to undertake retail activity, which can generate potentially significant effects on the road network and surrounding landuses.

An exception from this rule has been provided for the land within the Living 3 and Business 1 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street which is subject to the development plan contained in Part 3, Appendix 14, as consideration of vehicular, cycle and pedestrian access matters is specifically provided for within the zone rules relating to development of this area.

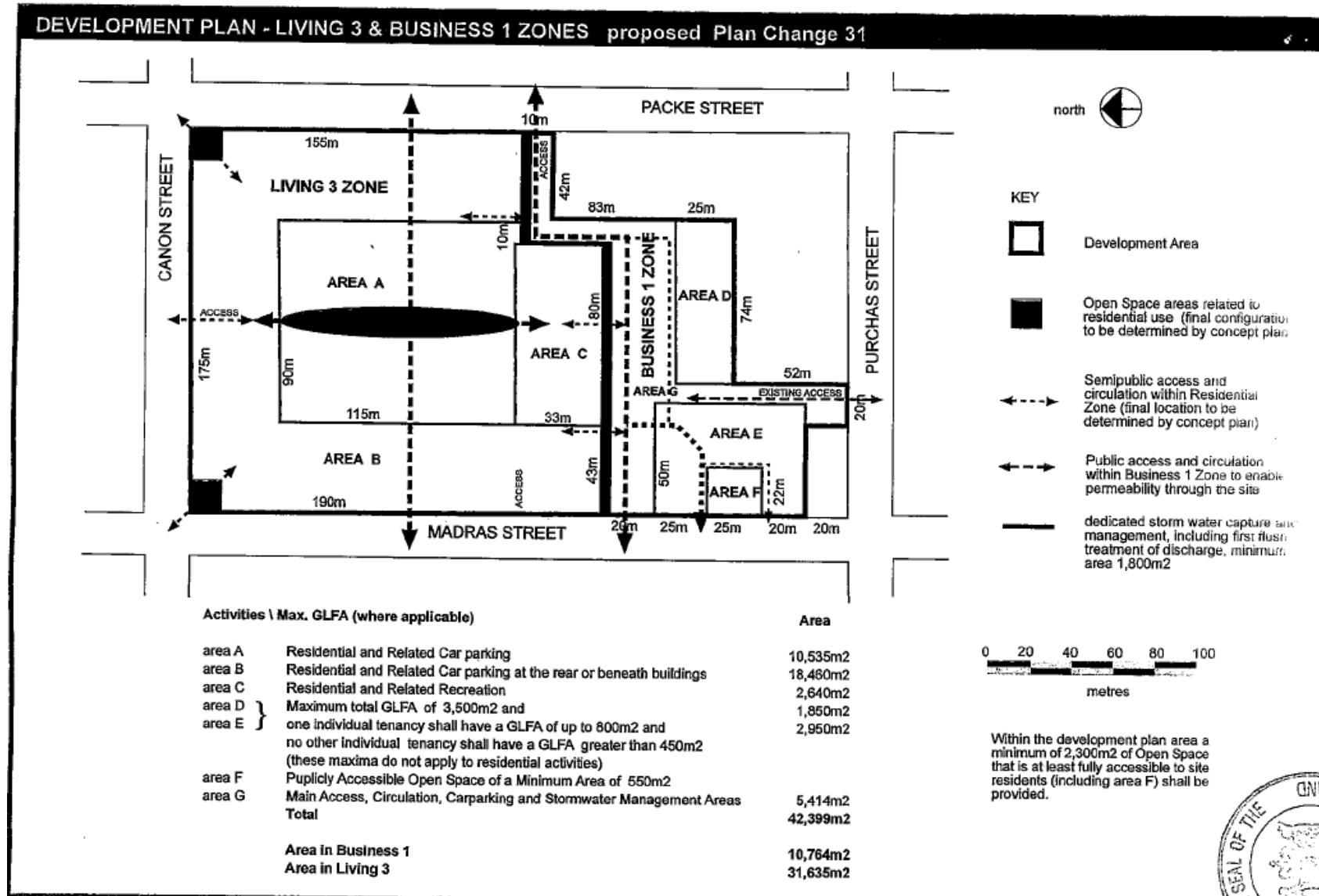
Volume 3 : Planning Maps

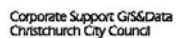
Planning Map 32A – rezoning of area identified from Living 3 to Business 1
(see attached)

New Appendix 11 - Development Plan (Living 3 and Business 1 Zones)



New Appendix 14





pc_31-03.dgn
Date 09/07/2008

Appendix 3: Plan Change 31 Commissioner's Recommendation

Christchurch City Council

Proposed Plan Change No. 31

**To amend Living 3 Zone provisions and to
introduce an area of Business 1 Zone in
respect of the majority of the area bounded
by Packe/Purchas/Madras/Canon Streets, St
Albans.**

**Report and recommendation of Ken Gimblett acting as
Commissioner appointed by the Christchurch City
Council pursuant to s.34 of the Resource Management
Act 1991**

September 2009

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Appendix 1:

The subject site and its surroundings

Appendix 2:

Recommendations on individual submissions and further submissions

Appendix 3:

Recommended modifications to the City Plan provisions

1 Introduction

Role of the Commissioner

- 1.1 I begin my report with a brief explanation of my role. City Councillors would typically hear proposals for changes to the City Plan, unless there is a potential conflict of interest. There is such a conflict in this instance, as the City Council has lodged a submission on the Plan Change. In order therefore to maintain independence, I was appointed as Commissioner.
- 1.2 As the Commissioner my role is limited to that of conducting the hearing of the Plan Change. Having considered all relevant material in respect of the Change, including evidence presented to the hearing, I am to make recommendations to the City Council on the proposed Change and the associated submissions.
- 1.3 Those recommendations are to relate to whether the Plan Change should be accepted, modified in accordance with the scope provided by the Change and submissions made on it, or rejected. The final decision on whether or not the Plan Change is adopted however is the responsibility of the elected Council. In the event that the Council adopts my recommendations, then this report would ordinarily become the council decision.
- 1.4 As will become evident, my recommendations relate to the Plan Change itself and specifically the modifications it proposes for the provisions of the City Plan, as well as the relief sought by the individual parties who have lodged submissions and further submissions on the Plan Change.

Statutory Context

- 1.5 The Council report to the hearing set out the relevant provisions under the Resource Management Act 1991 (RMA) and responsibilities the Council has in determining a change to its District (City) Plan. In essence, the Council is to act in accordance with the procedures prescribed by the Act; comply with its

functions as a regulatory authority; satisfy specific duties under section 32 (s.32); adhere to the allowable contents of District Plans and accord with Part 2. In doing so, and relevantly in this case, the Council shall have regard to any operative or proposed regional policy statement (RPS) and must not have regard to trade competition.

- 1.6 Section 32 imposes a particular responsibility when seeking to modify the Plan. In this case where the objective and policy provisions would remain unaltered, the Council is required in evaluating the proposed Change, to examine whether the objectives of the Plan are better achieved by retaining the existing zoning of the subject site and the associated rules applying under the Living 3 zoning, or by the amended zonings and the associated site specific rules, including modification of some of the applicable zone rules (or something in between).
- 1.7 As will become more evident later in my discussions, the correct interpretation of the obligations under s.32 (3) has some particular significance. On that interpretation, I note that I have been largely guided by the legal submissions of Mr Prebble, counsel for the proponents of the Plan Change, Wakefield Mews Limited.
- 1.8 Mr Prebble urged me to acknowledge that while s.32 (3) (b) refers to “whether ... the policies, rules, or other methods are the most appropriate for achieving the objectives” the Courts have determined this as indistinguishable from an evaluative judgement as to whether the proposed changed provisions better achieve the objectives, compared with the unchanged provisions.¹ Furthermore, I’m advised the Courts have tended towards a simplification of the s.32 requirements to an overall consideration of whether confirming the Plan Change (with or without modification) will better achieve the purpose of the Act than declining it.
- 1.9 I appreciate the reasoning for that approach given the obvious futility of trying to assess all possible alternatives in order to somehow determine the ‘best’ of them.

¹ Bates & Ors v Selwyn District Council (Decision C7/06, Judge Smith).

Equally though, the obligation to simply better the performance of the status quo introduces an interesting proposition if the current Plan provisions set a very low baseline; in other words, to better them in pursuit of achieving the Plans intended outcomes demands very little in the way of improvement.

Scope / Procedure

- 1.10 At the outset, I wish to comment on the issue of scope; by that I refer to what is the permissible range of options available to me, and ultimately to the Council, in determining the degree to which the Plan Change might be modified beyond the notified version. Scope has particular significance as prior to forming my recommendations, the content of the Change had evolved beyond its notified form in response to various factors, including submissions, the circulated report prepared for the Council, and the evidence and submissions presented during the hearing.
- 1.11 Mr Prebble helpfully canvassed this matter in reasonable detail in his written closing submissions. At this point though I simply record that I believe the available scope to be quite broadly defined by virtue of the relief sought under submissions, and consistent with Mr Prebble's advice to me, the ability for the decision maker to incorporate consequential changes and/or other relevant matters arising out of matters raised in submissions.²
- 1.12 Finally before proceeding to considering the Plan Change itself, I wish to briefly comment on some matters of procedure, and events occurring beyond the conclusion of the hearing.
- 1.13 At the conclusion of the hearing several matters remained outstanding. I detailed those in a subsequent Minute issued to all parties represented at the hearing, explaining also my expectations in respect to addressing those matters.³ I am obliged that the various parties satisfied those expectations in a fashion, I believe, without causing prejudice to others.

² As per RMA Schedule 1, clause 10 (2).

³ Commissioner Minute – Outstanding Matters, 22 June 2009.

- 1.14 One of those various aspects related to the introduction to the hearing (by Mr Bonis, the Council planning representative) of a brief of evidence prepared by Mr James Baines in respect of a supermarket on land elsewhere in Christchurch. It had been left open as to whether that ought to be something to consider in my deliberations; Mr Prebble questioning the appropriateness of that at the time.
- 1.15 Having considered it in light of the discussions during the hearing and subsequent closing submissions by Mr Prebble, I have concluded the presentation of this evidence potentially offers little, if anything, to my considerations, principally for two reasons. It was prepared on an entirely unrelated proposal by a person not available to the hearing of this Plan Change. Also it was presented in what I understand to be a draft form, and I remain uncertain as to whether it represents any final conclusions on the matters it addresses. Even if it was to be considered, for these reasons alone I suspect I could afford it relatively little weight.
- 1.16 Furthermore, Mr Prebble has suggested others have not had the opportunity to consider it and provide evidence in response; a circumstance potentially raising issues of fairness. I find that aspect less compelling, but do note his point regarding its introduction late in proceedings after the point at which new evidence could have been easily introduced to the hearing. I have not read the particular statement of evidence and for these reasons have not considered it further in formulating my recommendations.
- 1.17 Another aspect related to the expert evidence concerning distributional effects in respect of commercial shopping centres and associated analysis. I believed it would be helpful if the opportunity was offered to Mr Donnelly (for the proponent) to respond on two matters having heard the evidence of Mr Tansley (for the Council). Mr Tansley in his evidence to the hearing admitted to making various assumptions about the methodology Mr Donnelly had applied; a methodology that differed from that upon which comparable distribution analysis was based in the development of the Plan Change prior to notification. Knowing Mr Tansley

and Mr Donnelly had not discussed that methodology, I was interested in understanding the validity of those assumptions, and any other matters of necessary clarification, always mindful of the need to avoid prejudice arising to any party.

- 1.18 I sought that response from Mr Donnelly prior to, and independently of, the written right of reply by the proponent. That response was provided to me on Friday the 3rd of July 2009. Having reviewed it, I considered it appropriate to seek from Mr Tansley an indication as to whether it in any way caused him to amend his opinions or the conclusions stated in his evidence. It was provided to him and he responded in writing on Thursday the 9th of July 2009. The Donnelly response to my Minute and the response of Mr Tansley were then circulated to all other parties to the hearing along with the proponents written closing after receiving them on Friday the 10th of July 2009.
- 1.19 On adjourning the hearing, and at Mr Prebble's request, I accepted receipt of closing submissions on the proponent's behalf in writing two weeks after the adjournment of the hearing. Accompanying those submissions were revised versions of the amendments to the plan provisions, the nature of which I will outline shortly.
- 1.20 On receipt of those written submissions, and resolution of the other identified matters, the hearing was formally closed on Monday the 13th of July 2009.

2 Background

Plan Change 31 – Outline

- 2.1 Plan Change 31 (PC31) proposes to amend a range of provisions as they affect land within the block bound by Canon Street, Packe Street, Purchas Street and Madras Street. Some of the land within this block is not affected by the Change, namely three of seven existing medium density residences located on the south

west corner of the block, nor the Orion substation located mid-block on Purchas Street, nor the Korean Church located on the blocks south eastern corner.

- 2.2 As I have mentioned, the objectives and policies of the City Plan are not proposed to be amended. Only the rules and associated zoning provisions are affected, and that includes the use of an Outline Development Plan (ODP) in managing aspects of any future development.
- 2.3 Although not especially relevant to my considerations, I do note the Change had been through a lengthy and involved iterative process prior to notification, including modification in response to multiple requests for further information from the Council.
- 2.4 The Change arises out of a private request, and in summary, the notified Change proposed:
- Retaining the Living 3 zoning for much of the subject land, although a central area would provide for a maximum built height of 14m (within sub-area A indicated on the ODP), rather than the current maximum of 9 or 11m – depending on roof pitch.
 - That within the area zoned Living 3 sub-areas A and B (indicated on the ODP) would not be subject to the current continuous building length and ridgeline rules.
 - A sub-area C (2,640m²) of the Living 3 Zone be identified for a combination of tenancy related recreation and car parking.
 - A Business 1 zoning apply to identified sub-areas D (1,850m²) and E (2,950m²), including prescribed activity and floor area limitations in respect of each under the ODP.

- The Business 1 zoning also extending over identified sub-area G (5,414m²), identified for car parking and access, and a sub-area F (550m²) identified as open space.
- Living 3 zoning would cover an area of 31,635m² and Business 1 zoning an area of 10,764m².
- A requirement for development to be in general accordance with the ODP, or if not, necessitating consideration as a restricted discretionary activity, with discretion limited to matters of access location; distributional effects on commercial centres; transport network effects; and the permeability of the block for cycle and pedestrian circulation.
- Exemption from the current high traffic generator rule prescribing discretionary activity status above set vehicle trip per day and/or car parking space number thresholds.

2.5 I have discussed the importance of the available scope in considering the evolution of the Plan Change beyond notification and its determination. I have also indicated that elements of the proposed Plan Change 31 were amended through the course of receiving submissions, the Council report and the hearings process. Mr Prebble addressed those matters in his closing submissions and in presenting updated versions of the rule and ODP provisions.

2.6 Of note he stressed that modification to the Plan Change since notification had been directed to providing greater management and certainty as to outcome, and most importantly fell within the continuum between the status quo and the plan change request and any submission made on it.

2.7 I accept that, and for the purposes of my report have considered the Change on the basis of the notified version described above, revised as follows:

- Increased detail included within the ODP, including general identification of a stormwater treatment area within the site; identification of sub-area C of the Living 3 Zone being for “residential and related recreation”; general identification of additional areas of open space related to residential use; and areas of semi-public and public access and circulation;
- Clarification of prescribed activity and floor area limitations for multi-tenancy sub-area E (comprising up to 1500m² GLFA retail at ground floor level and 1760m² GLFA office);
- Design controls are included for all built form for both residential and business areas;
- A requirement for a concept plan to be introduced at the time of initial development outlining building bulk and location; access circulation and parking; proposed densities; overall landscaping; and stormwater treatment. Any development thereafter is to be considered against that approved concept plan and the ODP as a whole;
- Inclusion of a specific high traffic generation rule whereby any non-residential use of the land that in total generates more than 1000 trips per day or in total requires more than 100 parking spaces is a controlled activity, with control reserved to the matter of vehicular access.
- Corresponding amendments to reasons for rules and assessment matters.

Site Context

- 2.8 The subject site and its immediate context are illustrated on the plan attached as **Appendix 1**.

- 2.9 In such a developed urban setting, obvious and distinguishing characteristics of the site are its size at around 4.32 hectares, and the fact that it has been largely cleared of buildings. It is essentially vacant, containing some remnant concrete foundations and a number of trees of varying age and species. A vacated brick building is located at the northern end of the site.
- 2.10 Former uses have included a previous MED disposal yard and then South Power / Orion depot. Most recent use has been for maintenance and storage of vehicles and equipment in relation to electrical supply operations. It comprises 49 separate titles⁴.
- 2.11 There are known to be contamination issues with the land, the origins of which likely stem from multiple past uses.
- 2.12 I suspect it is a site known to many in Christchurch, and certainly to those familiar with the St Albans area.

Planning Context

- 2.13 It isn't necessary to repeat in precise detail the relevant objectives and policies of the City Plan, although I will refer to critical aspects of those provisions throughout this report. As I have stated they are not subject to any modification under the Plan Change. It is however important to appreciate the aims of those provisions, because ultimately it is those aims that the Plan Change is to better serve compared with the unaltered Plan provisions if it is to be adopted.
- 2.14 They were repeated and discussed in the Council report, addressed in various other briefs of evidence and also in the s.32 report. In the main there were few differences of opinion as to what objectives (and policies) were relevant; differences were however evident in the interpretation of those provisions in respect of the Change and its associated outcomes.

⁴ Savill EIC paragraph 15.

2.15 In summary, the relevant objectives and associated policies of the City Plan relate to promoting:

2.16 Urban Growth

- *Accommodating urban growth primarily through consolidation achieving a compact urban form. (objective 6.1)*
- *Development of vacant land and more intensive use of the urban area as a whole consistent with maintaining and improving the character and amenity values of neighbourhoods, and the quality of the built environment. (policy 6.1.2)*
- *Proximity and therefore accessibility between living, business and other employment areas. (objective 6.2)*
- *A continuing distribution of compact urban centres providing for peoples needs in a way that minimises adverse effects on the transport network and the amenities of living environments. (policy 6.2.2)*

2.17 Living

- *A diversity of living environments based on the differing characteristics of areas of the city. (objective 11.1)*
- *Non-residential activities in living areas meeting community needs and maintaining a high standard of amenity. (objective 11.3)*
- *Local community facilities and services within living areas provided there is compatibility with existing character, and coherence and amenity are maintained. (policy 11.3.1)*
- *Quality building and site design, a pleasant living environment and one where adverse amenity effects associated with open space, outlook,*

shading, privacy, noise and glare are avoided or mitigated. (objectives 11.4 and 11.5, and policies 11.4.1,3,5,6,8-11)

- *Compatibility of scale where business activities adjoin living areas, and buffers between such areas. (policies 11.4.12 and 11.6.1)*
- *Design compatibility with existing development. (policy 11.5.2)*

2.18 Business

- *A distribution, scale and form of business activity meeting business needs and community expectations for convenience and social interaction, that is able to be efficiently serviced, fosters appropriate co-location of activities and urban consolidation, and where adverse effects on the wider environment (transport safety and efficiency; residential amenity; function, vitality and amenity of existing centres) are managed. (objective 12.1)*
- *Encouraging consolidation of commercial activity and managing local and strategic adverse effects of such activity so as to maintain the amenity of living environments; sustain existing physical resources and the ability to efficiently plan and manage such resources; and maintain the accessibility, amenity, function and efficient use of the central city and district centres. (policy 12.1.2)*
- *The provision of new commercial centres in locations contributing to accessibility through proximity to living areas and main transport routes, while avoiding adverse impact on the function and amenity of other commercial areas, and existing and planned infrastructure. (policy 12.1.5)*
- *Suburban centres satisfying the community's requirements for goods and services, recreation and opportunities for interaction. (objective 12.7)*

- *A distribution of suburban centres able to satisfy people's needs and where adverse effects as a consequence of differing types, sizes and locations of centres are managed. (policy 12.7.1)*

2.19 Transport

- *A safe, efficient and sustainable transport system, including the integration of land use and transport planning. (objectives 7.1 and 7.2)*
- *Protection of the function of the road network and the environment of adjacent land uses from the adverse effects of high traffic generators. (policy 7.2.2)*
- *Sufficient accessible off-street parking and loading facilities to meet normal demands without adverse effect on the safety and efficiency of the transport system. (objective 7.6)*
- *Maintenance and improvement of transport safety. (objective 7.7)*

2.20 Recreation/open space

- *Convenience and an equitable distribution of open spaces, as well as diversity in the type and size of spaces available to the public. (objective 14.1)*
- *Contributions in the form of either land or cash, depending on what will more effectively add to open space quality and diversity. (policy 14.1.4).*

2.21 Water and soils

- *Maintenance and enhancement of the physical, biological and chemical characteristics of land and soils, so as to enable those resources to support life and provide for meeting community needs. (objective 2.1)*

- *Avoiding degradation of soil and land resources, and promoting rehabilitation where land may be contaminated. (policy 2.1.2)*
- *Protecting, maintaining and enhancing the quality and availability of the City's water resources, including managing the location and scale of activities, and stormwater disposal to that end. (objective 2.2)*

2.22 Subdivision

- *Anticipation of the effects arising from likely land use at the time of subdivision, and providing accordingly for the management, minimisation or avoidance of any associated adverse effects, with an onus on subdividers and/or developers to assume responsibility for meeting the costs of their demands on services and other infrastructure. (objective 10.4)*
- *Stormwater management that minimises increases in contaminant levels entering waterbodies and avoids inundation of land. (policies 10.4.8B and 10.4.9)*

2.23 Additionally, I have also had regard to relevant provisions of the operative RPS namely:

- Part 12: Settlement and Built Environment: Objective 2 to achieve patterns of urban development that do not adversely affect the efficient operation use and development of roading infrastructure and associated policy to encourage settlement patterns that will make efficient use of the regional transport network (policy 3); and
- Part 15: Transport: Objective 1 to enable a safe, efficient and cost-effective transport system to meet present and future needs, and protecting existing infrastructure from adverse effects;

To a lesser extent I have also considered provisions of proposed Change 1 to the RPS (notified July 2007), concerning urban consolidation through:

- intensification of residential growth;
- provision for business activities such as to promote redevelopment/better utilisation of existing business land; sufficient other land for expansion; and reinforcement of key activity centres; and
- the application of urban design principals in urban development.

2.24 Two other aspects of the City Plan provisions are central to the Plan Change. The Living 3 Zoning applying presently to the site and, in modified form, around which the residential component of the activities on the site would be based, and the Business 1 zoning to which some of the land would be rezoned.

2.25 The Living 3 Zone encompasses various inner city areas and areas surrounding some district shopping centres in suburban areas. It provides the potential for residential infill and redevelopment at medium densities, and is acknowledged to fulfil an important role in achieving a consolidated urban form for the city.

2.26 The Business 1 Zone provides for localised shops and service activities. Areas of such zoning are numerous throughout the city, and typically encompass areas of small scale predominantly retail activity, often in strip type development fronting the road. They are usually areas of such activity that have existed for many decades and may be of poor overall design. The zones purpose is to provide for local employment, community activities and convenient (often pedestrian) access to goods and services.

2.27 Where commercial centres tend to be larger, they are predominantly zoned Business 2 and may contain a combination of Business 1 and Business 2 zonings. According to the Plan's zone statement, the Business 2 Zone has three main purposes. Firstly, it provides for building development of a significant scale and intensity, appropriate to the function of larger district centres and to the amenities of any living environment adjoining the zone. Secondly, the zone identifies the core of business activity within a district centre, particularly with

regard to retailing. Thirdly, these centres usually contain important community facilities, whether in public or private ownership.

- 2.28 Some of the district centres serve a surrounding neighbourhood catchment. These centres are well distributed throughout the suburban areas of the city, and include a number and variety of small retail, community and service activities, and usually include a supermarket. The Business 2 Zone component of these centres identifies the focal point for business activity and development within these centres.
- 2.29 In the vicinity of the subject land, the Edgware shops are identified in the Plan as a smaller District Centre.

Notification / Submissions

- 2.30 The Plan Change was notified on the 26th of July 2008 and again on the 2nd of August 2008, with submissions and further submissions closing on the 15th of September and 3rd of November 2008 respectively. Sixteen submissions were received on the Plan Change; eight supporting the Change in part, two opposed in part; and six opposed the Plan Change in its entirety. One submission in partial support (Helferend H) was subsequently withdrawn.
- 2.31 I will discuss submissions in more detail later in my report.
- 2.32 For clarification I note that the proponent of the Plan Change when notified was New Urban Developments Limited. This however later changed to Wakefield Mews Limited (the owner of the land) as explained by Mr Prebble at the hearing. That shift in corporate entity has no legal or practical limitation for the determination of the Plan Change.

The Hearing

- 2.33 The hearing was held in Christchurch on the 17th, 18th and 19th of June 2009. Appearances were as follows:

Christchurch City Council Staff / Representatives

- Matthew Bonis – Planning Consultant
- Stephen Bensberg – Engineering Consultant (land drainage/stormwater)
- Stephen Abley – Transportation Consultant
- Mark Tansley – Statistical and Retail Consultant
- David Sissons – Senior Parks Planner
- Laurie Moore – Environmental Health Officer
- Elisabeth Resl – Planning Officer (observing)
- Fiona Wykes - Urban Designer (not in appearance)

For Wakefield Mews Limited

- Aidan Prebble – Legal Counsel
- Simon Savill – Director of Wakefield Mews Limited
- Kerry Mason – Architect
- Nicole Lauenstein – Architect and Urban Designer
- Raymond Edwards – Transportation Consultant
- Philip Donnelly – Economic Consultant
- Michael Garland – Planning Consultant

Submitters

- Craig Dickson
- Christopher Hensch on behalf of the St Albans Residents' Association
- Douglas Craig – Consultant Planner on behalf of the St Albans Residents' Association
- Leona Parker
- Margaret (Peggy) Kelly

3 Submissions

Overview

- 3.1 As identified by Mr Bonis, beyond some more general matters, including some that fall outside the plan change process, the relevant issues raised in submissions relate to the following broad aspects of the Plan Change:
- Retailing and its distribution
 - The transportation network
 - Open space, vegetation and recreation facilities
 - Continuous building length, building height and urban design controls
 - Stormwater management, and
 - Planning policy and consistency with the City Plan
- 3.2 While some of the submitters do not support the Plan Change, many have instead sought modification of the proposed Change, and it is evident that there is a significant level of community support, in principal, for achieving comprehensive mixed use development of this site. It is also evident that many of those submitters perceive the current zoning provisions to be inadequate in achieving that outcome, or at least in achieving it in a manner that avoids the worst outcomes emerging under more piecemeal development and redevelopment of a number of inner-city medium density residential areas.
- 3.3 A lot of the points made in submissions therefore are directed towards improving the quality of the potential outcome of development, rather than either retaining the status quo or fundamentally opposing the objectives of the Change.
- 3.4 That said there are at least two areas of critical consideration that go to the very viability of the proposals. They are the scale and extent to which retailing is enabled to occur within the Business 1 Zone component, more specifically the potential to accommodate a single tenancy foodmarket (supermarket) given potential associated distributional and traffic effects; and effects of the

development in general on the functioning of the surrounding transport network, principally nearby intersections.

Retailing distribution / Commercial Centre effects

- 3.5 Submissions questioned the desirability of any inclusion of business zoned land within the block. They also expressed concern as to the scale of the business zone and the activity enabled by it, both in amenity terms and in terms of the continued viability of other established commercial centres.
- 3.6 As proposed, the Plan Change includes an area of some 1.08ha of Business 1 zoning. Within this area the ODP stipulated this would accommodate a single tenancy food market with a gross leasable floor area (GLFA) of 1740sq.m within an identified sub-area D of 1850sq.m. Additionally, sub-area E would accommodate multi-tenancy retail of 1500sq.m GLFA, and a further 1760sq.m GLFA (although unspecified as to activity on the ODP), within a combined area of 2950sq.m.⁵ The floor areas are prescribed as maximums and I have taken those on the ODP to prevail over any others in associated documentation where they might differ.
- 3.7 The revised ODP put forward by the proponents differs insofar as sub-area E specifies the multi-tenancy retail to be at ground level and confirms the provision for 1760m² GLFA to be for office use. Mr Garland confirmed the intention for the office space being provided above the ground level retail activity, adding further to likely employment opportunity for local residents.
- 3.8 The balance of the Business 1 Zone would be taken up with main vehicular access, parking and circulation (sub-area G), and an area of public open space (sub-area F).

⁵ The original request for the Plan Change and the accompanying s.32 documentation contemplates retailing to comprise a food market of 1600m² in area and the multi tenancy component supporting up to 15 small shops. I later understood that to be a reference to potential trading floor space rather than a gross floor area.

- 3.9 Much of the focus of submissions and evidence to the hearing concerning this aspect of the Plan Change was directed at the appropriateness of the scale parameters of commercial floor space envisaged and any associated 'distributional effects'. In this context those distributional effects were described by Mr Bonis to be relevantly considered where new/additional commercial activity affects key activities within existing commercial centres to such a degree that the centre's viability is eroded, causing a decline in its function and amenity, and disabling the people and communities who rely on those existing centres for their social and economic wellbeing. The centre identified as potentially most likely to be affected in this way is the shopping centre on Edgware Road.
- 3.10 Both Mr Prebble and Mr Bonis described the directions set by established case law as to the relevance of such effects and how the issue of distributional effects is to be approached. They were largely in agreement. I need not labour the detail of those recent court directions, but an essential consideration is for effects to be considered they must be beyond those ordinarily associated with trade competition on trade competitors, and in that sense they are to be significant. A consideration is then required of any such significant effects against the requirements of the relevant planning objectives.
- 3.11 I touched on the association of the Business 1 and 2 zones earlier, and also highlighted the key Business objective and policies from the City Plan. The policy framework establishes a distribution of business activity around a hierarchy of commercial centres, distinguishable by size, and to a degree, commercial function. Critical analysis in much of the evidence on this issue focused on the expressed policy to provide new commercial centres in locations contributing to accessibility through proximity to living areas and main transport routes, while avoiding adverse impact on the function and amenity of other commercial areas, and existing and planned infrastructure (policy 12.1.5).
- 3.12 Despite considerable analysis and evidence, contrary positions between respective experts remain on this issue. Mr Tansley, having reviewed the initial assessment prepared by Property Economics and in contributing to the Council

Report, concluded the Business 1 rezoning as proposed would lead to significant adverse effects for the nearby Edgeware shopping centre, being the closest Business 2 Zone based centre located (at its nearest) some 800m from the subject site. Mr Tansley argued an unacceptable duplicity of roles would eventuate between the proponent's site and the Edgeware shopping centre, and as a consequence of such a close proximity, the Edgeware shopping centre would be competing for a substantial and important source of retail patronage. That competition would be such that realistically neither would prosper. Further, the proposed business component based around a supermarket is considered by Mr Tansley to be inconsistent with the general approach of the Plan and a local centre based Business 1 zoning.

- 3.13 Mr Tansley dismissed also the prospect of a Business 2 zoning⁶ for the subject land citing the likely negative impact of that for Edgeware ever expanding consistent with its Business 2 zoning, and the possible loss of the established Edgeware supermarket (Super Value) effectively downgrading it to one of a local focus only and capable of sustaining fewer activities overall. In his opinion, to zone the business component Business 2 in the alternative would simply **duplicate**, rather than **contribute** to, the distribution of centres in the sense contemplated by policy 12.1.5. Mr Tansley saw no available scope under the Plan Change to 'downgrade' the Edgeware shopping centre from a district to a local centre through rezoning, and while scope did enable consideration of whether the subject site could contain a district centre via a Business 2 zoning, he was dismissive of the suitability of that for the reasons I have described.

- 3.14 For the subject land, Mr Tansley cautiously posed the prospect of a smaller defined area of commercial floor space being acceptable of no greater extent than 800m² GFA and not devoted to a single activity. Factoring in also relevant traffic assessment, Mr Bonis recommended modification on that general basis identifying a maximum total land area of 2400m² providing for multi-tenancy retailing up to a combined maximum floor area of 800m², and within which the maximum GLFA for any individual retail tenancy is to be 450m².

⁶ A qualified alternative posed in City Council submission S4, decision reference D11.

3.15 Mr Donnelly added to the original assessment undertaken by Property Economics, though agreeing with the findings of that assessment on distributional effects. His evidence was largely reliant on analysis undertaken of comparative spend at a range of shopping destinations and retail store types for catchments centred on both the Edgware shopping centre and the subject site. It was directed towards assessing the social and economic effects on the Edgware shopping centre of:

- The inclusion of a supermarket of about 1700m² in the identified business area of the subject site; and
- Similarly, of the inclusion of a retail area of up to 3500m².

3.16 Mr Donnelly's ultimate conclusions were well summarised by himself and Mr Prebble. There was some disagreement regarding the methodology and its application between the relevant experts, but in essence those conclusions were:

- Any trade competition effects as a consequence of the proposed supermarket on the subject site would not lead to the closure of the Edgware Super Value. Even with any likely loss of household top-up spend at Edgware as a consequence of the proposed food market, the Super Value will still trade at a very high sales/m² ratio.
- A food market on the subject site would have about a 16% impact (of 2007 sales) on Edgware Super Value, which could still trade profitably even allowing for that loss.
- 94% of food store spend for the catchments for both the Edgware centre and the subject site food market occurs outside of those catchment(s).

Edgware Super Value principally provides convenience top-up shopping rather than serving a main order shopping function.

- Despite significant sales growth potential in a number of store type categories, constraints on redevelopment (land supply, zoning) and the existing supermarket being at its maximum trading potential constrain growth potential at Edgware, rather than trade competition.
- The incremental increase in trade competition posed by the retail/commercial centre on the subject site is infinitesimal, and does not pose a threat to any other centre, nor would it result in the closure of the present supermarket at Edgware.
- In the unlikely event the Edgware supermarket did close, that would not result in a significant adverse effect on the function of the Edgware centre.

3.17 Given such divergence of very experienced expert views, I have taken considerable care in evaluating and understanding the respective expert positions. In the first instance, I have considered the likelihood of a combined food market/retail centre on the subject site, at the scale identified in the notified Plan Change, resulting in significant effects on the present functioning and amenity of other commercial centres, and Edgware in particular.

3.18 On balance, and on the evidence, I do not consider that outcome to be a sufficiently certain prospect as a result of lost trade for the Edgware Super Value due to the proposed food market on the subject site. While certainly less of a focus in the evidence, nor do I consider the other additional retailing on the subject site to pose a significant similar threat to the function or amenity of Edgware or other centres as they presently exist and operate.

3.19 Even if the Edgware Super Value were to close as a direct consequence of the proposed food market and/or other associated commercial element, the evidence did not direct me to a conclusion of inevitable decline in the present

economic and social activities of the centre as a whole. In that respect I found the analysis and evaluation by Mr Donnelly to be slightly more persuasive on the issue of strategic distributional effects, although even within that analysis there are uncertainties and conjecture. Conversely, I did not find sufficient compelling reason based on distributional effects alone for the proposed amendments to the prescribed floor areas put forward in the Council Report, noting that to be a significant shift in size and configuration from the notified and revised Plan Change proposals (themselves a reduction from preliminary proposals). I however would certainly not go as far as Mr Prebble asserted that the evidence of Mr Tansley was without any evidential or analytical foundation.

- 3.20 What is able to be concluded however is the potential for commercial development at the scale proposed on the subject site to significantly limit the likelihood of the Edgeware shopping centre developing much further towards its anticipated (and planned) potential as a fully functioning Business 2 zoned District Centre. I will return to this point shortly.
- 3.21 The possibility of significant distributional effects arising however is only one matter for consideration. In a broader sense is the relationship of the proposed Change provisions to the business and other objectives and policies framework, and more specifically, whether the proposals better achieve those objectives of the Plan. In my deliberations I have considered that in a comparative sense, i.e. the provision for no commercial component as under the Plan pre-notification of the Change, along a continuum of increasing size (principally defined by floor area and activity type) and altered configuration (largely positioning on the site) as per the Change itself and the relief sought through submissions made on it (i.e. within the available scope).
- 3.22 There was some apparent uncertainty in the evidence as to whether the proposed food market would or could function as a full service supermarket, by which I have taken to mean capable of incorporating a range of services (with bakery, butchery, delicatessen, produce, etc).⁷ The Property Economics report

⁷ As described by Mr Garland EIC, page 22, paragraph 82.

states that new full service supermarkets incorporate typically, as a minimum, 1100-1300m² of trading floor space⁸. Mr Garland on the other hand refers to the proposed food market (at 1740m² GLFA) as too small to be a full service supermarket, noting the South Island New World supermarkets to range in size between 1800-3200m², and a recent New World upgrade to full service in Timaru requiring enlargement to 2189m².⁹ The Property Economics report identifies the Richmond (New World) supermarket on Christchurch's Stanmore Road to have a 'trading space' of 1035m².¹⁰

3.23 Regardless, on the evidence I received, it is apparent the proposed food market would serve both residents of the subject site and be convenient for a surrounding catchment, overlapping with that of the much smaller Edgeware Super Value¹¹. It would also draw from a wider catchment in line with the expressed intention, as Mr Garland identified, of still being large enough to be a viable proposition for a major operator offering goods at standard prices rather than those applicable to a corner shop.¹² I have been unable to form a definitive view on whether full service might be a realistic prospect at the scale proposed, but the evidence would certainly not appear to rule that possibility out. At 4-5 times the size of the Edgeware Super Value, I have no doubt it could very well provide main order shopping for many who would take advantage of it.

3.24 The scale of commercial centre proposed for the subject site at some 3240m² of retailing, coupled with an additional 1760m² of offices (5000m² GLFA in total) puts it within the ambit of a Business 2 zoned District Centre as described in the City Plan, where such centres are identified to range in size but usually to be over 5000m² total floor space.¹³ If also fits within that ambit in an activity or functional sense, containing a supermarket (potentially offering 'full service') and likely to provide main order shopping for a sizable catchment, along with other independent retailing elements and an office component. Again Mr Garland

⁸ Property Economics Report for AEE, Page 6.

⁹ Garland EIC, page 20, paragraph 77.

¹⁰ Page 5, Table 1.

¹¹ Estimated by Mr Donnelly to provide a net trading area of 390m² within a gross floor area of about 600m² (EIC page 27, paragraph 79).

¹² Garland EIC, page 22, paragraph 82.

¹³ Explanation of Policy 12.7.1.

emphasised the deliberate intention that it offers not only a range of convenient services but also reasonable employment opportunities in the sense of supporting truly mixed use comprehensive development.

- 3.25 Conversely it does not sit comfortably with the description of a Business 1 zoned Local Centre, described to again range in size but generally to comprise 1000-2000m² of total floor space, often configured as historical strip shopping along a road frontage and including a limited range of community facilities. As Mr Bonis identified, such local centres invariably do not contain a supermarket, and are very much locally orientated in terms of who they serve. He also identified the City's District Centres to range in overall size from approximately 9000m² (Fendalton) to approximately 177,000m² (Riccarton). The average size of the 105 Local Centres was identified to be 1100m². The largest existing stand alone Business 1 zoned centres are well above that average at between approximately 4500m² (Selwyn/Rosewarne) and 7000m² (Beckenham) in land area.
- 3.26 Although the City Plan's descriptors of what typifies these centres are not definitive, my conclusion is that the collective commercial component proposed for the subject site, functionally, locationally and in terms of scale, is more akin to what is envisaged by the City Plan for a Business 2 Zone based District Centre than it is for a Business 1 Zone based Local Centre. It is certainly at that end of the spectrum and was shown to be comparable to some other existing District Centres in the city in terms of size and function. Notably, the area of Business 1 zoning proposed for the site (even excluding the sub-area F identified for open space) would be much larger than any of the City's current individual Business 1 zones.
- 3.27 That leads me to then consider whether a Business 2 Zone alone, or in combination with Business 1 zoning, ought to apply to the subject site instead, in accordance with the scope offered via the City Council submission. That submission has the prerequisite of there being no significant distributional effects as a consequence of a supermarket at the scale proposed; which I have

already established as quite possibly to be the case insofar as the present operations of the Edgware shopping centre (and any others) are concerned.

3.28 I have also established there is no scope under the Change or submissions to rezone or in any other way alter the planning provisions as they affect the Edgware shopping centre. I accept therefore that for the purposes of determining this Plan Change it is to remain a District Centre based around its combination of Business 1 and Business 2 zonings, even if it isn't presently fulfilling that full potential as a centre. While Mr Garland questions whether Edgware is a "true district centre" and identifies it as not conforming to the environmental results anticipated by the Plan¹⁴, the Change does not seek to amend the plan provisions applying to Edgware in any respect. They remain unaltered by the Change.

3.29 The possibility of two Business 2 zoned district centres (Edgware and the subject site), separated by some 800-1000m, is therefore to be considered in the context of the Plan provisions. In that sense the new commercial element on the subject site would, given location, scale and function, constitute a new stand alone District Centre. The plan objectives do not rule out the possibility of commercial activity beyond identified commercial centres, but there is a primary emphasis on encouraging consolidation at/around existing centres enabling the integrated management of effects and long-term planning and management of infrastructure supporting these centres.¹⁵

3.30 New commercial centres too are contemplated where they contribute to a distribution of centres, are accessible to medium density living areas particularly, and where safe and efficient road access is achievable by a variety of transport modes. Equally in doing so, strategic adverse effects on both other centres and existing/planned infrastructure are to be avoided, and localised adverse effects, including on amenity, are to be minimised.¹⁶ The judgement is would these key

¹⁴ Garland EIC paragraph 85.

¹⁵ Policy 12.1.2.

¹⁶ Policy 12.1.5.

policies be better served by the outcome of essentially two District Centres in such proximity.

- 3.31 As I have described, the strategic adverse effects have not been demonstrated to be such that there would be inevitable decline in the economic and social activities of the existing Edgware shopping centre as a whole. What I did not find to be convincing from the evidence however was any strong assurance that the anticipated outcomes for the Edgware Centre expanding and operating as a District Centre through processes of redevelopment consistent with its zonings would not be significantly hampered, perhaps even prevented, by such duplication of centre functions in such close physical proximity. In other words, while the strategic adverse effects may very well not threaten the present function and viability of the centre, the signalled future functioning and associated amenity of that centre may well be prevented from being realised with a duplicate centre so close by. It was widely acknowledged during the hearing that Edgware presently does not function anywhere near that full potential. As to whether it ever realistically might divided opinions amongst the experts.
- 3.32 I acknowledge that Mr Donnelly did not believe that ever to be a likely outcome, but his reasoning was based on the belief that restraint on further growth and development of Edgware was not trade related but rather a consequence of physical constraints given land availability and configuration within the confines of the business zonings. In his written evidence, Mr Tansley concluded the permanent closure of the Edgware supermarket to be a “strong probability” should the Plan Change be adopted as notified. This was predicated on his opinion of there being significant distributional effects, and understandably he did not then venture to consider in significant detail a situation of the supermarket at Edgware continuing to trade and of further development generally of the shopping centre being realised. On questioning however he did comment that even if his early conclusion were proved wrong and the supermarket remained viable, the chances of any notable redevelopment of that

particular facility, or the centre more generally, were very remote if the Change was adopted.

- 3.33 I admit to having some difficulty with accepting Mr Donnelly's reasoning for concluding a redevelopment of the Edgware centre to be so constrained as to be unlikely. Essentially he argued the present supermarket site to be too small in its own right to accommodate a realistic new supermarket, and that other zoned land was not sufficiently available, sizable or suitably configured to enable a new supermarket to emerge. He noted that depending on size, up to one hectare of land would be required for that to occur. I find his reasoning hard to reconcile with the evidence provided both of other supermarket requirements (as I have noted) and current centre contexts within Christchurch. Mr Abley, for example, illustrated how already 5000m² of gross floor area is readily accommodated within the confines of the Edgware Centre's present business zoning (without inclusion of the Hardie & Thomson timber merchant land which occupies 3438m²). Even just within the concentrated Business 2 Zone at Edgware, a sizable supermarket and associated parking looks entirely feasible, albeit requiring comprehensive demolition and redevelopment. Mr Bonis identified there to be 15470m² of business zoned land at Edgware, and as I have stated the evidence indicated it is conceivable to have a full order supermarket at around 1500-2000m² in total area, and perhaps even smaller.
- 3.34 I accept the evidence that the Edgware shopping centre would not suffer significant distributional effects as to threaten its current amenity and function. However the evidence does not convince me that as a consequence of the Plan Change there would not be a significant impact, in the form of constraint, upon realisation of future development potential that might otherwise occur consistent with redevelopment and growth as a Business 2 Zone based District Centre as a whole. To that end, I do not consider a Business 2 zoning for the subject land to better advance achieving consolidation of retailing around existing centres, and potentially it risks the planning and public/private investment decisions to date made in the expectation that Edgware will continue to develop and grow in accordance with its District Centre status, supported by an adjacent community

footprint and scheduled commercial activity (The BP Service Station). I can make no judgement on whether that status should be 'downgraded' and/or transferred to the subject site as that is beyond the scope of this Plan Change to consider.

- 3.35 At the scale proposed and with its intended function, the commercial component of the Plan Change proposals are akin to what the City Plan foresees for a District Centre based around at least a component of Business 2 zoning. Without some reconsideration of the purpose and function of the current Edgware shopping centre, which is beyond the available scope, I do not find the prospect of providing for two such District Centres in such close proximity to better achieve the aims of the Plans Business objectives. On the contrary, there is the distinct possibility that the objectives as they set outcomes for the Edgware shopping centre at least would be much less likely to be realised as a consequence.
- 3.36 Perhaps even more fundamentally though, I find it difficult to accept that a Business 1 zoning applying to what would essentially qualify and function as a Business 2 Zone based centre, regardless of effects of a strategic or distributional nature, would better achieve the intentions of the business activity objectives and associated zoning provisions of the Plan. Furthermore, I see nothing in the wider objectives of the Plan, including those on urban growth and city identity, to support such a disparity. I believe this is not so much an issue of consolidation objectives being in some way overridden or outweighed by those concerning centre distribution, as it is an issue of achieving (or otherwise as in this case) the desired outcomes for both district and local centres.
- 3.37 That conclusion does not however necessarily prevent any commercial component for the subject land better achieving the Plans objectives. Having considered all the evidence, I conclude that providing any such commercial component is consistent with the intentions of a Local Centre and the corresponding Business 1 zoning that has always been sought by the

proponents of the Plan Change, then those objectives may very well be better achieved compared with the status quo.

3.38 I am mindful of the significance of the commercial component not only to the financial viability of achieving comprehensive, mixed use development of the site, but also in realising the benefits that that type of development can provide due to the proximity and accessibility of differing activities, and the advantages that stem from that as identified in support of the Plan Change. Those inherent advantages are very much supported in the broader objectives and policies framework, particularly those concerning urban form, centre distribution and medium-density living environments.

3.39 As well as ensuring individual premises are commensurate with those anticipated of a Local Centre, it is also important the overall component of business activity is consistent with that anticipated for such a type of centre.

3.40 While I have formed a clear view that the commercial component of the site ought to satisfy and fulfil the role of a Local Centre in accordance with its Business 1 zoning, I have not considered it appropriate nor necessary to reduce the proposed size of the zoned area for the following reasons:

- A significant proportion of the Business 1 Zone would be devoted to open space, access, circulation and car parking, as well as stormwater management as stipulated by the ODP (a distinction from other Business 1 Zones). These elements would, at least in part, serve the development as a whole and are not solely related to the amount of commercial activity on the site.
- The Business 1 Zone provides for a range of activities to occur, including community and residential activity, and therefore if not developed for commercial purposes, other activities of a mixed use nature can still occur within that area of the site. The only restraint I recommend beyond those that ordinarily would apply to activities under that zoning is on the maximum

size of individual tenancies and a cap on total floor area devoted to activities, other than residential, permitted by the zoning.

- Given the expanse of Business 1 zoning (over 1 hectare), those maximums are intended to ensure the scale of such activity is commensurate with the typical and intended nature of a Local Centre as expressed through the descriptions within the Plan and evident in other such centres. In this regard I also note that Local Centres have often been delineated on the basis of historical development and as such have been to a degree self-limiting in terms of overall land area and the opportunity for redevelopment of individual premises. In contrast the subject site offers a comparatively large, undeveloped context for an entirely new centre.
- Although less significant, a Business 1 Zoning in the configuration/location proposed also provides a useful buffer between the site's Living 3 component and non-residential activities on the south eastern corner of the block (substation and church).

3.41 As to the appropriate limitations on the size of centre and activities within it, I have been largely guided by the evidence of Mr Bonis in that regard. This was not an area devoted much analysis by some witnesses, but I am informed to some degree by Mr Bonis as to what such limitations might appropriately be. His descriptions noted above set very clear parameters around the overall size of existing Local Centres and he also ventured to impose an upper limit on individual tenancies. His reasoning was very much based in attempting to achieve a scale and function reflective of a local neighbourhood centre.

3.42 Taking guidance from that and within the available scope, I recommend:

- The footprint areas of sub-areas D, E, F and G within the Business 1 Zone remain unaltered from the proponents revised ODP.

- Sub-areas G and F also remain unaltered as to their general purpose as set out in the proponents revised ODP (including stormwater management for sub-area G).
- An upper limit of 3500m² total GLFA area apply to activities permitted by the Business 1 zoning within the combined sub-areas D and E, excluding residential activity¹⁷. Sub-areas D and E have a combined land area of 4810m².
- Within sub-areas D and E any individual tenancy (again excluding residential) shall be subject to an upper limit of 450m² GLFA.

3.43 By way of explanation, I have settled on recommending the 3500m² limitation on GLFA on the basis of enabling a medium to large sized neighbourhood centre, in the Christchurch context, to establish. I find it difficult to recommend a lower limit towards or even in the order of the 800m² favoured by others, when I accept a Business 1 Zone based centre to be an acceptable outcome for the site and the evidence demonstrates the demise of the current Edgware centre to be unlikely as a result. I also recognise that those advocating for a much smaller overall size were largely doing so on the basis of a contrary expectation.

3.44 As to why a limitation not closer to the 5000m² of combined retail/offices proposed by the Change, that in my view puts it at a scale described by the Plan to be very much typical of a smaller District Centre and furthermore I am doubtful, given comments by Mr Savill, Mr Donnelly and others, that sufficient smaller neighbourhood orientated tenancies could be found to occupy such an area. I am also mindful of not wanting to stifle future redevelopment potential at nearby Edgware centre such that the 'district' orientated function and amenity aspirations for that centre are threatened.

¹⁷ Residential activity under the Business 1 Zone provisions is subject to a plot ratio of 1.

- 3.45 I have further determined that development above the prescribed maximum gross leasable floor areas should trigger an application for a restricted discretionary activity consistent with the level and structure of comparable rules of the Plan controlling density/scale of retail activities. Arguably that status could be elevated to full discretionary or even non-complying, however in forming my conclusion I have been strongly guided by maintaining consistency with the status of the comparable controls over retailing I refer to which are also based in controlling effects (distributional) as well as delivering on objectives concerning the desired form and function of centres. In that sense the 'restriction' over discretion is concerned with ensuring a focus on the relevant effects/objective matters and does not presuppose a breach of the rule would likely be acceptable in either effects or objective terms.
- 3.46 The 450m² limit applying to individual tenancies attempts to retain the scale of activities to that more typical of that type of centre, principally serving the day to day needs of the immediately surrounding community. While that has largely been dictated by historical factors in older, established centres of this type, rather than through regulatory control, such factors do not exist and therefore can't be relied on for the subject site. Larger footprints are not anticipated given the centre is not accommodating larger specialty shops, substantial offices or a full service supermarket.
- 3.47 In both cases there is the opportunity to seek to develop beyond those limitations by way of resource consent.
- 3.48 The deliberate exclusion of residential activity from the two limitations acknowledges two things; firstly such activity has no implication at all for the realisation of the District Centre potential of Edgware (or elsewhere), secondly nor does it relate to a centres function of meeting neighbourhood community needs for goods and services. Additionally, I recognise that there may well be residual area(s) within the Business 1 Zone not utilised for commercial/community purposes, taken up instead by residential development which the Business 1 Zone also provides for.

- 3.49 Mr Prebble emphasised directions in case law towards favouring the most liberal provisions sought, unless satisfied of the appropriateness of greater restriction being imposed. In this respect, given the area involved, I conclude such limitation is appropriate if the intentions of the Business 1 zoning are not to be compromised. That said, I expect that the sub-areas D and E may not fully be taken up by retail development with this limitation or even other commercial development, but as I have described, I do not perceive that as necessarily constraining of fulfilling the objective of mixed use comprehensive development, given the extent to which other activity could occur in accordance with the business zoning. In the extreme, should the land be developed entirely or even substantially for residential use, if deemed necessary, a future review/change of the City Plan could address that disparity through rezoning.
- 3.50 One other matter arose in the written submissions by Mr Prebble and the evidence of Mr Garland, and that was of apparent tension between objectives seeking consolidation and the aspirations of the Business and Living sections of the Plan. Mr Prebble cautioned against ignoring the directions offered in appeal decisions on Variation 86 to the City Plan (concerning retailing) as to the importance of mixed use development as a mechanism towards achieving the business distribution framework. I have considered that in context, being mindful of those decisions, and cannot find support in them for a situation emerging of a Business 1 zoned centre developing and functioning as something quite different. The proponents from the outset have sought a Business 1 zoning, and an overall commercial outcome that is aligned with the intentions of that zoning. Through to the conclusion of the hearing there was no request or evidence by the proponents suggesting otherwise.
- 3.51 For the reasons I have outlined, and insofar as they are consistent with my recommendations, submissions seeking the retention or alternatively a reduced scale for the Business 1 Zone component, are recommended to be accepted. I do not recommend accepting those opposing the inclusion of a Business 1 zoning or seeking an alternative business zoning.

Transportation network

- 3.52 A number of submitters raised concerns regarding transportation related effects as a consequence of development occurring in accordance with the Plan Change. The hearing had the advantage of receiving considerable expert evidence on the issues of transportation.
- 3.53 The essential issues raised by submitters relate to:
- Removal (or substitution) of the high traffic generation (HTG) rule in relation to development of the site;
 - The size of the proposed Business 1 zoning and the effects of anticipated traffic on the functioning and performance of the surrounding road network;
 - General effects on amenity associated with traffic generation and the configuration/positioning of site access.
- 3.54 A key deletion proposed in the notified Change is to have the City Plan's existing High Traffic Generation rule (Vol 3. 13.2.3.8) not apply to activities on the site. Originally opposed in the Council report, largely on the basis of expert analysis by Mr Abley, the revised version of the Plan Change accompanying Mr Prebble's closing submissions proposes a modified version of the rule triggered by higher daily trip generation or car park number thresholds. Mr Edwards discussed this possibility in presenting his evidence at the hearing. The stated rationale, following further expert analysis by Mr Edwards, factors in the trip generation that could occur through permitted residential development under the current Living 3 zoning and the reasonable expectations for trip and parking generated by the proposed 1740m² of food market or 1500m² of retailing in conjunction with 1760m² of offices. The other envisaged non-residential use of the subject land is the recreation component (part of sub-area C).

- 3.55 Mr Edwards has assessed the reduction in network performance (such that the rule should have application) to be perceptible only when the combined office/retail element envisaged for sub-area E is combined with the food market component envisaged for sub-area D. On the estimations of Mr Edwards, the modified rule sets the trip and parking thresholds such that the combined office/retail element in itself would likely trigger the rule, whereas the food market element in its own right wouldn't. Implicit in the revised rule is an acceptance of the traffic related effects of non-residential development up to those thresholds without the need for further assessment, and above which assessment as a controlled activity is appropriate, with control reserved to the matter of vehicular access.
- 3.56 Other than the higher thresholds, the only notable distinction from the current HTG rule is the proposed controlled rather than discretionary status beyond those elevated thresholds. Although, as a consequence of other proposed rules by the proponents requiring restricted discretionary activity status for any development in accordance with the ODP (with "access location matters" as a matter of discretion), no activity could be a controlled one. I will return to this shortly.
- 3.57 I do note a point made by Mr Bonis in the Council Report regarding direction given by the High Court in terms of how the limitation on discretion to "vehicular access" under the HTG rule is to be interpreted¹⁸. The Court has specifically directed on that matter such that, in an interpretive sense, it is sufficient to allow the Council to consider traffic effects of a proposed use on the local road network. Interpreters of the Plan are bound by that direction.
- 3.58 In initially seeking exemption from the HTG rule, it was argued the degree of analysis and assessment that had been undertaken in promoting and in support of the Change rendered the added assessment required by the HTG rule unnecessary. In other words, traffic related effects had been sufficiently identified and considered at the Plan Change stage. Mr Abley opposed that

¹⁸ High Court Decision CIV-2008-485-000280.

view principally for two reasons. Firstly, his questioning of the accuracy/completeness of the traffic assessment for the proponents and its findings as to the consequence of the Plan Change for the network Level of Service (LOS) at key intersections, and secondly, his wishing to retain the ability for the Council to impose, as needed, the installation of on-street measures to control the movement of traffic or the realignment of accessways, based on assessment of the actual activities that would locate on the site.

- 3.59 The way the alternative HTG rule is worded means there could be a reasonable degree of non-residential development occur on the site before the revised thresholds are breached. How that development might occur and the particular configuration of activities/tenancies that might eventuate up to that point isn't certain beyond the broad parameters of the ODP. The consequence however is that at the point either threshold is reached, any further non-residential development introduces consideration of the wider traffic/network effects of the proposed and all preceding development through the controlled activity application. That makes some sense if all relevant anticipated effects below the threshold level of development are satisfactorily managed by the ODP parameters, but it does place the onus on whoever undertakes that next stage of development of potentially providing any associated mitigation works for the site as a whole if that were required as a condition of gaining consent.
- 3.60 In part my conclusions regarding the HTG rule are influenced by other determinations. Having already formed a conclusion as to the appropriate limitation on the scale of business activity (individually and in total) for the site that sets a context for the consideration of any necessary control over associated traffic aspects. As noted above, the proponents have volunteered an approach whereby any development within the site becomes a restricted discretionary activity, including for discretion, matters associated with access location. I have taken that to deliberately mean more than just vehicular access and to encompass pedestrian and cycle access also.

- 3.61 In my conclusion that type of rule has considerable merit, including for reasons beyond just the issues of managing traffic and access. If that approach is applied however the application of an HTG rule, irrespective of thresholds, becomes somewhat superfluous. Accordingly, I am persuaded towards including the matter of “vehicular, cycle and pedestrian access”, based on the existing HTG rule and interpreted as per the Court’s guidance, within the matters of restricted discretion for all development occurring in accordance with the ODP. I see little practical difference in applying that approach relative to the revised proposals that the proponent put forward accompanying the closing submissions of Mr Prebble, other than perhaps if there is a distinction to be drawn between assessing “vehicular, cycle and pedestrian access” versus “access location matters”. Taking general guidance from the Court’s previous conclusions as noted above, I suspect in practical terms there may very well not be.
- 3.62 In terms of the Plan’s structure, and its implementation, it also overcomes a number of potential difficulties, where an activity breaching the HTG thresholds is purported to be a controlled activity, yet by virtue of the rule requiring a consent even where in accordance with the ODP, that could never be the case. I’d further note that there seems little purpose in having activities that conform to the ODP, which clearly depicts the sites access arrangements and where they are to be positioned, being assessed on the matter of “access location”.
- 3.63 In the light of the most recent analysis by Mr Edwards, it is also worth considering whether there is any advantage or necessity to having vehicular/cycle/pedestrian access as a matter for assessment even for development conforming to the ODP, at least for development below the revised thresholds he proffers. While I might be convinced there may not be such necessity, especially with a reduced commercial component compared with the notified Change, the proponents have most recently and presumably deliberately proposed all development to be subject to a consent process, and I do not consider additional consideration of the stated access matters within that process to be particularly onerous on an applicant.

- 3.64 Furthermore, I was not convinced by the evidence that there may not be elements of traffic/pedestrian control or management within and beyond the site that are found to merit conditions of consent, even though Mr Edwards viewed that as improbable based on an analysis of traffic/parking generation and network performance and safety.
- 3.65 The second traffic related matter concerns the size of the Business 1 zoning within the site, and more particularly size limitation over associated commercial/office floor space. I have already discussed this matter in relation to potential distributional effects and the achievement of the business and other Plan objectives.
- 3.66 Although I recognise that some of the rationale for the Council Report recommending more stringent limitations on overall retail area and individual tenancy size was based on assessment of the traffic effects of the Change, I am not persuaded of the need for further constraint, for traffic reasons, beyond the conclusions I have already reached regarding limiting the business component.
- 3.67 The evidence of associated traffic effects was extensive. The respective views of Mr Abley (for the Council) and Mr Edwards (for the proponents) reflected agreement around a number of aspects, increasingly so over the course of the hearing, but fundamental differences remain as to their ultimate conclusions.
- 3.68 Helpfully Mr Prebble synthesized the respective expert positions in his closing submissions. Differences of opinion between those experts clearly exist as to predicting appropriate traffic generation rates; the degree to which trips would be internalised given mixed use development; and potentially the significance/appropriateness of the road classification (major arterial) for both Madras and Purchas streets. General agreement however was evident regarding present base traffic flows locally and of a compounding annual growth rate in predicting future effects. It was also seemingly accepted that the issue of

concern focused on the reduced level of performance most critically at the Madras/Purchas intersection.

- 3.69 Applying Mr Abley's more conservative assessment of proposed development, the essential differences between the respective traffic assessments was a difference in reduced level of service for turning movements exiting Purchas Street during the evening peak hour (although still meeting RLTS¹⁹ level of service targets), and the movement of traffic turning right from Madras Street into Purchas Street west, which Mr Abley assessed to result in a reduced level of service (F) below the RLTS target (E).
- 3.70 Mr Edwards noted that even applying Mr Abley's analysis the only incidence of a level of service from predicted development not meeting level of service targets was the Madras into Purchas Street west turning movement when flows were at their greatest. This only occurred as a consequence of Mr Abley predicting two further vehicles making this manoeuvre in the evening peak hour (16 compared with Mr Edwards' prediction of 14). Mr Edwards noted the pattern of northbound traffic flow outside of the peak evening period to quickly show a return to increased levels of service, although Mr Abley identified other reductions in the level of service for some other movements at other times, albeit still within target levels.
- 3.71 Taking the respective expert views into account, I do not consider the traffic related effects of the level of likely development under the Plan Change to be of such significance as to merit it not being adopted. I appreciate some aspects of the networks performance would be more negatively impacted relative to anticipated development under the site's current Living 3 Zoning, but given the traffic volumes concerned and the degree of associated inconvenience for network users, I do not consider those effects to offend the transportation objectives of the Plan. As to whether those objectives would be better served, I doubt that could be a justified claim on the evidence I received. At best I

¹⁹ Regional Land Transport Strategy 2008-2018.

consider it a situation of neutrality compared with the status quo and conceivable development permitted under the present Living 3 zoning.

- 3.72 Lastly in relation to transport are associated effects on the amenity of the area, particularly for residents of surrounding properties. I heard of concerns held by some submitters; the Residents Association and Ms Parker made specific mention of potential nuisance effects (noise, lights) associated with the concentration of vehicular traffic at the identified access locations. Mr Moore, in addressing environmental health issues, favoured the reduction in the zone of the Business 1 component recommended in the Council Report as a means of also limiting the likely traffic entering and exiting the site, and the degree to which that traffic might adversely affect the amenity of other properties, particularly those opposite those access locations.
- 3.73 I acknowledge that the concentration of access enabled through comprehensive redevelopment has inherent advantages in how redevelopment, particularly for residential purposes, is undertaken. From an urban design perspective, both Ms Wykes and Ms Lauenstein identified the advantage of permeability for residents and visitors facilitated by the ability to gain access through the site for the general public. I also accept the consequence of both changed and intensified land use for associated traffic generation and related amenity, and that some such changes would occur with currently permitted residential development of the site.
- 3.74 While I have outlined my support for an exception from the HTG rule for the site on the basis of a consent process being required, there are matters that fall under the associated assessment matters for that rule that I consider still to have some utility in the case of the subject site. They relate to associated nuisance and amenity effects discussed by Mr Bonis in supporting retention of the HTG rule and very much reflect the concerns expressed by some submitters living nearby (e.g. Ms Kelly, the Residents Association).

- 3.75 While aspects of the ODP predetermine some elements concerning traffic (e.g. access location and to a degree overall traffic volumes), and the assessment undertaken to this point sets some broad parameters of acceptability, there remains the potential for adverse amenity effects to arise depending on the type, characteristics, location and operating conditions of non-residential activities in particular. For that reason I recommend adding amenity related matters to the more generic matter of 'vehicular, cycle and pedestrian access' for consideration of activity even where it is in conformity with the ODP. Taking guidance from the current list of assessment matters under the HTG rule and the evidence of Mr Bonis and Mr Moore, those matters should address the potential for effects relating to noise, glare, vibration and fumes, and the general amenity and safety of surrounding streets.
- 3.76 Other matters were raised by submitters concerning setback requirements for access points from intersections, and in a more general sense parking and loading provision on site. I accept that some of these concerns may be allayed with the reduced area of business activity and compliance with the City Plans parking, loading and manoeuvring standards (the later being a matter for site-specific exception in the early development of the Plan Change). I am also mindful of the assessment matters now recommended for any development conforming with the ODP and the associated matters of restricted discretion. On the evidence I am satisfied the Plan's normal parking, loading and manoeuvring standards should apply as is the case under the Plan Change and nothing more stringent is justified, and on the strength of the traffic assessment that has been undertaken to date, the breach of the (Purchas Street) access setback requirement from Madras Street should be acknowledged as an exception from the relevant rule (13-2.3.6). I note that neither of the traffic experts saw any particular issue with this reduced setback, given the network context and how activities on the site would likely operate.
- 3.77 Finally in respect of requests for improved public transport access in the area, that is a matter beyond the realm of the Plan Change to influence, other than indirectly through enabling intensification of land use.

- 3.78 In respect of traffic or transport related submissions, many would be partially or fully met with a reduced area of Business 1 zoning within the site and development parameters consistent with achieving a local neighbourhood centre in both form and function. Commensurate reductions in traffic generation as a consequence of reduced scale for non-residential activities may also satisfy some submitter concerns, as may the insertion of additional matters for discretionary assessment for all development occurring on the site.
- 3.79 Those submissions seeking retention of the present HTG rule; the removal/repositioning of particular site access locations; the retention of the access distance from intersection requirement; reduced or otherwise amended parking requirements; or the requirement for specific traffic management or calming measures through the ODP, are not recommended for acceptance.

Recreation/open space/vegetation

- 3.80 Various submitters raised the issue of open space provision and retention/reinstatement of vegetation on the site.
- 3.81 While various trees are present on the site and in all probability they would be removed with comprehensive redevelopment, none feature on the City Plan's Notable Tree list. I was advised that inspection by Council staff confirmed that while adding to local amenity, they were unexceptional and none of these trees warranted such listing in the City Plan.
- 3.82 I accept that mature trees can contribute significantly to residential amenity values, in particular in areas where development densities are high, however the individual specimens on the subject land are of no particular note. The proposed Plan Change does not seek to modify the site related controls that govern open space for individual units and thus opportunity for accommodating additional or replacement planting in that respect is unaffected by the Change.

- 3.83 Furthermore, the proposed ODP incorporates areas of dedicated open space able to accommodate replacement planting and it is now proposed that overall landscaping concepts are to be defined at the concept plan stage of development, and thereafter become a matter for consideration in any development on the site. Beyond those control mechanisms, tree retention could be achieved through the subdivision process if deemed appropriate irrespective of the Plan Change. Accordingly, I do not recommend modification of the Change in response to submissions on the issue of tree retention or reinstatement of vegetation on the site.
- 3.84 In terms of open space provision, submitters raised the issue of the availability of publicly accessible open space and also associated recreational facilities on the site. While potentially related, I will address the matters of open space provision and recreational facilities separately.
- 3.85 The Council report considered the provision of publicly accessible open space informed by the assessment of Mr Sissons. The report notes the identification of sub-area F on the proposed ODP, as an area of open space (550m² in area) fronting Madras Street, and confirmed to be available to the public.
- 3.86 Submitters questioned whether sufficient open space was being made available given local shortcomings in that regard and some also saw open space accessible to the public as a means of offsetting or compensating for the increased development potential sought for the site. Evaluation by Mr Sissons identified there to be a general deficiency of public open space in the area; a catchment of some 1700 potential users within a 400m distance of the site, including 570 future residents²⁰ on the subject site; and a minimum area of 2000-3000m², and ideally 4000m² being needed in providing an adequate neighbourhood park in this location. He observed the nearby Packe Street reserve to be 2300m² in area.

²⁰ Paragraph 29 EIC, based on 237 households and 2.4 people per household.

- 3.87 At the time of the hearing, Mr Bonis and Mr Sissons assessed the development scenario for the land to yield sufficient funds to obtain some 2300m² of reserve land via development contributions at the time of subdivision, and as representative of a likely requirement on comprehensive development, urged a corresponding increase in the size of sub-area F by 1750m², as well as a slight repositioning to the north to be within the Living 3 zoned area. Mr Sissions did however concede that there could not be absolute certainty in securing a total reserve area of some 3000-4000m², given a requirement for Council purchase to “top-up” the contribution derived from development. Accordingly, he considered an identified minimum area of 2300m² essentially servicing the additional households created by development of the site to be a realistic and positive outcome.
- 3.88 When questioned, Mr Bonis stressed the apparent sense to him in making provision via the ODP for an area of such a size given it was a probable outcome of any future contributions consideration in the comprehensive development of the site. That inevitability was persuasive in him seeking it being factored into setting the site development and design parameters at the outset through the Plan Change process. Hence his proposed modification of the ODP repositioning (visible and accessible to the wider public) and the enlarging of sub-area F.
- 3.89 Mr Savill and Mr Prebble offered a countering view. Mr Savill stressed the important balance needed in providing additional cost elements such as open space and amenities, set off against and funded by the commercial elements. He noted previous opportunities the Council had had to purchase some of the land for a park and they had not been taken up. Mr Prebble indicated the areas of on-site open space (to be finalised through the resource consent process) to be adequate in meeting the needs of the site, and any deficiencies for the surrounding area could be addressed through the resource consent and contributions processes in the usual way.

- 3.90 Ms Lauenstein described the significance of the sequence of open spaces throughout the site in terms of overall open space provision, having various characters responding to the likely built form. She distinguished these areas from more traditional neighbourhood parks, describing them as community meeting spaces, enabling a continuum of open space, enhancing both the connectivity and safety of the public environment. Mr Garland in his evidence indicated that it had been assumed that there would be a monetary contribution on development towards public open space provision, and that such space would not be provided within the subject land, as to do so would effectively lower the achievable density levels and work against the policies of consolidation.
- 3.91 To ensure the quality of open space Ms Lauenstein recommended a landscape plan to be an integral component of a future resource consent application with specific location and individual sizes to be determined by the comprehensive design proposal rather than the ODP. In this regard, and as I note above, the amendments to the proposed rules now include a requirement for a concept plan to be introduced at the time of initial development outlining (amongst other matters) overall landscaping. I have signalled my support for such an approach whereby any development thereafter is to be considered against that approved concept plan and the ODP as a whole.
- 3.92 Having considered the issues of open space provision and the relevant evidence, there is some apparent inevitability in the Council seeking to secure through contributions a quantum of open space (in the form of land rather than cash equivalent, given its scarcity) of in the order of at least 2300m² in area. The vacant and amalgamated nature of this site compared with its highly developed surroundings suggests this to be the location of greatest likelihood in realistically achieving that outcome in this area. There seems little to be achieved therefore in having the situation of the ODP misrepresenting the desired, let alone probable, open space outcome for the site.
- 3.93 While it can be signalled, that outcome however cannot be secured through the Plan Change process as such, and would instead result out of negotiations

between the Council and future developer(s) at the time of subdivision/resource consent. In setting the framework for site development, the ODP ought nevertheless to reflect the desired and probable outcomes for that development. I conclude that at the very least in the order of 2300m² of publicly accessible open space, based on the required contribution from anticipated development, should be enabled through the ODP and associated rules. That is irrespective of whether it is a contribution of entirely land, or cash, or some combination of the two. Whether provided by the Council and/or developer, it seems destined for this site given the available opportunity in this area.

- 3.94 A principal focus of the contributions policy is on developers meeting the resultant increases in demand generated by their development. In satisfying that aim, the 2300m² arguably need not be fully accessible to the public beyond the site. More so perhaps, if it offers variety in the type of space and purposes for which it is likely to be used. The contributions policy however also considers the need to satisfy wider growing public demands, and in that respect the Council largely assumes a responsibility beyond those of the individual developer.
- 3.95 A key point of difference between the Council and the proponent is how that sites open space might be configured. Council preference is plainly for that to be agglomerated and positioned alongside Madras Street, ideally to the southwest, and serving the site and a wider area of need. The proponent's preference is to distribute open space across the site through the combination of sub-area F and additional areas related to either resident use or circulation through the site, in the sense of providing permeability and connecting public areas (e.g. between surrounding streets). A point emphasised by Mr Sissons is the inclusion of open space at the periphery of the site would have the added advantage of facilitating use by people resident within and beyond the site. That would be much less likely to eventuate for open space internal to the site, even if that were to offer cross-connection to the wider public.

- 3.96 Overall I have concluded the ODP for the site ought to signal the necessity to accommodate, as a minimum, a total area of 2300m² of open space that is at least fully accessible to the residents of the site, if not others resident beyond the site. Towards that end, sub-area F is to provide a minimum contribution of 550m² as located and indicated on the proposed ODP (as notified) where it can most readily serve a wider deficiency. Whether it falls within the Living 3 or Business 1 zoned land is largely immaterial given that it will be used for open space purposes and, given other controls under the ODP, I do not consider that it needs to be zoned as either Open Space or Living 3 to fulfil that function.
- 3.97 Beyond sub-area F and other aspects of the proponents ODP however, I am inclined to not be too specific as to configuration and location. That detail can be determined through the subsequent concept plan, subdivision and resource consenting processes; the proviso being it provides fully accessible space(s) to at least the residents of the eventual development of the site.
- 3.98 Additionally, nothing in the ODP should preclude a larger quantum of public open space being provided should that be the agreed outcome of subsequent contributions and consenting processes. Similarly, whether such land (or parts thereof) is to vest with the Council or not is a matter best left for those negotiations, rather than needing to be predetermined for the purposes of confirming the ODP. If a lesser area is sought through the development process, then such a proposal would necessitate obtaining resource consent consistent with any departure from the ODP under the proposed rules.
- 3.99 If the Council wishes to “top-up” the amount of open space within the site then that is still enabled to happen and I suspect that may well be pursued in a manner that looks to improve both opportunity/accessibility for use from the wider public not residing on the site and achieve at least some enlarged areas or more contiguous spaces towards realising the ideal of a neighbourhood park (in function at least).

- 3.100 Insofar as this potentially increases the availability of open space for residents and may also contribute to improved overall amenity for the area, some of the requests of submitters are satisfied, and to that extent I recommend accepting those submissions.
- 3.101 Objective 14.1 of the Plan strives for convenience and equitable distribution of open spaces, as well as diversity in the type and size of spaces available to the public. The increasing challenges of meeting open space needs in highly developed areas is acknowledged, as is the clear onus on subdivision and subsequent development in meeting the needs generated for local and district open space and recreation opportunities. Policy 14.1.4 describes the move away from a prior preference for cash over land in terms of contributions, and sets quite specific intentions in terms of the use of contributions. Mr Sissons made reference to these intentions. In my determination, the approach I have described towards achieving open space provision within the site, recognising both wider public demands and site specific needs/demands, is consistent with that policy context.
- 3.102 The related matter arose in submissions concerning the provision for recreational facilities, in particular those identified in the Plan Change for the area identified as sub-area C. Submitters have requested inclusion of publicly accessible recreational facilities within the site that would also benefit the wider area. The Council Report recommends a repositioning of this sub-area, still identified for recreation (and parking), slightly enlarged and overlain with a “community footprint” notation – a construct in the City Plan directed towards enabling greater employee numbers for non-residential activities in situations alongside areas of business activity. The Council Report of course also recommends greatly reducing the area of Business zoning to apply only to a revised commercial area fronting Madras Street and sub-area C would therefore still fall within the Living 3 Zone.
- 3.103 Practical matters are also raised by the Council representatives insofar as identifying recreation activities for this sub-area might conflict with applicable

Living Zone standards, such as scale of activity, or the zoning itself might present an apparent conflict with the prescribed recreational activities if the area is to contain otherwise permitted residential development.

- 3.104 As notified, the Change identified this as an area for “recreation and parking” and described it as potentially an area to accommodate tennis courts and a swimming pool. It was described that those facilities would be available for use by site residents only. Mr Savill clarified at the hearing that in the future those recreational facilities could be opened to the wider public on a commercial basis, and as Mr Bonis identified that would require resource consent under the Living 3 Zone provisions. As now amended by the proponents, the proposed ODP identifies this as an area for “residential and related recreation” although presumably it is intended that associated carparking could still be accommodated in this part of the site (to the extent permitted under the Living 3 zoning).
- 3.105 The clear intention is that recreational facilities of the type mentioned provided within the site supports the principal of comprehensive development and enabling accessibility of a range of activities and services to residents. At the scale proposed, those residents could generate significant demand in their own right. On the evidence that is a sound and plausible objective, entirely consistent with the intentions of the Plan Change. As to whether those facilities ought to have to be available to the wider public if the Change is to be adopted, I am not persuaded that need be the case for those intentions to be realised.
- 3.106 Mr Bonis however indicated that the availability of those types of recreational facilities to the wider public may be a relevant matter to the determination of open space provision and reserve contributions. The recommendations I have outlined above in that respect do not preclude recreational facilities to be provided on-site being factored into that determination, the proviso of course being any such facilities would, at least, have to be fully accessible to site residents.

- 3.107 On this basis, I do not support modification of the proposed Change to require recreational facilities as proposed, or others, being available to the public beyond those residing on the subject site.
- 3.108 Considering then the repositioning and community footprint concept put forward in the Council Report, this was rationalised on the premise of avoiding any conflict with the underlying Living 3 Zone rules, and as a means of enabling some non-residential opportunity outside of the reduced Business zone area. In light of some of the preceding discussion and my recommendation not to alter the extent of Business 1 Zoning, I do not support the identification of the community footprint. It is an overlay applied through the Plan only to Living zones and becomes somewhat unnecessary within a Business zone situation.
- 3.109 On the practical difficulties raised by Mr Bonis, the matter of scale is one now overcome by the necessity for all development in accordance with the ODP to obtain consent in any event. On the matter of not recognising the possibility of residential occurring within sub-area C, the proponents revised ODP now shows clear provision for residential to also occur within this part of the site. This does however highlight the more generic issue of ensuring some certainty of outcome. The Plan Change fundamentally is predicated on achieving a comprehensive and integrated mixed use development of the site. What might be considered 'concessions' from rules that would otherwise apply are rationalised on that basis and in recognition of the unique opportunity the circumstances of the site present. The ODP is intended to set the broad framework for delivering that outcome.
- 3.110 A matter of continuing interest to me throughout the hearing, and the focus of some of my questioning, was directed to this very issue. If the predication I refer to above underlies the specific combination of activities and their general extent/location and configuration, there clearly ought to be some reasonable certainty of achieving that outcome. If there isn't then the promise of the virtues of comprehensive development may be revealed to be no more than that.

- 3.111 I acknowledge the introduction of the concept plan idea is intended to address staging of development and consistency with an overall design for the site throughout what might be intermittent or at least progressive stages of development by different developers. That will certainly assist.
- 3.112 However in the instance of sub-area C for example, where both residential and recreation are now the identified activities, it begs the question as to whether further specificity is required? In other words is it necessary to be more prescriptive as to amount of each activity in such an area? Having weighed the various points of view, I am inclined to think that is not necessary. The ODP specifically identifies sub-area C to contain “residential and related recreation”. Development of this area without inclusion of recreation opportunity related to residential use/users would require consent as a departure from the ODP. My recommendations for assessment matters in that regard include consideration of the integration and mix of activities consistent with the intentions of the sites comprehensive development. I am therefore satisfied sufficient consideration could then be given to whether those intentions would be compromised if such a situation were to arise.
- 3.113 As to whether a particular quantum/area ought to be specified, again I am not convinced of that necessity, largely because the initial concept plan consideration and approval process described earlier provides the opportunity to develop and confirm the specifics of this prior to the initial stages of any development being implemented. Thereafter conformity with the detail of the ODP and the approved concept plan is a matter to which discretion is restricted. If the proposed recreation element was meagre that would be a valid matter for consideration in the initial consent process.
- 3.114 For the reasons described I do not support recommendations to reposition the specific area of the site identified for recreation, nor do I support the identification of this area (or any other within the site) as a ‘community footprint’.

Continuous building length, building height and urban design

- 3.115 Various submissions related to matters of site design and the integration of activities both within the site and beyond. Specific submissions addressed the proposed exemption from the continuous building length (exterior walls, and ridgeline/parapets) rules, and the proposed increased building height for the central portion of the Living 3 zoned area.
- 3.116 On the exemption from the continuous building length rules, both Mr Bonis and Ms Wykes favoured the retention of those rules above a certain scale, i.e. where three or more residential units were to be developed. While accepting the rules themselves provide a reasonably crude means of promoting architectural detail and visual interest in building facades, and conceding there may be other ways of achieving that outcome, both did not believe there to be sufficient certainty of that outcome without such a rule (or effective alternative) in place. Mr Bonis noted the potential with this sized site for very lengthy built frontages, particularly at the interface with surrounding streets. That potential was plainly evident to me in the 3-dimensional fly-through presentation of possible site development presented in evidence by Mr Mason.
- 3.117 Mr Garland's response to the Council Report recommendations on the application/modification of the rule(s) was to propose as an alternative the introduction of an external appearance rule for all activities occurring with sub-areas A and B of the Living 3 Zone (suggested rule 4.2.7 (d)). As he proposed it, all new or altered buildings would become a restricted discretionary activity with discretion limited to matters of overall design, façade modulation and the provision of open space between buildings. In so doing the need for the continuous building length rules would be surpassed for this site. His amendments also introduced a provision under the Living zone rules that all development within the site would be (restricted) discretionary with that discretion limited to conformity with the development and concept plans, access location, broader transport network effects and cycle/pedestrian circulation (suggested rule 4.2.18 (e) and (f)).

- 3.118 While I suspect warming to the notion, Mr Bonis, in turn raised the question of how the new rules would work in practice without more detailed assessment matters and recognising no modification of the existing objectives and policies.
- 3.119 At the outset I observe the two proposed rules are directed towards differing purposes. On the one hand managing building design (including modulating facades) and relative positioning separated by open space; on the other achieving conformity with the development and concept plans, while also managing access location, broader transport network effects and cycle/pedestrian circulation. In that sense there isn't duplication, and accepting the merits of controlling those collective matters through a consent process, the two rules can happily co-exist. That said I have already touched on one recommended change to broaden the matters limiting discretion, i.e. beyond just access location matters, for development in conformity with the ODP. I recommend others in addition, which I will discuss in more detail shortly.
- 3.120 As an outcome to better achieve the expressed amenity and quality design objectives of the Living 3 Zone, and in this context, I favour this consent-based approach over the application of the existing continuous building length rule(s), or its modification as per the Council report recommendations. Bearing in mind the increased obligation on applicants as a consequence, I am satisfied there is scope available to do so given very broad requests by submitters towards an overall appraisal of site design and appearance matters ahead of development.²¹
- 3.121 It is also worth noting that the Mr Garland's revised rules also extend to apply similar controls to the Business zoned area of the site (suggested rule 3.4.7).
- 3.122 Design considerations in general featured in a number of the submissions, and were very much a focus of the revisions put forward to the rules/ODP by the proponents. Those considerations were not limited to the residential elements of the intended development for the site. Having considered those various

²¹ Refer Huata GD (S13 D1) and Christchurch Civic Trust (D16 S2).

requests and proposals, and within the available scope, my recommendation is twofold. Firstly, that any development must be in accordance with the ODP, otherwise it would be considered as a restricted discretionary activity. Matters for assessment in such cases would include:

- The extent to which comprehensive, mixed use development would continue to be achieved.
- The nature and degree of any adverse effects caused by proposals not in accordance with the development plan.
- The ability of the proposal to integrate with the surrounding context.
- The relationship of proposals to any other existing development within the block.
- Whether the scale and nature of development is consistent with that anticipated for a local centre.

3.123 Secondly all development occurring within the area of the ODP is a limited discretionary activity with discretion restricted to the following matters:

- Conformity with the detail contained in the development plan.
- Vehicular, cycle and pedestrian access.
- Conformity with the required concept plan.
- In the case of any floor area greater than that prescribed in the development plan, any distributional effects on other commercial centre's and any wider transport network effects from any associated transport generation.
- Any wider transport network effects from any associated transport generation caused by development not in accordance with the development plan.
- The maintenance of permeability within the block for internal pedestrian and cycle circulation, including the connections with that part of the block zoned Living 3/Business 1.
- Overall urban design and appearance including façade modulation, and the provision of open space between buildings.
- The integration and mix of activities provided, including facilities for resident's recreation and other non-residential activities.

- 3.124 I acknowledge that the way in which the business and living zone provisions are separately listed in the City Plan necessitates some duplication in incorporating this approach into the respective rules.
- 3.125 To this extent and where submitters have sought retention of control over façade modulation, or design of residential development for the site in general, I recommend that they be accepted. Insofar as submitters have also raised issues concerning the integration of development, wider control over design, permeability and circulation, application of acknowledged urban design principles, and consideration of effects beyond the site, I recommend they too be accepted consistent with these recommendations.
- 3.126 Turning to the proposed increase in permitted height for sub-area A, many of the related submissions sought retaining the current 11 metre height standard (9 metres if of a low roof pitch). Others were accepting of increased height providing concepts for building materials, built form, roading upgrades and the like were required to be specified ahead of development, or an Urban Design Panel vetted the visual outcomes of development.
- 3.127 Sub-area A is located internally within the site and some distance from its boundaries. As a consequence, existing or future development beyond the site is unlikely to be impacted by enabling taller development, perhaps other than visually. Providing for increased development potential in this part of the site would still be subject to the current controls over building density (a ratio of floor area to land area) and recession plane requirements to protect sunlight and outlook are unaltered. It would assist in achieving the sort of necessary balance referred to by Mr Savill in enabling comprehensive development to be realised. As Mr Bonis identified, it would also be consistent with promoting inner city intensification aspirations expressed through the City Plan and evident in proposed Change 1 to the Regional Policy Statement. I concur. While some submitters did directly oppose this increase, for others the issue was not so much one of increased height, but of achieving good design outcomes and a sense of integration of buildings both within and beyond the site. Provided that

was achieved, for those submitters increased height for this part of the site could well be acceptable.

- 3.128 Accordingly, I recommend support for the proposed increase in maximum height for development occurring within sub-area A identified on the ODP.
- 3.129 In broader urban design terms several other matters were raised in submissions including ensuring the integration of activities and certification of design. In terms of promoting integration, the proponents' amendments to the rules introduce design controls (through a concept plan and consent process) beyond the existing level of regulation directed towards design outcomes for the Living 3 or Business 1 Zones elsewhere. Matters for discretion also make specific mention of ensuring internal connections within the site itself integrating facets of the development and integration beyond the site in terms of transport networks.
- 3.130 I have recommended inclusion of additional matters addressing urban design aspects for all development and in my view appropriate and sufficient account will therefore be taken of the matters raised in these submissions.
- 3.131 The City Council Report discussed potential rules and/or assessment matters being added to address design outcomes for buildings fronting the cycle and accessways, culminating in a recommendation to ensure provision of a network of well connected cycle and pedestrian ways helping to integrate key components of the development (e.g. open spaces, business and recreation areas) be a consideration if the ODP is breached. In my assessment that rather misses the point, and instead I support that same sentiment regarding connectivity and integration being built into the ODP and what it broadly expresses in terms of site design and layout, and more specifically being a matter over which discretion can be exercised for any development occurring within the development plan area. That way it also informs the detailed design necessary at the concept plan stage of first development. The proponents revised rule provisions actually go some way towards that, and with some modification, I am supportive of that general approach.

- 3.132 Insofar as that may satisfy some of the Council and other submitters concerns, I recommend they be accepted.

Stormwater management

- 3.133 The Residents Association in its submission raised the history of surface flooding on the subject land and the Council Report, informed by Mr Bensberg, recommended an increased area being identified on the ODP for stormwater management. As notified, the ODP makes no reference to stormwater management.
- 3.134 Mr Bensberg's analysis identified the inadequacy of the present system servicing the site to handle a 5 year storm event; that any new connection to that system would necessitate upgrading or a new outfall to nearby St Albans Creek; and an adequate detention management system on-site required an area of between 1500m² and 2100m², of which approximately 500m² was needed for first flush treatment of the discharge²². According to the report, prudence suggested that allowance for such a system be made explicit in the ODP, and indicated a general location running north-south in the south-western area of the site through to Purchas Street (proposed as a new "Area D" at 2100m² in area).
- 3.135 Ms Lauenstein addressed this matter for the proponents, suggesting a modification of the ODP to show a corridor to be dedicated to stormwater management running through the site and able to service both on-site capture and first flush treatment prior to discharge. Ms Lauenstein did not however agree a need for the level of prescription advocated for by Mr Bensberg, preferring such details to be later determined through devising a comprehensive design layout.

²² Able to be reduced by some 300m² if the Business 1 Zone area in total did not exceed 2400m², consistent with other recommendations of the Council Report.

- 3.136 Similar to the matter of open space, in the case of stormwater management there seems a degree of inevitability about the need for a system of stormwater management to be accommodated on-site. In that regard, I have no reason to dispute the recommendations of Mr Bensberg as to what that may require in terms of configuration, capacity and likely land area, accepting the important relationship to the eventual area of Business zoning. The essential question is the degree to which provision ought to be signalled in the ODP versus reliance on subsequent design detailing.
- 3.137 As a general principle, and hopefully evident in this report, I am inclined towards reasonable certainty of outcome, where possible, being expressed through the fundamental mechanisms of the Plan Change; namely the ODP and the applicable rules. I do appreciate the importance of avoiding undue prescription, and of placing some reliance on the design process, in seeking to maintain adequate flexibility in the ultimate delivery of a comprehensive development for the site. The challenge is essentially one of balancing sufficient certainty of outcome with enabling design flexibility, responsiveness and creativity. I am also conscious the Plan Change does not prescribe a particular development, rather, if adopted, it sets a framework within which the objectives of the Plan are better able to be achieved – intensification and a quality urban environment being key tenants of those objectives.
- 3.138 In striking that balance, where particular outcomes are necessary to achieve and able to be anticipated with reasonable certainty, irrespective of the particular design or development that emerges, I favour setting those parameters within the fundamental elements of the Plan Change. Like my conclusions regarding open space provision, in the case of stormwater management, I recommend the ODP identifies the following:
- The general position of stormwater capture and treatment within the site based on the proponents revised ODP (illustrated in blue on the plan provided at the hearing), but with an additional connection shown through to Purchas Street positioned as per the Council Report recommendations; and

- A minimum size area for stormwater management consistent with that general positioning of 1800m²²³, and notation to the effect that such an area be available for stormwater detention and management, including first flush treatment of the discharge; and
- Should a lesser area and/or a markedly different positioning be sought, any such proposal be considered through the resource consent process as an inconsistency with the ODP.

3.139 I would note that I do not foresee this approach preventing the co-location of various activities within that assigned space, for example stormwater capture/treatment amidst open space, recreation or even car parking and access areas. What is important is that any such combining of elements or activities does not diminish the effectiveness of stormwater management developed around the prescribed minimum area.

3.140 To that end, the Residents Association submission on this issue is, I believe, met.

3.141 I was advised that other servicing aspects – water supply and wastewater disposal – would not challenge current capacities, and any associated technical details of connection, etc could be dealt with at subdivision/building consent stage. This was unchallenged in submissions and I have taken that to be the case.

Planning policy and consistency with the City Plan

3.142 Some of the issues raised in the relief sought by submitters were considered in the Council Report collectively under a heading of planning policy and consistency with the City Plan. For consistency I have adopted the same approach.

²³ 1800 being within the 1500-2100m² range identified by Mr Bensberg, and acknowledging some reduction in business floor area, as per this report, although not to the extent recommended in the Council Report.

- 3.143 Other than what I have already discussed in this report, I do not support submissions seeking greater prescription of the types of business activities to be provided for. Beyond the standards ordinarily applying to such activity in accordance with the zone provisions, such prescription is unnecessarily onerous and unwarranted in achieving amenity outcomes. I note Mr Bonis and Mr Moore were equally unsupportive of that degree of prescription.
- 3.144 Requests for improvements to the public realm beyond the site, while that may be desirable, are not within the scope of the Plan Change to influence. Such upgrading is more appropriately considered through Council's annual budgeting and community planning (LTCCP) processes. I urge the submitter to instead pursue those outcomes through the associated forums.
- 3.145 Calls for a broadening of the Councils discretion in considering a breach of the ODP have been, at least in part, addressed in earlier discussion, and to some extent that is embodied in my recommendations as to modification of the Plan Change provisions. Beyond those modifications I do not find compelling reason for additional amendment of either the applicable assessment matters or general extent of available discretion. Calls for controlled activity status are essentially met by proposals/recommendations for a 'higher' restricted discretionary status to apply to activities occurring within the area of the ODP.
- 3.146 The Residents Association sought remediation measures for hazardous substances and site contamination to be specified on the ODP. Mr Moore addressed this issue in his evidence and identified the current City Plan provisions relating to earthworks (content of fill and excavation material) which would require consent as a non-complying activity in the case of the type of contamination thought to be present on the subject land. Those rules are specific to the issue raised by the submitter, they are unaltered by the Change and accordingly I do not support any additional controls being imposed.

- 3.147 I am supportive of the Council submission seeking to link the purposes of the ODP to the explanation of the urban growth policy framework and note that such amendment requires no modification of the current policy wording.
- 3.148 Another matter raised concerned a broadening of the assessment matters for development occurring within the Business 1 Zone, and specific cross reference to the traffic generation standards elsewhere in the plan. I have made recommendations concerning the inclusion of pedestrian, cycle and vehicular access matters in assessing activities within the ODP area and note also the revised proposals to require obtaining consent for development within the Business 1 zoned area of the site and matters for assessment in that regard. Beyond that I do not support adding further matters for assessment, nor cross-referencing to other standards of the Plan that would apply under the applicable zoning in any case.
- 3.149 Finally, and at this point, I record that I do not recommend accepting those submissions seeking outright rejection of the Plan Change. My reasons for that are both embodied in the preceding discussion and my consideration of the Change against the relevant provisions of the Act which follows.
- 3.150 Like many of those individuals and interests represented at the hearing, including expert professionals, I anticipate the comprehensive and mixed use redevelopment of this somewhat unique site to be entirely consistent with the settled objectives of the City Plan, and subject to some modification beyond its notified state, to better achieve those objectives relative to the present (unaltered) planning provisions.

4 Statutory Analysis

- 4.1 My consideration of the Plan Change against the statutory requirements of the RMA is predicated on the adoption of the recommendations for modification I have outlined. On that basis, the Plan Change will be consistent with the Council achieving its functions under section 31 of the Act setting in place a

range of methods (principally rules) whereby the integrated management of the effects of comprehensive redevelopment of the site would be enabled, while at the same time protecting associated natural and physical resources. Relative to the present zoning provisions, greater efficiency in the use of land and other resources would be promoted.

- 4.2 The Change in large part adopts already existing zonings and associated rules to achieve that outcome. Where departure (by exclusion or addition) from those settled plan provisions is recommended, that is directed to ensuring the protection of the amenities of the site and its surroundings; achieving coordination of development which may be staged or progressive over time; avoiding undue nuisance or adverse safety effects arising; and not compromising the realisation of other aspirations of the Plan. Fundamentally they seek to foster the inherent benefits of comprehensive mixed use development for the site (integrated design, accessibility, convenience, etc) without undue adverse impact on neighbouring residential communities or nearby commercial centres as a consequence. Collectively, those provisions strive for a reasonable balance between certainty of outcome and retaining flexibility in the development of detailed site design.
- 4.3 In terms of the Council's section 32 responsibilities, I said at the very outset of this report that the applicable duties require a comparative assessment of the Change against the unchanged Plan provisions, in this case where the framework of objectives is unaltered. On addressing the issues and matters raised in submissions I have endeavoured to undertake that comparative assessment, and I am satisfied that the earlier documented s.32 analysis (at notification) coupled with that more recent assessment, evidence and evaluation jointly satisfy all s.32 obligations. The changed provisions will better achieve the objectives of the City Plan compared with the unaltered provisions, and the particular methods adopted will be effective and efficient in that regard.
- 4.4 The concept of risk under s.32 (4) (b) was raised during the hearing, where an evaluation is required of the risk of acting or not acting where information may

be uncertain or insufficient. It was suggested this may have relevance in evaluation of the matter of potential distributional effects if the Change were 'acted on'. I have given consideration to that possibility, and inherent in my conclusions regarding the likelihood of such effects, I do not conclude any such risk to be significant in respect of the information and evidence available concerning distributional effects on the current Edgeware centre (or other centre). My conclusions regarding potential adverse effects on the realisation of the Plans aims and aspirations for that centre within a distributional framework are not borne of uncertainty. On the contrary, they arise because I consider there to be a high probability that the Change as notified would not better achieve those aims and aspirations as expressed through the applicable zoning and associated objectives.

- 4.5 I also previously noted the relevance of the RPS, including proposed Change 1 to that Statement. While predominantly focused on the objectives and policies of the City Plan, I have been guided to some degree by the RPS/Change 1 and have noted that accordingly in my analysis of the issues/submissions. I do not consider adoption of the Plan Change to call into question giving effect to the RPS in terms of managing urban growth and promoting urban design best practice. Indeed the fundamentals of the Change are very much aligned with the RPS in that regard.
- 4.6 Beyond the acceptable consideration of significant distributional effects I have not had regard to trade competition.
- 4.7 Finally with regard to Part 2 matters, the primary issues in this instance relate to efficient use of existing resources of the site, and of nearby commercial centres, along with the maintenance of amenity values.
- 4.8 In terms of section 5, managing the physical resources of the site in a manner providing the opportunity for the comprehensive mixed use development of the site via the changed plan provisions will enable the community to provide for its social economic and cultural wellbeing. Increased building height for some of

the sites residential activity, and incorporating recreational and neighbourhood serving commercial elements will be key in that regard. The avoidance or mitigation of any adverse effects on the environment will be achieved by;

- setting broad development parameters and achieving integration of development through the use of an ODP and future concept plan;
- controlling the scale and intensity at which development can occur through rules; and
- assessing individual development proposals through consent processes.

4.9 There are no matters of national importance (s.6) that are relevant, however relevantly matters to which particular regard is to be had (under s.7) include:

- *the efficient use and development of natural and physical resources*
- *the maintenance and enhancement of amenity values*
- *maintenance and enhancement of the quality of the environment*

4.10 I have addressed efficient resource use and development, and protection/improvement of amenity values and environmental quality in the preceding discussion. In my conclusion the Change, in accordance with my recommendations, will achieve those aims. While there cannot be absolute certainty, I anticipate that the modified plan provisions for the subject land will promote achieving a form of site development, with associated amenity and other environmental outcomes that better deliver on the expressed intentions of the City Plan for such a medium to higher density residential area of Christchurch.

5 Conclusions and Recommendations

5.1 My general conclusions on the Plan Change can be summarised as follows:

- It merits adoption, subject to some modification.

- In creating a context where mixed use comprehensive development of the site is enabled, the relevant objectives (and policies) of the City Plan would be better served, compared with the unaltered plan provisions.
- Adopting the Change, as modified by the recommendations of this report, would be consistent with exercising the Councils functions and responsibilities, and promote achieving the principals and purposes of the Act.

On specific matters:

- i. The combination and proposed extent of Business 1 and Living 3 zonings is generally supported, as is the principal method of development being subject to an Outline Development Plan (ODP) for the site.
- ii. The identified sub-areas within the site should be of a size and configuration consistent with the notified ODP. The specifics of the ODP should identify the respective sub-areas as being for:
 - *Sub-area A - residential and related car parking.*
 - *Sub-area B – residential and related car parking at the rear or beneath buildings*
 - *Sub-area C – residential and related recreation*
 - *Sub-areas D & E – maximum total GLFA of 3500m² and maximum GLFA of any individual tenancy of 450m² (these maximums to not apply to residential activity)*
 - *Sub-area F – publicly accessible open space of a minimum area of 550m²*
 - *Sub-area G – main access, circulation, parking and stormwater management areas*
- iii. The ODP should indicate areas of public and semi-public access and circulation through the site including the interconnection of activities within and beyond the area of the ODP.

- iv. As above, within the Business 1 Zone component, maximum allowable floor areas (GLFA) should apply to activities permitted by the zoning (in total and individually) reflecting the form and function of this zone in providing for activities meeting local neighbourhood needs in the sense of a local centre. The one exception to these limitations should be residential activity.
- v. The maximum GLFA limitations within combined sub-areas D and E should be a total area of 3,500m² with any individual tenancy subject to an upper limit of 450m². Any development exceeding these limits should be a restricted discretionary activity consistent with the status of other rules of the Plan relating to retail floor areas.
- vi. Any development not in accordance with the ODP or approved concept plan should be a restricted discretionary activity. Applicable assessment matters should address the potential impacts on the site and surrounding area including the ability to achieve a comprehensive, mixed use development and integration internally within the block.
- vii. All development within the area of the ODP should require consent as a restricted discretionary activity, with discretion limited to the matters of conformity with the ODP and concept plan, vehicular, cycle and pedestrian access matters, permeability within the block and the integration and mix of activities provided within the development.
- viii. A requirement of the initial development proposal for the block should be to produce a concept plan for the entire site indicating the bulk, location and nature of all activities and buildings, access, circulation and parking areas, landscaping and open space, and stormwater management. All subsequent development of the site would be assessed against this concept plan. Assessment matters in situations where either a concept plan is not provided or if the required matters are not covered by the concept plan, should address whether the site can continue to be developed comprehensively and in an integrated manner.
- ix. Given the requirement for a consent process for all development within the area of the ODP, and inclusion of specific assessment of vehicular and pedestrian matters, and associated amenity/safety aspects, the site should be exempt from the High Traffic Generation (HTG) rule otherwise applying.

- x. The site should also be exempt from the access setback requirement under Rule 13-2.3.6 for the access to Purchas Street relative to the Madras Street intersection.
- xi. Sub-area F should be fully available and accessible as public open space. Including this area, the ODP ought to signal the necessity to accommodate, as a minimum, a total area for the site of 2,300m² of open space that is at least fully accessible to site residents.
- xii. The proponent's revisions of the ODP in respect of indicating the general positioning and configuration of open spaces should be adopted, with the ODP acknowledging that final configuration of these spaces will be determined by the concept plan.
- xiii. Without specifying a quantum and/or type of recreation to be provided for in sub-area C, matters for limited discretion and assessment should include consideration of the integration and mix of activities, including facilities for resident's recreation, sought as a part of the comprehensive development of the site.
- xiv. Exemption from the continuous building length (exterior walls and ridgelines/parapets) rules should apply to development within the area of the ODP on the basis of resource consent being a requirement for all development occurring within the site. Again limits on discretion and assessment matters should include consideration of matters of urban design and appearance (including façade modulation), along with the provision of open space between buildings. A number of key urban design principles should also be incorporated into the assessment matters to consider site layout, building orientation, issues of safety, privacy and convenience.
- xv. All built form within the site should be subject to this design consideration.
- xvi. The permitted maximum building height within sub-area A of the ODP ought to be increased to 14m. Within all other Living 3 zoned areas of the site the standard height restriction would apply allowing 11m in height if the building complies with the slope diagram or otherwise 9m as a maximum height.
- xvii. The ODP should identify the general position of stormwater capture and management within the site, including likely connection to Purchas Street.

A minimum sized area, consistent with that general positioning, of 1800m² should be stipulated on the ODP to be available for stormwater detention and management, including first flush treatment of discharge.

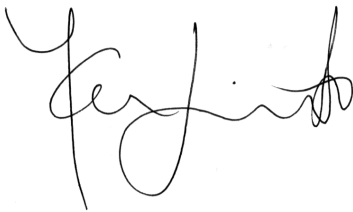
- xviii. There should be some acknowledgement in the City Plan linking the purposes of the ODP for this site with the urban growth policy framework.

5.2 My recommendations in relation to the submissions received on the Plan Change are set out in **Appendix 2** to this report. The submissions and further submissions are recommended to be accepted, accepted in part or rejected as indicated, pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991.

5.3 For consistency, my recommendations identify the submission and decision numbers as per referencing in the Council report.

5.4 The recommended modifications to the City Plan are as contained in **Appendix 3**. Those amendments to the plan provisions are shown relative to the notified version of the Plan Change.

Signed in Christchurch this 30th day of September 2009

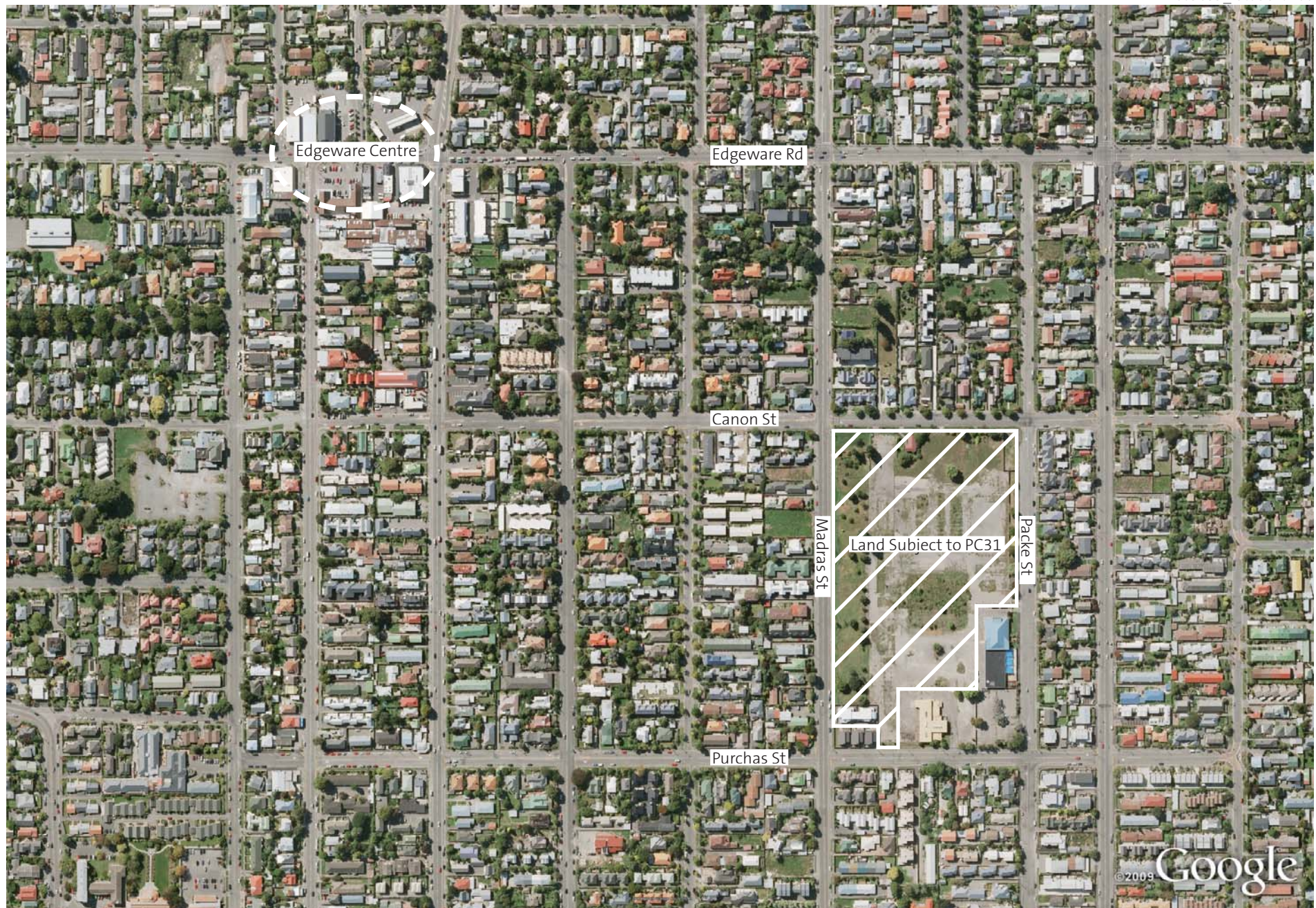
A handwritten signature in black ink, appearing to read 'Ken Gimblett', with a stylized, cursive script.

Ken Gimblett

Commissioner

Appendix 1:

The subject site and its surroundings



Appendix 2:

Recommendations on individual submissions and further submissions (in alphabetical order).

NAME, SUBMISSION & DECISION NUMBERS	SUPPORT OR OPPOSITION	DECISION REQUESTED	RECOMMENDATION
Aldridge A S6 D1	Support	I support the B1 change and would be happy to see more of this area as B1.	Accept in Part
<i>F17 St Albans Residents' Association and St Albans Community Centre</i>	<i>Oppose</i>		<i>Accept in Part</i>
Aldridge A S6 D2	Oppose	Totally oppose the height increase to 14m as if allowed here, it will set precedent to allow other L3 areas of St Albans and may well block sun of the other properties if this happens. Seek assurance that the Council will not allow this height increase.	Reject
<i>F18 Aldridge A</i>	<i>Support</i>		<i>Reject</i>
Christchurch City Council S4 D8	Support in part	Volume 3 Part 13, Clause 2.3.8. To avoid any confusion given the wording of the Plan Change, the <u>retention</u> of the high traffic generation rule to the spatial area contained within the Plan Change.	Reject
<i>F23 Kelly EM</i>	<i>Support</i>		<i>Reject</i>
Christchurch City Council S4 D10	Amend	Volume 3, Part 3, Clause 6.7.12. Proposed Assessment Matters. Amend (b) to state: Any effects in terms of traffic generation and access, <u>including those on the wider network, including the extent to which the activity, either alone or in association with other nearby activities, is likely to have an adverse effect upon the safety and efficiency of the road network.</u> Insert as below: (d) <u>The extent to which parking, access and manoeuvring areas consider the safety of pedestrian, and cyclists.</u> (e) <u>The extent to which the activity (having regard to its proposed size, composition and characteristics) is likely to have an adverse effect upon the amenity values and functions of any district centre and their ongoing ability to provide for the future needs of their communities.</u> (f) <u>The extent of any likely impacts upon the amenity of adjoining sites, including any adverse effects of building or parking areas / access</u>	Accept in Part

		<u>points on adjoining living sites</u>	
F10 St Albans Residents' Association	Support		Accept in Part
F21 Kelly EM	Support		Accept in Part
Christchurch City Council S4 D7	Support in part	Proposed Appendix. Confirmation ... 'Area D'. Identification of an area as public open space of some 3000 to 4000m², with road frontage, and vested in the Christchurch City Council.	Accept in Part
F8 St Albans Residents' Association and St Albans Community Centre	Support		Accept in Part
F22 Kelly EM	Support		Accept in Part
Christchurch City Council S4 D7	Support in part	Proposed Appendix. Confirmation that a full service supermarket will not result in significant distributional effects, or reduction in the B1 zone area as identified with 'Area D'. Identification of an area ... Council.	Accept in Part
F8 St Albans Residents' Association and St Albans Community Centre	Support		Accept in Part
F22 Kelly EM	Support		Accept in Part
Christchurch City Council S4 D9	Amend	Volume 3, Part 4, Clause 3.4.7 – Proposed Development Plans. Either insert as a critical standard (Part 3, Clause 3.6.2) or increase the matters whereby Council limits its discretion to include: potential for reverse sensitivity; adverse effects on the amenity values and functions of any district centre; and likely impacts on amenity values of adjoining living sites.	Accept in Part
F24 Kelly EM	Support		Accept in Part
F9 St Albans Residents' Association	Support		Accept in Part
Christchurch City Council S4 D11	Support in part	Planning map 32A. Either reduce or delete the extent of that area demarcated as Business 1 zoning. Conversely provide sufficient confirmation that a full service supermarket will not result in significant distributional effects and rezone as B2 accordingly.	Accept in Part
Christchurch City Council S4 D2	Oppose	Volume 3 Part 2, Clause 4.2.5 – Continuous Building Length – ridgelines & parapets. Reject proposed sub-clause (iii), or in alternative amend to incorporate the ability to consider such matters such as built form, design and appearance as a controlled activity, where 4.2.5 is breached for any development in the block.	Accept in Part

F6 St Albans Residents' Association and St Albans Community Centre	Support		Accept in Part
Christchurch Council S4 D3	Oppose	Volume 3 Part 2, Clause 4.2.6 – Continuous Building Length – exterior walls. Reject proposed sub-clause (iii) or in alternative amend to incorporate the ability to consider such matters such as built form, design and appearance as a controlled activity, where 4.2.6 is breached for any development in the block.	Accept in Part
F7 St Albans Residents' Association and St Albans Community Centre	Support		Accept in Part
Christchurch Council S4 D4	Amend	Volume 3 Part 2, Clause 4.4.4 – Building Height. Proposed (f) be amended to incorporate the ability to consider matters such as a controlled activity, where height exceeds 11m.	Reject
Christchurch Council S4 D5	Amend	Proposed Clause 4.2.18 of Volume 3, Part 2, Development Plans – Residential and other activities. Ensure that proposed standard (e) clearly corresponds only to (d), being the Orion Site. Either insert as a critical standard (4.4.8) or increase the matters whereby Council limits its discretion to include: reverse sensitivity effects from the adjoining B1 activities and associated noise and disturbance from parking and access; the provision of public open space; urban design matters such as integration of activities.	Accept in Part
Christchurch Council S4 D6	Amend	Insert Assessment Matters 7.3.1. Insert (h) In the case of the Living 3 site bounded by Packe Street, Madras Street, Purchase Street and Canon Street: Provision of a well connected pedestrian and cycle movement network which helps to integrate all facets of the development, including but not limited to, areas of open space, mixed use activities undertaken within the Business 1 zoned area, and the private provision of recreational facilities.	Accept in Part
F20 Kelly EM	Support		Accept in Part
Christchurch Council S4 D1	Amend	Amend explanation and reasons 6.1.2 Policy: Redevelopment and infill in Volume 2 of the City Plan. Insert a sentence into the explanation and reasons to link to the purpose of the proposed ODP in “providing a comprehensive and integrated development of the greater part of the City block bounded by Packe Street, Madras Street, Purchase Street and Canon Street.”	Accept

<i>F19 Kelly EM</i>	<i>Support</i>		<i>Accept</i>
Christchurch Civic Trust S16 D1	Amend	The streets and intersections are of inadequate design to cope with the increased traffic generated by a new shopping centre in the areas.	Accept in Part
Christchurch Civic Trust S16 S2	Amend	The Urban Design Panel be instructed to examine the potential visual impact of increased height at the centre of the site and long uninterrupted facades to the street when specific proposals are submitted.	Reject
<i>F16 St Albans Residents' Association</i>	<i>Support</i>		<i>Reject</i>
Civic Trust S16 D3	Amend	Community input / approval be sought for the type of retail tenants proposed for the units in area E.	Reject
Cox MC S11 D1	Oppose	The proposal to build a shopping centres and supermarket is unnecessary.	Accept in Part
Cox MC S11 D1	Oppose	The current zoning in the area be retained as is and the requested Plan Change be declined, for reasons of: inhibiting residential parking; shading and wind effects; loss of amenity and property values; as well as increased traffic congestion as a consequence of the proposed supermarket.	Reject
Dickson CJ S10 D3	Oppose	Volume 3 Part 2, Clause 4.2.18(d), the words "This access location requirement overrides Rule 13 -2.3.6 of the City Plan" be deleted from the proposed amendment.	Reject
Dickson CJ S10 D9	Oppose	Volume 3 Part 13, Clause 2.3.8(a). The proposed wording be not inserted in Clause 2.3.8.	Reject
Dickson CJ S10 D1	Oppose	Volume 3 Part 2, Clause 4.2.5 'Continuous Building Length Ridgelines and Parapets', the new sub-clause (iii) be not inserted as proposed in the plan change.	Reject
Dickson CJ S10 D2	Oppose	Volume 3 Part 2, Clause 4.2.6 'Continuous Building Length Exterior Walls', the new sub-clause (iii) be not inserted as proposed in the plan change.	Reject
Dickson CJ S10 D5	Oppose	Volume 3 Part 2, Clause 4.4.4 'Building Height', the new sub-clause (f) be not inserted as proposed in the plan change.	Reject
Dickson CJ S10 D6	Oppose	Volume 3 Part 2, Clause 8.1.2, the proposed wording change is redundant if proposed Clause 4.4.4 is not included and so should not be included.	Reject
Dickson CJ S10 D4	Oppose	Volume 3 Part 2, Clause 4.2.18(e), that the proposed wording be changed to make development not in conformity with the development plan "a controlled activity ..." with no restrictions on the Council's discretion.	Accept in Part
Dickson CJ S10 D7	Oppose	Volume 3 Part 3, Clause 3.4.7(b), that the proposed wording changed to make any development not in conformity with the	Accept in Part

		development plan “ a controlled activity...” with no restrictions on the Council's discretion.	
Dickson CJ S10 D8	Oppose	Volume 3 Part 3, Clause 6.7.12(b), to incorporate the wording “and as the Business 1 zone is surrounded by Living 3 areas, particular emphasis is to be given to the community standards (other activities only) set down in Volume 3, Part 2, Clause 4.3.4”.	Reject
Farry GA & CC S8 D1	Oppose	That the present restriction of 9m height be maintained at this level due to loss of sunlight.	Reject
Farry GA & CC S8 D2	Oppose	That the present restriction of 9m height be maintained at this level due to loss of light.	Reject
Gordon AD S5 D6	Oppose	Volume 3 Part 13, Clause 2.3.8. 'High Traffic Generators' Leave plan as is (no changes).	Reject
Gordon AD S5 D5	Oppose	Volume 3 Part 2, Clause 7.3.13. 'Floorspace (Business 1 zone only) Leave plan as is (no changes).	Reject
Gordon AD S5 D1	Oppose	Volume 3 Part 2, Clause 4.2.5. Continuous Building Length 'Ridgelines & Parapets' Leave plan as is (no changes).	Reject
Gordon AD S5 D2	Oppose	Volume 3 Part 2, Clause 4.2.6. Continuous Building Length 'Exterior Walls' Leave plan as is (no changes).	Reject
Gordon AD S5 D3	Oppose	Volume 3 Part 2, Clause 4.4.4. 'Building Height' Leave plan as is (no changes).	Reject
Gordon AD S5 D4	Oppose	Volume 3 Part 2, Clause 8.1.2. 'Building height and sunlight and Outdoor (sic) for neighbours' Leave plan as is (no changes).	Reject
Grist R J S2 D1	Oppose in part	Remove access to Purchas Street to the proposed supermarket, due to increase in traffic which would affect renting of property and generate additional traffic, noise, light and congestion.	Reject
Grist R J S2 D2	Oppose in part	Access onto Purchase Street will cause unnecessary traffic build up on the Purchas Street / Madras intersection, undoubtedly disrupting flow from the Madras Street traffic.	Accept in Part
<i>F2 St Albans Residents' Association</i>	<i>Support</i>		<i>Accept in Part</i>
Huata GD S13 D2	Support in part	Strongly oppose the vehicle access onto Packe Street (unless appropriate surveys on its impact are carried out).	Reject
<i>F26 Kelly EM</i>	<i>Support</i>		<i>Reject</i>
Huata GD S13 D1	Oppose	Opposes relaxation of living zone 3 rules unless concept plans for residential development are submitted. This should include but not be limited to building materials, architecture, form, type of small business to be included, and street upgrades required.	Accept in Part
Kelly P S3 D4	Support in part	That the Council ensures that any intensification greater than that normally	Reject

		allowed under L3 is compensated for by the provision of open green space and recreational facilities including a swimming pool and tennis courts open to the public and not just for the use of the new on-site residents..	
<i>F4 St Albans Residents' Association and St Albans Community Centre</i>	<i>Support</i>		<i>Reject</i>
Kelly P S3 D5	Support in part	Request that the Council and the developer, assess the mature tree on site and advise the public as to which will be protected.	Reject
Kelly P S3 D3	Oppose in part	That traffic does not impact adversely on the established community, including effects on their 'quality of life'.	Accept in Part
Kelly P S3 D1	Support in part	That intensification greater than L3, height to 14m & longer continuous length & rezoning to B1 only be allowed if balanced by provision of more social (recreational) & environmental amenities were (truly shared) with the wider public.	Accept in Part
Kelly P S3 D2	Support in part	That the B1 zone does not dominate the site, as the proposed Business 1 zone and especially the supermarket seem disproportionately large.	Accept in Part
<i>F3 St Albans Residents' Association and St Albans Community Centre</i>	<i>Support</i>		<i>Accept in Part</i>
Lilley AI and FJ S7 D1	Oppose	That the Council does not amend Living 3 Zone provisions, and does not introduce a Business 1 Zone at Packe Street, St Albans.	Reject
O'Connor DJ S15 D1	Oppose	The streets surrounding the subject area have insufficient residential parking now and the developments emanating from the Plan Change if permitted would exacerbate this problem.	Reject
O'Connor DJ S15 D2	Oppose	The streets and intersections are of inadequate design to cope with the increased traffic generated by a new shopping centre in the areas	Accept in Part
O'Connor DJ S15 D3	Oppose	The increased building heights allowed by the Proposed Plan Change will increase shading and unknown changes to wind patterns in the surrounding area.	Reject
Parker LM S12 D10	Amend	Proposal to amend Volume 3, Part 13, Clause 2.3.8. That any development of the site be subject to the usual rules regarding high traffic generation.	Reject
Parker LM S12 D6	Oppose	Proposal to insert new clause 3.4.7, Volume 3, Part 3, that no B1 Zone be created.	Reject
Parker LM S12 D1	Oppose	No amendment to be made to Volume 3, Part 2, Clause 4.2.5 'Continuous Building Length Ridgelines and Parapets'.	Reject

Parker LM S12 D2	Oppose	No amendment to be made to Volume 3, Part 2, Clause 4.2.6 'Continuous Building Length Exterior Walls'.	Reject
Parker LM S12 D4	Oppose	Proposal to amend Volume 3, Part 2 clause 4.4.4(f). That new paragraph 4.4.4 (f) not be inserted. Alternatively, if my submission is not accepted, that it be made explicit that new (f) only operates to raise building heights in Area A and does not apply to Area B nor Area C.	Accept in Part
Parker LM S12 D4	Oppose	Proposal to amend Volume 3, Part 2 clause 4.2.18. That paragraphs (d) and (e) not be included in the City Plan. Alternatively, if their inclusion is to occur the proposed plan in Appendix 11 they are significantly modified by the addition of greater detail; that it be made clear that compliance with the proposed Appendix 11 does not negate the need to other aspects of the development to require consent.	Accept in Part
Parker LM S12 D7	Oppose	If a B1 Zone is to be created that the Development Plan be more specific about layout, types, numbers of shops and hours of operation.	Reject
Parker LM S12 D8	Oppose	That the scope of the Council's discretion not be limited by the factors listed in 3.4.7 (b).	Accept in Part
Parker LM S12 D9	Oppose	Proposal to insert new clause 6.7.12, Volume 3, Part 3. That the Assessment Matters not be limited in the manner proposed. Issues such as shop type, hours of operation, and number continue to be matters that need consideration.	Reject
<i>F13 St Albans Residents' Association</i>	<i>Support</i>		<i>Reject</i>
St Albans Residents Association S14 D14	Amend	The Outline Development Plan should specify any site remediation including identification of hazardous substances, removal and disposal and protection of residents during these operations.	Reject
St Albans Residents' Association S14 D7	Amend	Provision of car parking shown on the indicative Outline Development Plan seems to be far in excess of that needed by the residents of the development. There should be sufficient car parking spaces for residents and occasional visitors available in the underground car park and garages at rear of terrace units without further provision.	Reject
St Albans Residents' Association S14 D8	Amend	Business car parking could also be reduced to mitigate the impact of traffic on the surrounding residential Packe, Canon and Purchas streets. Traffic calming measures could also be looked into on these streets.	Accept in Part
St Albans Residents' Association	Amend	A proposed Traffic Management Plan should be part of the requirements of the	Reject

S14 D9		Outline Development Plan to carefully examine the access and egress issues on Madras Street.	
St Albans Residents' Association S14 D10	Amend	Special provisions by way of pedestrian traffic refuges and possibly signals will be required.	Reject
St Albans Residents' Association S14 D15	Support in part	The Outline Development Plan needs to show an adequate allocation of public open space to cater for the recreational and health needs of this increased population density.	Accept in Part
<i>F32 Kelly EM</i>	<i>Support</i>		<i>Accept in Part</i>
St Albans Residents' Association S14 D1	Support	In general is supportive of the proposal to develop this site to accommodate a mixed use development comprising a modified L3 residential zone to permit greater building heights in parts of the zone (as shown on the required Outline Development Plan) and an adjacent Business 1 (local centre) zone.	Accept
St Albans Residents' Association S14 D2	Oppose	We oppose the exemption for continuous building length for this Plan Change.	Reject
St Albans Residents' Association S14 D6	Amend	One of the tenets of New Urbanist design is that blocks should be permeable and accessible for both pedestrians and cycles to increase both walkability and decrease vehicle movements and to provide for pedestrian and resident safety by way of informal surveillance. This would require the location of access ways to be provided by way of easements from frontages on the surrounding streets. These easements would be required to be shown on the Outline Development Plan.	Accept in Part
<i>F29 Kelly EM</i>	<i>Support</i>		<i>Accept in Part</i>
St Albans Residents' Association S14 D11	Amend	Given that the adjacent Business 1 Zone could have a minimum 1.5 metres setback, then setback distances along Madras street could vary. This may be of benefit in reducing the impact of a proposed continuous street building frontage by permitting some variation by way of building setback.	Reject
St Albans Residents Association S14 D12	Amend	The adjacent public realm, such as footpaths, could be enhanced by way of some landscaping, paving, and street furniture. This could be done by way of Neighbourhood Plan improvements financed through this site's development contributions to maintain the local neighbourhood amenity and feel.	Reject
<i>F30 Kelly EM</i>	<i>Support</i>		<i>Reject</i>
St Albans Residents Association S14 D13	Amend	The Outline Development Plan should specify buffer zones, mitigation measures and hours of operation of any enterprise in the Business 1 Zone. (Specifically in view of the Korean Community Church)	Reject

<i>F31 Kelly EM</i>	<i>Support</i>		<i>Reject</i>
St Albans Residents' Association S14 D3	Amend	Given that portions of this site are under water during winter rains, it would be beneficial that the Outline Development Plan required by the Plan Change also details the form and location of the stormwater detention, treatment and disposal devices. The use of permeable paving for some carpark requirements and stormwater disposal from paved areas into vegetated berms may be methods that could be recommended.	Accept in Part
Wardle D S9 D5	Support in part	Do not think that the green space allocated in this site is enough to compensate for the increased density and use of infra-structure and local amenities in the area.	Accept in Part
<i>F25 Kelly EM</i>	<i>Support</i>		<i>Accept in Part</i>
Wardle D S9 D6	Oppose	Oppose any of this area being turned into a B1 business zone. I seek that the Christchurch City Council not allow the change from L3 to B1 as this would be a major change to the residential feel and coherence of this part of this part of the St Albans area, and will contribute to increased traffic congestion in the area.	Reject
Wardle D S9 D1	Support in part	Not opposed to increased density under the L3 zone per se as long as it is good quality development and will not be regarded as a "slum zone".	Accept in Part
<i>F11 St Albans Residents' Association</i>	<i>Support</i>		<i>Accept in Part</i>
Wardle D S9 D2	Support	Support the "4 stories high type of apartment development" that is common in metropolitan cities; perhaps with an inner strip of green space along the middle for shared use by all locals (not just the owners).	Accept in Part
Wardle D S9 D4	Support	Support the integrated development of this site.	Accept
<i>F12 St Albans Residents' Association</i>	<i>Support</i>		<i>Accept in Part</i>
Wardle D S9 D3	Support in part	Not opposed to a community footprint type use of this site to give it a mixed use atmosphere with perhaps one small shop and coffee shop/restaurant business to cater for the local population.	Reject

Appendix 3:

Recommended modifications to the City Plan provisions

Note: For the purposes of this plan change, any text amended as a result of other decisions is shown as “normal text”. Any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as ~~**bold strikethrough**~~ and text to be modified as a result of this report’s recommendations are shown as **bold double underlined** and text to be deleted as ~~**bold double strikethrough**~~.

Amend the City Plan as follows:

Volume 2: Part 6: Urban Growth

Add the following words to the explanation and reasons for Policy 6.1.2 as follows:

Policy 6.1.2 Redevelopment and Infill

(...)

A comprehensive and integrated development of the greater part of the City block bounded by Packe Street, Madras Street, Purchase Street and Canon Street is sought through the application of a development plan to this urban block.

Volume 3: Part 2: Living Zones

After the words “except that: (i) and (ii) add the following new sub-clause (iii):

4.2.5 Continuous building length – ridgelines and parapets – exterior walls residential and other activities.

(iii) This rule shall not apply within the Areas A, ~~and B and C~~ of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11 ~~Appendix 12 Part 3.~~

After the words “except that (i) and (ii) add the following new sub-clause (iii) and renumber (iii) to (iv) and (iv) to (v):

4.2.6 Continuous building length – exterior walls – residential and other activities

(iii) This rule shall not apply within the Areas A, ~~and B and C~~ of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11 ~~Appendix 12 Part 3.~~

Add the following new subclause as shown below:

4.2.7 External appearance – residential and other activities

(...)

(d) Within the Areas A, B and C of Living Zone 3 bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11, the erection of new buildings, additions and alterations to existing buildings shall be a limited discretionary activity. The Council's discretion is limited to overall urban design and appearance including facade modulation, and the provision of open space between buildings.

Add the following new subclauses as shown below:

4.2.18 Development plans - Residential and other activities

(...)

~~(d)~~ Within the Areas A, B and C of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street the development of land and vehicular access to that land shall be in ~~general~~ accordance with the development plan contained in Part 2, Appendix 11 ~~Part 3, Appendix 12~~.
Note: This access location requirement overrides Rule 13-2.3.6 of the City Plan.

~~(ef)~~ Any development ~~not in conformity with~~ within the Areas A, B and C of the development plan contained in Part 2, Appendix 11 ~~development plan~~ shall be a discretionary activity with the Council's discretion ~~restricted~~ limited to:

- conformity with the detail contained in the development plan
- vehicular, cycle and pedestrian access ~~location matters~~
- conformity with the concept plan required under (g) below
- ~~any distributional effects on other commercial centres~~
- any wider transport network effects from any associated transport generation caused by development not in accordance with the ~~development plan~~
- the maintenance of ~~permeability~~ permeability within the block for internal pedestrian and cycle circulation including the connections with that part of the block zoned Business 1
- the integration and mix of activities provided, including facilities for resident's recreation and other non-residential activities

(g) Should the development proposed be the first development within the Areas A, B and C of the development plan contained in Part 2, Appendix 11 (including that part within the Business 1 zone), that the application be

accompanied by a concept plan covering the development of the whole area within the said development plan, such concept plan to show in outline:

- the bulk and location of all buildings
- the nature of each activity and the integration of the mix of activities
- access, circulation (vehicular/pedestrian/cycle) and parking areas
- overall landscaping concepts
- areas of open space, including the degree to which such spaces are private, shared by onsite residents or available for wider public use
- stormwater capture and management, including first flush

Add a new section (f) and renumber the existing sections of 4.4.4 (f) - (i) as (g) – (j).

4.4.4 Building Height – Residential and Other Activities

- (f) Within the Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown ~~in~~ as Area A ~~in~~ on the development plan contained in Part 2, Appendix 11 ~~Appendix 12~~ Part 3 the maximum height of any building shall be 14m.

Add the following new subclause as shown below:

7.2.6 External appearance

(...)

- (d) Within the Areas A, B and C of Living Zone 3 bounded by Madras Street, Canon Street, Packe Street and Purchas Street and shown in the development plan contained in Part 2, Appendix 11:

In relation to urban design and appearance including façade modulation, the following:

- Generally blank facades or flat elevations devoid of relief should be avoided, particularly on street and open space frontages.
- Buildings facing streets should be articulated to provide visual interest and depth.
- Building frontages at ground level should encourage interaction with the street or open spaces, to provide visual interest and enhance public safety, including maximising use of doors, windows and balconies.
- Buildings should be orientated towards the street or internal access ways and entrances should be clearly identifiable and accessible.
- The design of vehicle entrances and access ways should recognise the relationship between vehicles, pedestrians and cyclists and reinforce pedestrian priority, particularly in terms of materials, sightlines and location of accesses.

- Car parking and garaging should be located behind or beneath buildings such that it is not visually dominant from the street.
- Buildings should have a rhythm, scale and proportion to address the streetscape and to ensure sufficient relief on larger façade elements.
- Material expression should ensure cohesion and consistency throughout the development and reflect its predominantly residential character.
- Fenestration should consider outlook and privacy.

In relation to open space between buildings the following:

- Buildings should encourage overlooking of streets and open spaces to improve safety.
- Design, size and location of open space should reflect the character and scale of surrounding buildings.
- The extent to which comprehensive design has led to greater utility of open space provision than would be the case with piecemeal development.
- Landscape treatment including lighting of open space (landscape plan) with regard to safety, boundary treatment, streetscape and planting.
- Interaction between open space and circulation patterns.
- Interaction between open space and buildings with regard to outlook, views and privacy for residents.
- Integration of stormwater treatment within open space with regard to visual amenity.

Add the following new clause as shown below:

7.2.27 Development Plan - Living 3 Zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street

For activities not in accordance with the development plan contained in Part 2, Appendix 11:

- The extent to which comprehensive, mixed use development would continue to be achieved
- The nature and degree of any adverse effects caused by proposals not in accordance with the development plan
- The ability of the proposal to integrate with the surrounding context
- The relationship of proposals to any other existing development within the block.

When considering the concept plan required as part of the first development within the development plan area:

- The extent to which the lack of a concept plan, or the lack of detail provided, undermines the ability for the site to be developed comprehensively and in an integrated manner
- The extent to which the nature and extent of future development can be integrated with existing development within the block

Add new paragraph for Reasons for Rules at the end of the clause as shown below:

8.1.2 Building Height and Sunlight and Outdoor for Neighbours:

These two standards are closely related to one another in controlling the height and bulk of buildings. Building height is a major determinant of the scale and character of the living areas of the city. Both standards are key factors in determining the visual amenity, dominance of buildings, access to sunlight and daylight, spaciousness of living environments, and to some extent, levels of privacy.

(...)

A maximum height of 14m for part of the block in the Living 3 zone bounded by Madras, Canon, Packe and Purchas Street has been set to enable greater densities building height to be achieved under the control of a development plan. The increased height limits enable greater flexibility of development form, with the location of the additional height central to the block ensuring that it is well separated from other land areas beyond the area covered by the development plan.

Add the following text to clause 8.1.5 as follows:

8.1.5 Continuous building length

The purpose of the continuous building length rule is to mitigate the visual effect of long monotonous structures on the amenity of adjacent sites. The rules operate in conjunction with each other as well as with other rules such as those for sunlight admission and setbacks.

(...)

Given the diversity of lot sizes, shapes and boundaries, it is acknowledged that the rule cannot anticipate all the circumstances that may apply to the siting of long buildings.

Exceptions have been provided where large setbacks can be provided, distance being the mitigating factor, or where development can be achieved comprehensively under the control of a development plan.

For the Living 5 (Travellers Accommodation Zone) the rule has a narrower application, and only addresses the effect of continuous building length on the interface of the zone with other Living Zones, including on sites on the opposite side of the road from a Living 5 Zone.

Add the following text to clause 8.1.6 as follows:

8.1.6 External appearance

A rule relating to external appearance applies in those special amenity areas of particularly high street scene and/or heritage value. Assessment as a discretionary activity is seen as necessary in order to provide some protection and/or enhancement of the existing characteristics which makes these areas particularly attractive and/or of social and historical importance and to avoid incompatible development. Although not a special amenity area in that part of the Avon Loop area outside of SAM 24, external appearance has been made a controlled activity. This is in recognition of the special character of the wider loop area in terms of the setting, street layout and river boundaries. For SAM 24 specific recognition is also made of the importance of fences and walls within the required streetscene setback to the amenity values, and existing characteristics of the Avon Loop area. In the Living 5 Zone (Kilmarnock) an external appearance requirement applies to promote building design that is in sympathy with existing buildings on the site including roof pitch, exterior cladding and exterior colour. In the Living G (Yaldhurst) zone the external appearance rules are intended to maintain or enhance visual amenity and the quality of the surrounding residential environment.

Provision has been made within this rule for consideration of all new buildings, additions and alterations to existing buildings within the area of Living Zone 3 bounded by Madras Street, Canon Street, Packe Street and Purchas Street, subject to a development plan. This is intended to enable consideration of urban design principles and appearance, along with the provision of open space between buildings, to ensure a high level of amenity is provided both within this comprehensive development and as it relates to surrounding areas.

Add the following text to clause 8.1.24 as follows:

8.1.24 Development plans

Development plans for several new residential growth areas have been included in this Plan. Their purpose is to assist the Council in carrying out its functions under Section 31 of the Act - managing the effects of the use, development and protection of natural and physical resources in an integrated manner. More specifically they indicate the outcomes being sought for that particular area and means of avoiding or mitigating adverse effects. A development plan applies to land at Styx Mill, Belfast, which will involve staged development of a large area of land at mixed densities, including Living 1, and Living 3. (Refer to clause 8.2.2 for the reasons for a development plan, which also apply to the Living 1 Zone at Styx Mill.)

A development plan applies to land at North Halswell which will involve staged development of a large area of land at mixed densities, including Living 1, Living 1A and Living 3. (Refer to clause 8.2.2 for the reasons for a development plan, which also apply to the Living 1 Zone at North Halswell.)

A development plan applies to land at Taylors Mistake to ensure that the layout of the baches will not adversely effect the surrounding natural environment. The location of the baches also promotes the maintenance of views from the baches to the beach as well as co-ordinating access to the baches and public access through the bach zone.

An outline development plan applies to the Living G (Yaldhurst) zoned / and which requires the development of a large area of land in accordance with specified urban design principles and at mixed densities.

The development plan that relates to an area of Living 3 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street is intended to control overall development patterns within this comprehensive development and ensure coordinated development over this large block of land.

After Appendix 10, add new Appendix 11:

New Appendix 11 - Development Plan Living 3 and Business 1 Zones
(see attached)

Volume 3: Part 3: Business Zones

Add the following new clauses:

3.4.7 Development Plan

- (a) **Within that part of the land shown in the development plan contained in Part 3, Appendix 12 14, Part 3 zoned Business 1 development shall be in general accordance with the layout, position and floor areas of activities shown.**
- (b) **Any development ~~not in conformity with~~ within the development plan contained in Part 3, Appendix 14 development plan shall be a discretionary activity with the Council's discretion limited to: ~~access location matters~~**
- **conformity with the detail contained in the development plan**
 - **~~access location matters~~ vehicular, cycle and pedestrian access**
 - **conformity with the concept plan required under (c) below**
 - **in the case of any floor area greater than that prescribed in the development plan, any distributional effects on other commercial centres and any wider transport network effects from any associated transport generation ~~caused by development not in accordance with the Development Plan~~.**
 - **any wider transport network effects from any associated transport generation caused by development not in accordance with the ~~Development Plan~~**
 - **effects on the amenity values for surrounding activities including as a result of noise, vibration, fumes, and glare from vehicles**
 - **effects of traffic generated by the development on the amenity and safety of surrounding streets**
 - **the maintenance of permeability within the block for internal pedestrian and cycle circulation, including the connections with that part of the block zoned Living 3**

- overall urban design and appearance including façade modulation, and the provision of open space between buildings.
 - the integration and mix of activities provided, including facilities for resident's recreation and other non-residential activities
- (c) Should the development proposed be the first development within the development plan contained in Part 3, Appendix 14 (including that part within the Living 3 zone), that the application be accompanied by a concept plan covering the development of the whole area within the said development plan, such concept plan to show in outline:
- the bulk and location of all buildings
 - the nature of each activity and the integration of the mix of activities
 - access, circulation (vehicular/pedestrian/cycle) and parking areas
 - overall landscaping concepts
 - areas of open space, including the degree to which such spaces are private, shared by onsite residents or available for wider public use
 - stormwater capture and management, including first flush
- (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 no individual tenancy in these Areas shall have a GLFA greater than 450m².

Add new clause for Assessment Matters for Business 1 Zone:

~~6.7.12 Floor Space within the Business 1 Zone at the Junction of Madras and Purchas Streets.~~

6.5.12 Development Plan

For activities not in accordance with the development plan contained in Part 3, Appendix 14:

- The extent to which comprehensive, mixed use development would continue to be achieved
- The nature and degree of any adverse effects caused by proposals not in accordance with the development plan
- The ability of the proposal to integrate with the surrounding context
- The relationship of proposals to any other existing development within the block.
- Whether the scale and nature of development is consistent with that anticipated for a local centre

In relation to urban design and appearance including façade modulation, the following:

- Generally blank facades or flat elevations devoid of relief should be avoided, particularly on street and open space frontages.
- Buildings facing streets should be articulated to provide visual interest and depth.
- Building frontages at ground level should encourage interaction with the street or open spaces, to provide visual interest and enhance public safety, including maximising use of doors, windows and balconies.
- Buildings should be orientated towards the street or internal access ways and entrances should be clearly identifiable and accessible.
- The design of vehicle entrances and access ways should recognise the relationship between vehicles, pedestrians and cyclists and reinforce pedestrian priority, particularly in terms of materials, sightlines and location of accesses.
- Car parking and garaging should be located behind or beneath buildings such that it is not visually dominant from the street.
- Buildings should have a rhythm, scale and proportion to address the streetscape and to ensure sufficient relief on larger façade elements.
- Material expression should ensure cohesion and consistency throughout the development and reflect its predominantly residential character.
- Fenestration should consider outlook and privacy.

In relation to open space between buildings the following:

- Buildings should encourage overlooking of streets and open spaces to improve safety.
- Design, size and location of open space should reflect the character and scale of surrounding buildings.
- The extent to which comprehensive design has led to greater utility of open space provision than would be the case with piecemeal development.
- Landscape treatment including lighting of open space (landscape plan) with regard to safety, boundary treatment, streetscape and planting.
- Interaction between open space and circulation patterns.
- Interaction between open space and buildings with regard to outlook, views and privacy for residents.
- Integration of stormwater treatment within open space with regard to visual amenity.

When considering the concept plan required as part of the first development within the development plan area:

- The extent to which the lack of a concept plan, or the lack of detail provided, undermines the ability for the site to be developed comprehensively and in an integrated manner
- The extent to which the nature and extent of future development can be integrated with existing development within the block

When considering additional floor areas or tenancy areas:

- (a) The effects of any larger floor space ~~retail or office~~ for non-residential activity on other centres particularly district 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 Living 3 zone.
- (d) The extent to which the form, amenity and function of this Business 1 zoned area as a local centre would be maintained

Add new clause for Reasons for Rules Business 1 Zone:

~~7.3.13 Floor Space (Business 1 Zone only)~~

7.3.14 Development Plan

The development plan that relates to the Business 1 zone within the block bounded by Madras Street, Canon Street, Packe Street and Purchas Street is intended to control overall development patterns within this comprehensive development and ensure coordinated development over this large block of land.

Provision has also been made within this rule for consideration of urban design principles and appearance, along with the provision of open space between buildings, to ensure a high level of amenity is provided both within this comprehensive development and as it relates to surrounding areas.

The floor space provision within the Business 1 Zone at the junction of Madras and Purchas Streets is subject to a Development Plan which this rule limits the floor space of ~~commercial~~ non-residential activity. This is to ensure that the provision of such activities are of sufficient scale to service ~~adjacent higher density residential development~~ local neighbourhood needs for goods and services but not so large as to detract from the form, function and amenity ~~range of services offered in existing~~ of other centres.

After Appendix 13, add New Appendix 14:

New Appendix 14 ~~13~~ - Development Plan Living 3 and Business 1 Zones

(see attached)

Volume 3: Part 13: Transport

In Rule 2.3.8 High traffic generators (a) after the words “25 parking spaces” add the following:

2.3.8 High traffic generators

- (a) Any activity on a site which is not in the Central City Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces **(with the exception of the land within the Living 3 and Business 1 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street which is subject to the development plan contained in Part 3, Appendix 14 ~~43~~)** shall be a discretionary activity with the Council's discretion limited as follows:
- retail activities in B3, B3B, B4, BRP, Central City Edge, and Special Purpose (Wigram) (Areas B and B1) zones: matters associated with any traffic effects of the activity.
 - other activities and other zones: matters associated with vehicular access.

Add the following text to clause 4.14 as follows:

4.14 High traffic generators

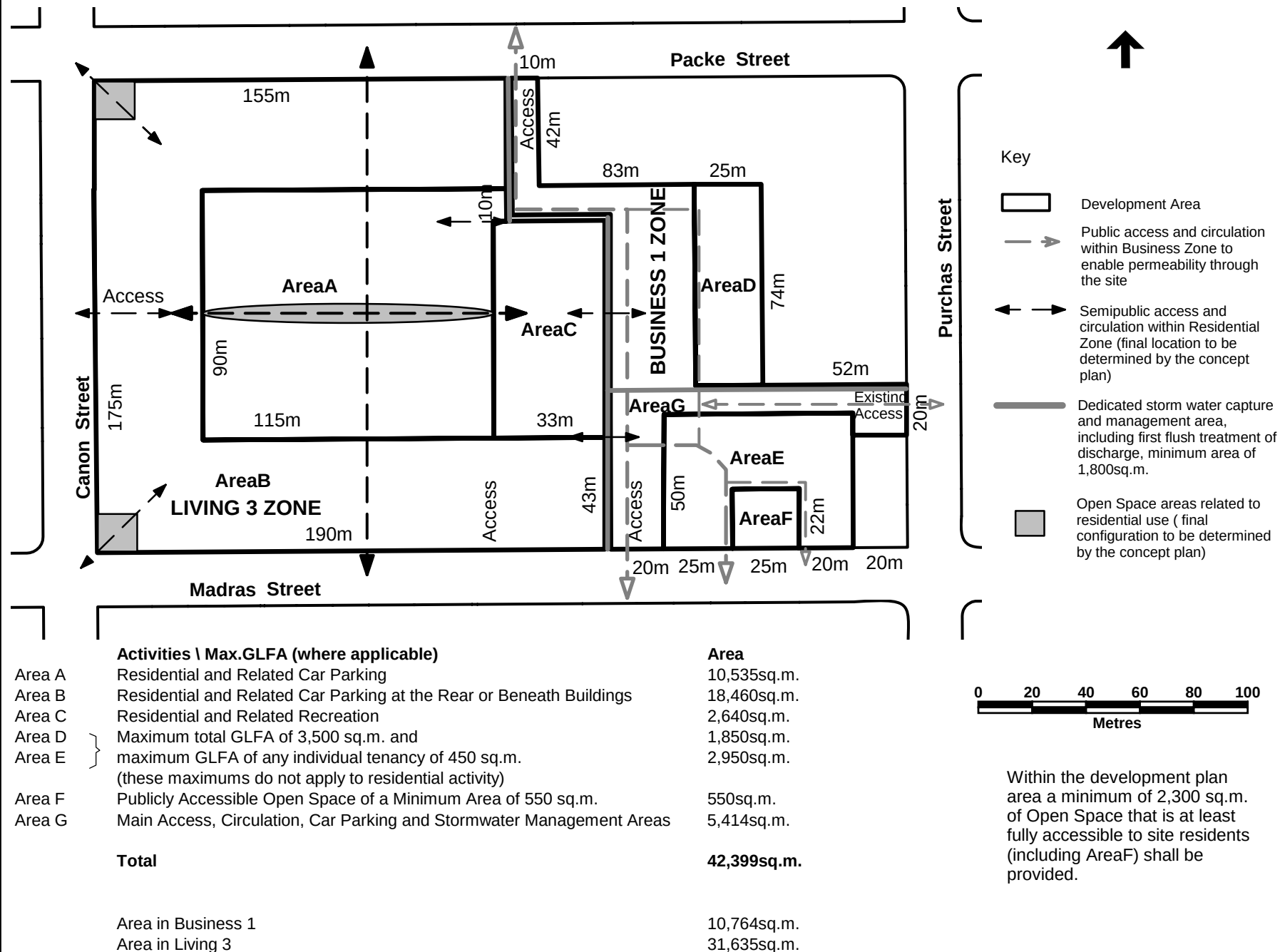
This is a particularly important rule, which is fundamental to the planned effectiveness of roads within the roading hierarchy. High traffic generators (more than 250 vehicle movements per day or requiring the provision of 25 or more parking spaces) can have a major impact on arterial and inner city roads with the development of large retail and vehicle oriented land uses. The vehicle generation and potential associated adverse effects on the road network and surrounding land uses can be major if the siting is inappropriate or the access is not well located or designed. Therefore the roads in the city with the most important traffic functions (arterial roads) need to have the highest degree of protection. By requiring high traffic generators on these roads to be discretionary activities (or controlled within the Central City zone), each development can be considered in terms of its particular character, location, and levels of traffic effects and ways to mitigate these effects where possible, through the use of appropriate traffic management and design conditions. Most zones restrict the limit of discretion to matters associated with access. However, retail activities in the BRP, B3, B3B and B4 zones have retained a broader level of discretion, regarding any traffic effects. This acknowledges the dispersed location of these zones and the ability to undertake retail activity, which can generate potentially significant effects on the road network and surrounding landuses.

An exception from this rule has been provided for the land within the Living 3 and Business 1 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street which is subject to the development plan contained in Part 3, Appendix 14, as consideration of vehicular, cycle and pedestrian access matters is specifically provided for within the zone rules relating to development of this area.

Volume 3: Planning Maps

Planning Map 32A – rezoning of area identified from Living 3 to Business 1
(see attached)

New Appendix 11 - Development Plan (Living 3 and Business 1 Zones)



New Appendix 14 - Development Plan (Living 3 and Business 1 Zones)

