

**Before the Hearings Panel appointed by
the Christchurch City Council**

Under

the Resource Management Act
1991 (**Act**)

And

In the Matter of

an application under section 88 of
the Act for land use consent to
establish and operate a new
supermarket and associated small
scale retail including signage,
servicing, access, carparking and
landscaping

**Statement of Evidence of
Jonathan Guy Clease
for Woolworths New Zealand Limited**

Dated: 18 July 2025

Lane Neave
141 Cambridge Terrace
PO Box 2331
Christchurch 8140
Solicitors Acting: Joshua Leckie / Sarah
Anderton
Email: joshua.leckie@laneneave.co.nz /
sarah.anderton@laneneave.co.nz
Phone: 03 409 0321

lane neave.

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INTRODUCTION

Qualifications and Experience

1. My full name is Jonathan Guy Cleese.
2. I am a Consultant Planner and Urban Designer at Planz Consultants Ltd (**Planz**). I have a B.Sc in geography, a Masters in Regional and Resource Planning, and a Masters in Urban Design (first class honours). I am a full member of the New Zealand Planning Institute.
3. I have prepared resource consent applications for numerous large scale commercial, community, and multi-unit residential developments, including the recent applications for new Woolworths stores in Belfast and Rolleston.¹
4. I have also provided planning and/or urban design evidence on the Christchurch District Plan (**District Plan**) Commercial Chapter as part of the District Plan Review that concluded in 2016, Plan Change 5 which subsequently amended the Commercial Chapter policy framework, and Plan Change 14 which resulted in further amendments to the Commercial Chapter policy and rule frameworks. As such I have a detailed understanding of the evolution of the District Plan's commercial and centre's hierarchy provisions, and the outcomes sought.

Background and Involvement

5. Planz was engaged by Woolworths New Zealand Limited (**Woolworths**) to provide planning services in relation to its proposed supermarket and ancillary retail (**Proposal**) at 476-494 Madras Street, St Albans (**Site**). I have been responsible for preparing the application for resource consent (**Application**) and preparing the response to the request for further information.
6. I have visited the Site and the surrounding area on numerous occasions and have observed how both the adjacent block and the wider suburb, including the Edgware Centre, have evolved in the fourteen or so years following the Canterbury earthquake sequence.
7. Whilst being a qualified urban designer as well as a planner, for the Proposal my involvement has focussed on the planning role, with Mr Church providing urban design input and evidence that I rely on.

¹ Rolleston involvement was focussed on providing urban design evidence.

Code of Conduct for Expert Witnesses

8. Although this is not an Environment Court hearing I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

9. The topics covered in my evidence are as follows:
- (a) the Site and surrounding environment;
 - (b) the Proposal;
 - (c) statutory framework;
 - (d) assessment of policy direction;
 - (e) assessment of effects;
 - (f) proposed conditions of consent and amendments to the Proposal;
 - (g) plan change versus resource consent;
 - (h) part 2 of the Resource Management Act 1991 (**RMA**).
10. I have read the Section 42A Report prepared by Mr Scott Blair and all accompanying appendices.
11. I have read all the other evidence prepared for Woolworths. I explain in my evidence where I refer to or rely on that assessment or evidence for the purposes of my evidence.
12. I have also read all submissions lodged on the Proposal.

EXECUTIVE SUMMARY

13. The Site comprises one of the largest, and longest-standing, brownfield industrial sites in the City. It currently presents as a large vacant site bounded by security fencing and as such makes no positive contribution to the amenity, connectivity, or services available to the surrounding neighbourhood. The Proposal seeks to regenerate the Site through the development of a standalone supermarket based

centre to support the growing needs of a suburb that has experienced rapid population growth through central and local government directed intensification and is likely to continue to experience high rates of growth into the future. The economic evidence of both Ms Hampson and Mr Heath is that the Proposal will not threaten the viability or amenity of other centres (including Edgeware in particular). In my view the Proposal will continue to sit comfortably towards the lower end of the existing centre hierarchy, noting that the key purpose of a hierarchy is to manage urban form outcomes with larger centres being maintained as focal points for consolidation.

14. The site layout has been carefully considered to deliver the functional requirements of a modern supermarket, while also delivering a new community hub with food outlets set around a village green open space. The main supermarket building is recessed into the rear corner of the Site, with the publicly facing western and northern elevations sleeved in small format retail or glazing/entrance foyer elements. The store architecture is complemented by a landscape plan that prioritises the provision of landscaping around the Site perimeter where the contribution of planting to both the Madras streetscape and the interface with adjacent landholdings is able to be maximised.
15. The Proposal will not adversely affect the safe and efficient functioning of the transport network and provides for modal choice and active transport options. Servicing solutions are available for the Site, with stormwater attenuation to be delivered via storage tanks screened to the rear of the building.
16. Overall the Proposal is considered to be consistent with the outcomes sought by the District Plan in terms of both brownfield regeneration, the centres hierarchy and centre growth, in a manner that supports the ongoing residential intensification of the surrounding neighbourhood in line with the wider urban form outcomes sought for CBD fringe suburbs in the National Policy Statement for Urban Development 2020 (**NPS-UD**), Canterbury Regional Policy Statement (**CRPS**), and District Plan policy frameworks.

THE SITE AND THE SURROUNDING ENVIRONMENT

17. The 1.44ha Site is located in the block bounded by Madras Street, Cannon Street, Packe Street, and Purchas Street in the suburb of St Albans. A detailed description of the Site and the surrounding community is set out in pages 7-9 of the Application.
18. In summary, the Site has a long history of being used for industrial purposes and is sometimes referred to as the “*Orion Site*” in reference to this past use as a works depot for the Orion lines company (and prior to that the Municipal Electricity Department (**MED**)).

19. The Site's frontage along Madras Street was also for many years subject to a designation for roading purposes as part of the proposal at the time to extend the northern motorway from Cranford Street to Bealey Avenue.
20. The cessation of the use of the Site as a works depot occurred in the late 1990s and the designation was uplifted in 2008. The works depot activities resulted in soil contamination across much of the Site. These past uses mean that the Site falls squarely within the District Plan definition of a "*brownfield site*", which Mr Blair on behalf of the Christchurch City Council (**Council**) agrees with.² The brownfield nature of the Site has important implications for the relevant policies and planning outcomes anticipated for the Site through the District Plan which I will return to later in this evidence.
21. A private plan change was progressed for the Site in 2010. This plan change was based on a specific architectural design for "*Wakefield Park*", which comprised of a series of 3-4 storey apartment blocks with basement car parking and a commercial centre to the south. The specific design was then translated into an Outline Development Plan (**ODP**) for the block along with several bespoke rules limiting the size and tenancy mix of the centre (and enabling increased building height across the residential portion of the ODP). A copy of the architectural plans for Wakefield Park were attached to the RFI response (Attachment 10) and the resultant ODP was attached to the Application as Appendix 4, noting that the original ODP also included the northern (Residential Medium Density Zone (**RMD**) zoned) half of the block. The Site's zone boundaries likewise reflect the location of the specific activities proposed as part of the original development plans, with the Site's zoning split between what is now a RMD zone to the north and a Neighbourhood Commercial Zone (**NCZ**) to the south (shown in **Figure 1** below).

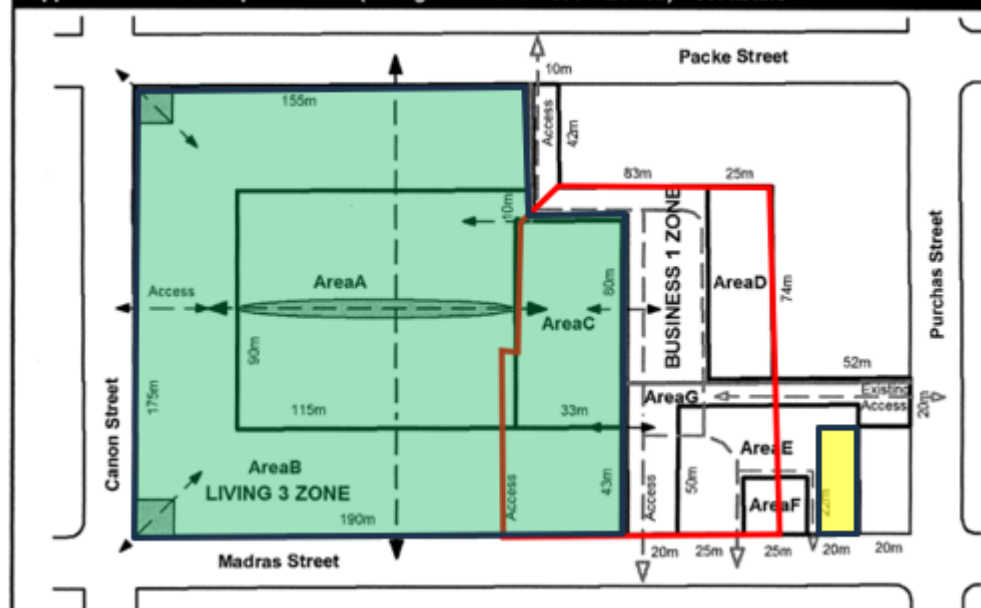
² S42A, para.179



Figure 1. Site zoning and ownership³

22. The Canterbury earthquake sequence resulted in an increased awareness of the Site's ground conditions which made multi-storey apartment blocks with basement parking technically challenging and commercially unviable. The design on which the ODP was (and still is) based was then abandoned as a project and the landholding was subsequently on-sold in separate parcels to different landowners. These new landowners have separately progressed developments that have seen the northern half of the block developed for medium density townhouses, along with townhouse development on the southern side of the Site fronting onto Purchas Street. The fragmentation of ownership and subsequent development has effectively foreclosed the ability to implement the ODP, with none of these recent developments implementing any part of the original ODP. The Site, overlying the original ODP, is shown in **Figure 2** below.

³ Adjacent lots with Affected Party Approval shown with an orange star.



- ⁵ I note that the site boundary shown in Figure 1 differs from the boundary shown on an aerial in Mr Blair's evidence (para.8) which also shows a link out to Purchas St which is not part of the site.

Application for a subdivision to create Lot E via a boundary adjustment currently being processed by Council.⁶

26. As noted by Mr Blair,⁷ when the Application was lodged, the zoning for the southern portion of the Site was labelled as a “*Commercial Local Zone*”, being the lowest point on the commercial centre hierarchy. PC14 resulted in the zone labelling used in the District Plan being updated to reflect National Planning Standards (**NPS**) terminology. The Site’s zoning was consequently relabelled as a NCZ. Throughout my evidence I use the NCZ label.
27. Mr Blair identifies that the zoning of the Site was considered by the Panel hearing PC14.⁸ The RMD portion of the Site was recommended to be changed to High Density Residential (**HRZ**), however as the Site is not located within a “*policy 3*” area under the NPS-UD, a decision on the residential portion has been deferred by Council. For the NCZ portion of the Site, the Panel found that as the submission scope had not sought any changes to the bespoke rules controlling the St Albans centre, and that changes to the zone labelling was therefore moot, as the outcomes would remain subject to the bespoke rules. The Panel were not asked in submissions to make a merit-based decision on the extent of the zone boundary, the ODP, or the bespoke rule set.

THE PROPOSAL

28. I agree with Mr Blair’s description of the Proposal,⁹ noting that Mr Blair draws in turn on the detailed description set out in pages 9-10 of the Application. Woolworths are proposing a number of amendments to the application plans, in response to concerns raised by Council Officers. An amended set of plans is attached as **Annexure A**.
29. In summary, the Proposal seeks to establish the following:
 - (a) A full-service supermarket with “*click and collect*” facility, set in the southeast corner of the Site.
 - (b) The main store sleeved to the north and west with small format retail tenancies on the ground floor and non-retail tenancies at first floor level.
 - (c) Total building floor area of 5,303m² Gross Floor Area (**GFA**), with the supermarket being 7m in height at the ridgeline.

⁶ RMA/2025/1356.

⁷ S42A, para 14-15.

⁸ S42A, para 25.

⁹ S42A, para 6.

- (d) A publicly accessible landscaped courtyard located adjacent to the small format retail to form a northwest-facing sheltered outdoor hospitality area.
- (e) Stormwater detention tanks located to the rear of the supermarket.
- (f) The store is set behind a carpark that provides 228¹⁰ spaces, with a loading bay in the northeast corner and screened from views from Madras Street and the carpark by small format tenancies.
- (g) Two vehicle access points are provided to Madras Street, across a frontage that is approximately 100m in length. Heavy Goods Vehicles are limited to using just the northern access. Amendments to the access design and Madras Street lane markings in response to the S42A report are set out in the evidence of Mr Rossiter.
- (h) Landscaping is provided within the carpark and around the edges of the Site, with amendments in response to the S42A report set out in the evidence of Mr Brown, including an updated Landscape Design Report and associated landscape plan.
- (i) Signage is proposed along the western building façade and as two pylon signs adjacent to the two entrances. As originally applied for, the southern entrance sign was sought to be 9m high x 3.3m wide (29.7m²) and the northern entrance sign 5m high x 2.275m wide. Following review of the concerns raised in the S42A report by Mr Hattam,¹¹ the size of the larger southern pylon sign is now proposed to be reduced to 7.5m high x 2.75m wide (20.625m²).

STATUTORY FRAMEWORK

30. I agree with the statutory framework set out by Mr Blair and the rules against which consent is sought.¹² I note that the amendments now proposed in terms of the reduction in the width of the northern access, improvements to queue space functionality, and the reduction in size of the southern pylon sign, still result in the same breaches of the rules controlling these matters i.e. the rule is still breached, just by a lesser extent. The amendments to landscaping now mean that the Proposal complies with Rule 14.5.2.2(a)(ii) as at least 26 trees are proposed within the RMD zone, however the rule (and the associated Rule 14.5.1.2(C2)) remains engaged due to landscaping in the RMD zone being below the permitted 20% threshold. Since the application was lodged, the PC14 decisions on the NCZ built form

¹⁰ Parking has been revised up from 223 to 228 spaces as a result of internal layout changes to improve the safety of the northern access in response to the concerns raised by Mr McGonigal.

¹¹ S42A, Appendix F - Urban Design, Section 2.8.

¹² S42A, para 16 and Appendix 7 of the Application

standards mean that the supermarket building now readily complies with height and recession plane limits.

31. I agree with Mr Blair that Woolworths requested public notification under s95 of the RMA.¹³ I likewise agree that the Application is to be assessed as a fully discretionary activity under s104(1) and 104B of the RMA due to the proposed inclusion of commercial activity within the portion of the Site that is zoned RMD (rule 14.5.1.4 (D1)).¹⁴
32. As a fully discretionary activity, the Panel's discretion is unlimited, with the Panel able to assess all relevant effects (both positive and negative). In making this assessment, the Panel is not to have any regard to trade competition or the effects of trade competition (s104(3)(a)(i)) or effects on any person who has provided their written approval (s104(3)(a)(ii)). On appeal, the RMA also prevents surrogates from raising trade competition motives. The Panel has the discretion to disregard any adverse effect if the District Plan permits an activity with that effect (s104(2)). I discuss what is commonly referred to as the "*permitted baseline*" in more detail in the below section where I assess the effects of the Proposal.
33. The Panel has the ability to impose conditions on the consent under s104B(b) and s108 RMA.

ASSESSMENT OF POLICY DIRECTION

Overall observation

34. Having reviewed the s42A report, I consider that the planning, urban design, and landscape experts have focussed unduly on the Proposal's alignment with typical neighbourhood centre scale and form. This is to the exclusion of what I consider to be an appropriate and necessary analysis of the wider strategic outcomes being sought by the District Plan, particularly for brownfield sites, proposals seeking to expand centres beyond existing zone boundaries, and the purpose of a centre hierarchy as a planning tool.
35. Submitters have alternatively tended to focus on the effects on wider neighbourhood outcomes (and Edgeware Centre in particular), rather than being adjacent neighbours that are concerned about being directly affected by store design and operations.¹⁵ For context, within 600m of the Site there are just 19 submitters in

¹³ Ibid, para.26

¹⁴ Ibid, para 21 and 51-56

¹⁵ Submitters 7, 98, and 100 are the only near neighbours.

opposition and 9 submitters in support, for an area containing an estimated 5,500 or so households¹⁶ (see submitter location maps in **Annexure B**).

36. I have therefore sought to begin my evidence by standing back and assessing the over-arching rationale for the Proposal against the key outcomes that the District Plan (and indeed the wider strategic planning framework) is seeking to achieve regarding housing growth and accessibility to a distributed commercial centre network.

Strategic direction for urban growth management and centre hierarchies

37. Growth management and commercial centre hierarchies in Christchurch were set following the Canterbury earthquake sequence, first through the Land Use Recovery Plan (**LURP**) and the associated inclusion of Chapter 6 in the CRPS. The District Plan was then reviewed in 2016 by the Independent Hearings Panel appointed by the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. The District Plan has more recently been updated via first PC5 and then PC14 to implement the Policy 3 directions in the NPS-UD, with these changes reinforcing the existing policy direction regarding prioritising infill opportunities within and adjacent to commercial centres.
38. The strategic CRPS framework in summary seeks several inter-connected outcomes of relevance to the Proposal, namely:
- (a) to accommodate growth with an emphasis on infill, especially in locations in close proximity to the city centre and larger suburban centres, in order to provide convenient access to retail and employment opportunities and an associated reduction in car journeys;¹⁷
 - (b) to facilitate the recovery of these earthquake-damaged commercial centres through directing commercial activity primarily to these centres;¹⁸ and
 - (c) to enable the regeneration of brownfield sites as a key tool for accommodating growth.¹⁹
39. The strategic approach to accommodating growth via intensification in appropriate locations is reflected in St Albans' zoning. The entire suburb is now a mix of varying types of medium density zoning (HRZ, MRZ, Residential Suburban Density Transition Zone (**RSDT**), reflecting its proximity to the City Centre.

¹⁶ Circle with a radius of 600m = 113ha. 113ha @ 50 households/hectare = 5,652 households.

¹⁷ CRPS Objective 6.2.1(2), Objective 6.2.2(2), Policy 6.3.1(3)

¹⁸ CRPS Objective 6.2.5, Objective 6.2.6(3), Policy 6.3.6(4)

¹⁹ CRPS Policy 6.3.8

40. Integral to making higher density forms of living successful is the concurrent need to provide convenient access to goods and services. Both Mr Church²⁰ and Ms Hampson²¹ identify the positive effects of co-locating grocery and convenience retail with higher density forms of housing in terms of delivering well-functioning communities.

Need for a full-service supermarket

41. The evidence of Ms Hampson establishes that there is a shortfall in the current market provision of a full-service supermarket in St Albans.²² Ms Hampson's evidence notes that in identifying demand, it is important to look not just at demand as it currently stands, but also at the demand that is expected to be generated in the future as the surrounding area continues to intensify in line with RMD zoning. Of significance, Mr Heath for Council also identifies that there is unmet demand for grocery retail in the area.²³ This is a key finding from both economists that is necessary to underpin any proposal for a supermarket of this size in this location.
42. The corporate evidence of Mr Shao²⁴ identifies that the minimum site size requirement for a typical full-service supermarket is between 1.2-1.4ha, with the developed footprint of such sites typically resulting in a ratio of approximately one third building to two thirds parking, loading, and landscaping.
43. Mr Shao also sets out the key design features/requirements that are necessary for a supermarket to properly function.²⁵ He notes that click and collect is a rapidly growing part of how the community accesses groceries and is now an integral component of any new store. Such facilities require both a collection area and an expanded back-of-house area to collate the orders which in part contributes to the overall store GFA.

In-zone opportunities to deliver the grocery shortfall

44. Mr Shao identifies the challenges with identifying market-available and appropriately zoned sites of a sufficient size in well-established urban environments.²⁶ Proposals for new supermarkets in established areas therefore often have to go where the land is available, rather than where the commercial zones are located, as the two seldom overlap. For this Proposal, there is the rare combination of a sufficiently sized vacant site, with frontage to a collector road, in a suburb where there is a clear shortfall in

²⁰ Mr Church EiC, para 21.

²¹ Ms Hamson EiC, paras 102-103.

²² Ibid, para 43.

²³ S42A, Appendix D, section 4.3.

²⁴ Mr Shao EiC, para 18.

²⁵ Ibid, para 26.

²⁶ Ibid, paras 11-13.

existing grocery supply, and where a large portion of the Site does indeed have a commercial zoning.

45. As set out in the introduction, the current zone boundaries were a product of a specific development proposal for the Site prior to the earthquakes. Mr Heath's addendum identifies that his firm produced the retail assessment that determined the size of the NCZ at that time.²⁷ Mr Heath concludes that the 2006 report that provided the economic rationale for the size of the current NCZ zone is *"clearly out of date and not fit for purpose for a retail impact assessment today given the significant changes in the market since 2006"*.²⁸ Ms Hampson agrees that there have been material changes in context over the last 15 years since the NCZ was originally established.²⁹ The District Plan provides a clear consenting pathway for considering this exact situation where a current centre size is found to be too small to properly meet the needs of rapidly intensifying surrounding neighbourhoods.
46. In terms of hypothetical alternative locations for a full-service supermarket in a Local Commercial Zone (**LCZ**) rather than a NCZ zone, I have reviewed the size of the blocks within the Edgeware LCZ and have found that they are all too small to accommodate a full-service supermarket, even if it were commercially possible to agglomerate the currently fragmented ownership of the centre. Ms Hampson identifies that *"given the layout of the existing Edgeware local centre, redevelopment to include a full-service supermarket that would better meet current and projected community needs is not practicable"*.³⁰ Mr Heath likewise confirms that *"Edgeware, as currently zoned, has no realistic potential to accommodate a large supermarket within the centre"*.³¹
47. From extensive site visits to the wider area and a review of aerial imaging, I have been unable to identify any sufficiently large and vacant sites elsewhere in St Albans/Edgeware regardless of zoning. In addition to the lack of vacant sites, I consider that there is a negligible prospect of agglomerating multiple smaller properties from existing developed medium density areas due to the value of existing improvements and fragmented ownership.
48. The closest possible site of this size in single ownership is the landholding currently occupied by the Carters building supply depot at 379 Madras Street, south of Bealey Avenue. Grocery retail development on this site is however subject to a non-complying activity status.³² An alternative 0.8ha site on the corner of Salisbury and

²⁷ I note that the report itself was produced by another, long-since left, staff member. Given the passage of time and the change in context over this period, I agree that there is no conflict of interest with Mr Heath providing economic advice to Council as part of this process.

²⁸ S42A, Appendix D, Addendum pg. 5.

²⁹ Ms Hampson EIC, para 45.

³⁰ Ibid, para 24.

³¹ S42A, Appendix D, pg. 20 Mr Heath economic assessment.

³² Rule 15.12.1.1(P1)(b)(iv) and 15.12.1.5 (NC1).

Manchester Street has recently been released to the market by Foodstuffs, with the site reportedly now acquired by a housing developer.³³

49. In short, there are no other realistic locational options, in-zone or otherwise, in the wider St Albans neighbourhood. A clear consequence of the Officer's recommendation to decline is therefore that the wider community will continue to be underserved, both now and in the future. The adverse economic and social effects of this disbenefit are identified by Ms Hampson as being significant.³⁴

Commercial centre role and expansion

50. As set out above, Chapter 6 of the CRPS sets out the policy direction for commercial centres, namely that centres have the dual role of both providing for business and community needs, and acting as focal points for residential intensification. In a post-earthquake context, the recovery of centres commensurate with their role held particular significance given the significant damage that a number of these centres had sustained. The need to support centre regeneration was especially important in regard to the recovery (and primacy) of the CBD, followed in descending order by Key Activity Centres (**KACs**), and Local Centres.
51. The CRPS nonetheless recognises that whilst seeking new commercial development be located primarily within centres, such will not always be either possible or appropriate, reflecting in particular the dynamic nature of retailing and shifts in demand and consumer preferences. The CRPS therefore provides specific direction that any new commercial activity seeking to locate outside of centres should not result in "*significant*" adverse effects on the function and viability of these centres.³⁵
52. Adverse effects on centre role and function are often referred to as "*retail distribution*" effects. The CRPS policies set a threshold of "*significant*" for when retail distribution effects become an issue requiring management. While this point will be addressed in legal submissions, it is my understanding that case law aligns with the use of a "*significant*" threshold, reflecting the need for such effects to result in a material impact on centre vitality and viability. This can be contrasted with effects on individual stores which are instead simply trade competition effects that decision-makers are directed to disregard.³⁶ Conversely, where a store closure leads to a significant downturn in foot traffic and custom to the wider centre which in turn significantly degrades the wider centre's role and function, this could be considered as a relevant effect.

³³ The Press, pg. 5, 03/07/25.

³⁴ Ms Hampson EIC, para 45.

³⁵ CRPS Objective 6.2.5, Policy 6.3.6(4).

³⁶ RMA S104(3)(a)(i)

53. The CRPS direction is given effect to through the District Plan. Strategic Objective 3.3.8 emphasises the role of commercial centres in providing focus for residential intensification and the associated need to maintain and enhance the Central City, KACs, town centres, and local centres as community focal points.
54. Objective 3.3.11 is specific to commercial and industrial activities and seeks:
- a. *The recovery and stimulation of commercial and industrial activities in a way that expedites recovery and long-term economic and employment growth through:*
 - i. *Enabling rebuilding of existing business areas, revitalising of centres, and provision of greenfield areas; and*
 - ii. *Ensuring sufficient and suitable land development capacity.*
 - b. *The critical importance of centres for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects.*
55. The economic evidence of both Ms Hampson and Mr Heath identifies that there is a clear shortfall in grocery provision in the area, and that such provision cannot plausibly occur within the existing LCZ zone in Edgware. As such, the District Plan currently fails the direction set out in Objective 3.3.11(a)(ii) in terms of commercial zone extent, as sufficient and suitable commercial land capacity has not been ensured for this part of the City. Zoned extent is however just one tool for delivering the above policy outcomes through the District Plan. The District Plan commercial and brownfield policies, including the centres hierarchy, also provide an alternative tool (to zoning) for ensuring sufficient capacity is able to be delivered in accordance with the Strategic Objective, namely a resource consenting pathway for commercial proposals provided such do not undermine the viability of other centres.
56. The Strategic Objective is clear that where activities seek to locate outside of centres (or in this case result in an expanded centre), they should not give rise to “*significant*” retail distribution effects. Both economists conclude that there are no distribution effects on any other centres including both Edgware Centre or the CBD.³⁷
57. The Strategic Objectives are in turn implemented via the various District Plan thematic chapters. Commercial Chapter Objective 15.2.1 identifies “*the importance of commercial and community activity to the recovery and long-term growth of the City is recognised and facilitated in a framework that supports commercial centres*”.

³⁷ S42A, Appendix D, pg.28 and Ms Hampson EiC, paras 100-101.

58. Objective 15.2.2 sets out the hierarchy of the centres-based framework, with Policy 15.2.2.1 and associated Table 15.1 describing the role and function of the various tiers in the hierarchy. These provisions are lengthy and are set out in full on pages 57-59 of the S42A report.
59. It is important to emphasise that the centre hierarchy is a means to an end, not an end in itself. The key purpose of centre hierarchies as a planning tool is to maintain the role and function of centres further up the hierarchy (and the associated community investment and housing intensification focus that these centres provide). The use of centre hierarchies as a tool was especially relevant in a post-earthquake recovery context where a number of centres experienced significant damage and where their ability to continue to deliver their role and function was therefore at risk if commercial growth relocated elsewhere. Conversely, where new centres give rise to no retail distribution effects and therefore do not materially reduce the role and function of other centres, then they do not undermine the purpose (ends) of the hierarchy.
60. This is especially the case with the application Site, as not only are there no retail distribution effects, but there are also no wider urban form or function effects. The urban form outcome of centres being a focal point for more intensive forms of housing is already delivered by the Site being surrounded by existing residential zoning that enables medium density outcomes due to the wider area's proximity to the CBD.
61. This is a key difference between myself and Mr Blair. Mr Blair appears to regard the centres hierarchy strictly as an end in itself (and therefore unchangeable unless via a plan change). I conversely understand the policy framework as one focused on maintaining (not diminishing) the role and function of existing centres, rather than preventing change to centres lower on the hierarchy. The purpose of managing the size of centres lower in the hierarchy is so that they do not undermine the role, function and investment in other centres further up the hierarchy. If development can occur without centers further up the hierarchy being impacted, and if there is a consenting pathway through which this can be delivered, then no plan change is required.
62. This is especially the case in circumstances where the proposed growth of a centre is a direct response to a clear increase in unmet localised demand and where such provision has no effect on the maintenance of the role and function of other centres or urban form. In my opinion, the District Plan policy framework has been intentionally designed to include an appropriate level of flexibility so that it can be responsive to changes in demand provided there are no adverse effects on other centres, rather than providing a rigid planning framework that freezes centre size

regardless of the lack of effects. This innate flexibility in centre size (subject to a site-specific assessment through a consent process) is integral to delivering Strategic Objective 3.3.11 regarding sufficient and suitable commercial land capacity.

The role and function of Neighbourhood Centres

63. Neighbourhood centres are placed at the bottom of the hierarchy. The National Planning Standards describe this zone as:

Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.

64. The NPS description differs materially from that used in the District Plan. Table 15.1 describes the NCZ as follows:

A small group of primarily convenience shops and, in some instances, community facilities.

Accessible by walking, cycling from the area served and on a bus route in some instances.

Also includes standalone supermarkets serving the surrounding residential community.

The extent of the centre is the Neighbourhood Centre Zone.

65. The anticipated size of such centres is described in Table 15.1 as being "up to 3,000m² (excluding standalone supermarket-based centres)". It is important to emphasise that there are no rules that limit the floor area of development in the NCZ – the 3,000m² metric is simply a policy guide to the typical size of such centres. This is not a case where there is a non-complying activity rule for proposals exceeding 3,000m² or an "avoid" policy direction for such. It is also important to emphasise that the 3,000m² metric does not apply to standalone supermarket-based centres that serve their local catchment, clearly indicating that such can be larger.
66. Mr Blair interprets the policy size description as being a reference to site area rather than building area, due to the absence of "GFA" after the 3,000m² metric.³⁸ I consider the intention is that the size metric is in relation to GFA. To test interpretation, I have reviewed the size of other NCZ zoned centres and have identified at least 20 that have a zoned land area well in excess of 3,000m² as set out in **Table 1** below. If Mr Blair's interpretation is correct, then it means that the District Plan makes a particularly poor job of accurately describing the typical size of these centres.

³⁸ S42A, para.192

67. In addition to noting the approximate land area of the 20 largest NCZ, I have also noted the 5 smallest LCZ to show the manner in which centre sizes overlap with zoning/ role – there are numerous NCZ that have a larger land area than a number of LCZ reflecting the “*on the spectrum*” nature of Christchurch’s centres.

Table 1. NCZ centre size by land area (largest 20 centres); 5 smallest LCZ in grey³⁹

Centre	Land area
Blenheim Rd / Archeron Drive	23,990m ²
Groynes	22,900m ²
Stanmore Rd / Richmond	16,809m ²
Proposed site⁴⁰	14,430m²
Straven Rd / Normans Rd	12,050m ²
Hillmorton	11,820m ²
Ilam	11,300m ²
Awatea/ Carrs Rd	10,936m ²
Ferry Rd/ Phillipstown	10,788m ²
Wainoni/ Pages Rd	10,691m ²
Warrington/ Hills Rd	9,482m ²
Selwyn St	9,193m ²
Belfast/ Richill St	8,793m ²
Ferry Rd/ Portstone	8,630m ²
Redcliffs	7,900m ²
Prestons	7,636m ²
Woodham Rd/ Gloucester St	7,619m ²
Kilmore/ Pomeroy's	7,424m ²

³⁹ Land areas are approximate (measured from Google Earth) and include centres clustered around an intersection.

⁴⁰ Noting that there is an additional 2,386m² of NCZ land outside of the Site.

Lincoln Rd/ Sylvan St	6,226m ²
Centaurus Rd / Brickworks	6,000m ²
Stanmore Rd / North Avon Rd	5,907m ²
Lincoln Rd	5,000m ²
Ferry Rd/ Manning Pl	4,542m ²
Colombo St/ Beckenham	4,100m ²
Yaldhurst Rd/ Russley Rd	4,048m ²
Travis Rd/ Bower Ave	3,876m ²

68. In terms of land area, Table 1 shows that whilst the Proposal is at the larger end of the spectrum for NCZ land size, it is by no means an outlier.
69. The St Albans centre is however an outlier in that it is subject to several bespoke rules, one of which relates specifically to building area. Rule 15.6.3.2.1(a)(i) limits the permitted building area to 3,500m² GLFA.⁴¹ At a minimum, a centre with that amount of floor area is therefore clearly anticipated for this Site. Proposals that exceed that trigger have a restricted discretionary activity status (and are to be processed on a non-notified basis), with Council's discretion limited to a discrete number of matters relating to retail distribution, traffic effects, and centre function. These matters are assessed below. For the St Albans centre in particular, building floor area in excess of 3,500m² GLFA is clearly contemplated by the District Plan as being potentially acceptable, subject to a proposal-specific assessment. For completeness, I note that despite the Site being subject to several bespoke rules, there are no corresponding bespoke policies that provide further direction for this centre regarding centre size.
70. As shown above, the Proposal undoubtedly sits at the larger end of NCZs. Conversely it sits very much at the lower end of LCZs which are the next step up the hierarchy. Table 15.1 puts the anticipated size range of LCZs as being between 3,000m² - 30,000m² GFA. This is a wide spectrum.

⁴¹ Note that the rule refers to 3,500m² located in 'Areas A and B' of the ODP. The Proposal technically complies as portions of the proposed building are located outside of these two areas, however this has been noted as a non-compliance on the basis that the rule is clearly designed to provide a trigger on commercial GLFA for the site. The fully discretionary nature of the application also means that a decision on compliance with this rule is not determinative in terms of the proposal's overall activity status or the matters/ effects that are able to be assessed. The Gross Leasable Floor Area (**GLFA**) definition includes some exemptions for common corridors, bathrooms, and loading areas that are shared between tenancies. For the Proposal, none of the exemptions are in play beyond the 150m² entrance lobby, so GLFA and GFA are largely similar.

71. In 2017 the City Council produced a series of “*fact sheets*” about every LCZ.⁴² These fact sheets place the average land area of a LCZ at 3.2ha, and the average building area at 11,414m² GFA as of 2016.⁴³ The *average* size of a LCZ in terms of both land area and building GFA is therefore more than *double* the size of the Proposal. Given that the Council’s review of GFA was undertaken some 9 years ago when a number of centres were still in recovery mode, it is reasonable to assume that the average building GFA across these centres will have increased still further over the intervening period (and may still not represent the full extent of District Plan-enabled floorspace potential in those centres).
72. As would be expected where centre sizes are placed along a spectrum and where there is no clear daylight between the policy upper size of NCZ and the lower size of LCZ, there will invariably be a degree of overlap around the edges of the hierarchy. For comparison, the GFA (as opposed to zoned area) of Blenheim/Acheron NCZ is approximately 10,350m² GFA, the Stanmore/Richmond NCZ is 5,100m² GFA, and the Strowan/Normans Rd NCZ is approximately 4,500m² GFA. In short, large NCZ are similar in size to small LCZ.

Provision of supermarkets within NCZ

73. Turning back to the NCZ purpose in Table 15.1, it is important to emphasise that supermarkets are included as an integral component of the zone role and function. This is a clear difference between the NPS description of NCZ and that set out in the District Plan for the Christchurch context. Mr Heath refers to the District Plan description of the role of a NCZ three times in his report, and each time omits the key part of the description which refers to NCZ potentially including supermarkets.⁴⁴ Mr Heath’s assessment applies the NPS description of Neighbourhood Centre role rather than the Christchurch-specific role description. I consider the District Plan’s description should be applied in relation to this resource consent not the NPS description.
74. The provision of supermarkets in the District Plan description is caveated that such provision is where they serve the “*surrounding residential community*”. Ms Hampson confirms that the catchment for the proposed supermarket is primarily local i.e. it does not provide a “*destination*” shopping experience that draws customers from a wider catchment.⁴⁵

⁴²<https://ccc.govt.nz/culture-and-community/statistics-and-facts/facts-stats-and-figures/commercialcentrefactsheets>

⁴³ For context, the Edgware Centre was identified as having 1.935ha land area and 7,757m² GFA.

⁴⁴ S42A, Appendix D, pg.8, pg.23, Addendum pg. 2.

⁴⁵ Ms Hampson EIC, para 28.

75. Mr Heath includes two maps showing first the extent of the Proposal's primary catchment,⁴⁶ and secondly the size of a catchment that he would typically associate with a NCZ.⁴⁷ I am unclear if he has based his second map on a NCZ that includes a supermarket given such is clearly contemplated in the zone purpose, but regardless, in my view Mr Heath's proposal catchment map still sits comfortably against the policy direction that such stores serve "*the surrounding residential community*" i.e. the adjacent neighbourhood of St Albans and parts of Merivale and Richmond. Indeed, Mr Heath is clear that given the provision of existing larger supermarkets further afield, the area from which demand is primarily generated will be the local area.⁴⁸
76. The role of Neighbourhood Centres including supermarkets is reflected in the generic NCZ rule framework. Supermarkets up to 1,000m² GLFA are permitted,⁴⁹ and stores over this size have a restricted discretionary status,⁵⁰ are to be processed on a non-notified basis, with matters of discretion limited to a discrete list of matters. The bespoke St Albans centre rules permit one tenancy up to 800m² GLFA. Proposals that exceed this trigger are again to be processed as a restricted discretionary activity and on a non-notified basis.
77. Whilst larger supermarkets are not permitted, the non-notified restricted discretionary activity status in the District Plan architecture clearly anticipates that larger supermarkets are contemplated as being potentially appropriate in terms of the zone role and function, subject to a case-by-case assessment. If such was not the case then I would have expected to see a non-complying activity status and associated directive policy language applied to the regulatory framework.
78. That said, I recognise that the proposed supermarket size is more akin to the size of supermarkets commonly found in some LCZ zoned centres. In that sense, the Proposal could as plausibly sit within a lower-end LCZ as it does a higher end NCZ. Such an overlap of function is reflected in the current "*on-the-ground*" reality of existing centres across the City where there is a reasonable degree of overlap between the scale and types of services delivered by large NCZ and small LCZ.
79. In summary, regarding centre role and function, Officer concerns appear to be based largely on a simple premise that the Proposal is bigger than 3,000m², and that it doesn't therefore look like a local strip of shops. They appear to be unduly focused on the 3,000m² policy guide, rather than a wider reading of the Chapter 3 and Chapter 15 text regarding the need to meet business and community needs in

⁴⁶ S42A, Appendix D, Figure 4, pg. 24.

⁴⁷ Ibid, Addendum, Figure 1.

⁴⁸ Ibid, pg.10.

⁴⁹ Rule 15.6.1.1(P2(a)).

⁵⁰ 15.6.1.3 (RD2).

appropriate locations, the role and function of the NCZ which includes supermarkets, and the breadth of scale and the degree of overlap between large NCZ and small LCZ centres.

80. In focusing on whether the centre is too large, I also consider they have *not* “*turned the coin over*” and looked at the other side of the same policy consideration regarding the degree to which the Site is currently delivering the anticipated role and function. As set out in the introduction, the Site has sat vacant and fenced off for some 25 years and as such is delivering nil economic benefit or social amenity to its surrounding community. That is, the existing brownfield site is not currently delivering any access to services, convenience shops, or groceries with the attendant disenabling of social and economic benefits inherent in the lack of a centre where one is intended to support a medium density residential neighbourhood.
81. Whilst the Proposal will result in a centre that is at the larger end of the spectrum of centres found within the NCZ, I consider that it is not markedly out of keeping with the size of other large NCZs or the role of the zone that explicitly anticipates that such centres can include a supermarket. The economic evidence is clear that there are no adverse retail distribution effects arising from such and therefore no harm is done to the maintenance of other centres which is a key purpose of the hierarchy.

Growth of centres

82. The District Plan clearly contemplates that centres can grow and change. There is an explicit policy pathway for centres to adapt to changing retail demands, in recognition of the purpose of the hierarchy being to maintain the role, function, and recovery of existing centres, not prevent the growth of centres where there are no distributional effects, as such would simply be disenabling without benefit.
83. The expansion of centres beyond existing zone boundaries is explicitly anticipated through Policy 15.2.2.4 as follows:
 - a. *Growth in commercial activity is focused within existing commercial centres.*
 - b. *Any outward expansion of a commercial centre beyond commercial zone boundaries and/or establishment of large format retail activities within 400metres if a commercial centre, or any upward expansion of commercial activity above height limits must:*
 - i. *Ensure the expanded centre remains commensurate with the centre’s role and within a strategic network of centres, while not having significant adverse effects on the function of other centres;*
 - ii. *Be integrated with the provision of infrastructure, including the transport network;*

- iii. *Be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone;*
 - iv. *Be:*
 - A. *Responsive to the anticipated increase in population in the surrounding catchment while continuing to support intensification targets in and around centres; and*
 - B. *Consistent with revitalising the City Centre as the primary community focal point; and*
 - v. *Ensure the centre is coherent in form; and*
 - vi. *Ensure the large format retail activity proposed within 400 metres does not have a significant adverse effect on the function and viability of the centre.*
84. Policy 15.2.2.4 therefore sets out three economic-related tests,⁵¹ namely:
- (a) Does the centre remain commensurate with its role while not having significant adverse effects on the function of other centres?
 - (b) Is the centre growth responsive to the anticipated increase in population?
 - (c) Is it consistent with revitalising the City Centre?
85. Ms Hampson has considered these three policy tests, and concludes that they are readily met, namely:
- (a) the expanded centre will remain commensurate with the role of a NCZ when overall tenancy mix and number is taken into account and will not have a significant adverse effect on other centres;
 - (b) the expanded centre is a direct response to the clear and ongoing growth in households in the surrounding catchment; and
 - (c) there is a no effect on City Centre revitalisation.
86. I have discussed whether it is commensurate with NCZ role and function above. Even if, conservatively, the Proposal was found to be inconsistent with the “*commensurate*” policy direction due to the size of the supermarket, the reason for the commensurate direction is the maintenance of the role and function of higher order centres. There is common ground between Ms Hamson and Mr Heath that the role of other centres will be maintained. The Proposal is therefore considered to meet the policy direction regarding the growth of centres.

⁵¹ The non-economic tests are discussed in more detail below.

Strategic direction for brownfield regeneration

87. In addition to providing clear direction regarding the management of urban growth via residential intensification around centres and the role and growth of centres, the strategic planning framework also provides clear direction regarding the regeneration of brownfield sites.
88. The District Plan defines “brownfield” as “*abandoned or underutilised commercial or industrial land, or land no longer required by a requiring authority for a designated purpose*”.
89. As set out above, the Site has a long history as a works depot (an industrial activity); this activity has been abandoned (and not replaced by any new activity); and the Site’s frontage to Madras Street is no longer subject to a motorway designation, with that designation having been uplifted by the requiring authority. Since becoming vacant some 25 years ago, the Site has sat fenced off and somewhat derelict in appearance, with a legacy of soil contamination.
90. I agree with Mr Blair that the focus of the definition is on the historic use of the land, not on the land’s current zoning – it would be non-sensical to have a policy in the *Residential Chapter* that only enabled brownfield regeneration of *industrially zoned* land, as such a policy would never be engaged. I also agree with him that the definition does not have a temporal deadline – as Mr Blair notes in his Appendix V, the longer a site sits derelict, the more compelling the case becomes for facilitating its regeneration. In my view the definition only ceases to be in play once the site has been regenerated for its new use – at which point it ceases to be “*abandoned industrial land*” and instead simply becomes newly redeveloped residential or commercial land.
91. In my opinion the Site therefore readily meets the District Plan “brownfield” definition. Mr Blair agrees.⁵²
92. Apart from the ex-saleyards site on Deans Avenue and the old Christchurch Women’s Hospital site between Durham and Montreal Streets, I am not aware of any larger, residentially zoned, brownfield sites in Christchurch.
93. CRPS Policy 6.3.8 seeks the following outcomes for brownfield sites:

to encourage and provide for the recovery and regeneration of existing brownfield areas through new comprehensive residential, mixed-use or business developments, provided such activities will ensure the safe and efficient functioning of the transport network and will not have significant adverse distributional or urban

⁵² S42A, Appendix V; para 179.

form effects on the Central City, Key Activity centres and neighbourhood centres⁵³, or give rise to significant reverse sensitivity effects

94. It is important to note that regeneration is to be comprehensive, and can be for either residential, or commercial, or a mix of both. Mr Rossiter addresses transport effects and Ms Hampson addresses retail distribution effects, noting that such effects have to again reach a “*significant*” threshold before the policy is engaged. As the Site is not located adjacent to existing industrial activities or strategic infrastructure, reverse sensitivity effects are not in play.
95. The CRPS direction regarding brownfield sites is given effect to through the District Plan. Strategic Directions Objective 3.3.7 on urban growth seeks, amongst other matters, to “*identify opportunities for, and support, the redevelopment of brownfield sites for residential, business or mixed use activities*”.
96. This Strategic Objective is in turn implemented via Residential Objective 14.2.6 which addresses the management of non-residential activities in residential zones and includes an explicit note that Objective 14.2.6 and associated policies do not apply to brownfield sites. For brownfield sites, the anticipated outcomes are instead set out in Objective 14.2.7 and associated Policy 14.2.7.1.
97. Objective 14.2.7 seeks to:

On suitable brownfield sites, provide for new mixed use commercial and residential developments that are comprehensively planned so that they are environmentally and socially sustainable over the long term.
98. Policy 14.2.7.1 implements the objective by seeking:
 - a. *To support and incentivise the comprehensive redevelopment of brownfield sites for mixed use residential activities and commercial activities where:*
 - i. *Natural hazards can be mitigated;*
 - ii. *Adequate infrastructure services and capacity are available;*
 - iii. *Reverse sensitivity effects on existing industrial areas are managed;*
 - iv. *The safety and efficiency of the current and future transport system is not significantly adversely affected;*
 - v. *There is good walking and cycling access to public transport routes, commercial and community services, and open space;*

⁵³ Since relabelled as LCZ

- vi. *If necessary, contaminated land is remediated in accordance with national and regional standards; and*
 - vii. *The redevelopment does not impact on the vitality and strategic role of commercial centres.*
- b. *Ensure the redevelopment is planned and designed to achieve:*
- i. *High quality urban design and on-site amenity; and*
 - ii. *Development that is integrated and sympathetic with the amenity of adjacent neighbourhoods and adjoining sites.*
99. The brownfield provisions therefore collectively seek that the regeneration of brownfield sites is to be encouraged and provided for;⁵⁴ identified and supported;⁵⁵ and incentivized.⁵⁶
100. The policy framework explicitly contemplates that regeneration can be for commercial purposes. As such, implementation of the policy direction will inherently result in either the creation of a new centre or, as in this case, an expanded centre. A new centre must therefore clearly result in a change in the centre network (an extra centre where none was contemplated), however such is explicitly anticipated in the policy, provided that the new (or enlarged) centre does not impact on the vitality and strategic role of commercial centres i.e. result in any material change or decline of an existing centre located nearby.
101. There are no rule exemptions for residentially zoned brownfield sites, therefore the direction to provide for and incentivise regeneration is implemented through giving this matter due consideration at a policy level when assessing proposals as part of a resource consent process. In my view the language used is strong and directive, and as such requires careful consideration.
102. Whilst being necessarily enabling, the policy direction is not without caveat, and as such includes a series of “tests” for proposals associated with brownfield development. The breadth and coverage of the matters set out in Policy 14.2.7.1 in my view provide a useful framework for considering the potential effects of the Proposal.
103. The brownfield policy tests, in tandem with the wider policy criteria in relation to centre expansion, and the matters for discretion relating to the St Albans retail rules, therefore form the framework for my assessment of effects below.

⁵⁴ CRPS Policy 6.3.8 and Objective 14.2.7.

⁵⁵ Objective 3.3.7.

⁵⁶ Policy 14.2.7.1.

District Plan Policy Framework Summary

104. Pulling together the relevant policy direction and with one eye on the matters of discretion for the bespoke St Albans rules, there are a number of key policy outcomes against which to assess resource consent applications relating to commercial centre growth and brownfield regeneration.
105. In summary, the key outcomes sought are as follows:
- (a) supports commercial activity in a way that expedites recovery and long-term economic and employment growth;⁵⁷
 - (b) supports accommodating urban growth through intensification in locations close to commercial centres;⁵⁸
 - (c) supports and incentivises brownfield regeneration;⁵⁹
 - (d) is commensurate with centre role, which for Neighbourhood Centres is the provision of primarily convenience shops and a supermarket servicing local needs;⁶⁰
 - (e) does not result in any significant adverse effects on the function of other centres;⁶¹
 - (f) is consistent with revitalising the City Centre, followed by KACs;⁶²
 - (g) is responsive to an anticipated increase in population in the surrounding catchment while supporting intensification targets in and around centres;⁶³
 - (h) results in an acceptable interface and level of amenity for neighbours;⁶⁴
 - (i) delivers high quality urban design and on-site amenity outcomes;⁶⁵
 - (j) does not exacerbate natural hazards;⁶⁶
 - (k) is able to be efficiently serviced;⁶⁷

⁵⁷ Objective 3.3.11; Objective 15.2.1.

⁵⁸ Objective 3.3.8(a)(viii); Policy 14.2.1.1(a)(iii); Objective 15.2.2(a)(vi).

⁵⁹ Objective 3.3.8(a)(vi); Policy 14.2.7.1.

⁶⁰ Policy 15.2.2.1(a)(iii); Policy 15.2.2.4(b)(i).

⁶¹ Objective 3.3.11(b); Policy 14.2.7.1(a)(vii); Policy 15.2.2.4(b)(i).

⁶² Objective 15.2.2(a)(iv); Policy 15.2.2.1(a)(i); Policy 15.2.2.4(b)(iv)(B).

⁶³ Objective 3.3.11(a)(ii); Policy 15.2.2.4(b)(iv)(A).

⁶⁴ Policy 14.2.7.1(b)(ii); Policy 15.2.2.4(b)(iii).

⁶⁵ Objective 14.2.4; Policy 14.2.4.1; Policy 14.2.7.1(b)(i).

⁶⁶ Objective 3.3.6(a)(ii); Policy 14.2.7.1(a)(i).

⁶⁷ Objective 15.2.2(a)(x); Policy 15.2.2.4(b)(ii).

- (l) remediates contaminated land;⁶⁸ and
- (m) results in acceptable effects on the safe and efficient functioning of the adjacent transport network.⁶⁹

106. The evidence for Woolworths provides a robust assessment of the potential effects and the concerns raised by submitters and within the s42A Report. The following section of my evidence focusses on these potential effects. Based on the below assessment and the evidence provided by Woolworth's experts, I am satisfied that the Proposal readily delivers the outcomes sought in the District Plan's policy framework.

ASSESSMENT OF EFFECTS

The "Existing Environment"

107. "The starting point for assessing effects is consideration of the *"existing environment"*. As set out in the site description above, the Site is brownfield land that has stood vacant and in a somewhat derelict condition for over 25 years. It is fenced off from surrounding streets and neighbours with a high security fence. It is contaminated with no other remediation or engineered solutions proposed. Beyond providing some sense of open space, it provides negligible positive amenity to the surrounding community, provides no through-block access, and provides nil delivery of the role and function anticipated for a commercial centre and therefore makes no contribution towards supporting residential intensification in the wider neighbourhood through convenient access to a commercial centre.

108. In addition to the environment as it currently stands,⁷⁰ s104(2) provides discretion to the Panel to disregard any effects where those effects are permitted by the District Plan i.e. the *"permitted baseline"*. I agree with Mr Blair⁷¹ that the restrictive limits on earthworks within a flood management area and the number of residential units in the RMD zone, combined with the restricted discretionary activity status for the remediation of soil contamination under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**), mean that as things stand it is highly likely that most development proposals will trigger the need for a resource consent. As such, a true permitted baseline does not apply.

⁶⁸ Policy 14.2.7.1(a)(vi).

⁶⁹ Policy 14.2.7.1(a)(iv) and (v); Objective 15.2.2(a)(ix); Policy 15.2.2.4(b)(ii).

⁷⁰ For completeness, I note that there are no outstanding 'live' and unimplemented land use consents relevant to the Site.

⁷¹ S42A, para 63.

109. That said, I also agree with Mr Blair that there is clearly an “*anticipated environment*” to take into account as part of a wider assessment under s104(1). The District Plan clearly anticipates that the Site will not remain vacant forever. Plausible anticipated development includes activities that align with the zone outcomes sought for RMD and NCZ areas – namely a commercial development of up to 3,500m² GLFA and conservatively some 30 townhouses.⁷²
110. In addition to identifying the existing environment, decision-makers must not have regard to any effects on parties that have provided their written approval. In this case that includes the owners and occupiers of adjacent Lot 3 and Lot 4 (as shown in Figure 1 in the introduction above). Woolworths, as owner of Lot E, can also implicitly be deemed to have provided their written approval in terms of any effects on Lot E.

Matters raised by submitters

111. I have reviewed the submissions both in support and opposition to the Proposal. From my reading, the key concerns are in relation to potential effects on the vitality of the Edgware Centre and increased congestion of the surrounding road network.
112. No immediate neighbours have submitted on the Proposal. Taking a “*near neighbour*” 400m circle from the Site, there are 14 submitters in opposition, along with 5 submitters in support. For context, a 400m radius of the Site contains some 2,500 dwellings.⁷³
113. The concerns raised by submitters fit comfortably within the framework of issues established in the above assessment of the policy framework. I therefore address these concerns thematically rather than through referencing individual submissions.

Matters of broad agreement with S42A officers

Natural Hazards

114. Brownfield Policy 14.2.7.1(a)(i) requires that “*natural hazards can be mitigated*”.
115. The Site is subject to both a Liquefaction Overlay and parts of the Site are located within a Flood Management Area (**FMA**). Most of central and eastern Christchurch is subject to the Liquefaction Overlay. There are proven and tested solutions available for foundation design in areas at risk of liquefaction in a major seismic event, with foundation design a matter that receives careful consideration as part of the Building Consent process.⁷⁴

⁷² 30 townhouse yield is based on a RMD area of 6,000m² divided by an average of 200m²/ unit = 30 units. This is equivalent to a yield of 50 households/hectare which is realistic based on the yield of recent developments in the area.

⁷³ $17 \times \pi \times r^2 = 50\text{ha} \times 50 \text{ units/ha} = 2,500 \text{ units}$.

⁷⁴ S42A, Appendix K – Earthworks Advice pg.133

116. The FMA requires buildings to meet a Finished Floor Level (**FFL**), determined by Council flood modelling and provided as a FFL certificate. The proposed buildings will meet the FFL level.
117. As Mr Blair notes, building within a FMA can also result in the displacement of flood water. When assessing the potential for displacement, it is Council's long-standing practice that the anticipated level of development in the zone is taken into account, as it would be unreasonable to assume that long-established urban areas or sites would remain vacant for ever. This consistent approach is reflected in the advice of Ms Asmat,⁷⁵ which Mr Blair accepts.⁷⁶ Mr Jagvik likewise confirms that issues of displacement can be appropriately managed through the bulk earthworks stage of site development to ensure any flood flows are directed towards Madras Street rather than neighbouring sites.⁷⁷
118. While accepting Ms Asmat's advice regarding flood management, Mr Blair considers that the policy outcome is not met as in his view the *"displacement of flood water particularly at the corner of Madras Street and Purchas Street will be significant"*.⁷⁸ I am unclear what effects based evidence Mr Blair is basing his *policy assessment* upon as we seem to be in agreement in terms of his earlier *effects assessment* that FMA matters can be appropriately addressed.
119. In summary, we appear to be in agreement that natural hazard effects can be appropriately mitigated, albeit that we differ as to whether or not clause (i) of Policy 14.2.7.1 is met. Based on both the evidence of Mr Jagvik and advice provided to Council by Ms Asmat, I consider the Policy is met, along with the relevant Chapter 5 District Plan policies regarding natural hazards.
120. The management of stormwater requires a separate, albeit interlinked, assessment to that of flood hazards. Mr Mthamo confirms that for stormwater management, the Site is treated by Council's stormwater team as being *"greenfield"* on the basis that previous buildings have long since been removed.⁷⁹ Due to constraints in Council's wider reticulated stormwater network, the Proposal needs to maintain pre and post development neutrality for 50 year/24 hour events. The proposed tanks are sized to achieve this neutrality, with stormwater collected from roofs (and then discharged later via gravity and without needing treatment), and from below ground tanks in the carpark (treated prior to discharge via gravity or, if necessary, pumping into the Council network). Mr Mthamo confirms that the proposed solution is acceptable in terms of managing stormwater volumes.⁸⁰

⁷⁵ S42A, Appendix H – Flood Management Advice pg.126

⁷⁶ S42A, para 134

⁷⁷ Mr Jagvik, paras 19(g) and 27(c).

⁷⁸ S42A, para 181.

⁷⁹ S42A, Appendix I – Stormwater Advice pg.127

⁸⁰ Ibid, pg.129

121. Mr Jagvik confirms that the proposed tank solution is an efficient and effective solution to on-site stormwater management. In Mr Jagvik's opinion, the very high groundwater tables on the Site makes the management of stormwater via swales and in-ground detention basins both space-extensive and challenging to design and consent (as the basin needs to have its base above the ground water level so it is not intercepting groundwater).⁸¹ Mr Jagvik's conclusions regarding effective stormwater solutions precludes the desire for a more naturalised swale-based system sought by Mr Hattam from an urban design perspective.

Infrastructure capacity and services

122. Policy 14.2.7.1(a)(ii) requires that "*adequate infrastructure services and capacity are available*". Integration with infrastructure is likewise one of the policy tests for the expansion of centres under Policy 15.2.2.4(b)(ii).
123. Mr Jagvik describes the sewer, water, and stormwater solutions for the Site, and confirms that sufficient capacity is available. He likewise confirmed in the application that fire-fighting capacity is available,⁸² with the site plans including provision for fire-fighting back-flow preventor equipment on the Madras Street frontage (adjacent to the southern entrance).
124. Mr Blair⁸³ and Ms Tang⁸⁴ for Council likewise confirm that the Site can be serviced. We are therefore in agreement that Policy 14.2.7.1(a)(ii) is met.

Reverse sensitivity

125. Policy 14.2.7.1(a)(iii) requires that "*reverse sensitivity effects on existing industrial areas are managed*".
126. I agree with Mr Blair⁸⁵ that this clause is met as there are no adjacent industrial activities (or strategic infrastructure) that would give rise to the need to consider reverse sensitivity matters.

Contaminated land

127. Policy 14.2.7.1(a)(vi) requires that "*if necessary, contaminated land is remediated in accordance with national and regional standards*".
128. Woolworths has undertaken a Detailed Site Investigation (**DSI**) which has identified the presence of contaminants in the soil which require management in order to protect human health. There are well established processes for the safe

⁸¹ Mr Jagvik EiC, para 19(d).

⁸² Application, Appendix 13, para 4.3.

⁸³ S42A, paras 140-142.

⁸⁴ S42A, Appendix L – Water and Waste Water System Advice

⁸⁵ S42A, para.181

management and remediation of contaminated soil. For commercial developments, the solutions typically involve either the removal of the soil to an approved facility such as the Kate Valley landfill, or encapsulation under hard stand areas, or a combination of the two. Such works are invariably guided by a Remediation Action Plan (**RAP**) and a Site Management Plan (**SMP**), with these plans needing to be submitted and approved by Council prior to the works commencing. Ms Rayne for Council recommends a suite of standard conditions for the safe management of contaminated soils⁸⁶ which Woolworths is happy to accept.

129. Mr Blair⁸⁷ and I are therefore in agreement that Policy 14.2.7.1(a)(vi) is met.

Acoustic effects

130. Dr Trevathan has provided a thorough assessment of acoustic effects. On acoustic matters there is a high level of agreement between Dr Trevathan and Ms Raynes who provided acoustic advice for Council.⁸⁸ The two acoustic experts agree that the Proposal will be generally compliant with both day-time and night-time noise limits and that where breaches occur, they are small in extent (1dB) such that the resultant effects are minimal.⁸⁹

131. The Application included a number of conditions in relation to the management of acoustic effects,⁹⁰ with Ms Rayne likewise recommending a number of conditions.⁹¹ Woolworths is happy to accept the acoustic conditions recommended by Ms Rayne.

Other matters in agreement

132. Mr Blair assesses effects relating to construction activity,⁹² glare/light spill,⁹³ loss of residential development potential,⁹⁴ and matters raised by submitters that are either negligible in nature or are beyond the ambit of effects that can be reasonably assessed as part of this process.⁹⁵ He concludes that such effects can be managed via standard conditions (construction), are permitted (lighting), are negligible (residential capacity), or are not within the ambit of RMA matters. I agree with Mr Blair's conclusions on all these matters.

⁸⁶ S42A, Appendix M – Environmental Health Advice, paras. 39-42

⁸⁷ S42A, para 152.

⁸⁸ S42A, Appendix M.

⁸⁹ Ibid, paras. 16, 17, 22, 23.

⁹⁰ WWNZ Application, Section 8.

⁹¹ S42A, Appendix M, paras. 43-48.

⁹² S42A para146.

⁹³ S42A, para 155.

⁹⁴ S42A, para 129 and Appendix J.

⁹⁵ S42A, paras 76-82 and 88-90

Areas of disagreement

Transport

133. Policy 14.2.7.1(a)(iv) seeks that *“the safety and efficiency of the current and future transport system is not significantly adversely affected”*.
134. Clause (v) of the policy seeks that *“there is good walking and cycling access to public transport routes, commercial and community services, and open space”*.
135. Policy 15.2.2.4(b)(ii) regarding the growth of centres likewise seeks that growth *“be integrated with the provision of infrastructure, including the transport network”*.
136. St Albans Centre transport-related matters of discretion for exceeding GLFA thresholds include *“any effects in terms of traffic generation and access”* (15.14.4.5.2(b)).
137. Mr Rossiter provides a comprehensive assessment of transport-related matters. He identifies that the Site’s frontage is to a straight section of a collector road in the roading hierarchy, where this portion of Madras Street experiences noticeable *“platooning”* of vehicles given that Madras Street is one-way north-bound for the section south of Bealey Avenue which heavily impacts on travel patterns. He confirms that the Proposal will not have any adverse effect on the safe and efficient functioning of the wider road network,⁹⁶ noting that the policy for brownfield regeneration sets a *“significant”* effect threshold on this matter.
138. The economic evidence of Ms Hampson and Mr Heath referred to above identifies that the current lack of provision forces residents to travel further afield to meet their grocery needs. The Proposal will therefore logically reduce rather than increase overall trip lengths on the network by enabling residents to access grocery needs in a convenient location that is closer to home.
139. Mr Rossiter concludes that the Proposal will not give rise to any unacceptable effects on the wider transport network or the safe and efficient functioning of nearby intersections. His conclusions on wider network effects appear to be shared by Mr McGonigal for Council.⁹⁷
140. Where the transport experts differ is in regard to matters of detail regarding the design of the site access, internal pedestrian routes and linkages, and the road marking/space allocation on Madras Street immediately adjacent to the Site.

⁹⁶ Mr Rossiter EiC, para 77.

⁹⁷ S42A, Appendix G, paras 34-36.

141. The Site has two vehicle access points. The southern access is likely to be the main entrance used by customer vehicles, given it is the first access arrived at when travelling as part of the predominant north-bound flow on Madras Street. The northern access is the access used by heavy goods vehicles (**HGV**) delivering stock to the loading bay, along with lesser numbers of customer vehicles. Supermarkets have low numbers of HGV deliveries (typically in the order of 3 per day).⁹⁸ The potential for any conflict with pedestrians at the access is therefore low. Mr Rossiter has reviewed Mr McGonigal's concerns regarding the width of the northern access. He has confirmed that with some redesign of the internal aisle layout the access width at the road boundary can be reduced to 11m and that the access will function safely from a pedestrian perspective.⁹⁹
142. Mr Rossiter has likewise assessed the adequacy of the internal queuing space available to vehicles waiting to enter the Site. He has determined that the queue space is appropriate given the clear platooning pattern on Madras Street which enables vehicles to quickly clear the access in between platoons. A number of parks directly adjacent to the entrances are shown as being for staff parking only to minimise the number of movements associated with these parks through the day. In response to the concerns raised by Mr McGonigal, the design of both accesses have been revised to include further staff parks to reduce the turnover of these spaces and associated risk of queuing eventuating.
143. Mr Rossiter has also reviewed the use of the Madras Street road reserve and the allocation of the available space for various uses e.g. parking, cycleways, through-lanes and right-turn bays. He has recommended a shift from a right-turn bay to a 2m wide painted median (which equates to the width of the proposed removal of the eastern parking lane). The proposed median provides some additional width for the two cycle lanes relative to the original right turn bay solution, with the associated removal of parking on the eastern side of Madras Street providing an added safety improvement for the south-bound cycle lane relative to the current road configuration by removing a potential source of conflict between cyclists and parked cars. Mr Rossiter has concluded that the proposed flush median arrangement is sufficient, that further widening of the formed carriageway is unnecessary, and that the revised design will provide better safety for cyclists than any option with a wider median that requires the cycle lanes to be reduced.¹⁰⁰
144. Mr McGonigal raises concerns regarding pedestrian pathways within the Site and seeks an additional footpath be added along the northern and southern edges of the carpark. Supermarket carparks are inherently designed as a slow speed, shared

⁹⁸ Mr Rossiter EiC, para 96.

⁹⁹ Ibid, para 94.

¹⁰⁰ Ibid, paras 67-73.

space environment as the aisles are the key routes for customers to access their vehicles whilst pushing trolleys. As a shared space, pedestrians being present in the aisles is a normal component of all supermarket car parks. In addition to the shared space nature of the aisles, the Proposal also includes a dedicated pedestrian footpath that directly connects from the Madras Street footpath to the store entrance. Any pedestrians that do not feel comfortable walking through the aisles are therefore free to utilise the dedicated internal footpath. A secondary footpath likewise runs along the front of the store, providing dedicated pedestrian access between the supermarket entrance and the small format shows and courtyard areas.

145. Relying on the evidence of Mr Rossiter, and the extensive experience with safe supermarket carpark design by Woolworths, I am satisfied that the Proposal will not give rise to any unacceptable transport safety effects in terms of the functioning of the internal parking area and immediate road frontage. Clause (iv) of the brownfield policy is therefore met.
146. Turning now to Policy 14.2.7.1(a)(v) that seeks *“good walking and cycling access to public transport routes, commercial and community services, and open space”*.
147. In my opinion this clause is primarily directed at brownfield proposals that seek to insert residential development into an area with a predominately industrial character i.e. will the new residents have convenient access to local shops and parks. As such, the clause has less relevance for scenarios where brownfield regeneration is to commercial activities. That said, Mr Rossiter has identified that the Site does indeed have direct access to on-road cycle lanes and is within walking distance to existing bus routes. The evidence of Mr Church demonstrates that the grid-nature of the surrounding block network means that there is a high level of pedestrian permeability across the neighbourhood, with all roads having pedestrian footpaths on both sides and existing pedestrian refuges located to the north and south of the Site to facilitate movement across Madras Street.
148. The Proposal self-evidently results in a significant enhancement in the accessibility that the surrounding neighbourhood has to groceries and food retailing relative to the existing environment. The Proposal therefore supports the outcomes for the RMD zone described in Table 14.2.1.1(a) as being *“located close to the Central City and around other larger commercial centres across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, retailing, entertainment, parks and public transport”*.
149. This is also a view shared by Mr Heath for Council who makes the following observation that *“a new full-service supermarket would create greater market and community efficiencies in the network and enable the local community improved access (car, bike, scooter, walking) to a fundamental and frequently required retail*

store type".¹⁰¹ In my opinion this policy test necessarily requires a broader analysis than simply assessing whether or not there is a mid-block access provided to Packe Street and Purchas Street. There is, in my view, a clear enhancement of multi-modal accessibility for the wider neighbourhood in terms of the ability to access a commercial centre in a convenient manner. I am therefore satisfied that the Proposal readily meets the clause (v) policy test.

150. Whilst the policy test on accessibility is rightly broad-based, this does not negate the need to also consider how the Site itself functions, noting the intent of the original ODP to provide pedestrian links through the block, as set out in the matters of discretion under the bespoke St Albans Centre rule package, namely:

- (a) *"The degree to which vehicle, cycle and pedestrian access has provided for internal pedestrian and cycle circulation, including the connections with that part of the block zoned Residential" (15.14.4.5.1(e)); and*
- (b) *"The maintenance of permeability within the block for internal pedestrian and cycle circulation including the connections with that part of the block within the residential zone" (15.14.4.5.2(c)).*

151. As set out in the introduction, the ODP was originally a product of a specific design for the wider block. This design never progressed, and the block ownership has since become fragmented and partially built out. The plans for the residential development under construction on the northern half of the block show no link being provided to the Site and therefore a link to Cannon Street is effectively foreclosed. Woolworths does not control the landholdings between the Site and Packe Street or Purchas Street. The ability to create a link to Purchas Street is however maintained through the intentional provision of an open carpark edge and footpath termination that can be easily extended to connect to this potential link. The Proposal is therefore consistent with the ODP on this matter for the portion of the Site under Woolworths' control. It is a common feature of ODPs that they are implemented over time by different landowners, with there being no expectation that one landowner will implement the entire ODP in one go, especially where they do not control all of the area covered by the ODP. This is not a failure of the Proposal, rather it is simply a function of the staged manner in which ODPs are typically built out. For the Purchas Street link, Woolworths have therefore done what they can to facilitate the southern link, with the delivery of the remainder reliant on future consenting processes undertaken by the neighbour.

152. While the potential to also form a link to Packe Street remains theoretically available, I accept that in practice the Proposal does functionally foreclose the ability to create

¹⁰¹ S42A, Appendix D, pg. 16 Mr Heath

this link. The implications of not providing that link have therefore assessed by Mr Church. In assessing the value of this link in terms of walkability, Mr Hattam adopts a 400m metric for defining his 'walkable catchment'. In my experience, and as identified by Mr Church, an 800m catchment is a more appropriate metric to use for determining walkability to supermarket-anchored centres. An 800m distance equates to an approximate 10-minute walk which is not an unreasonable trip duration. The grid nature of the surrounding blocks means that the provision of such an access makes a negligible difference to pedestrian accessibility, as shown on the "*ped shed*" maps modelled by Mr Church. In a nutshell, access is only improved for the small number of residents who live in the Packe Street block between Cannon and Purchase Street, and for these near neighbours the centre still remains within a walkable 800m distance. For everyone else it makes little difference as you can simply access the Site via the existing grid road network. None of the other blocks in the wider area have mid-block links, yet the grid network readily enables pedestrian movement through the neighbourhood.

153. Overall, I consider that the Proposal, as amended in response to the concerns raised by Mr McGonigal, will not adversely affect the safe and efficient functioning of the wider road network, will enhance accessibility of the wider community to good and services by a range of transport modes, and will deliver safe Site access and internal movement pathways.

Retail distribution and centre vitality

154. Policy 14.2.7.1(a)(vii) seeks that "*the redevelopment does not impact on the vitality and strategic role of commercial centres*".
155. Policy 15.2.2.4 relating to the growth of centres seeks that such growth must (b)(i) "*ensure the expanded centre remains commensurate with the centre's role and within a strategic network of centres, while not having significant adverse effects on the function of other centres*".
156. Clause (b)(iv)(B) seeks that centre growth be "*consistent with revitalising the City Centre as the primary community focal point*".
157. This policy direction addresses themes similar to those found in the matters of discretion for exceeding GLFA thresholds for the St Albans Centre rule package, namely:
 - (a) "*Whether the scale and nature of development is consistent with that anticipated for a neighbourhood Centre*" (15.14.4.5.1(d) and 15.14.4.5.2(d));

- (b) *“The effects of any larger floor space for non-residential activity on the Central City, Town Centres and Local Centres” (15.14.4.5.2(a)); and*
- (c) *“Any potential for the role of other Commercial centres to be eroded by development or urban form effects, and any wider transport network effects from any associated transport generation” (15.14.4.5.2(e)).*

158. As set out above, the evidence of both economists reaches the same conclusion that there is a demonstrated unmet demand for supermarket retail in the suburb that is not being served by the existing centre network. Mr Church and Mr Heath are likewise clear that there is no prospect of that need being met within the Edgware LCZ due to block configuration and a lack of appropriately zoned land.
159. Both economists are likewise in agreement that the Proposal can help to meet that unmet demand without any impact on the role or function of other centres, including the Edgware centre. They are likewise clear that there is no effect on the role and function of the CBD.
160. There is therefore clear agreement that any adverse economic effects are insignificant in nature. Ms Hampson is likewise clear that the Proposal will, conversely, result in significant economic benefits in terms of meeting unmet demand through filling a gap in the centre network.
161. The only economic matter left is whether or not the Proposal is commensurate with the role and function of a Neighbourhood Centre, as described in Table 15.1 rather than the NPS. I have addressed this in some detail in the above assessment of the Proposal against the policy outcomes sought by the District Plan and am comfortable that the Proposal is consistent with the key aims of the centre hierarchy policy framework.
162. I am therefore satisfied that the policy direction (and matters of discretion) relating to economic effects are met, and that these effects are positive rather than negative.

Urban Design and Landscaping

163. Policy 14.2.7.1 (b) seeks to:

Ensure that the redevelopment is planned and designed to achieve:

- (i) *High quality urban design and on-site amenity; and*
- (ii) *Development that is integrated and sympathetic with the amenity of adjacent neighbourhoods and adjoining sites.*

164. Policy 15.2.2.4(b)(iii) seeks that centre growth “*be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone*”.
165. Policy 15.2.4.2 requires “*new commercial development to be well-designed and laid out*” and includes a fulsome list of criteria regarding how such matters can be achieved.
166. In terms of effects, matters relating to urban design appear to be where the largest difference in opinion lie between Council Officers and Woolworths’ experts.
167. I note at the outset of assessing this theme that few submitters have raised concerns regarding urban design outcomes, and certainly no near neighbours have voiced concern regarding the design or massing of the development – in this regard the concerns raised by Mr Hattam are his alone.
168. In undertaking his assessment, Mr Hattam disagrees “*that the current state of the site is an important consideration*”.¹⁰² I hold a different view and consider that a proper consideration of the existing environment is fundamental to undertaking any robust effects assessment. Mr Hattam goes on to state that “*the relevant consideration is whether the site achieves the expected outcomes in the plan*”.¹⁰³ I agree with him that the outcomes anticipated by the District Plan are clearly a material consideration. Having identified the importance of a full understanding of the policy outcomes sought for the Site, Mr Hattam however does not address the clear policy direction regarding the need to actively facilitate the regeneration of brownfield sites. Finally, as a starting point of assessment Mr Hattam states that “*it is not self-evident that the proposed development could be seen as an improvement in terms of amenity*”.¹⁰⁴ With respect to Mr Hattam’s conclusions, I am surprised by that assertion – the Site has stood derelict for some 25 years surrounded by a high security fence and provides negligible amenity, accessibility, or access to goods and services that the Plan clearly anticipates.
169. Mr Hattam appears to place a significant emphasis on the alignment (or lack thereof) with the ODP. As noted in the introduction, the block development was originally conceived as multi storey apartment buildings with basement carparks and an associated residents’ recreation area (Area C on the ODP), and a retail area with a supermarket and shops centred around a courtyard that had a retail rather than recreational focus. The ODP and zoning therefore reflected the specific plans at the time and had a “*cart before the horse*” origin in that it started as a specific set of development plans that the ODP and zone boundaries were drawn to match, rather

¹⁰² S42A, Appendix F, section 2.2

¹⁰³ Ibid.

¹⁰⁴ Ibid.

than the normal approach to planning where the zone boundaries are determined on a principled basis and detailed designs then follow.

170. None of the original ODP elements have been delivered by any of the developments in the wider block that have occurred over the intervening period.
171. Urban design outcomes are considered in detail in the evidence of Mr Church. Mr Church has undertaken his assessment of urban design matters in a manner that is founded on the need to first give careful consideration to the “*existing environment*”, secondly on a fulsome understanding the functional requirements of supermarkets, and thirdly by assessing the Proposal against the wider outcomes sought by the District Plan in terms of brownfield regeneration (Policy 14.2.7.1) in addition to the policy outcomes sought regarding commercial centre design (Policy 15.2.4.2). I therefore prefer and rely on Mr Church’s evidence over that of Mr Hattam.
172. As a planner, I note that supermarkets are common and anticipated elements in residential neighbourhoods – as Ms Hampson notes, in larger urban areas supermarkets invariably serve localised catchments which results in a distributed network. In this respect there are parallels with other common non-residential elements in neighbourhoods such as primary schools which also service a localised catchment i.e. suburban neighbourhoods are more than just houses. For the reasons set out by Mr Shao and Mr Church, stand-alone supermarkets in smaller suburban centres are invariably set behind the customer carpark with the store located at the rear of the site, facing the main collector or arterial road. Such a layout is a common element in residential neighbourhoods. If it is accepted that there is an economic need for a supermarket in this area, then a consequence will be that it will also look like, and be laid out as, a suburban supermarket – form will follow function.
173. Supermarkets with a side-on orientation to the street in my experience only occur on corner sites, where again the main store entrance is typically set behind the customer carpark facing the main road, with an often-blank side wall facing onto the adjacent side street. The only other two contexts where street-adjacent supermarket walls are common is in town centres where generally smaller “*metro*” stores form part of a “*Mainstreet*” shopping parade e.g FreshChoice Lichfield Street, or where supermarkets are integrated into large shopping malls.
174. The Site is neither on a corner, nor does it form part of a town centre or integrated retail mall. Contextually appropriate comparisons therefore need to be with stores in mid-block locations in suburban contexts. The closest parallel that I am aware of to the Proposal is the Peer Street New World store in Riccarton. This store is a relatively new development that was constructed on a brownfield industrially zoned

(at the time) site,¹⁰⁵ is a mid-block site with frontage to a collector road, has two vehicle entrances and a centralised pedestrian path connecting directly between the footpath and the store entrance, has the store set behind the customer carpark, and the carpark has a landscaped edge to the adjacent road network. Mr Hattam includes an image of this frontage in his section examining entry signs, however he does not appear to have considered further the wider site layout or similar context of this development to the Proposal. Mr Head's landscape evidence for Council references the Ferrymead large format commercial area which in my view is a completely different context to the Site such that no useful parallels can be drawn. The Peer St store provides a helpful parallel to the Proposal and in my view has resulted in a design and layout outcome that sits comfortably within a wider residential context.

175. In terms of a more detailed urban design assessment of the Proposal, I rely on the assessment and conclusion of Mr Church that *"the Proposal is acceptable from an urban design perspective in supporting the outcomes sought through strategic planning initiatives and adequately addresses relevant matters of discretion to manage potential adverse urban design effects at a local level"*.¹⁰⁶
176. In terms of landscape outcomes I rely on the findings of Mr Brown that *"the proposed landscape design for the overall Proposal provides a high level of amenity that is a significant improvement on the current Site condition. The proposed landscape design rationale is appropriate for a Proposal of this scale and is complementary to the surrounding, evolving medium density residential area"*.¹⁰⁷

Positive effects

177. A final effects-related area of disagreement with Council Officers is in their assessment of positive effects. Mr Blair reduces these to a single sentence.¹⁰⁸ In my view this significantly misrepresents the outcomes that the Proposal is delivering. The economic evidence of Ms Hampson is that the economic benefits are significant. These are delivered through the provision of a new centre in a location that has been intended to have a centre for some 15 years. The lack of provision of a full service supermarket has resulted in disbenefits to the community through substantial leakage in supermarket retail spend beyond the catchment i.e. residents having to travel further afield to access their regular grocery needs with an associated increase in trip time and cost.

¹⁰⁵ The ex-Feltex carpets site.

¹⁰⁶ Mr Church EiC, para 115.

¹⁰⁷ Mr Brown EiC, para 56.

¹⁰⁸ S42A, para 156.

178. In addition to the significant economic benefits associated with providing convenient access to a centre, the Proposal will also result in significant financial investment by Woolworths into a brownfield site where previous owners have been unable to progress viable schemes. Woolworth's investment delivers both construction-phase employment opportunities and ongoing employment associated with the operation of both the supermarket and the associated small format retail. Mr Shao's evidence identifies that direct supermarket-based employment is likely to be in the order of 80-100 full and part time opportunities, with employment in the associated small format retail tenancies in addition.¹⁰⁹
179. The Proposal likewise delivers more than just a supermarket box. As described by Mr Church, care has been taken in the façade treatment and site layout to ensure a visually attractive elevation is presented towards the street. The sleeving of the store with small format retail adds both visual interest and assists in providing a genuine neighbourhood centre, with a likely small cluster of cafes and eateries grouped around a landscaped courtyard.
180. The provision of these much-needed facilities is able to be delivered concurrently with the regeneration of one of the City's largest residentially zoned brownfield sites. The Proposal will result in the careful remediation of contaminated soil. The Proposal will likewise see the removal of a large derelict site and associated perimeter security fencing and will replace it with a hub of activity and activation.
181. In providing these benefits, the Proposal will make a material contribution towards supporting the ongoing intensification of the wider neighbourhood through making it a more attractive location for additional housing through enabling those households to be conveniently located adjacent to the mix of activities that support thriving neighbourhoods.
182. As such I consider that the Proposal results in significant positive effects.

PROPOSED CONDITIONS OF CONSENT AND PROPOSAL AMENDMENTS

Amendments to the proposed plans

183. Having carefully reflected on the concerns raised by submitters and Council Officers, the Woolworths experts have recommended a series of amendments to the Proposal, with a particular focus on landscaping outcomes and the design of the two vehicle entrances. These recommended changes have been consolidated onto a replacement set of architectural plans that are attached as **Annexure A** to my

¹⁰⁹ Mr Shao EiC, para 14.

evidence, with Mr Brown attaching an amended landscape plan to his evidence. I am satisfied that the proposed amendments fall comfortably within the ambit of the Application as notified, and reflect refinements to mitigate effects in response to concerns raised through the submission and S42A process.

184. In summary the following amendments are proposed (with Mr Brown providing a more detailed response on landscape matters):

- (a) Northern entry is narrowed and the internal aisle arrangement is revised to increase queue space depth.
- (b) The changes to access configuration also provide opportunities for enhanced landscaping at the northern access and an increase in the number of carparks from 223 to 228.
- (c) Southern entry is amended by increasing the number of dedicated staff carparks adjacent to this entrance to again improve queue space and reduce the potential for conflict.
- (d) Madras Street lane-marking is proposed to be amended to show a painted median to facilitate right-turn movements with retention of the existing cycle lane widths on the eastern side of Madras Street.
- (e) Enhanced landscaping along the Madras Street frontage with an increase in trees and increased detailing regarding plant spacings and cross-sections.
- (f) Reduction in the size of the proposed pylon sign adjacent to the southern entrance. This sign is proposed to be reduced from 9m x 3.3m (29.7m²) to 7.5 x 2.75m (20.625m²).
- (g) Minor changes to the internal carpark layout and trolley bay configuration to enable the provision of 6 larger specimen trees through the middle of the carpark.
- (h) Enhanced landscaping along the southern carpark internal boundary with additional kowhai trees at 7.5m spacing.
- (i) The elevations have been updated to show the new height limits and recession planes confirmed via PC14. These show that the building is readily compliant with these rules.

Conditions

185. There is broad agreement on the appropriateness of the conditions recommended by Mr Blair (Appendix E of the S42A report). I have used Mr Blair's conditions as the base and have track changed amendments to these provisions in response to the evidence of Woolworth's experts. I have also included brief "*comment boxes*" to explain the rationale for the proposed amendments. The revised set of conditions is attached as **Annexure C**.

PLAN CHANGE VERSUS RESOURCE CONSENT

186. Mr Blair considers that the Proposal should have been sought via a plan change and raises concerns regarding precedent and plan integrity.¹¹⁰ I disagree and consider this to be a narrow interpretation of the District Plan's quite intentional and carefully determined architecture.
187. As set out above, the District Plan's policy framework clearly contemplates that centres will grow and change in response to changing patterns of demand. To not have some in-built flexibility would mean that centre size and location would be set in stone for the decade or more between district plan reviews with little ability to be responsive to changing circumstances. As an aside, it is now nine years since the District Plan was last reviewed, with a full 10-year review therefore supposed to occur next year, showing that the current plan is well due for a comprehensive update.¹¹¹
188. The District Plan's in-built flexibility for assessing centre changes via a resource consent is reflected in the rule framework which provides a non-notified Restricted Discretionary activity pathway in terms of increased GLFA within the St Albans NCZ, and discretionary status for commercial activity in the adjacent RMD zone. This is framed within a directive policy framework on facilitating brownfield regeneration. This is not a framework with a non-complying (or prohibited) activity status and an "*avoid*" policy where seeking an outcome via a consent is clearly challenged by the District Plan architecture.
189. In terms of precedent, Mr Blair correctly identifies that it would be rare for matters of precedent or plan integrity to be raised by discretionary applications.¹¹² In this case, the potential for precedent or plan integrity matters to arise are further reduced due to the combination of the bespoke nature of the St Albans centre rule framework which readily differentiates it from other NCZ locations and the presence of the adjacent land falling within the ambit of the brownfield policy direction. No other

¹¹⁰ S42A, para 201.

¹¹¹ Noting that PC14 did not examine any changes to centre hierarchies.

¹¹² S42A, para 216.

proposals seeking to expand beyond NCZ boundaries elsewhere will be able to draw on the combination of these two distinctive contextual elements.

190. Even if the Proposal is considered to be larger than a typical NCZ, if there are no distributional effects arising from it then I fail to see what the precedent issue is – if it does indeed set a precedent then that precedent is simply that the District Plan’s framework is suitably flexible to enable centres to grow in response to proven unmet demand in locations where the effects on other centres are insignificant.

PART TWO

191. The purpose of Part 2 is that *“the use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment”*.
192. In my view the District Plan policy framework is carefully designed to balance the need for communities to meet their social and economic needs with the need to not concurrently adversely undermine those same goals by inappropriately enabling new centres in locations that would result in a significant decline in the function of existing centres. My reading of the District Plan is that it is appropriately flexible, with necessary caveats, and as such the District Plan properly gives effect to Part 2. The Proposal enables the local community to meet their needs in a convenient manner, whilst resulting in no adverse effects on other centres. The Proposal likewise facilitates the efficient regeneration of a large brownfield site.
193. Conversely, Mr Blair’s reading of the District Plan is that it should be interpreted as having a far more rigid approach to preventing centre growth in the face of proven demand, even where there are no adverse retail distributional effects arising from that growth. In my view, such an interpretation of the District Plan, would signal that the District Plan was not giving effect to Part 2 and therefore recourse to a more fulsome assessment of Part 2 was necessary (which Mr Blair does not do).

CONCLUSION

194. I have carefully assessed whether there is any evidence that the Proposal will not align with the purpose underpinning the centre hierarchy framework and the growth of centres policy direction (namely that the effects of the Proposal will result in a high likelihood of significant decline of Edgware or any other centres); and/or whether there are any other effects that are so significant as to outweigh the clear policy direction to enable and provide for brownfield regeneration and the delivery of centres to meet community and business needs.

195. Woolworths' evidence summarised above is clear that these thresholds do not come close to being met.
196. My assessment of the Proposal is instead that:
- (a) St Albans is a rapidly intensifying neighbourhood with further intensification anticipated in all strategic planning documents given its location in close proximity to the centre of the second largest city in New Zealand.
 - (b) Integral to good urban form/urban design outcomes is the enablement of more intensive forms of housing in locations that have convenient access to a range of goods and services.
 - (c) The economists both consider that there is a clear need for a full-service supermarket in this neighbourhood, and that this need will further increase as the suburb continues to intensify.
 - (d) The Site is the only feasible locational option in St Albans in terms of meeting minimum site size and functionality requirements for a full service supermarket.
 - (e) A significant portion of the Site has a commercial zoning and is identified as a centre.
 - (f) The District Plan policy and rule framework unambiguously contemplates that centres can grow in response to changes in demand.
 - (g) Such growth is conditional on not undermining the role and function of other centres.
 - (h) The economic evidence is clear that the Proposal does not undermine the role and function of other centres (and Edgeware centre in particular).
 - (i) The size of existing centres sit along a continuum and that in practice there is considerable overlap between the larger NCZ and the smaller LCZ.
 - (j) The Proposal sits comfortably in this continuum as a large NCZ.
 - (k) Even if its role was found to be at risk of transitioning to that of a LCZ, acknowledging that the size of the supermarket is more akin to supermarkets enabled in the LCZ, there is no effect on any other centre i.e. the purpose underpinning the "*remain commensurate*" policy direction is therefore achieved.

- (l) In this case there are also relevant directive policies requiring that the regeneration of brownfield land is supported and that clearly distinguish the Proposal from other future centre growth applications.
- (m) The policy tests for brownfield regeneration are met:
 - (i) natural hazards able to be mitigated;
 - (ii) infrastructure services can be provided;
 - (iii) the safe and efficient functioning of the transport network is maintained;
 - (iv) an improvement in accessibility by all transport modes relative to the existing environment delivered;
 - (v) contaminated soils will be appropriately remediated;
 - (vi) an appropriate interface with immediate neighbours provided (none of whom have submitted); and
 - (vii) all through the delivery of a new centre that reflects typical suburban supermarket forms and layout whilst being carefully sleeved in small format retail to deliver an attractive public frontage with integrated landscaping.

197. Overall, I consider that the Proposal will deliver significant positive effects and as such readily aligns with the broad policy direction sought through the District Plan, and ultimately the CRPS and Part 2 of the RMA. I therefore conclude that consent can be granted subject to the conditions set out in **Annexure C**.



Jonathan Guy Clease

18 July 2025

Annexure A

Amended plans



ARTIST IMPRESSION

N.T.S.



ARTIST IMPRESSION

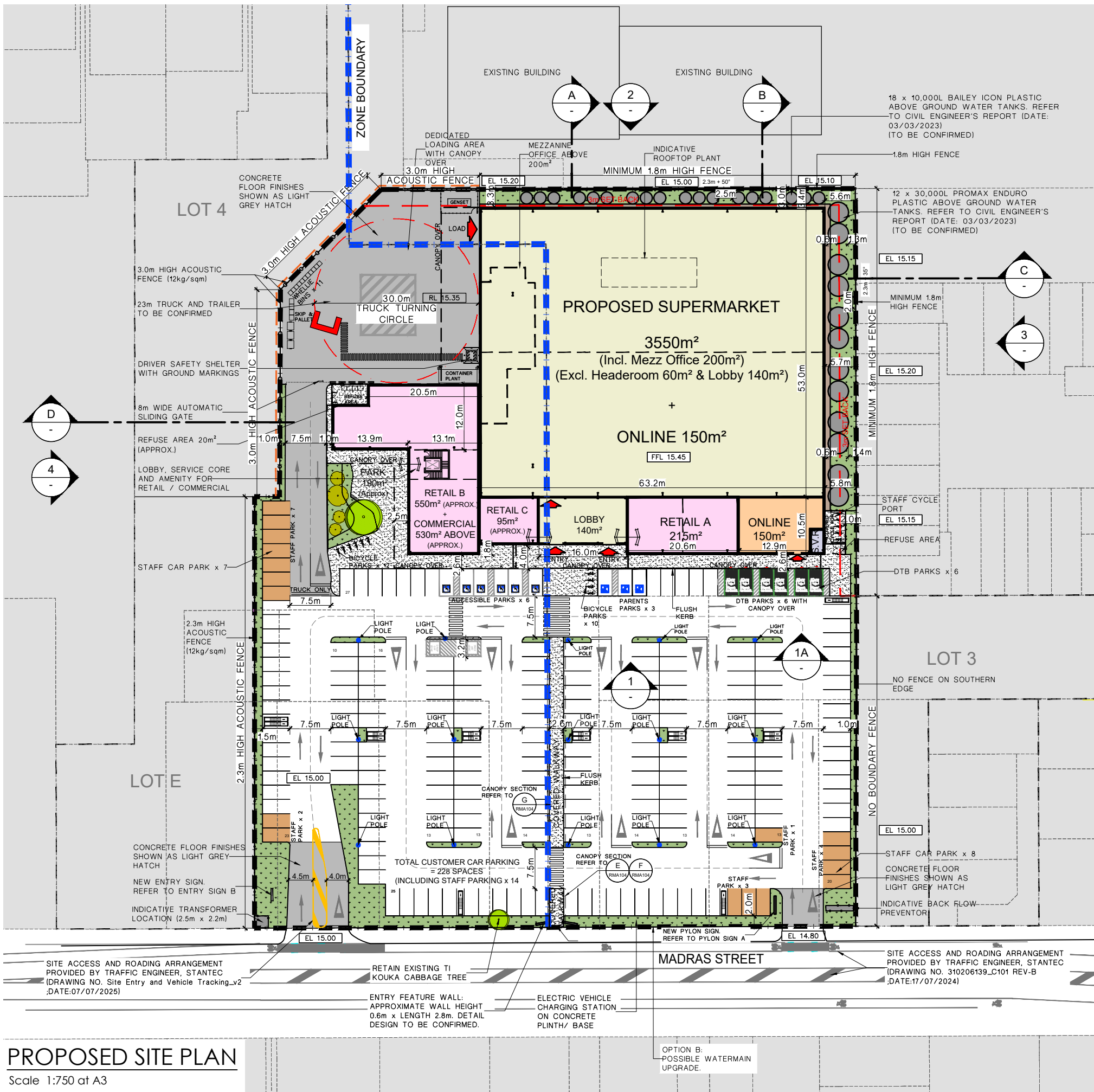
N.T.S.



PROPOSED WOOLWORTHS SUPERMARKET RMA
Woolworths Madras Street, Christchurch, New Zealand

SCALE: AS SHOWN
DATE: 18 July 2025
JOB NO: 2028-15
DWG NO: RMA-100 REVISION-B

WOODHAMS
MEIKLE
ZHAN
ARCHITECTS

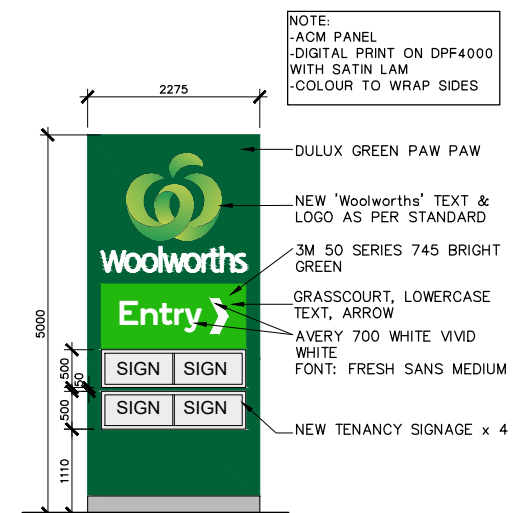
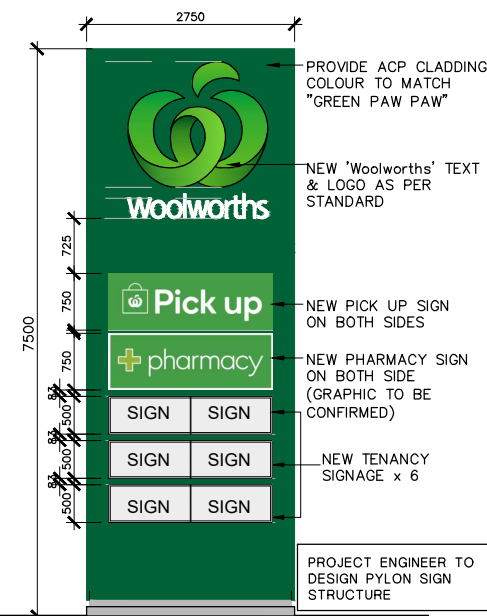


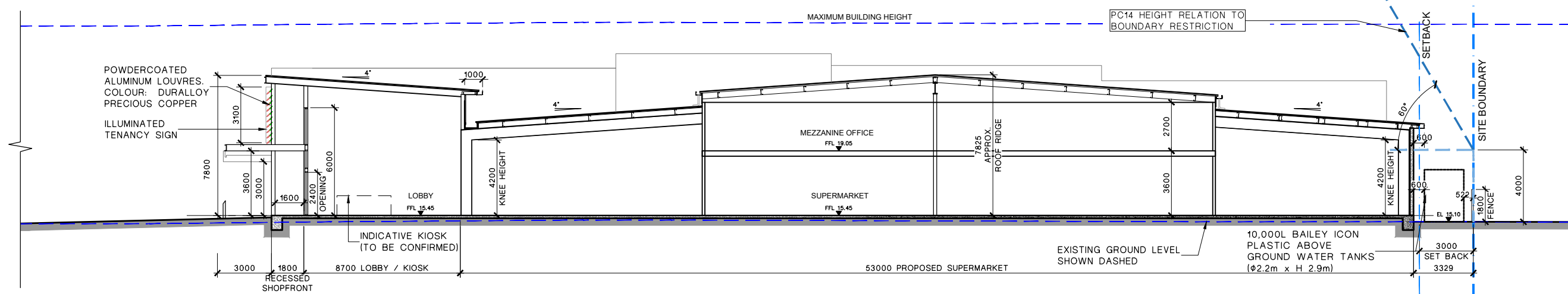
DEVELOPMENT SUMMARY:

- SUPERMARKET DEVELOPMENT SITE AREA** = 14430m² (APPROX.)
- SUPERMARKET AREA** = 3550m² (1:20)
(Incl. Mezz Office 200m²)
- LOBBY** = 140m² (APPROX.)
- HEADROOM** = 60m² (APPROX.)
- ONLINE** = 150m² (1:50)
- RETAIL A + B + C** = 860m² (1:30)
(INCL. CORE + AMENITY = 70m²)
- COMMERCIAL (ABOVE RETAIL B)** = 530m² (1:30)
- S.V.R.** = 13m² (APPROX.)
- TOTAL BUILD GFA** = 5303m² (APPROX.)

PARKING SUMMARY:

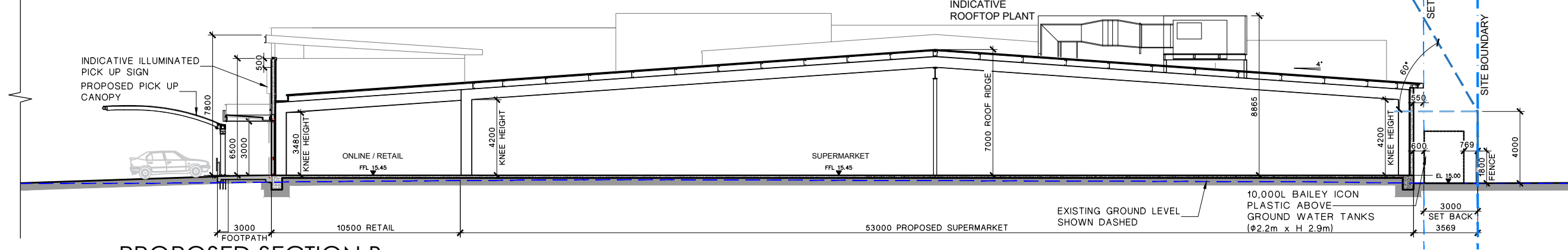
- TOTAL CAR PARKING** = 228 SPACES
CONSISTS OF :
STANDARD PARK = 195 SPACES
ACCESSIBLE PARK = 6 SPACES
PARENTS PARK = 3 SPACES
STAFF PARK = 17 SPACES
DTB PARK = 6 SPACES
DROP OFF PARK = 1 SPACE
- TOTAL CYCLE PARK** = 32 SPACES
CONSISTS OF :
SUPERMARKET VISITOR CYCLE = 10 SPACES
(SUPERMARKET FRONT ENTRANCE)
RETAIL VISITOR CYCLE = 12 SPACES
(NEXT TO THE PARK)
SUPERMARKET STAFF CYCLE = 10 SPACES
(NEXT TO S.V.R.)





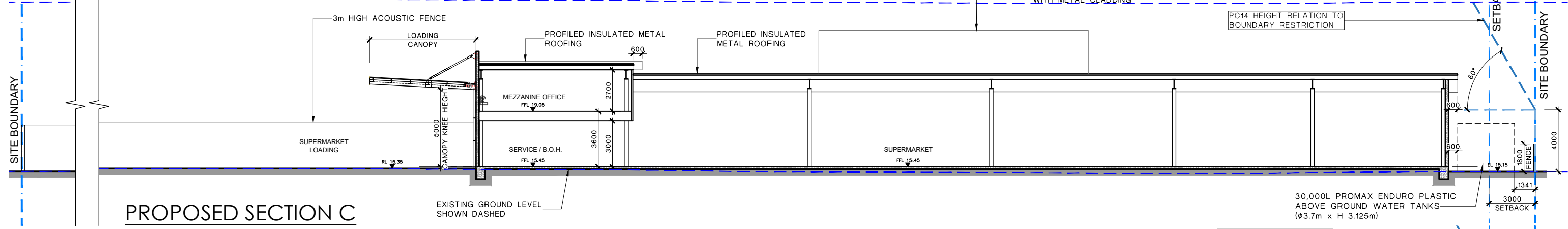
PROPOSED SECTION A

Scale 1:250 at A3



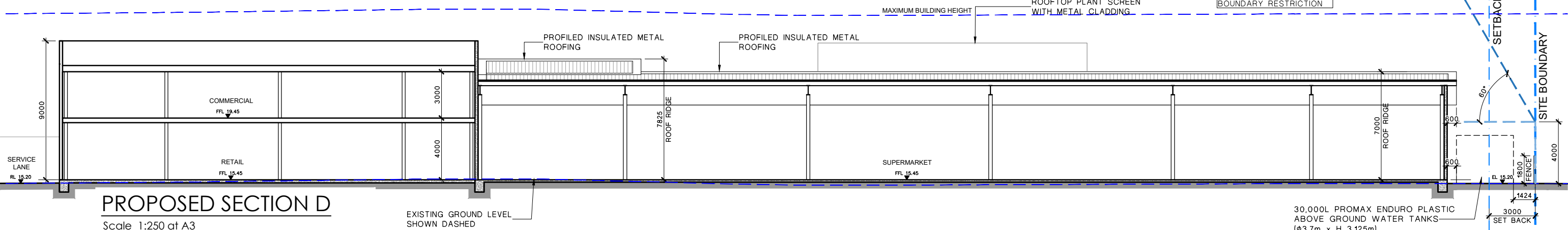
PROPOSED SECTION B

Scale 1:250 at A3



PROPOSED SECTION C

Scale 1:250 at A3



PROPOSED SECTION D

Scale 1:250 at A3



PROPOSED WOOLWORTHS SUPERMARKET RMA
Woolworth Madras Street, Christchurch, New Zealand

SCALE: AS SHOWN
DATE: 16 July 2025
JOB NO: 2028-15
DWG NO: RMA-103 REVISION-B

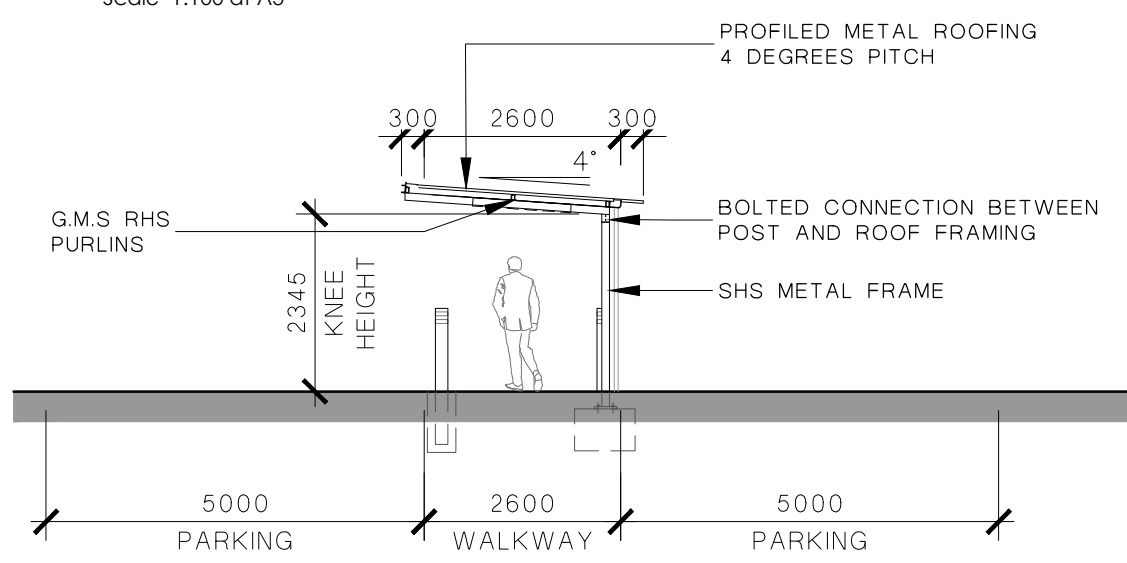
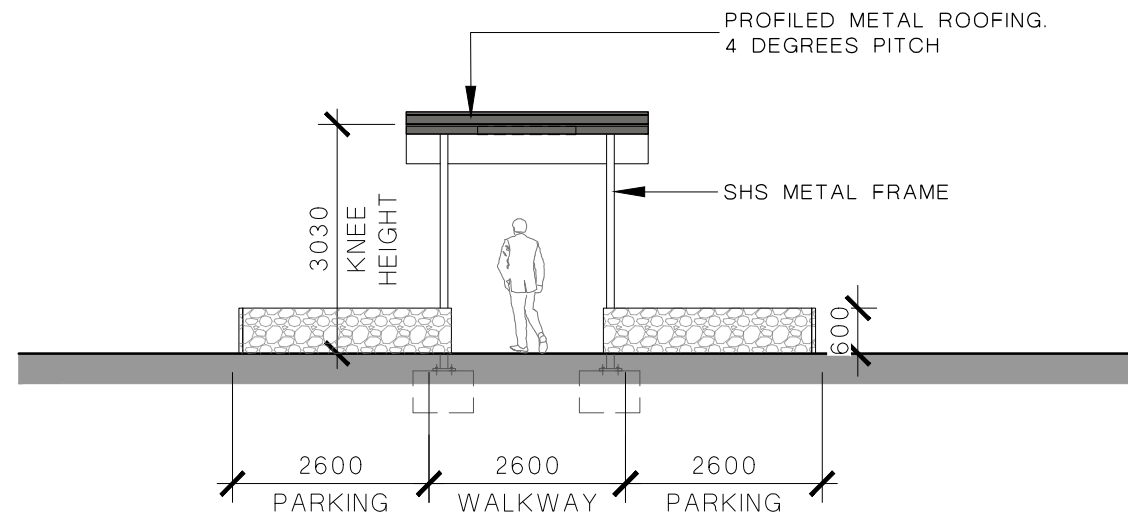
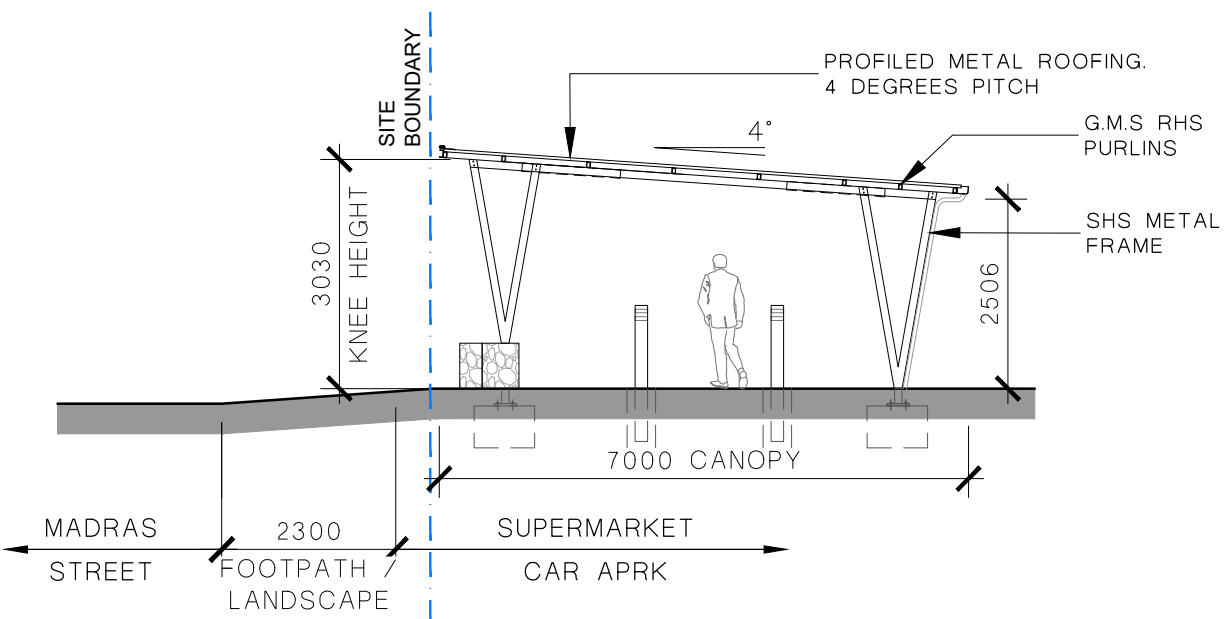
**WOODHAMS
MEIKLE
ZHAN
ARCHITECTS**



ARTIST IMPRESSION- ENTRY WALKWAY CANOPY
N.T.S.



ARTIST IMPRESSION- MAIN WALKWAY CANOPY
N.T.S.



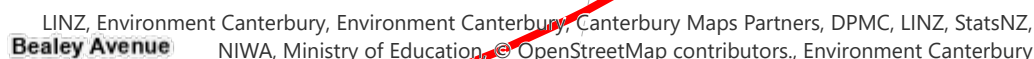
Annexure B

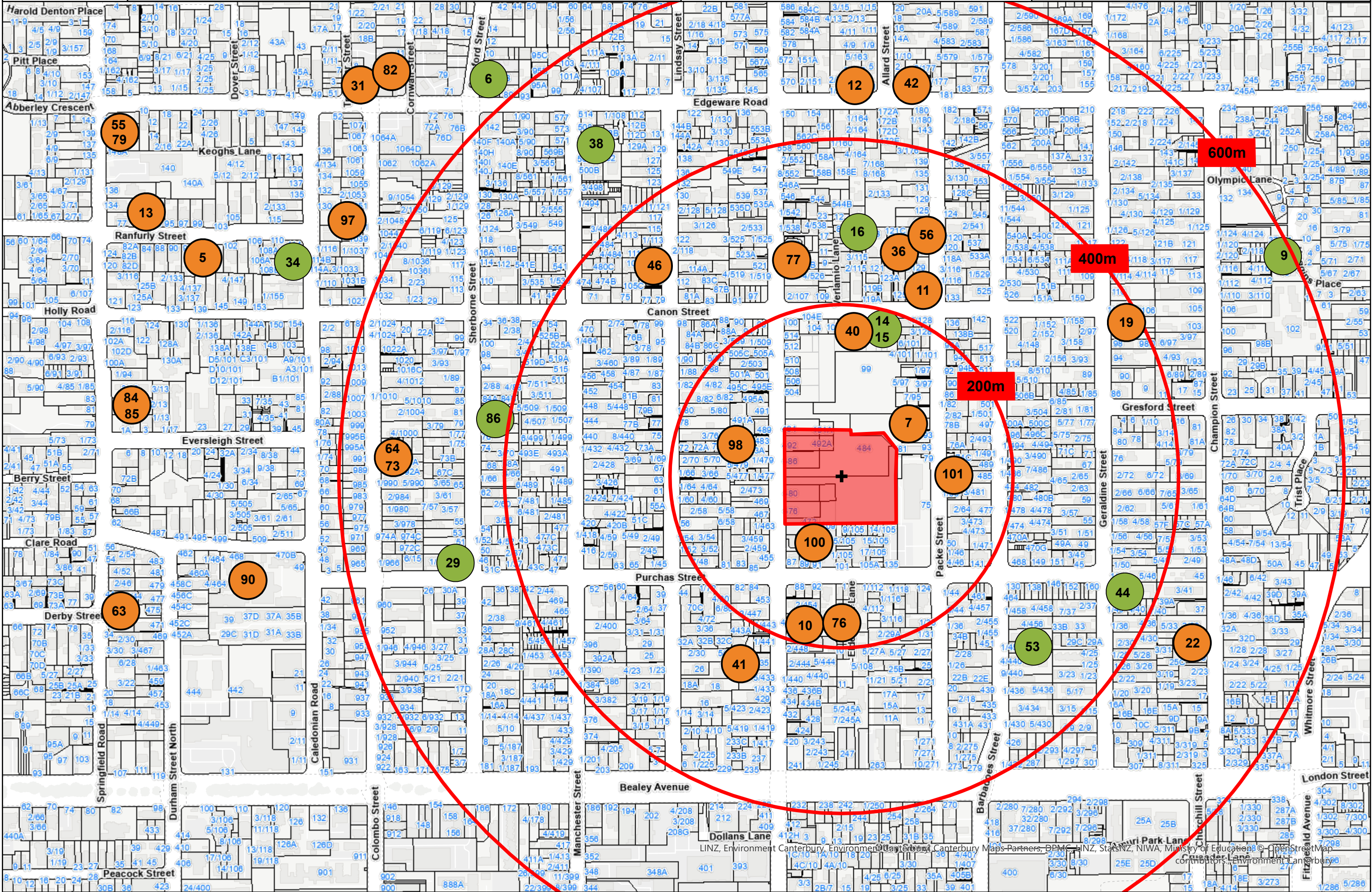
Submitter location map (close proximity to the Site)



Scale: 1:2,500 @A3

Map Created by Canterbury Maps on 30/04/2025 at 11:00 AM





Annexure C

Proposed Conditions

Draft Conditions

1. The development shall proceed in accordance with the information submitted with the application, including revisions and now all stamped RMA/2024/3209.

Management Plans

2. The following Management Plans must be prepared, submitted and implemented by the Consent Holder as associated with the following works:

- a. Traffic Management Plan (TMP).

- i. Pursuant to Condition 3. below individual TMPs are required for **both** the earthworks and construction development where they are undertaken in a staged manner. A single plan can alternatively be provided when the works are undertaken in an integrated manner.

- ii. The **objective** of the TMP is to reference the combination of measures necessary during construction works to minimise as far as is reasonably practicable impacts on traffic capacity and road users; and maintain the security, safety and reliability of the adjoining transport network, including identification and provision of safe pedestrian access during works.

- b. Construction Management Plan (CMP).

- i. Pursuant to Condition 5. below individual CMPs are required for **both** the earthwork works and construction general development works where they are undertaken in a staged manner. A single plan can alternatively be provided when the works are undertaken in an integrated manner.

- ii. The **objective** of the CMP is to ensure that any potential effects arising from construction activities on the site are effectively managed.

- c. Erosion and Sediment Control Plan (ESCP)

- i. Pursuant to Condition 6. below individual ESCPs are required for **both** the earthwork works and construction general development works where they are undertaken in a staged manner. A single plan can alternatively be provided when the works are undertaken in an integrated manner.

- ii. The **objective** of the ESCP is to identify the measures that will be implemented to minimise erosion and subsequent sediment loss from the site as a result of soil disturbing activities.

Commented [JC1]: Note condition numbering has been updated to reflect insertions and deletions.

Commented [JC2]: It is anticipated that the revised plans attached as Annexure A to the planning evidence and the landscape Design Report Revision D attached to Mr Brown's landscape evidence will form the stamped and approved plans.

Commented [JC3]: To clarify that the TMP is for construction phase, not operational (noting that 'development' can be interpreted as a noun rather than a verb).

Commented [JC4]: The site has very complex ground conditions and much of the "building works" i.e. foundation design will be integrated with the earthworks. It would make sense for all construction activities (i.e. earthworks, foundation and superstructure) to be covered by one plan in each category, especially considering the large number of plans already being required (TMP, CMP, ESCP, CNVMP) plus any Site Safe and H&S related plans required by other agencies that would need to speak to these Council plans.

d. Construction Noise and Vibration Management Plan (CNVMP)

- i. Pursuant to Condition 17. below a CNVMP is required for works associated with ~~construction the development~~.
- ii. The **objective** of the CNVMP is to ensure noise and vibration are effectively managed in accordance with the best practicable options, having regard to the construction period associated with the development.

Traffic Management Plan

3. Pursuant to Condition 2.a. works on site must be subject to a Traffic Management Plan (TMP) which must be prepared by a Suitably Qualified and Experienced Practitioner (SQEP) and submitted by the Consent Holder for acceptance prior to the commencement of work on the site. No works are to commence until the TMP has been accepted and installed.

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

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

4. The TMP the subject of condition 3. must include, but is not limited to, provision of safe pedestrian routes.

Construction Management Plan

5. Pursuant to Condition 2.b proposed works must be carried out in accordance with an accepted Construction Management Plan (CMP). The CMP must be prepared by a SQEP. The CMP must include, but not be limited to the following:

- a. Site description, topography, vegetation, soils and other reference information;
- b. Details of proposed works;
- c. Roles and responsibilities, including contact details for the site manager appointed by the Consent Holder;
- d. Site establishment;
- e. Programme and timing of works (including any staging required);
- f. Reference to the TMP prepared under Condition 3 and explicit reference of the provision of safe pedestrian routes.
- g. Storage of fuel and/or lubricants and any handling procedures;
- h. Contingency plans (including use of spill kits);
- i. Environmental compliance monitoring and reporting;
- j. All works being under the control of a nominated and SQEP engineer;

- k. Actions to be undertaken in the event that soils are unexpectedly found to have visible staining, odours and/or other conditions that indicate soil contamination. Including but not limited to ceasing works until a SQEP on land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils;

The Consent Holder must submit this CMP to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction works associated with this consent as set out in Condition 2.b. This CMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 5 prior to the commencement of any construction work and, once certified, the CMP will thereafter form part of the Approved Consent Document.

Note:

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

Should the Team Leader (or their nominee) refuse to certify the CMP, the consent holder must submit a revised CMP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 5.

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

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

If the amended CMP is certified, then it becomes the certified CMP for the purposes of condition 5 and will thereafter form part of the Approved Consent Document.

Earthworks including Erosion and Sediment Control Plan

- 6. Pursuant to Condition 2.c. all filling and excavation work must be carried out in accordance with Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate Environment Canterbury (ECan) resource consent for stormwater discharge or ECan resource consent for excavation/filling, the ESCP will require formal acceptance by Christchurch City Council's Subdivision Engineer (via email to rcmon@ccc.govt.nz) prior to any work starting on site.

The ESCP must be designed by a SQEP and a design certificate ([Appendix IV in IDS Part 3](#)) supplied with the ESCP for acceptance at least 5 working days prior to any earthworks commencing. The best practice principles, techniques, inspections and monitoring for

erosion and sediment control must be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esc.canterbury.co.nz/>.

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

- a. Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
- b. Details of proposed activities;
- c. A report including the method and time of monitoring to be undertaken;
- d. A locality map;
- e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;
- f. Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
- g. Environmental monitoring and auditing, including frequency;
- h. Corrective action, reporting on solutions and update of the ESCP;
- i. Stabilised entrance/exit and any haul roads;
- j. Site laydown and stockpile location(s) and controls.

Note:

Any changes to the accepted ESCP must be submitted to the Council in writing following consultation with the Council's Subdivision Engineer. The changes must be accepted by the Subdivision Engineer prior to implementation.

7. The Consent Holder must notify Christchurch City Council no less than three working days prior to works to which the ESCP relates commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The Consent Holder must at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 6 above.
8. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.

Note:

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

9. Earthworks must not commence until the relevant ESCP has been implemented on site. The ESCP measures must be maintained over the period of the relevant construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled **and** vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
10. Dust emissions must be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
11. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
12. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
13. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, must be reinstated as specified in the [Construction Standard Specifications](#) (CSS) at the expense of the consent holder and to the satisfaction of the Council.
14. The earthworks must be under the control of a nominated and SQEP engineer.
15. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained. Following the completion of the filling and associated work an engineering report including a finished section level as built, with retained wall height and slope batter details, must be submitted to the Subdivision Engineering Section of the Council. This report must be undertaken by a SQEP engineer. The information contained in this report will be placed on the property record.
16. Any change in ground levels must not affect the stability of the ground or fences on neighbouring properties

Construction Noise and Vibration Management

17. Construction works associated with all aspects of the development which create vibration must be undertaken in accordance with ISO4866:2010 as monitored by the Consent Holder, with compliance with any vibration levels to be monitored and assessed as set out in the Construction Noise and Vibration Management Plan (CNVMP) as required by Condition 2.d.
18. Pursuant to Condition 2.d. all earthworks and construction works undertaken in conjunction with the development must occur in accordance with an accepted Construction Noise and

Vibration Management Plan (CNVMP) prepared by a SQEP which addresses the requirements of NZS6803:1999 Acoustics - Construction Noise and ISO4866:2010 Vibration of fixed structures. Noise from construction works must where practicable comply with the recommended noise limits for long term duration construction outlined in NZS6803:1999, and where compliance is not practicable be undertaken in accordance with the measures outlined in the CNVMP. The CNVMP must be submitted to rcmon@ccc.govt.nz at least 10 days prior to commencing the relevant works on site and include at a minimum:

- a. Assessment of proposed machinery and equipment to be used;
- b. Days and hours of work;
- c. Management measures for noise and vibration, including specific triggers or thresholds for implementing them.
- d. Procedures for noise and vibration monitoring and reporting.
- e. Vibration levels must be monitored and assessed as follows:
 - i. Vibration monitoring must be conducted by a SQEP (e.g., Member of the Acoustical Society of New Zealand or equivalent).
 - ii. Measurements are to be undertaken to enable assessment against the relevant vibration triggers or thresholds, using metrics taken from ISO4866:2010.
 - iii. Select measurement positions to be representative of the receiver location of interest, including sites which contain buildings, including buildings under construction at locations agreed by the Team Leader Compliance and Investigations with Christchurch City Council.
- f. Communication strategy for occupiers of neighbouring sites; and
- g. Procedures for managing and responding to any complaints received about noise and vibration.

The Consent Holder must submit this CNVMP to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction work associated with this consent. This CNVMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 19. prior to the commencement of any construction work and, once certified, the CNVMP will thereafter form part of the Approved Consent Document.

Note:

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

Should the Team Leader (or their nominee) refuse to certify the CNVMP, the consent holder must submit a revised CNVPP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 18.

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

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

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

Site Management if works cease

19. Should any works subject of this consent cease for more than two weeks the site must be retained with a stable and compacted surface, which provides effective dust control, through either of the following:
 - a. Site contouring and grassed; or
 - b. Compacted gravel.

Landscaping generally

~~20. The Consent Holder must submit for certification the following amendments to the landscape concept plans pages 8. -9. of the Application Appendix 3:~~

- ~~a. Plant spacings;~~
- ~~b. An annotated cross section of carpark planting strips;~~
- ~~c. An increase in the numbers of and species of trees in the in the carpark;~~
- ~~d. 7.5m spacings of the kowhai at the southern boundary of the site;~~
- ~~e. Spacings for the kowhai at the southern boundary of 7.5m;~~
- ~~f. At the road boundary the Bronze bush flax and Dwarf mountain flax should form a continuous line; or some of the low growing species should be substituted with plants that would reach 1m in height in numbers that would achieve the same visual outcomes in f.; or~~
 - ~~i. a low clipped hedge;~~
 - ~~ii. species reaching 1m in height;~~
- ~~g. At the road boundary Liquidambar spp be replaced with native trees at 5m spacings;~~
- ~~h. Additional trees planted in islands near the Madras Street pedestrian entrance;~~
- ~~i. Trees in the south and east (gated) building setbacks all changed to Ribbonwood;~~
- ~~j. The hedge plants in the south and east (gated) building setbacks all changed to Griselinia littoralis 'Canterbury' / Kapuka / Broadleaf;~~
- ~~k. More trees between the proposed building and the south and eastern boundary where this is feasible;~~
- ~~l. Boundary fencing at the area of the detention tanks that prevents unauthorised access to tank space while preserving the visual amenity of the adjoining residential properties. This might include pool style fencing upon review by the certifier;~~
- ~~m. The three metre high acoustic fence painted in recessive colours.~~

Commented [JC5]: Negated by the recommendations having either been accepted and the 'approved plans' in condition 1 updated to reflect the change, or not considered to be necessary in Woolworth's landscape evidence.

If the Panel consider that any of the remaining landscape items not covered by the revised plans remain necessary, then the Council condition wording is appropriate insofar as it relates to those items.

21. ~~The Consent Holder must submit the amended landscape plan the subject of condition 20 to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction work associated with this consent. This landscape plan is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 30, prior to the commencement of any construction work and, once certified, the landscape plan will thereafter form part of the Approved Consent Document.~~

Note:

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

~~Should the Team Leader (or their nominee) refuse to certify the landscape plan, the Consent Holder must submit a revised landscape plan to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 21.~~

20. The landscaping as shown on the Landscape Design Report (Revision D) ~~plans subject to Condition 1 and as certified under condition 21~~ must be established on site within the first planting season (extending from 1 April to 30 September) following the final, passed building inspection for the supermarket building. Specimen Trees must be planted to the bag sizes and heights specified in the Landscape Design Report.
21. The ~~certified~~ landscaping ~~under subject to~~ condition ~~1 21~~ must, where applicable, be installed in accordance with Chapter 6 Appendix 6.11.6 of the District Plan.
22. All landscaping required for this consent must be maintained. Any dead, diseased, or damaged landscaping must be replaced by the Consent Holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.

Environmental Health

23. Works on site must be carried out in accordance with the Site Management Plan/Remedial Action Plan prepared by ENGEO and dated 16 August 2024.
24. Soils removed from site must be disposed of to a facility consented/licensed to receive such material. Evidence of disposal such as weighbridge receipts shall be provided to the Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.
25. In the event that soils are unexpectedly found to have visible staining, odours and/or other conditions that indicate soil contamination then work must cease until a SQEP in land

Commented [JC6]: Whilst planting size is implicit in the first sentences that landscaping be in accordance with the Landscape Design Report, particular emphasis on specimen tree bag size and height is considered by Mr Brown to be an important element in delivering the Proposal's anticipated amenity that warrants explicit reference in the conditions.

Commented [JC7]: Note that these conditions provide a more site-specific response for the management of contaminated soils than the 'contaminated soils' conditions below that are proposed to be deleted due to duplication.

These conditions also correspond with the conditions recommended by Ms Rayne for Council (S42A Appendix M).

contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils.

26. A Summary of Works (SOW)/Site Validation Report must be prepared and provided to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.

Acoustic

27. Prior to operations commencing acoustic fencing must be installed along all internal boundaries. Fencing must be constructed at the heights specified on the approved plans, be continuous and maintained with no gaps or cracks, and have a minimum mass of 12kg/m².
28. A design report confirming all mechanical plant systems (except for emergency back-up generators) have been designed to achieve 40dB LAeq at nearby sites containing residential activity at all times must be provided to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz no later than 10 working days prior to commissioning.
29. No forklifts or vehicles must operate within the outdoor loading zone area between the hours of 2200 – 0700.
30. Forklifts must be electric, and be fitted with non-tonal reversing alarms.
31. No emptying of bottles or removal of waste bins must occur on site between the hours of 2200 – 0700.
32. The outdoor area marked as 'Village Green' on the landscape plan included in Condition 1 shall not be used for outdoor dining or the consumption of alcohol between the hours of 22:00 – 0:700.

Advice note: Prior to commencing operations, any proposed future activities in the non-supermarket tenancies that seek to operate between 22:00 - 0:700 shall either obtain a Certificate of Compliance confirming compliance with the relevant District Plan night-time noise standards, or shall obtain a resource consent to demonstrate that effects of non-compliance are able to be effectively managed.

Sale of Alcohol

33. There must be no sale of alcohol from any commercial activity on the site located within 75m of the abutting Residential Zones between the hours of 2300 and 0700.

Size of Tenancies

34. Apart from the supermarket, no individual retail or office tenancies shall be more than 450m² GFA.

Lighting

Commented [JC8]: Offered by Woolworths in the application

Commented [JC9]: Woolworth's acoustic evidence recommends a noise management plan be submitted, but from a planning perspective either you comply (in which case there's no issue), or you don't in which case you'll need a separate RC, which may well include a noise management plan. So I think an advice note is the better framing.

Commented [JC10]: The sale of alcohol condition is the same wording as the CCC Condition. It has simply been relocated from near the bottom of the condition list so it sits immediately after the 'acoustic' conditions, given the close relationship between these two matters.

Commented [JC11]: Offered in the application to ensure compliance with Rule 15.3.2.1(a)(ii), given no internal tenancy walls have been confirmed for the non-supermarket retail spaces.

35. Prior to commencement of operation of any commercial activity in buildings subject to this consent the consent holder must submit a design certificate from a SQEP confirming that the development will achieve compliance with the standards in Chapter 6.3 of the District Plan as it was at [Date of Consent] .
36. Upon completion of the lighting installation, the Consent Holder must provide an installation certificate from a SQEP to the Council showing that the lighting has been installed in accordance with design certificate.

Note:

*The required design certificate and installation certificate must be provided to the Council
Attention: Team Leader Compliance and Investigations, by way of email to
rcmon@ccc.govt.nz.*

Works on Madras Street

General layout requirements – road layout upgrade

37. Prior to first operation of any of the commercial activities the subject of this consent, the physical layout of Madras Street must be established in accordance with the general layout within the legal road as shown on the plan labelled xxxx in the Stamped Approved Plans.

Quality assurance

38. The design and construction of all assets must be subject to a project quality system in accordance with Part 3: Quality Assurance of the Infrastructure Development Standard (IDS).
39. Prior to the commencement of physical works on Madras Street the Consent Holder must submit to the Planning Team - Subdivision Engineers a Design Report, Plans and Design Certificate complying with clause 3.3.2 of the IDS for review and acceptance under clause 2.10 of the IDS 2022. The Design Report and engineering plans must provide sufficient detail to confirm compliance with the requirements of the Council's latest Infrastructure Design Standards (IDS) and this consent.

Asset Design and Construction

40. All infrastructural assets to be vested in the Council must be designed and constructed in accordance with the Council's latest Infrastructure Design Standard (IDS) and the Council's latest Construction Standard Specifications (CSS).
41. Asset structures must include but not be limited to gravity and pressure pipelines, manholes, chambers, valves, hydrants, stormwater treatment devices, culverts or any other physical asset to be vested in Council including road pavements.
42. All infrastructure **to be vested in the Council** shall be designed to resist the effects associated with earthquake induced liquefied soils. All liquefaction hazard mitigation shall be designed for a 1 in 25 year return period serviceability limit seismic design event and a 1 in 500 year return period ultimate limit state seismic design event as defined in NZS1170.5.2004.

Commented [JC12]: To be consistent with the rest of these conditions which relate to assets to be vested.

Beyond a SLS seismic event, it is recognised asset structures may become progressively less serviceable.

43. In addition to the above, all proposed infrastructure to be vested in the Council must be designed to resist the effects associated with earthquake induced liquefiable soils and lateral spread from a seismic event as defined in condition 42.
44. Prior to the commencement of physical works on the road the Consent Holder must submit to the Council's Planning Team - Subdivision Engineers a Contract Quality Plan and supporting Engineer's Review Certificate, complying with clause 3.3.3 of the IDS, for review and acceptance by Council under Clause 2.11 of the IDS 2022.
45. Prior to commencement of commercial operations on the site the Consent Holder must submit to the Planning Team - Subdivision Engineers an Engineer's Report complying with clause 3.3.3 of the IDS and an Engineer's Completion Certificate complying with clause 3.3.4 of the IDS for review and acceptance under clause 2.12 of the IDS 2022. The Engineer's Report must provide sufficient detail to confirm compliance with the requirements of the IDS, the CSS and this consent, including compliance with consent conditions requiring mitigation measures with respect to any liquefaction and lateral spread hazards.

Note:

Part 3 of the IDS sets out the Council's requirements for Quality Assurance. It provides a quality framework within which all assets must be designed and constructed. It also sets out the process for reporting to Council how the works are to be controlled, tested and inspected in order to prove compliance with the relevant standards. It is a requirement of this part of the IDS that certification is provided for design and construction as a pre-requisite for the release of the 224c certificate. The extent of the documentation required should reflect the complexity and/or size of the project.

- ~~46. Landscaping plans shall be submitted by the Consent Holder for acceptance at the same time as the engineering design plans are submitted and is to be accepted by Council. The Landscape Plans and Design Report must be submitted to landscape.approval@ccc.govt.nz as well as the Subdivision Engineer.~~

Maintaining operating conditions on Legal Road

46. All work within the legal road, or activities outside the legal road that affect the normal operating conditions of the legal road, cannot start until the consent holder has been issued with an Approved Works Access Permit (WAP);

Note:

A Corridor Access Request (CAR) application and TMP can be submitted to the Council through the following web portal <http://www.myworksites.co.nz>.

- ~~47. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, must be reinstated as specified in the Construction~~

Commented [JC13]: No landscaping is proposed within the road reserve or associated within any assets that are to be vested with Council.

~~Standard Specifications (GSS) at the expense of the Consent Holder and to the satisfaction of Council:~~

Commented [JC14]: This condition already covered as condition 13 above. Deleted here as it's a straight duplicate.

Traffic Safety Audit

47. The Consent Holder must provide traffic safety audits undertaken by a SQEP and independent traffic engineer at the engineering acceptance stage (design) and at works completion (post construction).
48. Detailed engineering design for the transport network must ensure the recommendations of the Safety Engineer in the preliminary scheme design (concept) safety audit are incorporated in the design where those recommendations are agreed with the Council.

Existing Road Frontage

49. No excavation shall start within legal road until service location (including depths) has been carried out, existing services are shown on the engineering plans where their locations are different from those presented through the design acceptance process, and any resulting amendments to the design have been accepted by the Subdivision Engineer.

Streetscape Landscape Plans

- ~~50. Landscape plans and an accompanying Design Report for street trees and street garden beds are to be submitted to the Technical Design Services (Landscape Architecture and Environment Team at landscape.approval@ccc.govt.nz) for acceptance.~~

Note:

~~Grassed berms within road reserves do not form part of the landscape acceptance or landscape bond.~~

Commented [JC15]: No landscaping is proposed within the road reserve, noting that reinstatement of grassed berms are excluded from the road landscaping conditions.

These tend to be conditions applied to new greenfield subdivisions where the road corridors are being constructed with street trees as part of the asset built and vesting process.

- ~~51. The Landscape Plans and Design Report are to provide sufficient detail to confirm compliance with the requirements of the IDS (current version) and the GSS (current version). All landscaping required by this condition is to be carried out in accordance with the accepted plan(s) at the Consent Holder's expense, unless otherwise agreed.~~
- ~~52. Prior to Council's practical completion inspection and acceptance, the consent holder must submit (to the Landscape Architecture and Environment Team at landscape.approval@ccc.govt.nz) all required completion documentation in accordance with IDS Part 10.3.4 Engineer's Report and the Quality Assurance System, to provide evidence that the work is completed in accordance with the accepted plans, the IDS and GSS (current versions), and the conditions of consent.~~
- ~~53. The Consent Holder must maintain all landscape assets within road corridors to the standards specified in the GSS (current version) for the **24 months** Establishment Period (Defects Liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the assets by Council. Acceptance must be based upon the criteria outlined in the GSS, Part 7 Landscapes.~~

~~54. The Consent Holder must maintain an accurate and up-to-date monthly report on the condition of the landscape assets and the works undertaken during the Establishment Period (Defects Maintenance). The report must be submitted to the Landscape Architecture and Environment Team at landscape.approval@ccc.govt.nz within five days of the end of each month during the Establishment Period. (Refer: *Monthly Establishment Report*, CSS, Part 7 Landscape (current version).~~

~~55. The Consent Holder must enter into a separate bond with Council to the value of 50% of the cost to replace and establish all street trees and street garden beds. The bond will be held for the Establishment Period of a minimum of **24 months** and may be extended by a further **24 months** for the replacement planting(s), as required. The bond will be released after the trees have been accepted by Council at final completion / handover.~~

~~56. Any replacement plantings and extended establishment period required due to street trees or street garden beds not being accepted must be carried out at the Consent Holder's expense.~~

Final Completion / Handover

50. Prior to Council's final completion inspection and acceptance of the assets at the end of the ~~12~~ **24** month Establishment Period, the Consent Holder must submit all required completion documentation in accordance with IDS Part 2:2.12 Completion of Land Development Works and the Quality Assurance System, to provide evidence that the work has been completed and maintained in accordance with the agreed standards and conditions of this consent. Where it is not possible to determine the condition of the assets due to seasonal constraints (e.g. trees not being in full leaf) then the final inspection and final completion may be delayed until the condition of the assets can be accurately determined.

Commented [JC16]: 12 months, not 24. 24 months is only typical for stormwater basins or trees. 12 months is standard for vested infrastructure.

Earthworks – road layout upgrade

51. All filling and excavation work must be carried out in accordance with an Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate Environment Canterbury (ECan) resource consent for stormwater discharge or ECan resource consent for excavation/filling, the ESCP will require formal acceptance by Christchurch City Council's Subdivision Engineer (via email to rcmon@ccc.govt.nz) prior to any work starting on site.

The ESCP is to be designed by a SQEP and a design certificate ([Appendix IV in IDS Part 3](#)) supplied with the ESCP for acceptance at least 5 working days prior to any earthworks commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control must be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esc.canterbury.co.nz/>.

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

- a. Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
- b. Details of proposed activities;
- c. A report including the method and time of monitoring to be undertaken;
- d. A locality map;

- e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;
- f. Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
- g. Environmental monitoring and auditing, including frequency;
- h. Corrective action, reporting on solutions and update of the ESCP;
- i. Stabilised entrance/exit and any haul roads;
- j. Site laydown and stockpile location(s) and controls.

Note:

Any changes to the accepted ESCP must be submitted to the Council in writing following consultation with the Council's Subdivision Engineer. The changes must be accepted by the Subdivision Engineer prior to implementation.

- 52. Earthworks must not commence until the ESCP has been implemented on site. The ESCP measures must be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled **and** vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
- 53. The Consent Holder must notify Christchurch City Council no less than three working days prior to works commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The consent holder must at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 59. above.
- 54. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.

Note:

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

- 55. Dust emissions must be appropriately managed within the boundary of the property in compliance with the *Regional Air Plan*. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
- 56. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.

57. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
58. All concentrated stormwater or collected groundwater, including that from behind retaining walls (where there are any), must be discharged in a controlled manner to the Council network.

Note:

It is the Consent Holder's responsibility to ensure that the activity, including where carried out by contractors on their behalf, complies with the below Christchurch District Plan standard - failure to do so may result in enforcement action and the need for additional land-use consent:

Rule 6.1.6.1.1 P2 - All earthworks related construction activities must meet relevant noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, when measured and assessed in accordance with that standard.

59. Any change in ground levels must not affect the stability of the ground or fences on neighbouring properties.

Contaminated soils

- ~~60. Unless a Suitably Qualified and Experienced Practitioner (SQEP) in land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils a Site Management Plan or Remedial Action Plan must be provided to Christchurch City Council for certification by way of e-mail to rcmon@ccc.govt.nz no later than 10 working days prior to the commencement of works.~~
- ~~61. Works on site must be carried out in accordance with the certified Site Management Plan or Remedial Action Plan or the advice of the SQEP as the case may be.~~
- ~~62. All soils removed from site must be disposed of to a facility consented/licensed to receive such material. The Consent Holder must provide evidence of disposal such as weighbridge receipts to the Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.~~
- ~~63. A SQEP must prepare a Final Site Report and the Consent Holder must provide this to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks.~~
- ~~64. If required, a SQEP must prepare a Long Term Site Management Plan and the Consent Holder must provide this to Christchurch City Council by way of e-mail to rcmon@ccc.govt.nz within three months of the completion of earthworks, if required.~~
- ~~65. In the event that soils are unexpectedly found to have visible staining, odours and/or other conditions that indicate soil contamination then work must cease.~~

Sale of Alcohol

Commented [JC17]: These conditions deleted as they are already addressed in the environmental health conditions above.

66. — There must be no sale of alcohol from any commercial activity on the site located within 75m of the abutting Residential Zones between the hours of 2300 and 0700.

Commented [JC18]: Condition retained but relocated so it sits immediately after the 'acoustic' conditions, given the close relationship between these two matters.

Stormwater

60. Stormwater from all trafficable hardstanding must be treated with one of the following treatment systems before discharge to the Christchurch City Council stormwater network.

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

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

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

