

Report / decision on whether an application for Resource Consent should be processed as publicly notified, limited notified, or non-notified

(Sections 95A / 95B)

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| Application Number: | RMA92026872 |
| Applicant: | Papanui Properties Limited |
| Site address: | 32 – 54 Harewood Road (also known as 30-64 Harewood Road, 41 Langdons Road and 22 Chapel Street) |
| Legal Description: | Lots 1 & 2 DP 59153, Lot 1 DP 63391, RS 41027 Canterbury Dist, Lot 1 DP 204, Lot 2 DP 5985, Pt Lot 1 DP 9715, Pt Lot 9 DP 9715, and Lots 2, 3, 4, 5, 6, 7, 8, 10 & 12 DP 9715 |
| City Plan Zoning: | Business 4 (Suburban Industrial) |
| Proposed District Plan Zoning: | Industrial General |
| Activity Status: | Non-complying |
| Description of Application: | To establish and operate a Mitre 10 Mega store, including associated access, car parking, signage, landscaping and earthworks in two stages. Stage 1 includes the continued operation of the existing Sanitarium Marmite manufacturing plant on the site. |

Introduction

The applicant, Papanui Properties Limited, seek resource consent to establish and operate a Mitre 10 Mega store, including associated access, car parking, signage, landscaping and earthworks on the site at 32 - 54 Harewood Road, commonly known as the Sanitarium site.

The proposed development is to occur in two stages, with a portion of the proposed Mitre 10 building to be constructed and in operation prior to the decommissioning of the existing Marmite manufacturing plant such that the activities will operate concurrently for a period of up to five years until all Sanitarium manufacturing facilities are transferred from the site, at which time additional retail floor area and a garden centre will be constructed.

The proposal has been described in detail in Section 3 of the AEE submitted. In summary, the key aspects of the proposed development include:

Buildings

- Construction of a 13,518m² Mitre 10 Mega store, with the building consisting of:
 - 7,788m² main retail warehouse (including the 132m² entry lobby);
 - 500m² mezzanine for administration offices;
 - 1,920m² garden centre;
 - 131m² water store;
 - 175m² ancillary café;
 - 256m² goods unloading area; and
 - 2,748m² drive through area with canopy.
- The proposed building is sited parallel to the eastern boundary, adjacent to the railway corridor, setback 6m from the boundary (railway) and approximately 18.5m from Harewood Road at its closest point.
- Stage 1 includes the retention of the existing Sanitarium processing plant and infrastructure shed located in the north eastern portion of the site; demolition and decommissioning of the remaining existing buildings and construction of 10,551m² of the overall 13,518m² Mitre 10 Mega building.
- Stage 2 includes the decommissioning and demolition of the Sanitarium processing plant and the construction of 2,967m² extension to the northern elevation for additional retail areas and a garden centre. The overall Stage 2 completion target is 2019.

Earthworks and Waterway

- Disturbance of up to 14,378m³ of soil which depending on confirmation of contamination levels could potentially require up to up to 14,378m³ of soil to be removed from the site. Geoscience have completed a Detailed Site Investigation (DSI) which concludes that contaminated soil is present on the site. A Remedial Action Plan is proposed by the applicant.
- To enclose and pipe the existing 130m length of open Environmental Asset waterway, Kruses Drain, and realignment of the existing piped section of the waterway. The proposal also includes earthworks within 3m of the proposed/subsequent piped and realigned utility waterway.
- The applicant has entered into a Private Developer Agreement with the Council in relation to compensation for fully piping the waterway through the site.
- Installation of 5 (no.) 30,000L tanks capturing all of the roof stormwater runoff, with a combined single 100mm orifice which can adequately attenuate the three critical events to below (or in the case of the 5 hour event, close to) predevelopment levels.

Landscaping and protected tree

- A total proposed area of landscaping of approximately 3,832m² or 11.5% of the site area¹, consisting of:
 - Permeable landscaping including: new and existing transplanted trees, shrubs, lawn and other natural or manmade materials
 - Impermeable surfaces to provide pedestrian connectivity to and within the site
 - Retention of the existing Sanitarium fountain
 - Retention of the protected (notable) Tulip tree (*Lirodendron tulipifera*)
 - Retention of existing mature trees along the western site boundary
 - Feature planting at the Harewood Road entry
 - 38 road frontage trees
 - 46 car park trees
 - Replacement of all existing high enclosed fencing with pen palisade style fencing or similar, setback from the boundary to allow for landscape strips.
- Works within 10m of the notable Tulip tree, including construction of 14 car parking spaces and a pedestrian connection.

Signage and lighting

- A total of 534m² signage consisting of: building mounted signage and three free-standing pylon signs – one each on the Langdons Road, Chapel Street and Harewood Road frontages.
- Parking and loading areas that are used at night shall be illuminated to a minimum level of 2 lux, consisting of a combination of wall mounted and bollard lighting.

Access and car parking

- A total of 294 on-site car parking spaces will be provided for Stage 1, increasing to 340 spaces upon completion of Stage 2.
- 47 spaces will be marked for staff use.
- 10 covered and 12 uncovered cycle parking spaces will be provided adjacent to the south-west corner of the building at Stage 1, with another 14 space stand provided at the northern end of the building on completion of Stage 2.
- A loading and service area located in the south-east corner of the site.
- Access to the site is proposed in two locations:
 - A 10m wide access located on Harewood Road, approximately 21m east of the Matsons Avenue intersection (opposite); and
 - An existing access on Chapel Street midway between Langdons Road and Hoani Street (opposite). It is intended that this access will be the main entry point for larger service and delivery vehicles.
 - A third 8m wide egress-only crossing is proposed on Harewood Road in the south-west corner of the site approximately 30m from the railway crossing (utilising an existing access point). This egress provides for left-turn exit manoeuvres only and will be used as the exit for larger vehicles from the loading dock.
- Pedestrian connections will also be provided to/from Harewood Road and Chapel Street as well as within the site (through the car park).

¹ Note: this figure will have increased following amendments reducing the width of the Harewood Road vehicle access.

Traffic generation

- Upon completion of Stage 2 of the development, the proposed Papanui Mitre 10 Mega store is estimated to generate a weekday traffic volume of around 2330 vehicle trips per day, and around 4160 vehicle trips per day on Saturdays during the peak November trading month.
- During the weekday PM peak period on the adjoining road network the proposal is estimated to generate around 230 vehicle trips per hour, while during the Saturday peak period the proposal is estimated to generate around 620 vehicle trips per hour.

The existing environment

The applicant has provided a comprehensive description of the application site and surrounding environment, including the road network, in Section 2 of the AEE submitted – I refer the reader to that description and adopt it as my own.

However, in brief, I note the following key points:

- The site is zoned Business 4 (Suburban Industrial);
- The site has a total site area of 32,889m² and is held in multiple titles;
- The predominant existing activity is the Sanitarium Health Food Factory, with other commercial/industrial activities on the smaller titles;
- The site contains a notable Tulip tree (Lirodendron Tulipitere);
- An environmental asset waterway, Kruses Drain, crosses the site and is partially piped;
- A rail corridor adjoins the eastern site boundary, with Business 2 zoned land beyond (including Northlands Mall);
- The surrounding area to the west and south is zoned Living 2 consisting of a mix of standard residential development and several resthome / carehome complexes;
- The immediately adjoining site to the west contains a Methodist Church;
- To north-west across Langdons Road is land zoned Business 4 and Business 5;
- Harewood Road is a minor arterial road; Chapel Street is a local road; Langdons Road is a collector road.



Application site and surrounding area

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The green circles denote the location of identified affected parties (see report below).
The red arrows denote proposed vehicle access points.

Planning Framework

Christchurch City Plan

The site is zoned Business 4 (Suburban Industrial) under the City Plan. The Business 4 (Suburban Industrial) Zone includes a number of light industrial and servicing areas in the city generally located within or adjoining suburban living areas. It also includes light industrial areas servicing areas adjoining some large suburban centres.

The Plan anticipates that the Business 4 zone will provide for light industry, warehousing and service industries, and some commercial activities such as offices. Some retailing is provided for in these areas, with an emphasis on retail activities of a nature and scale that do not lead to significant adverse effects on the function and amenity of the central city and district centres.

Retail activity is subject to restrictions in scale in order to prevent the adverse effects of dispersal and dilution of this activity outside the Business 1 and 2 zones, and the Central City zone, as these zones serve as important focal points for community activity and provide convenient access to a range of goods and services.

The Environmental Results Anticipated for the Business 4 zone are:

- (a) *A diverse range of light industrial activities, some office and commercial service activities and limited retail activities, with frontages of larger industrial enterprises set aside for parking, landscaping and offices.*
- (b) *A zone environment with a high density and scale of industrial, office and commercial service buildings. Some limited retail activity buildings establishing at a small to medium scale in reflection of traditional established activities. A proportion of smaller sites developed intensively.*
- (c) *Relatively high levels of traffic generation with standards for access and manoeuvring to mitigate adverse effects.*
- (d) *Noise outcomes limited at living zone boundaries to levels consistent with adjacent living zones and standards of amenity.*
- (e) *A visually mixed environment, with a predominantly industrial character but with standards on development to improve and enhance street scene character, with requirements for frontage landscaping and street setbacks for buildings to mitigate building scale and storage areas as development and redevelopment takes place.*
- (f) *Concentration of office or residential accommodation on site frontages, to enhance the visual impact of industrial and other activities.*
- (g) *Residential occupation confined to on site management or security in reflection of the higher level of impacts from the dominant activities, and which is limited in scale and to protect the extent and operation of adjoining business activities....*

This proposal is a non-complying activity as it breaches the following rules:

Business zone standards

- **Development Standard 3-5.2.7(a) Landscaped areas** – 10% of the site is required to be in landscaping; (a)(v) on sites adjoining a living zone at least half of the required landscaping shall be located along the zone boundary.

11.5% of the site is proposed to be in landscaping, however, less than half of the required landscaping is located along the living zone boundary.

- **Development Standard 3-5.2.7(b) Landscaped areas – trees** - (i) Based on a road frontage of 375m, a total of 38 road frontage trees are required; (iv) In addition to (i) one tree shall be planted for every 5 car parking spaces required on the site and shall be planted within or adjacent to the car parking area; (vi) Any trees required by this rule shall be of a species capable of reaching a minimum height at maturity of 8 metres and shall be not less than 1.5 metres high at the time of planting. Any trees listed in Part 3, Appendix 3 are deemed to comply with this rule.

38 road frontage trees are proposed, complying with (i), however, a total of 68 car park trees are required based on provision of 340 car parking spaces (Stage 2) and only 46 trees are proposed, resulting in a shortfall of 22 trees under (iv). Three tree species are proposed, one of which (*Prunus yedoensis*) only reaches 5m height at maturity, resulting in a breach of (vi).

General city rules

- **Development Standard 9-5.2.4 Filling, excavation and building adjacent to waterways and the coastline** - Any filling or excavation, or the erection of buildings shall be a discretionary activity within 3 m of a utility waterway or 7m of an environmental asset waterway.

The proposal seeks to enclose and pipe the existing environmental asset waterway known as Kruses Drain as shown in Part 9, Appendix 1 where there is a 130m open section that flows in a northwest direction through the application site. Additionally, the proposal seeks to establish car parking within the 3 m setback of the new piped utility waterway. Based on the above the proposal is to be assessed as a discretionary activity with Councils discretion limited to the matter(s) subject to the standard.

- **Critical Standard 9-5.8.1 Content of fill and excavation material** – Any filling or excavation of land is a non-complying activity where (a) the fill or excavated material contains putrescibles, pollutant, inflammable or hazardous components.

The applicant has provided a preliminary site investigation (PSI) which identifies four potential sources of contamination. Whilst the presence of contaminants has not been confirmed nor conclusive evidence of any remediation having taken place following historical activities on site, a conservative approach is being undertaken with the applicant assuming that contaminants may be present. The applicant proposes that imported materials will be tested to confirm their suitability for use prior to placement on site.

Heritage and amenities standards

- **Development Standard 10-2.4.1 Protected trees** – Any work defined by Clause 2.2.4(b), (c) or (d) affecting a notable tree identified in Appendix 4, shall be a discretionary activity, with the exercise of the Council's discretion limited to the impact of the works on the tree... where Clause 2.2.4(b) is: the construction of any building, or laying of overhead or underground services, any sealing, paving, soil compaction, or any alteration of more than 75mm to the ground level existing prior to work commencing, any depositing of chemical or other substances harmful to the tree within 10 metres of the base of any protected tree.

The site contains a notable Tulip tree (*Liriodendron tulipifera*), and proposed works to form the car park will occur within 10m of the tree.

- **Development Standard 10-3.4.1 Outdoor advertising – area and number** – (d)(i) Based on a road frontage of 375m, the maximum total area of signage permitted on the site is 187.5m², provided that the maximum area of any single free-standing sign shall be 18m²; (d)(ii) the total number of free-standing outdoor advertisements on any site shall be one except that for sites with more than 40m of road frontage, the maximum number of free standing outdoor advertisements shall be one for every 20m of road frontage provided that no more than two of these free-standing outdoor advertisements shall exceed 1m² in area – based on a road frontage of 375m, 18 free standing signs are permitted.

The total area of signage proposed is 534m², exceeding the permitted area by 346.5m² (or 2.8 times the permitted area of signage). A total of three free-standing signs are proposed, however, all exceed 1m² in area (39.25m², 39.25m², and 5.4m² proposed).

- **Development Standard 10-3.4.2 Outdoor advertising - Building identification outdoor advertisements** - For outdoor advertisements for building identification purposes only the maximum height of any individual lettering, symbol or other graphic, shall be 1m.

Building identification signage and logos range from 1.3m high to 4m high.

- **Development Standard 10-3.4.5 Outdoor advertising – street scene** – The street scene rule for a building in that zone shall apply to free-standing outdoor advertisements... where any such outdoor advertisement fails to comply with Rule 3.4.1.

The proposed free-standing signs are located within the 10m setback to Harewood Road and Chapel Street and the 6m setback to Langdons Road.

Transport standards

- **Development Standard 13-2.2.1 Parking space numbers** – A total of 471 on-site car parking spaces are required for the Stage 1 development, increasing to 591 spaces upon completion of Stage 2, which includes a nominal 30% of drive-through area used for parking and vehicle manoeuvring.

294 car parking spaces are provided for Stage 1, increasing to 340 spaces upon completion of Stage 2; resulting in a shortfall of 136 – 251 spaces.

The staff car parking requirement for Stage 1 is 75 spaces, increasing to 77 spaces for Stage 2; 47 staff car parking spaces will be marked on site (28 – 30 space shortfall).

The cycle parking requirement for Stage 1 is 52 covered spaces, increasing to 63 for Stage 2; 12 uncovered spaces will be provided for Stage 1, increasing to 26 spaces for Stage 2 (37 – 40 space shortfall).

The proposed on-site parking areas also depart slightly from the City Plan design standards in that the parking spaces will be marked at 5.0m deep whereas the City Plan requires a minimum depth of 5.4m.

- **Development Standard 13-2.2.4 Staff car parking** – All required staff car parking spaces are to be signed and marked for the exclusive use of staff employed on the site.

As above, there will be a 28 – 30 space staff car parking shortfall.

- **Development Standard 13-2.2.5 Parking spaces for people with disabilities** – 7 disabled car parking spaces are required and 7 are provided, however, the dimensions do not meet City Plan standards.
- **Development Standard 13-2.2.6 Cycle parking** – For any activity, the owner, occupier or developer shall make provision for on-site covered cycle parking in accordance with column 4 of Table 1.

As above, there will be a 37 – 40 space cycle parking shortfall, and the cycle parking provided will not be covered.

- **Development Standard 13-2.2.14 Queuing spaces** – A 15.5m – 20.5m queue space is required at the Chapel Street access; 5 - 6m queue space proposed.
- **Development Standard 13-2.3.3 Length of vehicle crossings** – The minimum and maximum vehicle crossing lengths shall be 4m and 9m, respectively.

The Harewood Road crossing will be 10m.

- **Development Standard 13-2.3.8(a) High traffic generators** – Any activity on a site which is not in the Central City Business Zone which generates more than 250 vehicle trips per day (vtpd) and/or provides more than 25 parking spaces shall be a discretionary activity with the Council's discretion limited as follows: retail activities in... B4... zones: matters associated with any traffic effects of the activity.

A total of 340 parking spaces will be provided on site, with traffic generation estimated to be 2,330 – 4,160 vtpd on completion of Stage 2.

It is noted that the retail activity proposed (trade supplier) complies with the requirements of Rule 3-5.3.1 (Retail activities).

The applicant has stated that the proposal will comply with the relevant noise standards of the Plan.

Proposed Christchurch Replacement District Plan

The Proposed Christchurch Replacement District Plan was notified on 27 August 2014, however pursuant to section 86B of the Resource Management Act the rules do not have legal effect until decisions on the plan have been notified.

National Environmental Standard (Managing contaminants in soil to protect human health) (NES)

The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site has been identified as HAIL land therefore the provisions of the NES apply.

The proposal requires consent under the NES as it breaches the following provisions:

- **Regulation 8(3)(c)** – the total volume of soil disturbed will exceed 25m³ per 500m² (the proposal is to disturb approximately 10,688m³ – 14,378m³ of soil over 33,000m² of the site area – compared to a permitted volume of 1,650m³).

- **Regulation 8(3)(d)(ii)** - the volume of soil to be removed from the site will exceed 5m³ per 500m² (the proposal will disturb up to 14,378m³ of soil which depending on confirmation of contamination levels could potentially require up to up to 14,378m³ of soil to be removed from the site compared to a permitted volume of 66m³).
- **Regulation 8(3)(f)** – it is highly likely that the activity will exceed 2 months duration given the staged nature of the proposal and overall redevelopment period of 5 years.

The DSI demonstrated that soil samples analysed for BTEX and TPH compounds were below the laboratory limit of reporting and are considered to meet the Tier 1 acceptance criteria for a commercial land use. Asbestos fibres were detected in soil samples collected along the eastern side of the main production buildings, and because of this the activity shall be considered restricted discretionary in accordance with Regulation 10 of the NES.

Adverse effects of the activity on the environment [Section 95A]

As a non-complying activity the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered. Relevant guidance is contained in the reasons for the rules breached and the relevant assessment matters as to the effects that require consideration.

I note the applicant's statements in Section 5.1 of the AEE regarding the potential "unbundling" of the application – considering the majority of the application as a restricted discretionary activity, and the earthworks / content of fill activities under the particular tests applicable to non-complying activities.

Having regard to this planning framework I consider that the adverse effects of the proposal on the environment relate to traffic effects, effects on visual amenity, effects on a protected tree, waterway effects, stormwater effects, soil contamination, earthworks and construction effects.

Traffic effects

The proposal results in a number of non-compliances with the relevant transport standards of the City Plan, however, the key effects considered to result from the proposal relate to traffic generation. The applicant has prepared a comprehensive assessment of the traffic effects of the proposal in sections 5.9 – 5.13 of the AEE submitted and in the supporting Transportation Assessment (Annexure I). The applicant has included discussion on the permitted baseline in regards to traffic generation specifically in Section 5.2 of the AEE submitted and provided an example / calculations in Annexure G to the application. I note from the outset that I agree with the permitted baseline and existing environment arguments set down by the applicant; however, I consider that the changes proposed by this application, over and above the existing environment and baseline scenarios, will result in potential adverse effects on the amenity of specific adjoining residential properties as a result of changes in traffic generation. This is discussed further below.

Council's Senior Transport Planner, Mr Mike Calvert, has been involved in considerable pre-application discussions with the applicant, and has undertaken a full review of the application details in relation to transport. Mr Calvert's assessment of the traffic related effects of the proposal is as follows:

The site is proposed to have access to Harewood Road, which is a minor arterial adjacent to the site. It is worth noting that Harewood Road is proposed to form part of the 'Wheels to Wings Cycle Route'. This is one of the 13 major cycle routes that are planned for the City based on the Christchurch Transport Strategic Plan.

A secondary access is also proposed to Chapel Street, which is a local road in the City's road hierarchy.

Evaluation of Extent of Adverse Effects Resulting from Non-compliance

The proposed development has the following transport non-compliances:

13-2.2.1 Parking space numbers – The visitor car parking requirement for the proposed development is 471 spaces for Stage 1 increasing to 591 for the full development. The applicant proposes to provide 294 spaces in Stage 1 resulting in a shortfall of 136 spaces. This shortfall increases to 251 spaces at the completion of Stage 2. There is also a technical non-compliance in the design standards with the spaces proposed to be marked at 5.0 metres deep.

The required number of car parking spaces in the City Plan is based on generic requirements for retail activities and includes such high generating activities as supermarkets, whereas trade suppliers have lower overall and peak parking requirements. Therefore, where actual survey data is available for specific activities it is preferable to use these figures as it will either capture a lower (or higher) actual demand than the Plan requirements. In this case surveys of similar Mitre 10 Mega outlets have shown a lower parking demand for car parking. The site is also well serviced by public transport and cycle facilities, with good pedestrian access available from both the adjacent residential and commercial areas. I therefore consider that the proposed on-site parking supply should be a more appropriate number of spaces to provide for the activity and the Plan requirement would result in an over-supply of on-site car parking.

In my opinion the parking supply will adequately provide for the demands of the activity and will not adversely affect the surrounding road network.

13-2.2.4 Staff parking provision – *The staff parking requirement is 75 spaces increasing to 77 spaces in Stage 2, whereas the proposed provision is for there to be 47 staff spaces marked on-site.*

As with visitor car parking numbers the staff requirement is based on generic requirements for various land use activities. In this case the Mitre 10 Mega is a very specific activity and the developer has detailed knowledge of the staff requirements for these types of trade supply outlets. The store is on a frequent bus route, it is adjacent to the Railway Cycleway and Council is proposing to construct another cycleway along the Harewood Road frontage to the site. Given the availability of alternative transport and the developer's knowledge of actual staff numbers I am confident that the proposed shortfall in on-site staff car parking will not result in adverse effects on the safety and efficiency of the road network.

13-2.2.5 Parking spaces for people with disabilities – *A total of 7 spaces will be provided which complies with the requirements, but the design of the spaces will not comply with the design requirements in the City Plan.*

The non-compliance is technical in nature and complies with the updated parking standards and the NZ Building Code. I am therefore satisfied that there will be no adverse effects as a result of the non-compliance.

13-2.2.6 Cycle parking – *The City Plan requirement is for the provision of 52 covered cycle spaces, whereas it is proposed that a total of 36 spaces will be provided, 10 of which will be covered staff parking.*

Again, the parking requirement for cycles is based on generic figures for retail use. Whilst we do not have specific figures for trade suppliers it is acknowledged that the demand is likely to be less than for some other retail outlets. The provision of covered staff cycle parking also aligns with the direction of the proposed changes to the City Plan. I am satisfied that the effects of the shortfall in cycle parking will be less than minor.

13-2.2.7 Loading areas – *There is the requirement for the provision of 6 HGV loading bays and 1 99 percentile car space to be provided for the proposal. No formal loading areas are proposed to be provided on the site.*

I accept that whilst the loading areas required by the Plan are not specifically marked the activity, by its very nature, requires adequate on-site loading to be provided to ensure its efficient operation. The design of the heavy vehicle route and covered storage area provide more than adequate space for the HGV requirements of the activity and therefore in my opinion the effects of the non-compliance will be less than minor.

13-2.2.14 Queue space – *Whilst the Harewood Road access provides a complying queue space the access from Chapel Street will only provide for 6 metres queuing rather than the required 15.5 metres.*

The Chapel Street access will not comply with the requirements of the Plan due to the proximity of the vehicle access to the entry/exit to the rear of the proposed building. This lane will only provide for staff entering and exiting the northern staff parking area. I note that vehicles entering the site will have right of way and will therefore not need to stop and that staff exiting will be controlled by a Give Way control. I therefore consider that the chances of conflict occurring in this area are low and will not affect the safety and efficiency of the local frontage road and footpath. Therefore, in my opinion the effects of this non-compliance will be less than minor.

13-2.3.3 Length of vehicle crossing – The City Plan specifies a maximum vehicle crossing length of 9 metres whereas the Harewood Road crossing is proposed to be 10 metres wide and the Chapel Street crossing is proposed to be 14 metres wide.

There have been extensive discussions held with the applicant regarding the design of the Harewood Road access due to the excessive width of the original design. Harewood Road has been identified as one of the City's Major Cycle Routes and therefore minimising access points and their widths has been a priority to ensure the safety for cyclists using the future cycle facility. Since the original application design the access has been redesigned to narrow it from 22 metres to 10 metres. Whilst this is still not compliant with the 9 metre maximum width required by the Plan I am satisfied that the design will provide adequate access for the occasional HGV using this access while ensuring that light vehicle drivers are required to slow down when crossing the footpath and future cycle facility.

The Chapel Street access is also wider than the maximum required by the Plan, with the access width widening from 10 metres at the boundary of the property to 14 metres at the kerb. This is an existing access that was put in place for HGV access to the Sanitarium factory and is proposed to be retained for the Mitre 10 Mega development. The access is onto a local road which is 10 metres wide and there is a road narrowing immediately to the north of the access. Swept paths for HGV's expected to enter the site from Chapel Street have been provided by the applicant and the extra width is required to provide safety for the larger vehicles on this road, which is narrower than Harewood Road. Casual observations during site visits indicate that Chapel Street has low pedestrian and cyclist numbers – this is probably due to the close proximity to the Railway Cycleway which is a parallel route along the eastern boundary of the Sanitarium site. I am therefore satisfied that the non-compliance will have a minimal effect on the safety of Chapel Street.

13-2.3.8 High traffic generator – The proposed activity will require more than 25 parking spaces and will generate more than 250 vehicle trips per day (up to 4,160 trips per day are anticipated).

The traffic generation and distribution for the site has been modelled with the Council's CAST model and whilst the applicant has revised the predicted generation down from original estimates the higher figures used in the modelling provides a useful sensitivity test on network effects. The outputs from the model showed that there were no adverse effects on the efficiency of the local road network from the traffic generated by the proposed Mitre 10 Mega. A number of intersections were also modelled using the intersection modelling software SIDRA to provide a more detailed assessment² of the intersections operation. The outputs from this further detailed modelling also indicated that the predicted flows can be accommodated without adversely affecting the safety and efficiency of the road network. The applicant has also provided forecast traffic volumes that could be generated based on a scenario of a complying development on the B4 zoned site. The scenario presented generated higher volumes than forecast for the proposed Mitre 10 Mega outlet and the applicant has argued that the effects of the proposal are less than could be anticipated with the zoning.

The Harewood Road access was also modelled to ensure that the effects on the road network were not more than minor. The outputs from the SIDRA modelling show that the access works with a high level of service, with the longest queue occurring during the Saturday peak hour at about lunch time. During this time the 95th percentile queue for the right turn from Harewood Road (eastern approach) into the site is predicted by the model to be 3 metres (1/2 car length). Putting this another way, the output shows that for most of the time there will be no queue and that there will be a less than 5% chance of a one car queue for most of the time. Based on the modelling results, in my opinion the access will not have an adverse effect on the safety and efficiency of Harewood Road.

Overall I consider that the effects of the additional traffic generated will have a less than minor effect on the safety and efficiency of the network.

Conclusion and recommendations

In my opinion, the proposed development will have a less than minor effect on the safety and efficiency of the transport network.

Should the consent be approved then I would recommend that the following conditions are imposed:

- Old or redundant vehicle crossings must be reinstated (the kerb, berm and footpath to match existing) at the time the new vehicle crossing is constructed.

² SIDRA provides a greater level of detail regarding the operation of the intersection that includes each turning movement, queuing data and level of service.

- Any new vehicle crossings and associated changes to the road environment shall be constructed in accordance with the Christchurch Construction Standard Specifications (SD611) and shall be completed prior to the Mitre 10 Mega commencing operation.
- Wheel stop barriers shall be installed within all car parking areas adjacent to a landscape strip or pedestrian facility to ensure that they are not diminished by vehicle overhang.

I accept Mr Calvert's assessment and adopt his conclusion that **any adverse effects on the safety and efficiency of the road network resulting from the proposal will be less than minor.**

Traffic related amenity effects

As indicated above, it remains that the proposal has the potential to result in adverse effects on residential amenity for nearby residential properties as a result of increased levels of traffic generation and / or changes in the characteristics (timing, frequency, nature of traffic, etc) of traffic generated.

I acknowledge and accept the applicant's multi-unit (retail) permitted baseline scenarios (in Section 5.2 of the AEE submitted), and note that, overall, the proposed Mitre 10 Mega development will result in a lower traffic generation than a permitted development. However, I note that a permitted development would necessarily consist of individual commercial units that provide no more than 25 car parking spaces or generate no more than 250 vehicle trips per day with each unit provided with its own vehicle access.

In comparison, the proposed Mitre 10 Mega development is anticipated to generate 700 vehicle movements per day (weekdays) and 1660 vehicle movements per day (Saturdays) through the Chapel Street access³; and 1630 vehicle movements per day (weekdays) and 2500 vehicle movements per day (Saturdays) through the Harewood Road access. Residential development is located opposite the site on both of these frontage roads. I consider that the proposal will result in a change in the nature of traffic generated from the site (both in terms of the existing environment and compared to the baseline scenario above) and particularly, that the traffic generated by the Mitre 10 Mega will be concentrated through two access points (as compared to multiple access points as would be the case for the permitted baseline scenario). I do note that from a network safety and efficiency perspective (as discussed by Mr Calvert above) that the preference is to have fewer vehicle crossings; and my consideration of associated amenity effects does not diminish the good result achieved in that respect. However, I consider that the change in nature and concentration of traffic generated by the proposed Mitre 10 Mega development has the potential to result in **at least minor adverse amenity effects** on the adjoining residential properties at: 47 Harewood Road and 31 Chapel Street who are located directly opposite the vehicle crossing points.

Given the lower volume of traffic anticipated through the egress-only to Harewood Road in the south-eastern corner of the site, I do not consider any parties adversely affected by traffic generation through that egress.

I consider that any adverse effects on other nearby residential properties will be less than minor, as overall and as noted by Mr Calvert above, a higher level of traffic could be generated from the site under permitted baseline scenarios; once on-road, the traffic generated by the Mitre 10 Mega would be indistinguishable from traffic generated by permitted developments in the zone. In reaching this conclusion it is recognised that the existing Sanitarium site has operated at a lower level of traffic generation for a long period of time and that this proposal will be a significant change to the existing environment; notwithstanding this the City Plan anticipates this site to be developed to such a level as a permitted activity.

Visual amenity

Whilst the proposal complies with the total area of landscaping requirement (10% required; approximately 11.5% proposed), several non-compliances with the relevant business zone landscape requirements remain. Council's Senior Landscape Architect, Ms Jennifer Dray, has reviewed the application and landscape proposal and comments as follows:

The proposal is compliant with City Plan rules regarding Street Scene, separation from neighbours, recession planes, location of storage areas and building height. The proposal is also compliant with rules requiring a minimum 10% of the site to be landscaped. The landscape treatment has been designed around the retention of the fountain and the notable tree Liriodendron tulipifera (Tulip Tree) as well as some other large trees along the western boundary. The Tulip tree is a mature specimen with a height of 23m and a spread of 18m. Approximately 30 medium to large trees are to be removed.

³ Refer page 43 – 44 of the AEE submitted.

The 130m long section of Kruses drain (Environmental Asset Waterway) that bisects the site is proposed to be piped. This is to be further commented on by Council Waterways Engineers. Stormwater is proposed to be captured within five 30,000L tanks to provide attenuation during storm events.

The proposed building is 11m in height, compliant with the 15m height rule. The Garden Centre to the north of the building is to be 5m in height, adding variety to the building profile. A small area of planting containing five Magnolia kobus trees is proposed for the south west corner of the building, which is the closest point of the building to the Living zoned area opposite (18m from boundary).

A portion of the gardenesque style existing planting is to be retained along the boundaries of the site, with some hedging, feature planting, amenity planting and tree planting to be added. Plants are to be a combination of native and exotic shrubs and groundcovers which provide colour and texture. A open grassed area is to surround the southern end of the existing water fountain, and to flank either side of the Harewood Road entrance.

The existing low wall on the Harewood Road frontage is also to be retained however to facilitate the proposed pathway some of the existing wall may need to be removed. The ends of the cut wall will be remediated in keeping with the existing style and end columns will be constructed.

Lonicera hedging to 750mm in height is proposed to provide separation between the car park areas and open space.

Other fencing takes the form of "Armourfence Pallisade fencing or similar" and is to contain the secure yard areas at the northern and southern ends of the buildings. These fences are to be set back 4m from any road frontages to allow for tree planting in front. With the exception of the low concrete wall on the Harewood Road boundary, other fencing is to be removed, particularly the high fencing at the northern-most end of the site.

New trees include Prunus yedoensis (Flowering Cherry – mature height 4m) planted at a grade of 2m and Magnolia kobus (Magnolia – mature height 10m) and are to be planted along the road frontages and within the car park area.

The waterway piping and the majority of the landscape works are to be associated with Stage 1 of the development. Further landscaping which includes tree and amenity planting and lawn areas in the northern portion of the site will occur in association with the remaining Stage 2 developments.

Work around the notable tree includes a portion of the carpark totalling 14 spaces and a 6m wide pedestrian connection. A methodology detailing works within this 10m zone of the protected tree has been provided and involves working with a permeable paving system and structural soils to Council Standard Specifications (CSS). This will be further commented on by Council Tree Officers.

It is proposed to erect three freestanding signs along the three road frontages. A total of 294 on-site parking spaces are proposed for Stage 1 and this will be increased to 340 spaces upon completion of Stage 2. Site access is proposed in two locations – Harewood Road and Chapel Street. An egress only access is proposed on Harewood Road at the south east corner of the site. Pedestrian pathways are proposed to link the new building with Harewood Road and Chapel Street, with a 6m wide path at the base of the Tulip Tree, and a raised pedestrian area at the building's point of entry.

Assessment

The proposed landscaping exceeds the required landscape area by 1.5% however there is a non compliance in relation to the requirement that half of the required landscaping be along the zone boundaries, and additionally there is a shortfall of 22 trees across the site. Historical features such as the water fountain, the front wall and some trees and shrubs are to be retained.

The goods delivery area is located to the east of the building against the railway corridor and will not be visible from the road. The outdoor storage areas are to be screened by 4m wide landscape strips containing trees and underplanting. Security fences are to be set back 4m from the boundaries. Pedestrian circulation is to be enhanced across the site.

The nearest residential dwellings are located at least 20m from the site boundaries, separated by Harewood Road and Chapel Street. The Methodist Church is the nearest neighbour. The building is to be located 6m from the eastern rail corridor boundary allowing for open areas to the west, north and south of the building. The closest corner of the building, the south west corner, is chamfered and screened by a landscape bed containing tree planting.

The proposed amenity planting and tree planting is being concentrated along the Harewood Road and Chapel Street frontages, with the central portion of the site open to provide for car parking, lawn areas and the historic water fountain. This proposed landscape treatment references the factory garden which existed previously and also relates well to surrounding residential gardens. It also provides amenity, softening and some screening for the new building.

An approximately 1.0m wide strip of planting containing Magnolia trees is to be planted along the boundary shared with the Methodist Church. It is unclear what is proposed for this boundary in terms of fencing. I recommend that fencing on this boundary is discussed and agreed with the Church if this is required.

Removal of existing high fences and shrubbery will ensure the site has less enclosure and more visibility and sightlines, resulting in greater safety and security for the public. However it will be necessary to ensure Crime Prevention Through Environmental Design (CPTED) policies are followed by trimming the undersides of tree canopies to a minimum 2.6m in height and ensuring shrubs and ground covers are a maximum 1.0m in height.

The piping of Kruses Stream will alter the character of the site. This will be partially mitigated by the transplanting on site of some of the tree and shrub specimens and by the addition of amenity and feature planting across the site. This change in character is unavoidable, considering the removal of a natural waterway, however the result of this on the landscape amenity of the overall site will be no more than minor. Native planting is to be used as feature planting to introduce some biodiversity and add to the ecological value of the site.

In terms of providing half the landscaping along the zone boundaries, with regard to this particular site, this includes all four boundaries. The remaining portion of landscape area that is not provided on the boundaries provides amenity within the site, particularly the large car parking area and the permeable area around the notable tree. I consider that this non compliance does not result in any loss of visual amenity.

With regard to non compliance in terms of car park tree numbers; mitigation includes the retention of 5 large established trees, including the listed Tulip Tree. In addition, trees to be planted are to be 2.0m at time of planting. A good portion of the proposed street trees are also associated with car park areas and so will soften the large areas of paving. Permeable paving and structural soils are proposed to ensure the protection of the roots of the existing mature tree species. Proposed feature planting is of a high quality and will also mitigate the shortfall in tree numbers.

Landscape treatment around the historic water fountain includes a path which connects Harewood Road to the main car park area, and which follows the circumference of the fountain. Some feature planting sits to the back of the water fountain and an open grassed area sits to the front. Combined with the retention of the historic low concrete wall on the Harewood Road boundary, this treatment adds visual amenity to the site, particularly with regard to the residential area opposite, and serves to maintain the landscape character of the site and surroundings.

Recommendations

- 1. To ensure Crime Prevention Through Environmental Design (CPTED) policies in relation to visibility and sightlines are followed, undersides of tree canopies must be trimmed to a minimum 2.6m in height and shrubs and ground covers kept to a maximum 1.0m in height.*
- 2. I recommend that fencing on the boundary shared with the Methodist Church is discussed and agreed with the Church if this is required. This is to augment the proposed landscape strip and tree planting which have been proposed to mitigate negative visual and amenity effects of a car park upon this boundary.*

Conclusion

The proposal is generally in alignment with what is anticipated for a Business 4 Zone. It is compliant with rules that impact on the visual amenity, such as building height and setback. While the removal of a natural waterway will result in a change in landscape character of the area, this will be no more than minor. Non compliance in terms of location of landscape areas along zone boundaries and required car park tree numbers, are mitigated by the retention of some large existing trees and one notable tree, and the planting of a large amount of good quality tree and feature planting. Historic features such as the water fountain, the low front wall and the open grassed areas are to remain in order to reference the old factory garden of the era, and will retain a high level of landscape and visual amenity.

If the proposal is to proceed in alignment with the submitted landscape plans, the affect on the surrounding visual amenity and landscape character will be less than minor.

I accept Ms Dray's assessment and conclude that any adverse visual amenity effects associated with the proposed landscaping will be **less than minor**. I also note that the proposed landscaping will assist in mitigating any built-form related adverse visual effects. I accept Ms Dray's recommended condition (1) (CPTED); however, consider that her recommended condition (2) is more appropriate as an advice note.

Signage

The total area of signage proposed is 534m², exceeding the permitted area by 346.5m² (or 2.8 times the permitted area of signage). A total of three free-standing signs are proposed, however, all exceed 1m² in area (39.25m², 39.25m², and 5.4m² proposed). In addition, the proposed building identification signage and logos range from 1.3m high to 4m high and the proposed free-standing signs are located within the 10m setback to Harewood Road and Chapel Street and the 6m setback to Langdons Road.

Council's Urban Designer, Mr Dhanesh Amerasingam, has reviewed the application in relation to signage and comments as follows:

The signage is grossly over proportioned for the site. I appreciate that the signage is very much brand led and a reflection of what they (and others) are doing elsewhere, as well as the use being anticipated for the site. However, given that the entire building is covered in the Mitre10 corporate colours, the whole building effectively reads as a sign, with the expansive colour branding effectively reinforcing the monolithic form of the building. From previous involvement I cannot see the applicant deviating from this style of development. To a certain extent the setback of the building and layers of landscape somewhat mitigate some of the impact on the surroundings, although not to the extent that it could ever be considered a good or even acceptable outcome from an urban design perspective. Irrespective of the zoning, this development really is one that is more suited to a business park location, given that the surroundings are of a much more residential scale and nature.

In terms of areas for improvement, the one thing that I would like to see altered is the positioning, scale and type of signage pylon used along Harewood Road. This currently sits on the north side of Harewood Road, between Matsons Avenue and St. James Avenue and is 7.85m x 5.0m (height x width). It is positioned adjacent to the pavement just to the south of the proposed vehicle entry/exit point for the car park, presumably with the intention of signalling the vehicle entry point from Harewood Road. A number of points I would like to raise here:

- *The scale seems excessive - naturally Mitre10 would like maximum visibility for visitors/shoppers along Harewood Road, however, the building which as I noted above is effectively a giant multifaceted sign. Granted it is at a slight disadvantage given its setback and therefore will not have the long views that a street side sign might, however there are subtler ways of signposting.*
- *The placement of the pylon - given it's width and perpendicular positioning so close to the street raises concerns in terms of limiting visibility for cars exiting the car park and their ability to see traffic approaching from the left.*
- *The impact on the street scene - with the exception of the Sanitarium building, the street and immediate surrounding buildings are largely of a residential character irrespective of their use. Whilst the proposed building is somewhat integrated into the area using landscaping and a significant setback, the placement of the signage pylon, which is effectively in excess of a 2 storey (closer to 3 storey in fact) building in quite an imposing location will have a significant visual impact on the residences on the other side of the road. The views along the street, most notably the view north along Harewood Road which has the Methodist Church in*

the backdrop will also be significantly affected, completely altering the character of the street. The positioning of the signage somewhat negates the positive contribution the landscape treatment along the street stands to make due to its imposing scale, colour and commercial nature.

- *If the intention is to mark the vehicle entrance to car park using the pylon there are far more subtler and more integrated ways in which this can be done, including using more sculptural landscaping and slightly less commercial looking elements.*

In summary, I feel that the Harewood Road pylon significantly detracts from the street environment and undoes the positive contribution the landscape treatment proposed stands to make. I would recommend that alternative means of signposting the vehicle entrance are explored, with a smaller scale, more integrated and less commercial signage used instead as it seems unnecessarily large and prominent given the extent of signage on the building.

Undoubtedly the amount of signage proposed on the site is very high; to that end I agree with Mr Amerasingam. However, I differ from Mr Amerasingam in my overall opinion of the effect of the signage for the following reasons:

- The majority of signage is building mounted and visual effects of the signage will be mitigated by the large setbacks of the majority of the building from road and site boundaries;
- The angle/orientation of the building to the predominant road frontages reduces the visual impact from the street;
- The setbacks and orientation (above) and multiple road frontages mean that only some of the signage will be visible from any external view point; and
- Existing and proposed landscaping will soften the impacts of both the building mounted and free-standing signage.

With specific regard to the three free-standing pylon signs proposed along the Langdons Road, Chapel Street and Harewood Road frontages, I consider that given the large size of the road frontages and the large setback to the other building mounted signage and intervening landscaping, that any adverse visual amenity effects will be less than minor.

Whilst I acknowledge Mr Amerasingam's concerns, overall and for the reasons set out above, I consider that any adverse visual amenity effects resulting from the proposed signage will be **less than minor**.

Effects on a protected tree

The application site contains a protected Tulip Tree (*Liriodendron tulipifera*) – Unique Tree ID Number 5843 – within 10 metres of which works are proposed. The applicant has provided an arborist report, following a request for further information from Council's Arborist, Mr John Thornton. Mr Thornton's comments are as follows:

The actual and potential effects on the environment of allowing the activity are?

The Notable Tulip Tree is a very large tree for its species, and is easily one of the largest and most mature Tulip Trees in the protected tree lists, being about the 5th largest on record. Currently it is in reasonably good condition, but the site works could have a significant effect on the condition of the tree if not carried out correctly.

Tree root systems contain large, permanent roots and smaller, short-lived absorbing roots. Large, woody roots grow horizontally and are located mostly in the top 100 - 500 mm soil depth. Their main functions include water and mineral transport, food and water storage, and anchorage.

The root zone of trees generally extend horizontally from the tree for a distance at least equal to the tree's height, but usually substantially further.

Soil compaction from the operation of heavy machinery on site is a possible cause of damage, though less likely if operated on existing sealed surfaces. Damage to the lower crown of the tree is also possible if tall machinery is operated on site.

Care needs to be exercised when the proposed work is carried out to ensure the longevity of the tree. Older trees do not adapt to environmental changes as well as younger trees, and are more susceptible to environmental change.

Proposed Work

The proposed work has potential to have some adverse effects on the tree root system, due to the damage that could occur during the site work.

The work will require some soil excavation for the installation of car parks, and this should be done carefully by hand or by small digger when possible, to avoid possible root damage.

This work is to be carried out under the supervision and direction of the appointed Arborist.

Tree Protection & Tree Roots

It is recommended that a suitably experienced and qualified Arborist will be engaged by the applicant to liaise with the contractors carrying out the work, to ensure that tree protection occurs for the duration of the proposed work. The appointed Arborist is to be approved by the City Arborist, Christchurch City Council.

The appointed Arborist will monitor the works within the vicinity of the tree to ensure that tree protection occurs, and supervise the works within 10 metres of the trunk of the tree, to minimise damage to the tree.

The use of hand digging methods is recommended when removing soil within 10 metres of the trees, rather than machinery.

The design and documentation will comply with the requirements of the Christchurch City Council Civil Engineering Construction Standard Specification (CSS).

It is proposed that the area of carparking beneath the drip line of the tree will be formed using the Firth Ecopave system (or similar system), to ensure that the supply of oxygen and water to the tree root system is maintained.

It is recommended that structural soil is used underneath the ecopaved area, which will be designed in accordance with the correct specifications outlined in CSS Part 1, Section 37.

All underground services within the tree's 10 metre setback shall be installed using trenchless methods.

Before excavation for foundation work commences the trees should be fenced off, and this should remain in place while the potential for root damage is possible from heavy machinery. This period is to be determined by a qualified arborist.

The fencing is to be placed outside the crown drip line or as seen as appropriate by the Arborist, who must set the fencing line or oversee its placement and positioning.

Roots that are exposed during the works (that are to be retained) are to be covered with damp Hessian material to prevent desiccation. Where Hessian material is used, the Hessian is to be kept damp at all times, until the area is backfilled.

Tree roots that require removal are to be cut cleanly to the edge of the excavation face with sharp pruning tools. Root pruning is to be undertaken by the appointed Arborist. Tree roots measuring more than 50 mm in diameter should be retained and protected from damage wherever possible.

Removal of Kruses Drain

The proposed piping of Kruses drain will remove an abundant water supply that the tree has been utilising for many years, and this has no obviously been a factor in the tree growing to its current size. As suggested in the Allwood Trees report to the applicants, a possible method to ensure continued water supply to the root system is to use a deep water irrigation system by driving pipes into the ground to allow water to penetrate to the rootball.

Another method is to construct the drain in a way that allows water to continue to seep into the surrounding soil. I recommend that either one of these methods is used. The selection of which method used will be subject to the engineering requirements for the drain and car park areas.

Conclusion

The proposed work does have the potential to have some adverse effects on the tree, due to the damage that could occur during the site development work.

However, potential detrimental effects on the tree can be minimised to less than minor effects if the proposed work is carried out using the recommendations below.

Mr Thornton goes on to recommend a number of conditions to mitigate adverse effects on the health of the protected Tulip tree. I accept Mr Thornton's advice and adopt his conclusion that subject to compliance with the recommended conditions of consent, any adverse effects on the protected Tulip tree will be **less than minor**.

Waterway effects

The proposal includes the piping of an existing open environmental asset waterway, Kruse's Drain which passes through the site. The City Plan requires that any works within 7m of an environmental asset waterway be considered as a restricted discretionary activity. Council's Waterways Ecologist, Dr Belinda Margetts has reviewed all information provided by the applicant, and has also been involved in considerable pre-application discussions with the applicant. Dr Margetts comments are as follows:

Kruses Drain which flows through the site is classified at this location as an Environmental Asset. The Council generally does not support piping of these types of waterways due to the six values approach of the 'Waterways and Wetlands Natural Asset Management Strategy' – drainage (open waterways are more resilient), heritage, ecology, recreation, culture and landscape. Environmental Assets are thought to have some ecological value and potential for enhancement. However, each case needs to be assessed on its own merits in terms of the specific reach of the waterway and the catchment as a whole. I therefore assessed whether there would be adverse effects of this piping on ecology and landscape/amenity. Brian Norton provided an assessment on drainage effects.

The applicant was requested to carry out an ecological survey of the reach of Kruses Drain within the site, to allow an assessment of effects. This survey was undertaken by Boffa Miskell and as expected, they concluded that the ecological value / stream health at this location was low / poor, regardless of the significant landscaping in the riparian margins. Specifically the waterway had:

- *slow water flow, with stagnant areas*
- *high sediment depths*
- *instream sediments contaminated with metals*
- *little instream habitat*
- *depauperate and pollution-tolerant aquatic invertebrate and fish (limited only to short-fin eels – and predominantly only young juveniles) communities, indicating probable severe enrichment of the waterway*
- *the waterway within the catchment is fragmented, with piping of the waterway upstream and downstream (this limits the connectivity of fish and invertebrates within the waterway).*

Taking this low ecological value into consideration and the fragmented nature of the catchment, but also Council's concern with the loss of one of our Environmental Assets, the applicant proposed to compensate this loss by contributing a monetary amount via a Private Developer Agreement (PDA). This money can then be used to enhance a similar length of stream in a nearby section of waterway that holds more potential for successful restoration. The monetary value was determined by assessing the cost to buy a similar amount of land and remediate a similar length of waterway. This PDA has been agreed to outside of the consent process by both the Council and the applicant.

Given this compensation through the PDA, I consider that the adverse effects of piping the waterway (which importantly is of low ecological value) will be compensated for by the positive effects provided through the enhancement of another section of waterway with more ecological potential.

Dr Margetts has reviewed the information provided in relation to the piping of the waterway including the draft Erosion and Sediment Control Plan (dated 21/10/2014) and methodology requested of the applicant for the removal of any fish species from the stream prior to piping and the actual completion of the piping and associated earthworks. Overall, Dr Margetts concludes that on the basis of the environmental compensation provided for in the PDA and the methodology set out by the applicant for the piping works, that any adverse effects on the waterway will be less than minor. Dr Margetts recommends the following conditions of consent:

All practicable measures shall be carried out to ensure that the discharge of sediment does not occur into Kruses Drain and the piped network, that fish are not stranded or harmed, or that dust is not discharged to air, during the piping of Kruses Drain within the site; these measures shall be in accordance with Environment Canterbury's Erosion and Sediment Control Guidelines for the Canterbury Region, and the attached Erosion and Sediment Control Plan.

The piping of Kruses Drain shall only be undertaken during the summer months and when the forecast is for fine weather for 7 consecutive days from the start of construction, to prevent the discharge of sediment downstream due to instream flows.

I accept Dr Margetts advice. I also note that the existing open section of Kruses Drain which passes through the site is not visible from beyond the site and thus the waterway currently has very low public amenity values. I also note that the piping of Kruses Drain is critical to the layout and functionality of the site for the applicant. Overall, I consider that any adverse effects associated with the piping of the waterway on the natural values, ecology and amenity of the waterway will be **less than minor** and appropriately compensated through works enabled elsewhere in the catchment through the agreed PDA.

Stormwater effects

As noted by Dr Margetts above, the existing open waterway which passes through the site (Kruses Drain) performs a stormwater function on the site which will be lost through its piping. In addition, the development itself including buildings and increased hard stand areas, results in the need to not worsen existing pre-development flows on/from the site to the network and adjoining sites. Council's Planning Engineer (Stormwater), Mr Brian Norton, has reviewed the application documents and plans and has also been involved in considerable pre-application discussions with the applicant. Mr Norton's comments are as follows:

The applicant proposes to provide onsite stormwater mitigation for the increased impervious surface coverage and treatment of stormwater runoff from new hardstanding areas. The applicant also proposes to realign and pipe approximately 125 metres of open waterway (Kruses Drain), classified as an Environmental Asset in the District Plan and to realign a further section of existing CCC pipe network.

Assessment of Application

The development site discharges stormwater into Kruses Drain which feeds into Horners Drain and the Styx River. The confluence of Kruses Drain and Horners Drain is considered within the north-west quadrant of Cranford Basin, a naturally low lying area subject to frequent ponding.

It is therefore necessary that the site restrict peak flows into Kruses Drain to pre-developed rates for all storm event up to and including a 2% annual exceedance probability ("50 year") storm of 24 hour duration (the critical storm duration for ponding depth in Cranford Basin). The applicant proposes to provide the required storage through use of five 30,000 litre rain tanks to capture roof water and discharge it via a controlled orifice into the stormwater network.

Treatment of runoff from car parking and hardstanding area prior to discharge is also required as a condition of discharge consent approval. The applicant proposes to treat runoff from hardstanding areas using a proprietary treatment system. Although the system has not yet been specified, the applicant has listed three acceptable devices: the SPEL Bayfilter, Hynds Up-Flo Filter or the Stormwater360 Stormfiler. Proprietary flow-based treatment devices shall be sized to fully treat the peak runoff from a 5mm/hr intensity rainfall event.

While Council does not typically encourage piping of open waterways for various reasons, this particular section of Kruses Drain is entirely piped upstream and is partially piped downstream. Hydraulically, the section of open waterway through the site is throttled by a 450mm culvert under Chapel Street which means that the new pipe system only needs to cater for primary flows (20% annual exceedance probability or "5 -year") as secondary flowpath is north along Chapel Street to a low point in Langdons Road. With robust engineering design, it is not anticipated that replacing the open waterway with a pipe will have significant adverse effects on the hydraulic capacity of the system.

Replacing an open drain and existing pipe system with a new realigned system will required that the new pipe be protected by easement in gross and will be subject to the Water Related Services Bylaw. The pipe alignment shall therefore be accompanied by an adequately sized easement, registered in favour of Christchurch City Council, in accordance with the Infrastructure Design Standard section 5.9.6.

Appropriate materials and proper trenching and bedding practices shall be used in accordance with Construction Standard Specification detail SD344.

Detailed assessment of the proposed design is required as part of engineering plan acceptance including details of any headwall structures, trenching and the proposed manhole structures.

Based on Mr Norton's advice, I consider that any adverse stormwater effects resulting from the proposed Mitre 10 Mega development will be **no more than minor**. Mr Norton has also recommended a number of conditions of consent which relate largely to minimum infrastructure design standards in relation to the public network and erosion and sediment control.

Soil contamination

The applicant has provided both a PSI and DSI for the site which identifies that the site contains contaminated soils, and the proposal includes considerable earthworks. As well as triggering assessment under the NES, the proposal also triggers consideration under Rule 9-5.8.1 (Content of fill and excavation material). Council's Environmental Health Officer, Ms Kirsten Rayne, has reviewed the application details and comments as follows in relation to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health:

The DSI demonstrated that soil samples analysed for BTEX and TPH compounds were below the laboratory limit of reporting and are considered to meet the Tier 1 acceptance criteria for a commercial land use. Asbestos fibres were detected in soil samples collected along the eastern side of the main production buildings, and because of this the activity shall be considered restricted discretionary in accordance with Regulation 10 of the NES.

Geoscience have recommended that a remedial strategy is developed to mitigate any risks to human health that asbestos fibres may present. The applicant has indicated a Remedial Action Plan will be produced once the foundation design of the new building has been completed. This RAP must be approved by Council prior to work beginning on site and this is noted in the recommendations below.

I'm suggesting the following conditions be included -

- *Christchurch City Council must be notified of the scheduled start date at least 10 working days prior to work commencing. This notification can be by way of email to envresourcemonitoring@ccc.govt.nz.*
- *A Remedial Action Plan and Site Management Plan must be prepared and sent to the Christchurch City Council's Environmental Compliance Team for review by way of email to envresourcemonitoring@ccc.govt.nz no less than 10 working days before the scheduled start date. The Remedial Action Plan and Site Management Plan must be approved by Council before any work on site can take place.*
- *In the event that soils are found that have visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a suitably qualified and experienced practitioner has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The applicant shall notify the Christchurch City Council's Environmental Compliance Team by way of email to envresourcemonitoring@ccc.govt.nz.*
- *Any soils from the area that require disposal off site must go to a facility authorised to accept material of this kind. Evidence of disposal must be delivered to Council and may be by way of waste manifests and/or weighbridge receipts to email address envresourcemonitoring@ccc.govt.nz.*

Based on the detailed site investigation provided the applicant and Ms Rayne's advice and recommended conditions, I consider that any potential adverse effects on human health and the environment associated with the disturbance and handling of contaminated soils will be **less than minor**.

Earthworks and construction effects

The proposal includes the staging of development; however, I note the applicant has not sought an extended consent period. As noted in the description of the application above, the proposal includes a significant amount of earthworks and that the development of the site may result in adverse effects associated directly with the construction phase of the proposal. Such effects may include dust, sedimentation/erosion, noise and construction related traffic effects.

The applicant has provided a draft Erosion and Sediment Control Plan (ESCP) and a Remedial Action Plan is also proposed in relation to contaminated soils. I consider that any adverse effects such as dust, erosion and sedimentation will be appropriately mitigated through the proposed ESCP measures proposed. Council's Subdivision Engineer, Mr Doru Hozias, has reviewed the draft ESCP and earthworks plans for the site and has recommended a number of standard conditions of consent which principally deal with site and construction management, erosion and sediment control and construction traffic management.

In addition, Council's Environmental Health Officer, Ms Kirsten Rayne, has recommended a condition requiring the applicant to manage all work in accordance with NZS 6803:1999 Acoustics – Construction Noise.

Subject to compliance with the recommended conditions of consent, I consider that any adverse effects associated with earthworks and construction effects will be **no more than minor** and will be limited to on-site effects. I also note that construction effects are temporary in nature.

Conclusion on effects

Overall, I consider that the proposal will result in less than minor effects on the environment, with the exception of:

- Adverse amenity effects related to traffic generation experienced at the adjoining properties at 31 Chapel Street and 47 Harewood Road which will be at least minor;
- Adverse earthworks and construction effects which will be no more than minor, but limited to on-site effects.

I consider that the proposal will not result in any adverse effects on the wider environment.

Special circumstances [Section 95A(4)]

There are no special circumstances or other aspects of the application that warrant public notification of this application.

Recommendation

That, for the reasons outlined above, the application **need not be publicly notified** in accordance with Section 95A of the Resource Management Act 1991.

Persons who may be adversely affected by the activity [Section 95E]

I consider that the owners and occupiers of the following properties may be adversely affected by the proposal:

- 31 Chapel Street
- 47 Harewood Road

Being those residential properties located directly opposite the proposed Chapel Street and Harewood Road vehicle crossings (ingress and egress).

For the reasons discussed in the assessment of effects above, I do not consider any other parties adversely affected by the proposal.

Recovery Strategy for Greater Christchurch

The Recovery Strategy for Greater Christchurch (<http://cera.govt.nz/recovery-strategy/overview/read-the-recovery-strategy>) (the Recovery Strategy) prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "read together with, and forms part of" other relevant legislation within the greater Christchurch area. The City and District Plans (and a number of other statutory documents) must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy.

The Recovery Strategy sets out the vision, supporting goals, and priorities for the recovery of Greater Christchurch. A decision to limited-notify the application is not considered to be inconsistent with the Recovery Strategy.

Recommendation: That the application be processed on a **limited notified** basis in accordance with Section 95B of the Resource Management Act 1991, and that it be served on all affected persons who have not given written approval to the activity, identified under Section 95E (as listed above).

Reported and recommended by: Kathryn Stapleton, Senior Planner

Date: 02/12/2014

Reviewed by: Jesse Burgess, Team Leader

Date: 02/12/2014

Decision

That the above recommendation be adopted for the reasons outlined in the report, except that notification will extend to 27, 1/29, 2/29, 31 and 35 Chapel Street and 41, 43, 47 and 51 Harewood Road.

Commissioner:

Name: David Collins

Signature: 

Date: 3rd December 2014

Commissioner's Note

I have been commissioned to determine whether this application should be publicly notified, limited notified, or processed without notification. This is a major development proposal so although the application provides a detailed description and analysis of what is proposed and this has been carefully reviewed by Council experts, my task involves more than rubber stamping the draft report/decision provided above.

A hearing was convened on the 3rd of December to enable the applicant's traffic engineer (Mr Ray Edwards), planner (Ms Damienne Donaldson) and a representative of the Mega Mitre 10 organisation (Mr Andrew Smith) to make representations and this provided me with an opportunity to ask questions. The author of the Council section 42A report above, Senior Planner Kathryn Stapleton, also provided further comment.

Following the hearing I made a site visit, viewing the application site from the perimeter streets and generally confirming the information provided about the surrounding area. In particular I noted the proposed vehicle access points, and was able to use the plans to envisage the development and its operation on this site.

I initially had concerns about whether the proposed activity would comply with the restricted range of retail activities permitted under Rule 3-5.3.1 (Retail Activities) in the City Plan. There has been a long history to the control of retailing in industrial zones in Christchurch and I had not kept up with the end result of Variation 86 to the City Plan. It appears that in the case of the Business 4 (Suburban Industrial) Zone, although the Zone Description, stated Environmental Results Anticipated, and objectives and policies speak of only limited retail activity, in fact the rules provide for a wide range of retail activities such as the large scale retail proposal under consideration. I note the interpretation of the term "trade supplier" in the City Plan provided by the High Court in FERRYMEAD RETAIL LTD V CHRISTCHURCH CITY COUNCIL HC CHCH CIV-2001-409-000333 (8 March 2012). I am satisfied that the proposed activity would be similar to the activity considered by the Court, which the Court found would be within that definition and therefore permitted in the Business 4 Zone.

As set out in the report above however, this application requires consent under quite a number of other rules. The issue for the purpose of determining whether notification is required is whether these various non-compliances would generate any adverse effects on the environment that would be more than minor. This is discussed in some detail in the application and in the report above. The conclusions drawn rely, particularly in the case of the significant traffic effects, on the "permitted baseline" of effects that could be anticipated from other forms of permitted development. I have reviewed those conclusions and accept them, with one exception.

That exception relates to the concentration of traffic access and egress at three points. While I accept that other types of permitted retail development could generate similar volumes of traffic, as Ms Stapleton noted, that could be expected to be spread over more than three access/egress points. There are good reasons to concentrate traffic at these three points but the effect would be to make it significantly more difficult for residents across the street from these points to access and exit their properties. Ms Stapleton recommended above that the owners and occupiers of only two properties directly opposite the two main proposed access points should be notified. Having viewed the area I consider that the adverse effect would extend a little beyond those properties, but not to the whole neighbourhood.