

STAGE 3 - SECTION 32

CHAPTER 13

CENTRAL CITY

CENTRAL CITY CHAPTER S32

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1.0 Introduction

1.1 Canterbury Earthquakes and the Christchurch Central Recovery Plan

The Central City, the area bounded by Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues, was severely affected by the Canterbury earthquakes of 2010 and 2011. As part of the response to the earthquakes the government passed the Canterbury Earthquake Recovery Act 2011 (CER Act), which made provision for the Christchurch Central Recovery Plan Te Mahere 'Maraka Ōtautahi (the CCRP). The CCRP identifies a range of outcomes for the recovery of the Central City and introduced, or amended, a number of provisions into the current Operative City Plan as one of the means of achieving those outcomes.

The CER Act requires that the Council must not make a decision or recommendation that is inconsistent with the CCRP, including in the preparation or a review of a document under the Resource Management Act 1991 (RMA). As such the CCRP is a major consideration for the review of the Operative City Plan provisions relating to the Central City.

The CCRP, including directions to amend the Operative City Plan (Appendix 1), was first notified on 30 July 2012. It contained a vision for central Christchurch, defined the form of the Central City, set out the locations of key anchor projects, and outlined block plans to show what the city could look like in the future. The amendments to the Operative City Plan included:

- new Central City Business and Central City Mixed Use Zones;
- amendments to Living, Conservation, Special Purpose (Hospital), Business and Cultural zones; and
- adding provisions relating to Temporary Activities, Transport, Noise and Entertainment, and Heritage.

The CCRP was updated in July 2013, with amendments and deletions to various Operative City Plan provisions that were contained in the original Appendix 1. These included changes to some previously amended policies, clarification of notification requirements in the case of non-compliance with rules, clarification of previous deletions, and amendments to a number of rules and the Television New Zealand designation.

The CCRP was further updated with the release of “An Accessible City” in October 2013, which outlines plans for a transport system that will support the recovery of the Central City of Christchurch and replaced the July 2012 transport chapter of the Recovery Plan. It also directed amendments to transport provisions in the Operative City Plan

In December 2014 two addendums to the CCRP were released - “Noise and Entertainment Provisions” (contains specific noise provisions that relate to the entertainment and hospitality industry) and “South Frame” (included specific provisions to enable the development of the Health and Innovation Precincts), including amendments to respective provisions of the Operative City Plan.

Most recently in January 2015 “A Liveable City - He tāone e whai wāhi ai te whanau” was released which included a residential chapter that contained a vision and objectives for

Central City living. It included a direction to amend the Operative City Plan provisions to provide for a new Central City Residential Zone.

1.2 Considerations

The review of the Central City provisions under the Order in Council needs to include consideration of a wide range of matters, but the following are particularly critical:

- a. The RMA requirement for a review of the District Plan to provide an assessment justifying the selection of proposed Replacement District Plan (pRDP) provisions (Section 32);
- b. The requirement under the Canterbury Earthquake Recovery Act 2011 that pRDP provisions are to be “not inconsistent” with CCRP, both in terms of the broader outcomes the CCRP itself contains, and the Operative City Plan provisions it has included or amended ;
- c. The CCRP identifies distinct precincts within which a significant amount of investment has, or is to be committed, by way of major anchor projects by government, Council and the private sector;
- d. The RMA requirement for a review of the District Plan to consider other plans, policy statements and documents to varying degrees, including giving effect to the Canterbury Regional Policy Statement (CRPS);
- e. The RMA requirement for a review of the District Plan to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district, which may require resolution of inconsistencies between the relevant documents that need to be considered.
- f. The requirement under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 that the Council have particular regard to the statement of expectations, which include;
 - clarity of outcomes and how resource consent decisions will be made;
 - a reduction in reliance on resource consent processes, development and design controls, notification and written approval requirements;
 - reflect changes resulting from the earthquakes ;
 - facilitates an increase in housing supply, including intensification, taking into account infrastructure capacity and environmental constraints, including natural hazards;
 - ensures provision for business activities, temporary and construction activities, including transitional provisions;
 - clear direction on avoiding or mitigating natural hazards;
 - a clear concise and easy to use Plan.

- g. The Independent Hearing Panel decisions on the pRDP, particularly the decisions on the Strategic Directions Chapter.
- h. Consideration of the need for regulatory certainty and stability in order to foster investment confidence in the Central City as a matter of urgency within the context of earthquake recovery. This is particularly so considering the large scale and amount of investment that has and is being made in the rebuild of the Central City.

1.3 Central City Chapter development and format

Preparation of the pRDP began in mid 2014. At that time the CCRP had not yet been finalised, particularly with the provisions relating to Central City residential areas not being finalised until the release of "A Liveable City" in January 2015. There were also ongoing discussions with Crown officials regarding the prospect of developing a full and comprehensive set of Central City provisions and including those within the CCRP and either:

- a) Inserting those provisions into the Operative City Plan and leaving the Central City part of the Operative City Plan "untouched" by the pDRP. A plan change would be undertaken in due course once the investment and development within the Central City was at a stage where the CCRP/Operative City Plan provisions could be incorporated and integrated into the existing chapters of what would be the Operative Christchurch District Plan; or
- b) Inserting the provisions directly into the pRDP through the recovery plan process, similar to the process that is occurring in respect of the Port of Lyttelton Recovery Plan.

As the provisions relating to the Central City were not included in the topic specific provisions publicly notified in earlier stages of the review of the District Plan and as the CCRP has not been amended to include a comprehensive suite of provisions for the land within the five avenues, it has become necessary to prepare a specific Central City chapter covering all issues that are relevant to the Central City area. For example, although Stage 1 of the review of the District Plan introduced the Commercial Local Zone, it did not include such zones within the Central City (which the Central City Chapter now does include). The exception to this is in respect of the Natural and Cultural Heritage and Specific Purpose (Flat Land Recovery) Zone chapters, as they are being publicly notified as proposals at the same time as the Central City Proposal and do contain provisions that apply within the Central City.

For the purposes of public notification, the Proposal includes all the other rules applying to the Central City. This makes it easier to comprehend the full provisions proposed for the area and that are open for submissions in respect of the Central City area. There are some other objectives that were notified in earlier stages and are relevant to the Central City, notably the Strategic Directions Chapter, but these are not open for submissions. Some additions to Objective 3.3.8 Revitalising the Central City in the Strategic Directions Chapter are being publicly notified in Stage 3 and are open for submissions (refer to Proposal 3 Strategic Directions (part)).

The Central City Proposal includes many provisions that are unique to that area of the City, which reflects the special significance and circumstances of the Central City, including the CCRP. However, a significant number of provisions are the same, or the same in part, to those already publicly notified in earlier Stages 1 & 2 that apply outside of the Central City. For example, almost all of the Open Space Community Parks Zone provisions that were

notified in Stage 2 of the review, for areas outside the Central City, are the same as those of the Central City Community Parks Zone.

Having a separate Central City chapter would result in considerable duplication of text within the Replacement District Plan if it were to remain in that form when the Plan becomes operative. The intention is that the Central City Chapter provisions will, through the submission, hearing and decisions process, be integrated into the rest of the Replacement District Plan. An indication is given at the start of each section of the Proposal, in the form of an advice note, as to where the provisions in that section of the Central City Proposal are expected to be inserted in the Replacement District Plan. Indications are also given in advice notes where a proposed provision is identical to provisions publicly notified in Stages 1 or 2 of the review of the District Plan (and therefore duplication can ultimately be removed).

Not all of the CCRP provisions are included in the Central City Chapter. Some are already included in the Strategic Directions Chapter, as is now operative following the decision on that Chapter by the Independent Hearing Panel. In particular, Objective 3.3.8 - Revitalising the Central City. In reviewing the Operative District Plan, as amended through the CCRP, it was concluded that it contains objectives and policies that apply to the Central City as a whole and not just the zone under which they were located. For example, the distinctiveness and sense of place outcomes under the Central City Business Zone, particularly those identified under Policy 12.4.2 relating to the road pattern and important public open spaces, apply to the Central City as a whole, rather than just that zone. Likewise the outcome of increasing the residential population of the Central City (Policy 11.12.1 under the Central City Residential Zone) is an outcome that applies to many of Central City zones and is considered to be critical in the revitalisation of the Central City. These significant Central City wide outcomes are proposed to be added to the Strategic Directions objectives as part of the Proposals notified in Stage 3.

1.4 Possible options for provisions and assessments

The range of possible options that can reasonably be considered during the review of the Central City provisions of the Operative City Plan is narrowed by the other higher order statutory documents, particularly the CCRP. The CCRP includes detailed District Plan provisions on some (but not all) resource management issues. This means that the CCRP did not amend, or address, some topics within the Central City. Although the provisions included in the CCRP were in respect of the Operative City Plan, it is considered that it would be inconsistent with the CCRP to propose provisions for the pRDP if those provisions did not have the same effect, or "outcome" as those included in the CCRP. Rare exceptions to this approach may be justified, for example where there is a clear need to amend the provisions, particularly due to changed circumstances, or there is a conflict with other relevant documents that cannot be resolved, particularly those documents to which the Plan must "give effect".

The CCRP does not specifically address all resource management issues relevant to the Central City, so a wider range of options can be considered in those circumstances.

On this basis the following Section 32 assessments for the various proposed sections of the Central City chapter concentrate on those issues where;

- a. it is proposed to include provisions that were not addressed in the CCRP, or
- b. in a few cases, where an alternative provision to that contained in the CCRP is proposed.

In many cases the specific Section 32 assessments that follow, refer to other Section 32 assessments that have been undertaken for other chapters of the pRDP, where they assess the resource management issue in the context of the District as a whole and in detail. Reference should be made to those Section 32 documents.

2.0 Specific Assessments

2.1 Commercial Zones

The following evaluation is of the Proposal for the Central City Business Zone, Central City Mixed Use Zone, Central City (South Frame) Mixed Use Zone and Central City Commercial Local Zone.

The proposed objectives, policies and rules are largely the same as those introduced through the Christchurch Central Recovery Plan and an addendum to it for the Central City (South Frame) Mixed Use Zone, which were introduced to facilitate the recovery of the Central City.

Given the amount of earthquake damage and rebuilding required in the Central City, the majority of the provisions in the CCRP remain necessary during the recovery phase to achieve the sustainable management of the Central City as a physical resource, in accordance with the purpose of the RMA (s5).

Section 23(1)(f) of the Canterbury Earthquake Recovery Act 2011 requires that the District Plan is not inconsistent with any Recovery Plan. Therefore, those provisions retained from the CCRP are not inconsistent with the Canterbury Earthquake Recovery Act.

Those provisions which depart from the Recovery Plan can be summarised as follows:

1. Zone name change;
2. Requirement for an Outline Development Plan and compliance with it in the Retail Precinct of the Central City Business Zone;
3. Activities permitted in the Commercial Local Zone;
4. Plan Implementation Detail: Fences and Building Setbacks and Continuity in the Central City Business Zone;
5. Plan Implementation Detail – Yard Based Suppliers in the South Frame;
6. Plan Implementation Detail – Innovation and Health Precincts and the South Frame; and
7. Listing of minor administrative or clarification matters not requiring s32 evaluation.

The remainder of the evaluation provides an explanation of the changes and the basis for these.

1. Zone name

The CCRP introduced amendments to the City Plan for the Operative Business 1 Zone, which represents the smaller local centres dispersed across the City.

In stage 1 of the Proposed District Plan, the Business 1 Zone has been renamed as a 'Commercial Local' Zone. This reflects changes to all Zone names in the proposed district plan to make it clear what the Zone is for. In the case of the Commercial Local Zone, the name reflects the primary activity in the Zone i.e. Commercial, and the function it serves i.e. Local.

This change from 'Business 1' to 'Commercial Local' is not a material change and is not inconsistent with the Recovery Plan.

2. Requirement for an Outline Development Plan and compliance with it in the Retail Precinct of the Central City Business Zone

Recent case law from Queenstown suggests that rules 2.2.3 and 2.2.4 in the Central City Business Zone section in the CCRP could be *ultra vires*. The decision of particular relevance is the 3rd Interim Decision of the Environment Court, (C93/2014) issued 28th April 2014 on the appeals to Plan Change 19 to the Queenstown Lakes partially Operative District Plan.

The two key messages from the decision are as follows:

1. A rule that does not specify an activity i.e. it only specifies a requirement for approval of a development plan, is *ultra vires*

Paragraph 168 of that decision states as follows –

"In the absence of a rule specifying activities that are expressly allowed subject to a grant of consent, rule 12.20.3.3(iii) is ultra vires s 77A(1) & 77B(3). To come within s 77B (3), and to be consistent with the operative District Plan's definition of "outline development plan", rule 12.20.3.3(iii) is to list activities that are limited discretionary activities."

In the context of the CCRP, the following Rule (2.2.3 of Appendix 1 to the CCRP, page 8) is *ultra vires* in only specifying a requirement for an ODP.

Where a resource consent application for an Outline Development Plan has been submitted to the Council for a contiguous area of not less than 7500m² within the Central City Retail Precinct, the approval of the Outline Development Plan shall be a restricted discretionary activity.

Except that: For the triangular block bounded by High, Cashel and Colombo Streets, the 7500m² limit shall not apply, and for this block one Outline Development Plan covering the entire block shall be submitted.

Note: For the purposes of this Rule Central City Retail Precinct means the area bordered by Oxford Terrace, Lichfield, High and Hereford Streets. An Outline Development Plan can straddle Colombo and Cashel Streets within the Retail Precinct but the legal street will not be included in the size measurement.

2. A rule that requires compliance with an ODP, previously approved by resource consent, is *ultra vires*

Paragraphs 179 and 183 of the Court's decision conclude that a rule cannot require compliance with a previously approved ODP on the basis that:

- i. compliance with a consent is not a requirement under s87(A)(1) (paragraph 177 of the decision); and
- ii. it does not convey in clear and unambiguous terms what activity is anticipated (paragraph 178 of the decision).

In the context of the CCRP, the following Rule (2.2.4 of Appendix 1 to the CCRP, page 9) is *ultra vires* in requiring compliance with an ODP approved by resource consent.

Where a site is contained within an area covered by an approved Outline Development Plan in accordance with Rule 2.2.3, any new building shall demonstrate compliance with the Outline Development Plan.

While the proposed amendments in the Proposal depart from the CCRP, they are considered to better achieve the purpose of the RMA. By requiring a comprehensive and integrated approach to development in the retail precinct, the proposal supports the efficient use of

resources and contributes to the quality of environment and amenity values (s7 of the RMA). The proposed rules also reflect the intent of the operative rules quoted above.

3. Activities permitted in the Commercial Local Zone

There are a number of activities permitted in the Business 1 Zone of the Central City as amended by the CCRP that would typically be found in a local parade of shops e.g. retail, with floorspace limits on tenancy size to maintain a finer grain to these centres.

The areas zoned Business 1 in the Central City comprise the following, which generally exhibit a traditional character and finer grain of retailing:

- i. Kilmore/Barbados;
- ii. Armagh/Barbados; and
- iii. Kilmore / Chester Street East.

The rules as amended by the CCRP permit yard-based suppliers, trade suppliers, service stations, drive-through services, and parking lots / buildings (not associated with an activity). These activities appear to be incongruous with the intended character and activities anticipated in the Business 1 Zone and to permit them in the Central City Business 1 Zone would be inconsistent with the provisions for the equivalent zoning outside the Central City.

Yard-based suppliers and service stations in particular may result in the inefficient use of land while trade suppliers, drive-through services and parking lots / buildings (not associated with an activity) do not appear consistent with the intended function of the Zone. This is expressed in the policies of the CCRP for the Business 1 Zone, which seek to “*provide for the day-to-day convenience shopping, service and employment needs of the local community*”.

Having regard to the points above, the exclusion of yard-based suppliers, trade suppliers, service stations, drive-through services, parking lots/ buildings from the list of permitted activities better achieves the purpose of the RMA.

4. Plan Implementation Detail – fences and building setback and continuity

Central City Business Zone – Building setback and continuity

This change is necessary to deliver on the intent of the CCRP wording for buildings within the core to be built up to road boundaries. It has been necessary to make it clear that a fence (which otherwise qualifies as a ‘building’) built on the boundary does not satisfy the CCRP intent.

This change is considered to better achieve the purpose of the RMA and the Strategic Objectives’ intent of a decision under the Canterbury Earthquake Recovery Act. It is more consistent with the intent of the CCRP and contributes to the quality of environment and amenity values (s7 of the RMA). Having considered alternatives, the economic consequences of this provision are judged to, on balance, provide net benefits to the wider community that justify identifiable potential dis-benefits for individual building developments and/or activities.

5. Plan Implementation Detail – Innovation and Health Precincts and the South Frame

Central City Mixed Use (South Frame) Zone - References to Innovation and Health Precincts

To provide clarity as to the location of the Innovation and Health Precincts, these are now identified on the Planning Maps.

6. Listing of minor administrative or clarification matters not requiring s32 evaluation

7a Central City Business Zone, and Mixed Use (South Frame) Zones – Flexibility in Building Design for Future Uses

These provisions have been amended to provide clarification for users of the plan that the minimum floor to floor height is to be measured to the bottom of a beam or other structural support below the ceiling. The rule otherwise reflects the CCRP and provides flexibility in the future use of space i.e. enabling re-fitting for alternative uses.

7b Central City Mixed Use (South Frame) Zone - References to Street scene, landscaping and Open Space for all activities.

In relation to landscaping rules requiring a minimum percentage of the total site area to be landscaped or open space, a change is made to clarify that this does not need to apply where a building is built to the full extent of the boundaries of the site. This reflects the inability to achieve compliance with a rule where the building is up to the boundaries.

2.2.1 Central City Residential Zone

The following evaluation relates to the Central City Residential Zone. The proposed objectives, policies and rules are largely the same as those introduced through the Christchurch Central Recovery Plan to facilitate the recovery of the Central City. Given the amount of earthquake damage and rebuilding required in the Central City, the majority of the provisions in the CCRP remain necessary during the recovery phase to achieve the sustainable management of the Central City as a physical resource, in accordance with the purpose of the Resource Management Act (Section 5).

Section 23(1)(f) of the Canterbury Earthquake Recovery Act 2011 requires that the District Plan is not inconsistent with any Recovery Plan. Therefore, those provisions retained from the CCRP are not inconsistent with the Canterbury Earthquake Recovery Act.

Many of the resource management issues that are relevant to the Central City Residential Zone are similar to those addressed in the Residential Medium Density Zone. Reference should be made to the section 32 assessment for the Residential Medium Density Zone.

Those provisions which depart from the Recovery Plan can be summarised as follows:

1. Increased provision for Community Welfare, Community Corrections and Emergency Services Facilities.
2. Rule 13.6.1.2.3.7. Change clarifies that only one habitable space (as opposed to all) at ground floor level of a residential unit has to have a minimum floor area of 12m² and a minimum internal dimension of 3m.
3. Rule 13.6.1.2.3.9. Change clarifies that the outdoor living space cannot be occupied by parking or access.
4. Built Form Standard 13.6.1.2.3.2. Change pertains to applying the recession plane standard only to internal boundaries as opposed to boundaries fronting roads.

The evaluation below provides an explanation of the changes and the basis for these.

1. Rule 13.6.1.2.3.7 - Ground floor habitable space

The change proposed retains the intent of the operative provisions 4a.2.2 in that it provides at least one suitably sized habitable space rather than requiring all such spaces to be 12m²/3m. For example, a bedroom can be smaller than the stated dimension and be perfectly adequate for its intended purpose while an alternative habitable space will provide sufficient unit space. The change is for clarification and does not have a material effect.

2. Rule 13.6.1.2.3.9 – Outdoor living space

The change proposed retains the intent of the operative provisions 4a.2.4 in that it provides clarity that the outdoor space shall be usable space for outdoor living i.e. not occupied by parking or access. This is consistent with sub-clause i) of 13.6.1.2.2.1 P1 to that extent that the provisions specifically exclude space occupied by parking or access. The proposed change clarifies that this also applies to communal space as well as private outdoor living space. The change is for clarification and does not have a material effect.

3. Rule 13.6.1.2.3.2 – Built Form Standard – sunlight and outlook for neighbours

The change proposed retains the intent of the operative provisions 4a.2.5 in that it provides clarity that the recession plane is not to be measured from the road boundary which may trigger the need for consent when this was not intended. The change is for clarification and does not have a material effect.

2.3 Central City Guest Accommodation Zone

Background

The Central City's stock of guest accommodation was significantly affected by the earthquakes with a 90% reduction in total bed spaces and a 78% reduction in backpacker spaces. Looking forward however, the projections for visitor growth are optimistic. By 2018 it is anticipated that there will be a 39% increase in international visitors and a 15% increase in domestic visitors (from a 2012 base).

There has been a gradual increase in the number of hotels re-opening in the City although most of the new stock has provided hotel bed spaces (rather than backpacker accommodation).

Strategic Planning Documents

The Christchurch Central Recovery Plan highlights the importance of tourism to the regional economy. Provision of visitor attractions and meeting the demand for visitor services are noted as important elements of recovery.

Whilst there is no specific direction in terms of where visitor accommodation should be provided across the City, it is recognised that it is an important component of several of the anchor projects (convention centre and the performing arts centre) and visitor accommodation development is permitted within both the Central City Business and Mixed Use Zones. As such the Christchurch Central Recovery Plan has a largely permissive approach to the development of hotels within the Central City.

The Operative City Plan provides for guest accommodation via the Living 5 Zone. In late January 2015, the Minister approved a final version of the Central City residential zone provisions as part of the Christchurch Central Recovery Plan, pursuant to section 22 of the Canterbury Earthquake Recovery Act 2011. These included amendments to the provisions in the Operative Plan relating to Living Zones. It was stated that these would make residential development in the City simpler and encourage more design flexibility and a greater range of housing types. The provisions specifically directed changes to the Living 5 zones of sites within the Central City.

Purpose and Scope of the Provisions

Phase 2 of the District Plan Review includes a review of the Living 5 provisions outside of the Central City. Key outcomes from this review are:

- The Living 5 Zone is proposed to be retained for sites outside of arterial corridors (see following bullet point). Some amendments are proposed to the built form rules in order that they are less complex and more effective but overall the purpose and scope of the zone has been retained. The L5 zone is proposed to be renamed the Guest Accommodation Zone.
- Where Living 5 sites are located within arterial corridors it is proposed that they are subject to the Accommodation and Community Facilities overlay. This is a new zone which is proposed in locations which are no longer primarily residential in order to allow for both residential and limited non-residential uses (excluding office and retail).

The changes directed to the operative Living 5 Zone through the Recovery Plan's newly gazetted residential chapter include:

- A new L5 zone on Latimer Square (Rydges hotel).
- Changes to the size of the L5 Peterborough site. In effect this has been reduced in size and broken into two parcels, now identified as Peterborough and Montreal.
- There are some changes to the Built Form Standards.

Options Assessment

In order to develop provisions for the Central City Guest Accommodation Zone, the following policy options have been considered:

1. Apply the proposed District Plan Review provisions for operative Plan Living 5 zones that are outside of the Central City, to those within the Central City.
2. Apply provisions as identified in the Christchurch Central Recovery Plan ,
3. Incorporate the Recovery Plan's provisions into the replacement District Plan with some minor amendments in order to provide a more useable Plan with a consistent approach.

Preferred Option 3 Assessment:

Incorporate the Recovery Plan's provisions with some minor amendments into the replacement District Plan within the new format in order to seek a more useable, Plan with a consistent approach.

Appropriateness:

The changes to the Operative Plan Living 5 rules for the Central City visitor accommodation (as per the Recovery Plan) are necessary to support the recovery of the Central City and the City in general and relate well to the objectives of the Central City residential chapter. They reflect the significance placed on the recovery of the Central City in the Recovery Plan and the achievement of a high quality urban environment. The appropriate options are those which integrate similar provisions into the Replacement District Plan so as to remain consistent with the Recovery Plan (options 2 and 3).

Option 1 would not be appropriate as the context for guest accommodation in the City is different to that outside the City. Inside the City there is an expectation that guest accommodation will be of a larger scale and there should be more flexibility in terms of ancillary activities i.e. larger restaurants. The specific differences between the Guest Accommodation Rules proposed within and outside the City are identified in the rules evaluation below.

The District Plan Review is however also seeking a change to the format of the current plan (now activities based) to provide a simpler, more effective Plan which meets the aims of the broader review process and specifically, the Statement of Expectations.¹ As such a more appropriate way forward is Option 3 as this will incorporate both the requirements of the Recovery Plan provisions and the aims of the District Plan Review.

¹ Schedule 4 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

Rules

Unless specifically noted, the rules are a continuation of the Living 5 Zones in the Operative Plan, but packaged under a new zone – Guest Accommodation. For comparison purposes, the differences between the Guest Accommodation Zone rules inside and outside of the Central City are identified.

Activities

- The zone provides for guest accommodation and ancillary food and beverage outlets. This enables hotels to provide on-site restaurants and cafes but food and drink is required to be consumed on site. Residential activities in the zone are required to meet the Central City residential zone standards.
- Outside the city, the Guest Accommodation zone rules are more restrictive in terms of the scale of ancillary retailing. The scale of guest accommodation is also limited in order to reflect the fact that extensions or redevelopment of guest accommodation can have significant impacts on the surrounding residential areas which are often lower density (as compared to the higher density Central City). Outside of the City, the zone requires residential activities to comply with residential medium density standards.

Built Form Standards

The Guest Accommodation Zone Standards below are consistent with those directed in the Central City Recovery Plan.

- The site coverage rule for Avon although a breach of these rules is now proposed as a restricted discretionary standard rather than a critical standard (as per the Operative Plan). This reflects the fact that a breach of this rule is restricted discretionary outside the City Centre and that non-complying status would be too stringent.
- Building height rules for Central City guest accommodation sites have been amended to 14m for Peterborough, Montreal and Latimer and 11m for Avon.
- The setback rule is unchanged. Outside the Central City the setback rules reflect the proposed residential medium density standards.
- Internal setbacks have been carried over from the Operative Plan Living 5 provisions. This is the same for the wider Guest Accommodation Zone.
- Daylight recession planes reflect the Central City Residential Zone.
- Vehicle Access Restrictions for Hurley Street or Bangor Street. A breach of this standard will be assessed against the Central City residential chapter - Traffic generation and access. This matter of discretion enables assessment of vehicle access breaches on both residential amenity and the transport network.

Points of Difference to the Recovery Plan Provisions

- Plot ratio standards have been removed for Latimer, Peterborough and Montreal sites. Review of the Operative rules has indicated that plot ratio standards have been relatively ineffective in controlling the scale of development. In addition it is considered that the proposed setback, height and (in the case of Avon) Site Coverage Rules amply address the issue of development scale within the zone. Plot ratio is not commonly used within other zones in the Recovery Plan and the removal of them from this zone is therefore a consistent approach.

- The Maximum Length of Continuous Building Length Rule has been considerably simplified and, though the intention remains the same (to reduce large, flat frontages), the rule has been slightly amended. The standard is now set at 15m whereas previously there was a 20m rule. The change in the standard reflects a better understanding of development (including section size and development scale) within Christchurch. A 15m length will better reflect the type of development envisaged and the threshold at which adverse effects may be apparent. The rule makes clear that ridgelines are included within an assessment of continuous building length.
- The Recovery Plan provisions did not amend the fencing, screening and landscaping rules (and therefore the previous L5 provisions still apply) and there was therefore a need to review the provisions. Not all the existing L5 ones were still appropriate however and they have therefore been simplified and targeted towards specific areas to reflect the amended intentions of the Recovery Plan. An example is the landscaping provisions which are no longer focused along the street frontage of guest accommodation but more to internal boundaries where adverse effects would be greater e.g. the Central City Water and Margins Zone, Avon River Precinct and Community Park Zones.

Efficiency and Overall Conclusions

The proposed approach is considered the most efficient. It largely retains the existing Operative Plan Living 5 Zone provisions which were recently reviewed in the Recovery Plan and provides a simpler more focused approach to the matters we provide standards for.

The only matter where we have sought to apply a more restrictive standard is the Continuous Building Length Rule. This change reflects a better understanding of development within the City and an appreciation of those matters which could adversely affect the surrounding environment. An overly dominant blank frontage to a hotel could well impact on the adjacent environment. In order to provide for a high quality, attractive urban environment (as per Objective 3.3.7 of the Strategic Directions) it is considered that this amendment is necessary. The additional restrictiveness of the rule is however compensated by the fact that it now offers more choice in terms of mitigating the effects of a long façade i.e. Council are no longer prescribing a fixed solution to this matter. Non-compliance with the rule will be non-notified.

In general the approach will provide consistency and certainty for both residents and landowners within the City which in turn should support more stable development markets. In addition, the greater clarity provided for by a number of provisions will make the plan easier to understand by users and lead to more efficient administration and monitoring of the District Plan as the environmental outcomes anticipated within the City are better understood.

2.4 CENTRAL CITY OPEN SPACE ZONES - SECTION 32 ASSESSMENT

The following evaluation is of the Proposal for the Central City Open Space Zones including the Central City Community Parks Zone, Central City Water and Margins Zone and Avon River Precinct (Papa o Ōtākaro) Zone.

1. STRATEGIC CONTEXT

Purpose and Scope of the Provisions

The purpose of the Central City Open Space provisions is:

- a. To provide a streamlined and updated framework and process for the management of open spaces and water bodies and their margins within the Central City;
- b. To facilitate the provision of a network of open spaces and recreation facilities in the Central City that meet the current and future recreational, cultural, health and wellbeing needs of the community;
- c. To conserve and enhance the qualities of the natural environment, urban parks and the Avon River and its margins while providing for recreation and leisure activities;
- d. To accommodate a range of roles of open spaces and recreation facilities while ensuring they maintain and enhance the character, quality and amenity of the Central City and the wider district;
- e. To ensure the Council's statutory responsibilities and higher level policy directions, in particular the Central City Recovery Plan, are reflected in the objectives, policies, zonings and rules.

STRATEGIC PLANNING DOCUMENTS

The key strategic documents and directions for open space are addressed in the Chapter 18 - Open Space Section 32 Report and that evaluation is relevant to, and relied on, for the Open Space Central City Community Parks Zone and Water and Margins Zone provisions. The Christchurch Central Recovery Plan (CCRP) provides additional directions to facilitate the earthquake recovery of to the Central City, including open space.

The CCRP defines the form of the Central City and sets out the locations of key anchor projects to optimise recovery. *"The design concept for the Recovery Plan is the development of a greener, more accessible city with a compact core and stronger built identity"*¹. This includes the provision of high quality open spaces in the Central City, including the Avon River's edge.

The CCRP amended provisions in the Operative City Plan, including:

- i. Amendments/additions to the objectives and policies seeking restoration and enhancement of important public open spaces within the Central City, including the Avon River Precinct;
- ii. Creating a new zone - Conservation 5 over the Avon River Precinct area²;
- iii. Adding Conservation 5 rules.

The other City Plan open space, conservation and cultural zones provisions within the Central City remained unchanged by the CCRP except for a few amendments affecting the Cultural 1 Zone (Canterbury Museum).³

¹ Christchurch Central Recovery Plan, 2012, page 3.

² Refer Christchurch Central Recovery Plan, 2012, Map 1 on page 89

³ Refer Christchurch Central Recovery Plan, 2012, Map 2 on page 91.

PURPOSE AND SCOPE OF THE PROVISIONS

One of the key drivers of the District Plan Review (DPR), as outlined in the statement of expectations, is to reduce significantly reliance on the resource consent processes, the number, extent and prescriptiveness of development controls and design standards in the rules, and the requirements for notification and written approval in order to encourage innovation and choice.

As illustrated by **Table 1**, streamlining has resulted in the number of open space zones in the Central City being reduced from 6 to 3.

Table 1: Operative and Proposed Open Space Zone Structure

| Operative City Plan zone | Proposed DPR zone | Examples of parks / sites |
|---|--|--|
| Open Space 1 | Open Space - Central City Community Parks Zone | Aldred Reserve, Moa Reserve |
| Open Space 2 | | Hagley Park |
| Conservation 2 | | Botanic Gardens |
| Cultural 1 (part) | | Canterbury Museum and Robert McDougall Art Gallery |
| Conservation 5 (CCRP rezoned the Avon River Precinct from Conservation 3) | Open Space – Avon River Precinct (Papa o Ōtākaro) Zone | Avon River and corridor east of Rolleston Avenue and Christchurch Hospital through to the Fitzgerald Avenue bridge |
| Conservation 3 | Open Space – Central City Water and Margins Zone | Avon River in Hagley Park |

The proposed objectives, policies and rules for the proposed Central City Open Space Zones are largely the same as for the equivalent zones in the rest of the city and contain additional provisions to reflect those introduced by the CCRP.

The Ministers' comments on the draft provisions recommend that the Central City stand-alone chapter be incorporated into the remainder of the replacement District Plan through the hearing process. For public notification all Specific Purpose (Flat Land Recovery) Zone and Natural and Cultural Heritage provisions relating to the Central City will be included in those respective chapters. The Central City Chapter will include a clear indication that the provisions are to be incorporated into appropriate substantive chapters, in the case of 13.7 Central City Open Space it will be Chapter 18, and which Central City provisions are identical to which provision in other substantive chapters.

The proposed Open Space Central City Community Parks Zone provides for a range of open space needs from small public spaces to heritage and urban parks having important scenic, botanical, education, heritage and recreational values and providing for entertainment. Within this zone, site specific provision has been made for the Canterbury Museum and Robert McDougall Art Gallery site (Rolleston Avenue). These provisions reflect the changes introduced by the CCRP.

The Central City Avon River Precinct (Papa o Ōtākaro) Zone provisions in the Proposal for the Central City Open Space Zones are essentially a “roll over” of the Conservation 5 Zone introduced by the CCRP. An exception is the change of activity status from a fully discretionary to restricted discretionary for the redevelopment of the former Oxford on Avon pub site at 794 Colombo Street. The Central City Development Unit (CCDU), the development arm of the

Canterbury Earthquake Authority, is in the process of planning the redevelopment on the site. CCDU anticipate the "Pavilion" development will be used for community facilities and commercially operated recreation activities/facilities with a maximum site coverage of 250m². The activity status for the anticipated development has been changed to restricted discretionary (refer Chapter 13, 13.7.2.2, RD7).

To maintain a consistent approach to the zoning of transport corridors, the roads within the Avon River Precinct will be rezoned to Transport Zone.

That part of the Avon River which flows through Hagley Park, upstream of the central business district, is not part of the Avon River Precinct Zone and it has been zoned Central City Water and Margins (formerly Conservation 3). The provisions of this zone are consistent with those that apply to upstream and downstream rivers outside of the Central City. The Section 32 for the Open Space Water and Margins Zone (Chapter 18) in the proposed Replacement District Plan covers the Section 32 issues relating to rivers and other water bodies generally, and is relied on as part of this assessment for the Central City Chapter.

Two Central City anchor projects - the Metro Sports Facility and the Stadium are significant to post-earthquake recovery and satisfying the community's recreation needs in Christchurch. These sites have been zoned Mixed Use in the CCRP and additionally have designations over them (H5 and H8) to enable the intended developments. The exact extent and layout of the proposed developments is not known yet therefore it would be difficult to apply the relevant Open Space Metropolitan Facilities Zone with any accuracy at this stage. To maintain consistency with the CCRP, it is not proposed to change the zoning of these sites but to retain the Central City Mixed Use Zone.

2. RESOURCE MANAGEMENT ISSUES

The resource management issues for Open Space are set out in the Section 32 report for Chapter 18 - Open Space Proposal. These issues are equally applicable to the Central City environment, with Issue 1 and Issue 5 commented on specifically in respect of the Central City.

RESOURCE MANAGEMENT ISSUE 1 – Provision of a network of open spaces and recreation facilities within the Central City

The Open Space Strategy (2010) describes the outstanding attributes of the district's public open space as follows: *"Hagley Park, the Botanic Gardens, Victoria, Cathedral, Latimer and Cranmer Squares, Worcester Boulevard, the City Mall and the Avon River provide an outstanding public open space framework for the central and western parts of the Central City with high natural and amenity and recreation values"*⁴.

Hagley Park is the largest urban open space in Central City (164 ha) and includes the Hagley Cricket Oval and south Hagley Park netball courts. Along the eastern boundary, the park is defined by the two kilometre loop of the Avon River. The Christchurch Botanic Gardens (21 ha) are located within this loop with frequent bridges providing vehicle and/or pedestrian connections. The Christchurch Botanic Gardens is one of the highest visited destinations in the city with in excess of 1.2 million visits per year⁵. The Botanic Gardens is a major resident and visitor attraction and the visitor numbers are likely to increase given its location close to the central urban intensification areas.

⁴ Open Space Strategy, 2010, page17.

⁵ CCC, Kelvin McMillan, Christchurch District Open Space and Recreation Overview, 2015 (Appendix 4 to Open Space Section 32)

The CCRP seeks to consolidate the Central City commercial development within the Core area of the city and further define it with the Frame areas to the east, south and north. The focus of the Frame is to provide for a mix of commercial uses and medium density housing developments interspersed with large areas of green space. The design principles for the Frame include: *“7. Open Space – Create new open spaces and improve existing open spaces⁶”*. Defining the Core and providing new and improved green space to complement the existing assets is central to the CCRP blueprint and to addressing the resource management issue of providing a sufficient network of open spaces and recreation facilities within the Central City. Once the redevelopment of these areas has taken place, it may be possible to isolate the public open spaces and rezone them accordingly through a future plan change.

Provision of sport and recreation facilities within the Central City through other mechanisms such, as designations and the Central City Mixed Use zoning, is considered to complement the Central City Open Space Zones provisions rather than conflict with them.

RESOURCE MANAGEMENT ISSUE 5 – Facilitating earthquake recovery and meeting new open space and recreation needs within the Central City

The CCRP created the Avon River Precinct (Conservation 5 in the operative City Plan), comprising the river corridor and about 30 metre wide strips on either side of the Avon River. The precinct originally included the river, riverside esplanade/park areas, Victoria Square and the adjacent roads. As indicated above, the roads are proposed to be rezoned to Transport Zone to maintain consistency with the approach taken for the remainder of the District Plan area.

The CCRP states that *“one of the priority anchor projects is the development of Papa o Ōtākaro /Avon River Precinct. Creating an attractive river corridor throughout the central city which can be enjoyed by workers, shoppers, residents and visitors is an important component in ‘greening’ the city and providing high amenity public spaces that attract people and activity.”⁷* It is proposed to continue to recognise the importance the Avon River Precinct to the recovery of the city and retain it in the DPR.

The CCRP (Conservation 5) provision for no setback for building fronting a road within the Avon Precinct is carried over to enable a more active interface with the street and/or between commercial development and the Avon River. The departure from the discretionary activity status for any new building development within the Precinct (CCRP rule) which is applied to the 794 Colombo Street site provides some certainty to the developer about the rebuilding on the site. The site coverage limit and permitted uses in Rule 13.7.2.2.2, RD7 provide some certainty regarding the scale, type and anticipated effects of the development which will still be subject to the water body setback rules (Refer 13.14, General Rules and Procedures) and other built form standards applicable in the Central City Water and Margins Zone, including the Avon Precinct Zone.

The Metro Sports and The Stadium anchor projects outlined in the CCRP will make a significant contribution to the post-earthquake recovery and meeting recreation needs of the Central City and District. The Metro Sports facility will provide a central sports hub and plans include an aquatic centre. The Stadium will provide a large multi-purpose sports and entertainment centre and eventually replace the damaged stadium at Lancaster Park and the temporary Christchurch Stadium in Addington. As outlined above these anchor project sites are proposed be zoned Central City Mixed Use and are also designated for their intended purposes.

⁶ Christchurch Central Recovery Plan, 2012, page 31.

⁷ Christchurch Central Recovery Plan, 2012, page 107.

3. SCALE AND SIGNIFICANCE EVALUATION

Refer Part 3 of the Section 32 report for Chapter 18 - Open Space.

The CCRP recognises the importance of the Avon River to the identity of Christchurch and the role it plays in creating a distinctive sense of place, particularly in Central City. The river, with the adjoining open spaces, is recognised as a focal point for recreation and leisure activities for people living and visiting the Central City. The role this important open space has to play in the successful recovery and future vitality of the Central City has been recognised through the creation of the Avon River Precinct Zone. Restoration and enhancement of the Avon Precinct has become one of the priorities in the recovery plan (refer CCRP, Objective 12.4, Policy 12.4.2. Rules - Conservation 5 Zone).

The significance of the Avon River Precinct has been recognised in the DPR and the related policies and rules are proposed to be essentially "rolled over" with only minor modifications resulting from the new format of the DPR provisions.

4. EVALUATION OF PROPOSED OBJECTIVES

Refer Part 4 of the Section 32 report for Chapter 18 - Open Space.

Some modifications have been introduced to the Central City objectives and policies to better provide for the protection of indigenous ecosystems and biodiversity, including flora and fauna on the land within the Water and Margins Zone which extends beyond the water margins. Minor wording changes provide a clearer distinction between enabling compatible recreation activities and enhancing accessibility of water bodies for a variety of purposes. An integration of the Central City Open Space provisions with Chapter 18 may require similar amendments to Stage 2 provisions.

5. EVALUATION OF PROPOSED POLICIES, RULES AND METHODS

This evaluation below should be read in conjunction with Part 5 of the Section 32 report for Chapter 18 - Open Space. To summarise, the following are the options considered:

- Option 1:** Maintain the status quo i.e. retain the Christchurch City Plan (CP).
- Option 2:** Adopt a more permissive approach to activities within the open space zones with minimal regulation, greater reliance on reserve management plans and non-regulatory methods.
- Option 3 (preferred option):** Create a policy framework that provides for a network of open spaces and recreation facilities and consolidation of zones and rules while reflecting the directions provided in the CCRP.

The table below provides an evaluation of the preferred option in the context of the Central City Open Space.

Maintaining the status quo of the CP provisions (Option 1) is not considered the most appropriate option as it would not fit with the revised format of the DPR Proposal and perpetuate the complexity of the Plan in terms of the number of zones and related provisions. Such approach would also be unlikely to reduce the number of consents required for activities within the Central City Open Space Zones, as park management activities or public amenities provision, for example, are not specifically provided for.

A more permissive approach to activities with minimal regulation and greater reliance on non-regulatory methods and reserve management plans is not considered efficient in terms of controlling potential adverse effects of activities within the Central City Open Space Zones. Reliance on reserve management plans, prepared under the Reserves Act (RA), to satisfy the requirements of the Resource Management Act (the Act) cannot not justified. Not all parks

have management plans prepared for them and such plans are not concerned with mitigating the potential effects of activities within the reserves on the surrounding environment. Minimal DPR regulation, even in combination with reserve management plans, is not likely to be effective in satisfying the requirements of or achieving the purpose of the Act. Option 2, therefore is not considered appropriate.

The detailed analysis of Option 3, as outlined below in 5.4, is considered to be the most appropriate and is the preferred option.

| PROVISIONS (POLICY, RULE, METHOD) <u>MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES</u> | |
|---|---|
| 13.7 Central City Open Space Zones 13.7.1.1 Objective 1 - Provision of open spaces and recreation facilities 13.7.1.2 Objective 2 - Water bodies and their margins 13.7.1.3 Objective 3 - Character, quality and amenity | |
| Provision(s) most appropriate | |
| 1. Policies 13.7.1.4 The role of open space and recreation facilities 13.7.1.5 Multifunctional use and safety 13.7.1.6 Water bodies and their margins 13.7.1.7 Environmental effects 2. Methods a. District Plan and Zoning Consolidation of multiple existing zones into the following: i. Central City Open Space Community Parks; ii. Central City Water and Margins Zone; iii. Central City Avon River Precinct. b. Reserves Act and Reserve Management Plans For example Christchurch Botanic Gardens Management Plan, 2007. c. Non-regulatory methods i. Open Space Strategy; ii. Environmental education programmes; iii. Interpretation centres, for example in Botanic Gardens. | 1. Benefits a. Open space and recreation facilities cater for a range of roles, functions and activities. Providing for open space and recreation, including temporary activities, is an essential part of the Central City earthquake recovery and the proposed policies are consistent with the CCRP. The dedicated zoning of the Central City parks, and riverside open spaces is proposed to be carried over, however, the number of zones is reduced, zone names are changed and provisions simplified. The proposed zones are outlined in the left-hand column of this table under 2.(a.). b. Multifunctional use has social and economic benefits and is a key strategy for the provision of open space, sporting and recreation facilities. This policy also supports the proposed Metro Sports Facility and Stadium in the Central City Mixed Use Zone. c. Safety is particularly important in the Central City environment. A well designed open space is better utilised and provides a safe environment with associated health benefits. d. The Avon River is a significant natural asset in the Central City. Maintaining and enhancing the natural character, biodiversity, health and life supporting capacity of the river has environmental and cultural benefits. Meandering through the Central City the Avon River has significant amenity and landscape values, is highly accessible and provides an attractive focal point for a range of recreation and tourism activities. Maintaining and enhancing these values will continue to support the community's |

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| <p>d. Bylaws under the Local Government Act</p> <ul style="list-style-type: none"> i. Parks and Reserves Bylaw (2008) – note currently under review, revised version anticipated April 2015; ii. Public Places Bylaw (2008). | <p>health and wellbeing and bring economic benefits to the city. The Avon River Precinct Zone and specific provisions are proposed to be largely carried over into the Central City Open Space provisions, including the specific exemption from road setback for buildings within the zone. Some of the CP exemptions from discretionary activity status, e.g. for boardwalks, are proposed to be permitted activities. Boardwalks, for example, are covered by the definition of 'public amenities' and are permitted.</p> <ul style="list-style-type: none"> e. Urban parks, for example Hagley Park, provide venues for recreation, sports, entertainment and events, including a variety of temporary activities, with associated social and economic benefits. The small open spaces within the commercial heart of the city, often on street corners, provide an important visual relief from the surrounding built form and have an important amenity value. f. The Botanic Gardens accommodate special collections, promotional displays and provide opportunities for environmental education and awareness. The Botanic Gardens make a significant contribution to tourism and the economic wellbeing of the Central City. g. The Canterbury Museum, housed in a Gothic Revival heritage building, is in the heart of Christchurch City. The museum sustained minor damage to its façade during the earthquakes but remains structurally sound and is open to the public. The museum and the adjacent Robert McDougall Art Gallery are important cultural facilities for residents and tourists with cultural and heritage, social, and economic benefits. The current City Plan Cultural 1 zoning of these facilities (and only two other sites) is not proposed to be carried over into the DPR. The Museum and the Art Gallery can be accommodated within the Open Space Community Parks Zone thus simplifying the proposed District Plan and its administration. <p>While there is a considerably higher level of built development on the Museum/Gallery site, as distinct from the usual predominance of green space in the open space zones, the level of development is limited by the extent of its site (9-11 Rolleston Avenue, legally described as Pt Res 25 and Lot 1 DP 45580). The site adjoins the Botanic Gardens and as a combined complex managed by the Council these sites will maintain the predominance of open space.</p> |
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| | <p>2. Costs</p> <ul style="list-style-type: none"> a. Potential displacement of green space and recreation activities by built form/commercial activities with the associated cost of having to provide for such spaces/activities outside of the Central City and reduced accessibility. b. Development along the Avon River corridor has the potential to adversely impact on the natural character, biodiversity, health, life supporting capacity and cultural values of this environment. c. Potential duplication and/or inconsistency with the Reserve Management Plans. <p>3. Efficiency and Effectiveness</p> <ul style="list-style-type: none"> a. The policies provide a framework for effectively managing open space and recreation in the Central City and contribute to post-earthquake recovery. b. Maximising utilisation of urban parks, for example Hagley Park, is an efficient use of the Central City land while the central location of facilities encourages the use of public or alternative modes of transport. c. Bylaws are another method for managing people, nuisance, access and trading in public places effectively and they complement the District Plan rules. d. The land is primarily in Council ownership and the provisions will work in tandem with the Council's Open Space Strategy, Reserve Management Plans, bylaws and other management tools available to Council. e. Quality open space in the Central City will improve the city's desirability as a place to 'live, work and play'. |
| <p>3. Rules</p> <p>13.7.2 Rules – Open Space – Central City Water and Margins and Avon River Precinct Zones</p> <p>13.7.3 Rules – Open Space – Central City Community Parks Zone</p> <p>13.7.4 Matters of Discretion – Central City Open Space Zones. Including:</p> <p>13.7.4.1.3 Community and Cultural Facilities – d. For the</p> | <p>1. Benefits</p> <ul style="list-style-type: none"> a. The permitted activity rules provide for day to day park management activities and public amenities which contribute to the health and wellbeing of people living, working and visiting the Central City. The provisions will reduce the number of resource consents needed for such activities. b. Open space and recreation activities and facilities are protected from displacement, particularly on smaller sites. |

Canterbury Museum and Robert McDougall Art Gallery site.

13.7.4.3.2 Additional matters for Central City Community Parks.

13.7.4.3.3 Additional matters for Central City Water and Margins and Avon River Precinct zones.

c. The rules provide for an assessment of the effects of buildings on the natural character, biodiversity, health and life supporting capacity of the Avon River and adjacent land, as well as opportunities for enhancement.

d. The rules provide for a wider range of activities to establish in heritage buildings. This list is more enabling than Chapter 9 (Natural and Cultural Heritage) provisions, due to the public ownership of these buildings and the need to enable the most economic use to support the upkeep of the buildings.

In respect of the site at 794 Colombo Street, an exemption in the rules (restricted discretionary activity status) has been incorporated to provide for the reinstatement of buildings on the site to accommodate community facilities, recreation, food and beverage and tourist activities. The departure from the discretionary activity status for any new building development within the Precinct (CCRP rule) which is applied to the 794 Colombo Street site provides some certainty to the developer about the rebuilding on the site. The site coverage limit and permitted uses in Rule 13.7.2.2.2, RD7 provide some certainty regarding the scale, type and anticipated effects of the development which will still be subject to the water body setback rules (Refer 13.14, General Rules and Procedures) and other built form standards applicable in the Central City Water and Margins Zone, including the Avon Precinct Zone. The exemption recognises that the site contained buildings before the earthquakes and the benefits of revitalising the Avon River frontage in that part of the Central City across from the Town Hall. It is considered that by limiting the matters to be considered to those necessary to achieve the proposed objectives, the provisions are more efficient.

e. The CCRP (Conservation 5) provision for no setback for buildings fronting a road within the Avon River Precinct is carried over to enable a more active interface with the street and/or between commercial development and the Avon River. The provision should help implement the objective aimed at earthquake recovery and revitalisation of communities by focusing people activities on the river's edge and enhancing the city's distinctive identity.

2. Costs:

a. Resource consent and compliance costs.

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|--|---|
| | <ul style="list-style-type: none"> b. Regulation has the potential to limit innovation and choice, important factors in facilitating the Central City rebuild. c. Potential duplication and/or inconsistency with Reserve Management Plans. <p>3. Efficiency and Effectiveness:</p> <ul style="list-style-type: none"> a. The proposed policies and rules are considered effective in protecting green space and recreation from displacement by activities that do not support open space and recreation. b. Building footprint, site coverage and impervious surfaces limits have been set to ensure efficient use of the open space resource and effective protection of amenity values and public use and enjoyment of open space. c. It is proposed to carry over the exemption for the Canterbury Museum and Robert McDougall Art Gallery site from the setbacks and site coverage standards in recognition of the fact that the site is already fully developed and its role and function are unique. In the unlikely event that the facilities need to be replaced, the provisions will provide an efficient framework for such a development. d. The rules are considered to have high efficiency as the benefits outweigh the costs. |
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While some of the proposed amendments in the Chapter 13 Proposal depart from the CCRP in very minor ways, they are considered to be generally consistent with the recovery plan. Through promoting the efficient use and development of open space resources while preserving and maintaining the values of the district's natural environment, features and landscapes, the proposal contributes to the quality of the environment, biodiversity and amenity values. It also provides for a variety of community activities, facilities and visitor attractions which have social and economic benefits. The proposed rules are considered to be an efficient and effective way to achieve the outcomes sought in the objectives.

Overall, having regard to the Minister's directions regarding consistency with the CCRP, the continuing relevance of the CCRP to the recovery of the Central City, and the Statement of Expectations in Schedule 4 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, the proposed provisions are considered to be the most appropriate way to achieve the purpose of the Act.

6. Bibliography

Refer Chapter 18 - Open Space Section 32, Appendix 3.

2.5.1 Central City School Zone

The objectives, policies and rules for the Central City School Zone are broadly consistent with those specified as the Christchurch Replacement District Plan objectives, policies and rules for the Specific Purpose (School) Zone in the rest of the City, with some variation to recognise the Central City location mainly related to maintaining consistency with revised rules for the Central City.

The planning issues for Central City schools are very similar to those for schools in any other location in the City. Providers need flexibility in the post-earthquake environment due to changes of location of schools and rebuilding.

There is also an increasing expectation of some community use of school buildings and grounds; and there is a trend towards more intensive use of sites with more buildings on the same sized sites, which has the potential to affect the amenity of neighbours. The Section 32 for the Specific Purpose (School) Zone in the proposed Replacement District Plan covers these issues generally, as well as discussing planning methods used to deal with schools in District Plans. The provisions in this Plan are flexible in providing “upfront” alternative zoning provisions in the event that land that is deemed surplus to educational needs. Public and private schools are treated similarly in terms of zoning, as resource management effects are the same.

For the Central City School Zone, there are three state schools, two state integrated schools (three if Marion College, temporarily located on Catholic Cathedral College grounds, is included), and four private “schools”. One of these is a private tertiary institution (The Academy), which has been given a school zoning, as this zone is more appropriate to its built form than the Tertiary Education Zone. There are also other “schools” in the Central City which are not zoned as a school but left within the commercial zones, as they are sited in commercial buildings.

Section 23(1)(f) of the Canterbury Earthquake Recovery Act requires that the District Plan is not inconsistent with any Recovery Plan. The Christchurch Central Recovery Plan, however, did not amend the operative Cultural 3 (schools) provisions except by adding a site into that zone. This site is at the corner of Montreal St and Armagh St on Cranmer Square (the former Christchurch Girls High School site) which is now owned by Christ's College.

The Central City Recovery Plan contains little specific reference to schools. The reviewed schools provisions generally are designed to meet the statement of expectations in the Order in Council for preparing the Christchurch District Plan e.g. they reduce consents required for rebuilding or new building proposals.

The Christchurch Central Recovery Plan was however amended in January 2015 with revised residential provisions, which does impact on the Central City School Zone. This is due to school built form standards generally reflecting the type of zone within which the schools are located. The Central City Residential Zone has been significantly liberalised, with no coverage limitation, height limits at either 11 metres or 14 metres, and a reduced road boundary setback. To maintain consistency, similar changes are proposed for Central City School Zone in regard to schools with an alternative zoning of Central City Residential, to maintain consistency.

The proposed Replacement District Plan has largely followed the approach of the operative District Plan for schools, with some refinements as follows:

- Objectives and policies made specific to educational facilities and simplified and streamlined.

- Provision for community activities to use existing school facilities as permitted activities, subject only to the standard noise, parking and related requirements for the zone.
- Provision for established spiritual activities and facilities and additions to such facilities as permitted uses in school zones. In practice this relates mainly to sites which accommodate both Catholic churches and schools.
- Increase in allowable site coverage for all schools, since there is a need to provide for greater intensity of use of sites. In the Central City the coverage limit for schools has been removed to match the revised Central City Residential Zone, and road boundary setbacks reduced, although internal boundary setbacks remain the same. Height limits have been modified to be consistent with the Christchurch Central Recovery Plan.
- The policies also encourage schools to retain as much open space on their sites as practicable, as well as retaining mature trees where they can.
- The main site of The Academy, a private tertiary training institution, located between Manchester St and Colombo St north of the City Centre has been rezoned from Central City Residential in the CCRP (and now in the operative Plan) to Central City School Zone to more appropriately reflect the nature of the existing activity on the site. (The Academy also has a second site on Aberdeen St which remains in the Central City Mixed Use Zone). Although it is understood that land use change may occur here in the near future, the Central City Schools Zone chapter provides alternative zoning provisions for land which is surplus to educational needs.
- All other educational activities at primary level and above on their own sites are specifically zoned in the proposed Replacement District Plan as schools or tertiary institutions.

The revised rules set out above are considered to be more appropriate to meet the revised objectives of the Central City School Zone than the operative rules, while maintaining consistency with the Christchurch Central Recovery Plan; and the revised objectives are considered to be the most appropriate way to achieve the purpose of the Act, and the Statement of Expectations in the Christchurch Earthquake (Christchurch Replacement District Plan) Order 2014. RMA Section 32 considerations relevant to the Central City Tertiary Education Zone circumstances are set out in the Specific Purpose Schools Zone Section 32 report.

2.5.2 Tertiary Education Zone

The objectives, policies and rules for the Central City Tertiary Education Zone are broadly consistent with the objectives, policies and rules proposed for the Specific Purpose (Tertiary Education) Zone in the rest of the City. In broad terms the thrust of the management regime from the previous Operative District Plan has been judged as appropriate. Refinements and modifications are explained further below.

There is one site zoned Tertiary Education in the Central City, being the main Christchurch Polytechnic Institute of Technology (CPIT) site, located between Madras and Barbadoes Streets at the southern edge of the Central City. There are several other (private) tertiary institutions in the Central City but they are either zoned as schools or are located in commercial zones.

The CPIT is different to most other educational facilities in that it has no residentially zoned neighbours; all sites on opposite sides of the streets defining the CPIT block are zoned Central City Mixed Use (west, north and east of CPIT) or Central City School – the site currently being used by Marian College. To the south on the other side of Moorhouse Avenue, the proposed Commercial Retail Park Zone is not assessed as adjoining due to the width of Moorhouse Avenue. There are however some residential uses in the CC Mixed Use Zone, notably the Otautahi House CPIT hostel is located immediately to the north of the CPIT site. There is also other residential activity nearby e.g. in Southwark Street.

As a result of the relative lack of residential neighbours, and the need for Central City Recovery the lower potential for adverse externalities means that significantly more permissive rules can apply to the CPIT site in the Central City than to the two other CPIT sites at Sullivan Avenue and Hassals Lane, or to the University of Canterbury sites at Ilam. This applies particularly to permitted site coverage, and to permitted height, with height limits standard across the site rather than being stepped back from boundaries with residential zones, as there are no such boundaries.

In other respects, planning issues with regard to the CPIT are considered to be largely the same as for other educational facilities in the City. There is need for flexibility in the post-earthquake environment, where shifts between buildings and rebuilding have become almost the norm; and the trend towards more intensive use of the site with more buildings on the same sized site, which has the potential to affect the transportation network and amenity. The Section 32 for the Specific Purpose Tertiary Education Zone in the replacement District Plan covers these issues generally.

Section 23(1)(f) of the Canterbury Earthquake Recovery Act requires that the District Plan is not inconsistent with any Recovery Plan. The Christchurch Central Recovery Plan however, did not amend the operative Cultural 4 (Tertiary Education) Zone provisions. The replacement District Plan has, following assessment in terms of s32 considerations, also largely followed the approach of the operative District Plan for the Central City Tertiary Education Zone, with some refinements as follows:

- Objectives and policies made specific to educational facilities and simplified and streamlined.
- Resolving confusion in the City Plan definition of “site” for the Tertiary Education Zone. The definition of site for the purpose of activity standards, will relate to the facility as a whole (i.e. the three sites for CPIT), as a recognition of the fact that It is not considered that it is the Council’s role to dictate what uses should occur on which piece of land or campus owned by the facility. The standard definition of site will be used for the purposes of built form and general Central City standards e.g. parking, which will be considered separately for each “site” which is part of that facility.

- Provision for community activities to use existing tertiary education facilities as permitted activities, subject only to the standard noise, parking etc requirements for the zone.
- A minor increase in road setback from 3m to 4m for CPIT Madras St. This is consistent with the same increase for schools in higher density zones outside the Central City and recognises the difficulty of providing appropriate landscaping for large buildings utilising only a 3m strip of land.
- The policies also encourage educational facilities to retain as much open space on their sites as practicable, as well as retaining mature trees where they can.

The Central City Recovery Plan contained reference to education in regard to the health precinct in the south frame, but did not make any changes to the Cultural 4 Zone as it applied to the main CPIT site. The reviewed tertiary education provisions in the Central City chapter are designed to meet the Statement of Expectations in the Order in Council for preparing the Christchurch District Plan e.g. overall, they reduce consents required for rebuilding or new building proposals.

The provisions of this chapter which depart from the Recovery Plan can be summarised as follows:

1. The site at the corner of Madras and Moorhouse Avenue, at the south-western corner of the CPIT site, has been rezoned to Central City Mixed Use, which better reflects its use as a bar and offices. The site is not part of the CPIT and is not used for educational activity.
2. The alternative zoning for CPIT Madras St in the Christchurch Central Recovery Plan (zoning which would be used to assess non-educational and non-community uses on this site) is Central City Business, by virtue of a consequential amendment to the Central City Business Zone. This appears to be a mistake, as the Polytechnic is detached from the Central City Business Zone and is effectively surrounded by the Central City Mixed Use Zone. A detached Central City Business Zone in this location would not assist in achieving that zone's objective of limiting the extent to which offices and other commercial activities can occur outside of the main Central City Business zone. Because of this the Central City Tertiary Education Zone proposes an alternative zoning of Central City Mixed Use for the CPIT site.

The revised rules set out above are considered to be more appropriate to meet the revised objectives of the Tertiary Education Zone than the operative rules, while maintaining consistency with the Christchurch Central Recovery Plan; and the revised objectives are considered to be the most appropriate way to achieve the purpose of the Act, and the Statement of Expectations in the Christchurch Earthquake (Christchurch Replacement District Plan) Order 2014. RMA Section 32 considerations relevant to the Central City Tertiary Education Zone circumstances are set out in the Specific Purpose Zone Section 32.

2.6 Central City Cemetery Zone

The cemetery zone applies to cemeteries owned and/or administered by the Council, including closed cemeteries, and only those crematoria having memorial gardens for the purpose of ash interment. The purpose of the zone is to enable these facilities to develop and be managed in a manner which is compatible with the surrounding zone environment. It is anticipated that the zone provisions will, where appropriate, recognise, protect, enhance and/or conserve the open space values and the natural and cultural heritage of these facilities.

The Central City Cemetery Zone applies only to Barbadoes Street Cemetery, which is the city's oldest cemetery. It is a closed cemetery and is listed in Appendix 9.3.6.1.3 Schedule of Significant Historic Heritage Places (Central City) as a heritage site.

The Christchurch Central Recovery Plan (CCRP) identifies that the Barbadoes Street Cemetery is located within the Avon River Precinct but is silent on the approach to the management of the cemetery because it is not a recovery matter. The general approach to the development and management of cemeteries will be no different inside and outside the Central City. Therefore, there is no difference in the provisions of a Specific Purpose (Cemetery) Zone inside or outside the Central City. The Section 32 Report for Chapter 21 Specific Purpose Zones covers the broader resource management issues for the District relating to cemeteries and reasons for including rules addressing these matters in more detail. That report is relied on as part of this Section 32 Report for the Central City provisions.

The process for the Replacement District Plan is prescribed by the Order in Council made by Government on 7 July 2014. The Order modifies the Resource Management Act 1991 (RMA) to provide a streamlined process for the review of the Christchurch City and Banks Peninsula District Plans and preparation of a Replacement District Plan. The Order states that the Council must have particular regard to the Statement of Expectations (Schedule 4 of the order). The relevant expectations for the Central City Cemetery Zone include:

- a. *Clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans) —*
 - i. *Reliance on resource consent processes; and*
 - ii. *The number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
 - iii. *The requirements for notification and written approval:*
- b. *Contains objectives and policies that clearly state the outcomes that are intended for the Christchurch district:*
- c. *Provides for the effective functioning of the urban environment of the Christchurch district, reflecting the changes resulting from the Canterbury earthquakes, including changes to population, land suitability, infrastructure and transport:*
- ...
- i. *Uses clear, concise language and is easy to use.*

Overall, the provisions proposed in the Central City Cemetery Zone respond to the above expectations as follows:

- a. The Central City Cemetery Zone contains minimal development controls and those included are based around building height, recession planes, setbacks and separation distances for reverse sensitivity effects. Unnecessary controls have been removed where they go beyond these. As the Barbadoes Street Cemetery is a closed cemetery and a heritage-listed cemetery, additional development controls are applicable, related to

compliance and/or alignment with the Christchurch City Council Cemeteries Handbook, Conservation Plan and the ICOMOS New Zealand Charter. It is also cross-referenced to other relevant sections of the Central City Chapter, where resource consents may be required, particularly with the Central City Natural and Cultural Heritage chapter, with Barbadoes Street Cemetery being a heritage-listed cemetery.

- b. The Central City Cemetery Zone is enabling for cemetery activities and relevant supporting activities.

For the Central City area, the change from an effects-based plan to an activity-based plan will inevitably result in resource consents for certain activities that are no longer considered desirable within the Central City Cemetery Zone or those that have effects that need to be managed through a consenting framework.

2.7 Central City Flat Land Recovery Zone

This Section is intentionally blank.

2.8 Hospital Zone, Central City

Background

There have been significant changes to the provision of healthcare across Canterbury over the last decade. These changes, combined with the toll of building damage as a result of the city's earthquakes, mean that the city is going through a period of significant redevelopment in terms of hospital and wider healthcare provision.

This context means that a review of the Special Purpose Hospital Zone in the Operative District Plan is timely and necessary. The proposed provisions strongly affect the ease with which hospital redevelopment and investment can occur, impacting on both the social and economic wellbeing of the city.

The Christchurch Central City Recovery Plan has proposed some changes to sites zoned SPZ Hospital in the operative City Plan. These direct alternative zoning to the southern parts of the main Christchurch Hospital site. No changes have been made to either the Lyndhurst or Former Women's Hospital site (the two other currently zoned SPZ Hospital sites within the Central City) via the Recovery Plan.

Proposed Specific Purpose Hospital Zone and Central City Hospital Zone

The Specific Purpose Hospital Zone (as proposed in Phase 2 of the Replacement District Plan) for sites outside the central city and in the Central City chapter applies to the existing main hospital facilities, both private and public. The purpose of the zone is to enable these hospitals to play a key role in the recovery of Christchurch post-earthquakes and, in the longer term, provide accessible high quality emergency and other healthcare facilities for the communities they serve.

As with the Specific Purpose Hospital chapter, the Central City Hospital provisions also seek to:

- Provide clarity around the intended use of the zone;
- Flexibility to enable hospitals to meet the changing demands of healthcare provisions;
- Enable efficient use of hospital sites; and
- Ensure adverse effects on the residential environments are avoided or mitigated.

The Central City Hospital Zone includes the following sites:

- Christchurch Hospital
- Former Women's Hospital
- Lyndhurst Hospital

Resource Management Issues**RESOURCE MANAGEMENT ISSUE 1 - Flexibility for Providers:**

The Government has allocated over \$600m towards the funding needed for the redevelopment of Christchurch and Burwood Hospitals which will be matched by the Canterbury District Health Board. The private sector is also investing significantly in redeveloping privately funded hospitals and healthcare facilities around the City, Forte Health being a recent example. It is critical for the recovery of the City and the health and wellbeing of the regional community that these initiatives can get underway and completed without unnecessary delays due to the resource management framework.

RESOURCE MANAGEMENT ISSUE 2 – Streamlining Regulation for Key Hospital Sites.

The Operative Plan enables a wider variety of facilities within the Central City Hospital Zone. Some are larger scale, extensive hospital facilities whereas others are more akin to retirement homes with some on-site medical care.

Review and amendment of the zone objectives has led to some 'sorting' of the sites currently zoned as SPZ Hospital. This will ensure more clarity in terms of the zone purpose and sites' respective fit with the zone objectives and policies (Residential or Hospital Zone).

RESOURCE MANAGEMENT ISSUE 3 - More Intensive Use of Sites

The longer term strategy for public healthcare provision across the City is to intensify use of several of the main hospital sites – this includes Christchurch Hospital.

Whilst the private healthcare sector has no formal strategy for future development, the current trend has also been for intensification and/or expansion of existing sites and consultation with potential developers on the Former Christchurch Women's site indicate it is reasonable to assume that healthcare will be the longer term aim of these sites.

It is recognised that there is a need and desire (from the perspective of health care providers) to intensify the use of hospital sites in the future. Healthcare provision is an important component of social recovery and community wellbeing and hospitals need to function efficiently within their existing sites as expansion outside their current boundaries is, in many cases, constrained.

It is also recognised that healthcare provision, especially over more recent years, includes a broad remit of activities including more traditional consulting, diagnosis and care as well as research and development, education and training and ancillary activities such as retail and office. The planning framework within the District Plan therefore needs to reflect the need to provide a range of activities.

RESOURCE MANAGEMENT ISSUE 4 – Responding to Environmental Context

The rules in the current Hospital Zone are relatively permissive, especially at the boundaries with adjacent residential properties. This issue has been raised by both consent planners and in Commissioner decisions. It has been recommended that Council revisit the current rules package to better address the potential adverse effects of hospital development at sensitive boundaries.

Both the Former Women's Hospital site and Lyndhurst Hospital are located in primarily residential areas whereas Christchurch Hospital is situated within a mixed context city centre environment including Hagley Park, residential uses and heritage buildings.

On the basis of a preference for intensification of hospital sites in the future (therefore accepting that an increase in built form and potentially height and scale will be sought) there is a need to revisit the current objectives, policies and rules package to determine a more effective set of provisions which try and balance both aims (intensification and improved boundary interfaces). Options include adding more restrictive provisions to address problems such as overlooking, dominant buildings with long blank façade but also opportunities for enabling site intensification e.g. increasing development height in locations away from boundaries.

Given the differing circumstances of each hospital site there will need to be some consideration of the site specific characteristics of each site in order to determine a revised set of provisions. Overall however a simplified rules package should be provided in order to provide both landowners and communities with more certainty about the built form outcomes enabled through the Central City Hospital Zone.

Proposed Objectives and Policies relevant to the Central City Hospital Zone

Objective 1: – Enabling Hospital Development

The evolving healthcare needs of Christchurch and the wider region are supported by efficient development of hospital sites recognising the character and amenity values of the surrounding environment.

Proposed policies are:

Policy 1 – Intensification

Encourage more intensified and contained use of hospital sites in preference to their expansion into surrounding areas.

Policy 2- Comprehensive Development

Ensure that hospital development is planned and designed to recognise and integrate with the local context by:

- i. Encouraging pedestrian activity, amenity and planting along hospital interfaces adjacent to public and publicly accessible spaces.
- ii. Providing detail in the building elevation and design of the ground floor in order that the development relates to the adjoining space and contributes to a high level of amenity for pedestrians and other users.
- iii. Ensuring the form and scale of buildings and associated landscaping complements the anticipated form, scale and amenity of development at the boundaries of the site.
- iv. Ensuring that the development of Christchurch Hospital supports and recognises its unique Central City location adjacent to a mix of Central City activities, heritage features, the Avon River, Hagley Park and other public areas.

The policies will be implemented through:

- a. Zoning of land – the Central City Hospital Zone will provide for larger scale, more extensive hospital development. In the proposed Plan, the number of sites zoned as Central City Hospital Zone has been reduced. The intention of the Central City Hospital Zone is larger scale hospital developments rather than smaller healthcare facilities. This aligns to the approach taken outside of the Central City.
- b. Wide ranging permitted activities providing for a mix of anticipated land use activities within hospital zones (such as healthcare facilities, ancillary retail and office).
- c. A package of built form and activity standards to ensure that hospital development is suitable to the context and character of the surrounding environment, contributes to the amenity of adjoining areas and achieves a good level of amenity for users.

Research

The Council has commissioned technical advice and assistance from various external experts and utilised this, along with internal workshops and stakeholder feedback, to assist with setting the Plan framework for the proposed Hospital Zone provisions. This advice includes the following:

| Title | Author | Description of Report |
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| Urban Design Modelling of Christchurch Women's site | CCC | An urban design assessment was undertaken on the formers Women's Hospital site with a tighter brief given an understanding of the surrounding zone and potential redevelopment of the site. |
| Urban Design Evaluation of the Christchurch Hospital site | Context Urban Design | Report to inform the review of provisions for this site based on an understanding of the provisions sought by the DHB. CCC drew upon this report to undertake modelling assessments on the site. |

Consultation

Consultation specific to the Central City Hospital Zone includes discussions with the District Health Board regarding the use of their sites currently and into the future. This has enabled an understanding of how the sites will be used and the type of built form required to ensure efficient healthcare provision into the future. This dialogue has therefore helped shape the proposed rules package.

In addition consultation has been undertaken with potential developers on the Former Christchurch Women's site which has provided useful inputs into both the built form provisions and the range of activities enabled in the Hospital Zone more generally.

Scale and significance evaluation

The level of detail undertaken for the evaluation of the proposed District Plan provisions has been determined by an assessment of the scale and significance of an issue affected by the proposed District Plan provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the issue being considered. In making this assessment regard has been had to the following, namely whether the provisions:

- a. Are of regional or city wide significance;
- b. Impede or promote the city's recovery;
- c. Adversely affect people's health and safety;
- d. Result in a significant change to the character and amenity of local communities;

- e. Have effects on resources that are considered to be a matter of national importance in terms of s 6 of the Resource Management Act;
- f. Adversely affect those with particular interests including Maori (consideration needs to be given to whether there is certainty of effects based on the availability of information to assess benefits and costs);
- g. Limit options for future generations to remedy effects;
- h. Whether the effects have been considered implicitly or explicitly by higher order documents; and
- i. Whether the provisions include regulations or other interventions that will impose significant costs on individuals or communities.

The level of evaluation able to be undertaken through this Section 32, has been significantly influenced by the truncated process and timeframe for the DPR. The Section 32 evaluation will continue to be (informally) updated, in particular in response to recommendations from the Ministers for Canterbury Earthquake Recovery and for the Environment, and submissions from the community and stakeholders.

In response to the assessment matters above, the site and significance of the effects associated with this proposal are:

- Of regional significance given the role of Christchurch Hospital as the key healthcare facility within Canterbury;
- In general, overwhelmingly positive for recovery;
- For the Christchurch Former Women's site the potential adverse effects are relatively localised although there is some potential for effects on the wider community if hospitals expand outside their zoned sites;
- Christchurch Hospital is an exception as a result of the larger scale of the anticipated built form and the highly public and sensitive nature of many of its site boundaries. The hospital sits within a sensitive 'receiving' environment (parks, heritage buildings, residential, semi-pedestrianised spaces) and the scale of redevelopment will be significant. The types of facilities proposed by the DHB in on-going redevelopments (as per the designation) have clear potential to adversely impact on the surrounding environment. As such, proposals for this site may result in a significant change to the character and amenity of local communities.

This evaluation focuses on those provisions which are specific to the Central City. The objectives and policies of the Hospital Zone in general are evaluated in the Section 32 of the Specific Purpose Hospital Zone and are also relevant to the Central City Hospital Zone.

Policy and Rule Evaluation

1. **Option 1:** Status quo - Rollover existing Hospital Zone provisions.
2. **Option 2:** Amend the SPZ Hospital zoning provisions to provide for intensification and improved. built form outcomes especially in sensitive environments.
3. **Option 3:** Greater / Less Regulation than Option 2 in terms of the Rules Package.

| PROVISIONS (POLICY, RULE, METHOD) <u>MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES</u> | |
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| <p>Relevant objectives:</p> <p>Strategic Directions objectives:</p> <p>3.3.1 Enabling recovery and facilitating the future enhancement of the district</p> <p>The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city in a manner that:</p> <ol style="list-style-type: none"> a) Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport and social and cultural well-being; b) Fosters investment certainty; and c) Sustains the important qualities and values of the natural environment <p>3.3.2 Objective - Clarity of language and efficiency</p> <p>The District Plan, through its preparation, change, interpretation and implementation:</p> <ol style="list-style-type: none"> a) Minimises: <ol style="list-style-type: none"> i. Transaction costs and reliance on resource consent processes; and ii. The number, extent and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; iii. The requirements for notification and written approval; and b) Sets objectives and policies that clearly state the outcomes intended; and c) Uses clear, concise language so that District Plan is easy to understand and use. <p>3.3.7 Urban Growth, form and design</p> <p>A well-integrated pattern of development and infrastructure, a consolidated urban form and a high quality urban environment that:</p> <ol style="list-style-type: none"> a) Is attractive to residents, business and visitors and b) Has its areas of special character and amenity value identified and their specifically recognised values appropriately managed; and <p>Also</p> <ol style="list-style-type: none"> g) Promotes the reuse and redevelopment of buildings and land h) Improves overall accessibility and connectivity for people, transport (including opportunities for walking, cycling and public transport) and services; and i) Promotes the safe, efficient and effective provision and use of infrastructure including the optimisation of the use of existing infrastructure <p>Central City Hospital Zone</p> <p>13.8.5.1.1.Objective.– Enabling Hospital Development</p> <p>The evolving healthcare needs of Christchurch and the wider region are supported by efficient development of hospital sites while recognising the character and amenity values of the surrounding environment.</p> | |
| Effectiveness and Efficiency | |
| Option 2 (as the most appropriate option) Amend the SPZ Hospital zoning provisions | 1. Effectiveness |

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| <p>to provide for intensification and improved built form outcomes especially in sensitive environments.</p> <p>Policies</p> <p>Policy - Intensification, 13.8.5.1.1.1 Encourage more intensified use of hospital sites in preference to expansion into surrounding residential areas.</p> <p>Policy - Comprehensive Development, 13.8.5.1.1.2 Ensure that hospital development is planned and designed to recognise and integrate with the local context by:</p> <ol style="list-style-type: none"> i. Encouraging pedestrian activity, amenity and planting along hospital interfaces adjacent to public and publicly accessible spaces. ii. Providing detail in the building elevation and design of the ground floor in order that the development relates to the adjoining space and contributes to a high level of amenity for pedestrians and other users. iii. Ensuring the form and scale of buildings and associated landscaping, complements the anticipated form and scale of development at the boundaries of the site. iv. Ensuring that the development of Christchurch Hospital supports and recognises its unique Central City location adjacent to a mix of Central City activities, heritage features, the Avon River, Hagley Park and other public areas. <p>Zoning The Specific Purpose Hospital Zone will be retained over both the Former Women's Hospital site and the Christchurch Hospital site.</p> <p>Main rules that control development in the Central City SPZ Hospital Zone: The following proposed rules will achieve and control the form and scale of development:</p> <ol style="list-style-type: none"> a. Activities lists and Activity Specific Standards. Built Form Standards for: b. Former Christchurch Women's – | <p>The Central City hospital sites are located in areas of significant change and new investment. There is a need for the revised package to address the amended context (e.g. new developments, designation on the hospital site) in order to better meet the Recovery Plan and proposed District Plan Review objectives.</p> <p>The key drivers for the provisions on this site are:</p> <ul style="list-style-type: none"> • The need to intensify the use of sites and provide investment certainty (public and private providers) about the development outcomes permissible. • Balancing the need for greater intensity of use on the site with the need to ensure appropriate development outcomes on adjacent boundaries. • Recognition that there are some particular locations where it is especially important to ensure a good interface between the Hospital Zone and adjacent sites. <p>Option 2 (amendments to the current SPZ Hospital rules) is the most appropriate way forward by meeting other policy direction and amending those provisions which have failed to provide consistently sound development outcomes.</p> <p>Central City Hospital Zone This zone is a revised version of the Special Purpose Zone Hospital in the Central City. The extent of the zone has been amended to reflect both Recovery Plan direction and the revised objective of the Central City Hospital Zone (Lyndhurst Hospital has been removed).</p> <p>Rules – Central City Hospital Zone To reflect the site specific nature of the rules provisions for the Central City site, this evaluation addresses each rules package separately:</p> <p>Lyndhurst Hospital The rules package for this site reflects both the site's location within surrounding Central City residential zone and the need to relate to Recovery Plan objectives.</p> <p>Road boundary setbacks reflect those in the Recovery Plan (6m along Bealey Avenue and 2m on other roads). The internal setbacks are however slightly different from those in the Central City residential zone to reflect the potential 24hour use of the hospital and the risks of overlooking and loss of privacy. The Central City residential chapter does have a rule requiring a 4m setback for living room windows</p> |
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| <p>13.8.5.2.3.1and c. Christchurch Hospital – 13.8.5.2.3.2</p> <p>Definitions Hospital Healthcare Care Facilities Planting Strip</p> | <p>from internal boundaries despite enabling a general 1.8m internal setback rule. It is proposed that a 4m setback is appropriate for the internal boundary for the Lyndhurst hospital site.</p> <p>The height standard has been increased to 14m from 11m in line with the adjacent zone standards and the same recession plane standards (as per the Central City residential zone) are proposed.</p> <p>Planting strips reflect the scale of the setback provisions but allowance is made for pedestrian and vehicle access within the road boundary setbacks. Landscaping provisions are consistent with those in other hospital sites and seek to provide a consistent approach to landscaping across sites (and chapters - similar provisions to commercial landscaping provisions).</p> <p>Fencing and outdoor storage provisions are consistent with those for other hospital sites and seek to minimise the impact of tall, solid fencing on the amenity values of the public roads adjacent to the sites.</p> <p><i>Christchurch Former Women's Site</i> The rules package identified for this site respects both the site's location and the need to relate to Recovery Plan objectives.</p> <p>A 4m <i>setback</i> has been identified to encourage a closer relationship between the building and the streets and to reflect the built form anticipated under the Central City Residential Zone. In terms of permitted height and in order to recognise the scale of the surrounding built form in the Central City, a higher height limit (18m rather than 14m) is enabled provided that setbacks are retained.</p> <p><i>Restricted discretionary activity 3</i> has been introduced to recognise the significant potential impact that large elevations (defined as those with a building length greater than 20m) have, particularly in more sensitive environments or where a higher quality amenity is sought. These include areas close to key transport corridors, residential environments and public areas.</p> <p>Where frontages larger than the permitted length are proposed, the activity becomes restricted discretionary with regard to two Assessment Matters - Context, character and safety and Street interface. Any application arising from non-compliance with this will</p> |
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| | <p>however not require written approvals and shall not be limited or publicly notified.</p> <p>Restricted Discretionary activity 3 is similar to rules proposed in the Accommodation and Community Facilities Overlay (areas with high levels of non- residential uses in key public transport corridors where a higher quality pedestrian amenity is sought). The commercial chapter provisions went further in terms of elevation treatment requirements (glazing requirements). In this chapter it is considered that a more appropriate response is to be less prescriptive yet still ensure that the interface treatment is considered (hence RD activity status).</p> <p>Restricted Discretionary activity 4 has been introduced where a large development (1000sqm or more) is proposed on a hospital site. These large proposals have the potential to impact on integration across the site as a whole which may lead to adverse effects both in terms of physical and visual amenity.</p> <p>This rule was developed after long consideration regarding the most suitable option to 'extensive facility' planning.</p> <p>A requirement for a Concept Plan (master plan) was initially introduced into the hospital rules (in line with the approach taken in other cities for facilities which occupy extensive sites e.g. Universities, hospitals and large sports facilities). This was eventually deleted as it was considered too onerous in view of the Statement of Expectations.</p> <p>This rule was therefore introduced to minimise the risk of large developments adversely affecting site integration. The threshold for this trigger is 1000sqm GGFA and anything greater than this is considered to have potential to impact on the integration of the site as a whole (multi storey).</p> <p>It should be highlighted that the threshold is gross ground floor area and therefore the actual development can be significantly larger than this overall.</p> <p>Requiring a Development Plan to be provided with applications on a hospital site was one approach which was considered however, given that Council have no ability to require that future development aligns to a Development Plan</p> |
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| | <p>(such provisions would be ultra vires¹), there is limited value in requiring such.</p> <p>The landscaping provisions require landscaping strips of 4m adjacent to all boundaries although vehicle and pedestrian access is permitted within these strips on street frontages. Trees are required for every 5 car parking spaces in at-grade parking areas. Landscaping provisions are generally consistent with those in commercial areas.</p> <p>A fencing provision has been included to ensure a high quality public interface is retained. The impact of an overly high, solid fence could have adverse impacts on those areas where a higher quality pedestrian amenity is sought e.g. Colombo Street.</p> <p>In addition an outdoor storage area rule is proposed which identifies that outdoor storage areas shall not be located within the building setbacks with a road boundary or other public space and shall be screened by a minimum 1.5m high fence. This has been introduced to recognise the significant adverse visual impacts which outdoor storage areas can have on the immediate environment. This is particularly important when the hospital zone borders high quality public spaces.</p> <p>The notification status ensures that non compliances relating to internal setbacks and height are the only matters to be retained with notification status. All other matters will not require written approvals and will not need to be limited or publicly notified.</p> <p>Discussions relating to this site also instigated reconsideration of the activities permitted in the Hospital Zone. The amended hospital definition reflects the need to enable a wider range of activities within modern hospitals.</p> <p>Christchurch Hospital</p> <p>The planning context of this site is relatively complex and has undergone significant change over recent years. Key matters of context have been:</p> <p>Acute Services Building Designation</p> <ul style="list-style-type: none"> • This is a Ministry of Health designation which covers roughly half the existing zoned northern block of the Christchurch Hospital Zone. • This designation was made in order to enable swift redevelopment of the hospital - an application for the Acute Services |
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¹ Reference - Commercial chapter, Statement of Evidence of Mark Stevenson on behalf of CCC, 13 April 2015

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| | <p>Building would have breached numerous current planning rules on this site.</p> <ul style="list-style-type: none"> • This project has meant a land swap between Council and the DHB such that the Council now own the Nurses Chapel and the DHB have taken on part of North Hagley Park. Works on this project have commenced. <p>South Frame - Designation</p> <ul style="list-style-type: none"> • The Minister of Earthquake Recovery has made a designation over the South Frame, a large area adjacent to the southern SPZ Hospital Zone. • The South Frame Planning Framework states that for consistency, the southern part of the Christchurch hospital site has been rezoned as Central City (South Frame) Mixed Use Zone. Some previous Hospital Zone restrictions were removed (setbacks, continuous building lengths) but the 30m height limit was retained (other areas within this zone are limited to either 28m or 17m). <p>Proposals to review the Operative plan provisions for the Christchurch Hospital site have therefore considered both the designation (and the scale and type of development enabled through this), Recovery Plan provisions and the aspirations of the DHB for future redevelopment of the site. As such the proposed package for this site is as follows:</p> <ul style="list-style-type: none"> • An increased height limit (60m) to reflect the redevelopment programme proposed (under both the designation and longer term planning proposals) much of which is already underway. The 60m will height will enable intensification and recognises that the actual height of the building is less critical than the appearance of the buildings (see Context Urban Design report). • A 30m maximum building wall height on selected boundaries has however been introduced to ensure that the built form is not overly dominant. A 45 degree recession plane applies from the maximum wall height. This illustrates a consistent approach to that identified in the South Frame Recovery Plan provisions and ensures that whilst a greater overall height is permitted, the adverse effects of this height on the surrounding environment are mitigated. • A 10m setback is proposed on the road frontages (increase from 4.5m) to reflect both the increased permitted height limit (and thereon the greater overall scale of buildings) and to ensure more effective |
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| | <p>integration more effectively with adjacent key public areas e.g. Hagley Park South. In addition it is recognises the fact that Riccarton Avenue is an important gateway to the City Centre from the west. A large scale built form close to the road would impact negatively on this gateway visibility, particularly detracting from the setting of the Nurses Chapel and the contribution this building has to the gateway.</p> <ul style="list-style-type: none"> · A 4m setback is proposed to Hagley Park north is proposed to reflect the perimeter boundary form identified under the current ASB development (under the designation). The DHB have indicated a desire to follow this development form further to the east and therefore 4m is an acceptable approach. · A 10m setback around the Nurses Chapel (as under the Operative Plan) is proposed to ensure the setting of this heritage building is not adversely affected. · The setback proposed for the boundary of the site with the Avon River refers directly to the rules for Downstream waterways setbacks (13.14.6.2.2). This waterways rule indicates that there is a setback distance of 30m from the Avon River and that breach of this rule would be a discretionary activity. This is in recognition of the ecological and amenity values of downstream rivers as recommended in the City Plan Waterways Setbacks Technical report (May 1998) and referenced in the Section 32 of the General Rules chapter (Appendix 7.6). Policy 13.14.6.1.1.3 - Management of activities in water body setbacks is particularly relevant. The Avon River (and surrounds) has been identified as a key ecological and recreational destination and significant investment has already been incurred in this area. · It is accepted that 30m is a significant setback distance but this has been determined in view of the ecological and amenity rationale behind the waterways rules. Any breach of this setback distance will be determined in view of the water body rules. · As per the Former Women's Hospital provisions, restricted discretionary activities 3 and 4 have been introduced. RD 3 relates to the fact that the interface of frontages along highly used public boundaries (Hagley |
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| | <p>Park, Avon River etc.) is important. Some control is necessary to ensure that the frontages do not impact negatively on these public areas.</p> <ul style="list-style-type: none"> RD 4 is important as it supports integrated planning when larger developments are proposed. This seeks to ensure that the new development integrates effectively with both existing buildings on site and surrounding development. <p>Landscaping provisions are based on those in commercial areas but provide for planting on all frontages rather than just those adjacent to residential areas. This recognises that all the interfaces of this site are visible from public areas and some screening is necessary.</p> <p>The fencing provision has been included to ensure a high quality public interface is retained. The impact of an overly high, solid fence could have adverse impacts on those areas where a higher quality amenity is sought e.g. adjacent to the park and the Avon River.</p> <p>As per the Christchurch Former Women's Hospital, an outdoor storage area rule is proposed which identifies that outdoor storage areas shall not be located within the building setbacks with a road boundary or other public space and shall be screened by a minimum 1.5m high fence. This has been introduced to recognise the significant adverse visual impacts which outdoor storage areas can have on the immediate environment. This is particularly important when the hospital zone borders high quality public spaces.</p> <p>The notification status ensures that non compliances relating to setbacks are the only matters to be retained with notification status. All other matters will not require written approvals and will not need to be limited or publicly notified.</p> <p>The above packages are considered the most appropriate given the planning context of the Central City and the need to provide a balance between enabling the efficient functioning of hospitals and minimising adverse effects on the surrounding environment. Whilst the rules are not quite as enabling as the designation, they provide certainty to both landowners both in and adjacent to the zone and promote more efficient redevelopment programming by the DHB. This will in turn, support recovery of the City's social infrastructure.</p> <p><i>Lyndhurst Hospital - Bealey Avenue</i></p> |
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| | <p>Whilst Lyndhurst is zoned as SPZ Hospital in the Operative Plan, going forward the site does not fit well with the overall objectives of the revised hospital provisions. It is not a large scale hospital facility where intensification is sought. The DHB advise that it will be retained as a health facility for the medium term but thereon future options may be explored.</p> <p>Lyndhurst is a converted residential property (see photos in Appendix 1) which, in line with many of the Central City residential zoned properties along Bealey Avenue is actually used for non-residential activities. The Recovery Plan did not amend the SPZ Hospital zoning on the Lyndhurst site.</p> <p>Going forward, the most appropriate form of zoning would be one which provides for continued use of the site as a relatively small scale healthcare facility but which also enables additional opportunities for alternative reuse in future years.</p> <p>The Accommodation and Community Facilities overlay as proposed outside the Central City would have been a good fit for the future zoning of this site (and indeed all of the south side of Bealey Avenue) given it's recognition that the area supports a much wider range of uses than residential. This was not however an option as it was determined as 'inconsistent' with the Recovery Plan provisions.</p> <p>Another potential option would have been the Central City residential exemption rules package² as it enables both residential and non-residential activities however, this site lies slightly outside the geographical limits of this exceptions area and is not therefore an option.</p> <p>A less but still appropriate option is Central City residential zoning. This would be consistent with the CCRP zoning approach to other properties along the southern side of Bealey Avenue which are used for non residential uses but which are outside the 'exemption' area (between Durham North and Madras).</p> <p>This approach is also similar to that which has been taken to healthcare facilities which are not hospitals outside of the Central City i.e. zoned residential.</p> <p>The original officer recommendation for the zoning of Lyndhurst Hospital was to revise the</p> |
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² As applicable to the area between Durham Street North and Madras

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| | <p>zone to Central City residential zone for the following key reasons:</p> <ul style="list-style-type: none"> Lyndhurst Hospital is adjacent to Central City residential zoned land, much of which is actually used for non residential activities. As such this approach is consistent with that advocated in the CCRP. The revised SPZ Hospital Zone (desire for intensification with a general increase in both height and setback size) is not a good fit for this site There are no other Central City zones which are more appropriate. <p>This recommendation was not however supported by Council (3 July decision on Stage 3 chapters). As such the SPZ Hospital Zone is retained for the site and a rules package has been inserted accordingly.</p> <p>Efficiency</p> <p>The proposed approaches (Former Christchurch Women's and Christchurch Hospital) are considered the most efficient. In addition to providing certainty to investors, landowners and neighbours, the rules packages seek to ensure that consents are triggered only for those development outcomes which may have adverse effects i.e. where an overly dominant building scale and form may impact negatively on the surrounding environment. The approach for Lyndhurst (rezoning as Central City residential) reflects the clearer objectives of the SPZ Hospital Zone and the framework established through the Recovery Plan i.e. residential zoning can apply to areas where there is actually an overwhelming dominance of non-residential uses.</p> |
| Options less or not as appropriate to achieve the objectives and policies: | |
| <p>4. Option 1 (Status quo) Rollover existing Hospital Zone provisions.</p> | <p>Appropriateness</p> <p>This option would fail to address many of the key issues for the Hospital Zone i.e. the need to intensify the use of sites yet minimise the adverse effects of development along boundaries (especially with residential properties). It would neither support the overall direction of the District Plan Review in terms of simplifying the rules packages or take on board the direction through the Recovery Plan or Statement of Expectations. It is therefore inappropriate.</p> |
| <p>5. Option 3 (Greater / Less Regulation in terms of the Rules Package)</p> | <p>Appropriateness</p> <p>The provisions outlined in the proposed chapter seek to provide the optimum balance of permissiveness (reducing consents, enabling recovery and redevelopment of healthcare</p> |

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| | <p>facilities across the City) with a need to minimise the adverse effects on surrounding neighbours (therefore controlling overly dominant development).</p> <p>A greater level of regulation would not be enabling or efficient whereas less regulation would fail to meet the requirements to minimise adverse effects on the surrounding environment.</p> <p>As an example, a reduced level of regulation on the Christchurch Hospital site (say, no setbacks on road boundaries, reduction in setback from internal environments or a 60m max height limit with no recession planes) would have an adverse impact on the surrounding environment. There would be a risk of overly dominant buildings above the footpath with shadows cast for much of the day even onto the (soon to be) pedestrianized Oxford Terrace. Shading would extend as far as the Antigua Boatsheds. There would be insufficient space for planting and impacts on the setting of the Nurses Chapel and Memorial Gardens. Whilst it is unlikely that the building would be built to its maximum building envelope over the whole site, there is a risk that without any rules restricting the scale of the building, there is potential for a huge mass of building out of kilter with the built form hierarchy of the City.</p> <p>The provisions as outlined in Option 2 have been developed with regular inputs from key stakeholders and an understanding of what can now be developed in the surrounding environment (Recovery Plan provisions). They therefore seek to provide the optimum balance between hospital landowners, neighbours and the surrounding community.</p> |
| Risk of Acting or Not Acting | |
| <p>Not acting (i.e. following the status quo) would fail to provide a more enabling planning framework for hospitals and as such would curtail recovery and longer term development of the City's hospitals. It would fail to provide an up to date review of the Central City Hospital Zone and therefore would be based on a historic premise with no accounting of current development trends (e.g. the projected increase of long term elderly care with on-site medical facilities).</p> <p>Acting (i.e. amending the provisions) will enable a greater scale of development although this will still be controlled in targeted areas e.g. on the most sensitive boundaries. To some observers, the permitted development may be considered overly large (it is an increase on what is already permitted) however, there has been a need to recognise the anticipated change in the surrounding City environment (as enabled through Recovery Plan and designation regulations) and therefore this has had to be taken as the baseline context.</p> | |

Appendix 1: Lyndhurst Photos



Lyndhurst from Bealey Avenue



Lyndhurst from Montreal Street access



Dentists on Bealey Avenue, adjacent to Lyndhurst. The building, whilst smaller, has similar characteristics to Lyndhurst. This property is zoned Central City residential in the Recovery Plan.



Eastern side view of Lyndhurst from Bealey Avenue with residential to the rear.



2.9 Transport

EVALUATION – Central City Transportation Provisions

ISSUE

The design and execution of transportation infrastructure, spaces and services will influence the economic functioning, attractiveness and safety of the Central City. Appropriately managing the effects of transportation related matters is therefore a key consideration for the District Plan.

STRATEGIC CONTEXT

PROPOSED DISTRICT PLAN: OVERVIEW AND SYNOPSIS

The Christchurch Central Recovery Plan (CCRP) amended the Central City transport provisions in the Operative Christchurch City District Plan following the earthquakes of 2010 and 2011.

The Christchurch Central Recovery Plan was notified in the New Zealand Gazette on 31 July 2012 and had effect from that date. It contained a statutory direction to amend a number of the transport provisions in the Operative Christchurch City Plan for the Central City. In October 2013 changes were made to the Christchurch Central Recovery Plan, following more detailed work on the transport aspects of the Recovery Plan, with the gazetting of the “An Accessible City” chapter of the Christchurch Central Recovery Plan.

“An Accessible City” contained a further statutory direction to further amend some of the Central City transport provisions in the Operative Christchurch City Plan (including the introduction of the Central City Road Classification and changes as a result of the retention of some of the one way streets). In January 2015 further changes were made to some of the transport provisions in the Operative Christchurch City Plan (such as removing the minimum car parking requirements for residential activities), when the “A Liveable City” chapter of the Christchurch Central Recovery Plan was gazetted. These amended provisions, which included relaxing some of the parking and traffic generation requirements, were introduced to facilitate the recovery of the Central City.

Given the amount of earthquake damage and amount of rebuilding required in the Central City, those amendments are considered to be necessary during the recovery phase to provide for the sustainable management of the recovery of the Central City, in accordance with Section 5 of the RMA. This is particularly so considering the importance of the Central City for the recovery of Christchurch as a whole, adjoining districts, and beyond.

BASIS FOR PROPOSING CENTRAL CITY TRANSPORT PROVISIONS

The purpose of the Central City Transport Provisions is:

- a. to provide a streamlined, focused and updated framework and process for the management and direction of transport within the Central City (within the area bounded by Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues);
- b. to provide for an integrated and resilient transport network that supports recovery and growth in the Central City; and

- c. to provide certainty and clarity around the rules and standards that apply to transport activities in the Central City.

The Operative Christchurch City Plan currently provides provisions in relation to Transport in the Central City. Many of these provisions have recently been amended through the Christchurch Central Recovery Plan to provide for the recovery of the Central City following the Canterbury earthquakes of 2010 and 2011.

The District Plan provides a regulatory mechanism to manage land use activities and their relationship with transport. However the actual delivery of transport facilities, such as bus shelters or traffic calming, is achieved through the Christchurch Central Recovery Plan and/or Council's Long Term Plan, and in some cases private developers.

The District Plan provides a regulatory framework to manage activities that may generate effects that will, for example, compromise traffic or cycle safety. In many cases these effects are managed by the provision of a suite of permitted activity standards that will allow many activities and developments, particularly developments that have minimal effects, to proceed without unnecessary regulation or control. Such permitted activity standards include design and location criteria for vehicle accesses, minimum parking provision and design standards. However, specific assessment is required for activities that may generate high levels of traffic and potentially significant effects.

The Central City Transport provisions manage the potential transport effects of activities in all Central City zones through such provisions.

The Central City transport provisions also contain provisions for all activities, not just transport related activities, within the Transport Zone (which covers road reserves and pedestrian precincts) in the Central City.

EVALUATION

The provisions in the District Plan are evaluated below in terms of being consistent with the Recovery objectives and Strategic Direction, and RMA tests.

In order to develop the Transport provisions for the Central City chapter the following three options have been considered:

1. Not managing transport through the District Plan (i.e. having no Central City provisions for transport in the District Plan).
2. Apply the Transport Chapter provisions that were notified in Phase 1 of the District Plan Review for all areas outside the Central City, to the Central City.
3. Incorporate similar provisions to the Christchurch Central Recovery Plan's District Plan Transport provisions into the Christchurch Replacement District Plan.

| PROVISIONS (POLICY, RULE, METHOD) <u>MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES</u> | |
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| Relevant objectives: Strategic Directions and Strategic Outcomes, in particular: Objective: Enabling recovery and facilitating the future enhancement of the district Objective: Urban growth, form and design Objective: Revitalising the Central City Objective: Commercial and industrial activities Objective: Infrastructure | |
| Provision(s) considered most appropriate | Effectiveness and Efficiency |
| Option 3: Incorporate similar provisions to the Christchurch Central Recovery Plan's District Plan Transport provisions into the Christchurch Replacement District Plan. | <p>1. EFFECTIVENESS</p> <p>This Option provides strongest alignment to and clarity over the basis for achieving the Strategic Direction and Accessible City objectives for the Central City.</p> <p>2. EFFICIENCY</p> <p>Benefits</p> <ul style="list-style-type: none"> Continues to provide certainty for development with similar planning management requirements to those that currently exist. Supports an efficient recovery and rebuild of the Central City. Enables consideration of transportation effects on safety and access. <p>Costs</p> <ul style="list-style-type: none"> Assessment processes, while similar or less to previous management requirements, do incur transaction costs. There are not considered to be additional costs borne by developers/ landowners from the proposed approach |
| Reasonably practicable options less or not as appropriate to achieve the objectives and policies: | |
| Option 1: Not managing transport through the District Plan (i.e. having no Central City provisions for transport in the District Plan) | <p>Appropriateness</p> <p>Effectiveness</p> <p>This option is likely to be less effective in achieving strategic outcomes sought for the Central City due to transportation effects on safety and access not being addressed.</p> <p>Benefits</p> <ul style="list-style-type: none"> No transport provisions for developments. |

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| | <p>Costs</p> <ul style="list-style-type: none"> Less likely to achieve a functioning and safe transport network in the Central City, which could hinder the economic recovery of the Central City. |
| <p>Option 2: Apply the Transport Chapter provisions that were notified in Phase 1 of the District Plan Review for all areas outside the Central City, to the Central City.</p> | <p>Appropriateness</p> <p>Effectiveness</p> <p>This option is likely to be less effective in achieving Strategic outcomes sought for the Central City due to provisions for all areas outside of the Central City not being tailored to address the level of earthquake damage and amount of rebuilding in the Central City.</p> <p>Benefits</p> <ul style="list-style-type: none"> Would be administratively simpler to administer, with similar provisions for areas within and outside the Central City. <p>Costs</p> <ul style="list-style-type: none"> Less likely to achieve an efficient recovery and rebuild of the Central City. Imposes additional transaction costs on development in the Central City compared to Option 3. |
| <p>Risk of Acting or Not Acting</p> | |
| <p>The Recovery Plan, Accessible City, and Greater Christchurch Transport Statement and technical reports have informed the judgements as to the strategic significance of ensuring efficient recovery and rebuild of the Central City s. It is considered that the risk of not acting (RMA s 32(4)(b)) outweighs that of providing Objectives, Policies and Rules to address Central City Transportation management of effects.</p> | |

Option 3 is considered the most appropriate way to achieve the purpose of the RMA in terms of Section 32 of the RMA.

Furthermore Section 23(1)(f) of the Canterbury Earthquake Recovery Act 2011 requires that the District Plan is not inconsistent with any Recovery Plan. Other than in unusual circumstances.

Option 3 is therefore the only option that is likely to comply with Canterbury Earthquake Recovery Act.

The Central City Transport provisions proposed in the Christchurch Replacement District Plan contains similar District Plan transport provisions to those included in the Christchurch Central Recovery Plan, including “An Accessible City” and “A Liveable City”.

These provisions have been re-formatted to fit in with the format of the Christchurch Replacement District Plan. In some cases, where possible, without being inconsistent with the Christchurch Central Recovery Plan, clarification has been provided on how the transport provisions are to be applied (for example, clarification of what a 'permitted activity' is that the High Trip generating activity rule does not apply to).

For transport provisions that were not amended by the Christchurch Central Recovery Plan the transport provisions as notified in Phase 1 of the Christchurch Replacement District Plan

(for example the gradient of parking areas) have been applied to the Central City, where it is not more onerous than the Operative City Plan. The Transport Chapter section 32 provides the section 32 evaluation of these provisions.

Provisions relating to the Central City Transport Zone are also included in the Central City Transport Provisions.

The Central City Transport Zone covers all the areas of the Central City that was covered by the Special Purpose (Road) Zone in the Operative Christchurch City Plan (i.e. all areas of road reserve – including the parts of Cathedral Square which are road reserve) and the lanes in the South Frame that were zoned Special Purpose (Pedestrian Precinct) Zone as a result of the gazetting of the South Frame amendment of the Christchurch Central Recovery Plan in December 2014.

This area of the South Frame is shown as the South Frame Pedestrian Precinct Overlay in the Planning Maps. The South Frame amendment did not make any changes to the provisions in the Special Purpose (Pedestrian Precinct) Zone.

The maximum building height of 3m and maximum building size of 5m² in the Special Purpose (Pedestrian Precinct) Zone in the Operative Christchurch City Plan has been retained.

Otherwise, apart from incorporating the requirement for footpaths on both sides of the street (as required in Christchurch Central Recovery Plan), the Central City Transport Zone provisions are as per the Transport Zone provisions for the rest of the city as per Phase 2 of the District Plan Review. The Transport Chapter section 32 provides the section 32 evaluation of these provisions as they apply in the Central City Transport Zone.

Following a request from the Christchurch Central Development Unit, the time period for temporary car parks being a restricted discretionary activity has been extended from what is contained in the Christchurch Central Recovery Plan (CCRP). Temporary car parks are a restricted discretionary activity until 18 April 2016 (the date the CERA Act expires) in the CCRP and after then car parks that are the primary activity on a site are a non-complying activity in the Core and a discretionary activity elsewhere.

The restricted discretionary activity status was put in place by the CCRP while there were no permanent car parking buildings operating. However it is now unlikely that there will be sufficient permanent car parking buildings operating by 18 April 2016 to remove the need for temporary car parks, so it is proposed to extend the time period for the restricted discretionary activity status for temporary car parking to 30 April 2018. This date of 30 April 2018 aligns with the Independent Hearings Panel's decision on 26 February 2015 for *Temporary Activities Related to Earthquake Recovery*.

It is also proposed to change the activity status for car parking in the Central City Business Zone (Core) that does not meet the minimum dimensions from non-complying to restricted discretionary. This change aligns with Objective 3.2.2 of the strategic directions chapter to minimise transaction costs and the reliance on resource consent processes.

Providing a Parking Area that is greater than 50% of the Gross Leasable Floor Area of the buildings on the site is still proposed to be a non-complying activity in the Central City Business Zone (Core), as per the CCRP.

3.0 Subdivision, Development and Earthworks

Protection of Significant Natural, Cultural and Historic Heritage

The City Centre contains a number of significant natural, cultural and historic heritage places. Subdivision can have either temporary effects and/or permanent effects on these places, including the positive effects of their protection. Many of these places require particular consideration through sections 6 or 7 of the RMA. The operative Plan provisions do not adequately manage these adverse effects to achieve the level of protection consistent with their significance, or give effect to other higher order documents. The City Plan at Volume 3 Part 14 Rules 17.2.1 and 17.3.1 provides for the protection of notable and heritage trees. No rule provides for sites of ecological significance, heritage items and settings, or significant features. The reasons for including rules addressing these matters are set out in the section 32 reports for chapter 8 Subdivision Development and Earthworks, and chapter 9 Natural and Cultural Heritage. These are relied on for this section 32 report.

Provision for Good Design and Amenity

The places in which people live, work and play exist on a platform created through the subdivision process. The design of these areas is critical in ensuring these places are attractive and functional for business, residents and visitors. This is important for the successful rebuild of Central City.

The operative Plan objectives and policies only address design and amenity in a brief and generic manner. These are, however, important issues because the design and layout of the subdivided land needs to promote sustainable patterns of land use as well as enabling land use to occur in a manner which responds to the context of the site and provides a platform for a quality built environment. The pRDP proposes comprehensive and detailed provisions to reflect this. This is consistent with the RMA at section 5 in relation to the sustainable use of resources, health and wellbeing, and the needs of future generations. The reasons for including rules addressing these matters are set out in the section 32 reports for chapter 8 Subdivision Development and Earthworks. These are relied on for this section 32 report.

Planning For Servicing and Road Network Infrastructure through Subdivision

The planning of servicing and road network infrastructure for subdivisions impacts on the quality of environmental outcomes for communities and efficient functioning of areas of the city centre, and has flow on environmental, social and economic effects for the wider District. The reasons for including rules addressing these matters are set out in the section 32 reports for chapter 8 Subdivision Development and Earthworks. These are relied on for this section 32 report.

Some servicing and road network infrastructure-related subdivision provisions in the operative Plan no longer align with current best practice in infrastructure development and management. Specific examples include, storm water management practices and shifts in transport policy. The reasons for including rules addressing these matters are set out in the section 32 reports for chapter 8 Subdivision Development and Earthworks. These are relied on for this section 32 report.

Health and Safety

The places in which people live, work and play can be affected by earthworks, either temporarily (e.g. dust, traffic, vibration) or permanently (e.g. changes to the landscape, ground stability). No significant changes are proposed in relation to the operative City Plan. The s27 amendment inserted by the Minister for Canterbury Earthquake Recovery, relating to the repair to land damaged by earthquakes, into the operative Plan has been carried forward to continue to facilitate such repairs. The reasons for including rules addressing these matters are set out in the section 32 reports for chapter 8 Subdivision Development and Earthworks. These are relied on for this section 32 report.

Order in Council

In line with the Statement of Expectations in the Order in Council, the chapter has been developed to have a permissive framework. The exemptions provided for particular activities and minor works in the operative City Plan have been carried over in the main, and a number of other activities are now permitted (sometimes subject to conditions).

3.1 Central City Natural and Cultural Heritage

This Section is intentionally blank.

3.2 Utilities and Energy

Utilities and energy are fundamental to the functioning of the Central City. This chapter needs to address effects on the environmental, economic, social, and cultural conditions across the Central City arising from the development and operation of utilities, some of which can have long-lasting cumulative effects, while ensuring that the provision of utilities is enabled.

The chapter addresses the following utilities:

- Electricity transmission and distribution;
- Electricity generation;
- Communications;
- Liquid fuel transmission and storage; and
- Water, wastewater and stormwater utilities.

There is significant higher order direction in the following documents:

- National Policy Statement for Renewable Generation;
- National Policy Statement on Electricity Transmission; and
- Canterbury Regional Policy Statement.

There are also relevant provisions in:

- National Environmental Standard for Telecommunications Facilities;
- New Zealand Electrical Code of Practice for Electrical Safe Distances.

The general approach and provisions relating to the management of utilities will be no different inside and outside the Central City. The Section 32 Report for Chapter 11 Utilities and Energy covers the broader resource management issues for the District relating to utilities and reasons for including rules addressing these matters in more detail. That report is relied on as part of this Section 32 Report for the Central City provisions. Key evaluation matters are summarised below.

Enabling and Managing Utilities

The provisions in the existing Christchurch City Plan can be streamlined and simplified. The provisions of the pRDP in relation to utilities need to address the following specific issues:

- The operative City Plan defaults to a permitted activity for unlisted activities (e.g. wind turbines and lattice towers in some zones): there are not, therefore, provisions suitable for managing the development and operation of such utilities.
- The pRDP needs to give effect to the National Policy Statements listed above.

Electricity Generation Activities

The City Plan seeks to manage the installation, operation and maintenance of electricity generation activities. Zone standards and noise standards (in relation to large scale generation) are not adequate to enable or manage such activities. The National Policy Statement for Renewable Electricity Generation directs the Council to provide for renewable energy generation activities.

Management of Adverse Effects

Efficient establishment and operation of utilities is essential to the Central City and wider district but must be considered against the actual and potential adverse effects they generate. In particular:

- renewable electricity generation can have significant visual, aural and amenity effects;

- the installation of cell towers can have significant visual effects and potential health effects;
and
- reverse sensitivity.

Order in Council

In line with the Statement of Expectations in the Order in Council, the chapter has been developed to have a permissive framework. The exemptions that provided for particular activities and minor works in the operative City Plan have been carried over in the main, and a number of other activities are now permitted (sometimes subject to compliance with activity specific standards), as set out in the various permitted activity status tables. It is noted that the National Environmental Standard for Telecommunications Facilities remain in place and manage a range of utilities activities. The provisions are not inconsistent with the NES.

3.3 General Rules and Procedures

3.3.1 Temporary Earthquake Recovery Activities

This section of the General Rules and Procedures chapter and its accompanying section 32 report was notified as part of the extension to Stage 1 of the Review directed by the Independent Hearings Panel. No additional provisions are proposed as part of Stage 2.

3.3.2 Temporary Activities, Buildings and Events

3.3.2.1 Statutory Context for the Central City Temporary Activities, Buildings and Events provisions

The Christchurch Central Recovery Plan (CCRP) amended the operative City Plan provisions relating to temporary activities and buildings by:

- a. permitting temporary construction buildings to remain on sites for the duration of the project rather than requiring a consent after twelve months;
- b. adding an additional four weeks of pack-in/pack-out time to the standard permitted outside the Central City;
- c. permitting any temporary activity or event on a vacant site (except in Central City Residential areas) until 18 April 2016, notwithstanding any other Plan rules;
- d. permitting temporary signage related to the rebuild until 18 April 2016.

3.3.2.2 Review of Temporary Activities, Buildings and Events for the Proposed Replacement District Plan

The Temporary Activities, Buildings and Events rules have been significantly updated to include a broader range of temporary activities and to consider their effects separately, consistent with an activities-based rather than an effects-based format. This review adopted several of the changes proposed through the CCRP for the remainder of the District including longer time frames for temporary construction buildings and pack-in/pack-out times for events, and permitting not-for-profit temporary community activities and public artworks in some zones without an end date.

The section 32 report for Chapter 6 General Rules and Procedures covers the broader resource management issues for the District relating to temporary activities, buildings and events and reasons for including rules addressing these matters in more detail. That report is relied on as part of this section 32 evaluation for the Central City provisions.

3.3.2.3 Issues Specific to Central City Temporary Activities

1. The CCRP and the operative City Plan do not define "temporary activities". As a result, there is some ambiguity about the scope of activities covered by Development Standard 9.2.2.4(a) which theoretically could permit any activity on a vacant site without having to comply with District Plan standards (including noise, traffic generation, sale of alcohol, hazardous substances, etc.) as long as that activity ends before 18 April 2016. This could potentially undermine zone objectives and policies where commercial activities such as pop-up bars, establish near residential areas

without consideration of the noise, traffic generation or other adverse effects of those activities. It also creates inconsistencies where, for example, some locations have specific noise rules for events or have consent conditions that specifically consider parking and traffic generation and these provisions are potentially overridden by the temporary activities rules.

2. The CCRP defines "event" but this overlaps and is not entirely consistent with the proposed Stage 1 definition of "temporary activities and buildings". It also includes activities with potentially quite different effects such as marathons, concerts and film shoots, under the same definition and with the same standards.
3. The proposed rules for the remainder of the District slightly increase the permitted size of temporary construction buildings (from 40m² to 50m²) but the Central City rebuild, particularly in commercial areas, is likely to require larger buildings for a longer period of time.

3.3.2.4 Proposed Changes for Central City Temporary Activities

1. The proposed provisions generally follow the activities-based format used for the remainder of the District but with some modifications for the Central City environment which are considered to be consistent with the general direction of the CCRP.
2. The definition of "event" in the CCRP is replaced by the proposed definition of "temporary activities and buildings" which emphasises the intention for the activity not to be permanent and clarifies that the rules do not apply to activities specifically considered by the zone rules or by other activities (such as sports events in stadiums). This also allows separate consideration of, and standards for, activities like filming or motorised sporting events.
3. The rules clarify the status of other Plan provisions with respect to temporary activities but generally have permissive standards that should not trigger consents for the majority of events.
4. The Central City Business zone is exempted from the maximum gross floor area limits for temporary construction buildings as long as these buildings comply with the zone setbacks. The gross floor area for construction buildings has been increased from what is proposed in the CCRP to be consistent with the remainder of the District.
5. Temporary community activities and public artworks are permitted without end dates in all zones except residential as long as they comply with noise, earthworks, lighting and glare, hazardous substances, heritage and significant trees rules and are not-for-profit activities. This is consistent with the intent of 9.2.2.4(a) to assist Gap-Filler-type transitional projects and artworks to establish but clarifies that transitional commercial activities need to generally comply with the commercial zone rules. It also proposed to add an exemption for removable buildings from the urban design assessment requirements in the Central City Business and Mixed Use zones. This will make it easier for transitional businesses using containers or other temporary buildings to establish as long as they comply with other zone standards (such as setbacks, noise provisions, etc.).
6. Temporary military training exercises are a restricted discretionary activity in the Central City (as opposed to permitted subject to standards in the remainder of the District). This is to reflect the probable additional adverse noise, traffic generation, parking and site disturbance effects likely from these types of activities in a denser urban environment.

3.3.2.5 Order in Council and Strategic Directions

1. In line with the Statement of Expectations in the Order in Council and Strategic Directions Objectives 3.3.1 and 3.3.2, the section has been developed to have an enabling framework. While the proposed provisions clarify the status of other Plan rules

(particularly noise, glare, hazardous substances, heritage and natural environment rules) with respect to temporary activities, in general the standards are permissive and unlikely to trigger consents for the majority of proposed temporary activities. Analysis has been undertaken of past Council-organised events against the draft rules with the purpose of ensuring that resource consents for temporary activities are only required where necessary to avoid adverse effects.

3.3.3 Outdoor Lighting and Glare

3.3.3.1 Statutory Context for the Outdoor Lighting and Glare provisions

The Christchurch Central Recovery Plan (CCRP) does not include directions relevant to Outdoor Lighting and Glare other than to specify the standards for Central City zones.

3.3.3.2 Review of Outdoor Lighting and Glare for the Proposed Replacement District Plan

The section 32 report for Chapter 6 General Rules and Procedures covers the broader resource management issues relating to outdoor lighting and glare for the District and reasons for including rules addressing these matters in more detail. That report is relied on as part of this section 32 evaluation for the Central City provisions. That report is relied on as part of this section 32 evaluation for the Central City provisions.

These provisions have generally been rolled over from the operative Plan with only minor modifications.

3.3.3.3 Issues Specific to Central City Outdoor Lighting and Glare

No specific issues have been identified with respect to the operative outdoor lighting and glare provisions for the Central City. Illuminated signage is dealt with under the signage provisions.

3.3.3.4 Proposed Changes for Central City Outdoor Lighting and Glare

The Central City chapter provisions are consistent with the provisions for the remainder of the District. The standards for light spill are the same as the operative Plan except that Central City scheduled activities, other than fire stations and service stations, need to meet the Central City residential light spill standards rather than the commercial ones when they are located in the Central City Residential zone. This is consistent with the direction taken in the review of the Plan for the remainder of the District.

3.3.3.5 Order in Council and Strategic Directions

In line with the Statement of Expectations in the Order in Council and Strategic Directions Objectives 3.3.1 and 3.3.2, the section has been developed to have an enabling framework. Christchurch already has some of the most permissive standards with respect to outdoor lighting and glare in New Zealand and these standards have generally been retained with minor exceptions. The operative outdoor lighting and glare rules trigger very few consents (less than 3 a year, often part of development which would have required consent for other reasons). The activity status for proposals not meeting the standard has been reduced from Discretionary to Restricted Discretionary.

3.3.4 Noise

The following evaluation is of the Proposal for the Central City General Rules and Procedures - Noise.

The proposed objectives, policies and rules are largely the same as those introduced through the Christchurch Central Recovery Plan and an addendum to it for the Central City Noise and Entertainment Provisions, which were introduced to facilitate the recovery of the Central City.

Given the amount of earthquake damage and rebuilding required in the Central City, the majority of the provisions in the CCRP remain necessary during the recovery phase to achieve the sustainable management of the Central City as a physical resource, in accordance with the purpose of the Resource Management Act (Section 5).

Section 23(1)(f) of the Canterbury Earthquake Recovery Act 2011 requires that the District Plan is not inconsistent with any Recovery Plan. Therefore, those provisions retained from the CCRP are not inconsistent with the Canterbury Earthquake Recovery Act.

Those provisions which depart from the Recovery Plan can be summarised as follows –

1. Exempt activities
2. Non-complying activities for any activity exceeding the permitted noise standards for zones and specific activities by more than 10 dB;
3. Permitted noise standards for ventilation systems, temporary activities and emergency activities;
4. Additional option to design and construct with specific indoor design sound levels regarding acoustic attenuation for bedrooms in relation to traffic noise; and
5. Shifting the Category 2 western boundary along Oxford Terrace to the road centreline.

The remainder of the evaluation provides an explanation of the changes and the basis for these.

1. Exempt Activities

Relevant exempt activities in the General Rules and Procedures Chapter were carried over to the Central City noise rules for consistency purposes. The only addition to the list is 'helicopters used for emergencies and as an air ambulance.

This exemption allows for a helipad to be established at Christchurch Hospital, and for temporary landing pads to be used for air ambulance services. The exemption does not apply to private or commercial helipad operations. The use of helicopter landing areas for activities other than for an emergency or as an air ambulance is a discretionary activity.

2. Non-complying activities for any activity exceeding the permitted noise standards for zones and specific activities by more than 10 dB

The CCRP introduced amendments to the City Plan for the operative General Rules on noise. The permitted activity standards are based on levels of noise which are appropriate for each zone or category precinct. Any activity exceeding the permitted noise levels is a restricted discretionary activity. Noise levels of 10 dB or less, above the permitted standards, may well be acceptable in many situations. However, noise levels of more than 10 dB above the permitted standards are likely to result in adverse effects at surrounding sites or zones and would therefore be more appropriately classified as a non-complying activity. The proposed

amendment of providing a non-complying activity acknowledges that there are different noise effects at various levels of noise. An activity which produce noise only marginally above the permitted activity standard will result in lesser noise effects than one which produces noise that is significantly above that same standard. Non-complying status for the latter provides a more rigorous threshold, commensurate with the likely adverse effects.

The proposed amendment is not inconsistent with the Recovery Plan.

3. Permitted noise standards for ventilation systems, temporary activities and emergency activities

The operative Central City noise rules are silent on the requirements for ventilation systems, despite cross-references to Appendix 1, Part 11 (Noise Attenuation Construction Requirements), which in turn requires building code ventilation requirements to be achieved at the same time as noise attenuation requirements. The proposed rules for ventilation systems are designed to ensure that when mechanical ventilations systems are used, they do not produce noise levels that are intrusive within the building.

The Central City noise rules currently provide for noise limits applying to outdoor concerts and events held in the following venues, where location maps are being included in the Proposed Replacement District Plan:

- Hagley Park;
- Victoria Square; and
- The Square (this has been renamed in the Proposed Replacement District Plan as Cathedral Square)

The operative noise limits are carried over to the Proposed Replacement District Plan but the activities are being extended to include those temporary activities permitted in Rule 13.14.2 such as community gatherings, non-motorised sporting events and performances, including: carnivals and fairs, festivals, holiday observances, races, parades, concerts and exhibitions. Standards for sound-amplified activities are also included.

This proposed amendment to the location-specific rule will give a simple standard for these small temporary activities, without the need for an assessment by an acoustic consultant. The proposed provision gives setback distances, total duration, and maximum amplified power limits, each of which can be checked and confirmed without having to predict sound levels. An alternative is also provided, with a maximum sound level, to allow flexibility for these activities.

The noise rules in the proposed General Rules and Procedures Chapter relating to the use of emergency generators, and military or emergency management training activities is not required because the Central City zone standards are essentially the same as that of the emergency activity provisions.

While the proposed amendments in the Proposal depart from the CCRP, they are considered to better achieve the purpose of the Resource Management Act.

4. Additional option to design and construct with specific indoor design sound levels regarding acoustic attenuation for bedrooms in relation to traffic noise

The Central City noise rules currently adopt a "noise reduction" requirement for facades. This method is simple but, as a result, does not allow developers to use building orientation, self-screening, etc to reduce internal noise levels within noise-sensitive buildings. The option to design to appropriate internal noise levels provides this flexibility. In practice, the simple method is often the most cost-effective for standalone dwellings because it doesn't require an

assessment by an acoustic consultant. The internal noise level method better suits large developments where the benefits of a detailed acoustic assessment can far outweigh the cost.

The proposed amendment is not inconsistent with the Recovery Plan.

5. Shifting the Category 2 western boundary along Oxford Terrace to the road centreline

Shifting the Category 2 western boundary along Oxford Terrace to the road centreline is necessary to avoid confusion if outdoor areas of licensed premises occupy a footpath or other part of a road reserve. Under the current rules, the licensed premises would be in a Category 2 area, and the outdoor areas in Category 3, thereby making it unclear as to which rules apply.

The proposed amendment is not inconsistent with the Recovery Plan.

3.3.5 Scheduled Activities

3.3.5.1 Statutory Context for the Central City Scheduled Activities Provisions

The Christchurch Central Recovery Plan (CCRP) does not include directions relevant to scheduled activities other than updated zone standards that in some cases require the scheduled activities built form standards to be updated for consistency.

3.3.5.2 Review of Scheduled Activities Provisions for the Proposed Replacement District Plan

The section 32 report for Chapter 6 General Rules and Procedures covers the broader resource management issues relating to scheduled activities for the District and reasons for including rules addressing these matters in more detail. That report is relied on as part of this section 32 evaluation for the Central City provisions.

The schedule of activities has been updated to remove sites that have had a change of use or where changes to the zone rules make scheduling redundant. The built form standards have been reviewed and updated to be consistent with the approach taken in the relevant zone rules.

3.3.5.3 Issues Specific to Central City Scheduled Activities

No specific issues have been identified with respect to the scheduled activities provisions in the Central City. The approach taken for the Central City is therefore consistent with the approach for the remainder of the District.

3.3.5.4 Order in Council and Strategic Directions

In line with the Statement of Expectations in the Order in Council and Strategic Directions Objectives 3.3.1 and 3.3.2, the section has been developed to have an enabling framework. Scheduling has been retained for most activities so that consents will be less likely to be required when these activities rebuild. Standards have generally been relaxed to reflect more permissive zone standards.

3.3.5.5 Proposed Changes for Central City Scheduled Activities

3.3.5.5.1 Changes to the Operative City Plan Schedule

| Class | Type | Name | Address | Legal Description | Zone | Map No | Reason for Changes |
|-------|---|---|----------------------------------|--|---------|--------|--|
| 1 | Service station | Armagh Auto | 317 Barbadoes Street | Pt TS 653 CT 243/6 Lot 1 DP 71840 | L4A CCR | 39C | |
| 1 | Service station | Bealey Avenue Service Station | 268-270 Bealey Avenue | Lots 1-4 DP 6752, Pt TR 159 | L4G CCR | 39C | |
| 4 | Service station | Kim & Lee Motors Ltd | 332 Gloucester Street | Pt TR 88 CT 492/39 | L4A | 39B | Change of use |
| 4 | Tavern | Star & Garter Tavern | 332 Oxford Terrace | Lot 1 DP 41383 CT 19F/726 | L4G | 39C | Change of use |
| 1 | Metropolitan facilities Guest accommodation | Windsor Private Hotel | 52 Armagh Street | RLC9 Sec 339 CT 15F/247 Sec 1 SO 13661 | L4G CCR | 39C | |
| 4 | Metropolitan facilities | Croydon Private Hotel | 63 Armagh Street | Pt TS 308 CT 216/189 | L4B | 39C | Change of use |
| 4 | Metropolitan facilities | Devon Private Hotel | 69 Armagh Street | TS 310 CT 7/95 | L4B | 39C | Change of use |
| 4 | Metropolitan facilities | The Homestead | 272 Barbadoes Street | Lot 1 DP 13694 | L4A | 39C | Change of use |
| 1 | Metropolitan facilities Guest accommodation | Hall | 294 Barbadoes Street | Pt TR 16 ChCh City CT 316-191 | L4A CCR | 39C | |
| 1 | Metropolitan facilities Guest accommodation | Round the World Backpackers | 314 Barbadoes Street | Lot 2 DP 33590 | L4A CCR | 39C | |
| 4 | Metropolitan facilities | First Church of Christ Scientist | 66 Carlton Mill Road | Pt RS 6 Canterbury Dist | L4B | 39B | Not really in Central City despite L4B zoning. Covered by blanket scheduling of spiritual facilities |

| Class | Type | Name | Address | Legal Description | Zone | Map No | Reason for Changes |
|-------|---|--------------------------|-------------------------------|---|---------|--------|---|
| 4 | Metropolitan facilities | New Zealand Red Cross | 33-41 Cashel Street | Lot 1 DP 49287 | L4G | 39C | Change of use |
| 4 | Metropolitan facilities | Chester House | 31 Chester Street West | Lot 2 DP 1915 | L4G | 39C | Change of use |
| 4 | Metropolitan facilities | Wesley Hospital | 21 Dublin Street | Pt TR 26 CTs 141/239, 141/240, 14/241, 371/271, 70/270 | L4G | 39C | Change of use |
| 4 | Metropolitan facilities | Melville Private Hotel | 49-51 Gloucester Street | Lot 1 DP 3995 CT 290/254 | L4G | 39C | Change of use |
| 1 | Metropolitan facilities-Guest accommodation | Stonehurst Accommodation | 241-249 263 Gloucester Street | CT 20B/344, CT 20B/343, CT 20B/342, CT 46B/1226 Lot 2 DP 80988, Pt Secs 640,642,642 Christchurch Town, Lots 1, 2 DP 7888, Lot 1 DP 410496, Lot 2 DP 410496 | L4B CCR | 39C | |
| 4 | Metropolitan facilities | Stonehurst Accommodation | 255-263 Gloucester Street | CT 26K/1184 CT 21K/154 CT 30B/858 | L4A CCR | 39C | Combined with above now that they are in the same zone. |

| Class | Type | Name | Address | Legal Description | Zone | Map No | Reason for Changes |
|-------|--|--|--|--|---------|--------|--|
| 1 | Metropolitan facilities Guest accommodation | YMCA – Residential and travellers' accommodation and recreation activities, and any of the following activities which are ancillary to these on the site: <ul style="list-style-type: none"> — • Education activities — • Health facility — • Office and administration facilities — • Parking areas — • Retail activity and café — • Public meeting rooms and conference facilities | 12 Hereford Street | Pt TS 441, 443, Lots 1-3 DP 25197 CT 147/287 Lots 1,2,3 DP 25197, Lot 1 DP 46151, Pt Sec 441 Christchurch Town | L4G CCR | 39C | Activity description added to definition of guest accommodation |
| 1 | Metropolitan facilities Guest accommodation | Hereford Hotel Thomas's Hotel YHA Hereford Street | 36 Hereford Street | TS 457 CT 1767/66 Sec 457 Christchurch Town | L4G CCR | 39C | |
| 4 | Metropolitan facilities | St Johns Anglican Church | 234 Hereford Street | Pt Lot 1 DP 27831 | L4A | 39G | See Spiritual Facility (Class 1) in CCMU zone below |
| 1 | Metropolitan facilities Community facilities | Christchurch City Mission | 275 Hereford Street | Lot 2 DP 10123 Lot 1 & 2 DP 1639 Lots 2,3 DP 10123, Lots 1,2 DP 1639 | L4A CCR | 39B | |
| 1 | Metropolitan facilities Community facilities | ALPA Community Cottage | 28 Hurley Street | Pt TR 28 CT 8/67 Pt Res 28 Christchurch Town | L4G CCR | 39B | |
| 4 | Metropolitan facilities Spiritual facilities | St Luke the Evangelist in the City | 181 Kilmore Street 248 Manchester Street | Res 17 Pt 19 Lot 1, 2 DP 70089 | L4A CCR | 39G | All pre-1995 CCR spiritual facilities are already scheduled and this facility does not have site-specific standards. |

| Class | Type | Name | Address | Legal Description | Zone | Map No | Reason for Changes |
|-------|--|--------------------------------------|---|---|-----------------------------|----------------|---|
| 1 | Metropolitan facilities Guest accommodation | Foley Towers | 208 Kilmore Street | Lot 1 DP 60425 | L4G CCR | 39C | |
| 4 | Metropolitan facilities | Charles "B's" Backpackers | 264-8 Madras Street | Pt TS 634 CT 171/14 | L4B | 39C | Designated by CERA for exemplar housing |
| 4 | Metropolitan facilities | Christchurch Academy | 387 Manchester Street | Sec 1209 SO 16202 and Sec 1 SO 17510 | L4A | 39C | Rezoning to Specific Purpose (Schools) Zone |
| 1 | Metropolitan facilities Guest accommodation | YHA Worcester Street | 5 Worcester Street | Pt TR 364, 366, 368 CT 176/48 | L4G CCR | 39C | |
| 1 | Metropolitan facilities Community facilities | Canterbury Women's Club | 190 Worcester Street | Lot 11 DP 3969 | L4B CCR | 39C | |
| 1 | Metropolitan facilities Guest accommodation | Ayden Lodge | 232 Worcester Street | Pt TR 55 ChCh City CT 371/237 Pt Res 55 Christchurch Town | L-L4A CCR | 39B | |
| 1 | Fire station | Central Fire Station | 200 Kilmore Street and 91 Chester Street East | Lot 1 DP 53863 | L4G CCR | 39C | |
| 3 | Chartered clubs | Commerce Club (Canty) | 277 Kilmore Street | Part Lot 1 DP 8878 Part TR 45 | L4G | 39B | Change of use |

3.3.5.5.2 Analysis of Standards with and without Scheduling

Note: Analysis is based on draft standards which are subject to change.

| Activity | # of Sites | Operative Zone | Proposed Zone | Changes to Standards | Recommendation for Scheduling | Reasons |
|---|------------|---------------------|---------------|--|-------------------------------|--|
| Community Facilities (Class 1) – Christchurch City Mission; ALPA Community Cottage; Canterbury Women's Club | 3 | L4A | CCR | Scheduling makes these activities permitted subject to standards. Without scheduling, they would require a non-complying consent application under the proposed zone rules because more than 30% of the site is dedicated to non-residential activities; not all of the employees reside permanently on the site and the activity may not be able to comply with the hours of operation or limits on trip generation (16 per day). | Retain | Without scheduling these activities would require a NC consent. |
| Fire Stations (Class 1) | 1 | L4C | CCR | Scheduled fire stations are permitted in these zones subject to standards. Without scheduling they become non-complying activities in residential zones. | Retain | Fire stations perform an essential community service, require distribution across the city and under the proposed residential plan rules would require a non-complying consent to expand if scheduling were removed. |
| Hotel (Class 1) | 11 | L4A; L4B; L4C | CCR | Scheduling makes these permitted activities subject to standards. Without scheduling they would require a RD consent if over 40m ² ; staff not residing on | Retain | Loss of scheduling significantly reduces the built form |

| Activity | # of Sites | Operative Zone | Proposed Zone | Changes to Standards | Recommendation for Scheduling | Reasons |
|---|------------|----------------|---------------|--|-------------------------------|--|
| | | | | site; hours of operation outside of 7-10 M-F and 8-7 Sa-Su; traffic generation more than 16 vehicles per day. | | standards for this activity. |
| Service station (Class 1) | 2 | L4A; L4C | CCR | Scheduling makes this a permitted activity subject to standards. Without scheduling, it would require a NC consent if more than 40m ² ; employees not residing on site; operating outside of hours 7-10 M-F; 8-7 Sa-Su; vehicle generation – more than 16 per day; no dismantling, repair or building of motor vehicles; landscaping requirements would increase (5% → 20%). Zone rules introduced by the Central City Recovery Plan specifically make repair of motor vehicles a non-complying activity in the CCR zone. | Retain | These sites are historic and have not caused issues in their current location. |
| Spiritual facility (Class 1) – St Johns Anglican Church | 1 | L4A | CCMU | Activity is permitted under both scheduling and new zone rules. New zone rules are more permissive than scheduling | Remove | New zone rules are more permissive than scheduling. |
| Spiritual facility (Class 1) – St Luke the Evangelist | 1 | L4C | CCR | Permitted under scheduling subject to standards. Setbacks are smaller in the CCR rules but landscaping requirements are higher (5% → 20%). Activity would require a NC consent to expand because more than 40m ² , employees not living on site; possibly hours of operation. | Remove | Will be picked up by blanket spiritual facility scheduling. |

| Activity | # of Sites | Operative Zone | Proposed Zone | Changes to Standards | Recommendation for Scheduling | Reasons |
|---|----------------------|---------------------|---------------|--|-------------------------------|---|
| Spiritual facility (Class 1) – First Church of Christ Scientist | 1 | L4B | RMD | With scheduling, this is a permitted activity subject to standards. Without scheduling it is a permitted activity if under 200m ² , 1m ² signage; hours of operation 7-9 M-Sa all day Sunday. Likely to require a discretionary consent for floor area. Built form standards are comparable except for a significant reduction in height as of right (30m + 20% for spire → 9-11m) | Remove | Will be picked up by blanket spiritual facility scheduling. |
| Spiritual facility (Class 2) | 200+ for All Class 2 | L4A; L4B; L4C | CCR | With scheduling, this is a permitted activity subject to standards. Without scheduling it would be permitted if under 200m ² ; 1m ² signage, hours of operation restricted to 7-9 M-Sa; all day Sunday; Otherwise would require a D consent. Removing scheduling would result in a small reduction in height (9-12m → 8m) and a significant reduction in permitted site coverage (50% → 35%) | Retain | Most facilities would require a D consent to expand as over 200m ² . Relying on zone rules would significantly reduce site coverage as of right. |

3.3.6 Water Body Setbacks

3.3.6.1 Statutory Context for the Central City Water Body Setback Provisions

The Christchurch Central Recovery Plan (CCRP) does not include directions relevant to water body setbacks.

3.3.6.2 Review of Water Body Setback Provisions for the Proposed Replacement District Plan

The section 32 report for Chapter 6 General Rules and Procedures covers the broader resource management issues for the District relating to water body setbacks and the reasons for including rules addressing these matters in more detail. That report is relied on as part of this section 32 evaluation for the Central City provisions.

3.3.6.3 Issues Specific to Central City Water Body Setbacks

No specific issues have been identified with respect to water body setback provisions in the Central City. There are relatively few waterbodies in the Central City, primarily the Avon River, several streams in Hagley Park, and three open drains. Because piped segments do not have setbacks, the water body setback rules would only apply to additional sites if they chose to daylight a piped segment.

3.3.6.4 Proposed Changes for Central City Water Body Setbacks

The Central City provisions reflect the General provisions where these are relevant to the Central City i.e. there is no reference to those types of water bodies that are not located within the Central City (e.g. rules for hill waterways and rural waterways). However, the rules and standards that apply to the applicable water bodies in the Central City are the same as for the remainder of the District.

3.3.6.5 Order in Council and Strategic Directions

In line with the Statement of Expectations in the Order in Council and Strategic Directions objectives 3.3.1 and 3.3.2, the section has been developed having regard to the need to clarify objectives and policies, reduce reliance on resource consent processes and set a clear direction on the use and development of land for the purpose of avoiding or mitigating natural hazards.

In the case of the water body setback rules, the general approach taken has been to clarify the objectives and policies relating to each classification of water body and more clearly link the assessment matters to the objectives for each classification (e.g. removing the requirement to assess suitability for public access to open drains). This should simplify the consent process and provide greater certainty for applicants.

In the context of the risk to properties adjacent to water bodies as a result of future earthquakes, flooding and sea level rise, it is not considered appropriate to reduce consents by decreasing the size of the setbacks or providing additional exemptions. The section 32 report for Chapter 6 General Rules and Procedures, outlines the proposed approach and its rationale. This approach is more restrictive than the approach taken in the operative Plan in order to better mitigate the adverse effects of inappropriate use or development adjacent to water bodies.

3.3.7 Signs

STATUTORY OBLIGATIONS UNDER SECTION 32

The obligations under Section 32 are attached as Appendix 1. In essence it requires a rigorous analysis of why regulatory intervention is needed and a consideration of other means to achieve the purpose of the Act. The section requires that:

1. objectives must be examined for their appropriateness in achieving the purpose of the RMA
2. the benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed
3. the analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.¹

The analysis in this report starts with key resource management issues that the regulatory framework is seeking to address, followed by a series of steps that provide a 'line of sight' or hierarchy between these issues and the proposed interventions from the objective, policies and methods for implementation. The evaluation of objectives is to assess their effectiveness and appropriateness in achieving the RMA's purpose and, for provisions, whether the provisions in the proposal are the most appropriate way to achieve the objectives.

For policies, the examination is whether the policies "are the most appropriate way to achieve the objectives" (s 32(1)(b)). The report is to (i) identify other reasonably practicable options for achieving the objectives, (ii) assess the efficiency and effectiveness of the provisions in achieving the objectives, and (iii) summarise the reasons for deciding on the provisions.

Section 32 meshes with the functions of the Council under Section 31, and other statutory documents (including the Order in Council).

Fundamental to this evaluation is the Statement of Expectations in Schedule 4 of the Canterbury Earthquake (Replacement District Plan) Order 2014. It requires that the replacement district plan must significantly reduce - reliance on resource consent processes; the number, extent and prescriptiveness of development controls and design standards (in order to encourage innovation and choice) and the requirements for notification and written approval. These expectations are now embedded as an objective in the Strategic Directions Chapter.

Streamlining the signage plan provisions to provide greater certainty for advertising controls, with fewer rules focussing on identifying permitted activities and the accompanying development standards is common to all options.

¹ Ministry for the Environment. 2014. *A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Management Amendment Act 2013*. Wellington: Ministry for the Environment

RELEVANCE OF SIGNAGE TO CENTRAL CITY

Role in Recovery

The Central City Recovery Plan, along with other planning documents, is seeking a vibrant central city based around the attraction and maintenance of jobs, residents and visitors into the area within the four avenues. One of the major components of Christchurch's Central City Recovery is business development and growth, and a key to success is the ability to market and promote goods, services and events. Advertising, including signage, is therefore an essential part of the Central City environment and identity, particularly in the core business areas, and imparts essential information that is needed for this area to function safely and efficiently.

A common characteristic of central business areas is 'bright lights' – flashing, moving and colourful displays designed to attract maximum attention, particularly at night. Previous plans and programmes paid insufficient attention to ensuring 'vibrancy' exists in both daytime and night-time. It is self-evident even before the earthquakes that Christchurch's central area suffered from a public perception that, apart from a few areas, the City Centre was unsafe and 'dead' at night.

Income and Employment

Outdoor advertising is a subset of a vast industry that underpins much of the City's commerce, media and service sector. Signs contribute to the local economy directly in two ways: through providing jobs and income to those involved in the industry, and providing rental income to building or site owners. There appears to be no specific research within New Zealand about the economic benefit of signs, including the customer spend that arises through advertising.

CURRENT SITUATION

Signage within the Christchurch City Council area is currently controlled in one of five ways:

- a. Existing Statements and Rules in the Operative Christchurch District Plan
- b. Signboards in Public Places Policy
- c. Christchurch City Council Public Places Bylaw 2008, Section 7; Obstruction in Public Places
- d. Christchurch City Council Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013, Section 6; Prohibition on Signage Advertising Commercial Sexual Services and Section 7: Regulation of Signage Advertising Commercial Sexual Services.
- e. Banks Peninsula District Council Public Places and Signs Bylaw 2004

In addition, the New Zealand Transport Agency controls signs within state highway road reserves and has an interest in signs outside the state highway road reserve that are visible and may impact the efficient and safe operation of the State Highway. All advertising signs within the state highway road reserve are controlled through the New Zealand Transport Agency (Signs on State Highways Bylaw) 2010.

There are no relevant provisions on signs in the RPS, LURP and the Iwi Management

Plan.

Resource Management Issues

RESOURCE MANAGEMENT ISSUE 2.1.1 – Enforceability

The Council's experience with administering the City Plan, and working with business operators and other organisations in the Central City, is that signage rules are difficult to enforce and monitor. There are a number of reasons for this, including questions over what constitutes a sign (is it art? Is it a street address? etc), the multitude of ways to display signage, and the proliferation of temporary and semi-permanent signs as a result of earthquake relocations. The reality is that trying to regulate and enforce every possible scenario would create a tangle of regulation and bureaucracy.

The existing rules are unnecessarily complex, requiring consent, which in many cases is granted. Research undertaken to inform the district plan review shows that, of 1,000 signage consents applied for in the last 10 years, 897 were processed and granted on a non-notified basis. Classification of signs as largely discretionary activities provides little or no certainty for those requiring advertising to undertake their business or activity.

RESOURCE MANAGEMENT ISSUE – Complexity of existing rules

The Central City rules are spread throughout the District Plan, making it unnecessarily complicated for plan users who are looking for Central-City specific rules. The Council has adopted the approach of having a 'plan within a plan' for the central city area. Having a self-contained set of signage provisions in the Central City Chapter will assist users and thereby contribute to meeting the Council's obligations under the Statement of Expectations.

RESOURCE MANAGEMENT ISSUE – Adverse environmental effects of signs

Adverse effects attributable to signage fall into four main groups. There are those which arise through cumulative effects, causing what some would see as 'visual pollution'. The second group are those that affect neighbours, for example flashing lights, visual amenity. The third group of effects are those related to traffic safety, usually by causing distraction, or creating a hazard for pedestrians; and the fourth group to the effects a sign might have on the key architectural features of a building. The Council's focus is on attenuating and controlling the potential adverse effects of signs, without unnecessarily restricting business and community advertising this ensuring the economic viability of businesses.

SCALE AND SIGNIFICANCE EVALUATION

The level of detail undertaken for the evaluation of the proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of the proposed District Plan provisions. In making this assessment an overall judgement has been made having regard to whether the provisions:

- a are of regional city wide or local significance
- b impede or promote the City's recovery;
- c adversely affect people's health and safety;
- d result in a significant change to the character and amenity of local communities;

- e have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act;
- f adversely affect those with particular interests including Maori (consideration needs to be given to whether there is certainty of effects based on the availability of information to assess benefits and costs);
- g limit options for future generations to remedy effects; -
- h whether the effects have been considered implicitly or explicitly by higher order documents;
- i include regulations or other interventions that will impose significant costs on individuals or communities.

In particular the report reflects the Council's view that cumulative effects of signage (positive and negative) are of local significance and will:

1. indirectly promote recovery through facilitating economic growth and fostering competition.
2. have a direct impact on people's safety and wellbeing; and
3. impact on character and amenity of local areas.

The level of evaluation able to be undertaken through this s32, has been significantly influenced by the truncated process and timeframe for the District Plan Review (DPR). The Section 32 evaluation will continue to be (informally) updated, in particular in response to recommendations from the Ministers for Canterbury Earthquake Recovery and for the Environment, and submissions from the community and stakeholders.

GENERAL POLICY DIRECTION OPTIONS & RECOMMENDATIONS

Control of signs is focused on three primary outcomes. Firstly, to prevent adverse effects on public safety; secondly, to maintain and enhance amenity values and thirdly to prevent adverse effects on natural and built environment character.

Recognising the specific circumstances of the Central City, the proposal has taken an area-based approach in the manner in which it regulates signage (in a similar vein to the rest of the City). This recognises the importance of signage to business and the economy, and the existing and potential dominance of the built environment by having a less restrictive regime in the business areas. In those areas where the environment is more sensitive to changes in the landscape the proposal imposes more control, including over the placement and size of signs.

To this end, taking into account the Resource Management issues set out in Section 1.3, and having particular regard to the Statement of Expectations in Schedule 4 of the Order in Council, the following policy options (not necessarily mutually exclusive) have been considered in order to develop the Signs provisions for the Central City Chapter.

a. **Option 1: Status quo - retain existing City and District Plan provisions and bylaws**

Signage rules applicable to the Central City are managed by the Christchurch District Council Plan and a number of bylaws as listed in Section 2.0 above. While some signage activities are clearly identified as being controlled in the District Plan, the level of control on the number and design of signs under the bylaws are not clear, e.g. the Christchurch City Council Public Places Bylaw controls all signs with potential to obstruct public spaces without specifying the nature of those signs. Many other signs

controlled by the District Plan can also fall in this bracket, therefore duplicating rules. In addition to zone rules there are also site or activity specific signage rules e.g. signage rules for home occupation activities in residential zones and signage rules for brothels controlled by bylaws.

Bylaws still have a role in the Central City, mainly to manage the growth of footpath signs that can be of danger and inconvenience to the public. It is not proposed that this bylaw be replaced by rules in the District Plan review

Given the statutory direction to reduce the regulatory burden as part of the district plan review and the results from research identifying the issues with the implementation of the current planning framework (as outlined above), the option of maintaining the operative provisions is not considered to be the most appropriate way to achieve the purpose of the RMA.

Effectiveness

The review of provisions undertaken in accordance with Clause 6 of the Order in Council has identified that the current rules are delivering anticipated outcomes more effectively in some areas than others. This is because the pressures for outdoor signage are low in areas such as residential and open space zones compared with commercial and industrial zones, where the placement and number of signs are having a significant effect on visual amenity.

There is no evidence of significant issues resulting from the split in signage controls between bylaws and the district plan. The bylaws largely address public nuisance issues whilst the district plan provisions take a wider view around amenity, built form and safety.

Efficiency

The current rules are complex and it's difficult to explain some of them to the general public, particularly the ones in the Business zones that are based on length of road frontage. There are also inconsistencies in the provisions. For example Cultural zones have very small areas of signage allowed, but schools are zoned as cultural institutions and are often on quite large sites with a potential need for considerable signage. For those that are public schools on designated sites this is irrelevant as they use the outline plan/waiver process. Private schools would need resource consent for almost any sign they want to put up. The time invested by potential applicants to understand the various sign requirements is adding to the transactional costs of consents. Once applied for, the consents are usually granted (see research in Appendix 2).

b. Option 2: Remove objectives, policies and rules from the district plan and rely on non-RMA methods, such as bylaws and design guides.

Removal of objectives, policies and rules from the district plan, relying on non-RMA methods to achieve the desired outcomes would primarily involve the use of bylaws and design guides. Territorial authorities have a general power to make bylaws, under the Local Government Act 2002. Bylaws may be made for one or more of the following purposes:

- (a) protecting the public from nuisance:
- (b) protecting, promoting, and maintaining public health and safety:
- (c) minimising the potential for offensive behaviour in public places.

Effectiveness

Design guidelines assist with achieving good built environment outcomes. They would primarily focus on preventing adverse effects on built environment character, and be given effect to through pre-application meetings and the Urban Design Panel. In the

absence of linkages to district plan rules, the use of design guides is voluntary, relying on advocacy from the Council to secure the benefits, and uptake from developers. There is no ability for the Council to enforce against a failure to adopt or apply a design guide. Given this, the use of design guides alone is not the most appropriate way to achieve the purpose of the RMA.

Given the limited nature of bylaws, i.e. they are focused on preventing public nuisance and safety, the use of bylaws by themselves is not the most appropriate way to achieve the purpose of the RMA. The use of existing bylaws to control nuisance signs would continue, as they address issues relating in particular to safety and the Council has enforcement powers when bylaws are not complied with.

Efficiency

An underlying assumption in this approach is that the market will deliver an efficient allocation of resources, with light-handed guidance from regulators through the use of design guides and bylaws alone. This might be true if externalities were priced into decisions but there isn't, to the Council's knowledge, any system set up in New Zealand urban centres that take this approach. There is insufficient time in the current district plan review process to thoroughly investigate the costs and benefits of establishing such a system for the Central City. Given this, reliance of bylaws and design guides alone would not achieve the full range of outcomes being sought by the City Council.

c. Option 3: A combination of Options 1 and 2

This option would use all the tools available as an integrated package responding to specific circumstances, without dispensing with everything in the Operative Plan.

Effectiveness

Targeting interventions more closely to specific matters that could make a positive difference towards sustainable resource management is something a district plan should strive to do. The range of options could include incentives for example enabling advertising in more sensitive locations where the revenue from that advertising would be used for public benefit (e.g. restoring a heritage building). This approach is the most likely to obtain the appropriate balance between certainty of outcome and flexibility in process to achieve desired outcomes.

Efficiency

Properly targeted and integrated interventions, including appropriate market mechanisms will generally reduce transaction and compliance costs and deliver better outcomes. The current split between bylaws and district plan rules appears, in the absence of information to the contrary, to be appropriate. However, costs could be reduced through a revision of consent categories and restructuring the provisions to make them easier to follow.

PREFERRED OPTION

Option 3 is the preferred option.

EVALUATION OF PROPOSED OBJECTIVE 13.14.7.1.1

1. Section 32(1)(a) of the RMA requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose (Section 5) of the Act.

| OBJECTIVE <u>MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA</u> | |
|---|--|
| Objective | Summary of Evaluation |
| <p>13.14.7.1.1 Objective 1: Signs which collectively contribute to the recovery and vitality of the Central City by supporting business and communities in a manner that contributes to public safety, visual amenity values and character of the area, buildings or structures.</p> <p>Alternative 1 – Do Nothing As outlined in the discussion in Section 4 above the ‘do nothing’ option deflects the issue to non-RMA instruments, or ignores the matter as an issue of concern. The option of ‘do nothing’ has already been discounted in considering whether or not to include RMA regulatory signage controls in the district plan. In deciding that the most efficient and effective option is to opt for a mix of RMA and non-RMA provisions, i.e. objectives, policies and rules in the district plan and bylaws constituted under the Local Government Act, it follows that at least one objective must be included in the district plan.</p> <p>The Central City Area comprises a broad spectrum of environments each with their own character and identity. If left uncontrolled signs could proliferate in a manner that could have (to varying degrees) an adverse visual effect on public safety, localities and their constituent places and buildings. Interventions therefore need to be targeted to where they would produce the most positive environmental outcomes, or conversely prevent negative outcomes.</p> | <p>Signs and other outdoor displays are erected for a range of purposes, such as promoting goods and services, advertising upcoming community events, traffic directions or public safety, etc. They are an integral part of society, contributing positively to economic recovery and development, employment, income and social wellbeing. They can create adverse effects, particularly in areas where high amenity standards are anticipated, such as residential areas. Signs also have potential to distract from traffic and pedestrian safety if not properly located or designed.</p> <p>The proposed objective is the most appropriate to achieve the purpose of the Act because it will enable businesses and communities to advertise goods and services, thereby enabling people and communities to provide for their social and economic well-being, and their health and safety. It still enables provisions to be included that will safeguard those matters that are subject to Sections 6 and 7 of the Act.</p> <p>The preferred objective is consistent with section 6(f) of the Act, which requires that the protection of historic heritage from inappropriate subdivision, use and development is recognised as a matter of national importance, and section 7(c) of the Act which requires particular regard to be had to the maintenance and enhancement of amenity values. The objective is considered to be the most appropriate alternative to achieve the purpose of the RMA, compared to the other options.</p> |

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| <p>As this Report shows there are circumstance where a bylaw is the preferred method for addressing signage issues in the Central city, but the approach the Council has adopted is to rely on a combination of bylaws and the District Plan.</p> <p>Alternative 2 – Alter the intent of the objective to make it more restrictive than enabling</p> <p>Public safety, visual amenity values and character of the area, buildings or structures are enhanced while enabling signs to collectively contribute to Christchurch's recovery by supporting business and communities.</p> <p>Altering an objective such as this shifts the onus from enabling signage to restricting it in favour of environmental and safety considerations. Whilst there are circumstances in the Central City that arguably will justify this approach, it sends the wrong message about economic recovery, particularly in business areas.</p> | |
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EVALUATION OF PROPOSED POLICIES, RULES AND METHODS

1. Section 32 (1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.
2. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

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| SPECIFIC PROVISIONS (POLICY, RULE, METHOD) <u>MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES</u> |
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| 13.14.7.1.1 Objective 1: |
|---------------------------------|

| Signs which collectively contribute to the recovery and vitality of the Central City by supporting business and communities in a manner that contributes to public safety, visual amenity values and character of the area, buildings or structures. | | |
|--|------|---|
| Provision(s) appropriate | most | Effectiveness and Efficiency |
| <p>1. Option 2: Streamline plan provisions and mix of RMA and non-RMA regulatory methods</p> <p>13.14.7.1.1.1 Policy</p> <p>a. To ensure that the size, number, height, location, shape and form of signs do not detract from, and where possible contribute, to the character and visual amenity of the area, including the public realm, in which they are sited.</p> <p>b. To ensure that the character and amenity of Central City Residential Zones, The East and North Frames, and the Avon River Precinct (Papa Otakaro) Zone are protected from inappropriate and/or large scale signage.</p> <p>Part b of Policy 1 was added following feedback received from CERA to reinforce the desired outcomes for the Central City area, including increasing the number of residents living in the central city and protection and enhancement of amenity values along the Avon River.</p> | | <p>Benefits</p> <p>These proposed policies will:</p> <ol style="list-style-type: none"> Recognise that one of the major components of Christchurch's Central City Recovery is business development and growth, and a key to success is the ability to market and promote goods, services and events. Advertising, including signage, is therefore an essential part of the Central City environment and identity, particularly in the core business areas, and imparts essential information that is needed for this area to function safely and efficiently. Signal that public safety, amenity and high quality urban design outcomes (including heritage) are key considerations within the context of Central City revitalisation Give landowners, businesses and communities certainty about sign requirements across the Central City. Maintain different character and amenity values across the Central City Give effect to the RMA requirements to protect historic heritage from inappropriate use, subdivision and development (s7), the maintenance and enhancement of amenity values (s6) and to enable people and communities to provide for their social, economic and cultural wellbeing (s5). Adding new policy 13.14.7.1.1.4 will address the need for consistency within the proposed signage controls. The existing bylaws are not zone-specific. <p>Costs</p> <p>These proposed policies will:</p> <ol style="list-style-type: none"> Continue to impose controls over signage across the Central City, signalling that in some cases signage will not be acceptable. Limit the ability for businesses and communities to advertise their activities, services and products to the extent or in the locations they perhaps would be seeking to. Lost opportunity costs for those businesses which could potentially utilise their properties for rental advertising space. <p>Efficiency and Effectiveness</p> |

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| <p>13.14.7.1.1.2 Policy</p> <p>a. To ensure that signage does not detract from the integrity of the building design, historic character, structure or setting of buildings and that buildings remain the primary visual elements.</p> <p>Policy 2 reflects outcomes from an Urban Design Review of the chapter.</p> <p>13.14.7.1.1.3 Policy</p> <p>a. To ensure that signs do not cause obstruction and/or distraction for motorists and pedestrians and other road users.</p> <p>13.14.7.1.1.4 Policy</p> <p>a. To enable signs that are permitted through other statutes and temporary signs subject to meeting basic activity and built form standards.</p> <p>A new policy is recommended which provides a link between objective 13.14.7.1.1 and the permitted activity rules which enable signs permitted through other statutes. The addition of this policy addresses an existing gap in the policy framework.</p> | <p>These proposed policies will:</p> <ol style="list-style-type: none"> Achieve the objective by establishing a clear direction for advertising across the Central City; and Ensure signs are of a scale and nature compatible with, and they do not detract from, amenity values, public safety or heritage. Adopt a consistent framework with signage rules across the remainder of Christchurch City, taking into account the specific objective to revitalise the Central City area. <p>The benefits of the policies are considered to significantly outweigh the costs and will be most appropriate to achieve Objective 13.13.7.1.1</p> |
| <p>2. Rules: Providing for Central City-specific signage rules.</p> <p>a. Permitted activities focus on activities where regulation already exists, such as bylaws or other signage regimes, or where the receiving environment is capable of absorbing advertising in a variety of</p> | <p>Benefits</p> <p>These proposed rules will:</p> <ol style="list-style-type: none"> Reduce consent costs for landowners, businesses and communities, as a greater number of signs will be permitted activities. Clarify and remove the overlap between district plan rules, Council and NZTA bylaws. Provide a regulatory framework which enables the relevant matters in section 5, 6 and 7 of the RMA to be met. |

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| <p>sizes, scales and design. Permitted activities also provide for temporary activities, provided there is a limit on the duration of such activities. All signs complying with the Activity Standards or relevant Built Form Standards are permitted, recognising the Council's objective to allow signage subject to compliance with conditions.</p> <p>An earlier Rule P2 concerning flashing signs, illuminated signs and signs with moving components in the Central City Business Zone was removed following feedback from CERA, as it was deemed too permissive with the potential for adverse effects on the zone boundaries.</p> <p>The number of signs/area of signs is consistent with the General signs provisions. The permitted activity rules, Activity Standards, Built Form Standards and Assessment Matters were updated following an Urban Design Review of the General Sign rules and they incorporate:</p> <ol style="list-style-type: none"> 1. Amended rules P6 and P7 to tighten the wording and remove duplication throughout the chapter and improve consistency. 2. New rules P4, P8 and P9. Rule P4 recognises the provisions of the Temporary Activities rules and hence provides consistency across the plan. Rule P8 brings the Utilities sign rule into the Signs chapter, whilst P9 provides the 'catch-all' rule for signs complying with the Built Form standards. | <ol style="list-style-type: none"> iv. Provide certainty for landowners, businesses and communities regarding the consent requirements for signage. v. Adopt a consistent approach with signage controls in other parts of the district plan, whilst recognising specific council objectives for the Central City. vi. Simplify the administrative burden – users of the plan can find rules in the zone chapter they are interested in. vii. Not result in a significant change from the existing district plan rules, thereby providing consistency. <p>Costs</p> <p>These proposed rules will:</p> <ol style="list-style-type: none"> i. Potentially reduce development rights for businesses, communities and landowners. ii. Result in duplication between the general signs objectives, policies and rules in the General Rules and Procedures chapter and the Central City chapter. The wording of the objectives, policies and rules is very similar. <p>Efficiency and Effectiveness</p> <ol style="list-style-type: none"> i. These rules are effective in assessing applications for signs that could compromise public safety, amenity values and/or heritage values through the resource consent approval process. ii. The rules are efficient to the extent that they seek to optimise the permissiveness of the regulatory framework by minimising the regulatory intervention while enabling a high degree of choice for promoter of the event or activity. |
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| <p>b. There are no controlled activities as the Council wishes to retain the discretion to decline inappropriate applications. Use of the Restricted Discretionary Activity status restricts the scope of the discretion to the specific built form standard which can't be complied with.</p> <p>c. Restricted Discretionary Activities control those signs which can't comply with either the permitted activity Activity Standards or Built Form standards, and which aren't provided for as a discretionary or non-complying activity.</p> <p>Rule RD2 was amended following feedback from CERA, to retain Council's discretionary over flashing, illuminated, moving and changing signs. Following the Urban Design Review, the relevant matters of discretion references have been amended.</p> <p>d. Discretionary Activities are primarily those signs that would affect matters under sections 6 and 7 of the RMA, or where the effects are potentially significant.</p> <p>A new discretionary activity rule, D6, has been added to pick up any signs not specifically provided for by the other rules.</p> <p>e. Non-complying Activities are those in zones which are particularly sensitive to the potential adverse effects of an over-proliferation, or unsuitable, signs.</p> | |
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| <p>Rule NC3 has been removed, as this would have set the presumption that signs not specifically provided for would have to meet the 'gateway test' in section 104D – this is out of proportion with the potential adverse effects and the intent of the objectives and policies.</p> | |
| <p>Options less or not as appropriate to achieve the Objectives and policies:</p> | |
| <p>Option 1: Do nothing</p> <p>This option would mean the Central City section of the Plan remains silent on signage required by other agencies or other legislation. This would create uncertainty and not promote the integrated management (of processes) that the Council is obligated to provide through its functions under Section 31.</p> <p>The Council's requirements would be met through non-statutory guidance, for example design guides and information brochures.</p> | <p>Benefits</p> <p>a. There are no benefits associated with this option.</p> <p>Costs</p> <p>a. Doesn't provide certainty to council of the desired resource management outcomes, or to plan users in terms of what they are required to do.</p> <p>b. Provides no regulatory control over potential environmental effects of uncontrolled signage, for example effects on traffic and pedestrian safety, adverse effects on the built environment, including cumulative effects and effects on heritage buildings, and loss of amenity.</p> <p>Efficiency and Effectiveness</p> <p>a. Less efficient and effective as it would not achieve the purpose of the RMA, and in particular the relevant matters in sections 6 and 7.</p> |
| <p>Risk of Acting or Not Acting where there is uncertain or insufficient information</p> | |
| <p>The quantitative evidence supporting, or not, the economic and other benefits of signs is limited. There appears to be no specific quantitative evidence within New Zealand on this matter, only limited international research that isn't promoted by advertising companies to justify their media.</p> <p>The most in depth and credible study appears to be a 192 page book released by the American Planning Association in 2001 titled Context Sensitive Landscape Design, with the fourth chapter examining the economic context of signs. This chapter sets out studies that have examined the economic impact of signs, including:</p> <ul style="list-style-type: none"> • On average, one additional sign installed on a site would result in an increase in annual sales in dollars of 4.75 percent at that site. • One additional sign installed at a site is projected to increase the annual number of transactions by 3.93 percent. • The impact on the average dollar amount spent per transaction as the result of additional signs ranged from \$0.06 US per transaction where one additional 36-square-foot wall sign was added, up to \$0.78 US per transaction where one additional 144-square-foot pole sign was added. • Changes to building signage (e.g., the addition or replacement of wall signs) resulted in an increase in weekly sales per store of 1 to 5 percent from the prior year. | |

- The addition of pole signs and plaza identity signs (e.g., a multitenant sign with Pier 1 Imports identified as a tenant) resulted in a 4 percent to 12 percent increase in weekly sales at the nine sites on which those two types of signs were added. Researchers attribute the increase to the advertising impact on passing traffic.
- The addition of small directional signs indicating ingress and egress routes resulted in weekly sales increases ranging from 4 percent to 12 percent. Researchers attribute the increase in these cases to the signs' ability to guide a site-bound shopper more than any specific advertising effect.

Similarly, a piece of research came out of the University of Cincinnati in 2012 examining the economic value of signs. Column three of the table below sets out the average increase in business performance associated with the perceived impact of signs on business performance:

| Table 7: Perceived Impact of Sign Changes on Business Performance | | |
|--|----------------------|------------------|
| Performance Measure | % Reporting Increase | Average Increase |
| Sales | 65% | 12% |
| Transactions | 62% | 11% |
| Profits | 59% | 9% |
| Staffing | 23% | 6% |

There is, therefore, insufficient information and the information that does exist is uncertain in its relevance to New Zealand.

The risk of acting on this insufficient and uncertain information is that the controls imposed in the district plan will stifle economic development, and therefore will fail to achieve the objective of supporting the Central City recovery. The risk of not acting is an inappropriate weighting towards enabling the potential or perceived economic benefits of additional signs, at the expense of amenity and safety. Neither scenario is acceptable, and a balance must be established between these potentially competing requirements.

The risk of not acting is considered to be greater than acting, because of the potential adverse impact on amenity and safety, and the lack of sufficient non-RMA provisions to address these matters. As discussed earlier in this report, design guidelines and bylaws only address part of the issues identified by the Council.

APPENDIX 1: SECTION 32 OBLIGATIONS

32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
 - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
 - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
 - (a) the provisions and objectives of the amending proposal; and
 - (b) the objectives of the existing proposal to the extent that those objectives—
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
 - (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
 - (b) at the same time as the proposal is publicly notified.
- (6) In this section,—

objectives means,—

(a) for a proposal that contains or states objectives, those objectives:

(b) for all other proposals, the purpose of the proposal

proposal means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:

(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

APPENDIX 2: ANALYSIS OF OUTDOOR ADVERTISING RELATED RESOURCE CONSENTS THROUGH 2004-14

Between 2004 and 2014, 1003² resource consent applications included outdoor advertising. Approximately 90% (897) of these consents were processed and granted on a non-notified basis.

In reviewing the operative provisions, this information leads to the following questions:

- Whether this number of consents should have been generated in the first place?
- Are operative consenting thresholds (by way of permitted standards) appropriate?

Distribution of the 897 non-notified consents by zone

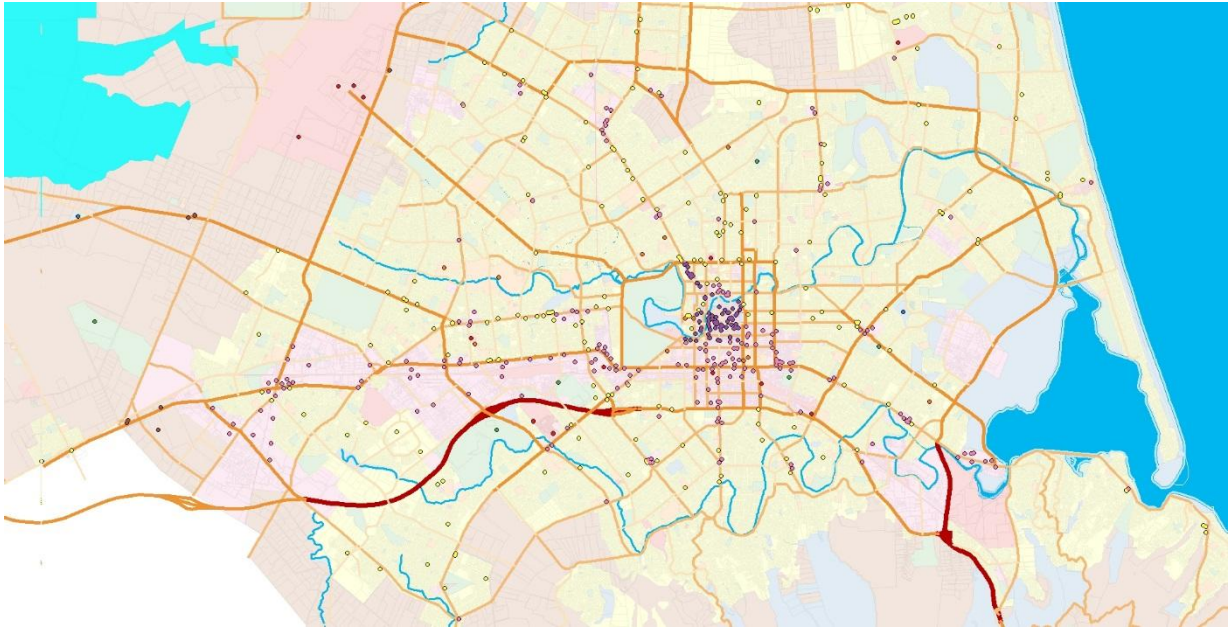
| | | | |
|-------|------------------------|-------|-----------------------------|
| 24% | in L1 (13%), L2& L3 | (217) | |
| 14.4% | in ccb | (129) | |
| 9.3% | in cc mixed use | (83) | 24% (combined central city) |
| 10.5% | In business zone 2 | (95) | |
| 7% | in business zone 1 | (64) | |
| 9.5% | in suburban industrial | (85) | |

The analysis of resource consent data from the last 10 years shows that the highest generators by zone are residential zones including almost a quarter (24%) of the non-notified outdoor advertising consents. This is as many outdoor advertising resource consents as those generated in Central City Business (CCB) and Central City Mixed Use (CCMU) zones combined. Central City may be expected to generate outdoor advertising consents due to the high intensity of commercial and transport activity set against a large number of sensitive high amenity heritage and civic features and public spaces.

Residential zones however do not include intensive commercial activity therefore could be an unexpected high generator. The conversations with the processing planners and the geographical mapping suggest that the majority of the resource consents in living zones are generated along busy arterial roads and many are related to child care, medical care and visitor accommodation activities.

The proposed Residential Chapter in the Replacement District Plan specifically allows for child care, medical care, veterinary care, educational and assembly activities located within residential zones to include signage up to 1m². This may be expected to reduce the number of resource consents for outdoor advertising in residential zones. As part of Phase 2 Replacement District Plan chapters, a new Visitor Accommodation and Community Facilities zone is proposed along part of Riccarton Road, Bealey Avenue and Papanui Road. This is also likely to reduce high resource consent generation in residential zones.

² Appendix X



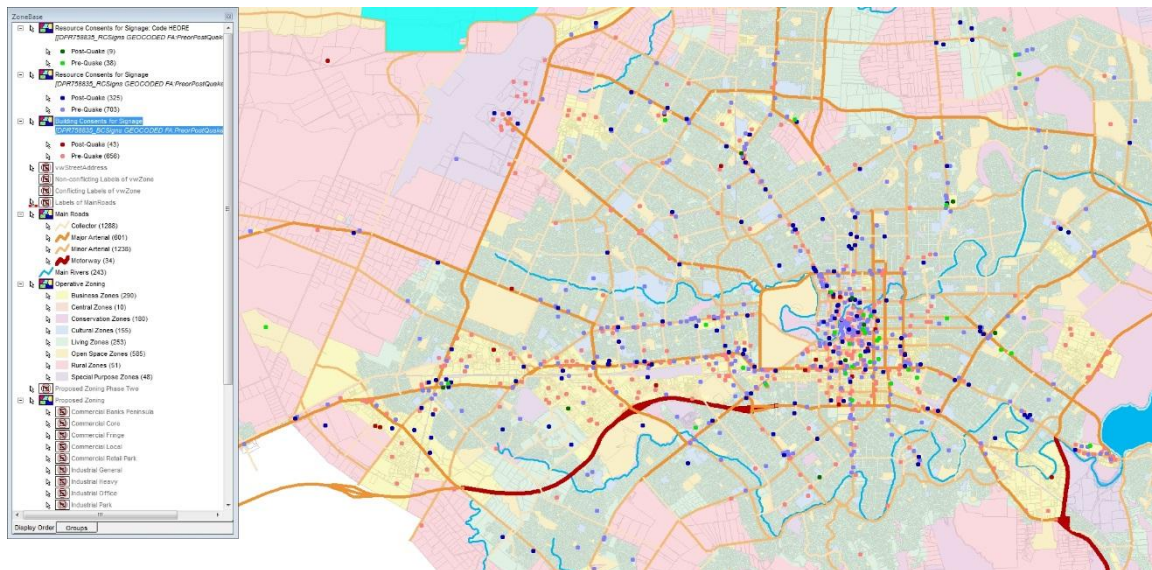
Geographical mapping of Resource Consents 2004-2014 coloured by zone. Yellow is for residential zones, pink is for commercial zones.

There are significantly more outdoor advertising resource consents in residential zones immediately around Key Activity Centres and along three busy arterial roads, Riccarton Road, Papanui Road and Bealey Avenue. All Key Activity Centres include a commercial core (B2 in the operative plan) zone which ranks third in generation of outdoor advertising resource consents. It can therefore be suggested that Key Activity Centres are the largest source of non-notified resource consent generation (accounting for about a third of the total) for outdoor advertising both in their vicinity and along the linkages between them.

Outside the Central City, a small number of direct regional links out of the city, Blenheim Road (continuing to Main South Road), Riccarton Road, Papanui Road (continuing to Harewood Road) together with immediately south of Central City contain the largest concentration of outdoor advertising related resource consents.

Both pre and post-earthquake resource consents are located in the same nodes and corridors with the exception of southwest and north of the city showing more resource consents in a less concentrated distribution post earthquakes, which is likely the result of temporary business relocation into suburban residential areas.

Subject to more detailed analysis, it is rational for key activity centres and the key linkages between them to be high resource consent generators as these locations are in close proximity to if not bordering residential zones and include a high intensity of commercial activity and transport movement.



Mapping of resource consents and building consents for outdoor advertising Orange indicated building consent, blue indicates resource consent.

The location of building consents demonstrate where outdoor advertising activity is established in accordance with the operative rules.

Where there are many building consents without resource consents, this may suggest that the current rules are not un-realistic and hence not challenged. The mapping therefore indicates that the operative provisions work well in the living zones and business zones that are outside central city and not on key arterial roads.

Where there are many resource consents that are processed without notification, this may suggest either that:

1. The rules are not realistic and the thresholds are too low or
2. The assessment matters and the administration of the plan require revision to adequately address adverse effects arising from the over-size/height sign applications.

It is found that:

1. Rules are not realistic and the thresholds are too low for specific activities such as medical, educational care, assembly activities in residential zones.
2. Administration of the plan require revision to adequately address adverse effects arising from non-site related and over size signs (also referred to as billboards) as well as painted walls.



3.3.8 Aircraft Protection

3.3.8.1 Statutory Context for the Central City Aircraft Protection provisions

The Christchurch Central Recovery Plan (CCRP) does not include directions relevant to aircraft protection.

3.3.8.2 Review of Aircraft Protection Provisions for the Proposed Replacement District Plan

The section 32 report for Chapter 6 General Rules and Procedures covers the broader resource management issues for the District relating to aircraft protection and the reasons for including rules addressing these matters in more detail. That report is relied on as part of this section 32 evaluation for the Central City provisions.

Christchurch International Airport's protection surfaces have been adjusted slightly from their location in the operative Plan to reflect earthquake-related movement of the runways.

3.3.8.3 Issues Specific to Central City Aircraft Protection

Christchurch International Airport's protection surfaces cover most of the southern part of the Central City. The associated provisions prohibit buildings, trees or utilities that penetrate the airspace of aircraft approaching or departing from the airport. In practice, however, the surfaces are more than 250m above the Central City and do not significantly impact development. They are included for the sake of completeness.

3.3.8.4 Proposed Changes for Central City Aircraft Protection

The Central City provisions reflect the General provisions where these are relevant to the Central City. Therefore, the rules and standards that apply to the applicable protection surfaces in the Central City are the same as for the remainder of the District.

3.3.8.5 Order in Council and Strategic Directions

In line with the Statement of Expectations in the Order in Council and Strategic Directions objectives 3.3.1 and 3.3.2, the section has been developed to have an enabling framework. Airport protection surfaces are extremely unlikely to generate consents in the Central City.

3.3.9 Sale of Alcohol

3.3.9.1 Statutory Context for the Central City Sale of Alcohol provisions

The Christchurch Central Recovery Plan (CCRP) updated the operative District Plan provisions relating to Sale of Liquor to a minor extent changing the way that the rule is applied.

In the operative City Plan for the rest of the District, sale and supply of alcohol from on-licences after 11pm is a restricted discretionary activity on a site zoned residential or on a site adjoining a site zoned residential. The CCRP adjusted the rule to apply to sites within 75m of a residential site in the Central City.

3.3.9.2 Review of Sale of Alcohol for the Proposed Replacement District Plan

The section 32 report for Chapter 6 General Rules and Procedures covers the broader resource management issues relating to sale of alcohol for the District and the reasons for including rules addressing these matters in more detail. That report is relied on as part of this section 32 evaluation for the Central City provisions.

That report adopted the Central City application of the rule (75m rather than on or adjoining a residential zone) for the remainder of the District and proposed retaining the operative City plan hours (11pm to 7am) because, until the Local Alcohol Policy is adopted, the default national trading hours permit sale of alcohol until 4am. This is not considered to be appropriate outside of identified entertainment and hospitality precincts, even in the Central City.

3.3.9.3 Issues Specific to Central City Sale of Alcohol

The CCRP identifies two entertainment and hospitality precincts (Category 1 and Category 2) and includes objectives and policies to direct entertainment and hospitality activities towards those precincts. The Noise provisions permit higher night-time noise levels in Category 1 precincts until 3am and Category 2 precincts until 1am except for Victoria Street precinct which has an 11pm cut-off time. This approach has been adopted in the proposed noise provisions for the Central City chapter without modification.

The proposed Local Alcohol Policy also has a 1am cut-off for Category 2 precincts, a 3am cut-off for taverns, bars, pubs and clubs in Category 1 precincts and a 4am cut-off for nightclubs in Category 1 precincts. Although this policy has not yet been adopted, the proposed policy has resulted from extensive consultation with the community and other stakeholders.

3.3.9.4 Proposed Changes for Central City Sale of Alcohol

It is proposed to retain the CCRP application of the rules but to increase the cut-off times for the Category 1 and Category 2 precincts to be consistent with the Central City noise provisions and the proposed Local Alcohol policy (i.e. permitting later hours in the identified noise and entertainment precincts).

An objective and policy are proposed for Central City Sale of Alcohol because the operative and proposed replacement District Plan General Rules and Procedures

Chapter provisions relied on objectives and policies in the Strategic Directions chapter which were removed in the decision on that chapter (i.e. proposed Objective 3.6.6 Amenity, health and safety "The health and safety of the district's residents is protected, and the amenity values they enjoy are protected or enhanced including new activities and development do not create significant health, nuisance or other adverse effects for people or the environment".)

As a result, it is proposed to introduce an objective and policy specific to the Sale of Alcohol in the Central City as follows:

13.14.8.1.1 Objective - Late-night sale and supply of alcohol

- a. The adverse effects of late-night sale or supply of alcohol on residential amenity, particularly sleep disturbance and alcohol-related anti-social behaviour, are avoided, remedied or mitigated.

13.14.8.1.1.1 Policy – Entertainment and hospitality precincts

- a. Late-night sale of alcohol from on-licences should be located within entertainment and hospitality precincts and avoided or its effects remedied or mitigated when located in close proximity to residential areas.

There is also a Central City chapter policy relating to retail and commercial activity (Policy 13.1.2.1) regarding "providing for entertainment and hospitality activities in identified precincts and managing the extent to which these activities can occur outside of the identified precincts".

The proposed objectives, policies and rules are the most appropriate way to achieve the purpose of the Act because they clarify the purpose of the provisions to reduce adverse noise and other amenity effects from late-night sale of alcohol in close proximity to residential areas. They are also more consistent with the objectives and policies of the CCRP to direct late-night entertainment and hospitality activities into identified precincts than the operative Plan objectives and policies.

An alternative approach would be to rely on noise provisions to restrict where these activities can locate. However, this would require a noise assessment by an acoustic engineer both to establish the suitability of the location and to enforce the provisions. The proposed sale of alcohol rules are a simpler and more efficient way to manage these activities at the residential interface before issues are created.

3.3.9.5 Order in Council and Strategic Directions

In line with the Statement of Expectations in the Order in Council and Strategic Directions Objective 3.3.1 and 3.3.2, the section has been developed to support the recovery of the Central City commercial areas through direction of late-night hospitality and entertainment into identified precincts and to protect residential amenity values. Later hours are permitted compared with the operative Plan in the Central City precincts in line with the CCRP and proposed Local Alcohol Policy.

3.3.10 Public Safety and Emergency Services

3.3.10.1 Statutory Context for the Central City Public Safety and Emergency Services provisions

The Christchurch Central Recovery Plan (CCRP) does not include directions relevant to the provision of access for firefighting appliances or for water supplies for firefighting.

3.3.10.2 Review of Public Safety and Emergency Services provisions for the Proposed Replacement District Plan

In the Crown submission on Stage 1 of the Review, additional provisions were sought for a number of zones requiring compliance with the New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008). Rather than repeating this requirement in every zone, a new subsection of the General Rules proposal was created.

The section 32 report for Chapter 6 General Rules and Procedures covers the broader resource management issues relating to provisions for firefighting for the District and the reasons for including rules addressing these matters in more detail. That report is relied on as part of this section 32 evaluation for the Central City provisions.

3.3.10.3 Issues Specific to Central City Public Safety and Emergency Services

There are not considered to be any issues specific to the application of these provisions in the Central City.

3.3.10.4 Proposed Changes for Central City Public Safety and Emergency Services

The same provisions for the District are proposed to apply to the Central City.

3.3.10.5 Order in Council and Strategic Directions

In line with the Statement of Expectations in the Order in Council and Strategic Directions Objectives 3.3.1 and 3.3.2, the section has been developed to assist in the recovery of the District by meeting the community's immediate and longer term needs for social wellbeing (i.e. public safety). The proposed section is also consistent with Strategic Directions Objective 3.3.13 Emergency services and public safety: "Recovery of, and provision for, comprehensive emergency services throughout the city, including for their necessary access to properties and the water required for firefighting."

3.4 Central City - Natural Hazards - Section 32 Report

Background and strategic context

There has been a significant change in the approach to natural hazards and how they are dealt with in the district since the City's recent earthquakes. The earthquakes damaged buildings and land and resulted in significant loss of life and serious injury in the Central City; it also hugely affected the psychology and social cohesion of the City. Being the single worst affected part of the District, the City came to be described as a donut with the Central City the hole.

The Central City is going through a period of significant redevelopment and rebuild, and is progressively re-opening for business. District Plan provisions that assist the rebuild rather than adding to delays are preferred, provided they are consistent with the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 and the Resource Management Act 1991.

The Central City Recovery Plan (CCRP) directed significant changes to the operative City Plan. However, those changes did not include natural hazards. This means that provisions in the operative City Plan in respect to flood management areas continue to apply. These provisions have been through a variation process which is described in the original Natural Hazards Section 32 Report for the District as a whole. Further modelling and improved LiDAR information has meant that it is now appropriate to update the flood mapping and the provisions that apply.

In addition, given the significant occurrence of liquefaction in the Central City and the considerable land and building damage that resulted, it is important that the risks associated with rebuilding on liquefiable soils are recognised and appropriate mitigation measures considered.

Scope

It is noted that the Central City primarily covers natural hazards associated with flooding and geotechnical hazard (liquefaction). There are no flood ponding areas identified in the central city, no hill slope instability issues (as per the Port Hills in the Natural Hazards Chapter) and no high flood hazard areas. In addition, being some distance from the coast the Central City is unlikely to be directly affected in the next 100 years from coastal erosion or sea water inundation from storm surge. Only a very small proportion of the Central City Floor Level and Fill Management Area have proposed finished floor levels incorporating an allowance for sea level rise. This occurs on part of the Avon River between Barbadoes Street and Fitzgerald Avenue where some minimal tidal effects occur.

Changes include:

- Extension of the flood management area previously identified for the Central City. The incorporation of the Bells Creek Model in March/April 2015 along with the Avon Model and Dudley Creek Model provided in Stage 1 of the proposed Christchurch Replacement District Plan (pRDP) has resulted in a larger area of the Central City being included within the 1 in 200 year rainfall event flood levels than previously shown.
- Identification of Liquefaction Assessment Area 1 (LAA1) over the Central City (this was removed from consideration in Stage 1 pRDP proposals to enable a comprehensive Central City document to be prepared at a later stage).

New flood hazard modelling of the Avon and Halswell catchments has identified areas susceptible to high flood hazards including areas adjacent the estuary affected by tidal inundation and not covered by the catchment models.

Summary of Contents of Central City Natural Hazards Section

The Central City - Natural Hazards Section addresses the following:

- General objectives and policy direction to guide use and development of land for the purpose of avoidance and mitigation of natural hazards in the Central City;
- Provisions for mitigation of flooding in a 1 in 200 year event;
- Provisions in respect to repair of earthquake damaged residential land;
- Provisions for managing the risks associated with geotechnical hazard particularly liquefaction;
- Planning maps identifying the Central City within liquefaction assessment Area 1;
- Planning maps identifying parts of the Central City likely to be subject to flooding in a 1 in 200 year event (Floor Level and Fill Management Area); and
- Provisions controlling subdivision and new buildings in High Hazard Flood Management Areas.

Evaluation considerations

There are three key pieces of legislation that require the Council to control the effects of natural hazards in New Zealand:

- The Civil Defence Emergency Management Act 2002 (CDEM);
- The Resource Management Act 1991 (RMA); and
- The Building Act 2004 (BA).

The CDEM and BA operates alongside the RMA in respect to land use planning for the avoidance and mitigation of the effects of natural hazards.

Like the Natural Hazards Chapter itself there is significant higher order direction from:

- New Zealand Coastal Policy Statement 2010;
- Recovery Strategy for Greater Christchurch 2012;
- Canterbury Regional Policy Statement 2013 (CRPS); Land Use Recovery Plan 2013;
- The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

Under the RMA, the NZ Coastal Policy Statement (NZCPS) and the Canterbury Regional Policy Statement (CRPS), subdivision, use and development must avoid or mitigate the effects of natural hazards. The BA has similar responsibilities in respect to building consents on land subject to natural hazards.

In terms of this district plan review the general approach to the management of land in a way that avoids or mitigates the effects of natural hazards will be no different inside and outside the Central City. Therefore there is generally no difference in the provisions in relation to natural hazards inside or outside the Central City. The Section 32 Report for Chapter 5 Natural Hazards covers the broader resource management issues for the District relating to natural hazards and reasons for including rules addressing these matters in more detail. That report is relied on as part of this Section 32 Report for the Central City natural hazard provisions. However there are additional issues to be considered as a result of:

- The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 which was released after the original Section 32 Report for natural hazards was drafted and contains amongst other things, the Statement of Expectations.
- The Strategic Directions decision released by the Independent Hearings Panel on 26 February 2015.
- Issues raised during the hearing of Stage 1 Natural Hazards Proposal (Part), particularly:
 1. Certification, and whether such an approach for setting floor levels can assist in better meeting the primary strategic directions objectives 3.3.1 and 3.3.2 (decision of Independent Hearings Panel) and hence the Statement of Expectations.

Statement of Expectations

The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 modifies the Resource Management Act 1991 (RMA) to provide a streamlined process for the review of the Christchurch City and Banks Peninsula District Plans and preparation of a Replacement District Plan. The Order states that the Council must have particular regard to the Statement of Expectations (Schedule 4 of the order).

The relevant expectations for the Central City Natural Hazards section include:

- (a) *clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans) —*
 - (i) *reliance on resource consent processes; and*
 - (ii) *the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
 - (iii) *the requirements for notification and written approval:*
- (b) *contains objectives and policies that clearly state the outcomes that are intended for the Christchurch district:*
- (c) *provides for the effective functioning of the urban environment of the Christchurch district, reflecting the changes resulting from the Canterbury earthquakes, including changes to population, land suitability, infrastructure and transport:*
- (d) *facilitates and increase supply in housing, including by-*
 - ...
 - (iv) *having regard to constraints on environmental and infrastructure capacity, particularly with respect to natural hazards;*
 - ...
- (h) *sets a clear direction on the use and development of land for the purpose of avoiding or mitigating natural hazards:*
 - (i) *uses clear, concise language and is easy to use.*

An evaluation of how this proposed section for the Central City chapter will meet these expectations is provided below:

Overall the provisions proposed in the Central City Natural Hazards section respond to the above expectations as follows:

- a. The Central City Natural Hazards section contains provisions necessary to set a clear direction on the use and development of land for the purpose of

avoiding or mitigating natural hazards (clause h above) and contains objectives outlining clear outcomes of:

- Reduced risk from natural hazards.
 - Increased public awareness of natural hazards.
 - A recovery process where repair of earthquake damaged residential land is facilitated.
- b. This Natural Hazards section of the Central City chapter does not reduce the reliance of resource consent processes compared with the existing district plans, but note assessment later in respect to certification.
 - c. It does clearly articulate provisions in the Floor Level and Fill Management Areas and High Flood Hazard Management Areas in comparison with existing district plans.
 - d. Requirements for notification and written approvals are reduced in terms of recession plane controls. Non notification, including not requiring written approvals, is provided for where floor levels are raised to comply with minimum floor level requirements in the Floor Level and Fill Management Areas within the Central City.

Provides for the effective functioning of the Central City through rules and assessment matters aimed at mitigation of flooding impacts on buildings and requiring determination of land suitability through investigation, assessment, and mitigation (ground improvement or building/layout design) for land potentially subject to liquefaction.

Strategic Directions

The Strategic directions chapter provides the overarching direction for the district plan, including for developing other chapters within the Plan, and for subsequent implementation and interpretation; and has primacy over the objectives and policies in the other chapters of the Plan. The objectives and policies in the other chapters (such as this Central City chapter) must be expressed and achieved in a manner consistent with the objectives of the Strategic Directions chapter.

Objectives, Policies and Rules in the Central City Natural Hazards Section

The objectives and policies and rules from the Natural Hazards proposal have been cross references. Most of these objectives, policies and rules have been through a submission and hearing process in Stage 1, including planners caucusing and presentation of evidence and submissions. However, it should be noted that the Panel had not issued a decision so they may take a different view from that suggested by the planners, other witnesses or submitters. It is further noted that the Natural Hazards (Part) hearing was adjourned, rather than closed, and further directions from the Panel can occur.

There are three section 32 documents that should be read in conjunction with this Section 32 Report:

1. Section 32 - Natural Hazards Chapter (Part). This Section 32 Report accompanied the notified Natural Hazards Chapter – August 2014.
2. Supplementary Report to Section 32 Report supporting notified Natural Hazards proposal – 6 March 2015.
3. Supplementary Report (2) to the Section 32 Report supporting the Natural Hazards (Part 2) proposal - 25 July 2015.

The first is the original Section 32 Report to accompany the notified Stage 1 provisions (to which a hearing has been held), the second is a brief evaluation of the Council's updated

position after planner caucusing (this occurred during the hearing) and the third report evaluates the second part of the Natural Hazards proposal notified on 25 July 2015.

The objectives and policies are implemented through:

1. Planning maps, using overlays to determine where areas are likely to be affected by a 0.5% Annual Exceedance Probability (AEP) rainfall flood event and a 0.2% AEP rainfall flood event, and the location of the Central City entirely within Liquefaction Assessment Area 1.
2. Rules permitting activities (such as small incidental buildings including garages and some accessory buildings, utilities).
3. Rules requiring resource consent (for example for new buildings) in order to set an appropriate minimum floor level, and additional assessment matters for subdivision of vacant lots and residential intensification.
4. Measures outside the plan, including MBIE guidelines, other industry led best practice documents and other statutes such as the Building Act (building code) and the Civil Defence and Emergency Act.

Research and Technical Advice Informing Central City - Natural Hazards Section

The Council has commissioned technical advice and assistance from various external experts and utilised this, along with internal workshops and stakeholder feedback, to assist with setting the proposed natural hazards framework and the proposed provisions. This is included in the original Section 32 Report for Natural Hazards, including an extensive bibliography (See Section 1.3 page 8-10 and Appendix 2 of the original Section 32 Report).

Key documents of particular relevance to the Central City Natural Hazards are:

| | Title | Author |
|----|---|--|
| 1, | Woolston Hydraulic Model and Flood Hazard Mapping Update Summary. | Jacobs April 2015 |
| 2. | Review of Liquefaction Assessment Hazard Information in Eastern Canterbury, Including Christchurch City and Parts of Selwyn, Waimakariri and Hurunui Districts. | ECan Technical Report R12/83.Dec 2012 |
| 3. | Recommendations of the Royal Commission of Inquiry into the Canterbury Earthquakes, Reports Volume 5 Summary and Recommendations. | Royal Commission of Inquiry into the Canterbury Earthquakes |
| 4. | Avon River Sea Level Rise Investigation. | DHI, for the Christchurch City Council, March 2014 |
| 5. | Climate Change Case Study: Assessment of the Impacts of Sea Level Rise on Floodplain Management Planning for the Avon River. | Harris Consulting in conjunction with the Christchurch City Council (2003) |
| 6. | Revised Guidance on Repairing and Rebuilding houses Affected by the Canterbury Earthquake Sequence: Parts A-D. | DBH2011 - MBIE2012 |
| 7. | Managing Natural hazards in New Zealand, towards more resilient communities: - a thinkpiece. | LGNZ 2014 |
| 8. | Protecting New Zealand from Natural Hazards | Insurance Council of New Zealand, October 2014 |
| 9. | Christchurch City High Flood Hazard District Plan | DHI, for the Christchurch City Council, |

| | | |
|-----|--|---|
| | Review | Nov 2014 |
| 10. | Christchurch City High Flood Hazard District Plan Review | DH I Water and Environment Ltd Nov 2014 |

Scale and significance evaluation

The level of detail undertaken for the evaluation of the proposed District Plan provisions has been determined by an assessment of the scale and significance of an issue affected by the proposed District Plan provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the issue being considered. In making this assessment regard has been had to the following, namely whether the provisions:

- a. are of regional or city wide significance;
- b. impede or promote the city's recovery;
- c. adversely affect people's health and safety;
- d. result in a significant change to the character and amenity of local communities;
- e. have effects on resources that are considered to be a matter of national importance in terms of s 6 of the Resource Management Act;
- f. adversely affect those with particular interests including Maori (consideration needs to be given to whether there is certainty of effects based on the availability of information to assess benefits and costs);
- g. limit options for future generations to remedy effects;
- h. whether the effects have been considered implicitly or explicitly by higher order documents; and
- i. whether the provisions include regulations or other interventions that will impose significant costs on individuals or communities.

The level of evaluation able to be undertaken through this Section 32 Report has been significantly influenced by the truncated process and timeframe for the DPR. However, in response to the matters above, the scale and significance of the effects associated with this proposal are:

- Of regional and city wide significance and will impose significant costs on individuals or communities given that the flooding provisions implement the Canterbury Regional Policy Statement Chapter 11 Natural Hazard policies in terms of mitigation of flooding in a 1 in 200 year event through raising floor levels and will impose costs on the Central City community. The liquefaction provisions require more rigorous investigation, assessment and mitigation requirements but generally confirm post-earthquake approaches and guidelines already being adopted. Increased costs for assessment and mitigation are likely to be built into costs of development and passed on to the community.
- In general, positive for long term recovery and future resilience of the Central City.
- Are aimed at reducing risk to people, property and infrastructure from natural hazards and hence primarily aimed at people's wellbeing and health.
- The liquefaction and flood mitigation provisions and overall natural hazard policies do have the potential to result in significant change to the character and amenity of local communities. Including, for instance, streets with houses, commercial buildings and/or community facilities with raised floors, and changes to location or design of new apartment development/brown field development.

The objectives, policies and rules are evaluated in the original Section 32 Report of the Natural hazards chapter and the Supplementary Report dated March 2015 mentioned above. That evaluation is also relevant to the Central City - Natural Hazards Section. The

brief evaluation below focuses on those provisions which are specific to the Central City and on any changes since notification of Stage 1.

Policy and rule evaluation – options

The notified Section 32 Report focused on three potential options for natural hazards provisions. The first option was keeping the provisions in the existing operative plans as they are (i.e. "rolling them over"). The second was amending the objectives, policies and rules by updating them and changing provisions to meet new higher order statutory documents. The third was taking a greater/lesser regulatory approach.

In determining whether the proposed policies, rules or methods are the most appropriate way to achieve the objectives it is necessary to first state those relevant objectives, in the decisions released by the Independent Hearings Panel on the Strategic Directions Proposal.

Relevant Strategic Directions objectives:

3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district

The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:

- a) Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport and social and cultural well-being; and*
- b) Fosters investment certainty*
- c) Sustains the important qualities and values of the natural environment*

3.3.2 Objective - Clarity of language and efficiency

The District Plan, through its preparation, change, interpretation and implementation:

- (a) Minimises:*
 - (i) transaction costs and reliance on resource consent processes; and*
 - (ii) the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
 - (iii) the requirements for notification and written approval; and*
- (b) Sets objectives and policies that clearly state the outcomes intended; and*
- (c) Uses clear, concise language so that the District Plan is easy to understand and use.*

Central City - Natural Hazards Objectives

13.15.1.1 – Objective – Reduced Risk in the Central City

- a. The risk to people, property and infrastructure in the Central City from natural hazards is reduced to acceptable levels.

13.15.1.2 – Objective – Awareness of natural hazards

- a. Increased public awareness of the range and scale of natural hazard events that can affect the Central City.

13.15.1.3 – Objective – Repair of earthquake damaged land

- a. Repair of earthquake damaged land in the Central City is facilitated as part of the recovery.

Natural hazard provisions in the pRDP are expected to play a key role in the recovery of Christchurch post-earthquakes, and in the longer term. The policies and associated rules provide certainty to industry, individuals and insurance companies about the necessary

considerations and constraints that come with building in the Central City. The provisions are enabling, providing for mitigation of the risks associated with flooding and liquefaction. The planning maps indicate the areas affected by the 1 in 200 year flood event and will enable future planning to go ahead with the knowledge of which areas will be required to raise floor levels or provide alternative mitigation measures. Liquefaction is identified as a clear constraint in the Central City, and thorough investigation and assessment will ensure future building in the Central City is more resilient. Over time these provisions will result in rebuilding back better, foster investment over the long term and support future enhancement of the district and the Central City. It is considered that the provisions proposed for the Central City are consistent with strategic direction objective 3.3.1.

Objective 3.3.2 requires clarity of language and efficiency, including reduction in reliance on resource consent processes, less reliance on notified applications and written approvals requirements, and clearly stated objectives and policies. This issue has already been assessed above under the Statement of Expectations. It is considered that the proposal meets the intent of the objective, while not actually reducing reliance on resource consent processes. An assessment of the certification process proposed by the Panel during the Stage 1 Natural Hazards hearing is provided below as part of consideration of Option 3. A certification process could be said to reduce reliance on resource consent processes.

Option 1: Rollover existing natural hazard provisions.

This option was not considered appropriate for the reasons provided in the original Section 32 Report. The operative plan that covered the Central City was considerably out of date and would not give effect to the higher order statutory documents particularly in respect to the recovery expectations. Being pre-earthquake it would in particular, not achieve the strategic objectives or 3.3.1 above or the relevant Natural Hazards Objectives.

Option 2: Amend the natural hazard provisions to provide for the provisions in the higher order post-earthquake statutory documents and update using post-earthquake LiDAR information, new scientific understanding of sea level rise and climate change, and hazard modelling.

Natural hazard provisions in the pRDP are expected to play a key role in the recovery of Christchurch post-earthquakes, and in the longer term. The policies and associated rules provide certainty to industry, individuals and insurance companies about the necessary considerations and constraints that come with building in the Central City. The provisions are enabling, providing for mitigation of the risks associated with flooding and liquefaction. The planning maps indicate the areas affected by the 1 in 200 year flood event and will enable future planning to go ahead with the knowledge of which areas will be required to raise floor levels or provide alternative mitigation measures. Liquefaction is identified as a clear constraint in the Central City, and thorough investigation and assessment will ensure future building in the Central City is more resilient. Over time these provisions will result in rebuilding back better, foster investment over the long term and support future enhancement of the district and the Central City. It is considered that the provisions proposed for the Central City are consistent with strategic direction objective 3.3.1.

Objective 3.3.2 requires clarity of language and efficiency, including reduction in reliance on resource consent processes, less reliance on notified applications and written approvals requirements, and clearly stated objectives and policies. This issue has already been assessed above under the Statement of Expectations. It is considered that the proposal meets the intent of the objective, while not actually reducing reliance on resource consent processes. An assessment of the certification process proposed by the Panel during the Stage 1 Natural Hazards hearing is provided below as part of consideration of Option 3. A certification process could be said to reduce reliance on resource consent

processes.

In respect to Natural Hazards Objectives reference is made to the evaluation in the original Section 32 Report and minor amendments discussed in the Supplementary Report of March.

Option 3: Greater / Less Regulation in terms of the Rules Package

Both the Statement of Expectations and the Strategic Directions Objectives post-date the original Section 32 Report. The provisions in these statutory documents emphasise less regulatory processes such as reduced reliance on resource consent processes. In addition, in assessing that issue during the Stage 1 Natural hazards hearings the Panel indicated that a certification process could be used instead of resource consent processes for the setting of floor levels and evidence was requested from the various experts (see either the CCC DPR website or the Independent Hearings Panel site for supplementary evidence in relation to this matter from Ms Iris Brookland in relation to setting floor levels, in addition the transcripts contain information from the hearing).

Certification

The Independent Hearings Panel sought a means to enable floor levels to be set outside the resource consent process (particularly, but not necessarily exclusively for those areas outside the fixed minimum floor overlay which were provided for as permitted activities). It is noted that there is no fixed minimum floor overlay in the Central City proposed at this time, which is explained in more detail below, and hence no permitted rule for minimum finished floor levels. In terms of Option 3 it is considered appropriate to evaluate certification as it is a method potentially able to reduce regulation and effectively reduce the need for property owners to obtain a restricted discretionary resource consent when building in the FLFMA.

Certification may be able to better meet the Statement of Expectations and Strategic Directions objective 3.3.2 outlined above. The question is whether the process will amount to a resource consent process by another name.

The brief table below summarises the main differences anticipated through a certification process for setting floor levels compared with a resource consent process.

| | Requirements & parameters | Certification | Resource Consent |
|---|--------------------------------------|---|---|
| 1 | Council application fee ¹ | √ | √ |
| 2 | Reliance on Council modelling | √ | √ |
| 3 | Council administering process | √ (highly likely, can be contracted out) | √ (highly likely, can be contracted out) |
| 4 | Certainty | √ (as a permitted activity perception of certainty greater) | √ (no floor level applications are declined if Council set level is accepted) |
| 5 | Built in time frame for issue | √ (could be set shorter time frame) | √ (20 working days) |
| 6 | Expiry date | √ (to be set as part of process, but possibly much shorter) | √ (5 years lapsing period under RMA) |
| 7 | Setting up costs for Council | √ | X (processes already in place) |
| 8 | Information requirements | √ (but will likely be less) | √ (an actual development proposal required) |

¹ Both these processes can potentially have a policy around fees and exemptions to fees.

No Fixed Minimum Floor Level in Central City

At this time the modelling of the Avon catchment is being revised with the addition of the Bells Creek Model. This model is pluvial, rather than fluvial as per the Avon Model. This means it captures the effect of rainfall events outside the main stems of rivers and streams and adds to the robustness of the flood modelling already in place, by identifying areas outside the main stems of rivers that will flood in a major event i.e. a 1 in 200 year rainfall event. The area of the Floor Level and Fill Management Area has increased as a result of this additional modelling. However, as the modelling is new, verification is required in the areas captured by the model to ensure that the set levels will be neither too high nor too low, and as a result there are no fixed areas proposed.

High Flood Hazard Management Areas in Specific Purpose Flat Land Recovery zone.

The Central City Natural Hazards provisions include a policy and rules that reflect the direction in Policy 11.3.1 of the Canterbury Regional Policy Statement to avoid new subdivision, use and development in areas of high flood hazard. Controls apply to High Flood Hazard Management Areas where they occur in Central City Residential Zones where the depth or velocity of flood waters has the potential to present a high risk to life and property.

3.5 Central City Hazardous Substances and Contaminated Land

The following evaluation is of the Proposal for the Central City Hazardous Substances and Contaminated Land.

The purpose of the Hazardous Substances and Contaminated Land section of the Central City Chapter is to provide current best practice to achieve consistency with current legislation and good environmental outcomes.

Hazardous substances are controlled by the Hazardous Substances and New Organisms Act (HSNO) 1996. With regard to the management of contaminated land the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the “NES”) provides requirements for substances in soil which could be hazardous to human health. Both legislations need to be reflected in District Plans.

Section 30 and 31 of the Resource Management Act (RMA) 1991 provides for both regional councils and territorial authorities to control any actual and potential effects of the use, development or protection of land. This includes preventing or mitigating adverse effects of the storage, use, disposal or transport of hazardous substances.

The Canterbury earthquakes in 2010 and 2011 caused damage to land throughout the city. Since 2012, as properties throughout the city are assessed, the Earthquake Commission (EQC) has been settling claims to Canterbury residential property owners. As a result of their assessment, some repairs may be required of earthquake-damaged land. NES Operational Measures consisting of consenting guidance and templates were developed by the Council, in conjunction with the Regional Council, EQC and the Ministry for the Environment (MfE). These non-regulatory operational measures also help achieve the objective and policies for the management of contaminated land but are inappropriate to be included in the Plan. These documents are available at the Council website.

The Christchurch Central Recovery Plan is silent on its approach to managing contaminated land and the use, storage, disposal or transport of hazardous substances. The general approach to managing contaminated land and the use, storage, transport or disposal of hazardous substances however has no inconsistency and is no different inside and outside the Central City. Refer to Section 32 Report for Chapter 12 Hazardous Substances and Contaminated Land for a more detailed evaluation of the proposed provisions.

The process for the Replacement District Plan is prescribed by the Order in Council made by Government on 7 July 2014. The Order modifies the Resource Management Act 1991 (RMA) to provide a streamlined process for the review of the Christchurch City and Banks Peninsula District Plans and preparation of a Replacement District Plan. The Order states that the Council must have particular regard to the Statement of Expectations (Schedule 4 of the order). The relevant expectations for the use, storage, transport or disposal of hazardous substances include:

- (a) *clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans) —*
 - (i) *reliance on resource consent processes; and*

- (ii) *the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
- (iii) *the requirements for notification and written approval:*
- (b) *contains objectives and policies that clearly state the outcomes that are intended for the Christchurch district:*
- (c) *provides for the effective functioning of the urban environment of the Christchurch district, reflecting the changes resulting from the Canterbury earthquakes, including changes to population, land suitability, infrastructure and transport:*
- ...
- (i) *uses clear, concise language and is easy to use.*

Overall the provisions proposed in the Hazardous Substances and Contaminated Land section of the Central City Chapter respond to the above expectations as follows:

- a. The use, storage, transport and disposal of hazardous substances contain minimum development controls based mainly around acceptable thresholds. Unnecessary controls have been removed where they go beyond these. The exception is with the retail sale of fuel, pipelines used for the transfer of hazardous substances, and wastes in process in the Council's trade waste sewers, waste treatment and disposal facilities, where additional development controls are related to providing certification from a suitably qualified engineer in relation to:
 - i. location and layout of hazardous facility;
 - ii. hazardous facility site design, construction and operation;
 - iii. hazardous facility within High Flood Hazard Areas and Floor Level and Fill Management Areas;
 - iv. storage and use of hazardous substances;
 - v. site drainage systems;
 - vi. hazardous facilities spill containment system; and
 - vii. hazardous facilities wash-down areas