

Further submission for the Memorial Business Park Plan Change

Submitter details:

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The Council **wishes to be heard** in support of its further submission.

Plan provision	Submitter name	Support/ Oppose	Particular parts of submission Council supports/ opposes	Reason for Council's support/ opposition	Decision sought by Council
General	M18: Memorial Avenue Investments Limited Memorial Avenue Investments Limited	Oppose	All Decisions	<p>The relief sought by MAIL is opposed on the basis that it is does not accord with the purpose of the Resource Management Act, is inconsistent with the Recovery Strategy, Christchurch Central Recovery Plan and Land Use Recovery Plan and does not give effect to the Canterbury Regional Policy Statement.</p> <p>The relief sought does not support the function and vitality of the Central City, Key Activity Centres and Neighbourhood centres, particularly the nature and scale of activities sought.</p> <p>The relief sought could also have adverse effects on the environment including (but not limited to) the amenity of the surrounding environment and the transport network.</p> <p>The submission of Memorial Avenue Investments Limited may also be outside the scope of the plan change.</p>	That the submission is rejected in its entirety.
General		Oppose	Decision no. D6 Provision for a broader range and scale of activities that enables a mixed use development of the zone.	The relief sought by MAIL (who made the plan change request) is inconsistent with the Land Use Recovery Plan and Christchurch Central Recovery Plan and does not give effect to the Canterbury Regional Policy Statement. In particular, the relief sought in the submission does not give effect to Objective 6.2.6 and Policy 6.3.6 of Chapter 6 to the Canterbury Regional Policy Statement, which anticipates that greenfield priority	That the submission is rejected in this respect

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				<p>areas are for primarily industrial activities and that new commercial activities are primarily directed to the Central City, Key Activity Centres and neighbourhood centres.</p> <p>The relief sought through the submission effectively permits a commercial centre akin to a Key Activity Centre, which does not support the function and recovery of commercial centres including the Central City. In addition, the development of a commercial centre undermines the role of this greenfield priority area for industrial purposes.</p> <p>The proposal is in a location with poor accessibility by public transport relative to District and most Neighbourhood Centres, and the scale of commercial activities proposed in this location and at other sites in the vicinity (e.g. Christchurch International Airport) has the potential to erode the investment in infrastructure (including public transport) serving locations intended for commercial activity i.e. centres.</p> <p>The relief sought by submission has the potential to adversely affect the function, capacity and safety of the surrounding road network without adequate mitigation. In particular, the proposal does not adequately demonstrate how effects of the changes</p>	

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				sought to the plan change (as sought through submission) on intersections in the surrounding environment will be mitigated.	
16.4.5.1.1 P6 and P7, and 16.4.5.1.3 RD3		Oppose	Decision no. D7, D9, D10, D29 Provision for a supermarket and other retail activities as proposed under new rules P6 and P7 of rule 16.4.5.1.1, RD3 of rule 16.4.5.1.3, and the deletion of rule P7 as notified.	The quantum of retail activity sought by the submission does not support the function, vitality and recovery of the Central City, District or Neighbourhood centres and does not give primacy to the Central City. It is inconsistent with the Christchurch Central Recovery Plan and Land Use Recovery Plan, and does not give effect to the Canterbury Regional Policy Statement. The Section 32 analysis does not provide sufficient evidence to justify the proposed quantum of retail activity or to demonstrate that the effects can be avoided, remedied or mitigated. The identification of a supermarket under the subheading “Industrial” in the Activity Table (Rule 16.4.5.1.1) is also inappropriate. A supermarket is a retail activity, which falls under the definition of ‘Commercial Activities’ in stage 1 of the proposed Replacement District Plan.	That the submission is rejected in this respect
16.4.5.1.1 P8 and 16.4.5.1.3 RD3		Oppose	Decision no. D11, D29 Deletion of activity specific standard for Food and Beverage Outlets	Council opposes the absence of limits sought on hours of operation for Food and Beverage Outlets. The relief sought by MAIL enables activities to operate til later, which could make the zone a night-time destination in its own right.	That the submission is rejected in this respect
16.4.5.1.1 new		Oppose	Decision no. D12, D13, D36	The relief sought is not commensurate with	That the submission is

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P9 and P10, and 16.4.5.1.5 NC7			Provision for Trade suppliers and yard based suppliers	the role of the zone in that it may compromise the anticipated outcome of a high amenity industrial environment as sought in Policy 3 of the Industrial Proposal Provision for trade suppliers and yard based suppliers in this location could have adverse effects including (but not limited to) effects on visual amenity.	rejected in this respect
16.4.5.1.1 P13 – P15 in the submission; P11, P12 as notified, and 16.4.5.1.3 RD4 in the submission		Oppose	Decision no. D15, D16, D17, D18, D30 Provision for office activities in rules P13 to P15 in the submission, the deletion of rules P11 and P12 as notified, and amendments to RD4 of rule 16.4.5.1.3.	The quantum of office activity sought by the submission does not support the function, vitality and recovery of the Central City, District or Neighbourhood centres and does not give primacy to the Central City. It is inconsistent with the Christchurch Central Recovery Plan and Land Use Recovery Plan, and does not give effect to the Canterbury Regional Policy Statement. The Section 32 analysis does not provide sufficient evidence to justify the proposed quantum of office activity or to demonstrate that the effects can be avoided, remedied or mitigated. The proposed activity description for P13 under Rule 16.4.5.1.1 in the submission (being “Office Activity ancillary to P1 – P12”) is also opposed. Phase 1 of the proposed Replacement District Plan defines “Ancillary Office Activity” which provides clarity and certainty on what is ancillary, supporting the achievement of clause (i) of the Statement of Expectations.	That the submission is rejected in this respect and rules P11 and P12 as notified are retained.
16.4.5.1.1 P17		Oppose	Decision no. D20, D34	The relief sought does not give effect to the	That the submission is

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and 16.4.5.1.5 NC3			Provision for Health care facility	<p>Canterbury Regional Policy Statement, particularly Policy 6.3.5 (4) of chapter 6 which states –</p> <p><i>“Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by <u>avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 64); ...”.</u></i></p> <p>“Heath care facilities” are defined as “Noise sensitive activities” in chapter 6 of the CRPS.</p>	rejected in this respect
16.4.5.1.1 P18		Oppose	<p>Decision no. D21 Deletion of activity specific standard (c) to rule P18 in the notified version of the request</p>	<p>The relief sought to delete activity specific standard (c) does not give effect to Policy 6.3.5(4) of Chapter 6 to the Canterbury Regional Policy Statement in that guest accommodation will not be designed, constructed and operated to a standard that mitigates the effects of noise from Strategic Infrastructure including the operation, use, development, appropriate upgrading and safety of Christchurch International Airport.</p>	That the submission is rejected in this respect
16.4.5.1.1 P18		Oppose	<p>Decision no. D21 Addition of activity specific standard (c) to rule P18 as sought in submission.</p>	<p>The rule is incomplete and it is therefore unclear whether the activity specific standard is appropriate nor what it even requires. In its current form, it could be deemed by the panel that the rule does not have particular</p>	That the submission is rejected in this respect

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				regard to the Statement of Expectations in Schedule 4 of the Order in Council	
16.4.5.1.1 P18(d) as notified and new P19; RD3 of Rule 16.4.5.1.3 as sought in submission		Oppose	Decision no. D21, D29 Provision for retail activity ancillary to guest accommodation and deletion of activity specific standard (d) to rule P18 as notified.	The relief sought to introduce a new rule (P19) provides for retail activity ancillary to guest accommodation but of a scale that could be 25% of all buildings in the zone (if less than 500m2), rather than 25% of all buildings on the site used for guest accommodation. This could be inconsistent with the intent that the retail activity is ancillary to guest accommodation.	That the submission is rejected and activity specific standard d. to P18 is reinstated.
16.4.5.1.2 C1 and deletion of rule 16.4.5.1.3 RD3 as notified		Oppose	Decision no. D25, D29 Change to the activity status for the erection of new buildings and additions to existing buildings within 50 metres of Memorial Avenue, Russley Road and Avonhead Road	The relief sought to change the activity status (for an assessment of the design of new buildings and additions to buildings) from Restricted Discretionary to Controlled limits the potential scope for Council in making decisions on resource consent applications.	That the submission is rejected in this respect and rule RD3 in Rule 16.4.5.1.3 as notified is reinstated.
16.4.5.2.1		Oppose	Decision no. D37 Clause (a): Increased height limit in the zone, unless otherwise specified	The increased height limit of 20 metres across parts of the zone more than 50 m from Memorial Avenue, 28 m from Avonhead Road and adjoining a 'Key Open Space location' will result in development out of context with its surroundings and has the potential to adversely affect the anticipated amenity in the adjoining environment including Memorial Avenue due to a visual dominance of buildings.	That the submission is rejected in this respect.
16.4.5.2.3 (b) Minimum building setback from road		Oppose	Decision no. D45 Setback from Russley Road reduced from 10 metres to 5 metres	The reduced setback from Russley Road sought in the submission has the potential to increase the visual dominance of buildings on the Russley Road frontage which could	That the submission is rejected in this respect.

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boundaries				adversely affect the amenity anticipated at a gateway to the City	
16.4.5.2.3 (d) – (f) of the submission and the deletion of clauses (a) to (c) of the notified version.		Oppose	Decision no. D41 – D43, D47 - D49 Setbacks from internal roads	The relief sought adds a level of complexity to the provisions which may be interpreted as failing against clause (i) of the Statement of Expectations (Schedule 4 of the Order in Council). The relief sought to reduce the setbacks to 2 metres and 0 metres from internal roads for any activity compromises the outcomes anticipated for the Industrial Park zone (as per policy 3 of the Industrial Proposal).	That the submission is rejected in this respect
16.4.5.2.7 (b)		Oppose	Decision no. D54 Amendments to built form standard regarding the location of car parking on sites adjacent to and facing Memorial Avenue and Russley Road	There is a lack of clarity in the wording, which can be simplified. As worded in the relief sought, car parking could still be located between buildings and Memorial Avenue. For example, it may be interpreted that car parking is not to be the side or rear of buildings facing internal roads	Reject submission and amend rule to state <i>“On sites adjacent to Memorial Avenue, all car parking shall not be between buildings and Memorial Avenue”</i> .
16.4.5.2.8 (a) and the deletion of clause (a) to the rule as notified		Oppose	Decision no. D56 The reduction in the percentage of the site to be landscaped (from 20% to 15%)	The reduction in the required percentage of landscaping and exemption of the Central Precinct from the requirement for a minimum percentage of the site to be landscaped does not support the outcomes for the Industrial Park zone of a high amenity environment dominated by open space and landscaping (Policy 3 of the Industrial Proposal)	That the submission is rejected in this respect
16.4.5.2.8 (b) to (g) and the		Oppose	Decision no. D56 Amendments that reduce the	The amendments sought to the rule including the following are opposed on the basis that	That those parts of the submission that

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deletion of clauses (b) (ii) and (e) to rule as notified			landscaping requirements relative to the notified provisions.	they do not support the outcomes for the Industrial Park zone of a high amenity environment dominated by open space and landscaping (Policy 3 of the Industrial Proposal): - minimum density of tree planting sought in the submission of 1 tree for every 20 metres of road frontage - the exemption to landscaping of the car parking area within the setback from Avonhead Road (clause (e) in the provisions as sought by submission and the deletion of clause (e) in the notified version).	reduce the landscaping requirements relative to the notified provisions are rejected.
16.4.5.2.8 (d) of notified plan change		Oppose	Decision no. D56 The deletion of clause (d) requiring landscaping between the internal road and Russley Road.	The relief sought to delete the rule is opposed as it could result in adverse effects on the operation of State Highway 1, which does not give effect to Objective 6.2.1 (10) of the Canterbury Regional Policy Statement. Lights from vehicles on the internal road within the zone, running parallel to Russley Road, could distract motorists on Russley Road.	Reject submission and amend rule to state <i>“Provision shall be made for landscaping and solid fencing to at least 1.8 metres in height along the length of the zone boundary adjacent to Russley Road. Landscaping shall be for a minimum depth of 1.5 metres along the zone boundary.”</i>
16.4.5.1.5 NC1, 16.4.5.2.9		Oppose	Decision no. D33 and D58 Amendments to the built form standard (16.4.5.2.9), increasing the maximum area of any sign and removing standards limiting	The Council opposes the amendments sought, which provide for signage of a larger scale than is anticipated on the Memorial Avenue frontage and which will have an adverse effect on the amenity of Memorial	That the submission is rejected in this respect.

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			<p>the width and height of signs.</p> <p>Amendments to Rule NC1 of Rule 16.4.5.1.5</p>	<p>Avenue and its role as a memorial.</p> <p>The exception to rule NC1, 16.4.5.1.5 to provide for billboards under rule 16.4.5.2.9 will have an adverse effect on the amenity of Memorial Ave and its role as memorial as well as the anticipated outcome for the Industrial Park zone as a high amenity environment.</p>	
16.4.5.2.12		Oppose	<p>Decision no. D62 Provision for a publicly accessible memorial feature</p>	<p>The Council opposes the rule on the basis that the activity as currently worded is a requirement for any activity/ development and creates uncertainty. For example, it is unclear if it is the first subdivision of sites adjoining Memorial Ave when the memorial is required. As worded, any subdivision adjoining Memorial Avenue would need to comply with the rule.</p> <p>Given the outcome anticipated of a high amenity environment and the role of Memorial Avenue as a memorial, there is considered to be a need for assessment of the potential effects that the memorial may have. A memorial may be a building or other built form of any scale permitted by the rules and therefore should be subject to an assessment of its design, consistent with rule 16.4.5.1.2 C1 as sought in the submission by MAIL.</p>	That the submission point is rejected in this respect.
16.4.6.3.2		Oppose	<p>Decision no. D63 Amendments to the Matters of</p>	The Council does not support the amendments where they do not support the	Allow the submission in part with

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			Discretion in respect of design and amenity, including the change to them being Matters of control	outcome anticipated of a high amenity industrial environment with a dominance of open space and landscaping (Policy 3 of the Industrial Proposal)	modifications to align with the outcomes anticipated for the Industrial Park zone.
16.4.6.3.5		Oppose	Decision no. D64 to D68 Amendments to the Matters of Discretion for retail and office activities	The inclusion of the words “office activity” are opposed on the basis that the matters of discretion do not enable consideration of whether a proposal for additional office activity supports the policy direction in both the Commercial and Industrial proposals, including the importance of the Central City, District centres, and Neighbourhood centres as focal points for the community and their recovery. The matters of discretion should also not be limited to effects on centres, but also the effects on the role of the industrial zone. In giving effect to Objective 6.2.6(1) and Policy 6.3.6(5) of chapter 6 to the CRPS, greenfield priority areas (including the MAIL site) are primarily for industrial activities and commercial activities are to be restricted.	Reject unless amendments are made to reflect Council’s original submission and with reference to retail and office activity.
16.4.6.3.6		Oppose	Decision no. 69 Addition of matters of discretion for a memorial feature	Firstly, clause (a) of the matters of discretion provides for a memorial feature that is not publicly available. Any benefits for the community or the families of those the memorial serves are lost if it is not publicly available. Secondly, clause (b) of the matters of discretion is worded such that it creates uncertainty of whether conditions can be imposed to ensure the installation of a	That the submission is rejected in this respect.

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				memorial. The matters of discretion should address a wider range of matters including - the design and appearance of the proposed memorial and its integration with the surrounding environment - the recognition given to the context of the site at a gateway to the City - how the memorial acknowledges the air service personnel who died during World War II, and complements Memorial Avenue as a memorial.	
16.4.6.3.7		Support	Decision no. 70 Addition of matters of discretion for ground floor glazing	The matters of discretion are supported on the basis that they support the objective of a high amenity environment as viewed from the street and recognise the benefits of interaction between public and private space	That the submission point is accepted
Definition of “Office”	M11: Christchurch International Airport Limited	Oppose	Decision no. D3 Additions to definition of “Office”	The submission seeks the addition of ‘Commercial office’ in the definition of ‘Office’. Given the broad nature of the definition of ‘Commercial service’, the inclusion of the clause as sought in the submission adds a layer of duplication and complexity to the proposed Replacement District Plan. In addition, the amendments sought to the definitions would potentially create a separate set of definitions for the MAIL site, creating unnecessary duplication. In evaluating the proposal against the Statement of Expectations, it may also be deemed to fail against clause (i) if the	That the submission point is rejected in this respect.

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Definition of “Residential unit”		Oppose	Decision no. D5 Amendments to the definition of ‘Residential Unit’	<p>definition as sought by submission is approved.</p> <p>Clause (4) to the definition as notified in phase 1 of the proposed Replacement District Plan is to recognise that the effects of the use of a residential unit as a holiday home are similar, if not the same as a Residential Unit and treating such activity differently is not appropriate on this basis.</p> <p>In addition, the amendments sought to the definitions would potentially create a separate set of definitions for the MAIL site, creating unnecessary duplication. In evaluating the proposal against the Statement of Expectations, it may also be deemed to fail against clause (i) if the definition as sought by submission is approved.</p>	That the submission point is rejected in this respect.
Definition of “Retail activity”		Oppose	Decision no. D6 Amendments to the definition of ‘Retail activity’	<p>The amendments sought to include trade suppliers, yard-based suppliers and service stations within the definition of retail activity are opposed on the basis that these activities have potentially different effects to other retail activity in terms of their scale and character and the locations they are anticipated in. A different approach is therefore required in the policy framework and rules to recognise this.</p> <p>To incorporate the terms into a definition of ‘Retail activity’ does not recognise that these activities should be treated differently.</p>	That the submission point is rejected in this respect.

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				<p>In addition, the amendments sought to the definitions would potentially create a separate set of definitions for the MAIL site, creating unnecessary duplication. In evaluating the proposal against the Statement of Expectations, it may also be deemed to fail against clause (i) if the definition as sought by submission is approved.</p>	
<p>Definition of “Sensitive activities”</p>		<p>Oppose</p>	<p>Decision no. D7 Amendments to the definition of ‘Sensitive activities’</p>	<p>The amendments sought to exclude training facilities located within the Special Purpose (Airport) zone are opposed on the basis that the effects of trade and industry training facilities outside the SPAZ are potentially no different to those within the SPAZ and there is not reason for trade and industry training facilities to be within the scope of ‘Sensitive activities’.</p> <p>Furthermore, the definition of Sensitive activities as notified includes the term ‘Trade and Industry Training Facility’, which has its own definition to provide clarity in interpretation. The amendments sought by the airport seek to remove this and there is as a consequence, uncertainty on the scope of what is “Trade training or other industry related training facilities”.</p> <p>In addition, the amendments sought to the definitions would potentially create a separate set of definitions for the MAIL site,</p>	<p>That the submission point is rejected in this respect.</p>

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				<p>creating unnecessary duplication. In evaluating the proposal against the Statement of Expectations, it may also be deemed to fail against clause (i) if the definition as sought by submission is approved.</p>	
<p>New activity standard and new built form standard</p>		<p>Oppose</p>	<p>Decision no. D11, D12 Provision for Birdstrike risk activities within 13 kilometres of the edge of the Christchurch International Airport runways as a Restricted Discretionary activity New built form standard that there shall be no creation of waterbodies that form a Bird Strike Risk Activity within 13 km of the runways.</p>	<p>The relief sought is considered to be onerous. In evaluating the proposal against the Statement of Expectations, it may also be deemed to fail against clause (a)(i) by placing reliance on resource consent processes and not reducing significantly the number, extent and prescriptiveness of development controls. Furthermore, the proposed rule applies to a much wider area than the area subject to the plan change request and is therefore partly out of scope.</p>	<p>That the submission is rejected in this respect.</p>