

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 11, 12, 15, 18, 19, 20, 22, 25, 26, 28 May,  
and 2, 3, 5, 10 and 11 June 2015

Date of decision: 18 December 2015

Hearing Panel: Hon Sir John Hansen (Chair), Environment Judge John Hassan  
(Deputy Chair), Dr Philip Mitchell, Ms Sarah Dawson, Ms Jane Huria

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**DECISION 11**

**COMMERCIAL (PART) AND INDUSTRIAL (PART)  
(AND RELEVANT DEFINITIONS AND ASSOCIATED PLANNING MAPS)**

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**Outcomes:** **Proposals changed as per Schedule 1**  
**Directions to update Planning Maps made as per [752] and [758]**  
**Clause 13(4) directions made as per [761]**

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## INTRODUCTION

[1] This decision is one of a series of the Independent Hearings Panel (‘Hearings Panel’/‘Panel’) under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘OIC’).<sup>1</sup> It concerns two related proposals for the formulation of the Christchurch Replacement District Plan (‘CRDP’) — Chapter 15 Commercial and Chapter 16 Industrial.

[2] As related proposals, Chapter 15 Commercial and Chapter 16 Industrial were notified together by the Christchurch City Council (‘CCC’/‘Council’). We refer to these notified proposals together as the ‘Notified Version’. This decision follows our hearing of submissions and evidence on the Notified Version, in accordance with the OIC.<sup>2</sup> In its closing submissions, the Council recommended several changes to the Notified Version as an updated red-line version (‘Revised Version’).

[3] Schedule 1 (‘Decision Version’) sets out the provisions (including changes to the Revised Version) that will become operative upon release of this decision and the expiry of the appeal period.

### Effect of decision and rights of appeal

[4] The procedures that will now apply for implementation of this decision as part of the Christchurch Replacement District Plan (‘CRDP’) are as set out in our earlier decisions.<sup>3</sup>

[5] Under the OIC,<sup>4</sup> any person who made a submission (and/or further submission) on the Notified Version, the Council and the Ministers<sup>5</sup> may appeal our decision to the High Court (within the 20 working day time limit specified in the Order), but only on questions of law (and, for a submitter, only in relation to matters raised in the submission).

<sup>1</sup> Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

<sup>2</sup> Further background on the review process, pursuant to the OIC, is set out in the introduction to Decision 1, concerning Strategic Directions and Strategic Outcomes (and relevant definitions), 26 February 2015 (‘Strategic Directions decision’).

<sup>3</sup> Strategic Directions decision at [5]–[9].

<sup>4</sup> Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, cl 19.

<sup>5</sup> The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

## Provisions deferred

[6] There are a number of provisions which have been deferred from this decision. These matters are:

- (a) Non-cultural Industrial General (North Belfast) zone provisions;<sup>6</sup>
- (b) Cultural provisions for the Industrial General (North Belfast) zone;<sup>7</sup>
- (c) 15.9.4 Commercial Core zone (North Halswell) — Outline Development Plan;<sup>8</sup>
- (d) Commercial Core zone (North Halswell) provisions, including its size and location;<sup>9</sup>
- (e) 15.9.10 Lyttelton Master Plan Overlay Area;<sup>10</sup>
- (f) 15.5.2.1 (P17 and P18) relating to Lyttelton Farmers Market;<sup>11</sup>
- (g) Stage 1 land covered by roads, excluding paper roads;<sup>12</sup>
- (h) Rezoning of Addington Cemetery and Lyttelton Main School;<sup>13</sup>
- (i) Stage 1 reserves, to be rezoned as Open Space Zone in Stage 2;<sup>14</sup>

<sup>6</sup> Deferred to after hearing of Chapter 9 Natural and Cultural Heritage (Stage 3); Minute dated 6 May 2015. The Panel recorded that it would hear evidence on the Industrial General (North Belfast) ‘non-cultural’ matters but would defer its decision until after the hearing of Chapter 9 Natural and Cultural Heritage (Stage 3), at [8](a)-(b).

<sup>7</sup> Deferred to Chapter 9 Natural and Cultural Heritage (Stage 3); Minute dated 6 May 2015. See also Minute dated 3 November 2015.

<sup>8</sup> Deferred to after hearing of New Neighbourhood Zone; Minute dated 12 November 2015.

<sup>9</sup> Deferred to after hearing of New Neighbourhood Zone; Minute dated 12 November 2015.

<sup>10</sup> Deferred to Chapter 7 Transport (Stage 2); Minute dated 23 April 2015 (as it relates to the Lyttelton Farmers Market) and otherwise to Chapter 15 Commercial (Stage 2); Minute dated 28 September 2015.

<sup>11</sup> Deferred to Chapter 7 Transport (Stage 2); Minute dated 23 April 2015.

<sup>12</sup> Deferred to Chapter 7 Transport (Stage 2); Application to set aside land from Stage 1 proposals, dated 17 June 2015; granted 26 June 2015.

<sup>13</sup> Deferred to Chapter 21 Specific Purpose Zones (Stage 2); Application to set aside land from Stage 1 proposals, dated 17 June 2015; granted 26 June 2015.

<sup>14</sup> Deferred to Chapter 18 Open Space Zones (Stages 2 and 3 combined); Application to set aside land from Stage 1 proposals, dated 17 June 2015; granted 26 June 2015.

- (j) Stage 1 waterways and their margins, to be rezoned as Open Space Zone in Stage 2.<sup>15</sup>

[7] Most of these provisions were deferred from this hearing, and will be heard at a later date. However, as a part of this hearing, we heard evidence on the provisions for the Commercial Core zone at North Halswell, including in relation to its location and size, as well as the non-cultural aspects of the Industrial General (North Belfast) zone provisions. The Panel will not issue a decision on these matters at this point. We are satisfied that the OIC gives us jurisdiction to make a decision on this basis.

[8] Akaroa Civic Trust (340) sought a deferral of our consideration of the Commercial Banks Peninsula standards until such time as we consider the historic heritage standards. We reject this submission and confirm the zoning provisions. We acknowledge the importance of taking an integrated management approach to the development of the CRDP. However, we do not consider this to call for the deferral requested, in that what we decide now will not jeopardise what we later hear and determine as to natural and cultural heritage matters. Hence, considerations of certainty and clarity favour our determination of these matters now.

### **Identification of parts of Existing Plan to be replaced**

[9] The OIC requires that our decision also identifies the parts of the Christchurch City District Plan and Banks Peninsula District Plan (together ‘Existing Plan’) that are to be replaced by the Decision Version. We return to this later.

### **Conflicts of interest**

[10] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.<sup>16</sup> No submitter raised any issue in relation to this.

<sup>15</sup> Deferred to Chapter 18 Open Space (Stages 2 and 3 combined); Application to set aside land from Stage 1 proposals, dated 17 June 2015; granted 26 June 2015.

<sup>16</sup> The website address is [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz). In the course of the hearing, it was identified on various occasions that submitters were known to members of the Panel. In some cases, that was through previous business associations. In other cases, it was through current or former personal associations. Those matters were recorded in the transcript, which was again available daily on the Hearings Panel’s website. No issue was taken by any submitter.

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## REASONS

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### STATUTORY FRAMEWORK

[11] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.<sup>17</sup>

[12] It sets out what we must and may consider in making that decision.<sup>18</sup> It qualifies how the Resource Management Act 1991 (‘RMA’) is to apply and modifies some of the RMA’s provisions, both as to our decision-making criteria and processes.<sup>19</sup> It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 (‘CER Act’).<sup>20</sup> The OIC also specifies additional matters for our consideration.

[13] Our Strategic Directions decision, which was not appealed, summarised the statutory framework for that decision. As it is materially the same for this decision, we apply the analysis we gave of that framework in that decision as we address various issues in this decision.<sup>21</sup> On the requirements of ss 32 and 32AA, RMA, we endorse and adopt [48]–[54] of our Natural Hazards decision.<sup>22</sup>

### ISSUES RAISED BY SUBMISSIONS

[14] In reaching our decision, we have considered all submissions and further submissions made on the Notified Version. As the issues raised generally concern the substance of the Notified Version and/or how it applies or ought to apply to particular land or other submitter interests, we deal with these issues in the context of our s 32AA evaluation, later in this decision. Schedule 4 lists witnesses who gave evidence for various parties, and submitter representatives.<sup>23</sup>

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<sup>17</sup> OIC, cl 12(1).

<sup>18</sup> OIC, cl 14(1).

<sup>19</sup> OIC, cl 5.

<sup>20</sup> Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website.

<sup>21</sup> At [25]–[28] and [40]–[62].

<sup>22</sup> Natural Hazards (Part) (and relevant definitions and associated planning maps), 17 July 2015, pages 20-21.

<sup>23</sup> Counsel appearances are recorded on page 2.

[15] A number of submitters reached agreements with the Council through processes of formal and informal mediation (in some cases, involving submitter representatives, counsel and/or experts). In cases where we have accepted those agreements, in the Decision Version, we have done so on the basis of Mr Stevenson’s evidence, as the Council’s planning witness.

[16] Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (‘Foodstuffs’) (submitter 705, further submitter 1324), called an urban design expert, Andrew Burns, from the firm of McIndoe Urban Limited. Mr McIndoe, who gave urban design evidence for the Council (310), came from the same firm. We raised with counsel for Foodstuffs, Ms Crawford, the question of conflict of interest. She advised that the practise of calling experts for different submitters from the same professional firm was common in the resource management area. We are unsure if this is correct, but accept Ms Crawford’s submission. Because of our concerns, we requested that other parties submit on the issue in closing if they wished to do so. The submissions received indicated differing views.

[17] The danger of calling experts from the same firm for different submitters is self-evident. Conflict of interest is not just about actual conflict, but also perception. There is a strong public element interest in our hearings, and the perception of a reasonable observer is important.

[18] However, having raised the issue and warned of the dangers, we are quite satisfied in this case there was no actual conflict of interest, and take the matter no further. We would simply add that it is a situation best avoided. If it cannot be avoided, then it is important that there is early disclosure of the position, to both the decision-making body and other submitters/parties.

## **STATUTORY DOCUMENTS AND OUR OBLIGATIONS IN REGARD TO THEM**

[19] On the matter of the relevant statutory documents (‘Higher Order Documents’) and our statutory obligations in regard to them, we endorse and adopt [39]–[45] of our Strategic Directions decision.<sup>24</sup>

<sup>24</sup> We note that some updating of relevant Higher Order Documents has occurred since our Strategic Directions decision. Specifically, we refer to updates to the LURP, May 2015; CRPS, 12 June 2015 and 19 November 2015; and to the Lyttelton Port Recovery Plan, 19 November 2015.

## Recovery and rebuilding context

[20] In terms of the consideration of the Commercial and Industrial Chapters, Chapter 6 of the Canterbury Regional Policy Statement 2013 ('CRPS') has particular influence. Entitled "Recovery and Rebuilding of Greater Christchurch", this chapter was included in the CRPS, according to directions in the Land Use Recovery Plan for Greater Christchurch ('LURP'), under the CER Act.<sup>25</sup>

[21] While Chapter 6 was included in the CRPS in the aftermath of the earthquakes, a number of the issues it addresses were being grappled with in the years before those events. First in a sequence of "centres based" interventions was Variation 86 to the Existing Plan. This sought to change what was then a very permissive approach to commercial retail developments throughout the city. It introduced a form of centres based approach, whereby commercial retail developments were restricted to specified locations across the city.

[22] The next significant intervention emerged from what was called the Greater Christchurch Urban Development Strategy (or 'UDS').<sup>26</sup> The UDS was a strategy broadly concerned with managing and co-ordinating urban growth and infrastructure across the greater Christchurch urban area. One of the UDS outcomes was the notification of "Change 1" to the CRPS, to insert a new chapter entitled "Development of Greater Christchurch". Due to appeals remaining unresolved, Change 1 had not become operative prior to the earthquakes. It was then subsumed by the insertion of Chapter 6 into the CRPS, through the LURP.

[23] Objective 6.2.1 of the CRPS ("Recovery Framework") sets an overall direction that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that delivers 12 specified outcomes. These are about enabling urban development according to specified priorities and attributes. The explanatory text refers to an intention that "urban development is enabled within specified spatial areas around Greater Christchurch, so that resources can be focused on rebuilding, and delivering growth and recovery to those priority areas". It also describes a purpose of providing certainty to all resource users as to locations for development, enabling long-term planning and funding for infrastructure, and protection of natural and physical resources.

<sup>25</sup> CRPS, pages 47–48.

<sup>26</sup> The UDS was a collaborative project between Christchurch City Council, Environment Canterbury, Selwyn District Council, Waimakariri District Council and Transit New Zealand.

[24] Chapter 6 goes on to set a range of related objectives and policies, including as to the appropriate approach to commercial (including retail) activity, the location and use of industrial land, greenfield residential and business development, and brownfields redevelopment. Therefore, Chapter 6 is of direct relevance to the substance of both the Commercial and Industrial chapters of the Notified Version.

[25] The context section of the Strategic Directions chapter (3.2.2) notes that the effects of the earthquakes “will be felt for many years and the shape of urban Christchurch will continue to change during the recovery period, particularly over the next 10 to 15 years”. The objectives of that chapter give particular sustainable management priority to recovery and rebuilding. Objective 3.3.1 is:

**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 wellbeing; and
- (b) Fosters investment certainty; and
- (c) Sustains the important qualities and values of the natural environment.

**Directions for a centres based approach**

[26] The CRPS strongly directs that commercial activity is to be focused in a network of “centres”. For convenience, we refer to this as the “centres based” approach (a phrase referred to in Council submissions). Those directives are primarily within its Chapter 6.

[27] The directives are primarily as follows:<sup>27</sup>

- (a) Objective 6.2.1, as noted, specifies an overall land use and infrastructure “Recovery Framework”. As to a centres based approach, outcome (2) is:  
  
identifies Key Activity Centres which provide a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design;

<sup>27</sup> Opening submissions for the Council, at 1.2.

(b) Objective 6.2.2, on urban form and settlement patterns, relevantly states:

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:

...

- (3) reinforcing the role of the Christchurch central business district within the Greater Christchurch area as identified in the Christchurch Central Recovery Plan;

(c) Objective 6.2.5 states:

Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:

- (1) The Central City
- (2) Key Activity Centres
- (3) Neighbourhood centres.

These centres will be high quality, support a diversity of business opportunities including appropriate mixed-use development, and incorporate good urban design principles.

The development and distribution of commercial activity will avoid significant adverse effects on the function and viability of these centres.

(d) The CRPS further defines Key Activity Centres ('KACs') as:

Key existing and proposed commercial centres identified as focal points for employment, community activities, and the transport network; and which are suitable for more intensive mixed-use development.

(e) Objective 6.2.6 on business land development, relevantly states:

Identify and provide for Greater Christchurch's land requirements for the recovery and growth of business activities in a manner that supports the settlement pattern brought about by Objective 6.2.2, recognising that:

...

- (3) New commercial activities are primarily directed to the Central City, Key Activity Centres, and neighbourhood centres;

[28] The CRPS goes on to list 14 existing KACs in the greater Christchurch area, being Papanui, Shirley, Linwood, New Brighton, Belfast, Riccarton, Halswell, Spreydon, Hornby,

Kaiapoi, Rangiora, Woodend/Pegasus, Lincoln and Rolleston. Some of these centres will be more commonly known by the mall at that location. Where appropriate, we also refer to mall names, such as Papanui/Northlands, Shirley/The Palms and Linwood/Eastgate. These are shown on Map A to the CRPS.

[29] The CRPS includes a number of policies to implement the above objectives. These include:

(a) Policy 6.3.1, which includes:

In relation to recovery and rebuilding for Greater Christchurch:

...

- (6) avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres;

and

(b) Policy 6.3.6, which includes:

To ensure that provision, recovery and rebuilding of business land in Greater Christchurch maximises business retention, attracts investment, and provides for healthy working environments, business activities are to be provided for in a manner which:

...

- (3) Reinforces the role of the Central City, as the city's primary commercial centre, and that of the Key Activity Centres;
- (4) Recognises that new commercial activities are primarily to be directed to the Central City, Key Activity Centres and neighbourhood centres where these activities reflect and support the function and role of those centres; or in circumstances where locating out of centre, will not give rise to significant adverse distributional or urban form effects;

...

[30] Objective 6.2.6 is headed "Business land development" and Policy 6.3.6 is headed "Business land". "Business land" is not specifically defined in the CRPS. However, the provisions also use the words "business activities" and "business land" and "Business or business activities" is defined:

**Business or business activities** means land or activities that include commercial and industrial and any ancillary activity.

[31] “Commercial” is also not defined, but “Commercial activities” is defined:

**Commercial activities** means retail, office and other commercial service activities but does not include industrial activities.

[32] We are satisfied that reference to “Commercial” or “Commercial activity” in Objective 6.2.6 and Policy 6.3.6 excludes “Industrial” or “Industrial activity”, even though “Business land” would include both “commercial” and “industrial” activity. It follows that the reference to “commercial” in Objective 6.2.6(3) and Policy 6.3.6(3) and (4) above excludes any “industrial” consideration.

[33] Clearly, Policy 6.3.6(3) implements Objective 6.2.2(3) in relation to the Central City. To a lesser extent, it implements Objective 6.2.5 in relation to the focus on KACs.

[34] We read Policy 6.3.6(3), as part of ensuring the “provision, recovery and rebuilding of business land in Greater Christchurch”, to direct us to reinforce the role of the Central City as the city’s primary commercial centre. We are also required to reinforce the defined role of KACs.

[35] That Policy does not require us to reinforce the role of Neighbourhood Centres. However, we read Policy 6.3.6(4), as part of ensuring the “provision, recovery and rebuilding of business land in Greater Christchurch” to direct us to recognise that new commercial activities are primarily directed to the Central City, KACs and Neighbourhood Centres, where those activities “reflect and support the function and role of those centres” (accepting, of course, the exception in the latter part of 6.3.6(4)).

[36] These provisions, as reflected in the evidence, support a hierarchical approach to the centres based approach. Also as reflected in the evidence, this does not mean, or require, us to slavishly prefer the Central City over KACs or Neighbourhood Centres. It is a recognition of a hierarchical approach as a foundation of our consideration, but always subject to the appropriate RMA considerations and the directions given by the OIC in relation to the Higher Order Documents, as we discuss elsewhere in this decision.

[37] Those directives are also reflected in other CRPS provisions. Objective 6.2.1, on the “Recovery Framework”, refers to KACs providing “a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design”.

### **Directions on “Greenfields”, “Brownfields”, and management of industrial activities**

[38] The CRPS also gives direction as to how the CRDP is to manage industrial activities and areas:

(a) Objective 6.2.6 is:

Identify and provide for Greater Christchurch’s land requirements for the recovery and growth of business activities in a manner that supports the settlement pattern brought about by Objective 6.2.2, recognising [amongst other specified matters] that:

...

- (2) Except where identified for brownfield redevelopment, areas used for existing industrial activities are to be used primarily for that purpose, rather than as a location for new commercial activities;”

and,

(b) Policy 6.3.6 is:

To ensure that provision, recovery and rebuilding of business land in Greater Christchurch maximises business retention, attracts investment, and provides for healthy working environments, business activities are to be provided for in a manner which:

...

- (5) Recognises that new greenfield priority areas for business in Christchurch City are primarily for industrial activities, and that commercial use in these areas is restricted;

- (6) Recognises that existing business zones provide for a range of business activities depending on:

(i) the desired amenity of the business areas and their surrounds; and

(ii) the potential for significant distributional or urban form effects on other centres from new commercial activity.

(c) Policy 6.3.8 is:

To encourage and provide for the recovery and regeneration of existing brownfield areas through new comprehensive residential, mixed-use or business developments, provided such activities will ensure the safe and efficient functioning of the transport network and will not have significant adverse distributional or urban form effects on the Central City, Key Activity Centres and neighbourhood centres, or give rise to significant reverse sensitivity effects.

[39] Map A, in Chapter 6 to the CRPS, identifies “Greenfield Priority Areas”, with “Greenfield Priority Areas — Business” coloured blue. A range of CRPS objectives and policies pertain to the development of such areas. In regard to the areas identified as “Greenfield Priority Areas — Business”, Objective 6.2.6 (“Business land development”) recognises “(1) The greenfield priority areas for business in Christchurch City provide primarily for the accommodation of new industrial activities”, whereas “(3) New commercial activities are primarily directed to the Central City, Key Activity Centres, and neighbourhood centres”.

## THE COUNCIL’S SECTION 32 REPORTS

[40] In our Strategic Directions decision, we observed that a s 32 report that demonstrates proportionate thoroughness in how a proposal has been formulated (according to the measures in s 32) assists to foster confidence in the quality and soundness of the work to which it relates (namely, the notified proposal). We noted that the converse was also true, and went on to make a number of critical observations, in that decision, on the poor and cursory approach that had been taken in regard to the report on that chapter of the pCRDP.

[41] The Council prepared separate s 32 reports for its Commercial and Industrial chapters. Each demonstrates a thorough evaluation was undertaken in the formation of the Notified Version.

[42] The reports are accompanied by several background analyses documents. Notably, these included a report by Property Economics (co-authored by the Council’s relevant experts, Messrs Heath and Osborne),<sup>28</sup> peer review of drafting approaches,<sup>29</sup> and various internal memoranda recording officers’ evaluations of particular issues and approaches. The Property

<sup>28</sup> Appendix 8.3 to Commercial s 32 Report: Property Economics *Proposed Christchurch City District Plan Commercial and Industrial Chapters Economic Analysis*, November 2013 (‘Property Economics Report’); Appendix 8.5 to Commercial s 32 Report: Letter from Messrs Heath and Osborne to Mark Stevenson, 4 June 2014.

<sup>29</sup> Letter from Andrew Macleod of The Property Group to Alan Matheson, 27 May 2014.

Economics Report provided detailed analysis of the current and future retail, office and industrial markets, in order to inform the formulation of the Notified Version. It identified a body of research from which it drew, in addition to the experts' experience. It made a host of recommendations for those purposes. Its methodologies, and those of its authors in evidence, attracted some criticisms from some witnesses and submitters. However, that is not surprising in adversarial processes such as this. We return to our findings on competing expert views throughout this decision.

[43] Overarching that background analysis, the s 32 reports demonstrate that the Notified Version was also informed by well-structured consultation processes, including through a "Collaborative Advisory Group" of local and central government bodies,<sup>30</sup> a Rūnanga Focus Group,<sup>31</sup> and a careful analysis of issues and options. Prefacing the analysis in the reports are clear statements of purpose and scope, and that clarity is reflected in the Notified Version.

## OUR SECTION 32AA EVALUATION

[44] In his closing submissions for the Council, Mr Winchester noted:

... due to the content of the Proposals as notified, and the revisions proposed by the Council through the thorough and measured work of Mr Stevenson, there is no submitter that directly challenges the thrust of either Proposal. The underlying and strategic policy approach is not seriously challenged by any party or expert witness. Instead, the focus has largely been on the detail of the provisions, whether they be matters of more general application (such as urban design triggers of floor-space caps), or matters of more detailed site-specific zoning or controls.

[45] We accept the validity of those submissions, including in their praise of Mr Stevenson's contribution. Against the background of a sound and thorough s 32 report, we have been significantly assisted by Mr Stevenson's contributions as the Council's lead planning expert. He was instrumental in what was achieved in mediation, in the narrowing of matters of contention, and also assisted us significantly in his recommendations on drafting through the hearing process.

<sup>30</sup> A Collaborative Agency Group, comprising representatives of the Canterbury Regional Council, Waimakariri District Council, Canterbury Earthquake Recovery Authority, New Zealand Transport Agency, Ngāi Tahu and the Ministry for the Environment (in an advisory role), and the Canterbury Joint Officials Group (CJOG), representing officials from various Government departments. Section 32 Report Commercial at page 10.

<sup>31</sup> Ngāi Tahu and the Rūnanga representing the Christchurch City rohe, Section 32 Report Commercial at page 11.

[46] The nett result is that our s 32AA evaluation task is much reduced. While our following discussion is lengthy, occasioned by the number of submitters who appeared and called evidence, it proceeds on the footing that we find overwhelmingly on the evidence that the underlying and strategic policy approach of both the Commercial and Industrial chapters is sound and appropriate.

## **The influence of the CRPS directives**

### *Commercial chapter*

[47] The directions given by the CRPS had significant influence in the design of the Commercial chapter of the Notified Version. That is particularly in terms of the CRPS's deliberate policy bias in favour of investment in existing centres.

[48] The CRPS identifies the Central City and its mapped KACs as beneficiaries of that policy bias. Within Christchurch City, those KAC beneficiaries are Papanui, Shirley, Linwood, New Brighton, Belfast, Riccarton, Halswell, Spreydon and Hornby. In the Greater Christchurch area, the KACs at Kaiapoi, Rangiora, Woodend/Pegasus, Lincoln and Rolleston are specified. The bias also extends in favour of existing neighbourhood centres.

[49] In those respects, the CRPS is relatively prescriptive in its direction that district plans adopt a centres based approach to the planning for commercial activities. Even so, it allows for the exercise of significant discretion and choice as to how a centres based approach is to be implemented. A number of its objectives and policies as to implementation deal with matters of judgment and degree.

[50] Our obligation to give effect to the CRPS bears on how we evaluate the centres based approach, as against alternatives, including in the relief pursued in submissions and the recommendations in related expert evidence.

### *Industrial chapter*

[51] The CRPS objectives and policies on industrial activities, greenfield industry and brownfields redevelopment are comparatively less directive than those for the Commercial chapter:

- (a) Objective 6.2.6 gives direction that areas that it identifies (on Map A) as “Greenfield Priority – Business” are to be used primarily for new industrial activities. In addition, Objective 6.2.6 gives direction as to the protection of existing industrial activities in established industrial areas. Those areas are to be used primarily for existing industry, rather than as a location for new commercial activities (except where an area is identified for brownfields redevelopment).
- (b) As for existing brownfield areas, Policy 6.3.8 gives direction to encourage and provide for their recovery and regeneration through new comprehensive residential, mixed-use or business developments. However, an exception to that is where this could give rise to significant adverse distributional or urban form effects on the Central City, Key Activity Centres and neighbourhood centres. Hence, the CRPS does not intend that the recovery and regeneration of existing brownfield area is to be to the detriment of the wider centres based approach. The other provisos are that recovery and regeneration activities will ensure the safe and efficient functioning of the transport network and will not give rise to significant reverse sensitivity effects.

[52] In addition, the CRPS’s directives as to a centres based approach have significant influence on what mix of non-industrial activities should be allowed for in the Industrial zones.

### **The strategy and design of the Commercial and Industrial chapters**

[53] In his closing submissions for the Council, Mr Winchester rightly observed that the “underlying and strategic policy approach” of the Notified Version “is not seriously challenged by any party or expert witness”.<sup>32</sup> That observation was reflected in the theory of closing submissions for a number of parties.

[54] Both the Crown (495, FS1347) and the Canterbury Regional Council (‘CRC’) (342) expressed general support for the centres based design, and for the improvements to its expression in the Revised Version. Other submitters also expressed positive support for this

<sup>32</sup> Closing submissions on behalf of the Council, at para 2.1

design.<sup>33</sup> A number of submitters simply focused on site-specific relief, and we refer to their positions later in this decision.

[55] That allows us to be brief in reporting our evaluation of zoning classes, objectives and policies, activity classification, and consent application notification, for both the Commercial and Industrial chapters.

### **Zoning classes most appropriate**

[56] We have carried forward the following zoning classes of the Revised Version:

Commercial zones	Industrial zones
Commercial Core ('CC')	Industrial General ('IG')
Commercial Local ('CL')	Industrial Heavy ('IH')
Commercial Banks Peninsula ('CBP')	Industrial Park ('IP')
Commercial Retail Park ('CRP')	
Commercial Office ('CO') <sup>34</sup>	
Commercial Mixed Use ('CMU')	

[57] The design of the Commercial and Industrial zoning classes as confirmed by this decision was not a matter of significant contention, in evidence or closing submissions. Rather, the challenges were as to matters such as whether particular land should be included in, or excluded from, particular zones and/or as to the nature and extent of what particular zones enabled or restricted.

[58] For the Commercial chapter, the design is broadly hierarchical (with the Central City zone, which we will hear in Stage 3, intended to be the apex).

[59] The Notified Version of the Commercial chapter included a Commercial Fringe zone between the Commercial Core and Commercial Local zones. However, in his evidence in chief Mr Stevenson accepted that there was an issue about whether the relationship between the

<sup>33</sup> For example, we refer to the closing submissions on behalf of Kiwi Property Group Limited and Kiwi Property Holdings Limited (761, FS 1352), at para 5, and on behalf of Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited (705, FS 1324) at para 4.1.

<sup>34</sup> This new zone incorporates what was the Industrial Office zone in the Notified Version. A number of submitters (such as the Crown (495) (supported by further submitters, Elliot Sinclair (FS1420), Property Council (FS1294), and Scentre (FS1270)), Hazeldean Business Park (735), Calder Stewart Industries (741), NZ Metropolitan Properties (557) and Brents Investments 2008 Limited (795)) sought the change, which Mr Stevenson for the Council accepted was appropriate. See Evidence in chief of Mark Stevenson on behalf of the Council at 33.54.

hierarchy of commercial centres and zoning was clear for users of the plan. Consequently, and given the high degree of duplication between the zones, he recommended that the Commercial Fringe be merged into the Commercial Core zone. We are satisfied that this change is appropriate.

[60] We are satisfied that the broadly hierarchical design of the Commercial chapter gives proper effect to the centres based approach of the CRPS.

[61] In its choice to clearly separate industrial activities from other commercial activities, the Notified Version departed from the Existing Plan. That separation better gives effect to the CRPS, as we have earlier explained.

[62] The Revised Version proposed to change various Industrial General zoned land to a new Commercial Mixed Use zoning. We are satisfied that this change of zoning does not offend against the CRPS, as its focus is on separation of industrial and commercial activities rather than zonings as such. We are satisfied, on the evidence, that the zoning change reflects the mixed nature of current and anticipated activities in these areas.

[63] By contrast to the broadly hierarchical design of the Commercial zones, the Industrial chapter zones are generally according to the different types of industrial activity (including their relative compatibility or otherwise with neighbouring uses). On the evidence, we find that is also appropriate.

[64] The extent of Commercial and Industrial zoning provided, and the extent to which their provisions enabled or restricted different activities, were a focus of contention in submissions. We address these matters later in this decision. We have also noted that we will consider the Central City and other Commercial and Industrial zoning matters later in our enquiry.

[65] With those qualifications, we find the design of the Commercial and Industrial zoning classes, as confirmed by this decision, are the most appropriate.

### **Commercial and Industrial objectives and policies**

[66] The Revised Version recommended some changes to the objectives and policies of the Notified Version (for both the Commercial and Industrial chapters), in response to issues raised

in submissions and evidence. However, those changes were primarily to clarify and better direct, rather than substantively depart from, the approach of the Notified Version. Again, the Commercial and Industrial objectives and policies were not significantly challenged in closing submissions.<sup>35</sup> We have made only confined drafting clarity changes and, for ease of reference, we summarise the objectives and policies we have included in the provisions as follows:

Commercial Objectives	Related policies
15.1.1 – Recovery of commercial activity	
15.1.2 – Centres-based framework for commercial activities	15.1.2.1 – Role of centres (including Table 15.1) 15.1.2.2 – Comprehensive approach to development of the Belfast/Northwood Key Activity Centres 15.1.2.3 – New centres in residential greenfield areas; 15.1.2.4 – Accommodating growth; 15.1.2.5 – Banks Peninsula commercial centres
15.1.3 – Office parks and mixed use areas	15.1.3.1 – Office parks; 15.1.3.2 – Mixed use areas
15.1.4 – Urban form, scale and design outcomes	15.1.4.1 – Scale and form of development; 15.1.4.2 – Design of new development; 15.1.4.3 – Suburban centre master plans; 15.1.4.4 – Recognition of Ngāi Tahu/manawhenua values; 15.1.4.5 – Greenfield development/Strategic infrastructure

Industrial objectives	Related policies
16.1.1 – Recovery and growth	16.1.1.1 – Sufficient land supply; 16.1.1.2 – Enable the development of industrial areas to support recovery; 16.1.1.3 – Range of industrial zones; 16.1.1.4 – Activities in industrial zones; 16.1.1.5 – Office development
16.1.2 – Brownfield redevelopment	16.1.2.1 – Brownfield site identification 16.1.2.2 – Brownfield redevelopment
16.1.3 – Effects of industrial activities	Policy 16.1.3.1 – Development in greenfield areas; Policy 16.1.3.2 – Managing effects on the environment; Policy 16.1.3.3 – Managing stormwater

[67] The CRPS and the LURP had significant influence in the design of these provisions, and their refinements through to what is now included in the Decision Version. In particular, the Commercial objectives and policies address urban form and settlement pattern, the hierarchical

<sup>35</sup> The only significant challenge to the centres based approach came from the evidence of Dr McDermott, who gave evidence for MAIL and KI Commercial Ltd. We address our findings on this evidence later in this decision under the heading “The centres based approach more appropriate than light regulation or the status quo”.

centres based approach, greenfield development, land use development and strategic infrastructure, and development form and urban design. Also reflecting the CRPS and LURP, the Industrial objectives and policies address sufficiency of land supply, existing industrial areas being primarily for industry (including an explicit avoidance policy for use of those areas for offices, with specified exceptions), and brownfields and greenfields development.

[68] On the evidence, we find that the objectives of the Decision Version are the most appropriate for achieving the RMA's purpose, and the policies are the most appropriate for achieving those objectives (and related Strategic Directions objectives).<sup>36</sup>

[69] We have reached that view, being satisfied that the objectives and policies properly and effectively address the various resource management issues identified in the evidence (and in the s 32 report) and will fulfil their intended statutory purposes, in relationship to the rules that we have provided to implement them. Specifically, they give appropriate policy guidance and direction for the processing (including any notification) and determination of resource consent applications, and for decisions on whether non-complying activities pass the s 104D RMA threshold to be consentable. Those objectives and policies (together with relevant Strategic Directions objectives) are our point of reference for our evaluation of related zonings, rules and other provisions under ss 32 and 32AA RMA. Our evidential findings, on some related matters in contention, are discussed later in this decision.

[70] A Joint Memorandum of Counsel between the Council and several parties concerning the Introduction Proposal (Part) referred to an observation we made in our Strategic Directions decision. That observation was to the effect that we had insufficient evidence at that time to consider whether there was a strategic component to the relationship of out-of-centre versus centre development and the relationship of both with the central city.<sup>37</sup> Several parties to the memorandum observed that this evidential gap has been remedied by the evidence we have

<sup>36</sup> Leaving aside the provisions we have recorded as deferred.

<sup>37</sup> Joint Memorandum of Counsel Regarding Agreement Reached in Relation to the Introduction Proposal (Part), 10 July 2015, pages 4-5 as between the Council and twenty other parties including the Crown, Ngāi Tahu, infrastructure providers, commercial property and industrial interests, and community boards and community groups; Strategic Directions decision at [133]-[134].

heard for this decision.<sup>38</sup> The parties invited us to revisit the Strategic Directions provisions as a result. We find this to be a thoughtful and useful submission.<sup>39</sup>

[71] We have now received a great deal of evidence on these matters, and are in a position to consider whether it is appropriate to provide a specific reference to the centres based approach in Strategic Directions. However, we do not directly address the question in this decision, but rather reserve our consideration of this matter to later in our pCRDP inquiry. We consider we have the power to do so under the terms of the OIC.

### **The range of activity classes most appropriate**

[72] We provide for a broadly hierarchical activity classification, for resource consent purposes, in both the Commercial and Industrial chapters.

[73] For the Commercial zones, this is generally as follows:

- (a) Listed permitted activities, determined as suitable for the applicable zones, subject to specified activity-specific and built form standards;
- (b) A controlled activity class for new buildings and additions above specified gross leasable floor area thresholds, for the consideration of urban design (where certification requirements are met);
- (c) Restricted discretionary activities where specified permitted activity or built form standards are not met (and also for some classes of activity not considered as appropriate permitted activities within various zones);
- (d) Discretionary activity classification for certain activities adjudged to require broader scrutiny due to localised environmental sensitivities in specified zones or to implement the intentions of the centres based approach (for instance, in regard to offices and retail and the primacy of the Central City);

<sup>38</sup> Avonhead Mall Limited (379); Marriner Investments № 1 Limited (380); Maurice Carter Charitable Trust (385); Carter Group Limited (386).

<sup>39</sup> Raised by Avonhead Mall Limited; Marriner Investments № 1 Limited; Maurice Carter Charitable Trust; Carter Group Limited; and Progressive Enterprises Limited (1450).

- (e) Non-complying activities for specified categories of “sensitive activities” in regard to the “air noise contour (50 dBA Ldn)” (which we later refer to as the ‘50 contour’) and proximity to the centre line of electricity distribution lines and the National Grid;
- (f) A residual discretionary activity class for any activity not provided for as a permitted, restricted discretionary, or non-complying activity (there being no prohibited activity class).

[74] The most significant difference from the Notified Version and the Revised Version is our provision for new buildings and additions above specified gross leasable floor area thresholds to be controlled activities for the consideration of urban design. This is on the basis of the findings we set out later in this decision.

[75] For the Industrial zones, we have not provided for a controlled activity class. Otherwise, the activity classification follows a similar hierarchy to that for the Commercial zones.

[76] The non-complying activity classification provided for sensitive activities within the 50 contour is in contrast to the restricted discretionary activity classification determined by the Panel’s recent Residential Stage 1 decision.

[77] The Council’s planner, Mr Stevenson, did not recommend against the non-complying activity classification specified in the Notified Version for the Commercial and Industrial chapters. Nor was this status opposed in other submissions or related evidence. Those are material differences from the context in which activity classification was considered in the Residential Stage 1 decision. A further material difference is the directives given by the CRPS and other Higher Order Documents, concerning residential intensification and housing needs. The Residential Stage 1 decision reveals the influence of those Documents on the outcome. Those directives do not have the same influence in the consideration of commercial and industrial zones.

[78] Those are the matters that lead us to determine against making any change to the non-complying activity classification of the Notified Version. While we also considered the

evidence of witnesses such as Mr Bonis and Mr Day, that evidence has not had any significant influence on this occasion, for the reasons we have stated.

[79] Our related evidential findings are set out later in this decision. We are satisfied, on the evidence, that the hierarchical activity classification provided for in the Decision Version better responds to the OIC Statement of Expectations, and is the most appropriate for achieving Strategic Directions Objectives 3.3.1 and 3.3.2, and the related objectives noted above.

### **Approach to public and limited notification and non-notification of consent applications**

[80] The RMA provides that rules may be made for the carrying out of a territorial authority's RMA functions and achieving the objectives and policies of the applicable plan (s 76). Those include functions as to the processing of consent applications according to the RMA. The RMA also recognises that rules can be made for the purposes of decisions on the assignment of consent applications to the RMA's public notification, limited notification or non-notification tracks. For those purposes, it allows for rules that require or preclude public notification (s 95A) or preclude limited notification (ss 95A(2) and (3), and 95B(2)).

[81] Of course, that does not mean notification can be dispensed with arbitrarily or without good reason. As s 76 makes clear, the rules must ultimately serve the Council's relevant RMA functions and achieve the applicable CRDP objectives and policies. As is also directed by s 32 RMA, we must be satisfied that the design of rules that require or preclude public notification, or preclude limited notification, will serve the Council's functions and achieve applicable objectives and policies.

[82] In addition, we must have particular regard to the OIC Statement of Expectations. As noted, it includes (a) that the CRDP "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 Plan) ... reliance on resource consent processes; and ... the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and ... the requirements for notification and written approval".<sup>40</sup>

<sup>40</sup> Canterbury Earthquake (Christchurch Replacement District Plan) Order, Schedule 4, Statement of Expectations.

[83] We are satisfied that the Notified Version properly accords with the RMA requirements we have described, and generally reflects a coherent philosophy that properly accords with the above-noted expectation.

[84] While we have modified the notification regime of the Notified Version in some respects, we have done so in a way that accords with the overall design intentions we have described.

[85] The Council's planner, Mr Stevenson, helpfully summarised the intended approach of the Notified Version to non-notification, in his evidence in chief. He did so in response to a submitter seeking a presumption of non-notification for restricted discretionary activities and other activities, either specific to an area or across commercial and industrial zones.<sup>41</sup>

[86] Drawing significantly from Mr Stevenson's approach, but taking account of changes we have made to the Revised Version, the design of approach in the Decision Version is:

- (a) Applications for controlled activities specified in the Commercial chapter (for urban design) are non-notified.
- (b) For other consent applications, with regard to built form standards:
  - (i) Public notification of applications is generally not required where there is a non-compliance with a built form standard (restricted discretionary activity), for example relating to height, setbacks from residential zones, and sunlight and outlook to adjoining residential properties.
  - (ii) Further, limited notification of applications is generally reserved for where there is a non-compliance that could affect an adjoining residential zone, or these relate to maximum height, setbacks, and sunlight and outlook.
- (c) For activities provided for as restricted discretionary or discretionary activities, either because they breach a permitted activity standard, or the activity is specifically identified as such, there is also a presumption of non-notification. Mr Stevenson gave the example of an industrial activity where there was non-

<sup>41</sup> Evidence in chief of Mark Stevenson, page 42-43.

compliance with permitted standards controlling the scale of ancillary retail and office activities. Such non-compliance would call for a strategic assessment of the effects. Mr Stevenson explained that, “It is not anticipated that individuals will be affected for the purpose of assessment under section 95 of the Resource Management Act on matters such as this”. On that basis, he recommended that we accept the submitter’s relief (i.e. non-notification in part).

- (d) Exceptions to the above apply for a number of area-specific activity classes, as these have been carried across from bespoke regimes of the Existing Plan (usually provided for through plan changes) and were not challenged in submissions.

[87] A similar approach to that explained by Mr Stevenson is applied to other activities. We accept that it accords with the RMA requirements and our expectations, as discussed above.<sup>42</sup>

[88] We now address particular matters in contention, concerning first the Commercial chapter, and then the Industrial chapter.

## **EVALUATION OF MATTERS IN CONTENTION — COMMERCIAL CHAPTER**

### **The centres based approach more appropriate than light regulation or the status quo**

[89] The Notified Version provided for a hierarchical “centres” approach for commercial activity and directed new “commercial” (including retail) activities to those centres. The roles of those “centres” was explicitly stated, and backed by various policies and rules. The hierarchy was the “Central City”, “District Centre — Key Activity Centre”,<sup>43</sup> “Neighbourhood Centre-Key Activity Centre” (Spreydon/Barrington), “Neighbourhood Centre — Other”, “Large Format Centres” and “Local Centres”.<sup>44</sup>

[90] We find the Notified Version’s hierarchy of centres gives effect to the CRPS. That is in terms of how the Notified Version identifies the Central City and the various KACs listed in the CRPS,<sup>45</sup> gives relative priority to the Central City and District Centres and the

<sup>42</sup> Evidence in chief of Mark Stevenson, page 42-43.

<sup>43</sup> The Key Activity Centres identified by the CRPS are all designated as District Centres, with the exception of Spreydon/Barrington, which is a neighbourhood centre.

<sup>44</sup> This summary drawing from opening submissions for the Council, at 1.2.

<sup>45</sup> That is on the basis that the New Brighton KAC is not yet before us.

Spreydon/Barrington KAC, and identifies and gives relative priority to neighbourhood centres. The fact that the Notified Version also provides for “Large Format Centre” and “Local Centres” is not inconsistent with the CRPS, in that the CRPS does not direct against such an approach.

[91] The Notified Version expresses a policy and regulatory bias, in both an enablement and protection sense, for these specified centres. That is reflected, for example, in Objective 15.1.1 (Focus of commercial activity) and Policies 15.1.1.1 (Role of centres), 15.1.1.2 (Role, extent and development of centres), 15.1.1.4 (Activities in district and neighbourhood centres). It is also reflected in Appendix 15.9.1 (Centres’ description and function table), zoning and activity classifications, standards and other matters.

[92] Generally, submissions did not seek that the centres based approach of the Notified Version be abandoned, or replaced with either an unregulated market approach or a return to the “status quo” of the Existing Plan (including Variation 86).<sup>46</sup> Rather, challenges in submissions were directed to aspects of how the centres based approach, as directed by the CRPS, was implemented. The focus of submissions was generally on choices made, for example, about how particular land should be zoned and/or regulated under a centres based approach. Some submissions focused on particular land within the identified centres network. Other submissions concerned how land out of centre should be regulated. That confined focus was, generally, mirrored in the contested expert evidence.

[93] However, Dr Philip McDermott,<sup>47</sup> who gave evidence for KI Commercial (789) and Memorial Avenue Investments Limited (‘MAIL’) (917, FS1351), challenged the centres based approach at a more fundamental level. He challenged the Notified Version’s centres based approach to office and retail, at least to the extent to which he considered it could stop or severely constrain activity.<sup>48</sup> In essence, he favoured a model of significantly less market intervention.

[94] During cross-examination by Mr Radich QC for the Crown, it became clear that Dr McDermott favoured a broader, more flexible, planning approach than is available to us in

<sup>46</sup> See, for example, Closing submissions for AMP at 33-34; Closing Submissions for Foodstuffs at 4.1.

<sup>47</sup> Dr McDermott has a Masters in Geography, and a Doctorate in spatial variations in performance of firms and economic geography. However, he confirmed that he was not an economist, but was giving evidence as a planning expert and relying on economic analysis: Transcript, page 900, lines 1–19.

<sup>48</sup> Transcript, page 1179, lines 22–32 (Dr McDermott).

terms of the direction given by the CRPS.<sup>49</sup> He also acknowledged that this preference for significantly less market intervention went further than what his clients sought by way of changes to the Notified Version.<sup>50</sup> In an exchange with the Panel, Dr McDermott agreed that his view that some offices will always favour suburban locations was based on a particular ideology or paradigm that it is best to allow people to make rational choice about where to locate to best suit their business, and that the outcome of this would lead to greater welfare and utility as it will encourage more investment.<sup>51</sup>

[95] Dr McDermott’s preference for a less interventionist approach would appear to be on the basis of his view that this could better assure the delivery of economic efficiency.

[96] We acknowledge that it is relevant for us to evaluate the Notified Version in terms of economic efficiency dimensions. Section 7(b) RMA directs that we have particular regard to the efficient use and development of natural and physical resources. In addition, “wellbeing”, in the definition of “sustainable management” in s 5 RMA, includes economic wellbeing.

[97] As we have noted, the s 32 Report on the Notified Version is backed by the detailed Property Economics Report co-authored by Messrs Heath and Osborne. That includes detailed retail market research which has informed the centres based approach of the Notified Version.<sup>52</sup> We are satisfied that the Report’s authors, Mr Heath and Mr Osborne, were relevantly better qualified than Dr McDermott to express opinions on relevant dimensions of economic wellbeing and efficiency, in the Christchurch setting. By contrast, Dr McDermott acknowledged in cross-examination that he was expressing, in essence, a philosophical viewpoint. It was not obviously backed by any depth of analysis or research on the state of the Christchurch market, and local market trends. Our Strategic Directions decision records our finding that the earthquakes have set Christchurch apart from other major New Zealand cities.<sup>53</sup> That is also emphasised by the LURP’s inclusion of Chapter 6 in the CRPS, including its directions for a centre based approach.

<sup>49</sup> Transcript, page 913, lines 1–7 (Dr McDermott).

<sup>50</sup> Transcript, page 913, lines 20–35 (Dr McDermott). This was in relation to evidence given by Dr McDermott on behalf of MAIL.

<sup>51</sup> Transcript, page 923, lines 1–15 (Dr McDermott).

<sup>52</sup> We return to some matters of difference between experts on some aspects of the Property Economics market analysis later in this decision.

<sup>53</sup> At [109].

[98] For those reasons, we prefer the evidence of Messrs Heath and Osborne (including their analysis for the s 32 Reports) to that of Dr McDermott on the matter of economic efficiency. Quite apart from the directives for a centres based approach in the CRPS, the evidence of Messrs Heath and Osborne satisfies us that, in economic efficiency terms, the Notified Version is more appropriate than an unregulated market approach espoused by Dr McDermott (or a return to the “status quo” of the Existing Plan).

[99] Mr Osborne<sup>54</sup> addressed the benefits to the community of taking such a centres based approach as provided for under the Notified Version. He explained those included the greater amenity benefits (in terms of the vitality and vibrancy of centres), agglomeration benefits (such as increased specialisation within centres and economies of scale, with consequent productivity gains), and better transportation and land use efficiencies.<sup>55</sup> He noted that the co-location in centres of retail activities and community facilities (such as libraries) meant increased accessibility to these facilities, for the greater social wellbeing of communities. Conversely, he said decentralisation can lead to adverse effects on community infrastructure, such as libraries and other community facilities.<sup>56</sup>

[100] We observe that the CRPS explicitly identifies the achievement of several of those benefits as a driving purpose of its objectives and policies. The CRPS intends KACs (existing and proposed) to be focal points for commercial (including for employment), community and service activities, and for the transport network. It intends that investment in centres be supported to achieve diversity in business opportunities and mixed use development and good urban design.

[101] On the evidence, the Panel is overwhelmingly satisfied as to the important community role that centres play, particularly in terms of providing community facilities and public assets. Centres are not just for commercial activity. They serve an important wider community purpose. They bear an important symbiotic relationship to residential communities. They are intended to be the focus of higher density living environments. This has importance for the delivery of both intensification and greenfield development targets set by the CRPS.

<sup>54</sup> Mr Osborne has a Bachelor of Arts (History/Economics), a Masters in Commerce, and a Masters in Planning Practice and has provisionally completed his doctorate thesis in development economics. He has approximately 10 years’ experience as an economic property consultant for Property Economics, and has prior experience as a business analyst in New Zealand and in Europe.

<sup>55</sup> Evidence in chief of Philip Osborne on behalf of the Council at 9.1–9.34.

<sup>56</sup> Evidence in chief of Philip Osborne at 9.24.

Ultimately, a centres based approach is important for assisting the revitalisation of communities, enabling their recovery and contributing to their long term strength. In those terms, also, it is important to recognise that centres, like the communities they serve, are not homogenous and do not necessarily need to be treated in the same way.

[102] Given the significance of these community wellbeing benefits, for the purposes of the sustainable management purpose of s 5 RMA, we are satisfied that the centres based approach of the Notified Version does not conflict with the RMA's directions concerning trade competition. In its preparation of the Notified Version, the Council was precluded from having regard to trade competition or its effects and that prohibition also extends to us: s 74(3) RMA, cl 14(4), OIC.

[103] Implementation of a centres based approach is a market intervention.<sup>57</sup> It may have trade competition consequences. However, we agree with Mr Heath that the centres approach concerns what is in the best interests of the community, particularly, a recovering community.<sup>58</sup> That is the case whether the matter in question is a particular centre or a supermarket. The significance of those benefits to Greater Christchurch, particularly in assisting its recovery, is demonstrated by both the policy emphasis given to them by the CRPS and the evidence we have heard. Similarly, while individual submitters may advocate for particular outcomes because those submitters see trade competition advantages in doing so, our focus is on what the evidence shows as being best from a community perspective. As Mr Osborne helpfully expressed it, the proper planning focus is on what is the most efficient outcome across a network of centres rather than individual trade competition.<sup>59</sup>

[104] On that basis, we are satisfied that the implementation of a centres based approach as we confirm by this decision does not offend the statutory bar on the consideration of trade competition and its effects.

[105] We are overwhelmingly satisfied, on the evidence, that the centres based approach that underpinned the Notified Version is the most appropriate, and we confirm it accordingly.

<sup>57</sup> Evidence in chief of Philip Osborne at 7.1; Transcript, page 1879, lines 27–32.

<sup>58</sup> Transcript, page 156, lines 10–14 (Mr Heath).

<sup>59</sup> Transcript, page 90, lines 22–24 (Mr Osborne).

## **Enabling growth and development and protecting the recovery of centres**

[106] The CRPS recognises and allows for competitive market forces both as between centres and as between in-centre and out-of-centre activities. It sets boundaries to this, by reference to effects. For instance, Objective 6.2.5 specifies that the development and distribution of commercial activity will “avoid significant adverse effects” on the function and viability of the Central City, KACs and neighbourhood centres. Similarly, Policy 6.3.1 says “avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres”.

[107] The ultimate purpose of the CRPS is to serve the RMA’s sustainable management purpose. Therefore, to properly give effect to the CRPS it is important to understand two matters of context:

- (a) The relative vulnerability of centres, including as to how they are progressing towards recovery. That is important to gauge the sensitivity, or otherwise, of existing centres to adverse distributional effects.
- (b) The current and prospective needs of the community for growth and expansion of centres and commercial development. That is important for informing us on the extent to which such growth ought to be enabled (both in-centre and out-of-centre) to enable communities to provide for their wellbeing.

[108] The evidence demonstrated significant unevenness in the progress of centres towards recovery.

## **The Central City**

[109] The evidence establishes that the Central City (‘CBD’) is still vulnerable, and requires support to the extent that can be provided in the CRDP. Evidence of this vulnerability was given by Mr Osborne and Mr Heath for the Council, and Mr King and Mr Ogg for the Crown. Mr Osborne noted that the CBD has been left more vulnerable through a pre-earthquake trend of losing commercial activity, and it no longer possesses the critical mass to sustain itself. He emphasised the importance of the recovery of the CBD as an influential competitive asset that

is critical to the recovery of the Christchurch economy as a whole.<sup>60</sup> Mr Heath gave evidence that, since 2002, the CBD has experienced the largest proportional market share decline, in a retail context, of all the main centres in Christchurch.<sup>61</sup> His evidence was that CBD retail was still in recovery mode and that, while it had been declining long before the earthquakes, this decline was exacerbated considerably by them.<sup>62</sup> Mr King, for the Crown, considered that, while the Central City was on a promising path of recovery, there were still risks in terms of use of available land outside the Central City and potential for suburban development.<sup>63</sup> Similarly, Mr Ogg gave evidence that, while there were positive steps in the recovery of the CBD, there were still challenges, particularly regarding the potential for an oversupply of office space in the short term.<sup>64</sup>

[110] However, it is clear that assisting the Central City to recover does not mean restricting or “straightjacketing” centres outside the CBD,<sup>65</sup> or unduly protecting the CBD from trade competition. A balance is required.

[111] In addition, the evidence establishes to us that a narrow focus on one sector of the economy is not sufficient to revitalise the CBD. It would not be enough for the CRDP to restrict retail provision in centres so as to encourage retailing in the CBD, for example. The evidence (both in this hearing, and in other hearings by the Panel) demonstrated that commercial, retail and residential activities are all important for the revitalisation of the CBD.<sup>66</sup> An influx of offices and residential development will need to be serviced by retail services, which also serves as the ground-floor conduit that links other activities together.<sup>67</sup> While it is not necessary to assess whether any one of these categories is more important than the others in terms of recovery (and the evidence differed on this point), it does demonstrate that the CRDP must take a broad view of the recovery of the CBD in order to enable recovery to occur evenly and in a timely manner.

<sup>60</sup> Evidence in chief of Philip Osborne at para 6.12.

<sup>61</sup> Evidence in chief of Timothy Heath on behalf of the Council at para 14.7.

<sup>62</sup> Transcript, page 184, lines 27-34; page 189, lines 38-46 (Mr Heath).

<sup>63</sup> Transcript, page 371 (Mr King). Mr King has a BCom and is a member of the Institute of Chartered Accountants. He is the General Manager, Commercial Strategy in the Christchurch Central Development Unit of the Canterbury Earthquake Recovery Authority.

<sup>64</sup> Evidence in chief of Marius Ogg on behalf of the Crown at paras 4.2 and 9.1. Mr Ogg has a BA and a BCom and has been working in the valuation industry since 1997. He is Director of Valuation and Advisory Services at CBRE Limited.

<sup>65</sup> Transcript, page 135, lines 20-23 (Mr Heath).

<sup>66</sup> See, for example, Transcript, pages 133-134 (Mr Heath); page 372, lines 8-41 (Mr King); pages 379-380 (Mr Ogg).

<sup>67</sup> Transcript, page 143, lines 1-22 (Mr Heath).

## Uneven recovery across KACs

[112] While some centres remain vulnerable and in need of assistance to recover, this is not uniformly reflected across the network. Mr Heath considered that the greater vulnerability of some centres in the east of the city meant any impact on these centres, for example as a result of non-centre development, would be felt more deeply here than in centres on the western side of the city.<sup>68</sup> Mr Heath was also of the opinion that this not only impacts on the retail offerings of a centre, but also on the wider strength of that centre to offer a range of services (i.e. both commercial and community services).<sup>69</sup> We accept that evidence.

## Linwood/Eastgate

[113] As we discuss below in regard to the PD Sloan submission (934, FS1441) on Ferrymead, we accept Mr Heath’s evidence that Linwood/Eastgate is generally more vulnerable, given that it does not have the socioeconomic demographics to recover quickly.<sup>70</sup>

[114] Mr Heath explained that the Linwood/Eastgate centre suffered significantly as a result of the earthquakes. It lost a meaningful portion of its residential catchment and one of its key ‘anchor’ tenants (the Farmers department store).<sup>71</sup>

[115] Ms Kim Seaton, planning expert for mall owner, NPT Limited (707, FS1349), outlined the difficulty that Eastgate Mall was experiencing in re-tenanting space on the first floor left vacant by the departure of the Farmers department store. Some of this space has been taken up by the Linwood Library and the Linwood Service Centre, with a medical centre also having consent to establish in the mall.<sup>72</sup> Ms Seaton also outlined discussions to turn some of this empty retail space into office space for a partnership of community groups called “the Alliance”, led by Aviva (formerly Women’s Refuge) and including Barnardos, Red Cross and the Family Help Trust.<sup>73</sup> There is also a possibility that further NGOs and community based organisations may wish to relocate to this space.<sup>74</sup>

<sup>68</sup> Transcript, pages 175–176 (Mr Heath).

<sup>69</sup> Transcript, page 175, lines 18–22 (Mr Heath).

<sup>70</sup> Transcript, page 176, lines 9–16 (Mr Heath).

<sup>71</sup> Evidence in chief of Timothy Heath at para 24.3.

<sup>72</sup> Transcript, page 834, lines 1–9 (Ms Seaton).

<sup>73</sup> Transcript, page 834, lines 13–20 (Ms Seaton).

<sup>74</sup> Transcript, page 834, lines 28–32 (Ms Seaton).

[116] As we further discuss in regard to the PD Sloan submission, all of these community-focused services are important to the role that KACs are intended to have within the community. However, Ms Seaton's evidence was consistent with what Mr Heath told us concerning the vulnerability of Eastgate's commercial recovery.

[117] Ms Seaton commented that the only reason the Alliance was able to establish at Linwood/Eastgate was because the Eastgate Mall had existing vacant space that needed to be tenanted. Effectively, the arrangement is a rent deal because Linwood/Eastgate needs to fill the space and it suits both parties.<sup>75</sup>

[118] Mr Heath considered that Linwood/Eastgate was struggling as a district centre given its current composition and state.<sup>76</sup> However, in his view, Eastgate would have the potential to perform the role of an effective and functioning district centre and KAC as part of its long-term recovery.<sup>77</sup>

[119] As we further discuss in relation to Ferrymead, the likelihood of this occurring is influenced by the level and rate of residential and employment growth in the area. Mr Heath considered that residential growth in the wider catchment area would be very important to help facilitate the recovery of the Linwood/Eastgate KAC.<sup>78</sup> In his opinion, provision in the CRDP to support affordable or social housing would help to facilitate that growth.<sup>79</sup>

[120] The Panel accepts Mr Heath's evidence that Linwood/Eastgate is struggling and that appropriate plan responses may help to facilitate its recovery. We deal with the detail of these responses below at [318]–[333], and in our Residential Stage 1 decision.

[121] However, it is important to note that, in some respects, post-earthquake Linwood/Eastgate is embracing its role as a district centre. This is particularly in the role it is performing as a focal point for community and service activities. Ms Seaton accepted that the inclusion of council and NGO services in the Mall reinforced the community aspect of the

<sup>75</sup> Transcript, page 834, lines 34–39 (Ms Seaton).

<sup>76</sup> Transcript, page 181, lines 10–13 (Mr Heath).

<sup>77</sup> Transcript, page 182, lines 31–34 (Mr Heath).

<sup>78</sup> Transcript, pages 181–182 (Mr Heath).

<sup>79</sup> Transcript, page 182, line 40 to page 183, line 3.

Linwood KAC and was a point of difference from the other malls in Christchurch, partly because of the different catchment that it has.<sup>80</sup>

### **Shirley/The Palms**

[122] Mr Heath and Mr Bonis (planner for Progressive Enterprises Limited (790, FS1450)) both considered that The Palms was also in recovery mode.<sup>81</sup>

[123] However, overall, the evidence as to that was somewhat less clear than for Linwood/Eastgate. The Palms has a resource consent for a 9000m<sup>2</sup> extension to develop in its car park, but this has not yet been implemented. Mr David Cosgrove, the Divisional Development Manager New Zealand for AMP Capital Investors (New Zealand) Limited ('AMP Capital'/'AMP') (1187, FS1335) (the parent company of the owner, AMP Capital Palms Pty Limited ('AMP Palms') (814, FS1308)), explained that AMP Palms had reviewed its development plans in the belief that, post-earthquake, customers are reluctant to park in multi-level car parking buildings. Instead, AMP Palms sought that land to the immediate north and west of The Palms be zoned for commercial, rather than residential, purposes. In part, this was to give The Palms added flexibility to respond to consumer demand. On balance, we do not consider the evidence to establish Shirley/The Palms to be especially vulnerable or in need of particular assistance to aid its recovery.

### **Other Christchurch centres**

[124] The evidence satisfies us that none of Riccarton, Papanui/Northlands, Belfast and Hornby are in recovery mode.

[125] The evidence demonstrated that the Riccarton centre had benefited from the earthquake and the dispersal of activity from the CBD.<sup>82</sup> Mr Heath explained that, after the earthquakes (2010–2014), Riccarton experienced a 16 per cent proportional market share increase.<sup>83</sup> He noted that this meant Riccarton was a major benefactor from the post-earthquake retail spend

<sup>80</sup> Transcript, page 836, lines 28–33 (Ms Seaton).

<sup>81</sup> Transcript, page 184, lines 27–34 (Mr Heath); page 185, lines 8–31 (Mr Heath); page 463, lines 23–34 (Mr Bonis).

<sup>82</sup> Transcript, page 183, lines 20–25 (Mr Heath).

<sup>83</sup> Evidence in chief of Timothy Heath, Table 4 at para 14.6; para 14.8.

redistribution. By way of comparison, in the eight years before the earthquakes, Riccarton had increased its proportion of market share only marginally (3 per cent).

[126] Northlands also benefited significantly from the earthquakes.<sup>84</sup> Mr Heath explained that, in the post-earthquakes period, it experienced a proportional market share growth (of 7 per cent), which was in contrast to the declining proportional market share it had in the 2002–2010 period.<sup>85</sup>

[127] Likewise, the evidence showed that Belfast KAC had benefited from the redistribution of retail spend post-earthquakes.<sup>86</sup> We recognise that the evidence was limited. It took account of the existing Northwood Supa Centre site, but did not refer to the adjacent New World. Obviously, it did not account for the yet-to-be-built Styx component of this KAC. However, Mr Heath explained that the Belfast KAC continued its strong proportional market growth, increasing by 42 per cent between 2010 and 2014. In his opinion, this was not only due to the redistribution of the Christchurch spend, but was also likely to be as a result of Rangiora and Kaiapoi being compromised as retail destinations.<sup>87</sup>

[128] As for Hornby, Mr Heath observed that its proportional market share increased by 21 per cent between 2002 and 2010 (pre-earthquakes). He explained that there had been no change to its proportional market share post-earthquake between 2010 and 2014.<sup>88</sup> Mr Heath noted that this data did not include the Countdown supermarket site at Hornby, which meant that this post-earthquake proportional market share was likely to be underestimated. In questioning from the Panel, Mr Heath considered that Hornby was not in recovery mode.<sup>89</sup> The Panel accepts that to be the position.

[129] The evidence relating to the other Christchurch city KACs was less comprehensive. We were not provided with any specific evidence about the proportional market share of Spreydon/Barrington. Similarly, we do not have any specific evidence on the New Brighton KAC, only a general observation about the vulnerability of centres in the east of the city.<sup>90</sup> It is not necessary to address Halswell in this context, as it is a new KAC yet to be developed.

<sup>84</sup> Transcript, page 183, lines 23–36 (Mr Heath).

<sup>85</sup> Evidence in chief of Timothy Heath, Table 4 at para 14.6; para 14.9.

<sup>86</sup> Transcript, page 183, lines 23–36 (Mr Heath).

<sup>87</sup> Evidence in chief of Timothy Heath, Table 4 at para 14.6; para 14.10.

<sup>88</sup> Evidence in chief of Timothy Heath, Table 4 at para 14.6.

<sup>89</sup> Transcript, page 185, lines 17–22 (Mr Heath).

<sup>90</sup> In any event, the New Brighton KAC will be considered under Stage 2.

[130] This unevenness in the health of centres (i.e. some being earthquake beneficiaries, others earthquake victims, and others largely unaffected) is important contextual evidence. In particular, it can mean that particular centres are more or less vulnerable to adverse distributional effects.

### **Greater Christchurch KACs — Rangiora, Kaiapoi and Rolleston**

[131] In regard to the other Greater Christchurch KACs, the focus of evidence was primarily on Rangiora, Kaiapoi, and Rolleston.

[132] In each case, this was out of concern for adverse distributional effects in the context of relief pursued in relation to other KACs. In the case of the Rangiora and Kaiapoi KACs, Waimakariri District Council (‘WDC’) (968, FS1200) raised concerns as to the effects from allowing release of the Belfast KAC from staging restrictions, as sought by AMP Capital.<sup>91</sup>

### **Waimakariri District Council — Rangiora and Kaiapoi KACs**

[133] The WDC called evidence from Mr Bonis (planning),<sup>92</sup> Dr Fairgray (economics)<sup>93</sup> and Ms Caseley (Planning Manager at WDC).<sup>94</sup> It sought to establish that the Rangiora and Kaiapoi KACs were particularly vulnerable post-earthquakes. Its particular concern was the impact of the size and rate of development of the Belfast KAC, and the potential impact it would have on Rangiora and Kaiapoi.

[134] We do not accept WDC’s evidence that Rangiora is particularly vulnerable. Also, we find the position as to Kaiapoi equivocal and, on the whole, not demonstrating particular vulnerability in this centre. Our reasons for those findings are as follows.

[135] Ms Caseley gave evidence as to how the earthquakes impacted on Kaiapoi and Rangiora and on their current state of recovery. In her view, both towns were still in a recovery phase.<sup>95</sup>

<sup>91</sup> In the case of Rolleston, Selwyn District Council (‘SDC’) raised concerns as to requested expansion of the North Halswell KAC. However, as noted, we have deferred our determinations concerning this KAC.

<sup>92</sup> Mr Bonis has a Bachelor of Regional Planning and has worked in the practise of Planning and Resource Management for around 17 years. He is an associate of Planz Consultants.

<sup>93</sup> Dr Fairgray has a PhD in geography from the University of Auckland. He is a principal of Market Economics Limited and has 35 years’ consulting and project experience. He specialises in policy and strategy analysis, the geography of urban and rural economies, assessment of demand and markets, and the evaluation of outcomes and effects, in relation to statutory objectives and purposes.

<sup>94</sup> Ms Caseley has a Master’s degree in Resource Management and has 22 years of planning experience.

<sup>95</sup> Transcript, page 1340, lines 30–31 (Ms Caseley).

[136] As for public buildings, Ms Caseley informed us that the Kaiapoi War Memorial Hall was demolished, the museum fell down, the library, information and service centres were forced to close immediately and the Police Station required major upgrading.<sup>96</sup> In Rangiora, she said that the Rangiora Town Hall, the public chambers at the library building and the District Court were each forced to close after the earthquakes.

[137] She explained that Kaiapoi sustained substantial damage in the September 2010 earthquake. This was both in the town centre and in housing to the north and east. Approximately a quarter of the housing stock was “red zoned” or required major repair, and 12,000m<sup>2</sup> GFA (or about one third of the total commercial space) was impacted.<sup>97</sup>

[138] In a proportionate sense, we understood Ms Caseley to explain that the initial loss of buildings in Kaiapoi was more substantial than in Rangiora. A number of other businesses chose to leave Kaiapoi. Others temporarily relocated into the residential zone and were in the process of moving back into the KAC, although this process was not yet complete.<sup>98</sup> Recovery has been spearheaded by WDC investment in public facilities (such as the library and service centre), and has also included private reinvestment.<sup>99</sup> Following an initial decrease in business numbers, recovery in the Kaiapoi KAC was steady, but had not yet returned to pre-earthquake levels, with at least three key sites remaining vacant and with no current development proposals.

[139] Ms Caseley said that, by contrast, Rangiora did not sustain the same level of substantial damage in the town centre. However, it was greatly affected by subsequent structural integrity assessments of buildings.<sup>100</sup> Those assessments resulted in more than 13,000m<sup>2</sup> of commercial floor space being required to be demolished or to undergo major repair and strengthening. She explained that Rangiora lost some clothing shops, a chemist, Paper Plus, some shoe shops, Toy World and a photography shop. The WDC responded by implementing its own version of a pop-up mall, which allowed some business to relocate there, while two or three clothing shops chose to leave Rangiora altogether.<sup>101</sup>

<sup>96</sup> Transcript, page 1352, lines 8–21 (Ms Caseley).

<sup>97</sup> Transcript, page 1339, lines 32–39 (Ms Caseley).

<sup>98</sup> Transcript, pages 1352–1353 (Ms Caseley).

<sup>99</sup> Transcript, page 1340, lines 1–9 (Ms Caseley).

<sup>100</sup> Transcript, page 1338, lines 25–31; page 1340, lines 11–14 (Ms Caseley).

<sup>101</sup> Transcript, page 1352, lines 30–38 (Ms Caseley).

[140] In her oral summary, Ms Caseley told us that some 1200m<sup>2</sup> had so far been rebuilt across a number of sites, but that at least five key sites, accounting for around 7300m<sup>2</sup> of commercial floor space, remained vacant. She told us that the redevelopment timeframes were unknown.<sup>102</sup>

[141] In response to a question by Mr Bartlett QC<sup>103</sup> in cross-examination, Ms Caseley stated that, while the Farmers department store has a resource consent and has publicly stated that it is committed to Rangiora, there was still a lot of concern about whether that would actually eventuate.<sup>104</sup>

[142] At the conclusion of Ms Caseley's initial oral evidence, the Panel was left with a clear impression that, like Kaiapoi, Rangiora was still experiencing an uncertain recovery and remained particularly vulnerable. However, in opening the case for AMP Capital regarding the Styx centre, Mr Bartlett brought to our attention a number of relevant documents regarding the rate of recovery in Rangiora. This included a Rangiora Town Centre Progress Map ('Progress Map'/'Map') available on the WDC website and a Christchurch Press advertisement calling for tenders for the Farmers building.<sup>105</sup>

[143] Ms Caseley was recalled to produce these documents in evidence and answer questions on them. The Progress Map showed the status of 16 developments in the Rangiora town centre, including some of those specific developments that were referred to by Ms Caseley. She identified the 7300m<sup>2</sup> of lost commercial floor space as having uncertain expected completion dates (being projects numbered 2, 3, 8, 12 and 16 on the Progress Map).<sup>106</sup>

[144] In answer to Mr Bartlett, Ms Caseley accepted that 'project 2' on that Map was a church property. She explained that the Waimakariri District Plan did not differentiate between office, retail or community facilities, but instead referred to these activities as one bundle of activities. However, we found the inclusion of this property in her 7300m<sup>2</sup> figure somewhat misleading, given that it is evidently not commercial floor space.<sup>107</sup>

<sup>102</sup> Transcript, page 1340, lines 11-23 (Ms Caseley).

<sup>103</sup> Counsel for AMP Capital Investors (New Zealand) Limited (1187, FS1335) ('AMP Capital'/'AMP').

<sup>104</sup> Transcript, page 1353, lines 32-34 (Ms Caseley).

<sup>105</sup> Transcript, pages 1757-1760. Rangiora Town Centre Progress Maps, Exhibit 26; Christchurch Press excerpt — Public Notices, Exhibit 27.

<sup>106</sup> Transcript, page 1774, lines 19-22 (Ms Caseley).

<sup>107</sup> Transcript, page 1775-1776 (Ms Caseley).

[145] As to the balance of that figure, Ms Caseley confirmed that what is identified as “project 8” on the plan is the Farmers site which was some 3700m<sup>2</sup>. She confirmed that the Council had granted resource consent for a two-storey Farmers building covering the entire site. When Mr Bartlett put to her that the total floor area of such a building would itself account for her concern as to the total loss of 7300m<sup>2</sup> of floor space from Rangiora, she disagreed. She said her concern was as to the level of uncertainty around timeframes and whether the build back would actually occur.<sup>108</sup> However, in questioning from the Panel, she conceded that, even if other identified projects did not proceed, the Farmers building would substantially assist in returning gross floor area to the pre-earthquakes situation.<sup>109</sup>

[146] Regarding the Christchurch Press advertisement, Ms Caseley stated that she was not aware of this when she gave her evidence on 2 June 2015. In cross-examination, she accepted that the advertisement showed invitations from four potential head contractors to subcontractors, and that this invited supposition that, some time previously, Farmers or its representatives invited head contractors to price the project. However, she felt that she could not answer any further because she was not party to that knowledge or any discussions with Farmers.<sup>110</sup> However, this additional information did not cause her to alter her opinion about the uncertainty of Farmers returning to Rangiora. She explained that conclusion was based on the fact that, over the last two or three years, there have been a number of proposals for commercial development that have not proceeded. She considered that the issue was that, until an actual physical build commences, there is a level of uncertainty. However, she accepted that her answers about the uncertainty of Farmers proceeding were not informed by any inquiries she had made of her staff, or of Farmers itself.<sup>111</sup>

[147] Ms Caseley was questioned by the Panel about the completeness and accuracy of her evidence. She accepted that the Panel should be entitled to the best possible evidence, which would include making independent enquiries about these projects. She also accepted that, because she did not make enquiries of the developers, the overall tenor of her evidence could have been worse or could have been better depending on their answers.<sup>112</sup>

<sup>108</sup> Transcript, pages 1777–1778 (Ms Caseley).

<sup>109</sup> Transcript, pages 1781–1782 (Ms Caseley).

<sup>110</sup> Transcript, page 1779, lines 21–33 (Ms Caseley).

<sup>111</sup> Transcript, page 1780, lines 1–32 (Ms Caseley).

<sup>112</sup> Transcript, page 1784, lines 39–46 (Ms Caseley).

[148] In view of what emerged through that cross-examination and Panel questioning of Ms Caseley, we do not consider we can rely on her opinion that Rangiora is vulnerable in recovery terms.

[149] We consider we are entitled to much better evidence on behalf of a local authority that shares the CCC's statutory responsibility to give proper effect to the CRPS. Contrary to the opinion Ms Caseley expressed, the evidence indicates Rangiora KAC's rebuild is progressing well, with gross commercial floor area likely to meet, or perhaps exceed, its pre-earthquake levels. We accept that a bare floor area capacity does not, on its own, indicate the strength of a centre. However, we consider that in light of the evidence we received from Ms Caseley, the only conclusion that can be drawn is that the Rangiora town centre is not particularly vulnerable, and while it may still be recovering, appears to be doing so in a particularly positive way.

[150] The Panel accepts that the evidence regarding Kaiapoi is much more equivocal. However, nor does it substantiate concern as to vulnerability.

[151] As we come to discuss shortly, our findings on these matters have some bearing on how we have determined the outcome for the Belfast KAC.

### **Selwyn District Council – Rolleston (and Lincoln) KACs**

[152] The Selwyn District Council ('SDC') (1137, FS1259) submission on the Notified Version expressed "significant concerns" about the potential effect of the North Halswell KAC on the Selwyn District, especially the KACs at Rolleston and Lincoln.<sup>113</sup> While the SDC was not against the development of a commercial centre in North Halswell, its submission on the Notified Version sought more research into its potential effects and a greater understanding of the scale of the North Halswell KAC and its impact on the future development of the Rolleston and Lincoln KACs. While, in theory, SDC supported the limits of 25,000m<sup>2</sup> GFA of retail and 5000m<sup>2</sup> GFA of office space in the North Halswell KAC, it remained concerned about the effect if these caps were exceeded.

<sup>113</sup> Selwyn District Council Submission on the Notified Version, para 4.

[153] For the Council, Mr Heath considered that the North Halswell KAC was appropriately scaled to meet the lack of retail provision in the area given the current market size of the south-west sector of Christchurch and the projected high levels of future growth.<sup>114</sup> In his view, the 25,000m<sup>2</sup> GFA retail space initially enabled was appropriate to establish a critical mass of retail activity and satisfy current demand and growth without compromising the development and recovery of other centres. He considered that this level of development would not generate significant adverse effect on either Rolleston or Lincoln.<sup>115</sup> SDC did not call evidence at the hearing.

[154] Nor were Mr Heath's and other experts' opinions on the amount and staged provision of GFA tested before us. That was because the SDC considered that its concerns had been met by changes to the Notified Version.<sup>116</sup>

[155] As noted above, we have deferred any decisions on the Commercial Core zone (North Halswell) provisions until Stage 3.

### **Community needs for growth and expansion of centres and commercial development**

[156] On this matter, we heard from Mr Heath for the Council. His evidence was that there is sufficient retail capacity within the existing and proposed centres network.<sup>117</sup> On that basis, he considered that the CRDP does not need to focus on providing additional nett capacity for retail. Rather, he considered that it should focus on providing a policy framework to steer new retail development towards centres and allow development to occur in appropriate locations within the overall goal of redeveloping the CBD. Mr Heath considered that the CRDP should be "unashamedly firm" about non-centre retail development in the short to medium term. This was in order to avoid the continued spread of retail activity across other zones to the detriment of the intentions of the Higher Order Documents, and to facilitate the recovery of the Central City. He favoured a consolidation approach to allow existing centres to expand where appropriate.<sup>118</sup> In response to questions from the Panel, Mr Heath did not see much risk in terms of taking a hard line against out-of-centre retail development.<sup>119</sup> Given that, the centres

<sup>114</sup> Evidence in chief of Timothy Heath at para 26.4.

<sup>115</sup> Evidence in chief of Timothy Heath at para 26.4.

<sup>116</sup> Memorandum of Counsel on behalf of the Selwyn District Council on submission 1137, dated 21 April 2015.

<sup>117</sup> Evidence in chief of Timothy Heath at para 18.13.

<sup>118</sup> Evidence in chief of Timothy Heath at para 18.17.

<sup>119</sup> Transcript, page 174 (Mr Heath).

are distributed fairly evenly around the city and quite closely linked to population and, given there is capacity in the existing centre network, he considered that a firm steer in the CRDP would not stifle the opportunity for retail growth to occur in centres and would provide certainty for where retail can go.<sup>120</sup>

[157] On that basis, Mr Heath recommended against accepting the relief pursued by various submitters in regard to particular controls imposed by the Notified Version on both in-centre and out-of-centre land. We return to this in those contexts.

### **The described roles of centres in the hierarchy**

[158] The Commercial chapter is intended to provide clarity as to the function of different centres including district centres and neighbourhood centres, their place in a wider network of centres, and the appropriate scale and form of development commensurate with their function.<sup>121</sup> The Notified Version included various descriptions of the roles and purposes of different centres in its hierarchy. District, Neighbourhood, Local and Large Format centres were first introduced in Objective 15.1.1 of the Notified Version. The Objective then referred to their defined roles with reference to Policy 15.1, which in turn referred to Table 15.1 ‘Role of Centres’ and to Appendix 15.9.1, headed ‘Centres’ description and function table.’

[159] In the course of the hearing, we noted a looseness and lack of clarity in that drafting approach.<sup>122</sup> The Council offered various refinements in its closing submissions, with the support of Mr Stevenson. Drawing from those recommendations, we have consolidated the information contained in Table 15.1 and Appendix 15.9.1.

### **Urban design controls and controls on ceiling height**

[160] The Notified Version included a range of urban design and related controls.<sup>123</sup> These included qualitative urban assessment requirements for the Commercial Core (‘CC’),

<sup>120</sup> Transcript, page 174 (Mr Heath).

<sup>121</sup> Section 32 Commercial Chapter notified on 27 August 2014

<sup>122</sup> Transcript, page 799-800.

<sup>123</sup> The Notified Version also included urban design controls for some commercial local zones. However, these were not supported by the Council’s opening submissions and were deleted in its Revised Version. We do not refer to them further.

Commercial Fringe (‘CF’) and Commercial Retail Park (‘CRP’) zones. Those requirements were matters given particular attention in submissions.

[161] In the CC and CF zones, various developments were classed as restricted discretionary activities for urban design assessment where they were at or above 500m<sup>2</sup> GFA at ground floor level. Restricted discretionary status also applied where developments had a road frontage that was defined as a Key Pedestrian Frontage (‘KPF’), and were either a corner site and/or had a length of greater than 20 metres.<sup>124</sup>

[162] Scentre (New Zealand) Limited (742, FS1270), Foodstuffs, Kiwi Income Property Trust and Kiwi Property Holdings Limited (761, FS1352) and others with development and/or ownership interests in centres opposed these provisions as unduly onerous. The Crown requested that urban design controls not apply where the building does not adjoin a KPF or a road frontage. PD Sloan and Progressive Enterprises Limited supported that request.

[163] In the CRP zone, for urban design assessment, the Notified Version classed new buildings or additions of 2000m<sup>2</sup> or more GLFA as a restricted discretionary activity.<sup>125</sup> Bunnings Limited (725, FS1367) and Reefville Properties Limited (866, FS1377) and others<sup>126</sup> requested that this requirement for urban design assessment be deleted.

[164] A significant number of submissions also requested the removal and/or the simplification of the urban design assessment matters in provision 15.8.1.<sup>127</sup>

[165] While we have retained a qualitative urban design assessment regime for the CC zone, we have made the following significant changes to it:

- (a) We have changed the area thresholds for control, specifying 4000m<sup>2</sup> GLFA for District Centres (‘district centre threshold’) and 1000m<sup>2</sup> GLFA for Neighbourhood Centres (‘neighbourhood centre threshold’);

<sup>124</sup> Evidence in chief of Mark Stevenson at para 20.26.

<sup>125</sup> GLFA means gross leaseable floor area.

<sup>126</sup> See, for example, Peebles Group Ltd (1195); 100-148 Langdons Road, Papanui Properties Limited (1188); 30-64 Harewood Rd, 22 Chapel St & 41 Langdons Road, Papanui Properties Limited (1189); Peebles Family Trust (1078); 7990 Ltd (1086); and Progressive Enterprises Ltd.

<sup>127</sup> For example Avonhead Mall Limited (379), Marriner Investments Limited (378), Marriner Investments No 1 Limited (380), Taylor Space Limited (1079), TEL Properties Limited (816), Foodstuffs (705), Progressive Enterprises Limited (790), Maurice Carter Charitable Trust (385) and the Crown.

- (b) We have provided for two activity classes where the thresholds are exceeded, in conjunction with a certification regime:
  - (i) Where a certificate is obtained that a proposal satisfies specified urban design requirements ('urban design certificate'), the proposal is a controlled activity (with control being confined to ensuring the proper implementation of what is certified);
  - (ii) Where a certificate is not obtained, the proposal is a restricted discretionary activity (in respect of which we specify an amended set of controls and assessment criteria);
- (c) We have significantly rationalised and reduced the number of assessment matters;
- (d) We have deleted the urban design restrictions for the CRP zone.

[166] Our reasons for those changes are as follows.

[167] As we have noted, the CRPS includes specific direction on urban design controls. Objective 3.3.7 of the Strategic Directions chapter refers to a "well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that" (amongst other things) "[m]aintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community focal points".

[168] On the topic of good urban design, our Strategic Directions decision emphasised the importance of "targeted intervention", with reference to "each relevant zone and subject-specific context". It noted that, otherwise, there is "a high risk that significant costs will be imposed that are not justified by the environmental benefits that could be realised".<sup>128</sup>

[169] We received a range of opinions from urban design and planning experts on where, along the spectrum between development enablement and amenity protection, the balance should be struck.

<sup>128</sup> Strategic Directions at [204]–[209].

[170] The Council’s urban design expert, Mr Graeme McIndoe, was at the more restrictive end.<sup>129</sup> He cautioned against undue enablement being to the detriment of “amenity outcomes”.<sup>130</sup> He drew primarily from his experience and judgement on these matters. He identified larger scale development (especially large format retail) as tending towards poor quality urban design outcomes without appropriate controls (in contrast to smaller scale developments where the tendency was towards reasonable quality).<sup>131</sup>

[171] In relation to the District and Neighbourhood Centres, that perspective informed his preference for the 500m<sup>2</sup> threshold of the Notified Version. In that regard, he differed from the Council’s planning expert, Mr Stevenson, who favoured a more generous threshold of 1000m<sup>2</sup>. Mr McIndoe considered Mr Stevenson’s more permissive approach would be at the margin of ‘acceptability’, as part of the overall package of controls.<sup>132</sup> The underlying theory of his approach was that only relatively prescriptive regulatory approaches give certainty that “acceptable” outcomes will be achieved.<sup>133</sup>

[172] At the other end of the spectrum was urban planner, Mr Jonathan Clease.<sup>134</sup> He gave evidence on behalf of Progressive Enterprises Limited, Kiwi Income Property Trust and Kiwi Property Holdings Limited, and Bunnings Limited (725, FS1367). He considered that the overarching objective of recovery ought to be prioritised over prescriptive provisions intended to help avoid less than desirable design outcomes.<sup>135</sup> He appeared to be more inclined than Mr McIndoe to give development the benefit of the doubt to deliver the good design outcomes sought by the CRDP’s objectives.

[173] In relation to District and Neighbourhood Centres, he recommended a tiered approach in terms of which the area threshold for District Centres was set at 4000m<sup>2</sup> and the area threshold for Neighbourhood Centres set at 1000m<sup>2</sup>. With such thresholds, he did not oppose restricted discretionary activity classification, but considered the assessment matters proposed in the

<sup>129</sup> Mr McIndoe is registered architect and qualified urban designer with 33 years of professional experience. He has a Master of Arts in Urban Design, and a Diploma in Urban Design (with distinction). He is a director of McIndoe Urban Limited.

<sup>130</sup> Evidence in chief of Graeme McIndoe on behalf of the Council, at para 8.3.

<sup>131</sup> Evidence in chief of Graeme McIndoe at para 8.6.

<sup>132</sup> Evidence in chief of Graeme McIndoe at para 8.5.

<sup>133</sup> Evidence in chief of Graeme McIndoe at para 6.5.

<sup>134</sup> Mr Clease has a Master of Regional and Resource Planning, is a full member of the New Zealand Planning Institute and has 17 years’ experience as a planner. He is an associate at Planz Consultants Limited.

<sup>135</sup> Evidence in chief of Jonathan Clease on behalf of Progressive Enterprises Limited, Kiwi Income Property Trust, Bunnings Limited and Scentre (New Zealand) Limited, at para 26.

Notified Version were unduly detailed. He recommended reducing these to eight, noting that this was more consistent with the Central City Recovery Plan. Mr Bonis for Progressive Enterprises Limited also supported the 4000m<sup>2</sup> threshold for District Centres.

[174] In between, there were a range of views from other planning experts, including Mr Stevenson, Mr Phillips,<sup>136</sup> and Ms Whyte (for the Crown). As noted, Mr Stevenson favoured some moderation of the regime of the Notified Version, with a 1000m<sup>2</sup> threshold. That more moderate view informed the Council's preferred approach. In closing submissions, the Council recommended restricted discretionary activity classification, in District and Neighbourhood Centres, for any new building or alteration to an existing building visible from a public space, where the building exceeded 1000m<sup>2</sup> GFA, or would have an elevation at or facing the street of more than 20 metres in length.<sup>137</sup>

[175] Under the Existing Plan, controlled activity status applies for urban design assessment at a trigger of 4000m<sup>2</sup> in the various centres. A number of witnesses were questioned as to whether they could point to examples of poor urban design, through the application of the Existing Plan controlled activity status. No specific examples were given. However, Mr Stevenson pointed to the history of poor design outcomes described in the s 32 Report<sup>138</sup> and, as noted, Mr McIndoe spoke from his experience of such outcomes.

[176] In relation to the CRP zone, Bunnings and Reefville sought removal of any need for urban design assessment. Their position was supported by Mr Bonis and Mr Cleese. Mr Bonis considered that the urban design assessment matters (in Rule 15.8.1) were appropriate for commercial centres but not for the specific and particular built form requirements for which the CRP zone is intended.<sup>139</sup> Mr Cleese discussed various CRP zones. He pointed out that, while there was some potential for consolidation of Home Base and parts of Moorhouse Avenue, there was relatively low potential there for further significant growth. He also noted that, with the exception of the Langdons Road rezoning, the majority of CRP zones are largely

<sup>136</sup> Mr Phillips appeared for Marriner Investments Ltd (378), Maurice Carter Charitable Trust (385), Carter Group Ltd (386) Avonhead Mall Ltd (379), Scentre (742) and AMP Capital (814) and Sloan (934, FS1441). Mr Phillips has a Master of Science with Honours in Resource Management, has 13 years of experience as a resource management planner and is a senior planner and Director with Novo Group Limited.

<sup>137</sup> Evidence in chief of Mark Stevenson at para 20.42.

<sup>138</sup> At pages 21-25.

<sup>139</sup> Evidence in chief of Matthew Bonis on behalf of Kiwi Income Property Trust, Progressive Enterprises Limited and Bunnings Limited at para 151(c).

built out. He considered that the costs of the additional assessment that would be required under the proposed regime would outweigh the benefits.<sup>140</sup>

[177] Mr McIndoe recommended that we retain the 2000m<sup>2</sup> threshold of the Notified Version, given the nature of that zone.<sup>141</sup> However, when cross-examined, he could not provide any particular examples of poor design as a result of the existing regime (where the trigger is at 4000m<sup>2</sup>).<sup>142</sup> The Council's closing submissions recommended that we retain the regime of the Notified Version for the CRP.

[178] During the hearing we explored the possibility of an alternative, more enabling urban design control regime for centres. Options discussed included:

- (a) Master planning where, ahead of particular developments, a centre owner could engage with the Council on urban design for the future development of the centre;<sup>143</sup>
- (b) Urban design panel approval of a particular proposal from an urban design perspective;
- (c) Certification by an urban design expert or experts that a particular development would be consistent with a set of urban design principles or standards, with the certificate triggering a more benign activity classification.

[179] None of the centre owners and developers, or their experts, favoured either of the first two of those options. Master planning was not considered to fit well with the practical requirements of centres, and concerns were expressed as to the uncertainties that could be involved with urban design panel approval processes. Nor did the Council recommend such approaches. As these were ideas floated for consideration, rather than being specifically sought by any party, we are satisfied that they can be dismissed as inappropriate options for dealing with urban design matters.

<sup>140</sup> Evidence in chief of Jonathan Clease at paras 83–94.

<sup>141</sup> Rebuttal evidence of Graeme McIndoe at paras 13.3–13.4.

<sup>142</sup> See Transcript, pages 59–60.

<sup>143</sup> Transcript, page 435.

[180] A number of experts considered that certification could play a helpful role, although they expressed a range of opinions on how best to design this so as to deliver appropriate urban design outcomes with greater certainty for developers.

[181] In his closing submissions for Scentre, Mr Minhinnick sought that we provide for a certification regime. While acknowledging the inherent uncertainties of urban design, he considered that it would “certainly not be impossible” to provide for such a regime.<sup>144</sup> He referred to our Natural Hazards decision<sup>145</sup> as setting out applicable legal principles. Drawing from Mr Phillips’ answers to the Panel, he argued that certification offered several advantages. Those include incentivising collaboration between developers and urban design experts in project development and delivery, reducing potential for costly subjective debates and conflict through consenting processes, and incentivising good design through the offer of associated RMA processing benefits.

[182] The Council’s closing submissions urged us to be cautious, particularly if we allow for a permitted activity involving a requirement for certification. Given the established principles of legal validity for permitted activity rules, it submitted that there “are difficulties with a certification or approval process for urban design matters”. The challenges included avoiding unlawful delegation of consent decision-making and not allowing for any reservation of discretionary judgment as to whether or not any activity is a permitted activity. The Council went so far as to argue that, by nature, expert urban design assessment was not a suitable candidate for permitted activity certification.<sup>146</sup>

[183] The nature of the balance we are called on to make between enablement and urban design “amenity” outcomes requires an exercise of judgment. The different perspectives of experts on this matter are of only limited assistance. That was demonstrated, for instance, in the fact that the Council’s closing submissions recommended we follow the approach of its planner, Mr Stevenson, over that of its urban design expert, Mr McIndoe, on this matter. On this balance question, each expert’s perspective is inherently more confined than what we are required to consider. For example, Mr McIndoe’s perspectives of the ultimate balance to be struck was as an architect drawing from what he acknowledged as his personal experience and preferences.

<sup>144</sup> Closing submissions of Scentre at para 4.27 (Mr Minhinnick).

<sup>145</sup> Natural Hazards Decision (part), 17 July 2015 at [277]-[278].

<sup>146</sup> Closing submissions for the Council at para 4.17 (Mr Winchester).

Similarly, other experts' opinions on the balance question are limited by their experiences and preferences and what would best serve their clients' interests.

[184] Taking account of what the superior documents say on these matters, we agree with counsel for Scentre<sup>147</sup> that the approach in the Revised Version does not strike the right balance between enablement of development and ensuring good urban design outcomes. Specifically, we consider it would impose undue costs and uncertainties, without sufficient urban design benefit.

[185] Urban design assessment is intended to serve the greater interests of the community, in that centres are intended as community focal points. However, it calls for the exercise of professional opinion on a range of matters where experts can have quite different, but equally valid, perspectives. In that regard, we agree with Mr McIndoe that it is important to calibrate urban design assessment to the particular context. However, we disagree with Mr McIndoe's recommendation as to how that calibration should be reflected in the controls we impose.

[186] In our calibration, we have taken account of the CRPS's identification of District and Neighbourhood Centres as community focal points, and reflecting built form quality as part of good urban design. While those intentions are similar for all centres, a further relevant calibration factor is the different scales of centres. Another is that the built form of many centres is already well-established. That means the primary urban design and amenity benefits are attached to further development of those centres. To some extent, the standard built form and other standards, including as to high traffic generation, applying to centre development will address urban design. However, we acknowledge those standard provisions are not sufficient of themselves, and that position was generally accepted by all the experts.

[187] Given these various factors, we agree with Mr Cleese that there should be a tiered approach to urban design control attuned to the different types of centre. We have determined that the appropriate area thresholds should be 4000m<sup>2</sup> GLFA for District Centres and 1000m<sup>2</sup> GLFA for Neighbourhood Centres.

[188] We recognise that the relative size of developments in centres is not the only relevant trigger for significant urban design impacts. The proximity of some developments to important

<sup>147</sup> Closing submissions for Scentre at para 4.8 (Mr Minhinnick).

public areas can also be important. That is why we have specified those further threshold requirements.

[189] We have decided that the appropriate activity classification, when an urban design certificate is secured, should be controlled activity, not permitted activity. To that extent, we accept the Council’s closing submissions. However, we record that we do not accept the Council’s submissions to the effect that the subjective nature of urban design assessment makes it unsuitable for certification. On the contrary, we consider that the inherent professional judgement and opinion involved with urban design assessment makes certification an important mechanism. In essence, it recognises that the fact that professionals can legitimately have differing judgments on “good” or “bad” urban design. Hence, it should not matter whether an urban design professional is in the employ of a developer or the Council on such matters of judgment, so long as the Plan’s specified principles are addressed in the design.

[190] What makes controlled activity classification more appropriate than permitted activity classification in this context is that it allows for the imposition of conditions to enforce adherence to the design as certified. We have focused the controls on that matter specifically, so as to avoid wider matters of urban design judgment being revisited following certification. We consider such applications should proceed on a non-notified basis, as certification means that there is no further justification for wider engagement. We have made provision to that effect.

[191] We consider restricted discretionary activity classification, with potential for limited or wider public notification, is appropriate in the absence of certification. In effect, absent certification, it remains potentially relevant to engage with affected persons and the community given the intended role of centres as community focal points.

[192] With those qualifications, we accept Mr Minhinnick’s submissions to the effect that certification offers benefits of incentivising collaboration between developers and urban design experts in project development and delivery, reducing potential for costly subjective debates and conflict through consenting processes, and incentivising good design through the offer of associated RMA processing benefits.

[193] We are satisfied that the context that calls for urban design assessment, in regard to centres, is materially different from the context where residential design assessment is called for, for the purposes of the Residential zones. Specifically, receiving environments of centres and relevant residential zones are materially different. This difference justifies different regulatory approaches.

[194] With regard to the urban design assessment matters, the Notified Version contained a broad range of matters of discretion. These were grouped into the following topics: city context and character; relationship to street and the creation of public spaces; the site, buildings and amenity; access parking and servicing; and suburban centre master plans. Each of these topics was followed by a list of what could be described as very detailed matters of discretion that would apply when the requirement for an urban design assessment was triggered by the rules. In total, there were approximately 30 individual matters of discretion.

[195] A revised set of matters of discretion were prepared and included as part of the Council's Revised Version. While this improved the functionality of the matters of discretion, it did not reduce the prescriptiveness to any great extent.

[196] We heard from various submitters during the course of the hearing with regard to this matter. We also received, in particular from Mr Clease (for Progressive Enterprises) and Mr Phillips (for Scentre), recommendations for how the matters of discretion could be revised. Both those experts presented similar, consolidated and outcomes-focused approaches, in contrast to the extensive list proposed by the Council.<sup>148</sup> The consolidated approach included the following matters of discretion:

#### **15.8.1 Urban Design**

The extent to which the building and associated use:

- a) Recognises and reinforces the centre's role, context, and character, including any natural, heritage or cultural assets;
- b) Promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces;

<sup>148</sup> Evidence in chief of Jonathan Clease for Progressive Enterprises at page 21; evidence in chief of Jeremy Phillips on behalf of Scentre at page 42. The consolidated version produced by Mr Phillips did not include assessment matter '(b)'.

- c) Takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building;
- d) Provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;
- e) Is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas and boundary demarcation;
- f) Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection;
- g) Provides safe, legible, and efficient access for all transport users;
- h) Where relevant, gives effect to the actions of the Suburban Centre Master Plan that require regulatory intervention to support their recovery, long term growth and a high level of amenity.

[197] On the evidence, we agree with Mr Cleese that a consolidated outcomes-focused approach is superior to that of the Notified Version. In particular, such an approach better enables account to be taken of the specific context and role of particular centres, by a process whereby individual centre developers address the stated outcomes in the development of projects through to detailed design.<sup>149</sup> As summarised by Mr Bonis, this approach “provides for the targeted and more precise application of design based on context”.<sup>150</sup>

[198] In those respects, we are also satisfied that the approach recommended by these experts better gives effect to the CRPS and better responds to the Higher Order Documents. Subject to the minor modifications we have made for clarity, we are satisfied that it is more appropriate for achieving related CRDP objectives.

[199] Therefore, we find the package of provisions we have described as the most appropriate for District and Neighbourhood Centres.

[200] On the evidence we have heard, we consider that the urban design regime for the CRP zone is not justified in terms of relative benefits, costs and risks. Therefore, we have deleted it. In particular, we reach that position because of the different functions CRP zones serve for the community. They are not identified as community focal points under the CRPS. As such, they are environments where there can be significantly greater leeway given to matters of

<sup>149</sup> Evidence in chief of Jonathan Cleese at page 21.

<sup>150</sup> Rebuttal evidence of Matt Bonis on behalf of Bunnings Limited at page 4.

design and appearance. In essence, relevant matters of urban design are capable of being adequately addressed through standard bulk and location and other controls (including on high traffic generation).

[201] We are reinforced in that view by the evidence of Mr Clease and the answers of Mr McIndoe in cross-examination. Mr Clease identified that a number of Commercial Retail Parks have relatively limited potential for further growth. Mr McIndoe could not provide any particular examples of poor design as a result of the existing regime (where the trigger is at 4000m<sup>2</sup>). However, even putting those matters to one side, we consider the different roles of CRP zones in the CRDP allows for greater urban design leniency. Therefore, we consider that removal of the urban design assessment regime altogether is more appropriate than even reverting to the regime of the Existing Plan.

[202] On a related matter, we received a number of pro forma submissions that sought the deletion of the Lyttelton Town Centre Guidelines,<sup>151</sup> on the basis that the Council should look at another method of reviewing designs (like a panel of local people) and that Lyttelton needed the freedom to rebuild in a way that reflects the character of the town.<sup>152</sup> Mr Stevenson considered that the Guidelines continued to provide flexibility while retaining aspects of the established character of Lyttelton. He noted that the Council had considered involving local people in the process in the past, but that this decision could be revisited.<sup>153</sup>

[203] We agree with Mr Stevenson's assessment that the Guidelines are appropriate and balance a degree of flexibility with a recognition of the character of Lyttelton.

### **Floor-to-ceiling height controls**

[204] The Notified Version proposes a rule prescribing a 3.5-metre minimum floor-to-ceiling height to apply in the Commercial Core zone (Rule 15.2.3.3). We have decided to delete these controls, for the following reasons.

<sup>151</sup> Appendix 15.9.9 to the Notified Version.

<sup>152</sup> See, for example, Black (392), Puddy (408), Danks (413), Finch (415), Spiewack (417), Spiewack (419), Eastwood (428) and others.

<sup>153</sup> Evidence in chief of Mark Stevenson at 20.58.

[205] The rule was opposed by a number of submitters.<sup>154</sup> In essence, they argued that the dual rationale for the rule is confused. To the extent that the rule was for urban design purposes, it duplicated the urban design rules.<sup>155</sup> In addition, they submitted that the inclusion of a minimum floor-to-ceiling height rule is unnecessarily prescriptive.<sup>156</sup> In its closing submissions, the Council argued that the rule should be retained as being consistent with good practice and promoting certainty for plan users.<sup>157</sup>

[206] Mr McIndoe favoured retention of the rule for functional and aesthetic reasons. As to function, he considered the rule to allow for flexibility and adaptability for the building to be used in different ways. As to aesthetics, he favoured the rule as contributing towards more attractive buildings from the public realm.<sup>158</sup> The focus of that concern was car-parking buildings, in particular those having a low ceiling height at the ground floor.<sup>159</sup>

[207] Mr Clease, in his evidence on behalf of Progressive Enterprises, Kiwi Income Property Trust and Kiwi Property Holdings Limited, Bunnings and Scentre, opposed retention of the rule. As to the matter of functionality, he commented that he was not aware of any evidence of a wide-spread problem of buildings being built with low stud heights and not being able to be tenanted.<sup>160</sup> As to aesthetics, he agreed that it was a good urban design principle to have a high internal stud height.<sup>161</sup> However, he considered the rule could result in “rats and mice” consents, where the building functions perfectly well, but the stud height does not quite reach the standard required by the rule.<sup>162</sup>

[208] Mr Clease’s views were echoed by Mr Phillips, giving evidence on behalf of Scentre. As to functionality, he commented that buildings are typically designed to maximise potential future uses. Where buildings are proposed with ground-level floor-to-ceiling heights of less than 3.5 metres, he explained that this is usually for reasons of practicality and functionality.<sup>163</sup>

<sup>154</sup> See, for example, Closing submissions for Kiwi at paras 10–11, Closing submissions for Scentre at paras 3.2–3.5.

<sup>155</sup> Closing submissions for Scentre at para 3.5.

<sup>156</sup> Closing submissions for Kiwi at para 10.

<sup>157</sup> Closing submissions for the Council at 10.3.

<sup>158</sup> Transcript, page 61, lines 35–41 (Mr McIndoe).

<sup>159</sup> Transcript, page 62, lines 5–6 (Mr McIndoe).

<sup>160</sup> Transcript, page 424, lines 37–46 (Mr Clease).

<sup>161</sup> Evidence in chief of Jonathan Clease at para 82.

<sup>162</sup> Transcript, pages 424–425 (Mr Clease).

<sup>163</sup> Evidence in chief of Jeremy Phillips at para 8.5.

Therefore, he considered it was appropriate for those decisions to be able to be made freely without onerous regulatory design prescription.<sup>164</sup>

[209] Like Mr Clease, he considered that resource consents under the proposed floor-to-ceiling height rule would often be relatively trivial.<sup>165</sup> As such, he considered the rule inappropriate in adding to the number, extent and prescriptiveness of development and design controls without sufficient design justification. While a higher stud height may be a “good idea”, he did not consider this to justify the rule.<sup>166</sup>

[210] We accept the evidence that, generally speaking, it is not desirable for buildings to have very low stud heights. However, the Council’s closing submissions drew from, rather than challenged, Mr Clease’s evidence that “developers generally build developments with an adequate floor to ceiling height”.<sup>167</sup> We accept that evidence of Mr Clease, and the evidence of Mr Phillips, to similar effect. In addition, we agree that, to some extent, the rule would duplicate urban design controls. That leads us to conclude, on balance, that there is insufficient justification for imposing a minimum floor-to-ceiling height rule. We consider the rule would go against the expectation that the CRDP would significantly reduce reliance on resource consent processes and the number, extent, and prescriptiveness of development controls and design standards in the rules.<sup>168</sup>

[211] For those reasons, we consider the most appropriate course is to delete the rule, and we have done so.

### **Office tenancy size caps for the protection of the CBD**

[212] The Notified Version does not set a cap on office tenancy size in KACs (but does so in Neighbourhood Centres and local centres). However, the significance of office tenancy caps for protection of the CBD came up in the hearing in a number of different contexts. Mr Osborne gave economics evidence for the Council on commercial and business activity, and on the office provisions of the Notified Version. In response to our questions, he stated that he would

<sup>164</sup> Evidence in chief of Jeremy Phillips at para 8.7.

<sup>165</sup> Transcript, page 542, line 37 (Mr Phillips).

<sup>166</sup> Transcript, page 542, lines 28–40.

<sup>167</sup> Council Closing Submissions at 10.3.

<sup>168</sup> Statement of Expectations, Schedule 4 to Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 at (a)(i) and (ii).

go further than the Notified Version. He favoured the inclusion of a cap for tenancy size for offices in centres outside the CBD.<sup>169</sup> He considered that this was necessary to protect the recovery of the CBD. This was because he considered centres close to the CBD posed a “highly competitive risk” to the recovery of the CBD.<sup>170</sup> That was especially in view of the current comparative lack of amenity for office workers in the CBD and the good transport routes available to those centres. His view on these matters was consistent with the recommendation he made from the Property Economics Report that development, outside the central city, of any commercial office activity above 500m<sup>2</sup> should be restricted.<sup>171</sup> Mr Osborne considered that 500m<sup>2</sup> represented a good threshold above which scale offices should be expected in the CBD rather than in a suburban centre.<sup>172</sup>

[213] The Council’s position regarding office tenancy caps outside of the CBD was explained by Mr Stevenson. As he accepted, that position differed from Mr Osborne’s recommended approach. Mr Stevenson explained that this was in view of the more liberal Existing Plan regime of permitting offices in a number of areas across the city, including in industrial zones. Mr Stevenson considered that, despite the importance of the Central City recovery, there was still a need to provide a choice about location for offices and that the larger suburban centres provide that choice.<sup>173</sup> He went on to explain:<sup>174</sup>

Given the liberal — as I just talked about — the liberal approach and the moving towards a centres based approach, that I felt there is a need to signal that we have an open door in centres to avoid the choice amongst developers being about Central City or somewhere else.

[214] Mr Stevenson acknowledged that the approach taken in the CRDP posed a risk to the recovery of the Central City, and accepted that limiting offices in KACs would certainly aid recovery of the Central City. He indicated that he would be open to a more restrictive approach, given the expert evidence.<sup>175</sup> However, he considered that the risk of being more restrictive was that the CRDP would send a signal that larger offices were only wanted in the CBD, which would deny a choice about location to developers. He also considered that Eastgate was going

<sup>169</sup> Transcript, page 108, lines 1-9 (Mr Osborne).

<sup>170</sup> Transcript, page 108, lines 15-21 (Mr Osborne).

<sup>171</sup> Property Economics Report, page 46.

<sup>172</sup> Transcript, page 109, lines 1-6 (Mr Osborne).

<sup>173</sup> Transcript, page 344, lines 1-11 (Mr Stevenson).

<sup>174</sup> Transcript, page 344, lines 13-16.

<sup>175</sup> Transcript, pages 344-345 (Mr Stevenson).

through a recovery phase and that office development to support its recovery and help it to perform as a KAC would be beneficial.<sup>176</sup>

[215] The Crown's position was neutral on the issue of a maximum tenancy size for offices in KACs.<sup>177</sup> However, the Crown's witness, Mr Ogg, appeared to offer support for the need for a cap to enable recovery of the CBD. He supported a 500m<sup>2</sup> limit on office tenancies in suburban centres and did not want to see too much larger development as it would go against the support for the Central City.<sup>178</sup>

[216] No other expert offered a different view on the question of whether a cap on office size should be imposed in KACs in view of the vulnerability of the CBD.<sup>179</sup> None of the KAC mall operators opposed the imposition of a cap.<sup>180</sup> However, we are also mindful that others with interests in these matters may not have been alerted to the need to make a submission on this issue.

[217] In referring to KACs, we intend to encompass the Spreydon/Barrington Neighbourhood Centre.

[218] In referring to KACs, in addition to the Commercial Core zones, we also intend to refer to the Commercial Retail Park zone north of Langdon's Road. We have accepted the joint request on behalf of the Council and relevant submitters, made in a joint statement of planning and traffic witnesses ('Joint Statement'), for this land to be rezoned Commercial Retail Park.<sup>181</sup> Consistent with the position for the Commercial Core zone, we have also accepted the joint request for office development of up to 10,000m<sup>2</sup> GFA. However, on the evidence of Messrs

<sup>176</sup> Transcript, page 345, lines 1-33 (Mr Stevenson).

<sup>177</sup> Opening submissions for the Crown at para 7(a) and (b).

<sup>178</sup> Transcript, page 381, lines 1-11 (Mr Ogg).

<sup>179</sup> We address the topic of restrictions on offices out of centre (including the evidence of Dr McDermott, Mr Copeland and Mr Tansley) later in this decision.

<sup>180</sup> AMP Capital Investors (New Zealand) Limited sought the removal of a maximum floor cap on its site at Belfast, which would allow for the establishment of offices at the Belfast KAC. However, counsel for AMP Capital, Mr Bartlett, noted in both his opening and closing submissions that there was no particular desire for offices in this location (Transcript, page 1765, lines 4-11; page 1940 lines 11-13). In addition, Mr Bartlett accepted that offices in the Belfast KAC were not likely to occur over the suburban office threshold of 500 m<sup>2</sup> (in other words, they would be unaffected by a 500 m<sup>2</sup> cap) (Transcript, page 1942, lines 18-27) (see below at [286]). See also closing submissions of NPT Limited (707), Kiwi Property Group Limited (761, FS1352), Sloan (934), Fendalton Mall Limited (24), where the issue of an office cap is not dealt with.

<sup>181</sup> Joint Statement of Dean Michael Chrystal, Mark David Stevenson, Raymond John Edwards and Andrew Farquarson Milne in relation to submissions lodged by Papanui Properties Limited (1188), Environ Projects Ltd (810) and Luney Developments Ltd (810).

Osborne and Ogg, we consider a consistent approach should also be applied in relation to office tenancies as applies for the remainder of the KAC.

[219] We understand the evidence of Messrs Osborne and Ogg, concerning risks to the CBD's recovery are also applicable to un-capped office development opportunities in the Industrial Park Zone (Tait Campus) and Industrial Park Zone (Awatea). These zones specify an overall cap of 5000m<sup>2</sup> for permitted office activity, but do not specify a maximum tenancy cap.

[220] We note that the Property Economics Report, to which we have referred a number of times, refers to the significant displacement of office and other commercial activity to industrial areas (before and after the earthquakes) and recommends restricting commercial office activity above 500m<sup>2</sup> outside of the Central City.<sup>182</sup>

[221] The weight of the evidence just discussed satisfies us that imposing a maximum tenancy cap on offices in KACs and those two Industrial Park zones would support the recovery of the CBD. The evidence directly pertains to our task in giving effect to the CRPS. In particular, we refer to CRPS Objective 6.2.5. The evidence suggests that, without a cap on maximum tenancy size of offices, there is some greater risk of development and distribution of offices in KACs and Industrial Parks that could otherwise go to the CBD. That would pose an associated risk of adverse impacts on the CBD of the kind noted in CRPS Policy 6.3.1.

[222] In addition, the evidence demonstrates that imposing a cap would not impose a significant cost on the KACs. Mr Ogg explained that very few of the centres around Christchurch actually have reasonable office offering and, particularly pre-earthquake, there were considerable vacancies.<sup>183</sup> When asked about the capacity of Northlands and Merivale Malls to develop, Mr Osborne explained that any capacity they had would more likely be taken up by retail than by office uses.<sup>184</sup> These factors indicate to us that imposing an office cap in centres would not likely restrict developers much beyond the existing market conditions.

[223] In addition, Mr Bartlett indicated that AMP was not interested in extending significant offices at Styx.<sup>185</sup> In regard to Commercial Retail Park zone north of Langdon's Road, we

<sup>182</sup> Property Economics Report, Table 9, and page 46

<sup>183</sup> Transcript, page 381, lines 14-18 (Mr Ogg).

<sup>184</sup> Transcript, page 108, lines 37-45 (Mr Osborne).

<sup>185</sup> Transcript, page 1765, lines 4-11 (Mr Bartlett, Oral Opening Submissions for AMP).

received only minimal evidence. The Joint Statement expresses the joint views of Messrs Stevenson and Chrystal that “the office allocation reflects development which is currently permitted, consented or occurring on the site”.<sup>186</sup>

[224] As for the two Industrial Park zones, we accept that we do not have any evidence as to the implications or otherwise of the imposition of a maximum tenancy cap for any current or prospective development in those areas.

[225] We also accept the evidence that a 500m<sup>2</sup> cap would continue to allow for suburban suppliers, such as small accountancy or legal firms (the typical “mum and dad” firm), to be able to establish within suburban centres.<sup>187</sup>

[226] In terms of the s 32 requirement that we assess benefits and costs, and the risks of acting or not acting, we find on the evidence that the balance favours the imposition of a cap.

[227] Given the potential interests of unrepresented parties, we consider this extent of change from the Notified Version to go materially beyond the scope of what the OIC allows us to change at this time.<sup>188</sup> However, in terms of clause 13(4) OIC, we are satisfied, on the basis of the evidence of Messrs Ogg and Osborne (and the Property Economics Report), that there is a sufficiently serious risk to the CBD’s recovery to satisfy the prerequisite that change to the Notified Version is needed. That is the case both in relation to the KACs and the Industrial Park zones we have specified.

[228] The terms of that direction are set out later in this decision.

### **Evaluation of changes sought to particular centres**

[229] In the next part of this evaluation, we consider the changes to provisions of the Notified Version in relation to centres, sought by submitters for various centre operators or developers.

<sup>186</sup> Joint Statement at para 27.

<sup>187</sup> Transcript, page 924, lines 4-18 (Dr McDermott).

<sup>188</sup> Under cl 13(2)(b) OIC.

## Belfast/Styx

[230] The Notified Version provided for a KAC at Belfast ('Belfast/Styx KAC'), with a division of zonings. The New World supermarket site ('New World component') on the western side of Main North Road was proposed as "Commercial Fringe" (with the Council recommending now that it be "Commercial Core"). The Northwood Supa Centre site, on the eastern side of Main North Road north of Radcliffe Road ('Northwood component'), was proposed as "Commercial Retail Park". A 9.2 hectare greenfield development site south of Radcliffe Road ('Styx component') was proposed as Commercial Core.

[231] The genesis of the provisions of the Notified Version for the Styx component is Plan Change 22 to the Existing Plan ('Plan Change 22'). This was confirmed by the Environment Court's decision in *Kiwi Property Holdings Ltd v Christchurch City Council* ('*Kiwi Property*').<sup>189</sup> The hearing of that appeal was in the immediate aftermath of the February 2011 earthquakes.

[232] The provisions of the Notified Version for the Belfast/Styx KAC can be summarised as follows:

- (a) An Outline Development Plan ('ODP') is included in the Notified Version, dealing with matters such as access to and along the Styx River, traffic access points, public transport interchange and community facilities and public open space.<sup>190</sup>
- (b) Within the ODP area, the Notified Version required that a 'Development Plan' be submitted as part of an application for resource consent, for the first development within the Commercial Core zone. This was for the assessment, on a restricted discretionary activity basis, of a range of matters of design (e.g. building footprints, open space and landscaping, carparking and access, public transport interchange linkages, pedestrian and cycling routes). It was also required to address "proposed stages for development".

<sup>189</sup> *Kiwi Property Holdings Ltd v Christchurch City Council* [2012] NZEnvC 92; See also the Final Decision *Kiwi Property Holdings Ltd v Christchurch City Council* [2012] NZEnvC 181.

<sup>190</sup> Rule 15.2.4.3.1 of the Notified Version.

- (c) It specified several development staging limits in the form of GLFA caps, some being to specified future dates ('Staging Limits'):
- (i) Up until 1 July 2017, it capped retail tenancies at 10,000m<sup>2</sup> GLFA (with tenancies less than 2000m<sup>2</sup> being capped at 6000m<sup>2</sup>). From 1 July 2017, it lifted this cap to 20,000m<sup>2</sup>.
  - (ii) It also specified staged caps on office floorspace. The date of one such cap has now expired (i.e. up to 1 February 2015). After this date, until 1 February 2020, the total amount of office floorspace was capped at 8000m<sup>2</sup>. Beyond that date, it was capped at 12,000m<sup>2</sup>.
  - (iii) Overarching these caps was a maximum cap for all "non-residential" activities of 45,000m<sup>2</sup> ('maximum cap'). In other words, subject to the staging dates, there was an allowance for a total of 20,000m<sup>2</sup> of retailing within the Styx ODP area, with a further 25,000m<sup>2</sup> able to be used for a combination of office, trade supplies and other non-residential use.
- (d) Where these caps would be exceeded by a development, the activity status would become non-complying.

*Retail staging caps for the Styx component*

[233] AMP Capital is the site developer. In regard to the Styx Component, it sought the removal of the 45,000m<sup>2</sup> maximum cap.<sup>191</sup>

[234] The Council sought that the cap regime remain, as did Waimakariri District Council ('WDC'), which sought that the details of Plan Change 22 be precisely retained.

<sup>191</sup> AMP Opening Submissions, para 18. AMP Capital also sought rezoning of the Northwood Supa Centre to Commercial Core (i.e. rather than Commercial Retail Park). We address this later in this part of the decision. AMP also sought deletion of the proposed ODP and the requirement for a Development Plan at the first stage of development, and the deletion of the proposed ODP. As we later discuss, these matters were ultimately not contentious and this informs our decision on them.

[235] For the reasons following, we have determined that the most appropriate approach is to retain the Staging Limits for the Styx component, but to re-classify exceedance as a restricted discretionary activity (with matters of discretion being confined to those matters we set out).

### *Relevance of Environment Court decision on Plan Change 22*

[236] The relevance of the Environment Court’s decision in *Kiwi Property* was a point of contention as between parties and planning experts.

[237] As we have noted, Plan Change 22 as confirmed by *Kiwi Property* strongly informed the Notified Version’s provisions for the Styx component of the Belfast/Styx KAC. WDC’s position that the substance of Plan Change 22 be retained was endorsed by its experts, Dr Fairgray and Mr Bonis. Mr Bonis characterised *Kiwi Property* as giving “policy direction”. This was in the sense that, on the matter of the imposition of limits to commercial floorspace, the statutory provisions which it applied in confirming Plan Change 22 are not “substantively different”, other than the increased policy recognition now given to the recovery and primacy of the Central City.<sup>192</sup> For AMP Capital, Ms Harte took a different view. She considered it was appropriate and necessary to revisit some of the controls on the Styx site that were carried forward from Plan Change 22, not only as a matter of good practice, but also because the factual and legal circumstances have changed since the decision was made.<sup>193</sup>

[238] We disagree with Mr Bonis’s characterisation of *Kiwi Property* as giving “policy direction”. That is not the proper legal relevance of that decision. While *Kiwi Property*, like other Environment Court decisions, provides helpful guidance on resource management principles, that does not in any sense constitute “policy direction”. Our responsibility, under ss 32 and 32AA, is to undertake our evaluation by reference to the evidence and submissions we have heard, subject to the direction and guidance of the Higher Order Documents. For the Styx component, the Notified Version is substantially the same Plan Change 22 as approved by the Court in *Kiwi Property*. However, the Higher Order Documents now set materially different policy directions for our purposes than those in effect at the time *Kiwi Property* was decided. In particular, the CRPS now incorporates Chapter 6 (as to recovery and rebuilding) and the OIC directs that we have particular regard to its Statement of Expectations. In addition,

<sup>192</sup> Evidence in chief of Matt Bonis at para 46.

<sup>193</sup> Evidence in chief of Patricia Harte at para 17.1.

the Strategic Directions chapter is in effect. Further, the Environment Court’s consideration was in the immediate aftermath of the February 2011 earthquake. That is a materially different factual context than the context we are now addressing.

[239] In the final analysis, our decision is closely similar to the Notified Version and hence to the substance of Plan Change 22 as confirmed by *Kiwi Property*, other than in the sense that we have classified exceedance of Staging Limits as a restricted discretionary activity (rather than non-complying). However, that is on the basis of our own consideration of all the facts and circumstances and the policy directions of the relevant Higher Order Documents, rather than from any starting position as to the appropriateness of the Notified Version by reason of its genesis from *Kiwi Property*.

*Evaluation of the retail distribution evidence relevant to the Staging Limits issues*

[240] We heard competing expert opinions on the retail distribution implications of removal of the Staging Limits for the centres network.

[241] The Council’s expert, Mr Heath, considered one justification for the Staging Limits is the greenfield nature of the Styx component. Just as for the Halswell KAC, he considered the Staging Limits provide an important break on the greater development flexibility that a greenfields site has. In the absence of a Staging Limit, he saw this flexibility as posing a risk that large scale retail development could occur during a time when its local retail “catchments” remained undeveloped. While he acknowledged there was some strong growth projected for both the Belfast and Halswell residential areas,<sup>194</sup> his concern was about the imbalance that would arise in the event that significant retail development occurred well ahead of that development. In effect, it would force the developer to pursue markets well beyond the local areas. He considered these factors to impose a slightly higher risk than existing KACs, and this was a justification for retail cap staging regimes.<sup>195</sup> However, he conceded that the Notified Version did not define catchment sizes for KACs, and noted that it might be a struggle to get retail economists to agree on a catchment.<sup>196</sup>

<sup>194</sup> Transcript, page 141, lines 11-15 (Mr Heath).

<sup>195</sup> Transcript, page 178, lines 25-36 (Mr Heath).

<sup>196</sup> Transcript, pages 141-142 (Mr Heath).

[242] Mr Heath pointed out that removing the 20,000m<sup>2</sup> retail cap could result in a retail centre of 45,000m<sup>2</sup> at Styx which, when combined with the existing Northwoods component, could take the Belfast/Styx KAC to something in the order of 70,000m<sup>2</sup>–80,000m<sup>2</sup> GLFA.<sup>197</sup> He considered that would be a significantly large centre in the Christchurch context, and that the localised market was not a large catchment.<sup>198</sup> As such, were it to develop fully well beyond localised catchment demands, it would need to have a significant geographic reach to be viable. He considered that could see a centre in this locality competing with the CBD for retail expenditure.<sup>199</sup> Hence, he was concerned that removal of the Staging Limits would exacerbate the increasing suburban dominance of retail, at the risk of slowing down the recovery of the CBD.<sup>200</sup>

[243] As such, he considered that the Staging Limits were important for keeping the Belfast/Styx KAC in step with its developing core market. In combination with other existing and planned retail provision in the north of the city, the Staging Limits would mean the KAC would be able to meet the market's requirements over the life of the CRDP.<sup>201</sup>

[244] WDC called Dr Fairgray on these matters. Despite WDC's interests being confined to the implications for the Waimakariri KACs at Rangiora and Kaiapoi, Dr Fairgray considered matters from a broader viewpoint. That wider scope of his brief was impliedly criticised by AMP's counsel, Mr Bartlett QC.<sup>202</sup> However, we do not find Dr Fairgray's approach at all inconsistent with his duties as an expert witness. On the contrary, it is expected that an expert will inform us of all relevant matters underpinning their opinions.

[245] Dr Fairgray considered that there is generally a benefit in maximising the size of a centre or development opportunity, and that this may conflict with planning objectives that take into account the broader perspective of the whole centres network, and the potential benefits and costs for local communities as well as other affected communities.<sup>203</sup> He considered that a larger centre would generally act to reduce the relative attractiveness of smaller centres,

<sup>197</sup> Transcript, page 139, lines 33-39 (Mr Heath).

<sup>198</sup> Evidence in chief of Timothy Heath at para 28.3.

<sup>199</sup> Transcript, page 139, lines 33-39 (Mr Heath).

<sup>200</sup> Evidence in chief of Timothy Heath at para 28.7.

<sup>201</sup> Mr Heath, Written Evidence-in-chief, para 28.6.

<sup>202</sup> Transcript, page 1933, lines 20-25 (Mr Bartlett closing submissions for AMP).

<sup>203</sup> Evidence in chief of James Fairgray at paras 4.30-4.32.

including those in neighbouring districts. He considered that this was particularly the case where market size is limited.<sup>204</sup>

[246] He placed significant emphasis on the fact that the policy framework in the Notified Version represented a continuation of the framework of Plan Change 22 of the Existing Plan. This was on the basis that the same key issues were acknowledged by the Existing Plan and the Notified Version in relation to commercial activity, the effect of centres and patterns of activity on urban efficiency and community enablement, and provisions seeking to avoid adverse effects from inefficient patterns of development. He concluded that the market environment in the northern areas of Christchurch has not materially changed from what was expected at the time *Kiwi Property* was decided. On that basis, he reasoned that the *Kiwi Property* decision remained relevant and appropriate.<sup>205</sup>

[247] We have already observed that we have not approached our evaluation on the basis that the *Kiwi Property* outcome should have such assumed sway. To that extent, this lessens the weight of his opinion. However, for the reasons we explain, his views, and those of Mr Heath, still satisfy us that we should retain Staging Limits on the basis we set out.

[248] Dr Fairgray summarised the conclusion he reached when giving evidence in the *Kiwi Property* hearing, that a centre of up to 45,000m<sup>2</sup> of retail and other commercial space would be comparatively large. He remained of that view. In essence, he agreed with Mr Heath that it would provide much greater retail and service capacity than would be demanded by the population of the area, such that the centre would need to draw from a very much wider catchment. In response to questions from the Panel, he confirmed that he recommended staging of the Styx centre in order to keep it in balance with the immediate catchment.<sup>206</sup>

[249] He considered that a large centre at Styx would reduce the prospects of recovery and further growth in the Kaiapoi and Rangiora KACs, with a likely consequence of lesser development in those centres.<sup>207</sup> He examined recent (2015) Statistics New Zealand population estimates and projections and compared them with the 2010 projections he used in his analysis in the *Kiwi Property* hearing. While the comparison showed the most recent medium

<sup>204</sup> Evidence in chief of James Fairgray at para 4.38.

<sup>205</sup> Evidence in chief of James Fairgray at paras 3.2–3.9; Transcript, pages 1356–1357 (Dr Fairgray).

<sup>206</sup> Transcript, page 1372, lines 7–30 (Dr Fairgray).

<sup>207</sup> Evidence in chief of James Fairgray at para 5.2.

population projection for Christchurch City is lower than the 2010 projections through to 2031, it showed the projections for both Waimakariri and Selwyn Districts to be higher. The most recent projections also indicate more growth is now expected in northern Christchurch in the areas closest to Belfast, than was indicated by the earlier projections. However, he considered this to be a change in detail, rather than a significant alteration to the current and expected situation in the areas around Styx.<sup>208</sup>

[250] In cross-examination, he accepted that an expanded Styx centre would provide a level of shopping opportunity to Waimakariri residents, but he considered that this did not necessarily mean the level of service would be enhanced for that population, because the retail opportunity would be offset by loss of convenience and the additional cost of travel.<sup>209</sup>

[251] Ms Caseley gave supplementary evidence that Waimakariri's population is growing, with about 46 per cent of the district's workforce commuting into Christchurch. She considered there is a fairly even split between travel down Johns Road, Marshlands Road and Main North Road.<sup>210</sup>

[252] In his evidence for AMP Capital, Mr Colegrave used a retail catchment analysis as a basis for assessing, in a broad sense, the extent of geographic competition between the Styx Centre and the Rangiora and Kaiapoi KACs.<sup>211</sup> From this, he concluded that there was likely to be only minimal overlap in the primary catchments of these centres. That was on the basis of their locations, although acknowledging that catchments are fluid. He also used electronic transaction data on expenditure at Northwood, Rangiora and Kaiapoi to compare the relative strength of each centre using location equations. From this, he concluded that each centre had a different emphasis and served different roles and functions.<sup>212</sup> He undertook site visits to confirm his conclusions. In addition, Mr Colegrave referred us to two recent WDC reports that he considered showed the Rangiora and Kaiapoi KACs were in good health, with significant further investment planned or underway.

<sup>208</sup> Evidence in chief of James Fairgray at paras 3.10–3.12; 5.18–5.19.

<sup>209</sup> Transcript, pages 1363–1364 (Dr Fairgray).

<sup>210</sup> Transcript, pages 1340–1341 (Ms Caseley).

<sup>211</sup> Transcript, pages 1800–1801 (Mr Colegrave).

<sup>212</sup> Evidence in chief of Fraser Colegrave at paras 5.7–5.16; Transcript p1801, lines 6–27 (Mr Colegrave).

[253] From this, he concluded that current and future retail at Styx would not threaten the role and functions of the KACs at either Rangiora or Kaiapoi and that, therefore, there was no need to restrict the growth of Styx to protect those centres.<sup>213</sup>

[254] Mr Colegrave acknowledged that he had no first-hand experience of the Rangiora and Kaiapoi KACs before the earthquakes, so could only make a comparison of the before and after earthquakes situations on the basis of the reports he had read.<sup>214</sup> He confirmed that he had not considered the effects on Rangiora and Kaiapoi of a development at Styx of significantly beyond 45,000m<sup>2</sup>, although he agreed that the larger the development, the greater the potential for effects. However, he considered that any development of the Belfast/Styx KAC, no matter the size, would be staged and that “no one would ever build an 80,000 square metre mall there in one go”.<sup>215</sup>

[255] Mr Colegrave agreed that his analysis comparing expenditure at Northwood Supa Centre and the Rangiora and Kaiapoi KACs did not take into account a changed style or offering of retailing.<sup>216</sup> He conceded that he had not thought this through clearly enough, and that he should have tried to model what might have been there in the future.<sup>217</sup> Consequently, he undertook an exercise comparing the retail mix at Northlands (which is the sort of thing that might be seen at Styx), with that at Rangiora and Kaiapoi, and still concluded that the KACs had different functions. However, the detail of that analysis was not before the Panel.<sup>218</sup>

[256] Mr Tony Dimasi also gave evidence for AMP Capital. He is a retail economist and development adviser,<sup>219</sup> based in Melbourne, and has worked extensively in retail developments in Australia and New Zealand.

[257] His evidence focused particularly on whether development of the Belfast/Styx KAC would pose any risk to the recovery of the CBD. He considered there are no substantial and readily apparent reasons for constraining the development of Styx,<sup>220</sup> as the recovery of the

<sup>213</sup> Transcript, page 1801, lines 29-37 (Mr Colegrave).

<sup>214</sup> Transcript, pages 1810-1811 (Mr Colegrave).

<sup>215</sup> Transcript page 1812, line 33 (Mr Colegrave).

<sup>216</sup> Transcript page 1818, lines 21-26 (Mr Colegrave).

<sup>217</sup> Transcript page 1818, lines 31-33 (Mr Colegrave).

<sup>218</sup> Transcript page 1819, line 1 (Mr Colegrave).

<sup>219</sup> Mr Dimasi has a Bachelor of Arts (Hons) and Master of Arts from the University of Melbourne. He works as an independent economic consultant and advisor, specialising in retail development and retail economics.

<sup>220</sup> Transcript pages 1902-1903 (Mr Dimasi).

CBD depended on many factors independent of the development of the KAC at Styx.<sup>221</sup> In support of that opinion, he referred to a report he had prepared for the Christchurch Central Development Unit (‘CCDU’) in July 2013 in relation to the planned new retail core in the CBD. In that report, he concluded that successful Central City retailing is not dependent on weak suburban retail development, and that the retail mix of the Central City must go beyond that available in suburban malls.<sup>222</sup> He considered that limiting the opportunity for the development of the KAC at Styx, or placing unnecessary constraints in its development path, would result in less economic activity in outer northern Christchurch, but would not bring any corresponding growth in the Central City.<sup>223</sup> However, he accepted that this conclusion was based on the general work he had done for the Central City, rather than any express analysis undertaken for the purposes of this hearing.<sup>224</sup>

[258] He drew comparisons with Melbourne’s successful retail core. However, in cross-examination, he accepted that Melbourne has a different planning framework, and a markedly different population. He agreed Melbourne is a major financial centre, while Christchurch is not, and that Melbourne experiences significant annual international events that are not comparable to those in Christchurch.<sup>225</sup> He accepted that a comparison with Melbourne was aspirational.<sup>226</sup>

[259] Section 32 RMA directs that our assessment is to encompass the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

[260] Taken as a whole, the evidence on whether unconstrained development of the Belfast/Styx KAC would pose a significant risk for recovery of the CBD or KACs is somewhat ambivalent.

[261] As to KACs, the evidence has not substantiated the concerns expressed by WDC in regard to Rangiora and Kaiapoi. As we have earlier set out, the evidence does not demonstrate that the recovery of either Rangiora or Kaiapoi is in a particularly delicate state. Rather, the Rangiora KAC appears to be recovering reasonably well, and we do not have evidence to

<sup>221</sup> Evidence in chief of Anthony Dimasi at para 2.7.

<sup>222</sup> Evidence in chief of Anthony Dimasi at para 4.2.

<sup>223</sup> Evidence in chief of Anthony Dimasi at para 2.9; Transcript, page 1905, lines 29-36 (Mr Dimasi).

<sup>224</sup> Transcript, page 1906, lines 14-19 (Mr Dimasi).

<sup>225</sup> Transcript, pages 1909-1912 (Mr Dimasi).

<sup>226</sup> Transcript, page 1912, lines 4-9 (Mr Dimasi).

suggest that the Kaiapoi KAC's recovery would be jeopardised in the absence of Staging Limits on the Styx component of the Belfast/Styx KAC.

[262] We do not consider we can rely on Mr Colegrave's opinions as to the small overlap between the catchments for Styx and Rangiora and Kaiapoi and as to their different "roles" and "functions". With respect, we find that the issue of catchments is somewhat more complicated than what Mr Colegrave suggests. As Dr Fairgray outlined, efficiency and convenience are also important factors. The impact of commuters from the Waimakariri district is also relevant. On the evidence of Dr Fairgray (supplemented by Ms Caseley), we are satisfied that there is a reasonably significant and growing number of commuters to and from those towns that would pass the Belfast/Styx KAC. To that extent, the Belfast/Styx KAC would operate in competition with the KACs in those towns, as well as with the Central City for those commuters working there, and with other centres near where they may work.

[263] In addition, Mr Colegrave based his opinion on roles and functions of KACs on his modelling of the current offerings at the Northwood Supa Centre rather than what a Belfast/Styx KAC would be capable of delivering into the future. Furthermore, we have weighed the concession Mr Colegrave made in cross-examination that he had not considered the effects on Rangiora and Kaiapoi (the KACs his evidence to us focused on) beyond 45,000m<sup>2</sup>, a development total significantly less than would be enabled by the Notified Version.

[264] If the only question for us was as to the competitive relationship between the Belfast/Styx KAC and the Rangiora and Kaiapoi KACs, we would not have found that sufficient for retention of the Staging Limits. That is because we expressly refrain from taking any account of trade competition, and we do not find the evidence to substantiate WDC's position that such competition effects would be beyond that.

[265] None of the owners of other KACs, including Northlands as the most proximate, made submissions along the lines of those of WDC. That leads us to draw conclusions on the basis of the relatively generic evidence on these matters from the various experts.

[266] We have noted, in particular, that removal of the Staging Limits would allow for the Belfast/Styx KAC to grow to in excess of 70,000m<sup>2</sup>, making it one of the largest major

shopping centres in New Zealand in terms of retail GLFA.<sup>227</sup> We couple that with the evidence from Mr Heath and Dr Fairgray as to the presently relatively small and undeveloped localised residential catchment around the Belfast/Styx KAC.

[267] We accept the evidence of Mr Heath and Dr Fairgray that unconstrained retail development on the greenfields Styx component would pose a risk of significant imbalance with its immediate residential catchment, such as to require it to aggressively compete with other KACs to survive. We are not satisfied by the assurances of Mr Colegrave<sup>228</sup> and Mr Dimasi<sup>229</sup> that developers of a centre at Belfast/Styx would not put themselves in such an exposed position. They may not, or they may, determine that their commercial interests would be served by a more aggressive play for limited market share to the detriment of other KACs. We consider the potential scale of greenfields development that could occur in the Styx component, coupled with the location of the Belfast/Styx KAC on a primary commuter route, could mean such competition could be to the detriment of the CBD's recovery. As such, we find that Staging Limits ought to be imposed to give effect to the CRPS and achieve related Strategic Directions objectives.

[268] Mr Bartlett invited us to prefer Mr Colegrave's evidence over Dr Fairgray's on the basis that the latter expert assumed that a recovered CBD would be of a similar size to what it was prior to the earthquakes.<sup>230</sup> He submitted such an assumption, also underpinning the staging regime of Plan Change 22, was unrealistic.

[269] We accept, from all of the evidence we have heard on this topic, that it is more likely than not that the CBD will have a significantly smaller footprint, including in retail, than it had prior to the earthquakes. The extent of decay in the CBD's retail offer, with the rise of suburban centres, was well-entrenched prior to the earthquakes. As such, we agree that Dr Fairgray's perspective on this is somewhat unrealistic. We also acknowledge the geographic distance between the Belfast/Styx KAC and the CBD is significant. However, a significant number of Waimakariri district commuters would pass Belfast/Styx travelling to and from work in the

<sup>227</sup> Transcript, page 1912, lines 11–39 (Mr Dimasi); page 1883, lines 4–15 (Ms Harte).

<sup>228</sup> Mr Colegrave stated that “these things are always staged. No one would ever build an 80,000 square metre mall there in one go”: Transcript, page 1812, lines 32–33.

<sup>229</sup> Mr Dimasi considered that there were “very significant practical limits as to what can or cannot happen on this site”: Transcript, page 1916, lines 6–7.

<sup>230</sup> Transcript, page 1929, lines 37–44 and page 1930, lines 1–27 referring to Dr Fairgray's evidence at Transcript page 1359, lines 35–45.

city, including in the CBD. As such, the geographic separation is not such as to mean that there would be no material risk of overlap

[270] In any case, those matters do not lead us to conclude that there is no material overlap between the Belfast/Styx KAC and recovery of the CBD. In particular, we do not accept as sound the remaining limb of Mr Bartlett's proposition. This concerned the type of retail offer within the CBD. For this, Mr Bartlett relied on Mr Dimasi's evidence. We accept as valid Mr Dimasi's opinion that successful Central City retailing is not dependent on weak suburban retail development, and that the retail mix of the Central City must go beyond that available in suburban malls.<sup>231</sup> However, his comparisons of the CBD with Melbourne's CBD do not persuade us that unconstrained development of the Styx component of the Belfast/Styx KAC would not pose material risk to the CBD's recovery. The several differences between the CBDs of Melbourne and Christchurch are so obvious they hardly needed to be brought out by the cross-examination to which we have earlier referred. It is simply unrealistic to envisage a recovered Christchurch CBD in which the predominant retail offer is the high-end type seen in the fashion streets of Melbourne's CBD.

[271] As we discussed with Mr Bartlett during his closing submissions, the more realistic picture is that the CBD will include both high-end and low-end retail. We accept that the evidence does not give us any precise picture of what would transpire. Shopper preferences will ultimately determine the mix. However, the relevant point is that we have no safe basis for concluding that there would be no significant overlap in retail offerings and hence, no risk to the successful recovery of the CBD from unconstrained development of the Belfast/Styx KAC.

[272] We agree with Mr Heath that the greenfields nature of the Styx component allows for relatively greater opportunity for development, and this is a factor we should weigh in assessing risks. We note that Ms Harte acknowledged that the Styx component was distinguished by the fact that there was currently nothing on it, and that she would not imagine there was another centre with the development potential of that scale.<sup>232</sup> We observe that this is nearly four years after Plan Change 22 was approved, and no construction has occurred. We have no evidence

<sup>231</sup> Evidence in chief of Anthony Dimasi at para 4.2.

<sup>232</sup> Transcript, page 1876, lines 30-41 (Ms Harte).

that retention of Staging Limits would jeopardise any immediate or prospective development plans for the Styx component.

[273] We return now to the directions given by the CRPS. The planning experts expressed various interpretations of these, drawing from the various opinions on the retail distribution risk matters that we have addressed. As we have noted, the CRPS is not so prescriptive as to define KAC and Central City catchments, as such.

[274] However, Objective 6.2.5 specifies that the development and distribution of commercial activity will avoid significant adverse effects on the function and viability of the Central City, KACs and Neighbourhood Centres. On balance, we are satisfied that Staging Limits should be retained to avoid such scale of effects.

[275] In addition, the CRPS makes clear that a properly-functioning KAC relies on more than commercial activity. Rather, as Objective 6.2.5 of the CRPS specifies, KACs are to be “focal points for commercial, community and service activities during the recovery period”. In terms of non-commercial purposes, the Belfast/Styx KAC presently falls well short of being such a focal point. We did not receive any evidence to suggest that imbalance was likely to be overcome any time soon (with the possible exception of a public transport facility). We consider that imbalance, and the relatively undeveloped local residential catchment, is a further reason why it is prudent to maintain the Staging Limits. That is in the sense that they serve to allow for more balanced development of the Belfast/Styx KAC in order that it properly serves the community. It is also in the sense that it helps this mix of roles to be maintained in other centres. We consider this matter sufficiently important to be referenced in assessment criteria for restricted discretionary activity consent determination.

[276] In the final analysis, we consider that Staging Limits should be retained in view of the risks otherwise posed for recovery of the CBD and also for the function and viability of other centres. Therefore, we find Staging Limits are necessary to give effect to the CRPS and relevant Strategic Directions objectives.

[277] However, on the evidence, we find that the activity classification for exceedance of the Staging Limits should be changed from non-complying to restricted discretionary activity. When the Environment Court in *Kiwi Property* determined that the activity categorisation

should be non-complying, it was grappling with the uncertainties concerning recovery of the CBD that existed in the immediate aftermath of the earthquakes. Its initial hearing took place between October 2010 and February 2011. It received closing submissions from the parties on 23 February 2011 — the day after the February earthquake. Consequently, the hearing was reconvened to take into account new evidence that became relevant as a consequence of the earthquake.<sup>233</sup> This meant the Court was making decisions in the immediate post- earthquake period, where its ability to accurately assess the impact of the earthquakes and the direction of the recovery effort was limited. The Court was making assessments at a time when the recovery was still in the early stages and at its most fragile.<sup>234</sup>

[278] It imposed a cap on the total development by way of non-complying status on retail activities over 20,000m<sup>2</sup> GLFA and for the total development over 45,000m<sup>2</sup> GLFA. The decision records that the Court’s primary reasons for the non-complying activity status were the fluid state of the statutory planning environment in Christchurch, the uncertainties around Christchurch’s resident population, the lack of assessment of the effects of the plan change over 45,000m<sup>2</sup> GLFA and the uncertainty of the effects of the development on other centres. The Court considered that there was a high potential impact of a possible delay to the recovery of the central business district by the development of a new centre that was too large for the area it was primarily designed to serve.<sup>235</sup>

[279] In a relative sense, we have the benefit of better-informed evidence on the ingredients for successful recovery. Recovery of the CBD is continuing, and although we discuss above the continuing vulnerabilities and impediments to recovery, there is greater clarity about office space and retail provision than was available to the Environment Court in 2011/2012. As for the Rangiora and Kaiapoi KACs, the decision records that the Court did not consider, on the evidence, that it could draw any safe conclusions as to whether there would be significant effects. We have reached a similar, but better informed, position on that, as we have earlier noted. However, we consider that staging should be retained for the other reasons we have explained.

<sup>233</sup> *Kiwi Property* at [5].

<sup>234</sup> *Kiwi Property* at [256].

<sup>235</sup> *Kiwi Property* at [404]–[405].

[280] As noted, a further point of difference from the context of *Kiwi Property* is that we have the benefit of the directions given by the CRPS, particularly those in Chapter 6.

[281] For those reasons, we consider it is appropriate to keep the staging provisions favoured by the Environment Court (cap retail activities at 20,000m<sup>2</sup> GLFA and total non-residential development at 45,000m<sup>2</sup> GLFA), but to make any development over these points a restricted discretionary activity.

[282] The quality of evidence before us does not allow us to be definitive, now, as to the significance or otherwise of such effects arising from development of the Belfast/Styx KAC. That is not a criticism of the work of experts before us. It is simply inherent in a context where the retailing ingredients for successful recovery of the CBD are relatively embryonic and we do not have any specific development proposal before us. The proper process for testing these risks is in the determination of a resource consent application. Therefore, we have focused the assessment criteria on the relevant issues for consideration, as identified in the CRPS and to which we have referred.

[283] In his closing submissions for the Council, Mr Winchester accepted that the policy foundation for a non-complying activity was not currently present in the Notified Version and that there needed to be more clarity around this issue.<sup>236</sup> We consider restricted discretionary activity classification the most appropriate in that it allows for proper focus on the risk and is more in keeping with the directions in the CRPS. We note that Mr Bartlett considered that an investor coming into the site with a restricted discretionary classification would have far more confidence than one who was told there was a non-complying classification, as a non-complying classification would give no certainty as to what the test is.<sup>237</sup> He also conceded that the Council's original intention for restricted discretionary activity above the 20,000m<sup>2</sup> GLFA "makes sense".<sup>238</sup>

[284] We consider that, with these various changes, Staging Limits best give effect to both our Strategic Directions decision and to the Statement of Expectations, and are therefore the most appropriate planning approach.

<sup>236</sup> Transcript, pages 2056–2057 (Mr Winchester).

<sup>237</sup> Transcript, page 1941, lines 18–22 (Mr Bartlett).

<sup>238</sup> Transcript, page 1938–1939 (Mr Bartlett).

### *Split zoning*

[285] As noted, AMP also sought that the Northwood component be rezoned Commercial Core. On the evidence, we have determined that the more appropriate zoning is Commercial Retail Park. The extensive retail effects' evidence tendered by AMP Capital, which we have summarised, focused predominantly on the question of the Staging Limits for the Styx component. We do not have a basis, on the evidence, to make any safe findings on the retail effects consequences of the zoning change pursued. We are satisfied that we can rely on the evidence of Mr Stevenson and Mr Heath for the Council that Commercial Retail Park zoning is the most appropriate. Therefore, this aspect of AMP Capital's requested relief is declined.

### *Offices*

[286] To the extent that AMP challenged the provision for office space, we consider the Revised Version is appropriate in providing for a maximum of 8000m<sup>2</sup> GLFA until 1 February 2020 and a total of 12,000m<sup>2</sup> GLFA after that date. Mr Cosgrove, the Divisional Development Manager for AMP, gave evidence that AMP did not consider that the Belfast/Styx KAC was well placed for office use, and while AMP did not wish to rule it out, it considered that there was little if any demand, and that office space of any scale was better situated in the CBD.<sup>239</sup> Mr Bartlett accepted that AMP was not contemplating significant office development at the Belfast/Styx KAC and considered that it would be fulfilling broader social and planning objectives not to "rev this site up" as an office park.<sup>240</sup> He accepted that any offices on the site were not likely to occur above a suburban office threshold of 500m<sup>2</sup> in any event.<sup>241</sup> Given this evidence, and these concession from Mr Bartlett, we consider the provisions of the Revised Version appropriate in this context.

### *The ODP and traffic*

[287] AMP also sought deletion of the proposed ODP and the requirement for a Development Plan at the first stage of development. However, inter-party discussions and mediation resulted in these other aspects becoming non-contentious. The only outstanding matter in relation to the ODP was whether the public transport interchange should be shown on it or not.<sup>242</sup> We are

<sup>239</sup> Transcript, page 1789, lines 16-19 (Mr Cosgrove).

<sup>240</sup> Transcript, page 1765, lines 5-11 (Mr Bartlett).

<sup>241</sup> Transcript, page 1942, lines 18-24 and, in particular, page 1938, lines 14-46 and page 1939, lines 1-23 (Mr Bartlett).

<sup>242</sup> Transcript, page 1884, lines 14-20 (Ms Harte).

satisfied, on the evidence, it should be shown, but on an indicative basis to allow for sensible flexibility. This gives better effect to Policy 6.3.3(8) of the CRPS and, in any case, assists in development planning not just for this site but beyond.

[288] We record that we are satisfied, on the basis of the Council's s 32 Report and related evidence, that the Notified Version's provisions on these non-contentious matters are appropriate. The changes we make are for drafting clarity. With those changes, we are satisfied that the provisions we have included in this decision are the most appropriate for those matters.

### **Ferrymead – PD Sloan**

[289] Ferrymead is an established commercial centre bounded by Ferry Road and Humphreys Drive. The commercial activities there can be characterised as a mix of uses with a range of finer grained commercial retail and service activities, and large format retail (LFR) stores. These include a large Countdown supermarket, recently rebuilt following earthquake damage, and a Mitre 10 Mega. The Notified Version proposed that Ferrymead be zoned Commercial Core and identified as a "Neighbourhood Centre – Other".

[290] Ferrymead has a non-uniform shape and, with a Commercial Core zone of approximately 55,000m<sup>2</sup>, is comparatively large for a Neighbourhood Centre. In terms of the described role of Neighbourhood Centres (as described in Table 15.1 of the Notified Version), it is also unusual in the fact that it does not have an obvious immediately surrounding residential catchment. The predominant surrounding land uses are industrial. It has the potential to function both as a destination shopping centre and a neighbourhood commercial centre, servicing the retail needs of commuters between the Central City and Sumner and Redcliffs and their associated hill suburbs.

#### *Proposed maximum retail tenancy cap*

[291] Under the Notified Version, 'Neighbourhood Centres – Other' (including Ferrymead) were proposed to be subject to a maximum tenancy size of 500m<sup>2</sup> GLFA<sup>243</sup> for retail activity, trade suppliers, second-hand good outlets, commercial services, entertainment facilities, food and beverage outlets and gymnasiums ('tenancy cap'/'cap').<sup>244</sup>

<sup>243</sup> Gross Leasable Floor Area.

<sup>244</sup> Rule 15.2.2.1.

[292] Mr Sloan (934, FS1441), the owner of land at 999 Ferry Road, initially sought that his land be re-classified as a District Centre (which would avoid this cap). However, he modified that position to one of accepting a Neighbourhood Centre — Other classification provided that Ferrymead was not subject to the tenancy cap. This was so as to allow for both large format retailing and finer grained retail activity to take place concurrently, which Mr Sloan submitted is consistent with the established development of his site and its Business 2 zoning under the Existing Plan.<sup>245</sup>

[293] The Council opposed Mr Sloan’s original and modified relief, and sought the retention of the 500m<sup>2</sup> retail tenancy limit for Neighbourhood Centres, without exception being made for Ferrymead.

[294] For the following reasons, in confirming Commercial Core zoning and ‘Neighbourhood Centre — Local’ classification, we have decided that the tenancy cap should also apply. As such, we have declined this aspect of Mr Sloan’s relief.

*Reasons for declining exemption from tenancy cap*

[295] An initial question concerns how this issue should be evaluated in accordance with sections 32 and 32AA of the RMA. Mr Sloan and the Council presented quite different approaches to their evaluations.

[296] Like a number of submitters, Mr Sloan did not seek to oppose the strategic centres based approach of the Notified Version. Rather, he accepted it as being directed by the Higher Order Documents, but submitted that this did not confer any presumption in favour of the proposed tenancy cap. Mr Sloan’s counsel, Ms Wolt, submitted that the tenancy cap rule was inappropriate in a number of respects. Those included that it did not offer demonstrable benefit for the function and viability of the Linwood/Eastgate KAC, it was disabling of development of Ferrymead and, therefore, it was at odds with relevant Higher Order Documents. Those submissions relied in particular on the evidence of Mr Sloan (as to the development needs of Ferrymead), and her client’s other witnesses, economist Mr Copeland (as to distributional effects), and planning expert Mr Phillips (on the CRPS and related policy and planning matters).

<sup>245</sup> Closing submissions for PD Sloan at paras 16, and 19-20 (Ms Wolt).

[297] The emphasis of the Council’s case in support of the tenancy cap was on the intended function of centres and the value of the cap in supporting that function. The Council identified the scale, catchment and future form of the identified centres as being key to the function of those centres.<sup>246</sup> In that regard, the Council noted that the intended function of Ferrymead as a Neighbourhood Centre is to support, rather than undermine, the function and viability of KACs.<sup>247</sup> On that matter, the Council referred to Policy 6.3.1 of the CRPS.

[298] The Council did not regard the scale of retail activity authorised by Mr Sloan’s existing resource consent as distinguishing Ferrymead from other Neighbourhood Centres. That was because the Council considered that the CRDP needed to be forward looking, focusing on what the future function of Ferrymead is, and how this function fits with the function of KACs within the broader centres framework of the CRDP. The Council was concerned that continuing large format developments on the balance of land (outside the areas where activity was allowed by resource consents) could detract from the function of what Linwood/Eastgate was intended to serve.

[299] The Council also submitted that Mr Sloan’s request needed to be considered in the context of the centres based strategy of the Commercial chapter of the Notified Version. It described this strategy as one that “turns its back on” a case by case consideration of effects and on having to demonstrate significant adverse distributional effects.<sup>248</sup>

[300] Ms Wolt submitted that the Council’s approach “incorrectly shifts the onus of satisfying the section 32 requirements from the Council to submitters”.<sup>249</sup> With reference to case law, she submitted the fact that a centres based approach was settled did not relieve the Council of its s 32 obligation to evaluate the substance of what it proposed.<sup>250</sup> By reference to an Environment Court decision in *Hodge v Christchurch City Council*, she argued that the disabling nature of the proposed tenancy cap rule enhanced this obligation on the Council’s part.<sup>251</sup>

<sup>246</sup> Transcript, pages 363- 364 (Mr Stevenson).

<sup>247</sup> Transcript, page 329, lines 35-40 (Mr Stevenson).

<sup>248</sup> Closing submissions for the Council at para 3.1 (Mr Winchester).

<sup>249</sup> Closing submissions for PD Sloan at para 47 (Ms Wolt).

<sup>250</sup> *Hibbit v Auckland City Council* [1996] NZRMA 529 at 533, and *SeaBreeze Investments Limited v Christchurch City Council* C81/2002 at [20].

<sup>251</sup> *Hodge v Christchurch City Council* Planning Tribunal Christchurch C1A/96, 11 January 1996, at page 22.

[301] We have already set out the obligations under s 32, which now rest with us under s 32AA. Given Mr Sloan does not challenge the applicable objectives in the Notified Version, the focus falls on what are the most appropriate related provisions (in this case, including whether or not the proposed tenancy cap is most appropriate for achieving those objectives). The fact that the centres based approach is settled does not remove the obligation to test the proposed cap against other identified reasonably practicable options. That testing must still include assessment of the efficiency and effectiveness of those options, including the benefits and costs of their anticipated environmental, economic, social, and cultural effects (including in terms of opportunities for economic growth and employment).

[302] The evaluation is significantly evidence-based. The appropriateness or otherwise of the tenancy cap must be tested on its merits. The Council's submission to the effect that there is no need for consideration of effects or evaluation of significant adverse distributional effects does not properly accord with s 32. Having said that, we also note that the Council's approach before us (and in its s 32 Report) was evidence-based, but presented within the context of directions set by the CRPS and related (uncontested) objectives of the Notified Version and the operative Strategic Directions chapter. We agree with the Council that this context calls for consideration of the functions that centres are intended to serve for the community going forward. That goes beyond simple distributional effects' assessment.

[303] Ms Wolt drew attention to the fact that the Property Economics Report (which underpinned the Council's s 32 Report and was co-authored by Mr Heath), recommended the 'status quo' for Ferrymead.<sup>252</sup> She submitted that the Notified Version was, therefore, inconsistent with that recommendation. To the extent that is the case, we do not consider it material to the findings we make. First, the recommendations of the Property Economics Report were just one (albeit significant) input into the Council's s 32 evaluation. In any case, we consider that the recommendation does not bear upon how we weigh Mr Heath's opinion. For one thing, the Property Economics Report was prepared in November 2013, almost two years ago. Furthermore, Mr Heath was not cross-examined on the matter. In any case, any weaknesses in the Council's evaluation have been overtaken as we now bear the evaluative obligation under s 32.

<sup>252</sup> Property Economics Report at page 65.

[304] Mr Sloan gave evidence as to the potential effects of the proposed tenancy cap rule for development of Ferrymead. In his view, a mix of tenancy sizes (larger anchors with smaller tenancies around them) is required to make the whole site work and to get “reasonable coverage”. That was particularly given the large size and non-uniform shape of the site.<sup>253</sup> His desire was for the zoning at Ferrymead to reflect the existing B2 zone and continue to provide for the activities for which he has resource consent.<sup>254</sup> He explained that this mix of larger format and finer grain retail has been the trading pattern at Ferrymead since its establishment, in the early 2000s, pursuant to resource consents. Similarly, that mixed pattern was secured following a contested Environment Court appeal process.<sup>255</sup>

[305] Mr Sloan’s evidence on the current configuration of Ferrymead, and what would best suit the further development of this land was essentially uncontested. On that basis, we accept it for the purposes of our evaluation.

[306] Given that status quo position, and the evidence of Mr Copeland, Ms Wolt submitted that the proposed tenancy cap is disenabling of Ferrymead.<sup>256</sup>

[307] We were informed that Mr Sloan’s existing resource consents enabled nearly 22,000m<sup>2</sup> GLFA to be developed with a mix of large format retail and finer grain retail. Of that total, we were informed that something in the order of 16,500m<sup>2</sup> has been developed so far (including with a Mitre 10 Mega and Countdown supermarket), leaving a remaining development potential of some 5500m<sup>2</sup> under the consents.

[308] As to the mix of stores likely to seek to establish at Ferrymead, Mr Sloan identified furniture and appliance stores, pet stores, ‘second tier’ department stores and stationery stores. In his view, these types of stores are unlikely to be established in existing centres where retail spaces are generally smaller and consolidated, opening hours may be fixed, carparking is less accessible and rents are higher. Therefore, he considered that the types of retailing likely to establish on his land are of a different nature to those which might seek to establish in the CBD or Linwood/Eastgate, and therefore would not be in competition with those centres.<sup>257</sup>

<sup>253</sup> Transcript, page 760, lines 19 and 40–43 (Mr Sloan).

<sup>254</sup> Transcript, page 759, lines 8–35 (Mr Sloan).

<sup>255</sup> *Daubney Trust v Christchurch City Council* [2008] NZEnvC 323.

<sup>256</sup> Closing submissions for PD Sloan at para 34 (Ms Wolt).

<sup>257</sup> Evidence in chief of Patrick Sloan on behalf of PD Sloan at para 24.

[309] Mr Copeland presented distributional effects evidence for Mr Sloan. In essence, his opinion was that the tenancy cap was inappropriate, when measured according to a benefit-cost analysis for the purposes of s 32 RMA. His analysis was on the footing that the amount of development that has already occurred, or that could occur, under the existing resource consents should be set to one side. In essence, of the 30,000m<sup>2</sup> GLFA at Ferrymead, he discounted some 22,000m<sup>2</sup>.

[310] For the remaining 8000m<sup>2</sup> or so of developable GLFA, he concluded that the tenancy cap rule would offer insignificant benefits.<sup>258</sup> He considered that the cap would not redirect large format retail stores to the CBD or Linwood/Eastgate as neither centre was likely to attract such stores even with the cap in place. As such, he considered the cap would be unlikely to induce significant agglomeration economies or other externality benefits at Linwood/Eastgate. While he accepted that limits on the form of development at Ferrymead may be commercially advantageous to Linwood/Eastgate, he considered this would only occur to a limited extent and would only relate to trade competition effects.<sup>259</sup> He did not consider the cap would help overcome the loss of the Linwood/Eastgate residential base or negate the loss of its key anchor tenant (the Farmers department store). In his view, the cap would not impact on the recovery of Linwood/Eastgate.<sup>260</sup>

[311] Secondly, he considered it would not preserve a predominance of fine grain retailing at Ferrymead, as large format retailing is already in place, it may be developed there under the consents.<sup>261</sup>

[312] As for the 5500m<sup>2</sup> of developable potential under the existing consents, Mr Copeland noted that this could allow for up to 10 developments in excess of 500m<sup>2</sup> each, regardless of the zoning regime imposed.<sup>262</sup>

[313] He considered that the costs of the proposed cap, to businesses and consumers, would outweigh the intended benefit of underpinning the rebuild of the CBD and encouraging Linwood/Eastgate to thrive as a KAC.<sup>263</sup>

<sup>258</sup> Evidence in chief of Michael Copeland on behalf of PD Sloan at para 29.

<sup>259</sup> Evidence in chief of Michael Copeland at para 30.

<sup>260</sup> Evidence in chief of Michael Copeland at para 32.

<sup>261</sup> Evidence in chief of Michael Copeland at para 11.

<sup>262</sup> Transcript, page 770, lines 12-14 (Mr Copeland).

<sup>263</sup> Transcript, page 775, lines 18-33 (Mr Copeland).

[314] Mr Copeland accepted that his opinion as to costs was conceptual, in that any restriction could potentially be a cost.<sup>264</sup> He acknowledged that his views as to Linwood/Eastgate were based largely on his site inspection,<sup>265</sup> and that he had not considered the Strategic Directions Objectives or Chapter 6 of the CRPS when preparing his evidence.<sup>266</sup> He also accepted, in cross-examination by Mr Winchester, that customers could be drawn away from Linwood/Eastgate if there was an attractive retail offering at Ferrymead.<sup>267</sup>

[315] Mr Heath's evidence in chief for the Council on retail distribution matters was premised on the relief initially pursued by Mr Sloan, to the effect that Ferrymead should be elevated to a District Centre (and thereby not be subject to a retail tenancy cap). He considered such elevation would be premature and "would place the recovery of Linwood/Eastgate in jeopardy".<sup>268</sup>

[316] Mr Heath considered that Linwood/Eastgate would have the potential to perform the role of an effective and functioning KAC.<sup>269</sup> He accepted that the critical mass of retail presently at Ferrymead was not such as to generate any adverse significant effects on the Linwood/Eastgate KAC. However, he was concerned that further retail development could start to affect Linwood/Eastgate's recovery<sup>270</sup> and this would be likely to compromise that KAC's ability to perform its envisaged function over the life of the CRDP.

[317] Part of his concern was that the Linwood/Eastgate KAC (like other centres in the east) lacked the socioeconomic demographics to recover quickly.<sup>271</sup> In his opinion, the recovery of the KAC would be influenced by the level and rate of residential and employment growth in the area and that could be helped by a planned facilitation of the growth of affordable or social housing.<sup>272</sup> However, he also considered this greater vulnerability of recovery to be relevant to the evaluation of the benefits and costs of imposing restrictions on Ferrymead.

[318] On the weight of evidence, we find that the tenancy cap would not have a material benefit for the CBD. However, the evidence demonstrates to us its value in assisting the recovery of

<sup>264</sup> Transcript, pages 774-775 (Mr Copeland).

<sup>265</sup> Transcript, page 777, line 40 (Mr Copeland).

<sup>266</sup> Transcript, page 773, lines 8-18 (Mr Copeland).

<sup>267</sup> Transcript, page 781, lines 29-44 (Mr Copeland).

<sup>268</sup> Evidence in chief of Timothy Heath at para 24.4.

<sup>269</sup> Transcript, page 182, lines 31-34 (Mr Heath).

<sup>270</sup> Transcript, page 167, lines 39-44 (Mr Heath).

<sup>271</sup> Transcript, page 176, lines 9-16 (Mr Heath).

<sup>272</sup> Transcript, pages 182-183 (Mr Heath).

the Linwood/Eastgate KAC and its community is such as to make it most appropriate that it be retained.

[319] In the final analysis, on that matter, we accept Mr Heath's opinion in preference to that of Mr Copeland. This is for a number of reasons pertaining to the nature of our evaluation responsibilities under ss 32 and 32AA.

[320] As we have noted, that evaluation has three core dimensions - benefits, costs and risks. Mr Copeland's approach to the assessment of distributional effects is, in one sense, more thorough than Mr Heath's. Specifically, Mr Copeland applied rigour in his benefit/cost assessment of the tenancy cap in terms of which he was careful to discount the extent of existing development, and potential further development, under the existing resource consents. In a strictly accounting sense, the logic of that approach is clear – what is already in place, or can be put in place under existing consents, would not be stopped by the tenancy cap. However, the evaluation we are called on to undertake under ss 32 and 32AA is more nuanced than what Mr Copeland's analysis offers. We must evaluate benefits, costs and risks on the basis that district plans are intended to enable and direct forward-looking choices for land use development.

[321] One sense of that is that established land use patterns, while relevant, do not proscribe what a plan can seek to influence and encourage for the future. Hence, it cannot be assumed that the cap will have no future influence, for instance in any re-development of what already is in place at Ferrymead. That is more the case for what has not been implemented under existing consents.

[322] More fundamentally, however, we have given particular weight to the risks to the recovery of Linwood/Eastgate KAC, given its present vulnerability and its uncontested role for the community.

[323] On this matter, Mr Copeland's perspective that the retail tenancy cap offered no material benefit for the Linwood/Eastgate KAC was primarily informed by his understanding of the current state of the KAC and its residential base. While that is relevant, it is not the whole picture. Also relevant is the role Linwood/Eastgate KAC is intended to serve for the community both now and into the future. The CRDP has a proper role in encouraging the KAC

to recover, having regard to its greater comparative vulnerability, in order to fulfil that role for the community. That is a matter going beyond trade competition, as we have noted earlier in this decision. In particular, KACs do not have a purely commercial function. They are centres for community services whose success relies on co-location with commercial activities. In those respects, Linwood/Eastgate KAC has natural attributes we find lacking at Ferrymead. As Mr Copeland accepted, Ferrymead is comparatively lacking in community facilities such as Council service centres, libraries or other community services.<sup>273</sup>

[324] In addition, we find the location of Linwood/Eastgate within an existing residential catchment comparatively more in keeping with the centres based philosophy of the CRPS and the CRDP than Ferrymead. In a comparative sense, the latter centre is more isolated and, hence, less capable of fulfilling the role intended by KACs and Neighbourhood Centres generally. Those are matters we weigh in favour of the preference we accord to the recovery of Linwood/Eastgate, even if it is to the disadvantage of Ferrymead through the tenancy cap rule.

[325] We accept that, in and of itself, imposing a restriction on retail tenancy size in Ferrymead would not fix the changing residential base, or restore the loss of a key anchor tenant at Linwood/Eastgate. However, we consider those are part of the reason why Linwood/Eastgate needs specific support within the CRDP for its recovery. The mandate and direction in the CRPS for providing that support includes the recognition it accords to Linwood/Eastgate as a KAC. In order to ensure its survival as a KAC, it is appropriate to recognise its current vulnerabilities and facilitate its recovery. Potentially, that can be through the imposition of restrictions on other centres.

[326] The weakened state of the residential catchment in and around Linwood/Eastgate, following the earthquakes, is a matter the Panel has considered in making its decision on the Residential Stage 1 Proposal. At this stage, we simply record that this is not a matter we find to count against the decision we have reached.

[327] Mr Copeland suggested that Ferrymead and Linwood/Eastgate have different catchments.<sup>274</sup> In terms of how matters currently stand, we accept that the extent of overlap in

<sup>273</sup> Transcript, page 781, lines 20-23 (Mr Copeland).

<sup>274</sup> Transcript, page 778, line 20; page 779, lines 35-36 (Mr Copeland).

those catchments may be relatively small. In particular, Ferrymead is more closely proximate to Sumner and Redcliffs and their associated hill suburbs. However, the size of Ferrymead allows significant room for expansion. That is a natural attribute that creates a risk of it becoming a de facto District Centre, thereby challenging the function and role of the Linwood/Eastgate KAC, unless the CRDP includes effective controls against this.

[328] In this regard, we note that Mr Sloan’s initial ambition was for Ferrymead to be classed as a District Centre. We have taken note of his evidence that supermarkets and other large format retail provide anchors or nodes for the clustering of finer-grained retail. In that sense, the issue is not so much whether Linwood/Eastgate would be in a position to compete for large format retail, but whether it could also lose out on a range of future finer-grained retail. We find that the retail tenancy cap would assist in protecting against that risk by discouraging this further large format retail and, therefore, associated finer grain development at Ferrymead. We consider it will assist to maintain Ferrymead’s role as a Neighbourhood Centre subordinate to KACs in the centres hierarchy. Although the risk of Ferrymead continuing its development towards a de facto District Centre at the expense of Linwood/Eastgate may not be readily quantifiable as a significant “distributional effect” at this stage, Mr Heath’s evidence satisfies us that there is a material risk that this could occur and give rise to significant adverse effects on the function and viability of the Linwood/Eastgate KAC. Removal of the cap at Ferrymead would elevate that risk. As such, we find that removal of the cap may not give effect to Objective 6.2.5 or Policy 6.3.1 of the CRPS.

[329] We acknowledge that the tenancy cap would impose costs, both in terms of restricting development options for Mr Sloan and others and, in a related sense, restricting consumer choice. We have also considered the evidence from Mr Sloan as to Ferrymead’s recovery needs.

[330] For Mr Sloan, we note that the cost of the cap would be mitigated to the extent that he may be able to continue to exercise any remaining resource consent development potential. Our understanding of his evidence, and that of Mr Copeland, is that the cap would impact approximately 30 per cent of his land (albeit not denying the development opportunity of that remainder). While that impact would still have some significance, Mr Sloan’s costs and other identified costs are, in our judgment, outweighed by the wider benefits, including in relation to the recovery risks presented at Linwood/Eastgate KAC given its identified role for the

community. To the extent that Ferrymead is still recovering from the impacts of the earthquakes, we find this is outweighed by the relative importance of ensuring the recovery of Linwood/Eastgate as an identified KAC.

[331] We find, on the evidence, that retaining the cap for Ferrymead is part of ensuring the most effective and efficient means for achieving the centres based objectives. We have considered the costs and benefits of removing the retail cap, as they relate to both Ferrymead and Linwood/Eastgate. We have assessed the risk of acting or not acting given the uncertain future of Linwood/Eastgate as against the Mr Sloan's position.

[332] Our findings on that evidence satisfy us that the imposition of the cap would better give effect to the CRPS (particularly Policy 6.3.1), the Statement of Expectations and our Strategic Directions decision.<sup>275</sup> We disagree with Mr Phillips concerning Strategic Direction Objective's 3.3.1 and 3.3.2. That is in the sense that we find the additional regulatory requirements and associated costs for Ferrymead are warranted for the reasons we have set out.<sup>276</sup> Therefore, we prefer the opinion of Mr Stevenson to that of Mr Phillips, on those matters.

[333] For those reasons, we confirm the zoning and Neighbourhood Centre classification of Ferrymead without exemption from the tenancy cap, and so have declined this aspect of Mr Sloan's relief.

#### *Other submissions from Mr Sloan*

[334] As a result of informal mediation with the Council, a number of matters were agreed or resolved between Mr Sloan and the Council and incorporated into the Revised Version. We have carried these changes forward into the Decision Version, on the basis of Mr Phillips and Mr Stevenson's evidence.<sup>277</sup> Mr Sloan's concerns regarding the urban design and ceiling height provisions have been considered at [160]–[211] above.

[335] As such, we have accepted in part these aspects of Mr Sloan's relief.

<sup>275</sup> Closing submissions for the Council at para 8.16 (Mr Winchester).

<sup>276</sup> Transcript, pages 794–795 (Mr Phillips).

<sup>277</sup> Evidence in chief of Jeremy Phillips at para 16.

## Ferrymead — Other submissions

[336] Mr Chaplin, a registered architect practising from an address at Ferry Road, appeared on behalf of himself (1030) and the Rata Trust (1029). He raised concerns that there were inconsistencies between the principles in the Ferry Road Master Plan and the proposed Industrial General zone.<sup>278</sup> In his submission, he sought a higher percentage of office and retail use in the proposed Ferrymead Industrial General zone, as he considered that the area had taken on more of a commercial feel than an industrial one.<sup>279</sup>

[337] While we acknowledge the submission from Mr Chaplin, and were assisted by his personal knowledge of the area,<sup>280</sup> we are satisfied on the Council's evidence that the provisions in the Decision Version are most appropriate. In particular, we consider that granting the relief sought by Mr Chaplin would undermine the centres based approach and run counter to Objective 6.2.6 of the CRPS regarding location of commercial activities.

[338] The submission of Te Rūnanga o Ngāi Tahu and Ngā Rūnanga (1145, FS1448) was focused on the protection of water bodies from the effects of development and from stormwater, the use of low impact design and indigenous biodiversity, sites of Ngāi Tahu cultural significance, bird strike and the North Belfast Industrial zoning. A number of these issues are deferred to Stage 3 hearings. However, through informal mediation, a number of matters were agreed between Ngāi Tahu and the Council and provided to us in Exhibit 5. In particular, the parties agreed that stormwater treatment sites and treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands. On the evidence, we consider those matters to be appropriate and have incorporated those changes into the Decision Version.

[339] Marriner Investments Limited<sup>281</sup> and Latitude Group Limited<sup>282</sup> requested the Industrial General zoning for 2 Waterman Place and 987 Ferry Road be changed to Commercial Core in recognition of the existing mix of commercial activity. Traffic concerns were an issue. However, following expert witness conferencing all outstanding matters were agreed.<sup>283</sup> We

<sup>278</sup> Transcript, page 1285, lines 6-9.

<sup>279</sup> Transcript, page 1287, lines 21-25.

<sup>280</sup> Transcript, page 1284-1288 (Mr Chaplin).

<sup>281</sup> Submitter 380.

<sup>282</sup> Submitter 607.

<sup>283</sup> Rebuttal evidence of Mark Stevenson at para 59.3.

are satisfied that those agreed changes are appropriate, and have included them in the Decision Version.

### **Fendalton Mall New World /Clyde Road Supermarket rezoning**

[340] Fendalton Mall, on the corner of Memorial Avenue and Otara Street, is anchored by a New World supermarket. It is identified as a Neighbourhood Centre in the Notified Version. The Notified Version zones most of the Mall site as Commercial Core. However, it zones some of the site Residential Suburban. That zoning is specified for 10 Otara Street, an area formerly part of 48 Hamilton Avenue, and part of 17 Memorial Avenue that is currently used for supermarket access.

[341] Fendalton Mall Limited (‘FML’) (24) supported the Commercial Core zoning, but sought that the areas of the site zoned Residential Suburban be rezoned Commercial Core.

[342] These rezonings were supported by the Council,<sup>284</sup> but opposed by the Hamilton Avenue/Otara Street Residents Association (‘HORA’) (414). HORA represents residents of Hamilton Avenue, its side streets, and Otara Street on both sides of Memorial Avenue.<sup>285</sup> It sought retention of the Residential Suburban zoning of the Notified Version and sought that this zoning be extended to 12 and 14 Otara Street and 27 Memorial Avenue. In addition, HORA sought that 25 Memorial Avenue be zoned on an equivalent basis to its existing B2P zoning.<sup>286</sup>

[343] For the reasons that follow, we have determined that:

- (a) Commercial Core is the most appropriate zoning for the entire site;
- (b) Vehicular access via Otara Street should be a restricted discretionary activity, with applications being non-notified.

<sup>284</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 42-47; Rebuttal evidence of Mark Stevenson at para 45.1.

<sup>285</sup> Evidence in chief of Piers Seed on behalf of HORA at para 7.

<sup>286</sup> Submission of HORA at page 5. “B2P” refers to the Business 2P (District Centre — Parking) zone of the Existing Plan.

[344] FML sought its rezoning relief on the basis that this would best reflect the current use of the sites and the nature of the activities on them. FML's planning witness, Mr Dewe, explained that 10 Otara Street currently contains a commercial building (an eye clinic and medical practice). He said that part of the former 48 Hamilton Avenue forms part of the Fendalton Mall carpark. He explained that the part of 17 Memorial Avenue sought to be rezoned is currently used for goods access, access to some staff parking, and landscaping associated with Fendalton Mall.<sup>287</sup>

[345] He also expressed the view that rezoning the properties Commercial Core would be consistent with Chapter 3 Strategic Directions Objective 3.3.1(a) and (b) and 3.3.2(a)(i), in the sense that it would better assist to meet community day-to-day needs, improve certainty for the future of the Mall, and minimise reliance on resource consent processes.<sup>288</sup>

[346] Mr Stevenson, for the Council, supported FML's rezoning request. This was on the basis that a Commercial Core zoning is not inconsistent with the Central City Recovery Plan and the relevant objective and policies of the Notified Version. That is in the sense that suburban commercial growth would not occur at the expense of the Central City as the types of activities would serve the local community. He also considered that Commercial Core zoning would provide more certainty and would reduce reliance on resource consent processes for existing and future non-residential activities. In addition, Mr Stevenson considered that the accommodation of commercial growth in centres is a key method for enabling the City to grow and for the community to meet its needs. As such, he considered modest expansion of existing business zones to be consistent with the strategic approach to growth management, especially where growth is adjacent to existing centres, fronts main roads and is in locations where commercial activities are established.<sup>289</sup>

[347] HORA's primary concern was the loss of residential amenity that the rezoning would lead to.<sup>290</sup> In particular, Mr Seed (on behalf of HORA) referred to concerns about traffic

<sup>287</sup> Mr Dewe has a Bachelor of Arts in Geography and a Master of Regional and Resource Planning (with Distinction). He has approximately 21 years of experience in resource management. Evidence in chief of Gregory Dewe on behalf of FML at para 3.2.

<sup>288</sup> Evidence in chief of Gregory Dewe at para 5.2-5.4.

<sup>289</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 42-47.

<sup>290</sup> Evidence in chief of Piers Seed at para 8.

movement and safety on Otara Street, as well as parking issues, and a need for well-defined integration between commercial and residential properties.<sup>291</sup>

[348] In his evidence for HORA, Mr Seed expressed the view that this was the third time FML had tried to secure commercial zoning of, or consent for, the relevant land. He explained that, in 1997, FML's submission to the "draft city plan" seeking rezoning was rejected and, in 2010, a resource consent application to expand the Mall was also rejected.<sup>292</sup>

[349] The 2010 resource consent application referred to by Mr Seed concerned a proposal by FML to extend the supermarket and the associated carparking activities at 17, 19-23, 25 and 27 Memorial Ave, 38C and 48 Hamilton Ave and 14 Otara St. HORA opposed the application and a decision was issued on 14 May 2010, declining consent. At paragraph 7.18 of the decision, the independent commissioner (Mr Batty) rejected FML's argument that the properties at 14 Otara Street and 27 Memorial Ave were no longer appropriate for residential use. Mr Batty noted that, if the properties were no longer appropriate for residential use, they should be rezoned accordingly. He noted that a process of rezoning would require greater scrutiny of the appropriate boundaries and scale of the centre (i.e. of Fendalton Mall) than had been possible in the resource consent application. The decline of consent was overturned on appeal (on the basis of a settlement reached by parties to the appeal).<sup>293</sup>

[350] Mr Seed sought to rely on this decision as confirming that Otara Street is a residential street and that residential zoning is vital to keep it that way. However, the Panel does not read the decision in that way. Rather, Mr Batty was not purporting to express any views as to the appropriateness or otherwise of the zoning. Furthermore, Mr Batty correctly identifies the proper processes for dealing with the question of appropriate zoning. That is precisely what this Panel is charged with determining. We are satisfied that we have the relevant information and evidence available to us for those purposes.

[351] Fendalton New World and other services such as Fendalton Pharmacy and NZ Post have traded continuously at the Fendalton Mall site since 1970 (almost 45 years).<sup>294</sup> In fact, there has been a family business at this site since 1936, 79 years ago.<sup>295</sup> Mr Seed accepted that the

<sup>291</sup> Transcript, page 875, lines 16-34 (Mr Seed).

<sup>292</sup> Transcript, pages 866-867 (Mr Seed).

<sup>293</sup> Evidence in chief of Piers Seed on behalf of HORA at Appendix Three.

<sup>294</sup> Evidence in chief of James Turner on behalf of FML at para 2.2.

<sup>295</sup> Evidence in chief of James Turner at para 2.1.

Mall was part of the community, and that HORA recognised its importance.<sup>296</sup> The evidence satisfies us that the Mall is an intended and important part of the community. We accept the evidence of Mr Dewe that this rezoning is supported by the Higher Order Documents.<sup>297</sup> Mr Seed conceded that he possibly had not taken account of those documents in preparing his evidence, although he had read our Strategic Directions chapter.<sup>298</sup> That is not a criticism of Mr Seed. However, this Panel must make its decision by reference to those Higher Order Documents, and as directed by the OIC.

[352] We consider that rezoning all land to Commercial Core is more consistent with the role and function of Fendalton Mall as a Neighbourhood Centre, and more appropriate, than zoning parts of the site as residential. As such, comprehensive Commercial Core zoning better gives effect to the CRPS and the Strategic Directions objectives. We also accept Mr Stevenson's evidence that comprehensive Commercial Core would reflect the relationship of the carpark to the Mall, and that this was consistent with other centres around the city (such as Halswell and Bishopdale), where there is no distinction between the car park and the Mall in terms of commercial zoning.<sup>299</sup> We consider comprehensive Commercial Core helps to provide a consistent approach across the city. For those reasons, we are satisfied that Commercial Core zoning is the most appropriate in this case.

[353] Having reached that view on the most appropriate zoning choice, we have not overlooked the importance of the residential amenity values for surrounding residents. Section 7(c) RMA directs us to have particular regard to the maintenance and enhancement of amenity values. As noted, while much of Mr Seed's focus was on retaining the zoning status quo, HORA's primary concern was as to the loss of residential amenity that the rezoning would lead to.<sup>300</sup> In particular, HORA referred to concerns about traffic movement and safety on Otara Street, as well as parking issues, and a need for well-defined integration between commercial and residential properties. Those are all matters for which we should consider whether standards and controls should be imposed.

<sup>296</sup> Transcript, page 872, lines 22-32; page 873, line 17 (Mr Seed).

<sup>297</sup> Evidence in chief of Gregory Dewe at 5.1-5.8.

<sup>298</sup> Transcript, pages 876-877 (Mr Seed).

<sup>299</sup> Transcript, page 339, lines 32-40 (Mr Stevenson).

<sup>300</sup> Evidence in chief of Piers Seed at para 8.

[354] We are directed, by ss 32 and 32AA, to evaluate alternative methods. These can include non-regulatory methods of control. In this context, that includes a restrictive covenant that applies to 27 Memorial Avenue and 14 Otara Street. This covenant was entered into by Fendalton Mall as part of a settlement reached on FML’s appeal successfully overturning the above-noted decline of resource consent for the Mall’s expansion. The settlement resulted in the Environment Court granting consent<sup>301</sup> (subject to agreed conditions) for the establishment and operation of customer and staff parking areas and associated landscaping treatment on properties at 19, 19A and 27 Memorial Avenue, 14 Otara Street and 48 Hamilton Avenue.

[355] The agreed consent conditions include condition 4 (as to FML’s obligation to register a covenant over certificates of title for 14 Otara Street and 27 Memorial Avenue to prohibit vehicular access over an identified landscape area), condition 5 (which requires FML to enter a side agreement with HORA to not “purchase [sic] or use” 8 Otara Street unless the land is rezoned and commercial use permitted), condition 7 (which specifies that various conditions, including the above, are confined to FML, its shareholders, directors and subsequent owners), and condition 8 (requiring landscaping in a strip along the Otara Street frontage (and part of Memorial Avenue) to be established according to a specified landscape plan).

[356] The restrictive covenant referred to in condition 4 names FML as encumbrancer and HORA as encumbrancee.<sup>302</sup> It expressly covenants that no vehicular access is permitted over and across what it terms the “Landscaped Land”, which is specified as having at least a 9-metre width. On its face, the covenant prohibits vehicular access to and from Otara Street in this vicinity, but nowhere else along the Otara Street frontage. Counsel for FML, Ms Crawford, confirmed in her closing submissions that FML does not intend to amend this covenant to expressly include landscaping. She also confirmed that her client has no plans to build on the area covered by the covenant.<sup>303</sup>

[357] Mr Seed commented on the value that the landscaped strip provides, in terms of amenity values. He also expressed HORA’s concern as to the potential effect of traffic on Otara Street and Hamilton Avenue, particularly because of the difficulty of turning right onto Memorial

<sup>301</sup> Consent Order dated 14 June 2011, in relation to *Fendalton Mall Limited (ENV-2010-CHC-000159) v Christchurch City Council*.

<sup>302</sup> Annexure C to Evidence in chief of Gregory Dewe.

<sup>303</sup> Closing Submissions for FML at para 3.3 (Ms Crawford).

Avenue from the Mall car park.<sup>304</sup> As matters currently stand, there is a small carpark off Otara Street associated with the eye clinic. However, bollards in the carpark separate this from the main supermarket carpark and effectively preclude supermarket traffic from making significant use of it such that the primary users are those accessing the eye clinic and other buildings near that frontage.

[358] Mr Stevenson explained to us that the Council had considered whether to propose rules to reflect the residential amenity, such as to prohibit access from the Otara Street frontage. He explained that the Council elected against this as it considered it would double up on the covenant already in existence.<sup>305</sup> Mr Dewe noted that any development would trigger the High Trip Generator (‘HTG’) rule. However, our concern on that matter is that the HTG rule would only be triggered with a new build exceeding its specified thresholds. Hence, for example, it would not be triggered in the event that FML elects to remove the bollards and allow supermarket traffic via Otara Street. We did not receive any traffic effects evidence to give us confidence that this would not have undue effects on residential amenity.

[359] Hence, while we acknowledge that the restrictive covenant would continue to offer a degree of protection to residential amenity, we are not satisfied it is sufficient for traffic impact issues given that it does not protect the entire Otara Street frontage, notably the existing formed accessway.

[360] On that basis, we have determined that vehicular access via Otara Street should be a restricted discretionary activity, with applications non-notified. We consider non-notification appropriate as the matters in issue are confined to matters of traffic and landscaping design which are sufficiently technical as to be capable of being appropriately addressed by an applicant and the Council.

[361] We acknowledge Mr Seed’s comments that HORA members also value the amenity provided by the landscape strip itself. Against that, we heard from Mr Dewe that a nine-metre strip of landscaping is unusual in his experience, and that a more typical situation is a two-metre wide landscaped strip on the edge of a commercial centre.<sup>306</sup> Furthermore, we note that the Commercial Core rules only require a 1.5 metre landscaping strip along a road frontage

<sup>304</sup> Transcript page 875, lines 16-26 (Mr Seed).

<sup>305</sup> Transcript page 339, lines 25-30 (Mr Stevenson).

<sup>306</sup> Transcript pages 949-950 (Mr Dewe).

opposite a residential zone. Mr Dewe explained that boundaries of Neighbourhood Centres typically run along one side of the road and, in almost every case, there is residential development on the other side of the street.<sup>307</sup>

[362] In any case, as a Neighbourhood Centre, we consider the Mall is more properly to be considered as an integrated part of its residential setting and it does not warrant any particular provision in the rules beyond what already applies for these matters under the Commercial Core zone.

[363] For those reasons, we have determined that the most appropriate planning outcome is for the Mall to be zoned Commercial Core, and for the only particular further control to be for vehicular access via Otara Street, as we have described.

[364] Therefore, we have determined to accept in part, and otherwise reject, the submissions of FML and HORA.

### **Evaluation of zoning and other requests for out-of-centre commercial development**

[365] In the next part of this evaluation, we address requests for zoning or other changes sought to the Notified Version, to allow for out-of-centre commercial development.

### **Addington**

[366] KI Commercial Limited ('KI') owns land at 11-13 Bernard Street, Addington. It sought the rezoning of approximately 2 hectares of land bordered by Lincoln Road to the south, Bernard Street to the east, Wise Street to the west and Walsall Street to the north ("the site").<sup>308</sup>

[367] The Notified Version proposed Industrial General zoning for the site and surrounding land and Commercial Core for the nearby Addington centre. There is a mix of commercial, retail, hospitality and office activities on and in the vicinity of the site,<sup>309</sup> as well as some light industry. In recognition of this, but also to limit further development of office and retail

<sup>307</sup> Transcript page 949, lines 5-17 (Mr Dewe).

<sup>308</sup> Evidence in chief of Brett Giddens on behalf of KI at para 16. Mr Giddens has a Bachelor of Science in Geology, a Master of Applied Science in Environmental Management and has partially completed a Master of Resource & Environmental Planning. He has more than 13 years of experience in resource management planning.

<sup>309</sup> Evidence in chief of Brett Giddens at para 12.

activities to maintain consistency with the centres based approach, Mr Stevenson recommended a change to a Commercial Mixed Use zone.

[368] KI opposed the Industrial General zoning. While its planning expert, Mr Giddens, agreed that Commercial Mixed Use zoning was a “step in the right direction”, he considered it overly-restrictive and recommended Commercial Core zoning as sought by KI.<sup>310</sup>

[369] For the reasons we set out, we have determined that the Commercial Mixed Use zone as recommended by Mr Stevenson is the most appropriate and have provided for that. Therefore, we reject KI’s request for Commercial Core zoning.

[370] The essential issue was the extent of office and retail development flexibility appropriate for the site as out-of-centre development, mindful of the CRPS and related Strategic Directions objectives and the priority those superior documents give to the CBD’s recovery.

[371] In essence, KI argued that allowing Addington to grow and develop in the manner it requested would not impact on the recovery of the CBD, but be complementary to it.<sup>311</sup> It argued that this complementarity existed in the fact that Addington was on the CBD fringe and, as such, might be expected to attract commercial activity that would be less likely to be found in the CBD. Hence, KI considered that allowing more development at Addington would contribute to the recovery of the CBD.<sup>312</sup> On this basis, it argued that the Council’s proposed Commercial Mixed Use zone was overly restrictive. In particular, it did not adequately provide for new office and retail premises or recognise the existing nature of Addington and its transition to diverse commercial development prior to the earthquakes.

[372] KI’s primary witness on the relationship of commercial and office development at Addington to the recovery of the CBD was Dr Philip McDermott.<sup>313</sup>

[373] He was of the opinion that only a minority of activities are capable of leasing CBD offices and retail space, particularly given the high prices emerging in Christchurch. He considered that there was a lack of secondary office space in the CBD, and that failure to provide this space

<sup>310</sup> Evidence in chief of Brett Giddens at para 12.

<sup>311</sup> Closing submissions for KI at para 14 (Mr Pedley); Transcript, page 1202, lines 14-18 (Mr Giddens).

<sup>312</sup> Transcript, page 1170, lines 37-46 (Dr McDermott).

<sup>313</sup> Evidence in chief of Dr McDermott on behalf of KI at para 1; Transcript, page 900, lines 3-8 (Dr McDermott). In addition, we heard from KI’s Chief Executive Officer, Mr Keung and, as noted, Mr Giddens.

in other places (such as Addington), would constrain new or expanding services.<sup>314</sup> In response to questions from Mr Radich QC for the Crown, he conceded that this was not based on any empirical study, but only backed up by data on employment trends that he had supplied.<sup>315</sup>

[374] Dr McDermott's evidence went further than this, however. He did not agree with the rationale offered by the Council to support a more coercive approach to office location.<sup>316</sup> In essence, he challenged the fundamental soundness of the Council's centre based approach to office and retail, at least to the extent to which he considered it would stop or severely constrain economic activity.<sup>317</sup> Further, even though KI did not take any issue with the centres based approach in the CRPS and the Strategic Directions chapter,<sup>318</sup> Dr McDermott specifically agreed that his evidence took a wider view, based on his own preferences.<sup>319</sup> That included his preference for more flexibility than the centres based approach provides.<sup>320</sup> In that regard, we record we have also taken account of his evidence on related matters for MAIL. We consider it would be unrealistic to do otherwise, in that both briefs are informed by a consistent underlying philosophy.

[375] In an exchange with the Panel, Dr McDermott agreed that his view that some offices will always favour suburban locations was based on a particular ideology or paradigm that it is best to allow people to make rational choice about where to locate to best suit their business, and that the outcome of this would lead to greater welfare and utility as it will encourage more investment.<sup>321</sup>

[376] The Council's economist, Mr Osborne, provided rebuttal to Dr McDermott's opinion. He noted that the theory of Dr McDermott's evidence went further than the relief pursued by KI to essentially challenging the very basis for limiting offices outside of the CBD. He took issue with Dr McDermott's reliance on total growth rate in per capita GDP as an indicator that the CBD remained a competitive commercial location. On this, he pointed out that per capita earnings in Canterbury are 10 per cent lower than the national average and that it was important to consider the source of this growth. He explained that proportionally, commercial worker

<sup>314</sup> Evidence in chief of Philip McDermott at para 50.

<sup>315</sup> Transcript, page 1184, lines 19-26 (Dr McDermott).

<sup>316</sup> Evidence in chief of Philip McDermott at paras 22-23.

<sup>317</sup> Transcript, page 1179, lines 22-32 (Dr McDermott).

<sup>318</sup> Opening submissions for KI at para 13; Closing submissions for KI at para 13 (Mr Pedley).

<sup>319</sup> Transcript, page 913, lines 20-35; page 181, lines 6-12 (Dr McDermott).

<sup>320</sup> Transcript, page 913, lines 1-7 (Dr McDermott).

<sup>321</sup> Transcript, page 923, lines 1-15 (Dr McDermott).

productivity has been only 58 per cent of that for the regional economy. As for commercial activities, he noted that the CBD saw a substantial proportional fall in nearly all sectors, with the finance sector dropping as a proportion of CBD employment from 68 per cent to 40 per cent by 2010, and professional services dropping from 58 per cent to 40 per cent over the same period. He also noted that, of the 25,000 ECs (employee counts) lost to the Central City as a result of the earthquakes, only 5000 had returned by 2014.<sup>322</sup>

[377] Mr Osborne agreed, to some extent, with Dr McDermott as to the high cost of commercial rental space in the CBD. However, contrary to Dr McDermott's perspective, he saw this as contributing to uncertainty and placing recovery of the Central City at risk.<sup>323</sup>

[378] Mr Radich's cross-examination, and Mr Osborne's rebuttal, identify fundamental reasons why we do not find Dr McDermott's opinion on these matters reliable. In essence, his opinions as to the lack of risk posed for the CBD and the claimed complementarity of allowing additional commercial and office development at Addington were not reliably informed and were philosophically driven. On the latter point, we refer to the observations we make on Dr McDermott's evidence in our discussion of the influence of the CRPS directives (at [93]–[98]).

[379] The Higher Order Documents mandate and direct a centres based approach in the manner we have described. Even if we were to find (which we do not) that Dr McDermott had a sound evidential basis for the greater flexibility he argued for, we are required to give effect to the CRPS. While Dr McDermott did not necessarily believe his position was inconsistent with the CRPS or other Higher Order Documents, the CRPS expresses a bias in favour of development within centres, as we have noted, which Dr McDermott has not properly accounted for. This bias is reflected, for instance, in Policy 6.3.6(4) (our emphasis):

Recognises that new commercial activities are primarily to be directed to the Central City, Key Activity Centres and neighbourhood centres where these activities reflect and support the function and role of those centres; **or in circumstances where locating out of centre, will not give rise to significant adverse distributional or urban form effects.**

[380] Dr McDermott (and Mr Giddens) accepted that Addington had been one of the great beneficiaries of the earthquake.<sup>324</sup> While Dr McDermott did not know what proportion of the

<sup>322</sup> Rebuttal evidence of Philip Osborne on behalf of the Council at paras 5.3–5.8.

<sup>323</sup> Rebuttal evidence of Philip Osborne at para 5.9.

<sup>324</sup> Transcript page 1196, lines 39-43 (Dr McDermott); page 1214, lines 42-45 (Mr Giddens).

commercial service businesses or professional offices that are currently tenanted in Addington were previously in offices in the Central City, he was sure it was a significant proportion.<sup>325</sup> However, this was at odds with the evidence of Mr Keung, who did not agree that the earthquakes had inspired or sparked development in Addington, and instead considered that Addington has consistently grown, both before and after the earthquakes, with the earthquakes making no difference.<sup>326</sup>

[381] In one sense, it does not really matter whether Dr McDermott or Mr Keung is the more correct in these theories. We suspect the true position includes elements of both. As matters stand, we are satisfied on the evidence that Addington has a vibrancy of retail and office activity that arises, to some significant extent, from the flight of office tenants from the CBD in the aftermath of the earthquakes. It has the added natural capital of close proximity to the CBD. Coupled with that, as Dr McDermott noted, it has relatively competitive rents. As such, it has an ample basis for competing with the CBD, bolstered by the critical mass the earthquakes have delivered it. Against that, the evidence demonstrates that the recovery of the CBD is far from certain. One simple measure of that is the significant present shortfall in pre-earthquakes ECs. Another is the imbalance in the rental market towards the high end. In fact, Dr McDermott accepted that there was a risk that increasing the number of offices in Addington would reduce the incentive for businesses to go back to the CBD, although he considered that the risk was minor in the long term.<sup>327</sup> Hence, KI's argument that extending the Commercial Core zone would not impact on the ability of the CBD to recover flies in the face of the evidence.

[382] In any case, on these matters, we prefer the opinions of Mr Osborne and Mr Ogg, both of whom we find better qualified and more reliably informed than Dr McDermott.<sup>328</sup>

[383] The evidence overwhelmingly satisfies us that agreeing to KI's relief would pose a significant risk to the CBD's recovery. Granting it would not give effect to the CRPS. Given the primacy of the CBD within the Greater Christchurch area, nor would it accord with our

<sup>325</sup> Transcript page 1187, lines 6-21 (Dr McDermott).

<sup>326</sup> Evidence in chief of Paul Keung on behalf of KI at para 3; Transcript p1220, lines 1-6 and lines 26-27 (Mr Keung).

<sup>327</sup> Transcript, page 1189, lines 1-15 (Dr McDermott).

<sup>328</sup> Dr McDermott confirmed to the Panel that he was not an economist, but stated he was giving evidence as a planning expert and relying on economic analysis: Transcript, page 900, lines 1-15; pages 1169-1170 (Dr McDermott). We have set out the relevant qualifications of Messrs Osborne and Ogg earlier in this decision.

ultimate obligation to be satisfied that the CRDP would assist to achieve the RMA's sustainable management purpose.

[384] On the basis of those findings, having evaluated benefits, costs and risks in terms of ss 32 and 32AA RMA, we are overwhelmingly satisfied that Commercial Mixed Use is the most appropriate zoning.

[385] There are a few further matters we record as further reinforcing us in that view.

[386] Mr Keung accepted that the Commercial Mixed Use zone took account of KI's interests and that 75 per cent of its long-term future plans would be covered by this zone.<sup>329</sup> These concessions indicate to us that, to the extent that KI's financial interests are relevant to an evaluation of costs and benefits, our choice of Commercial Mixed Use zoning over Commercial Core would not unduly jeopardise KI's position. Rather, it would appear it is a more a question of relative financial advantage or benefit. Any difference is clearly overwhelmed by the greater economic wellbeing issues we must consider and have addressed.

[387] Further, although we do not accord this any significant weight, we note that Dr McDermott accepted that the Commercial Mixed Use zone would protect the existing office fabric and protect the vibrancy of Addington.<sup>330</sup>

[388] Finally, we have considered the contrary planning opinions of Mr Giddens for KI and Mr Stevenson for the Council. Mr Giddens relied on Dr McDermott for his evaluation of KI's requested relief against the OIC Statement of Expectations and the Strategic Directions objectives. For that reason, we do not accept his evaluation of those documents and prefer the contrary views of Mr Stevenson. As for the CRPS, a topic not explicitly addressed in Mr Giddens' written evidence, we have already set out our finding that granting KI's relief would not give effect to it. We are satisfied that Mr Stevenson's recommended approach would do so.

[389] Therefore, we agree with the Council that Commercial Mixed Use zoning is the most appropriate.<sup>331</sup>

<sup>329</sup> Transcript, page 1228, lines 16-29 (Mr Keung).

<sup>330</sup> Transcript, page 1191, lines 28-32 (Dr McDermott).

<sup>331</sup> Transcript, page 1173, lines 38-42 (Dr McDermott).

[390] However, we found Mr Stevenson’s drafting of the Commercial Mixed Use zone provisions to be unduly permissive in places, with ambiguity in some of the wording used for permitted activity rules relating to commercial services, office activity and retail activity. In our view, this drafting would give rise to an undue risk of adverse impact on the recovery of the Central City, and also inappropriately dilute the centres based approach. Consequently, we have refined the wording, to ensure that the permitted activity rule only applies to existing and/or consented commercial services, office and retail activities at the date of this decision.

### **Foodstuffs — 171 Main North Road**

[391] Foodstuffs owns a 1.56ha site at 171 Main North Road. Currently, the site contains industrial and office buildings, including a manufacturing building which, since 2011, has remained largely vacant as a result of earthquake damage. Foodstuffs has an adjacent head office.<sup>332</sup>

[392] The site was proposed to be Industrial General zoning in the Notified Version. Foodstuffs sought Commercial Core zoning. Its submission explained that this was to “allow for the establishment of a ‘small neighbourhood centre’ and to enable its future commercial plans.” In evidence, it revealed those plans are to develop a supermarket on the site.<sup>333</sup>

[393] The Council opposed the rezoning as inappropriate. Specifically, this was in view of the site’s close proximity to an existing KAC at Northlands, its unsuitability as a Neighbourhood Centre in its own right, and strategic transportation network implications. The Council sought that the Industrial General zoning of the Notified Version be confirmed.

[394] For the reasons we set out, we have determined that the Industrial General zoning is the most appropriate, and hence decline Foodstuffs’ relief.

<sup>332</sup> Foodstuffs’ submission 705.

<sup>333</sup> Foodstuffs’ submission, *Submission 18: Papanui Property* at para 5. Ms Parish confirmed that Foodstuffs would like to put a “large supermarket” on the site, Transcript, page 572, line 7.

[395] Ms Parish is the Property Development Manager for Foodstuffs. She explained that Foodstuffs does not require the site for industrial activities, and does not consider it viable to redevelop it for industrial activities.<sup>334</sup> Rather, it envisages constructing a supermarket on it.<sup>335</sup>

[396] Foodstuffs called economic evidence from Mr Fraser Colegrave, a land-use economics consultant. Mr Colegrave's support for the rezoning sought by Foodstuffs was on the basis that Commercial Core zoning is the more appropriate, primarily on a higher and better use basis.

[397] As to this, he considered trade competition impacts would be relatively minor and short-lived and, hence to not pose any significant risk in terms of retail distribution effects. That was a point that the Council's retail expert, Mr Heath, did not materially challenge. Although Kiwi submitted in opposition to Foodstuffs' rezoning request, it focused its evidence in support of the centres based approach, rather than contesting this aspect of Mr Colegrave's evidence.<sup>336</sup> On that basis, we accept Mr Colegrave's evidence on this matter and conclude that any question of retail distribution effects falls below the threshold of relevance for our purposes.

[398] Mr Colegrave considered that Commercial Core rezoning offered consumer benefits (in terms of increased accessibility and retailer competition) and supported the recovery. As against that, he noted that any industrial redevelopment of the site would pose a relatively higher reverse sensitivity risk for nearby residential areas. Therefore, on a benefits, costs and risks analysis, he supported Commercial Core zoning as the most appropriate.<sup>337</sup>

[399] For the Council, Mr Heath characterised Foodstuffs' submission as "opportunistic". He acknowledged that construction of a supermarket at 171 Main North Road would not result in significant trade impacts on the nearest KAC at Northlands. However, he challenged Mr Colegrave's conclusion about insufficient capacity in the centres network as being unsupported and unjustified, given that Mr Colegrave's focus is on the site in question.<sup>338</sup> In Mr Heath's view, the community in this area is well catered for by the network of existing and proposed

<sup>334</sup> Evidence in chief of Ms Parish, para 3.1; In response to a question from the Panel, Ms Parish confirmed that Foodstuffs had not given any thought to any other uses for this site (such as retired residential); Transcript, pages 574-575 (Ms Parish).

<sup>335</sup> Ms Parish gave evidence that her understanding from the work internally within Foodstuffs was that there was no intention other than a supermarket on this site and no other commercial activity. Transcript, page 575, lines 35-39 (Ms Parish).

<sup>336</sup> Evidence in chief of Joanna McDonald on behalf of Kiwi Property Group.

<sup>337</sup> Evidence in chief of Fraser Colegrave on behalf of Foodstuffs at paras 3.1–3.8.

<sup>338</sup> Rebuttal evidence of Timothy Heath on behalf of the Council at paras 9.2– 9.10.

centres such that there is no need for a new centre (even if the site was capable of providing it).<sup>339</sup> He noted that the very closely proximate Northlands KAC also fulfils a Neighbourhood Centre role. He also referred to the convenience centre planned for the “new greenfield growth node” at Highfield Park as being more conveniently located for that area.<sup>340</sup> In his rebuttal evidence, he also referred to other localised retail at the existing Bishopdale centre, a large “convenience focused” Neighbourhood Centre at Prestons Road and the proposed development of the Belfast/Styx KAC (to which we refer elsewhere in this decision).

[400] The strategic transport network issues arise from the location of the site at the intersection of two important arterials — Main North Road and Northcote Road/Queen Elizabeth II Drive.

[401] The Council’s transport planning expert Andrew Milne<sup>341</sup> told us that this intersection is one of the city’s “more critical locations with poor LoS F currently provided during peak periods”.<sup>342</sup> Given the strategic importance of Main North Road and its classification in the road network hierarchy, he considered that “there is a need to provide a high degree of protection to the corridor particularly prior to construction and opening of [the Northern Arterial Road of National Significance]”.<sup>343</sup>

[402] Mr Milne explained that the difficulty with the site centres on the close proximity of its accesses to the intersection. On the basis of his observation that, at present, queuing vehicles effectively block the main site access at peak periods, and his CAST modelling,<sup>344</sup> he considered that traffic demands that would impact on intersection congestion should be minimised until relief could be forthcoming with construction of the Northern Arterial.<sup>345</sup> Even after the opening of the Northern Arterial, he doubted whether a suitable form of access arrangement could be designed that would not unduly impact on the performance of the network in the locality, on the basis of predictions of loading from a supermarket usage. As such, he questioned whether the High Trip Generator (‘HTG’) rule would give any proper assurance that a supermarket type of development of the site would be appropriate. Hence, he

<sup>339</sup> Transcript p156, lines 3-5; 10-14 (Mr Heath).

<sup>340</sup> Evidence in chief of Timothy Heath at paras 23.2–23.4.

<sup>341</sup> Mr Milne is the Council’s Senior Transportation Planner and is a Chartered Professional Engineer registered under the Chartered Professional Engineers New Zealand Act 2002. He has a Master of Science in Transportation Planning and Management from Westminster University in London and a Bachelor of Engineering Degree (with Honours) in Civil and Transportation Engineering from Napier University, Edinburgh.

<sup>342</sup> LoS refers to “Level of Service”, with F being the worst. See Evidence in chief of Andrew Milne at 6.91.

<sup>343</sup> Evidence in chief of Andrew Milne at 6.89 – 6.91.

<sup>344</sup> Christchurch Assignment and Simulation Traffic model, Appendix F to Evidence in chief of Andrew Milne.

<sup>345</sup> Evidence in chief of Andrew Milne at paras 6.94 – 6.110.

considered the rezoning requested was unsuitable for the site.<sup>346</sup> However, were we of the mind to grant Foodstuffs' rezoning relief, he recommended that we require staging such as to significantly limit development ahead of the opening of the Northern Arterial.

[403] Mr Paul Durdin gave evidence on transportation matters for Foodstuffs.<sup>347</sup> He used a different model, better attuned to local site conditions, known as the Christchurch Transport Model ('CTM'). This allowed for prediction of the most likely distribution of trips to and from the site, taking account of the location and quantity of households and other competing land use activities in the vicinity and across Greater Christchurch. He undertook several modelling runs. These tested the position before and after the construction of the Council's Northcote Road four-laning project and the Northern Arterial and other Roads of National Significance ('RoNS') State highway upgrade projects.<sup>348</sup>

[404] While Mr Milne and Mr Durdin differed on several matters, including on the choice of models and the reliability of conclusions drawn from them, the material differences in their opinions for our purposes are relatively confined. Neither supported full commercial development of the site prior to construction of the Northern Arterial. Mr Durdin was confident that, once the Northern Arterial was in place, the site could accommodate full commercial development, given the HTG rule.<sup>349</sup> Mr Milne was more cautious on that question, leading to his ultimate view that the site was unsuitable for the Commercial Core zoning requested (although qualifying this by recommending staging should we elect to grant Foodstuffs its requested relief).

[405] As part of its opposition to Foodstuffs' submission, we also heard from Mr Steve Abley,<sup>350</sup> Kiwi's transportation engineer. His evidence addressed why a centres based approach was important for the sustainability of the transport network. He cautioned as to the need to carefully scrutinise the case for new centres in terms of their potential to impact on the network. However, unlike Mr Milne, he did not go so far as to recommend that we reject Foodstuffs' requested relief.

<sup>346</sup> Evidence in chief of Andrew Milne at paras 6.106 - 6.109.

<sup>347</sup> Mr Durdin is a Chartered Professional Engineer registered under the Chartered Professional Engineers New Zealand Act 2002.

<sup>348</sup> Evidence in chief of Paul Durdin on behalf of Foodstuffs at paras 5.1–5.12.

<sup>349</sup> Evidence in chief of Paul Durdin at paras 2.2, 8.8 and 10.3.

<sup>350</sup> Mr Abley is a Chartered Professional Engineer registered under the Chartered Professional Engineers New Zealand Act 2002.

[406] In its closing submissions, Foodstuffs indicated it could accept a rule that limited the operation of a supermarket at 171 Main North Road until such time as the Northern Arterial was constructed.<sup>351</sup>

[407] Foodstuffs also called urban designer, Andrew Burns.<sup>352</sup> Mr Burns supported a change from industrial to commercial zoning of the site. He gave particular emphasis to the site’s close proximity and walkability to residential environments. He considered that a Neighbourhood Centre at the site would be consistent with published best practice, would complement the Northlands KAC and provide “essential walkable amenities” for local residents and “a more sustainable city model” for Christchurch.<sup>353</sup>

[408] It became clear from Mr Winchester’s cross-examination, however, that Mr Burns did not consider the site would itself fulfil all of the community functions intended of a Neighbourhood Centre. Rather, when asked whether the rezoning of the site would serve the broader functions of a Neighbourhood Centre, he commented:<sup>354</sup>

I think the broader function comes through with the benefit of the office space immediately to the south of the site, which is a Foodstuffs headquarters space, existing retail to the north of that site, and then there are existing industrial activities to the west of the site.

[409] In reliance upon Mr Burns (and Messrs Colegrave and Durdin), Foodstuffs’ planning expert Mr Allan supported Commercial Core rezoning and *subsequent* establishment of a Neighbourhood Centre on the site.<sup>355</sup> We emphasise “subsequent” as it points to the similar view expressed by Mr Burns. Rather than the Commercial Core rezoning achieving a Neighbourhood Centre, it was more a step towards that end.

[410] In her closing submissions, Ms Crawford maintained Foodstuffs’ position that Commercial Core rezoning was the most appropriate. However, she recorded that, if necessary, Foodstuffs would be comfortable with a rule limiting permitted use of the site for a supermarket. She submitted that this would not “subvert the ability of this site to operate

<sup>351</sup> Closing Submissions for Foodstuffs at para 7.14 (Ms Crawford).

<sup>352</sup> Mr Burns has a Diploma and Master of Arts in Urban Design (with Distinction) from the Joint Centre for Urban Design (1987, Oxford Brookes University, Oxford, UK) and a Bachelor of Architecture from Victoria University of Wellington and is a Member of the Royal Town Planning Institute and a Fellow of the Royal Society of Arts.

<sup>353</sup> Evidence in chief of Andrew Burns on behalf of Foodstuffs at para 72.

<sup>354</sup> Transcript, page 587, lines 10–17 (Mr Burns).

<sup>355</sup> Evidence in chief of Mark Allan on behalf of Foodstuffs at para 8.2.

effectively as a Neighbourhood Centre particularly when complemented by the existing retail on the adjacent site to the north”.<sup>356</sup>

[411] There are a range of factors that combine to inform our view that Commercial Core rezoning of the site is inappropriate at this time.

[412] One set of factors concerns the uncertainty of timing of construction of the Northern Arterial, and the difficulty of trying to account for this by way of a suitable rule. Foodstuffs confirmed that its only intention for this site was for a supermarket<sup>357</sup> and that it would be supportive of a rule that limited activity on this site to only a supermarket.<sup>358</sup> On the other hand, the traffic experts were in essential agreement that a supermarket usage would be inappropriate prior to construction of the Northern Arterial. This was anticipated to be completed prior to 2016, but this has now slipped to around 2020, with further uncertainty around that date.<sup>359</sup> The logical consequence would be that any supermarket anchor on the site to a Neighbourhood Centre would be held in indefinite suspension. We do not consider that allowing for Commercial Core rezoning subject to a rule constraining supermarket development pending the Northern Arterial’s construction would be a sound planning approach, given the uncertainty it would foster for the community as to redevelopment of what would be the essential anchor for the site.

[413] There is the related issue of how the rezoning request sits with the intended role of a Neighbourhood Centre. As we have noted, Foodstuffs’ submission sought Commercial Core rezoning to “allow for the establishment of a ‘small neighbourhood centre’ and to enable its future commercial plans”.

[414] A Neighbourhood Centre is described as being a destination for weekly and daily shopping needs, as well as community facilities, serving the immediately surrounding suburbs, and in some cases, residents and visitors from a wider area.<sup>360</sup> Fundamentally, a Neighbourhood Centre is much more than a retail destination. It is a community focal point that provides also for other community activities, as the CRPS makes clear.

<sup>356</sup> Closing submissions for Foodstuffs at paras 7.10 and 7.16 (Ms Crawford).

<sup>357</sup> Transcript, page 575, lines 35-39 (Ms Parish).

<sup>358</sup> Transcript, pages 576 - 577 (Ms Parish).

<sup>359</sup> Transcript, page 232, lines 6-13 (Mr Falconer, Traffic Witness for the Council).

<sup>360</sup> 15.1.2.1 Policy 1 – Role of centres, Table 15.1C, Decision Version.

[415] The small site size would likely be entirely, or almost entirely, taken up with a supermarket and associated carpark. In response to questioning from the Panel, Mr Allan accepted that the site could perhaps facilitate a small coffee shop or be similar to St Martins New World which has an integrated pharmacy and bank and a standalone retail tenancy of three units.<sup>361</sup> Even if this was the case, there seems to be no room for any further community aspects to be developed on site. As such, we find that the site, on its own, would be unsuitable to comprise a Neighbourhood Centre.

[416] As for Mr Burns' reliance on neighbouring activities<sup>362</sup> (Foodstuffs' offices and existing retail<sup>363</sup> and industrial activities) none offer such non-retail community facilities. We find it surprising that, as an urban design expert who ought to be aware of the wider community purposes of Neighbourhood Centres, Mr Burns was not alert to this problem. The fact that those sites are beyond the scope of Foodstuffs' requested rezoning means we have no scope to effect any change of usage of those sites.

[417] We have considered the fact that there are a number of standalone supermarkets in the city (notably Ilam New World and Wainoni Pak'nSave).<sup>364</sup> However, those were established under the regime of the Existing Plan which espouses a significantly different policy framework. In essence, to replicate such exceptions on this brownfields site would be unsound.

[418] That leads us to conclude that, even if we were to consider the site in conjunction with neighbouring activities, it would fall short of what a Neighbourhood Centre ought to provide. Hence, it is inappropriate to make the assumption that Commercial Core zoning is appropriate for the purposes of a Neighbourhood Centre.

[419] We have considered Foodstuffs' concerns that the site is presently under-utilised, its existing buildings and infrastructure are no longer fit for purpose and its view that the site is no longer appropriate for industrial use.<sup>365</sup> In closing, Ms Crawford noted that, in these respects, the site fitted the meaning of "brownfields the redevelopment of which the [Higher Order Documents] encourage" (as we have noted).<sup>366</sup> However, as a brownfields site, its

<sup>361</sup> Transcript, pages 704-706 (Mr Allan).

<sup>362</sup> See above at [408]. See also Transcript, page 574, lines 17-20 (Ms Parish).

<sup>363</sup> A Mad Butcher, an oil changing facility and a vegetable shop.

<sup>364</sup> We also received evidence on St Martins, but note that it is not a standalone supermarket.

<sup>365</sup> Evidence in chief of Rebecca Parish at para 3.1.

<sup>366</sup> Closing submissions for Foodstuffs at 7.9 (Ms Crawford).

redevelopment is supported by provisions of the Industrial chapter. As this decision provides, those provisions support the redevelopment of brownfield sites for residential or mixed use activities including with a limited quantum of commercial activity. Ms Parish accepted that Foodstuffs had not given any thought to any other uses for this site.<sup>367</sup> However, these would enable the site to be reutilised.<sup>368</sup> We consider that an important consideration, bearing in mind that the common position of the transportation and planning experts that a supermarket redevelopment of the site would not be appropriate until construction of the Northern Arterial and, even then, at least subject to proper clearance through an HTG rule regime.

[420] As such, we consider Mr Stevenson's recommendation for retention of the proposed industrial zoning also sound in terms of Policy 6.3.8 of the CRPS, as to the recovery and regeneration of existing brownfield areas.

[421] For all of those reasons, we agree with Mr Stevenson that the most appropriate zoning for the site is Industrial General (subject to the various refinements we have made in this decision, and which we have addressed elsewhere in this decision).

[422] We record that we have considered the different theories of approach between Mr Heath (who emphasised the lack of need for a Neighbourhood Centre in this location) and Mr Colegrave (who emphasised the economic efficiency benefits to the community that enhanced competition would bring). Given our findings on why Industrial General is the most appropriate zoning for the site, we do not need to make a determination as between the competing theories of these experts. However, we record that if a lack of established need for a new centre was the only factor counting against rezoning, we would not have regarded lack of need per se as a sufficient basis for rejection of the relief. In particular, we do not read the CRPS as giving such a direction.

### **Commercial services in Commercial Retail Parks**

[423] The Notified Version contained a restriction on commercial services in the Commercial Retail Park Zone, in the form of commercial services being a Discretionary Activity in the Commercial Retail Park zone (Rule 15.6.2.5D2).<sup>369</sup> The rationale for this rule was to ensure

<sup>367</sup> Transcript, pages 574–575 (Ms Parish).

<sup>368</sup> Revised Version 16.1.2 Objective 2.

<sup>369</sup> Closing submissions for the Council at 8.48.

that the Commercial Retail Park zone maintains its specialist role for primarily large format activities and preventing them from acting more like a district centre in providing for a range of activities and employment.<sup>370</sup>

[424] Tower Junction is a large format retail park located in front of the Christchurch Railway Station and accessed from either Blenheim Road, or Whiteleigh Avenue. It was developed by Ngāi Tahu Property Ltd (“Ngāi Tahu Property”). In the Notified Version, it was zoned Commercial Retail Park. As the name suggests, the intended role of the Commercial Retail Park zone is to accommodate “standalone” large format retail activities requiring large footprints (eg furniture, whiteware, building improvement centres), and with only limited provision for other commercial activities.<sup>371</sup>

[425] Homebase Shopping Centre is a large format retail centre in Shirley, which is owned and operated by Reefville Properties Ltd (“Reefville”).<sup>372</sup> It was also zoned Commercial Retail Park in the Notified Version.

[426] The primary issue before the Panel concerned the extent to which commercial services should be allowed in the Commercial Retail Park zone. Under the Notified Version, commercial services were a discretionary activity (Rule 15.6.2.5D2).<sup>373</sup> Reefville submitted that commercial services should be a permitted activity in the Commercial Retail Park zone.<sup>374</sup> Ngāi Tahu Property’s original submission on the Notified Version also appeared to seek the inclusion of commercial services as a permitted activity across the entire Commercial Retail Park zone. However, by the close of the hearing, it sought that commercial services be allowed to establish at Tower Junction as a permitted activity subject to meeting a percentage cap specified either as a maximum percentage of total tenancy, or of the overall built form.<sup>375</sup>

[427] For the reasons that follow, we have determined that the most appropriate approach is to provide for a specific regime for Tower Junction whereby commercial services are a permitted activity provided that they meet both an overall cap of 10 per cent of the total floorspace and

<sup>370</sup> Evidence in chief of Mark Stevenson at para 21.23.

<sup>371</sup> Policy 15.1.1.1, Table 15.1, Notified Version; 15.1.2.1 Policy 1 – Role of centres, Table 15.1C, Decision Version.

<sup>372</sup> Submitter 866, Further submitter 1377.

<sup>373</sup> Closing submissions for the Council at 8.48.

<sup>374</sup> A similar submission, either on a site specific basis, or across the entire zone, was made by a number of other submitters, who did not call evidence on this submission at the hearing. See, for example, Environ Projects Ltd and Luney Developments Ltd (810), Awly Investments (754), 100-148 Langdons Road, Papanui Properties Limited (1188), 30-64 Harewood Rd, 22 Chapel St & 41 Langdons Road, Papanui Properties Limited (1189) and Sloan (934).

<sup>375</sup> Closing submissions for Ngāi Tahu Property at para 3(a).

an individual commercial service activity cap of 250m<sup>2</sup>. To that extent, the relief sought by Ngāi Tahu Property is granted. We do not accept that commercial services should be permitted across the entire Commercial Retail Park zone, and consequently, the relief sought by Reefville is declined.

[428] The Council sought that commercial services retain their discretionary activity status under Rule 15.6.2.5D2 and opposed any exception being allowed for Tower Junction. As noted above, Mr Stevenson explained that the rationale for the rule was to ensure that the Commercial Retail Park zone maintains its specialist role for primarily large format activities and does not act more like a District Centre by providing for a range of activities and employment.<sup>376</sup>

[429] Reefville argued that the Council's concern about the risk to the primacy of the Central City and the centres based approach was over-stated. This was on the basis that the Existing Plan did not contain a restriction on commercial services and there had not been a proliferation of such activities at Homebase.<sup>377</sup>

[430] Ngāi Tahu Property argued that allowing commercial services to be established at Tower Junction would not risk undermining the CBD (or other centres). It also submitted that commercial services were unlikely to proliferate at Tower Junction. As such, Ngāi Tahu Property considered that the role and function of the Commercial Retail Park zone would not be undermined.<sup>378</sup>

[431] On these matters, we heard from Mr Percasky for Reefville, Mr Copeland and Mr Darryl Miller for Ngāi Tahu Property and Mr Heath and Mr Stevenson for the Council.

[432] Mr Glen Percasky, a director of Reefville, explained that under the Existing Plan, commercial services could establish as a permitted activity, with a hairdresser, travel agent and project management company currently at Homebase.<sup>379</sup> Mr Percasky expressed concern that the change to a discretionary activity status could make it difficult to find replacement tenancies and would increase consenting requirements.<sup>380</sup> He considered that commercial services were required in areas other than the CBD and that, in his experience, commercial services (such as

<sup>376</sup> Evidence in chief of Mark Stevenson at para 21.23.

<sup>377</sup> Closing submissions for Reefville at para 9.

<sup>378</sup> Closing submissions for Ngāi Tahu Property at paras 7 - 8.

<sup>379</sup> Evidence in chief of Glen Percasky on behalf of Reefville at para 17.

<sup>380</sup> Evidence in chief of Glen Percasky at para 20.

hairdressers) often could not afford the high rents and restraints on opening hours that occur from locating in a mall.<sup>381</sup> Reefville did not call any expert evidence.

[433] Mr Copeland for Ngāi Tahu Property pointed out that commercial services, as defined in the Notified Version, are not unique to the CBD (or other centres) and that demand for them is generated by residents and employees living or working in close proximity. He reasoned that restricting these services at Tower Junction would be unlikely to assist the rebuild of the CBD as such services are likely to be duplicated in numerous locations around the City.<sup>382</sup> He did not anticipate allowing commercial services in a large format retail park would be detrimental to Neighbourhood and District Centres as these centres would generate their own demand for commercial service activities based upon the other activities within their centres and their residential catchments.<sup>383</sup>

[434] Mr Heath expressed concern that allowing smaller stores to proliferate at Tower Junction could put the integrity of the Commercial Retail Park zone at risk.<sup>384</sup> He also raised a general concern about opening up opportunity to establish commercial services at Tower Junction in that commercial service activities are fundamental for the wider centre network.<sup>385</sup> However, when asked, he agreed it was unrealistic to expect to have all commercial services type activities in the CBD,<sup>386</sup> and he acknowledged that it would not be inappropriate to have some food and beverage stores to supply shoppers. He also confirmed that he did not depart from the recommendation he made in the Property Economics Report that Tower Junction “[p]lays its role and function well, and is now an entrenched part of the market. The Plan should reflect such”.<sup>387</sup>

[435] Mr Heath expressed concern that a proliferation of commercial service activities was beginning to emerge at Tower Junction. However, he did not give specifics on the scale of this in his evidence.<sup>388</sup>

<sup>381</sup> Evidence in chief of Glen Percasky at para 22; Transcript, page 852, lines 29-32.

<sup>382</sup> Evidence in chief of Michael Copeland on behalf of Ngāi Tahu Property at paras 23 - 24.

<sup>383</sup> Transcript, page 725, lines 17-22 (Mr Copeland).

<sup>384</sup> Transcript, page 164, lines 12-15 (Mr Heath).

<sup>385</sup> Transcript, page 161, lines 7-12 (Mr Heath).

<sup>386</sup> Transcript, page 161, lines 41-44 (Mr Heath).

<sup>387</sup> Transcript, page 162, lines 19-39 (Mr Heath); Property Economics Report, page 77.

<sup>388</sup> Transcript, page 163, lines 16-21 (Mr Heath).

[436] On the other hand, Mr Millar (Ngāi Tahu Property's planning expert) observed that there had not been a proliferation of commercial service activities at Tower Junction, despite their permitted activity classification under the Existing Plan. He explained that only four activities (Kiwibank, Barber Shop, Global PC and United Travel) at Tower Junction would meet the Notified Version's definition of 'commercial services'. He explained that each of these services occupied tenancies of less than 250m<sup>2</sup> meaning that, taken together, they represented, at most, three per cent of the total floor area of Tower Junction.<sup>389</sup> However, he accepted that there was no guarantee this would remain the position. He also accepted that, were it to occur, proliferation of commercial activities would be a matter of policy concern in regard to the intended function of centres.<sup>390</sup>

[437] On the weight of that evidence, we are satisfied that, provided that there are suitable caps imposed on a permitted activity classification, there would not be a significant risk of commercial service activity proliferation at Tower Junction such as would disturb the integrity of the Commercial Retail Park zone.

[438] However, we do not have a sufficient evidential basis to come to the same conclusion across the whole of the Commercial Retail Park zone. While we heard from Mr Percasky for Reefville, we did not receive any expert evidence supporting that submitter's position. There was no assessment of the potential impact of allowing commercial services across the entirety of the zone, particularly regarding possible consequences for the Central City and other centres.

[439] We accept the evidence of Mr Heath and Mr Stevenson for the Council that allowing commercial services across the Commercial Retail Park zone could put the integrity of the zone at risk, and dilute its specialist role for primarily large format activities. There is a risk that these large format retail parks could begin to act more like centres, and thus compete with the established centres network.

[440] Consequently, the Panel is satisfied that it is most appropriate to maintain the provisions of the Notified Version that provided for commercial services as a discretionary activity, but

<sup>389</sup> Evidence in chief of Darryl Millar on behalf of Ngāi Tahu Property at paras 42 - 44. Mr Millar has more than 35 years of experience in planning and resource management and is a director and senior planner with Resource Management Group Ltd.

<sup>390</sup> Transcript, page 744, 28-38 (Mr Millar).

to make a specific exception for Tower Junction, to allow commercial services as a permitted activity subject to a cap.

[441] Mr Millar for Ngāi Tahu Property proposed a cap of 10 per cent on the total gross floor area permitted within the retail park zone for commercial service activities. He explained that this figure was generated in part by reference to the Property Economics Report where Moorhouse Avenue, which was seen to be a star performer in terms of function as a retail park, operated at 90 per cent as large format retail.<sup>391</sup> Beyond that, he accepted that he did not have a sense about whether it was an appropriate figure.<sup>392</sup>

[442] The Panel is also satisfied on the weight of evidence that imposing suitable caps on permitted commercial service activities would be sufficient to protect against proliferation undermining the intended function of centres. On the same basis, we accept Mr Copeland's opinion that demand for commercial services activities is likely to be self-limiting as a function of the primary activities located within the zone, rather than coming to dominate the area.<sup>393</sup>

[443] On the basis of the evidence, we have determined that commercial services can be provided for at Tower Junction as a permitted activity, subject to two caps:

- (a) An overall cap of 10 per cent of the total floorspace; and
- (b) An individual commercial service activity cap of 250m<sup>2</sup>.

[444] We are satisfied that it is appropriate to treat Tower Junction on a different basis to other land within the Commercial Retail Park zone. We accept the evidence of Mr Heath that, to a certain extent, Tower Junction has developed new activities and less large format than the Commercial Retail Park zone generally intends. As Mr Heath acknowledged, it is fair to say that the "horse has bolted" to that extent.<sup>394</sup> That is an important contextual difference and we are satisfied that treating Tower Junction on a slightly different footing from the other centres in the Commercial Retail Park zone would not put the integrity of the Commercial Retail Park zone in jeopardy.

<sup>391</sup> Transcript, pages 745-746 (Mr Millar).

<sup>392</sup> Transcript, page 745, lines 35-37 (Mr Millar).

<sup>393</sup> Transcript, page 724, lines 19-22 (Mr Copeland).

<sup>394</sup> Transcript, pages 163-164 (Mr Heath).

[445] A number of submitters sought further amendment to the Commercial Retail Park zone to allow stand alone offices (in contrast to ancillary offices) as a permitted activity, either for a specific location, or more generally within the zone.<sup>395</sup> Mr Stevenson opposed this relief, on the basis this could compromise the function of the zone by eroding the capacity for large format retail activities. He also considered that the inclusion of offices in the Commercial Retail Park Zone could draw employment away from the Central City and other centres, and exacerbate journeys by car.<sup>396</sup>

[446] We agree with Mr Stevenson’s assessment, and in particular the potential for adverse effects on the Central City and other centres. Consequently, we decline the relief sought and confirm the Decision Version to be most appropriate.

### **Other submissions seeking change in zoning**

[447] In addition, a number of submitters sought a change to a commercial or industrial zone, or a change in the specific commercial or industrial zone applied to a site or area. We set out our s 32AA evaluation of these following our evaluation of the Industrial chapter.

## **EVALUATION OF INDUSTRIAL CHAPTER**

### **Relevant background analysis for Section 32 Report**

[448] The extent and nature of zoning provision made for industrial activity in the Notified Version was informed by the Council’s s 32 Report. As we have noted, that Report references and draws from the work of Messrs Heath and Osborne (‘Property Economics Report’).<sup>397</sup> We also rely on that work as it was not significantly challenged in expert evidence before us. We take the following from the Property Economics Report:

<sup>395</sup> See, for example, Environ Projects Ltd and Luney Developments Ltd (810), Awly Investments Ltd (754; FS1328), Methodist Church of New Zealand and Christchurch Methodist Central Mission (763), Peebles Family Trust (1078), 7990 Ltd (1086), Peebles Group Ltd (1195), 100-148 Langdons Road, Papanui Properties Limited (1188), 30-64 Harewood Rd, 22 Chapel St & 41 Langdons Road, Papanui Properties Limited (1189).

<sup>396</sup> Evidence in chief of Mark Stevenson at 21.18.

<sup>397</sup> Appendix 8.3 to Commercial s 32 Report: Property Economics *Proposed Christchurch City District Plan Commercial and Industrial Chapters Economic Analysis*, November 2013 (‘Property Economics Report’).

- (a) Over the period 2000–2012, there has been a “massive internal shift of activity within the City” (measured in industrial ECs<sup>398</sup>, a nett movement of some 18,000 or 31 per cent).
- (b) Over the same period, industrial sectors as a proportion of total business activity fell, from 36 per cent to 32 per cent. As can be expected, the extent of this change differed as between different types of industry occurring.
- (c) The construction sector has driven nett industrial growth in the city.<sup>399</sup> In terms of ECs, it increased from 6963 in 2000 to 14,715 in 2012.<sup>400</sup> Although the extent of change would appear earthquake-related, there was an evident steady growth in the construction sector in the years prior to the earthquakes. By contrast, over the same period, manufacturing is shown to have declined from 28,268 ECs to 23,631.
- (d) The accommodation of commercial activity in industrial zones has grown markedly over the past five years (i.e. prior to the November 2013 date of the Report). That has been in part due to the earthquakes. It has resulted in a decline of the ability of industrial activities to compete.<sup>401</sup>
- (e) The dispersal of commercial activity has continued throughout the city over the past 12 years, at the expense of economic efficiency and the city’s overall economic competitiveness.<sup>402</sup> Of particular note was the increasing demand for office activities in industrial areas. The report identifies effects that have resulted from the redistribution of commercial and retail activity over that period, which are summarised as having, “compromised the quality, functionality, viability, vitality, performance and amenity of many centres, and lowered economic efficiencies that have led to significant opportunity costs for the city.”<sup>403</sup>
- (f) There is a mismatch between the locations of industry-related “Business” zonings under the Existing Plan and the locations where demands for such land are

<sup>398</sup> EC stands for “Employment Count”: Property Economics Report, page 87.

<sup>399</sup> Property Economics Report, page 92.

<sup>400</sup> Property Economics Report, page 87, Table 21.

<sup>401</sup> Property Economics Report, page 88.

<sup>402</sup> Property Economics Report, page 33.

<sup>403</sup> Property Economics Report, page 102.

emerging. The Existing Plan provides for significant pockets of such zonings to the east, south-east and north of the city.<sup>404</sup> However, there is clearly higher demand for such land in the north-west and south-west of the city.<sup>405</sup> By comparison, there is evident retrenchment of demand in established industrial areas nearer the CBD and in Addington, Sydenham and Woolston.<sup>406</sup>

[449] We have noted that the Industrial chapter provides for three classes of industrial zoning – Industrial General, Industrial Heavy and Industrial Park. Those zoning classes recognise the changing needs of industry. They also reflect the importance of maintaining compatibility as between industries and activities in their receiving environments.

[450] A number of submitters sought the inclusion of standalone office provision in the Industrial General zone.<sup>407</sup> Mr Stevenson opposed this amendment on the basis that it would not give effect to Objective 6.2.6 of the CRPS which anticipates that new commercial activities are primarily directed to centres.<sup>408</sup> While accepting that the provision of small offices (of up to 150m<sup>2</sup>)<sup>409</sup> could support small business and replace some of the lower grade office space lost after the earthquakes, Mr Stevenson considered that, on balance, a restricted approach was important to support the recovery of commercial areas, consistent with Objective 3.3.7e of the Strategic Directions chapter.<sup>410</sup>

[451] We agree with Mr Stevenson that allowing for office activities in the Industrial General zone would not give effect to the CRPS or the Strategic Directions objectives, and would offend against the centres based approach.

[452] Other submitters sought the provision of other non-industrial activities in the Industrial General zone. Belfast Estates Ltd (770) and Melanesian Mission Trust Board (600) sought the inclusion of residential units in the Industrial General zone, for the use of security or management. Mr Stevenson opposed the relief sought by these submissions on the basis that resource consent processes allow the Council to assess reverse sensitivity effects. We agree with Mr Stevenson on that matter.

<sup>404</sup> Property Economics Report, page 81, Figure 13.

<sup>405</sup> Property Economics Report, pages 90–93.

<sup>406</sup> Property Economics Report, page 91, Figure 19.

<sup>407</sup> See, for example, Evans (1181), Belfast Estates (770) and Luney (325).

<sup>408</sup> Evidence in chief of Mark Stevenson at 33.30.

<sup>409</sup> As sought by Evans (1181).

<sup>410</sup> Evidence in chief of Mark Stevenson at 33.36–33.38.

[453] Goodman Property Trust (977, FS1274) sought visitor accommodation be provided for as permitted activities in the Industrial Office zone. As noted above, the Commercial Office zone incorporates the Industrial Office zone of the Notified Version. Mr Stevenson recommended that we decline the relief sought, on the basis that visitor accommodation should be directed to the Central City and commercial centres, where visitors could benefit from a range of goods and services.<sup>411</sup> We agree that providing for visitor accommodation in the Commercial Office zone is inappropriate and would be contrary to the centres based approach. Consequently, the relief sought is declined.

### **The approach to industrial activities and areas is appropriate**

[454] In terms of its overall design of approach to industrial activities and areas, the Notified Version was not materially challenged by submissions. The only exception to this was a submission by MAIL which pursued a modification to the provision for retail and office activities in industrial and greenfield priority areas. In essence, while MAIL accepted the appropriateness of a centres based approach, it argued that the approach should be softened to allow for some out-of-centre commercial development.<sup>412</sup>

[455] MAIL sought amendments to Industrial Policies 3, 4 and 5 in order to allow some limited non-industrial activities in greenfield priority areas, where it could be demonstrated that they would not give rise to significant adverse distributional effects or significant effects on the viability of the Central City or KACs.<sup>413</sup>

[456] Mr Christensen, counsel for MAIL, submitted that this change would give better effect to the LURP and CRPS. He submitted that these documents allowed for a limited amount of non-industrial activity in greenfield business zones, and that the Council's approach of preventing non-industrial uses in those zones did not give effect to the CRPS. Instead, in his view, allowing some non-industrial use, subject to thresholds, would give effect to the CRPS and would not be inconsistent with the LURP.

[457] In making these submissions, MAIL relied on the evidence of Dr Philip McDermott. As outlined above at [93]–[98], Dr McDermott preferred a more flexible and less interventionist

<sup>411</sup> Evidence in chief of Mark Stevenson at 33.62.

<sup>412</sup> Transcript, page 1999, lines 7-11 (Mr Christensen).

<sup>413</sup> Closing submissions for MAIL at 1 (Mr Christensen).

policy approach than that favoured by the Council. In addition, Dr McDermott accepted that his evidence went even further than the changes his client was seeking, in taking his own set of views and addressing the plan generally.<sup>414</sup>

[458] Dr McDermott suggested that unduly limiting non-industrial investment in industrial areas might lead to a reduction in the amount of investment in the city as a whole.<sup>415</sup> However, in cross-examination, Dr McDermott accepted that this conclusion was not based on any particular analysis, but rather on his assessment of the impact of the policies.<sup>416</sup>

[459] We have already outlined our reasons for not accepting the evidence of Dr McDermott. We consider that there is no evidence to support the submission made by MAIL for a more flexible approach to retail and office provision in greenfield industrial areas. Although the approach in the Notified Version significantly departs from the design of the Existing Plan (whereby less distinction is made between industrial and commercial activities), it properly aligns with the CRPS.

[460] For those reasons, we decline MAIL's relief on this matter and confirm the Council's approach as more appropriately, including in giving effect to the CRPS.

### **Office tenancy size caps for the protection of the CBD**

[461] We refer to our discussion on this topic, in regard to the Commercial chapter, where we set out our reasons for making a clause 13(4) direction also to apply to the Industrial Park Zone (Tait Campus) and Industrial Park Zone (Awatea).

[462] The terms of that direction are set out later in this decision.

### **Ancillary offices and ancillary retail in industrial zones**

[463] As we have noted in our discussion of the Higher Order Documents, the CRPS specifically intends that new commercial activities (which include office and retail) be directed primarily to the Central City, KACs and other centres. That does not necessarily preclude out-

<sup>414</sup> Transcript, page 913, lines 31-35 (Mr Christensen).

<sup>415</sup> Evidence in chief of Philip McDermott on behalf of MAIL at 3.5.

<sup>416</sup> Transcript, pages 905-906 (Dr McDermott).

of-centre location of commercial activities, where this does not give rise to significant adverse distributional or urban form effects.<sup>417</sup> Ancillary offices and, at times, ancillary retail can be a necessary subordinate aspect of industrial activities. The issue under this heading concerns the most appropriate approach for controlling the extent of ancillary office and ancillary retail activity that can take place in Industrial zones.

[464] The Notified Version took the approach of setting out a definition of ancillary, and combining it with a restriction that ancillary office activity in the Industrial General zone shall occupy no more than 500m<sup>2</sup> or 30 per cent of gross floor area of all buildings on the same site (whichever is the lesser). An alternative approach favoured by some submitters was to simply rely on a definition (e.g. “ancillary office”) and require that potential office spaces in industrial areas met that definition. Another approach explored during the hearing was to impose a maximum gross floor area or gross leasable floor area cap. This could be by way of a percentage of the total gross area, or by a specified area (or both).

[465] The Council favoured retaining the combination of the cap and definition as set out in the Notified Version. That was on the basis that removing the cap creates a risk of growth and proliferation of office activities in industrial areas and that this may slow, or hinder, the recovery of the Central City. Consequently, the 500m<sup>2</sup>/30 per cent gross floor area cap was retained in the Revised Version, although the Council did suggest an alternative definition for “ancillary”.<sup>418</sup>

[466] A number of submitters favoured the removal of the cap on the basis that it was unnecessarily restrictive and that the issue could be adequately dealt with by an appropriate definition of “ancillary”.<sup>419</sup>

[467] We accept the Council’s closing submission that the inclusion of a cap in conjunction with the definition is necessary in order to provide certainty and clarity for users of the CRDP.<sup>420</sup> We also consider that the cap has a role in assisting the recovery of the CBD by ensuring that office activity is not redirected away from the Central City to industrial areas.

<sup>417</sup> CRPS, Policy 6.3.6.

<sup>418</sup> This alternative definition was generated after discussions between Mr Stevenson and planning witnesses for other submitters; see Closing submissions for the Council at 5.11.

<sup>419</sup> For example, Closing submissions for Ngāi Tahu Property at paras 20–28; Closing submissions for Foodstuffs at para 6.4.

<sup>420</sup> Closing submissions for the Council at 5.4.

[468] We find the most appropriate approach is to apply a cap in combination with a definition of “ancillary”. The cap should be specified in applicable rules. The Panel’s determination on the expression of “ancillary” will be in its separate Introduction and Definitions decision.

[469] For the Council, Mr Stevenson gave evidence that providing for office activity in all industrial zones without restriction does not give effect to Objective 6.2.6 CRPS which, as we have noted, anticipates that new commercial activities are primarily directed to centres, and that areas for existing industrial activities and greenfield priority areas are primarily for industrial activities.<sup>421</sup>

[470] Mr Thorne gave general planning evidence for Foodstuffs.<sup>422</sup> He considered that the inclusion of a cap by way of a gross floor area restriction created a potential consenting requirement that was, in his view, unnecessary.<sup>423</sup> Mr Thorne considered that the intent of Objective 6.2.6 would still be met by a reliance on the definition of “ancillary” alone.<sup>424</sup> However, he accepted that taking that approach alone would lead to a case by case assessment, and an associated lack of clarity or certainty, which would need to be weighed against introducing an unnecessary consenting requirement.<sup>425</sup> He was of the view that, in some circumstances, an office of 49 per cent of gross floor area could be ancillary.<sup>426</sup>

[471] In his evidence for NTP, economist Mr Copeland expressed the view that the inclusion of a cap on ancillary office in the Industrial General zone was unnecessarily restrictive, arbitrary and a source of cost to business owners.<sup>427</sup> He considered that the cap may lead to the loss of industrial and office activity from Christchurch.<sup>428</sup> However, in cross-examination he accepted that this concern was conceptual, rather than being based on any evidence.<sup>429</sup>

[472] Mr Copeland also raised the concern that a company such as Mainfreight may be deterred from locating its business in Christchurch if the Notified Version provisions meant that it could not locate a sizeable office alongside its industrial depot in an industrial zone.<sup>430</sup> Again,

<sup>421</sup> Evidence in chief of Mark Stevenson at 33.30; Transcript, page 325, lines 6-8.

<sup>422</sup> Mr Thorne has a Bachelor’s Degree in Environmental Management and a Post Graduate Diploma in Resource Studies (Distinction). He is a senior planner with Aurecon and has more than eight years’ experience in resource management.

<sup>423</sup> Evidence in chief of Daniel Thorne on behalf of Foodstuffs at 7.9.

<sup>424</sup> Transcript, page 671, lines 29-34, (Mr Thorne).

<sup>425</sup> Transcript, pages 676-677 (Mr Thorne).

<sup>426</sup> Transcript, page 674, lines 20-22 (Mr Thorne).

<sup>427</sup> Evidence in chief of Michael Copeland on behalf of Ngai Tahu Property at para 30.

<sup>428</sup> Evidence in chief of Michael Copeland at para 39.

<sup>429</sup> Transcript, page 733, lines 17-20 (Mr Copeland).

<sup>430</sup> Transcript, page 733, lines 22-29 (Mr Copeland).

however, Mr Copeland accepted that there was no evidence before the Panel about the likelihood of that occurring.<sup>431</sup>

[473] For NTP, Mr Millar expressed the view that the floor space caps should be removed, so as to rely solely on the definition of ancillary. He favoured this as less restrictive, and, therefore, more in line with the policy framework of the pCRDP and the CRPS.<sup>432</sup> He accepted that certainty in the way the rules operate was important, but considered that this could be adequately ensured with redrafting.<sup>433</sup>

[474] Mr David Harris, a registered valuer, gave evidence for Kennaway Park, Joint Venture Partnership, Orchard Trust and Hornby Consortium Limited (“Kennaway Park”).<sup>434</sup> Mr Harris described the types of occupiers that he considered may not be able to operate within the provisions of the Notified Version. He gave some specific examples which he considered would not comply.<sup>435</sup> He was also concerned that, if the rules were too restrictive, industrial activities would move out of Christchurch.<sup>436</sup> However, he accepted that this concern was based on his own experience rather than any specific surveys.<sup>437</sup>

[475] For Waterloo Park, Mr Tansley and Mr Clease suggested different floor space caps from those in the Notified Version, although Mr Clease’s primary position was that caps were not necessary.<sup>438</sup>

[476] While we accept that including a cap on total floor size may, in some circumstances, lead to additional costs and regulation, we are satisfied that the provisions in the Notified Version are appropriate in order to encourage and support the recovery of the Central City.

[477] We recognise the concerns raised by some submitters that businesses could shift elsewhere if ancillary offices in industrial zones were subject to a cap as well as a definition. However, there was no evidence before us, either to establish that that was a real possibility,

<sup>431</sup> Transcript, pages 733-734 (Mr Copeland).

<sup>432</sup> Transcript, page 744, lines 19-22 (Mr Millar).

<sup>433</sup> Transcript, page 747, lines 17-40 (Mr Millar).

<sup>434</sup> Mr Harris is a registered valuer and a director of valuations with Colliers International Valuation (Chch) Ltd. He has 40 years of valuation experience, and commenced private practice in Christchurch in 1987.

<sup>435</sup> Evidence in chief of David Harris on behalf of Kennaway Park at 5.2.

<sup>436</sup> Evidence in chief of David Harris at 4.4.

<sup>437</sup> Transcript, pages 1732-1733 (Mr Harris).

<sup>438</sup> Transcript, page 1075, lines 10-14 (Mr Clease); Evidence in chief of Mark Tansley on behalf of Waterloo Park Ltd at 49-52.

or to quantify the extent of any potential effect. Consequently, we cannot give any weight to this particular consideration.

[478] In any event, imposing a cap on the ancillary office size does not preclude the ability to secure resource consent to establish an office larger than the cap size. A restricted discretionary activity application could be made. The application would be processed on a non-notified basis. We are satisfied that this approach is the least restrictive given our finding that a cap is necessary to protect the Central City's recovery.

[479] In deciding to retain floor space caps, we have given weight to the evidence as to the need to encourage the Central City's recovery, and on the centres based design of the CRDP. Consequently, we have added in an assessment matter to the restricted discretionary criteria, which requires the decision maker to consider protection of the CBD and to maintain the centres based approach.

[480] In addition to the protection a cap provides to the Central City, we also accept the Crown's closing submissions that the inclusion of a cap is a relatively clear and simple method that will assist clarity and certainty for users of the CRDP.<sup>439</sup> We consider that it can be particularly difficult to define "ancillary" in a way that is not only comprehensive, but also easily applied to a variety of circumstances. That fact is demonstrated not only by the number of discussions the Panel had with experts about the optimal way to define the term, but also by the ongoing discussions Mr Stevenson and other planning experts had during the course of the hearing.<sup>440</sup>

[481] Consequently, while we find that a clear definition of "ancillary" is important, we are satisfied that it is not sufficient for giving plan users certainty. The most certain and appropriate approach is to combine the definition with floor space caps as the Notified Version proposed.

[482] A related matter is ancillary retail activity in the Industrial General zone. The Notified Version contained an upper cap on ancillary retail activity of 250m<sup>2</sup> or 25 per cent of the gross floor area of all buildings (whichever is the lesser). A number of submitters raised similar concerns to those raised in relation to ancillary office, especially as to additional consenting

<sup>439</sup> Closing submission for the Council at 5.3-5.4.

<sup>440</sup> See, for example, Transcript, page 1068, where Mr Cleese outlines the discussions, and a further proposed amendment in the Closing submissions for the Council at 5.11.

requirements and certainty. Ms Aston for Kennaway Park opposed the inclusion of these caps.<sup>441</sup>

[483] Again, we accept the Council’s reasoning that solely relying on a definition is likely to lead to uncertainty and a risk of proliferation of retail in the Industrial General zone, to the detriment of the Central City and other centres elsewhere. Therefore, we confirm floor space caps as proposed in the Notified Version.

[484] For those reasons, we are satisfied that the approach we have confirmed better gives effect to the CRPS, better responds to the other Higher Order Documents, and is the most appropriate for achieving related CRDP objectives.

[485] Jarras Holding Limited (874) sought a clarification to the word “site” used in the rule.<sup>442</sup> We are satisfied that the definition of site adequately addresses this.

### **Brownfields redevelopment — Waterloo Park**

[486] Waterloo Park is a new Business Park in the first stages of development, pursuant to a bespoke “Business 8 (Islington Park)” zone included in the Existing Plan under “Plan Change 19” (‘PC19’) in October 2012. It is located on the site of the former Islington freezing works,<sup>443</sup> more or less between Pound Road and Waterloo Road, and is an example of a brownfield redevelopment. Such redevelopment is recognised in Objective 6.2.6(2) and Policy 6.3.8 of the CRPS. Policy 6.3.8 states:

To encourage and provide for the recovery and regeneration of existing brownfield areas through new comprehensive residential, mixed-use or business developments, provided such activities will ensure the safe and efficient functioning of the transport network and will not have significant adverse distributional or urban form effects on the Central City, Key Activity Centres and neighbourhood centres, or give rise to significant reverse sensitivity effects.

[487] The Notified Version contained a restriction on ancillary retail and ancillary office activities at Waterloo Park. Ancillary retail was limited to no more than 250m<sup>2</sup> or 25 per cent of the gross floor area of all buildings on the same site, whichever was the lesser. Ancillary office was limited to no more than 500m<sup>2</sup> or 30 per cent of the gross floor area, whichever was

<sup>441</sup> Evidence in chief of Fiona Aston on behalf of Kennaway Park at 8.9.

<sup>442</sup> See Memorandum of Counsel on behalf of Jarras Holdings Ltd, 8 May 2015 at page 3.

<sup>443</sup> Evidence in chief of Jonathan Cleese on behalf of Waterloo Park at paras 12 and 14.

the lesser. There was no provision in the Notified Version for standalone retail, or standalone office at Waterloo Park.

[488] By the time of the hearing, Waterloo Park Limited<sup>444</sup> ('Waterloo') advanced three main aspects of its relief on the following (in some cases, modified) basis:

- (a) Standalone retail, to a total cap of 3000m<sup>2</sup> and individual tenancy caps of 400m<sup>2</sup>;
- (b) Removal of the floorspace caps for ancillary office activity;
- (c) Standalone office activity to a total cap of 6000m<sup>2</sup>, subject to a 3000m<sup>2</sup> cap on ground floor office activity.

[489] The Council's final position on standalone retail provision essentially aligned with Waterloo's position, including the evidence of Waterloo's planner, Mr Clease. In its Revised Version, the Council accepted as appropriate a 3000m<sup>2</sup> cap for standalone retail, subject to a maximum individual tenancy cap of 350m<sup>2</sup>. While the latter was somewhat less than the 400m<sup>2</sup> sought by Waterloo, Mr Clease indicated that it might be appropriate to align the cap with the Commercial Local zone (350m<sup>2</sup>) and this would help to prevent a form of Neighbourhood Centre from developing.<sup>445</sup> The Panel agrees that is an important reason for making the regimes consistent and, therefore, accepts the Council's approach in the Revised Version is the most appropriate.

[490] Our discussion of ancillary office activities is outlined at [463]–[485] above. We are satisfied that the provisions outlined there are appropriate for Waterloo Park. That leaves us to now address the matter of standalone office provision.

[491] The Council opposed Waterloo's relief in relation to standalone office provision as being contrary to the centres based approach. In particular, it referred to Objective 6.2.6 of the CRPS which provides that commercial activities are to be primarily located in commercial centres rather than industrial areas.<sup>446</sup>

<sup>444</sup> Submitter 920.

<sup>445</sup> Transcript, page 1074, lines 35–44 (Mr Clease).

<sup>446</sup> Closing submissions for the Council at paras 6.1 – 6.2.

[492] Having regard also to Policy 6.3.8 of the CRPS, we are satisfied on the evidence that Waterloo's requested relief for standalone office provision would give effect to the CRPS, provided that a further tenancy cap of 500m<sup>2</sup> per office is imposed. Our reasons are as follows.

[493] On the matter of appropriate standalone office provision for Waterloo Park, we heard from Waterloo's expert Mr Tansley, a Statistical and Retailing Consultant<sup>447</sup> and Mr Stevenson for the Council.

[494] In his written evidence, Mr Tansley did not recommend for a specific per office tenancy cap. Rather, his evidence was on the assumption of Waterloo's initially requested relief. He considered that allowing retail, commercial services and offices at Waterloo Park would help to encourage its development as an intensive hub, but at a size that would not impact on the Central City.<sup>448</sup> He considered it would also fit within the wider policy context.<sup>449</sup> However, he accepted that he had not reviewed Chapter 6 of the CRPS,<sup>450</sup> but had simply relied on his experience in similar circumstances.<sup>451</sup> His opinion was partly based on the fact that none of the 50 hectares so far sold at the Park was for the development of standalone office. In addition, he anticipated that the market for offices in Waterloo Park would be primarily limited to professional or commercial/consultancy activities servicing the primarily industrial business community in Waterloo Park, or their primary industry clients in the surrounding rural areas.<sup>452</sup>

[495] In response to our questioning, he accepted that, in the absence of a specific office cap, there would be some risk to the Central City, but he considered the risk extraordinarily low.<sup>453</sup> He also clarified that he was not suggesting a single office operation would fill the entire 6000m<sup>2</sup> cap, but was assuming a number of businesses may wish to establish offices. As such, he considered that an individual office cap could sit alongside the overall cap.<sup>454</sup> He considered that a single office cap of 500m<sup>2</sup> (consistent with that suggested for centres) would be appropriate.<sup>455</sup>

<sup>447</sup> Mr Tansley is a statistical and retailing consultant with 48 years of professional experience.

<sup>448</sup> Transcript, page 1121, lines 39-40 (Mr Tansley).

<sup>449</sup> Evidence in chief of Mark Tansley on behalf of Waterloo at para 14.3.

<sup>450</sup> Transcript, page 1120, lines 35-43 (Mr Tansley).

<sup>451</sup> Transcript, page 1118, lines 1-4 (Mr Tansley).

<sup>452</sup> Evidence in chief of Mark Tansley at para 37.1.

<sup>453</sup> Transcript, page 1125, lines 26-27 (Mr Tansley).

<sup>454</sup> Transcript, page 1126, lines 14-20 (Mr Tansley).

<sup>455</sup> Transcript, page 1126, lines 27-29 (Mr Tansley).

[496] For the Council, Mr Stevenson did not consider the policy framework justified a significant quantum of office activity. He focused, in particular, on the requirement in Objective 6.2.6 of the CRPS that commercial activities be primarily in commercial centres.<sup>456</sup> However, in cross-examination, he accepted that Waterloo Park and Mr Tansley were proposing a cap on this type of activity and that the question was really as to the scale of activity. He conceded that neither he nor Mr Heath had considered the question of caps, and that he did not have the appropriate expertise to give evidence about an appropriate cap.<sup>457</sup> He could only say that 6000m<sup>2</sup> for standalone office was going against the broader framework of commercial activities being primarily in centres. While he accepted that Waterloo Park could be seen as a local centre with retail provision appropriate to service that future community, he observed that standalone offices are not necessarily part of that local centre.<sup>458</sup>

[497] Mr Clease focused on the emphasis in the CRPS Policy 6.3.8 on encouraging and providing for the recovery and regeneration of existing brownfield sites. He commented that requiring all standalone office activity to go through a fully discretionary consent would not enable, provide for, or support brownfield regeneration. He pointed out that such an approach would be no different to the position for other non-brownfield industrial sites, in that the Notified Version included standalone office as a discretionary activity in the Industrial General zone.<sup>459</sup>

[498] He emphasised that unlimited standalone office development is a permitted activity in the operative plan for Waterloo Park. Given there had been no purchase of land for a standalone office development to date, he considered the risk of significant effect on centres had not been borne out by experience.<sup>460</sup>

[499] In questioning, Mr Clease recognised that out-of-centre commercial development should not be allowed to the point that it would have a significantly adverse distributional effect on the form and role of centres. He accepted that there was some difficulty in applying a case by case distributional effects approach in the sense that this could lead to “death by a thousand cuts”. However, while he agreed this could be a concern in the context of a general rule for

<sup>456</sup> Rebuttal evidence of Mark Stevenson at para 16.18.

<sup>457</sup> Transcript, page 305, lines 6-27 (Mr Stevenson).

<sup>458</sup> Transcript, pages 305-306 (Mr Stevenson).

<sup>459</sup> Evidence in chief of Jonathan Clease at paras 77-80.

<sup>460</sup> Evidence in chief of Jonathan Clease at para 83.

the Industrial General zone, he considered that Waterloo Park could be differentiated as a brownfield regeneration proposal.<sup>461</sup> He indicated he was comfortable with the provision of 6000m<sup>2</sup> of office in the context of a 114 hectare site, as it was a small proportion of its use.<sup>462</sup>

[500] In the final analysis, the question concerning standalone office provision at Waterloo Park is one of managing risk, which is a question of scale and degree. Relevantly, CRPS Policy 6.3.8 directs that we encourage and provide for the recovery and regeneration of the Waterloo Park site provided that we are satisfied that this will not have significant adverse distributional or urban form effects on the Central City, Key Activity Centres and Neighbourhood Centres. As the only technical expert on this subject, Mr Tansley put the risk that standalone office provision at Waterloo Park posed for the Central City as extraordinarily low. He also accepted that a 500m<sup>2</sup> cap (consistent with that suggested for other centres) would be appropriate.

[501] We accept Mr Tansley's opinion on these matters. The fact that no land within the Park has been sold for the sole purpose of office development is indicative of a low risk. Coupled with that, Waterloo Park is not on the route between the Central City and the airport and is geographically isolated from the Central City. In that regard, it can be distinguished from other development land such as at the MAIL site on the corner of Russley Road and Memorial Avenue. It is also relatively isolated from other centres, such as the Hub at Hornby. We are also satisfied that the individual cap of 500m<sup>2</sup> will assist in differentiating the type of office that is likely to be attracted to Waterloo Park compared with the Central City (as addressed above at [212]–[228] in our general discussion regarding caps in centres). We also note that Mr Tansley's evidence as to the appropriate cap size was not directly challenged by opposing expert evidence on behalf of the Council.

[502] On that basis, we are satisfied that making provision for standalone office within the overall, ground floor and individual tenancy caps would not have significant adverse distributional or urban form effects on the Central City, Key Activity Centres and Neighbourhood Centres.

<sup>461</sup> Transcript page 1073, lines 1-24 (Mr Clease).

<sup>462</sup> Transcript page 1071, lines 32-37 (Mr Clease).

[503] It follows that making such provision would not offend against the CRPS. On the contrary, it would assist to give effect to the CRPS, in that it would assist the regeneration of brownfield land in accordance with Policy 6.3.8 which is a policy that directs us to treat this land in a manner differently from general industrial land. By contrast, we find that Council's recommended approach would unjustifiably disenable development of the Waterloo Park land (as compared to the position under PC19) and this would be contrary to the CRPS and inappropriate.

[504] As compared to PC19, we consider some greater degree of restriction is appropriate to give effect to the CRPS, on the evidence we have heard. That is, we are satisfied that the most appropriate regime for standalone office is to enable it on the basis of an overall cap of 6000m<sup>2</sup>, a ground floor cap of 3000m<sup>2</sup> and an individual tenancy cap of 500m<sup>2</sup>. To that extent, Waterloo Park's relief on this matter is granted.

### **Industrial General zone — Woolston: Gelita NZ**

[505] Gelita produces gelatine at its factory at 135-145 Connal Street in Woolston. The site has been used for similar purposes for more than 100 years. The Gelita site was zoned Industrial Heavy in the Notified Version, a zoning that was strongly supported by Gelita. It sought extension of the Industrial Heavy zoning to land surrounding their site. This was on the basis that it considered the Industrial General zoning under the Notified Version too restrictive on industrial activities and too accommodating of other activities.<sup>463</sup>

[506] Following discussions with the Council, many of Gelita's other concerns were resolved by the time, or through the course, of the hearing.

[507] On the treatment of heavy industrial activity in the Industrial General zone, the Council modified its position in its Revised Version to recommend that this be a discretionary activity, rather than non-complying.

[508] On the evidence (particularly from Mr Stevenson), we accept that this is an appropriate response. In particular, it allows for valid reverse sensitivity concerns to be properly managed by reference to the related policies and rules for discretionary activities. In addition, it gives

<sup>463</sup> Opening submissions for Gelita at para 7 (Ms Appleyard).

the necessary flexibility to allow individual applications to be properly assessed (for potential reverse sensitivity and other issues), while still protecting the integrity of the industrial zone.

[509] The remaining matters of contention between the Council and Gelita concern the Industrial General zoning of surrounding land, and the level of provision in the Industrial chapter to protect existing industries from the effects of reverse sensitivity.

[510] For the reasons set out below, we consider that:

- (a) the most appropriate zoning for the area surrounding Gelita’s site in Woolston is Industrial General (rather than Industrial Heavy); and
- (b) we do not consider Gelita’s requested changes to the reverse sensitivity provisions of the Industrial chapter are appropriate.

[511] Mr Bligh gave planning evidence for Gelita. He explained that he was concerned about a general erosion of the industrial zoning in the area around Gelita’s Woolston site in two closely related respects. One was the increased risk it posed of additional restraints being sought on industrial activities (i.e. “reverse sensitivity”). The other was the growing presence of potentially sensitive activities in areas that were previously predominantly set aside for industrial use.<sup>464</sup>

[512] Mr Bligh was concerned that the Notified Version confined heavy industrial activities to the Industrial Heavy zone, by contrast to the Existing Plan allowing for such industry across the whole of the Business 5 zone. In addition he expressed concern that, in Woolston at least, sites zoned for Industrial Heavy appeared to be confined to already-existing activity, with new heavy industry being the subject of more restriction including non-complying activity classification.<sup>465</sup>

[513] For the Council, Mr Stevenson explained that the Industrial General zone is intended to operate as a buffer to the Industrial Heavy zone. For that reason, it does not provide for the

<sup>464</sup> Evidence in chief of Kevin Bligh on behalf of Gelita at para 5.7. Mr Bligh has a Bachelor of Resource Studies and a Master of Resource and Environmental Planning. He is a senior planner at Golder Associates (NZ) Ltd and has more than 11 years of experience in resource management and planning in New Zealand.

<sup>465</sup> Evidence in chief of Kevin Bligh at para 5.8.

same range of activities as the Industrial Heavy zone enables. Mr Stevenson expressed concern that the rezoning sought by Gelita for the land around its site would erode this buffer, and introduce the possibility of a greater range of heavier industrial activities in the wider area around the site. He considered that this could create reverse sensitivity effects and result in adverse effects.<sup>466</sup>

[514] On the question of the choice of zoning treatment for land around the Gelita site, we prefer Mr Stevenson's opinion and find Industrial General is the most appropriate zoning choice. We are satisfied that the Council's selection of the proportion of Industrial Heavy and Industrial General zoning in this part of Christchurch is well supported by its s 32 evaluation, including the Property Economics Report. That Report identified a general shift westwards in demand for industrial land as well as changes in the nature of industrial land needs. We are satisfied, on that basis, that no more Industrial Heavy land needs to be zoned. We also accept Mr Stevenson's view that the Industrial General zone is intended to act as a buffer between activities in the Industrial Heavy zone and other zones that have a greater expectation of amenity. This assists to avoid land use incompatibility issues, including reverse sensitivity. The history of complaints involving the Gelita operations is one demonstration of the importance of this structure.

[515] Mr Bligh also considered that reverse sensitivity and its potential effects on industrial land warranted additional protection in the CRDP.<sup>467</sup> He explained the specific changes that Gelita sought to the Notified Version to address this.

[516] Gelita sought an amendment to Objective 16.1.2.a of the Notified Version so as to confine it to new industries (exempting existing ones). Objective 16.1.2.a reads:

Adverse effects of industrial activities and development on the environment are avoided, remedied or mitigated and the level of amenity anticipated in the adjoining zone is not adversely affected by industry

[517] Mr Bligh explained that Gelita's requested amendment was intended to clarify that, where existing industrial activities are located in appropriately zoned locations, they are not affected by reverse sensitivity issues.<sup>468</sup>

<sup>466</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 161.

<sup>467</sup> Evidence in chief of Kevin Bligh at paras 7.3-7.4; Transcript, page 1026, lines 25-29 (Mr Bligh).

<sup>468</sup> Evidence in chief of Kevin Bligh at para 7.12.

[518] Gelita also sought changes to Policies 16.1.1.1, 16.1.1.3 and 16.1.1.4 of the Notified Version:

- (a) For Policy 16.1.1.1, Mr Bligh explained that Gelita sought the addition of the words “avoid industrial zones being compromised through the establishment of non-industrial activities within them”. On cross-examination, he accepted that this wording could be interpreted to imply that all non-industrial activities would compromise an industrial zone, and that this was not his intention. He clarified that he was not seeking to have all non-industrial activities prevented from locating in the zone.<sup>469</sup>
- (b) For Policy 16.1.1.3, which deals with the range of industrial areas, Gelita sought the addition of the following policy: “Avoid the establishment of sensitive activities within this zone which could compromise other activities within the zone and on nearby sites zoned Industrial Heavy”.<sup>470</sup>
- (c) For Policy 16.1.1.4, which refers to “maintain and support the function of industrial zones while providing for limited non-industrial activities”, Gelita sought the exclusion of the Industrial Heavy zone from Policy 4(a)(iv) which is to “support the needs of workers and businesses in the zone including food and beverages, commercial services, and the care of children”.<sup>471</sup>

[519] Mr Stevenson for the Council opposed these requested changes. He explained that Objective 16.1.2.a was about the general effects of industrial activities. Referring to new industry in this context would imply that existing industry need not manage effects to the same degree as new industry.<sup>472</sup> He considered that this clause of the objective was wider than just dealing with reverse sensitivity effects, and was more broadly focused on managing the effects of industry.<sup>473</sup> We agree with Mr Stevenson on this and, therefore, find the change sought by Gelita to this objective is inappropriate.

<sup>469</sup> Transcript, page 1030, lines 3-27 (Mr Bligh).

<sup>470</sup> Evidence in chief of Kevin Bligh at para 7.3; Transcript, page 1025, lines 13-15 (Mr Bligh).

<sup>471</sup> Evidence in chief of Kevin Bligh at para 7.4; Transcript, page 1025, lines 13-15 (Mr Bligh).

<sup>472</sup> Transcript, page 309, lines 34-44 (Mr Stevenson).

<sup>473</sup> Transcript, page 310, lines 14-16 (Mr Stevenson).

[520] Mr Stevenson explained that Policy 16.1.1.1 was intended to be an overall statement about how to achieve a sufficient land supply. He considered Gelita's proposed amendment would over-complicate the policy. We agree.

[521] He considered the change Gelita recommended to Policy 16.1.1.3 would also cloud that policy's intended purpose to define the role of the industrial zones.

[522] We agree. More broadly, Mr Stevenson considered that Policies 16.1.1.4 and 16.1.3.2 of the Revised Version (Policies 16.1.1.4 and 16.1.2.3 of the Notified Version) adequately addressed reverse sensitivity effects.<sup>474</sup> We agree and, therefore, find inappropriate Gelita's various recommended changes.

[523] Mr Bligh also sought changes to the activity status and conditions of food and beverage outlets in the Industrial General and Industrial Heavy zones, as well as seeking non-complying, rather than discretionary, status for a number of activities not otherwise provided for in the Industrial General zone.<sup>475</sup> As to the apparent conflict between this requested relief and that sought by Waterloo Park, Gelita noted that its requested relief was general in nature, whereas Waterloo Park's was confined to its Islington site. Gelita confirmed that it was not opposed to the site-specific relief sought by Waterloo Park.<sup>476</sup>

[524] As to these matters, Mr Stevenson considered that, if any other activities not specified were non-complying, it would send the wrong signal that none of those activities were anticipated.<sup>477</sup> He considered that the mixed use nature of the Industrial General zone, with its provision for a broader range of activities than the Industrial Heavy zone, meant that there would be some activities that would be clearly appropriate. To classify anything not specified as a non-complying activity would signal that nothing else is anticipated.<sup>478</sup>

[525] He accepted that the use of discretionary activity status would include everything else, no matter how sensitive. That included many things that were not, on the face of it, consistent with an industrial zone. However, he considered that these activities would be subject to an

<sup>474</sup> Transcript, page 307, lines 40-41 (Mr Stevenson).

<sup>475</sup> Evidence in chief of Kevin Bligh at paras 7.14(a), 7.15(a) and 7.17(b); Transcript, p1025, lines 17-30 (Mr Bligh).

<sup>476</sup> Opening submissions of Gelita at para 13 (Ms Appleyard).

<sup>477</sup> Transcript, page 311, lines 8-10 (Mr Stevenson).

<sup>478</sup> Transcript, page 311, lines 14-19 (Mr Stevenson).

assessment against the policy framework, and consent could be granted or refused as appropriate.<sup>479</sup>

[526] We accept Mr Stevenson’s evidence on these matters. We are satisfied there is a sufficient degree of protection against reverse sensitivity effects that Gelita raised concern about.

[527] We consider that the existing provisions on reverse sensitivity are sufficient to protect amenity values in other zones and to avoid adverse effects. For these reasons, other than as recommended by Mr Stevenson, we reject Gelita’s request for relief.

[528] We are satisfied that the provisions we have included in the Decision Version are the most appropriate for achieving the related objectives.

### **Range of activities in Industrial Heavy — Belfast Tannery**

[529] Lowe Corporation Limited and Colyer Mair Assets Limited (‘Lowe Corp’) (772, FS1369) own and operate a tannery located at Station Road, Belfast, shown on Planning Map 12.<sup>480</sup> The site is located in the Industrial Heavy zone in the Notified Version. As we note below, aspects of the Industrial General zone at Belfast have been deferred to Stage 3. However, we consider submissions related to the Industrial Heavy zone here. On that matter, we have substantially accepted the changes to the Industrial Heavy zone that have been included in the Revised Version. In particular we have:

- (a) Redefined ‘noxious and objectionable industry’ as ‘heavy industry’ and changed its status from discretionary to permitted;
- (b) Limited the applicability of the 15-metre height limit rule in the Industrial Heavy zone to the sites within 20 metres of the boundary of more sensitive rural and residential zones;
- (c) Amended Policy 3 Range of Industrial Activities to provide for industrial and other compatible activities generating potentially significant effects;

<sup>479</sup> Transcript, pages 310-311 (Mr Stevenson).

<sup>480</sup> As indicated in Appendix A to Evidence in Chief of Fiona Aston.

(d) Otherwise rejected Lowe Corp's requested relief, including the following:

A full range of industrial and service activity, including yard based suppliers and trade suppliers as a permitted activity; and other commercial activities complementary to that provided for in commercial zones and compatible with an industrial environment, including some 'stand alone' offices and non ancillary retail activity, as a permitted activity.

[530] The changes we have accepted were informed by mediation (both formal and facilitated) that Lowe Corp engaged in with Council officers and other submitters. As such, the changes are supported by the Council and not opposed by other submitters. Nor do we identify any resource management reasons against them. In view of that, and the evidence in support, we find the changes appropriate for the purposes of ss 32 and 32AA.

[531] We now set out our reasons for rejecting Lowe Corp's remaining relief.

[532] The Lowe Corp land is part of an area of heavy industry, and that is the primary purpose of the Industrial Heavy zone. In the Notified Version, the zone allowed for a limited range of permitted compatible activities. Office and retailing activities are limited to being ancillary to other permitted activities. Trade suppliers and retailing activities are identified as non-complying activities.

[533] As we have noted, Policy 6.2.6 of the CRPS gives direction as to the protection of existing industrial activities in established industrial areas. Those areas are intended to be used primarily for existing industry, rather than as a location for new commercial activities. The qualification it notes in regard to brownfields redevelopment does not apply in this case. We must give effect to the CRPS. To the extent that we have discretion under the CRPS, we consider that should be exercised on the basis recommended to us in the Revised Version, for the reasons following.

[534] Ms Aston gave planning evidence for Lowe Corp.<sup>481</sup> Although Lowe Corp was not represented by counsel, Ms Aston confirmed that her evidence was as an independent expert in accordance with the Code of Conduct.<sup>482</sup> The primary thread of her argument, in support of

<sup>481</sup> Ms Aston has an MA and an M Phil in Town Planning. She has 31 years of resource management and planning experience and is a Principal of Aston Consultants Resource Management and Planning.

<sup>482</sup> Ms Aston referred to the Code of Conduct for Expert Witnesses (Environment Court Consolidated Practice Note) November 2011. We record that this has now been superseded by the Code in the Environment Court of New Zealand Practice Note 2014.

the relief sought by her client, was that it would enhance flexibility for Lowe Corp in the event that the tannery activity vacated their site.<sup>483</sup>

[535] In her evidence, Ms Aston also suggested some further wording changes to Policy 3, to support a more permissive regime for compatible activities in the Industrial Heavy zone.

[536] However, her support for her client’s relief was qualified. In particular, in regard to the concept of “compatible” used in the submission, she added that they do not require a “higher amenity environment”.<sup>484</sup> However, her written statement did not seek to edit out from the relief any type of activity that she considered would require such higher amenity.

[537] Our first impression of Ms Aston’s evidence for Lowe Corp was that it appeared somewhat inconsistent with the position of Silver Fern Farms Limited (‘Silver Fern’), for whom she also gave evidence.<sup>485</sup> Silver Fern is an adjacent meat processing plant, and part of its case was that the consenting process for other activities ought to ensure a level of control over their location to address reverse sensitivity effects.<sup>486</sup> We questioned Ms Aston on this, and her answers gave us to understand that she did not consider activities that posed undue “reverse sensitivity” risks ought to be allowed for within the site or within the zone generally.<sup>487</sup>

[538] The nett result is that, beyond the qualified support offered by Ms Aston (excluding activities posing a significant reverse sensitivity risk), we have no evidence in support of the relief pursued. Further, in terms of the activities that Lowe Corp’s submission refers to, Ms Aston’s evidence left us unclear as to which types she considered could be allowed for and which could not. We took from this a position that such matters could be left to the consenting process, with reference to her recommendations for restricted activity consent classification and associated other changes. We consider that an unsatisfactory and insufficient basis for making any change to the Revised Version.

<sup>483</sup> Transcript, page 966, lines 40-44.

<sup>484</sup> Evidence in chief of Fiona Aston on behalf of Lowe Corp at 3.2 and 6.1.

<sup>485</sup> Submitter 686, FS1369. See below at [551]–[552].

<sup>486</sup> Transcript, page 958, lines 10-45 (Mr Jemmet).

<sup>487</sup> Transcript, pages 969- 971. Ms Aston altered her position to provide for such activities as restricted discretionary activities.

[539] Ms Aston records that she took into consideration the CRPS when preparing her statement.<sup>488</sup> However, her evidence does not address how her client's request for a broader range of permitted activities would give effect to either policy.

[540] We are left to presume that her position would be that, with the qualifier she recommended, the relief sought by Lowe Corp would not offend against Policy 6.2.6 above.

[541] Mr Stevenson disagreed with Ms Aston's position. He considered the further relief she argued for would be inappropriate not only in that it would pose an undue risk of reverse sensitivity effects but that it could also hinder the development of the Industrial Heavy zone for heavier industrial uses. He perceived those dual risks would arise as a consequence of sensitive businesses moving into the zone, were it to allow for a greater mix of activities.<sup>489</sup>

[542] Mr Stevenson's concern as to reverse sensitivity risks are helpfully illustrated by Silver Fern's submission. Many types of heavy industry, by nature, require separation from other land uses. His concern about the risk of hindering further heavy industry investment in the locality finds support in the Property Economics Report to which we have referred. It reported that demand for industrial land has shifted to north-west and south-west of the city. We have no other evidence that land in the vicinity of the Lowe Corp land is not likely to be of value as industrial heavy land. Indeed, the land continues to be used for those purposes and Lowe Corp has not sought to challenge the zoning per se.

[543] Ms Aston bases her opinion largely on her interpretation of Strategic Directions objectives. She referred in particular to the objectives as to enabling recovery (3.3.1), clarity of language and process efficiency (3.3.2), business and economic prosperity (3.3.5) and commercial and industrial activities (3.3.10).

[544] We find that analysis unbalanced in the absence of proper consideration of the CRPS. We are satisfied on the evidence as to the importance of ensuring other activities are subject to a proper assessment of effects, including consideration of reverse sensitivity effects on surrounding activities and in the context of the objectives and policies of the CRDP.

<sup>488</sup> Evidence in chief of Fiona Aston at para 1.7.

<sup>489</sup> Evidence in chief of Mark Stevenson at para 33.25.

[545] Given those findings, we find no merit in Ms Aston’s suggested amendments to Policy 3.

[546] Similarly, we reject Ms Aston’s further suggestion that we provide for other activities as restricted discretionary activities. We understood this suggestion to be on the basis that matters of discretion would be confined to reverse sensitivity effects. For the reasons discussed, we do not consider this would give proper effect to the CRPS in that Policy 6.2.6 is more widely framed. For the foregoing reasons, we prefer Mr Stevenson’s opinions on these matters, as being more in line with the protective intentions of Policy 6.2.6 of the CRPS and soundly supported by the Property Economics Report and other evidence (including as noted, Silver Fern’s submission).

[547] However, we disagree with Mr Stevenson that the default activity classification should be changed from non-complying, in the Notified Version, to discretionary activity (as specified in the Revised Version). Primarily, we are concerned that Mr Stevenson’s recommended change would give undue licence to office and retail activities establishing in the Industrial Heavy zone. In light of the evidence of Mr Osborne (and the Property Economics Report), we consider this change in activity status would put the centres based approach of the CRDP at undue risk.

[548] In particular, we have taken note of what the Property Economics Report says concerning the increasing demand for commercial activity to locate in industrial zones (which occurred even prior to the displacement of commercial activities following the earthquakes).<sup>490</sup> This resulted in compromised centres, lowered economic efficiencies and significant opportunity costs for Christchurch.<sup>491</sup> On the basis of this evidence, we accept the need to restrict the ability for office and retail (and other non-specified activities) to establish in the Industrial Heavy zone in order to preserve the integrity of the industrial zones and to direct these activities toward centres.

[549] We note the direction given by CRPS Policy 6.2.6 that industrial areas are to be used primarily for existing industry, rather than as a location for new commercial activities. This is not a brownfields situation where a more permissive approach may be appropriate. We are

<sup>490</sup> Property Economics Report, page 34.

<sup>491</sup> Property Economics Report, page 102.

satisfied that a default activity status of non-complying is more appropriate than discretionary activity for giving effect to the CRPS.

[550] For those reasons, we are satisfied that the provisions we have included in the Decision Version would better give effect to the CRPS, the Statement of Expectations and our Strategic Directions decision (including, in particular, the objectives referred to by Ms Aston). Having considered the relevant matters in ss 32 and 32AA RMA, we are satisfied that those provisions are the most appropriate for achieving the related CRDP objectives.

**Silver Fern Farms — Belfast: whether deferral of “Industrial General” for 10 years or until composting ceases**

[551] Silver Fern operates meat processing and associated facilities at Belfast. The facilities are on its land on the south and north sides of Factory Road (66J, 76, 79, 81, 83 Factory Road, 2–10 Fords Road and 10 Station Road) at Belfast (‘the Belfast site’). Its meat processing occurs in plant on the south side of Factory Road and the Notified Version proposed that it be zoned Industrial Heavy. Its associated composting site is on what would be seen as farm land at 2 and 10 Fords Road (‘composting site’) and the Notified Version proposed that this site be zoned Industrial General. The Notified Version did not expressly provide for the existing composting operation in the Industrial General zone.

[552] Decisions on most of the relief sought by Silver Fern have been deferred to Stage 3, in accordance with the minute of the Panel dated 6 May 2015. The only matter not deferred is Silver Fern’s request for relief to redefine ‘noxious and offensive activity’ as ‘heavy industry’ and change its status to permitted, not discretionary, in the Industrial Heavy zone. The relief was not contested by the Council or other submitters. We have accepted the request for relief on that matter.

**Heinz Wattie’s — Main South Road/Shands Road: whether Industrial Heavy zoning deferred**

[553] Heinz Wattie’s Limited (884) operates a vegetable processing plant on its property at 255 Shands Road, Hornby. The plant has been in operation since 1972. A crucial part of its operations is the treatment and discharge of wastewater. The wastewater is discharged over approximately 61 hectares of adjacent rural land at 637 Main South Road and 320 Shands

Road, also owned by Heinz Wattie's.<sup>492</sup> The rural land is used for the grazing of livestock and harvesting silage. The discharge is authorised by a resource consent from Environment Canterbury, and the land use is a permitted activity under the Existing Plan.

[554] The issue here concerns the appropriate zoning treatment of that rural land.

[555] Initially, in the Notified Version, the Council proposed that this land be rezoned Industrial Heavy (South West Hornby) (a change from its existing rural zoning). This would have meant that any rural activities within this zone would be non-complying. An ODP would have also applied over the rural block, which included elements that relate to industrial activities.

[556] Heinz Wattie's opposed this on the basis that it would be likely to have a detrimental impact on its existing and future discharge and rural activities on the land. Its initial submission sought either a rural zoning, or a deferred zoning for these sites. The deferred zoning sought was to the effect that a rural zoning would apply until such time as Heinz Wattie's gave notice in writing that the rural use would cease. The giving of that notice would trigger the application of an Industrial Heavy zoning.

[557] Following discussions and mediation, Heinz Wattie's agreed with the Council that a deferred Industrial Heavy zoning was appropriate, with rural zoning applying in the meantime.<sup>493</sup>

[558] However, the Council and Heinz Wattie's could not agree on the duration of the deferral of the Industrial Heavy zoning. Heinz Wattie's proposed that the Industrial Heavy zoning be triggered when it ceased to undertake activities on the properties. The Council sought that it be triggered on Heinz Wattie's change of use, or 30 March 2026, whichever occurred first.

[559] The planner for Heinz Wattie's, Mr Cleese, considered that a deferred industrial zone is pragmatic in that it would allow the ongoing operation of an established industrial activity (with its associated economic and employment benefits), and concurrently recognise that the

<sup>492</sup> Evidence in chief of Bruce Snowdon on behalf of Heinz Watties at para 1. Mr Snowdon is the Agricultural Manager of Heinz Watties. He was unavailable to give evidence at the hearing and his appearance was excused. We received his evidence as an annexure to an affidavit dated 3 June 2015.

<sup>493</sup> Opening submissions for Heinz Watties at para 6 (Mr Clay).

future use of the rural land will be for industrial development.<sup>494</sup> In his view, putting a 10-year limit on the deferral (as sought by the Council) would be inappropriate, as the term has no connection with the purpose of the deferred zoning.<sup>495</sup>

[560] For the Council, Mr Stevenson considered that, in principle, the deferred zoning approach was appropriate.<sup>496</sup> He considered that, without a sunset clause, there would be uncertainty about when the land is to be developed for industrial purposes. In his view, if the deferral continued for a long period, it could impede the development of an integrated approach to land identified as a greenfield priority area.<sup>497</sup>

[561] Both Mr Clease and Mr Stevenson agreed that it would be appropriate to include in the CRDP a policy providing the rationale for the deferral, which would be considered as part of any application for resource consent.<sup>498</sup>

[562] The Panel disagrees with the Council and Heinz Wattie's (and Messrs Stevenson and Clease) on the most appropriate zoning in the circumstances. Instead of a deferred zoning regime, the Panel considers it more appropriate to make specific permitted activity provision for the rural activities within an industrial zoning of the site. For the reasons given below, the Panel considers that this approach would better maintain the integrity of the zone (a matter that goes beyond Heinz Wattie's specific interests), and would be more efficient in managing Heinz Wattie's existing use of the land.

[563] In answer to Panel questions, Mr Clease explained why he did not favour the approach of providing a permitted activity rule for existing rural activities. He characterised this option as "trying to force a square peg into a round hole" in terms of satisfying the wider objectives for the chapter.<sup>499</sup> While he accepted that this option could work, he considered that a deferred zoning was a better approach.<sup>500</sup>

[564] Zoning the land industrial, with and giving specific rural activities (the existing uses of the land) permitted activity status is a neater and cleaner approach that both recognises the

<sup>494</sup> Evidence in chief of Jonathan Clease on behalf of Heinz Watties at para 30.

<sup>495</sup> Evidence in chief of Jonathan Clease at para 6.5.

<sup>496</sup> Attachment C to Evidence in chief of Mark Stevenson at page 157.

<sup>497</sup> Rebuttal evidence of Mark Stevenson at para 20.3.

<sup>498</sup> Rebuttal evidence of Mark Stevenson at para 20.3; Evidence in chief of Jonathan Clease at para 26.1.

<sup>499</sup> Transcript page 1700, lines 30-35 (Mr Clease).

<sup>500</sup> Transcript page 1701, lines 1-2 (Mr Clease).

existing uses of the land and maintains the integrity of the zone. Heinz Wattie's Agricultural Manager, Mr Bruce Snowdon gave evidence that applying wastewater to the rural properties is crucial to the ongoing operation of the Heinz Wattie's plant at Shands Road, and that there is no viable alternative for disposal. The municipal wastewater network cannot cope with wastewater at such high volumes, and there does not appear to be a current Council proposal to upgrade the network to allow this to occur.<sup>501</sup> In any event, there is nothing to suggest that this type of disposal is appropriate in these circumstances.

[565] In addition, Mr Clease noted that, while the wastewater irrigation onto the rural block is rural in nature, it is integral to the industrial operation.<sup>502</sup> In light of this information, it appears that the farming and cropping undertaken by Heinz Wattie's is primarily for the purpose of providing an outlet for the wastewater generated by the industrial activities of its processing plant. In other words, the rural activities are somewhat incidental to the main industrial activities taking place on the Heinz Wattie's land. For this reason, an industrial zone, with permitted activity status for specific rural activities is more appropriate and consistent with the CRPS.

[566] Additionally, this approach is less cumbersome than the option preferred by the Council and Heinz Wattie's in that it avoids determining an appropriate trigger point for the deferred zoning to come into force (a matter on which the Council and Heinz Wattie's were unable to agree). Contrary to Mr Clease's view, we are satisfied it represents a cleaner and easier process than a deferred zoning.

[567] Overarching all those matters, and going beyond the interests of Heinz Wattie's, we consider the approach we have decided on would better maintain the integrity of the CRDP. It would mean a zoning outcome that is more coherent, a relevant matter under the OIC Statement of Expectations.

[568] A revised set of alternate provisions which provided for an industrial zone with a permitted activity status for rural activities where identified on the relevant ODP was presented in the Council's closing legal submissions.<sup>503</sup> The Panel accepts these provisions as generally sound.

<sup>501</sup> Evidence in chief of Bruce Snowdon at para 23.

<sup>502</sup> Transcript p1694, lines 32-34 (Mr Clease).

<sup>503</sup> Attachment C to Closing submissions for the Council.

[569] For those reasons, we are satisfied that the regime we have provided for, including the additional permitted activity regime for existing rural activities, is the most appropriate for achieving the relevant CRDP objectives.

## Marshs Road

[570] The Notified Version zoned an area of land in South West Hornby as Industrial Heavy. The land is part of what the CRPS identifies as “Greenfield Priority Area – Business”<sup>504</sup> and, hence, for industrial rezoning. The majority of the land covered by the proposed Industrial Heavy zone is owned by industrial land developer and submitter, Calder Stewart Industries Limited (‘Calder Stewart’). The zone is bordered on two sides by Shands Road and Marshs Road, and on the other sides by boundaries of specific properties including the rural and lifestyle properties of submitters K & B Williams,<sup>505</sup> W & L Stirling<sup>506</sup> and D & M Powell.<sup>507</sup>

[571] The Notified Version included a number of provisions designed to address the interface between the Industrial Heavy zone and the adjoining rural areas. This included:

- (a) Non-complying status for individual site access directly onto Marshs Road or Shands Road;
- (b) A minimum building set-back of at least 20 metres from Marshs Road; and
- (c) A requirement for landscaping along the road setback with a density of one tree every 10 metres.

[572] Calder Stewart opposed these provisions of the Notified Version.<sup>508</sup> It sought the removal of the non-complying status for individual site access directly onto Marshs Road, and relief in regard to building setbacks. For its frontages to Shands Road and that portion of Marshs Road to the west of the Southern Motorway designation, it sought the standard building setbacks. For its frontage to Marshs Road to the east of the Southern Motorway designation

<sup>504</sup> CRPS, Chapter 6, Map A.

<sup>505</sup> Further submitter 1430.

<sup>506</sup> Further submitter 1387.

<sup>507</sup> Further submitter 1387. We note that Shayne and Karen Richardson (284), Gavin Newell (1103) and Warren Newell (1104) also made submissions regarding setbacks and mitigation measures. Our discussion here also deals with the submissions from these submitters.

<sup>508</sup> Submitter 985, FS1240.

(directly facing rural land to the south), it sought a 10-metre building setback. It also sought the removal of the landscaping requirements.

[573] K & B Williams own property at 98 Marshs Road, which is immediately opposite the proposed Industrial Heavy (South West Hornby) zone. Their concern was to protect the rural amenity which they currently enjoy from the impact of the new heavy industrial activities that Industrial Heavy zoning would enable. They did not oppose the rezoning of the land to Industrial Heavy, but in a further submission, opposed the Calder Stewart submission. They sought that the rules around site access, building setbacks and landscaping of the Notified Version be retained.

[574] Similarly, W & L Stirling and D & M Powell lodged further submissions opposing the Calder Stewart submission. W & L Stirling own and occupy a 2.7 hectare block of land at 53 Marshs Road. Their south-eastern boundary adjoins the proposed Industrial Heavy zone (South West Hornby). D & M Powell own a 4 hectare block of land at 41 Marshs Road, with their north-eastern and south-eastern boundaries adjoining the same proposed Industrial Heavy zone.

[575] After negotiation and discussion with the submitters, the Council proposed modifications in its Revised Version, in particular:

- (a) Restricted discretionary activity status for site access to Marshs Road;
- (b) 10 metre minimum building setbacks from the Rural zone and Marshs Road;
- (c) Landscaping for the setbacks from Marshs Road and the Rural zone, including two staggered and offset rows of trees, with trees to be placed 10 metres apart in each row.

[576] In addition, the ODP in the Revised Version showed a route for a “minor arterial road” between the marked intersection of Shands Road/James Wattie Drive and Main South Road (‘indicative road’). Part of it over private land is shown as two dotted lines. The key includes a note “Route of the Minor Arterial to Main South Road subject to being designated”.

[577] By the time of the hearing, Calder Stewart changed its position to one of supporting the Revised Version.<sup>509</sup> In effect, this narrowed the matters in contention primarily to the choice of controls to address rural amenity and character. Specifically, this concerned the activity status for access to Marshs Road (non-complying or restricted discretionary), setbacks (between 10 and 20 metres) and landscaping.<sup>510</sup>

[578] Mr Mark Weaver represented Calder Stewart and also gave evidence on its behalf as its project manager. He accepted that Calder Stewart did not have an operational need for access from Marshs Road. That was in the sense that it was within Calder Stewart's ability to develop the spine road parallel to Marshs Road, connecting to Shands Road.<sup>511</sup> He also accepted that allowing for access off Marshs Road would result in a significant change in amenity for local residents. However, he argued this change was inevitable, given the development of industrial land in the area.

[579] He also argued that allowing individual business access to Marshs Road would mean a better outcome for local residents and the community as a whole. One reason he gave for this is that there would be associated road improvements and reduction in the speed limit from 80km to 70km.<sup>512</sup> Another he suggested was, in effect, enlightened self-interest. That is, from his experience of other industrial developments, industrial owners and occupiers were more likely to develop and maintain their frontages to a high standard. By contrast, he observed that the space behind buildings would be prone to being cluttered with unsightly materials and used for noisier activities.<sup>513</sup>

[580] Mr Field gave landscape evidence for Calder Stewart.<sup>514</sup> In his opinion, a 10-metre building setback with landscape strip along Marshs Road could provide for an adequate rural and industrial interface. This was on the basis that, within the first 10 metres beyond the setback, only two-storeyed office buildings (of a maximum of 10 metres in height) and carparks were permitted. He envisaged that buildings more than 10 metres in height would be permitted beyond a 20-metre setback from the road. This would allow a transitional building height and

<sup>509</sup> Transcript, page 1416, lines 21-32 (Mr Weaver).

<sup>510</sup> We return to the matter of the indicative road later in this decision.

<sup>511</sup> Transcript, pages 1417-1418 (Mr Weaver).

<sup>512</sup> Evidence in chief of Mark Weaver on behalf of Calder Stewart at paras 15 and 19.

<sup>513</sup> Evidence in chief of Mark Weaver at paras 22-26.

<sup>514</sup> Mr Field has a Bachelor of Landscape Architecture (First Class Honours) and a Bachelor of Fine Arts. He is a Principal and Landscape Architect at Boffa Miskell Limited and has been a landscape architect based in Christchurch for over 16 years.

the potential for attractively landscaped frontages to Marshs Road.<sup>515</sup> In response to our questions, he accepted that it would not be adequate to simply rely on the setback with a 10-metre height restriction. In addition, he considered there would need to be something in the CRDP to require an office or front-of-house usage.<sup>516</sup>

[581] Calder Stewart's traffic engineer, Mr Penny, addressed the traffic implications of the proposed change to restricted discretionary activity status for site access from the portion of Marshs Road between Main South Road and Shands Road (which is adjacent to the Industrial Heavy zone). He explained that traffic volumes on this section of Marshs Road are forecast to increase until a parallel spine road (a minor arterial road through the Industrial Heavy zone) is completed in 10-15 years. Once that road is in place, he said that the traffic along Marshs Road would drop substantially.<sup>517</sup>

[582] In the meantime, Marshs Road is designated a minor arterial road. Mr Penny explained that he considered it would be practicable for the existing rural cross-section of this road to be upgraded, in conjunction with provision of direct access to the Industrial Heavy zone.<sup>518</sup> He considered that traffic effects on Marshs Road could be managed in the interim, before it was downgraded from a minor arterial to simply being a local road. That was because the proposed assessment matters for restricted discretionary activities would ensure that development sites with direct access to Marshs Road would be assessed in terms of the safety and efficiency of the road network.<sup>519</sup>

[583] Mr Williams explained that he and his wife live on their property at 98 Marshs Road, as well as running an agistment and breeding facility for Standardbred horses, and a training and racing operation from the front of their property. The property is 68 hectares, and has a 1.2 kilometre boundary along Marshs Road.<sup>520</sup> He said that, while they were not thrilled about the proposed Industrial Heavy zoning in the Notified Version, they accepted that it was inevitable to allow Christchurch to grow, and that there were provisions in the Notified Version to protect their property and its amenity values.<sup>521</sup>

<sup>515</sup> Evidence in chief of William Field on behalf of Calder Stewart at para 10.

<sup>516</sup> Transcript, pages 1456-1457 (Mr Field).

<sup>517</sup> Transcript, page 1463, lines 1-17 (Mr Penny).

<sup>518</sup> Transcript, page 1463, lines 19-23 (Mr Penny).

<sup>519</sup> Transcript, pages 1463-1464 (Mr Penny).

<sup>520</sup> Evidence in chief of Kevin Williams on behalf of K and B Williams at paras 8-10.

<sup>521</sup> Evidence in chief of Kevin Williams at paras 13 and 30.

[584] He referred us to poplars planted down Marshs Road and suggested that these, with further dense planting inside them, would provide adequate screening for buildings backing to Marshs Road.<sup>522</sup>

[585] Williams, Powell and Stirling also called landscape evidence from Mr Peter Rough, a landscape expert.<sup>523</sup> He explained why he recommended in favour of a purposeful green edge to the proposed industrial zone. He considered that this would maintain the integrity and visual amenity of the remaining Rural zone by screening industrial activities from view.<sup>524</sup> He considered that a 20-metre building setback and 15-metre maximum building height should be imposed for sites fronting Marshs Road and with a boundary adjoining the Rural zone. He considered the landscape rules in the Notified Version were inadequate, and the landscaped area should be planted with two staggered rows of trees, with an underplanting of native shrubs.<sup>525</sup> He considered that allowing site access directly onto Marshs Road would have an adverse visual amenity impact in that it would make “holes” in the landscaped strip that would open up views to large utilitarian buildings. As such, it would undermine the integrity of the landscape buffer and consequently adversely affect rural amenity values.<sup>526</sup>

[586] In answer to the Panel, Mr Rough accepted that, in principle, it is better to integrate new land uses into a landscape, rather than trying to hide them.<sup>527</sup> However, he considered that, in this circumstance, the scale and significance of the change was so great that it would be better to hide industrial activities from view.<sup>528</sup>

[587] Mr Stevenson, in his planning evidence for the Council, agreed with Mr Rough that a green edge would provide a transition between rural and urban areas.<sup>529</sup> He confirmed that he changed his mind to accept that a 10 metre setback from the road boundary and adjoining properties (rather than a 20 metre setback) was appropriate in conjunction with provisions requiring a greater degree of landscaping. This was to ensure consistency with other industrial

<sup>522</sup> Evidence in chief of Kevin Williams at para 29.

<sup>523</sup> Mr Rough has a Diploma in Horticulture and a Diploma in Landscape Architecture. He is a landscape architect and director at Rough and Milne Landscape Architects Limited and has 40 years of experience as a landscape architect.

<sup>524</sup> Evidence in chief of Peter Rough on behalf of Dennis and Marian Powell and Warren and Lynnette Stirling and Kevin and Bonnie Williams at para 11.

<sup>525</sup> Evidence in chief of Peter Rough at para 13.

<sup>526</sup> Evidence in chief of Peter Rough at para 14.

<sup>527</sup> Transcript, page 1323, lines 29-39 (Mr Rough).

<sup>528</sup> Transcript, pages 1323-1325 (Mr Rough).

<sup>529</sup> Rebuttal evidence of Mark Stevenson at para 14.6.

rural interfaces, and the recommendations of the Council’s urban design expert, Mr McIndoe.<sup>530</sup>

[588] Williams, Powell and Stirling were helpfully constructive in acknowledging the change of zoning as a given but focusing on the question of management of this change to protect the rural character and amenity of their neighbourhood. As noted, the CRPS identifies the land for industrial rezoning and the Notified Version gives effect to that. In the closing submissions for Williams, Powell and Stirling, counsel reminded us that Objective 6.2.1 of the CRPS specifies that the land use and infrastructure framework “maintains the character and amenity of rural areas and settlements” and properly pointed out that this is particularly relevant in the present rural amenity setting, where significant land use change will occur.<sup>531</sup> We add that this is backed by s 7(c) of the RMA, which directs that we have particular regard to the maintenance and enhancement of amenity values.

[589] On this matter, we were assisted by the expert opinions of Messrs Field and Rough. Their views on landscape treatment, including underplanting, were similar. On the weight of that expert evidence, we have decided to accept the Council’s recommendation in its Revised Version for standards to require the setbacks from Marshs Road and the rural zone to be planted with two staggered and offset rows of trees, with trees to be placed 10 metres apart in each row.

[590] Messrs Field and Rough differed in their views on the topics of the width of setbacks and the activity status that should apply for access to Marshs Road. On the matter of setbacks, Mr Pedley urged that we prefer Mr Rough’s opinion on the basis that Mr Field had not visited the Powell and Stirling properties to inform his opinion. On the matter of access to Marshs Road, in view of Mr Rough’s opinion, Mr Pedley argued that we should maintain non-complying activity status because there was no operational need for access to this frontage. He rejected Mr Weaver’s enlightened self-interest rationale, saying poor site maintenance can be appropriately managed through enforcement action.

[591] On the matter of setbacks, we do not agree with Mr Pedley that Mr Field’s opinion should be accorded less weight in view of his not having visited the Powell and Stirling

<sup>530</sup> Transcript, pages 290-291 (Mr Stevenson). Mr McIndoe gave evidence for the Council on urban design matters.  
<sup>531</sup> Counsel for Williams, Mr Pedley, and counsel for Stirling and Powell, Mr Cleary, helpfully made joint closing submissions. In the following discussion we have referred to Mr Pedley as making the submissions for Williams, Powell and Stirling, as he presented the oral submissions to the Panel. However, we acknowledge the joint nature of the submissions and record our appreciation to counsel for consolidating their approach.

properties. The emphasis of Objective 6.2.1 of the CRPS, in “maintain[ing] the character and amenity of rural areas and settlements” does not call for a property by property appraisal of the kind implied by his submissions. A broader appraisal can suffice so as to determine the nature of the character and amenity at an area-wide or settlement-wide scale. Section 7(c) is framed in broader terms. However, our obligation is to have particular regard to the matters it described. We consider both landscape experts to have assisted sufficiently for the purposes of our obligations under Objective 6.2.1 and s 7(c).

[592] We also agree with Mr Stevenson that consistency of approach is also important, of course tempered by the obligations we have just described.

[593] On the matter of frontage to Marshs Road, we consider there is a sensible role for enlightened self-interest. At a practical level, we find there is some force in Mr Weaver’s observations on that topic. Mr Pedley is technically correct that breaches of site maintenance standards are a matter for enforcement. However, that does not necessarily provide for sound resource management outcomes. For one thing, the Council and/or other parties may not necessarily have the resources to follow up with enforcement action. Restricted discretionary activity status is advantageous in the sense that it allows for focus to be given to relevant priorities, including integration with the rural character and amenity of Marshs Road.

[594] As all submitters sensibly acknowledged, there is inevitably going to be a significant change in land use for the rezoned land. Given that, we do not consider that strongly directing development away from accessing Marshs Road is a sound or appropriate means for maintaining the character and amenity of the surrounding rural areas. Such an approach would likely just reinforce an ongoing dichotomy of uses in this area. We agree with Mr Rough that, in principle, it is better to integrate new land uses into a landscape, rather than trying to hide them. We disagree with his further opinion that the scale and significance of the change here would make it better to hide it from view. The better approach, in our view, is to try to achieve sensible alignment with self-interest for the developers and occupiers of the land. As such, we also disagree with Mr Pedley on the matter of Calder Stewart’s lack of “need” for access to Marshs Road.

[595] Therefore, having particular regard to s 7(c) RMA, we conclude that the following package of provisions is the most appropriate (including so as to give effect to Objective 6.2.1):

- (a) Restricted discretionary activity access to Marshs Road, as provided for under the Revised Version but with changes to the effect that:
  - (i) The assessment criteria would also require attention to the landscape design treatment of the access to achieve effective integration with the character and amenity of the surrounding rural environment;
  - (ii) No public notification (but capacity for limited notification), as is consistent with the notification hierarchy generally adopted in the provisions of the Decision Version;
- (b) Minimum building setbacks from the rural zone and Marshs Road of 10 metres, as provided for under the Revised Version, but on the basis that only office buildings (of a maximum of 10 metres in height) and carparks are permitted within the first 10 metres beyond that 10-metre setback;
- (c) Landscaping to be required for the setbacks from Marshs Road and the rural zone, as provided for under the Revised Version involving two staggered and offset rows of trees, with trees to be placed 10 metres apart in each row (with the exception of access to Marshs Road).

[596] We now return to the matter of the indicative road. In his closing submissions, Mr Cleary, as counsel for the Powells (the directly affected landowners), pointed out that this proposed change to the ODP was not sought by Calder Stewart, but was in response to a general submission from the Crown. He noted that the general nature of the Crown’s submission meant that it did not alert his clients to what has emerged on the ODP. As to the indication on the ODP that a designation requirement would be forthcoming, Mr Cleary pointed out that none has been notified to date. As such, he submitted that the dotted lines are a form of “de facto” designation, lacking any Part 8 RMA scrutiny. We agree that the notation is inappropriate in that it could unfairly prejudice the owner’s position by what it signals (for instance, to the market) without availing the owner of the compensation and other remedies potentially available under the RMA when land is made the subject of a designation requirement. Hence, we direct deletion of the notation.

### **Buffer corridors and setbacks for the National Grid and electricity distribution lines**

[597] Judge Hassan recused himself from deliberating and deciding on this matter, for the reasons previously declared concerning the fact that he acted for Transpower prior to his appointment as an Environment Court Judge.

[598] We deal with this topic here, as it primarily concerns the Industrial proposal. However, we note that it also touches on the Commercial proposal to some extent.

[599] Transpower New Zealand Limited (‘Transpower’) (832 and FS1331) and Orion New Zealand Limited (‘Orion’) (922 and FS1339) made submissions in relation to the Stage 1 Commercial and Industrial Proposals requesting rules for buffer corridor and setback distances from the centre line of transmission lines (‘corridor protection’) and the associated activity status for, in the case of Transpower, the National Grid, and in the case of Orion, electricity distribution lines (‘distribution lines’).

[600] The Notified Version provided that small scale buildings and fences within 12 m of the centre line of a “National Grid Transmission Line” in the Commercial Local, Industrial General and Industrial Heavy zones were permitted in some circumstances and in all other cases buildings or sensitive activities (and fences within 5 metres of a “transmission line support structure”) were non-complying activities in those zones. In the Commercial Retail Park zone, any building within 150 metres of the secured yard of a National Grid substation was a discretionary activity. The Council did not include rules for distribution lines on the basis that distribution lines were not afforded priority in the National Policy Statement for Electricity Transmission (‘NPSET’).

[601] The Panel’s decision on Stage 1 Chapter 14 Residential sets out the background to Transpower and Orion’s submissions and further submissions in detail and identifies the points of difference with regard to the interpretation of the requirements of NPSET, the CRPS and Strategic Direction Objective 3.3.12.<sup>532</sup> We agree with and adopt, but do not repeat, what the Panel finds in that decision, on those matters. We address the submissions only to the extent that the issues differ in relation to the Commercial and Industrial proposals.

<sup>532</sup> Stage 1 Chapter 14 Residential decision, 10 December 2015, at [250]–[282].

[602] Transpower has a single transmission line that traverses industrial zoned land; the 220 Bromley-Islington A line. Transpower seeks:

- (a) A ‘buffer corridor’ for sensitive activities and buildings on Greenfield sites within 12 metres of the central line of a 220kV National Grid, or within 12 metres of the foundation of an associated support structure;
- (b) A ‘setback’ for buildings other than those on Greenfield sites (i.e. in developed and/underbuilt areas), within 12 metres of the foundation of an associated support structure;
- (c) A setback for fences within 5 metres of a National Grid transmission line support structure foundation; and
- (d) The deletion of all rules and standards that relate to the National Grid in the Commercial proposal because the National Grid does not traverse any of the commercial zones.
- (e) Appropriate policy recognition for strategic infrastructure in the Commercial and Industrial proposals.

[603] Orion requests that corridor protection provisions (i.e. buffer corridor and setback) be included in the CRDP for its 66kV and 33kV distribution lines. Orion’s 11kV Heathcote to Lyttelton line does not traverse the Commercial and Industrial zones. Therefore, it is excluded from Orion’s requested relief for the Commercial and Industrial proposals. Orion’s distribution lines are located in the Industrial Heavy, Industrial General, Industrial Park zones and the Commercial Core and Commercial Local zones.

[604] Ms Buttimore, Orion’s planning witness, informed us that only a small portion of Orion’s network is located within the Commercial zone and, in both instances, it is the 66kV electricity distribution line. They are located as follows:

- (a) A 66kV line affects approximately 200 metres of the Commercial Core zone located on western urban boundary of Yaldhurst Road (Planning Map 30).

- (b) An 80 metre length of Orion's distribution line runs along the northern edge of the Commercial Local zone (Planning Map 30).

[605] Both of these zones are within a relatively recent residential subdivision area where commercial development has yet to be undertaken.

[606] Ms Buttimore informed us that Orion's identified distribution lines traverse a larger area of Industrial zoned land. Orion estimates this to be approximately:

- (a) Industrial General zone – approximately 5412 metres of 66kV line and 152 metres of 33kV line;
- (b) Industrial Heavy zone – approximately 3549 metres of 66kv line and 4151 metres of 33kv line; and
- (c) Industrial Park zone – approximately 981 metres of 66kV distribution line.<sup>533</sup>

[607] Transpower opposed Orion's request that the corridor protection that Transpower sought for the National Grid also apply to distribution lines. Transpower sought to distinguish between the rationale for corridor protection required to give effect to the NPSET, and issues as to whether it was appropriate to provide for corridor protection for other electricity infrastructure. Transpower was also concerned that Orion did not seek to distinguish between greenfield areas and other areas in the same way that Transpower had done, with the effect of giving greater protection to the distribution lines.<sup>534</sup> During the course of the Residential Stage 1 hearing and prior to the commencement of the hearing for this decision, Transpower accepted that it was appropriate to provide a buffer corridor and setbacks for the Orion 66kV distribution line on the same basis as the 66kV National Grid. Transpower accepted that this was appropriate to give effect to the CRPS and Strategic Directions Objective 3.3.12 (acknowledging that the NPSET applies only to the National Grid). However, no agreement was reached in relation to the 33kV or 11kV Heathcote to Lyttelton line.<sup>535</sup>

<sup>533</sup> Evidence in chief of Laura Buttimore on behalf of Orion at para 50 (corrected in Transcript, page 1061, lines 9-17).

<sup>534</sup> Transcript, page 878, lines 9-16 (Mr Beatson).

<sup>535</sup> Evidence in chief of Laura Buttimore at para 26.

[608] In the Residential (Stage 1) hearing, it was accepted by Ms Buttimore that Orion did not provide an evaluation under section 32 of the RMA to support the incorporation of rules in the Residential Chapter for either the 66kV or 33kV (or the 11kV Lyttelton) distribution lines.

[609] Following the conclusion of the Residential Stage 1 hearing, Orion sought leave to produce an affidavit from Mr Shane Watson to provide the supporting analysis. Leave was granted and we received the affidavit.<sup>536</sup> In the Residential Stage 1 decision, we were able to find support for the inclusion of rules for the 66kV distribution line, in the evidence from Mr Noble from Transpower in relation to the 66kV National Grid. We have reached the same conclusion here, although we acknowledge that Ms Buttimore did include an evaluation for the Commercial and Industrial proposals for buffer corridors and setbacks for distribution lines in the Commercial and Industrial zones.<sup>537</sup> Mr Watson, the Network Assets Manager for Orion, also provided technical evidence to support that position in this hearing.<sup>538</sup>

[610] Following the exchange of evidence, Orion's counsel, Ms Appleyard, filed a memorandum outlining an amended rules package to address Orion's 33kV and 66kV. The memorandum recorded that this had been developed in consultation with Transpower, the Council and Orion.<sup>539</sup> We were told that both Transpower and the Council have a neutral position on whether there is a sufficient policy and evidential basis to support the inclusion of the amended rules.<sup>540</sup>

[611] In closing submissions, the Council produced an updated Revised Version, which included rules that provide for non-complying activity status for sensitive activities, buildings and fences (in relation to the National Grid), within the specified buffer corridors and setbacks for the National Grid and for Orion's 33kV and 66kV distribution lines. The rules are differentiated for buildings in greenfield sites and other areas where there is already underbuild. The rules only apply to the zones where the relevant infrastructure is located.

[612] We have considered the Revised Version, and the evidence and submissions received on this matter. We are satisfied that the proposed rules package gives effect to the Higher Order

<sup>536</sup> Affidavit of Shane Watson, sworn 28 April 2015.

<sup>537</sup> Evidence in chief of Laura Buttimore.

<sup>538</sup> Evidence in chief of Shane Watson, on behalf of Orion.

<sup>539</sup> Memorandum of Counsel on behalf of Orion New Zealand Limited, dated 25 May 2015. This was also produced as Exhibit 16, Transcript, page 1057 (Shane Watson).

<sup>540</sup> Transcript, page 1055, lines 1-8 (Ms Appleyard); page 878, lines 33-36 (Mr Beatson) and page 301, lines 3-13 (Mr Stevenson).

Documents and is the most appropriate in terms of s 32 of the RMA. Although the NPSET applies only to the National Grid, we are satisfied that providing appropriate buffer corridors and setbacks for Orion’s distribution lines gives effect to the CRPS and Strategic Directions Objective 3.3.12.

[613] For those reasons, we have included the provisions from the Revised Version for buffer corridors and setbacks for both the National Grid and distribution lines in the Decision Version.

## OTHER SUBMISSIONS SEEKING CHANGE IN ZONING

[614] A number of submitters sought changes to the Notified Version’s commercial or industrial zonings of particular sites or areas. Through formal and informal mediation, the Council reached agreements with a number of submitters. On the evidence, we find those agreed changes most appropriate and have given effect to them, unless we have otherwise stated in this decision.

[615] We record our concern that some of those agreements are to what can be termed “spot zones” to result in commercial zoning outside commercial centres.<sup>541</sup> Mr Stevenson explained the rationale for these spot zoning settlements.<sup>542</sup> In some cases, they were for sites that have operated as service stations or other non-residential activities for many years. In other cases, commercial zoning was seen to provide more certainty for the existing activities, reduce reliance on resource consent processes, reflect the scale and character of the existing development, and/or better reflect the reality of these sites than the surrounding residential zoning.

[616] While those explanations demonstrate pragmatism in resolving issues at a specific site level, we have an overarching concern about the combined consequences of this spot zoning approach for the integrity of the centres based framework. That is particularly as to the intended role of local centres<sup>543</sup> as small groups of primarily convenience shops serving the needs of the immediately surrounding residential area. The Panel considers a proliferation of

<sup>541</sup> For example; Commercial Local zones at 173 Wainoni Road, 2 Russley Road, 445 Main North Road, the corner of Blighs and Idris Roads, and 89-91 Beach Road; and Commercial Mixed use zone at 32 Kilmarnock Street.

<sup>542</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 14-16, 83-84, 86-87, 99-101, 113, 121-122.

<sup>543</sup> Policy 15.1.2.1, Table 15.1 F.

spot commercial zones, to provide for individual existing activities, has the potential to threaten the centres based approach.

[617] In addition, the Panel has a general concern about the limited extent to which alternative methods (and associated costs and benefits to the community) were evaluated in the process of reaching these settlements. We make that observation mindful that the Council's recommended zoning changes open up a wide range of commercial activities on these sites. For instance, we consider other methods already provided for within the CRDP could well offer advantages over what was recommended to us, but these do not appear to have been thoroughly explored.<sup>544</sup> As a result, we were limited in terms of the evidence before us to make our determination on whether the rezonings agreed between parties are the most appropriate. In those areas where we have rezoned land as agreed between the Council and particular submitters, it is on the basis that it is the most appropriate of the zoning choices put to us in evidence.

[618] In other cases, although agreement was not reached as between all parties, we have considered the relevant written submissions and further submissions and the representations and evidence presented at the hearing and have decided to either change or confirm the zoning of the Notified Version. The properties where we have decided to make changes to the zoning from that in the Notified Version are set out in Schedule 2 (Properties/Areas where Decision is to Rezone). Where our decision is to confirm the Notified Version, we have set these out in Schedule 3 (Properties/Areas where Decision is to retain Notified Zoning).

### **Rezoning requests accepted**

[619] In the case of the following requests, we are satisfied that the rezoning of the properties as identified in the Decision Version is appropriate for the purposes of ss 32 and 32AA and is supported by the Higher Order Documents. We now set out our further reasons.

#### *119A & 121 Briggs Road*

[620] Reefville Properties Ltd (866) sought a Commercial Retail Park zone for two properties located at 119A and 121 Briggs Road. The two properties have a Residential Suburban zoning

<sup>544</sup> For example, Chapter 6.5 Scheduled Activities, P6 Scheduled service stations; and Chapter 14 Accommodation and Community Services Facilities Overlay.

under the Notified Version. They form part of the Homebase site and consist of a consented and operating stormwater detention basin (119A Briggs Road), and consented vehicle access way (121 Briggs Road). Bunnings Ltd (725) submitted that the residential zoning of the Briggs Road frontage should be retained.

[621] We have rezoned 119A and 121 Briggs Road to Commercial Retail Park, in part. That zoning is subject to the use of 121 being restricted to access purposes only, and it excludes the accessway portion of 119A, which will remain Residential Suburban. As such, we have accepted in part the submission by Reefville Properties and declined the submission by Bunnings Limited.

[622] Reefville’s requested change in the zoning of the stormwater basin site to Commercial Retail Park was opposed by the Council. In Mr Stevenson’s opinion, the use of the stormwater basin for that purpose was authorised by resource consent. He was concerned that, in the event that stormwater treatment is no longer required in this location, commercial activities could establish resulting in adverse effects on the residential amenity of the adjoining sites and surrounding area.<sup>545</sup>

[623] In relation to the access lot at 121 Briggs Road, Mr Stevenson considered that rezoning of this property should be rejected on the basis of “effects on residential amenity”.<sup>546</sup> As such, he opposed rezoning notwithstanding the fact that the Council’s traffic engineer, Mr Milne, was not concerned about the requested rezoning from a traffic perspective.

[624] We agree with Mr Stevenson that, without effective control, there would be a risk of commercial activity supplanting usage of the stormwater basin site. In addition, we consider there would be a risk that the residential property at 119 Briggs Road would effectively become an island were 119A and 121 Briggs Road both rezoned to Commercial Retail Park. Neither of those scenarios would be appropriate. However, we are satisfied each risk can be satisfactorily addressed in view of the concessions Reefville made through Mr Percasky, a director of the company. When cross-examined by Mr Winchester for the Council, Mr Percasky stated that he would accept the accessway to the swale site at 119A (i.e. the access portion of the site that is adjacent to 119) remaining as a residential zone.<sup>547</sup> Similarly, when questioned

<sup>545</sup> Attachment C to Evidence in chief of Mark Stevenson at page 124.

<sup>546</sup> Rebuttal evidence of Mark Stevenson at pages 92-93.

<sup>547</sup> Transcript, page 858 (Mr Percasky).

by the Panel, Mr Percasky said that he would accept the rezoning of the access site (121 Briggs Road) being tagged as an accessway only.<sup>548</sup>

[625] We have made provision for both concessions in the controls we have imposed. On that basis, we are satisfied that the possible effects on residential amenity will be at a level anticipated under the existing resource consents, that the residential property at 119 Briggs Road will not become isolated and therefore, that rezoning on this basis is the most appropriate.

### *197-201 Fendalton Road*

[626] The Notified Version proposed a Commercial Local zoning for 201 Fendalton Road. This was supported by the property owner Chas S Luney Limited (325), who also sought that the rezoning was extended to 197 Fendalton Road in order to enable the development of car parking to support the businesses fronting Fendalton Road. In its submission, the Council opposed Commercial Local zoning of 201 Fendalton Road and sought that it be rezoned Residential Suburban. Neighbours, Ashley Seaford (15) and Gillian Herrick (56), opposed the commercial zoning of 201 Fendalton Road in the Notified Version and also sought that the Residential Suburban zoning for 197 Fendalton Road be retained.

[627] We have zoned both of the properties at 197 and 201 Fendalton Road as Residential Suburban. As such we have not accepted the submission of Chas S Luney Limited, but have accepted the submissions of Ashley Seaford (15), Gillian Herrick (56) and the Christchurch City Council (310) for the reasons we now set out.

[628] The evidence of Mr Stevenson for the Council was that it is not appropriate to provide for commercial activity at either 197 or 201 Fendalton Road having regard to the potential effects on adjoining residents.

[629] The Panel notes from the evidence of Mr Stevenson that 201 Fendalton Road is one of several sites subject to resource consent (RMA92018627), granted on 9 January 2012, for the “rebuild of earthquake damaged buildings, establishment of a café for 50 patrons, and associated car parking and landscaping areas, and 2 complying residential sections”.<sup>549</sup> Mr Stevenson explained that the resource consent has now been implemented with respect to the

<sup>548</sup> Transcript, page 861, lines 29-29 (Mr Percasky).

<sup>549</sup> Attachment C to Evidence in chief of Mark Stevenson at page 41.

properties at 203 to 207 Fendalton Road,<sup>550</sup> and the proposed commercial zoning of these sites reflects the established built form and activity. He considered that the implemented consent anticipates the retention of residential activity on 201 Fendalton Road and that is a factor informing his opinion that Commercial Local Zoning is not appropriate. Mr Stevenson did not consider it appropriate that 197 Fendalton Road be zoned as commercial because it is surrounded on three sides by residential properties.

[630] Ms Patricia Harte presented planning evidence for Chas S Luney Limited (325). She supported the Commercial Local zoning for both sites. Ms Harte noted that 201 Fendalton Road is a currently vacant site next to a commercial building. She considered that the Commercial Local zoning would provide for continuation of commercial services on an accessible site, with extension of the zoning to 197 Fendalton Road providing “a logical completion to this zone”.<sup>551</sup> Ms Harte accepted that the resource consent to establish the shops on the corner of Clyde and Fendalton Road stated that 201 Fendalton Road would have a residential use.<sup>552</sup> She conceded, in cross-examination by Ms Scott for the Council, that she had not considered the more intensive commercial activities that could establish on the site.<sup>553</sup> In response to questions from the Panel, Ms Harte also accepted that there would be a narrow range of commercial activities that would be compatible alongside the established residential activities, and that consideration of commercial activities on this site might be better considered under a resource consent application than through the Commercial zoning sought.<sup>554</sup>

[631] We also heard representations from both Mr Seaford and Ms Herrick. Each spoke of the residential amenities they valued and their concerns about the way these could be compromised by a Commercial Local zoning.

[632] We find that a Commercial Local zoning is inappropriate. Commercial activities, even of a type Ms Harte envisaged, would significantly affect the residential amenities of the opposing submitter properties. In any case, such zoning would enable a greater range of commercial activities to be established on the site than those considered by Ms Harte. We do not consider it would be appropriate to try and formulate restrictions against this risk (and none

<sup>550</sup> We note Mr Stevenson refers to these as 203 to 207 Clyde Road, but believe that he means Fendalton Road.

<sup>551</sup> Evidence in chief of Patricia Harte on behalf of Chas S Luney Ltd at para 3.0.

<sup>552</sup> Transcript, page 1093, lines 1-29 (Ms Harte).

<sup>553</sup> Transcript, pages 1091–1092 (Ms Harte).

<sup>554</sup> Transcript, page 1097, lines 1-9 (Ms Harte).

were offered). We prefer the evidence of Mr Stevenson as more informed and impartial. The weight of the evidence, together with the neighbours' representations, overwhelmingly favours a choice of Residential Suburban zoning for both properties. That is what we have elected to do.

*194A Main Road, Redcliffs (accessway)*

[633] Foodstuffs South Island Ltd and Foodstuffs (South Island) Properties Ltd (705) sought the rezoning of the properties at 194A, 1/196A, 2/196A, 1/198 and 2/198 Main Road, Redcliffs, from Residential Suburban to Commercial Core. Except in the case of 194A Main Road, the request was supported by the Council. The Council did not support a commercial zoning over 194A Main Road, in view of the fact that it is traversed by a private accessway. This accessway essentially separates the existing and expanded Commercial Core area,

[634] We have rezoned 194A, 1/196A, 2/196A, 1/198 and 2/198 Main Road Redcliffs as Commercial Core for the reasons we set out below.

[635] Mr Mark Allan gave planning evidence for Foodstuffs. He was of the opinion that the rezoning of the accessway would better enable the effective operation of the supermarket at this location. Mr Stevenson, for the Council did not support a commercial zone for 194A Main Road on the basis that the accessway is not owned by the submitter.<sup>555</sup>

[636] We observe that the owner of the accessway site has had opportunity to make a further submission for or against the proposal, but has not done so. We do not treat the landowner's silence as indicating support for, or acquiescence to, the rezoning of the access strip. Rather, we have evaluated the matter on the evidence.

[637] We accept the evidence of Mr Allan that rezoning of the access is a more enabling approach that does not undermine or compromise the current residential function of the accessway.<sup>556</sup> We also agree with Mr Allan that rezoning of the access will not allow it to be "utilised or developed for commercial purposes without the agreement of the landowner".<sup>557</sup> We find Mr Stevenson's opposition to the rezoning is not on the basis of any compelling

<sup>555</sup> Attachment C to Evidence in chief of Mark Stevenson at page 112.

<sup>556</sup> Evidence in chief of Mark Allan on behalf of Foodstuffs at para 6.11.

<sup>557</sup> Transcript, page 684, lines 27-28 (Mr Allan).

resource management rationale. In particular, the rezoning will not change the nature of property rights in the accessway. Consequently, we consider commercial zoning over all these sites to be the most appropriate for achieving related CRDP objectives.

### *341-345 Halswell Road*

[638] In the Notified Version, the properties at 341–345 Halswell Road were zoned Residential Suburban. The sites adjoin the new Council library, pool and community facility, and Halswell Domain to the north, and residential zoned land to the south and east. The nature of the established activities at 345 Halswell Road is commercial, namely a service station comprising a retail outlet, forecourt, automotive repair workshop and tyre shop.<sup>558</sup>

[639] Going Properties Ltd (593) opposed the residential zoning, and sought a Commercial Local zoning for these properties. The Council opposed a commercial zone for these sites. In essence, that was in reliance on Mr Stevenson’s evidence. His primary concern was the potential adverse effects of the Commercial Local zoning on residential amenity, particularly given the size of the site.<sup>559</sup>

[640] The Halswell Residents Association made a further submission.<sup>560</sup> It supported the request to rezone the service station site (345 Halswell Road) as Commercial Local. It noted the service that the facility has provided to residents of the area over many years. Notwithstanding this, the Association expressed reservations about the rezoning of 341 Halswell Road, and recommended an alternative community use for this site, albeit seeking the zoning remain as residential in the meantime.

[641] We have accepted the submission of Going Properties and rezoned the properties Commercial Local. We consider that zoning better reflects the current and anticipated uses of the site. We do not agree with the submission of the Halswell Residents Association that this land should be used for a community purpose. This is private land, and such a finding would be unduly restrictive.

<sup>558</sup> Evidence in chief of Patricia Harte on behalf of Going Properties Ltd at page 3.

<sup>559</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 56-57.

<sup>560</sup> Further submission 1292.

[642] On the evidence, we have not identified any material consequential effects on the development of the Halswell KAC from a rezoning of the site to Commercial Local. Consequently, we find this to be the most appropriate zoning.

*3-23B Buchanans Road, 65-79 Racecourse Road*

[643] DT King and Co Ltd (329), Robert Paton (336) & Commercial Vehicle Centre Ltd (961) (collectively referred to as ‘CVC’) made submissions seeking that some or all of the properties from 65–79 Racecourse Road, and 3–23B Buchanans Road, proposed as Residential Suburban in the Notified Version be rezoned to Industrial General. The CVC submissions were supported by further submitter Urbis TPD Limited (1207).

[644] Kenneth McGee (184), Murray Dawson (303), August and Beverley Stewart (335), John Raso (1049) and David Thorn (1106) opposed these submissions and instead supported the proposed Residential Suburban zoning of these properties.

[645] At the hearing for the Residential proposal, Mr Edwards, a traffic engineer, appeared as a representative of CVC. He explained that, following discussions with Mr Blair and Mr Stevenson, CVC had agreed to modify their rezoning request to just 65 and 67 Racecourse Road along with site specific landscaping requirements to address residential amenity concerns.<sup>561</sup> In response to our questions, Mr Edwards indicated a willingness to meet with the other submitters regarding the revised proposal.<sup>562</sup> The outcome of that meeting was presented to the Panel (as Exhibits 23 and 24) that heard the Residential proposal by Mr Raso, one of the submitters opposing the change to industrial zoning. The exhibits set out an agreed position to rezone the majority of 65 Racecourse Road and a portion of 67 Racecourse Road to Industrial General, subject to rules being included in the Plan relating to landscaping and vehicular access.

[646] We note that this agreement was not signed by two of the submitters who originally sought retention of the Residential Suburban zoning.<sup>563</sup> However, given the reduction in the extent of the rezoning sought, the mitigation measures proposed, and the support of other opposing submitters, we are satisfied that the agreement reached between the majority of

<sup>561</sup> Residential hearing transcript, page 637.

<sup>562</sup> Residential hearing transcript, page 641.

<sup>563</sup> Kenneth McGee (184) and David Thorn (1106).

parties, is appropriate. On that basis, and in view of the other evidence we have discussed, we are satisfied that this outcome is the most appropriate. We have incorporated those changes into the Decision Version.

### **Eastern Side of Papanui Road between Innes Road and St Albans Street**

[647] Neuro Sciences Centre (652), Working Style Properties (689) and Dayeon Properties (757) sought a Commercial Fringe zone for properties with frontage to Papanui Road between Innes Road and McDougall Avenue. The commercial zoning of these properties was supported by Mr Stevenson.<sup>564</sup> We also note that Mr Blair, Council’s planning witness for the Residential proposal, raised no concern with the rezoning of this area from residential to commercial.<sup>565</sup>

[648] As noted earlier in this decision, the Notified Version consolidates the Commercial Core and Fringe zones to create a single Commercial Core zone, which we have accepted. As such, it is the Commercial Core zoning of these properties we have considered.

[649] We heard from Mr Michael Hughes (1121), a resident of 90 Murray Place, a residential property that adjoins the boundary of the Working Style property on Papanui Road. In opposing the proposed commercial zoning, Mr Hughes explained his concerns regarding the loss of residential character and amenity. While Working Style is already operating, he was concerned about the range of potential commercial activities that could become established with a commercial zoning. Mr Hughes also outlined his concerns around the extent of additional commercial land proposed for Merivale, and the impact this may have on the Central City rebuild.

[650] While we have some sympathy for the concerns raised by Mr Hughes, we prefer the evidence of Mr Stevenson. In particular, we are satisfied that the inclusion of these properties in the Commercial Core zone is consistent with the role of Merivale as a Neighbourhood Centre. We go further, and find it will better enable Merivale to fulfil that role. Further, we accept that the provisions for the Commercial Core zone suitably manage the interface between that zone and residential zones. We agree with Mr Stevenson that there is “nothing unique or

<sup>564</sup> Mark Stevenson statement of evidence, 13 April 2015, Attachment C page 80-82

<sup>565</sup> Adam Scott Blair statement of evidence, 12 March 2015 page 115

unusual about the adjoining residential zones that would render the standard Commercial Core package ineffective in managing potential effects”.<sup>566</sup>

[651] In making our decision, we have also had regard to the existing character of this area, which includes the adjacent Merivale commercial centre, the commercial activities that exist within the submission area, and the presence of Papanui Road and Innes Road, both classified as minor arterial roads. All of these aspects contribute to the wider amenity and character of this area.

[652] Further, we received no evidence that rezoning this area to Commercial Core would come at the expense of the Central City recovery or offend the centres based approach. For these reasons we find the proposed zoning the most appropriate.

#### *Clampett Investments Limited (1127)*

[653] Clampett Investments Limited (1127) made a submission in relation to the Stage 1 Residential proposal, concerning an area of land at 60, 64, 64a, 68 and 68a Port Hills Road. It sought that it be rezoned from Residential Suburban to Commercial Local. The submitter did not attend the hearing. However, in its written submission, it explained that the request was a consequence of a recently granted resource consent to establish a lifestyle village complex with hospital facilities. The requested Commercial Local zoning applies to an area within the proposed Outline Development Plan that provides for community shops as part of the village facilities. Mr Blair’s evidence to the Residential proposal hearing was that the rezoning was appropriate.<sup>567</sup> In his evidence to this hearing, Mr Stevenson did not consider this site. No submission was made opposing the request. In reliance on Mr Blair’s written evidence to the Residential hearing, and in the absence of any opposing submission or evidence, we are satisfied that the requested rezoning is the most appropriate.

#### **Submissions seeking an alternative zoning to that recommended by the Council**

[654] In a number of cases, the Council recommended that we accept in part particular zoning requests made in submissions. That is, the Council did not consider the requested zoning to be

<sup>566</sup> Evidence in chief of Mark Stevenson, Appendix C, page 82, para (h).

<sup>567</sup> Evidence in Chief of Scott Blair, 12 March 2015, at para 15.38.

the most appropriate, but recommended an alternate zoning such as to respond, to some extent, to the substance of what submitters sought.<sup>568</sup>

[655] In these cases, Mr Stevenson has agreed with the submitters that the zoning in the Notified Version is not the most appropriate for these sites. However, after consideration of alternative options, he has recommended a different zoning to that sought by the submitters. None of these submitters provided any evidence to persuade us that Mr Stevenson's alternative zoning is not the most appropriate option. Therefore, we accept Mr Stevenson's recommendations. We note that often in these cases, the practical effect of the rezoning aligns with much of what the submitters have sought.

### **Richmond Working Men's Club**

[656] Richmond Working Men's Club ('RWMC') (895) sought to rezone part of its land at 75 London Street, Richmond from Residential Medium Density to Commercial Local. Their land at 311 Stanmore Road was zoned Commercial Local in the Notified Version. The site contains the RWMC which was demolished after the earthquakes and is currently being rebuilt.

[657] At the Residential Hearing, the Council's planning witness Mr Blair supported the change to Commercial Local. The Council's planner in this hearing, Mr Stevenson, also supported the rezoning.

[658] In a joint memorandum of counsel dated 20 March 2015, the Council and RWMC ('the parties') agreed that all of the RWMC's land could be rezoned Commercial Local. However, following the filing of evidence from Mr Ferguson, a planner for the RWMC, Mr Stevenson proposed an alternative solution to rezone the site Commercial Core to better enable the redevelopment of the site for the RWMC's activities, whilst acknowledging the scale of development anticipated for the site.<sup>569</sup>

[659] The parties accepted that there was some uncertainty as to whether the Commercial Core zoning for the whole site was, in a material way, outside the scope of the Commercial Proposal as notified, and, therefore, subject to the need to re-notify pursuant to clause 13(4) of the OIC.

<sup>568</sup> By way of example, submissions by North (319), Horgan (837) and Marshall (982).

<sup>569</sup> Rebuttal evidence of Mark Stevenson at paras 57.1-57.3.

That uncertainty prompted the parties to make a joint application for the Panel to direct the Council to notify a new proposal to provide for the alternate zoning.<sup>570</sup> The Chair made those directions on 5 June 2015.

[660] The new proposal was notified on 27 August 2015 and encompassed a Commercial Core zoning at 75 London Street and 311 Stanmore Road, Richmond ('the site') on Planning Map 32, as well as corresponding provisions ('new proposal'). The new proposal applied the Commercial Core zone to the site, but with the addition of a discretionary activity rule for any department store or supermarket.

[661] This re-notification resulted in two submissions. One was from the RWMC in support of the new proposal's rezoning and the associated provisions. The other was from Ms Lowe (3211) in opposition to the rezoning.

[662] Ms Lowe opposed the rezoning on the basis that it was inappropriate to the character of the area, poorly thought through, inconsistent with the objectives and policies of the pCRDP and did not meet the purposes and principles of the RMA. She also considered the section 32 report to be inadequate.

[663] The Council and the submitters undertook mediation, and consequently Ms Lowe withdrew her submission in opposition on 3 November 2015. This meant the only submission on the new proposal was from the RWMC, which was in support. Consequently, the Council and the RWMC filed a joint application to the Panel on 17 November 2015 requesting that the hearing be vacated, and that the Panel make a decision, on the papers, approving the new proposal.

[664] We accept the evidence from Mr Stevenson that zoning the whole site as Commercial Core would not result in any material change in effects, as the RWMC uses the whole site, including part of it for car parking. Mr Stevenson considered that the RWMC was well established and required certainty for rebuilding. He considered that a Commercial Core zoning was more appropriate than Commercial Local, as it permits entertainment facilities

<sup>570</sup> Joint application for a direction under cl 13(4) of the OIC on behalf of Christchurch City Council (310) and Richmond Working Men's Club, dated 4 June 2015.

(such as the RWMC) and would acknowledge the scale of development anticipated on the site, and the site's size.<sup>571</sup>

[665] We also accept Mr Stevenson's opinion that the nature of activities undertaken by the RWMC would not conflict with The Palms Shopping Centre, or be inconsistent with the commercial hierarchy of the Notified Version.<sup>572</sup>

[666] We are satisfied that those opinions remain applicable, notwithstanding the various changes we have made to the Notified Version in this decision.

[667] We have had regard to the Council's s 32 Report. It has informed our s 32AA evaluation, along with the evidence of Mr Stevenson to which we have referred and related other evidence we refer to elsewhere in this decision. We are satisfied that the notified proposal better responds to the Higher Order Documents and is the most appropriate for achieving related CRDP objectives. Rezoning requests not accepted

[668] We are satisfied that in the case of the following requests, retaining the zoning as proposed in the Notified Version is the most appropriate for the purposes of s 32 of the RMA and is supported by the Higher Order Documents. We now set out a summary of the relief requested and our reasons for rejecting specified zoning requests.

*Residential Construction Limited 104-106 Main North Road, Papanui*

[669] Residential Construction Ltd (684) requested the Commercial Fringe zone over 104 – 106 Main North Road, Papanui (between Shearer Avenue and Grassmere Street). The property has a Residential Medium Density ('RMD') zoning under the Notified Version.

[670] Mr Stevenson initially recommended against the rezoning request. That was on the basis that "[e]nabling commercial activity on these sites would introduce activities with effects that are inconsistent with the residential character and amenity of the existing residential zone in which the sites are located, and particularly for the residential activities that are adjacent to the

<sup>571</sup> Rebuttal evidence of Mark Stevenson on behalf of the Council at 57.2-57.3.

<sup>572</sup> Rebuttal evidence of Mark Stevenson at 57.2.

sites”.<sup>573</sup> However, after reviewing the evidence of Ms Aston for the submitter, he accepted a Commercial Core zone was appropriate and set out reasons for this. These included:<sup>574</sup>

- (a) The inclusion of the subject properties within the Commercial Core zone reflects the commercial scale and character of the existing developments;
- (b) The bulk and location provisions for the Commercial Core zone are able to effectively manage the interface between this zone and adjoining residential zones;
- (c) Rezoning the subject land will create a commercial focus at the intersection of Main North Road and Sawyers Arms Road, and will provide a gateway to Papanui;
- (d) Rezoning of these properties amounts to a modest expansion of an existing business zones which is consistent with the strategic approach to growth management.

[671] Having considered the evidence we consider that the RMD zoning in the Notified Version is most appropriate, for the following reasons. We consider RMD zoning better reflects the existing character of the area. As such, it better maintains existing amenity values (a matter to which we must have particular regard — s 7(c) RMA). We are satisfied that the RMD zoning is not disabling, in that it allows for the types of commercial use currently present in the immediate vicinity. In addition, although the sites are geographically proximate to the Papanui/Northlands KAC, rezoning them would not reflect a natural extension of the existing Commercial Core zoning of the KAC. While we acknowledge that the Papanui/Northlands KAC is expanding, this growth is on the opposite side of Main North Road. Finally, we do not consider anything in the CRPS or other Higher Order Documents to favour the rezoning request.

[672] For these reasons, we consider RMD zoning to be most appropriate and consequently decline the relief sought by Residential Construction.

<sup>573</sup> Attachment C to Evidence in chief of Mark Stevenson at page 95.

<sup>574</sup> Rebuttal Evidence of Mark Stevenson at para 56.2 – 56.3.

*South Side of Moorhouse Avenue between Colombo Street and Waltham Road*

[673] The New Zealand Science and Technology Charitable Trust (‘Science Alive’) (750) opposed the Commercial Retail Park zoning of its building at 392 Moorhouse Avenue (the former railway station). This was on the basis that their current successful business model could not be replicated as of right under the zoning. In particular, they were concerned that the restriction only allowing ancillary office in the CRP zone would preclude it from leasing space to commercial office tenants, and that the minimum retail tenancy of 450m<sup>2</sup> would restrict potential tenants to “big box” retailers, which was not aligned with the Trust’s business model.

[674] For the Council, Mr Stevenson also considered that CRP zoning was inappropriate as a range of activities had either established, or been consented in the area that were consistent with a commercial zoning.<sup>575</sup> He considered Commercial Core to be appropriate.

[675] However, Mr Stevenson proposed that the Commercial Core zoning be extended beyond the site identified by Science Alive in its submission. He considered it appropriate to zone the whole area on Moorhouse Avenue between Colombo Street and Waltham Road as Commercial Core. In his view, this would better reflect the existing and consented activities in the area.<sup>576</sup>

[676] Mr Stevenson’s evidence did not deal with the scale and extent of the proposed change. In particular, there was no consideration about whether this change would result in the area acting as a Neighbourhood Centre, either expressly, or in a de facto manner. We consider the lack of this evidence in this regard to be contrary to the centres based approach mandated by the CRPS.

[677] In addition, we are concerned that the proposed zoning by Mr Stevenson, which extends beyond the submission of Science Alive, will have an impact on the interests of parties who have not made submissions.

[678] We have sufficient evidence to satisfy us that it would be appropriate to change the zoning of 392 Moorhouse Avenue in isolation. It would appear to us that this would result in an island of Commercial Core, in an otherwise coherent CRP zone. We do not consider that would be appropriate.

<sup>575</sup> Attachment C to Evidence in chief of Mark Stevenson at page 9.

<sup>576</sup> Attachment C to Evidence in chief of Mark Stevenson at page 9.

[679] In these circumstances, we decline the relief sought by Science Alive and confirm the CRP zoning of the Notified Version as the most appropriate.

*439-449 Ferry Road - Bob Colthart (728)*

[680] Bob Colthart (728) owns four properties (the ‘sites’/‘land’), of approximately 2870m<sup>2</sup> in one continuous block at 439 to 449 Ferry Road, in Woolston. Under the Notified Version, the land is in the Residential Suburban Density Transition (‘RSDT’) zone (and is subject to the “Fixed Minimum Floor Overlay Within Floor Level and Fill Management Area” hazards overlay). Mr Colthart seeks that the RSDT zoning be changed to a Commercial Local zoning.

[681] For the following reasons, the Panel has decided to retain the RSDT zoning of the Notified Version. As we explain below, this was a closely balanced decision, but we consider that it adequately provides for the existing use of the land, while recognising the surrounding residential nature of the land.

[682] The sites are zoned Living 2 in the Existing Plan. To the east of the sites, on the other side of Mackworth Street, is a vacant site previously occupied by the Dowsons factory and shop, and the Portstone garden centre (zoned Commercial L). To the west of the sites are three small houses and a “Z” service station. Further to the west is a cluster of shops, a boat sale yard and other businesses. On the south side of Ferry Road are small houses and blocks of flats, and a shop.<sup>577</sup>

[683] Most of Mr Colthart’s land (with the exception of one empty section) is being used as a motorhome yard. A planning consent was granted for that usage several years ago, and the usage has continued since 1987. Previously, 447 and 449 Ferry Road were used for a car sales business, and prior to that as a motorhome manufacturing and rental business. Mr Colthart told us that, to the best of his knowledge, there has been a commercial operation continuously on this site since the 1930s (with seed and grain and coal merchants being historical operations on the sites).<sup>578</sup>

<sup>577</sup> Evidence in chief of Bruce Thompson on behalf of Bob Colthart at para 3.2. Mr Thompson has a BA and a Master of Town and Country Planning. He has over 40 years of experience in planning and resource management.

<sup>578</sup> Transcript, page 1146, lines 20-26 (Mr Colthart).

[684] Mr Bruce Thompson, planning expert for Mr Colthart, characterised the sites as having two contrasting elements. Along the Ferry Road frontages, they form part of a largely non-residential corridor. Behind those frontages, they form part of an existing low density residential development.<sup>579</sup> He considered the sites not well suited to residential use, in view of their frontages to this part of Ferry Road, the character of the immediate area and risk of flooding. He considered that the RSDT zone would make it difficult for the Coltharts to make even minor changes to their on-site activity, and that managing land use change on the site by resource consent would be a poor planning approach.<sup>580</sup> He considered resource consent processes “poor”, on the basis that they gave rise to “red tape and unproductive processes” and “unnecessary costs”.<sup>581</sup>

[685] He acknowledged that the Commercial Local zone was not a perfect fit for the site. However, he considered that it was more appropriate than the RSDT zone as it would allow some degree of land use change.<sup>582</sup> He accepted that the site here was part of a commercial corridor, rather than a commercial centre. However, he considered it was the best available zone.<sup>583</sup>

[686] As to the centres based framework, he considered it should be applied with some flexibility for the sites in question. In part, that was because he considered the requested change to a Commercial Local zone would not threaten the strategic goals and objectives of the Higher Order Documents, given the small scale of the sites. In addition, he considered the character of the environment in the immediate vicinity was not suitable for residential usage, and hence an RSDT zoning would not encourage investment in new housing along the Ferry Road frontages.<sup>584</sup>

[687] For the Council, Mr Stevenson considered that rezoning the site to Commercial Local would be inappropriate as it would provide for a greater range of commercial activities than the current business, whose effects are managed by a consent that limits the commercial activity to one particular activity. He considered that rezoning to Commercial Local would contribute

<sup>579</sup> Evidence in chief of Bruce Thompson at para 3.2.

<sup>580</sup> Transcript, page 1152-1153 (Mr Thompson).

<sup>581</sup> Evidence in chief of Bruce Thompson at para 7.4.

<sup>582</sup> Transcript, page 1153, lines 4-11 (Mr Thompson).

<sup>583</sup> Transcript, pages 1154-1155 (Mr Thompson).

<sup>584</sup> Evidence in chief of Bruce Thompson at para 7.2 -7.3; Transcript, page 1154, lines 33-44 (Mr Thompson).

to the bleeding of commercial activity along Ferry Road and would introduce a greater range of effects into the surrounding residential zone.<sup>585</sup>

[688] We accept that the evidence establishes the mixed character of Ferry Road, with both residential and commercial development co-existing at present. We consider that the long history of a commercial operation on this site lends support to a Commercial Local zoning, as does the existence of other commercial operations in close vicinity. However, we retain a level of concern about “spot” zoning, which has the potential to threaten the centres based approach mandated by the Higher Order Documents. Without a clear policy to guide decision making on spot zoning, there is also the tendency for an uneven application across the city.

[689] We raised the issue of spot zoning with Mr Thompson, who confirmed that his evidence was only focused on this particular site and that he had not looked at it in a global or city-wide sense.<sup>586</sup>

[690] We consider that this site raises wider issues about the Commercial Local zone and there may be a need for the Council to continue to monitor the way this zone is applied. However, of the zoning choices before us, we consider RSDT zoning more appropriate than Commercial Local. That is a decision we reach on balance, bearing in mind neither zoning fits perfectly for this locality on Ferry Road.

[691] A factor that tips that balance in favour of RSDT zoning is that we disagree with Mr Thompson as to the potential suitability of resource consent processes for the management of change to other commercial uses of the sites. The attendant delays and costs of consent processes are factors going to the appropriateness of zoning choices. However, it is also important to ensure the integrity of the overall zoning regime is maintained. We consider that to be of greater importance. The sites, and their environs, have both commercial and residential attributes. In addition to the RMA’s provision of existing use rights for lawfully established activities, the RSDT zone itself does not preclude commercial development. We agree with Mr Stevenson that resource consent application processes would allow for the immediate environmental effects, and any wider consequences, of a change of commercial usage of the

<sup>585</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 49-50.

<sup>586</sup> Transcript, pages 1159-1160 (Mr Thompson).

sites to be properly assessed. We consider that is the most appropriate planning approach in the circumstances, for the reasons we have described.

### *285-291 Ferry Road*

[692] Jane Finch (1158) requested the rezoning of 285, 289, and 291 Ferry Road to a commercial zone. These properties have a Residential Medium Density zoning under the Notified Version.

[693] Ms Finch did not call evidence in support of her commercial zoning request. We agree with Mr Stevenson for the Council that commercial zoning over these sites would allow a range of activities with effects that would not maintain or enhance residential amenity. We accept Mr Stevenson's opinion that rezoning the properties to a commercial zone would "facilitate a further 'bleeding' of commercial activity down Ferry Road".<sup>587</sup> On the basis of Mr Stevenson's evidence, we are satisfied that RMD zoning is the most appropriate.

[694] Accordingly, we decline the relief sought by Ms Finch and confirm the Residential Medium Density zoning.

### *21 Paeroa Street*

[695] Denise Bryce (294) sought a change from RSDT to commercial zoning for 21 Paeroa Street, on the corner of Riccarton Road and Paeroa Street. The Council supported the retention of RSDT zoning.

[696] Mr Wang, the property owner, spoke on behalf of Mr and Mrs Bryce. He helpfully set out the history of usage of the site as a residential show home, building company office, residential use, and an art gallery. The art gallery was approved by way of a temporary permit under the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011.<sup>588</sup>

[697] Mr Stevenson pointed out that a commercial zoning would enable a greater range of commercial activities to be established on the site than was presently provided for under the

<sup>587</sup> Attachment C to Evidence in chief of Mark Stevenson at page 55.  
<sup>588</sup> Transcript, pages 934-939 (Mr Wang).

temporary activities permit. He considered that would be detrimental to the amenities of the surrounding residential area.<sup>589</sup> We agree with Mr Stevenson.

[698] Notwithstanding the above, we note that the site is within the Accommodation and Community Facilities Overlay proposed by Council as part of Stage 2. To that extent the final choice of zoning treatment remains to be determined.

### *2E Waipapa Avenue*

[699] 2E Waipapa Ave, Diamond Harbour is the previous Godley House site. Its Commercial Banks Peninsula zoning in the Notified Version was supported by the Lyttelton Harbour Business Association (769). It was opposed by Paula Smith (479), Lyttelton/Mt Herbert Community Board (762), Thomas Kulpe (1043) and Gunther Hammer (1035). Those submitters sought that the land be rezoned as a reserve or for community purposes, but they did not give evidence or appear at the hearing.

[700] Mr Stevenson supported Commercial Banks Peninsula zoning. He commented that this zoning recognised the historic use of the site, and would also provide for the ongoing ability of the site to offer commercial activities to the community. As such, while allowing for a range of activities, it would not preclude community use.<sup>590</sup>

[701] For the reasons given by Mr Stevenson we are satisfied the Commercial Banks Peninsula zoning is the most appropriate. We confirm it and decline the opposing submitters' relief.

### *Lyttelton Port Influences Overlay*

[702] Lyttelton Port Company Limited ('LPC') (915) and Mobil Oil NZ Limited, Z Energy Limited and BP Oil NZ Limited ('the Oil Companies') (723) submitted in support of the Lyttelton Port Influences Overlay ('LPIO') in the Notified Version. LPC also requested that sensitive activity within the LPIO in the Commercial Banks Peninsula and Industrial General zones be classified as non-complying activities.<sup>591</sup> Lyttelton/Mount Herbert Community Board

<sup>589</sup> Attachment C to Evidence in chief of Mark Stevenson at page 99.

<sup>590</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 74-75.

<sup>591</sup> LPC also sought non-complying activity status for sites adjoining the inland port at Woolston. Determination of that part of its submission is deferred until Stage 2.

(762), Kris Herbert (124), Lyttelton Community Association Inc (1152) and David Bundy (418) sought the deletion of the overlay.

[703] The purpose of the LPIO is to identify areas on the planning maps that are subject to noise effects generated by the operation of the Port and to provide specific controls over activities that are sensitive to those effects. In the Notified Version, certain identified sensitive activities within the commercial zone located within the LPIO were identified as restricted discretionary activities. We have decided that confirming the LPIO is most appropriate to achieve the Strategic Directions Objective 3.3.12 and that non-complying activity status is the most appropriate rule for noise sensitive activities in the Commercial Banks Peninsula and Industrial General zones, within the LPIO for the following reasons.

[704] Mr Stevenson explained that he considered the overlay and associated rule package to provide a “critical planning tool which protects port activities against reverse sensitivity effects”.<sup>592</sup>

[705] The opposing submitters were concerned that the overlay would add significantly to the building costs. However, we did not receive any evidence that substantiated this concern.

[706] Further, Strategic Directions Objective 3.3.12 requires the role and function of strategic infrastructure (including the Port of Lyttelton) to be protected by “avoiding adverse effects from incompatible activities, including reverse sensitivity effects...”<sup>593</sup> The avoidance of noise sensitive activities within the LPIO is specifically directed by Objective 3.3.12(b)(i). We agree with Mr Stevenson that non-complying activity status for sensitive activity is more appropriate given that Objective 3.3.12 and Policy 6.3.5(5) of the CRPS both convey a direction of avoiding activities, meaning they are not anticipated.<sup>594</sup>

[707] For those reasons, we decline to remove the LPIO, and accept LPC’s submission seeking for sensitive activities within the LPIO in the Commercial Banks Peninsula zone to be non-complying activities.

<sup>592</sup> Attachment C to Evidence in chief of Mark Stevenson at page 73-74.

<sup>593</sup> Strategic directions and strategic outcomes, 3.3.12 Objective – Infrastructure.

<sup>594</sup> Evidence in chief of Mark Stevenson at para 9.25.

*1, 5, 7, 9, 17 Norwich Quay*

[708] These properties are on the south side of Norwich Quay in Lyttelton and are owned by LPC. They were zoned Commercial Banks Peninsula under the Notified Version. That zoning was supported by Lyttelton/Mt Herbert Community Board (762), Wendy Everingham (1088), Lyttelton Information and Resource Centre Trust (1090) and Lottie Harris (1143). LPC (915) sought that the properties be included in the Specific Purpose (Lyttelton Port) zone. LPC did not call evidence on why it considered its change of zoning most appropriate. However, we surmise that it considered the sites suitable for port activities.

[709] For the Council, Mr Stevenson recommended retention of the notified Commercial Banks Peninsula zone.<sup>595</sup> We agree with Mr Stevenson and, therefore, decline the relief pursued by LPC as it relates to these sites and confirm the Commercial Banks Peninsula zoning.

*Properties fronting London Street, Lyttelton*

[710] The properties on the south side of London Street, Lyttelton, situated east of Dublin Street, are zoned Industrial General under the Notified Version. Lyttelton Harbour Business Association (769) sought that they be rezoned Commercial Banks Peninsula zone. No specific reasons were provided for the rezoning request, although the submission expressed a general concern about commercial development in Lyttelton. LPC (FS1444) opposed this rezoning request. It raised concerns about “potential reverse sensitivity effects on industrial activities/land owners in the current Industrial zone”.<sup>596</sup>

[711] Mr Stevenson supported the Industrial General zone. He considered that any extension of the Commercial Banks Peninsula zone could potentially dilute the concentration of activity in the existing commercial centre and that this would not support the recovery of the commercial centre.<sup>597</sup>

[712] No evidence was presented in support of a Commercial Banks Peninsula zoning. We agree with Mr Stevenson that the Industrial General zoning is more appropriate. Because we do not accept the rezoning, we do not need to address the issue of possible reverse sensitivity raised by LPC.

<sup>595</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 72-73.

<sup>596</sup> Further submission of LPC (FS1444) at page 15.

<sup>597</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 70-71.

[713] On the basis of the above, we decline the submission of the Lyttelton Harbour Business Association for a Commercial Banks Peninsula zone for this area and accept LPC's further submission.

*Ferry Road — unspecified Commercial Core area*

[714] The Hagley/Ferrymead Community Board (803) sought a defined height limit to align with the Ferry Road Master Plan for the Commercial Core zone on Ferry Road and that this area should be zoned Commercial Fringe.

[715] The Hagley/Ferrymead Community Board did not present any evidence in support of the requested height limit in this area. Neither did they present evidence about why a Commercial Fringe zone would be more appropriate than the zoning proposed in the Notified Version.

[716] We agree with the evidence of Mr Stevenson for the Council, that the Commercial Core zoning is most appropriate in that it “provides for and anticipates activities that support neighbourhoods”.<sup>598</sup> The submission of the Hagley/Ferrymead Community Board as it relates to height limits and zoning in this area is declined. We note in any case that the Commercial Fringe zone is to be amalgamated with the Commercial Core zone.

*268-270 Cranford Street*

[717] Skyway Body Corporate (838), Groovy Costumes Ltd (839) and David Philpott & Associates (841) (together ‘submitters 838, 839 and 841’) oppose the Residential Suburban zoning for their respective sites at 268, 2/270 and 270A Cranford Street. They all seek the sites be zoned Commercial Local.

[718] Further submissions opposing the commercial zoning of these sites were filed by Monique Pettet (FS1407), Jane Murray (FS1415) and Geoffrey Leech (FS1301).

[719] Evidence about the rezoning of these properties was heard at both the Residential and Commercial/Industrial hearings. At the Residential hearing, the Panel received planning evidence from Mr Stewart Fletcher (on behalf of submitter 841) regarding two of these properties and from Mr Blair, for the Council. Both supported a change to commercial zoning,

<sup>598</sup> Attachment C to Evidence in chief of Mark Stevenson at page 48.

given the number of commercial activities in the immediate vicinity. The transcript of Mr Fletcher's answers to Panel questions in the Residential hearing reveals that, despite the number of non-residential activities in the location, the streetscape and character is still substantially residential. The transcript also reveals that, even under a commercial zoning, resource consent would likely be required to address matters such as parking.<sup>599</sup> From his written statements and the transcript, Mr Blair does not appear to have addressed the potential effects of a range of commercial activities on the sites.<sup>600</sup>

[720] For this hearing, Mr Stevenson presented a different opinion to that of Mr Blair. In his evidence in chief of 13 April 2015, he recommended that we decline the rezoning relief sought by submitters 838, 839 and 841 and confirm the Residential Suburban zoning of the Notified Version. Following inquiries by the Friend of Submitter (Richard Ball), on 9 June 2015 Mr Fletcher (as representative of submitters 839 (Groovy Costumes Limited), 841 and 843 (Kotare Downs Limited)) sought leave not to attend the hearing. This was granted on 10 June 2015.

[721] To supplement her evidence to the Residential proposal hearing, Jane Murray (780, FS1415) filed a signed written statement for us to consider also for the Residential and Commercial and Industrial proposals. It explains why she opposed the commercial rezoning sought by submitters 838, 839 and 841. In it, she expressed support for Mr Stevenson's evidence. In addition, she attached photographs showing a change of entrance for the property of submitter 841, from Cranford Street to Weston Road. Although we have considered this material, it has been on the basis that it is a statement, rather than sworn evidence.

[722] We agree with Mr Stevenson that the rezoning of these sites could lead to a greater range of commercial activities at these sites, with different, and potentially more intrusive, effects, which may conflict with the residential amenity of the surrounding area. We also accept Mr Stevenson's concern that rezoning these properties to commercial local could "contribute to an inappropriate scattering of commercial activities along Cranford Street".<sup>601</sup>

[723] For those reasons, we decline the submissions seeking a Commercial Local zone and confirm a Residential Suburban zoning as being most appropriate.

<sup>599</sup> Residential hearing (Stage 1) transcript, pages 1238-1245.

<sup>600</sup> Residential hearing (Stage 1) Evidence in chief of Adam Blair on behalf of the Council at para 15.34.

<sup>601</sup> Attachment C to Evidence in chief of Mark Stevenson at page 33.

*340 Main North Road*

[724] GL Freeman Holdings Ltd (560) has sought a Commercial Local zoning for 340 Main North Road, Redwood. The site has a Residential Suburban zoning under the Notified Version. The site contains an existing hotel, bottle store and travellers accommodation.

[725] No evidence was called to support a commercial zoning for this area. We accept the evidence of Mr Stevenson for the Council that the Residential Suburban zoning is the most appropriate. In particular we accept his concerns that rezoning this area to Commercial Local would create a large area for commercial development and enable a greater range of activities than presently exist on the site, which would be in addition to the existing small commercial local zone to the north of the site. We accept that this would not maintain the residential amenity of the surrounding area. Further, we note the recommendation of Mr Stevenson that it may be appropriate to reconsider the zoning of this site as Residential Guest Accommodation in Phase 2.<sup>602</sup>

[726] Given the above, we decline the request of GL Freeman Holding Ltd for a Commercial Local zoning for this site.

*Land bounded by Colombo, Hawdon, Wordsworth and Brougham Streets*

[727] This area east of the Commercial Core in Sydenham is bounded by Colombo Street, Hawdon Street, Wordsworth Street and Brougham Street. It is zoned Industrial General under the Notified Version. Andrew Evans (1181) sought a Commercial Fringe zone over this land.

[728] In the absence of any contrary evidence, we rely upon and accept the evidence of Mr Stevenson for the Council that this area “contains a number of uses that are more akin to an industrial area, including automotive repair businesses, and various trade and industry related uses”.<sup>603</sup> Further, we accept the evidence of Mr Stevenson that a commercial zoning could result in reverse sensitivity effects as it would allow a range of activities to establish that may have a higher amenity expectation. A commercial zoning may also create adverse effects on the ability of the established activities in the Industrial General zone to operate.<sup>604</sup>

<sup>602</sup> Attachment C to Evidence in chief of Mark Stevenson at page 114-115.

<sup>603</sup> Attachment C to Evidence in chief of Mark Stevenson at page 139.

<sup>604</sup> Attachment C to Evidence in chief of Mark Stevenson at page 140.

[729] As such, we decline the relief sought by Mr Evan’s submission and confirm the Industrial General zoning of this area.

*186 and 204 Breezes Road (Wainoni Pak’nSave access)*

[730] Foodstuffs (705) supported a Commercial Core zone for the Wainoni Pak’nSave site which we have accepted for the reasons we give elsewhere in this decision. In addition, Foodstuffs requested the Commercial Core zone extend to two accessways to the site off Breezes Road, being part of the properties at 186 and 204 Breezes Road.

[731] Mr Allan, the planning expert for Foodstuffs, described the access leg at 186 Breezes Road as integral to the supermarket. He said that the access leg over 204 Breezes Road had long been utilised by Rabco Industries (the previous occupier of 186 and 204 Breezes Road).<sup>605</sup> In Mr Allan’s view, a Commercial Core zoning was more appropriate for these access legs as it recognised historical and established use and would not give rise to a range or scale of uses that could compromise residential amenity.<sup>606</sup>

[732] Mr Stevenson for the Council considered that a Commercial Core zoning over these two access legs was inappropriate despite consent being granted for this use. In his view, commercial zoning of the access would enable a range or scale of uses that could compromise residential amenity. He considered that it was more appropriate to retain a residential zoning over the access and for Foodstuffs to rely on their consent for the ongoing use of that access.<sup>607</sup>

[733] While we have some sympathy with the position put forward by Mr Allan for Foodstuffs, on balance we prefer the opinion of Mr Stevenson. In particular, we note that both access legs have reasonably lengthy boundaries with residential properties on either side. The Residential Suburban zoning, therefore, reflects the predominant surrounding character. While it may be unlikely that these sites will be used for anything other than continued access, we accept the evidence of Mr Stevenson that a commercial zoning would enable other activities that may not be compatible with the surrounding residential sites. We did not receive any evidence to satisfy us that legal measures to avoid that risk would be put in place. Therefore, we decline

<sup>605</sup> Evidence in chief of Mark Allan on behalf of Foodstuffs at 6.7(a); Transcript, page 684, lines 15-17 (Mr Allan).

<sup>606</sup> Transcript, page 684, lines 18-20.

<sup>607</sup> Attachment C to Evidence in chief of Mark Stevenson at page 14.

Foodstuffs' request that 186 and 204 Breezes Road be zoned Commercial Core and retain the Residential zone as notified.

*Papanui Road between Merivale and Bealey Avenue*

[734] Submitters Sala Sala Japanese Restaurant Ltd and Erfort Properties Ltd (796) sought a mixed use zoning between the Merivale commercial area and Bealey Avenue that would accommodate a wide range of activities, including commercial, community, retail and accommodation activities. In the Notified Version, this general area included Residential Medium Density and Residential Suburban Density Transition zoning. Part of it was identified as being within Stage 2 of our inquiry.

[735] Mr Stevenson did not support the change of zoning and noted that amending the zone to allow for commercial activities would enable a greater range of activities than the residential zoning provides for. He considered that this would adversely affect the character and amenity of the existing residential activities in the area.<sup>608</sup>

[736] We did not receive any evidence that a commercial or mixed use zoning would be more appropriate. We accept the evidence of Mr Stevenson, and consequently decline the submitters' requested zoning and confirm the zoning of the Notified Version as the most appropriate.

[737] The submitters should be aware that this area is within the Accommodation and Community Facilities Overlay proposed by Council and which we are to consider as part of Stage 2. This overlay, if confirmed, would provide for community facility or guest accommodation developments. However, we have not reached any views on that matter at this time.

*Lester Lane, Blenheim Road and Moorhouse Ave area*

[738] Christian Jordan (1122) sought a change from Industrial General to Commercial Fringe zoning for all properties fronting Moorhouse Avenue west of Selwyn St and fronting Deans Avenue south of Lester Lane. Similarly, Brents Investments 2008 Limited (795) sought that

<sup>608</sup> Attachment C to Evidence in chief of Mark Stevenson at page 175.

all properties fronting Moorhouse Avenue west of the Lincoln Road intersection and fronting Deans Ave south of Lester Lane be rezoned as Commercial Office.

[739] For the reasons that follow, we find that the most appropriate zoning treatment for the properties is as follows:

- (a) Commercial Office rezoning of part of the block fronting Moorhouse Avenue between Lincoln road and Detroit Road (being the area west of and including 24 Moorhouse Avenue);
- (b) Industrial General zoning for the area fronting Moorhouse Avenue between Selwyn Street and Lincoln Road Industrial General;
- (c) Industrial General zoning for the area bordered by Deans Avenue, Lester Lane and Blenheim Road.

[740] In his evidence, Mr Stevenson recommended Commercial Office rezoning for part of the block fronting Moorhouse Avenue between Lincoln Road and Detroit Road, in recognition of the existing nature of activities contained within it.<sup>609</sup> The extent of the area to which he recommended the Commercial Office zoning be applied was identified in the revised planning maps in the Revised Version.<sup>610</sup>

[741] With regard to the area fronting Moorhouse Ave between Selwyn Street and Lincoln Road, Mr Stevenson noted that the established uses included car sales yards and industrial activities. As such he did not consider it appropriate to amend the Industrial General zoning over this area.<sup>611</sup>

[742] Mr Jordan generally supported the rezoning proposed by Mr Stevenson in the wider area. However, he explained why he considered that the eastern portion of the block fronting Moorhouse Avenue (between Lincoln Road and Detroit Road) (i.e. that part of the block not recommended by Mr Stevenson as part of the Commercial Office zone) and the area fronting Moorhouse Ave (between Selwyn Street and Lincoln Road) should become Commercial

<sup>609</sup> Attachment C to Evidence in chief of Mark Stevenson at pages 7-8.

<sup>610</sup> Attachment H to Evidence in chief of Mark Stevenson at Planning Map 38.

<sup>611</sup> Attachment C to Evidence in chief of Mark Stevenson at page 8.

Mixed Use.<sup>612</sup> He also sought that office space should be allowed in this zone as a restricted discretionary activity with the sole matters of discretion being access and adequate car parking. Despite supporting a Commercial Mixed Use zone, it appeared to us that Mr Jordan ultimately continued to seek that this area be zoned to allow for further office development. In response to questions from the Panel, Mr Jordan also accepted that the rezoning of the block between Selwyn Street and Lincoln Road could be reduced so that the Champion Flour Mills site remained Industrial General.<sup>613</sup>

[743] Whilst we found Mr Jordan's perspectives on these matters informed and helpful, we prefer the expert opinion of Mr Stevenson on points of difference. We accept Mr Stevenson's opinion that it is more appropriate for those sites he identified (fronting Moorhouse Avenue and to the east of Detroit Road) to be zoned Commercial Office. This recognises the existing nature of the uses of these sites. For the same reason, we find that the Commercial Office zoning should extend one site further to the east and therefore include 24 Moorhouse Avenue, on which an office has recently been built. Except for this site, we are not persuaded that rezoning the remainder of the block fronting Moorhouse Avenue between Lincoln Road and Detroit Road, or the area fronting Moorhouse Ave between Selwyn Street and Lincoln Road is appropriate. Therefore, we prefer Mr Stevenson's opinion in relation to these areas.

[744] In relation to the area fronting Deans Avenue and south of Lester Lane, Mr Stevenson did not support the rezoning. He pointed out that it is occupied partly by the NZ Blood Service, an activity he stated was not anticipated in an office zone.<sup>614</sup> Mr Jordan did not pursue this part of his submission at the hearing, nor did we hear from Brents Investments Limited. Again, we accept Mr Stevenson's recommendation and, consequently, confirm its zoning as Industrial General.

### *Commercial Fringe and Commercial Core*

[745] A number of submitters sought Commercial Fringe zoning for their properties. As noted earlier in this decision, the Council's Revised Version consolidated the Commercial Core and Fringe zones to create a single Commercial Core zone. We accept the evidence of Mr

<sup>612</sup> Evidence in chief of Christian Jordan on behalf of Christian Jordan at 3.2; 5.1-5.4.

<sup>613</sup> Transcript, page 1236, lines 19-38 (Mr Jordan).

<sup>614</sup> Attachment C to Evidence in chief of Mark Stevenson at page 163.

Stevenson that the consolidation of these two zones is appropriate given the similarities between them.

[746] We agree with Mr Stevenson that the provisions are similar between the Commercial Core and Commercial Fringe zones, and as such we consider that the practical intent of these submissions has been provided for through the provisions of the Commercial Core zone.

### **Submissions seeking zoning of land not notified in Stage 1**

[747] In addition, a number of submissions were received seeking commercial or industrial zoning that were not notified in Stage 1. These will be determined at the appropriate future time.

### **Other issues raised in submissions**

[748] We have had regard to the Council's recommended acceptance or rejection of those submissions, as identified in tables in Attachments F and G to Mr Stevenson's evidence in chief ("Accept/Accept in Part/Reject Tables"). Except to the extent we have modified those recommendations in this decision, we accept those recommendations for changes and amendments.

[749] We have not specifically referred to every submission (and any related evidence), and the OIC does not require us to do so. However, we have considered all submissions in coming to this decision.

### **Definitions**

[750] Except to the extent that this decision addresses specific definitions, we are to address all definitions in our separate decision on Stage 1 Chapter 1 Introduction and Chapter 2 Definitions.

### **Replacement of provisions**

[751] Our decision is required to identify those parts of the Existing Plan that are to be replaced. The Council provided us with its recommendations on this in tables that accompanied the

Notified Version. This decision is confined to Stage 1 provisions, and we have identified that a number of these have been deferred to later in our inquiry. Until those remaining provisions are heard and determined, the Existing Plan will continue to apply to the relevant areas of land. Given this staged approach to our inquiry, it is not practical to carve out only those parts of the Existing Plan that are to be replaced by this decision on a provision by provision basis. Therefore, we have determined that the only parts of the Existing Plan that are to be replaced by this decision are:

- (a) The zonings of those areas of land in the Existing Plan (as shown on the relevant Planning Maps) that are to be zoned by this decision; and
- (b) The Lyttelton Port Influences Overlay.

### **Directions for consequential changes to Planning Maps, Figures and Appendices**

[752] A second decision will then issue to the effect of further amending the Notified Version by inclusion of updated Planning Maps, Figures and Appendices. For those purposes, we direct the Council to provide to the Panel, **within 14 working days of the date of this decision**, an updated set of Planning Maps, Figures and Appendices.

### **Clause 13(2)(b) correction to Planning Map 32 in relation to 466 Madras Street**

[753] The Council and Wakefield Mews Limited jointly requested that the Panel exercise its jurisdiction pursuant to cl 13(2)(b) of the OIC to correct an apparent mapping error on Planning Map 32, in relation to a property at 466 Madras Street. The request was first made in a joint memorandum, dated 10 June 2015. That memorandum explained that the Notified Version incorrectly showed the land as Residential Medium Density, instead of Commercial Local. It pointed out that, under the Existing Plan, the land is zoned Commercial Local and is subject to an Outline Development Plan ('ODP'). That is as a result of a plan change (PC31) to the Existing Plan. The joint memorandum explained that no one had made a submission seeking a Residential Medium Density zoning. Wakefield Mews Limited did not itself make a submission.

[754] We issued a minute directing the Council and Wakefield Mews Limited to assist the Panel further in determining whether or not there might be any issues of prejudice or fairness

arising were we to accede to the joint request. Specifically, we directed the Council to provide to us a report detailing the Existing Plan zoning, the requirements of the ODP, and any relevant history of PC31 and of the site generally.<sup>615</sup> In response, we received a detailed report traversing those matters.<sup>616</sup>

[755] Clause 13(2)(b) of the OIC specifies that the Panel, in making a decision on a proposal, is not limited to making changes within the scope of submissions made on the proposal. To that extent, therefore, the fact that Wakefield Mews Limited did not make a submission does not preclude us from granting the requested relief. We have reviewed the report provided by the Council, which included the decision on Plan Change 31.

[756] We note that the property at 466 Madras Street is only part of the Commercial Local zone resulting from Plan Change 31. In the Existing Plan, this area is zoned Business 1, but with additional restrictions, including limits to the overall quantity of non-residential activity and on tenancy size. These restrictions were carried through to the Notified Version, as illustrated on Appendix 15.9.7. The land at 466 Madras Street is Area B on the outline development plan.

[757] The Panel considers that it is clear from the Council's application and supporting material that the failure to show the property at 466 Madras Street as Commercial Local was an omission on the planning maps. We also accept that Council's intention for this site was clear, as the outline development plan, both as notified and in subsequent versions, showed this area with a Commercial Local zone. Although it was not a matter directly raised by a submission, we consider the amendment is otherwise appropriate, in accordance with clause 13(2)(b) of the OIC and is not materially outside the scope of the proposal.

[758] We grant the requested relief, and direct the Council to lodge for the Panel's approval an updated Planning Map showing this change, **within 14 working days of the date of this decision.**

<sup>615</sup> Minute of the Independent Hearings Panel in response to Joint Memorandum dated 10 June 2015 relating to Wakefield Mews Ltd, 19 June 2015.

<sup>616</sup> Joint Memorandum of Counsel on behalf of Christchurch City Council and Wakefield Mews Ltd, 7 July 2015.

### Clause 13(4) direction

[759] Clause 13(4) of the OIC specifies that, if we consider that changes are needed “to deal with matters that are, in a material way, outside the scope of the proposal as notified and to deal with submissions on it”, we “must direct” the Council to prepare and notify a new proposal and invite submissions on it.

[760] For the reasons we have set out earlier in this decision, we are satisfied that the prerequisites for such a direction are satisfied.

[761] Therefore we direct the Council to lodge for the Panel’s approval, **within 14 working days of the date of this decision**, a draft proposal for the inclusion of a 500m<sup>2</sup> GLFA maximum tenancy cap for offices in centres:

- (a) The Commercial Core zone of all KACs, including the Spreydon/Barrington Neighbourhood Centre and the Commercial Retail Park zone north of Langdon’s Road;
- (b) The Industrial Park zone (Tait Campus) and Industrial Park Zone (Awatea).

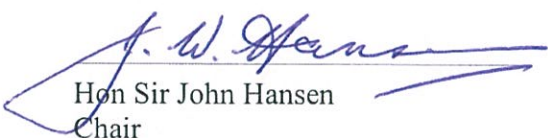
### Leave to seek further or replacement directions

[762] Leave is reserved for the Council to apply for any further or replacement directions in respect to the directions we have made in this decision.

## OVERALL EVALUATION AND CONCLUSIONS

[763] Based on our evidential findings, we are satisfied that Decision Version, as amended from the Revised Version, gives effect to the RMA and properly responds to other Higher Order Documents. It is also best suited to enable recovery and meet the long-term requirements of Greater Christchurch.

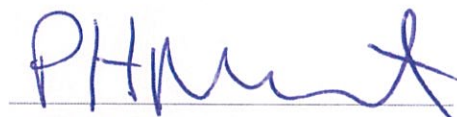
For the Hearings Panel:



Hon Sir John Hansen  
Chair




Environment Judge John Hassan  
Deputy Chair



Dr Phil Mitchell  
Panel Member



Ms Sarah Dawson  
Panel Member



Ms Jane Huria  
Panel Member

## **SCHEDULE 1**

Changes that the decision makes to the proposals.

## Chapter 15 – Commercial (excludes Central City and New Brighton commercial provisions)

### 15.1 Objectives and policies

#### 15.1.1 Objective – Recovery of commercial activity

- a. The critical importance of commercial activity to the recovery and long term growth of the city is recognised and facilitated in a framework that supports commercial centres.

#### 15.1.2 Objective - Centres-based framework for commercial activities

- a. Commercial activity is focussed within a network of centres (comprising the Central City, District, Neighbourhood, Local and Large Format centres) to meet the wider community's and businesses' needs in a way and at a rate that:
  - i. supports intensification within centres;
  - ii. enables the efficient use and continued viability of the physical resources of commercial centres and promotes their success and vitality, reflecting their critical importance to the local economy;
  - iii. supports the function of District Centres as major focal points for commercial, employment, transport and community activities, and Neighbourhood Centres as a focal point for convenience shopping and community activities;
  - iv. gives primacy to the Central City, followed by District Centres and Neighbourhood Centres identified as Key Activity Centres;
  - v. is consistent with the role of each centre as defined in 15.1.2.1 Policy – Role of centres Table 15.1;
  - vi. supports a compact and sustainable urban form that provides for the integration of commercial activity with community, residential and recreational activities in locations accessible by a range of modes of transport;
  - vii. supports the recovery of centres that sustained significant damage or significant population loss from their catchment including the Central City, Linwood, and Neighbourhood Centres subject to 15.1.4.3 Policy – Suburban centre master plans;
  - viii. enhances their vitality and amenity and provides for a range of activities and community facilities;
  - ix. manages adverse effects on the transport network and public and private infrastructure;
  - x. is efficiently serviced by infrastructure and is integrated with the delivery of infrastructure; and
  - xi. recognises the values of, and manages adverse effects on, sites of significance to Ngāi Tahu and natural waterways (including waipuna).

##### 15.1.2.1 Policy - Role of centres

- a. Maintain and strengthen the Central City and commercial centres as the focal points for the community and business through intensification within centres that reflects their functions and catchment sizes, and in a framework that:

- i. gives primacy to and supports the recovery of the Central City;
- ii. supports and enhances the role of District Centres; and
- iii. maintains the role of Neighbourhood, Local and Large Format centres

as set out in Table 15.1 - Centre's role.

**Table 15.1 - Centre's role**

	<b>Role</b>	<b>Centre/ Principal catchment and size (where relevant)</b>
A.	<p><b>Central Business District</b></p> <p>Principal employment and business centre for the city and wider region and to become the primary destination for a wide range and scale of activities including comparison shopping, dining and night life, entertainment, guest accommodation, events, cultural and tourism activities.</p> <p>Provides for high density residential activity, recreational and community activities and facilities (including health and social services) as well as civic and cultural venues/ facilities (including museums, art galleries).</p> <p>Serves the district's population and visitors.</p> <p>The focus for the district, sub-regional and wider transport services with a central public transport interchange, providing access to large areas of the district and the surrounding districts of Selwyn and Waimakariri.</p>	Centre: Central City
B.	<p><b>District Centre - Key Activity Centre</b></p> <p>Major retail destination for comparison and convenience shopping and a focal point for employment (including offices), community activities and facilities (including libraries, meeting places), entertainment (including movie theatres, restaurants, bars), and guest accommodation.</p> <p>Medium density housing is contemplated in and around the centre.</p> <p>Anchored by large retailers including department store(s) and supermarket(s).</p>	<p>Centres: Riccarton, Hornby, Papanui/Northlands, Shirley/Palms, Eastgate/Linwood, Belfast/ Northwood, (All Key Activity Centres)</p> <p>Size: Greater than 30,000m<sup>2</sup></p>

	<b>Role</b>	<b>Centre/ Principal catchment and size (where relevant)</b>
	<p>Accessible by a range of modes of transport, including multiple bus routes. Public transport facilities, including an interchange, may be incorporated.</p> <p>The extent of the centre:</p> <ol style="list-style-type: none"> <li>is the Commercial Core Zone and Commercial Retail Park Zone at Hornby, Belfast/ Northwood and Papanui/Northlands; and</li> <li>is the Commercial Core Zone in all other District centres; and</li> <li>includes community facilities within walking distance (400 metres) of the commercial zone.</li> </ol>	
C.	<p><b>Neighbourhood Centre</b></p> <p>A destination for weekly and daily shopping needs as well as for community facilities.</p> <p>In some cases, Neighbourhood Centres offer a broader range of activities including comparison shopping, entertainment (cafes, restaurants and bars), residential activities, small scale offices and other commercial activities. Anchored principally by a supermarket(s) and in some cases, has a second or different anchor store.</p> <p>Serves the immediately surrounding suburbs and in some cases, residents and visitors from a wider area.</p> <p>Medium density housing is contemplated in and around the centre.</p> <p>Accessible by a range of modes of transport, including one or more bus services.</p> <p>The extent of the centre:</p> <ol style="list-style-type: none"> <li>is the Commercial Core Zone in the identified centres, Commercial Local Zone at Wigram and Beckenham and Commercial Banks Peninsula Zone at Lyttelton and Akaroa; and</li> <li>Community facilities within walking distance (400 metres) of the centre.</li> </ol>	<p>Centres: Spreydon/ Barrington (Key Activity Centre), Bush Inn/Church Corner, Merivale, Bishopdale, Prestons (emerging), Ferrymead, Sydenham (Colombo Street between Brougham Street and Moorhouse Avenue);; Addington, Avonhead, Sumner, Akaroa, Colombo/Beaumont (Colombo Street between Devon Street and Angus Street), Cranford, Edgeware, Fendalton, Beckenham, Halswell, Lyttelton, Ilam/Clyde, Parklands, Redcliffs, Richmond, St Martins, Stanmore/Worcester, Sydenham South (Colombo Street between Brougham Street and Southampton Street), Wairakei/Greers Road, Wigram (emerging), Woolston, Yaldhurst (emerging), West Spreydon (Lincoln Road), Aranui, North West Belfast.</p> <p>Size: 3,000 to 30,000m<sup>2</sup>.</p>
D.	<p><b>Large Format Centre</b></p> <p>Standalone retail centre, comprising stores with large footprints, yard based suppliers, trade suppliers</p>	<p>Centres: Moorhouse Avenue, Shirley Homebase, Tower Junction, Langdons Road, Harewood Road.</p>

	<b>Role</b>	<b>Centre/ Principal catchment and size (where relevant)</b>
	<p>including building improvement centres, and other vehicle oriented activities.</p> <p>Provision of other commercial activities and residential and community uses is limited. This includes limiting office activity to an ancillary function, and at Tower Junction, providing for a limited amount of commercial services.</p> <p>Serves large geographical areas of the city.</p> <p>Not necessarily connected to a residential catchment.</p> <p>Primarily accessed by car with limited public transport services.</p> <p>The extent of the centre is the Commercial Retail Park Zone.</p>	
E.	<p><b>Local Centre</b></p> <p>A small group of primarily convenience shops and, in some instances, community facilities.</p> <p>Accessible by walking, cycling from the area served and on a bus route in some instances.</p> <p>Also includes standalone supermarkets serving the surrounding residential community.</p> <p>The extent of the centre is the Commercial Local Zone, except Wainoni and Peer Street where the Commercial Core Zone applies.</p>	<p>Centres: Wainoni (174 Wainoni Road), Upper Riccarton (57 Peer Street), both zoned Commercial Core,</p> <p>All other commercial centres zoned Commercial Local.</p> <p>Size: Up to 3,000m<sup>2</sup> (Excluding Wainoni and Upper Riccarton)</p>

### 15.1.2.2 Policy - Comprehensive approach to development of the Belfast/ Northwood Key Activity Centre

- a. Require development within the Belfast/Northwood Key Activity Centre to:
  - i. be planned and co-ordinated in accordance with an outline development plan;
  - ii. provide for a high quality, safe commercial centre which is easily accessible by a range of transport modes and well connected to the surrounding area; and

- iii. be integrated with the transport network and developed in a manner aligned with improvements to the transport network to avoid adverse effects on the safe, efficient and effective functioning of the road network.
- b. Require development within the Belfast/ Northwood Key Activity Centre to:
  - i. provide for Ngāi Tahu/ Manawhenua values through a high quality of landscaping and avoid adverse effects on the natural character, ecology and amenity values of the Styx River corridor; and
  - ii. for office and retail activity at the Styx Centre, be developed to a scale that:
    - 1. protects the Central City's role as the region's primary commercial area; and
    - 2. ensures the role of District and Neighbourhood centres within the city and commercial centres in Waimakariri District is maintained.

### **15.1.2.3 Policy - New centres in residential greenfield areas**

- a. In new greenfield residential areas, land identified through zoning and/or on an outline development plan for a commercial centre shall be developed and used primarily for commercial and community activity including health care facilities to serve the needs of existing and future residents.
- b. The development of new centres in greenfield areas shall recognise and provide for Ngāi Tahu/ manawhenua values while not impacting on the character, coherence or amenity of the adjoining residential area.

### **15.1.2.4 Policy – Accommodating growth**

- a. Growth in commercial activity is focussed within existing commercial centres.
- b. Any outward expansion of a commercial centre must:
  - i. ensure the expanded centre remains commensurate with the centre's role within a strategic network of centres while not undermining the function of other centres;
  - ii. be integrated with the provision of infrastructure including the transport network;
  - iii. be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone; and
  - iv. be consistent with:
    - 1. the scale of increasing housing development opportunities to meet intensification targets in and around centres, and
    - 2. revitalising the Central City as the primary community focal point.

### **15.1.2.5 Policy - Banks Peninsula commercial centres**

- a. Recognise and protect the special character and role of the commercial areas in Banks Peninsula, including Lyttelton and Akaroa, which provide a range of activities and services meeting the needs of their respective communities as well as visitors to the townships and the wider area of Banks Peninsula.

### 15.1.3 Objective - Office parks and mixed use areas

- a. Recognise the existing nature, scale and extent of commercial activities within areas zoned Commercial Office and Commercial Mixed Use, but avoid the expansion of existing, or the development of new office parks and/or mixed use areas.

#### 15.1.3.1 Policy - Office parks

- a. Recognise and enable office activities in the existing Addington and Russley office parks, zoned Commercial Office.

#### 15.1.3.2 Policy – Mixed use areas

- a. Recognise the existing nature, scale and extent of retail and office activities in Addington, off Mandeville Street and adjoining Blenheim Road, while limiting their future growth and development to ensure commercial activity in the city is focussed within the network of commercial centres.

### 15.1.4 Objective - Urban form, scale and design outcomes

- a. A scale, form and design of development that is consistent with the role of a centre, and which:
  - i. recognises the Central City and District Centres as strategically important focal points for community and commercial investment;
  - ii. contributes to an urban environment that is visually attractive, safe, easy to orientate, conveniently accessible, and responds positively to local character and context;
  - iii. recognises the functional and operational requirements of activities and the existing built form;
  - iv. manages adverse effects on the surrounding environment; and
  - v. recognises Ngāi Tahu/ manawhenua values through landscaping and the use of low impact urban design, where appropriate.

#### 15.1.4.1 Policy - Scale and form of development

- a. Provide for development of a significant scale and form in the core of District Centres and Neighbourhood Centres, and of a lesser scale and form on the fringe of centres.
- b. The scale and form of development in centres will:
  - i. reflect the context, character and the anticipated scale of the zone and centre's function;
  - ii. increase the prominence of buildings on street corners;
  - iii. for local centres, maintain a low rise built form to respect and integrate with their suburban residential context;
  - iv. for Key Activity Centres and Large Format Centres, enable larger floor plates while maintaining a high level of amenity in the centre; and
  - v. manage adverse effects on the surrounding environment, particularly at the interface with residential areas, sites of significance to Ngāi Tahu/ manawhenua and natural waterways.

### 15.1.4.2 Policy - Design of new development

- a. Require new development to be well-designed and laid out by:
  - i. encouraging pedestrian activity and amenity along streets and in adjoining public spaces, to a degree that is appropriate to the location and function of the road;
  - ii. providing a principal street facing façade of visual interest that contributes to the character and coherence of a centre;
  - iii. facilitating movement within a site and with the surrounding area for people of all mobilities and ages, by a range of modes of transport through well-defined, convenient and safe routes;
  - iv. enabling visitors to a centre to orientate themselves and find their way with strong visual and physical connections with the surrounding area;
  - v. promoting a safe environment for people and reflecting principles of Crime Prevention through Environmental Design;
  - vi. enabling re-use of buildings and sites while recognising the use for which the building is designed;
  - vii. incorporating principles of environmentally sustainable low impact design including energy efficiency, water conservation, the reuse of stormwater, on-site treatment of stormwater and/or integration with the wider catchment based approach to stormwater management, where practicable;
  - viii. achieving a visually attractive setting when viewed from the street and other public spaces while managing impacts on adjoining environments; and
  - ix. providing adequate and convenient space for storage while ensuring it is screened to not detract from the site's visual amenity.
- b. Recognise the scale, form and design of the existing built form within a site and the immediately surrounding area and the functional and operational requirements of activities.
- c. Require residential development to be well-designed and laid out by ensuring:
  - i. a high quality healthy living environment through:
    1. the provision of sufficient and conveniently located internal and outdoor living spaces;
    2. good accessibility within a development and with adjoining areas; and
    3. minimising disturbance from noise and activity in a centre (and the potential for reverse sensitivity issues to arise).

### 15.1.4.3 Policy - Suburban centre master plans

- a. Support the recovery and long term growth of, and ensure a high level of amenity in, the following suburban centres:
  - i. Lyttelton;
  - ii. Sydenham;
  - iii. Linwood Village;
  - iv. Selwyn Street shops;
  - v. Sumner;
  - vi. Edgeware;
  - vii. Ferry Road
  - viii. Main Road; and
  - ix. New Brighton

by having regard to the relevant suburban centre Master Plan developed by the Christchurch City Council under the Suburban Centres Programme when considering resource consent applications for development within those centres.

#### **15.1.4.4 Policy - Recognition of Ngāi Tahu/ manawhenua values**

- a. To encourage the use of indigenous species, appropriate to the local environment, in landscaping and tree planting to recognise sites and landscapes of significance to Ngāi Tahu manawhenua and their cultural values.

#### **15.1.4.5 Policy – Greenfield development/ strategic infrastructure**

- a. Support a comprehensive approach to the planning, design and implementation of development and infrastructure in greenfield areas, including stormwater management. This may be achieved through low impact design.
- b. Provide for the effective development, operation, maintenance and upgrade of strategic infrastructure and avoid adverse effects of development on strategic infrastructure through managing the location of activities and the design of stormwater areas. This includes but is not limited to avoiding sensitive activities within commercial zones located within the 50 dBA Ldn air noise contour line, and the Lyttelton Port Influences Overlay Area.

## 15.2 Rules- Commercial Core Zone

### 15.2.1 How to use the rules

- a. The rules that apply to activities in the Commercial Core Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.2.2; and
  - ii. Built form standards in 15.2.3.
  
- b. Area specific rules also apply to activities within the Commercial Core Zone in the following areas:
  - i. Belfast/ Northwood (as identified in Appendix 15.10.1) - Rule 15.2.4.1
  - ii. Ferrymead (as identified in Appendix 15.10.2) - Rule 15.2.4.2,
  - iii. *North Halswell (as identified in Appendix 15.10.3) - Rule 15.2.4.3, DEFERRED*
  - iv. Prestons - Rule 15.2.4.4
  - v. Yaldhurst - Rule 15.2.4.5
  - vi. Other areas- Rule 15.2.4.6
  
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Core Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
  
- d. Where the word 'facility' is used in the rules e.g. spiritual facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.  
  
 Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

## 15.2.2 Activity status tables- Commercial Core Zone

### 15.2.2.1 Permitted activities

In the Commercial Core Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.2.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.2.2.2, 15.2.2.3, 15.2.2.4, 15.2.2.5 and 15.2.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P23 below.	Nil
<b>P2</b>	Department store, supermarket, unless specified below. (refer to Rule 15.2.2.4 D2)	
<b>P3</b>	Retail activity excluding supermarket and department store, unless otherwise specified	a. Any activity shall have a maximum tenancy size of 500m <sup>2</sup> GLFA in a Neighbourhood Centre. This clause does not apply to the Key Activity Centre at Spreydon.
<b>P4</b>	Trade supplier	
<b>P5</b>	Second-hand goods outlet	
<b>P6</b>	Commercial services	
<b>P7</b>	Entertainment facility	
<b>P8</b>	Food and beverage outlet	
<b>P9</b>	Gymnasium	

Activity		Activity specific standards
<b>P10</b>	Office activity	a. Any office activity shall have a maximum tenancy size of 500m <sup>2</sup> GLFA in a District or Neighbourhood Centre.
<b>P11</b>	Guest accommodation	a. Any bedroom in guest accommodation must be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB $D_{tr,2m,nTw} + C_t^r$ .
<b>P12</b>	Community facility	Nil
<b>P13</b>	Health care facility	
<b>P14</b>	Education activity	
<b>P15</b>	Pre-school	
<b>P16</b>	Care facility	
<b>P17</b>	Spiritual facility	
<b>P18</b>	Public artwork	
<b>P19</b>	Public transport facility	
<b>P20</b>	Residential activity	<p>a. Residential activity shall be:</p> <ul style="list-style-type: none"> <li>i. located above ground level; or</li> <li>ii. located to the rear of activities P1 – P17 on the ground floor frontage to the street, excluding: <ul style="list-style-type: none"> <li>A. any pedestrian entrance including lobby and/or reception area associated with residential activity; or</li> <li>B. the Brougham Street and Buchan Street frontages of the site at 350 Colombo Street in Sydenham.</li> </ul> </li> </ul> <p>b. <i>North Halswell</i> <b>DEFERRED</b></p> <p>c. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p>

Activity		Activity specific standards																
		<div><div><div>i. Studio 35m<sup>2</sup></div><div>ii. 1 Bedroom 45m<sup>2</sup></div><div>iii. 2 Bedroom 60m<sup>2</sup></div><div>iv. 3 Bedroom 90m<sup>2</sup></div></div><div>d. Each residential unit shall be provided with:<div><div>i. an outdoor service space of 3m<sup>2</sup> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</div><div>ii. a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre.</div><div>iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.</div></div></div><div>e. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and accessible from an internal living area of the residential unit.</div><table><tr><td></td><td>Type</td><td>Area</td><td>Dimension</td></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>More than 3 bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table><div>f. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB <math>D_{tr,2m,n}T_w+C_{tr}</math>.</div></div>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres	ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres															
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres															
iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres															
P21	Emergency service facility	Nil																
P22	Parking lot																	

Activity	Activity specific standards
<b>P23</b>	High technology industrial activity

### 15.2.2.2 Controlled activities

The activities listed below are controlled activities.

<b>C1</b>	<p>Activities P1-P23 requiring consent under built form standard 15.2.3.1 (b).</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>
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### 15.2.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.1, 15.8.2 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Residential activity that does not comply with one or more of the activity specific standards a – e for activities P20 in 15.2.2.1.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. Residential activity - 15.8.2.3</p> <p>b. Activity at ground floor level - 15.8.2.2</p>
<b>RD2</b>	<p>Activities P1-P23 in 15.2.2.1 and RD3 to RD7, that do not meet one or more of the built form standards in 15.2.3.1 c and 15.2.3.2 – 15.2.3.9, unless otherwise specified.</p>	<p>As relevant to the breached built form standard:</p> <p>a. Urban design – 15.8.1.</p> <p>b. Maximum building height – 15.8.3.1</p> <p>c. Minimum building setback from road boundaries/ street scene – 15.8.3.2</p> <p>d. Minimum separation from the internal boundary with a residential zone – 15.8.3.3</p>

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
	Refer to relevant built form standard for provisions regarding notification and written approval.	<ul style="list-style-type: none"> <li>e. Sunlight and outlook at boundary with a residential zone – 15.8.3.4</li> <li>f. Outdoor storage areas – 15.8.3.5</li> <li>g. Landscaping and trees – 15.8.3.6</li> <li>h. Water supply for fire fighting – 15.8.3.8</li> <li>i. Minimum building setback from the railway corridor - 15.8.3.10</li> <li>j. Refer to 15.2.4 for the matters of discretion for a non-compliance with area specific standards.</li> </ul>
<b>RD3</b>	<p>Yard-based supplier</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	a. Centre vitality and amenity – 15.8.2.4
<b>RD4</b>	<p>Service station</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	
<b>RD5</b>	<p>Drive-through services</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	a. Drive-through services – 15.8.3.12
<b>RD6</b>	<p>Activities P3 – P10 in 15.2.2.1 that do not meet the activity specific standards.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Maximum tenancy size – 15.8.2.1</li> <li>b. Centre vitality and amenity - 15.8.2.4</li> </ul>
<b>RD7</b>	Parking building	a. Urban design – 15.8.1.

	Activity	The Council's discretion shall be limited to the following matters:
	Any application for this activity will not require written approvals and shall not be limited or publicly notified.	

### 15.2.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary or non-complying activity.
<b>D2</b>	Department store or supermarket on land at 75 London Street (Lot 1 DP 69452) and 311 Stanmore Road (Lot 2 DP 67066)

### 15.2.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any residential activity or guest accommodation not complying with rules 15.2.2.1 P11(a)(Guest accommodation) or P20(f) (Residential activity).
<b>NC2</b>	Sensitive activities within the air noise contour (50 dBA Ldn) as defined on the planning maps.
<b>NC3</b>	<ul style="list-style-type: none"> <li>a. Sensitive activities within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>b. Buildings on greenfield sites within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>c. Buildings, other than those in (b) above, within 10 metres of the foundation of an associated support structure.</li> <li>d. Fences within 5 metres of a 66kV electricity distribution line support structure foundation.</li> </ul> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network</p>

	Activity
	<p>operator.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>i. The 66kV electricity distribution lines are shown on the planning maps.</li> <li>ii. Vegetation to be planted around the electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>iii. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation the electricity distribution line. Buildings and activities in the vicinity of electricity distribution lines must comply with the NZECP 34:2001.</li> </ul>

### 15.2.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

## 15.2.3 Built form standards- Commercial Core Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activities RD3- RD7 unless otherwise stated.

### 15.2.3.1 Urban design

	Activity status	Applicable to	Matters of control or discretion
a.	Permitted activity	Any new building or addition to a building for activities P1-P23 in 15.2.2.1 that does not exceed: <ul style="list-style-type: none"> <li>i. 4,000m<sup>2</sup> (gross leasable floor area) where located in a District Centre as identified in Table 15.1; or</li> <li>ii. 1,000m<sup>2</sup> (gross leasable floor area) where located in neighbourhood centre identified in Table 15.1.</li> </ul>	Nil
b.	Controlled activity	Any new building or addition to a building for activities P1-P23 in 15.2.2.1 that exceed permitted standards a. i or ii and is certified by a qualified urban design expert on a Council approved list as meeting each of the urban design provisions / outcomes in 15.8.1 Urban design i-xiii. Certification shall include sufficient detail to demonstrate how the relevant urban design provisions / outcomes in 15.8.1 have been met.	The Council's control is reserved to the following matters: <ul style="list-style-type: none"> <li>a. That the new building or addition to a building is built in accordance with the urban design certification.</li> </ul>
c.	Restricted discretionary activity	Any new building or addition to a building that is not a permitted or controlled activity under 15.2.3.1 a or b.	a. Urban design – 15.8.1

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

Note:

1. Any building or an addition to a building requiring resource consent under 15.2.3.1 is exempt from complying with 15.2.3.3.
2. The following forms of development are exempt from compliance with this rule:
  - i. Repairs, maintenance, and seismic, fire and/or access building code upgrades; or
  - ii. Refurbishment, reinstatement works.
3. The following activities in Rule 15.2.2.1 are exempt from compliance with this rule:
  - i. P12 Community facility; P13 Health care facility; P14 Education activity; P15 Pre-school; P16 Care facility; P17 Spiritual facility; P21 Emergency service facility.

### 15.2.3.2 Maximum building height

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites in a District Centre	20 metres	Greater than 20 metres	a. Maximum building height – 15.8.3.1
b.	Any building in a District Centre within 30 metres of an internal boundary with a residential zone	12 metres	Greater than 12 metres	
c.	All sites in a Neighbourhood Centre	12 metres	Greater than 12 metres	
d.	Other locations	17 metres	Greater than 17 metres	

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.2.3.3 Building setback from road boundaries/ street scene

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>On the road frontage of a site identified as a Key Pedestrian Frontage (identified on the planning maps), all buildings shall:</p> <ul style="list-style-type: none"> <li>i. be built up to the road boundary except for: <ul style="list-style-type: none"> <li>A. a setback of up to a maximum of 4 metres from the road boundary for a maximum width of 10 metres.</li> <li>B. any pedestrian or vehicle access.</li> </ul> </li> <li>ii. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street.</li> <li>iii. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street.</li> <li>iv. This rule shall not apply to emergency service facilities (P21).</li> </ul>	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/ street scene— 15.8.3.2

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	<p>v. On Colombo Street, between Moorhouse Ave and Brougham Street, buildings shall be set back no more than 2 metres from the road boundary and the setback shall not be used for car parking.</p>		
b.	<p>On the road frontage of a site that is not identified as a Key Pedestrian Frontage on the planning maps, all buildings shall:</p> <ul style="list-style-type: none"> <li>i. be set back a minimum distance of 3 metres from the road boundary for that part of the building not built up to the road frontage; and</li> <li>ii. have visually transparent glazing for a minimum of 40% of the ground floor elevation facing an arterial or collector road.</li> </ul> <p>On sites opposite a residential zone:</p> <ul style="list-style-type: none"> <li>iii. the road frontage shall have a landscaping strip with a minimum width of 1.5 metres, and a minimum of 1 tree for every 10 metres of road frontage or part thereof.</li> </ul>		
c.	<p>The frontage of a site adjoining a local road that is not identified as a Key Pedestrian Frontage on the planning maps shall have a landscaping strip with a minimum width of 1.5 metres, and a minimum of 1 tree for every 10 metres of road frontage or part thereof, unless the building is up to the road boundary.</p>		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.2.3.4 Minimum building setback from the internal boundary with a residential zone

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All buildings within sites which share an internal boundary with a residential zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.2.3.5 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal boundary adjoins a residential zone, no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone – 15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.2.3.6 Outdoor storage areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>i. Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining site; and</p> <p>ii. Outdoor storage areas shall not be located within the setback specified in Rule 15.2.3.4.</p> <p>This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.2.3.7 Landscaping and trees

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>i. On sites adjoining a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced extending to the road boundary within the setback.</p> <p>ii. On all sites, one tree shall be planted for every 5 car parking spaces provided between buildings and the street. Trees shall be planted within or adjacent to the car parking area at the front of the site.</p> <p>iii. All landscaping / trees required under these rules shall be in accordance with the provisions in Appendix 16.6.1.</p>	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

Any application arising from non-compliance with clause (ii) will not require written approvals and shall not be limited or publicly notified.

### 15.2.3.8 Water supply for fire fighting

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.2.3.9 Minimum building setback from railway corridor

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres or greater from the rail corridor boundary	Less than 4 metres	a. a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be fully publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.2.4 Area specific rules – Commercial Core Zone

The following rules apply to the areas specified. All activities specified are also subject to the rules in 15.2.2 and 15.2.3 unless specified otherwise in 15.2.4.

### 15.2.4.1 Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area

#### 15.2.4.1.1 Activity status tables - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area

##### 15.2.4.1.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.2.4.1.3, 15.8.1 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building in the Commercial Core Zone (Belfast/ Northwood): a. complying with the built form standards in Rules 15.2.3 (excluding Rule 15.2.3.1) and 15.2.4.1.2.	a. Matters of discretion for Belfast/ Northwood Outline Development Plan area - 15.2.4.1.3 b. The extent to which development is in general accordance with the outline development plan in Appendix 15.10.1 c. Urban design - 15.8.1
<b>RD2</b>	Any activity or building that does not comply with one or more of the built form standards in 15.2.4.1.2 unless otherwise specified in D1 or NC1.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum building height – 15.8.3.1 b. Landscaping – 15.2.4.1.3.3 c. Roading, access and parking - 15.2.4.1.3.4 d. Maximum total number of vehicles exiting the site – 15.2.4.1.3.6 and e. Matters of discretion for Belfast/ Northwood Outline Development Plan area - 15.2.4.1.3 f. The extent to which development is in general accordance with the outline development plan in Appendix 15.10.1 g. Urban design - 15.8.1

**15.2.4.1.1.2 Discretionary activities**

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity or building not complying with Rule 15.2.4.1.2.6 (Maximum threshold for office activities)

**15.2.4.1.1.3 Non-complying activities**

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity or building not complying with Rule 15.2.4.1.2.2 (Building setback and size).

**15.2.4.1.2 Built form standards- Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area****15.2.4.1.2.1 Maximum building height**

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Land within area identified as ‘Special Area A’ on the outline development plan in Appendix 15.10.1.  (All sites within 50 metres of the outer edge of the esplanade reserve adjoining the Styx River unless specified below).	12 metres	Non-compliance with permitted standard	a. Maximum building height – 15.8.3.1
b.	Land within area identified as ‘Special Area B’ on the outline development plan in Appendix 15.10.1.  (All sites between 150 metres and 200 metres from the southern-most boundary of the Commercial Core Zone (Belfast/ Northwood) adjoining the Styx River).	5 metres		

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.2.4.1.2.2 Building setback and size

	Permitted	Non-complying
a.	Any buildings set back a minimum distance of 20 metres from the outer edge of any esplanade reserve adjoining the Styx River.	Non-compliance with permitted standard
b.	Any buildings set back a minimum distance of 150 metres from the southern boundary of the zone.	
c.	Any buildings between 150 metres and 200 metres from the southern boundary of the zone not exceeding a gross floor area of 500m <sup>2</sup> .	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.2.4.1.2.3 Landscaping

	Permitted	Restricted discretionary	Matters of discretion
a.	For any sites adjoining the Styx River, the setback required under clause (a) of rule 15.2.4.1.2.2 shall be planted with native species prior to any retail activities being open to the public within the zone.	Non-compliance with permitted standard	a. Landscaping – 15.2.4.1.3.3

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.2.4.1.2.4 Roading, access and parking

	Permitted	Restricted discretionary	Matters of discretion
a.	All vehicle access points shall only be provided in the locations specified on the outline development plan in Appendix 15.10.1 with a road running between the southern most access point and access to Radcliffe Road (defined on	Non-compliance with permitted standard	a. Roading, access and parking - 15.2.4.1.3.4

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	the outline development plan as 'Vehicle Access Points').		
b.	The point marked on the outline development plan in Appendix 15.10.1 for a 'future left in / left out vehicle access point' shall only be provided following the completion and opening of the Northern Arterial.		

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.2.4.1.2.5 Maximum total number of vehicles exiting the site

	<b>Applicable To</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Thursday Evening Peak Hour, until the Northern Arterial has been constructed and open to traffic.	625 vehicles	Non-compliance with permitted standard	a. Maximum total number of vehicles exiting the site – 15.2.4.1.3.6
b.	Saturday Peak Hour, until the Northern Arterial has been constructed and open to traffic.	700 vehicles	Non-compliance with permitted standard	a. Maximum total number of vehicles exiting the site – 15.2.4.1.3.6

Any application arising from non-compliance with this rule shall not be publicly notified. Written approval may only be required and limited notification shall only be to the New Zealand Transport Agency.

Note:

1. The traffic volumes emerging from the site shall be based on the trip rates for activities specified in NZTA Research Report 453 or any updated version.
2. For the purpose for estimating trips exiting the site, any traffic going from the Commercial Core Zone (Belfast/ Northwood) to the Commercial Retail Park Zone on the north side of Radcliffe Road shall be excluded from calculations.

**15.2.4.1.2.6 Maximum thresholds for office activities**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Discretionary</b>	<b>Matters of discretion</b>
a.	Up until 1 February 2020	The total amount of office floorspace within the 'Commercial Core Zone (Belfast/ Northwood) zone boundary' as defined on the outline development plan (Appendix 15.-10.2) shall not exceed 8,000m <sup>2</sup> GLFA.	Non-compliance with permitted standard	a. Maximum retail/ office activity thresholds - 15.2.4.1.3.5
b.	1 February 2020 onwards	The total amount of office floorspace within the Commercial Core Zone (Belfast/ Northwood) zone boundary' as defined on the outline development plan (Appendix 15.10.1) shall not exceed 12,000m <sup>2</sup> GLFA.		

**15.2.4.1.2.7 Maximum thresholds for retailing activities**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	The total amount of floorspace for retailing within the 'Commercial Core Zone (Belfast/Northwood) zone boundary' as defined on the ODP (Appendix 15.10.1) area shall not exceed 20,000m <sup>2</sup> GLFA.	Non-compliance with permitted standard	a. Maximum retail/ office activity thresholds - 15.2.4.1.3.5

**15.2.4.1.2.8 Maximum threshold for non- residential activities**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	The total amount of floorspace for non-residential activities within the 'Commercial	Non-compliance with permitted standard	a. Maximum retail/ office activity

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	Core Zone (Belfast/Northwood) zone boundary' as defined on the outline development plan (Appendix 15.10.1) shall not exceed 45,000m <sup>2</sup> GLFA.		thresholds - 15.2.4.1.3.5

### **15.2.4.1.3 Matters of discretion - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area**

#### **15.2.4.1.3.1 Outline development plan**

- a. Community facilities
  - i. Ensures that community facilities are publicly accessible and can be easily accessed from Main North Road and Radcliffe Road.
  - ii. Ensures that sufficient floor space is provided for community facilities across the zone, being a minimum gross floor area of 1,600m<sup>2</sup>.
- b. Open space
  - i. Ensures that external public open space is provided in convenient, publicly accessible locations within the zone.
  - ii. Ensures that sufficient open space is provided across the zone, being 1200m<sup>2</sup> of public open space with at least one space making up 1200m<sup>2</sup> and capable of containing a circle with a minimum diameter of 1.8 metres.
- c. Connectivity
  - i. Ensures the proposed development includes and/or provides for future development of an open air main street connecting Main North Road and Radcliffe Road as a route through the site and which provides a high quality pedestrian environment.
  - ii. Ensures that linkages are made from the development to the Styx River and which contributes to improved public accessibility along the river.
- d. Public transport interchange
  - i. Ensures provision is made for the future development of an area for a public transport interchange in the location shown on the outline development plan that is at least 4,000m<sup>2</sup>.
  - ii. The degree to which interim uses of land identified for a public transport interchange affect the ability to develop a public transport interchange at a future date.

#### **15.2.4.1.3.2 Design and amenity**

- a. Whether any proposed signage, building colours or fences associated with development will adversely impact on the natural character and values of the Styx River.
- b. The visual appearance and attractiveness of the development.
- c. The extent to which development is consistent with the Styx River/ Purakaunui Area Stormwater Management Plan.

**15.2.4.1.3.3 Landscaping**

- a. The extent of native and other planting within the Styx River riparian setback to enhance the ecological values associated with the Styx River and to screen buildings adjacent to the Styx River.
- b. The extent to which the value of the area as mahinga kai and the historic use of the area for market gardening and, horticultural activities is recognised through landscaping or other features.

**15.2.4.1.3.4 Roading, access and parking**

- a. The extent to which the transport network creates safe and efficient movement within the site and ensures connectivity and convenience for pedestrians and cyclists.
- b. The extent to which any underground or basement car parking structure is integrated into the development to avoid adverse visual effects.
- c. Any adverse effects of vehicle access points on the safe and efficient operation of the transport network.
- d. Any adverse effects of parking areas/access points on adjoining zones and whether mitigation minimises these effects.
- e. The extent to which the location and design of parking, access and manoeuvring areas supports pedestrian safety.

**15.2.4.1.3.5 Maximum retail/ office activity thresholds**

The extent to which the additional gross leasable floor area:

- a. avoids adverse effects on the function and recovery of the Central City and District Centres within the District and Kaiapoi and Rangiora in Waimakariri District; and
- b. limits adverse effects on people and communities who rely on the Central City and District Centres for their social and economic wellbeing, and allows ease of access to these centres by a variety of transport modes.

**15.2.4.1.3.6 Maximum total number of vehicles exiting the site**

- a. Prior to the opening of the Northern Arterial motorway, the extent to which any significant adverse effects arise on the safety and efficiency of the transport network as a result of the proposed activity.

### 15.2.4.2 Commercial Core Zone (Ferryroad) Outline Development Plan area

#### 15.2.4.2.1 Activity status tables- Commercial Core Zone (Ferryroad) Outline Development Plan area

##### 15.2.4.2.1.1 Permitted activities

The activities listed below are permitted activities in the Commercial Core Zone (Ferryroad) Outline Development Plan area:

	Activity	Activity specific standards
<b>P1</b>	Any activity or building.	<p>Compliance with:</p> <p>a. All the following Key Structuring Elements shown on the Ferryroad Outline Development Plan (see Appendix 15.10.2):</p> <ul style="list-style-type: none"> <li>i. Pedestrian Link</li> <li>ii. Pedestrian Accessway</li> <li>iii. Key Mixed Modal Link</li> <li>iv. Future and Secondary Vehicular and Pedestrian Accessways</li> <li>v. Boundary with Sensitive Environment</li> <li>vi. Pedestrian Interface</li> <li>vii. Key Public Vehicle Access</li> <li>viii. Landscape Access</li> </ul> <p>b. Built form standards in Rule 15.2.3 unless specified otherwise in Rule 15.2.4.2.2</p>
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 15.10.2.	<p>a. Development is to be in accordance with the Key Structuring Elements on the outline development plan</p>

**15.2.4.2.1.2 Restricted discretionary activities**

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.2.4.2.3 and 15.8.3 for each standard, as set out in the following table.

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
<b>RD1</b>	Any retail activity resulting in the total GLFA in the Commercial Core Zone (Ferrymead), excluding 2 Waterman Place, to exceed 30,000m <sup>2</sup> .  Any retail activity resulting in the total GLFA at 2 Waterman Place to exceed 6,500m <sup>2</sup> .	a. Maximum retail/office activity thresholds - 15.2.4.2.3.3
<b>RD2</b>	Any activity at 2 Waterman Place that generates more than 250 vehicle trips per day with vehicle egress to Waterman Place.	a. Roading and access – 15.2.4.2.3.2
<b>RD3</b>	Any activity or building not complying with one or more of the Key Structuring Elements on the outline development plan in Appendix 15.10.2.	a. Matters of discretion in 15.2.4.2.3
<b>RD4</b>	Any activity or building that does not meet one or more of the built form standards in 15.2.4.2.2 unless otherwise specified.  Refer to relevant built form standard for provisions regarding notification and written approval.	a. Maximum building height – 15.8.3.1 b. Landscaping and trees – 15.8.3.6

Note: For RD2, the vehicle trips per day shall be based on the trip rates for activities specified in NZTA Research Report 453 or any updated version.

**15.2.4.2.2 Built form standards- Commercial Core Zone (Ferryroad) Outline Development Plan area****15.2.4.2.2.1 Maximum building height**

	Permitted	Restricted discretionary	Matters of discretion
a.	20 metres, unless specified below	Greater than 20 metres, unless specified below	a. Maximum building height- 15.8.3.1
b.	12 metres at 2 Waterman Place	Greater than 12 metres at 2 Waterman Place	

Any application arising from non-compliance with this rule shall not be publicly notified.

**15.2.4.2.2.2 Landscaping - Minimum width of landscaping strip**

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	A landscaped strip with a minimum width as specified shall be provided adjacent to the boundary with Charlesworth Reserve, using native species.	5 metres	Less than 5 metres	a. Landscaping and trees – 15.8.3.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

**15.2.4.2.3 Matters of discretion - Commercial Core Zone (Ferryroad) Outline Development Plan area****15.2.4.2.3.1 Pedestrian and cycle movement to and from adjoining area**

- a. The degree to which safe, landscaped pedestrian and cycle access is provided through the site, to connect with the wider movement network (particularly with the key cycleway along Humphreys Drive and to public transport stops on Ferry Road) and with open spaces (i.e. the Ihutai/Estuary edge, Charlesworth Reserve, the Ōpāwaho/Heathcote River Towpath) while avoiding adverse effects on ecological areas.

**15.2.4.2.3.2 Roading and access**

- a. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic that will use the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- b. The extent to which the location of vehicular access points, the design of the transport network including intersection design and connections with the wider network, may individually or cumulatively impact on amenity of the zone and the surrounding area, and the safety and efficiency of the transport network.

- c. The extent to which traffic generated by the development may individually or cumulatively impact on amenity of the zone and the surrounding area, and the safety and efficiency of the transport network.
- d. The extent to which future access through to Waterman Place for pedestrians and vehicles is enabled.

**15.2.4.2.3.3 Maximum retail/office activity thresholds**

- a. The extent of adverse effects created by increased vehicular traffic from the development on the adjoining road network, including both access and the wider network.
- b. The extent to which retail activity above ground floor level creates the potential for over-intensification of the site, decreases the ability to achieve a variety of activities on-site or compromise development of the zone as shown in the outline development plan.

### **15.2.4.3 Commercial Core Zone (North Halswell) Outline Development Plan area**

**DEFERRED**

### 15.2.4.4 Commercial Core Zone (Prestons)

#### 15.2.4.4.1 Activity status tables - Commercial Core Zone (Prestons)

##### 15.2.4.4.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.2.4.4.3 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building that does not comply with one or more of the built form standards in 15.2.4.4.2 unless otherwise specified.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Minimum building setback from road boundaries/ street scene – 15.8.3.2 b. Minimum separation from the internal boundary with a residential zone – 15.8.3.3 c. Landscaping and trees – 15.8.3.6 d. Staging of development to align with intersection upgrades – 15.2.4.4.3.1

##### 15.2.4.4.1.2 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity not complying with Rules 15.2.4.4.2.5 (Staged development) and 15.2.4.4.2.6 (Maximum retail activity thresholds)

**15.2.4.4.2 Built form standards - Commercial Core Zone (Prestons)****15.2.4.4.2.1 Minimum building setback from road boundaries**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Marshland Road boundary	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

**15.2.4.4.2.2 Minimum building setback from the zone boundary**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Southern boundary of the zone, adjoining the Rural Urban Fringe Zone	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

**15.2.4.4.2.3 Landscaping**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	A landscaped strip with a minimum width as specified shall be provided along and adjacent to the boundary with Marshland Road.	10 metres	Less than 10 metres	a. Landscaping and trees – 15.8.3.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

**15.2.4.4.2.4 Staging of development to align with intersection upgrades**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	No non-residential activities shall occur until upgrade of the following intersection has commenced: <ul style="list-style-type: none"> <li>i. Lower Styx Road / Marshland Road (including traffic signals).</li> </ul>	Non-compliance with permitted standard	a. Staging of development to align with intersection upgrades – 15.2.4.4.3.1
b.	No more than 7200m <sup>2</sup> of non-residential activities (comprising 4000m <sup>2</sup> for a supermarket (where an individual tenancy is greater than 1,000m <sup>2</sup> GLFA) and 3200m <sup>2</sup> for other non-residential activities) shall occur until such time as: <ul style="list-style-type: none"> <li>i. Construction of the Northern Arterial and the 4-laning of QEII Drive between Main North Road and Innes Road together with either the Northern Arterial extension or the Hills Road extension has commenced; and</li> <li>ii. The portion of the main primary road linking Prestons Road to Mairehau Road is open to traffic.</li> </ul>		

Note:

1. The 7,200m<sup>2</sup> of non-residential development referred to in this rule is inclusive of existing commercial activities contained within the zone (as at 27 March 2010).
2. For the purposes of this rule, the Northern Arterial is defined as being one of the New Zealand Transport Agency Roads of National Significance, and is a new road extending the existing Christchurch Northern Motorway from just north of Belfast (Chaney's) to connect with QEII Drive. The scheme also includes an extension being progressed by Christchurch City Council from QEII Drive to Cranford Street. The Hills Road extension is a Christchurch City Council roading scheme, extending Hills Road from Innes Road to join QEII Drive east of Philpotts Road.

Any application arising from non-compliance with this rule shall not be publicly notified. Written approval may only be required and limited notification shall only be to the New Zealand Transport Agency.

**15.2.4.4.2.5 Staged development**

	<b>Permitted</b>	<b>Non-Complying</b>
a.	No development shall occur until: <ul style="list-style-type: none"> <li>i. Either:               <ul style="list-style-type: none"> <li>A. a comprehensive plan which shows the overall wastewater system</li> </ul> </li> </ul>	Non-compliance with permitted standard

	<b>Permitted</b>	<b>Non-Complying</b>
	<p>for all activities is provided; or</p> <p>B. it is demonstrated that such a plan has already been provided to Council pursuant to clause (i) above or as part of a subdivision application.</p> <p>And, either:</p> <p>C. an approved wastewater system is established within the zone and as required, beyond the zone to service the activity; or</p> <p>D. it is demonstrated that such an approved wastewater system has already been established.</p>	

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.2.4.4.2.6 Maximum retail activity threshold

	<b>Applicable to</b>	<b>Permitted</b>	<b>Non- Complying</b>
a.	<p>The maximum gross leasable floor area for retail activities within the Commercial Core Zone (Prestons) shall be:</p> <p>Note: This includes all existing lawfully established retail activity as at 27 March 2010.</p>	12,000m <sup>2</sup>	Non-compliance with permitted standard
b.	<p>The maximum gross leasable floor area of any single tenancy for a retail activity (excluding a supermarket) within the Commercial Core Zone (Prestons) shall be:</p>	150m <sup>2</sup>	

#### 15.2.4.4.3 Matters of discretion- Commercial Core Zone (Prestons)

##### 15.2.4.4.3.1 Staging of development to align with intersection upgrades

- a. The nature and extent of any adverse effect arising on the transport network from a proposal that:
  - i. deviates from the design of specific intersection upgrades approved by Council; and/or
  - ii. exceeds the quantum of non-residential activities anticipated as maximums before specific transport network upgrades are commenced.

### 15.2.4.5 Commercial Core Zone (Yaldhurst)

#### 15.2.4.5.1 Activity status tables- Commercial Core Zone (Yaldhurst)

##### 15.2.4.5.1.1 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity or building not complying with the built form standards specified in 15.2.4.5.2.

#### 15.2.4.5.2 Built form standards- Commercial Core Zone (Yaldhurst)

##### 15.2.4.5.2.1 Minimum building setback for residential activities on sites adjoining Yaldhurst Road

	Applicable to	Permitted	Non-complying
a.	Residential activities where no acoustic mitigation is provided (as specified in (b) and (c) below).	80 metres	Non-compliance with permitted standard
b.	Residential activities where the following measures are proposed: <ul style="list-style-type: none"> <li>i. Mounding, or other physical barrier to noise transmission, capable of reducing traffic noise intrusion to all parts of any site by at least 10dBA is to be provided within 20 metres of the road boundary across the entire width of the site, provided that such mounding or barrier shall be screened from the adjoining road by landscaping.</li> <li>ii. The landscaping required under (i) shall have a minimum depth of 1.5 metres, a minimum height of 1.8 metres (at the time of planting) and should be located between the mounding or fencing and the adjoining road.</li> </ul>	40 metres	
c.	Residential activities where the following measures are proposed: <ul style="list-style-type: none"> <li>i. In addition to (b) above, all external windows and doors of residential units including those installed</li> </ul>	20 metres	

	<b>Applicable to</b>	<b>Permitted</b>	<b>Non-complying</b>
	in the roof should be acoustically treated to achieve an external to internal noise reduction of at least 25dBA with windows and doors closed.		

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.2.4.5.2.2      **Roading and access**

	<b>Permitted</b>	<b>Non-complying</b>
a.	Sites having frontage to Yaldhurst Road shall not have any direct vehicular access to Yaldhurst Road, other than via the intersection marked A on Appendix 14.14.7 - Yaldhurst Outline Development Plan.	Non-compliance with permitted standard

Any application arising from non-compliance with this rule shall not be publicly notified. Written approval may only be required and limited notification shall only be to the New Zealand Transport Agency.

### 15.2.4.6 Commercial Core Zone – Other area specific rules

#### 15.2.4.6.1 Activity status tables- Commercial Core Zone - Other area specific rules

##### 15.2.4.6.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Any activity or building in the Commercial Core Zone between Huxley Street and King Street (Refer to Appendix 15.10.10)	a. Development is to comply with the outline development plan for the land between Huxley Street and King Street (Refer to Appendix 15.10.10).

##### 15.2.4.6.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building not complying with the outline development plan for the land between Huxley Street and King Street (Refer to Appendix 15.10.10)	a. Outline Development Plan for land between Huxley Street and King Street - 15.8.3.11
<b>RD2</b>	Vehicle access from Otara Street to the Commercial Core Zone (Fendalton)	a. Access off Otara Street at Commercial Core Zone (Fendalton) – 15.8.3.14

Any application made under RD2 will not require written approvals and shall not be limited or publicly notified.

## 15.3 Rules - Commercial Local Zone

### 15.3.1 How to use the rules

- a. The rules that apply to activities in the Commercial Local Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.3.2; and
  - ii. Built form standards in 15.3.3.
- b. Area specific rules also apply to activities within the following specific areas zoned Commercial Local.
  - i. St Albans (Rule 15.3.4, Appendix 15.10.4)
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Local Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- d. Where the word 'facility' is used in the rules e.g. spiritual facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.3.2 Activity status tables – Commercial Local Zone

#### 15.3.2.1 Permitted activities

In the Commercial Local Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.3.3. Note that the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, noncomplying or prohibited as specified in Rules 15.3.2.2, 15.3.2.3, 15.3.2.4, 15.3.2.5 and 15.3.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P24 below.	Nil
<b>P2</b>	Supermarket	a. The maximum tenancy size at ground floor level shall be 1,000 m <sup>2</sup> GLFA unless specified below. b. The maximum size for an individual tenancy in the Commercial Local Zones at Wigram (The Runway) shall be 2,600m <sup>2</sup> GLFA.
<b>P3</b>	Retail activity excluding supermarket unless otherwise specified	a. The maximum tenancy size for an individual tenancy at ground floor level shall be 350 m <sup>2</sup> GLFA unless specified below. b. The maximum size for an individual tenancy in the Commercial Local Zone at Halswell West (Caulfield Avenue) shall be 1,000m <sup>2</sup> GLFA
<b>P4</b>	Yard-based supplier	a. The maximum tenancy size at ground floor level shall be 250 m <sup>2</sup> gross leasable floor area.
<b>P5</b>	Trade supplier	
<b>P6</b>	Second-hand goods outlet	
<b>P7</b>	Commercial services	
<b>P8</b>	Service station	Nil
<b>P9</b>	Food and beverage outlets	
<b>P10</b>	Office activity	a. The office activity shall comprise a maximum tenancy size of 350 m <sup>2</sup> GLFA.
<b>P11</b>	Guest accommodation	a. Any bedroom in guest accommodation must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB $D_{tr,2m,nTw} + C_{tr}$ .
<b>P12</b>	Community facility	Nil
<b>P13</b>	Health care facility	
<b>P14</b>	Education activity	

Activity		Activity specific standards									
P15	Care facility										
P16	Pre-school										
P17	Spiritual facility										
P18	Public artwork										
P19	Residential activity	<p>a. Residential activity shall be</p> <p>i. located above ground level or</p> <p>ii. located to the rear of an activities P1 – P17, P21 – P22 (15.3.2.1) on the ground floor frontage to the street, excluding:</p> <p>A. any pedestrian entrance including lobby and/or reception area associated with a residential activity.</p> <p>b. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <p>i. Studio 35m<sup>2</sup></p> <p>ii. 1 Bedroom 45m<sup>2</sup></p> <p>iii. 2 Bedroom 60m<sup>2</sup></p> <p>iv. 3 Bedroom 90m<sup>2</sup></p> <p>c. Each residential unit shall be provided with:</p> <p>i. an outdoor service space of 3m<sup>2</sup> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</p> <p>ii. a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metres; and</p> <p>iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.</p> <p>d. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as follows, located immediately outside and accessible from an internal living area of the residential unit.</p> <table><tr><td></td><td>Type</td><td>Area</td><td>Dimension</td></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m<sup>2</sup></td><td>1.5 metres</td></tr></table>			Type	Area	Dimension	i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres
	Type	Area	Dimension								
i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres								

Activity		Activity specific standards											
		<table><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>More than 3 bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table> <p>e. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB <math>D_{tr,2m,nTw} + C_{tr}</math>.</p>				ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres										
iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres										
P20	Public transport facility	Nil											
P21	P1 to P20 in the Commercial Local Zones at East Belfast (Blakes Road), Upper Styx/Highsted (Claridges Road) and Wigram (The Runway)	<p>a. The maximum amount of floorspace for retail activity in the following local centres shall be as follows:</p> <p>i. East Belfast (Blakes Road) 2,000m<sup>2</sup> (GLFA)</p> <p>ii. Wigram (The Runway) 6,000m<sup>2</sup> (GLFA)</p> <p>iii. Upper Styx/Highsted (Claridges Road) 2,000m<sup>2</sup> (GLFA)</p>											
P22	Emergency service facilities	Nil											
P23	Parking lot												
P24	Drive-through services												

### 15.3.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.3.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.1, 15.8.2 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1-P24 and RD2, that do not meet one or more of the built form standards in Rule 15.3.3, unless otherwise specified</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum building height – 15.8.3.1</li> <li>b. For the Commercial Local Zone (Wigram), Building height in the Commercial Local Zone at Wigram - 15.3.5.3</li> <li>c. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>d. Minimum separation distance from the internal boundary with a residential zone – 15.8.3.3</li> <li>e. Sunlight and outlook at boundary with a residential zone– 15.8.3.4</li> <li>f. Outdoor storage areas – 15.8.3.5</li> <li>g. Landscaping and trees – 15.8.3.6</li> <li>h. Water supply for fire fighting – 15.8.3.8</li> <li>i. Minimum building setback from the railway corridor - 15.8.3.10</li> </ul>
<b>RD2</b>	<p>Activities P2 - P7, P10, P19 a - d and P21 that do not meet one or more of the activity specific standards specified in Rule 15.3.2.1.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<ul style="list-style-type: none"> <li>a. For P2 – P7, P10 - Maximum tenancy size – 15.8.2.1.</li> <li>b. For P19 – Activity at ground floor level – 15.8.2.2</li> <li>c. For P19– Residential activity – 15.8.2.3</li> <li>d. For P19 in the Commercial Local Zone at Highfield - Residential activities in the Commercial Local Zone at Highfield - 15.3.5.2</li> <li>e. For P2, P3 and P21 applicable to East Belfast, Halswell West (Caulfield Avenue), Wigram and Upper Styx/ Highsted - Maximum retail activity threshold - 15.3.5.1</li> </ul>

### 15.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary, or non-complying activity.

### 15.3.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any residential activity or guest accommodation not complying with Rules 15.3.2.1 P11(a) (Guest accommodation) or P19(e) (Residential activity).
<b>NC2</b>	Sensitive activity within the air noise contour (50 dBA Ldn) as defined on the planning maps
<b>NC3</b>	<p>a. Sensitive activities</p> <ul style="list-style-type: none"> <li>i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>ii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ul> <p>b. Buildings on greenfield sites:</p> <ul style="list-style-type: none"> <li>i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>ii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ul> <p>c. Buildings, other than those in (b) above:</p> <ul style="list-style-type: none"> <li>i. within 10 metres of the foundation of a 66kV electricity distribution support structure.</li> <li>ii. Within 5 metres of the foundation of a 33kV electricity distribution support structure.</li> </ul> <p>d. Fences within 5 metres of a National Grid transmission line support structure foundation or 5 metres of a 66kV and 33 kV electricity distribution line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>The National Grid transmission lines and 66kV and 33kV electricity distribution lines are shown on the planning maps.</li> <li>Vegetation to be planted around the National Grid or electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the National Grid transmission lines and electricity distribution line. Buildings and activities in the vicinity of National Grid transmission lines or electricity distribution lines must comply with the NZECP 34:2001.</li> </ol>

### 15.3.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 15.3.3 Built form standards – Commercial Local Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activity RD2 unless otherwise stated.

#### 15.3.3.1 Maximum building height

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites unless specified below	8 metres	Greater than 8 metres	a. Maximum building height – 15.8.3.1
b.	Commercial Local Zone at Wigram (The Runway) excluding the ‘Special building height area’ defined on the outline development plan in Appendix 15.10.8.	15 metres	Greater than 15 metres	
c.	Within the ‘Special building height area’ defined on the outline development plan in Appendix 15.10.8.	2 buildings up to 32 metres with a maximum GFA of 800m <sup>2</sup> on any single floor	Non-compliance with the permitted activity standard	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.3.3.2 Building setback from road boundaries

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>On sites with a road frontage, all buildings shall:</p> <ul style="list-style-type: none"> <li>i. be built up to the road boundary, with buildings occupying the full length of the road frontage of the site, except for any pedestrian or vehicle access or for a setback of up to 3 metres from the road boundary for a maximum width of 6 metres;</li> <li>ii. provide pedestrian access directly from the road boundary;</li> <li>iii. have visually transparent glazing</li> </ul>	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	<p>for a minimum of 60% of the ground floor elevation facing the street; and</p> <p>iv. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street.</p> <p>This rule shall not apply to service stations, drive-through services and emergency service facilities.</p>		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.3.3.3 Minimum building setback from residential zones

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a	All buildings within sites which share a boundary with a residential zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.3.3.4 Sunlight and outlook at boundary with a residential zone

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Where an internal boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3m above the site boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone—15.8.3.4

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
b.	<p>In the Commercial Local Zone Wigram (The Runway), where a site boundary adjoins a residential zone and</p> <ul style="list-style-type: none"> <li>i. Immediately adjoins an access or part of an access, the recession plane shall be constructed from points 2.3 metres above the far side of the access; and</li> <li>ii. where buildings on adjoining sites have a common wall along an internal boundary or a wall is not setback from the internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.</li> </ul>		

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.3.3.5 Outdoor storage areas

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	<p>Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining site.</p> <p>This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.3.3.6 Landscaping and trees

	Permitted	Restricted discretionary	Matters of discretion
a.	i. On sites adjoining a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced. ii. All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

### 15.3.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.3.3.8 Minimum building setback from railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be fully publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.3.4 Area specific rules – Commercial Local Zone

The following rules apply to the areas specified. All activities specified are also subject to the rules in 15.3.2 and 15.3.3 unless otherwise specified.

### 15.3.4.1 Activity tables

#### 15.3.4.1.1 Permitted activities

The activities listed below are permitted activities.

	Activity	Activity specific standards
<b>P1</b>	a. Any activity or building complying with the Key Structuring Elements on the Commercial Local Zone (St Albans) Outline Development Plan (see Appendix 15.10.4): <ul style="list-style-type: none"> <li>i. Public Access and Circulation; and</li> <li>ii. Semi-public Access and Circulation.</li> </ul>	Nil

#### 15.3.4.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion in 15.3.4.3, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building that does not comply with one or more of the Key Structuring Elements on the Commercial Local Zone (St Albans) Outline Development Plan (see Appendix 15.10.4)	a. Outline Development Plan – 15.3.4.3.1
<b>RD2</b>	Any activity or building that does not comply with Rule 15.3.4.2.1.	a. Maximum retail activity threshold - 15.3.4.3.2

### 15.3.4.2 Area specific built form standards

#### 15.3.4.2.1 Maximum retail floorspace limits in the Commercial Local Zone (St Albans)

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>There shall be a maximum total GLFA of 3500m<sup>2</sup> for non-residential activities within combined areas D and E defined on the Commercial Local Zone (St Albans) Outline Development Plan (see Appendix 15.10.4); and</p> <ul style="list-style-type: none"> <li>i. one individual tenancy in areas D and E shall have a GLFA of up to 800m<sup>2</sup>; and</li> <li>ii. no other individual tenancy in areas D and A shall have a GLFA of greater than 450m<sup>2</sup>.</li> </ul> <p>Any application arising from non-compliance with these rules will not require written approvals and shall not be limited or publicly notified.</p>	Non-compliance with permitted standard	a. Maximum retail activity threshold - 15.3.4.3.2

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.3.4.3 Matters of discretion – Commercial Local Zone (St Albans)

#### 15.3.4.3.1 Outline development plan

- a. The extent to which comprehensive, mixed-use development would continue to be achieved.
- b. The nature and degree of any adverse effects caused by proposals not in accordance with the outline development plan.
- c. The relationship and integration of proposals with any other existing development within the block.
- d. Whether the scale and nature of development is consistent with that anticipated for a local centre.
- e. The degree to which vehicle, cycle and pedestrian access has provided for internal pedestrian and cycle circulation, including the connections with that part of the blocked zoned Residential Medium Density Zone.
- f. The extent to which comprehensive design enables greater use of open space within the development than would be the case with piecemeal development.
- g. The extent to which stormwater treatment areas are integrated with open space.

#### 15.3.4.3.2 Maximum retail activity threshold

- a. The effects of any larger floor space for non-residential activity on District and Neighbourhood Centres.
- b. Any effects in terms of traffic generation and access.
- c. The maintenance of permeability within the block for internal pedestrian and cycle circulation including the connections with that part of the block within the residential zone.
- d. Form, amenity and function of the Commercial Local Zoned area as a local centre would be maintained.

- e. Any potential for the role of other commercial centres to be eroded by development or urban form effects, and any wider transport network effects from any associated transport generation.

### **15.3.5 Matters of discretion for Commercial Local Zone in greenfield areas**

#### **15.3.5.1 Maximum retail activity threshold at East Belfast (Blakes Road), Halswell West (Caulfield Avenue), Wigram (the Runway) and Upper Styx/ Highsted (Claridges Road)**

- a. The extent to which the local centre will remain dominated by finer grain retailing.
- b. The potential for strategic effects on the function and amenity values of the Central City, District and Neighbourhood centres and their role in providing for the future needs of their communities.
- c. Any adverse effects, created by increased vehicular traffic from the development, on the adjoining road network.
- d. Any adverse effects on the amenity of neighbouring residential properties.
- e. In Wigram, the extent to which convenient access to retailing and community uses may be positively or adversely affected by the proposed quantum of retail activity.

#### **15.3.5.2 Residential activities in the Commercial Local Zone at Highfield**

- a. The impact of any additional residential accommodation on the ability of existing or future permitted commercial activities to operate or to establish without undue constraint.
- b. The effects of establishing any residential accommodation on the amenity, safety and convenience of on-site residents, having regard to existing or future potential business activities.
- c. The effect of any residential buildings or units on the development scope of the site or adjoining sites.
- d. The impact on the amenity values and community function of the centre resulting from the use of ground floor space for residential activity.
- e. Any beneficial effects of residential units as a buffer for adjoining zones while still permitting commercial development on the site or adjoining sites.
- f. The site layout, building specifications, nature and/or purpose of the proposed residential accommodation, and the need or likely demand for residential accommodation of that kind in the general area.

#### **15.3.5.3 Building height in the Commercial Local Zone at Wigram**

- a. Whether the additional building bulk and activities will have an adverse effect on the amenity of the town centre and surrounds.
- b. The extent to which the character of the residential areas surrounding the Commercial Local Zone (Wigram) remains reasonably open rather than being dominated by buildings.
- c. The extent to which the additional height results in a built form which would strengthen the role of the Commercial Local Zone as the physical, visual and activity centre for the community.

## 15.4 Rules – Commercial Banks Peninsula Zone

### 15.4.1 How to use the rules

- a. The rules that apply to activities in the Commercial Banks Peninsula Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.4.2; and
  - ii. Built form standards in 15.4.3.
- b. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Banks Peninsula Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. Where the word 'facility' is used in the rules e.g. community facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.4.2 Activity status tables – Commercial Banks Peninsula Zone

#### 15.4.2.1 Permitted activities

In the Commercial Banks Peninsula Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.4.3. Note the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.4.2.2, 15.4.2.3, 15.4.2.4, 15.4.2.5 and 15.4.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	In Lyttelton or Akaroa, the use of an existing building for activities P3-P21 in Rule 15.4.2.1.	Nil
<b>P2</b>	The erection of buildings, relocatable building or relocation of a building, external additions, alterations, and repairs for activities P3-P21 in Rule 15.4.2.1 in the Commercial Banks Peninsula Zone at Governors Bay, Diamond Harbour, Church Bay and Little River.	Nil
<b>P3</b>	Retail activity	Nil
<b>P4</b>	Second-hand goods outlet	
<b>P5</b>	Supermarket	
<b>P6</b>	Commercial services	
<b>P7</b>	Office activity	
<b>P8</b>	Entertainment facility	
<b>P9</b>	Gymnasium	
<b>P10</b>	Community facility	
<b>P11</b>	Health care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<p>The following shall apply in Lyttelton only:</p> <ul style="list-style-type: none"> <li>a. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB <math>D_{tr,2m,nTw+Ctr}</math>.</li> <li>b. Any bedroom or area occupied by beds for overnight care must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB <math>D_{tr,2m,nTw+Ctr}</math>.</li> </ul>
<b>P12</b>	Education activity outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<p>The following shall apply in Lyttelton only:</p>

	Activity	Activity specific standards
<b>P13</b>	Care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<ul style="list-style-type: none"> <li>a. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</li> <li>b. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</li> </ul>
<b>P14</b>	Pre-school outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<ul style="list-style-type: none"> <li>a. The following shall apply in Lyttelton only: <ul style="list-style-type: none"> <li>i. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</li> <li>ii. Any bedroom or sleeping area must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</li> </ul> </li> </ul>
<b>P15</b>	Public artwork	Nil
<b>P16</b>	Residential activity outside the Lyttelton Port Influences Overlay Area	<ul style="list-style-type: none"> <li>a. Any residential activity shall: <ul style="list-style-type: none"> <li>i. be located above ground floor level or at the rear of a commercial activity. In Akaroa this shall only apply to sites fronting Beach Road between Rue Jolie and Bruce Terrace;</li> <li>ii. have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of: <ul style="list-style-type: none"> <li>A. Studio 35 m<sup>2</sup></li> <li>B. 1 Bedroom 45 m<sup>2</sup></li> <li>C. 2 Bedroom 60 m<sup>2</sup></li> <li>D. 3 Bedroom 90 m<sup>2</sup>; and</li> </ul> </li> </ul> </li> <li>b. Each residential unit shall be provided with: <ul style="list-style-type: none"> <li>i. an outdoor service space of 3 m<sup>2</sup> and a waste management area of 2 m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</li> <li>ii. a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre; and</li> <li>iii. any space designated for waste management, whether private or</li> </ul> </li> </ul>

	Activity	Activity specific standards																
		<p>communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres.</p> <p>c. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as follows, located immediately outside and accessible from an internal living area of the residential unit.</p> <table><tr><th></th><th>Type</th><th>Area</th><th>Dimension</th></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>3 or more bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table> <p>d. In Lyttelton:</p> <p>i. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</p> <p>ii. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</p>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres	ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	3 or more bedrooms	15m <sup>2</sup>	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres															
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres															
iii.	3 or more bedrooms	15m <sup>2</sup>	1.5 metres															
P17	Guest accommodation outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<p>a. In Akaroa:</p> <p>i. shall be located above ground floor level or to the rear of a commercial activity on Beach Road, between Rue Jolie and Bruce Terrace, except for a pedestrian entrance/ ground floor lobby/ reception area.</p> <p>b. In Lyttelton:</p> <p>i. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</p> <p>ii. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than</p>																

	Activity	Activity specific standards
		30 dB <sub>Dtr,2m,nTw+Ctr</sub>
<b>P18</b>	Public transport facility	Nil
<b>P19</b>	Emergency service facilities	
<b>P20</b>	Parking building	
<b>P21</b>	Parking lot	

### 15.4.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.4.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

The matters over which the Council has restricted its discretion are specified for each restricted discretionary activity listed below.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P3-P21 in Rule 15.4.2.1 and RD2, that do not meet one or more of the built form standards in 15.4.3, unless otherwise specified.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ol style="list-style-type: none"> <li>Maximum building height – 15.8.3.1</li> <li>Site coverage – 15.8.3.7</li> <li>Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>Minimum separation from the internal boundary with a residential zone (for non-compliance with Rule 15.4.3.4) – 15.8.3.3</li> <li>Sunlight and outlook at boundary with a residential zone – 15.8.3.4</li> <li>Outdoor storage areas – 15.8.3.5</li> <li>Minimum building setback from the railway corridor - 15.8.3.10</li> </ol>

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD2</b>	<p>Activities P11-P14, P16 and P17 in Rule 15.4.2.1 that do not meet one or more of the activity specific standards in Rule 15.4.2.1, unless otherwise specified.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. For P16 Residential activity –</p> <ol style="list-style-type: none"> <li>Residential activity - 15.8.2.3</li> <li>Activity at ground floor level – 15.8.2.2</li> </ol> <p>b. For P11- P14 and P17 - 15.8.2.3 (f)</p>
<b>RD3</b>	<p>Activities P3 to P21 in Rule 15.4.2.1 in Lyttelton or Akaroa which involve the erection of a building, relocatable building or relocation of a building, external additions or alterations to a building, which comply with the activity specific standards in 15.4.2.1 and built form standards in 15.4.3, unless specified otherwise in 15.4.3.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p> <p>This rule shall not apply where the development is one of the following:</p> <ol style="list-style-type: none"> <li>the development is limited to repairs, maintenance, and seismic, fire and/or access building code upgrades.</li> </ol>	<p>a. Urban design – 15.8.1.</p> <p>b. Lyttelton Design Guidelines (Appendix 15.10.6) and Akaroa Design Guidelines (Appendix 15.10.5).</p> <p>c. <b>DEFERRED</b></p>

### 15.4.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
<b>D1</b>	<p>Activities P3 to P21 in Rule 15.4.2.1 in Lyttelton or Akaroa which involve the erection of a building, relocatable building or relocation of a building, external additions or alterations to a building, which do not comply with one</p>	<p>a. Built form standards (as relevant to the breached standard):</p> <ol style="list-style-type: none"> <li>Maximum building height – 15.8.3.1</li> <li>Site coverage – 15.8.3.7</li> </ol>

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
	<p>or more of the built form standards in 15.4.3 or activity specific standards in 15.4.2.1.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<ul style="list-style-type: none"> <li>iii. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>iv. Minimum separation from the internal boundary with a residential zone (for non-compliance with Rule 15.4.3.4) – 15.8.3.3</li> <li>v. Sunlight and outlook at boundary with a residential zone– 15.8.3.4</li> <li>vi. Outdoor storage areas – 15.8.3.5</li> <li>vii. Water supply for fire fighting – 15.8.3.8</li> <li>viii. Minimum building setback from the railway corridor – 15.8.3.10</li> <li>b. For any non-compliance with any one of the built form standards or activity specific standards in Lyttelton – Lyttelton Design Guidelines for Commercial Banks Peninsula Zone (Appendix 15.10.6).</li> <li>c. <b>DEFERRED</b></li> <li>d. For any non-compliance with any one of the built form standards or activity specific standards in Akaroa – Akaroa Design Guidelines for Commercial Banks Peninsula Zone (Appendix 15.10.5)</li> <li>e. Urban design – 15.8.1.</li> <li>f. Activity specific standard: <ul style="list-style-type: none"> <li>i. For residential activity – 15.8.2.3.</li> <li>ii. For residential and guest accommodation - Activity at ground floor - 15.8.2.2.</li> </ul> </li> </ul>
<b>D2</b>	<p>Industrial activity</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Centre vitality and amenity – 15.8.2.4</li> <li>b. Nuisance – 15.8.2.5</li> <li>c. Urban design – 15.8.1.</li> </ul>
<b>D3</b>	Service station	<ul style="list-style-type: none"> <li>a. Centre vitality and amenity – 15.8.2.4</li> <li>b. Nuisance – 15.8.2.5</li> </ul>

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
	Any application for this activity will not require written approvals and shall not be limited or publicly notified.	c. Urban design – 15.8.1.
<b>D4</b>	Trade supplier  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Centre vitality and amenity – 15.8.2.4 b. Urban design – 15.8.1.
<b>D5</b>	Any activity not provided for as a permitted, restricted discretionary, non-complying or prohibited activity	

#### 15.4.2.5 Non-complying activities

The activities listed below are non-complying activities.

<b>NC1</b>	Sensitive activity in the Lyttelton Port Influences Overlay Area defined on the planning maps.
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#### 15.4.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.
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### 15.4.3 Built form standards – Commercial Banks Peninsula Zone

The following built form standards shall be met by all permitted activities and for restricted discretionary activity RD2 unless otherwise stated.

#### 15.4.3.1 Maximum building height

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites in Lyttelton unless specified below	12 metres	Greater than 12 metres	a. Maximum building height – 15.8.3.1
b.	All other parts of the Commercial Banks Peninsula Zone including Akaroa	8 metres	Greater than 8 metres	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.4.3.2 Maximum site coverage

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a	Sites in all areas	65% of the net site area	Greater than 65% of the net site area	a. Site coverage – 15.8.3.7

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.4.3.3 Building setback from road boundaries/ street scene

	Permitted	Restricted discretionary	Matters of discretion
a.	i. All buildings shall: <ul style="list-style-type: none"> <li>A. be built up to the road frontage with buildings occupying the full length of the road frontage of the site, except where necessary to provide pedestrian or vehicle access to the rear of the site;</li> <li>B. provide pedestrian access directly from the road boundary;</li> </ul>	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

	Permitted	Restricted discretionary	Matters of discretion
	<p>C. provide a veranda or other means of weather protection along the full width of the building fronting a road;</p> <p>D. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street , and</p> <p>E. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street.</p> <p>ii. Rule 15.4.3.3 shall not apply to Akaroa.</p> <p>iii. This rule shall not apply to emergency service facilities.</p>		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.4.3.4 Minimum building setback from the boundary with Residential Banks Peninsula, Residential Conservation Zones

	Permitted	Restricted discretionary	Matters of discretion
a.	3 metres or more	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.4.3.5 Sunlight and outlook at boundary with a residential zone or any public space

	Permitted	Restricted discretionary	Matters of discretion
a.	Where a site boundary adjoins a residential zone, or public space (other than a road) in the block between London Street, Norwich Quay, Oxford Street and Canterbury Street, no part of any building shall project beyond a building envelope contained by a 45 degree recession plane	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone- 15.8.3.4

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	measured at any point 2 metres above the site boundary, unless specified below.		

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.4.3.6 Outdoor storage areas

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining site.  This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.4.3.7 Water supply for fire fighting

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.4.3.8 Minimum building setback from railway corridor

		<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be fully publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.5 Rules – Commercial Retail Park Zone

### 15.5.1 How to use the rules

- a. The rules that apply to activities in the Commercial Retail Park Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.5.2; and
  - ii. Built form standards in 15.5.3.
- b. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Retail Park Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Natural and Cultural Heritage;
  - 11 Utilities and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. Where the word 'facility' is used in the rules e.g. Health care facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.5.2 Activity status tables – Commercial Retail Park Zone

#### 15.5.2.1 Permitted activities

In the Commercial Retail Park Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.5.3. Note that the built form standards do not apply an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, noncomplying or prohibited as specified in Rules 15.5.2.2, 15.5.2.3, 15.5.2.4, 15.5.2.5 and 15.5.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P17 and P19-P20 below.	Nil
<b>P2</b>	Retail activity, unless specified below	a. The minimum tenancy size of any single retail activity shall be 450m <sup>2</sup> GLFA.
<b>P3</b>	Supermarket	Nil
<b>P4</b>	Trade supplier	
<b>P5</b>	Yard-based supplier	
<b>P6</b>	Second-hand goods outlet	
<b>P7</b>	Service station	
<b>P8</b>	Food and beverage outlet	
<b>P9</b>	Ancillary office activity on the same site as a permitted activity	a. Any ancillary office activity shall occupy no more than 500m <sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser.
<b>P10</b>	Public transport facility	Nil
<b>P11</b>	Emergency service facilities	
<b>P12</b>	Health care facility	
<b>P13</b>	Pre-school	
<b>P14</b>	Gymnasium	
<b>P15</b>	Drive-through services	
<b>P16</b>	Parking lot	
<b>P17</b>	Parking building	

	Activity	Activity specific standards
<b>P18</b>	Any activity within the Commercial Retail Park Zone located north of Langdons Road.	<p>a. All activities within the zone shall not result in more than 950 trips per hour being generated during the Thursday PM peak period of 4.00pm to 6.00pm.</p> <p>Compliance with this rule is to be determined by undertaking traffic counts at the zone during the Thursday PM peak period of 4pm to 6pm over a consecutive three week period. The peak hour within each surveyed two hour period is to be determined from count data. The 950 trip value used for compliance assessment purposes is to be determined from the average peak hour value from the three week data set.</p>
<b>P19</b>	Office activity within the Commercial Retail Park Zone located north of Langdons Road.	<p>a. Office activity shall be limited to a total of 10,000m<sup>2</sup> gross floor area in the Commercial Retail Park Zone north of Langdons Road.</p>
<b>P20</b>	Commercial services within the Commercial Retail Park Zone located at Tower Junction.	<p>a. The maximum gross leasable floor area per tenancy shall be 250 m<sup>2</sup>.</p> <p>b. The maximum gross leasable floor area of commercial services within the Commercial Retail Park Zone at Tower Junction shall be 10% of the total gross leasable floor area.</p>
<b>P21</b>	Any permitted activity within the Commercial Retail Park Zone at 121 Briggs Road.	<p>a. Use of this site shall be limited to access and its associated landscaping.</p>

### 15.5.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.5.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.1, 15.8.2 and 15.8.3, as set out in the table below.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P2 - P21 in Rule 15.5.2.1, and RD2 and RD3, that do not meet one or more of the built form standards in 15.5.3, unless otherwise specified.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum building height – 15.8.3.1 b. Minimum building setback from road boundaries/ street scene – 15.8.3.2 c. Minimum separation from the internal boundary with a residential zone – 15.8.3.3 d. Sunlight and outlook at boundary with a residential zone – 15.8.3.4 e. Outdoor Storage Areas – 15.8.3.5 f. Landscaping and trees- 15.8.3.6 g. Water supply for fire fighting – 15.8.3.8. h. Minimum building setback from the railway corridor - 15.8.3.10.
<b>RD2</b>	Activities P9 in Rule 15.5.2.1 that do not meet one or more of the activity specific standards in 15.5.2.1.  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. For P9 – (Ancillary office activity) - 15.8.2.6
<b>RD3</b>	Activities P18 in Rule 15.5.2.1 that do not meet one or more of the activity specific standards in 15.5.2.1	a. Transport effects at Commercial Retail Park Zone (Langdons Road) – 15.8.3.13

### 15.5.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided as a permitted, restricted discretionary, or non-complying activity.

	Activity
<b>D2</b>	Any activity not complying with the activity specific standard for 15.5.2.1 P19, (Office activity) or P20 (Commercial services).

### 15.5.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any non-compliance with the activity specific standard for 15.5.2.1 P2 (Retail activity).
<b>NC2</b>	Any activity or building not complying with the activity specific standard for 15.5.2.1 P21 (121 Briggs Road).

### 15.5.2.6 Prohibited activities

The activities listed below are prohibited activities.

### 15.5.3 Built form standards – Commercial Retail Park Zone

The following built form standards shall be met by all permitted activities, and for restricted discretionary activity RD2 and RD3, unless otherwise stated.

#### 15.5.3.1 Maximum building height

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites	15 metres	Greater than 15 metres	a. Maximum building height – 15.8.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.5.3.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified in b – c below	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2
b.	Ancillary Office activity	1.5 metres	Less than 1.5 metres	
c.	For sites with frontage to two intersecting roads in the Commercial Retail Park Zone	1.5 metres on one road boundary and 3 metres on the other road boundary	Less than 1.5 metres on one road boundary and/or less than 3 metres on the other road boundary	

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.5.3.3 Minimum building setback from residential zones

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All buildings within sites which share a boundary with a residential zone.	3 metres	3 metres or greater	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.5.3.4 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal site boundary adjoins a residential zone (other than the Residential Suburban Zone and Residential Suburban Density Transition Zone) no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone -15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.5.3.5 Outdoor storage areas

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining road or adjoining site; and	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.5.3.6 Landscaping and trees

Permitted	Restricted discretionary	Matters of discretion
<p>a. The area adjoining the road frontage of all sites shall be landscaped in accordance with the following standards:</p> <p>i. Minimum width - 1.5 metres</p> <p>ii. Minimum density of tree planting - 1 tree for every 10 metres of road frontage or part thereof, evenly spaced.</p> <p>b. On sites adjoining a residential zone, trees shall be planted adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p> <p>c. 1 tree shall be planted for every 5 car parking spaces within any car parking area and along any pedestrian routes.</p> <p>d. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.</p>	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

Note:

1. Any landscaping required by rule 15.5.3.6 may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple values such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

Any application arising from non-compliance with clauses a and c of this rule will not require written approvals and shall not be publicly or limited notified.

### 15.5.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	Water Supplies Code of Practice (SNZ PAS: 4509:2008)		

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.5.3.8 Minimum building setback from railway corridor

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be fully publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.6 Rules – Commercial Office Zone

### 15.6.1 How to use the rules

- a. The rules that apply to activities in the Commercial Office Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.6.2; and
  - ii. Built form standards in 15.6.3.
- b. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Office Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. Where the word 'facility' is used in the rules e.g. trade and industry training facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.6.2 Activity status tables - Commercial Office Zone

#### 15.6.2.1 Permitted activities

In the Commercial Office Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and built form standards in Rule 15.6.3. Note that the built form standards do not apply to an activity that does not involve any development.

Activities that are not listed in this table will be restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 15.6.2.2, 15.6.2.3, 15.6.2.4, 15.6.2.5 and 15.6.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P12 below.	Nil
<b>P2</b>	Office activity	
<b>P3</b>	Food and beverage outlet	
<b>P4</b>	Commercial services	
<b>P5</b>	Trade and industry training facility	
<b>P6</b>	Public transport facility	
<b>P7</b>	Gymnasium	
<b>P8</b>	Parking lot	
<b>P9</b>	Parking building	
<b>P10</b>	Pre-school	
<b>P11</b>	Community facility	
<b>P12</b>	Emergency service facilities	

### 15.6.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.6.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1-P12 in Rule 15.6.2.1 that do not comply with one or more of the built form standards in Rule 15.6.3.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum height of buildings – 15.8.3.1</li> <li>b. Minimum building setback from road boundaries/street scene –15.8.3.2</li> <li>c. Minimum separation from the internal boundary with a residential zone – 15.8.3.3</li> <li>d. Sunlight and outlook at boundary with a residential zone – 15.8.3.4</li> <li>e. Outdoor storage areas – 15.8.3.5</li> <li>f. Landscaping and trees - 15.8.3.6</li> <li>g. Water supply for fire fighting – 15.8.3.8</li> <li>h. Access to the Commercial Office Zone (Wrights Road) – 15.8.3.9.</li> <li>i. Minimum building setback from the railway corridor - 15.8.3.10</li> </ul>

### 15.6.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as permitted, restricted discretionary or non-complying.

### 15.6.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Heavy industrial activity.
<b>NC2</b>	Sensitive activity inside the air noise contour (50 dBA Ldn) as defined on the planning maps.

### 15.6.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 15.6.3 Built form standards – Commercial Office Zone

The following built form standards shall be met by all permitted activities unless otherwise stated.

#### 15.6.3.1 Maximum height for buildings and fences or screening structures

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings - all areas	15 metres	Greater than 15 metres	a. Maximum height for buildings – 15.8.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.6.3.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

Any application arising from non-compliance with this rule shall not require written approvals and shall not be publicly or limited notified.

#### 15.6.3.3 Minimum building setback from the boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.6.3.4 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal site boundary adjoins a residential zone, no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone- 15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall be non-publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.6.3.5 Outdoor storage of materials/ car parking

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>i. Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining road or adjoining site; and</p> <p>ii. Outdoor storage areas shall not be located within the setback specified in Rules 15.6.3.2.</p> <p>This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.6.3.6 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>The minimum percentage of the site to be landscaped shall be 20%, excluding those areas required to be set aside for trees within or adjacent to parking areas (refer to clause (d) below).</p> <p>This clause shall not apply to emergency service facilities</p>	Non-compliance with permitted standard	a. Landscaping and trees - 15.8.3.6
b.	<p>The area adjoining the road frontage of all sites shall have a landscape strip in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>a. Minimum width - 1.5 metres</li> <li>b. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof, evenly spaced with shrubs between each tree.</li> </ul> <p>This clause shall not apply to emergency service facilities</p>		
c.	<p>On sites adjoining a residential zone, trees shall be planted adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p>		
d.	<p>In addition to clauses (a), (b) and (c) above, where car parking is located at the front of a site, 1 tree shall be planted for every 5 car parking spaces within any car parking area.</p>		
e.	<p>All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.</p>		

Note:

1. Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater.
2. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non compliance with clauses (a) and (b) of this rule will not require written approvals and shall not be publicly or limited notified.

### 15.6.3.7 Water supply for fire fighting

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8.

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.6.3.8 Access to Commercial Office Zone (Wrights Road)

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Road connections to the Commercial Office Zone (Wrights Road) on the corner of Wrights Road and Jack Hinton Drive, shall be limited to: <ul style="list-style-type: none"> <li>i. no more than two points of road access from Wrights Road, which shall be at least 50 metres apart and be set back at least 25 metres from the intersection of Jack Hinton Drive and Wrights Road; and</li> <li>ii. one road connection from Jack Hinton Drive, set back at least 15 metres from the intersection of Jack Hinton Drive and Wrights Road.</li> </ul>	Non-compliance with permitted standard	a. Access to the Commercial Office Zone (Wrights Road) – 15.8.3.9
b.	There shall be no individual site access to Jack Hinton Drive or Wrights Road.		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.6.3.9 Minimum building setback from railway corridor

		<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be fully publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.7 Rules – Commercial Mixed Use Zone

### 15.7.1 How to use the rules

- a. The rules that apply to activities in the Commercial Mixed Use Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.7.2; and
  - ii. Built form standards in 15.7.3.
- b. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Mixed Use Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures;
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Natural and Cultural Heritage;
  - 11 Utilities and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. Where the word 'facility' is used in the rules e.g. public transport facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.7.2 Activity status tables – Commercial Mixed Use Zone

#### 15.7.2.1 Permitted activities

In the Commercial Mixed Use Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.7.3. Note that the built form standards do not apply an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, noncomplying or prohibited as specified in Rules 15.7.2.2, 15.7.2.3, 15.7.2.4, 15.7.2.5 and 15.7.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P3 to P8 and P11 to P27 below.	Nil
<b>P2</b>	a. Existing retail activity in an existing building, or b. Existing consented retail activity and associated building; at the DATE OF DECISION	Nil
<b>P3</b>	Ancillary retail activity	a. Any ancillary retail activity shall: <ul style="list-style-type: none"> <li>i. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>ii. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the street.</li> <li>iii. be limited to the display and sale of goods produced, processed or stored on the site.</li> </ul>
<b>P4</b>	Food and beverage outlet	Nil
<b>P5</b>	Trade supplier	
<b>P6</b>	Yard-based supplier	
<b>P7</b>	Second-hand goods outlet	
<b>P8</b>	Service station	
<b>P9</b>	a. Existing commercial services in an existing building, or b. Existing consented commercial services and associated building; as at the DATE OF DECISION	

	Activity	Activity specific standards
<b>P10</b>	a. Existing office activity in an existing building, or b. Existing consented office activity and associated building; as at the DATE OF DECISION	
<b>P11</b>	Ancillary office activity	a. Any ancillary office activity shall: <ul style="list-style-type: none"> <li>i. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>ii. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.</li> </ul>
<b>P12</b>	Industrial activity in the Commercial Mixed Use Zone on Blenheim Road and Main South Road	Nil
<b>P13</b>	Warehousing and distribution activities	
<b>P14</b>	Service industry	
<b>P15</b>	High technology industrial activity	
<b>P16</b>	Trade and industry training facility	
<b>P17</b>	Emergency service facilities	
<b>P18</b>	Public transport facility	
<b>P19</b>	Health care facility	
<b>P20</b>	Pre-school	
<b>P21</b>	Gymnasium	
<b>P22</b>	Drive-through services	
<b>P23</b>	Parking lot	
<b>P24</b>	Parking building	

	Activity	Activity specific standards								
P25	Tertiary education and research activities									
P26	Visitor accommodation									
P27	Residential activity in Addington and Mandeville Street	<p>a. Residential activity shall be:</p> <ul style="list-style-type: none"><li>i. located above ground floor or</li><li>ii. located to the rear of activities P2 – P12, P14– P23 on the ground floor frontage to the street, excluding<ul style="list-style-type: none"><li>A. any pedestrian entrance including lobby and/or reception area associated with residential activity, and:</li></ul></li></ul> <p>b. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <ul style="list-style-type: none"><li>i. Studio 35m²</li><li>ii. 1 Bedroom 45m²</li><li>iii. 2 Bedroom 60m²</li><li>iv. 3 Bedroom 90m²</li></ul> <p>c. Each residential unit shall be provided with:</p> <ul style="list-style-type: none"><li>i. an outdoor service space of 3m² and a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</li><li>ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre.</li><li>iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.</li></ul> <p>d. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and accessible from an internal living area of the residential unit.</p> <table><tr><td></td><td>Type</td><td>Area</td><td>Dimension</td></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m²</td><td>1.5 metres</td></tr></table>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m²	1.5 metres
	Type	Area	Dimension							
i.	Studio, 1 bedroom	6m²	1.5 metres							

	Activity	Activity specific standards								
		<table><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>More than 3 bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table> <p>e. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB <math>D_{tr,2m,nTw}+C_{tr}</math>.</p>	ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres							
iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres							

### 15.7.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.7.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

The matters over which the Council has restricted its discretion are specified for each restricted discretionary activity listed below.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1 – P27 in Rule 15.7.2.1, and RD2, that do not meet one or more of the built form standards in 15.7.3, unless otherwise specified</p> <p>Refer to relevant built form standard for provision regarding notification and written approval</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum building height – 15.8.3.1</li> <li>b. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>c. Minimum separation from the internal boundary with a residential zone – 15.8.3.3</li> <li>d. Sunlight and outlook at boundary with a residential zone – 15.8.3.4</li> <li>e. Outdoor storage areas – 15.8.3.5</li> <li>f. Landscaping and trees – 15.8.3.6</li> <li>g. Water supply for fire fighting – 15.8.3.8</li> <li>h. Minimum building setback from the railway corridor – 15.8.3.10</li> </ul>

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD2</b>	<p>Activities P3, P11 and P27 a – d in Rule 15.7.2.1 that do not meet one or more of the activity specific standards in 15.7.2.1.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. For P3 and P11 (Ancillary retail and Ancillary office activity):</p> <p>i. Ancillary office and retail activity 15.8.2.6</p> <p>b. For P27 (Residential activity):</p> <p>i. Residential activity 15.8.2.3; and</p> <p>ii. Activity at ground floor level - 15.8.2.2</p>

### 15.7.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
<b>D1</b>	Any activity not provided as a permitted, restricted discretionary, or non-complying activity.	

### 15.7.2.5 Non-complying activities

The activities listed below are non-complying activities

<b>NC1</b>	Any residential activity not complying with rule 15.7.2.1 P27 (e).
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### 15.7.2.6 Prohibited activities

The activities listed below are prohibited activities

There are no prohibited activities.	
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### 15.7.3 Built form standards – Commercial Mixed Use Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activities RD2 unless otherwise stated.

#### 15.7.3.1 Maximum building height

	Permitted	Restricted discretionary	Matters of discretion
a.	15 metres	Greater than 15 metres	a. Maximum building height – 15.8.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.7.3.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified below	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2
b.	For sites with frontage to two intersecting roads in the Commercial Mixed Use Zone	1.5 metres on one road boundary and 3 metres on the other road boundary	Less than 1.5 metres on one road boundary and/or less than 3 metres on the other road boundary	

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.7.3.3 Minimum building setback from residential zones

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All buildings within sites which share a boundary with a residential zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone— 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.7.3.4 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal boundary adjoins a residential zone, no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone— 15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.7.3.5 Outdoor storage areas

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining road or adjoining site; and  Any application arising from non-compliance with this rule of this rule shall not be limited or publicly notified.	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.7.3.6 Landscaping and trees

Permitted	Restricted discretionary	Matters of discretion
<p>a. The area adjoining the road frontage of all sites shall be landscaped in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>i. Minimum width - 1.5 metres</li> <li>ii. Minimum density of tree planting - 1 tree for every 10 metres of road frontage or part thereof, evenly spaced.</li> </ul> <p>b. On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p> <p>c. 1 tree shall be planted for every 5 car parking spaces within any car parking area and along any pedestrian routes.</p> <p>d. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.</p> <p>Clause (a) shall not apply to emergency service facilities</p>	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

Note: Stormwater facilities that support multiple values such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

Any application arising from non-compliance with clauses a and c of this rule will not require written approvals and shall not be publicly or limited notified.

### 15.7.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)		

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.7.3.8 Minimum building setback from railway corridor

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres from the rail corridor boundary	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be fully publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.8 Matters of discretion

When considering applications for restricted discretionary activities, the Council's power to decline consent, or to grant a consent and impose conditions, is restricted to the matters over which discretion is restricted in the relevant rule and as set out for that matter below. For the Commercial Banks Peninsula Zone, where specified, the Council shall also have regard to Design Guidelines for Lyttelton (Appendix 15.10.6) and Akaroa (Appendix 15.10.5).

### 15.8.1 Urban design

- a. The extent to which the development:
  - i. Recognises and reinforces the centre's role, context, and character, including any natural, heritage or cultural assets;
  - ii. Promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces;
  - iii. Takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building;
  - iv. Provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;
  - v. Is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas and boundary demarcation;
  - vi. Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection;
  - vii. Provides safe, legible, and efficient access for all transport users;
  - viii. Where relevant, has regard to the actions of the Suburban Centre Master Plan to support their recovery, long term growth and a high level of amenity.

### 15.8.2 Matters of discretion for non-compliance with activity specific standards

#### 15.8.2.1 Maximum tenancy size

- a. The extent to which the scale of the activity:
  - i. affects recovery of the Central City and its function as the principal Centre;
  - ii. supports the intended role of the Centre having regard to the Centres Hierarchy (Refer to 15.1.2.1 Policy – Role of centres);

#### 15.8.2.2 Activity at ground floor level

- a. The operational and functional requirements of the activity and the existing nature of activities and built form on and around the site.
- b. The visual impact of any activity upon the street façade of a building and streetscene.

- c. Any potential for residential activity to restrict the ability of existing or future commercial activities to operate or establish without undue constraint.
- d. Any beneficial effects of the activity in providing for natural surveillance, and its contribution to the night-time economy.

### 15.8.2.3 Residential activity

- a. In relation to minimum unit size, whether:
  - i. The floorspace available and the internal layout represents a viable residential unit that would support the amenity of current and future occupants;
  - ii. Other on-site factors compensate for a reduction in unit sizes e.g. communal facilities;
  - iii. The balance of unit mix and unit sizes within the overall development is such that a minor reduction in the area of a small percentage of the overall units may be warranted;
  - iv. The units are to be a part of a development delivered by a social housing provider and have been designed to meet any specific needs of future social housing tenants and/or atypical housing needs.
- b. In relation to the amount of storage and waste management spaces, whether:
  - i. The amount of space to store rubbish and recycling, whether communal, outdoor or indoor is adequate;
  - ii. The volume of space provided for personal storage is adequate.
- c. In relation to the configuration of storage and waste management space, whether:
  - i. The location of rubbish and recycling space for residents is convenient;
  - ii. The lack of screening of any outdoor service space will impact on the visual amenity within the site and of any adjoining site, activity, or the street scene;
  - iii. The size and flexibility of the residential unit layout provides other indoor storage options where an indoor storage space is not provided for each unit;
  - iv. The alternative storage areas provided on the site are adequate, accessible and convenient, where indoor storage space is not provided for each residential unit.
- d. In relation to the amount of outdoor living space, whether:
  - i. There is any alternative provision of publicly available space on, or in close proximity to the site to meet the needs of occupants now and in the future;
  - ii. The reduction in outdoor living space is proportional to the size of the residential unit and the demands of the likely number of occupants now and in the future;
  - iii. The reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.
- e. In relation to the location and configuration of outdoor living space:
  - i. Whether the allocation between private and communal outdoor living spaces within the site is adequate and appropriately located to meet the current and future needs of occupants of the site;
  - ii. Where the communal outdoor/indoor spaces are not contiguous on a large site, the ability of the spaces to meet the needs of occupants and provide a high level of residential amenity;
  - iii. Whether the reduction in outdoor living space will result in additional loss of mature on-site vegetation and/or spaciousness of the area.
- f. In relation to noise insulation in the Mixed Use Zone:
  - i. The extent to which the building specifications, nature and/or purpose of the proposed residential accommodation reduce the impact of noise and minimise reverse sensitivity effects.
- g. For residential activity in Lyttelton:

- i. The potential for reverse sensitivity effects on port activities located at Lyttelton Port;
- ii. Whether any methods to reduce the potential for reverse sensitivity effects on the port operator, other than acoustic insulation, have been incorporated into the design of the proposal;
- iii. Whether any resultant outdoor living could create an increased potential for a complaint against port noise thus causing a potential reverse sensitivity effect on port activities.

#### **15.8.2.4 Centre vitality and amenity**

- a. The extent to which the scale, character, form and location of the activity:
  - i. Contributes to the vitality of the centre, particularly along Key Pedestrian Frontages;
  - ii. Supports the intended role of the centre the development is proposed in, while not eroding the role of the Central City and District Centres in the centres hierarchy (Refer to 15.1.2.1 Policy – Role of centres);
  - iii. Impacts upon the diversity of activities within the centre;
  - iv. Promotes the efficient use of land within the centre to achieve a compact urban form;
  - v. Reflects the functional requirements of the activity.

#### **15.8.2.5 Nuisance**

- a. Whether the scale, character and intensity of an activity is compatible with the amenity values of the centre and adjoining properties in terms of noise, traffic generation, odour, operating hours and lighting.

#### **15.8.2.6 Ancillary office and retail activity**

- a. The extent to which the activity and its scale is consistent with the function of the zone.
- b. The effect of the development on the capacity to accommodate future demand for large format retail activities in the Commercial Retail Park Zone.
- c. The extent to which the activity is ancillary to the primary use of a site.
- d. The extent to which the site that the activity is proposed on relates to another site that the activity is ancillary to.
- e. The extent to which the activity contributes to the agglomeration of other non-industrial activities that may discourage or displace large format retail activities in the Commercial Retail Park Zone.
- f. The extent to which further retail and office activity supports the function of the Central City, District Centres and Neighbourhood Centres as the focus for these uses and the community.
- g. The visual effect of the extent of areas of glazing facing the street particularly at ground level.

### **15.8.3 Matters of discretion for built form standards**

#### **15.8.3.1 Maximum building height**

- a. The extent to which an increase in height of the development:
  - i. Is visually mitigated through the design and appearance of the building, and the quality and scale of any landscaping and tree planting proposed;

- ii. May allow better use of the site and the efficient use of land in the centre;
- iii. Enables the long term protection of significant trees or natural features on the balance of the site through more intensive development;
- iv. Improves the legibility of a centre in the context of the wider area;
- v. Contributes to variety in the scale of buildings in a centre, and creates landmarks on corner sites;
- vi. Reflects functional requirements of the activity;
- vii. Results in adverse effects on adjoining residential zones or on the character, quality and use of public open space;
- viii. Contributes to the visual dominance of the building when viewed from the surrounding area, having regard to the anticipated scale and form of buildings in the surrounding environment.

### **15.8.3.2 Minimum building setback from road boundaries/ street scene**

- a. The extent to which the setback of the building from the street and the design of the building facades:
  - i. Provides for continuity of facades along the street frontage;
  - ii. Provides visual interest appropriate to the context and character of the site and surrounds;
  - iii. Incorporates architectural variation into the façade and building form to provide interest and to break up the bulk of a building;
  - iv. Provides for main entrances, openings and display windows onto the street, and maintains clear and visible visual and physical connections between the interior of a building and public spaces;
  - v. Provides for functional and quality space for public amenity and accessibility, such as for outdoor dining, and contributes to the functional width of a public footpath, without compromising the overall character of the street frontage and its continuity;
- b. The extent to which a setback of the building from the street results in the visual dominance of vehicles through the use of space for car parking, vehicle manoeuvring or loading.
- c. The extent to which functional requirements and/or the existing form, scale and design of buildings on the site necessitates a non-compliance.

### **15.8.3.3 Minimum separation from the internal boundary with a residential zone**

- a. The extent to which building intrusion into the setback:
  - i. Allows for better utilisation and outcomes for the site, for example, the protection of significant trees or significant environmental features on the site;
  - ii. Impacts on the outdoor living spaces and main living areas of residential buildings, and/or activities undertaken within the space affected;
  - iii. Impacts on the privacy for an adjoining site;
  - iv. Is mitigated by the extent and quality of any landscaping proposed.

### **15.8.3.4 Sunlight and outlook at boundary with a residential zone**

- a. The extent to which building intrusion into a recession plane:
  - i. Allows for better utilisation and outcomes for the site, for example, the protection of significant trees or significant environmental features on the site;

- ii. Overshadows and impacts on the outdoor living spaces and main living areas of residential buildings, and/or activities undertaken within the space affected, while having regard to the time of year that over shadowing is expected to occur;
  - iii. Impacts on the privacy of an adjoining site;
  - iv. Is mitigated by the extent and quality of any landscaping proposed;
  - v. is necessary in order to avoid, remedy or mitigate adverse effects on the building resulting from a natural hazard including inundation or flooding;
- b. The extent to which shading by buildings impacts on the use and amenity of London Street in Lyttelton or other public space.

### 15.8.3.5 Outdoor storage areas

- a. The extent to which:
- i. the quality and form of fencing, landscaping or other screening minimises the visual effects of outdoor storage as viewed from the street or an adjoining property;
  - ii. the materials or goods stored within the setback have an adverse visual effect.

### 15.8.3.6 Landscaping and trees

- a. The extent to which the proposed landscaping and tree planting:
- i. achieves a high level of on-site amenity while minimising the visual effects of activities and buildings on the surroundings;
  - ii. supports the growth of vegetation and its protection through the provision of space, or other methods e.g. barriers;
  - iii. continues to recognise Ngāi Tahu/manawhenua values through the use of indigenous species in riparian areas, where appropriate, that supports the establishment of ecological corridors;
- b. The extent to which the non-compliance is mitigated through the design, scale and type of landscaping proposed including the species used;
- c. The appropriateness and design of landscaping having regard to the potential adverse effects on safety for pedestrians and vehicles.

### 15.8.3.7 Site coverage

- a. The extent to which a greater site coverage:
- i. provides adequate area for site access, manoeuvring, stormwater management and other activities;
  - ii. affects the amenity of adjoining sites or public spaces due to the visual dominance and/or scale of development;
  - iii. is mitigated through the provision of landscaping/screening;
  - iv. impacts on the ability to manage stormwater on the site where connection to a catchment based stormwater treatment system is not available.

### 15.8.3.8 Water supply for fire fighting

- a. Whether sufficient fire fighting water supply is available to ensure the health and safety of the community, including neighbouring properties.

### 15.8.3.9 Access to the Commercial Office Zone (Wrights Road)

- a. Whether any conflict may be created by vehicles queuing across the vehicle crossing.
- b. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.
- c. The effect on safety for all road users of the proposed road access points to the Commercial Office Zone (Wrights Road).
- d. Whether the speed and volume of vehicles on the road will exacerbate the adverse effects of access on the safety of users of all transport modes.
- e. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- f. The present traffic controls along the road corridor where vehicular access is proposed.
- g. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- h. The proposed traffic mitigation measures such as medians, no right turn or left turn signs, or traffic calming measures.

### 15.8.3.10 Minimum building setback from the railway corridor

- a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.

### 15.8.3.11 Outline development plan for land between Huxley Street and King Street

- a. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.
- b. The effect on safety for all road users of the proposed road access points.
- c. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- d. The present traffic controls along the road corridor where vehicular access is proposed.
- e. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- f. The proposed traffic mitigation measures such as medians, no right turn or left turn signs, or traffic calming measures.
- g. Whether residential amenity is maintained on the frontage with King Street through the provision of landscaping and setback of buildings.
- h. The provision made for trees and planting to mitigate any effects.

### 15.8.3.12 Drive-through services

- a. The extent to which the activity and development is consistent with the following criteria:
  - i. Whether the development:
    1. considers the local context to identify the grain, scale and character of the surrounding development and determined the appropriateness of either consistency or divergence from that character.
    2. retains and incorporates on-site protected heritage assets and, where relevant, existing character buildings and structures, the landscape qualities of the site and surrounds, sites of cultural significance to Ngāi Tahu/ Manawhenua, springs and waterways, and existing trees and mature vegetation.
  - ii. Whether the functional requirements of the activity necessitates a different design outcome while contributing to a high quality urban environment.
  - iii. Whether the development relates to the street, by:
    1. Orientating the principal façade of the building and its main pedestrian access to the street;
    2. Providing a high level of glazing across the principal facade and orientating active areas of buildings, towards the street and other publicly accessible spaces.
    3. Providing the opportunity for open space to connect with the street.
    4. Avoiding the visual dominance of car parking when viewed from the street by means including but not limited to car park position and orientation, and landscape design.
    5. Orientating corner buildings to each street frontage and enabling additional building height to give prominence to the corner while having regard to the functional requirements of the activity, the street type, adjacent land uses and level of pedestrian activity.
  - iv. Whether the development ensures the safety, security and comfort of people using the site and centre by providing connectivity, where beneficial, for safe movement and passive surveillance.
  - v. Whether the development provides for safe, legible, efficient access for all transport users and site servicing, by:
    1. Locating and designing the provision of storage, servicing and vehicle parking areas to minimise visual impacts on the street, public areas or neighbouring residential uses, having regard to the functional requirements of the activity, the street type, and adjacent development and land uses.
    2. Providing for legible vehicle movement to the site and links to key connections external to the site.
    3. Providing for car parking, where required, that is designed, located and configured to benefit from natural surveillance, facilitate shared use and create flexible space.
    4. Siting buildings, and locating pedestrian access points and through routes to integrate with pedestrian and cycling networks and desire lines, including access to and from public transport infrastructure.
  - vi. The extent to which the character, form and location of the activity will contribute to the vitality of the centre where located within a Key Pedestrian Frontage.
  - vii. Where adjoining a residential zone, whether the scale, character and intensity of an activity is compatible with the amenity values of the centre and adjoining residential properties in terms of noise, traffic generation, odour, and lighting.

### 15.8.3.13 Transport effects at Commercial Retail Park Zone (Langdons Road)

- a. The extent to which the location of vehicular access points, the design of the transport network (including road alignment, intersection design and connections with the wider network) and the associated vehicle

movements (including the type and volume of vehicles) may individually or cumulatively impact on the amenity of the adjoining residential area and the safety and efficiency of the transport network.

#### **15.8.3.14 Access off Otara Street at Commercial Core Zone (Fendalton)**

- a. The extent to which the use of sympathetic design and landscaping treatment integrate the proposed vehicle access into the surrounding environment.
- b. The extent to which the location of the proposed vehicular access and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the safety and efficiency of the immediately adjacent transport network.

## 15.9 Rules – Other methods

### 15.9.1 Non-regulatory methods

- 15.9.1.1 Planning studies to investigate issues and opportunities in Key Activity Centres and initiate appropriate mechanisms over time to address these.
- 15.9.1.2 Undertake regular monitoring of District and Neighbourhood Centres including surveys to determine whether a centre is performing as anticipated.
- 15.9.1.3 Apply a case management approach to the rebuild of centres, facilitating discussions with landowners and developers.
- 15.9.1.4 Apply a consistent approach to the assessment of applications with additional guidance to aid the applicant and Council.
- 15.9.1.5 Require development contributions to provide for network infrastructure and community infrastructure maintenance and improvements to service growth in centres.

## 15.10 Appendices

### 15.10.1 Commercial Core Zone (Belfast/Northwood) Outline Development Plan

[Image to be updated to:

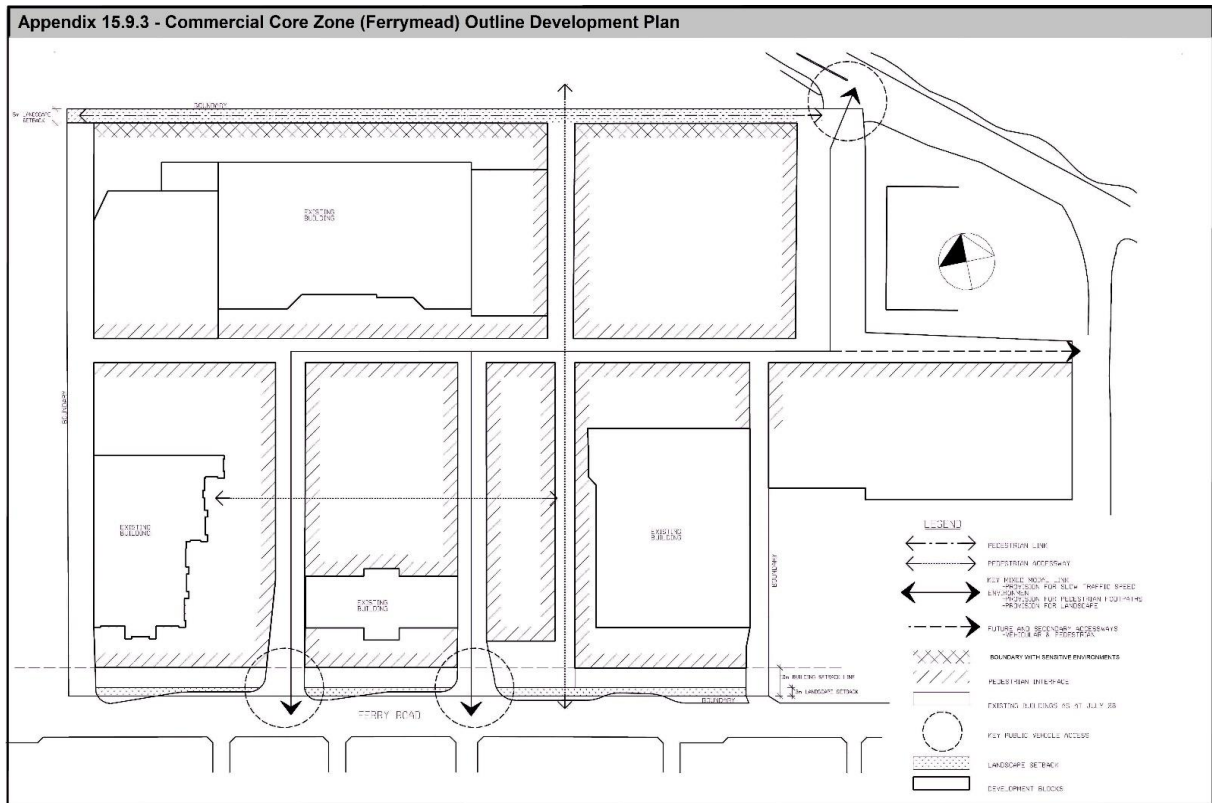
- replace title with 'Appendix 15.10.1 – Commercial Core Zone (Belfast Northwood) Outline Development Plan']



### 15.10.2 Commercial Core Zone (Ferrymead) Outline Development Plan

*[Image to be updated to:*

- *replace title with ‘ Appendix 15.10.2 – Commercial Core Zone (Ferrymead) Outline Development Plan’]*



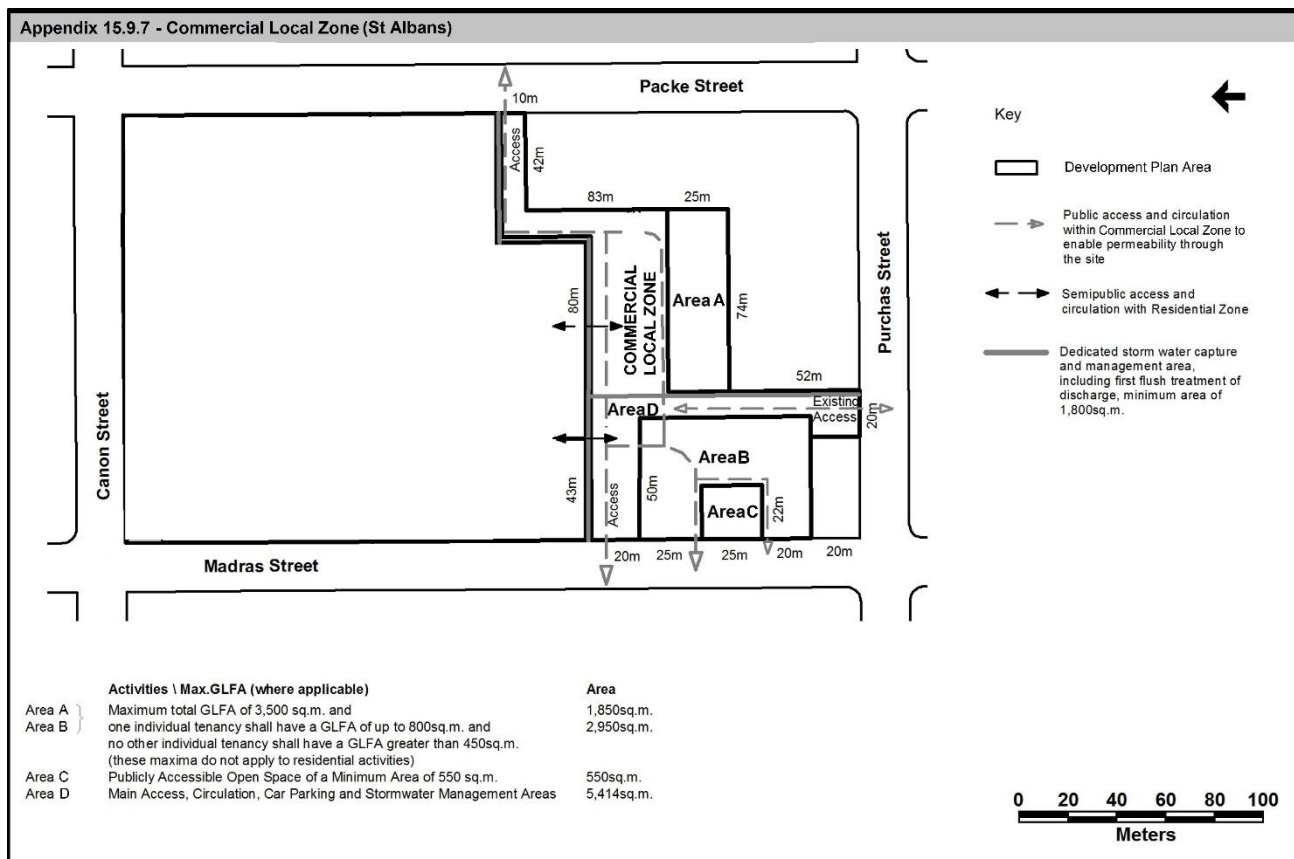
### **15.10.3 Commercial Core Zone (North Halswell) Outline Development Plan**

**DEFERRED**

## 15.10.4 Commercial Local Zone (St Albans) Outline Development Plan

[Image to be updated to:

- replace title with 'Appendix 15.10.4– Commercial Local Zone (St Albans) Outline Development Plan']



## 15.10.5 Design guidelines – Akaroa Commercial Banks Peninsula Zone

### a. Introduction

- i. The illustrations used in the guidelines are provided to assist in understanding the points expressed in the text. These are not all existing buildings but are stylised designs. These guidelines have been prepared to help you if you are thinking of building in the Commercial Banks Peninsula zone at Akaroa. They are intended to help you achieve the building you want, while at the same time ensuring that new buildings fit in with the town's surviving historic buildings and maintaining or enhancing the town's present character.



- ii. Figure 1: Typical Akaroa streetscape
- iii. You will find in this document a brief discussion of Akaroa's architectural history, and more importantly, a description of its architecture and value as a well preserved small scale historic town with a range of architectural styles. The historical and architectural importance of the town has been recognised by the local community, Heritage New Zealand Pouhere Taonga and the Council. The guidelines outline the key principles which the Council will take into account in considering any consent applications.
- iv. This document will elaborate on those principles, which can, in essence, be summarised as follows:
  1. New development and additions to existing structures should:
    - A Recognise and respect the unique historic character of Akaroa.
    - B Relate well to surrounding buildings and the general environment.
    - C Avoid dominating neighbouring buildings.
    - D Respect important views from public places.

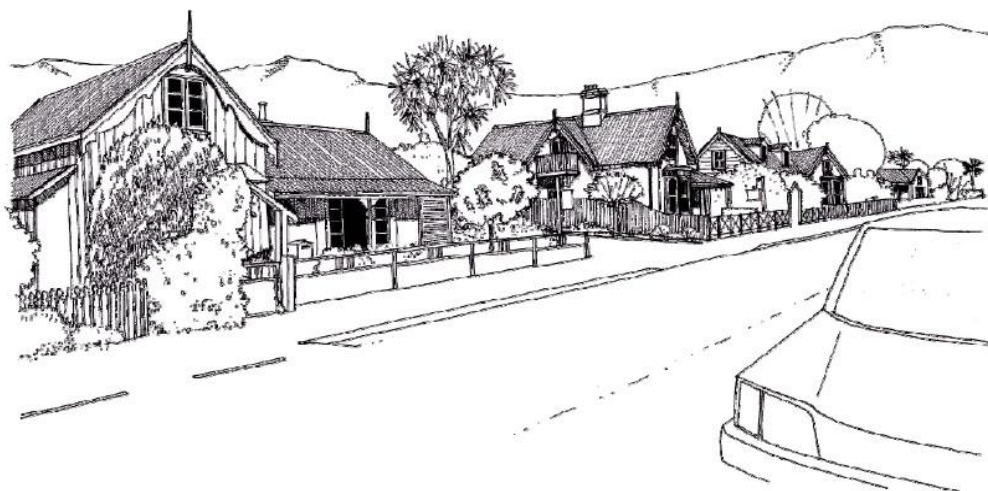
### b. Why guidelines?

- i. Akaroa has a distinctive visual character, based on its physical setting, its buildings and its open spaces and gardens. A large part of the centre of Akaroa has been recognised by Heritage New Zealand Pouhere Taonga and registered as a Historic Area. The Council has similarly recognised that this special character is worth protecting by including in its District Plan, provisions, which allow for consideration of the effects of proposed new buildings and alterations to existing buildings.
- ii. The Council's aim, through these guidelines, is to ensure that the special historical character of Akaroa is maintained, as development of the town proceeds. In endeavouring to meet that objective, the other main goals are to provide property owners and developers with design and appearance guidance and to encourage early discussion of proposed building plans with the Council.

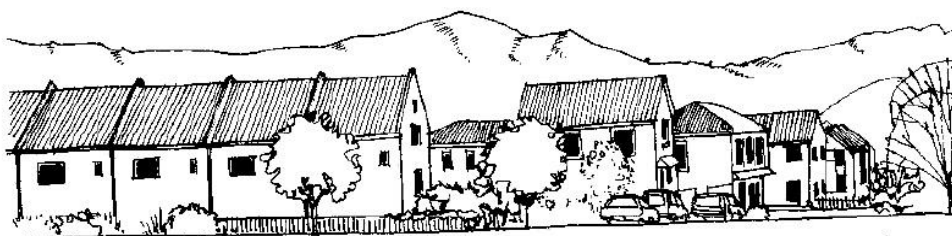
- iii. The primary concern of these guidelines is to protect, for cultural and aesthetic reasons, the attractive appearance of the town after more than 150 years of growth and change. Adherence to these guidelines also promises economic advantage for the town. Akaroa's appealing appearance and atmosphere help make it a desirable place to live, and an attractive place to visit. The town's architectural and historical heritage contributes greatly to its appeal as a holiday destination. By helping to protect the intrinsic characteristics of the town, the guidelines will assist in strengthening the town's major economic base and potentially enhance the value of your property.
  - iv. New buildings, or significant alterations to existing buildings in Commercial Banks Peninsula Zone are the main concern of these guidelines. However, many of the principles and specific guidelines could also be applied to the town's advantage in the residential areas which surround Commercial Banks Peninsula Zone.
- c. The Planning Framework
  - i. The Council can consider the design and appearance of proposed work in Commercial Banks Peninsula Zone through the resource consent process. Any building work in the Commercial Banks Peninsula Zone should comply with the standards of the District Plan and have regard to these design guidelines.
  - ii. The relevant section of the District Plan is Chapter 15 Commercial Banks Peninsula Zone.
  - iii. These guidelines set out issues which the Council will take into account when assessing a resource consent application required for design and appearance reasons. The guidelines are intended to help applicants who require resource consents to undertake building work in the Commercial Banks Peninsula Zone understand how the Council will evaluate the design and appearance aspects of proposed work.
  - iv. The Commercial Banks Peninsula Zone lies within the Historic Area registered by Heritage New Zealand Pouhere Taonga. This area has been recognised nationally as having a high percentage of original historic buildings which are of aesthetic and architectural importance in their own right, and form an inter-related group of historic places. As such the area is a vital part of the historical and cultural heritage of New Zealand. Approval from the Heritage New Zealand Pouhere Taonga is needed for work on any building within the Historic Area, or on any building elsewhere in the town which has been registered by the Trust.
  - v. In considering the design and appearance aspects of proposed building work in the Commercial Banks Peninsula Zone, the Council may take advice from Heritage New Zealand Pouhere Taonga or any qualified expert. Individuals who need resource consent for building work in these areas are urged to study these guidelines and to discuss their plans with the District Council, the Akaroa Design and Appearance Advisory Committee and Heritage New Zealand Pouhere Taonga before formally applying for resource consent for the work. Early consultation can often facilitate subsequent consent processes, resulting in reduced time delays and costs.
- d. Akaroa's architectural history
  - i. Akaroa has a distinctive architectural quality that stems, in part, from the high number of colonial buildings that have been retained to this day. Akaroa is one of New Zealand's most charming and romantic towns, although its origins as a French settlement are not strongly reflected in much of its architecture today. The earliest buildings of the French had steeply pitched roofs, small dormers, casement windows divided into many panes, louvered shutters and symmetrical facades. As early as the mid 1850s, Akaroa's buildings were no longer markedly different from other New Zealand buildings. A great number were cottages with reasonably large dormers, verandas and lean-to's. Almost all were built of horizontal weatherboards with steep roofs initially of shingles, then of corrugated iron. These were typical New Zealand colonial buildings.
  - ii. The one and a half storey, gable ended cottage with veranda, lean-to and dormers is often idealised as the archetypal Akaroa building. Though these cottages are still abundant, and valued, the town's architectural traditions are much richer and more varied.
  - iii. Later building designs in the town also followed general New Zealand trends, with horizontal weatherboard and corrugated iron the predominant building materials. Thus, nineteenth century churches are variants of colonial wooden Gothic, while Italianate was favoured for public and commercial buildings. Many commercial premises were two-storied and differed from residences only in being somewhat larger, and in being built-up to the street line. All were still relatively

small buildings and almost all were built of “timber and tin”. This uniformity in styles and materials for residences and public and commercial buildings, and little variation in building size, have been characteristic of Akaroa’s architecture since the nineteenth century.

- iv. Figure 2: Examples of early colonial cottages



- v. In the late twentieth century there was a new development in Akaroa’s architectural history. A demand emerged for multi-unit, privately owned apartments. These were up to three storeys high, built up to or close to the street line, and often of masonry construction. These buildings marked a significant departure from the single family houses and cottages, standing in individual sections, which were previously characteristic of most of the town. In retrospect many of these structures, individually or collectively, have not been successful in maintaining the intimate, mostly small scale of the town and the use of complementary building materials.
- vi. Figure 3: Townhouse block demonstrating overly repetitive elements. The buildings to the right display a pleasing variety and interest.



- vii. Akaroa’s diverse range of buildings of different sizes, shapes, styles, set-backs, roof forms and materials mean there is a very large architectural vocabulary on which architects can draw for new building design, without introducing styles, or details that would appear out of place. It is important that new buildings and extensions reflect existing architectural themes and styles.
- e. Akaroa’s setting and urban form
- i. Preserving and enhancing what is appealing about Akaroa requires careful consideration of more than the design of individual buildings. The spaces between matter too. Gardens and trees are generously dispersed throughout the town and large open spaces separate different built-up areas. Building has mostly been concentrated on the foreshore and up three small valleys, with the intervening spurs remaining open or bush-covered. The close integration between the natural and urban worlds in Akaroa also results from the town’s position facing onto an extensive harbour, and being ringed by grand hills. Applicants are encouraged to consider the impact of their design or building extension on the existing views of water and hills from the town and of the integration of the built and the natural environment.
- ii. The town’s development, and the proximity of commercial premises and residences give the town the relaxed, convivial atmosphere of a village. The maintenance of public and retail activities at

street level is important to sustaining the town's vitality and is protected in certain areas along Beach Road between Rue Jolie and Bruce Terrace. The maintenance of open spaces and of private gardens is also important to maintaining the town's atmosphere.

f. Diversity and innovation

- i. New designs will generally be acceptable if their proportions fit in well with nearby older buildings and maintain the scale of existing streetscapes. New buildings of contemporary design, built using up-to-date materials and building technologies can be added to Akaroa, provided they avoid or mitigate any adverse visual effects through careful use of scale, density, bulk, exterior cladding, external detailing and through their site location and setback.
- ii. Successful approaches are:
  1. Compatible design: new buildings, or new work on old buildings may vary the design but maintain the proportions, scale, materials, textures and colours of the original.
  2. New design: work of completely contemporary design which uses modern materials and building technologies, but shows respect for the character of existing old buildings in the area. Care must be taken that the historic character of the town is maintained when new designs are introduced.
- iii. Figure 4: Modern buildings incorporating key architectural themes such as steeply pitched gabled roofs, verandas and vertically oriented windows.



- iv. While nineteenth and early twentieth century buildings largely set the character of Akaroa, new development should generally reflect, rather than exactly replicate, these historic styles. Sympathetic design, whereby certain characteristics of historic buildings are incorporated into new buildings, is encouraged. Contemporary design, if carefully conceived to fit with the town's character, is often preferable to replica buildings.
- v. Figure 5: New residence demonstrating site specific sympathetic small scale forms and details, and vertical windows.



g. Building on specific sites

- i. Each individual site has different buildings adjoining it, and sits in a different relationship to the wider landscape. What is suitable for one particular site may be quite unsuitable on another site.

Corner sites need particular care, since they form a visual focal point. In some situations larger buildings on corner sites will be desirable to define streetscapes, on other corner sites, it may be desirable to avoid overpowering historic buildings nearby.

- ii. Figure 6: Corner Treatment- both buildings strongly define the corner yet include smaller scale forms that the pedestrian can relate to.

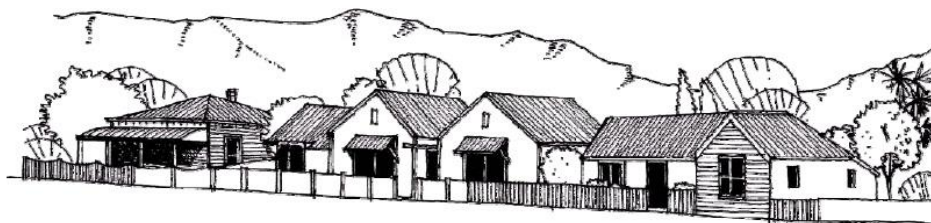


- iii. The size and scale of new buildings in relation to their neighbours are as important as the materials or architectural style of the new building.
- iv. The use of materials and architectural style of any development may add or detract from the overall proposal, its visual impact on the streetscape and historic character of the town.

#### h. Key concepts

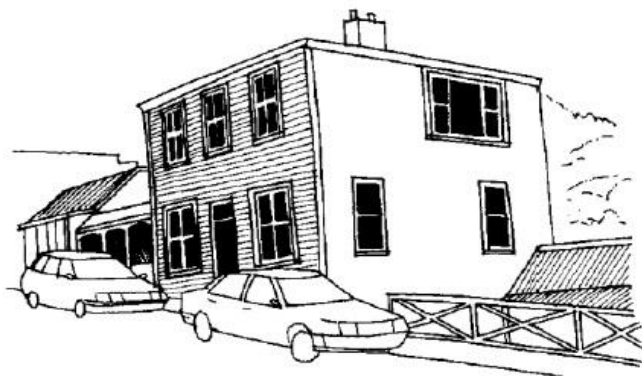
##### i. Streetscape, rhythm and scale

1. The goal is to maintain appealing streetscapes, characterised by sequences of buildings which are in scale and exhibit a pleasing modulation. Streetscape refers to the ways in which buildings form, together with gardens and trees, attractive combinations of mass and colour. Buildings are in harmony when, while not identical, they share similar elements and are of compatible size and form. When a rhythm is discernible in a sequence of buildings there are no abrupt transitions, in size, form or architectural detail, from one building to the next.
2. It may be appropriate for a contemporary building to sit beside a traditional weatherboard one provided there is some relationship to the rhythm and scale of windows, doors, roof pitch and other design elements.
3. Figure 7: Height and rhythm- a pleasing relationship between height and rhythm is evident.



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5. It may be appropriate for a contemporary building to sit beside a traditional weatherboard one provided there is some relationship to the rhythm and scale of windows, doors, roof pitch and other design elements.
6. Figure 8: Scale- an out of scale building which dominates adjacent buildings by size, bulk and height.



7. Larger, bulkier buildings can reflect the smaller scale of surrounding buildings by repetition of design elements such as gables, steps in the plan of the building, the use of different roof shapes, or dividing the building into visually separate units by using different treatments or colours for cladding.
8. Generally, designers of new buildings are asked to look at the existing historic buildings in the vicinity of the site, not to imitate them, but to consider whether the new building is sensitive to the surroundings in which it is to be placed.

#### ii. Replica buildings

1. Replica buildings, in the context of these guidelines, means an exact copy of the size, proportions, and architectural details of an older building. While it is generally undesirable to have a new buildings replicate the exact design of historic buildings, design elements of older buildings can be used to achieve an overall visual harmony. Replica buildings can devalue the authentic historic character of Akaroa.
2. Attempts at 'replication' with inaccurate detailing, inappropriate materials and distorted proportions can become a caricature of the original building style.

#### iii. Additions and alterations to historic buildings

1. The character of Akaroa depends to a large extent on the survival of its many historic buildings. The preservation of these surviving buildings is important in maintaining its overall character. The demolition of historic buildings has had detrimental effects on the character of the town. The retention of the remaining older buildings will generally be to the town's advantage.
2. Registration by Heritage New Zealand Pouhere Taonga, or listing by the District Council in its District Plan, are indications that particular historic buildings should be preserved and maintained for future generations.
3. Adaptive re-use is recommended. New developments on sites occupied by older buildings should use the historic structures whenever possible by building around or adding to them in a sympathetic way.
4. Key principles to bear in mind when adding to an historic building are:
  - i. Alterations should be the minimum necessary.
  - ii. They should not detract from the heritage value of the place and/or building.

- iii. They should be compatible with the original form and fabric of the building, but should be able to be read as new work, although this need not be obvious particularly for minor additions.
  - iv. They should be of a quality that does not detract from the heritage values of the place.
5. Ideally changes should also be reversible, to allow future generations to return the buildings to their original forms. When work is being done on historic buildings, previous inappropriate alterations should be reversed and unsympathetic additions removed whenever possible. Heritage New Zealand Pouhere Taonga can provide advice on these matters.
  6. Figure 9: Sensitive alteration to an historic building.



7. In the example to the right similar roof forms and window details have been used.
8. When work on an historic building is being undertaken the Conservation Guidelines published by Heritage New Zealand Pouhere Taonga should be consulted. Where major work is envisaged, an architect who has experience in conserving or adapting older buildings should be engaged.
9. Both the Akaroa Civic Trust and Heritage New Zealand Pouhere Taonga are available to advise owners of historic buildings who are considering major repairs or alterations to their buildings.

i. Specific guidelines

i. Roof forms

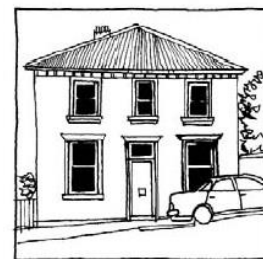
1. On Akaroa's older buildings, roofs are generally of relatively steep pitch, with gable ends. Hipped roofs are evident within the Commercial Banks Peninsula Zone. More recent buildings in the town exhibit a great variety of roof forms, including hip roofs, roofs of shallow pitch, and flat, or mono-pitch, roofs. While there is a variety of existing roof forms, those which are steeply pitched (i.e. 25 degrees and steeper) maintain an attractive streetscape and achieve a pleasing relationship with adjacent and nearby buildings and are to be encouraged.
2. Figure 10: Roof shapes and forms



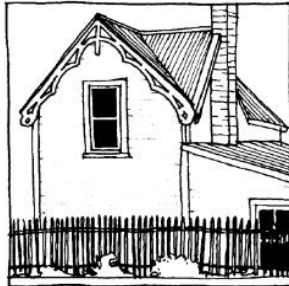
Villa Gable and Verandah



Verandah and simple gable with roof domers



Two Storey Hipped Roof domers



Two Storey Gable with Lean-to at rear



Multiple Gable Ends Roofs

## ii. Cladding, texture and roofing materials

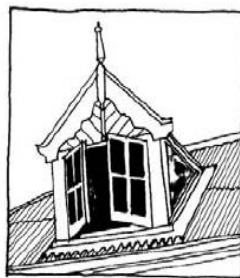
1. Historically, weatherboard has predominated in Akaroa. Roofs have been mostly corrugated iron with door, and window frames of wood. Brick and other forms of masonry construction are unusual in Akaroa. Consequently, the use of traditional vernacular materials, such as weatherboard cladding, and corrugated iron roofing is encouraged in Akaroa. Some recent examples have not worked well because they lack detail and texture. An example of a modern application which reflects the character of the adjoining buildings, and has been successful, can be seen on the additions to the Akaroa museum.
2. To harmonise contemporary with traditional buildings, extensive, blank masonry walls, lacking in texture, should be avoided where masonry walls are necessary. Careful detailing and placement of wall openings, sensitive selection of colours or judicious planting can be useful in reducing adverse visual impacts to a limited degree.

## iii. Windows

1. Attention should be paid to the sizes, symmetry and proportions of window openings and their placement, or grouping, in relation to neighbouring buildings. In the Commercial Banks Peninsula Zone any departure from the vertical orientation of windows of historic buildings is not encouraged. Timber windows are preferable to aluminium but if aluminium windows are used, they should be faced with timber.
2. Figure 11: Window orientation- the illustration on the right demonstrates appropriate vertical orientation and facings and has pleasing symmetry.



**Figure 12:** Window shapes and types



Dormer in a roof



Modern blend of windows  
- all simple shapes

iv. Colours

1. There is no reason, when choosing colours for the walls, facings and roofs of new buildings, or when repainting older buildings, not to use today's much wider palette of colours than the palette available in earlier years, provided the new colours are in accord with the historic character of the town and its streetscapes. Simple combinations of discreet individual colours are particularly preferable in areas where there are large numbers of older buildings, however, the colour of new structures should not visually dominate heritage buildings or the streetscape. Owners of historic buildings are encouraged to consider using heritage colours and information about these is available from major paint manufacturers and retailers. In the Commercial Banks Peninsula Zone the preference is for painted or coloured surfaces. Corporate colour schemes and large corporate logos are not appropriate in the Akaroa Historic Area.

v. Verandas

1. The only sequence of nearly continuous shop verandas over footpaths in Akaroa is found along Beach Road. On Rue Lavaud occasional shop verandas contribute to the variety and modulation of the streetscape. Where new buildings are being erected in either of these precincts, maintenance of the sequence along Beach Road, and of the pattern of occasional verandas along Rue Lavaud, should be the goal.
2. Figure 13: Akaroa street verandas

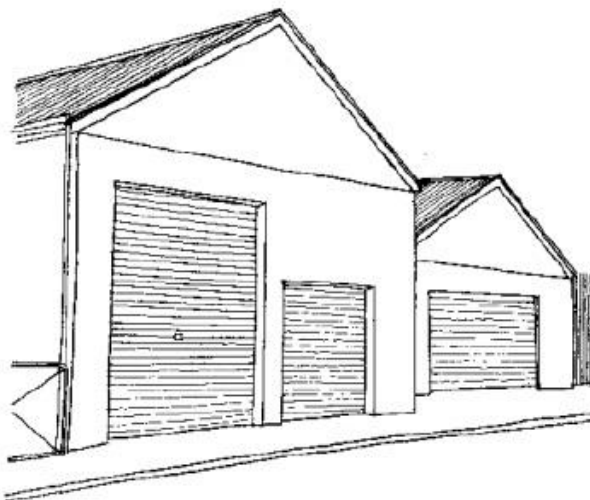


vi. Setback and fences

1. Akaroa's charm and historic character depend, in part, on gardens and trees remaining key elements in Akaroa's streetscapes. Setbacks will help ensure plantings continue to be a major element in most residential streetscapes. Only in existing commercial areas of the town, where setbacks are already small or non-existent, is it desirable to maintain the sense of a fully built-up townscape.
2. Having some buildings hard up against the street, even in predominantly residential areas, gives the town's streetscapes attractive variety.
3. To be able to look into and enjoy gardens along the street has long been the character of the settlement. Tall fences break this pattern, therefore low fences are encouraged. If taller fences are required, then they should be of a picket type so that the garden aspect is presented to the street.

vii. Parking and garages

1. Garages should have a minimal visual impact on the historic character and amenity of the streetscape. They should be located further back from the road boundary than the main building and the repetitious sequences of multiple garage doors should be avoided. Within the Akaroa Historic Area, garages facing the street are required to be sited behind dwellings.
2. Figure 14: Garages on street front - these buildings detract from the streetscape.

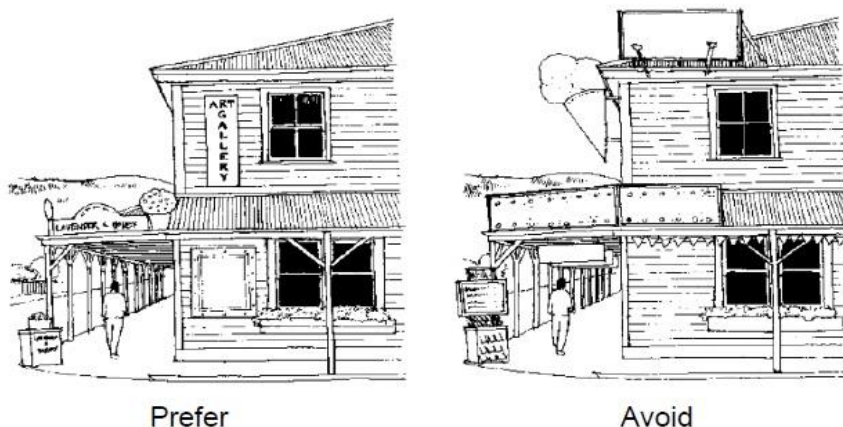


3. Car parking, especially with larger developments, should be concealed behind the main buildings, with minimal access points. Where this is not practical or possible, attention should be given to screening parking areas from view from adjoining streets.
4. Figure 15: Car parking visually softened by location behind buildings and screen planting



#### viii. Signs

1. Rules in the District Plan govern the size and placement of signs. Besides conforming with these rules, new signs will help preserve the character of Akaroa if they are simple, not excessively large and do not obscure interesting architectural details of buildings. Signs incorporating simple backgrounds, borders and text are preferable to complex graphics, particularly photomontage based signage and large-scale advertising hoardings. The proliferation of signs which are obtrusive because of their size, colour or placement, could undermine the pleasing character of Akaroa. Neon, moving, illuminated or brightly lit signs will generally detract from the historic character of Akaroa and are discouraged.
2. Figure 16: Signage



3. In this illustration the signs on the right detract from the form of the building and create a sense of visual clutter.

#### ix. Site work

1. The District Plan controls the heights of buildings in Akaroa, but again a building, which meets the requirements of the Plan, may not be satisfactory in its design, or impact on townscapes.

## 15.10.6 Design guidelines – Lyttelton Commercial Banks Peninsula Zone

### a. Introduction

- i. Lyttelton town centre (as defined by the Commercial Banks Peninsula Zone) is the focal point of the town, providing retail and commercial facilities and the opportunity for community exchange and interaction. The town centre has a distinct character, with a clear change in nature between it and the residential and port zones. Lyttelton has been described as quirky and creative, with a mix of old and new development, but overall, the buildings create a sense of place because, although they are all different, they are unified by their similarity in scale, form and relationship to the street.
- ii. The town centre was significantly damaged in the 2011 Canterbury earthquakes, with the loss of many of the buildings that provided the heritage values and identity of the commercial heart. Despite the loss of buildings much of the physical framework for a vital and vibrant town centre remains in place.

### b. Purpose

- i. The purpose of these guidelines is to identify the physical framework and explain the principles of designing new buildings and spaces, or additions to existing buildings, to uphold and strengthen the enduring character of the town centre. These are the key principles to consider in designing any new development in accordance with the rules in order to achieve the objectives and policies contained in the District Plan. The intention of the guidelines is not to stifle flair or creativity, but by paying attention to and incorporating the aspects of Lyttelton town centre that make it special, the development can support, rather than diminish, its character and identity.

### c. How the design guidelines work

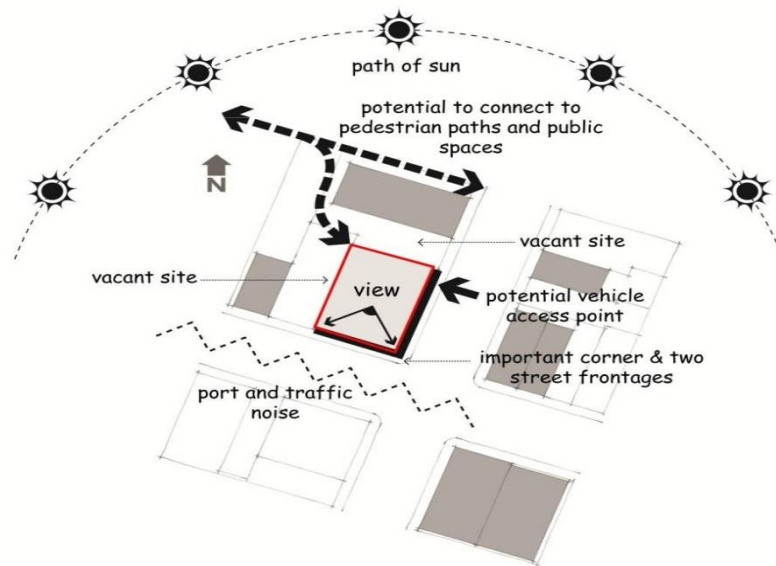
- i. The District Plan requires that the design of all new developments and external alterations to existing buildings within the Commercial Banks Peninsula Zone in Lyttelton is assessed through the resource consent process. All development proposals will be assessed against the principles in these guidelines, as applicable.



### d. Principle 1: Reflect the context

- i. Lyttelton has a special character due to its sloping topography, portside location, layout of streets and lots, and eclectic mix of buildings. The area also has a special significance to Ngāi Tahu due to their historic and contemporary occupation of the area and use of Whakaraupo / Lyttelton Harbour.
- ii. The four primary streets (London, Oxford and Canterbury Streets and Norwich Quay) have different characteristics, but are all important in defining and reinforcing the formality of the town centre layout. The land in the middle of the block without street frontage, and the area around Donald Street, lend themselves to more informal designs.
- iii. A thorough evaluation of the development site's context and the site itself prior to the design process, including an understanding of the colonial and Ngāi Tahu cultural heritage, will help identify the influences on and attributes of the site and its surroundings.

- iv. Cultural heritage is an expression of the ways of living developed by a community and passed on from generation to generation and includes built and natural environment and artefacts, including customs, practices, places, objects, artistic expressions and values.
- v. Figure 1: A simple context analysis identifying influences on the development site.



- vi. Reflecting the context means:
  1. Considering how the development builds on and contributes to Lyttelton's cultural heritage in respect to the built and natural environment.
  2. Recognising the site topography, particularly building to suit and take advantage of sloping ground.
  3. Recognising that the streets and spaces within the town centre have differing character attributes. On Norwich Quay designs will need to take account of traffic and port noise.
  4. Taking advantage of the views to the south and sunny aspect to the north.
  5. Incorporating mid-block pedestrian lanes and outdoor spaces at the rear of sites.
  6. Taking primary design references from the town centre character attributes rather than the surrounding residential buildings or the port.
  7. Figure 2: Addressing the slope, views and existing building form



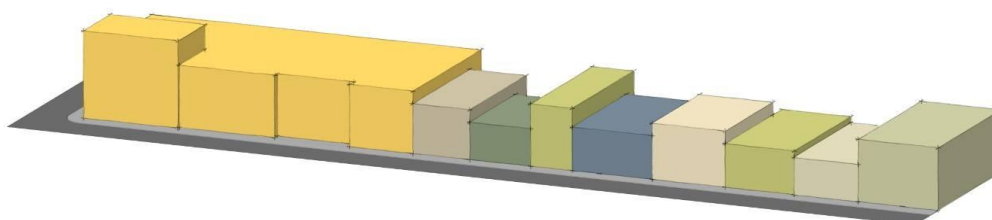
- e. The scale of a building is the product of its height and size as well as the design details. While the town centre buildings vary considerably in height and size they are all compatible in terms of scale. The width of lots has played a large part in establishing the existing scale of development.

i. To keep in scale means:

1. Maintaining the generally low built form up to 3 storeys, but considering options for higher feature elements.
2. Figure 3: Keeping in scale, through a combination of height, form, development gain and detailing



3. Considering the scale of neighbouring buildings and the overall scale of the street in which the building is to be located. London Street has an enclosed, intimate scale. Norwich Quay is a wider street, single sided for the majority of its length, with an open outlook to the port and beyond. As such taller buildings would be more appropriate in this streetscape than in London Street.
4. If building next to a character building, ensuring that its visual presence is not dominated or diminished by the new building or addition.
5. If building a single storey building, ensuring that the building height is sufficiently high to maintain a similar scale of building on the street frontage to those buildings adjacent and the streetscape as a whole.
6. Breaking a large building into modules so that it reads as smaller joined buildings rather than one monolithic one. As a rule of thumb, modules of 4m to 12m in width on London Street and up to 20 metres elsewhere will reflect the historic subdivision pattern.
7. Figure 4: Creating vertical and horizontal modulation in a large development block



8. Designing the building with both horizontal and vertical divisions (articulation), particularly on elevations facing the street or adjacent to high use pedestrian lanes and spaces. Identifying each storey is important.

f. Principle 3: Respect the street pattern and building form

- i. The grid pattern of wide straight streets is defined by building frontages along the street, which enclose the street space. The building forms are solid, rectilinear and positioned square to the street.
- ii. Respecting the street pattern and building form means:
  1. Building right up to the street edge, particularly on London Street, Norwich Quay and the western side of Oxford Street, and across the whole of the street frontage, (except where access is required from Norwich Quay).
  2. Figure 5: Reinforcing the corner aspect and increasing way-finding for visitors to the town centre



3. If building on a corner site, reinforcing the corner and supporting the street form with a taller building of a minimum of two storeys in height.
4. Restricting irregular forms and shapes to feature elements or to internal block locations away from the primary street frontages.
5. Keeping the building façade generally up to, but not beyond, the street boundary, except for verandas and small feature elements.
6. Using flat, symmetrically pitched, or hipped rooflines or parapets where buildings face the street.
7. Where there is an un-built frontage on Oxford Street or Canterbury Street, consider defining the street edge with a low wall.

g. Principle 4: Address the street

- i. Buildings in Lyttelton address the street. The building frontages are interesting and encourage activity, creating a lively atmosphere. Good visibility from buildings to the street and publicly accessible areas allows for casual surveillance. Addressing the street means:
  1. Providing windows on all street elevations or elevations adjacent to pedestrian lanes and public spaces. On Canterbury and Oxford Streets windows will also be needed at lower ground level.
  2. Providing highly legible pedestrian entrances accessed directly from the street.
  3. On corner sites, wrapping the building around the corner and providing a high level of architectural detail particularly in respect to entrances and windows, and the quality of façade materials.
  4. Incorporating generous shop windows on the ground floor along London Street.
  5. Avoiding building designs and layouts which create hidden, potentially unsafe alcoves and areas.
  6. Ensuring universal access (access for all people), with particular attention being paid to sites with sloping frontages.
  7. Where required, providing verandas that are in keeping with or complement adjacent verandas in respect to design, width and continuity.
  8. Figure 6: Creating a street frontage with a high level of visual interest, including ground floor windows and entrances to the street



h. Principle 5: Incorporate variety and pay attention to detail

- i. Lyttelton had a wide variety of buildings of different ages and styles which, as a collection, created an eclectic, vibrant townscape. Although diminished, this variety, and particularly the level of detail within the building facades, remains. There is the opportunity for creative design and to incorporate features and details which are characteristic of Lyttelton, or a contemporary take on them. Incorporating variety and paying attention to detail means:

1. Distinguishing any new building from its neighbours and, if a large building, incorporating variety within the building design.
2. Avoiding being exactly the same height as the neighbouring building.
3. Avoiding repetition of the same design module along the street frontage, typically no more than a 12 metre run.
4. Figure 7: Creating interest and variety along the street frontage



- ii. Creating depth to the building surface through the utilisation of, for example, recessed windows and doorways, protruding window and door surrounds, textured cladding and applied decorative features.
- iii. Providing variation in building materials and colours. Avoid large expanses of the same material, colour or pattern.
- iv. Picking up on historical references and traditional features such as angled corners, high parapets with a curvilinear top, corner towers, volcanic stone walls or mural.
- v. Orientating windows vertically to reinforce the fine grain of the town centre.
- vi. Creating interest and contrast where building additions are proposed, through the choice of materials and detailing.
- vii. Integrating signage, where needed, within the design of the building to ensure that it does not visually dominate or detract from the architectural form and quality of the building.
- viii. Figure 8: Integrated signage within the building form and design features



i. Principle 6: Promote sustainable building initiatives

- i. Lyttelton town centre has the opportunity to incorporate designs, technologies and systems that promote more sustainable practice from concept design, through to the construction, use and maintenance of buildings and spaces, which means:
  1. Using design and construction methods that minimise waste to landfill and cleanfill, and the implementation of environmental management systems to ensure other impacts are managed throughout the construction process.
  2. Incorporating design and technologies that conserve energy and water, promote renewable energy, encourage recycling, achieve a high level of thermal comfort and support natural ventilation and natural light penetration.
  3. Selecting materials that are durable, low maintenance, non-toxic and where possible, that have independent environmental certification and are from local and renewable sources.
  4. Providing facilities that encourage walking, cycling and the use of public transport, including high quality pedestrian access, showers, change facilities, storage and bicycle racks for staff and visitors.
  5. Designing for outdoor comfort by creating pleasant micro-climates and inviting, sheltered, sunny, spaces such as courtyards or balconies using verandas, planting or screens to help moderate temperature and wind.
  6. Improving ecology and stormwater management on the site through the provision of rain gardens, landscaping, pot plants or living roofs and walls.

## 15.10.7 Lyttelton Master Plan Overlay

**DEFERRED**

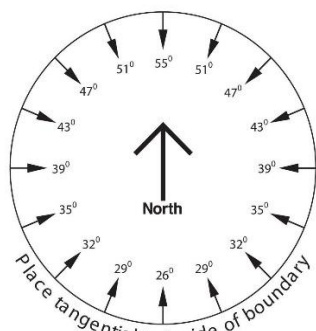
## 15.10.8 Commercial Local Zone (Wigram) Outline Development Plan

*[Image to be updated to:*

- *add title ‘Appendix 15.10.8 – Commercial Local Zone (Wigram) Outline Development Plan’]*

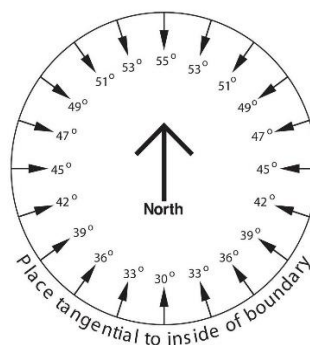


## 15.10.9 Recession plane diagrams



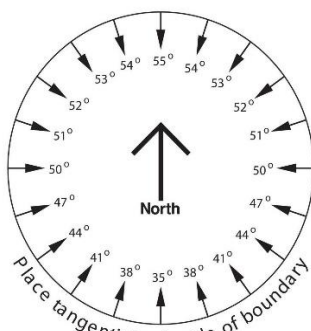
A Applicable to all buildings:

- in the Residential Suburban Zone
- on sites in other non residential zones that adjoin the Residential Suburban Zone



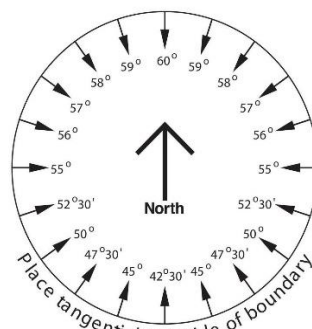
B Applicable to all buildings:

- Residential Suburban density overlay
- On sites in other non residential zones that adjoin the Residential Suburban density overlay area



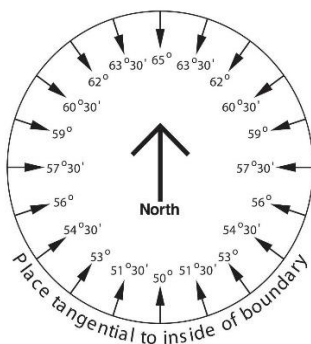
C Applicable to all buildings:

- in the Residential Medium Density Zone
- on sites in other non residential zones that adjoin the Residential Medium Density Zone



D Applicable to all buildings:

- in the medium density higher height limit zones
- on sites in other non residential zones that adjoin the medium density higher height limit zones
- in the medium density higher height limit zones (except those buildings over 11 metres in height)
- on sites in other non residential zones that adjoin the medium density (except those buildings over 11 metres in height)



E Applicable to all buildings:

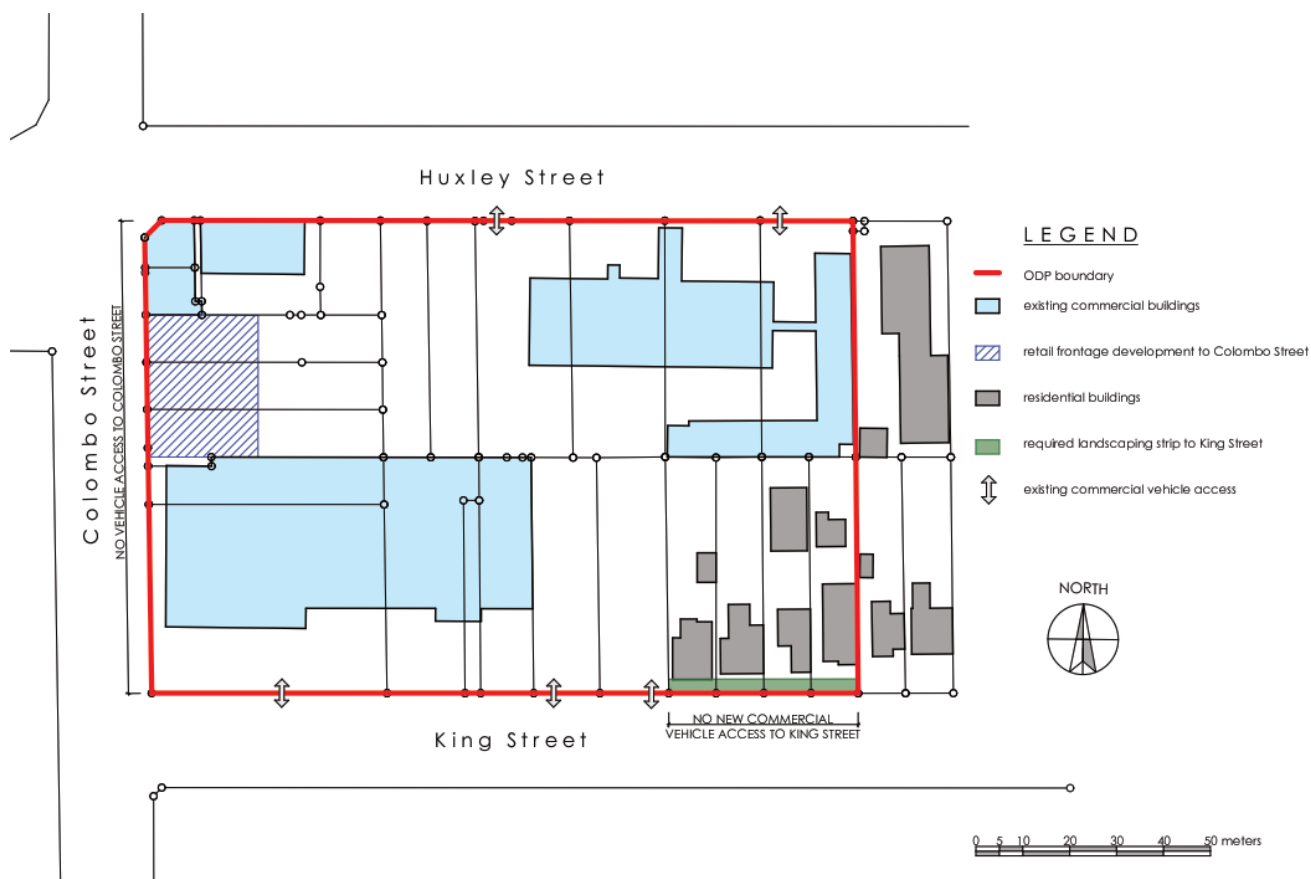
- over 11 metres in height in the medium density higher height limit zones
- over 11 metres in height on sites in other non residential zones that adjoin the medium density higher height limit zones

Note: North is true north

### 15.10.10 Commercial Core Zone (land between Huxley Street and King Street) Outline Development Plan

[Image to be updated to:

- add title 'Appendix 15.10.10 – Commercial Core Zone (land Between Huxley Street and King Street) Outline Development Plan']



## Chapter 16 Industrial (part)

### 16.1 Objectives and policies

#### 16.1.1 Objective - Recovery and growth

- a. The recovery and economic growth of the district's industry is supported and strengthened in existing and new greenfield industrial zones.

##### 16.1.1.1 Policy - Sufficient land supply

- a. Maintain a sufficient supply of industrial zoned land to meet future demand up to 2028, having regard to the requirements of different industries, and to avoid the need for industrial activities to locate in non-industrial zones.

##### 16.1.1.2 Policy - Enable the development of industrial areas to support recovery

- a. Encourage the redevelopment of existing industrial zones for industrial activities, particularly in areas that have lost industry and associated employment opportunities due to the earthquakes.

##### 16.1.1.3 Policy - Range of industrial zones

- a. Recognise and provide for industrial zones with different functions that cater for a range of industrial and other compatible activities depending on their needs and effects as follows:
  - i. Industrial General Zone
    - A. Recognise and provide for industrial and other compatible activities that can operate in close proximity to more sensitive zones due to the nature and limited effects of activities including noise, odour, and traffic, providing a buffer between residential areas and the Industrial Heavy Zone.
  - ii. Industrial Heavy Zone
    - A. Recognise and provide for a full range of industrial and other compatible activities that generate potentially significant effects, including relatively high levels of noise, odour, heavy traffic movements, and the presence of significant amounts of hazardous substances, necessitating separation from more sensitive activities.
  - iii. Industrial Park Zone
    - A. Recognise and provide for industrial activities in the high technology sector and other industries in a high amenity environment dominated by open space and landscaping, and that generate higher volumes of traffic than other industries while having negligible effects in terms of noise, odour or the use and storage of hazardous substances.

##### 16.1.1.4 Policy - Activities in industrial zones

- a. Maintain and support the function of industrial zones while, subject to Clauses (b) and (c), providing for limited non-industrial activities that:

- i. are ancillary in scale (subject to Clause (d)) and on the same site as a permitted or consented activity;
  - ii. are not appropriate in more sensitive environments due to their potential noise, odour or other environmental effects;
  - iii. comprise yard based or trade suppliers in the Industrial General Zone;
  - iv. provide an emergency service and/or provide for community activities;
  - v. support the needs of workers and businesses in the zone including food and beverages, commercial services, and the care of children;
  - vi. meet the convenience needs of residents, workers and businesses in the Industrial General Zone (Waterloo Park) in a local centre;
  - vii. are rural activities associated with the irrigation of food processing wastewater in the identified area of the Industrial Heavy Zone (South West Hornby) (Appendix 16.6.8) that is integral to the ongoing operation of an established industrial activity.
- b. Avoid any activity in industrial zones with the potential to hinder or constrain the establishment or ongoing operation or development of industrial activities and strategic infrastructure. This includes but is not limited to avoiding:
- i. sensitive activities located within the 50 dBA Ldn noise contour line, the Lyttelton Port Influences Overlay Area and in proximity to the National Grid;
  - ii. discretionary or non-complying activities in close proximity to bulk fuel storage facilities unless a quantitative risk assessment establishes that the proposed activity in its location meets risk acceptability criteria appropriate to the applicable land use.
- c. Avoid the use of industrial zones for non-industrial activities that could adversely affect the strategic role of the Central City, District Centres and Neighbourhood Centres as focal points for commercial, community, residential, and other activities.
- d. Provide for ancillary activities, recognising their role in supporting industry, while being incidental in scale and function to a principal activity on the same site, and not inconsistent with Clauses (b) and (c).

Note for Clause (b)(ii): As at June 2015, bulk fuel storage facilities in industrial zones are limited to the LPG and oil depots in Chapmans Road, Woolston.

The quantitative risk assessment referred to under (b)(ii) shall consider the vulnerability of activities to hazardous events from a bulk fuel storage facility, such as fires and vapour cloud explosions, and the ability of the proposed activity to enact timely and effective emergency action and evacuation. This will require consideration of factors including:

- i. Site and building occupancy, and the ability to easily evacuate;
- ii. Building type and siting; and
- iii. The effects of structures and landscaping on the propagation of vapour cloud explosions.

The identification of appropriate risk acceptability criteria and guidance on preparing a quantitative risk assessment shall refer to guidance in the Planning NSW Hazardous Industry Planning Advisory Papers No. 3 and 4 Risk Criteria for Land Use Safety Planning, or similar guidance suitable to the context of the site and activity that the risk assessment is for. Early consultation with the companies responsible for the LPG and oil depots is encouraged for any proposed activity within 300 metres of the depots, as the companies will be able to assist with the identification of appropriate risk acceptability criteria and the extent to which a quantitative risk assessment is necessary.

### 16.1.1.5 Policy - Office development

- a. Avoid office development in industrial areas other than where it is:
  - i. ancillary to a permitted or consented activity on the same site (subject to 16.1.1.4 (d));

- ii. a secondary component to a high technology industrial activity located in the Industrial Park Zone that supports the function of the zone for primarily industrial activities.

## 16.1.2 Objective— Brownfield redevelopment

- a. The recovery and economic growth of the District is provided for by enabling redevelopment, including mixed-use development, of appropriate brownfield sites while not compromising the function of the wider industrial area for primarily industrial activities.

Note: 16.1.2 Objective - Brownfield development and 16.1.2.1 Policy - Brownfield site identification and 16.1.2.2 Policy - Brownfield redevelopment are the only objective and policies in the Industrial Chapter to be considered for any proposal for residential or mixed use development of a brownfield site.

### 16.1.2.1 Policy - Brownfield site identification

- a. Unless a site is identified by a ‘brownfield’ overlay on the planning maps, a brownfield site shall meet the following criteria:
  - i. The land is abandoned or underutilised industrial land, or no longer required by a requiring authority for a designated purpose; and
  - ii. The redevelopment of the brownfield site will not adversely affect the supply of land to meet anticipated needs of industrial activities to 2028, including industrial activities with specific locational requirements; and
  - iii. The brownfield site is in a location that is not surrounded by industrial activities and/or will not erode the anticipated outcomes, including the function and amenity levels, of those parts of the zone not subject to brownfield redevelopment.

### 16.1.2.2 Policy - Brownfield redevelopment

- a. To support the redevelopment of brownfield sites for residential or mixed use activities including a limited quantum of commercial activity.
- b. Brownfield regeneration proposals shall ensure that:
  - i. Any residential or mixed use development will not give rise to reverse sensitivity effects on existing industrial activities, or other effects that may hinder or constrain the establishment or ongoing operation or development of industrial activities and strategic infrastructure.
  - ii. The safety and efficiency of the current and future transport system is not significantly adversely affected.
  - iii. An appropriate level of residential amenity can be achieved on the site.
  - iv. The site enhances connectivity to public transport routes, commercial and community services, and open space where appropriate.
  - v. Any contaminated land is managed in accordance with national and regional standards.
  - vi. The redevelopment maintains the strategic role of commercial centres as the focal points for commercial and other activities, and the efficient and effective use of land and/or community and transport infrastructure investment in centres.
  - vii. The environmental and cultural values of waterways within or adjoining the site are recognised and provided for in any redevelopment.

### 16.1.3 Objective – Effects of industrial activities

- a. Adverse effects of industrial activities and development on the environment are managed to support the anticipated outcome for the zone while recognising that sites adjoining an industrial zone will not have the same level of amenity anticipated by the Plan as other areas with the same zoning.
- b. The cultural values of Ngāi Tahu/ manawhenua are recognised, protected and enhanced through the use of indigenous species in landscaping and tree planting, a multi-value approach to stormwater management in greenfield areas, low impact design, and the protection and enhancement of wāhi tapu and wāhi taonga including waipuna.

#### 16.1.3.1 Policy – Development in greenfield areas

- a. To manage effects at the interface between greenfield areas and arterial roads, rural and residential areas with setbacks and landscaping.
- b. Manage the development of greenfield areas in a manner aligned with the delivery of infrastructure, including upgrades to networks, to avoid adverse effects on networks serving these areas.
- c. Development shall recognise and support Ngāi Tahu cultural values through low impact urban design, the protection of sites of significance to Ngāi Tahu including wāhi tapu and wāhi taonga, waterways, springs, wetlands, and sites of indigenous vegetation where practicable.
- d. Enable the ongoing use of land in the Industrial Heavy Zone (South West Hornby), (identified on Appendix 16.6.8) for rural activities and the associated irrigation of food processing wastewater at South West Hornby as an integral component of the adjoining industrial activity.

#### 16.1.3.2 Policy – Managing effects on the environment

- a. The effects of development and activities in industrial zones, including reverse sensitivity effects on existing industrial activities as well as, visual, traffic, noise, glare and other effects, are managed through the location of uses, controls on bulk and form, landscaping and screening, particularly at the interface with arterial roads fulfilling a gateway function, and rural and residential areas, while recognising the functional needs of the activity.
- b. Effects of industrial activities are managed in a way that the level of residential amenity (including health, safety, and privacy of residents) adjoining an industrial zone is not adversely affected while recognising that it may be of a lower level than other residential areas.
- c. Development and activities are managed to avoid adverse effects on strategic infrastructure within or in proximity to industrial zones.
- d. The quantity of wastewater discharged in areas over unconfined or semi-confined aquifers is restricted to minimise any risk of contamination.
- e. The cultural values of Ngāi Tahu/manawhenua are recognised and supported through the protection of wāhi tapu and wāhi taonga, including waipuna, from the adverse effects of development, through the use of low impact design, use of indigenous species appropriate to the local environment, and stormwater management.
- f. Development in the Industrial Park Zone is designed and laid out to promote a safe environment and reflects principles of Crime Prevention through Environmental Design (CPTED).

#### 16.1.3.3 Policy - Managing stormwater

- a. Ensure that stormwater is managed in a way that:
  - i. mitigates the adverse effects of flooding;

- ii. improves water quality in a manner which is consistent with maintaining environmental and public health.
- b. Encourage methods that achieve:
  - i. a multi-value approach, using swales, wetlands, infiltration and retention basins, having regard to the location and environmental constraints;
  - ii. integration with the wider network, reflecting a catchment based approach.

## 16.2 Rules - Industrial General Zone

### 16.2.1 How to use the rules

- a. The rules that apply to activities in the Industrial General Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 16.2.2; and
  - ii. Built form standards in 16.2.3.
  
- b. Area specific rules also apply to activities within the Industrial General Zone in the following areas:
  - i. Waterloo Park (as identified in Appendix 16.6.2) - Rule 16.2.4;
  - ii. Portlink Industrial Park (as identified in Appendix 16.6.3) - Rule 16.2.5;
  - iii. Musgroves (as identified in Appendix 16.6.4) - Rule 16.2.6;
  - iv. *North Belfast (as identified in Appendix 16.6.5) - Rule 16.2.7; DEFERRED*
  - v. Stanleys Road (as identified in Appendix 16.6.9) – Rule 16.2.8;
  - vi. Trents Road (as identified in Appendix 16.6.6) - Rule 16.2.9.
  - vii. South West Hornby (as identified in Appendix 16.6.8) – Rule 16.2.10
  
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Industrial General Zone (where relevant):
  - 5** Natural Hazards;
  - 6** General Rules and Procedures;
  - 7** Transport;
  - 8** Subdivision, Development and Earthworks;
  - 9** Heritage and Natural Environment;
  - 11** Utilities, Energy and Infrastructure; and
  - 12** Hazardous Substances and Contaminated Land.
  
- d. Where the word 'facility' is used in the rules e.g. public transport facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

## 16.2.2 Activity status tables – Industrial General Zone

### 16.2.2.1 Permitted activities

In the Industrial General Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 16.2.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 16.2.2.2, 16.2.2.3, 16.2.2.4, 16.2.2.5 and 16.2.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hard standing areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P21 below.	Nil
<b>P2</b>	Industrial activity	
<b>P3</b>	Warehousing and distribution activities	
<b>P4</b>	High technology industrial activity	
<b>P5</b>	Service industry	
<b>P6</b>	Trade and industry training facility	
<b>P7</b>	Ancillary retail activity	Any ancillary retail activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the street.</li> <li>c. be limited to the display and sale of goods produced, processed or stored on the site.</li> </ul>
<b>P8</b>	Retail activity on the Tannery site (between Cumnor Terrace and Tanner street), within the brownfield overlay on planning map 47.	a. The maximum gross floor area of retail activity shall be 2,278m <sup>2</sup> .
<b>P9</b>	Food and beverage outlet	Nil

<b>P10</b>	Trade supplier	
<b>P11</b>	Yard-based supplier	
<b>P12</b>	Service station	
<b>P13</b>	Second-hand goods outlet	
<b>P14</b>	Ancillary office activity	<p>Any ancillary office activity shall:</p> <ul style="list-style-type: none"> <li>a. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser or for yard based activities, shall occupy no more than 250m<sup>2</sup> of floor area on the whole site; and</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.</li> </ul> <p>Note: clause (a) shall not apply to land legally described as Lot 1 DP 2951, Lot 2 DP 2951, and Pt Sec 16 Lyttelton Town, where any office activity shall be ancillary to port activities.</p>
<b>P15</b>	Public transport facility	Nil
<b>P16</b>	Emergency service facilities	
<b>P17</b>	Gymnasium	
<b>P18</b>	<p>Pre-school</p> <ul style="list-style-type: none"> <li>a. outside the air noise contour (50 dBA L<sub>dn</sub>);</li> <li>b. in Lyttelton, outside the Lyttelton Port Influences Overlay Area as defined on the Planning maps;</li> </ul>	<p>Any pre-school activity shall be:</p> <ul style="list-style-type: none"> <li>a. located more than 100 metres from the boundary of an Industrial Heavy Zone; and</li> <li>b. any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB <math>D_{tr, 2m, nTw} + C_{tr}</math>; and</li> <li>c. any bedroom or sleeping area must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB <math>D_{tr, 2m, nTw} + C_{tr}</math>.</li> </ul>
<b>P19</b>	Parking lots and parking buildings	Nil
<b>P20</b>	Community corrections facility	
<b>P21</b>	Activities P1 to P20 at 65 – 67 Racecourse Road (Refer to Appendix 16.6.12)	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the outline development plan in Appendix 16.6.12.</li> </ul>

### 16.2.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 16.2.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 16.5.1 and 16.5.2 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P21 listed in 16.2.2.1 and RD2 and RD3 that do not comply with one or more of the built form standards in Rule 16.2.3 unless otherwise specified.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum height of buildings and fencing or screening structure – 16.5.1.1 b. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 c. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4 d. Sunlight and outlook at boundary with a residential zone, residential property and road - 16.5.1.5 e. Outdoor storage of materials – 16.5.1.6 f. Landscaped areas – 16.5.1.7 g. Access to the Industrial General Zone (Deans Ave) – 16.5.1.8 h. Water supply for fire fighting – 16.5.1.9
<b>RD2</b>	Activities P18 in Rule 16.2.2.1 that do not comply with one or more of the activity specific standards in Rule 16.2.2.1.	a. Sensitive activities - 16.5.2.3
<b>RD3</b>	Commercial services  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Display of goods, show room and non-industrial activities - 16.5.2.1
<b>RD4</b>	Activities P7, P8 and P14, listed in Rule 16.2.2.1 that do not comply with one or more of the activity specific standards in Rule 16.2.2.1.	a. Display of goods, showroom and non-industrial activities --16.5.2.1

	Activity	The Council's discretion shall be limited to the following matters:
	Any application for this activity will not require written approvals and shall not be limited or publicly notified.	
<b>RD5</b>	Activities P21 not complying with the outline development plan for the land at 65 – 67 Racecourse Road (refer to Appendix 16.6.12)	a. Outline Development Plan for land at 65 – 67 Racecourse Road – 16.5.1.10

### 16.2.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary, non-complying or prohibited activity.
<b>D2</b>	Heavy industrial activity

### 16.2.2.5 Non complying activities

The activities listed below are non-complying activities.

	Activity
NC1	<p>a. Sensitive activities</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</li> <li>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ul> <p>b. Buildings on greenfield sites</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</li> <li>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ul> <p>c. Buildings, other than those in (b) above,</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the foundation of a 220 kV National Grid transmission support structure.</li> <li>ii. within 10 metres of the foundation of a 66 kV electricity distribution support structure.</li> <li>iii. within 5 metres of the foundation of a 33 kV electricity distribution support structure.</li> </ul> <p>d. Fences within 5 metres of a National Grid transmission line support structure foundation or 5 metres of a 66 kV and 33 kV electricity distribution support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>i. The National Grid transmission lines and 66 kV and 33 kV electricity distribution lines are shown on the planning maps.</li> <li>ii. Vegetation to be planted around the National Grid or electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>iii. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines and electricity distribution lines. Buildings and activity in the vicinity of National Grid transmission lines or electricity distribution lines must comply with the NZECP 34:2001.</li> </ul>

	Activity
<b>NC2</b>	Sensitive activity within the air noise contour (50 dBA Ldn) or within the Lyttelton Port Influences Overlay Area as defined on the planning maps.
<b>NC3</b>	Any activity in the Industrial General Zone between Main South Road and the railway line, south west of 15 Foremans Road which results in the daily average sewage flow from a site exceeding 0.09 L/s/ha.
<b>NC4</b>	Residential activity on the Tannery site (between Cumnor Terrace and Tanner Street)

### 16.2.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

## 16.2.3 Built form standards – Industrial General Zone

The following relevant built form standards shall be met by all permitted activities and restricted discretionary activities RD2, RD3 and RD4 unless otherwise stated.

### 16.2.3.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings within 20 metres of a residential zone	15 metres	Greater than 15 metres	a. Maximum height of buildings and fencing or screening structure - 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.3.2 Minimum building setback from road boundaries/ railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified below	1.5 metres	Less than 1.5 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Any activity fronting on an arterial road or opposite a residential zone unless specified in (c)	3 metres	Less than 3 metres	
c.	Buildings, balconies and decks on sites adjacent to or abutting railway lines.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3(d)

Any application arising from non-compliance with this rule (excluding clause (c)) will not require written approvals and shall not be publicly or limited notified.

Any application arising from clause (c) of this rule will not require the written approval of any entity except Kiwirail and shall not be publicly notified. Limited notification, if required, shall only be to Kiwirail.

### 16.2.3.3 Minimum building setback from the boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	3 metres  Clause (a) shall not apply to the Industrial General zone off Haytons Road.	Less than 3 metres	a. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.3.4 Sunlight and outlook at boundary with a residential zone and road

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal site boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured at any point 2.3m above the internal boundary in accordance with the relevant diagram in Appendix 16.6.11.  Clause (a) shall not apply to the Industrial General zone off Haytons Road.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5
b.	Where a site adjoins Blakes Road at East Belfast, no buildings shall project beyond a building envelope constructed by recession planes commencing at a point 8 metres above the Blakes Road boundary and climbing at an angle of 15 degrees until it reaches a line 50 metres back from and parallel to the Blakes Road boundary.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall not be publicly or limited notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.3.5 Outdoor storage of materials

	Permitted	Restricted discretionary	Matters of discretion
a.	<ul style="list-style-type: none"> <li>i. The outdoor storage of materials shall not be located within the minimum setbacks specified in Rules 16.2.3.2.</li> <li>ii. Any outdoor storage area shall be screened by landscaping, fencing or other screening to a minimum of 1.8 metres in height from any adjoining residential zone except where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</li> </ul>	Non-compliance with permitted standard	a. Outdoor storage of materials – 16.5.1.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified unless the adjoining zone is residential.

### 16.2.3.6 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<ul style="list-style-type: none"> <li>a. The road frontage of all sites opposite a residential zone or listed below shall have a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof. <ul style="list-style-type: none"> <li>i. Land adjoining Main North Road (SH1) between Dickeys Road and Factory road;</li> <li>ii. Land adjoining Main South Road, between Barbers Road and Halswell Junction Road;</li> <li>iii. Land adjoining Tunnel Road.</li> </ul> </li> </ul> <p>This standard shall not apply to an emergency service facility or vehicle access to any site.</p>	Non-compliance with permitted standard	a. Landscaped areas -16.5.1.7
b.	On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof.		

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
c.	All landscaping / trees required by these rules shall be in accordance with the provisions in Appendix 16.6.1.		

Note 1: Vegetation in close proximity to the electricity transmission network will need to be planted and managed in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Note 2: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with clause (a) of this rule will not require written approvals and shall not be publicly or limited notified.

### 16.2.3.7 Access to Industrial General Zone (Deans Avenue)

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Any activity in the Industrial General zone bound by Deans Avenue and the railway line shall only have access from Lester Lane. In the event that Lester Lane is realigned, site access shall be solely from the realigned Lester Lane.	Non-compliance with permitted standard	a. Access to the Industrial General Zone (Deans Avenue) – 16.5.1.8

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.3.8 Water supply for fire fighting

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Sufficient water supply and access to water supplies for fire fighting shall be provided to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 16.5.1.9

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.

## 16.2.4 Area Specific Rules - Industrial General Zone (Waterloo Park)

Rules 16.2.4.1 – 16.2.4.3 and the Waterloo Park Outline Development Plan (Appendix 16.6.2) shall apply to the Industrial General Zone (Waterloo Park). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.4.

### 16.2.4.1 Activity status tables –Industrial General Zone (Waterloo Park)

#### 16.2.4.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P21 listed in 16.2.2.1	<p>Development shall comply with:</p> <ol style="list-style-type: none"> <li>All of the Key Structuring Elements on the Waterloo Park Outline Development Plan (Appendix 16.6.2), being: <ol style="list-style-type: none"> <li>location of new roads</li> <li>stormwater management area</li> <li>other open space</li> </ol> </li> <li>Built form standards in Rule 16.2.3 unless specified otherwise in Rule 16.2.4.2.</li> </ol>
<b>P2</b>	Residential activity in the Industrial General Zone (Waterloo Park) and outside the 50 Ldn dBA air noise contour line defined on the planning maps.	<ol style="list-style-type: none"> <li>Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than <math>35 \text{ dB } D_{tr, 2m, nTw} + C_{tr}</math>.</li> <li>Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of: <ol style="list-style-type: none"> <li>Studio 35m<sup>2</sup></li> <li>1 Bedroom 45m<sup>2</sup></li> <li>2 Bedroom 60m<sup>2</sup></li> <li>3 Bedroom 90m<sup>2</sup></li> </ol> </li> <li>Each residential unit shall have: <ol style="list-style-type: none"> <li>an outdoor service space of 3m<sup>2</sup> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</li> <li>a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre.</li> <li>space designated for waste management, whether private or communal, which shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the</li> </ol> </li> </ol>

Activity		Activity specific standards																
		<p>waste management area to a height of 1.5 metres.</p> <p>d. Each residential unit shall have an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and accessible from an internal living area of the residential unit.</p> <table><tr><td></td><td>Type</td><td>Area</td><td>Dimension</td></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>More than 3 bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres	ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres															
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres															
iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres															
P3	Retail activity in the Industrial General Zone (Waterloo Park)	<p>a. The maximum GLFA of retail activity within the Industrial General Zone (Waterloo Park) shall be 3,000m<sup>2</sup> and shall be located in a Local Centre.</p> <p>b. The maximum GLFA per tenancy for any retail activity shall be 350m<sup>2</sup>.</p>																
P4	Office activity in the Industrial General Zone (Waterloo Park)	<p>a. The maximum GLFA of office activity within the Industrial General Zone (Waterloo Park) shall be 6,000m<sup>2</sup>.</p> <p>b. The maximum GLFA of office activity at ground floor level shall be 3000m<sup>2</sup> GLFA.</p> <p>c. The maximum GLFA of office activity per tenancy shall be 500m<sup>2</sup>.</p>																
P5	Key Structuring Elements identified on the outline development plan in Appendix 16.6.2.	<p>a. Development is to be in accordance with the Key Structuring Elements on the outline development plan, as identified in Rule 16.2.4.1.1 P1.</p>																

#### 16.2.4.1.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 16.2.4.1.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any site access directly onto Pound Road, Brixton, Wilson, or Mortlake Streets.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.2.4.3.1 (b)
<b>RD2</b>	Activities P1-P4 listed in 16.2.4.1.1 and RD3 that do not comply with one or more of the built form standards in 16.2.4.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Outline Development Plan – 16.4.3.1 c. Landscaped areas- -16.5.1.7
<b>RD3</b>	Activities P2 in 16.2.4.1.1 that do not comply with one or more of the permitted activity specific standards (b), (c) or (d).  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Residential activity - 16.5.2.2
<b>RD4</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.2.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.2.4.3.1

### 16.2.4.1.4 Discretionary

The activities listed below are discretionary activities.

<b>D1</b>	Any activity not complying with the activity specific standards for P3 or P4 in Rule 16.2.4.1.1.
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### 16.2.4.1.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity which results in the daily average sewage flow from the Industrial General Zone (Waterloo Park) to exceed 0.09L/s/ha, and the average daily sewage discharge to exceed 863m <sup>3</sup> / day.
<b>NC2</b>	Any residential activity under rule P2 of 16.2.4.1.1 not complying with activity specific standard (a).

## 16.2.4.2 Built form standards – General Industrial Zone (Waterloo Park)

### 16.2.4.2.1 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Pound Road north of setback line identified on the outline development plan in Appendix 16.6.2	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Pound Road south of setback line identified on the outline development plan in Appendix 16.6.2	20 metres	Less than 20 metres	b. Outline Development Plan – 16.4.3.1

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 16.2.4.2.2 Landscaped areas

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Pound Road frontage only	i. A landscaping strip shall be provided adjacent to the Pound Road frontage with a minimum width of 10 metres along and adjoining the allotment boundary with Pound Road, excluding vehicle crossings and rear sites.  ii. On sites with frontage to Pound Road and within the area identified as requiring specific landscape treatment on the outline development plan in Appendix 16.6.2, all landscaping shall be in accordance with the	Non-compliance with permitted standard	a. Landscaped areas- 16.5.1.7

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
		<p>relevant design in that Appendix.</p> <p>iii. The requirements of (i) and ii) shall be completed as a condition of subdivision consent, or if there is no subdivision required, in conjunction with development in the locations that clauses (i) and (ii) relate to as a permitted activity standard.</p>		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 16.2.4.3 Matters of discretion –Industrial General Zone (Waterloo Park)

#### 16.2.4.3.1 Outline development plan

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.
- c. The degree to which stormwater management areas are suitably located for managing stormwater quality and quantity within the outline development plan area.
- d. The extent to which any stormwater system recognises and/or provides for values of importance to Ngāi Tahu/ manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.
- e. The degree to which stormwater retention basins and open space are located so as to provide an effective buffer between industrial and residential activities.
- f. The extent to which stormwater basins and open space areas are co-located so as to maximise recreational and amenity opportunities.
- g. The extent to which development has adverse effects on the anticipated amenity values of adjoining zones and the means of mitigating this.

## 16.2.5 Area Specific Rules - Industrial General Zone (Portlink Industrial Park)

Rules 16.2.5.1 – 16.2.5.3 and the Portlink Industrial Park Outline Development Plan (Appendix 16.6.3) shall apply to the Industrial General Zone (Portlink Industrial Park). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.5.

### 16.2.5.1 Activity status tables – Industrial General Zone (Portlink Industrial Park)

#### 16.2.5.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P21 listed in 16.2.2.1	Development shall comply with: <ul style="list-style-type: none"> <li>a. The Key Structuring Element on the Portlink Industrial Park Outline Development Plan (Appendix 16.6.3), being:               <ul style="list-style-type: none"> <li>i. Road access</li> </ul> </li> <li>b. Built form standards in Rule 16.2.3 unless specified otherwise in Rule 16.2.5.2.</li> </ul>
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.3.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Element on the Portlink Industrial Park Outline Development Plan (Appendix 16.6.3):, being as identified in Rule 16.2.5.1.1 P1.</li> </ul>

#### 16.2.5.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1 listed in 16.2.5.1.1 that do not comply with one or more of the built form standards in 16.2.5.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: <ul style="list-style-type: none"> <li>a. Maximum height of buildings and fencing or screening structure – 16.5.1.1</li> <li>b. Building setback from road boundaries/ railway corridor – 16.5.1.3</li> <li>c. Landscaped areas – 16.5.1.7</li> </ul>

	Activity	The Council's discretion shall be limited to the following matters:
		d. Landscaping in Portlink Industrial Park Outline Development Plan – 16.2.5.3.2 e. Cycle and pedestrian links – 16.2.5.3.3
<b>RD2</b>	Any development not complying with a Key Structuring Element on the Portlink Industrial Park Outline Development Plan in 16.6.3.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.2.5.3.1

### 16.2.5.1.3 Discretionary

The activities listed below are discretionary activities.

There are no discretionary activities

### 16.2.5.1.4 Non-complying Activities

The activities listed below are non-complying activities

	Activity
<b>NC1</b>	Any development resulting in more than 10 hectares (excluding roads) of land within the outline development plan area in Appendix 16.6.3 being occupied by businesses before completion of the upgrade of the intersection of Kennaway Road and Chapmans Road to provide dedicated right turn bays with two approach lanes on the minor arm that are continuous for a length of no less than 35 metres.

## 16.2.5.2 Built form standards – Industrial General Zone (Portlink Industrial Park)

### 16.2.5.2.1 Maximum height of buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings - within the '11m Building Height Limit Area' defined on the outline development plan in Appendix 16.6.3.	11 metres	Greater than 11 metres	a. Maximum height of buildings and fencing or screening structure – 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.2.5.2.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Tunnel Road frontage	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 16.2.5.2.3 Landscaped areas

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Tunnel Road frontage only	<p>a. Any site that adjoins Tunnel Road shall have a landscaping strip with a minimum width of 1.5 metres along the allotment boundary with Tunnel Road with the exception of that part defined on the outline development plan in Appendix 16.6.3 as 'Landscape and stormwater area'; and</p> <p>b. Planting of trees and shrubs within the landscaping strip adjacent to Tunnel Road shall be in accordance with the Landscape Plan and Plant Species List (see Appendix 16.6.3) and shall meet the requirements specified in Part A of Appendix 16.6.1; and</p> <p>c. The landscaping required under Rule 16.2.5.2.7 shall be completed as a condition of subdivision consent, or if there is no subdivision required, in conjunction with development in the locations that clauses (i) - (vi) relate to as a permitted activity standard.</p>	Non-compliance with permitted activity standard	<p>a. Landscaped areas – 16.5.1.7</p> <p>b. Landscaping in Portlink Industrial Park Outline Development Plan – 16.2.5.3.2</p>
b.	Landscaping adjacent to the Heathcote River and within the zone	<p>a. Planting of trees and shrubs within the 'Landscape and stormwater area' defined on the outline development plan in Appendix 16.6.3 adjacent to the Heathcote</p>	Non-compliance with permitted activity standard	<p>a. Landscaped areas – 16.5.1.7</p> <p>b. Landscaping in Portlink Industrial Park</p>

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
		<p>River shall be in accordance with the Landscape Plan and Plant Species List (see Appendix 16.6.3) and the requirements in Appendix 16.6.1 Part A (Tree requirements); and</p> <p>b. Legal public access ways within the landscaping strip adjoining the Heathcote River shall be provided as indicated by 'Pedestrian access' on the outline development plan in Appendix 16.6.3; and</p> <p>c. There shall be no erection of buildings, fences, the display of outdoor advertisements, parking of vehicles or use for any purpose other than landscaping, passive recreation or ecological enhancement within the 'Landscape and Stormwater Area' defined on the outline development plan in Appendix 16.6.3, and</p> <p>d. Existing vegetation as marked on the outline development plan in Appendix 16.6.3 as 'Existing vegetation to be retained' shall be maintained.</p>		<p>Outline Development Plan – 16.2.5.3.2</p> <p>c. Cycle and pedestrian links – 16.2.5.3.3</p>

Note: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 16.2.5.3 Matters of discretion – Industrial General Zone (Portlink Industrial Park)

#### 16.2.5.3.1 Outline Development Plan

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the safety and efficiency of the transport network.

### 16.2.5.3.2 Landscaping in Portlink Industrial Park Outline Development Plan

- a. The extent to which landscaping, planting and stormwater treatment ponds maintain or enhance the visual amenity and ecological values of the margins of the Heathcote River.
- b. The extent to which landscaping of the Heathcote River margin can contribute to the enhancement of Ngāi Tahu/ manawhenua cultural values.
- c. The extent to which planting and the location of pedestrian/cycle ways protect and enhance the habitat of birds.

### 16.2.5.3.3 Cycle and pedestrian links

- a. The extent to which the development provides safe and efficient linkages within the outline development plan area and connections to the wider transport network for walking and cycling.

## 16.2.6 Area Specific Rules – Industrial General Zone (Musgroves)

Rules 16.2.6.1 – 16.2.6.3 and the Musgroves Outline Development Plan (Appendix 16.6.4) shall apply to the Industrial General Zone (Musgroves). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.6.

### 16.2.6.1 Activity status tables – Industrial general zone (Musgroves)

#### 16.2.6.1.1 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities

#### 16.2.6.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P21 listed in 16.2.2.1 that do not comply with one or more of the built form standards in 16.2.6.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	a. Roading and access- 16.2.6.3.1

#### 16.2.6.1.3 Discretionary

The activities listed below are discretionary activities.

There are no discretionary activities

**16.2.6.1.4 Non-complying activities**

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any site access to Wigram Road or Aidanfield Drive.
<b>NC2</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.

**16.2.6.2 Built form standards – Industrial General Zone (Musgroves)****16.2.6.2.1 Roading and access**

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>There shall be no development, preceding subdivision, within the outline development plan area defined in Appendix 16.6.4 unless a road is formed through the zone that links Wigram Road with Aidanfield Drive.</p> <p>This road shall include the formation of a road connection with Aidanfield Drive, located between points (c) and (d) or at point (e) as marked on the outline development plan in Appendix 16.6.4 and described below:</p> <ol style="list-style-type: none"> <li>the road connection shall be at least 40 metres south-east of the centreline of Wigram Road and its intersection with Aidanfield Drive; and</li> <li>at least 40 metres north-west of the centreline of the future Glen Arrife Place extension intersection with Aidanfield Drive.</li> </ol> <p>This road shall be completed prior to or in conjunction with development in the locations that clause (a) relates to as a permitted activity standard.</p>	Non-compliance with permitted standard	a. Roading and access- 16.2.6.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.2.6.3 Matters of discretion – Industrial General Zone (Musgroves )****16.2.6.3.1 Roading and access**

The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network) and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.

## **16.2.7 Area Specific Rules – Industrial General Zone (North Belfast)**

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## 16.2.8 Area Specific Rules – Industrial General Zone (Stanleys Road)

Rules 16.2.8.1 – 16.2.8.3 shall apply to the Industrial General Zone (Stanleys Road). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.8.

### 16.2.8.1 Activity status tables – Industrial General Zone (Stanleys Road)

#### 16.2.8.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P21 listed in 16.2.2.1 that do not comply with one or more of the built form standards in 16.2.8.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	a. Rooding and access- 16.2.8.3.1

#### 16.2.8.1.2 Non-complying Activities

The activities listed below are non-complying activities:

<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09 L/s/ha.
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### 16.2.8.2 Built form standards – Industrial General Zone (Stanleys Road)

#### 16.2.8.2.1 Rooding and access

	Permitted	Restricted discretionary	Matters of discretion
a.	Any development preceding subdivision at 6 Stanleys Road shall include a footpath along the road frontage of 6 Stanleys Road.	Non-compliance with permitted activity standard	a. Rooding and access- 16.2.8.3.1

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### **16.2.8.3 Matters of discretion**

#### **16.2.8.3.1 Roading and access**

- a. The degree to which safe and efficient pedestrian and cycle access is provided with the adjoining area and transport networks.

## 16.2.9 Area Specific Rules – Industrial General Zone (Trents Road)

Rules 16.2.9.1 – 16.2.9.3 and the Trents Road Outline Development Plan (Appendix 16.6.6) shall apply to the Industrial General Zone (Trents Road). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.9.

### 16.2.9.1 Activity status tables – Industrial General Zone (Trents Road)

#### 16.2.9.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P21 listed in 16.2.2.1 that do not comply with one or more of the built form standards in Rule 16.2.9.2, except for built form standard 16.2.9.2.3.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Minimum building setback from the boundary with a residential zone, residential property - 16.5.1.4 b. Landscaped areas – 16.5.1.7 c. Landscaping in the Industrial General zone (Trents Road) - 16.2.9.3.1 d. Stormwater management – 16.2.9.3.2 e. Roading access – 16.2.9.3.3

#### 16.2.9.1.2 Discretionary activities

The activities listed below are discretionary activities.

<b>D1</b>	Any Activity not complying with Rules 16.2.9.2.3 (noise mitigation).
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### 16.2.9.2 Built form standards – Industrial General Zone (Trents Road)

#### 16.2.9.2.1 Minimum building setback from the boundary with adjoining zones

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any site adjoining the north eastern boundary of the Zone, as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setbacks').	15 metres	Less than 15 metres	a. Minimum building setback from the boundary with a residential zone,

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
b.	Any sites adjoining the south-eastern boundary of the Zone, as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setbacks').	20 metres	Less than 20 metres	residential property - 16.5.1.4
c.	Industrial activity on sites adjoining a residential zone as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setback Exemption').	25 metres	Less than 25 metres	
d.	Ancillary retail, ancillary office activities, commercial services and gymnasium on sites adjoining a residential zone.	10 metres	Less than 10 metres	
e.	Setback from other internal boundaries of the outline development plan area as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setbacks').	6 metres	Less than 6 metres	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.2.9.2.2 Landscaped areas and amenity

In addition to the landscaping requirements in Rule 16.2.3.6, the following rules shall also apply:

	Permitted	Restricted discretionary	Matters of discretion
a.	A minimum of 10% of a site shall be set aside as a landscaped area.	Non-compliance with permitted standard	a. Landscaped areas – 16.5.1.7
b.	Any development on a site adjoining one or more of the following boundaries shall include a landscaping strip along that boundary with a minimum width as prescribed below and as specified on the outline development plan in Appendix 16.6.6: <ul style="list-style-type: none"> <li>i. north-eastern boundary with the Suburban Residential Zone and Selwyn District: 10 metres;</li> <li>ii. south-eastern boundary with Selwyn District: 15 metres;</li> </ul>		b. Landscaping in the Industrial General Zone (Trents Road) - 16.2.9.3.1

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	<ul style="list-style-type: none"> <li>iii. either side of the northern most Trents Road access to the Zone: 2 metres;</li> <li>iv. along the remaining Zone boundary, except vehicle crossings: 5 metres;</li> <li>v. along the frontages of all internal roads within the zone open to the public, whether vested in the Council or not, except vehicle crossings: 1.5 metres.</li> </ul>		
c.	Any proposed fence on the boundary of a site adjoining the boundary with Selwyn District Council (as shown on the outline development plan in Appendix 16.6.6 as 'Post and Wire Fencing requirement') shall be a post and wire fence, except across vehicle crossings.		
d.	Existing vegetation as marked on the outline development plan in Appendix 16.6.6 as 'Existing vegetation to be retained' shall be maintained.		

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.2.9.2.3 Noise mitigation

	<b>Permitted</b>	<b>Non-complying</b>
a.	<p>Any development on a site with a boundary shown on the outline development plan in Appendix 16.6.6 as 'Noise Control Fencing Requirement' shall include a fence along that boundary with a minimum height of 1.8 metres. The fence shall be constructed from solid surface materials with a minimum surface mass of 10kg/m<sup>2</sup>, built and maintained free of gaps (including under the fence), cracks or holes.</p> <p>This shall be completed prior to a Code of Compliance being issued under the Building Act for any development within 30 metres of the boundary of the adjoining Suburban Residential Zone.</p>	Non-compliance with permitted standard

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.2.9.2.4 Stormwater management**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Any stormwater generated by an activity shall be treated and discharged to ground within the outline development plan area identified in Appendix 16.6.6 unless specified below.	Non-compliance with permitted standard	a. Stormwater management – 16.2.9.3.2
b.	There shall be no discharge to surface water from any site for all events up to the critical duration 2% annual exceedance probability event.		

Note 1: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.2.9.2.5 Roading and access**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	<p>Road connections</p> <p>i. There shall be no development, preceding subdivision, within the outline development plan area defined in Appendix 16.6.6 unless the southern-most road connection with Trents Road as marked on the outline development plan is completed prior to, or in conjunction with, the development.</p> <p>ii. Any activity shall only access Trents Road by way of the two vehicle access points defined on the outline development plan in Appendix 16.6.6, comprising:</p> <p>A. a northern road connection provided it is designed and with signage to limit its use to vehicles entering the zone (as shown on the outline development plan in Appendix 16.6.6);</p> <p>B. a southern road connection provided it is designed and with signage to limit its use to vehicles exiting the zone (as shown on the outline development plan in Appendix 16.6.6).</p> <p>iii. Any activity shall only access Main South Road by way of the one vehicle access point defined on the outline development plan in Appendix</p>	Non-compliance with permitted activity standard	a. Roading and access – 16.2.9.3.3

	Permitted	Restricted discretionary	Matters of discretion
	16.6.6, and comprising a road designed, and with signage displayed, to restrict vehicle movements to light vehicles and to left entry into the zone and left exit out of the zone as shown on the outline development plan in Appendix 16.6.6.		
b.	<p>Internal road within the zone</p> <p>i. There shall be no development, preceding subdivision, within the outline development plan area in Appendix 16.6.6 unless the internal road shown on the outline development plan in Appendix 16.6.6 as ‘internal roading/access way layout’, including a footpath along one side of the internal road, is completed prior to, or in conjunction with, the development.</p>		

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.9.3 Matters of discretion – Industrial General Zone (Trents Road)

#### 16.2.9.3.1 Landscaping in the Industrial General Zone (Trents Road)

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the planting (species and density) will maintain an attractive green edge to the adjoining residential and rural areas.

#### 16.2.9.3.2 Stormwater management

- a. The effectiveness of the design, construction and operation of stormwater facilities in managing stormwater on-site including retention and treatment.
- b. The ability for the stormwater system to be adequately maintained, particularly if it remains in private ownership.
- c. The extent to which treatment and disposal methods conform to the Council’s guidelines for stormwater management systems.
- d. The extent to which any stormwater system recognises and/or provides for those values of importance to Ngāi Tahu/ manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.

#### 16.2.9.3.3 Roothing and access

- a. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic using the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles)

may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.

- c. The degree to which safe and efficient pedestrian access is provided through the site.

## 16.2.10 Area Specific Rules - Industrial General Zone (South West Hornby)

Rules 16.2.10.1 to 16.2.10.2 and the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8) shall apply to the Industrial General Zone (South West Hornby). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.4.

### 16.2.10.1 Activity status tables – Industrial General Zone (South West Hornby)

#### 16.2.10.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P21 listed under 16.2.2.1	Development shall comply with: <ul style="list-style-type: none"> <li>a. The Key Structuring Element on the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8), being:               <ul style="list-style-type: none"> <li>i. Collector Road</li> </ul> </li> <li>b. Built form standards in Rule 16.2.3.</li> </ul>
<b>P2</b>	Key Structuring Element identified on the outline development plan in Appendix 16.6.8.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Element on the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8), as identified in Rule 16.2.10.1.1 P1.</li> </ul>

#### 16.2.10.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Any development not complying with a Key Structuring Element on the outline development plan in 16.6.8.</p> <p>Any application for this activity shall not be publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Matters of discretion Industrial General Zone (South West Hornby) – 16.2.10.2</li> </ul>

**16.2.10.2 Matters of discretion Industrial General Zone (South West Hornby)**

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which development provides for future road connections within the South West Hornby Industrial area and the wider network.

## 16.3 Rules – Industrial Heavy Zone

### 16.3.1 How to use the rules

- a. The rules that apply to activities in the Industrial Heavy Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 16.3.2; and
  - ii. Built form standards in 16.3.3.
- b. Area specific rules apply to activities within the Industrial Heavy Zone in the following areas::
  - i. Sir James Wattie Drive (as identified in Appendix 16.6.7) - Rule 16.3.4
  - ii. South West Hornby ( as identified in Appendix 16.6.8) - Rule 16.3.5
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Industrial Heavy Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- d. Where the word 'facility' is used in the rules e.g. trade and industry training facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 16.3.2 Activity status tables – Industrial Heavy Zone

#### 16.3.2.1 Permitted activities

In the Industrial Heavy Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 16.3.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 16.3.2.2, 16.3.2.3, 16.3.2.4, 16.3.2.5 and 16.3.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hard standing areas.

Activity	Activity specific standards
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<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P18 below.	Nil
<b>P2</b>	Industrial activity	
<b>P3</b>	Heavy industrial activity	
<b>P4</b>	Warehousing and distribution activities	
<b>P5</b>	High technology industrial activity	
<b>P6</b>	Service industry	
<b>P7</b>	Trade and industry training Facility	
<b>P8</b>	Ancillary retail activity, unless specified below	Any ancillary retail activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser</li> <li>b. be limited to the display and sale of goods produced, processed or stored on the site.</li> </ul>
<b>P9</b>	Food and beverage outlet	Nil
<b>P10</b>	Service station	
<b>P11</b>	Ancillary office activity	Any ancillary office activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser or for yard based activities, shall occupy no more than 250m<sup>2</sup> of floor area on the whole site.</li> </ul>
<b>P12</b>	Public transport facility	Nil
<b>P13</b>	Emergency service facilities	
<b>P14</b>	Parking lots and parking buildings	
<b>P15</b>	Gymnasium	
<b>P16</b>	Poultry hatchery	

<b>P17</b>	Bulk fuel supply infrastructure	
<b>P18</b>	Community corrections facility	

### 16.3.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 16.3.2.3 Restricted discretionary activities

The activities listed below are a restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 16.5.1 and 16.5.2 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P18 listed in 16.3.2.1 and RD2 that do not comply with one or more of the built form standards in Rule 16.3.3 unless otherwise specified.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum height of buildings and fencing or screening structure – 16.5.1.1 b. Minimum building setback from road boundaries/ railway corridor – 16. 5.1.3 c. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4 d. Sunlight and outlook at boundary with a residential zone, residential property and road - 16.5.1.5 e. Outdoor storage of materials – 16.5.1.6 f. Landscaped areas– 16.5.1.7 g. Water supply for fire fighting – 16.5.1.9
<b>RD2</b>	Activities P8 and P11 in 16.3.2.1 that do not comply with one or more of the activity specific standards in Rule 16.3.2.1.  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Display of goods, showroom and non-industrial activities -16.5.2.1

### 16.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity	The Council will consider any matters under s104 of the Act including:
<b>D1</b>	Commercial services	a. Display of goods, showroom and non-industrial activities - 16.5.2.1 (a)(i) - (iv), (a)(vii) - (xi), (b)(i) - (ii)
<b>D2</b>	The processing of quarried materials by screening, crushing, washing and/or mixing with additive materials.	

### 16.3.2.5 Non complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity not provided for as a permitted, restricted discretionary, or non-complying activity.
<b>NC2</b>	Any activity on the land legally described as Lot 3, DP 49632 (330 Springs Road), or on land north of Johns Road, which results in the daily average sewage flow from a site exceeding 0.09L/s/ha (litres/ second/ hectare).
<b>NC3</b>	<p>a. Sensitive activities</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</li> <li>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ul> <p>b. Buildings on greenfield sites</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</li> <li>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ul> <p>c. Buildings, other than those in (b) above,</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the foundation of an 220 kV National Grid transmission support structure.</li> <li>ii. within 10 metres of the foundation of a 66 kV electivity distribution support structure.</li> <li>iii. within 5 metres of the foundation of a 33 kV electricity distribution support</li> </ul>

	Activity
	<p>structure.</p> <p>d. Fences within 5 metres of a National Grid transmission line support structure foundation or 5 metres of a 66 kV and 33 kV electricity distribution support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>i. The National Grid transmission lines and 66 kV and 33 kV electricity distribution lines are shown on the planning maps.</li> <li>ii. Vegetation to be planted around the National Grid or electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>iii. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines and electricity distribution lines. Buildings and activity in the vicinity of National Grid transmission lines or electricity distribution lines must comply with the NZECP 34:2001.</li> </ul>
<b>NC4</b>	Residential activity, health care facility, education activity, guest accommodation

### 16.3.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 16.3.3 Built form standards Industrial Heavy Zone

The following built form standards shall be met by all permitted activities-and restricted discretionary activities RD2 unless otherwise stated.

#### 16.3.3.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings within 20 metres of a residential or rural zone  This rule shall not apply to land sites adjoining the land identified on the outline development plan in Appendix 16.6.8 as 'Deferred'.	15 metres	More than 15 metres	a. Maximum height of buildings and fencing or screening structure – 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.3.3.2 Minimum building setback from road boundaries/ railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified below	1.5 metres	Less than 1.5 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Any activity fronting an arterial road or opposite a residential zone, unless specified below	3 metres	Less than 3 metres	
c.	Buildings, balconies and decks on sites adjacent to or abutting railway line	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from road boundaries/ railway corridor - 16.5.1.3(d)

Any application arising from non-compliance with this rule (excluding clause (c)) will not require written approvals and shall not be publicly or limited notified.

Any application arising from clause (c) of this rule will not require the written approval of any entity except Kiwirail and shall not be fully publicly notified. Limited notification, if required, shall only be to Kiwirail.

### 16.3.3.3 Minimum building setback from the boundary with a residential zone

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All areas	3 metres	Less than 3 metres	a. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4
b.	Sites adjoining the residential zone at Wigram	Nil	Nil	

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.3.4 Sunlight and outlook at boundary with a residential zone

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites other than those adjoining the residential zone at Wigram	Where an internal site boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured at any point 2.3m above the internal boundary in accordance with the diagrams in Appendix 14.14.2	Non-compliance with permitted activity standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road - 16.5.1.5

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall not be publicly or limited notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.3.5 Outdoor storage of materials

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area shall be screened by landscaping, fencing or other screening to a minimum of 1.8 metres in height from any adjoining residential zone except where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.	Non-compliance with permitted standard	a. Outdoor storage of materials – 16.5.1.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified unless the adjoining zone is residential.

### 16.3.3.6 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>The road frontage of all sites opposite a residential zone or listed below shall have a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof,</p> <ul style="list-style-type: none"> <li>i. Land adjoining Main South Road between Marshs Road and Halswell Junction Road</li> <li>ii. Land at Chaney's, north of Main North Road, between State Highway 1 and the railway line</li> </ul> <p>This standard shall not apply to an emergency service facility or vehicle access to any site.</p>	Non-compliance with permitted standard	a. Landscaped areas- 16.5.1.7
b.	<p>The road frontage of all sites opposite a rural zone shall have a landscaping strip in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>i. minimum width – 10 metres</li> <li>ii. minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof.</li> </ul>		
c.	<p>On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p>		
d.	<p>All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.</p>		
e.	<p>On the land legally described as Lot 3, DP 49632 (330 Springs Road) the existing line of eucalyptus trees along the southern boundary of the site shall be retained.</p>		

Note 1: Vegetation in close proximity to the electricity transmission network will need to be planted and managed in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Note 2: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as

stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with clause (b) of this rule will not require written approvals and shall not be publicly or limited notified.

### 16.3.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting shall be provided to all buildings via Council's urban fully reticulated water supply system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 16.5.1.9

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.

## 16.3.4 Area Specific Rules – Industrial Heavy Zone (Sir James Wattie Drive)

Rules 16.3.4.1 to 16.3.4.3 and the Sir James Wattie Drive Outline Development Plan (Appendix 16.6.7) shall apply to the Industrial Heavy Zone (Sir James Wattie Drive). All activities specified are also subject to the rules in 16.3.2 (Activity status tables) and 16.3.3 (Built form standards) unless specified otherwise in 16.3.4.

### 16.3.4.1 Activity status tables – Industrial Heavy Zone (Sir James Wattie Drive)

#### 16.3.4.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P18 listed in 16.3.2.1, subject to the completion of the upgrade of the intersection of Shands Road and Sir James Wattie Drive (Refer to NC2 under Rule 16.3.4.1.3 for development preceding completion of the upgrade)	Development shall comply with: <ul style="list-style-type: none"> <li>a. All of the following Key Structuring Elements on the Sir James Wattie Drive Outline Development Plan (Appendix 16.6.7), being:               <ul style="list-style-type: none"> <li>i. Access</li> </ul> </li> <li>b. Built form standards in Rule 16.3.4.2.</li> </ul>
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.7.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the following Key Structuring Elements on the outline development plan, being:               <ul style="list-style-type: none"> <li>i. Access</li> </ul> </li> </ul>

#### 16.3.4.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P18 listed in 16.3.2.1 that do not comply with one or more of the built form standards in 16.3.4.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached standard: <ul style="list-style-type: none"> <li>a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</li> <li>b. Setback from Marshs Road - 16.3.4.3.2</li> <li>c. Roading and access - 16.3.4.3.3</li> <li>d. Landscaped areas - 16.5.1.7</li> </ul>

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD2</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.7.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.3.4.3.1

### 16.3.4.1.3 Non-complying Activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.
<b>NC2</b>	Any development within the area covered by the Outline Development Plan (Sir James Wattie Drive) in Appendix 16.6.7 until the upgrade of the intersection of Shands Road and Sir James Wattie Drive is completed by way of a roundabout or traffic lights.
<b>NC3</b>	Any site access directly onto that part of Marshs Road west of the Southern Motorway designation or Shands Road.

## 16.3.4.2 Built form standards – Industrial Heavy Zone (Sir James Wattie Drive)

### 16.3.4.2.1 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Sites adjoining Marshs Road to the east of the Southern Motorway designation	6 metres	Less than 6 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Setback from Marshs Road - 16.3.4.3.2
b.	Sites adjoining the designation for the Southern Motorway	6 metres	Less than 6 metres	a. Minimum building setback from road boundaries/ railway corridor – 16. 5.1.3

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.3.4.2.2 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	The setback from the designation for the Southern Motorway required under Rule 16.3.4.2.1(b) shall contain a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof.	Non-compliance with permitted standard	a. Landscaped areas - 16.5.1.7

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.4.3 Matters of discretion – Industrial Heavy Zone (Sir James Wattie Drive)

#### 16.3.4.3.1 Outline Development Plan

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the development provides for safe and efficient connectivity within the outline development plan area and to the surrounding area and transport network for vehicles, pedestrians and cyclists including to Marshs Road and the public cycleway between Little River, Prebbleton and Hornby.
- c. The extent to which the landscaping, (planting and maintenance) and stormwater infiltration enhance the visual amenity and cultural values of the site and in particular the urban-rural edge at Marshs Road and the approach to Christchurch city on Shands Road.

#### 16.3.4.3.2 Setback from Marshs Road

- a. The effect of reducing the setback on the visual amenity of the adjoining rural zone.

#### 16.3.4.3.3 Roading and access

- a. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic using the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the amenity values of the surrounding area and the safety and efficiency of the transport network.

## 16.3.5 Area Specific Rules - Industrial Heavy Zone (South West Hornby)

Rules 16.3.5.1 to 16.3.5.3 and the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8) shall apply to the Industrial Heavy Zone (South West Hornby Industrial Area). All activities specified are also subject to the rules in 16.3.2 (Activity status tables) and 16.3.3 (Built form standards) unless specified otherwise in 16.3.5.

### 16.3.5.1 Activity status tables – Industrial Heavy Zone (South West Hornby)

#### 16.3.5.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P18 listed in 16.3.2.1.	Development shall comply with: <ul style="list-style-type: none"> <li>a. all of the Key Structuring Elements on the South West Hornby Outline Development Plan (Appendix 16.6.8), being:               <ul style="list-style-type: none"> <li>i. Collector Road</li> <li>ii. Minor Arterial Road.</li> </ul> </li> <li>b. Built form standards in Rule 16.3.3 unless specified otherwise in Rule 16.3.5.2.</li> </ul>
<b>P2</b>	Within the area identified as ‘rural wastewater irrigation area’ on the outline development plan (Appendix 16.6.8), rural activities permitted in the Rural Urban Fringe Zone and the irrigation of water from industrial processes.  Rural activities and irrigation of water from industrial processes are not required to comply with P1.	<ul style="list-style-type: none"> <li>a. Compliance with the Rural Urban Fringe Zone built form standards.</li> <li>b. Any rural activity that does not comply with the Rural Urban Fringe Zone built form standards is subject to the subsequent Rural Urban Fringe Zone rules relating to those standards.</li> </ul>
<b>P3</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.8.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Elements on the outline development plan, as identified in Rule 16.3.5.1.1 P1.</li> </ul>

#### 16.3.5.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Any development within the Industrial Heavy Zone (South West Hornby) south west of the area identified as 'rural wastewater irrigation area' on the outline development plan in Appendix 16.6.8 until the construction (being physical works) of the intersection of Shands Road and the southern spine road (marked as 'A' on outline development plan in Appendix 16.6.8) including traffic signals has commenced.</p> <p>Any application for this activity shall not be publicly notified.</p>	a. Roothing and access-16.3.5.3.4
<b>RD2</b>	<p>Any development resulting in more than 15 hectares of land (excluding roads) being developed within the Industrial Heavy Zone (South West Hornby) south west of the area identified as 'rural wastewater irrigation area' on the outline development plan in Appendix 16.6.8, until construction (being physical works) of the Christchurch Southern Motorway has commenced.</p> <p>Any application for this activity shall not be publicly notified.</p>	
<b>RD3</b>	<p>Any development (excluding rural activities and irrigation of water from industrial processes) within the area shown as 'rural wastewater irrigation area' on the outline development plan in Appendix 16.6.8 until:</p> <ol style="list-style-type: none"> <li>The full southern spine road between Main South Road and Shands Road (marked as 'C' on the outline development plan in Appendix 16.6.8) has been constructed and is open to traffic; and</li> <li>Capacity upgrades have commenced at the following intersections: <ol style="list-style-type: none"> <li>Intersection of the southern spine road and Shands Road (marked as 'A' on outline development plan in Appendix 16.6.8)</li> <li>Intersection of the northern spine road and Shands Road (marked as 'B' on outline development plan in Appendix 16.6.8).</li> </ol> </li> </ol> <p>Any application for this activity shall not be publicly notified.</p>	
<b>RD4</b>	Any site access directly onto Marshs Road.	

	Activity	The Council's discretion shall be limited to the following matters:
	Any application for this activity shall not be publicly notified.	
<b>RD5</b>	<p>Activities P1- P2 listed in 16.3.5.1.1 that do not comply with one or more of the built form standards in 16.3.5.2.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum height of buildings and fencing or screening structure – 16.5.1.1</li> <li>b. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</li> <li>c. Setback from boundaries adjoining rural zone- 16.3.5.3.2</li> <li>d. Minimum building setback from the boundary with a residential zone, residential property - 16.5.1.4</li> <li>e. Landscaped areas - 16.5.1.7</li> <li>f. Landscaping at rural urban interface - 16.3.5.3.3</li> </ul>
<b>RD6</b>	<p>Any development not complying with a Key Structuring Element on the outline development plan in 16.6.8.</p> <p>Any application for this activity shall not be publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Outline development plan – 16.3.5.3.1</li> </ul>

Information requirement for RD3: A full Integrated Transport Assessment shall be completed and included in the application.

#### 16.3.5.1.3 Discretionary activities

The activities listed below are discretionary activities.

There are no discretionary activities.

#### 16.3.5.1.4 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha, excluding wastewater that is discharged to ground in the 'rural wastewater irrigation area' on the outline development plan (Appendix 16.6.8).
<b>NC2</b>	Any site access directly onto Shands Road or Main South Road.

#### 16.3.5.1.5 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 16.3.5.2 Built form standards – Industrial Heavy Zone (South West Hornby)

#### 16.3.5.2.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings within 20 metres of the rural zone boundary and the Marshs Road boundary.	10 metres	More than 10 metres	a. Maximum height for buildings and fences or screening structures – 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.3.5.2.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Assessment matters
a.	Office buildings and car parking on sites fronting Marshs Road	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ railway corridors – 16.5.1.3 b. Setback from boundaries adjoining rural zone - 16.3.5.3.2
b.	All other buildings not provided for in clause (a).	20 metres	Less than 20 metres	a. Minimum building setback from road boundaries/ railway corridors – 16.5.1.3 b. Setback from boundaries adjoining rural zone - 16.3.5.3.2

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.5.2.3 Minimum building setback from the south west boundary and residential properties

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Sites with a boundary adjoining the rural zone.  This rule shall not apply to sites adjoining the land identified on the outline development plan in Appendix 16.6.8 as 'rural wastewater irrigation area'.	10 metres	Less than 10 metres	a. Minimum building setback from the boundary with a residential zone, residential property 16.5.1.4 b. Setback from boundaries adjoining Rural zone – 16.3.5.3.2
b.	Sites adjoining Lot 1 DP64487 (until the existing residential activity ceases - following which no setback shall apply).  Clause (b) shall only apply until 30 March 2026 at which time the rule shall no longer apply.	20 metres	Less than 20 metres	a. Minimum building setback from the road boundary with a residential zone- 16.5.1.4

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.5.2.4 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	The setback from Marshs Road and the rural zone required under Rules 16.3.5.2.2 and 16.3.5.2.3 (a) shall comprise a landscaping strip of a depth equivalent to the setback, comprising: <ul style="list-style-type: none"> <li>i. Two rows of trees, staggered in a manner that one row is off-set from the other row.</li> <li>ii. Trees shall be spaced 10 metres apart in each row.</li> <li>iii. The trees used in the landscaping strip shall comprise one or more of</li> </ul>	Non-compliance with permitted standard	a. Landscaped areas - 16.5.1.7 b. Landscaping at rural urban interface - 16.3.5.3.3

	Permitted	Restricted discretionary	Matters of discretion
	<p>the following species: Podocarpus totara – totara, Hoheria angustifolia – houhere/ narrow-leaved lacebark, Plagianthus regius – manatu/ lowland ribbonwood.</p> <p>iv. The existing shelterbelt on the Marshs Road frontage shall be retained until trees required under clause (ii) are 6 metres in height.</p> <p>v. Shrubs shall be planted between the two rows of trees, using the species listed in Appendix 16.6.1, Section 3.</p> <p>vi. The requirements of Appendix 16.6.1 Part A shall apply.</p> <p>vii. Maintenance of the landscaping strip shall be undertaken for a period of no less than 5 years from the date of planting.</p>		

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.5.3 Matters of discretion – Industrial Heavy Zone (South West Hornby)

#### 16.3.5.3.1 Outline Development Plan

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which landscaping (planting and maintenance) enhances the visual amenity and Ngāi Tahu/manawhenua cultural values of the site and in particular the urban-rural edge at Marshs Road and the approach to Christchurch City on Shands Road.

#### 16.3.5.3.2 Setback from boundaries adjoining rural zone

- a. The effect of reducing the setback on the visual amenity of the adjoining rural zone and the approach to Christchurch City along Marshs Road, Main South Road and Shands Road.

#### 16.3.5.3.3 Landscaping at rural urban interface

- a. The extent to which planting (species and density) will maintain an attractive green edge to the urban area and support biodiversity and Ngāi Tahu cultural values.

#### 16.3.5.3.4 Roding and access

- a. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the amenity values of the surrounding area and the safety and efficiency of the transport network.

- b. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic using the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- c. The extent to which the measures for mitigating the effects of development support a comprehensive and integrated approach to development of the South West Hornby industrial area.
- d. The extent to which the development affects the construction and future operation of the movement network as shown on the outline development plan.
- e. The extent to which the use of sympathetic design and landscaping treatment integrate the proposed vehicle access into the surrounding rural environment, in particular with regards to character and amenity.

## 16.4 Rules – Industrial Park Zone

### 16.4.1 How to use the rules

- a. The rules that apply to activities in the Industrial Park Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 16.4.2; and
  - ii. Built form standards in 16.4.3.
- b. Area specific rules also apply to activities within the Industrial Park Zone in the following areas:
  - i. Industrial Park Zone (Tait Campus) (as identified in Appendix 16.6.9) - Rule 16.4.4,
  - ii. Industrial Park Zone (Awatea) (as identified in Appendix 16.6.10 - Rule 16.4.5.
- c. The activity status tables and Standards in the following Chapters also apply to activities in all areas of the Industrial Park Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- d. Where the word 'facility' is used in the rules e.g. public transport facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 16.4.2 Activity status tables – Industrial Park Zone

#### 16.4.2.1 Permitted activities

In the Industrial Park Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and built form standards in Rule 16.4.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, or non-complying, as specified in Rules 16.4.2.2, 16.4.2.3, 16.4.2.4 and 16.4.2.5 below.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hard standing areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P18 below.	Nil
<b>P2</b>	Industrial activity	Nil
<b>P3</b>	Warehousing and distribution activities	
<b>P4</b>	High technology industrial activity	Nil
<b>P5</b>	Service industry	
<b>P6</b>	Trade and industry training facility	
<b>P7</b>	Ancillary retail activity	Any ancillary retail activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the street.</li> <li>c. be limited to the display and sale of goods produced, processed or stored on the site.</li> </ul>
<b>P8</b>	Food and beverage outlet	Nil
<b>P9</b>	Service station	
<b>P10</b>	Commercial services	
<b>P11</b>	Office activity	Office activity within each Industrial Park Zone (Tait, Awatea) shall: <ul style="list-style-type: none"> <li>a. be limited to a total of 5,000 m<sup>2</sup>;</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.</li> </ul>
<b>P12</b>	Ancillary office activity	Any ancillary office activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> </ul>

		b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.
<b>P13</b>	Public transport facility	Nil
<b>P14</b>	Emergency service facilities	
<b>P15</b>	Gymnasium	
<b>P16</b>	Pre-school	
<b>P17</b>	Parking lots and parking buildings	
<b>P18</b>	Community corrections facility	

### 16.4.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 16.4.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 16.5.1 and 16.5.2 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1-P18 listed in Rule 16.4.2.1 and RD2 that do not comply with one or more of the built form standards in Rule 16.4.3 unless otherwise specified.</p> <p>Refer to relevant built form standard for provision regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum height of buildings and fencing or screening structure – 16.5.1.1</li> <li>b. Maximum building coverage of a site - 16.5.1.2</li> <li>c. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</li> <li>d. Minimum building setback from the boundary with a residential zone, residential property– 16.5.1.4</li> <li>e. Sunlight and outlook at boundary with a residential zone, residential property and road– 16.5.1.5</li> </ul>

	Activity	The Council's discretion shall be limited to the following matters:
		f. Outdoor storage of materials –16.5.1.6 g. Landscaped areas– 16.5.1.7 h. Water supply for fire fighting – 16.5.1.9
<b>RD2</b>	Activities P7, P11 and P12 in Rule 16.4.2.1 that do not comply with one or more of the activity specific standards in Rule 16.4.2.1.	a. Display of goods, showroom and non-industrial activities - 16.5.2.1

#### 16.4.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary or non-complying activity.

#### 16.4.2.5 Non complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Heavy industrial activity
<b>NC2</b>	Sensitive activity inside the air noise contour (50 dBA Ldn) as defined on the planning maps.

	Activity
NC3	<p>a. Sensitive activities within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</p> <p>b. Buildings on greenfield sites within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</p> <p>c. Buildings, other than those in (b) above, within 10 metres of the foundation of an associated support structure.</p> <p>d. Fences within 5 metres of a 66kV electricity distribution support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>i. The 66kV electricity distribution lines are shown on the planning maps.</li> <li>ii. Vegetation to be planted around the electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>iii. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activities in the vicinity of electricity distribution lines must comply with the NZECP 34:2001.</li> </ul>

### 16.4.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 16.4.3 Built form standards - Industrial Park Zone

The following built form standards shall be met by all permitted activities and for restricted discretionary activity RD2 unless otherwise stated.

#### 16.4.3.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of Discretion
a.	Buildings - all areas	15 metres	Greater than 15 metres	a. Maximum height of buildings and fencing or screening structure – 16.5.1.1
b.	Fencing and screening structures located between any building and the road boundary	1.2 metres, or 2 metres where the whole of the structure is at least 50% visually transparent – refer to Figure 16.1 below	Greater than 1.2 metres, or the structure is greater than 1.2 metres where the whole of the structure is less than 50% visually transparent, or greater than 2 metres where the whole of the structure is at least 50% visually transparent. Refer to Figure 16.1 below.	

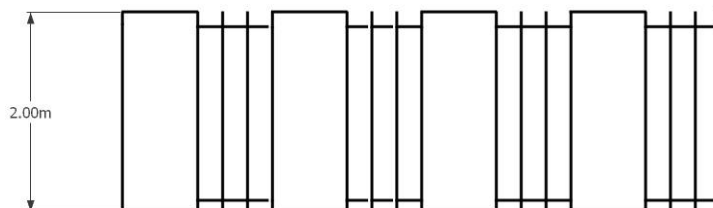
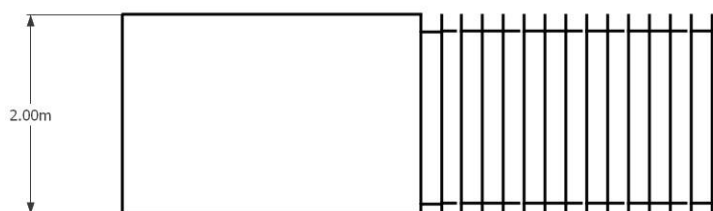
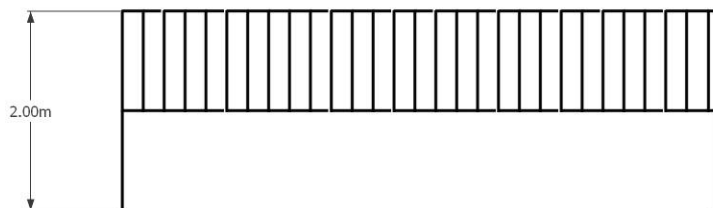


Figure 16.1: Examples of a structure/fence that is 50% visually transparent (being the top half of the first diagram, the right half of the second diagram, and every second section of the last diagram).

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.4.3.2 Maximum building coverage of a site

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings - all areas	50%	More than 50%	a. Maximum building coverage of a site- 16.5.1.2

Any application arising from non-compliance with this rule shall not require written approvals and shall not be publicly or limited notified.

### 16.4.3.3 Minimum building setback from road boundaries/ railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified in (b) – (d) below	6 metres	Less than 6 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Ancillary offices	1.5 metres	Less than 1.5 metres	
c.	Service station canopies	3 metres	Less than 3 metres	
d.	For sites with more than one road boundary	1.5 metres on one road boundary and 6 metres on any other road boundary	Less than 1.5 metres on one road boundary and 6 metres on any other road boundary	
e.	Buildings, balconies and decks on sites adjacent to or abutting railway lines.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from road boundaries/ railway corridor - 16.5.1.3(d)

Any application arising from non-compliance with this rule (excluding clause (e)) will not require written approvals and shall not be publicly or limited notified.

Any application arising from clause (e) of this rule will not require the written approval of any entity except Kiwirail and shall not be fully publicly notified. Limited notification, if required, shall only be to Kiwirail.

#### 16.4.3.4 Minimum building setback from the boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	6 metres	Less than 6 metres	a. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.3.5 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal site boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured at any point 2.3m above the internal boundary in accordance with the relevant diagram in Appendix 16.6.11.	Non-compliance with permitted activity standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road - 16.5.1.5

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall not be publicly or limited notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.3.6 Outdoor storage of materials/ car parking

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>The outdoor storage of materials shall not be located within the minimum setbacks specified in Rules 16.4.3.3.</p> <p>Any outdoor storage area shall be screened by landscaping, fencing or other screening to a minimum of 1.8 metres in height from any adjoining residential zone except where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted activity standard	a. Outdoor storage of materials - 16.5.1.6

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
b.	Car parking shall be provided to the side or rear of sites and not between buildings and the street, except for visitor parking.		

Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified unless the adjoining zone is residential.

### 16.4.3.7 Landscaped areas

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	The minimum percentage of the site to be landscaped shall be 10%, excluding those areas required to be set aside for trees within or adjacent to parking areas (refer to clause (d) below).	Non-compliance with permitted activity standard	a. Landscaped areas- 16.5.1.7
b.	The area adjoining the road frontage of all sites shall have a landscape strip in accordance with the following standards. <ul style="list-style-type: none"> <li>i. Minimum width - 1.5 metres</li> <li>ii. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof.</li> </ul>		
c.	On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof.		
d.	In addition to clauses (a), (b) and (c) above, where car parking is located at the front of a site, 1 tree shall be planted for every 5 car parking spaces within any car parking area.		
e.	All landscaping/ trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.		
f.	The built form standards in clauses (a) and (b) shall not apply to emergency service facilities.		

Note 1: Vegetation in close proximity to the electricity transmission network will need to be planted and managed in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Note 2: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as

stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with clauses (a), (b) and (d) of this rule will not require written approvals and shall not be publicly or limited notified.

#### 16.4.3.8 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting shall be provided to all buildings via Council's urban fully reticulated water supply system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting –16.5.1.9.

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

## 16.4.4 Area Specific Rules - Industrial Park Zone (Tait Campus)

Rules 16.4.4.1. to 16.4.4.2 and the Tait Campus Outline Development Plan (Appendix 16.6.9) shall apply to the Industrial Park Zone (Tait Campus). All activities specified are also subject to the rules in 16.4.2 (Activity status tables) and 16.4.3 (Built form standards) unless specified otherwise in 16.4. 4.

### 16.4.4.1 Activity status tables – Industrial Park Zone (Tait Campus)

#### 16.4.4.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P18 listed under Rule 16.4.2.1	<p>Development shall comply with:</p> <ul style="list-style-type: none"> <li>a. All of the Key Structuring Elements on the Tait Campus Outline Development Plan (Appendix 16.6.9), being: <ul style="list-style-type: none"> <li>i. Green Corridor</li> <li>ii. Vehicular route to Stanleys block</li> </ul> </li> <li>b. Built form standards in Rule 16.4.3 unless specified otherwise in 16.4.4.2</li> </ul>
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.9.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with all of the Key Structuring Elements on the Tait Campus Outline Development Plan (Appendix 16.6.9), as identified in Rule 16.4.4.1.1 P1.</li> </ul>

#### 16.4.4.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1 in Rule 16.4.4.1.1 that do not comply with one or more of the built form standards in 16.4.4.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Open space and character- 16.4.4.3.1 c. Landscaped areas– 16.6.1.7 d. Landscaping – 16.4.4.3.2 e. Stormwater management – 16.4.4.3.7 f. Connectivity- 16.4.4.3.3 g. Parking- 16.4.4.3.5 h. Access- 16.4.4.3.6
<b>RD2</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.9.  Any application for this activity shall not be publicly notified.	a. Matters of discretion– 16.4.4.3.1 – 16.4.4.3.6

#### 16.4.4.1.3 Non-complying activities

The activities listed below are a non-complying activity.

	Activity
<b>NC1</b>	Any development resulting in more than 10,000m <sup>2</sup> gross floor area across the whole Industrial Park Zone (Tait Campus) site before the installation of traffic lights (being the physical work) at the intersection of Wairakei Road/ Wooldridge Road/ Roydvale Avenue has been completed.
<b>NC2</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.

Note for NC1: The extent of the developer's contribution to the costs of the upgrade of the intersection of Wairakei/ Wooldridge Roads will be agreed with the Council in accordance with the Council Development Contributions Policy, which may include a Private Developer Agreement.

### 16.4.4.2 Built form standards – Industrial Park Zone (Tait Campus)

#### 16.4.4.2.1 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of Discretion
a.	Sites adjoining Wooldridge Road	10 metres as marked on the outline development plan in Appendix 16.6.9	Less than 10 metres	<p>a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</p> <p>b. Open space and character- 16.4.4.3.1</p>

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.4.2.2 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a	<p>A 10 metre wide landscaping strip shall be provided adjacent to the road boundary on sites adjoining Wooldridge Road, excluding roads and pedestrian crossings, and shall comprise:</p> <ul style="list-style-type: none"> <li>i. at least 1 tree for every 10 metres of road frontage or part thereof;</li> <li>ii. deciduous trees, planted in groups of no less than 5 with a minimum of 5 metre spacing between trees;</li> <li>iii. tree species shall be capable of reaching a minimum height of 10 metres at maturity and be not less than 3 metres high at the time of planting;</li> <li>iv. The two lime trees identified on the outline development plan in Appendix 16.6.9 as 'Retained Lime Trees' shall be maintained and incorporated into the Landscaping Strip adjoining Wooldridge Road;</li> <li>v. The protected trees identified on the outline development plan in Appendix 16.6.9 as 'Protected Trees' and specimen trees immediately surrounding the protected trees in the North West corner of the Zone shall be incorporated into the landscaping strip adjoining Stanleys Road.</li> </ul>	Non-compliance with permitted activity standard	<p>a. Landscaped areas– 16.5.1.7</p> <p>b. Landscaping– 16.4.4.3.2</p>
b.	1 tree shall be planted for every 5 car parking spaces		

	within any car parking area.		
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Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.4.2.3 Stormwater management

	Permitted	Restricted discretionary	Assessment matters
a.	<p>Any stormwater from an activity within the zone shall be managed to meet the following requirements:</p> <ul style="list-style-type: none"> <li>i. First flush treatment for the first 25mm of runoff from hardstanding areas shall be provided using vegetated dry sedimentation basins.</li> <li>ii. Flows in excess of the first flush and including the 50 year return events (9 hour duration) shall be attenuated in the locations defined on the outline development plan in Appendix 16.6.9 as 'On site stormwater treatment and attenuation'.</li> <li>iii. Stormwater discharge from the zone to the Council stormwater network shall be attenuated to pre-development levels (for up to 50 year storm events).</li> </ul>	Non-compliance with permitted standard	a. Stormwater management – 16.4.4.3.7
b.	Any stormwater from an activity shall be conveyed by open naturalised swales (defined on the outline development plan in Appendix 16.6.9 as 'Open naturalised stormwater conveyance/swales') running through the zone from west to east via a series of basins as defined on the outline development plan in Appendix 16.6.9 as 'On site stormwater treatment and attenuation' to a point defined on the outline development plan from where stormwater shall be piped to an existing drain on the east side of Wooldridge Road.		
c.	At least 80% of any planting around swales and ponds for stormwater management shall be indigenous vegetation.		

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.4.4.2.4 Roothing and access**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	<p>Access from Stanleys Road:</p> <ul style="list-style-type: none"> <li>i. Any access to an activity from Stanleys Road shall be at a location marked on the outline development plan in Appendix 16.6.9 as 'Secondary Access'.</li> <li>ii. Prior to any activity having access to Stanleys Road, new give-way markings on the Stanleys Road approach to its intersection with Harewood Road shall be provided at the cost of the developer or their successor/s in title.</li> <li>iii. Within 6 months of an activity having access to Stanleys Road, a left turn lane shall be provided on the Stanleys Road approach to the Stanleys Road/ Harewood Road intersection, which shall be carried out (as agreed with the Council) at the cost of the developer or their successor/s in title.</li> <li>iv. Any development preceding subdivision with access to Stanleys Road shall include a footpath along the Stanleys Road frontage of the zone.</li> </ul>	Non-compliance with permitted activity standard	<ul style="list-style-type: none"> <li>a. Connectivity - 16.4.4.3.3</li> <li>b. Parking - 16.4.4.3.5</li> <li>c. Access - 16.4.4.3.6</li> </ul>
b.	<p>General:</p> <ul style="list-style-type: none"> <li>i. All work associated with design and construction of vehicle access to the zone, intersection works, internal roads and footpaths within the zone, and a footpath along the road frontage of Stanleys Road shall be provided at the cost of the developer or their successor/s in title.</li> <li>ii. Any development preceding subdivision with access to Stanleys Road shall include a shared cycleway and footpath of minimum 2.5 metre width from Wooldridge Road to Stanleys Road as marked on the outline development plan in Appendix 16.6.9 as 'Public shared walk and cycle connection', connecting with pedestrian and cycle facilities adjoining the zone.</li> <li>iii. Any surface car parking associated with an activity shall be in the locations identified on the outline development plan in Appendix 16.6.9 as 'pocket car parks at grade associated with buildings'. Any car parking elsewhere in the zone shall be located under or within</li> </ul>		

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	<p>buildings.</p> <p>iv. Any pedestrian and cycle way through the site shall be illuminated to a level between 2 and 10 lux.</p> <p>v. Any access to an activity shall be set back from trees identified on the outline development plan in Appendix 16.6.9 as 'Existing trees not to be affected by road layout' by a distance of at least 10 metres.</p>		

Any application arising from non-compliance with this rule shall not be publicly notified.

### **16.4.4.3 Matters of discretion – Industrial Park Zone (Tait Campus)**

#### **16.4.4.3.1 Open space and character**

- a. The extent to which the building form, location, site design and layout of development:
  - i. contributes to a high amenity environment with significant areas of landscaping and open space, compatible with the character of Nunweek Park and the adjoining rural zones;
  - ii. minimises the visual impact of development as viewed from Stanleys Road, Nunweek Park and adjacent rural properties;
  - iii. maintains views across the zone;
  - iv. provides for and creates a green corridor through the zone that incorporates and enhances landscape and water features including existing trees;
  - v. recognises the cultural values of Ngāi Tahu/manawhenua.

#### **16.4.4.3.2 Landscaping**

- a. The extent to which landscaping provides a transition between the industrial zone and the surrounding rural zones by maintaining an open character, while effectively screening buildings, parking and storage areas.
- b. The quality and effectiveness of landscaping proposed along the Wooldridge Road and Stanleys Road frontages in creating an attractive appearance to the zone as viewed from the road.
- c. The extent to which stormwater basins, open space, and landscaped areas are co-located so as to maximize recreational and amenity opportunities.
- d. The degree to which any reverse sensitivity effects are avoided or mitigated through landscaping.
- e. The suitability of planting along the water feature's edge to the local conditions.
- f. The extent to which landscaping incorporates indigenous vegetation, enhances mahinga kai values and water quality of the development.

**16.4.4.3.3 Connectivity**

- a. The extent to which pedestrian and cycle movement through the zone between Wooldridge Road and Stanleys Road and then to the wider transport network and Nunweek Park are facilitated by pedestrian and cycle ways.
- b. The extent to which the principles of Crime Prevention through Environmental Design have been incorporated into the design of pedestrian and cycle ways.
- c. The extent to which pedestrian and cycle ways are incorporated within landscaped areas.
- d. The provision for vehicle and pedestrian movement between buildings within the site.

**16.4.4.3.4 Energy efficiency and sustainability**

- a. The extent to which passive solar energy and access to daylight is promoted through building orientation and design.
- b. The degree to which timber materials are incorporated into the design of buildings for carbon absorption.
- c. The extent of which ground water coupling and heat exchangers are incorporated to provide both heating and cooling.
- d. The extent to which provision is made for ventilation through a combination of natural and mechanical means.

**16.4.4.3.5 Parking**

- a. The visual effect of car parking areas both from within the site and as seen from outside the site, in particular from Nunweek Park and Stanleys Road, and the effectiveness of any mitigation including landscaping.

**16.4.4.3.6 Access**

- a. The location and design of the external vehicle access points to Stanleys and Wooldridge Roads and their effect on the character, safety and efficiency of the adjoining road network.
- b. The effectiveness and safety of pedestrian access to and from the site, including access to the public transport network.
- c. The extent to which the location and design of the vehicle access points is integrated with landscaping along the zone boundary and does not compromise the amenity and appearance of the zone as viewed from Wooldridge Road and Stanleys Road
- d. The effect of any additional access points in respect to:
  - i. the likely level and type of traffic using the proposed access points;
  - ii. the effect on the safety and efficiency of the adjoining road network.

**16.4.4.3.7 Stormwater management**

- a. The extent to which stormwater basins and open space are integrated to maximise recreational opportunities and amenities.
- b. The extent to which any stormwater system recognises and/or provides for those values of importance to Ngāi Tahu/ manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.
- c. The effectiveness of the design, construction and operation of stormwater facilities in treatment and retention of stormwater.

- d. The ability for the stormwater system to be adequately maintained, particularly if it remains in private ownership.
- e. The extent to which treatment and disposal methods conform to the Council's guidelines for stormwater management systems.

## 16.4.5 Area Specific Rules – Industrial Park Zone (Awatea)

Rules 16.4.5.1. to 16.4.5.2 and the Awatea Outline Development Plan (including the layer diagrams) (Appendix 16.6.10) shall apply to the Industrial Park Zone (Awatea). All activities specified are also subject to the rules in 16.4.2 (Activity status tables) and 16.4.3 (Built form standards) unless specified otherwise in 16.4.5

### 16.4.5.1 Activity status tables - Industrial Park Zone (Awatea)

#### 16.4.5.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P18 listed under Rule 16.4.2.1	<p>Development shall comply with:</p> <ul style="list-style-type: none"> <li>a. All of the Key Structuring Elements on the Awatea outline development plan (including the layer diagrams) (Appendix 16.6.10), whether they are indicated as 'Fixed Structural Elements' or not, being: <ul style="list-style-type: none"> <li>i. Blue network elements</li> <li>ii. Green network elements</li> <li>iii. Green multiuse corridors</li> <li>iv. Movement network</li> <li>v. Primary Road</li> <li>vi. Location of access points on the movement network</li> <li>vii. Traffic treatment to prevent heavy vehicle access</li> <li>viii. Representative traditional places and sites of significance</li> <li>ix. Traditional headwaters</li> <li>x. Proposed indigenous tree planting corridor.</li> </ul> </li> <li>b. Built form standards in Rule 16.4.3 unless specified otherwise in 16.4.5.2</li> </ul>
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.10.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Elements on the Awatea Outline Development Plan (including the layer diagrams) (Appendix 16.6.10), as identified in Rule 16.4.5.1.1 P1.</li> </ul>

#### 16.4.5.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1 in Rule 16.4.5.1.1 that do not comply with one or more of the built form standards in 16.4.5.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
<b>RD2</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.10.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.4.5.3.1

#### 16.4.5.1.3 Non complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.

### 16.4.5.2 Built form standards - Industrial Park Zone (Awatea)

#### 16.4.5.2.1 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Sites with frontage to Halswell Junction Road or McTeigues Road	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ railway corridor – 16. 5.1.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.4.5.3 Matters of discretion - Industrial Park Zone (Awatea)

#### 16.4.5.3.1 Outline development plan

- a. The extent to which development is in accordance with the outline development plan.

- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.
- c. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic using the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- d. The degree to which safe and efficient pedestrian and cycle access is provided through the industrial zone, and with the adjoining area and wider transport networks.
- e. The effectiveness of treatment in the location marked on the outline development plan as 'Traffic treatment to prevent heavy vehicle access' or alternative measures to avoid heavy vehicle movement through the adjoining residential zone.
- f. The degree to which the industrial zone is easily accessible by public transport including any bus services.
- g. The effectiveness of the design, construction and operation of stormwater facilities in managing stormwater on-site including retention, infiltration and treatment.
- h. The ability for the stormwater system to be adequately maintained, particularly if it remains in private ownership.
- i. The extent to which treatment and disposal methods conform to the Council's guidelines for stormwater management systems.
- j. The extent to which any stormwater system recognises and/or provides for those values of importance to Ngāi Tahu/manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.
- k. The extent to which open space corridors are wide and landscaped to a high standard to promote safe and convenient movement through the zone and with adjoining areas while enhancing amenity, supporting ecological values, and recognising Ngāi Tahu/manawhenua values.
- l. The extent to which development recognises and protects sites of significance to Ngāi Tahu/manawhenua and values associated with traditional places including headwaters.
- m. The extent to which the Runanga have been consulted on the proposal and are satisfied that any effects on wāhi tapu me wāhi taonga are mitigated.
- n. Whether a Cultural Impact Assessment has been undertaken that demonstrates that a development will not adversely affect wāhi tapu me wāhi taonga.
- o. The degree to which the recommendations of the Cultural Impact Assessment have been addressed in the design/ development of the site.
- p. The development provides for an indigenous tree planting corridor, and planting of indigenous species within the corridor.

## 16.5 Matters of discretion

### 16.5.1 Matters of discretion for built form standards

#### 16.5.1.1 Maximum height of buildings and fencing or screening structure

- a. Building height:
  - i. The distance the building is set back from any residential zone and the extent to which this mitigates any adverse effects of the increased height.
  - ii. The extent to which the additional building height may enable the more efficient use of the remainder of the site or the long-term protection of significant trees or natural features on the site.
  - iii. The design and appearance of the building in mitigating the visual impact of exceeding the height limit.
  - iv. The extent to which the building may visually dominate the area it is located in, having regard to the scale and form of buildings in the surrounding area.
  - v. The extent to which the location of the building on the site and its visibility minimises visual effects on the surrounding area.
  - vi. The extent to which the increase in height reflects functional requirements of the activity.
- b. Fencing or screening structures in the Industrial Park Zone:
  - i. The extent to which visibility is maintained between the building and the street.
  - ii. The extent to which screening maintains public safety and other Crime Prevention through Environment Design (CPTED) principles.

#### 16.5.1.2 Maximum building coverage of a site

- a. The ability to mitigate any adverse effects of increased coverage by additional landscaping or screening.
- b. In the Industrial Park Zone, the degree to which the existing and anticipated open space and park-like character of the zone will be retained.
- c. Any adverse effects of increased building coverage on the character of the surrounding environment.
- d. The extent to which a greater site coverage reflects functional requirements of the activity.

#### 16.5.1.3 Minimum building setback from road boundaries/ railway corridor

- a. The extent to which the reduced setback of the building impacts on the amenity of the street environment, having regard to its location within the zone, function of the zone and the anticipated level of amenity.
- b. The extent and quality of landscaping to be provided.
- c. The effect of a building's reduced setback, taking account of such factors as existing road widths, existing building setbacks, functional requirements, street planting, and the orientation of buildings on adjoining sites, particularly those in residential zones.
- d. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.

#### **16.5.1.4 Minimum building setback from the boundary with a residential zone, residential property**

- a. Any adverse visual effects on any adjoining residential property as a result of a reduced building setback.
- b. Whether landscaping or screening within the setback mitigates the dominance of buildings.
- c. The scale and height of buildings within the reduced setback and their impact on the visual outlook of residents and users on the adjoining site(s).
- d. The extent to which buildings in the setback enable better use of the site and improve the level of amenity elsewhere on the site.
- e. The proposed use of the setback, the visual and other effects of this use and whether a reduced setback and the use of that setback achieves a better outcome.
- f. The effect of a reduced setback on the character of the Industrial Park Zone as a park-like environment.
- g. The extent to which the proposed setback intrusion would impact on the visual amenity or use of any esplanade reserve or strip.

#### **16.5.1.5 Sunlight and outlook at boundary with a residential zone, residential property and road**

- a. The effect of any reduced sunlight admission on properties in adjoining zones, taking account of the extent of overshadowing, the intended use of spaces and for residential properties, the position of outdoor living spaces or main living areas in buildings.
- b. The effect on privacy of residents and other users in the adjoining zones.
- c. The scale of building and its effects on the character of any adjoining residential zone.
- d. The effects of any landscaping and trees proposed within the site, or on the boundary of the site in mitigating adverse visual effects.
- e. The effect on outlook from adjoining properties.
- f. For sites fronting Blakes Road, Belfast, the extent to which any intrusion of the road boundary recession plane results in additional building scale and bulk and associated effects on the visual and residential amenity of residential properties and the visual amenity of sites on the opposite side of Blakes Road.

#### **16.5.1.6 Outdoor storage of materials**

- a. The extent of visual impacts on the adjoining environment.
- b. The extent to which site constraints necessitate the location of storage within the setback.
- c. The type and volume of materials to be stored.
- d. The extent, appearance and type of screening or landscaping proposed.
- e. The functional requirements of the activity.

#### **16.5.1.7 Landscaped areas**

- a. The visual effects of buildings taking account of their scale and appearance, outdoor storage areas, car parking or other activities as a result of reduced landscaping.

- b. The extent to which the site is visible from adjoining residential sites and/or identified arterial roads fulfilling a gateway function and the likely consequences of any reduction in landscaping or screening on the amenity of those sites.
- c. Whether there are any compensating factors for reduced landscaping or screening, including the nature or scale of planting proposed, the location of parking, manoeuvring or storage areas, or the location of ancillary office activity/wholesale display of goods/showrooms.
- d. The extent to which the length of the road frontage to any adjoining zone boundary reduces the need for tree planting.
- e. The relative importance of landscaping on the site, taking account of the visual quality of an adjoining zone.
- f. The extent to which the proposal is consistent with the anticipated amenity of the zone.
- g. The extent to which tree planting under the electricity transmission network would adversely affect the safe and efficient functioning of the electricity network or restrict maintenance of that network.
- h. The extent to which indigenous species are used to recognise and enhance Ngāi Tahu/manawhena cultural values.
- i. The extent to which stormwater facilities are integrated into landscaped areas to achieve a multi-value approach.
- j. The appropriateness and placement of landscaping having regard to the potential adverse effects on safety for pedestrians and vehicles and the functional requirements of the activity.

#### **16.5.1.8 Access to the Industrial General Zone (Deans Ave)**

- a. Whether any conflict may be created by vehicles queuing across the vehicle crossing.
- b. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.
- c. The effect on safety for all road users of the proposed road access points to the Industrial General Zone (Deans Ave).
- d. Whether the speed and volume of vehicles on the road will exacerbate the adverse effects of access on the safety of users of all transport modes.
- e. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- f. The present traffic controls along the road corridor where vehicular access is proposed.
- g. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- h. The proposed traffic mitigation measures such as medians, no right turn or left turn signs, or traffic calming measures.

#### **16.5.1.9 Water supply for fire fighting**

- a. Whether sufficient fire fighting water supply is available to ensure the health and safety of the community, including neighbouring properties.

#### **16.5.1.10 Outline Development Plan for land at 65 – 67 Racecourse Road**

- a. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.

- b. The effect on safety for all road users of the proposed road access points.
- c. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- d. The present traffic controls along the road corridor where vehicular access is proposed.
- e. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- f. The proposed measures to mitigate traffic effects.
- g. Whether residential amenity is maintained on the frontage with Racecourse Road through the provision of landscaping and setback of buildings.
- h. The provision made for trees and planting to mitigate any effects.

## 16.5.2 Matters of discretion for activity specific standards

### 16.5.2.1 Display of goods, showroom and non-industrial activities

- a. General:
  - i. The extent to which the activity does not adversely affect the function of the zone to provide for primarily industrial activities.
  - ii. The impact of the activity on the ability of existing or future permitted industrial activities to operate or establish without undue constraint.
  - iii. The effect of the development on the capacity to accommodate future demand for industrial activities.
  - iv. The extent to which the activity is ancillary to the primary use of a site for industrial activities.
  - v. The extent to which the activity contributes to the accumulation of other non-industrial activities that may discourage or displace industrial activities.
  - vi. Whether there are any benefits of a non-industrial activity providing a buffer between industrial activities and more sensitive land use activities.
  - vii. Whether the establishment of non-industrial activities would enable or assist the retention of an historic building.
  - viii. The extent to which the activity will be integrated with other commercial activities in an adjoining commercial zone.
  - ix. The extent to which the activity generates traffic and other effects that impact on the day to day operation of the industrial area.
  - x. The functional requirements of the activity and the necessity for additional floorspace.
- b. Retail activity, commercial service, gymnasium and pre-school:
  - i. The extent to which the activity serves the needs of workers and visitors to the industrial area.
  - ii. The extent to which the activity is accessible by a range of modes of transport for communities served by the proposed activity.
- c. Offices:
  - i. The visual effect of the extent of areas of glazing facing the street, particularly at ground level.

### 16.5.2.2 Residential activity

- a. In relation to minimum unit size, whether:
  - i. The floorspace available and the internal layout represents a viable residential unit that would support the amenity of current and future occupants;
  - ii. Other on-site factors compensate for a reduction in unit sizes e.g. communal facilities;
  - iii. The units are to be a part of a development delivered by a social housing provider and have been designed to meet any specific needs of future social housing tenants and/or atypical housing needs.
- b. In relation to the amount of storage and waste management spaces, whether:
  - i. The amount of space to store rubbish and recycling, whether communal, outdoor or indoor is adequate;
  - ii. The volume of space provided for personal storage is adequate.
- c. In relation to the configuration of storage and waste management space, whether:

- i. The location of rubbish and recycling space for residents is convenient;
  - ii. The lack of screening of any outdoor service space will impact on the visual amenity within the site and of any adjoining site, activity, or the street scene;
  - iii. The size and flexibility of the residential unit layout provides other indoor storage options where an indoor storage space is not provided for each unit;
  - iv. The alternative storage areas provided on the site are adequate, accessible and convenient, where indoor storage space is not provided for each residential unit.
- d. In relation to the amount of outdoor living space, whether:
  - i. There is any alternative provision of publicly available space on, or in close proximity to the site to meet the needs of occupants now and in the future;
  - ii. The reduction in outdoor living space is proportional to the size of the residential unit and the demands of the likely number of occupants now and in the future;
  - iii. The reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative indoor or outdoor living space.
- e. In relation to the location and configuration of outdoor living space:
  - i. Whether the allocation between private and communal outdoor living spaces within the site is adequate and appropriately located to meet the current and future needs of occupants of the site;
  - ii. Where the communal outdoor/indoor spaces are not contiguous on a large site, the ability of the spaces to meet the needs of residents and provide a high level of residential amenity;
  - iii. Whether the reduction in outdoor living space will result in additional loss of mature on-site vegetation and/or spaciousness of the area.
- f. In relation to noise insulation:
  - i. The extent to which the building specifications, nature and/or purpose of the proposed residential accommodation reduce the impact of noise and minimise reverse sensitivity effects.

### 16.5.2.3 Sensitive activities

- a. For pre-schools:
  - i. The potential for reverse sensitivity effects on port activities located at Lyttelton Port and/or industrial activities within the Industrial Heavy Zone.
  - ii. Whether any methods to reduce the potential for reverse sensitivity effects on industrial activities within the Industrial Heavy Zone and/or the port operator, other than acoustic insulation, have been incorporated into the design of the proposal.
  - iii. The provision of a report from an acoustic specialist provides evidence that the level of external to internal noise reduction is appropriate to ensure the amenity of present and future occupiers of the site.

## 16.6 Appendices

### 16.6.1 Rules and guidance for landscaping and tree planting

The provisions in Part B of this appendix are for information and guidance only and are not statutory rules. They have been incorporated to assist in the choice of species suitable for planting in particular site conditions, and to help ensure the Council's requirements are successfully achieved.

#### Part A: Tree requirements - statutory requirements

1. Tree Size
  - a. Any tree required under Landscaped Area rules shall be:
    - i. not less than 1.5 metres high at the time of planting; and
    - ii. a species capable of reaching a minimum height at maturity of eight metres.

Note: trees listed in Part B of this appendix would meet this clause.
2. Tree protection
  - a. Any trees required under Landscaped Area rules shall be located within a landscaping strip, or within a planting protection area, with a minimum dimension or diameter of 1.5 metres.
  - b. No more than 10% of any landscaping strip required under Landscaped Area rules, or any planting protection area, shall be covered with any impervious surfaces.
  - c. Landscaping strips or planting protection areas adjacent to a road boundary, or adjacent to or within a car parking area, shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least one metre from any tree.
3. Maintenance of trees and landscaping
  - a. Any landscaping or trees required under Landscaped Area rules shall be maintained, and if dead, diseased, or damaged, shall be replaced.

#### Part B: Tree species- information and guidance only, non-statutory requirements

4. The lists of trees and shrubs contained in Sections 1 to 3 of this Part are considered suitable for Christchurch conditions.
  - a. Section 2 of this Part specifies the suitability of the trees that meet the requirements in Part A for particular conditions, these being:
    - i. trees suitable for moist/wet soil conditions;
    - ii. trees suitable for dry soil conditions;
    - iii. frost tender trees;
    - iv. trees suitable for coastal areas;
    - v. trees suitable for car parking/ paved areas etc;
    - vi. trees susceptible to wind damage/ breakages;
    - vii. trees with aggressive root system (relevant to driveways and underground services);
    - viii. trees prone to common diseases.
  - b. More detailed descriptions and requirements for each tree can be obtained from various plant manuals or by seeking advice from the Christchurch City Council City Arborist or Nursery Supervisor. It should be noted that the tree size ranges are estimates for trees that are planted in highly modified environments, e.g. streets, car parks, pedestrian malls, storm water swales. Trees planted in parks or large gardens are expected to grow larger.
  - c. The shrubs listed in Section 3 are considered suitable for planting between trees in landscaped strips.

## Section 1- Trees considered suitable for Christchurch conditions

### 1.1 Deciduous broadleaved trees

Common name	Botanical name	Height range	Canopy spread range
English oak	<i>Quercus robur</i>	15m-20m	10m-15m
Red oak	<i>Quercus rubra</i>	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
Scarlet oak	<i>Quercus coccinea</i>	15m-20m	10m-15m
Evergreen oak	<i>Quercus ilex</i>	15m-20m	10m-15m
Turkey oak	<i>Quercus cerris</i>	15m-20m	10m-15m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
Willow oak	<i>Quercus phellos</i>	15m-20m	10m-15m
Sawtooth oak	<i>Quercus acutissima</i>	15m-20m	10m-15m
Turkish hazel	<i>Corylus collurna</i>	10m-15m	6m-10m
European beech	<i>Fagus sylvatica</i>	15m-20m	10m-15m
Copper or purple beech	<i>Fagus sylvatica purpureum</i> (and 'Riversii')	15m-20m	10m-15m
Weeping beech	<i>Fagus sylvatica pendula</i>	15m-20m	6m-10m
Dawyck beech	<i>Fagus sylvatica</i> 'Dawyck'	10m-15m	3m-6m
Purple Dawyck beech	<i>Fagus sylvatica</i> 'Dawyck Purple'	10m-15m	3m-6m
American beech	<i>Fagus grandifolia</i>	15m-20m	10m-15m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
American ash	<i>Fraxinus americana</i>	15m-20m	10m-15m
Fraxinus 'Green Glow'	<i>Fraxinus</i> 'Green Glow'	15m-20m	10m-15m
Green ash	<i>Fraxinus pennsylvanica</i>	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Golden ash	Fraxinus excelsior 'Jaspidea' (or 'Aurea')	15m-20m	10m-15m
Tupelo	Nyssa sylvatica	15m-20m	6m-10m
Horsechestnut	Aesculus hippocastanum	15m-20m	10m-15m
Seedless horsechestnut	Aesculus plantierensis	15m-20m	10m-15m
Walnut	Juglans regia	15m-20m	10m-15m
Common lime	Tilia x europaea	15m-20m	10m-15m
Large leaved lime	Tilia platyphyllos	15m-20m	10m-15m
Small leaved lime	Tilia cordata	15m-20m	10m-15m
Weeping silver lime	Tilia petiolaris	15m-20m	10m-15m
Silver lime	Tilia tomentosa	15m-20m	10m-15m
Liquidambar 'Worplesdon'	Liquidambar 'Worplesdon'	15m-20m	10m-15m
London plane	Platanus acerifolia	15m-20m	10m-15m
Oriental plane	Platanus orientalis	15m-20m	10m-15m
Autumn glory plane	Platanus orientalis insularis	15m-20m	10m-15m
Cut leaf plane	Platanus orientalis digitata	15m-20m	10m-15m
Norway maple	Acer platanoides	15m-20m	10m-15m
Variegated Norway maple	Acer platanoides 'Drummondii'	10m-15m	10m-15m
Acer 'Bloodgood'	Acer 'Bloodgood'	3m-10m	6m-10m
Trident maple	Acer burgerianum	15m-20m	10m-15m
Paper bark maple	Acer griseum	3m-10m	6m-10m
Field maple	Acer campestre	10m-15m	10m-15m
Red maple	Acer rubrum	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Paper birch	<i>Betula papyrifera</i>	15m-20m	10m-15m
Black birch	<i>Betula nigra</i>	15m-20m	10m-15m
Swedish birch	<i>Betula pendula dalecarlica</i>	15m-20m	10m-15m
Himalayan birch	<i>Betula jaquemontii</i>	15m-20m	10m-15m
Tulip tree	<i>Liriodendron tulipifera</i>	15m-20m	15m-20m
Chinese tulip tree	<i>Liriodendron chinensis</i>	15m-20m	15m-10m
Maidenhair tree (male only)	<i>Ginkgo biloba</i>	15m-20m	6m-10m
Hornbeam	<i>Carpinus betulus</i>	15m-20m	10m-15m
Common alder	<i>Alnus glutinosa</i>	15m-20m	10m-15m
Italian alder	<i>Alnus cordata</i>	15m-20m	10m-15m
Grey alder	<i>Alnus incana</i>	15m-20m	10m-15m
Red alder	<i>Alnus rubra</i>	15m-20m	10m-15m
Indian bean tree	<i>Catalpa bignonioides</i>	15m-20m	10m-15m
Weeping willow	<i>Salix babylonica</i>	15m-20m	15m-20m
Golden weeping willow	<i>Salix x chrysocoma</i>	15m-20m	15m-10m

**1.2 Coniferous trees**

Common name	Botanical name	Height	Canopy spread range
Wellingtonia	Sequoiadendron giganteum	20m-25m	10m-15m
Californian redwood	Sequoia sempervirens	20m-25m	10m-15m
Spanish fir	Abies pinsapo	10m-15m	6m-10m
Atlantica cedar	Cedrus atlantica	15m-20m	10m-15m
Western red cedar	Thuja plicata	15m-20m	6m-10m
Swamp cypress	Taxodium distichum	15m-20m	6m-10m
Bhutan cypress	Cupressus torulosa	15m-20m	6m-10m
Monkey puzzle/ Chile pine	Araucaria araucana	15m-20m	6m-10m
Totara	Podocarpus totara	10m-15m	6m-10m
Dawn redwood	Metasequoia glyptostroboides	15m-20m	6m-10m
Japanese cedar	Cryptomeria japonica	15m-20m	6m-10m

**1.3 Other evergreens**

Common name	Botanical name	Height range	Canopy spread range
Bay laurel	Laurus nobilis	10m-15m	6m-10m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen or holm oak	Quercus Ilex	15m-20m	10m-15m
Bull bay	Magnolia grandiflora	10m-15m	6m-10m
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

**1.4 Palms**

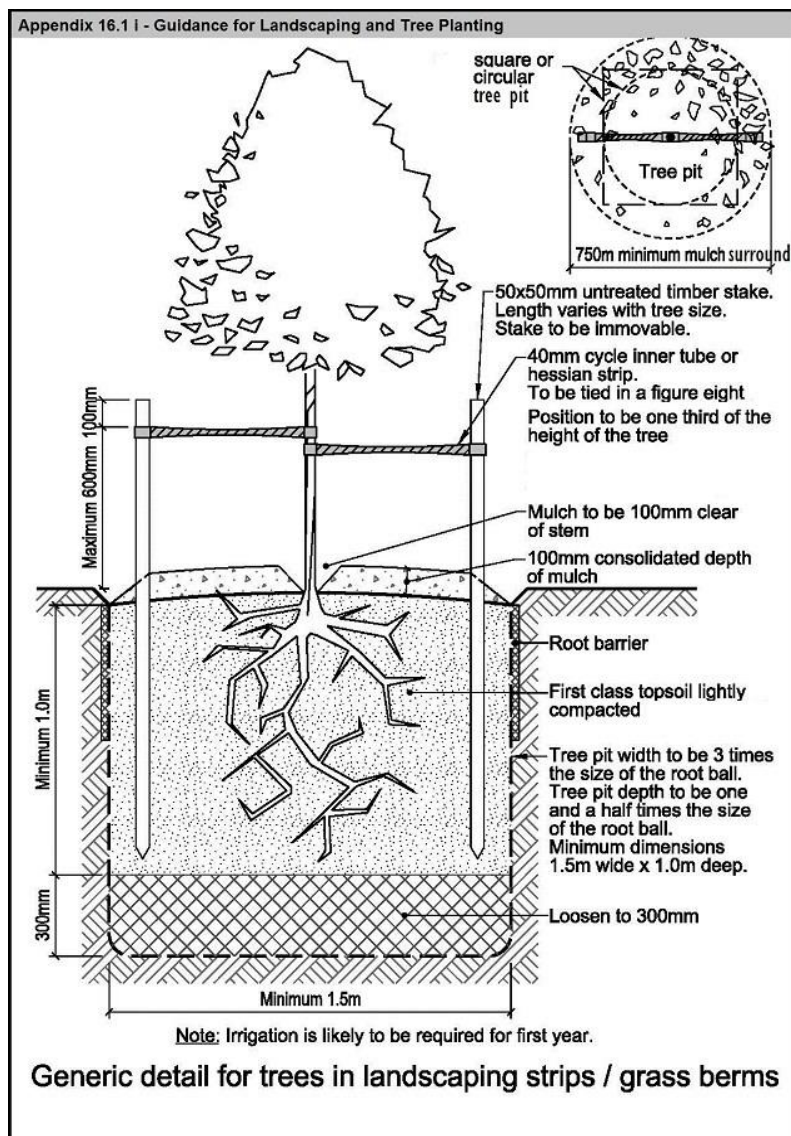
Common name	Botanical name	Height range	Canopy spread range
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

**1.5 Native trees**

Common name	Botanical name	Height range	Canopy spread range
Totara	Podocarpus totara	10m-15m	6m-10m
Kahikatea/white pine	Podocarpus dacrydioides	10m-15m	6m-10m
Rimu	Dacrydium cupressinum	10m-15m	6m-10m
Red beech	Nothofagus fusca	10m-15m	6m-10m
Silver beech	Nothofagus menziesii	10m-15m	6m-10m
Black beech	Nothofagus solandri var. solandri	10m-15m	6m-10m
Mountain beech	Nothofagus solandri var. cliffortioides	10m-15m	6m-10m
Miro	Prumnopitys ferruginea	10m-15m	3m-6m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Pohutukawa	Metrosideros excelsa	TBC	TBC

[Image to be updated to:

- replace 'Appendix 16.1 F' with 'Appendix 16.6.1 i']



## Section 2- Suitability of trees for particular conditions

### 2.1 Trees for wet soil conditions (in order of tolerance to wetness)

Common name	Botanical name	Height range	Canopy spread range
Swamp cypress	Taxodium distichum	15m-20m	6m-10m
Moosewood	Acer pensylvanicum	15m-20m	10m-15m
Red maple	Acer rubrum	15m-20m	10m-15m
Tupelo	Nyssa sylvatica	15m-20m	6m-10m
Kahikatea/ White pine	Dacrycarpus acrydioides	10m-15m	6m-10m
Alder (most species)	Alnus species	15m-20m	10m-15m
Hills oak	Quercus elipsoidalis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Black birch	Betula nigra	15m-20m	10m-15m
Willow (most species)	Salix species	15m-20m	15m-20m
Lombardy poplar (shelterbelts)	Populus italica 'Nigra'	15m-20m	6m-10m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
Green ash	Fraxinus pennsylvanica	15m-20m	10m-15m
Dawn redwood	Metasequoia glyptostroboides	15m-20m	6m-10m

### 2.2 Trees suitable for dry soil

Common name	Botanical name	Height range	Canopy spread range
<b>Native</b>			
Totara	Podocarpus totara	10m-15m	6m-10m
<b>Exotic</b>			
Field maple	Acer campestre	10m-15m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Indian horse chestnut	<i>Aesculus indica</i>	15m-20m	10m-15m
Hornbeam	<i>Carpinus betulus</i>	10m-15m	10m-15m
Atlantic cedar	<i>Cedrus atlantica</i>	15m-20m	10m-15m
Hop hornbeam	<i>Ostrya carpinifolia</i>	10m-15m	6m-10m
Mediterranean hackberry	<i>Celtis australis</i>	15m-20m	6m-10m
American hackberry	<i>Celtis occidentalis</i>	15m-20m	6m-10m
Bay laurel	<i>Laurus nobilis</i>	10m-15m	6m-10m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
Turkey oak	<i>Quercus cerris</i>	15m-20m	10m-15m
Cork oak	<i>Quercus suber</i>	15m-20m	10m-15m
Evergreen oak	<i>Quercus ilex</i>	15m-20m	10m-15m
Californian redwood	<i>Sequoia sempervirens</i>	15m-20m	10m-15m
Alder (tolerant of dry and wet soils)	<i>Alnus species</i>	15m-20m	10m-15m
Arizona ash	<i>Fraxinus velutina</i>	15m-20m	10m-15m

### 2.3 Frost tender trees suitable for Sumner, Redcliffs and frost free hill areas

Common name	Botanical name	Height range	Canopy spread range
Scarlet gum	<i>Eucalyptus ficifolia</i>	3m-10m	6m-10m
Monkey puzzle	<i>Araucaria araucana</i>	15m-20m	6m-10m
Pohutukawa	<i>Metrosideros excelsa</i>	10m-15m	10m-15m

**2.4 Trees suitable for Christchurch coastal areas**

Common name	Botanical name	Height range	Canopy spread range
Native			
Totara	Podocarpus totara	10m-15m	6m-10m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Exotic			
Field maple	Acer campestre	10m-15m	10m-15m
Horse chestnut	Aesculus hippocastanum	15m-20m	10m-15m
Monkey puzzle	Araucaria araucana	15m-20m	6m-10m
Japanese cedar	Cryptomeria japonica	15m-20m	6m-10m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
Bay laurel	Lauris nobilis	10m-15m	6m-10m
Bull bay	Magnolia grandiflora	10m-15m	6m-10m
Oriental plane	Platanus orientalis	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen holm oak	Quercus ilex	15m-20m	10m-15m
Algerian oak	Quercus canariensis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Californian redwood	Sequoia sempervirens	20m-25m	10m-15m
Macrocarpa (shelterbelts only)			
Western red cedar			
Monterey pine (shelterbelts only)	Pinus radiata	15m-20m	15m-20m

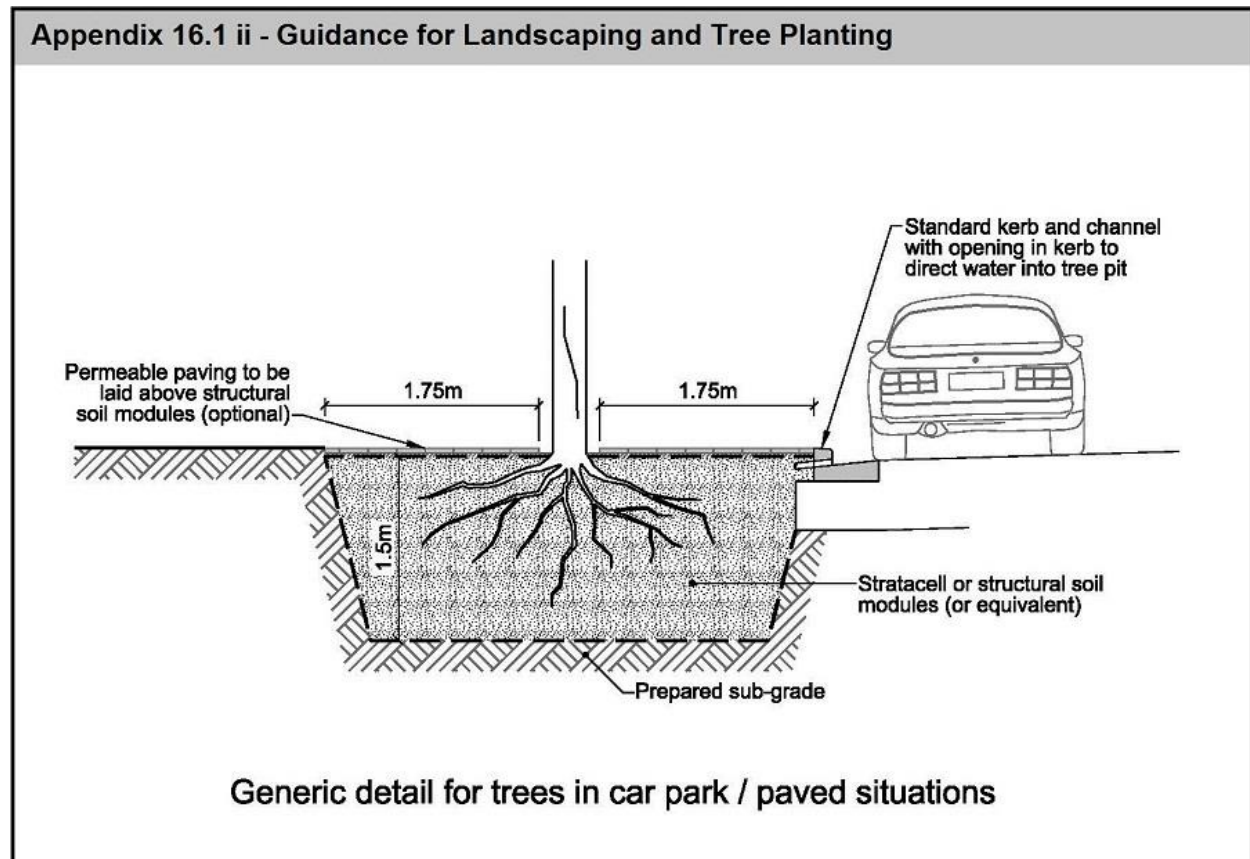
Common name	Botanical name	Height range	Canopy spread range
Maritime pine (shelterbelts only)	<i>Pinus pinaster</i>	15m-20m	10m-15m
Stone pine (shelter belts only)	<i>Pinus pinea</i>	15m-20m	10m-15m
Norfolk pine	<i>Araucaria heterophylla</i>	15m-20m	10m-15m
Whitebeam	<i>Sorbus aria</i> 'Lutescens'	10m-15m	6m-10m

**2.5 Trees suitable for car parks, paved surfaces and buildings**

<b>Common name</b>	<b>Botanical name</b>	<b>Height range</b>	<b>Canopy spread range</b>
Common lime	<i>Tilia x europaea</i>	15m-20m	10m-15m
Large leaved lime	<i>Tilia platyphyllos</i>	15m-20m	10m-15m
Silver lime	<i>Tilia tomentosa</i>	15m-20m	10m-15m
Tulip tree	<i>Liriodendron tulipifera</i>	15m-20m	15m-20m
Mediterranean hackberry	<i>Celtis australis</i>	15m-20m	6m-10m
American hackberry	<i>Celtis occidentalis</i>	15m-20m	6m-10m
Field maple	<i>Acer campestre</i>	15m-20m	10m-15m
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Variegated norway maple	<i>Acer platanoides</i> 'Drumondii'	10m-15m	10m-15m
Red maple	<i>Acer rubrum</i>	15m-20m	10m-15m
Fraxinus 'Green Glow'	<i>Fraxinus</i> 'Green Glow'	15m-20m	10m-15m
Green ash	<i>Fraxinus pennsylvanica</i>	15m-20m	10m-15m
American ash	<i>Fraxinus americana</i>	15m-20m	10m-15m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
London plane	<i>Platanus acerifolia</i>	15m-20m	10m-15m
Oriental plane	<i>Platanus orientalis</i>	15m-20m	10m-15m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
English oak	<i>Quercus robur</i>	15m-20m	10m-15m
Liquidambar 'Worplesdon'	<i>Liquidambar</i> 'Worplesdon'	15m-20m	10m-15m
Tupelo	<i>Nyssa sylvatica</i>	15m-20m	6m-10m

[Image to be updated to:

- replace 'Appendix 16.1 ii' with 'Appendix 16.6.1 ii']



## 2.6 Trees particularly susceptible to wind damage/branch breakage

Common name	Specific susceptibility
Wattle	Weak branch unions
Acer negundo (box elder)	Brittle branches, weak branch unions
Agonis (myrtle)	Weak branch unions
Banksia integrifolia	Weak branch unions
Eucalyptus	Heavy end weighted branches can cause branch breakage, summer branch drop
Gleditsia triacanthos (honey locust)	Weak branches
Paulownia tomentosa (epaulette tree)	Weak branch unions, brittle branches

Common name	Specific susceptibility
Wattle	Weak branch unions
Poplar	Weak branch unions
Liquidambar	Heavy weak branch forks and brittle timber prone to wind damage when in full leaf
Claret ash (and other ash species excepting common and manna ash)	Weak forks, brittle timber
Willow (all species)	Brittle timber, heavy foliage, summer branch drop
Pinus radiata	Wind and snow damage
Cupressus macrocarpa	Wind and snow damage
Cedar (all species)	May suffer loss of large branches in winds and snow when mature

The above trees should not be precluded from plantings entirely but thought should be given to siting them in more sheltered positions away from buildings and public thoroughfares.

## 2.7 Trees with particularly aggressive root systems

- a. The roots of all trees have the potential to cause damage to structures, underground services and sealed/paved surfaces if planted too close to them. For example, most trees have a tendency to develop roots under shallow sealed surfaces often causing cracking or lifting.
- b. Properly constructed planting pits that allow for adequate root growth along with the use of a combination of structural soils (or root cells) and permeable asphalt surrounding the planting pit will alleviate this problem. Please contact the Christchurch City Council City Arborist for more information.
- c. The roots of all trees will follow moisture trails from leaking drainage systems (usually old earthenware pipes) and enter them. However, most modern drainage pipes made of synthetic materials with greatly improved joint sealing should be able to withstand all but the direct expansion pressure of trees growing right next to them. In addition tree roots will not extend in to heavily compacted soils. Soils around underground services need to be heavily compacted so that roots will not enter them. To be on the safe side, medium to large sized trees should be situated at least 3.0 metres from all drainage pipes except that if a tree root barrier is used then trees can be planted up to 1.5 metres from drainage pipes. A modern reinforced concrete slab building foundation constructed to withstand earthquake forces should not be affected by tree roots, except possibly where a larger tree is growing right against it. The older type of foundation, which ran around the perimeter of the building only, is much more at risk and even smaller growing trees should not be planted too close.
- d. Commonly planted tree species more frequently associated with damage to the above structures are as follows:
  - i. Willows
  - ii. Poplars
  - iii. Eucalyptus
  - iv. Pinus radiata

- v. Cuppressus macrocarpa
- vi. Horsechesnut
- vii. Maples and sycamore
- viii. Ash.

## 2.8 Trees prone to diseases common in Christchurch

Common name	Disease
Ornamental crabapples, plums, cherries and rowans etc	Silver leaf disease, particularly when pruned or wounded
Cypress, thuja, juniper (and forms)	Leaf webber insect
Cypress, thuja, juniper (and forms)	Cypress canker
Native lacebark	Gall mite
London plane	Anthrachnose (leaf and twig blight)
Cherry, pear, plum	Flowering thorns and white beam cherry/pear slug
Weeping willow	Honey fungus root rot
Upright willow	Bacterial die-back
Spruce	Needle/leaf defoliating insect
Wattles ( <i>Racosperma dealbata</i> & <i>baileyana</i> )	Rust fungi galls
Maple	Formopsis (twig dieback)

**Section 3: Species of shrubs for planting in landscaping strips – information and guidance only, non-statutory requirements.**

<b>Native Shrubs</b>	
<b>Common name</b>	<b>Botanical Name</b>
	Astelia spp
	Brachyglottis greyi
	Chionocloa flavicans
	Coprosma spp
	Corokia spp
	Hebe spp
Whiteywood	Melicytus ramiflorus
Red matipo	Myrsine australis
Kawakawa	Piper excelsum
	Pittosporum 'Mountain Green'
Five finger	Pseudopanax arboreus
	Pseudopanax 'Cyril Watson'
Lancewood	Pseudopanax crassifolius
Toothed Lancewood	Pseudopanax ferox
	Pseudowintera 'Red Leopard'
Prostrate Kowhai	Sophora prostrata
<b>Exotic Shrubs</b>	
<b>Common name</b>	<b>Botanical name</b>
	Abelia spp
	Acer spp
Japanese laurel	Aucuba japonica

Barbary	Berberis spp
	Boronia spp
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Carpet rose	Rosa 'Carpet Rose'
	Ceanothus spp
Chinese plumbago	Ceratostigma willmotianum
Mexican orange blossom	Choisya ternata
Breath of heaven	Coleonema pulchrum
	Correa spp
Winter Hazel	Corylopsis spicata
Smoke bush	Cotinus spp
	Daphne spp
	Deutzia spp
	Erica spp
	Escallonia spp
Japanese laurel	Fatsia japonica
	Forsythia spp
	Gardenia spp
	Hydrangea spp
	Leucodendron spp
	Leucospermum spp
	Loropetalum spp
Star Magnolia	Magnolia stallata

	Michelia doltsopa
Port Wine Michelia	Michelia figo
	Nandina 'Gulf Stream'
Red Robin	Photonia x fraseri
Lily of the Valley	Pieris japonica
	Protea spp
	Rhododendron
Rosemary	Rosmarinus officinalis
Waratah	Telopea spp
	Weigelia florida
<b>Shrubs for Low Screening (3 metres-5 metres height)</b>	
<b>Natives</b>	
<b>Common name</b>	<b>Botanical name</b>
Taupata	Coprosma repens
Ake ake	Dodonea viscosa
Purple ake ake	Dodonea viscosa 'Purpurea'
Broadleaf	Griselinia spp
Narrow leafed houhere	Hoheria angustifolia
Kanuka	Kunzea ericoides
Whiteywood	Melicactus ramiflorus
Manuka	Leptospermum scoparium
Fragrant olearia	Olearia fragrantissima
Mountain holly	Olearia ilicifolia
Golden akeake	Olearia paniculata
Kawakawa	Piper excelsum

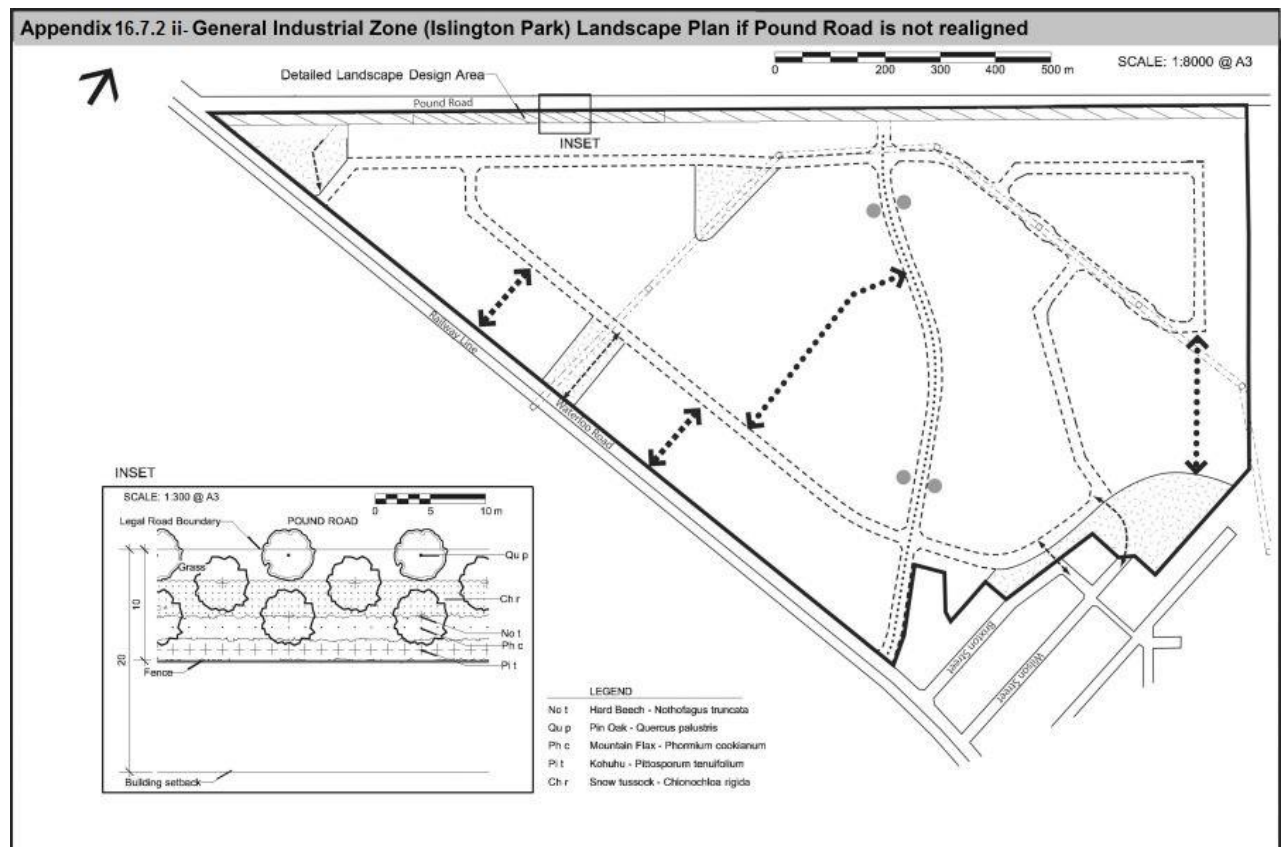
Lemonwood	Pittosporum eugenoides
Kohupu	Pittosporum tenuifolium
Karo	Pittosporum crassifolium
<b>Exotics</b>	
<b>Common name</b>	<b>Botanical name</b>
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Camelia	Camelia spp
	Ceanothus spp
Smoke bush	Cotinus spp
Japanese aralia	Fatsia japonica
	Michelia doltsopa
Red robin	Photonia x fraseri
	Protea spp
	Rhododendron



[Image to be updated to:

- replace 'Appendix 16.7.2 ii General Industrial Zone (Islington Park)' with 'Appendix 16.6.2 ii – Waterloo Park Outline Development Plan']

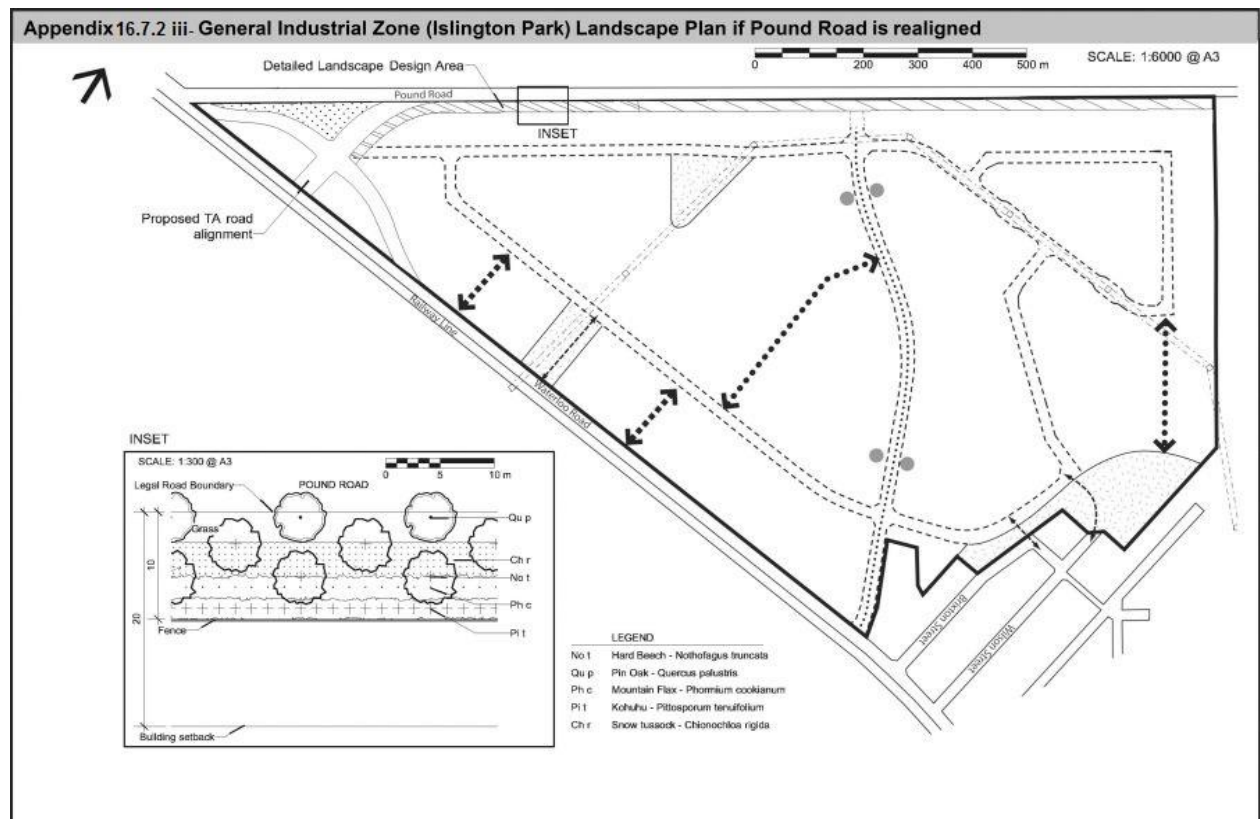
16.6.2 ii



[Image to be updated to:

- Replace 'Appendix 16.7.2 iii General Industrial Zone (Islington Park)' with 'Appendix 16.6.2 iii – Waterloo Park Outline Development Plan']

16.6.2 iii



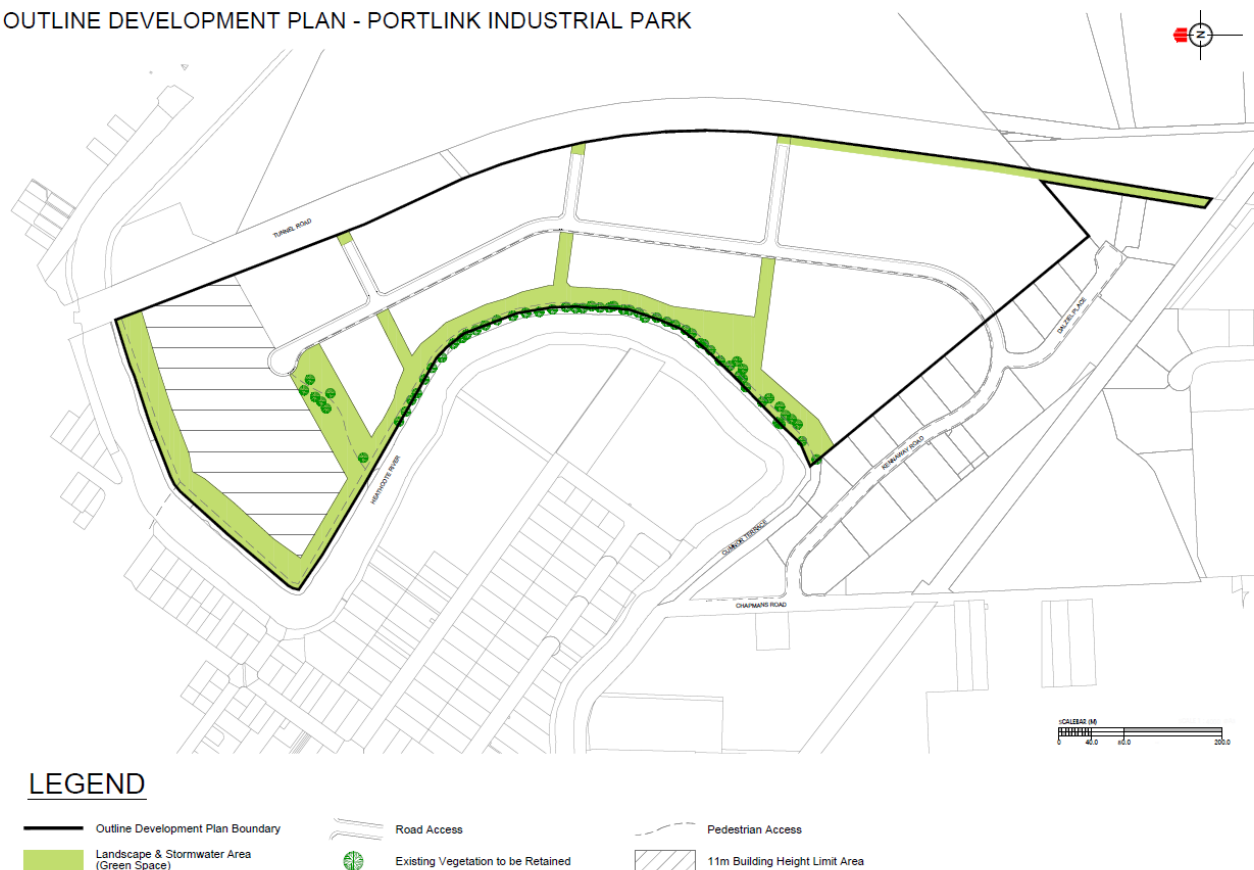
## 16.6.3 Industrial General Zone (Portlink Industrial Park)

[Image to be updated to:

- replace : 'OUTLINE DEVELOPMENT PLAN – PORTLINK INDUSTRIAL PARK' with 'Appendix 16.6.3 – Portlink Industrial Park Outline Development Plan']

16.6.3.i

OUTLINE DEVELOPMENT PLAN - PORTLINK INDUSTRIAL PARK



Appendix 16.6.3.ii Portlink Industrial Park plant list and associated height and locations

1. E = Esplanade adjacent to Heathcote River
2. T = Tunnel Road landscape setback buffer
3. W = Wetter areas (temporarily), such as detention basins and swales
4. S = Street planting, other than main road and secondary road tree species

Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
<b>Trees</b>			
Cordyline australis (T,E,W)	Cabbage tree	5	7

Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
Grisilinia littoralis (T,E)	Broad leaf	4	17
Pseudopanax arboreus (T,E)	Five finger	4	8
Pseudopanax crassifolius (T,E)	Lancewood	3	14
Pseudopanax ferox (T,E)	Toothed lancewood	2.5	7
Pittosporum tenuifolium (T,E)	Kohuhu	4	9
Pittosporum euginoides (T,E)	Tarata, lemonwood	3	12
Dodonea viscosa (T,E)	Ake ake	4	7
Olearia paniculata (T,E)	Golden Ake ake	2	7
Olearia traversil (T,E)	Chatham Island Ake ake	3	10
Dicksonia squarrosa (E,W)	Wheki	2	5
Dicksonia fibrosa (E,W)	Wheki ponga	2	5
Sophora microphylla (T,E)	South Island Kowhai	4	12
Podocarpus totara (T,E)	Totara	5	30
Darcycarpus dacrydoides (W)	Kahikatea / White pine	3	20
Prumnopitys taxifolia (T,E,W)	Matai / Black pine	3	25
Dacrydium cupressinum (T,E)	Rimu	3	30
Coprosma chathamica (T,E)	Chatham Island coprosma		5
Plagianthus regius (E)	Ribbonwood	5	16
Plagianthus chathamica (E)		4	10
Aristotelia serrata (E,W)	Makomako, wineberry	4	8
Coprosma acutifolia (E)	Coprosma, Sp.		10

Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
Hoheria populnea (T,E)	Lacebark	4	11
Hoheria angustifolia	Narrow leaved lacebark	4	8
Coprosma robusta (T,E,W)	Karamu	6	6
Leptospermum scoparium (T,W)	Manuka	3.5	6
Pseudowintera colorata (E)	Horopito	1.5	8
Plagianthus divaricatus (W)	Salt marsh ribbonwood		2
Corokia contoneaster (E)	Korokio		2
Myrsine australis (T,E)	Mapou	2	6
Chionochloa rubra (T,E,S)	Red tussock		1
Cortaderia fulvida (T,E,W)	Mini toetoe		1.5
Anemanthele lessionia (T,E,S)	Wind grass		0.8
Carex secta (T,E,W)	Pukio		0.8
Carex virgata (T,E,W)	Swamp sedge		0.8
Astelia fragrans (T,E)	Bush flax		1.5
Astelia grandis (E,W)	Swamp astelia		2
Hebe stricta (E,W)	Hebe sp.		3
Hebe salicifolia (T,E,W)	Hebe sp.		2.5
Phormium tenax (T,E,W)	Harakeke		2.5
Phormium cookianum (E)	Coastal flax		2
Phormium 'Surfer' (S)			0.5
Phormium 'Black rage' (S)			0.75
Daniella nigra (E,S)	Ink berry		0.5

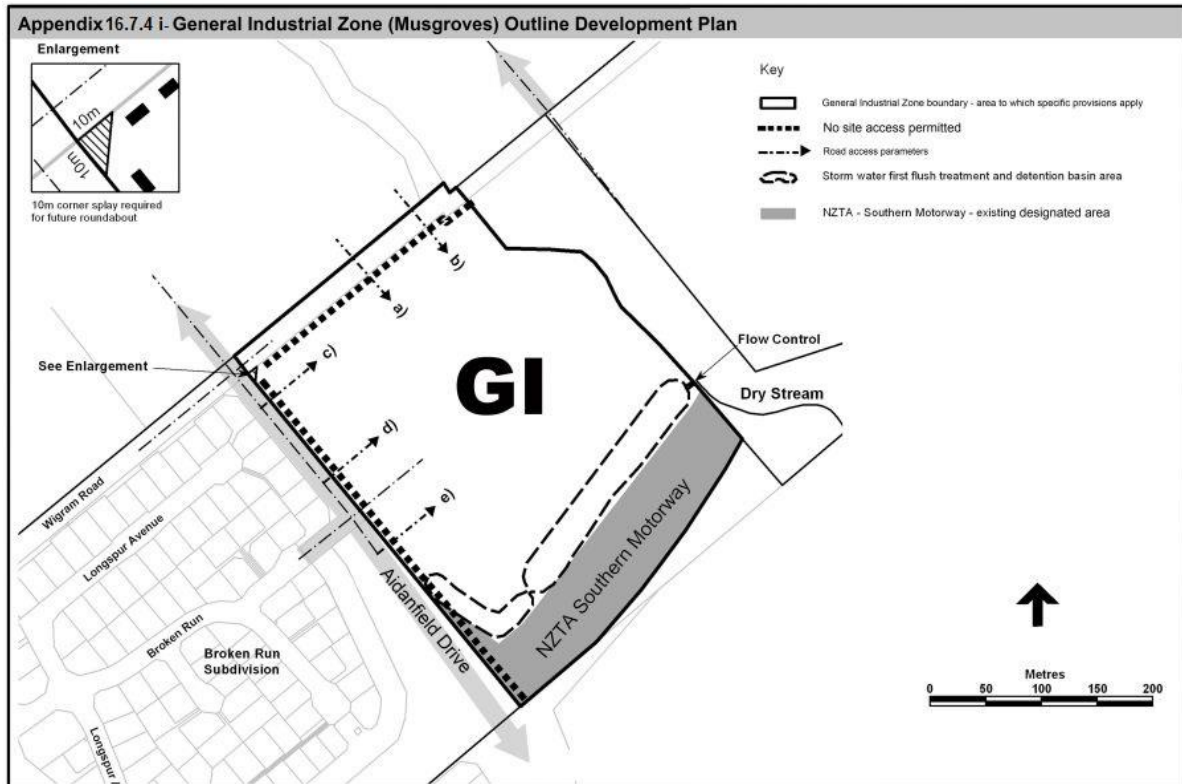
<b>Botanical Name</b>	<b>Common Name</b>	<b>10 Year Height (metres)</b>	<b>Mature Height (metres)</b>
Libertia ixiodes (E,S)	NZ Iris		0.5
<b>Street Trees For secondary cross roads:</b>			
Nothofagus solandri var. 'Cliffortioides' (S)	Mountain beech	2	18
<b>Street Trees For main roads:</b>			
Tilia cordata (S)	Small leaved lime		24
Tilia platyphyllos (S)	Large leaved lime		24

## 16.6.4 Industrial General Zone (Musgroves)

[Image to be updated to:

- replace title with 'Appendix 16.6.4 i –Musgroves Outline Development Plan']

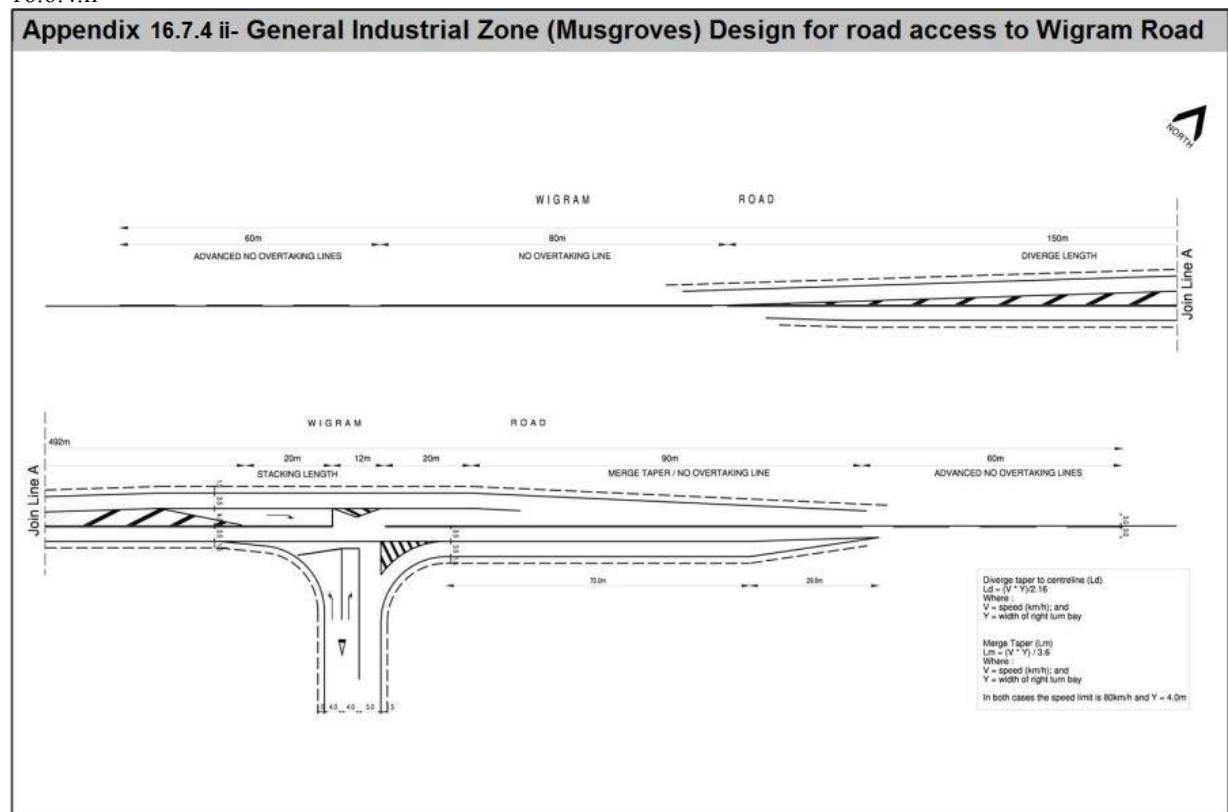
### 16.6.4.i



[Image to be updated:

- replace 'Appendix 16.7.4 ii General Industrial Zone (Musgroves)' with 'Appendix 16.6.4 ii –Musgroves Outline Development Plan']

#### 16.6.4.ii



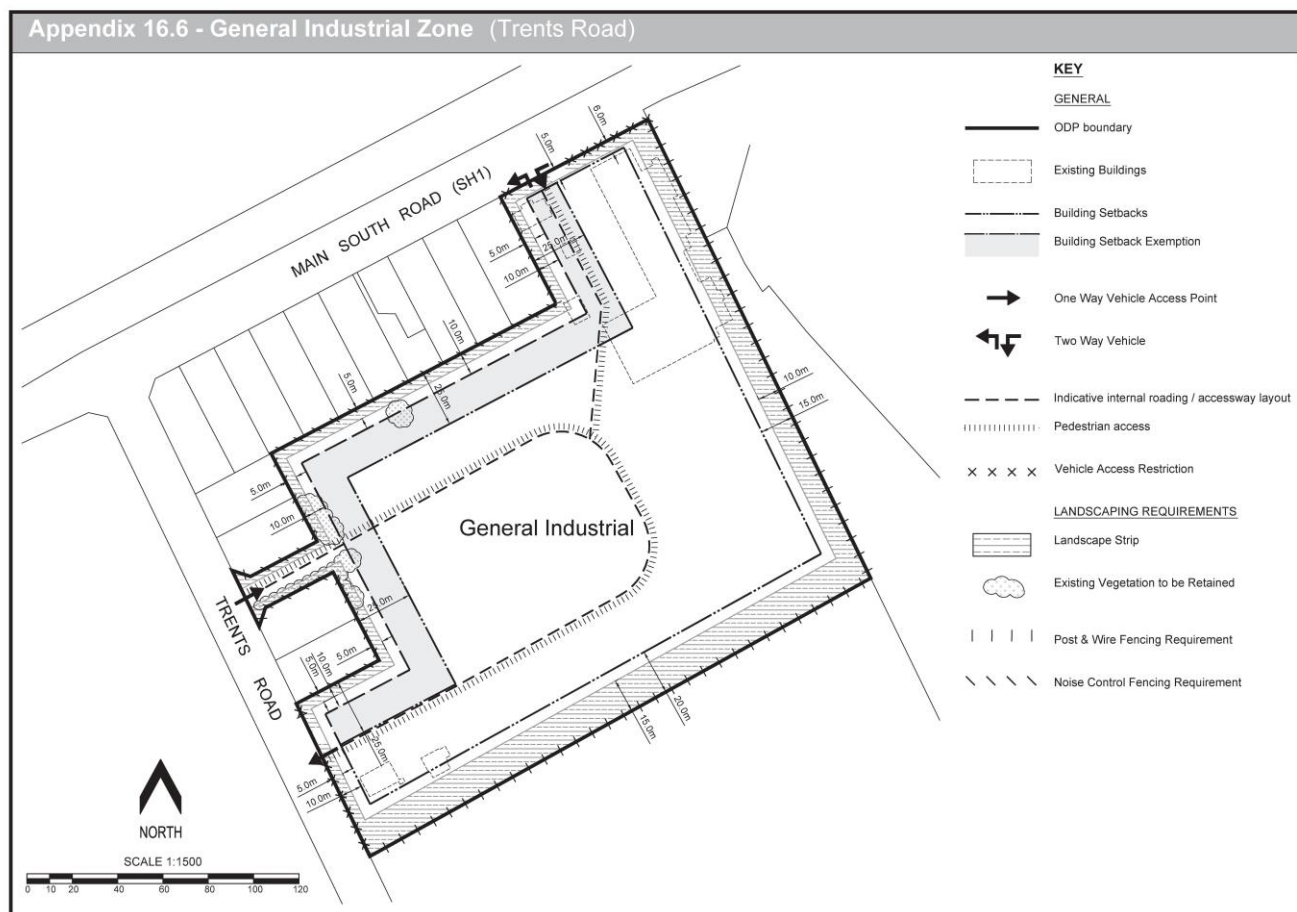
## **16.6.5 Industrial General Zone (North Belfast)**

**DEFERRED**

## 16.6.6 Industrial General Zone (Trents Road)

[Image to be updated to:

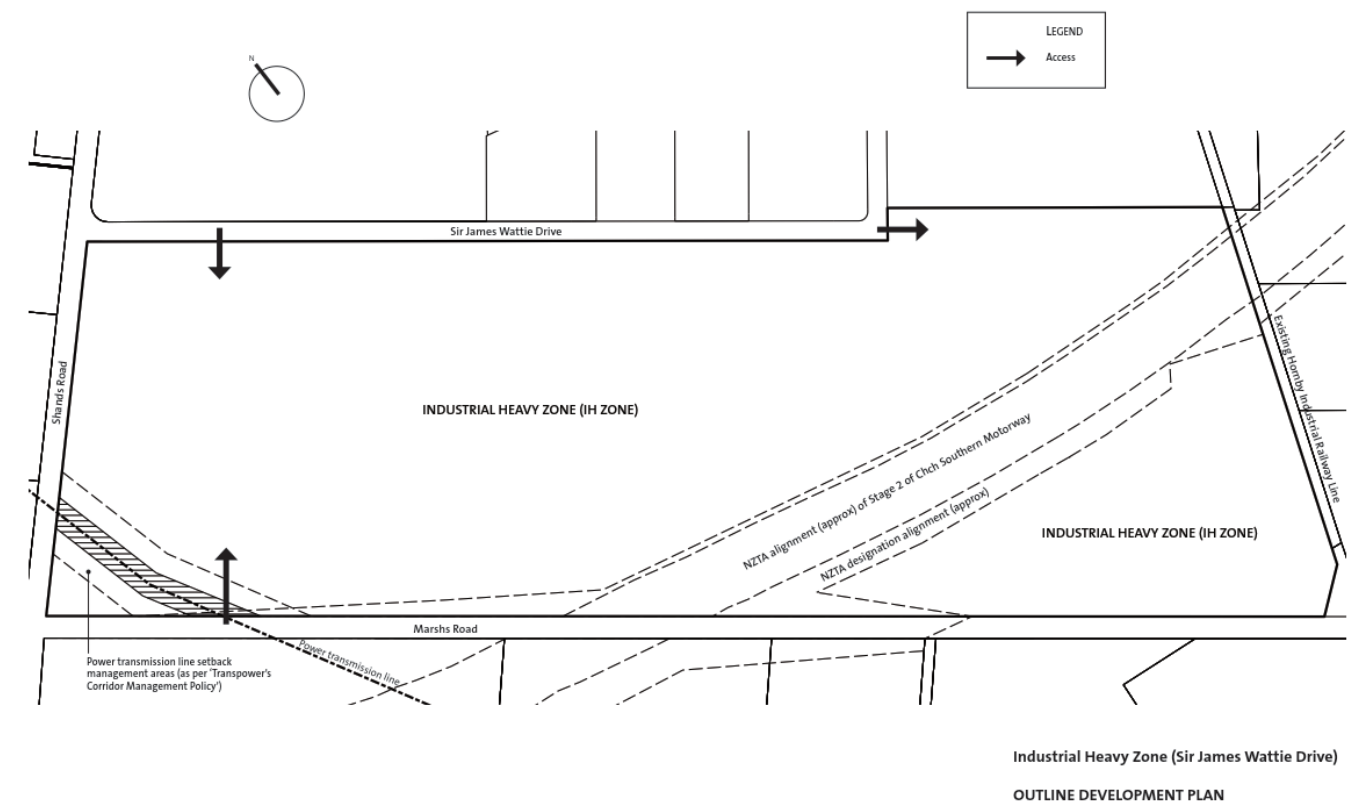
- replace title with 'Appendix 16.6.6 – Trents Road Outline Development Plan']



## 16.6.7 Industrial Heavy Zone (Sir James Wattie Drive) -

[Image to be updated to:

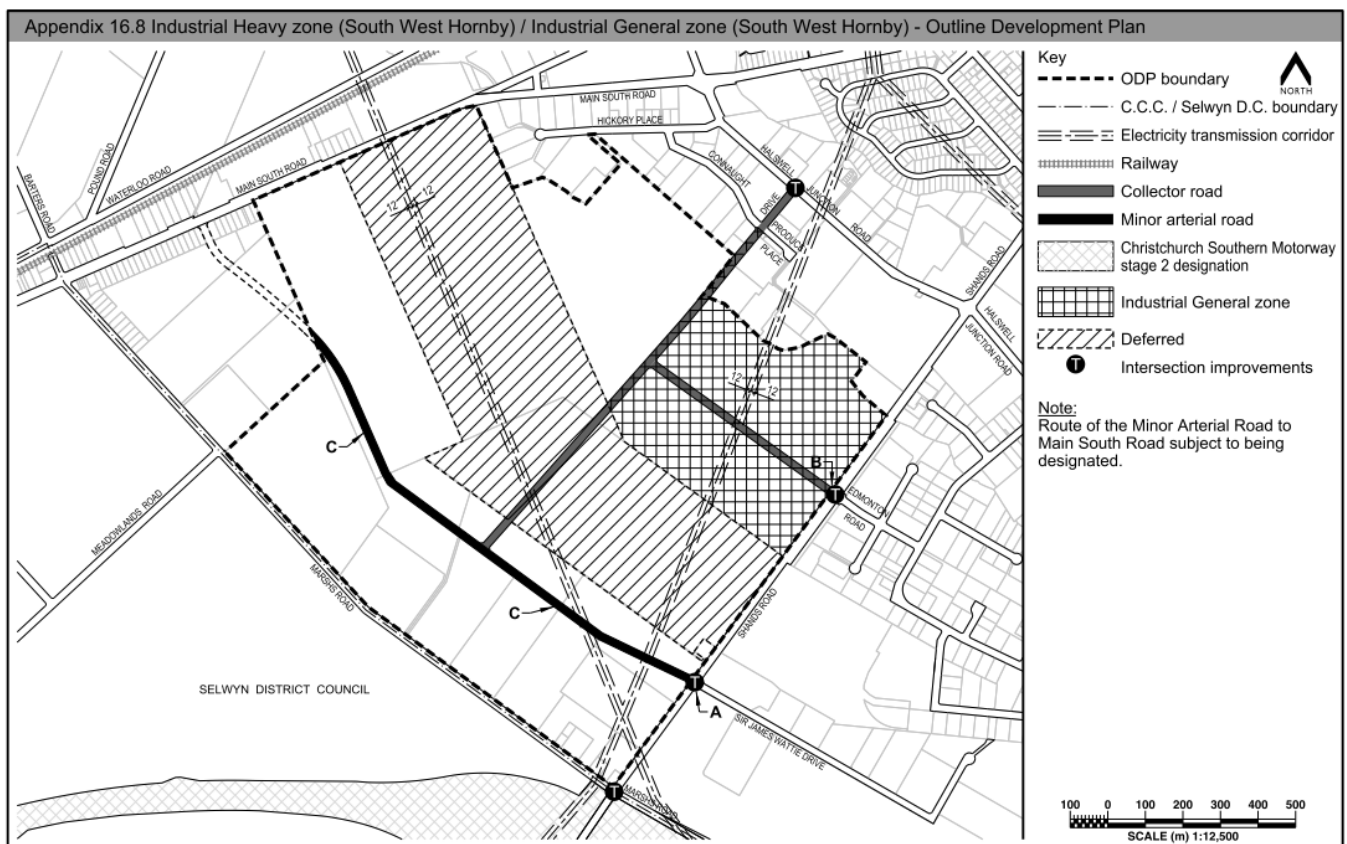
- replace : 'Industrial Heavy Zone (Sir James Wattie Drive) OUTLINE DEVELOPMENT PLAN' with 'Appendix 16.6.7 – Sir James Wattie Drive Outline Development Plan']



## 16.6.8 South West Hornby Industrial Area

[Image to be updated to:

- replace 'Deferred' with 'rural wastewater irrigation area';
- remove the two dotted lines, being the indicative location of the "Route of the Minor Arterial to Main South Road subject to being designated"; and
- replace title with 'Appendix 16.6.8 - South West Hornby Industrial Area Outline Development Plan'

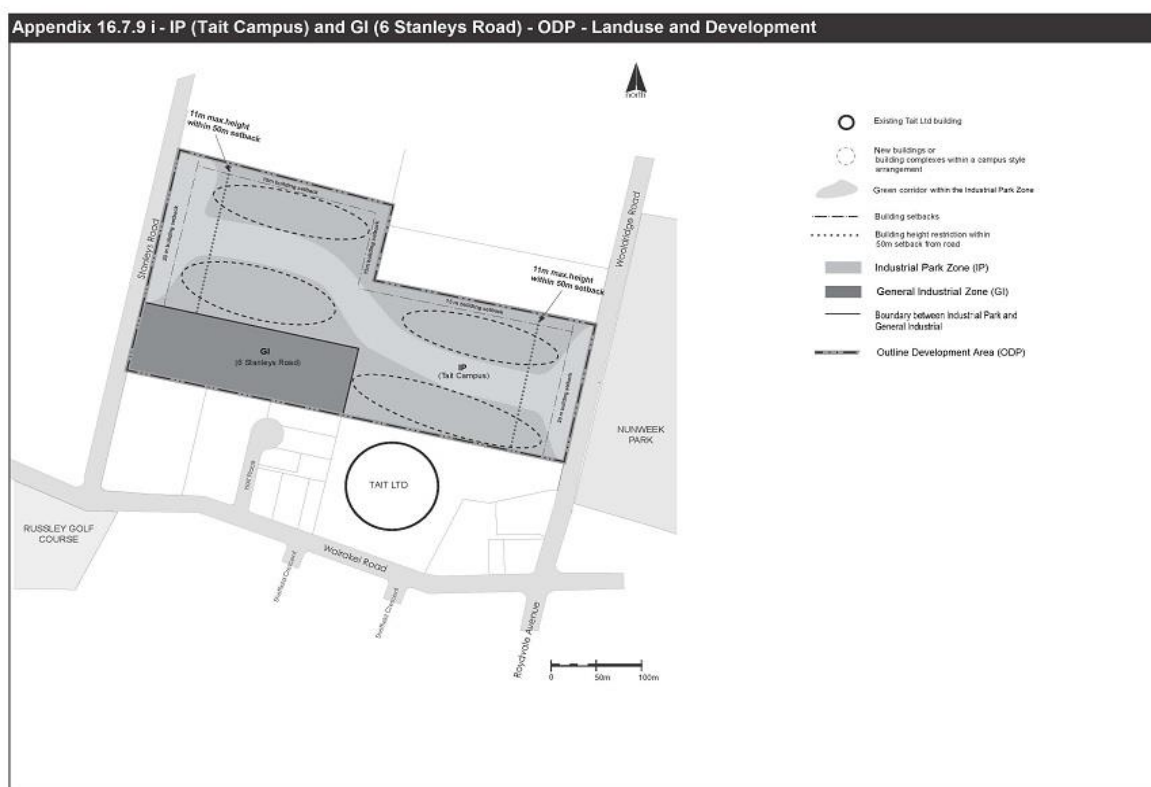


## 16.6.9 Industrial Park Zone (Tait Campus) and Industrial General Zone (Stanleys Road)

[Image to be updated to:

- replace title with 'Appendix 16.6.9 i – Tait Campus Outline Development Plan – Landuse and Development']

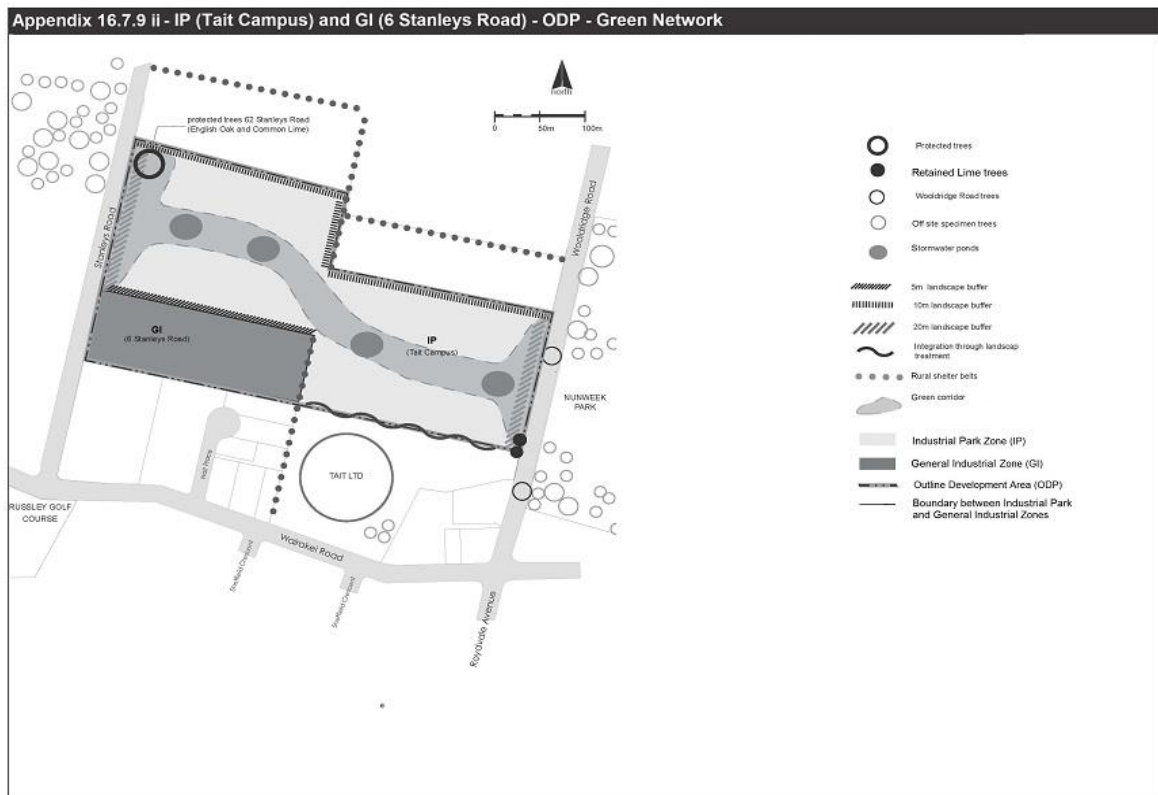
16.6.9i



*[Image to be updated to:*

- *replace title with ‘ Appendix 16.6.9 ii– Tait Campus Outline Development Plan – Green Network’]*

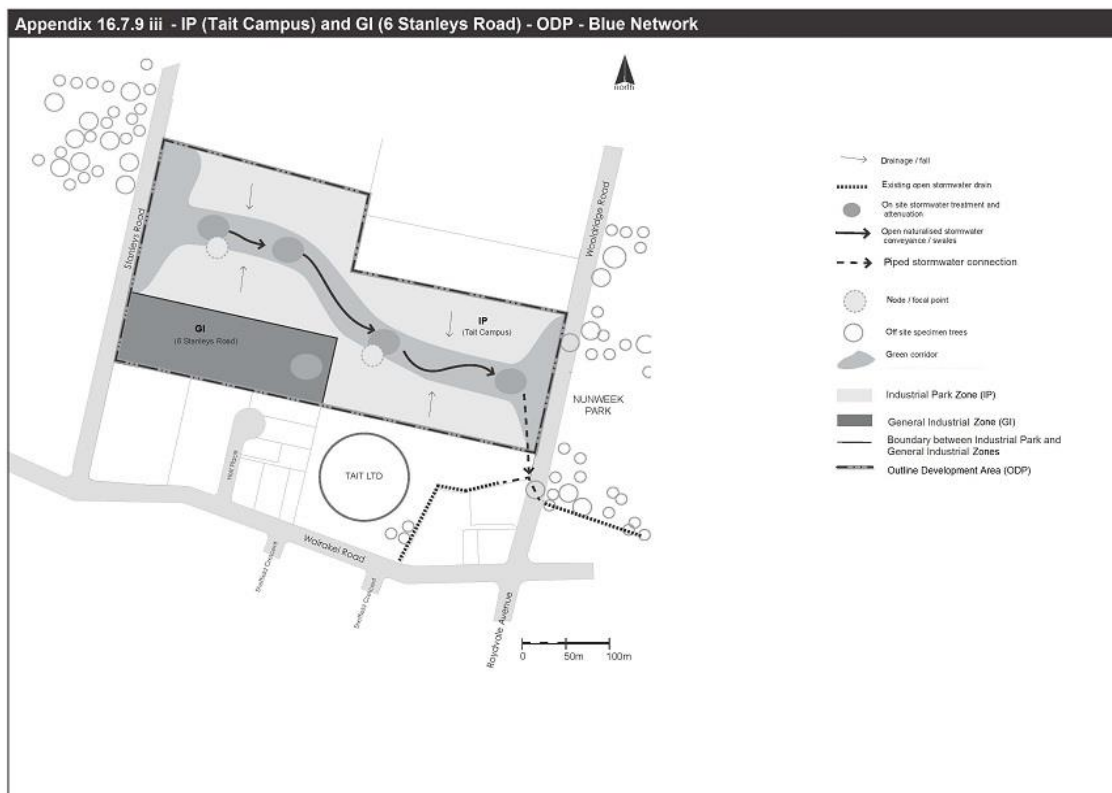
16.6.9ii



*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.9 iii – Tait Campus Outline Development Plan – Blue Network’]*

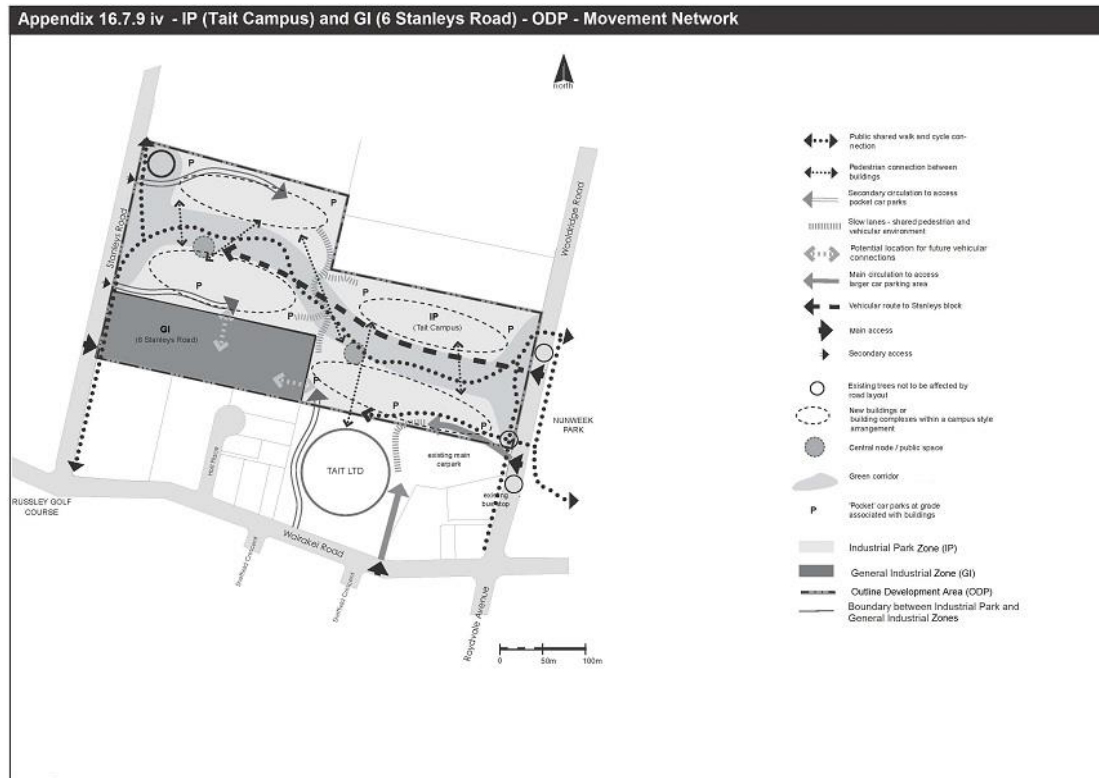
16.6.9iii



*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.9 iv – Tait Campus Outline Development Plan – Movement Network’]*

16.6.9iv

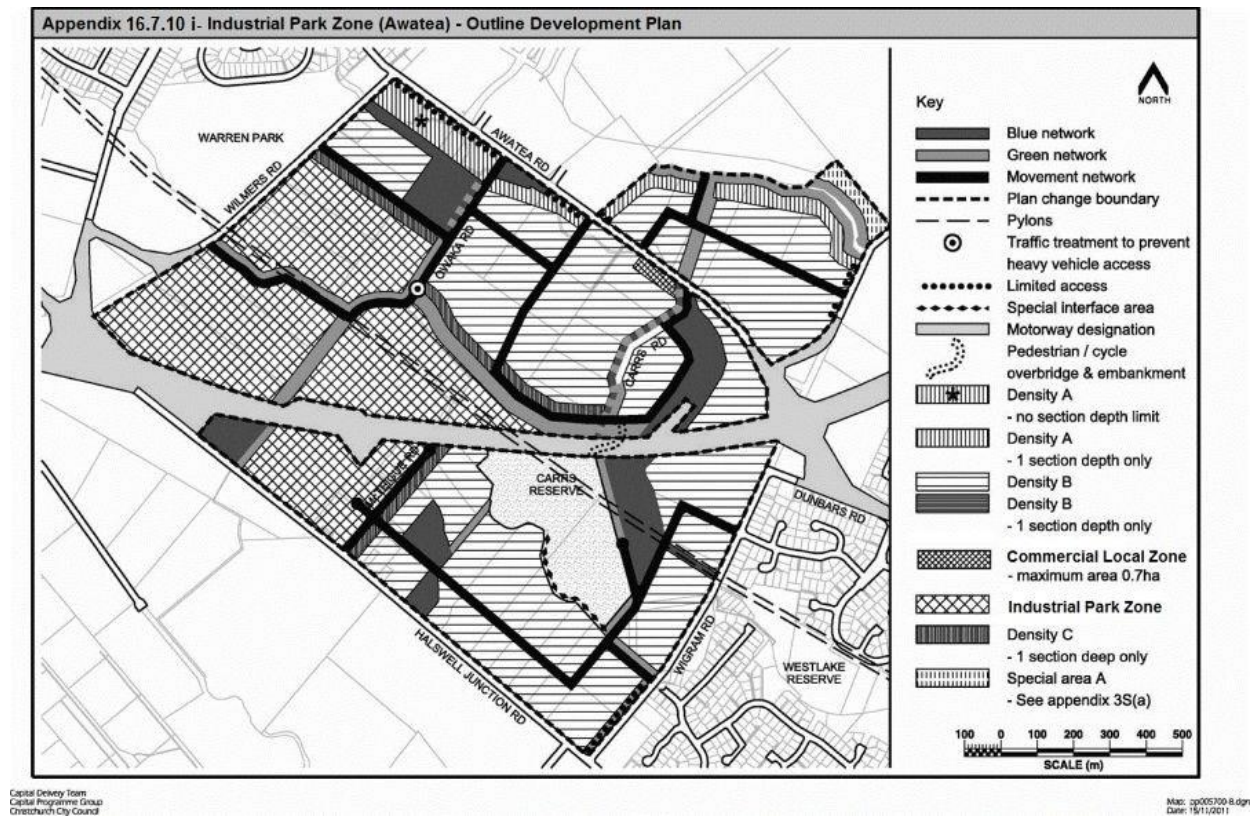


## 16.6.10 Industrial Park Zone (Awatea)

*[Image to be updated to:*

- *replace title with 'Appendix 16.6.10 i – Awatea Outline Development Plan']*

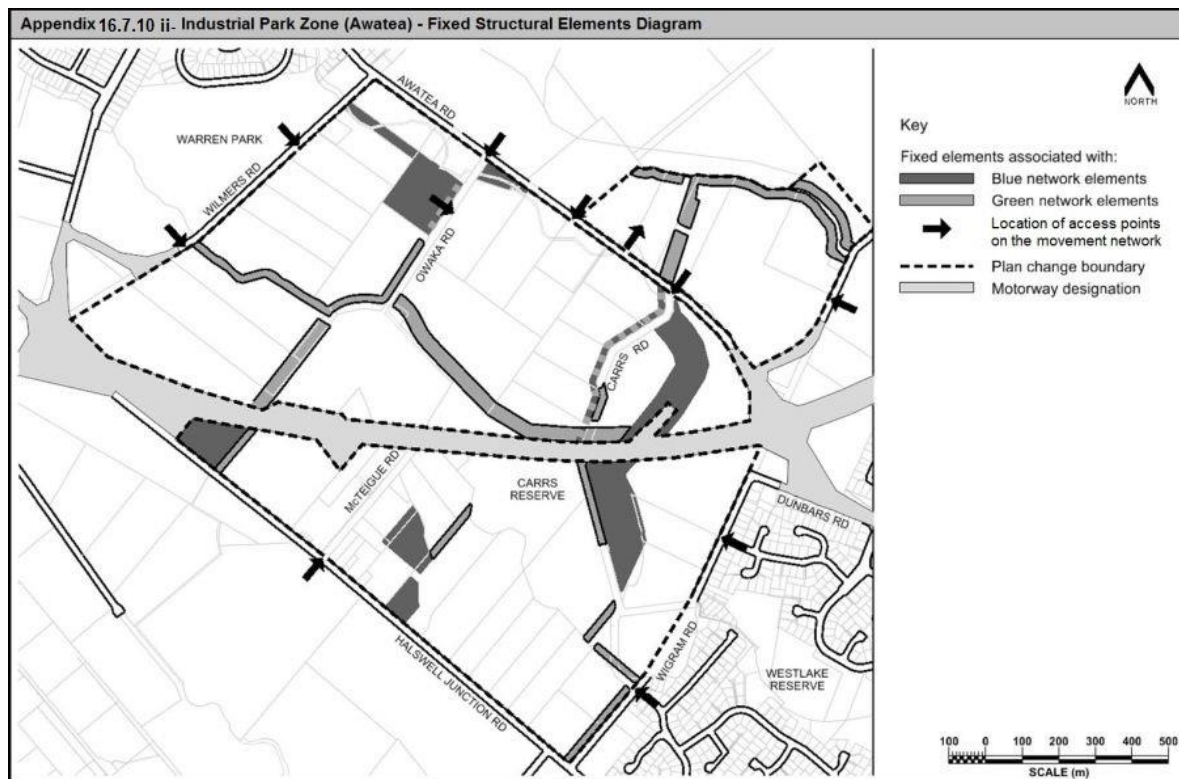
Appendix 16.6.10 i



*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.10 ii – Awatea Fixed Structural Elements Diagram’]*

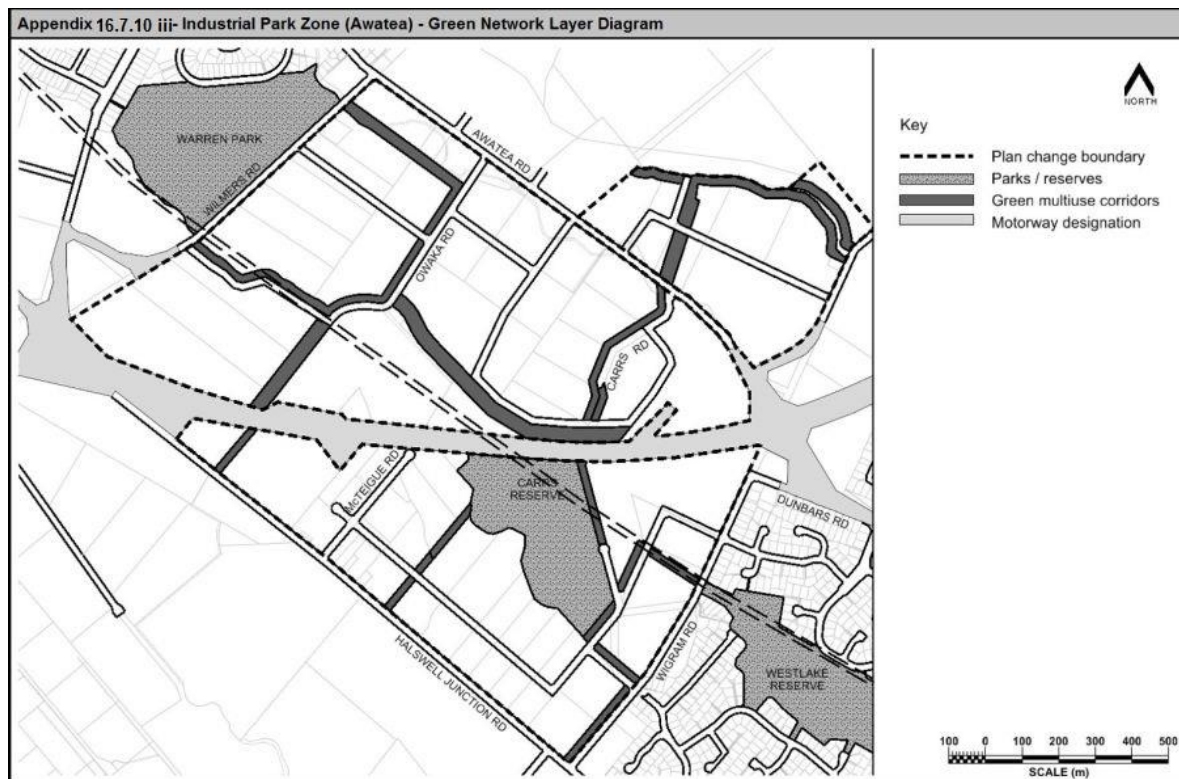
Appendix 16.6.10ii



*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.10 iii – Awatea Green Network Layer Diagram’]*

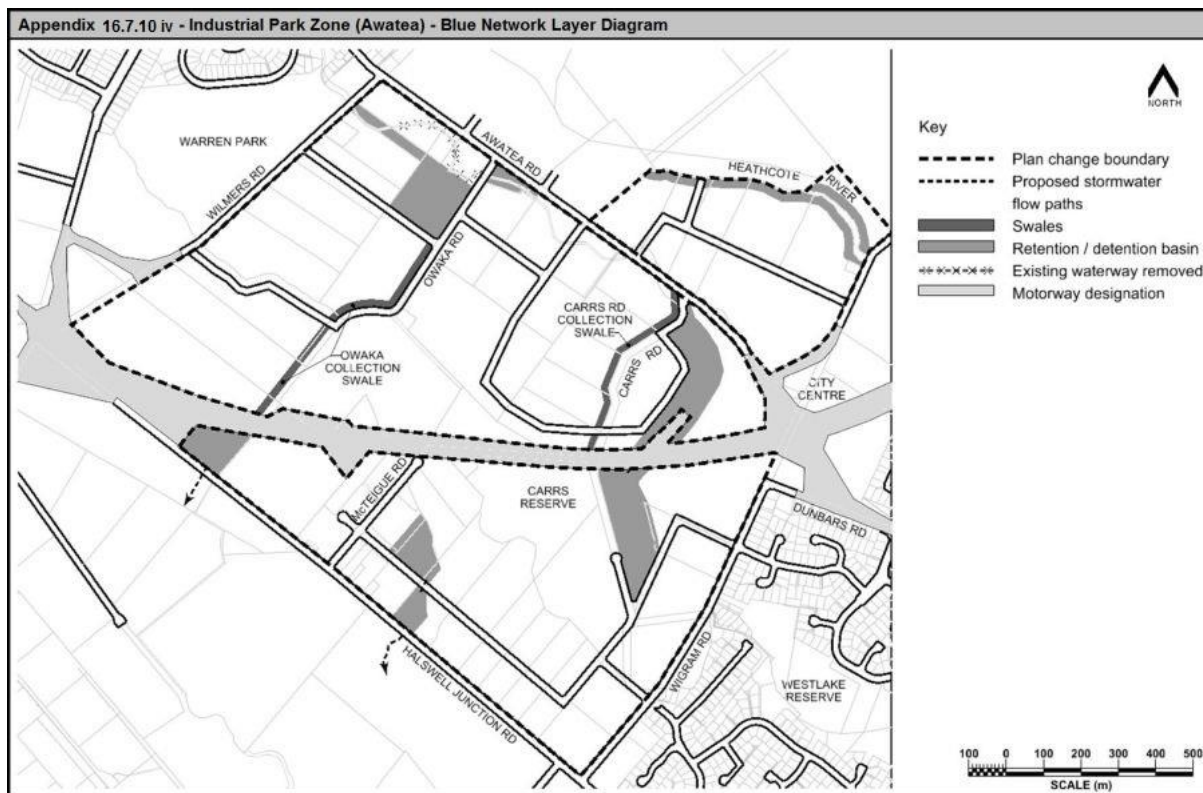
Appendix 16.6.10iii



*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.10 iv – Awatea Blue Network Layer Diagram’]*

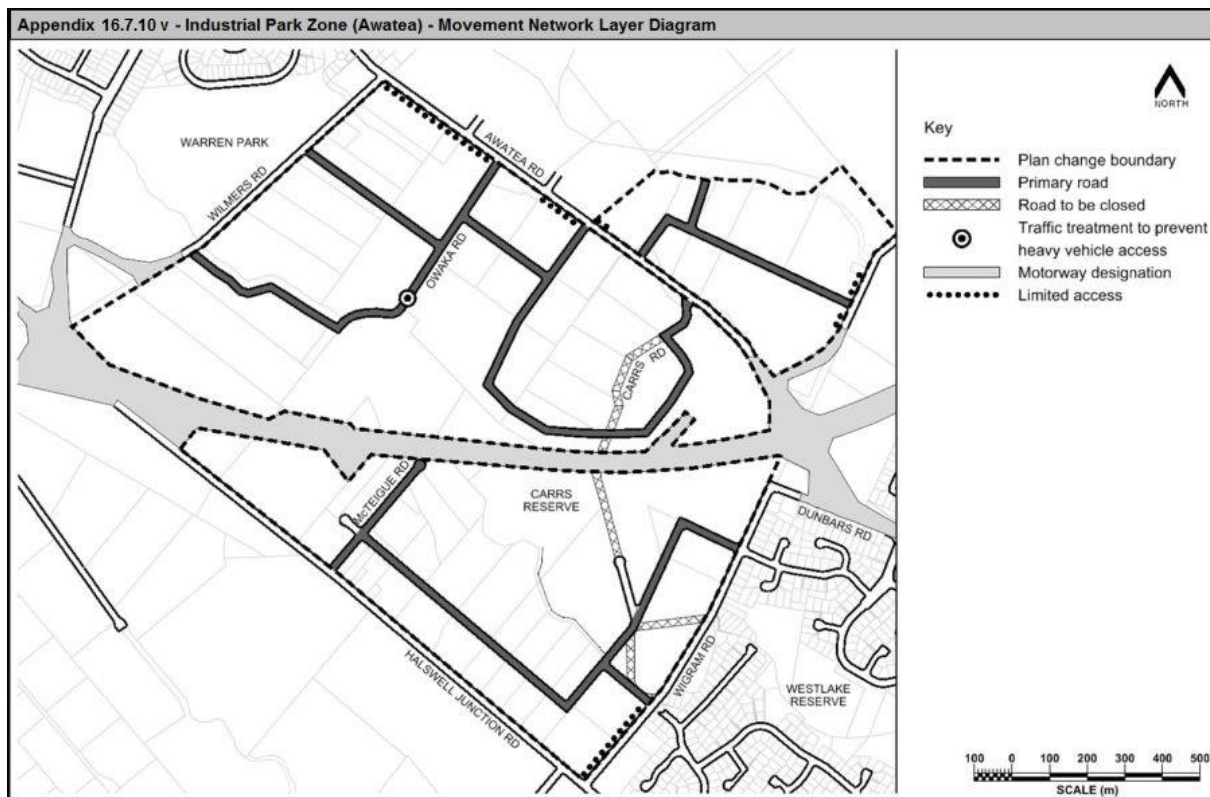
Appendix 16.6.10iv



*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.10 v – Awatea Movement Network Layer Diagram’]*

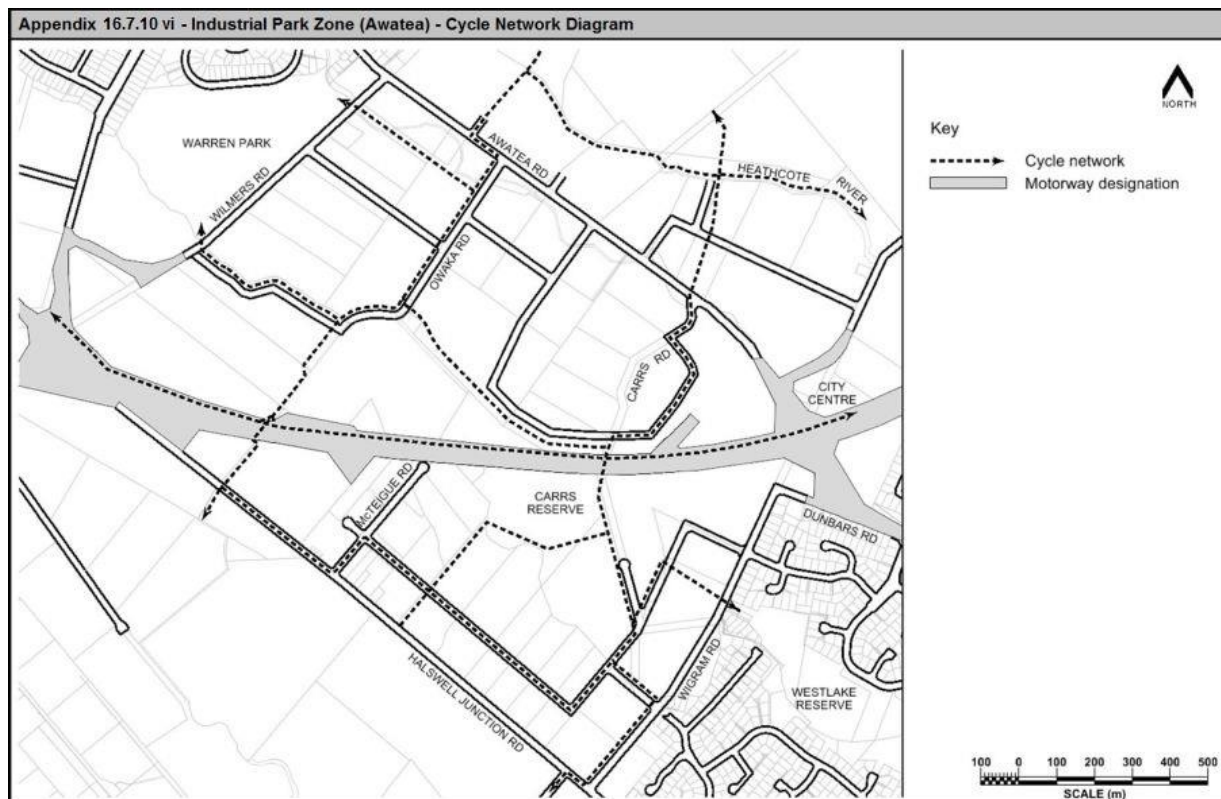
Appendix 16.6.10v



*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.10 vi – Awatea Cycle Network Diagram’]*

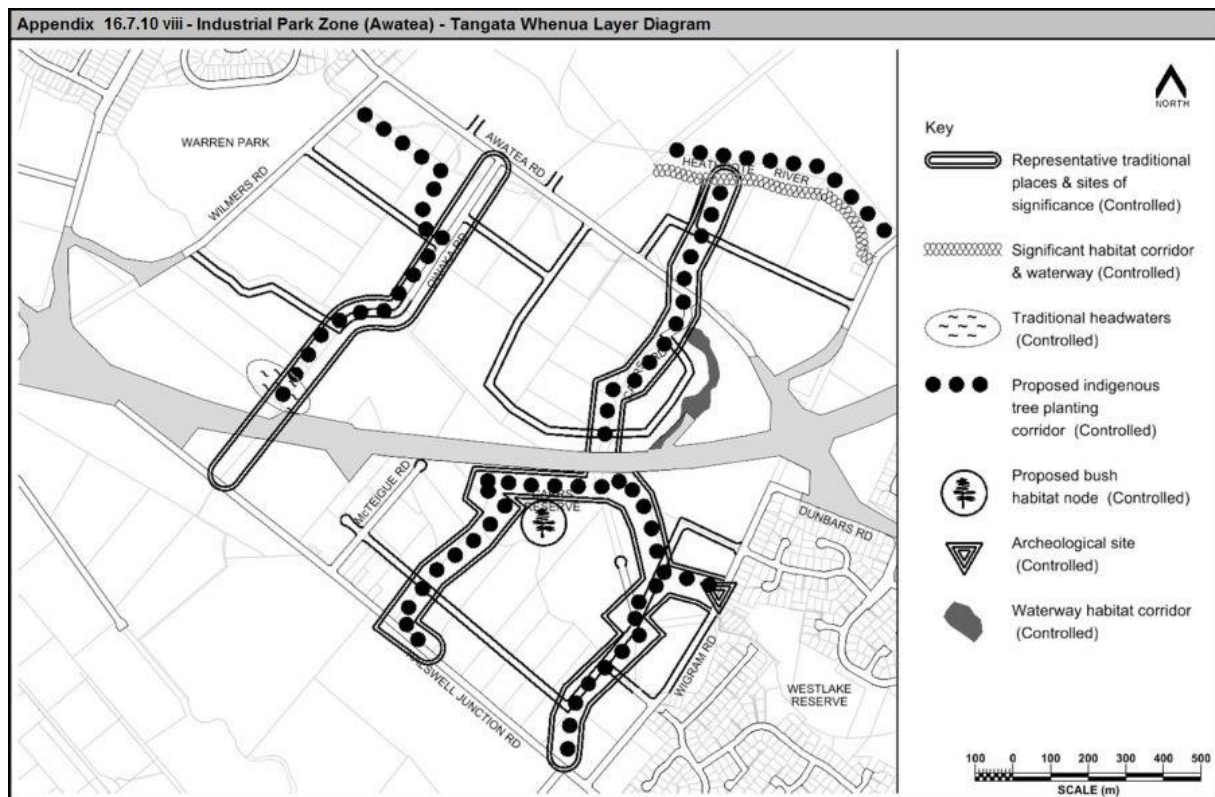
Appendix 16.6.10vi



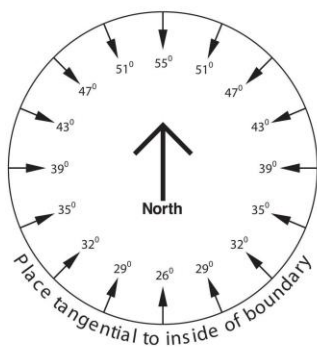
*[Image to be updated to:*

- *replace title with ‘Appendix 16.6.10 vii – Awatea Tangata Whenua Layer Diagram’]*

Appendix 16.6.10vii

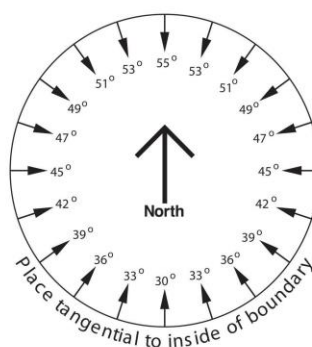


## 16.6.11 Recession Plane Diagrams



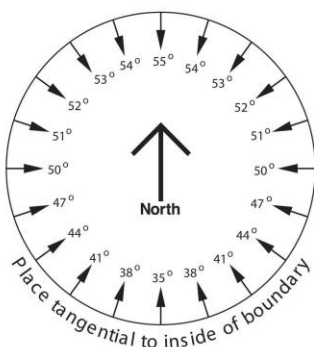
A Applicable to all buildings:

- in the Residential Suburban Zone
- on sites in other non residential zones that adjoin the Residential Suburban Zone



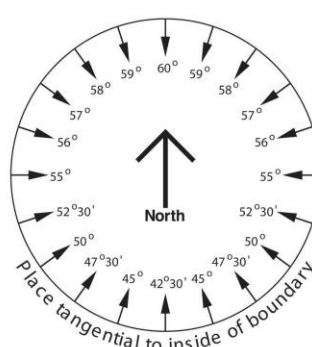
B Applicable to all buildings:

- Residential Suburban density overlay
- On sites on other non residential zones that adjoin the Residential Suburban density overlay area



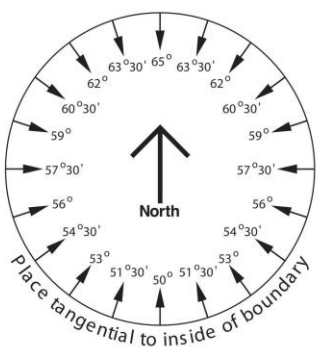
C Applicable to all buildings:

- in the Residential Medium Density Zone
- on sites in other non residential zones that adjoin the Residential Medium Density Zone



D Applicable to all buildings:

- in the medium density higher height limit zones
- on sites in other non residential zones that adjoin the medium density higher height limit zones
- in the medium density higher height limit zones (except those buildings over 11 metres in height)
- on sites in other non residential zones that adjoin the medium density (except those buildings over 11 metres in height)



E Applicable to all buildings:

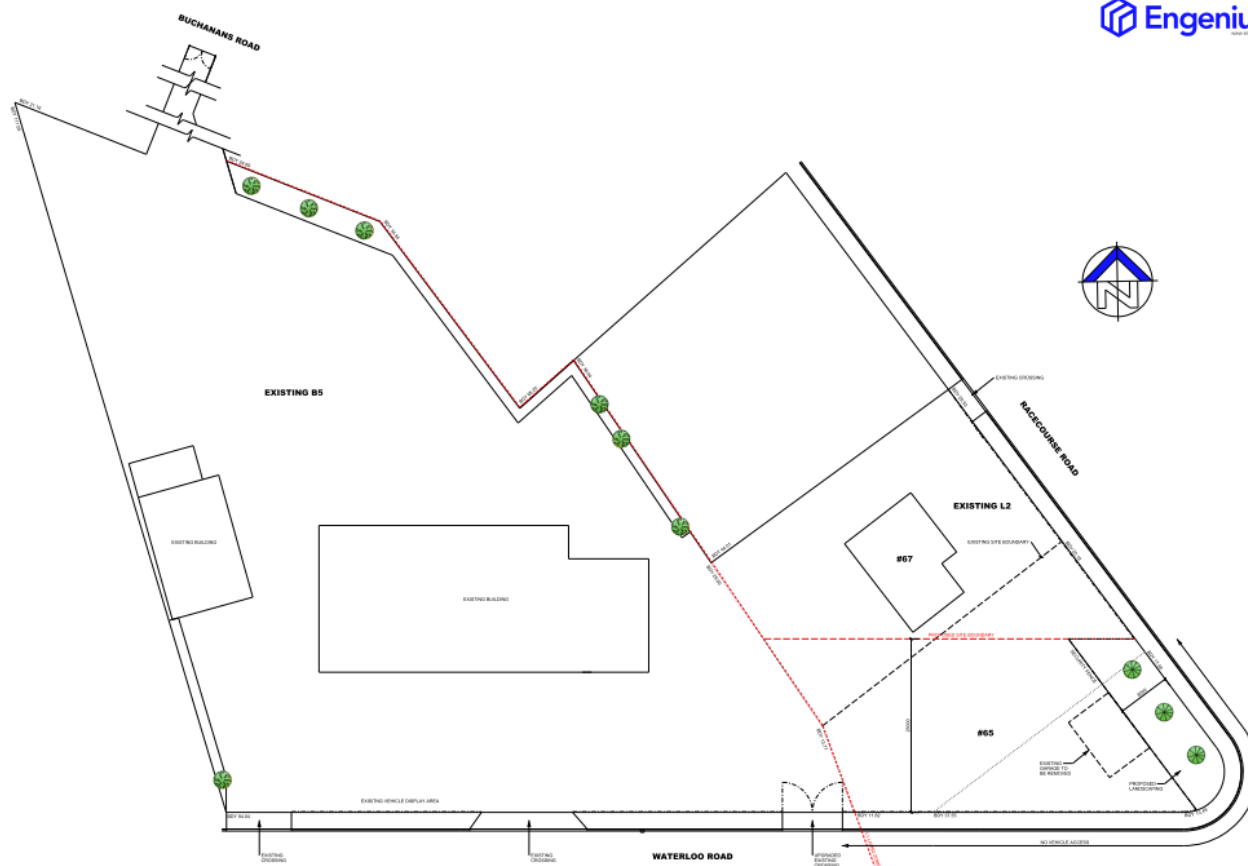
- over 11 metres in height in the medium density higher height limit zones
- over 11 metres in height on sites in other non residential zones that adjoin the medium density higher height limit zones

Note: North is true north

## 16.6.12 Outline Development Plan for 65 – 67 Racecourse Road

*[Image to be updated to:*

- insert title ‘Appendix 16.6.12 – Outline Development Plan for 65 – 67 Racecourse Road’]*



## SCHEDULE 2

### Properties/Areas where Decision is to Rezone

\*See also Schedule 3 for zoning decision on adjoining or adjacent related site(s).

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
<b>Notified Zone: Residential Suburban</b>				
25	119A Briggs Rd (excluding driveway) & 121 Briggs Rd	Residential Suburban	Commercial Retail Park	866: Reefville Properties Limited 725: Bunnings Limited FS1352: Kiwi Income Property Trust Limited
25	Land north of Homebase, Marshlands Rd <sup>1</sup>	Residential Suburban	Commercial Retail Park	725: Bunnings Limited
30	245 Waimairi Road	Residential Suburban	Commercial Local	310: Christchurch City Council
30	47C–57C Peer Street <sup>2</sup>	Residential Suburban/ Commercial Local	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
31	10 & 12 Otara Street, part of 17 Memorial Avenue and 48 Hamilton Ave <sup>3*</sup>	Residential Suburban	Commercial Core	24: Fendalton Mall Limited 310: Christchurch City Council 414: Hamilton Ave/Otara St Residents Association FS1324 Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited
33	173 Wainoni Rd	Residential Suburban	Commercial Local	397: Rockgas Limited
38	55 Lincoln Road	Residential Suburban	Commercial Local	397: Rockgas Limited
30	2 Russley Rd	Residential Suburban	Commercial Local	397: Rockgas Limited
18	445 Main North Road	Residential Suburban	Commercial Local	397: Rockgas Limited

<sup>1</sup> As shown on ‘Commercial and Industrial Rezoning Submissions Planning Map 25’ in Appendix D of Mark Stevenson’s Rebuttal Evidence, 1 May 2015.

<sup>2</sup> As shown on ‘Commercial and Industrial Rezoning Submissions Planning Map 30’ in Appendix D of Mark Stevenson’s Rebuttal Evidence, 1 May 2015.

<sup>3</sup> As shown on ‘Commercial and Industrial Rezoning Submissions Planning Map 31’ attached to the Closing Representations/Legal Submission for Christchurch City Council, 11 June 2015.

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
24	Blighs/Idris Rd corner <sup>4</sup>	Residential Suburban	Commercial Local	397: Rockgas Limited
31	52 Strowan Rd	Residential Suburban	Commercial Local	597: Z Energy Limited
37	The majority of 65 Racecourse Road, and a portion of 67 Racecourse Road <sup>5</sup>	Residential Suburban	Industrial General	329: DT King & Co Limited 336: R Paton 961: Commercial Vehicle Centre Limited 303: M Dawson 335: A & B Stewart 1049: J Raso 184: K McGee 1106: D Thorn FS1207: Commercial Vehicle Centre, DT King and Robert Paton FS1412: Riccarton/Wigram Community Board
48	1/198, 2/198, 1/196A, 2/196A and accessway portion of 194A Main Road, Redcliffs Main Road, Redcliffs	Residential Suburban	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited
46	96 Wilsons Rd, 23 Beckford Rd, 22 Wades Ave <sup>6</sup>	Residential Suburban	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
47	2 Flavell St	Residential Suburban	Commercial Local	803: Hagley/ Ferryroad Community Board
24	294-296 Wairakei Rd and 283-285 Greers Rd	Residential Suburban	Commercial Core	758: Hon. Gerry Brownlee & Michelle Brennan 835: S Simmons, C Kennedy, Dr. C Spencer Taylor, Dr. D Mann & Dr J Davies 1017: Oscar Alpers
26	89-91 Beach Road	Residential Suburban	Commercial Local	1077: Beach Road Tyre and Auto Centre Limited
40	931 Ferry Road	Residential Suburban	Industrial General	1131: Joger Holdings
49	341-345 Halswell Rd	Residential Suburban	Commercial Local	593: Going Properties Limited FS1292: Halswell Residents Association
47	60, 64, 64A, 68 and 68A Port Hills Road (Limited to the extent	Residential Suburban	Commercial Local	1127: Clampett Developments Limited

<sup>4</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 24' attached to the Closing Representations/Legal Submission for Christchurch City Council. 11 June 2015.

<sup>5</sup> As shown in Exhibit 23 to the Residential Hearing.

<sup>6</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 46' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
	identified in the submission – as per the existing resource consent)			
<b>Notified Zone: Residential Suburban Density Transition</b>				
25	129-141 Warrington St	Residential Suburban Density Transition	Commercial Local	138: Mike Percasky
25	153-157 Cranford Street	Residential Suburban Density Transition	Commercial Local	843: Kotare Downs Limited
37	9 Tower Street, Hornby	Residential Suburban Density Transition	Commercial Core	310: Christchurch City Council
32	4-8 Cranford St	Residential Suburban Density Transition	Commercial Core	387: JC & H McMurdo Family Trust 748: Bronwyn Williams
31	32 Riccarton Rd	Residential Suburban Density Transition	Commercial Mixed Use	598: Kilmarnock Enterprises Limited
<b>Notified Zone: Residential Medium Density</b>				
32	261 Stanmore Rd	Residential Medium Density	Commercial Local	397: Rockgas Limited
31	All properties on the eastern side of Papanui Road, with frontage to Papanui Road, between Innes Road and McDougall Ave <sup>7</sup>	Residential Medium Density	Commercial Core	652: Neuro Sciences Centre Limited 689: Working Style Properties Limited 757: Dayeon Properties Limited FS1241: Michael Hughes
32	9 & 11 Warwick St <sup>8</sup>	Residential Medium Density	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
25	Land on the western side of Marshland Road (to Hercules Street) and land to the north of the proposed Commercial Core zone (extending up to and including 48A Marshland Road, 50	Residential Medium Density	Commercial Core	814: AMP Capital Palms Pty Limited FS1270: Scentre (NZ) Limited

<sup>7</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 31' attached to the Closing Representations/Legal Submission for Christchurch City Council. 11 June 2015.

<sup>8</sup> Note – Foodstuffs originally included 13 Warwick Street in their request for rezoning, but this was identified as an error, as noted in the Rebuttal Evidence of Mark Stevenson, para 5.41.

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
	Marshland Road, 55a Golf Links Road and 59 Golf Links Road) <sup>9</sup>			
39	17-29 King Street and properties on Huxley Street <sup>10</sup>	Residential Medium Density	Commercial Core	1069: R&H Investments, R&H Properties Limited & Sandridge Hotel Limited
38	9 Parlane Street	Residential Medium Density	Commercial Core	1122: Christian Jordan FS1352: Kiwi Income Property Trust Limited
31	Car park to the immediate west of Merivale Mall <sup>11</sup>	Residential Medium Density	Commercial Core	816: TEL Property Nominees
31	Properties that front the northern side of Aikmans Road until approximately where Aikmans Road meets Akela Street (including 119 Aikmans Road) <sup>12</sup>	Residential Medium Density	Commercial Core	61: Kim Chan/Star Ferry Holdings Limited 469: House of Merivale Limited
24	453-457 Papanui Road	Residential Medium Density	Commercial Core	823: Horncastle Homes Limited
32	142 Sherborne St	Residential Medium Density	Commercial Core	834: Aquilaland Limited
31	172-174 Papanui Road and 8 St Albans Road	Residential Medium Density	Commercial Core	743: Group 25 Limited
<b>Notified Zone: Residential Banks Peninsula</b>				
58	3-9 Stoddart Terrace	Residential Banks Peninsula	Industrial General	310: Christchurch City Council 311: Barry Bowater 327: Gregor Bowater 339: Brendon & Carolyn Leech FS1238: Lyttelton/Mt Herbert Community Board
<b>Notified Zone: Residential Conservation</b>				
52	25 Canterbury St, Lyttelton	Residential Conservation	Commercial Banks Peninsula	277: Brian Rick 762: Lyttelton/Mt Herbert Community Board 769: Lyttelton Harbour Business Association 1088: Wendy Everingham 1090: Lyttelton Information and Resource Centre

<sup>9</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 25' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

<sup>10</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 39' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

<sup>11</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 31' attached to the Closing Representations/Legal Submission for Christchurch City Council, 11 June 2015.

<sup>12</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 31' attached to the Closing Representations/Legal Submission for Christchurch City Council, 11 June 2015.

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
				1143: Lottie Harris 1152: Lyttelton Community Association Inc. FS1444: Lyttelton Port Company Limited
<b>Notified Zone: Commercial Fringe</b>				
31	66 Riccarton Rd	Commercial Fringe	Commercial Core	397: Rockgas Limited
24	318 Harewood Rd	Commercial Fringe	Commercial Local	397: Rockgas Limited
11, 18	8 Mounter Ave	Commercial Fringe	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
19	New World property at 420 Marshland Road	Commercial Fringe	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
<b>Notified Zone: Commercial Local</b>				
33	296 Breezes Road and 317, 319, 321 Pages Road	Commercial Local	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
31	201 Fendalton Road*	Commercial Local	Residential Suburban	15: Ashley Seaford 56 Gillian Herrick 310: Christchurch City Council FS1297: Chas S Luney Limited
11, 12	North West Belfast Commercial Zone	Commercial Local	Commercial Core	1156: David Wilson
38	94 – 108 Lincoln Road	Commercial Local	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited
<b>Notified Zone: Commercial Retail Park</b>				
24	478 - 484 Cranford Street	Commercial Retail Park	Commercial Core	1084: 484 Cranford Limited
11	556 Main North Road	Commercial Retail Park	Residential Suburban	1129: Graeme Scott
<b>Notified Zone: Industrial General</b>				
40	987 Ferry Road & 2 Waterman Place	Industrial General	Commercial Core	380: Marriner Investments No 1 Limited

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
				607: Latitude Group Limited FS1261: Latitude Group Limited
33	172 Wainoni Road & part of 204 Breezes Road (excluding the accessways at 186 & 204 Breezes Rd)	Industrial General	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited  FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
40, 47	Tannery Site - Between Cumnor Tce, Tanner Street, and Garlands Road	Industrial General	Industrial General with 'Brownfield' Overlay	775: Annex Developments Limited FS1381: Gelita NZ Limited
38	98 Wrights Rd (part) <sup>13</sup>	Industrial General	Commercial Office	794: Addington Raceway Limited
33	338 Pages Rd	Industrial General	Commercial Core	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited FS1450: Progressive Enterprises Limited FS1270: Scentre (NZ) Limited
24	48-84 & 100-148 Langdons Rd, Papanui	Industrial General	Commercial Retail Park	810: Environ Projects & Luney Developments Limited 1188: Papanui Properties Limited FS1352: Kiwi Income Property Trust Limited FS1270: Scentre (NZ) Limited
39	47-55 Wordsworth Street	Industrial General	Commercial Core	57: Number Two Limited
37, 38	Properties zoned Industrial Heavy or Industrial General in the Notified Version in the Blenheim Road area –between Blenheim Road (to the north) the Railway Line to the south) Whiteleigh Avenue (to the east) and main South Road (to the west); and to the north of Blenheim Road between Main South Road (to the west) and Hansons Lane (to the east) <sup>14</sup>	Industrial General	Commercial Mixed Use	317: Grant Nelson 741: Calder Stewart Industries Limited 1079: Taylor Space Investments Limited 1086: 7990 Limited 1195: Peebles Group Limited FS1322: Tailorspace Investments Limited FS1326: Peebles Group Limited FS1347: The Crown
38	4 -24 Moorhouse Ave <sup>15</sup>	Industrial General	Commercial Office	795: Brents Investments Limited

<sup>13</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 38' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

<sup>14</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 37' and 'Commercial and Industrial Rezoning Submissions Planning Map 38' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

<sup>15</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 38' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015, and extended to include 24 Moorhouse Avenue.

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
				831: Elmwood Storage Limited SSF One Limited and SSF Two Limited 1122: Christian Jordan FS1267: Brents Investments 2008 Ltd FS1375: Ngai Tahu Property Limited
24	30-64 Harewood Rd, 22 Chapel St, 41 Langdons Rd <sup>16</sup>	Industrial General	Commercial Retail Park	325: Chas S Luney 1188: Papanui Properties Limited
31, 38	Mandeville Street & Leslie Hills Drive area <sup>17</sup>	Industrial General	Commercial Mixed Use (Mandeville Street) and Commercial Office (Leslie Hills Drive)	319: Lindsay North 807: Gregory Horgan 982: Dean Marshall FS1224: Mike Nooney FS1230: Nicholas Reid FS1232: Littlebourne Investments Limited FS1300: Alexander Martin FS1317: Cornelius and Elisabeth den Hollander FS1330: Harvey Teulon FS1465: Littlebourne Investments Limited FS1477: Long Insulation Fabricators Ltd
38	Properties fronting/ bound by Lincoln Road, north east of Clarence and Parlane Streets, zoned Industrial General in notified plan <sup>18</sup>	Industrial General	Commercial Mixed Use	318: Hay Trust Management Co Limited 789: KI Commercial Limited 795: Brents Investment Limited 1122: Christian Jordan
36	Land known as 'Waterloo Business Park' - east of Pound Road, north of Waterloo Road and west of residential area <sup>19</sup>	Industrial General	Industrial General with 'Brownfield' Overlay	920: Waterloo Park Limited

<sup>16</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 24' attached to the Closing Representations/Legal Submission for Christchurch City Council. 11 June 2015.

<sup>17</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 31' and 'Commercial and Industrial Rezoning Submissions Planning Map 38' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

<sup>18</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 38' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

<sup>19</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 36' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
<b>Notified Zone: Industrial Heavy</b>				
43, 44	Land on the southern side of Halswell Junction adjacent to Columbia Ave <sup>20</sup>	Industrial Heavy	Industrial General	292: The Colonial Motor Company Limited 482: Associated Suppliers Limited 781: Halswell Project Limited 829 Peter & Kay Hodge 946: Dee Dee Trust 2 Deborah Marie Lawry 947: Drayton Holdings Limited 958: Hornby Consortium Limited FS1347: The Crown
36	6-70 Hickory Place	Industrial Heavy	Industrial General	305: Safestore Container Storage Park Limited 310: Christchurch City Council 395: BDF Family Trust 1076: C&C Clay Family Trust
36	85 Shands Rd	Industrial Heavy	Industrial General	1079: Taylor Space Investments Limited
38	Land known as Hazeldean Business Park (2 -14, 7-9 Hazeldean, 55 Grove Road)	Industrial Office	Commercial Office	735: Hazeldean Business Park Limited

<sup>20</sup> As shown on 'Commercial and Industrial Rezoning Submissions Planning Map 43' and 'Commercial and Industrial Rezoning Submissions Planning Map 44' in Appendix D of Mark Stevenson's Rebuttal Evidence, 1 May 2015.

**SCHEDULE 3****Properties/Areas where Decision is to retain Notified Zoning**

†See also Schedule 2 for zoning decision on adjoining or adjacent related site(s)

Map	Address	Zoning Decision	Submitters & Further Submitters
<b>Notified Zone: Residential Suburban</b>			
31	197 Fendalton Road <sup>†</sup>	Residential Suburban	325: Chas S Luney 1192: Chas S Luney Limited – Fendalton Road FS1297: Chas S Luney Limited
18	340 Main North Road	Residential Suburban	560: GL Freeman Holdings Limited
33	Accessways to Wainoni Pak'nSave at 186 and 204 Breezes Rd	Residential Suburban	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited
25	268, 2/270 & 270A Cranford Street	Residential Suburban	838: Skyway Body Corporate 839: Groovy Costumes Limited 841: David Philpott & Associates FS-1407 Monique Pettet FS-1415 Jane Murray FS-1301 Geoffrey Leech
37	65 – 79 Racecourse Road, and 3 - 23 Buchanans Road (excluding the majority of 65 Racecourse Road, and a portion of 67 Racecourse Road) <sup>†</sup>	Residential Suburban	184: Kenneth McGee 329: DT King & Co Limited 303: Murray Dawson 335: August and Beverley Stewart 336: Robert Paton 961: Commercial Vehicle Centre 1049: John Raso 1106: David Thorn FS1207: Commercial Vehicle Centre, DT King and Robert Paton FS1412 Riccarton/Wigram Community Board
<b>Notified Zone: Residential Suburban Density Transition</b>			
39	439-449 Ferry Road	Residential Suburban Density Transition	728: Bob Colthart
31	21 Paeroa St	Residential Suburban Density Transition	294: Denise Bryce
31, 32	Papanui Rd (between Merivale and Bealey Ave)	Residential Density Suburban Transition and Residential Medium Density	796: Erfort Properties Limited and Sala Sala Japanese Restaurant Limited
<b>Notified Zone: Residential Medium Density</b>			
39	285, 289 & 291 Ferry Road	Residential Medium Density	1158: Jane Finch

Map	Address	Zoning Decision	Submitters & Further Submitters
24	Properties on east side of Main North Road between Shearer Ave and Grassmere Street, including 104-106 Main North Road.	Residential Medium Density	684: Residential Construction Limited
<b>Notified Zone: Commercial Core</b>			
38, 45	Barrington Mall carpark	Commercial Core	88: Robin Curry 812: Shona Gray 813: Patricia Bain 899: Spreydon/ Heathcote Community Board 1068: Tinline Properties Canterbury Limited 1144: David Hodder
31	25 & 27 Memorial Ave and 12 & 14 Otara St <sup>†</sup>	Commercial Core	24: Fendalton Mall Limited 414: Hamilton Ave/Otara St Residents Association FS1324: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited
40	Commercial Core Zone on Ferry Road	Commercial Core	803: Hagley/Ferry Road Community Board
19	Commercial areas within Prestons Development	Commercial Core	980: Prestons Road Limited FS1347: The Crown
<b>Notified Zone: Commercial Retail Park</b>			
39	392 Moorhouse Avenue The area zoned Commercial Retail Park in the Notified Version, on the south side of Moorhouse Ave between Colombo Street and Waltham Road	Commercial Retail Park	750: New Zealand Science and Technology Charitable Trust
11, 18	Northwood SupaCentre site	Commercial Retail Park	AMP Capital Investors (New Zealand) Ltd 1187
<b>Notified Zone: Commercial Banks Peninsula</b>			
59	2E Waipapa Ave	Commercial Banks Peninsula	479: Paula Smith 762: Lyttelton Mt Herbert Community Board 769: Lyttelton Harbour Business Association 1035: Gunther Hammer 1043: Thomas Kulpe
52	1,5,7,9,17 Norwich Quay	Commercial Banks Peninsula	762: Lyttelton/Mt Herbert Community Board 915: Lyttelton Port Company 1088: Wendy Everingham 1090: Lyttelton Information and Resource Centre Trust 1143: Lottie Harris FS1444: Lyttelton Port Company Limited

Map	Address	Zoning Decision	Submitters & Further Submitters
<b>Notified Zone: Industrial General</b>			
24	171 Main North Road	Industrial General	705: Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited
52	Properties fronting London St (south side), west of notified Commercial Banks Peninsula Zone, to Dublin Street	Industrial General	769: Lyttelton Harbour Business Association FS 1444 (LPC)
39, 40, 46, 47	Woolston Industrial area (surrounding Gelita site)	Industrial General	1014: Gelita NZ FS1346: Annex Developments Limited
38	Moorhouse Ave area between Selwyn Street (to the east) the railway line (to the south and west) and Hagley Park and Lester Lane to the north – excluding 4 -24 Moorhouse Ave <sup>†</sup>	Industrial General	795: Brents Investments Limited 1122: Christian Jordan FS 1375: Ngai Tahu Property Limited
39	Land bounded by Colombo St, Hawdon St, Wordsworth St and Brougham St	Industrial General	1181: Andrew Evans
24	498 to 520 Cranford Street	Industrial General	1122: Christian Jordan FS-1352: Kiwi Income Property Trust Limited
<b>Notified Zone: Industrial Heavy</b>			
37	30 Carmen Road	Industrial Heavy	791: Carmen Property Syndicate FS1342: P & K Hodge
<b>Notified Zone: Lyttelton Port Influences Overlay</b>			
52, 58	Port Influences Overlay	Retain Lyttelton Port Influences Overlay	124: Kris Herbert 418: David Bundy 762: Lyttelton Mt Herbert Community Board 915: Lyttelton Port Company Limited 1152: Lyttelton Community Association FS1295: The Oil Companies FS1444: Lyttelton Port Company Limited

## SCHEDULE 4

### Table of submitters heard

This list has been prepared from the index of appearances recorded in the Transcript, and from the evidence and submitter statements shown on the Independent Hearing Panel's website.

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
Ashley Seaford	15	Mr A Seaford		Filed/Appeared
Fendalton Mall Limited	24	Mr G Dewe	Planner	Filed/Appeared
		Mr J Turner		Filed
New Zealand Racing Board	34	Mr R Speer	Planner	Filed
Gillian Herrick	56	Ms G Herrick		Filed
		Mr D Quickenden		Appeared
Mike Percasky	138	Mr A Fitzgerald		Filed/Appeared
Kate McNab	204	Mr N Hanafin		Filed/Appeared
Chris Stinson	210	Mr N Hanafin		Filed/Appeared
Kelli Campbell	213	Mr N Hanafin		Filed/Appeared
Denise Bryce	294	Ms D Bryce and Mr B Church		Filed
		Mr S Wang		Appeared
Christchurch City Council	310	Mr M Calvert	Transport planning	Filed/Appeared
		Mr S Camp	Lyttelton Port noise	Filed/Appeared
		Mr J Falconer	Traffic	Filed/Appeared
		Mr C Gregory	Infrastructure	Filed/Appeared
		Mr T Heath	Retail economics	Filed/Appeared
		Mr A MacLeod	Planning	Filed/Appeared
		Mr G McIndoe	Urban design	Filed/Appeared
		Mr A Milne	Transport planning	Filed/Appeared
		Mr B Norton	Stormwater	Filed/Appeared
		Ms B O'Brien	Wastewater	Filed/Appeared
		Mr P Osborne	Economics	Filed/Appeared
		Mr M Stevenson	Planner	Filed/Appeared
Chas S Luney	325	Ms P Harte	Planner	Filed/Appeared
Akaroa Civic Trust	340	Ms J Cook		Filed/Appeared
Marriner Investments Limited	378	Mr J Phillips	Planner	Filed/Appeared
Avonhead Mall Limited	379	Mr J Phillips	Planner	Filed/Appeared
Marriner Investments Nº 1 Limited	380	Mr N Fuller	Transport engineer	Filed/Appeared
		Mr J Phillips	Planner	Filed/Appeared

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
Maurice Carter Charitable Trust	385	Mr J Phillips	Planner	Filed/Appeared
Carter Group Limited	386	Mr J Phillips	Planner	Filed/Appeared
McDonalds Restaurants NZ Limited	388	Mr N Felton		Filed
		Mr M Norwell	Planner	Filed
Hamilton Ave/Otara Street Residents Association (HORA)	414	Mr P Seed		Filed/Appeared
Bryan Mullaly	480	Mr B Mullaly		Appeared
Siana Fitzjohn	487	Mr N Hanafin		Filed/Appeared
Crown	495	Mr I Clark	Transport planning	Filed
		Mr B King		Filed/Appeared
		Ms Y Legarth	Planner	Filed/Appeared
		Mr A McLeod	Planner	Filed/Appeared
		Mr M Ogg		Filed/Appeared
		Ms J Whyte	Planner	Filed/Appeared
Going Properties Limited	593	Ms P Harte	Planner	Filed/Appeared
Elsa Mary Lotz	635	Mr N Hanafin		Filed/Appeared
Catherine Jill Collier	636	Mr N Hanafin		Filed/Appeared
Rosa Hughes Curry	641	Mr N Hanafin		Filed/Appeared
Canterbury District Health Board	648	Mr A Humphrey	Medical Officer of Health	Filed
		Ms J Murray		Appeared
		Ms S Brinsdon		Appeared
Neuro Sciences Centre Limited	652	Mr T Joll	Planner	Filed/Appeared
Radford Family	660	Ms F Aston	Planner	Filed/Appeared
New Zealand Manufacturers & Exporters Association	666	Dr R Mann		Appeared
Residential Construction Limited	684	Ms F Aston	Planner	Filed/Appeared
		Mr P de Roo		Filed
Silver Fern Farms Limited	686	Ms F Aston	Planner	Filed/Appeared
		Mr D Jemmett		Filed/Appeared
Jack Randall	688	Mr N Hanafin		Filed/Appeared
Working Style Properties Limited	689	Mr T Joll	Planner	Filed/Appeared
Kit Nelson	699	Mr N Hanafin		Filed/Appeared
Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	705	Mr M Allan	Planner (site specific matters)	Filed/Appeared
		Mr A Burns	Urban design	Filed/Appeared
		Mr F Colegrave	Economics	Filed/Appeared
		Mr J Durdin	Traffic engineer	Filed/Appeared
		Ms R Parish		Filed/Appeared

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
		Mr D Thorne	Planning (general provisions)	Filed/Appeared
NPT Limited	707	Ms K Seaton	Planner	Filed/Appeared
Elizabeth Guthrey	710	Mr N Hanafin		Filed/Appeared
Matthew Scobie	711	Mr N Hanafin		Filed/Appeared
Rowan Muir	713	Mr N Hanafin		Filed/Appeared
Mobil Oil NZ, Z Energy Ltd and BP Oil NZ Ltd	723	Ms K Blair	Planner	Filed/Appeared
Bunnings Limited	725	Mr M Bonis	Planner	Filed/Appeared
		Mr J Clease	Planner	Filed/Appeared
Bob Colthart	728	Mr R Colthart		Appeared
		Mr B Thompson	Planner	Filed/Appeared
Hazeldean Business Park Limited	735	Mr M Weaver		Filed/Appeared
Scentre New Zealand Limited	742	Mr J Clease	Planner/Urban design	Filed/Appeared
		Dr J Fairgray	Geographer/Economist	Filed/Appeared
		Mr A Lockie		Filed/Appeared
		Mr J Phillips	Planner	Filed/Appeared
Group 25 Limited	743	Mr B Giddens	Planner	Filed/Appeared
		Ms L Viettone		Filed/Appeared
Dayeon Properties Limited	757	Mr T Joll	Planner	Filed/Appeared
Kiwi Income Property Trust and Kiwi Property Holdings Limited	761	Mr S Abley	Transport engineer	Filed/Appeared
		Mr M Bonis	Planner	Filed/Appeared
		Mr J Clease	Planner/Urban design	Filed/Appeared
		Dr J Fairgray	Geographer/Economist	Filed/Appeared
		Ms J McDonald		Filed/Appeared
Orchard Trust	768	Mr D Harris		Filed/Appeared
Lowe Corp and Colyer Mair Assets Ltd	772	Ms F Aston	Planner	Filed/Appeared
Liquigas Limited	774	Mr J Clease	Planner	Filed/Appeared
		Mr A de Geest		Filed/Appeared
		Mr D Phillis	Safety and risk engineer	Filed/Appeared

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
Jane Murray	780	Ms J Murray		Filed
Kennaway Park Joint Venture Partnership	787	Ms F Aston	Planner	Filed/Appeared
		Mr D Harris		Filed/Appeared
KI Commercial Limited	789	Mr B Giddens	Planner	Filed/Appeared
		Mr B Giddens	Planner	Appeared
		Mr P Keung		Filed/Appeared
		Dr P McDermott	Planner	Filed/Appeared
Progressive Enterprises Limited	790	Mr M Bonis	Planner	Filed/Appeared
		Mr J Clease	Planner/Urban design	Filed/Appeared
		Dr J Fairgray	Geographer/Economist	Filed/Appeared
Addington Raceway Limited	794	Mr D McKenzie		Filed
Gregory Horgan	807	Mr G Horgan		Filed/Appeared
AMP Capital Palms Pty Limited	814	Mr D Cosgrove		Filed/Appeared
		Mr T Dimasi	Economics	Filed/Appeared
		Mr N Fuller	Transport engineer	Filed/Appeared
		Mr C Meikle	Architect	Filed
		Mr J Phillips	Planner	Filed/Appeared
TEL Property Nominees Limited	816	Mr J Phillips	Planner	Filed/Appeared
Five Blends Holdings Limited and Foxton Properties Limited	819	Mr A Carr	Traffic engineer	Filed/Appeared
Elmwood Storage Limited, SSF One Limited, SSF Two Limited	831	Mr J Phillips	Planner	Filed/Appeared
Transpower New Zealand Limited	832	Ms A McLeod	Planner	Filed/Appeared
		Mr R Noble		Filed/Appeared
Aquilaland Limited	834	Ms C McKeever	Planning	Filed
P&B Stuart Property Trust	836	Ms B Stuart		Filed
Ngāi Tahu Property Limited	840	Mr M Copeland	Economics	Filed/Appeared
		Mr D Millar	Planner	Filed/Appeared
Douglas Horrell	858	Mr N Hanafin		Filed/Appeared
Christchurch International Airport Limited	863	Mr M Bonis	Planner	Filed/Appeared
		Mr R Boswell		Filed/Appeared
		Mr C Day	Acoustics	Filed/Appeared
Reefville Properties Limited	866	Mr G Percasky		Filed/Appeared
Jerusha Brown	879	Mr N Hanafin		Filed/Appeared

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
Heinz Wattie's Limited	884	Mr J Clease	Planner	Filed/Appeared
		Mr B Snowdon		Filed
Richmond Working Men's Club and Mutual Arts Society	895	Mr C Ferguson	Planner	Filed/Appeared
KiwiRail Holdings Limited	897	Ms D Hewett		Filed
Pubudu Senonayake	912	Mr N Hanafin		Filed/Appeared
Lyttelton Port Company Limited	915	Mr M Copeland	Economics	Filed/Appeared
		Mr N Hegley		Filed
		Ms K Kelleher		Filed/Appeared
		Mr A Purves	Planner	Filed/Appeared
Memorial Avenue Investments Limited	917	Mr F Colegrave	Economics	Filed/Appeared
		Dr P McDermott	Planner	Filed/Appeared
		Mr M Winder	Valuer	Filed
Waterloo Park Limited	920	Mr J Clease	Planner	Filed/Appeared
		Mr M Tansley	Retail	Filed/Appeared
Orion New Zealand	922	Ms L Buttimore	Planner	Filed/Appeared
		Mr S Watson		Filed/Appeared
Patrick David Sloan	934	Mr M Copeland	Economics	Filed/Appeared
		Mr J Phillips	Planner	Filed/Appeared
		Mr P Sloan		Filed/Appeared
Katia De Lu	944	Mr N Hanafin		Filed/Appeared
Hornby Consortium Limited	958	Mr D Harris		Filed/Appeared
Terrace Development Services Limited, Hallgrow Farms Limited and Foxton Properties Limited	966	Mr A Carr	Traffic and transport	Filed/Appeared
		Mr M Cullen	Planning and design	Filed/Appeared
		Mr K McCracken	Planning	Filed/Appeared
		Mr J Mentz	Urban design	Filed/Appeared
		Mr E Shaw	Infrastructure	Filed/Appeared
		Mr M Sinclair	Infrastructure	Filed/Appeared
Waimakariri District Council	968	Mr M Bonis	Planner	Filed/Appeared
		Ms V Caseley		Filed/Appeared
		Dr J Fairgray	Geographer/Economist	Filed/Appeared
Dean Marshall	982	Mr D Marshall		Appeared
Calder Stewart Industries Limited	985	Mr W Field	Landscape	Filed/Appeared
		Mr A Penny	Traffic	Filed/Appeared
		Mr M Weaver		Filed/Appeared
Gelita (NZ) Limited	1014	Mr K Bligh	Planner	Filed/Appeared
Eve Chaplin	1029	Mr J Chaplin		Filed/Appeared
John Chaplin	1030	Mr J Chaplin		Filed/Appeared
Tinline Properties Canterbury Limited	1068	Mr R Edwards		Filed

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
R&H Investments, R&H Properties Limited and Sandridge Hotel Limited	1069	Mr R Edwards		Filed
R & H Investments and Hornby Mega Limited	1070	Mr R Edwards		Filed
Airport Business Park	1071	Mr R Edwards		Filed
Beach Road Tyre And Auto Centre Limited	1077	Mr T Walsh	Planner	Filed/Appeared
Peebles Family Trust	1078	Mr J Phillips	Planner	Filed/Appeared
TailorSpace Investments Ltd	1079	Mr J Phillips	Planner	Filed/Appeared
880 Main North Road Limited	1081	Mr R Chesterman	Traffic	Filed
484 Cranford Limited	1084	Mr J Phillips	Planner	Filed/Appeared
7990 Limited	1086	Mr J Phillips	Planner	Filed/Appeared
Christian Jordan	1122	Mr C Jordan		Filed/Appeared
Danne Mora Holdings Limited	1134	Mr M Brown	Planner	Filed/Appeared
		Mr F Colegrave	Economics	Filed/Appeared
		Mr A Hall	Civil engineer	Filed/Appeared
		Mr J Lunday	Urban design	Filed/Appeared
		Mr S Mortlock		Filed/Appeared
		Mr T Penny	Traffic	Filed/Appeared
Mahaanui Kurataiao Ltd and Te Rūnanga O Ngāi Tahu	1145	Ms T Stevens		Filed/Appeared
Generation Zero	1149	Mr N Hanafin		Filed/Appeared
Johns Road Horticultural Limited	1156	Mr K McCracken	Planner	Filed/Appeared
Fletcher Building Limited	1173	Mr M Dale		Filed/Appeared
AMP Capital Investors (New Zealand) Limited	1187	Mr F Colegrave	Economics	Filed/Appeared
		Mr D Cosgrove		Filed/Appeared
		Mr T Dimasi	Economics	Filed/Appeared
		Mr E Harris	Commercial scene	Filed/Appeared
		Ms P Harte	Planner	Filed/Appeared
		Mr T Penny	Traffic	Filed/Appeared
Papanui Properties Limited 30-64 Harewood Road, 22 Chapel Street & 41 Langdons Road	1189	Mr R Edwards		Filed
Michael Hughes	1241	Mr M Hughes		Appeared
W Stirling and D Powell	1387	Mr P Rough	Landscape	Filed/Appeared
K&B Williams	1430	Mr P Rough	Landscape	Filed/Appeared
		Mr K Williams		Filed/Appeared