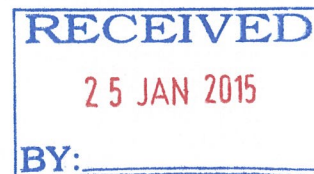


**THE PROPOSED CHRISTCHURCH REPLACEMENT DISTRICT PLAN – THE MEMORIAL  
BUSINESS PARK PLAN CHANGE REQUEST**



**Submitter details**

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**Trade Competition**

We could **not** gain an advantage in trade competition through this submission.

**Specific provision to which our submission relates and the decision we seek:**

Please see the attached submission.

**Hearing**

I wish to be heard in support of my submission. If others make a similar submission, I will **not** consider presenting a joint case with them at a hearing.

  
Signature of submitter

Date

25 January 2015

## Introduction

1. The Avonhead Community Group Inc. (**the ACG**) is a residents' organisation registered under the Incorporated Societies Act 1908. It represents more than 8,000 households within the north-west of Christchurch, including residents in Avonhead, Burnside, Bryndwr, Ilam, and Russley (**Avonhead and its adjacent suburbs**).
2. The governing principle of the ACG is centred on apolitical, neutral thinking and impartial action. The ACG has been established with the purpose of protecting the general and specific interests of the community. It aims to ensure sustainable development in all spheres of planning and implementation by liaising with all government and non-government organizations, to protect the community's interest through active participation.
3. The ACG is a voluntary and not-for-profit organisation. Membership of the ACG is open to all individuals and corporate bodies who support its principles and objectives. The ACG has approximately 2,000 subscribing members, including the Christchurch International Airport Limited (**CIAL**), Kids First Kindergarten and Hotel Copthorne Commodore. To uphold its neutrality, the ACG charges the same fee across both, corporate and individual subscribers. The ACG also has more than 10,000 general members.

4. The ACG opposes the private plan change proposal by Memorial Avenue Investments Limited (**MAIL**) to rezone a 24.55 Ha piece of land (**the MAIL site**) from Rural 5 to an Industrial Park Zone. The reasons for the ACG's objection are:
- (i) Procedural lapses in the exclusion of the MAIL site from Phase 2 of the District Plan Review (**the DPR**)
  - (ii) Significant shortcomings in the community consultation process contrary to MAIL's statement in *Memorial Business Park Section 32 Analysis*
  - (iii) A risk that an Industrial Park Zone in the MAIL site would influence the decision on whether to re-zone the North West Review Area 3 (**the NWRA3**) to industrial use, which is scheduled to be considered in Phase 2 of the DPR
  - (iv) The use of Russley Road as a demarcation between industrial use on the western side and residential living on the eastern side, which has been endorsed by Hon Gerry Brownlee, would be compromised
  - (v) The DPR objective of encouraging a strong Central Business District in the city would be undermined by allowing business in the MAIL site
  - (vi) Concerns about the impact of an Industrial Park Zone on:
    - (a) The traffic and parking across Avonhead Road and neighbouring residential streets
    - (b) The sewerage capacity
    - (c) The storm water drainage system
    - (d) Water quality
    - (e) The visual amenity from Russley Road and Memorial Avenue

*Procedural lapses in the exclusion of the MAIL site from Phase 2 of the DPR*

5. The procedure adopted by Council officials to re-zone the MAIL site to an Industrial Business Park has been well short of satisfactory. From the outset, Council planners have given the impression that industry on the MAIL site is a fait accompli and undertaken consultation in a close-ended manner.
  
6. On 6 December 2013, the MAIL site was identified as a Greenfield Priority Business Zone in the Land Use Recovery Plan (**the LURP**). It was introduced in the DPR as a Council-initiated plan change. In Section 32 of the Industrial Chapter (p 8), Council planners state that:

During the pre-notification stage of drafting the Industrial chapter, a number of consultation meetings have been held. Two sessions with stakeholders (industry, landowners, investors and other interested parties) were held on 22 and 29 August 2013, to seek community views on the proposed Industrial chapter.

The ACG notes this information is entirely inaccurate in relation to the MAIL site. The landowners right next door to the MAIL site, the Hotel Copthorne Commodore, were not informed of the proposed industrial park until the public information evening on 18 March 2014. Further, the ACG was neither informed nor consulted about the MAIL site proposal. This was despite the fact that the ACG's concern about industry and business in Avonhead was well known to Council planners.

7. Further, at a public information evening on 18 March 2014, the officials informed the community that the only possible use for the MAIL site was industry because of the LURP. The officials categorically replied to repeated questions from the audience that no alternate use would be possible. The ACG has since learnt that the MAIL site is being contemplated for a 200-room hotel, which is a non-industrial use that is allowed under what is known as Policy 4. It shows that the community was deliberately misled on the contemplated and possible uses of the land.
  
8. Council officials intended that the future of the MAIL site would be decided as part of Phase 1 of the District Plan Review (**the DPR**). However, the community was concerned at the fast-track approach of both, Council planners and MAIL, at circumventing genuine consultation and rushing ahead with the development. The community feared that this attitude would result in the community's concerns being steamrolled.
  
9. At a Council meeting on 3 June 2014, the Councillors unanimously agreed to postpone the decision on MAIL to Phase 2 of the DPR out of agreement with the community's view that more time was needed to give the MAIL site due consideration. The decision was to be finalised at the meeting of the Whole Committee on Earthquake Recovery on 26 June 2014.
  
10. Planning officials objected to the Councillors' stance and recommended that the MAIL site remain in Phase 1 of the DPR due to an "understanding" between officials and MAIL that this would be a faster way to achieving the changes compared to a

private plan change. Officials also intimated that unless the MAIL site was retained in Phase 1, MAIL would initiate a private plan change.

11. MAIL and the ACG both made deputations at the meeting on 26 June 2014. The ACG argued that the officials had no regard for the fact that “fast-tracking” the development would undermine the issues facing the community. The ACG also argued that the private understanding between officials and MAIL to fast track the development showed blatant disregard for the community’s perspective and made a mockery of the consultation, since it indicated a *fait accompli*. The Council unanimously agreed to retain the MAIL site in Phase 2 of the DPR.

12. The ACG proceeded to inform the local community that both the MAIL site and NWRA3 would be decided in Phase 2 of the DPR, beginning in mid-2015.

13. The first intimation that the ACG had of MAIL’s decision to initiate a private plan change proposal was a call from a Council planner on 30 November 2014. The ACG was surprised due to its understanding that the MAIL site was part of Phase 2 of the DPR and could not be withdrawn from the process, or that if it was a private plan change proposal, then the Council alone had the authority to hear it. Before it could make a submission, the ACG wished to understand several procedural details about the private plan change proposal and emailed these questions to the Independent Secretariat of the Hearings Panel. The questions were:

1. Does the private plan change proposal mean that the MAIL site is automatically

withdrawn from Phase 2 of the District Plan Review?

2 a. Is it permissible for a landowner whose land was part of the ongoing District Plan Review to unilaterally withdraw the land from the Review and initiate a private plan change proposal?

2 b. Is it open to the Independent Panel to consider such proposals?

2 c. How would the Independent Panel's consultation and decision-making procedure of a private plan change proposal differ from the Council's routine consideration of such proposals in the absence of a similar Order in Council?

3 a. How does the timeline for the Panel's consideration of the private plan change proposal differ from the timeline that would have existed had the MAIL site remained under Phase 2 of the District Plan Review?

3 b. What role would the Council have in the decision-making process on the MAIL site under a private plan change before the Independent Panel? For instance, would the Council's role be that of any other submitter? Could the Council oppose the plan change?

3 c. Would there be any evidential presumption in favour of the initiator of the private plan change proposal - that is, would parties opposing have a higher threshold to meet than the landowner or the Council?

4 a. Does the Land Use Recovery Plan (LURP) identification of the MAIL site remain applicable under a private plan change proposal, as opposed to a proposal under the District Plan Review?

4 b. What weight is given to the LURP identification by the Independent Panel?

5. Is the Independent Panel's decision binding on the Government, or only on the Council, or on both?

14. Mr Paul Thomas, the former Executive Director of the Independent Secretariat, informed the ACG that these questions were beyond the scope of matters on which he could advise. He recommended that the ACG seek legal advice but confirmed that the Independent Panel has the authority to hear private plan change proposals.

15. The ACG was concerned at the Independent Secretariat's inability to satisfy its queries regarding the procedure before the Hearings Panel, since the questions were genuinely pertinent to the forming of the ACG's submission. The community as a whole expects to know the answers to these questions, as there are several grey areas in the process and there is a strong public interest in the outcome. Community consultation is a fundamental element of the plan change. If the community is not fully informed of the process adopted by the decision-making body, it amounts to denying the community of its privilege of information. The ACG's questions were basic and related to administrative matters that must be well known to the public authorities involved in the hearing process. There should be no need to seek legal advice on this subject when the authorities themselves can inform the public about the procedure.



16. The ACG also forwarded the same questions to the Mayor, the Minister for Canterbury Earthquake Recovery and Cr David East. While the questions were acknowledged by the Mayor and the Minister, who indicated that they would have these questions answered, the ACG did not receive any reply as of the date of making this submission.

#### *Runway End Protection Area*

17. A considerable section of the MAIL site is part of the proposed Runway End Protection Area (**the REPA**) of the CIAL. The decision on the REPA designation will be made under Phase 2 of the DPR. MAIL indicates that it will develop a parking lot in the site of the proposed REPA designation, since a parking lot is not prohibited by the requirements of the REPA. However, once the REPA designation is approved and becomes operative, no activity may proceed on the site that is not approved by CIAL. Consequently, it is inappropriate for the future of the MAIL site to be considered until the decision on the REPA is made under Phase 2 of the DPR. If CIAL were to require MAIL to block the parking lot in the future, it would have severe consequences for the functionality of the Industrial Park Zone and the amenity of residents in neighbouring streets, since visitors and staff would then have to park outside the MAIL site in front of residential houses. A more considered decision on the proper use of the MAIL site can only be made once a final decision is reached on the REPA in Phase 2. The ACG seeks to defer the decision on the MAIL site to Phase 2 of the DPR.

*Risk of future comparison with the NWRA3*

18. The ACG is concerned that allowing the decision on the MAIL site prior to Phase 2 would prejudice the case in favour of industrial re-zoning in the NWRA3 when it is considered during Phase 2, despite the unique considerations that apply to the NWRA3. Therefore, MAIL's private plan change request should not be considered prior to the consideration of the NWRA3 in Phase 2 of the DPR.

*Substantive concerns with the proposed Industrial Park Zone*

19. Avonhead and its surrounding suburbs, located to the east of Russley Road, are characterised by low-density residential developments. The amenity of the land to the west of Russley Road is characterised by commercial, light industrial and airport related activities, including large scale buildings, with associated car parking areas and traffic generation. Russley Road currently provides a clear demarcation between the residential area to the east and the commercial/industrial activities occurring on SPAZ land to the west. The ACG wishes to see that this demarcation is maintained permanently.
20. At a meeting with the ACG on 1 September 2014, the Minister for Earthquake Recovery, Hon Gerry Brownlee, also supported the ACG's stance. The Minister believes that Russley Road is a "neat barrier" between residential living on the eastern side and the industrial activity on the western side of the road.

21. Accordingly, the ACG opposes the proposed industrial development on the MAIL site, which is at the heart of a residential area. The ACG would like to note that it has supported the development of industries on the western side of Russley Road under the Plan Change 84 for the Special Purpose (Airport) Zone, since it conforms to the use of Russley Road as a demarcation.

*Traffic and parking*

22. MAIL estimates that the traffic across Avonhead Road in 2011 was 2,100 daily. The MAIL site Industrial Park is forecast to attract 28,818 trips per day, of which 32.5% (9,365.85) would use Avonhead Road to enter the site and 28.7% (8270.76) would use the road to exit the site. The immense increase in traffic this would generate is unsustainable in the residential context of Avonhead Road.

23. The experience of Russley residents with the Airport Business Park at 92 Russley Road (**the Airport Business Park**) exemplifies the uncontrollable adverse impacts of developing a business or industrial park in a residential area. Residents in the area surrounding the Airport Business Park have to suffer the effects of staff parking their cars on either sides of the streets throughout the day. The parking congestion is such that an emergency vehicle cannot pass through if the need arises. A delayed effort to mitigate the issue by implementing a 120-minute parking limit has exacerbated the problem, since it has led to the situation that residents or their visitors themselves cannot park their cars outside their own properties. The amenity and environmental quality of the residential area has also

deteriorated as a result of the visual impact of the Airport Business Park. Further, heavy traffic and trailer trucks are negotiating the small residential streets at all times. The resulting noise and vibration has led to a permanent loss of the Living 1 characteristics of the residential area.

24. Allowing vehicular or even pedestrian access to the MAIL site from Avonhead Road would lead to the same scenario in Avonhead Road and the residential roads surrounding the MAIL site.

25. There are schools and kindergartens along Avonhead Road, Merrin Street and other nearby roads. The greater number of vehicles using the roads would compromise the safety of schoolchildren.

26. The ACG seeks that there should be neither vehicular nor pedestrian access to the MAIL site from Avonhead Road. Any access to the MAIL site must be from Memorial Avenue or from a side road off Russley Road.

#### *Sewerage capacity*

27. The downstream sewerage capacity was a major constraint for residential development in the area, according to the *Officers' Report on Submissions, City Plan Hearings Committee Requests for Urban Rezoning East of the Airport: (a) Memorial-Russley Block (b) Russley-Hawthornden Block* (20 March 1998). One of the reasons the proposed residential development was not permitted in 2003 – 2005 is that the

sewerage capacity could not deal with additional load. In *National Investment Trust v Christchurch City Council* [citation] at [92], the Court ruled that it was “satisfied that the Riccarton interceptor is already overloaded and would not be able to handle flows at peak times even from a further 200 properties developed on this block.” The Court indicated that any development would require “upgrading of the entire line and treatment system.” Since the sewerage system has not been upgraded since then, it remains a constraint against industrial development in the MAIL site. The night-time outage method proposed by MAIL and Council planning staff to deal with the additional sewage generated by the Industrial Business Park is an ad hoc expedient and cannot be the basis of a major plan change. The ACG’s objection on the grounds of sewerage capacity will remain until the actual sewerage system is upgraded as necessary.

#### *Stormwater drainage system*

28. MAIL proposes that the majority of stormwater would be drained out to existing system in Avonhead Road while a minority would be drained out to the one in Memorial Avenue. The ACG objects to the additional pressure on the Avonhead Road stormwater system from the Industrial Park Zone. The local roads already face some water logging in times of heavy rain since the earthquakes, which indicate that the stormwater system is operating at a suboptimal level. Additional pressure on a scale as significant as that of the Industrial Park Zone would lead to flooding and cause severe loss of amenity for road users and residents.

*Water quality*

29. MAIL acknowledges that there is a shallow, unconfined aquifer on the north-west corner of the MAIL site, which supplies water to the Burnside pump station. The ACG is opposed to any development on the north-western side of the MAIL site that could compromise the quality of the water supply. This includes any industrial, business, office, hotel or other human-intense development. The ACG would also like to note that the groundwater situation in the MAIL site is distinct from the situation in the NWRA3, where there are several shallow, unconfined aquifers across the land that make it impossible to develop most of the land without jeopardising the quality of the water supply to the rest of Christchurch.

*Visual amenity*

30. The MAIL site is on a plot of land that forms part of the gateway to Christchurch for tourists travelling along Russley Road or entering the city from the Airport. Christchurch is known as “the garden city.” It is essential that any development on the site enhances the visual amenity for tourists and reflects the concept of a garden city. The ACG approves of the plan to plant trees and landscape the setback. However, this alone would not be sufficient to conceal the buildings on the site, which could be up to a height of 15 m. It is essential that the buildings themselves have an aesthetic façade and do not create the impression of a concrete wall.

*Conclusion*

31. The ACG believes that allowing an Industrial Park Zone on the MAIL site would be immensely detrimental to the entire community of Avonhead and its surrounding suburbs for the sake of benefit to a few. The adverse consequences of the Industrial Park Zone on the traffic, infrastructure, environment, quality of life and health and safety would be irreparable. The ACG therefore strongly opposes the private plan change proposal.

32. The ACG is not adverse to the idea of economically utilising the MAIL site in the interests of the landowners. However, any plan change must respect the character of the neighbourhood and wider community. It must not interfere with the living environment of Avonhead and its surroundings suburbs. The ACG views any ad hoc mitigation to accommodate the private plan change request as a serious compromise to the resource consent process. The ACG believes that the public declaration by the Minister for Earthquake Recovery, that Russley Road is a neat barrier between industry and residential use, holds the key to working out the best solution to the proposal.