

**RMA 2017 3185**

**Woolworths New Zealand Limited**

**201 Halswell Road**

**Land use and subdivision consent applications to establish a  
residential and commercial mixed use development.**

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**REPORT OF PAUL HARRISON LOWE**

**ON PLANNING**

**Dated 27 November 2019**

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## INTRODUCTION

1. My full name is Paul Harrison Lowe. I am a member of the Resource Consents Unit at the Christchurch City Council (**Council**). I am here providing an officers' report under section 87F of the Resource Management Act 1991 (Act) in relation to the application to establish a residential and commercial mixed use development (land use and subdivision) at 201 Halswell Road Christchurch.
2. I hold a Bachelor of Resource Studies and a Masters of Applied Science from Lincoln University. I am a full member of the New Zealand Planning Institute.
3. I have over 16 years' experience in planning and resource management, gained in New Zealand and Australia as a Council and Consultant Planner.
4. I am employed as a consents planner with Council and currently hold the position of Principle Advisor. I have worked in the role of a consents planner for the past 7 years. My work is centred on providing advice on, processing and determining resource consent applications for land use and subdivision. I have a particular focus on greenfield development and subdivision.
5. This report has been prepared for the Christchurch City Council with advice from the specialist advisers detailed below. A copy of their reports has been attached in Appendices 1-10. I have also obtained legal advice on the "trade competition" provisions of the Act. That advice is attached in Appendix 11.

Adviser	Area of expertise	Appendix
Ms Isobel Stout	Environmental health	1
Ms Michele Ann McDonald	Water and wastewater	2
Mr Robert Brian Norton	Stormwater engineering	3
Mr Gregory Peter Burrell	Aquatic ecology	4
Ms Yvonne Dawn McDonald	General subdivision engineering	5
Mr Russel Grant Wedge	Parks and public open space planning	6
Mr Michael Grant Calvert	Transport planning	7
Ms Jennifer Geraldine Dray	Landscape	8
Mr Timothy James Heath	Economics	9
Mr John Lonink	Urban Design	10

6. Whilst it is not directly relevant for the preparation of this report, I am aware that the Council has approved the direct referral of this application to the Environment Court. I confirm that I have read and agreed to comply with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note (dated December 2014). I confirm that the issues addressed in this report are within my area of expertise. I have

not knowingly omitted to consider facts or information that might alter or detract from the opinions expressed.

## SUMMARY OF REPORT

7. This report has been prepared for the purposes of section 87F of the Act.
8. I have read the following documents when preparing this report:
  - i. The Assessment of Effects on the Environment – Proposed Comprehensive Mixed Use Development 201 Halswell Road, dated December 2017, by Mr Matthew Bonis, Planz Consultants including Appendices 1 to 15 and Technical Reports 1 to 10 (Referred to as the Original Application).
  - ii. The further information responses from Mr Bonis dated 12 August 2018; 27 April 2018 and 16 July 2018.
  - iii. The Officer's Notification Recommendation Report by Ms Louisa Armstrong dated 17 September 2018 including Appendices A to H.
  - iv. Brief of Evidence of Mr Bonis dated 23 August 2018 (submitted in a notification meeting).
  - v. The Notification Decision by Commissioner David Mountfort dated 14 September 2018.
  - vi. Submissions.
  - vii. Further information request (and feedback) in email dated 20 February 2019.
  - viii. The Planning Addendum of Mr Bonis, dated 17 October 2019 including Appendices 1 to 13 and including the supplementary email dated 13 November 2019 from Mr Rob Hay.
  - ix. The specialist reports in Appendices 1 to 10 and the legal advice in Appendix 11 of this report.
  - x. The Christchurch District Plan
  - xi. The South West Area Plan 2009.
  - xii. The Canterbury Regional Policy Statement 2013.
  - xiii. The Iwi Management Plan 2013.
  - xiv. The Land Use Recovery Plan 2013.
  - xv. Our Space 2018-2048 Greater Christchurch Settlement Patterns.
9. I have relied on the various Council experts for an in depth knowledge on the following subdivision guidance documents under clause 8.3.2 of the District Plan:
  - i. Infrastructure Design Standard 2018 (IDS).
  - ii. Construction Standards Specifications 2018 (CSS).
  - iii. South West Area Stormwater Management Plan 2011.
  - iv. Waterways, Wetlands and Drainage Guide 2003.
10. In this report I have:
  - i. Described the relevant application site at 201 Halswell Road, its positioning in a greenfield area and general locality.
  - ii. Described the key components of the subdivision and land use proposal as amended by the Planning Addendum. The key components of the amended proposal include: 2 development lots for mixed use commercial development that

- extends from a commercial zone into a residential zone: the mixed use development includes a supermarket, other retail, gym, cinema, health care facility, child care centre, and apartments; 10 development lots for residential development; a total of 282 residential units; and roads, reserves, infrastructure (including a stormwater facility and an enhanced waterway) to support urban development.
- iii. Identified the differences between the amended proposal and the original application. I have further considered that the proposed changes are within scope of the original proposal as notified.
  - iv. Considered and identified the relevant District Plan provisions and reached a view that the proposed subdivision is a restricted discretionary activity and that the proposed land use is non-complying.
  - v. Considered all submissions and summarised the key issues raised in them.
  - vi. Considered that it is necessary for a number of submitters to demonstrate that their submissions are valid under relevant trade competition provisions under the Act.
  - vii. Assessed the effects on the environment, key provisions of the District Plan and other relevant matters and reached an overall conclusion
  - viii. Recommended changes and prepared a working draft of conditions to assist in the decision making process should the application be approved.
11. Overall I consider that in respect to the subdivision consent application:
- i. The effects on the environment are no more than minor and any effects on other parties are less than minor.
  - ii. The proposal is consistent with the objectives and policies of the District Plan.
12. Overall I consider that in respect to the land use consent application:
- i. The effects on the environment and on other landowners and occupiers in the land zoned for commercial purposes are more than minor but not significant. Effects on other parties are less than minor. There are also a number of positive effects.
  - ii. The proposal is mostly consistent with the objectives and policies of the District Plan and is not contrary to any of them.
  - iii. Inconsistencies with the objectives and policies in the District Plan arise in association with the mixed use development on Lots 1 and 12.
  - iv. The establishment of the supermarket, other retail, gym and cinema activities (including associated car parking) on the RNN land is not supported by Objective 14.2.6(a)(ii) and Policy 14.2.6.4 and the proposal is probably inconsistent with this objective and policy.
  - v. Aspects of the design of the proposed mixed use development within Lot 1 and 12 is inconsistent with some objectives and policies in chapter 15 being objective 15.2.2(a)(ii)(viii) and Policy 15.2.2.2.(a)(i)(ii) and (b)(ii) and Objective 15.2.4(a)(ii) and Policy 15.2.4.1(b)(ii) and (iv) and 15.2.4.2(a) and (b)(i)(v).
  - vi. The inconsistencies do not mean the centre will fail to function or compromise other centres. However the quality and amenity of the centre overall will be compromised and it will contribute to a vibrant and successful centre as anticipated by the provisions in the District Plan.
13. My assessment above is reliant on a suitable internal layout being provided to the apartments on Lot 1 and a number of transport integration issues being resolved. I do not consider that any other substantive section 104 issues arise as a result of the

proposal. I do not consider that section 104D is a barrier to the approval of this application.

## **BACKGROUND**

14. The application was formally received and accepted on 16 January 2018.
15. The Council issued a request for further information on 16 February 2018.
16. A decision to publicly notify the application was made on 14 September 2018 following a meeting held with the Commissioner making the decision on 23 August 2018.
17. Nine submissions were lodged by the closing date of 29 October 2018.
18. The applicant made a request to Council for a direct referral on 5 December 2018 which was approved on 16 January 2019.
19. On 18 January 2019 the application was place on hold while the applicant contemplated a number of issues raised by Council Officers and submitters.
20. An addendum was lodged by the applicant on 17 October 2019 by Mr Bonis, to amend the application (referred to as the Planning Addendum).

## **EXISTING ENVIRONMENT**

21. The description of the existing environment below is supported by Figures 12.1 to 12.10 in Appendix 12 of this report illustrates the location of the site in relation to the locality, neighbouring properties and specific District Plan features.

### **Application Site**

22. The application site is located at 201 Halswell Road (State Highway 75) and contains 21.1575 hectares (ha) of land. The site is held in certificate of title CB418/237 and the legal description is Lot 1 DP 9329. The application site is located on the east side of Halswell Road, opposite the intersection with Aidanfield Drive.
23. The site is relatively flat and mostly covered in pasture. Days Drain is located along the northern boundary of the site. The western extent of Days Drain is a timber lined channel for a distance of approximately 200m. There are a number shallow drains within paddocks within the site that are directed to Days Drain.
24. Part of the site (near Halswell Road) is occupied by the adjoining timber yard including a fence and parking area which the applicant has advised will be removed as part of this application. A former woolshed and sheep dip is located in this area.
25. An unoccupied dwelling is located in the southwest corner of the application site with some farm sheds close by.

### **Surrounds**

26. The application site sits within a greenfield development area identified in the District Plan and known as North Halswell. The North Halswell greenfield development area ("North Halswell") is bounded by Halswell Road to the west, Henderson Road and

adjoining residential properties to the north, Sparks Road to the east and Milns Road to the south. North Halswell is mostly zoned Residential New Neighbourhood (RNN). However approximately 16.6 ha<sup>1</sup> of land is within the Commercial Core (CC) zone which extends north from the northwest corner of the application site into the neighbouring properties to the north. Under the District Plan, the CC zone is identified as a Key Activity Centre (KAC) and a District Centre (emerging)<sup>2</sup>. It spreads across a number of landholdings.

27. The existing intersection of Aidanfield Drive and Halswell Road is a T intersection formation. Halswell Road has on-road cycle lanes, a right hand turn bay and left turn slip lanes. The speed limit is 80 kilometres per hour (km/h) which reduces to 50km/h and 60km/h to north and south respectively where it approaches existing urban activities that front onto that road.
28. To the west and on the opposite side of Halswell Road is a large open space area containing a stormwater facility that services the Aidanfield residential area.
29. The CC zone extends into the following properties to the north: land owned by Spreydon Lodge (which is being developed as greenfield residential and commercial development known as 'Halswell Commons'); an adjoining timber yard (i.e. Halswell Timber); and a smaller landholding that fronts Halswell Road. The smaller landholding is separated from the Spreydon Lodge land by a former access leg forming part of the timber yard site.
30. The Council has granted consents for the subdivision and development of a portion of the Spreydon Lodge land for residential purposes and some of this development is already in place. Much subdivision construction has already occurred on the Spreydon Lodge land including a new intersection controlled by traffic lights at the corner of Halswell Road, Augustine Drive and Monsaraz Boulevard. A short stub of road has been constructed south from Monsaraz Boulevard and into the KAC but has not yet vested in Council<sup>3</sup>.
31. Land use consent application RMA/2019/2125 has been lodged for the Spreydon Lodge land to develop a Main Street area within the CC zone. At the time of writing this application had not been determined so I have considered that it is not part of the existing environment.
32. To the east of the application site is land within the same ownership as the Spreydon Lodge land but as yet no consents are in place to allow the development of this land for residential purposes. Days Drain extends downstream into the Spreydon Lodge land.
33. Immediately to the south of the application site is a stormwater basin owned by Council (west end of south boundary), an undeveloped greenfield residential site (51 Milns Road) and Milns Park residential estate subdivision (east end of south boundary) which is currently being developed for residential purposes.

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<sup>1</sup> Measured from 'Smartmap' which is Council's geographical information system.

<sup>2</sup> Policy 15.2.2.1

<sup>3</sup> Contained within Lot 250 of subdivision consent RMA/2016/2778 which is to vest as legal road.



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## THE APPLICATION (AS AMENDED BY THE PLANNING ADDENDUM)

34. The proposal is to develop and subdivide 21 hectares (ha) of land at 201 Halswell Road for mixed use commercial activity and residential activity including associated roading, infrastructure, reserves and waterway enhancements. The proposal described here represents an amended version of the application which was lodged after notification. The key differences are set out at the end of this description of the proposal.

### Subdivision and Associated Development

35. Key elements of the subdivision (to create vacant lots) and associated development include:
- i. The scheme plan (including staging) as illustrated in the Elliot Sinclair plans labelled Project No. 426962 Set No C1, Sheets 1 to 8 Rev K<sup>4</sup>.
  - ii. Ten large development lots for comprehensive residential development (Lots 2 to 10 and 13). The application does not propose to create individual titles for each residential unit – this will be addressed in a later application.
  - iii. Two development lots for mixed use and commercial development (Lots 1 and 12) in the northwest corner of the application site.
  - iv. The enhancement and naturalisation of Days Drain extending along most of the north boundary for a length of approximately 680m. This is contained in Lots 51, 53 and 56 which would vest as Local Purpose (Utility) reserve.
  - v. A 100m length (approximately) of Days Drain at its western most extent (within Lot 12) would be piped and contained in an easement in gross for drainage purposes in favour of Council. The pipe extends another 20m within legal road being Lot 106 with this part of the pipe acting as a culvert crossing for Road F. The pipe length is approximately 120m in total.
  - vi. A stormwater basin/facility (first flush) at the eastern end of the site to be contained in Lot 50 which will vest as Local Purpose (Utility) reserve.
  - vii. A Recreation Reserve (Lot 54) with playground adjacent to the above stormwater basin.
  - viii. Local Purpose (Utility) reserve (Lot 52) along the Halswell Road frontage.
  - ix. Various roads required to service the development. Road A would require a new signalised intersection to be formed on Halswell Road to the west at its intersection with Aidanfield Drive.
  - x. A point strip (Lot 107) to be transferred to Council ownership which is intended to deny access for industrial traffic from the timber yard to Road F.
  - xi. Lot 55 proposed as Local Purpose (Utility) reserve to connect to the neighbouring property to Milns Park to the southeast.
  - xii. The enhancement of Days Drain in Lot 56 which is illustrated in the KamoMarsh concept design plans for Days Drain under Ref No 4742, pages 01 to 08 Issue RC Revision 02 (referred to as 'the Days Drain Plans')<sup>5</sup>.
  - xiii. Earthworks (including erosion and sediment control measures) and services to facilitate the subdivision are as per the Eliot Sinclair plans labelled *Halswell Road Development Project*, Project no 426962, Sets: M7 Rev A Sheet 1, M4 Rev B Sheet 1, M5 Rev B Sheet 1 M2 Rev D Sheets 1 and 2 (referred to as 'the Earthworks Plans')<sup>6</sup>.
  - xiv. Proposed landscaping of public spaces (legal road and reserves) and road design concepts are illustrated in the Kamo Marsh drawings labelled *Halswell Road Development* Ref No. 4742 Pages 01 to 25 (referred to as 'the Landscape Plans')<sup>7</sup>.

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<sup>4</sup> Attachment 4, Planning Addendum

<sup>5</sup> Attachment 5, Planning Addendum

<sup>6</sup> Appendix 5, Original Application

<sup>7</sup> Attachment 5, Planning Addendum

- xv. The draft conditions proposed in the Planning Addendum<sup>8</sup> for subdivision and associated works include a detailed engineering design, construction and certification process under Council's Infrastructure Design Standard (IDS) for assets and infrastructure to vest in Council.

### Commercial and Mixed Use Development on Lots 1 and 12

36. Key elements of the mixed use development within Lots 1 to 12 include:

- i. Commercial and community activities with a gross floor area (GFA) of 8,087m<sup>2</sup> within Lots 1 and 12 consisting of:
  - A retail floor space of 5,155 m<sup>2</sup> inclusive of a supermarket of 3,490m<sup>2</sup> on Lot 1 with the remaining 1,665m<sup>2</sup> as Retail – Food and Beverage (Café, Restaurants, Takeaway and Pub) on Lot 12.
  - Community activities of 1570m<sup>2</sup> GFA comprising a medical centre (985m<sup>2</sup>) and childcare centre (585m<sup>2</sup>) on Lot 1.
  - Place of assembly (gym) of 670m<sup>2</sup> GFA on Lot 1.
  - Place of entertainment (cinema) of 641,7m<sup>2</sup> GFA on Lot 12.
- ii. 32 residential units in a two storey apartment building on Lot 1.
  - i. 452 car park spaces.
- iii. The proposed plans illustrating the site layout, architectural drawings and signage set out in the ASC Architects drawings labelled *Amended Resource Consent Application*, dated 07/10/2019, project no: 17803, Sheets RC02-A to RC46-A (referred to as the Commercial Architectural Plans)<sup>9</sup>.
- iv. On the Commercial Architectural Plans, 24 car park spaces are specifically allocated to the apartments.
- v. Landscaping of private land areas are as per the Landscape Plans.
- vi. Earthworks and associated erosion and sediment control measures would be required within Lots 1 and 12 to facilitate the construction of buildings, car parking, access, landscaping and the installation of services although these are not specifically illustrated on any plan set.

### Residential Development on Lots 2 to 10 and 13

37. Key elements of the residential development within Lots 2 to 10 and 13 include:

- i. A total of 250 dwellings.
- ii. Development lots feature a series of laneways for shared access (including for vehicle access), 'bridleways' (for cycles and pedestrian access) and pocket parks.
- iii. A covered swimming pool would be located in the northeast corner of Lot 5 for the general use of all future residents.
- iv. Earthworks would be required to facilitate the construction of houses, access and the installation of services within development lots although these works are not specifically illustrated on any plan.
- v. Landscaping of private land areas is as per the Landscape Plans.
- vi. The proposed plans illustrating the residential development including the site layout and architectural drawings are set out in the *Residential Assessment Halswell Garden Village* by CMA+U dated October 2019 (referred to as the Residential Plans)<sup>10</sup>.
- vii. A certification process is included in the draft conditions<sup>11</sup> to confirm the final layout and design of dwellings within development lots.

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<sup>8</sup> Attachment 13, Planning Addendum

<sup>9</sup> Attachment 2, Planning Addendum

<sup>10</sup> Attachment 3, Planning Addendum

<sup>11</sup> Attachment 13, Planning Addendum

## Amendments

38. The key changes compared to the Original Application that was notified are set out below:
- i. The Original Application sought to pipe Days Drain within Development Lots 1 and 12 whereas it is now proposed to be retained and enhanced within new Lot 56 (part of the former Lot 1 area) which will vest as Local Purpose (Utility) reserve (12m wide). The waterway would remain piped through Development Lot 12 and held in an easement in gross in favour of the Council.
  - ii. The applicant has reconfigured the mixed use and commercial area including the removal of a block of shops between Road F and the supermarket; a reduction in the overall retail GFA by 1,282m<sup>2</sup> (supermarket reduced by -133m<sup>2</sup> and no comparison retail); the addition of an entertainment activity (cinema) with 641.7m<sup>2</sup> GFA; a reduction in the size of the medical centre by 1,451m<sup>2</sup> GFA; an addition to the childcare centre of 232m<sup>2</sup> and the addition of a gym of 670m<sup>2</sup> GFA.
  - iii. Improvements to landscaping in and around Lots 1 and 12 including along Road A.
  - iv. Road F (Lot 106) would now vest at the time of this subdivision. Previously the applicant intended to create this as a legal road at some point after the completion of the subdivision.
  - v. The introduction of a point strip being Lot 107.
  - vi. The Original Application sought to provide a recreation reserve along the Halswell Road frontage which has since been reduced in width from 20m to 10m and will now vest as Local Purpose (Utility) reserve.
  - vii. A pedestrian link has been added as Lot 55 (Local Purpose (Utility) reserve) connecting to the Milns Park subdivision.
  - viii. The introduction of Recreation Reserve Lot 54 adjacent to the stormwater facility in Lot 50.
  - ix. Minor alterations and clarifications around the layout of the residential buildings on Lots 1 to 10 and 13 which do not materially change how those buildings relate to neighbouring properties.
  - x. The introduction of a café with outdoor dining on the northwest corner of the supermarket and located on Local Purpose (Utility) reserve. Note that the legality of a private use over this public space is under question in this application.
39. I consider that these changes are broadly within scope of what was originally proposed. This is on the basis that the changes reduce the proposed retail floor area; better comply with the relevant Outline Development Plans that apply to the site (ODP); and do not introduce new non-compliances or changes that adversely affect any party outside of the submitters in any way that is materially different or worse compared to the original application.

## Minor Corrections Required to Proposed Plans

40. There are a number of minor anomalies in the proposed plans as set out below which do not reflect what is written in the Planning Addendum documents. These need to be remedied should the application be approved.
- i. The Earthworks Plans need to be updated or annotated to reflect the naturalisation of the Days Drain within Lot 56.
  - ii. The Landscape Plans need to be updated to show the dedicated cycle route on Road A so that it is located on the south (residential) side of the road and not the north side.
  - iii. The Landscape Plans need to be updated so that the intersection of Road A and D has a median to prevent right hand turns.

- iv. The number of car parking spaces to be dedicated to the apartments on Lot 1 needs to be clarified. There are 24 spaces set aside on the commercial architectural plans however there are 32 units in total and it is understood that a rate of 1 per unit would apply<sup>12</sup>.

## PLANNING FRAMEWORK

### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

41. The *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (referred to as 'the NES') controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site has been identified as HAIL land therefore the provisions of the NES apply.
42. A Preliminary Site Investigation (PSI)<sup>13</sup> and Detailed Site Investigation (DSI)<sup>14</sup> have been undertaken for the site. Ms Isobel Stout reports<sup>15</sup> that the PSI sets out that the area around the woolshed (Lot 12) is a 'piece of land' under the NES as a result of sheep dip activity (on Lot 12). In addition the disused dwelling and farm or accessory buildings may also meet the HAIL criteria from lead paint flaking off exterior timber or the storage of farm chemicals. The DSI shows contaminants including arsenic and lead at levels above the soil contaminant standards for commercial land use on Lot 12. Contamination levels near the dwelling are below residential guideline values.
43. The change of use, soil disturbance and subdivision over these pieces of land are a **restricted discretionary activity** under the NES as set out in regulation 10(2) of the NES. Regulation 10(3) sets out the matters of discretion which I have included in Appendix 13.

### District Plan – General

44. In respect to this application, the relevant provisions of the District Plan are fully operative<sup>16</sup>.
45. I have included a copy of the key objectives and policies of the District Plan in Appendix 14 and have reviewed them in preparing this report. They are referred to throughout this report.
46. The application site is mostly zoned Residential New Neighbourhood (RNN) with approximately 2ha area of land<sup>17</sup> in the northwest corner being zoned Commercial Core (CC). The application site is also subject to the following overlays:
  - i. Liquefaction Management Area (LMA).

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<sup>12</sup> Personal communication with Mr Bonis October 2019

<sup>13</sup> *Tonkin and Taylor: Preliminary Site Investigation for Ground Contamination, Plan Change 68, Halswell, Christchurch*, dated March 2013

<sup>14</sup> *Tonkin and Taylor, December 2017 "201 Halswell Road, Halswell – Ground Contamination Assessment* dated May 2017.

<sup>15</sup> Paragraph 12, Appendix 1

<sup>16</sup> *The Canterbury Earthquake (Christchurch Replacement District Plan) Amendment Order (No2) 2015* withdrew the Coastal Hazard provisions from the new District Plan from 15 October 2015. As a consequence of that withdrawal, the provisions of the Christchurch City Plan and the Banks Peninsula District Plan that relate to coastal hazards continue to apply but they do not impact on this site.

<sup>17</sup> Measured on Smartmap.

- ii. Flood Management Area (FMA) (part).
47. The location of the site in relation to these features is illustrated in Figures 12.4 to 12.8 in Appendix 12<sup>18</sup>.
48. Chapter 2 of the District Plan explains the extended meaning of words and phrases developed specifically for, and as used in the context of, it. Those definitions apply where identified in the definition itself (i.e. “*X in relation to Y, means...*”); and in the ePlan, dotted underline with hyperlinking. In all other instances, words and phrases used in the District Plan are best defined using their ordinary dictionary meaning. Any direct quote of the District Plan in this report includes any relevant hyperlinks. Refer to Appendix 15 for a list of definitions.

### District Plan - Outline Development Plans

49. Two ODPs apply to the application site (refer to Appendix 16). I consider that ODPs are a guide to identify key outcomes sought by the District Plan and help inform the overall assessment of greenfield applications. Accordingly an overview of the ODPs and their status in the District Plan related provisions is provided here.
50. ODPs are defined as:
- ‘...a plan (including any associated narrative description provided) which guides the form and staging, where applicable, of subdivision and development...’*
51. Appendix 8.10.4 North Halswell Outline Development Plan (referred to as the North Halswell ODP) applies to all of the subdivision within the RNN and CC zones under Rule 8.5.1.2 C5 and for the land use application in the RNN only under built form standard 14.12.2.6. The North Halswell ODP comprises of an illustration, a description of context, guidance documents, and development form and design, and development requirements. The section on development form and design also functions as matters of discretion for subdivision and land use applications. The development requirements are rules to be complied with (under the relevant activity status rules). In addition the *‘development requirements’* are also relevant under Policy 8.2.2.9(c) for subdivision (in both zones) and Policy 14.2.5.1 for land use (RNN zone only). These policies set out that subdivision, use and development shall be in *‘accordance with the development requirements or achieve a similar or better outcome’*.
52. Appendix 15.15.3 Commercial Core Zone (North Halswell) Outline Development Plan (herein referred to as the Commercial ODP) applies to land in North Halswell subject to the CC zone for subdivision and land use. It comprises of *‘fixed features and proposals’* and *‘indicative features and proposals’*. At the subdivision stage there is a requirement for subdivisions to comply with the *‘key structuring elements’*<sup>19</sup> of the Commercial ODP which are described in Chapter 15 under Rule 8.5.1.2 C5 (also refer to Rule 15.4.5.1.3 RD1).
53. Policy 8.2.2.9(c) also applies to the Commercial ODP at the subdivision stage. Policy 15.2.2.2(a)(i) which applies to the land use proposal in the CC zone requires development within the KAC to be ... *‘planned and co-ordinated in accordance with the ODP’*.

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<sup>18</sup> These are the online District Plan property search version of the online maps and which are reflective of the Planning Maps.

<sup>19</sup> means *‘...the existing or proposed above ground infrastructure, such as stormwater ponds, roads and reserves, that contribute to the layout of new urban areas’*.

### District Plan - Zone Boundary

54. Mr Bonis considers that 2.3ha of the application site is zoned CC and 18.9ha of the site is zoned RNN<sup>20</sup>. My calculation is that the area of land within the CC zone is approximately 2ha<sup>21</sup> with the remainder as RNN.
55. I understand Mr Bonis's assessment is based on Sheet SK01 of the Commercial Architectural Plans. Sheet SK01 illustrates the proposed site layout with an overlay of the 'KAC ODP zone'. The 'KAC ODP zone' appears to me to be a direct reference to the Commercial ODP with additional land being removed from the commercial area in the ODP where it is intersected by 'Road A'. I consider that the zoning maps<sup>22</sup> and not the ODPs should be used to establish the location of the zone boundary.
56. Mr Bonis<sup>23</sup> considers that SK01 it is an accurate representation of the boundary on the zone maps. He considers that it is reasonable to rely on the PDF version of the planning maps and that a discrepancy of up to 10m could apply because of the thickness of the line and scaling issues. I would estimate that such a discrepancy would only be 2 to 3m based on my review of the planning maps. I consider it more likely that SK01 relies on the Commercial ODP drawing which has thicker lines and this is the reason why there is a discrepancy.
57. I would prefer if the applicant prepared a CAD drawing to reflect the zone boundary with specific data points being provided by Council. This is an unusual situation because the zoning boundaries do not align with allotment boundaries, with allotment boundaries being a normal and highly accurate way to define a zone boundary.
58. Notwithstanding, Mr John Lonink, Urban Designer has made his own representation of the zone boundary and considers that it is approximately 6m further north than is shown in SK-01. Based on his drawing he has defined the land and building areas in the RNN zone. This data is attached in Appendix 17. This difference does not result in additional non-compliances for non-residential activities extending into the RNN zone on Lots 1 and 12, but does increase the degree of non-compliances with specific rules as set out later in this report.

### District Plan – Activity Status for Subdivision

59. The activity status for the subdivision is **restricted discretionary** under the following rules of the District Plan.
  - Rule 5.5.2 C1: Any subdivision which creates an additional vacant allotment in the Liquefaction Management Area is a controlled activity. All development lots (Lots 1 to 10, 12 and 13) will be vacant at the time of subdivision. The matters of control are set out in this rule.
  - Rule 8.5.1.2 C4: The creation of allotments for utilities, roads and reserves is a controlled activity under this rule with the matters of control set out at Rule 8.7.3.

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<sup>20</sup> Paragraph 3.6, Planning Addendum.

<sup>21</sup> Using measuring tool on Smartmap.

<sup>22</sup> Maps 44 and 45.

<sup>23</sup> In the email dated 23<sup>rd</sup> August 2019.

- Rule 8.5.1.3 RD2(a): Subdivision in any area subject to an outline development plan is a controlled activity under 8.5.1.2 C5 where it complies with the relevant standards. However as the proposal is not compliant with all the relevant standards as set out below, the proposal becomes restricted discretionary under Rule 8.5.1.3 RD2(a). The matters of discretion for the purposes of imposing conditions are set out in Rule 8.7.4. The matters of discretion for the purpose of granting or declining consent and imposing conditions are set out in Rule 8.8.8 and 8.8.9. The non-compliances with the standards are:
  - Under 8.5.1.2 C5 relevant standard b, subdivision “shall be undertaken in accordance with the relevant outline development plan”. In relation to the Commercial ODP compliance is only required with the ‘key structuring elements’ for the ODP as described in Chapter 15. The key structuring elements are described as ‘*fixed features and proposals*’ and ‘*indicative features and proposals*’ in the Commercial ODP. I consider that the non-compliances are as follows:
    - i. Extending the commercial core with retail, cinema, gym and associated car parking) into the RNN zone. The RNN zone is a fixed feature or proposal of the Commercial ODP.
    - ii. Realigning the collector road around the periphery of the Centre including where it extends to the Spreydon Lodge land.
    - iii. Under the definition in the District Plan, key structuring elements must be above ground thus the piped section of the ‘stormwater network’ (i.e. Days Drain) is non-compliant with the ODP.
    - iv. The absence of a ‘*Green corridor*’ extending from Road A to the ‘*Main street*’ in the ODP. Under the subject rule, I consider that the Green Corridor should be secured by a reserve, road, easement or other legal mechanism at the time of subdivision and then formed for at least pedestrians and potentially other forms of transport.
  - In respect to the North Halswell ODP which needs to be complied with under rule 8.6.11(a) and relevant standards (a) and (b), the proposal also does not comply with the following development requirements at 8.10.4.D:
    - a. The expansion of the commercial core and associated collector road realignment as per the illustration to the North Halswell ODP as referenced under clause (a).

4(g): This development requirement sets out: *A network of pedestrian/cyclist routes, including the major cycle way (Quarrymans Trail) within the new neighbourhood and linking the surrounding communities with each other, Halswell Domain, the Key Activity Centre, Nga Puna Wai Reserve and Sports Hub and Hendersons Basin.*

Based on Mr Michael Grant Calvert’s evidence<sup>24</sup>, I have formed that view that a formed cycle connection is required through the stormwater facility (Lot 50 and Lot 51) and recreation reserve (Lot 54) to comply with this development requirement. The subdivision does not make provision for a direct link through the application site to the Quarryman’s Trail

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<sup>24</sup> Paragraph 16.8, Appendix 7

Major Cycle Route on Sparks Road. This means that there is no eastern exit for cyclists from this subdivision.

5(b): Days Drain is required to be naturalised in accordance with this clause through the entirety of the application site. The western 100m (approximately) of it (within Lot 12) would be piped as part of the subdivision works within Lot 1 and vested in an easement in gross. I have not included the crossing point of Road F in this overall measurement.

I note that all other subdivision standards that are relevant to rule 8.5.1.3 RD2 have been complied with including those relating to other development requirements in the ODP, access, roads, pedestrian ways, water supply, wastewater supply stormwater disposal and minimum density<sup>25</sup>.

- Rule 8.5.1.3 RD2: The portion of the subdivision within the FMA is a **restricted discretionary activity** under this rule. The matters of discretion for the purposes of imposing conditions are set out in Rule 8.7.4. The matters of discretion for the purpose of granting or declining consent and imposing conditions are set out in Rule 8.8.7.

60. The matters of control and discretion referred to above are set out in Appendix 18.

#### District Plan – Activity Status for Land use

61. The activity status for the land use consent application is **non-complying** under the following rules of the District Plan<sup>26</sup>:

##### Chapter 5 Natural Hazards

- **Rule 5.4.1.5 RD2:** Within the FMA, a **restricted discretionary activity** status applies under this rule because compliance is not achieved with the activity standard rules set out in Rule 5.4.1.1 P13 and P14. The activity standards limit earthworks so that filling and excavations do not exceed 0.3m depth of fill and 0.6 depth of excavation; a maximum cumulative volume of 25m<sup>3</sup> of fill and excavation for the RNN zoned land; and a maximum cumulative volume of 50m<sup>3</sup> for the CC zoned land. The proposed earthworks in the FMA would include fill depths generally no more than 1m for the finished surfaces of development lots and cut of up to 0.9m for roads and stormwater facilities. The overall cut and fill balance<sup>27</sup> proposed within the FMA, measured from existing ground level to subdivision design finish level is:  
Cut 8,500m<sup>3</sup>  
Fill 19,900m<sup>3</sup>  
Balance 11,400m<sup>3</sup>

This does not include earthworks to undertake development within each development lot which is in addition to this rule.

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<sup>25</sup> This includes the requirement to meet a minimum net density of 15 dwellings per hectare under standard 8.6.11(b)(i)(A). Based on my calculations for the entirety of the RNN zone in this application site the overall density for the RNN would be approximately 16.9 dwellings per hectare ((19.16ha RNN land – 2.5ha RNN land for stormwater/Days Drain) / 282 dwellings). Refer to the definition of '*net density*' in Appendix 15.

<sup>27</sup> Email from Cameron Mars dated 5/11/2019



The matters of discretion are set out in the subject rule.

### Chapter 6 General Rules and Procedures

- **Rule 6.1.5.1.5 NC1:** Any activity listed in rule 6.1.5.1.1 P1 or P3 that exceeds the noise limits in the activity specific standards by more than 10dB is a **non-complying activity**. Noise generated by commercial development within the commercial zone will breach the residential zone noise limits by more than 10dB within the RNN zone within Lots 1 and 12. In addition Mr Hay, Acoustic Engineer<sup>28</sup> for the applicant, identifies that:
  - a. in respect to the new cinema which operates past 10pm, cars exiting the car park would generate a one off noise exposure of 50 dB  $L_{Aeq (15 min)}$ , whereas 40 dB  $L_{Aeq (15 min)}$  is permitted under 6.1.5.2.
  - b. In respect to the childcare centre north boundary with the Local Purpose (Utility) reserve, permitted day time noise levels would be exceeded by 3 to 7 dB  $L_{Aeq (15 min)}$ .
- **Rule 6.6.4.3 RD1 and RD2:** Earthworks and piping within the 5m waterway setback of Days Drain (a utility waterway) for the length of 100m where it is to be piped is a **restricted discretionary activity** under these rules. The matters of discretion are set out at Rules 6.6.7.1, 6.6.7.2 and 6.6.7.5. Note: Crossing points by roads and pedestrian bridges and the enhancement of Days Drain are permitted activities under Rules 6.6.4.1 P7 and P8.
- **Rule 6.8.4.1.3 RD 1:** Any sign listed in Rule 6.8.4.1.1 P1 – P15 that does not meet one or more of the activity specific standards is a **restricted discretionary activity**. Signs located within the RNN zone as associated with commercial development, including signage associated with the medical centre and childcare centre and the pylon sign for the supermarket do not meet the built form standards. The matters of discretion are set out in Rule All signs and ancillary support structures – 6.8.5.1.

Specifically the non-compliances with built form standards are:

6.8.4.2.2 Traffic safety – applies to all signs. Part (b)(i): Signs are located adjacent to state highway which has a speed limit greater than 70km per hour at the west facing frontage of the site as per the Commercial Architectural Plans on RC29 and RC30.

6.8.4.2.4 Signs Attached to buildings: The signs in the residential zone on the south facing face of the supermarket, medical centre and childcare centre exceed the maximum total area of 0.5m<sup>2</sup> per building.

6.8.4.2.6 Free-standing signs: The height and area of the tenancy pylon sign (29.7m<sup>2</sup>) for the supermarket exceeds the height limit of 4m in the RNN zone and the maximum total area of 0.2m<sup>2</sup>. The area of the tenancy pylon sign (29.7m<sup>2</sup>) exceeds the 18m<sup>2</sup> limitation.

### Chapter 7 Transport

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<sup>28</sup> Email dated 13 November 2019

- **Rule 7.4.2.3 RD1:** Any activity that does not meet one or more of the standards in Rule 7.4.3 is a **restricted discretionary activity**. The relevant matters of discretion are set out in Rules: Vehicle access design – 7.4.4.10; High trip generators 7.4.4.19. The non-compliances with the standards<sup>29</sup> are set out below:

Standard 7.4.3.7 (a) Residential accesses shall have a maximum formed width of 6m. The private laneway accesses will be 7m wide.

Standard 7.4.3.7 (c): Private laneways that service more than nine residential lots shall include a 1.5m pedestrian/cycle strip. The laneway access' are shared spaces and to not include a dedicated pedestrian/cyclist lane.

Standard 7.4.3.10 (c) High trip generators. The overall proposal is a high trip generator. The relevant matters of discretion are set out in rules: Vehicle access design – 7.4.4.10; Maximum number of vehicle crossings – 7.4.4.15; High trip generators 7.4.4.19.

#### *Chapter 8 Subdivision, Development and Earthworks*

- **Rule 8.9.2.3 RD1:** Any activity listed in Rule 8.9.2.1 P1 that does not meet one of the activity standards is a **restricted discretionary activity**. This rule relates to the proposed earthworks and the following activity standards are not met under P1:
  - (a) Earthworks shall not exceed the volumes in Table 9 over any 12 month time period (20m<sup>3</sup>/site for RNN zone and 1000m<sup>3</sup>/ha for CC zone). The subdivision will require earthworks consisting of cut (100,500m<sup>3</sup>) and fill (70,100m<sup>3</sup>).
  - (b) The maximum depth of earthworks shall not exceed 0.6m and cut and fill depths extend to 1m.

The matters of discretion are set out in 8.9.4.

#### *Chapter 14 Residential*

- **14.12.1.3 (RD16):** The proposed childcare centre and health care facility are **restricted discretionary activities** pursuant to this rule because they do not meet rule 14.12.1.1 (P9). Pursuant to activity specific standard (a)(iii) the gross floor area must be less 200m<sup>2</sup> for a childcare centre and 300m<sup>2</sup> for a health care facility. The proposed areas are 585m<sup>2</sup> and 1,020m<sup>2</sup> respectively. The matters of discretion are set out in Rule 14.15.5.
- **14.12.1 (D1):** The extension of the retail activity, cinema and gym<sup>30</sup> including associated parking and landscaping into the RNN zone is **discretionary** pursuant to this rule. This rule captures any activity that is not otherwise

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<sup>29</sup> The applicant considers that there is a non-compliance with Standard 7.4.3.8 (e). I do not agree with this. For Lot 1, the maximum number of vehicle crossings shall be three for road frontages over 100m. Lot 1 would include four vehicle crossings over a distance of 420m however this Lot comprises of two road frontages so there are no more than three crossings on any one road.

<sup>30</sup> The cinema as a '*place of entertainment*' and gym are each defined as a '*place of assembly*'. Such activities are permitted activity if all the activity standards set out in Rule 14.2.1.1 (P12) are met. Those standards includes restrictions on the hours of operation to daytime hours and limiting the gross floor area to no more than 200m<sup>2</sup>. Unlike the childcare centre and health care facility, places of assembly are not specifically listed as a restricted discretionary activity, if the standards for a permitted activity are not met.

provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity. The only part of the retail activity building that extends into the RNN is the supermarket. The applicant has assessed this as being 181m<sup>2</sup> however I considered this to be approximately 710m<sup>2</sup>. About 70m<sup>2</sup> of the gross floor area of the gym (670m<sup>2</sup>) is located within the CC zone.

- **14.12.1.3 (RD5):** The residential activity is proposed as a 'comprehensive residential development'. Pursuant to this rule comprehensive residential development that does not meet one or more of the built form standards in Rule 14.12.2 is a **restricted discretionary activity**. Pursuant to built form standard 14.12.2.4, some individual residential units would breach recession planes in respect to new internal boundaries<sup>31</sup>. The matters of discretion are set out in Rule 14.15.36.
- **14.12.2.16 (RD2):** The proposal is a **restricted discretionary activity** pursuant to this rule because it does not meet built form standard 14.12.2.16 The Outline Development Plan. Refer to paragraph 59 for a list of non-compliances with the North Halswell ODP except that under this rule the non-compliances only relate to the RNN zoned land<sup>32</sup>. The matters of discretion are set out in rule 14.15.35.

#### Chapter 15 Commercial

- **15.4.5.1.3 (RD1):** All activities in the CC zone are a **restricted discretionary activity** pursuant to this rule. The matters of discretion are set out in this rule and Rule 15.13.4.3.

62. The matters of control and discretion referred to above are listed in Appendix 19.

## SUBMISSIONS

### Summary

63. 11 submissions were received on this application: 2 in support (all or part), 6 in opposition, 1 in support and opposition and two neutral. I have reviewed all submissions and the key issues (and submitters) are listed below. Sparks Garden Road, Halswell Timber, and Spreydon Lodge all have an interest in properties in the locality. The location of properties under the control of three submitters (being Halswell Timber, Spreydon Lodge and Sparks Road Garden) is illustrated in Figure 12.2 in Appendix 12.

### Submissions

64. In summary of these submissions:

*GW Halswell Ltd (Support)*

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<sup>31</sup> There are no recession plane breaches in respect to existing site boundaries in common with existing neighbouring properties.

<sup>32</sup> So under the North Halswell ODP and in respect to the RNN zoned land there is no non-compliance in relation to Days Drain as the piped section of it is entirely within the CC zone.

- This is a considered application with a thorough assessment of effects which is more or less in line with the Outline Development Plan for the Area.

*Sparks Garden Road (Support – Part and Oppose - Part)*

- The proposed landuse and subdivision is generally supported for a number of reasons especially the benefits from the commercial and associated activity.
- There is opposition to the proposed stormwater management which adds to existing problems that impact on their market garden activity from stormwater and a high/rising watertable. They are seek a larger stormwater facility.

*Halswell Timber Ltd (Support – Part)*

- Raised concerns with the potential for reverse sensitivity effects on their business operation and requested conditions to manage the associated effects.
- Outlined the benefits of piping of the waterway provided that any existing discharges to the drain are adequately catered for along with flow from Aidanfield.

*Spreydon Lodge Limited (Opposition):*

- Primarily concerned with inconsistencies with the Christchurch District Plan's ODPs; the design, form and function of the proposed development as it relates to the extension of the Halswell North KAC; integration including on transport matters; economic effects, meeting the needs of the community and consistency with the planning framework in respect to non-residential activity and the centres based approach in the District Plan.

*Halswell Residents Association (Opposition)*

- Their opposition mainly relates to the extension of the car park area into the RNN zone and the loss of residential housing supply.
- The proposal challenges the integrity of the Christchurch District Plan and the planning process.

*Central City Related Submitters: Carter Group Limited, Anthony Thomas Gough, Lichfield Holdings Ltd and Central City Business Association (Opposition – Part)*

- Submitted primarily on the proposal to increase the size of the North Halswell Key Activity Centre (KAC) to accommodate any commercial development and car parking; effects on other centres including the City Centre and their recovery; urban design concerns; and that the proposal is inconsistent with the objectives of the District Plan and the Provisions of the Regional Policy Statement especially those relating to the Central City, Key Activity Centres and the centres based framework.

*Environment Canterbury (Neutral)*

- Submission provides information on public transport elements which is to help inform the assessment of the application and is referred to later in this report.

*NZTA (Neutral)*

- No issues with the location of the proposed intersection on State Highway however a condition is required for the detailed engineering design.
- Reverse sensitivity concerns for the State Highway network from dwellings and revised acoustic conditions have been requested.

65. I consider that the above matters are relevant resource management matters to consider.

**Trade Competition**

66. Sections 96, 308A and 308B of the RMA limit a person's right to make a submission if that person is a "trade competitor" of the applicant. Carter Group, Anthony Gough, Lichfield Holdings Limited, Central City Business Association and Spreydon Lodge Limited have lodged submissions opposing the application. It appeared to me at first sight that they might be trade competitors of the applicant so I did some research into those companies and asked for legal advice on applying the trade competition provisions of the Act to that information. Legal advice from Mr Pizzey is attached in Appendix 11.

67. Applying that advice, in the absence of evidence to the contrary, it appears that:

- i. These submitters are, or potentially are, trade competitors of the applicant because they own, or represent or share the mind and interests of those who own, commercial properties in competition or potential competition with the applicant.
- ii. These submitters raise issues that appear to breach section 308B. In particular, their submissions comment on:
  - a. Adverse effects on the environment that do not appear to directly affect to them (except for Spreydon Lodge). For example, it is unclear how urban design effects of the proposal would directly affect commercial developments or land in the central city.
  - b. Inconsistencies with the Christchurch District Plan / Recovery Plans, or the potential to harm the function and viability of retail centres and/or the primacy of the Central City. These concerns appear to have some relationship to trade competition.

68. These submitters may seek to provide evidence explaining why they are not trade competitors and/or why their submissions do not breach section 308B of the RMA.

**STATUTORY CONSIDERATIONS**

**Resource Management Act 1991**

69. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104 of the Resource Management Act 1991 as well as sections 104B for the landuse application and 104C for the subdivision application.

70. Under section 104 and subject to Part II of the Act, which contains the Act's purpose and principles, the consent authority shall have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and*

*(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*

*(b) any relevant provisions of—*

*(i) a national environmental standard:*

*(ii) other regulations:*

*(iii) a national policy statement:*

*(iv) ...*

*(v) a regional policy statement or proposed regional policy statement:*

*(vi) a plan or proposed plan; and*

*(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

71. Landuse: Under Section 104B, when considering the application for resource consent for a non-complying activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.
72. Subdivision: Under section 104C, when considering the application for resource consent for a restricted discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108 but only for those matters which it has restricted the exercise of discretion in the Plan or National Environmental Standard.
73. Section 104(3)(a) states that a consent authority must not have regard to trade competition or the effects of trade competition; or any effect on a person who has given written approval to the application. The application did not include any written approvals.
74. Landuse: Section 104D states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or the application is for an activity that will not be contrary to the objectives and policies of the relevant Plan.

## **ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT (S.104 (1)(A))**

75. This part of the report assesses the actual and potential effects on the environment of the application including relevant matters set out in the submissions.
76. The proposal for subdivision and associated works would potentially allow the creation of vacant fee simple allotments. There would be no obligation to then proceed with all or any of the consequent commercial and residential activities even if the overall application is approved. On this basis I have sought to assess the subdivision application and associated works as a standalone proposition as well as on an overall basis and alongside the landuse activities that would likely be established on the development lots.

77. For the subdivision decision, the relevant matters of control and discretion are set out in Regulation 10(3) of the NES and Rules 5.5.2(C1); 8.7.3, 8.7.4, 8.8.7, 8.8.8 and 8.8.9 of the District Plan. These matters cover a wide range of matters including human health, accommodating future landuse activities, reverse sensitivity, natural hazards, transport and access, servicing and infrastructure, integration and connectivity, minimum residential densities, urban design, public open space and cultural matters. In this assessment of effects, I have not sought to address each one of these provisions individually because there is a lot overlap between them and with the relevant landuse issues also.
78. While the overall landuse is non-complying I have found it useful to consider the matters of discretion to assist in identifying and assessing key resource management matters.
79. The key effects are considered to relate to: Human Health; Earthworks and Construction; Geotechnical, Servicing, Stormwater Management and Flood Management, Management of Public Open Space to Vest; Effects on the NZTA, Timber Yard and Sparks Garden Road; Transport; Days Drain; Cultural Values; General Subdivision Matters; Comprehensive Residential Development on Lots 2 to 10 and 13; and Mixed Use Development on Lot 1 and 12.

### Human Health

80. In summary, Ms Stout<sup>33</sup> considers that the contaminated land in the commercial area (as a result of a former sheep dip) can be suitably managed during the construction process to protect human health. She agrees with the applicant that full remediation of the commercial land is not required on the basis that the site will be built over and paved and there will not be any ability for contact with soils. A site Contamination Management Plan is proposed in the application<sup>34</sup>. Conditions are recommended for the subdivision and the landuse to this effect. No other areas of the site are considered contaminated in so far that the relevant guideline values are met (i.e. near the existing dwelling). Construction phase conditions are required to manage contaminated material.
81. I accept the above and consider that the effects on human health are less than minor.

### Earthworks and Construction

82. Construction effects are normal to any urban development in greenfield areas and can be reasonably expected to some extent. The application has proposed a number of controls and measures to mitigate effects on the environment. This includes implementation of erosion and sediment control plans, a traffic management plan and complying with construction phase noise limits in the District Plan relating to earthworks. These are all measures that are supported or required by the various Council experts including Ms Yvonne McDonald, Mr Calvert, Mr Norton and Mr Burrell for environmental, amenity, transport, stormwater and ecological reasons.
83. Ms Yvonne McDonald has assessed the earthworks associated with the subdivision and has not identified any localised or nuisance drainage concerns for this proposal in respect to neighbouring land due to earthworks (especially filling)<sup>35</sup>. I also consider that a condition is required to maintain general drainage patterns and ground levels established through the subdivision for future building development as that matter is not

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<sup>33</sup> Paragraph 12 to 25, Appendix 1.

<sup>34</sup> Appendix 15, Original Application

<sup>35</sup> Paragraphs 54 to 64, Appendix 5

clearly controlled through the proposed plans and proposed draft conditions by the applicant<sup>36</sup>.

84. The filling of sites at the subdivision stage increases the permitted building height on that land for any future landuse on the development lots. No development lots adjoin neighbouring properties to the west, east and north. This is only a consideration to the south where the site adjoins Milns Park and 51 Milns Road (Lots 7 to 10 and 13). The fill in proximity to the neighbouring residential land is generally no greater than 0.5m. This depth of fill still allows a 1.8m height fence to be constructed on the fill at the boundary while complying with recession plane standards which start at 2.3m at the boundary on the lower level. Milns Park have consent to fill the lower lying areas of their site in some areas near this boundary up to a similar depth<sup>37</sup>. A 1.8m fence would help to help to minimise the potential for overlooking from the finished ground level. If Lots 7 to 10 and 13 were developed with an alternative design to that set out in that set out in the application I am satisfied that the built for standards of the RNN would be sufficient to protect the amenity of adjoining residential land.
85. For the earthworks (and setting aside issues relating to the waterway), I do not have any significant concerns relating to relating to cultural, heritage and ecological matters as the site is not in an identified area of significance under Chapter 9 of the District Plan.
86. I consider that the effects of the earthworks and construction activities are less than minor.

## Geotechnical

87. Ms Y McDonald, has assessed the geotechnical reports<sup>38</sup> associated with the Original Application and Planning Addendum<sup>39</sup> including a peer review. She acknowledges that the geotechnical assessments are based on the accepted guidelines for liquefaction management<sup>40</sup>. While acknowledging that there is some variation to the method used to categorise the land to that set out in the guidelines, she has not raised any fundamental concerns. She identifies that the land is able to achieve the equivalent of a technical category 2 (TC2) status which is set out as the minimum requirement under the guideline<sup>41</sup>. She also identifies that the lateral spread risk for neighbouring properties in respect to the realigned Days Drain will not increase the risk for neighbouring land. Ms Y McDonald has recommended conditions to construct infrastructure to vest in Council to a standard that is resilient to earthquake damage under the IDS, to confirm the TC2 equivalent land status and for a specific foundation design to protect future buildings from earthquake risks. Ms Y McDonald, considers that any adverse effects as a result of the geotechnical risks will be mitigated, avoided or remedied and there will be no adverse effects on neighbouring properties. I adopt that conclusion.

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<sup>36</sup> Attachment 13, Planning Addendum

<sup>37</sup> Resource Consent RMA/2016/3384

<sup>38</sup> Technical Report 7: Geotechnical Assessment, Tonkin and Taylor dated December 2017; *Geotechnical Report Peer Review, Geotechnical Consulting* dated 28 November 2017; and *Addendum Geotechnical Assessment*, Tonkin and Taylor, dated October 2019.

<sup>39</sup> Paragraphs 10 to 53, Appendix 2.

<sup>40</sup> Including Ministry of Business, Innovation & Employment *Guidance Repairing and Rebuilding Houses affected by the Canterbury Earthquakes*, Issue 7, October 2014 (MBIE Guidance update Issue 7 October 2014). The Guideline is considered acceptable because it has been prepared by MBIE to align with what is anticipated under page 18 of Land Use Recovery Plan LURP).

<sup>41</sup> At paragraph 28, Appendix 5, Ms McDonald identifies that there is a preference for residential building platforms to achieve a higher level of protection to TC1 equivalent status however TC2 equivalent status is acceptable where it is not economic or practical



## **Servicing**

88. The applicant has generally demonstrated that the development lots are capable of being serviced for telecommunications and electrical for the needs of future residents in Appendix 5 of the Original Application.
89. Ms M McDonald, has reviewed the application from the perspective of sewer and water<sup>42</sup>. She considers that the necessary connections can be made for sewer and water to neighbouring development in accordance with the development requirements of the North Halswell ODP<sup>43</sup> which makes provision for connectivity to neighbouring sites. The applicant has acknowledged that the outfall for sewer relies on crossing land within the ownership of Spreydon Lodge<sup>44</sup> and Ms McDonald recommends an easement in gross to cover the pipe should a route not be available via legal road. Ms M McDonald recommends conditions around the installation of the water and sewer supplies within the roads. In addition Ms M McDonald has recommended a condition setting out how the water and sewer supplies need to be provided within the respective developments lots should that development establish prior to further subdivision to create titles for sites containing individual residential units.
90. Mr Norton has commented on the wider stormwater system below to which development lots will discharge too as outlined in the section below.
91. Ms Y McDonald has recommended general engineering conditions to help manage the overall detailed engineering design process under the IDS<sup>45</sup>.
92. The effects of servicing within this application are, in my opinion, less than minor including for neighbouring landowners and developers.

## **Stormwater Management and Flood Management**

93. Mr Norton has review the application and submissions in respect to stormwater management, flood management and groundwater<sup>46</sup>. Mr Norton considers that that the proposal is generally consistent with the Council's guiding documents, standards, strategies and management plans relevant to the management of stormwater and flooding and that:
  - i. The proposed development is able to remedy and mitigate downstream flooding effects within the FMA (including for 0.5% and 2% AEP events) through a combination of conveyance network improvements, filling of land to protect dwellings and shaping of land to create secondary flow paths for stormwater.
  - ii. The flooding effects of the development on downstream properties will be adequately mitigated by the development of onsite and offsite storage systems, and that if offsite storage systems are not available at the time of development that the applicant has an acceptable scheme to provide temporary mitigation entirely within the application site.
  - iii. The filling, shaping of land and development of the site will avoid or mitigate adverse drainage or flooding effects on adjacent properties.

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<sup>42</sup> Paragraph 9 and 25. Appendix 2

<sup>43</sup> Refer to 8.10.4.D.6.

<sup>44</sup> Draft Conditions in Appendix 13, Planning Addendum

<sup>45</sup> Condition 1, Appendix 5. This approach is considered consistent with Clause 8.3.2 of the District Plan

<sup>46</sup> Appendix 3.

94. I note that at the subsequent landuse consent phase for residential development, minimum floor levels would apply to all buildings in the FMA to protect them from the 0.5% annual exceedance probability flood event<sup>47</sup>. Rather than setting a specific floor level to achieve this, Mr Norton has recommended a condition<sup>48</sup> which sets out that the net site area of development lots in the FMA should be set 250mm above that flood event to make the sites flood free. I also consider that a further condition is required in the landuse consent to ensure that these levels are maintained at the time of building development. The stormwater network provided in this application would be accessible to all activities proposed on the application site. Effects on the submitters in relation to drainage and stormwater are dealt with below. Based on Mr Norton's assessment I am satisfied that the development requirements in the North Halswell ODP relating to stormwater are met<sup>49</sup>.
95. I consider that the effects of the proposal on flooding and downstream properties and the effects on future occupants and owners from flooding are less than minor.

### **Management of Public Open Space to Vest**

96. In summary, Mr Wedge has assessed the application from the perspective of the Reserves Act and to ensure that any proposed landscaping on public open space (reserves and roads) is appropriate to vest as an asset in Council. Mr Wedge considers that the Scheme Plan appropriately categorises the reserves to vest. He has reviewed the landscape plans and has recommended some minor changes to proposed species and the replacement of a fence adjacent to Lot 54 (recreation reserve) with bollards. I understand from my discussions with Mr Bonis that there are no fundamental concerns with these changes. Mr Wedge has also outlined that there should be a shared path through the stormwater reserve to eventually connect to the Quarryman Trail on Sparks Road to accord with the development requirements of the North Halswell ODP<sup>50</sup>. I have address this matter under Transport below.
97. The main area of concern raised by Mr Wedge is the use of Lot 56 (Local Purpose (Utility) reserve) for outdoor seating associated with the café on the northwest corner of the supermarket. He considers that entering into an agreement to use the outdoor seating area would be contrary to the classification of the lot under the Reserves Act. He has instead recommended that the lot be transferred to Council's ownership as a fee simple allotment. He acknowledges that to then use the land would be subject to a separate application to apply for a lease outside of this application process. With the application in its current form, I do not consider that it is appropriate to rely on the outdoor seating in the overall assessment of the application.
98. Mr Wedge is supportive of a 'public' playground within private land on the 'Common' (associated with the pool on Lot 5) provided that it remains open to the public.
99. Mr Wedge as recommended conditions of consent however these do not specifically address the changes to the landscaping that he has sought in the assessment. I therefore recommend conditions (or changes) to amend the proposed Landscape Plan and Days Drain Plan to accommodate Mr Wedge's assessment.

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<sup>47</sup> Policy 5.2.2.2(e)

<sup>48</sup> Condition 21, Appendix 3

<sup>49</sup> Refer to Clause 8.10.4.D(5).

<sup>50</sup> Refer 8.10.4.D4(g).

100. I am satisfied that the effects on Council relating to the maintenance of reserves and landscaping of public open spaces are less than minor.

### Effects on the NZTA

101. The NZTA submission outlines that they do not have a fundamental issue with the new intersection (controlled by lights) where Road A connects to Aidanfield Drive and Halswell Road. They have requested a condition requiring the detailed design of the intersection be agreed with themselves, the applicant and Council. Appendix 13 of the Planning Addendum adopts this condition as part of the proposal.
102. Reverse sensitivity is also a relevant consideration for the State Highway. The NZTA has sought conditions which seek to require the acoustic insulation of dwellings to protect future residents from the effects of noise. The applicant has accepted those conditions and has included them in Appendix 13 of the Planning Addendum. Since that submission, the Planning Addendum has sought to reduce the proposed width of the reserve along Halswell Road from 20m to 10m. I consider that it would be appropriate to allow the NZTA to comment on this further should they seek to do so.
103. Ms Stout does not outline any fundamental concerns with the subdivision layout from an amenity perspective and notes that insulation to the dwellings would provide protection from noise from the State Highway<sup>51</sup>. The State Highway is already substantially fronted by residential development to the north and south, mitigation is proposed and there is limited frontage available for residential development within this application site.
104. Under the District Plan, reverse sensitivity means ... *the effect on existing lawful activities from the introduction of new activities, or the intensification of existing activities in the same environment, that may lead to restrictions on existing lawful activities as a consequence of complaints*. Even with the proposed mitigation in the form of a buffer reserve and acoustic insulation to residential units, it is not possible to guarantee that there will be no complaints about the noise from the State Highway network. However the road is already substantially fronted by residential development to the north and south within Halswell and the proposal would not significantly add to the pool of persons who could potentially complain about road noise. In any instance, the operations of the State Highway are protected by way of a designation under the District Plan (refer to figure 12.4, Appendix 12) and any noise complaint would have a limited impact on the operations of the NZTA. In my view potential reverse sensitivity effects would more likely relate to pressure on the NZTA to reduce the speed limit from 80km/hour to match that in other urban areas to the north and south. The NZTA in their submission seem to accept that in time the reduction is likely. I consider that the effects on the NZTA are avoided.

### Effects on Timber Yard

105. The matters of discretion under Rule 15.13.4.3.3 Design and Amenity (a)(viii), requires the consideration of the *extent* to which development ... *recognises and enables existing landuse activities to continue while managing effects on those activities*. In the context of this application these considerations are generally limited to the timber yard. Halswell Timber have identified the potential for reverse sensitivity and drainage effects but they have not described the potential effects in detail or the nature of their existing operations.

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<sup>51</sup> Paragraphs 44 to 48, Appendix 1.

- Halswell Timber may seek to comment on the proposed changes to the application further.
106. Halswell Timber were supportive of piping the waterway in the original application but want to ensure drainage is adequately catered for. Mr Norton<sup>52</sup> sets out how drainage can be managed for the timber yard which would include extending existing discharge pipes from the timber yard into Days Drain. I have no concerns that the applicant now intends to maintain an open waterway through Lot 1 as this is what is anticipated in the ODPs. The open waterway would adjoin outdoor and indoor storage areas.
107. In terms of reverse sensitivity effects, Halswell Timber has not set out how the proposal would impact on their operations. A number of landuse consents have been issued for the operation of the timber yard, the latest being to extend the timber yard with the addition of a storage shed near the north boundary of the application site<sup>53</sup>. I have undertaken an assessment of matters in this application which could impact on the activities of the timber yard below. Given the changes to the proposal, I consider that it would be appropriate to allow Halswell Timber to comment on the proposed changes further should they seek to do so.
108. The buildings on Lot 12 are laid out so that the service areas of the buildings back onto the timber yard making it less sensitive to noise and visual impacts relating to the timber yard. Mr Knott, Urban designer for the applicant outlines that this is a noisier part of the timber yard activity used for sawing and is a more appropriate design response than a naturalised water corridor available for public use<sup>54</sup>. Noise sensitive activities (child care centre and residential) are located away from the timber yard and do not directly face its boundaries. The remainder of the timber yard which is used for storage is fronted by Days Drain and the adjacent supermarket (including offices and café) and car parking areas.
109. When viewed from the south, the timber yard is currently unscreened with outdoor storage, industrial buildings and an operational extraction fan visible. Ms Dray identifies that larger native shrubs and trees would be located on the upper banks of the waterway, against the shared fence and that the proposed tree and shrub selection will be generally suitable for screening the timber yard<sup>55</sup>.
110. Ms Stout has assessed noise effects associated with the timber yard<sup>56</sup>. She sets out that the noise generated by a dust cyclone belonging to the timber yard would now fall across the boundary into a car parking space (including across the open section of Days Drain). She sets out that the noise levels measured indicate that the noise of the cyclone exceeds 55dB<sub>L<sub>Aeq</sub></sub>, the District Plan daytime noise standard at the boundary of the application site. She is supportive of the measures the applicant is proposing with the timber yard to reduce noise emissions from the cyclone. The acoustic report in the Planning Addendum<sup>57</sup> sets out that mitigation should be provided to ensure that the cyclone does not exceed 65 dB <sub>L<sub>Aeq</sub>(15 min)</sub> but 60 dB <sub>L<sub>Aeq</sub>(15 min)</sub> is preferable. Ms Stout prefers a level of 60 dB <sub>L<sub>Aeq</sub>(15 min)</sub> as it will offer improved amenity for the users of the planned public outdoor pathways and spaces as well as better protection of the residences situated further away.

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<sup>52</sup> Paragraph 91 and 92, Appendix 3

<sup>53</sup> Land use Consent RMA/2015/2955

<sup>54</sup> Paragraph 2.7, Attachment 8, Planning Addendum

<sup>55</sup> Paragraph 34, Appendix 8

<sup>56</sup> Paragraph 40 to 42, Appendix 1

<sup>57</sup> Attachment 12, Planning Addendum

111. Notwithstanding the above Ms Stout considers that the noise from the cyclone will be audible in the public open spaces and is of an industrial nature that would not normally be expected to be present in commercial areas. She considered that the level of noise does not pose a health risk but it is likely to be noticeable. I would expect that other general noise from timber yard activities would also be audible from other industrial activities on the site also.
112. In respect to dust, Ms Stout considers<sup>58</sup> that the cyclone is the principal piece of dust mitigation technology for the timber mill and has a permit to discharge to air from Environment Canterbury. She identifies that conditions of that consent require that wood waste shall not cross boundaries.
113. From my perspective it is not ideal that the café with outdoor seating and the proposed Green Corridor linking to the Main Street in the Commercial ODP overlooks/adjoins the timber yard. While it is located away from the cyclone fan, I understand it would still be audible along with other general noise from the industrial activity. Landscaping is unlikely to fully screen timber yard activities (i.e. the sheds and outdoor storage areas) and this is especially the case during the establishment phase. This area will be less amenable for what is intended to be a highly pedestrianised environment in the future.
114. Halswell Timber have not raised any concerns with the intersection upgrades proposed on Halswell Road in their submission. Mr Calvert identifies that access to the timber yard would be maintained but likely in a modified form. Road F would not be available for use for the timber yard as the point strip is intended to prevent access to the commercial centre for their industrial traffic.
115. I consider that the effects on the timber yard from a subdivision perspective will be no more than minor and not significant from a landuse perspective.

### Effects on Sparks Garden Road

116. Mr Norton has specifically responded to the concerns of Sparks Garden Road regarding stormwater and groundwater<sup>59</sup>. Mr Norton considers that:
  - i. With the full system functioning, the peak discharges from the developed site in the critical 2% AEP storm will be less than the predeveloped (greenfield) flow rates. The full mitigation system will not exacerbate and will actually reduce the effects of flooding that exists historically in Hendersons Basin.
  - ii. For the interim period prior to commissioning of the full stormwater system, the applicant proposes to provide additional temporary onsite storage to control peak flows back to pre-developed rates for all storms up to and including the 2% AEP storm of 36-hour duration. I consider that these measures will ensure that flooding over the submitter's land will not be exacerbated by the development.
  - iii. Mr Norton does not consider that the proposal will increase groundwater levels because of the stormwater management and that it could result in a slight reduction of ground water levels.
  - iv. The submitter identifies that an enhanced system that detains water in 1 in a 100 year event should be applied however Mr Norton considers that this is unnecessary along with rainwater tanks.
117. From my perspective it is not the responsibility of the applicant to mitigate all effects from stormwater and groundwater on the submitter's operations, just the effects that

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<sup>58</sup> Paragraph 59, Appendix 1

<sup>59</sup> Paragraph 80 to 92, Appendix 3

relate to this proposal. Based on Mr Norton's assessment I do not consider that there will be any adverse effects on Sparks Garden Road.

## Transport

118. Mr Calvert has assessed the application from a transportation perspective. In summary Mr Calvert considers:

- i. Transport modelling undertaken as part of the rezoning proposal supports the option of a signal controlled cross-intersection with Aidanfield Drive, both in terms of efficiency and safety. It is anticipated under the North Halswell ODP.
- ii. The separated cycle route on Road A needs to be on the south side of it to avoid the busy vehicle accesses associated with the commercial area – this is now proposed by the applicant but not illustrated in the proposed plans. The safety of the original route was also raised by Spreydon Lodge in their submission.
- iii. The proposed transport network would be compliant with the access and transport and access provisions on the Halswell North ODP<sup>60</sup> including the provision of collector roads through the site (Road A and associated traffic lights, Road B and Road C) with some exceptions and/or integration issues identified:
  - a. A collector road, to run north from Milns Road does not include a separated cycle path to match that provided in this collector through Milns Estate. He considers that this can be resolved via conditions of consent and the detailed design process.
  - b. The road alignment of the collector road (Road B) needs to align with that in the Spreydon Lodge land.
  - c. A direct cycle linkage is required through the stormwater and recreation reserves to allow a connection to the Quarryman's Trail and to connect to the KAC. It would rely on the continuation of this link through the neighbouring land to the east to connect to Sparks Road.
- iv. The Integrated Transport Assessment and preliminary design road safety audit does not raise any safety issues that cannot be addressed at the detailed engineering design phase.
- v. The vesting of Road F would enable a future public bus route as outlined in the Commercial ODP and the ECan submission and assuming that the timber yard is redeveloped. In the interim the bus routes are likely to continue along Halswell Road and bus stops will likely need to be relocated as a result of this proposal for the new intersection.
- vi. The proposed plans do not illustrate urban road frontage upgrades along Halswell Road and this will need to be provided (including a shared 2.5m path) for amenity and safety reasons for pedestrians and cyclists.
- vii. The safety and design of the four pedestrian crossing points on Road A may need to be revised at the detailed engineering design phase under conditions of consent.
- viii. Road F is required by the Commercial ODP and thus should be provided despite the concerns raised by Spreydon Lodge that its continuation through the timber yard is unlikely to happen in the foreseeable future.
- ix. Road F is misaligned with the continuation of the road carriageway into the Spreydon Lodge land. The continuation of that road (existing) in the Spreydon Lodge land is aligned so that the future western footpath and any amenity strip is

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<sup>60</sup> Refer to 8.10.4.D(4), Specifically, I consider that only items b and c in paragraph (iii) are non-compliances with the development requirements of the ODP.

- provided over the access leg to timber yard. It would need to take an awkward angle across the timber yard road to be suitably realigned.
- x. Identifies that the new intersection on Halswell Road would require solid medians at the approach but care will be required to ensure that existing access to Halswell Timber is not unduly compromised.
  - xi. The Landscape Plan does not show the island on Road A preventing right turns at Road D.
  - xii. No issues have been raised in respect to vehicle crossing from mixed use development on Lots 1 and 12.
119. I consider that the recommended changes by Mr Calvert are necessary to support the needs of future residential/occupants, prevent safety issues arising and prevent integration issues arising between developments. I consider that it is reasonable to expect the realignment of Road F to occur within the application site and not Halswell Timber. A road carriageway has already been formed on the Spreydon Lodge land which would align with the east boundary of the access leg of the timber yard. In time I consider that it is probable that a footpath would be formed on the access leg to serve the small landholding to the south when it is developed. In respect to the connection of the collector road (Road B) with the Spreydon Lodge land, it is reasonable to expect the Spreydon Lodge land to provide road that aligns with Road B as they do not yet have a subdivision or landuse consent that has a direct connection to the application site. In respect to the proposed cycle link to Quarrymans Trail, this is considered a development requirement of the North Halswell ODP<sup>61</sup> I consider that it is reasonable to impose as a condition of consent on the basis that there is no provision for cyclists to exit the subdivision to the east.
120. Subject to the above amendments, Mr Calvert's assessment does not raise any safety or efficiency concerns for the internal parking layout and crossings of any of the of the mixed use commercial development in Lots 1 and 12. However he does consider that:
- i. Conditions are required to ensure compliance with cycle parking requirements in the District Plan.
  - ii. The required number of mobility car parking spaces should be provided and he understands that the applicant is supportive of recommending a condition to achieve compliance with the requirements of the District Plan<sup>62</sup>.
121. My only other comment is that the overall number of car parks provided in this application is sufficient to meet the requirements in the District Plan for car parking associated with all activities. I have outlined Mr Calvert's assessment of relevant transport matters for the residential activities within Lots 2 to 10 and 13 later in this report.
122. Based on the current application, I consider that the transportation effects of the proposal would be at least minor for safety, efficiency and integration reasons. However if the above recommendations are adopted I accept that transportation effects would be less than minor.
123. Note: In this report I referred to the recommended changes set out by Mr Calvert under the description of 'transport integration' issues. For clarity this does not include issues raised relation to the Green Corridor and or the absence of a pedestrian connection through Lot 12 due to the piping of Days Drain.

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<sup>61</sup> Refer to development requirement 8.10.4(4)(g) of the North Haswell ODP.

<sup>62</sup> For this reason I have not identified any non-compliances with mobility spaces.

## Days Drain

124. Days Drain is a network waterway under the District Plan. Policy 6.6.2.1.2 sets out the functions of the setback for that waterbody type relate to buffer zones, flood management, improving water quality, riparian planting where possible, maintenance access and hazard protection and where feasible creating or enhancing ecological corridors. Under the subject policy the identified functions of the waterway are much less than other waterways. For example the functions of the setback from the waterway for downstream and upstream waterways include supporting customary uses (including mahinga kai).
125. The ODPs require that the waterway should be enhanced along its entire length. There does not seem to be any disagreement between the applicant and Council experts that this is to accommodate the improvement of a wide variety of values associated with the waterway including ecological, natural, cultural, landscape, recreation and public access. The North Halswell ODP (as supported by the Southwest Area Plan<sup>63</sup>) does however identify a strong stormwater conveyance function which could compromise some of those values. In the North Halswell ODP, Days Drain is an identified conveyance route for stormwater on route to treatment at a wetland facility at 270 Sparks Road.
126. The enhancement and naturalisation of approximately 680m of Days Drain and its placement in public open space would have a positive effect on the environment. I consider that the various crossing points (roads and pedestrians) are anticipated elements to support urban growth under the zoning and only impact on short sections of the waterway. The piping of Days Drain through Lot 12 is not permitted by the District Plan but has been comprehensively assessed by the applicant in the Planning Addendum and by Council Officers.
127. Mr Burrell has assessed ecological matters for Council<sup>64</sup> and while he acknowledges that ecological values may be low, it is still important to maintain waterways for a number of reasons<sup>65</sup>. Mr Burrell utilises a method under Chapter 9 of the District Plan<sup>66</sup> to assess the net gain of ecological enhancement for the retained waterway as a means to offset the loss of the biodiversity from the piped waterway<sup>67</sup>. As the waterway is not a site of ecological significance under the District Plan, the provisions of Chapter 9 do not strictly apply here. However, I consider that it is useful tool to assess the ecological effects of the application. Based on this assessment Mr Burrell is satisfied that effects of piping from an ecological perspective are adequately offset by the additional area of waterway enhancement downstream<sup>68</sup>. He has also made recommendations which are consistent with what is proposed in the application in respect to erosion and sediment control during construction, finalising the design of the waterway following proposed principles, fish salvage during construction and fish passage during all phases of the development.
128. I adopt Mr Burrell's assessment from an ecological perspective. From a planning perspective and on ecological matters, I am less concerned about the piping of this section of the waterway because it does not fragment a separate open channel of

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<sup>63</sup> Refer to Maps 2, 3 and 5 of the South West Area Plan.

<sup>64</sup> Appendix 4.

<sup>65</sup> Paragraph 25, Appendix 4.

<sup>66</sup> Appendix 9.1.6.5.

<sup>67</sup> Paragraph 22 to 30, Appendix 4.

<sup>68</sup> Paragraph 53, Appendix 4



waterway into two sections and can be seen to create a naturalised headwater for some 680m of enhanced waterway through the application site.

129. Mr Norton does not raise any material concerns with the proposed waterway enhancement and piping from a stormwater and asset perspective<sup>69</sup>. He has considered its formation, the requirement for enhancement under the North Halswell ODP and the relevant background documents that are referenced in the District Plan. He is of the view that the proposal is consistent with the 'intent' of the North Halswell ODP<sup>70</sup>. I accept Mr Norton's assessment as it relates to stormwater infrastructure matters.
130. The North Halswell ODP (and South West Area Plan) provide for a naturalised waterway and open space connection for the enjoyment of the public directly to Halswell Road. For this reason I have sought the views of Ms Dray's landscape perspective on piping the final 100m of Days Drain<sup>71</sup>. She expresses the view that the removal of a waterbody from any area removes the potential to appreciate the waterbody for its natural patterns and processes, Ms Dray considers and that the removal of Days Drain as a recreation and water corridor removes the ability to interact with the waterbody, in addition to removing potential sightlines. She considers that the presence of the underlying waterway which traverses under the retail area at the Halswell Road frontage should be referenced through methods such as building design, paving design, signage, and planting schemes.
131. To achieve this outcome, I do not consider that it is necessary to set more land aside as public open space within Lot 12 at the time of subdivision. However there should be a landscape gesture to the waterway along a pedestrian route through Lot 12 to reflect this. It's a relevant consideration for subdivision under the matters of discretion including at Rules 8.8.8 and 8.8.9. Mr Lonink is of a similar view in his consideration of the commercial area and recommends a wider path immediately to the south of the building<sup>72</sup>. This approach need not conflict with some of the noisier timber yard activities which was a concern of Mr Knott, Urban Designer for the applicant<sup>73</sup>.
132. I have addressed cultural issues below but note that the enhancement of the waterway and any springs within it help accommodate cultural values. There are no known springs in the section of the waterway to be piped.
133. The effects of the subdivision and associated works on the waterway are generally positive except in relation to the piping of the final 100m of it. I consider that any adverse effect from the piping is no more than minor, however I consider that it is appropriate (as part of any landuse consent) to require a landscaped pedestrian corridor through Lot 12 that references the waterway.

## Cultural Values

134. The original application was referred to Mahaanui Kurataiao Ltd (MKT) on behalf of Te Ngāi Tūāhuriri Rūnanga (prior to notification). The key recommendations from them are summarised<sup>74</sup> below:

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<sup>69</sup> Paragraphs 47 to 66, Appendix 3.

<sup>70</sup> Paragraph 66, Appendix 3

<sup>71</sup> Paragraph 20 and 21, Appendix 8

<sup>72</sup> Paragraph 68 to 71, Appendix 10

<sup>73</sup> Paragraph 2.7, Attachment 8, Planning Addendum

<sup>74</sup> Email dated 13/02/2018

- i. Follow an Accidental Discovery Protocol consistent with Appendix 3 of the Iwi Management Plan (IMP).
  - ii. To enable protection and potential enhancement of indigenous biodiversity, it is recommended that proposed planting consists of appropriate indigenous planting. This should apply to the landscaping along Days drain also.
  - iii. The Kaitiaki recommend that the stormwater treatment approach should be multi-tiered, (not just a first flush system) before any discharge into waterways. The quality of the discharge needs to be high. It should involve a wetland.
  - iv. Given the scale of the development, the Kaitiaki recommend that a Cultural Impact Assessment (CIA) be undertaken as per P4.2 of the IMP either as part of the application or as a condition of consent and prior to works commencing.
135. Items (i) and (ii) are already accepted by the applicant and/or can be addressed via conditions of consent. I don't take item (ii) to mean that all planting in the subdivision should be indigenous although perhaps it should be better clarified through conditions of consent what is required for the Days Drain downstream of the commercial area in terms of indigenous planting.
136. In respect to item (iii) and at a broad scale I consider that the treatment of the stormwater system from the site would involve wetland treatment as well as first flush treatment. However the wetland is downstream of the application site at a Council facility at 270 Sparks Road and there would be a discharge into Days Drain for conveyance to that wetland. While the discharge into the waterway would conflict with cultural values, the proposed treatment system is provided for in the development requirements of the North Halswell ODP<sup>75</sup>. The overall enhancement of the waterway is not far removed from what is anticipated in the ODP and there are no known springs in the section to be piped which would otherwise need to be protected under the North Halswell ODP<sup>76</sup>.
137. In respect to item (iv), I am not an expert on cultural values and their relationship to the IMP. Mr Bonis has earlier outlined his opinion in his evidence<sup>77</sup> submitted for a notification meeting and sets out his opinion that it is not necessary to provide a CIA but if the consent authority remains unsatisfied and can justify its approach, the requirement for a condition would be accepted for a CIA to be provided prior to works.
138. In the absence of any submission from MKT and since the Planning Addendum has been lodged I have sought further comment from MKT on this matter. At the time of writing I had not received a response. My considerations on cultural matters are as follows:
- i. As the land use application is non-complying it is appropriate to consider cultural values.
  - ii. The land is not subject to any identified sites of Ngāi Tahu Cultural Significance under Chapter 9.5 which have specific consenting requirements and associated objectives and policies.
  - iii. The District Plan has been prepared in the knowledge of the IMP. My review of other objectives and policies in the District Plan<sup>78</sup> which directly relate to cultural values for this application leads me to a view that the Plan seeks to reflect or provide an opportunity to incorporate cultural values in the design of urban

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<sup>75</sup> Development Requirement 8.10.4D(5).

<sup>76</sup> Development Requirement 8.10.4D(5).

<sup>77</sup> Paragraph 24

<sup>78</sup> Objective 14.2.4, Policy 14.2.5.7(a)(i), Objective 15.2.4(a)(v), Policy 15.2.4.4, Policy 8.2.2.2(a)(iii), Policy 8.2.2.2(a)(iii) and Policy 8.2.2.4(vi)

- development as opposed to an absolute protection of those values or avoidance of adverse cultural effects from urban development<sup>79</sup>.
- iv. In the context of strategic objective 3.3.2 of the District Plan, land owners should have a degree of certainty that land can be developed in a manner anticipated by the zoning in chapters 8, 14 and 15 and the associated ODPs.
  - v. MKT employ planning experts to assist in the consultation process with Rūnanga and who would be aware that there would be limited ability to materially change a proposal through a CIA and then mitigate effects, once a consent is approved.
139. Based on my assessment of the objectives and policies District Plan and the way it addresses cultural values, I am of the view that the effect on cultural values would be no more than minor. I do not consider that it is necessary to provide a CIA.

### Other General Subdivision Design Matters

140. I have considered the general subdivision design in terms of the matters of control and discretion at Rules 5.5.2 C1, 8.7.3, 8.7.4, 8.8.7, 8.8.8 and 8.8.9 as required for this application and including those matters of discretion contained in the North Halswell ODP. Because the main purpose of the subdivision is to create development lots and not the consequent subdivision of titles for individual residential sites, many of these matters are less relevant. I comment on the other general subdivision matters not addressed above here:
- i. The misalignment of the KAC/zone boundary with the boundary of lots does not prevent zone appropriate activities establishing on any proposed lots or adjoining land.
  - ii. Consent notices are proposed to ensure that future landuse consent proposals would meet the density target of 15 dwelling per hectare pursuant to Policy 8.2.2.8<sup>80</sup>. I recommend that the wording of the proposed consent notices are altered so that the residential yield for each development lot is clearly identified in the conditions as opposed to the current proposal which sets out the anticipated residential yield for groups of development lots.
  - iii. The staging follows a relatively logical progression noting that the first stage (Lots 1, 12, Road A, Road B and Road F) will be created at the same time as a stormwater facility needed to support development.
  - iv. If the proposed landuse consent does not progress, low density residential could be developed on the portion of Lots 1 and 12 zoned RNN as a permitted activity<sup>81</sup> which would not be appropriate under Appendix 8.10.4C(x) which requires higher density housing to be focused around the KAC. I consider it appropriate to impose an on-going condition on the subdivision consent to address this.
  - v. The subdivision also does not propose a legal tool that secures a 'Green corridor' as per the Commercial ODP which directly aligns with the Main Street. Mr Lonink considers that this is a very important matter for the success of the Main Street<sup>82</sup>. While I agree that it is very important based solely on the ODP drawing and supporting provisions under Chapter 15, at the time of subdivision and for a vacant lot subdivision, it is difficult to establish exactly what physical and legal form it should take without understanding the landuse proposal. I consider that this is better resolved when considering the landuse activity on Lot 1 and with regard to the matters of discretion at Rule 15.13.4.3.

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<sup>80</sup> Appendix 13, Planning Addendum

<sup>81</sup> Pursuant to Rule 14.12.1.1 P1.

<sup>82</sup> Paragraph 43, Appendix 10

- vi. For the RNN zone under Rule 8.8.9.1 Integration, context and placemaking (RNN zone only): Mr Lonink considers that all the collector and local roads connect up well with the surrounding subdivision developments<sup>83</sup>. He considers that almost all the proposed development lots shown for residential part of the development are highly walkable with an average block perimeter below 800<sup>84</sup> metres. The only block that he considers is not sufficiently broken up is the block comprised of Lot 9 and 10. To resolve this he recommends a pedestrian/cycle connection to the neighbouring lots near the intersection of Road D and E similar to Lot 55.
  - vii. I consider that the additional link is preferable but not critical. The block length along Lots 9 and 10 is approximately 360m long. It is possible that a walkable block of close to 800m could be achieved in the future when 51 Milns Road is developed. The development would also rely on a connection to the adjoining stormwater reserve owned by Council at 235 Halswell Road. Development requirement 8.10.4D1(b) of the North Halswell ODP requires good connectivity for pedestrians and in an overall sense I consider that this has been achieved.
  - viii. For the RNN zone under Rule 8.8.9.1 Integration, context and place making: I consider that the overall layout of the subdivision including its roads and reserves would contribute to a sense of place and consider that most development requirements in the North Halswell ODP are satisfied. The enhancement of Days Drain is particularly important in terms of the North Halswell ODP as it forms part of the existing context set out in 8.10.4.A. The creation of Lots 1 and 12 and the road around it make provision for the KAC which will be focal point for the wider community. As already outlined, I consider that some improvements are necessary at the landuse phase to better accommodate landscaping in Lot 12 to better reflect/mitigate the section of Days Drain that is piped and enhance the pedestrian experience.
  - ix. For the RNN zone under Rule 8.8.9.2 Subdivision design (including provision for range of housing types): The subdivision could accommodate a range of housing designs. In terms of what is proposed in the landuse phase it would be a relatively unique approach to housing that would add to the diversity of housing in a general sense. Many of the provisions under this clause are more relevant for the internal subdivision of the development lots for residential purposes or will be largely addressed via the assessment for the comprehensive residential development rules.
  - x. For the RNN zone under Rule 8.8.9.4 Public Spaces (including interaction between private and public spaces) Ms Dray has reviewed the Landscape Plan and confirms that large trees can be provided in public space. She has recommended a number of initiatives to ensure that trees thrive and has also made a number of minor recommendations in relation to the landscaping of public spaces for practicality amenity and CPTED reasons (including along Days Drain). The recreation reserve is fronted by Road C to allow for a high level of visual integration with the street. Based on Mr Lonink's assessment I am satisfied that the subdivision promotes a cohesive streetscene and neighbourhood.
141. I consider that none of the above matters leads me to the conclusion that the general design of the subdivision will lead to adverse effects that are more than minor for neighbours and the wider environment.

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<sup>83</sup> Paragraph 33 to 48, Appendix 10

<sup>84</sup> This measurement is based on a standard set out in 8.6.11.

### **Comprehensive Residential Development on Lots 2 to 10 and 13.**

142. I consider that the effects of the proposed residential development are internal to the application site. The only development lots that adjoin a neighbouring property are Lots 7 to 10 and 13 which abut the south boundary of the application site. The residential units on those sites are generally larger in size (mostly 400m<sup>2</sup> to 500m<sup>2</sup> in area), and compliant with built form standards in relation to the rear boundaries.
143. The residential development within development lots does not create any non-compliances with the development requirements of the North Halswell ODP. However Mr Lonink does outline some concern around not providing higher density development around the KAC but he considers that this is partly offset by providing higher density apartments in Lot 1.
144. In consideration of the matters of discretion for Rule 14.15.36 Mr Lonink<sup>85</sup> considers that that all dwellings show a high level of residential amenity and that the development provides a wide variety of bedroom number options to cater for the needs of a diverse community. Mr Lonink considers that the provision for privacy is different to what would normally be expected in New Zealand with many living room windows directly fronting onto the shared access, pocket parks and bridle paths with separation provided by narrow landscape strips. Other general comments summarised derived from Mr Lonink's assessment are:
- i. The development suitably engages with streets, lanes and open space.
  - ii. The building form and design will create visual interest.
  - iii. All parking is hidden, screened, or subservient to the main façade of buildings so as to not create a dominance of car parking. The shared space laneways and the bridle paths provide additional amenity/priority benefits for pedestrians and cyclists.
  - iv. Mr Lonink does have a concern around bridle paths as they rely on the maintenance of a 1.2m high hedge which could result in privacy issues with no way of filtering views from the bridle paths. He is concerned that residents may seek to put up a screen or allow hedges to grow higher.
145. Item (iv) is a concern that has also been raised by Ms Dray<sup>86</sup> from a CPTD and practicality perspective and she noting that the bridle paths are only 2m wide and therefore the maintenance of adjoining hedges are critical. For CPTD reasons she has also recommended that these paths be provided with at least one gate as an alternative point of escape with some lighting on bends of the bridle paths for added safety.
146. I consider that conditions of landuse consent can be imposed to manage this. At the time when the development lots are subdivided further, the applicant intends the use of body corporate arrangement to help enforce these measures along with other features that need to be managed in common such as the shared access and pocket parks. I would support that for more effective governance and maintenance of common owned facilities when compared to normal fee simple title arrangements.
147. The applicant has provided shadow diagrams for the longest and shortest day of the year at 9.30am, midday and 3pm<sup>87</sup>. I consider that future residents will receive

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<sup>85</sup> Paragraphs 127 to 149, Appendix 10

<sup>86</sup> Paragraphs 22 to 28, Appendix 8

<sup>87</sup> Page 92 to 95, Attachment 3, Planning Addendum

appropriate levels of sunlight based on my observations of the plans for the shortest day of the year set out below:

*Lots 7 to 10 and 13:*

- i. All residential units on Lots 7 to 10 and 13 sit to the south of a road and have relatively unencumbered solar access from the north.

*Lots 2 to 6*

- ii. At ground level, the living room windows face at least three sides of the building meaning that there is a good ability to receive sunlight at some point during the day especially given that the layouts provide for good northern orientation.
  - iii. Bedrooms at any upper levels are located to take advantage of solar access but sunlight access to bedrooms in the ground level will depend on building orientation. This situation is not unusual.
  - iv. It is likely that quite an extensive area of outdoor living space will be overshadowed. This is not unusual for this style of housing. I consider that it is more important that the living rooms receive sunlight at this time of year.
  - v. For all residents, pocket parks would provide localised opportunities to play or socialise outdoors in direct sunlight. This is important for any sites where outdoor living space may be compromised by overshadowing in winter.
148. I consider that the shared pool house facility will have a positive effect on amenity values as well as the adjoining common with 'public' playground.
149. In respect to the residential activities within development lots, Mr Calvert has not raised any safety or efficiency concerns with the shared access. Mr Calvert considers<sup>88</sup> that the proposed design to locally narrow the laneways to limit speed and provide a shared use space would not create any safety issues for any mode of transport. Mr Calvert's<sup>89</sup> assessment of the comprehensive residential development framework has resulted in garage doors being setback 5.5m from the road frontage where it sits perpendicular to the road. Mr Calvert considers that prevents cars parking in front of the garage and parking over legal road.
150. I consider that the subject residential activity will have a positive effect on the environment that adds to the diversity and stock of housing in Christchurch.

### **Mixed Use Development on Lots 1 and 12**

151. I have already assessed matters for the KAC relating to transport, effects on NZTA and the timber yard, Days Drain and cultural matters and do not repeat them in detail here. A number of the submitters<sup>90</sup>, in respect to the original proposal, have raised concerns with the extent of non-residential activities in the RNN zone and the design of the mixed use commercial development in association with the KAC for a number of inter-related reasons including urban design, ODPs, residential density, vibrancy and amenity, integration and economic. My assessment of these matters is set out below.

#### *Residential Density and Loss of Residential Land*

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<sup>88</sup> Paragraph 40, Appendix 7

<sup>89</sup> Paragraph 46 and 47, Appendix 7

<sup>90</sup> Spreydon Lodge and the Central City submitters.

152. The Halswell Residents Association submission sets out that there is an adverse effect because of the loss of residential land to commercial development. However because the proposal over the entirety of the RNN zone, would achieve a minimum net density of 15 dwellings per hectare I do not consider that there is an adverse effect in this regard.
153. The Halswell Residents Association submission sets out that a multi-level car park would result in a better outcome overall. I do not consider that this matter is relevant to assessing effects or other considerations under section 104 because the purpose of the application is to assess the effects and merits of the current proposal and not to select the best option.

#### *Apartments*

154. Mr Lonink also sets out that it is not possible to assess the merits of the apartment building on Lot 1 as the internal layout is not illustrated except for the corner units which are not representative of other units<sup>91</sup>. I agree that the internal layout of the proposed building needs to be provided to fully assess effects. Mr Lonink does not raise any fundamental issue with the external appearance of the building or its positioning. I consider that it presents a good urban interface to Road B and Days Drain.

#### *Noise*

155. There are three breaches of the noise standards that have been assessed by Ms Stout being from heavy vehicles that cross the zone boundary, vehicle noise, noise generated from the outdoor play area with the childcare centre and noise from cars exiting the cinema after 10pm<sup>92</sup>. To mitigate these effects she considers that it is appropriate to require acoustic insulation to impacted dwellings within the application site. Ms Stout has also recommended conditions as set out in the application documents to deal with the acoustic insulation of building facades and the management of the proposed food and beverage activities and acoustic treatment to mechanical equipment.<sup>93</sup>.

#### *Anticipated Activities*

156. From an economics effects perspective, I am not concerned about the residential and community activities (and associated car parking) establishing on Lot 1. Residential activities are permitted in either zone. While the scale of the proposed community activities are much larger than those permitted for the RNN zone, I consider that these proposed uses are anticipated under Chapter 14 (including Objective 14.2.6 and Policy 14.2.6.2). In addition the description of the role of District Centres in Policy 15.2.2.1 includes community facilities that are within 400m of the Commercial Centre.
157. I also note that a gym and cinema of up to 200m<sup>2</sup> GFA each could establish within the RNN zone as a permitted activity. However the proposed activities are much larger than this and I do not consider them to be readily anticipated as they are not a community activity.

#### *Encroachment of Commercial Activities*

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<sup>91</sup> 113 to 116, Appendix 10

<sup>92</sup> Paragraphs 26 to 37, Appendix 1

<sup>93</sup> Conditions 7 to 13, Appendix 1.

158. In total there is approximately 1.9ha and 2ha of land within Lots 1 and 12 and Road F that is within RNN and CC zones respectively. Much of that land is utilised in association with the residential and community activities which in my view sit comfortably in either zone. In terms of the encroachment of commercial buildings approximately 710m<sup>2</sup> GFA of the supermarket would lie within the RNN zone and approximately 70m<sup>2</sup> GFA of the gym<sup>94</sup>. All other buildings for commercial activities (retail and cinema Lot 12) are entirely located within the CC zone.
159. However all commercial uses rely on car parking that substantially encroaches into the RNN zone. It is difficult to quantify the exact extent of car parking associated with non-residential and non-community activity given that there is a large shared pool of car parking spaces and the intent of the application is not to provide the minimum number of spaces under the District Plan. If the required number of car park spaces was provided under the District Plan without any reduction factor<sup>95</sup> nearly every space in the car park area could be allocated to the supermarket, retail, cinema and gym (449 spaces required and 452 spaces available). However applying the reduction factor would result in a requirement for 288 car park spaces for the retail, cinema, supermarket and gym. With approximately 158 spaces available within the CC zone<sup>96</sup>, approximately 130 of those required spaces would extend into the RNN zone. However taking into account the 62 spaces required at the reduced rate for the apartments, childcare facility, and the health care facility there would remain approximately 102 additional car park spaces available in the RNN zone that are unallocated to any activity.
160. I requested that a comparative plan<sup>97</sup> be provided to establish whether the subject area of parking for the other retail, cinema, supermarket and gym and those buildings could have fitted in the CC zone without extending into the RNN zone. No such plan was forthcoming however I doubt that it is practical to provide for the other retail activity, cinema, supermarket and gym activity without substantially altering the layout and nature of the development. The Green Corridor would further compound the issue if it was to directly align with the Main Street and be set aside as a public corridor such as a legal road or recreation reserve. The proposal has the effect of spreading the KAC out over a larger area than what is currently zoned.

#### *Architectural Assessment*

161. I have considered the Addendum Design Report from Mr John Sofo, Architect in Attachment A of the Planning Addendum. I have found it useful as it considers the practicalities of designing a commercial development (especially a supermarket) and the reasons why the design has changed in response to Council Officer feedback including on the District Plan. I accept that there is a functional and operation reason for locating car parking and the main entry to the supermarket with high visibility to the street (especially from Halswell Road and Road A).

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<sup>94</sup>Based on the calculations in Appendix 17

<sup>95</sup>Under standard 7.4.3.1 the total number of spaces normally required can be reduced pursuant to Appendix 7.5.14 after considering a number of parking reduction adjustment factors apply including those relating to proximity to public transport and CC zone, access to cycle parking, bus stops, on site cycle parking, and proximity to other commercial activities. I have relied upon the figures provided in Table 1, Attachment 7, Planning Addendum.

<sup>96</sup>Based on Appendix 17.

<sup>97</sup> Email, 20 February 2018



*Landscaping*

162. An Addendum Landscape Report has been provided by Mr Daniel Kamo in Attachment 5 of the Planning Addendum. Based on that and Ms Jennifer Dray's assessment, I do not have any fundamental landscape concerns with the quality of the proposed landscape spaces in and around the KAC. The public spaces generally provide high quality landscaping that will provide amenable public open space for users including Days Drain and the various crossing points. The landscaping improvements set out in the application will also help to mitigate visual effects associated with the expanse of car parking visible from Road A and the greenwall provided to the supermarket. I have already assessed the issue with not providing an enhanced waterway through Lot 12. Ms Dray has made a number of minor recommendations for landscaping to improve amenity, the gateway experience, for practicality reasons and to avoid CPTED issues arising. From my perspective, the landscaping itself generally does not cause an adverse effect on the environment and can be seen to enhance it.

*Economic Effects of Retail Activities*

163. Mr Tim Heath has assessed the application from an economic perspective on behalf of Council and in relation to the centres based approach of the District Plan. This is a primary concern of the Central City related submitters and to some extent Spreydon Lodge.
164. Mr Heath<sup>98</sup> identifies that technically, the circa 710sqm retail GFA, being outside the CC zone, is additional to the 25,000sqm CC zone retail potential within zone. However, he considers that given that the Spreydon Lodge land and Woolworths NZ proposals fall below 25,000sqm GFA threshold, this circa 710sqm is unlikely to push the North Halswell KAC over 25,000sqm in the foreseeable future (i.e. not likely in the life of this District Plan), as the localised residential population base around the centre is unlikely to be developed to a level where it attracts further retail activity within that timeframe).
165. Mr Heath considers that overall, from a retail economic perspective the vast majority of the Woolworths NZ proposal is within the CC zone, the retail GFA cap of 25,000sqm would not be breached, no existing commercial centres would have their role and function undermined as a result of the proposal, and nor would the ongoing development potential of the North Halswell KAC or the Central City (and its recovery) be compromised to any (economic) consequential degree. Mr Heath considers that the supermarket is a catchment demand related activity.
166. Mr Heath has no concerns with the gym and cinema from an economics perspective as these activities would make a wider composition of the North Halswell KAC and would add vibrancy and amenity to the centre particularly in the evenings.
167. From my perspective approximately 17ha of vacant commercial land is available. I have no concern that the current 25,000m<sup>2</sup> GFA cap in the District Plan cannot be supported within the current zoned area and that there remains significant capacity for growth beyond this. I consider that the additional floor area allowed for in this application is relatively small in area compared to that which is permitted.

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<sup>98</sup> Paragraph 16 to 19, Appendix 9

168. Mr Heath<sup>99</sup> does not identify any concern that the zoned area of the centre may be slightly lower than originally envisaged during the District Plan review process.
169. On this basis I am of the view that there will be less than minor adverse economic effects on other centres. While the activities extend into the RNN zone, it would not materially change the scale or nature of buildings anticipated in this District Centre nor its role especially having regard to Policy 15.2.2.1.

*Economic Considerations for Design and Layout*

170. It is worth noting some comments from Mr Heath on the rationale for the layout of the application and supermarkets. I consider that these comments are also reflected in the Addendums by Mr Sofo; Ms Hampson, Economist in Attachment 6 of the Planning Addendum; and Mr Knott, Urban Designer in Attachment 8 of the Planning Addendum. Mr Heath considers that<sup>100</sup>:
- i. Edge of centre anchor stores like the supermarket attract shoppers to a centre that promotes cross shopping opportunities and advance centre familiarity and travel patterns to a centre but does not bring all the subsequent vehicle traffic through the 'heart' of the centre, nor all the frequent truck movements delivering product to the store.
  - ii. Supermarkets immersed in major suburban shopping centres are finding it increasingly difficult to operate and function without material compromise, particularly as an example due to other centre shoppers occupying supermarket carparks for extended periods of time.
  - iii. Anchor stores are important to the success of suburban centres as long as vehicle connectivity and integration with the balance of the centre is strong. This enables the centre as a whole to operate and function in an efficient and more productive manner.
171. On this basis I accept that car parking on the edge of a centre that is well integrated, can add to the vibrancy and success of the centre as a whole.

*Economics Assessment of Integration*

172. During the processing of the application, integration has been a longstanding point of discussion especially the strength of the connection to the Main Street in the ODP. Accordingly I have sought further comment from Mr Heath on what he thinks is meant by a Green Corridor and integration in the context of the Commercial ODP and proposal.
173. Mr Heath<sup>101</sup> highlights the importance of integration for the centre from a pedestrian and vehicular perspective as both are vital to a centres economic and social performance/success. Mr Heath considers that integration is seen as particularly important with the Main Street otherwise the additional car parking in this proposal (above the requirements of the District Plan) would have limited benefit to the KAC as a whole. He goes on to outline a key concern<sup>102</sup> which is:

*A key concern I have from an economic perspective when analysing the proposal in conjunction with the ODP... the Main Street almost runs into the back of the proposed*

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<sup>99</sup> Footnote 1, Appendix 9

<sup>100</sup> Paragraph 20 to 22, Appendix 9

<sup>101</sup> Paragraph 33 to 39, Appendix 9

<sup>102</sup> Paragraph 37, Appendix 9

*Countdown supermarket in the Woolworths NZ proposal. This limits the (economic) potential for the Main Street of the KAC and reduces its effectiveness and desirability from a retail operator viewpoint. I cannot think of another successful centre in NZ that has its main street cut short by the back of a supermarket preventing the Main Street from traversing through the centre. This would limit the Main Street's ability to attract quality retailers and therefore effect the economic performance of the Main Street. This flows onto lowering the Main Street's vitality, vibrancy and amenity afforded the community, relative to what could have been achieved with a more integrated Main Street.*

174. I agree with Mr Heath that the Commercial ODP<sup>103</sup> is not clear on what is required for the Green Corridor. However I do not necessarily think that this is an error with the Commercial ODP. There are a range of other provisions in Chapter 15 that are unique to North Halswell. They require the consideration of integration including for all forms of transport especially in relation to anchor stores and the Main Street and the connections in-between. This includes the matters of discretion at 15.13.4.3.

#### *Urban Design*

175. Mr Knott<sup>104</sup> and Mr Lonink<sup>105</sup> assess relevant provisions in the District Plan including the ODPs and the matters of discretion at 15.13.4.3 which are specific to North Halswell. Both Urban Designers assess matters of discretion for general urban design provisions<sup>106</sup> for large scale activities in commercial core zones which do not specifically apply here. Notwithstanding this as a non-complying activity, the assessment is helpful for understanding urban design effects on the environment. There are a number of areas where Mr Lonink and Mr Knott agree such as:

- i. A relatively permeable roading pattern is achieved
- ii. The proposal generally meets the intent of both the ODPs in regard to the ecological enhancement of Days Drain and roading/public transport purposes<sup>107</sup>.
- iii. The apartments present and activate well to Road B and Days Drain (as do the childcare centre, gym and health care facility in relation to Days Drain).
- iv. The retail and cinema building on Lot 12 and health care facility, gym and childcare centre help to activate public spaces.
- v. There would remain a clear distinction between the residential area and commercial core. The apartment form, while residential in use helps to reinforce this.
- vi. The Green Corridor is an important connection for integration to the Main Street.
- vii. Adding a café to the north-west corner with offices is beneficial to increasing the amenity of Days Drain and the Green Corridor.
- viii. Most buildings have a human scale and visual interest.
- ix. There are no problematic CPTED issues.
- x. There are functional reasons for the layout of the supermarket including in relation to car parking (also addressed in the economic advice) and loading.

176. I consider that there are three fundamental areas of disagreement relating to:

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<sup>103</sup> Mr Heath refers to it as the North Halswell ODP

<sup>104</sup> Attachment 8, Planning Addendum

<sup>105</sup> Appendix 10

<sup>106</sup> Rule 15.13.1

<sup>107</sup> However the earlier issue raised by Mr Calvert in respect to the alignment of Road F remains

- i. The absence of landscape/pedestrian corridor through Lot 12 reference the waterway.
  - ii. The extent of car parking along Road A.
  - iii. The design and role of the Green Corridor and its ability to integrate with the Main Street.
177. The issues with (i) have already been addressed earlier and I consider that a landscaped path should be provided to the south of the buildings on Lot 12 to reflect the section of Days Drain to be piped.
178. In respect to Road A, I agree with Mr Lonink that the expanse of car parking located between the supermarket and Road A does not contribute to a high quality pedestrian environment. Mr Lonink considers that the spread out nature of the building development fully fringed by car parking results in a dominance of car parking especially when viewed from Road A. While I consider that the landscaping would soften and improve the visual appearance of the car parking area, the car parking will still visually and physically dominate this area. This matter has particular relevance under Rule 15.13.4.1(a) (i) even when considered in conjunction with the economic and functional reasons for having highly visible parking.
179. In respect to the Green Corridor I have summarised Mr Knott's views as follows: The Green Corridor provides a landscaped and green-space break between urban blocks with a primary use of increasing connectivity throughout the KAC as associated with the movement of pedestrians and cyclists and is indicative to enable detailed design issues. His drawings illustrates that many north-south crossings could be in a series of highly permeable development blocks/loops. The proposed Green Corridor has been enhanced by increasing its width and plantings and has an 'unashamedly' urban appearance while providing a clear direction to users that it is a high quality urban route to the wider KAC to the north. He considers that the supermarket front and café with glazing and interaction assist in encouraging its use and vitality and the activity spilling out onto Days Drain is of benefit to the dog leg formation. In the longer term there could remain a dog leg or a more direct connection to the north through the timber yard in the longer term. He compares the connection to the laneways in the Central City. Either or both would appear acceptable.
180. I have summarised Mr Lonink's corresponding opinion as follows: There is a much stronger role for the Green Corridor and a need for a much stronger and direct connection (visual, physical and legal) to the Main Street. He would prefer the corridor to accommodate all forms of transport and references Mr Heath's evidence. As an urban designer he considers that this is a requirement of the District Plan. He considers that the proposed location does not align with the intended location in the Commercial ODP. This creates connectivity issues because of Halswell Timber and that those connectivity issues cannot be resolved within what is largely a recreational corridor. Days Drain is not considered sufficient in its current form to provide that connection. There is not sufficient activation of the Green Corridor due to the design of the supermarket and a large part of it is fronted by car parking. This along with the car parking matters above emphasize a car orientated retail approach.
181. From my perspective, in the least I consider that the Commercial ODP intends a strong visual and physical connection from the south to the Main Street in the north for pedestrians from the south connecting for Road A. To function it would need to be available to the public but not necessarily vested in Council. I also consider that the Green Corridor is intended to be clear of the timber yard to more easily allow the timber yard to continue its operations without detracting from the amenity (visual and acoustic)

of the Green Corridor and to allow development to front and activate it. The Green Corridor is important given that a naturalised waterway could potentially separate the commercial zone depending on its design.

182. I also consider that the design of the Green Corridor depends on other supporting provisions in the District Plan and the nature of the development proposed. There are many provisions that relate to general connectivity within and through the KAC and in a general sense I consider that this is achieved in so far that the site is relatively permeable. However, I consider that the detailed design of what is required for the Green Corridor would depend on what is being proposed. In this respect Policy 15.2.2.2(b)(ii) requires development within the KAC to provide a ... *strong main street with a concentration of finer grain retailing and strong linkages between key anchor stores*. I do not consider that the link is poor quality and in many respects it will be amenable as a general recreational route for pedestrians. However I consider that the approach suggested by Mr Knott probably fits the longer term picture perhaps beyond the life of this District Plan and assuming that the timber yard relocates. It is unusual for a high pedestrianised and urban laneway in a commercial setting to be located adjacent to an industrial activity. In the medium term I do not consider it will be a 'strong' link to the Main Street even if there was not a need for a vehicle connection in the Green Link. I prefer Mr Heath's and Mr Lonink's advice on these matters to that of the applicant's. The quality and strength of the proposed Green Corridor would be further eroded if the outdoor dining for the café on the reserve (Lot 56) was not provided as outlined earlier. The main effect or outcome of the proposed Green Corridor (compared to that what I consider is anticipated by the District Plan), would be a more car based centre and a less vibrant Main Street and a centre with poorer economic and social outcomes.

#### *Conclusion on Mixed Use Commercial Development*

183. I consider that any adverse economic effect on other centres is less than minor noting that this proposal will not change the role or function of the KAC. In respect to this centre the economic effects are considered to be minor because the centre will still serve the needs of the wider community as relevant to this KAC and the proposal is not expected to preclude the establishment of the Main Street.
184. There are a number of positive elements to this proposal including the extent of Days Drain that would be enhanced, the introduction of activities to service the needs of the community that is consistent with the function and role of the centre and the way that development fronts onto Road B and to Days Drain and Halswell Road. However there are three key integration and urban design issues identified above that I consider create adverse effects that are at least minor being:
- i. The absence of landscape pedestrian path available for public use on Lot 12 to reflect the portion of the waterway to be piped;
  - ii. The extent of car parking that fronts onto Road A which impacts on the centre and public in general; and
  - iii. The absence of a strong link to the Main Street via the proposed Green Corridor.
185. As a result the centre will become more car based and may not result in the same economic, social and amenity outcomes that could be anticipated under the District Plan. The centre and Main Street will be less vibrant and could result in a reduction on the quality of the centre. I consider that the effects on Spreydon Lodge and other potential developers in the CC zone and the general public to be more than minor but not significant.

## Conclusions on Overall Effects

186. Subject to some minor amendments on transport integration matters, I consider that the effect of the subdivision, associated works and residential activities on Lots 2 to 10 and 13 will be no more than minor. Particular elements that are viewed positively include adding to the stock and diversity of housing and residential allotments, the appropriate management of natural hazards and stormwater, meeting residential density targets, the enhancement of Days Drain, provision of allotments for a District Centre, the provision of suitable infrastructure, the protection of strategic infrastructure i.e. State Highway.
187. In terms of cultural values, I consider that the effects on the environment would be no more than minor. I do not consider that it is necessary to provide a CIA even if cultural values could be better accommodated through the design of development.
188. For clarity, I have limited my considerations for subdivision to the matters of discretion and control for subdivision set out in Regulation 10(3) of the NES and Rules 5.5.2(C1); 8.7.3, 8.7.4, 8.8.7, 8.8.8 and 8.8.9 of the District Plan.
189. I consider that the key resource management issues for this application relate to the landuse and the mixed use commercial development proposed on Lots 1 and 12.
190. In this regard, there are a number of positive elements to this proposal including the extent of Days Drain that would be enhanced, the introduction of activities to service the needs of the community that commiserate with the function and role of the centre and the way that development fronts onto Road B and to Days Drain and Halswell Road. I consider that the effects on other centres including the Central City are less than minor.
191. However there are three key integration and urban design issues that I consider create adverse effects that are more than minor being:
- i. The absence of landscape pedestrian path available for public use on Lot 12 to reflect the portion of the waterway to be piped;
  - ii. The extent of car parking that fronts onto Road A which impacts on the quality of the centre; and
  - iii. The absence of a strong link to the Main Street via the proposed Green Corridor.
192. As a result the centre will become more car based and may not result in the same economic, social and amenity outcomes for the centre and Main Street that I consider are anticipated under the District Plan. I do not consider that the overall effects are significant because the centre including the Main Street is still likely to function as a District Centre but not to the same quality as anticipated by provisions in the District Plan.
193. In respect to the other submitters and landowners and occupiers in the locality, I consider that:
- i. The effects on the NZTA are avoided (subdivision and landuse);
  - ii. The effects on Sparks Garden Road and other downstream land based on stormwater and groundwater matters will be less than minor (subdivision and landuse);
  - iii. The effects on Halswell Timber are not significant in so far that the landuse proposal impacts on their timber yard operations (the effects of the subdivision are less than minor subject to Road F being realigned).

- iv. The effects of the landuse on other landowners in the centre (including Spreydon Lodge) is expected to be more than minor but not significant (the effects of subdivision less than minor).

194. In the absence of any detailed layout plans for the apartments on Lot 1, it is not possible to assess the internal impacts on future residents but I am of the view that the wider environment is not impacted on by the absence of this information.

### **Recommended Changes and Associated Conditions**

195. At face value, I do not consider that it is practical to materially amend the proposal so that there is a stronger Green Corridor linking to the Main Street, nor to place additional buildings along Road A and to the west of the supermarket activity. However if a decision is made to approve the application in its current general form, I recommend a number of changes and conditions as outlined below:

#### *Subdivision and Associated Works*

- i. For the area proposed for outdoor dining associated with the café, create a fee simple lot instead of Local Purpose (Utility) reserve to transfer to Council's ownership.
- ii. Realign Road F with the application site so that it matches the alignment of the continuation of that road in the Spreydon Lodge land.
- iii. Include a shared path to the east through Lots 50, 51 and 54 for cyclists.
- iv. Ensure road formations extending south match those in Milns Park.
- v. Shift the dedicated cycle lane on Road A to the south side of the road.
- vi. Install median to ensure that there are no right hand turns from Road D to Road A.
- vii. Landscape changes to public open spaces as per the recommendations of Mr Wedge and Ms Dray.

#### *Landuse – Mixed Use Development on Lots 1 and 12*

- viii. Provide an internal layout of apartments to demonstrate a reasonable level of internal amenity.
- ix. Include a natural landscape corridor/pedestrian route through Lot 12 to reflect Days Drain including a wider path. This could include changes to the detailing of elevations of buildings.
- x. Reducing the level of noise generated by the cyclone on the timber yard to 60 LAeq (15 min) prior to the commencement of any activity (excluding construction activities).
- xi. Improvements to the private landscaping as per Ms Dray's recommendations.

#### *Landuse – Residential Activities on Lots 2 to 10 and 13*

- xii. Installation of lights for bridle paths within development Lots 2 to 10 and 13 in certain locations.
- xiii. Additional conditions to ensure that bridle paths are maintained free of vegetation and that adjoining hedging and landscaping maintains overlooking opportunities.
- xiv. Improvements to the private landscaping as per Ms Dray's recommendations.
- xv. A condition to ensure that the drainage patterns established through the subdivision on Lots 2 to 10 and 13 are maintained so as to not impact on existing neighbouring properties and to ensure the development lots in the FMA will not flood in a major flood event.

196. I have prepared a working draft of recommended conditions in Appendix 20. It is difficult to resolve these conditions fully as I consider that there are a number of changes to the proposed plans that need to occur at least for the purposes of clarifying what is proposed (i.e. the apartments) and resolving anomalies. I have a preference that a number of the changes to the proposal are directly addressed via changes to the proposed plans rather than via conditions of consent.
197. These conditions generally reflect what is proposed in the application and recommended by Council officers but do not replicate what has been provided in Appendix 13 of the Planning Addendum.
198. For clarity I have only made recommendations for the subdivision consent application that I consider relevant to the matters of discretion and control for subdivision set out in Regulation 10(3) of the NES and Rules 5.5.2(C1); 8.7.3, 8.7.4, 8.8.7, 8.8.8 and 8.8.9 of the District Plan.

### **PROVISIONS IN THE DISTRICT PLAN (SECTION 104(1)(B))**

199. I consider that the key provisions under section 104(1)(b) of the Act in relation to the District Plan are the objectives and policies referred to in Appendix 14. I do not consider that it is necessary to assess the strategic objectives in Chapter 3 unless specifically referred to in other chapters.
200. For the subdivision decision, the relevant matters of control and discretion are set out in Regulation 10(3) of the NES and Rules 5.5.2(C1); 8.7.3, 8.7.4, 8.8.7, 8.8.8 and 8.8.9 of the District Plan. I consider that they restrict the assessment to the objectives and policies to those that are set out in Chapter 4.2, Chapter 5, and Chapter 8 only except that Objectives 8.2.4 and 8.2.5 and underlying policies do not apply.
201. All of the objectives and policies set out below are considered relevant to assessment of the landuse consent application as a non-complying activity except those that relate exclusively to the subdivision being Objectives 8.2.2 and 8.2.3 and the underlying policies.

#### **Chapter 4.2 Contaminated land**

202. Objective 4.2.2.1 and its underlying Policies 4.2.2.1.1, 4.2.2.1.2 and 4.2.2.1.3 seek to manage contaminated land to protect human health and the environment from the adverse effects of subdivision, development and use of contaminated land and natural hazards and to enable the land to be used in the future.
203. I consider that the proposal is consistent with this objective and the underlying policies. While the contaminated land around the current wool shed may not be fully remediated, management measures are proposed to protect human health on an ongoing basis. This is not an uncommon approach to commercial areas. Construction phase management is also necessary under conditions of consent.

#### **Chapter 5 Natural Hazards**

204. The objective to Chapter 5 is strategic objective 3.3.6 which sets out that



- a. *New subdivision, use and development (other than new critical infrastructure or strategic infrastructure to which paragraph b. applies):*
  - i. *is to be avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and*
  - ii. *in all other areas, is undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated.*
- b. *New critical infrastructure or strategic infrastructure may be located in areas where the risks of natural hazards to people, property and infrastructure are otherwise assessed as being unacceptable, but only where:*
  - i. *there is no reasonable alternative; and*
  - ii. *the strategic infrastructure or critical infrastructure has been designed to maintain, as far as practicable, its integrity and form during natural hazard events; and*
  - iii. *the natural hazard risks to people, property and infrastructure are appropriately mitigated....*

205. This objective is supported by a number of generic policies set out in Policies 5.2.2.1.1 to 5.2.2.1.5 and 5.2.2.1.8 which are relevant to the FMA and LMAs. Those matters relate to avoiding new development where there is an unacceptable risk, managing activities to address natural hazard risks, avoiding new critical infrastructure (including infrastructure in road and reserves) in areas subject to an unacceptable risk; ensuring that critical infrastructure is resilient to natural hazard events; not transferring risk to other properties; and assessment of hazards.
206. In respect to flooding, the subject site is not in a High Flood Hazard Management Area under Policy 5.2.2.2.1(b) where development is generally to be avoided. Because of this I consider that the proposal is not subject to an unacceptable risk from flooding. Under clauses (e) and (f) of that policy the focus is on ensuring that buildings have a minimum floor level above a major flood event (AEP 0.5%) to avoid material damage and to minimise filling to ensure that flooding in a major flood event does not transfer risk to other properties. Mr Norton's assessment<sup>108</sup> demonstrates that the application is consistent with these two matters noting that the minimum floor level will be applied to all buildings and compensatory storage is provided on site.
207. In respect to the LMA, there is less guidance provided on how to manage this in the natural hazard policies in the District Plan. Policy 5.2.2.3.1 provides for subdivision, use and development *on flat land where liquefaction risk has been appropriately identified and assessed, and can be adequately remedied or mitigated*. For the development lots an MBIE guideline<sup>109</sup> has been applied to the assessment of the application by Ms Yvonne McDonald which requires a TC2 equivalent land status to be achieved for development lots as a minimum and that is proposed as a condition of consent. Ms Yvonne McDonald has also recommended standard conditions to ensure that infrastructure will be resilient to earthquake damage and liquefaction to the extent that it meets the IDS. It has already been set out in this report that the geotechnical experts consider that there is no increase in lateral spread risk due the naturalised waterway and stormwater basin.
208. I consider that the proposal is consistent with the objective and policies of Chapter 5.

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<sup>108</sup> Paragraph 31, Appendix 3

<sup>109</sup>While there is no reference to this guide in the District Plan or the Canterbury Regional Policy Statement, the Land Use Recovery Plan (LURP) sets out that the relevant MBIE guidelines should be applied – refer to page 17 of the LURP.

## Chapter 6.1 Noise

209. Objective 6.1.2.1 has focus on managing noise levels consistent with the anticipated outcomes for the receiving environment. There are three breaches of the noise standards that have been assessed by Ms Stout being from heavy vehicles that cross the zone boundary vehicle noise, noise generated from the outdoor play area with the childcare centre and noise from cars existing the cinema after 10pm<sup>110</sup>. To mitigate these effects she considers that it is appropriate to require acoustic insulation of impacted dwellings within the application site. Ms Stout has also recommended conditions as set out in the application documents to deal with the acoustic insulation of building facades and the management of the proposed food and beverage activities and acoustic treatment to mechanical equipment. Ms Stout considers that noise from the timber yard can also be mitigated to the extent that it protects human health. I consider that the proposal is consistent with this objective and underlying policies 6.1.2.1.1, 6.1.2.1.2 and 6.1.2.1.4.

## Chapter 6.6 Water Body Setbacks

Objective 6.6.2.1 sets out

(a) *Activities and development in water body margins are managed in a way that protects and/or enhances the following values and functions of the water body and its margins: flood management; water quality; riparian or aquatic ecosystems; the natural character and amenity values of the water body; historic heritage or cultural values; and access where appropriate for recreation activities, customary practices including mahinga kai, or maintenance.*

210. Policy 6.6.2.1.1 encourages taking a catchment wide approach to enhancing Days Drain to improve the various values. Policy 6.6.2.1.2 seeks to manage adverse effects on waterbodies and their margins in a manner that is consistent with the classification of the waterbody. For a network waterway like Drains Drain its key functions are limited to: *Where feasible, creating or enhancing ecological corridors for terrestrial and aquatic animals and plants.* Policy 6.6.2.1.3 seeks to manage works in the waterways so as to protect its various values and functions. Under these policies, while there is a 100m length of the waterway that will be piped, the overall enhancement of the remaining length of the waterway will have a positive effect on most waterway related values compared to the existing situation. The functions of the Days Drain as stated are more limited compared to other waterways and the applicant will follow a specific design set out in the North Halswell ODP and by ecologists for enhancement. An erosion and sediment control plan along with fish recovery conditions will help to avoid adverse construction effects.

211. I consider that the proposal is consistent with the objectives and policies in Chapter 6.6.

## Chapter 6.8 Signs

212. Objective 6.8.2.1 identifies that signage collectively contributes to Christchurch's vitality and recovery by supporting the needs of business, infrastructure and community activities; maintaining public safety; and enhancing the visual amenity values and character of the surrounding area, building or structures. The proposed signs on RC 29 of the Commercial Architectural Plans are very similar to what was originally proposed in the application. Wall and veranda signs are generally proposed and would look like

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<sup>110</sup> Paragraphs 26 to 37, Appendix 1

part of the architecture of the buildings. There are only two free standing signs along Road A over an entire distance of almost 500m. The NZTA has not identified any traffic safety concerns with these (the Planning Addendum does not seek to amend them). I am satisfied that the proposal is consistent with Objective 6.8.2.1 and underlying Policies 6.8.2.1.1, 6.8.2.1.3, 6.8.2.1.4 and 6.8.2.1.6.

## Chapter 7.2 Transport

213. There are two key transport objectives to this chapter being:

### 7.2.1 Objective - Integrated transport system for Christchurch District

a. An integrated transport system for Christchurch District:

- i. that is safe and efficient for all transport modes;
- ii. that is responsive to the current recovery needs, future needs, and enables economic development, in particular an accessible Central City able to accommodate projected population growth;
- iii. that supports safe, healthy and liveable communities by maximising integration with land use;
- iv. that reduces dependency on private motor vehicles and promotes the use of public and active transport;
- v. that is managed using the one network approach.

### 7.2.2 Objective - Adverse effects from the transport system

a. Enable Christchurch District's transport system to provide for the transportation needs of people and freight whilst managing adverse effects from the transport system.

214. Supporting policies are 7.2.1.1 to 7.2.1.8 and 7.2.2.1 to 7.2.2.2. I have reviewed these and generally consider that the proposal is consistent with them noting that:

- i. The NZTA and traffic assessments are supportive of the new set of lights on the State Highway;
- ii. I consider that the subdivision generally pattern enables a safe, efficient and integrated transport network catering for all forms of transport;
- iii. A complying number of parking spaces is provided;
- iv. Acoustic insulation is proposed to dwellings in proximity to the State Highway and collector roads to help minimise amenity effects on future residents and avoid reverse sensitivity effects; and
- v. The detailed design of transport arrangements within each development lot does not raise any safety or efficiency concerns.

215. This opinion does rely on some of the finer grain design matters relating to integration and the ODP being suitably resolved. For example re-aligning Road F, relocating the cycle lane on Road A, providing for a shared path to accommodate cyclists through to the east to eventually link with the Quarrymans Trail, a no right hand turn median at the intersection of Road D and A, and suitably integrating road formations with neighbouring Milns Park Estate.

216. I consider that the proposal is consistent with the objectives and policies in Chapter 7.

## Chapter 8 Subdivision, Development and Earthworks

217. 8.2.2 Objective - Design and amenity and the Meadowlands Exemplar Overlay states:

- (a) *An integrated pattern of development and urban form through [subdivision](#) and comprehensive development that:*
- i. provides [allotments](#) for the anticipated or existing land uses for the zone;*
  - ii. consolidates development for [urban activities](#);*
  - iii. improves people's connectivity and [accessibility](#) to employment, transport, services and [community facilities](#);*
  - iv. improves energy efficiency and provides for renewable energy and use; and*
  - v. enables the recovery of the district...*

218. My assessment of underlying policies is set out below.

219. I consider that the subdivision is consistent with Policy 8.2.2.1 which seeks to ... enable earthquake recovery initiatives including by facilitating the subdivision of greenfield areas.

220. Policy 8.2.2.2. seeks to ensure that subdivision:

- i. incorporates the distinctive characteristics of the place's context and setting;*
- ii. promotes the health and wellbeing of residents and communities; and*
- iii. provides an opportunity to recognise Ngāi Tahu culture, history and identity associated with specific places, and affirms connections between mana whenua and place, particularly with [sites of Ngāi Tahu cultural significance](#) identified in [Appendix 9.5.6](#).*

221. Distinctive characteristics of the place's context and setting would include provision for a KAC, the enhancement of Days Drain, good connectivity of the transport network and greenspace to the wider neighbourhood and landscaping provision in public open spaces for this subdivision. These characteristics create an amenable environment for future residents and would benefit the wider community. While there are no sites of significance on the application site, the enhancement of Days Drain and protection of any springs within, would help accommodate cultural values.

222. I consider that the features mentioned above and the general subdivision design helps achieve Policy 8.2.2.4(a). This policy seeks to create or extend neighbourhoods *which respond to their context and have a distinct identity and sense of place*.

223. Policy 8.2.2.3 seeks to ensure that lots are appropriate for the anticipated landuses and that subdivisions provide for a variety of allotment sizes to cater for different housing types and affordability. For the residential area, the landuse consent application demonstrates that the development lots can meet these goals especially when viewed in the context of the variety of lots types that could be provided in the wider ODP area. I consider that Lots 1 and 12 are capable of containing zone appropriate activities despite their split zonings.

224. In so far that Policy 8.2.2.5 applies to a subdivision, I consider that the proposal is considered to enable... *resource efficiency, use of renewable energy, and community safety and development* by creating blocks that are capable accommodate residential units with good solar orientation, providing a subdivision pattern that supports public transport, walking and cycling, allowing for good visibility to public spaces and well-lit public spaces (lighting is normal to any road in a subdivision).
225. Effective integration for infrastructure is generally enabled within the legal road and reserves between this site and other development and within the subdivision under Policy 8.2.2.6(a). However in my opinion there are some minor transport integration issues that need to be resolved to ensure that roads align with the neighbouring properties including the realignment of Road F and ensuring that road formations to the south match those through Milns Park.
226. I consider that appropriate provision is made for public open space in this application that is consistent with Policy 8.2.2.7. This public open space includes a recreation reserve to serve the needs of the application site and wider development area; a reserve to accommodate an enhanced Days Drain and its various values (except for a short section of it), and the stormwater facility and public open space links for pedestrian connectivity.
227. The development will achieve a minimum net density requirement of 15 dwellings per hectare over the entirety of the RNN zone under Policy 8.2.2.8 which includes the RNN land being developed as a part of the KAC.
228. Policy 8.2.2.9(c) sets out that... Subdivision, use and development *shall be in accordance with the development requirements in the relevant outline development plan, or otherwise achieve similar or better outcomes.*
229. For the Commercial ODP, I do not consider that the proposal is inconsistent with this policy just because the boundary of Lots 1 and 12 and road A and B do not match the zone boundary. The allotment configuration does not prevent zone appropriate activities being established on Lots 1 and 12 or the right road connections being made for Road B. The absence of a Green Corridor and enhancement Days Drain all the way to Halswell Road does not mean that this outcome cannot be achieved at the landuse phase. In respect to Days Drain, the only feature that I consider is missing to meet the development requirements of the ODPs, is an appropriate landscape route through Lot 12 that is available for public use but not necessarily vested in Council.
230. For the North Halswell ODP, the remaining development requirement that is not provided for relates to failure to provide an eastern cycle link through reserve Lots 50, 51 and 54. I consider that its absence would leave the subdivision area devoid of any eastward cycle link to The Quarryman Cycle Trail and it is considered important from an integration perspective. I have earlier considered that this should be a condition of consent.
231. Policy 8.2.2.10 encourages 'comprehensive residential developments' that are in accordance with the relevant ODP as a means of achieving co-ordinated, sustainable and efficient development outcomes. I consider that this has been broadly achieved from a subdivision perspective in so far that it applies to the internal layout of development lots.

232. Policy 8.2.2.11 relates to providing access to waterways, which I consider to be achieved in this application via the vesting of Local Purpose (Utility) reserve for the enhancement of Days Drain.
233. At the subdivision stage the proposal is mostly consistent with Objective 8.2.2 and underlying policies except in relation to: Policy 8.2.2.6(a) due to the minor integration issues and Policy 8.2.2.9(c) due to the absence of a cycle path to the east through the stormwater facility and recreation reserve.
234. 8.2.3 Objective - Infrastructure and transport, states:
- a. *Subdivision design and development promotes efficient provision and use of infrastructure and transport networks.*
  - b. *A legible, well connected, highly walkable, and comprehensive movement network for all transport modes is provided.*
  - c. *Outside the [Central City](#), land is set aside for services which can also be used for other activities, such as pedestrian or [cycle ways](#).*
235. The underlying policies are assessed below.
236. Policy 8.2.3.2 relates to the availability, provision and design of, and connections to, infrastructure. No concerns have been raised by Council officers and the applicant's engineers in respect to servicing the subdivision in accordance with Council's IDS and the ODP. For stormwater some interim measures will need to be accommodated on site until such time as a downstream wetland is available. There are no servicing integration issues for neighbouring sites that are created by this subdivision. The proposed development lots can be suitably serviced.
237. Policy 8.2.3.3(a) relates to transport and access and seeks to ensure *the provision and development of comprehensive movement networks for all transport modes....*The subdivision patterns provides for this via an interconnected network of streets and open spaces with good walkable block distances generally allowing ease of movement through the neighbourhood. There are a number of minor transport integration issues that would need to be resolved in this application to achieve consistency with this policy. Clause (b) sets out a number of things the movement network should enable (for example parking, access to properties and street trees) all of which are provided for in the subdivision.
238. Policy 8.2.3.4 sets out the requirements and expectations for the stormwater system in this subdivision which I consider are satisfied given Mr Norton's assessment.
239. Policy 8.2.3.5(a) seeks to ensure ... that *the requirements of infrastructure, are recognised in subdivision design, including any potential for adverse effects (including reverse sensitivity effects) from subdivision.*
240. Based on my assessment in paragraphs 97 to 100 of this report, I broadly consider that this objective is achieved in respect to the NZTA and the State Highway and in respect to Council infrastructure subject to conditions being imposed. I consider that my recommended changes and draft conditions address this from a Council perspective.
241. Overall I consider that the proposal is consistent with Objective 8.2.3 and underlying policies except in relation to 8.2.3.3(a) where a number of minor integration issues need to be resolved as per the earlier assessment of effects which includes recommended changes and conditions.

242. Objective 8.2.4 and underlying policies 8.2.4.1 to 8.2.4.4 are enabling of earthworks in the context of this application and are in support of the development needs for greenfield subdivisions. It would not be feasible to create flood free allotments that have a functional drainage and stormwater system without filling and excavations. I consider that the proposal is consistent with this objective and policy.
243. Objective 8.2.5 and underlying Policies 8.2.5.1 to 8.2.5.5 seek to ensure that those earthworks do not have inappropriate effects and to protect people and property from those earthworks. These matters have been perused in paragraphs 82 to 86 of this assessment and I consider that the proposal is consistent with these objectives and policies.

## Chapter 14 Residential

244. In respect to Objective 14.2.1 and Policy 14.2.1.1.1 (incorporating Strategic Objective 3.3.4) which addresses housing supply and housing distribution and density, I adopt the assessment in the Planning Addendum by Mr Bonis in paragraphs 10.7 - 10.10 and 10.23(a). I consider that the proposal is consistent with these provisions. Greenfield neighbourhoods like these are anticipated in the District Plan to achieve a mix of low and medium density development. In the RNN overall densities are higher than traditional suburban developments with a requirement to achieve a minimum net density of 15 dwellings per hectare in the RNN zone. This helps to achieve longer term goals for urban growth in Christchurch i.e. a minimum of 17,400 dwellings between 2018 and 2028.
245. Objective 14.2.3 sets out that the development of sensitive activities ... *does not adversely affect the efficient operation, use and development of... the state highway network...* Underlying Policy 14.2.3.1 sets out ... *Avoid reverse sensitivity effects on strategic infrastructure including the state highway.* For the reasons set out in paragraphs 101 to 104, I consider that the proposal is consistent with this objective and policy.
246. Objective 14.2.4 sets out:
- (a) *High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.*
247. The underlying and relevant policies are assessed below.
248. Policy 14.2.4.1 seeks to facilitate the contribution of individual developments to high quality residential environments in all residential areas, through design by addressing a number of criteria. I consider that these have been broadly achieved for the residential development although the internal layout of the apartment buildings needs to be further resolved to understand the level of internal amenity that will be provided for future residents in terms of clause (iii) of that policy. I have reached this conclusion largely based on Mr Lonink's assessment which broadly addresses these matters.
249. Policy 14.2.4.4 sets out the way that low and medium density areas should be characterised. Noting that the RNN can be either, the proposal sits well in respect to the descriptions in this policy:
- i. *low density residential areas are characterised by a low scale open residential environment with predominantly one or two storey detached or semi-detached*

- housing, and significant opportunities for landscaping and good access to sunlight and privacy are maintained; and*
- ii. *medium density areas are characterised by medium scale and density of buildings with predominantly two or three storeys, including semi-detached and terraced housing and low rise apartments, and landscaping in publicly visible areas, while accepting that access to sunlight and privacy may be limited by the anticipated density of development and that innovative approaches to comprehensively designed, high quality, medium density residential development are also encouraged in accordance with Policy 14.2.4.2.*
250. I consider that this proposal sits more in the low density range except for the apartments. I consider that the proposal is consistent with Objective 14.2.3 and the associated policies subject to confirmation that the internal layout of the apartments is suitable.
251. Objective 14.2.5 applies only to the RNN zone and seeks:
- (a) Co-ordinated, sustainable and efficient use and development is enabled in the Residential New Neighbourhood Zone.*
252. The underlying policies are assessed below.
253. Policy 14.2.5.1(a) sets out that:
- Use and development shall be in accordance with the development requirements in the relevant Outline development plan, or otherwise achieve similar or better outcomes...*
254. I consider that the development requirements have mostly been met in respect to the RNN zone in respect to residential activity within development lots.
255. In respect to the non-compliance relating to the realignment of the collector road and loss of residential land around the KAC, I consider that the outcome would be similar. There is no net loss of residential units compared to a complying situation; the road realignment around the centre would still be able to integrate with the road on Spreydon Lodge; and there remains an ability to establish zone appropriate activities on the portion of land in Spreydon Lodge with a split zoning. I do not consider that this policy is focused on the detailed design of individual residential and commercial activities – just the broader structuring elements of the development. I consider that the only difference in outcome that is not the same or similar relates to the absence of a cycle route to the east to link to the Quarrymans Trail and I have earlier recommended changes to provide for this.
256. Policy 14.2.5.2 seeks to encourage comprehensive residential developments that are in accordance with the relevant outline development plan as a means of achieving co-ordinated, sustainable and efficient development outcomes. I do not consider that the activities within the development lots are considered to create any non-compliances with the development requirements of the North Halswell ODP or any substantive issues with the matters of discretion.
257. Policy 14.2.5.3(a) sets out the actions that are needed to achieve 15 dwellings per hectare across the development area in the ODPs. However because this density is met within the application site, I consider that the proposal is consistent with this policy.



258. Policies 14.2.5.4 relates to neighbourhood quality and design and I see no reason to assess that here in a detailed way here as the assessment by Mr Lonink of the residential development broadly demonstrates consistency with this policy.
259. Policy 14.2.5.5 relates to providing infrastructure and Policy 14.2.5.6 (in the context of this application) relates to integration and connectivity and avoiding significant effects on neighbours and infrastructure. These are very similar to subdivision policies and I consider them to be satisfied and note that I have already concluded that effects on the environment or any one party are not significant. The exception is that there are some minor transport integration issues to resolve as set out earlier in my report.
260. Policy 14.2.5.7 relates to Ngā kaupapa / protection and enhancement of sites, values and other taonga of significance to tangata whenua. There are no Sites of Ngāi Tahu Cultural Significance that need *'protection' under (a)(i) of this policy*. I consider that the enhancement and protection of Days Drain (including any springs within it) would be consistent with other clauses of that policy set out below:
- i. identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and*
  - ii. protection of the relationship of tangata whenua with freshwater, including cultural wellbeing and customary use opportunities*
261. Objective 14.2.6 and underlying Policies 14.2.6.1 to 14.2.6.8 address non-residential activities.
262. Objective 14.2.6 Non-residential activities, sets out:
- a. Residential activities remain the dominant activity in residential zones, whilst also recognising the need to:*
    - i. provide for community facilities and home occupations which by their nature and character typically need to be located in residential zones; and*
    - ii. restrict other non-residential activities, unless the activity has a strategic or operational need to locate within a residential zone or is existing guest accommodation on defined sites.*
263. Clause (i) applies to the health care facility and childcare centre. Clause (ii) applies to the supermarket, other retail, gym and cinema in so far that those activities extend into the RNN zone (i.e. car parking and landscaping and a part of the supermarket and gym buildings).
264. Policy 14.2.6.1 Residential coherence character and amenity, applies to all non-residential activities and sets out:
- a. Ensure that non-residential activities do not have significant adverse effects on residential coherence, character, and amenity.*
265. I consider that the proposal is consistent with this policy. The non-residential activity does not intrude into or isolate future residential areas. Instead the proposal maintains a clear edge between the commercial area and residential area. While the apartments are a residential activity, I consider that they reinforce the perception of this edge. I consider that the extent of car parking facing Road A does detract from achieving a high quality environment however not to the extent that it creates *'significant'* effects on residential coherence, character and amenity. In any instance this effect is internal to the application site.

266. Policy 14.2.6.2 relates to community activities and community facilities and applies to the childcare centre and health facility. It sets out:
- a. *Enable community activities and community facilities within residential areas to meet community needs and encourage co-location and shared use of community facilities where practicable.*
  - b. *Enable larger scale community activities and community facilities within defined arterial locations that:*
    - i. *are within walking distance of the Central City and suburban commercial centres;*
    - ii. *front onto core public transport routes; and*
    - iii. *are not dominated by residential development.*
267. Under clause (a) the childcare centre and medical facility are enabled to meet a community need and their co-location is encouraged. I consider that clause (b) is satisfied on the basis that the activities sit within the KAC which is adjacent to Halswell Road (a State Highway with a public transport route) and the area in which it is located extends from the KAC. I consider that the proposal is consistent with Policy 14.2.6.2.
268. Policy 14.2.6.4 Other non-residential activities, applies to the supermarket, other retail, gym and cinema in so far that these activities (including car parking) extend into the RNN zone, It seeks to:
- Restrict the establishment of other non-residential activities, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant.*
269. For completeness I consider that there are a number of other policies under Objective 14.2.6 that restrict certain non-residential activities however none of these apply to this application. These include Policies 14.2.6.3 (applies to existing non-residential activities), 14.2.6.5 (applies to small scale retail) and 14.2.6.7 (applies to guest accommodation).
270. In interpreting Objective 14.2.6 and Policy 14.2.6.4, I have taken guidance from *Fright v Christchurch City Council*<sup>111</sup>. Based on the Courts discussion, I consider that:
- i. *'Restrict'*<sup>112</sup> means 'limit' as opposed to a more preventative definition such as 'avoid'.
  - ii. Policy 14.2.6.4 does not apply to 14.2.6.2 and nor to other activities where Policies 14.2.6.3, 14.2.6.5 and 14.2.6.7 apply.
  - iii. *'Unless'* means *'except if'*, thus if there is a *'strategic or operational need'* the activity may develop under Policy 14.2.6.4 if their effects are *'insignificant'*.
  - iv. If Policies 14.2.6.2, 14.2.6.3, 14.2.6.5 and 14.2.6.7 do not apply or if the activity does not have a strategic or operational need to establish under Policy 14.2.6.4; there is no support in the objective and policies for the development. The development is to be *'restricted'*.
271. To assist in the interpretation of what is a strategic and operational need, I have taken guidance from *Rogers v Christchurch*<sup>113</sup> where the Court considered the meaning the

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<sup>111</sup> 2018 ENV-CHC-76

<sup>112</sup> The dictionary definition<sup>112</sup> of 'restrict' is: 'To limit (a person or thing)'; 'to confine to or within certain limits' or 'To prohibit or prevent from'. Refer to Oxford English Dictionary online ([www.oed.com](http://www.oed.com)). For clarity this is a definition I have obtained, not the Court.

<sup>113</sup> 2019 NZEnvC 119

meaning of both strategic and operational need in the context of Policy 17.2.2.5.(a)(i). Due to the similarity of the wording of this limb of the policy for rural land with the relevant part of Policy 14.2.6.4, I apply that here. Based on the Court's discussion in *Rogers*, I consider it must be demonstrated that there is a need for the activity that is greater than just a benefit to the owner or user of the land.

272. Mr Bonis<sup>114</sup> contemplates the reasons for establishing commercial activities in the RNN zone. In citing the addendums of Mr Knott, Mr Sofo and Ms Hampton, he outlines the operational requirements associated with the supermarket in respect to configuration and car parking and the overlapping aspirations associated with the ODP such as the green-corridor, enhancement of Days Drain and associated landscaping requirements. In citing the addendum of Ms Hampton he identifies that there are a number of benefits in terms of the proposed mix of activities and their location providing function and social amenity to the surrounding residential area and the supermarket being an important component of stage 1 of the development of the KAC.
273. I agree with Mr Bonis to the extent that the applicant has valid operational and functional reasons for the expansion into the RNN zone. However I am not aware of any reason why a supermarket could not fit elsewhere within the CC zone of this KAC, given that there is approximately 12.3ha of undeveloped land elsewhere in the CC zone (excluding the timber yard and existing legal road). Some of that land fronting Halswell Road (1.6ha) does appear to be limited by the access leg to the timber yard which prevents connectivity to the wider KAC. I expect that could be resolved with the right commercial agreement normal to any greenfield development area. There remains a large area of land associated within the Spreydon Lodge land which could be developed in the short term for commercial purposes including a supermarket.
274. I have sought Mr Heath's views on this policy<sup>115</sup> from the perspective of an economist and he has not been able to identify any economic foundation of strategic or operational need for the expansion under the subject policy in light of the overall area in the CC zone.
275. On the basis of the above, I consider that there is not a '*strategic or operational need*' to expand into a residential zone. Mr Bonis<sup>116</sup> identifies that it is difficult to contemplate any commercial or industrial activity that would meet such a criterion. While I agree that there would probably be few examples, it could include situations where there is a need for a catchment based retail activity and there is a shortfall of commercially zoned land in the District Plan to serve the needs of that community.
276. I consider that in the context of this application, policy 14.2.6.4 seeks to '*restrict*' the establishment of the other non-residential activities. '*Restrict*' or '*limit*' in my view means that not all activities will be allowed to establish and this '*especially*' applies to the proposed supermarket, other retail, cinema and gym as these activities are of a commercial nature. Notwithstanding I consider that this policy is challenging to assess because there is no direct guidance on what limits should apply.
277. In order for the District Plan to function as a coherent and internally consistent document, I consider that there is a rationale for the use of the term '*restrict*' rather than '*avoid*' or at least to not interpret '*restrict*' to mean '*avoid*'. Firstly, the activity status of the supermarket, other retail, gym and cinema within the residential zone is discretionary

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<sup>114</sup> From paragraph 10.43, Planning Addendum

<sup>115</sup> Paragraphs 23 to 28, Appendix 9.

<sup>116</sup> Paragraph 10.47, Planning Addendum.

and not non-complying. Non-complying activities are not typically anticipated by the District Plan and I consider that if such an activity status had applied in this instance it would have flagged the potential for a more preventative interpretation. Secondly, places of assembly are permitted in the residential zone subject to restrictions on location, operating hours and scale. The cinema and gym are an example of a place of assembly that are not specifically addressed by Policy 14.2.6.3, 14.2.6.5 and 14.2.6.7 and nor do I consider that they have a strategic or operational need under Policy 14.2.6.4. A more preventative interpretation of 'restrict' under Policy 14.2.6.4 would contradict the permitted activity status.

278. I have reviewed the strategic objectives and have not found any useful guidance on how to interpret the requirement to 'restrict' in the context of this application.
279. In my view the proposed community activities are supported and are consistent with Objective 14.2.6 and Policy 14.2.6.1 and 14.2.6.2. However I consider that the supermarket, retail activity, gym and cinema is not supported by clause (a)(ii) of Objective 14.2.6 and Policy 14.2.5.4. In the absence of any clear direction on how to 'restrict' non-residential activities (especially those of a commercial nature), I consider that the proposal is probably inconsistent with that objective and policy also.

## Chapter 15 Commercial

280. This section of the District Plan relates primarily to commercial activity in centres.
281. The definition of 'commercial activity' in the District Plan includes retail activity but excludes the community activities, gym and cinema within this application. The definition of 'commercial centres' includes a 'District Centre' and other centre types<sup>117</sup> that are 'zoned' for commercial purposes. The definition of 'District Centres' in this case is also limited to that area which is 'zoned' for commercial purposes. In a number of objectives and policies the phrases 'centres' and 'commercial activity' are used without a hyperlink and an ordinary dictionary meaning has been applied. I consider that 'commercial activity' in this sense includes the retail, cinema and gym activities. While this is confusing at first glance, I do not consider that it amounts to any error in the District Plan. For this reason I have also tended to more fully set out the objectives and policies that I have done for the assessment of other chapters.
282. Objective 15.2.1 is a broad statement and identifies 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'.
283. Objective 15.2.2 is more specific and sets out that: *Commercial activity is focussed within a network of centres (comprising the Central City, District Centres, Neighbourhood Centres, Local Centres and Large Format centres) to meet the wider community's and businesses' needs in a way and at a rate that... achieves a number of elements set out in clauses (i) to (x).*
284. Underlying Policy 15.2.2.1 seeks to:

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<sup>117</sup> But excluding the Central City.

- 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 accordance with 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 Centres, Local Centres and Large Format Centres*
- as set out in Policy 15.2.2.1, Table 15.1 - Centre's role.*

285. Table 15.1 identifies that District Centres are greater than 30,000m<sup>2</sup> although Halswell North is specifically identified as 'emerging' and has a permitted retail cap of 25,000m<sup>2</sup>. Under this table the role of the 'District Centre' is described as a major retail destination for comparison and convenience shopping and a focal point for employment. It outlines a range of supporting uses including community activities entertainment (including movie theatres, restaurants and bars). It sets out that the 'centre' is to be anchored by large retailers including 'department store(s)' and 'supermarket(s)'. Medium density housing is contemplated in and around the centre and the 'District Centre' includes community facilities within 400m walking distance of the commercial zone.

286. I consider that the proposal is consistent with Policy 15.2.2.1. The proposed commercial buildings are primarily located within the CC zone and as identified earlier in the assessment of effects, the role and function of the centre would not materially change from that anticipated by the District Plan. The proposal would introduce a supermarket to help anchor the centre. I consider that the apartments and community activities fit comfortably in either zone. This policy does not specifically preclude the supermarket, other retail, gym and cinema from expanding out of the CC zone.

287. Policy 15.2.2.2 has been prepared specifically for North Halswell and two other centres. I have set it out in full below as it relates to North Halswell:

- (a) *Require development within the ... North Halswell 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 is 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 in order to avoid adverse effects on the safe, efficient and effective functioning of the road network.*
- (b) *Require development within the North Halswell Key Activity Centre to:*
- (i) *be developed to a scale that:*
    - A. *protects the Central City's role as the region's primary commercial area; and*
    - B. *ensures the role of District Centres and Neighbourhood Centres within the city and commercial centres in Selwyn District is maintained.*
  - (ii) *provide high quality public open spaces, a strong main street with a concentration of finer grain retailing, and strong linkages between key anchor stores;*

- (iii) *achieve a supply of both large and finer grain retail activity that provides for the long term needs of the population in the south west....*

288. There are many elements of the proposal that are consistent with the above policy however there are some aspects that are inconsistent. As a result of this proposal I consider that the role and function of the centre would not alter from that anticipated for this KAC and that the proposal supports the long term needs of the population in respect to retail activity. I consider that Road B would be provided with a high quality interface due to the design of the apartments and the interface treatment to Halswell Road frontage and Road F does not create any fundamental concerns. I do not consider that there are significant safety concerns or connectivity concerns from a general perspective for vehicles except that Road F does present an issue under (a)(iii) in terms of its misalignment. The enhancement of Days Drain would have a number of positive outcomes especially as a recreational and naturalised corridor. However the absence of a landscape/pedestrian corridor through Lot 12 to reflect Days Drain is an adverse outcome under (a)(i) and (ii).
289. I consider that a key concern is under (a)(ii) and (b)(ii) is in respect to the extent and visibility of car parking along Road A and the quality and strength of the proposed Green Corridor. In respect to the proposed Green Corridor, I do not consider that the Green Corridor accords with the location of the Commercial ODP under (a)(i) nor does it promote a strong linkage with the proposed supermarket (an 'anchor store') with the Main Street (and the likely associated anchor stores with it). Mr Heath in his assessment,<sup>118</sup> considers that this (or at least the absence of a direct road connection) would be to the '*detriment of the centres economic performance as a whole*'. I consider that this could lead to a less vibrant and amenable Main Street than would otherwise be anticipated by this policy. I consider that the timber yard operations could potentially prevent the Green Corridor from being a high quality open space because of industrial noise and in the short term while landscape screening is being established.
290. Policy 5.2.2.3(a) sets out that in new residential greenfield areas land identified through zoning and/or on an outline development plan for a 'commercial centre' shall be developed and primarily used for 'commercial activities' and 'community activities' to serve the needs of existing and future residents. I consider that this policy can only be applied to the CC zone (and not the RNN zoned land) and that therefore the policy would be achieved. Clause (b) of the subject policy relates to not impacting on the adjoining residential area and recognising and providing for *Ngāi Tahu/ mana whenua values* and in my view this policy has been met also.
291. I consider that the proposal is consistent with Policy 15.2.2.4(a) which sets out that growth in 'commercial activity' is '*focussed*' within existing 'commercial centres' on the basis that supermarket and other retail activity are predominantly within the CC zone. Clause (b) of that policy sets out that any outward expansion of the '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;*

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<sup>118</sup> Paragraph 42, Appendix 9

- iii. *be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone; and*
  - iv. *be consistent with:*
    - A. *the scale of increasing residential development opportunities to meet intensification targets in and around centres, and*
    - B. *revitalising the Central City as the primary community focal point.*
292. I consider that the proposal is mostly consistent with this part of the policy. The extent of retail activity floor space outside of the CC zone in comparison to what is permitted is relatively small and I consider that it does not change the role or function of the centre. The only concern I have in terms of integrated infrastructure relates to the misalignment of Road F which I consider can be remedied via conditions of consent. I consider that the effects at the interface of Lot 1 and 12 with the residential zone outside of the application site do not create any concerns (effects less than minor). Residential intensification targets are met for the entirety of the RNN zone which has a minimum net density requirement of 15 dwellings per hectare. As set out earlier in this report Mr Heath has not identified any material adverse economic effects for the Central City.
293. Overall there are some inconsistencies with Objective 15.2.2(a)(ii)(viii) and Policy 15.2.2.2.(a)(i)(ii) and (b)(ii).
294. Objective 15.2.4 relates to urban form, scale and design outcomes and sets out:
- (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/ mana whenua values through landscaping and the use of low impact urban design, where appropriate.*
295. Policy 15.2.4.1(a) seeks to 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 these centres. It is difficult to assess this policy in the absence of the remainder of the centre being developed, especially the Main Street. While this is a fringe location I do not consider that it forecloses the establishment of a Main Street in the core of this District Centre. There would remain almost 20,000m<sup>2</sup> of retail GFA that would remain unallocated after this proposal is taken into account. On this basis I consider that the proposal is consistent with Policy 15.2.4.1.
296. Under clause (b) of Policy 15.2.4.1, it is set out that the form and scale of development in 'centres' shall:

- 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. ...*
- 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, ...and natural waterways.*

297. Clause (i) is relatively broad and I do not consider that the form and scale of buildings is out of context or character with what is anticipated in the KAC. In an overall sense I do not consider that Clause (ii) is achieved. From the perspective of the corner of Road A and B this is achieved but not so much from the corner of Road A and Halswell Road and not at all along the corner of Road A and F. I consider that the issue at the corner of Road A and F primarily relates to the layout of the supermarket (including car parking) and contributes to a loss of amenity along Road A due to the extent of car parking along it in terms of (iv). Mr Lonink has also set out his reasons as to how the positioning of the supermarket and its relationship to the Green Corridor is detrimental to the amenity of the Centre especially the ability to have a strong connection to the Main Street. I consider that adverse effects are generally managed in terms of (v) at the interface to residential area outside of the application site and waterways. I consider that the proposal is mostly consistent with Policy 15.2.4.1 except for clause (b)(ii) and (iv).

298. Policy 15.2.4.2(a) primarily relates to roads and requires 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;*

299. In this respect Mr Lonink has not identified any fundamental concerns with Halswell Road, Road F or Road B. However he has strongly outlined that the extent of car parking along Road A detracts from the amenity of the centre and I consider that the design of Road A does not provide a well-designed principal street facing façade of visual interest that contributes to the character and coherence of a centre.

300. Policy 15.2.4.2(b) is based around 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;

- i. enabling visitors to a centre to orientate themselves and find their way with strong visual and physical connections with the surrounding area;*
- ii. promoting a safe environment for people and reflecting principles of Crime Prevention through Environmental Design (CPTED);*
- iii. ...*
- iv. incorporating principles of 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;*

- v. achieving a visually attractive setting when viewed from the street and other public spaces, while managing effects on adjoining environments; and*
- vi. providing adequate and convenient space for storage while ensuring it is screened to not detract from the site's visual amenity values.*

301. I consider that some elements of the proposal would be inconsistent with Policy 15.2.4.2(b). In a general sense, I consider that the roads and key pedestrian routes generally provide for all forms of transport that are well defined within the relevant public corridors, although Road F should be realigned to allow for a better connection into the Spreydon Lodge land in the future. However I consider that the outcomes in (i) are compromised by the absence of a landscaped path through the Lot 12 to reflect the portion of Days Drain to be piped and by the absence of a strong physical and visual link by the Green Corridor to the Main Street. Based on Ms Dray's evidence I do not consider that there are any fundamental CPTED issues with this proposal in terms of (ii). The stormwater network is based on an integrated catchment design to meet (iv). I consider that the main concern in terms of (v) is that the amenity of Road A would be compromised by the extent of car parking. The larger storage areas required for the supermarket and other retail activities would be screened from public view.
302. Policy 15.2.4.4 seeks to encourage the use of indigenous species, appropriate to the local environment, in landscaping and tree planting to recognise cultural values of Ngāi Tahu/ manawhenua. I consider that the Days Drain enhancement provides the opportunity to plant indigenous vegetation to recognise cultural values.
303. Under Policy 15.2.4.5 and at a broad scale, I consider that the proposal supports a comprehensive approach to the planning, design and implementation of development and infrastructure. The exception is that in the KAC, I consider that Road F is misaligned. The KAC proposal is not considered to impact on strategic infrastructure noting that the NZTA is supportive of the new intersection on the State Highway.
304. Overall, I consider that the proposal has some inconsistencies with Objective 15.2.2 and underlying Policies 15.2.2.2 and 15.2.2.4 and Objective 15.2.4 and underlying Policies 15.2.4.1 and Policy 15.2.4.2. This assumes Road F is realigned.

## Conclusion

305. For the subdivision consent application (and associated works) the matters of control and discretion are limited to those matters set out in Regulation 10(3) of the NES and Rules 5.5.2(C1); 8.7.3, 8.7.4, 8.8.7, 8.8.8 and 8.8.9 of the District Plan. Having regard to and subject to the resolution of some transport integration issues, I consider that the proposal is consistent with the relevant objectives and policies of the District Plan. This conclusion relies on recommended changes to remedy the transport integration issues including the realignment of Road F and the creation of an eastern cycle link through Lots 50, 51 and 54.
306. For the landuse consent application I have also assessed objectives and policies relevant to land contamination, natural hazards, noise, waterbody setbacks, signs, transport and earthworks. I do not consider that there is any inconsistencies with these policies provided that the transport integration issues are resolved as per my recommended changes.

307. I have also assessed the residential objectives and policies in Chapter 14 and from the perspective of landuse development on Lots 2 to 10 and 13. I consider that this element of the proposed development is consistent with the objectives and policies in Chapter 14, subject to the transport integration issues being resolved in so far that they are relevant to the RNN zone (including the creation of an eastern cycle link).
308. In my view the proposed community activities in Lot 1 are broadly consistent with the objectives and policies of Chapters 14 and 15.
309. The main area of contention for this application (including in submissions) relates to the extension of commercial activities (supermarket, other retail, gym and cinema and including associated car parking) into the RNN zone and the detailed design of the overall proposed development on Lots 1 and 12.
310. I consider that the proposed development on Lots 1 and 12 is generally consistent with the Objectives 14.2.1 Housing supply, 14.2.3 Strategic Infrastructure, 14.2.4 High Quality Residential Environments and 14.2.5 Residential New Neighbourhood Zone and the underlying policies. The exception is that I consider that further detail is required in relation to the internal layout of the apartments on Lot 1 to complete this assessment. Under Objective 14.2.6 and underlying Policies 14.2.6.1 and 14.2.6.2, the proposed community activities are supported and enabled. In reaching this conclusion I have had particular regard to the fact that this proposal maintains a clear commercial interface to Road A and B and that residential density targets are achieved for the entirety of the RNN zone within the application site.
311. However in respect to the supermarket, other retail, gym and cinema activities including associated car parking (in so far that they extend into the RNN zone), I consider that there is a requirement to 'restrict' or limit such activities under Objective 14.2.6(a)(ii) and Policy 14.2.6.4. I consider that the location of the supermarket, other retail, gym and cinema activities in the RNN zone is not supported by this objective and policy. In the absence of any clear direction on how to 'restrict' non-residential activities (especially those of a commercial nature), I consider that the proposal is probably inconsistent with that objective and policy also.
312. Despite the extension of the commercial activities in the RNN zone, there are a number of aspects which I consider are viewed positively under Objectives 15.2.1, 15.2.2 and 15.4.2.4 and associated policies. I consider that the proposal maintains and supports the role and function of the KAC especially with the provision of a supermarket/anchor store. This will help support the needs of the existing and future community and I do not consider that it will impact on the role and function of other centres including the Central City. I consider that the focus of commercial activities will remain in the District Centre largely because the commercial buildings will mostly remain in the area within the CC zone and the scale of the buildings is not inappropriate for the fringe locality. There are a number of elements that contribute to the quality of the environment including Days Drain to the extent that it is enhanced and provides for a recreation corridor, the interface to Road B and Halswell Road, general connectivity (assuming Road F is realigned) and the design of the development in respect to CPTD matters.
313. However, I consider that there are three issues that create inconsistencies with the relevant objectives and policies in Chapter 15 that relate to the quality and amenity of the centre overall and creating/promoting a vibrant and successful centre and Main Street. These issues relate to:

- i. The absence of a landscaped path through Lot 12 to reflect the portion of Days Drain to be piped.
  - ii. The absence of a strong link from the supermarket (an anchor tenant) to the Main Street of the ODP.
  - iii. The extent of car parking along Road A and the absence of any building on the corner of Road A and F.
314. Overall these create some inconsistencies with Objective 15.2.2(a)(ii)(viii) and Policy 15.2.2.2.(a)(i)(ii) and (b)(ii) and Objective 15.2.4(a)(ii) and Policy 15.2.4.1(b)(ii) and (iv) and 15.2.4.2(a) and (b)(i)(v).
315. While I consider that the inconsistencies raise important resource management issues, I do not consider that the proposal is contrary to the objectives and policies of the District Plan.

### **OTHER RELEVANT PLANNING PROVISIONS [SECTION 104(1)(B)]**

316. In respect to this application, I consider that the District Plan gives effect to the higher order instruments referred to in s104(1)(b), including the Canterbury Regional Policy Statement 2013 and the National Policy Statement on Urban Design Capacity 2016. I note that the Central City submitters have made reference to the Canterbury Regional Policy Statement in respect to the KAC however I see no need to assess that in detail.
317. It is acknowledged that the District Plan has been prepared in the knowledge of the IMP.

### **OTHER MATTERS [SECTION 104(1)(C)]**

#### **Precedent**

318. Given the non-complying status of the landuse consent application it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan. I understand that these are not mandatory considerations but are matters that decision makers may have regard to, depending on the facts of a particular case including:
- i. Whether a proposal is contrary to the objectives and policies of the plan; and if so
  - ii. Whether it can be seen as having some distinct or unusual qualities that would set it aside from the generality of cases.
319. In this case the proposal is not contrary to the objectives and policies. I am satisfied that there are no distinct or unusual qualities that set aside this application from others. I am satisfied that issues of precedent or plan integrity do not arise.

#### **Recovery Plans and Regeneration Plans**

320. Section 60 of the Greater Christchurch Regeneration Act 2016 requires that decisions and recommendations on resource consent applications are not inconsistent with Recovery Plans and Regeneration Plans.

321. The Land Use Recovery Plan (LURP) is relevant to this proposal as it addresses urban development and growth. However the District Plan has been prepared under it and I consider that it is consistent with it. The main area of contention for this application relates to the expansion of commercial activities into the CC zone. I consider that the thrust of the LURP is broad<sup>119</sup> and the extent of effects on commercial centres such that the proposal is not inconsistent with the LURP.

### **South West Area Plan 2009**

322. The Southwest Area Plan 2009 has been prepared in accordance with functions of the Christchurch City Council under the Local Government Act 2002 and covers around 8000 ha of land. It has been prepared to help guide urban growth in the South West Growth Corridor. It is a guidance document in the North Halswell ODP. I am familiar with this document and am of the view that in the context of this application its provisions are relatively broad and generally incorporated into the District Plan. I did however find it useful to help clarify the values of Days Drain earlier in my report.

### **Our Space 2018-2048 Greater Christchurch Settlement Patterns**

323. The Halswell Residents Association has in their submission referred to '*Our Space 2018-2048 Greater Christchurch Settlement Patterns*'. It outlines landuse and development proposals to ensure there is sufficient development capacity for housing and business growth across Greater Christchurch to 2048. It complements the existing Greater Christchurch Urban Development Strategy (UDS) and has been prepared in order to satisfy the requirement to produce a future development strategy, outlined in the National Policy Statement on Urban Development Capacity. It is relatively broad in nature and I consider that it is more relevant for the consideration of changes to the Regional Policy Statement or District Plan. It does not identify any shortage of residential greenfield land for Christchurch that necessitates going higher than 15 dwellings per hectare for this ODP area.

## **PART 2 OF THE ACT**

324. The Christchurch District Plan has recently been reviewed. Its provisions were prepared under the higher order planning documents and, through its preparation and the process of becoming operative, have been assessed against the matters contained within Part 2.

325. The District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared via an independent hearing and decision-making process, in a manner that appropriately reflects the provisions of Part 2. Accordingly, I do not consider that any further assessment against Part 2 is necessary.

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<sup>119</sup> For the KAC it does not specifically deal with the area of land to be used for commercial purposes nor limitations on commercial development including retail.

## SECTION 104D

326. For the landuse application (which is a non-complying activity), the gateway test in section 104D must be met in order for the application to be granted consent. Either the adverse effects on the environment must be minor, or the application is not contrary to the objectives and policies of the Plan. I consider that the proposal is considered to meet one of gateways tests in that the proposal is not considered to be contrary to the objectives and policies in the District Plan.
327. Section 104D is not relevant to the determination of the subdivision consent application which is instead considered under section 104C.

## SECTION 106

328. Under section 106 of the Act, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that there is a significant risk from natural hazards; or sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision. For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of:
- a. *the likelihood of natural hazards occurring (whether individually or in combination); and*
  - b. *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and;*
  - c. *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*
329. The key known natural hazards for the site relate to geotechnical matters and flooding associated with the FMA and stormwater systems. These matters have been addressed in the effects section of this report under geotechnical and FMA headings. Based on this assessment and subject to the recommended conditions, I am satisfied that there will be no material damage to land or property within the application site or on neighbouring or downstream land as a result this proposal.
330. All allotments are provided with adequate and legal access to a road.
331. I do not consider that there are grounds to refuse the application under section 106.

## CONCLUSION

332. In respect to the subdivision consent application and submissions and restricting my considerations to the matters of discretion and control, I consider that:
- i. The effects on the environment are no more than minor and any effects on other parties (including neighbouring and downstream landowners and occupants) are less than minor.
  - ii. The proposal is consistent with the objectives and policies of the District Plan.

- iii. There are no relevant Part II or higher order planning instruments that need to be considered.
  - iv. There is no precedent under section 104(1)(c) or other matters under that section of the Act that are of concern.
  - v. I do not consider that there are grounds to refuse the application under section 106 of the Act.
333. In respect to the landuse consent application and the matters in the submissions, I consider that:
- i. The effects on the environment are more than minor but not significant. There are also a number of positive effects.
  - ii. In terms of specific parties with a relationship to the application site: the effects on the NZTA are avoided; the effects on Sparks Garden Road and other downstream sites will be less than minor; the effects on Halswell Timber are not significant; the effects on other landowners in the centre (including Spreydon Lodge) are more than minor but not significant.
  - iii. The proposal is mostly consistent with the objectives and policies of the District Plan and is not contrary to any of them especially in relation to land contamination, natural hazards, noise, waterbody setbacks, signs, transport, earthworks and the residential development on Lots 2 to 10 and 13.
  - iv. Most issues with objectives and policies arise in association with the mixed use development on Lots 1 and 12.
  - v. The establishment of the supermarket, other retail, gym and cinema activities (including associated car parking) on the RNN land is not supported by Objective 14.2.6(a)(ii) and Policy 14.2.6.4 and the proposal is probably inconsistent with this objective and policy.
  - vi. Aspects of the proposed mixed use development within Lot 1 and 12 is inconsistent with some objectives and policies in chapter 15 being objective 15.2.2(a)(ii)(viii) and Policy 15.2.2.2.(a)(i)(ii) and (b)(ii) and Objective 15.2.4(a)(ii) and Policy 15.2.4.1(ii) and (iv) and 15.2.4.2(a) and (b)(i)(v).
  - vii. The problematic aspects of the proposal under these policies are:
    - The absence of a landscaped path through Lot 12 to reflect the portion of Days Drain to be piped.
    - The absence of a strong link from the supermarket (an anchor tenant) to the Main Street of the ODP.
    - The extent of car parking along Road A and the absence of any building on the corner of Road A and F.
  - viii. The inconsistencies do not mean the KAC or Main Street will fail to function in a way that services the needs of the community or change the function or role of the KAC. Nor does it mean that the proposal will compromise other centres including the Central City.
  - ix. The key outcome of these inconsistencies with the objectives and policies is that the quality and amenity of the centre overall will be compromised and that it does not contribute to a vibrant and successful centre and Main Street as anticipated by the provisions in the District Plan.
  - x. There are no relevant Part II or higher order planning instruments that need to be considered.
  - xi. There is no precedent under section 104(1)(c) or other matters under that section of the Act that are of concern.
  - xii. Section 104D is not a statutory barrier to the determination of this application.

334. My opinion above on the subdivision and landuse is reliant on a suitable internal layout being provided to the apartments on Lot 1 (landuse only) and a number of transport integration issues being resolved (including the realignment of Road F and the creation of a shared path to the east through Lots 50, 51 and 54 for cyclists). My recommendations below accommodate this should the application be approved.

## RECOMMENDATION

335. If it is determined that the application is to be approved in general accordance with the proposal in its current form (i.e. with no fundamental changes to the Green Corridor or any additional buildings along Road A), I would recommend the following changes are made:

### *Subdivision and associated works*

- i. For the area proposed for outdoor dining associated with the café, create a fee simple lot (instead of Local Purpose (Utility) reserve) to transfer to Council's ownership.
- ii. Realign Road F with the application site so that it matches the alignment of the continuation of that road in the Spreydon Lodge land.
- iii. Include a shared path to the east through Lots 50, 51 and 54 for cyclists.
- iv. Ensure road formations extending south match those in Milns Park.
- v. Shift the dedicated cycle lane on Road A to the south side of the road.
- vi. Install median to ensure that there are no right hand turns from Road D to Road A.
- vii. Landscape changes to public open spaces as per the recommendations of Mr Wedge and Ms Dray.

### *Landuse – Mixed Use Development on Lots 1 and 12*

- viii. Provide an internal layout of apartments to demonstrate a reasonable level of internal amenity.
- ix. Include a natural landscape corridor/pedestrian route through Lot 12 to reflect Days Drain including a wider path. This could include changes to the detailing of elevations of buildings.
- x. Reduce the level of noise generated by the cyclone on the timber yard to 60 LAeq (15 min) prior to the commencement of any activity (excluding construction activities).
- xi. Improvements to the private landscaping as per Ms Dray's recommendations.

### *Landuse – Residential Activities on Lots 2 to 10 and 13*

- xii. Installation of lights for bridle paths within development Lots 2 to 10 and 13 in certain locations.
- xiii. Additional conditions to ensure that bridle paths are maintained free of vegetation and that adjoining hedging and landscaping maintains overlooking opportunities.
- xiv. Improvements to the private landscaping as per Ms Dray's recommendations.
- xv. A condition to ensure that the drainage patterns established through the subdivision on Lots 2 to 10 and 13 are maintained so as to not impact on existing neighbouring properties and to ensure the development lots in the FMA will not flood in a major flood event.

336. I have recommended draft conditions to assist the decision maker should the application be approved however they would need to be further resolved in the least to address updated plans to address the internal layout of the apartments and inconsistencies within the application.

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**REFERENCES**

The Christchurch District Plan 2018

The South West Area Plan 2009

The Canterbury Regional Policy Statement 2013

The Iwi Management Plan 2013

The Land Use Recovery Plan 2013

Our Space 2018-2048 Greater Christchurch Settlement Patterns