

Report / decision to determine notification of a resource consent application

(Sections 95A / 95B)

Application Number:	RMA/2019/1330
Applicant:	Collets Corner Limited
Site address:	25 Oxford Street and 3, 5, 7 and 9 London Street
Site area:	518m ² and 455m ²
Legal Description:	Lot 1 DP 13544 and Pt Sec 31 Lyttelton Town
Zoning:	Commercial Banks Peninsula Zone
Overlays and map notations:	Liquefaction Management Area (LMA); Banks Peninsula District Plan Coastal Hazards; Coastal Environment; Ngā Tūranga Tūpuna (65, Ōhinehou (Lyttelton) settlement and port, listed in Appendix 9.5.6.3 Table 3: Ngā Tūranga Tūpuna); and Hill Waterway – Oxford Street Drain
Activity Status:	Discretionary
Application:	New three-storey building containing a health spa, restaurant, gymnasium, offices, retail activity and 26 residential units or guest accommodation

Proposed activity

The proposed activity is set out at pages 2-3 of the application but in summary the proposal includes:

- A three-storey building (basement, ground floor, two floors above and a rooftop terrace) with a total net floor area of approximately 2235m². The building will have a maximum height of 15.5m above ground level, comprising of a 12m building height at London Street and a further 2m height for rooftop structures (pergola over the rooftop terrace);
- The building would contain various tenants, including a health spa, restaurant, gymnasium, offices, retail activity, and 26 residential units or guest accommodation. Clarification was sought as to the use of all those units (as different District Plan standards apply depending on whether they are residential units or guest accommodation) but the applicant has not confirmed the use so I have assumed they are residential units for the purpose of assessment against District Plan standards as residential use has the more stringent standards:
 - o Basement level – a day spa with massage and pool facilities, six car parking spaces and 26 cycle parking spaces (accessed via the southern end of the site's road frontage to Oxford Street);
 - o Ground floor level – gym, restaurant, office space, retail space, and six cycle parking spaces;
 - o First and second floors - 13 units (visitor accommodation and/or residential accommodation) on each floor; and
 - o Rooftop – terrace for outdoor living space.
- The vehicle access to the building will provide for one-way access or egress only; and
- Two waste collection areas are proposed within the basement level to be used by the residential units and shared laundry facilities are located on the first and second floors.

The purpose of this report is to determine whether the application must be processed on a non-notified, limited notified, or publicly notified basis, pursuant to Sections 95A and 95B of the Resource Management Act.

Description of site and existing environment

The application site and surrounding environment are described in sections 4-10 of the application. They also describe the previous buildings on the site, but existing use rights have not been established or sought. I adopt the applicant's description, and visited the application site and surrounding environment with Mr David Hattam (Council's urban designer) on 18/10/2019.

Activity status

Christchurch District Plan

The site is zoned Commercial Banks Peninsula. This zone covers the Lyttelton Neighbourhood Centre and is a destination for weekly and daily shopping needs as well as for community facilities. In some cases, Neighbourhood Centres offer a broader range of activities including comparison shopping, entertainment (cafes, restaurants and bars), residential activities, small scale offices and other commercial activities. Medium density housing is contemplated in and around the centre.

However the proposal requires resource consent for a discretionary activity under the following rules:

Activity status rule	Standard not met	Reason	Matters of discretion	Notification clause
6.6.4.3 RD1 Earthworks	-	A Hill Waterway (Oxford Street Drain) runs under the subject site, and earthworks required for the development would be within the 10m required setback from this waterway.	6.6.7.1 - Natural hazards 6.6.7.2 - Natural values 6.6.7.5 - Maintenance access 6.6.7.4 - Cultural values	I note that there is no preclusion to notification for an application arising from this rule.
6.6.4.3 RD2 a. New buildings, other structures or impervious surfaces not provided for by Rule 6.6.4.1 P2 – P7	-	The proposed building and impervious surfaces are within the 10m required setback from the waterway.	As above	I note that there is no preclusion to notification for an application arising from this rule.
15.6.1.4 D1 - Activities listed in Rule 15.6.1.1 P3 to P22 in Lyttelton which involves the erection of a building which does not meet one or more of the built form standards in Rule 15.6.2 or activity specific standards in Rule 15.6.1.1.	The following built form standards in Rule 15.6.2 are not met: 15.6.2.1 Maximum building height - The maximum height of any building shall be 12m. 15.6.2.2 Maximum site coverage 15.6.2.3 Setback from road boundaries / street scene – (a) All buildings shall (iii) provide a veranda or other means of weather protection along the full width of the building fronting a road. 15.6.2.3 Setback from road boundaries / street scene – (a) All buildings shall (iv) have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street, and (v) have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street. The following activity specific standards for Rule 15.6.1.1 P17 are not met: b. Each residential unit shall be provided with ii. a single, indoor storage space of 4m ³	Proposal is for a new building to accommodate permitted activities (under rule 15.6.1.1 P6, P7, P8, P9, P17, and P18) where the building will not meet built form standards and activity specific standards in rule 15.6.2 and 15.6.1.1 as set out in the left column for the following reasons: The building height will be greater than 12m where the site slopes downhill to the south (maximum height of approximately 16m). Maximum site coverage (65%) is exceeded by 30% (95%). A veranda is not provided along the full length of the Oxford Street road boundary. East elevation: - ground floor – 22% - second floor – 18.9% North elevation: - ground floor – 57% Indoor storage space for residential units has a	Discretion is unrestricted however the following matters are relevant to assessment: Urban design - Rule 15.13.1. And Lyttelton Design Guidelines (Appendix 15.15.6) and Akaroa Design Guidelines (Appendix 15.15.7). And The extent to which development provides lane ways and linkages in the locations identified on the Lyttelton Master Plan Overlay (Appendix 15.15.8) as “Indicative pedestrian lane way and linkages” and an active frontage onto these lane ways. And Maximum building height - Rule 15.13.3.1 And Site coverage - Rule 15.13.3.7 And Minimum building setback from road boundaries/ street scene - Rule 15.13.3.2	Activity D1 includes an advice note to refer to relevant built form standard for provisions regarding notification. Each of the built form standards precludes public notification, and all but built form standard 15.6.2.1 Maximum building height preclude limited notification. I note this advice note does not refer to activity specific standards for provisions regarding notification. It therefore remains that there is no preclusion on notification I can consider for this rule.

Activity status rule	Standard not met	Reason	Matters of discretion	Notification clause
	with a minimum dimension of 1 metre; and c. Each residential unit shall be provided with an outdoor living space with a minimum area of 6m ² and a minimum dimension of 1.5m (for studio or 1 bedroom units) located immediately outside and accessible from an internal living area of the residential unit.	minimum dimension of 0.6m, falling 0.4m short of the minimum dimension. None of the residential units have an outdoor living space (communal space available on the roof).		
7.4.2.3 RD1 Any activity that does not meet any one or more of the standards in Rule 7.4.3; or any activity that requires resource consent in accordance with Rule 7.4.3.10 - High trip generators except where otherwise provided for by Rule 7.4.2.2 C1.	7.4.3.1 Minimum number & dimensions of car parks required Table 7.5.1.1 in Appendix 7.5.1 - Car parking numbers	The site is required to provide 64-73 spaces, and 6 parking spaces including 1 mobility space are proposed.	7.4.4.1 Minimum number of car parking spaces required	I note that there is no preclusion to notification for an application arising from this rule.
	7.4.3.2 Minimum number of cycle parking facilities required At least the minimum amount of cycle parking facilities in accordance with Appendix 7.5.2 shall be provided on the same site as the activity.	Cycle parking – 16-18 Visitor, 3-4 staff and up to 20 residents cycle parks are required. 20 residents and 5 staff spaces are provided in the basement and 5 visitor spaces are proposed at ground level.	7.4.4.4 Minimum number of cycle parking facilities required	I note that there is no preclusion to notification for an application arising from this rule.
	7.4.3.3 Minimum number of loading spaces required At least the minimum amount of loading spaces in accordance with Appendix 7.5.3 shall be provided on the same site as the activity.	Depending on the development scenario either no loading space is required (/residential and office scenario (or 1 99% and 1HGV loading bay is required (accommodation and retail scenario). No on-site loading space is proposed	7.4.4.5 Minimum number of loading spaces required	I note that there is no preclusion to notification for an application arising from this rule.
	7.4.3.4 Manoeuvring for parking & loading areas On-site manoeuvring area shall be provided in accordance with Appendix 7.5.6.	Additional manoeuvring is required to enter one of the parking spaces, all others comply	7.4.4.6 Manoeuvring for parking areas and loading areas	Any application arising from this rule shall not be publicly or limited notified.
	7.4.3.7 Access design Access shall be provided in accordance with Appendix 7.5.7.	4.0m formed width required, 3.6m ramp width proposed	7.4.4.10 Vehicle access design	Any application arising from this rule shall not be limited or publicly notified.
	7.4.3.7 Access design Queuing spaces shall be provided in accordance with Appendix 7.5.8.	6m queuing space required. The access provides a single lane therefore no queuing space is provided.	7.4.4.11 Queuing spaces	Any application arising from this rule shall not be limited or publicly notified.

Activity status rule	Standard not met	Reason	Matters of discretion	Notification clause
	7.4.3.8 Vehicle crossings The minimum distance between a vehicle crossing and an intersection shall be in accordance with the Table 7.5.11.4 (outside the Central City) and Table 7.5.11.5 (within the Central City) in Appendix 7.5.11.	30m separation is required from an access to an intersection between a Local Road and an Arterial. Approximately 21m separation is proposed.	7.4.4.16 Minimum distance between vehicle crossings and intersections	Any application arising from this rule shall not be publicly notified and be limited notified only to the New Zealand Transport Agency (NZTA) and only where there is direct access to a state highway and the NZTA has not given its written approval.
	7.4.3.10 High trip generators	The proposal is predicted to generate between 50 and 120 vehicle movements in the peak hour and therefore a basic ITA is required as a restricted discretionary activity.	7.4.4.19 High trip generators	-

Compliance with acoustic insulation standards (set out under chapters 15 and 6) has been established with a statement from an Environmental Acoustic Engineering Consultant (MASNZ) asserting that they could provide a design report prior to construction and a design certificate prior to occupation of the building which would confirm the building will meet the indoor design sound level (Attachment 4 to the updated application received 11/10/2019).

Earthworks will be undertaken within the building footprint (subject to building consent) so are exempt from the earthworks rules by rule 8.9.3 (a)(iv).

The Coastal Hazards provisions in the Banks Peninsula District Plan still apply, but none of those provisions are relevant to this application.

Written approvals [Sections 95D, 95E(3)(a)]

No written approvals have been provided with the application.

PUBLIC NOTIFICATION TESTS [Section 95A]

Section 95A sets out the steps that must be followed to determine whether public notification is required:

Step 1: Mandatory notification – section 95A(3)	
<i>Has the applicant requested that the application be publicly notified?</i>	No
<i>Is public notification required under s95C (following a request for further information or commissioning of report)?</i>	No
<i>Is the application made jointly with an application to exchange reserve land?</i>	No

Public notification is not mandatory under this section.

Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95A(5)	
<i>A rule or NES precludes public notification for all aspects of the application</i>	No
<i>The application is a controlled activity</i>	No
<i>The application is a restricted discretionary or discretionary activity for a subdivision of land</i>	No

<i>The application is a restricted discretionary or discretionary activity for a residential activity</i>	No
<i>The application is a boundary activity (other than a controlled activity)</i>	No

Public notification is not precluded under this section.

Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)	
<i>Does a rule or NES require public notification?</i>	No
<i>Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? (discussed below)</i>	Yes

Assessment of effects on the environment

When assessing whether the adverse effects on the environment will be, or are likely to be, more than minor, any effects on the owners and occupiers of the application site and adjacent properties must be disregarded pursuant to section 95D(a). Accordingly, this part of my assessment focuses on the wider environment beyond the application site and adjacent properties.

As a discretionary activity the Council's assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control. Those that are relevant are under chapters 7 (Transport) and 15 (Commercial).

Section 95D(b) allows the effects of activities permitted by the District Plan or an NES to be disregarded (the "permitted baseline"). The erection of a new building in Lyttelton would require resource consent (under rule 15.6.1.3 RD3) even if all activity specific and built form standards were met. Activities such as those proposed are potentially permitted (retail activity, commercial services, gymnasium or recreation activity, residential and guest accommodation) and are relevant permitted activities to have regard to, however there is no true permitted baseline as the proposal includes a new building. These activities also have parking requirements which would not be met in this case.

In my opinion, therefore, the discretion to disregard the adverse effects of permitted activities should not be exercised in this case.

In the context of this planning framework, I consider that the potential adverse effects of the activity on the environment relate to: parking and the transport network; visual, character and CPTED effects of the building; and effects on the waterbody/drain.

Parking and the transport network

The vehicle access and lack of loading areas and visitor cycle parking could generate adverse effects for the transport network. Those aspects of the proposal have been assessed within the applicant's Integrated Transport Assessment (ITA) and reviewed and assessed by another transport specialist (Mr Andy Carr of Carriageway Consulting, whose comment has been included at **Attachment 1** to this report). Mr Carr is of the view that in the context of the site the access design is appropriate to the activity and the nature of the adjoining road (Oxford Street). I have relied upon and accepted Mr Carr's review and his conclusions, and consider that effects of these aspects of the proposal on the transport network would be less than minor.

The proposal also falls short of the requirement for on-site car parking. On-street parking is a public resource in Lyttelton, which given the lack of onsite parking for existing commercial and residential land uses, is relied upon for vehicle-owning residents and people using/visiting the commercial centre. There are both limited and unlimited duration parking spaces on the streets around the application site. Possible effects on the environment are effects on the function of the transport network, the function and vitality of the Lyttelton Commercial centre, and users of the transport network in Lyttelton.

The applicant's ITA is at Appendix 4 (pages 70-91) of the application and there is further clarification of some matters in the s92 request responses received on 23/07/2019 and 11/10/2019. I summarise the ITA as follows to aid the decision maker:

- District Plan parking requirements (set out under Appendix 7.5.1, and using the parking reduction adjustment factors in Appendix 7.5.14) were calculated by the applicant as between 51-60 spaces for the proposed activity. The range in the calculated requirement accounts for uncertainty in the proposed uses. I accept this calculation;
- The applicant has more accurately estimated the expected parking demand to be 30-38 spaces, using a combination of: the (Australian) RTA Guide to Traffic Generating Developments; other available traffic

generation surveys; data from google on popular times at comparable businesses; a 10% reduction factor for the proposal's location within a commercial centre (the CBP zone operates like a commercial core zone, and the District Plan allows for a 15% reduction for proximity to a commercial core zone, but not the CBP zone); and a peak adjustment factor to account for the difference in peak times for different activities¹.

- Six parking spaces provided on-site falls well short of the District Plan requirement; and
- Parking availability in an inner survey area (shown at **Figure 1** below) was found to be 31 spaces at peak demand times (the time when there was the least availability of on-street parking). Availability comprised 21 unrestricted spaces, 10 time-restricted, and 7 short stay/loading spaces.

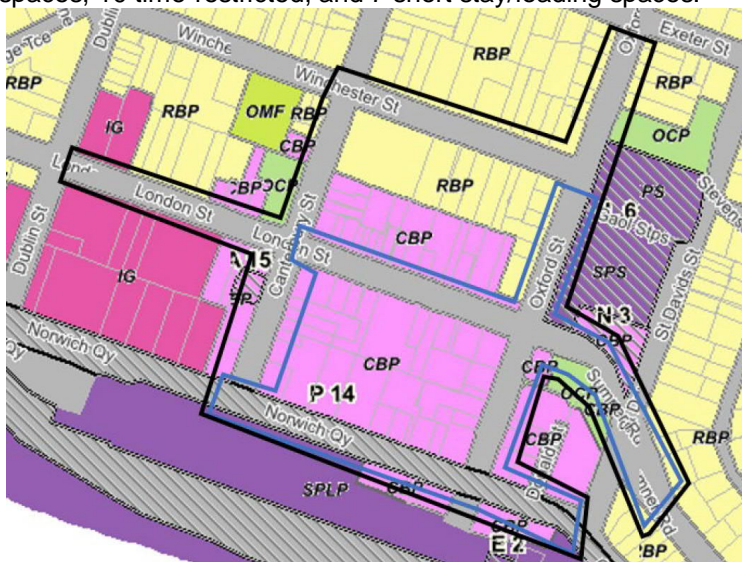


Figure 1 Inner survey area outlined in blue, and the wider survey area outlined in black

The findings of the ITA mean that at the busiest surveyed time the on-street parking in the immediate area will be at full capacity, with the possibility of some existing demand being displaced into the wider survey area, and some of the demand generated by the proposal using parking spaces in the wider area. Peak time in the survey was at 12:30pm Thursday 6 December. There were other surveys undertaken on other days and times but this was the busiest.

Mr Carr's review generally accepted the ITA with a few points of difference. I summarise the main supporting statements and points of difference as they relate to parking demand as follows:

- Even if parking is displaced into the wider survey area (larger than the immediate survey area) the walking time from the wider survey area to the application site would be less than four minutes, which is seen as a reasonable walking time/distance;
- The results of a Council survey of the parking over a wider area corroborates the survey undertaken for the applicant's ITA;
- Mr Carr supports the rationale behind the extra reduction of 10% applied to the estimated parking demand (for the proposal's location within a commercial centre);
- The peak reduction factor is a reasonable approach to estimating the parking demand generated by sites containing several different land uses;
- The sources of data used to estimate demand are reasonable, apart from the source used to estimate the residential parking demand. Mr Carr does not accept an assumption within the 'medium/high density residential flats' category, which is that residents have access to alternative forms of transport and hence do not need a car, because in this case there are few alternative transport opportunities available. Mr Carr considers that residential parking demand will be 45% greater as a result of not relying on that

¹ The peak periods for each activity are at different times of the day, so to account for a range of peaks the ITA notes that outside of peak times the activities tend to operate at around 66% or less of the peak, so a peak adjustment factor has been applied to the total estimated demand to balance out the highs and lows in demand from each activity (i.e. instead of getting a total demand figure comprising the peak times for all activities, the adjustment factor accounts for the complementarity of the activities, for example the wellness centre has a peak demand at 12-2pm on Thursday and the restaurant has a peak at 7-9pm on Friday and Saturday and the parking demand for each would not be realised at the same time, which the peak reduction factor allows for in the total parking demand figure). As clarified in the applicant's s92 response, different activities have different peak times, and in order to understand the impact on parking demand at any one time, we need to understand when the *overall peak* for the site occurs, which will be less than the sum of all the peak parking demands for all the activities because the peaks do not coincide.

assumption. Mr Carr has increased the estimated demand figures and compared those new figures against the parking availability as surveyed by Council. From this exercise Mr Carr concludes that the amount of unrestricted on-street spaces would still vastly exceed the demand generated by the proposed development, even with a higher parking demand associated with the residential use;

- Mr Carr agrees with the ITA that the proposal would not occupy such a large amount of on-street parking that it precludes the ability of other (future) developments to also rely on on-street parking. The surveys of available parking have included existing parking demand for activities that are already creating demand in Lyttelton; and
- Mr Carr advises there is no adverse road safety record associated with on-street parking around the application site.

I consider effects of the proposal and its resultant parking demand on the environment (the transport network, people in Lyttelton, vibrancy and amenity of Lyttelton as a commercial centre) would be no more than minor, for the following reasons, and having regard to the relevant matters of discretion under rule 7.4.4.1 *Minimum number of car parking spaces required*:

- People rely on on-street parking for access to commercial activities by car at present (many activities in Lyttelton do not provide on-site car parking). The peak/busiest time for on-street parking is reflected in the ITA and the existing parking demand is not expected to be displaced from the inner parking area surveyed. Some of the generated demand is expected to go into the wider survey area at times when demand and availability do not perfectly overlap/coincide, but the wider survey area is still close to the application site (less than four minutes walking time);
- The on-street parking resource would be subject to higher overall usage than at present, but this could be seen as more of a benefit to the Lyttelton commercial centre than an adverse effect (at least with regard to the commercial parking demand). I note I have not given weight to this benefit in coming to a view on adverse effects and notification. The demand from residential uses has a peak in the evenings/overnight which complements the primarily day-time parking demand from all other proposed activities apart from the restaurant. I consider the residential parking demand would have no more than a minor effect on the availability of parking for other commercial activities in Lyttelton, and therefore the function, vibrancy and amenity of the centre.
- Relying on Mr Carr's review, I consider increased use of available on-street parking would not create an adverse effect on the safety of the road network;
- I consider the general public could experience a lower capacity of parking spaces in the commercial centre of Lyttelton, but that there would still be spaces available at a reasonable distance from the core commercial area, and that this effect could be perceptible to the general public at peak demand times but I consider this effect to be no more than minor;
- Estimated parking demand is less than the District Plan requirement;
- By making it possibly less convenient to have a car while living or staying in the proposed building there is a possible effect on travel to the activity by private vehicles and the use of public and active transport, however this has not been given much weight due to the distance of Lyttelton from Christchurch, the frequency of public transport, and the inability to cycle through the Lyttelton tunnel;
- I consider the amenity values of the road network and surrounding environment would not be adversely affected by vehicles parking in areas where on-street parking is provided for; and
- Relevant transport objectives and policies seek parking space provision for the expected needs of an activity while enabling a reduction in the number of spaces required where it can be shown that the function of the surrounding area will not be adversely affected and/or the reduction is appropriate to the activity and its location (policy 7.2.1.4). I consider the function of the area would be affected to a less than minor extent.

Urban design – visual impact, local character and CPTED

The relevant matters in the District Plan provide guidance for this assessment of effects:

- 15.13.1 – Urban Design
- Appendix 15.15.6 Design guidelines – Lyttelton Commercial Banks Peninsula Zone
- 15.13.2.3 (d) Residential Activity – Outdoor Living Space
- 15.13.3.1 Maximum building height

I sought advice from Council's Senior Urban Designer, Mr David Hattam, whose memo is included as **Attachment 2** to this report. I have accepted and relied upon Mr Hattam's input to form my view (set out below), and have summarised his main points but his full memo should be read in conjunction with this report.

Visual impact

General urban design considerations are relevant, but main concerns relate to the local character context, raised in the next section. General urban design concerns raised by Mr Hattam are:

- The downslope frontage to Oxford Street is not well resolved, there is no glazing within the plinth and no street interaction;
- There is limited planting on-site and this is a disadvantage especially as the residents have no outdoor living space and limited ability to provide this for themselves and Lyttelton has little in the way of street planting; and
- The height of the south façade will be quite noticeable in the Oxford Street street scene, increasing the visual dominance of the building when viewed from Oxford Street. The height would have a moderate adverse effect on the street scene. There is no concern for the additional height of the roof garden elements which will not have a substantial visual presence.

I consider the overall height would have a minor adverse effect on the wider environment, due to the height of the south west corner as viewed from Oxford Street (having a moderate adverse effect). I have considered the visual effect of the building (including its height) on persons later in this report.

Local character

Mr Hattam considers that the proposal is a positive response when considered against the urban design guidelines for the City under rule 15.13.1, but there are some evident gaps and it is considered to be a weak response when considered against the local character context and the more specific design guidelines for Lyttelton under Appendix 15.15.6. Mr Hattam's central concern is for the design response to principles 2 (scale and form) and 5 (incorporate variety and pay attention to detail) of the guide which provide direction to break up large buildings so that they are read as smaller joined buildings rather than one monolithic building (point i.E.-F. of principle 2, point i.C. and iii. of principle 5). I note the use of the term 'avoid' within these principles which is a strong directive and should be given weight within the context of the design guide:

- E. Breaking a large building into modules so that it reads as smaller joined buildings rather than one monolithic one. As a rule of thumb, modules of 4m to 12m in width on London Street and up to 20 metres elsewhere will reflect the historic subdivision pattern.
- F. Designing the building with both horizontal and vertical divisions (articulation), particularly on elevations facing the street or adjacent to high use pedestrian lanes and spaces. Identifying each storey is important.
- C. Avoiding repetition of the same design module along the street frontage, typically no more than a 12 metre run.
- iii. Providing variation in building materials and colours. Avoid large expanses of the same material, colour or pattern.

Overall Mr Hattam considers the proposal does not meet these principles for the following reasons:

- Lack of variety in materials, features and detailing in the facades, which are articulated with windows but with few divisions on a flat facade. The design would benefit from an extra level of detailing such as the framing of windows or other protrusions/recesses;
- The façade is articulated but the proposal is quite clearly a repetition of the same design module and lacks detailed design elements (fine grain detailing). There has also been no attempt to break down the bulk of each form, for instance with a variation in detailing, colour or texture or into visually separate forms to fit with the character of London Street. Although the materials and colours are unusual and there is a high level of glazing, the proposal is a large expanse of the same materials;
- The building would be identified as a single building (even though it is split in two) due to the width of the two forms and their repetition, and would not respect the fine grain scale of its setting. In Mr Hattam's view it would not create the expected scale of development on London Street; and
- Overall, as the design stands, Mr Hattam considers it would not contribute to the character of the zone because of an insufficient level of variety, detailing and visual richness in the design. He considers the impact of this on the anticipated character of the centre would be high.

There is a section of verandah missing from the Oxford Street frontage, but Mr Hattam did not raise concern with this. I consider its location on Oxford Street means it will not break a continuation of verandahs, so the effect would be less than minor on the environment.

There is also a slight lack of glazing in the north and east façades when considered against the built form standards but Mr Hattam assessed this as acceptable within the overall design, and I consider effects of this would be less than minor on the environment as a result.

With regard to and relying on Mr Hattam's comments, I consider that the proposal does not respond adequately to the direction from the Lyttelton design guide by not adequately breaking up large built forms. I also refer to

policy 15.2.2.5, seeking to recognise and protect the special character and role of the Lyttelton commercial centre. 'Protect' is a relatively strong directive, indicating the significance of that character.

15.2.2.5 Policy - Banks Peninsula commercial centres

- a. Recognise and protect the special character and role of the commercial centres in Banks Peninsula, including Lyttelton and Akaroa, which provide a range of activities and services meeting the needs of their respective communities as well as visitors to the townships and the wider area of Banks Peninsula.

Although the low level of variation and detailed resolution would have a high effect on the wider environment, Mr Hattam has acknowledged that there is potential for additional mitigation and that effects could be managed by changes to the façades (e.g. variation in materials, reduction in the height of the south east corner or addition of details to the façade). However, no such proposals currently exist and I must limit my assessment to the effects of the activity as it currently stands.

I consider the specific design guide for Lyttelton within the District Plan indicates the significance of the character and design of buildings in Lyttelton. There are also design guidelines for the Akaroa Commercial Banks Peninsula zone, which is also an area with a significant character. These are the only two areas within Christchurch City that have their own statutory design guidelines. There are matters of discretion for character area overlays throughout Christchurch but the design guides for those areas are non-statutory documents and sit outside the District Plan. I consider the proposed response to matters of scale, variety and detail for a building which will be prominent, large, on a corner and on London Street (described in the guide as having an enclosed and intimate scale) would generate a more than minor adverse effect on the character of Lyttelton which would be perceived by persons in the wider environment of Lyttelton.

There was not a full assessment of the Lyttelton Design Guide provided with the application, so I have only relied upon the specialist input of Mr Hattam.

The applicant has discussed these matters briefly, referring to the varied windows and rooflines, and the purpose of the continuity of materials being to create a landmark building on a corner site with a unique presence. They also advise that the cladding has not been finalised and they are open to a certification condition requiring details of exterior cladding at a later stage (post-consent) when the next stage of design is undertaken. I consider this approach would defer decision making on a matter that is of fundamental importance to the character effects of the activity on the environment and do not consider this volunteered condition mitigates the more than minor adverse effect on the environment.

CPTED

Mr Hattam identified safety concerns related to the interior courtyard and communal areas for residents:

- Lack of oversight of the ground floor and communal areas at night and public access to communal spaces at night;
- Possible entrapment spaces under stair wells at ground floor level;
- The lack of security for residents if stairs are not secured (especially at night); and
- Risk of people jumping from the roof-garden

The applicant has volunteered conditions of consent to place gates to close the higher risk areas to the public at night (a consent condition is offered to allow the applicant to minimise the risk of entrapment in the next design phase and for this design solution to be certified by Council before construction). The applicant has also offered a condition of consent requiring a lighting plan acceptable to the Council be provided post-consent (a lighting plan would demonstrate adequate lighting for safety and security purposes). Mr Hattam agrees this approach could mitigate any safety concerns for the public.

I consider that a condition requiring closing off of potential entrapment spaces would mitigate safety concerns. However this was discussed at a meeting with the applicant and subsequent information confirmed only the stairs and lift would be secured, rather than a larger area of the ground floor which was suggested as a solution at the meeting. If the larger area can be secured (as illustrated in **Figure 2** below) then I consider the safety effects of the proposal would be less than minor, but if not, I consider effects would be minor – though this is finely balanced for me and they could come close to being more than minor.

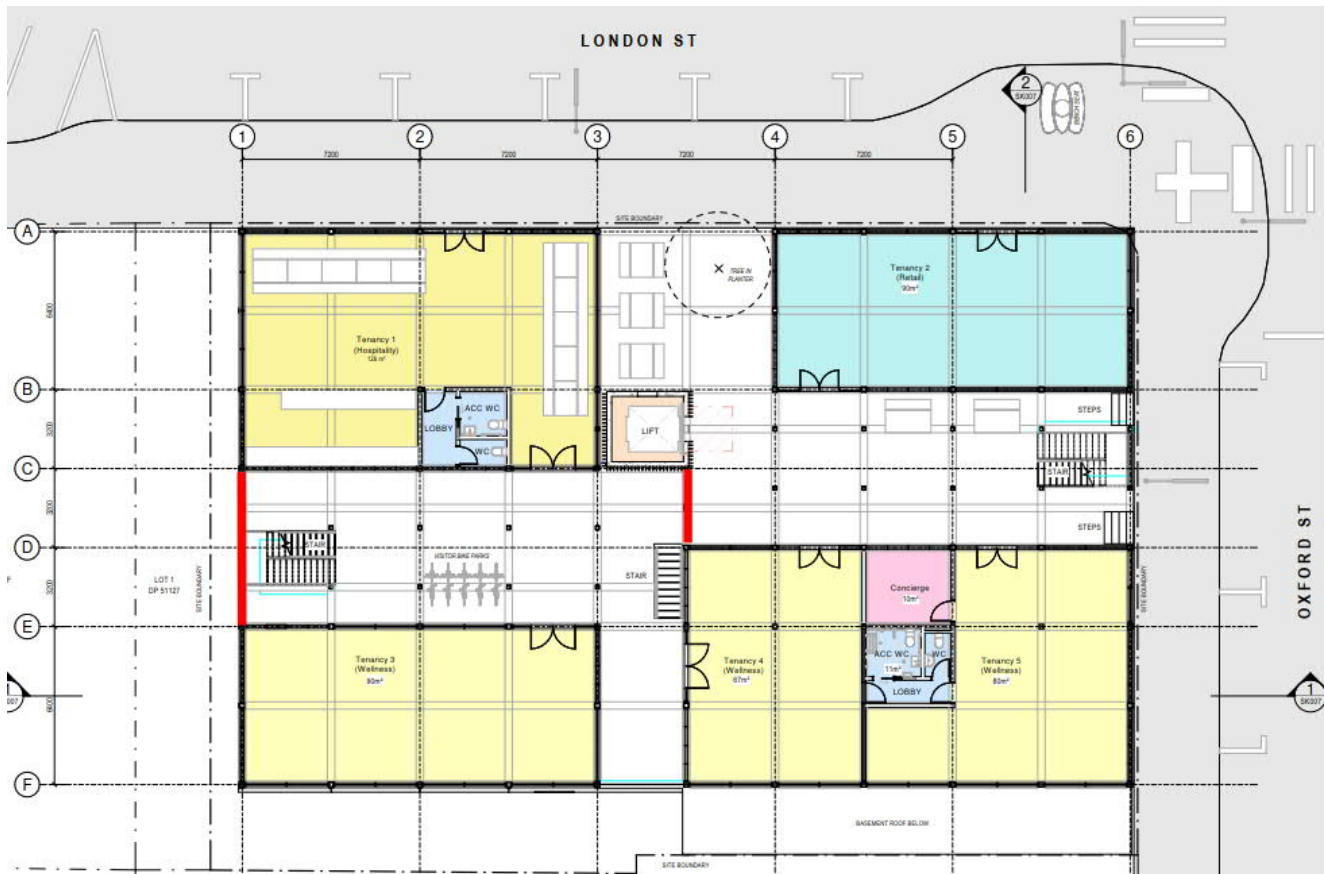


Figure 2 Ground floor plan, points to be secured to mitigate safety effect marked in red

Outdoor living space (OLS) and indoor storage space

There is no private outdoor living space proposed for each unit, but a communal 189m² outdoor living space on the roof. The indoor storage spaces fall short of the required minimum dimension. Mr Hattam also commented on the provision of outdoor living space, and raised a number of concerns, but I consider these have no effect on the wider environment and relate to the onsite amenity of the proposal.

Building over a waterbody (brick barrel drain)

A historic brick barrel pipe runs through the subject site, and the proposed building would be a suspended over the drain to avoid loading on it, and a small access hatch in the slab will allow for drain inspections if required. An authorisation outside of the resource consent process is being sought in respect of waterbody which is piped under the application site. I consider that as the waterbody is piped many of the matters of discretion are not relevant (natural hazards, natural values and cultural values). Maintenance access is relevant but this will be maintained. I consider effects on the environment would be less than minor.

Summary

I consider the proposal would generate more than a minor adverse effect on the environment by its impact on the special character of Lyttelton as described in the Lyttelton design guide. Other design matters (visual impact and CPTED) are considered to have no more than a minor adverse effect. Parking and transport effects are also considered to be no more than minor.

Step 4: Relevant to all applications that don't already require notification – section 95A(9)	
Do special circumstances exist that warrant the application being publicly notified?	No

With regard to whether special circumstances exist, the proposal is large in scale and located in a prominent location in Lyttelton. The project has been publicly promoted with a crowd funding campaign (PledgeMe) and has been featured in media articles, so there is already some public awareness of the proposal and there has been some public engagement through letters sent by residents to the Bay Harbour News. However special circumstances must constitute something more than people wanting to be involved in the resource consent process, the scale of the development, or public concern for the development.

There is clear direction provided in the Lyttelton design guide for the design outcomes sought for Lyttelton, and Mr Hattam has assessed the proposal against that guide. If the decision maker was of the view that effects on local character are no more than minor, I consider that there is no additional information that would be brought forward through public notification that cannot be brought forward for consideration by Mr Hattam's assessment against the Lyttelton design guide.

Conclusion on public notification

Having evaluated the application against the provisions of section 95A, my conclusion is that the application **must be publicly notified**.

In the event that the decision maker forms a different view and finds that public notification is not required, I have provided an assessment of effects on persons to determine whether the proposal should be limited notified.

LIMITED NOTIFICATION TESTS [Section 95B]

Where an application does not need to be publicly notified, section 95B sets out the steps that must be followed to determine whether limited notification is required.

Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)

Are there any affected protected customary rights groups or customary marine title groups?	No
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement, is there an affected person in this regard?	No

Step 2: Preclusions to limited notification – section 95B(6)

Does a rule or NES preclude limited notification for all aspects of the application?	No
Is the application for a land use consent for a controlled activity?	No

There are no preclusions to limited notification under this section.

Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)

For a boundary activity, are there any affected owners of an allotment with an infringed boundary under s95E?	N/A
For other activities, are there any affected persons under s95E, i.e. persons on whom the adverse effects are minor or more than minor, and who have not given written approval?	Yes

Assessment of affected persons

The statutory context for assessing the adverse effects of this application on the environment is outlined earlier in this report. It is equally relevant to the assessment of affected persons, which includes the owners and occupiers of adjacent properties. Within that framework I consider possible adverse effects on persons are:

- Transport effects
- Visual effects
- CPTED
- Cultural effects (Ngāi Tahu)

Transport effects

Effects on persons resulting from the transport related non-compliances relate to the following:

- Displacement of car parking
- Increased traffic volumes
- Increased noise in residential areas
- Vehicle movements on/off and within the application site (loading spaces, access design, vehicle crossings, trip generation)

Displacement of car parking

Persons who currently rely on the availability of on-street parking to park in close proximity to their home and who derive amenity from this availability may be adversely affected by the generation of additional parking demand

and increased competition for those on-street parking spaces. The effect of the increased parking demand could be that existing residents are no longer able to park on the street to the same degree or with the same frequency as they can currently (with either their own vehicle(s), to off-load items, or to accommodate visitors or trades people). That is particularly the case where the change is occasioned by this application and specifically its inability to meet its own demand within the application site.

The ITA and the parking availability survey undertaken for the applicant includes an immediate survey area and wider survey area, shown in **Figure 1** above; the inner survey area is the area closest to the application site where parking demand is expected to first go, while the wider survey area is a defined area further away from the application site, where demand is expected to go when the immediate survey area is exhausted. The survey area is made up of sections of streets that have been labelled 1A, 1B, 2A, 2B etc. as shown in **Figure 2** below. The availability of on-street parking at different times throughout the day has been surveyed for each of those street sections, with the results being included in the table at Attachment 3 to Appendix 4 (the ITA of the application). The following assessment considers persons residing within these survey areas (immediate and wider), with reference to the parking availability as surveyed by the applicant. The assessment is in a table format for brevity and ease of reading.

I acknowledge that forecasting where the parking demand will go is cannot be modelled precisely, and whether or not a person is considered affected depends on where parking demand will go. The applicant's transport assessment (from their Transport Engineer and Planner, Ms Lisa Williams) has provided some explanation of search patterns and the likely location of parking demand (refer to emails forming part of the s92 response received on 18/10/2019 and included at **Attachment 3** to this report) which I summarise as follows:

- The overflow parking demand from the residential part of the proposal is estimated to be 14 spaces, and the total demand is estimated at 32 spaces (at 7pm where food and beverage activities are also open). I add here that Mr Carr's review of Ms Williams' transport assessment considered that residential parking demand would be around 45% greater than Ms Williams' estimate because there was an underlying assumption in the 'medium/high density residential flats' category used to estimate demand that residents are able to use alternative modes of transport to travel to employment and hence do not need a car, but in this case and location there are few of those opportunities available. If the 14 space estimate is increased by 45% then it becomes approximately 20 spaces.
- During the parking survey at 7pm there were 35 available un-restricted car parks in the inner survey area, and 42 available restricted parking spaces in the inner area with a time restriction of P60 or greater (i.e., P120 or unrestricted). This will cater for demand within the inner survey area, even when the 45% increase in the residential demand estimate is used.
- The inner survey area is the area where demand is expected to go first, based on proximity to the application site, convenience (not having to drive/walk further uphill), and circulation (the key route to/from Christchurch). Some demand may spill out into the wider survey area but these numbers are expected to be very low. Some motorists will circulate down London or Winchester Streets but those that go down Winchester Street are likely to start to ignore spaces at the far end of Winchester and Canterbury Street and instead go down London Street or back to available spaces on Norwich Quay (that are closer to the application site). A small number might park at the western end of Winchester Street or on Canterbury Street but this would be a very small number.
- Existing residents in the area are likely to prefer parking in their own block, but new residents of the proposal that are not able to park directly outside the site are likely to be less concerned with proximity and more concerned with convenience of location for walking or leaving for work etc.
- The above points are the basis for the conclusion that there would not be overflow demand into the wider survey area, but if there was any overflow it would be the occasional vehicle scattered over multiple alternative choices of location and thus not likely to be noticeable from existing parking demand.
- With regard to residential areas just outside the inner survey area, for example Winchester Street, there may be some parking demand at the eastern end (closest to Oxford St) while car parks at the western end are likely to be less popular than the closer available car parks requiring a less hilly walk. However there is already reasonable parking demand on Winchester Street and it is not likely to be the first choice of parking location, so Ms Williams considers that a few more vehicles parking in this location would not be noticeable over and above the existing demand and at most would occur at the eastern end of Winchester Street.
- In summary, the generated demand is likely spread over the inner survey area, and even if only 75% of that demand parked in the inner survey area, there could be approximately eight vehicles that might spread out across five or so blocks outside the inner survey area, which could be around two or three vehicles at most on any one block, and which are likely to be in variable locations from night to night.

Ms Williams' assessment, and the review of that assessment by Mr Carr, has informed my assessment of affected persons. I have set out my method for assessing and identifying affected persons, and the assumptions behind that, as follows:

- I have paid particular attention to residential uses in the area around the application site and within the inner and wider survey area. This is because I consider parking demand for commercial uses to be more dispersible without generating more than a minor adverse effect on persons visiting/using the Lyttelton commercial centre, whereas residents in the survey area may have an ability to park close to their dwelling at present, which contributes to their amenity and may be affected to at least a minor extent by the residential peak time parking demand generated by the proposal. I have identified residential uses by District Plan land zoning, appearance of street frontages from google street view, and information available on Council's property files (building and resource consent documents, building plans etc). I acknowledge there could possibly be residential uses which I have not identified, but where there appeared to be a residential use I have assessed effects on the possible residents of the property. I have looked at properties within the inner and wider survey area and not the area beyond it, as the transport assessment identified that there would be a small amount of overflow parking into the wider survey area, with the inner area likely to accommodate all the parking demand from the proposal at 7pm and later at night.
- The ITA identifies the peak overall demand generated from the activity and the time of the lowest availability of on-street parking availability, and considers whether that peak demand can be accommodated within the immediate and wider survey area in an overall sense. However to determine effects on persons I have tried to consider the likelihood of displacement of parking to locations outside residential sites at the likely time when residents of the proposal will be parking their vehicles (in the evening/overnight). The peak demand time for residential uses comes from the applicants ITA (Table 4), which my specialist reviewer (Mr Carr has not objected to the use of this peak time).
- I consider there are a number of variables that may combine to generate an effect on persons:
 - o The person's ability to park on their own site (based on the District Plan requirements for parking provision, which is one parking space per unit where that unit has less than 150 m² gross floor area, and two spaces per unit otherwise (Appendix 7.5.1));
 - o The person's proximity to the application site, and the convenience for occupants of Colletts Corner of parking near the site. I have assumed that people ideally like to park close to their destination but acknowledge there may be other priorities and drivers that affect their choice of parking spaces, however in terms of assessing effects this is difficult to predict or assess. I have relied on the input of Ms Williams to presume that the parking availability in the inner survey area will be used first; and
 - o Availability of on-street parking in the survey block that the person lives within.

For example where a person has no ability to park on their own site, which is located within a short distance of the application site (e.g. 50m), in an area where there is little available on-street parking at 7pm, I consider the parking displacement effect on that person will be much greater (because their ability to park close to their home could be reduced significantly) compared to the same scenario but where the person can park on their own site, (where only visitors to the site may be affected). Similarly, if a person has multiple car parks on their site I consider they will be affected to a lesser degree than a person who has only a single car park. If the person can park on their site which is located 200m away from the application site (and perhaps there have been 20 available spaces reached before that person's location is reached) and there is a high availability of on-street parking spaces, I consider they will be affected to a limited degree.
- I have used the District Plan requirements for on-site parking (referred to above) as an indicator of whether a residential land use on a site has sufficient on-site parking to provide for its own amenity. Two or more cars per household may in actual fact be the norm, but as I am assessing the amenity of residential sites against the expectations of the District Plan I have relied on the Plan's parking requirement for this assessment.
- Parking availability on sites assessed below has been taken from aerial imagery, google street view, building/ site plans available on Council records, and site visits to streets but not into each individual site.
- The assessment below combines the range of factors referred to above to come to a view on the degree of effect felt by persons (i.e. less than minor, minor, or more than minor). Each factor has a different weighting. I consider the reduced ability of the resident to park has the greatest weighting in determining the effect, while the ability of their visitors to park has a lesser weighting because it is more likely to be occasional. Proximity to the site increases the likelihood of the displacement effect, so I consider that being closer to Colletts Corner increases the degree of effect.
- Reference to 'sufficient provision on-site' in the tables below reflects whether the District Plan requirement for parking on-site has been met (two spaces required for a dwelling over 150m² in Gross

Floor Area (GFA), one space required for a dwelling with a GFA less than 150m²). I have determined this only approximately using Council's measuring tool in SmartMap and aerial imagery from 2018.

- I have assessed persons block by block as they were surveyed by the applicant, and as shown in **Figure 3** below.



Figure 3 Survey areas from page 79 of application document

Survey area / block - Inner survey area, survey blocks 1A and 1B

On-street availability 5pm - 11 out of 21 (unrestricted)

On-street availability 7pm - 4 out of 21 (unrestricted)

Distance – survey blocks are between 20-120m away from the application site, parallel to the application site

26 Oxford Street has a non-residential use (Lyttelton Main School)



Address	Parking provision on-site	Degree of effect
29 Oxford Street	Two single garages	Sufficient provision on-site (two spaces required for a dwelling over 150m ² in GFA), may notice reduced availability on-street for other purposes (visitors etc) and low availability at 7pm, located close to Colletts Corner and within inner survey area where demand is expected to go - At least minor
31 Oxford Street	Nil	Insufficient provision on-site (no space provided for a dwelling less than 150m ² GFA), will notice reduced availability on-street, very close to the application site with low capacity at 7pm - At least minor
33 Oxford Street	Nil	As above - At least minor
35 Oxford Street	One space in the driveway	As for 29 Oxford Street but getting further away from Colletts Corner - At least minor
37 Oxford Street	Nil, but one allocated residents permit space on Oxford Street	As for 29 Oxford Street but getting further away from Colletts Corner, and sufficient allocated space on-street - At least minor
39 Oxford Street	Nil, but one allocated residents permit space on Oxford Street	As for 37 Oxford Street - At least minor

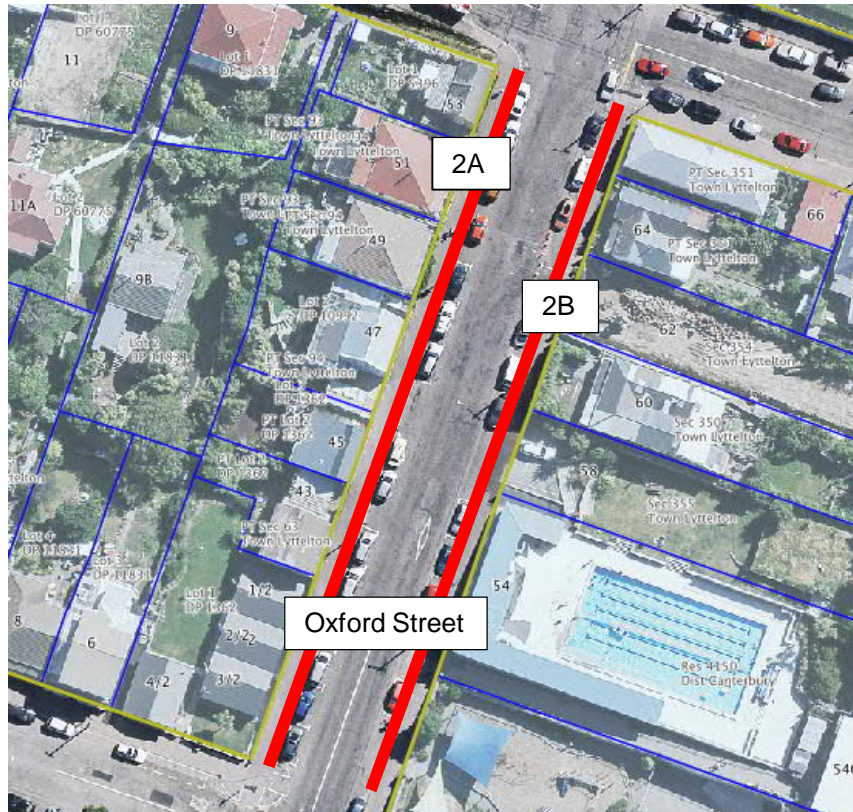
Survey area / block - Wider survey area, survey blocks 2A and 2B

On-street availability 5pm - 11 out of 25 (unrestricted)

On-street availability 7pm - 6 out of 25 (unrestricted)

Distance – survey blocks are between 140-240m away from the application site, uphill from the application site

This block is the second block uphill from the application site and on the same street. This block also contains the Lyttelton Pool.



Address	Parking provision on-site	Degree of effect
43 Oxford Street	One space, carport	Sufficient provision on-site, may notice reduced availability on-street for other purposes, distanced and uphill from the application site, low on-street availability at 7pm, but Norwich Quay is closer than this is making this area an unlikely choice, and assuming 8 spaces could be spread around the wider survey area (even if only 75% of the inner area is used) this effect would be less than minor
45 Oxford Street	Nil	Insufficient provision on-site, could notice reduced availability on-street, but distanced and uphill from the application site, and spaces on Norwich Quay would be closer – Less than minor
47 Oxford Street	One space, garage	As for 43 Oxford Street, but getting further away and further uphill from the application site – Less than minor
49 Oxford Street	Nil	As for 45 Oxford Street but again further away and more uphill so that the likelihood of Colletts Corner occupants choosing this over other spaces in the inner survey area is unlikely – Less than minor
51 Oxford Street	Nil	As above – Less than minor
53 Oxford Street	Nil	As above – Less than minor
60 Oxford Street	Nil	As above – Less than minor
62 Oxford Street	Nil	As above – Less than minor
64 Oxford Street	Nil	As above – Less than minor
66 Oxford Street	One space, garage	As for 43 Oxford Street, but much further away and further uphill from the application site – Less than minor

Survey area / block - Wider survey area, survey blocks 3A and 3B

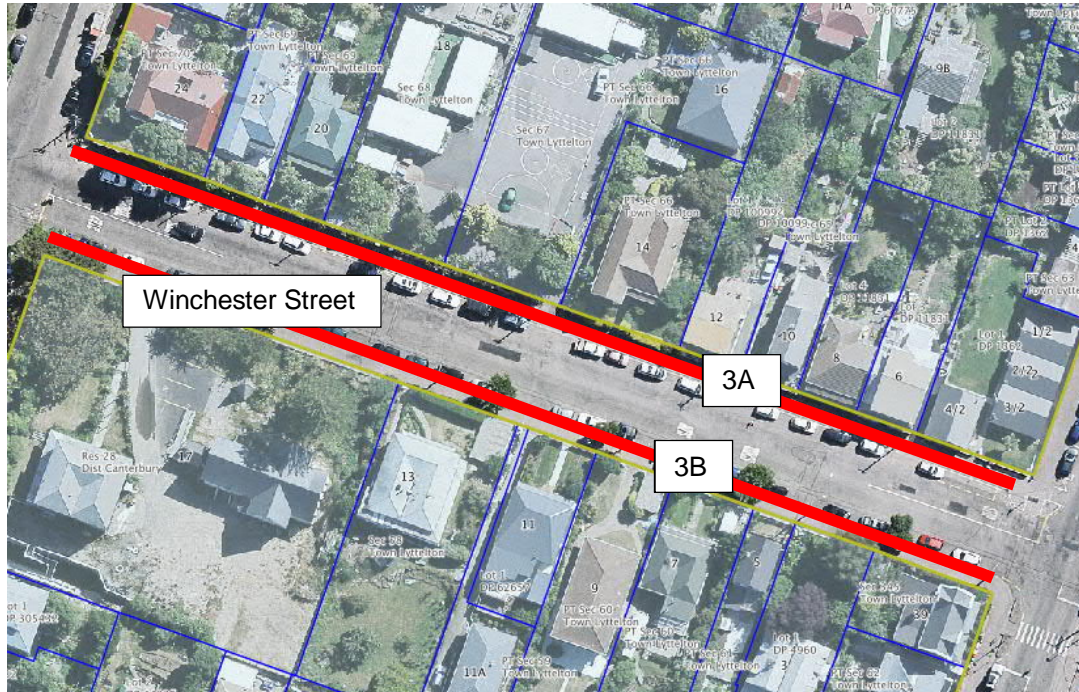
On-street availability 5pm - 19 out of 32 (unrestricted)

On-street availability 7pm - 10 out of 32 (unrestricted)

Distance – survey blocks are between 120-160m away from the application site, uphill from the application site.

16-18 Winchester Street is a preschool and former church site

17 Winchester Street is a current church site

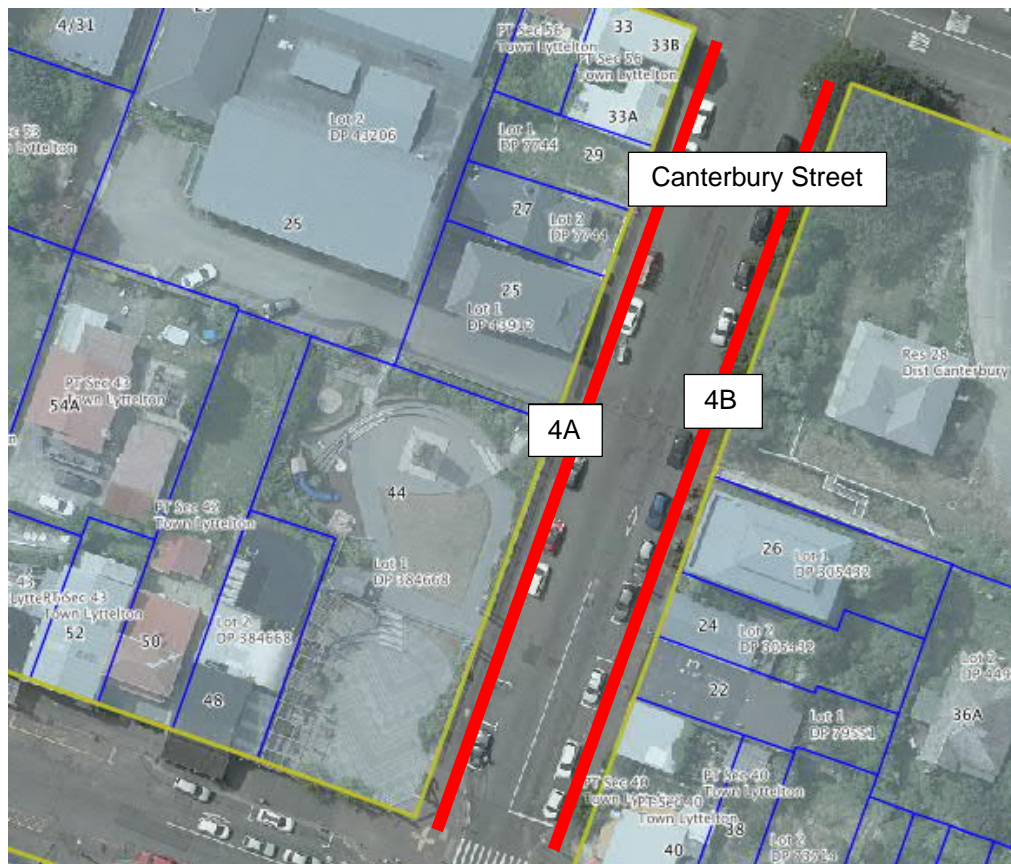


Address	Parking provision on-site	Degree of effect
1-4/2 Winchester Street	Nil	Insufficient provision on-site, could notice reduced availability on-street, distanced and uphill from the application site with some availability at 7pm, but at the eastern end of Winchester Street (close to Oxford Street) – At least minor
3 Winchester Street	Nil	As above – At least minor
5 Winchester Street	Nil	As above – At least minor
6 Winchester Street	Driveway, at least one space	Sufficient provision on-site, may notice reduced availability on-street for other purposes, distanced from the application site and with some on-street availability at 7pm – Less than minor
7 Winchester Street	One space, garage	As above – Less than minor
8 Winchester Street	Nil	As for 1-4/2 Winchester Street, further away but still at the eastern end of Winchester Street – At least minor
9 Winchester Street	One space, garage, and driveway	Sufficient provision on-site, may notice reduced availability on-street for other purposes, distanced from the application site but on a possible search route with some availability at 7pm – Less than minor
10 Winchester Street	Driveway, at least one space	As above - Less than minor
11 Winchester Street	Nil	Insufficient provision on-site, could notice reduced availability on-street, but distanced from the application site (not at the eastern end of Winchester Street) and with some availability at 7pm, and assuming 8 spaces could be spread around the wider survey area (even if only 75% of the inner area is used) this effect would be less than minor

11A Winchester Street	Driveway, at least one space	Sufficient provision on-site, may notice reduced availability on-street for other purposes, distanced from the application site and with some availability at 7pm – Less than minor
12 Winchester Street	Garage and driveway, at least one space	As above - Less than minor
13 Winchester Street	One, garage	As above - Less than minor
14 Winchester Street	Nil	As for 11 Winchester Street - Less than minor
20 Winchester Street	Nil	As above but getting further away from the application site, and with some availability – Less than minor
22 Winchester Street	Nil	As above – Less than minor
24 Winchester Street	Apparent on-site parking	Sufficient provision on-site, may notice reduced availability on-street for other purposes, distanced from the application site, with some availability at 7pm – Less than minor

Survey area / block - Wider survey area, survey blocks 4A and 4B
On-street availability 5pm - 15 out of 26 (unrestricted)
On-street availability 7pm - 3 out of 26 (unrestricted)
Distance – survey blocks are between 130-230m away from the application site, uphill from the application site.

Commercial use at 26 Canterbury Street and 40 London Street, and 17 Winchester Street is a church.



Address	Parking provision on-site	Degree of effect
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24 Canterbury Street	Nil	Possible residential use on-site, with no on-site parking (insufficient provision on-site). Located just outside the inner survey area, with low capacity of on-site parking. May only see a small and inconsistent increase in on-street parking – Less than minor
22 Canterbury Street	Nil	As above – Less than minor
25 Canterbury Street	Three, garage	Sufficient provision on-site, may notice reduced availability on-street for other purposes, but distanced from the application site – Less than minor
27 Canterbury Street	Nil	As for 24 Canterbury Street – Less than minor
29 Canterbury Street	Nil	As above - Less than minor
33 Canterbury Street	Nil	As above - Less than minor
33A Canterbury Street	Nil	As above - Less than minor
33B Canterbury Street	Nil	As above - Less than minor

Survey area / block – Wider survey area, survey blocks 5A and 5B
On-street availability 5pm - 19 out of 20 (unrestricted)
On-street availability 7pm - 20 out of 20 (unrestricted)
Distance – survey blocks are between 160m-260m away from the application site, downhill from the application site

40 Norwich Quay was a tavern but is unoccupied at present and does not contain residential use.
5 Canterbury Street does not appear to have a residential use and is owned by Chorus
47 London Street and 18, 16 Canterbury Street have non-residential uses



Address	Parking provision on-site	Degree of effect
3 Canterbury Street	3 garages, at least 6 spaces	Site contains commercial uses and one building includes residential use with adequate provision of parking on-site, may notice reduction in on-street parking but there is high capacity on the street - Less than minor .

14 Canterbury Street	Apparent space on site for vehicles, at least 2	This property is not obviously in a non-residential use, but there is space on site for parking and vehicles are on site in the aerial photo of the area. May notice reduction in on-street parking but there is high capacity on the street - Less than minor .
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Survey area / block - Inner survey area, survey blocks 6A and 6B

On-street availability 5pm - 4 out of 56 (restricted P60 or less)

On-street availability 7pm - 8 out of 56 (restricted P60 or less)

Distance – survey blocks are between 0m-100m away from the application site, parallel to the application site

11, 13, 33, 35, 24 / 24A London Street are empty/accommodate temporary non-residential uses

15, 15A, 15B, 17, 29, 18, 2, 16, 20, 26 London Street contain non-residential uses



Address	Parking provision on-site	Degree of effect
31 London Street	Space on site for parking, at least 1	Sufficient provision on-site in a large empty area to the rear of the building, existing low level of availability on-street and mostly restricted/time limited, close to the application site – Less than minor
6 London Street	Nil	Resource consent for buildings containing residential use was granted but then lapsed, and the lapse date was extended to 2020. A new application for resource consent has been lodged for buildings containing residential units. No parking was provided on site for the consented proposal, and none is provided for the current proposal. If parking is not provided then occupants would be relying on the same spaces as the occupants of Colletts Corner. The site is only around 7m wide, and providing access to the site (from London Street) is unlikely, so I anticipate they would also seek to not provide parking. The existing resource consent could still be implemented, establishing residential use – At least minor
8 / 8A London Street	Nil	Insufficient parking provision for even 1 residential unit. Partial residential use is apparent from building consent file referring to 'dwelling alterations'. Occupants would be looking for the same parking spaces as Colletts Corner occupants - At least minor
12A London Street	Nil	Insufficient parking provision for 1 residential unit. Residential use is apparent from building plans on Council files. Occupants would be looking for the same parking spaces as Colletts Corner occupants - At least minor

14 / 14A London Street	Nil	Possible residential use at first floor level. Insufficient parking provision for 1 residential unit. Occupants would be looking at the same parking spaces as Colletts Corner occupants - At least minor
18 / 18A London Street	Nil	Residential use on site. Insufficient parking provision for 1 residential unit. Occupants would be looking at the same parking spaces as Colletts Corner occupants - At least minor
28 London Street	Nil	Likely/apparent residential use on site. Insufficient parking provision for 1 residential unit. Occupants would be looking at the same parking spaces as Colletts Corner - At least minor
36A London Street	Nil	As above - At least minor

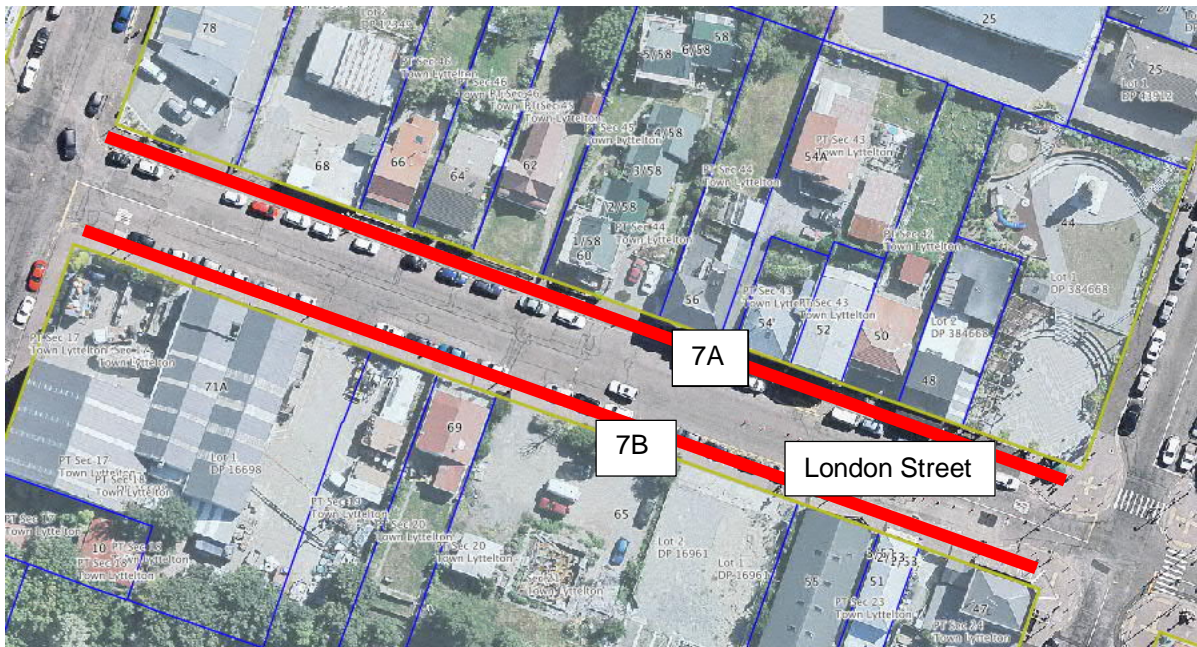
Survey area / block - Wider survey area, survey blocks 7A and 7B

On-street availability 5pm - 19 out of 33 (unrestricted)

On-street availability 7pm - 5 out of 33 (unrestricted)

Distance – survey blocks are between 145-305m away from the application site, parallel to the application site

44, 48, 52, 71, 71A, 65, 55 and 68 London Street have non-residential uses



Address	Parking provision on-site	Degree of effect
50 London Street	Nil	Apparent residential use on-site, with no on-site parking. Located just outside the inner survey area, but low capacity of on-site parking and in an area on the same level as the application site. Located further away than capacity on Norwich Quay. Occupants may only see a small and inconsistent increase in on-site parking – Less than minor
54 London Street	Nil	As above – Less than minor
54A London Street	Driveway, at least one	Sufficient provision on-site, may notice reduced availability on-street for other purposes, distanced from the application site, low availability at 7pm – Less than minor
56 London Street	Driveway, at least one	As above – Less than minor
1-6/58 London Street	Four apparent spaces for six units	As for 50 London Street – Less than minor

62 London Street	Driveway and garage, at least one	As for 62 London Street – Less than minor
64 London Street	Nil	As with 1-6/58 London Street assessed above, insufficient provision on-site but likelihood of noticing a reduced availability on-street is low as the site is outside the inner survey area. There is residents parking available for this property once they apply for a permit (they have not yet and if they do not apply for a permit the spaces will become regular parking spaces) – Less than minor
66 London Street	Nil	As above, including the reference to the residents parking permit space – Less than minor
69 London Street	Nil	As for 50 London Street – Less than minor
51 London Street	Nil	Possible residential use at first floor level but undetermined. As for 50 London Street – Less than minor

Survey area / block - Inner survey area, survey blocks 8A and 8B

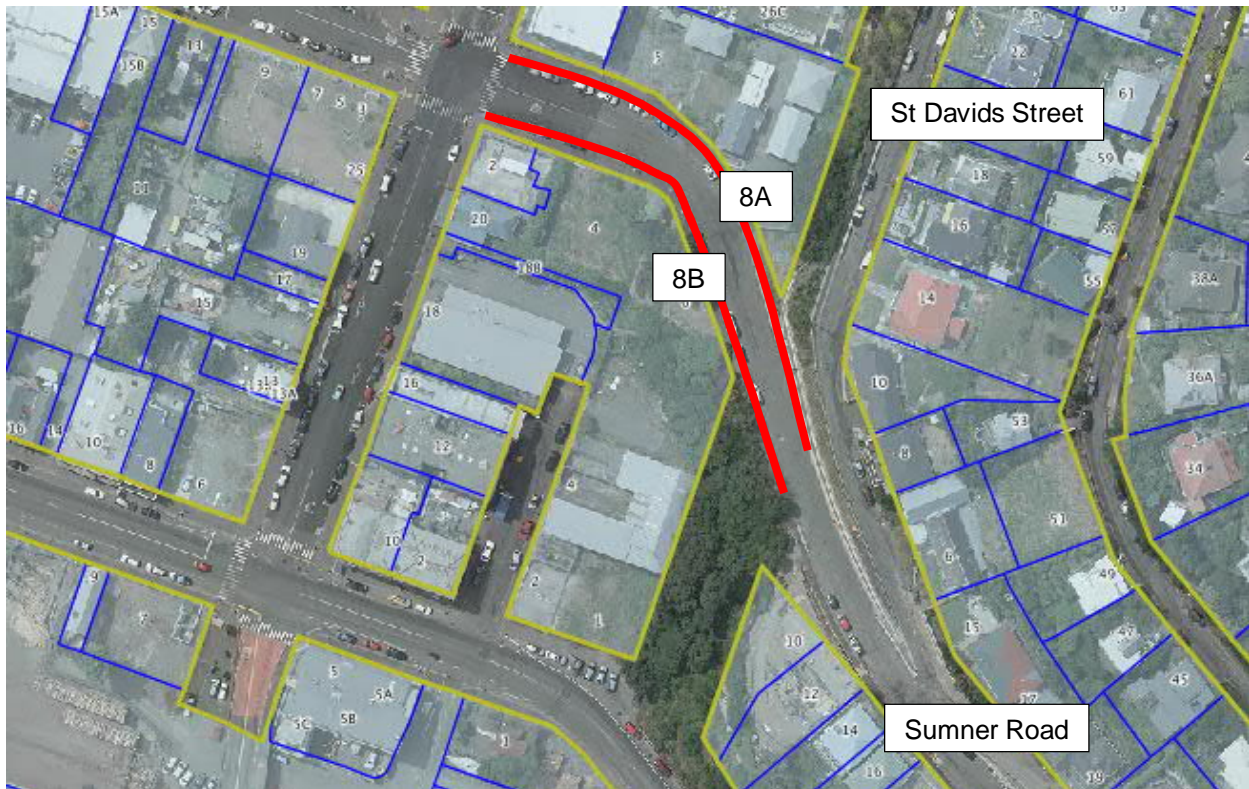
On-street availability 5pm - 12 out of 27 (unrestricted)

On-street availability 7pm - 6 out of 27 (unrestricted)

Distance – survey blocks are between 20-150m away from the application site, slightly uphill from the application site.

There are nearby residential sites but not immediately adjacent to the survey area. St Davids Street properties are accessed from that street rather than from Sumner Road (and are outside the wider survey area).

4, 5, 6 Sumner Road contain non-residential uses



Address	Parking provision on-site	Degree of effect
10 Sumner Road	Unknown	The closest of the nearby residential sites is 10 Sumner Road, but this is located just outside the survey area. There are ongoing works on this site and the parking provision is unknown. However the street outside these sites is close to the application site and the walk along Sumner Road is relatively flat for Lyttelton, and there is on-street parking availability, so I consider this may be a desirable location. However once

		you get to 10 Sumner Road you would be equidistant to spaces on Norwich Quay, making this an unlikely choice – Less than minor
2 Sumner Road	Garage – two spaces	I am aware of a resource consent for a building on this site (RMA/2019/1539, yet to be implemented but likely to be implemented) accommodating residential activity. Two car parking spaces are provided in the garage but the floor area is just over 150m ² (159m ²) so I consider more than sufficient parking provision has been made on-site, occupants may notice reduced availability on-street for other purposes and low availability at 7pm but parking on nearby Oxford Street is time restricted, and would not be occupied by residential demand from Colletts Corner overnight – Less than minor

Survey area / block - Inner survey area, survey blocks 9A and 9B
On-street availability 5pm - 15 out of 25 (restricted, P60 or less)
On-street availability 7pm - 6 out of 25 (restricted, P60 or less)
Distance – survey blocks are between 0-100m away from the application site, downhill from the application site

10, 16, 18, 18B, 20 Oxford Street have apparent non-residential uses and there was no record of a different use indicated by the available information held by Council on the building or resource consent files.
17 Oxford Street appears to be an empty site but with a proposed and resource consented commercial use.
15 Oxford Street also appears empty with storage containers, and no proposed uses.



Address	Parking provision on-site	Degree of effect
12 Oxford Street	Nil	Existing residential use within the building, entrance from Donald Street. Parking on Oxford Street is restricted (so unable to accommodate the long term/overnight demand from residents of Colletts Corner) and Norwich Quay would be more convenient than Donald Street, so I consider demand would be unlikely to locate on Donald Street, where occupants of 12 Oxford Street would likely go – Less than minor
19 Oxford Street	2 spaces	Guest accommodation/hostel activity, providing the required number of parking spaces on site, and parking in this block is restricted so would not accommodate overnight demand, so no difference would be noticed – Less than minor

13, 13A, 13B Oxford Street	Nil	Building plans show a residential use and no on-site parking. Residential occupants would be searching for a parking space in the same area as the occupants of Colletts Corner, and I consider would notice a reduction in on-street parking as a result of the proposal– At least minor
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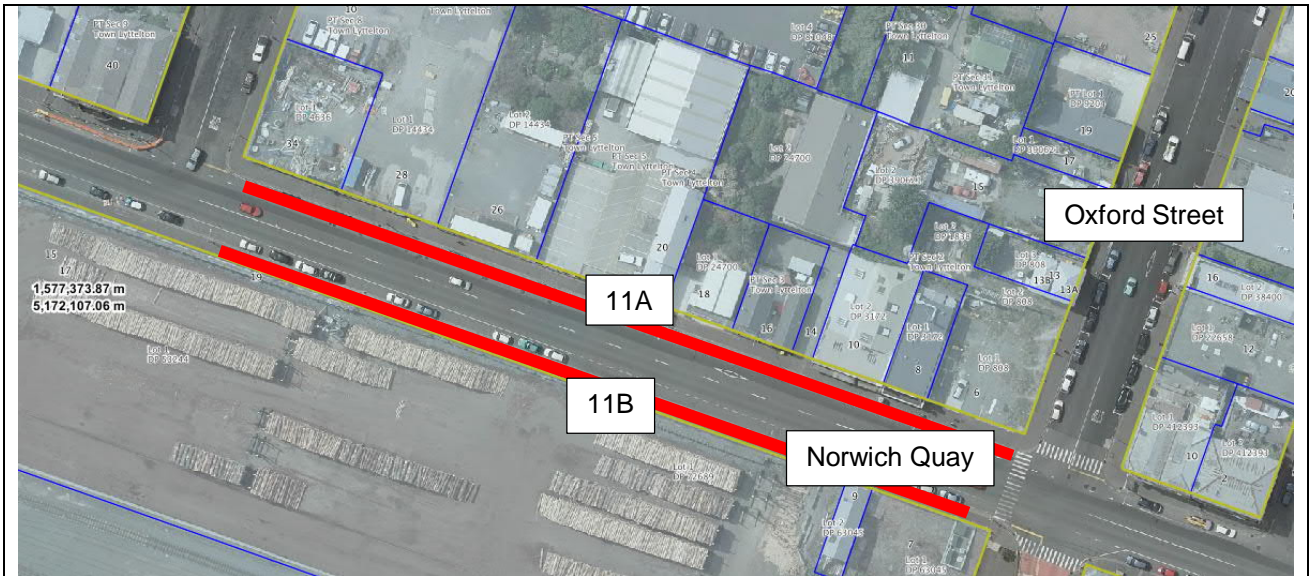
Survey area / block - Inner survey area, survey blocks 10A and 10B
On-street availability 5pm - 7 out of 9 (unrestricted) and 0 out of 3 (P60)
On-street availability 7pm - 0 out of 9 (unrestricted) and 0 out of 3 (P60)
Distance – survey blocks are between 115m-180m away from the application site, downhill from the application site

1 Gladstone Quay and 1 Norwich Quay have a non-residential use.

Address	Parking provision on-site	Degree of effect
2 Norwich Quay	Space on site for parking, at least one space	Appears to have a non-residential use but could be accommodating a residential use on the first floor. There is apparent space on site for parking vehicles, and the site is nearby Donald Street which is outside the survey area – Less than minor
10 Oxford Street	Nil	As above, but without apparent onsite parking – At least minor
5 Norwich Quay	Space on site, at least one	As for 2 Norwich Quay, there appears to be a residential use within the building but space for parking on site – Less than minor

Survey area / block - Inner survey area, survey blocks 11A and 11B
On-street availability 5pm – 30 out of 36 (unrestricted) and 4 out of 7 (restricted, P60 or less)
On-street availability 7pm - 25 out of 36 (unrestricted) and 1 out of 7 (restricted, P60 or less)
Distance – survey blocks are between 100m-260m away from the application site, downhill from the application site

6 Norwich Quay is empty with no proposed/consented uses at present.
10 and 20 Norwich Quay has an apparent non-residential use and no evidence of residential use from the available building plans.
18 and 26 Norwich Quay is occupied by temporary buildings for a non-residential use.
28 and 34 Norwich Quay (and 10-12 Canterbury Street) have a non-residential use proposed/consented.
7 and 17 Norwich Quay is Lyttelton Port land (non-residential use).



Address	Parking provision on-site	Degree of effect
8 Norwich Quay	Nil	Residential occupants would be searching for a parking space in the same area as the occupants of Colletts Corner, and I consider would notice a reduction in on-street parking as a result. There is a large amount of capacity here but the assessment assumes this area would be used by the Colletts Corner occupants – At least minor
14 Norwich Quay	Garage for 2 spaces	Building includes residential use with adequate provision of parking on-site, may notice reduction in on-street parking but there is high capacity on the street - Less than minor.
16 Norwich Quay	2 Spaces	As above - Less than minor.
9 Norwich Quay	Garage with at least 1 space	As above - Less than minor.

Increased traffic volumes

I consider the persons above may notice an increase in traffic volumes but I consider this would more likely be absorbed with existing traffic and have a less than minor effect on those persons. Mr Carr confirmed that in his view this increase would not have an adverse effect on safety. I accept his advice.

Increased noise in residential areas

More activity (e.g. car doors shutting) on streets outside residential properties may be noticeable, however I consider the parking of vehicles is a legitimate use of the road corridor, and could reasonably be expected by existing residents. I also consider that in comparison to existing use of the streets for car parking the additional parking demand (and noise and activity associated with it) would have a less than minor adverse effect on persons close to the site, and persons assessed in the tables above.

Vehicle movements on/off and within the application site (loading spaces, access design, vehicle crossings, trip generation)

The other transport non-compliances were assessed within the ITA and reviewed by Mr Carr, who is of the view that in the context of the site the access design is appropriate to the activity and the nature of the adjoining road (Oxford Street). I have relied upon and accepted Mr Carr’s review and conclusions, and consider that effects of the proposal’s design for vehicle access would be less than minor for any persons.

Visual amenity and character effects

The visual impact of the proposed building would arise from the building as a whole which includes a combination of non-compliances with built form standards (i.e. height, site coverage).

With regard to the height of the building, the topography of Lyttelton goes uphill to the north of the application site, and downhill to the harbour to the south. The land slopes uphill from the application site, but not steeply.

Dwellings on the closest block to the north of the application site would not be at a ground level/height that would mean the height limit exceedance would cause an adverse visual effect on identifiable persons in terms of loss of views or outlook. Nearby residential properties uphill from the application site (which the proposed building might now occupy part of their harbour view) tend to be either so close to London Street that they would not have a harbour view (the land is not so steep that a view is gained only a short distance uphill), or they face out onto Oxford Street rather than towards the Harbour, or they are located sufficiently uphill to get a harbour view but by then they are sufficiently separated from the application site that the proposed building would occupy only part of their wider view shaft. I consider there are no identifiable persons whose amenity would be affected to a minor or more than minor degree by the height of the proposed building.

My section 95A effects assessment above is also of relevance here in respect of character matters in particular, and I reiterate Mr Hattam's concerns with the building design, which I have accepted. I have formed a view as articulated above that the effects on the environment are more than minor. Lyttelton has a unique character that is recognised as such by the district plan, and that character is of importance to local residents and visitors alike. However I consider that those persons owning or occupying properties close to the application site and for whom the proposed building will form a significant component of their visual catchment, could have their appreciation of local character undermined and affected to a greater degree than the general public. Those persons should be served notice of the application, and I have identified them by visibility of the application site from their site:



Those properties are:

- 2 Sumner Road
- 20 Oxford Street
- 18 Oxford Street
- 19 Oxford Street

- 11 London Street
- 13 London Street

I have not considered the Lyttelton School to be an affected person because the building closest is not outward looking (the Lyttelton Arts Factory building) and has little glazing facing the application site.

Lack of glazing and a section of verandah have been considered within the wider context of the proposed building, and I consider these aspects would not generate an effect on any specific persons. The building covers a high proportion of the site (95% in comparison to the built form standard of 65%), which has also contributed to the overall appearance of the building as assessed earlier in this report. The visual dominance effect of the proposed building is contributed to by the site coverage and height as seen from the immediate properties to the south. I am mindful that a high site coverage is not necessarily out of character for this area and that other buildings have historically covered large proportions of their sites, and that most commercial buildings also appear to cover the full extent of the site. However I consider that the visual dominance effect from the overall scale of the building for persons (the owner/occupiers of properties adjacent to the south, being 19 Oxford Street and 11 London Street) would be at least minor. I consider those over the road to the north would not be affected to the same degree as it would be expected for a building to be built to the road frontage and to the building height limit, which is how the proposed building would appear from the north. They also have the mitigating factor of the distance provided from the road, as do the persons to the east across Oxford Street, who could also expect a building to be built to the road frontage.

CPTED

Safety concerns have been identified with the proposal in the s95A assessment above, which could be managed somewhat by volunteered conditions so that the effect is no more than minor, although I still have some concerns that the ground floor can be closed off at night sufficiently that effects are no more than minor. In terms of persons I do not consider any specific persons to be affected to a greater degree than the public generally.

Cultural effects (Ngāi Tahu)

The proposal was sent to Mahaanui Kurataiao Limited for their input on the proposal, as cultural values is a relevant matter for the works near a waterway. The input received highlighted the need to control erosion and sediment during works, for there to be an accidental discovery protocol followed and a recommendation to include indigenous planting. An erosion and sediment control plan will be required as part of the building consent process, and the earthworks are within the building platform. Given the nature of the waterbody, being a piped (brick barrel) drain, I consider any effects on Ngai Tahu will be less than minor.

Summary

Excepting parking related effects, visual dominance effects and local character effects I consider that no specific persons will be adversely affected by the activity.

I consider that the owners and occupiers of the following properties are affected persons because the adverse effects on them are likely to be minor or more than minor, and they have not given their written approval to the application:

- 29 Oxford Street
- 31 Oxford Street
- 33 Oxford Street
- 35 Oxford Street
- 37 Oxford Street
- 39 Oxford Street
- 1-4/2 Winchester Street
- 3 Winchester Street
- 5 Winchester Street
- 8 Winchester Street
- 6 London Street
- 8 / 8A London Street
- 12A London Street
- 14 / 14A London Street
- 18 / 18A London Street
- 28 London Street
- 36A London Street
- 13, 13A, 13B Oxford Street
- 10 Oxford Street

- 8 Norwich Quay
- 2 Sumner Road
- 20 Oxford Street
- 18 Oxford Street
- 19 Oxford Street
- 11 London Street
- 13 London Street

Step 4: Relevant to all applications – section 95B(10)

Do special circumstances exist that warrant notification to any other persons not identified above?	No
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My comments under section 95A are equally applicable here and I do not consider that any special circumstances apply that warrant notification to persons not listed above should the commissioner find that public notification is not required.

Conclusion on limited notification

Having evaluated the application against the provisions of section 95B, my conclusion is that the application **must be limited notified** to the affected persons listed above.

Recovery Plans and Regeneration Plans

Section 60(2) of the Greater Christchurch Regeneration Act 2016 requires that decisions and recommendation on resource consent applications are not inconsistent with Recovery Plans and Regeneration Plans.

There are no Recovery Plans or Regeneration Plans relevant to this application.

RECOMMENDATION

That, for the reasons outlined above, the application **be publicly notified** in accordance with section 95A of the Resource Management Act 1991.

Reported and recommended by: Shona Jowett, Planner

Date: 25/10/2019

Reviewed by: Andy Christofferson, Planning Team Leader

Date: 25/10/19

Decision

That the above recommendation be accepted for the reasons outlined in the report.

- I have viewed the application and plans.
- I have read the report and accept the conclusions and recommendation.

Decision maker notes

Determination

1. I have been asked to make a decision on a report and recommendation (the notification report) prepared by the CCC to determine whether this application must be processed on a non-notified, limited notified, or publicly notified basis, pursuant to Sections 95A and 95B of the Resource Management Act.
2. Having considered all the relevant information before me, my determination is that the application must be publicly notified under section 95A.

Background and process undertaken

3. On 25 October, I was forwarded a link to the section 95 report described in paragraph 1 above. The report was prepared and assembled by Ms Shona Jowett, CCC Planner, and reviewed by Mr Andy Christofferson, Planning Team Leader. The report drew on other reports by Council officers including from Council's Senior Urban Designer, Mr David Hattam.
4. I was also provided a link to the resource consent application prepared by Novo Group Ltd under the direction of Mr Jeremy Phillips, Director + Senior Planner. That application assembled and drew on several reports from a variety of professional disciplines but did not include any specific technical report on urban design matters. I return to this point later in this addendum.
5. Having evaluated the application against the provisions of section 95A of the RMA, Ms Jowett's conclusion in the notification report is that that the application must be publicly notified (the primary recommendation). The essence of this recommendation was her conclusion that:

"the proposal would generate more than a minor adverse effect on the environment by its impact on the special character of Lyttelton as described in the Lyttelton design guide. Other design matters (visual impact and CPTED) are considered to have no more than a minor adverse effect. Parking and transport effects are also considered to be no more than minor."

6. The notification report also canvassed the need for limited notification. In this respect, Ms Jowett commented and recommended accordingly:

In the event that the decision maker forms a different view and finds that public notification is not required, I have provided an assessment of effects on persons to determine whether the proposal should be limited notified.

Having evaluated the application against the provisions of section 95B, my conclusion is that the application must be limited notified to the affected persons listed above.

7. On 29th October, being two working days after receiving the notification report, I directed that the CCC reporting planner ascertain from the applicant's agent whether the applicant wished to allocate time to view a copy of the (then) draft s95 notification report and respond with any comments and/or any alterations to the proposal to address some of the urban design concerns unpinning the primary recommendation. This was motivated by a reoccurring comment in the application documentation that the applicant would be prepared to make changes to the proposal through the rest of the resource consent process to address any urban design issues.

8. The applicant responded by saying:

Based on our initial review we want to signal that we do wish to provide a response, but we will not be in a position to provide that response by COB Wednesday (tomorrow), noting that there are a number of (reasonably significant) issues that warrant a considered response (and my unavailability).

9. The response also stated that the applicant, if allowed, would provide a full response but that

... in the interests of time, we thought it might be useful to signal our concern regarding the recommendation for public notification on urban design/visual impact grounds.

10. The applicant indicated that it required a week to respond and so I set the following timetable:

- a. Applicant to respond to draft s95 report and addendum by no later than 8 November.
- b. CCC planner to finalise s95 report and recommendation by no later than 15 November.

11. The applicant also agreed to the processing the application to be suspended pending the delivery of the timetable items (effectively a s37 RMA extension to timeframes).
12. On Friday 8th November I received an 11-page response by the applicant. That response addressed the conclusions in the s95 report regarding the public notification tests, special circumstances, and affected persons. It set out those points of agreement/disagreement, before elaborating on the specific points that they disagreed with. It concluded that there is no statutory or substantive reasons for public notification of the application based on urban design matters. It accepted that parking-related effects, visual dominance effects and local character effects are reason for limited notification under section 95B.
13. On Thursday 14th November, I received from Ms Jowett the following:
 - a. Her addendum to the s95 report and the updated s95 report.
 - b. Her response to Jeremy Phillips' response to the draft s95 report.
14. Ms Jowett's addendum was based on some errors in the s95 recommendation report activity status section, which she considered necessary to raise with all parties. These errors concerned some overlap between each of Rules 15.6.1.3 RD1 and RD2 with Rule 15.6.1.4 D1. Specifically, she considered that Rules 15.6.1.3 RD1 and 15.6.1.3 RD2 should not be included in her activity table assessment because the activities in those rules are otherwise specified within the more specific activity set out in rule 15.6.1.4 D1. I return to this matter in my discussion below. There were no other changes arising to the draft s95 report and Ms Jowett's primary and secondary replacements remained intact.
15. The second document provided by Ms Jowett was an in-depth response to the applicant's response to the draft s95 report. It canvassed several aspects of Mr Phillips' memo and concluded that:

Section 95A, in my opinion, suggests that when bundling of activities is required public notification must only be precluded where all activities are subject to a non-notification clause (i.e. should any one activity not contain such a clause then all bundled activities subject to the resource consent must not be precluded from public notification).

For me, these sections reinforce that the correct approach is that public notification is not precluded for the present application and must be considered for the application overall owing to its discretionary activity status and the lack of a non-notification clause for all rules....
16. This leaves me with a contested position over whether to adopt the primary or secondary recommendation in the s95 notification report.

Discussion

17. In resolving the above contested position, I firstly (and importantly) note that in this instance, urban design and local character effects are the sole matter underpinning Council's recommendation for public notification; and that position is on the basis of technical advice from the Council's Senior Urban Designer that the proposal 'would generate a more than minor adverse effect on the character of Lyttelton which would be perceived by persons in the wider environment of Lyttelton'. This does not appear to have been formally accepted or disputed by Mr Phillips who did not provide any assessment against the urban design guide. On all other matters, both Ms Jowett and Mr Phillips are in agreement – the effects are either minor (in the case of parking related effects, visual dominance effects and local character effects) or less than minor (for all other effects).
18. In other words, the determining factor is urban design effects. In that respect, there are two separate but related matters to be determined - one procedural and one substantive; namely:

- a. Is there a statutory basis in the Plan rule framework for a finding that public notification is precluded for the present application?
- b. Are the urban design effects of such a magnitude to warrant public notification?

19. For the reasons I express below, the answer to a. is “no” and the answer to b. – based on the information before me – is “yes.”

Statutory basis for public notification

20. On the first matter, Mr Phillips and Ms Jowett’s views are very contrastable. They revolve around whether the rules precluding public notification apply in this instance and whether they can be relied on or not.

21. Ms Jowett’s opinion is that there is some overlap between each of Rules 15.6.1.3 RD1 and RD2 with Rule 15.6.1.4 D1. In her opinion, it is notable that each of Rules 15.6.1.3 RD1 and RD2 include the words unless otherwise specified. She says that this means that these rules do not apply where the activity is specified by another applicable rule. She notes that is the case with Rule 15.6.1.4 D1, and accordingly, RD1 and RD2 under 15.6.1.3 do not apply. In support of that position, Ms Jowett says that Rule D1 is more specific as it relates to Lyttelton and Akaroa as discrete from the Commercial Banks Peninsula zone more generally, which is the subject of Rule 15.6.1.3 RD1 and RD2. Rule 15.6.1.4 D1 is also more specific as it relates to activities which involve the erection of a building as discrete from activities generally that do not require such and could for example take place within an existing building, as is the subject of Rule 15.6.1.3 RD2.

22. Ms Jowett then poses the question of whether it is appropriate to unbundle the activities to enable some flexibility in the application of the various notification clauses. In this respect, my understanding from Ms Jowett’s report is:

- a. when bundling of activities is required, public notification must only be precluded where all activities are subject to a non-notification clause (i.e. should any one activity not contain such a clause then all bundled activities subject to the resource consent must not be precluded from public notification); and
- b. conversely, public notification must be required where any one of the bundled activities contains a notification requirement, rather than artificially separating aspects out (excepting where unbundling can apply).

23. In this case, Ms Jowett’s report said that the activity status is discretionary and there is no associated non-notification clause owing to a lack of outdoor living space (an activity-specific standard for residential activity P17). In this respect, there is no preclusion for notification under such a scenario. She says that effects on character are the key concern leading to her public notification recommendation. On that basis she considers the effects of the outdoor living space non-compliance could overlap with the effects on character, for example, balconies could add detail and visual interest to facades, and reduce the extent of adverse character effects. It follows that she does not consider that these aspects should be unbundled.

24. Mr Phillips’ view is that Rule 15.6.1.4 D1 applies to this activity in respect of urban design and provides direction or scope in respect of notification. He added (in summary):

- a. Rule 15.6.1.3 RD3, which applies where proposals comply with relevant built form and activity standards and provides for consideration of the urban design assessment matters in Rule 15.13.1. and the Lyttelton Design Guidelines in Appendix 15.15.6, directs that applications arising

from this rule shall not be limited or publicly notified. This supports his view that the matters in Rule 15.13.1 and Appendix 15.15.6 are substantive considerations under s104(1)(b).

- b. Rule 15.6.1.4 D1 also refers to the urban design assessment matters and Design Guidelines and it applies to this application given the breach of built form standards (for height, site coverage and street scene) and activity standards (storage and outdoor living space). In terms of notification, he notes that the rule states "Advice note: 1. Refer to relevant built form standard for provisions regarding notification". For this application the relevant built form standards preclude public notification. Whilst he acknowledges that the applicable activity standards (for storage space and outdoor living space) do not preclude notification, he says that these matters are not at issue with this application.

25. On the above basis, Mr Phillips' opinion is that whilst notification is not precluded under this rule, he considers the framework for the rule also supports his view that the matters in Rule 15.13.1 and Appendix 15.15.6 are substantive considerations under s104(1)(b).

26. Ultimately, this impasse is a legal issue and neither Mr Phillips nor Ms Jowett's view constitute legal advice. I have not sought legal advice because of the time constraints imposed by the applicant to have a s95 decision issued and the processing of the application resumed as soon as possible. My inclination is that Ms Jowett's position may be the correct one due to her arguments about the inability to unbundle and cherry pick in the application of the notification rules. On this point, I accept that the 2017 amendments to the RMA have made it clearer that notification is precluded only if each activity is subject to a rule that precludes notification. Significantly, this does contrast with the former wording under s95A(3)(a) which prevented public notification if 'a rule ... precludes public notification of the application...'.

27. I note that these sections of the Act were not covered in Mr Phillip's response so it is not clear to me whether the wording of the Act has informed his response. Furthermore, it appears to me that Mr Phillips' appraisal of the applicable rules and the relevant notification criteria (as summarised in para 24 a and b above) is incorrect in both respects. That is, Rule RD3 under 15.6.1.3 does not apply to this activity, and the activity standards not met under Rule 15.6.1.1 P17 are indeed at issue for this proposal.

28. Having said that, I acknowledge Mr Phillips' argument that it is evident that throughout the Plan's Commercial zones (including the Commercial Banks Peninsula Zone), urban design matters are universally treated as substantive issues of merit, rather than adverse effects that may require public or limited notification. In this respect, I do note that on a first reading of the Commercial Banks Peninsula Zone urban design rule (15.6.1.3 RD3), which applies to Lyttelton or Akaroa, it seems reasonably clear that any application arising from this rule shall not be limited or publicly notified. As noted above, however, this is not the relevant rule for this proposal.

29. Furthermore, and acknowledging Ms Jowett's point that the RMA requires an activity (in its entirety) to be covered by non-notification clauses for those limitations to apply, if the points above were to be treated at face value this means public notification is only 'opened up' in this instance by the breaches of earthworks, transport rules and activity-specific standards under Rule 15.6.1.1 P17 not met.

30. Based on the above, the view of Ms Jowett is compelling in that the Plan does not preclude public notification for this application. Likewise, the Plan provisions do not require either public notification or limited notification and therefore the test of s95 applies. It is therefore the second question I raised at the outset of this discussion as to whether the nature of the effects less than minor, minor, or more than minor that is the determinant and which I now focus upon.

Do the effects justify notification?

31. As noted above, my starting point for this part of the assessment is to note Ms Jowett's view that (my emphasis):

I consider the proposal would generate more than a minor adverse effect on the environment by its impact on the special character of Lyttelton as described in the Lyttelton design guide. Other design matters (visual impact and CPTED) are considered to have no more than a minor adverse effect. Parking and transport effects are also considered to be no more than minor.

32. Ms Jowett has relied upon Mr Hattam's assessment in reaching that conclusion.
33. Mr Hattam makes clear in his memo that his assessment is framed by the following:
- the matters of discretion for urban design at Section 15.3.1 of the District Plan;
 - the design guidelines for the Lyttelton Commercial Banks Peninsula Zone at Appendix 15.15.6 of the District Plan;
 - the matters of discretion for outdoor living space and maximum building height at Sections 15.3.2 and 15.3.3 (respectively) of the District Plan; and
 - the rating scale adopted by the New Zealand Institute of Landscape Architects for the purposes of carrying out visual effect assessments.
34. In this respect, Mr Hattam's assessment is based on objective criteria specifically included in the Plan to assess proposals such as this. Conversely, the urban design assessment in the application documentation was limited solely to consideration of some assessment criteria in the assessment of environmental effects, and in the architectural design statement provided by Warren & Mahoney, which briefly discussed three of the design principles in the design guidelines at Appendix 15.15.6. Significantly, there was no comprehensive urban design assessment attached to the application, nor in the applicant's subsequent response to the Council's requests for further information, despite the Council's invitation to the applicant to do so.
35. On that latter point, I note that Mr Hattam's initial assessment of the proposal led to his advising Ms Jowett of specific concerns he had and possible solutions the applicant could adopt to address those. These concerns and recommendations were sent to the applicant on 15 July 2019 and were responded to in the applicant's formal response to the Council's further information request. Of particular note, Ms Jowett made clear in the 15 July communication that:

Council's Urban Designer, David Hattam, has assessed the proposal and has raised a number of concerns (set out below), including providing some solutions that could mitigate these concerns. Excepting those matters raised in the s92 letter where a response is required, it is not mandatory that you make any of these changes. Rather, these summary comments are being provided as a courtesy to give you the opportunity to consider making any revisions. Overall, I will need to form a view on the application as a whole once I have all the required information and having regard to the specialist advice received. Regardless of where I get to with any recommendation, a decision maker will still need to consider the specialist's advice, which will include that summarised below. Given there is no urban design assessment supporting the application you may wish to make some changes, or obtain some urban design advice, as without it a decision maker will only have Council's specialist urban design advice to rely on - this may assist in informing how you proceed (see point 28 beneath the s92 request in this respect too, which notes that the applicant may want to provide an urban design assessment of the proposal to support the application)

36. While the applicant's response included some offers to codify a certification process for the building cladding as a condition of consent (among other design refinements), it did not provide an expert urban design assessment in response to Mr Hattam's concerns and recommendations.
37. In considering that and the assessments carried out in the original application, my view is that the approach adopted, and level of assessment undertaken, by Mr Hattam is more comprehensive and legible than that carried out by the applicant.

38. There is, moreover, no expert basis to contest Mr Hattam's assessment either in terms of the scope of matters he has assessed or reasons he has given for reaching his view on those matters as they relate to the proposal. The largely uncontested expert urban design advice before me is, therefore, that:

The building would not fully recognise the special character of the Lyttelton centre. I consider that the low level of variation and detailed resolution would have a "high" effects [sic] on the wider environment. The effects are distinct in nature but there is potential for additional mitigation. They could be managed by changes to the façades, for instance to vary materials, reduce the height of the south east corner or to add details to the façade. However, no such proposals currently exist.

39. On the basis of that finding, Ms Jowett's conclusion is understandably that the effects of the proposal on the special character of Lyttelton will be more than minor. I consider Ms Jowett's assessment to be well considered and appropriately draws on the expertise of others for specialist input.

40. While Ms Jowett's conclusion does not go further as to the ultimate significance of the adverse effects, it is not the role of s95 to do so. That is ultimately a matter for any substantive decision under section 104 and any subsequent decision-maker. Whereas, at this current s95 stage, if the effects are more than minor, then there is no discretion for me to exercise: the application must be publicly notified.

41. On that basis, and for the reasons given by Mr Hattam and Ms Jowett, the proposal is to be publicly notified under s95A of the RMA.

Commissioner:

Name: DJ McMahon

Signature:  _____

Date: 20.11.2019

CCL Ref: 14474-060919-wilson

6 September 2019

Kent Wilson
Christchurch City Council

By e-mail only: Kent.Wilson@ccc.govt.nz



A. PO Box 29623, Christchurch, 8540
P. 03 377 7010
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Dear Kent

**RMA/2019/1330 (15 Oxford Street Lyttelton (Colletts Corner)):
Peer Review of Transportation Assessment**

Further to various correspondence, we have reviewed the Integrated Transport Assessment (ITA) provided in support of the above application, and the response to the Request for Further Information, and our comments are set out below. Our assessment is also informed by the correspondence prior to the application being formally lodged, including a pre-lodgement transport report and other email and verbal conversations with the applicant's traffic engineers, Novo Group.

For ease of reference, we have adopted the same numbering and headings as used by Novo in their ITA.

ITA Section: Site History

This part of the report sets out the previous uses of the site, prior to the buildings being demolished post-earthquake. As we identified in our earlier commentary to Novo, while this is of passing interest, the proposed development is of a different scale and we understand that any existing use rights have been extinguished. As such, we have considered the application as a wholly new development and have not sought to compare the previous activities with those now proposed.

ITA Section: Transport Environment

Road Network

We concur with the description of the transport networks around the site.

The crash assessment only describes data up to the end of 2018 (although in practice it is not included in the report) and we have therefore reviewed the actual crash data for this period. We confirm that between 2008 and 2018 only three crashes were recorded on the frontage roads (including the adjacent intersection). In 2019, no crashes have been reported. We concur with Novo that the data does not indicate any particular road safety issues on this part of the roading network.

With regard to the on-street parking supply, Novo includes the results of a survey carried out within a distance of around 120m to 280m of the application site. In our view, the distance of the survey cordon from the site represents a viable walking distance for people parking remotely and then walking to the site (for instance, 280m can be walked in around four minutes). The surveys were undertaken at five times during a Thursday in summer (early December), which we consider

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represents an appropriate methodology. A supplementary survey was undertaken during a Saturday in March 2019 after the market had finished, although Novo notes that the parking demand was lower than observed during the weekday in December.

We have reviewed the detailed parking survey results. While we cannot confirm their accuracy (without doing our own survey), a separate parking survey has been provided to us by the Council and it is possible to cross-check the general outcomes. Novo concluded that within the survey area, there were at least 96 parking spaces that were available, of the total amount in the survey area of 320 spaces. The Council's own survey was carried out over several days and at different times to the Novo survey, and the survey area included (but was wider than) the area surveyed by Novo. However the results corroborates the conclusions of Novo, that there was available on-street capacity seen at all times, although the number of unoccupied spaces was a little different to those seen by Novo. We refer to this in more detail subsequently.

Alternative Transport Modes

We confirm the details set out by Novo with regard to bus services and cycleways.

ITA Section: The Proposal

This section of the report describes in detail the proposed development, noting that only 6 car parking spaces are proposed, but with a total of 31 cycle parking spaces. We highlight that there is some degree of flexibility in the tenancies, and that gives rise to several different scenarios within the remainder of the ITA.

ITA Section: District Plan Compliance Assessment

We have reviewed the District Plan Standards which have been reviewed and the compliance (or non-compliance with the District Plan) and confirm that in our view, all relevant non-compliances have been identified.

ITA Section: Assessment of Effects

Car Parking

The general approach taken by Novo in respect of car parking has been to identify the extent of parking generated by the proposed development, and to relate this to the ability of drivers to instead park on-street. To do this, Novo has calculated the tenancy/usage scenarios that give rise to the highest and lowest parking demands.

Novo considers that it is relevant that in other areas of Christchurch, it is permitted to reduce the amount of required parking by 15% if a site within a Commercial Core zone. There is no such zone in Lyttelton, but Novo claims that the area around the site functions, in effect, as a Commercial Core zone and that accordingly, a 15% reduction in parking can be supported.

We have carefully considered the merits of this argument. While there are many aspects of why land is zoned as it is, in this case we consider that the primary traffic-related arguments relate to people driving once into an area, parking and then walking to multiple destinations, and with this being supported by complementary activities being clustered together. Consequently, for this location and for the types of tenancy proposed, and notwithstanding the zoning, we consider that



there will be a reduced use of car travel, and therefore we are able to support the suggested reduction in car parking provision¹.

In view of the limited amount of parking within the basement, we agree that it will be necessary to allocate parking spaces to particular units (ITA paragraph 35) and recommend that this forms a Condition of Consent. However, residential parking areas do not need to provide mobility spaces under the Building Act and we consider that in practice this particular space should not be marked with the 'mobility' symbol so that it can be used instead as a standard parking space (albeit wider than usual). The swept paths presented in the ITA do not explicitly allow for a 0.3m clearance around the vehicle bodywork as required, but our review of these shows that in practice there is no locations where its omission is critical. In our view, although there is one space where an extra movement is required, the overall accessibility of the space is not unreasonable and we therefore agree with Novo in respect of the parking layout being appropriate.

Table 3 of the ITA sets out the expected parking demand for each of the proposed activities. We note that there is heavy reliance on the (Australian) RTA Guide to Traffic Generating Developments, and we have therefore evaluated whether there is any material difference in the parking ratios compared to other, more recent and/or NZ-based, data sources. In this regard, the gym appears to have a lesser car parking demand than other sources would indicate, but conversely the restaurant has more parking. Ultimately, we consider that the 'unders and overs' in Table 3 are balanced and that the overall parking demand, if considered on an additive basis, is within the range of 56 to 65 spaces identified by Novo.

Novo then goes on to discuss the maximum parking accumulation, taking into account that not all of the activities on-site will generate peak parking demands at the same time. In our experience, this is a common approach to sites containing several different land uses. Each of the sources used for identifying the parking demand is referenced, and although the use of Google as a way of determining parking demand is uncommon, we are unaware of any other source of information that could reasonably be used instead. Attachment 5 of the ITA is helpful in this regard as it disaggregates the parking demand by the various times of day and as this forms arguably the key part of the analysis, we have reviewed this in detail.

While the parking generation associated with most activities seems reasonable, we have some reservations regarding the use of the rate used for the residential component of the site. This is because an underlying assumption of the 'medium/high density residential flats' category used is that residents are able to use alternative modes of transport to travel to employment and hence do not need a car. In this case, there are very few of these opportunities available. We therefore consider that parking demand for this activity will be around 45% greater than shown because car ownership will be greater.

The final step carried out by Novo is to compare the expected overflow parking demand against the amount of on-street parking available. Novo identifies that the nature of the parking will be for more than one hour, and we agree (for residents it may be considerably greater than this).

In view of the difference between the Novo parking survey and the Council's own survey, we have undertaken additional calculations for the potential extent of overflow car parking, as shown below. Please note that this only considers unrestricted car parking spaces seen during the surveys.

¹ For completeness, Novo has not used the full 15% discount but has instead reduced parking demand by 10%. This is a conservative approach in our view, meaning that the extent of on-street parking is likely to be greater than may arise in practice.



Day		Time Period				
		10:00	12:30	15:00	17:00	19:00
Weekday	Parking Demand (increased to allow for higher residential rate)	21	34	35	35	41
	Vacant Spaces (Novo)	91	74	92	126	78
	Vacant Spaces (Council)	125	110	143	156	-
Saturday	Parking Demand (increased to allow for higher residential rate)	-	37	36	36	41
	Vacant Spaces (Novo)	-	88	107	124	120
	Vacant Spaces (Council)	-	-	-	-	-

Table 1: Parking Demand and Supply

It can be seen that in each case, the amount of unrestricted on-street spaces vastly exceeds the demand generated by the proposed development even when a higher amount of parking associated with the residential development is allowed for. In our experience it is common to consider that the parking stock operates at its practical maximum capacity at around 90% of the absolute maximum capacity (as drivers have difficulty in finding spaces) but even allowing for this, there is ample on-street parking available.

Novo sets out that in practice, the development would be likely to firstly increase parking demand in the immediate vicinity of the site, before drivers are then displaced to park their vehicle within the wider area. We agree, but note that even within this wider area, the walking distance between the application site and the parking locations would be less than four minutes. Novo also notes that the proposal would not occupy such a large amount of on-street parking that it precludes the ability of other (future) developments to also rely on on-street parking. We concur.

Although not mentioned in this part of the ITA, we consider that it is important to highlight that there is no adverse road safety record associated with on-street parking around the site. In view of the lack of reported crashes, we do not consider that there is any reason to expect that adverse road safety effects would arise as a result of increased use of the on-street parking stock.

Cycle Parking

The cycle parking provided represents a shortfall in the expected amount of cycle parking in respect of visitor cycle parking (5 spaces provided and up to 18 spaces required). The rationale for this set out by Novo is that fewer people cycle in Lyttelton due to the hilly nature of the settlement, and that it is not possible to cycle to Christchurch due to cycling being prohibited through the tunnel.

Although no specific data is provided by Novo to support the assertion of less visitor-related cycling, our informal observations suggest that this is the case. Further, we note that the full amount of residents and staff cycle parking is provided, and in our view, these are the groups that are more likely to have cycle parking requirements.

Accordingly, we support the reduced amount of cycle parking provided for visitors.

Loading Demand

Novo relies on the existing on-street provision for service vehicles, meaning that there are no loading facilities within the site. In this regard, there are two P10 spaces adjacent to the site (one on the same side as the application site) which Novo highlights could be used for loading.

We agree that the size of the tenancies and their nature means that loading will not be frequent and we agree also that smaller vehicles are more likely to be used. There is an inherent risk associated with relying on on-street loading that the space may be occupied when a delivery arrives, but in this case we consider that demand will currently be low. As more activities establish in Lyttelton, we expect that demand for on-street loading will increase, but equally, the extent of available on-street parking means that more on-street loading spaces could be established without difficulty. We are also mindful that if every site was to provide its own loading space (as may be required under the zoning), this would result in a considerable over-provision of internal loading spaces and likely an inefficient use of the land use resource. Since the proposal does not include a substantial element of activities that require frequent loading by large vehicles, we are of the view that it is appropriate to rely on on-street loading spaces in this instance.

Traffic Generation

The traffic generation of the site has been calculated in the peak hour allowing for all activities to generate maximum traffic simultaneously, but as Novo indicates, this is not necessarily the case. It is also the case that not all of these vehicles will in fact be generated by the development, but rather, in some cases, the vehicle will already be within the town and the occupants will simply visit the application site as part of an existing trip. As such, not only would the traffic generation be diminished from that which is shown, but also those vehicles would be present over a wide area. In other words, although the site is shown by Novo to generate 70 to 79 vehicle movements, these will not be on the road network immediately adjacent to the site because drivers will park over a greater area.

As with the parking calculation, we have concerns with the use of a low traffic generation rate for the residential development because it assumes that residents are able to use alternative modes of transport to travel to work. We therefore consider that the overall peak traffic generation of the site will be in the order of 16 vehicle movements greater than shown. However this is not sufficient in our view to materially alter the comment made that the vehicles are unlikely to be perceptible on the road network.

Novo goes on to consider the effects of these additional vehicles under the High Trip Generators rule. We have reviewed each of these matters, but in large part there is mitigation through the absence of on-site car parking and the low traffic flows using the site access. The building also provides for separate pedestrian access. In view of this, we agree that the site is as accessible as could reasonably be expected, given its location.

Access

The width of the access into the site is noted as being 0.4m less than required, with no queuing space provided and there is also a reduced separation distance from the nearest intersection.

With regard to the width of the access, Novo highlights that 3.6m is sufficient for a single traffic lane and that pedestrians are not expected on the vehicle ramp as a separate access is provided for them. While we agree with this, we note that cyclists will also be present on the ramp. That said, we also note that vehicle movements will be infrequent (at most, an average of one movement every 10 minutes) and the ramp will necessarily be a slow-speed environment. It is also short – even at a slow pace (noting that the gradient of 3.2m of the access is 1 in 4) a cyclist

would be able to travel along this in less than five seconds. Finally, we consider that a cyclist would also be conspicuous to drivers.

As such, we consider that the reduced access width in this location is unlikely to lead to adverse efficiency or safety effects. We recommend however that there is signage provided to advise drivers to 'watch for cyclists', or PW-35 'cyclist' signs or similar.

In respect of the absence of queuing space, Novo sets out that in practice the extent of vehicles entering and exiting will be low, and with only 6 spaces provided, we agree. Allowing for each vehicle to take five seconds to negotiate the ramp, we would expect that at most the ramp would be occupied for a total of 30 seconds in the peak hours, meaning that it would be unoccupied for 99% of the time. At non-peak times, vehicle usage would be lower. We therefore do not consider that vehicles are likely to have to wait for another.

The greater effects arising from the lack of queuing space will, in our view, arise from the proposed roller door. Since it will be closed when an incoming driver arrives, a vehicle will need to wait while it opens, and we consider that it is most likely to wait either straddling the footpath and creating an obstruction for pedestrians, or partially within the carriageway where it may create an obstruction for passing traffic.

The principle that drivers entering a vehicle crossing must give-way to pedestrians using the footpath is well-established in law, and our concerns are therefore related only to the additional time that is required for the roller door to open. However we are aware that there is a wide variety of roller doors available, including those that open at higher speeds than others. Accordingly, we recommend that the roller door is of a high-speed type, and if so, this means that the time waiting for the door to open will differ little from a (hypothetical) scenario where no door was installed.

For the reduced proximity to the London Street / Oxford Street intersection, Novo notes that the location that most nearly complies with the required separation would be impractical because that part of the road is closed when there is a market, which results in the car park being unusable. We consider that this is a reasonable conclusion, and we note that drivers attempting to enter or exit the car park through a road that is otherwise closed to traffic would present road safety issues. Accordingly, the site access has been located on Oxford Street, but as far from the intersection as possible.

The regular closure of a frontage road is not a scenario that is contemplated in the District Plan, and therefore in our view, the site represents a true exception. On balance, we consider that this is the location that achieves the intent of the relevant Standard. In terms of the effects arising from the access being located in this position, Novo notes that there is sufficient separation from the nearest intersection such that drivers would not be confused about where a vehicle is turning, with 21m being provided compared to a requirement for 30m.

The requirement for a 30m separation arises because Oxford Street is a Major Arterial Road. Within Christchurch, Major Arterial Roads typically carry volumes well in excess of 10,000 vehicles per day and thus there is a frequent occurrence of vehicles passing accesses. Oxford Street however carries around 3,500 vehicles per day. Consequently, while it has a role as a strategic roading link, the actual traffic volumes are much lower than might be expected for this type of road (such volumes are more likely to be seen on a Collector Road). Reduced traffic volumes provide mitigation for the reduced separation from the intersection because there is inherently a limitation of the number of possible conflicts that could arise.

We also note that the required 30m separation would apply in instances where vehicles on the Major Arterial Road are travelling at 60km/h. In this location we would expect the prevailing



speeds to be in the order of 40-50km/h. The slower-speed environment means that drivers have more time to see and assimilate the situation, and if necessary, take action to avoid a collision.

Taking all of these matters into account, we consider that the reduced separation distance is appropriate in this instance.

Carriageway Consulting Summary

Having reviewed the ITA, we are of the view that the non-compliances of the proposed layout with the District Plan have been identified and are mitigated, either through particular aspects of the way that the site will operate, or the characteristics of the surrounding road network. We recommend however that in addition to the mitigation measures proposed by Novo in the ITA, two further measures are put in place:

- The access within the building is marked with signage to ensure that drivers are reminded of the possible presence of cyclists. This is because cyclists may, in fact, be the dominant user of the access rather than cars; and
- The roller door at the access should be of a high-speed type, in order to ensure that drivers do not wait for longer periods across the footpath or partially within the traffic lanes.

In respect of the shortfall in car parking, we agree that the survey undertaken by Novo (and supported by an independent survey carried out by the Council) shows that there is sufficient long-term parking on the roading network within a short walking distance of the site to meet likely demand. Given the clustering of activities in the area, we expect that customers of the tenancies will park once and then will walk to several different locations and this is supported by the notion of using on-street parking².

We consider that it is reasonable to rely on on-street loading, especially in view of the limited amount of loading that will be required in practice and the very close proximity of existing on-street loading spaces.

The size of the development is such that even if an allowance is made for greater car travel than has been calculated (taking into account that the traffic generation rate for the residential activity may be too low), the volume of traffic is unlikely to be perceptible on the roading network. Further, because these additional vehicles will be spread over a wider area (rather than all visiting the site itself) the increase on any individual section of road will be even lower.

Consequently, based on our review and subject to the comments above, we consider that the road safety or roading efficiency effects arising from the proposed development will be less than minor.

² Although we have not discussed it within this letter report, if the site was to provide parking for customers of the intended tenancies, we consider that there is a risk that those vehicles will remain parked while their occupants visit other locations within Lyttelton. This would effectively mean that there was a parking shortfall on the site, meaning that drivers would enter the car park, be unable to find a space, and then have to exit again.



Please do not hesitate to contact me if you require anything further or clarification of any issues.

Kind regards

Carriageway Consulting Limited

Andy Carr

Traffic Engineer | Director

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MEMO

To: Shona Jowett, Planner
From: David Hattam, Senior Urban Designer
Date: 24 October 2019
Re: RMA/2019/1330 – 25 Oxford St and 3-9 London Street (Collets Corner) – Urban Design Assessment for Notification Decision.

1 Summary

The proposal is fully discretionary because it breaches the maximum height rule 15.6.1.3. It would otherwise be a restricted discretionary application under rule 15.6.1.3 RD3.

I have assessed it against the urban design guidelines, the Lyttelton design guidelines and the assessment matters for breaches of height and outdoor living space.

When considered against the “standard” urban design guidelines in 15.13.1, I consider the application provides a positive outcome. However, when considered against the Lyttelton specific rules, some gaps are evident. This indicates that the proposal is a building with a generally good standard of design, but does not reflect the identified character of its setting.

The main issues identified are:

- The level of variety in materials and detailing in the facades. The façade is articulated but the grain is not fine enough (it has not been broken down into visually separate forms to fit with the character of London Street). It is also a repetitive design of two similar forms.
- Height, especially at the south east corner where the proposal will be prominent when seen from the south.
- Safety concerns related to the interior courtyard and communal areas for residents
- Private outdoor living space has not been provided for individual units and . The communal outdoor living space is not by itself sufficient to meet all outdoor space needs for residents.

These concerns have been raised with the applicant who has indicated that the safety concerns can be managed by condition, and I agree that this is possible. With regard to the visual effects, I have used the NZILA rating scale as means to grade these (Extreme/very high/high/moderate/low/very low/negligible):

- I consider that the height would have a low-moderate impact on the street scene. It would be noticeable but not visually obtrusive given the environment and zoning.
- The building would not fully recognise the special character of the Lyttelton centre. I consider that the low level of variation and detailed resolution would have a “high” effects on the wider environment. The effects are distinct in nature but there is potential for additional mitigation. They could be managed by changes to the façades, for instance to vary materials, reduce the height of the south east corner or to add details to the façade. However, no such proposals currently exist.

In view of the above, there would be high adverse visual effects from the level of variety and detail in the built form, and these would impact on the special character of Lyttelton.

2 Urban Design Assessment

Although the application is fully discretionary due to its height non-compliance, I have used the restricted discretionary matters as a framework for my assessment. These are comprehensive and cover the relevant urban design issues.

The relevant matters are:

- 15.13.1 – Urban Design
- Appendix 15.15.6 Design guidelines – Lyttelton Commercial Banks Peninsula Zone
- 15.13.2.3 (d) Residential Activity – Outdoor Living Space
- 15.13.3.1 Maximum building height

2.1 15.13.1 Urban Design

The proposal is a generally well designed building that provides active engagement with its surroundings. However, it does not sufficiently address the character of the centre. I also have some concerns about safety (CPTED matters) which require further consideration, but I expect that these can be addressed with minor amendments and access management. The detailed assessment is as follows:

1. The extent to which the development:

1. Recognises and reinforces the centre's role, context, and character, including any natural, heritage or cultural assets;

The proposal includes a variety of activities in a variety of spaces. It would increase the number and scale of activities within the Lyttelton Town centre. It is also a distinctive building of some scale in a prominent site. However, I have identified that the building does not have a fine enough grain to respect the special character of the centre. These issues are discussed in some detail under 15.15.6, below. Further resolution is required in relation to this matter.

2. Promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces;

The proposal has a high proportion of glazing onto London Street and includes a verandah. It will provide a strong visual interface with this street, and around the corner with both Oxford Street and the laneway to the west.

However the downslope frontage to Oxford Street does not interact with the street as well. Along this side the main part of the building sits on top of a half-storey basement podium, which contains parking and health facilities. There is no glazing within this podium and as such it does not provide a good interaction with the street at ground floor. The main part of the building that sits on top of the basement however does provided enough glazing . and I consider the visual impact overall is acceptable

On the west side, there is to be a laneway formed providing public acces. The building has good glazing at the front of this laneway, as far as the side entrance to this building. Beyond that point the façade is blank, providing no further surveillance.

There is also to be a new public space within the building, an interior courtyard, in many ways similar to the development form characteristic of the Central City. The upper floor walkways and roof garden will enclose the space so it is mostly a covered space. There is a reasonable proportion of glazing overseeing this space overall, from retail, restaurant and wellness tenancies.

I do however have some concerns about the likelihood of oversight being maintained in this space. The retail tenancies are likely to have primary frontage to the street and may obscure secondary glazing. The wellness tenancies are likely to at least partially obscure the glazing. The restaurant glazing is most likely to be maintained. I consider that these matters can be resolved through a management plan for the area, to maintain transparency onto the courtyard.

Overall I consider this matter met subject to the transparency issue being addressed. .

3. Takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building;

The proposal is larger than others in the area. It is strongly divided into two separate sections, one of which is 17m long. Compared to the limited width of the surrounding buildings this is quite long, however., they are subdivided into bays at the ground floor level and include fenestration at the upper levels. There is sufficient detailing to meet this matter,

Although the building is significantly taller than the neighbouring properties it does provide a good corner definition. Adding to that the façade treatment has been well considered avoiding blank facades visible from the street.

4. Provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;

The proposal is divided into distinct modules which contain further detailing. It also includes a high proportion of ground floor glazing, with display windows divided vertically. It meets this matter.

5. Is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas and boundary demarcation;

There are some concerns in relation to CPTED. These are:

- *The level of oversight of the ground floor and communal areas at night after hours*
- *The possibility of entrapment spaces under stair wells*
- *Security for residents if stairs are not secured (especially at night)*
- *Access to the communal spaces*
- *Risk of people jumping from the roof-garden*

The oversight of public areas has previously been discussed. The applicant has also indicated a willingness to manage access to the upper floors and within the ground floor space. I consider that these can be managed with minor alterations to the proposal to manage access to the roof and to close entrapment spaces at night.

6. Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection;

The proposal includes a verandah on the ground floor and a covered area on the roof terrace. As such it would provide well for shade and weather protection. However there is limited amount of planting provided and the absence of private outdoor living space significantly limits the ability of future occupants to provide this for themselves

7. Provides safe, legible, and efficient access for all transport users;

There is limited parking on site but this is the subject of more detailed analysis elsewhere. There is good access for pedestrians and bike parking is provided.

8. Where relevant, has regard to the actions of the Suburban Centre Master Plan to support their recovery, long term growth and a high level of amenity.

The proposal aligns with the Lyttelton Masterplan in that it provides for an accessway to the west of the site and an east-west link through the site. Otherwise, this is covered by the design guidelines.

2.2 Appendix 15.15.6 Design guidelines – Lyttelton Commercial Banks Peninsula Zone

This section is to assess how the development meets the specific design guidance for Lyttelton. The proposal addresses the street and the corner and it includes a good degree of activation and the use of unique materials for cladding. However, the following matters are not sufficiently addressed:

- Insufficient level of detailed design elements (fine grain detailing)
- Insufficient variation of materials and not enough separation of the different modules in to smaller forms
- The repetition of two similar forms.
- Poor Solar Access for south facing apartments and central courtyard

As the design stands, it would not meet all the matters of discretion and would not fit into the character of the zone. There is need of more visual interest and variation of form. The impact of this on the anticipated character of the centre would be in the “high” category when graded using the NZILA seven point scale of visual effects.

A detailed evaluation against the six principles is set out below. I have identified some effects relating to principle 2 (scale and form) which are re-inforced by the response to principle 5 which is concerned with detailed resolution.

Principle 1: Reflect the context

- Lyttelton has a special character due to its sloping topography, portside location, layout of streets and lots, and eclectic mix of buildings. The area also has a special significance to Ngāi Tahu due to their historic and contemporary occupation of the area and use of Whakaraupo / Lyttelton Harbour.
 - The four primary streets (London, Oxford and Canterbury Streets and Norwich Quay) have different characteristics, but are all important in defining and reinforcing the formality of the town centre layout. The land in the middle of the block without street frontage, and the area around Donald Street, lend themselves to more informal designs.
 - A thorough evaluation of the development site’s context and the site itself prior to the design process, including an understanding of the colonial and Ngāi Tahu cultural heritage, will help identify the influences on and attributes of the site and its surroundings.
 - Cultural heritage is an expression of the ways of living developed by a community and passed on from generation to generation and includes built and natural environment and artefacts, including customs, practices, places, objects, artistic expressions and values.
- Reflecting the context means:
 - Considering how the development builds on and contributes to Lyttelton’s cultural heritage in respect to the built and natural environment.
 - Recognising the site topography, particularly building to suit and take advantage of sloping ground.
 - Recognising that the streets and spaces within the town centre have differing character attributes. On Norwich Quay designs will need to take account of traffic and port noise.
 - Taking advantage of the views to the south and sunny aspect to the north.
 - Incorporating mid-block pedestrian lanes and outdoor spaces at the rear of sites.
 - Taking primary design references from the town centre character attributes rather than the surrounding residential buildings or the port.

The proposal is on a prominent corner site, in a location historically used by a 2 storey hospitality business (Empire Hotel building) and a single storey retail unit on the corner. Although the previous building was of variable height, taller buildings have historically been a feature of the intersection of London Street and Oxford Street and the 2 storey+parapet Empire Hotel was of reasonably imposing height (approx. 10m). It was also 16m wide and the proposed west module is therefore of a similar scale to its predecessor.

The building uses the slope to accommodate car parking in a basement area. There is no particular attempt to incorporate any street facing features into the basement walls. Instead the ground floor of the building continues around the corner as if there were no level change and the response to the slope is purely functional. However, the façade has enough interest to ensure that this matter is addressed acceptably.

The building is 2m overheight at its south façade because of the way that the building relates to the slope – the building rises as the ground falls. This will increase the visual impact of the building when seen from the south. Although the south elevation is articulated and has some visual interest it lacks fine grain detailing as discussed below.

Related to the above, the building certainly takes advantage of views to the south. It also has plenty of glazing to the north taking advantage of the sunny aspect.

The proposal provides for a midblock connection identified in the Lyttelton Masterplan and it does provide a new outdoor space, albeit roofed.

The proposal is a contemporary building that takes cues from the pre-existing development of the site. It is clearly different to existing residential or port development whilst being a distinctive design in its own right. The design and materials are somewhat eclectic which further recognises the unique nature of the centre.

In view of the above, I consider this matter is met on balance, although I have concerns about the height of the south façade and the level of detailing (discussed below).

Principle 2: Scale and Form

1. The scale of a building is the product of its height and size as well as the design details. While the town centre buildings vary considerably in height and size they are all compatible in terms of scale. The width of lots has played a large part in establishing the existing scale of development.
 - i. To keep in scale means:
 - A. Maintaining the generally low built form up to 3 storeys, but considering options for higher feature elements.
 - B. Considering the scale of neighbouring buildings and the overall scale of the street in which the building is to be located. London Street has an enclosed, intimate scale. Norwich Quay is a wider street, single sided for the majority of its length, with an open outlook to the port and beyond. As such taller buildings would be more appropriate in this streetscape than in London Street.
 - C. If building next to a character building, ensuring that its visual presence is not dominated or diminished by the new building or addition.
 - D. If building a single storey building, ensuring that the building height is sufficiently high to maintain a similar scale of building on the street frontage to those buildings adjacent and the streetscape as a whole.
 - E. Breaking a large building into modules so that it reads as smaller joined buildings rather than one monolithic one. As a rule of thumb, modules of 4m to 12m in width on London Street and up to 20 metres elsewhere will reflect the historic subdivision pattern.
 - F. Designing the building with both horizontal and vertical divisions (articulation), particularly on elevations facing the street or adjacent to high use pedestrian lanes and spaces. Identifying each storey is important.

The proposal has an appropriate bulk overall on London Street, being within the height limit and marginally higher than its predecessor. It is also appropriate on the corner, where tall buildings previously defined 3 of the 4 corners sites, and where height emphasises the corner. It is next to a two storey character building but I consider that the height increase will read as a “step-up” rather than be dominant of its neighbour.

A concern of the proposal is that the module widths on London Street are up to 17m, which is wider than recommended, although I have noted that the west form matches the previous built form on the site. Furthermore, the use of a single material for the facades and a single design style, means that the building would still be identified as a single building, even though split in two. Due to both the width of the two forms and the lack of distinction between them, it would not respect the fine grain scale of its setting. In my view this it would not create the expected scale of development on London Street.

The building also responds less well when viewed from the south as previously discussed, where the height of the south façade will be quite noticeable in the street scene along Oxford Street. I consider its

bulk could have moderate adverse visual effects on the street scene to the south, but that these would be partly mitigated by the proposed façade treatment.

I have no concerns about the additional height for the roof garden elements which is contained within the site and will not have a substantial visual presence.

Overall, I consider that there would be some adverse effects on the intended character of London Street and Oxford due to the scale of the building and insufficient fine grain detail and that these would be of moderate scale.

Principle 3: Respect the street pattern and building form

- i. The grid pattern of wide straight streets is defined by building frontages along the street, which enclose the street space. The building forms are solid, rectilinear and positioned square to the street.
- ii. Respecting the street pattern and building form means:
 - A. Building right up to the street edge, particularly on London Street, Norwich Quay and the western side of Oxford Street, and across the whole of the street frontage, (except where access is required from Norwich Quay).
 - B. If building on a corner site, reinforcing the corner and supporting the street form with a taller building of a minimum of two storeys in height.
 - C. Restricting irregular forms and shapes to feature elements or to internal block locations away from the primary street frontages.
 - D. Keeping the building façade generally up to, but not beyond, the street boundary, except for verandas and small feature elements.
 - E. Using flat, symmetrically pitched, or hipped rooflines or parapets where buildings face the street.
 - F. Where there is an un-built frontage on Oxford Street or Canterbury Street, consider defining the street edge with a low wall.

The proposal has a strong street edge that continues around the corner. Whilst there is a relative wide gap in the centre (7m) of the London Street elevation it will provide access to the public space within and will be activated with glazing on both sides of the lane. There is also intended to be outdoor dining over some of the space which will contribute to the activation of London Street.

There are no irregular forms on the street edge and the façade is generally up to the street front.

The building will appear to have a flat roof from the street for some sections, but will also have a shallow pitched skillion onto both Oxford Street and London Street, which is not encouraged by the design guidance. However, this would not be especially prominent from the street.

This matter is generally met.

Principle 4: Address the street

- i. Buildings in Lyttelton address the street. The building frontages are interesting and encourage activity, creating a lively atmosphere. Good visibility from buildings to the street and publicly accessible areas allows for casual surveillance. Addressing the street means:
 - A. Providing windows on all street elevations or elevations adjacent to pedestrian lanes and public spaces. On Canterbury and Oxford Streets windows will also be needed at lower ground level.
 - B. Providing highly legible pedestrian entrances accessed directly from the street.
 - C. On corner sites, wrapping the building around the corner and providing a high level of architectural detail particularly in respect to entrances and windows, and the quality of façade materials.
 - D. Incorporating generous shop windows on the ground floor along London Street.
 - E. Avoiding building designs and layouts which create hidden, potentially unsafe alcoves and areas.
 - F. Ensuring universal access (access for all people), with particular attention being paid to sites with sloping frontages.

- G. Where required, providing verandas that are in keeping with or complement adjacent verandas in respect to design, width and continuity.

The proposal does address both the street and the proposed laneway to the west. However, it does not provide glazing at lower ground level facing Oxford Street.

Pedestrian entrances are clear. The proposal does turn the corner strongly with glazing on all levels and high quality materials in the form of the tile finish. Verandahs and a high level of ground floor glazing are provided. In terms of the way the building addresses the street I have no safety concerns.

I have otherwise commented on CPTED under 15.13.1 (5) above.

Principle 5: Incorporate variety and pay attention to detail

- i. Lyttelton had a wide variety of buildings of different ages and styles which, as a collection, created an eclectic, vibrant townscape. Although diminished, this variety, and particularly the level of detail within the building facades, remains. There is the opportunity for creative design and to incorporate features and details which are characteristic of Lyttelton, or a contemporary take on them. Incorporating variety and paying attention to detail means:
- A. Distinguishing any new building from its neighbours and, if a large building, incorporating variety within the building design.
 - B. Avoiding being exactly the same height as the neighbouring building.
 - C. Avoiding repetition of the same design module along the street frontage, typically no more than a 12 metre run.

The proposal would be distinct from neighbours but it is a repetitive design of two very similar modules that have little architectural detail. This matter is not met.

- *The modules are of similar scale and form and are not treated as if they are separate buildings. The proposal is quite clearly a repetition of the same design module.*
- *There has also been no attempt to break down the bulk of each form, for instance with a variation in detailing, colour or texture.*

- ii. Creating depth to the building surface through the utilisation of, for example, recessed windows and doorways, protruding window and door surrounds, textured cladding and applied decorative features.

There is some depth to the façade and a high level of fenestration, but there is a little variety in features. The proposal consists of two similar blocks, articulated with windows with few divisions on a flat facade. It would benefit from an extra level of detailing such as the framing of windows or other protrusions / recesses.

- iii. Providing variation in building materials and colours. Avoid large expanses of the same material, colour or pattern.

There is no variation in the materials and colours. Although these are unusual and there is a high level of glazing, the proposal is a large expanse of the same materials.

- iv. Picking up on historical references and traditional features such as angled corners, high parapets with a curvilinear top, corner towers, volcanic stone walls or mural.

This level of detail is not provided.

- v. Orientating windows vertically to reinforce the fine grain of the town centre.

This is a feature of the building

- vi. Creating interest and contrast where building additions are proposed, through the choice of materials and detailing.

N/A

- vii. Integrating signage, where needed, within the design of the building to ensure that it does not visually dominate or detract from the architectural form and quality of the building.

N/A

Overall the proposal does not provide a sufficient level of variety and detailing, and is a repetition of two similar forms. It does not meet this principle.

Principle 6: Promote sustainable building initiatives

Many of these matters are not within my expertise as an urban designer.

My principle concern with regard to this matter is the poor solar access of the units to the south, which have only south facing windows and will not benefit from any solar heating. I am also concerned about sunlight access to the central courtyard which is largely overshadowed.

There may be opportunities to incorporate landscaping in the site.

- i. Lyttelton town centre has the opportunity to incorporate designs, technologies and systems that promote more sustainable practice from concept design, through to the construction, use and maintenance of buildings and spaces, which means:
- A. Using design and construction methods that minimise waste to landfill and cleanfill, and the implementation of environmental management systems to ensure other impacts are managed throughout the construction process.
- B. Incorporating design and technologies that conserve energy and water, promote renewable energy, encourage recycling, achieve a high level of thermal comfort and support natural ventilation and natural light penetration.

I have no urban design comments in relation to this matter

I have concerns in relation to the thermal comfort of the south facing apartments and natural light penetration into the courtyard,

- C. Selecting materials that are durable, low maintenance, non-toxic and where possible, that have independent environmental certification and are from local and renewable sources.

I have no urban design comments in relation to this matter

- D. Providing facilities that encourage walking, cycling and the use of public transport, including high quality pedestrian access, showers, change facilities, storage and bicycle racks for staff and visitors.

The proposal is well designed for walking providing access from a number of directions. It also includes cycle parking which appears to be for residents. There may be a shortage overall.

- E. Designing for outdoor comfort by creating pleasant micro-climates and inviting, sheltered, sunny, spaces such as courtyards or balconies using verandas, planting or screens to help moderate temperature and wind.

I consider the roof garden will fulfil this role is an unroofed space is provided for sun access. The courtyard area is likely to be cold in winter.

- F. Improving ecology and stormwater management on the site through the provision of rain gardens, landscaping, pot plants or living roofs and walls.

I have no urban design comments in relation to this matter

2.3 15.13.2.3 (d) Residential Activity – Outdoor Living Space

This matter relates to commercial zones where there is a breach in the outdoor living space provision. In this case, each unit is expected to be provided with 6m² of outdoor living space with a 1.5m dimension. There is a

large roof garden area of 189m² but no private space for any apartment. The relevant assessment matter is 15.13.2.3.

I consider that the proposal is deficient with regard to outdoor living space. The roof garden would meet some but not all of the residents' needs.

- i. There is any alternative provision of publicly available space on, or in close proximity to the site to meet the needs of occupants now and in the future;

There is a public square in Lyttelton, some 200m from the site, and some provision of seating on London Street. I do not consider this sufficiently provides for the needs of occupants. In my view, it hinges on the provision of communal on-site space.

- ii. The reduction in outdoor living space is proportional to the size of the residential unit and the demands of the likely number of occupants now and in the future

No private outdoor living space has been provided so this matter is not relevant in my view. The issue is non-provision of any private space, rather than the amount of provision.

- iii. The reduction in outdoor living space or the level of access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.

There is a large communal space for outdoor living. I consider that meeting this matter is a question of the size and the usability of the space for typical residential activities.

I consider that:

- *The proposal would provide usable space although it would not fulfil the typical range of uses for outdoor space and therefore would not meet this matter.*
- *It would not allow solar access in its current form as the communal space is fully covered*

In view of the above I do not consider that the space would meet the needs of residents in its current form.

Usable space

The building does not include outdoor living space for each unit. There is an outdoor living space on the roof with an area of 189m² and this is the only outdoor living space for the 26 units.

The roof garden makes a contribution to meeting the needs of residents, but I do have concerns that it does not provide for all the likely uses that are anticipated from outdoor living. For this reason, I consider the proposal is deficient.

The absence of private outdoor living space means that residents must rely on the roof garden for all outdoor activities on-site. This is likely to affect people in that they will not have their own space for casual outdoor use. Although the roof garden is available to them, there are uses of outdoor space that the lack of proximity and privacy will be a barrier to (eg a cup of coffee on the balcony in the morning). Similarly, there are casual uses of outdoor space that rely on possession of that space, for instance the growing of plants in pots and storage of items.

Other effects may be clashes in use – for instance if the roof garden is occupied by a large group. The shape of the terrace is large enough to accommodate a number of groups and would therefore meet most needs. It is unlikely that the terrace being full would be commonplace. However, depending on what is going on in the space there may be no space for a person seeking solitude (or at least a quiet space). In this way, access to outdoor space may not be practically available at all times for a typical use.

The outdoor living space on the roof is large and is shown accommodating a large table and several smaller ones. In reality, a greater variety of spaces is likely to be more suitable, for instance an area for dining and an area for casual seating. It would be best if the space would be able to evolve over time to give the residents the ability to change the format and use of the space to suit their needs as they arise. I consider that the roof space would perform some of the functions expected of an outdoor living area.

These would include entertaining, outdoor dining and some sitting functions.

The concerns I have are that it would not meet a likely desire for private outdoor space, for solitude, or for quiet activities (eg reading a book). It would also not provide for easy access from a living area.

Sunlight Access

I do consider that there should be some areas of the roof terrace that are not roofed to allow for a variety of outdoor experience and improve access to sunlight. This is an expected function of an outdoor space but one that is not provided. I expect this matter can be easily addressed.

2.4 15.13.3.1 Maximum building height

I consider that the roof garden roof and stairs will not have a significant visual impact because the structure is setback from the edges. I am principally concerned with the south east corner as this is the part of the building that will have the largest visual impact.

I do not consider that the height breaches would have a large impact on the surroundings but I do consider that the south elevation is prominent from Oxford Street and its impact would be increased by the height breach. It would equate to an extra half storey. It is not emphasising a corner and is likely to be significantly higher than its neighbour.

A smaller breach in the height limit would allow for functional uses and reduce the visual impact. Alternatively, more variety and detailing in the façade would reduce the prominence of the building, mitigating the impact.

The analysis is as follows:

a) The extent to which an increase in height of the development:

- i. Is visually mitigated through the design and appearance of the building, and the quality and scale of any landscaping and tree planting proposed;

There is no landscaping proposed. Analysis against the Urban Design rule and Lyttelton Design Guide indicates that the building has some visual interest although it does not have detailing appropriate to its location and the special character of Lyttelton.

- ii. May allow better use of the site and the efficient use of land in the centre;

Some of the increase in height would allow for additional units. However, the extent of the height breach is partly a stylistic issue and could be addressed through design changes,

- iii. Enables the long term protection of sites of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1, significant trees listed in Appendix 9.4.7.1, or natural features on the balance of the site through more intensive development

N/A

- iv. Improves the legibility of a centre in the context of the wider area;

The slight height breach of the front module on the east façade does help to define the corner with a straight parapet roof. This is identified as a desirable feature in the design guidelines and the breach would not have a big impact.

The breach on the south west corner would be visible but the building would have a significant visual impact even if it were built to the height limit and would contribute positively to the centre's legibility. The increase in height would not in my opinion make the centre significantly more legible, although the building would.

- v. Contributes to variety in the scale of buildings in a centre, and creates landmarks on corner sites;

This has been identified as an advantage of the application

- vi. Reflects functional requirements of the activity;

The roof terrace does require a height breach to allow for safety fencing and its roof structure.

- vii. Results in adverse effects on adjoining residential zones or on the character, quality and use of public open space;

The building would not affect residential zones. It would create an increase in shading of Oxford Street compared to a permitted scenario but this would not be a large impact and would not affect quality space where people choose to linger.

- viii. Contributes to the visual dominance of the building when viewed from the surrounding area, having regard to the anticipated scale and form of buildings in the surrounding environment.

The breach on the south east corner would increase the visual dominance of the building when viewed from Oxford Street. The impact would be moderate.

- ix. If in New Brighton, provides for residential activity above ground floor, promoting a mix of uses and greater levels of activity in the centre.

Attachment 3 – Further information provided by applicant regarding parking forming part of the s92 response received on 18/10/2019

Jowett, Shona

From: Lisa Williams - Novo Group <lisa@novogroup.co.nz>
Sent: Friday, 18 October 2019 1:24 p.m.
To: Jowett, Shona
Cc: Emily McDonald - Novo Group; Jeremy Phillips - Novo Group
Subject: RE: Collets Corner Car Parking Effects

Hi Shona

Quick responses in *red*. Just quick responses so feel free to come back to me if it's not clear of you think I've miss-understood.

Cheers,

Lisa Williams
Transport Engineer and Planner

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From: Jowett, Shona
Sent: Friday, 18 October 2019 12:25 PM
To: Lisa Williams - Novo Group
Subject: RE: Collets Corner Car Parking Effects

Thanks Lisa - very helpful. I've added some comments/questions below in blue, if you have time to respond today or on Monday then that would be helpful as well but I understand this is short notice.

From: Lisa Williams - Novo Group [<mailto:lisa@novogroup.co.nz>]
Sent: Thursday, 17 October 2019 12:09 p.m.
To: Jowett, Shona <Shona.Jowett@ccc.govt.nz>
Cc: Emily McDonald - Novo Group <emily@novogroup.co.nz>; Jeremy Phillips - Novo Group <jeremy@novogroup.co.nz>
Subject: Collets Corner Car Parking Effects

Hi Shona

Thanks for the call yesterday. A summary of thoughts below on parking demand for the evening / overnight period and related effects for the various residential properties.

Firstly – the overflow residential parking demand is estimated at 14 spaces (being the demand overnight). The total overflow demand at 7pm (busiest period where food and beverage etc are also open) was estimated at 32 spaces.

The inner survey area is the area we expect to be the first choice for parking to occur. This was heavily based on proximity, but also favoured likely selection choice based on convenience (not having to drive / walk further up the hill) and circulation – i.e., the key route to / from Chch (which is why Norwich Quay will likely be a key choice as people will be aware of the available car parks there and it is also convenient to walk down the hill in the morning or after a meal to then drive straight off towards the tunnel / Chch). How do we know that people are more likely to use up spaces on Norwich Quay (which is 25 out of those 35 unrestricted spaces) rather than trying for a space on Winchester and Canterbury after first driving up Oxford? Does the nearby activity affect desirability of parking spaces? For example do residents prefer to park outside other residential sites or are they happier parking in commercial areas? Also do you think the spaces on Sumner Road are likely to be used? Personally I would stick within the easier search route (west of Oxford) to avoid needing to turn around on Sumner Road. Do you have any more thoughts on this?

My thinking (and identification of persons as possibly affected) was informed by the possible search route of going up Oxford and then turning onto either Winchester or London Streets, and then Canterbury Street. If this is a possible/likely search route then I think there might be some overflow into those streets (within the wider survey area).

Just because there is a search route (around a block) doesn't mean that all parts of that route will be high priority for parking, that is once people get a certain distance from the site they start to ignore spaces in the furthest corner of the block. Some will circulate down London St some down Winchester but those that go down Winchester are likely to start to ignore spaces at the far end of Winchester and Canterbury Street and instead then go down London St or back to the ones they saw on Norwich Quay (that were closer than they now are). A small number might park on Winchester's western end or Canterbury Street but this would be a very small number.

For the un-restricted parking this will be primarily sought by future residents. They will likely get to know where parks are most readily available (and their priorities for convenience) and go straight to that location first (rather than rely on a park search route). This is why I think they will prioritise particularly the eastern end of Norwich.

Existing residents in suburban type housing would likely prefer to park in their block, new residents that are not able to park directly outside the site (because for a multi-story building that is never a feasible expectation) are likely to be less concerned about this and instead more focused on convenience of location for walking / heading to work etc. I think a small no. of residents might park on Sumner Rd (it's included in the inner area) as it is quite close to the site and a relatively flat walk (across the hill rather than up/ down).

During the 7pm survey there were 35 available un-restricted car parks in the inner area – this will more than cater for the 14 space overflow demand for residential and for any staff parking demand associated with food and beverage activities. Will all that demand (32 spaces) be occurring around the same time, e.g. people coming home to Colletts Corner and people going for food and beverage would all be looking to park around 7pm, so would they be competing for the same spaces? If that's the case do you need to be considering the overall demand (32 spaces) at 7pm?

Logically most residents would get home in the after work period and arrive before the peak of the food and beverage visitor demand. Regardless visitors to the restaurants are more likely to choose the closer P60 and P120 spaces i.e., Oxford St, London Street so won't be competing directly. But regardless residents only need 14 of the 35 un-restricted spaces so even if there was some competition for these that would be fine. – Comment below looks at total demand including the restaurant (32 space demand of 42 available when P60 and P120 are included). But notably the 32 space total demand would actually be met by the 35 available un-restricted parks anyway...

During the 7pm survey there were 42 available parking spaces in the inner area with a time restriction of P60 or greater (i.e., P120 or unrestricted) which again more than caters for the overall demand of 32 spaces.

This is the basis for the conclusion that during the evenings / overnight we don't anticipate overflow demand into the wider survey area and if any did occur it would be the occasional vehicle. That is there may be the occasional driver that chooses to park outside of the inner survey area (for one reason or another) but this would be the occasional vehicle scattered over multiple alternative choices of location and thus not likely to be noticeable from existing parking demand. Therefore any on-street demand outside of the inner area during this time period, would likely be occasional, limited in scale and not likely to constitute a minor adverse effect. I had thought about this by following a potential search route. For example, 4 out of 32 vehicles use up the capacity in 1A/1B, while 5 out of 32

use up capacity in 6A/6B, leaving 23 vehicles, of which 10 might use up spaces on Winchester (down to 13 vehicles) then 3 use up spaces on Canterbury (4A/4B) bringing it down to 10 vehicles who might go further down London (7A/7B) or Canterbury (5A/5B). I think we can't rule out that search pattern, which doesn't include Norwich - do you have any thoughts on that? *See above re route and priority not being the same. I really think the ones below are just so much further away and less convenient (going up the hill further) that any demand so low and sporadic and not likely to be a minor effect.*

For this reason I think we can say with reasonable certainty that the following properties would not experience any noticeable change in parking related effects (because of distance from the site and the very low probability of overflow into these areas:

54A London Street	25 Canterbury Street	43 Oxford Street
56 London Street	27 Canterbury Street	45 Oxford Street
1-6/58 London Street	29 Canterbury Street	47 Oxford Street
62 London Street	33 Canterbury Street	49 Oxford Street
64 London Street	33A Canterbury Street	51 Oxford Street
66 London Street	33B Canterbury Street	53 Oxford Street
		60 Oxford Street
		62 Oxford Street
		64 Oxford Street
		66 Oxford Street

Just to explain 64 and 66 London Street, there is residents parking available for those properties once they apply for a permit (I was advised by our transport operations team that they have not yet applied for one and if they do not apply for a permit the spaces will become regular parking spaces), so I did not assume they had reliable access to a parking space (hence affected). *There were permit parks marked / signed on the street already at my last site visit but regardless they are so far away I don't anticipate parking demand outside these properties during the evening period.*

Regarding 54A, 56, 62 London Street - sorry, my mistake, I had these down as less than minor. Same applies to 25 Canterbury Street. *In my opinion all of the above properties in the table would fall into this category.*

The properties along the first block of Oxford Street (being 29, 31, 33, 35, 37 and 39) are within the inner zone and there will be some parking demand in this block. The 7pm survey showed there were only 4 spaces available in this location and it can be assumed these spaces would be in high demand. It is however noted that 29 has off-street parking (either it has two single garages or I suspect it is one garage for 31 - unless we know this for sure I don't think I can assume 31 has access to one of the garages), 35 also has an off-street car park. 39 has no car parks outside the site on Oxford Street and would likely use the parks outside the site on Winchester St (I understand 39 has an allocated space on-street but may notice a reduction in on-street parking for other purposes, which I've considered a minor effect - bearing in mind this is my draft assessment). There are two residents permit parks sign posted and marked on this section of Oxford Street which will be allocated to two of these properties. Noting it appears the residents demand is already being catered for on-site or in permit parks it is hard to say whether the additional four cars parking here would be noticeable over and above the existing high demand.

For the properties on Winchester St – this may attract some parking demand at the eastern end (closest to Oxford St). Car parks at the western end are likely to be less popular as there are far closer car parks available with a less hilly walk. There is already reasonable parking demand in this location, the 7 pm survey there were 22 cars parked in this block. Noting it's not likely to be the first choice of parking location (i.e., is not in the inner survey area) and the level of existing demand, if a few more vehicles did park in this location I doubt this would be noticeable over and above that existing and at most would likely occur outside the properties closest to Oxford Street / eastern end of Winchester Street. Yes that's something I wondered about (whether existing high demand makes it less of a noticeable effect) but I'm taking the view that it could be noticeable. *I think at most only at the eastern end, not the full length of this block.*

I think the overall message is you have a reasonably small 32 space demand, likely spread over 5 blocks in the inner survey area and even if only 75% of that parked in the inner survey area, that leaves 8 vehicles that might spread out

across any of the other 5 or so blocks surrounding the inner survey area ... which will be say 2-3 vehicles at most on any one block and the locations are likely to be variable from night to night so overall in this wider area parking demand is not likely to be regular or of a high enough scale to be a minor effect. That is we know where the bulk of parking will occur (and thus bulk of the effects) and beyond that it's not worth over analysing the remaining few vehicles.

Hope this helps, let me know if I can assist further or if you just want to talk through anything to consolidate your thinking. Yes that's all very helpful. Would you mind commenting on my comments above if you have anything more you can add?

Cheers,

Lisa Williams

Transport Engineer and Planner

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