

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**STATEMENT OF PRIMARY EVIDENCE OF DAVID JOHN LITTLE ON BEHALF
OF CHRISTCHURCH CITY COUNCIL**

**COUNCIL RED ZONE MANAGEMENT
QUALIFYING MATTER - SPECIFIC PURPOSE ŌTĀKARO AVON RIVER
CORRIDOR ZONE**

Dated: 11 August 2023

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EXECUTIVE SUMMARY

1. My full name is **David John Little**. I am employed by Christchurch City Council (the **Council**) as Manager of the Residential Red Zone.
2. I have prepared this statement of evidence on behalf of the Council in respect of matters related to the Specific Purpose (Ōtākaro Avon River Corridor) Zone (**SPOARC; Corridor**) qualifying matter (**QM**) arising from the submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**).
3. I have assessed the specific provisions of proposed PC14 relating to enabling High Density Residential Zone (**HRZ**) standards (particularly the increased building heights within a walkable catchment of the City Centre) against:
 - (a) the intent of the Ōtākaro Avon River Corridor Regeneration Plan (the **Regeneration Plan**); and
 - (b) the related provisions of the SPOARC Zone which were inserted into the District Plan from the Regeneration Plan.
4. While most of the SPOARC is considered a QM due to being (essentially) an open space zone¹, three privately-owned properties within the walking catchment of the City Centre would be affected by the new enabling HRZ standards. Impacts that such a change would have on the SPOARC vary by property but are summarised below:
 - (a) Impacts from the Fitzgerald Avenue/Harvey Terrace site on the SPOARC would be negligible, due to the physical separation caused by Harvey Terrace, and the similar impacts that could be generated by neighbouring properties;
 - (b) Impacts from the 238 Fitzgerald Avenue site on the SPOARC would initially be significant, reducing over time to moderate as Council-planted vegetation matures; and
5. Impacts from the tennis court site at 57 River Road on the SPOARC would be significant, and difficult to effectively mitigate. I have also assessed (as

¹ As discussed in the section 42A report prepared by Anita Hansbury, titled "*Part A - Tree Canopy Cover and Financial Contributions; Part B - Qualifying matters related to Sites of Ecological Significance, Outstanding Natural Landscape and Features, Sites of Ngāi Tahu Cultural Significance, Water Body Setbacks; and Part C - Qualifying matters related to Open Space Zones and Specific Purpose (Cemetery) and (Ōtākaro Avon River Corridor) Zones.*"

a baseline) the impacts on the remainder of the SPOARC if these properties were to be developed in line with their underlying zoning, finding that:

- (a) Impacts from the Fitzgerald Avenue/Harvey Terrace site on the SPOARC would be negligible.
- (b) Impacts from the 238 Fitzgerald Avenue site on the SPOARC would be moderate initially, dropping to minor as Council-planted vegetation matures.
- (c) Impacts from the 57 River Road on the SPOARC would reduce to moderate, and could potentially drop to minor with good design.

INTRODUCTION

- 6. My full name is **David John Little**. I am employed by the Council as Manager of the Residential Red Zone. I hold the qualifications and have the experience set out in paragraphs 10 – 13 of my evidence.
- 7. My evidence assesses the impact of the proposed HRZ standards (particularly the increased building heights within a walkable catchment of the City Centre) on the SPOARC Zone.
- 8. In preparing this evidence I have reviewed:
 - (a) the community submissions to the earlier Private Plan Change 11 relating to the Harvey Terrace/Fitzgerald Avenue site, as well as the Section 32 Report for PC11;²
 - (b) the draft section 42A report of Anita Hansbury on PC14 which deals with the planning aspects of QMs related to Open Space Zones, the SPOARC and (Cemetery) Zones;³
 - (c) the section 32 report⁴ for PC14 relating to the SPOARC and the proposed HRZ standards including the relevant appendices;

² [Section-32-Report-with-Appendices.pdf \(ccc.govt.nz\)](https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf).

³ See n 1 above.

⁴ Section 32 Part 2 - Qualifying Matters (Chapters 6, 8, 9, 13, 14, 18) (Part 2)

<https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf>, refer section 6.23

Section 32 Part 3 – Residential - <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Residential.pdf>.

- (d) the proposed HRZ standards in sub-chapter X of PC14.; and
- (e) the submissions and further submissions on PC14 related the SPOARC and the proposed HRZ standards.

9. I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS AND EXPERIENCE

- 10. I hold a Bachelor of Landscape Architecture (with Honours) from Lincoln University.
- 11. In 2021, I joined the Council as the Residential Red Zone Senior Planner, before becoming the Manager of the Residential Red Zone team in 2022 (which is my current role).
- 12. In this time, the Corridor has been the primary focus of my work. Accordingly, I am very familiar with the Regeneration Plan, the projects currently in delivery, upcoming and planned projects, risks/issues, and community perceptions relating to the Corridor.
- 13. Experience prior to my current role that is specifically relevant to PC14 includes the following:
 - (a) I practised continuously as a landscape architect for around 13 years, before moving into mixed management/landscape architecture roles for local authorities in 2011.
 - (b) Between 2011 and 2020, I was employed as the manager of Auckland Council's Landscape Architecture team. In that time I led numerous open space improvement and infrastructure mitigation projects. I also carried out city-wide strategic open space network planning.
 - (c) I have been involved in various projects in which I advised on and/or gave evidence in respect of Open Space, including:
 - (i) In 2010, preparation of Open Space evidence for the Waka Kotahi NZ Transport Agency (then known as New Zealand Transport Authority) relating to the Waterview Connection Project – dealing specifically with the project's impacts on the quantity and quality of nearby open space, and including

mitigation strategies. Later, during my time at Auckland Council, I oversaw delivery of this project; and

- (ii) Development of 20 individual Open Space Network or Greenways plans at Auckland Council – covering almost the entire supercity. These considered impacts of adjacent built development as a key influencing factor.

CODE OF CONDUCT

14. While this is a Council hearing, I have read the Code of Conduct for Expert Witnesses (contained in the Environment Court Practice Note 2023) and agree to comply with it. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions. I confirm that, while I am employed by the Council, the Council has agreed to me providing this evidence in accordance with the Code of Conduct.

SCOPE OF EVIDENCE

15. My statement of evidence addresses the following matters:
- (a) Overview of the portion of the Corridor potentially affected by PC14;
 - (b) Discussion on treating the Ōtākaro Avon River Corridor 'Green Spine' area as a QM (in terms of the National Policy Statement on Urban Development (**NPS-UD**));
 - (c) Impacts of the proposed HRZ standards, in particular, six-storey development on private properties within the SPOARC, relative to the public open space of the 'Green Spine'; and
 - (d) Impacts on the open space that could be expected if these private properties were developed in accordance with underlying Residential Suburban Density Transition (**RDTS**) Zone and Medium Density Residential Zone (**MRZ**) alternative zoning.

OVERVIEW OF AFFECTED PORTION OF THE CORRIDOR

16. The proposal to raise height limits within designated catchments of commercial centres – marked in teal in **Figures 1** and **2** – affects only a

modest portion of the Corridor (marked in purple). Specifically, it is the City Centre Zone (CCZ) commercial district (see **Figure 2**) which coincides with the westernmost section of the OARC.

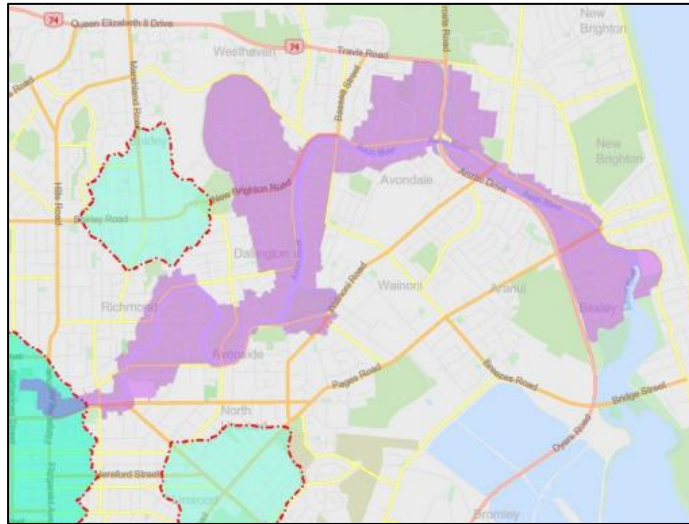


Figure 1 | Extent of SPOARC (purple) showing walkable catchments from relevant centres (teal).

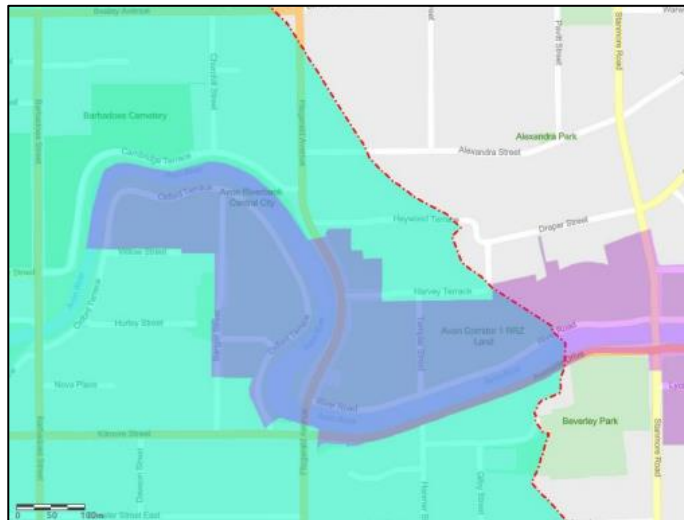


Figure 2 | Area of overlap between SPOARC (purple) and 1.2km walkable catchment from the City Centre Zone (teal).

17. District Plan Appendix 13.14.6.1 translates the Regeneration Plan into a planning overlay map, titled the Ōtākaro Avon River Corridor Development Plan. **Figure 3** is a close-up of the Development Plan, showing the area where the walkable catchment from the CCZ overlaps with the SPOARC.

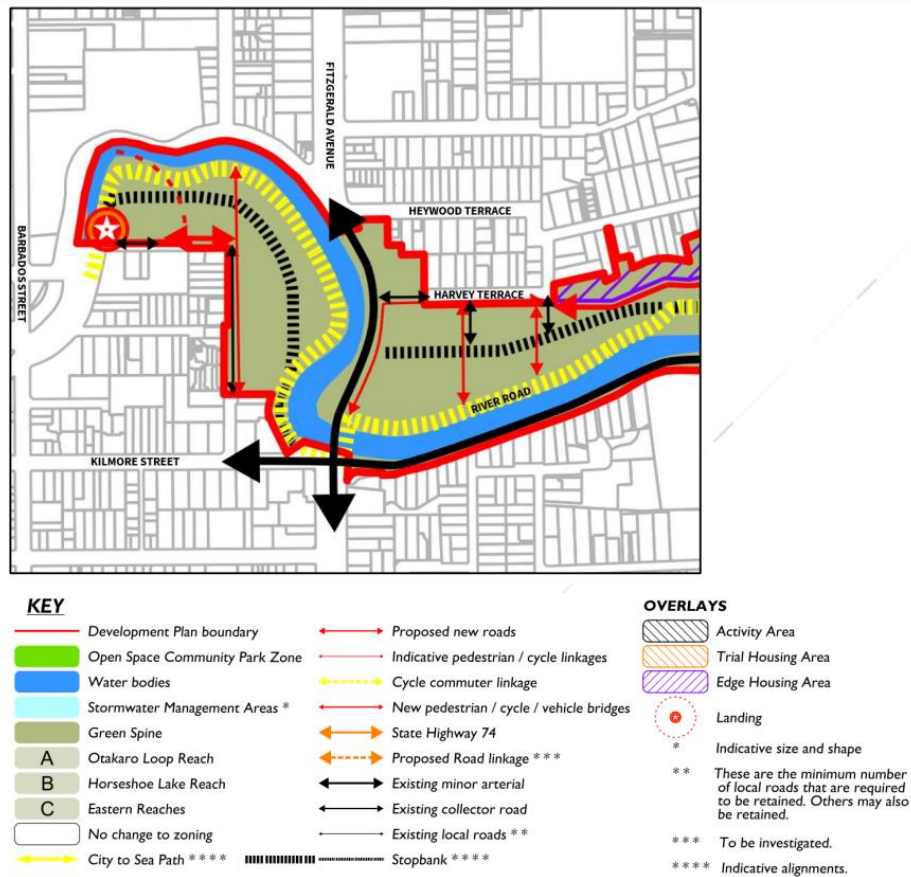


Figure 3 | Relevant portion of CCC District Plan Appendix 13.14.6.1 (Ōtākaro Avon River Corridor Development Plan).

18. This section of the Corridor is almost entirely designated as 'Green Spine' and includes walking/cycling connections as well as the long-term stopbank location.
19. The Green Spine is intended to be a "*predominantly natural open space*", largely free of built development, that will provide for stormwater management, flood protection and significant ecological restoration, and enhanced indigenous habitat and mahinga kai opportunities.⁵
20. Due to local topography, the stopbank line shown to the west of Fitzgerald Avenue on **Figure 3** would be a new, engineered structure while that to the east is an existing, naturally-occurring river terrace.

QUALIFYING MATTERS

21. The QMs section 32 report states, with regard to the area shown in **Figure 3**, that the Green Spine element of the Regeneration Plan "*generally aligns with open space zone descriptions under National Planning Standards,*

⁵ Chapter 13.14.2.1.1, Table 2 – Corridor Areas and Overlays.

*therefore meeting the first test of whether the area is considered as open space for the purposes of the qualifying matter specified in section 77O(f) of the Act."*⁶

22. I agree with this statement in general, noting also that the Regeneration Plan went through a rigorous consultation process, and was subsequently approved (and partly funded) by Central Government, under section 38 of the Greater Christchurch Regeneration Act 2016 (**GCR Act**).
23. In my opinion, minor exceptions to the above statement, are the 'Edge Housing Area' and 'Trial Housing Area' overlay areas of the Regeneration Plan. These overlays are discussed in Anita Hansbury's S42A report and mapped in **Figure 3**. Within these overlay areas the Green Spine is unlikely to align with the open space zone definitions under the National Planning Standards as consent may be obtained for residential activities, meaning that they cannot be used by the public "*predominantly for a range of passive and active recreational activities*". For the remainder of the Green Spine however, any intent to add residential development would require a publicly notified plan change for rezoning or an amendment to the Regeneration Plan to include a new housing overlay. Council, as landowner, have no intent to do this.
24. The most notable exceptions to this and the ones that are the focus of my evidence are 27 privately-owned properties within the Corridor, which are noted as being 'pre-earthquake activities'⁷, and which can be redeveloped in accordance with their 'alternative zoning' listed in the District Plan as provided by Policy 13.14.2.1.4. This is discussed in more detail shortly. Being privately owned, these properties do not meet the criteria of being an open space "*provided for public use*". As noted in the section 32 report, Section 77O(f) is therefore unavailable as a QM.⁸
25. Private properties within the walkable catchment area (defined earlier and shown in **Figures 1 and 2**) are shown on **Figure 4**, mapped in light green. These are:
 - (a) A combined block at 254, 1-4/256 Fitzgerald Avenue and 5 Harvey Terrace (single owner);

⁶ Section 32 Report, Part 2 – Qualifying Matters (District Plan Chapters 6, 8, 9, 13, 14, 18) (Part 2) at 6.23.22: [Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf \(ccc.govt.nz\)](#).

⁷ Appendix 13.14.6.2 (Pre-Earthquake Activities List).

⁸ Section 32 Report, Part 2 – Qualifying Matters (District Plan Chapters 6, 8, 9, 13, 14, 18) (Part 2) at 6.23.24: [Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf \(ccc.govt.nz\)](#).

- (b) 238 Fitzgerald Avenue; and
- (c) 57 River Road.

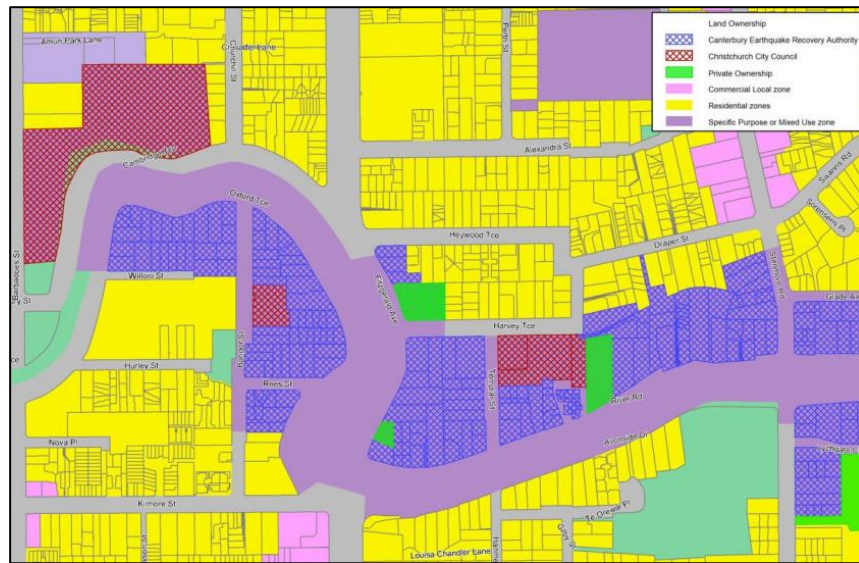


Figure 4 | Land ownership in the western Ōtākaro Avon River Corridor area. Note that land shown as owned by the Canterbury Earthquake Recovery Authority has since transferred to Council ownership.

- 26. These properties sit within the 'Green Spine' area of the SPOARC. While the intent of this area is fundamentally ecological in nature, private residential activities are able to continue, under District Plan Policy 13.14.2.1.4 – Continuation of Pre-Earthquake Activities, which requires Council to:
 - a) *Provide for residential activities and other existing activities on existing properties in private ownership in the Ōtākaro Avon River Corridor.*
 - b) *Manage activities in the Ōtākaro Avon River Corridor to ensure effects on existing privately owned residential properties within the Zone are generally consistent with those anticipated in the Alternative Zone specified in Appendix 13.14.6.2.*
- 27. Accordingly, these properties may be redeveloped in accordance with either Residential Suburban Density Transition Zone (**RSDT**) or Residential Medium Density Zone (**RMD**), according to the "alternative zoning" specified for each property in Appendix 13.14.6.2 of the District Plan.

28. A further detail is that the land at 254 Fitzgerald Avenue and 5 Harvey Terrace is not listed in Appendix 13.14.6.2, as it transferred from the Crown into private ownership relatively recently. Private Plan Change 11 (currently on hold) was seeking that these properties be added to the Appendix, with a mix of RMD and RSDT zoning, and the addition of an Edge Housing Area overlay over 254 Fitzgerald Avenue.
29. PC14 does not propose to change the alternative zoning of the properties currently listed in Appendix 13.14.6.2 but does propose to add 5 Harvey Terrace and 254 Fitzgerald Avenue to the list with MRZ alternative zoning, and to change the alternative zoning for the four flats at 256 Fitzgerald Avenue to MRZ for consistency. It also proposes to add an Edge Housing Area overlay to 254 and part of 256 Fitzgerald Avenue to ensure better landscaping outcomes along road frontages, as discussed in Anita Hansbury's s42A report (section 5.4.18).

IMPACTS OF SIX-STOREY DEVELOPMENT UNDER THE HRZ BY PRIVATE PROPERTIES WITHIN THE SPOARC, RELATIVE TO THE 'GREEN SPINE'.

30. I have assessed the potential impacts of six-storey residential development at each of these private properties on the Corridor.
31. Development of the first site, at 254-256 Fitzgerald Avenue and 5 Harvey Terrace would yield negligible impacts on the Corridor proper, beyond those reasonably anticipated from other properties along Harvey Terrace, and noting that the site at 256 Fitzgerald Avenue has four existing two-storey flats on it which are a pre-earthquake development.
32. This site is positioned adjacent to ten other Harvey Terrace properties, all situated within the same CCZ walkable catchment overlay and conceivably able to generate the same impacts. The site is also separated from the Corridor proper by Harvey Terrace, meaning that any impacts on the Corridor would be limited to overshading. The area south of the site, as depicted in the Regeneration Plan (**Figure 5** below), is designated as a mixed space comprising trees and grass areas. The northern part of this area would become shaded for part of the year, however impacts of this appear relatively minor, due to the separation provided by Harvey Terrace, and the intent for canopy trees in this area under the Regeneration Plan.
33. There is also red zone/SPOARC land north of the Harvey Terrace site, being three ex-residential properties on the corner of Fitzgerald Avenue and

Heywood Terrace. There is a discrepancy between the Regeneration Plan and District Plan in this location. The Regeneration Plan shows this site as housing (circled below, with key attached for reference), whereas the District Plan shows it as Green Spine.



Figure 5 | The OARC Regeneration Plan, Fitzgerald Avenue area

34. Assuming preservation of these lots as 'Green Spine' rather than housing, it is probable that this location would become a pocket park. Sitting north of the Harvey Terrace site, any potential impacts on the future pocket park are, in my opinion, expected to be minor. Shading will not be an issue, and it is already bordered to the south by the two-storey flats at 256 Fitzgerald Avenue. Numerous instances can be found in the Central Business District (CBD) and other areas where small public spaces have thrived despite being surrounded by tall buildings. The primary factor to consider would be the specific design of the building, and its interface at ground floor with the space, which can be further considered at consent stage.
35. There would be passive surveillance benefits of taller housing fronting the Corridor here, which would apply to the following two sites as well.
36. Turning then to 238 Fitzgerald Avenue, a greater level of impact is expected as the property sits within the Corridor proper. This site is around 20m from the planned City to Sea Pathway route, and sits at one of its key entry points.

37. Due to the proximity, there would be overlook considerations, and the design of the building would become important in the user experience. Visually, this would become a very dominant structure, albeit on a relatively small and constrained site. A six-storey building would sit uneasily within the otherwise green and park-like environment. Shading also needs to be considered as the site is north of the Pathway, and this shadow would fall across the path for a number of months each year.
38. Planned native vegetation surrounding the site, as outlined in the Regeneration Plan, would play a significant role in mitigating these impacts. Over time, the vegetation would become a natural screen, somewhat reducing the visual impact of the building - while generating its own shading effects.
39. Overall, in my opinion initial impacts on the Corridor from such a development could be significant. However, as the planned vegetation in the area matures, these impacts would gradually diminish, likely to a moderate impact over ten years. Good design could however lower these impacts to moderate, which would reduce to minor over time.
40. It is important to note that as sea levels rise, this site will enter the floodplain, as the river's water volumes become restrained by higher water levels in the Ihutai estuary. Therefore flood risks may become higher over time, although I note that the property is already located in a Flood Management Area. Long-term flood protection for the City will be provided by the existing river terrace immediately north of this property.
41. Lastly, we turn to 57 River Road, which is a large site featuring four tennis courts split across two levels by the river terrace. Development of this site would have the greatest impacts on the Corridor as it 'juts out' into the Corridor, with just 10m between the corner of the courts and the river. The City to Sea Pathway runs between this property and the river, and the tight space available means that screening cannot effectively be used to mitigate impacts. Issues that could be created by a six-storey development here include:
- (a) Creation of Crime Prevention Through Environmental Design (**CPTED**) risks related to 'hiding spots' at either end of the building for users of the City to Sea Pathway;

- (b) Visual impact - the built form would visually 'throttle' the Corridor, creating a significant intrusion into the visual landscape, and clashing with the Corridor's developing natural amenity;
 - (c) Likelihood of the ground floor being designed to 'turn its back' on the Corridor, as the entry and front of the building would be located on the Harvey Terrace side; and
 - (d) Shading – due to the northerly aspect, this site would shade the City to Sea Pathway for almost all the year.
42. As with the 238 Fitzgerald Avenue site, it should be noted that the lower half of this site will experience increased flooding risk over time.
43. Overall, in my view, effects on the Corridor of development of 57 River Road to six storeys would be significant. Concerns around CPTED and the building's frontage could conceivably be mitigated by design, however the visual 'throttling' and shading aspects would remain. I anticipate that these would continue to impose significant impacts on the Corridor's open space.

IMPACTS THAT COULD BE EXPECTED IF THESE PROPERTIES WERE DEVELOPED IN ACCORDANCE WITH UNDERLYING MRZ AND RSDT ALTERNATIVE ZONING.

44. The existing alternative zoning of RSDT for 238 Fitzgerald Avenue and 57 River Road⁹ is not proposed to be changed, therefore the 8 metre height limit for buildings would remain. That height is compatible with the SPOARC 8 metre building height limit.¹⁰
45. The current alternative zoning for 256 Fitzgerald Avenue, as listed in Appendix 13.14.6.2 of the District Plan, is RMD. PC14 proposes the MRZ alternative zoning for 254 Fitzgerald Avenue and 5 Harvey Terrace. It also proposes that the alternative zoning of all these three properties is consolidated as MRZ.¹¹ This would allow up to three-storey (11m) height development. Reduced impacts for each site are assessed below.
46. For the 254-256 Fitzgerald Avenue and 5 Harvey Terrace site, in my view impacts of development would be insignificant, as already discussed, and limited to overshading (which would be confined to the road corridor).

⁹ As set out in Appendix 13.14.6.2 (Pre-Earthquake Activities List).

¹⁰ PC14, 13.14.4.2.6 (Building Height).

¹¹ As discussed in the s42A report prepared by Anita Hansbury, section 5.4.18.

47. For the 238 Fitzgerald Avenue site, it is my opinion that the visual impact of development would be moderate (with good design mitigation), then reducing to minor over time as surrounding vegetation establishes.
48. It is my view that many of the anticipated impacts associated with the development of 57 River Road would remain, even with the height limit of 8m, namely effects relating to shading, CPTED and the visual 'throttling'. There would however be a reduction in the likely visual disharmony of the development with the natural environment, meaning that impacts would drop to moderate. With careful design, impacts could reduce further.

RESPONSE TO SUBMISSIONS

49. I have read the Council's summary of submissions. There are seven PC14 submissions referring to SPOARC and four relate to the three sites within SPOARC that are the subject of this evidence.
50. One of these is from Council, one is from the Glenara Family Trust, and relates to the Harvey Terrace/Fitzgerald Avenue corner site and two are broader submissions from Kāinga Ora – Homes and Communities and Larissa Lilley.
51. The Kainga Ora submission (834.34) seeks to delete the Open Space (recreation zone) QM within the SPOARC. Larissa Lilley's submission (671.3) supports high density development in the red zone more generally. These issues are in my view concern planning issues and are therefore discussed in the section 42A report of Anita Hansbury, which deals with the planning aspects of QMs related to Open Space Zones, SPOARC and (Cemetery) Zones. The planner does not consider it appropriate to delete QMs relating to SPOARC as the zone's purpose is to maintain it as a natural open space and protect it from inappropriate intensification on land subject to multiple natural hazards, e.g. flooding, land subsidence and liquefaction. For similar reasons, the planner does not consider high density development, as suggested in submission 671.3, appropriate in the SPOARC zone.
52. On the Harvey/Fitzgerald corner, the Glenara Family Trust submission #91, in submission points 91.1 and 91.2, express support for PC14 and ask for an amendment to restricted discretionary rules in 13.14.4.1.3, to deal with non-compliance with the 'alternative' zone standards. That matter also concerns planning issues and is therefore discussed in the section 42A

report of Anita Hansbury on PC14 which deals with the planning aspects of QMs related to Open Space Zones SPOARC and (Cemetery) Zones.

53. The remaining submission from Council (#751, points 751.51 and 751.52) seeks to amend a couple of minor errors within the applicable rules.
54. I defer to the planner's opinion on the first three matters as they concern planning matters and support the Council submission, which will not result in negative impacts on the Corridor.

CONCLUSION

55. As above, I agree with the statement made in the section 32 report that the Green Spine element of the Regeneration Plan meets the first test to be considered as open space, but that section 77O(f) is unavailable as a QM in respect of the three privately-owned properties.
56. Were these private properties, situated within the walkable catchment of the CCZ, to be developed as six-storey residential, the likely impacts from a Corridor perspective are summarised below:
 - (a) Impacts from the Fitzgerald Avenue/Harvey Terrace site on the SPOARC would be negligible, due to the physical separation caused by Harvey Terrace, and the similar impacts that could be generated by neighbouring properties;
 - (b) Impacts from the 238 Fitzgerald Avenue site on the SPOARC would initially be significant, reducing over time to moderate as Council-planted vegetation matures; and
 - (c) Impacts from the tennis court site at 57 River Road on the SPOARC would be significant, and difficult to effectively mitigate.
57. For comparison, if these properties were to be developed as 8 metre / three-storey residential following the provisions of the RSDT / MRZ, likely impacts would be reduced, and are summarised below:
 - (a) Impacts from the Fitzgerald Avenue/Harvey Terrace site on the SPOARC would be insignificant, due to the lower shading effects.
 - (b) Impacts from the 238 Fitzgerald Avenue site on the SPOARC would be moderate initially, dropping to minor as Council-planted vegetation matures.

- (c) Impacts from the 57 River Road on the SPOARC would reduce to moderate, and could potentially drop to minor with good design.

Date: 11 August 2023

David John Little