BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI ŌTAUTAHI

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the hearing of submissions and further submissions on Plan Change 14 to the Operative Christchurch District Plan

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STATEMENT OF EVIDENCE OF TIM JOLL ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES

PLANNING

QUALIFYING MATTERS

20 SEPTEMBER 2023

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1. EXECUTIVE SUMMARY

1.1. My name is Tim Joll and I am a Partner at Planz Consultants Limited. I have been engaged by Kāinga Ora-Homes and Communities (**Kāinga Ora**) to provide evidence in support of its primary submission (submitter #834) and further submissions (further submitter #2099) on Plan Change 14 (**PC14**) to the Operative Christchurch District Plan (**ODP**).

1.2. Having considered the material outlined in paragraph 2.7 of my evidence below, Kāinga Ora no longer wishes to pursue its submission on the following Qualifying Matters (**QM** or qualifying matter).

(a) Waterbody setbacks.

(b) Flood Management Areas – Statutory versus non-statutory flood mapping and overlays.

(c) Public Open Space Areas and Ōtākaro Avon River Corridor.

(d) Waste Water Constraint Area (new).

1.3 My evidence addresses submission points by key QM 'topics' and has been arranged in the same order as outlined in the Section 32 evaluation. Further details on this order are outlined in paragraph 2.10.

1.4 The conclusions in my evidence reflect my understanding of the strategic direction of the Enabling Act, the NPS-UD, the CRPS, and the Spatial Plan, which collectively direct and enable the management of urban growth through intensification. PC14 needs to be integrated with this strategic direction.

1.5 Fundamentally, I consider that the introduction of MDRS standards 'lifts the base' for what suburbia looks like. There is an expectation that medium density housing is enabled across urban areas, unless there are valid QMs that would limit such an outcome for specific sites, where this can be justified.

1.6 For the reasons discussed in my evidence, I consider that there are several proposed QM that do not meet the required tests under sections

77I to 77R, and I recommend that these need to be either modified or, in certain circumstances, deleted in their entirety.

2. INTRODUCTION

2.1. My full name is Timothy (Tim) James Joll. I am a Partner and Planning Consultant at Planz Consultants Ltd. I hold the qualifications of a Bachelor of Resource Studies and a Master of Applied Science from Lincoln University. I am a full member of the New Zealand Planning Institute. I am also an Affiliate Member of ICOMOS New Zealand.

2.2. I have more than 18 years' experience as a planner working in New Zealand and the United Kingdom with much of my work experience relating to the preparation and processing of resource consent applications.

2.3. I have worked on a large number of projects involving the social housing sector for both Kāinga Ora , Ōtautahi Community Housing Trust, not-for-profit housing entities and registered community housing providers like the Methodist Mission. I have been involved in the consenting of more than a thousand social housing units throughout the South Island over the past three years. In addition to social housing resource consents, I have also worked directly with the preparation or peer review of a large number of private residential developments throughout the South Island.

2.4. I was engaged by Kāinga Ora in 2022 to provide planning advice on the exposure draft version of PC14 which was released for feedback in Mid-2022. I was then asked to assist in reviewing PC14 as notified in order to inform the Kāinga Ora submission on PC14.

2.5. In addition to my experience with multi-unit residential developments, I have extensive experience in the consenting and assessment of heritage projects both in New Zealand and the United Kingdom. I have been involved in numerous projects seeking to undertake stabilisation, repair, strengthening and reconstruction works to high profile heritage buildings and monuments that were damaged during the Canterbury earthquakes, including the Christ Church Cathedral, The Canterbury Provincial Council Buildings, Riccarton House, Mona Vale Homestead

and Sign of the Takahe. I have processed resource consent applications involving works to individually listed heritage items for Christchurch City, Selwyn District, Timaru, and Invercargill City Councils. I have also consented several residential developments within Special Amenity Areas / Character Areas. My experience has helped to inform my understanding of the consenting issues associated with medium density forms of housing.

2.6. My experience also includes involvement in District Plan review processes, including in recent years the Christchurch, Selwyn and Te Tai o Poutini Plans.

2.7. In preparing evidence on the proposed Qualifying Matters listed in paragraph 2.2.14, I have considered the following material:

(a) Section 32 reports applicable to the various QMs;

(b) Section 42A reports prepared by Ms Sarah Oliver (Planning), Ms Liz White (Planning), Ms Glenda Dixon (Planning), Ms Brittany Ratka (Planning), Ms Anita Hansbury (Planning), Mr Ike Kleynbos (Planning), Mr William Field (Urban Design), (Ms Rebecca Foy (social impacts), Dr Emily Lane (Coastal Hazard - tsunami risk), Dr Ann McEwan (Heritage), Mr Chris Morahan (Transport), Mr Brian Norton (Engineering / Infrastructure) and Dr Jeremy Trevathan (Acoustic), Dr Wendy Hoddinott (Heritage Landscape).

(c) The evidence of Mr Jonathan Clease (Planning – Strategic Overview / Centre Hierarchy / Residential / Tree Canopy Cover and Urban Design), Mr John Brown (Heritage and Conservation) for Kāinga Ora, Ms Sophie Strachan (landscape) and Mr Fraser Colgrave (Economics) for Kāinga Ora.

(d) Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (**the Enabling Act**);

(e) National Policy Statement – Urban Development (**NPS-UD**);

(f) The Greater Christchurch Spatial Plan 2023 (**the Spatial Plan**).

Code of Conduct

2.8. Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.

2.9. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of evidence

2.10. This evidence addresses submission points by key QM 'topics' which have been arranged in the same order as outlined in the Section 32 evaluation:

<u>Section 6 matters of national importance</u>

- Riccarton Bush Interface (existing with changes).
- Residential Heritage Areas (new).
- Residential Heritage Areas Interface (new)
- Tsunami Management Area (new)

<u>Matters for the purpose of ensuring safe or efficient operation of nationally significant infrastructure</u>

- Railway Building Setback (existing - no change)

<u>Matters for provision of sufficient business land suitable for low density uses to meet expected demand</u>

- Residential-Industrial Interface Area (new)

<u>Other matters</u>

- City Spine Transport Corridor (new).

- Residential Character Areas (existing with amendments, and new).
- Low Public Transport Accessibility (new).

2.15 For completeness, my evidence does not address QMs associated with airport noise (addressed by other experts for Kāinga Ora), or with the Height to Boundary MDRS provision which is addressed by others and/or in corporate evidence and in legal submissions. My evidence generally follows the format of the various Section 42A reports for ease of reference and addresses the relevant Kāinga Ora submissions and further submission points in relation to the key QMs identified above.

3. THE KĀINGA ORA SUBMISSION AND FURTHER SUBMISSION

3.1. The Kāinga Ora submissions supported a number of the proposed QMs, but opposed several others including the Low Public Transport Accessibility, Key Transport Corridors, Residential Heritage Areas, Character Areas, the Christchurch International Airport Noise Influence Area (evidence provided by others), Industrial Interfaces, and the extent of the Tsunami Management Area.

3.2. The Kāinga Ora submission considered that qualifying matters needed to be expressed more clearly across PC13 and PC14 to assist with plan administration and interpretation, particular as they relate to Residential Heritage Areas.

3.3. As noted in paragraph 1.2 above, Kāinga Ora no longer wishes to pursue their submission on several QMs. A more detailed summary of the Kāinga Ora submission on each of the QM addressed in my evidence is provided under each of the QM subject headings.

4. RESPONSE TO THE SECTION 42A REPORTS

4.1 In assessing the various QM, I consider it is first necessary to place these in the wider strategic context of what the Enabling Act, NPS-UD, and indeed what PC13 and PC14 are trying to achieve. The NPS-UD and the Enabling Act both at their core seek to ensure that housing supply meets demand, that a greater range of housing typologies are delivered to meet the diverse housing needs of the community, that

more people are able to live in close proximity to centres where they can access employment and services in a manner that reduces carbon emissions, and that a well-functioning urban environment results.

4.2 I agree with Ms Oliver's 'Strategic Overview' in her Section 42A report. The Section 32 report(s) also provide a detailed overview of the key RMA matters to be considered by PC14 and will not be repeated in detail here.

4.3 In summary, I consider the overarching objective of the NPS-UD (Objective 1) seeks to ensure ‘well-functioning urban environments’, Policy 3 of the NPS-UD is also highly relevant to the approach taken to the proposed spatial zoning undertaken within PC14.

4.4 The NPS-UD also seeks to ensure that planning decisions improve housing affordability by supporting competitive land and development markets (Objective 2), and focuses on the identification and promotion of the future character/amenity of urban environments and their evolution over time (Policy 6), rather than protection and preservation of existing amenity, by promoting and enabling compact/efficient urban form and management of effects through good urban design (Objectives 1 and 4).

4.5 I agree with the overarching approach taken by Council Officers that zoning of land is the fundamental mechanism within the District Plan to identify the geographical areas which are best suited to providing for differing levels of change and growth over time. As discussed below, however, there are examples where my conclusions on the appropriateness of relevant zonings and/or QMs differs from that of Council officers.

4.6 My conclusions reflect my opinion that zoning should not simply consider the future use of land in the context of that land’s existing use development form or access to infrastructure. Rather, it sets the direction of land use to provide for the social, economic, cultural and environmental wellbeing of the community, both now but also importantly for future generations.

4.7 Where zoning and/or enabled development within zones places heavy emphasis on preservation of existing intensities of development in reference to historic development patterns, or perceived short term infrastructure constraints, such as access to public transport, the long-term strategic objectives of new District Planning (in response to national direction such as that of the NPS-UD) can be compromised.

5 COUNCIL'S APRROACH TO QUALIFYING MATTERS

5.1 Ms Oliver has outlined in paragraphs 3.5 and 3.6 of her Section 42A report, the relevant sections of the Amendment Act and NPS-UD that apply to the consideration of qualifying matters. I agree that s77K provides an alternative process for the consideration of existing qualifying matters to that of s77J, which has largely been relied upon. I also note that s77K(3) specifies that the alternative process for existing qualifying matters can only be utilised in respect of those matters identified under s77I (a)-(i). It does not apply to 'any other matter' under s77I(j).

5.2 Ms Oliver's Section 42A report also provides a very useful overview of the Council's approach to QMs in Section 6.16, which I acknowledge.

6.0 SECTION 6 MATTERS OF NATIONAL IMPORTANCE

Riccarton Bush Interface

6.1 Having reviewed the evidence of Dr Hoddinott and Ms Strachan, I am not currently convinced that the QM has met the tests required of s77L(c)(iii). I note that there is agreement between the experts and Ngāi Tūāhuiriri Rūnanga on the suitability of an 8m height limit in the QM area, and this is something I would also support from a planning perspective. There remains however disagreement between experts about the need for additional built form controls. If the additional controls are simply required to "*reduce the opportunity for fast, incremental change to the Riccarton Bush setting that could significantly erode Pūtaringamotu as a distinctive element <u>across the skyline</u>"* as stated in paragraph 31 of Dr Hoddinott's evidence, then I prefer the evidence of Ms Strachan and consider the 8m height restriction would appropriately achieve this.

6.2 Having read the statement of manawhenua values provided by Ngāi Tūāhuiriri Rūnanga, via consultation with Mahaanui Kurataiao Limited, I could not ascertain if their conclusions and recommendations considered the additional built form standards or only related to the proposed 8m height limit. This is something I will discuss with Council staff further prior to presenting evidence.

Residential Heritage Areas (new).

6.3 Kāinga Ora supports the protection of areas of historic heritage where the requirements of Section 6 of the Resource Management Act 1991 (**RMA** or **the Act**) are met. It does however note that the introduction of heritage components across two plan changes (PC13 and PC14) creates inefficiencies in the plan, which I agree with.

6.4 In particular, having some of the RHA provisions being contained in PC14 and following an IPI process i.e. the built form standards, and other Heritage Area provisions being progressed through a separate PC13, and following a first schedule process i.e. Heritage Area policies and activity provisions has created efficiency issues. It is also inconsistent with Objective 3.2.2 of the Operative District Plan, which seeks to make the District Plan easy to understand and use.

6.5 Notwithstanding the above, I consider the key questions to consider in relation to RHA are:

(a) Is the methodology for identifying and assessing RHA appropriate, and do they meet the requirements of Section 6 of the RMA?

(b) Are the RHA provisions appropriate?

Is the methodology appropriate.

6.6 Dr McEwan outlines the methodology for the RHA[1] and the 'road testing that she has undertaken[2]. Mr Brown in his evidence identifies concerns over the consistency and robustness of data in some instances[3], and

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[1] Paragraph 17 Dr McEwan Statement of Evidence
[2] Paragraph 19 Dr McEwan Statement of Evidence
[3] Paragraph 4.36 Mr Brown Statement of Evidence

considers additional peer reviews and collaboration with Ngāi Tahu are appropriate to ensure the methodology is suitably robust.

6.7 I agree with the concerns raised by My Brown regarding the appropriateness of the methodology that has been used. I further note the identification of 'defining' or 'contributory' buildings has not taken into account unimplented resource consents or certificates of compliance (CoC). Kāinga Ora holds a CoC, that provides for the demolition of buildings on approximately 20 sites within RHA (RMA/2022/3444). Some of these sites are identified as 'defining' or 'contributory' building dwellings.

6.8 Given that these buildings can be demolished without the need for any resource consent, I consider that these sites should be classified as 'Neutral'. I do not agree with Dr McEwan's statement in paragragh 75 of her evidence that "*it is not best practice to anticipate the outcome of 'unimplemented resource consents, given that such consents may never be actioned"*. I consider that unimplemented consents form part of the existing environment and the assessment on individual sites should reflect the future state of the envionment as it might be modified by implenting such consents or CoC, where the implementation of those consents or CoC is not a fanciful or otherwise unlikely propositioned.

Are the RHA provisions appropriate?

6.9 The RHA provisions need to be considered in the context of the MDRS, which will define future urban character and amenity for a neighbourhood through a set of mandated rules. These in effect provide a new baseline for development. If the Panel is minded to retain the RHA QM, then I recommend that amendments are required to the proposed provisions. This are discussed below.

Objectives and Policies

6.10 I agree with the recommended changes to Policy 9.3.2.2.2. as outlined in paragraph 6.2.2 of Ms Dixon's evidence and to Policy 9.3.2.2.5 – Ongoing use of scheduled historic heritage, so that they include reference to Heritage Areas, defining and contributory buildings.

6.11 Policy 9.3.2.2.8 is proposed to be amended[4] to also include the demolition of 'defining' and 'contributory' buildings in RHA. As a starting point, I note that the title of the policy is incorrect as it only references 'heritage items'[5] and 'defining' or 'contributory' building do not meet the definition of 'heritage items' as they are not scheduled in Appendix 9.3.7.2[6]. This could easily be addressed but as discussed below, there are greater overarching problems with this policy as it applies to RHA.

6.12 I consider it problematic to apply the same policy test to activities with such differing activity statuses[7]. As noted by Ms Dixon in paragraph 8.2.2.2 of her evidence "*the demolition* [of 'defining' or 'contributory' building] *has a less onerous consent process in an RHA* [as opposed to scheduled heritage items]'. I agree that this should be the case, however in considering the proposed provisions, I do not think this policy appropriately provides for the consideration of developments that would result in the demolition of buildings in RHA. I consider a bespoke two-tier policy would be more appropriate. In reaching this view, I have considered each of the current clauses of Policy 9.3.2.2.8 in turn below as I consider they would likely apply to an application to demolish a 'defining' or 'contributory' building to provide for new residential units in an RHA.

(a) Clause a.i. is unlikely to be applicable as it specifically related to a threat to life/and or property;

(b) Clause a.ii would require an applicant to consider the extent of work required to retain and/or repair a building and then these works would have to be of such as scale <u>that the heritage values and integrity of the building would be significantly compromised</u>. As 'defining' or 'contributory' building do not meet the definition of 'heritage items' as they are not scheduled in Appendix 9.3.7.2, the works to retain and/or repair a building would need to significantly compromise the integrity of the building. This would

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[4] Paragraph 6.2.8 Ms Dixon, Section 42A

[5] PC14 for Section 42A Chapter 2 – Abbreviations and Definitions – "*Heritage item means an entry in Appendix 9.3.7.2 Schedule of significant historic heritage which has met the significance threshold for listing scheduling in the District Plan. Heritage items can be…:*

[6] RHA are scheduled in Appendix 9.3.7.3.

[7] The demolition of Highly Significant Heritage Items is a Non-complying Activity. The demolition of 'defining' and 'contributory' buildings in RHA is a Restricted-discretionary activity.

require engineering and building input and ultimately, I do not think this is a test that could readily be met.

(c) Clause a.iii requires consideration of the costs to retain the building and whether these would be unreasonable. Again, for an undamaged 'defining' or 'contributory' building, this would require economic analysis, and I consider it would be very difficult to justify that the costs to retain the building, in the majority of applications, would be unreasonable.

(d) Clause a.iv. considers a reduced degree of demolition, which is unlikely to be an appropriate option for the redevelopment of residential sites containing 'defining' or 'contributory' building and would also require engineering input.

(e) Clause a.v is not applicable. As outlined in the second bullet point above, 'defining' or 'contributory' building do not meet the definition of a 'heritage item'.

6.13 In considering a bespoke policy or two-tier policy, I would welcome the opportunity to discuss wording with Council staff in advance of presenting evidence. The following could provide a starting point for discussions.

9.3.2.2.8 b Policy – Demolition of Defining or Contributory buildings in a Residential Heritage Area

a. When considering the appropriateness of the demolition of 'defining' or 'contributory' buildings in a heritage area scheduled in Appendix 9.3.7.3, have regard to the following matters:

i. Whether the demolition of the building(s) will significantly compromise the collective heritage values and significance of the heritage area.

Rules

6.14 Mr Brown in paragraphs 5.6 and 5.7 of his evidence also recommends a more enabling pathway for change where sites or features are identified as neutral or intrusive to Heritage areas. I agree with his

recommendations and consider this would provide for more appropriate outcomes.

6.15 Rule 9.3.2.1.1 P2 – the rule provides for repairs to heritage items or a 'defining' or 'contributory' buildings in a heritage area as a permitted activity, provided a scope of works and proposed temporary protection measures are submitted to Council's Heritage team for comment at least 10 working days prior to the work commencing. My reading of this rule and associated definitions is that occupants who require repairs to leaks or in need of replacement heating could have to wait weeks for the matter to be addressed.

6.16 To address this, I recommend removing the associated activity specific standard a[8]. Even if my interpretation is incorrect, I note that this matter of discretion provides no additional protection to the heritage team or defining or contributory buildings as aside from submitting a scope of work, Council has not sought to introduce any certification or peer review process that would require changes to a scope of works or temporary protection measures. I therefore recommend this activity specific standard be deleted.

6.17 Rule 9.3.4.1.3 RD6 requires a restricted discretionary resource consent for alterations to building exteriors of buildings in RHA, even those that are classified as 'neutral' or 'intrusive'. I do not agree with the logic of requiring a resource consent to undertake amendments to buildings that are already classified as 'neutral' or 'intrusive'. Particularly noting that Rule 9.3.4.1.1 P12 provides for the demolition of these buildings as a permitted activity, because as noted by Ms Dixon in paragraph 6.2.8 of her evidence "*Council has no interest in controlling the demolition of buildings which do not contribute to the heritage values of the area*'. I therefore question why they have an interest in controlling amendments to these buildings. I consider that any rule controlling alterations to buildings in a RHA should be amended so that it only applies to defining buildings or contributory buildings.

6.18 In considering the activity status of any such rule controlling amendments to defining or contributory buildings in a RHA, I agree with

[8] Rule 9.3.2.1.1 Activity Specific Standard a.

Mr Brown that a more appropriate activity status would be ‘controlled’. I consider that the ‘additional matters of discretion for ‘alterations to building exteriors’ in Rule 9.3.6.4 could be readily amended to become appropriate matters of control. I would welcome the opportunity for further dialogue on amendments to the activity status for alterations to buildings in RHA with Council staff in advance of presenting my evidence.

6.19 In considering the appropriateness of the built form standards applying to sites in RHA, I agree with Mr Brown’s statement in paragraph 5.12 of his evidence that the application of modern planning standards to address or control heritage and character matters can lead to perverse outcomes; and in my opinion can unnecessarily restrict the consenting of complementary development. I provide an example in paragraph 9.30 of my evidence below.

6.20 I think a restricted discretionary pathway for new buildings greater than 5m in height with the proposed matters of discretion contained in Rule 9.3.6.4 would appropriately manage the specific values of a RHA and would provide greater scope for the consideration of complementary developments in a manner that is sympathetic to identified heritage values within the QM. I therefore recommend the deletion of the area-specific built form standards that apply to RHA contained in Rule 14.5.3.2

Matters of Discretion

6.21 The matters of discretion are broadly acceptable; however, I consider it is appropriate to include an additional matter of discretion for considering applications to demolish ‘defining’ or ‘contributory’ building in RHA where the proposal also includes redevelopment of the site. I consider that the addition of an additional matter of discretion would also help address the concerns raised by Ms Dixon in paragraphs 8.22.3 and 8.22.4 of her Section 42A report.

9.3.6.5 Residential Heritage Areas..

g. Whether the proposed replacement building(s) will maintain or enhance the collective heritage values and significance of the heritage area;

Residential Heritage Area Interface

6.22 Regardless of whether or not the Panel seek to retain Heritage Areas, the Kāinga Ora submission opposes the proposed provisions controlling new buildings on sites sharing a boundary with a Residential Heritage Area (Residential Heritage Area Interface). It sought that the provisions as-notified be deleted.

6.23 Fundamentally, I do not agree that this QM is required to mitigate the impact of new buildings on the heritage values of sites within adjoining RHAs. In reaching this view, I note that Ms Dixon acknowledges in paragraph 8.32.8 of her evidence that:

> *"The RHA interface areas are a response to community concerns, especially from Chester St East residents during prenotification consultation (and reflected now in some submissions) about visual dominance and shading as a result of the potentially tall buildings which could adjoin them, especially to the north".*

6.24 It therefore appears that the key driver of the proposed interface rules is a desire to manage amenity outcomes rather than to maintain heritage values. Despite a careful review, I did not find any evidence from Council's heritage experts that suggests that buildings of a permitted scale in the adjoining High Density Residential Area would create adverse effects on the heritage values of the adjoining RHA. I agree with the concerns raised by Mr Brown in Section 5 of his evidence.

6.25 I consider it is neither an efficient or effective resource management outcome to limit intensification opportunities on sites bordering Residential Heritage Areas where they are located within the most-desirable areas for enabled intensification as directed by Policy 3 of the NPS-UD.

6.26 I also question whether an appropriate site by site analysis has been undertaken, noting that Ms Dixon acknowledges in paragraph 8.32.19 of her evidence that *"it would have been preferable to have had the time and resources to do a more detailed investigation of the 97 (now 91) properties proposed for the interface area…".*

6.27 In the absence of sufficient analysis under s77L(c)(iii), I question whether limiting intensification on sites adjacent to a RHA, is a valid QM.

6.28 Similarly, in considering the justification for the proposed interface provisions, I note that Council is not proposing similar provisions that would restrict the development potential of sites adjoining individually scheduled heritage items. The sensitive areas around heritage buildings are controlled in the Operative Plan via an identified 'heritage setting' tool. This tool is based on site-specific assessment of the kind envisaged as being necessary for justifying a QM, and importantly in most cases the setting does not extend beyond the cadastral title on which the heritage item sits. In short, the proposed approach to restricting the development potential of properties neighbouring non-listed sites in RHAs is more onerous than the Plan controls on managing effects for individually listed heritage items that contain more significant heritage values. I therefore query the rationale, appropriateness, and the costs and benefits, of seeking to apply additional restrictions to sites adjoining RHA that are not considered necessary to protect the heritage values of scheduled heritage items.

6.29 Finally, in response to the reference made in paragraph 6.2.18 of Ms Dixon's evidence that "v*isual domination of RHA sites could easily result, as well as possible reduction of visibility of the sites to or from roads and other public space. The rule seeks primarily to address the potential for contrasts of scale between the RHA and development on sites sharing a boundary".* It is my opinion that there are a variety of examples where larger scale buildings (and those with modern forms) can provide a valuable counterpoint to more-traditional character and heritage development, while utilising architectural techniques to ensure sympathy with identified values being protected – refer to my evidence

in paragraph 9.30 and the associated Figure 3 for a recent example on Riccarton Road.

6.30 As such, I recommend the deletion of the restrictive provisions relating to the RHA QM and any other consequential amendments required.

Tsunami Management Area (new)

6.31 The Kāinga Ora submission opposes the extent of the Tsunami Risk Management Area. Whilst Kāinga Ora agree that exposure to a high risk of natural hazards is a legitimate qualifying matter, they are concerned that the extent of the overlay is excessive and not appropriately commensurate with risk. The submission also considers that the use of a lower density Residential Suburban / Residential Suburban Density Transition zoning should only be used where the risk of hazards is proven to be high and with a high return period. Further, the extent of the Tsunami Management Area QM is considered to be inconsistent with the CRPS definition of 'High Hazard Areas'.

6.32 I acknowledge at the outset that I agree with Ms Oliver that excluding MDRS from areas that are exposed to a high risk of natural hazards is a legitimate QM. I also acknowledge that the RMA definition of 'effects' includes those effects with a low probability but a high consequence. That said, the definition of effect does not open the door for simply justifying any level of regulation be imposed on any hazard risk. Instead, Section 32 requires careful consideration of the efficiency and effectiveness, of the costs and benefits, and of the risks of not acting when drafting Plan provisions. This is especially the case where the level of restriction proposed in the new rules is significant. The Enabling Act places further obligations on Councils to justify QMs based on site-specific analysis.

6.33 In summary, my thoughts on the proposed QM are:

(a) It imposes a level of disablement and lost housing and business opportunities for a large part of the City that is completely disproportionate to the level of risk these areas are exposed to. As such the costs of the regulation far outweigh the benefits.

(b) An appropriate Section 32A assessment including consideration of alternatives has not been undertaken.

(c) It is not aligned with any national direction or higher level documents. The NZCPS directs management of hazard risk (including tsunami) for at least 1:100 year events. The proposed framework advances an overly restrictive approach to events with a lesser risk profile without the benefit of updated national guidance, which is currently under development as part of the Government's wider resource management reform work programme. At this stage it is considered more appropriate to base PC14 on current NZCPS and CRPS direction in a manner similar to all other coastal Tier 1 Councils. In the future, and following settled national direction, the planned PC12 can be advanced to revisit this issue with benefit of that national direction being in place. Given the 1:500 year return period, and the accepted validity of imposing natural hazard-based QMs in areas exposed to 1:100 year events, the risks of not acting over the intervening period are minimal.

(d) It does not appear to take into account the ability to readily mitigate effects (at least in the lower risk areas) via requiring minimum floor levels on new buildings, noting that increase floor heights are already required through much of the QM as an effective response to surface water flooding from high rainfall events.

(e) It imposes a level of restriction that is greater than the existing ODP provisions through changes to activity status and associated policy framework such that the grant of consents for non-complying activities will be challenging.

The costs of the regulation far outweigh the benefits

6.34 Having reviewed the Council's evidence and higher level documents, I consider from a planning perspective that the Council hasn't adequately reconciled the direction of the NZCPS (which has a specific focus on the 100+ year horizon for risks associated with coastal hazards) with the national significance of urban development.

6.35 The Tsunami Risk Management Area would be more appropriate if it were based on a 1:100 year event, instead of the 2019 NIWA 1:500 year tsunami event, including a 1.06m sea level rise. I therefore recommend that the Tsunami QM and associated policy and rule package be retained, with the geographic area reduced to that subject to the 1:100 year events (in essence the area shown in the Future Development Strategy (FDS)). I also recommend that the residential areas that would no longer be subject to the Tsunami QM should have a MRZ zone applied in accordance with the direction of the Enabling Act.

Appropriateness of the Section 32A Assessment

6.36 In considering the appropriateness of the QM, I note that the Council Section 32 report includes an evaluation of three options. These are:

(a) Applying MDRS with no qualifying matter;

(b) Applying the tsunami qualifying matter based on a 1:500 year tsunami event with 1.06m sea level rise by 2120;

(c) Or, a third option, which is the same as option 2, except it also includes in the overlay tsunami flooding below 0.1m in depth (nuisance flooding).

6.37 Having reviewed the Section 32 assessment and associated evidence, I could find little evaluation of a tsunami event with a more commensurate risk period, for example a 1:100 year event or a 1:200 year event (or the mapped extent of the geographic areas exposed to those events). The Council based their Section 32 report on the 2019 NIWA Tsunami Study. The NIWA Tsunami Study only considered 1:500 year events, including different scenarios based on different levels of sea level rise.

6.38 The statement of evidence of Dr Emily Lane, Principal Scientist at NIWA, expanded on the Section 32 report, as she stated in paragraph 10 of her evidence that it is highly likely (65.9%) that an event up to or greater than a 1:100-year tsunami will occur between now and 2130, but there is only a 19.3% likelihood that a 1:500-year tsunami will occur.

This evidence, in my opinion, still does not consider any scenarios between 1:100 years to 1:500 year events despite the District Plan using 1:200 year events for other natural hazard risks such as flooding.

6.39 Considering the extensive area and associated number of properties potentially impacted by this QM, I do not consider an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS has been considered. A robust Section 32 assessment, combined with the QM tests in the legislation, both require the extent of regulation to be the minimum necessary to restrict development opportunities.

6.40 In essence the key decision before the Panel is at what point does the level of risk exposure become unacceptably high so as to warrant regulatory intervention to restrict development opportunities in locations where such development would otherwise be acceptable.

Lack of Alignment with National Direction & Higher Order Documents

6.41 In seeking to answer this question it is helpful to start at the top of the plan-making hierarchy and work our way down. I am aware that a key part of the Government's resource management reform programme is the development of the Climate Change and Adaptation Act (**CCAA**) as the third legislative leg that will sit alongside the National and Built Environment Act 2023 and the Spatial Planning Act. It is anticipated that the CCAA and associated revision of National Policy Statements will include the provision of nationally-consistent risk criteria in term of return periods for different hazards.

6.42 In the absence of such national direction, I consider that the next best starting point is the direction provided in the NZCPS. Policy 25(f) specifically considers the potential effects of tsunami and how to avoid or mitigate them. At the beginning of this policy, it states that the policy relates to areas potentially affected by coastal hazards over at least the next 100 years. This national direction requires consideration of 1:100 year events at a minimum. I readily accept that the direction is 'at least' and therefore it does not preclude consideration of lower return period events. It does however indicate that for tsunami, the key consideration is events with a relatively high 1:100 return period.

6.43 The 1:500 year approach does not align with other Plans that have been developed in Canterbury. The CRPS states that territorial authorities are responsible for specifying the objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards in areas subject to seawater inundation.

6.44 District Plans have to give effect to the CRPS. Objective 11.2.1 of the CRPS states that new subdivision use and development of land that increase risks associated with natural hazards should be avoided. There is no policy specific to tsunamis, but Policy 11.3.5 is intended to enable local authorities to deal with areas and natural hazards not explicitly covered in the other policies in the CRPS, but where there are still risks. This policy does not provide specific levels of risk that are considered acceptable.

6.45 The explanation which accompanies Policy 11.3.5 states that risk can be assessed quantitatively using the Structural Design Action Standard (AS/NZS 1170.0:2002), such that normal buildings or developments should be safe in a 0.2% AEP flood event (A 0.2% AEP flood event means there is a 1:500 chance of a flood of this size happening).

6.46 For the purpose of considering whether the approach by the Council when developing the Tsunami Management Area qualifying matter, is consistent with the CRPS, the definition of 'High Hazard Areas' in the CRPS has been considered. The definition of a High Hazard Area includes where water depths are greater than 1 metre, in a 0.2% AEP flood event. Whilst I understand from Dr Lane's evidence that tsunami flood water can behave differently to other flood water, this indicates that the CRPS would not consider flood water of between 0.3m and 1m as being a significant threat to life or damage to property.

6.47 Given that the purpose of the Tsunami Management Area is to mitigate risk to life of people in the event of a tsunami, more consideration should have been given to at which point that risk materialises. The Council Section 32 report states that flooding under 0.1m is considered nuisance flooding that does not pose a significant hazard to people or property but does not state why the level considered a nuisance has been set as 0.1m. The evidence of Dr Lane, in paragraph 35, states

that the amended proposal excludes inundated areas where the depth of inundation is less than 30cm because inundation below that level is less likely to be damaging to property or harmful to life safety. Whilst this has provided a bit more reasoning for the level chosen by Council, it is still not consistent with the CRPS, in particular, policy 11.3.5 which states that formal risk management techniques should be used and the explanation below the policy that states that normal buildings or developments should be safe in a 0.2% AEP flood event.

6.48 In my opinion, the PC14 officer recommendations appear to conflate very low occurrence nuisance flooding with high hazard risks to life and property.

6.49 The Greater Christchurch Spatial Plan (draft for consultation dated June 2023) is the FDS prepared in accordance with NPS-UD requirements for the 'Greater Christchurch' area. This strategy sets out how growth of some 200,000 people will be accommodated over the coming 30 years. The preparation of this document is the culmination of some 4 years work by the member councils, including the Canterbury Regional Council. The Strategy identifies areas that are vulnerable to an unacceptable risk of natural hazards and as such are unsuitable for accommodating growth. The Strategy includes a map of coastal natural hazards to avoid, including tsunamis (see extract below as Figure 1), and also a map of the tsunami evacuation zone, which is understandably greater in size than the mapped coastal hazard area to avoid. These maps are contained in **Appendix 1** for ease of reference. Importantly, the at-risk areas are based on medium-to high risks, with the consequence that the extent of natural hazard risk from coastal hazards and tsunami is substantially smaller than what is currently proposed in PC14. The Officer recommendations therefore appear to be markedly out of step with the strategic direction set out in the FDS for Christchurch.

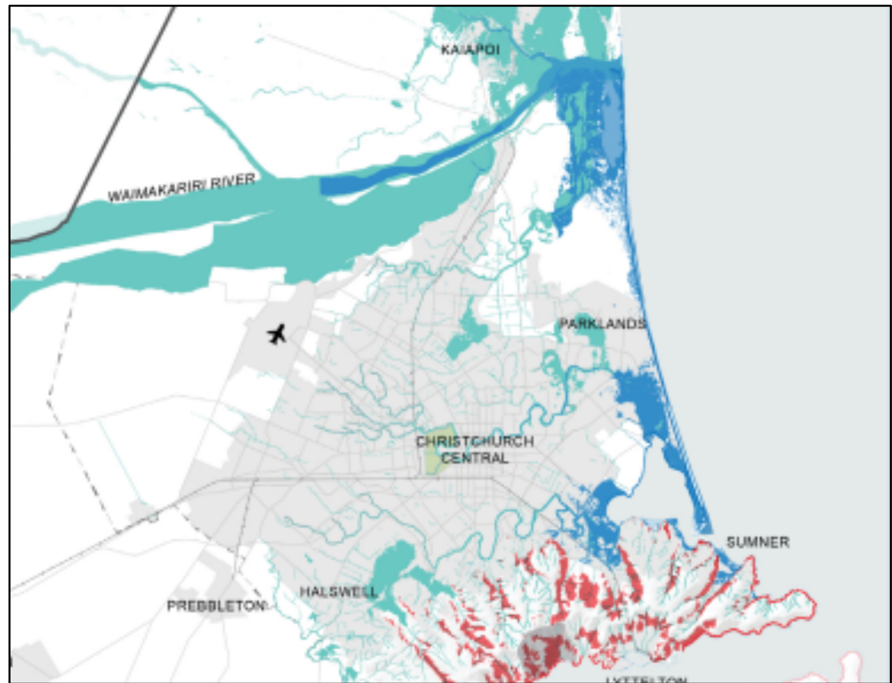

Figure 1: Greater Christchurch Spatial plan - Map 6: Areas subject to natural hazard risks

6.50 The Tsunami Management Area QM recommended by Officers appears to extend across the whole of the tsunami evacuation zone and in some areas, appears to extend further than the tsunami evacuation zone. It is not clear from Council's evidence why the Tsunami Management Area appears to cover a greater area than identified in the Greater Christchurch Spatial Plan.

6.51 The Tsunami Management Area is also similar to the Canterbury's Tsunami Evacuation Zones, which have been developed by the Canterbury Regional Council. These zones are split into three zones, red zone, orange zone and yellow zone. The Tsunami evacuation zones are areas that people are recommended to evacuate from as a precaution after they feel a long or strong earthquake, or in an official tsunami advisory or warning. The yellow zone is described as being areas that are least likely to be affected by a tsunami. This includes areas that could be flooded or isolated in a very large tsunami. In the yellow zone evacuation is only required if there is an official tsunami warning. The Tsunami Management Area QM covers all the red and orange areas on the Canterbury Evacuation zone map and the majority of the yellow zone areas.

6.52 In addition, the Canterbury Evacuation zones have not been developed for property-specific land use planning. The Canterbury Regional

Council, in their review of tsunami evacuation zones for Christchurch City, Report No. R19/125 (dated November 2019), state that:

> *"… the tsunami evacuation zones are not appropriate for property-specific land use planning. Land use planning considers the sustainability of development in an area as well as life safety and wellbeing issues, whereas tsunami evacuation zones are fundamentally about life safety. For this reason, as explained above, the zones are generally conservative, and the yellow zone in particular represents an extreme event that we would only expect in the order of every 2500 years, which is beyond most land use planning time frames."*

6.53 In summary, I have not found any national direction in the form of NPS, or regional direction in the form of either the CRPS or the draft FDS that are based on a 1:500 year return period.

6.54 In determining what an appropriate level of risk is, I have also sought to understand if other recently notified IPI plan changes produced by the other Tier 1 Councils that have a geographic frontage with the coastline, have applied as a risk metric. In summary, it is my understanding that Wellington City has provisions relating to low (1:1000), medium (1:500), and high (1:100) tsunami return events - but it is only in the High (1:100) where an "avoidance" framework is applied. Hutt City also has introduced it - with IHP determining in High (1:100) event areas that no more than 1 unit should be enabled on a site to align with NZCPS (also with an underlying "avoidance" policy setting), but they sent Council back to review the Medium (1:500) as there was considerable debate about its extent. Porirua City Council had a proposed Coastal Hazard framework in their Proposed District Plan, which would require avoidance of intensification in High hazard areas, with a minimise framework elsewhere, but they didn't introduce it as a QM per se through their variation. I also understand that Tauranga did assess Tsunami risk, but found the risk was not significant, so did not include it as a QM.

6.55 I have therefore found no evidence of a QM based on a 1:500 year tsunami risk period being used by any other Tier 1 local authority,

despite these other plan changes all having been prepared under the same statutory framework. The proposed approach by the Council is therefore notably inconsistent with the standard coastal risk management approaches that have been adopted throughout the country.

6.56 In addition to establishing an appropriate level of risk based on the consistent application of higher order direction, Section 32 also requires the clear demonstration that the benefits of regulation outweigh the costs. In this case, the costs are the opportunity costs to both individual landowners and the wider community of precluding development opportunities in locations otherwise well suited for intensification when weighed against the chance that at some point over the next 500 years there is a less than 20% chance of a tsunami occurring. In my view the more likely the hazard event (in combination with the consequence/ effects of the risk), the lower the opportunity cost/ more justifiable the restriction becomes. The return period and associated reduced geographic extent shown in the FDS in my view strikes a much more appropriate balance than the approach recommended by Council officers.

6.57 It is important to recognise that natural hazard risks are not fixed, as modelling continues to be refined along with national direction being updated. As such I consider the approach adopted by all other coastal Tier 1 Councils of managing risk based on higher return periods is the correct approach for now. In the coming years and following the development of NPS on natural hazards and associated CCAA legislation, a more refined plan change can be promulgated to reflect nationally consistent approaches to hazard management. I am aware that Council has long -proposed a coastal hazard-specific plan change (PC12), which I consider to be the more appropriate planning process for considering this issue.

6.58 For the above reasons, I agree with the Kāinga Ora submission that the geographic extent of the qualifying matter should be better aligned with a 1:100 return period or cover an area reflective of the Tsunami Inundation area identified by the Greater Christchurch Partnership as part of its consultation on the Greater Christchurch Spatial Plan.

Ability to readily mitigate effects

6.59 I note that parts of the areas covered by the Tsunami Management Area QM are also already within the Flood Management Area (FMA) in the Christchurch District Plan. The provisions associated with the FMA requires dwellings to be constructed with minimum floor levels based on a 1:200 flood event, including an additional 400mm freeboard. Based on the required finished floor levels in FMA, flooding of 0.3m in depth associated with a tsunami event is not likely to cause any significant damage to property that would justify the QM being applied at this conservative level.

6.60 The tests for introducing QMs requires site-specific assessment. The Council's evidence does not appear to consider other tools for managing risk (such as increased floor levels). As large parts of the area subject to the Tsunami QM are also subject to a requirement to lift floor levels, any new development will have inherently reduced the risks that it is exposed to. This is especially the case for areas that are exposed to low return period events or lower-depth tsunami-induced flooding.

6.61 Dr Lane's evidence also considers in paragraph 49 risk to life, and she states that 30cm of fast-moving water can sweep a person away. However, the tsunami scenarios modelled were based on the most hazardous tsunamis to Christchurch, which are large subduction earthquake occurring in the South Peru/ North Chile region. My understanding, based on paragraph 45 of Dr Lane's evidence, is that these are considered distant source tsunamis and take between 11 – 15 hours to reach the coast. Whilst there may be some people that do not adhere to official warnings to evacuate, 11 hours would appear to be sufficient time to evacuate people even with increased numbers of people in the area due to increased housing density.

6.62 Overall, despite the changes proposed within Ms Oliver's Section 42A report, I consider that the policy approach relating to the Tsunami Management Area is still too conservative (ie overly restrictive).

7.0 MATTERS FOR THE PURPOSE OF ENSURING SAFE OR EFFICIENT OPERATION OF NATIONALLY SIGNIFICANT INFRASTRUCTURE

Railway Building Setback (existing – no change)

7.1 Kāinga Ora made submissions that sought to remove reference to the rail corridor as a qualifying matter. This was primarily because it was considered that the existing operative district plan provision of a 4 metres setback from the rail corridor (rule 14.4.2.7 and 14.5.2.7) was sufficient to ensure that people can use and maintain their land and buildings safely without needing to extend out into the railway corridor. It was considered that that these setbacks did not need to be shown as qualifying matters, however, in my opinion, they should stay as QM.

7.2 Kiwi Rail have sought two changes to the rail corridor QM. The first is to increase the internal boundary setback from 4 metres to 5 metres. Kāinga Ora lodged a further submission opposing this relief. Ms Oliver in paragraph 12.85 of her Section 42A report recommends the Kiwi Rail submission point be rejected *as "it is not clear in the submission that a marginal increase would provide any tangible benefit, taking into account the loss of development potential on adjacent sites".*

7.3 I agree with the reporting planner's analysis above and consider that the provisions as notified are the most appropriate for giving effect to the NPS-UD, the provisions of the Canterbury Regional Policy Statement as they relate to Chapter 6, and strategic objectives 3.3.4, 3.3.7, and 3.3.13.

8.0 MATTERS FOR PROVISION OF SUFFICIENT BUSINESS LAND SUITABLE FOR LOW DENSITY USES TO MEET EXPECTED DEMAND

Residential-Industrial Interface Area (new)

8.1 The Industrial Interface QM proposes a building height and storey limit on residential development enabled under MDRS and Policy 3. Those limits would apply within 40m of the interface of residential zones with industrial zones.

8.2 The submission from Kāinga Ora opposes the Industrial Interfaces QM in full.

8.3 From my perspective the key questions to be answered in considering the appropriateness of this QM are set out below and addressed in turn:

(a) Is this QM needed to ensure sufficient Industrial General land remains available to meet expected demand?

(b) Is the QM necessary to ensure residential development does not create reverse sensitivity effects on permitted or consented activities within the adjoining industrial zoned land? and

(c) Are the associated provisions appropriate?

Is there sufficient industrial land capacity?

8.4 In considering the first query, as a basic proposition, it is my opinion that the provision of residential developments on sites adjoining industrial zones does not restrict the quantity of business land available to meet expected demand. The amount of land zoned for industrial uses will not change as a result of increased residential density or heights on adjoining residential zoned land.

8.5 Ms Ratka's conclusions on the appropriateness of the QM relative sub-Sections s77I (i) and s77O (i)[9] appears inconsistent with Council's position on the proposed rezoning of currently Industrial General zoned areas in Sydenham and Philipstown to a Commercial Mixed Use Zone. The Commercial Mixed Use Zone allows for a number of activities as a permitted activity, including industrial activities (in some areas, including Sydenham) and residential activities. Mr Lightbody supports the CMUZ zoning (and the associated replacement over time of industrial activities with residential activities) on the basis that Council's Housing and Business Capacity Assessment undertaken in accordance the NPS-UD requirements has identified that a substantial surplus of industrial zoned land currently exists. If Council is concerned about the amount of industrial general land available, then I question why they would propose the introduction of a new zone that essentially allows multi-storey

[9] Paragraph 7.1.1 Ms Ratka Section 42A Report

residential activities to be developed in the middle of large, intact industrial areas, yet oppose enabling lesser scale residential outcomes around the periphery of other industrial areas.

8.6 The presence of residential neighbours, or of having to comply with noise standards, does not prevent the use of these interface areas for industrial activities – the land is not lost to industrial use. Rather it means that industrial activities need to manage their operations in a manner that is compatible with having a site in an edge-of-zone location – just as they have needed to do for a number of decades.

Is reverse sensitivity a sufficient risk to justify a QM?

8.7 I acknowledge at the outset that management of reverse sensitivity effects is a legitimate planning consideration. In my experience it generally presents as an issue where new sensitive activities (typically residential) are enabled to locate adjacent to an existing lawfully established use, with the result that the new sensitive activities then generate complaints about the effects generated by the pre-existing activity such that that pre-existing activity has its operations curtailed or expansion limited.

8.8 In determining whether such a risk is a realistic possibility, it is necessary to first consider the existing environment, and secondly whether industrial activities are operating within reasonable limits – reverse sensitivity concerns can never be an excuse for facilitating industrial activities to operate beyond permitted or approved levels.

8.9 In reviewing the locations where the Industrial Interface qualifying matter applies, it is important to emphasise that these interface areas are existing – PC14 is not seeking to facilitate residential development over what is currently a rural area next to industry. The industrial areas in question have had to maintain an appropriate level of effects commensurate with having residential neighbours for many decades. I was unable to identify any areas where a Heavy Industrial Zone immediately borders a residential zone, so the interface condition is that of a General Industrial Zone/ residential interface.

8.10 In the preparation of their original submission, Kāinga Ora noted that the current function of many General Industrial Zones areas, that are located either immediately adjacent to residential areas or are small pockets surrounded by residential land uses, would no longer meet the definition of ‘industrial activity’. The existing environment and mix of either benign industrial activities or commercial activities is due largely to their previous zoning under the City Plan. As outlined in paragraph 4.113 of Mr Clease’s evidence on Centre Hierarchy, the historic Business 4 (B4) zone in the Christchurch City Plan allowed for industrial activities, but also wide range of commercial activities, as a clear strategy for improving amenity values along the industrial/ residential zone interface. Over time, many of these sites were redeveloped for commercial activities and offices. When the District Plan was reviewed, the B4 Zone areas were re-zoned to Industrial General. This zone was already designed to be a buffer between heavy industrial activities, which generate more noise, and residential areas.

8.11 A number of the areas which are zoned Industrial General and are proposed to have an industrial interface buffer around them contain commercial or retail activities, or yard-based suppliers instead of industrial activities. In the limited time available, I undertook site visits to a number of these interface areas and case study examples are provided in **Appendix 2**.

8.12 As illustrated in the attached case studies, in many instances the industrial activities within the interface QM areas are either very ‘light’ in nature, being small-scale manufacturing or warehousing, or have transitioned to trade or yard-based supply activities. For example, the Industrial General zone at the Ferry / Ensors / Aldwins Road intersection now appears predominantly as a commercial area. The area contains, a row of shops at 375 Ferry Road, a number of car dealerships at 407-393 Ferry Road, another car dealership, a take-away and retail stores at 373 to 382 Ferry Road and 200 Ensors Road, a used car dealership at 360 Ferry Road and a pawn shop at 356 Ferry Road. Whilst some of these sites appear unsightly, these activities are the same activities as could be found in commercial zones, which do not have a buffer. I have not seen any evidence from Council to suggest that these activities

create excessive noise or odour, which would preclude residential activities locating next to them.

8.13 Another example is Radley Street, between Garlands Road and Marshall Street. The eastern side of Radley Street is zoned Industrial General. However, the majority of the lots facing Radley Street contain residential units. There are also a couple of retail units on the Radley / Marshall St corner.

8.14 A third example is the Industrial General zone between Blenheim Road, and Deans Avenue, to the west of Hagley Park. Whilst this area is zoned Industrial General, the majority of the uses in this area are now offices and other commercial activities. There also appears to be some residential units within the Industrial General zoned area. Whilst there are some industrial activities, such as a mechanic, the site sizes in this area are small and do not lend themselves to large industrial activities that would create significant noise. The roads within the area are also fairly narrow and does not lend itself to large numbers of heavy vehicles. Some of these buildings are also quite modern and would have involved a significant amount of financial investment by the business, so are unlikely to be removed and replaced with an industrial activity. For example, the New Zealand Blood Service building which faces towards a residential zone, at 15 Lester Lane and a new office building next to this site.

8.15 For these reasons, I disagree that the industrial interface QM can be justified in terms of 77I(i) of the RMA as in the main they are already comprised of benign activities that are compatible with a residential interface. Furthermore, the attached case studies illustrate concerns I have that the required site specific analysis under s77L (c) has not been undertaken.

8.16 Ms Ratka's Section 42A report states, in paragraph 7.6.1, that reverse sensitivity is a significant concern for business and that an increase in residential heights surrounding industrial sites has the potential to unduly constrain industrial activities that would comply with the District Plan currently (paragraph 7.3.2). This matter is raised again by Ms Ratka's Section 42A report, at paragraph 7.79, which states that:

> *"if the QM is removed future industrial activities establishing as a permitted activity could result in reverse sensitivity effects where three-storey residential development creates a new receiving environment'."*

8.17 My understanding of the existing noise provisions in the District Plan is that they apply at the site or zone boundary rather than at the façade of a neighbouring building. Noting Rule 6.1.4.1b of the District Plan states "*(t)he noise standards shall apply at any point within a site receiving noise from an activity*". Rule 6.1.4.1c also states "*(w)here a site is divided by a zone boundary then each part of the site divided by the zone boundary shall be treated as a separate site for the purpose of these rules*".

8.18 So regardless of intensification happening beyond the zone boundary, the compliance requirement is unchanged as adjoining industrial activities need to meet residential standards at the zone boundary now and they'll have to meet the same residential standards after PC14. There is therefore no change in compliance obligation on businesses with residential neighbours.

8.19 In addition to the above, Ms Ratka's comments seems inconsistent with Council's view on the appropriateness of the proposed Mixed Use Zoning, where residential and industrial activities are permitted and the height limit is recommended by Mr Lightbody to be 22m, much greater in than the two stories proposed for the industrial interface qualifying matter. From my perspective, residential activities close to industrial activities are either acceptable without requiring a 40m setback above two-stories, or they are not.

8.20 In considering this point, I note that three storey residential developments in the existing Medium Density Zone are already permitted adjoining industrial zones and I am not aware of ongoing reverse sensitivity issues. In reaching this conclusion, I refer to the review of the memo entitled *Effects of industrial activities on the adjoining residential zone* (dated 10 December 2019), undertaken by AES on behalf of the Council[10]. This contains a summary and

[10] Appendix 39 to the s32 assessment – AES Report

discussion of 45 noise complaints which arose at the interface between Residential and Industrial zoned areas between 01/12/16 and 20/03/19.

8.21 In considering the AES memo further, it appears that the key issue is not one of reverse sensitivity but more of industrial activities not complying with the noise limits. Having considered the evidence produced by Council, I have not seen sufficient justification to conclude that the proposed QM is necessary to avoid reverse sensitivity effects within the adjoining industrial zoned land. I therefore do not consider that this proposed QM meets the requirements of 77I of the RMA, which requires that qualifying matters restrict height or density *only to the extent necessary.*

8.22 In reaching this conclusion, I also note that the Council's reasons for placing a 40m buffer from industrial areas has been based on a single storey dwelling, where the noise is compliant, and the noise source is fully screened at ground level. The modelling found that in this situation, the elevated noise area (at third floor) extends approximately 40 metres beyond the edge of the Industrial Zone (paragraph 27 of Dr Trevathan's evidence). This was the most conservative of all the scenarios tested and Dr Trevathan states (paragraph 31) that there are numerous circumstances under which this issue would not arise. As stated above, two storey units are already permitted in RS and RSDT zones and three storeys in RMD zones, so this modelling did not take into account what is currently permitted by the District Plan, and further reinforces my view that the proposed QM does not meet the requirements of 77I of the RMA.

8.23 For the reasons outlined above, I consider that the Industrial Interface Qualifying Matter does not meet the relevant statutory test and therefore my third key question is redundant as the need for the QM is simply not made out.

9.0 OTHER MATTERS

City Spine Transport Corridor

9.1 The Kāinga Ora submission opposes the 'City Spine' being a qualifying matter and considers this to be inconsistent with the requirements of

Section 77L. Kāinga Ora therefore sought that the City Spine QM be deleted in its entirety.

9.2 In assessing the merit of the City Spine QM, it is first necessary to place it in a wider spatial planning context. As set out above, Council is well-advanced in the preparation of a Future Development Strategy (FDS) in order to give effect to its obligations under the NPS-UD. The FDS has a strategic focus on accommodating future growth through intensification, with no additional greenfield areas proposed beyond those that have already been signalled in the CRPS and recent plan changes. The geographic focus for the significant level of intensification required is along two transport corridors extending to the north and west from the City Centre (see FDS extract in Figure 2 below).

9.3 These two corridors are to be the focus for the highest levels of intensification (and therefore building density and height) in the City. Significant portions of these corridors are proposed to have a HRZ through PC14.

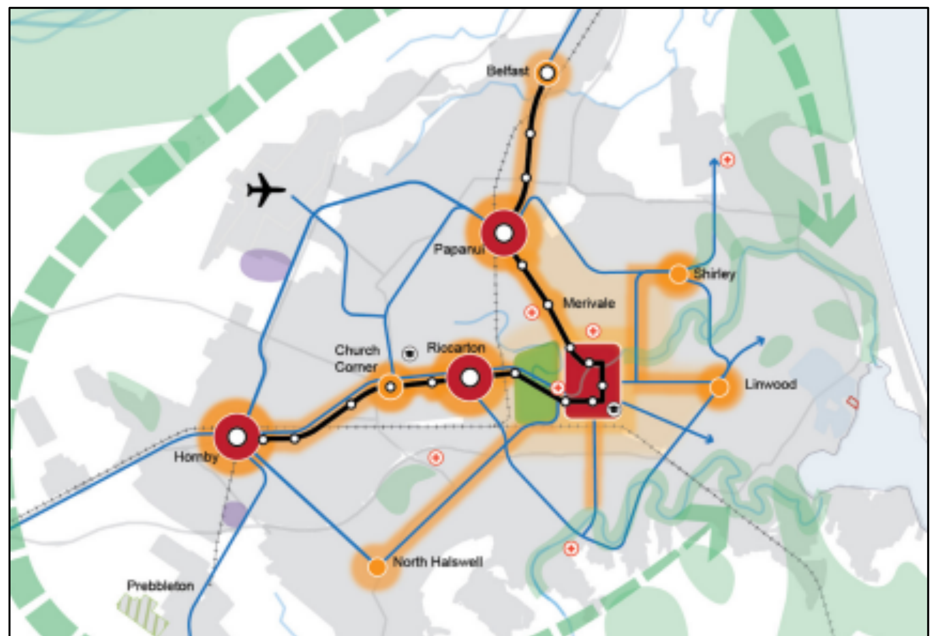

Figure 2: Greater Christchurch Spatial Plan – Map 14 Broad locations of housing and business capacity (700,000 people).

9.4 At the time the submission was prepared, it was understood that the intention of the QM was to enable road widening in the future to accommodate public rapid transit. Further clarity on the rationale for the

inclusion and recommended retention of the City Spine QM is summarised in the Section 42A report. While described in Council evidence as being for "targeted infrastructure provision", it appears the QM is predominately focused on amenity outcomes. In reaching this view, I note the comments of Ms Oliver in paragraph 12.105 of evidence.

9.5 The amenity focus of the QM is reiterated in paragraph 109 of Mr Morahan's evidence, where he states that:

> "(*a)llowing buildings closer to the street could result in the removal of these trees and landscaping. This would not affect the transport functions of the streets (traffic, public transport, cycling, walking) but it would affect the amenity of the street*".

9.6 Similarly, Mr Field in paragraph 38 of his evidence notes *"(t)he purpose of these proposed setbacks is to provide for landscape amenity edges (including trees) along residential sections"*.

9.7 In considering the rational for the proposed QM, I note that, fundamentally, effects on residential amenity generated by intensification are addressed explicitly in the NPS-UD. Objective 4 is clear that amenity values will change over time in response to the diverse and changing needs of people, communities, and future generations. Policy 6(b) of the NPS-UD likewise addresses the changes that may occur as part of a shift in planned urban form

9.8 This unambiguous policy direction is clear in terms of the amenity-related effects generated by changes to landscaping as a consequence of greater provision of more intensive housing forms.

9.9 The Enabling Act establishes a baseline for an appropriate level of landscaping for medium density developments through Schedule 3A Clause 18. Compliance with the landscaping density standard, and assessment of landscaping as part of the proposed urban design assessment matters for 3 or more units, are appropriate tools for managing landscape outcomes in a medium density context.

9.10 Ms Oliver, highlights the infrastructure related objectives and policies that provide, in her view, strong justification for a bespoke approach to managing land use outcomes along this corridor. However, given the key purpose of this QM is *"to ensure most importantly, adequate space is required for tree planting along the road frontage",* I have not seen any evidence to justify a bespoke approach. Furthermore, in terms of effectiveness and efficiency (Section 32(b)(ii)), I have seen no evidence to indicate that the proposed additional controls being sought by Council are efficient or effective as where landscaping is located on private land and is not protected by legal instruments or provisions in a District Plan - it can be removed as of right. The setback requirements therefore do nothing to ensure tree canopy is provided along these two corridors.

9.11 With regard to the "secondary benefit[11]" of the proposed provisions discussed by Ms Oliver, I refer to Mr Morhan statement in paragraph 111 of his evidence that "(*t)he mass rapid transit indicative business case has proposed a scheme which would not require wholesale widening of the road*". He also acknowledges in paragraph 114:

> "*that the mass rapid transit project is still in its early phases. It is currently unfunded and there is still a significant amount of work to do before the decision on whether or not to fund this project would be made (eg the detailed business case). The final form of the scheme may look different to the early concepts as further design development and community consultation is progressed in coming years*".

9.12 I understand from Mr Mohan's evidence that the indicative business case signalled that the earliest that funding could be committed would be the 2027-30 Regional Land Transport Plan, following completion of a detailed business case.

9.13 If road widening is indeed a key consideration, then Council has land acquisition powers available to it through the Public Works Act and associated designating powers as a Requiring Authority under the RMA. These tools are the appropriate planning and legal instruments

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[11] Paragraph 12.105 Ms Oliver's Statement of Evidence

for seeking land acquisition to support future transport projects. Because designations (and indeed rules of the sort proposed through this QM) place significant constraints on what landowners can do on their own properties, the legislation rightly requires such projects to be carefully justified. As things stand, there appears to be minimal transport infrastructure-related justification for the QM.

9.14 For a road-widening scheme to be advanced, it must necessarily function as a corridor, i.e. short sections of widened roads have little functional benefit in enabling modal shift such as the construction of a linear light rail network. Both corridors include lengthy sections where commercial buildings are already constructed up to the end of the road reserve. The implementation of road widening would therefore necessitate the wholesale demolition of long sections of existing commercial 'main street' retail environments, made up of dozens of individual landholdings.

9.15 Mr Field in paragraph 105 of his evidence, states that he considers "*that the proposed Residential and Commercial Zones proposed QM setback for the City Spine Transport Corridor would help to achieve Policy 1(c) of the NPS-UP*". In my view, intact main street retail environments with a uniform built edge are positive street scape outcomes.

9.16 Indeed the Operative Plan provisions actively require commercial buildings with frontage to key pedestrian areas to be built to the edge of the road reserve in order to facilitate the provision of an intact main street environment with the road corridor edged by shop fronts. The QM rules instead seek ad hoc building setbacks within what is otherwise attractive main street areas as individual sites redevelop over time. Occasional gaps in the uniform shop front line in my view is more likely than not to result in negative rather than positive urban design outcomes.

9.17 The challenges in delivering an intact widened corridor through existing commercial areas, combined with the other planning tools available to Council should it need a widened road for the delivery of a carefully justified infrastructure project reinforce that the key purpose of the QM

is amenity focused. I have therefore seen no evidence that leads me to conclude that this QM is needed to achieve Policy 1(c) of the NPS-UP.

9.18 In my opinion and relying on Council's own expert evidence, there is no justifiable need to impose the City Spine Transport Corridor from an infrastructure perspective. There is likewise no need for it from an amenity perspective. It could lead to worse amenity outcomes in commercial zones by forcing ad hoc gaps or recesses in the uniform retail road edge, and it is not needed in the residential zones where MDRS landscaping standards are already in play, in combination with the ability to assess road-facing design outcomes through the urban design rule for 3 or more units.

9.19 In addition to not being necessary for either infrastructure or amenity reasons, it carries with it direct costs to landowners (and the wider community) through the reduction in design flexibility and potential building density / yields. These costs of a potential reduction in yield fall in the very locations where Council's own FDS seeks that the highest density of development be delivered. As such, the QM is not efficient or effective in giving effect to the objectives of the NPS-UD and neither is it considered to meet the robust evidential thresholds required for it to be a QM under the Enabling Act. I therefore recommend that the City Spine QM and all associated provisions be deleted.

Residential Character Areas (existing with amendments, and new).

9.20 In considering the Residential Character Area (Character Area) QM, I consider that the key planning questions are: Is the methodology for identifying and assessing the Character Areas appropriate; and are the Character Area provisions appropriate?

Is the methodology appropriate.

9.21 In my opinion, the further assessment undertaken by the Council, has addressed (in-part) the overall thrust of the Kāinga Ora submission on the Character Area QM. However, in considering the methodology for assessing Character Areas, which is set out from paragragh 31 of Ms Rennie's evidence, I note that it does not to take into account unimplented resource consents or CoC. As noted earlier in my evidence

Kāinga Ora holds a CoC, which provides for the demolition of buildings on approximately 20 sites within Character Areas (RMA/2022/3444). Some of these sites are identified as 'Primary' or 'Contributory' dwellings. Given that these can be demolished without the need for any resource consent, I consider that these sites should be classified as 'Neutral'. In light of the above, I disagree in part with Ms White[12] that the areas have been appropriately investigated.

9.22 Looking at Piko/Shands in particular, which has the largest number of Kāinga Ora buildings that can be demolished, I do not think this changes the overal ratios to the extent that this area no longer meet the threshold to be considered Character Areas but could justify a reconsideration of the boundaries and may warrant further reflection on its overal intergrity and coherence. The reclassification of these sites to 'Neutral' would also provide an easier consenting pathway for the future redevelopment of those sites,noting that many of the existing buildings were built in the 1940s and require ongoing alterations or potential redevelopment.

9.23 One further point I wish to make on the proposed methodology, is that I disagree with the premise of Ms White's statements in 8.2.27 and 8.2.30 that removing specific Character Areas would have limited impact in terms of enabling greater built form within those areas, because the provisions applying to Residential Heritage Areas reduce the permitted level of built form in these areas from those of the MDRS. In my opinion, whether an area may appropriately be considered a Heritage Area, is irrelevant to whether it is also a Character Area. These two QM have different methodologies for determining their appropriateness and fundamentally seek to achieve different purposes.

Are the Character Areas actvity status provisions appropriate?

9.24 I agree with Ms Rennie's statement in paragraph 30 of her evidence that the Character Area provisions need to be considered in the context of the MDRS, which will define future urban character for a neighbourhood through a set of mandated rules. These in effect provide a new baseline for development.

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[12] Paragraph 8.1.8 Ms White S42A

9.25 Ms Rennie notes in paragraph 8 of her evidence that the existing zones within the District Plan provide for a scale and form of development that is broadly consistent with the majority of the Character Area values, albeit the appearance of buildings may be different. Ms White also considers this point in paragraph 8.4.13 of her evidence.

9.26 I note that the proposed new built form standards are more restrictive than the current provision in terms of density (600m^2 in RS Zone, 400m^2 in RSDT Zone), height (8m permitted), internal boundary setbacks (1m) and road boundary setbacks (4.5m). This matter is considered by Ms White from paragraph 8.4.34 onwards. Based on the statements of both Ms Rennie and Ms White, and my own experience preparing resource consent applications for developments in Conservation Areas, I question the need for greater restriction on built form standards proposed by Council in Character Areas when compared to the ODP.

9.27 These changes and the implications of the recent Environment Court decision, Waikanae Land Company v Heritage New Zealand Pouhere Taonga [2023] NZEnvC 056 (**Waikanae decision**), which addresses the scope of local authorities' powers in notifying an Intensification Planning Instrument in accordance with section 80E of the RMA, and the potential implications of this decision for PC14 is addressed in legal submissions. However, my understanding from counsel for Kāinga Ora is that the use of the IPI process to expand the Character Areas to additional properties or to accept any new Character Areas promoted by other submitters would be out of scope.

9.28 I acknowledge that development enabled under the MDRS will be visibly different in scale and form and could result in an obvious change in the environment, however I question the need for the additional ‘specific’ area-based built form standards given that the redevelopment of sites would require resource consent as a restricted discretionary activity and that I have seen no evidence from Council that the continuity and/or coherence of existing character has been adversely affected by the existing built form standards. I therefore disagree with Ms White’s statement in paragraph 8.4.39 c.

9.29 Notwithstanding the potential implications of the Waikanae decision, I consider that the Restricted Discretionary activity status for new builds (Rule 14.5.3.1.3 RD14) would provide a sufficiently targeted response to manage the specific characteristics of the Character Areas and I consider this activity status is appropriate. As referenced in paragraph 8.4.24 of Ms White's evidence, "*Ms Rennie notes that such an approach will allow for proposals that have poor design outcomes which do not align with the policy direction to be declined and considers that this activity status provides "more room" to achieve a design solution aligning with the values of the RCA*".

9.30 My experience with recent developments is that three-storey buildings can be appropriately located within or adjacent to Character Areas and be sympathetic to the existing character. A good example of such a development is the recent three storey apartment block developed by Kāinga Ora at 219-225 Riccarton Road (Figure 1), which is located just beyond the norther boundary of the Piko/Shands Character Area. I drafted the resource consent application and note that the design has received widespread support from both Council Urban Designers and the independent Urban Design Panel. While I note that this site sits outside the Piko/Shands QM, I consider that if resource consent was sort in the Character Area and the maximum permitted height limit of 5.5m remained that any resource consent application would likely be notified, and the risk of the consent being declined would be substantially increased. Conversely, I think a restricted discretionary pathway with the proposed matters discretion would appropriately manage the specific characteristics of the Character Area and would provide greater scope for the consideration of a similar development in a manner that is sympathetic to identified character values within the QM. I therefore consider that his is a more efficient and effective than the options outlined in paragraph 8.4.30 of Ms White's evidence.

Figure 3: Kāinga Ora development - Riccarton Road

9.31 In my opinion, the proposed amendments provide an efficient and effective approach that responds to the directives under Objective 2 of the NPS-UD, to enable greater levels of intensification. This provides a greater scope for the consideration of intensification opportunities within the identified Character Areas under PC14. I consider this would promote the greatest heights and densities permitted by the MDRS subject to a design assessment which is otherwise already required under the proposed provisions.

Low Public Transport Accessibility

9.32 The Kāinga Ora submission opposes the 'Low Public Transport Accessibility' (**LPTAA**) QM and considers this QM to be inconsistent with the requirements of Section 77L. The submission raised particular concerns with the large areas with 'inadequate services' in the eastern parts of the district, where the lack of such services has the potential to exacerbate existing social inequalities. I agree with these submission points and consider that the LPTAA does not give effect to either the intent of the NPS-UD or meet the robust evidential threshold necessary to qualify as a QM.

9.33 The Council's Section 32 report[13] includes an analysis of how the LPTAA aligns with the objectives and policies of the NPS-UD. This

[13] Part 2.1 of the residential Section 32 report.

analysis is referred to in the Council's Section 42A report[14], in support of the qualifying matter.

9.34 From my perspective, the key planning questions associated this QM are:

(a) Should a lack of Public Transport prevent opportunities to increase density? Noting that the MDRS is the base expectation and the NPS-UD references to greater density near Public Transport is to guide where HRZ goes, not to limit MDRS.

(b) What differentiates public transport in Christchurch from other Tier 1 Authorities?

(c) Why are infrastructure limitations being used to the Public Transport QM?

Should a lack of Public Transport prevent opportunities to increase density?

9.35 In considering the first bullet point above, I agree with paragraphs 4.9-4.12 of Mr Clease's Centre Hierarchy evidence prepared by for Kāinga Ora[15] that national direction in the form of the Enabling Act is seeking to 'lift the base', whereby MDRS essentially forms the starting point for suburban areas in terms of heights and densities. Such provision does not need to be close to services, employment, or public transport as it is simply the new base condition.

9.36 I acknowledge that Section 77I allows for qualifying matters, which may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development. However, when considered against the lens of the MDRS forming the starting point for suburban areas in terms of heights and densities, as reflected in Section 77G of the Act, the proposed LPTAA QM does not give effect to the intent of the NPS-UD. Nor do I consider that the Council has justified the LPTAA as an 'other' qualifying matter, in accordance with Section 77L of the Act.

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[14] Paragraph 7.1.88 of Mr Kleynbos s42A report.
[15] Paragraph 4.11 of Mr Clease's Centre Hierarchy evidence.

9.37 Council has sought in part to justify the QM for three core reasons[16],with infrastructure investment being the first reason noted. While I acknowledge the evidence prepared by Mr Morahan, at a first principles level, it seems logical that public transport services follow density / customers, not the other way round. If you enable greater density, then more people can justify an improved service. Whereas if there are no customers, then service will never be economic to improve.

9.38 In considering the requirements of Section 77L, paragraph 6.32.6 of the Council's Section 32A assessment provides details of the extensive area and number of properties affected by this QM.

9.39 Having reviewed the Section 32A report, I could not see any clear justification in terms of Section 77L(a) as to why the areas that have been identified within the proposed LPTAA have any specific characteristics that make the level of development provided by the MDRS inappropriate. Mr Kleynbos' Section 42A report provides more insight, with him stating, in paragraph 7.1.83, that the '*characteristics that this QM reflects is the nature of core public transport infrastructure, <u>but is also strategic in nature'</u>*.

9.40 In paragraph 7.1.83 of his Section 42A report, Mr Kleynbos continues by stating that the qualifying matter '*seeks to ensure that intensification directed by the Housing Supply Amendment Act is delivered in the most efficient means possible*". He also notes in paragraph 7.184 that (s)*imply enabling MDRS throughout this full extent would likely set unrealistic expectations for long-term delivery of assets and the ability to intensify. Plan- enabled development to that extent is also illusory…"*. While I do not necessarily disagree with the statements being made by Mr Kleynbos, I do not consider that this negates the need to adhere to the requirements of the Enabling Act.

9.41 It is my opinion that when considered against the lens of the MDRS forming the starting point for suburban areas in terms of heights and densities, the Council's position is flawed. The Enabling Act has directed that every relevant residential zone must have the MDRS incorporated into that zone. Introducing a qualifying matter that seeks

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[16] Paragraph 7.1.83 of Mr Kleynbos's Section 42A Report

to ensure intensification is "*delivered in the most efficient means possible"* by restricting the location in which this level of development is enabled is inconsistent with this higher order direction.

What differentiates public transport in Christchurch from other Tier 1 Authorities?

9.42 In light of the high threshold required to justify an 'other qualifying matter', I do not consider that the Council has provided sufficient explanation of the specific characteristics of the LPTAA. I note too that no other Tier 1 Council has incorporated public transport accessibility as a qualifying matter. I do not consider that the provision of public transport, nor the way it operates in Christchurch, is so unique when compared to other Tier 1 Councils that it could be considered a 'specific characteristic' unique to Christchurch.

9.43 Furthermore, I could not find a site-specific analysis of the properties originally identified in the Section 32A assessment[17], nor was I able to find any evidence to suggest the walkable catchments referenced have been tested on the ground by Council.

9.44 Similarly, I do not consider that the Section 32A "*evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS*". Table 6.32.5 of the Section 32A assessment considers two options, the status quo to apply MDRS in residential zones, and Option 2 to introduce the LPTAA. In light of the extensive area and associated number of properties potentially impacted by this QM.

Why are infrastructure limitations being used to the Public Transport QM?

9.45 Whilst the LPTAA qualifying matter has sought to be justified by the Council due to reduced bus services in some areas, Mr Kleynbos' Section 42A report also appears to consider the capacity of sewer and stormwater and the future demand planning for these services also provides justification for the LPTAA qualifying matter. In considering

[17] Paragraph 6.32.6 of the residential Section.32 – Qualifying Matters Part 3.

this matter, I note that Mr Brian Norton, a Senior Stormwater Planning Engineer at the City Council in paragraph 55 of his evidence notes:

> "*There are two primary reasons why a stormwater network constraint Qualifying Matter was not proposed as part of PC14, in addition to the Qualifying Matters discussed above:*
>
> *(a) The existing tools and powers (see below) that Council has in place are sufficient to manage some of the impacts; and*
>
> *(b) The extent of hydraulic modelling that would be required to support the evidential threshold for a Qualifying Matter across the whole network could not be prepared in time for the plan change (see below)".*

9.46 The Kāinga Ora submission recognises the need to ensure sufficient infrastructure is available to service developments, and for this reason not oppose the Vacuum Sewer Wastewater constraints area and I agree with this position. However, in situations such as this, where Council acknowledges that they have not undertaken the necessary hydraulic modelling to "support the evidential threshold for a Qualifying Matter across the whole network", I do not consider that any weight can be given to the stormwater and wastewater capacity issues in the consideration of the justification for the LPTAA QM.

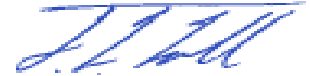
10 CONCLUSIONS

10.1 The strategic direction of the Enabling Act, the NPS-UD, the CRPS, and the Spatial Plan, is to enable the management of urban growth through intensification. PC14 needs to be integrated with this strategic direction.

10.2 The introduction of MDRS standards 'lifts the base' for what suburbia looks like. There is an expectation that medium density housing is enabled across urban areas, unless there are valid Qualifying Matters that would limit such an outcome for specific sites.

10.3 Qualifying Matters, are either those listed under Section 77I or 77O of the Act, or are an 'other' matter which requires a site-specific evaluation.

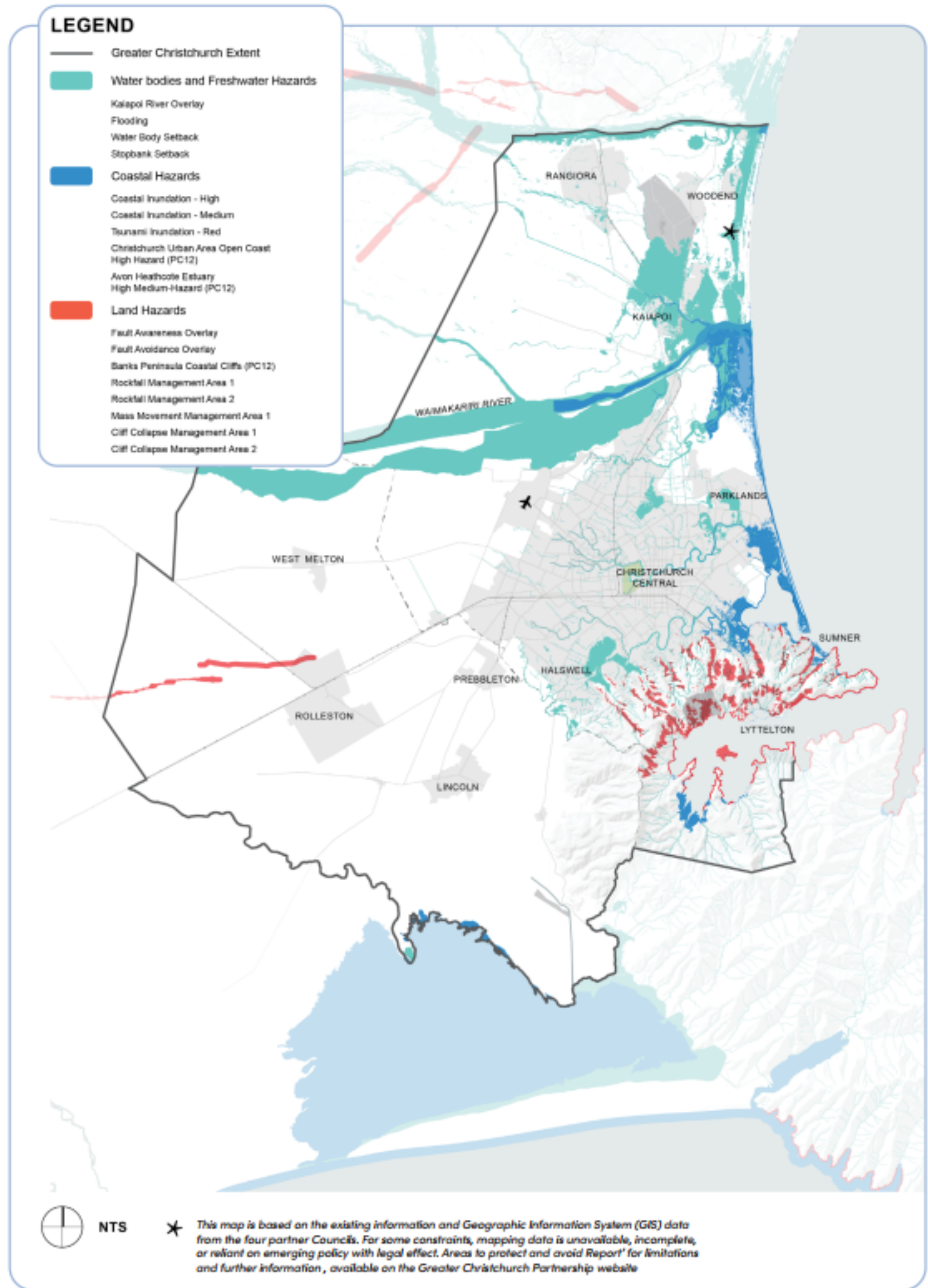
10.4 For the reasons outlined above, I consider that there are several proposed QM that do not meet the required tests under Sections 77I to 77R and as discussed above, I recommend that these are need to be either modified or in certain circumstances deleted in their entirety.



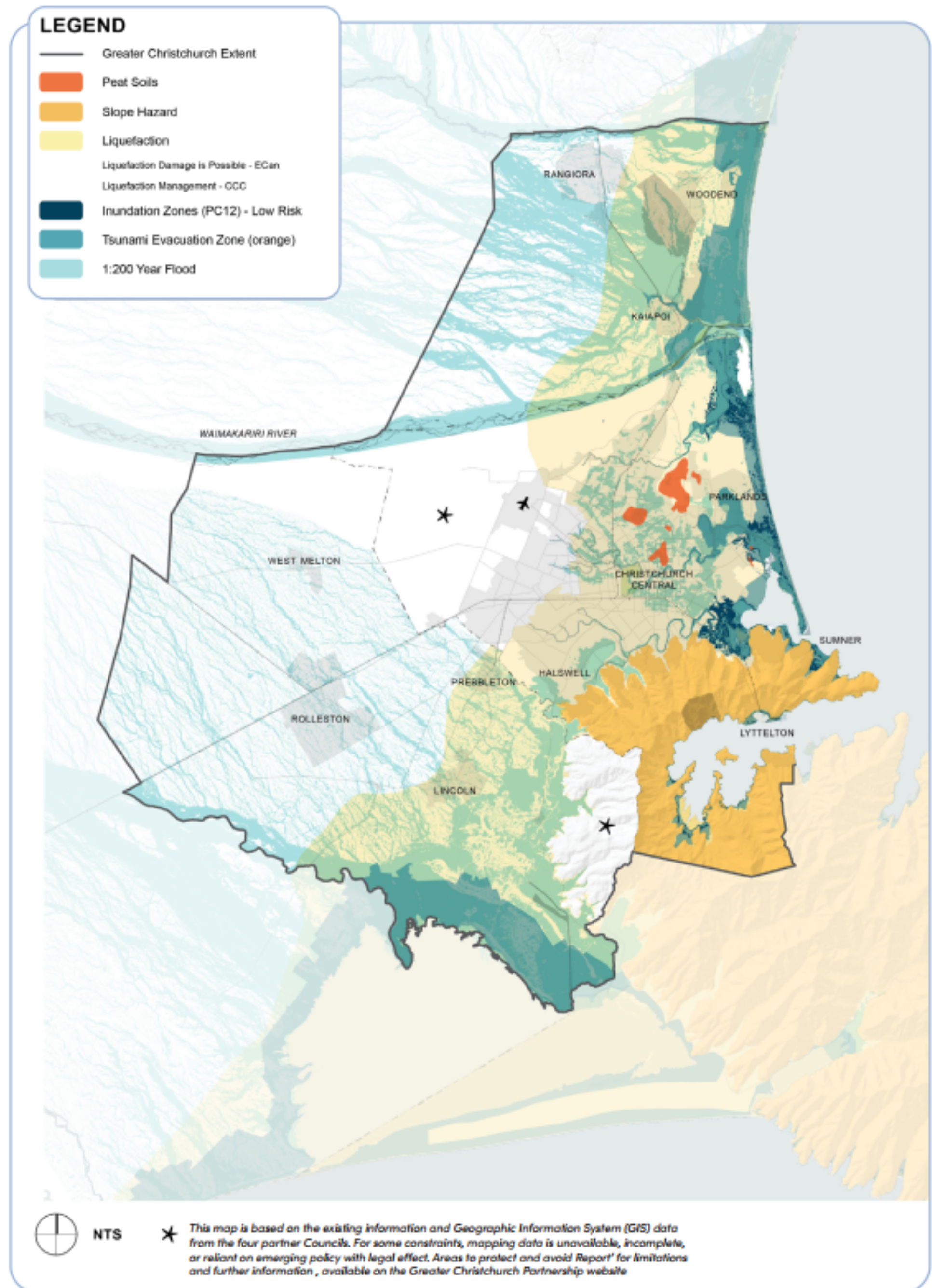
Dated 20 September 2023

APPENDIX 1: Greater Christchurch Spatial Plan – Maps 7 and 8

Map 7: Areas subject to natural hazard risks



Map 8: Areas subject to negotiable natural hazard risks



APPENDIX 2: Industrial Interface QM Case Studies

Case Studies - Industrial Interface QM Examples

<u>247 Riccarton Road</u>

This site is zoned Industrial General but currently, the entire area shown below is occupied by Ilam Toyota car dealer (as shown in figure 2). A car dealership is classified as a yard-based supplier within the Christchurch District Plan. A yard-based supplier would be a permitted activity within the Neighbourhood Centre Zone (15.6.1.1- P4) and I note that the Neighbourhood Centre zone does not have an industrial interface constraint.

As shown in the diagram below (figure 1), the site is surrounded by a mix of other zones, including three small pockets of Neighbourhood Centre Zone and medium and high density residential zones also surround the site. The industrial interface will constrain a number of medium and high density sites.

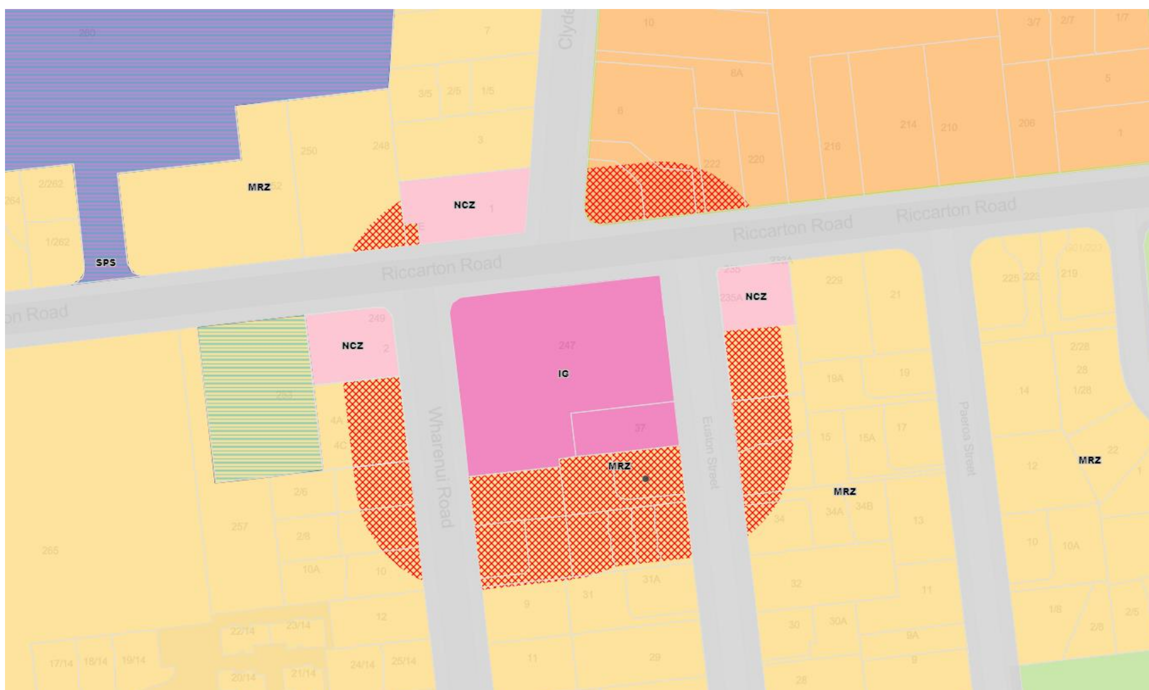


Figure 1. Excerpt from Christchurch District Plan, Plan change 14 maps.

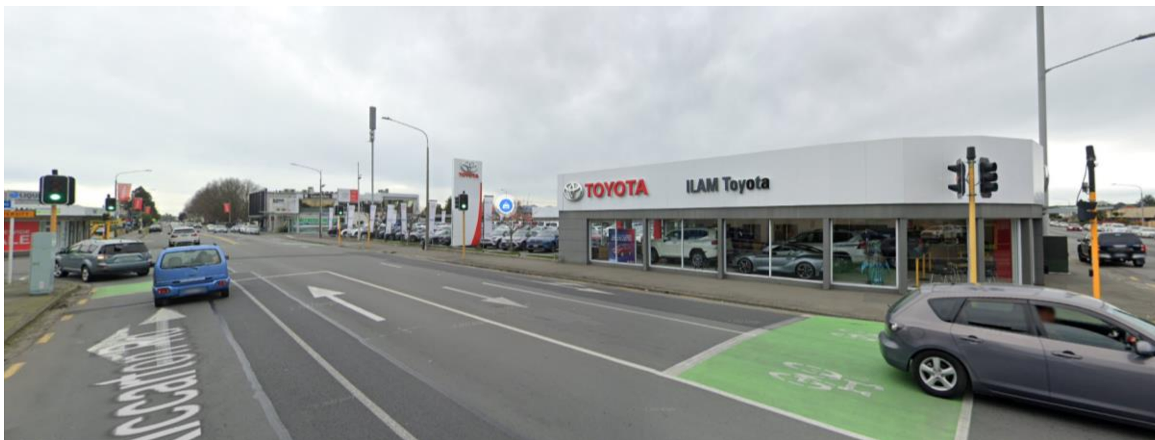


Figure 2. Google street view photos of current use at 247 Riccarton Road

<u>Ferry / Ensors / Aldwins Road intersection</u>

There are blocks of land zoned Industrial General to each side of the Ferry / Ensors / Aldwins Road intersection, as shown in figure 3. Figures 4 to 7 detail the various uses within the area zoned Industrial General. Whilst there are a couple of mechanics within this area, which is considered an industrial activity, the majority of the area includes retail activities and yard-based suppliers.

Figure 3. Ferry / Ensors / Aldwins Road intersection. Excerpt from Christchurch District Plan, Plan change 14 maps.

Figure 4. Convenience store and food outlet at 378 Ferry Road, zoned Industrial General, source Google Street View

Figure 5. Book stores at 372 and 374 Ferry Road, zoned Industrial General, source Google Street View

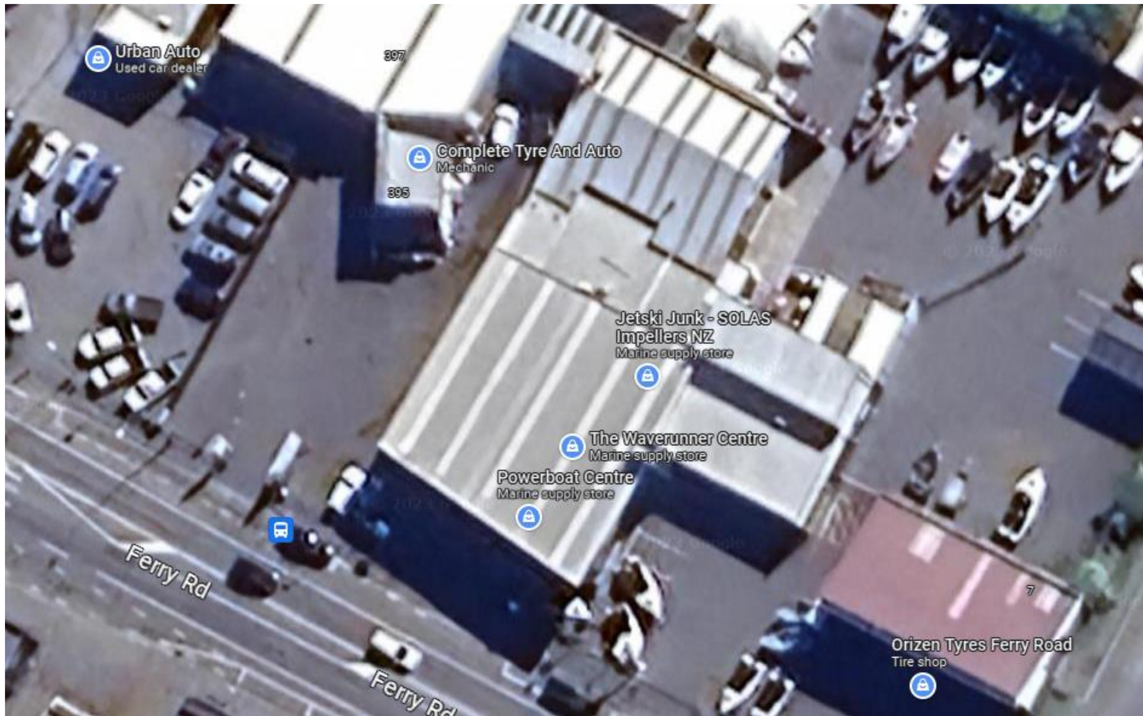


Figure 6. 393 -407 Ferry Road, mostly yard-based suppliers and a mechanics. Source, google maps.

Figure 7. Parade of shops at 375 Ferry Road, source, Google Street View.

<u>9 Radley Street and 23 Cumnor Terrace</u>

This site is zoned Industrial General, but also includes a Brownfield Precinct (see figure 8). The brownfield precinct allows for residential development on Industrial zoned land. Given that residential dwellings would be permitted within the Industrial General zone, it seems illogical to restrict residential development next to this area. The site currently contains manufacturing businesses.

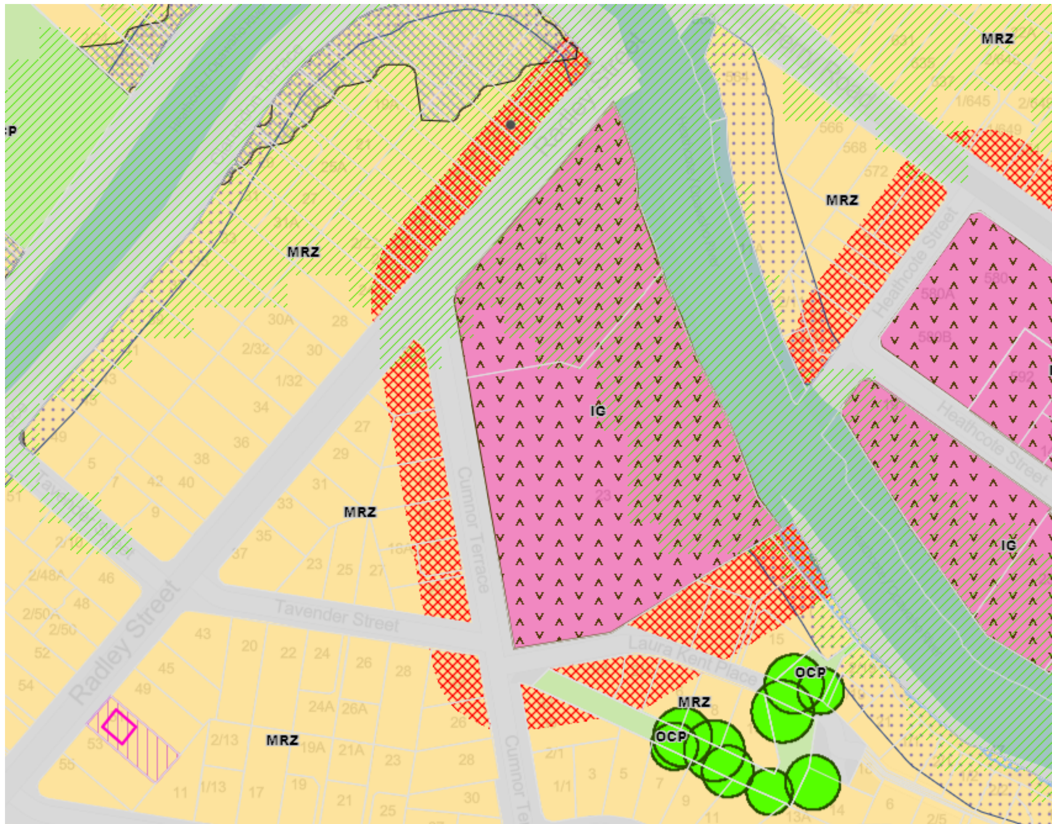


Figure 8. Industrial General Zoned land with Brownfield Precinct overlay, 9 Radley Street and 23 Cumnor Terrace. Excerpt from Christchurch District Plan, Plan change 14 maps.

<u>Radley Street, between Garlands Road and Marshall Street</u>

The eastern side of Radley Street is zoned Industrial General (figure 9). However, the majority of the lots facing Radley Street contain residential units. There are also a couple of retail units on the Radley / Marshall St corner. Figure 10 below identifies the residential units with a yellow point and the retail units with a red point.

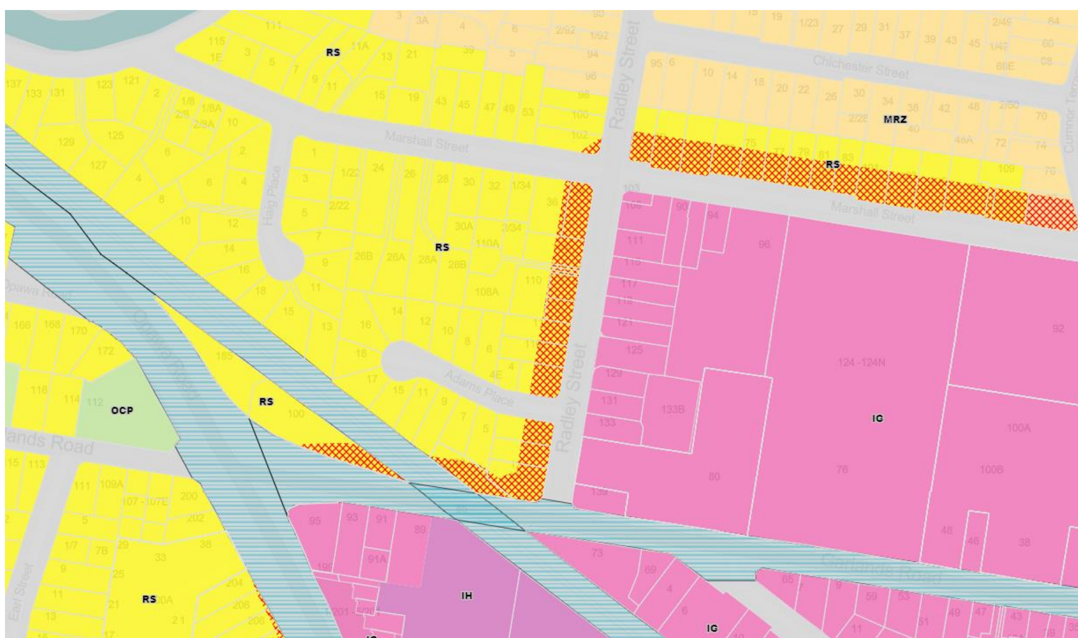


Figure 9. Industrial General zoned land, Radley Street, between Garlands Road and Marshall Street. Excerpt from Christchurch District Plan, Plan change 14 maps.

Figure 10. Aerial photo of Radley Street, identifying residential units within the Industrial General Zone. Source, Canterbury Maps

<u>Blenheim Road</u>

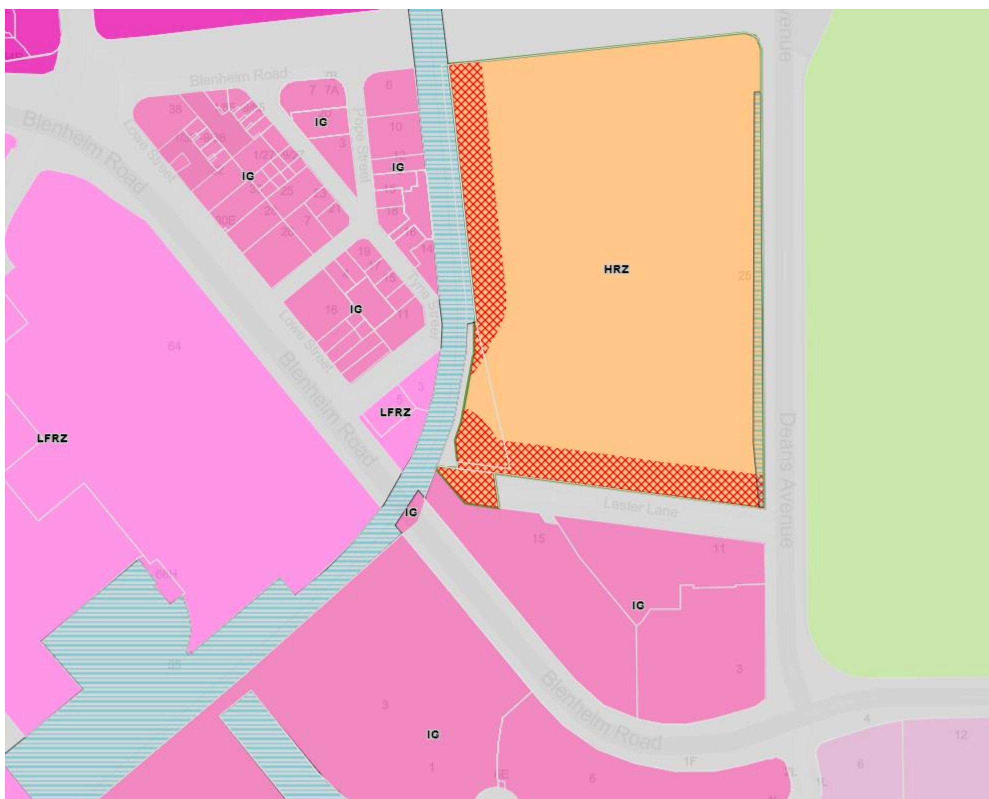


Figure 10. Industrial General Zoned Land around Blenheim Road. Source, Christchurch District Plan, Plan change 14 maps.

As shown above, there are a number of sites zoned Industrial General north of Blenheim Road. The majority of the uses in this area are now offices and other commercial activities (as shown in figure 11). There also appears to be some residential units within the Industrial General zoned area. There are still a few industrial activities, such as mechanics, furniture repairs and a brewery.

Some of these buildings are quite modern and would have involved a significant amount of financial investment by the business, so are unlikely to be removed and replaced with an industrial activity. For example, the New Zealand Blood Service building which faces towards a residential zone, at 15 Lester Lane and a new office building next to this site, these are shown in figure 12 below.

Figure 11. Office building (with potentially a residential unit above). Source, Google Street View.

Figure 12. Newly built office and commercial buildings on Industrial General zoned land