

Concise statement of views by strategic partners, Regenerate Christchurch and DPMC (s66(2)(b) of GCRA) on draft section 71 proposal - Yaldhurst Recreation and Sports Facility, 466-482 Yaldhurst Road

Organisation	Summary of feedback / matters raised
Regenerate Christchurch	1. Regenerate Christchurch expects this Proposal will support and expedite the regeneration of greater Christchurch through enabling development of sports and recreation facilities that will complement those provided by the councils in the greater Christchurch area.
	2. Agrees that the use of section 71 powers is appropriate because the proposal meets one or more of the purposes of the GCR Act <sup>1</sup> through enabling expedited regeneration of greater Christchurch and contributing towards improving community well-being and resilience. The exercise of powers will provide certainty that would allow investment or partnership commitments to be secured in a timely manner. <sup>2</sup>
	3. The Council is urged to seek assurance from Canterbury Sports Ltd (CSL) that the physical development of this site proceeds as soon as possible. <sup>2</sup>
	4. Considers the Council's assessment of the section 11(2) requirement in the GCR Act that the Minister's use of powers is reasonably considered necessary is thorough. <sup>2</sup>
	5. The use of powers as proposed is the most efficient way of amending both the Canterbury Regional Policy Statement (CRPS) and the District Plan and enabling the anticipated development.
	6. The proposal is considered to assist in achieving the expedited recovery and future enhancement of Christchurch in a way that meets an identified community need, while also providing investment certainty.
	7. The draft proposal is considered to introduce an unnecessary level of prescriptive development controls and design standards that do not encourage innovation and choice. Consequently, Regenerate Christchurch seeks changes. <sup>2</sup>
	8. The details of the following concerns and changes sought are outlined in Appendix 1 to Regenerate's submission: <sup>2</sup> <ol style="list-style-type: none"> <li>a. Concern that the effects of traffic generation are managed in an indirect way instead of using the existing District Plan framework for traffic management;</li> <li>b. Concern that the proposed landscape and urban design controls are unnecessarily prescriptive, seek to manage internal amenity of the site, and relitigate matters that were determined through the Replacement District Plan process.</li> </ol>
	9. The following are comments and specific rule changes sought in Appendix 1 to Regenerate Christchurch views.
9.(a) <u>Traffic management</u> <sup>2</sup>	

<sup>1</sup> GCR Act - Greater Christchurch Regeneration Act 2016

<sup>2</sup> Refer to Attachment 1 for CCC responses and agreed actions regarding this point

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	<ul style="list-style-type: none"> <li>i. Regenerate Christchurch agrees that there is a need to address potential traffic effects arising from the scale of development proposed. The Council method relies on limiting the site coverage by buildings to 7.5% in combination with the 650 car parking spaces limit.</li> <li>ii. Regenerate Christchurch expresses concerns about the use of this indirect method instead of the existing mechanism of managing traffic effects through Rules 7.4.2.3 RD1 and 7.4.3.10 (High trip generators). Regenerate Christchurch considers the High Trip Generators rule to be a more effective and efficient method of managing potential traffic effects directly.</li> <li>iii. Regenerate Christchurch proposes site specific amendments to rules related to high trip generators. A 550 vehicles per peak hour threshold, a figure provided by NZTA, is proposed for triggering consent and a requirement for a full ITA to allow consideration of network effects. The proposed rule clarifies that the threshold is cumulative and applies to traffic generation from all activities on the site, i.e. including existing and consented. Consequently, the related rules in Chapter 18 are to be deleted. The site coverage limit for the Yaldhurst facility in Rule 18.5.2.6(h) is also proposed to be increased from 7.5% to 10%.</li> <li>iv. It is also sought to move the proposed site specific ratios for calculating car parking requirements from Chapter 18 Open Space to Chapter 7 Transport.</li> </ul> <p><u>9.(b) Landscaping and urban design requirements</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>i. The proposal includes an extensive, and new set of requirements for landscaping and urban design.</li> <li>ii. Regenerate Christchurch is concerned that the standards are unnecessarily prescriptive, and will hinder the regeneration anticipated by the wider goals of the proposal.</li> <li>iii. The controls appear to relate to maintenance of rural, or semi-rural character, and appear to be trying to mitigate what is an anticipated shift in the nature and character of the site. In some cases, they also go beyond what was considered through the District Plan review process, and in particular do not relate to addressing the additional effects that the re-zoning would permit.</li> <li>iv. The controls should be focused on ensuring that the effects on rural neighbours are appropriately mitigated and should not extend to managing internal amenity effects, or to trying to mitigate the effects of the type of development that can be reasonably anticipated in the OMF zone.</li> <li>v. Regenerate Christchurch considers that the adverse effects on neighbours have been considered and addressed through the District Plan review process, and that wider effects can be addressed through more streamlined measures, such as setbacks, site coverage and building size limits.</li> <li>vi. The range of standards proposed go beyond what is necessary to integrate the site with the character of the surrounding area. The effects on the wider area from car parking, buildings and related structures like flood lights should be anticipated by the proposed zoning and do not require extensive mitigation.</li> <li>vii. It is not clear why the additional planting requirements proposed for car parking areas are justified for this site. Planting requirements proposed to</li> </ul>

<sup>3</sup> Refer to Attachment 1 for CCC responses and agreed actions regarding this point

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	<p>be introduced around buildings go beyond what is necessary to address effects beyond the site.</p> <p>viii. The required 50m buildings setback from the road does not appear to integrate with the rule requiring buildings within 100m of the road to have 10% of glazing and that they be screened with landscaping. The glazing, reflectivity and colour range requirements are proposed to be deleted.</p> <p>ix. Regenerate Christchurch considers that the provisions should be reduced to:</p> <ul style="list-style-type: none"> <li>• require appropriate boundary treatment, with any requirements above and beyond that to be clearly related to any additional mitigation or treatment required as a result of the additional level of development permitted;</li> <li>• not prescribe specific controls relating to internal effects on amenity;</li> <li>• require a reasonable level of mitigation appropriate to the development generally anticipated by the zoning, rather than mitigation targeted at maintaining the semi-rural character of the site.</li> </ul> <p>x. Taking the above into account, Regenerate Christchurch considers that 10% site coverage and 8000m<sup>2</sup> building limit appear to be appropriate permitted activity thresholds. Regenerate Christchurch considers that the additional controls, for a permitted activity, are not sufficiently justified, beyond those required to address boundary effects.</p> <p>10. Regenerate Christchurch seek consequential amendments to Appendix 18.11.4 to give effect to the changes requested above, and some further minor amendments to that Appendix.</p> <p>11. As a consequence of the above changes sought, Regenerate Christchurch seek to amend matters of discretion in Rule 18.10.27 - Additional matters for the Yaldhurst Recreation and Sports Facility to:</p> <ul style="list-style-type: none"> <li>i. remove references to traffic generation and car parking spaces, as these will be considered through the rules in Chapter 7;</li> <li>ii. streamline the assessment matter relating to adverse visual effects on the character and amenity of the surrounding area.</li> </ul>
Department of the Prime Minister and Cabinet	<p>12. The Proposal must be concise. Include a summary of the supporting information, where it is relevant to one of the s65(2) criteria, in the Proposal itself, instead of appending it.</p> <p>13. More information needed in the final Proposal to better justify the exercise of s71 powers in accordance with the requirements in s11 of the GCR Act, including:<sup>4</sup></p> <ul style="list-style-type: none"> <li>i. specific information on the demand for the facilities proposed on the site in the context of the existing and planned facilities in Christchurch;</li> <li>ii. more information on why the use of the s71 process powers is necessary and preferable to all other alternatives, and how it will enable a focused regeneration process;</li> <li>iii. further information on the alternative option of revoking the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 early and proceeding with the standard RMA processes.</li> </ul>

<sup>4</sup> Refer to Attachment 1 for CCC responses and agreed actions regarding this point

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	14. Amend the draft section 68 and section 71 notices.
	15. The Proposal needs to take into account the NZTA feedback and address the potential impacts of the development on the capacity and efficiency of the State Highway network.
	16. Amend the draft Proposal to reflect minor technical comments.
Canterbury Regional Council (Environment Canterbury)	17. Support the amendments to the CRPS as set out in the Proposal.
	18. Support the inclusion of rules seeking to mitigate adverse transport impacts through limits on the maximum building coverage and car parking permitted as of right, and the discretionary status for any development beyond these limits.
	19. Support the requirement to submit event-specific Transport Management Plans for temporary events on the site.
	20. It is noted that the scale of an aquatic facility may need to be limited to correspond with the available water and wastewater capacity.
	21. Environment Canterbury notes that further development on the site has the potential to extend to areas where contamination exceeding recreational guidelines was discovered, and that Christchurch City Council is taking the necessary steps to ensure the land is remediated or contamination managed if necessary.
	22. Support the rationale set out in the draft Proposal for the exercise of the section 71 powers.
Te Rūnanga o Ngāi Tahu	No response received.
Selwyn District Council	Confirmed that it has no views on the proposal.
Waimakiriri District Council	No response received.

Christchurch City Council response to views of Regenerate Christchurch, DPMC and NZTA on draft traffic and landscaping rules, and changes made.

As a result of the views expressed by Regenerate Christchurch, DPMC and NZTA on the draft section 71 proposal for the Yaldhurst Recreation and Sports Facility at 466-482 Yaldhurst Road, the Council engaged in discussions were held between the parties in an effort to resolve the matters raised and agree on any modifications to the provisions. It is noted that while NZTA is not a party required to be consulted under section 66 of the GCR Act, the Council chose to do so because the agency is responsible for the State Highway network and may be affected by development along Yaldhurst Road/ SH1.

The following is a brief summary of the matters discussed (referred to below by the point number in the Concise statement of views) and how the matters were resolved.

Points 2. - 4. and 13.

Apart from the letters of support and interest from various sporting organisations, Canterbury Sports Ltd (CSL) has now provided to the Council copies of concept plans for a gymnastics facility, two indoor ball courts, and an ice rink that would cater for ice hockey and figure skating. The time and resources put into these plans indicates CSL's commitment (and that of the relevant sports bodies e.g. Netball Mainland and Canterbury Ice Hockey Association) to establishing these facilities on the site as soon as possible. Discussions regarding ownership and partnership options are ongoing, and commercial leases and other conclusive agreements will be entered into once the amended zoning is in place.

Additional explanation as to why the use of the section 71 powers is considered necessary and preferable (section 11(2)) has been provided in the section 65 report. This includes an assessment of how the proposed Yaldhurst facilities will meet a need identified in the Canterbury Spaces and Places Plan 2017 and the relative priority the proposed facilities have.

Points 7. - 9(a).

Discussions were held between CCC, Regenerate Christchurch, NZTA and their transport consultants. They focused on alternative methods for managing the high trip generating activities on the site, the appropriate thresholds for rules requiring consent, and the costs and benefits of each method. The two main methods considered were as follows:

a. Originally proposed method

Indirectly controlling trip generation from the site by limiting the scale of development to 7.5% maximum site coverage and a maximum of 650 car parking spaces on the site. These limits were based on 680 vehicles per peak hour (vpvh) threshold, which was the upper limit found to have acceptable effects on the road network in the transport modelling undertaken for the Council's Integrated Transport Assessment (ITA). Development over these limits was to become a discretionary activity and be treated as a High Trip Generator (HTG) requiring a full ITA to assess the road network effects from such development.

This method, based on a site coverage threshold, is similar to that used in the High trip generators Rule 7.4.3.10 in Chapter 7 - Transport, however, in that rule gross floor area thresholds rather than site coverage limits are used.

To address Regenerate Christchurch's concern that the 7.5% site coverage (and discretionary status of development over 7.5%) may be unduly restricting the development potential, a modified draft option of this rule suggested a three-step method: development up to 7.2% site coverage (based on an agreed lower 650vpvh threshold) would be permitted, between 7.2%

and 10% restricted discretionary and treated as a HTG requiring a full ITA, and over 10% would be fully discretionary. Subject to an assessment of trip generation and traffic effects, this rule could allow for development over 7.2% and up to 10% as a restricted discretionary activity. The 650 car parking limit would also apply as an additional way of controlling transport effects.

These rules provide a simple and non-debatable method of limiting the risk of high traffic generation impacts, and would give certainty to CSL as to what they can develop without requiring consents. No monitoring would be required, difficulties with which were the main reason for the revised District Plan moving away from the trip generation monitoring approach of the former City Plan and instead using floor space figures as a measure of scale of development. Additionally, there are no risks associated with delayed traffic generation effects. The rules, however, are indirect and were not favoured by Regenerate Christchurch and NZTA, because they rely on modelling/assumptions rather than direct vehicle trip counts. They were perceived as limiting development potential, requiring consents at too low a site coverage figure, and carrying some risk of not capturing trip generation potential from upper floors of buildings but more importantly from outdoor facilities.

b. Alternative method (adopted for the finalised proposal)

Controlling the traffic effects of the development directly by a site specific HTG rule based on the 650vpph threshold for trip generation from all activities on the site. The 550vpph threshold initially proposed by NZTA was agreed to be too conservative as it was based on the traffic lights configuration not used in Christchurch and which would not be implemented by the Christchurch Transport Operations Centre at the site access intersection with State Highway 1. The use of the 650vpph threshold, instead of 680vpph identified in the ITA as acceptable, was agreed on to provide a buffer/margin for error. Any development over the 650vpph limit would be restricted discretionary, treated as a HTG and would require a full ITA to assess road network effects.

To avoid the potential risks associated with delayed trip generation effects from development, the indirect control via the 650 car parking spaces limit would be retained. These rules would be in Chapter 7 Transport. The permitted site coverage limit in Chapter 18 Open Space would be increased to 10%, although that figure may not be reached if the traffic generation from all activities on the site reaches the HTG threshold of 650vpph before all of the permitted site coverage is used.

This method relies on direct counts of actual vehicle movements from the existing activities on site as well as estimates/modelling for proposed additional activities. This means it accounts for cumulative effects from all activities on the site i.e. existing, consented and proposed, and enables inclusion of traffic effects of outdoor courts and pitches. It also provides the developer with a greater ability to use the full development potential through managing traffic intensive activities, using travel management plans, and spreading the use of facilities throughout the day to avoid peak hour effects. However, consent applications for exceeding the permitted trip generation figures would be triggered only through monitoring and self-reporting by the owner. There is also a risk of underestimating the full trip generating potential of an activity as it may take several years for a new development to reach its full potential.

The parties, including CSL, agreed that both methods, while having benefits, also had associated risks. Ultimately, there was consensus that to satisfy Regenerate Christchurch and NZTA's concerns over the originally proposed rule, the alternative site specific HTG rule, with the 650vpph cumulative threshold for all activities, should be adopted as a method of controlling traffic effects from the development on the CSL site. To minimise the risks associated with delayed traffic effects from activities, the 650 car parking spaces limit was agreed to be retained. The relevant rules will be in Chapter 7 Transport. Some minor consequential amendments to the existing HTG rules were also required.

Point 9(b).

Following further discussions regarding the proposed landscaping and urban design standards, Regenerate Christchurch agreed with the Council that due to the substantially larger scale of potential development now to be permitted on the CSL site (i.e. 10% site coverage and 8,000m<sup>2</sup> single building footprint), adverse effects on the amenity of the surrounding area could be significant, and that appropriate mitigation measures to address such effects were necessary.

From the rules proposed in the draft proposal, it was agreed to remove the requirements for landscaping around buildings within the site as well as the minimum 10% glazing requirement in the street facing facades of buildings within 100m of Yaldhurst Road, on the grounds that the former in particular focused on amenity within the site. To ensure that visual effects of large buildings on the Yaldhurst Road frontage are minimised, it was agreed to retain the 50m building setback from the road and the rules controlling reflectivity and colour of the exterior building finishes.

It was agreed that extensive areas of sealed car parking would be likely to be visible from Yaldhurst Road and, if unbroken and inadequately landscaped, could affect the amenity of the site, as seen from the road, and of the surrounding area. The 1ha limit on the size of a single car parking area and the requirement for landscaped separation strips between parking areas were retained, however, the landscaping requirements within the car parking areas have been aligned with the standard Open Space Metropolitan Facilities (OMF) Zone provisions. The requirement that there be no car parking within the 20m landscape setback from the road is retained as are the modified landscaping and planting provisions for the 20m landscape setbacks.