



**Removal of Minimum Car Parking Spaces Provision for the
Lyttelton Commercial Banks Peninsula Zone**

**Proposal to exercise power under section 71 of the Greater
Christchurch Regeneration Act 2016**

Proposal to amend Chapter 7 – Transport of the Christchurch District
Plan to provide an exemption to the minimum car parking spaces
requirements for the Lyttelton Commercial Zone

September 2019

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1 The Proposal

- 1.1 The Proposal is to amend the Christchurch District Plan (the District Plan) to remove the minimum on-site parking rule for developments in the Commercial Banks Peninsula Zone, in Lyttelton (the Lyttelton Commercial Zone). This rule is inhibiting a number of developments in the Lyttelton Commercial Zone, and therefore the wider regeneration of the town centre. The text of the proposed rule change can be found in paragraph 4.3 of this document.
- 1.2 The notified Christchurch Replacement District Plan exempted developments in local and neighbourhood commercial centres (including Lyttelton) from providing a minimum number of on-site car parks. However, following the hearings on submissions during the Christchurch Replacement District Plan process, the Independent Hearings Panel (IHP) did not carry through the exemption into its decisions on the final Plan. The particular circumstances surrounding Lyttelton were not considered by the IHP. The District Plan now requires that all development within all local and neighbourhood centres complies with the rules for the minimum and maximum number of carparks required under Rule 7.4.3.1.¹
- 1.3 Christchurch City Council (the Council) staff have been engaging with landowners regarding various development Proposals in Lyttelton. These discussions highlighted issues with meeting the minimum parking requirements for a number of sites in the Lyttelton Commercial Zone due to its topography and the size and dimensions of the sites. As a result of the minimum parking rule, developers have no choice but to undertake costly and time-consuming consenting processes. They also drew attention to existing on-street parking concerns.
- 1.4 This issue requires urgent attention as there are a number of potential developments in the Lyttelton Commercial Zone for which the Council may receive resource consent applications in the near future. Without an amendment to the District Plan, the ability for landowners to develop their sites is affected. Post-Earthquake regeneration in Lyttelton has been slow, with developers slow to invest and a number of sites still vacant.
- 1.5 The proposed amendment to the District Plan would remove the requirement to provide on-site parking, which is neither necessary nor practicable (in most cases) in Lyttelton. This would represent a return to the situation pre-Earthquake, where most commercial sites did not provide, or provided very little, on-site parking.
- 1.6 The decision being sought is that the Minister decides to exercise her powers under section 67 of the Greater Christchurch Regeneration Act 2016 (GCR Act) to proceed with this Proposal, and then to consider whether to exercise her powers under sections 69 and 71 of the GCR Act to approve the amendment.
- 1.7 This Proposal fulfils the requirements of section 65 of the GCR Act (Proposal for exercise of power in section 71), by providing the following:

¹ The relevant provisions affecting this Proposal can be found at:
<https://districtplan.ccc.govt.nz/pages/plan/book.aspx?exhibit=DistrictPlan>

- a) an explanation of what the exercise of power is intended to achieve;
- b) a description of which instrument the exercise of power will apply to, and for how long;
- c) an explanation of how the Council expects the exercise of the power to meet one or more of the purposes of the Act;
- d) an explanation of why the Council considers the exercise of the power is necessary and preferable to any alternatives to the exercise of power;
- e) a draft of the notice that would be published under section 68 if the proposal were approved; and
- f) a draft of the notice that would be published under section 71 if the power were exercised.

2 Site details and context

2.1 Lyttelton is a port town and its major commercial and recreation attraction is the Port of Lyttelton, the largest port in the South Island. Lyttelton has a strong community, which is actively involved in implementing projects in the area, including running the Farmers' Market every Saturday on London Street. The town centre (used here as a general term to describe the Commercial Zone and some of the surrounding area) includes a range of land uses, including independent retailers, hospitality, and small-scale offices.

2.2 Lyttelton was badly affected by the Canterbury Earthquakes. While there were few, if any, vacant sites in the Lyttelton town centre prior to the February 2011 Earthquake, approximately 23 percent of that land (around 8,768m²) is now vacant and yet to be redeveloped. This is a significant amount of vacant land compared to an average of about 2,583m² in other neighbourhood commercial centres². A third of buildings on London Street and surrounds sustained extensive damage during the Earthquakes. A number of sites in Lyttelton have seen reinvestment and redevelopment since the Earthquakes. Within the Commercial Zone, this includes a few commercial buildings along Norwich Street and two restaurants along London Street. However, there remain a number of vacant sites, with private sector investment in the area not at the level expected. There is still some way to go before the town centre reaches its full development potential. Landowners have, at various stages, raised the issue of parking requirements (and the related length and cost of resource consent processes) as an impediment to development in the centre.

2.3 The proposed rule amendment will apply only to sites located within the Lyttelton Commercial Zone, which is generally bounded by or adjacent to London Street, Norwich Quay, Oxford Street and Canterbury Street. The map below shows the centre (Lyttelton Commercial Banks Peninsula Zone areas outlined in pink) and its zoning context. The Lyttelton Commercial Zone is classified as a neighbourhood centre within the hierarchy of commercial centres identified in the District Plan.

² Commercial Centre Fact Sheets 2016



- 2.4 The District Plan requires new land use activities in the Lyttelton Commercial Zone to provide a minimum number of on-site car parks. The number of car parks required depends on, for example, the type of activity (for example, retail, commercial services, and education), the likely number of trips it will attract, and the number of people being catered for.³
- 2.5 Attempts to comply even partially with the on-site parking requirements will have adverse environmental effects, such as breaking up the continuous line of building facades along the street frontage. This would be inconsistent with the historic character and identity of Lyttelton’s town centre and contrary to the recommendations in the urban design guidelines for the Lyttelton Town Centre (Appendix 15.15.6 - Design guidelines – Lyttelton Commercial Banks Peninsula Zone of the District Plan). The guidelines seek to maintain the character of the centre through appropriate form and scale of built development. Maintaining this character leaves little or no room for vehicular access and on-site car parking.

Potential effects for on-street parking in Lyttelton

- 2.6 A potential consequence of this Proposal is ‘overspill’ parking occurring in the town centre and surrounding residential streets. This is a situation that already exists and existed prior to the earthquakes. However, depending on the final configuration of activities and land ownership following redevelopment, there is some potential for additional off-street parking

³ Christchurch District Plan Appendix 7.5.1

demand, not all of which will be met as part of the development. This latent demand will therefore need to be met elsewhere in the vicinity.

- 2.7 In order to assess such potential effects of the Proposal, on-street parking surveys were carried out during May and June 2019, in and around London Street. These surveys sought to gain information on areas where parking appears to be already under pressure, and on areas where there appears to be capacity to accommodate more on-street parking. The overall findings were:
- a) Overall there appears to be roadside parking available most days in the surveyed area, apart from on London Street between Canterbury and Oxford Streets.
 - b) On the days surveyed, parking is most constrained around lunchtimes.
 - c) At the busiest times there appears to be around 130 road-side spaces vacant, in the area surveyed.
- 2.8 A desktop assessment was also undertaken to calculate the potential demand for on-street parking that could eventuate from developing existing vacant sites, if businesses were not required to provide on-site parking. Based on broad assumptions about types of activities that could be established, and parking reduction factors that would be applicable, the assessment calculated that demand for approximately 114 extra spaces might potentially be generated. The majority of this latent demand comes from five sites, and most of these sites could have the potential to provide some on-site parking. In theory this number of parking spaces can be accommodated through the availability of on-street parking, accepting that much of that parking is time restricted and would not be available for long-term parking.
- 2.9 Whilst there is likely to be parking overspill should the Proposal be adopted, the research undertaken indicates that the safety and efficiency surrounding the road network would not be significantly adversely affected. This of course depends on the scale and intensity of new development compared to that which existed prior to the earthquakes (on-street parking in residential areas did not appear to be an issue prior to the Canterbury Earthquakes).
- 2.10 The biggest demand for parking is on market day (Saturday), which is an existing situation that results in extensive 'overspill' into residential areas. There is little that can be done to reduce this impact other than to close or scale back the market, neither of which is desirable in terms of promoting business in the commercial area.
- 2.11 If issues do emerge over time, the Council will need to respond through parking management approaches such as residential parking schemes, giving priority to short-term parking, and stricter enforcement. Lyttelton has a good bus service that can be used by commuters and many local employees will be within walking distance of their place of work. It will be important for the on-street parking situation to be continually monitored.

3 What is the exercise of power intended to achieve (section 65(2)(a))?

- 3.1 The exercise of powers under section 71 of the GCR Act would expedite amendments to Chapter 7 of the CDP, to remove the obligation to provide on-site car parks in the Lyttelton

Commercial Zone. The use of section 71 could complete the process within six months of it being initiated, providing greater certainty and alleviating costs for land owners and potential developers.

- 3.2 The objective of this Proposal is to contribute to the regeneration of Greater Christchurch through the development of the Lyttelton town centre. Lyttelton's post-Earthquake development is demonstrably slow and a number of opportunities for redevelopment of sites in the town centre have not been taken advantage of. The town is about to receive a significant number of visitors once the new cruise ship berth opens in November 2020, and this increases the urgency of the need to address the situation.
- 3.3 The amendment, which will exempt development from providing on-site parking, will expedite the development of community infrastructure such as the Museum and Harbour Light Theatre site. Both of these developments will have positive effects on the community and the economic wellbeing of the area, by attracting visitors and providing entertainment and education for the local population.
- 3.4 Although this amendment to the District Plan will remove a significant impediment to development, it is likely that most developers would still need to submit applications for resource consent for urban design requirements relating to Lyttelton. The urban design requirements have been designed to generally enable development while ensuring a high standard of design. Rather than impeding development, they are aimed at ensuring it can occur, and that it respects the local character and built form. Applications are unlikely to be notified for urban design reasons.
- 3.5 It is not intended that the exercise of powers would inhibit the provision of on-site parking where possible and necessary. It may be possible for some developments to provide a small number of parking spaces. It is also possible that a developer may consider incorporating a parking building or similar, where topography and site size and dimensions allow, for example along Norwich Quay where sites are generally larger and flatter. Where parking is provided, it will be required to comply with the rules for minimum dimensions of car parking spaces and minimum number of mobility parking spaces, where applicable.
- 3.6 It is also not intended that the exercise of powers would allow developments that are intending to provide a substantial number of residential units to be exempt from providing parking for these units. While aiming to encourage development, significant residential development will exacerbate potential overspill parking issues, and increase the likelihood that residents would regularly park in the commercial areas, i.e. along shop fronts. This needs to be avoided if the overall regeneration of the town centre is to be successful. This issue was raised as part of early public engagement on the Proposal, and has been taken into account in drafting the proposed plan change, which excludes developments that contain more than two residential units, as outlined below.

4 Which instruments will the exercise of the power apply to (section 65(2)(b))

- 4.1 Through the exercise of powers under section 71 of the GCR Act, the Council is seeking to make permanent amendments to one rule in Chapter 7 - Transport, in the District Plan. This would apply unless and until those District Plan provisions are subsequently changed by lawful process.
- 4.2 The proposed amendment would exempt new activities in the Lyttelton section of the Commercial Banks Peninsula Zone from having to meet these requirements. However developments that include more than two residential units would need to comply with the parking requirements, for the residential units that are over and above the first two residential units. This means that for activities that include more than two residential units, the minimum parking standards would not apply to the first two units.
- 4.3 The Proposal involves a straightforward amendment to the District Plan. There are no amendments to objectives and policies, consequential changes, or amendments to higher order documents. The specific amendments are outlined below in **bold**:

7.4.3.1 Minimum and maximum number and dimensions of car parking spaces required

1. Outside of the Central City:

	Applicable to	Standard	The Council 's discretion shall be limited to the following matters:
i.	Any activity other than as provided for in (iv) below:	<p>a. At least the minimum number of car parking spaces in Table 7.5.1.1 in Appendix 7.5.1 shall be provided on the same site as the activity, except that:</p> <p><u>i. For activities located in the Commercial Banks Peninsula Zone in Lyttelton, this standard applies only to residential activity and only to the third and subsequent residential units on the same site.</u></p> <p>b. The minimum number of car parking spaces required may be reduced by the relevant amount if the activity qualifies for any of the permitted reductions in Appendix 7.5.14.</p>	Rule 7.4.4.1 - Minimum number of car parking spaces required.

- 4.4 Consideration has been given to the spatial extent of the rule exemption. Several options were considered:

- 4.4.1 Option 1 - for the exemption to apply to the entire Lyttelton Commercial Zone. However, this includes at least one site that is relatively large and flat, with the potential to attract a lot of visitors while at the same providing some on-site parking.
 - 4.4.2 Option 2 – limiting the exemption to sites with frontage on London Street, where the most urgent concern is. However, this would not cover all sites for which the minimum parking requirements are a problem. For example, there are sites on Oxford and Canterbury Streets where meeting the minimum standards is likely to be just as problematic.
 - 4.4.3 Option 3 - for the exemption to cover all of the Lyttelton Commercial Zone other than a few selected sites, of sufficient size and suitable shape to enable on-site car parking to be accommodated. An example would be the site owned by Independent Fisheries Limited, on the corner of Canterbury Street and Norwich Quay. However, the threshold in deciding which sites should be exempted could be seen as arbitrary and the configuration of the sites could change in the future, which would create complications.
- 4.5 Council considers that providing an exception from the minimum on-site car parking requirements for all of the Lyttelton Commercial Zone would be the simplest and fairest approach. It is also the approach that retains the position of the Council prior to the hearings and decisions on the Replacement District Plan.
- 4.6 Consideration was also given to the appropriateness of residential development in the Lyttelton Commercial Zone coming under this exemption. The Council has considered it appropriate to exclude developments that propose to provide more than two residential units. For these activities, the minimum parking standards would not apply to the first two units but would apply to any units over and above the first two. This would reduce the likelihood that residents will park in front of businesses that require those spaces for customers, as well as reduce the potential for parking overspill more generally.

5 How the Council expects the exercise of the power to meet one or more of the purposes of this Act (section 65(2)(c))

- 5.1 The GCR Act supports the regeneration of greater Christchurch through five specified purposes, as set out in section 3(1), including *s3(1)(a) 'enabling a focused and expedited regeneration process', s3(1)(b) 'facilitating the ongoing planning and regeneration of greater Christchurch', s3(1)(c) 'enabling community input into decisions on the exercise of powers under section 71', and s3(1)(d) recognising local leadership.*
- 5.2 Section 3(2) defines 'regeneration' and 'urban renewal' as:

regeneration means—

- a. rebuilding, in response to the Canterbury earthquakes or otherwise, including—*
 - (i) extending, repairing, improving, subdividing, or converting land:*
 - (ii) extending, repairing, improving, converting, or removing infrastructure, buildings, and other property:*

- b. *improving the environmental, economic, social, and cultural well-being, and the resilience, of communities through—*
 - (i) *urban renewal and development:*
 - (ii) *restoration and enhancement (including residual recovery activity)*

urban renewal means the revitalisation or improvement of an urban area, and includes—

- a. *rebuilding:*
- b. *the provision and enhancement of community facilities and public open space.*

5.3 Encouraging the redevelopment of the Lyttelton Commercial Zone by removing the on-site car parking requirements will contribute to ‘regeneration’ of greater Christchurch. The exercise of section 71 powers will support this ‘regeneration’ through meeting the following purposes of the GCR Act.

a. Enabling a focused and expedited regeneration process (section 3(1)(a))

The proposed exercise of powers under the GCR Act to remove the on-site parking requirements from the District Plan will remove one of the more significant impediments to regeneration in the Lyttelton town centre. It will enable focused and expedited regeneration in the town centre, through helping to progress a number of specific developments. As per the definition of regeneration in the Act, this will improve ‘the environmental, economic, social, and cultural well-being, and the resilience, of communities through urban renewal and development, and restoration and enhancement (including residual recovery activity)’ of the historic character of the Lyttelton town centre.

Developers will have greater certainty about the outcome of consenting processes, and these processes will likely be less costly. Where developers have been choosing to abandon or delay their plans, they will have greater impetus to move forward, and a clearer understanding of the requirements relating to parking. Enabling development is one of the primary means we can use to encourage a faster regeneration of the area.

b. Facilitating the on-going planning and regeneration of Greater Christchurch (section 3(1)(b))

Removing parking impediments will better enable ‘rebuilding, in response to the Canterbury earthquakes’; urban renewal development in the Lyttelton town centre; the restoration of commercial, residential and community centres; and enhancement of opportunities for amenity improvements. These outcomes will improve community wellbeing, and will facilitate the recovery of Lyttelton by complementing the Lyttelton Port Recovery Plan and assisting with implementing actions in the Lyttelton Master Plan⁴. The change will also make the area

⁴ For example Action E4, Redeveloping Council-owned land; M4, Public Realm improvements; M5, London Street Parking Review

more attractive to residents and visitors, including visitors arriving on cruise ships. The removal of parking requirements will promote residential and business (mixed use) development and draw more people including businesses into the area.

c. Enabling community input into decisions on the exercise of powers under section 71 (section 3(1)(c))

The GCR Act provides for community input on the decision to exercise powers under section 71 in the following ways:

- a) If the Minister decides to proceed with the Proposal, a public notice published by the Minister will invite written comments on the Proposal, which the Minister must take into account before making the final decision on exercising the power
- b) In considering whether to exercise the power in section 71, the Minister must—
 - (i) take into account the comments provided under section 68(c); and
 - (ii) have particular regard to any views of the strategic partners and Regenerate Christchurch that are expressed in the comments provided under section 68(c)

Engagement with affected stakeholders (residents and the local business community) has already provided an opportunity to comment on the proposed amendment. This engagement has included two public drop-in sessions, and written feedback. Feedback, which was generally supportive, has been taken into account in the drafting of this report and the proposed plan change.

d. Recognising local leadership and providing them a role in local decision making (section 3(1)(d))

The Council, as statutory administrator of the District Plan, has recognised that there is an issue with the current provisions relating to parking requirements for Lyttelton, and has developed this Proposal to exercise power under section 71 of the GCR Act to resolve this. The Council has developed and submitted this Proposal on behalf of its local community, and considers that the Proposal represents community views. Accepting this Proposal would recognise and support the local leadership of the Council on this issue.

The Council has also sought the views of the strategic partners, including Canterbury Regional Council, Selwyn and Waimakariri District Councils, and Te Rūnanga o Ngāi Tahu, under section 66 of the GCR Act. Therefore these local leaders have had an opportunity to contribute to this Proposal.

6 Why does the Council consider the exercise of the power is necessary and preferable to any alternatives (section 65(2)(d))?

- 6.1 Under section 11(2) of the GCRA, “A Minister or a chief executive may exercise or claim a power, right, or privilege under this Act where he or she reasonably considers it necessary.”⁵

⁵ *Canterbury Regional Council v Independent Fisheries Limited* [2012] NZCA 601, [2013] 2 NZLR 57 at [18].

6.2 The necessity test centres on whether it can be reasonable for the Minister to consider it necessary to use section 71 powers to achieve one or more of the purposes of the Act, taking into account any alternative powers that are available.

6.3 The necessity for using the GCR Act to make the proposed amendments to the District Plan arises from:

- The urgent need to address the issues surrounding the regeneration and redevelopment of the Lyttelton town centre in particular, as opposed to any other neighbourhood centre. These issues are in part created by the current on-site parking provision requirements in the District Plan. The requirements are causing uncertainty, costs and delays for potential commercial developments, and a plan change that is narrow in focus and scope is needed to address the particular issues faced.
- The importance of expediting the redevelopment of sites that have been vacant since the Earthquakes. This redevelopment, which is currently moving very slowly or not at all in some cases, will stimulate the local economy, contribute to the urban design and amenity of London Street and surrounds, and help meet the social needs of the community.
- This process would be the most efficient way to deal with these issues. Any other possible alternative would not address the problem in the direct, focused and efficient way that is required to encourage the regeneration outcomes outlined in section 5 above. The narrow scope of this change is also best approached using a section 71 process.

Options for amending the District Plan - consideration of alternatives

6.4 The Council has considered the viability of alternative processes to make these changes to the District Plan. None of these are able to achieve a resolution to this issue with the same efficiency, timeliness and certainty. As the only changes sought are amendments to Rule 7.4.3.1 (minimum and maximum number and dimensions of car parking spaces required), a section 71 proposal provides more control and certainty of scope. This is because the Minister is only able to accept or decline the Proposal following public comment, and the decision is made by the Minister rather than a hearings panel (for example). This would provide more certainty of outcome and is less likely to result in protracted planning processes.

6.5 Due to the early revocation of the Canterbury Earthquake (Christchurch Replacement District Plan) Order in Council 2014, the Council is now able to undertake changes to the District Plan under normal Resource Management Act 1991 (RMA) processes. Therefore, the below consideration of viable alternatives takes into account relevant RMA processes.

6.6 It should be noted that although there is no opportunity for appeals under a section 71 process, the process could still be judicially reviewed. However, the likelihood of a judicial review is considered low. If it were to occur it would present less of a risk than a standard plan change process appeal, as a judicial review is usually focused on the process used to reach a disputed decision, rather than the decision itself.

Plan change under schedule 1, Part 1 of the RMA

- 6.7 The Council would prepare a plan change, notify for public submissions and further submissions, and hold a hearing if required. This process is well understood and is the 'standard' process under the RMA. However, it can be a lengthy process due to the number of steps, and the potential for the plan change to be appealed. The use of the standard plan change process would take at least 12 months, and appeals to the Environment Court could add a further 6-12 months to this process. There is the potential for high costs to be involved in this process (including notification, processing submissions, hearings and litigation). Depending on the number and complexity of submissions, and the length of the hearings process, costs could exceed \$100,000, excluding private costs. The amount could be even more if the decision is appealed.
- 6.8 This process would not address the issues facing Lyttelton redevelopment with the urgency, focus and efficiency that a section 71 process would achieve. The process is likely to be costly in terms of time, money, and staff resource. It would not alleviate uncertainty for developers who are looking to advance the development of their sites in the near future, and would not support the regeneration of the area.
- 6.9 A standard plan change process is not as appropriate as a section 71 process, for such a narrow and focused plan change as proposed. It is likely that this would be the preferred method if a planning process was to consider wider exemptions to minimum parking requirements for other neighbourhood/local centres.

Streamlined planning process under the RMA

- 6.10 This process allows councils to make a request to the Minister for the Environment to use a streamlined planning process, enabling councils to be more responsive to urgent issues and community needs. However, the proposed change is unlikely to meet any of the criteria outlined in section 80C(2) of the RMA for the use of this process, in which case the Council would not support its use.
- 6.11 There is no opportunity for appeals when using the streamlined process, and timeframes may be shorter than the standard process. This process is largely untested in Christchurch, and is generally intended to be used for issues that carry significantly more weight than the one at hand.
- 6.12 Even if any of the criteria in section 80C(2) were deemed to be relevant, using a direction from the Minister to make what is a minor amendment in national terms would be an inefficient use of his powers, and likely contrary to the intent of the legislation. Conversely, using local legislation (the GCR Act) to address a local regeneration issue is more appropriate, and is aligned with the purposes of the GCR Act. For the reasons outlined above, the Council would not be able to use the streamlined planning process for this plan change.

Resource consent based on current Christchurch District Plan provisions

- 6.13 This alternative is to retain the status quo. Developers would need to gain resource consent for the parking they are proposing to supply (if any). They will continue with their current processes and provide analysis and rationale on why they cannot comply with the on-site parking requirements, and the effects of this. This current approach determines on a case-by-case basis whether each development is responding appropriately. This has not been tested to date, and it may prove difficult to consent larger developments, in particular.
- 6.14 This approach is resource intensive in terms of time and cost to developers, as well as to the Council. Processing multiple resource consent applications is an inefficient way to deal with this particular problem, when it could instead be addressed through a section 71 plan change process. This process is simpler and also less resource intensive for the Council.
- 6.15 Using a resource consent process does not address the wider issue for the regeneration of the town centre in an integrated manner, nor present a clear planning framework for all development to respond to. Pursuing this course of action might call into question the integrity of the District Plan, if rules are not delivering anticipated outcomes or are unnecessarily creating the need for ongoing consents.

Greater Christchurch Regeneration Act 2016: Regeneration Plan or an amendment to the Land Use Recovery Plan (LURP)

- 6.16 Like the section 71 proposal, a Regeneration Plan under the GCR Act would enable the Minister to consider amendments to District Plan. A Regeneration Plan, however, is better suited to more complex development proposals, and potentially a number of land uses and zones.
- 6.17 The amendment is limited to the Lyttelton Commercial Zone and is of much more discrete scope than would be expected with a Regeneration Plan. In this instance, therefore, a Regeneration Plan process is not considered as a necessary alternative.
- 6.18 Section 12(1)(b) of the GCR Act enables proposals for amendments to the LURP that would direct the Council to amend the District Plan. As with a Regeneration Plan, however, it is a two-stage process that requires the preparation of a draft outline of amendments and then draft amendments. This is a process suited to more complex issues or rezoning of a wider area. The section 11 necessity tests for the Minister to reasonably consider it necessary to use the GCR Act apply to this process as well. Overall, making the amendments to the District Plan through an amendment to the LURP is considered inefficient and unnecessarily complex.

Conclusion

- 6.19 As a result of this assessment the Council considers that the Minister (for Greater Christchurch Regeneration) can reasonably consider it necessary to use her powers under section 71 to amend the District Plan, which would achieve the purposes of the GCR Act. None of the alternatives explored above are as effective and efficient in these particular circumstances, and they would not serve to advance regeneration in Lyttelton. The standard plan change process is the only alternative that would achieve the desired outcome, however it would take

significantly longer than a section 71 process, thereby undermining regeneration and recovery goals and failing to provide certainty to developers on projects.

7 Draft of Notices to be published if the Minister approves the Proposal

- 7.1 A draft of the notice that would be published under section 68, should the Minister decide to proceed with the Proposal, is set out in **Appendix 1**.
- 7.2 A draft of the notice that would be published under section 71, should the Minister approve the Proposal, is also set out in **Appendix 2**.

Public Notice:

OPEN FOR WRITTEN COMMENT

REMOVAL OF MINIMUM ON-SITE PARKING REQUIREMENTS FOR THE LYTTELTON COMMERCIAL BANKS PENINSULA ZONE: PROPOSAL TO EXERCISE THE POWER UNDER SECTION 71 OF THE GREATER CHRISTCHURCH REGENERATION ACT 2016 TO AMEND THE CHRISTCHURCH DISTRICT PLAN

This Proposal applies to the Lyttelton Commercial Banks Peninsula Zone, generally bounded by or adjacent to London Street, Norwich Quay, Oxford Street and Canterbury Street.

Pursuant to section 68 of the Greater Christchurch Regeneration Act 2016 (GCR Act) the Minister for Greater Christchurch Regeneration, invites written comment on the Proposal to exercise her powers under section 71 of the GCR Act to amend the Christchurch District Plan to:

- Amend Rule 7.4.3.1 Minimum and maximum number and dimensions of car parking spaces required, in Chapter 7 – Transport in the Christchurch District Plan, to remove the minimum on-site parking requirements for developments in the Commercial Banks Peninsula Zone in Lyttelton, where that development does not contain more than two residential units. For activities that include more than two residential units, the minimum parking standards would not apply to the first two units.

The Proposal may be inspected on the Department of the Prime Minister and Cabinet’s website at [website] and copies are available for inspection at: Christchurch City Council service centres and libraries, and the main office of Selwyn and Waimakariri District Councils from x [month] 201x, during normal business hours.

Written comments on the Proposal may be made to the Greater Christchurch Group of the Department of the Prime Minister and Cabinet by no later than [date].

Written comments may be made online at [website]

Or emailed to [email address]

Or posted to [address]

Dated this the day of [month] 201x.

HON [XX], Associate Minister for Greater Christchurch Regeneration.

Gazette Notice:

**DECISION ON REMOVAL OF MINIMUM ON-SITE PARKING
REQUIREMENTS FOR THE LYTTELTON COMMERCIAL BANKS
PENINSULA ZONE**

Pursuant to sections 69 and 71 of the Greater Christchurch Regeneration Act 2016 the Minister for Greater Christchurch Regeneration, has exercised her powers to approve the Proposal to amend the Christchurch District Plan as it applies to Lyttelton Commercial Banks Peninsula Zone, generally bounded by or adjacent to London Street, Norwich Quay, Oxford Street and Canterbury Street to:

- Amend Rule 7.4.3.1 Minimum and maximum number and dimensions of car parking spaces required, in Chapter 7 – Transport in the Christchurch District Plan, to remove the minimum on-site parking requirements for developments in the Commercial Banks Peninsula Zone in Lyttelton, where that development does not contain more than two residential units. For activities that include more than two residential units, the minimum parking standards would not apply to the first two units.

The date on which the exercise of the power takes effect is on the **xxth day of [month] 201x.**

HON [XX], Associate Minister for Greater Christchurch Regeneration.

Concise statement of views by strategic partners, Regenerate Christchurch and DPMC (s66(2)(b) of GCRA) on draft section 71 proposal – Removal of minimum car parking spaces provision for the Lyttelton Commercial Banks Peninsula Zone

Organisation	Summary of feedback/matters raised
Regenerate Christchurch	<ol style="list-style-type: none"> 1. Regenerate Christchurch supports the approach taken with the proposed amendments to the District Plan, and agrees that the enabling of commercial and other non-residential activities will encourage regeneration of Lyttelton’s town centre. It also considers the current requirements for on-site parking may result in design outcomes contrary to the character of the area. 2. The feedback notes that the information provided on the parking surveys is useful in illustrating the current parking situation in Lyttelton, for on-street parking. 3. Regenerate Christchurch suggests that the Council seeks further expert assessment of the potential demand for on-street parking if the proposal is implemented. This would be on top of the desktop survey undertaken by the Council to project such demand. It considers this would support the Minister to better understand the impact of the amendments proposed. 4. <u>Technical assessment:</u> Regenerate Christchurch recommends that in the event a developer does wish to provide on-site parking, any new car parking should comply with the minimum dimensions in Table 7.5.1.3 in Appendix 7.5.1 of the District Plan. Accordingly, it has included a suggested amendment to the Council’s proposed rule change. Regenerate Christchurch considers that this would meet the intent of Policy 7.2.1.5. 5. Overall, Regenerate Christchurch considers that the proposal can achieve a balance between encouraging the regeneration of the Lyttelton town centre and managing potential adverse effects. It recognises that the Council has the means to take any necessary steps through bylaws and parking management and enforcement, to manage these effects.
Department of the Prime Minister and Cabinet	<ol style="list-style-type: none"> 6. The proposal is concise, applies only to the Lyttelton town centre, involves one amendment to the Christchurch District Plan and therefore meets the requirements of section 65(2) of the Act.
Canterbury Regional Council (Environment Canterbury)	<ol style="list-style-type: none"> 7. Environment Canterbury considers that the proposed amendment is consistent with the Canterbury Regional Policy Statement in the following ways: <ul style="list-style-type: none"> - It will further enable urban and commercial activities to concentrate in the existing urban centre of Lyttelton (as per Objective 6.2.6). - It is consistent with the CRPS principles of urban design, in particular tūrangawaewae, integration and connectivity (Policy 6.3.2). The amendment will allow developers to give better effect to the design guidelines for the zone, while also promoting the form and scale of

Organisation	Summary of feedback/matters raised
	<p>built development to integrate with existing buildings, and the nature of the area pre-earthquake. Improved consistency with the principles of urban design is supported by Environment Canterbury.</p> <ul style="list-style-type: none"> - It will encourage consolidation of the commercial area, prevent some parking overflow from residential areas and encourage a variety of transport options (Objective 5.2.1). <p>8. ECan considers that while parking pressure is likely to increase with development, the risk of not applying the amendment and continuing to stall regeneration and development in Lyttelton is contrary to the CRPS objectives and policies for Greater Christchurch. Environment Canterbury notes that CCC could undertake parking management and enforcement should parking pressure become problematic.</p>
Te Rūnanga o Ngāi Tahu	<p>9. Te Rūnanga has reviewed the draft proposal and sought feedback from Te Hapū o Ngāti Wheke, who hold manawhenua status over the traditional takiwā of Whakaraupō.</p> <p>10. As a section 29 Strategic Partner, Te Rūnanga confirms there are no matters relating to cultural values or of cultural concern that arise in relation to the draft proposal.</p>
Selwyn District Council	11. Confirmed that it has no views on the proposal.
Waimakiriri District Council	12. No response received.

NZTA views on the draft section 71 proposal

The Christchurch City Council has also sought the views of the NZTA on the draft proposal due to its potential impact on Norwich Quay (SH74). Norwich Quay is a major arterial route, a key freight link to the Port of Lyttelton, and an important connection for the Lyttelton community.

NZTA acknowledges the potential for the minimum on-site parking requirements to adversely impact on the land use and development outcomes sought in the District Plan. NZTA 'generally supports' the proposal to remove these parking requirements for the entire Commercial Zone. It considers it appropriate to retain parking requirements for any large residential developments, for the residential components of those developments. NZTA considers that the Proposal will enable opportunities for a more vibrant and active commercial centre, and positive transport outcomes for active modes and public transport uptake.

NZTA is comforted by the results of the assessment of parking capacity. The feedback notes that if a large traffic intensive development was proposed there are still adequate controls in the District Plan to ensure the effects of such developments are assessed. It also notes that the potential for effects on the efficiency and safety of the operation of Norwich Quay are more related to side friction from vehicle movements through accesses. The removal of the on-site parking requirements may mean less demand for accesses to be developed directly onto Norwich Quay.

Christchurch City Council response to views of Regenerate Christchurch on draft rule, and changes made

As noted in paragraph 4 of the above summary, Regenerate Christchurch has proposed an amendment to the rule change to ensure that any new parking provided voluntarily for any activity is required to comply with the standards for parking space dimensions in rule 7.4.3.1(a)(ii).

The original proposal was drafted on the assumption that other parking standards would need to be complied with, however we acknowledge that this was not explicit in the way the amended rule was drafted. In order to ensure clarity of intent it is now proposed to amend Rule 7.4.3.1(i), rather than Rule 7.4.2.1. This will mean that the exemption for activities located in the Commercial Banks Peninsula Zone applies only to minimum *number* of car parking spaces. Developments would still be required to comply with dimensions and mobility parking standards, where parking is provided and where these standards are applicable. It is important to note, however, that Rule 7.4.3.1(a)(ii) that requires minimum dimensions is only applicable to any car parking spaces available to the general public; residential spaces cannot therefore be required to meet the minimum dimensions.

The Council has also further amended the wording of the rule change, to ensure that the first two residential units of any residential activity constituting three or more units are exempted from the minimum parking requirements.

In response to the feedback summarised in paragraph 3 of the table, the Council commissioned a separate report to assess the effects of potential increased demand for on-street parking, on traffic in the Lyttelton town centre and surrounds. This assessment is appended to the Assessment of Options and Effects report that forms background information to the Proposal.

The assessment concludes that, from the data available and assumptions made, the current supply of on-street parking spaces should be able to accommodate some additional demand at most times, but not always during the peak times. Overall, it states, the effects of the Proposal on the safety and efficiency of the transport network will be less than minor.