

**Christchurch City Council's reporting officer's comments for the hearing of RMA/2022/517 - redevelop the existing University of Canterbury Dovedale Campus into a Digital Screen Campus, with educational, research and commercial operations co-located together on the site, 129 Waimairi Rd, Ilam.**

**Matters raised in evidence and during the hearing**

Applicant's evidence

1. Mr Lester and Mr Chrystal have clarified that the existing tree heights shown on the *Campus Landscape Plan* received in response to Council's section 92 request for further information were taken from a 'Reduced Level' or RL. As explained by Mr Chrystal, this height is a vertical distance above the datum plane, a level relative to a defined height. To avoid any confusion, Mr Lester has amended the *Plan* to show tree heights above ground level. Accordingly, tree heights along Dovedale Ave are between approximately 9m-16.4m, and 9.1m-17.5m along the eastern boundary. As outlined by Mr Chrystal, this does not alter the *Visual Simulations* provided by Mr Herriot which illustrate the degree of screening/softening the trees will provide for the buildings behind.
2. Mr Chrystal considers the Chapter 14 residential objectives and policies to be of limited (if any) relevance to the proposal. This is on the basis that Objective 13.7.2.3 and Policy 13.7.2.3.1 do not apply. He adds that, in his view, Rule 13.7.4.1.4 D2 is merely to establish the status of the activity.

I find it difficult to agree with this position for the following reasons:

- The pathway by which the application is considered under D2 is a result of the commercial component of the proposal holding discretionary activity status under the alternative (Residential Suburban) zone rules. Of relevance, if the activity held restricted discretionary activity status under the alternative zone rules it would be assessed against the matters of discretion applicable to that activity in that zone.
- With respect to whether the land or buildings could be viewed as being surplus, the applicant has indicated that the Dovedale Campus would likely remain underutilised without this proposal (of which the commercial component is fundamental to its viability).
- Lastly, the objective and policy seek to ensure that the community is given certainty as to the future use of Specific Purpose (Tertiary Education) zoned sites where those uses are not for tertiary education and research purposes, but where they are consistent with the provisions applicable in the surrounding environment (which in this case is the Residential Suburban Zone).

Given this uncertainty, and taking a cautionary approach, I have assessed the proposal against the relevant residential objectives and policies. On the round, I consider the proposal to be consistent with these. Those which seek that activity be in keeping with the context, character and scale of development anticipated in the Residential Suburban Zone (Policy 14.2.1.1, Objective 14.2.4, and Policies 14.2.4.1 and 14.2.4.4) are not overly applicable, in my view. This is given the contrast in outcomes expected in the two zones, where, for example, maximum building heights are 8 and 20m. As I have outlined in my evidence, this contrast in anticipated outcomes will become less significant as a result of the National Policy Statement or Urban Development, the NPS-UD.

The non-residential provisions, namely Objective 14.2.6 and Policies 14.2.6.1 and 14.2.6.4, seek to ensure that residential activities remain the dominant activity in residential zones, and to restrict other activities, unless the activity has a strategic or operational need and effects on

residential character and amenity are insignificant. I acknowledge that the site is not strictly located within a residential zone, however refer to my earlier comments.

I consider that the Applicant has demonstrated an operational need to co-locate the proposed educational, research and commercial components. I have concluded that adverse effects on residential character and amenity will, in some instances, be at most minor (and therefore not insignificant). The proposal is not consistent in this respect. Highlighting that the policy does not seek to avoid such activities, I consider it appropriate that the proposal not be restricted given:

- It will have comparable effects with the permitted baseline;
- The management measures proposed by the applicant; and
- The economic and industry benefits reported by the Applicant and Submitters, and that which was relied upon when provision for commercial film and video production activities were added to the District Plan through sections 69 and 71 of the Greater Christchurch Regeneration Act in 2020.

### Summary of Council evidence

3. The Applicant seeks resource consent to redevelop the existing University of Canterbury Dovedale Campus into a Digital Screen Campus, with educational, research and commercial operations co-located together on the site, 129 Waimairi Rd, Ilam.
4. The application was received February 25<sup>th</sup>. From the outset the Applicant requested that it be publicly notified. It was notified on May 4<sup>th</sup>, including direct notification (via posted letters) to over 450 parties (an area relatively consistent with pre-lodgement consultation that the Applicant had undertaken). The submission period closed on June 1<sup>st</sup>. A total of 32 submissions were received - 14 in support, 14 in opposition and four which did not state a position. The key issues identified in submissions include:
  - On-street parking demand/supply
  - Vehicle access issues
  - Increased traffic volumes
  - Loss of green/open space (Dovedale Fields)
  - Scale of buildings
  - Commercial/industrial nature of activity
  - Impact of construction works
  - Noise
5. The application includes a detailed description of the applicant site and surrounding environment, which I have largely adopted. I am familiar with the site and visited it twice during the processing of this application.
6. In terms of the relevant planning framework, the application site is zoned Specific Purpose (Tertiary Education) in the District Plan. In the introductory section to the zone chapter it is explained that this zone *"applies to the sites operated by the University of Canterbury and the Ara Institute of Canterbury. It seeks to enable the efficient use and growth/diversification of tertiary education and research activities and facilities, while having regard to the amenity values and character of the surrounding environment"*.
7. The objectives and policies for this zone generally seek to ensure that tertiary education and research activities are able to use associated facilities efficiently, and are able to grow and diversify, while having regard to the amenity values and character of the surrounding

environment. There is also provision for land and buildings to be utilised for other uses where those uses are consistent with the provisions applicable in the surrounding environment. This is in recognition of the changing needs for educational land and buildings.

8. Sites in the Specific Purpose (Tertiary Education) Zone can also be developed and used in accordance with the provisions that apply to their 'alternative zone'. The alternative zone for Dovedale Campus is the Residential Suburban Zone.
9. The proposal requires resource consent for the following reasons:
  - Noise associated with heavy vehicles accessing the site via the proposed new Waimairi Rd access will exceed the daytime limit of 50 dB at the adjoining site at 131A Waimairi Rd.
  - The proposed new Waimairi Rd access will exceed 7m in formed width (approximately 10.9m proposed).
  - The estimated number of vehicle trips will exceed 50 per peak hour.
  - The existing and proposed site coverage will exceed 45% (approximately 48% proposed).
  - The proposed sound studio and stage buildings will exceed 20m in height (approximately 23.5m proposed).
  - The commercial component of the proposal is not specifically provided for in the zone and is a discretionary activity in the alternative (Residential Suburban) zone.
10. It is noted that the site is subject to a number of District Plan overlays, including those related to the Airport, a Heritage Item and Setting, a water body setback, the Flood Management Area and wastewater constraint. None of these overlays apply to the proposal.
11. The application holds fully discretionary activity status overall.
12. I have considered the relevant issues and, in my view, they fall broadly into the following effect categories:
  - Construction effects
  - Transport effects
  - Residential character and amenity effects
  - Other matters
  - Economic and industry benefits
13. I have considered the permitted baseline discussed in the application and in the Applicant's evidence. In brief, I agree that permitted tertiary education and research activities (which includes commercial research and laboratories) are not subject to any activity specific standards, for example, hours of operation, maximum number of persons onsite and associated traffic movements. With regard to the latter, I note that traffic movements are controlled by the High Trip Generator (HTG) rule. The applicable limitation for this application is, as mentioned earlier, 50 trips per peak hour. The limitation for tertiary education and research activities is 750 FTE students. The matters which require consideration include access and manoeuvring, design and layout (to encourage travel modes other than private car), heavy vehicles (where more than 250 trips are expected), and accessibility of the location (again, to encourage sustainable travel modes). These matters have all been at the fore in assessment of this proposal. Buildings associated with these activities can have a height of up to 20m and can be located as close as 6m from internal boundaries (whilst also complying with recession planes) and 15m from road boundaries (noting that if a building exceeds 11m in height and 1,000m<sup>2</sup> in gross floor area that it must be set back at least 30m

from all boundaries). Site coverage, which includes buildings and impervious surfaces (but not those areas used for vehicle parking and access) cannot exceed 45%. Applicable landscaping (along site boundaries), outdoor storage and water supply (for firefighting) standards also need to be met.

14. For clarity, as a result of the NPS-UD, specifically Policy 11, all minimum car parking rate requirements have been removed from the District Plan. Parking spaces that are provided are required to comply with dimension requirements in the District Plan.
15. In terms of positive effects, which I have referred to as 'economic and industry benefits' in my section 42A report, I do not see any great need to repeat these here, particularly after hearing the evidence of the Applicant and the submission from Screen CanterburyNZ. It is clear that the proposal will have some positive effects.
16. With respect to adverse effects, I consider the key issues, and that which merit discussion here, include: construction effects, transport effects, and residential character and amenity effects.
17. I consider construction impacts, which include associated noise and vehicle access, can be appropriately mitigated by the Temporary Traffic Management Plan (TMP) and Construction Management Plan (CMP) proposed by the Applicant. Construction noise will be required to comply with NZS 6803:1999 Acoustics – Construction Noise. The Applicant has also offered to implement an Erosion and Sediment Control Plan and dust control measures to address concerns raised by Submitters.
18. With respect to transport effects, I have relied on Mr Milne's specialist advice. Mr Milne concludes that the surrounding road network is capable of safely accommodating the needs of the proposed activity. Of particular note, he considers pressures on on-street parking can be alleviated through the successful implementation of a Production TMP. This also accounts for any assumptions made by the Applicant as a result of the novel nature of the activity. The Applicant has offered to prepare and submit a Production TMP to Council for approval. This will be reviewed by Council's Travel Demand Management Team who are well versed in travel management, including for schools and large workplaces. The Applicant has also offered a section 128 review condition to deal with unforeseen traffic and noise effects associated with production activity. Review conditions are appropriate where the adverse effects in question or the degree of effect is uncertain. The review process cannot be used to materially alter the consent's nature.
19. Lastly, with respect to residential character and amenity effects, I have broken these up into 'bulk and location', 'scale and compatibility', 'noise' and 'traffic'. I consider the bulk and location of the proposed buildings, particularly in relation to the height and site coverage exceedances, to be acceptable given the mitigation offered by the existing, mature trees and the reduced visibility of the 'backlot' area. I note that the Applicant has indicated that an existing gymnasium on the site will be demolished later this year, reducing the overall proposed site coverage to approximately 46.1%. In terms of scale and compatibility, I agree with the applicant that the characteristics of the proposal could be comparable in nature to a permitted tertiary education and research activities (which, again, includes commercial research and laboratories). The Applicant has provided the following key figures on actual previous, potential existing and predicted future scale:
  - 4,000 students and 500 staff associated with historic use of the site as a Teachers College;
  - 2,066 persons if the existing campus were utilised for typical tertiary education and research activities (including a large-scale production);

- This increases to around 6,000 persons if additional buildings which maximised the permitted site coverage and height limits were established; and
- The predicted future enrolments and staff which should equate to approximately 1,936 persons.

Further to this, Mr Brady in his evidence indicated that 40% of the time during pre and post production there would be low numbers of people on the film studio portion of the site (approximately 40 people). Productions would also only operate for up to 20 weeks of the year and would likely be focussed during the summer months during university break.

With respect to noise, I have relied on the specialist advice of Ms van der Erf. She agrees with Mr Farren that adverse noise effects will be less than minor and acceptable, subject to conditions, two of which have been subsequently amended. These originally required that external mechanical plant and equipment be designed to comply with the more stringent night time limit of 40 dB. They also required that earthwork and construction activity not occur outside the hours of 7.30am – 6.00pm Monday to Saturday. In response to evidence from the Applicant, Ms van der Erf is supportive of changes to these conditions which effectively repeat the District Plan zone noise limits and require that works be undertaken in accordance with *NZS 6803:1999 Acoustics - Construction Noise*. She has commented that the original conditions were a reminder to the Applicant to have some consideration for the neighbours.

Lastly, with respect to traffic, I agree with the Applicant that the permitted baseline could allow for a significant number of additional persons on the site than is expected as part of the proposal, and in-turn an increased offsite traffic impact. I agree with Mr Milne that the successful implementation of the Production TMP has the ability to influence a number of variables to minimise traffic impacts. I recommended in my evidence that the Applicant further investigate how to better utilise its onsite car parking resource, however now understand the University's Parking Policy and Plan which seek to encourage sustainable transport modes and providing efficient and equitable parking. I also understand that, as part of the Production TMP, that existing onsite parking adjacent to Solway Ave will be made available to production staff.

20. My conclusion on effects is that, subject to compliance with the recommended conditions, these will be at most minor and acceptable.
21. With respect to objectives and policies, I have assessed the proposal against relevant provisions under Chapters 6.1 (Noise), 7 (Transport), 13.7 (Specific Purpose (Tertiary Education) Zone) and 14 (Residential). With regard to specialist advice from Ms van der Erf (Noise) and Mr Milne (Transport), I consider the proposal to be consistent with these.
22. Another statutory document of relevance to this application is the NPS-UD. I have mentioned previously the impact of Policy 11 in removing car parking minimums from the District Plan. Another output of the NPS-UD are the Medium Density Residential Standards or MDRS. In brief, these allow for three residential units up to three storeys in height on residential sites, except where a 'qualifying matter' applies. Whilst the MDRS do not have legal effect until Plan Change 14 is notified in approximately one month's time, the draft plan change indicates that the area surrounding the application site will be zoned Medium Density Residential and will not be subject to any qualifying matters. As a result of this national direction it is anticipated that the future surrounding environment will feature increased densities and building scale, and further reliance on on-street parking. Policy 11 states that Councils are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

23. Given the discretionary activity status I have also considered the issues of precedent and plan integrity. I agree with the applicant that as the proposal is not considered to be contrary to the District Plan objectives and policies, and given its unusual characteristics (which I consider are unlikely to be replicated), that the issues of precedent and plan integrity would not arise.
24. Lastly, the Applicant has applied to increase the standard 5 year lapse period under s125 of the Act to 10 years. They explain that *“this request is to better recognise the scale and complexity of the proposal and to enable flexibility to begin construction of various stages of the proposal as demand increases for the facility”*. I consider these reasons to be acceptable, recognising the complex and large-scale nature of the proposal, in addition to the fast changing nature of the industry and related technology. The need for flexibility is also recognised in the Specific Purpose (Tertiary Education) Zone objectives and policies.
25. Mr Chrystal has previously covered draft conditions, which we are in agreement on now. I am happy to take questions regarding these or anything else I can assist with.