

## 6.2 Sites of Ecological Significance (SES) Section 32 evaluation

- 6.2.1 **Identification and spatial extent of proposed qualifying matter (Sections 77I – 77R) and the NPS-UD (Clause 3.33), (s77K (1)(a) and s77Q (1))** - Section 77I allows for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include section 6 matters of national importance, including existing Site of Ecological Significance under the Operative District Plan. The Plan contains a Schedule of 133 Sites of Ecological Significance (SES) in three different schedules (Low Plains, Banks Peninsular and Port Hills, and Sites on Private Land) shown on the planning maps and identifies, by location, where specific rules from each schedule will apply. The SES are set out in Appendix 9.1.6.1 Schedule of Sites of Ecological Significance of the District Plan.
- 6.2.2 **Issue** - There are a high number of ecologically significant areas within the district. There is strong national and regional direction in the New Zealand Coastal Policy Statement and the Canterbury Regional Policy Statement to identify and protect these areas. The current District Plan manages development in these areas through objectives, policies, rules and mapping. The intensification of development may result in the destruction or degradation of SES. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-section 77I(a) as a s.6 matter.
- 6.2.3 **Option evaluation** – The table below summarises the efficiency and effectiveness of options to either apply the MDRS with or without Sites of Ecological Significance as a qualifying matter, and the risk of acting or not acting. Preceding the table is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.2.4 **Alternative density standards proposed (s77K (1)(b))** - It is proposed to apply the MDRS but retain SES and their existing controls as an existing qualifying matter, having the effect of reducing MDRS enablement. This approach retains the non-complying status of residential and commercial development (i.e. preventing additional development within the SES).
- 6.2.5 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c))** - The RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use, and development in exercising RMA functions as a matter of national importance. District Plans must give effect to any related provisions of the NZ Coastal Policy Statement 2010 (the NZCPS) or a Regional Policy Statement (in this case the Canterbury RPS - the CRPS). This direction is followed through in the objectives in the Strategic Directions chapter of the CDP which also have to be achieved. Policy 11 of the NZCPS requires protection of indigenous biological diversity in the coastal environment by “avoiding adverse effects of activities on” threatened indigenous taxa or rare vegetation types or habitats of indigenous species with limited natural range, or nationally significant examples areas set aside for protection under other legislation. Objectives 9.2.1 -9.2.3 and Policies 9.3.1 - 9.3.5 of the Canterbury Regional Policy Statement (together with the RMA and NZCPS) provide unambiguous direction supporting the protection of significant indigenous biodiversity or indigenous biodiversity values. Appendix 3 of the CRPS set out criteria for identifying ecological significance based on representativeness, rarity/distinctiveness, diversity and pattern and ecological context.

6.2.6 **The level of development that would be prevented by accommodating the qualifying matter (s77K (1)(d))** - The approach taken to assess impacted development capacity from the proposed qualifying matter is set out in Section 2.3 and Table 5 of this report. Applying a qualifying matter to the density standards will reduce housing capacity enablement in the city, by approximately 500 units, and less than 100 of these units are considered to be feasible, which is very minor in the context of total enabled development capacity.

6.2.7 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 11 - Option evaluation for QM Sites of Ecological Significance (SES)</b>		
<b>Option 1- Apply MDRS with no qualifying matter</b>	<b>Option 2- Proposed Change</b>	<b>Option 3 – Apply MDRS with a qualifying matter prohibiting development in SESs</b>
<b>Option description</b> This option is to implement MDRS without applying a qualifying matter for SES.	<b>Option description</b> This option is to implement MDRS with a qualifying matter for SES, retaining the existing controls in the District Plan.	<b>Option description</b> This option is to apply the MDRS using sites of ecological significance as a qualifying matter, with new controls making development within the SES a prohibited activity.
<b>Appropriateness in achieving the objectives and higher order documents</b>		
<b>Efficiency</b> – This option has an economic benefit in allowing maximum enablement under MDRS to sites of ecological significance (where they are within the relevant residential and commercial zones). It would allow for greater development capacity of the city as a whole and more flexibility on individual sites which could otherwise be impeded by a SES. However it would have an environmental cost as enabling maximum development under the MDRS could destroy or degrade sites of ecological significance, adversely affecting wider ecological systems. Sites of ecological significance contribute to social and cultural wellbeing by providing identity, connection to nature, places for recreation, and for learning about and appreciating the natural environment. Enabling maximum development in sensitive areas could destroy or degrade these	<b>Efficiency</b> – A consent process (as required by the existing SES provisions) allows for consideration of the merits of each proposal. This process can explore whether amending the design and applying appropriate conditions of consent can address issues to ensure no net loss of ecological biodiversity and the protection of the values of these areas. Retaining the existing SES provisions as a qualifying matter, provides scope to explore and test the suitability of such potential solutions and will efficiently achieve the relevant objectives of the plan, the CRPS, NCPS and section 6 of the RMA. Retaining the SES provisions in their current form, as a qualifying matter, and an assumed zero development yield framework will help protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. Protection of these sites has positive impacts on the ecological systems of the district, which contributes to social and cultural well-	<b>Efficiency</b> – Prohibiting development on sites with a SES would protect these sites and achieve the requirements of higher order documents. Full protection of these sites would ensure full protection of the economic benefits they offer, such as stormwater treatment and attenuation, carbon sequestration, possible ecological tourism. Full protection of these areas ensures full protection of the social benefits they offer such as recreational destinations and places to learn about and enjoy the natural environment. Prohibiting development on sites within a SES would protect cultural values associated with these sites and achieve the requirements of higher order documents. This option would prevent all development in sites with SESs, which may decrease land values. Not allowing any development in these areas impinges on property owners ability to undertake development

<p>sites to the extent that their value in meeting social and cultural values are lost.</p> <p><b>Effectiveness</b> – This option is effective in terms of achieving the development and intensification objectives of PC14, but ineffective in protecting SES from inappropriate use and development. SES must be protected as a matter of national importance under s6(c) of the RMA. Policy 11 of the NZCPS requires the protection of indigenous biological diversity in the coastal environment and Objectives 9.2.1 -9.2.3 of the CRPS provide unambiguous direction supporting the protection of significant indigenous biodiversity or indigenous biodiversity values. Enabling maximum development under the MDRS in sites of ecological significance is unlikely to achieve s6 of the RMA, Policy 11 of the NCPS nor the objectives of the CRPS.</p> <p><b>Risk of acting/not acting</b> – There is not adequate certainty that changing height and density of development standards (such as setbacks, building coverage and landscaped area controls) will address the SES matter appropriately in most instances. Therefore, applying a ‘one size fits all’ set of alternate height and density standards to apply in areas identified as SES to allow a greater level of development as a permitted activity is unlikely to be appropriate in many situations.</p>	<p>being, sense of identity, connection to nature, and the health and availability of mahinga kai.</p> <p>Limiting development in SES has some cost in terms of impacted development potential, and will involve consenting costs in association with some land development proposals. However, there is sufficient development capacity within the city such not to give rise to any significant housing issues.</p> <p>The benefits of retaining the values of SES’s is considered to outweigh any impacted development and consenting costs.</p> <p><b>Effectiveness</b> – The proposed approach is effective in achieving the development and intensification outcomes of PC14, while still ensuring that other RMA, NZCPS and CRPS requirements are provided for.</p> <p><b>Risk of acting/not acting</b> – Applying a qualifying matter to the density standards will reduce housing capacity in the city, by approximately 500 units. Not applying the qualifying matter could fail to protect sites of ecological significance in residential and commercial zones, and could thus fail to achieve section 6 of the RMA as well as relevant provisions in other higher order documents.</p>	<p>for economic gain. Full protection may also prevent the ability to meet other cultural needs.</p> <p><b>Effectiveness</b> – As with Option 2 this option would achieve the requirement of higher order documents to protect SESs.</p> <p><b>Risk of Acting/Not Acting</b> – The RMA requires enablement of MDRS so not acting is not an option. Applying such a stringent qualifying matter would prevent development which might be otherwise managed.</p>
<p><b>Recommendation:</b> Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>		

### 6.3 Outstanding Natural Features and Landscapes Section 32 evaluation

- 6.3.1 **Identification and spatial extent of proposed qualifying matter (Sections 77I – 77R) and the NPS-UD (Clause 3.33), (s77K (1)(a) and s77Q (1))** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements less enabling of development where a qualifying matter applies. Qualifying matters specifically includes matters of national importance under Section 6, which includes the protection of outstanding natural features and landscapes, and matters required to give effect to the NZCPS. Outstanding natural features (ONF) and landscapes (ONL) in the Christchurch district are identified in schedules and in notations on the planning maps of the CDP. The ONF and ONL are set out in Appendix 9.2.9.1 and Appendix 9.2.9.2 of the District Plan.
- 6.3.2 **Issue:** There are a considerable number of outstanding natural features and landscapes across the district. There is strong national and regional direction in the NZCPS and the CRPS to identify and protect these areas. The current District Plan manages development in these areas through objectives, policies, rules and mapping. The intensification of development required to be enabled may result in the destruction or degradation of ONFs and ONLs. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-sections 77I(a) and (b) and 77O(a) and (b) as a s.6 matter and a matter required to give effect to the NZCPS.
- 6.3.3 **Option evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table for each issue there is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.3.4 **Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b))** - Objectives, policies, rules, standards and matters of discretion provide for the protection of ONFs and ONLs as per Chapter 9 of the existing District Plan.
- 6.3.5 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c))** - The RMA requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development in exercising RMA functions as a matter of national importance (s6(b)). A district plan must give effect to any related provisions of the NZ Coastal Policy Statement 2010 (the NZCPS) (section 75(3)). The NZCPS directs the preservation of natural character of the coastal environment and protection of natural features and landscapes. In particular Policy 15 Natural features and natural landscapes in relation to the coastal environment Contains specific direction to avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment. The higher order directions in the RMA, and the specific direction in the NZCPS in respect of the coastal environment, require strong protection of the areas which contain these values, which justify significant limits on development which would detract from those values.
- 6.3.6 **The level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** - Applying a qualifying matter to ONL/ONFs will reduce the theoretical development capacity of the city by 550 units. The approach taken to assess impacted development capacity from the

proposed qualifying matter is set out in Section 2.3 and Table 6 of this report. Applying a qualifying matter to ONL/ONFs will reduce the theoretical development capacity of the city by less than 100 units, which is very minor when considered in the context of total enabled development capacity.

6.3.7 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 12 - Option evaluation for Outstanding Natural Features and Landscapes</b>		
<b>Option 1 - Apply MDRS to residential zones and Policy 3 of the NPS-UD in commercial zones, both without a qualifying matter</b>	<b>Option 2 – Proposed change - Apply MDRS to residential zones and Policy 3 of the NPS-UD to commercial zones, both with a qualifying matter</b>	<b>Option 3 – Qualifying matter prohibiting development in ONL/ONFs</b>
<b>Option description</b> This option is to implement MDRS within residential zones and Policy 3 of the NPS-UD within commercial zones, without applying a qualifying matter for Outstanding Natural Features and Landscapes in either zone.	<b>Option description</b> This option is to implement the MDRS within residential zones and Policy 3 of the NPS-UD within commercial zones, with both being subject to a qualifying matter within Outstanding Natural Features and Landscapes, retaining existing controls in the District Plan.	<b>Option description</b> This option is to implement the MDRS within residential zones and Policy 3 of the NPS-UD within commercial zones, with both being subject to a qualifying matter within Outstanding Natural Features and Landscapes making development within these areas a prohibited activity.
<b>Appropriateness in achieving the objectives and higher order documents</b>		
<b>Efficiency</b> – Applying MDRS to outstanding natural features and landscapes (where they are within the relevant residential and commercial zones) would allow for the greatest development capacity and more flexibility on individual sites than if impeded by a qualifying matter. It would avoid the costs of applying for a resource consent. Full enablement of development would allow for communities to provide for their housing needs now and in the future. However given the extensive enablement in terms of development capacity, there is no major identified need for further encroachment. This level of enablement would however have an environmental, social, cultural and economic cost, potentially resulting in the significant loss and/or degradation of the city’s highly valued features and landscapes. These landscapes define the city’s identity, and	<b>Efficiency</b> – ONL and ONF have a number of environmental, cultural, social and economic benefits such as their contribution to aesthetics of an area, amenity, connection, whakapapa and sense of identity and place. This option could enable limited intensification where consistent with the direction to protect ONLs/ONFs. A consent process (as required by the existing ONL and ONF provisions) allows for consideration of whether the issue can be managed in an appropriate manner within a framework that would effectively ensure protection of the values of these areas, consistent with the higher order direction. Whilst this incurs consenting costs, these are deemed justified given the protection of these landscapes and features are matters of national importance, the benefits of this option are considered to outweigh the costs. Further, there is	<b>Efficiency</b> – Prohibiting development on sites with ONLs/ONFs would protect these sites and achieve the requirements of higher order documents. However, it would also prevent any development, including development that may be able to be accommodated without detracting from the ONL/ONF values that are required to be protected. As such the potential economic costs are higher than those for Option 2.  <b>Effectiveness</b> – This option is most effective in achieving the protection of significant features and landscapes.  <b>Risk of Acting/Not Acting</b> – The risk of applying the MDRS and Policy 3 of the NPS-UD, without being subject to a qualifying matter, is that there is no certainty that the required protection of the significant values of ONFs and ONLs will be achieved.

<p>contribute to the city and communities social, cultural and economic well-being.</p> <p><b>Effectiveness</b> – This option is effective in terms of achieving the development and intensification objectives of PC14, but ineffective in protecting natural features and landscapes from inappropriate subdivision, use, and development. This is inconsistent with the protection required as a matter of national importance under S6(a) and (b) of the RMA. In the coastal environment, Policy 15 of the NZCPS directs the preservation of natural character and protection of natural features and landscapes. The CRPS, in Objective 12.2.1 and related policies 12.3.2 and 12.3.4, also require identification and management of outstanding natural features and landscapes, recognition of their values, and control of inappropriate development in relation to these values. In the District Plan Objectives 9.2.1.1-9.2.2.1.4 seek to achieve protection of outstanding natural features and landscapes.</p> <p><b>Risk of acting/not acting</b> – The risk of applying the MDRS and Policy 3 of the NPS-UD, without being subject to a qualifying matter, there is no certainty that the required protection of the significant values of ONFs and ONLs will be achieved.</p>	<p>sufficient housing capacity across the city without impacting on significant sites to meeting long term housing needs.</p> <p><b>Effectiveness</b> – This option achieves the protection of the values of ONF and ONL areas in accordance with higher order direction by applying a qualifying matter, while not precluding some future development if consistent with the protection of those values.</p> <p><b>Risk of acting/not acting</b> – The risk of applying the MDRS and Policy 3 of the NPS-UD, without being subject to a qualifying matter, is that there is no certainty that the required protection of the significant values of ONFs and ONLs will be achieved.</p>	
<p><b>Recommendation</b> Option 2 is the recommended option because it achieves the relevant or more specific higher order direction, while allowing some flexibility for development that may be able to be accommodated without detracting from the ONL/ONF values that require protection. While Option 3 similarly achieves the protection required by the higher order direction, it has potentially greater costs in that it will prevent intensification that may be able to be accommodated without detracting from the ONL/ONF values that require protection. Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>		

## 6.4 Sites of cultural significance (Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tūpuna, Ngā Wai and Belfast Silent File) Section 32 evaluation

- 6.4.1 **Identification and spatial extent of proposed qualifying matter (Sections 771 – 77R) and the NPS-UD (Clause 3.33), (s77K (1)(a) and s77Q (1))** - Section 771 allows for territorial authorities to apply building height or density requirements enabling less development, than must otherwise be enabled, where a qualifying matter applies. Qualifying matters specifically includes matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga and the protection of historic heritage from inappropriate subdivision, use, and development. Relevant features, sites and areas are identified on the planning maps of the District Plan GIS viewer and downloadable PDF planning maps. They are listed in schedules in Appendix 9.5.6.1 and in some instances (with sensitive sites that are vulnerable to disturbance or reflective on intangible Ngāi Tahu values) are located in silent files, or shown on a set of Aerial Maps in Appendix 9.5.7.
- 6.4.2 **Issue:** Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tūpuna, Ngā Wai and Belfast Silent File sites must be protected from inappropriate development, and the effects of activities managed appropriately on these sites. The intensification of development may result in the destruction or degradation of Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tūpuna, Ngā Wai and Belfast Silent File sites. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-sections 771(a) and (b) and 770(a) and (b) as a s6 matter.
- 6.4.3 **Options evaluation** - The table below assesses the efficiency and effectiveness of the different options to enable MDRS and Policy 3 of the NPS-UD with or without a qualifying matter, and the risk of acting or not acting. The assessment is supported by the information obtained through technical reports, and consultation. The District Plan only sets out specific rules for Wāhi Tapu/Wāhi Taonga. For Ngā Tūranga Tūpuna, Ngā Wai and Silent File sites district wide rules apply, with additional matters of discretion as set out in Rule 9.5.5. It is therefore very difficult to assess the effects of this qualifying matter on development capacity and assessment is necessarily limited to Wāhi Tapu/Wāhi Taonga sites. Ngā Tūranga Tūpuna, Ngā Wai and Silent File sites have not been considered when modelling capacity loss.
- 6.4.5 **Alternative density standards proposed (s77K (1)(b))** - It is proposed to carry over the current framework for the identification, management and protection of areas and sites of cultural significance to Ngāi Tahu - the tāngata whenua for the district. The provisions are intended to protect Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tūpuna, Ngā Wai and Silent File sites from inappropriate development.
- 6.4.6 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c))** - RMA section 6 requires those exercising RMA functions to recognise and provide for matters of national importance including: the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; and the protection of historic heritage from inappropriate subdivision, use and development. Section 7 directs having particular regard to kaitiakitanga and the ethic of stewardship. Section 8 directs taking into account the principles of the Treaty of Waitangi. The need to give effect to any related provisions of the NZ Coastal Policy Statement 2010 (the NZCPS) or a Regional Policy Statement (in this case the Canterbury RPS - the CRPS) in a district plan in section 75(3) requires strong adherence to directive provisions in these higher order documents. Objective 3 and Policy 2 of the NZCPS, Objective 1 and Policy 1 of the NPSFM, Objective 13.2.1 and Policy 13.3.1 of the CRPS expand on

how these matters are to be addressed and provide consistent statutory direction featuring: clear recognition of the cultural and historic relationship of Māori, and in particular manawhenua, with the environment (and, in that regard, the matters referred to in s6, RMA); strong emphasis on consulting and working with tāngata whenua (iwi and hapū) and to take account of iwi management plans including in order to recognise kaitiakitanga, understand and respect cultural values, and identify and protect historic heritage; and a consistently clear direction to recognise cultural sensitivity, including with use of Silent Files.

- 6.4.7 **The level of development that would be prevented by accommodating the qualifying matter (s77K (1)(d))** - The approach taken to assess impacted development capacity from the proposed qualifying matter is set out in Section 2.3 and Table 5 of this report. Modelling shows 50 Wāhi Tapu/Wāhi Taonga sites intersect with potential MDRS/Policy 3 NPS-UD zones. Applying the possible residential enablement over these sites would only produce an extra development capacity of 140 units, which is considered very minor in the context of total city development capacity.
- 6.4.8 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 13 - Option evaluation for sites of cultural significance</b>	
<b>Option 1 – Apply MDRS and NPS-UD Policy 3 with no qualifying matter</b>	<b>Option 2 – Proposed Change</b>
<b>Option description</b> This option is to implement MDRS and NPS-UD Policy 3 without applying a qualifying matter for Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tūpuna, Ngā Wai and Belfast Silent File sites.	<b>Option description</b> This option is for the MDRS to be subject to a qualifying matter within the Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tūpuna, Ngā Wai and Belfast Silent File sites matters of existing controls under the Operative District Plan.
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<p><b>Efficiency</b> - There are general positive effects of enabling intensification and application of MDRS and Policy 3 of the NPS UD. There is however development in areas of cultural significance could have serious impacts on the emotional, social and spiritual health of mana whenua, and fail to meet obligations under the Treaty of Waitangi.</p> <p><b>Effectiveness</b> – Applying MDRS NPS-UD Policy 3 over sites of cultural significance could result in the District Plan failing to meet the requirements of S6 (e) and (f), 7(a) and 8 of the RMA as well as Objective 3 and Policy 2 of the NZCPS, Objective D1 and Policy D1 of the NPSFM, Objective 13.2.1 and Policy 13.3.1 of the CRPS.</p> <p><b>Risk of acting/not acting</b> – Applying maximum development under MDRS over sites of cultural significance does not allow for appropriate protection of the sites as required by the RMA and other higher order</p>	<p><b>Efficiency</b> – Sites of cultural significance provide a range of benefits to tāngata whenua and contribute the ecology and heritage values of the city as a whole. This option allows for development where it can be managed so as not to impact on cultural values. The existing controls are considered to be an efficient means of providing a pathway for the consideration of development proposals, but measured against policy and matters of discretion to ensure the cultural values are maintained.</p> <p><b>Effectiveness</b> – Sites of cultural significance are required to be protected: under the RMA which requires protection of the relationship of Māori with the site, protecting historic heritage, having regard to kaitiakitanga and taking into account the principles of the Treaty of Waitangi; Objective 3 of the NZCPS; Objective D1 of the NPSFM; and Objective 13.2.1 of the CRPS. The current controls allow scope to address each site according to its individual significance to tāngata whenua, thereby facilitating the meeting of the above requirements. To apply these current controls as conditions of a qualifying matter would retain this effectiveness.</p>



documents. The application of the MDRS is required by law therefore not acting is not an option.

**Risk of acting/not acting** – Applying unqualified MDRS and NPS-UD Policy 3 over sites of cultural significance does not allow for appropriate protection of the sites as required by the RMA and other higher order documents.

**Recommendation:** Option 2 is recommended because it achieves the requirements of higher order documents with respect to sites of cultural significance, without ruling out development completely. Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.

## 6.5 Belfast Commercial Centre and Styx River - Section 32 evaluation

- 6.5.1 **Identification and spatial extent of proposed qualifying matter (Sections 77I – 77R) and the NPS-UD (Clause 3.33), (s77K (1)(a) and s77Q (1)(a)) -** Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the protection of rivers and their margins from inappropriate subdivision, use, and development, and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāahi tapu, and other taonga. In addition, qualifying matters include a matter required in order to give effect to a national policy statement, in this case the NPSFM. The Styx River building height provisions apply to Special Area A and Special Area B set out in Appendix 15.15.1 Commercial Core Zone (Belfast/Northwood) Outline Development Plan.
- 6.5.2 **Issue:** The District Plan currently requires lower building heights within the Belfast/Northwood commercial centre immediately adjacent to the Styx River. Large scale buildings could visually dominate and overshadow this unique area, impacting on its natural, recreational and cultural value. The National Policy Statement for Freshwater Management (NPS-FM) includes policy direction to avoid to the extent practicable the loss of river extent and values.
- 6.5.3 **Options evaluation -** The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33).
- 6.5.4 **Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b)) -** It is proposed to carryover the existing District Plan controls on building heights. This is set out in 15.4.3.2 Area-specific built form standards - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area. Land within area identified as 'Special Area A' on the outline development plan in Appendix 15.15.1 has a required height of 12 metres. Land within area identified as 'Special Area B' on the outline development plan in Appendix 15.15.1 has required height of 5 metres.
- 6.5.5 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c)) -** The RMA requires Council as a matter of national importance to provide for the preservation of the natural character of wetlands, lakes, rivers and their margins and to protect them from inappropriate use and development. Section 6 also requires Council to provide for the relationship of Māori and their culture and traditions with water and other taonga. The NPSFM 2020 requires prioritising first, the health and well-being of water bodies and freshwater ecosystems, second the health needs of people and third providing for social economic and cultural well-being of people and communities. The associated policies require giving effect to Te Mana o te Wai and a strong emphasis on establishing and achieving water quality targets. A suite of provisions in Canterbury Regional Policy Statement 2013 requires the district plan to include objectives and policies and may include methods to control the effects of use and development of land on the values of the riparian zones of rivers and lakes, protecting indigenous biodiversity and preserving natural character. The CRPS also contains policies to protect the cultural values of tangata whenua. The Mahaanui Iwi Management Plan includes a number of objectives and policies

related to enhancement of water quality including Policy WM12.4 that: “all waterways in the urban and built environment must have indigenous vegetated healthy, functioning riparian margins”. There are also objectives and policies related to cultural values.

- 6.5.6 **The level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** - The impact that limiting development capacity relates only to the building height within a specified setback. The impact of this reduction in development potential is considered very minor in the context of total city development capacity and still leaving significant site development potential with potential land value uplift from positive values being maintained in this important and valued setting. The floor space considered to be impacted by the qualifying matter is approximately 4,826m<sup>2</sup>.
- 6.5.7 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 14 – Option evaluation for Belfast Commercial Centre height restriction</b>	
<b>Option 1- Apply Policy 3 of the NPS-UD without a qualifying matter</b>	<b>Option 2- Proposed Change – Apply Policy 3 of the NPS-UD with a qualifying matter</b>
<b>Option description</b> This option is to implement Policy 3 of the NPS-UD without applying a qualifying matter for the Styx River building height.	<b>Option description</b> – Retains the current District Plan building height limits applied as a qualifying matter to reduce enablement otherwise provided under Policy 3 of the NPS-UD.
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<p><b>Efficiency</b> – Increased building height would be enabled, providing greater development flexibility with associated economic benefits to the property owner/developer. Social and cultural costs may arise from buildings visually dominating the river’s setting and overshadowing this area having high recreational, environmental and cultural value.</p> <p><b>Effectiveness</b> – This option is effective in terms of achieving the Policy 3 UD objectives, but less effective in maintaining the unique values of the river’s setting and giving effect to section 6 matters and the NPS-FM.</p> <p><b>Risk of acting/not acting</b> – The risk of not limiting building height near the river is the potential loss of natural and cultural values, specifically the rivers setting.</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits in terms of maintaining the river’s setting and avoiding buildings dominating and overshadowing this valued area. The proposed rules provide a consenting pathway for buildings that exceed the height limits, therefore should it be demonstrated a proposal can maintain the unique values of this area, development potential can still be realised.</p> <p><b>Effectiveness</b> – The proposed approach is more effective than Option 1 in that it manages development that may unduly adversely affect the values of the Styx River and better give effect to the higher order direction.</p> <p><b>Risk of acting/not acting</b> – The risk of not limiting building height near the river is the potential loss of natural and cultural values.</p>
<b>Recommendation:</b> Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.	

## 6.6 Sites of Historic Heritage and their Settings, New Regent Street Height and Arts Centre Height

- 6.6.1 **Identification and spatial extent of proposed qualifying matter (Sections 77I – 77R) and the NPS-UD (Clause 3.33), (s77K (1)(a) and s77Q (1)(a))**– This proposed qualifying matter includes all existing heritage items, settings, and features currently protected under the Operative District Plan. The qualifying matter will cover all currently scheduled sites listed in schedules 9.3.7.2 and 9.3.7.3 of the District Plan and a number of new sites. The spatial extent of the qualifying matter is mapped in the District Plan, with proposed and existing heritage qualifying matters differentiated. Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6 (h). This includes the protection of historic heritage.
- 6.6.2 **Issue:** Historic heritage is to be protected from inappropriate subdivision, use and development as a matter of national importance under section 6 of the RMA and is therefore a potential qualifying matter under section 77I(a). There are several aspects which contribute to the effective protection of historic heritage. These are examined in the following paragraphs. The District plan currently recognises sites of historic heritage and their settings in both residential and non-residential zones, as listed on the heritage schedules, and sets out rules to manage these. However, these heritage schedule entries do not represent all aspects of the City’s history and development. Work has been undertaken to identify additional items and setting so as to better represent the extent of the District’s heritage in the District Plan. This has resulted in a list of 44 additional items which have been assessed as meeting the criteria for protection and are now proposed to be scheduled for protection under Appendix 9.3.7.2 Schedule of Significant Historic Heritage Items. The scheduling of these items are all supported by their owners. The list is attached in Appendix 5 of this report. In addition to this, the plan change includes corrections to the Schedule of Significant Historic Heritage in Appendix 9.3.7.2 of the District Plan, the heritage Aerial Maps and the Planning Maps in respect of heritage items, for example corrections to addresses, or to reflect changes in circumstances over time. These changes are shown in Appendix 1.
- 6.6.3 Some of the rules protecting existing heritage are poorly written or ambiguous. Slight revisions are proposed in order to improve workability. These revisions are set out in Appendix 2 and form part of this plan change in order to best clarify the parameters of the proposed qualifying matters. The current rules include height limits in New Regent Street and the Arts Centre. While these rules are related to the current zone, they ensure that the sites are protected from the effects of inappropriate development, such as impacting on their architectural and contextual values as a result of visual dominance effects/inappropriate contrasts of scale, impact on views, downdraught and shading effects. This plan change proposes to retain the height limits of 8m for New Regent Street and 16m for the Arts Centre.
- 6.6.4 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the

table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33).

- 6.6.5 **Reason the area is subject to a qualifying matter (s77J 3 (a)(i) and s77P 3 (a)(i)) and reason the qualifying matter is incompatible with the level of development permitted (s77J 3 (a)(ii) and s77P 3 (a)(ii))** - These areas should be subject to a qualifying matter because they contain historic heritage which is noted in the RMA S6 as a matter of national importance. A site by site analysis considering their heritage value is include in Appendix 5. The qualifying matter is incompatible with permitted development specified in the MDRS as it is considered necessary to control development affecting sites of historic heritage to ensure that the historic value of these sites is protected.
- 6.6.6 **Impact of lesser enablement under the proposed qualifying matter (s77J 3 (b) and s77P 3 (b))** - The approach taken to assess impacted development capacity from the proposed qualifying matter is set out in Section 2.3 and Table 6 of this report. The limits proposed are likely to result in some limitation on development but this will differ in impact by site, with some 3150 units enabled, and approximately 570 of these units are considered to be feasible, but overall deemed minor in the context of total city development capacity. The commercial floor area impacted by proposed heritage items and settings is estimated to be 58,728m<sup>2</sup> and 91,242m<sup>2</sup> respectively. The commercial floor area impacted by current heritage items and settings is 1,860m<sup>2</sup> and 3,744m<sup>2</sup> respectively. The commercial floor area impacted by the Arts Centre height and New Regent Street height qualifying matters is 365,152m<sup>2</sup> and 33,307m<sup>2</sup> respectively. The enabled capacity for the Arts Centre Interface is 114 units, and less than 100 of these units are considered to be feasible. The enabled capacity for the New Regent Street Interface is 413 units, and less than 100 units are considered feasible.
- 6.6.7 **The costs and broader impacts of imposing lesser enablement (s77J 3 (c) and s77P 3 (c))** – See s32 evaluation table below.
- 6.6.8 **How the provisions of the district plan allow the same or a greater level of development than the MDRS (s77J 4 (a))** - The proposed provisions enable most of the development envisaged under the MDRS but as a restricted discretionary activity rather than a permitted activity. This gives Council the power to ensure that development does not subtract from the heritage values present on affected sites.
- 6.6.9 **How modifications are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers (s77J 4 (b))** - The proposed provisions are limited to addressing only those aspects of the MDRS which have the potential to effect heritage values.
- 6.6.10 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

**Table 15 – Option evaluation of sites of Historic Heritage and their Settings, New Regent Street Height and Arts Centre Height**

Option 1- Apply MDRS and NPS-UD Policy 3(d) without qualifying matters	Option 2- Apply Qualifying Matter to existing sites only using existing rules under the District Plan	Option 3 – Apply Qualifying Matter to existing and new heritage sites as identified in Appendix 2 of this s32 using existing rules under the District Plan	Option 4 – Apply Qualifying Matter to existing and new heritage sites with amendments to rules as identified in Appendix 2 of this s32	Option 5 – Apply Qualifying Matter to existing heritage sites only with amendments to rules as identified in Appendix 2 of this s32
<b>Appropriateness in achieving the objectives and higher order documents</b>				
<p><b>Efficiency</b> – Allowing for development as a permitted activity (as provided for under the amended RMA) achieves, at minimal cost, the requirements of the RMA to enable development.</p> <p><b>Benefits</b> Environmental benefits have not been assessed at this time. Enabling development in line with MDRS and Policy 3 of the NSP-UD on sites of historic heritage gives certainty to those wishing to develop these sites, and adds no additional cost to development, instead there may be a reduction in existing cost for limited number of owners. Additionally, this option releases more land for development, allowing for slightly greater housing capacity in the city overall.</p>	<p><b>Efficiency</b> – The qualifying matter uses the current rules to control development affecting recognised historic heritage. The rules are familiar to the Council and those who use them regularly. This provides some certainty to developers as to cost and likelihood of permission. The existing rules are not always clearly worded and could be more efficient and effective in achieving the policies and therefore the existing objective of the Plan chapter. The current schedule of recognised historic heritage does not include a number of sites, settings and areas which warrant protection.</p> <p><b>Benefits</b> - Protecting existing historic heritage by a qualifying matter using existing rules protects the</p>	<p><b>Efficiency</b> – This option uses the current rules to control development affecting historic heritage sites. It includes newly identified heritage sites listed in Appendix 2 of this s32 which enables fuller satisfaction of s6(f) of the RMA. The rules are familiar to the Council and those who use them regularly. This provides some certainty to developers as to cost and likelihood of permission. The existing rules are not always clearly worded and could be more efficient and effective in achieving the policies and therefore the existing objective of the Plan chapter.</p> <p><b>Benefits</b> - Protecting historic heritage by a qualifying matter that uses the existing rules supports the existing</p>	<p><b>Efficiency</b> – This option ensures that the inefficiencies in the current rules are addressed and that protection is extended to cover a greater number of sites of heritage value. There is likely to be a net positive outcome in terms of efficiency. A net positive outcome relies on valuing the benefits from heritage protection for the public as greater than the costs of heritage protection for individual property owners, e.g. the transaction costs of resource consents, and the opportunity costs of not being able to develop to the intensity otherwise enabled. Benefits would typically be experienced over a longer time period than transaction costs, and can be more difficult to measure. For example a number of the key</p>	<p><b>Efficiency</b> – This option ensures that the inefficiencies in the current rules are addressed, and that the current heritage items are protected.</p> <p><b>Benefits</b> - Protecting currently recognised historic heritage by a qualifying matter with amended rules to ensure breadth of protection and clarity will promote an authentic and quality environment. The updated rules provide clarity to developers so that costs are more certain from the outset of development. Heritage items provide a sense of place and of connection to place, in the face of an otherwise changing environment. Areas such as the Arts Centre provide a focal point for social and cultural activities.</p>

<p>An increase in availability of land for development allows society to better meet its needs for housing.</p> <p><b>Costs</b> - Enabling development as a permitted activity is very likely to be at the expense of the City's historic sites and settings if development involves demolition and/or detracts from the heritage values of the site or area. It would also negate existing protection for heritage sites and settings (when the City has already lost a considerable number of heritage buildings as a result of the Canterbury earthquakes). This would be contrary to both the objective in the District Plan and the RMA S6(f). This option discontinues operative reduced height limits for the Arts Centre, New Regent Street heritage items and settings, resulting in significant environmental costs for Arts Centre and New Regent Street in particular, impacting on their architectural and contextual values as a result of</p>	<p>current environment as it is. As the existing rules are familiar to Council and those who use them regularly there is some confidence as to how they are applied. This will reduce perceived risk in developing existing sites and should give more certainty of costs. Heritage items provide a sense of place and of connection to place, in the face of an otherwise changing environment. Areas such as the Arts Centre provide a focal point for social and cultural activities.</p> <p><b>Costs</b> - There are no identified costs to the environment of protecting heritage as a qualifying matter. There are some costs to using the existing rules as the conditions of the qualifying matter. The current rules exclude some items which warrant protection. They also afford lesser protection to some items than is sufficient to safeguard their heritage values. Land use restrictions i.e. consents required, have</p>	<p>environment while ensuring that there are no important exclusions to that environment. As the existing rules are familiar to Council and those who use them regularly there is some confidence as to how they are applied. This will reduce perceived risk in developing existing sites and should give more certainty of costs. Protecting the heritage environment contributes to heritage tourism and also generates jobs servicing tourism and in maintaining buildings. Heritage items provide a sense of place and of connection to place, in the face of an otherwise changing environment. Areas such as the Arts Centre provide a focal point for social and cultural activities. Adding new sites will ensure greater protection of this sense of place. Improved protection of these places, including height limits, will ensure that they are available for continued use and enjoyment.</p>	<p>benefits of heritage provisions are intangible e.g. identity, sense of place and stability, and of 'membership' or belonging to the community.</p> <p><b>Benefits</b> - Protecting historic heritage by a qualifying matter with amended rules to ensure breadth of protection and clarity will promote an authentic and quality environment. Protecting the heritage environment contributes to heritage tourism and also generates jobs servicing tourism and in maintaining buildings. Updated rules provide clarity to developers so that costs are more certain from the outset of development. Heritage items provide a sense of place and of connection to place, in the face of an otherwise changing environment. Areas such as the Arts Centre provide a focal point for social and cultural activities. Improved protection of these places, including height limits, will ensure that they are available for continued use</p>	<p>Improved protection of these places, including height limits, will ensure that they are available for continued use and enjoyment.</p> <p><b>Costs</b> - There are no identified costs to the environment of protecting heritage as a qualifying matter. There are some costs to using the existing sites only. The current list of sites exclude some items which warrant protection. Land use restrictions i.e. consents required, have economic impacts in terms of the costs of applications and expert advice, and potentially opportunity costs if proposed developments are refused or conditions attached to consents in a way which reduces the scale of change or reduces economic efficiency. This must be qualified by the fact that a significant proportion of heritage buildings are publicly owned, so that the costs of maintenance or repair fall on public funding. The use of the existing rules as conditions for</p>
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<p>visual dominance effects/inappropriate contrasts of scale, impact on views, draught and shading effects of enabling heights of up to 90 metres in the City Centre zone (see modelling in PC13 Section 32 Evaluation). Significant environmental impacts on the heritage and amenity of Highly Significant heritage items and settings, including precincts at the Arts Centre and New Regent Street, has the potential to have a negative impact on heritage tourism, and to lead to a decrease in property values. In the central city, environmental costs to heritage are likely to significantly outweigh overall economic benefits of this option which affects a relatively limited number of owners in the zone. For other heritage items, lack of protection could result in a decrease of value. In some instances the lack of protection could result in a reduction in jobs generated through maintenance.</p>	<p>economic impacts in terms of the costs of applications and expert advice, and potentially opportunity costs if proposed developments are refused or conditions attached to consents in a way which reduces the scale of change or reduces economic efficiency. This must be qualified by the fact that a significant proportion of heritage buildings are publicly owned, so that the costs of maintenance or repair fall on public funding. The use of the existing rules as conditions for the qualifying matter may result in suboptimal protection of historic heritage. This could impact potential for heritage tourism and the casual spending it promotes, particularly if highly significant environments such as New Regent Street are modified due to lack of restriction on building heights. There are no social costs identified that arise from the protection of heritage using a qualifying matter. The use of the existing rules as conditions for the</p>	<p><b>Costs</b> - There are no identified costs to the environment of protecting heritage as a qualifying matter. There are some costs to using the existing rules as the conditions of the qualifying matter. The current rules sometimes afford lesser protection to some items than is sufficient to safeguard their heritage values. Land use restrictions i.e. consents required, have economic impacts in terms of the costs of applications and expert advice, and potentially opportunity costs if proposed developments are refused or conditions attached to consents in a way which reduces the scale of change or reduces economic efficiency. This must be qualified by the fact that a significant proportion of heritage buildings are publicly owned, so that the costs of maintenance or repair fall on public funding. The use of the existing rules as conditions for the qualifying matter may result in suboptimal protection of historic heritage.</p>	<p>and enjoyment. Adding new sites will ensure greater protection of this sense of place.</p> <p><b>Costs</b> - No environmental effects have been identified to date. Land use restrictions i.e. consents required, have economic impacts in terms of the costs of applications and expert advice, and potentially opportunity costs if proposed developments are refused or conditions attached to consents in a way which reduces the scale of change or reduces economic efficiency. This must be qualified by the fact that a significant proportion of heritage buildings are publicly owned, so that the costs of maintenance or repair fall on public funding. There are no identified social costs identified that arise from the protection of heritage using a qualifying matter.</p> <p><b>Effectiveness</b> – Section 6(f) of the RMA requires that historic heritage be protected from</p>	<p>the qualifying matter may result in suboptimal protection of historic heritage. This could impact potential for heritage tourism and the casual spending it promotes, particularly if highly significant environments such as New Regent Street are modified due to lack of restriction on building heights. There are no social costs identified that arise from the updating of the heritage rules and application of a qualifying matter. Only protecting existing sites may result in the suboptimal protection of others and thus detract from a sense of place.</p> <p><b>Effectiveness</b> – Section 6(f) of the RMA requires that historic heritage be protected from inappropriate subdivision, use, and development, while the new amendments in the RMA require MDRS be applied in all residential areas. These requirements can come into conflict on sites of historic heritage. Applying a qualifying matter which controls those aspects of development which</p>
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<p>Heritage items, settings and areas collectively form a sense of place and can be the focus of a sense of connection which is socially valuable. Not protecting this could result in a loss of this sense of connection. Heritage items, settings and areas reflect the city's history and culture. Not protecting them could result in a loss of this representation.</p> <p><b>Effectiveness</b> – Applying MDRS and Policy 3(d) in full, in and around sites of historic heritage is unlikely to achieve Objective 9.3.2.1.1 of the District Plan to protect and conserve significant historic heritage. Further, it does not provide a mechanism to achieve s6(f) of the RMA.</p> <p><b>Risks of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so</p>	<p>qualifying matter may result in suboptimal protection of historic heritage. This could be at the expense of sense of belonging and place.</p> <p><b>Effectiveness</b> – Section 6(f) of the RMA requires that historic heritage be protected from inappropriate subdivision, use, and development, while the new amendments in the RMA require MDRS be applied in all residential areas. These requirements can come into conflict on sites of historic heritage. Applying a qualifying matter which controls those aspects of development which may infringe on current heritage values contributes to meeting both competing requirements of the RMA. This solution is not contrary to Objective 9.3.2.1.1 of the District Plan. However, Christchurch has some sites that are currently not recognised in the District Plan. Restricting the qualifying matter to those sites which are already identified in the</p>	<p>This could impact potential for heritage tourism and the casual spending it promotes, particularly if highly significant environments such as New Regent Street are modified due to lack of restriction on building heights. There are no identified social costs identified that arise from the protection of heritage using a qualifying matter. The use of the existing rules as conditions for the qualifying matter may result in suboptimal protection of historic heritage. This could be at the expense of sense of belonging and place.</p> <p><b>Effectiveness</b> – Section 6(f) of the RMA requires that historic heritage be protected from inappropriate subdivision, use, and development, while the new amendments in the RMA require MDRS be applied in all residential areas. These requirements can come into conflict on sites of historic heritage. Updating the sites of historic heritage to make sure all relevant sites are included, and then applying a qualifying</p>	<p>inappropriate subdivision, use, and development, while the new amendments in the RMA require MDRS be applied in all residential areas. These requirements can come into conflict on sites of historic heritage. Updating the sites of historic heritage to make sure all relevant sites are included, and then applying a qualifying matter which controls those aspects of development which may infringe on heritage values, effectively meets both competing requirements of the RMA. This solution also meets Objective 9.3.2.1.1 of the District Plan and meets the requirement of Objective 3.3.2 for clarity of language.</p> <p><b>Risk of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so not acting is not a legally acceptable option. The risk of</p>	<p>may infringe on current heritage values contributes to meeting both competing requirements of the RMA. Updating the rules to ensure clarity satisfies Objectives 3.3.2 of the District Plan. However, Christchurch has some sites that are currently not recognised in the District Plan. Restricting the qualifying matter to those sites which are already identified in the District Plan does not fully achieve protection of all historic heritage as required by the RMA.</p> <p><b>Risk of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so not acting is not a legally acceptable option. The risk of applying a qualifying matter that only covers the existing sites is that it does not protect all historic</p>
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<p>not acting is not a legally acceptable option. The risk of acting without applying a qualifying matter is that inappropriate development will become permitted. Where development is permitted Council will have very limited ability to ensure the protection of historic heritage, which is required as a matter of national importance under the RMA. Council would then be in breach of the RMA.</p>	<p>District Plan does not fully achieve protection of all historic heritage as required by the RMA.</p> <p><b>Risk of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so not acting is not a legally acceptable option. The risk of applying a qualifying matter that only covers the existing sites and only uses the existing rules is that these sites and rules are insufficient to protect all historic heritage in Christchurch and therefore don't satisfy the requirements of S6(f) of the RMA.</p>	<p>matter which controls those aspects of development which may infringe on heritage values, effectively meets both competing requirements of the RMA. This solution also meets Objective 9.3.2.1.1 of the District Plan. But does not meet the requirement of Objective 3.3.2 for clarity of language.</p> <p><b>Risk of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so not acting is not a legally acceptable option. The risk of applying a qualifying matter to new sites is that it will increase cost and uncertainty around development and may result in suboptimal development rates on the sites affected.</p>	<p>applying a qualifying matter to new sites and updating the rules is that protection may become more onerous and might result in increased cost to developers. This is offset by increased efficiency and certainty offered by the new rules.</p>	<p>heritage in Christchurch and therefore don't satisfy the requirements of S6(f) of the RMA.</p>
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**Recommendation:** Option 4 is recommended because it clarifies and updates the rules and schedules and affords the best level of protection to historic heritage without being overly onerous.

## 6.7 Heritage trees s32 evaluation

- 6.7.1 **Issue:** The District Plan currently identifies significant trees and groups of trees that contribute to community amenity values, environmental services, and social and cultural health and wellbeing. The safeguarding of scheduled trees ensures the positive environmental, social and cultural services they provide are retained for current and future generations. The environmental, social and cultural benefits that scheduled trees provide for Christchurch currently, and are anticipated to provide in the future, are important to retain by suitably protecting scheduled trees on private land from the likely effects arising from enabled permitted intensification of development. The Significant and other Trees in Appendices 9.4.7.1 that meet s6(f) in terms of the heritage criteria are to be assessed under s77J, and s77P.
- 6.7.2 **Options evaluation** - The options evaluation contained below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Following the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.7.3 **Reason the area is subject to a qualifying matter (s77J 3 (a)(i), s77P 3 (a)(i)), S77K(1)(a) and (c) and S77Q(1)(a) and (c)** - The relevant areas where qualifying matter scheduled trees have been identified can be found in the plan change maps, and in the supporting technical reports of schedule tree assessments in Appendices 24 - 28. The technical report also details why that area is subject to a qualifying matter, due to the tree meeting the CTEM threshold based on the technical assessment. For trees with heritage value, a qualifying matter applies because the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under S(6)(f).
- 6.7.4 **Reason the qualifying matter is incompatible with the level of development permitted (s77J 3 (a)(ii) and s77P 3 (a)(ii))** - Trees are susceptible to damage and loss as result of conflicting development being enabled in close proximity to them. The significant level of development which is enabled as permitted through the MDRS is likely to result in a contest of space between scheduled trees and built form. This could include overshadowing, crowding, and loss of the schedule trees. Retention of scheduled trees is important due to the environmental, social, and cultural services and values that trees provide to Christchurch. Therefore, development around qualifying matter scheduled trees needs to be of a suitable scale and density to not lead to the loss and damage of those trees. The MDRS level of development is not considered compatible to address this.
- 6.7.5 **Proposed density standards S77K (b) and S77 Q (b)** - There are no alternative density standards proposed, instead development will be constrained around qualifying scheduled trees on a case by case basis.
- 6.7.6 **Impact of lesser enablement under the proposed qualifying matter (s77J 3 (b), s77P 3 (b)), S77K (1)(d) and S77Q (1)(d)** - There are two separate changes proposed to the schedule of trees through this plan change. The first change is to the schedule of trees on private land, which will change

the schedule by identifying which trees are classified as qualifying matters under section 77I. The second change is the introduction of the appropriate approach to establishing a protective buffer zone around scheduled trees on private land which have been identified as a qualifying matter, within which development and activities will be managed to prevent any loss or damage to the relevant individual tree or group of trees. The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Table 6 of this report. The costs and broader impacts of imposing those limits as set out in the table below. The impacted development capacity has been calculated for each site where a qualifying matter tree has been identified using GIS modelling. Overall, the qualifying matter will impact enabled development of approximately 1600 units (including the non-heritage significant trees qualifying matter as well). However only 180 of these units are considered feasible.

- 6.7.7 **The costs and broader impacts of imposing lesser enablement (s77J 3 (c) and s77P 3 (c))** - The costs and broader impacts of the proposed qualifying matter are assessed in the table below. The identification of these trees as qualifying matters will result in some impacted development capacity at a site-specific level, as detailed above. This will lead to a loss of housing supply and choice, although due to the overall low number of sites that area affected by qualifying matters scheduled trees in the wider context of the development capacity of Christchurch, this cost is considered to be minimal. As these trees are already recognised in the District Plan and afforded sufficient protection through the existing provisions framework, the broader impact of imposing the proposed limits is limited, as there is already an established approach to protecting trees. However, there are broader positive impacts by the safeguarding of those benefits which scheduled trees provide to Christchurch communities, which will be safeguarded through ensuring trees are not lost and damaged due to enabled development.

## 6.8 High Flood Hazard Management Area and Flood Ponding Management Area Section 32 evaluation

- 6.8.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a)) and (Sections 77I – 77R) and the NPS-UD (Clause 3.33)**- Section 77I allows for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the management of significant risks from natural hazards. The HFHMA and HFPMA are identified in the CDP District Plan Viewer and in the numbered downloadable PDF Planning Maps.
- 6.8.2 **Issue:** There are a high number of flood hazards across the district which need to be recognised and managed where they are significant. There is strong national and regional direction in the New Zealand Coastal Policy Statement and the Regional Policy Statement to identify and manage development in areas at risk of natural hazards. The intensification of development may increase the risk of natural hazards, including inundation to people and property. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-section 77I(a) as a s6 matter.
- 6.8.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Following the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.8.4 **Alternative density standards proposed (s77K (1)(b))** - It is proposed to apply MDRS with qualifying matter to limit development to one unit per site in the FPMA and HFHMA to protect the storage function, and to avoid increasing the extent of risk in the FPMA and HFHMA. The rules for Flood hazard management are contained largely in chapter 5 Natural Hazards, which are district wide provisions of the Plan.
- 6.8.5 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c))** - The management of significant risks from natural hazards is a matter of national importance in exercising functions and powers in relation to the use, development and protection of resources in section 6 of the RMA. Avoiding or mitigating natural hazards through controls on effects of use, development or protection of land is part of the functions of territorial authorities in s31(1)(b). Policy 24 of the NZCPS requires that the effects of sea level rise are to be assessed by taking into account national guidance and best available information on climate change and its effects over at least a 100 year timeframe. Policy 25 includes (clause b) “avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards” The Canterbury Regional Policy Statement 2013 (‘CRPS’), updated through the Land Use Recovery Plan (‘LURP’) following the earthquakes, provides significant policy direction on these matters. Objective 11.2.1 of the CRPS is “Avoid new subdivision, use and development of land that increases risks associated with natural hazards”. The CRPS

requires objectives and policies and methods to avoid new subdivision, use and development that does not meet criteria set out in Policy 11.3.1 for known high hazard areas. CRPS, Policy 11.3.2 requires plans giving effect to the RPS to 'avoid new subdivision, use and development of land in known areas of subject to inundation by a 0.5% AEP (1 in 200 year) flood event, unless it is of a type that is not likely to suffer material damage in an inundation event, new buildings have an appropriate floor level to avoid inundation in a 0.5% AEP flood event, and taking into account climate change projections'.

6.8.6 **The level of development that would be prevented by accommodating the qualifying matter (s77K (1)(d))** - The approach taken to assess impacted development capacity from the proposed qualifying matter is set out in Section 2.3 and Table 5 of this report. The limits proposed are likely to result in some limitation on development but this will differ in impact by site. For sites within the High Flood Hazard Management Area, plan-enabled capacity with the qualifying matter could impact development capacity by 6860 units, but of these only approximately 1050 are deemed commercially feasible. For sites within the Flood Ponding Management Area with the qualifying matter in place could impact development capacity by 8130 units, with only 300 of these deemed commercially feasible. This impacted development capacity may however never be able to realised due to inability to achieve building consent requirements.

6.8.7 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this Issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 16 – Option evaluation for High Flood Hazard Management Area and Flood Ponding Management Area</b>		
<b>Option 1 – Apply MDRS with no qualifying matter</b>	<b>Option 2 – Apply MDRS with FPMA and HFHMA as a QM</b>	<b>Option 3 – Apply MDRS with a qualifying matter prohibiting development in FPMAs and HFHMAs</b>
<b>Option description</b> This option is to implement MDRS without applying a qualifying matter for the High flood hazard management area (HFHMA) and Flood ponding management area (FPMA).	<b>Option description</b> This option is for the MDRS to be subject to a qualifying matter within the HFHMA and FPMA.	<b>Option description</b> This option applies the MDRS to be subject to the FPMA and HFHMA as a qualifying matter, with a new requirement making development within these areas a prohibited activity.
<b>Appropriateness in achieving the objectives and higher order documents</b>		
<b>Efficiency</b> – Enabling full MDRS to areas subject to flooding could cause people and property to be subject to unreasonable levels of risk. Should these areas flood the results could be expensive and potentially life threatening.	<b>Efficiency</b> – A consent process (where required by the existing HFHMA and FPMA provisions) allows for consideration of development design. Conditions of consent can be applied to ensure appropriate site coverage, floor levels, maintenance of flood storage capacity and the management of earthworks and filling, in order to ensure appropriate management of risk.	<b>Efficiency</b> – This option would limit all development potential, ensuring the highest level of protection. The cost being the prevention of development that may be appropriate with mitigation.

<p><b>Benefits</b> - Changing the height and density standards applied in FPMA and HFHMAs to those set out in Schedule 3A of the RMA and the Council’s response to policy 3 of the NPS UD will only offer benefits in the 1229 sites which occur in these zones. A conservative estimate of the overall development enabled by not applying a qualifying matter is less than 1000 units. However, the matters in Section 6 of the RMA and those of other higher order documents must be addressed and this is likely to prevent much of the development that MDRS would otherwise enable in these areas. Social and cultural benefits have not been assessed at this time, beyond that assessed as part of the District Plan Review.</p> <p><b>Costs</b> -Since the requirements of the higher order documents must be addressed a plan change using this option will be ineffective. An ineffective plan change will cost time and money and will not achieve the purposes for which it is undertaken. Economic, social and cultural costs have not been assessed at this time beyond that assessed as part of the District Plan Review.</p> <p><b>Effectiveness</b> – Allowing development in all areas at risk from natural hazards does not achieve the requirements set out in section 6(h) of the RMA, Policies 24 and 25 of the NZCPS, nor Objective 11.2.1 of the CRPS. Neither does it achieve Objective 3.3.6 of the District Plan.</p>	<p><b>Benefits</b> - Retaining the FPMA and HFMA provisions in their current form and an assumed zero development yield framework in the FPMA and HFMA, while not precluding existing uses or all future development, will promote a consent process that, while likely to limit opportunities for housing intensification, will assist in avoiding subdivision, use or development that is likely to increase potential risks to people’s safety, well-being and property. Social and cultural benefits have not been assessed at this time beyond that assessed as part of the District Plan Review.</p> <p><b>Costs</b> - Continuing the application of the FPMA and HFMA provisions is likely to involve consent costs and create high levels of uncertainty for, or deterrence to, urban development and intensification in the FPMA and HFMA areas.</p> <p><b>Effectiveness</b> – The proposed approach is effective in that it achieves the relevant provisions of the RMA and higher order documents. Section 771(a) specifies that the height and density requirements to implement policy 3 of the NPS UD can be less enabling of development where a matter of national importance, required to be recognised and provided for (such as this), is present.</p> <p><b>Risk of Acting/Not Acting</b> – The RMA requires that MDRS be enabled so not acting is not an option. Applying the MDRS with a qualifying matter carrying over conditions from the District Plan will enable some</p>	<p><b>Effectiveness</b> – This would achieve the requirement of higher order documents to protect FPMAs and HFHMAs but would be unnecessarily restrictive.</p> <p><b>Risk of Acting/Not Acting</b> – The RMA requires enablement of MDRS so not acting is not an option. Applying such a stringent qualifying matter would prevent development which might be otherwise managed.</p>
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<p><b>Risk of acting/not acting</b> – Applying full MDRS over sites does not allow for management of risks on areas affected by the HFHMA and FPMA zones as required by the RMA and other higher order documents. The application of the MDRS is required by law therefore not acting is not an option.</p>	<p>development where it is appropriate, without subjecting people to unnecessary risk.</p>	
<p><b>Recommendation:</b> Option 2 allows some flexibility in development controls while still meeting the requirements of higher order documents. It is therefore the recommended option. Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>		



## 6.9 Slope instability Section 32 evaluation

- 6.9.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a)) (Sections 771 – 77R) and the NPS-UD (Clause 3.33)**- Areas of slope instability risk are identified in the Natural Hazards layer of the CDP District Plan Viewer and in the numbered downloadable PDF Planning Maps at an area-wide scale. Section 771 allows for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the management of significant risks from natural hazards.
- 6.9.2 **Issue:** There are a number of slope instability areas in the Banks Peninsula and Port Hills areas which need to be recognised and managed where they are significant. There is strong national and regional direction in the New Zealand Coastal Policy Statement and the Regional Policy Statement to identify and manage development in areas at risk of natural hazards. The intensification of development may increase the risk of natural hazards to people and property. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-section 771(a) as a s6 matter. The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Following the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.9.3 **Alternative density standards proposed (s77K (1)(b))** - The CDP identifies areas of slope instability in the Port Hills, Banks Peninsula and Lyttleton taking a risk based approach which factors in the scale of particular hazards together with the likelihood of an event and the effects it would cause on people and property. It is proposed to carryover these requirements as a qualifying matter.
- 6.9.4 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c))** - The management of significant risks from natural hazards is a matter of national importance in exercising functions and powers in relation to the use, development and protection of resources in section 6 of the RMA. S31(1)b makes clear that controlling use and development of land for the avoidance or mitigation of natural hazards is part of the functions of a territorial authority. The CRPS contains little specific discussion of slope instability, however Policies 11.3.5 and 11.3.7 are relevant. Policy 11.3.5 directs that subdivision, use and development of land shall be avoided if the risk from the natural hazard is considered to be unacceptable. When there is uncertainty in the likelihood or consequences of a natural hazard event, the local authority shall adopt a precautionary approach. Policy 11.3.7 states that ‘...new physical works to mitigate natural hazards will be acceptable only where the natural hazard risk cannot reasonably be avoided...’. Objective 3.3.6 Natural hazards seeks similar outcomes ‘New subdivision, use and development (other than new critical infrastructure or strategic infrastructure to which paragraph b. applies): 3. is to be avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and 4. in all other areas, is undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated’. Policy 5.2.4 of the Natural Hazards chapter sets out a precautionary approach where

there is uncertainty, hazards or a potential for serious or irreversible effects. Policy 5.5.5 and the rules in 5.10 implement a control regime for hazard mitigation works, which give effect to the policies in Chapter 11 of the CRPS.

- 6.9.5 **The level of development that would be prevented by accommodating the qualifying matter (s77K (1)(d))** - The approach taken to assess impacted development capacity from the proposed qualifying matter is set out in Section 2.3 and Table 6 of this report. The limits proposed are likely to result in some limitation on development but this will differ in impact by site. For sites within slope instability areas, plan-enabled capacity with the qualifying matter could impact development capacity by 7050 units, but of these only 1370 are deemed commercially feasible. This impacted development capacity may however never be able to realised due to inability to achieve building consent requirements.
- 6.9.6 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 17 – Option evaluation for slope instability areas</b>	
<b>Option 1- Apply MDRS with no qualifying matter</b>	<b>Option 2 - Proposed Change</b>
<b>Option description</b> This option is to implement MDRS without applying a qualifying matter for slope instability.	<b>Option description</b> This option is for the MDRS to be subject to a qualifying matter within slope instability areas.
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<p><b>Efficiency</b> – Applying MDRS with no qualifying matter does not achieve higher order document directions. Applying the MDRS to areas with unstable slopes would increase the overall area of land in the city available for development. Allowing these areas of land to be developed without consideration through the resource consent process would either expose people and property to unacceptable risk; or expose developers to unnecessary uncertainty as they attempt to manage risk using individual methods.</p> <p><b>Effectiveness</b> – Applying the MDRS without applying qualifying matter conditions would be ineffective in enabling development because the higher order documents addressed by the qualifying matter would still apply and would need to be managed.</p> <p><b>Risk of acting/not acting</b> – The RMA requires that the MDRS be applied, qualified or not. Therefore not acting is not a legally acceptable option.</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits in reduced or managed risk and greater certainty generally outweigh the administrative cost of these provisions. The conditions of this qualifying matter will promote consistency and reliability from the early stages of development. This is preferable to managing the risk at building consent stage when the applicant is often already heavily invested in the process.</p> <p><b>Benefits</b> - The slope instability provisions provide clear guidance for managing activities in areas with high instability to ensure risks are kept to acceptable levels. Future natural hazard damages are avoided by preventing new subdivision, use and development from occurring in areas of significant natural hazard risk and from effective mitigation measures where the risk is lower. Where risks are mitigated and those measures are effective, this will help build resilience, reduce risk and potentially help prevent costly remediation being required in future. Reduction in the cost of hazard events, such as loss of life and damage</p>

<p>Acting by applying unqualified MDRS could expose people and property to unnecessary risk and developers to unnecessary uncertainty.</p>	<p>to property, infrastructure and the environment, can be of substantial benefit to the community.</p> <p><b>Costs</b> - The main cost of the slope instability provisions is in impacted development potential where development is avoided in areas subject to risk which is mainly a loss for individual property owners. As these are existing provisions, this cost is already 'priced-in' to land values at an individual site level. The costs of obtaining specialist input into consent applications and assessments can be substantial, and mitigation required by the provisions will create costs for those wishing to develop affected sites.</p> <p>Further, modelling suggests that the constraints applied by this qualifying matter will result in the prevention of the development of up to 2952 residential units.</p> <p><b>Effectiveness</b> – Applying a qualifying matter achieves higher order document directions (in particular sections 5 and 6(b) of the RMA, the CRPS (Chapter 11), and the objectives of the CDP including the directive provisions in Chapter 3 of the CDP (objective 3.3.6)) to avoid or mitigate natural hazards while retaining the flexibility provided by the resource consent system, to develop where the risk is shown to be acceptable. Section 771(a) specifies that the height and density requirements under the MDRS and policy 3 of the NPSUD can be less enabling of development where a matter of national importance under section 6 (in the case the management of significant risks from natural hazards) is present.</p> <p><b>Risk of acting/not acting</b> – The RMA requires that the MDRS be applied, qualified or not. Therefore not acting is not a legally acceptable option. The risk of acting by applying a qualifying matter is the loss of development potential and the cost of seeking resource consent.</p>
<p><b>Recommendation:</b> Option 2 is the recommended option because it achieves the requirements of higher order documents to protect people and property from unnecessary risks while still enabling development where appropriate. Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>	

## 6.10 Waterbody Setbacks Section 32 evaluation

- 6.10.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a)), (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Some classified water bodies are identified on the CDP planning maps and the maps in Appendix 6.11.5.4 Water Body Classification Maps. Network and hill waterways are not shown on the planning maps or this appendix but are identified through their definitions in the Plan. Banks Peninsula waterways are not shown on the planning maps or the maps in the appendix but are natural waterways that are not network or hill waterways. The characteristics of each water body classification are described in Appendix 6.11.5.1. Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and the preservation of the natural character of rivers and their margins.
- 6.10.2 **Issue:** It is important to protect and enhance the values and functions of waterbodies. The District Plan has existing controls over these areas in the form of objectives, policies and rules. There is direction in the National Policy Statement for Freshwater Management to protect these areas. Intensification of development may result in undue adverse effects on waterbodies and their values. The Act specifically enables a qualifying matter to potentially be applied in respect of this Issue under sub-sections 77I(a) and 77O(a) as a s.6 matter and 77I(b) and 77O(b) to give effect to a national policy statement, in this case the NPSFM.
- 6.10.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Following the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.10.4 **Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b))** - It is proposed to carryover the existing CDP controls on development within waterbody setbacks. The CDP addresses different water body setbacks ranging from 5m (for network waterways) to 30m (for downstream waterways) in section 6.6 within the General Rules and Procedures chapter. Earthworks, buildings and other structures including impervious surfaces are controlled within the setbacks and require a restricted discretionary activity consent, or discretionary consent if it involves a SES. The provisions put limits on impervious surfaces and fencing design which could also constrain development.
- 6.10.5 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c))** - The RMA requires Council as a matter of national importance to provide for the preservation of the natural character of wetlands, lakes, rivers and their margins and to protect them from inappropriate

use and development. Section 6 also requires Council to maintain and enhance public access to and along lakes and rivers and to provide for the relationship of Māori and their culture and traditions with water and other taonga. Council must also have regard to the maintenance and enhancement of amenity values, the intrinsic values of ecosystems and the protection of the habitat of trout and salmon. The National Policy Statement Freshwater Management 2020 requires prioritising first, the health and well-being of water bodies and freshwater ecosystems, second the health needs of people and third providing for social economic and cultural well-being of people and communities. The associated policies require giving effect to Te Mana o te Wai and a strong emphasis on establishing and achieving water quality targets. The NZCPS 2010 includes provisions requiring reductions in contaminant and sediment loadings in stormwater at source by controls on land use activities (Policy 23). A suite of provisions in Canterbury Regional Policy Statement 2013 requires the district plan to include objectives and policies and may include methods to control the effects of use and development of land on the values of the riparian zones of rivers and lakes, avoiding or mitigating flood hazards and protecting indigenous biodiversity and preserving natural character. The Mahaanui Iwi Management Plan includes a number of objectives and policies related to enhancement of water quality including Policy WM12.4 that ‘all waterways in the urban and built environment must have indigenous vegetated healthy, functioning riparian margins’ and Policy WM6.9 ‘to require that local authorities work to eliminate existing discharges of contaminants to waterways, wetlands and springs in the takiwa, including treated sewage, stormwater and industrial waste, as a matter of priority.’

6.10.6 **The level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** - The approach taken to assess impacted development capacity from the proposed qualifying matter is set out in Section 2.3 and Table 6 of this report. The limits proposed are likely to result in some limitation on development but this will differ in impact by site. For sites where waterbody setbacks apply, plan-enabled capacity with the qualifying matter could impact development capacity by 18,470 units, but of these only approximately 2280 are deemed commercially feasible. This impacted development capacity may however never be able to realised due to inability to achieve building consent requirements.

6.10.7 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 18 – Option evaluation for waterbody setbacks</b>	
<b>Option 1- Status Quo – Apply MDRS and Policy 3 of the NPS-UD with no qualifying matter (QM)</b>	<b>Option 2- Proposed Change</b>
<b>Option description</b> This option is to apply MDRS in residential zones, and Policy 3 of the NPS-UD in commercial zones, without a qualifying matter for waterbody setbacks.	<b>Option description</b> This option is to apply MDRS in residential zones, and Policy 3 of the NPS-UD in commercial zones, with a qualifying matter for waterbody setbacks.
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<b>Efficiency</b> – Applying MDRS to residential zones, and Policy 3 to commercial zones adjoining waterbodies would allow for the greatest development capacity and more flexibility on individual sites than if impeded by a	<b>Efficiency</b> – A consent process (as required by the existing waterbody provisions) allows for consideration of whether the issue can be managed in an appropriate manner within a framework that would effectively ensure protection of the values

qualifying matter. It would avoid the costs of applying for a resource consent. However, it would not be consistent with the higher order direction to protect waterbodies.

**Effectiveness** – Applying the MDRS and Policy 3 of the NPS-UD would not well align with the National Policy Statement Freshwater Management 2020, the NZCPS 2010, the Canterbury Regional Policy Statement 2013, or the Mahaanui Iwi Management Plan (refer ss7 evaluation further above for more details).

**Risk of acting/not acting** – The risk of applying the MDRS and Policy 3 of the NPS-UD, without being subject to a qualifying matter, is that there is no certainty that the required protection of waterbodies will be achieved.

of the waterbodies, consistent with the higher order direction. This includes flood management; water quality; riparian or aquatic ecosystems; the natural character and amenity values of the water body; historic heritage or cultural values; and access for recreation activities, customary practices including mahinga kai, or maintenance. Continuing the application of the water body provisions is likely to involve consent costs and create a level of uncertainty for any urban development and intensification in these areas. This may result in the areas not being developed to their optimal capacity.

**Effectiveness** – Water body setbacks are an effective method to help meet Section 6 (a) and (d) of the RMA and to give effect to the National Policy Statement Freshwater Management 2020. The proposed approach is effective in that it protects waterbodies from effects of inappropriate development in accordance with higher order direction in the RMA, the NZCPS, the CRPS and the Mahaanui Iwi Management Plan.

**Risk of acting/not acting** – The risk of applying the MDRS and Policy 3 of the NPS-UD, without being subject to a qualifying matter, is that there is no certainty that the required protection of waterbodies will be achieved.

**Recommendation:** Option 2 provides an acceptable compromise between enabling the MDRS to their greatest extent and protecting waterbodies as required by higher order documents. Carrying over existing rules is efficient and provides a level of clarity and consistency to potential developers. Therefore it is the recommended option. Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.

## 6.11 Building heights adjoining Riccarton Bush - Section 32 evaluation

- 6.11.1 **Identification and spatial extent of proposed qualifying matter (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** – Riccarton Bush is located in Riccarton, Christchurch. This podocarp forest is the last remaining remnant on the low Canterbury Plains and one of the oldest and best documented protected natural areas in New Zealand. The proposed qualifying matter includes all properties directly adjoining Riccarton Bush which are currently zoned for low density purposes under the Operative District Plan. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes areas such as Riccarton Bush and its setting, and its protection as an outstanding natural features and landscapes, and for its value as a significant indigenous vegetation site, further its cultural significance its value as mahinga kai, wāahi tapu, and taonga.
- 6.11.2 **Issue:** The setting of Riccarton Bush is an integral part of its heritage significance and requires protection from loss of integrity and definition. This includes the historic spaces, views, connections and relationships between Riccarton Bush, adjoining historic places and boundaries that, through intensification, have the potential to negatively impact the heritage values and experiential qualities of Riccarton Bush. Current regulatory controls on development adjacent to the bush control the height and scale of buildings and as zoned for low density development. Riccarton Bush is located within a walkable catchment of Riccarton being a Town Centre, where high density development is consider appropriate and required to give effect to the NPS-UD. The key issue is whether this level of enablement adjoining Riccarton Bush will give rise to adverse effects on its heritage, cultural and environmental values.
- 6.11.3 **Option evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.11.4 **Reason the area is subject to a qualifying matter (s77J 3 (a)(i) and s77P 3 (a)(i))** – The importance of the setting of Riccarton Bush and potential for large scale building development to encroach on the Bush and its cultural, historic and environmental values as discussed further in supporting technical reports.
- 6.11.5 **Reason the qualifying matter is incompatible with the level of development permitted (s77J 3 (a)(ii) and s77P 3 (a)(ii))** - Contextual, landmark and historic values identified in the District Plan have the potential to be adversely affected without a qualifying matter. The relationships between Riccarton Bush and surrounding streets could be obscured by MDRS and the important relationship between the forest canopy and its setting would be weakened by the increased height. Greater intensification of this area will therefore detract from and obscure the values for which Riccarton Bush is considered outstanding, that is its landmark value of tall podocarp trees which have historically stood out across the flat Canterbury Plains; and its contextual values which include its association with a number of heritage features that date to the Deans occupation of the site. Therefore, development around Riccarton Bush needs to be of a suitable scale and density to not lead to the degradation of the values of Riccarton Bush. The MDRS level of development is not considered compatible to address this.

- 6.11.6 **Impact of lesser enablement under the proposed qualifying matter (s77J 3 (b) and s77P 3 (b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Table 6 of this report. The impacted development capacity has been calculated for each site within the Riccarton Bush interface area has been identified using GIS modelling. Overall, the proposed qualifying matter would affect 1220 sites, though less than 300 of these units are considered feasible, the qualifying matter would restrict height so while development would still be enabled, and it would be to the extent enabled by the operative plan, not the MDZ or HRZ.
- 6.11.7 **The costs and broader impacts of imposing lesser enablement (s77J 3 (c) and s77P 3 (c))** - The costs and broader impacts of the proposed qualifying matter are assessed in the below s32 evaluation table. The identification of Riccarton Bush as a qualifying matter will result in a reduction of development capacity at a site-specific level around the Riccarton Town Centre, as detailed above. This will lead to a loss of housing supply and choice, although due to the overall low number of sites that are affected by the qualifying matter in the wider context of the development capacity of Christchurch, this cost is minimal.
- 6.11.8 **The specific characteristic that makes the permitted level of development inappropriate (s77L (a) and s77R (a))** – Riccarton Bush is considered to provide a range of positive benefits for Christchurch being a historical, ecological and cultural setting in addition to being the last remnant of native forest on the Canterbury Plains. Riccarton Bush is considered to provide environmental, social and cultural benefits to the surrounding residential environment and contributes to a well-functioning urban environment as outlined in Policy 1 of the NPS-UD.
- 6.11.9 **Reason the characteristic makes the permitted level of development inappropriate makes that level of development (s77L (b) and s77R (b))** - The social, cultural and ecological services that Riccarton Bush provides for Christchurch contribute to well-functioning urban environments, which the NPS-UD seeks to achieve through Objective 1 and Policy 1. The enabled development through the MDRS is considered to result in the potential degradation of the values of Riccarton Bush. The identification of Riccarton Bush as a qualifying matter still allows for development to be undertaken on sites, just not to the heights envisioned by MDRS and HRZ. However, the benefits of protecting Riccarton Bush will ensure the urban environments created through enabling intensification are still well-functioning, and enable accessibility to natural space. Therefore, this approach is assessed to still be giving effect to the relevant objective and policy direction of the NPS-UD.
- 6.11.10 **Site-specific analysis evaluating the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter (s77L (c) (ii) and s77R (c) (ii))** - In support of identifying Riccarton Bush as a qualifying matter, a technical report was completed to assess the landscape values and set a spatial extent of where Riccarton Bush values should be protected from potential effects of intensification. This spatial extent is extends to where sites have unobscured views of Riccarton Bush.
- 6.11.11 **Site-specific analysis that evaluates an appropriate range of options to achieve the greatest heights and densities permitted while managing the specific characteristics (s77L (c) (iii) and s77R (c) (ii))** - Overall, it is not considered that there is a range of options for enabling a range of height and densities within the Riccarton Bush setting, however, the potential effects of greater heights is discussed in the technical report in Appendix 43, and has been identified as an area where development is not suitable. This is due to the potential damaging effects that intensification could have on the values of Riccarton Bush. Therefore, the option of enabling development of any height or density for residential purposes is not considered appropriate. The proposed approach of



identifying a protective radius and restricting height while still enabling density in that specific area is the most appropriate option for achieving the greatest heights and densities.

6.11.12 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 19 – Option evaluation for Riccarton Bush height restriction</b>		
<b>Option 1 – Apply MDRS and Policy 3 of the NPS-UD with no qualifying matter (QM)</b>	<b>Option 2 – Proposed Change - Apply Operative Height Limits of 8m</b>	<b>Option 3 – Apply Policy 3 and Medium Density Zone Heights with a 8m height limit to property immediately adjoining Riccarton Bush</b>
<b>Option description</b> This option is to apply HDZ in residential zones within a walking catchment of the Riccarton Town Centre Zone and MDRZ in areas outside the walking catchment without a qualifying matter for Riccarton Bush.	<b>Option description</b> This option is to apply the Medium Density Zone in residential zones within a walking catchment of the Riccarton Town Centre Zone, a mixture of MDRZ and Residential Suburban in areas outside the walking catchment and apply a qualifying matter which reduces the permitted height performance standard.	<b>Option description</b> This option is to apply HDZ height in residential zones adjoining the Riccarton Town Centre Zone and MDRZ height in areas outside the walking catchment with a qualifying matter only applying to properties that immediately adjoins Riccarton Bush.
<b>Appropriateness in achieving the objectives and higher order documents</b>		
<b>Efficiency</b> – This option maximises the number of homes in close proximity to the town centre of Riccarton, a major transport route, and other employment and education facilities including the Central City and University of Canterbury. It also has fewer requirements and costs for developers. This option however provides for a much reduced level of protection for Riccarton Bush. The distinctive tall podocarp trees of Riccarton Bush as an element across the skyline will be significantly eroded by the height of new infill development and the potential bulk occupying a greater site area which will also affect the generous views currently available down driveways. Visual connectivity between Riccarton Bush and other planted elements in the wider landscape will also be reduced. Views of Riccarton Bush from neighbouring streets will be impacted, resulting in	<b>Efficiency</b> – This approach will result in positive environmental effects by ensuring that Riccarton Bush is protected from the effects of medium density development which could see the loss and degradation of the values associated with Riccarton Bush. The views and setting of Riccarton Bush from neighbouring streets will be maintained, ensuring that the potential for loss of visual connectivity for residents and passers-by between these streets and Riccarton Bush will not eventuate. Riccarton Bush’s contribution to the visual amenity, mental and physical wellbeing for Riccarton and wider Christchurch, will be safeguarded through the restriction of residential height. Cultural wellbeing benefits are anticipated through this approach as this approach will provide protection for historic and mana whenua values associated with Riccarton Bush, which will be retained in the future for future generations to enjoy and connect with. Economic costs arise for landowners and	<b>Efficiency</b> – This option would increase development capacity as the qualifying matter would only apply to a handful of properties rather than 195 as proposed.  <b>Benefits</b> - This option will result in positive environmental effects by ensuring that Riccarton Bush is protected from the effects of medium density development which could see the loss and degradation of the values associated with Riccarton Bush. This approach will enable high density residential within the walking catchment of the Riccarton Town Centre Zone, while protecting the values of Riccarton Bush. This approach would have positive social effects as the values of Riccarton Bush itself would not be degraded. Cultural wellbeing benefits are anticipated through this approach as this

<p>a loss of visual connectivity for residents and passers-by between these streets and Riccarton Bush. These environmental costs have an impact at both a local neighbourhood level and a city wide level. Riccarton Bush is the last podocarp native forest on the Canterbury Plains and has significance to mana whenua and as such the mauri of Pūtarikamotu would be adversely affected by the imposing presence of three-story buildings enabled within its periphery.</p> <p><b>Effectiveness</b> – Option 1 does not align with the historic heritage direction in section 6 of the RMA. This approach does not align with the sought outcome in the NPS-UD of creating well-functioning urban environments, as the potential degradation of Riccarton Bush will mean residents of Christchurch City will have reduced accessibility to natural spaces. Furthermore, the proposed approach is not aligned with the sought outcomes in the Canterbury regional Policy Statement (CRPS) for indigenous biodiversity protection, historic heritage protection or quality urban environments. This option is not an effective approach to addressing the identified issue and there is the potential that greater density development will result in the loss and degradation of Riccarton Bush.</p> <p><b>Risk of acting/not acting</b> – The risk of acting on this option is the potential degradation of values of Riccarton Bush.</p>	<p>developers through the restrictions of height would result in a reduction of development capacity. The anticipated impacted (permitted activity) development capacity through this approach is minimal as the area would still be a mixture of high density and residential suburban zones, however the height limit would apply to 195 properties. This approach will have limited social costs, but the restrictive nature of the approach will result in a reduced enablement of development, and subsequent effects through reduced housing delivery. No significant cultural costs have been identified for this approach. Overall, this approach provides a good amount of benefit across the environmental, social and cultural in the short, medium and long term, with some economical costs due to a decrease in development capacity.</p> <p><b>Effectiveness</b> – This approach is highly effective in addressing the identified issue. The identification of Riccarton Bush as a qualifying matters will result in protection of the values of Riccarton Bush and still enable residential development. This approach best meets the principles of the RMA, and will better achieve a well-functioning urban environment.</p> <p><b>Risk of acting/not acting</b> – The risk of not acting is the potential degradation of the setting around Riccarton Bush and associated impact on cultural, heritage, social and environmental values.</p>	<p>approach will provide protection for historic and mana whenua values associated with Riccarton Bush, which will be retained in the future for future generations to enjoy and connect with. This approach does not ensure that the views and setting of Riccarton Bush from neighbouring streets will be maintained, with the loss of visual connectivity a likely possibility. This approach would result in the development capacity of sites immediately adjacent to Riccarton Bush reducing development capacity and thus would have economic costs. This approach will have limited social costs, but the restrictive nature of the approach will result in a reduced enablement of development, and subsequent effects through reduced housing delivery. No significant cultural costs have been identified for this approach.</p> <p><b>Effectiveness</b> – This approach is effective at addressing the issue, as it will protect Riccarton Bush from potential shade effects of high density on the immediate boundary of Riccarton Bush, however this approach may not satisfy the full breadth of RMA section 6 matters.</p> <p><b>Risk of acting/not acting</b> – The risk of taking this option is sufficient evidence to understand the issue and its effects, with the likely result of no action being taken being the degradation of values of Riccarton Bush.</p>
<p><b>Recommendation:</b> Option 2 provides an acceptable compromise between enabling an appropriate NPS UD Policy 3 response to their greatest extent and protecting the values Riccarton Bush. Carrying over existing rules is efficient and provides a level of clarity and consistency to potential developers. Therefore it</p>		

is the recommended option. Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.

## 6.12 Residential Heritage Areas

- 6.12.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a)), (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - These are identified in the mapping and the alternative standards identified in the recommendation above. The above table also identifies the reasons for considering the qualifying matter and its likely effect. Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the protection of historic heritage.
- 6.12.2 **Issue** - There are particular residential areas of the City where buildings and features have collective heritage values as distinctive and significant residential environments. Along with individually scheduled buildings or other items of significant historic heritage, these areas contribute to the overall heritage values, identity and amenity of the City. Where these areas have a high degree of intact physical evidence, they can effectively communicate an historical narrative of the development of areas in Christchurch, and justify heritage protection as Residential Heritage Areas on a similar basis to that for individual items. These areas are identified on the District planning map and will have associated built form standards, attached in Appendix 2. The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Above the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33).
- 6.12.3 **Reason the area is subject to a qualifying matter (s77J 3 (a)(i) and s77P 3 (a)(i)) and reason the qualifying matter is incompatible with the level of development permitted (s77J 3 (a)(ii) and s77P 3 (a)(ii))** - These areas should be subject to a qualifying matter because they contain historic heritage which is noted in the RMA S6 as a matter of national importance. The qualifying matter is incompatible with permitted development specified in the MDRS because it is necessary to control development affecting sites of historic heritage to ensure that the historic value of these sites is protected.
- 6.12.4 **Impact of lesser enablement under the proposed qualifying matter (s77J 3 (b) and s77P 3 (b))** - The proposed qualifying matter is likely to result in some limitation on development. Modelling suggests that the total gross floor area possible in each RHA will reduce by 20% - 76% (with an average of 52%) from that possible under MDRS or NSP-UD Policy 3. Residential Heritage Areas will have the potential to impact plan-enabled capacity of 6,410 units, with only 1,500 of this being assessed as commercially feasible.
- 6.12.5 **The costs and broader impacts of imposing lesser enablement (s77J 3 (c) and s77P 3 (c))** - The costs and broader impacts of imposing those limits are set out in the below s32 evaluation table.

- 6.12.6 **How the provisions of the district plan allow the same or a greater level of development than the MDRS (s77J 4 (a))** - The proposed provisions enable most of the development envisaged under the MDRS but as a restricted discretionary activity rather than a permitted activity. This gives Council the power to ensure that development does not detract from the heritage values present on affected sites.
- 6.12.7 **How modifications are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers (s77J 4 (b))** - The provisions proposed here only address aspects of the MDRS which have the potential to impinge on historic heritage values. The qualifying matter will cover all currently scheduled sites listed in schedules 9.3.7.2 and 9.3.7.3 of the District Plan and a number of new sites including all proposed residential heritage areas. The spatial extent of the qualifying matter is illustrated in the attached maps.
- 6.12.8 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 20 – Option evaluation for Residential Heritage Areas</b>		
<b>Option 1 – Apply MDRS and NPS-UD Policy 3(d) without Residential heritage areas as qualifying matters</b>	<b>Option 2 – Proposed Change – Apply MDRS with a Residential Heritage Areas as a qualifying matter and require development affecting RHAs to gain a restricted discretionary consent</b>	<b>Option 3 – Apply MDRS with a qualifying matter requiring any development affecting historic heritage to gain discretionary consent</b>
<b>Appropriateness in achieving the objectives and higher order documents</b>		
<p><b>Efficiency</b> – Allowing for development as a permitted activity (as provided for under the amended RMA) achieves, at minimal cost, the requirements of the RMA to enable development.</p> <p><b>Effectiveness</b> – Applying MDRS in full, in and around sites of historic heritage is unlikely to achieve Objective 9.3.2.1.1 of the District Plan to protect and conserve significant historic heritage. Further, it does not provide a mechanism to achieve section 6(f) of the RMA.</p> <p><b>Benefits</b> - Enabling MDRS and HDRS on sites of historic heritage gives certainty to those wishing to develop these sites. Additionally it releases more land for development, allowing for slightly greater housing capacity in the city overall.</p>	<p><b>Efficiency</b> – The qualifying matter uses restricted discretionary consents to control development affecting historic heritage. Restricted discretionary consents are the lowest level of consent commensurate with the ability to decline proposals if absolutely necessary.</p> <p><b>Benefits</b> - Benefits would typically be experienced over a longer time period than transaction costs, and can be more difficult to measure. For example a number of the key benefits of heritage provisions are intangible e.g. identity, sense of place and stability, and of ‘membership’ or belonging to the community. Protecting historic heritage by a qualifying matter that requires restricted discretionary consent, will create environmental benefits as it allows for consideration of proposals in terms of their effect on heritage values, either of sites or of specified areas. Economic benefits of protecting items of historic</p>	<p><b>Efficiency</b> – Full discretionary consents will allow the Council to ensure that historic heritage is adequately protected for all to enjoy. Full discretionary consents increase cost and decrease certainty to developers.</p> <p><b>Effectiveness</b> – Allowing Council full discretion in considering development ensures their ability to achieve higher order documents effectively.</p> <p><b>Risks of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so not acting is not a</p>

<p>Environmental, social and cultural benefits have not been assessed at this time.</p> <p><b>Costs</b> - Enabling development as a permitted activity is very likely to be at the expense of the City's historic sites and areas if development involves demolition and/or detracts from the heritage values of the site or area. It would also negate existing protection for heritage sites and settings (when the City has already lost a considerable number of heritage buildings as a result of the Canterbury earthquakes). This would be contrary to both the objective in the District Plan and the RMA S6(f). Environmental, social and cultural costs have not been assessed at this time.</p> <p><b>Risks of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so not acting is not a legally acceptable option. The risk of acting without applying a qualifying matter is that inappropriate development will become permitted. Where development is permitted Council will have very limited ability to ensure the protection of historic heritage, which is required as a matter of national importance under the RMA. Council would then be in breach of the RMA.</p>	<p>heritage may be that these items contribute to building heritage tourism, for example through heritage walks. RHAs in particular have heritage values as distinctive and significant residential environments representing important aspects of the City's history. Under section 6(f) of the RMA they should be protected against the possibility of rapid change through intensification. Feedback through pre-notification consultation indicated that many residents consider this a benefit.</p> <p><b>Costs</b> - With regard to residential heritage areas, there is some variation in heritage values, with a proportion of "neutral" and "intrusive" buildings and sometimes neutral or intrusive features e.g. fences and walls. Owners of these buildings may consider it inappropriate that their development opportunities are affected by the need to be sympathetic to the heritage values of these areas. There will be the costs to property owners of a restricted discretionary resource consent for building new houses on an affected site. This is however a relatively low level of consent and is commensurate with the scale of the issue and the effects that could be experienced. Exceptions are proposed in some circumstances e.g. for accessory buildings. Overall, it is considered that there will be a net positive outcome in terms of efficiency. A net positive outcome relies on valuing the benefits from heritage protection for the public as greater than the costs of heritage protection for individual property owners, e.g. the transaction costs of resource consents, and the opportunity costs of not being able to develop to the intensity otherwise enabled.</p> <p><b>Effectiveness</b> – Section 6(f) of the RMA requires that historic heritage be protected from inappropriate subdivision, use, and development, while the new</p>	<p>legally acceptable option. Applying a qualifying matter requiring discretionary consents for all development affecting historic heritage places would be an unnecessarily large burden on developers and on Council who has to process the applications.</p>
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	<p>amendments in the RMA require MDRS be applied in all residential areas. These requirements can come into conflict on sites of historic heritage. Applying a qualifying matter which controls those aspects of development which may infringe on heritage values effectively meets both competing requirements of the RMA. This solution also meets Objective 9.3.2.1.1 of the District Plan.</p> <p><b>Risk of acting/not acting</b> – The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires that territorial authorities incorporate MDRS and give effect to policies 3 or 5 of the NPS-UD in residential zones, so not acting is not a legally acceptable option. The risk of applying a qualifying matter is that it will increase cost and uncertainty around development and may well result in suboptimal development rates on the sites affected.</p>	
<p><b>Recommendation:</b> Option 2 is the recommended option because it controls the effects of development with the least onerous consent viable so development should not be unduly deterred. Option 2 is recommended as it is the most appropriate way to achieve the objectives of the District Plan and higher order direction.</p>		

## 6.13 Residential Heritage Areas Interface and Central City Heritage Interface

- 6.13.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a))** - Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the protection of historic heritage and their settings. The proposed heritage interface areas designed to protect the settings of valued heritage features and items, are identified in the mapping and the alternative standards identified in the recommendation below.
- 6.13.2 **Issue** - The areas surrounding heritage items, settings and areas have the ability to detract or add to the heritage values that are being protected under S6(f) of the RMA. This is recognised in the RMA which includes *'surroundings associated with the natural and physical resources'* in the definition of historic heritage. In a narrow sense the surroundings are the defined settings of the items, however the wider surroundings associated with New Regent Street (because of the scale of possible development) and the residential heritage areas are particularly influential over these protected (or proposed protected) areas and therefore need to be regulated so as to accomplish the effective protection of historic heritage under section 6(f).
- 6.13.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Following the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33).
- 6.13.4 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6 (h). This includes the protection of historic heritage.
- 6.13.5 **Reason the area is subject to a qualifying matter (s77J 3 (a)(i) and s77P 3 (a)(i)) and reason the qualifying matter is incompatible with the level of development permitted (s77J 3 (a)(ii) and s77P 3 (a)(ii))** - These areas should be subject to a qualifying matter because they are part of the wider surroundings of the historic heritage which is sought to be protected. Historic heritage is noted in the RMA S6 as a matter of national importance. The qualifying matter is incompatible with permitted development specified in the MDRS and policy 3 of the NPSUD because it is necessary to control development affecting sites of historic heritage to ensure that the historic value of these sites is protected. The limits proposed are likely to result in some limitation on development. The estimate of this is included in Tables 6 and 7.
- 6.13.6 **Impact of lesser enablement under the proposed qualifying matter (s77J 3 (b) and s77P 3 (b))** - The limits proposed are likely to result in some limitation on development. Residential Heritage Interfaces will have the potential to impact plan-enabled capacity of 650 units, however less than 150 of these units are currently deemed commercially feasible.



- 6.13.7 **The costs and broader impacts of imposing lesser enablement (s77J 3 (c) and s77P 3 (c))** - The costs and broader impacts of imposing those limits are set out in the s32 evaluation table below.
- 6.13.8 **How the provisions of the district plan allow the same or a greater level of development than the MDRS (s77J 4 (a))** - The proposed provisions enable most of the development envisaged under the MDRS but as a restricted discretionary activity rather than a permitted activity. This gives Council the power to ensure that development does not detract from the heritage values present on affected sites.
- 6.13.9 **How modifications are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers (s77J 4 (b))** - The provisions proposed here only address aspects of the MDRS which have the potential to impinge on historic heritage values. The qualifying matter will cover all sites mapped as Central City Heritage Interface and Residential Heritage Area Interface on the District Plan.
- 6.13.10 **Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b)) ; Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c)); The level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** - Refer to evaluation table.
- 6.13.11 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 21 – Options evaluation of Residential Heritage Interface Areas height restrictions</b>	
<p><b>Option 1 – Option 1 - MDRS/PC14 City Centre zone height rule applies to all sites in the zone - no Historic Heritage Qualifying Matter height overlay. (NB. Proposed reduced spot height for Cathedral Square assessed separately in PC14 evaluation for chapter 15 Commercial.)</b></p>	<p><b>Option 2 – Proposed Change – Apply operative height overlay (to be referred to as the Qualifying Matter Central City Heritage Interface) to Arts Centre heritage setting (16 metres), and adjoining sites on the east side of Montreal Street between Worcester Boulevard and Hereford Street (28 metres), New Regent Street heritage setting (8 metres) and sites surrounding New Regent Street (28 metres) (preferred option).</b></p> <p><b>Apply restricted discretionary status to the properties immediately surrounding residential heritage areas, known as the residential heritage area interface, where these properties have high density zoning. This option discontinues the operative height overlay of 13 metres for Lower High Street heritage settings.</b></p>
<p><b>Appropriateness in achieving the objectives and higher order documents</b></p>	
<p><b>Efficiency –</b> This option fails to fully achieve S6(f) of the RMA. Development capacity on these sites can be maximised to the full extent enabled under the NPSUD. There is no additional development opportunity cost (reduction in existing cost for limited number of owners). This option discontinues operative reduced height limits</p>	<p><b>Efficiency –</b> This option allows Council to ensure that the surrounds of a heritage area are sympathetic to that area thereby protecting it from inappropriate subdivision, use and development as required by the RMA, while still allowing some development.</p>

around the Arts Centre and New Regent Street heritage items and settings and surrounds, resulting in significant environmental costs for Arts Centre and New Regent Street in particular, impacting on their architectural and contextual values as a result of visual dominance effects/inappropriate contrasts of scale, impact on views, draught and shading effects of enabling heights of up to 90 metres in the City Centre zone (see modelling). Potential for significant shading impacts on use of these key heritage precincts. Significant environmental impacts on the heritage and amenity of Highly Significant central city heritage precincts at the Arts Centre and New Regent Street has the potential to have flow on economic costs in terms of a negative impact on heritage tourism, and to lead to a decrease in property values. Development opportunity cost and transaction costs and delays removed for owners associated with resource consents for height overlays. Environmental and economic costs to heritage are likely to significantly outweigh overall economic benefits of this option which affects a limited number of owners in the City Centre zone. Heritage areas provide a sense of place and of connection to place, in the face of an otherwise changing environment. Areas such as the Arts Centre provide a focal point for social and cultural activities. The change in environment that could arise from inappropriate development on neighbouring properties could seriously detract from this.

**Effectiveness** – Not effective in protecting heritage as a Qualifying Matter under the NPSUD by foregoing the opportunity for a reduced level of intensification for these Highly Significant heritage items. Not effective in protecting heritage under s6f RMA and the district plan.

**Risks of acting/not acting** – Not having historic heritage interface height limits in place means high rise development could severely compromise the heritage values and in turn have associated economic effects on the Arts Centre and New Regent Street and be contrary to heritage objective 9.3.2.1.1 in the Plan. This approach does not support

**Benefits** - Continues existing height reduction heritage protection measures targeted to the Arts Centre and New Regent Street which allows for development on the sites and neighbouring development to be more appropriate to the scale of these two Highly Significant and iconic central city heritage precincts, which are significant contributors to heritage tourism and employment, but which are otherwise vulnerable in terms of visual domination to adjoining high rise development up to 90 metres. Reduced shading and draught effects compared with option 1 enhances the amenity and use of these key heritage precincts and is likely to have associated economic benefits. This reduced height limit for the Arts Centre site (compared with the underlying zone rule) also offers some de facto protection for the Canterbury Museum to its west from unsympathetic development. Complements the visual values of residential heritage areas, enabling their historic value to be better appreciated.

As noted in the Property Economics report (see Appendix 4), heritage protection (and the maintenance of heritage values) contributes to increased property values, tourism spend, tourism employment, increased maintenance spend, improved visitor profile and improved sustainability of construction and reuse. Maintaining the heritage values of the Arts Centre and New Regent through appropriate on site and adjoining development assists in creating what the report describes (p9) as an “aura effect”, potentially increasing the property values of neighbouring development. A reduced height limit for the heritage settings of these heritage items supports the existing activity rules for alterations and new buildings in the heritage setting. Heritage areas provide a sense of place and of connection to place, in the face of an otherwise changing environment. Areas such as the Arts Centre provide a focal point for social and cultural activities. Regulating the wider surroundings of these areas, which under the RMA definition of heritage can be considered to be an important part of the effective protection of historic heritage, will ensure that this sense of place and connection to place is not lost.

**Costs** - Represents an economic constraint on development capacity, development opportunity cost and transaction costs associated with resource consents for some owners, which is not imposed by option 1. This is mitigated as far as possible by targeting the rule to a limited number of sites that have the greatest potential for significant adverse effects thereby minimising environmental costs for heritage. In a

appropriate management of historic heritage as a Qualifying Matter under NPSUD and a matter of national importance under s6f RMA.

further effort to target this rule to minimise economic costs to owners and environmental costs to heritage, this option discontinues the operative reduced 13 metre height limit in Lower High Street. While this could have the potential to expose heritage items and settings in this group to visual dominance effects, the impact on heritage values is considered to be sufficiently mitigated due to the remaining intact group of heritage buildings on one side of the street between Tuam and St Asaph Streets being within a proposed 32 metre height limit area (significantly lower than the proposed City Centre zone height limit of 90m).

**Effectiveness** – Effective in protecting heritage as a Qualifying Matter under the NPSUD and under section 6f of the RMA and consistent with the heritage objective in the Plan.

**Risk of acting/not acting** – Not implementing a reduced height limit for the Arts Centre and New Regent Street, and specific sites in the vicinity of these sites, would compromise the architectural and contextual heritage values which support the scheduling of these items as Highly Significant and would be contrary to heritage objective 9.3.2.1.1 in the Plan.

Not implementing these reduced height limits would forego the opportunity provided by NPSUD to support appropriate management of heritage as a Qualifying Matter by limiting intensification affecting historic heritage, and would not protect historic heritage as a matter of national importance under section 6f of the RMA.

**Recommendation:** Option 2 is the recommended option because it controls the effects of development over the whole historic heritage area, which includes the surrounds. Without this control, inappropriate development in the affected sites could compromise protection of historic heritage.

## 6.14 Cathedral Square Building Heights Section 32 evaluation

- 6.14.1 **Identification and spatial extent of proposed qualifying matter** - Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the protection of historic heritage and their settings. The proposed heritage interface area is designed to protect the settings of a valued heritage area and is identified in the mapping and the alternative standards identified in the recommendation below.
- 6.14.2 **Issue:** Cathedral Square is a significant open space in the city and a physical focal point given its role as a very important public space. With the continued redevelopment of buildings around the square, it is therefore important to ensure that the role of the area in providing a well-functioning civic space can continue. This includes ensuring that the built form adjacent to the square does not compromise the square's ability to provide for community gathering in a well-designed quality environment. Reduced access to sunlight (because of tall buildings adjacent to the square) would severely compromise the ability to achieve these critical success factors – a cold, shaded environment with a greater likelihood of wind tunnelling would be contrary to such objectives. Both the current District Plan (post-earthquake) and earlier City Plan provided for lower heights in this area. Historic heritage is to be protected from inappropriate subdivision, use and development as a matter of national importance under section 6 of the RMA and is therefore a potential qualifying matter under section 770(a).
- 6.14.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Following the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.14.4 **Additional assessment under the Act (Sections 771 – 77R) and the NPS-UD (Clause 3.33)** - As noted above, the Cathedral Square building height is can either be considered as a qualifying matter under section 771 as a heritage matter or alternatively as an 'other matter' under s770 (j). For the purpose of this evaluation it will be assessed under s77P, and s77R.
- 6.14.5 **Reason the area is subject to a qualifying matter (s77P 3 (a)(i))** - A height limit of 45m will be applied in some sites adjacent to Cathedral Square. This contrasts with the 90m height limit that will be applied to be rest of the city centre zone (currently zoned Commercial Central City Business zone (CCCBZ)). There is currently a 28m height limit in the buildings around Cathedral Square (District Plan). The earlier District and City Plans identified that there was a 45m height limit in this area that contrasted with the 80m in other core areas. Cathedral Square has historical and social significance as a central component of the Canterbury Association's original plan for Christchurch, a principal urban design feature of Christchurch City, as the site of Christchurch's Anglican Cathedral, as a focus for civic activity and as the city's transport and entertainment hub for a century. Whilst the earthquakes have changed the built form in this location, the setting of the square as an important civic space for community gathering remains. The 'value' of the Square as one of Christchurch's existing and historical key civic spaces was most recently outlined in Regenerate Christchurch's Long Term Vision for Whiti-Reia Cathedral Square. This referred to Cathedral Square as 'central to the identity of Christchurch as it is quite literally and figuratively at the heart

of the city, where people gather for significant ceremonies and events as well as less formal activities. As a prime focal point, it shapes perceptions of the city for both visitors and residents and acts as a connecting hub to other Central City precincts, attractions and facilities'. This strategy noted that Cathedral Square should once again (post-earthquake redevelopment) become the civic heart of central Christchurch and be actively used, day and night, be greener than before and be suitable for use in a range of weather conditions. Critical success factors identified within the strategy include:

- Creation of a great civic space which encourages socialisation and discourse
- A high quality environment to attract retain visitors and residents
- Creation of an inviting and inclusive environment that enables more citizens to participate in central city life
- A pedestrian environment that encourages dwell time

6.14.6 In addition to the Square's heritage importance as a civic space, the factors above all identify a need to uphold the significant amenity values offered within the Square. Going forward and with the continued redevelopment of buildings around the square, it is therefore important to ensure that the role of the area in providing a well-functioning civic space can continue. This includes ensuring that the built form adjacent to the square does not compromise the square's ability to provide for community gathering in a well-designed quality environment. Reduced access to sunlight (because of tall buildings adjacent to the square) would severely compromise the ability to achieve these critical success factors – a cold, shaded environment with a greater likelihood of wind tunnelling would be contrary to such objectives. Earlier versions of the District Plan (1995) recognised that when higher height limits are enabled in the City, it was nonetheless appropriate to ensure that sunlight was retained in Cathedral Square as one important measure to protect its role as a crucial civic space (see Appendix 29). Whilst the rules pertaining to this protection were removed post-earthquake (because they were unnecessary when height limits in general were significantly reduced), the need for such provisions has returned given the increase in height enabled now.

6.14.7 Access to sunlight is an important component of a successful civic space. Research undertaken specific to Cathedral Square confirmed the following points:

- The southern area has the most potential for sunlight access and is therefore the most suited to outdoor activities. It is desirable to retain solar access to this area for as much of the year as possible.
- The Distinction / OGB plaza area is at the east of the square and has potential for good evening sun and active uses to take place.
- The Central area is in front of the Cathedral. Solar access is important here but likely more so in the summer months and surrounds (which may include some time beyond the equinox, for example in April).
- Sunlight access at the north of the square is likely to be more restricted.

6.14.8 The value (socially and economically) of Cathedral Square will be compromised by a lack of restrictions on the height of adjacent buildings. It is appropriate that some carefully considered provisions are incorporated in order to ensure that the adjacent built form does not provide for unduly high levels of shading in the square such that its role as an important community gathering and socialising space is compromised. Sites adjacent to the Square are at different points in their development. Some sites are cleared, others are subject to designation, some have been recently developed e.g. Turanga, and some have active consent but have not yet been developed. For sites where a height limit overlay is recommended, this would apply to any future new consented development. On the sites subject to a designation (Convention Centre precinct, Central Library and the Christchurch Exchange), a height

limit would apply should the designation be lifted and the site used for a purpose other than that for which it is designated. The height limit would also be used for guidance when assessing any outline plan applications for that site, albeit Council could only recommend conditions relating to the height and the requiring authority would not be bound to use them (subject to the outcome of any appeal). Of those sites with active consent, Number 26 Cathedral Square gained consent for a taller building in 2016 but this has not been built yet. Number 9 to the south of the Square also has a higher height proposal but this site is not covered by the 45m limitation proposal. Number 31 is consented (low scale) and there have been some initial discussions about other sites that were also relatively low rise.

- 6.14.9 **Reason the qualifying matter is incompatible with the level of development permitted (s77P 3 (a)(ii))** - A lower height limit should be applied as an existing qualifying matter around Cathedral Square in view of the significant impact of shading on the square, which would otherwise be enabled. This reflects Cathedral Square’s role as central open space which needs to continue to offer high quality amenity values such that it can continue to provide an inviting, high quality civic space which encourages socialisation and dwell time. An assessment has reviewed the point at which the scale of development becomes inappropriate in terms of sunlight loss to the Square. At this threshold, the negative impacts of shading outweigh the benefits attributable to higher height limits for all sites adjacent to the square (factoring in all of the necessary considerations under s32 and 77O to 77R). Technical assessments were undertaken to assess the merits (or otherwise) of different height scenarios. The results of the scenario modelling indicated that, in order to manage the impact on sunlight on the Square and enable the amenity values of the Square as a focal civic heart of the City to continue whilst more generally allowing for tall buildings, it is recommended that scenario 2 (45m (next to the Square) 90m (key sites close by)) is implemented. This would limit some adjacent buildings to 45m and allow key sites to be developed at 90m (the height limit for the wider City Centre zone). There is some potential for additional shading from some key sites if the height limit is 90m, but this is likely to be quite minimal and would have a small impact at certain times of the day and year.
- 6.14.10 **Impact of lesser enablement under the proposed qualifying matter (s77P 3 (b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Tables 6 and 7 of this report. The impacted development capacity resulting from taking a 45m height limit approach in Cathedral Square is 131,771sqm. The impacted residential capacity enablement is 340 units, while less than 100 of these units are considered feasible.
- 6.14.11 **The costs and broader impacts of imposing lesser enablement (s77P 3 (c))** - The costs and broader impacts of the proposed qualifying matter are assessed in table in the below s32 evaluation table.

<b>Table 22 – Option evaluation for Cathedral Square building height restriction</b>		
<b>Option 1 – Status quo</b>	<b>Option 2 – Preferred option</b>	<b>Option 3</b>
<b>Option description</b> This option is to implement MDRS without applying a qualifying matter for Cathedral Square building heights.	<b>Option description</b> This option is for the MDRS to be subject to a qualifying matter with a 45m height limit for some sites adjacent to Cathedral Square and 90m for other key sites in this area (90m is the height limit for the City Centre zone in general).	<b>Option description</b> This option applies the MDRS subject to a qualifying matter with development up to 60m adjacent to Cathedral Square, being a lower height limit than that for the wider City Centre zone but higher than the preferred 45m limit.

<b>Appropriateness in achieving the objectives and higher order documents</b>		
<p><b>Efficiency</b> – This option is not an efficient way of achieving the objectives of the District Plan as the costs outweigh the benefits.</p> <p><b>Benefits</b> - Enables a greater capacity of development on the sites adjacent to Cathedral Square thereby increasing the overall capacity of development within the City Centre. Provides a uniform approach to sites within the City Centre.</p> <p><b>Costs</b> - Compromises the economic values attributable to retaining a high quality civic space (Cathedral Square) that receives enough sunlight to be considered welcoming, useable for gatherings year round and an attractive focal point for the city as a whole. Those buildings sited adjacent to Cathedral Square offer locational advantages because of the values that Cathedral Square offers (high quality civic space with important heritage context and a focal point for the City Centre as a whole). If the ‘value’ of the Square is reduced by virtue of becoming a less utilised space (shaded, less popular for gatherings etc.), the buildings adjacent to the Square may also have a lower economic value. This option compromises the social values attributable to retaining a high quality civic space (Cathedral Square) that receives enough sunlight to be considered welcoming, useable for gatherings year round and an attractive focal point for the city as a whole.</p> <p><b>Effectiveness</b> – Implements the NPS UD in terms of providing significant development</p>	<p><b>Efficiency</b> – The proposed policy is considered to be efficient as its benefits outweigh the costs.</p> <p><b>Benefits</b> - Retains sunlight admission to the Square such that the Square’s long standing key role, as an important civic space within the city, is not unduly compromised. Respects the historical value of Cathedral Square as a civic heart and physical centre of the city. Provides a considered bespoke approach that recognises that there are some buildings around the Square that have less impact on sunlight admission (into the Square) and therefore enables a higher level of development capacity at those sites.</p> <p><b>Costs</b> - Reduces development capacity on some sites adjacent to Cathedral Square. Potential reduction in property values for those owners subject to lower height limits (although this could be countered by the realisation of additional values in areas of the Square where sunlight will be retained and thereon activities in those buildings are more economically viable e.g. cafes with outdoor seating). Provides a two-tiered approach to height enablement that could be seen to provide owners of sites not adjacent to the Square with development (economic) advantages given their higher enablement.</p> <p><b>Effectiveness</b> – This approach is the most effective in terms of meeting the NPS objectives of providing for a well-functioning urban environment that provides for people and communities social, economic and cultural well-being. It balances the need to provide for as much development capacity</p>	<p><b>Efficiency</b> – This option is not an efficient way of achieving the objectives of the District Plan as the costs outweigh the benefits.</p> <p><b>Benefits</b> - Retains some sunlight admission to the Square such that the Square’s long standing key role as an important civic space within the city is not compromised as much as it would be as a result of shading from 90m high buildings. Provides a bespoke approach that recognises that there are some buildings around the Square which have less impact on sunlight admission (into the Square) and therefore enables a higher level of development capacity at those sites though the approach has less benefit than that applied in Option 2.</p> <p><b>Costs</b> - Reduced development capacity on some sites adjacent to Cathedral Square (but less reduction than at 45m). Potential reduction in property values for those owners of sites subject the height limits (though again, this could be countered by the realisation of additional values in areas of the Square where sunlight will be retained and thereon activities in those buildings are more economically viable e.g. cafes with outdoor seating). Provides a two-tiered approach to height enablement that could be seen to provide owners of sites not adjacent to the Square with development (economic) advantages given their higher enablement.</p> <p><b>Effectiveness</b> – The approach is not particularly effective in terms of the objective of retaining sunlight admission into Cathedral Square. It will</p>

<p>capacity in the city centre however, falls short in terms of meeting the objective about providing a well-functioning urban environment. The long established value of Cathedral Square as a significant historical, focal civic space for the central city will be compromised by a loss of sunlight into the square.</p> <p><b>Risk of acting/not acting</b> – This approach fails to build on the documented understanding (including historical planning provisions) relating to Cathedral Square and its use as a focal civic space and the importance of retaining sunlight into the square. This approach would therefore fail to respect the acknowledged understanding of a well-functioning urban environment in this location, particularly the social and cultural values currently offered by this square.</p>	<p>as possible in the city centre by reducing the height limit only on those buildings that impact upon sunlight admission into Cathedral Square. As such, the balance between retaining the Square’s value as an important civic space (meeting social and cultural wellbeing objectives) and the need to enable increased development capacity is met. The development capacity loss is minimal (2.2% of the overall capacity enabled in the City Centre zone) and the merits of maintaining a highly useable, valued civic space are considered greater than the loss of a small amount of development capacity.</p> <p><b>Risk of acting/not acting</b> – Only 45m and 60m lower height limits were modelled. Additional assessment may have determined an even more bespoke approach to height limits may have provided for the optimal balance in terms of additional development capacity: retention of sunlight admission into the Square.</p>	<p>enable more sunlight into the Square as compared to enabling 90m buildings but there will still be some loss (of sunlight) and as such the value of Cathedral Square as an important and desirable civic space in which the community want to gather, will be compromised. The development capacity loss is minimal under this option (1.3% of the overall capacity enabled in the City Centre zone) and obviously lower than that when height is reduced to 45m. The negative impacts upon the shading in the Square (the greater impacts at 60m as compared to 45m) are however considered of more weighting than the benefits of a reduced impact on the overall development capacity. In summary, this approach is therefore not well aligned to the NPS UD objective of creating a well-functioning urban environment.</p> <p><b>Risk of acting/not acting</b> – Only 45m and 60m lower height limits were modelled. Additional assessment may have determined a more bespoke approach to height limits may have provided for the optimal balance in terms of additional development capacity: retention of sunlight admission into the Square. This option fails to fully recognise the values currently offered by the square (socially and culturally) given the additional sunlight loss (and thereon negative effects on the use of the square) that this option would enable.</p>
<p>Recommendation: Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>		



## 6.15 Coastal Hazard Risk Management Areas (excluding Tsunami Risk Areas) Section 32 evaluation

6.15.1 **Identification and spatial extent of proposed qualifying matter** - Section 77I allows for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the management of significant risks from coastal hazards. The medium and high risk coastal hazard areas are identified as new proposed overlays to the Planning Maps (Hazard Management Areas).

6.15.2 **Issue:** The current District Plan does not define the full extent of areas at risk of coastal hazards including inundation, erosion and tsunami and only manages some activities in some defined areas for some hazards. There is strong national and regional direction in the New Zealand Coastal Policy Statement and the Regional Policy Statement to identify and manage development in areas at risk of coastal hazards. The intensification of development may increase the risk of coastal hazards to people and property. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-sections 77I(a) and 77O(a) as a s.6 matter and 77I(b) and 77O (b) to give effect to a national policy statement, in this case the NZCPS. In the NZCPS Policy 25 specifically addresses subdivision, use, and development in areas of coastal hazard risk. It requires:

*In areas potentially affected by coastal hazards over at least the next 100 years:*

- a. avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
- b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- c. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- d. encourage the location of infrastructure away from areas of hazard risk where practicable;*
- e. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- f. consider the potential effects of tsunami and how to avoid or mitigate them.*

6.15.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table for each issue is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying

matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.

- 6.15.4 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically matters of national importance that decision makers are required to recognise and provide for under Section 6 (h). This includes the management of significant risks from natural hazards.
- 6.15.5 **Reason the area is subject to a qualifying matter (s77J 3 (a)(i) and s77P 3 (a)(i))** - The coastal hazards qualifying matter mapping identifies two categories of risk, a Medium Risk Coastal Hazard Qualifying Matter Area and a High Risk Coastal Hazard Qualifying Matter Area. The medium risk consists of the medium inundation risk and low erosion risk. The high risk area consists of the high inundation risk, and high-medium/single zone erosion risk. All those areas are considered to be exposed to significant risks from coastal hazards. The area covered by the coastal hazards qualifying matter is set out in Appendix 1. As set out above, there is strong statutory direction to manage the risk of coastal hazards. Policy 24 of the New Zealand Coastal Policy Statement (NZCPS) requires identification areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. It requires assessment of hazard risks, over at least 100 years and specifies the matters the assessment shall have regard to (including sea level rise, the effects of climate change, etc.). The 2021 Coastal Hazards Assessment (Tonkin + Taylor) and the Risk Based Coastal Hazard Analysis for Land-use Planning report 2021 (Jacobs) have provided an evidential basis for defining coastal hazard areas within Christchurch. The 2021 Coastal Hazards Assessment (2021 CHA) provides important updated information about the potential effects of coastal erosion, coastal flooding and rising groundwater, and how this might change over time with sea level rise. The 2021 CHA is a broad-scale assessment which provides a general indication of the magnitude and extent of hazards across neighbourhood-sized areas.
- 6.15.6 The Risk Based Coastal Hazard Analysis for Land-use Planning report 2021 (Jacobs) identifies a range of high, medium, and low hazard exposure categories for coastal erosion and inundation hazards. The report includes analysis undertaken to justify the recommended thresholds for the hazard categories and the spatial extent of the resulting hazard zones for both coastal inundation and erosion. When considering erosion, it recognises that even though the likelihood of erosion in some areas may be low, the consequences based on the permanent loss of land will be high. For inundation, the depth of water is the key determinant of risk. Depth threshold values have been informed by published guidelines and the Canterbury Regional Policy Statement. These have been used to define four coastal flood risk categories – high/medium/low/very low – which allow for consideration of the change in flood depth between sea level rise scenarios as set out in the following table. These preferred approaches were compared to other scenarios and existing mapped hazards areas during the process of this analysis. This provides a risk-based approach under which land use, development and subdivision in coastal areas of the district can be managed according to the level of risk of coastal inundation and erosion.

Coastal flood risk category	Flood hazard with 0.6m SLR	Flood hazard with 1.2m SLR
Very low	None (dry)	Low (d < 0.4 m)
Low	Low (d < 0.4 m)	Medium (0.4 m < d < 1.0 m)
Medium	Medium (0.4 m < d < 1.0 m)	High (d > 1.0 m)
High	High (d > 1.0 m)	High (d > 1.6 m)

6.15.8 **Reason the qualifying matter is incompatible with the level of development permitted (s77J 3 (a)(ii) and s77P 3 (a)(ii))** - The intensification required to be enabled by MDRS and Policy 3 could be adversely affected by coastal hazards, resulting in more people and property being put at risk of harm from coastal hazards. The Risk Based approach has sought to identify and understand the levels of risk from coastal hazards in order to inform appropriate planning policies and provisions. This enables a more nuanced approach that enables development where it is safe to do so and applies necessary controls to manage development in areas of higher risk. The high inundation and erosion risk area, medium inundation and erosion risk area and low erosion risk area are considered to pose more significant risk than the low and very low inundation risk areas. The proposed Coastal Hazards Qualifying Matter therefore takes a responsive approach that provides the necessary levels of control over development relative to the level of risk from coastal hazards.

6.15.9 **Impact of lesser enablement under the proposed qualifying matter (s77J 3 (b) and s77P 3 (b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Section 2.3, Table 6 of this report. For sites within medium to high coastal hazard areas, plan-enabled capacity with the qualifying matter could impact development capacity by 25,400 units, but of these only 3,900 of these units are deemed commercially feasible.

6.15.10 **The costs and broader impacts of imposing lesser enablement (s77J 3 (c) and s77P 3 (c))** - The costs and broader impacts of imposing those limits are set out in the below s32 evaluation table.

6.15.11 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

Table 23 – Option evaluation for coastal hazard areas			
Option 1 – Apply MDRS and Policy 3 of the NPS-UD with no qualifying matter (QM)	Option 2 - Proposed Change – Apply MDRS and Policy 3 of NPS-UD and	Option 3 - Apply MDRS and Policy 3 of NPS-UD and apply a qualifying	Option 4 – Apply MDRS and Policy 3 of NPS-UD and change the underlying zoning of residential

	<p><b>apply a qualifying matter including areas of significant risk.</b></p>	<p><b>matter including all areas with any level of risk within the QM area</b></p>	<p><b>zoned properties to Residential Suburban without any new coastal hazards provisions, and for commercially zones sites this would be the same as option 2.</b></p>
<p><b>Option description</b> This option is to apply MDRS in residential zones, and Policy 3 of the NPS-UD in commercial zones, without a coastal hazards qualifying matter.</p>	<p><b>Option description</b> This option is for the MDRS to be subject to a qualifying matter in residential zones within coastal hazards areas with significant risk, where further intensification would not be enabled. Commercial areas within the coastal hazards areas with significant risk would also be subject to a coastal hazards qualifying matter where further intensification would not be enabled.</p> <p>This would include mapping, a new policy and new rules inserted into Chapter 5 Natural Hazards.</p> <p>This option proposes that where this qualifying matter applies the operative Residential Suburban and Residential Suburban Density Transition zones be retained. Where properties are within the operative Residential Medium Density Zone, it is proposed to change the zoning to Residential Suburban Density Transition.</p> <p>It would encompass areas at high and medium inundation risk, and low-high erosion risk based on work</p>	<p><b>Option description</b> This option is the same as Option 2 except, in addition, it will include residential and commercial zoned properties with very low and low coastal inundation risk.</p>	<p><b>Option description</b> This option is to change the zoning of all residential zoned sites within the coastal hazards risk areas to Residential Suburban rather than apply a qualifying matter to these areas. There would be no coastal hazard provisions introduced. Commercial zoned areas would be subject to a qualifying matter as in Option 2.</p>

	<p>undertaken for the Coastal Hazards Assessment 2021 (T+T) and the Risk Based Coastal Hazard Analysis for Land-use Planning (Jacobs 2021) as follows:</p> <ul style="list-style-type: none"> <li>- Coastal Hazard Medium Risk Management Area: <ul style="list-style-type: none"> <li>o medium inundation risk</li> <li>o low erosion risk</li> </ul> </li> <li>- Coastal Hazard High Risk Management Area <ul style="list-style-type: none"> <li>o high inundation risk</li> <li>o high-medium erosion risk</li> </ul> </li> </ul>		
<b>Appropriateness in achieving the objectives and higher order documents</b>			
<p><b>Efficiency</b> – The costs of this approach outweigh the benefits due to the geographic extent of potential coastal hazard effects and potentially significant costs of damage to property and risk to safety.</p> <p><b>Benefits</b> - Intensification would be enabled which would provide economic benefits with a higher density enabled in these areas. Intensification is less likely to require consents than for all other options. Intensification could provide for increased social opportunities and benefits with a higher density of</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits generally outweigh the costs, having regard to the number of people and properties potentially affected, and the potential scale of effects, if further intensification in such areas is not limited.</p> <p><b>Benefits</b> - Avoiding intensification in areas that could potentially be at risk of coastal hazards will mean less people and property are at risk of harm. In managing the risk of harm from coastal hazards, there are reduced</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits generally outweigh the costs. However the costs are higher than for Option 2. This option offers the most protection from the adverse effects of coastal hazards on people and property by applying the qualifying matter to even areas of low and very low risk of coastal hazards.</p> <p><b>Benefits</b> - Not providing for intensification in areas that could potentially be at risk of hazards will mean less people are at risk of harm.</p>	<p><b>Efficiency</b> – The costs of this approach outweigh the benefits. Rezoning properties to Residential Suburban, without additional provisions, still enables some level of intensification beyond what currently exists, exposing more people and development to significant harm from coastal hazards than Option 2.</p> <p><b>Benefits</b> - This option allows for some level of intensification providing for economic benefits to a greater degree than Option 2. Albeit this option enables much less intensification than what would be</p>

<p>residents and a greater extent of commercial activities/development. There may be cultural benefits associated with properties being able to realise their full development potential.</p> <p><b>Costs</b> – This option results in potential harm to people due to development in line with MDRS establishing in areas at risk of coastal hazards. Within areas at risk of coastal hazards intensification would result in medium to long term adverse economic effects with more people and development exposed to the effects of coastal hazards. This includes, but is not limited to, the costs of repair and rebuilding as well as reduced resilience to future events. Within areas at risk of coastal hazards would result in medium to long term adverse social and cultural effects with more people and development exposed to the effects of coastal hazards. This includes potential exposure to traumatic events and dislocation, risks to safety, and the potential complications and financing of costs for repair and rebuilding, as well as reduced resilience to future events.</p>	<p>economic costs of recovery (including repair and rebuilding) from future events relative to Option 1, allowing communities to recover faster. Future damage associated with natural hazards is significantly reduced by intensification not occurring in areas of significant natural hazard risk and from the effectiveness of mitigation measures where development is able to proceed. Reduction in the cost of hazard events, such as loss of life and damage to property, infrastructure and the environment, can be a substantial benefit. This option supports an outcome of intensification being located away from areas at high and medium risk of coastal hazards. In doing so, it provides confidence to communities that Council is acting to address the risks as well as providing certainty in defining areas exposed to high and medium coastal hazards. In managing the risk of harm from coastal hazards, there are reduced social costs of recovery (including repair and rebuilding) from future events relative to the status quo, allowing communities to recover faster. Reduction in the cost of hazard events, such as loss of life and</p>	<p>This option supports an outcome of avoiding development that would increase the risk of harm, including economic harm. In managing the risk of any harm from coastal hazards, there are reduced economic costs of recovery (including repair and rebuilding) from future events relative to Option 1, allowing communities to recover faster. The benefit of avoiding those economic costs are even greater than the proposed change given the wider extent of the area where economic costs are avoided. However, in those areas where the risks are low, that economic benefit is also likely to be low. This option supports an outcome of avoiding development that would increase the risk of harm, including social harm. In managing the risk of any harm from coastal hazards, there are reduced social costs compared to Option 1, allowing people and communities to recover faster.</p> <p><b>Costs</b> - Same as Option 2, however this would apply to a larger area. The main differences in cost from other options is in the impacted development potential within the very low and low risk areas. This would apply to a larger area than</p>	<p>enabled by the MDRS if a qualifying matter was not applied in these areas (Option 1). The Residential Suburban Zone is an existing zone in the District Plan, making it familiar to people. This option allows for some level of intensification potentially providing for some social benefits. Albeit to a lesser degree than Option 1. The benefits regarding the commercial zones are the same as for Option 2.</p> <p><b>Costs</b> - More development and people would be at risk of harm compared to Option 2. There could be adverse economic effects due to the further development that would still be enabled in these areas of significant risk. This could be in the form of housing units on vacant sections, additional housing units on larger sections, minor units, older persons housing etc. These economic costs will be greater than those for Option 2. There would be impacted development potential for sites that were previously Residential Suburban Density Transition and Residential Medium Density, but not to as great a degree as Option 2. Another cost is negative perceptions that may impact on land values for those areas identified as subject to</p>
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<p><b>Effectiveness</b> – This option would not give effect to the NZCPS or s6 (h) of the RMA in respect of managing significant risks from natural hazards. It also would not be consistent with the Canterbury Regional Policy Statement (CRPS) Objective 11.2.1, Policies 11.3.1 and 11.3.2, and Objective 3.3.6 of the District Plan. (Note that coastal hazard provisions were consciously not included in the previous review of the District Plan. Work is currently underway on a separate Coastal Hazards Plan Change which has a wider scope than the intensification focus of this plan change.) Intensification within areas at risk of coastal hazards could result in harm to people, property and the economy. In addition the existing inundation controls on commercial areas is very limited and is not well aligned with the above higher order documents.</p> <p><b>Risk of acting/not acting</b> – The risk of not acting is that there is a risk of inappropriate development occurring in these areas potentially resulting in people and property being subject to unacceptable risk.</p>	<p>damage to property, infrastructure and the environment, can be a substantial benefit.</p> <p><b>Costs</b> - The main cost of the coastal hazards provisions is in the impacted development potential within these areas. Another cost is negative perceptions that may impact on land values for those areas identified as subject to coastal hazard risk. The costs of obtaining specialist input for consent applications and assessments can be substantial, and mitigation required by the provisions will create costs for property owners. Preventing intensification could reduce social opportunities and benefits from a higher density of residents and expanded commercial activities.</p> <p><b>Effectiveness</b> – By managing development to avoid increasing the risk from coastal hazards, this option would better give effect to the NZCPS, s6 (h) of the RMA, the Canterbury Regional Policy Statement (CRPS) Objectives 11.2.1, Policies 11.3.1 and 11.3.2, and Objective 3.3.6 of the District Plan. It also would be consistent with Objective 3.3.6 of the District Plan.</p>	<p>under Option 2 increasing the costs relative to that option. Limiting the intensification otherwise required to be enabled is likely to increase consent costs and time and potentially reduced property values. This is particularly likely to be an issue in low and very low risk areas where there are potential mitigation measures that can deal with that risk without the need to limit intensification. Preventing intensification could reduce social opportunities and benefits from a higher density of residents and businesses. This would affect a wider area than that in Option 2.</p> <p><b>Effectiveness</b> – The proposed approach is effective in that it prevents development that may result in any increase in risk of social, economic, cultural and environmental harm from coastal hazards. This option would give effect to the NZCPS, s6(h) of the RMA, the CRPS Objective 11.2.1, Policies 11.3.1 and 11.3.2, and Objective 3.3.6 of the District Plan.</p> <p><b>Risk of acting/not acting</b> – Coastal hazard risk is based on the most up to date information. It is acknowledged</p>	<p>coastal hazard risk. Some level of intensification is provided for under this option, therefore could expose more people to potentially traumatic events and dislocation, risks to safety, and the potential complications and financing of costs for repair or rebuilding. Limiting intensification could reduce social opportunities and benefits from a higher density of residents and more commercial activities. The costs regarding the commercial zones are the same for Option 2.</p> <p><b>Effectiveness</b> – While this option would limit intensification to some extent, it would still enable some intensification in areas at significant risk of coastal hazards, increasing the potential for social, safety and economic costs. It would not align as strongly as Option 2 to the direction in the NZCPS, s6(h) of the RMA, the CRPS Objective 11.2.1, Policies 11.3.1 and 11.3.2, and Objective 3.3.6 of the District Plan.</p> <p><b>Risk of acting/not acting</b> – The risk of acting is that a level of intensification will still be enabled in the Residential Suburban zoning, potentially increasing the risk of harm from</p>
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	<p>The proposed approach is effective in that it prevents development that may significantly increase risk of social, economic, cultural and environmental harm from coastal hazards.</p> <p><b>Risk of acting/not acting</b> – Coastal hazard risk is based on the most up to date information, therefore the risk of acting based on the information available is considered to be low. Whilst there will always be some uncertainties around actual realised sea level rise, allowing intensification in areas at where there is assessed risk is deemed unacceptable.</p>	<p>there are uncertainties around sea level rise. The risk of acting based on the information available is considered to be low. By allowing intensification in areas at risks of coastal hazards, there is a risk of inappropriate development occurring in these areas and being subject to unacceptable risk.</p>	<p>coastal hazards to people and property. The risks of acting/not acting regarding the commercial zones are the same as Option 2.</p>
<p><b>Recommendation:</b> Option 2 is recommended as it is the most appropriate way to achieve the purposes of the Act and to give effect to the objectives of the District Plan and higher order direction.</p>			



## 6.16 Tsunami Management Area Section 32 Evaluation

- 6.16.1 **Identification and spatial extent of proposed qualifying matter** - Section 77I allows for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6. This includes the management of significant risks from coastal hazards, such as areas at risk from a tsunami event. High risk areas are identified as new proposed overlays to the Planning Maps (Hazard Management Areas).
- 6.16.2 **Issue** – The intensification of development in line with MDRS may result in more people residing in areas that could potentially be at risk of tsunami. Tsunami risk is not managed in the current District Plan, except with respect to the 2012 tsunami inundation area being included as constraint criteria for the enhanced development mechanism, and an activity specific standard for replacing one residential unit with two units. Policy 24 of the New Zealand Coastal Policy Statement (NZCPS) requires identification of areas in the coastal environment that are potentially affected by coastal hazards, including tsunami. Policy 25 of the NZCPS requires, amongst other things, consideration of the potential effects of tsunami and how to avoid or mitigate them. Policy 11.3.5 of the Canterbury Regional Policy Statement (RPS) requires subdivision, use or development of land shall be avoided if the risk from natural hazards is unacceptable considering likelihood and potential consequences of the natural hazard event, and a precautionary approach shall be adopted where there is uncertainty in the likelihood or consequences. While tsunamis have a low likelihood, they have potentially significant consequences. The tsunami qualifying matter is based off the 2019 NIWA 1 in 500 year tsunami event with 1.6m sea level rise by 2120. The depth, velocity and debris in a tsunami can result in significant risk to life and damage to property. The Act specifically enables a qualifying matter to potentially be applied in respect of natural hazards under sub-section 77I(a) as a s.6 matter.
- 6.16.3 **Option evaluation** – The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects, as well as the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation. The desired outcome is to avoid an increase in risk of harm from tsunami. The following assessment of the options has therefore been to assess which option is the most efficient and effective means to achieve the desired outcome being to avoid an increase in risk of harm from tsunami to people, further to avoid increasing costs and burdens on Council to fund infrastructure in impacted areas. This qualifying matter is being sought on the basis that it is considered inappropriate to intensify areas where people are at risk of harm from tsunamis, especially given there is more than sufficient development capacity in other areas of the city that are not exposed to this significant hazards and would not result in undue costs to people, the wider community or Council.
- 6.16.4 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter

applies. Qualifying matters specifically include matters of national importance that decision makers are required to recognise and provide for under Section 6 (h). This includes the management of significant risks from natural hazards.

- 6.16.5 **Reason the area is subject to a qualifying matter (s77J (3)(a)(i) and s77P (3)(a)(i))** – As set out above, Policy 24 of the New Zealand Coastal Policy Statement (NZCPS) requires identification of areas in the coastal environment that are potentially affected by coastal hazards, including tsunamis. Policy 25 of the NZCPS requires, amongst other things, consideration of the potential effects of tsunamis and how to avoid or mitigate them. Policy 11.3.5 of the Canterbury Regional Policy Statement (RPS) requires subdivision, use or development of land shall be avoided if the risk from natural hazards is unacceptable considering likelihood and potential consequences of the natural hazard event, and a precautionary approach shall be adopted where there is uncertainty in the likelihood or consequences. While tsunamis have a low likelihood, they have potentially significant consequences. The tsunami qualifying matter is based off the 2019 NIWA 1 in 500 year tsunami event with 1.6m sea level rise by 2120. The depth, velocity and debris in a tsunami can result in significant risk to life and damage to property.
- 6.16.6 **Reason the qualifying matter is incompatible with the level of development permitted (s77J (3)(a)(ii) and s77P (3)(a)(ii))** - The intensification required to be enabled by MDRS and Policy 3 could result in more development in areas at risk of harm from tsunamis. This could result in more people being exposed to the potentially serious adverse effects from tsunamis. The qualifying matter will ensure inappropriate development does not occur in these at risk areas. Furthermore, should intensification be enabled in these at risk areas, it raises the expectation for the public sector to maintain levels of service in terms of safety and accessibility. This could place a further burden on Councils to raise the levels of service in the local area, for instance the requirement to raise the level of a road, and/or provide alternative access, etc. This has an opportunity cost for Councils potentially redirecting expenditure from other budgeted and planned infrastructure upgrades. There are other more appropriate, safer places to provide for intensification within the local area that will not place such risk and financial burden on individuals, property owners, the wider community and Councils. The benefits of keeping people safe, maintaining well-being, reducing potential additional costs to Council and ratepayers, are considered to outweigh the individual financial benefit that may be otherwise given to property owners in the identified locations for medium density. Should it be deemed intensification and alternative access can be part of solution for particular area after Council complete, with community involvement, adaptive management processes and plans then at that point it is open to Council to rezone areas to allow for more development. However at this stage there is no agreed feasible solution that will benefit the community and this is expected to take many years to develop. Therefore qualifying matter is considered the most appropriate to achieve objectives and policies.
- 6.16.7 **Impact of lesser enablement under the proposed qualifying matter (s77J (3)(b) and s77P (3)(b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Section 2.3, Table 6 of this report. Approximately 73,100 units will be impacted, while only 9,500 of these units are considered feasible.
- 6.16.8 **The costs and broader impacts of imposing lesser enablement (s77J (3)(c) and s77P (3)(c))** - The costs and broader impacts of imposing those limits are set out in the below s32 evaluation table.

6.16.9 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 24 – Option evaluation for areas at the risk of Tsunami</b>		
<b>Option 1- Apply MDRS with no qualifying matter</b>	<b>Option 2 – Proposed change</b>	<b>Option 3</b>
<p><b>Option description</b> This option is to apply MDRS Policy 3 (where applicable) in residential zones, and Policy 3 of the NPS-UD in commercial zones, without a tsunami qualifying matter.</p>	<p><b>Option description</b> This option is to apply a tsunami qualifying matter based off a 1 in 500 year tsunami event with 1.06m SLR by 2120. This option proposes that where this qualifying matter applies the operative Residential Suburban and Residential Suburban Density Transition zones be retained. Where properties are within the operative Residential Medium Density Zone, it is proposed to change the zoning to Residential Suburban Density Transition.</p>	<p><b>Option description</b> This option is the same as option 2, except it also includes in the overlay tsunami flooding below 0.1m in depth (i.e. nuisance flooding that does not pose a significant hazard to people or property).</p>
<p><b>Appropriateness in achieving the objectives and higher order documents</b></p> <p><b>Efficiency</b> – This option has the potential to result in increased harm from tsunami to people, and the wider community as well as undue costs to Council, by allowing intensification in areas at risk of tsunami. The benefits of this option are limited to enabling further development, however there is ample capacity in unaffected areas of the city not subject to the same level of high natural hazard risk. Therefore this option is not considered an efficient way to achieve the objectives of the Plan.</p> <p><b>Benefits</b> - Intensification would be enabled which would provide economic and social benefits (provided no tsunami event occurred) with a higher density enabled in these areas. Intensification is less likely to require consents</p>	<p><b>Appropriateness in achieving the objectives and higher order documents</b></p> <p><b>Efficiency</b> – While this option reduces the development potential of properties, it minimises the potential for increased harm from tsunami to people, and the wider community as well as minimising undue costs to Council, by avoiding intensification in areas at risk of tsunami. This option offers the most protection from the adverse effects of tsunami and reflects that these areas are not the most appropriate to develop now or in the future. Whilst the likelihood of tsunami is low, the potential consequences are significant, making these areas not suitable for intensification without appropriate mitigation. Therefore this option is considered the most efficient way to achieve the objectives of the Plan.</p>	<p><b>Appropriateness in achieving the objectives and higher order documents</b></p> <p><b>Efficiency</b> – This option is slightly less efficient as option 2 as this overlay would cover a larger area restricting more properties despite that the flooding extent is more of a nuisance value than a high hazard and would not likely require mitigation to manage it.</p> <p><b>Benefits</b> - More people and property would be protected than for option 2, however the 0.1m of inundation is unlikely to cause considerable damage or risk to life and would be more akin to nuisance flooding. In managing the risk of any harm from tsunami, there are reduced economic costs of recovery (including repair and rebuilding) from future events allowing communities to recover faster. The benefit of avoiding those economic costs are even greater than the</p>

<p>than for all other options. Intensification could provide for increased social opportunities and benefits with a higher density of residents and a greater extent of commercial activities/development. There may be cultural benefits associated with properties being able to realise their full development potential.</p> <p><b>Costs</b> - Potential harm to people and property resulting from development establishing in areas at risk of tsunami. The economic costs of this option relate to potential damage to residential and commercial properties and infrastructure in the event of a tsunami. This option has the potential to generate adverse social effects with more people exposed to the effects of tsunami. This includes potential exposure to traumatic events and dislocation, and risks to safety and wellbeing. There may be cultural cost associated with enabling intensification in areas at risk of tsunami.</p> <p><b>Effectiveness</b> - This option risks unduly exposing more people, and the wider community to harm from tsunami and therefore would not give effect to the NZCPS or s6 (h) of the RMA in respect of managing significant risks from natural hazards. It also would not be consistent with the Canterbury Regional Policy Statement (CRPS) Objective 11.2.1, Policies 11.3.1 and 11.3.2, and Objective 3.3.6 of the District Plan. Therefore it is not considered to be an effective way to achieve the objectives of the Plan.</p>	<p><b>Benefits</b> - Not providing for intensification in areas that could potentially be inundated by Tsunami will mean less people are at risk of harm during and after an event. Developing in more appropriate areas will allow more people to have access to their basic needs, for their health and wellbeing during and after a tsunami event. Emergency services would have less of a strain on their services and potentially easier and faster access to impacted areas with less people evacuating. In addition, there is less burden on Councils to raise the levels of service in at risk areas. There is the potential for less damage to residential and commercial properties and infrastructure than option 1. In addition, there would be less of an economic effect on the wider community/economy after a tsunami. This option reduces harm to people and their wellbeing compared to option 1. In managing the risk of harm from tsunami, there are reduced social costs of recovery (including repair and rebuilding) allowing communities to recover faster. Reduction in the cost of tsunami, such as loss of life and damage to property, infrastructure and the environment, can be a substantial benefit. There may be cultural benefits associated with avoiding intensification in areas at risk of tsunami.</p> <p><b>Costs</b> - Some sites may not be able to realise their development potential however there is sufficient development capacity within the city without additional or more intensified development in this location. There may be uncertainty and higher development costs for urban development and intensification in these areas. Restricting</p>	<p>proposed change given the wider extent of the area where economic costs are avoided. However, in those areas where inundation depth is likely less than 0.1m, that economic benefit is likely to be low. In managing the risk of any harm from tsunami, there are reduced social costs allowing people and communities to recover faster. The benefit of avoiding those costs are even greater than for the proposed change given the wider extent of the area where those costs are avoided. However, in those areas where the inundation depth is less than 0.1m, that benefit is likely to be low. There may be cultural benefits associated with avoiding intensification in areas at risk of tsunami.</p> <p><b>Costs</b> - Same as option 2 except more properties would not be able to realise their development potential. Limiting the intensification otherwise required to be enabled is likely to increase consent costs and time and potentially reduced property values. This is particularly likely to be an issue where the inundation is so minimal it does not require mitigation. Preventing intensification could reduce social opportunities and benefits from a higher density of residents and businesses. This would affect a wider area than that in option 2. There may be cultural costs associated with properties not being able to realise their full development potential.</p> <p><b>Effectiveness</b> – Same as option 2, except that this option includes more areas where flooding is expected to be minimal (below 0.1m).</p>
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<p><b>Risk of Acting/Not Acting</b> - It is considered that there is certain and sufficient information on which to assess the appropriateness of this option, acknowledging there will always be a level of uncertainty due to the probability based nature of predicting tsunami events. Not acting would result in the risk of inappropriate development occurring in areas that are at risk of tsunami.</p>	<p>intensification restricts the ability of the community to provide for its housing needs. There may be cultural costs associated with properties not being able to realise their full development potential.</p> <p><b>Effectiveness</b> – This option requires that intensification is avoided in areas at risk of tsunami, placing less people at risk of harm and therefore would give effect to the NZCPS and s6 (h) of the RMA in respect of managing significant risks from natural hazards. It also would be consistent with the Canterbury Regional Policy Statement (CRPS) Objective 11.2.1, Policies 11.3.1 and 11.3.2, and Objective 3.3.6 of the District Plan. Therefore it is considered to be an effective way to achieve the objectives of the Plan.</p> <p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option, acknowledging there will always be a level of uncertainty due to the probability based nature of predicting tsunami events. The risk of not applying the tsunami qualifying matter is that more people and property could be exposed to harm from tsunami.</p>	<p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option, acknowledging there will always be a level of uncertainty due to the probability based nature of predicting tsunami events. This option may unduly restrict development potential noting 0.1m depth of tsunami flooding is considered nuisance flooding rather than high risk and likely would not require any mitigation to manage it.</p>
<p><b>Recommendation:</b> Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>		

## 6.17 Lyttelton Port Influence Area Section 32 evaluation

- 6.17.1 **Identification and Spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a))** - The residential and commercial sites where the Lyttelton Port Influences Overlay are shown in the planning maps, relating to the safe and efficient operation of nationally significant infrastructure.
- 6.17.2 **Issue:** There is a need to continue to protect the operational infrastructure of the Lyttelton Port from reverse sensitivity effects. The CDP currently contains provisions to recognise and provide for the safe, efficient and effective operation and development of infrastructure, including strategic infrastructure such as port facilities, because of their benefits to the community. The CRPS requires that district plans protect the region's strategic infrastructure from the adverse effects of land use development. Intensification of development could result in undue reverse sensitivity effects on the operation of the Port. The Lyttelton Port is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. Intensification of development in proximity to the Port may result in undue reverse sensitivity effects on the Port. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-sections 77I (e) and 77O (e) as a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
- 6.17.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.17.4 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
- 6.17.5 **Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b))** - The preferred option for density standards within the Lyttelton Port Influences Overlay is to carryover the existing controls relating to this overlay. These controls are contained within the Residential and Commercial chapters. Resource consent would be required where intensification is proposed within this overlay and it would have a non-complying activity status.
- 6.17.6 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c))** - The need to protect strategic infrastructure is recognised in the LURP and CRPS and the District Plan is required to implement these higher order objectives. The CRPS identifies the Lyttelton Port as regionally significant infrastructure and requires that district plans protect the region's strategic infrastructure from the adverse effects of land use development (Policy 6.3.5). The CDP has an integrated package of provisions relating to port noise that: manages port noise at source; manages of reverse sensitivity effects through an acoustic treatment programme for noise affected properties funded by the Lyttelton Port Company and managed by a Port Liaison Committee; and avoids as far as reasonable, reverse sensitivity effects by controlling landuse within the Lyttelton Port Influences Overlay (which

was defined by a 65 dBA Ldn port noise contour). Removing this overlay as a qualifying matter would act to unravel this package of provisions as well as undermining the efficient operation of Lyttelton Port by enabling significant development of residential activity that could constrain port operations due to reverse sensitivity effects.

6.17.7 **The level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Section 2.3, Table 6 of this report. The amount of feasible development however is considerably less because of the size of existing allotments, the generally difficult terrain, and consequently difficult access onto sites and on narrow roads to the sites. There are also a number of dwellings have a heritage classification under the CDP which may limit development potential. The enabled capacity impacted is 160 units, while less than 100 of these units are considered feasible.

6.17.8 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** – Refer to reasons and issues discussion above.

<b>Table 25 – Options evaluation for the Lyttelton Port Influence area</b>	
<b>Option 1- Status Quo – Apply MDRS and Policy 3 of the NPS-UD with no QM</b>	<b>Option 2- Apply MDRS and Policy 3 of the NPS-UD with a QM</b>
<b>Option description</b> This option is to apply MDRS in residential zones, and Policy 3 of the NPS-UD in commercial zones, without applying a qualifying matter for the Lyttelton Port Influence Area.	<b>Option description</b> Applies MDRS in residential zones and Policy 3 of the NPS-UD in commercial zones, and existing rules for the Lyttelton Port Influence Area.
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<b>Efficiency</b> – Intensification would be enabled which would provide economic benefits with a higher density enabled. The absence of the Lyttelton Port Influences Overlay and associated provisions would undermine the efficient operation of Lyttelton Port by enabling significant development of residential activity that would constrain port operations due to reverse sensitivity effects.	<b>Efficiency</b> – This option would ensure adverse sensitivity effects on the Lyttelton Port are minimised, allowing the Port to continue to operate safely and efficiently. There may be adverse economic effects on the properties within the Lyttelton Port influence area with controls restricting intensification.
<b>Effectiveness</b> – Not applying the Lyttelton Port influence area provisions is not considered effective as it could result in development that may unduly adversely affect the safe and efficient operation of the Port.	<b>Effectiveness</b> – The proposed approach is effective in that it manages development that may unduly adversely affect the Lyttelton Port from operating safely and efficiently.
<b>Risk of acting/not acting</b> – The risk of implementing MDRS without applying a qualifying matter for the Lyttelton Port influence area is that reverse sensitivity effects may arise on the Port due to intensification of properties within the overlay.	<b>Risk of acting/not acting</b> – The risk of implementing MDRS without applying a qualifying matter for the Lyttelton Port influence area may give rise to reverse sensitivity effects on the Port. Given that this overlay is existing in the District Plan the risk of acting is considered low.
<b>Recommendation:</b> Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.	

## 6.18 Railway Building Setback Section 32 evaluation

- 6.18.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a))** - The railway setback provisions in the CDP apply through the Residential and Commercial Chapters.
- 6.18.2 **Issue:** There is a need to enable the safe and efficient ongoing operation of the railway network particularly where intensification of development is proposed adjacent to the rail corridor. The current District Plan manages development in proximity to the railway corridors through rules. The intensification of development may result in the unsafe and inefficient operation of railway corridors. The railway network is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-sections 77I (e) and 77O (e) as a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
- 6.18.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.18.4 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
- 6.18.5 **Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b))** - The preferred option for density standards within the railway setbacks is to carry over the 4 metre setback from the operative plan rather than apply the 1 metre setback as set out in the MDRS and proposed for the High Density Residential Zone. This option is likely to prevent all additional development within the setback area but will enable development of the remaining parts of the site.
- 6.18.6 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c))** - The need to protect strategic infrastructure is recognised in the LURP and CRPS and the District Plan is required to implement these higher order objectives. The CRPS identifies railways as regionally significant infrastructure and requires that district plans protect the region’s strategic infrastructure from the adverse effects of land use development (Policy 6.3.5).



- 6.18.8 **The level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Table 6 and 7 of this report. The enabled capacity impacted is 520 units, while less than 100 of these units are considered feasible.
- 6.18.9 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 26 – Options evaluation for railway building setbacks</b>	
<b>Option 1 – Apply MDRS and Policy 3 of the NPS-UD with no QM</b>	<b>Option 2 – Apply MDRS and Policy 3 of the NPS-UD with a QM</b>
<p><b>Option description</b> This option is to apply MDRS in residential zones, and Policy 3 of the NPS-UD in commercial zones, without a qualifying matter for railway building setbacks.</p>	<p><b>Option description</b> The preferred option is to apply MDRS in residential zones, and Policy 3 of the NPS-UD in commercial zones, with a qualifying matter for railway building setbacks. This includes carrying over the 4 metre setback from the operative plan. This option is likely to prevent all additional development within the setback area but will enable development of the remaining parts of the site.</p>
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<p><b>Efficiency</b> – This approach would enable intensification in these areas which may have economic benefits in a general sense of increasing housing supply. This approach could result in the unsafe and inefficient operation of railway corridors.</p> <p><b>Effectiveness</b> – Not applying the railway setback provisions is not considered effective as it could result in development that may prevent the railway network from operating safely.</p> <p><b>Risk of acting/not acting</b> – There is risk that allowing development within 4 metres of the railway network to the full extent that would otherwise be provided for by giving effect to the MDRS and Policy 3 of the NPSUD may result in the unsafe and inefficient operation of railway corridors.</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits generally outweigh the costs and there is minimal administrative cost to implementing these provisions. This approach would enable intensification in these areas which may have economic benefits in a general sense of increasing housing supply. The key benefit of the railway setback provisions is providing for the safe and efficient operation of the strategic infrastructure that is the railway network. It also provides amenity and safety benefits to the inhabitants of the adjoining properties. The main cost of the railway setback provisions is in the impacted development potential within the setback area. As these are existing provisions, this cost is already ‘priced-in’ to land values at an individual site level. However, there is an opportunity cost to the impacted theoretical development potential and a cost to the wider public of the lost benefits that development could provide to the city.</p> <p><b>Effectiveness</b> – The proposed approach is effective in that it prevents development that may prevent the railway network from operating safely while enabling full use of the site outside the setback area.</p> <p><b>Risk of acting/not acting</b> – There is risk that allowing development within 4 metres of the railway network to the full extent that would otherwise be provided for by giving effect to the MDRS and Policy 3 of the NPSUD may result in the unsafe and inefficient operation of railway corridors.</p>

Recommendation: Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.

## 6.19 Electricity Transmission Corridors and Infrastructure Section 32 evaluation

- 6.19.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a))** - The electricity transmission corridor provisions in the CDP apply through the Residential Chapters.
- 6.19.2 **Issue:** There is a need to provide for the ongoing efficient operation of the nationally significant infrastructure that is the electricity transmission and distribution network. There is strong national and regional direction in the National Policy Statement on Electricity Transmission and the Canterbury Regional Policy Statement to manage adverse effects on the network. The current District Plan manages development in proximity to electricity transmission corridors through objectives, policies, rules and mapping. The intensification of development may result in the unsafe and inefficient operation of electricity corridors. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-sections 77I (e) and 77O (e) as a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. The 220kV, 110kV, 66kV and 33kV electricity transmission lines are considered to be a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure as these lines are part of the National Grid. In addition, the 220kV, 110kV, 66kV and 33kV electricity transmission lines are considered to be nationally significant infrastructure as these lines are part of the National Grid. In addition the Lyttelton 11kV electricity transmission line is considered to be nationally significant infrastructure given that it is of significant/critical importance as it is the main electricity supply to the Port.
- 6.19.3 **Options evaluation** - The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.19.4 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
- 6.19.5 **Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b))** - The rules manage dwelling construction within prescribed setbacks from: 220kV & 110kV transmission lines; 66kV & 33kV distribution lines; 400v power lines; including all associated structures.
- 6.19.6 **Reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c))** - The need to protect strategic infrastructure is recognised in the LURP and CRPS and the District Plan is required to implement these higher order objectives. The approach is consistent with the National Policy Statement on Electricity Transmission (NPSET) and the Canterbury Regional Policy Statement (CRPS).

6.19.7 **The level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Table 6 and 7 of this report. The enabled capacity impacted is 3,120 units, while less than 100 of these units are considered feasible.

6.19.8 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 27 – Options evaluation for electricity transmission corridors</b>	
<b>Option 1 – Apply MDRS and Policy 3 of the NPS-UD with no QM</b>	<b>Option 2 – Apply MDRS and Policy 3 of the NPS-UD with a QM</b>
<p><b>Option description</b> This option is to implement MDRS without applying qualifying matter for Electricity Transmission Corridors within residential zones, and to apply Policy 3 of the NPS-UD in commercial zones without qualifying matter for Electricity Transmission Corridors and Infrastructure.</p>	<p><b>Option description</b> The preferred option for the Electricity Corridors is to carry over setbacks and the non-complying activity status for development within the 220kV, 110kV, 66kV and 33kV electricity transmission lines the Lyttelton 11kV electricity transmission line. This option does not modify the height and density standards directly but will have the effect of preventing all additional development within the corridor area, while still enabling full development of the remaining parts of the site.</p>
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<p><b>Efficiency</b> – This approach would enable intensification in these areas which may have economic benefits in a general sense of increasing housing supply. This approach would enable intensification in these areas which may have social benefits in a general sense of increasing housing supply. This approach could result in the unsafe and inefficient operation of electricity corridors.</p> <p><b>Effectiveness</b> – Not applying the Electricity Corridor provisions is not considered to be effective as this would be inconsistent with the National Policy Statement on Electricity Transmission (NPSET) and the Canterbury Regional Policy Statement (CRPS). It would not prevent development that may have an adverse effect on the operation of the Electricity Transmission and Distribution networks.</p> <p><b>Risk of acting/not acting</b> – The risk of acting and applying the MDRS without the qualifying matter is there is undue risk for the efficient and safe operation of Electricity Transmission and Distribution networks, as well as impacts on people exposed to these networks within the building setbacks.</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits generally outweigh the costs and there is minimal administrative cost to continuing to implement these provisions. The key benefits of the preferred approach are to allow ongoing efficient operation of the nationally significant infrastructure that is the electricity transmission and distribution network. This approach also provides benefits in protecting the occupants of adjoining properties from the adverse effects of that infrastructure on them. The main cost of the Electricity Corridor provisions is in the impacted development potential within the corridor area. As these are existing provisions this cost is already ‘priced-in’ to land values at an individual site level. However, there is an opportunity cost to the impacted theoretical development potential and a cost to the wider public of the lost benefits that development could provide to the city.</p> <p><b>Effectiveness</b> – The proposed approach is effective in that it prevents development that may have an adverse effect on the operation of the Electricity Transmission and Distribution networks while generally enabling full use of the site outside the corridor area. The approach is consistent with the National Policy</p>

	<p>Statement on Electricity Transmission (NPSET) and the Canterbury Regional Policy Statement (CRPS).</p> <p><b>Risk of acting/not acting</b> – The risk of acting is reducing development potential in these areas. The risk of not acting is there is undue risk for the efficient and safe operation of Electricity Transmission and Distribution networks, as well as impacts on people exposed to these networks within the building setbacks.</p>
<p><b>Recommendation:</b> Option 2 is recommended as it would ensure safe and efficient operation of the Electricity Transmission and Distribution networks. Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>	

## 6.20 Airport Noise Contours Section 32 evaluation and Section 77 evaluation

- 6.20.1 **Identification and spatial extent of the proposed qualifying matter** – As identified on the proposed qualifying matter planning maps broadly within the revised 50dBA Air Noise Contour for the Christchurch International Airport, identified as a qualifying matter overlay, with the underlying zones remaining as Residential Suburban Zone or Residential Suburban Density Transition Zone.
- 6.20.2 **Issue:** This part of the section 32 evaluation of a qualifying matters relates to the management of residential density and intensification within the 50dBA Air Noise Contour for Christchurch International Airport. The CRPS embeds a 50dBA Ldn airport noise contour to manage noise sensitive activities and protect the long term operation of this nationally important infrastructure asset. The CRPS provides a review process (refer CRPS Policy 6.3.11) in which ECan requests the airport company (CIAL) to undertake remodelling of the air noise contours. Any remodelling in terms of Policy 6.3.11(3) shall:
- involve an assessment of projected future airport business growth and operation, and shall take into account, but not be limited to aircraft movements, flight tracks, fleet mix and runway utilisation; and
  - be accompanied by the report of an independent panel of airport noise experts who have undertaken a peer review of the inputs, assumptions and outcomes of the remodelling; and
  - shall be provided to the Canterbury Regional Council in the form of a comprehensive report along with an executive summary or summary report.
- 6.20.2 CIAL commenced its remodelling and reassessment of the noise contour initially to inform the future pending review of the CRPS, however has had to advanced this work in response to the Enabling Housing Amendment such to enable the remodelled contours to be considered through PC14. CIAL has delivered its remodelling assessment, complete with s32 analysis by a consultant planner. The process of the expert peer reviewers completing their assessment and CIAL responding to it will be complete before there is a PC14 hearing of QM provisions. The Council, in the knowledge that the expert peer review is underway (commissioned by Environment Canterbury), considers the most appropriate course of action is to have regard to the most recent modelling and noise assessments commissioned by CIAL. Choosing not to apply the airport noise contour could lead to MDRS rules having immediate legal effect in relevant residential zones in the absence of a qualifying matter, leading to risks of risks of proliferation of higher density development and reverse sensitivity effects.
- 6.20.3 The Council recognises that through the PC14 process the technical and policy justification for managing land use and subdivision activities will be further addressed, particularly upon the completion of the expert peer review. This approach best protects the strategic infrastructure in the interim period from development in reliance on MDRS provisions which could increase adverse reverse sensitivity effects. The Council accepts that the operative 50dBA Noise Contour is not the most appropriate option to define the spatial extent of the qualifying matter. Instead the more recently modelled 50dBA Annual Average Contour is based on the best evidence currently available. The 50dBA Annual Average Contour has therefore been applied to define the spatial extent of what is proposed as a qualifying matter titled the “Airport Noise Influence Area” where the lesser enablement from MDRS and Policy 3 is to apply. However, it is arguable as to the extent of scope to remove or change the operative 50dBA contour through PC14,

as it relates to other provisions within the Plan that are not directly addressed through PC14. As such, the Council intends to progress a separate plan change in future to resolve differences between the currently operative 50dBA contour and that introduced as a qualifying matter through PC14.

- 6.20.4 Further, Council considers the recent series of independent consultant technical reports provide adequate justification for the application of the 50dBA Annual Average Contour as a qualifying matter. The level of constraint most appropriate within the 50dBA Annual Average Contour is assessed as being retaining the existing land use and subdivision provisions that currently apply under the District Plan, but renamed to align with the National Planning Standards equivalent zone.
- 6.20.5 The Council's options evaluation therefore relies upon the technical assessments contained in Appendices 10 to 19 of this report. Resource Management Group Limited (planning consultants) section 77K assessment and section 32 evaluation report follows below. The technical reports, section 77K assessment and section 32 evaluation were all commissioned by CIAL, but have been reviewed and Council adopts them as being its section 32.
- 6.20.6 The Council's further assessment has only sought to focus on the evaluation of the impact on development and feasible capacity (refer to Table 6 and 7 of this report) and the different approaches to apply the proposed qualifying matter under the District Plan. One approach is to rezone the impacted land MDRS and include a QM that includes specific rules (or a precinct) to limit density and heights to levels currently enable under the Residential Suburban Zone, Residential Transition Zone and Residential New Neighbourhood Zone. The alternative approach is to retain the current zone equivalent for land impacted by the 50dBA Noise Contour, being (in accordance with the National Planning Standards) a Low Residential Density Zone, and Future Urban Zone, or (where already developed for medium density) a Medium Density Residential Zone. The latter approach is preferred as it provides more certainty and clarity as to the level of enablement within the Airport Noise Influence Area in terms of expected densities and housing typologies.

## 6.21 Radio Communication Pathway Section 32 evaluation

- 6.21.1 **Identification and spatial extent of the proposed qualifying matter** - As identified on the proposed qualifying matter planning maps modelled from the radiocommunication pathway ensuring daily coverage for Police, FENZ and St John operational vehicles, communication services and Civil Defence services.
- 6.21.2 **Issue:** There is a need to protect radio pathways from the justice precinct for the purposes of emergency management and civil defence. There is strong regional direction in the Canterbury Regional Policy Statement to avoid adverse effects on strategic infrastructure. The District Plan does not contain controls over this issue. The intensification of development may result in the unsafe and inefficient operation of the radio communication pathway corridors. The Act specifically enables a qualifying matter to potentially be applied in respect of this issue under sub-sections 77I (e) and 77O (e) as a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the table is an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.21.3 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically includes any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, provided that section 77Q is satisfied (s77O(j)).
- 6.21.4 **Reason the area is subject to a qualifying matter (s77P 3 (a)(i))** - The specific characteristic that warrants preventing the level of development directed by the NPSUD is the radiocommunication pathways. These pathways must not be blocked in order to ensure the effective functioning of emergency and day to day essential service radiocommunications to provide for the health and safety of the Canterbury community. There are a number of other properties that will also be affected by the proposed overlay. The extent of area to be protected and therefore restrict building heights is clearly shown on the proposed amended planning map and appendices. The area identified as being within the protection corridors, is where a building has the potential to protrude into the 1st Fresnel Zone for the radio path causing diffraction and hence attenuation of the radio signal. It is proposed to restrict building heights within this corridor. The total area of land which relates to this qualifying matter is 1.2ha. There are 31 developable land parcels within the microwave radiocommunication pathways and impacts on these parcels relate to potential for development heights and proportion of the parcel impacted by the pathway. Building heights within the microwave pathways are proposed to be limited to between 30m - 62m. Eleven sites have their permitted activity development rights impacted by the proposed qualifying matter. The other sites are located within the proposed radio communication pathways and while these sites would not be impacted in terms of the permitted building heights, if these landowners were to seek resource consent to exceed the permitted 32m height limit, the proposed buildings may also intrude into the radio communication pathways. In this situation, the activity status of the required resource consent would be a non-complying activity rather than a restricted discretionary activity.



- 6.21.5 The radiocommunication pathways provide daily coverage for Police, FENZ and St John operational vehicles, communication services and Civil Defence services. They are therefore essential in an emergency as well as for day-to-day operations for those entities (and they also provide communications for additional areas outside of Christchurch). Disruption of the pathways – for example through obstruction by a building – can therefore have serious implications for health, safety, life and property. Accordingly, the proposal accords with the NPSUD objectives, in particular Objective 1 (aimed at the health, safety and wellbeing of all people and communities), Objective 4 (aimed at responding to the changing needs of people, communities and future generations) and Objective 6 (aimed at ensuring integration with infrastructure planning, medium-term and long-term strategising, and responsiveness). The proposal also accords with the CRPS objectives, particularly Objective 6.2.1 (aimed at achieving development that does not adversely affect strategic infrastructure). The proposal does not seek to prevent development within the radiocommunication pathways but require resource consent to be sought so effects and potential mitigation can be assessed. Given the critical nature of the pathways, the proposal is required so the agencies are notified of a potential effect on a pathway before it occurs so the reliance of the communications can be maintained and prevent costs in terms of property damage or even loss of lives.
- 6.21.6 **Reason the qualifying matter is incompatible with the level of development permitted (s77P 3 (a)(ii))** - Reducing development capacity in these areas is necessary in order to achieve the sustainable management purpose of the RMA. The health and safety of the wider community, beyond just Christchurch, lies at the heart of the RMA's sustainable management purpose under section 5(2). There is a need to ensure the radiocommunication pathways are free from any obstruction (i.e. from a building) and therefore these areas are incompatible with the permitted level of which would enable buildings of heights and densities that could easily obstruct the radiocommunication pathways. These areas (pathways) are necessary for emergency services, and as such it is appropriate to provide for their protection and restrict building heights to ensure there is no interference from consented buildings in the pathways. This is necessary for the effective functioning of this communication network, which is crucial for attending to the health and safety of the communities in the Canterbury Region.
- 6.21.7 **Impact of lesser enablement under the proposed qualifying matter (s77P 3 (b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Table 7 of this report. The protection of radio pathways may restrict the height of development within the affected corridor, resulting in economic costs, including less efficient use of land. In particular, it may result in less efficient land use by limiting building height, and accordingly limiting building capacity. There are 31 developable land parcels within the microwave radiocommunication pathways and impacts on these parcels relate to potential for development heights and proportion of the parcel impacted by the pathway. Building heights within the microwave pathways are proposed to be limited to between 30m - 62m. The Cost Benefit Analysis undertaken by Formative Limited considers the impacted development potential and effects on development capacity. Based on a simple assessment, the additional built space provided for by this qualifying matter is compared with development enabled under the NPSUD. It concludes that while the microwave pathways affect a large number of properties with development potential, the pathways are narrow so they impact less development potential. Under the proposal, development is still enabled, with resource consent only being triggered if the maximum height limit for each pathway is penetrated. These pathways are narrow and affect only a portion of each parcel so impact less development potential. As such, the provisions are targeted solely at activities that have the potential to affect the operation of radiocommunication pathways.

6.21.8 Analysis has been completed which has identified the potential impact of this qualifying matter in light of the permitted building heights (32m) proposed under the Draft Housing and Business Choice Plan Change which is to give effect to the NPS-UD. This analysis is set out in the table below. The level of impact identified is the depth in metres of the intrusion of the radio communication pathway into the 32m height limit, i.e. the greater the level of impact, the lower the permitted building height under PC15. It is noted that the pathways are relatively narrow and therefore the restriction only applies to that area of the land parcel that intersects the pathway. Some sites also have more than one pathway that crosses them and therefore the greatest level of impact is noted below.

*Table 6.21.8 Assessment of PC15 impact on site by site basis*

<b>Address</b>	<b>Level of impact</b>
367 Moorhouse Avenue, Central City	0m
367 Moorhouse Avenue, Central City	0m
10 Allen Street, Central City	0m
26 Allen Street, Central City	0m
11 Allen Street, Central City	0m
50 Manchester Street, Central City	0m
54 Manchester Street, Central City	0m
200 St Asaph Street, Central City	0m
200 St Asaph Street, Central City	0m
1/204 St Asaph Street, Central City	0m
1/204 St Asaph Street, Central City	0m
2/204 St Asaph Street, Central City	0m
3/204 St Asaph Street, Central City	0m
4/204 St Asaph Street, Central City	0m
5/204 St Asaph Street, Central City	0m
7/204 St Asaph Street, Central City	0m
1/210 St Asaph Street, Central City	0m
2/210 St Asaph Street, Central City	0m
3/210 St Asaph Street, Central City	0m
216 St Asaph Street, Central City	0m
40 Welles Street, Central City	0m
26 Bath Street, Central City	0m
521 Colombo Street, Central City	0m

164 St Asaph Street, Central City	8m
166 St Asaph Street, Central City	0m
17 Winchcombe Street, Central City	4m
186 Tuam Street, Central City	0m
197 St Asaph Street, Central City	0m
602 Colombo Street, Central City	0m
602 Colombo Street, Central City	0m
606 Colombo Street, Central City	0m
608 Colombo Street, Central City	0m
612 Colombo Street, Central City	0m
618 Colombo Street, Central City	0m
166 Tuam Street, Central City	2m
166 Tuam Street, Central City	2m
166 Tuam Street, Central City	2m
615 Colombo Street, Central City	2m
63 Manchester Street, Central City	0m
120 Madras Street, Central City	0m
49 Manchester Street, Central City	0m
59E Manchester Street, Central City	0m
36 Bath Street, Central City	0m
44 Welles Street, Central City	0m
551 Colombo Street, Central City	0m
573 Colombo Street, Central City	0m
10 Mollett Street, Central City	8m
1/73 Manchester Street, Central City	0m
2/73 Manchester Street, Central City	0m
148 Tuam Street, Central City	8m
605 Colombo Street, Central City	2m
607 Colombo Street, Central City	2m
1/347 Moorhouse Avenue, Central City	0m
2/347 Moorhouse Avenue, Central City	0m

3/347 Moorhouse Avenue, Central City	0m
4/347 Moorhouse Avenue, Central City	0m
614 Colombo Street, Central City	0m
171 St Asaph Street, Central City	8m

6.21.9 The analysis in the above shows that only 11 sites have their permitted activity development rights impacted by proposed PC15. The other sites are located within the proposed radio communication pathways and while these sites would not be impacted in terms of the permitted building heights, if these landowners were to seek resource consent to exceed the permitted 32m height limit, the proposed buildings may also intrude into the radio communication pathways. In this situation, the activity status of the required resource consent would be a non-complying activity rather than a restricted discretionary activity.

6.21.10 **The costs and broader impacts of imposing lesser enablement (s77P 3 (c))** - The costs and broader impacts of imposing those limits are set out in the below s32 evaluation table. The costs associated with this proposal are quantified in the Cost Benefit Analysis undertaken by Formative Limited (Appendix 20). It notes that the NPSUD will enable supply within the Four Avenues to be substantially increased, which will mean the amount of land required to accommodate demand will decrease and the chances of parcels within the microwave pathways being redeveloped can also be expected to decrease. Although there will be costs to landholders and the community associated with the proposal, it will protect critical pathways necessary for the health and wellbeing needs of the community; without that protection, costs include property damage and potential loss of lives. In terms of broader impacts, there will be costs to the wider community related to Council administration costs and wider economic benefits. The Economic Assessment has conservatively assumed that 1.6% of potential capacity would be developed each year, resulting in less than one application per year in each of the radiocommunication pathways. Therefore, compliance and administration costs are considered to be relatively small. In terms of wider economic benefits, given the small scale of land impacted by the radiocommunication pathways, the wider economic values were not quantified but were considered to be negative.

6.21.11 In terms of options to achieve the greatest heights and densities in the affected areas, there are limited options available which would also manage the specific characteristics of the airspace to be protected. The only option available to ensure that radiocommunication remains effective, while still responding to the NPSUD policies, is to adopt mitigation that modifies the location of the pathways, for example increasing the height of them. This option may not guarantee long-term protection with greater height limits applying in the central city. This would mean the MOJ would need to modify the radio masts or adopt other mitigation strategies such as constructing relay sites in response to buildings, or utilities blocking the pathways. As there is currently no specific requirement to consider the effects on radiocommunication pathways, a threat to the pathways may not be identified until a building is being constructed or a crane is being put in place. This is considered an unacceptable risk given the potential implications for human life.

6.21.12 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 28 – Options evaluation for radio communications pathways</b>			
<b>Option 1 - Apply Policy 3 of the NPS-UD without a qualifying matter</b>	<b>Option 2 – Proposed Change</b>	<b>Option 3</b>	<b>Option 4</b>
<p><b>Option description</b> This option is to implement Policy 3 of the NPS-UD without applying a qualifying matter for radio communication pathways.</p>	<p><b>Option description</b> This option is to implement Policy 3 of the NPS-UD with a qualifying matter for radio communication pathways. This option is to protect radio pathways from the justice precinct for the purposes of emergency management and civil defence by restricting commercial building height.</p>	<p><b>Option description</b> This option is to implement Policy 3 of the NPS-UD with a qualifying matter for radio communication pathways. This option is to adopt mitigation that modifies the location of the pathways, for example:</p> <ul style="list-style-type: none"> <li>- Increasing the CJESP antenna receive level;</li> <li>- Changing the location of the antenna on the CJSEP building; or-</li> <li>- Building a relay site to create two radiocommunication pathway links around the obstacle rather than one.</li> </ul>	<p><b>Option description</b> This option is to implement Policy 3 of the NPS-UD with a qualifying matter for radio communication pathways. This option is to protect radio pathways from the justice precinct for the purposes of emergency management and civil defence by restricting commercial building height. In addition in this option the Airport and Marleys Hill UHF (lower frequency radio bands) radio communication pathways would also be included.</p>
<b>Appropriateness in achieving the objectives and higher order documents</b>			
<p><b>Efficiency</b> – This option is not efficient as the costs would outweigh the benefits.</p> <p><b>Benefits</b> - This option may result in economic and social benefits in allowing development within these pathway areas to reach higher building heights.</p> <p><b>Costs</b> - This option would risk disruption to radiocommunication pathways. The loss of</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits generally outweigh the costs. While there are costs to landholders and the community, it is considered more efficient to protect these critical pathways to ensure the benefits of the communication pathways are protected as these benefits outweigh the costs.</p> <p><b>Benefits</b> - This approach would help protect the environment through</p>	<p><b>Efficiency</b> – This option is not efficient as the costs would outweigh the benefits.</p> <p><b>Benefits</b> - This option may result in economic benefits in allowing development within these pathway areas to reach higher building heights. This option may result in social benefits in allowing development within these pathway areas to reach higher building heights.</p>	<p><b>Efficiency</b> – As per Option 2 except that the costs of protecting the UHF radiocommunication pathways are likely to outweigh the benefits of their protection. This is due to the UHF pathways covering a large area of land within the CBD which would greatly impact the development potential for the impacted areas. The benefits of protecting the UHF links are relatively few as these pathways are not used for communications in major events (except at the airport),</p>

<p>communication between the CJESP command centre and operations staff during emergency events and daily operations, putting life and property at risk, including the safety of operations staff if situational knowledge cannot be passed on prior to arriving at a situation or event. The loss of communications with front line staff hinders the ability of essential services to react in real time.</p> <p><b>Effectiveness</b> – This option is not effective in that it does not restrict development resulting in disruption to radiocommunication pathways.</p> <p><b>Risk of acting/not acting</b> – The risk of acting and allowing the MDRS without this qualifying matter is that radiocommunication pathways may not be protected from development within the central city.</p>	<p>reducing the impact of emergencies across all hazards and risks. This approach would ensure the effective functioning of this communication network to ensure the health and safety of the communities in the Canterbury Region. These pathways must not be blocked in order to ensure the effective functioning of emergency and day to day essential service radiocommunications to provide for the health and safety of the Canterbury community. The radiocommunications network is essential in an emergency as well as day to day operations for Police, FENZ, St John and Civil Defence. The network also provides communications for additional areas outside of Christchurch including South Canterbury, the Mackenzie Country and North Canterbury. Disruption of the network can therefore have serious implications for life and property. This approach would help protect life and property by providing for the health and safety of people and communities. Furthermore it would maintain community trust in these services and ensure these services are able to operate on a cost-effective basis. Protection of radiocommunication pathways that ensures no disruption to the radiocommunications</p>	<p><b>Costs</b> - There is little ability to increase the height of the current antenna due to engineering requirements. Increasing transmitter power would require replacement of radio equipment and may not be possible due to creating interference effects with other signals. Changing the location of the antenna may be possible but it depends on engineering requirements being met. Building a relay is practicable but to maintain the resilience of the radio network, this would need to be placed on a IL4 rated building (of which there are very few) and meet the required engineering specifications. Overall, the mitigation options available to address an effect resulting from the obstruction of the radiocommunication pathway is unlikely to be practicable given:</p> <ul style="list-style-type: none"> <li>- The structural loading constraints at CJESP;</li> <li>- The limited number of IL4 rated buildings suitable for a relay site;</li> <li>- A lack of “off the shelf” radio equipment with higher transmit power.</li> </ul> <p>This option would risk disruption to radiocommunication pathways. This option would not guarantee long-</p>	<p>nor are they relied upon every day or by multiple agencies.</p> <p><b>Benefits</b> - As per Option 2. Specifically in relation to the UHF radiocommunication pathways, the benefits of protecting the Airport and Marleys Hill UHF links are comparably fewer than the Port Hills microwave pathway due to their communication purposes as either a back-up system or for limited specific purposes. The Port Hills microwave radiocommunication pathway is a multi-service link and would be used during major events.</p> <p><b>Costs</b> - The costs associated with the loss of development potential if the UHF radiocommunication pathways is millions of dollars largely due to greater land area being impacted.</p> <p><b>Effectiveness</b> – As per Option 2.</p> <p><b>Risk of acting/not acting</b> – As per Option 2.</p>
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	<p>network will help protect the health and safety of essential services staff by ensuring communication with the CJESP command centre is not lost and back up, situational knowledge and support is able to be provided to those staff. By requiring resource consent, the effects of any specific breach and potential mitigation options can be considered on a case by case basis and can be approved in appropriate circumstances and declined where not appropriate.</p> <p><b>Costs</b> - There would be potential economic costs given buildings within this corridor would be limited in terms of maximum height. Protection of radio pathways may restrict the height of development within the affected corridor, resulting in economic costs, including less efficient use of land. All development penetrating the pathways will require resource consent with associated transaction costs. There would be potential social costs given buildings within this corridor would be limited in terms of maximum height.</p> <p><b>Effectiveness</b> – This approach is consistent with the Canterbury Regional Policy Statement (CRPS) given infrastructure would be</p>	<p>term protection given that no height limits apply in the central city (except where any qualifying matters apply). This would mean the Ministry of Justice would need to modify the radio masts or adopt other mitigation strategies such as constructing relay sites in response to buildings, and utilities blocking the pathways. As there is currently no specific requirement to consider the effects on radiocommunication pathways, a threat to the pathways may not be identified until a building is being constructed or a crane is being put in place. This is considered an unacceptable risk given the potential implications for human life.</p> <p><b>Effectiveness</b> – This option is not effective in that it does not restrict development resulting in disruption to radiocommunication pathways. This option would not guarantee long-term protection given that no height limits apply in the central city (except where any qualifying matters apply).</p> <p><b>Risk of acting/not acting</b> – The risk of not applying the qualifying matter and relying on modifying the radiocommunication pathways is that they will not be adequately</p>	
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	<p>integrated with land use development. The inclusion of provisions by way of plan change will be more effective at implementing Objective 3.3.12(b) of the District Plan and giving effect to Objective 6.3.5 of the CRPS, which both seek to avoid adverse effects on strategic infrastructure. The inclusion of the proposed provisions within the Plan is considered to be an effective way to ensure that activities that have the potential to affect the operation of radiocommunication pathways are appropriately considered through a consent process.</p> <p><b>Risk of acting/not acting</b> – The risk of acting is that the radiocommunication pathway corridor will restrict the height of development within the corridor. A resource management issue has arisen as a result of the current provisions not being sufficient to provide the necessary level of protection for the radiocommunication pathways. The MDRS would add to this issue allowing building heights that would interfere with the radiocommunication pathways. Another risk of including this qualifying matter is that the radiocommunication pathway</p>	<p>protected from development within the central city.</p>	
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	<p>overlay may be missed because it will not physically occupy land and cannot be seen, meaning it is less obvious to the general public that the pathways are there. The risk of not acting is that there would be no protection of radiocommunication pathways which could lead to disruption of the network and a risk to life and property.</p>		
<p><b>Recommendation:</b> Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>			

## 6.22 Residential-Industrial Interface Area Section 32 evaluation

- 6.22.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a))** - The extent of the proposed residential-industrial interface area where a height/storey limit is proposed, is identified as an qualifying matter overlay under the Planning Maps.
- 6.22.2 **Issue** – The result of applying MDRS means that there is potential for much greater residential density along industrial/residential interfaces than currently enabled in the District Plan. Enabling development up to three storeys may result in currently complying levels of noise from industrial activities exceeding the noise limits. This has the potential to result in nuisance effects on future occupants, and reverse sensitivity effects on industrial activities, potentially affecting their commercial viability. The activities enabled in the industrial general zone (which tend to buffer residential zones from industrial heavy zones) are those that have lesser impacts in terms of noise, traffic movements, odour than compared with land zoned industrial heavy. The industrial chapter in the District Plan includes specific measures to minimise impacts on adjoining residentially zoned land such as setbacks, recession planes, screening of outdoor storage, landscaping and building height. Chapter 6.1 of the District Plan also contains maximum noise limits for both residential zoned land and industrial zoned land.
- 6.22.3 Noise has been the most prevalent issue raised in complaints<sup>1</sup> from residents near industrial activities. This includes, but is not limited to, noise originating from the use of machinery (such as site scraping, trucks and forklifts), banging and clanging of metal, and the moving of containers. Advice from Acoustic Engineering Services (refer Appendix 39) indicates that noise limits which control the industrial-residential interface are in line with best practice (including the directives of the National Planning Standards) and put the onus on industrial operators to comply with ‘residential level’ limits by the time their noise reaches residential areas. This is because noise generated in any of the Industrial zones when received at a residential zoned property is required in the District Plan to comply with the Residential noise limits (50 dB LAeq between 0700 and 2200 hours, and 40 dB LAeq / 65 dB LAFmax between 2200 to 0700 hours). The District Plan requires compliance with these noise limits is measured and assessed in accordance with NZS6801:2001 Acoustics – Measurement of environmental sound, and NZS 6802:2008 Acoustics – Environmental noise. The NZS6802:2008 requires assessment of compliance at 1.2 – 1.5 metres at the façade above any floor level of interest, and also 1.2 – 1.5 metres above ground level over the entire outdoor area of the site.
- 6.22.4 The AES report indicates that the vast majority of the dwellings at the industrial-residential interface are currently single storey. In this situation, in the majority of layouts there is screening blocking direct line of sight between many industrial source and residential properties – either provided by buildings, or site fencing. The report sets out that effectiveness of screening depends on the height of the screen, as well as the location of the screen relative to the source and the receiver. The key issue in this case is that if the height of the receiver is increased from 1.5 metres above ground level (single level dwelling) to approximately 7.5 metres above ground level (the third-floor level of a dwelling), the effectiveness of any screening may be reduced. If there is now direct line of sight between the industrial noise source and sensitive residential receiver, the screening may reduce to zero. In that case, a noise

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<sup>1</sup> Sourced from the Regulatory Compliance Unit, Citizen and Customer Services Unit and the Office of the Chief Executive for the period between 1st December 2016 and 20th March 2019

source which is relying on the screening to comply with a noise limit of 50 dB LAeq at ground level, would generate a noise level above 50 dB LAeq when received at the third-floor level of the new dwelling.

- 6.22.5 MDRS may provide further incentive to redevelop those sites, and new dwellings in that case may be up to three stories which may result in currently complying levels of noise from industrial activities exceeding the noise limits. This may result in undue amenity effects on occupants of the new three storey development in terms of noise disturbance. This has the potential to therefore result in reverse sensitivity effects on industrial activities, and could unduly constrain the operation of businesses. The issue is to determine what level of intensification is appropriate so as not to unduly impact currently complying industrial activities and providing for intensification that would not cause disturbance and reduced amenity to future occupants. The Act enables a qualifying matter to potentially be applied in respect of this issue under s771 (i) and s770 (i) *'the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand'*.
- 6.22.6 **Option evaluation** – The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects, as well as the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the an assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.22.7 **Additional assessment under the Act (Sections 771 – 77R) and the NPS-UD (Clause 3.33)** - Section 771 and Section 770 allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include, under s771 (i) and s770 (i), *'the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand'*. Business land, in the NPS UD, includes land in any industrial zone.
- 6.22.8 **Reason the area is subject to a qualifying matter (s77J (3)(a)(i))** - As set out above, there is potential for much greater residential density along industrial/residential interfaces under MDRS than currently enabled in the District Plan. This could result in nuisance effects on future residential occupants, and reverse sensitivity effects on industrially zoned land, particularly with respect to noise. The noise limits within the District Plan are determined by the zoning of the receiving activity and therefore noise generated in any of the industrial zones when received at a residential zoned property are required to comply with the residential noise limits. MDRS enables residential dwellings to be constructed up to three storeys in height compared to the two storeys permitted in the current Plan, although currently it is predominantly single level dwellings at the interface with industrially zoned land. The greater development potential may mean that the third storey of new dwellings *'overlook'* industrial activities to a greater extent, and do not acoustically benefit from the screening of typical boundary fences, or intervening buildings. Additionally, as NZS6802:2008 requires assessment of noise compliance at 1.2 – 1.5 metres above any floor level of interest, there may be compliance locations created which receive higher noise levels than in the current situation, and this may result in currently complying levels of noise from industrial activities exceeding the noise limits. It is noted that changes to the industrial zone rules is outside scope of this IPI and would require a separate future plan change.

- 6.22.9 **Reason the qualifying matter is incompatible with the level of development permitted (s77J (3)(a)(ii))** – PC14 will encourage redevelopment at a rate which is currently not experienced. Three storey residential development abutting industrially zoned land has the potential to generate reverse sensitivity effects on industrial activities, potentially affecting their commercial viability. The District Plan currently permits residential development up to two storeys whereas the MDRS provides for development up to three storeys. Changes to subdivision controls through MDRS also mean that there cannot be any minimum allotment size around existing or proposed dwellings. This means there is potential for much greater density along industrial/residential interfaces than currently possible. This has the potential to unduly constrain industrial activities that would comply with the District Plan noise limits as they are currently, however may no longer comply due to compliance locations created which receive higher noise levels. There is potential for noise disturbance effects at the three storey level and associated reverse sensitivity effects on industrial activities.
- 6.22.10 **Impact of lesser enablement under the proposed qualifying matter (s77J (3)(b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Section 2.3, Table 6 of this report. Note it is unlikely that apartments will be established in these locations, and therefore this qualifying matter may only impact one floor which could impact the number of bedrooms, and unit typology rather than number of units. The enabled capacity impacted is 8300 units, while 1150 of these units are considered feasible.
- 6.22.11 **The costs and broader impacts of imposing lesser enablement (s77J (3)(c))** - The costs and broader impacts of imposing those limits are set out in the below s32 evaluation table.
- 6.22.12 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

<b>Table 29 – Options evaluation for the residential-industrial interface areas</b>		
<b>Option 1- Apply MDRS with no qualifying matter</b>	<b>Option 2 – Proposed change</b>	<b>Option 3</b>
<b>Option description</b> This option is to apply MDRS in residential zones, without an industrial interface qualifying matter.	<b>Option description</b> This option would introduce a two storey height limit buffer for residential properties directly adjoining industrial zoned land. The two storey requirement would extend over 40m within the properties adjoining industrial land. In the case of properties fronting across the road from industrial zoned land, the same requirement would apply. Resource consent would be required for development over two storeys within this buffer. This buffer represents the potential extent of elevated noise area into the Residential zone at third floor level where industrial noise sources currently comply with the CDP limits at ground floor. The vast	<b>Option description</b> This option introduces a two storey height buffer for residential development within 15m of the industrial zoned land. The 15 metre buffer represents the potential extent of elevated noise area into the Residential zone at third floor level where industrial noise sources would currently comply with the CDP limits at both ground and second floor. This reflects that difference between what is required to comply at second floor level, and what is required to comply at third floor level, is not as great compared to a change from ground floor level to third floor level.

	<p>majority of the dwellings at the industrial-residential interface are currently single storey. Increasing to a three storey level may result in overlooking industrial activities and associated greater exposure to noise, whereas in the existing situation there is likely sufficient screening at ground floor level by site fencing and/or buildings.</p>	
<p><b>Appropriateness in achieving the objectives and higher order documents</b></p>		
<p><b>Efficiency</b> – This option is not considered an efficient way to achieve the objectives of the Plan given the potential undue impacts on future occupants of three storey residential development and potential undue impacts on industrial businesses.</p> <p><b>Benefits</b> - Sites are able to realise their development potential to a three storey envelope. This may provide economic benefits with a higher density enabled in these areas. This option is less likely to require consents than for all other options. Enabling development to three storeys could provide for increased social opportunities and benefits with a higher density of residents. There may be cultural benefits associated with properties being able to realise their full development potential.</p> <p><b>Costs</b> – There is potential for amenity impacts on occupants of three storey development at the industrial interface, and potential for reverse sensitivity impacts on industrial activities. Existing and future industrial activities could have their operations restricted due to reverse sensitivity from three storey development occurring at the interface, potentially affecting their commercial</p>	<p><b>Efficiency</b> – While this option reduces the enablement from three storey to two storey development adjoining industrial zoned land, it ensures development does not unduly impact on the operation of industrial activities in industrial zones, and protects the amenity of occupants of residential development. Therefore this option is considered the most efficient way to achieve the objectives of the Plan.</p> <p><b>Benefits</b> - This option has the least impact on businesses in industrial zones. The AES acoustic memo demonstrates there are realistic scenarios where the construction of three level dwellings would lead to elevated noise being experienced at the third storey façade from currently compliant industrial activities. This option would reduce potential for reverse sensitivity effects on industrially activities, which could potentially affect their commercial viability. It reduces potential for undue nuisance effects on residential activities adjoining the industrial interface, helping maintain amenity and wellbeing of occupants. There may be cultural benefits associated with limiting development to two storey close to industrial areas.</p>	<p><b>Efficiency</b> – This option is not as efficient as option 2 noting that a 15m buffer would be most suitable where permitted two storey development is replaced by three storey development given the minimal difference in noise between these levels. The existing environment at the industrial interface is predominantly comprised of single level dwellings. The 15m buffer would not afford suitable distance to ensure reverse sensitivity is appropriately managed.</p> <p><b>Benefits</b> - The 15m buffer would still afford a level of separation reducing potential noise impacts on three storey development and associated reverse sensitivity effects on industrial activities. However the 15m buffer is based on permitted two storey development being replaced with three storey development, which does not reflect the existing situation with predominantly single level dwellings adjoining industrial zoned land. A 15m buffer would still provide a level of protection, although there is still potential for currently complying industrial activities to breach the noise rules should three storey development be undertaken at the interface, potentially unduly impacting on the operation of the activity. There would be economic benefits with a smaller buffer in that more three storey development can occur near the interface without requiring resource consent and potential</p>

<p>viability. There may be cultural cost associated with enabling three storey development close to industrial zoned land.</p> <p><b>Effectiveness</b> – This option would not be as effective as option 2 in providing for industrial business land under Policy 2 of the NPS UD. Allowing for three storey development at the industrial interface would not protect the operation of industrial activities from reverse sensitivity effects.</p> <p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of not acting is that three storey development will be enabled at the interface with industrial land, potentially restricting the operation of previously complying industrial activities, and new industrial activities due to noise exposure on the residential receivers.</p>	<p><b>Costs</b> - Some sites may not be able to realise their development potential in that they are limited to two storey level, or require a resource consent. However there is sufficient development capacity within the city without additional or more intensified development in this location. There may be uncertainty and higher development costs for three storey development in these areas. Restricting intensification to two storey may to a small extent restrict the ability of the community to provide for its housing needs.</p> <p>There may be cultural costs associated with properties not being able to realise their full development potential.</p> <p>It is noted that there is the potential cost of subduing three storey residential development within the buffer area in many situations where potential reverse sensitivity effects would not arise including where industrial activities are low noise emitting, the noise source is effectively screened even where the receiver is a three storey dwelling, the noise source is far from the interface, or where the noise source is close to the interface with no screening and the noise exposure is relatively similar for three storey and below. It is also noted that there may be low demand for three storey residential development adjoining industrial land given the vast number of higher amenity areas in the City available for redevelopment.</p> <p><b>Effectiveness</b> – This option ensures business land is provided in accordance with Policy 2 of the NPS UD by protecting industrial activities from reverse sensitivity effects that might occur through allowing</p>	<p>mitigation. This option would to an extent provide for social needs in that there is more ability to develop three storey residential development closer to the industrial interface. However, it is noted that there may be low demand for three storey residential development adjoining industrial land given the vast number of higher amenity areas in the City available for redevelopment. There may be cultural benefits associated with limiting development to two storey close to industrial areas.</p> <p><b>Costs</b> - The buffer would restrict development within 15m of industrial zoned land to two storey which may impact on development potential. As mentioned above the 15m buffer is not considered an adequate distance to minimise potential for amenity effects on future occupants and reverse sensitivity effect on industrial activities. This option may result in higher costs in developing at the interface however not to the same extent as option 2. This option may expose more people to undue noise effects than option 2 and may result in reverse sensitivity effects on currently complying industrial activities which may then constrain their operation.</p> <p><b>Effectiveness</b> - This option would not be as effective as option 2 in providing for business land under Policy 2 of the NPS UD given the greater potential for reverse sensitivity effects on industrial activities.</p> <p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of applying the 15m buffer is that it is not fit for purpose, with more potential for reverse sensitivity effects than</p>
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	<p>three storey development in close proximity to these interfaces.</p> <p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of not acting is that there is potential for reverse sensitivity effects on industrial activities due to the greater height allowance and associated noise exposure for residential development adjoining industrial land.</p>	<p>option 2. However not applying any buffer at all could unduly impact industrial businesses.</p>
<p><b>Recommendation:</b> Option 2 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>		

## 6.23 Open Space and Specific Purpose (Ōtākaro Avon River Corridor) and (Cemetery) Zones – Sections 77 and 32 evaluation

### 6.23.1 Qualifying matter consideration of Open Space

Section s77O(f) provides for the protection of public open space areas from intensification as a qualifying matter to the extent necessary to accommodate that matter, stating:

*...open space provided for public use, but only in relation to land that is open space:*

While no definition is provided within the Act for open space, Clause 1.4(4) states that a zone reference made is as per those equivalent zone descriptions under section 8 of the National Planning Standards ('Planning Standards'). These are described below:

National Planning Standards zone	Zone description
Natural open space zone	<i>Areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone.</i>
Open space zone	<i>Areas used predominantly for a range of passive and active recreational activities, along with limited associated facilities and structures.</i>
Sport and active recreation zone	<i>Areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures.</i>

6.23.2 In addition, in terms of scope of the qualifying matter, it is considered that the Act is referring to land that is publicly accessible, rather than needing to be in public ownership. Land may therefore be privately owned and meet the definition of 'open space' (as per Planning Standard zone definitions) to be considered as a qualifying matter. Conversely, publicly owned land must be accessible for public use. The likes of utility infrastructure land (i.e. pump station or transformer) is an example of where the qualifying matter would be out of scope.

6.23.3 Whilst open space zones are not considered a 'relevant residential zone' under s2 of the Act where MDRS would need to apply, the scope of zone influence of Policy 3 of the NPS-UD is undefined, meaning such zones and areas need to be considered as a qualifying matter in order to ensure currently anticipated open space outcomes of these areas are maintained. In effect, due to the ubiquitous nature of the Policy 3 intensification direction, this evaluation considered applicable open space areas as an existing qualifying matter under s77Q of the Act.



#### 6.23.4 Operative open space zones

The Christchurch District Plan (CDP) became fully operative on 19 December 2017, prior to the introduction of Planning Standards, which were introduced in November 2019. Despite this, the CDP contains a number of zones that likely meet these definitions. Current open space zones in the CDP are listed below:

Acronym	CDP Open Space Zone	Description <sup>2</sup>
OC	Open Space Coastal	Protects natural shoreline to provide for restoration and enhancement alongside other coastal recreational activities and structures.
OP	Open Space Community Parks	Neighbourhood recreational parks, with associated planting, landscaping and public amenities, with larger parks also providing for sporting fields and facilities, their historic significance, and temporary entertainment.
OMI	Open Space McLeans Island <sup>3</sup>	Specific focus on animal conservation and recreation, including associated structures, while maintaining a predominance of open space that recognises its local context, including natural hazards and avoids reverse sensitivity issues.
OMF	Open Space Metropolitan Facilities	Providing for major sporting facilities of up to an international scale, commensurate to scale of area, including associated structures and utilities, whilst recognising reverse sensitivity issues.
ON	Open Space Natural	An abundance of natural areas that are accessible for recreational opportunities, whilst protecting biodiversity, landscape, cultural, and historic heritage values.
OWM	Open Space Water and Margins	The surface of water and margins of rivers, lakes, and wetlands that permit public access, where appropriate, and protect and enhance their natural qualities and habitats, including customary harvesting.
ARP	Open Space Avon River Precinct (Te Papa Ōtākaro) Zone	Provides for the restoration and enhancement of the public open spaces along the Avon River/Te Papa Ōtākaro in the Central City, including walking and cycling links, leisure activities and enhancement of natural values.

<sup>2</sup> Summarised as per Table 18.2.2.1 in the CDP.

<sup>3</sup> This zone is not located within the urban environment and is only included for completeness.

6.23.5 In consideration of the above zones and intended uses, these zones are considered to align with zones within Planning Standards as follows:

CDP Open Space Zone	National Planning Standards Zone nearest equivalent
Open Space Coastal	Natural open space zone
Open Space Community Parks	Open space zone
Open Space McLeans Island	Open space zone*
Open Space Metropolitan Facilities	Sport and active recreation zone*
Open Space Natural	Natural open space zone
Open Space Water and Margins	Natural open space zone
Open Space Avon River Precinct (Te Papa Ōtākaro) Zone	Natural open space zone*

*\* In practice, it is likely that the transfer to the Planning Standards will also require the use of a Precinct to capture area-specific outcomes for these zones.*

The above zoned areas within any Policy 3 catchment are therefore considered eligible for consideration as a qualifying matter under s770(f) and s77Q.

### 6.23.6 Consideration of other operative ‘open space’ zones – Specific Purpose Zones

The CDP contains several other zones that are not explicitly expressed as ‘open space’ zones, but their intended use does align well with the Planning Standards zone descriptions for open space zones, and hence could be considered under s770(f). However, recognising the limited overlap of the Policy 3 ‘catchment’ with these open space areas, only the following zones described above as open space zones are located within the various walking catchment areas adopted for commercial centres as part of this IPI:

- Open Space Community Parks
- Open Space Water and Margins
- Open Space Avon River Precinct (Te Papa Ōtākaro)
- Open Space Metropolitan Facilities
- Open Space Natural
- Specific Purpose (Cemetery)
- Specific Purpose (Ōtākaro Avon River Corridor)

6.23.7 The above therefore represents the proposed scope of applying the open space qualifying matter. As can be seen, all but two zones are currently zoned as a form of Open Space under the CDP. The last two zones are not zoned as such, however, through their zoning descriptions they align well with Planning Standard zone descriptions for open spaces<sup>4</sup>:

Acronym	CDP Specific Purpose Zone	Description
SPC	Specific Purpose (Cemetery)	Provide for internment and cremation services as well as passive cemetery/leisure activities to meet community needs within a setting where cultural heritage, ecological, landscape, spiritual and religious values are recognised, protected, enhanced and/or conserved. <sup>5</sup>
SPOA	Specific Purpose (Ōtākaro Avon River Corridor)	Provide for significant areas of restored natural environment, a predominance of natural and open spaces, with limited areas of built development concentrated in specific areas, flood and stormwater management, cultural and community-based activities, a range of visitor attractions, and limited residential and retail activities within an area subject to natural hazards and dominated by open space. <sup>6</sup>

<sup>4</sup> The table below should not be seen as a substantive assessment (as per s32 of the Act) for equivalent Planning Standard zones, but it seeks to satisfy clause 1.4(4) of the NPS-UD.

<sup>5</sup> Summarised, as per Objectives 13.2.2.1-3.

<sup>6</sup> Summarised, as per Objective 13.14.2.1.

Further consideration of these specific purpose zones is provided below.<sup>8</sup>**Specific Purpose (Cemetery) Zone**

6.23.8 As detailed above, the Specific Purpose (Cemetery) Zone is broadly considered as a form of open space zone based on the zone description above and outcomes sought for cemeteries. Only one site is captured within a Policy 3 catchment. It is a historic cemetery site, listed below, in public ownership and publicly accessible for passive cemetery and leisure activities.

Site	Policy 3 Catchment	Ownership / Accessibility
Barbadoes Street Cemetery, 389-391 Barbadoes Street, 351-357 Cambridge Terrace	City Centre – Policy 3 (c) Response	CCC, publicly accessible

6.23.9 This historic cemetery is no longer used for internment or cremation services and is scheduled in the Plan as a highly significant historic heritage item and setting. It is also registered as a Category 2 heritage item in the Heritage NZ Pouhere Taonga Heritage List. Permitted activities for the zone provide for historic cemetery-related activities and structures, including their ongoing maintenance and conservation, and passive leisure activities. Buildings are limited to a single storey. There are no controlled or discretionary activities, with restricted discretionary activity threshold used for permitted activity non-compliances. Non-complying activities include the use of the zone for electricity utility infrastructure and largely mimic such controls in other sub-zones within the CDP.

6.23.10 In summary, the zone is considered to best align with the ‘open space zone’ description under National Planning Standards and therefore applicable to consideration under sections 77O(f) and 77Q of the Act as a qualifying matter.

#### 6.23.11 Specific Purpose (Ōtākaro Avon River Corridor) Zone

The area was zoned Specific Purpose (Flat Land Recovery) Zone following the 2010/2011 Canterbury Earthquakes, but then rezoned in response to the introduction of the Ōtākaro Avon River Corridor Regeneration Plan (‘Regeneration Plan’). The zone was effectively inserted into the District Plan through s71 of the Greater Christchurch Regeneration Act 2016<sup>7</sup>.

6.23.12 The Flat Land Recovery zoning was an interim zoning<sup>8</sup> following the Canterbury Earthquake Recovery Authority (CERA) concluding that the area was generally inappropriate for built development and identifying it as a ‘red zone’ within which it offered to purchase land from the existing land owners. It

<sup>7</sup> On 18 September 2019, s71 Greater Christchurch Regeneration Act 2016 was used to introduce the Ōtākaro Avon River Corridor Regeneration Plan, which directed changes to the District Plan including introduction of Specific Purpose (Ōtākaro Avon River Corridor) Zone. This section of the Act was later repealed through the Greater Christchurch Regeneration Amendment Act 2020.

<sup>8</sup> Para 14, Decision 21, Specific Purpose Flat Land Recovery Zone, Stage 3A of Christchurch Replacement District Plan IHP: <http://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-21-Specific-Purpose-Flat-Land-Recovery-Zone-Stage-3-04-04-2016-.pdf>

recognised that the long term future use of the red zoned areas would be subject to a separate process. For the Ōtākaro Avon River Corridor part of the red zone, the long term future use of the area was resolved through the specific Regeneration Plan that applied to that area.

6.23.13 The Specific Purpose (OARC) Zone was introduced as part of the Regeneration Plan and intends to set the District Plan framework to assist in delivering the Regeneration Plan. This Plan seeks to restore the area alongside and within the Ōtākaro Avon River corridor for about a 11.5km stretch of the river between Bexley Wetland and the Barbadoes Cemetery. The focus of the plan is the restoration and recovery of the natural habitat, landscape, water management, with the dominance of connected open spaces throughout, alongside limited identified residential areas on the outer edge of the zone.

6.23.14 The Regeneration Plan provides for isolated areas of development, being<sup>9</sup>:

- **Reaches:** where varying levels of development and ranges of activities are anticipated.
- **Activity Areas:** where the largest scale development is anticipated within the Zone, to a scale influenced by the surrounding area.
- **Trial Housing Areas:** demonstration housing areas to test natural hazard and climate change-adaptive housing in a comprehensive and environmentally complimentary manner.
- **Edge Housing Areas:** located in areas between established residentially zoned areas and the Ōtākaro Avon River corridor where designed to front the river and improve the integration of the river environment and existing residential areas.
- **Landing Overlay:** provides for small-scale retail, park management, car parking, and recreational water structures at specific locations to improve interaction and access to the river environment.

6.23.15 The Reaches lie outside, and on the outer edges of, the Green Spine. All the Landings are located in the Green Spine with two exceptions, while the Activity Areas and Trial Housing Areas are located outside the Green Spine in the Reaches. The Edge Housing Areas are located in either the Green Spine or the Reaches. A copy of the Development Plan is included as **Appendix 41** to this assessment.

6.23.16 The substantive element of the Regeneration Plan is the **Green Spine**, which provides for the majority of the aforementioned open space, natural habitat restoration and stormwater management areas. Specifically, the zone anticipated that<sup>10</sup>:

*...The Green Spine will be largely free of built development, providing a continuous area of public open space with trails, paths and footbridges, extending from the central city to the sea.*

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<sup>9</sup> Summarised, as per Table 1 in Policy 13.14.2.1.1.

<sup>10</sup> As per Table 1 in Policy 13.14.2.1.1.

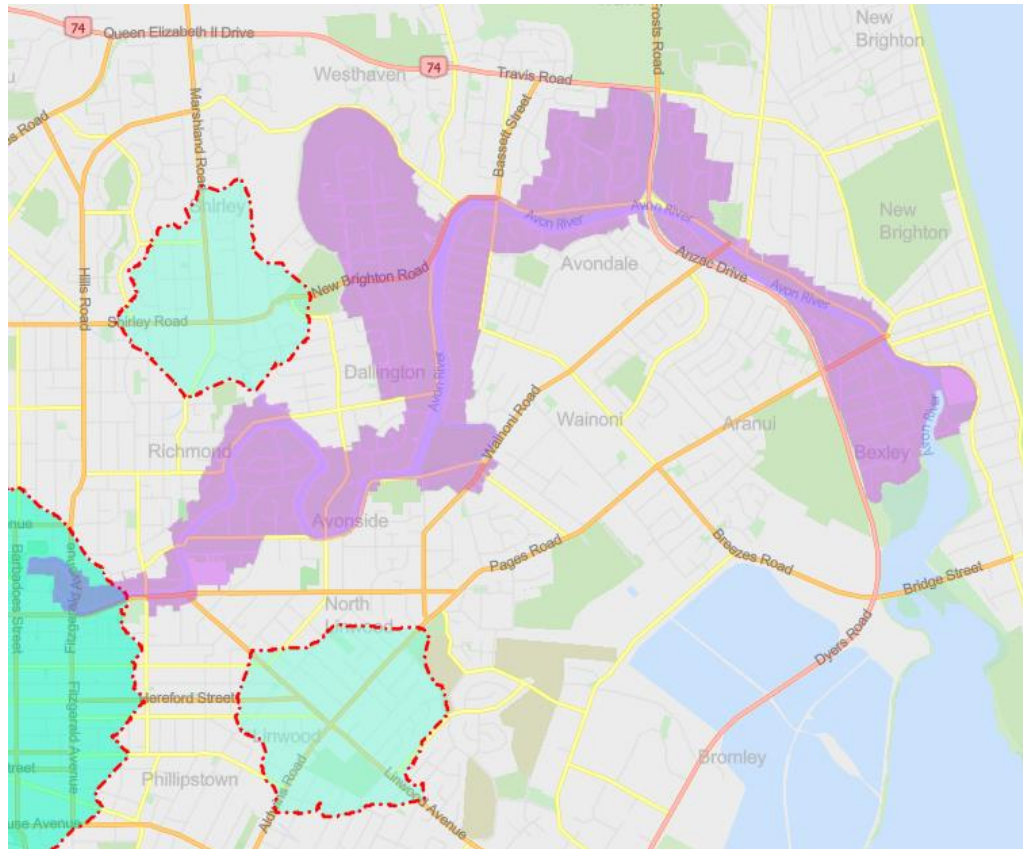
*Built development and other activities will be largely limited to and concentrated in the Landing Overlays, Edge Housing Area Overlays, an Activity Area Overlay and Trial Housing Area Overlays ...*

6.23.17 The Green Spine in itself then can generally be seen as being synonymous with those outcomes sought by open space zones, as described by National Planning Standards. It is however acknowledged that elements within the Regeneration Plan are bespoke and do not align well with zone descriptions captured in Planning Standards and are therefore further considered below.

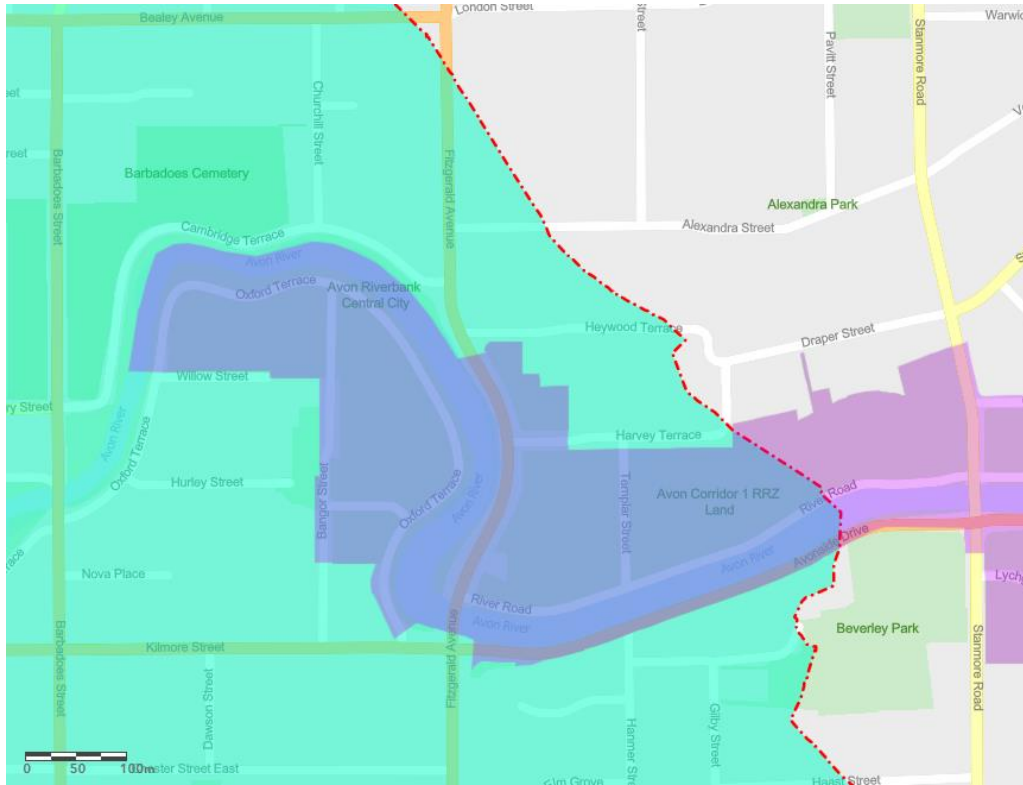
#### **6.23.18 Policy 3 relationship**

Policies 3 (c) and (d) of the NPS-UD both require zones within prescribed catchments from commercial centres to enable increased building heights, at a minimum. Under (c), areas within at least a walkable catchment of the City Centre zone must be enabled for at least six storey development, and under (d), both building heights and urban form density must be commensurate with the level of commercial activity and community services.

6.23.19 Assessments completed as part of this IPI have determined that a walkable catchment from the City Centre zone of at least 1.2km will be used to enable at least six storeys (both the extent and the enabled height increasing with levels of accessibility), and a range of walking catchments are used to determine the extent of intensification around other commercial centres. This evaluation is not repeated here and reference should be made to the commercial and residential evaluations of this IPI, however images of the relationship between catchments and the zone are shown below.



**Figure 6.23.24a** – Full extent of Specific Purpose OARC Zone (purple) showing adopted walkable catchments from relevant centres.

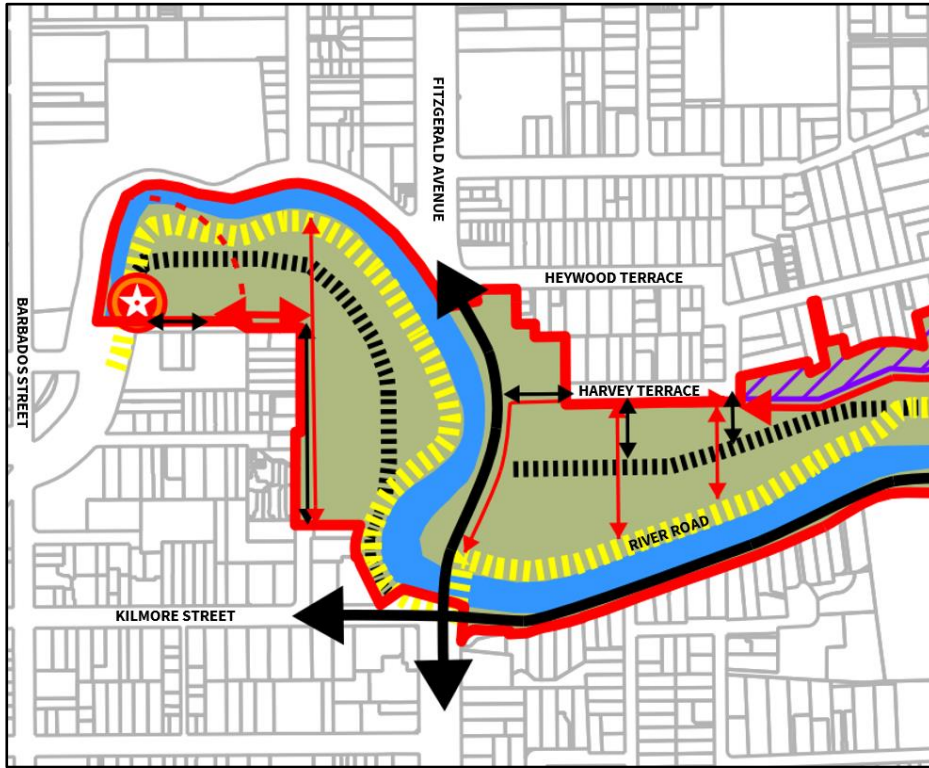


**Figure 6.23.24b** – Area of overlap between Specific Purpose OARC Zone (purple) and 1.2km walkable catchment from the City Centre Zone.

6.23.20 The above images show the proximity of the far western proportion of the zone to the City Centre Zone. This means that the area lies within the walking catchment denoting where intensification should be considered. Simply put, without identifying this area as being subject to a qualifying matter, this area is required to be enabled for 20m tall building development.

6.23.21 The image below shows the part of the Regeneration Plan that lies within the Policy 3(c) catchment.





**KEY**

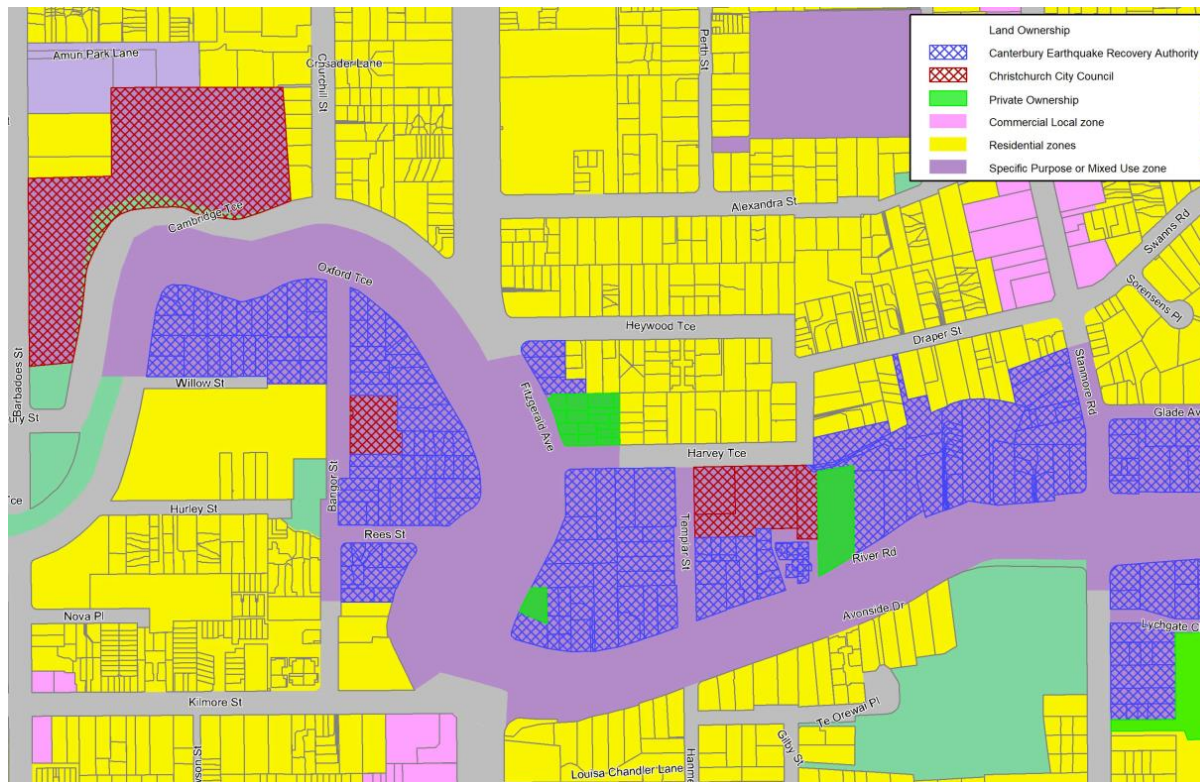
- Development Plan boundary
- Open Space Community Park Zone
- Water bodies
- Stormwater Management Areas \*
- Green Spine
- A Otakaro Loop Reach
- B Horseshoe Lake Reach
- C Eastern Reaches
- No change to zoning
- City to Sea Path \*\*\*\*
- Stopbank \*\*\*\*
- Proposed new roads
- Indicative pedestrian / cycle linkages
- Cycle commuter linkage
- New pedestrian / cycle / vehicle bridges
- State Highway 74
- Proposed Road linkage \*\*\*
- Existing minor arterial
- Existing collector road
- Existing local roads \*\*
- Stopbank \*\*\*\*

**OVERLAYS**

- Activity Area
- Trial Housing Area
- Edge Housing Area
- Landing
- \* Indicative size and shape
- \*\* These are the minimum number of local roads that are required to be retained. Others may also be retained.
- \*\*\* To be investigated.
- \*\*\*\* Indicative alignments.

6.23.22 The Green Spine dominates this part of the Regeneration Plan, bisected by several stopbanks, cycle/pedestrian paths, new roads, and a landing area to the far west. As previously discussed, the Green Spine element of the Regeneration Plan generally aligns with open space zone descriptions under National Planning Standards, therefore meeting the first test of whether the area is considered as open space for the purposes of the qualifying matter specified in section 770(f) of the Act.

6.23.23 While the vast majority of the Specific Purpose (OARC) Zone is accessible to the public, ownership across the zone is more sporadic. The image below shows ownership around this Policy 3 catchment extent:



6.23.24 This shows that three sites within the walkable catchment of the City Centre are privately owned, being:

- 254-256 Fitzgerald Avenue and 5 Harvey Terrace
- 238 Fitzgerald Avenue
- 57 River Road

It is considered that these sites are, therefore, unable to meet the criteria of being “provided for public use” as they are privately owned and do not provide public access across their boundaries. Section 770(f) is therefore unavailable as a qualifying matter.

#### **6.23.25 Consideration of sites subject to significant natural hazard risk**

Following the 2010/2011 Canterbury Earthquakes, Cabinet considered the classification of land across Christchurch following geotechnical assessment by Tonkin & Taylor<sup>11</sup>. This classified land into four categories (otherwise known as ‘zones’):

- Green – Repair / rebuild can begin
- Orange – Further assessment required
- Red – Land repair would be prolonged and uneconomic
- White – Port Hills areas with extensive damage and assessments were ongoing

6.23.26 The criteria used by Ministers to ‘red zone’ properties was:<sup>12</sup>

*(a) There was area-wide land damage, thereby implying the need for some sort of area-wide solution; and*

*(b) An engineering solution to remediate the land damage would:*

- i. Be uncertain in terms of a detailed design, its success and its possible commencement, given the ongoing seismic activity;*
- ii. Be disruptive for landowners, as the commencement date is uncertain (both in terms of the confidence in the land settling sufficiently to begin remediation and the need to sequence the many areas where remediation would be required), and the length of time they would need to be out of their homes to allow remediation to occur and new homes built;*

<sup>11</sup> New Zealand Cabinet. 2011. “Land Damage from the Canterbury Earthquakes.” Cabinet Minute of Decision 11 (24/15). Wellington, New Zealand.

<sup>12</sup> CAB Min (11) 24/15 and CAB Min (11) 30/18; Cabinet Paper “Land damage from the Canterbury Earthquakes” – as referenced by the statement of evidence of Ms Jacka for the Crown at 6.4 submitted for the Natural Hazards Stage 1 hearing – Christchurch Replacement District Plan Independent Hearings Panel, February 2015.

iii. *Not be timely, for example, there is also substantial replacement of infrastructure required and/or the land level need to be significantly lifted; effectively requiring work equivalent to the development of a new subdivision, and would probably lead to significant social dislocation for those communities in the short-to-medium term;*

iv. *Not be cost effective – the cost of remediation is greater than the value of the land; and*

(c) *The health or well-being of residents is at risk from remaining in the area for prolonged periods.*

6.23.27 The conclusion of the above categorisation was a proposal to reflect the extent of this 'red zone' as a land recovery zone within the Replacement District Plan. The IHP for the Christchurch Replacement District Plan heard and decided on the proposal to introduce the Specific Purpose (Flat Land Recovery) Zone. The purpose of the zone was to act as "...an interim measure to deal with significant planning issues confronting this area..."<sup>13</sup> whilst also acting as a means "...to safeguard the existing rights of the 87 privately-owned properties, while ensuring there is no development that could hinder or prevent the long-term solutions that will be put forward for this area"<sup>14</sup>.

6.23.28 In the context of other natural hazard provisions contained in the proposed RDP (Replacement District Plan), evidence from Council<sup>15</sup> demonstrated that there were multiple private properties that are not affected by Flood Ponding, High Flood Hazard Management Areas, or Tsunami Inundation Areas. This includes the three properties within the Policy 3(c) intensification area<sup>16</sup> previously identified:

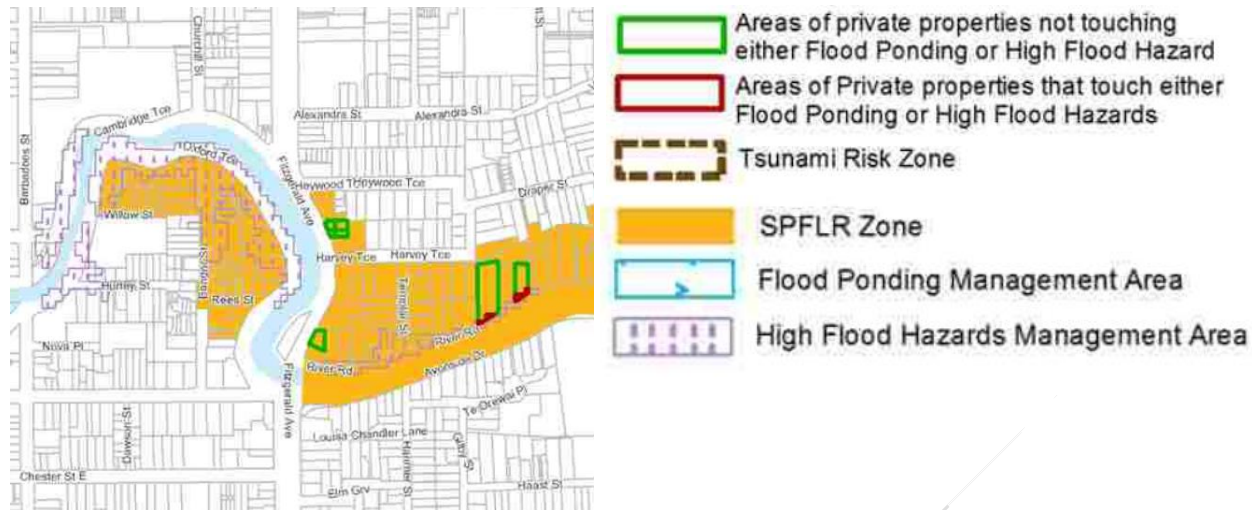
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<sup>13</sup> Para 14, Decision 21, Specific Purpose Flat Land Recovery Zone, Stage 3A of Christchurch Replacement District Plan IHP: <http://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-21-Specific-Purpose-Flat-Land-Recovery-Zone-Stage-3-04-04-2016-.pdf>

<sup>14</sup> Para 26, Decision 21, Specific Purpose Flat Land Recovery Zone, Stage 3A of Christchurch Replacement District Plan IHP: <http://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-21-Specific-Purpose-Flat-Land-Recovery-Zone-Stage-3-04-04-2016-.pdf>

<sup>15</sup> Attachment D, available at: <https://chchplan.ihp.govt.nz/wp-content/uploads/2015/08/3723-CCC-Evidence-of-Peter-Eman-12-11-2015.pdf>

<sup>16</sup> Ibid: Planning Map 32, page 90.



- 6.23.29 Liquefaction risk, including lateral spread/stretch throughout the remainder of the area was considered to be a ‘very low life hazard’ and is of a scale and susceptibility that is similar to that in ‘green zone’ areas outside of the SPFLR zone. Engineering solutions are available to deal with liquefaction on a site-by-site basis<sup>17</sup>.
- 6.23.30 The threshold for natural hazard risk in s770(a) is based on s6 matters, with s6(h) specifying this as “significant risks from natural hazards”. As concluded in RDP evidence, the three aforementioned privately owned sites within the Policy 3(c) walking catchment are unlikely to be exposed to any significant natural hazard risk captured in the RDP, and therefore could not be considered as a qualifying matter for natural hazard risks. The level of development required by Policy 3 on the sites may, however, not be appropriate due to specific land characteristics (‘other matter’ provided for in s770(j)). An analysis of such potential characteristics is undertaken below in accordance with s77R.
- 6.23.31 Since the time of the post-earthquake assessments, geotechnical investigations<sup>18</sup> have taken place over the 254-256 Fitzgerald Avenue and 5 Harvey Terrace site as part of a private plan change request (PPC11), which was publicly notified on 17 August 2022. The report summarises natural hazards as:

<sup>17</sup> Para 7.25 of evidence by Peter Eman (CCC).

<sup>18</sup> Geotech Consulting Limited (February 2021), Subdivision of 254-256 Fitzgerald Avenue, Richmond, Christchurch, Geotechnical Assessment report. Available at: <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2022/PC11/Appendix-2-Geotechnical-Report.pdf>

<i>Slippage</i>	<i>Low risk, except under liquefaction conditions when lateral spread may be an issue. The Avon River palisade wall has mitigated this risk.</i>
<i>Subsidence</i>	<i>Liquefaction settlement is expected in major earthquakes. Risk can be minimised by following MBIE Guidance and recommendations of this report.</i>
<i>Inundation</i>	<i>The site level is well above the Avon River and the site is outside the CCC Flood Management Area. Normal Building Code provisions for floor levels above finished ground will mitigate this risk.</i>

The report concludes that shallow ground improvement and TC2 Enhanced slab foundations are suitable for the two storey development proposed, and the site would be suitable for subdivision in terms of the RMA section 106 requirements.

6.23.32 Further, when assessed against the significance of the February 2011 earthquake “no significant ground cracking recorded on the site and that since then there has been a major repair of the river-bank along Fitzgerald Ave with deep ground improvement by stone columns that have the specific intention of disrupting the continuity of the liquefiable layers and holding back the ground behind the palisade wall<sup>19</sup>.”

6.23.33 Liquefaction is considered the only ‘significant risk’ that affects the site, which may be able to be remediated through foundation design. The applicant’s assessment, however, is based on a two storey lightweight construction that the PPC11 applicant proposes, rather than what may be enabled under the Act through Policy 3 application.

6.23.34 The applicant’s geotechnical report was reviewed by a Council geotechnical engineer for the purpose of assessing completeness of information provided with the plan change. The reviewing engineer generally agreed with the assessment “that any of the site specific geotechnical hazards should be able to be dealt with by appropriate foundation design and perhaps ground improvement where necessary”, while acknowledging that the report assessed the site’s suitability for a lightweight two storey development proposal.

6.23.35 The Council requested a further assessment and advice from a geotechnical engineer (refer **Appendix 42**) to consider the potential for a Policy 3 residential development up to 6-storeys (20m) high that might be enabled on the site by virtue of being within the walkable catchment of the City Centre.

6.23.36 In her Engineering Memo<sup>20</sup>, Marie-Claude Hébert considers a development both up to 3 storeys (as per the MRZ - Medium Density Residential Zone rules) and up to 6 storeys (as enabled by HRZ – High Density Residential Zone rules). She expects that “development up to three storeys would be possible and permitted in this area, with input from a suitably qualified geotechnical engineer/engineering geologist during the building consent stage.

<sup>19</sup> Ibid, page 13.

<sup>20</sup> Appendix 42 - Geotechnical Engineering Memo - 254 – 256 Fitzgerald Ave and 5 Harvey Tce



Specifically designed foundations taking into consideration the liquefaction hazard are expected. Although additional considerations are expected in the liquefaction analysis for three-storey buildings, specifically designed foundations in-line with the TC3 recommendations in the MBIE guidance (2012) are likely appropriate.”

6.23.37 She considers that development of up to six storeys may be possible with detailed geotechnical analysis and design information. “Foundation design for buildings with four to six storeys would likely need specifically designed deep ground improvement, which could have wider implications and constructability concerns. The scale of the deep ground improvement may have a greater impact on the surrounding area compared to buildings of three storeys or less.” These impacts could include noise and vibration, dust and debris, and traffic disruptions, and would likely extend beyond the boundaries of the site. Because four to six-story buildings will have added structural considerations and complexity of the foundation design, the additional costs may render the project unfeasible.

6.23.38 As liquefaction is considered under the Building Code ([B1/AS1](#)) as part of any residential construction, the threshold under s6(h) of the Act is not met and cannot be considered as a qualifying matter under s77O(a). Based on the specific characteristics of the land and the geotechnical assessment of feasibility of four to six storey development on the site, however, the level of development as provided for by Policy 3, is not considered appropriate. The factors discussed above are considered to satisfy the requirements of s77O(j) and s77R, therefore, a lesser level of permitted development, provided for under the Medium Density residential Zone rules, is considered more appropriate for the site.

6.23.39 The level of development on the site that would be prevented by the qualifying matter under s77O(j) is considered insignificant. Additionally, the MRZ level of development on the site is considered more consistent with the objectives for the Green Spine, within which the site is located, and the level of development permitted (8m height limit for buildings) in that part of the SP(OARC) Zone.

*Site-specific analysis that: identifies the site which the matter relates – 77R(c)(i)*

6.23.40 The sites proposed to be restricted from Policy 3(c) development through this qualifying matter are:

- Flats 5-8/254 Fitzgerald Avenue, FLATS 5-8 DP 46703 ON LOT 1 DP 46513
- Flats 9-20/5 Harvey Terrace, FLATS 9-20 DP 46703 ON LOT 1 DP 46513

*Site-specific analysis that: evaluates the specific characteristic that makes the sites incompatible with intensification – 77R(c)(ii)*

6.23.41 An evaluation of the site and its land characteristics making it unsuitable for permitted high density development of up to 20m high have been discussed above. This demonstrates that intensified development on Site #1 would require site specific assessment at consent stage, would likely

require extensive land remediation that may extend beyond the site boundaries, create potential nuisance to surrounding properties and is likely to not be financially feasible.

*Site-specific analysis that: evaluates the range of options to achieve the greatest development – 77R(c)(iii)*

6.23.42 It is considered that retaining the operative ODP controls is the most appropriate option available as this considers development that is likely to be feasible for the land subject to significant liquefaction hazard. This maintains both any private interest in development during occupation and the scale of development that is consistent with that anticipated in the SP(OARC) zone and would not affect achieving the outcomes of the Regeneration Plan.

**6.23.43 Assessment against s77Q and s77R as a qualifying matter**

The following provides an assessment against the applicable sections of s77 for a qualifying matter for open space. As concluded above, for those sites considered as an open space equivalent, these are considered under s77Q as an existing qualifying matter. Conversely, those privately-owned sites in the Specific Purpose (OARC) Zone within the Policy 3(c) catchment are evaluated as an ‘other matter’ under s77R.

**6.23.44 Public open space areas as an existing qualifying matter – s77Q**

The above assessment has concluded which zones are considered as equivalent to open space zones described in National Planning Standards for the purposes of s77O(f) as a qualifying matter. As these zones already restrict development, an assessment is provided against s77Q as an existing qualifying matter.

*Identify location of qualifying matter – s77Q(1)(a)*

6.23.45 This qualifying matter is located within the following sites:

Policy 3 Catchment	CDP Zone	Area Name & Location
Policy 3 (c) – Central City Zone, Christchurch Central	Open Space Community Parks	Hagley Park North
	Open Space Community Parks	Hagley Park South
	Open Space Community Parks	Little Hagley Park



Policy 3 Catchment	CDP Zone	Area Name & Location
	Open Space Water and Margins	Ōtākaro Avon River
	Open Space Avon River Precinct (Te Papa Ōtākaro) Zone	Ōtākaro Avon River
	Open Space Community Parks	Millbrook Reserve, Helmores Lane / Carlton Mill Road
	Open Space Community Parks	Braddon Reserve, Braddon Street / York Tong Place / Antigua Street
	Open Space Community Parks	Columbo Park, corner of Battersea and Columbo streets
	Open Space Community Parks	Buchanan Playground, corner of Buchan and Wordworth streets
	Open Space Community Parks	Science Alive Reserve, corner of Gasson Street and Moorhouse Avenue
	Open Space Community Parks	Gasson Reserve, corner of Gasson Street and Moorhouse Avenue
	Open Space Metropolitan Facilities	Washington Way Reserve, corner of Waltham Road and Moorhouse Avenue
	Open Space Community Parks	Wilson Park, corner of St Asaph Street and Madras Street
	Open Space Community Parks	Raglan Reserve, Cashel Street and Raglan Street
	Open Space Community Parks	Te Ara a Rongo – Gloucester/Worcester Park, Gloucester Street / Worcester Street
	Open Space Community Parks	Chesterfields, Chester Street East
	Open Space Community Parks	Beverley Park, corner of Avonside Drive and Stanmore Road / Te Orewai Place
	Open Space Community Parks	Walnut Tree Park, Hurley and Bangor streets
	Open Space Community Parks	Moa Reserve, Moa Place / Melrose Street / Ely Street
Open Space Community Parks	Rose Historic Chapel Reserve, Columbo Street (near Salisbury Street)	

<b>Policy 3 Catchment</b>	<b>CDP Zone</b>	<b>Area Name &amp; Location</b>
	Open Space Community Parks	Aldred Reserve, Durham Street North (near Salisbury Street)
	Open Space Community Parks	Abberley Park, Abberley Crescent
	Open Space Community Parks	Merivale Village Greens, Papanui Road / St Albans Street
	Open Space Community Parks	Victoria Clock Tower, corner of Victoria and Montreal streets
	Open Space Community Parks	Corner of Victoria and Peterborough streets (west)
	Open Space Community Parks	Victoria Triangles, corner of Victoria and Peterborough streets (east)
	Open Space Community Parks	Cranmer Square
	Open Space Community Parks	Corner of Victoria Street and Durham Street North
	Open Space Avon River Precinct (Te Papa Ōtākaro)	Corner of Kilmore Street and Durham Street North
	Open Space Avon River Precinct (Te Papa Ōtākaro)	Victoria Square, corner of Armagh and Columbo streets
	Open Space Avon River Precinct (Te Papa Ōtākaro)	Corner of Peterborough Street and Cambridge Terrace
	Open Space Avon River Precinct (Te Papa Ōtākaro)	Corner of Barbadoes and Salisbury streets
	Specific Purpose (Cemetery)	Barbadoes Cemetery, Salisbury Street / Barbadoes Street / Cambridge Terrace
	Open Space Community Parks	Latimer Square
	Open Space Community Parks	Wilson Park, corner of St Asaph and Madras streets
	Open Space Community Parks	Evolution Square & Cotters Lane, Tuam Street / Memory Lane
	Open Space Community Parks	Corner of Tuam and High streets

<b>Policy 3 Catchment</b>	<b>CDP Zone</b>	<b>Area Name &amp; Location</b>
	Open Space Community Parks	Vanguard Square, corner of Poplar and Ash streets
	Open Space Community Parks	Excelsior Hotel Reserve, corner of Manchester and High streets (south)
	Open Space Community Parks	Corner of Manchester and High streets (north)
	Open Space Community Parks	Corner of Cashel and High streets (east)
	Open Space Community Parks	High Street Triangles, corner of Cashel and High streets (west)
	Open Space Community Parks	The Stewart Plaza, Columbo and Hereford streets
	Open Space Community Parks	Tuam Street (near Mata Lane)
	Open Space Community Parks	Matai Common, Te Pohue Lane / Mollett Street / Sugarloaf Lane
	Open Space Community Parks	Kahikatea Common, Lava Lane
	Open Space Community Parks	Nurses Memorial Chapel, Riccarton Avenue
	Specific Purpose (Ōtākaro Avon River Corridor)	Ōtākaro Avon River Regeneration Plan – Green Spine, between Willow Street and Draper Street
<b>Policy 3 (d), Town Centre Zone – Papanui</b>	Open Space Community Parks	Papanui Domain, Sawyers Arms Road (near Nyoli Street)
	Open Space Community Parks	Ramore Reserve, between Main North Road and Ramore Place
	Open Space Community Parks	Papanui Pool Reserve, Winters Road (near Main North Road)
	Open Space Community Parks	Marbel Wood Reserve, corner of Harwood Road and Marble Wood Drive
	Open Space Community Parks	St James Park, St James Avenue
	Open Space Community Parks	Nightingale Reserve, corner of Papanui Street and Nightingale Place
	Open Space Water and Margins	Papanui Stream Esplanade, Halliwell Avenue / Proctor Street / Grants Road
	Open Space Community Parks	Erica Playground, Erica Street / Taunton Green

<b>Policy 3 Catchment</b>	<b>CDP Zone</b>	<b>Area Name &amp; Location</b>
	Open Space Community Parks	Papanui Memorial Reserve, corner of Papanui Road and Horner Street
	Open Space Community Parks	Shearer Playground, Shearer Avenue and Grassmere Street
<b>Policy 3 (d), Town Centre Zone – Riccarton</b>	Open Space Water and Margins	Ōtākaro Avon River
	Open Space Community Parks	Mona Vale, Mona Vale Avenue / Fendalton Road
	Open Space Natural	Riccarton Bush, Kahu Road and Ngahere Street
	Open Space Community Parks	Shand Crescent Reserve, Riccarton Road and Shand Crescent
	Open Space Community Parks	Paeroa Reserve, Paeroa Street / Piko Crescent / Tara Street / Rattray Street
	Open Space Community Parks	Harrington Park, Peverel Street and Piko Crescent
	Open Space Community Parks	Clarence Reserve, Clarence Street and Dilworth Street
	Open Space Community Parks	Picton Reserve, corners of Picton Avenue, Dilworth and Peverel streets
	Open Space Community Parks	Mandeville Reserve, corner of Riccarton Road and Mandeville Street
<b>Policy 3 (d), Town Centre Zone – Hornby</b>	Open Space Community Parks	Carmen Reserve, Carmen Road / Cataluna Place / Bella Rosa Drive
	Open Space Community Parks	Wycola Park, Wycola Avenue and Manurere Street
	Open Space Community Parks	Kyle Park, Waterloo Road and Smarts Road
	Open Space Metropolitan Facilities	Denton Park, Main South Road and Chalmers Street
	Open Space Community Parks	Gilberthorpes Reserve, Gilberthorpes Road / Kaplan Avenue / Gregory Avenue
	Open Space Community Parks	Springmead Park, Woodcote Avenue and Steele Street
	Open Space Community Parks	Goulding Playground, Goulding Avenue
	Open Space Community Parks	Helmore Park, Tower and Brynley Street

<b>Policy 3 Catchment</b>	<b>CDP Zone</b>	<b>Area Name &amp; Location</b>
	Open Space Community Parks	Oakhampton Reserve, Oakhampton and Neill streets
	Open Space Community Parks	Bermuda Reserve, Bermuda Drive and Bahama Place
	Open Space Community Parks	Waterloo Reserve No. 1, Waterloo Road (near Braeburn Drive)
<b>Policy 3 (d), Town Centre Zone – Linwood</b>	Open Space Community Parks	Linwood Park, Linwood Avenue / Aldwins Road / Smith Street / Mackworth Street / Randolph Street
	Open Space Community Parks	Worcester Reserve, Worcester Street (near Surrey Street)
<b>Policy 3 (d), Town Centre Zone – Shirley</b>	Open Space Water and Margins	Dudley Creek
	Open Space Community Parks	Sabina Playground, Sabina Street
	Open Space Metropolitan Facilities	Shirley Golf Course, Golf Links Road / Horseshow Lake Road / Joy Street / Lake Terrace Road
	Open Space Community Parks	Burwood Park, New Brighton Road and Cresswell Avenue
<b>Policy 3 (d), Town Centre Zone – North Halswell</b>	Open Space Community Parks	Fintan Reserve, Fintan Mews / Benedict Street / Euphrasie Drive
	Open Space Community Parks	Euphrasie Reserve, Euphrasie Drive
	Open Space Community Parks	Canice Reserve, Canice Mews / Pje;am Place / Euphrasie Drive
	Open Space Metropolitan Facilities	Nga Puna Wai, Augustine Drive and Templetons Road
	Open Space Water and Margins	Heathcote/Templetons Esplanade Reserve, Augustine Drive and Templetons Road
<b>Policy 3 (d), Town Centre Zone – Belfast/Northwood</b>	Open Space Community Parks	Kapuatohe Reserve, Main North Road (near Pentland Drive)
	Open Space Community Parks	Tisch Reserve, Tisch Place
	Open Space Community Parks	Foley Reserve, Tisch Place and Main North Road

<b>Policy 3 Catchment</b>	<b>CDP Zone</b>	<b>Area Name &amp; Location</b>
	Open Space Community Parks	Mounter Reserve, Northwood Boulevard / Ross Place / Mounter Avenue / Crombie Green
	Open Space Community Parks	Waterford Reserve, Northwood Boulevard / Waterford Avenue / Beechwood Drive / Amamoor Street
	Open Space Community Parks	Beechwood Reserve, Beechwood Drive and Amamoor Street
	Open Space Community Parks	Anglem Reserve, Anglem Way and Northwood Boulevard
	Open Space Community Parks	Between Mistral Road and O'Neill Avenue
	Open Space Natural	Styx River, Styx Mill Road to Willowview Drive
	Open Space Water and Margins	Styx River, Styx Mill Road to Willowview Drive
	Open Space Community Parks	Styx River Conservation Reserve, Willowview Drive
<b>Policy 3 (d), Local Zone – Church Corner/Bush Inn</b>	Open Space Community Parks	Hansons Reserve, corner of Hansons Lane and Haynes Avenue
	Open Space Community Parks	Auburn Reserve, Riccarton Road and Auburn Avenue
<b>Policy 3 (d), Local Zone – Sydenham North<sup>21</sup></b>	Open Space Community Parks	Sydenham Park, corner of Brougham Street and Columbo Street
<b>Policy 3 (d), Local Zone – Bishopdale</b>	Open Space Community Parks	Bishopdale Park, Harewood Road / Leacroft Street / Raleigh Street
	Open Space Community Parks	Farrington Reserve, corner of Farrington Avenue and Raleigh Street
<b>Policy 3 (d), Local Zone – Prestons</b>	Open Space Community Parks	Marshlands Domain, Prestons Road (near Te Korari Street)
<b>Policy 3 (d), Local Zone – Barrington</b>	Open Space Community Parks	Barrington Park, Barrington Street / Garnett Avenue / Sugden Street

<sup>21</sup> Note: overlapping catchments are not considered – see Policy 3 (c) assessment above.

*Alternative density standards proposed – 77Q (1)(b)*

6.23.46 The proposal is to retain the existing densities captured in the operative zone framework for equivalent open space zones. This is summarised as follows:

<b>CDP Zone</b>	<b>Minimum net site area<sup>22</sup></b>	<b>General Density Outcomes</b>
Open Space Community Parks	300m <sup>2</sup>	Buildings and site coverage depend on park sizes, generally no more than 100m <sup>2</sup> and 1% of site coverage, at no more than two storeys (8m). Boundary setbacks of generally between 5-10m from parcel boundaries. <sup>23</sup>
Open Space Water and Margins and Open Space Avon River Precinct (Te Papa Ōtākaro) Zone	N/A	Buildings are generally expected to be no more than 100m <sup>2</sup> <sup>24</sup> , at no more than one storey (5m). Boundary setbacks of generally between 5-10m from parcel boundaries. <sup>25</sup>
Open Space Natural	N/A	Buildings are generally expected to be no more than 150m <sup>2</sup> <sup>26</sup> , at no more than one storey (5m). Boundary setbacks of generally at 5m from parcel boundaries. <sup>27</sup>
Open Space Metropolitan Facilities	Between 450-500m <sup>2</sup>	Under 18.5.2, Larger buildings are anticipated, with coverage proportionate to site size (usually 20%). Buildings at larger scale of up to six storeys (20m) permitted, except for select sites where two storey development is only provided for, with setback at 10-20m, sometime more.
Specific Purpose (Cemetery)	N/A	Under 13.2.4, Building sizes limited to 200m <sup>2</sup> in gross area, or lesser for closed cemeteries or other purposes. Buildings of one to two storey are only anticipated (5m or 8m), generally setback 10-20m from parcel boundaries.

<sup>22</sup> As per 8.6.1.

<sup>23</sup> As per 18.4.2.

<sup>24</sup> As per 18.8.1.

<sup>25</sup> As per 18.8.2.

<sup>26</sup> As per 18.8.1.

<sup>27</sup> As per 18.7.2.

CDP Zone	Minimum net site area <sup>22</sup>	General Density Outcomes
Specific Purpose (Ōtākaro Avon River Corridor) [Green Spine]	No minimum allotment size	Under 13.14.4.2, buildings in the Green Spine of up to 100m <sup>2</sup> and 5% site coverage are permitted. Buildings of up to two storeys (8m) permitted, being setback 5-10m from parcel boundaries.

*Why existing qualifying matters apply to identified areas – s77Q (1)(c)*

6.23.47 The protection of public open space areas is captured under s77O(f) of the Act. In addition, Policy 4 of the NPS-UD states:

*...district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a **qualifying matter** in that area.*

6.23.48 The above assessment has determined that 107 public open space sites are located within identified Policy 3 (c) and (d) intensification areas, requiring an evaluation of these sites under Policy 4 of the NPS-UD and under s77O of the Act. This evaluation has assessed open space sites that are equivalent to open space zone descriptions in National Planning Standards to ensure the appropriate range of open space sites are captured as a qualifying matter within Policy 3 (c) and (d) intensification areas.

*General loss of development from a typical open space site – s77Q (1)(d)*

6.23.49 Open space parks have a range of sizes throughout the catchments identified. Smaller street parks can be as small as 0.1ha, with larger neighbourhood parks ranging between 1-2ha, and metropolitan facilities ranging in size from 7ha to 32ha. All prospective Policy 3 (c) and (d) intensification areas would otherwise enable a density of 200 households per hectare over open space sites. Based on an assumed typical size of open space sites of 2ha, this would equate to a development capacity loss of 400 households.

**6.23.50 Specific Purpose OARC Zone as ‘other matter’ qualifying matter – s77R**

While restrictions on these three private sites could be perceived to be an ‘existing qualifying matter’ under s77Q of the Act, they technically cannot since the conclusion of this evaluation is that they could only be considered as a ‘other matter under s77O(j) of the Act, which is excluded in s77Q. An evaluation under s77R is therefore required.



*Specific characteristic that makes Policy 3(c) development inappropriate – 77R(a)*

6.23.51 In 2016, the Greater Christchurch Regeneration Act 2016 was introduced as a replacement to the Canterbury Earthquake Recovery Act 2011. The purpose of the Act was to facilitate the regeneration of greater Christchurch through<sup>28</sup>:

*(a) enabling a focused and expedited regeneration process:*

*(b) facilitating the ongoing planning and regeneration of greater Christchurch:*

*(c) enabling community input into decisions on the exercise of powers under section 71 and the development of Regeneration Plans: [later repealed]*

*(d) recognising the local leadership of Canterbury Regional Council, Christchurch City Council, Regenerate Christchurch, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council and providing them with a role in decision making under this Act: [later repealed]*

*(e) enabling the Crown to efficiently and effectively manage, hold, and dispose of land acquired by the Crown under the Canterbury Earthquake Recovery Act 2011 or this Act.*

6.23.52 It also provided the Minister with the ability to amend the District Plan under s71 of the Act<sup>29</sup>, which was used on 18 September 2019 to introduce the Specific Purpose (OARC) Zone, which forms part of the Ōtākaro Avon River Corridor Regeneration Plan. This zone effectively<sup>30</sup> replaced the Specific Purpose (Flat Land Recovery) Zone that had been introduced through the Replacement District Plan process in this area.

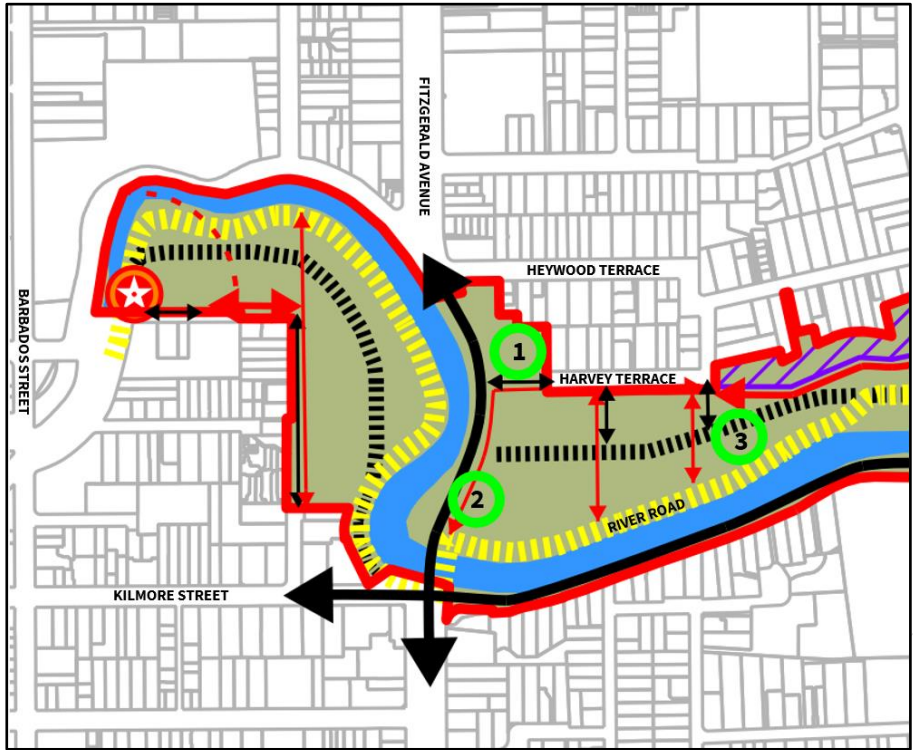
6.23.53 As previously discussed, the introduction of the Regeneration Plan enacts significant plans to restore the majority of zoned land to a natural state and provide for open space, recreation and other activities – as captured particularly through the ‘Green Spine’ spatial extent. Enabling 20m residential development on these properties would likely restrict the ability to achieve the intended outcomes of the Greater Christchurch Regeneration Act and the Regeneration Plan partly illustrated in the Ōtākaro Avon River Corridor Development Plan within the CDP<sup>31</sup>. The Regeneration Plan and the amendments introduced to the CDP (Policy 13.14.2.1.4 - Continuation of Pre-Earthquake Activities), however, provide for continuation of residential activities and other existing activities on existing properties in private ownership. Alternative zoning rules, as specified in Appendix 13.14.6.2, apply to these private properties. The image below illustrates the location of each site within the Regeneration Plan (annotated and numbered as green circles):

<sup>28</sup> As per section 3 of the Greater Christchurch Regeneration Act 2016.

<sup>29</sup> Note that this section was later repealed through the Greater Christchurch Regeneration Amendment Act 2020.

<sup>30</sup> The zone was only introduced in the reaches of the Avon River. Areas in New Brighton and Brooklands still retained their Specific Purpose – Flat Land Recovery Zone.

<sup>31</sup> See CDP Appendix 13.14.6.1.



**KEY**

- Development Plan boundary
- Open Space Community Park Zone
- Water bodies
- Stormwater Management Areas \*
- Green Spine
- A Otakaro Loop Reach
- B Horseshoe Lake Reach
- C Eastern Reaches
- No change to zoning
- City to Sea Path \*\*\*\*
- ↔ Proposed new roads
- Indicative pedestrian / cycle linkages
- ↔ Cycle commuter linkage
- ↔ New pedestrian / cycle / vehicle bridges
- ↔ State Highway 74
- - - Proposed Road linkage \*\*\*
- ↔ Existing minor arterial
- ↔ Existing collector road
- ↔ Existing local roads \*\*
- Stopbank \*\*\*\*\*

**OVERLAYS**

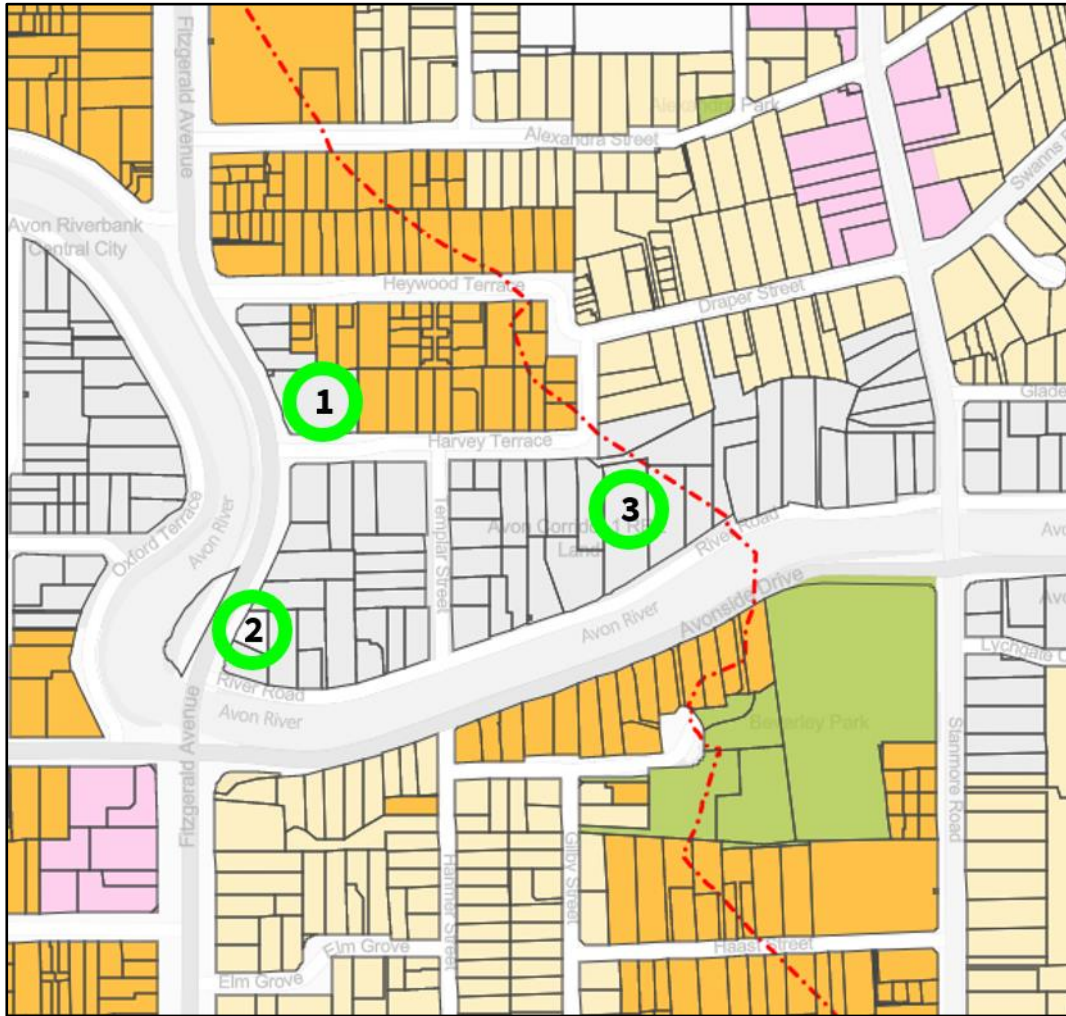
- Activity Area
- Trial Housing Area
- Edge Housing Area
- Landing
- \* Indicative size and shape
- \*\* These are the minimum number of local roads that are required to be retained. Others may also be retained.
- \*\*\* To be investigated.
- \*\*\*\* Indicative alignments.

**Site #1** is located on the corner of Fitzgerald Avenue and Harvey Terrace and is located within the Green Spine. Fitzgerald Avenue is classified as a minor arterial road. An existing collector road (Harvey Terrace) is annotated on the Regeneration Plan.

**Site #2** fronts Fitzgerald Avenue and is located with the Green Spine. The Regeneration Plan shows the site as intersecting with the indicative location of a pedestrian / cycle linkage, which appears to run through the site. This connects to the indicative location of the City to Sea Path, which is located nearby to the south.

**Site #3** fronts River Road and is located with the Green Spine. The Regeneration Plan shows the site as intersecting with the indicative location for stopbanks. This stretch of River Road is also shown as the indicative location of the City to Sea Path.

6.23.54 Overall, Sites #2 and #3 appear to have the greatest sensitivity to intensification development as both intersect with various features captured in the Regeneration Plan. Development on these sites could impede achieving the intended outcomes of the Regeneration Plan. However, while Site #1 is located within the Green Spine, it does not appear to contain any other specific features that may be considered essential to achieve the outcomes of the overlay. Further, the site adjoins an area proposed for High Density Residential Housing Zone (enabling 20m residential development), shown below:



**Figure 6.23.68** - Overview of proposed residential zoning surrounding the Specific Purpose OARC Zone within the 1.2km walking catchment from the Central City Zone (shown in red dash). Here, orange represents where 20m residential development would be enabled via HRZ and the High Density Residential Precinct and lighter yellow where MRZ (12m) would apply.

6.23.55 Development on this site would therefore align with that of its surrounds, appearing uniform, be able to be efficiently serviced alongside other development along Harvey Terrace – whilst also not otherwise restricting the development envisioned through the Regeneration Plan. The land characteristics, however, will need to be examined to determine what level of development may be appropriate.

*Justification of why site characteristic makes development inappropriate in light of NPS-UD objectives – 77L(b)*

6.23.56 The following provides an overview of NPS-UD objectives relevant for this assessment.

Relevant NPS-UD Objective	Assessment
<p><b>Objective 1:</b> <i>New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i></p>	<p>The Regeneration Plan seeks to return the area to a natural state, providing for public access and transit throughout, improving peoples wellbeing and the safety of residential areas through enhanced stormwater management and ancillary recreational and cultural opportunities. Development otherwise provided for by Policy 3(c) of the NPS-UD would compromise the ability for the Regeneration Plan to achieve these goals.</p>
<p><b>Objective 2:</b> <i>Planning decisions improve housing affordability by supporting competitive land and development markets.</i></p>	<p>The qualifying matter would affect two residential properties with likely no material influence on housing affordability.</p>
<p><b>Objective 3:</b> <i>Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:</i></p> <p>(a) <i>the area is in or near a centre zone or other area with many employment opportunities</i></p> <p>(b) <i>the area is well-serviced by existing or planned public transport</i></p>	<p>Privately owned sites on Fitzgerald Avenue (Site #2) and River Road (Site #3) are located within walking distance (1.2km) of the Central City Zone, which would otherwise be subject to increased building heights and densities to enable 20m building development. Fitzgerald Avenue is a large arterial road, providing for the Bus #7 route, with Stanmore Road in close proximity where the Orbiter bus and Bus #60 routes are located. The area has also been identified as an area with potential for strong developer interest through feasibility reporting. Despite this, the potential restriction remains isolated to two sites, which is unlikely to have a discernible impact on development potential within the area and still provide for ready access to local employment and public transport. The proposed controls would seek to retain development potential provided for in the operative CDP, aligning with community expectations for these two sites.</p>

<p>(c) <i>there is high demand for housing or for business land in the area, relative to other areas within the urban environment.</i></p>	
<p><b>Objective 4:</b> <i>New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</i></p>	<p>As above, proposed controls provide for both on-site piecemeal development that private occupiers may wish to undertake, whilst providing for a changing state through the intended outcomes of the Regeneration Plan.</p>
<p><b>Objective 6:</b> <i>Local authority decisions on urban development that affect urban environments are: integrated with infrastructure planning and funding decisions; and</i></p> <p>(b) <i>strategic over the medium term and long term; and</i></p> <p>(c) <i>responsive, particularly in relation to proposals that would supply significant development capacity.</i></p>	<p>Privately owned sites on Fitzgerald Avenue (Site #2) and River Road (Site #3) are isolated from either established or prospective development enabled under PC14. Servicing such sites to a greater degree to provide for otherwise enabled 20m residential development would not represent an efficient or strategic infrastructure investment. These two sites are largely of a residential suburban scale and would not provide for significant development capacity.</p>
<p><b>Objective 8:</b> <i>New Zealand’s urban environments: support reductions in greenhouse gas emissions; and</i></p> <p>(b) <i>are resilient to the current and future effects of climate change.</i></p>	<p>The outcomes of the Regeneration Plan seek to further increase the resilience of urban areas through greater provision of stormwater management, tree and other planting, and the facilitation of additional walking and cycling infrastructure. Enabling high density development within the Regeneration Plan area risks compromising these Plan outcomes.</p>

*Site-specific analysis that: identifies the site which the matter relates – 77R(c)(i)*

6.23.57 The sites proposed to be restricted from Policy 3(c) development through this qualifying matter are:

- 238 Fitzgerald Avenue, Lot 8 DP 23850
- 57 River Road, Lot 1 DP 365556

*Site-specific analysis that: evaluates the specific characteristic that makes the sites incompatible with intensification – 77R(c)(ii)*

6.23.58 An evaluation of each site and its relationship to the Regeneration Plan has been provided above. This demonstrates that intensified development on Sites #2 and #3 would impede the completion of the intended outcomes of the Plan.

*Site-specific analysis that: evaluates the range of options to achieve the greatest development – 77R(c)(iii)*

6.23.59 It is considered that retaining the operative ODP controls is the only option available as this considers both any private interest in development during occupation and the prospective future development of the land to achieve the outcomes of the Regeneration Plan.

**6.23.60 Conclusion of the s77 evaluation**

This assessment has considered how to best manage development across equivalent open space zones, including the Specific Purpose (OARC) Zone where Policy 3(c) would otherwise direct enabling at least six storey development within areas of walkable catchment of the Central City Zone and three storey development elsewhere. It has concluded that the most appropriate response is multi-faceted, being:

- **Public open space zone and equivalents:** should be restricted from development otherwise enabled through Policy 3(c) and (d) of the NPS-UD;
- **Sites publicly owned:** should be restricted from intensification, due to being representative of public open space, as articulated in the zone descriptions, and particularly in the Green Spine, with outcomes sought articulated in the Regeneration Plan for the Ōtākaro Avon River Corridor;
- **Privately-owned sites intersecting Regeneration Plan features:** should be restricted from intensification, due to being relevant to achieving the overarching goals of the Regeneration Plan (two sites, only);
- **Privately-owned sites not intersecting Regeneration Plan features:** should be restricted from intensification due to land characteristics that are unlikely to enable feasible six storey development without potentially disruptive wider land remediation, an inconsistency of Policy 3 required development with the outcomes sought for Green Spine (one site only). Application of an Edge Housing Area overlay to 254 Fitzgerald Avenue will also ensure better landscaping outcomes consistent with those anticipated in the Green Spine.

6.23.61 Sites subject to the qualifying matters would therefore retain ODP controls managing development and alternative zoning that enables development reflective of the land characteristics.

6.23.62 **Impact of lesser enablement under the proposed qualifying matter (s77J (3)(b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Section 3, Table 6 of this report and in paragraph 6.23.49 above.

6.23.63 **The costs and broader impacts of imposing lesser enablement (s77J (3)(c))** - The costs and broader impacts of imposing those limits are set out in the s32 evaluation table below.

6.23.64 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

#### **6.23.65 Summary of section 32 evaluation following the evaluation under relevant Sections 77**

While open space zones are not considered 'relevant residential zones' under s2 of the Act where MDRS would need to apply, the scope of Policy 3 of the NPS UD influence extends to the sites located within the existing Open Space and Specific Purpose zones that are within the walking catchment of the Central City, as outlined above. The relevant zones have been considered under s77O(f) and s77Q above as a qualifying matter in order to ensure currently anticipated Open Space or Specific Purpose zone outcomes of these areas are maintained. Within the SP(OARC) Zone, however, there are privately owned sites that are enabled to re/develop in accordance with the listed alternative zoning (refer District Plan, Chapter 13, Appendix 13.14.6.2). Three of them fall within the walkable catchment of the Central City, therefore, could be considered for Policy 3 intensification.

6.23.66 The evaluation below considers the issues, potential option to address the issues and their costs, benefits, efficiency and effectiveness in achieving the purpose of the Act.

#### **6.24.66 Issues:**

- a. There is a considerable number of open spaces within the Christchurch City area that have a variety of values and functions, from local passive and active recreational and amenity open spaces, outdoor and indoor sports facilities of varying sizes and functions, areas of natural environment protecting landscape, biodiversity and cultural or historic values, waterbodies providing natural habitats to flora and fauna, and areas of shoreline protecting the coastal environment while providing for recreational activities. There is a strong national and regional direction to maintain these areas and ensure protection of their values and their contribution to creating liveable urban environments (RMA, s7(f), NPS UD Objective 1 and 8, Policy 1(c), RPS Objectives 6.1.4. 6.2.1 and Policy 6.3.2). The current District Plan manages development in these areas through objectives, policies, rules and mapping. Applying MDRS to these zones would be in direct conflict with their purpose and could result in the destruction of the natural values of open spaces and the amenity they create in the urban environment.
- b. Applying MDRS or Policy 3 high density standards to private properties within Specific Purpose (Ōtākaro Avon River Corridor) Zone would mean a potential for much greater residential density within an area subject to multiple natural hazards and focused on the regeneration of natural environment and stormwater management. Only limited low impact development is currently enabled by the District Plan within the zone. The



geotechnical issues that the land within the zone is subject to mean that higher intensity development is likely to require land remediation extending beyond the sites or not be feasible. The area is also subject to significant infrastructural constraints.

**6.22.67 Option evaluation** – The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects, as well as the efficiency and effectiveness of the option, and the risk of acting or not acting. The assessment takes into account the additional relevant assessments required in the Act for qualifying matters in non-residential zones (refer above) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports and consultation.

<b>Table 30 – Options evaluation for open space areas</b>		
<b>Option 1- Apply MDRS to all Open Space zones with no qualifying matter, and High Density Residential Zone (HRZ) to properties within the walking catchment of the Central City Zone</b>	<b>Option 2 — Retain the operative Open Space Zones and provisions, apply MRZ or HRZ to privately owned residential properties within the SPOARC zone, including the PPC11 sites</b>	<b>Option 3 – Proposed change - Retain the operative Open Space Zones and provisions, retain current alternative zoning for private properties listed in Appendix 13.14.6.2, and add PPC11 sites to the list with MRD zone and the Edge Housing Area Overlay</b>
<b>Option description:</b> This option is to apply MDRS to Open Space zones, without an open space qualifying matter. It would also apply MDRS standards (Medium Density Residential Zone) to privately owned residential properties within SP(OARC) Zone, listed in Appendix 13.14.6.2, except for those open space properties within the walking catchment of the Central City Zone where High Density Residential Zone would apply.	<b>Option description:</b> This option would retain the operative Open Space zones over public open spaces and private properties within SP(OARC) Zone listed in Appendix 13.14.6.2, with the provision for alternative residential and other zoning applicable to these private properties, as specified in the Appendix. All residential zoning would be replaced with MRZ (based on MDRS standards) except for sites within walking catchment of the Central City where the new high density zoning (HRZ) would apply. The Private Plan Change 11 (PPC11) private sites would be added to Appendix 13.14.6.2 and have the alternative zoning of HRZ.	<b>Option description:</b> This option would retain the operative Open Space zones and provisions over public open spaces. The existing alternative residential and other zoning would apply to privately owned properties within Specific Purpose (Ōtākaro Avon River Corridor) Zone, as specified in Appendix 13.14.6.2. It would also add the properties at 254 and part 256 Fitzgerald Ave, and 5 Harvey Tce (subject of Private Plan Change 11) to the list of private properties that can develop according to the alternative residential zoning. MDRS standards (MRZ Zone) would be applied to these three properties with the addition of the Edge Housing Area Overlay over 254 and part 256 Fitzgerald Avenue, as shown on Appendix 13.14.6.1 (refer <b>Appendix 41</b> , Part 2 of the s32 report). Development over three storey would be subject to resource consent and further geotechnical assessment of ground bearing capacity.
<b>Appropriateness in achieving the objectives and higher order directions</b>		

<p><b>Benefits</b> - Sites are able to realise their development potential to a three storey envelope. This may provide economic benefits with a higher density enabled in the Central City walkable catchment areas. Enabling development to three or six storeys could provide for increased social opportunities and benefits with a higher density of residents.</p> <p><b>Costs</b> – This option may result in the loss of open space, including historic heritage sites and adverse effects on urban form. There is potential for amenity impacts on occupants of residential areas, unable to access open space for recreational and health benefits. Loss of trees and impervious surfaces in the open spaces may lead to adverse effects on climate change resilience, including on the management of stormwater, loss of biodiversity, increase in heat island effects and increase in carbon emissions. Community’s health and well-being is likely to be adversely impacted through the lack of access to green space. There may be cultural cost associated with the loss of sites of cultural significance to development. The image of Christchurch as a Garden City is likely to suffer as well. The overall amenity, attractiveness and liveability of the urban environment is likely to be adversely affected, with the economic effects (drop of property/city desirability) are likely to follow.</p> <p>Enabling high density development on the land within walking catchment of the Central City zone would likely require further geotechnical assessments of the land bearing capacity in this area (significant liquefaction hazard) and is likely</p>	<p><b>Benefits</b> – The open space zones are retained as open space subject to the current operative rules. Accessibility to open space is retained along with the social, health, biodiversity and environmental benefits this provides. Privately owned residential sites are able to realise their development potential to a three or six storey envelope, depending on the alternative zoning. This may provide economic benefits with a higher density enabled in the Central City walkable catchment areas. Enabling development to three or six storeys could provide for increased social opportunities and benefits with a higher density of residents.</p> <p>Private sites subject to PPC11 are able to realise their development potential without significant effects on the Green Spine. The continuity of the Green Spine along Fitzgerald Ave is already broken by the existing pre-earthquake development of four flats at 256 Fitzgerald Ave. Due to the site location, directly adjacent to the existing development in Harvey Tce and 256 Fitzgerald Ave, the development on 254 Fitzgerald Ave and 5 Harvey Tce would provide a visual continuity of residential development along the northern and eastern side of Harvey Tce, without significant impacts on the appearance and function of the Green Spine in the SP(OARC) Zone to the south. Sufficient capacity in the existing infrastructure would mean no need for additional costs to accommodate development on PPC11 sites.</p> <p><b>Costs</b> - Some sites may not be able to realise their development potential due to the limitations of the ground conditions (liquefaction hazard), necessitating potentially significant remediation.</p>	<p><b>Benefits</b> – The open space zones are retained as open space subject to the current operative rules. Accessibility to open space is retained along with the social, health, biodiversity and environmental benefits this provides. Privately owned residential sites within SPOARC zone are able to realise their development potential to the degree provided by the operative alternative zoning. This may provide environmental and amenity benefits through ensuring better compatibility with the scale of development of the adjacent residential zones and the smaller scale development (8 metre height) enabled within the SPOARC zone.</p> <p>Private sites at 238 Fitzgerald Ave and 57 River Road are restricted from intensification, due to intersecting Ōtākaro Avon River Corridor Regeneration Plan features that are relevant to achieving the overarching goals of the Regeneration Plan,</p> <p>Private sites subject to PPC11 are able to realise their development potential (up to three storeys) without significant effects on the Green Spine. The continuity of the Green Spine along Fitzgerald Ave is already broken by the existing pre-earthquake development of four flats at 256 Fitzgerald Ave. Due to the site location, directly adjacent to the existing development in Harvey Tce and 256 Fitzgerald Ave, the development on 254 Fitzgerald Ave and 5 Harvey Tce would provide a visual continuity of residential development along the northern side of Harvey Tce, without significant impacts on the appearance and function of the Green Spine in the SP(OARC) Zone to the south. As the land is privately owned and is bounded by residential development to the north and east, it is unlikely to be used for the primary Green Space purposes of</p>
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<p>to require land remediation that may go beyond the property boundaries. This might affect neighbouring properties through noise, vibration and dust. It also likely to require infrastructure improvements that in may not be cost-effective.</p> <p><b>Efficiency</b> – This option is not considered an efficient way to achieve the objectives of the Plan given the potential undue impacts on future occupants of the city and their wellbeing, and the potential undue impacts on the liveability of the city and its resilience to climate change.</p> <p><b>Effectiveness</b> – This option would not be as effective as options 2 or 3 in providing for communities’ health and social wellbeing under Objective1 of the NPS UD. Allowing for three to six storey development on open space land would not support reduction in greenhouse gas emissions and creating resilience to the current and future effects of climate change as sought in Objective 8 of the NPS UD which would be contrary to matters outlined in RMA, Section 7.</p> <p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of not acting is that residential development will be enabled in open space zones potentially having significant effects on the communities’ accessibility to natural and open space, their wellbeing, and the city’s resilience to climate change effects.</p>	<p>However there is sufficient development capacity within the city without additional or more intensified development in this location. There may be uncertainty and higher development costs for three to six storey development on private sites within the SPOARC zone. Higher intensity and height development may have visual impacts on the surrounding open space or on the lower intensity residential development enabled along the edges of the SPOARC zone through the existing Edge or Trial Housing Areas Overlays.</p> <p>There may be social costs associated with private properties within SPOARC zone not being able to realise their full development potential due to ground conditions or infrastructure limitations.</p> <p>It is noted that there may be low demand for three or six storey residential development on a geotechnically difficult land given the vast number of areas with more stable ground conditions in the City available for redevelopment.</p> <p>There may be plan change costs associated with future rezoning of open space land that may be surplus to requirements to enable residential development.</p> <p><b>Efficiency</b> – While this option reduces the enablement for residential development to areas outside of open space, it ensures development does not unduly impact on the role and benefits of open space, and protects the amenity, liveability and resilience of the city. Therefore this option is considered more efficient than Option 1 but less efficient than Option 3.</p>	<p>recreational access to the river, or the landscape and ecological enhancement. The use of the Edge Housing Area overlay on 254 Fitzgerald Ave, with its additional landscaping requirements, is likely to ensure the site’s development complements the values of the river corridor along Fitzgerald Ave (refer to Appendix 13.14.6.1 in Part 2, <b>Appendix 41</b> of this s32 evaluation.</p> <p>Sufficient capacity in the existing infrastructure along Harvey Tce would mean no need for additional costs to accommodate MRZ residential development on PPC11 sites.</p> <p>MRZ will provide for up to three storeys light-weight development without the need for extensive and potentially expensive land remediation on the PPC11 site. Six storey development (in line with High Density Residential Zone applicable to Central City walkable catchment area that the site is in) would require a resource consent, including an additional geotechnical assessment/ engineering solution to suit the site’s ground conditions. Enabling development up to six storeys could provide for increased social opportunities and benefits with a higher density of residents.</p> <p><b>Costs</b> - Some sites may not be able to realise their development potential due to the limitations of the ground conditions (liquefaction hazard), necessitating potentially significant remediation. However there is sufficient development capacity within the city without additional or more intensified development in this location. There may be uncertainty and higher development costs for three to six storey development on private sites within the SPOARC zone. Higher intensity and height development could have visual impacts on the surrounding open space or on the lower</p>
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	<p><b>Effectiveness</b> – This option ensures a well-functioning urban environment is maintained by ensuring good accessibility for all people to natural and open space, in accordance with Policy 1 of the NPS UD.</p> <p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of not acting is that residential development will be enabled in open space zones, potentially having significant effects on the communities’ accessibility to natural and open space, their wellbeing, and the city’s resilience to climate change effects. However, applying the new medium or high density zoning to all private properties within the SPOARC zone may lead to development incompatible with the surroundings, land bearing capacity and additional costs.</p>	<p>intensity residential development enabled along the edges of the SPOARC zone through the existing Edge or Trial Housing Areas Overlays.</p> <p>There may be social costs associated with private properties within SPOARC zone not being able to realise their full development potential due to ground conditions or infrastructure limitations.</p> <p>It is noted that there may be low demand for three or six storey residential development on a geotechnically difficult land, given the vast number of areas with more stable ground conditions in the City available for redevelopment.</p> <p>There may be plan change costs associated with future rezoning of open space land that may be surplus to requirements to enable residential development.</p> <p><b>Efficiency</b> – While this option, like Option 2, reduces the enablement for residential development to areas outside of open space, it ensures development does not unduly impact on the role and benefits of open space, and protects the amenity, liveability and resilience of the city. Therefore this option is considered more efficient than Option 1 and more efficient than Option 2 in being compatible with values of open space.</p> <p><b>Effectiveness</b> – This option ensures a well-functioning urban environment is maintained by providing good accessibility for all people to natural and open space, in accordance with Policy 1 of the NPS UD, and better maintain the character and values of open space.</p> <p><b>Risk of Acting/Not Acting</b> – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of not</p>
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		<p>acting is that residential development will be enabled in open space zones potentially having significant effects on the communities' accessibility to natural and open space, their wellbeing, and the city's resilience to climate change effects. Applying the current lower density and impact zoning to all private properties within the SPOARC zone is likely to lead to development more compatible with both the residential and open space surroundings and avoid additional costs associated with land remediation.</p>
<p><b>Recommendation:</b> Option 3 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order directions.</p>		

## 6.24 North Halswell ODP Connections Section 32 evaluation

- 6.24.1** Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a)) – this qualifying matter applies to approximately 93 ha of mainly greenfield land appropriate for medium and high density zoning in North Halswell.
- 6.24.2 Issue** – The current zoning of this land is Residential New Neighbourhood, and it is subject to an Outline Development Plan (ODP) which covers the wider area. The ODP sets out the general locations for the necessary major roads and other connections, the treatment of existing waterways, and general locations for stormwater infrastructure, and reserves and green corridors. While rezoning the land to Medium and High Density Residential will help facilitate development under the MDRS, it runs the risk that the necessary connections and infrastructure, reserves and protection of existing waterways will be more difficult to achieve at the time of subdivision.
- 6.24.3 Options evaluation** – The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. It also addresses the efficiency and effectiveness of the option and the risk of acting or not acting.
- 6.24.4 Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** – Section 77I allows for territorial authorities to apply density or development requirements which enable less development than would otherwise be enabled by the medium density residential standards, where a qualifying matter applies.
- 6.24.5 Alternative density standards proposed (s77K (1)(b) and s77Q (1)(b)), reason for lesser enablement under the proposed qualifying matter (s77K (1)(c) and s77Q (1)(c)), and the level of development that would be prevented by accommodating the qualifying matter (s77K and s77Q (1)(d))** – This qualifying matter involves carrying over existing provisions from an ODP applying to largely greenfield land that is being rezoned to better enable medium and high density residential development.
- 6.24.6** The amended provisions for this area will broadly facilitate the level of development permitted by the MDRS. However, depending on location of key roading links, stormwater infrastructure, and green infrastructure, it is possible there will be some small reductions in density in particular locations, and a resulting level of development less than that enabled by the MDRS. However, the subdivision provisions from the MDRS will apply, as will all the built form standards. Overall, carrying over the provisions from the ODP to the Medium and High Residential Zone rules is likely to have only a minor effect (if any) on the density of future development achieved.

<b>Table 30 – Options evaluation for North Halswell ODP Connections</b>	
<b>Option 1 – Apply MDRS and Policy 3 of the NPS-UD with no qualifying matter (QM)</b>	<b>Option 2 – Proposed change</b>
<b>Option description</b> This option is to implement MDRS in residential zoning at North Halswell, without applying a qualifying matter for ODP requirements.	<b>Option description</b> The preferred option is for the relevant ODP requirements to be carried over to residential zoning at North Halswell.
<b>Appropriateness in achieving the objectives and higher order documents</b>	
<p><b>Efficiency</b> – Not applying the requirements from the ODP may result in a less efficient roading layout, and more difficulty securing the necessary infrastructure and reserves. There may be economic benefits to individual landowners, if they can avoid making provision for road connections, infrastructure, reserves and waterways. Waterways may not be naturalised. There may be additional costs across the whole development, if an efficient pattern of roading and infrastructure is not achieved. This approach may result in fewer or less well-placed community reserves and linkages.</p> <p><b>Effectiveness</b> – Not requiring the residential development to ensure appropriate connections, natural spaces and infrastructure will not be effective in creating a well-functioning urban environment.</p> <p><b>Risk of acting/not acting</b> – The risk of applying the MDRS without the qualifying matter is creating the conditions for less efficient, and less sustainable residential development.</p>	<p><b>Efficiency</b> – The proposed approach is efficient in that the benefits generally outweigh the costs and there is minimal administrative cost to continuing to implement these provisions. Waterways will be required to be naturalised. Orderly development of key roads and infrastructure across different land ownership will have broad economic benefits. This approach would ensure a well serviced and connected community is created. There may be an additional economic cost to individual landowners, depending on the eventual location of infrastructure and roads.</p> <p><b>Effectiveness</b> – The proposed approach is effective in ensuring some of the key requirements for a well-functioning urban environments can be secured at subdivision.</p> <p><b>Risk of acting/not acting</b> – There are no identified risks in retaining the existing provisions for key connections, infrastructure, and green space.</p>
<b>Recommendation:</b> Option 2 is recommended as it retains subdivision provisions for largely greenfield land, which are important in creating a well-functioning urban environment.	