

In the Environment Court of New Zealand  
Christchurch Registry

I Te Kōti Taiao O Aotearoa  
Ōtautahi Rohe

**ENV-2020-CHC-**

Under the Resource Management Act 1991 (**the Act**)  
In the matter of an appeal under section 120 of the Act  
Between **The Victoria Neighbourhood Association Incorporated**  
Appellant  
And **Christchurch City Council**  
Respondent

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**Notice of Appeal**

30 November 2020

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**Appellant's Solicitors**

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**anderson  
lloyd.**

To the Registrar

Environment Court

Christchurch

- 1 The Victoria Neighbourhood Association Incorporated (**VNA**) appeals the decision of the Christchurch City Council (**CCC**) to grant resource consent (RMA/2020/405) to the Youth Hub Trust (the **Applicant**) to construct and operate a community facility (including an events centre and basketball court), with a café, market garden, sheltered housing and residential units (the **Proposal**) at 109 Salisbury Street, Christchurch Central (the **Proposal Site**)
- 2 VNA made a submission on the application for resource consent.
- 3 The decision on the consent (the **Decision**) was made by an Independent Commissioner for CCC. VNA received notice of that decision on 9 November 2020.
- 4 VNA is not a trade competitor for the purposes of s 308D of the Act.
- 5 VNA is a long-standing group formed in 1985 for the purpose of protecting residential amenity, cohesion and quality of life within its neighbourhood. It currently has 162 financial members, 84 of whom live and/or own property within a block of the Proposed Site. Forty-one of these members were previously part of the sub-group (known as the Salisbury West Community Preservation Group) who made submissions on the Proposal and worked closely with the VNA.
- 6 VNA represents significant opposition to the Proposal from the local Victoria community. The Victoria community is within the area bounded by Bealey Avenue, Victoria Street, Salisbury Street and Colombo Street in Christchurch Central City.
- 7 VNA is directly affected by the proposed facility. Its members live directly adjacent to or no further than five blocks from the Proposal Site. The Proposal seeks to locate in a residential zone but is primarily a non-residential activity of significant scale and with regular events held for city-wide attendees. The effectiveness of the Proposal does not depend on the high level of amenity in the intact inner-city residential area. It will have unacceptable adverse effects on VNA members, including on residential coherence, amenity, and character, which is specifically sought to be protected by the District Plan. The District Plan has been recently and competently prepared and must be respected as containing the most recent statement of the community's aspirations for the Proposal Site.
- 8 VNA is appealing the whole of the decision by CCC to grant consent for the Proposal.

## Reasons for appeal

- 9 The adverse effects on the environment from the Proposal are unacceptable, including effects on residential amenity on the entire neighbourhood; the integrity, coherence, and character of the Gracefield Avenue/Salisbury/Durham Street inner city residential area; disturbance, safety issues and noise; safe and effective traffic management; and the safe and efficient operation of the wider transport network.
- 10 The Decision did not implement the clear direction given for non-residential activities in the objectives and policies of the Christchurch District Plan (the **District Plan**). The Decision found that the expectation of the Proposal Site is for residential activities; the local residential area is residential (as opposed to a fringe or mixed use); the non-residential aspects of the Proposal were the primary activity; and the Proposal does not depend on the residential location. These key findings were not given sufficient weight when assessing the Proposal against the District Plan.
- 11 Overall, insufficient weight was given to the multiple findings of inconsistency of the Proposal with the objectives and policies of the District Plan. The Decision was incorrect to conclude that the Proposal, a non-complying activity, could pass through the s104D gateway test in the Act as it was not contrary to the objectives and policies of the District Plan.
- 12 The District Plan has been recently prepared having regard to part 2 of the Act. The Decision was incorrect to justify an outcome contrary to the thrust of the objectives and policies in the District Plan on the basis that city-wide community benefits "marginally" outweighed inconsistency with policy directions.
- 13 The Decision gave excessive weight to the potential city-wide benefits of the Proposal which are not dependent on the Proposal Site and will be the same wherever the activity is sited within Central Christchurch.
- 14 The Decision did not consider possible alternative locations or shared facilities for the Proposal.
- 15 There are a number of vacant sites in the Central City, including large sites in proximity to the Proposal Site. Gaps created by non-residential activities in residential areas affect not only the immediate neighbours, but the entire neighbourhood; cause loss of confidence in the CCC and consent process; and is a signal to other potential applicants that even large non-residential activities are likely to be approved. The Decision incorrectly found there would be no precedent effect as a result of the grant and that the integrity of the District Plan remained intact.

**Relief sought**

16 VNA seeks the following relief:

- (a) That the resource consent be refused.
- (b) Alternative, consequential or necessary additional relief to give effect to the matters raised generally in this appeal and in its submission.

**Attached documents**

17 The following documents are attached to this notice:

- (a) a copy of the submission;
- (b) a copy of the decision; and
- (c) a list of names and addresses of persons to be served with a copy of this notice.

Dated this 30<sup>th</sup> day of November 2020

A handwritten signature in black ink that reads "A Booker". The signature is written in a cursive, slightly slanted style.

Alex Booker  
Counsel for the Appellant

**Address for service of Appellant:**

Anderson Lloyd,

Level 3, Anderson Lloyd House

70 Gloucester Street

PO Box 13831

Christchurch 8013

Phone: + 64 3 379 0037 | Fax: + 64 3 379 0039

**Contact person: Alex Booker**

**Advice to recipients of copy of notice of appeal**

*How to become a party to proceedings*

If you wish to become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.



## **Appendix A – Original Submission**

Resource Consents Unit

# Submission on an Application for Resource Consent

Resource Management Act 1991 – Form 13

Email your submission to: [resourceconsentapplications@ccc.govt.nz](mailto:resourceconsentapplications@ccc.govt.nz); or

Deliver to: Resource Consents Unit, Christchurch City Council, 53 Hereford Street, Christchurch; or

Send to: Resource Consents Unit, Christchurch City Council, PO Box 73013, Christchurch Mail Centre, Christchurch 8154.

For enquiries phone: 03 941 8999

## 1. Submitter Details

*Application Reference:*

RMA: 2020/405

Planner: Shona Jowett

Name of Submitter (*state full name*): .....Victoria Neighbourhood Association Inc (VNA).....

Street Address: .....c/o 50 Gracefield Avenue.....Post Code:..8013.....

Postal Address (*if different*): ..... Post Code:.....

Email Address:.....vnachristchurch@gmail.com.....

Contact phone number (*daytime*): .....03 3669076.....

My address for service for receiving documents and communication about this application is:

By email

## 2. Application details

Application Reference Number (*if not stated above*): RMA/2020/405 .....

Name of Applicant (*state full name*): The Youth Hub Trust.....

Application Site Address: 109 Salisbury Street, Central City .....

Description of Proposed Activity: **New buildings to accommodate community facilities, with associated commercial and residential activities (including housing for young people ages 10 – 25).**

## 3. Submission details

We:  Oppose all or part of the application

The specific parts of the application that my/our submission relates to are: (*give details, using additional pages if required.*)

**See attached pages (p 3 – 4)**

The reasons for my/our submission are: (*use additional pages if required.*) **See attached**

**Our reasons for opposing the Youth Hub application are described on the attached. They are based on:**

**(1) VNA's long-standing opposition to non-residential intrusion onto residential land within or near the VNA neighbourhood, unless designated as a Permitted Activity in the District Plan and**

**(2) VNA's objectives as an incorporated society, including 'promoting appropriate and sustainable development in the area, taking into account environmental, historical, cultural and community values; initiating or supporting activities that enhance residential amenity, cohesion and quality of life in the community; informing residents about any proposed projects or schemes that may impact on residential amenity; advocating for the local community and taking actions needed to protect the above'.**



The VNA is the recognised residents' association, representing residents and/or property owners within the boundaries of Victoria Street – Bealey Avenue – Colombo Street – Salisbury Street. It has operated continuously since 1985 and incorporated in December 2010. Membership has remained at 100+ for the past six years, regardless of the number shifting in or out of the neighbourhood as a result of rebuilds after the earthquakes.

Our submission is filed by the elected Victoria Neighbourhood Association committee (listed on p 4, attached) and is based on discussions and consultation carried out with the wider membership from January 2018 – July 2020.

The decision I/we would like the Council to make is: *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required.)*

**Decline the application in full. See attached pages**

#### 4. Hearing of this application

If a hearing is held we

**Wish to speak in support of our submission; the VNA representative will be advised closer to the time.**

**If others make a similar submission we will consider presenting a joint case with them at the hearing**

*Please note that only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the planning report.*

5. *(Of submitter(s) or person authorised to sign on behalf of*

Signature: .....**Refer VNA Committee members, listed on attached**.....Date: ...8 July 2020.....

*Note: A signature is not required if you make your submission by electronic means*

#### 6. Important information

1. The Council must receive your submission before the closing date and time for submissions on this application.
2. You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
3. If you change your mind about whether you wish to speak at the hearing, please contact the Council by telephone on 941 8999 or by email at [resourceconsentapplications@ccc.govt.nz](mailto:resourceconsentapplications@ccc.govt.nz).

#### 7. Privacy information

The information requested on this form, including your contact details, is required by the Resource Management Act 1991. The information will be held by the Council, and you may ask to check and correct any personal information that we hold about you. Your submission, including your name and contact details, will be made available to the decision-maker and other parties involved in the application. It may also be made available on the Council's website.

If requested, the Council is legally required to make all submissions available to the public (which can include the media), including the name and contact details of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987. If you believe there are compelling reasons why your contact details should be kept confidential please contact the Processing Planner for this application.

##### For Office Use Only

Received at the ..... Office on ..... at ..... am / pm

***The VNA submission continues on next page.***

## **VNA submission, in opposition to the proposed Youth Hub RMA/2020/405, 109 Salisbury Street, Central City**

*See background re the VNA (including consultation period) and basis of our opposition on p 1 & 2.*

The VNA Inc opposes the Youth Hub application in full for the following reasons:

- (1) the scale of non-residential activities, including the (a) number and hours of social services, health and other agencies operating from the site and (b) anticipated number of staff and visitors to the site;
- (2) the age group being catered for in the 'supervised/sheltered living wing'—as young as 10 years old, which suggests this accommodation no longer meets the definition of a 'residential activity' under the District Plan;
- (3) negative effects of the expanded rooftop activities on the residential amenity of those living nearby;
- (4) impact of vehicle access from Gracefield Avenue, particularly given the 'dog leg' configuration, narrowness of the street and lack of footpath; number of anticipated vehicle/traffic movements and associated impact and noise levels, both of which are inconsistent with the residential environment;
- (5) other non-residential activities (e.g café, which exceeds maximum size of 40m<sup>2</sup> for a residential activity within the Residential Central City zone) and presumably, sale of garden produce;
- (6) claims that (i) there are strategic requirements for the Hub to be located on this particular site (and omitting other reasons explained at two meetings with residents/property owners) and (ii) the local community will want to be involved with and benefit from the proposed development;
- (7) loss of residential land for residential use, the impact of this on the neighbourhood as a whole and the likelihood of approval encouraging similar applications.

In our opinion, the application

- (1) under-estimates the number of dwellings and residents living in close proximity to the site;
- (2) ignores negative effects on the neighbourhood as a whole;
- (3) over-estimates commercial / non-residential activities in the area;
- (4) under-estimates likely traffic- and noise-related effects emanating from the site;
- (5) over-emphasises the positive benefits of the Hub to the local community;
- (6) exaggerates the reasons for having chosen this particular site, without adequately demonstrating serious consideration of other, more appropriate, sites;
- (7) fails to provide sufficient detail of some aspects of the development, including (but not limited to) the various groups to live on site, exact number of organisations operating from there and how clients/visitors to the site will be managed;
- (8) provides suggested 'solutions' that will not address the anticipated problems.

We have identified the following provisions in the District Plan that relate to our concerns and objections (although this is not necessarily an exhaustive list).

- definition of Residential Central City Zone, including 'character, scale and intensity of non-residential activities controlled in order to mitigate effects on character and amenity of inner city residential areas';
- 14.2.6 Objective
- 14.2.6.8 Policy, in particular (but not exclusively) (i), (ii) and (v);
- 14.2.6.1 Policy re adverse effects;
- 14.2.6.2, in particular b (iii);
- 14.2.1.3, noting that the VNA was instrumental in adding the clause 'protection of amenity of inner city neighbourhoods' to (a) (iii);
- 14.6.2.11
- objectives and supporting policies related to traffic.

Overall, the proposed Youth Hub application is contrary to the objectives and policies of the Christchurch District Plan. The addition of a second accommodation wing (following our earlier discussions with representatives of the applicants) does not alter our opinion about the proposed Youth Hub. The scale of

the non-residential activities, in conjunction with the range of non-compliances (listed above), are the basis of our objection. We believe that the negative effects on the residential amenity and character of the neighbourhood will be more than minor. We therefore request that the application be declined.

***This submission is filed by:***

**Victoria Neighbourhood Association Committee members (elected at AGM, 28/6/2020)**

Officers

Louise Edwards (Chair)	Peacock St
Axel Wilke (Deputy Chair)	Peacock St
Bill Luff (Treasurer)	Beveridge St
Marjorie Manthei (Membership)	Gracefield Ave

Street Coordinators

Sheila Hailstone (Team Leader)	Beveridge St
Michael Gorman	Beveridge St
Bob Manthei	Gracefield Ave
Lindsay Martin	Conference St ( <i>shifting from Beveridge St</i> )
Heather McVicar	Peacock St

Committee members

Sue Allard	Peacock St
Amy Bennetts	Beveridge St
Dave Kelly	Beveridge St ( <i>property owner</i> )
Wendy Fergusson	Gracefield Ave

A committee meeting was held on 6 July 2020 to consider the results from consultation carried out with the wider membership. It was formally moved that the VNA Committee file a submission opposing resource consent for the Youth Hub, focussing on the non-compliances and impact of the proposed development on the neighbourhood.

All the above Committee members attended the meeting; the vote was 12 in favour of the motion and 1 against (Michael Gorman, who asked that his vote be recorded). The motion was therefore passed, with agreement that the submission be filed by the 10 July deadline.

**RESOURCE MANAGEMENT ACT 1991**

**SUBMISSION ON NOTIFIED RESOURCE CONSENT APPLICATION**

*Under section 96 of the Resource Management Act 1991*

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**TO:** Christchurch City Council  
Strategy and Planning  
PO Box 73012  
Christchurch 8154

Via Email: [resourceconsentapplications@ccc.govt.nz](mailto:resourceconsentapplications@ccc.govt.nz)

**SUBMISSION BY:** Salisbury West Community Preservation Group

**SUBMITTER ADDRESS:** C/- Resource Management Group  
PO Box 908  
Christchurch Box Lobby  
CHRISTCHURCH 8140  
Attention John Scheele  
[john@rmgroup.co.nz](mailto:john@rmgroup.co.nz)

**TRADE COMPETITION:** The Submitter could not gain an advantage in trade competition through this submission.

**HEARING:** The Submitter wishes to be heard in support of this submission. The Submitter will consider presenting a joint case at the hearing.

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**SUBMISSION**

**INTRODUCTION**

1. This submission is made by the Salisbury West Community Preservation Group (SWCPG) and relates to the notified land use consent RMA/2020/405.
2. The detail of the consent, as notified, are as follows:

*Nature of consent:* Construction and operation of a community facility, inclusive of a café, sheltered housing and six residential units.

*Location:* 109 Salisbury Street

*Legal Description:* Lot 7 DP 536430

3. The SWCPG submission is in opposition to the application in full and seeks the application is declined.

#### STATEMENT OF INTEREST AND BACKGROUND

4. The SWCPG is a resident's and property owners group formed after first hearing of the Youth Hub's intentions at a meeting between two of the Youth Hub Trust's representatives, and those living in and owning property in the immediate vicinity of the site, that took place on 31 January, 2018.
5. The SWCPG represents the vast majority of residents and property owners immediately adjacent to, or in close proximity of, the proposed Youth Hub. These are largely contained within the boundaries of Gracefield Avenue (on the eastern and southern boundaries of the site), Durham Street North (on the western boundary) and Salisbury Street (on the southern boundary). A map attached to **Appendix One** shows the location of SWCPG members in relation to the Youth Hub. For privacy reasons, the names of members have been withheld.
6. The SWCPG opposes the intrusion of non-residential activity within the inner-city residential zones and is concerned with protecting the existing residential amenity, character and community spirit of the neighbourhood - the primary reasons that residents have chosen to live in this area. The proposed development will irreversibly erode these values.
7. In particular, the SWCPG opposes the application in full due to the significant negative environmental impacts it will have upon those who live in and own property around the perimeter of the site.

#### SUBMISSION

8. The SWCPG **opposes** the application in full for the following reasons:

##### Positive effects

9. The positive effects of the application have been overstated. While the site contains a former bowling club (and therefore maintains no residential component) the site is zoned for residential activities (Residential Central City). Within that context, the District Plan already anticipates residential activities to establish on site, as opposed to non-residential activities as proposed.
10. The application references the 'significant benefits' of allowing multiple community organisations to collaborate and share facilities in a single location in order to provide coordinated services. The application further states that establishing in a residential area will support residents within the proposed sheltered housing to integrate into the surrounding community. However, the proposed sheltered living will be transient in its nature and will not comprise permanent residents who are likely to integrate with the surrounding community in the normal sense. The effect of transient accommodation is that the proposal will lack a sense of community and residential coherence that would occur with permanent residents, and in that respect is more akin to temporary and visitor accommodation.

11. The application also understates the scale and effect of the non-residential components of the activity. It portrays these as being in support of and complementary to the at-risk youth who may be living on site. However, the non-residential activities will be the dominant activity on site, and cannot be seen as being subservient to the sheltered accommodation. These activities do not require a residential zone location.

Description of the application is misleading

12. The application is misleading in terms of how it has been described. The application is generally described as the construction and operation of a (i.e. singular) community facility, inclusive of sheltered housing and six residential units. However, the application is more accurately described as the co-location of 13+ organisations with ancillary commercial and residential activities, which itself is later described in the application as 'supported housing'. The application has been formed to emphasise the perceived 'benefits' of the community facility and residential activities on site, while seeking to minimise the scale of the non-residential component.

Application lacks sufficient detail in order to fully assess any actual or potential effects

13. As a non-complying activity, any and all actual or potential effects are able to be considered. Within that context, the application does not contain sufficient information to demonstrate that any actual or potential adverse effects of the development on the environment will be adequately avoided, remedied or mitigated.
14. While the application details that sheltered accommodation will be provided for up to 22 residents, aged 10-25 years, it does not detail the circumstances in which the criteria for sheltered accommodation will be provided/offered to potential residents. However, given the proposed age-range for the sheltered and emergency accommodation, it is plausible that from time to time people will be instructed, directed or otherwise coerced (e.g. via the Courts, Police or other organisations) to reside on the site other than on a voluntary basis. These circumstances are not specifically excluded from the proposal, and if they were to occur, would constitute an altogether different form of activity.
15. In addition to the above comments regarding sheltered accommodation, the activities associated with the 'independent residential units' have also not been clearly defined. There remains uncertainty how the independent residential units will operate, what level of supervision is provided and any direct connection with the operation of the Youth Hub altogether.
16. The application also references a code of conduct that all residents are required to abide by while they reside on site. However, the code of conduct does not form part of the application. This makes it impossible to adequately evaluate any potential mitigation of implementing the code of conduct, or otherwise. Furthermore, the code of conduct does not appear to extend to proposed daily visitors to the site. These include those who will be employed on the site (in the café or other proposed non-residential activities), the public who will access the proposed services on site, or visitors of the on-site residents. Furthermore, the application is unclear how the code of conduct will be enforced – either by staff of the Youth Hub's many organisations, the Police or private security. Regardless of the scope of the code of conduct and how it will be likely structured and implemented, it will not mitigate potential adverse effects, in particular retaining surrounding amenity values.
17. No details are provided regarding signage and outdoor lighting, other than stating that compliance

with the District Plan standards will be achieved. While any future non-compliance will result in the need for the applicant to seek further resource consent (therefore allowing any effects to be assessed), any assessment of effects will be in isolation from the main consent authorising the non-residential activity. As a non-complying activity, any effects associated with signage and lighting ought to be considered as part of the original application.

18. While the operational hours, staff and visitor numbers associated with the non-residential activities have been provided, there remains uncertainty where the 13+ organisations will undertake their specific activities within the central building, and across the site in general. Again, this makes it impossible to adequately assess any environmental effects. However, given the number of organisations reported to be involved (during previous consultation with one of the SWCPG members and the Youth Hub's representatives, we understand this may be as high as 27 different organisations) it is clear that all actual or potential effects have not been adequately identified or addressed.
19. Overall, the application is deemed to have insufficient information to enable the application to be fully assessed.

#### Noise effects

20. The application is accompanied by an acoustic assessment, suggesting general compliance with the District Plan noise standards (with the exception of a non-compliance regarding traffic manoeuvring on site). However, the assessment is deficient in that it does not acknowledge the noise sources associated with the non-residential components of the development are not anticipated by the District Plan to occur within the Residential Central City zone. These sources include the introduction of a café, high number of people on site (beyond that which could reasonably occur if the site was developed for residential purposes), mechanical plant and recreation activities including the basketball court, events centre and elevated garden spaces among other sources.

#### Traffic effects

21. The Traffic Impact Assessment (ITA) that accompanies the application states that the District Plan does not require car parking for activities within the Central City. That aside, the ITA estimates a peak parking demand of 33 parking spaces for the proposed activities on site. As the proposal only provides a total of 10 spaces on site, the anticipated demand (which has been conservatively estimated) will not be able to be accommodated on site. This will result in visitors to the site (and potentially residents) needing to rely upon off-site parking spaces.
22. There is already a high demand for off-street parking for existing activities in the immediate surrounding area and the proposal will only further reduce their availability. Furthermore, the proposal appears to be reliant upon temporary car parking lots in the wide area which are not in proximity to the site.
23. In addition, the ITA has not adequately addressed wider impacts on the roading network. Of particular concern to the SWCPG are impacts on the operation of Salisbury Street and Gracefield Avenue. Gracefield Avenue itself has a narrow 'dog leg' configuration with no footpaths and limited off-street parking. These issues were highlighted during the resource consent application for the adjacent Salvation Army, resulting in amendments to the application preventing access to the Salvation Army site via Gracefield Avenue.

#### Overlooking and loss of privacy

24. The design of the Youth Hub incorporates a range of roof top terraces and a large roof top 'market garden' as well as upstairs rooms in units. These areas will be accessible by residents, staff and potentially visitors to the site (including general public who are either visiting residents or accessing services on site).
25. The occupancy of these roof top areas and first floor rooms by persons whose engagement with the surrounding community is either transient or who don't otherwise reside on site will result in the sense for adjoining properties of being continuously overlooked. Whilst it is accepted that overlooking from permanent residential neighbours may occur, the effect on privacy is different from non-permanent residents, in a similar way to visitor accommodation (e.g. Airbnb or hotels which are not anticipated in the central city residential zones). This will represent a significant loss of privacy for adjoining property owners, which wouldn't typically occur should the site be developed for residential purposes.
26. Use of roof top areas by residents and visitors will lead to potential noise nuisance, and overlooking of adjoining residential properties by visitors to the site. The application is unclear as to use of the upstairs terraces, in particular by groups and visitors to the site.

#### Amenity effects

27. The proposal is a large-scale non-residential development. It incorporates a range and scale of activities not anticipated to occur within a residential setting. It incorporates the presence of a large number of non-resident visitors and staff to the site (potentially in excess of 400 per day).
28. Overall, the development will result in:
  - noise which is uncharacteristic of a residential activity (traffic volume, non-residential activities, mechanical plant);
  - traffic (increased volumes with associated impacts on the roading network and parking);
  - loss of privacy for adjacent properties (overlooking of adjacent properties by visitors and staff from elevated positions);
  - loss of residential coherence; and
  - cumulative loss of residential community and amenity combined with other non-residential activities including the adjacent Salvation Army facility.
29. The application does not contain sufficient information to demonstrate that any potential negative amenity effects will be adequately avoided, remedied or mitigated.
30. While sheltered and supported housing forms the western and eastern boundaries, the northern boundary and the centre of the site will be dominated by non-residential activities. The scale of the non-residential component will dominate the site and will be inconsistent with the residential receiving environment. Furthermore, given that the non-residential component will accommodate visitors to the site, it will provide services beyond the immediate community. In particular, several of the identified organisations seeking to establish on site provide services across the wider City, and in some cases, at a national level.
31. The policies for the Central City Residential zones seek to limit the scale of non-residential activities to a very low level (lower than that anticipated in suburban zones) and to limit the type of activity to those serving a local function. This is a deliberate policy in the Central City



recognising the particular pressures and sensitivity of the Central City residential areas. The proposal is wholly inconsistent with these key policies, and the community and amenity outcomes anticipated for the Central City residential area.

32. Overall, the proposed development will result in a poor urban design outcome, due to the building and site design, lack of physical and community interaction with the street and neighbours, and reduced residential coherence.

Policy framework

33. The proposed development will be contrary to the policy framework of the District Plan which specifically seeks to limit the scale and type of non-residential activities from establishing within the Residential Central City zone. In addition, the proposal will be contrary to the strategic directions of the District Plan which specifically seeks to provide affordable housing of various topographies to meet community needs and encourage residential intensification. Ultimately, the proposal will preclude residential activities from occurring on the site and to a level which is anticipated by the District Plan.
34. The above policy direction is further emphasised in the planning framework of the Regional Policy Statement which seeks an overall residential density of 50 households per hectare within the Central City area. As a consequence of reducing the opportunity of meeting the targeted 50 households per hectare limit, the proposal will also be contrary to the planning framework of the Regional Policy Statement.

**RELIEF SOUGHT**

35. That the application is declined in full.



John Scheele  
Senior Consultant Planner  
Resource Management Group

Signed on behalf of the **Salisbury West Community Preservation Group**  
Submission authorised by Michael Prentice

Dated: 10 July 2020

**ATTACHMENTS:**

Appendix 1: Location map of Salisbury West Community Preservation Group members and list of current membership

## Appendix 1:

Location map of Salisbury West Community Preservation Group member

Salisbury West  
Community  
Preservation Group  
(SWCPG)  
10.7.20

- SWCPG members opposed
- Residents opposing as part of VNA



**Appendix B – Copy of the Decision**

RESOURCE MANAGEMENT ACT 1991

DECISION OF THE CHRISTCHURCH CITY COUNCIL ON A RESOURCE CONSENT  
APPLICATION

<b>APPLICATION REFERENCE:</b>	<b>RMA/2020/405</b>
<b>APPLICANT:</b>	The Youth Hub Trust
<b>SITE ADDRESS:</b>	109 Salisbury Street
<b>PROPOSAL:</b>	Community facility with café, market garden, sheltered housing and residential units
<b>DISTRICT PLAN ZONING:</b>	Residential Central City
<b>TYPE OF ACTIVITY:</b>	Non complying
<b>DATE OF HEARING:</b>	29 and 30 September and 8 October 2020
<b>HEARINGS PANEL:</b>	Commissioner Ken Lawn
<b>APPEARANCES:</b>	<u>Applicant</u> Jo Appleyard, Lawyer Susan Bagshaw, for Youth Hub Trust Michael Smith, Noise Anne Wilkins, Urban Design Nicholas Fuller, Traffic Andrew Just, Architect Kim Seaton, Planner Kane Stewart, Youth Hub youth trustee  <u>Council Officers</u> Shona Jowett, Planner Nicola Williams, Urban Design Isobel Stout, Environmental Health Andy Milne, Traffic  <u>Submitters in support</u> Emma Maguire, 298 Youth Centre Jane Zintil, Ara Taiohi Fi Stewart, Cultivate Christchurch Patrick Murray, Anglican Diocese of Christchurch Richard Edmundson, Linwood College

Steve Langley  
Ria Schroder, The Collaborative Trust  
Jennifer Chowaniec, Wayne Francis Charitable Trust  
Di Lucas, on behalf of Lynette Stenning

Submitters in opposition

Graham White, 2/20 Gracefield Avenue  
John Law, 31 Gracefield Avenue  
Murray Jamieson. 99 Salisbury Street  
Robert Manthei, 50 Gracefield Avenue, on behalf also of;  
    Pauline Huggins, 49A Gracefield Avenue  
    Rod Hair, 43 Gracefield Avenue  
    Robert Davison. 52 Gracefield Avenue  
    Kenneth Tod and Justine Lee, 368 Durham Street  
    Rae James and David Chambers, 56 Gracefield Avenue  
Wendy Fergusson-White, 45A Gracefield Avenue  
Michael Prentice, 101 and 101A Salisbury Street for  
    Salisbury West Community Preservation Group  
Alex Booker, Solicitor on behalf of Victoria Neighbourhood  
    Association (VNA), and Salisbury West Community  
    Preservation Group (SWCPG)  
John Scheele, Planner on behalf of VNA and SWCPG  
Andrew Carr, Traffic Engineer, on behalf of VNA and  
    SWCPG  
Marjorie Manthei, on behalf of Victoria Neighbourhood  
    Association  
Dave Kelly, on behalf of Victoria Neighbourhood  
    Association  
Walter Logeman, 5 Gracefield Avenue  
Kate Tapley, 5 Gracefield Avenue  
Bryce Matthews, 24 Gracefield Avenue  
Stephen Simpson, 27 Gracefield Ave  
Dean Cameron, 90 Salisbury Street  
Jill Copplestone, 3/362 Durham Street

## Background

1. I have been appointed by the Christchurch City Council as a Commissioner to make a decision on an application by The Youth Hub Trust to construct and operate a community facility, inclusive of a café, sheltered housing, and six residential units on a site at 109 Salisbury Street.
2. The property was previously occupied by the Canterbury Bowls Club, including a car park on the Salisbury Street frontage. The property contains a site area of 4250m<sup>2</sup>.
3. The main features of the application as lodged include;
  - A western residential wing containing 22 bedrooms for supervised youth accommodation for persons 16 – 25, plus 2 supervisor units
  - Four three-bedroom units, one four-bedroom residential unit, and one on site manager's unit within an eastern wing
  - A health care and counselling area totalling 213m<sup>2</sup>, providing services to young people between the ages of 10 and 25
  - Offices and support facilities (419m<sup>2</sup>) for 13 named youth support organisation, and possibly other agencies
  - A covered (greenhouse) market garden on the rooftop
  - Event and entertainment spaces (741m<sup>2</sup>), including a 200-seat events area, art and recreation space, and arts centre
  - A cafe (68m<sup>2</sup> inside and 70m<sup>2</sup> courtyard) on the Salisbury Street frontage<sup>1</sup>
  - The main entrance area for visitor vehicles and pedestrians is from Salisbury Street, with a secondary entrance off Gracefield Avenue for access to a staff parking area, and pedestrian access to the health care and counselling area
  - Private and communal outdoor spaces, including roof terraces, and a basketball court area
  - Two parking space areas providing for 10 spaces, and provision for 80 bicycle spaces.<sup>2</sup>
4. The overall operation will be managed by the Youth Hub Trust, with the Christchurch Methodist Mission overseeing the management of the housing.
5. The application proposes that events will be held on site for up to 200 persons up to 12 times a year within the hours (Friday and Saturday nights only) up to 10.00pm, for 60 to 120 persons up to 12 times a year (Friday and Saturday night only) up to 10.00pm; and unlimited at other times for less than 60 persons, up to 9.30pm.
6. The application, at the request of the applicant, was publicly notified on 13 June 2020. A total of 81 submissions were received, 34 in support, and 47 in opposition.
7. I held a hearing on 29 and 30 September, and also reconvened 8 October 2020.

## Planning Framework

8. The application site is zoned Residential Central City.
9. The Residential Central City Zone;

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<sup>1</sup> The café location changed following amendments during the course of the hearing.

<sup>2</sup> The number of cycle parks was reduced to 80 following amendments during the course of the hearing.

*“has been developed to contribute to Christchurch’s liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working, and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner-city residential area”.*<sup>3</sup>

10. The Residential Central City Zone provides for a range of residential activities, including intensification to quite high densities. The definition of residential activities includes sheltered housing. The supervised accommodation in the western wing (22 youth persons) falls within the definition of sheltered housing, although it is deemed by the definition of “residential unit” to be used by a single household. The residential units in the eastern wing are permitted as self-contained residential units.
11. Rule 14.6.2.11 requires a minimum site density of not less than one residential unit for every complete 200m<sup>2</sup> of site area. This would require a minimum of 21 residential units on the site. Given that the sheltered housing with 22 bedrooms is deemed to be one residential unit, this application proposes 7 residential units.
12. Rule 14.6.1.3 RD2 requires an urban design assessment for any residential development of three or more units.
13. Education and healthcare facilities in the Residential Central City Zone are a permitted activity up to 40m<sup>2</sup>, and up to 200m<sup>2</sup> as a discretionary activity, and a non-complying activity beyond 200m<sup>2</sup>. Parts of the proposed healthcare and counselling area could be described as education and healthcare facilities, although the Applicant’s planner did not rely on that classification.
14. Community facilities in the Residential Central City Zone are only permitted on sites on Fitzgerald Avenue, and on Bealey Avenue between Durham Street North and Madras Street, and then with standards relating to hours of operation, and maximum vehicle movements. They are not provided for anywhere else in the Residential Central City Zone. The extent to which the activities on the site fall within the definition of community facilities is a matter that will be discussed later in this decision.
15. Any non-residential activity that is not provided for as a permitted, restricted discretionary or non-complying activity, with a floorspace over 40m<sup>2</sup>, is a non-complying activity. Both the Applicant and Council planners agreed that all of the proposed activities beyond the proposed residential activities are a non-complying activity.
16. There are a number of other minor non compliances with the rules of the Christchurch District Plan;
  - each of the 3 and 4-bedroom residential units have a 2.5m<sup>2</sup> outdoor service space rather than 3m<sup>2</sup>;
  - of the minimum 20% of the site that is to be in landscaping, less than 50% of that area will be in trees and shrubs;
  - a 2-metre high fence adjacent to a car park will be established within 2 metres of the Salisbury Street road frontage;
  - The 6 residential units in the east wing will have private outdoor living spaces with minimum dimensions of 2 metres (rather than 4 metres);

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<sup>3</sup> Table 14.2.1.1a, in Policy 14.2.1.1, Christchurch District Plan Objectives and Policies.



- The proposed earthworks exceed maximum standards;
- Noise limits will be exceeded at the boundary with 103 Salisbury Street due to vehicles utilising the Salisbury Street carpark;
- The layout of cycle parks do not comply with District Plan standards (they will be wall-mounted);
- Additional manoeuvring is required to enter and exit parking spaces (for staff) in the car park accessed off Gracefield Avenue;
- The Gracefield access does not provide the required pedestrian visibility splay;
- the generation of vehicle movements is at a level that requires an Integrated Traffic Assessment; and
- vehicle access is from two streets.

17. The application falls to be considered as a non-complying activity.

## Summary of the Evidence Heard in the Hearing

### The Applicant

18. **Jo Appleyard** presented legal submissions on behalf of The Youth Hub Trust. She described the proposed one stop shop for youth as well developed through the vision of Dame Sue Bagshaw, and that there should be no question regarding the need for the services proposed to be provided through the proposed Youth Hub.
19. She submitted that the Youth Hub is a “community facility”, and that the proposal is covered by specific policies (Policy 14.2.6.2 relating to community facilities, and Policy 14.2.6.8 relating to non-residential activities in Central City residential areas). She submitted that the more restrictive catch all Policy 14.2.6.4, and Objective 14.2.6(a)(ii) relating to other non-residential activities more generally within residential zones, do not apply. She submitted that the application is consistent with the relevant objectives and policies in the Christchurch District Plan. This is a matter that will be covered more fully later in this decision.
20. Ms Appleyard made a number of responses to evidence provided by Council officers, and on behalf of the submitters. She noted changes to the plans to reduce the size and treatment of some windows to address overlooking and privacy issues raised by submitters. She noted alternative residential development scenarios which could lead to greater scale and overlooking. She responded to concerns about the demographics and perceived behaviour of occupants and users of the Youth Hub. She submitted that assessment of amenity values needs to be tested objectively. She considered that an analysis of alternative sites was not required, and the application site does not need to be the best available. She contended that the highly specific and unusual nature of this proposal mean that the chances of providing a precedent, or domino effect, would be limited. She responded to a number of traffic matters raised, including amending the parking spaces off Salisbury Street to P5 parking, effectiveness of Traffic Management Plans, and recognising the District Plan and NPS- UD removal of requirements to provide parking on individual sites.
21. **Susan Bagshaw** spoke to a summary of her pre-circulated evidence. She described the need for support of young people, and her journey in helping to set up youth health centres in Christchurch (198 and 298), and now the proposed Youth Hub.
22. She described the search over 3 years for a site for the Youth Hub, culminating in the purchase of the Salisbury Street site by Anglican Care, and an agreement to lease the site to the Youth Hub at a peppercorn rent. A range of pledges of funding for the Youth Hub

have been secured, including \$10 million from the COVID-19 Response and Recovery Fund.

23. The Youth Hub will bring together a range of providers of health care, housing, catch-up education, employment and training opportunities, and other supports to youth.
24. She described the need for a Central City location, ideally within the residential area to provide youth with an ethos of belonging, and being accepted as part of the community.
25. She described the management of the facility, including entrance management, accommodation oversight, and behaviour management. She anticipated that the number of staff and visitors on any one day would be in the range of 50-100, although the numbers would be greater when events were held. She envisaged activities in the event spaces including plays, concerts, conferences, dance studios, indoor recreation, and creativity events.
26. She discussed the need for flexibility in the range of youth organisations that operated (either in full, or at limited times) from the facility, and that ultimately the numbers will be limited by the floorspace available.
27. She advised that the Youth Hub wanted to develop a positive relationship with the residents of the nearby residential properties, including inviting them to events, and activities. She considered that the Youth Hub will bring diversity and new life to the central city, in an area which is forming a transition between residential and CBD. Christchurch needs young people to grow and stay in the city contributing to its great future as it recovers from the earthquakes. She was sad that residents opposing the Youth Hub have such a low opinion of young people.
28. In answer to a question from me she agreed that most of the youth services would be for young people not residing in the proposed residential accommodation on the site, and that the proposed residential accommodation would be ancillary to the youth services, but that the wrap around services would greatly assist the supported accommodation services that the Youth Hub aspires to provide.
29. **Michael Smith** spoke to a summary of his pre-circulated acoustics evidence. He confirmed his conclusion that the supported housing and independent living units will result in no additional noise effects over the scale of residential development anticipated by the zoning. Sound from people congregating on the rooftop terraces will be screened by other building elements, and any effects could be managed through house rules. Sound from the event centre would be generally internalised.
30. Sounds from vehicle drop off and pick up are likely to provide degraded outdoor amenity for 103 Salisbury Street, and would be audible indoors. He considered that a thicker 2-metre high fence, and the proposed limitations on the number of events will mitigate these effects to an acceptable level. Sounds from the outdoor café area will be audible within the properties at 3-9 Gracefield Avenue.
31. Mr Smith concluded that with active management by the Youth Hub, the sounds of people playing and talking is compatible with a central city environment.
32. **Anne Wilkins** spoke to a summary of her urban design evidence. She concluded that the urban design affects are acceptable and compatible with the surrounding environment. She considered that the design aesthetics, layouts of internal and external spaces, and clear entrances and engagement with the surrounding streets, have resulted in quality spaces that can be integrated into the surrounding landscape and character.

33. She considered the site well-connected to the wider city centre, and that being so closely linked to the city, the site is within a fringe area, where commercial uses and mixed-use development merges with residential within the four avenues. She commented that residential properties alongside infill projects and higher density developments and commercial uses are a common element of inner city living. She considered that the addition of the Youth Hub, which is a mixed-use residential design interfaced with community activity, is an appropriate, cohesive, and responsive land use for this particular environment.
34. **Nicholas Fuller** spoke to a summary of his pre-circulated traffic evidence. He confirmed his analysis that the likely traffic generation will be in the range of 34 to 83 vehicle movements per hour at peak times, and that car parking demand would be between 49 and 71 vehicles at peak time, with 10 spaces being provided on-site. He considered that the lack of freely available on-street parking in the locale would mean that drivers would seek parking spaces elsewhere, particularly in paid car parking areas, such as at the Casino carpark.
35. He noted that the Applicant has offered to manage the Salisbury Street car park as P5, in order to ensure that there is a sufficient turnover of spaces. The Applicant also intends to pursue time limited parking on Salisbury Street, but cannot seek that from the Council until resource consent has been granted. He considered that the proposed Travel Management Plan would reduce car travel to the site.
36. He noted that the Christchurch District Plan has no car parking requirements within the Central City, and that is consistent with the recently introduced NPS-UD.
37. Mr Fuller commented on the use of Gracefield Avenue. He considered that the allocation of parking spaces in the carpark area off Gracefield Avenue to staff, and the use of the Travel Management Plan, would minimise additional use of Gracefield Avenue. He considered the access to the Gracefield Avenue car park was satisfactory.
38. **Andrew Just** spoke to a summary of his architectural evidence. He described the main drivers of the design of the facility. These included youth driven, contextual relationships of the site, programming of activities, and internal circulation. It was designed to be within all built form standards in the District Plan, to sleeve the larger portions of the building with fine-grained residential uses, planting and trees, and the finer scale gabled greenhouse on the roof. A number of changes to the size and translucence of some of the windows has been offered to assist with concerns about overlooking. Mr Just answered a number of questions from me about the use of particular areas of the community use components of the building.
39. **Kim Seaton** in her pre-circulated planning report accepted that this application is for a non-complying activity. She argued that most of the proposed non-residential uses on the site fall within the definition of a community activity (except for the café), but that the application is caught by Rule 14.6.1.5 NC1 (non-residential activities with a gross floor area over 40m<sup>2</sup>). She referred to a recent City Council Decision in respect of the Christchurch City Mission, which accepted that a community facility by Rule 14.6.1.1 P10 was permitted in the Residential Central City Zone, within certain activity standards. However, she acknowledged that this decision did not seem to take into account the limitation of such a community facility to certain arterial roads.
40. She accepted that there is no permitted baseline, however she believed that the District Plan anticipates residential development to a high density (minimum density 21 residential units on this site), with a maximum height of 14 metres, minimum internal boundary setback of 1.8 metres, and minimum setback of first floor living room windows or balconies of 4 metres).

41. Ms Seaton concluded that the potential adverse effects of the proposal can be adequately avoided or mitigated. In her summary of evidence at the hearing she put forward the following mitigations; community activities located centrally on the site; sleeving residential development on eastern and western boundaries; location of permitted market garden on the upper level; minimising transparent glazing; management plans, including a travel management plan and an events management plan; high quality design of building form and landscaping; and 24 hour presence on site to assist Youth Hub residents.
42. Ms Seaton in her pre-circulated evidence undertook an analysis of the objectives and policies of the Christchurch District Plan. She concluded that the application is consistent with the objectives and policies relating to transport and noise, and with the residential objectives and policies relating to increasing housing supply (Objective 14.2.1), housing distribution and density (Policy 14.2.1.1), non-household residential accommodation (including sheltered housing) (Policy 14.2.1.3), high quality residential environments (Objective 14.2.4 and Policy 14.2.4.1), and Central City Residential role, built form, and amenity (Objective 14.2.8).
43. Ms Seaton considered that the application is mostly consistent with Objective 14.2.6 (Non-residential activities). She considered that the proposed development would introduce new residential activity on a site that has previously been used for a non-residential activity, and that it would introduce an integrated community facility with wrap-around services. She acknowledged that the café would be partly inconsistent with this objective.
44. She considered that the application is consistent with Policy 14.2.6.1 (residential coherence, character and amenity) because the proposed non-residential activities will not have any significant adverse effects on residential coherence, character or amenity.
45. With regard to policy 14.2.6.2 (community activities and facilities) she noted that the policy does not stipulate that community facilities must be directed to meeting local needs, encourages co-location of facilities, and while not located on a defined arterial location, it does have a central location, walkable distance to the city centre, and has an absence of residential activity on the site currently.
46. She agreed that Policy 14.2.6.8 addresses non-residential activities in Central City residential areas. She accepted that the proposed community facility, and café, could not be said to be small scale, but that with the proposed residential activities, it is compatible with residential activities. She considered that the application depends on the high level of amenity inherent in the Residential Central City Zone. She also considered that the facility will not compromise the role of the Residential Central City Zone, or the Central City Business Zone, and that it is able to protect residential amenity.
47. Overall, she concluded that the application is partly inconsistent with, but not contrary to Policy 14.2.6.8.
48. Ms Seaton undertook an analysis of the recently introduced National Policy Statement for Urban Development, and concluded that the proposed development is wholly consistent with the objectives and policies of the NPS-UD.
49. At the hearing, her summary of evidence responded to matters raised in the planning evidence of Mr Scheele (called on behalf of the Salisbury West Community Preservation Group, and the Victoria Neighbourhood Association). I will summarise Mr Scheele's evidence later, and deal with the differences between the planning evidence later in this Decision.

## Submitters

50. The application attracted 81 submissions, 34 in support, and 47 in opposition. At the hearing I heard from a considerable number of those submitters, and in an order that jumped around in order to hear from submitters at times that best suited them. I now set out a summary of the submissions in a more logical order that suits my understanding and analysis of the matters raised by submitters.

## Submissions in support

51. I listened to an array of support for the concept and vision of the proposed Youth Hub.
52. Emma Maguire spoke on behalf of the **298 Youth Health Centre**, who intend to be a significant tenant of the Youth Hub, and who have provided many of the youth support services over many years as firstly 198 and then 298 Youth Health Centre, and with a long association with Dame Bagshaw. Ms Maguire spoke about the huge potential of the Youth Hub, especially with the provision of supported housing. She described the services of 298 as similar to a GP clinic, but with services to 10 to 25-year olds.
53. **Maree Andrews** has been active in 298 Youth Health since 1995. She is now working with the Youth Hub as facilitator dealing with organisations wanting to be part of the new Youth Hub. She described the enthusiasm for the Hub from organisations as overwhelming, and not a hard sell. She said that the one thing that youth need is access to face to face connection. She considered that the proposed beautiful building would be an asset to the local community.
54. Jane Zintil, executive office for the **Ara Taiohi** organisation, spoke in support of the Youth Hub. Ara Taiohi is support body for youth development in Aotearoa. They want to see a pathway forward for young people to thrive and find their place. Not all young people do well, or feel connected and part of the community. She applauds and supports the Youth Hub as a holistic opportunity to address youth issues within a community. Young people need somewhere safe, connected and accessible to live, and understand what it is to feel part of a community.
55. Fiona Stewart is Managing Director of **Cultivate Christchurch Ltd**, who will manage the proposed market garden on the upper floor of the Youth Hub. Cultivate Christchurch currently has four farms within the Christchurch area, and welcomes the opportunity to acquire a long-term space in a central location, and focussed on youth. They will provide the opportunity to youth to gain skills and practices towards achieving employment and work opportunities.
56. Murray Patrick spoke on behalf of the **Anglican Diocese of Christchurch**. He said that the Anglican Diocese strongly supports the Youth Hub, and has formed a collaborative relationship with the project, and has purchased the application site for \$4 million, and intend to lease it back to the Youth Hub at a peppercorn rent. He said that the Youth Hub will provide a desperately needed integrated accommodation and health services facility, and would be a one-stop source of advice and services for young people. The site was chosen for its easy accessibility, suitable size, being centrally located, being within a residential community, and for ease of travel from all corners of Christchurch.
57. **Richard Edmundson** is Principal of Linwood College. He produced some disturbing statistics about the increasing number of students presenting for counselling, the negative

trend for a questionnaire about well-being in a school survey, and the increasing, and younger age, trends in standdowns of students. These trends point to a crisis in our youth. He supported the Youth Hub and its wrap-around services as an opportunity to make real change.

58. **Steve Langley** has spent 50 years working with and for young people. He has been a counsellor on the Alcohol Drug Helpline, and is Chair of the Collaborative Trust. He said it takes a village to raise a healthy child, and youth generally need a significant senior from outside the family. He strongly supported the proposed location of the Youth Hub, close to the City and a number of institutions and services. He set out a challenging vision about how the youth facility and the local community could interact for the benefit of both.
59. Ria Schroder spoke on behalf of **The Collaborative Trust for Research and Training in Youth Health and Development**. She spoke about how impressed she was with the design of the Youth Hub. Her organisation supports the healthy development of young people, who need places where they can belong, connect and be respected. The Collaborative Trust wants to be a part of the Youth Hub. She also spoke to the benefit of relationships between generations, and benefits to the local community.
60. Jennifer Chowanec spoke on behalf of the **Wayne Francis Charitable Trust**. The Trust provides financial support for change projects across five areas of significance to young people. She confirms the need for what is proposed by the Youth Hub Trust. There are groups of young people who, through no fault of their own, require increased support. The holistic approach is crucial for sustainable and ongoing positive development and transition to adulthood. The Wayne Francis Trust is committed to providing support to the Youth Hub through funding and other mechanisms ultimately for the benefit of our city's young people.
61. **Di Lucas**, a landscape architect, produced a statement of evidence on behalf of **Lynette Stenning**, who lives in Manchester Street, and lodged a submission supporting the Youth Hub. Ms Lucas assessed the Youth Hub as predominantly residential with supporting community services. The Youth Hub will increase social diversity, assist with horticultural therapy opportunities, encourage the use of active transport and buses, and contribute positively to the amenity of the streetscape, the wider neighbourhood, and to city vitality. She considered the scale of the buildings as appropriate to the residential context.
62. **Kane Stewart**, a youth Trustee on the Youth Hub, responded to concerns expressed by residents about the Youth Hub. He described young people as generally good and capable, but some have difficult family situations, and will benefit from being surrounded by a group of like-minded people. He said that there will be a strong demand for places in the assisted living units, and the Trust will be able to select those who want to move on, and have the potential to step above and beyond their circumstances. He agreed that it is unfortunate that the Trust and the community have not been able to work together on this project.
63. I have also read submissions in support on behalf of a number of other agencies (Community and Outreach Team Princess Margaret, Youthtown, Generation Zero, Society of Young Health Professionals, People First, Community and Public Health Canterbury DHB, The Loft, and Avivia) and from 16 individuals spread across Christchurch. All are supportive of the proposed Youth Hub.

### **Submissions in opposition**

64. I listened to a significant and reasonably consistent opposition to the location of the proposed Youth Hub on the site at 109 Salisbury Street.

65. **Mr Michael Prentice** presented a joint statement on behalf of the **Salisbury West Community Preservation Group** (SWCPG). This Group was formed in February 2018 to represent the interests of residents and owners of properties in close proximity to the proposed Youth Hub site. It has members from 37 households (60 individuals). 28 of the members have made individual submissions. 10 of the submitters made individual oral statements at the hearing. The members are a diverse mix of people, including retirees, couples and singles, empty nesters, and families with children.
66. Their community has a deeply committed relationship with the area in which they live, and often choose to stay in the community area, and often to return to the area if they leave. A number have invested in other properties, or undertaken improvement and redevelopment of their properties.
67. Mr Prentice said that the amenity value derived from living in their community can be summarised by four themes; a strong sense of belonging and community; a quiet tranquil environment; the sense of safety and security that comes from being surrounded by residents who you know; and a residential coherence that promotes community interaction. Mr Prentice, on behalf of the members of SWCPG, contended that the proposed development will compromise all of the four themes listed above.
68. Mr Prentice stated that the SWCPG opposes the intrusion of non-residential activity within the inner-city residential zones, and identifies the significant negative environmental impacts from a large-scale development with the majority of the land use devoted to non-residential activity. The Group considers the non-complying non-residential and commercial activities will be dominant, not subservient to the sheltered accommodation, does not require a residential zone, and brings no benefits to the existing residential community. It will irreversibly erode the unique amenity values that define their community, and will fundamentally change the residential nature of the community, which is one of the last coherent residential areas in the inner-city.
69. **Mr Prentice** owns the property at 101 Salisbury Street, and has developed two townhouse units on the property. He was careful to design the town houses to provide a quality environment that people could be proud to call their home, including off-street parking.
70. **Marjorie Manthei** presented submissions on behalf of the **Victoria Neighbourhood Association** (VNA). The VNA is a long-standing residents' group, formed in 1985. It covers the area bounded by Bealey Avenue, Colombo Street, Victoria Street and Salisbury Street, and includes Gracefield Avenue, Conference Street, Beveridge Street, and Peacock Street. It has over 140 financial members, and its main objective is to protect residential amenity, cohesion and quality of life in the neighbourhood. It has been very active over the years responding to non-residential development proposals in the neighbourhood. 119 members were available for consultation on the Youth Hub, over 80% of members oppose the Youth Hub application, and 25 submissions were lodged by individual members.
71. Ms Manthei described why they cherish this neighbourhood, including short clearly defined streets, plenty of "bump spaces" (bump into other residents), feel involved and committed, belong and support, and can knock on at least 30 doors to borrow an egg. She emphasised again that many residents have lived there for a long time, and many shift within, or return to, this neighbourhood. The community holds many activities, including potluck dinners, annual barbecue in Alfred Reserve, shared bookcase, certificates of appreciation, clutter clean-ups and working bees, and meetings and briefings.
72. She contended that the Youth Hub would have a negative impact on residential cohesion and amenity, would undermine Policy 14.2.1.3 (protection of inner city residential neighbourhoods), is contrary to Policy 14.2.6.8 (not small scale, not compatible with

residential activities, no strategic need to locate here, and not serving local needs), and would compromise the role of the Residential Central City zone.

73. **Dave Kelly** also presented submissions on behalf of the Victoria Neighbourhood Association. A key point for him is that being “near” non-residential activities is very different from having a boundary with non-residential. Having residential neighbours matters. He accepted the hard-line boundaries with Commercial zones. He contended that the Christchurch District Plan provided a deliberate mosaic of Commercial, Mixed Use, and Residential zones. The application site is not on the “fringe”, it is core residential central city.
74. He provided a long list of applications lodged for non-residential activities in their central city neighbourhood area, dating back to 1990. The Residential Central City area is fragile and under continuous pressure, and has been deliberately highly protected under the District Plan. He said that there is no reason for the Youth Hub to be on this site, and pointed to the Central City Mixed Use Zone, where such an activity would be provided for.
75. **Robert Manthei**, of 50 Gracefield Avenue presented a joint statement on behalf of himself, Pauline Huggins (49A Gracefield Ave), Rod Hair (43 Gracefield Ave), Robert Davidson (52 Gracefield Ave), Kenneth Tod and Justine Lee (368 Durham Street), and Rae James and David Chambers (56 Gracefield Ave). He described the quiet, supportive and active neighbourhood. It is a place that just works, so if it is working well, why stuff it up. He commented on the continuous need to oppose applications for non-residential activities, and need to protect inner city creep into residential areas. The application poses a serious threat to the amenity, viability and liveability of their neighbourhood. He rejected the suggestion that the area was a fringe or mixed-use area.
76. Mr Manthei rejects that there is any need for the Youth Hub to establish on this site, rather it is a location of convenience purchased for them by the Anglican Church. He does not consider that the youth residents would have any desire to interact with local residents, nor would the local residents choose to interact with the programme and its participants. He considered that their feeling of personal safety would be diminished. He suggested that there would be many other more suitable sites closer to the facilities provided in the Central City. He opposed the open-ended nature of the possible tenants and uses in the Hub facility.
77. He calculated that the Youth Hub would comprise about 24% of the city block in which it is proposed to be located, and that the residential component of the application only occupied 23% of the land area. The site will be physically isolated from the community by 2-metre high fences required to reduce noise disturbance. He identified significant traffic issues due to the narrowness, dogleg, and right-angle bend in Gracefield Ave, and the lack of parking availability in the area. Those matters will be made worse by the infill residential development happening, some without, or very limited, on-site parking.
78. **Kenneth Tod** and **Rae James**, who were represented by Mr Manthei, also spoke individually in support of the presentation of Mr Manthei. Mr Tod, a more recent resident in the area described the neighbourhood as a great place to live, primarily residential, and close to the City. He appreciates the work and support of the VNA, and the social interactions within the area. Rae James and her husband have lived in the inner city for a long time, and have lived in two different properties in Gracefield Avenue. The appeal of the neighbourhood is because it is zoned Residential Central City, which she sees as a social contract with the Christchurch City Council.
79. I heard from a number of other residents speaking to their individual submissions.
80. **Graham White** (2/20 Gracefield Ave), enjoys the quiet residential enclave close to the Central City. He referred to a history of non-residential applications, including the Salvation



Army. He expressed concerns about the glasshouse on top of the building dominating the view from his first floor area, noise and parking issues, narrowness and changing width of Gracefield Ave, concerns about how security will be managed, and foot access to the Youth Hub health reception from Gracefield Ave.

81. **John Law** (31 Gracefield Avenue), owns a number of inner-city residential properties. He described the Youth Hub as very commendable, but sited completely wrong. He suggested a number of alternative sites. He described the proposed development as “huge” and likened it to the floorspace of the old convention centre, and the Town Hall auditorium.
82. **Murray Jamieson** (99 Salisbury Street) will be close to the facility, considers it to be a commercial activity, with lots of people employed there, and possibly too small for all the agencies that want to be there. He described it as more of a beehive than a hub. He considered it was a multi-agency environment with the youth housing as an add-on. He accepted that the attendees could be well controlled within the complex, but there would be no control once they left. He was concerned about noise from the basketball area.
83. **Wendy Fergusson-White** (45A Gracefield Ave) produced a long list of things that she and her husband Ian White do with their neighbours. She loves living in her house, and compared it with a previous house that she lived in which had a commercial neighbour, and with noise issues from bars and restaurants on Victoria Street. She is concerned about the sheer scale of the Youth Hub development.
84. **Walter Logeman** (5 Gracefield Ave) set out why he loves living in the inner city, in an oasis of seclusion with the bustle of the city just blocks away, and with a neighbourhood with real community spirit. His unit will be sandwiched between the Salvation Army (which he opposed) and the proposed café and entrance area to the Youth Hub. He said that now is the time to solidify inner city living, and not destroy it.
85. **Kate Tapley** also lives at 5 Gracefield Ave with her husband Walter. She also described the neighbourhood community. She is concerned about the loss of social fabric, and their privacy, being located immediately adjoining the proposed café and outdoor seating area. She is concerned about parking, and noted that during the day there is no available parking in Gracefield Avenue as it fills up by about 7.30 am.
86. **Bryce Matthews** (24 Gracefield Ave) has lived in 3 properties in Gracefield Ave. He confidently said that the serenity and security of the small Gracefield Avenue community is something very unique and precious for an inner-city urban pocket. He played a recording of birdsong heard at his property. He expressed concerns about amplified music events up to 24 times a year. He is also concerned about congregations of youth in the street, about their personal safety, and about traffic issues on Gracefield Avenue. He applauded the Youth Hub proposal, but it needed to be in a more appropriate location.
87. **Steven Simpson** (27 Gracefield Ave) considered the proposal to be a three-storey high megalith, which will not achieve interactions with the community.
88. **Dean Cameron** (90 Salisbury Street) is in the process of lovingly and against numerous technical issues, restoring an old 1880's 7-bedroom house. He has had experience with loitering of youth outside other youth facilities, and he laments the removal of the SAM character areas in the District Plan. If the Youth Hub proceeds he will probably put the restoration on hold, as he doesn't want to live in a mixed use area.
89. **Jill Coplestone** purchased a new 3 level apartment at 3/362 Durham Street, backing onto the application site adjacent to the sheltered housing block. She moved to the new apartment having found it difficult to live in a townhouse she had purchased in Peterborough

Street, a mixed-use area. While she had some idea that there was a development proposed across her fence, she was shocked when she saw the extent and enormity of the Youth Hub proposal. She has real concerns about 22 youth living close by, and has safety and privacy concerns.

90. I record that I have also read the other 24 submissions that oppose the application. They collectively raise similar concerns that I have recorded from the submitters who attended the hearing.
91. **Alex Booker** produced legal submissions on behalf of the Victoria Neighbourhood Association and the Salisbury West Community Neighbourhood Association. She submitted that there are no existing use rights for the non-residential use of the site. The previous bowling club on the site ceased in 2016. She also submitted that there is no permitted baseline.
92. She submitted that the evidence would show that the proposal will result in more than minor effects on residential coherence, amenity and character, and the efficient operation of the transport network, and that the effects of non-residential aspects of the proposal will be fundamentally different to that which would be experienced if the activity on the site was predominantly residential. She contended that effects must be tested with reference to the Plan.
93. She also submitted that the proposal is contrary to key objectives and policies in the District Plan. Contrary means opposed to in nature, different, or opposite. She referred to the *Fright v Christchurch City Council* decision. She disagreed that Policy 14.2.6.4 was excluded from consideration because of the *Fright* decision, because the Court made no findings with regard to Policy 14.2.6.8 (non-residential activities in the Central City Residential areas) and the Court noted that this clause uses effects-based language, and does not refer to categories of activity, and by comparison takes a more open-textured approach. On that basis she submitted that the more restrictive language of Policy 14.2.6.4 should apply as well as Policy 14.2.6.8. In any event, she submitted that the application is contrary to Policy 14.2.6.8, and noted the use of the word “ensure”. These are matters that I will return to later in this decision.
94. Ms Booker also made submissions with respect to precedent and plan integrity, the place of the NPS-UD, and difficulties with the certainty of management plans.
95. **John Scheele** spoke to pre-circulated planning evidence that he produced for the Victoria Neighbourhood Association and the Salisbury West Community Preservation Group. Mr Scheele considers that there is a level of uncertainty regarding the level of interaction between the residential activity and the agencies that will be based in the Youth Hub, and also uncertainties about the range and scope of those organisations. Overall, he considers the non-residential activities being the dominant activities on the site, and that co-location of residential services with the community services does not provide a justification why the Youth Hub needs to be in a residential zone. He did not consider the location to be a fringe central city area, but rather an important residential area. A mixed-use central city area would be a more appropriate location.
96. Mr Scheele concluded that the activity will result in adverse effects in relation to residential coherence, amenity and character, and the safe and efficient operation of the transport network, which in his opinion will be more than minor and unacceptable.
97. He also concluded that the application would overall be contrary to the objectives and policies of the Christchurch District Plan. This included a consideration of Policy 14.2.6.4.

98. He also concluded that while the application will not be inconsistent with a range of objectives and policies in the NPS-UD, it would be contrary to one of the primary outcomes sought in relation to creating well-functioning urban environments.
99. **Andrew Carr** spoke to pre-circulated traffic evidence that he produced for the Victoria Neighbourhood Association and the Salisbury West Community Preservation Group. Mr Carr undertook an analysis that suggested the off-site parking demand would be in the order of 62 to 70 spaces, which is a higher figure than suggested by Mr Fuller for the Applicant. He discussed the difficulty of implementing a Traffic Management Plan. He suggested that visitors to the Youth Hub are likely to search for a car park firstly in the provided carpark off Salisbury Street, then in Gracefield Ave, before moving to paid carparks in the Central City area. He noted that part of the Casino carpark is only temporary (consented until 2023). The carpark off Salisbury Street does not provide a turning area when the car parks are full, and drivers may need to reverse out on to Salisbury Street. He was comfortable with the layout of the staff parking area off Gracefield Avenue.
100. Mr Carr considered that the District Plan places a high emphasis on the safe and efficient operation of the transportation network, and he did not consider that the NPS-UD intended to over-ride that emphasis.

### **Amendments to the Application**

101. When the hearing reconvened on 8 October, the Applicant advised that after the first two days of the Hearing, the Applicant had decided to offer some changes to the application. These are in addition to changes agreed prior to the scheduling of the hearing (changes to glazing, communal green/food wastebins, compliant cycle parking, acoustic fence adjacent to Salisbury Street carpark, and confirmation that residents will be limited to 16-25 year olds).
102. Mr Just provided plans which showed, in his calculations, 40% of the total usable space (which includes all ground level spaces, and space on the first and second levels) was for residential activities, and 60% was for other uses.
103. Mr Just produced marked up (in pen) plans showing proposed changes to the application. These changes were;
  - Clarification of the location of the acoustic fence around the property;
  - Removal of one car parking space in the Gracefield Ave car park, leaving 5 staff car parks (one for the residential manager, two for youth workers in residence, one for Youthline, and one disability space);
  - Swapping the density of covered cycle parking between the Salisbury St and Gracefield Ave car park areas (in order to reduce the number of cycle movements to and from the Gracefield Ave carpark);
  - Removing the café from the Salisbury Street frontage, and placing it internally within the art centre area. There would no longer be a café outdoor courtyard. The original café building would be used as an art centre gallery;
  - The external spiritual space in the second courtyard will be moved to the previous gallery building;
  - Removal of a deck to the south of the basketball court area and replacement with an additional fence and trees;
  - Change of description on the first floor from “entertainment/event” space to “training/workshop” space;
  - Increase in height of the window treatments proposed for the greenhouses from 1500mm to 1800mm; and

- Confirmation that the roof of the greenhouse will remain as shown on the application plans.

104. Mr Fuller produced an updated Travel Management Plan taking into account comments raised by Mr Carr and Mr Milne.
105. Ms Seaton produced an amended set of proposed conditions, taking into account the proposed changes.

### Council officers

106. **Andy Milne**, Council traffic engineer, spoke to the traffic report that he wrote for the Council's Section 42A assessment of the application. He spoke about the merits of travel management plans. Working with travel co-ordinators at the Council these plans can achieve a 10 to 30% reduction in the use of cars for travel to work. He has some confidence that a travel plan would work, and that the factors for the process to work apply to this development (including the limited provision of on-site parking). He did consider that the monitoring and review provisions of the Plan could be beefed up. It will remain a live document that needs flexibility.
107. Mr Milne considered that the trip generation numbers predicted by Mr Fuller were probably on the high side. He suggested that there were opportunities for linkages between activities, and a low probability of car ownership by residents. He considered that the likely off-site parking demand would be lower than predicted by Mr Fuller. He agreed with the use of the Salisbury Street carpark for short term parking to allow drop off and pick up. He was satisfied that Gracefield Avenue would cope with the likely traffic flows.
108. **Isobel Stout** produced an environmental health report for the Council's Section 42A assessment and report. Unfortunately, Ms Stout was unwell and could not attend the hearing at the time I heard from Council witnesses. She had been at large parts of the hearing to hear matters raised by the parties. In her report, she considered that the events/function area would be constructed so as to control the breakout of noise, that the use of the basketball court would have some margin for compliance with Christchurch District Plan noise standards, that the café would be able to achieve those standards as well, that the location of a rooftop garden would not produce additional noise due to its elevation, and that the small exceedance for vehicle noise adjacent to the Salisbury Street car park would be similar to car parking areas and access should the site be developed for residential purposes. She commented that compliance with noise standards does not mean that no noise will be heard at neighbouring properties. The noise standards are set at levels internationally considered to lead to an acceptable level of amenity in a central city residential setting.
109. **Nicola Williams** produced updated evidence to summarise and update the report she earlier prepared for the Council's S42A assessment and report. From a scale perspective, taking into account the scale anticipated for residential development, she considered the development was not an over development. She considered the two residential housing areas to be of a similar scale to anticipated and existing residential development, the northern building scale to be relatively open and well landscaped, and the concentration of height, in the form of a glasshouse above the community activities, in the middle of the site to be an appropriate allocation of form.
110. Ms Williams spoke about the desire of the Council to attract 20,000 new residents to the Central City. To achieve this there is a density expectation of 50 dwellings per hectare (the

District Plan requirement is one unit for every 200m<sup>2</sup>). She had analysed a number of new developments in the Gracefield Ave and Salisbury Street area, and found them to have produced around 80 to 85 dwellings per hectare. The youth Hub development if calculated as 24 supported units and 6 independent units, produces 70 dwellings per hectare. On this basis she considered the development still contributes appropriately to the 20000 target.

111. With the glazing adjustments proposed by the applicant, Ms Williams was satisfied that overlooking or privacy concerns are limited. She also considered that, from a good design perspective, the site arrangement avoids a conflict of uses and establishes a clear traditional safe neighbourhood structure of public fronts and more private backs.
112. **Shona Jowett** produced a supplementary report to summarise and update her pre-circulated planning report. In her original report she concluded that the effects of the proposal would be mostly minor or more than minor, but they would be acceptable subject to management of non-residential noise and activity. After considering the relevant objectives and policies she concluded that, in an overall sense, the application is acceptable and consistent with outcomes sought by the Plan to provide for sheltered housing and community facilities, while protecting residential amenity.
113. In her supplementary evidence, Ms Jowett considered that the relocation of the café, and replacement with an arts centre/gallery, would remove café related noise and activity from the adjoining properties at 3-9 Gracefield Ave. There would still be adverse effects on residential coherence from the non-residential activity, but those effects would be acceptable.
114. With respect to matters raised in the hearing, she confirmed that existing use rights were not sought and that residential use could be expected on the site; that the site was in a predominantly residential area (not a fringe area); and that she was aware of residential developments in the Central City Residential Zone that did not provide car parking. She considered the application to be for a large-scale community facility, but closely tied to a residential activity which by its nature would benefit from being located with a community facility, social and health services, and recreation space to achieve positive outcomes for the Hub residents. She considered the café to fall under the food and beverage, retail, and commercial activities definitions in the District Plan, while being mindful that the café is partly a community facility servicing the users of the Hub.
115. With regard to objectives and policies, she commented that the combination of activities within the Hub, which enhance each other's provision, makes this proposal particularly difficult to consider as there are both residential and non-residential activities seeking to locate in a residential zone in which there are specific and directive policies for types and locations of non-residential activities.
116. She considered that housing supply would be increased by the proposal, and the sheltered housing would provide for a diverse need (Objective 14.2.1). While the seven residential units would not achieve the required 50 household units per hectare, the housing of 41 young people would be comparable to that density (Policy 14.2.1.1). The proposal would restore residential activity in the Central City (Policy 14.2.1.3). The proposal would enable sheltered housing (Policy 14.2.1.7). She noted that both Policy 14.2.1.3 and Policy 14.2.1.7 were subject to compatibility with and amenity of the residential environment. She considered the proposal will provide for a high-quality residential environment with regard to built form, although there are adverse effects on some neighbours due to the non-residential activity, and residential coherence effects (Policy 12.2.4.1). The proposal increases the range of residential opportunities, and while the development will change the residential amenity of those living in the surrounding area, she considered that amenity will still be maintained for those living in the area (Objective 14.2.8).

117. Ms Jowett considered that the non-residential components will have (at most) more than minor but acceptable effects on residential coherence and amenity of some persons, and that those effects will not be significant (Policy 14.2.6.1). She considered that Policy 14.2.6.2 enables community activities and facilities, which she took to be the general residential community. She concluded that the proposed facility is a community activity. She considered that while this policy enables larger scale community activities and facilities on defined arterial locations, it does not preclude them elsewhere, and this location is consistent with two of the characteristics of such locations (close to Central City, and on core public transport route), but not the third (in an area not dominated by residential development).
118. She considered that while the café is classed as a commercial activity, it is more associated with training and meeting space activities within the Hub. She did not consider it to be especially commercial in nature (Policy 14.2.6.4).
119. Ms Jowett considered that the application was inconsistent with regard to being small scale, and that residential coherence is affected for some, but that the nature of the activities is low impact and compatible (Policy 14.2.6.8.a.i). She considered that the application is not focussed on meeting the needs of the local community, but concluded that the residential components of the Hub depends on the high level of residential amenity, and that the sheltered housing relies on the additional services and facilities to be provided (Policy 14.2.6.8.a.ii). She agreed that the proposal does not compromise the role of the Central City zones (Policy 14.2.6.8.a.iii). She concluded that the sleeving of the non-residential with residential activities presents a residential interface to the east and west, but at the Salisbury Street frontage there are some effects on residential coherence, but the removal of the café, and replacement with the art gallery space, is an improvement (Policy 14.2.6.8.a.v).
120. Overall, she concluded that there are both inconsistencies and consistencies with the objectives and policies, but that the proposal is not contrary to any of the objectives and policies.
121. With regard to precedent and plan integrity she concluded the proposal is unique in its combination of residential and community facilities.

### **Right of reply**

122. Ms Appleyard produced written closing legal submissions as the Applicant's right of reply.
123. She accepted that the bowling club does not have existing use rights, but that it is still correct to describe the site as not currently being used for residential purposes.
124. She said that Ms Wilkins was within her area of expertise to describe the location as fringe, and that the environment does not stop and start at a zone boundary.
125. She noted that all parties seem to accept that the east and west wings are a residential activity under the District Plan.
126. Ms Appleyard set out analysis and reasons why the non-residential aspects of the application all (with the possible exception of the café) fall within the broad range of activities included in the District Plan definition of a "community facility".
127. Ms Appleyard also set out legal submissions with regard to the objectives and policies of the Christchurch District Plan. She submitted that the application is not contrary to those objectives and policies.

128. She made specific submissions about the place of Policy 14.2.6.4, and the legal principal of *generalia specialibus non derogant* (general provisions do not derogate from specific ones). She submitted that this principal is behind the Fright decision.
129. Ms Appleyard submitted that the residential and community components of the application are complementary and co-dependent on each other, rather than one or other being primary.
130. Ms Appleyard concluded with comments expressing surprise at the unwavering assertions made by almost all of the submitters in opposition that the Youth Hub would make no positive benefits to the community or area.

### **Procedure towards closing the hearing**

131. Towards the end of the hearing the Applicant undertook to provide plans showing the implementation of the changes proposed at the 8 October reconvened hearing. Those plans were to be provided to the Council by Tuesday 13 October, and to be circulated to all parties.
132. I provided an opportunity (after a 30-minute adjournment) for submitters to comment on those changes. I agreed to a request that the submitters have more time, and that they provide written responses to the proposed changes, and to the supplementary evidence produced at the hearing on 8 October, by 5pm on Friday 16 October. I produced a Commissioner's Minute to that effect. On 16 October I agreed by email that the response could be received by 9.00am on Monday 19 October.
133. On Monday 12 October I undertook a site visit. I had already walked around the area, and viewed the application site from a number of public positions. Through the VNA, I was offered suggestions about a number of locations that I could view the site from, including from within some private houses. I visited the suggested viewing locations, accompanied by Majorie Manthei in order to gain access to the viewing locations.
134. I received a response to the amended plans from the Victoria Neighbourhood Association, and a separate response from the Salisbury West Community Preservation Group. The response from the VNA concluded that the proposed changes might have a minor effect for some residents, but they do not go far enough to alter their opposition to the Youth Hub application. The response from SWCPG concluded that the proposed changes do not remove or even reduce the negative impacts that the application, taken as a whole, will have on the residential amenity of the neighbourhood and community.
135. On 20 October I issued a Minute closing the hearing.

### **Youth Hub Project**

136. I have no doubt that the proposed Youth Hub is an exceptional and inspiring project. All of the submitters in support, and the Applicant's witnesses, attested to the vision, planning, and intended outcomes for the project. Almost without exception the submitters opposing the application spoke highly and supportively about what the Youth Hub is seeking to implement.
137. The project builds on experience gained from the 198 and 298 Youth Health Centres, and from the work of other agencies. Dame Susan Bagshaw has been instrumental in

developing innovative responses to youth services, and her leadership of this project was referred to by many of the submitters in support.

138. Providing one-stop advice and services to youth was strongly supported by many of the submitters who supported the application. I heard some disturbing statistics from Richard Edmundson, Principal at Linwood College, I have set out a summary of the submissions in support in paragraphs 52 to 63 of this Decision.
139. Adding residential facilities, in the form of supervised single bedroom units, and 3 and 4-bedroom units without supervision, but with access to youth worker support, will add another dimension, and wrap around support, for young people between the ages of 16 to 25. These residential facilities received huge support from the submitters in support.

### **Victoria Neighbourhood Area and Gracefield Avenue area**

140. I also have no doubt that the Victoria neighbourhood area, including the Gracefield Ave block, has a very special neighbourhood residential character and feel. I heard numerous references to the neighbourliness, support, and community activities which make this a very special central city residential area. That spirit will have come through as you read my summary of the submissions in opposition (paragraphs 65 to 100).
141. The Victoria neighbourhood area (including Gracefield Ave), is an almost entirely intact inner-city residential area, with a mixture of older existing dwellings, and infill residential development, some at reasonably high densities. There are very few non-residential uses, and there is a very strong desire of the residents to keep it that way.
142. The residential areas exist alongside areas zoned for commercial activities, including some areas designed for mixed uses (including commercial, community, and residential uses). One submitter (Dave Kelly) described it as a mosaic. He said it is good to live close to the central city commercial areas, but not to have commercial neighbours. I agree that the zoned residential areas are not a fringe, or mixed-use area, they are a residential area.

### **Primary activity**

143. This application involves both residential and community (and possibly commercial) activities. There was discussion at the hearing as to whether one or other activity was primary (i.e. dominant).
144. Robert Manthei (50 Gracefield Ave) added up the floorspace allocated to residential building floorspace (1008m<sup>2</sup>) and divided that into the total site area (4250m<sup>2</sup>) to come up with a figure of 23% of the site used for residential purposes (and hence 77% for non-residential use). I note that those figures do not include ground space used for residential private or communal outdoor living space, and that they compare residential floorspace (over several levels) against site area.
145. Andrew Just (architect) added up the total useable area of land and buildings, and worked out that residential activities comprise 40% of that area, and non-residential activities comprise 60%.
146. Susan Bagshaw, in answer to a question from me, agreed that most of the youth services would be for young people not residing in the proposed residential accommodation on the site, and that the proposed residential accommodation would be ancillary to the youth services, but that the accommodation would greatly assist the wrap around services that the Youth Hub aspires to provide.



147. Ms Appleyard submitted that the two uses are complementary and co-dependent on one another. She suggests that the Youth Hub must be seen as a whole as that is how it will operate in an integrated manner. One does not exist without the other as that would defeat the whole purpose of the Youth Hub.
148. In the main I agree with Ms Appleyard that the two uses (residential and non-residential) are complementary and co-dependent, but I also conclude that the non-residential (community) aspects of the development are the primary activity, with the residential facilities, while being an important part, are ancillary to the youth services program.

### **Vagueness in the application**

149. The application lists 13 organisation which propose to locate (in total or in part) at the Youth Hub, but also makes it clear that other organisations may join the Hub later, as space permits. The detailed location and space of individual organisations is not set out in the application. This was criticised by some of the Submitters as being too vague. However, the plans define the area for health care/counselling (213.67m<sup>2</sup> gfa) and for support services (419.33m<sup>2</sup> gfa), and a condition can be imposed limiting the maximum areas used for those services. The makeup of the actual organisations does not really matter.
150. The labelling of entertainment and event areas (as events, art and recreation space, gallery etc) was also criticised by some submitters as being too vague. I suspect the detailed planning of those areas to support the operations of the Youth Hub still require some further development, but again there is a maximum area available within the approved building layout plans.
151. The number of staff and visitors who would utilise the complex is also not entirely clear. The application sets out some expected staff and visitor numbers expected for the various functions, and Dame Bagshaw in her evidence suggested there would be 50 to 100 staff and visitors (excluding residents) at any one time, although there would be more (up to 200) for particular events. Those numbers appear appropriate for considering the merits and effects of the application.

### **Community Facilities**

152. An important component of this application is whether the proposed non-residential activities are a community facility in their entirety, or in part.
153. The Christchurch District Plan defines **community facility** as;
- “Means any land or buildings used for community activities or education activities. Community facilities include reserves, recreation facilities, libraries, community infrastructure such as community halls, health care facilities, care facilities, emergency services facilities, community corrections facilities, community welfare facilities, and facilities used for entertainment activities or spiritual activities. Community facilities exclude facilities privately (as opposed to publicly) owned recreation facilities, entertainment activities and restaurants”.*
154. Community facilities means land or building used for community activities, or educational activities. **Community activities** is defined as;
- “means the use of any land or buildings principally by members of the community for recreation, entertainment, health care, safety and welfare, spiritual, cultural or deliberative purposes”.*

155. Community facilities therefore cover a wide range of facilities (e.g. health care, community welfare, entertainment), and each of those facilities are each also defined in the District Plan. Community activities also includes a wide range of community purposes (e.g. recreation, entertainment, health care, safety and welfare).
156. The District Plan makes provisions in various combinations (permitted, restricted discretionary, discretionary and non-complying) for community facilities, and usually as subsets of that definition (e.g. as community welfare facilities or health care facilities).
157. With the possible exception of the proposed café, and subject to the exclusion of private versus public recreation, entertainment and restaurants to be discussed below, I am satisfied that the non-residential activities (health care and counselling, training and workshop, event space, arts centre, art and recreation space, and basketball court), fall within the definition of both community activities and community facilities. The definition of community welfare facility includes "*offices of charitable organisations where the facility is operated by a non-profit making organisation*".
158. I also note that the proposed market garden on the roof is provided for as a permitted activity (with no activity standards), in the Residential Central City Zone.
159. The definition does exclude facilities that are privately (as opposed to publicly) owned recreation facilities, entertainment facilities, and restaurants. Ms Booker for the VNA and SWCPG submitted that the facility was not publicly owned and therefore the café, basketball court and event space were excluded from the definition of a community facility.
160. Ms Appleyard submitted that the exclusion is intended to catch standalone facilities that are privately owned, such as movie theatres, sports centres, restaurants, private sports clubs etc. She submitted that "where a recreation facility, or entertainment facility forms an integral part of a community, education, or spiritual activity, or is ancillary to it, that part cannot be artificially uncoupled from the primary activity of which it forms part simply because of the proviso. To do so would lead to an absurd dissection of many activities which form part of an overall proposal, and which it would be fanciful to suggest could exist on their own". She went on to suggest "it cannot be that this was the intention of the proviso. If that was the case, then no community facility not owned by the Crown or the Council could include any form of recreation facility or entertainment activity without a resource consent. This would capture, for example, playgrounds or auditoriums attached to education activities (such as preschools and public schools), or any public performances occurring within churches".
161. I agree with the submissions of Ms Appleyard. I consider the event space (and the art gallery and art and recreation space) are part of the wider Youth Hub community facility, and do not and cannot stand alone. I consider the basketball court to firstly be ancillary to the residential component of the application, but also to be part of the Youth Hub community facility, which cannot stand alone. Now that the café has been brought within the complex, I also consider it could be argued that it is part of the Youth Hub community facility, but because it can be used by members of the public (probably in a reasonably minor way), I will consider the café as if it is a non-residential use that does not form part of the community facility.

### **Existing Environment and Permitted baseline**

162. The application site was used for many years as the Canterbury Bowling Club. That use ceased about 2016. No party suggested that there are any existing use rights relating to that use.

163. Ms Seaton in her evidence referred to statements in the AEE attached to the application that “the site has been used for non-residential purposes, and some non-residential buildings can be considered to form part of the existing environment by way of resource consents held (and still in existence), and while the site is currently unused, there is no residential use of the site currently”.
164. Ms Booker provided a number of references where Ms Seaton, and Ms Jowett (for the Council) made some reference to the bowling club. She submitted that I should have no regard to the previous bowling club use, because the existing use rights have ceased, and any further use of the facilities would require a resource consent. She contended developing the site for residential purposes would be in accordance with the expectations of the District Plan, and cannot be seen as a benefit arising from the change to residential use from non-residential use.
165. Ms Appleyard submitted that it is correct to state that there is currently no residential use of the property, and that just because it is anticipated the site will be used for residential does not mean the for the purposes of the describing the existing environment the site is residential.
166. While I accept that it is accurate to say that, the site is not currently used for residential purposes. I agree that the expectation of the District Plan is that it be used for residential purposes. I have not had any regard to the previous use of the site as a bowling club, nor that it is a site which is currently not used for residential.
167. All parties before me accepted that there is no permitted baseline, because any residential development on this site would require a resource consent, at least because any residential development of more than 3 units is a restricted discretionary activity.

## **Traffic Effects**

168. The application proposes (as lodged) to provide 10 car parking spaces in two car parking areas. The application proposes a 4-car parking space carpark accessed off Salisbury Street, intended to be used for visitor parking. At the hearing it was proposed by the Applicant that these parks be signed as P5, so that they provide for turnover of drop off and pick up. The application also proposed a 6 car car-park accessed off Gracefield Avenue, for use of staff. At the reconvened hearing, the applicant proposed to reduce that number to 5 spaces.
169. The Christchurch District Plan does not make car parking a requirement for any activity within the Central City area (Commercial and Residential). Outside the Central City, Policy 7.2.1.4.a.i *“requires car parking spaces..... which provide for the expected needs of an activity in a way that manages adverse effects”*. Within the Central City Policy 7.2.1.4.a.ii *“enables activities to provide car parking spaces..., whilst minimising any adverse effects on the efficiency and safety of the transport networks, including public transport, to the extent practicable”*.
170. The Central City parking rules are implemented to “enable” rather than “require” on-site car parking spaces, and the non-requirement of spaces is partly to encourage shifts to active and public transport. Developments can provide on-site parking, but it is not required. If parking is not provided, then the site relies on other public and private provisions for car parking, and on actions to shift travellers to active and public transport.
171. These policies are re-enforced by the recently enacted National Policy Statement for Urban Development (NPS-UC), which requires Councils to implement changes to their District Plans (within 18 months from July 2020) to remove requirements for a minimum number of

car parks (other than accessible parking). The Christchurch District Plan already has no car parking requirements in the Central City, so this NPS reinforces those provisions. I will have more to say about the NPS-UD later in this Decision.

172. The Central City parking policies still require a consideration of minimising any adverse effects on the efficiency and safety of traffic networks. Mr Carr (traffic engineer for the submitters) emphasised that “it is clear that the District Plan places a high emphasis on the safe and efficient operation of the transportation network”. He considered that the absence of a practical solution to accommodate the expected off-site car parking leads to adverse effects on the efficiency and safety that have not been considered.
173. I had three estimates of the extent of off-site parking likely to be generated. Mr Fuller (for the Applicant) used two methods to calculate likely parking generation. Firstly, he used the District Plan parking requirements (for areas where car parking is required), and came up with a requirement of 71 parking spaces. Secondly, he used a demand-based assessment of each of the component parts of the Youth Hub, and applied a permitted reduction factor (based on District plan methodology) to arrive at a car parking demand of 40 to 49 car parking spaces. Combining those two methods, he concluded that the car parking demand would be 49 to 71 vehicles, of which 10 spaces (now 9 spaces) would be provided on site.
174. Mr Carr (for the submitters) considered that the application would generate the need for 72 to 80 car parking spaces. His numbers were different to Mr Fuller partly because he used different reduction factors (which allow reductions based on factors such as easy access to active and public transport).
175. Mr Milne (for the Council) considered that the parking demands are likely to be lower than the 49 to 71 car parking spaces concluded by Mr Fuller, because of the existing low parking availability in the area of the site, and with particular focus on demand management through the use of a Travel Management Plan.
176. The Applicant’s Integrated Transport Assessment noted that a residential development of a minimum 21 residential units on the application site would generate at least 22 vehicles parking spaces. If these were not provided on-site (for which there is no requirement) there would be an additional demand for 21 off-site spaces. While there is no permitted base line, I accept that a residential development of the site could well present some demand for on street parking, although if no parking is provided, it may attract tenants less likely to own a motor vehicle.
177. In one sense I am not too concerned at the range of expected car parking demand. Whatever it is, it will be greater than will be provided on site. I tend to agree with Mr Milne that the lack of parking availability in the surrounding streets, and with the active use of a Travel Management Plan, the number of car parks required will be at the lower end of the estimates (up to 49 vehicles, with 10 (now 9) spaces provided on site). I tend to agree that youth residents will own a low number of cars (many residents would say they do not agree with that). The site is close to public transport, and to a major cycle route (although I accept that there are issues accessing it because of the one-way flow on Salisbury Street).
178. During the day there is very limited on street parking in Gracefield Ave, or in Salisbury Street. Those who do want to find a park, especially if they become a regular user of the site, will find one in the reasonably numerous public and private parking spaces, including the nearby Casino parking area. I acknowledge that many of these car parking areas have temporary approvals, and will probably disappear over time. The extent of availability of car parking spaces in the City Centre, and the use of initiatives to suppress use of cars in favour of other modes, is an issue that the Council will have to grapple with over the years.

179. Mr Carr questioned the usefulness of travel management plans. He noted that the proposed condition was that a travel management plan is merely “submitted” to the Council. The preparation of a Travel Management Plan is wholly different to implementing the plan. He suggested that a Travel Management Plan is not binding on third parties (rather it is on the consent holder), and that if a Travel Management Plan is ineffective, there are practically no enforcement measures available to the Council. Mr Milne for the Council spoke positively about the use of travel management plans. In his experience they regularly achieve a 10 to 20% reduction in the use of cars, and that when organisations use the travel co-ordinator staff at the Council in an on-going manner, the average reduction has been 28%. He recommended some amendments to the proposed conditions to improve the monitoring and review of the Plan. He commented that the Plans need to be a live document, and they need flexibility.
180. My conclusion is that with the limited provision of parking on site, and limited on-street parking available, the use of a travel management plan is a no-brainer, and I am satisfied that it is likely to be implemented.
181. Mr Carr considered that the provision of the Salisbury Street car park (4 spaces) for visitor parking, even if it is time limited to encourage its use for drop off/pick up, will encourage a flow of traffic first seeking a parking space there, then travelling via Gracefield Ave back to Durham Street to access the Casino car park (or others). He also noted that if all 4 spaces are occupied, cars will have to reverse out onto Salisbury Street. The Applicant is hoping to get the Council to agree to time-limited parking on Gracefield Avenue, but that is not able to be considered until after a resource consent is granted (if it is granted). I accept that there are some issues with the management of the 4 spaces within the carpark off Salisbury Street. They may be best managed through the travel management plan.
182. A number of residents questioned the need for the car parking area off Gracefield Avenue. They would rather have no access to the Youth Hub from Gracefield Avenue. That is what happened with the nearby Salvation Army consent. I would have preferred that as well. The Applicant at the end of the hearing agreed to reduce the parking spaces to 5, the minimum needed for essential staff parking (one for the residential manager, two for youth workers in residence, one for Youthline, and one disability space). Being staff-only means that the impact on traffic use of Gracefield Ave is limited. I note that the applicant also agreed to rearrange the two cycle parking areas so that the main cycle parking area was off Salisbury Street rather than Gracefield Ave.
183. Residents expressed concerns about the narrowness, right angle bend, and dog leg where the road gets even narrower, of Gracefield Avenue. They were concerned about extra traffic on this road, in addition to the significant intensification of new residential developments, some of which have chosen to provide no or limited on-site parking. The traffic engineering advice before me, in the main, considered that Gracefield Ave still has the capacity to cope with the expected additional traffic.
184. Overall, I have concluded that identified traffic effects will be minor, and generally acceptable.

## **Noise Effects**

185. The District Plan noise limits in the Residential Central City zone are 55 dB  $L_{Aeq}$  during daylight hours (7.00am to 11.00pm) and 45 dB  $L_{Aeq}$  during the night. These are 5 dB higher than the standards in other residential zones, anticipating a higher level of noise activity by virtue of the central city location.

186. Mr Smith, noise expert for the Applicant, measured ambient noise levels on the site as 49-53 dB  $L_{Aeq}$  during the afternoon, and 40-42 dB  $L_{Aeq}$  during the evening. Many submitters spoke to me about the quiet nature of the Gracefield Ave, and one submitter (Mr Matthews) played me a recording of birdsong at dawn.
187. Mr Smith concluded that the supported housing and the independent living units will result in no additional noise effects over the scale of residential activity anticipated by the zoning. I accept that, although while complying, and expected if the site was developed for residential purposes, it is likely to be more than currently experienced with the vacant site.
188. Mr Smith expected noise on any of the rooftop terraces (those at first and second floor levels) would be screened by building elements. The Applicant has agreed that the terraces shall not be accessible for functions or by persons attending functions at the Youth Hub.
189. Mr Smith concluded that noise from within the event centre could be controlled so that day to day events will result in negligible noise effects to neighbouring properties, and that for larger events (limited to 12 events per year with up to 120 people, and another 12 events for up to 200 people) that the controls detailed in the Event Management Plan will manage effects to reasonable levels. He assessed that if the event centre was subject to very high internal sound (100 dB  $L_{Aeq}$ ) the noise levels at 9 Gracefield Ave (the closest residential unit) would be 50 dB  $L_{Aeq}$ . At this level it is likely to be audible over the evening/night time ambient sound, and Mr Smith considered it is likely to cause disturbance. At lower maximum levels (say 90 dB  $L_{Aeq}$ ) the noise levels are likely to be 40 dB  $L_{Aeq}$ . At that level, while the noise may be sometimes audible, it is at levels where it should not cause annoyance.
190. Mr Smith considered that for larger events, the proactive management of guests arriving and departing the site will be the key requirement. I would also comment that although loud internal noise may be possible up to 24 events a year, it is highly unlikely that all events will be of that nature, and that many events are likely to generate lower internal noise levels.
191. Mr Smith considered that the proposed basketball court, while shielded by the ten-metre high supported housing unit to the west, has no screening to the south, other than the boundary fence to 103 Salisbury Street. He predicted that the sound level from the basketball court at the boundary would be 55 dB  $L_{Aeq}$ . Sound at that level complies with the District Plan, but it may be clearly audible over the ambient environment. He noted that basketball hoops have a character of sound that can result in annoyance at relatively low levels. He suggested that effects will need to be managed by house rules to ensure that use of the basketball hoop does not extend to unsociable hours.
192. When the café was proposed to be on the Salisbury Street frontage, Mr Smith considered that the café, and the outside courtyard would meet the 55 dB  $L_{Aeq}$  standard at the property boundary. With the shift of the café to within the main building, with no dedicated outdoor café courtyard area, and the replacement use of the building that was going to house the café as an arts centre/gallery, there are unlikely to be any noise issues with respect to the adjoining residential units at 3 to 9 Gracefield Ave.
193. Mr Smith also concluded that sounds from vehicle drop-off and pick-up in the car park off Salisbury Street is likely to lead to a degraded outdoor amenity for 103 Salisbury Street. During typical use of the carpark (6 vehicle movements in a 15-minute period) he predicted a sound level of 52 dB  $L_{Aeq}$  which achieves the permitted daytime level, but for larger events (22 vehicle movements in a 15-minute period) he predicted a sound level of 58 dB  $L_{Aeq}$ , which exceeds the permitted daytime (and night time) levels. It was that potential non-compliance that was identified in the application documents. Mr Smith concluded that because those potential exceedances would only occur on up to 24 events per year, and

these event drop-offs and pick-ups would each last about 30 to 60 minutes each, that the noise effects on 103 Salisbury Street would be reasonable.

194. I also note that 103 Salisbury Street may be subject to noise annoyance from use of the basketball hoop (although it is likely to meet District Plan noise standards). There are no buildings between this site and the basketball court, although I note that the amended plans tabled towards the end of the hearing remove a deck area at the rear of 103 Salisbury Street, and replace it with some planting, and that there will be a 2-metre high acoustic fence.
195. Ms Isobel Stout, Council Environmental Health Officer was unable to attend the hearing due to ill-health, but in her pre-circulated environmental health she concluded that noise can be controlled in order to provide a suitable inner-city residential environment both on site and off site. She considered that the central city residential noise standards are set at a level that is internationally considered to lead to an acceptable level of amenity in a central city residential setting. She did note that compliance with noise standards does not mean that noise will not be heard at neighbouring properties.
196. Ms Jowett, based on advice from Ms Stout, concluded that noise effects would be managed so that they are acceptable. She, and Ms Stout, noted that achieving this would require active management by the Youth Hub, including through the Event Management Plan, the Travel Management Plan, on-site supervision of the use of the basketball hoop, and implementation of noise mitigation measures set out in para 66 of the application (construction activities controlled through NZS6803:1999; acoustic 2m high fence; concrete walls of events room to be minimum 150mm thick; event management plan to make sure people do not congregate in courtyards during events, or in the carparks after events; standard screening for HVAC systems; Salisbury Street car park only used during day time period (7.00am to 11.00pm); and ensure those arriving before 7.00am can only park in the three southern parking spaces of the Gracefield Avenue car park).
197. For a number of reasons, including noise, Ms Jowett considered that the effects on the owner/occupiers of 103 Salisbury Street, would be more than minor, but acceptable.
198. Overall, I have concluded that noise levels generated by the Youth Hub will be within the noise standards in the Christchurch District Plan, with the possible exception of 103 Salisbury Street for limited periods. Having said that, it is clear to me that noise levels will be greater than currently experienced by some surrounding residents, and that noise levels of the activities of the Hub will be noticeable at some times. Active management by the Youth Hub is essential. My conclusion is that effects from noise levels are likely to be no more than minor most of the time, but have the potential to become more than minor at times.

### **Residential character and amenity - Built form and visual effect**

199. Ms Anne Wilkins, for the Applicant, concluded that the urban design effects are acceptable and compatible with the surrounding environment. She considered that the design aesthetics, layouts of internal and external spaces, and clear entrances and engagement with the surrounding streets, have resulted in quality spaces that can be integrated into the surrounding landscape and character.
200. Ms Wilkins did undertake her assessment on the basis of the area being a fringe area, where commercial and mixed-use development merges with residential. I have set out earlier that I disagree with that assessment, and that the location is a residential area, close to the more commercial areas, but almost entirely residential. On that basis I have largely ignored the conclusions reached by Ms Wilkins.

201. Ms Nicola Williams, for the Council, applauded the “public fronts and private backs” arrangement of the site, which she considered creates a good level of activity and passive surveillance, resulting in a safer street environment, as well as a safer housing area at the back of the site. She supported the central hub of activities, flanked by residential development on the eastern and western edges of the site. She supported the massing strategy including areas of moderate height (by way of the greenhouse) in the central part of the site, and then tapers down to the residential and street boundaries. This reduces the perception of any bulk along the residential interfaces.
202. She considered the entrance to the Youth Hub is denoted by a striking building marker (whare) on Salisbury Street. She supported the location of the main entrance given it is the most visible and accessible location, as well as minimising unnecessary traffic along Gracefield Ave. She considered the terraced dwellings along Gracefield Ave offer a strong domestic aesthetic.
203. In her urban design report, she recommended a number of changes to windows and glazing to reduce overlooking potential from within the residential assisted housing and terraced housing, and the greenhouse. The Applicant presented plans at the hearing to implement those recommendations.
204. I also generally commend the building design strategy.
205. The residential units on the eastern and western boundaries provide a suitable interface with the adjoining residential properties. The scale of the residential buildings is less than what could be designed within the District Plan residential standards. The buildings are well articulated, and changes to the size and transparency of some windows has reduced potential over-looking concerns.
206. The residential buildings may block what are currently unrestricted sun and view from adjoining properties, especially at 3/364 and 6/364 Durham Street, but well within what the District Plan anticipates.
207. The residential dwelling/units on the east side of Gracefield Avenue will have a view of the three storey terraced housing units, although particularly from first floor levels, they will see the greenhouses on the second level behind the terrace houses. The greenhouse contains market gardens, which are a permitted activity, with no built form standards in the District Plan.
208. The residential properties in Gracefield Ave that are to the north of the property back on to the application site, and the new buildings would be to their south. The building form is broken up with residential wings to the east and west, and a larger but separated bulk of building housing the community activities functions, with a greenhouse on the top, in the middle. The bulk of the central building will be softened by reasonably large trees. Again, the greenhouses on top will probably be the most noticeable, but market gardens are a permitted activity, with no built form standards. The updated plans submitted at the end of the hearing show an enlarged area of glazing that will be translucent.
209. The Salisbury Street frontage will have the most non-residential feel, with a carpark, and entrance and now art gallery buildings (instead of the café). I note Ms Williams commended the design of those buildings. The building housing the community activities, with the greenhouse on top, will also be visible from Salisbury Street, although it is set back nearly 20 metres from the road frontage.
210. The bulk of the building housing the community facilities will be most noticeable to 103 and 101A Salisbury Street, and 3 to 9 Gracefield Ave. It will not have a particularly residential



feel from those properties, but it is well set back from boundaries, and reasonably softened by landscaping. The relocation of the café into the main building will help with the impacts on 3 to 9 Gracefield Ave.

211. Overall, I consider that the non-residential components of the proposed development have been well integrated into the residential area, and any visual and built form effects on the residential environment will in the main be less than minor, although at a minor level for 101A and 103 Salisbury Street, and 3 to 9 Gracefield Avenue.

### **Residential character, coherence, and amenity – impact of non-residential activities**

212. The residents who appeared before me presented a consistent message that the central city residential areas are special inner-city residential areas, especially in the Gracefield Avenue and Victoria neighbourhood areas, and that any non-residential activities would affect the residential character and amenity of these areas. They see the residential integrity of these areas as fragile, and easily compromised if non-residential activities are allowed to locate, and multiply in these areas. The inner-city residential areas are close to commercial, and mixed-use zone boundaries, and keeping the residential fabric intact is the best way of ensuring they will remain and develop for residential purposes.
213. They described the special character of this area, with many interactions and group activities and neighbourliness. They expressed concerns that the youth residents will be different to the majority of the residents, both in terms of age, and in terms of length of stay. Most accepted that the youth residents were there for residential purposes, but that the youth residents would be unlikely to interact with the local community. Some pointed to the 2-metre high fence that almost entirely surrounds the Youth Hub site, and which separates the site from the community.
214. Residents were concerned about the scale of the non-residential (community) activities. Most considered the activity to be predominantly non-residential, with the residential component being ancillary to the community services that the Youth Hub would provide for youth (10 to 24 years) across the city. The proposed site is located in the heart of the Gracefield Ave and Salisbury Street blocks, and will act as a deterrent to residential use and development.
215. Residents emphasised the quiet, tranquil environment, and the effects and changes to that environment that they consider likely because of the Youth Hub.
216. Residents were concerned about potential effects on their safety and security from a new group of residents, visitors, and users of the Youth Hub services. They were concerned about the potential congregation of youth away from the Youth Hub site itself.
217. Many spoke about the impact of a large community facility on the residential coherence of the neighbourhood. A number of residential units would lose the potential for residential neighbours, mainly on the northern boundary, opposite the site on Salisbury Street, at 103 Salisbury Street, and 3 – 9 Gracefield Ave.
218. Ms Jowett for the Council considered that the cumulative effect of the non-residential activities would be noticeable but acceptable, given the residential components of the Youth Hub. She considered that the area is not experiencing a wholesale conversion to non-residential activity, and that especially Gracefield Ave is seeing a strong street edge addition of residential development and built form.

219. Ms Seaton for the applicant considered the scale on non-residential activity on the site is in some respects greater than has occurred with the bowls club. She considered that the provision of the proposed activity controls, and the provision for new residential activity on the eastern and western edges of the site, will ensure that potential adverse effects from the non-residential activity on the site are appropriately managed and are acceptable.
220. Mr Scheele, for the submitters, pointed to the objectives and policies, and rules of the Residential Central City Zone, which emphasise the role of the Residential Central City areas in enabling higher density residential development close to the Central City, and which provide strong limitations to the establishment of non-residential activities. On that basis he determined that there would be more than minor, and unacceptable, adverse effects on residential coherence, amenity and character of the surrounding area.
221. My conclusion is that what is quite a significant non-residential activity will have adverse effects on the coherence, amenity and character of the area. I conclude that they could reach a more than minor level for some particular sites (103 Salisbury Street and 3 – 9 Gracefield Avenue). The relocation of the café has helped the impacts on 3 – 9 Gracefield Avenue, and the conditions proposed go some way to mitigating the effects on 103 Salisbury Street.
222. The two residents' groups made a strong case that any non-residential development, and especially one of the scale of the Youth Hub, would have significant adverse effects on the integrity, coherence, amenity and character of the Gracefield Avenue/Salisbury Street inner city residential area, and that the Christchurch District Plan makes the protection and maintenance of that residential area a key priority. I intend to test that approach in my consideration of the relevant objectives and policies.

### Conclusion on effects

223. To summarise, my conclusions on adverse effects are as follows

**Traffic** – minor and generally acceptable

**Noise** – Likely to be no more than minor for most of the time, but has the potential to be more than minor at times

**Built form and visual effects** – less than minor, although at a minor level for 101A and 103 Salisbury Street and 3-9 Gracefield Ave

**Residential character, coherence and amenity** – more than minor adverse effects for 103 Salisbury, and possibly 3-9 Gracefield Ave

224. On that basis I have concluded that the adverse effects of the Youth Hub will **mostly be no more than minor, but potentially more than minor for some properties** close to the entry and now art gallery area.

### Objectives and Policies

225. **Objective 14.2.1 Housing Supply**

*An increased supply of housing that will;*

- i. Enable a wide range of housing types, sizes and densities (consistent with some strategic objectives);*

- ii. *Meet the diverse needs of the community in the immediate recovery period and longer term, including social housing opportunities; and*
- iii. *Assist in improving housing affordability.*

226. This objective envisages an increased supply of houses, with a wide range of types, sizes, and densities, meeting diverse needs, and assisting housing affordability. The objective references some strategic objectives. Those strategic objectives include increasing housing capacity and choice (Objective 3.3.4) intensification in and around the central city, identifying areas of special character and amenity (objective 3.3.7), and adding at least 5000 additional households in the Central City by 2028 (Objective 3.3.8).

227. In respect of the Youth Hub application this objective sets up an overview of some tensions between increased housing in the Central City, meeting diverse needs, and areas of special character.

**228. Policy 14.2.1.1 Housing distribution and density**

- a.ii *high density development in the Central City that achieves an average net density of at least 50 households per hectare for intensification development.*

229. This policy sets up a target for intensification of residential development in the Central City. The proposed residential development within the complex may not achieve the targeted 50 households per hectare, mainly because the 22 supervised bedrooms (and 2 supervisor bedrooms) technically are comprised as one household unit. If they were deemed to be 24 households, and along with the other 6 residential units, they would meet that standard. Of more relevance, Ms Williams for the Council has analysed a number of new developments in the Gracefield Ave and Salisbury Street area, and found them to have produced around 80 to 85 dwellings per hectare. The youth Hub development if calculated as 24 supported units and 6 independent units, produces 70 dwellings per hectare. On this basis she considered the development still contributes appropriately to the Council's target of achieving 20,000 people living within the four avenues.

**230. Table 14.2.1.1 characterisation of various residential zones**

***Residential Central City Zone:*** *Located within the Central City, the Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner city residential areas.*

231. This Table, which provides an overall characterisation of each of the residential zone types, introduces the concepts of a liveable city; range of housing types; living, working and playing in close proximity to the commercial centre of the city; and controlling the character, scale and intensity of non-residential activities in order to mitigate effects on character and amenity.

**232. Policy 14.2.1.3 Residential development in the Central City**

*To restore and enhance residential activity in the Central City by:*

- i. *Providing flexibility for a variety of housing types which are suitable for a range of individual housing needs;*
- ii. *Providing a progressive increase in the residential population in the Central City in support of Policy 14.2.1.1.a.ii (achieving net density of 50 households per hectare);*

- iii. *Assisting the creation of new inner-city residential neighbourhoods and the protection of the amenity of inner-city residential neighbourhoods; and*
- iv. *Encourage the comprehensive re-development of sites that are no longer required for non-residential purposes.*

233. The residential component of the Youth Hub assists in providing for a variety of housing types. It assists to some degree achieving a progressive increase in the residential population. The residential component is in an established area of residential development rather than assisting the creation of a new residential neighbourhood, and the “protection of the amenity of (an existing) inner-city residential neighbourhood’ is a matter I will need to take into account. The final clause (iv) is aimed at re-developing sites no longer required for non-residential purposes. While this site was previously used for a non-residential purpose (bowling club), existing use rights have ceased, and I accept that the expectation of this Plan, and this policy, is that it would be developed for residential purposes.

**234. Policy 14.2.1.7 Non household residential accommodation**

*Enable sheltered housing, refuges, and student hostels to locate throughout residential areas, provided that the building scale, massing, and layout is compatible with the anticipated character of any surrounding residential environment.*

235. This Policy clearly supports the establishment of sheltered housing in any residential area, and I have found that the residential components of the Youth Hub are compatible with the surrounding residential properties. Their scale, massing and layout are within, even less than, what the District Plan anticipates for the area.

**236. Objective 14.2.4 High quality residential environments**

*High quality, sustainable, residential environments which are well designed, have a high level of amenity, enhance local character, and reflect the Ngai Tahu heritage of Ōtautahi.*

237. The existing neighbourhood achieves this Objective. The challenge is whether the addition of the Youth Hub will detract from that amenity and character.

**238. Policy 14.2.4.1 Neighbourhood character, amenity and safety**

*Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.2.1.1.a):*

- i. *Reflecting the context, character and scale of building anticipated in the neighbourhood;*
- ii. *Contributing to high quality street scene;*
- iii. *Providing a high quality of on-site amenity;*
- iv. *Minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;*
- v. *Providing safe, efficient, and easily accessible movement for pedestrians, cyclists and vehicles; and*
- vi. *Incorporating principles of crime prevention through environmental design.*

239. The buildings and site layout have taken into account, and reflect the residential context, character and scale of the residential neighbourhood. The street frontage designs will generally contribute to a high-quality street scene (although the building bulk close to the street may be less than anticipated). The design of the Youth Hub provides a high quality of on-site amenity, noise effects are generally consistent with District Plan standards (although some close sites may experience noise levels higher than they are used to), traffic movements have been found to be acceptable, and the Youth Hub incorporates CPTED

principals. Overall, the application achieves at least a pass against these matters, with most principles being well achieved.

240. **Objective 14.2.6 Non-residential activities**

*Residential activities remain the dominant activity in residential zones, whilst also recognising the need to:*

- I. *Provide for community facilities and home occupations which by their nature need to locate within a residential zone or is existing guest accommodation on defined sites;*
- II. *Restrict other non-residential activities, unless the activity has a strategic or operational need to locate within a residential zone or is existing guest accommodation on defined sites.*

241. This Objective is at the core of the consideration of this application. The Objective, which is developed in more detail through the policies that follow, sets out three key themes;

1. Residential activities remain the “*dominant*” activity in residential zones
2. Provide for “*community facilities*” which by their nature need to locate within a residential zone
3. “*Restrict*” other non-residential activities, unless the activity “*has a strategic or operational need to locate*” within a residential zone.

242. For residential activities to remain “*dominant*” they need to be “*more powerful, successful, important, influential, or noticeable*”<sup>4</sup>. Dominance does not mean exclusive, or the only activity.

243. The Plan recognises the need to also provide for community facilities which by their nature need to locate within a residential zone. This theme is further developed in one of the policies which follow (Policy 14.2.6.2), but in general terms this part of the objective recognises that there are a range of community facilities which by their nature need to locate in a residential zone. Need does not mean necessity. Indeed, the Christchurch District Plan makes provision for a wide range of community facilities throughout residential zones, with some limitations on size, hours, and category of roads. The District Plan provisions for community facilities can be seen as the manner in which the Council has determined the range and scale of community facilities that are or may be appropriate in various residential zones.

244. The third theme is to “*restrict*” other non-residential activities, unless the activity “*has a strategic or operational need to locate within a residential zone*”. Restrict means to “*put a limit on it in order to reduce it or prevent it becoming too great*”.<sup>5</sup> The Environment Court has accepted that restrict means to limit.<sup>6</sup>

245. The restriction of “*other*” non-residential activities takes on more meaning when one considers the policies which follow on from this objective, and the consideration of strategic or operation need is also refined by the policies that follow.

246. **Policy 14.2.6.1 Residential coherence character and amenity**

*Ensure that non-residential activities do not have significant adverse effects on residential coherence, character and amenity.*

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<sup>4</sup> Online Collins English Dictionary.

<sup>5</sup> Online Collins English Dictionary.

<sup>6</sup> Charmain Susan Fright v Christchurch City Council.

247. This is really an over-riding, or catch-all, policy which refers to “significant” adverse effects on residential coherence, character and amenity. It is the only “non-residential” policy that uses the word significant. In the case of the Youth Hub I have determined earlier in this decision that the effects of the non-residential components of the application are generally minor, although there may be some effects on particular adjoining properties which could be described as more than minor. Overall, I do not consider that the non-residential components of the application would have “significant” adverse effects.
248. **Policy 14.2.6.2 Community activities and community facilities**
- a. *Enable community activities and community facilities within residential areas to meet community needs and encourage co-location and shared use of community facilities where practicable.*
  - b. *Enable larger scale community activities and community facilities within defined arterial locations that:*
    - I. *Are within walking distance of the central City and suburban commercial centres;*
    - II. *Front onto core public transport routes; and*
    - III. *Are not dominated by residential development.*
249. This Policy begins with enabling community facilities within residential areas to meet community needs. This is a positive (enable) statement re-enforcing the words found in Objective 14.2.6 about providing for community facilities in residential zones.
250. The beginning of the policy also encourages the co-location and shared use of community facilities where practicable. The Youth Hub, with its co-location of a range of youth focussed community agencies, certainly finds support from that part of this policy.
251. The second part of this Policy enables larger scale community facilities, but within defined arterial locations, that are close to the city centre, on core public transport routes, and in areas not dominated by residential development.
252. The District Plan implements that Policy by providing for various community facilities (education facilities, spiritual facilities, health care facilities) in most residential zones, with size and hours limitations, and only on sites with frontage to a minor arterial road or collector road. Non-compliance with these standards usually require restricted discretionary or discretionary applications. Community welfare facilities are permitted anywhere, subject to limitations on hours and signage.
253. In the Residential Central City Zone, the provisions for community facilities are much more limited. Any non-residential activity is permitted up to 40m<sup>2</sup> gross floor area (subject to limitations on hours, vehicle movements, and persons must live on the site), and any education, spiritual, or health care facility is discretionary up to 200m<sup>2</sup>. Community facilities are permitted on sites with frontage to Fitzgerald Ave, or Bealey Avenue between Durham Street North and Madras Street, subject to limitations on hours of operation, and vehicle movements. Non-compliance with these locations and standards requires a non-complying application.
254. The District Plan therefore provides for a very limited range and locations for community facilities within the Residential Central City Zone, and uses a non-complying activity status for community facilities that do not meet the standards.
255. The Youth Hub can gain some support from enabling community services in residential areas, and from the policy support for co-location and shared use. The District Plan also enables larger scale community facilities on defined arterial locations, but the defined

locations in the Residential Central City area do not include Salisbury Street. The location may meet two of the preferences stated in the policy (close to the central city, and on a core transport route) but not the third (not dominated by residential development). This policy relates to community facilities across the residential areas of the City, and is not specific to the Residential central City Zone.

256. On balance the Youth Hub has some limited support from Policy 14.2.6.2.

**Policy 14.2.6.3 Existing non-residential activities**

**Policy 14.2.6.5 Retailing in residential zones**

**Policy 14.2.6.6 Memorial Ave and Fendalton Road**

257. The above three policies have no impact on this decision. Notwithstanding the previous use of the site as a bowling club, that use has no existing use rights. The café has not been determined to be a retail activity. The site is not on Memorial Ave or Fendalton Road.

**Policy 14.2.6.8 Non-residential activities in Central City residential areas**

*Within Central City residential areas:*

- i. Ensure non-residential activities are of a small scale and compatible with residential activities;*
- ii. Ensure non-residential activities are focussed on meeting the needs of the local residential community or depend upon the high level of amenity inherent in the Residential Central City Zone;*
- iii. Ensure new non-residential activities do not compromise the role of the Residential Central City Zone, the Central City Business Zone, or the aims of consolidating that area of the Central City or the Central City Mixed Use Zones*
- iv. Enable the on-going operation, use and development of existing fire service facilities; and*
- v. Protect residential amenity by controlling the character, scale and intensity of non-residential activities.*

258. This Policy applies to all non-residential activities in the Residential Central City areas. Non-residential applies to all activities that are not residential. In this application it applies to the community facilities, including the café. This policy treats the Residential Central City area as a specific area, with policies about non-residential activities that only apply to this area. It provides more detail to implement earlier Strategic and Residential Objectives and Policies. I will discuss the four limbs of this Policy that are relevant (limb iv is related to fire service facilities).

259. *Ensure non-residential activities are of a small scale and compatible with residential activities;*

260. All the planners before me agreed that the Youth Hub non-residential components are not "small scale". The community activities, including the café, total over 1500m<sup>2</sup>. The buildings are of some scale (three storey).

261. I received different conclusions with regard to whether the Youth Hub is compatible with residential activities. Compatible means "*work well together, can exist together successfully*"<sup>7</sup>. The residents are clearly of the view that it is not compatible, that the two communities will be quite different, and that the scale and nature of the non-residential

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<sup>7</sup> Online Collins English Dictionary.

components will have adverse effects on their community. The Applicant has gone to some lengths to design the buildings and grounds, and conditions of use, so that the Youth Hub respects the residential neighbourhood, and controls the effects of activities on and around the Youth Hub site. My conclusion is that if the Youth Hub is well managed the Youth Hub and the surrounding residential community should be able to exist together successfully.

262. Ensure non-residential activities are focussed on meeting the needs of the local residential or depend upon the high level of amenity inherent in the Residential Central City Zone;
263. All the planners before me accepted that the first limb cannot be met. The Youth Hub will provide a service to meet the needs of youth through the city and beyond. It may well meet some needs from residents and users of the central city, but that is not its focus.
264. This clause of the Policy has two limbs, separated by an “or”. All parties agreed that only one needed to be considered.
265. Clearly there is a high level of amenity inherent in the Residential Central City Zone. The Gracefield Ave and Salisbury Street area, and the wider area of the Victoria Neighbourhood Association, clearly has a high level of amenity. I heard again and again about the special character of this neighbourhood.
266. But does the Youth Hub “depend upon” the high level of amenity inherent in the Residential Central City Zone? I have looked at various dictionary meanings, they include to rely on, to be contingent on, to depend on, or to need. Case law has determined that “need” does not mean “necessity”, and likewise I do not consider that “depend” means “dependence”. I think there needs to be a causal relationship, and that there are reasonable and justified reasons why an activity relies or depends on a location in the Residential Central City Zone.
267. The Youth Hub is a mixture of activities which have a relationship, and probably a dependence on each other. The residential accommodation relies on the support services. The co-location of the youth agencies together will provide much better and co-ordinated services to youth. The market garden and café provide employment opportunities. The event, art and recreation spaces are there to enrich the youth services offered.
268. A location close to the City Centre brings considerable advantages, with access to public transport and other modes of travel, access to Central City facilities, and high amenity and vibrancy of the Central City. The residential component will benefit from a location in the central city residential environment, with youth residents able to be part of a residential environment. While sites in the Central City Commercial Zone, or the Central City Mixed Use zone may also provide a suitable location, and probably have less resource management hurdles to overcome, such sites may have more adverse effects from permitted commercial, retail and entertainment activities, and may be considerably more expensive.
269. I was informed at the hearing that the Trust has exhaustively looked at alternative sites before settling on the application site. The Anglican Social Services has taken the step of acquiring the site, although that is not a reason for granting consent.
270. My conclusion is that there are justified reasons why the application will significantly benefit from the high level of amenity in the Residential Central City Zone, but I cannot go as far as accepting that the development “depends upon” the residential location.
271. Ensure new non-residential activities do not compromise the role of the Residential Central City Zone, the Central City Business Zone, or the aim of consolidating the area of the Central City or the Central City Mixed Use Zone;



272. I have no reason to conclude that the Youth Hub will compromise the Central City Business Zone, or the aim of consolidating the area of the Central City or the Central City Mixed Use Zone. While the Youth Hub could probably locate in the Central City Mixed Use Zone, a lack of the facility in that zone would not compromise the aim of consolidating the Central City. On its own, I do not consider the Youth Hub will compromise the role of the Residential Central City Zone. I will discuss precedent later in this decision.
273. Protect residential amenity by controlling the character, scale and intensity of non-residential activities:
274. The proposed Youth Hub is a large-scale non-residential development, although it has been well designed to integrate into, and recognise, the surrounding residential environment. In itself, I do not consider it will undermine the residential amenity of the area, such that it inhibits on-going residential use of the area, or further residential redevelopment in the area. There is quite a lot of residential re-development happening, and I am not convinced that having the Youth Hub in the area will slow down that redevelopment. The neighbourliness and community spirit in the area can continue, and I do not accept that it will go away because of the Youth Hub. Whether the Youth Hub becomes accepted and becomes part of that community spirit is a matter for the future, and will depend upon how both the Youth Hub and the community approach that issue. I accept that existing tensions and attitudes will need to be overcome.
275. I do accept that residential use of the site would better protect the residential amenity, although it could be high density, and raise another set of effects on houses and units on adjoining properties.

**276. Policy 14.2.6.4 Other non-residential activities**

*Restrict the establishment of other non-residential activities, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effect of such activities on the character and amenity of residential areas are insignificant.*

277. The place of this clause has been considered and ruled on by the Environment Court in the Fright case. Objective 14.2.6 contemplates residential activities remaining the dominant activity in residential zones, while also providing for community activities which by their nature need to be located in residential zones, and that other non-residential activities are restricted unless they have a strategic or operational need to locate within a residential zone. There are then 7 policies that enlarge on and implement Objective 14.2.6. The Fright decision ruled on 4 of those policies as being specific to particular categories of land use. These are Policies 14.2.6.2 (community activities and community facilities); 14.2.6.3 (existing non-residential activity), 14.2.6.5 (retailing in industrial zones); and 14.2.6.7 (guest accommodation).
278. The Court made no rulings on clauses 14.2.6.6 (Memorial Avenue and Fendalton Road), and Policy 14.2.6.8 (Non-residential activities in Central City Residential areas). The Decision of the Court commented that those two policies adopted more traditional effects-based language, do not refer to categories of activity and, by comparison, takes a more open-textured approach.
279. Based on the Fright decision, Clause 14.2.6.4 (Other non-residential activities) should be applied to non-residential activities that are not covered by the specific clauses, such as

community activities, and retailing in industrial zones. This clause should be applied to “other” non-residential activities.

280. Ms Booker submitted that the café, recreational spaces, event space and basketball area, do not fall within the definition of a community facility, and therefore these areas are “other” non-residential activities, and therefore Policy 14.2.6.4 applies to those aspects of the application, as well as Clause 14.2.6.8 (Non-residential activities in Central City Residential areas). If she is right in that, then I would agree that Clause 14.2.6.4 applies to those aspects (café, event space etc.). However, I have already ruled that, with the possible exception of the café, the recreation art, event and basketball areas are part of the overall use of a community facility.
281. Secondly, she submitted that the court had made no findings in relation to the place of Policy 14.2.6.8, and that the Court noted that this policy (as well as Policy 14.2.6.6 Memorial Avenue and Fendalton Road) were written differently, and with no finding to rely on, both Policy 14.2.6.4 and Policy 14.2.6.8 should be applied.
282. Ms Appleyard submitted that where there is a conflict between policies for specific activities and a catch-all policy covering “other” activities, that conflict can be resolved through the legal principle of *generalia specialibus non derogant* which means general provisions do not derogate from specific ones. She submitted that this was the principal behind the Fright decision. On that basis Policy 14.2.6.8 is a specific Policy for the Residential Central City Zone, and therefore Policy 14.2.6.4 should not be applied in addition to Policy 14.2.6.8. In any event she submitted that all of the non-residential activities fall within the definition of a community facility. At most the relocated café may fall outside the Youth Hub community facility, and even if Policy 14.2.6.4 applies, the café as proposed would be consistent with Policy 14.2.6.4.
283. I prefer the legal submissions from Ms Appleyard that it is not appropriate to apply both Policy 14.2.6.8, which provides specific policies about non-residential activities in the Residential Central City Zone, and Policy 14.2.6.4 (Other non-residential activities). I have also considered the different language referred to in the Fright decision for Policies 14.2.6.6 and 14.2.6.8, and I must confess that I do not really follow the fine distinction suggested in that decision. On that basis I do not need to consider Policy 14.2.6.4.
284. I accept that it could be argued that the relocated café is not part of the Youth Hub community facility, so I will apply and consider Policy 14.2.6.4 in respect of the café.
285. The café has been relocated so that it is within the building complex, and without an outside café seating area. While it will be open to the public, it will mainly be for users of the complex, and for training purposes. Considering Policy 14.2.6.4; I do not consider it to be especially “of a commercial or industrial nature”, I consider that the café does have an operational need to be part of the Youth Hub complex which is located in a residential zone, and I conclude that the café in itself will have insignificant effects on the character and amenity of the residential zone.

#### **Objective 14.2.8 Central City residential role, building form and amenity**

- a. *A predominantly residential environment offering a range of residential opportunities, including medium to high density living, within the Central City to support the restoration and enhancement of a vibrant city centre.*
- b. *A form of built development in the Residential Central City Zone that enables change to the existing environment, while contributing positively to the amenity*

*and cultural values of the area, and to the health and safety, and quality and enjoyment, for those living in the area.*

286. The policies that follow on from this objective relate to building height, and amenity standards. This objective and policies are reasonably general, and do not add any real assistance to the consideration of this application.

### **Other Objectives and Policies**

287. I accept the conclusions of the planners appearing for the Council (Ms Jowett) and for the Applicant (Ms Seaton) that the application is consistent with the objectives and policies relating to transport, noise and earthworks.

### **Overall consideration of objectives and policies**

288. Like many applications, the objectives and policies provide a range of directions and perspective that sometimes overlap, and sometimes conflict with each other. No one objective/policy is paramount, and in-compatibility or compatibility with one particular objective or policy cannot drive a decision. Some objectives/policies are more directive in their language, which may afford them higher status.

289. Working through the objectives and policies above, there seem to me to be four main themes relevant to the consideration of this application;

1. Residential amenity and character
2. Diverse housing needs
3. Community activities and facilities
4. Non-residential in Central City

### **Residential amenity and character**

290. Through the objectives and policies that I have considered, residential amenity and character (or variations on that theme) are mentioned 9 times. These include:

Mitigate effects on character and amenity.<sup>8</sup>

Protection of amenity of inner-city residential neighbourhoods.<sup>9</sup>

Compatible with the anticipated character of any surrounding residential environment.<sup>10</sup>

High level of amenity, enhance local character.<sup>11</sup>

Reflect the context, character and scale of building anticipated in the neighbourhood.<sup>12</sup>

Do not have significant effects on residential coherence, character, and amenity.<sup>13</sup>

Effects of such activities on the character and amenity of residential zones are insignificant.<sup>14</sup>

Protect residential amenity.<sup>15</sup>

Protect amenity values for residents.<sup>16</sup>

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<sup>8</sup> Table 14.2.1.1.a Description of RCC Zone.

<sup>9</sup> Policy 12.2.1.3 Residential development in the Central City.

<sup>10</sup> Policy 14.2.1.7 Non-household residential accommodation.

<sup>11</sup> Objective 14.2.4 High quality residential environment.

<sup>12</sup> Policy 14.2.4.1 Neighbourhood character, amenity and safety.

<sup>13</sup> Policy 14.2.6.1 Residential coherence character and amenity, in respect of non-residential activities.

<sup>14</sup> Policy 14.2.6.4 other non-residential activities.

<sup>15</sup> Policy 14.2.6.8 Non-residential activities in Central City residential areas.

<sup>16</sup> Policy 14.2.8.2 Amenity standards for Central City residential role, built form and amenity.

291. There can be no doubt that the Christchurch District Plan seeks to protect, enhance and mitigate the character, amenity, and coherence of residential areas, and to examine the effects that non-residential activities would have on that amenity, character and coherence. Those policies are generally expressed more strongly and more often in respect of the Residential Central City Zone area.
292. The proposed Youth Hub has gone to some lengths to design the buildings and grounds to minimise adverse effects on residential character and amenity. I have concluded in respect of built form and visual effect that the development has been well integrated into the residential environment. I have concluded that the quite significant non-residential activity would have adverse effects on the character, coherence, and amenity of the area, particularly in respect of some immediately adjoining properties in Salisbury Street, and in the closest part of Gracefield Avenue.
293. I have therefore concluded that the proposed Youth Hub is **partly consistent and partly inconsistent** with the objectives and policies in respect of residential amenity and character, in respect to a location in the Residential Central City Residential Zone

### **Diverse housing needs**

294. The Christchurch District Plan contains a number of policies that support meeting diverse housing needs. These have been described earlier in this Decision, but they include:
- Meet the diverse needs of the community.<sup>17</sup>
  - Provide flexibility for a variety of housing types which are suitable for a range of individual housing needs.<sup>18</sup>
  - Enable sheltered housing, refuges, and student hostels to locate throughout residential areas, provided that the building scale, massing, and layout is compatible with the anticipated character of any surrounding residential environment.<sup>19</sup>
295. I have concluded that the residential component of this application is clearly **consistent** with these policies, including the proviso about scale and layout being compatible with the surrounding residential area.

### **Community activities and facilities**

296. I have set out my assessment of this application in respect of Policy 14.2.6.2, which enables community activities and facilities within residential area. I concluded that on balance the application has **some limited support** from that policy.

### **Non-residential in Central City residential areas**

297. I have earlier set out my consideration of Policy 14.2.6.8. This Policy is the most relevant and directive policy which deals with the primary issue facing this application. Should this reasonably large-scale non-residential activity locate in a Central City Residential area where “the character, scale and intensity of non-residential activities are controlled in order to mitigate effects on the character and amenity of the inner-city residential zone”<sup>20</sup>.

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<sup>17</sup> Objective 14.2.1 Housing Supply.

<sup>18</sup> Policy 14.2.1.3 Residential development in the Central City.

<sup>19</sup> Policy 14.2.1.7 Non household residential accommodation.

<sup>20</sup> Characterisation of Residential Central City Zone, table 14.2.1.1

298. The clauses in this policy mostly begin with the word “ensure”. Ensure is a directive word which means “to make sure that something will happen”.
299. My assessment of the clauses in this Policy concluded that the proposed development:
- is clearly not “small, but that if the Youth Hub is well managed, the Youth Hub and surrounding residential community should be able to exist together successfully;
  - that the application will significantly benefit from the high level of amenity in the Residential Central City Zone, but I cannot go as far as accepting that the development “depends upon” the residential location;
  - that the Youth Hub will not compromise the role of consolidating the Central City Business and Mixed-Use Zones; and that on its own it will not compromise the role of the Residential Central City Zone; and
  - it will not undermine the residential amenity such that it inhibits on-going residential use of the area, or further residential redevelopment of the area, but that residential development of the application site would better protect residential amenity.
300. Overall, I have concluded that this application is **largely inconsistent** with the policies relating to non-residential development in the Central City residential areas.

### **Conclusions on Objectives and Policies**

301. The Youth Hub project gains some support from the objectives and policies, particularly in respect of meeting diverse housing needs, enabling community activities and facilities in residential areas to meet community need, and encouraging the co-location and shared use of community facilities. However, it is inconsistent with enabling larger scale community facilities on defined arterial roads, and largely inconsistent with the policies that related to non-residential activities in the Residential Central City areas. Overall, I have concluded that the proposed Youth Hub is **more inconsistent than consistent** with the objectives and policies of the Christchurch District Plan. I do not go as far as concluding that the application is contrary to those objectives and policies.

### **Section 104D Non-complying activity threshold test**

302. As a non-complying activity, a decision maker can only grant consent if satisfied that the adverse effects on the environment will be minor, **or** the application will not be contrary to the objectives and policies of the Plan.
303. I have concluded that the adverse effects of the Youth Hub will mostly be no more than minor, but potentially more than minor for some properties close to the entry and now art gallery area. On that basis this application does not pass the first threshold test.
304. I have concluded that the proposed Youth Hub is more inconsistent than consistent with the objectives and policies of the Christchurch District Plan. I do not go as far as concluding that the application is contrary to those objectives and policies. On that basis the application passes the second threshold test.
305. Because the application passes the second threshold test in Section 104D, I may now proceed to consider the application under Section 104 of the Resource Management Act

### **Section 104 Consideration of the application**

306. Under Section 104 I must have regard to;

- a) *Effects on the environment of allowing the activity; and*
- ab) *Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- b) *Any relevant provisions of*
  - I. *A national environmental standard*
  - II. *Other regulations*
  - III. *A national policy statement*
  - IV. *A New Zealand coastal policy statement*
  - V. *A regional policy statement or proposed policy statement*
  - VI. *A plan or proposed plan*
- c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application*

307. I have determined that the adverse effects of the Youth Hub will mostly be no more than minor, but potentially more than minor for some properties close to the entry and now art gallery area.
308. I have determined that that the proposed Youth Hub is more inconsistent than consistent with the objectives and policies of the Christchurch District Plan.
309. There is no relevant national environmental standards, other regulations, or coastal policy statement that I need to have regard to.
310. I have had regard to the National Policy Statement for Urban Development, to the extent that it directs local authorities to remove the requirement for on-site parking. This Policy confirms or supports the existing provisions of the Christchurch District Plan not to require off-street parking within the City Centre.
311. The Canterbury Regional Policy Statement is of limited relevance to this application, given the proposal is for an urban development in an urban zone, and does not entail any matters of regional significance or issues that are specifically addressed in the CRPS.
312. If those conclusions were the end of the matter, **I would likely decide to refuse the application.**
313. However, the Youth Hub project has considerable public benefits. It is an exceptional and inspiring project, providing a one-stop, coordinated, and wrap-around community and residential service to the youth of Christchurch (and their families). This facility received huge support from the submitters who supported the application.
314. I can have regard to positive effects under Section 104(1)(a). I have considered using Section 104(1)(ab), but have decided that the offset and compensation relates to effects on the affected persons rather than the wider community. I can also consider the public benefits of the Youth Hub under Section 104(1)(c) as an “other” matter that I consider relevant and reasonably necessary to determine the application.
315. My quandary is whether those positive effects outweigh the policy directions in the District Plan for the Residential Central City Zone.
316. The two residents associations, and most of the submitters opposing the application put forward the proposition that the inner city residential area, and especially the area covered by the Victoria Neighbourhood Association, is too precious, and important, and under too much pressure, to allow any non-residential development, especially one as large as this

one, and in the heart of their special and community spirited area. I acknowledge that they have a very special neighbourhood residential character and feel. I acknowledge that the Victoria neighbourhood area (including Gracefield Avenue) is an almost entirely intact inner-city residential area. There are very few non-residential activities, and there is a strong desire to keep it that way.

317. I agree that there could be a greater number and density of residential units if the site was developed for residential purposes, although I have concluded earlier that the residential development proposed in the applications gets close to the density envisaged in the Plan
318. In the end I have decided that the city-wide community benefits of the Youth Hub, **marginally outweigh** my conclusions on adverse effects and objectives and policies.

### **Precedent and Plan Integrity**

319. Ms Jowett for the Council, and agreed by Ms Seaton for the Applicant, concluded that because she found the application was not contrary to the objectives and policies of the District Plan, the matters of precedent and plan integrity do not arise.
320. Ms Booker for the submitters submitted that the grant of consent will create a precedent effect, because the components of the proposal are not so unique or unusual, and the application of the non-residential objectives and policies to this proposal will be directly relevant to other non-residential proposals in the future. She submitted that the creation of gaps created by non-residential activities will cause a lack of confidence in the Council and consent process, and will be a signal that even large non-residential activities are likely to be approved.
321. I have considered those matters. My decision respects and leaves the Residential Central City provisions of the Plan intact. I have concluded that this application is inconsistent with the objectives and policies of the Plan. It is only when I consider that positive benefits of the Youth Hub to the wider Christchurch area that I reach a balanced decision that the application can be approved. I consider that this application is unique, and unlikely to be replicated. It has a combination of residential and community components, that benefits from reduced effects on the surrounding residential area.

### **Part II of the Resource Management Act**

322. Taking guidance from case-law<sup>21</sup>, the District Plan is the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared via an independent hearing and decision making process in a manner that appropriately reflects the provisions of Part II of the Resource Management Act. All parties agreed that no further assessment against Part II is necessary.

### **Conditions**

323. Under Section 108, I may grant an application subject to Conditions.
324. A set of revised conditions was provided at the reconvened hearing. The revised conditions added more detail and monitoring to the Operational Travel Management Plan; required the Salisbury Street car park to be marked as P5, until such time as the Council agreed to P5

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<sup>21</sup> R J Davidson Trust v Marlborough District Council.

parking on the street; limited events to those held by organisations or persons directly associated with the Youth Hub; limited use of the roof terraces; placed a limit on the area that can be used for offices for youth welfare services; placed some limitations on the relocated café; and limited hours of access for visitors to the roof top market garden.

325. I have adopted those conditions. I have reinstated a condition requiring a pre-works condition assessment for habitable buildings within 5 metres of the site boundary. This was originally offered by the Applicant, but removed when no submissions referred to that matter. The removal was questioned in the further statement from the submitters. I have added a proviso that such assessments need to be requested by the adjoining landowner.

## Some concluding comments

326. I wish to make some comments to the Applicant and to the Submitters who opposed the application.
327. **To the Applicant**, the Youth Hub Trust, this decision **grants you a privilege** to locate the Youth Hub in a very special inner-city residential area. The community has been clear that they want to retain the special residential character and neighbourliness of this area. My expectation is that you honour that privilege and do your utmost to minimise effects on the neighbourhood, through the design and implementation of the Youth Hub, through the management plans that you develop, through managing the behaviour of your residents, workers and visitors, both on-site, and off-site to the extent that you can, and by reaching out to develop relationships with the two residents groups. There are some very close neighbours who are most at risk of adverse effects (103 Salisbury Street, and 3 – 9 Gracefield Ave) who you should pay close attention to.
328. **To the Submitters** who opposed this application, I know you will be disappointed with this decision. I hope that you will come to welcome, or at least co-exist, with the Youth Hub project, and take advantage of the opportunity to form working relationships with the Youth Hub to work through any issues, and hopefully find ways to add your wonderful community spirit to the work of the Youth Hub with the youth of our City. I applaud your interest in defending the character of your area, and although I know you expressed some tiredness at having to keep working on that role, I expect that you will continue with that role.
329. This has not been an easy decision for me, and it has taken me some time, and many pages, to get to my decision.

## Decision

330. For the above reasons the application to establish a community facility with café, market garden, sheltered housing and residential units at 109 Salisbury Street, is **granted**, subject to the following conditions;
1. Except where varied by the conditions of this consent the development shall proceed in accordance with the information and plans submitted with the application and labelled RMA/2020/405 and the amended plans submitted on 14/10/2020. The approved plans are:  
Building plans
    - Proposed site plan, drawing number A101, rev. 04, date 13/10/2020
    - Ground floor plan, drawing number A200, rev. 05, date 13/10/2020



- First floor plan, drawing number A201, rev. 05, date 13/10/2020
- Second floor plan, drawing number A202, rev. 05, date 13/10/2020
- Elevations, drawing number A300, rev. 05, date 13/10/2020
- Elevations, drawing number A301, rev. 05, date 13/10/2020
- GFA – Ground floor, drawing number A901, rev. 02, date 13/10/2020
- GFA – First floor, drawing number A902, rev. 02, date 13/10/2020
- Public area – Ground floor, drawing number A904, rev. 02, date 13/10/2020
- Public area – First floor, drawing number A905, rev. 02, date 13/10/2020
- Use diagram ground floor, drawing number A907, rev. 02, date 13/10/2020
- Use diagram first floor, drawing number A908, rev. 02, date 13/10/2020
- Use diagram second floor, drawing number A909, rev. 02, date 13/10/2020

#### Landscape plans

- Concept plan ground level, drawing number L101, rev. 7, date 10/13/2020
- Concept plan upper levels, drawing number L102, rev. 7, date 10/13/2020
- Landscape concept plan details, drawing number L501
- Planting schedule – page 1
- Planting schedule – page 2
- South elevation Salisbury Street, drawing number L201, rev. 7, date 10/13/2020
- East elevation Gracefield Ave, drawing number L202, rev. 7, date 10/13/2020
- North elevation Gracefield Av North, drawing number L203, rev. 7, date 10/13/2020
- West elevation internal, drawing number L204, rev. 7, date 10/13/2020
- Landscape uses plan ground level, drawing number L104, rev. 7, date 10/13/2020
- Landscape uses plan upper levels, drawing number L105, rev. 7, date 10/13/2020
- Landscape uses plan combined, drawing number L106, rev. 7, date 10/13/2020

#### Lighting

2. At least 10 working days prior to the commencement of construction work associated with this resource consent, the consent holder shall provide a design certificate from a suitably qualified and experienced person confirming that the development will achieve compliance with the following requirements:
  - a) Lighting of the parking area shall be maintained at a minimum level of 2 lux, with high uniformity, during the hours of operation.
  - b) All exterior lighting shall be directed away from adjacent properties and roads.
  - c) There shall be no light spill at any residential boundary exceeding 4 lux. The point of measurement for the lux spill is either at a point 2 metres inside the boundary, or at the closest window, whichever is the nearer, of the property affected by glare from the proposed activity.
3. Upon completion of the lighting installation, an installation certificate from a suitably qualified person shall be provided to the Council showing that the lighting has been installed in accordance with design certificate.

*Note: The required design certificate and installation certificate shall be provided to the Council Attention: Team Leader - Environmental Compliance, by way of email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz).*

#### Traffic Management

4. All proposed construction works shall be carried out in accordance with an approved Temporary Traffic Management Plan (TTMP). The consent holder shall prepare a TTMP and submit this to Council, Attention: Christchurch Transport Operation Centre (CTOC) by way of email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz), at least 10 working days prior to the commencement of construction work associated with this consent. The TTMP shall identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures and comply with the NZTA Code of Practice for Temporary Traffic Management (CoPTTM). Activities on any public road should be planned

so as to cause as little disruption, peak traffic delay or inconvenience to road users as possible without compromising safety.

5. Once operational, all activity on the site shall be carried out in accordance with an approved Operational Travel Management Plan (OTMP). The purpose of the OTMP is to encourage travel to / from the site by modes other than private car travel as far as is practicable; and to manage the car parking effects associated with those people that choose to travel to the site.
6. The OTMP shall include but not be limited to the following matters:
  - i. The objectives of the OTMP
  - ii. Travel management measures including but not limited to appointment of a travel management co-ordinator, staff car-pooling, off-site parking options, advising visitors of on-site parking limitations, encouraging alternative means of travel, management of loading requirements on-site;
  - iii. Management of on-site parking space allocation and use, including any provision for time limited parking within the Salisbury Street car park; and
  - iv. Monitoring of staff and visitor parking and travel behaviour on-site, which shall include as a minimum, monitoring every six months for the first 18 months of operation and then annually thereafter.
7. All car parking spaces within the Salisbury Street car park, with the exception of any parking space for the disabled, shall be marked as P5 time restricted. This condition shall cease to apply if P5 parking spaces become available on Salisbury Street adjacent to the site.
8. The consent holder shall submit the OTMP to Council ([rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) for certification at least 20 working days prior to operations associated with this consent commencing on the site. This OTMP is to be certified by the Council as meeting the requirements of condition [6] prior to the commencing of operations and, once certified, the OTMP will therefore form part of the Approved Consent Document.
9. Should the Council refuse to certify the OTMP, the consent holder shall submit a revised OTMP to the Council for certification. The certification process shall follow the same procedure and requirements as outlined in conditions [5-8].
10. The OTMP may be amended at any time by the Consent Holder. Any amendments to the OTMP shall be submitted by the Consent Holder to the Council for certification. Any amendments to the OTMP shall be:
  - a) for the purposes of improving the measures outlined in the OTMP for achieving the OTMP purpose (see condition [6]), and;
  - b) consistent with the conditions of this resource consent.

If the amended OTMP is certified, then it becomes the certified OTMP for the purposes of condition [5] and will thereafter form part of the Approved Consent Document.

11. Any staff arriving on the site by car between the hours of 1100pm and 0700 am shall only park in one of the three southern car parking spaces in the Gracefield Avenue car park.
12. The Salisbury Street car park shall be used during the day time period only (07:00am to 11:00pm). Access to the car park shall be physically prevented during night time hours.

Event Management

13. Events shall only be held as follows:

<b>DAYS</b>	<b>HOURS</b>	<b>NO. OF VISITORS (EXCLUDING STAFF)</b>
Monday to Sunday	09:00am – 9:30pm	<60

Friday or Saturday evenings, maximum of 12 evenings per year	Up to 10:00pm	60 – 120
Friday or Saturday evenings, maximum of 12 evenings per year	Up to 10:00pm	Up to 200

14. Events shall only be held by organisations and persons directly associated with the provision of services to, and support for youth at, the Youth Hub.
15. Roof terraces shall not be accessible for functions or by persons attending functions at the Youth Hub.
16. Prior to the first event being held on the site, an event management plan (EMP) shall be prepared and submitted to Council ([rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) for certification. The purpose of the EMP is to ensure any use of the site for events will be managed and supervised to avoid nuisance noise effects on neighbours, and to maintain compliance with the relevant District Plan noise standards.
17. All events on the site shall be carried out in accordance with an approved EMP. The EMP shall include but not be limited to the following matters:
- i. Hours of operation;
  - ii. Management procedures and event staffing;
  - iii. Management of outdoor areas accessible to visitors;
  - iv. Management of the events centre building;
  - v. Management of traffic on site and including with reference to the OTMP;
  - vi. Complaints procedures and event manager contact details; and
  - vii. Any other information necessary to ensure compliance with the conditions of this resource consent.
18. The consent holder shall submit the EMP to Council ([rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) for certification at least 20 working days prior to the first event associated with this consent commencing on the site. This EMP is to be certified by the Council as meeting the requirements of conditions [16 and 17] prior to the first event and, once certified, the EMP will therefore after form part of the Approved Consent Document.
19. Should the Council refuse to certify the EMP, the consent holder shall submit a revised EMP to the Council for certification. The certification process shall follow the same procedure and requirements as outlined in conditions [18].
20. The EMP may be amended at any time by the Consent Holder. Any amendments to the EMP shall be submitted by the Consent Holder to the Council for certification. Any amendments to the EMP shall be:
- c) for the purposes of improving the measures outlined in the EMP for achieving the EMP purpose (see condition [16]), and;
  - d) consistent with the conditions of this resource consent.

If the amended EMP is certified, then it becomes the certified EMP for the purposes of condition [17] and will thereafter form part of the Approved Consent Document.

21. A record of all events/functions subject to the resource consent shall be kept detailing the nature of the event, date, time and number of guests. A copy of the record shall be made available to the Council on request.

#### Welfare Facility Floor Space

22. Offices for youth welfare services, excluding the health care facility, shall comprise no more than 419m<sup>2</sup> of gross floor area on the site. Youth welfare services means organisations and staff providing information, counselling and material welfare of a personal nature. It includes personal and family counselling, legal aid, visiting government organisations and the offices of charitable organisations directly associated with the provision of support services for youth.

#### Noise and Vibration

23. All construction activities shall be managed and controlled in accordance with NZS6803:1999.
24. The consent holder shall undertake a pre-works structural/condition assessment for any habitable buildings within 5 metres of the site boundary, where requested to so do by the adjoining land owner.
25. An acoustic fence shall be installed prior to construction activity commencing on all internal boundaries. The acoustic fence shall be 2m in height, shall have a minimum surface mass of 8.0kg/m<sup>2</sup> except that fencing adjoining the Salisbury Street car park shall have a minimum surface mass of 15kg/m<sup>2</sup>, and shall be maintained in good condition with no gaps.
26. Music played within the cafe shall be played at background levels only.
27. No alcohol shall be served in the café.

#### Erosion and Sediment Control

28. All filling and excavation work shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in ECan's Erosion and Sediment Control Toolbox for Canterbury <http://escanterbury.co.nz/>. The ESCP must be held on site at all times and made available to Council on request.
29. Run-off shall be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road, or into a river, stream, drain or wetland. Sediment, earth or debris shall not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site-specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.
30. The ESCP shall be implemented on site and maintained over the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are inadequate. All disturbed surfaces shall be adequately topsoiled **and** vegetated as soon as possible to limit sediment mobilisation.
31. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts or sprinklers shall be used on any exposed areas. The roads to and from the site, and entrance and exit, must remain tidy and free of dust and dirt at all times.

32. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) of the earthworks start date and the name and contact details of the site supervisor.
33. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.

#### Landscaping

34. The proposed landscaping shall be established on site within the first planting season (extending from 1 April to 30 September) following the final, passed building inspection.
35. All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species.

#### Market Garden

36. Access by visitors to the roof top garden shall be restricted to between the hours of 0800 to 1600 Monday to Sunday.

#### Review

37. Pursuant to Section 128 of the Resource Management Act 1991, the Council may review conditions by serving notice on the consent holder within a period of one month of any 12 month period following the date of this decision, in order to deal with any adverse effects on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

### **Advice notes:**

#### i) *Monitoring*

The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:

- (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
- (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
- (c) Time charged at an hourly rate if more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and inspection fees will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- ii) This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand**

regional archaeologist on 03 363 1880 or [archaeologistcw@heritage.org.nz](mailto:archaeologistcw@heritage.org.nz) before commencing work on the land.

iii) *Development Contributions Assessment*

This proposal has been assessed for development contributions (DCs) under the provisions of the [Christchurch City Council Development Contributions Policy](#) (DCP). The proposal has been found to create additional demand on network and community infrastructure or reserves.

To help fund community facilities, the Local Government Act 2002 (LGA) allows a council to require development contributions if the effect of a development requires the council to provide new or upgraded infrastructure.

This Notice informs you of the DCs required by the Council for the development but is not a request for payment. An invoice will be issued by the Council when it requires payment of the DC's. Payment will be required before issue of a code compliance certificate for a building consent, commencement of the resource consent activity, issue of a section 224(c) certificate for a subdivision consent or authorisation of a service connection, whichever is first. An invoice can be issued earlier at your request. Council may also issue an invoice, at its discretion, if it considers the development is already utilising Council infrastructure for which DCs are being required.

### Development contribution assessment summary

DEVELOPMENT CONTRIBUTIONS SUMMARY				PIM or Consent Ref:		RMA/2020/405		
Customer Name		The Youth Hub Trust (Te Hurihanga o Rangatahi)		<b>ASSESSMENT</b>				
Project Address		109 Salisbury Street						
Assessment Date		23/06/2020						
<b>Assessment Summary</b>								
		HUE Credits						
		Current	Assessed	Discounts	Assessed HUE After Discount	Change	DC Rate (incl GST)	DC Charge (incl GST)
<b>Activity</b>	<b>Catchment</b>	<b>HUE A</b>	<b>HUE B</b>	<b>C</b>	<b>HUE D</b>	<b>HUE E</b>	<b>G</b>	<b>F= E x G</b>
<b>Network Infrastructure</b>								
Water supply	District-wide	8.40	17.49	0.0%	17.49	9.09	\$2,395.45	\$21,771.94
Wastewater collection	District-wide	7.45	17.08	0.0%	17.08	9.63	\$6,349.15	\$61,122.11
Wastewater treatment and disposal	District-wide	7.45	16.15	0.0%	16.15	8.70	\$2,904.90	\$25,274.44
Stormwater & flood protection	Avon	7.77	12.12	0.0%	12.12	4.35	\$798.10	\$3,472.53
Road network	Central City	2.84	20.15	0.0%	20.15	17.31	\$907.35	\$15,709.94
Active travel	District-wide	2.84	20.15	0.0%	20.15	17.31	\$425.50	\$7,367.14
Public transport	District-wide	2.84	20.15	0.0%	20.15	17.31	\$717.60	\$12,424.59
<b>Total Community and Network Infrastructure</b>								\$147,142.69
<b>Reserves</b>								
Regional parks	District-wide	1.00	5.60			4.60		\$12,399.76
Garden and heritage parks	District-wide	1.00	5.60			4.60		\$740.60
Sports parks	District-wide	1.00	5.60			4.60		\$11,638.00
Neighbourhood parks	Central City	1.00	5.60			4.60		\$8,167.76
<b>Total Reserve Contributions</b>								\$32,946.12
<b>GST 15%</b>								\$23,489.84
<b>Total Development Contribution</b>								<b>\$180,088.81</b>

Where both a resource consent and building consent are required as part of the same development, a development contribution (DC) assessment will be undertaken for both consents. However, the applicant need only pay for one assessment. As a result, the Council will only invoice in accordance with either the assessment on the resource consent or the assessment on the building consent, whichever is the lower of the two (after any corrections or reassessments undertaken in accordance with the DCP).

The DC assessment is valid for 24 months from the date the assessment is issued (usually with the consent). If the original assessment expires before payment is made, reassessment of the DCs required will be carried out at the same time the invoice is generated.

Reassessments will incorporate any increases to the development contribution requirement in line with the Producers Price Index (PPI) as described in Parts 2.9 and A.7.3 of the DCP. PPI adjustments will incorporate all years between the original application and the time the reassessment is carried out.

### **Reconsiderations and objections**

Under section 199A of the Local Government Act 2002 you can request that the Council reconsider the required DC on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the Council incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the Council has recorded or used it when requiring a development contribution, was incomplete or contained errors.

A Request for Reconsideration form must be lodged with Council within 10 working days of receiving this DC Notice.

Under section 199C of the Local Government Act 2002 you can object to the assessed DC requirement on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the territorial authority incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the territorial authority has recorded or used it when requiring a development contribution, was incomplete or contained errors.

An Objection to DCs form must be lodged with the Council within 15 working days of receiving this DC Notice or a reconsidered assessment. A deposit of \$1,000.00 will be required to lodge an objection.

A form to request a reconsideration or lodge an objection can be found on our website. To request an invoice please contact a Development Contributions Assessor by phone on (03) 941-8999 or email [developmentcontributions@ccc.govt.nz](mailto:developmentcontributions@ccc.govt.nz). Once an invoice has been issued payment is required within 30 days. Please quote the project number with all correspondence.

Further information regarding development contributions can be found on our website [www.ccc.govt.nz](http://www.ccc.govt.nz) or by contacting a Development Contributions Assessor on (03) 941-8999.



**Ken Lawn**  
**Independent Commissioner**  
**6 November 2020**

## Appendix C – List of Submitters

Name	Contact details
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