

**BEFORE THE CHRISTCHURCH CITY COUNCIL**

**UNDER**                      **The Resource Management Act 1991 ('the Act')**

**AND**

**IN THE MATTER OF** RMA/2020/405, being an application for a community facility with café, market garden, sheltered housing and residential units

**BETWEEN**                      **Youth Hub Trust – Te Hurihanga ō Rangatahi**

APPLICANT

**AND**                              **The Christchurch City Council**

LOCAL AUTHORITY

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STATEMENT OF EVIDENCE OF JOHN SCHEELE

For Victoria Neighbourhood Association Incorporated and the Salisbury West  
Community Preservation Group

Dated 22 September 2020

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## INTRODUCTION

1. My name is John Scheele.
2. I am a Senior Consultant Planner with Resource Management Group, an urban and environmental planning consultancy with offices in Christchurch, Nelson, New Plymouth and Wellington.
3. I hold a Bachelor of Environmental Management (majoring in Policy and Planning) from Lincoln University (2005) and I am an Associate Member of the New Zealand Planning Institute.
4. I have 15 years' experience as a planner based within Christchurch, both for local authorities as well as a consultant planner. The majority of my experience relates to the evaluation and assessment of environmental effects associated with land use developments, particularly within urban environments. Additionally, I have also processed consents on behalf of district Councils including Christchurch City, Selwyn, Kaikōura and Tasman. Relevant to the current application, I have been involved in numerous developments and provided key advice relating to the establishment of non-residential activities, including community activities, within the residential setting of Christchurch City.
5. I have been engaged by both the Victoria Neighbourhood Association Incorporated and the Salisbury West Community Preservation Group (the Submitters) to provide planning evidence in respect to land use resource consent application RMA/2020/405 (the Application). The Application is sought by the Youth Hub Trust – Te Hurihanga ō Rangatahi (the Applicant) for the construction and operation of a new community facility at 109 Salisbury Street (the Site), incorporating a cafē, sheltered housing and six residential units.
6. The key documents I have used, or referred to, in forming my view while preparing my statement of evidence are:
  - the operative Christchurch District Plan;
  - the Canterbury Regional Policy Statement;
  - the National Policy Statement on Urban Development;

- the updated resource consent application prepared by Novo Group dated May 2020 (and accompanying appendices);
- submissions received;
- the Section 42A report (dated 24 August prepared by Ms Shona Jowett);  
and
- the statements of evidence submitted by the applicant, dated 8 September 2020.

### **CODE OF CONDUCT**

7. While this is not a hearing before the Environment Court, I confirm I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **SCOPE OF EVIDENCE**

8. In this matter, I have been engaged by the Submitters to:
  - a. Assess and evaluate relevant planning matters related to the Application;
  - b. Comment on the Applicant's various Statements of Evidence, particularly that of Ms Kim Seaton, the Applicants planning consultant;  
and
  - c. Comment on the Council's s.42A report, particularly that of Ms Shona Jowett, the Council's planner.
9. For the purposes of brevity, my evidence will be limited to planning matters which in my view remain in contention. These relate to:

- a. the scope of the proposal;
- b. actual and potential effects on the environment;
- c. objectives and policies of the Christchurch District Plan;
- d. other relevant planning matters;
- e. Section 104(d) test; and
- f. Part 2 matters of the Act.

## **THE PROPOSAL**

### **Description of the Proposal**

10. The description of the proposal is set out in the Application documents, and further detailed throughout the statements of evidence of both Ms Seaton and Dr Bagshaw. I don't intend to repeat that description further, other than to note for completeness that the proposal consists principally of two groups of activities, being:

- a. Residential activities, consisting of six residential units (inclusive of an onsite manager's residence) and sheltered housing for up to 22 youth aged from 16-25 years (with associated facilities and onsite supervisors); and
- b. A range of non-residential activities, consisting of 13 individual organisations<sup>1</sup> and an unspecified number of visiting staff from Government Agencies<sup>2</sup>, associated recreational spaces (including basketball court and events centre) and café.

11. Of the 13 organisations, several will have a permanent presence onsite, while others will utilise the facility upon an "as required basis"<sup>3</sup>. Regardless of their actual presence on site, the 13 organisations will provide access to support and

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<sup>1</sup> As listed in paragraph 23 of the Application documents

<sup>2</sup> Bagshaw evidence paragraph 41

<sup>3</sup> Seaton evidence paragraph 11 and Bagshaw evidence paragraphs 41-42

services for the residents on site, as well as youth within the wider community (aged between 10-25 years). While the nature of these activities is described in general in *Table 1: Proposed Site Usage* (of the Application documents) and throughout the evidence of both Ms Seaton and Dr Bagshaw, there remains in my mind uncertainty regarding the level of interaction between the residential activities and the 13 organisations. In particular, the application portrays the non-residential activities as being ‘wrap around’ services in support of the resident youth – implying that they are a secondary or ancillary activity. I consider that the reverse is actually proposed – with the non-residential activities being the dominant activity on site, and the activity that will give rise to the greatest environmental effects on the surrounding residential environment. This is consistent with the way the Proposal has portrayed its wrap around services on its website (<https://www.youthhubchch.org.nz/services/>), in particular that:

*“The Youth Hub will deliver wrap-around services including mental health, medical, education, employment and training, recreation, creativity, social entrepreneurship and housing support to transform the lives of Canterbury’s young people in a one-stop-shop model.*

*“The Hub will avoid gaps and overlaps in the provision of services to young people by having organisations co-located. This will encourage co-operation and collaboration rather than competition between organisations.”*

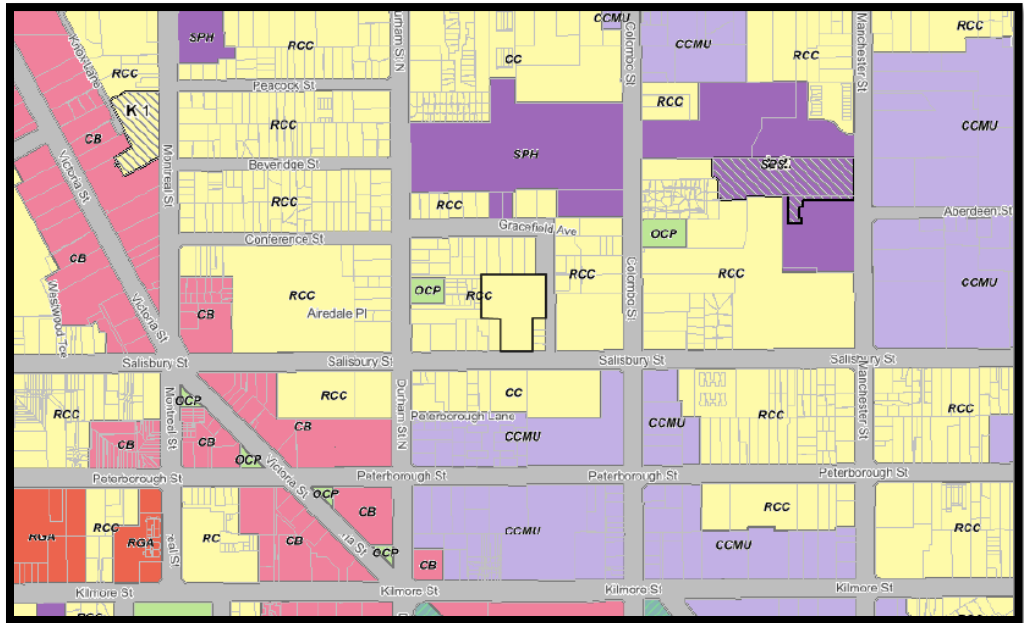
12. In addition to the above, the proposal also notes that the identified 13 organisations are not an exclusive list, but rather other organisations may also seek to establish on site in the future. In principal, the proposal seeks flexibility to enable organisations to come and go as they please, without any recourse of any potential effects being considered. Overall, the lack of certainty in relation to the operation of the 13 organisations raises additional concerns regarding:
  - a. the actual scale of those activities on site;
  - b. whether the primary focus of the 13 organisations relates to the residents on site, or visitors; and
  - c. the real and actual potential for consent creep to occur without any adverse effects on the environment being considered.

### **Application site and surrounding area**

13. The application site is accurately described in the Application documents, and I adopt that description in general. In particular, I note the site was formerly occupied by a bowling club. While the bowling green and buildings remain on site, they are in a state of disuse, and I consider that existing use rights for that activity have lapsed. For this reason, I do not consider that the historic non-residential use of the site forms part of the existing environment, and no weight should be placed on this. Further the scale and nature of effects from the former bowling club use are not comparable to the proposed Youth Hub in any case.
  
14. Ms Wilkins<sup>4</sup> provides a broad description of the wider surrounding area. In particular Ms Wilkins describes the Site as being within a fringe area where commercial and residential activities merge, which is an anticipated module of inner city living. This view is supported by her observations of the existing residential activities, infill projects, higher density developments and established commercial activities. In particular, Ms Wilkins references the commercial area located on Colombo Street (within 100m of the Site) and Victoria Street which contains the Christchurch Casino along with a range of retail activities, cafes and restaurants. I note Ms Wilkins description of the wider environment has been adopted by Ms Seaton.
  
15. However, the above commercial activities located on Colombo Street are located within the Commercial Central City Mixed Zone. In addition, the Christchurch Casino and surrounding commercial activities located along Victoria Street occur within the Commercial Central City Business Zone. These areas are identified on the below planning map. While these activities occur within the wider environment, they do so within an appropriate zone for which those activities are anticipated and are generally separated from the Site by existing residential activities.

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<sup>4</sup> Wilkins evidence at paragraphs 19-20



Source: Christchurch District Plan

16. While non-residential activities are located in proximity of the Site, they are primarily limited to the Salvation Army located between Gracefield Avenue and Colombo Street<sup>5</sup>, or are of small scale. However, the surrounding activities adjacent to the Site remain primarily residential in nature.
17. Based on the above, I do not consider the Site is located within a fringe environment which contains a mixture of residential and commercial activities. Rather, I would describe the surrounding area as being residential in nature. While there are commercial activities further afield, they are located within an appropriate commercial zone where those activities are anticipated.

**Christchurch City Plan**

18. Overall, I agree with the s.42A report (at paragraph 16) and Ms Seaton<sup>6</sup> that the proposal will not comply with Rule 14.6.1.5 NC1 and is therefore a non-complying activity.

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<sup>5</sup> At 853 Colombo Street  
<sup>6</sup> Seaton evidence at paragraph 32

## ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

### Permitted baseline

19. I agree with the s.42A report (at paragraph 25) that given the dimensions of the site (where the District Plan requires a minimum yield of 21 residential units) and where any development of 3 or more residential units requires resource consent as a restricted discretionary activity (which could be declined), there is no permitted residential development that may occur which would form a permitted baseline.
20. While Ms Seaton also concludes that a permitted residential activity may not technically form a permitted baseline<sup>7</sup>, she does form a view that activities which are otherwise anticipated to occur by the District Plan are a relevant consideration<sup>8</sup>. I agree with Ms Seaton in that assessment and therefore have considered the type of residential development that may typically be anticipated to occur on site. Ms Seaton has helpfully set this out at paragraphs 37-38 of her evidence, which I also adopt.
21. Regardless of the above, Ms Seaton<sup>9</sup> references a recent resource consent decision granted by the Christchurch City Council to the Christchurch City Mission (RMA/2020/435). The consent sought the redevelopment of an existing City Mission complex which also incorporated a range of community facilities. The site is located within the Residential Central City (RCC) zone and the consent was processed non-notified.
22. In the decision, the decision maker considered Rule 14.6.1.1 P10 as it applies to the proposed community facilities. The commissioner determined that regardless that the site was not located on either Fitzgerald Avenue or Bealey Avenue between Durham Street and Madras Street, that the community facilities associated with the Christchurch City Mission achieved compliance with Rule 14.6.1.1 P10.

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<sup>7</sup> Seaton evidence at paragraph 37

<sup>8</sup> Seaton evidence at paragraphs 38-40

<sup>9</sup> Seaton evidence at paragraphs 29-31



23. Though Ms Seaton ultimately concludes that applying Rule 14.6.1.1 P10 to the Youth Hub would be incorrect<sup>10</sup>, there remains an inference that community facilities could establish as of right on the site under that rule, subject to activity specific standards. Ms Seaton goes on to suggest that this would establish a significant permitted baseline for the Youth Hub proposal.
24. However, as the Site is not located on either Fitzgerald Avenue or Bealey Avenue between Durham Street North and Madras Street, in my view Rule 14.6.1.1 P10 is not applicable. Rather, any community facility seeking to establish on the Site will be subject to Rule 14.6.1.1 P8 as a non-residential activity and would be limited to a gross floor area of 40m<sup>2</sup>. As the proposal will well exceed the 40m<sup>2</sup> threshold, I do not consider that a compliant community facility in another specific location will establish a useful permitted baseline on this site.
25. Both the s.42A report (at paragraph 26) and Ms Seaton<sup>11</sup> also note that there is no requirement for onsite parking for activities within the Central City. I agree with this statement, but only so far as it applies to permitted activities.
26. In my view, any activity which requires resource consent within the Central City area is not a permitted activity, and therefore the parking provisions of the District Plan would continue to apply, and the adverse effect of traffic generation and parking on amenity values would require consideration. Indeed, the whole purpose of the rules relating to non-residential activities in the Central City is to limit them by reference to floor area – the control is based on limiting activity scale, of which traffic generation is a primary affect. To adopt the alternative view would in my opinion result in a perverse situation, one where large-scale non-residential activities of a nature that generates significant adverse amenity effects due to traffic numbers and parking demand not otherwise anticipated by the District Plan would be treated in the same manner as permitted activities. I note that Council has previously adopted my position in regard to this matter.

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<sup>10</sup> Seaton evidence at paragraph 31

<sup>11</sup> Seaton evidence at paragraph 36

27. In addition to the above, Mr Fuller<sup>12</sup> sets out an alternative development scenario, one in which the site is developed to accommodate 22 residential units without the provision of any onsite parking.
28. I am familiar with a number of residential developments that have occurred within the Central City area, including those undertaken by Williams Corp, Fletcher Living and others. Almost without exception, developers have recognised the benefits of providing onsite parking to accommodate the demands of both residents and visitors, even though there is no requirement to do so. Parking spaces on site for residential developments remains a desirable feature for residents and add to the onsite amenity of those developments. It is for that reason that developers continue to include parking spaces wherever practical to do so. Consequently, the scenario put forward by Mr Fuller is in my view an unlikely one and can be considered fanciful.

**Positive effects**

29. The positive effects of the proposal have been set out in the Application documents (paragraphs 47-54), throughout the evidence of Dr Bagshaw, by Ms Seaton (at paragraphs 74-76) and again in the s.42A report (at paragraphs 53-54).
30. I adopt in general the positive effects of the proposal as outline in the above, and in particular I note the:
  - a. benefits to youth within the community (aged 10-25 years) in providing access to support and services, including health care, education, recreation, creativity, employment and training opportunities;
  - b. efficiencies of co-locating the 13 organisations on one site, specifically in terms of youth accessing services which otherwise may be difficult to access due to transport restrictions; and
  - c. provision of sheltered housing for youth aged 16-25 years and within an established residential environment, meeting a recognised shortfall for this type of accommodation.

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<sup>12</sup> Fuller evidence at paragraph 19

31. However, in my view some of the positive effects have been overstated. While the proposal may not result in the loss of any residential activity, this is simply a reflection of the former activities on the Site. While the proposal does include an element of residential activities, this needs to be considered in context of the type of development anticipated to occur by the District Plan. In this case, as set out by Ms Seaton, this includes a residential development with a minimum yield of 21 residential units. On that basis, in the event that the current proposal does not proceed (for whatever reason), it would in my view be a reasonable expectation that a residential development would occur on site. This is supported by the recent residential developments of 362 Durham Street North and 118 Salisbury Street.
32. In terms of overall resident numbers, the s.42A report (at paragraph 57) identified up to 41 youth will reside on site, and be comparable to the number of residents that would occupy the site if it were to be developed to accommodate 21 residential units. *Table 1: Proposed Site Usage* (contained within the Application documents) suggests up to 56 residents may reside on site, but is based on the unlikely scenario that each bedroom within the 6 residential units will be occupied by two persons, as well as a 100% occupancy rate with no vacant period between changes of tenants. On that basis, I consider a more realistic occupancy rate would be in the region of between 32-35 persons, based on an occupancy rate of between 80-90%, and one person per bedroom.
33. In comparison to the likely number of residents occupying the site based on a minimum 21 residential unit development, I consider approximately 57 persons could conceivably reside on site. This figure is based on an average of 2.7 persons per residential unit, which is the average occupancy rate for a residential unit in New Zealand based on latest census data. The shortfall in resident occupancy between that proposed and an anticipated residential development is a direct result of the proposed non-residential activities. Even if the residential density were comparable to an anticipated residential development, the additional persons and traffic generation due to the non-residential activities is in addition and takes it well over that of a comparative use.
34. The application also states that the 13 organisations will provide wrap around services for youth in the format of a one stop shop. While I acknowledge there

are benefits of this arrangement, the application remains silent in terms of what proportion of the 13 organisations functions will be dedicated to residents on site, and what proportion will be focused on visitors. The only clear reference regarding this matter is at paragraph 54 of the s.42A report which states:

*“The benefits of co-location appear to be supported by the submissions made in support of the proposal, though the applicant acknowledges that examples of both the community facility/services and residential housing for youth being fully integrated are understood to be rare.”*

[my emphasis added]

35. Based on the above statement, there appears to be only a limited benefit, if any at all, in terms of co-locating the 13 organisations on the same site as the proposed residential activities. Within this context, I also note that each of the 13 organisations are already established in the wider community and are otherwise accessible by youth, albeit they are spread across the city. The applicant has not established the necessity for the non-residential activities to be on this residential zoned site.

### **Transportation**

36. The transportation effects have been addressed in the evidence of Mr Carr. I note that Mr Carr disagrees with the evidence of both Mr Fuller (for the Applicant) and Mr Milne (for the Council) in terms of transportation effects. In particular Mr Carr raises concerns regarding demand for offsite parking and how it will be accommodated. He also raises concerns regarding the use of the temporary Casino car parks and associated effects on the roading network. Especially when consents authorising the temporary Casino carpark will expire in three years' time and these spaces are no longer available.
37. In addition to the above, Mr Carr raises concerns regarding reliance on a Travel Management Plan to mitigate traffic effects.
38. Overall, I note Mr Carr's comment (at paragraph 106) that:

*“...the proposal has adverse efficiency and road safety effects that have not been assessed, and the primary mitigation measure of the Travel Management Plan will be ineffective.”*

39. Based on Mr Carr’s evidence, there will be a shortfall of parking spaces which will not be able to accommodate the anticipated parking demand, which will result in adverse safety and efficiency effects on the transport network that will be more than minor and unacceptable.

**Residential coherence, amenity and character**

40. In considering potential effects on residential coherence, amenity and character, I have first considered the relevant policy framework of the District Plan and the environmental outcomes anticipated. This sets the context in which any adverse effects in my view should be assessed.

41. Residential zones are anticipated to be dominated by residential activities, including the provision for social and sheltered housing<sup>13</sup>. Development within residential zones are anticipated to be undertaken in accordance with the identified characteristics for that zone. In the case of the RCC zone, this incorporates:

- a. Central City living which provides a range of attractive housing types, including high density living opportunities, which utilise its close proximity to the commercial centre of the city; and
- b. controlling the character, scale and intensity of non-residential activities in order to mitigate effects on the character and amenity of inner-city residential areas.

42. The above characterises the RCC zone and is a fundamental descriptor of what the zone is to achieve. It is clear that limiting the scale of non-residential activities is a deliberate action by the District Plan, recognising the sensitivity of the RCC zone in comparison to other residential zones. This is emphasised by

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<sup>13</sup> Objective 14.2.1 Housing supply and policies 14.2.1.6 Provision of social housing and 14.2.1.7 Non-household residential accommodation

comparing the Residential Suburban and Medium Density zones rules to those of the RCC, as set out below:

#### Residential Suburban and Medium Density

- Permitted health care (and other listed activities) up to 300m<sup>2</sup>
- Permitted community welfare facilities with no area limit
- Integrated family health centre as a restricted discretionary activity between 301-700m<sup>2</sup>
- Non-compliance with the above is a discretionary activity

#### Residential Central City

- Permitted health care (and other listed activities) up to 40m<sup>2</sup>
- No provision for community welfare facilities
- No provision for integrated family health centre
- Non-compliance with the above is a non-complying activity

43. The District Plan deliberately distinguishes between central city and other residential areas by being particularly restrictive on non-residential activities, as signalled by the policy framework.
44. While a high-density residential environment is anticipated (required to achieve a minimum average density of 50 households per hectare<sup>14</sup>), residential development is also required to achieve high quality and sustainable residential neighbourhoods that have a high level of amenity and enhance local character<sup>15</sup>.
45. Aside from encouraging residential development, there is also a strong emphasis on restoring and enhancing residential activities within the Central City. This is primarily achieved by again anticipating a variety of housing types, providing for an increase of residential population, the protection of amenity for inner-city

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<sup>14</sup> Policy 14.2.1.1 Housing distribution and density

<sup>15</sup> Objective 14.2.4 High quality residential environments

residential neighbourhoods, while encouraging comprehensive redevelopment of sites only when they are no longer required for non-residential purposes<sup>16</sup>.

46. Within residential zones, there is a strong expectation that residential activities remain the dominant activity. While non-residential activities are anticipated, including large scale community facilities which meet the needs of the community, they are limited to those which are typically reliant upon a residential setting, and are directed to establish within defined arterial locations which is not the case here. Other non-residential activities, especially those of a commercial or industrial nature, are further restricted to only those which have a strategic or operational need to locate in a residential zone<sup>17</sup>. Within this context, the sensitivity of the Central City residential areas to the intrusion of non-residential activities are further highlighted in policy 14.2.6.8 (Non-residential activities in the Central City residential zones) which further seeks to:
- a. ensure any non-residential activities are of small scale and compatible with residential activities;
  - b. ensure non-residential activities are focused on meeting the needs of the local community or are dependent upon the high level of amenity inherent in the RCC zone;
  - c. ensure new non-residential activities do not compromise the role of the RCC zone; and
  - d. protect residential amenity by controlling the character, scale and intensity of non-residential activities.
47. The statements of both of the submitters set out the specific elements that define the amenity and character of the surrounding area and which make the neighbourhood a liveable and desirable inner-city environment. Those elements go beyond a description of the activities and buildings in the area, but include community itself. With the exception of the nearby Salvation Army facility (authorised by a resource consent granted under the previous Christchurch

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<sup>16</sup> Policy 14.2.1.3 Residential development in the Central City

<sup>17</sup> Objective 14.2.6 Non-residential activities and policies 14.2.6.2 Community activities and community facilities, 14.2.6.4 Other non-residential activities.

District Plan), other non-residential activities within the immediate area remain limited both in terms of number and scale.

48. While the proposal will create new residential activities (which is a positive) it will not achieve the residential density anticipated by the District Plan. This is directly a result of the scale of the non-residential elements of the Proposal seeking to establish on site. In my view, this is an opportunity cost associated with the proposal, as the development would inhibit a fully comprehensive residential development from occurring onsite.
49. While residential coherence would technically be maintained, due to the scale of the overall activities on site (and for which the proposed residential activities will be directly associated), there is in my view an element of isolation that will occur for the dwellings located at 3-9 Gracefield Avenue. There will be a sense that those dwellings will be surrounded by large scale non-residential activities, especially in context of the existing Salvation Army facility.
50. Dr Bagshaw<sup>18</sup> has set out the reasons for why this Site has been selected for the proposal. In particular, there is a reference to the 'residential feel' of the surrounding area. While this may have been a factor in selecting this site, in my view, the introduction of the Proposal into the area would create a change of character and erode the residential feel that the Applicant has identified.
51. While I consider the site is appropriate for the proposed residential activities, I have outstanding concerns regarding the scale and effect of the proposed non-residential activities (inclusive of the 13 organisations, the events centre and the café). These include:
  - a. The extent of the site dedicated to the non-residential activities (of approximately 1,645.4m<sup>2</sup>), which will well exceed the 40m<sup>2</sup> threshold<sup>19</sup>;
  - b. While community activities and facilities are anticipated within the RCC zone where practical to do so, large scale activities such as that

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<sup>18</sup> Bagshaw evidence 33-34

<sup>19</sup> The figure includes the basketball court on the basis that while residential activities may include a basketball hoop, they typically do not include basketball courts with an area of 133m<sup>2</sup>. For that reason, I consider it extremely unlikely that a basketball court of that size would be constructed on the site if not for the current proposal.



proposed, are directed to establish within defined arterial locations that are within walking distances of the central city, public transport and within areas not dominated by residential activities. In my view (based in part on the evidence of Mr Carr), this will not be achieved;

- c. The establishment of non-residential activities are specifically restricted from establishing within residential zones unless there is a strategic or operational requirement to do so and any effects on the amenity and character of the zone are insignificant. As yet, there is no evidence that supports either a strategic or operational need, or that any potential effects on character and amenity will be insignificant.

To further emphasise the above, a number of the proposed organisations provide services via phone, text or webchat (e.g. Youth Line, while also noting that offsite workshops are also available). The nature of those services suggests they can be provided in any location, and are not specifically reliant upon a residential setting; and

- d. The sensitivity of the Central City residential areas is specifically recognised in the District Plan, in particular it seeks to promote high density and sustainable residential environment which enhance or protect existing inner-city living environments. To achieve this, non-residential activities are specifically sought to be limited to those activities that serve the local community, not the wider community. I note that the newly operative District Plan contains significantly greater restriction on non-residential activities than the former plan, which I consider reflects a deliberate acknowledgement of the particular sensitivity of Central City residential areas to incursion by non-residential uses.

- 52. Based on the above, and the evidence of Mr Carr in relation to transportation effects, I consider adverse effects on the residential coherence, amenity and character will be more than minor and unacceptable.

### **Conclusion**

- 53. In conclusion, while the proposal incorporates a range of positive effects, these are primarily limited to:

- a. the youth within the community (aged 10-25 years) in providing access to support and services, including health care, education, employment and training opportunities;
  - b. efficiencies of co-locating the 13 organisations on one site; and
  - c. provision of sheltered housing for youth aged 16-25 years.
54. However, the application has not established the necessity for the non-residential activities to locate on site, and they 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 my view will be more than minor and unacceptable.

#### **OBJECTIVES AND POLICIES OF THE CHRISTCHURCH DISTRICT PLAN**

55. The relevant objectives and policies of the District Plan have been identified in the s.42A report (paragraphs 56-67) and by Ms Seaton<sup>20</sup>. I do not intend to repeat or address each of those individually, but rather will focus upon what I consider are the key matters, which to some degree I have already addressed previously in my evidence.

#### **Non-residential activities**

56. Objective 14.2.6 (Non-residential activities), in conjunction with supporting policies 14.2.6.1 (Residential coherence character and amenity), 14.2.6.2 (Community facilities), 14.2.6.4 (Other non-residential activities) and 14.2.6.8 (Non-residential activities in Central City residential areas) seek to:
- a. ensure non-residential activities do not have significant adverse effects on residential coherence, character and amenity;
  - b. enable community activities and facilities within residential zones which meet community needs, but restrict large scale activities within defined arterial locations;

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<sup>20</sup> Seaton evidence paragraphs 79-102

- c. restrict the establishment of other non-residential activities, especially of a commercial nature, unless there is a strategic or operational need to locate within a residential zone and any effects on the character and amenity of the residential zone will be insignificant;
  - d. within Central-City residential areas, ensure non-residential activities are small scale and compatible with residential activities, are focused on meeting the need of the local residential community or are dependent upon the high level of amenity inherent within the RCC zone, do not compromise the role or function of the RCC zone and protect residential amenity by controlling the character, scale and intensity of non-residential activities.
57. While provision for community facilities within residential zones is provided for to meet community demands, large scale community facilities are restricted to defined arterial locations (policy 14.2.6.2). This is reflected in Rule 14.6.1.1 P10 which restricts community facilities to Fitzgerald Avenue or Bealey Avenue between Durham Street North and Madras Street. Otherwise those activities are captured by Rule 14.6.1.1 P8 and are limited to a gross floor area of 40m<sup>2</sup>. In this case, the proposal is not located within the defined location and well exceeds 40m<sup>2</sup>.
58. While the proposal incorporates a range of community facilities/activities, not all of the non-residential activities meet that definition. In particular the café (food and beverage outlet) and employment activities are not regarded as community facilities/activities. In addition, there remains uncertainty regarding the function of the outdoor recreational areas and the events centre in association to either the proposed 13 organisations or the residential activities on site.
59. While non-residential activities are provided for within a residential zone, they are limited, especially those of a commercial nature, unless there is a strategic or operational need to locate within a residential zone and adverse effects on character and amenity will be insignificant. In this case, no evidence has been presented that demonstrates either a strategic or operational need to establish the non-residential activities within the residential zone. They do not need to be

permanently on site to support the resident youth, and they will mostly operate as a separate standalone non-residential activity and will be the dominant activity on site. Any reliance or interconnection between the proposed residential activities and the 13 organisations appears to be tenuous at best. Regardless, even if a strategic and operational need was demonstrated, based on the evidence presented any effects on the character and amenity of the surrounding residential area will be in my view more than minor and well beyond the threshold of being insignificant.

60. In addition to the above, policy 14.2.6.8 specifically addresses the scale of non-residential activities within Central-City residential areas. As set out in my evidence, the non-residential components of the application cannot be regarded as being small scale, focused on the needs of the immediate community, nor dependent upon the high amenity of the neighbourhood, and they will have significant negative effects upon the surrounding residential character and amenity.
61. Overall, I consider the Proposal will be contrary in regard to the above objective and policies, which in my view are directive in nature, meaning they should be given significant weighting in the overall assessment as a non-complying activity under s.104D.

### **Housing supply**

62. Objective 14.2.1 (Housing supply), in conjunction with supporting policies 14.2.1.1 (Housing distribution and density), 14.2.1.3 (Residential development in the Central City), 14.2.1.6 (Provision of social housing) and 14.2.1.7 (Non-household residential accommodation) primarily seek:
  - a. An increase of housing supply, which enables a wide range of housing types, sizes and densities which meet the needs of the community and assist in improving housing affordability;
  - b. Residential development that is in accordance with the residential zones identified characteristics. For the RCC zone, this includes high-density Central City living (an average net density of at least 50 households per hectare) while maximising the opportunities of living, working and playing opportunities close to the commercial centre of the city. The

scale of on-residential activities is controlled to protect character and amenity of the inner-city living environment;

- c. Restore and enhance residential activities in the Central City, especially by providing flexibility of housing types that will accommodate a progressive increase of inner-city residential population while also protecting the amenity of inner-city residential neighbourhoods; and
  - d. Enable social housing developments, including sheltered housing, which is compatible with the surrounding residential environment.
63. The above provisions are also supported by Objective 14.2.4 (High quality residential environments) which seek residential neighbourhoods are well designed, have a high level of amenity and maintain local character.
64. While the proposal is consistent with the above in terms of providing social and sheltered housing, I overall conclude that the proposal will ultimately be contrary to the general thrust of the above objective and policies on the basis that:
- a. the minimum average residential density target of 50 households per hectare will not be achieved;
  - b. the scale of the non-residential activities will not be adequately mitigated; and
  - c. the surrounding residential character and amenity will not be protected or enhanced.

### **Transport**

65. Objective 7.2.1 (Integrated transport system for Christchurch District), in conjunction with policies 7.2.1.1 (Establishment of a road classification system), 7.2.1.2 (High trip generating activities), 7.2.1.3 (Vehicle access and manoeuvring), 7.2.1.4 (Requirements for car parking and loading) and 7.2.1.5 (Design of car parking areas and loading areas) seek the safe and efficient operation of the transportation network.
66. Based on the evidence of Mr Carr, I am of the view that the Proposal will generate high traffic volumes resulting in a significant shortfall of parking spaces which is

unable to be accommodated. This raises safety and efficiency effects on the transportation network which will not be adequately mitigated via the proposed Travel Management Plan, and will also give rise to significant adverse amenity effects. Consequently, the proposal will be contrary to the relevant transportation objective and listed policies.

### **Conclusion**

67. While the proposal may be generally consistent (or at least not inconsistent) with a range of objectives and policies of the District Plan, especially in terms of residential activities, I consider the proposal to be inconsistent (and in some cases contrary to) matters regarding:
- a. the scale of non-residential activities;
  - b. the location of the community facilities/activities not being within a location as directed by the District Plan;
  - c. lack of strategic or operational need for the non-residential activities to establish within a residential zone;
  - d. non-residential activities will not be focused on the needs of the local community, but the wider community;
  - e. impacts on the surrounding residential character and amenity;
  - f. minimum average density of 50 households per hectare will not be achieved; and
  - g. the safe and efficient operation of the roading network will be negatively impacted upon.
68. For the above reasons, I consider the proposal will be contrary overall to the objectives and policies of the District Plan.

## OTHER RELEVANT PLANNING MATTERS

69. Other relevant planning documents include the Canterbury Regional Policy Statement (2013) (CRPS) and the NPS-UD.
70. While the CRPS has a focus on regional matters, Chapter 6 (Recovery and rebuilding of Greater Christchurch) focuses on the metropolitan urban area. In terms of residential development, the CRPS seeks the greater intensification of urban areas, with a particular focus of achieving a density of 50 households per hectare within the Central City area and the provision of affordable housing.
71. As discussed throughout my evidence, as a result of the proposed non-residential activities, the minimum average density of 50 households will not be achieved, will limit residential development opportunities in the RCC zone and therefore impact upon housing affordability due to constraining supply.
72. Overall, I consider the proposal will be inconsistent with chapter 6 of the CRPS.
73. The National Policy Statement on Urban Development 2020 (NPS-UD) came into effect on 20 August. As a national policy statement, s.104(1) directs consent authorities to have regard to the provisions of the NPS-UD, subject to Part 2.
74. The policy intent of the NPS-UD is to enable growth within urban environments by requiring local authorities to provide development capacity to meet the diverse demands of communities (by removing overly restrictive rules) while encouraging high quality liveable environments. The NPS-UD incorporates four key strategies, being:
  - a. future development strategy – requiring local authorities to demonstrate how and where they will provide for future development;
  - b. making room for growth – acknowledging the broad range of matters that contribute to a well-functioning urban environment, including requirements for intensification where benefits can be realised;
  - c. evidence for good decision-making – requiring local authorities to gather evidence about the housing market to inform planning decisions;

- d. engagement on urban planning – strengthening need for planning decisions to be coordinated and aligned with infrastructure decisions and encouraging local authorities to cooperate on principles and practices for partnering with hapū and iwi.
75. While the NPS-UD seeks to remove various development constrains, a key outcome remains that urban areas have well-functioning urban environments that enable people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future<sup>21</sup>.
76. While the NPS-UD promotes development, it does not remove the ability to assess adverse effects when they arise. This is reflected in Policy 6 which provides decision makers direction to the matters to consider when making decisions. In my view, the most relevant matters relate to:
- a. the planned urban built form anticipated by planning documents, that give effect to the NPS-UD;
  - b. that the planned urban built form in planning documents may involve significant changes to the area, and those changes may detract from amenity values by some people, but enhance others, and are of themselves not an adverse effect; and
  - c. the benefits of urban development that are consistent with well-functioning urban environments.
77. In regards of (a) and (b) above, they apply in terms of the built form of developments. In this case I note the high level of compliance achieved by the Proposal in this regard.
78. However, in terms of (c), as illustrated throughout my evidence, the Proposal will have adverse effects that will be more than minor, unacceptable, and will not result in a well-functioning urban environment. The existing residential character and amenity of the residential zone will be eroded by the introduction of the large-scale non-residential activities.

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<sup>21</sup> Objective 1 and supporting policy 1 of the NPS-UD.



79. Finally, while the NPS-UD specifies district plans remove minimum car parking rate requirements, effects associated with parking supply and demand are still anticipated to be managed via comprehensive parking management plans<sup>22</sup>. In my view, where parking demand is likely to exceed parking supply, the adverse effects are required to be assessed and if necessary, mitigated via the aforementioned parking management plans. Regardless, as the Proposal is seeking consent as a non-complying activity, any adverse effect is able to be considered.
80. As illustrated in the evidence of Mr Carr, a shortfall of parking spaces will arise, resulting in adverse effects on the safe and efficient operation of the transport network which will not be mitigated via the proposed Travel Management Plan.
81. While the Proposal will not be inconsistent with a range of objectives and policies of the NPS-UD (e.g. housing supply and built form), in my view it will be contrary to the primary outcome sought by the NPS-UD in relation to creating well-functioning urban environments.

#### **SECTION 104(D)**

82. The s.42A report (at paragraphs 68-70) sets out the two limbs of the s.104D test. In particular, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:
- a. Any adverse effects of the activity on the environment will be minor; or
  - b. The application is for an activity that will not be contrary to the objectives and policies of the District Plan.
83. As set out in my evidence, I am of the view that adverse effects on the environment will be more than minor and that the proposal will be contrary to the objectives and policies of the District Plan. Consequently, the proposal fails both limbs of the s.104D test and is unable to be granted consent. However,

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<sup>22</sup> Policy 11 and Subpart 8 – Carparking of the NPS-UD

should the commissioner be satisfied that the Proposal passes the gateway test, I am of the view that consent should be decline regardless.

## **PART 2 OF THE ACT**

84. I agree with the s.42A report that the District Plan is considered the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District Plan. The plan was competently prepared by an independent hearing and decision-making process in a manner that reflects the provisions of Part 2. I therefore agree that no further assessment of Part 2 is necessary.

## **CONCLUSION**

85. While the Youth Hub development incorporates a range of positive effects (sheltered housing, access for youth to healthcare, education, training, employment and co-location of service providers), the scale of the non-residential activities is such that adverse effects on the environment (relating to residential coherence, character and amenity and the transport network) will be more than minor and the role of the RCC zone will be compromised.
86. The general thrust of the planning framework is to provide for residential zones to be dominated by residential activities. While there is provision for non-residential activities to establish within high-quality Central City residential environments, their scale is limited by the rules to mitigate effects on the character and amenity of the residential zone. Furthermore, non-residential activities are required to demonstrate a strategic or operational need to establish within a residential zone. In that context, all 13 of the proposed organisations seeking to establish a presence on site are already established elsewhere and are providing services to the community. There is no demonstrated need for them to be on this particular site.
87. Overall, I consider the proposal will result in adverse effects that will be more than minor and will be contrary to a range of objectives and policies of the

Christchurch District Plan. Consequently, as a non-complying activity, the proposal in my view fails both limbs of the s.104D test and must be declined.

A handwritten signature in blue ink, appearing to read 'J. Scheele', with a long horizontal flourish extending to the right.

John Scheele

Consultant Planner

Resource Management Group Limited

22 September.