

5. PROPOSED PRIVATE PLAN CHANGE 19 ISLINGTON PARK

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Officer responsible:	Programme Manager District Planning
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PURPOSE OF REPORT

1. The purpose of this report is to discuss Proposed Plan Change 19 (PPC19) Islington Park, lodged by Islington Park Limited (IPL) December 2008. The report seeks a decision, under clause 25 of the First Schedule of the Resource Management Act 1991 (RMA), by the Council as to whether it will accept, adopt, reject or treat as a resource consent application the private plan change application. It is the intention to publicly notify the private plan change, depending on the Council's decision.

EXECUTIVE SUMMARY

2. PPC19 seeks to rezone 114 hectares of a former freezing works site located at the corner of Waterloo and Pound Roads to Business 8 zone. The site is currently zoned Business 4 (2 hectares), Business 5 (33 hectares) and Rural (79 hectares). The site lies within the 50dBA air noise contour and is located over the Christchurch City water source known as Groundwater Recharge Area 1 and 1A identified in Variation 6 to the Natural Resources Regional Plan (NRRP). Environment Canterbury Regional Council (ECan) Proposed Change 1 (PC1) 10 December 2009 decisions, Map 1, shows the site to fall within the urban limits as a business greenfield area. Attachments are:

Attachment 1: Proposed Private Plan Change 19 Business 8 (Islington Park)

Attachment 2: Section 32 Assessment

Attachment 3: Site Locality Plan

3. The former Islington freezing works begun operation in 1869 and largely stopped functioning as a freezing works in 1988. The former use of the site has contaminated the land characterised by large refuse pits containing building rubble and organic animal waste. The built area of the site is currently occupied by a small deer processing plant and small industrial activities. The rural land is leased for grazing.
4. PPC19 seeks to include a new Business 8 Zone (B8) to the City Plan. The zone purpose is to enable the creation of a modern business park. PPC19 also facilitates the development of a brown-field site, remediation of significant landfill sites and the improved management of contaminants to ground water.
5. The proposed Business 8 zone is similar to the existing City Plan Business 4 (B4) zone except it introduces additional site specific provisions in relation to the protection of ground water (hazardous substances and contamination), restrictions on wastewater, reverse sensitivity, and levels of amenity.
6. PPC19 contains a single Outline Development Plan (ODP) prepared in accordance with policy 7 (Development Form and Design) and Policy 8 (Outline Development Plans) of Proposed Change 1 (PC1) to the Regional Policy Statement (RPS). PPC19 provides the Council with the discretion to consider all ODP matters through the resource consent process should developments be proposed that are not in general accordance with the ODP.
7. The PPC19 rule package will result in better outcomes in terms of:
 - (a) Groundwater management.
 - (b) Assistance in achieving the City Plan policies relating to business traffic accessing collector and arterial roads rather than local roads.
 - (c) Reducing the potential for residential reverse sensitivity.
 - (d) Limiting the scale and nature of retailing to ensure that adverse distributional effects on existing retail centres do not occur.
 - (e) Enabling a range of activities appropriate for servicing a modern business park.
 - (f) Curtailing additional costs or constraints on the Council network infrastructure.
 - (g) Enhancing bulk and location provisions along the residential zone interface, and improved overall amenity through bulk and location and specific amenity controls.

8. In its appeal dated 4 March 2010, the Council sought the deletion of this site as a business greenfield area on the basis that a sub-region wide review of all business land is added to PC1 decision post its notification. No site specific appeals have been lodged against the Islington Park land. On 12 May 2010 the Council held an extraordinary meeting and resolved to adopt a revised position on its appeal as it relates to business land as per the ECan decision released in December 2009 that effectively accepted IPL land within the urban limits. Conflict between the Council's business land appeal position and IPL has therefore been removed.
9. There are however four issues: traffic; water, urban design; and heritage which concern Officers. These are the timing of intersection upgrades and development, a preference for a connected potable water system, a lack of consistency between plan changes regarding urban design assessment criteria and the lack of potential to ensure adaptive reuse of pre 1900 buildings. Nonetheless, it is considered that these issues are not sufficient grounds for rejecting PPC19.
10. The options for the Committee are to recommend to the Council that the requested PPC19 Islington Park be either:
 - (a) Dealt with as if it were an application for a resource consent (in which case the provisions of Part 6 of the Act would apply accordingly).
 - (b) Rejected in whole or in part.
 - (c) Modified with the agreement of the person who made the request.
 - (d) Adopted in whole or in part, as if it were a plan change made by the Council itself.
 - (e) Accepted, in whole or in part, and that the Council proceed to notify the request, or part of the request.
11. The implications of the options under clauses 24 and 25 of the first schedule of the RMA are as follows:

11.1 Resolve to treat the plan change as a resource consent

- 11.1.1 Under this option the Plan Change is statutorily converted to a resource consent application and is processed by the Council as such. The applicant bears all of the associated costs.
- 11.1.2 A resource consent application is for a specific and highly defined development that does not comply with the standards of the subject zone. It is considered, given the variable nature of the proposed development and the site's large size, that it would be inappropriate to process it as a resource consent application. Development by resource consent application would be inefficient as amended or additional resource consents would be required for minor changes to the activity. It is therefore not recommended that the PPC19 be considered as a resource consent.

11.2 Resolve to reject the plan change

- 11.2.1 There are very limited grounds in the RMA for rejecting an application. A Plan change can be rejected if:
 - (a) It is frivolous or vexatious;
 - (b) The substance of the change has been dealt with by the Council or the Environment Court in the last two years;
 - (c) The change is not in accordance with sound resource management practice;
 - (d) The change would make the District Plan inconsistent with Part 5 of the Act (other policies or plans, such as Regional Policies or Plans); or
 - (e) The District Plan has not been operative for more than two years.
- 11.2.2 PPC19 change cannot be said to be frivolous or vexatious. The applicants have invested significant time and financial resources in preparing the plan change and have made a case for the plan change that warrants consideration in the plan change process.
- 11.2.3 The substance of the plan change has been considered in the last two years as a consequence of the Council's involvement in the PC1 process but not through the District Plan process.

- 11.2.4 Whether the proposed change is not sound resource management practice is another relevant consideration. A number of Council staff have been involved in assessing various aspects of the proposal and no significant or fundamental issues have been raised that would suggest that the proposed change is so inappropriate such that it could be considered not sound resource management practice.
- 11.2.5 The relevant part of the City Plan has been operative for more than two years and this is not a grounds on which to reject the plan change.
- 11.2.6 The matter has been considered through the Greater Christchurch Urban Development Strategy (UDS) and Proposed Change 1 to the Regional Policy Statement processes. The Council has an appeal lodged on the inclusion of additional greenfield land. The Council's appeal is not considered to be sufficient grounds, by itself, to justify rejecting the plan change. Further the appeal as it relates to this site may shortly be formally withdrawn.

11.3 Modify the request

- 11.3.1 The Council may, within 30 working days of the receipt of the plan change request, as a result of further or additional information, commissioned reports, or other relevant matters, with the agreement of the person who made the request, modify the request. In this case the 30 working days have expired and it is not an option open to the Council and no modification was sought.

11.4 Resolve to adopt the plan change and section 32 and publicly notify as though it were the Council's own plan change.

- 11.4.1 Under this option PPC19 becomes a Council plan change. It would be notified, heard and decided the same way as a plan change prepared by the Council, that is, the Council bear all of the associated costs. Adopting the private plan change would mean:

- (a) The Council can control the proposal that is publicly notified;
- (b) Council is indicating the plan change has merit and generally supports the proposal; and
- (c) The Council bears the costs of managing and processing the plan change.
- (d) The proposed plan change must be taken into consideration in the processing of any resource consents, i.e. it holds some legal weight from time of notification.

- 11.4.2 However, adoption of a private plan change application would generally only occur where there is a wider public good flowing from the plan change. A plan change addressing public good would normally be one that addressed an existing city wide or multiple zone wide adverse environmental effect; for example, a change to a bulk and location control that had lead to unexpected adverse outcomes. This private plan change application is a spot zone that facilitates a private development with most economic benefit flowing to the resource users and land owners within the development area. While there would be some public good flowing from the plan change in terms of redevelopment of a degraded brown-field site, employment opportunity and lesser potential ground water effects, these are not considered by officers to be of sufficient public good to the wider community to warrant the adoption of the plan change by the Council.

- 11.4.3 Further, the Council should have no reservations about the content of the plan change. In this case Officers are concerned about aspects of the proposal including traffic and urban design and hold the opinion that adopting the plan change would not be an appropriate option. By adopting the PPC19 the Council would bear the cost of the hearing.

11.5 Resolve to accept the plan change for public notification

- 11.5.1 Under this option PPC19 would be notified in its current form as prepared by IPL. Accepting PPC19 proposal means:

- (a) IPL determines the nature of the plan change that is notified.
- (b) The Council takes on a neutral position on the proposal but is satisfied that PPC19 includes sufficient information to be publicly notified.
- (c) IPL bears the cost of the complete plan change process.

FINANCIAL IMPLICATIONS

12. Should the Council resolve to notify PPC19 there are legal processes which must be followed in accordance with the First Schedule of the Act. This is a standard process that all private plan changes must follow and if the processes are correctly followed, no particular financial risks are foreseen.
13. This is a private plan change and costs are largely recoverable from the applicant. Should the Council resolve to accept PPC19 for notification then the Council can charge the processing costs to the applicant up to the point of any appeals to the Environment Court.
14. There will be costs arising at stages of the private plan change process relating to the preparation of officer reports and a hearing in response to submissions. The scale of costs would depend on the level and complexity of the submissions received.
15. Should the Council resolve to reject PPC19 for public notification it is expected that the decision would be appealed and costs would be incurred by the Council in defending that decision before the Environment Court.
16. Should the Council resolve to adopt PPC19 as its own plan, then processing costs would lie with the Council.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

17. Yes. The 2009/10 budget for the District Planning work programme, adopted by the Council and provided for in the LTCCP, includes funding for processing the change. Funding will need to be included in the 2010/11 work programme because the change will not be fully processed by the end of this financial year.

LEGAL CONSIDERATIONS

18. There is a legal process of notification, submissions, reporting, hearings, decisions and possible appeals which must be followed set out in the RMA.
19. The process, mentioned above, is very familiar to the Council and should create no particular risks or liabilities if followed correctly.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. Aligns with Activity Management Plan for 2009 – 2019 LTCCP – Activity 1.3 District Plan: Prioritised programme of plan changes is prepared and approved by the Council on an annual basis. Processing private plan change requests is a statutory Council process, and as such is consistent with the LTCCP and Activity Management Plans.

ALIGNMENT WITH STRATEGIES

21. Aligns with the decisions on Proposed Change 1 (PC1) to the Regional Policy Statement (RPS) where the PPC19 site is shown within the urban limit as an urban growth area for business activity.
22. The PPC19 site is not included in the South West Area Plan (SWAP) boundary, however future roading connections between the south west and the PPC19 site are shown.

CONSULTATION FULFILMENT

23. Islington Park Limited (IPL) and Officers have discussed PPC19 with the Riccarton-Wigram Community Board on 16 February 2010.
24. Discussions have taken place between IPL and Environment Canterbury (ECan). Meetings have been conducted by IPL with the New Zealand Transport Agency (NZTA), On Track, Transpower and Christchurch International Airport Limited (CIAL) and where possible concerns raised have been addressed in PPC19.

25. IPL have written and made phone calls to Mahaanui Kurataiao Limited (MKT) in 2008 and 2009. No response has been received to date. Officers have also written to MKT to advise of lodgement of PPC19 with Council in May 2009.
26. No direct consultation with local residents has been undertaken by IPL. Residents will have the opportunity to be involved in the process should PPC19 be publicly notified. Positive verbal responses have been received from the adjacent Templeton Golf Course and Fulton Hogan Quarry.

STAFF RECOMMENDATION

That the Council:

- (a) Accept the Section 32 Assessment for the Proposed Private Plan Change 19 Islington Park.
- (b) Accept Proposed Private Plan Change 19 Islington Park for public notification pursuant to Clause 25(2)(b) of the first schedule of the Resource Management Act 1991.
- (c) Note that all associated costs will be borne by the applicant.

COMMITTEE RECOMMENDATION

Councillor Wall moved:

The Committee recommends to the Council that:

- (a) *Accept the Section 32 Assessment for the Proposed Private Plan Change 19 Islington Park.*
- (b) *Accept Proposed Private Plan Change 19 Islington Park for public notification pursuant to Clause 25(2)(b) of the first schedule of the Resource Management Act 1991.*
- (c) *Note that all associated costs will be borne by the applicant.*
- (d) *It note that Paragraph 57 of the staff report is inaccurate and should not be considered in its deliberations.*

The motion was seconded by Councillor Wells, and on being put to the meeting was declared **carried** on Division No. 1 by five votes to one, the voting being as follows:

For (5): Councillors Helen Broughton, Ngaire Button, Claudia Reid, Mike Wall and Sue Wells.

Against (1): Councillor Johanson.

BACKGROUND AND DISCUSSION

Summary of plan change request

27. The Council received the attached proposed PPC19 request in December 2008. The request seeks to rezone the former Islington Freezing Works site located at the corner of Waterloo and Pound Roads to Business 8 zone to allow the development of a modern high-end business park. PPC19 also facilitates the development of a brown-field site, remediation of significant landfill sites and the improved management of contaminants to ground water.
28. The 114 hectare site is currently zoned Business 4 (2 hectares), Business 5 (33 hectares) and Rural (79 hectares). It is also within the 50dBA air noise contour and located over the Groundwater Recharge Area 1 and 1A identified in Variation 6 to the Natural Resources Regional Plan (NRRP). The groundwater in these areas is the principal source of water for Christchurch City.
29. The former freezing works begun operation on site in 1869 and largely stopped functioning as a freezing works in 1988. Brick buildings along the Waterloo Road frontage established in 1889-1890 still remain on site. The applicant holds a certificate of compliance for their demolition. The built area of site is currently occupied by a small deer processing plant and a number of small industrial activities, while the rural land is leased for grazing.

30. The site contains a number of large refuse pits containing building rubble and organic animal waste that has contaminated the land.
31. The site is bounded by Brixton Street and the low density residential suburbs of Hei Hei and Hornby to the north-east. To the north exists a Transpower substation, to the east runs the main trunk railway line and Waterloo Road. And to the west there is a Transpower substation, transmission lines, Pound Road, Rural 5 zoned land (including several rural residences), a Fulton Hogan Quarry and the Templeton Golf Course.

Outline Development Plan

32. PPC19 contains a single Outline Development Plan (ODP) prepared in accordance with Policy 7 (Development form and design) and Policy 8 (Outline development plans) of PC1 to the RPS. The single ODP incorporates green networks, blue networks, and movement networks into the one diagram. The ODP shows elements required under Policy 8 in particular, principal road and rail links, stormwater and open space areas, cycle and pedestrian links integrated with the open space network and setbacks from the transmission corridor. PPC19 provides the Council with the discretion to consider all of these matters through the resource consent process should developments be proposed that are not in general accordance with the ODP.
33. Future road network improvements, are enabled by the ODP, including the extension of Halswell Junction Road (as shown in SWAP) and the realignment of Pound Road (a proposal currently being investigated by NZTA). The location of the open space network forms an effective amenity buffer between business and residential activities.
34. IPL has a subdivision consent lodged with Council for development of the existing Business zoned portion of the site which is consistent with the proposed ODP.

Rules Package

35. The proposed B8 zone is similar to the existing City Plan Business 4 (B4 Suburban Industrial) zone. PPC19 proposes additional site specific provisions in relation to the protection of ground water (hazardous substances and contamination), restrictions on wastewater, reverse sensitivity, and levels of amenity.

Contamination

36. PPC19 rules provide for mitigation of adverse effects associated with potential onsite contamination by properly capping contaminated areas to prevent rainwater percolation through contaminated soil, and the instigation of a monitoring programme. Capping works are not economically viable under the present Rural zoning. The proposed change, in zoning the balance of rural land presents an opportunity to improve the existing situation.

Groundwater Protection

37. The site lies over Groundwater Recharge Area 1A identified in Variation 6 in Environment Canterbury's Natural Resources Regional Plan. Groundwater in lowland Canterbury is largely contained in a system of unconfined, semi-confined and alluvial aquifers. The groundwater in these areas is the principal source of potable water for the confined aquifers that supply Christchurch City with water. Groundwater is vulnerable to contamination, particularly from land uses over the aquifer and from the cumulative effect of land uses occurring in the groundwater catchment. The Christchurch Groundwater Recharge Zone is the principle recharge zone for the confined aquifer system beneath Christchurch. It has been divided into zones 1, 1A and 2. Substantial areas of land within 1 and 1A have very thin soils over highly permeable gravels, and all this land is underlain by very shallow groundwater. Consequently, the groundwater in Zones 1 and 1A are particularly vulnerable to contamination from land uses activities. While Zone 1A is vulnerable appropriately designed urban activities that will have minimal effects on the groundwater can be established.
38. Activities which have the potential to contaminate groundwater will not be able to be established in the B8 zone given the proposed rules package. Rules include restrictions on categories of hazardous substances, not permitting underground storage of hazardous substances by setting very low quantity threshold levels for the use and storage of such substances both on a site and zone wide basis. The manufacture of hazardous substances in the zone would be subject to

non-complying activity status. The proposed rule package is more restrictive than the current zone provisions in terms of the use and quantities of hazardous substances allowed on site under the current B4 and B5 zoning. The proposed changes result in a significantly better outcome in terms of groundwater management than the current mix of heavy industrial uses and contaminated rural areas.

Traffic

39. The rules package prevents vehicle access to the site from Brixton, Wilson and Mortlake Streets to ensure and maintain levels of amenity appropriate to residential areas. Individual site access from Pound Road is also restricted to protect its arterial function. The new rules will improve the current situation and assists in achieving the City Plan's policies relating to business traffic accessing collector and arterial roads rather than local roads.

Reverse Sensitivity

40. The site is located near to long-established noise-generating activities as described in paragraphs 29 and 32 above. Proposed business uses enabled by PPC19 are not defined as noise sensitive activities in either the City Plan or Variation 4 (Revised Ldn 50dBA Air Noise Contour for Christchurch International Airport) to the RPS. The proposed rule package is explicit that no residential activities will be permitted as of right, including not providing for caretaker units in association with business activities. The rule seeks to avoid reverse sensitivity effects associated with noise sensitive activities within the 50dBA air noise contour.
41. PPC19 more efficiently and effectively meets the objectives of both the City Plan and the RPS in terms of restricting the location of residential activities in locations where such uses could give rise to reverse sensitivity issues. The exclusion of residential units is an improvement on the current mix of rural and B4-B5 zoning where approximately 19 dwellings are permitted as of right in the rural portion of the site, and where residential activities are permitted in association with any established business in the existing business zones.

Retail and Office Activities

42. The standard B4 rule package for retail and office activities will apply to the PPC19. The B4 zone limits the sale of goods produced, processed or stored on the site. The zone provides for permitted activities that include trade suppliers, yard based suppliers and food and beverage outlets as these activities are not considered to have significant adverse effects on the function and amenity of the central city and district centres. The rule package therefore limits the scale and nature of retailing to ensure that adverse distributional effects on existing retail centres does not occur, whilst still enabling a range of activities (including offices) appropriate for servicing a modern business park.

Water Supply, Wastewater and Stormwater

43. PPC19 will enable the establishment of *dry* business activity, with water and trade waste requirements being limited to little more than servicing staff tea rooms. The infrastructural capacity of the existing freezing works site, means that the site as a whole can be readily serviced from the existing capacity within the Business zoned portion of the site. There is no need for Council funding or wider network upgrades. To avoid the need for additional capacity, the proposed rule package includes restrictions on average daily sewage flows.
44. IPL commissioned water supply report discusses two options. The first would use a central storage reservoir with enough storage to serve the whole development while meeting fire fighting requirements. This option is feasible because existing water take consents and bores are in place and permit an adequate water take to service the entire 114 hectare site if redeveloped for business purposes and the site has an existing reservoir that could be utilised and/or supplemented into which water from the bores is pumped. If this option is adopted by IPL then IPL will develop and fund the internal system. The Council for its part does not support this option since it assumes that the private and isolated system will pass to the Council for adoption and operation.
45. The second option discussed in the report is connection to the Council west water supply zone. Both the commissioned report and the Council prefer this option. This option would be fully

funded by IPL since the Council has no immediate plans to upgrade the existing mainline system. A new water supply pump station in Wilmer's Road is planned by the Council to boost the operating pressure in the western water zone meaning the flow requirements for the developed proposed B8 zone could be met. However this will not be completed until 2013 at the earliest. The Council is more likely to accept vesting of a connected water system that would include upgrading of the B8 zone internal water distribution system.

46. PPC19 contains no rules specific to water supply and moreover the section 32 report (paragraphs 8.34 and 8.35) do not commit IPL to one or other water supply option. Other rules limiting the storage of hazardous substances will insure that activities on the site are limited to *dry* industrial activities.
47. Stormwater will be managed on-site through a combination of swales and soakage basins. This combination of methods will result in no additional volume entering the wider Council-controlled drainage network beyond the site and will ensure that groundwater effects from stormwater systems are minimised. IPL have recently been granted a notified resource consent by ECan for the discharge of stormwater to ground in association with the subdivision of the existing Business zone area of the site.
48. The inclusion of the site within the urban limits will not therefore place any costs or constraints on the Council network infrastructure, unless a future water connection required, and there are no infrastructural reasons for delaying the development of the site for business purposes.

Bulk and Location

49. The B4 plot ratio standard of 1.0 will apply to the B8 zone. The plot ratio is the relationship between net floor area of building and the net site area. The proposed plot ratio is more restrictive than the 1.5 that currently applies to the B5 zoning.
50. The current B4 rules will apply to the Living zone boundary interface with Brixton, Wilson and Mortlake Streets. Within 50 meters of the Living zone boundary, height will be limited to 15 metres as a development standard (restricted discretionary activity if breached) and 20 metres

as a critical standard (non-complying activity if breached). The proposed rule will ensure that building height near to residential boundaries will be no greater than that currently permitted by the B4 zoning. For the balance of the zone, a height limit of 20 metres is proposed as a development standard. This height limit is based on the potential future demands of large distribution centres that may require a stud height of up to 20m to accommodate modern stacking technologies. In considering the proposed height, it is noted that the existing B5 land is not subject to any height limit.

51. The standard 6 metre building setback for the B4 and B5 zones is to be applied to the road boundaries to ensure that adequate space is provided for landscaping. This provision is more restrictive than the current business zone rules that enable the building setback to be reduced to only 1.5 metres where a site has more than one road frontage. A 5 metre building setback and recession plane (height to boundary) control applies along the boundary with a Living zone. It is noted that with the provision of the northeastern greenspace buffer area (approximately 50 metres wide), it is not anticipated that any business-related buildings will be located close to the boundary with a Living zone.

Visual Amenity

52. As with the B4 zone, office and showroom/retail areas are to be located along the street frontage as one method to ensure a good street scene and appearance. Two modifications to the standard rule apply for the B8 zone. Where a site has frontage to both Pound Road and an internal road, offices/showrooms should face the internal road as Pound Road is a limited access road where individual sites will not be permitted direct access. The second exception is to enable some flexibility with office location where sites share a boundary with the proposed open space areas. Open space areas provide a high level of amenity and will provide an attractive outlook for office users while also improving the views from the open space areas and allowing passive surveillance.

53. The B4 zone 10 per cent landscaping requirement is proposed. This is an increase over the 7.5 per cent that currently applies over the B5 area. Two minor amendments are sought to the landscaping rules for the B8 zone. The first is to increase the usual requirement for a minimum average width of the front landscape strip from 0.6 metre to 3 metres deep to ensure adequate space is provided for good quality landscaping and tree planting. The second change is to introduce flexibility regarding the location of landscaping by enabling the balance of the 10 per cent minimum (in included on the 3 metre frontage strip) to be allocated in front of buildings on the site and along internal boundaries (where visible from a public place). This enables landscaping to be allocated along the side boundaries adjacent to driveways or carparking areas that are often highly visible from the road. No changes are proposed to the rules relating to tree planting with exception of an amendment regarding tree planting beneath the Roxburgh-Islington 220kV electricity transmission line where the height of trees planted within the transmission corridor to be no higher than 10 metres.

Amenity

54. The City Plan noise, glare, and excavation and filling standards for the Business 5 zone are considered the appropriate set of standards given the site's isolation and buffering from residential neighbours (relative to typical B4 zones). Noise and glare along the boundary with more sensitive zones e.g., Living or Rural zones, the more restrictive zone standard applies, that is, at the boundary with the Living zone, business activities need to comply with the Living zone standards. Any dust and vibration effects experienced during construction will be controlled through the subdivision and building consent process. PPC19 promotes *dry* industrial activities and it is not anticipated that such activities will result in adverse odour effects as manufacturing processes which more typically results in odour will not be able to establish. Overall the level of amenity protection currently enjoyed by nearby landowners will not change, whilst enabling more flexibility for business activities located well within the B8 zone. The PPC19 site is located outside of the ground lighting and aircraft safety area where consultation with the Civil Aviation Authority is advised.

The South West Area Plan (SWAP)

55. The SWAP specifies desired goals for development of the South West. There is a high degree of correlation between PPC19 and the relevant SWAP goals. While not within the south west area, the site does immediately adjoin this area. In particular PPC19 is consistent with the following SWAP provisions:

- Goal 9 seeks to: *Provide business environments that are resource efficient, diverse and support the local economy and community.*

Provision has been made for convenience facilities for workers through a note on the ODP and its associated assessment matters, as well as some office and retail activity through the rules package. The Business 4 zoning will be a *dry* industrial zoning which encourages activities such as warehousing. The activities will be *dry* because of the ground water recharge issues and the NRRP discussed above.

- Goal 11 seek to: *Provide a transportation system that gives priority to active and energy-efficient ways of travel and minimises its effects on the environment.*

The plan change introduces transportation network requirements into the ODP. Provision is made for multiple modes of transportation including, walking, cycling, public transport, private car and heavy goods vehicles. The network has been designed to give opportunity for all modes of the transport enabling a viable choice for employees between motor vehicles pedestrians and cycle travel within and outside the development.

ISSUES

56. Notwithstanding the above discussion, there remain four issues requiring additional comment so that the Council is aware of potential issues associated with PPC19 and to suggest that each shall be a matter raised in the Council officer section 42A hearing reports for consideration by the Committee. These matters, however, are not alone considered grounds for rejecting PPC19. The four matters are:

- (a) Traffic – intersection upgrades
- (b) Water

- (c) Urban Design
- (d) Heritage – design and appearance, and historical context.

57. It is the Council's preference not to make submissions on plan changes. It may be the case that no submissions are received on these four matters. This does not raise any difficulty with matters of scope for a Committee or a Commissioner when considering a private plan change (Clause 10 Schedule 1 of the Act) and when making a decision on a private plan change (Clause 29(4) of the Act). Neither clause constrains consideration and decision to submissions. That is to say matters of scope, or being out of scope, are not relevant at the Committee stage of the process and therefore a Committee or a Commissioner may give consideration to matters raised in a section 42A report.

Traffic

58. The upgrade of two key intersections/roads is shown on the ODP, the Halswell Junction Road extension and the Pound Road re-alignment. Council traffic engineering officers, the Riccarton/Wigram Community Board and NZTA have also identified that there are existing levels of service problems in terms of delays and safety at the Barters Road/Main South Road intersection just south of the site. PPC19 contains no information when these intersections require upgrading, other than that IPL consider their development does not necessitate the upgrades of these intersections when fully developed. IPL have however, allowed for upgrading by a third party (the Council or NZTA) in the future to deal with wider network issues not associated with their proposed activities.
59. The two significant intersection and road upgrades are on a 10 year horizon for the Council and NZTA and therefore do not coincide with IPL's more immediate development timetable. The work is not currently budgeted for in the LTCCP or by NZTA.
60. Council traffic engineering staff are concerned that if development should proceed before the intersection upgrades occur, increased traffic volumes will add to the existing delays and safety problems at the Barters Road/Main South Road (SH1) intersection. Staff consider that development will also cause large numbers of heavy vehicles to travel through the immediate residential area to get access to Main South Road via the signalised Halswell Junction Road intersection. Officers consider that the upgrades are required once a certain limited development threshold is met on the site. Rather than deferring a physical portion of the B8 zoning until the intersections are upgraded, the staff's preference would be a threshold linked to the amount of developed Gross Floor Area (GFA) permitted on site as the issue relates to traffic generation not location of the land.

Water

61. As noted in paragraphs 45-47 above, IPL has not committed itself to a preferred option, being either onsite storage and use of water from existing bores, or connection to the Council western water zone when that is possible. The Council continues to hold the opinion that the site must be connected to its western water system once upgraded and that costs for onsite distribution upgrade and connection lies with IPL. The Council does not support an isolated, independent water supply system.

Urban Design

62. IPL has developed their own urban design code which provides for design and appearance of any new building within the proposed B8 zone. Approval for building design is restricted to IPL by way of covenant on Certificates of Title. PPC19 does not include the design code. The issue for Officers is that IPL can remove the covenant without Council approval and if the design code remains external to the City Plan this will create an inconsistency with the Plan Change 5 (PC5) a Council initiated plan change that includes discretionary activity design and appearance standards for Business 7.

The current bulk and location and landscaping standards proposed for PPC19 do not give Council the broader discretion to assess building design as in PC5. It is acknowledged however, that the proposed standards provide an approved amenity outcome over the existing industrial Business zones in the City Plan by way of:

- Increased setbacks and reduced heights in relation to Living zones.
- Increased landscaping on road frontages.
- Location of offices in relation to the street and open spaces.
- Screening of outdoor storage areas.

63. Without acceptance from IPL to include a design and appearance assessment rule and associated criteria within the private plan change, officers continue to hold the above opinion and will seek to advance this via a section 42A report.

Heritage

64. The proposed plan change explains that the brick buildings on site dating from 1890 (and identified in the SWAP heritage study as worthy of protection under the City Plan) may be adaptively re-used as part of the sites development. However, no commitment is made to this in the proposed rules package. Unfortunately the buildings are not listed in the City Plan or by the New Zealand Historic Places Trust Pouhere Taonga (NZHPT). However, given the pre-1900 human activity the site is considered an archaeological site under the Historic Places Act 1993 and an archaeological authority will be required from NZHPT prior to any earthworks taking place.
65. The urban design and landscape advice received from officers is a preference that buildings are re-used to retain the important historical context of this site. Officers are aware that the applicant holds a Certificate of Compliance (CoC) for their demolition which can not be overturned via a change in the City Plan provisions. The CoC will lapse in December 2013. NZHPT are aware of PPC19 and the CoC and may advocate for the retention and re-use of the buildings during the submission period should public notification be recommended.

Proposed Change 1 to RPS

66. On 4 March 2010, the Council lodged two appeals against ECan's decision on PC1 which was released in December 2009. Both the joint appeal with Waimakariri District Council and the Council's own sole appeal in particular, has been the subject of much mediation. On 12 May 2010 an extraordinary meeting of the Council was held to determine the outcome of the mediation and a modified position on the matter of appeal will be put to the Environment Court on 26 May 2010. The modified position has been accepted by all members of the UDS Partnership, including ECan.
67. The relevance of the modified appeal position is that PPC19 Islington Park is now no longer inconsistent with the Council appeal position whereas initially it was. Islington Park is now within the urban limits and accepted as a business greenfield area by the Council.

THE OPTIONS

68. **Option 1**

Resolve to accept PPC19 Islington Park and section 32 assessment for public notification pursuant to Clause 25(2)(b) of the first schedule of the Resource Management Act 1991.

69. **Option 2**

Resolve to adopt the plan change and publicly notifying it as though it were the Council's own plan change pursuant to Clause 25(2)(a) of the first schedule of the Resource Management Act 1991.

70. **Option 3**

Resolve to reject the plan change pursuant to Clause 25(4) of the first schedule of the Resource Management Act 1991.

71. **Option 4**

Resolve to deal with the plan change as if it were an application for resource consent pursuant to Clause 25(3) of the first schedule of the Resource Management Act 1991.

THE PREFERRED OPTION

72. Option 1 is the preferred option.