

Independent Hearings Panel

Christchurch Replacement District Plan

Te paepae motuhake o te mahere whakahou a rohe o Ōtautahi

Christchurch Replacement District Plan

CHAPTER 21 (STAGE 2): SPECIFIC PURPOSES ZONES

TRANSCRIPT OF PROCEEDINGS

Heard at: Christchurch Plan Independent Hearing Venue
348 Manchester Street, Christchurch

Date: Commenced 3 November 2015

Hearing Panel: Sir John Hansen
Mr Stephen Daysh
Mr John Illingsworth

APPEARANCES
DAY 2 – 4 NOVEMBER 2015

<MICHAEL SYDNEY OLIVER, sworn	[10.01 am]	147
<EXAMINATION BY MR CHAPMAN	[10.02 am]	148
<RE-EXAMINATION BY MR CHAPMAN	[10.08 am]	151
<THE WITNESS WITHDREW	[10.09 am]	151
<PENELOPE LEMON, affirmed	[10.09 am]	152
<EXAMINATION BY MR CHAPMAN	[10.09 am]	153
<CROSS-EXAMINATION BY MS SCOTT	[10.20 am]	157
<RE-EXAMINATION BY MR CHAPMAN	[10.28 am]	162
<THE WITNESS WITHDREW	[10.30 am]	163
<PETER HARDING	[10.42 am]	170
<PETER HARDING WITHDREW	[10.57 am]	178
<BRYCE CARTER	[10.58 am]	179
<BRYCE CARTER WITHDREW	[11.24 am]	190
<ROBERT CHARLES NIXON, sworn	[11.24 am]	191
<ROBERT NIXON WITHDREW	[11.35 am]	198
<NEIL GRAHAM GOW, sworn	[12.01 pm]	201
<EXAMINATION BY MS ELLIS	[12.01 pm]	202
<THE WITNESS WITHDREW	[12.08 pm]	205

EXHIBITS

EXHIBIT 1 – Proposed Permitted Activity Rule 155
EXHIBIT 2 – Car Parking Plan 163

DAY 2 – 4 NOVEMBER 2015

[10.01 am]

5 SJH: Yes, good morning, thank you. Yes, Mr Chapman?

MR CHAPMAN: Yes, onto Mr Michael Oliver's brief of evidence so if the witness could be called please.

<MICHAEL SYDNEY OLIVER, sworn

[10.01 am]

<EXAMINATION BY MR CHAPMAN

[10.02 am]

MR CHAPMAN: Good morning. Your full name is Michael Sydney Oliver?

5 MR OLIVER: That is correct.

MR CHAPMAN: You have prepared a brief of evidence for this hearing dated 15 October, 2015?

10 MR OLIVER: That is correct.

MR CHAPMAN: You are currently the campus services manager, at the University of Canterbury?

15 MR OLIVER: That is correct.

MR CHAPMAN: And in that role, you are effectively in control of the car parking spaces at the University?

20 MR OLIVER: That is correct.

MR CHAPMAN: Do you wish to make any changes to your evidence?

25 MR OLIVER: One minor change is the part which says that “the two month parking period for January/February” it should actually read “December/January”, so it is a typing error within the evidence.

SJH: Okay, thank you.

30 MR CHAPMAN: Do you otherwise confirm your evidence?

MR OLIVER: I do.

35 MR CHAPMAN: Would you please give some highlights and then answer any questions that the Panel, or anyone else, may have.

40 MR OLIVER: So my role at the University of Canterbury is to control the parking and to assist with the planning of car parking regulations statutes and part of what I do is to forward plan the car parks and the space and arrangements that we use. So since the earthquakes there has been some really radical changes within the University of Canterbury in the way parking is provided and supplied.

45 With the destruction of a lot of the infrastructure at the University we have had to utilise the full site for teaching and learning and that has meant that all space within the University has now become timetabled

and so we are now driven in terms of parking by the demand of the colleges themselves and where they supply the teaching. An instance of that is the Engineering, it is slightly heavier at Dovedale and so we utilise all of the facilities at Dovedale.

5

In terms of charging, we charge probably two rates, one for students and one for staff. That is the staff full year rate is \$396.70 and the student full year rate is \$264.50 which is just over a dollar a day for the parking. We have some short term charges of \$2.50 an hour in our pay and display car parks for visitors and one day coupons at \$7.50 an hour.

10

This year we have been trying to do a number of experiments to assist people with the way that they park. One of those is we used to have full staff and student car parks separated, now we have put them together because people are moving around the campus differently the car parking space is a little bit out of sync for what the requirements are.

15

[10.05 am]

20

So we have utilised our car parks in a capacity of being able to use them for both staff and students and visitors, as opposed to just students or staff, as they used to be.

25

We have also put in an additional car park this year for contractors and that cost us \$500,000 for 86 car parking spaces. That is a requirement because we have a large number of contractors coming onto site at the moment so we are trying to sort of maximise our parking space for them.

30

And on the other side the stuff as well, we are attempting to or have this year run an experiment for free parking at the Dovedale campus for contractors. So the intention of that was to do a car share scheme where they could drop each other off and actually utilise the car park, we put 80 car parks aside for that that were free to contractors. Nobody used it so we have taken that back out again. So that is the basis of my evidence.

35

SJH: Thank you.

40

MR ILLINGSWORTH: Thank you. Good morning, Mr Oliver. I am not sure if in the evidence there is a plan of the parking currently at the University, do you know is there?

45

MR OLIVER: I haven't seen a current one, no, not with this evidence.

MR ILLINGSWORTH: Okay.

SJH: Perhaps that is a matter, Mr Chapman, that between you and Ms Scott can be put in, by consent, to assist the Panel?

5

MR CHAPMAN: Very good, sir.

SJH: Is that acceptable, Ms Scott?

10 MS SCOTT: Yes, sir.

SJH: Thank you.

15 MR ILLINGSWORTH: Yes, that would help, thanks. How many parks are available and how does that relate to student FTEs?

20 MR OLIVER: So in terms of car parks available there are 3,000 on the University. Student FTEs at the moment, I think the student FTE at the moment is running at around about 14,000, that is head count. If you take an FTE, the FTE would be lower.

MR ILLINGSWORTH: Thank you. In your paragraph 12 you talked about the most heavily used car parks, which ones are they?

25 MR OLIVER: The most heavily used car parks are actually the ones in the centre of the Ilam campus and they are tending to be the Erskine or Science car park, they are close to the staff offices so they fill up first. Most of our car parking space we are not running to capacity or anywhere near it. You can always get parks on the Ilam campus, there is no issue with parking.

30

MR ILLINGSWORTH: Thank you. That is all my questions.

SJH: Thank you. Mr Daysh?

35

MR DAYSH: Is there any issue with parking in the other campuses?

40 MR OLIVER: No, there is no issue. We have about 24 to 27 car parks depending on how you number the car parks. There are a number of car parks utilised by staff that tend to be quite small, those car parks will fill up by staff fairly early on. The larger car parks, namely Fine Arts, USCA, the Law car park, there is always capacity within those car parks always.

45 MR DAYSH: Thank you.

SJH: Anything arising, Mr Chapman?

<RE-EXAMINATION BY MR CHAPMAN [10.08 am]

5 MR CHAPMAN: Just one matter, it will come through in terms of the plan that we send in, but just to get the information on the table, what is the split of the 3,000 car parks between Dovedale and Ilam, at the moment?

10 MR OLIVER: So there is roughly 600 at Dovedale and the remainder on the Ilam campus.

MR CHAPMAN: Thank you.

15 SJH: Thank you. Thank you, Mr Oliver, you may stand down.

MR OLIVER: Thank you.

<THE WITNESS WITHDREW [10.09 am]

20 SJH: Yes, Mr Chapman?

MR CHAPMAN: We are now onto the University's last witness, which is Ms Lemon.

25 SJH: Thank you.

<PENELOPE LEMON, affirmed

[10.09 am]

<EXAMINATION BY MR CHAPMAN

[10.09 am]

MR CHAPMAN: Good morning, your full name is Penelope Helen Lemon?

5 MS LEMON: Correct.

MR CHAPMAN: You have prepared a brief of evidence, dated 15 October, for this hearing?

10 MS LEMON: I have, yes.

MR CHAPMAN: Participated in caucusing?

MS LEMON: Yes, oh, mediation.

15

MR CHAPMAN: Mediation, apologies, yes, and do you wish to make any changes to your evidence?

[10.10 am]

20

MS LEMON: Yes, two changes. The first is at paragraph 4(c) where I refer to Dr Carr's evidence it should state 20 October and not the 15th. The second is at paragraph 25 and the reference should be to appendix 1 and not appendix 2.

25

MR CHAPMAN: That is in the second to last line, is it?

MS LEMON: Yes, it is.

30 MR CHAPMAN: Apart from those two changes do you confirm your evidence?

MS LEMON: I do, yes.

35 MR CHAPMAN: Just in relation to the issue that the Panel has been currently hearing about, about car parking. were you in Court yesterday?

MS LEMON: Yes, I was.

40 MR CHAPMAN: Are you aware of any proposals that have come through in terms of an amendment to the car parking rule?

MS LEMON: Yes, I received an email from Mr Falconer this morning with a proposal about how car parking rules could be worded.

45

MR CHAPMAN: You are working cooperatively with Mr Falconer in respect of the way that rule may be framed?

MS LEMON: Definitely, yes.

5

MR CHAPMAN: Thank you, would you please give a summary first and then answer any questions.

MS LEMON: Yes, happy to. Thank you, good morning. I will now provide a brief overview of the three key matters which remain in contention for UC and CPIT being the Sale of Alcohol at Dovedale, the definition of site and building modulation. I will also cover off the use of student accommodation by third parties and the landscaping rule which I am now in agreement with Ms Dixon on.

10
15

With regards to the Sale of Alcohol, UC is at odds with Ms Dixon about the activity status of the sale and supply of alcohol at the Dovedale campus. In my view it is appropriate to control the sale and supply of alcohol in proximity to residential areas but it is unclear why a higher non-complying threshold has been set for the Dovedale campus than for any other site in the city including the balance of the UC campus. I believe that this matter is able to be controlled by the general sale of alcohol rule as a restricted discretionary activity.

20

With regard to the definition of site, UC and CPIT are at odds with Mr Falconer regarding the definition of site. UC and CPIT seek to include the general city-wide standards within the stage 2 definition which introduced clause G rather than exclude them. This would mean that the rules would apply across the UC site and the CPIT site as a whole. The key implication of this is the application of the car parking requirements.

25

30

The other implications that I am aware of are the application of noise rules where a site is divided by a road and it shall be treated as a separate site. The length of time temporary buildings can remain on a site. Where exterior lighting is able to be directed at an access on a particular site. Temporary earthquake activities on a particular site, however I believe that these may fall within the built form standards which are exempt by the definition. And the sale of alcohol rules which apply to any site within 75 metres of a residential zone. I understand that this will not be affected by the newly proposed earthworks rules as the ratio is per hectare not per site however that is subject to the current earthworks hearing.

35

40

Given that the implications on the other general city-wide rules in the plan will be of little consequence whether they are located on one site

45

5 or three I retain the position set out in my evidence. I recognise the intent behind splitting the car parking on the UC campus per site however it is impractical to implement. As per the decision on chapter 7 car parking in the Specific Purpose Tertiary Education zone is calculated on FTEs and assessed on an annual basis. In my mind this recognises that UC operates as one site not three standalone sites.

10 The fluid nature of the University campus as detailed by Mr Oliver makes it difficult to apportion car parks for FTEs per site and this is exacerbated by the ever changing location of activities as part of the repair and rebuild programme. Yesterday the Panel asked that UC, CPIT and Council attempt to resolve this matter and I am willing to take part in further discussions with Mr Falconer on this.

15 With regards to building modulation there is a scope issue here which has been highlighted by Mr Chapman. That aside Ms Schroder and Mr Jolly consider it appropriate to control building modulation of large buildings adjacent to site boundaries within the Specific Purpose Tertiary Education zone.

20 Taking their advice on board I have considered possible measures to address this. A permitted activity would reduce reliance on consenting and I have prepared a draft permitted activity rule for the Panel's consideration. This is based on parameters advised by Mr Jolly earlier in this process and I have copies here for distribution.

[10.15 am]

30 MR CHAPMAN: Just before you proceed, perhaps they should be handed up now and produced as an exhibit so that people can see what you are saying.

35 SJH: They should be an exhibit. So we have had an exhibit and then we have lost it because the bundle now will be treated as an attachment to your legal submissions so this will be exhibit A, thank you.

40 We have used numbers in previous hearings, haven't we, Ms Scott, for exhibits? There is no one else here to help me and my own lack of memory.

MR CHAPMAN: Certainly in one other hearing that I have been in you have been using numbers.

45 SJH: Yes, will make it exhibit 1, thank you.

EXHIBIT 1 – PROPOSED PERMITTED ACTIVITY RULE

MS SCOTT: That detail slipped my mind, sir, I am not sure.

SJH: Yes, carry on, Ms Lemon.

5

MS LEMON: Okay, thank you. While the permitted activity controls continuous building length it is a blunt and prescriptive method and does not control matters relating to grain. **(ph 1.24)** Therefore if the Panel believes that there is no scope issue I consider that to address the matters raised by Ms Schroder and Mr Jolly a controlled activity rule would have merit.

10

With regard to the use of student accommodation by a third party, I agree with the addition of activity standard P4B proposed in the blue line version of Ms Dixon's rebuttal strengthens the rule. UC and CPIT agree with this wording and I believe that P4 is appropriate.

15

With regards to landscaping rule 21.7.2.3.6(b) Ms Dixon details that Council are able to develop a template for written approval and that this would be submitted at the time of building consent. In my view this would alleviate uncertainty around the process and I am comfortable with this.

20

One final point I wish to note, and it is more of an administrative matter, is that matters of discretion 21.7.3.3(a) traffic issues have been reinstated into the chapter in Ms Dixon's blue line version. The note references that the insertion relates to the mediation report however I believe this relates to the Specific Purpose School zone. It is unclear whether these matters of discretion relate to a rule in the Specific Purpose Tertiary Education zone or whether they relate to a rule in chapter 7.

25

30

With regard to the balance of the matters in the Specific Purpose Tertiary Education zone I retain the position set out in my evidence and have nothing further to add.

35

SJH: Thank you.

MR CHAPMAN: Just to be clear on that administrative matter, what you are seeking from the Panel is the deletion of the reference to traffic, is that correct?

40

MS LEMON: Yes, unless there is a clear reference to a rule but I can't see that there is.

45

MS SCOTT: Sir, I can respond to that. I understand that there is a minor error in the mediation report hence why that is in that version, it needs to be excluded or taken out and we will do that in the version that we file attached to our closing legal submissions.

5

SJH: Okay, so that resolves the issue.

MS SCOTT: So thank you for raising that.

10 SJH: Thank you very much.

MS SCOTT: Sir, just a question for you, in terms of the issue of site, with your leave I won't ask any questions about that because those discussions are going on in the background and in the Council's view they are capable of resolution.

15

SJH: Yes, there is just one issue in that, just give me a moment to talk to the Panel members.

20

Yes, we are on the same page, I just wanted to check that first. We are struggling a little bit to understand why the University is being treated separately from the rest of Christchurch in a sense from that definition in G. I think that is a matter that it would be helpful to the Panel if that could be addressed by Mr Chapman and yourself in your closings, which I am sure you were going to anyway, but it is the actual rationale as to why the University is somehow different from other large campus type organisations around the city.

25

MS SCOTT: Yes, sir.

30

SJH: Now, that that may be something we have overlooked and it may our lack of understanding but it would be helpful to us if that could be addressed.

35 MS SCOTT: We will do that to assist the Panel.

SJH: Thank you.

MS SCOTT: Thank you, sir.

40

SJH: Now, go ahead.

<CROSS-EXAMINATION BY MS SCOTT

[10.20 am]

45 MS SCOTT: Okay, so first of all just the modulation rule, thank you for proposing the permitted activity. You have in your summary helpfully

highlighted that you are to take on the expert advice of, for example, Mr Jolly, and you were here yesterday when he gave his evidence, were you not?

5 MS LEMON: I was, yes.

MS SCOTT: And he confirmed his statement, which he signed in the joint witness agreement, about the need for a design matter regarding the length of continuous building. And did you also hear him confirm, in
10 in response to questions from Mr Daysh, that his preference for it was for a controlled activity, not a permitted activity?

MS LEMON: Yes.

15 MS SCOTT: And one of the concerns with the permitted activity status would be that it does not encourage innovation and choice, I think the words you used this morning, was that a permitted activity rule is “blunt and prescriptive”?

20 MS LEMON: Yes.

MS SCOTT: Okay, in terms of fairness which has been raised and is a legal issue, I just have a couple of questions for you from your perspective as a planner. In terms of the fairness issue, who is the party that is
25 affected by the inclusion of a rule of this nature?

MS LEMON: Do you mean the zones to which it applies, so the University and CPIT?

30 MS SCOTT: Yes.

MS LEMON: Yes.

35 MS SCOTT: So just the University and CPIT?

MS LEMON: In terms of who are covered by the Specific Purpose Tertiary Education Zone, yes.

40 MS SCOTT: Yes.

MS LEMON: Just the two parties, yes.

45 MS SCOTT: And in terms of adjacent land owners they would in fact get a better outcome given the inclusion of the rule?

MS LEMON: I believe so, yes, noting that there is no requirement for written approvals and notification in the rule that has been drafted by Ms Schroder.

5 MS SCOTT: Okay, so the University and the Polytechnic you would agree are not denied an affective opportunity to participate in the drafting of this rule given that you are here and of course Mr Jolly was here yesterday giving evidence?

10 MS LEMON: Correct, and we are happy to continue to work with Council if may be.

MS SCOTT: Thank you. Okay, just moving now to sale of alcohol. You would agree that it is not uncommon to have rules in the plan limiting
15 the hours of an activity?

MS LEMON: Agreed.

MS SCOTT: And that the Dovedale site is unique from the other University
20 sites because it is completely surrounded by residential housing?

MS LEMON: In that respect, yes, but there are the other campuses are surrounded in part by residential.

25 MS SCOTT: Yes, and have you read the submissions of Jennifer Melton, Helen and Allan Cook, Lynette Hardie Wills, Mark and Susan Shepard and the Ilam-Upper Riccarton Residents Association?

MS LEMON: I have yes.
30

MS SCOTT: And they of course seek that the sale, or supply of alcohol, on the Dovedale campus be a prohibited activity?

MS LEMON: Mm'hm.
35

MS SCOTT: And how have you taken those submissions into account in your recommendation, that restricted discretionary is appropriate?

MS LEMON: I address that in my evidence In my view prohibit activity is
40 used very, very sparingly in a land use planning context, and typically it is an activity that is so far removed from the objectives of the plan, it is completely inappropriate, and in my view that is not the case for Dovedale.

45 MS SCOTT: And Ms Dixon agrees with that view, does she not?

MS LEMON: I believe so, yes. I think that was in her evidence, yes.

5 MS SCOTT: And do you accept Ms Dixon's evidence, on the stand yesterday, that the Council's provisional local alcohol policy does not limit the sale of alcohol near residential areas, such as the Dovedale campus?

MS LEMON: I am not overly familiar with the provisional local alcohol policy but I believe so, yes.

10 MS SCOTT: Accepting that evidence would you agree that that differentiates the Dovedale campus from the likes of Victoria Street?

15 MS LEMON: I think Ms Dixon noted yesterday that Victoria Street was an exception because it is within the central city and subject to a different set of rules.

MS SCOTT: And that is referring to the central City Recovery Plan, and there is a test, and extra test there that any provisions within the central city not be inconsistent with the Central City Recovery Plan?

20 MS LEMON: Mm'hm.

MS SCOTT: Okay, if the Panel accepts Ms Dixon's recommendation for a non-complying rule, would you agree that it would be good planning to specifically exclude the Dovedale site in chapter 6 in rule 6.9.2.2.3?

25 MS LEMON: If that was accepted, yes. And it would be useful for clarity.

MS SCOTT: Thank you Ms Lemon, no further questions.

30 SJH: Thank you.

MR ILLINGSWORTH: No questions for me.

35 MR DAYSH: Thank you very much, Ms Lemon. I would like to ask you some questions about the proposed controlled activity rule around modulation and how it might in a similar way to an outline plan under a designation. So to start with the set of questions, is the University site designated in the District Plan?

40

[10.25 am]

MS LEMON: No, neither is CPIT.

45 MR DAYSH: So there is no designation?

MS LEMON: No.

MR DAYSH: So the need to rely on the zoning provisions for those requirements?

5

MS LEMON: Yes.

MR DAYSH: Right. Hypothetically a lot of education facilities and these sorts of institutions are designated, is that your understanding?

10

MS LEMON: Schools, yes..

MR DAYSH: Yes?

15

MS LEMON: Mm'hm.

MR DAYSH: Okay, in that case we have a public work or a large institution that is designated, there is an outline plan requirement for assessing details of works, is that your understanding?

20

MS LEMON: It is, yes.

MR DAYSH: In the 176A of the RMA?

25

MS LEMON: Mm'hm.

MR DAYSH: Are you familiar with the use of outline plan procedures?

30

MS LEMON: Personally I have not prepared or processed an outline plan, but I am familiar with the provisions of the act around outline planning.

35

MR DAYSH: I would like to read you two sections of that, the outline plan process and just ask you some questions about that. So under an outline plan it must show the height, shape and bulk or the public work project for work, and the location on the site of the public work, project or work.

MS LEMON: Yes.

40

MR DAYSH: That is what the outline plan is required to put in. And there is a process where the owner of the land discusses with the Council, and the Council is in an opportunity to look at those plans and make comments and seek changes?

45

MS LEMON: Yes.

MR DAYSH: Okay. So would you think that type of process, or do you see the controlled activity process, which is not notified, which is put in by the University or the Polytechnic, discussed with Council experts, looking at these sorts of details, do you see any difference in general terms between that process and what organisation taking advantage of designation outline plane procedures would be required to do?

MS LEMON: Perhaps the Council has more of a role; perhaps there is more of an even playing field between the Council and the applicant rather than the requiring authority.

MR DAYSH: Right, but any other different in terms of just approach and opportunity and the way the planning design process would operate?

MS LEMON: The fact that the Council is able to make comments, but it is the requiring authority can choose to adopt those or not, rather than through a consent process.

MR DAYSH: So you see that there is a - - -

MS LEMON: The Council would make the decision.

MR DAYSH: The Council makes a decision here whereas the other cases are requiring authority control. So that is the key difference?

MS LEMON: I believe so.

MR DAYSH: So would you agree it is a similar type of process?

MS LEMON: Yes, I can see the parallels.

MR DAYSH: Okay, thank you very much.

SJH: Thank you. Anything arising Ms Scott?

MS SCOTT: No thank you, sir.

SJH: Mr Chapman?

40 <RE-EXAMINATION BY MR CHAPMAN [10.28 am]

MR CHAPMAN: Just two questions arising from Ms Scott's questions. You were asked firstly, in reverse order, the issues of the concerned residents that Ms Dixon had expressed relating to the sale of alcohol in the University community.

5 From a planning perspective, if one imposes a more restricted regime on the Dovedale site, but the balance of the city operates under a restricted discretionary regime do you think the stricter control is going to cure the issues that residents may have with alcohol in the vicinity of the University?

MS LEMON: Well in my reading of the restricted discretionary rule, their matters of discretion are very comprehensive. So in that case, no.

10 MR CHAPMAN: And that is a notified process potentially; residents would be able with respect to a restricted discretionary application?

MS LEMON: Correct, I do not believe there is any clause in the plan that limits notification of that rule.

15 MR CHAPMAN: Now if we can just to your urban design rule, I will all it. You asked you who would benefit from this rule effectively, and I think your response was, "it is for the SPTE zone", it is directly applicable solely to that zone, not necessarily to the residents. Did I understand you correctly in terms of your response?

20

MS LEMON: Well the rule would applicable to the zone, is that you question

25 SJH Thank you Ms Lemon, you may stand down.

<THE WITNESS WITHDREW [10.30 am]

SJH: That is the evidence for the University?

30 MR CHAPMAN: Yes, that is the evidence, sir. Just two comments to make just to make sure that we are all on the same page. I am going to supply a current car parking plan so that you can see exactly where it is as **(INDISTINCT 0.28)**

35 SJH: It will have to be run past Ms Scott first to get that agreement, that is the only - - -

MR CHAPMAN: Yes, I can introduce that by consent with Ms Scott. Secondly, just in closing - - -

40 SJH: I will just deal with that now and say we will treat that as Exhibit 2 when it comes in.

45 EXHIBIT 2 – CAR PARKING PLAN

MR CHAPMAN: Very good, sir.

SJH: Just for the record.

5 MR CHAPMAN: In closing I am simply going to answer your question in relation to what the rationale of signalling out the University with respect to these car parking rules and thirdly - - -

10 SJH: Well it was the broader question of the impact of removing that, from the definition in G, for the other matters that Ms Lemon mentioned.

MR CHAPMAN: Yes.

15 SJH: Although there was no cross examination around that so I presume it is accepted that it is relatively minor.

MR CHAPMAN: Correct, sir, yes. And thirdly, to the extent that we are able to craft a rule, I will also put that in. I see no reason that that cannot be put in my end of the week, sir, it is relatively close to being settled.

20 SJH: Good. I take it you would avail yourself of filing written submissions?

MR CHAPMAN: I had not intended to, I have made a quite intensive opening but I am **(INDISTINCT 1.40)**

25 SJH: Well you do not need to, you can just address those issues, but I am just wanting, because you are finished, rather than wait around for the rest of – oh no, I am sorry, you have got some further cross examination, my apologies. We can come back to it later on.

30 MR CHAPMAN: But I think my closing, sir, will be entirely restricted to those matters that I have just talked about with you now and **(INDISTINCT 1.59)**

35 SJH: I was going to just suggest a timetable of submitters closing, whatever form it takes, by close of business Friday and the Council by say, Wednesday of next week, Ms Scott?

MS SCOTT: Yes, that is fine, sir, that sounds reasonable.

40 MR CHAPMAN: That is fine.

SJH: All right, well I will so order now, so that is on the record.

MR CHAPMAN: Very good, sir.

45

SJH: Thank you.

MR CHAPMAN: Thank you.

5 SJH: Now, Mr Leckie, you have got your opening. My understanding is, like
the Hospital Board, you have reached agreement on all issues.

MR LECKIE: Yes, sir, that is correct.

10 SJH: So you can address us and speak to your submission then.

MR LECKIE: Thank you, sir. Hopefully the Panel has got a copy - - -

15 SJH: And I take it in that circumstance you **(INDISTINCT 2.44)** close in any
event?

MR LECKIE: No, I do not intend to do a closing, sir.

SJH: Thank you.

20 MR LECKIE: So as you mentioned, there is no outstanding evidential issues
so these submissions just address a point of scope that has come up
through evidence.

25 Submissions are on behalf of two submitters, Pegasus Health and Nurse
Maude. For the benefit of those who may not know, Pegasus operate
the Bealey Avenue Surgery, they have been operating that since 1989
and that is by way of resource consent. The facility has become a
significant metropolitan health facility in Christchurch. In order to
30 reflect that, Pegasus sought the Specific Purposes Hospital zoning at
Stage 2 and then participated in the mediation process, and Mr Blair for
the Council has agreed with that subject to the scope point which I will
- - -

35 SJH: There is an ongoing discussion, is there not, about the re-siting of the
Pegasus 24-hour Surgery at the moment?

MR LECKIE: Yes, and Pegasus have a submission on Stage 3 on a different
problem.

40 SJH: Right.

45 MR LECKIE: Yes. Nurse Maude, a separate submitter, they are also a
charitable organisation who provide a range of aged care, hospice,
Pinnacle Services and off-site health services. So they are located in
Merivale and there are three components to their site, two of them are
side by side and one, which is 28 Mansfield Avenue, is across the road.

5 The McDougall Avenue sites are already Specific Purpose Hospital zoned and the 28 Mansfield Avenue site, Nurse Maude have sought that zoning in their Stage 2 submission and they have also engaged with Council on that at Stage 2 and Mr Blair for the Council has agreed with it, so those two re-zonings are included in the redline version, subject to the scope point.

10 So in his evidence Mr Blair considers there may be scope issues in relation to the Pegasus Health submission as it relates to Stage 1 land that was not challenged by way of submission in Stage 1. He also considers that there may be scope issues with the Nurse Maude submission in relation to 28 Mansfield Avenue, as Nurse Maude at Stage 1 did support the Medium Density Residential zoning, which was a Stage 1 matter.

15

[10.35 am]

20 But in my submission the scope issues do not arise in relation to either submission as the Specific Purpose Hospital zone was not notified until Stage 2, at which point both Nurse Maude and Pegasus have submitted on it, and neither Nurse Maude or Pegasus are raising Stage 1 issues at Stage 2. The Stage 1 Residential zoning will still apply in relation to non-hospital activities on those sites.

25 So I propose to skip across the **(INDISTINCT 0.41)** reference there because I know you have heard that several times.

30 So moving to paragraph 16, with a multiple staged plan review process a submitter cannot assess which provisions are the most appropriate until they have had the opportunity to review the multiple notified proposals. It is my submission that a staged plan review process should not create arbitrary scope issues which result in the exclusion of parties from the process because they could not pre-empt something that came at a later stage.

35

40 At paragraph 17 I note that Nurse Maude identified this potential issue in their Stage 1 submission and specifically made a note that they felt they needed to make a Stage 1 submission but were reserving their position in respect of Stage 2 because they had not seen those provisions yet.

45 I consider that there was no scope at Stage 1 to rezone either of these sites to Specific Purpose Hospital zone as there was no notified proposal to submit on. The scope to do so only arose in Stage 2 when the Specific Purpose Hospital zone was notified, at which point both submitters made a submission.

5 The scope of the Specific Purpose Hospital zone is wide. It includes all the rules, objectives and policies and the planning maps, and the objective of the zone is to enable hospital development, which is exactly what these two submitters are doing.

10 I submit that the submissions definitely meet the first (**INDISTINCT 2.09**) of the test, is they fall within the ambit of the proposal, being the appropriateness and application of the Specific Purpose zone across Christchurch.

15 In relation to the second (**INDISTINCT 2.19**) those with a potential interest in the re-zoning have had the opportunity to participate. No party has made further submissions in relation to either of the submissions and unlike a one-off plan change proposal with was the (**INDISTINCT 2.37**) situation, this Replacement Plan process has been well publicised and is well-known in the community.

20 Pegasus Health already operate their facilities at Bealey Avenue, and as Nurse Maude and the Mansfield property is currently a Nurse Maude car park, so it is a logical extension to their main operation. And in that sense, neither submission points come out of left field, to borrow the term from the (**INDISTINCT 3.05**)

25 So I will just pull that together and submit that I consider both limbs of the test are met as the submissions are on the Stage 2 Specific Purpose Hospital zone. Neither part contest the underlying Residential zoning which has been heard at Stage 1 and that would apply for non-hospital activities.

30 And lastly, the addition of the Stage 2 Hospital zoning will not replace that zoning and Nurse Maude and Pegasus both support it.

35 SJH: Thank you. Thank you, Mr Leckie and you may be excused.

MR LECKIE: Thank you, sir.

40 SJH: We are well ahead of schedule. Could you just see if Mr Harding is outside, he was sitting in the back and we may bring him forward.

45 Just take a seat. Mr Harding, we are ahead of schedule and there are a couple before you who have not turned up yet. Are you in a position to go ahead?

MR HARDING: Absolutely.

SJH: Just one question, your submission was lodged as a statement.

MR HARDING: Yes.

5 SJH: Do you in fact want to give evidence or just rely on your statement?

MR HARDING: No, I will just make a statement.

SJH: All right.

10

MR HARDING: I am happy to be asked questions on it.

[10.40 am]

15 SJH: Well, you can only be asked questions if you go into the witness box and are sworn.

MR HARDING: Yes.

20 SJH: And I know there is an application to cross-examine which was a bit premature because there was no evidence to cross-examine on - - -

MR HARDING: Yes, yes.

25 SJH: - - - but that is completely your choice, you - - -

MR HARDING: No, I just make a statement.

SJH: All right, thank you.

30

MR HARDING: So you ready now, or?

35 SJH: Yes, but I think it is only fair to warn you that in general, tested evidence with questions carries more weight with the decision making body - - -

MR HARDING: Yes.

40 SJH: - - - than a straight submission, and I think I have explained that previously.

MR HARDING: Yes, you have. I guess in answer to that, my technical expertise is limited and I rely largely on assistance from colleagues who are far more learned than myself.

45

SJH: No, I just want to make plain that that is the position, but it is entirely your choice.

MR HARDING: I understand, thank you.

5

SJH: All right, thank you.

MR HARDING: So - - -

10 SJH: Right, you just go ahead when you are ready.

MR HARDING: Okay. Can you hear me okay?

SJH: Yes, we can, thank you.

15

<PETER HARDING

[10.42 am]

MR HARDING: Okay. So my name is Peter Harding, I am the Chairman of the Ilam and Upper Riccarton Residents Association, I am a Commercial Pilot by profession, so I will basically just be reading from my notes.

5

The university has a very large presence in the area, represented by IURRA. Its activities, accordingly, have the potential to have marked impact in our area.

10

Whilst the university activities on the Ilam campus date back to the 1970s – and at the Dovedale campus from 2007 – I believe that the ownership of the Dovedale site is measured only in weeks. Prior to this, the site was owned by the Department of Education.

15

My point being that as far as the residents and the Council are concerned, until the Dovedale site has been viewed as a separate entity from the two other campuses.

20

The university's modus operandi is to be commercially focused as Dr Carr's evidence has highlighted. We believe therefore that the rules in the District Plan have to be mindful of this commercial imperative and the directions this might take the university in its future.

25

The range of permitted activities in the proposed District Plan is anomalously wide for a commercial organisation, given the equally wide range of impacts that could eventuate.

30

The university's activities status: whilst some of the activities in the plan definition of tertiary education and research activities are clearly part of the core educational function of the university, others such as the provision of bars, are not, although the latter may be from a university commercial standpoint.

35

In order that some degree of control can be maintained over the scale and form of the non-educational functions, whilst not impeding the university's core education function, we have sought in our submission to have those non-core activities re-categorised as discretionary.

40

The Definitions of Site and Ancillary: These definitions are central to IURRA's submission, so if I may I would like to quickly traverse the issue.

45

The definition of site has been carried over almost in-total from the current City Plan. In doing so a small drafting error has been made that could have significant ramifications across the city, not just in the area covered by IURRA.

This matter has not been addressed by any of the Council evidence, rather than repeat it here, may I refer to you to the evidence of IURRA presented in June.

5

SJH: Could you just give us a cross-reference to the paragraph or something like that, are you able to do that?

MR HARDING: I should be able to – it is my statement of evidence of - - -

10

SJH: Was that in the Residential 1 Hearing?

MR HARDING: Statement of evidence Peter – chapter 2, definitions.

15

SJH: Right.

MR HARDING: And if you go to the appendices, it is about the seventh page in.

20

SJH: Yes.

MR HARDING: Is that sufficient, and is that the – the page is headed “Site”.

SJH: Thank you.

25

MR HARDING: Thank you.

Okay. IURRA have also recommended that the word “contiguous” be included with respect to parcels of land in the definition of “site”. The Council has argued that this may cause problems for schools, however, we wish to point out that by not including “contiguous”, the plan is out of line with other plans around the country. For example, the Auckland Unitary Plan, and I think if you use the same reference that I just gave you, in that appendices there is a copy of the Auckland definition there.

30

35

In the case of the university the matter is complicated by the interrelated definition of “ancillary”. The Council maintains that this matter is settled, but we beg to differ, in that the current proposed definition has been derived specifically for industrial and commercial sites.

40

[10.45 am]

The inappropriateness of the definition currently proposed by the Council, in the university’s case, is demonstrated by the requirement that the retail sale of goods from a site be restricted to those that are

45

produced on the site. Does this mean that the university can only sell books on the campus, if the books are produced on the site? This is clearly nonsense in the university's case.

5 While these may seem small points, the Council's current definitions of "site" and "ancillary", together with the very extensive nature of the combined campuses, could permit concentrations of ancillary activities of considerable scale and which are significantly geographically isolated from the activities which they are supposedly ancillary to.

10 Although not exactly the same, the issues with respect to the location of parking – discussed by Mr Falconer in his evidence on behalf of the Council – provides an example of the sorts of issues that might arise. Accordingly, IURRA has provided a definition of ancillary in its evidence which we believe overcomes these issues.

15 Built form: the rules relating to built form are clearly critical to the impacts of buildings and landscaping on the surrounding environment, they are therefore of considerable interest to IURRA. Accordingly, we have made a number of submissions on the propose rules. But rather than repeat them here, we will defer to and fully support the statement presented by Mr Carter who will be following me.

20 One point I would like to raise, however, relates to the site coverage at the Dovedale campus. Dr Carr and Ms Lemon on behalf of the university note I relation to the Dovedale campus that and I quote: "Currently with temporary village included, the site has just under 37 percent coverage."

25 Ms Lemon goes onto say that increasing the permitted site coverage at Dovedale from 40, to 45 percent, would provide scope for redevelopment of the site. I could facetiously argue, so would increasing to 50, 60, or whatever-percent.

30 However, given the Dovedale Village occupies about 10 percent of the site, then when it is noted by the university, it is removed in 2018. Site coverage will then fall to 27 percent, according to their figures. At this juncture should the university wish to add further buildings then there is still 13 percent of this large site available for development before the current City Plan maximum of 40 percent coverage is breached.

35 That is the university already has capacity on the Dovedale site to further significant developments without the need for increasing the present City Plan limits.

45

The university presents no evidence to support its proposal neither does the Council in proposing the change. We believe that in the face of there already being considerable scope for further development from the site, the maximum coverage should remain at 40 percent.

5

And I would add that the fact that none of us have seen the plan or proposals from the university of what they intend to do, we are all boxing at shadows really, we have no idea.

10

Student Accommodation: The university has sought to allow the use of student accommodation by persons other than those associated with tertiary education and research activities. This is not permitted under the current City Plan, although the university has not always complied with this prohibition.

15

Ms Lemon on behalf of the university and Ms Dickson on behalf of the Council, have both addressed the matter in their evidence.

20

Ms Lemon has revised the university’s proposal with respect to the non-student use of the accommodation, such that it should be a permitted activity provided it complies with the following and I quote: “Use of student accommodation by persons not related to the tertiary education and research activity for a period of up to 30 days, when the accommodation is not required by the tertiary education and research activity.”

25

30

IURRA opposes the original university submission on the grounds that the proposal is far too vague and would open up a range of possible future uses for the accommodation that were neither envisaged by the proposed plan or by the residents in the surrounding area.

35

Whilst the university now appears to have acknowledged the vagueness of the original proposal and have apparently attempted to rectify the issue, we continue to oppose the proposal as it remains almost as vague as previously. For example, what does a period of 30 days represent; Per person, per bedroom, per accommodation block? The whole university or what? And what does the phrase, “When the accommodation is not required by the university” actually mean? Who will determine the veracity of the latter and so on?

40

[10.50 am]

45

I suggest that such a loosely drafted rule would almost inevitably lead to creep in what is permissible and indeed could lead to the conversion of student accommodation into the likes of a hotel, workers’ accommodation or a backpacker’s hostel, and the like.

5 Ironically, in her evidence for the university, Ms Lemon says in response to an IURRA submission to restrict the use of ancillary facilities for students as being again, and I quote, “difficult to implement”, yet the university is implying the reverse with its proposal for the use of student accommodation.

10 I suggest to you that the university’s two stances are contradictory. Accordingly, IURRA opposes the university’s proposal.

15 Alcohol: The area has a long history of experiencing alcohol related anti-social behavioural problems. The matter of the local supply of alcohol is, therefore, of significant interest to the area’s residents. As we have noted previously, IURRA agrees that this is not a matter that can be directly addressed by the plan. However, in reality the more readily available alcohol is, the more likely it is that problems will occur.

20 Accordingly, IURRA viewed both the proposed plans and the university’s proposal for the sale and supply of alcohol on the Dovedale Campus with considerable concern borne of practical experience. We are somewhat perplexed by the matter of the sale of alcohol in the Dovedale Campus, being of such apparent importance to the university, it is one of the few matters in relation to the planned rules specifically raised by Dr Carr in his evidence.

25 We are unable to understand what the relationship is between education and the need for sale of alcohol on the camps. Do students really need to buy alcohol at 7.00 am in the morning or throughout the day before they head to lectures?

30 I gather that Mr Carter will also be addressing this issue of the sale and supply of alcohol, so as with our submissions on the built form, we are in full support of the points raised and the solutions requested in Mr Carter’s statements with respect to the supply and sale of alcohol.

35 Thank you.

40 SJH: Thank you, Mr Harding. Just on that last point, Mr Harding, and your concerns around student behaviour is probably mirrored in every university city in New Zealand, much more so in Dunedin than anywhere else I suspect, because we don’t seem to have the same level of couch burning here, as they have there.

Is land use management the proper way to address this? Isn't the real issue the existing law around alcohol is not being properly enforced, would that be a fair comment?

5 MR HARDING: I certainly take your point, but I guess our position is that, as I said, up until a matter of weeks ago this was Education Department land and up until now, in the 20 years I have lived in the area, it has not really been an issue, it has been a site that was occupied by day, was empty by night – you could hear the birds twittering by night – now
10 there will be potentially a complete role reversal for that site, and whilst I think Mr Chapman said yesterday – or I think he might have implied that it is one big site and the university has managed it for a long, long time.

15 In our eyes it is not case, it is actually quite new to the university. We have been there a long time. We have a certain expectation, I guess, of its use and what the university is proposing is to turn it right on its ear. In terms of student alcohol behaviour, I guess – I mean my son is 18, he will be going to Canterbury next year, I am not naïve as to how
20 young people behave – but if we can mitigate this in any or every way possible, that is what we are endeavouring to do.

SJH: The Dovedale development comes out of earthquake needs really, does it not?

25

MR HARDING: Yes, but I guess it is a little bit of a mystery to all of us at this point what the proposals are for that site and - - -

SJH: You heard the evidence regarding the master plan?

30

MR HARDING: Well, I guess I am talking about the master plan. You see, to date, as a Residents Association, the master plan will be the third proposal that I, as Chairman, will have seen. The first one was pretty much thrust upon us and we were told, pretty much without
35 consultation, that there was going to be an accommodation block built on the car park and they could do it and they would do it.

[10.55 am]

40 The second one was a bit more humane, where they offered three proposals or plans as to how they anticipated developing the site and they invited community consultation, which was a pretty clever way of doing it and the community pretty much suggested which one they liked, but now they have all be cast aside and they are developing a
45 new one, so I guess I am a little cynical as to what the newer one might look like.

SJH: But you understand the scale of the problems faced by the university, the total consequence upon the earthquake?

5 MR HARDING: Totally, but there is an element of - - -

SJH: Not, “we are living in a new world”?

10 MR HARDING: Absolutely, but we are also living in a world of new opportunity and I am a little concerned that the commercial imperative that the university has, because obviously it is another source of income which they desperately need, and I accept that, but I am a little concerned that the wording with regard to ancillary type activity lays open a whole new group of opportunities which totally changes the landscape, as I were.
15

SJH: All right. You understand what we need to grapple with, although it is seldom put in these terms, but what we really need to balance is the public interest to the university, as against the private interest of residents.
20

MR HARDING: I understand completely, and I feel similarly conflicted, as I say my son is going to university, I want to see it prosper.

25 SJH: Right. Look, just one other question, and maybe I have to put it to Mr Carter, but Mr Carter’s statement or his wife’s statement has IURRA across the bottom of it.

MR HARDING: Yes.
30

SJH: Is he some representative for your organisation?

MR HARDING: He is a member of our organisation, yes.

35 SJH: Well, a number of the paragraphs are very similar to yours. I just want to understand, is it an individual submission or is another submission on behalf of your organisation?

MR HARDING: Yours is an individual submission, definitely.
40

SJH: So we can delete the IURRA reference on it?

MR HARDING: Yes, you can.

45 SJH: Even though there is a little bit of plagiarism one way, or the other.

MR HARDING: Yes, I am sorry if that is confusing.

SJH: All right, thank you.

5 MR HARDING: We are small, but we try to work close together.

SJH: I understand that and I understand the need for it.

MR HARDING: Yes, thank you.

10

SJH: All right, thank you very much, Mr Harding. As with your previous evidence, you have taken a very responsible stance to what are difficult issues.

15 MR HARDING: Thank you.

<PETER HARDING WITHDREW

[10.57 am]

20 SJH: Mr Carter? Now, you heard the exchange we had about evidence, do you wish to give evidence or a statement?

MR CARTER: I think I will give a statement.

25 SJH: All right, that is fine. You have a PowerPoint presentation you also wish to give?

MR CARTER: I do.

30 SJH: Yes, all right. Do you want to do that before you may your statement, or if you work through it, that will be your statement?

MR CARTER: Yes, sir, it reinforces and highlights points out of the statement.

35 SJH: All right, well, go ahead, thank you.

<BRYCE CARTER

[10.58 am]

MR CARTER: Okay, my name is Bryce Carter, I am making a submission on behalf of Toni Carter, we are residents of Solway Avenue in Ilam, neighbours of the former Ministry of Education College of Education site, which is more latterly the University of Canterbury's Dovedale Campus.

With the Panel's permission, I will take my statement as read and elaborate on the key points as we go through. As you have said, I have also prepared a PowerPoint presentation in support of the statement.

My apologies for leaving IURRA on the bottom footer of the page; we started from the same base document and as you will note I only changed the footer on the first section and neglected to do so on the latter ones.

So many of the issues raised in this submission are also raised and addressed in more detail in the IURRA submission, and I just want to record our full support for the points raised and the solutions requested by them.

In the same, the University of Canterbury is a large development, both in terms of footprint and staff numbers, it is disproportionate with other activities in the area. It has the potential for significant impacts on the amenity and values of the surrounding community. It is particularly so for the Dovedale site, which is a smaller site, it is surrounded by residential areas, and is surrounded as a result of the Ministry of Education's developments on the periphery, so they develop residential land on the periphery of Dovedale, which meant it is surrounded by residential areas.

As you have heard from previous evidence, Dr Carr's evidence, the university now operates in a fiercely competitive environment where financial viability is an imperative.

[11.00 am]

And when these commercial pressures are combined with a rather broad definition for permitted activities, under the Special Purpose Tertiary Zone, and particularly with respect to ancillary activities, there is a potential for significant impacts on the adjacent community.

In the case of the Dovedale site that has been exacerbated by the change in ownership from the Ministry of Education to the university and the corresponding change in land use from a College of Education to a university campus.

We feel it is therefore important that a balance is maintained between the university of Canterbury's development plans and the positive impacts that come from those development plans but that is balanced with the impact on the adjacent community.

5

It should be noted that we support and encourage the ongoing development of the university, and our submission is not about limiting their development plans, but simply to ensure the development plans consider the community and have a positive impact on the community.

10

I would like to talk very briefly about the issue of site, and the concept of a single site comprising geographically separate parcels of land is, in my view, overly complicated and inconsistent with the best practice in the country. It may also have significant implications for ancillary activities in other zones and could be used in a way that is not envisaged at the moment.

15

For example, perhaps the university might seek to develop a campus in the central city, perhaps in conjunction with another tertiary provider, and then arguably provide car parking at Ilam for that same site.

20

I think it sort of goes beyond what would be a common or normal interpretation of site to have a single site which is geographically separate.

25

We support the concept of a simplified definition of site comprising a physically contiguous area of land to avoid these inconsistencies and align with best practice.

30

I will talk about the built form, certainly a key issue for us. So the Operative Plan identified the Dovedale site and it had a number of quotes around it in terms of the description and purpose of park-like setting, more modest of the university, limited impact on the surrounding Living 1 zone, and building scale and development comparable with the surrounding Living zones.

35

And that is the environment that many of us bought into that area in, with an expectation that the development would be generally in line with what was included in the Operative Plan. Notwithstanding that, the objectives and policies of the Proposed Plan still call for the site to have regard for the amenity and character of the surrounding environment and minimise adverse effects on the neighbouring amenity. That may have been changed slightly in the later versions.

40

The maximum building height on the Dovedale campus will have a significant impact on the adjacent properties, both in terms of

45

overlooking those properties, restricting sunlight, and visual dominance.

5 So as the IURRA submission has alluded to, in April 2014 the university, in conjunction with Jasmax, produced and undertook consultation on a proposed development plan for the Dovedale site. This outlined design principles, including stepped building heights, shown in the top left hand corner, green belts adjacent to residential on the top right hand corner, and a number of other principles.

10 They then subsequently confirmed that the optimised retention option out of that was their preferred option for the Dovedale site and advised residents of that at a public meeting in June 2014. In my opinion the Jasmax document is a sound approach to the design of the Dovedale campus and reflected a good balance between the proposed development and the interest and effects on the adjacent landowners and community. I would say as well it provided a great deal of comfort to the community that the university was taking that balanced approach.

20 And perhaps if we just go through a couple more of the slides of that, I guess it was maintaining car parking around the periphery. This is the campus edge character, the description from that document, the type of development we would expect on the campus edge.

25 Again a strip identified around the periphery of the Dovedale campus and the type of environment we would expect there, and then I guess the question then comes to what is in the current Plan, and the current Plan allows for a 20 metre, five to six floor building to be built within 30 15 metres of the boundary with the majority of existing mature trees removed.

[11.05 am]

35 And what I have done there is tried to take photos of similar scale buildings at a similar distance.

SJH: Well that is the new Justice precinct, isn't it?

40 MR CARTER: Yes, it is the Justice precinct, yes.

SJH: Which covers almost an entire city block/

45 MR CARTER: Yes. And I have just written up Mr Jolly's comment there that I am comfortable that the combination of recession plane setbacks

and maximum heights will result in minimal effects on the surrounding residential zone.

5 And I guess my feeling is that that statement does not stand up to scrutiny when you observe the scale of buildings that can be expected under the proposed plan.

10 I guess what we are looking for is for the university to show some integrity with the consultation they undertook with the public and to see that entrenched in the statutory documents, in the Plan, in a way that the residents and the university can move forward with confidence.

15 The university itself has examples of good and bad building practice – sorry I should say there that is just perhaps a comparison of what was in the university plan at the bottom and perhaps what might be allowable under the Proposed District Plan at the top.

20 The university has examples of good and bad building practice and I just wanted to highlight one that I felt was an example of good urban design, good building practice, where lower, smaller scale buildings towards the road boundary mask larger scale buildings at the back, and you can just see poking over the top of those two-storey buildings in the front a four-storey building at the back which most people going past would never know was there, but by stepping the building heights they have been able to create an environment, a streetscape which is not dramatically inconsistent with the adjacent zones, and in my view created a positive urban design outcome.

30 I felt the university had a great opportunity through the District Plan to embed the Jasmex proposal and provide certainty for both residents and the university and I think it is very disappointing that they have not taken the opportunity to do that.

35 So the relief we are seeking is to have a very simple rule; a stepped building height at the periphery of the campus, 15 metre setback, maintaining 15 metre setback, eight metre building height with 40 metres to the road boundary and a 14 metre building height between 40 and 60 metres of the road boundary.

40 And to perhaps show graphically how that might look, the blue line is not quite but in some cases what was in the draft plan, the yellow line is what is currently proposed, obviously subject to the modulation condition, the red line is what I am suggesting would represent a better outcome for the community. And I must say it is not inconsistent with most of the development on the university at the moment and also perhaps a good urban design outcome for the city.

45

If we move on down, the second issue I wanted to address was the sale of alcohol and it has already been canvassed by a number of people.

5 So the notified plan seeks to make the sale and supply of alcohol between 11 pm and 7 am a non-complying activity, as opposed to the city-wide rule.

10 I guess the social problems associated with alcohol and associated with tertiary drinking are fairly well established, in that drinking is an intrinsic part of university life, often presented as more of a defining feature than academic work. Hazardous drinking rates are very high, higher than the norm in society, and it is also associated with - - -

15 SJH: Well the norm in society, or the norm in the age group?

MR CARTER: I probably have not been into that research in enough extent to make a comment, but I guess - - -

20 SJH: I would be surprised, and this is not expert, but I would be surprised if young carpenters or young plumbers drink less than young students. That is the point I am trying to make. They are just concentrated together. Accepting all you say about the hazardous levels and that which I suspect most of us went through and survived – and some did not. But it is that they are gathered together and concentrated that is the issue I suspect, is it not, would you think that is fair?

[11.10 am]

30 MR CARTER: I would agree with that comment, yes. And of course the research shows that academic performance tends to drop as a result of those hazardous drinking behaviours.

35 But I guess from our point of view we are more interested in the community impact, and I have referenced a – sorry, probably a couple there now, two more – referenced some research from the university itself, Heywood's (ph 0.27) research, 2012, which looked at the impact on school-age children, of university drinking, with the quote that we "Can't go anywhere because there are like drunk people and bottles and stuff".

40 And Heywood's comment that, inclusion that – based on the children's comments, that the abuse of alcohol by others restricts children's freedom to enjoy local public spaces.

45 SJH: Just pause a minute, if you would. Yes, carry on.

MR CARTER: I think, you know, given the harm that it causes, and I think Peter has already alluded to this, it is not clear that the sale and supply of alcohol should be regard to ancillary to tertiary education. But I think there is just genuine community concern for the social problems associated with alcohol consumption will be transferred into the residential communities surrounding the Dovedale site, and particularly with the unique nature, which we have already discussed, being surrounded by residential areas.

Perhaps to give an example, and again the timing, 7.00 am to 11.00 pm, includes the time when children are travelling to and from school. Dr Carr's evidence talked about the possibility of cultural events, and in fact I think he was talking about after 11.00 pm.

But of course we recently experienced the university's Tea Party, which was subject to a bit of media coverage, and the precursor to that was drunken students flouting liquor bylaws, mixing with primary school students walking to school.

Now, that is an existing situation and I would make the point, too, that immediately following this – so this is students opposite a primary school. Immediately following that there was a case of students urinating on the fence opposite the school. And I guess that is the sort of behaviour that we are trying to limit in our community – already existing there but will be exacerbated, or potentially exacerbated, by moving the point of sale of alcohol perhaps some 500 metres closer to that community.

I am not sure if that is what Dr Carr is referring to, but I guess the – I do not see any cultural value in that and it is not something we want to see in our community. The more readily available the alcohol is, the greater the problems that we – centred around the point of source.

I think in terms of alcohol sale, it is governed by the District Plan and maybe that is not a – there is no single solution to solving alcohol problems in our community but the fact of restricting locations I think is a well-established mechanism around the country, both for on and offsite licences, to restrict the harm on particular parts of the community.

We see this as a black and white issue and it really comes down – being quite blunt about it – to whether individual support, the introduction of alcohol into a predominantly area, and in doing so, the reason I guess I am standing up here is I feel if I do not oppose that, I am complicit in the harm. And I think by not opposing it people are complicit in the

harm that that brings to the community and bear a degree of responsibility for that.

5 What was sought here is that the sale of alcohol – and my interpretation of the act, it certainly does not seem to be clear in the act, but the off-licence sale of alcohol be prohibited at all times. We do not see that as an appropriate function for the site.

10 SJH: Is this just Dovedale?

MR CARTER: Dovedale, yes. I think we have talked about the unique nature of Dovedale compared with other, certainly other tertiary sites, within the Christchurch city.

15 The supply – so onsite consumption – be a noncomplying activity between 11.00 pm and 7.00 am, as proposed in the Plan, and also the supply between 7.00 am and 11.00 pm be a discretionary activity. So trying to put some controls around that function.

20 In closing, I think Peter has commented about the use of accommodations for persons other than students, and that is certainly a concern. The university Halls of Residence are advertised year-round for public commercial accommodation as it stands, and to my mind I think that is not consistent with the current Plan.

25

[11.15 am]

30 We are opposed to the amendment to allow it to be set out for 30 days, particularly due to the uncertainty around the student residential agreement periods. Without a very clear definition of that particular point, we see it effectively validating the commercial accommodation on the site and not understanding where that might end up with an increased sort of pressure on commercial activities.

35 Also I would to just express support for Council's proposal, in terms of separating the site for parking purposes.

40 IURRA's previous evidence outlined the significant burden the university's undersupply of parking places puts on the community and the residential streets and I think that is probably in the order of 1,500 vehicles per day parked on the surrounding streets, and that also does not allow for the double-counting due to Halls of Residence. So it is a significant burden on the parking in surrounding streets.

45 I think the contention that people will and walk substantial distances to a function is simply – will work in some specific areas where the

parking, perhaps the parking is under enormous pressure, but in areas where the parking is not under pressure or there is a supply of parking, will simply increase the burden on the surrounding community and the on-street parking.

5

I feel that the assessment of this matter under separate sites is a very simple matter to do and not one that should be causing the level of concern that is perhaps being expressed. So thank you.

10 SJH: All right, we will see if there are any questions.

MR ILLINGSWORTH: Yes, just one quick one. I was going to ask you a question about your paragraph 62 of off-licence sales. There is no off-licence on the university at the moment, is there?

15

MR CARTER: No, but I guess my interpretation of the Sale of Liquor Act, I understand that “sale” would refer to off-licence and “supply” would refer to on-licence, but that is probably – it certainly did not seem to be clear to me under the Act, but I was trying to interpret that.

20

MR ILLINGSWORTH: And are you saying that an off-licence would qualify as an ancillary activity under the current rules?

25 MR CARTER: I guess that is an interpretation that could be put on it. As I said, I have questioned whether, either the supply or sale of alcohol, is genuinely ancillary to tertiary education, but I guess what we have seen is at times we feel there is a reasonably liberal interpretation of the ancillary activities.

30 MR ILLINGSWORTH: Thank you.

SJH: Mr Daysh?

35 MR DAYSH: Yes. Mr Carter, were you here when I was asking Ms Lemon some questions about the controlled activity rule around building modulation and how do you treat buildings with long road frontages?

MR CARTER: Yes, I saw part of that evidence.

40 MR DAYSH: And are you aware that she is proposing a controlled activity standard to deal with design issues along the edges of the tertiary sites?

MR CARTER: I have seen the – I have not had an opportunity to look in detail into the modulation condition that was proposed by Council - - -

45

MR DAYSH: All right.

MR CARTER: - - - but yes, I understood from the conversation that there was a proposal.

5 MR DAYSH: If I told you there was one on the table where there was a process of looking at design around the edges of the sites, putting plans in, Council having designers looking at the various issues around height and setback and those sorts of things; would you see that as a positive addition to the zone?

10

MR CARTER: I would see it as a very positive addition, and I guess I would love to be involved in it.

MR DAYSH: Okay, thank you.

15

SJH: Thank you. Assuming we had the power – which we do not – to ban alcohol completely from Dovedale; do you think the problem with student behaviour would disappear, in reality?

20 MR CARTER: No, no; and alcohol is part of growing up for many students in their lives. I guess it is about the – the way I have perhaps described to me is a way we perhaps discuss that matter was it is like a – the damage going up exponentially closer to the epicentre. If you move the source of the problem into residential area, we would expect an exponential rise in the issues and harm that come out of it.

25

SJH: All right. I guess this highlights a problem that occurs frequently. It is a different problem but a similar cause for the airport, for example. But when that campus first opened, I can remember a very triumphant victory over the Canterbury law faculty in the rain in 1965, there was nothing else around there much was there? And that is the issue, you then start getting conflicts as the residential builds up around it?

30

[11.20 am]

35

MR CARTER: Yes, although I think the residential area around Dovedale has co-existed very nicely for 50 years now or something?

SJH: Do not remind me.

40

MR CARTER: 40 years? And it is this change and the uncertainty that comes with the change that is causing the concern.

45 SJH: Right, okay. You gave your examples around the setbacks and height and such like and Mr Daysh has asked you a couple of questions about

that. What you are seeking, does that differ in any way from the rest of the city rules, are you asking for something that is different?

5 MR CARTER: I have not been through that in detail, I understand there are stepped heights, other stepped heights associated with the Special Purpose Zones – Hospitals, but I have got to admit I have not been through those in detail.

10 What I did seek there was something was consistent with what the university talked to the residents about back in April last year, I scaled off their plans and tried to reflect that as best I could in that rule.

15 SJH: So where you got to in consultation then through a consultative process is what you are seeking now, effectively?

MR CARTER: Yes.

20 SJH: Just a final point, I imagine universities and health boards and lots of others would not like to be treated as commercial entities as they now are, but it seems to be the policy of both major parties and it is entrenched. If, for example, universities were not able to use their accommodation out of term time for conferences and other matters, they would need money from somewhere else to make up the short fall, and it would be back on the taxpayer would it not?

25 MR CARTER: I think that is a great point, and I think the argument around conferences, sports events is a very good one., What concerns me is the website where that accommodation is advertised year round and has special offers for things like the Cricket World Cup to come and stay at the university Halls of Residence. So that to me moves from a community use into a purely commercial use, and that is perhaps only the start of it as well, but where could that end up? Could you for example operate a hotel with liquor, restaurants and accommodation on the Dovedale site - - -

35 SJH: I think there are a lot of other considerations around a hotel, for example, and while I take your point the reality is if it does not come from the pockets of people like World Cup attendees, it is going to come from the community, is it not?

40 MR CARTER: That is true, and look it is a matter of degrees, but I said we understand the environment the university is in, it is a fact of life for many organisations throughout the country and we do not want to stand in that way. We just want to find a balance between that development and commercial activity and the interests of the community.

45

5 SJH: Well I think there are a lot of people that, particularly in the university community, on the staff side, would probably want to stand in the way of that progress, but that is a difficult point isn't it, I mean they are trying to meet the obligations imposed on them that sits outside of their control that they are expected to operate in this manner.

MR CARTER: Yes.

10 SJH: All right, look thank you very much. Mr Chapman, you have not had the opportunity to cross examine, but there are matters there you may wish to address in your closing as you see fit.

15 MR CHAPMAN: No, I accept the **(INDISTINCT 4.02)** statement sir, I do not wish to cross-examine..

SJH: No, no, well you cannot, I am saying there may be issues you wish to address in your closing.

20 MR CHAPMAN: Yes, correct sir.

SJH: All right, thank you. Mr Carter thank you and you may be excused if you wish to do so, we are grateful for your attendance and the community involvement which is important to this process.

25 MR CARTER: Thank you for the opportunity.

<BRYCE CARTER WITHDREW

[11.24 am]

30 SJH: Mr Nixon, we will hear from you and then take the morning adjournment, come forward please.

<ROBERT CHARLES NIXON, sworn

[11.24 am]

SJH: Your full name is Robert Charles Nixon?

MR NIXON: Yes sir.

5 SJH: You are giving evidence on behalf of the Catholic Bishop, the integrated state schools, the Catholic Diocese and the Catholic Bishop of Christchurch?

MR NIXON: Yes I am.

10

SJH: You are a director with Planz?

MR NIXON: Yes sir.

15 SJH: You have filed a brief of evidence, dated 14 October 2015?

MR NIXON: Yes sir.

SJH: Do you have any corrections to make to it?

20

MR NIXON: Yes, one minor one, sir. In places in my evidence I have referred to the words “special purpose school zone” instead of “specific purpose school zone”, so I apologise for that error.

25 SJH: All right, we will note that. Otherwise you confirm your evidence as true and correct?

MR NIXON: I do, sir.

30 SJH: All right, if you would then present your highlights package to us, thank you.

MR NIXON: Thank you sir. It is quite a specific and narrow issue involved here, and it essentially involves the bulk and location standards that are proposed to apply to spiritual facilities, where these are located in the Specific Purpose School Zone.

35
40 The background to this is that Catholic Diocese schools are somewhat unique in the sense that they are traditionally been co-located on a single site with a school and a church together.

45 As part of this process which will be dealt with in another six weeks designation is being sought for that part of those sites which is being used for school purposes. The Council has proposed that we have got a church, which will be the balance of the site, within that zone that the street setback be 10 metres and the site coverage be 40 percent. We

have got churches on schedule sites, which will be heard next year, they are allowing for a six metre setback and 50 percent site coverage.

5 Now, in reality I think the Council's concern is that what could happen is that if the church is allowed to have a lesser setback from the frontage and a higher site coverage than on the neighbouring school site which is to be designated they will have something like a permitted baseline argument, where they can come along and say well, that is great, we will have our school buildings the same distance and we will
10 have the same site coverage.

In reality, I do not think that is going to happen. I have attached some examples of school sites to my evidence. No two sites are the same. I think it is extremely unlikely that you are going to get a monolithic row
15 of school and church buildings sitting along a street frontage, I just do not think that in reality is going to happen.

Of the 17 sites involved the Diocese plans to rebuild two churches, it has made no decision on one other, it is unlikely that two other
20 churches will be rebuilt at all, and all the rest are repairs. So we are talking here about a pretty small and narrow issue.

Now it might be argued that okay, the sky is not going to fall in one way or another whether this rule is amended or not, I think the
25 important issue that I want to draw out here is the issue of like being treated with like.

There is no really logical resource management basis for having a different set of standards for a church which happens to be within the
30 Special Purpose School Zone than what you would have for a church which is scheduled down the road, if it is a Methodist church or an Anglican church for example.

35 So in a nutshell that is really all there is to this one.

SJH: Thank you. Ms Scott?

40 MS SCOTT: Thank you. Good morning Mr Nixon. Just a couple of questions on this for you this morning.

You have recognised or summarised the Council's concerns in your highlights package. Would you accept also that their concerns are the
45 adverse visual effect on neighbours, those across the road from one of these sites, but also the effects on adjoining neighbours on the same side of the street?

MR NIXON: Yes.

MS SCOTT: If buildings are built closer to the road boundary than would have been anticipated under the notified rules?

5

MR NIXON: Well I cannot help, but feel this is probably more of an example of a catch all rule to cover a situation. That might arise, I could not rule out the situation could ever arise, but I think in reality is most unlikely, and it seems to be almost a case of a solution looking for a problem. I really do not think it is going to be a situation that will arise, given the situation with the various churches in Christchurch and the numbers of them involved.

10

MS SCOTT: There are various examples in the plan where activities are subject to differences in standards depending on type of location in which they seek to establish. You would agree with that?

15

MR NIXON: There will be some examples, yes.

MS SCOTT: And that is essentially why we have different types of zonings, we have different types of residential zonings, we have different types of commercial zonings, open space zonings, et cetera?

20

[11.30 am]

25

MR NIXON: Yes, in this case though what you have got is the churches we are talking about almost exclusively in the – not all – but most of them are in the Residential Suburban Zone, Low Density Zone. I don't think the average citizen would be able to discern any meaningful difference between a Catholic church which is next to a school and a Methodist church down the road which is not next to a school.

30

MS SCOTT: Okay, if you could just answer my questions, that would be appreciated. Which was that we have these different types of zones in the plan?

35

MR NIXON: You do, but this is not a good example of one where a different outcome is necessary.

MS SCOTT: Okay, and as a concept, built form standards are designed to reflect the zone in which the activity is situated?

40

MR NIXON: Yes.

MS SCOTT: And a greater intensity of built form is permitted where the surrounding environment is zoned, for example, Residential Medium Density?

5 MR NIXON: Yes, that is right.

MS SCOTT: Yes, and a lesser intensity of built form is permitted where, for example, the zoning of Residential Suburban?

10 MR NIXON: Yes, which is the case here.

MS SCOTT: So it varies according to the host environment, as such?

MR NIXON: Yes.

15

MS SCOTT: Okay, the diocese churches, they are traditionally collocated with schools, hence why they have been incorporated into the School Zone, that is correct, is it not?

20 MR NIXON: Yes, that is right.

MS SCOTT: You do support that planning approach?

MR NIXON: Correct.

25

MS SCOTT: And at paragraph 11 of your evidence you recognise that churches in School Zones are different given their particular history, you have recognised that?

30 MR NIXON: Yes.

MS SCOTT: You refer to the diocese position as an unusual one?

MR NIXON: In that context, yes.

35

MS SCOTT: Perhaps the closest example of something similar are the churches within the sites of private schools, for example Rangi Ruru and St Andrew's College?

40 MR NIXON: Yes, I am aware of that.

MS SCOTT: Yes, and you participated in the mediation and Rangi Ruru had a representative there, do you have a copy of the mediation report with you?

45

MR NIXON: No, I do not.

MS SCOTT: You do not, but you will recall the Rangī Ruru representative pointing out that they would not favour scheduling for Rangī Ruru, which is in the School Zone?

5

MR NIXON: Yes, they have a historic church on their site which is being retained, so it is not a case of a new building being built on that site, it is a long established facility.

10 MS SCOTT: Okay. I think in essence your concern relates to the relationship between the rule in the Church Zone and of course the scheduled activities in Chapter 6, I am conscious that through the mediation it was discussed between those attending whether it was more appropriate that a decision be made on the appropriate standards for site coverage and setback be deferred until Stage 3, is that still your preference?

15

MR NIXON: That is quite correct, yes, the mediator at that session was of the view, and I can see some logic in what he is saying given the nature of this issue, that it may be best left until that Stage, but as I understand it the Council wanted the matter dealt with through this process now.

20

MS SCOTT: Okay, thank you. No further questions, sir, but if I may just address you on that last question, that request did come through to counsel, to Simpson Grierson, and it was our recommendation at that point that this come before you in this hearing, given various deferrals that were being made at that time. The Council's preference is that the appropriate standards be heard in Chapter 6, but I am conscious of the issues that that does raise in terms of the deferral.

25

30 SJH: Well, I think the Panel is getting to the stage of being concerned with the sheer bulk of them, which is the consequence of carving up Chapter's as we said, but make that application in your closing submissions and we will consider it.

35 MS SCOTT: Thank you, sir, I appreciate that indication.

SJH: All right, thank you.

MR ILLINGSWORTH: No questions.

40

MR DAYSH: Yes, thank you, Mr Nixon. The Residential Suburban Zone that you say most of these schools are located in, you have been living in Christchurch for many years and would be pretty familiar with the city?

45

MR NIXON: I have.

MR DAYSH: I presume by what you are saying that there are also many examples of other churches within the Residential Suburban Zone throughout the city that are not associated with a Catholic school?

5

MR NIXON: Yes, that is right.

MR DAYSH: Your point is that they have different standards and it is the same effects associated with a church structure?

10

MR NIXON: Yes, in a nutshell, certainly there will be variations between different churches on different sites, but that is not because one is a Catholic church next to a school site, it is because of the circumstances of each particular site, and I am very familiar with all the Catholic church sites, I have been to all of them, I have been to the schools concerned, so I know what their environment is like.

15

[11.35 am]

MR DAYSH: These other churches on schedule sites or non-school sites, they would have residents across the road and beside them, there would be no differentiation - - -

20

MR NIXON: In nearly all cases, yes.

25

MR DAYSH: There would not be any differentiation between the sorts of contexts of those buildings generally?

MR NIXON: No, that is quite right.

30

MR DAYSH: Right, thank you. I think your point has been made clearly, so thank you very much.

SJH: Anything arising, Ms Scott?

35

MS SCOTT: No, thank you, sir.

SJH: Thank you, Mr Nixon. Is there anything arising from the Panel's questions or the cross-examination you wish to add?

40

MR NIXON: No, sir.

SJH: All right, thank you, well, you may be excused and Mr Chapman you may be excused as well, and we will take the morning adjournment and come to the last witnesses for the Elmwood Club. Thank you.

45

<ROBERT NIXON WITHDREW [11.35 am]

ADJOURNED [11.35 am]

5 RESUMED [11.55 am]

SJH: Yes, thank you. Yes, Ms Ellis?

10 MS ELLIS: Thank you, sir. Opening submissions on behalf of Elmwood Club have been filed. Has the Panel had an opportunity to read these?

SJH: I must confess I have not.

15 MS ELLIS: All right. Would you like me to go through them?

SJH: Just speak to them, thank you.

20 MS ELLIS: The Elmwood Club is based at the Elmwood Park, which has a proposed zoning of Open Space Community Park. It currently operates from earthquake-damaged facilities, providing a space to be utilised by its members, which are made of seven sport clubs, other community clubs and other members of the community.

25 The park is also used for weekend sport and it neighbours Heaton Intermediate School and St Andrews College. Therefore, to some extent there already exists a community or sports hub at that location.

30 The Ministry of Education is not opposed to the relief sought by the Elmwood Club, and the club understands that there are - - -

SJH: But have they actually given formal consent yet? That is the issue, because we have not heard from that. So maybe that is something that - - -

35 MS ELLIS: Mr Bow (ph 1.43) will - - -

SJH: - - - the Crown can address in closing, because we simply do not know at the moment. That is one of the problems I think the submission is faced with.

40 MS ELLIS: Yes, I understand in the Crown's opening submissions that it did say they do not oppose the relief sought by the Elmwood Club.

SJH: But that is different from saying they agree - - -

45 MS ELLIS: Right.

SJH: - - - and the use of land and all of that sort of thing is being sorted out.

MS ELLIS: Yes, sir.

5

SJH: I mean it is just like the point I think I made to Ms Dixon that – her view is this is almost a premature, because the plans at an advanced enough stage. But I think she also accepted eventually that we should not do anything that would stand in the way of the proposal because it fits in with Strategic Directions and various other matters about colocation and co-joined community facilities.

10

MS ELLIS: Right.

15 SJH: So Ms Bazalo, if you would be good enough to check that with the Ministry, we will deal with that at the closing.

MS BAZALO: Yes, sir, I will get it done.

20 MS ELLIS: As I was going to say, the facilities have not yet been designed and those effects such as noise and traffic that Ms Dixon was concerned about yesterday have not been able to be assessed. But the club considers this presents an opportunity to improve the current facilities and potentially alleviate these issues.

25

The aim of the relief sought is to better enable the proposed facilities. The site on which the facilities are proposed to be developed straddles two zones, being the park, which is currently Open Space Community Park, and Heaton Intermediate, which is Special Purpose School Zone with the underlying zoning of Residential Suburban.

30

This makes any resource consenting processes quite difficult, straddling the two zones. Therefore the club seeks to pave the way to make this development easier.

35

It also considers that the proposed facilities align with the Strategic Objectives, particularly 3.3.1 and 3.3.11.

[12.00 pm]

40

In terms of the designation over the Heaton Intermediate site and a section 176 of the RMA consent, the Club does not consider that absence of approval from the requiring authority precludes the inclusion of a new permitted activity. It considers that this section 176 approval will still be needed from the Ministry when the time comes to develop the facilities. And the Club does not consider that the

45

Ministry's rights as the requiring authority are affected by the inclusion of the proposed permitted activity rule.

5 Does the Panel have any further questions in relation to the submissions?

SJH: I will just check.

10 MR ILLINGSWORTH: No questions.

MR DAYSH: No.

SJH: No, thank you, if you would call your witness please.

15 MS ELLIS: I now call Mr Neil Gow.

<NEIL GRAHAM GOW, sworn

[12.01 pm]

<EXAMINATION BY MS ELLIS

[12.01 pm]

MS ELLIS: Thank you, Mr Gow, could you please confirm for the Panel your full name is Neil Gow?

5

MR GOW: My full name is Neil Graham (ph 1.54) Gow.

MS ELLIS: And you have prepared a written statement for this hearing?

10 MR GOW: I have.

MS ELLIS: And that you are a member of the Elmwood Club board?

MR GOW: I am.

15

MS ELLIS: And have been authorised to make this statement?

MR GOW: I am.

20 MS ELLIS: Do you have any corrections you wish to make to that statement?

MR GOW: No.

MS ELLIS: Then could you confirm that your statement is true and correct to the best of your knowledge?

25

MR GOW: I can confirm that.

MS ELLIS: Thank you. Could you please provide your highlights package and remain seated to answer any questions.

30

MR GOW: Thank you. I would like to make five major points in terms of the Elmwood Club.

35 Just very quickly "What is it?": It is an umbrella club of seven sporting clubs based in Elmwood Park with a mix of summer and winter sports and all ages. It was conceived before the earthquakes but gestation catalysed after them. It provides recreation administrative services to the constituent clubs and provides social space to the clubs and a number of community groups and it has been endorsed as a project by the Fendalton-Waimairi Community Board.

40

45 What has it been doing? Well, we have been concentrating on supplying services using the existing facilities. We have been learning how to effectively manage our stakeholder requirements and we have been learning to manage something like 75,000 user visits per year.

5 We have been developing ongoing relationships with local schools and community groups and exploring the use of and the value of alternative facilities like the “urban beach” where we put 850 tonnes of sand on our munted No 1 green and allowed beach volleyball, Korff ball and so on to continue.

10 What has it recently done? Well, we have reached agreement with the Heaton Intermediate School Board of Trustees and the Ministry of Education for the use of school land to expand club facilities on a shared basis. And we had a meeting yesterday with the local MoE and that is an ongoing thing and they are in the process of drafting a memorandum of agreement for our consideration.

15 We have commissioned a professional feasibility report and we have commissioned a professional traffic survey and management plan because we are very conscious of the fact that there will be a parking problem. There is parking problems everywhere so we need to meet that head on.

20

What do we want? We want to replace the existing bowls pavilion, which has been written off by the insurance company, with a new fit for purpose building.

25

[12.05 pm]

30 The Bowling Club has reached agreement with their insurers in the last 10 days, haven't seen the money yet, but we want to replace the munted green with an artificial green, which would allow us to expand our services.

35 We want to build a multipurpose sports hall, which is an attraction for the school, and we would like to develop an artificial outdoor sports turf, once again attractive to the school because they could not use their grounds for three months last winter.

40 So what do we need now, we need an amendment to the permitted activities rules to provide for recreation facilities at the site in question. From our point of view then, we would like to have the minimum amount of red tape to fight our way through to get this project up and running.

Thank you, Mr Chairman.

45 SJH: Thank you. Ms Scott?

MS SCOTT: Sir, I had sought leave to ask some questions, Mr Gow has provided his statement as a member of the Club, the questions I have really are of a planning and transport nature and I cannot ask them of Mr Gow, and as such I intend to just address this in closings.

5

In your questions to Ms Dixon yesterday, the Council's concerns were recognised and highlighted in questions from yourself and Mr Daysh to Ms Dixon, so - - -

10 SJH: But I think I put this to Ms Dixon, I just want to make sure I got it clear from our point of view that collocation and co-joined activities accord with an awful lot of things, including Strategic Directions, for various reasons of efficiency utilisation, loss from earthquakes et cetera, subject to the matters like parking and that, which will be part of the
15 resource consent I would have thought, being properly addressed at the high level the concept is not opposed by Council, is it?

MS SCOTT: That is correct, sir, and Ms Dixon acknowledged, for example, the Strategic Direction that you referred to about collocation. I think
20 what you have just said is really the key point in terms of consenting, the Club is seeking a permitted activity rule with no standards and Ms Dixon's evidence on the stand yesterday was that she would be willing to consider an intermediate position that involved a consenting process and I understand from the legal submissions presented that
25 there was an indication that there may be some willingness to enter into mediation on that.

SJH: Well, I think that would be useful because I think there was also a positive response to our suggestion that we should not be doing anything that would prevent this happening or make it more difficult to
30 happen down the track.

MS SCOTT: That is absolutely correct, sir, and you will understand that the Council at the moment is basically saying it has not been provided with
35 the evidence and information that it requires to make a recommendation.

SJH: All right, I can understand that because the Club, probably for financial reasons, has not been represented but now is, so perhaps after we retire
40 you can start putting that in motion with Ms Ellis.

MS SCOTT: Thank you, sir.

45 SJH: Do you have any questions?

MR ILLINGSWORTH: No questions.

SJH: Do you have any questions?

MR DAYSH: No, and thank you very much.

5

SJH: All right, thank you very much, Mr Gow, you may stand down.

MR GOW: Thank you.

10 <THE WITNESS WITHDREW [12.08 pm]

SJH: So if you would take up that offer, Ms Ellis, and see where you can get to.

15 MS ELLIS: Yes, sir.

SJH: Particularly if the Ministry of Education has signed off on that, I mean I think that is a very significant step in that direction, Ms Scott, is it not, but we have not sighted that yet.

20

MS SCOTT: Yes, we have not sighted that either.

SJH: We will find out, because they will address that for us.

25 MS BAZALO: Yes, just on that point, I understand the Ministry does not oppose the permitted activity and agreed to that, but perhaps if mediation is going to happen they could be involved in it.

30 SJH: Well, I think you need to be involved in it as well so that all the ducks get in the same row.

MS BAZALO: That would be great, thank you, sir.

35 SJH: All right, thank you. Look, thank you to everybody, this has been a very efficient hearing and also to all parties, but particularly you, Ms Scott and the Council, because a large number of issues were resolved before it got to hearing which assists us on a sensible outcome.

40 MS SCOTT: Thank you, sir.

SJH: I will just repeat that closing submissions from submitters by close of business Friday and the Council's response to that by close of business of Wednesday of next week. So we will adjourn.

45 MS SCOTT: Thank you, sir.

MATTER ADJOURNED AT 12.10 PM ACCORDINGLY