

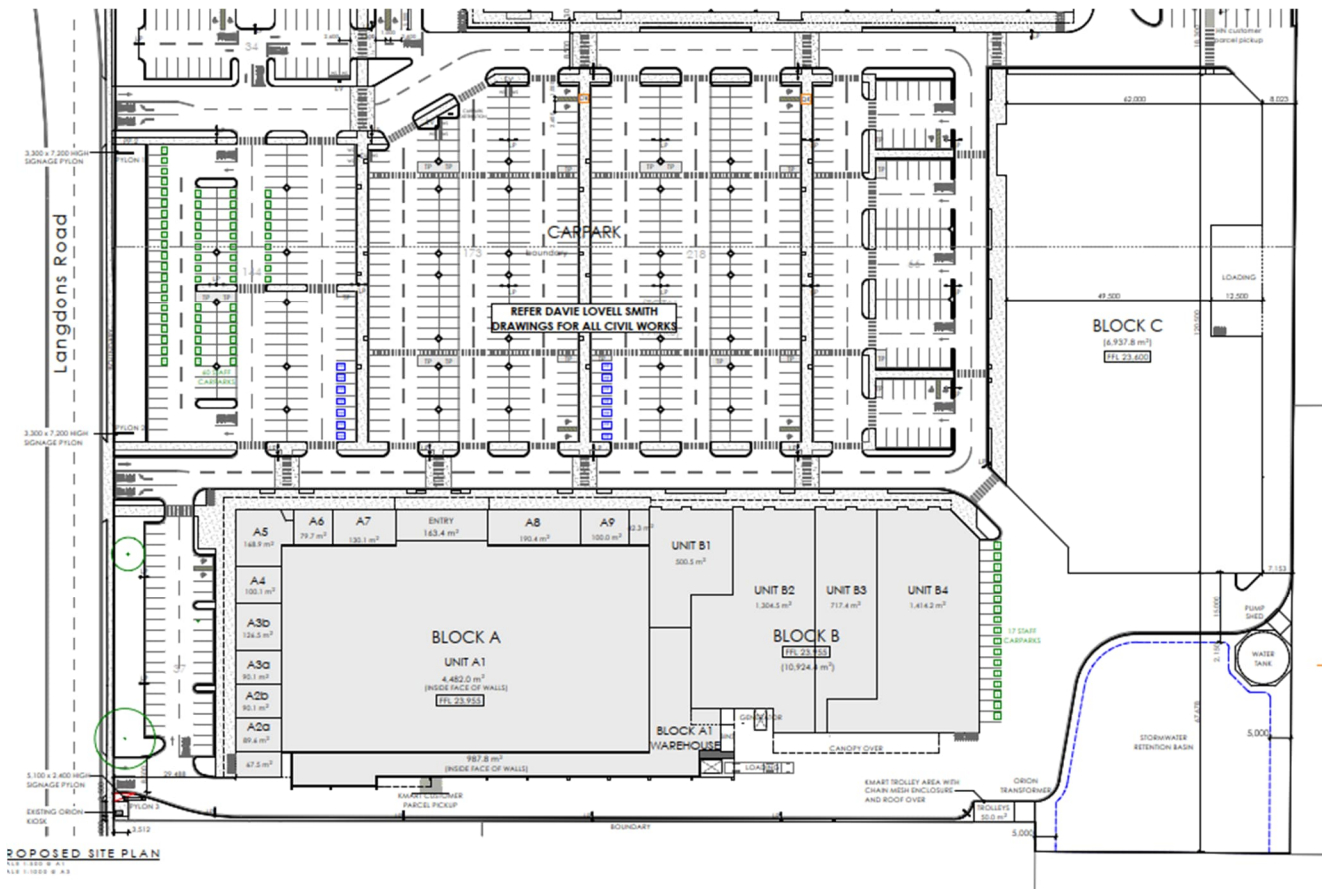
Report / Decision on Change or Cancellation of Condition(s)
(Section 127)

s127 Application number: RMA/2022/344
Original application number: RMA/2018/2326
Applicant: Papanui Properties Limited
Site address: 84 Langdons Road
Legal description: Pt Lot 1 DP 13545, and Lots 1 & 2 DP 458643
Zoning: Commercial Retail Park
Overlays and map notations: Flood Management Area, Liquefaction Management Area, Collector Road, Christchurch International Airport Protection Surfaces
Activity status: Discretionary activity
Description of application: Change of conditions pursuant to Section 127

Introduction

The applicant is seeking to vary the conditions of an existing resource consent (RMA/2018/2326) which was granted on a non-notified basis by a commissioner on 6 May 2019.

In RMA/2018/2326 the applicant proposed the construction of Stage 2 of a large format retail centre comprising two new buildings and associated parking, landscaping and signage. The consented layout was as follows:



During the processing of that application analysis of the additional vehicle movements generated by the full development of all three stage 2 blocks identified that there would be adverse effects on:

- the level of service of the right hand turn out of Langdons Road at the compulsory stop controlled intersection at Langdons Road and Greers Road; and
- potentially the amenity of the residents of Morrison Avenue where drivers may 'rat run' to avoid the delay of right hand turns out of Langdons Road.

On this basis the applicant agreed to a condition that Block C as shown above could not be occupied until a contract had been let for an intersection upgrade to traffic lights at the intersection of Langdons Road and Greers Road.

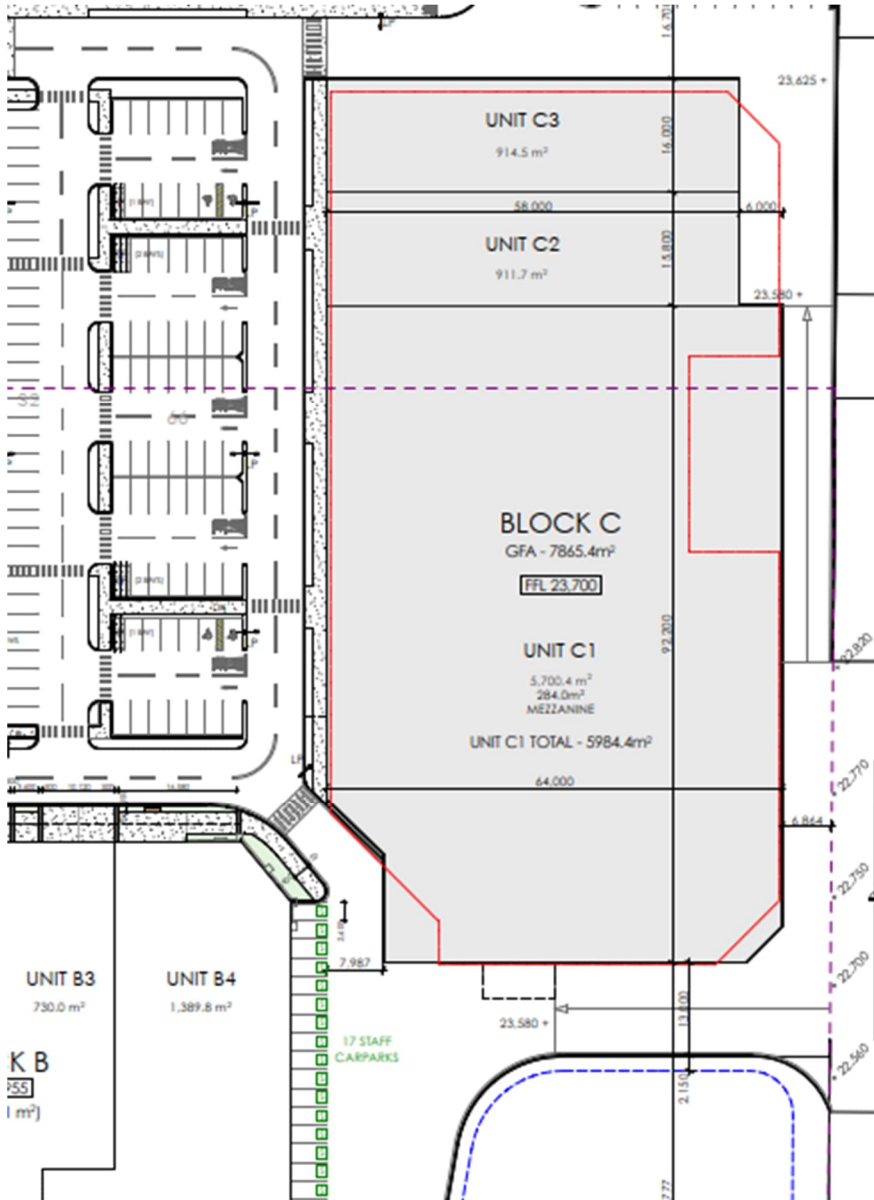
The granted consent contained the following conditions:

1. *Except where varied by the conditions of this consent the development shall proceed in accordance with the information and plans submitted with the application, including the further information/amended plans submitted on 25 March 2019, 27 March 2019, 18 April 2019 relating to amended site plans, elevations, amended landscape plans, and amended signage plinth plans. The approved plans are:*
 - *Proposed Site Plan. Job No. 1632. Sheet No. A1.01 Revision E.*
 - *Pylon Signs. Job NO. 1632. Sheet No A3.06. Revision 4.*
 - *Northlink Retail Centre / Landscape Tree Planting, Earthwork Landscape Architects Ltd. Date 20 March 2019.*
 - *Northlink Retail Centre / Landscape Planting. Earthwork Landscape Architects Ltd. Date 20 March 2019.*
 - *Northlink / Plant Palette. Earthwork Landscape Architects Ltd. Date 20 March 2019.*
 - *Northlink Stage 1 Soft Scape Detail Sheet. Job No. E16004. Sheet No: L103.*
 - *Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Block A Floor Plan. Job No.1632. Sheet No A2.01. Revision D.*
 - *Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Block B Floor Plan. Job No 1632. Sheet No A2.02. Revision D.*
 - *Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Elevations. Job No. 1632. Sheet No A3.01. Revision D.*
 - *Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Elevations. Job No. 1632. Sheet No A3.02. Revision D.*
 - *Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Elevations. Job No. 1632. Sheet No A3.03. Revision D.*
 - *Northlink Retail Centre. Floor Plan Block C. Job No. 1632. A2.04. Revision B.*
 - *Northlink Retail Centre. Elevations. Job No. 1632. A3.04. Revision B.*
 - *Northlink Retail Centre. Elevations. Job No. 1632. A3.05. Revision B.*
 - *84 Langdons Road lighting plan including – Plan, Luminaries list and calculations summary,- View 1, View2.*
 - *Proposed Road layout – Section 1, Large Format Retail Development 84 / 48 Langdons Road. Job No: 254008. Dated 29/06/2018.*
 - *Proposed Road layout – Section 2, Large Format Retail Development 84 / 48 Langdons Road. Job No: 254008. Dated 29/06/2018.*
 - *Proposed Road layout – Section 3, Large Format Retail Development 84 / 48 Langdons Road. Job No: 254008. Dated 29/06/2018.*
2. *The proposed landscaping shall be established on the site within the first planting season (extending from 1 April to 30 September) following the final passed building inspection for Blocks A and B in accordance with:*
 - *Northlink Retail Centre / Landscape Tree Planting, Earthwork Landscape Architects Ltd. Date 20 March 2019;*
 - *Northlink Retail Centre / Landscape Planting. Earthwork Landscape Architects Ltd. Date 20 March 2019; and*
 - *Northlink / Plant Palette. Earthwork Landscape Architects Ltd. Date 20 March 2019.*
3. *All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.*
4. *Block C shown on the plans listed in Condition 1 cannot be used for any activity for which there is a definition in Chapter 2 of the Christchurch District Plan until a contract has been let for the signalisation of the intersection of Langdons Road and Greers Road.*

The applicant now seeks to:

- delete Condition 4;
- amend the floor area and elevations previously approved for Block C;
- amend the floor area previously approved for Blocks A and B.

Block C would now be laid out as follows (original layout outlined in red):



The significant differences in Block C are:

- breaking it into three tenancies;
- some additional floor area in the north east and south east and redistribution of a floor area in the western;
- Addition of a mezzanine floor or 284m²; and
- The approved GFA under RMA/2018/2326 was 6947.2m². The applicant now seeks that this floor area be 7865.4m²

The elevations of Block C as approved under RMA/2018/2326 were:



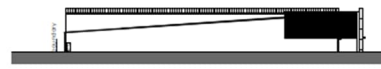
NORTH ELEVATION - BLOCK C
SCALE 1:500 @ A1
SCALE 1:1000 @ A3



EAST ELEVATION - BLOCK C
SCALE 1:500 @ A1
SCALE 1:1000 @ A3

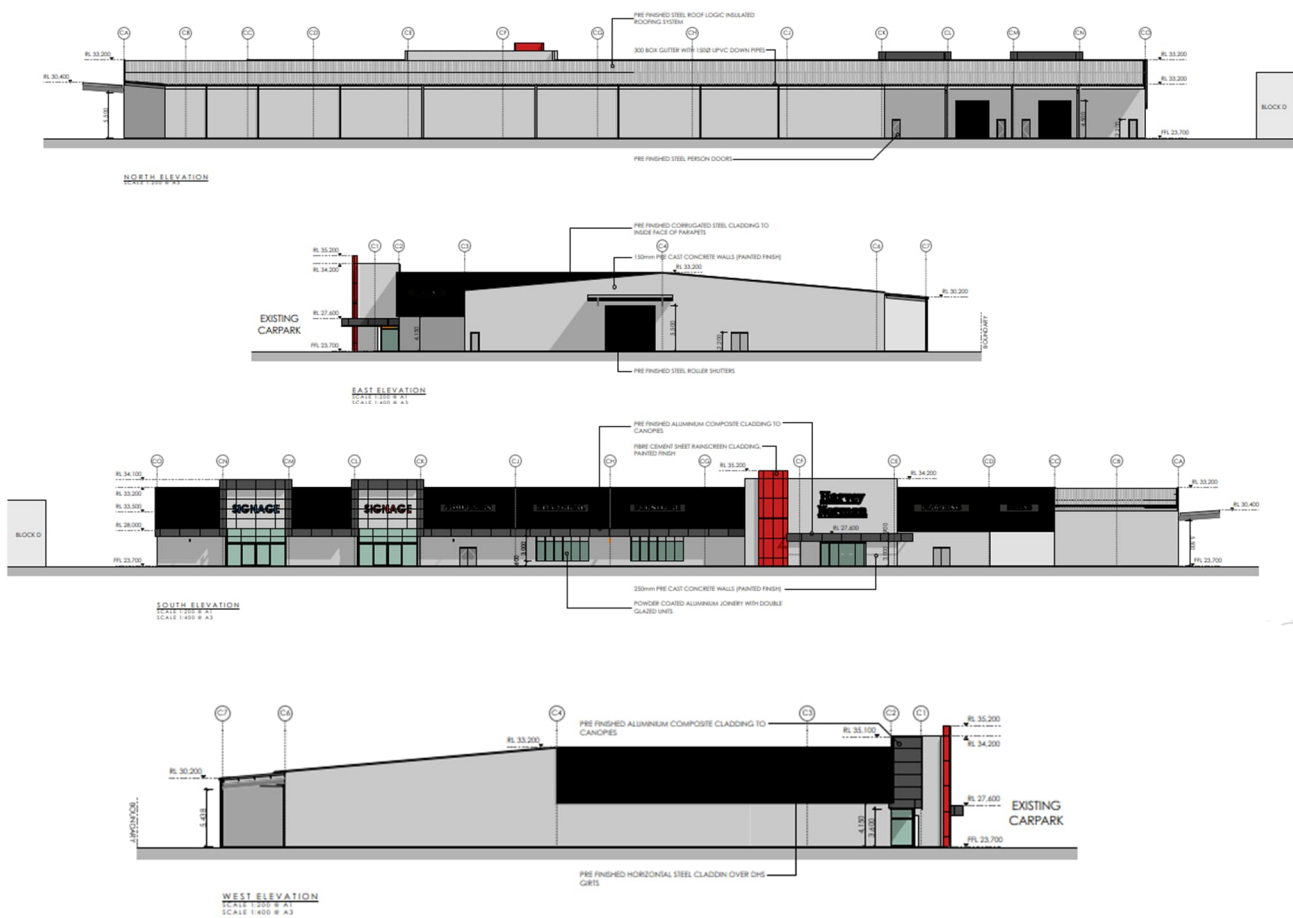


SOUTH ELEVATION - BLOCK C
SCALE 1:500 @ A1
SCALE 1:1000 @ A3



WEST ELEVATION - BLOCK C
SCALE 1:500 @ A1
SCALE 1:1000 @ A3

The proposed new elevations are:



In regard to Blocks A and B the applicant describes the changes at section 2.4 of the AEE. The change in floor areas balance out at an additional 42.4m².

Description of site, existing environment, and contextual District Plan rules

The application site, its use and consenting history, and the surrounding environment are described in Section 2 and Section 3 of the AEE submitted with the application. Apart from the matter raised in the next paragraphs I consider this to be an accurate description and adopt it for the purposes of this report.

I add that in regard to the second to last paragraph of page 11 of the AEE (where it refers to an administrative error leading to the non-deletion of a rule by the Independent Hearings Panel (IHP)) it is unclear whether it was

an error that lead to District Plan Rule 7.4.3.10 High Traffic Generators still applying to the development. It may have been intentional on behalf of the IHP. Regardless of whether or not it was an error the rule must apply. All previous relevant applications, including RMA/2018/2326, have been processed on the basis that the High Traffic Generator Rule does apply.

Statutory considerations

Section 127 of the Resource Management Act 1991 states:

"127.Change or cancellation of consent condition on application by consent holder

- (1) The holder of a resource consent may apply to the consent authority for a change or cancellation of a condition of a consent, subject to the following:
 - (a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.**
- (2) Repealed*
- (3) Section 88 to 121 apply, with all necessary modifications, as if-
 - (a) the application were an application for resource consent for a discretionary activity; and*
 - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.**
- (4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –
 - (a) made a submission on the original application; and*
 - (b) may be affected by the change or cancellation.**

Type of application

The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application. The original application(s) sought to establish a large format retail development of generally the same size and layout. Given the focus of this application is on timing of occupancy of internal space and redistribution of internal space I consider that the application is not fundamentally different. I also consider that the nature of the transportation network effects (the amenity and the safe and efficient functioning of the network) are not materially different from those previously assessed.

In my opinion this application can be considered as a variation to the original resource consent.

Written approvals [Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

Effects on the environment and affected persons [Sections 95A, 95B, 95E(3), 95D and 104(1)(a)]

Pursuant to Section 127(3) the application must be assessed as a discretionary activity. As such, the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered.

In my opinion the effects on the environment associated with the proposed change/cancellation of conditions relate to the matters set out below.

I also note that District Plan rules including matters of discretion that relate to adverse environmental effects provide a useful context or indication of relevant adverse effects.

Transportation effects:

For the reasons previously set out in this report, I consider that both of the following sets rules apply to the contextual consideration of this matter:

Chapter 15 Commercial Retail Park Rules:

Permitted activity rule 15.7.1.1 P18 states:

P18	Any activity within the Commercial Retail Park Zone located north of Langdons Road	<p>a. All activities within the zone shall not result in more than 950 trips per hour being generated during the Thursday PM peak period of 16:00 to 18:00</p> <p>b. Compliance with this rule is to be determined by undertaking traffic counts at the zone during the Thursday PM peak period of 16:00 to 18:00 over a consecutive three week period. The peak hour within each surveyed two hour period is to be determined from the average peak hour value from the three week data set.</p>
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The applicant notes that the 950 vehicle movement threshold has now been exceeded in the updated application received on 26 August 2022:

For completeness, and noting that the 950-trip limit of Rule 15.7.1.1 P18 of the District Plan applies to the zone and not the application site, the additional traffic generation of the neighbouring activities located immediately east of the Northlink Development also requires consideration. These activities are less likely to be affected by Covid as they are not retail activities. These activities were surveyed by Urbis for Week 2 (19 November 2020) as being 162 trips in the weekday PM peak hour. Adding in 126 trips for the consented, but undeveloped at the time of the surveys, Braintree Trust and Cancer Society developments increases this to around 288 trips.

*Combining this with the 833 trips calculated above gives a total zone generation for Week 2 of 833 + 288 = 1,121 trips. **This is above the 950-trip limit that is otherwise permitted from the zone.** (Emphasis added).*

Non-compliance with the permitted activity standard is a restricted discretionary activity under Restricted Discretionary Activity Rule 15.7.1.3 RD 3

RD3	Activity listed in Rule 15.7.1.1 P18 that does not meet the activity specific standard	a. Transport effects at Commercial Retail Park Zone (Langdons Road) – Rule 15.13.3.13
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The matters of discretion are:

15.13.3.13 Transport effects at Commercial Retail Park Zone (Langdons Road)

- a. *The extent to which the location of vehicular access points, the design of the transport network (including road alignment, intersection design and connections with the wider network) and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the amenity of the adjoining residential area and the safety and efficiency of the transport network.*

However decisions on Plan Change 5B deleted 15.7.1.1 P18 and replaced it with the following built form standard.

15.7.2.12 Maximum trip generation - Langdons Road

- a. *All activities within the zone shall not result in more than 950 trips per hour being generated during the Thursday PM peak period of 16:00 to 18:00.*
- b. *Compliance with this rule is to be determined by undertaking traffic counts at the zone during the Thursday PM peak period of 16:00 to 18:00 over a consecutive three week period. The peak hour within each surveyed two hour period is to be determined from count data. The 950 trip value used for compliance assessment purposes is to be determined from the average peak hour value from the three week data set. (Plan Change 5B Council Decision)*

The decision of Plan Change 5B has not made changes to 15.7.1.3 to reflect the relocation of the standard from permitted activity standards to built form standards. It is expected that this will be addressed at the earliest opportunity perhaps as a consequential amendment or correction, but in the meantime non-compliance with the built form standard is a Discretionary Activity under Rule 15.7.1.4 D1:

D1	<i>Any activity not provided as a permitted, restricted discretionary, or non-complying activity.</i>
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Nevertheless I consider that 15.13.3.13. a. is still a useful indicator of relevant effects.

Transportation Chapter 7 Rules

Rule 7.4.2.3 RD1 states that high traffic generators under Rule 7.4.3.10 is a restricted discretionary activity.	Rule 7.4.3.10 states that retail activities of more than 1000m ² Gross Leasable Floor Area are a high traffic generator.	The proposed retail GLFA is more than 1000m ² so is therefore a high traffic generator.	7.4.4.18 High traffic generators
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The relevant indicators of transport related environmental effects are therefore:

- 7.4.4.18 high traffic generator i. – v. ¹; and
- 15.13.3.13a. Transport effects at Commercial Retail Park Zone (Langdons Road).

I consider that this application does not necessitate a change or reconsideration of my analysis of matters 7.4.4.18 i. – iv. that was set out in RMA/2018/2326. That assessment, the reports and analysis relied upon, and the decision associated with that assessment are set out in Attachment A to this report.

I consider that any adverse effects on people and the environment as addressed in these matters of discretion i. – iv. are less than minor.

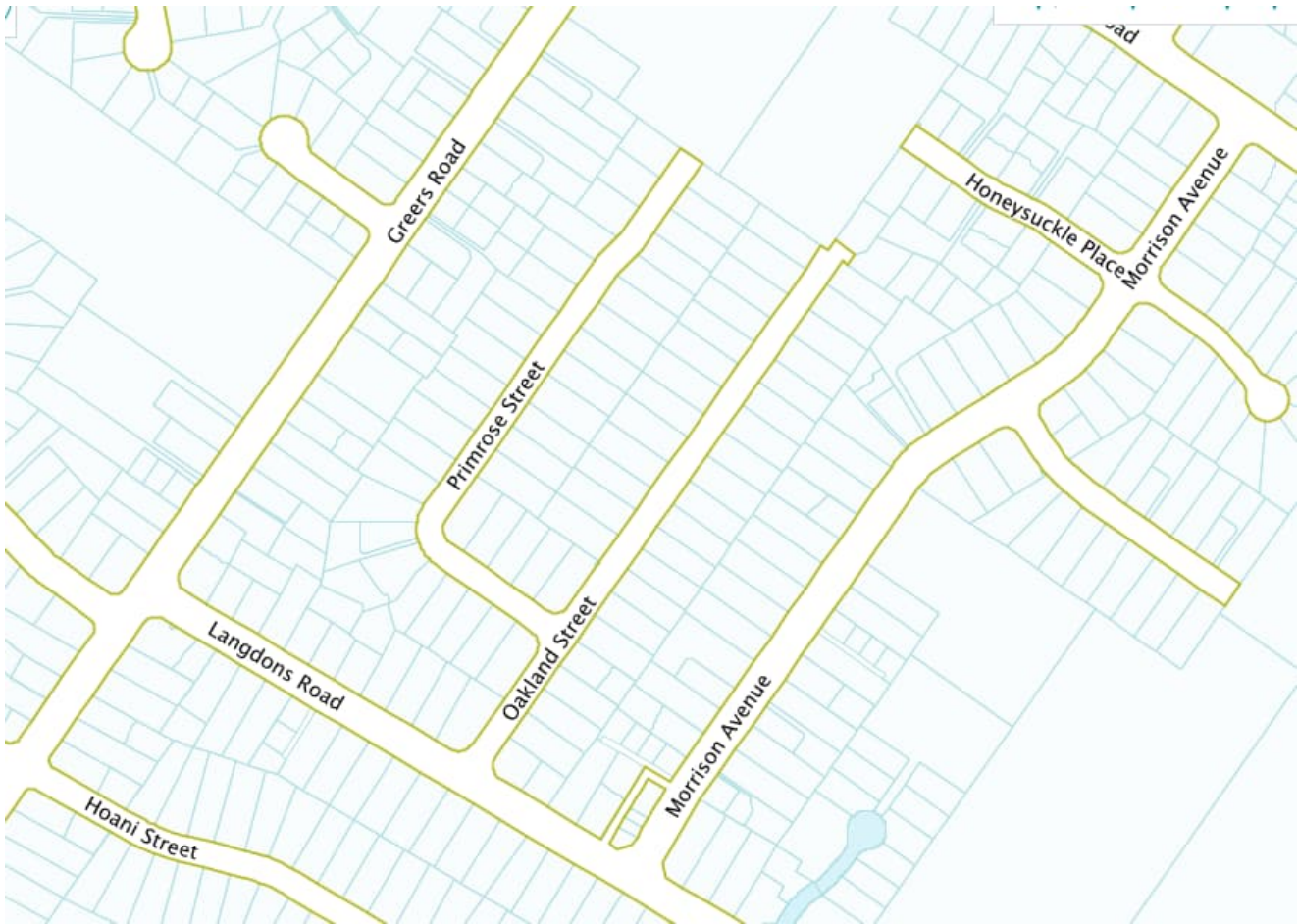
In RMA/2018/2386 the analysis of matter of discretion 7.4.4.18 v. lead to the condition 4 addressed in this report. For ease of reference that analysis said:

The applicant provided an assessment that was updated in regard to effects on the road network through an iterative response to an information request regarding network effects. Traffic modelling by the Council indicated that there would be adverse effects on the function of the Langdons Road and Greers Road intersection². All parties agreed that the full development of Stage 2 would have unacceptable effects on the function of the Langdons / Greers intersection.

Of particular concern were the effects on the existing compulsory stop controlled intersection for the right hand turn out of Langdons Road into Greers Road. A low volume high delay right hand turn out of Langdons Road movement was identified in the modelling process. There was concern that vehicle movements from all three proposed Blocks on Stage 2 of the development would cause further delay at the intersection that would induce drivers to use Morrison Avenue (a local road with an intersection with Langdons Road) as an alternative route to access the northwest of the City. This would have resultant amenity effects on the owners and occupiers of properties along Morrison Avenue. The road network in question is shown on the following image:

¹ Matter vi. is a matter relevant only to consideration of an applications fit with objectives and policies.

² This modelling took into account recent developments feeding traffic to the network in the area, and network upgrades such as the northern arterial motorway, Cranford basin extension and four laning into the City Centre, all of which would affect capacity in the local network around the site.



In the resultant r.f.i. process there was in depth discussion between myself, Council traffic engineers and planners, the consultant traffic planner appointed by the Resource Consents Unit – Mr John Falconer (for independence of advice and transparency), and the applicant's traffic planner on whether the intersection of Langdons Road and Greers Road would need to be upgraded to a set of traffic lights to accommodate the increase in traffic. This discussion was complicated by:

- the fact that the Council does not have an annual or long term plan programme to fund an intersection upgrade at this intersection;*
- any failure of the intersection would only be partially attributable to vehicle movements from stage 2 of the development and therefore any funding for an intersection upgrade could only be proportionate with the contribution that vehicle movements from the development to the failure; and*
- if a proportional financial contribution for an upgrade to lights were made to the Council, the Council would have nowhere to hold those funds until there were a programme to upgrade the intersection (assuming there were to be such a programme given other priorities for upgrading the network).*

To resolve this matter the applicant suggested staging the development with a limited release of the floor area until such time as the intersection upgrade is undertaken. Following the suggestion from the applicant I forwarded the following condition for the applicant's consideration and acceptance:

- 1. Block C on the stamped approved plans for RMA/2018/2326 cannot be used for any activity for which there is a definition in Chapter 2 of the Christchurch District Plan until a contract has been let for the signalisation of the intersection of Langdons Road and Greers Road.*

The applicant has accepted this condition.

Nevertheless there is still an issue of the effects of the contribution of vehicle movements from the Blocks A and B of stage 2 to effects on the intersection of Langdons Road and Greers Road and the effects of a resultant increase in vehicle movements on Morrison Avenue to consider. To help define the degree of effect of this effect the applicant undertook and provided vehicle movement surveys involving vehicle movements from Stage 1 of the development.

There will be an increase in vehicle movements on Morrison Avenue of 300vpd. (1100 existing including stage 1 to 1400 including the now limited Stage 2). This will have an amenity effect on the owners and occupiers of properties on Morrison Avenue. In this regard the applicant's agent has provided a University of Canterbury endorsed study in regard to amenity effects and vehicle movements in the Christchurch context³. The Leckie study suggests that the generally accepted level of movement for a local road (that is not a cul de sac) is said to be 1500 to 2000 vehicle movements (overseas studies suggest that this level of movements is 2000 – 3000). I note that the cumulative vehicle movements attributable to the development will be below these study thresholds.

*I requested Mr Falconer provide me with his professional advice on these matters. Mr Falconer provided comment at Section 5 of his assessment – Attached as **Attachment A** to this report.*

I defer to Mr Falconer's specific expertise in this matter and adopt this assessment. I conclude that the adverse effects relating to the function of the road network are less than minor.

I note there have been changes to the context of the above analysis in the intervening period.

Confirmed and projected Annual Plan funding

The 2022 / 2023 Christchurch City Council Annual Plan has confirmed \$300,000 for Greers / Langdons Traffic Lights⁴.

The Draft 2022 / 2023 Christchurch City Council Annual Plan identified \$300,000 in the 2022 / 2023 Financial Year, \$500,000 in the 2023 / 2024 Financial Year and \$1,200,000 in 2024 / 2025 or later for Greers / Langdons Traffic Lights⁵.

The applicant has also outlined other identified projects for road improvements in the area at section 4.3 pages 16. – 17. of the 26 August 2022 AEE.

I consider that there is now a clear indication of funding for an intersection upgrade to a set of light at the Langdons and Greers intersection.

Updated assessment of transportation effects including modelled and observed effects on the transportation network

The applicant has provided an updated assessment of the transportation network effects on 26 August 2022. The details of this assessment have been reviewed by an experienced consultant transportation planner, Mr Andrew Metherell, appointed by the Resource Consents Unit.

Prior to receipt of the 26 August assessment, Mr Metherell reviewed the analysis and methodology as originally submitted with the AEE for this application and discussed aspects of the analysis and methodology that he considered needed clarification or amendment with the applicant's transportation consultant. This discussion resulted in an amended Assessment of Transportation Effects received on 26 August 2022.

The assessment provided has been informed by observation of the operating large format retail development and the vehicle movements to and from the site.

Mr Metherell provided an analysis report on 30 August 2022. This report is in Attachment B to this report. He has provided this useful diagram of surveyed trip distribution in the 4pm – 5pm peak hour⁶:

³ Environmental Capacity of Local Street with Street Treatments. Andrew Leckie, 2012, University of Canterbury, Department of Civil and Natural Resources Engineering.

⁴ ID 67987 on page 208 of the 2022/ 2023 Annual Plan.

⁵ ID 679897 on page 122 of the Draft 2022/2023 Annual Plan.

⁶ He also made the point that the survey information provided by the applicant is robust and above the level normally expected for an assessment of this nature.



Figure 1: Surveyed Site Traffic Distribution (% of site generation)

It is clear that the significant majority of trip generation is projected to move to and from the east along Langdons Road. Comparatively few vehicle movements are through the Greers / Langdons intersection or through Morrison Avenue. The large majority of traffic that is heading in a westerly direction is projected to turn left into Langdons Road.

Mr Metherell notes specifically at section 2 of his report:

The right turn from Langdons Road to Greers Road accommodates approximately 2% of site generated traffic. Combined with the Morrison Avenue exit volume, that is 4% travelling north from the site via those two movements.

Also of note is the large volume that exits the site to the east (38%), at a higher traffic volume than enters from that direction. As we set out in our earlier memo, that is largely anticipated and the CAST modelled assessment from the original Stage 2 assessment of potential rat running through Morrison Avenue to access Sawyers Arms Road / Main North Road intersection has not eventuated. (Emphasis added)

It is apparent that Morrison Avenue continues to accommodate a small proportion of site generated traffic (remaining at about 5% of site generated traffic), and not at levels that had previously been assessed as a possibility by CCC traffic modelling. Likewise, the traffic volume making the right turn out from Langdons Road to Main North Road remains very low, due to the capacity restrictions.

In this regard Section 3.3 of Mr Metherell's report states for the projected weekday and weekend traffic generation of an occupied Block C:

Weekday

Allowing for the 5% via Morrison Avenue as per existing distribution, the change on Morrison Avenue due to block C will be approximately 7vph. The additional traffic generation on the right turn from Langdons Road to Greers Road will be approximately 3vph.

Weekend

Applying 5% then the Block C will add approximately 13vph in the busiest hour onto Morrison Avenue, and approximately 5vph to the Langdons Road right turn into Greers Road.

This apparently low number of additional vehicle movements does not necessarily mean that adverse effects of the additional vehicle movements at the intersection or along Morrison Avenue are acceptable. Mr Metherell discusses these vehicle movements at section 5 of his report.

Mr Metherell notes that the additional vehicle movements on Morrison Avenue are below a threshold of 2000 vpd which the applicant opines is acceptable for a local road. In my assessment of this matter in RMA/2018/2326, as set out above, I accepted that the vehicle movements below 2000 vpd had a less than minor effect on amenity. The movements will remain below this threshold.

I also note this statement from Mr Metherell:

Mr Edwa[r]ds also noted there was a more recent traffic count of Morrison Avenue conducted in August 2022. It shows a weekday average daily traffic volume of approximately 1,650vpd, and 1,300vpd on a weekend. This compares with the previously assessed (Refer Part A, section 5 above) 2021 traffic volumes of approximately 1,800 vehicles per day (vpd) on a weekday, and 1,400 vehicles per day on a weekend. This indicates that the previous assessment of effects on Morrison Avenue was conservative, and the effects on residential amenity of that street would be negligible with Block C. The s127 assessment further describes at section 9.6 that the traffic volumes recorded on Morrison Avenue are largely consistent with the level of traffic generation that could be directly associated with activity on Morrison Avenue. This provides some further comfort that the site is not generating excessive traffic down Morrison Avenue.

In regard to the right hand turn from Langdons Road into Greers Road Mr Metherell states in his conclusion:

CCC has allocated funding with the intention of signalling the Greers Road / Langdons Road intersection in the next few years, and it is considered the level of effect of additional development from Block C is unlikely to change the need for or timing of those traffic signals.

At section 4.4 of his advice Mr Metherell comments on the left turn lane marking on Langdons Road and whether no parking restrictions need to be added outside 436 Greers Road⁷ to ensure a longer left turn lane. He then comments in his overall conclusion:

The operational performance of Langdons Road on approach to Greers Road could be enhanced if no stopping lines were extended to approximately 30m from the limit line. Block C will slightly add to the desirability of that change.

In light of Mr Metherell's advice I have given consideration to whether a condition requiring no parking lines be extended on Langdons Road is necessary or appropriate. I have concluded it is not necessary or appropriate because:

- Operation of Block C will only *slightly add to the desirability* of extending the no stopping marking;
- The intersection will be redesigned and changed for a set of lights – likely extending the no stopping marking in question; and
- The marking of the road is outside the control of the applicant;

Taking into account the applicant's assessment, Mr Metherell's advice, and my preceding conclusion I consider that the adverse effects on people and the environment related to removing the condition 4 are less than minor.

For the avoidance of doubt I note the data and analysis provided by the applicant and Mr Metherell included traffic generation based on the now proposed floor area Block C.

In the assessment for RMA/2018/2326 it was found that the effects on the Langdons and Greers intersection and Morrison Avenue were unclear. Further analysis since the Blocks A and B became operational has defined these effects and shown that the effects are at an acceptable level.

Contribution condition

⁷ On road parking on Langdons outside number 436 Greers being observed to reduce the efficiency of turning out of Langdons Road.

The development will a minor reduction in levels of service in the right hand turn at the intersection. A contribution in financial terms could not be taken by way of a condition because section 108⁸ of the RMA requires that the District Plan species that a specific financial contribution be taken and the method by which the contribution be calculated, neither exist in the plan. If the contribution were to be taken as a developer contribution (under the development contributions policy) it is still unclear what a fair contribution would be. I again note that the analysis above has shown that the development only contributes a very small amount of traffic to the already low level of service. The intersection needs to be upgraded by Council regardless of this consent/proposal and the additional demand placed on the intersection by this proposal is unlikely to require any changes to the design or timing of the new intersection. On this basis no contribution should be required.

Re-configuration of Block C – Design Amenity effects

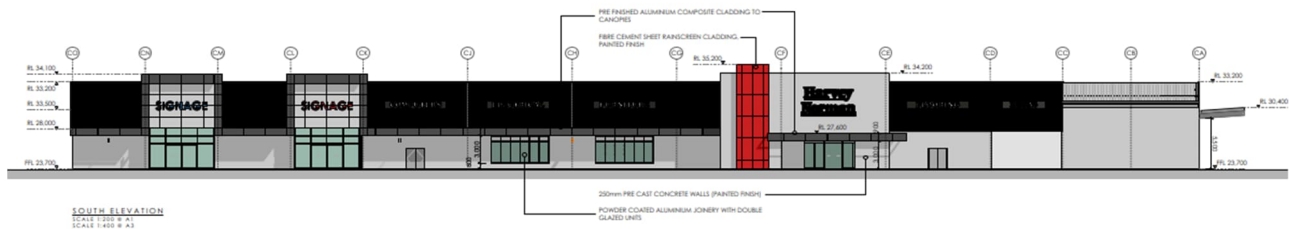
The significant difference is in the south elevation of Block C with addition of two entrance ways and more visually interesting detail in the façade.

RMA2018/2326



SOUTH ELEVATION - BLOCK C
SCALE 1:500 @ A1
SCALE 1:1000 @ A3

Proposed Block C Elevation



I consider that there will be no adverse amenity effects associated with the reconfiguration of Block C.

Re-configuration of Blocks A and B

I consider the any adverse effects related to the re-configuration of Blocks A and B to be insignificant – particularly as they only result in an increase in floor area of 42m².

Other environmental effects

Other potential non-transport related environmental effects are those that were addressed in RMA/2022/2386. These related to signage (pylon signs), vehicle crossings, and landscaping. The proposed removal of the condition 4 and the change in elevations does not affect these matters in any way.

Conclusion adverse effects

I conclude that any adverse effects on people and the environment relating to:

⁸ The section of the Act that specifies what conditions can be imposed on a consent.

- The deletion of condition 4; and
- The reconfiguration of Blocks A, B, and C

Will be less than minor.

Notification assessment [Section 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application is required.

Public notification

- Step 1. The application does not meet any of the criteria for mandatory notification in section 95A(2).
- Step 2. The application does not meet any of the criteria in section 95(A)(5)(b) precluding public notification.
- Step 3. There are no rules or NES requiring notification, and any adverse effects on the environment will be no more than minor (section 95A(8)).
- Step 4. There are no special circumstances that warrant public notification (section 95A(9)).

In accordance with the provisions of section 95A, the application must not be publicly notified.

Limited notification assessment

- Step 1. There are no affected groups or persons in relation to customary rights, customary marine titles or statutory acknowledgements as outlined in section 95B(2) and (3).
- Step 2. There are no rules or NES preventing limited notification, and the application is not for a controlled activity land use consent under the District Plan (section 95B(6)).
- Step 3. As discussed above, no persons are considered to be affected under section 95E (sections 95B(7) and (8)).
- Step 4. There are no special circumstances that warrant notification to any other persons (section 95B(10)).

In accordance with the provisions of section 95B, the application must not be limited notified.

Recommendation (A) - Notification

That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95F of the Resource Management Act 1991.

Relevant objectives, policies, rules and other provisions of the Plan and proposed Plan [Section 104(1)(b)(vi)]

Regard must be had to the relevant objectives and policies in the Christchurch District Plan. I consider that my objectives and policies assessment as set out in RMA/2018/2326 is still relevant and accurate. I have attached this assessment at Attachment A (the section 104 report).

Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

I am satisfied that the District Plan gives effect to the relevant provisions of the higher order documents referred to in s104(1)(b). As such, I have not addressed them specifically in my report.

Part 2 of the Resource Management Act and any other relevant matters [Section 104(1) and 104(1)(c)]

Taking guidance from recent case law⁹, the District Plan is considered to be the mechanism by which Part 2 is given effect to in the Christchurch District. The Plan has recently been reviewed, and was competently prepared through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of Part 2. Accordingly, no further assessment against Part 2 is considered necessary.

Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that it ought to have been notified.

Recommendation (B) – Substantive decision

That, for the reasons outlined above, the application **be granted** pursuant to Section 127 of the Resource Management Act 1991.

The conditions of consent shall now read as follows:

1. Except where varied by the conditions of this consent **and RMA/2022/344** the development shall proceed in accordance with the information and plans submitted with the application, including the further information/amended plans submitted on 25 March 2019, 27 March 2019, 18 April 2019 relating to amended site plans, elevations, amended landscape plans, and amended signage plinth plans. The approved plans are:
 - **~~Proposed Site Plan. Job No. 1632. Sheet No. A1.01 Revision E~~**
 - **~~Site Plan Job No. 1635 Sheet No A 1.01 (Stamped RMA/2022/344) (Stamped RMA/2022/344)~~**
 - **~~Alterations and additions Block C Job No. 1635 Sheet No A 1.02 (Stamped RMA/2022/344)~~**
 - **~~Floor Plan Job NO. 1635 Sheet No A2.01 (Stamped RMA/2022/344)~~**
 - **~~Floor Plan Job No. 1635 Sheet No A2.02 (Stamped RMA/2022/344)~~**
 - **~~Floor Plan Job No. 1632 Sheet No A2.03 (Stamped RMA/2022/344)~~**
 - **~~Elevations Job No 1632 Sheet No A3.01 Revision A (Stamped RMA/2022/344)~~**
 - **~~Enlarged Elevation Job No 1635 Sheet No A3.02 (Stamped RMA/2022/344)~~**
 - Pylon Signs. Job NO. 1632. Sheet No A3.06. Revision 4.
 - Northlink Retail Centre / Landscape Tree Planting, Earthwork Landscape Architects Ltd. Date 20 March 2019.
 - Northlink Retail Centre / Landscape Planting. Earthwork Landscape Architects Ltd. Date 20 March 2019.
 - Northlink / Plant Palette. Earthwork Landscape Architects Ltd. Date 20 March 2019.
 - Northlink Stage 1 Soft Scape Detail Sheet. Job No. E16004. Sheet No: L103.
 - **~~Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Block A Floor Plan. Job No. 1632. Sheet No A2.01. Revision D.~~**
 - **~~Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Block B Floor Plan. Job No 1632. Sheet No A2.02. Revision D.~~**
 - Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Elevations. Job No. 1632. Sheet No A3.01. Revision D.
 - Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Elevations. Job No. 1632. Sheet No A3.02. Revision D.
 - Northlink Retail Centre Blocks A & B Stage 2 Resource Consent. Elevations. Job No. 1632. Sheet No A3.03. Revision D.
 - **~~Northlink Retail Centre. Floor Plan Block C. Job No. 1632. A2.04. Revision B.~~**
 - **~~Northlink Retail Centre. Elevations. Job No. 1632. A3.04. Revision B.~~**
 - **~~Northlink Retail Centre. Elevations. Job No. 1632. A3.05. Revision B.~~**
 - 84 Langdons Road lighting plan including – Plan, Luminaries list and calculations summary, - View 1, View2.
 - Proposed Road layout – Section 1, Large Format Retail Development 84 / 48 Langdons Road. Job No: 254008. Dated 29/06/2018.
 - Proposed Road layout – Section 2, Large Format Retail Development 84 / 48 Langdons Road. Job No: 254008. Dated 29/06/2018.
 - Proposed Road layout – Section 3, Large Format Retail Development 84 / 48 Langdons Road. Job No: 254008. Dated 29/06/2018.

⁹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

2. The proposed landscaping shall be established on the site within the first planting season (extending from 1 April to 30 September) following the final passed building inspection for Blocks A and B in accordance with:
 - Northlink Retail Centre / Landscape Tree Planting, Earthwork Landscape Architects Ltd. Date 20 March 2019;
 - Northlink Retail Centre / Landscape Planting. Earthwork Landscape Architects Ltd. Date 20 March 2019; and
 - Northlink / Plant Palette. Earthwork Landscape Architects Ltd. Date 20 March 2019.
3. All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.
4. ~~Block C shown on the plans listed in Condition 1 cannot be used for any activity for which there is a definition in Chapter 2 of the Christchurch District Plan until a contract has been let for the signalisation of the intersection of Langdons Road and Greers Road.~~

Advice Note:

The lapse date of the consent remains unchanged, i.e. 6 May 2024. The consent will lapse on this date unless it is given effect to before then.

Reported and recommended by: Scott Blair, Senior Planner


Date: 6 September 2022

Decision

That the above recommendations be adopted for the reasons outlined in the report.

Commissioner:

Name: David Mountfort

Signature: 

Date: 28 September 2022