

**BEFORE THE CHRISTCHURCH REPLACEMENT DISTRICT PLAN  
HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991 and the  
Canterbury Earthquake (Christchurch Replacement  
District Plan) Order 2014

**AND** the Christchurch Replacement District Plan -  
Proposal 14

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**STATEMENT OF EVIDENCE OF TIMOTHY CARR WALSH  
ON BEHALF OF BEACH ROAD TYRE AND AUTO CENTRE LIMITED  
(SUBMITTER 1077)**

the 20<sup>th</sup> day of March 2015

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## **INTRODUCTION**

1. My name is Timothy Carr Walsh. I am a resource management planner employed by Novo Group. Novo Group is a resource management planning and traffic engineering consulting company that provides resource management related advice.
2. I hold a Bachelor of Science (Honours) degree and a Master of Science degree from the University of Canterbury. I am also an Associate member of the New Zealand Planning Institute.
3. I have been employed by Novo Group as a Senior Planner for one month. Prior to my current role I was employed as a Senior Advisor in the Christchurch Central Development Unit at the Canterbury Earthquake Recovery Authority for approximately 2 years.
4. I have approximately 9 years of experience as a resource management planner, working in local and central government, and as a consultant.
5. Relevant to this matter, I have experience in processing resource consent applications including preparing Section 42A reports and attending resource consent hearings on behalf of Queenstown-Lakes District Council. As a consultant planner I have experience in evaluating development projects, preparing resource consent applications and presenting evidence at Council resource consent and plan change hearings and the Environment Court.

## **Code of Conduct**

6. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I have complied with it in preparing this evidence and I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise except where I state that my evidence is given in reliance on another person's evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.

## Scope of Evidence

7. I have been engaged by Beach Road Tyre and Auto Centre Limited (**'Beach Road'**) to provide evidence in relation to properties located at 89-91 Beach Road, Christchurch which are proposed to be zoned Residential Suburban in Proposal 14 of the Proposed Christchurch Replacement District Plan (**'Replacement Plan'**).
8. My evidence addresses the appropriateness of the proposed zoning.
9. The structure of my evidence is set out as follows:
  - a. current land use and zoning;
  - b. proposed zoning; and
  - c. options evaluation.
10. While recognising the statutory documents set out on pages 10-12 of the hearings panel's decision on Strategic Directions and Strategic Outcomes (and Relevant Definitions) dated 26 February 2015 (the **'Strategic Directions decision'**), my evidence specifically considers the degree of alignment with:
  - a. The statement of expectations in Schedule 4 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (**'the Order'**), and in particular matters (a), (b) and (i) in Schedule 4; and
  - b. The Strategic Directions decision, and objectives 3.3.1 and 3.3.2 in particular; and
  - c. Section 32 of the Resource Management Act 1991 (**'the Act'**).
11. In addition to the above and Beach Road's submission, I have also considered the following documents in formulating my evidence:
  - a. Proposal 14 (Residential) of the Replacement Plan (notified version and 9 March 2015 revision);
  - b. the section 32 report;
  - c. the Order, particularly Schedule 4 – Statement of Expectations;
  - d. the Strategic Directions decision; and

- e. the evidence of Mr Scott Blair for Christchurch City Council ('Council').

### **Executive Summary**

- 12. The Residential Suburban zoning proposed for the site:
  - a. is not consistent with the statement of expectations in Schedule 4 of the Order;
  - b. is not consistent with the Strategic Directions decision, and objectives 3.3.1 and 3.3.2 in particular; and,
  - c. is not the most appropriate way to achieve the relevant objectives of the Replacement District Plan.
- 13. Further evidence will be led on the Commercial Proposal as to the particular zoning that would be the most appropriate zoning for the site.

### **STATEMENT**

#### **Current use and zoning**

- 14. As described in the Beach Road submission, the site is located at 89-91 Beach Road and contains a motor vehicle servicing business that was originally authorised in 1967. The approval also authorised the sale of fuel from the site, however this aspect of the business has since been discontinued. The location of the site is shown at **Attachment 1**.
- 15. The site is zoned Living 1 under the Operative Christchurch City Plan ('City Plan') and portion of the site that is 91 Beach Road is listed as a scheduled service station activity in the City Plan. Paragraph 3 on page 1 of the Beach Road submission outlines what the service station scheduled activity provides for.
- 16. The City Plan describes the Living 1 Zone as covering:
  - most suburban living environments of the city, excluding the hills, and provides principally for low density permanent living accommodation*
- 17. Despite this, the current commercial use is very unlikely to change over the life of the Replacement Plan. As described in the submission:

*The site history, established and successful business activity presently on site, the investment in buildings and improvements on the site, and the potential site remediation requirements make residential development an unlikely prospect for the foreseeable future.*

### **Proposed zoning**

18. The proposed Residential Suburban Zone is more or less equivalent to the current Living 1 zoning and is described as follows:

*The Residential Suburban Zone provides for the traditional type of housing in New Zealand in the form of single or two storeyed predominantly detached or semi detached houses, with garage, ancillary buildings and provision for gardens and landscaping...*

19. For all intents and purposes, the proposed zoning simply maintains the status quo in relation to the subject site. This is perhaps understandable given the relatively coarse-grained analysis used for determining zoning for Proposal 14 – without a more fine-grained analysis, the particular characteristics of the site would easily be overlooked.
20. The Residential Suburban Zone does not relate to the activity which presently operates at 89-91 Beach Road and neither does it anticipate or adequately provide for potential enhancements or redevelopment. On this basis, Beach Road have submitted that Residential Suburban is not the most appropriate zoning for the site and contends that Commercial Local zoning is more appropriate.
21. Mr Blair's evidence on behalf of Council discusses submissions requesting rezoning at paragraphs 15.1 to 15.49. Mr Blair's opinion is that the cumulative loss of residential yield of the properties requesting rezoning is not significant. The evidence contains a site-by-site analysis determining whether properties should remain zoned for residential use. However, the subject site is mistakenly omitted from this analysis.
22. Scheduled activities will be contained in the 'General Rule and Procedures' proposal of the Replacement Plan to be notified on 2 May 2015. A preliminary draft of the proposal indicates that part of the subject site (91 Beach Road) would continue to be scheduled. This would only be

relevant however if the proposed Residential Suburban zoning is confirmed. If the site was rezoned commercial, there would be no need to list it as a scheduled activity.

23. Commercial Local zoning would provide greater flexibility and certainty for the establishment of appropriate commercial activities on the generally vacant land parcels either side of the main workshop building compared to the current proposal. Likewise, Commercial Local zoning would provide for a comprehensive redevelopment of the site if this proved commercially viable. Beach Road have advised me that it does not have any particular plans for further development or redevelopment of the site at present.

### **Evaluation of options against section 32, Statement of expectations and Strategic Directions Objectives**

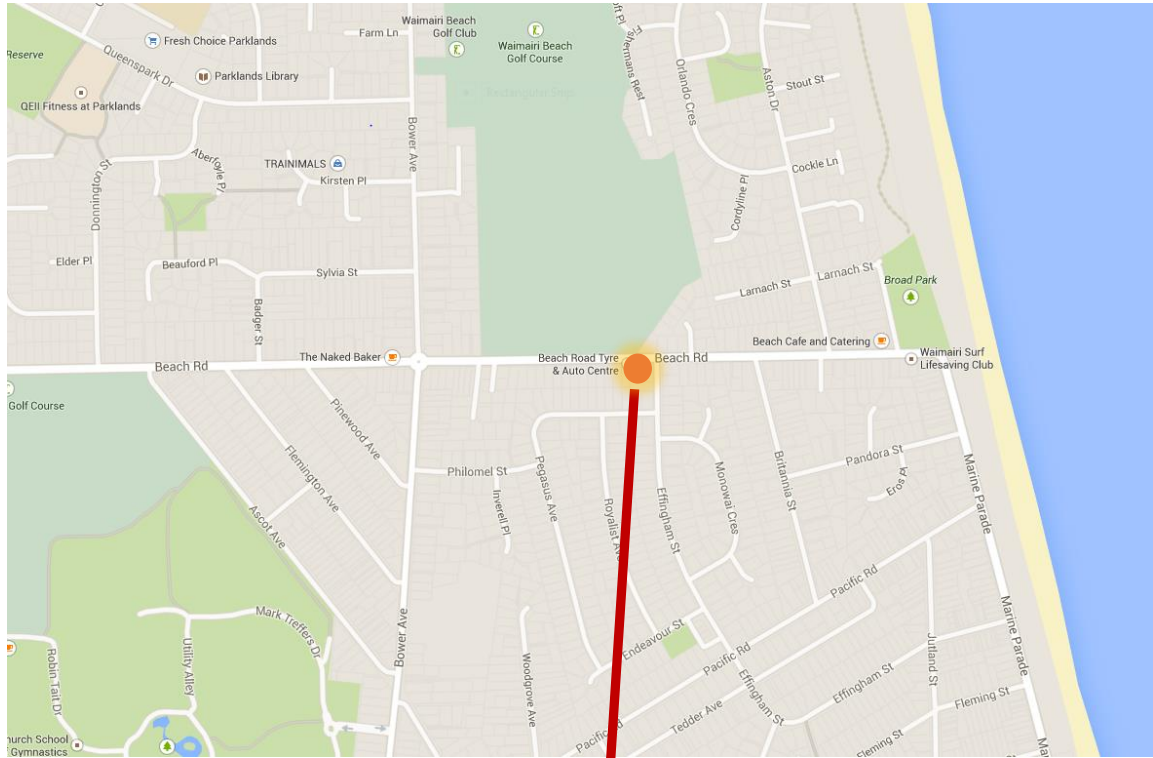
24. An evaluation of the proposed Residential Suburban zoning against the statement of expectations in the Order, the objectives in the Strategic Directions decision, and section 32 of the Act is provided at **Attachment 2**. I have also provided some evaluation in respect of the option of rezoning the site Commercial Local, however, further evidence on this matter will be led on Proposal 15.
25. Based on the evaluation at **Attachment 2**, I have concluded that the proposed Residential Suburban zoning is not consistent with the Order or the objectives in the Strategic Directions decision and is not the most appropriate method for achieving the relevant objectives.



Tim Walsh

20 March 2015

### Attachment 1: Site location maps



Source: Google Maps



Source: Google Earth

**Attachment 2: Evaluation of options**



**Table 1: Evaluation of consistency with the statement of expectations in Schedule 4 of the Order**

<b>OPTION</b>	<b>clearly articulates how decisions about resource use and values will be made</b>	<b>reduce significantly reliance on resource consent processes</b>	<b>reduce significantly the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice</b>	<b>reduce significantly the requirements for notification and written approval</b>	<b>objectives and policies that clearly state the outcomes that are intended</b>	<b>clear, concise language and is easy to use</b>
Residential Suburban zoning	No  Residential Suburban zoning with its associated provisions contemplates activity other than which exists or is likely to exist on site for the life of the plan.	No  Resource consent process would be relied on for further development or redevelopment of the site. Scheduling the existing activity would mitigate this to some degree but would limit flexibility in respect of potential redevelopment options and on the part of the site not scheduled.	No  Residential Suburban zoning would generally discourage and/or preclude innovative use of the site.	No  Further development or redevelopment of the site under Residential Suburban zoning may result in notified consenting processes and/or requirements for written approvals.	No  Previous planning approval and scheduling have clearly allowed for commercial use of the site. The objectives and policies of the Residential Suburban Zone have little relevance to the historical, existing, and likely future use of site.	Neutral
Commercial Local zoning	Yes  Would provide a clear framework for use.	Yes  Would reduce the need for resource consents in relation to future development / redevelopment of the site. It would also negate the need to schedule the existing activity.	Yes  Commercial zoning would encourage innovation and choice for the land owner in terms of any further development / redevelopment of the site.	Yes  Would reduce the need for resource consents.	Yes  Would clearly express potential for further commercial development / redevelopment of the site.	Neutral

**Table 2: Evaluation of consistency with the relevant objectives of the Strategic Directions decision**

<b>OPTION</b>	<b>Objective 3.3.1 Enabling recovery &amp; facilitating future enhancement of the district</b>	<b>Objective 3.3.2 Clarity of language and efficiency</b>	<b>Objective 3.3.4 Housing capacity and choice</b>	<b>Objective 3.3.5 Business &amp; economic prosperity</b>	<b>Objective 3.3.7 Urban growth, form &amp; design</b>	<b>Objective 3.3.14 Incompatible activities</b>
Residential Suburban zoning	<p>No</p> <p>Under the Residential Suburban zoning, Beach Road can rely on its existing planning approvals (and potentially through a continuation of scheduling) to maintain the status quo for the site. It would not however facilitate enhancement.</p> <p>Given residential development of the site is unlikely, the proposed zoning would not provide for housing needs. The zoning would not provide for economic development nor would it foster investment certainty.</p>	<p>No</p> <p>Further commercial development / redevelopment of the site would be subject to resource consent processes with potentially high transaction costs.</p> <p>Innovation and choice would not be encouraged.</p> <p>The objectives and policies would clearly state the intended outcomes but they would be at odds with the commercial use of the site.</p>	<p>No</p> <p>Enabling residential development of the site will not provide additional housing capacity given the site is unlikely to be converted to residential use.</p>	<p>No</p> <p>This option would not promote business and economic prosperity in relation to the site.</p>	<p>No</p> <p>This option would not 'increase housing development opportunities' given that commercial use of the site is unlikely to change over the life of the Replacement Plan and beyond.</p> <p>This option would not 'promote the re-use and redevelopment of buildings and land'.</p>	<p>Yes</p> <p>The appropriateness of the commercial use of the site has already been established in respect the existing business. Zoning the site Residential Suburban will not alter the existing use of the site. However, it will maintain the status quo.</p>

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Commercial Local zoning	<p>Yes</p> <p>Would appropriately provide for commercial use. This would 'foster investment certainty' for Beach Road and provide for longer term needs for economic development.</p>	<p>Yes</p> <p>Would minimise transaction costs (and notification requirements).</p> <p>Would encourage innovation and choice in respect of the site.</p> <p>Would provide clarity of outcome.</p>	<p>Yes</p> <p>This option maintains the potential for additional housing capacity as residential activities are permitted above ground level subject to certain standards.</p>	<p>Yes</p> <p>Would support and provide opportunities for business activity and economic prosperity.</p>	<p>Yes</p> <p>The Commercial Local Zone contains provisions that I consider would provide for the maintenance of amenity of neighbouring residential properties.</p> <p>This option promotes the re-use and redevelopment of buildings and land.</p>	<p>Yes</p> <p>Commercial Local Zone is an appropriate way to manage potentially incompatible activities. The Commercial Local Zone contains provisions that I consider would provide for the maintenance of amenity of neighbouring residential properties.</p>

**Table 3: Section 32 evaluation**

<b>Is residential zoning of the land the most appropriate way to achieve the objectives?</b>					
<b>Relevant objectives</b>					
<ul style="list-style-type: none"> <li>- Strategic directions objectives (see Table 2 above)</li> <li>- Objective 14.1.1 Housing supply</li> <li>- Objective 14.1.5 High quality residential environments</li> </ul>					
<b>Other practicable options</b>					
<ul style="list-style-type: none"> <li>- Commercial Local zoning</li> </ul>					
<b>Method</b>	<b>Are provisions most appropriate way to achieve the objectives?</b>	<b>Effectiveness</b>	<b>Efficiency (Benefits)</b>	<b>Efficiency (Costs)</b>	<b>Risks of acting/not acting</b>
Residential Suburban zoning	<p>Generally not</p> <p>See <b>Table 2</b> above in respect of consistency with Strategic Directions objectives.</p> <p>The site contains an approved commercial activity and is unlikely to be converted to residential use in the foreseeable future. For this reason, the provisions of the Residential Suburban Zone will be ineffective in terms of increasing housing supply (Objective 14.1.1) and ensuring a high quality residential environment (Objective 14.1.5).</p> <p>The provisions would ensure that the existing commercial activity continues to meet only local needs compatible with the surrounding residential area (Objective 14.1.7).</p>	<p>The provisions of the Residential Suburban Zone would be effective as far as maintaining the status quo for the site, but would not provide for appropriate further development or redevelopment of the site.</p>	<p><i>Environmental:</i></p> <p>Avoids potential adverse effects associated with further commercial development or redevelopment of the site.</p> <p><i>Social:</i></p> <p>Provides residents with certainty as to the continuation of the status quo if the site was not converted to residential use (which is unlikely).</p>	<p><i>Economic:</i></p> <p>Inefficient use of the physical land resource.</p> <p>Discourages innovation, further investment and development of the site through uncertainty.</p> <p>Possible significant time and costs associated with consenting any future commercial development or redevelopment of the site.</p>	<p>The risk of acting (i.e. approving the proposal and effectively maintaining the status quo) is that it creates a degree of uncertainty for the Beach Road should it wish to further develop / redevelop the site for commercial purposes.</p>