

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

**IN THE MATTER OF**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF**

The Proposed Christchurch Replacement District Plan – Chapter 15 - Commercial

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**STATEMENT OF EVIDENCE OF MARK BERNARD BROWN ON BEHALF OF DANNE MORA HOLDINGS LIMITED**

**DATED 24 APRIL 2015**

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## **1 INTRODUCTION**

- 1.1 My name is Mark Bernard Brown. I am a planner with Davie Lovell Smith where I have worked for the past 5 years.
- 1.2 I have a Masters of Regional and Resource Planning from the University of Otago. I have practised in the field of resource management for 16 years. During this time I have assisted a wide range of private, public and corporate sector clients on a wide range of planning and resource management issues and projects.
- 1.3 I am fully aware of matters pertaining to North Halswell having participated in hearings for the Meadowlands New Neighbourhood Exemplar site and Chapter 8 and Chapter 14 as they relate to the New Neighbourhood Zone and the North Halswell Outline Development Plan.
- 1.4 In recent times I have provided resource management services in support of the following commercial and industrial developments:
  - Izone industrial subdivision, Rolleston
  - Blenheim Square retail Park, Christchurch
  - Highland Park Commercial Centre (proposed), Mosgiel
  - Mike Greer Commercial Offices, Rangiora

## **2 CODE OF CONDUCT**

- 2.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on evidence of another person.

## **3 SCOPE OF EVIDENCE**

- 3.1 This evidence has been prepared in support of the creation of the Commercial Core (North Halswell) zone and the North Halswell KAC ODP.
- 3.2 My evidence covers the following matters:
  - (a) The consistency of the amended version of Chapter 15 – Commercial with the Land Use Recovery Plan and the Regional Policy Statement

- (b) The submissions made in respect of the Commercial Core (North Halswell) zone and accompanying ODP.
- (c) The effectiveness of the rules package in satisfying the Statement of Expectations contained within Schedule 4 of the Canterbury Earthquake (Replacement District Plan) Order 2014

#### **4 EXECUTIVE SUMMARY**

- 4.1 Chapter 15 is consistent with the framework for commercial development established by the LURP and the RPS.
- 4.2 I have assessed Council's response to the submissions made by Danne Mora (#1134) and have concluded that the majority of relief being sought has been accepted by Council.
- 4.3 I have assessed Chapter 15 and more particularly the Commercial Core (North Halswell) zone in terms of its consistency with the Canterbury Regional Policy Statement, the Land Use Recovery Plan and the Canterbury Earthquake (Christchurch Replacement District Plan) Order - Schedule 4: Statement of Expectations.
- 4.4 It is my assessment that overall, albeit with some amendments, the proposed Commercial Core (North Halswell) zone provides for commercial development that is consistent with the aforementioned statutory documents.
- 4.5 On the basis of expert evidence assessing retail economic impacts, traffic, infrastructure and urban design, I am satisfied that the size and location of the North Halswell KAC is consistent with the objectives and policies of Chapter 15 and the higher order documents referred to above.
- 4.6 Accordingly I consider the Commercial Core (North Halswell) zone will assist the Council in carrying out its functions so as to achieve the purpose of the RMA.

#### **5 LAND USE RECOVERY PLAN.**

- 5.1 The Land Use Recovery Plan identifies the importance of key activity centres and neighbourhood centres in enabling recovery from housing, community facilities and business perspectives through to 2028.
- 5.2 The LURP provides delivery mechanisms necessary to:
  - a. Provide a range of housing opportunities, including social and affordable housing
  - b. Meet the land use needs of residential and business activities in existing communities and in greenfield areas to accommodate rebuilding and growth
  - c. Support recovery and rebuilding of central city, suburban and town centre

- d. Ensure that repair of and development of transport networks and service infrastructure support these activities
- e. Take account of natural hazards and environmental constraints that may affect recovery<sup>1</sup>

5.3 The delivery mechanisms referred to above are identified as Actions within the LURP. Of relevance to the North Halswell KAC is Action 24.

<p><b>Action 24: Christchurch City Council district plan review [Agreed Actions]</b></p> <p>Christchurch City Council to enable in the next review of its district plans the following measures:</p> <p><b>Rebuilding of existing business areas</b></p> <ul style="list-style-type: none"> <li>(i) existing industrial activities in business zones</li> <li>(ii) comprehensive developments in existing urban business areas, including brownfield sites</li> <li>(iii) clarity and certainty about urban design requirements in key activity centres and other business zones</li> </ul> <p><b>Revitalising centres</b></p> <ul style="list-style-type: none"> <li>(iv) zoning that defines the extent of each <b>key activity centre</b></li> <li>(v) planning provisions for <b>key activity centres</b> and neighbourhood centres that have undergone a suburban centre masterplan process</li> <li>(vi) mixed-use development within <b>key activity centres</b></li> </ul> <p><b>Greenfield priority areas for business</b></p> <ul style="list-style-type: none"> <li>(vii) outline development plans to establish the broad land use pattern within the Hornby and Belfast greenfield priority areas for business shown on map A, appendix 1, including consideration of wider connectivity to surrounding areas and networks</li> <li>(viii) an integrated approach to greenfield priority areas for business that are located near Christchurch Airport</li> <li>(ix) zoning provisions for other greenfield priority areas for business shown on map A, appendix 1</li> <li>(x) thresholds for commercial activities in greenfield priority areas for business where these are considered necessary to avoid reverse sensitivity effects or effects on the viability of key activity centres.</li> </ul>
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5.4 In addition to Action 24 which relates directly to enabling business recovery, Actions 33 and 36 below are also of relevance to North Halswell.

<p><b>Action 33: Christchurch City Council's prioritised infrastructure programmes</b></p> <p>Christchurch City Council, pursuant to section 26(4) of the CER Act, must amend Local Government Act instruments to the extent necessary to provide for prioritised infrastructure programmes that identify capacity requirements and optimise available resources and funding to support the development of greenfield priority residential and business areas, key activity centres, neighbourhood centres, and intensification and brownfield areas.</p>
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<sup>1</sup> Executive summary of the LURP (page 6)

**Action 33: Christchurch City Council district plan review**

Christchurch City Council to enable in the next review of its district plans, to provide for land use and transport network integration, including:

- i. measures to support the implementation of the Greater Christchurch Transport Statement, Christchurch Transport Strategic Plan and the Christchurch Central Recovery Plan
- ii. support for transport choice, including walking, cycling and public transport
- iii. management of conflicts between property access, streetscape and transport efficiency.

- 5.5 The North Halswell KAC is identified on Map A. The KAC is a greenfield priority area for business that has been identified to service the escalating residential growth within this area and complement the surrounding greenfield residential priority area that was the subject of recent hearings in respect of the New Neighbourhood Zone contained within Chapter 14 – Residential and the Exemplar.
- 5.6 As with the RPS framework concerning KAC's, the aforementioned expert evidence in regards to retail economics confirms that the thresholds for retailing activity and office activity contained within the Commercial Core (North Halswell) Rules 15.2.6.2.3 and 15.2.6.2.4 will satisfactorily address the reverse sensitivity effects and effects on other key activity centres identified within Action 24.
- 5.7 Similarly the expert evidence in regards to infrastructure and traffic endorses that, subject to planned and programmed upgrades, sufficient infrastructure capacity will be available to cater for the KAC and that an integrated transport network will be available to support the KAC.
- 5.8 I am comfortable that the North Halswell KAC is consistent with Actions 24, 33 and 36 of the LURP and assists in achieving the vision of the Recovery Strategy for Greater Christchurch.

## **6 REGIONAL POLICY STATEMENT**

While not wishing to attempt a detailed interpretation of Chapter 6 of the RPS, for present purposes my view is that there are a number of key messages contained within this document in respect of urban development during the planning "recovery period" to 2028. These include:

- Certainty of where development is to be located is appropriate in order to enable efficient and effective delivery of strategic, network and social infrastructure;
- Recovery can be more efficiently and effectively achieved if it supports existing centres of activity, such as the central City, Key Activity and Neighbourhood centres;
- Importance of integrating development with transport networks; and
- While good urban design is seen as critical to recovery, tension can exist between the quality of built form and the speed of recovery.

6.1 I have previously assessed the residential rezoning of land within the North Halswell Outline Development Plan area as giving effect to the RPS. For a number of reasons, outlined below, I am of the opinion that the KAC as identified in the Proposed Plan, and as subsequently amended in the Council's evidence, will achieve the same level of consistency with this higher order document.

6.2 The objectives and policies of the RPS are set out in Appendix 1 of my evidence. Within these Objectives and Policies, the aspects of particular relevance to the Key Activity Centre at North Halswell are addressed below.

***Regional Policy Statement - Objectives***

6.3 Objective 6.2 :*Recovery Framework* refers to an enabling of development through a land use and infrastructure framework that:

- (1) *Identifies priority areas for urban development within Greater Christchurch;*
- (2) *Identifies Key Activity Centres which provide a focus for high quality, and, where appropriate, mixed- use development that incorporates the principles of good urban design;*

.....

- (9) *Integrates strategic and other infrastructure and services with land use development;*
- (10) *achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;*

6.4 Objective 6.2.4 *Integration of transport infrastructure and land use* refers to the prioritisation of planning of transport infrastructure to maximise integration with priority areas for development.

- 6.5 Objective 6.2.5 *Key Activity and other centres* refers to the continued support for existing network of centres as the preferred locations or focal points for commercial, community and service activities during the recovery period. These centres are intended to be of high quality and supportive of a diverse range of business opportunities. Commercial development outside of these centres is to be managed in such a way as to avoid significant adverse effects on the function and viability of these centres.
- 6.6 The Explanation and reasons for Objective 6.2.5 also states that the various Key Activity Centres are not homogenous, rather, .. *The extent that business and residential intensification is directed to occur across these Christchurch City Centres is dependent on their scale and function.*
- 6.7 Objective 6.2.6(3)- *Business land development* refers to new commercial activities being primarily directed to the Central City, Key Activity Centres, and neighbourhood centres. In terms of urban design, Objective 6.2.6 (5) states:  
*(5) Business development adopts appropriate urban design qualities in order to retain business, attract investment and provide for healthy working environments.*
- 6.8 The North Halswell KAC is identified within Map A *Greenfield Priority Areas* of Chapter 6 of the RPS. Its subsequent inclusion within the Proposed Replacement District Plan directly gives effect to Objective 6.2.1 (1) & (2) of the RPS.
- 6.9 In terms of integration of the development of the KAC with strategic infrastructure, a number of improvements to network infrastructure will be necessary, including the planned upgrade to the Council's sewage network, and also the signalised intersection with Augustine Drive and Halswell Road. These improvements are set out in more detail in the evidence of Mr. Hall, Mr. Penny (witnesses for Danne Mora) and Mr. Calvert, Mr. Norton and Ms O'Brien for the Council.
- 6.10 On the basis of that evidence, I am satisfied that the anticipated 17.3ha of commercial development outlined in the KAC as notified can be achieved in a way, and at a rate, which is integrated with strategic infrastructure in the North Halswell area. As such I consider the proposed KAC is appropriately located to meet Objective 6.2.1 (9) & (10) and Objective 6.2.4.
- 6.11 While there undoubted costs associated with the necessary infrastructure upgrades, it is important in my view that the need for these upgrades is recognised and supported by the Christchurch City Council and also the road

controlling authority for SH 75 (NZTA) in respect of the proposed signalised intersection at Augustine Drive.

- 6.12 In terms of urban design, the intention of the rules is to ensure high quality design for the KAC can be achieved by requiring restricted discretionary activity consent for all future development. A consent mechanism of this nature will, in my view, give effect to Objective 6.2.6 (5) above, although I would agree that controlled activity status where development meets key elements of the proposed ODP for the KAC could also achieve a similar level of consistency with this Objective. I will examine this matter further in my evidence.

### ***Regional Policy Statement – Policies***

- 6.13 In respect of Key Activity Centres, Policy 6.3.1 – *Development within the Greater Christchurch area* includes a requirement to:
- (2) Give effect to the urban form identified in Map A by identifying the location and extent of the indicated Key Activity Centres; and*
- (6) Avoid development that adversely affects the function and viability of, or public investments in, the Central City and Key Activity Centres*
- 6.14 Policy 6.3.2 – *Development form and urban design* states that business development should give effect to identified principles of good urban design and those of the NZ Urban Design Protocol 2005.
- 6.15 The explanation and reasons to this Policy recognise that urban design is also about a process, where ideally collaboration takes place. It is also stated that: *local authorities need to be clear about their expectations for development, to ensure efficient management through resource consent or plan change process.* To achieve this clarity, it is anticipated that local authorities will develop clear, user friendly guidelines.
- 6.16 Policy 6.3.3 imposes a requirement that development be in accordance with outline development plans. Amongst other benefits, the explanation and reasons for this Policy state that ODP's provide a mechanism for integrating urban development with infrastructure, assist in providing certainty for the community, developers, network utility providers and territorial authorities.
- 6.17 Policy 6.3.4-*Transport effectiveness* refers to the restoration, protection and enhancement of an effective transport network to support business and residential recovery.

- 6.18 Policy 6.3.5 –*Integration of land use and infrastructure* states that recovery is to be assisted by the integration of land use development with infrastructure by:
- (2) *Ensuring that the nature, timing and sequencing of new development are co-ordinated with the development, funding, implementation and operation of transport and other infrastructure in order to;*
    - (a) *optimise the efficient and affordable provision of both the development and the infrastructure;*
    - (b) *maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;*
    - (c) *protect investment in existing and planned infrastructure; and*
    - (d) *ensure new development does not occur until provision for appropriate infrastructure is in place;*
  - (3) *Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;*
- 6.19 Policy 6.3.6- *Business land* reinforces the role of the Central City, as the City's primary commercial centre, and that of the Key Activity Centres (6.3.6 (2)). New commercial activities are primarily to be directed to these centres. Out of centre development is contemplated, where this will not give rise to significant adverse distributional or urban form effects (6.3.6 (4)).
- 6.20 Specifically in respect of Key Activity Centres, Policy 6.3.6 (11) provides:
- (11) *Promotes, where appropriate, development of mixed-use opportunities, within Key Activity Centres provided reverse sensitivity issues can be appropriately manage.*
- 6.21 In addition, good urban design principles should be incorporated into the development of business land, where it is appropriate to the context (6.3.6 (12)).
- 6.22 Again, in reliance on the evidence referred to above, my opinion is that the development of the KAC as amended in the Council evidence can give effect to the RPS policies. In particular, the development of the KAC will be co-ordinated with either planned or supported upgrades to the transport and sewage infrastructure networks. Mr. Penny's evidence also demonstrates that with the upgrading of the Augustine Drive signals, the development will be consistent with maintaining the operational effectiveness of the State Highway network and the surrounding local network.
- 6.23 The economic evidence of Mr. Colegrave and Mr. Heath supports the establishment of thresholds for retail and office activity (25000m<sup>2</sup> and 5000m<sup>2</sup> respectively), beyond which the potential for distributional effects on other centres will be subject to detailed scrutiny by means of a discretionary activity

consent. In my opinion, the establishment of these thresholds, together with a mechanism for assessing the impacts of commercial activities is appropriate to give effect to Policy 6.3.6 of the RPS.

- 6.24 In terms of policies relating to urban design and outline development plans, these are matters more fully considered in the evidence of Mr. Lunday and Mr McIndoe (for the Council). I have also noted that the Council has introduced a KAC specific outline development plan for North Halswell, which includes a number of fixed and indicative features which generally follow the detail required by Policy 6.3.3 of the RPS. In my opinion, this ODP (when considered alongside the wider North Halswell ODP) appropriately provides for certainty in terms of key matters such as the location of principal through roads and public open spaces, while at the same time enabling a high degree of flexibility and adaptability for future developers to accommodate the range of activities contemplated by the KAC.

## **7 REPLACEMENT DISTRICT PLAN –STRATEGIC DIRECTIONS AND STRATEGIC OUTCOMES (DECISION 1)**

- 7.1 The Strategic Directions decision (26 February 2015) sought to *make explicit that objectives and policies in all other chapters are to be expressed and achieved in a manner consistent with the objectives in Strategic Directions.*
- 7.2 Of relevance to Chapter 15 and in particular the Commercial Core Zone is **Objective 3.3.7 Urban growth, form and design** which seeks a well-integrated pattern of development, consolidated urban form and a quality urban environment that is attractive to residents and business and maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community focal points.
- 7.3 In addition, **Objective 3.3.10 - Commercial and industrial activities** seeks to enable the recovery and stimulation of commercial activities through
- (a) *Enabling rebuilding of existing business areas, revitalising of centres, and provision in greenfield areas; and*
  - (b) *Ensuring sufficient and suitable land development capacity.*
- 7.4 The objectives and policies within Chapter 15 are clearly informed by the Strategic Directions objectives and achieve consistency in terms of the outcomes and expectations sought from commercial recovery.

- 7.5 Within Chapter 15, Objective 1 –Recovery of Commercial Activity identifies the importance of enabling the recovery and long term growth of commercial activity which is strongly aligned to Objective 3.3.10 above.
- 7.6 Objective 3- Urban Form, Scale and Design Outcomes and associated Policies 9 and 10 recognise the importance ensuring appropriate scale, form and design outcomes which is consistent with the outcomes anticipated within Objective 3.3.7 Urban growth, form and design of the Strategic Directions Chapter.

## **8 CHAPTER 15- (AMENDED) OBJECTIVES AND POLICIES - KEY ACTIVITY CENTRES**

- 8.1 I have reviewed various statements of evidence on behalf of the Council, including the planning evidence of Mr. Stevenson and his suggested amendments to the Commercial Proposal.
- 8.2 The amended Objectives within the Commercial Proposal can, broadly speaking, be described as:
- (i) Recognising and facilitating the critical importance of commercial activity to the recovery and long term growth of the City in an enabling framework that supports efficient use and continued viability of commercial centres;
  - (ii) Providing a focus for commercial activity, including intensification, within a network of centres (comprising the Central City, District, Neighbourhood, Local and Large Format centres).
  - (iii) Supporting the function of the various centres in a way that is consistent with their defined roles and functions;
  - (iv) Supporting a compact and sustainable urban form that integrates a range of commercial, residential and recreational activities;
  - (v) Supporting a form of development that is efficiently serviced and manages adverse effects on the transport network and public and private infrastructure.
- 8.3 In terms of the associated policies, a clear preference is accorded to the Central City such that development elsewhere does not... *adversely affect its recovery as a regional centre and the primary destination for a concentration of a wide range and scale of activities serving the region's population...*

### **Policy 1 – Role of Centres**

- 8.4 Policy 1 identifies the role of District Centres as ... *significant focal points of commercial, residential, community facilities and social interaction, serving a wide catchment in a highly accessible location by a range of modes of transport* is to be supported and enhanced.
- 8.5 In terms of the roles of Key Activity Centres such as North Halswell, these are set out in Table 15.1:
- *Major retail destination for shopping and a focal point for employment (including offices), community activities and facilities (including libraries, meeting places), entertainment (including movie theatres, restaurants, bards) and residential activity;*
  - *Anchored by large retailers including department store(s) and supermarket(s)*
  - *Serves a sector of the City's population and in some case, the greater Christchurch area*
  - *Accessible by a range of modes of transport including multiple bus routes. Public transport facilities/interchange proposed.*
- 8.6 This policy provides a useful hierarchy to support the centres-based approach and clearly identifies the anticipated role of the respective centres. I suggest some further clarity may be achieved if the titles assigned to each of the centres be amended. As set out in Table 1, there are two types of KAC's, a District Centre and a Neighbourhood Centre. The type of centre sitting under a KAC - Neighbourhood Centre is also termed a neighbourhood centre.
- 8.7 An examination of the anticipated roles (Table 15.1) which distinguish the two types of neighbourhood centres (KAC and non-KAC) identifies that the only discernible difference between the two is that the KAC Neighbourhood Centre acts as a focal point for intensification and includes public transport facilities and an interchange whereby the neighbourhood centre does not.
- 8.8 As a solution I suggest that the KAC Neighbourhood Centre could be renamed a **KAC -Suburban Centre** in recognition of a suburb's scale which incorporates several neighbourhoods.
- 8.9 If such an amendment were to be contemplated, I note Policy 11 includes reference to a *Suburban Centre Master Plan*. As suburban centres do not feature within Table 15.1 I am uncertain if this reference poses continuity or consistency issues in terms of terminology or not. A simple remedy may be to amend Policy 11 to read **Neighbourhood and Local Centre Master Plans** for all of the identified areas (Lyttleton, Sydenham, Linwood Village...) to which

Policy 11 is applicable would appear to sit within either of these 'Centres' within Table 15.1.

**Policy 2 – Comprehensive Approach to Development of the Halswell and Belfast Key Activity Centres**

- 8.10 Consistent with its expected role, the development of the North Halswell Key Activity Centre is specifically addressed in the amended 15.1.1.2 Policy 2 to Council's revised proposed 8<sup>th</sup> April 2015:

**15.1.1.32 Policy 32- Comprehensive approach to development of the Halswell and Belfast Key Activity Centres**

- a. Require development within the Halswell and Belfast/ Northwood [Johns Road Horticultural #1156, p3] Key Activity Centres to:
- i. be planned and co-ordinated in accordance with an Outline Development Plan;
  - ii. provide for a high quality, safe commercial centre which is easily accessible by a range of transport modes and well connected to the surrounding area; and
  - iii. **be integrated with the transport network and be** developed in a manner aligned with **road** improvements **to the transport network** to avoid adverse effects on the safe, efficient and effective functioning of the road network [The Crown, #495, p247].
- b. Require development within the Halswell Key Activity Centre to:
- i. be developed **in a manner to a scale that protects the central city's role as the region's primary commercial area and [The Crown, #495, p247, 248]** ensures the role of District and Neighbourhood centres within the city and **commercial centres [The Crown, #495, p248] in adjoining towns Selwyn District [Selwyn District Council #1137, p3]** are not significantly adversely affected;
  - ii. provide high quality public open spaces, a strong Main Street with a concentration of finer grain retailing, and strong linkages between key anchor **activities stores [The Crown, #495, p248]**;
  - iii. be of a human scale that recognises the context of the landscape; and
  - iv. achieve a supply of both large and finer grain retail activity **(approx 60/40 split) [Terrace Development Services et al #966, p15; Progressives, #790, p22/ para. 80; Danne Mora Holdings #1134, p9, 10]** that provides for the long term needs of the population in the south west.

- 8.11 There are clearly multiple facets to Policy 15.1.1.2, relating to its intended scale, ability to integrate with local transport network and its nature and character. In terms of scale, my reading of this Policy is that it contemplates the KAC being of a size which is subordinate to the Central City while meeting the long term growth needs for the south west Christchurch catchment.

- 8.12 The long term needs of the population in the south west are not explicitly identified in the Proposed Plan and therefore by extension the Plan is silent on the matter of the long-term growth of the KAC.
- 8.13 The Council's Section 32 analysis is also relatively silent on long-term aspirations for the KAC and instead focuses on the start-up phase of the KAC and ensuring it does not impede recovery of the Central City and remains perpetually subordinate to the Central City.

*There has been a significant amount of work undertaken to understand the impacts of the new centre on surrounding centres and the Central City rebuild. This has led to the introduction of a rule requiring assessment of any development beyond the first stage (of 25,000 sq m) within the centre to avoid adverse impacts upon surrounding centres.<sup>3</sup> (p116 s32 CHPTR 15).*

- 8.14 In the absence of clarity on the issue of long-term growth within the Plan I turn my attention to the expert retail economic evidence of Mr Colegrave and the urban design evidence of Mr Lunday which identifies future long-term growth scenarios within the KAC and contemplates how this growth may be accommodated within the KAC.
- 8.15 Mr Lunday's evidence illustrates that the spatial size of the KAC (17.3ha) has capacity to accommodate long-term growth beyond the thresholds (25,000m<sup>2</sup> +5,000m<sup>2</sup>) identified in the rules for the KAC. Using a conservative upper limit for long-term growth (74,000m<sup>2</sup> incorporating a full range of potential uses) Mr Lunday's assessment supports the spatial capacity of the KAC to provide for long-term growth. It is therefore evident that the provision for long term growth is somewhat self-regulating due to the proposed size of the KAC and its capacity to expand beyond the use of short/medium term thresholds established within the Rule 15.2.6.2.3 and Rule 15.2.6.2.4.
- 8.16 The discretionary status of development within the KAC which exceeds the thresholds in Rule 15.2.6.2.3 and Rule 15.2.6.2.4 enables Council to regulate KAC growth so that it does not outpace the Central City and create conditions detrimental to its recovery and primacy.
- 8.17 A further facet to Policy 15.1.1.2 is the direction given as to the 'type' of development that is anticipated. Specific reference to public open spaces, a Main Street supporting finer grain retailing with strong linkages between anchor stores are qualities inherent to a specific type of retailing 'experience'. Mr Lunday's evidence addresses this type of 'experience' and is supportive of enabling these outcomes within the KAC through Policy 15.1.1.2.

8.18 With respect to clause iii, which requires the KAC *to be of a human scale that recognises the context of the landscape*, I am uncertain as to the practical outcome anticipated from this arm of Policy 15.1.1.2. Collectively the other facets of the policy address matters pertaining to scale and design outcomes, particularly since the amendments requested by the Crown (#495) have been introduced. Additionally Objective 15.1.3 and Policy 9 more comprehensively address the scale and form of development and incorporate consideration of the existing environment. I believe the amended wording achieves the intended outcomes for the KAC such that clause iii has become redundant and represents unnecessary duplication. I would therefore recommend clause iii be deleted as follows:

~~iii — be of a human scale that recognises the context of the landscape; and~~

8.19 The final component of Policy 3 (iv) is to achieve a supply of large and finer grain retail activity. This requirement enables a variety of activities to establish within the KAC. This is an essential outcome predetermined by the District Centre – KAC status afforded to North Halswell. This variety of retailing activity is essential in order for the KAC to fulfil its function as a major retail destination and a focal point for employment, community activity and entertainment.

#### ***Policy 4 – New centres in greenfield areas***

8.20 In respect of 15.1.1.4 Policy 4 - New centres in greenfield areas, I suggest that the addition of the word residential to the heading may avoid confusion with the North Halswell situation. North Halswell is both a residential greenfield priority area and a greenfield business priority area yet I do not believe the policy is intended to apply to North Halswell. The wording of the policy is clearly applicable to residential greenfield areas and the types of centres that establish within them. I proposed the amended heading of the policy would therefore read:

*15.1.1.4 Policy 4 - New centres in greenfield **residential** areas*

#### ***Policy 13 – Strategic Infrastructure***

8.21 The intent of 15.1.2.5 Policy 13 is especially relevant to the North Halswell KAC as Mr Hall has indicated in his evidence. The policy supports a comprehensive and low impact design to storm water management which as Mr Hall attests is the appropriate response for the KAC scale and location within the ODP.

## **9 CHAPTER 15 RULES – COMMERCIAL CORE**

### ***Activity Status***

- 9.1 I am aware of the over-arching discussions that currently prevail around the use of controlled activities and restricted discretionary activities and the alignment of these with the content of ODP's.
- 9.2 I agree with notion of re-introducing controlled activity status to the Plan and support the notion of aligning controlled activity status to compliance with an ODP, especially in situations where the ODP that exists is detailed and has been underpinned by a detailed design process.
- 9.3 I do have some difficulty with the use of controlled activity status in situations where the ODP is more 'high level'. In the absence of robust detail within an ODP I support the use of restricted discretionary status so as to afford all parties the benefit of detailed assessment to ensure appropriate outcomes.
- 9.4 I am familiar with the recommendations of Mr McLeod in his supplementary evidence for Chapter 8 Subdivision and Chapter 14 Residential whereby he introduces a framework of controlled, restricted discretionary, discretionary and non-complying status for subdivisions which are subject to high level ODP's which contain fixed and indicative features (section 4.0 of Supplementary Evidence). I agree with this approach in the subdivisional context due to the simple nature of the framework this creates.
- 9.5 In the context of North Halswell, a KAC-ODP has been introduced, which exhibits fixed and indicative features. This ODP was promoted as an alternative to the development plan approach that has since been accepted by Council as being ultra vires. This ODP is confined to the Commercial Core Zone within the wider North Halswell ODP and has its own set of self-contained rules to be read in conjunction with those of a general (commercial core) nature. It is due to this self-containment that I favour the retention of restricted discretionary status for activities within the KAC ODP as opposed to adopting the framework put forward by Mr McLeod. I acknowledge this is a departure from the approach being recommended for the New Neighbourhood Residential Zone within the North Halswell ODP and it may seem inconsistent to have two separate consenting pathways within the same ODP.
- 9.6 My reasons for retaining restricted discretionary status in this particular instance are due to the unique circumstances of this being an 'emerging' greenfield KAC. To achieve the levels of integration, coordination,

consolidation, retail variation and design outcomes from inception I believe some rigour beyond controlled activity standards is required.

9.7 Having said that I accept the Panel may be concerned about the prospect of each and every individual building requiring resource consent. I understand however that development of centres is rarely done on an individual building basis rather it is much more common to obtain approval on a staged or clustered basis.

9.8 I would expect that once the KAC has been developed to anticipated levels it could be allowed to grow organically under a controlled activity framework because the fundamental layout and design principles will be well and truly entrenched.

### ***Structure of the Rules and Cross Referencing***

9.9 When contemplating the rule structure of Chapter 15, particularly in the North Halswell context the requirement to cross reference and contemplate Commercial Core rules within 15.2.1-15.2.3 with area specific Commercial Core rules within 15.2.4-15.2.8 creates unnecessary complexity.

9.10 There appears to be two options to simplify the rules structure:

- 1 All area specific rules are incorporated into the 'general' commercial core section (15.2.1-15.2.3).
- 2 All general commercial core rules are incorporated into each area specific section (15.2.4-15.2.8).

9.11 I do not favour Option 1 largely due to the amount of area specific content that would be incorporated into a single rules section. There are many 'one-off' specific rules that when added would simply have the effect of creating clutter, therefore substituting the complexity of cross-referencing with the complexity of having to negotiate a series of (often) irrelevant rules.

9.12 Option 2 will simplify matters by accumulating all relevant rules together by virtue of their specificity. I do favour this response due to the convenience of having all relevant rules and standards assembled together. I am mindful however that this approach would add significant content and 'size' to Chapter 15 due to the extent of repetition (of general rules) that would occur within each area-specific section.

9.13 Option 2 does create somewhat of a conundrum when it is assessed against the Statement of Expectations. On one hand the Statement of Expectations seeks to reduce the number and extent of controls and standards within rules,

yet on the other hand it also seeks to use clear, concise language and be easy to use.

- 9.14 I remain inclined to favour the Option 2 approach which promotes ease of use.
- 9.15 The amended version of Chapter 15 (8th April) has removed significant content from the rules section. In light of discussions emanating from hearings to date about the content, complexity and cumbersome nature of some of the Plan sections being examined I am not uncomfortable with the current format, if Option 2 runs contrary to current thinking.

***Effectiveness of the rules***

- 9.16 I am of the opinion the Commercial Core rules and particularly the rules specific to North Halswell appropriately achieve the intended outcomes of the Objective and Policies contained within 15.1.
- 9.17 The threshold levels promoted for retailing and office activity within Rule 15.2.6.2.3 and Rule 15.2.6.2.4 assist in assessing any potential effects on the Central City and other centres.
- 9.18 The requirement within Rule 15.2.6.2.2 to upgrade the Augustine Drive intersection prior to the commencement of any retailing activity will ensure the local road network has sufficient capacity to support the KAC.
- 9.19 The requirement for development to be in accordance with the KAC ODP outlined in Rule 15.2.6.1.1 ensures the KAC will incorporate a main street and civic square, transport interchange, provision for cycling and pedestrian access and will provide strong links to the adjoining Heritage Park.
- 9.20 Mr Lunday's evidence addresses the built form standards contained within Rule 15.2.3 and he is satisfied that the prescribed standards will assist in achieving quality design outcomes. Mr Lunday addresses the benefits of locating residential activity above ground floor and supports the reinstatement of this rule within the North Halswell context.

## **10 SUBMISSIONS**

***Danne Mora Holdings Limited (#1134)***

- 10.1 Danne Mora made submissions in respect of the Commercial Core provisions within Chapter 15 seeking the removal or amendment of the following:
- (a) (15.2.1) How to use the rules

- (b) (15.2.6.3.5) Civic Park
  - (c) (15.2.6.2.1) Minimum and maximum building heights
  - (d) (15.2.6.2.2) Intersection upgrades
  - (e) (15.2.6.2.4) Type of retail activity
  - (f) (15.2.6.3) Matters of discretion – commercial layout
- 10.2 The amended version of Chapter 15 (8th April) considers the submissions of Danne Mora and accepts the relief requested in respect of the requirements for a Civic Park, the removal of minimum building heights, the removal of the intersection upgrade in respect of Aidianfield Drive and the removal of 60:40 retail split.
- 10.3 With respect to Rule (15.2.1) How to Use the Rules, Mr Stevenson’s evidence accepts that the structure of the Chapter perhaps lacks some clarity (p25.34). However the relief being sought by Danne Mora was rejected by Mr Stevenson on the basis of the relevancy of which general rules should be included or excluded.
- 10.4 The rationale behind the submission appears to have been lost in the detail, with more focus being placed on what should and shouldn’t be in the rules package as opposed to the overall structure and usability of the chapter.
- 10.5 As discussed previously in my evidence, I am of the belief that clarity may be achieved by including the applicable general rules alongside area specific rules. This clarity will however be accompanied by repetition and an expansion of the Chapter’s size which is not entirely consistent with streamlining intent expressed within the Statement of Expectations.
- 10.6 Danne Mora also sought an amendment to wording contained within the matters for discretion as they relate to 15.2.6.3.2 Commercial Layout which reads:
- The extent to which development:
- a. ensures a critical mass of activity is centred upon the open air Main Street including a concentration of finer grain commercial activities
- 10.7 Danne Mora sought for the words *interspersed with large format retailing* to be added at the end of the sentence. Although the relief has been rejected, Mr Stevenson’s evidence does not expand on the reasoning why.
- 10.8 In order to achieve the vibrancy and critical mass necessary to establish a main street it is suggested the wording of 15.2.6.3.2 could be more enabling.

I recognise that a predominance of large format retailing could be counterproductive to the outcomes being sought for the main street. So that large format (>450m<sup>2</sup>) can be enabled without compromising main street outcomes I propose some alternative wording:

The extent to which development:

- a. ensures a critical mass of activity is centred upon the open air Main Street **including an appropriate balance of large format retailing and** a concentration of finer grain commercial activities

### ***Crown Submission (#495)***

- 10.9 Within the notified version of Rule 15.2.2.1 activity P20 Residential Activity was required to be located above ground floor level. The Crown's submission sought residential development to be enabled at ground floor level (p253). The original rule was considered to unnecessarily restrictive and will reduce flexibility. The relief sought was accepted and the Rule now reads

Residential activity shall be located to the rear of activities P1 – P16 on the ground floor frontage to the street,

- 10.10 I oppose this change within the North Halswell KAC on the grounds that the spatial capacity of the KAC has been predicated on the basis that all residential activity within the KAC will occur above ground floor, thereby enabling non-residential activities to establish at ground floor level.

- 10.11 Furthermore, as Mr Lunday discusses in his evidence, residential activity above ground floor level provides a level of surveillance and vibrancy outside of working hours.

- 10.12 As a response to this matter I propose the reintroduction of the original rule as follows:

Residential activity shall be **located above ground floor level**

- 10.13 So as not to frustrate the Crown or Council's intentions for the balance of the Commercial Core Zone, I propose that this rule be reintroduced as an area specific rule within the Commercial Core (North Halswell) section.

### ***Submission of Terrace Development Services Limited (#966)***

- 10.14 The Terrace Development Services Limited (TDSL) submission primarily focuses on the size of the KAC and their belief that in excess of 50,000m<sup>2</sup> retail

floor space is required alongside additional office and other commercial floor space. In order to accommodate this additional floor space, TDSL propose to increase the area of the KAC to 30ha. To give effect to this it is proposed to amend the ODP to allow for the increased size and to also introduce staging to regulate or sequence the areas in which development within the ODP can occur.

- 10.15 Since the commencement of hearing procedures for Chapter 15 and in particular the expert witness conferencing I am aware that the TDSL submission is likely to be superseded by a new proposal. For these reasons I will refrain from responding in detail to the planning matters arising from the TDSL submission until such time as the more recent version is available.
- 10.16 The expert retail evidence of Mr Colgrave concludes that the TDSL submission does not accurately reflect retail and commercial demand and that the Plan's threshold figures for retail activity (25,000m<sup>2</sup>) and office floor space (5,000m<sup>2</sup>) will meet needs for the foreseeable future.
- 10.17 Mr Lunday's expert evidence addresses the TDSL submission and illustrates how the current size of the KAC has sufficient capacity to accommodate retail and commercial floor space needs for the foreseeable future. Furthermore, Mr Lunday's evidence also illustrates the capacity of the current KAC to cater for additional growth beyond the foreseeable levels established in the Plan.
- 10.18 Mr Penny's expert traffic evidence identifies the capacity of the existing and future road network and questions the capacity of the network to accommodate the commercial development levels being proposed by TDSL.
- 10.19 I note the staging regime being proposed is likely to necessitate an interim stormwater solution on the residual land under TDSL ownership. Stormwater conveyance to the integrated stormwater facility is likely to be facilitated within Stage 2 via the collector road and internal road network that forms part of the Meadowlands residential development. Until Stage 2 is developed, conveyance to the integrated system is unlikely to be achievable, thus necessitating an interim solution.
- 10.20 Based on the expert assessment from a retail economic, urban design, traffic and infrastructure perspective I do not consider that the TDSL submission is consistent with the outcomes and expectations for the North Halswell KAC established in higher order documents such as the RPS and the LURP. Accordingly the submission is also not consistent with the Objectives and Policies contained within Chapter 15.

10.21 For these reasons I support the rejection of the relief sought in the TDSL submission by Mr Stevenson (p25.38-25.45) and concur with Mr Stevenson and Mr Heath and the aforementioned experts that the 17.3ha KAC is of sufficient size and should be retained.

**11 Part 2 and Section 32 of the Resource Management Act**

- 11.1 Section 32(1)(a) seeks to ensure that the objectives of Chapter 15- Commercial are the most appropriate way to achieve the purpose of the RMA.
- 11.2 Section 5 states that the purpose of the RMA is to promote the sustainable management of natural and physical resources.
- 11.3 Within Part 2, Section 6 and 7 inform the purpose of the RMA through identifying matters of national importance that are to be recognised and provided for as well as other matters that particular regard shall be given to.
- 11.4 In my opinion the amended version of Chapter 15 (8<sup>th</sup> April) which introduces a specific recovery objective and amended Objective 3 to align design outcomes with the functional role of commercial centres more appropriately achieves the purpose of the RMA compared to the notified version.
- 11.5 Section 32(1)(b) seeks to ensure that the policies and other provisions of the Commercial Chapter are the most appropriate way to achieve the objectives. In my opinion the amended version of Chapter 15 more clearly articulates how to achieve the intended outcomes of the objectives, thereby providing a robust framework within which to achieve the purposes of the Act.



Mark Brown

24 April 2015

**APPENDIX 1 – REGIONAL POLICY STATEMENT OBJECTIVES AND POLICIES**

### **Objective 6.2.1 - Recovery framework**

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

....

- (2) 'identifies **Key Activity Centres** which provide a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design;' (p. 50)

### **Objective 6.2.2 Urban form and settlement pattern**

'The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:'

.....

- (2) ' providing higher density living environments including mixed use developments and a greater range of housing types, particularly in and around the Central City, in and around **Key Activity Centres**, and larger neighbourhood centres, and in greenfield priority areas and brownfield sites;
- (3) reinforcing the role of the Christchurch central business district within the Greater Christchurch area as identified in the Christchurch Central Recovery Plan;

### **Objective 6.2.5 – Key activity and other centres**

Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:

(1) The Central City

**(2) Key Activity Centres**

(3) Neighbourhood centres.

These centres will be high quality, support a diversity of business opportunities including appropriate mixed-use development, and incorporate good urban design principles.

The development and distribution of commercial activity will avoid significant adverse effects on the function and viability of these centres.