

**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

---

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

**DATED 1 May 2015**

---

## 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 My qualifications and experience are set out in my previous Statement of Evidence on behalf of Danne Mora Holdings Limited dated 24 April 2015.
- 1.3 I reconfirm my compliance with the code of conduct for expert witnesses contained in Environment Court Practice Note (2014) as set out in my Statement of Evidence dated 24 April 2015.

## 2 SCOPE OF EVIDENCE

- 2.1 I have prepared this statement of rebuttal evidence in relation to the evidence submitted on behalf of Terrace Development Services Limited (TDS) by Mr Kobus Mentz, Mr Michael Cullen and Mr Adam Thompson.
- 2.2 I also make a brief statement in respect of evidence submitted on behalf of the Crown by Mr Ian Clarke.

## 3 TERRACE DEVELOPMENT SERVICES LIMITED

### *Evidence of Jacobus (Kobus) Marthinus Mentz*

- 3.1 Mr Mentz's evidence in chief largely focusses on the *ideal qualities and location of the KAC within the Halswell ODP (p11)*. Council's proposed North Halswell KAC ODP (KAC) is criticised for its location, often being referred to as 'wedged into a corner'.
- 3.2 Despite Mr Mentz's conclusions regarding location I note that the relief being sought retains the location of Council's KAC and only seeks to make the KAC bigger by extending to the south west.
- 3.3 Mr Mentz has assessed the location of the KAC against 15.1.2 Objective 2 and in particular:

**ii. Enables the efficient use and continued viability of the physical resources of commercial centres and promotes their success and vitality, reflecting their critical importance to the local economy ;**

**iii. supports the function of District and Neighbourhood Centres as community focal points, while giving primacy to the central city, followed by District Centres and Neighbourhood Centres identified as Key Activity Centres;**

**iv. is consistent with the role of each centre as defined in Policy 1 Table 15.1 and Appendix 15.10.1;**

**v. supports a compact and sustainable urban form that provides for the integration of commercial activity with community, residential and**

*recreational activities in locations **with convenient access to the communities they serve;***

***vi supports the recovery of centres, enhances their vitality and amenity and provides for a range of activities and community facilities;***

***vii. manages adverse effects on the transport network and public and private infrastructure;***

Mr Mentz's assessment concludes that the North Halswell KAC should be located at the 'centre of gravity' of surrounding communities and it should be located such that it has the highest proximity to future more intensive development. A subsequent comparison between the current location and a central location infers that the central location better achieves these outcomes.

- 3.4 Whilst I do not disagree with outcomes sought from this Objective I fail to see how it favours the proposed TDS KAC over the current Council KAC.
- 3.5 Council's KAC is located in close proximity to the existing Rowley and Hoon Hay areas, whilst being directly opposite Aidanfield and closely linked to the planned regional sports facility known as Nga Puna Wai.
- 3.6 Council's KAC immediately adjoins the New Neighbourhood Zone - Meadowlands Exemplar which consists of a higher density than the standard 15hh/ha applied to the New Neighbourhood Zone. The KAC is surrounded on three sides by the proposed new neighbourhood residential zone which facilitates a minimum residential density of 15hh/ha.
- 3.7 The Meadowlands Exemplar development also provides the KAC with direct access to Hendersons Road which connects to the surrounding Rowley and Hoon Hay areas. The Augustine Drive extension will facilitate a direct connection between Aidanfield and the KAC.
- 3.8 Based on these matters alone I disagree with Mr Mentz's inference that the TDS KAC is more consistent with Objective 2 than Council's KAC.
- 3.9 In assessing the walkable catchment of each KAC, Mr Mentz has referred to Policy 14.1.1.1 of the proposed Residential Chapter 14. This Policy was amended from the version notified to remove the 400m walkable distance and further amendments remain under consideration by the Independent Hearings Panel.
- 3.10 Nevertheless the matter of residential catchments is still valid and in this regard I note Mr Mentz has undertaken a comparative analysis based on the current KAC location and a centrally located KAC of the same size (17.3ha). He has done the same for a 'large corner' KAC and the proposed ('large') TDS KAC (26.7ha). I believe this to be a flawed approach because a 17.3ha 'centrally' located ODP is not an option under consideration, nor is a large 'corner' KAC.

- 3.11 The comparison needs to be made between the two options being considered, namely the current Council KAC and the larger TDS KAC. Referring to Fig.8 within Mr Mentz's evidence and making a direct comparison between these two options shows the Council's KAC as having a larger walkable catchment.
- 3.12 As a correction in paragraph 59 I suggest Mr Mentz's assessment relates to 15.1.2.2 Policy 10 (not 5.1.1.2.10 as stated). This assessment is based on an indicative design contained within Figs. 14-17 of his evidence.
- 3.13 In regards to the KAC features within the TDS proposal, these indicative designs (figs. 14-17) identify that the large majority of the critical KAC features (albeit indicative) such as the Transport Interchange, Civic Square and Main Street (up to and including the market square) have been relocated to areas that predominantly remain within the boundaries of Council's current KAC.
- 3.14 I question how the enlarged KAC achieves consistency with Policy 15.1.2.2 Policy 10 when Mr Mentz has assessed Council's KAC as being deficient in achieving consistency the same Policy. Within Mr Mentz's indicative design all of the outcomes intended by Policy 10 seem to remain concentrated within the Council ODP.
- 3.15 I accept the indicative nature of Mr Mentz's design and its intention to illustrate outcomes consistent with the objectives and policies within Chapter 15. Just as Mr Lunday's illustrations in his evidence in chief were indicative to illustrate the gross floor area that could be accommodated within Council's 17.3ha ODP.
- 3.16 Whilst an assessment of indicative designs against the objectives and policies of the proposed Chapter 15 has been undertaken, the designs themselves are of limited relevance because the designs do not form part of the ODP.
- 3.17 The illustrative process has presumably been used to show outcomes and whether they are consistent with the objectives, policies and rules within Chapter 15.
- 3.18 The location of the current KAC (regardless of size) and the Council ODP appears capable of accommodating a KAC design that is consistent with objectives and policies irrespective of whether the design exhibits the differing philosophies of Mr Mentz or those of Mr Lunday.

***Evidence of Michael Cullen***

- 3.19 Mr Cullen's evidence in chief is critical of the content within Chapter 15 and particularly the rules. In paragraph 2.3 Mr Cullen states *...and why in my experience more detailed ODP-type analysis should comprise a part of the suite of controls over the form of development.*

- 3.20 In paragraph 3.23 Mr Cullen questions the ability of current policies and rules to achieve a 'town centre'.
- 3.21 This is further reinforced in paragraph 5.1 whereby Mr Cullen states: *The policies and rules for a town require a form response not a floor space response. Floor space and land area restrictions are largely irrelevant to the policies and rules as they do not assist with the delivery of town form.*
- 3.22 Whilst I do understand the dichotomy Mr Cullen raises between a form and floor space approach I note that no alternative policies or rules are being proffered as a response.
- 3.23 This trend continues with comments relating to the ODP, whereby Mr Cullen is critical of the *flawed proposition by Council that the best site for the North Halswell KAC is to be accessed via a contrived, indirect and angular connection from Halswell Road, compressed into the northern-western corner of the site (p2.2).*
- 3.24 As alluded to above in respect of Mr Mentz's evidence these comments contradict the relief being sought and the incorporation of Council's KAC area into the larger TDS KAC.
- 3.25 This contradiction is further highlighted in the evidence of Mr Carr (para 3.18) whereby he agrees the commencement of development within the KAC (TDS version) will logically occur in the north-west corner (Council's KAC).
- 3.26 It appears a large part of Mr Cullen's rationale for preferring an amended KAC over Council's version is its location at *the point where most networks come together off the major highway to generate the most energy (para 6.8)*. The Council KAC is considered to be 'off-line' as this corner location is not considered to be fed by the movement network.
- 3.27 I believe this rationale is incorrect. The diagram shown in para 6.7 of Mr. Cullen's evidence, coupled with his rationale in paragraphs 6.8 and 6.9, infers that Dunbars Road and Aidanfield Road converge on the TDS site from the Southern Motorway. This is not the case.
- 3.28 Neither Dunbars Road nor Aidanfield Road have direct access to the Southern Motorway. Both roads cross the motorway via an overpass.
- 3.29 The nearest road to converge on Halswell from the Southern Motorway is Curletts Road, located to the north-west of the North Halswell ODP area.
- 3.30 Mr Cullen is also silent on the Augustine Drive extension and the direct connection with the Nga Puna Wai regional sports facility.

- 3.31 If both Curletts Road and Augustine Drive are added to Mr Cullen's diagram I would suggest that both Council's KAC and the TDS KAC could claim to equally represent the 'centre point' within the movement network.
- 3.32 In section 7 of Mr Cullen's evidence he assesses the proposed District Plan provisions in terms of Chapter 15. The thrust of Mr Cullen's assessment appears to centre on commercial growth as it relates to expansion and intensification (Policy 15.1.1.5). This is clearly an error for these matters are more appropriately confined to existing commercial centres and their ability to accommodate growth.
- 3.33 Although Mr Cullen makes some reference to Objective 2, parts i and ii, his assessment is incomplete as he fails to consider the remaining parts (iii-vii) of Objective 2 and all of 15.1.1.2 Policy 2: *Comprehensive approach to development of the Halswell and Belfast Key Activity Centres*.
- 3.34 Given my earlier assessment which highlights the overlap between the TDS KAC and Council's KAC it is evident that in respect of many matters within Objective 2 and Policy 2 both KAC's are neutral in terms of which achieves better consistency.
- 3.35 Within the aforementioned objective and policy there are areas however, where in my opinion, the Council KAC is achieves greater consistency.
- 3.36 Of particular relevance are parts v, viii and viii within Objective 2
- v. supports a compact and sustainable urban form that provides for the integration of commercial activity with community, residential and recreational activities in locations **with convenient access to the communities they serve;***
- vii. manages **adverse effects** on the transport network and public and private infrastructure;*
- viii. **is efficiently serviced by infrastructure and** is integrated with the delivery of infrastructure;*
- 3.37 Additionally, Policy 15.1.1.2 Policy 2- *Comprehensive approach to development of the Halswell and Belfast Key Activity Centres* identifies the outcomes specifically intended for Halswell.
- a. *Require development within the Halswell and Belfast/**Northwood** 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*** developed in a manner aligned with improvements ***to the transport network*** to avoid adverse effects on the safe, efficient and effective functioning of the road network.

b. Require development within the Halswell Key Activity Centre to:

i. be developed ***to a scale that protects the central city's role as the region's primary commercial area and*** ensures the role of District and Neighbourhood centres within the city and ***commercial centres in Selwyn District*** 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 ***stores***;

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 that provides for the long term needs of the population in the south west.

3.38 With respect to Objective 2 parts v, vii and viii and Policy 2a and b, Council's KAC achieves greater consistency than the TDS KAC particularly in respect of:

- (a) Achieving a compact and sustainable urban form;
- (b) Aligning with planned infrastructure upgrades; and
- (c) Protecting the primacy of the Central City.

#### *Land Ownership*

3.39 In concluding his evidence Mr Cullen makes reference to the benefits accrued from *re-writing the ODP across a number of site ownerships* (p9.3). I find this confusing because (as Mr Lunday's evidence in chief illustrated), there are six landowners within Council's current KAC. The amended TDS KAC also includes only six landowners.

#### ***Evidence of Adam Thompson***

3.40 With respect to 15.2.6.2.3 *Maximum retail activity threshold*, Mr Thompson interprets this rule as *a restriction on the size of the KAC to 25,000m<sup>2</sup>* (p3.7). This is inferred in paragraph 15.3 also, where Mr Thompson expresses concern that Council's Mr Stevenson is proposing *to substantially restrict the supply of commercial*.

3.41 I believe Mr Thompson has not correctly assessed the status of retail activities, which are a discretionary activity beyond the 25,000m<sup>2</sup>. This enables a consideration of any impact retail development beyond that scale will have on other centres.

3.42 Based on the current rules framework I contend Rule 15.2.6.2.3 is not as restrictive as Mr Thompson suggests.

#### 4 EVIDENCE ON BEHALF OF THE CROWN

##### *Evidence of Mr Ian Clarke*

- 4.1 With respect to Mr Clarke's evidence I note his preference for identification of a third access point onto SH75 to be flexible so that effects can be considered in more detail when this access is actually required.
- 4.2 I note Mr Clarke is supportive of administering this flexible access through the ODP and the associated restricted discretionary status that applies to all activities within the North Halswell KAC.
- 4.3 I cannot help but think that this matter may benefit from a specific rule being drafted which will provide a greater degree of certainty over the extent to which discretion is limited in respect of this access point. Mr Clarke is of the opinion that *the access point should be flexible not only as to the location of the access, but also as to whether the access point provides for all movements or only a limited range of movements.*
- 4.4 Given that Rule 15.2.6.2.2 Intersection upgrades presently exists within the North Halswell area specific rules, there is already an existing framework to accommodate a further intersection-related activity.



Mark Brown

1 May 2015