

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

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

AND

IN THE MATTER of the Introduction
Proposal (Part) and
Definitions Proposal (Part)

**REBUTTAL EVIDENCE OF MARK DAVID STEVENSON
ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

COMMERCIAL / INDUSTRIAL CHAPTER LEAD

2 JULY 2015

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1. INTRODUCTION

1.1 My full name is Mark David Stevenson. My experience and qualifications are set out in my evidence in chief for the hearing of the Commercial and Industrial proposals dated 13 April 2015.

1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SCOPE

2.1 My rebuttal evidence is provided in response to the evidence in chief filed by the following parties on 23 June 2015:

- (a) Ms Karen Blair for the Oil Companies (#723 and #FS-1295);
- (b) Mr Matthew Bonis for Christchurch International Airport Limited (#863 and #FS-1359);
- (c) Mr Peter Harding for Ilam and Upper Riccarton Residents Association (#738); and
- (d) Ms Jan Cook for Akaroa Civic Trust (#340), in relation to Introduction chapter.

2.2 The definitions covered by my rebuttal are:

- (a) landscaping;
- (b) sensitive activities; and
- (c) ancillary.

2.3 In addition to these definitions, my rebuttal evidence also responds to evidence on the Introduction chapter from Ms Cook for the Akaroa Civic Trust. This is followed by supplementary evidence on the definitions listed below where there is a need to resolve previous inconsistencies in the

evidence of Christchurch City Council (**Council**) experts or further corrections are required:

- (a) district centre;
- (b) industrial activity;
- (c) large format centre;
- (d) neighbourhood centre; and
- (e) noxious or offensive activity.

2.4 Amendments proposed as part of this evidence to definitions are in bold black text with strikethrough or underlining. The text within the definitions in red has come from the redline version of the Definitions proposal, being Appendix 9 of Mr Ivan Thomson's evidence, and is retained for ease of reference to earlier amendments presented in that Appendix.

3. REBUTTAL EVIDENCE

Landscaping – Ms Karen Blair

3.1 Ms Blair recommends an amended definition of 'landscaping' at paragraph 3.4 (copied below) of her evidence in chief for the Oil Companies¹ in response to the proposed definition I recommend at paragraph 5.3 of my evidence in chief for the Definitions hearing. The effect of the amendment proposed by Ms Blair is that 'landscaping' need not include tree planting.

3.2 I agree with the reasons Ms Blair provides for the proposed amendment at paragraph 3.5 to 3.9 of her evidence in chief, and I therefore recommend the definition should read as follows (amendments in bold text with underlining or strikethrough).

Landscaping

Means the provision of predominantly trees and/or ~~or~~ shrub plantings and may included some ancillary areas of lawn or other amenity features.

¹ Z Energy Limited, Mobil Oil New Zealand Limited, BP Oil New Zealand Limited (The Oil Companies) (#723 and FS- #1295)

Sensitive activities – Mr Matthew Bonis

3.3 Mr Bonis recommends amendments to the definition of ‘sensitive activities’ at paragraphs 35 and 42 of his evidence in chief for Christchurch International Airport Limited², in addition to the amendments I recommend at paragraph 5.7 of my evidence in chief for the Definitions hearing. The amendment sought by Mr Bonis to clause (v) to refer to “*Custodial and / or supervised living accommodation where the residents are detained on the site*” achieves consistency with the terminology used in the definition of ‘residential activity’ without losing the effect that prisons/detention centres are noise sensitive.

3.4 The second amendment is to clause (b) of the definition to make it clear that flight training or other trade and industry training facilities are appropriate in the Special Purpose (Airport) zone, avoiding any interpretation that the airport is not within the scope of “land zoned or legally used for commercial or industrial activities”. I consider both amendments to be appropriate and the amended definition would therefore read as follows (amendments arising from evidence of Mr Bonis in bold black text with underlining or strikethrough, the red text being what is shown in red in Appendix 9 to **Mr Thomson’s** evidence in chief)–

Sensitive activities means

- i. Residential activities;*
- ii. Education activities;*
- iii. Guest accommodation; and*
- iv. Health care facilities;*
- v. Custodial ~~correction facilities with overnight accommodation and/or supervised living accommodation where the residents are detained on the site.~~*

But excludes in relation to airport noise

(a) Any residential activities in conjunction with rural activities that comply with the rules in the relevant district plans at 23 August 2008;

² Statement of Evidence of Matt Bonis for Christchurch International Airport Limited (#863, #FS-1359).

(b) flight training or other trade and industry training facilities located on land zoned or legally used for commercial or industrial activities, including the Specific Purpose (Airport) zone ; and
(c) Guest accommodation, which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupant
(d) Health care facilities with no accommodation for overnight care.

Ancillary – Mr Peter Harding

- 3.1** Mr Peter Harding seeks that a new definition of 'ancillary' be included in the proposed Replacement District Plan, which comprises three elements of scale (small), relationship to the primary activity (interrelated) and location (to be on the same site as the primary activity). The latter two elements are addressed in a definition of 'ancillary' I have previously recommended, which is in Attachment B of the Council's closing legal submissions for the Commercial and Industrial hearing. I note that the recommended definition in those closing submissions replaces an earlier definition proposed for 'ancillary', the earlier (and superseded) version being in Appendix 9 of the evidence in chief of **Mr Thomson**.
- 3.2** The Ilam and Upper Riccarton Residents Association's (**IURRA**) recommendation that 'ancillary' is defined as 'small scale' lacks certainty of what quantum this may constitute. It is my opinion that any measure of the scale of an ancillary activity should be addressed in rules rather than a definition, particularly given the application of the definition to different environments including commercial and industrial zones (in context of ancillary office and ancillary retail activities). I therefore recommend that the relief sought by the IURRA is accepted in part in so far as a definition of 'ancillary' requires an ancillary activity to be incidental to the principal activity and on the same site. My final recommendation is that contained in Attachment B to Council's closing legal submissions for the Commercial and Industrial hearing and copied below for ease of reference:

Ancillary activity

Any activity that is incidental to, and a part of, the **lawfully**
established primary principal activities and business
permitted or consented on the same site as the
principal activities; and
~~is located on the same site as the primary activity.~~
[A principal activity for the purpose of this definition
is the dominant activity on the site in terms of the
proportion of the site and/or the quantum of
floorspace used for that activity.]

Any Ancillary office activity shall also provide
necessary support to the functioning of the principal
activities on the site.

Any Ancillary retail activity shall also be limited to
the display and sale of goods produced, processed
or stored on the site.

Introduction proposal – Ms Jan Cook

- 3.3 I understand that agreement has been reached between the Council and the Crown to delete the zone descriptions in the Introductions chapter.
- 3.4 However, I record that Ms Cook at paragraph 9 of her evidence in chief for Akaroa Civic Trust³ comments on the amendments I have recommended⁴ to the description of the Commercial Banks Peninsula zone in section 10.1 of the Introduction proposal. She suggests that the registered title of the historic area, being 'Akaroa Historic Area' is used rather than just 'historic area'. This provides clarity and therefore if the zone descriptions are retained, I recommend the last sentence of the description of the Commercial Banks Peninsula zone is "In Akaroa, this zone part of the registered **Akaroa** Historic Area and includes areas that are residential in character".

³ Akaroa Civic Trust (#340).

⁴ Paragraph 3.1 of my evidence in chief for the definitions hearing dated 9 June 2014

4. SUPPLEMENTARY EVIDENCE

Inconsistencies between definitions

4.1 In section 5 of my evidence in chief dated 9 June 2015, I considered a number of definitions which have been the subject of evidence for more than one hearing to date and for which inconsistencies have been identified. One of the definitions not considered in that evidence is 'food and beverage outlet', which I now consider.

Food and beverage outlet

4.2 The definition of 'food and beverage outlet' was considered in my evidence in chief⁵ and rebuttal evidence⁶ for the Commercial and Industrial hearing and was also considered by Mr Falconer in his evidence in chief⁷ for the Transport hearing.

4.3 The differences between the definition in my rebuttal evidence and the evidence of Mr Falconer is that Mr Falconer includes 'fast food outlets' in the list within the definition of 'food and beverage outlet'. To provide clarity that it is within the broader ambit of 'food and beverage outlet', the amendment is appropriate in my opinion and the final wording should be set out below (suggested changes in bold with underlining and strikethrough).

4.4 The other amendments marked below in black bold text, which include 'ancillary services' and delete the last clause of the definition, reflects my evidence in chief and rebuttal evidence for the Commercial and Industrial hearing and also that of Mr Falconer's evidence in chief for the Transport hearing. There are no inconsistencies in regard to these amendments and the purpose of highlighting those changes here is to address what was omitted in Appendix 9 of the evidence in chief of **Mr Thomson** in chief for the Definitions hearing.

⁵ Page 20 of Attachment E of the evidence in chief of Mr Mark Stevenson on behalf of Christchurch City Council 13 April 2015.

⁶ Paragraph 3.2 of the rebuttal evidence of Mr Mark Stevenson on behalf of Christchurch City Council 1 May 2015.

⁷ Evidence in chief of Mr David Falconer on behalf of Christchurch City Council – Transport Planning dated 26 May 2015.

Food and beverage outlet

means the use of land or buildings primarily for the sale of food and/or beverages prepared for immediate consumption on or off the site to the general public. It includes restaurants, taverns, cafés, fast food outlets, ~~and~~ takeaway bars and any ancillary services, and excludes supermarkets, ~~except that within industrial zones it also excludes restaurants and taverns.~~

Corrections to other definitions

4.5 In my evidence in chief for the Definitions hearing, I stated at paragraph 4.13 that a number of definitions are addressed in evidence on the Commercial and Industrial proposals including 'district centre', 'industrial activity', 'large format centre', 'neighbourhood centre', and 'noxious or offensive activity'.

4.6 Appendix 9 of the evidence in chief of **Mr Thomson** for the Definitions hearing is a Redline version of the Definitions proposal. I recommend some amendments to the definitions listed in the paragraph above to reflect the final position presented in evidence for the Commercial and Industrial hearing, which are discussed below.

District centre

4.7 The amended version of 'district centre' below reflects page 5 of Attachment E to my evidence in chief for the Commercial and Industrial hearing. This differs from the definition in Appendix 9 of the evidence of chief of **Mr Thomson** (redline version of the Definitions chapter). Amendments in bold black text with underlining or strikethrough are proposed as part of this evidence and the red text is what is shown in red in Appendix 9 to the evidence in chief of **Mr Thomson**. The wording I have proposed is to improve the grammar of the definition and it is recommended that the following version of the definition is adopted.

District centre means the Commercial Core Zone and, where applicable, the ~~the Commercial Fringe Zone and~~ Commercial Retail Park Zone at Belfast (emerging), Eastgate/Linwood,

Hornby, North Halswell (emerging), Papanui/Northlands, Riccarton and Shirley/Palms.

Industrial activity

- 4.8** The amended version of 'industrial activity' below reflects page 26 of Attachment E to my evidence in chief for the Commercial and Industrial hearing. This differs from the definition in Appendix 9 of the evidence in chief of **Mr Thomson** (redline version of the Definitions chapter). My evidence in chief includes the word 'industrial' between 'Heavy' and 'activity' on the last line (black text in bold with underlining being an amendment proposed as part of this evidence, the red text being what is shown in red in Appendix 9 of the evidence in chief of **Mr Thomson**). 'Heavy industrial activity' (to replace 'noxious or offensive activity') should be excluded in the definition as a consequence of this amendment.

Industrial Activity

means the use of land and/or buildings for manufacturing, fabricating, processing, repairing, assembly, packaging, wholesaling or storage of products. It excludes high technology industrial activity, mining exploration, ~~mineral extraction activity~~, quarrying activity and ~~noxious or offensive~~ Heavy Industrial activity.

Large format centre

- 4.9** On page 8 of Attachment E to my evidence in chief for the Commercial and Industrial hearing, an amended version of 'large format centre' is proposed, and it is now recommended that further amendments are made to this definition as a consequence of amendments to the Commercial proposal dated 11 May and attached to closing legal submissions for the Commercial and Industrial hearing.

- 4.10** In the Commercial proposal of 11 May, amendments are proposed to Table 15.1 following Policy 1 (page 9), which defines the centres within each category in the Hierarchy. It is proposed in that table that 'Cranford' is deleted as a 'large format centre' as a consequence of recommending that the zoning of land at 484 Cranford Street is Commercial Core.⁸
- 4.11** Additions to the centres identified as 'large format centre' in Table 15.1 are also proposed including 'Langdons Road' and 'Harewood Road' as a consequence of recommending that these sites are zoned Commercial Retail Park⁹. To ensure consistency, a consequential amendment is required to the definition of 'large format centre' as follows (amendments in bold black text with underlining or strikethrough proposed as part of this evidence, the red text being what is shown in red in Appendix 9 of the evidence in chief of **Mr Thomson**):

Large format centre

*means those commercial centres at ~~Cranford Street,~~
~~Moorhouse Avenue, Shirley Homebase,~~ **and Tower Junction,**
Langdons Road and Harewood Road Zoned Commercial
Retail Park on the planning maps that consist primarily of
retail activities with a gross leasable floor area of 450m²
per tenancy, trade suppliers and yard-based suppliers.*

Neighbourhood centres

- 4.12** On page 11 of Attachment E to my evidence in chief for the Commercial and Industrial hearing, I proposed an amended version of 'neighbourhood centres', and I now recommend that further amendments are made to this definition as a consequence of amendments to the Commercial proposal dated 11 May attached to closing legal submissions for the Commercial and Industrial hearing.

⁸ Page 36 of Attachment C to my evidence in chief dated 13 April, in response to the submission from 484 Cranford Limited (#1084).

⁹ Page 87 – 89 (in respect of submissions from Papanui Properties Ltd (#1188) and Environ Projects Limited and Luney Developments Ltd (#810) to rezone the 'Firestone factory' site on Langdons Road) and pages 93 – 94 (in respect of submission from Papanui Properties Ltd (#1189) to rezone land on Harewood Road and Chapel Street) of Attachment C to my evidence in chief dated 13 April, in response to the submission from 484 Cranford Limited (#1084).

4.13 In the Commercial proposal of 11 May, amendments were proposed to Table 15.1 following Policy 1 (page 9), with the deletion of 'Wainoni (Pak n Save)' and 'Upper Riccarton (Peer Street) New World' as 'neighbourhood centres' and their identification as 'local centres'. To ensure consistency, a consequential amendment is required to the definition of 'neighbourhood centre' as follows (amendments in bold black text with underlining or strikethrough are proposed as part of this evidence, the red text being what is shown in red in Appendix 9 of the evidence in chief of **Mr Thomson**):

means

- a. *the Commercial Core Zone and in some locations, the Commercial Fringe Zone, at Addington, Aranui, Avonhead, Bishopdale, Bush Inn/Church Corner, Colombo/Beaumont, Edgware, Fendalton, Ferrymead, Halswell, Ilam/Clyde, Merivale, New Brighton, North West Belfast, Parklands, Prestons (emerging), Redcliffs, Richmond, Stanmore/Worcester, Spreydon (Barrington), St Martins, Sumner, Sydenham, Sydenham South, ~~Upper Riccarton (Peer Street)~~, Wairakei/Greens Road, West Spreydon (Lincoln Road), Woolston, ~~Wainoni~~ and Yaldhurst (emerging);*
- b. *the Commercial Local Zone at Beckenham and Wigram; and*
- c. *the Commercial Banks Peninsula Zone at Lyttelton and Akaroa.*

Noxious or offensive activity

4.14 On page 31 of Attachment E to my evidence in chief for the Commercial and Industrial hearing, it is recommended that the term 'noxious or offensive activity' is replaced by 'heavy industrial activity', the definition of the former becoming the definition of the latter as a consequence. In the redline version of the Definitions chapter attached as Appendix 9 to the evidence in chief of

Mr Thomson, 'noxious or offensive activity' is defined, which should be replaced with 'heavy industrial activity' as set out below.

~~Noxious or Offensive activity~~ **Heavy Industrial Activity**
means...

A handwritten signature in blue ink, appearing to read 'M.D. Stevenson', with a long horizontal flourish extending to the right.

Mark David Stevenson

2 July 2015