

Before the Independent Hearing Panel
Appointed by the Christchurch District Council

Under the Resource Management Act 1991

In the matter of Plan Change 14 (Housing and Business Choice) to the
Christchurch District Plan

Foodstuffs South Island Limited and Foodstuffs (South
Island) Properties Limited

Submitter 705

Statement of Evidence of Mark David Allan

20 September 2023

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Introduction

- 1 My full name is Mark David Allan.
- 2 I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University.
- 3 I have been employed by Aurecon since 2004 where I currently hold the position of Director – Environment and Planning.
- 4 My previous work experience includes some 25 years in the field of resource management, both in the public and private sector. The majority of this has been in land development (residential, commercial and industrial), infrastructure and telecommunications, involving the preparation and oversight of resource management applications and plan change requests, and providing expert planning evidence in respect of the same. For the last 15 years I have been involved with district plan formulation processes, the rezoning of land and resource consenting for Foodstuffs (South Island) Properties Limited's (Foodstuffs) developments throughout the South Island, including all of Foodstuffs' existing operations within Christchurch City.
- 5 This evidence is provided in support of Foodstuffs' submissions on Plan Change 14 (Housing and Business Choice, PC14) to the Christchurch District Plan (CDP), specifically the relief sought to rezone PAK'nSAVE Papanui and the adjoining 9 Northcote Road, and 55 Peer Street adjoining New World Ilam, to Local Centre Zone. My role has been to provide planning advice on the appropriate zoning and rule framework considering the existing and consented environment of the respective sites.
- 6 In preparing this statement of evidence I have considered the following documents:
 - (a) Foodstuffs' submission on PC14;
 - (b) the statements of evidence prepared by Rebecca Parish (company) and Fraser Colgrave (economics) for Foodstuffs;
 - (c) CCC RMA decisions relevant to the sites;

- (d) planning provisions relevant to my area of expertise; and
- (e) Planning Officer's Report of Kirk Lightbody "Intensification within Commercial and Industrial Zones outside the Central City", 11 August 2023 (**s42A Report**).

7 Relevant to these proceedings is that I oversaw the preparation of Foodstuffs' resource consent applications and subsequent variations associated with PAK'nSAVE Papanui, PAK'nSAVE Wainoni, New World Addington, New World Stanmore, New World Ilam and Foodstuffs Head Office (**the Sites**). I am familiar with the location and surrounding environment of these sites and operations, having visited on numerous occasions through my involvement in the consenting processes since 2010.

Code of Conduct for Expert Witnesses

8 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. 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

- 9 I have prepared evidence in relation to:
- (a) The relief sought by Foodstuffs in relation to the Sites;
 - (b) The existing environments of the Sites as lawfully established and/or authorised by CCC RMA decisions; and
 - (c) The appropriateness of Local Centre Zone (LCZ) for the entire Sites associated with PAK'nSAVE Papanui and New World Ilam.

Executive Summary

10 Residential activity is not anticipated on 9 Northcote Road (adjoining PAK'nSAVE Papanui). The land is currently being used as a contractor yard (temporary site office and parking for construction workers) associated with

construction of the consented PAK'nSAVE Papanui. The land displays no residential qualities or characteristics, being devoid of any residential activity and adjoining a consented (and majority-constructed) supermarket. LCZ is a more appropriate zone to reflect the intended use of 9 Northcote Road for permanent car parking associated with the PAK'nSAVE. Extending the existing zoned centre and rezoning the entire PAK'nSAVE Papanui landholding and operations to LCZ would better reflect the existing and consented reality of PAK'nSAVE Papanui than the notified combination of Medium Density Residential Zone (**MRZ**), Neighbourhood Centre Zone (**NCZ**) and Industrial General Zone (**IGZ**).

- 11 Residential activity is not anticipated on 55 Peer Street (adjoining New World Ilam), it being Foodstuffs' intention to develop the site for car parking to meet increasing customer and staff demand associated with the supermarket. New World Ilam is a substantial supermarket development integrated with its setting, and is illustrative of the manner in which supermarket development can be appropriately accommodated at the interface with the residential environment. I consider LCZ for the entire site more appropriately reflects the existing and intended environment. Amendments are not required to the policy and rule frameworks relevant to LCZ.
- 12 The nature and extent of the existing supermarket operations is relevant to the PC14 process. LCZ provides the appropriate framework for proper recognition of existing and ongoing supermarket operations. The PC14 process provides a pathway to align the underlying zone of PAK'nSAVE Papanui and New World Ilam with the lawfully established, consented and intended supermarket operations that occur within the sites.
- 13 Overall, in my assessment the entire landholdings and operations at these sites are suitable for LCZ in light of the existing environment. Applying the LCZ to capture all established and intended supermarket operations in the manner requested will ensure the most efficient, effective and appropriate provisions are in place to achieve the objectives of the CDP, PC14 and the purpose of the Act.

Relief Sought

- 14 The relief sought by Foodstuffs can be best described as ‘tidying up’ site-specific changes to zoning, planning maps and centres to better reflect the current or imminent supermarket operations. I agree with the assessment in the s42A Report in respect of the following sites:
- (a) New World Stanmore (#705.1) – rezone 304 Stanmore Road (Lot 1 DP 44038 and Lot 2 DP 4845) from MRZ to LCZ.
- 15 I agree with Mr Lightbody¹ that extending the LCZ to include 304 Stanmore Road will enable future expansion of supermarket operations in accordance with existing rules that manage the interface with the adjoining residential zone. I also note Mr Colgrave’s evidence that the rezoning *is consistent with Objective 15.2.2 and Policy 15.2.2.1, CDP and does not pose any risk of significant retail distribution effects on centres given the site constraints, current level of supermarket development on the sites and high likelihood of supermarket (and not other retail) activities occurring on the site.*²
- (b) Foodstuffs Head Office (#705.7) – rezone 159 Main North Road (Lot 2 DP 14400, part of Lot 1 DP 14400 and the access legs of Lots 7 & 9 DP 14400) from MRZ to IGZ.
- 16 I agree with Mr Lightbody³ that IGZ is more reflective of the lawfully established vehicle access and parking activity on this site associated with the existing Head Office, and consistent with the decision on Plan Change 5⁴.
- (c) PAK’nSAVE Wainoni (#705.3) – rezone the accesses off Breezes Road serving 174 Wainoni Road (Section 2 SO 552969) and 204 Breezes Road (Lot 2 DP 25816) from MRZ to LCZ.

¹ Appendix 1 – Table of Rezoning Requests, p160, s42A Report

² Para 8, Statement of Evidence of Fraser Colegrave, 20 September 2023

³ Appendix 1 – Table of Rezoning Requests, pp160-161, s42A Report

⁴ <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2020/PC5/Hearings-Panel-Supplementary-Report-RE-159-Main-North-Road.PDF>

17 I agree with Mr Lightbody⁵ that the subject access legs are unlikely to be developed in the future for commercial activities other than that associated with vehicle access serving commercial activities on the balance LCZ land. The access leg serving 174 Wainoni Road is a fundamental element of the consented PAK'nSAVE Wainoni. In the unlikely event an alternative use was proposed for the access, this would be subject to the provisions of the LCZ and require a s127 variation to the consent or a new consent. For these reasons, I do not consider it is necessary to introduce a rule limiting use of the land for access purposes only.

(d) New World Lincoln (#705.6) – rezone 92 Lincoln Road (Lot 1 DP 51902) from MRZ to LCZ.

18 I agree with Mr Lightbody⁶ that extending the LCZ to include 92 Lincoln Road is more reflective of the consented environment and consistent with the balance of the site (94, 100 and 108 Lincoln Road), on which supermarket operations have been authorised. I also note Mr Colgrave's evidence that the rezoning does not pose any risk of significant retail distribution effects on centres, for the same reasons reproduced under (a) above.

19 The remainder of this statement focusses on the rezoning sought for PAK'nSAVE Papanui and New World Ilam, where Mr Lightbody has reservations as to the appropriateness of LCZ for the entirety of these sites.

PAK'nSAVE Papanui

20 PAK'nSAVE Papanui is currently under construction at 171 Main North Road and 3-7 Northcote Road, in accordance with a resource consent and subsequent variations granted by CCC. The original consent authorised basement car parking beneath the supermarket building, a fuel facility, and retention of the existing retail building at the corner of Main North Road and Northcote Road (formerly Mad Butcher and Fresh Harvest). Complex ground conditions forced reassessment of the basement car parking, and the consent was subsequently varied to instead provide all car parking at

⁵ Appendix 1 – Table of Rezoning Requests, pp160-162, s42A Report

⁶ Appendix 1 – Table of Rezoning Requests, pp161, s42A Report

grade, with the consequential removal of the proposed fuel facility and the existing retail building to accommodate parking provision. Given the advanced construction the consent has, for all intent and purpose, been implemented and PAK'nSAVE Papanui will soon be operating in accordance with the same. This represents the existing environment.

21 For these reasons, I consider capturing the entire PAK'nSAVE development in the LCZ would better reflect the existing environment than does the notified NCZ and IGZ. Based on Mr Colgrave's evidence, I am satisfied that LCZ will not have a detrimental effect on the function and role of the City's centres. Further, any concern that LCZ might enable other or additional non-commercial activity to establish on the site can be allayed by:

- (a) the level of investment Foodstuffs has made in the site;
- (b) grocery retail trade being Foodstuffs' constitutional core business;
- (c) additional development would reduce parking provision whilst increasing parking demand;
- (d) additional development would be subject to the provisions of the LCZ; and
- (e) any change to the consented development would require a s127 request to vary the consent, and / or a new resource consent sought, which provides a further mechanism for Council to assess the effects of the change or expansion in terms of the circumstances in which the consent was originally granted.

22 As noted in Ms Parish's evidence, Foodstuffs purchased 9 Northcote Road (Lot 5 DP 3753, 1,024m²) for the express purpose of additional car parking associated with PAK'nSAVE Papanui. The property displays no residential qualities or characteristics, being devoid of any residential activity and adjoining a consented (and majority-constructed) supermarket. Indeed, it is currently being used as a contractor yard (temporary site office and parking for construction workers) associated with construction of the supermarket.

23 In addition to the consented supermarket on the immediately adjacent land, I consider LCZ is a more appropriate zone to reflect the intended use of 9

Northcote Road for permanent car parking associated with the PAK'nSAVE. I am aware of Foodstuffs' proposal to formalise additional staff parking on 9 Northcote Road, integrating with the wider PAK'nSAVE site and delivering an appropriate interface (acoustic fencing and landscaping) with the adjoining residential property.

- 24 It is also relevant to note that southern and eastern boundaries of 9 Northcote Road adjoin vehicle access and parking areas associated with the consented supermarket. Given the additional land is physically separated from the supermarket building by these essential transport elements of the supermarket operations, it is unlikely any future extension of the supermarket building would occur toward or on 9 Northcote Road.
- 25 Overall, I consider rezoning Foodstuffs' entire PAK'nSAVE Papanui landholding and operations to LCZ would better reflect the consented reality of PAK'nSAVE Papanui and intended parking provision than the notified combination of NCZ, IGZ and MRZ.

New World Ilam

- 26 New World Ilam is located at 57 Peer Street (Lot 2 DP 415441) and 49 Peer Street (Lot 13 DP 17997), and comprises the supermarket building, vehicle access to both Peer Street and Brodie Street, car parking, loading and landscaping across some 13,385m² site area. The notified LCZ reflects the lawfully established supermarket activities currently being undertaken on the site.
- 27 As noted in Ms Parish's evidence, Foodstuffs purchased 55 Peer Street (Lot 10 DP 17997, 974m²) for the express purpose of providing additional car parking associated with New World Ilam. The property currently contains a residential dwelling, which would be demolished to make way for an expanded car parking area served by the supermarket's existing vehicle accesses. I note Ms Parish has confirmed that the shared driveway serving 49 Peer Street is fenced off from the supermarket activity, and consider her concession the driveway now not be rezoned LCZ (as originally sought in the submission) addresses Mr Lightbody's concern that

the driveway might otherwise see an increase in vehicle movements as access to the supermarket⁷.

- 28 Mr Colgrave's evidence is that rezoning 55 Peer Street LCZ to be consistent with the balance of the New World Ilam site will not have a detrimental effect on the function and role of the City's centres.
- 29 Further, under LCZ, the conversion of 55 Peer Street into car parking would be subject to existing rules that manage the interface between commercial and residential environments, such as fencing, landscaping and adherence to noise limits. I am therefore comfortable that an appropriate interface and level of amenity will be achieved for the adjoining residential properties.
- 30 Overall, I consider rezoning 55 Peer Street LCZ would better reflect Foodstuffs intended parking use for this site than the notified MRZ, and would effectively integrate with the lawfully established New World Ilam.

Appropriateness of LCZ

- 31 The statutory framework for an assessment of the rezoning relief sought is set out within Sections 31 and 32 and 72 to 76 of the Act. Within the relevant sections of the Act are a number of requirements which I consider to be of specific relevance to the rezoning. For completeness, I note that my opinion above has considered that the proposed rezoning:
- (a) accords with and assists CCC in carrying out its functions so as to meet the requirements of Part 2 of the Act;
 - (b) has regard to the actual and potential effects of activities on the environment – by adopting LCZ provisions unchanged, the Council will retain appropriate discretion / control over future parking expansion on the additional sites, with a specific focus on boundary treatment at the interface with adjoining MRZ properties;
 - (c) is the most appropriate way to achieve the purpose of the Act, with LCZ contributing to and maintaining the clear delineation of business and residential land while appropriately maintaining the amenity of

⁷ Appendix 1 – Table of Rezoning Requests, p162, s42A Report

neighbouring MRZ properties and contributing to a well-functioning urban environment; and

- (d) gives effect to the Canterbury Regional Policy Statement (RPS) and the National Policy Statement on Urban Development (NPS-UD).

Summary

- 32 In summary, what is sought is a consistent zoning regime across the entire PAK'nSAVE Papanui and New World Ilam operations. LCZ acknowledges the lawfully established activity on the sites and will ensure intended car parking expansion will continue to respect the residential interface. Put simply, LCZ is considered the most appropriate zone as better reflecting the existing and intended environments of PAK'nSAVE Papanui and New World Ilam than the notified NCZ, IGZ and MRZ, and MRZ, respectively.
- 33 The statutory assessment required under LCZ for any future parking expansion on the sites, including the consequential s127 process to vary the existing consents, is robust and adequate to ensure the receiving environment is afforded appropriate protection whilst providing for the continued provision of essential goods and services to the community. It also provides Foodstuffs certainty that all supermarket-related activities will continue to be provided for into the future without being unduly compromised by a disparate zoning and rule framework.

Conclusion

- 34 Overall, I consider LCZ is a more efficient and effective representation of the existing and intended environments of PAK'nSAVE Papanui and New World Ilam than the notified zonings of these sites. LCZ reflects the established and intended reality and provides certainty for Foodstuffs and the community that supermarket activity is appropriate and anticipated on the sites.
- 35 I do not consider a specific rule limiting activities on the sites to those associated with a supermarket, noting the level of investment on the sites, the constitutional core business of Foodstuffs, and the fundamental operational requirements (i.e. access, parking and loading) mean that the supermarket activity is clearly well established and the sites having limited

(if any) capacity to accommodate new or additional non-supermarket retail activity.

- 36 LCZ will not fragment the key business or residential areas in the City because the extension of LCZ is limited to discrete areas that better reflect, recognise and respond to the existing, consented and future use of the sites.
- 37 The PC14 process presents the appropriate opportunity and timing to implement these changes.

Mark David Allan

20 September 2023