

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF KIRK JOSEPH LIGHTBODY ON
BEHALF OF CHRISTCHURCH CITY COUNCIL**

**INTENSIFICATION WITH COMMERCIAL AND INDUSTRIAL ZONES OUTSIDE
THE CENTRAL CITY - PLANNING**

Dated: 9 October 2023

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EXECUTIVE SUMMARY

1. I disagree with Messrs Clease, Arbuthnot and Smith that the District Centres of Riccarton, Papanui and Hornby should be rezoned to a Metropolitan Centre Zoning (**MCZ**). I consider a Town Centre Zoning (**TCZ**) is the National Planning Standard equivalent of these District Centres as described in the District Plan and is the most appropriate zoning under section 32. I also disagree with their recommendations to increase the permitted building height of these centres from 32m to 45m or higher.
2. I agree with Mr Clease that the extent of the Comprehensive Housing Precinct (**CHP**) should be reduced and recommend areas outside the precinct are rezoned back to the operative Industrial General Zone.
3. I disagree with Mr Clease regarding his recommendation to increase the commercial office tenancy limit from 500sqm to 1,000sqm for Riccarton, Hornby and Papanui, and continue to recommend the 500sqm limit.
4. I highlight to the panel that while the Greater Christchurch Business Capacity Assessment (**BCA**) demonstrates a shortfall in commercial floorspace capacity for Christchurch City, there is additional commercial floorspace capacity enabled by PC14 that is not accounted for in the BCA, resulting in a significant surplus under PC14.

INTRODUCTION

5. My name is **Kirk Joseph Lightbody**. I am employed by the Christchurch City Council as a Policy Planner in the City Planning team.
6. I prepared a planning officer's report pursuant to section 42A of the Resource Management Act 1991 (the **Act / RMA**) dated 11 August 2023 (**Section 42A Report**). My Section 42A Report considered the issues raised by submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**), and made recommendations in response to the issues that emerged from those submissions, as they applied to:
 7. Commercial Zones outside the Central City;
 8. Industrial Zones.

9. I have the qualifications and experience set out at paragraphs 2.1.2 – 2.1.3 of my Section 42A Report dated 11 August 2023.
10. I repeat the confirmation given in my Section 42A Report that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

11. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my Section 42A Report. In this evidence I respond to the following issues:
 - (a) National Planning Standards and zoning of Riccarton, Hornby, Papanui, Church Corner, Merivale and Sydenham.
 - (b) Sydenham Mixed Use Zone and CHP.
 - (c) Office Tenancy Limits.
 - (d) Business Capacity Assessment.
12. Where I am relying on the primary evidence or rebuttal evidence of technical witnesses for the Council, I make that clear in this rebuttal evidence.

NATIONAL PLANNING STANDARDS AND THE ZONING OF RICCARTON, HORNBY, PAPANUI

13. The planning evidence of Mr Clease for Kainga Ora, Mr Arbuhnot for Lendlease New Zealand Limited, and Mr Smith for Scentre (New Zealand Limited) have challenged my recommendation for Riccarton, Hornby and Papanui to be zoned Town Centre Zone (**TCZ**), raising differences of opinion related to the appropriate tests to consider zoning of these centres. In particular:
 - (a) Mr Clease notes in paragraph 3.139 of his evidence, *“Mr Lightbody considers the key test of whether a centre qualifies as a metropolitan centre is to look at the existing zone description. I consider this is an incorrect test. Zone ‘fit’ with the NPS must necessarily compare centre role and function with the zone descriptions in the NPS.”*

- (b) Mr Arbuthnot outlines in paragraph 4.7 of his evidence, *“In my opinion, Mr Lightbody’s approach of limiting the analysis of commercial zoning to a comparison of the descriptions is insufficient. I consider it essential to have regard to the existing and future function of Hornby, including whether it services a sub-regional catchment, in determining the appropriate equivalent zone. This is more likely to provide a more accurate and beneficial classification that is in line with the intent of the National Planning Standards and the intensification outcomes of the NPS-UD.”*
- (c) At paragraph 1.8 Mr Smith considers *“that Riccarton meets the criteria for Metropolitan Centres in the National Planning Standards, given its size, function and the catchment it serves. Further, I consider it is appropriate for Riccarton to be identified as a Metropolitan Centre as that status recognises the centre’s important role in the centres’ hierarchy, anticipates and enables ongoing growth and intensification both within and adjacent to the centre, enables the improvement of public transport services, and supports an increased height limit.”*

14. I disagree with Messrs Cleese, Arbuthnot and Smith, as I consider the National Planning Standards (**NPS**) do not direct a consideration of individual centre form and function. Rather the NPS in mandatory direction clause 8(2) outlines that if an existing zone in a plan is consistent with the description of a zone in the NPS, that existing zone must use the NPS zone name. I applied that mandatory direction in paragraphs 6.2.2 – 6.2.8 of my Section 42A report, concluding that District Centres as described in the District Plan are equivalent to NPS Town Centre Zones.
15. It remains my view that the requests of Kainga Ora, Lendlease and Scentre for Riccarton, Papanui and Hornby to be a Metropolitan Centre Zone (**MCZ**) are effectively *rezoning requests* rather than converting the *existing zone* to that which is consistent with the *description of a zone* in Table 13 of the NPS.¹ Rezoning requests require a merits assessment of appropriateness under section 32, and against the RMA planning framework like all other rezoning requests. I provided a merits assessment in my Section 42A Report and concluded that rezoning Riccarton, Hornby and Papanui from TCZ to MCZ is not the most appropriate, and would be inconsistent with

¹ Paragraph 8.1.2 of my Section 42A report.

provisions of the Canterbury Regional Policy Statement (**CRPS**) and the District Plan.² While I continue to support that merits assessment, there are some further matters raised by Messrs Clease, Arbuthnot and Smith, which I respond to below.

Appropriateness of a MCZ or TCZ

16. It appears one of the reasons Messrs Clease, Arbuthnot and Smith propose that Riccarton, Hornby and Papanui be rezoned to MCZ is to allow for more intensification than the TCZ as recommended.³ However, I do not consider that providing for more intensification necessitates a rezoning from MCZ to TCZ, as the TCZ provisions themselves can provide for that intensification. For example, intensification is provided by the recommended height performance standard for Riccarton, Papanui and Hornby of 32m.

Height in Riccarton, Papanui and Hornby

17. In my opinion the real matter of contention between myself and Messrs Clease, Arbuthnot and Smith is permitted building height at Riccarton, Papanui and Hornby. In particular:
- (a) Mr Arbuthnot seeks a 45m height limit.⁴
 - (b) Mr Clease considers that “MCZ functions and roles are better enabled with the height limit increased to 52m.” and that “such a limit also maintains relativity with other comparative centres in New Zealand’s main cities.”⁵
 - (c) Mr Smith proposes a 50m height limit.⁶
18. In response to Mr Clease, PC14 is a planning framework proposed specifically for Christchurch, and in my opinion that necessitates an assessment of heights against the applicable statutory tests (including what is most appropriate in section 32 terms) having regard to the Christchurch context. It is not a compare and contrast exercise with Auckland and Wellington. I provide such an assessment in my Section 42A Report⁷,

² Paragraphs [8.1.1 to 8.1.34] of my Section 42A report.

³ [Messrs Clease, Arbuthnot and Smith, Clease at paragraph at 3.148, Arbuthnot at paragraph at 4.36, Smith at paragraph 5.13]

⁴ At paragraph 4.14

⁵ At paragraph 3.148

⁶ At paragraph 5.21

⁷ Paragraph 8.1.34 and 8.3.3 of my s42A report

concluding that the recommended height of 32m (with the other heights of 22m and 14m across the centres hierarchy as a package) enable significantly more redevelopment capacity than forecast long term demand within centres while still balancing primacy with the Central City. As such I consider the recommended heights to be the most appropriate methods to achieve the NPS-UD, CRPS, District Plan and purpose of the RMA.

CHURCH CORNER, MERIVALE, AND SYDENHAM CENTRES

19. Mr Cleese considers that Merivale, Sydenham and Church Corner be rezoned to TCZ.⁸ I consider this submission point in my Section 42A Report⁹, and note that the difference between a Local Centre Zone (**LCZ**) and TCZ is retail activity is restricted through a tenancy floor space limit in LCZs. This distinction is deliberate and reflects the direction of the CRPS and District Plan to give primacy to KACs.
20. However, I agree with Mr Cleese in his description of Merivale, Sydenham and Church Corner centres,¹⁰ being that:

“Merivale and Church Corner are well-established centres that are both located within the strategic northern and western transport corridors and just like the above four town centres are identified in the Spatial Plan as being ‘locally important urban centres and towns’. Both have substantial residential catchments and in the case of Church Corner is also well-located relative to the University. Sydenham is on an important transport route that is shown in the Spatial Plan extending south from the CBD, and is the key centre to support the proposed transition of the surrounding industrial area to a high quality mixed use environment.”

21. I have already recommended consistent heights of 22m across the Large LCZs and TCZs¹¹ based on commensurate levels of commercial activity and community facilities. The key consideration in my opinion as to whether the rezoning is appropriate or not is whether changing the zone of centre would give effect to CRPS policy 6.3.1(8) to avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres. If the economic experts could allay

⁸ At paragraph 3.165

⁹ Paragraph 8.1.45 of my Section 42A report

¹⁰ At paragraph 3.166

¹¹ Other than the Large TCZs for Riccarton, Papanui and Hornby which have a recommended height of 32m.

my concerns on this policy, then I would agree with Mr Clease that Merivale, Sydenham and Church Corner could be rezoned TCZ.

SYDENHAM MIXED USE ZONE AND COMPREHENSIVE HOUSING PRECINCT

Retail, Office and Community Activities within the Comprehensive Housing Precinct

22. Regarding Mr Clease's opinion on retail and office activities¹², in my opinion the only hesitancy with enabling fine grain retail in this location is ensuring the enablement would not undermine the District Plan and CRPS hierarchy of centres framework. If the economic experts could allay my concerns on any potential distributional effects on the centres hierarchy, then I would agree with Mr Clease and recommend that commercial and community facilities be added to the permitted activity framework of the Comprehensive Housing Precinct.

High Trip Generator Activities within the Comprehensive Housing Precinct

23. Ms Radburnd considers the restriction of existing activities such as high trip generators (**HTG**) and service stations is appropriate in the Comprehensive Housing Precinct (**CHP**).
24. Mr Hardcastle's transport evidence follows the same thrust, recommending amendments to ChristchurchNZ's original submission point to policy 15.2.3.2(b), being that the additional clause to the policy should now read "limiting new high vehicle trip generating activities".
25. There is potential for the scope issue identified in the *Waikanae* decision to apply to the amendments proposed by Ms Radburnd and Mr Hardcastle because they seek to restrict pre-existing development rights under the District Plan. In any case, I will comment on the substance of their views.
26. However, I remain concerned with the efficiency and appropriateness of a policy that seeks to 'limit' HTG in the CHP, without any corresponding rules or methods to achieve this limitation across all activities in the precinct. The only clear rule restriction I can gather is a restriction on the locations of service stations. The sought changes to Policy 15.2.3.2(b) by ChristchurchNZ rely on the provisions of Rule 7.4.3.10 to capture what

¹² Paragraph 3.135

constitutes a HTG, which is aligned with Policy 7.2.1.2 which seeks to manage the adverse effects of HTGs. My opinion is the sought policy results in a convoluted and unclear plan framework for HTG's in the CHP.

27. Consistent with my Section 42A report at paragraph 8.4.44, it remains my view that this policy matter should be included in Chapter 7 where it is linked to a method, not isolated in Chapter 15.

Extent of Comprehensive Housing Precinct

28. I agree with Mr Clease¹³ that it would be more effective to reduce the spatial extent of the CHP to locations that already have access to public open space, commercial services, and community facilities. I also agree with Ms Radburnd¹⁴ that with a large CHP as recommended, the slower and more dispersed will be the transition to residential, and as such a larger CHP will be less efficient and effective in achieving the objectives of the zone. I now recommend that a smaller spatial extent for the precinct would be more appropriate.
29. I agree with Ms Radburnd that areas most suited for transition to residential/mixed use are those within the walking catchment of Sydenham and Addington centres¹⁵, and with Mr Clease in regard to Lancaster Park.¹⁶
30. I consider that focusing the CHP's extent would promote the vitality of the Sydenham centre and be a more efficient and effective outcome consistent with the NPS UD and CRPS. My view is that the CHP extent around the Sydenham Centre should follow the walking catchment for the centre where possible for consistency with intensification in other areas of the City.¹⁷ This extent would be slightly larger than recommended by Mr Clease.¹⁸
31. Having agreed that the CHP should be reduced in spatial extent, the remainder of the Sydenham, Phillipstown and Waltham walking catchment area is still required to enable 6 storeys per NPS-UD policy 3(c) unless a qualifying matter is applicable. In my view rezoning the area to Mixed Use Zone (**MUZ**) without the CHP overlay would not be the most appropriate

¹³ Paragraph 3.125.

¹⁴ Paragraph 22.

¹⁵ Paragraph 23.

¹⁶ Paragraph 3.134.

¹⁷ Appendix 1 to this Rebuttal Evidence

¹⁸ Figure 6 at paragraph 3.125.

method to achieve the direction of the NPS UD because the MUZ height performance standard is only 15m, which would not allow for 6 storey development. In my opinion the area should be rezoned back to Industrial General Zone (**IGZ**) which has unlimited height and brownfield redevelopment criteria in Policy 16.2.2.2 that enables redevelopment while maintaining the predominately industrial nature of the zone. I consider that zoning outcome to be the most appropriate method in achieving the direction of the NPS UD.

OFFICE TENANCY LIMITS

32. Mr Clease¹⁹ recommends increasing the commercial office tenancy cap for Riccarton, Papanui and Hornby from 500sqm to 1000sqm, while Mr Smith²⁰ considers that no cap should apply for Riccarton, Papanui and Hornby.
33. My Section 42A Report covers the issue of office tenancy limits in detail²¹, and Mr Heath discusses the key role tenancies greater than 500sqm play in the recovery of the City Centre Zone and the potential business dislocation effects that could arise from removing the office tenancy size rule. I continue to rely on the evidence of Mr Heath and still consider the operative 500sqm provision to be the most appropriate method to achieve the objectives of the District Plan, CRPS and NPS UD.

BUSINESS CAPACITY ASSESSMENT

34. Mr Colegrave and Mr Clease relay throughout their evidence that a shortfall of commercial floorspace capacity exists, and Mr Colegrave goes to the extent of calling the shortfall significant.²²
35. However, there is no shortfall in capacity. The Greater Christchurch Business Capacity Assessments (**BCA**)²³²⁴ have never considered redevelopment potential within Christchurch City centres, rather the BCA conservatively limits the assessment of plan enabled supply to vacant land using the Council's vacant land register, being 103ha. At page 33 the 2023 BCA states:

¹⁹ Paragraph 3.139

²⁰ Paragraph 5.25

²¹ Paragraph 8.5.7 of my s42A report

²² Paragraph 5.59

²³ Page 33 – 2023 BCA (6.2) - <https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch-/HuiHui-Mai/Greater-Christchurch-Business-Development-Capacity-Assessment-April-2023.pdf>

²⁴ Page 64 – 2018 BCA (6.2) - <https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Our-Space-consultation/Business-Development-Capacity-Assessment-October-2018.pdf>

“Table 15 identifies an existing supply of 88 hectares of vacant commercially zoned land in Christchurch City along with a further 15 hectares of vacant land with a mixed (primarily commercial) zoning in the Central City.

As outlined below, there remains a significant amount (27 hectares) of vacant land in the Central City Business and Mixed Use Zones largely as a result of the significant earthquake related demolitions, along with extensive vacant commercial floorspace. In total, this brings plan-enabled supply identified in Christchurch to 103 hectares. **For this BCA redevelopment potential to provide additional commercial capacity has not been more widely assessed.** It is important to note that commercial activity also occurs outside of these centres, within industrial, specific purpose zones (e.g., hospital or airport) and residential zones in particular.”

[My emphasis in bold text]

36. My Section 42A Report has endeavoured to model redevelopment potential in centres.²⁵ The theoretical plan enabled redevelopment capacity at PC14 recommended heights is 1101.4ha²⁶ across Town and Local Centres. Evaluating that theoretical supply within Town and Local Centres alone against the long-term demand figure of 211.6ha from the 2023 Business Capacity Assessment²⁷ leaves a surplus of 889.8ha. This plan enabled redevelopment capacity does not include redevelopment potential within the Central City.
37. Mr Heath²⁸ has also modelled redevelopment enablement at a high level and in his view the heights recommended by PC 14 would accommodate a level of commercial growth that is significantly more than the demand requirement for commercial (retail and office) land uses in Christchurch and go well beyond the 30-year timeframe. My view is aligned with Mr Heath, that a significant surplus of commercial land is enabled by PC14 as recommended.

Kirk Joseph Lightbody

9 October 2023

²⁵ Appendix 8 of my s42A Report

²⁶ Paragraph 6.3.5 of my s42A report

²⁷ Page 26 – Table 5 – 2023 Business Capacity Assessment - <https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch-/HuiHui-Mai/Greater-Christchurch-Business-Development-Capacity-Assessment-April-2023.pdf>

²⁸ Paragraph 195-197

APPENDIX 1 – SYDENHAM NORTH, SYDENHAM SOUTH, CENTRAL CITY WALKING CATCHMENTS

