

**Subject:** Submission 915 23 KBR Limited, 432 Sparks Road - s32 Evaluation  
**Sent:** 14/11/2023, 5:06:55 pm  
**From:** Patricia Harte<Patricia.Harte@dls.co.nz>  
**To:** IHP Info  
**Attachments:** [Response to IHP Panel Sub 915 25 KBR Ltd.docx](#)

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Hello

Could you please forward the attached evaluation to the Panel. It relates to submission 915 of 23 KBR Limited.

Thank you

**Patricia Harte** | Consultant Planner



**DAVIE LOVELL-SMITH**

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I would like to thank the Panel for the opportunity to provide considered responses to their questions and to provide a more structured s32 assessment including consideration of the matters raised at the hearing.

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The following information and assessment have the purpose of providing the Panel with the basis for further evaluation of the submission request of 25 KBR Limited for rezoning 432 Sparks Road, Halswell as Neighbourhood Centre Zone.

#### Options

Section 32AA requires a further evaluation of changes proposed by the KBR submission to Plan Change 14 (the proposal) to rezone an area of 7124m<sup>2</sup> fronting Sparks Road from Future Urban Zone(FUZ) to Neighbourhood Centre Zone (NCZ). For the purpose of the section 32AA assessment this requested rezoning is referred to as Option 1. The "reasonably practicable options" in addition to the requested change (Option 1) are listed below:

Option 2: To rely on resource consent processes to achieve local commercial development on the site.

Option 3: Inclusion of a Permitted activity rule included in the Future Urban Zone providing for all permitted activities listed in the Neighbourhood Centre Zone within areas identified for this purpose on an approved subdivision

Option 4: Amend the Future Urban Zone provisions to provide for all the permitted activities in the Neighbourhood Centre Zone as permitted activities only within the 25KBR Limited site at 432 Sparks Road

#### Evaluation approach

S32AA requires the evaluation to be undertaken as required by s32 (1) to (4). The relevant tests are:

32(1) (a) – The extent to which the objectives of the change are the most appropriate way to achieve the purpose of the Resource Management Act

The requested change to the Proposal (PC14) does not involve either incorporation of any new objectives or amendments to objectives contained in PC14.

32(1) (b) - Examination whether the provisions of the change are the most appropriate way to achieve the objectives by the matters listed in 32(1) (b)

The objectives which are considered relevant are those contained in the current District Plan and those added or amended by PC 14 set out in the table below. Most of these objectives are assessed in the submission. The Policy 3(d) of the NPD-UD has also been included for completeness.

<i>Strategic Objective 3.3.1.b</i>	<i>recognises and sets the statutory planning context for the other chapters of the Plan, in order that they clearly articulate how decisions about resource</i>
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	<i>use and values will be made in order to minimise reliance on resource consent processes”.</i>
<i>3.3.1 Objective Enabling recovery and facilitating the future enhancement of the district</i>	<i>a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:</i> <i>i. Meets the community’s immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural wellbeing; and</i> <i>ii. Fosters investment certainty; and</i> <i>iii. Sustains the important qualities and values of the natural environment.</i>
<i>3.3.5 Objective Business and economic prosperity</i>	<i>a. The critical importance of business and economic prosperity to Christchurch’s recovery and to community wellbeing and resilience is recognised and a range of opportunities provided for business activities to establish and prosper</i>
<i>3.3.7 Objective – Well-functioning urban environment</i>	<i>a. A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;</i>
<i>3.3.11 Objective Commercial and industrial activities</i>	<i>a. The recovery and stimulation of commercial and industrial activities in a way that expedites recovery and long term economic and employment growth through:</i> <i>i. Enabling rebuilding of existing business areas, revitalising of centres, and provision in greenfield areas; and</i> <i>ii. Ensuring sufficient and suitable land development capacity.</i> <i>b. The critical importance of centres for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects. (Paragraph added by PC14)</i>
<i>14.2.6.4 Policy - Other non-residential activities Proposed new 14.2.9.5 (Proposed Plan Change 14)</i>	<i>Restrict the establishment of other non-residential activities, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant.</i>
<i>14.2.6.5 Policy - Retailing in residential zones Proposed new 14.2.9.6(Proposed Plan Change 14)</i>	<i>Ensure that small scale retailing, except for retailing permitted as part of a home occupation, is limited in type and location to appropriate corner sites on higher order streets in the road hierarchy.</i>
<i>Future Urban Zone Obj 14.2.8.(d)</i>	<i>Encourage higher density housing to be located to support, and have ready access to, commercial centres, community facilities, public transport and open space; and to support well-connected walkable communities.</i>
<i>15.2.2.3 Policy - New centres in residential greenfield areas</i>	<i>a. In new residential greenfield areas, land identified through zoning and/or on an outline development plan for a commercial centre shall be developed and primarily used for commercial activities and community activities, including health care facilities, to serve existing and future residents.</i>
<i>NPS-UD Policy 3 (d)</i>	<i>Regional policy statements and district plans enable: (d) in locations (other than City centre and metropolitan zones and within walkable catchments of rapid transit stops, edge of city centre or metropolitan zones) enable building heights and density of urban form commensurate with the greater of:</i>

	<p><i>(i) The level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or</i></p> <p><i>(ii) relative demand for housing and business use in that location</i></p>
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The key elements of the above objectives that can be used as a basis for determining the efficiency and effectiveness of the change and other options are set out below:

*Minimising reliance on resource consents*

*Fostering investment certainty*

*A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, now and into the future*

*The recovery and stimulation of commercial and industrial activities that expedites long term economic and employment growth through (inter alia) provision in greenfield areas and ensuring sufficient and suitable land development capacity*

*Restrict the establishment of other non-residential activities in residential areas, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant.*

*The critical importance of centres for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects.*

*Enable or encourage higher density housing to be located to support, and have ready access to, commercial centres, community facilities, public transport and open space; and to support well-connected walkable communities.*

*Enable building heights and density of urban form commensurate with the greater of: (i) The level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or (ii) relative demand for housing and business use in that location*

## Evaluation of Options

Objective	Evaluation
<i>Minimising reliance on resource consents</i>	<p>Efficiency</p> <p>Option 1: This option involves rezoning of the site as Neighbourhood Centre Zone and so is considered a very efficient option as it will either avoid or limit the need for the owners and tenants of the centre to obtain resource consents. However it does not provide for centres to be established on other FUZ land – so is only partly efficient in achieving this objective.</p> <p>Option 2: Only provides for a commercial centre to be established by way of resource consent so is considered to be inefficient for this submitter’s site and for all potential commercial centres in the FUZ.</p> <p>Option 3: This option is very efficient as it provides for NCZs to establish within FUZs relatively simply through the subdivision process. However there is an issue as to whether this</p>

	<p>amendment of PC14 is within the scope of the Panel's powers under the Enabling Act.</p> <p>Option 4: This option is efficient in relation to the submitter's site</p> <p>Effectiveness</p> <p>Option 1: The rezoning option is effective in relation to the submitters site and will therefore provide for long term certainty for the surrounding community that the site will be able to function as a neighbourhood centre over time.</p> <p>Option 2: This option does not provide certainty that a commercial centre will be able to establish on the site and so is not considered to have a high level of effectiveness, however a well-designed proposal is expected to have a reasonable chance of success.</p> <p>Option 3: This option is expected to be effective in achieving this objective as it provides for NCZs to establish with FUZs relatively simply through subdivision. However there is an issue as to whether this amendment of PC14 is within the scope of the Panel's powers under the Enabling Act</p> <p>Option 4: This option will have limited effectiveness within greenfield areas other than within the submitters site as consents will be required for commercial development.</p>
<p><i>A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, now and into the future</i></p>	<p>Efficiency</p> <p>Option 1: This option involves rezoning of the site as Neighbourhood Centre Zone and so is considered an efficient option in relation to this site as it will provide social and economic wellbeing of residents and visitors to the area. It also establishes a focal point around which more intensive residential development can establish thereby increasing residential intensification and enabling more people to live in this new residential area. However it does not provide for centres to be established on other FUZ land – so is only partly efficient in achieving this objective.</p> <p>Option 2: This option is not particularly efficient as it is likely that resource consents will be required over time as the needs and demands of the tenants and customers change.</p> <p>Option 3: This option is very efficient as it provides for the potential for commercial facilities to be developed within the large number of FU zones throughout the City should there be a demand for these.</p> <p>Option 4: This option limits the positive impacts of enabling commercial development within greenfield areas other than within the submitters site as consents will be required for commercial development. It is therefore considered to have limited efficiency.</p> <p>Effectiveness</p> <p>Option 1: The rezoning option is effective in relation to the submitters site and will therefore contribute to a well-functioning urban environment in South Halswell by providing long term certainty for the surrounding community that the site will be able to function as a neighbourhood centre over time.</p> <p>Option 2: This option is considered to have poor effectiveness because greenfield owners/developers generally find the uncertainty of outcome too great, and they are not in a position</p>

	<p>to put a commercial project together. As a result they generally take the easier option of only developing residential sections. This results in less than a well-functioning urban environment.</p> <p>Option 3: This option is effective in setting the stage for commercial and community development as it provides a relatively simple pathway through the subdivision process to enable NCZ permitted activities. However it does not ensure this will happen.</p> <p>Option 4: This option is only effective for a single development in the Halswell area.</p>
<p><i>The recovery and stimulation of commercial and industrial activities that expedites long term economic and employment growth through (inter alia) provision in greenfield areas and ensuring sufficient and suitable land development capacity</i></p>	<p>Efficiency</p> <p>Option 1: This objective is understood to primarily relate to larger greenfield business areas which have the potential to provide significant employment opportunities. In the context of the South Halswell area the requested rezoning of 342 Sparks Road it is an efficient way of providing a suitable site for creation of additional development capacity and commercial/community employment opportunities.</p> <p>Option 2: This option does not provide certainty that a commercial centre will be able to establish on the site and so is not considered to have a high level of effectiveness. However, a well-designed proposal is expected to have a reasonable chance of success. In addition this approach is not particularly efficient as it is likely that additional resource consents will be required over time as the needs and demands of the tenants and customers change.</p> <p>Option 3: This objective is understood to primarily relate to larger greenfield business areas which have the potential to provide significant employment opportunities. Commercial and community activities will be required in these areas, and it may therefore be appropriate and efficient to make some provision for this at subdivision stage.</p> <p>Option 4: This option is considered to be an efficient way of providing a suitable site for creation of additional development capacity and commercial/community employment opportunities in the South Halswell Area .</p> <p>Effectiveness</p> <p>Option 1: In relation to the South Halswell area the requested rezoning of 342 Sparks Road is an effective way of providing a suitable site for creation of additional development capacity and commercial/community employment opportunities.</p> <p>Option 2: This option is not effective as it relies on greenfield landowners/developers being directly involved in planning and establishing commercial and community facilities, which is not common.</p> <p>Option 3: The reintroduction of the ability to “ earmark ” a lot within a subdivision for neighbourhood centre purposes within greenfield areas is a very useful mechanism. Its effectiveness will be determined by the take-up of this option.</p> <p>Option 4: The reintroduction of the ability to “ earmark ” a lot within a subdivision for neighbourhood centre purposes within greenfield areas is potentially a useful mechanism and would have been taken up if it had been available for this site. In the meantime the owners have proceeded with a subdivision and</p>

	<p>separate land use consent for the commercial centre. This makes assessment of its future effectiveness uncertain.</p>
<p><i>Restrict the establishment of other non-residential activities in residential areas, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant.</i></p>	<p>Efficiency</p> <p>Option 1: The requested rezoning is efficient in this regard as it achieves a commercial centre which has an operational need to locate within the residential area.</p> <p>Option 2: This option is less efficient as it requires the owner/developer to still go through a resource consent process to prove the operational need.</p> <p>Option 3: Consideration of the location of a future commercial centre at the time of subdivision is an efficient process for all undeveloped FUZ areas.</p> <p>Option 4: The Permitted activity provision is efficient for the requested site as it achieves a commercial centre which has an operational need to locate within the residential area. However this benefit is limited to a single FUZ site .</p> <p>Effectiveness</p> <p>Option 1: The requested rezoning is effective as it enables a commercial centre which has an operational need to locate within the residential area. However it does limit the alternative residential use of the site.</p> <p>Option 2: This option is less effective as it still requires a developer to initiate the commercial development proposal and obtain resource consent.</p> <p>Option 3: This option will be effective in providing a means to achieve commercial developments which serve developing communities.</p> <p>Option 4: This option's effectiveness relates only to a single site.</p>
<p><i>The critical importance of centres for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects.</i></p>	<p>Efficiency</p> <p>Option 1: This option adopts the commercial centres framework by adding a new Neighbourhood Centre Zone. This is very efficient. In addition the Economic Memorandum prepared by Property Economics confirms that this new development obtained by resource consent will not give rise to significant adverse distribution effects. With regard to urban form the centre the centre's built form and activities will provide a focal point for the local community. This in turn could provide the basis for increased residential density in areas adjoining the new centre.</p> <p>Option 2: This option if successful also has the potential to be efficient in achieving this policy in relation to the local area.</p> <p>Option 3: This option has the potential to provide for the considered and efficient location of commercial centres in Future Urban zones across the city.</p> <p>Option 4: This option is efficient only in relation to this Sparks Road site.</p> <p>Effectiveness</p> <p>Option 1: This option is effective by adopting the commercial centres framework and by adding a new Neighbourhood Centre Zone in South Halswell.</p> <p>Option 2: The initial effectiveness of this option is reliant on a resource consent being granted for a commercial centre.</p>

	<p>Option 3: This option creates a “middle ground” between commercial development being provided for by zoning or by recognition and provision through the subdivision process. This option is considered effective in achieving this policy.</p> <p>Option 4: This option is effective only in relation to this Sparks Road site.</p>
<p><i>Encourage higher density housing to be located to support, and have ready access to, commercial centres, community facilities, public transport and open space; and to support well-connected walkable communities.</i> Future Urban Zone Obj 14.2.8.(d)</p> <p><i>Enable building heights and density of urban form commensurate with: (i) The level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or (ii) relative demand for housing and business use in that location.</i> NPS-UD Policy 3 (d)</p>	<p><b>Efficiency</b></p> <p>Option 1: The rezoning of the site has the potential to encourage/enable higher density housing in the vicinity of the new centre. In particular the criteria in NPS Policy 3(d) appear to be met in regard to planned active transport serving this site based on existing and planned roading, footpath and shared facilities in the area. However it is not clear how this encouragement/enabling of higher density would be achieved. In particular does the panel have authority to provide for these higher densities?</p> <p>Option 2: If resource consent is obtained for the proposed commercial development on the site there is potential for this development to encourage/enable higher density housing in the vicinity of the new centre. In particular the criteria in NPS Policy 3 (d) appear to be met in regard to planned active transport serving this based on existing and planned roading, footpath and shared facilities. It is not clear how this encouragement or enabling would be achieved. In particular does the panel have authority to provide for these higher densities or will this require an additional plan change.</p> <p>Option 3: To achieve this option the District Plan would need to be amended. This may provide an opportunity for the necessary changes to enable greater building heights and densities in area surrounding new commercial centres either through PC 14 or subsequent plan changes. However this would be complex due to the variety and number of Future Urban zones. In this regard it may not be an efficient option.</p> <p>Option 4: To achieve this option the District Plan would need to be amended. While the provision being included in the FUZ could be done by a decision of the PC14 Panel, It is not so clear whether the Panel could amend the density and height limits on surrounding land. If it cannot then this option would not be efficient.</p> <p><b>Effectiveness</b></p> <p>Option 1: The rezoning of the site would not achieve higher densities to support the centre but is expected to encourage this. The Council (or Panel) would then have to provide for increased density and height in relation to the site.</p> <p>Option 2: The consenting of the site would not achieve higher densities to support the centre but is expected to encourage this. The Council (or Panel) would then have to provide for increased density and height in relation to the site.</p> <p>Option 3: To achieve this option the District Plan would need to be amended. This may provide an opportunity for the necessary changes to enable greater building heights and densities in area surrounding new commercial centres either through PC 14 or subsequent plan changes. However this would be complex due</p>



	<p>to the variety and number of Future Urban zones. In this regard it may not be an effective option.</p> <p>Option 4: To achieve this option the District Plan would need to be amended. While the provision being included in the FUZ could be done by a decision of the PC14 Panel, it is not so clear whether the Panel could amend the density and height limits on surrounding land. If it cannot then this option would not be effective.</p>
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### Summary conclusion of 32AA Evaluation

Option 1 achieves a number of the objectives and provides certainty regarding the use of the site for commercial and community services over time. In particular it minimises reliance on resource consents, contributes to a well-functioning urban environment in Halswell, provides small-scale employment opportunities, is of an appropriate scale to serve the local community while avoiding any adverse effects on distribution and urban form. It also provides a useful basis for enabling intensification of urban form in the area. It is not clear at what stage this could occur i.e. as part of PC14 or other plan change.

Option 2 achieves objectives relating to providing commercial and community services for the area. However it is not considered to be efficient as it will likely involve various consenting requirements over time in response to commercial and community trends and demands. With regard to enabling intensification of urban form, it is unclear whether the granting of a consent would facilitate this.

Option 3 re-inserts a useful process into the Plan for identifying, through subdivision of greenfield areas (Future Urban Zones) suitable locations for commercial centres. These centres will be based on the provisions of the Neighbourhood Centre Zone. This approach is potentially very efficient and effective as compared to the consenting of these commercial centres over time in response to changing needs and demands. It is not clear whether this option would enable intensification of the urban form as the subdivision and development of greenfield areas will occur over time and cannot be predicted.

Option 4 applies the process for identifying, through a subdivision consent, a suitable location for the equivalent of a Neighbourhood Centre to 432 Sparks Road. This has similar theoretical benefits as rezoning the site Neighbourhood Centre Zone. However, it still involves a consenting process to be established. This creates uncertainty as to whether and/or how any intensification of the urban form could be enabled.

### Evaluation of Change and Options with regard to additional questions of the Panel

Would a change in zoning to Neighbourhood Centre Zone (NCZ) enable more or less residential development in totality than the Future Urban Zone?

Potentially the NCZ would be more enabling.

On the basis of the minimum density requirement of 15 households per ha in the Future Urban zone just being met 10 dwellings could be built .

With a zoning of NCZ and residential units being a second level of development on the proposed commercial centre and assuming all units were 3-bedroom units then 5 could be built above the rear wing of the development. If these were to be built above both the rear and front wing then 16 3-bedroom units could be built. If all the units were studio units (1 bedroom) then the up to 26 could be built on the rear and 19 on the front wing.

Would rezoning to Neighbourhood Centre Zone create a logical justification, need or benefit for the Panel to consider the appropriate building heights and densities to be enabled as required NPD-UD Policy 3 (d).

This provisions states:

*Regional policy statements and district plans enable:*

*(d) in locations (other than City centre and metropolitan zones and within walkable catchments of rapid transit stops, edge of city centre or metropolitan zones) enable building heights and density of urban form commensurate with the greater of:*

*(i) The level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*

*(ii) relative demand for housing an business use in that location*

Effectively 3(d) covers all urban land other than city centre zones, metropolitan centres ones and land which is with at least a walkable distance from rapid transit stops, the edges of city and metropolitan centre zones. Logically therefore the criteria listed in (d) (i) and (ii) play an important role in determining where Council is required to enable more permissive building heights and densities to encourage intensification. In my opinion the rezoning of the proposed site as Neighbourhood Centre Zone does fit the first criterion for consideration because of the good level of accessibility to the site by active transport. This Policy states that active accessibility can be both existing or planned. The surrounding area is owned by numerous landowners who are subdividing their land at different rates. Currently there are both partial east/west and north south roads and walkways. These are anticipated to be "filled in" over time. Currently the Sparks Road frontage will be upgraded to provide a shared path.

The area also has a clear demand for the services to be provided by the proposed commercial development as confirmed by the Economic Assessment.

On this basis Policy 3(d) appears to require enabling of building heights and density of urban form in the location of 362 Sparks Road.