

Before an Independent Hearings Panel
Appointed by Christchurch City Council

under: the Resource Management Act 1991
in the matter of: Proposed Plan Change 14 to the Christchurch District Plan
and: **Belfast Village Limited**
(Submitter 917)

Memorandum of Catherine Boulton (planning) on Belfast Village Limited

(Submitter #917) In Response to Minute 29 and Subsequent Minute 33

Dated: 28 April 2024

1. Introduction

1 Minute 29 contains the following direction for further information and evaluation to be provided in relation to Belfast Village Limited's submission.

- *Provision of s32AA re request or rezoning of approx. 1 hectare of land sought over 40b Jon's Road from residential new neighbourhood zone under the OP.*

2 Minute 33 directs the further information and evaluation to be provided by 30 April 2024.

3 Section 32AA Evaluation

3 As set out in s32AA of the Resource Management Act (RMA), a further evaluation is required for "any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes)". In this case, the further evaluation is to be undertaken on the changes proposed to the Christchurch District Plan since the evaluation report was completed. The further evaluation must be undertaken in accordance with section 32(1) to (4) and must contain "a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal".

4 The following report evaluates the request to amend the zoning at 40B Johns Road, Belfast from land which is currently zoned under the Operative District Plan as Residential New Neighbourhood Zone to Local Centre Zone. Note that this s32AA analysis does not evaluate the zoning which was incorrectly identified on the Plan Change 14 maps as zones which had already been superseded through the Plan Change 5 process.

2. S32(1)(a) – The extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act

5. The submission did not seek to alter the objectives of the Christchurch District Plan.

3. S32(1)(b) – Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives.

6 Section 32(1)(b) requires an evaluation of whether the provisions in the proposal are the most appropriate way to achieve the objectives by:

- (i) *Identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *Assessing the efficiency and effectiveness of the provisions in achieving the objectives;*
- and*
- (iii) *Summarising the reasons for deciding on the provisions.*

7 The s32(1)(b) evaluation is undertaken in the following sections.

4. S32(1)(b)(i) – Identifying other reasonably practicable options for achieving the proposal

8 The rezoning request could reasonably be achieved by the following methods (as an alternative to pursuing the rezoning request through the District Plan Review):

- Applying for **resource consent(s)** for new development on the subject site (commercial, industrial and residential development) (the status quo); or

- Submitting a private **Plan Change Request** to the Christchurch City Council (at least two years after the provisions for this site have been resolved through the Plan Change 14 process.

9 **Resource Consent:** There is currently a resource consent application being processed for commercial development across the site. This Plan Change process is therefore an opportunity to make the boundaries align with the proposed ‘on the ground’ development sought by the resource consent application. If there is no change in zoning, multiple resource consents may be required for further development or change (or s127 amendments to conditions), the process of developing a site of this size then becomes very time consuming, costly and inefficient for all involved.

10 **Private Plan Change:** There is the option of pursuing a private Plan Change Request after the completion of the District Plan Review. Again, this is considered an unnecessarily costly, time consuming and inefficient exercise when there is an opportunity now to have the rezoning request considered with associated technical input.

5. ***S32(1)(b)(ii) – Assessing the efficiency and effectiveness of the provisions in achieving the objectives***

11 s32(1)(b)(ii) is informed by reference to s32(2)(a-c), which states that assessment of the efficiency and effectiveness of provisions needs to:





- (a) Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-*
 - (i) Economic growth that are anticipated to be provided or reduced; and*
 - (ii) Employment that are anticipated to be provided or reduced; and*
- (b) If practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

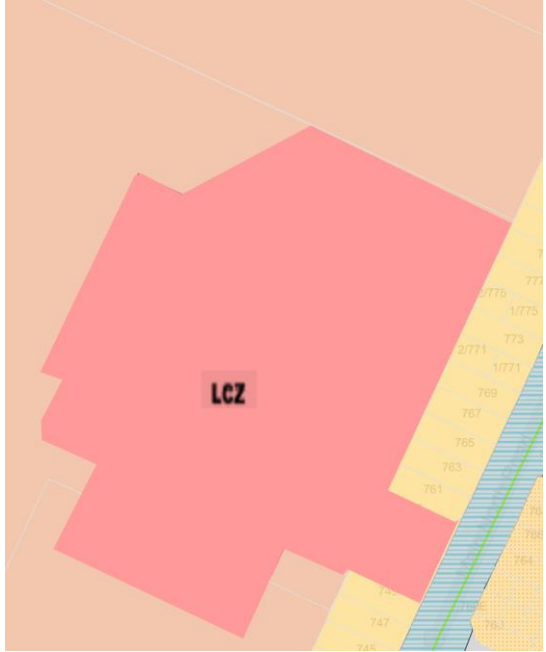
12 The proposal is an “amending proposal” because it will amend a “change that is already proposed or that already exists (an existing proposal)”¹. An examination under section 32(1)(b) must therefore relate to:

- (a) The provisions and objectives of the amending proposal; and*
- (b) The objectives of the existing proposal to the extent that those objectives-*
 - (i) are relevant to the objectives of the amending proposal; and*
 - (ii) would remain if the amending proposal were to take effect.*

13 The s32(1)(b)(ii) evaluation is set out in the table below. It is noted that the examination is to determine whether the provisions in the proposal are the most appropriate way to achieve the objectives, they do not necessarily need to be superior. Therefore, the most appropriate option does not need to be the optimal or best option, but it must demonstrate that it will meet the objectives in an efficient and effective way.

¹ RMA Section 32(3)

| Address | Operative Zoning | Proposed Zoning |
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| <p>751 1/753 2/753 and 755 Main North Road</p> | <p>Commercial Core Zone</p>  <p> Commercial Core Extension Approved through CCC Plan Change 5 Decision</p> | <p>Local Centre Zone</p> <p>(Note: The zoning as notified at these properties was notified as 'Future Urban Zone'. Council's Reporting Officer indicated that this was in error which did not appropriately take into account the Christchurch City Council's Decision on Plan Change 5 and should have been Local Centre Zone.</p> <p>As Council have indicated this was an error and recommend that this land is shown as Local Centre Zone no further s32AA analysis is undertaken on this land.</p> |
| <p>40B Johns Road</p> | <p>Commercial Core Zone</p>  <p> Commercial Core Extension Approved through Environment Court Order</p> | <p>Local Centre Zone</p> <p>(Note: The zoning as notified at 40B Johns Road as 'Future Urban Zone'. Council's Reporting Officer indicated that this was in error and did not appropriately take into account the Environment Court Order on the Plan Change 5 Appeal and that this land should have been Local Centre Zone.</p> <p>As Council have indicated this was an error and recommend that this land is shown as Local Centre Zone no further s32AA analysis is undertaken on this land. Note that there is a rezoning request for commercial expansion at 40B Johns Road which is evaluated below.</p> |
| Address | Operative Zoning | Proposed Amendments Sought by Submission |
| <p>40B Johns Road</p> | <p>Residential New Neighbourhood Zone</p> | <p>Rezone land at 40B Johns Road to Local Centre Zone</p> <p>(Note: The zoning as notified at the North-West Belfast commercial centre was 'Town Centre Zone'. Council Officers have indicated that this was in error and should have been Local Centre Zone, the below evaluation is made on the basis of this being Local Centre Zone.</p> <p>A change to this zoning also necessitates amendments to Appendix 8.10.18 or 8.10.19 (note both numbers were given to the same appendix in the notified Plan Change 14 and Appendix 15.15.11.</p> |

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| | | <p>The below zoning image represents the change to Local Centre Zone (including those areas to be corrected from the incorrect Plan Change maps notified and the change to land at 40B Johns Road sought).</p>  |
| <p>Planning map number/s</p> | <p>12A</p> | |
| <p>Evaluation of status quo</p> | | |
| <p>a. Efficiency</p> | <p>Benefits</p> <ul style="list-style-type: none"> ○ Social: Status quo would result in more housing being able to be provided (currently 15 households over the 1ha of land sought to be rezoned). ○ Cultural: There are no identified cultural benefits. <p>Costs</p> <ul style="list-style-type: none"> ○ Economic: Any future development that does not comply with the provisions would require a resource consent application. ○ Economic and Social: Commercial expansion is proposed through resource consent. Retaining status quo would either not provide certainty for centre landowners/tenants or businesses looking to move in to the centre as all activities or change in activities is likely to require resource consent. Alternatively, if resource consent is granted it also does not provide certainty to existing and future landowners looking to develop within the greenfield area or existing residential strip along Main North Road. ○ Economic: Retaining the status quo does not provide more commercial zoned land to replace commercial land that has been lost to residential development at the Groynes and at the Northwood Key Activity Centre where the Rymans development is located. | |

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| | <ul style="list-style-type: none"> ○ Social: The commercial centre will not be of a size that will most suitably support the surrounding community. ○ Cultural: There are no identified cultural costs. |
| Effectiveness in achieving objectives of the DP/Higher order documents | <ul style="list-style-type: none"> ○ The commercial zoning expansion will enable the North-West Belfast Centre to fulfil its role and function in the centres hierarchy as a Local Centre while not producing adverse effects on the function of the Key Activity Centre at Northwood. This rezoning request is considered the most appropriate for achieving the objectives of the Canterbury Regional Policy Statement, Christchurch District Plan and National Policy Statement on Urban Development. |
| Risk of acting/not acting | <ul style="list-style-type: none"> ○ There is a risk that not rezoning the land would: <ul style="list-style-type: none"> • Result in District Plan provisions not in alignment with on the ground development (should the resource consent for the proposed commercial expansion be granted). • Result in the uptake of the land for residential purposes (should the resource consent for the proposed commercial expansion not be approved). The risk in this is that the status quo North West Belfast Centre is likely to not have the land area to support intensification of the surrounding residential catchment areas through greenfield development and redevelopment and infill at existing residential areas. |
| Evaluation of proposed zoning | |
| a. Efficiency | <p>Benefits</p> <ul style="list-style-type: none"> ○ Social and Economic: The proposed commercial zoning expansion contributes to a well-functioning urban environment by enabling a variety of residential and commercial activity within the surrounding environment across a greater extent. ○ Social and Economic: The proposed commercial zoning expansion responds to estimated greenfield Residential New Neighbourhood Zone development demand within the primary and secondary catchments and will further respond to anticipated redevelopment and infill growth of existing residential areas resulting from the Plan Change 14 process. ○ Social and Economic: It achieves an urban form that implements the strategic objectives of the District Plan while minimising adverse impacts on the Central City and Key Activity Centres. The North-West Belfast commercial centre expansion can remain well within the anticipated size range (between 3,000m² and 30,000m² GFA) of Neighbourhood Centres (Operative Christchurch District Plan)/ Local Centre Zone (Plan Change 14) and will not therefore challenge the centre hierarchy of the District Plan. ○ Social and Economic: The expansion is likely to better support residential intensification around the centre compared with the status quo because of its increased function and social amenity (including employment opportunities). By providing more land for retailing activity it increases the ability of the wider greenfield area to support higher residential densities. |

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| | <ul style="list-style-type: none"> ○ Economic: It provides for further commercial land to replace the commercial land lost to residential activity at the Groynes and Northwood Key Activity Centre. ○ Environmental: Provides certainty for nearby and future landowners within the North-West Belfast Outline Development Plan area and along Main North Road of the environmental outcomes anticipated for the subject property (currently 40B Johns Road). ○ Environmental: Aligns the District Plan with the intended environmental outcomes of the subject properties sought through the resource consent process. ○ Economic: The change in zoning means that some land use activities and development are permitted, and for which a resource consent is not required under the proposed zoning (where previously one would have been). As a consequence, the development process is more efficient and there are reduced compliance costs. ○ Economic and Environmental: Greater certainty leads to more efficient administration and monitoring, including interpretation of relevant provisions of the district plan. ○ Cultural: There are no identified cultural benefits. <p>Costs</p> <ul style="list-style-type: none"> ○ Social and Environmental: Reduction in available land for residential development. Commercial zone expansion is over a 1ha area. The North-West Belfast ODP has a minimum density of 15 households per hectare. However, with redevelopment and infill development within the existing residential zones of the primary and secondary catchment sought to be enabled through Plan Change 14 this loss may be negligible or likely to be made up elsewhere. ○ Environmental: There is potential for reverse sensitivity effects on adjoining residential properties. However, given this is a newly developing greenfield area there is no zone interface established to the north and part of the north-east boundary yet. ○ Cultural: There are no identified cultural costs. <p>The proposed zoning is more efficient in achieving the desired outcome for the area, having regard to the benefits.</p> |
| <p>b. Effectiveness in achieving objectives of the DP/Higher order documents</p> | <p>In applying the recommended commercial zoning, the district plan provisions enable the activities that are anticipated to occur on the North-West Belfast site (sought through resource consent currently being processed by the Christchurch City Council).</p> <p>It enables the North-West Belfast Centre to fulfil its role and function in the centres hierarchy as a Local Centre while not producing adverse effects on the form and function of the Key Activity Centre at Northwood. This option is considered to be most appropriate for implementing Objective 15.2.1 and 15.2.2 of the Christchurch District Plan.</p> |
| <p>Risk of acting/not acting</p> | <p>The risk of not acting will result in unnecessary costs for future development either through a further plan change or in relation to resource consent processes.</p> |

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| | <p>It is considered there are no information gaps that would impact on the risk of acting or not acting in relation to the change proposed.</p> |
| Alternatives - evaluation | <p>The status quo of retaining the residential zoning of the site is not considered appropriate on the basis that the increase in commercial activity within the area will support the surrounding, growing residential environment, noting that areas within the surrounding catchment that had been zoned for commercial activity are no longer being used for this purpose – at the Groynes and at the Ryman development at Northwood. Rezoning this land is also considered to be the most appropriate alternative as it will align with the on the ground development sought.</p> |