

Before the Independent Hearings Panel
Appointed by the Christchurch City Council

Under the Resource Management Act 1991

In the matter of a hearing on submissions on the Housing and Business Choice
Plan Change (PC14) to the Christchurch District Plan

NHL Properties Limited

Submitter 706

**Wigram Lodge (2001) Limited, Elizabeth Harris and John
Harris**

Submitter 817

Christchurch Casinos Limited

Submitter 2077

Summary Statement of Anita Clare Collie

30 October 2023

Introduction

- 1 My full name is Anita Clare Collie. I have provided planning evidence relating to submissions from: NHL Properties Limited¹ (**NHL**); Wigram Lodge (2001) Limited, Elizabeth Harris and John Harris² (**Wigram Lodge**); and Christchurch Casinos Limited³ (**Casino**). My qualifications and experience are outlined in my statements of evidence dated 20 September 2023. I reconfirm compliance with the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023.
- 2 I provided three separate briefs of evidence:
 - (a) One in relation to the submission from NHL and Wigram Lodge seeking rezoning of 132-158 Peterborough Street, 137-151 Kilmore Street and 237-333 Manchester Street, Christchurch (**Forte Site**), from notified High Density Residential (**HRZ**) to Central City Mixed Use Zone (**CCMU**).
 - (b) One in relation to the submission from Wigram Lodge seeking rezoning of 850-862 Colombo Street and 139 Salisbury Street, Christchurch (**Wigram Lodge Site**), from notified **HRZ** to **CCMU**.
 - (c) One in relation to the submission from the Casino seeking rezoning of 56 to 72 Salisbury Street and 373 Durham Street North, Christchurch (**Casino Site**) from notified **HRZ** to **CCZ**.
- 3 This summary statement addresses collectively my three statements of evidence, given the degree of commonality between the submission points. I refer to these in this summary as the **rezoning requests**.

Correction to my statement of evidence

- 4 I have two corrections to make, both in my statement of evidence for NHL and Wigram Lodge. I identify the corrections below with deletion of the incorrect term shown by strikethrough, and addition of the correct term by bold underline.
- 5 At paragraph 10:

The Submissions seek to rezone ~~5,930m²~~ **8,170m²** of land at the following locations from notified **HRZ** to Central City Mixed Use Zone (**CCMU**);

¹ Submitter 706

² Submitter 817

³ Submitter 2077

6 At paragraph 17(a):

To the north and ~~west~~ **east** of the Site (on the opposite side of Peterborough Street and Manchester Street) are predominantly residential land uses comprising one, two and three storey townhouse / unit style buildings.

Discussions with Council Planner

7 I have participated in discussions with Ms Gardiner for the Council to narrow the issues in contention regarding my clients' submission points. A record of our discussion is appended to this summary (**Attachment [A]**).

Scope and policy framework

8 The matter of scope has been raised in regard to the rezoning requests. I refer to legal submissions filed by Counsel for the submitters on this matter.

9 I note that one of the fundamental purposes of PC14 is to give effect to Policy 3 of the National Policy Statement (**NPS-UD**), which seeks urban intensification in both residential and non-residential zones. In my opinion, the NPS-UD Policy 3 does not apportion any hierarchy of importance between residential and non-residential zones. The enablement of additional development capacity⁴ applies to both.

10 Policy 3 sits within a wider framework of Objectives and Policies in the NPS-UD, and I consider it appropriate to read it in the context of these provisions. My detailed assessment of each of the rezoning requests against the NPS-UD Objectives is set out in my statements of evidence. Overall, I consider the rezoning requests to be consistent with the NPS-UD direction to provide for well-functioning urban environments which enable more people to live in, and more businesses and community services to be located in, an urban environment near a centre zone where there are many employment opportunities and is well serviced by public transport.⁵

11 The existing zoning of the Sites was established under the operative Christchurch District Plan, which was created prior to the gazettal of the NPS-UD. The NPS-UD contains specific recognition of change and encourages responsiveness to the changing needs of communities⁶. It is reasonable to consider the most appropriate planning provisions overall for the sites, including the zoning. Policy 3 does not limit the methods to achieve the outcomes it directs. The NPS-UD and Policy 3(a) in particular is fundamentally enabling and directs additional development capacity within well-functioning urban

⁴ NPS-UD Policy 3(a) and (c).

⁵ NPS-UD Objective 1 and Objective 3.

⁶ NPS-UD Objective 4, Objective 6, Policy 6(b).

environments. Whether the rezoning requests achieve that is most appropriately determined on the merits of each rezoning request within the statutory framework.

Merits of the rezoning proposals

- 12 In my evidence I have completed a s32AA assessment for each of the rezoning requests. I have concluded that the rezoning is the most appropriate outcome, having considered the relevant statutory matters.
- 13 The rezoning requests use existing zones and provisions in PC14, and no changes to the wording of any text in PC14 is proposed. The rezoning requests comprise changes to the planning maps only.
- 14 I consider that the operative and PC14 proposed zone provisions will appropriately manage any potential zone interface effects between the Sites and adjoining residential zones. I refer to Mr Compton-Moen's evidence in respect of the zone interface and wider urban form and amenity issues. There are numerous examples throughout the Christchurch Central City of CCMU and CCZ adjoining HRZ, both at an internal and a road boundary. The rezoning requests do not create any unusual zone interface outcomes.
- 15 The rezoning requests are located within the Central City, as defined in the District Plan, and are adjacent to existing commercially zoned land. The proposals are consistent with the District Plan Objectives seeking to maintain a hierarchy of commercial centres, give pre-eminence to the Central City, and enable recovery and revitalisation of the Central City⁷. The Sites are currently vacant land and the rezoning requests provide for a more diverse range of activities on the Sites, potentially facilitating faster redevelopment.
- 16 Further to the above, the rezoning requests maintain coherence with the zoning pattern across the Central City. The Casino and Forte sites are split zoned, and the submissions seek consistent zoning across the blocks. The Wigram Lodge site is located on the corner of a busy intersection, opposite commercial zoning on the two southern corners of the intersection. I consider the area to the north of the Wigram Lodge Site to contain land use activities that would likely be beyond the scale of any permitted non-residential use within the HRZ or operative Central City Residential Zone. Therefore, I conclude that the character of the area surrounding the Wigram Lodge site is mixed, and not of a strong residential character. All the Sites are within an urban area already characterised by a degree of mixed use and commercial activity, as detailed in Mr Compton-Moen's

⁷ Objectives 3.3.1 (Enabling recovery and facilitating the future enhancement of the district), 3.3.7 (Urban growth, form and design), 3.3.11 (Commercial and industrial activities), 15.2.1 (Recovery of commercial centres), and 15.2.2 (Centres-based framework for commercial activities) (PC14 numbering).

evidence⁸. Further, I acknowledge Policy 6(b) in the NPS-UD which requires decision makers to have particular regard to the circumstance that RMA planning documents that have given effect to the NPS-UD may involve significant change, but change is not of itself, an adverse effect. For these reasons, I do not agree with Ms Gardiner's comments⁹ that the rezoning requests would dilute, impose on or interrupt the residential coherence of the areas surrounding the Sites.

- 17 Ms Gardiner and I have discussed the business and housing development land capacity and agree that there is sufficient of both provided by PC14 to meet the minimum requirements in Policy 2 of the NPS-UD. I consider that the wording of the NPS-UD sets a minimum expectation for housing and business land capacity in the short, medium and long terms, and not an upper limit, as indicated by the use of the words "*at least*" in Policies 2 and 3. In my opinion, demonstrating a need for additional capacity in an existing urban zone is not necessary to enable rezoning; rather, the focus of evaluation is whether the proposal is the most appropriate outcome in accordance with the s32 RMA assessment.
- 18 Ms Gardiner considers that there are potential economic effects on the City Centre Zone, and effects on distribution of activities¹⁰. In relation to the Forte and Wigram Lodge Sites, I consider that the primacy of the CCZ is protected through provisions which control the distribution of activities in the Central City¹¹. The Sites are all located within the Christchurch Central City, hence protect the primacy of the Central City. In my opinion, redistribution of commercial activity from one commercially zoned site within the Central City to another does not undermine any of the Objectives in the District Plan or the NPS-UD. I consider the rezoning requests are consistent with the commercial centres hierarchy and maintains a consolidated urban form.
- 19 In summary, I consider the rezoning requests will give effect to the NPS-UD and are the most appropriate, efficient and effective means of achieving the purpose of the RMA, and the relevant objectives of CDP PC14.

Anita Clare Collie

30 October 2023

⁸ Refer to Mr Compton-Moen's statements of evidence. Paragraph 16-17 in relation to the Casino Site. Paragraph 17-18 in respect of the Forte Site. Paragraphs 16-17 in relation to the Wigram Lodge Site.

⁹ H. Gardiner rebuttal evidence dated 9 October 2023; paragraph 62 in relation to Wigram Lodge Site; paragraph 65 in relation to the Casino Site; and paragraph 52 in relation to the Forte Site.

¹⁰ Attachment [A], Page 1 of the Minutes under the topic of *Effects*

¹¹ Objective 15.2.5 (PC14 numbering) and supporting provisions. For example, the extent of retail and office activities is limited outside the CCZ.

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

IN THE MATTER OF Resource Management Act 1991

AND

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

**MINUTES OF PLANNER DISCUSSIONS ON REZONING REQUESTS FOR
CHRISTCHURCH CASINOS, NHL DEVELOPMENTS LTD, & WIGRAM LODGE**

20 October 2023

INTRODUCTION

1. This memorandum records the minutes of discussions between the planners on the topic of **the Central City rezoning requests for Christchurch Casinos, NHL Developments Ltd, and Wigram Lodge**
2. A meeting was held on **Friday 20 October 2023** and further correspondence has been held between 23 – 27 October 2023 to refine these minutes.
3. Attendees at the meeting and parties to the correspondence were:
 - (a) **Holly Gardiner**, for Christchurch City Council. Holly Gardiner is the author of **the s42A report on Central City provisions relating to the rezoning requests for Christchurch Casinos, NHL Developments Ltd, and Wigram Lodge**, a statement of evidence dated 15 September, and rebuttal dated 9 October.
 - (b) **Anita Collie**, for Christchurch Casino Limited (#2077); NHL Developments Limited (#706) and Wigram Lodge 2001 Limited Elizabeth Harris and John Harris (#817); is the author of evidence filed with the Independent Hearings Panel dated 20th September 2023.
4. Mark Stevenson, Manager Planning for the Council, also attended the meeting but his role was limited to taking notes of the discussion between Ms Gardiner and Ms Collie. Mr Stevenson did not participate as an expert witness for the Council.

CODE OF CONDUCT

5. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

PURPOSE AND SCOPE OF CONFERENCING

6. The purpose of the discussions were to identify, discuss, and highlight points of agreement and disagreement on issues relevant to Plan Change 14 provisions for the Central City.
7. All attendees reviewed the s42A report and evidence described above in advance of the meeting.
8. **Annexure A** records the agreed issues, areas of disagreement and the reasons, along with any reservations.

Date: 27 October 2023



Holly Gardiner



Anita Collie

ANNEXURE A – MINUTES RECORDING AREAS OF AGREEMENT AND DISAGREEMENT ON REZONING REQUESTS

Participants:

Issue	Agreed Position	Disagreements or reservations, with reasons
Capacity	There is sufficient development capacity to meet demand for housing and business, including commercial, over the short, medium and long-term.	
	The NPS-UD directs that “at least sufficient capacity” is provided for.	There are two different perspectives on capacity – Anita Collie considers there is not a reason required that there is additional capacity required on the basis that the NPS prescribes a minimum and not a limit. In contrast, Holly Gardiner outlined that there is not a shortfall and more than sufficient capacity, so we are not required to rezone land to accommodate demand.
Scope		Holly Gardiner considers that the rezoning request submission points are not on the plan change. Anita Collie considers the rezoning request submission points are on the plan change.
Effects	That the plan provisions effectively manage the potential zone interface effects between HRZ and CCMU, and between HRZ and CCZ.	Holly Gardiner considers that there are potential economic effects on the City Centre Zone, and effects on distribution of activities.

Residential coherence and range of activities	With reference to paragraph 62 of Ms. Gardiner's rebuttal, non-residential activities are provided for in the HRZ up to limits as permitted activities.	
Built form standards	<p>In the context of these submission points, existing internal boundary setbacks and recession plane provisions may reduce development capacity on internal boundaries where a commercial site adjoins a residential zone.</p> <p>There remains a consenting pathway for non-compliance with setbacks.</p>	