

SUMMARY STATEMENT – PLANNING – MIXED USE ZONE

- 1.1 My full name is **Adele Mary Radburnd**. I hold the position of Principal Development Planner at ChristchurchNZ (**CNZ**).
- 1.2 My qualifications and experience are set out in a statement of evidence dated 20 September 2023. I did not prepare any rebuttal evidence, but I engaged in joint witness conferencing with Council planners – Mr Lightbody and Ms Piper in regard to the Mixed Use Zone provisions. I also met with Mr Kleynbos on the matter of the Sydenham Yard zoning prior to lodging my evidence.
- 1.3 I reconfirm my adherence to the Environment Court’s Code of Conduct for Expert Witnesses 2023 and reiterate that I am presenting evidence in the capacity of an expert planning witness.
- 1.4 My intention is to provide a brief overview of the relief sought by ChristchurchNZ, highlight key points of my evidence and update you on the outcomes of planner conferencing.
- 1.5 Before I do that, I have one minor correction to make. On page 6, paragraph 17 where I compare the activities enabled in the IG and CMU zones to emphasise their similarities, I’d like to **strike out** “spiritual activities”. There is in fact only a single spiritual activity permitted by the CMU rules – at Seaview Road in New Brighton – so it’s not really a zone difference.

o o o o o

- 1.6 ChristchurchNZ’s primary interest in Plan Change 14 is the provisions for the Mixed Use Zone proposed for the Sydenham, Addington and Lancaster Park areas (currently zoned Industrial General) and the proposed zoning of land at 14 Milton Street and 2 Barnett Avenue, known as Sydenham Yard. ChristchurchNZ is interested in the district plan provisions for these areas as they are current project areas for CNZ’s urban development team.
- 1.7 For the Sydenham Yard site, CNZ sought a single rather than a split zoning over the site, for administrative simplicity. The preference was for High Density Residential zoning across the whole site (Lot 5 shown in Appendix B of my evidence), but the main outcome sought was a single rather than split zoning that enables housing. The land in question is currently out for market expressions of interest for a mixed tenure development on all or part of the site and I

understand some prospective developers have cited greater risk, complexity and uncertainty for land development due to the split zoning.

- 1.8 For industrial areas within the walkable catchments of the City Centre and Sydenham Local Centre zones, CNZ generally supported the notified provisions for these areas but sought minor amendments to better implement the Policy 3 directions, focused mostly on achieving a more walkable future environment. A key driver for submitting in support of the notified Mixed-use Zone provisions, and hence the focus of my evidence, was a concern that the other reasonably practicable options (including the status quo option and the operative mixed use zone option) would likely result in poor outcomes and significant opportunity cost.
- 1.9 At paras 12 to 20 and 27 to 31 of my evidence I discuss how, in my opinion, the Council's proposed method for giving effect to Policy 3(c)(ii) and Policy 3(d) and the wider NPSUD objectives and policies for these centrally located industrial areas, is the most appropriate option, in the context of a significant over-supply of industrial land.
- 1.10 The MUZ with the proposed new precinct, enables a flexible zone that provides for existing light industrial uses, whilst providing clear objectives, policies and rules to guide a land use transition over time, in a way that directly responds to the NPS-UD, whilst managing potential land use conflicts and reverse sensitivity impacts. More specifically, the provisions enable a flexible and competitive zone and development framework that promotes high density living in an accessible location and in a way that can make a meaningful contribution to the city's climate resilience. In short, it ticks most of the NPSUD boxes and it is also "additive" so doesn't fall foul of Waikanae. It also gives effect to the Emissions Reductions Plan, and I set out how I think it does that in paragraphs 49 to 50.
- 1.11 Going to the heart of the matter, at paragraph 14, I agree with the Council's s32 report where it says that it is appropriate to consider the potential for more flexible use of centrally located industrial land, for uses with a greater propensity to utilise the heights anticipated by Policy 3 (e.g. housing, offices and visitor accommodation). In my view this is appropriate because simply increasing heights or having no height limit at all as the case may be, in a zone that only permits activities that are low height and low density by nature, would not achieve the intent of the Policy 3 directions to intensify in appropriate locations. The intent of the Policy 3 directions is to enable *more people* to live in, and *more businesses* and community services to locate in, areas with many more employment opportunities (NPS – Objective 3).
- 1.12 I appreciate that Policy 3(c)(ii) just talks about 'height' and policy 3d just talks about 'height' and 'density of urban form', but in my view we must consider what is intended by those directions by looking to the objectives that it implements. In doing that, and in the context of

legislation that clearly anticipates a change in zoning to give effect to the directions, I have concluded that the notified method is available and is the most appropriate for giving effect to the NPSUD.

Outstanding matters

(a) Extent of zone / precinct

- 1.13 Conferencing with council planners has significantly narrowed areas of difference such that there is now only one key issue of contention between myself and Mr Lightbody. That relates to the most appropriate extent or boundary of the Mixed use zone and precinct. Our respective positions are set out in the [joint witness statement](#) but in short, Mr Lightbody seeks that the precinct be applied over all of the IG zones within the walkable catchment areas including Phillipstown (which has come forward by way of submission), whereas I have reservations about the Phillipstown area. Those reservations arise simply because I have a much lesser understanding of this area than I do the notified area, not because I have any specific reason to deem it inappropriate for comprehensively designed housing.
- 1.14 A related matter and one that is recorded in the JWS is that both Mr Lightbody and I agree that one clear risk of not acting (i.e. not rezoning Phillipstown or any other part of the IG zone within the walkable catchment areas) is that the default or status quo situation would prevail over those areas and the brownfield policies would be available to developers. Both Mr Lightbody and I recognise the limitations of the brownfield policies for achieving well-functioning urban environments, particularly at a neighbourhood scale.
- 1.15 In my view, given the significant over supply of industrial land and the national significance of urban development, it would be relatively straight forward for an applicant to make a consent case for redevelopment of industrial land within the walkable catchments of the city centre and local centre zones under these policies. I note that this differs from what I said at paragraph 15 of my evidence. There I said that few sites would meet the brownfield criteria. I think that still holds true for land within the core of the Industrial General Zone (where sites would not meet the policy test of not being surrounded by industrial activity) but there are plenty of opportunities to pick off sites around the periphery of the zone, around parks, centres, next to housing etc where that policy constraint would not exist. Over time this could result in significant land use change and in the absence of a zone framework with clearly expressed outcomes and appropriate policies and rules to guide brownfield development there is a real risk, that the resultant development will be much lower density, lower quality housing in an area with so much potential to really do density well. Given that risk, I worry that in 15 years' time we might be looking at a plan change to try and put in place

appropriate provisions to manage speculative growth in this area but the horse may have already bolted by then.

o o o o o

(b) High vehicular trip generators

- 1.16 CNZ made a submission seeking several changes aimed at supporting the transition to walkable, more pedestrian-friendly environments over time. This included proposed limitations on the establishment of service stations, quasi retail activities like trade suppliers with large car parks and policy support for those limitations. Mr Hardcastle addresses that in his evidence and my evidence supports those changes, however I recognise that whilst merited, they may conflict with the Waikanae principle of not taking away existing development rights. I do think that a distinction can be made that the Waikanae situation is different in that there, a QM was at play that had the effect of extinguishing all development rights, whereas here there would still be abundant development opportunities, and the changes are intended to help achieve the wider more enabling aims of the NPS-UD. I defer that consideration to others more expert in legal matters.
- 1.17 Finally, I just wanted to record a matter that was not included in my evidence as I only recently become aware of it. It is recorded in the JWS (other matters) that if the Panel supports the MUZ and precinct approach, a correction is needed to notified Policy 15.2.4.2(d) – Design of New Development. This clause is intended to only apply to the City Centre and Central City Mixed Use (South Frame) zones¹ to support the new small building rule. As it reads it applies to all commercial zones and in so doing could undermine objectives for other areas, particularly the comprehensive housing precinct. Mr Lightbody and I (in consultation with Ms Gardiner) recommend a wording change to remedy this – essentially adding in reference to the two zones where that small building enablement applies.

¹ See [Commercial Chapter Section 32](#) page 30

Jurisdiction – Sydenham Yard Rezoning

Council confirmed that this is the jurisdiction for the notified zone change:

Notified Zoning	Jurisdiction
RMD to HDR	Policy 3d – walkable catchment of Large Local Centre Section 77(G)(2) - Give effect to Policy 3d in residential zones
IG to MUZ	Policy 3d – walkable catchment of Large Local Centre Section 77N(3)(a) – may create new urban non-residential zones or amend existing urban non-residential zones.

CNZ seeks a HDZ zoning rather than MUZ. Council planners support this. The jurisdiction in my view, would be:

CNZ Relief	Jurisdiction
IG to HDR	80E(b)(iii)(B) – related provisions including zones that support or are consequential on giving effect to Policy 3.

This is on the basis that upzoning of part of the site to HDR is squarely anticipated by the Act, and that would leave part of the parcel with a different zoning which is not ideal.

Matching the zoning for the balance of the site would support and be consequential on the zoning of the residential land.

Section 32AA Evaluation

High Density Residential Zone – whole site	
Efficiency	Effectiveness
<p>Benefits</p> <ul style="list-style-type: none"> • Would reduce transaction costs for applicants of future housing development – less complex planning application and information requirements. • Land is more likely to be desired by a developer / less risk with a fully residential site. • Clear zoning framework for future owners of the land. • Greater certainty on land use – no threat of an unanticipated industrial activity. <p>Costs</p> <ul style="list-style-type: none"> • Less activities enabled on a fully residential site compared with a mixed use site. 	<p>Would better achieve the multiple plan objectives and policies that seek to increase the supply of housing in appropriate locations.</p> <p>It would better achieve Strategic Objective 3.3.2 as it would reduce transaction costs for developers and for future residents.</p>