

Qualifications and Experience

1. My full name is Michael Brian Treacy. I am a qualified Town Planner holding a Bachelor of Planning degree from the University of Auckland. I am an Intermediate member of the New Zealand Planning Institute.
2. I have worked in the field of Planning and Resource Management for ten years. For seven of those years I was a Resource Consent Planner at Auckland Council. For the past three years I have worked in the private sector and am currently an Associate at CivilPlan Consultants Limited.
3. I prepared the submission by Harvey Norman Properties (N.Z.) Limited on the Proposed Timaru District Plan ("the Proposed Plan") and am familiar with the provisions of the Proposed Plan.

Code of Conduct

4. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the Hearing Commissioners, as if this were a hearing before the Environment Court. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Introduction

5. I appear in relation to Submission No. 192 by Harvey Norman Properties (N.Z.) Limited, the owner of the Site.
6. The submission made by Harvey Norman covers matters associated with the Planning Maps, Part 1, Part 2, and Part 3 of the Proposed Plan.
7. The particular matter and submission point that this evidence addresses relates to the Definitions section contained within Part 1 - Interpretation Section of the Proposed Plan.
8. In preparing this evidence, I have read the s42A report prepared by Alanna Hollier.

The Site

9. Harvey Norman owns and operates a Large Format Retail ("LFR") store from its landholding at 226 Evans Street, Oceanview ("the Site"). The Site measures almost 9ha and is located between Evans Street (SH1) and Old North Road. The eastern portion of the Site, which fronts onto Evans Street, is occupied by commercial activities, including the Harvey Norman store and warehouse, PGG Wrightson and a transport depot. The balance of the Site, comprising approximately 5ha, is undeveloped. The location of the Site is identified in **Attachment 1**.

10. Harvey Norman has a resource consent (No. 102.2014.147), which was granted on 2 July 2015, to redevelop and expand the existing retail and commercial activities on the Site from 3,300m² to 6,550m². This consent has a 10-year lapse period and has not yet been given effect to. On 4 August 2022 a variation to this existing resource consent was granted (reference 102.2014.147.2) to provide for a less intensive scheme and associated changes to the site layout. A copy of the consented site plan is included in **Attachment 2**. In summary, the consent provides for an expansion of the existing Harvey Norman store to 4,385m², the existing transport building being demolished and replaced by a new building with two new tenancies (955m² and 1,210m²) and an on-site warehouse for Harvey Norman (1,895m²).

The Submission

11. Harvey Norman's submission supports the definition of a number of key terms included in the Proposed Plan, being 'Commercial Activity', 'Large Format Retail Activity', 'Retail Activity', and 'Trade Supplier', and seeks that these be retained as notified. The s42A report recommends acceptance of these definitions.
12. However, the submission also sought the inclusion of a definition for 'Drive-through Restaurants'.
13. There is presently no definition for drive-through restaurant in the Proposed Plan and, as such, this activity would currently fall under the definition of a food and beverage activity.
14. In my view, it is important that the Proposed Plan include a definition for drive-through restaurants which are a discrete and commonplace activity found in all urban centres. My recommendation is that the Proposed Plan include the following definition: *"Any land and/or building on or in which food and beverages are prepared, served and sold to the public inclusive of a facility designed to serve customers in their vehicles, for the consumption on or off the premises and may include an ancillary cafe and/or playground area"*.
15. This definition has been taken from the Auckland Unitary Plan and is considered appropriate within the context of Timaru. I emphasise this matter for the Panel's attention as the Council's Section 42A report does not address this submission point, and will otherwise result in a definition for drive-through restaurants being omitted from the Proposed Plan.
16. Based on my research, and to assist the Panel, I can confirm that there are several examples of other regions and districts across New Zealand where drive-through activities have been defined within District Plans, including Whangarei¹, Hamilton²,

¹ Whangarei District Plan Operative in Part 2022.

² Hamilton City Operative District Plan.

Wellington³, Christchurch⁴, Dunedin⁵, and Invercargill⁶. While this list is not exhaustive, it demonstrates that the inclusion of a definition for drive-through activities is common throughout the resource management system in New Zealand, in both the smaller districts and larger metropolitan centres.

17. The reason why a specific definition should be included for drive-through restaurants is that this activity can be assessed separately from food and beverage activities, and therefore have its own activity status within the relevant zone provisions. At present, drive-through restaurants are a commercial activity not specified in the LFR zone chapter and would therefore need to be assessed as a non-complying activity under Rule LFRZ-R12.
18. As an aside, Harvey Norman has sought, as a separate submission point, that the eastern portion of its Site containing the Harvey Norman LFR store, PGG Wrightson (an agricultural supply business) and a transport depot, be re-zoned from General Industrial to LFR to recognise this long-established retailing activity. The Harvey Norman store was granted resource consent as a LFR activity in 2003 so it is appropriate for the zoning maps to be updated to reflect the actual land use, consistent with the "honest document" principle of planning. Harvey Norman will be providing evidence on this matter later in the Hearing Schedule.
19. I consider that a drive-through restaurant would be an appropriate activity within the proposed LFR zone on the western side of Evans Street (SH1) as it would complement the LFR activities and would not detract from the function or vitality of the Timaru town centre. The Harvey Norman site is also ideally located to accommodate a drive-through restaurant given its location on an arterial road and with easy vehicle access.
20. I note that the proposed LFR zone permits cafés (provided the GFA does not exceed 150m²). I agree that cafés are an appropriate land use activity within this zone as they serve an ancillary function for customers visiting the LFR stores and are commonly found in LFR centres. Likewise, a drive-through restaurant also serves a similar purpose and would not detract from the viability and vitality of the town centre. I therefore see no planning reason why this aspect of Harvey Norman's relief cannot be granted.
21. When I give evidence on the LFR zone, I will state that drive-through restaurants should be given permitted activity status. As the Panel will appreciate, drive-through restaurants are not conducive to high street environments and naturally occur along arterial roads. As such, they do not give rise to the type of retail distribution effects that might adversely affect the social and economic wellbeing of existing centres. It

³ Wellington City Proposed District Plan.

⁴ Christchurch District Plan.

⁵ Proposed Second Generation Dunedin City District Plan.

⁶ Invercargill City District Plan 2019.

is also my understanding that this is widely accepted among retail analysts and economists.

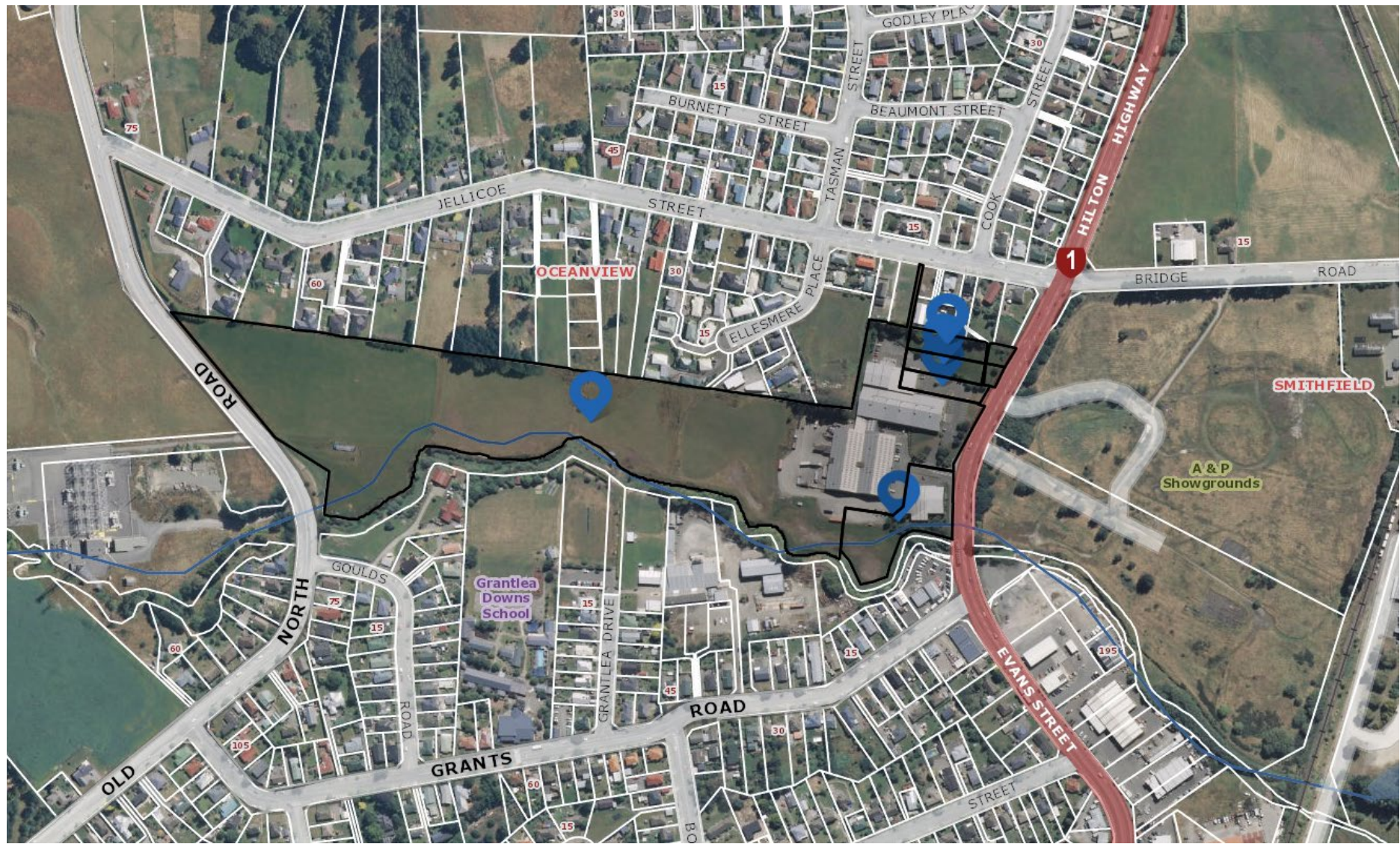
Conclusion

22. In conclusion, I support Harvey Norman's request for a definition of drive-through restaurants to be included into the Proposed District Plan. I also consider that the definition adopted from the Auckland Unitary Plan is suitable and is consistent with the approach taken in other District Plans throughout New Zealand.
23. The inclusion of a definition for drive-through restaurants will enable the activity to have its own activity status within the relevant commercial zones, thus providing for the efficient development and use of commercial activities within Timaru.

Michael Brian Treacy
BPlan (Hons), Int. NZPI

■ **Attachment 1**

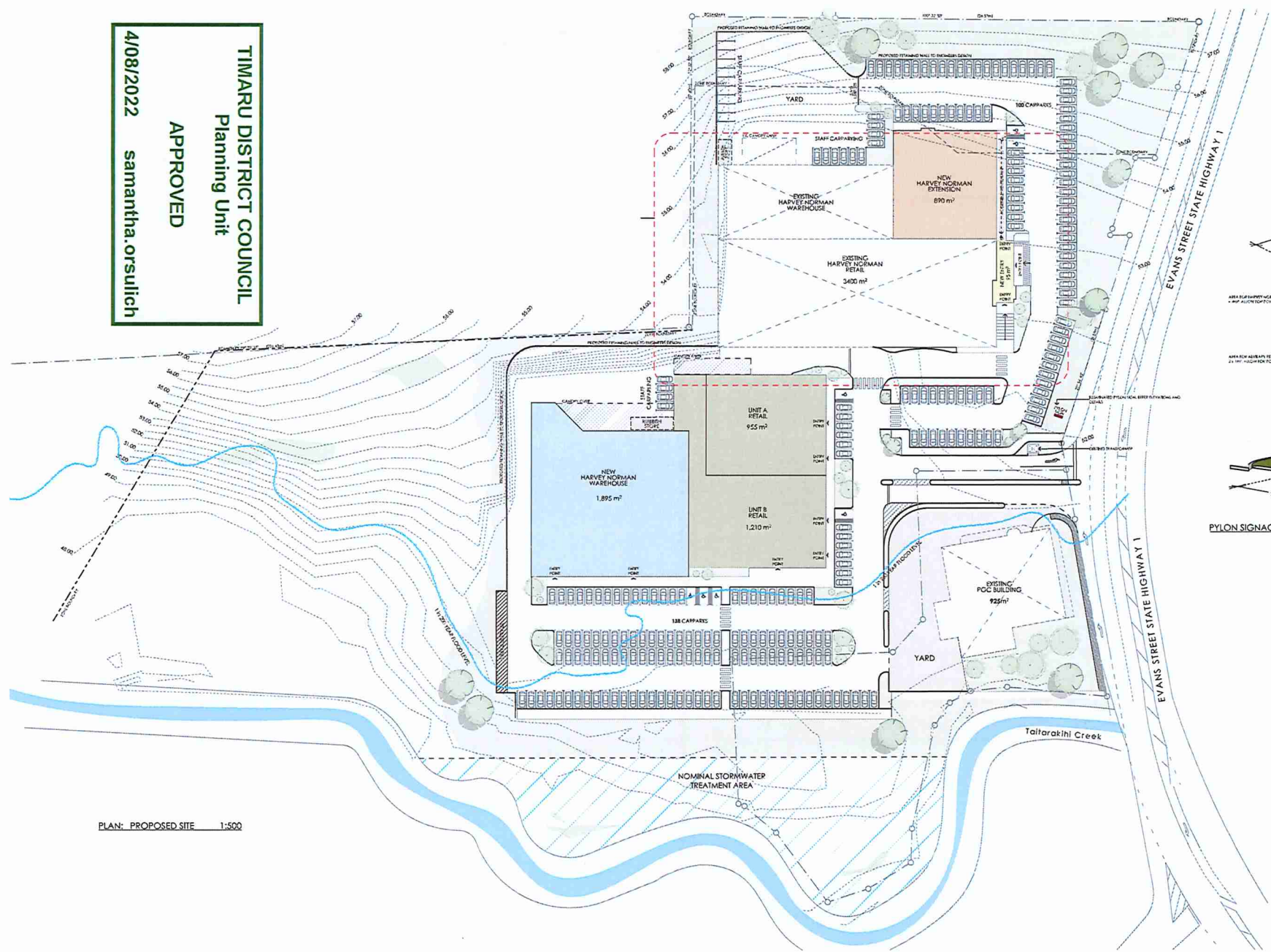
Site Location



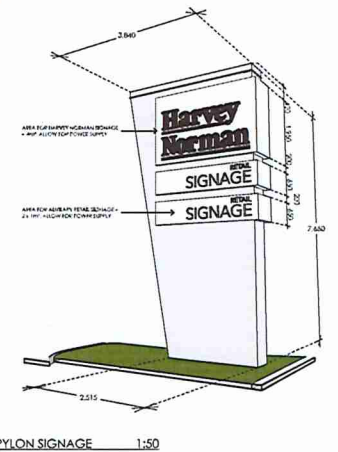
■ **Attachment 2**

Approved Site Plan

TIMARU DISTRICT COUNCIL
Planning Unit
APPROVED
 4/08/2022 samantha.orsulich



PLAN: PROPOSED SITE 1:500



LOT 1 DP 55789, LOT 2 DP 55789
 LOT 1 DP 22842, LOT 3 DP 6986, LOT 4 DP 6986
 SH - EVANS STREET, TIMARU,
 SOUTH CANTERBURY

SITE AREA: 119,275 m²

EXISTING HARVEY NORMAN RETAIL: 3,400 m²
 NEW HARVEY NORMAN RETAIL: 890 m²
 NEW HARVEY NORMAN ENTRY: 95 m²

TOTAL HARVEY NORMAN RETAIL: 4,385 m²

NEW WAREHOUSE: 1,895 m²

AUXILIARY TENANCIES:
 UNIT A: 955 m²
 UNIT B: 1,210 m²

EXISTING PGC BUILDING: 925 m²

TOTAL PROPOSED GFA: 9,370 m²

PROPOSED VISITOR CAR PARKS: 238
 PROPOSED STAFF CAR PARKS: 24
 TOTAL CAR PARKS: 262

PLAN TO BE READ IN CONJUNCTION WITH STANTIC TRANSPORTATION REPORT

RMA ISSUE

NO.	REV.	DATE	DESCRIPTION



PROJECT NAME: HARVEY NORMAN TIMARU		DATE: 15/10/2021	
PROJECT TYPE: RESOURCE CONSENT		SCALE: 1:500	
DATE: 15/10/2021	CHECKED: [Signature]	DATE OF A1: [Signature]	ISSUE: RC.05

By printing and using the documents the user agrees to indemnify and hold the author harmless from and against all claims, damages, costs and expenses, including reasonable legal fees, that may be incurred by the user or any third party in connection with the use of the documents. The user agrees to hold the author harmless from and against all claims, damages, costs and expenses, including reasonable legal fees, that may be incurred by the user or any third party in connection with the use of the documents.