

Before the Hearing Commissioners appointed by Timaru District Council

Under the Resource Management Act 1991

In the matter of the Proposed Timaru District Plan

Statement of Evidence of Mark William Geddes

4 July 2024

Perspective

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INTRODUCTION

1. This evidence relates to the submission [No. 235.1] on the Proposed Timaru District Plan by Willowridge Developments Limited (Willowridge), which pertains to the zoning of 192, 194, 196, 204, 206 and 208 Evans Street, Timaru and 4 Grants Road, Timaru.

QUALIFICATIONS AND EXPERIENCE

2. My name is Mark William Geddes, I am a director and resource management planning consultant at Perspective Consulting Ltd. I have over 23 years experience as a planner, in three different countries, in both the private and public sectors. This experience includes leading major plan making and policy projects; providing expert planning evidence in the Environment Court and Council hearings; consenting a range of developments; enforcement action; and making submissions on national legislation, and national or regional policy.
3. I led the Timaru District Plan Review from its inception through to the notification of the Draft District Plan in my former capacity as District Planning Manager at Timaru District Council. I was also heavily involved in the development of all the Proposed District Plan (PDP) chapters as a planning consultant. I am still involved in peer reviewing s.42A reports for the PDP but have not been involved in peer reviewing any of the s.42A reports in relation to the urban zones.
4. My qualifications include a Bachelor of Resource Studies from Lincoln University, New Zealand, and a Master of Science (Spatial Planning) from Dublin Institute of Technology, Ireland (first class honours). I am a full member of the New Zealand Planning Institute.

CODE OF CONDUCT

5. I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014, and agree to comply with it. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this report are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

6. This evidence addresses the following matters:
 - a. Introduction to the submitter and their development aspirations for the site;
 - b. Description of the site that is the subject of this submission;
 - c. The relief sought;

- d. The s.42A RMA officers report;
- e. The reasons for the relief sought.

THE SUBMITTER & THEIR DEVELOPMENT ASPIRATIONS

- 5. The evidence of Ms. Alison Devlin dated 5 July 2024 has also been filed in support of the Willowridge submission. That evidence:
 - a. Outlines Willowridge's development aspirations for the site which is to establish fast-food restaurants or similar on the site.
 - b. Demonstrates that Willowridge is a credible development company that has a proven track record of delivering high quality developments around New Zealand.
 - c. Establishes that Willowridge has interest in the land sufficient to justify the rezoning of the site.
- 6. Accordingly, it is considered that the submitters development aspirations for the site are credible, realistic and likely to be implemented.

THE SITE

- 7. The site to which the submission relates is illustrated in Figure 1 and is located at 192, 194, 196, 204, 206 and 208 Evans Street, Timaru (State Highway 1) and 4 Grants Road, Timaru. The site is legally described as Lot 1 DP19425, Lot 1 DP 15285 and Lot 1 DP29051.
- 8. Land use activities on 196, 204, 206 and 208 Evans Street consist of a strip of four attached single storey commercial premises that face onto Evans Street and that have parking to the rear. A detached separate commercial building exists on 4 Grants Road. All the before mentioned properties are proposed to be zoned Neighbourhood Centre Zone in the PDP. Two separate residential units are established on 192 and 194 Evans Street. These are proposed to be zoned General Residential Zone in the PDP.
- 9. The intersection at which the site is located (Evan Street and Grants Road) is now controlled by traffic signals as a result of the intersection upgrade from the Showgrounds Hill development.
- 10. There is a range of commercial activities in close vicinity of the site. These are illustrated on Figure 2 and include large format retail activities on the Showgrounds Hill, Harvey Norman and Big Save Furniture sites, a vehicle sales yard opposite the site on Grants Road, a petrol station and a variety of motor vehicle services opposite the site on Evans Street. The site is also located in close proximity to serval major industrial employers being the Smithfield Freezing works, the Primepork abattoir, PGG Wrightsons and HJ Bruce Transport yards.



Figure 1 – The site is outline by a redline. Source: Canterbury maps

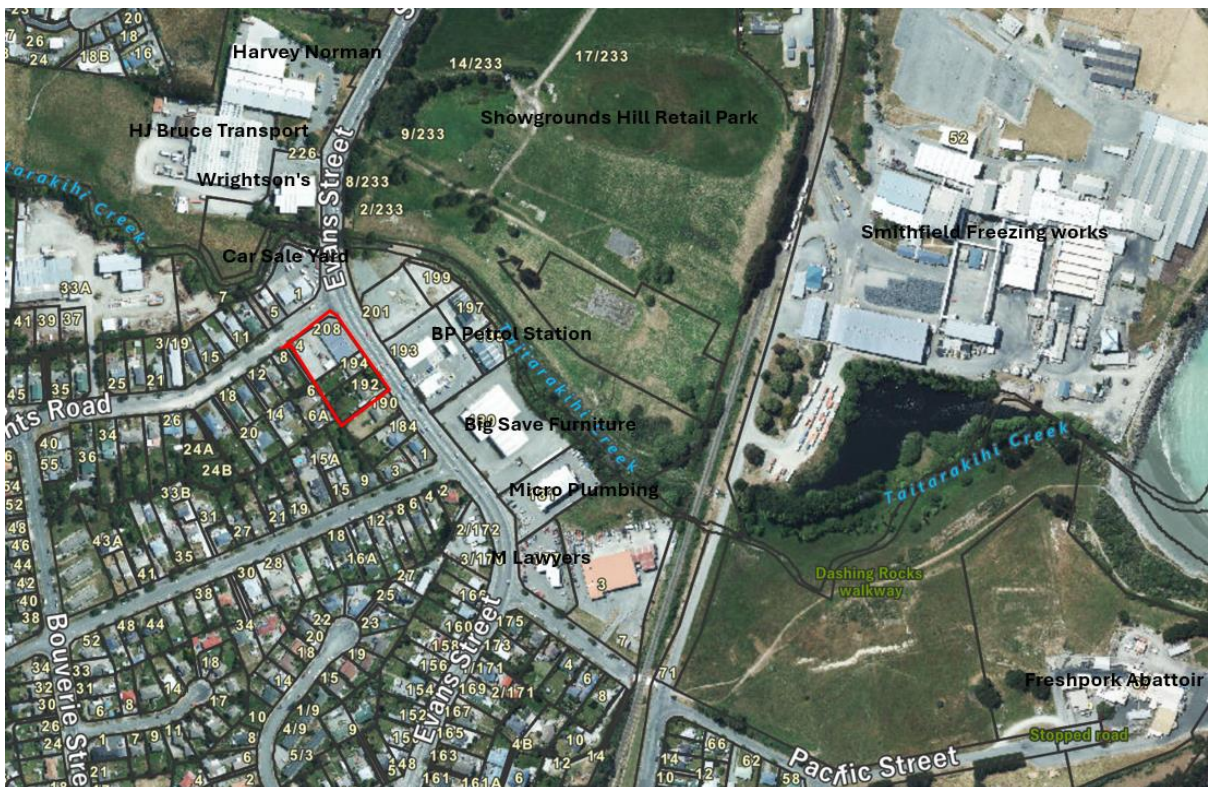


Figure 2 – Land use activities in the vicinity of the site. Note: The retail park on Showgrounds Hill is not shown in this photo. Source: Canterbury maps

RELIEF SOUGHT

11. The relief sought by the Willowridge submission is that the site is rezoned to Local Centre Zone (LCZ) or an alternative relief of similar effect.

12. The submitter has now had time to refine their relief sought and specifically seeks either that:

Option 1 (Local Centre Zone)

- a. The entire site is zoned LCZ.
- b. The LCZ provisions are amended as follows:
 - i. Rule LCZ-R4 provides for 500m² total gross floor area per site rather than 450m² total gross floor area; and
 - ii. LCZ-O1.1 is amended as follows (amendments shown in bold underlined font):

*Primarily support the daily and weekly goods and services needs of the surrounding residential areas **including the convenience needs of people passing through the area.***

OR

Option 2 (Neighbourhood Centre Zone)

- a. The Neighbourhood Centre Zone (NCZ) is extended over the entirety of the site.
- b. The NCZ provisions are amended as follows:
 - i. Confirm that Rule NCZ-R1 applies to any single/separate commercial premise up to 300m² in gross floor area; or
 - ii. That the gross floor area limit in NCZ-R1 is changed to a limit of 500m² per site.
 - iii. Amendment to NCZ-P1.1 to read (amendments shown in bold underlined font):

*Serve the needs of the surrounding neighbourhood, **including the convenience needs of people passing through the neighbourhood.***

OFFICERS REPORT

13. The s. 42A RMA officers report does not support the rezoning of the site to LCZ on the basis that *“the size of these properties does not lend itself to being zoned LCZ, as even with redevelopment, they would not fully achieve what is intended under the LCZ”*¹.
14. While that might be the reporting officers view, the LCZ does not contain any provisions that indicate that a minimum sized site area is required to qualify to be zoned LCZ. The only reference in the LCZ provisions to size is under objective LCZ-O2, which states the LCZ *“contains attractive and functional buildings generally of a moderate scale and density, with larger footprints for supermarkets, and associated car parking and storage areas.”* This statement does not in any way dictate a minimum site size.
15. It is also noted that there are several fast-food restaurants further to the south along Evans Street in Timaru that have been zoned LCZ by the PDP. This includes MacDonalds, KFC, Domino’s, Tandoori King, Pizza Hut, Kam Wah Chinese Takeaways and RE Burger. While this LCZ also includes PaknSave, Briscoes, a petrol station and a car-sales yard, it is similar to the surrounds of site, which also includes a large supermarket, retail warehouse park and car-sales yard. Accordingly, there seems to be some inconsistency with how the LCZ has been applied.

REASONS FOR THE RELIEF SOUGHT

16. The reasons for the relief sought are that:
- a. The applicant has a sufficient interest in the site to justify the relief sought.
 - b. The site is appropriately located to accommodate fast-food restaurants.
 - c. The standards of the NCZ and LCZ will protect the adjoining residential zone land.
 - d. The PDP’s zoning and provisions may prevent or hinder the submitters proposal.
 - e. The relief sought would enable the proposal.
 - f. Enabling business activities on the site aligns with higher order objectives.
 - g. The s.32 analysis provided demonstrates that enabling fast-food restaurants on the site is the most effective and efficient means of achieving the NCS and LCZ objectives.
17. These matters are considered in turn below.

The submitter has sufficient interest in the site to justify its rezoning

18. As stated in the evidence of Alison Devlin, the submitter has a legal interest in the land, being that their contract to purchase the land has been completed. Further, the submitter has

¹ Paragraph 6.39.2 of the s.42A report

advanced architectural plans to establish the fast-food restaurants on the site. However, they are not final plans yet and are still subject to negotiation with tenants. I consider that this constitutes sufficient interest in the land to justify the relief sought and also demonstrates that the proposed development of the site is likely.

The site is appropriately located to accommodate fast-food restaurants

19. I consider that the site is appropriately located to accommodate fast-food restaurants as:
- a. The PDP zones most of the site NCZ which enables commercial activities.
 - b. Commercial activities (including a fish and chip shop) have long been established on most of the site and therefore commercial activities are an anticipated part of the environment.
 - c. The site adjoins State Highway 1, which provides good visibility to and efficient access for motorists.
 - d. The Grants Road and Evans Street intersection is now controlled via traffic lights which will enable efficient and safe access via Grants Road.
 - e. There are no other restaurants that serve the residential area immediately to the west of the site or the employment activities in the area.
20. It should also be noted that fast-food restaurants are an anticipated and often welcome convenience along State Highways and arterial routes. As stated above, there are several fast-food restaurants further to the south along Evans Street in Timaru that have been zoned LCZ by the PDP.

The standards of the NCZ and LCZ will protect adjoining residential zoned land

21. It is considered the standards of the NCZ or LCZ will protect the amenity of the adjoining residential properties. Standards of the NCZ and LCZ include limitations in relation to height, height in relation to boundary, setback from residential zones, building length (NCZ only) and outdoor storage.

The PDP's zoning and provisions may prevent or hinder the proposal

22. The submitters principal concern is that the PDP's zoning of the site may prevent or hinder their development aspirations. I agree that is a possibility, for the following reasons.
23. First, fast-food restaurants are classified as a discretionary activity in the General Residential Zone (GRZ) and fast-food restaurants may be considered contrary to its objectives and policies that focus on complimentary activities that support the well-being of residents and maintain

the anticipated character and qualities of the zone. Accordingly, it is possible and even likely that fast-food restaurants could be refused consent under a GRZ.

24. Secondly, Rule NCZ-R1 limits permitted commercial activities to 300m² in gross floor area in the NCZ. Collectively, the proposed fast-food restaurants would have a gross floor area of greater than 300m² and therefore may require a discretionary activity consent. However, I acknowledge that there is some uncertainty about how Rule NCZ-R1 would be interpreted. For instance, would the 300m² gross floor area limit apply to the total floor area of commercial activities on the site or per premises? I understand the submitter has requested clarity on that matter in the relief sought. Alternatively, it seeks that the gross floor area standard is raised to 500m² to enable the proposed development.
25. Thirdly, there is little policy support for fast-food restaurants over 300m² in gross floor area in the NCZ. The objectives and policies of the NCZ focus on small scale commercial activities that serve the day-to-day convenience needs of the surrounding residential neighbourhood. Accordingly, fast-food restaurants may be considered contrary to the objectives and policies of the NCZ.

The relief sought would enable the proposal

27. The relief sought would enable the proposal principally by ensuring the gross floor area rules do not require consent for the proposal.
28. The amendments to objective LCZ-O1.1 or policy NCZ-P1.1 are considered necessary to clarify the role and function of the LCZ and NCZ in providing for the convenience needs of people passing through the neighbourhood. If this amendment is not allowed, there is a risk that the consent authority takes a narrow interpretation of the role and function of the LCZ and NCZ in that it should only serve the residential neighbourhoods in which they are located. The reality is that any commercial food premise on a busy road will also serve passing traffic.
29. There are no other suitable zones in the PDP that would be appropriate for the proposed activity and therefore amendments to the role and function of the LCZ or NCZ are sought.

Enabling business activities on the site aligns with higher order objectives

30. Enabling the development of the site aligns with the following higher order objectives:
 - a. Strategic Direction SD-06 of the PDP that seeks to enable business and economic prosperity in the district in appropriate locations by providing sufficient land for a range of business activities to cater for projected growth.

- b. Policy 1 of the National Policy Statement for Urban Development that requires planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum have or enable a variety of sites that are suitable for different business sectors in terms of location and site size.

31. While the above provisions are broadly framed, the relief sought does align with these provisions by enabling a variety of sites suitable for a range of business sectors. The business sector that the proposal relates (fast-food restaurants) is different to standard restaurants in that a location on busy road is desirable. Accordingly, I consider the relief sought has some support by higher order objectives.

The s.32 analysis establishes that enabling fast-food restaurants on the site is appropriate

30. In the context of Section 32 of the RMA, there are two main options to address this matter, which are to either:

- a. Amend the PDP to enable this development.
- b. Do nothing to enable this development.

31. A Section 32 analysis of these options is provided below. I consider it demonstrates that enabling the development is a more effective and efficient option than doing nothing to enable the development.

Option 1 – Enable the development

	Comment
Effectiveness	With the suggested amendments, the proposal will effectively implement the objectives of the NCZ or LCZ by providing for a range of commercial activities that meet the needs to the surrounding area and passing traffic.
Efficiency	<p><i>Benefits:</i></p> <ul style="list-style-type: none"> ▪ The proposal will provide for the convenience needs of the local neighbourhood, employment activities and passing traffic. ▪ The proposal will enhance Timaru as a stopover destination. ▪ The proposal will improve the quality of the built form on the site. ▪ The proposal will improve the range of fast-food premise available in Timaru. ▪ The proposal will increase employment. ▪ The proposal will enhance economic growth. <p><i>Costs:</i></p> <ul style="list-style-type: none"> ▪ Any environment effects resulting from enabling the proposal, but I consider these will be appropriately managed through the site standards.

Summary	This option is effective and efficient at meeting the objectives of the NCZ and LCZ. The benefits outweigh the costs.
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Option 2 – Do nothing to enable the development

	Comment
Effectiveness	This option would not be effective in implementing the objectives of the NCZ or LCZ that focus on enabling commercial activities that meet the needs of the surrounding area.
Efficiency	<p><i>Benefits:</i></p> <ul style="list-style-type: none"> – There will be no benefits resulting from this option. <p><i>Costs:</i></p> <ul style="list-style-type: none"> ▪ The proposal may be refused resource consent and as a consequence: <ul style="list-style-type: none"> • There will be no increase in employment or economic growth. • The site will not provide for the convenience needs of the local neighbourhood, employment activities and passing traffic. • Timaru will not be enhanced as a stopover destination as a result of the proposal. • There will be no improvement in the built form on the site. • The range of fast-food premise available in Timaru will not improve as a result of the proposal. ▪ Even if the proposal did obtain resource consent, it would likely cost more and take longer due to the lack of supporting provisions.
Summary	This option is not effective or efficient at meeting the objectives of the NCZ or LCZ. The costs exceed the benefits.

CONCLUSION

34. The submitter seeks enable fast-food restaurants at the site. This can be achieved either by zoning the site LCZ and making some minor amendments to the provisions of the LCZ, or by zoning the entirety of the site NCZ and making some minor amendments to the provision of the NCZ.

35. I consider:

- a. The applicant has a sufficient interest in the site to justify the rezoning.
- b. The site is appropriately located to accommodate fast-food restaurants.
- c. The standards of the NCZ and LCZ will protect the adjoining residential zone.
- d. The PDP's zoning and provisions may prevent or hinder the submitters development aspirations for the site.

- e. The relief sought would enable the proposal.
- f. Enabling business activities on the site aligns with higher order objectives.
- g. The s.32 RMA analysis provided in this evidence establishes that enabling fast-food restaurants on the site is the most effective and efficient means of achieving the objectives of the NCZ and LCZ.

36. Accordingly, I recommended that the relief sought is allowed.