

**PROPOSED SELWYN DISTRICT PLAN**

**TOPIC: STRATEGIC DIRECTIONS**

**SUBMITTER: FOSTER COMMERCIAL (DPR-0126 – Submission Point 001)**

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**EVIDENCE PATRICIA HARTE FOR FOSTER COMMERCIAL**

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**INTRODUCTION**

1. My name is Patricia Harte. I am a Consultant Planner with Davie Lovell-Smith, Planners, Engineers and Surveyors of Christchurch.
2. I have a Bachelor of Laws (Hons) and Master of Science in Resource Management and am a full Member of the New Zealand Planning Institute.
3. I have thirty years' experience in planning and resource management. Throughout this period I have been involved in the preparation of seven district plans and numerous plan changes. I have assisted Councils in processing private plan changes and resource consents for large projects. I have been involved in processing a major private plan change for commercial rezoning in Christchurch which involved reporting and providing evidence at Council level and at extended Environment Court hearings. I also assisted the Christchurch City Council with some preliminary works associated with office location and size after the Canterbury earthquakes. I am therefore familiar with the requirements of the commercial sector and the issues associated with district plan provisions and their impact on potential commercial ventures.
4. I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Consolidated Practice Note (2006). I agree to comply with that Code. Other than where I state that I am relying on the evidence of another person, my evidence is 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.

## SUBMISSION

5. Foster Commercial Limited has made a number of submissions to the commercial provisions of the Proposed Selwyn District Plan. They own and operate South Point, an established commercial centre within the Faringdon development in Rolleston.
6. The submission to the Strategic Directions Objective SD-DI-05 Vibrant and Viable Centres requests removal of the reference to “hierarchy” and to “in accordance with their anticipated role within the Activity Centre Network” as set out below

*Selwyn's ~~hierarchy~~ of activity centres are the preferred location for shopping leisure, culture, entertainment and social interaction ~~in accordance with their anticipated role within the Activity Centre Network~~*

7. The reasons for this request are twofold. Firstly its language is not consistent with the other high level strategic directives due to it being qualified. All the other objectives are open and positive statements. The suggested amendments would bring Objective 5 in line with this approach. The second reason is that it creates a negative setting for commercial activity within the District which is pursued throughout the commercial and mixed use zone provisions. As pointed out in the submission

The Strategic Objective SD-DI-06 referring to a hierarchy of activity centres being in “accordance with their anticipated role within the Activity Centre Network” has been used as justification for an unnecessary and restrictive level of control within commercial zones. This approach appears to be based on an assumption that the viability of larger centres could be impacted by smaller centres; however there is no evidence to support this assumption. The key factor which has the potential to impact viability between centres is the size and location of the zones, not the type or size of businesses that operate in these zones. For the commercial environment in Selwyn to be vibrant and serve the community there should be as few controls on activities as possible. This is particularly so because commercial operations have limited locations where they can establish.

8. The Section 42A report does not recommend acceptance of Foster Commercial's submission and supports this opinion based on a report by Property Economics<sup>1</sup> which states “*that unregulated commercial development that results in commercial activity of a size disproportional to the community can have adverse effect on larger commercial centres*”.

This comment needs to be seen in context. The Property Economics report makes it very clear that district plans getting involved in controlling commercial activity need to be very cautious as this could constitute “*having regard to trade competition or the*

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<sup>1</sup> Property Economics Report: Selwyn Business Zone, Policy Assessment (BS004) November 2017

*effects of trade competition” which is not permitted under S74(3) of the RMA. It rightly states for district plans to become involved in managing commercial activity there has to be a significance effect where a new development/enterprise is likely to cause a “significant effect on a commercial centre to such a degree that its performance and potential viability is eroded causing significant decline in its function and amenity, and disenabling the people and communities who rely upon those existing (declining) centres for the social and economic well-being” (Page 11) .*

9. In my opinion the above situation is very rare and is extremely unlikely to occur under Proposed Selwyn District Plan that identifies all commercial and mixed use zones. Any additional zones created in greenfield areas are subject to detailed scrutiny ensuring they are a good fit in locational terms and are of a size that enables the local community to be served. Therefore restricting individual outlets in smaller centres is unnecessary because these matters have already been taken into account. Importantly a small neighbourhood centre is never going to cause serious viability issue for town centres.
10. The sections of the Property Economics report that propose limitations on activity/tenancy size on the Neighbourhood and Local Commercial zones do not appear to apply the significance test referred to in their report. The detail of the controls in the Neighbourhood and Local Commercial zones will be considered in subsequent hearings, however I consider it is useful to be aware of the issues raised by such controls in considering the appropriate wording of the Strategic Directions objectives.
11. With regard to the actual wording of SD Objective 5, I suggest that reference at the end of the objective to *“in accordance with their anticipated role within the Activity Centre Network.”* is not only inappropriate (for the reasons set above) but it is also confusing. When read as notified, Objective 5 is saying that a person’s preferred location for shopping etc. somehow has to be in accordance with the activity centre network, which make no sense.
12. For the above reasons I consider that it is confusing and inappropriate at the high level of Strategic Directions to refer to the words *“in accordance with their anticipated role within the Activity Centre Network”* at the end of Objective 5. While I do not think the word “hierarchy” is essential at this level, I have no concerns with it remaining.

P. Harte

