

Appendix V

1. Policy 14.2.6 does not apply if the site is a brownfield site. The applicant has analysed the Objective 14.2.7 and its supporting policies and not referred to Objective 14.2.6, presumably because the applicant considers the site to be a brownfield site.
2. Which set of objectives and policies must apply depends upon the site's fit with the definition of *brownfield* in the District Plan. The definition of brownfield is:

Brownfield

means abandoned or underutilised commercial or industrial land, or land no longer required by a requiring authority for a designated purpose.

3. I have set out an overview of the history of development of this site in other Appendices. This is important context for the discussion that follows. In summary:
 - This is land that was once required by a requiring authority for a designated purpose. It was used for that purpose. It has been no longer required for that purpose since prior to 2008: 17 years ago.
 - Most of the site has been zoned residential with no designation and no remnants of industrial or commercial activity on it since 2008.
 - There have been two plan changes since then. One provided for commercial activity for the first time. The next reaffirmed that zoning mix of commercial and residential activity.
 - There has been no development of commercial activity in the commercial zone.
4. The words “commercial” and “industrial” are not underlined in the objective and therefore not linked to definitions in the District Plan. That means that they are not necessarily confined to the defined terms of “commercial activity” and “industrial activity”. However this is not relevant for the purposes of this assessment.
5. I interpret the first words of the definition – abandoned or underutilised – as applying to “commercial or industrial land”, not to “*land no longer required by a requiring authority for a designated purpose*”. Designation is a statutory process. If land is “no longer required for a designated purpose” the designation gets lifted in that process.
6. There are five scenarios in which, taken on the plain and simple uses used, land falls within that definition:
 - a. Abandoned commercial land
 - b. Underutilised commercial land
 - c. Abandoned industrial land
 - d. Underutilised industrial land
 - e. Land no longer required by a requiring authority
7. The references to commercial and industrial “land” could be interpreted in two ways:
 - a. Used for that activity
 - b. Zoned for that activity
8. The definition does not use the word “zoned”. It does not say *abandoned or underutilised commercially or industrially zoned land*. The plain and simple words used are therefore referring to land that is *used for* commercial or industrial activity.

9. *“Abandoned”* means *“Forsaken, deserted; relinquished, cast off”*¹. On that plain and simple meaning, this is not land that has been used for commercial or industrial activity that is now cast off from that use.
10. *“Underutilised”* means *“To make use of (equipment, resources, etc.) insufficiently or below the optimum level; to under-use”*. On that plain and simple meaning, this is not land that has been used for commercial or industrial activity that is now being used for that activity insufficiently or below its optimum.
11. That leaves *“land no longer required by a requiring authority”*. Taken literally, if the status of land being *“no longer required”* for an activity remains in place forever after the requirement ended, then formerly designated land would remain within the definition of *“brownfields”* land regardless of the time passed since the designation was lifted.
12. As set out above, the land has been subject to a designation by a requiring authority. The land was first *“no longer required by a requiring authority”* around 2006. The designation was removed in 2008 because the land was no longer required by the requiring authority. It is a minimum of 17 years since the land was *“no longer required”* by the requiring authority. There have been three changes to the District Plan affecting the site since then. Within that time, part of the site has been developed for the zoned residential activity. The remainder of the site has no relinquished or cast off remains of the designated activity. If there is no temporal context to the defined term brownfields, then this is brownfields land.
13. As *“brownfields”* is a defined term, and as the definition does not provide for discretion or variation in its use in the Plan, the term has just one meaning regardless of where it is used on the Plan and regardless of the particular circumstances of its use. That is, the meaning of the term cannot change depending on the circumstances in which it is used and applied.
14. The term brownfield is also used in Industrial Zone objectives and policies in the District Plan:

16.2.2 Objective - Brownfield redevelopment

- a. *The recovery and economic growth of the Christchurch District is provided for by enabling residential and mixed-use redevelopment, of appropriate brownfield sites while supporting the function and role of the Central City and commercial centres, and not compromising the function of the wider industrial area for primarily industrial activities:*
 - i. *Commercial activities are primarily directed to the Central City and commercial centres; and*
 - ii. *Where commercial activities are located out of centres as a result of brownfield redevelopment, there are no significant adverse distributional or urban form effects on the Central City and commercial centres; and*
 - iii. *the function of the wider industrial area for primarily industrial activities is not compromised.*

16.2.2.1 Policy - Brownfield site identification

¹ [abandoned - Quick search results | Oxford English Dictionary/](#) 28/5/25.

- a. *Unless a site is identified by a 'brownfield' overlay on the planning maps, a brownfield site shall meet the following criteria:*
 - i. *the land is previously used industrial land that is no longer being used; or*
 - ii. *the land is underutilised industrial land, taking into consideration (including, but not limited to):*
 - A. *the intensity of existing and recent land use activities on the site, including the period of time the land has not been used, or used for low intensity land uses;*
 - B. *quality of built form, including the age and condition of existing buildings;*
 - C. *the extent of buildings or other physical development on the site relative to the total area of the site; or*
 - iii. *the land is no longer required by a requiring authority for a designated purpose.*
 - iv. *in addition, the redevelopment of the brownfield site will not adversely affect the supply of land to meet anticipated short, medium and long term supply needs of industrial activities, including industrial activities with specific locational requirements; and*
 - v. *the brownfield site is in a location that is not surrounded by industrial activities and/or will not erode the anticipated outcomes, including the function and amenity levels, of those parts of the zone not subject to brownfield redevelopment.*

16.2.2.2 Policy - Brownfield redevelopment

- a. *Provide for the redevelopment of brownfield sites identified by a brownfield overlay or identified in accordance with Policy 16.2.2.1 for residential activities, mixed use activities or commercial activities where:*
 - i. *Commercial activities are of a scale and/or type that do not have significant adverse distributional or urban form effects on the Central City and commercial centres; and*
 - ii. *Industrial activities remain the predominant use in the same geographic area zoned industrial.*
- b. *Brownfield redevelopment proposals as provided for in sub-clause a. above shall also ensure that:...*

15. The subject site is not identified by a brownfields overlay on the planning maps.

16. The relevant policy 16.2.2.1 wording almost replicates the brownfields definition:

*a brownfield site shall meet the following criteria: the land **is no longer** required by a requiring authority for a designated purpose.*

17. The term “is no longer” could arguably have a temporal element. The “is” could be interpreted as meaning that the policy only applies during the period in which the requiring authority “is” bringing their requirement to an end. But that would be an absurd result if the site is a brownfield site only during that presumably short period. Why not six months later, or a year?

18. The first part of policy 16.2.2.1 regarding industrial sites is also instructive context:

the land is previously used industrial land that is no longer being used

19. There is clearly no temporal element to that. Regardless of how long it is since the land was used for industrial activity, it will (if not developed in the meantime) be *previously used industrial land that is no longer being used*.
20. The planning benefit of achieving the above objectives for abandoned or underutilised commercial and industrial land is apparent regardless of the length of time for which the land has been abandoned or underutilised. In those circumstances, the longer the length of abandonment or underutilisation, the more the planning need for support and encouragement of redevelopment. If this site had had abandoned or under-utilised commercial or industrial activity on it since 2007 the policy direction to support and incentivise comprehensive redevelopment would remain strong. These policies do not support reading a time limit into the definition of brownfields.
21. The Strategic Objectives support that interpretation that there is no time limit to the definition of brownfields - *land no longer required by a requiring authority for a designated purpose*.
22. **3.3.7 Objective - Urban growth, form and design**
 - a. *A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:*
 - vi. *Identifies opportunities for, and supports, the redevelopment of brownfield sites for residential, business or mixed use activities; and*
 - vii. *Promotes the re-use and re-development of buildings and land; ...*
23. There is no indication in that objective that the objective of supporting and promoting redevelopment of sites comes to an end after an undefined period of time.
24. As all other objectives and policies in all other Chapters of the District Plan are to be expressed and achieved in a manner consistent with the objectives in the Strategic Directions ², Objective 3.3.7 supports the interpretation that the zone objectives and policies do not support there being a temporal limitation to “no longer required”.
25. If there was to be an undefined temporal limit read into the definition of “Brownfields” then there would be uncertainty and ambiguity in assessing the point at which it is reached. After a certain number of years? After one plan change? After two plan changes?
26. Strategic objective 3.3.2 does not support an interpretation that has that uncertainty:

3.3.2 Objective - Clarity of language and efficiency

- a. *The District Plan, through its preparation, change, interpretation and implementation:*
 - i. *Minimises:*

² Objective 3.3 a. ii

- A. *transaction costs and reliance on resource consent processes; and*
- B. *the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
- C. *the requirements for notification and written approval; and*
- ii. *Sets objectives and policies that clearly state the outcomes intended; and*
- iii. *Uses clear, concise language so that the District Plan is easy to understand and use.*

27. If there was that temporal limitation interpreted into the definition transaction costs would increase and understanding and ease of Plan use would decrease.

28. I have therefore put aside objective 14.2.6 and its supporting policies and applied Objective 14.2.7 and its policies.