

BEFORE THE CHRISTCHURCH CITY COUNCIL

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF Resource Consent Application RMA/2024/3209 for land use consent to establish and operate a new supermarket and associated small scale retail at 476-494 Madras Street, Christchurch

Woolworths New Zealand Limited
Applicant

**DECISION OF HEARING COMMISSIONERS
DAVID CALDWELL, NATHAN O'CONNELL AND HARRIET FRASER**

Dated 13 October 2025

Date of Hearing: 11 – 15 August 2025

Attendances

Applicant

Mr Joshua Leckie and Ms Sarah Anderton – Counsel for Applicant

Mr Daniel Shao – Applicant representative

Mr Mark Brown – Landscape

Mr Tim Church – Urban Design

Ms Natalie Hampson – Economics

Mr Chris Rossiter – Transport

Mr Jeremy Trevathan – Acoustics

Mr Liam Jagvik – Engineering

Mr Jonathan Clease – Planning

Reporting Officers

Mr Scott Blair – Senior Planner

Mr Jeremy Head – Landscape

Mr Victor Mthamo – Stormwater

Ms Kirsten Rayne – Environmental Health

Mr David McGonigal – Transport

Mr David Hattam – Urban Design

Mr Tim Heath – Economics

Submitters

Alison Allsop

Julie Summers

Margaret Kelly on behalf of submitters Valerie Somerville and Dorothy O’Keefe representing St Albans Pavilion & Pool Inc

Katharine Burrell

Anthony Ireland

Douceline Wardle

David Gardner

Zoe Wright

Daniel Stedmond & Juanita O’Connell:

- Margo Perpick, Saunders & Co – legal counsel
- Mathew Collins – Transport
- Vikramjit Singh – Urban Design
- David Wallace – Real Estate
- Juanita O’Connell

Stephen Anderson on behalf of himself and FreshChoice Edgware

Emma Twaddell

Harrison McEvoy and Emma Twaddell on behalf of submitters Lynley Foster, Amit Kumar, Maddison Foster-Roger, and Emma Twaddell on behalf of St Albans Residents Association Inc

Margaret Kelly on behalf of herself and submitter Helen Doreen Kidd on behalf of Packe Street Park & Community Garden

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Introduction and Background

1. This is the decision of Independent Hearing Commissioners David Caldwell, Nathan O'Connell and Harriet Fraser (**Panel**). We have been appointed by the Christchurch City Council (**CCC**) under s.34A(1) of the Resource Management Act 1991 (**RMA**) to hear and decide this application.
2. In reaching the following decision, the Panel have read and heard all the relevant evidence and information from Woolworths New Zealand Limited (**Applicant**), CCC, and the Submitters. In preparation for the hearing, we also read the original application along with the relevant provisions of the Christchurch District Plan (**District Plan**). The Panel has undertaken two site visits to familiarise ourselves with the subject site, immediately receiving environment, the wider residential, and the commercial catchment.
3. The Panel is satisfied that we have all necessary evidence and information to make an informed decision. We are also satisfied that we do not have any conflicts of interest and are able to objectively and fairly reach a view on the merits of the proposal and treat all parties evenly.
4. The Panel confirms it has been provided with, and read the application, submissions lodged, the evidence given at the hearing, the legal submissions and the officer's report. While we do not necessarily address each and every issue identified in the submissions and the documents provided, matters raised and addressed by the participants have been considered. In this decision, the Panel does not repeat the evidence in full. We provide a summary and, where pertinent, record the key parts of the evidence to assist with an understanding of the decision and our reasoning. For the sake of completeness, the Panel confirms that this decision is based solely on the information and evidence presented by the parties involved in these proceedings.

Procedural Matters

5. There were no procedural or administrative issues which were received and raised by CCC, the Submitters, or the Applicant either prior to or during the hearing. We issued our Minute No 1 addressing hearing related matters on 27 June 2025 including timetabling directions and extended the statutory timeframes in relation to evidence exchange to enable us to be better informed and to allow adequate time for the expert evidence to be prepared and provided. We issued a second Minute addressing the appointment of a third Commissioner, Commissioner Fraser, and asked the parties to identify any particular areas in addition to the site that they would like us to visit¹.
6. We issued Minute No 3 addressing the late receipt of submitter expert evidence and addressing timing and order of witnesses². This related to expert evidence on behalf of two of the submitters being received 34 minutes late. We duly extended that time. We also directed the Applicant and CCC liaise in terms of their order, and to the degree practicable, an estimate of time for each of the witnesses, to enable submitters and ourselves to prepare for the hearing.

¹ Minute No 2 dated 15 July 2025

² Minute No 3 dated 4 August 2025

7. We issued a Minute closing the hearing on 9 September 2025³. By Minute No 5, due to the significant volume of material, and an issue with unavailability of one of the commissioners due to matters beyond our control, we extended the decision date to 13 October 2025⁴.

The Application

8. The Applicant seeks land use resource consent to establish and operate a supermarket and associated small scale retail premises at 476-494 Madras Street (the **Site**). The key aspects of the proposal are⁵:
- A 3,350m² full-service supermarket with 'click and collect' facility, located in the southeast corner of the Site
 - The supermarket will be sleeved to the north and west with small format retail tenancies (total floor area of 860m²) on the ground floor and non-retail tenancies at first floor level (total floor area of 530m²)
 - The total building floor area will be 5,303m² Gross Floor Area (GFA), with the supermarket being 7m in height at the ridgeline
 - A publicly accessible courtyard located adjacent to the small format ground floor retail tenancies
 - 223 at grade carpark and 34 cycle parks will be provided
 - A loading bay will be located in the northeast corner of the Site
 - Vehicle access will be provided via two vehicle access points from Madras Street while pedestrian access will be via a partially covered pedestrian walkway located centrally on the Site from Madras Street to the supermarket and retail tenancies
 - Heavy Goods Vehicles will be limited to the northern access
 - Landscape will be provided primarily within the carpark and around the edges of the Site
 - 18 x 10,000 litre stormwater detention tanks will be provided along the eastern boundary
 - 12 x 20,000 litre stormwater detention tanks will be provided along the southern boundary
 - Signage is proposed along the western building façade and two pylon signs adjacent to the two vehicle entrances. The pylon sign adjacent to the southern vehicle entrance will be 7.5m high x 2.75m wide (i.e., 20.63m²) while the pylon sign located adjacent to the northern vehicle entrance will be 5m high x 2.275m wide (i.e., 11.38m²)
 - Approximately 10,300m³ of earthworks will be undertaken to facilitate the development of the Site

³ Minute No 4 dated 9 September 2025

⁴ Minute No 5 dated 24 September 2025

⁵ Cleese, J. (2025). Statement of Evidence (para. 29) & Blair, S. (2025). Section 42A report (para. 6)

9. In addition, the Site is identified on Environment Canterbury's Hazardous Activities and Industries List (**HAIL**) and the volume of contaminated soil disturbance will exceed 25m³ per 500m² (approximately 4700m³ is proposed). Therefore consent is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**)⁶.

The Site and Existing Environment

10. The Site comprises approximately 1.44 hectares of flat land within a wider residential block bound by Madras, Canon, Purchas and Packe Streets. The Site is vacant, fenced by a high chain link security fence, and characterised by mainly grass and residual hardstand from previous industrial activity. A small number of mature, but unprotected trees, have recently been removed. The Site has legal road frontage to Madras Street.
11. The Site was formerly the Orion works depot and was previous subject to a roading designation. Part of the Site is subject to an Outline Development Plan (**ODP**) that was established through Plan Change 31 (**PC31**).
12. The surrounding environment is dominated by medium density residential development, reflecting both the current Residential Medium Density zoning and historic Living 3 zoning⁷. The wider environment contains a mix of older villas and bungalows alongside terraced and townhouse typologies, however, as detailed by Mr Clease⁸, there has been substantial replacement of housing stock over the last decade and the existing environment now includes multi-unit housing developments reflective of the medium density outcomes anticipated by the District Plan.
13. Madras Street is classified as a Collector Road in the District Plan roading hierarchy.

Planning Framework

14. The Site is zoned Neighbourhood Centre Zone and Residential Medium Density Zone under the District Plan and is subject to the following overlays:
- Flood Management Area
 - Liquefaction Management Area
15. Mr Blair and Mr Clease agree on the planning framework and the rules against which consent is required⁹; both agree that the proposal is a discretionary activity under the provisions of the District Plan. Mr Clease confirmed that amendments to the proposal have changed the extent of the non-compliances in respect to signage, queue space, and landscaping standards, although these standards are still breached¹⁰. As there

⁶ Blair, S. (2025). Section 42A report (para 17 – 20)

⁷ Clease, J. (2025). Application (p. 8)

⁸ Clease, J. (2025). Application (p. 8)

⁹ Clease, J. (2025). Statement of Evidence (para. 30)

¹⁰ Clease, J. (2025). Statement of Evidence (para. 30)

is no dispute between the parties as to the rules breached by the proposal, the Panel adopts the planning framework set out in the s.42A report¹¹.

16. Additionally, there is also agreement that a restricted discretionary resource consent is required under the NES-CS¹².
17. Overall, the proposal is a fully **discretionary** activity¹³, being the most restrictive activity status.

Statutory Considerations

18. This decision, subject to Part 2 of the RMA, must have regard to any effects of allowing the activity, the relevant standards and provisions of relevant statutory documents, and any other matters that are relevant and reasonably necessary to determine the application. In making the decision the Panel is not to have regard to trade competition or the effects of trade competition (s.104(3)(a)(i)) or effects on any persons who have provided their written approval (s.104(3)(a)(ii)). Similarly, the Panel has the discretion to disregard any adverse effects if a rule or a national environmental standard permits an activity with that effect (s.104(2)), a concept known as 'the permitted baseline'.
19. The proposal is to be considered in terms of s.104 of the RMA. As a discretionary activity, s.104B of the RMA grants the Panel full discretion to grant or refuse consent or grant consent subject to consent conditions. The Panel is able to impose conditions of consent subject to s.108 and s.108AA of the RMA.
20. Section 104 is subject to Part 2 of the RMA, although whether or not an application requires formal consideration directly against Part 2 is a case by case matter. The Panel addresses Part 2 of the RMA later in this decision.

Notification

21. The Applicant requested public notification under s.95 of the RMA and the application was notified on 19 March 2025. The submission period closed on 16 April 2025, with a total of 101 submissions received within this period.
22. On 10 July 2025 the Panel was advised that a late submission had been received. Upon consideration, the Panel decided to accept the submission pursuant to s.37A(b) of the RMA. Including this late submission, a total of 102 submissions were received and are considered in this decision.

The Hearing

23. The hearing was held in the CCC TR1.01 (HR Training Room) on Monday 11 August 2025 through to Friday 15 August 2025.

¹¹ Blair, S. (2025). Section 42A report (para. 16)

¹² Blair, S. (2025). Section 42A report (para. 20) & Cleese, J. (2025)

¹³ Blair, S. (2025). Section 42A report (para. 21)

24. During the hearing, the Panel directed questions to Applicant, CCC, and submitters, in order to clarify factual matters, test assumptions, and ensure a full understanding of the evidence before us. The Panel examined the planning, technical, and legal submissions in detail, and sought additional explanation where necessary to confirm the basis for expert conclusions, appropriateness of methodologies used, and factual assertions. We are satisfied that all relevant matters were comprehensively canvassed through this process.

Appearances for the Applicant

25. **Mr Leckie** and **Ms Anderton** appeared as counsel for the Applicant. Mr Leckie addressed the Site, the receiving environment, the anticipated environment and the expectation of further intensification.
26. Mr Leckie submitted the key elements of the ODP were retained including the pocket park and small format retail although complete implementation of the ODP is no longer practical, feasible or appropriate in the context of the surrounding local community. He identified that the proposal addresses the onsite constraints including contamination, liquefaction risks and poor stormwater network, and provides a comprehensive solution to those challenges.¹⁴
27. He advised that a number of changes had been made to the proposal to address recommendations in the s.42A report and these were summarised in his paragraph [31]. These were to address concerns in relation to site access, to respond to Mr Head's recommendations in relation to landscaping, and to address Mr Hattam's urban design report. He advised that the elevations have been updated to show the new height limits and recession planes confirmed through Plan Change 14 which he submitted showed that the proposed building is readily compliant with those rules.
28. Mr Leckie addressed the planning context in terms of the centres hierarchy, and discussed what he considered to be the key objectives and policies. In terms of the hierarchy, he set out the centres and in terms of the neighbourhood centre, noted that the description expressly included standalone supermarkets serving the surrounding residential community noting that the anticipated size was up to 3,000m² (excluding standalone supermarket based centres). Again he identified the key objectives and policies in relation to the centres approach. He addressed brownfield regeneration noting that Mr Cleese and Mr Blair agree that the Site meets the District Plan definition of brownfield sites. He outlined the relevant objectives and policies and submitted that the planning framework expressly encourages the regeneration of brownfield sites.
29. Mr Leckie identified positive effects before addressing economic and retail distribution effects, transport effects, landscape effects, urban design effects, and the matter of precedent and plan integrity. He submitted that all other effects were accepted by the experts before the Panel to be less than minor and therefore did not discuss those in his submissions.¹⁵

¹⁴ Legal Submissions for Woolworths New Zealand Limited 6 August 2025 at para [30]

¹⁵ Legal Submissions for Woolworths New Zealand Limited 6 August 2025 at paras [62]

30. He addressed briefly the higher order planning documents and Part 2. He submitted that CCC's planning interpretation of the centres hierarchy could not be considered to give effect to Part 2 and the promotion of sustainable management as it does not support the use of land in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing.¹⁶ He submitted that recommending a decline of consent where there is no effect on the integrity of the centres hierarchy cannot be a correct application of Part 2.
31. Mr Leckie responded briefly to submissions, noting that 102 submissions were received with 24 in support, and that very few of the submitters raising issues in relation to the proposal are immediate neighbours of the Site. He noted that only 19 submitters in opposition were within 600m of the proposal (an area containing around 5,500 households) and submitted that this suggested there are relatively few concerns regarding the proposal on the immediate surrounding area and that rather most issues raised in the submissions relate to wider neighbourhood concerns such as potential effects on the vitality of the Edgeware Centre and effects on the roading network.
32. Mr Leckie addressed trade competition, the evidence from the submitters, particularly in relation to the desire for improved permeability throughout the Site, submitting that those connections, while potentially desirable, cannot be delivered through the consent process.
33. **Mr Daniel Shao**, the Development Manager at Woolworths New Zealand Limited, provided evidence. He discussed the Woolworths development philosophy noting that it operated over 180 supermarkets nationwide employing over 20,000 people, discussed the need for supermarkets to locate close to the catchments they serve as that was more convenient for the customers and therefore more efficient and sustainable if a supermarket can be centrally located within a residential catchment. He discussed the importance of convenient access and discussed the design process which he stated involved a "very thoughtful" balancing of a range of factors including the functional and operational requirements of the supermarket, health and safety considerations for the team and customers, and convenient intuitive store and carparking layout. He discussed the short term and long term economic benefits.
34. **Mr Brown** provided landscape evidence which described the proposal and the surrounding environment, noting that the proposal's landscape design balances operational supermarket requirements with maximised planting opportunities with the concentration around the Site perimeter. Overall he considered the landscape design provides a considered balance between the operational requirements, landscape quality and site constraints, and that it maintains a high standard of amenity while addressing practical limitations and improves the amenity of the existing brownfield site.
35. **Mr Church** provided urban design evidence. He summarised the key points in his written summary statement noting it is development of a long term brownfield site into a neighbourhood centre. He considered the effects of the proposal that were relevant to urban design included city context, integration and scale and character of the surrounding area, relationship to street scene, built form, appearance and residential amenity as well as CPTED. He concluded that in general the proposal is acceptable from an

¹⁶ Legal Submissions for Woolworths New Zealand Limited 6 August 2025 at paras [92]

urban design perspective in supporting the outcomes sought through strategic planning initiatives and adequately addresses relevant matters of discretion to manage potential adverse urban design effects at a local level.

36. **Ms Hampson** provided economic evidence. She summarised the key points as including the District Plan has anticipated a supermarket based neighbourhood centre in St Albans to serve the convenience needs of the surrounding community for a long period of time. She advised that no centre had been delivered and that it generated demand for a supermarket and other convenience retail floor space. She discussed the indicative primary trade catchment for the proposed development based on the potential draw of the Woolworths store. Ultimately she concluded that the proposal delivered significantly positive economic effects and would contribute significantly to economic and social wellbeing while having no material adverse economic effects.
37. **Mr Rossiter** provided expert transportation engineering evidence identifying the key points in contention as those relating to traffic generation and effects, parking supply, site access and queuing space, and configuration of Madras Street. Of particular relevance to the evidence before us, Mr Rossiter maintained his view that a 2m wide flush medium would be sufficient.
38. **Dr Trevathan** provided acoustic evidence. He assessed all the noise sources expected to be associated with the proposed new supermarket and retail, and based on his analysis he expected noise levels from the activity to be minimal at nearby sites. Noise was also expected to be compliant with the District Plan noise limits except at Lot 3 – 472 Madras Street, where affected persons approval had been provided, and 479 and 483 Madras Street where there is a 1 dB exceedance.
39. **Mr Jagvik** provided evidence in relation to the civil engineering aspects of the development, including servicing feasibility, design methodology, assumptions made and infrastructure impacts.
40. **Mr Clease** provided planning evidence addressing the District Plan policy framework and the centre hierarchy. He considered that the plan policy and rule framework in relation to commercial centres were not fixed but rather contemplate that centres can grow in response to changes in demand and the consideration of such proposals can be appropriately undertaken through the resource consent process and may be approved where the enlarged centre will not undermine the role and function of other centres. He described the existing centres in Christchurch as sitting on continuum both in terms of zoned land area and gross floor area and considered that the proposal did not undermine the urban form directions regarding the use of centres as focal points for residential intensification. He considered there were a number of aspects which clearly distinguish the proposal from possible growth applications in different locations and overall considered the proposal would deliver significant positive effects and readily aligned with the broad policy direction sought through the Plan and ultimately Part 2 of the RMA.

Submitters

41. **Ms Alison Allsop** spoke to her submission. She discussed the vitality of Edgware, discussed her knowledge of the area, how she experiences the Edgware Village, the way she shops for her large shops, and her view that the granting of this consent would not stop people using the Edgware Village.

42. We heard from submitter 06, **Julie Summers**, who used to live essentially across the road from the Site. She discussed the traffic during the day, the accessibility of the Edgeware Village and the ability to walk to it, and although she no longer lives in the area, she was concerned that the local neighbourhood and its residents would be impacted by the supermarket in terms of traffic and similar. She discussed the ease of movement and the local businesses in the area.
43. We heard from **Margaret Kelly** who spoke on behalf of the St Albans Pavilion and Pool Incorporated, known as the Edgeware Pool Group. She discussed the history of the pool with the St Albans Swimming Club Incorporated being first established in St Albans in 1892, the pool opening in January 1934 and demolished on 21 November 2006 in what was described as a “surprise dawn exercise”. She submitted that 19 years later was here advocating support for the community and their dependence on it and the difficulties with the fundraising in hard times.
44. She explained how dependent “our culture” is on local commercial support and compared to the Applicant, “managed from Auckland and Australia” being unlikely to assume a role comparable to the Edgeware business owners as part of the community. Those owners know the local social enterprises and the volunteers and facilitators who manage them. She expressed concern that anything which could undermine the viability of local businesses would affect their ability to support local community projects. She recorded her concern that a supermarket as big as Woolworths now proposes would undermine the viability of the Edgeware Village and lessen the support businesses are able to provide for social enterprises. She discussed in particular their concerns in relation to FreshChoice Edgeware and noted that the society was not against commercial development on Madras Street but rather the proposal in its current “oversized” form. She also identified reduction of consumer choice, traffic, destruction of the “unique” local economic model, and sought the application be declined or significantly revised.
45. We heard from **Ms Burrell**. She discussed traffic concerns, difficulties with turning into driveway, bottleneck as Madras Street goes into one lane, parking including Pegasus Hospital which pushes out parking onto Madras Street. She acknowledged it was quieter on Saturdays but can still be challenging. She was also concerned about the social and community impact and referred to the developments in Timaru and the impact that had had on the CBD. She discussed community shopping and the different “vibe” with St Albans being full of what she termed “old fashioned communities” where there are clusters of shops. She expressed a concern that would get lost when a big complex would come into the middle with the big supermarkets not supporting the community in the same way. She considered the area was already well serviced in terms of access to supermarkets. A real concern was the risk of decimating the local shops and atmosphere and similar. She did not consider it made economic sense to the local residents of St Albans and expressed concern about the loss of vitality. Overall she considered it was going to spoil what had been developed in St Albans and its community.
46. We heard from **Mr Ireland** on behalf of Champion Street Residents Group. He identified and discussed a number of matters including the Applicant being an international conglomerate and submitted the sole reason for this development is the creation of profits. He identified the prime concerns were about the design of the development and the number of carparks that had been included and the negative effects associated with that. He considered this tended to contradict the “community based centre” of the customer

catchment area being less than 800m. He discussed the Council's transport objectives in relation to alternative transport and again concerns that the carparks would only create greater vehicle movements together with greater stormwater generation. He considered a reduction of carparks by two-thirds would be acceptable.

47. He also identified issues with the paved carpark requiring the destruction of land, impact on biodiversity, activities such as water soakage and removal of carbon dioxide and transpiration and filtering of contaminants. He considered that no contaminated water should leave the Site and raised concerns in relation to the solution being adopted by the Applicant in terms of large plastic tanks. He was concerned about ratepayers potentially being liable for paying for cleanup of poorly consented developments. He identified that as an acceptable solution, all stormwater from the paved areas should be returned to the green spaces, roof water should be collected and stored and then reticulated through the site.
48. He also discussed accessibility and considered the development treats alternative transport with "distain". He also discussed safety issues with traffic, particularly in relation to the carpark. He submitted that the right design could achieve a real asset to the community but the application is not that asset and rather is a burden.
49. **Ms Douceline Wardle** addressed us. She advised that all of her overseas visitors tell her that they love Christchurch in relation to the inner city, the vibe, the planning in a large part due to local businesses investing post-earthquake, and a community minded Council. She endorsed the sentiments of a number of other submitters in relation to adverse effects regarding lighting, traffic management and similar. She made it clear that this was "not a NIMBY situation" and with residents long expecting development on the site and thinking that had been resolved following mediation in the Environment Court by PC31. She considers the site to be simply too large and noted the significant number of breaches relating to filling and excavation, earthworks, acoustics, size, carpark, particularly compared to a different access, and the GLFA.
50. She discussed the business model used by GDL Woolworths in terms of what she described as buying up any potential parcel of land, land-banking, building a supermarket anchor and then selling the land. The key factor in her submission was that it was simply too big and she also identified her concerns with potential closures of other businesses and the social and/or cultural effects. She, as had a number of other submitters, identified that Edgware was badly affected by the earthquake with shops supporting each other in those hard times. She also identified that this would be the fifth Woolworth owned supermarket brand in a 4km radius. She expressed concerns in relation to social wellbeing, landscaping and traffic. She provided a number of photographs providing examples of landscaping in the Netherlands around large brand supermarkets and their discreet nature.
51. **David Gardner** spoke to his submission. He does not live in the area but submitted after seeing the effect of the Pak'n'Save in Northlands and the impacts that has had. He raised a number of issues in terms of the application not being in accordance with the Plan, lack of involvement with the community, sight lines, traffic speed, pedestrian issues, cycling issues and basically felt that this application is pushing the costs on to the community. He also expressed his concerns in relation to the carparking, including its size, the lack of tree cover, and noting that there was in essence no canopy.

52. **Zoe Wright** identified issues in relation to lack of crossings, particularly for those with handicaps. She advised traffic was heavy at times. She again expressed concern in relation to the local businesses and the Edgware Village in particular. She identified concerns in relation to the loss of greenery and the loss of trees. She advised that she walks to the CBD for work and again discussed her usage of the Edgware Village including the greengrocers Crisp, the butcher and the baker. She was certainly not opposed to development on the Site, but considered something of a much smaller scale would be beneficial to the community, ideally local businesses.
53. **Ms Perpick**, legal counsel for submitters Stedmond and O'Connell, provided and presented legal submissions. She confirmed that the submitters were not opposed to the establishment of a supermarket in the local centre, but that acceptance was based on the ODP in particular its provision of access to and from the Site from Purchas and Packe Streets as well as Madras Street. This was important as this distributed traffic flows to Purchas and Packe Streets. She submitted that the ODP was in some ways ahead of its time seeking to achieve what is now known as a well-functioning urban environment in terms of the National Policy Statement on Urban Development (**NPS-UD**). She identified the supermarket proposed was significantly larger than that anticipated by PC31 and the large increase in the scale of activities required at the least inclusion of the access originally provided. In addition to introducing the evidence, Ms Perpick identified a number of well-known cases and discussed the *R J Davidson Family Trust* case in terms of the correct approach to s.104(1)(b). She submitted that the application as proposed departs to such an extent from the clear objectives and policies of the relevant planning documents, which give effect to the purpose and principles of the RMA, and would have significant adverse effects on the submitters and other people in the community such that it must be declined.
54. **Mr Collins** provided expert transportation evidence for the submitters represented by Ms Perpick. He considered the proposal would create noticeable adverse effects on the transport network and users of Madras Street and these primarily related to lack of connections to Purchas Street and Packe Street, and the design of the proposed flush median on Madras Street.
55. **Mr Singh** provided urban design evidence for the submitters represented by Ms Perpick. He identified what he considered to be the key issues being policy misalignment, amenity effects, and Crime Prevention Through Environmental Decision (**CPTED**) concerns. He considered the current proposal fails to meet urban design expectations and planning requirements through its concentration of traffic and reduction of safety, and considered that reinstatement of the connections to Packe and Purchas Streets would provide meaningful relief.
56. **Mr David Wallace** provided evidence on behalf of the submitters regarding the history of the ownership of the Site, particularly as it related to the access onto Purchas and Packe Streets.
57. **Ms Juanita O'Connell** provided evidence on her own account and also on behalf of Mr Stedmond. This addressed their experience in living on Madras Street and operating a business from there. She discussed the concerns they have with traffic while acknowledging the benefits of a full service supermarket. She also outlined the support that she and others in the neighbourhood provided to PC31 because the benefits were balanced with the mitigation of adverse traffic effects and supported and finalised in the ODP including the three entranceways.

58. We heard from **Mr Stephen Anderson** who spoke on behalf of himself and FreshChoice Edgeware. His presentation raised a number of issues and concerns and outlined the history of the FreshChoice.
59. We heard from **Emma Twaddle**. Ms Twaddle is a resident of St Albans and been involved in many community land developments. She advised that the community had been involved in community land developments since the 1880s and identified her previous role as community activator. She discussed the level of intensification which has occurred, addressed a number of matters in relation to post-earthquake developments, concerns in relation to access which she saw as the division in the communities and identified impact on residents parking. She was concerned about potential undermining of the hierarchy, discussed PC14, identified issues in relation to growth noting the Residential Heritage Areas (RHAs) and the Special Amenity Areas (SAMs) and also identified and discussed flooding and the future of food retail.
60. We then heard from **Harrison McEvoy and Ms Twaddle** on behalf of a number of submitters including the St Albans Residents Association Inc. They discussed a range of matters including access, the dividing of the community, the lack of access of the Site through the Packe and Purchas Streets and the impact that had on walkability. Overall their evidence was that they considered the proposal does not fit into the hierarchy of servicing the local community and it created barriers in terms of accessibility.
61. We heard again from **Ms Kelly** on behalf of herself and submitter **Helen Kidd** on behalf of the Packe Street Park & Community Garden. They provided evidence relating to the importance of funding from local businesses, and the more general contributions from local businesses. They discussed the community gardens and its history and how they operate. They also identified concerns in relation to potential rat-running, and particularly wish to avoid increases in traffic on Packe Street.

Reporting Officer

62. We heard from **Mr Head** in relation to landscape matters. Mr Head agreed with the description of the Site and its current condition as providing little amenity value, agreed with the design strategy, discussed briefly the approach taken and the planting around the boundary, and also identified and discussed the benefits of an ongoing landscape management plan.
63. We heard from **Mr Hattam** who spoke to his report, provided a response in relation to matters raised by Mr Church, discussed whether the development was mixed use (in his view it was not), walkability, street interface, CPTED issues, signage and potential impact of widening Madras Steet.
64. We heard from **Mr Mthamo** in relation to stormwater system and advised us in relation to systems maintenance and similar issues. Mr Mthamo addressed pumping and the need for it in terms of site levels, and discussed the proposed system and maintenance. He discussed stormwater neutrality.
65. We heard from **Ms Rayne**. She provided additional comments in relation to her review of the application from an environmental health perspective. She discussed the site investigations and similar that had been carried out, and described the activities that had occurred on the site previously.
66. **Mr McGonigal** addressed transportation matters and advised that there had been discussions with Mr Rossiter in terms of widening Madras Street to accommodate a 2.5m wide flush medium; noting Mr

McGonigal's evidence recommended a 2.5m wide flush medium. He identified this was the key area of contention between himself and Mr Rossiter and briefly discussed the surrounding environment, site accesses, parking and lack of compliance with the ODP regarding pedestrian, cycle access and the concerns that gave rise to.

67. We heard from **Mr Heath** in relation to economic matters including economic benefits, economic effects and the centres hierarchy.
68. **Mr Blair** spoke to a number of matters including servicing. He provided clarification in relation to flooding. He addressed matters in relation to the pumping system, management of stormwater and a number of the effects identified. He addressed the neighbourhood centres and standalone supermarkets. At the hearing, he discussed, in some detail, his opinion in relation to matters relating to the neighbourhood centres and their place in the hierarchy. He considered supermarkets should be sized to set the surrounding residential environment and identified and discussed a number of objectives and policies that were relevant, addressed effects, and helpfully outlined the various processes that would need to be followed in terms of CCC approval of road layouts and road safety audits and similar. He addressed a number of matters in relation to trade competition. He confirmed his recommendation remained decline.

Right of Reply

69. The Applicant exercised its right of reply on 29 August 2025. We received closing submissions, agreed consent conditions recommended by Mr Clease and Mr Blair and various plans.

Principal Matters in Contention

70. Based on the evidence and other documents before us, the principal matters in contention related to:
- Relevance of the Outline Development Plan
 - Effects including:
 - Urban design;
 - Landscape;
 - Traffic;
 - Social;
 - Consistency or otherwise with the relevant objectives and policies; and
 - How the proposal sat with the relevant objectives and policies but in particular the impact of granting consent on the centres hierarchy framework in the District Plan.
71. Firstly, the Panel agrees with Mr Blair's evidence in respect to the application of the ODP. While there is limited evidence as to why the ODP was removed from the northern part of the wider site during the

2015/2016 District Plan Review Process, we find that the ODP must be treated as a relevant and intentional component of the planning framework. To disregard the ODP, or to give it limited weight, would in our view run contrary to the presumption that provisions carried through a comprehensive plan review are retained purposefully. Although we acknowledge the District Plan does not contain specific objectives and policies in respect to the ODP but rather relies on generic zone provisions¹⁷.

72. In forming our findings on the actual and potential adverse effects of the activity, the Panel has had due regard to the comprehensive set of proposed consent conditions appended to the Applicant's Right of Reply. We note for completeness that these conditions represent the agreed position between the Applicant and the Council.

Actual and Potential Effects (s.104(1)(a))

73. Before addressing actual and potential effects on the environment, Mr Blair considered the relevant environmental effects that had been raised in the submissions and summarised them in paragraph 60¹⁸. These included concerns of sale of alcohol, concerns relating to attraction of rodents, signage effects, potential effects in achieving housing targets, servicing, landscape effects, urban design effects, transport effects and health effects in relation to soil contamination, noise and glare, together with positive effects.

Section 104(2) – permitted baseline

74. This was discussed by Mr Blair in his s.42A report. He did not accept that there was a valid permitted baseline. He considered that given the site is located within a flood management area the commercial development would be unlikely to ever meet the earthworks volume maximums specified, He advised that the only exemptions in the District Plan for earthworks in the FMA were those relating to finished floor levels to the required RL for residential building platforms. He identified that residential buildings at ground floor are not a permitted activity within a Neighbourhood Centre Zone and they could not enjoy that exemption¹⁹.
75. While Mr Blair remained of the view that there was no actual permitted baseline for the reasons he had identified, putting aside the matter of earthworks, he was of the view that there was an *anticipated* outcome for commercial buildings in that the displacement of flood waters by those commercial buildings is anticipated. He identified in the rule Table 5.4.1.1B P3. He expanded on this anticipated outcome in his subsequent paragraphs considering that while there was no baseline there is an anticipated outcome (anticipated by the perimeters and the built form standards) in the Neighbourhood Centre Zone. He explained that that provided a maximum 14m building height, that it was built up to the Madras Street road boundary except for any pedestrian or vehicle access, or for a setback of 3m for a maximum width of 6m. He went on to describe in some detail what the anticipated development would include²⁰. He then discussed the anticipated outcome in the residential medium density zone portion of the site, where the anticipated outcome is a residential development that produces multiple residential units, each unit being

¹⁷ Right of Right. (2025). Right of Reply (para. 40)

¹⁸ Blair, S. (2025). Section 42A report (para 60)

¹⁹ Blair, S. (2025). Section 42A report (para 64)

²⁰ Blair, S. (2025). Section 42A report (para 73)

no higher than 11m from ground level, no more than 3 storeys high per unit, with coverage of no more than 50%, various daylight recession planes and setbacks from the boundary²¹. He considered it appropriate to take those provisions into account when considering the environmental effects of the proposal.

76. Mr Clease agreed with Mr Blair that the restrictive limits on the earthworks within a flood management area and the number of residential units in the RM zone, combined with the restricted discretionary activity status for the remediation of soil contamination, mean that “as things stand” it is highly likely that most development proposals will trigger the need for resource consent and as such a true permitted baseline does not apply.²² Mr Clease did agree with Mr Blair that there was clearly an “anticipated environment” to take into account as part of the wider assessment under s.104(1). He considered the District Plan clearly anticipates that the site will not remain vacant forever and plausible anticipated development includes activities that align with the zone outcomes sought for the RMD and NCZ areas, namely a commercial development of up to 3,500m² GLFA and conservatively some 30 townhouses²³.
77. We agree that the matters addressed in the preceding paragraphs are helpful in providing a context for the assessment of effects but we record that is not in any way a de facto permitted baseline.

Trade competition

78. The most relevant statutory provisions in relation to this issue are s.104(3)(a). This provides that when considering an application, we are not to have regard to trade competition or effects of trade competition. Secondly, by s.308B, a trade competitor can only make a submission on a competitor’s application if it is directly affected by an effect of that activity and that effect does not relate to trade competition or the effects of trade competition.
79. Trade competition and retail distribution effects were addressed by Mr Leckie in his opening submissions²⁴. Mr Blair in his officer’s report identified that submissions had been received from FreshChoice Edgeware (submission 82) and Stephen Anderson (submission 78). He referred to the relatively recent decision of the Environment Court²⁵.
80. In terms of s.308B, Mr Blair considered that the majority of the submission points contained within the submissions lodged by Mr Stephen Anderson and by FreshChoice Edgeware related to trade competition and cannot be considered by the Panel²⁶.
81. Mr Leckie, in his reply, agreed with CCC on that aspect. He noted that in the remaining submission points on traffic effects, at the hearing, Mr Anderson clarified, in response to a question from the Panel, that he was not affected by that. Overall, we accept Mr Leckie’s submission that the situation is akin to *Woolworths New Zealand Limited v Christchurch City Council* where the Environment Court held that it was required to ignore evidence from a trade competitor.

²¹ Blair, S. (2025). Section 42A report (para 74)

²² Clease, J. (2025). Statement of Evidence (para. 108)

²³ Clease, J. (2025). Statement of Evidence (para. 109)

²⁴ Legal Submissions for Woolworths New Zealand Limited 6 August 2025 at paras [65] – [73]

²⁵ *Woolworths NZ Ltd v Christchurch City Council* [2021] NZEnvC 133

²⁶ Blair, S. (2025). Section 42A report (para 43-50)

82. We have considered the submissions and the evidence provided by Mr Anderson. It is clear that Mr Anderson is passionate about FreshChoice Edgware and its role in servicing the local community. Ultimately, however, we conclude that those submissions are primarily based on trade competition and the effects that a Woolworths supermarket may have on the FreshChoice supermarket. We do not have regard to those effects.

Retail distribution effects

83. In assessing potential retail distribution effects, the Panel heard evidence from Ms Hampson for the Applicant and Mr Heath for CCC. Ms Hampson undertook a demand led analysis using a gravity modelling approach, incorporating Christchurch household growth forecasts, retail expenditure projections and the Christchurch Retail Demand Model to test whether the proposal could be sustained without undermining the role of other centres. Mr Heath, by contrast, applied a sustainable GFA methodology, identifying the supermarket floor space likely to be supportable within the catchment based on projected expenditure, and then adjusting this through 'layered catchments' and capture rates to reflect leakage and overlap with surrounding centres²⁷.
84. Mr. Heath methodology is based on retail expenditure and in his opinion relies on less assumptions than the gravity model which he considers is best suited for higher level analysis, such as a regional level.
85. While we must not have regard to trade competition or effects of trade competition, it is and we understood it to be reasonably common ground that we are to have regard to indirect or flow-on consequential social and economic effects being those that are "disenabling the people and communities who rely on those existing centres for their social and economic wellbeing"²⁸.
86. In *Northcote Main Street Incorporated & Ors v North Shore City Council* 10 ELRNZ 146, Randerson J stated:

Social effects might include the loss of investment in roading and other infrastructure as well as the loss of amenity which could result from the closure or serious decline in the attractiveness or viability of the centre as a whole. Loss of employment opportunities on a significant scale might also qualify as adverse effects for those purposes. So too the possibility that important community services associated with shopping centres might cease to be appropriately located to serve persons attracted to the shopping centre. It is clear that effects must be significant before they can be regarded as effects beyond those normally associated with trade competition.

87. Again, Blanchard J in *Discount Brands*²⁹ stated:

The Court of Appeal considered that only 'major effects' needed to be considered since only then would the effect on the environment be more than minor in terms of s.94(2)(a). But in equating major effects with those which were 'ruinous', the Court went too far. A better balance would seem to be achieved in the statement of the Environment Court which Randerson J adopted, that social or economic effects must be 'significant' before they can properly be regarded as beyond the effects ordinarily associated with trade competition or trade competitors. It is of course necessary for a consent authority first to consider how trading

²⁷ Heath, T. (2025). Statement of Evidence (pg. 13)

²⁸ *General Distributors Ltd v Waipa District Council* (2008) 15 ELRNZ 59 at para [82]

²⁹ *Discount Brands Limited v Westfield (New Zealand) Limited* [2005] 2 NZLR 597

patterns might be affected by a proposed activity in order that it can make an informed prediction about whether amenity values may consequently be affected.

88. Mr Leckie referred to the Supreme Court decision in *Westfield*³⁰. He submitted that the Supreme Court placed a high threshold on when it is appropriate to consider retail distribution effects and to reach those, the relevant effects need to impact amenity values to such an extent that this affects people and communities and social, economic and cultural wellbeing of those people or the environment. Mr Leckie identified the Supreme Court stated that would include, for example, a downturn in business in an existing shopping centre or dilution of a retail centre, known as the tumbleweed scene.

Assessment

89. It was very apparent from the evidence provided by a number of submitters appearing at the hearing, that the Edgware Village Centre is of considerable importance and value to the community. One of the issues raised in a number of submissions was the local ownership of the businesses of which those submitters raising that issue valued. This was compared to the ownership of the Applicant and what submitters considered to be a disconnect with the community. We acknowledge those concerns. However the ownership of the Applicant is not a matter we can engage with.
90. In terms of retail distribution effects, there was clear agreement between the economic experts Ms Hampson and Mr Heath. Notwithstanding the different mythologies applied by the two experts, they agreed that the proposal will have no significant adverse retail distributional effects on existing centres, the proposal will not result in economic effects that would lead to a decline of the Edgware Centre, and that it would not have adverse economic effects on the revitalisation of the city centre³¹. Ms Hampson considered the FreshChoice Edgware to provide a top-up shop service whereas this proposal would mainly satisfy demand for weekly grocery shopping that is not currently met in the area. Overall she considered it would complement the larger and more diverse Edgware Centre.
91. On the expert evidence before us, we find that the proposal will have no significant retail distributional effects on the existing centres, including the Edgware Centre. The Edgware Centre's economic and social benefits were clear from a number of the submissions. A number of submitters spoke about the methods of shopping at the Edgware Centre including visiting the FreshChoice supermarket, and if the vegetables are not up to standard or expensive, walking across to the greengrocer. Again in terms of meat, a number of submitters addressed the butcher in the Edgware Centre and that if the meat was not up to standard or expensive at the FreshChoice supermarket, they would walk across and purchase off that butcher.
92. It is clearly an important component of the local community and we have thought very carefully about this issue in our conclusion that there are no significant adverse retail distribution effects, on the economic evidence provided.

³⁰ *Westfield (New Zealand) Limited v North Shore City Council* [2005] NZSC 17, [2005] 2 NZLR 597

³¹ Heath, T. (2025). Statement of Evidence (p. 28) & Hampson, N. (2025). Statement of Evidence (para. 123)

Social effects

93. As noted above, a number of submitters raised the value that they attribute to the Edgware commercial centre and not only in terms of shopping but as an important focal point for social interaction.
94. Again the importance of local businesses was identified by a number of submitters, including the contribution they make to the community, whether by way of sponsorship, donation and similar. We heard from a number of submitters. Submitter Alison Allsop spoke about the strength of the community and its association with the Edgware Centre. She was somewhat troubled by the suggestion that a large supermarket would somehow undermine that. She also commented on the walkability with people walking from the café to the bookshop to the greengrocers and on to the butcher as well as walking from the local area. All of those factors add to the social benefits.
95. We heard from the St Albans Pool Group who had an original submission from Valerie Somerville known as the Edgware Pool Group, Margaret Kelly and she recorded the demolition of the pool. The evidence discussed the fundraising and rebuilding of the Edgware Pool and the importance of the community and local businesses. It stressed local business support and its importance. It noted the Edgware business owners are part of the community and noted the support throughout the earthquake sequences from the demolition to the rebuild of the pool from local businesses. It noted the owner of the Edgware FreshChoice had been the treasurer for many years and they were concerned about the vitality of the shopping centre as a whole. It discussed the philanthropy of the local businesses. The submission discussed the significant input and work that had been undertaken in the area post earthquake.
96. Submitter 46, Ms Wardle, addressed the social wellbeing specifically. She suggested that this “long established community has itself developed St Albans as a cohesive, integrated and mutually beneficial network amongst residents, business and community groups alike”.
97. Emma Twaddell spoke about the history of community-led development back to 1880. She advised that the community, and thousands of residents’ hours that have gone into St Albans becoming a recognised community where people wish to live. It includes the community centre, a pool near completion, skatepark and various other facilities. These have all been as a result of work and efforts from the community.
98. Harrison McEvoy and Ms Twaddell again appeared for the Residents Association. We also heard from representatives of the Packe Street Park & Community Garden and they helpfully informed us about the development of the park and gardens and its role in the community.
99. Overall we have been left with a very clear impression that this is a suburb or neighbourhood that values its community and its local businesses.

Finding

100. We do not downplay the perception of effects on social amenity identified by a number of the submitters. However on the basis of the economic evidence, and the clear evidence of the values attributed to the Edgware Village in particular, we consider social effects to be broadly less than minor. We see nothing

in the overall evidence which would lead us to a view that granting this consent would have the social impacts feared.

Transport effects

101. As recorded earlier, in light of the transport evidence of Mr McGonigal, Mr Collins, and a number of other submitters, together with questioning from the Panel, the Applicant revised the proposed on street layout through their Right of Reply. The application before us includes a 2.5m wide flush median along the site's frontage and this will be achieved by moving the kerb on the eastern side of Madras Street by 0.5m while retaining the width of the southbound cycle lane at 1.7m³²; all costs associated with the works within the road corridor will be met by the Applicant. In his evidence, Mr McGonigal sought a 2.5m wide flush median. The expert evidence is now aligned on this matter, and the Panel adopts this evidence.
102. To enable the works within the road corridor (i.e., road markings / realignment of the eastern kerb) the Panel understands that approval from the local Community Board will be required. At the hearing, the Applicant was asked to provide an appropriate consent condition in respect to the community board approval process, within the context of avoiding an ultra vires 'third party' approval situation. In this respect, the Applicant proposes a *condition precedent* and submits that a condition of this nature is not uncommon and is consistent with the direction of the High Court which has established that there is nothing objectionable in granting consent subject to a condition requiring works within the road corridor³³. The Panel accepts that a condition precedent is appropriate in this instance.
103. The width of the south bound cycle lane along Madras Street generated a number of submissions including from regular users of the cycle lane, the St Albans Residents Association, and Spokes Canterbury, all raising concerns that narrowing its width would create a less desirable, and potentially dangerous, cycling environment. It is noted that these submissions were based on the original proposal which sought to narrow the south bound cycle lane from 1.7 metres to 1.6 metres.
104. The Panel finds that while a 1.7 metre cycle lane is not optimal in most circumstances, it is acceptable here given the removal of the eastern kerbside parking, which reduces potential conflicts with parked vehicles and the risk of car doors opening into the lane. Similarly, the removal of on-street parking along the site frontage will result in clear sight lines between the traffic exiting and entering the Site and traffic travelling along Madras Street, including cyclists using the southbound cycle lane. And while the proposal will introduce two new vehicle crossings and additional traffic, the Panel is satisfied that retaining the existing 1.7 metre width, in the context of the anticipated environment, will not materially compromise the safety or functionality of the cycle lane.
105. A number of submitters also raised concerns about the impact of additional traffic will have on the safety and efficiency of Madras Street, with some seeking vehicle and pedestrian connections through the Site as per the ODP in order to ease congestion on Madra Street. In his evidence, Mr Collins submits that relying solely on Madras Street for vehicle and pedestrian access represents a fundamental departure

³² Right of Reply (2025). Right of Reply (para. 49)

³³ Right of Reply (2025). Right of Reply (para. 51)

from the ODP and will not achieve the desired permeability and circulation outcomes sought by the District Plan³⁴. He further submits that providing vehicle access only from Madras Street will exacerbate existing congestion and compromise residential amenity and safety³⁵ while at the same time undermining walkability and cycling accessibility to the Site/activity³⁶.

106. The Panel also heard from Mr Singh³⁷ who submitted that the exclusive use of Madras Street for both customer and service vehicle access would result in “a concentration of traffic movements directly in front of the submitters’ residence (i.e., Ms O’Connell and Mr Stedmond)” and that this will “materially exacerbate existing traffic congestion, particularly during peak hours, and significantly diminish residential amenity through increased noise, vibration, and reduced safety through increased traffic volume”³⁸. Similarly, Ms Perpick on behalf of Ms O’Connell and Mr Stedmond submitted that redistributing vehicle movements via Packe and Purchas Streets would offer meaningful relief from the daily congestion which will be caused by the development and reduce the concentration of traffic at their frontage³⁹.
107. Conversely, the Panel also heard from other submitters, including the Packe Street Park and Community Garden Inc, that want the existing low speed (low volume) traffic environment of Packe and Purchas Streets retained. The Packe Street Park and Community Garden Inc submission stressed that any increase traffic past the community garden would create safety risks for children on bikes and scooters, while some submitters worried that Packe and Purchas Streets would become a ‘rat run’ if vehicle access was allowed directly onto these streets.
108. The Panel acknowledges that the revised site plan now makes provision for a potential future pedestrian connection to Purchas Street. However, the fragmentation of land ownership, together with the proposed site and building layout, limits any realistic opportunity for additional connections at this stage; with the site and building layout being the determinative factor. We record that the provision of vehicle access onto either Packe or Purchas Streets is not part of the proposal before us, and any attempt to direct such changes would create scope issues beyond our jurisdiction. Accordingly, the Panel must determine the application on the basis that access is confined to Madras Street, with provision only for a potential future pedestrian link to Purchas Street.
109. The Panel finds the expert evidence from Mr McGonigal and Mr Rossiter to be consistent and compelling in so far as directing all vehicle access to Madras Street, a collector road in the District Plan roading hierarchy, will not unduly compromise the safe or efficient functioning of the transport network. While traffic volumes will increase during peak periods, Mr Rossiter’s modelling shows the proposal will generate about 500 vph in the evening peak which is “...similar to what could be anticipated on the Site in the NC (St Albans) zone”⁴⁰. Overall, the evidence before us from Mr McGonigal and Mr Rossiter confirms that the network retains sufficient capacity to accommodate the proposal without material effects on safety, efficiency, or residential amenity. We rely on this evidence.

³⁴ Collins, M. (2025). Statement of Evidence (para. 20)

³⁵ Collins, M. (2025). Statement of Evidence (para. 25)

³⁶ Collins, M. (2025). Statement of Evidence (para. 32)

³⁷ Mr Singh presented evidence on behalf of Ms O’Connell and Mr Stedmond

³⁸ Vikramjit, S. (2025). Statement of Evidence (para. 58-59)

³⁹ Perpick, M. (2025). Legal Submission (para. 71)

⁴⁰ Rossiter, C (2025). Evidence (para. 53)

110. Turning next to the vehicle access points. The Panel heard evidence from Ms O'Connell together with the written submission from Mr Stedmond, who both reside directly opposite the proposed northern access point at 483 Madras Street. Their evidence is that they already experience significant difficulty entering and exiting their properties, particularly during the afternoon peak period
111. During our site visit, the Panel observed the traffic environment from the driveway to Ms O'Connell and Mr Stedmond's property. We observed the pronounced platoon effect created by the upstream signalised intersection⁴¹ with vehicle groupings occurring at regular intervals of approximately 45 - 55 seconds. Our observations align with the evidence of Ms O'Connell and Mr Stedmond that, during the evening peak, they will experience delays when turning from their access, particularly when executing a right-hand manoeuvre onto Madras Street. We agree that the existing situation is likely to be exacerbated by the proposal. However, Mr Rossiter submits that the strongly platooned nature of northbound flows on Madras Street "...provides ample opportunity for turning and cross movements ... to occur safely"⁴².
112. The Panel finds the platooning effect creates regular breaks in traffic flow that will assist access opportunities to adjoining properties and provide a degree of relief from continuous traffic flow; noting also that outside the afternoon peak period the level of congestion is markedly reduced.
113. Additionally, any changes to the access arrangements, for example, if the southern vehicle access was changed to an entry or exit only, this would require a variation to this consent, should consent be granted, and the effects on these.
114. When considered in the round, we record that while the proposal will generate additional vehicle movements and increase traffic flows onto Madras Street, based on the evidence before us, the Panel is satisfied that, in the context of the existing traffic environment and the mitigation provided through the platoon effect and works within the road corridor, any resulting adverse traffic effects will remain at an acceptable level and fall short of being more than minor.

Landscape

115. Landscape effects were raised in a number of submissions.
116. A Landscape Design Report was included in the application. This responded to a landscape design related s.92 request for further information in February 2025, which included requiring the preparation of a revised Landscape Design Report. That was provided on 24 June 2025.
117. Mr Brown, a landscape architect and associate partner at Boffa Miskell, provided the landscape evidence on behalf of the Applicant. He had prepared the report in response.
118. Mr Brown described the Site and the surrounding environment describing it as predominantly residential, characterised by medium density townhouse developments with small private garden areas and identified the Presbyterian Church to the east. In summary, he considered that the proposed landscape design

⁴¹ The intersection of Madras Street and Bealey Avenue

⁴² Rossiter, C. (2025). Evidence (para. 54 & 55)

balanced operational supermarket requirements with maximised planting opportunities which were concentrated around the Site perimeter to soften views into the Site and to enhance visual amenity.

119. He discussed the landscape design strategy which he described as being designed to accommodate as much planting as feasible while balancing the operational requirements of a retail supermarket environment. He noted those requirements included maximising onsite parking availability and provision of safe and clearly legible pedestrian and vehicle circulation into and through the Site⁴³. He advised that the planting was focused on the perimeter where larger planting beds can support a mixture of trees, shrubs and groundcovers and this would provide a degree of visual and physical filtering and softening of views both into and out from the Site⁴⁴.
120. He advised the design utilises a predominantly indigenous plant palette with exotic species included to provide foliage and flower accents. He advised the plants had been selected to be tolerant to the Site conditions including hot dry summers and wetter winters with a high water table. He advised that encouraging the use of evergreen species which would ensure a degree of visible tree foliage year round⁴⁵. He identified that the existing *Cordyline australis* Tī Kōuka tree is retained on the frontage. He described the hardscape treatments and the proposed park area including a plaza space allowing for moveable café and outdoor seating. He noted that would support a raised planted and lawn area with a large grade specimen tree providing shade and additional seating opportunities. He considered that contributed to a high amenity landscape response and he was not aware of any existing supermarket in the local area or central Christchurch that included a park/plaza type space of that kind.
121. Given the existing site characteristics, which he described as an abandoned industrial brownfield landholding, the proposal and associated landscape provided a high level of amenity which he considered to be a significant improvement when compared to the existing site condition⁴⁶.
122. Mr Head was engaged to review the landscape related aspects of the proposal. Mr Head provided comment on alternatives which had been included in Mr Hattam's report (discussed later in this decision) and then addressed the proposed landscape works for the Site as set out in the Boffa Miskell Landscape Design Report. He focused on the landscape related aspects of the proposal, the appropriateness of plant species type, whether the landscape package adequately compensates for the level of built development/arrangement of built form and hardstand, and the effectiveness in mitigating any adverse effects.
123. Mr Head identified the aspects most related to landscape effects. He discussed these at the hearing. These included the effects of oversized building. This was more so in the residentially zoned part of the Site; its deep setback from Madras Street with consequential broad expanse of carpark/hardstand area, internal landscape works, acoustic fence, tanks located within the building setback, and a recession plane breach. He advised his memorandum was largely framed around how well the proposal compared with the relevant objectives and policies and matters of discretion in the District Plan, in so far as they related to the expected

⁴³ Brown, M. (2025). Statement of Evidence (para. 24)

⁴⁴ Brown, M. (2025). Statement of Evidence (para. 25)

⁴⁵ Brown, M. (2025). Statement of Evidence (para. 26)

⁴⁶ Brown, M. (2025). Statement of Evidence (para. 43)

levels of landscape character and amenity for the zone, including within its residential context. He then discussed potential improvements.

124. In terms of the proposed plant species, he considered that all plant species proposed would thrive at the Site subject to be best practice planting site preparation, plant quality and ongoing maintenance. He commended the landscape architect's intent to include some long-term 'noble' native trees but considered they would do best in suitably large planting sites well away from buildings and their footprints, and hardstand areas. He identified that no plant spacings had been provided which would be helpful as it provides certainty that the areas will contribute maximum levels of amenity in as short a timeframe as possible.
125. He addressed the carparking area in some detail. He identified the importance of adequate site preparation to enable natural and adequate root expansion. He addressed the 18 trees then proposed but considered they would be substantially out-of-scale with the extent of the hardstand, parked and moving vehicles. He also considered the level of amenity those trees would provide would be minimal. He recommended the two tree species in the internal carpark be replaced with much larger tree species with broader canopies, and in greater numbers. He made a number of suggestions in relation to spacing and similar in relation to the internal boundaries. He considered how the Madras Street frontage was treated was "pivotal" in reducing the adverse landscape effects on the proposed expansive carpark area. Those adverse effects included the large number of vehicles parked and moving which contribute to visual clutter, and considered that it was strengthening of the one road boundary it was critical in order to reduce the effects of the large hardstand and parked vehicles 'bleeding out' into the similarly open streetscape. He identified a number of additions and changes which could be made.
126. He discussed the park/plaza identifying the proposed plant species was appropriate, noting that that area would not be a destination of itself and would not be overly visible from the street but that it was well designed as a 'pocket park' and would provide an attractive and comfortable place for taking pause or transitioning between the carpark into the building and vice versa.
127. Mr Head carried out an assessment against the relevant objectives and policies. He considered at that stage that the proposal as then presented had some flaws, although not fatal ones from a landscape point of view. He advised that while the proposal did not neatly fit within what is anticipated or provided for in the zone, it does have some consistency with the ODP and permitted baseline – it is not completely alien. He identified that residential building height around the Site are similar to or higher than the proposed building heights and that with improvements made to the landscape design to help offset the broad built form, expansive nature of the carpark and weak road frontage, there was potential to reduce any potentially adverse landscape effects.
128. A number of submitters identified landscape related concerns. There was a focus on those in relation to the loss of the existing greenspace values from the unoccupied site and the loss of opportunity for it to be used for community greenspace. Mr Brown considered that in its current site, there is little amenity value. Mr Head agreed with that and with Mr Hattam's description of the Site as not making a positive contribution.

Assessment

129. We have carefully considered the evidence and the matters raised in the submissions. We note that in the Applicant's reply, a number of the matters that we had raised during questioning of the landscape experts had been addressed.
130. At the hearing, it became apparent that there was a large degree of agreement between the landscape experts in relation to the overall landscape design strategy. That was set out in Mr Brown's evidence in chief in paragraphs [24] – [35]. Mr Head responded to that in his written summary. He considered that the landscape design, including the recent amendments that had been made following his reporting, to be a satisfactory response to how the proposed buildings and hardstand areas are arranged on the Site while providing for an appropriate level of amenity, given CPTED and operational requirements⁴⁷.
131. Mr Head did however record that while a modern supermarket may well be set up in the way this one is throughout New Zealand, that did not mean that an alternative arrangement for the Site could not have achieved a better landscape and urban design outcome. He advised that good urban design and good landscape design are similar in that strong landscape edges are often preferable in urban settings. He did acknowledge that Mr Brown had strengthened the perimeter planting which he considered went some way to achieving this outcome at the Site. That strengthened planting around the boundaries also went some way to mitigating the bulk and scale of the buildings around the east and south site boundaries.
132. There were a number of discussions between the Panel and the landscape witnesses. These included discussions relating to the grades at planting and the benefits of an ongoing landscape management/maintenance plan. Mr Head agreed that such plans serve to ensure that the landscape design intent is followed amongst other things and that can include how they are managed as they grow, such as prescribing a height and form of any clipped hedges and so forth. It was his view that it would be helpful to have some sort of landscape management document on site but acknowledged that supermarket plantings are generally well maintained for the public's benefit and for brand quality reasons in any case.
133. As indicated, Mr Brown's revised Landscape Design Report Revision D incorporated the majority of the matters raised by Mr Head. He considered those points, and other suggested improvements, had been "faithfully incorporated" by Mr Brown. The principal areas of disagreement ultimately related to the possibility of the fencing around the water storage tank setback area should be a pool-type fence or a solid fence. Mr Head was of the view that the pool-type fence in recessive colours would be difficult to scale and would have benefits in terms of CPTED and would potentially provide a more attractive boundary than a solid fence would, he described this as a hedge with trees emerging above the hedge rather than the solid barrier. He accepted Mr Brown's alternative opinion in terms of a 1.8m high minimum non-scalable lapped and capped timber fence. He suggested that if that is to be used, it "may as well" be 2m in height which would offer slightly more screening of the tanks and building at day one.
134. Mr Head also considered that the 3m high acoustic fence should be finished in a recessive colour. Mr Brown was of the view that it was preferential to keep it natural as it would become more recessive as it

⁴⁷ Head, J. (2025) Summary Statement (para 7)

weathered over time. Again Mr Head agreed that the newness of fence and its visual presence at day one will diminish over time but he remained of the opinion that given the relative ease in which the fence could be finished in a recessive colour it would be preferable that it do so.

135. The proposed final set of conditions include specific requirements in relation to maintenance of landscaping and the preparation of both a landscape establishment plan, and a landscape maintenance plan. The objective of the landscape establishment plan is to ensure that the landscaping shown on the Landscape Design Report is properly established and is to address matters such as scale, schedule of planting, planting specifications, preparation of soils and irrigation. The landscape management plan is also now conditioned. That has the objective of ensuring that the landscape shown on the Landscape Design Report is appropriately maintained and is to include ongoing irrigation requirements during establishment and if necessary during ongoing operations, weeding and pruning frequency, and maintenance of any landscaping within the vehicle exit visibility splays at a height of no more than 1m.
136. The principal areas of remaining disagreement, being the fencing and whether it be painted in a recessive manner, or whether the storage tank water setback fencing should be a pool fence or a solid fence, we consider those are largely matters of professional preference. That is in no way diminishing the opinions but in the overall scheme of this application, the issues are minor.
137. Overall in that context, and considering the high level of agreement that there now is between the landscape experts, we are satisfied that landscape issues have been appropriately addressed. We acknowledge that this will be a significant change from the existing environment, and that there is a considerable departure from what is anticipated in the ODP. Nevertheless landscape effects are acceptable and appropriate.

Urban Design

138. Urban design was one of the more critical issues arising from matters raised in submissions, and through the hearing. Given that, we provide a more detailed summary of the evidence provided.
139. Mr Church provided the urban design assessment for the proposal on behalf of the Applicant. He prepared the Urban Design Assessment included in the application⁴⁸.
140. The assessment identified the “split zoning” between the Commercial Local (**CLZ**) and Residential Medium Density (**RMDZ**) zones and identified an indicative layout prescribed by an **ODP**.
141. The Urban Design Assessment was based on a review of the Resource Consent Architectural Design Package which was prepared by Woodhams Meikle Zhan Architects dated 13 September 2024, and the Landscape Design Report prepared by Boffa Miskell as referred to above.
142. In his written evidence, Mr Church summarised the key aspects of the proposal from an urban design perspective including the development of a long-term brownfield site into a Neighbourhood Centre, consisting of a standalone full-serviced supermarket sleeved with small format commercial tenancies and

⁴⁸ Urban Design Assessment Madras Street Supermarket Prepared for Woolworths New Zealand Limited 25 October 2024

set around a high quality open space area along with associated carparking, loading and landscape amenity. He identified the key effects on the receiving environment in terms of the provisions of the District Plan that are relevant to urban design, including city context; integration with scale and character of surrounding areas; relationship to street scene; built form, appearance and residential amenity; access, parking and servicing; and CPTED. It was his view the proposal would achieve an effective balance between providing the qualities of a Neighbourhood Centre and concurrently delivering the functional outcomes required for a supermarket to operate effectively⁴⁹.

143. He considered, in general, that the proposal was acceptable from an urban design perspective in supporting the outcomes sought through strategic planning initiatives and adequately addresses the relevant matters of discretion to manage potential adverse urban design effects at a local level⁵⁰.
144. Mr Church described the Site as being located within one of the “deepest urban blocks” (distance from adjacent roads) in the neighbourhood and that it provides a better urban structure to integrate a larger built form within a predominantly residential neighbourhood of long, narrower blocks. Overall he considered that the inclusion of this proposal was consistent with the mixed use character of the more intensively developed neighbourhoods and better utilises the comprehensive and large-scale regeneration opportunity that exists⁵¹. Mr Church described this as a rare development opportunity in the area. He noted the size of the undeveloped brownfield parts of the urban block provided an opportunity for what he described as mixed used neighbourhoods in accordance with best practice urban design⁵². He considered the Site presented one of the last remaining opportunities to provide a new Neighbourhood Centre as part of the wider land use mix within what he described as the predominantly residential catchment. He considered that complements the compact urban form and regeneration initiatives already underway particularly when part of the Site zoning already anticipates this.
145. Mr Church addressed integration with context and character of the surrounding area, recording his view that supermarkets are an inherent part of suburban neighbourhoods and typically well distributed to meet localised catchment needs. He considered them to be a familiar element in a neighbourhood especially on a site with a commercial zoning. He identified the general arrangement of suburban supermarkets with them invariably orientating the landscaped carparks to collector or arterial roads with a front-facing store and loading area to the side or rear. He considered this proposal follows a “well-proven layout arrangement” and, in this instance, he regarded it more appropriate than the urbanised character of the ODP⁵³.
146. He considered that the proposed development needed to be contrasted with the current state of the Site as a derelict brownfield works depot that had stood vacant for some 20 years. In his view it currently had a negative visual and amenity effect on the neighbourhood and the inclusion of both a supermarket, sleeved by several small-format retail stores and an open space and associated landscape planting along the frontage, internal boundaries and carparking areas, would enhance the current neighbourhood amenity

⁴⁹ Church, J. (2025). Statement of Evidence (para 19)

⁵⁰ Church, J. (2025). Statement of Evidence (para 23)

⁵¹ Church, J. (2025). Statement of Evidence (para 30)

⁵² Church, J. (2025). Statement of Evidence (para 31)

⁵³ Church, J. (2025). Statement of Evidence (para 34)

while enabling the Site to function as a Neighbourhood Centre for the community⁵⁴. Mr Church considered the approach taken with the sleeving and similar improved the integration noting that the building mass of the supermarket was predominantly located within the NCZ and compliant with built form standards with the visible front façade having good levels of modulation and articulation. He considered it likely to effectively integrate into the wider neighbourhood context.

147. He addressed the relationship to street scene noting the street facing retail façades (rather than being built up to the road boundary) and identified that the supermarket retail model and the deep site presents a challenging shape within which to achieve an optimal combination of orientating active edges and finer grain retail towards the street frontage while also locating inactive edges and blank walls to internal south and east boundaries. He understood the proposal to be the most efficient, cost-effective and practical use of the Site to accommodate a large format supermarket with adequate vehicle parking and manoeuvring areas, and identified that the ODP similarly located the larger store tenancy in the southeast corner of the Site.
148. He discussed built form, appearance and residential amenity, again noting the heavily modulated and articulated building façade and rooflines in front of the large format supermarket building. He identified the secondary façade treatments, plaza and the benefits he saw from that, and he considered the positioning of the supermarket deep into the Site at the southeastern corner of the NCZ to be the most effective approach to manage longer, inactive parts of the building that inevitably arise from these types of large format stores. He considered that this was both anticipated and provided for in the ODP and the NCZ rules as an acceptable built form outcome⁵⁵.
149. He addressed signage, modulation, and access, parking and servicing. He considered the proposal to be a comprehensive development which takes a multimodal approach which seeks to balance the needs of a neighbourhood centre, providing opportunities for smaller, more regular shopping trips within a walking and cycling catchment, noting that with Central City fringe lifestyles of predominantly medium to low density residential households, they are more likely to undertake larger, vehicle-based shopping trips on a weekly or fortnightly basis⁵⁶. He considered it well connected and the carparking to be well structured and efficient. In terms of CPTED, he referred to a memorandum provided in response to CCC's RFI which was prepared by Ms Rennie (who did not appear) and concurred with her conclusions and recommendations.
150. A number of submitters raised concerns relating to urban design (and landscape) matters. The issues identified included lack of greenspace and trees. A number sought further landscaping provision. These were addressed by Mr Church who agreed that the carpark could be further softened and noted that this had been addressed in the evidence of Mr Brown and Mr Rossiter by an extension to a landscape strip into the Site at the northern entrance and a reconfiguration of the trolley bays to enable an additional central row of six trees. Mr Church considered this considerably mitigates the views across the carpark for those travelling south along Madras Street and adds layering to views for the neighbouring residential

⁵⁴ Church, J. (2025). Statement of Evidence (para 36)

⁵⁵ Church, J. (2025). Statement of Evidence (para 54)

⁵⁶ Church, J. (2025). Statement of Evidence (para 64)

properties. He considered that that amount of planting “balances” the need for legibility of the centre for users, efficiency of pedestrian access and public safety of carpark and Madras Street users.

151. He also noted that a number of submitters raised concerns with the size and quality of the open space. He considered that what was proposed provided the equivalent role identified on the ODP within the Site. He considered that the open space should not be required to compensate for any lack of public space in the neighbourhood, and in his understanding those matters were for Council in terms of the need to provide proximate local parks as residential intensification occurs.
152. Again as identified by Mr Church, a number of submitters raised concerns regarding the size of the development/supermarket particularly in relation to the layout. He considered that the larger size of the urban block in the street grid allowed for the low-rise built form to be deeply set back into the Site “to respect and integrate into its suburban residential context” rather than being visually dominant on the street edge. He considered the building had been sympathetically designed.
153. He addressed social issues identified by submitters. He addressed the community-led regeneration which was identified particularly in submission 55, and assumed that related to the Edgeware Village Masterplan and the co-location with the St Albans Pool Project. In his opinion, the reality of full-service supermarkets in suburban centres such as this is that there will inevitably be compromises between the qualities that people enjoy and providing for a range of supermarket users, their travel choices and its servicing requirements. He considered that the existing FreshChoice Supermarket is a more appropriate size to maintain the vision of the Edgeware Village Masterplan. He agreed with the submissions in relation to the benefits of regeneration of a derelict site, before addressing Mr Hattam’s design report.
154. Mr Singh provided expert urban design evidence on behalf of the submitters Ms O’Connell and Mr Stedmond. He identified that while the submitters he was providing evidence on behalf of, did not oppose the supermarket but were concerned in relation to the access configuration. He noted that design deviates from the multi-access layout envisaged in the ODP and has implications for urban connectivity, amenity and focus. His evidence in chief focused on the potential adverse effects arising from the proposed access configuration from an urban design perspective. He considered the key issues with the current proposal were a policy misalignment – he considered the access configuration of the proposal fails to align with the NPS-UD (Objective 1 and Policy 1), the CRPS (Policy 6.3.2 – connectivity, and Policy 6.3.3 – ODP), and the Christchurch District Plan (Rule 5.14.4.5.1 – connectivity, and Rule 15.14.4.5.2 – permeability).
155. He considered that the concentration of traffic along Madras Street was already impacting residential amenity during peak hours and that relying solely on Madras Street for vehicular access failed to incorporate alternative routes or traffic dispersal strategies that would help mitigate those effects. He considered that had broader implications for the viability of residential commercial integration in the area and that it particularly affected home-based businesses such as that of Ms O’Connell’s. He also identified CPTED concerns and considered that the proposed sole access contributes to a lack of passive surveillance and potential entrapment areas around service zones and isolated setbacks. He considered that the absence of multiple access points reduced visibility and choice of movement, which he considered to be essential for safety under the CPTED principles.

156. Mr Singh identified permeability as a key aspect of good urban design. He advised that refers to how well a design is integrated into the existing urban form and built environment, and the ease of movement within an area both for vehicles and pedestrians. He considered it was about having multiple, direct routes and access points that allow people to move freely and efficiently⁵⁷. In terms of connectivity, he advised that referred to the ease of movement and the extent and quality of links between places. It relates to linkages between destinations, ensuring that places are well integrated and accessible. He considered that together, the concepts of permeability and connectivity support walkability, reduce reliance on private vehicles, and enhance access to services, amenities and public transport⁵⁸.
157. He considered that the proposed supermarket layout represents a significant departure from the point of provision of access and permeability across the Site, including pedestrian and cycleway connectivity provisions outlined in the ODP.
158. By reference to the original PC31 plan, he considered that offered stronger integration with surrounding residential areas, included multiple pedestrian accessways, clearly marked circulation routes, and a minimum of 2,300m² of publicly accessible open space which overall would ensure good connectivity between residential and business zones. He considered that with the closure of the semi-public access and internal circulation to the northern part of the Site which is now occupied by the Mike Greer development, the permeability and integration originally envisaged had been significantly reduced. With that lost, the importance of maintaining access to Purchas and Packe Streets became even greater with those remaining routes being essential for restoring some degree of connectivity, enabling movement through the Site and ensuring the centre remains accessible and integrated with its surrounding residential context. He considered the loss of connectivity to the northern part of the former site made it even more critical to retain access to Purchas and Packe Streets, not only for pedestrians and cyclists but for vehicles seeking efficient exit routes.
159. While acknowledging Mr Cleese's explanation in terms of the current constraints and the fragmented ownership, together with the lack of existing linkages, he considered that the acquisition of the adjacent lots that currently 'sandwich' the Site would enable the creation of essential linkages to Purchas Street and potentially Packe Street, which would distribute traffic more evenly and restore a safe and more integrated urban environment⁵⁹.
160. We return to those matters following our introduction of Mr Hattam's evidence.
161. Mr Hattam, a Senior Urban Designer at CCC, provided comment dated 18 June 2025 which formed Appendix F to Mr Blair's report. Very much by way of summary, Mr Hattam was concerned that while the building was well designed when seen from Madras Street, the impacts of the carpark were not discussed or addressed; the ODP had ongoing relevance and there was a lack of assessment of the impact of not providing connections anticipated; the proposed plaza did not respond to the publicly accessible open space that was shown on the ODP; opportunities for crime and anti-social behaviour; monotonous and

⁵⁷ Singh, V. (2025). Statement of Evidence (para 25)

⁵⁸ Singh, V. (2025). Statement of Evidence (para 26)

⁵⁹ Singh, V. (2025). Statement of Evidence (para 73)

landscape dependent rear of the building; and what was described as a “harsh environment” due primarily to the dominance of parking. Those issues in Mr Hattam’s view primarily resulted from the Site layout decisions and that the proposed architectural resolution and landscaping were not sufficient to mitigate them.

162. From an urban design perspective, Mr Hattam considered that there was nothing about the Site that makes it unsuitable for a centre as such, but the scale of the buildings and associated development were, in his view, relevant to the assessment of appropriateness.
163. He did not consider the current state of the Site to be an important consideration, rather he considered the relevant consideration is whether the Site achieves the expected outcomes in the plan. He did not agree that the current state of the Site had a particularly negative impact on amenity. He considered it was not typical of a suburban area, but did not detract from it. In his view, it was more accurate to say that it did not provide a positive contribution.
164. Consequently, it was his opinion that it was not self-evident that the proposed development could be seen as an improvement in terms of amenity.
165. Mr Hattam considered the ODP, while acknowledging it was out of date, he did not consider it to be no longer relevant. He noted it remained part of the Plan and aspects of it are still necessary if the development is to integrate internally and with the surrounding area. Mr Hattam considered that the ODP connections were important, particularly their connection east of Packe Street which extended the walkable catchment of the supermarket quite considerably.
166. Mr Hattam, in his Summary of Evidence and at the hearing, advised that there was full agreement on five matters, these being:
 - The site is generally well located for a centre of this type.
 - The scale of development is appropriate to the Site.
 - The building is interesting when seen from the street.
 - The building location is similar to the ODP with regards to effects on neighbours to the south, with the exception of the CPTED issues.
 - The street environment is not high quality on Madras Street.
167. Mr Hattam advised that there was still “significant disagreement” in terms of three of the points, in that:
 - Mr Hattam considered the ODP to still be relevant and that it needs to be applied flexibly.
 - He disagreed that the proposed location of the plaza fulfils the ODP. He considered that while the space is a good aspect of the development, it primarily benefits people visiting the centre for commercial purposes rather than the wider public space.

- The further disagreement related to whether it is acceptable to balance the qualities of the development sought against the needs of the supermarket. The approach that Mr Hattam took was to describe the urban design effects of the proposal both positive and negative so that we have the information to assess the application as a whole.

168. It remained his view that there were significant issues with the proposal with respect to built form and public space activation outcomes, compared with those signalled in the planning framework.

Evaluative experts

169. Mr Clease identified urban design and landscaping in his evidence in chief⁶⁰.

170. In terms of landscaping, he relied on the findings of Mr Brown to conclude that overall the proposal provides a high level of amenity and a significant improvement of the current site condition, and that the proposed landscape design rationale was appropriate and complimented the surrounding evolving medium density residential area.

171. Mr Clease identified that “few submitters” had raised concerns regarding urban design outcomes and certainly no near neighbours had voiced concerns regarding the design or massing of the development. He described concerns held by Mr Hattam as “his alone”⁶¹. He disagreed with Mr Hattam’s view that the current state of the Site was not an important consideration and considered that a proper consideration of the existing environment is fundamental to undertaking a robust effects assessment. While he agreed with Mr Hattam that the outcomes anticipated by the District Plan are clearly a material consideration, he considered Mr Hattam did not address the clear policy direction regarding the need to actively facilitate the regeneration of brownfield sites and expressed surprise with what he described as Mr Hattam’s assertion that it is not self-evident that the proposed development could be seen as an improvement in terms of amenity. He noted that none of the original ODP elements have been delivered by any of the developments in the wider block that had occurred and identified that the ODP and zoning reflected the specific plans at the time and had a ‘cart before the horse’ origin in that it started as a specific set of development plans that the ODP and zone boundaries were drawn to match, rather than the normal approach where the zone boundaries are determined on a principled basis and detailed designs follow⁶². He preferred Mr Church’s evidence over that of Mr Hattam for reasons he summarised.

172. He noted that supermarkets are common and anticipated elements in residential neighbourhoods and considered that the layout with the customer carparking at the front and the store located at the rear of the Site was a common element of residential neighbourhoods. Ultimately he considered form will follow function⁶³.

173. Mr Blair identified the key areas of disagreement with the urban design assessment. Again he formed the view that the building is well designed when seen from Madras Street, that the impacts of the carparks

⁶⁰ Clease, J. (2025). Statement of Evidence (paras. 163 – 176)

⁶¹ Clease, J. (2025). Statement of Evidence (para. 167)

⁶² Clease, J. (2025). Statement of Evidence (para. 169)

⁶³ Clease, J. (2025). Statement of Evidence (para. 172)

were not at that stage discussed or addressed, that the ODP still had ongoing relevance, that the plaza did not correspond to the publicly accessible open space shown in the ODP, that there were opportunities for crime and anti-social behaviour behind the supermarket, that the back of the building was monotonous and reliant on meaningful and long-lasting mitigation from landscaping, and that the proposal would create a harsh environment due primarily to the dominance of the parking. Ultimately he agreed with Mr Hattam's concerns in regard to the carpark's dominance and resultant harshness, the inappropriate location of open space, and the poor pedestrian connectivity with the community it is meant to serve. On that basis he considered that the adverse effects in relation to urban design outcomes are said to be significant.

174. Mr Leckie as Counsel addressed a number of matters but overall he submitted that the evidence of Mr Church should be preferred, noting that Mr Hattam agrees that the built form is well designed.⁶⁴ He addressed the built form to the Madras Street frontage issue raised by Mr Hattam, and the movement of the pocket park closer to the Site frontage.
175. Mr Leckie cited Mr Church's evidence that it would be more detrimental to urban form outcomes if the supermarket was built to the edge of the street and dominating in that way. Mr Leckie identified Mr Church's overall provision that the proposal, within its suburban context, mid-block location and on a mid-hierarchy collector road that is not as prominent as the other urban centres in Christchurch, such as the Edgware Village, provides an appropriate urban design outcome.

Assessment

176. We have carefully considered the matters raised by the submitters and the expert evidence provided. We are tasked with making a decision on the application before us. As was correctly identified by Mr Leckie (and others), the options before us, subject to minor amendments, is to assess the proposal before us. If we agree it is appropriate, we may consent it subject to conditions; if not, we are able to decline it. We are not able to redesign and consent a different proposal. We consider there are significant scope issues in relation to a number of the matters which were identified by Mr Hattam in his report, and by the submitters.
177. We have residual concerns in relation to urban design matters. In our view, the overall layout of the proposal responds more to the needs of the supermarket operators, and their customers, rather than to the wider community. We agree that in terms of the building itself the level of articulation is appropriate, as is the more general form of the building. . We agree that the carpark in its location is not ideal. That is not determinative. We however do have concerns that in essence, the Site has been developed in this methodology to again meet the needs of the supermarket. These include the location of the buildings and the placement of the development rendering the access through to Packe Street unachievable. That is a matter purely of the Applicant's business needs. In our view, that impacts significantly on walkability and we prefer the evidence of the CCC officers, and Mr Singh, in that regard. Connectivity and accessibility have been largely impacted on by the placement of the buildings and by the operational needs of the supermarket.

⁶⁴ Right of Reply (2025). Right of Reply (para. 59)

178. The Applicant has endeavoured to address a number of the concerns raised in its reply. These include, in essence, by not cutting off access to and from Purchas Street if the land outside their ownership is developed in a way which could enable that connectivity. There were some other minor changes. Connectivity is clearly identified as an important matter in the relevant statutory documents. The loss of connectivity and permeability is unfortunate.
179. We did however receive evidence, particularly from the Packe Street Gardens, in relation to their concerns regarding traffic and their avoidance of additional traffic on that suburban street. From an urban design perspective in this context, we agree that it is appropriate that vehicular traffic be directed towards Madras Street rather than to the suburban streets but the lack of pedestrian connectivity is, in our view, at the least unfortunate. It is a matter we consider carefully when we reach our overall decision.
180. Mr Clease discussed Policy 14.2.7.1(a)(v) that seeks “good walking and cycling and access to public transport routes, commercial and community services, and open space”. He considered this to be primarily directed at brownfield proposals that seek to insert residential development into an area with a predominantly industrial character and considered to be less relevant when the regeneration was to commercial activities.⁶⁵ Mr Clease identified that the matters in relation to permeability and similar with the ODP, as noted this was a product of a specific design for the wider block which never progressed. He advised that the block ownership has since become fragmented and partially built out, and the plans for residential development under construction in the northern half of the block show no link being provided to the site and in that instance the link proposed in the ODP originally to Canon Street has been foreclosed. He also advised that Woolworths did not control the landholdings between the site and Packe Street or Purchas Street but in terms of the potential link included, that was consistent with the ODP for the portion of the site which was under Woolworths’ control.
181. In terms of the context, Mr Clease identified that the site is neither on a corner, nor does it form part of a town centre or integrated retail mall, and that any contextually appropriate comparisons needed to be with stores in mid block locations in the suburban context. He identified the Peers Street New World in Riccarton as the closest parallel. This is constructed on a brownfield industrially zoned (at the time) mid block site with a frontage to a collector road with two vehicle entrances and centralised pedestrian path connecting directly between the footpath and the store entrance. Ultimately in terms of urban design matters, he relied on the overall assessment and the conclusion of Mr Church that the proposal is acceptable from an urban design perspective and supporting the outcomes sought through strategic planning initiatives and adequately addresses relevant matters of discretion to manage potential adverse urban design effects at a local level.
182. We agree that the mid block location of this site, and its setting in the midst of an intensifying residential area, is relevant for our assessment of the urban design matters. The frontage activation and similar urban design matters, while we acknowledge those to be important, they may not necessarily be appropriate in this particular context.

⁶⁵ Clease, J. (2025). Statement of Evidence (para. 147)

183. Overall, having considered all of the expert evidence, the matters raised by submitters, we consider, on balance, that the urban design effects are acceptable and appropriate in the overall context.

Overall conclusion on effects

184. Based on the evidence before us, and subject to the imposition of the agreed consent conditions, the Panel records that in respect to all other effects not directly discussed above, including earthworks, contamination, stormwater detention and treatment, and noise generated during both the construction and operational phases, we are satisfied that these can be appropriately avoided, remedied, or mitigated through detailed design and adherence to conditions. In light of the technical evidence presented, the Panel is further satisfied that such effects do not raise any residual concern that would weigh against the granting of consent.

185. The Panel also recognises and records that the proposal will deliver a number of positive effects. These include, the regeneration of a long-standing brownfield site, the fixing of long-standing stormwater and contamination issues, employment both in terms of the construction phase and also once the activity commences operating.

186. For completeness, the Panel has carefully reviewed the wording and structure of the volunteered consent conditions. We are satisfied that, taken together, they will appropriately secure the necessary mitigation measures and long-term outcomes required to ensure the proposal's effects are managed in perpetuity. Similarly, in reaching our overall conclusion in respect to the nature and scale of adverse effects, we have considered the matters before us individually and also collectively, and we are satisfied that any residual effects are acceptable when considered in the round.

Section 104(1)(b) of the RMA

187. Section 104(1)(b) of the RMA requires, subject to Part 2 of the RMA, that we have regard to the relevant provisions of

- (i) a national environmental standard;
- (ii) other regulations;
- (iii) a national policy statement;
- (iv) a New Zealand coastal policy statement;
- (v) a regional policy statement or proposed regional policy statement;
- (vi) a plan or proposed plan.

NPS-UD

188. Mr Leckie submitted that the proposal aligns with the broad NPS-UD direction for the provision of additional services to support growing populations in a convenient manner. He referred to Objective 3 and Policy 1(c)

of the NPS-UD in terms of encouraging commercial activities which serve the needs of the community to be located near or as close to housing and to contribute to a well-functioning urban environment with good accessibility for people between housing and community services.⁶⁶ He submitted the proposal would achieve the outcomes sought by the NPS-UD as it is located within the catchment it services, is accessible by public and active transport, and responds to the growing demand for housing in the area.⁶⁷

189. Ms Perpick, while focusing on her clients' particular concerns, identified Objective 1, Policy 1, that planning decisions contribute to well-functioning urban environments, which as a minimum:

...

(c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

...

(e) *support reductions in greenhouse gas emissions; ...*

190. Policy 6 emphasising that particular regard is to be had to:

(a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement; and*

...

(c) *the benefits of urban development that are consistent with well-functioning urban environments*

191. Overall her submission was that the significant departure from the ODP which was incorporated into the District Plan through PC31 was contrary to and did not give effect to the NPS-UD and would not result in a well-functioning urban environment.⁶⁸

192. The NPS-UD was not a document that either of the planners focused on. That focus was, rightly in our view, on the relevant provisions of the District Plan. We do not consider a comprehensive assessment against the relevant objectives and policies of the NPS-UD is necessary or appropriate in this decision but we have been conscious of the same. And overall we consider, with the amendments which have been made and additions to conditions, it contributes to a well-functioning urban environment.

CRPS

193. Again we have had regard to the provisions of the CRPS. We discuss these throughout this decision.

194. Ms Perpick in her thorough legal submissions identified Policy 6.3.2 which relates to development from an urban design perspective, and provisions relating to connectivity. Again, we have had regard to the relevant

⁶⁶ Opening Submissions (para 89)

⁶⁷ Opening Submissions (paras 89)

⁶⁸ Perpick, M. (2025). Legal Submission (para. 41)

policies of the CRPS but ultimately we consider we are better guided by the relevant objectives of the District Plan which give effect to the CRPS.

District Plan Policies and Objectives

195. While noting that Mr Clease and the AEE provide a full analysis of the District Plan objective and policy framework, in summary Mr Leckie submitted that the proposal aligned with Objective 3.3.11 as it enables a commercial activity which serves the surrounding residential community and which is therefore expressly provided for in an NCZ. He noted that the experts agreed that the proposal does not result in significant adverse retail distribution effects. He noted the proposal addressed the limits of Policy 15.2.2.4 and submitted that it gives effect to the Strategic Direction Objective 3.3.7 by supporting the redevelopment of a brownfield site.
196. He submitted the proposal implements Objective 14.2.7 and Policy 14.2.7.1 by providing for a comprehensively planned development on a long vacant brownfield site in a manner which is environmentally and socially sustainable over the long term. He identified Policy 14.2.7.1 which implements Objective 14.2.7 by seeking to support and incentivise the comprehensive redevelopment of brownfield sites for commercial activities where development is appropriately serviced and designed. It submitted the proposal to be consistent with the objectives and policies of the District Plan.
197. Ms Perpick provided comprehensive legal submissions addressing the cascade of planning documents and submitted that a decision under the relevant District Plan provisions is at the “bottom of that cascade” and must apply the relevant provisions of each level of that cascade in order to give effect to the purpose and principles of the RMA.⁶⁹ Ms Perpick addressed the Environment Court decision on *R J Davidson Family Trust*.⁷⁰ She also discussed the Court of Appeal decision in the same case which she submitted held that resort to Part 2 could not justify an outcome that is contrary to the thrust of coherent policies that are designed to achieve clear environmental outcomes and have been prepared with regard to Part 2.⁷¹
198. She submitted the relevant purpose and principles of the RMA are expressed and given effect to through the NPS-UD, the CRPS, and the District Plan, including PC31 and ODP, and PC14 to the District Plan.
199. In relation to the CRPS and the operative District Plans, she addressed Policy 6.3.2 and 6.3.3 of the CRPS which address connectivity and the effective provision for a range of transport options (in summary). She submitted the District Plan which post-dated the CRPS, again identified maintenance of permeability within the block for pedestrian and cycle circulation, CPTED principles, reduction of the dependency on private motor vehicles and promotion of the use of public and active transport. Ms Perpick also addressed PC14, agreeing with Mr Clease that it was the Council's expression of giving effect to the NPS-UD. She identified Objective 15.2.2(a) and Objective 15.2.4, together with Policy 15.2.4.2 requiring new development to be well-designed and laid out by specified means.

⁶⁹ Perpick, M. (2025). Legal Submission (para. 35)

⁷⁰ *RJ Davidson Family Trust v Marlborough District Council* [2016] NZEnvC 81 at para. [262]

⁷¹ *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283, at paras. [71]-[75]

200. Ultimately Ms Perpick submitted that the application as proposed departs to such an extent from the clear objectives and policies of the relevant planning documents, which give effect to the purpose and principles of the RMA, and would have significant adverse effects on the submitters and other people in this community, that it must be declined.⁷²
201. Mr Clease took the approach of “standing back” and assessing the overarching rationale for the proposal against the key outcomes that the District Plan (and the wider strategic planning framework) is seeking to achieve regarding housing growth and accessibility to a distributed commercial centre network.⁷³ He summarised the CRPS strategic framework as seeking “several inter-connected outcomes of relevance to the Proposal”, namely: the accommodation of growth with an emphasis on infill, particularly in locations in close proximity to the city centre and larger suburban centres; to facilitate the recovery of the earthquake damaged commercial centres through directing commercial activity primarily to those; and to enable regeneration of brownfield sites as a key tool for accommodating growth.⁷⁴
202. He identified the “need” for a full-service supermarket and the in-zone opportunities and considered that there was a rare combination of a sufficiently sized vacant site, with frontage to a collector road, in a suburb where there is a clear shortfall in existing grocery supply, and where a large portion of the site had commercial zoning.⁷⁵
203. In terms of the CRPS and in essence that centres have the dual role of both providing for business and community needs and acting as focal points for residential intensification, this was particularly relevant given the significant damage to a number of the centres through the earthquake sequence and the centre regeneration support was important in regard to the recovery and primacy of the CBD followed in descending order by the key activity centres, and local centres.⁷⁶
204. He considered that the CRPS nevertheless recognises that while seeking any commercial development to be located primarily within the centres, it was not always possible or appropriate and therefore provided specific direction that any new commercial activity seeking to locate outside of centres should not result in “significant” adverse effects on the function and viability of these centres.⁷⁷ He considered that the CRPS direction was given effect to through the District Plan and cited Strategic Objective 3.3.8 emphasising the role of commercial centres in providing focus for residential intensification and the associated need to maintain and enhance the Central City, key activity centres, town centres and local centres as community focal points. He cited Strategic Objective 3.3.11, which addresses the recovery and stimulation of commercial and industrial activities, and in (b) provides:

The critical importance of centres for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects.

⁷² Perpick, M. (2025). Legal Submission (para. 77)

⁷³ Clease, J. (2025). Statement of Evidence (para. 36)

⁷⁴ Citing CRPS Objective 6.2.1(2), Objective 6.2.2(2), Policy 6.3.1(3), Objective 6.2.5, Objective 6.2.6(3), Policy 6.3.6(4) and Policy 6.3.8

⁷⁵ Clease, J. (2025). Statement of Evidence (para. 44)

⁷⁶ Clease, J. (2025). Statement of Evidence (para. 50)

⁷⁷ Clease, J. (2025). Statement of Evidence (para. 51) citing CRPS Objective 6.2.5, Policy 6.3.6(4)

205. On the basis of the economic evidence identifying a clear shortfall in grocery provision in the area which could not plausibly occur within the existing Local Commercial Zone in Edgware, as such the District Plan fails the direction in the Strategic Objective 3.3.11(a)(ii). He considered that the zone extent was just one tool for delivering the policy outcomes, as the District Plan commercial and brownfield policies, including the centres hierarchy, also provided an alternative tool to ensure a sufficient capacity, namely a resource consenting pathway for commercial proposals provided such do not undermine the vitality of other centres⁷⁸.
206. Mr Blair provided a helpful assessment of the relevant objectives, policies and other provisions of the District Plan. He discussed a number of the specific objectives and policies, including Natural Hazard Chapter 5, soil contamination and Chapter 4 objectives and policies, relevant objectives and policies in the signage chapter, noise/glare and Chapter 6 related objectives and policies. He also addressed the residential chapter objectives and policies in some detail. This included an assessment of the Chapter 14 non-residential activity objectives and policies noting that Objective 14.2.6 does not apply if the site is a brownfield site. In his Appendix V he undertook a thorough analysis. He identified Policy 14.2.6 does not apply if the site is a brownfield site and advised that which set of objectives and policies must apply depends upon the site's fit with the definition of brownfield. Ultimately he put aside Objective 14.2.6 and its supporting policies and applied Objective 14.2.7 and its policies. We address this in our discussion on brownfield issues.

Centres hierarchy – the centre based framework – associated issues of plan integrity

207. The focus of the assessment and legal submissions in relation to the purpose and policy framework of the District Plan related to the centres hierarchy, Notwithstanding Mr Heath's conclusions in relation to the economic benefits and the capacity matters and similar, he expressed his concern⁷⁹ regarding the integrity of the commercial centre hierarchy and centres zone network as prescribed by the District Plan as he considers the proposal risks elevating the role and function of the St Albans Centre beyond that of a typical Neighbourhood Centre. Mr Heath submits that the proposal risks undermining the coherence of the centres hierarchy, set a precedent for similar sized developments in other Neighbourhood Centres, and inadvertently results in an "upzoning" of the Site⁸⁰. The Panel understands that Mr Heath's position is effectively that the catchment of the Neighbourhood Centre zone cannot, in isolation, support a full-service supermarket.
208. In respect to Mr Heath's concern, Mr Clease's evidence is that the proposal is consistent with the centres hierarchy established in the District Plan. He submits that the centre hierarchy is a means to an end, not an end in itself, and that it is a planning tool which seeks to maintain the role and function of centres further up the hierarchy⁸¹. He contends that the hierarchy should not be applied in a rigid way based solely on site size or catchment, but rather through an effects based analysis focused on whether significant adverse retail distribution effects arise. In his view, the proposal sits comfortably within the role of a Neighbourhood

⁷⁸ Clease, J. (2025). Statement of Evidence (para. 55)

⁷⁹ Heath, T. (2025). Statement of Evidence (p. 28)

⁸⁰ Heath, T. (2025). Statement of Evidence (p. 29)

⁸¹ Clease, J. (2025). Statement of Evidence (para. 59)

Centre. Similarly, the Applicant further explores the centre hierarchy in the Right of Reply, submitting that the hierarchy is necessarily flexible so that centres within the hierarchy can continue to exist and grow over time, and that the correct interpretation of Table 15.1 signals that a supermarket is to be assessed in terms of whether it serves the surrounding residential catchment; not the catchment of the Neighbourhood Centre zone⁸². In this respect, the Panel records that Table 15.1 requires a standalone supermarket to serve the surrounding *residential community*, noting that this is not a defined term on the Plan.

209. Having considered the evidence before us in respect to the impact of the proposal on the centres hierarchy, the Panel prefers the Applicant's evidence, which demonstrates that the proposal will serve its immediate residential catchment, in will (largely) complement rather than compete with Edgware Centre. The Panel finds that overall the proposal will fulfil a different function to Edgware Village, and while there will inevitably be some overlay, the expert evidence before us agrees that there will not be significant retail distribution effects.
210. Importantly, even if the Panel accepts Mr Heath's and Mr Blair's position that the proposal would effectively elevated the status of the Centre, which is somewhat compelling, both the evidence of Mr Heath and that of Ms Hampson aligns in concluding that there will be no significant retail distribution effects. That evidence is critical. The absence of such effects satisfies the Panel that the proposal will not undermine the integrity of the underlying purpose of the centres hierarchy, namely, protecting the role and function of larger centres.
211. Mr Clease discussed Objective 15.2.2 setting out the hierarchy of the centres-based framework, with Policy 15.2.2.1 and associated Table 15.1 describing the role and function of the various tiers in the hierarchy. He noted these were also set out in Mr Blair's report at pages 57-59.
212. He emphasised that the centre hierarchy is a means to an end, not an end to itself, with the key purpose of the centres hierarchy as a planning tool being to maintain the role and function of the centres further up the hierarchy and again, considered that when new centres give rise to no retail distribution effects and therefore did not materially reduce the role and function of other centres, they do not undermine the purpose of the hierarchy⁸³.
213. He considered this to be especially so with the application site, as not only are there no retail distribution effects, but there are no wider urban form or function effects, as the outcome of centres being a focal point for more intensive forms of housing is already delivered by the Site being surrounded by existing residential zoning that enables medium density outcomes due to its proximity to the CBD.
214. Mr Clease identified, rightly in our view, that the hierarchy issue was the key difference between himself and Mr Blair. He considered that Mr Blair appeared to regard the centres hierarchy strictly as an end in itself and not changeable other than through a plan change, while Mr Clease understood that the policy framework is one focused on maintaining the role and function of existing centres, rather than preventing change to centres lower on the hierarchy. He again considered the purpose of managing the size of centres

⁸² Right of Reply (2025). Right of Reply (para. 14 - 20)

⁸³ Clease, J. (2025). Statement of Evidence (para. 59)

lower in the hierarchy is so that they do not undermine the role, function and investment in other centres further up the hierarchy and therefore if development can occur without centres further up the hierarchy being impacted, and if there is a consenting pathway, then no plan change is required.⁸⁴

215. Overall he considered the innate flexibility and centre size (subject to a site specific assessment through a consent process) to be integral to delivering Strategic Objective 3.3.11 regarding sufficient and suitable commercial land capacity.

Economic evidence

216. Ms Hampson provided economic evidence. On this issue she advised that she considered the role and function of centres is determined by a combination of:

- (a) The overall size of the developed floorspace (GFA);
- (b) The number and range of businesses present – as functional amenity increases commensurate with the number and mix/range of retail and service providers; and
- (a) The scale of the activities (with the scale of the biggest store usually determinative of the extent of the primary trade catchment)⁸⁵.

217. She noted the overall size of the proposal in floorspace terms as only moderately above the overall size anticipated by the St Albans ODP. She considered it important to assess the relative size in the context of the Christchurch centres today but also in the context of Christchurch centres in the medium term. The reason for this was that the local and higher order centres have been supported by housing intensification through PC14 and furthermore, most local and higher order centres in Christchurch (particularly those older ones such as Edgware) could be developed more intensively than they are today. She considered they had growth potential through redevelopment and the housing intensification enabled made the intensification of centres more commercially feasible over time. She expected many local and higher order centres in Christchurch to be larger in the future (in terms of GFA) which would create a greater spread in centre hierarchy sizes, more or a range of sizes within each layer of the hierarchy, and likely greater separation between the relative size of neighbourhood centres and local and higher order centres⁸⁶.

218. She considered that the proposal effectively maximises the efficiency of the Site and with the sleeved tenancies already 2 storeys, she did not anticipate that the building footprint could be increased without further loss of carparking which she considered to be unlikely to be practical. She considered that St Albans is unlikely to get any bigger than the proposal in the medium or long term but other local and higher order centres can taking into account the greater growth opportunity of local and higher order centres enabled by PC14 further supported her view that the overall size of the St Albans centre is, and will continue to be, more commensurate with the size of neighbourhood centres⁸⁷.

⁸⁴ Cleese, J. (2025). Statement of Evidence (para. 61)

⁸⁵ Hampson, N. (2025). Statement of Evidence (para. 64)

⁸⁶ Hampson, N. (2025). Statement of Evidence (para. 65)

⁸⁷ Hampson, N. (2025). Statement of Evidence (para. 66)

219. Ms Hampson addressed the number of businesses/functional amenity. She considered that because the proposal only offers a small group of convenience tenancies, the St Albans centre would have only limited functional amenity and would not have the diversity or number of stores/business types or community facilities enabled and observed in most local centres in Christchurch, including in Edgeware or the other study area local centres she had assessed⁸⁸.
220. She set out the mix and number of non-residential activities located in the Edgeware Centre in the zoned extent and adjoining parties within 200m of the zoned area and noted there were 30 contiguous businesses based on her estimates in Edgeware, together with one vacant tenancy and reasonable development potential that could provide more small-scale business opportunities in the future. She compared this to the proposal which would “support only a fraction of the potential local businesses (including community facilities) that exist in Edgeware today or that could exist in the future”.⁸⁹.
221. She considered that the proposed centre, due to the limited number and choice of stores, meant residents would still need to shop at Edgeware and other higher order centres. She described this as the foundation of the centres hierarchy where neighbourhood centres complement (rather than compete) with local centres, and local centres complement town centres etc, and the demand is spread across the different tiers of the centres hierarchy commensurate with the levels of functional amenity they provide. She did not consider the proposal to undermine or jeopardise that hierarchy, instead it will complement it⁹⁰.
222. Ms Hampson agreed with Property Economics that the supermarket component of the proposal is of a scale that goes beyond a typical neighbourhood centre anchor store and consequently draws from a larger catchment than a typical supermarket-based neighbourhood centre but considered that the function and role of the centre is not determined solely by the size of its anchor business⁹¹. She referenced page 24 of the Property Economics report where it states:

... new full-service Woolworths supermarket at St Albans, nearly four times larger in floorspace, would likely elevate its role beyond that of Edgeware and other Neighbourhood Centres in the catchment.

223. She identified that the St Albans NCZ and ODP planning provisions already set St Albans apart from the other neighbourhood centres in the catchment in terms of the zoned land area, total GLFA permitted and the size of non-anchor retail tenancies. She identified the St Albans ODP enables retail activities up to 450m² GLFA, essentially a cluster of almost large format retail stores in addition to the 800m² supermarket. She considered that non-supermarket retail stores of this size need to draw spend from a broader catchment to be sustainable and are more typically found in town centres. She did not consider that such a development outcome would have been sustained just by the residential area and considered there to be a “disjoint” in the District Plan between the expectation for neighbourhood centres (generally) to serve only the surrounding residential community, and what retail activity was enabled in the St Albans ODP. In

⁸⁸ Hampson, N. (2025). Statement of Evidence (para. 70)

⁸⁹ Hampson, N. (2025). Statement of Evidence (para. 71)

⁹⁰ Hampson, N. (2025). Statement of Evidence (para. 72)

⁹¹ Hampson, N. (2025). Statement of Evidence (para. 73)

that regard, she considered the proposed Woolworths catchment is not necessarily that different from the trade catchment that may have arisen from the anticipated outcome of the St Albans centre⁹².

224. She disagreed with Property Economics and Mr Blair that the scale of the Woolworths store alone (her emphasis) will elevate the role of the St Albans centre above Edgware. She considered it would not even have a role equal to Edgware or a local centre in her view and that was because while the supermarket may draw from a catchment commensurate with a full-service supermarket in an inner city urban area, the other characteristics of the proposed centre including the small number of total tenancies and relatively small overall size, meant the centre would only have limited functional amenity and will be commensurate with function of a neighbourhood centre when considered as a whole.
225. It was her evidence that simply drawing more customers from a larger catchment did not make it a local or higher-order centre if there is only limited additional convenience shopping that can be done in conjunction with the supermarket shopping trip⁹³. She considered the catchment size to be loosely implied in the District Plan with no two centres having the same sized or shaped trade catchment. For example, a neighbourhood centre in an area of Christchurch where the centre network is relatively sparse will have a larger trade catchment than one where the centre network is dense. She identified as an example a neighbourhood centre that contains a specialist store could potentially be serving an extensive area of Christchurch and considered there were many more examples that can be used to show that catchments across the centre hierarchy are complex and diverse and cannot be relied on (in the absence of other considerations) to determine the role and function of any one centre⁹⁴.
226. Ultimately she concluded that centres, even within the same tier on the centre hierarchy system, exist on a spectrum as do the extents of their primary trade catchments and they evolve over time and many will grow up and out as enabled by their zoned areas and as provided for in the policy framework of the District Plan. When considering the relevant economic characteristics that define the role and function of centres across the centre hierarchy, she considered the combination of a full-service supermarket and a small number of sleeve tenancies in the proposal, remained commensurate with the role and function of a neighbourhood centre within the broader centres hierarchy. She considered that Property Economics and Mr Blair had focused in their assessment only on the scale of the anchor tenant and its associated trade catchment and not other factors that contribute to a centres relative role and function⁹⁵.
227. Mr Tim Heath of Property Economics provided a report to provide expert economic evidence for the s.42A Report⁹⁶. He identified the area specific built form standards as set out in Rule 15.5.3.2 specifying the maximum GLFA as a maximum of 3,500m² GLFA of non-residential activities with one individual tenancy having a maximum 800m² GLFA for retail activity and restrictions on other individual tenancies have no greater than 400m² GLFA for retail activity. He identified Policy 15.2.2.1.a outlining the role of centres being to:

⁹² Hampson, N. (2025). Statement of Evidence (para. 75)

⁹³ Hampson, N. (2025). Statement of Evidence (para. 77)

⁹⁴ Hampson, N. (2025). Statement of Evidence (para. 78)

⁹⁵ Hampson, N. (2025). Statement of Evidence (para. 80)

⁹⁶ Woolworths St Albans Retail Economic Impact Overview dated May 2025

Recognise and manage commercial centres as the focal points for the community and business through intensification within centres that reflects their functions and catchment sizes, and in accordance with a framework that:

- i. gives primacy to, and supports, the recovery of the CBD, followed by Key Activity Centres, by managing the size of all centres and the range and scale of activities that locate within them;*
- ii. supports and enhances the role of District Centres; and*
- iii. maintains the role of Neighbourhood Centres, Local Centres and Large Format Centres.*

228. He also identified Rule 15.13.4.5.1.d which identifies “*whether the scale and nature of development is consistent with that anticipated for a local centre*” as a matter of discretion for the St Albans Centre.
229. He considered it important that the proposed supermarket would not result in an unanticipated development outcome for the St Albans centre or cause significant adverse effects on other centres and supermarkets within the commercial network. He considered that the trade impacts would not result in significant retail distribution impacts that would threaten the ongoing viability or performance of other supermarkets, noting that all existing and consented supermarkets in the surrounding area currently draw expenditure from the catchment to a varying degree. He again noted that anticipated intensification was expected to increase the potential for housing consolidation which would drive further demand for accessible and convenient retail offerings, including supermarkets.
230. He provided an existing centre network overview in the commercial centre hierarchy. In terms of the neighbourhood centres, he noted they sat at the lowest tier of the broader commercial centre hierarchy and had two key attributes being intention to accommodate only small-scale commercial and community activities, and secondly that their service catchment was expected to be limited to the “immediate residential neighbourhood”.
231. He noted the District Plan used slightly different terminology to define and describe the commercial centre hierarchy but the anticipated role and function of each centre type broadly aligns with the descriptions in the NPS.
232. He considered it was unequivocal that the proposed St Albans development would play a different/higher order role and function in the community than the neighbourhood centre zone and a typical neighbourhood centre. He considered that the proposed supermarket would elevate the centre to a local centre status which plays a broader role and function in the community by reference to the District Plan definition of neighbourhood centres, and particularly the wording “*a small group of primarily convenience shops and, in some instances, community facilities*” and may “*include standalone supermarkets serving the surrounding residential community*”. He considered those provisions reflected that Neighbourhood Centres are not anticipated to serve a catchment beyond their immediate surroundings.
233. He advised that any new development that materially elevates a centre’s role and function within the wider hierarchy may raise concerns about undermining the integrity of the zoning framework potentially impacting the role, function and performance of other similarly sized or ranked commercial centres across the city.

234. He was concerned that an elevation in status could undermine investment and the market's willingness to trust the District Plan zone integrity if any change in status is not given due regard particularly given a larger centre would have greater 'pulling power' and draw expenditure away from local neighbourhood centres.
235. He identified the supermarket core catchment noting that the Edgeware Centre was currently the only centre within the catchment that includes an established supermarket with the existing FreshChoice. He considered the Edgeware Centre operates as a small but functional centre.
236. In that context, he considered the development of a new full-service Woolworths supermarket at St Albans, nearly four times larger in floor space than the existing FreshChoice, would elevate its role beyond that of Edgeware and other neighbourhood centres in the catchment. He also identified that the scale and brand strength of the proposed Woolworths store would provide a significantly greater retail draw which, in his view, would redefine the role of the St Albans Centre within the centre hierarchy.
237. He discussed the catchment and identified that beyond that there was an array of established commercial centres including the Palms, Carlton Centre, Richmond Centre, Linwood Village Centre and Merivale Centre being the most prominent (excluding the City Centre). He considered that those centres accommodate a diverse mix of convenience retail, commercial and community activities, each serving a distinct role and function within the broader centre network and summarised some of the major centres. He considered that while the proposed supermarket may generate some temporary trade competition effects, particularly impacting supermarket activity in nearby centres, the effects are unlikely to materially compromise the role and function of those centres or the supermarkets within them. That was due to the broader and more diversified range of activities, the dispersal of trade impacts across multiple supermarkets, and the different markets they primarily service⁹⁷.
238. He advised that from an economic and practical viewpoint, the subject site is considered appropriate for supermarket development. He noted that other centres within the catchment lack the capacity to accommodate a new full-service supermarket and that with growth in the market, there will be an increased demand for supermarket activities. He considered the provision of such a store type within the catchment would generate economic and urban efficiencies that would be difficult to realise elsewhere in the catchment as well as finding that multiple stores closures across the neighbourhood centres was unlikely when the primary catchment generates an estimated \$25m annually in food and grocery expenditure (excluding expenditure allocated to supermarkets) by 2028. He considered that while a change in function of the centre would be the result of the proposed development elevating its centre status in the hierarchy, the St Albans centre's proposed position in the hierarchy still enables the centre to fulfil its zone's intended role of small-scale convenience activity to the local community and in that context the community would not incur significant adverse effects.
239. Overall he concluded, as noted earlier in this decision, that the proposed supermarket is unlikely to generate retail impacts of a scale that would impose consequential trade impacts or significantly undermine

⁹⁷ Woolworths St Albans Retail Economic Impact Overview dated May 2025 at page 26

the role and function of existing commercial centres but remained concerned that given the St Albans Centre's positioning at the lowest level of the centre hierarchy, the proposed development's role and function did not align with the expectations in the District Plan and the NPS. '

240. His concern related to what he described as a potential misalignment that a full-service supermarket, and its potential to significantly increase the drawing power of the St Albans Centre, needed careful consideration and a "balanced planning response" to ensure the functional role and integrity of the commercial centre hierarchy is upheld. This was not however to be at the expense of benefits to the community. It was this risk of functionally elevating the St Albans Centre beyond its intended position that was his concern. He noted that the development may respond to the projected supermarket demand and generate economic and community accessibility benefits, but it also had the potential to undermine the coherence of the planning framework, set an unexpected precedent for similar scale developments in lower-tier centres, and inadvertently create a 'functional' upzoning of the site. He considered that elevated zone status is considered to generate benefits on balance, but there remained potential non-economic reasons why a different conclusion could be reached.
241. Mr Heath also provided an addendum dated 17 June 2025. Again this concluded that based on a supermarket catchment the proposed development is sustainable and considered unlikely to generate significant retail distributional effects, but that to sustain a supermarket of the proposed scale, the functional catchment of the St Albans Centre would need to be (and would be) significantly larger than that identified in the zone catchment. He considered the catchment has to be larger than the zone catchment to be sustainable from an economics perspective.
242. Mr Blair addressed the commercial zone objectives and policies particularly relevant to this issue. He considered that in regard to the role of the centre in the commercial strategic network, the relevant comparison as to the centre's function within the hierarchy in Policy 15.2.2.1 is between the CBD, Town Centres, Local Centres and Neighbourhood Centres (he excluded Large Format Centres) providing relevant comparison⁹⁸. He considered that the size in row E of Table 1.5 Policy 15.2.2.1 referred to the square meterage of the zone area rather than the square meterage of the expected GFA. He considered the subject Neighbourhood Centre Zone to be approximately 11,000m². Importantly, he noted it is a standalone supermarket based centre not subject to the general expectation of a Neighbourhood Centre being limited to 3,000m². He interpreted the description in row E as meaning a small group of convenience retail shops plus a standalone supermarket.
243. He identified his regard in relation to Policy 15.2.2.1 and its reference to the surrounding residential community. He considered that the residential community is represented by the intended catchment of a Neighbourhood Centre and that the supermarket should be sized to address that catchment. If it was inappropriately oversized in its catchment, a centre would not maintain its role and function, rather its role and function would become one of the roles and functions that is higher in the hierarchy⁹⁹.

⁹⁸ Blair, S. (2025). Section 42A report (para 191)

⁹⁹ Blair, S. (2025). Section 42A report (para 193)

244. He noted that Policy 15.2.2.4 does envisage that commercial activity could expand outside of a commercial centre, that is into the abutting zone, but that it must be at a size that ensures the sub policies of 15.2.2.4.b are achieved.
245. In summary he concluded:
- (a) That development should not elevate the centre to a function or role of a centre higher in the hierarchy;
 - (b) That growth of a centre is meant to be within the centre's zone boundaries but that can expand beyond those boundaries when the centre would remain within its function and role in the commercial hierarchy;
 - (c) Subject to d. and e. growth outside of the boundaries of the zone should be responsive to increases in population but at the same time support residential intensification targets;
 - (d) That the function and role of this Neighbourhood Centre Zone is to provide a small group of convenience retail tenancies and a standalone supermarket; and
 - (e) The retail tenancies which include a supermarket tenancy should reflect what is needed to serve the Neighbourhood Centre's catchment.
246. Mr Blair concluded that the proposed development would elevate the centre to a level commensurate with at least a local centre and would sit outside of its position within the hierarchy. He considered Mr Heath had raised a legitimate concern in relation to undermining the coherence of the planning framework¹⁰⁰.
247. He also concluded that a resource consent process is an inappropriate process by which to elevate this centre beyond its identified position in the hierarchy. The proposal, given its implications for the integrity of the hierarchy would be better considered as a plan change.
248. Mr Blair helpfully noted that Woolworths had made a submission on PC14 seeking the zone be elevated to a local centre (small) and through evidence change matters of discretion that related to it being consistent with a neighbourhood centre to a local centre. The Council's evidence at that hearing opposed it. He identified that the IHP's recommendation was

[79] The Panel has found that the request by the submitter is within the scope of PC14, for the reasons in Part 1 at [210] of the report. However, the Panel has recommended that the submission is rejected on its merits. That is because, the zone nomenclature is largely moot, as the nature of the activities within the zone are defined in the development plan, and associated rules in Appendix 15.15.5, which the submitter accepts and seeks no change to. The Panel accept the recommendation of Mr Lightbody on merit and retain the status quo equivalent zone as more appropriate.

¹⁰⁰ Blair, S. (2025). Section 42A report (para 200)

Legal submissions

249. Mr Leckie addressed the centres hierarchy at some length, particularly in his reply. He submitted that both the CRPS and the District Plan establish a centre hierarchy for the development of commercial centres in Christchurch which was introduced post earthquake to enable centres commensurate with their role. Mr Leckie identified CRPS Policy 6.3.6(4) which provides:

New commercial activities are primarily to be directed to the Central City, Key Activity Centres and neighbourhood centres where these activities reflect and support the function and role of those centres; or in circumstances where locating out of centre, will not give rise to significant adverse distributional or urban form effects.

250. He identified that the term neighbourhood reference in the CRPS was pre national planning standards and those are now known as local centres in the Christchurch context. He noted the District Plan provides for primacy to be given to City Centre, followed by Town Centres, Local Centres and Neighbourhood Centres.
251. He identified that each of the centres are described in the District Plan in Policy 15.2.2.1 and associated Table 15.1. Given the significance of this issue, we include the text of Objectives 15.2.1 and 15.2.2 and Policy 15.2.2.1 here.

15.2.1 Objective - Recovery of commercial centres

- a. *The importance of commercial and community activity to the recovery and long term growth of the City is recognised and facilitated in a framework that supports commercial centres.*

15.2.2 Objective – Centres-based framework for commercial activities

- a. *Commercial activity is focussed within a network of centres (comprising the City Centre, Town Centres, Local Centres, Neighbourhood Centres, and Large Format Centres) to meet the wider community's and businesses' needs in a way and at a rate that:*
- i. supports intensification within centres;*
 - ii. enables the efficient use and continued viability of the physical resources of commercial centres and promotes their success and vitality, reflecting their critical importance to the local economy;*
 - iii. supports the function of Town Centres as major focal points for commercial activities, entertainment activities, visitor accommodation, employment, transport and community activities, and Local Centres as a focal point for primarily small-scale commercial activities with a focus on convenience shopping, community activities and guest accommodation;*
 - iv. gives primacy to the City Centre, followed by Town Centres and Local Centres identified as Key Activity Centres;*
 - v. is consistent with the role of each centre as defined in 15.2.2.1 Policy – Role of centres Table 15.1;*
 - vi. supports a compact and sustainable urban form that provides for the integration of commercial activity with guest accommodation, community activity, residential activity and recreation activity in locations accessible by a range of modes of transport;*

- vii. *supports the recovery of centres that sustained significant damage or significant population loss from their catchment, including the City Centre, Linwood, and Local Centres subject to 15.2.4.3 Policy Suburban centre master plans;*
- viii. *enhances their vitality and amenity and provides for a range of activities and community facilities;*
- ix. *manages adverse effects on the transport network and public and private infrastructure;*
- x. *is efficiently serviced by infrastructure and is integrated with the delivery of infrastructure; and*
- xi. *recognises the values of, and manages adverse effects on, sites of Ngāi Tahu cultural significance identified in Appendix 9.5.6 and natural waterways (including waipuna).*

15.2.2.1 Policy – Role of centres

- a. *Recognise and manage commercial centres as the focal points for the community and business through intensification within centres that reflects their functions and catchment sizes, and in accordance with a framework that:*
 - i. *gives primacy to, and supports, the recovery of the City Centre, followed by Key Activity Centres, by managing the size of all centres and the range and scale of activities that locate within them;*
 - ii. *supports and enhances the role of Town Centres; and*
 - iii. *maintains the role of Local Centres, Neighbourhood Centres and Large Format Centres.*

as set out in Policy 15.2.2.1, Table 15.1 - Centre's role.

252. The centres roles are addressed in Table 15.1.

253. In terms of the key objectives and policies relating to that approach, Mr Leckie identified Objective 3.3.11. We note that is a strategic policy which is given effect to by the more specific objectives and policies in the District Plan. Given this is a resource consent application, we do not consider it necessary or appropriate that we focus our assessment on the strategic objective. For completeness we record that in essence it seeks the recovery and stimulation of commercial and industrial activity and that the critical importance of centres:

... for people and the economy is recognised in a framework that primarily directs commercial activity into centres, consistent with their respective roles; and any commercial activities proposing to locate outside these centres will not give rise to significant adverse distributional or urban form effects.

254. Our focus is on the objectives and policies which we take as following the directions in the strategic objectives. Objective 15.2.2 is the key objective in this regard, which in essence gives effect to the strategic objectives. That in essence provides that commercial activity is to be focused within a network of centres to meet the wider community and needs of business in a way that, relevantly, supports intensification within the centre, enables the efficient use and continued vitality of commercial centres and promotes their success and vitality, gives primacy to the city centre followed by town centres and local centres, seeks consistency with the role of each centre as defined, supports a compact and sustainable urban form that

provides for integration of commercial, guest accommodation, community activity, residential activity and recreation in locations accessible by a range of modes of transport, supports recovery of centres that sustained significant damage or serving a population and loss of their catchment and enhances their vitality and amenity providing for a range of activities while managing adverse effects.

255. Policy 15.2.2.1 again addresses the role of centres including the focal points through intensification within centres that reflects their functions and catchment sizes giving primacy to the city centre, key activity centre, town centres and maintaining the role of local centres, neighbourhood centres and large format centres.
256. Policy 15.2.2.4 is in our view a critical policy. That continues the theme that growth in commercial activity is to be focused within existing commercial centres but does address outward expansion with any outward expansion beyond commercial zone boundaries, or upward expansion of commercial activity above height limit, must:
- (a) Ensure the expanded centre remains commensurate with the centre's role within a strategic network of centres, while not having significant adverse effects on the function of other centres;
 - (b) Be integrated with the provision of infrastructure, including the transport network;
 - (c) Be undertaken in a manner that manages adverse effects at the interface with the adjoining zone;
 - (d) Be responsive to the anticipated increase in population in the surrounding catchment while continuing to support intensification targets in and around centres and be consistent with revitalising the city centre as the primary community focal point; and
 - (e) Ensuring (relevantly) that the centre is in a coherent form.
257. In discussions with Mr Blair at the hearing, he confirmed that in his opinion any expansion must ensure that the functional role remains the same or commensurate with it. His focus was on ensuring that the centre remains commensurate with its role. That is his concern. In terms of not having significant adverse effects, he considered overall that was appropriately addressed. On the evidence he considered this proposal did not ensure that the expanded centre remained commensurate with its role. He considered *ensure* to be directive, particularly in the context where he uses the word "must".

Assessment

258. We do not however interpret that policy as requiring that it must remain strictly within the permitted activity rules for example, as that would render the greater policy redundant. In considering the "centre's role" and in determining what the surrounding residential community is, we do not accept that is to be determined by reference to, in essence, the permitted activity rule for supermarkets limit at 1,000m² and that limitation does not apply to standalone supermarket based centres expressly excluded. It is our understanding of the evidence that the restriction did not apply.

259. This is one of, if not the, key issue. We accept Mr Leckie's submission that this is the central matter in terms of our decision-making. For that reason, we have provided a thorough record of the evidence and submissions relating to this issue.
260. In both opening and in closing Mr Leckie submitted that the intent of the centres hierarchy is that centres are developed in a manner that ensures that there are no significant retail distribution effects on larger centres. We give some weight to Mr Clease's evidence and his expert opinion that where new centres do not give rise to retail distribution effects on centres further up the hierarchy and therefore do not materially reduce the role or function of other centres, then they do not undermine the purpose of the hierarchy¹⁰¹. As noted by Mr Leckie, if we accept Mr Clease's emphasis that the centre hierarchy is a means to an end, not an end in itself. We consider Mr Clease's description of the key purpose of the hierarchies as a planning tool has been to maintain the role and function of centres further up the hierarchy (and associated community investment and housing intensification focus that these centres provide) is an accurate summary¹⁰². We agree that the use of the centre hierarchies as a tool was especially relevant in a post-earthquake recovery context where a number of the centres experienced significant damage and where their ability to continue to deliver their roles was at risk if commercial growth relocated elsewhere.
261. Ultimately we largely agree with Mr Clease's evidence that when new centres give rise to no significant retail distribution effects and therefore do not materially reduce the role and function of other centres, they do not undermine the purpose (being the ends) of the hierarchy¹⁰³.
262. We also accept that in terms of this particular site, there are no significant retail distribution effects, and no wider urban form or function effects. As identified by Mr Leckie, the need for some flexibility in the centres hierarchy was recognised by Council during the replacement plan process with Council's solicitors submitting that there needed to be "a release valve to enable expansion, as and when proven to be appropriate" in the District Plan. We accept Mr Leckie's submission that where no significant retail distribution effects on larger centres, there is the ability, through the planning framework, to enable the centres to evolve over time to remain consistent with the commercial environment,
263. We agree with Mr Blair that Policy 15.2.2.4 is directive and we have given it considerable weight. It is not an avoid policy but is directive.
264. We have carefully considered Mr Heath's evidence and that of Mr Blair. We record that both provided helpful and considered evidence and the issues raised in relation to this issue are of considerable importance.
265. We have also carefully considered the "spectrum" of neighbourhood centres. Their size and commercial footprint varies considerably in terms of size and in terms of their offerings. Table 1 of Mr Clease's evidence helpfully records that noting that Blenheim Road/Acheron Drive has a land area of 23,990m² down to the

¹⁰¹ Clease, J. (2025). Statement of Evidence (para. 59)

¹⁰² Clease, J. (2025). Statement of Evidence (para. 59)

¹⁰³ Clease, J. (2025). Statement of Evidence (para. 59)

smallest at Travis Road/Bower Avenue of 3,876m² We accept that this proposal is at the larger end of the spectrum for NCZ land size but it is by no means an outlier¹⁰⁴.

266. Mr Clease described the St Albans Centre as being an outlier in that it is subject to several bespoke rules, including that relating specifically to building area. He identified Rule 15.6.3.2.1(a)(i) that limits the permitted building area to 3,500m² GLFA. At a minimum, he considered that a centre with that amount of floor area is clearly anticipated for the Site. He noted that proposals that exceed that trigger have a restricted discretionary activity status (and are to be processed on a non-notified basis), with CCC's discretion limited to a discrete number of matters relating to retail distribution, traffic effects and centre function¹⁰⁵.
267. Mr Clease accepted that the proposal undoubtedly sits at the larger end of the NCZs, and conversely sits very much at the lower end of the LCZs which are the next step up in the hierarchy. He identified that Table 15.1 of the District Plan puts the anticipated size of LCZs as between 3,000m² and 30,000m² GFA which he described as a wide spectrum.
268. He also identified that in 2017 the CCC produced a series of "fact sheets" about every LCZ which placed the average land area of a LCZ at 3.2ha, and the average building area at 11,414m² GFA as of 2016. He noted the average size of a LCZ in terms of both land area and building GFA is therefore more than double the size of the proposal and given the timing of CCC's review of GFA, he considered it reasonable to assume that the average building GFA across these centres will have increased still further over the intervening period¹⁰⁶.
269. Again he considered that as would be expected where centre sizes are placed along a spectrum and where there is no clear daylight between the policy upper limit of the NCZ and the lower limit of the LCZ, there will invariably be a degree of overlap around the edges of the hierarchy. Citing examples, he concluded that in short large NCZs are similar in size to small LCZs.
270. Ultimately, particularly given the breadth of the spectrum of NCZs, we are satisfied that granting consent to this particular proposal in this particular location will not in any way undermine the hierarchy and its purpose. Given that spectrum, we do not consider that it elevates the centre beyond its identified position and does not impact the integrity of the hierarchy.
271. We agree with Ms Hampson and Mr Clease in that regard. In light of that finding, we do not consider that the overall integrity of the District Plan will be adversely impacted.

Brownfield

272. The District Plan defines brownfield sites as:

¹⁰⁴ Clease, J. (2025). Statement of Evidence (para. 68)

¹⁰⁵ Clease, J. (2025). Statement of Evidence (para. 69)

¹⁰⁶ Clease, J. (2025). Statement of Evidence (para. 71)

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

273. Mr Clease describes the application site as one of the largest and longest standing brownfield sites in the city¹⁰⁷. He details that the site has a long history of industrial use, a now removed designation, and that there is soil contamination. In his opinion, given these past uses, the site readily meets the definition of a brownfield site¹⁰⁸. Mr Blair agrees with Mr Clease¹⁰⁹.
274. There were no submissions contesting whether the site falls within the definition of a brownfield site.
275. From our observations of the site and understanding of the history, the Panel also agrees the site is best classified as a brownfield site; noting that this classification only relates to the portion of the site zoned Medium Density Residential. The historical industrial use, abandonment, and contamination, clearly meet the definitional threshold of a brownfield site and as such our deliberations are directed to the objective and policy that specifically relates to the *redevelopment of brownfield sites*¹¹⁰, together with the objectives and policies within the residential chapter of the District Plan that sets out the policy framework for non-residential activities in the residential zone¹¹¹.
276. Additionally, the Panel agrees that the brownfield classification only ceases once the site has been regenerated for a new use as only at that time is the site no longer ‘abandoned industrial land’¹¹². We explored and discussed that matter with both Mr Clease and Mr Blair in the context of a site which has been subject to a planning decision since its abandonment.
277. The brownfield objective and policy are:

Objective 14.2.7 – Redevelopment of Brownfield Sites

On suitable brownfield sites, provide for new mixed-use commercial and residential developments that are comprehensively planned so that they are environmentally and socially sustainable over the long term.

Policy 14.2.7.1 – Redevelopment of Brownfield Sites

- a. *To support and incentivise the comprehensive redevelopment of brownfield sites for mixed-use residential activities and commercial activities where —*
- i. *natural hazards can be mitigated;*
 - ii. *adequate infrastructure services and capacity are available;*
 - iii. *reverse-sensitivity effects on existing industrial areas are managed;*
 - iv. *the safety and efficiency of the current and future transport system is not significantly adversely affected;*

¹⁰⁷ Clease, J. (2025). Evidence (para. 13)

¹⁰⁸ Clease, J. (2025). Evidence (para. 20)

¹⁰⁹ Blair, S. (2025). Section 42A report (para. 179)

¹¹⁰ Objective 14.2.7 and Policy 14.2.7.1

¹¹¹ Christchurch District Plan, Objective 14.2.6 – *Note: this objective (Objective 14.2.6) and its subsequent policies do not apply to brownfield sites.*

¹¹² Clease, S. (2025). Evidence (para. 90)

- v. *there is good walking and cycling access to public transport routes, commercial and community services, and open space;*
- vi. *if necessary, contaminated land is remediated in accordance with national and regional standards; and*
- vii. *the redevelopment does not impact on the vitality and strategic role of commercial centres.*

b. *Ensure the redevelopment is planned and designed to achieve:*

- i. *high quality urban design and on-site amenity; and*
- ii. *development that is integrated and sympathetic with the amenity of the adjacent neighbourhoods and adjoining sites.*

278. Mr Clease considers that the proposal is consistent with the above objectives and policies as it will regenerate an abandoned and underutilised site, make efficient use of existing infrastructure, and provide a supermarket and ancillary retail premises that supports the surrounding residential intensification envisaged by the NPS-UD and the District Plan. His opinion is based on expert evidence, and his familiarity with the site and its history.

279. Upon questioning, Mr Clease acknowledged that the proposal does not contain a residential component however he submitted that the broader mixed-use sought by Objective 14.2.7 is achieved via the existing and future residential development on the adjoining land to the north which was previously part of the ODP. The Panel does not accept this interpretation. The outcomes sought by Objective 14.2.7 are to be assessed in respect to the particular circumstances of *the site*, rather than applied in a generalised manner. As such, while the proposal will achieve regeneration and remediation of contaminated land, it will not deliver a genuinely *mixed-use* development outcome.

280. As noted, Mr Blair agrees that the subject site satisfies the definition of a brownfield site. However, he considers the proposal only partially satisfies the sub-clauses of Policy 14.2.7.1¹¹³. In particular, in his written evidence he submits that it does not meet sub-clauses (a) i and ii¹¹⁴ and based on the advice from Mr Hattam, he concludes that the proposal cannot achieve sub-clause B i as it does not *ensure* a high quality urban design and onsite amenity outcome¹¹⁵. Mr Blair concludes that the development should not be supported or incentivised because of the conflicts with the outcomes sought in the sub policies of 14.7.2.1¹¹⁶. However, at the hearing Mr Blair revised his position in respect to flood water displacement effects, submitting that potential flooding effects would not be significant. Accordingly, there is now agreement between Mr Blair and Mr Clease that the proposal satisfies sub-clause a(i).

281. While none of the submitters explicitly mention Objective 14.2.7 or Policy 14.2.7.1, a number did refer to broader issues such as zoning, the scale of development, stormwater, traffic generation/congestion. Similarly, a number of submitters raised concerns about urban design/amenity matters. These matters broadly align with the outcome sought by Objective 14.2.7 and Policy 14.2.7.1.

¹¹³ Blair, S. (2025). Section 42A report (para. 181)

¹¹⁴ Blair, S. (2025). Section 42A report (para. 182)

¹¹⁵ Blair, S. (2025). Section 42A report (para. 183)

¹¹⁶ Blair, S. (2025). Section 42A report (para. 182)

Assessment

282. Having established that there is agreement that sub-clause a (i) is met, there is also agreement between the planning experts that there is adequate capacity within the infrastructure network to services the activity, that there are no problematic reverse sensitivity effects, and that remediation of the contaminated land can be undertaken in accordance with the NES. Based on this evidence, the Panel finds the proposal meets sub-clauses (a) ii, iii and vi.
283. In respect to sub-clause (a) iv, while there was disagreement between the traffic experts at the hearing, the Panel is satisfied that, based on the revised roading layout submitted via the Right of Reply and noting Mr McGonigal's preference for a 2.5m wide flush median¹¹⁷, the proposed roading upgrades will maintain both the safety and efficiency of Madras Street. This sub-clause is therefore considered met.
284. In respect to sub-clause v the Panel agrees with Mr Clease's assessment of this sub-clause whereby he submits that it is directed at brownfield sites that seek to have a residential activity within a predominately industrial area¹¹⁸.
285. Similarly, while Mr Hattam's urban design evidence is helpful and has merit, as detailed earlier in this decision, the Panel has found that, on balance, the urban design effects are acceptable and appropriate in the overall context, therefore, we are satisfied that the proposal meets sub-clause b (i) and (ii).
286. Lastly, as per the detailed assessment earlier in this decision, sub-clause a (vii) which seeks that the redevelopment does not impact on the vitality and strategic role of commercial centres is considered met. While a number of submitters raised concern about the impact the financial and social impact the supermarket will have on Edgeware Village, there is agreement between the experts that retail distribution effects will not be significant. Similarly, the Panel has thoroughly examined the objectives and policies relating to the centres hierarchy and find that the proposal will not undermine the integrity of the hierarchy and accordingly, we are satisfied the proposal meets sub-clause a (vii).
287. Overall, while the Panel finds there to be a tension between the proposal and Objective 14.2.7 as the development will not achieve a genuinely *mixed-use* outcome, it is clear that the overarching intent of this objective is to support and incentivise the redevelopment of brownfield sites; which the proposal will achieve. The proposal will return a long vacant and abandoned site to a commercial use and remediate contamination and based on the evidence before us, we are satisfied the proposal meets the sub-clauses in Policy 14.2.7.1.

Residential Objectives and Policies

288. The Panel accepts Mr Blair's evidence that there are relevant objectives and policies¹¹⁹ in the residential chapter which form part of the relevant planning framework, and in accordance with s 104(1)(b) of the Act, we have had regard to them. However, those provisions are primarily directed toward outcomes for

¹¹⁷ McGonigal, D. (2025). Evidence (para. 29)

¹¹⁸ Clease, J. (2025). Evidence (para. 147)

¹¹⁹ Objectives 14.2.1 and 14.2.4 and Policies 14.2.1.1 and 14.2.4.1

residential development and neighbourhood amenity, and their direct applicability to a wholly commercial proposal is limited. Objectives 14.2.1, 3.3.4 and 3.3.7 address the matters of housing supply, redevelopment of brownfield sites, and high-quality, well integrated development. While Objectives 14.2.4 and Policies 14.2.4.1 and 14.2.4.4 seek to maintain residential character and amenity. The Panel agrees with Mr Blair's conclusion, which is supported by Mr Hattam, that the built form (on the part of the site zoned Medium Density Residential) is of a medium scale and height commensurate with medium density residential development, however, the Panel finds there is some tension with Objective 14.2.4 and Policy 14.2.4.1 in respect to the quality of design given that the loading bay and 'back of house' aspects of the activity will be located on the residentially zoned part of the site. And while the proposal will not increase the supply of housing (Objective 14.2.1 / Policy 14.2.1.1), Mr Blair concludes that from a wider strategic perspective the displaced yield analysis demonstrates that there will be negligible effect on the outcomes sought by this objective. We agree with this evidence.

289. Having determined that the site constitutes a brownfield site, we find that the appropriate policy pathway for a proposal of this nature, in respect to the portion of the site zoned Medium Density Residential, is via 14.2.7 and Policy 14.2.7.1, which expressly provide for the comprehensive redevelopment of such land. Nevertheless, we have considered the residential objectives and policies. This has been useful in providing contextual guidance, particularly in assessing whether the proposal achieves a level of integration and compatibility with the amenity and character of adjoining residential sites.

290. We do not consider Policy 14.2.6.4 applies but, for completeness and out of an abundance of caution, we record that we have considered that policy. It provides:

Restrict the establishment of other non-residential activities, expressly those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within the residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant.

291. We note restrict is to be treated as to limit as opposed to the more definitive preventative definition such as avoid¹²⁰. In this particular case, if this policy were to be applied, we consider it to create a limited tension. It is not such that would impact on our decision in relation to the granting of consent.

Precedent

292. Mr Leckie addressed precedent effects in his opening submissions¹²¹. He identified that precedent effects are relevant but not a mandatory consideration. He referenced Ms Hampson's evidence which he submitted outlined the unique factors attributable for the Site and the proposal which means that the proposal would be difficult to replicate. He recorded Ms Hampson's evidence that the vacant zoned sites in existing urban areas are rare and that vacant (brownfield) medium density residential land adjacent to vacant zoned centres in an existing urban environment are even more rare. He referred to Ms Hampson's evidence that she had reviewed all neighbourhood centres in Christchurch and found that none were of

¹²⁰ *Woolworths New Zealand Limited v Christchurch City Council* Decision [2021] NZEnvC 133 at [186]

¹²¹ Opening Submissions (paras 81 – 82)

the scale or dimensions that would, even with adjoining vacant land, provide a suitable site for a full-sized supermarket. It was her opinion that the risks of the proposal creating a precedent effect is negligible.

293. Mr Blair, after discussing caselaw, noted that concerns relating to plan integrity and precedent were not mandatory considerations but are matters that decisionmakers may have regard to depending on the particular facts of the particular case. He identified those as whether a proposal is contrary to the objectives and policies of the plan; and if so whether in the circumstances of a particular case a proposal can be seen as having some unusual quality¹²². He considered that if granted the development could nevertheless set a precedent and could undermine the integrity of the District Plan regarding his concerns about elevating the site to a position in the commercial hierarchy and providing a basis for other applications in the Neighbourhood Centre Zones to do the same¹²³.

Assessment

294. We agree that precedent can be a relevant issue in a discretionary activity application. We agree that a resource consent has no precedent effect in the strict legal sense.
295. Overall, having considered the submissions and evidence in relation to this issue, and in the overall context of this particular application in this particular location, and given our findings in relation to effects, and the objectives and policies, we do not consider precedent is a matter that should be given any weight in our overall decision-making. We have addressed the issue of plan integrity earlier in our decision, discussing, in particular, the issues relating to the hierarchy of centres.

Part 2

296. In terms of Part 2, the approach taken by the planners, in our view correctly, was to address that through the assessment of the objectives and policies of the District Plan in particular. For completeness, but by way of comment, there are no matters of national importance identified. In terms of s.7, the factors to which we are to have particular regard include relevantly

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment.*

297. We have had particular regard to those matters and consider that there are no issues arising to a degree which would indicate that the granting of consent on conditions is not appropriate. Section 7 matters do not create a veto.
298. Overall, we consider that in relation to the purpose of the RMA, this proposal does present an efficient use and development of natural and physical resources. There will be some localised impact on the quality of the environment and amenity values. It does assist in meeting demand for business land.

¹²² Blair, S. (2025). Section 42A report (para 215)

¹²³ Blair, S. (2025). Section 42A report (para 216)

Overall Finding

299. We have carefully considered all of the submissions, documents, evidence and legal submissions presented. While there will be some minor localised effects in relation to amenity, and there is some tension with the relevant objectives and policies, overall, and given the significant amendments which have been made by the Applicant throughout this process, the purpose of the RMA, as expressed through the District Plan in particular, is better met by the grant of consent.

Conditions

300. We have helpfully been provided with a draft set of conditions recommended by Mr Clease and Mr Blair. We have considered those and they appropriately reflect and address matters raised and discussed through the hearing.

Decision

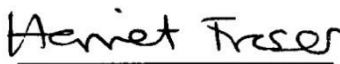
301. For all the reasons outlined above, the consents are **granted** pursuant to s.104, s.104B and s.108 of the Resource Management Act 1991 and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 subject to the **attached** conditions.



David Caldwell
Hearing Commissioner (Chair)



Nathan O'Connell
Hearing Commissioner



Harriet Fraser
Hearing Commissioner

Dated: 13 October 2025