

FINAL - October 1, 2010 (3:34PM)

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

Topic Number 2010-308-003

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals relating to Proposed Plan
Change 22 - Styx Centre being Topic
no. 2010-308-003

BETWEEN

**KIWI PROPERTY MANAGEMENT
LIMITED AND ANOR**

Appellant under ENV2010-CHC-010

AND

WAIMAKARIRI DISTRICT COUNCIL

Appellant under ENV2010-CHC-013

AND

CANTERBURY REGIONAL COUNCIL

Appellant under ENV2010-CHC-017

AND

CHRISTCHURCH CITY COUNCIL

Respondent in respect of all appeals

**STATEMENT OF EVIDENCE IN REBUTTAL
OF JAMES TALBOT BAINES
ON BEHALF OF CALCO DEVELOPMENTS LIMITED**

1 INTRODUCTION

- 1.1 My name is James Talbot Baines. My background and relevant experience are described in my statement of evidence in chief, dated 9 July 2010.
- 1.2 I have read the statements of evidence of Messrs Cullen, Bonis, Heath and Osborne for the Waimakariri District Council.
- 1.3 I have been asked to comment on several aspects of their statements, namely -
- comments about the 1,600sq.m of 'community facilities';
 - comments about the 'rural edge' and 'single use' in relation to the proposed Styx Town Centre; and
 - comments about employment self-sufficiency in the Waimakariri District.
- 1.4 I also wish to make several observations in relation to Mr Heath's discussion about the potential social amenity effects on Rangiora that might be consequential upon retail distributional effects.

2 1,600 SQ.M OF COMMUNITY FACILITIES

- 2.1 At his paragraph 2.1, Mr Cullen states that PC22 contemplates -

"...an undefined "community facilities" space of 1,600 square metres. These undefined "community facilities" could include movie theatres or gyms. The above "community facilities" are of course for-profit commercial facilities, not community halls, libraries or indoor sports facilities."

- 2.2 At his paragraph 3.2, Mr Osborne makes a similar observation when discussing the potential range and character of activities which could be provided for under PC22 -

"Although requiring 1,600sqm of community space (which could include such

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activities as cinemas), ...”

2.3 If this were the manner in which the 1,600sq.m. provision for “community facilities” were to be interpreted, this would concern me as well. Consequently, I wish to clarify for the Court (at paragraphs 2.5-2.6 below) my understanding of what is intended by the proposed “*minimum of 1,600m² of community facilities*”. This understanding is already explicit in my Social Impact Assessment Report, and has consistently formed the basis of my advice to the applicant on this matter. Furthermore, I have had discussions with Mr Berman and Ms Thompson and I understand that they have amended the definition and explanation of “community facilities” in PC22 to remove any doubt about this.

2.4 The amended definition of community facilities states that -

"For the purpose of these clause community facilities includes a gymnasium, places of entertainment (excluding cinemas), medical facilities, day care facilities for both the elderly and children and community infrastructure. Activities/facilities not otherwise specifically defined in the City Plan, including a library, premises for hire by community organisations and/or for community functions, or other similar facilities such as a police station, will also be classified as community facilities."

2.5 Reviewing my evidence-in-chief to this Court, I see that I made no specific reference to the 1,600sq.m provision for “community facilities” in the main body of the text. However, this provision - and my interpretation of it - is explicit in my SIA Report (at pp.30-31) which is Appendix JTB1 to my statement of evidence. It was also explicit in my statement of evidence (paragraphs 5.10-5.12) to the original Plan Change hearing before the Christchurch City Council. I made no further reference to it because, in my opinion, it was beyond debate.

2.6 It is clear from the statements to which I have just referred that I expect the 1,600sq.m of “community facilities” to include - in the proposed Town Centre - either a community library or community meeting spaces, or both. It is also clear¹ that I

¹SIA Report in Sections 3.2.3, 3.2.4, 3.3.4 and 5.3.1. Evidence to Council Plan Change hearing at paragraphs 3.2.24, 3.2.25 and 7.5.

expect any final outcome will be influenced by the role and initiative of the Christchurch City Council. Furthermore, by way of explaining that this is not some flight of fancy, I referenced the experience at Botany Town Centre² in Manukau City.

- 2.7 The extract from Mr Cullen's statement, which I have produced at paragraph 2.1 above, also carries with it a possible inference that community facilities cannot be associated with commercial facilities. Therefore, I also wish to clarify for the Court what I believe to be the relevant description of what constitutes community facilities in this day and age. I will do this by reference to what I wrote in the SIA Report (at pp.15-16), and give some relevant examples.

"These include buildings owned by the City Council on behalf of the local community - halls, community cottages, service centres, scout dens, volunteer libraries, sometimes the land on which sports clubs have their buildings, although the buildings themselves may be owned by the clubs, as in the case of the Belfast Rugby Club and Belfast Bowling Club. Thus, the City Council has a traditional role in maintaining a stock of community-owned buildings spread around the City."

"Churches too have traditionally owned buildings in most older residential areas of the City, and made halls available for various uses by community groups. In Belfast and Redwood, such facilities are owned by the Anglican and Presbyterian Churches, the Salvation Army and the Christchurch North Elim Church. Kindergartens and playcentres have sometimes operated from premises owned by a community agency. School facilities - primary and secondary schools - are also publicly owned on behalf of their communities and are frequently used out of school hours and at weekends by a variety of community groups."

Community ownership is one possible dimension of community facilities. However, increasingly, a range of community services and activities are run out of privately-owned but rented premises. For example, Council Service Centres sometimes operate from rented space³, while the most recent community library in Christchurch,

²SIA Report at pp.22-24, 31. Evidence to Council Plan Change hearing at paragraphs 1.3.4, 5.11 and 7.5.

³For example, the Riccarton Service Centre rents space from the Post Shop.

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at Upper Riccarton, was built on land owned by the Ministry of Education at Riccarton High School. Leisure and recreational activities - for example the Redwood Citizens Club, the Belfast-Redwood Probus Club and the Friendly Club operate by hiring rooms to meet in. The Belfast Community Network leases a building from a church.”

“A range of medical and health-related services are also considered important local facilities. Even though they are often operated on a private commercial basis from privately-owned premises, they are largely, if not exclusively funded by central government to provide services. These include medical centres, pharmacies, dentists and physiotherapists, as well as Early Childhood Education services.”

“In summary, access to community facilities for various groups in a community can be provided through a mix of Council ownership of premises, charitable or commercial leasing arrangements sometimes facilitated by Council, or direct government funding of essential social services.”

2.8 I therefore reject any inference, which may or may not have been intended by Mr Cullen, that community facilities are restricted merely to facilities owned by the community or on behalf of the community. What Mr Cullen refers to as “for-profit commercial facilities” can provide opportunities for libraries, public meeting rooms, a range of medical services, educational and childcare services, and so on. The fact is, they do.

2.9 Given this broader interpretation of community facilities, it will be evident - for example, on the basis of experience from Botany Town Centre, a privately-developed and privately-owned Town Centre - that a Town Centre such as that proposed under PC22 can indeed be expected to provide a broad range of what the community regards as community facilities.

3 ‘RURAL EDGE’ AND ‘SINGLE USE’

3.1 In no fewer than 16 paragraphs does Mr Cullen use the word “edge” to refer to the location of PC22. He also refers to nearby rural land on at least four occasions. For example, at paragraph 3.5 he states -

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"This proposed KAC is at the limit of an urban area and bounded by rural land."

3.2 In no fewer than 11 paragraphs does Mr Cullen use the descriptor "single use" to characterise the development proposed by PC22. For example, at paragraph 3.13 (4th bullet) he states -

*"It is designed to be a **single use series of retail box buildings** designed around car parking with a toy and meaningless "main street."* (emphasis added)

3.3 Mr Cullen appears intent on emphasising two themes: firstly, that the site for PC22 will be on the City edge, at the interface between urban and rural land uses; and secondly, that PC22 is a single-use retail development.

3.4 In my opinion, these statements seriously misrepresent the proposal. In doing so, they undermine his own assessment, because any assessment of effects must take into consideration an appropriate understanding of context - both temporal and spatial.

"Rural edge"

3.5 There is no question that if one were to stand today on the site of the proposed Styx Town Centre one would see a swathe of rural land to the east.

3.6 However, PC22 is not a plan for today (2010), it is a plan for the next several decades, for the same period as envisaged in the Urban Development Strategy and in the Belfast Area Plan. If one looks at a map from the adopted Belfast Area Plan, one will see that residential development, including higher-density residential development is envisaged for this area over the coming decades, and more industrial development is envisaged to the north-east of Belfast.

3.7 By focussing on the present rather than the future, Mr Cullen has mis-represented what is expected to be urban and what is expected to be rural in the not-too-distant future.

3.8 A comparison with the existing district centre at Papanui/Northlands is instructive in

this regard. Until the early 2000s, Belfast was a small rural town, separated from Christchurch by rural land in a mix of farming and horticultural use. The northernmost district centre in Christchurch was Papanui/Northlands and the urban-rural interface to the north was clearly the Styx River, some 2.7km to the north. To the northwest, up Harewood Road, the urban-rural interface was some 3.0km distant. To the north-east, in the direction of Queen Elizabeth Drive, the urban-rural interface was encountered some 1.7km away, while to the south-east, horticultural land use in the Cranford Basin has been as close as 1km or less.

3.9 I have prepared the following Table 1, in order to compare the spatial circumstances which applied to the Papanui/Northlands District Centre at 2000 with the intended future situation of the Styx Town Centre - that is to say, where the urban-rural interface is envisaged to be by the end of the UDS planning period.

Table 1: Distances to urban-rural interface - a comparison of Papanui/Northlands and the Proposed Styx Town Centre

Papanui/Northlands (as at 2000)		Styx Town Centre (as at 2041)	
Direction	Distance (km)	Direction	Distance (km)
North, along Main North Rd	2.7	North, along Main North Rd	3.0
Northwest, along Harewood Rd	3.0	Northwest, to the edge of CN1 land	1.8
Northeast, to QE2 Drive	1.7	Northeast, to edge of CN4 land	1.6
Southeast, towards Cranford Basin	<1	Southeast, to edge of Mills Rd land	2.0

3.10 I do not believe anyone would have described Papanui/Northlands as being “on the edge”, and I do not believe it is appropriate to characterise the PC22 location as being “on the edge”.

“Single use”

3.11 Regarding the assertion of “single use”, I believe Mr Tansley has adequately rebutted

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this statement in his rebuttal evidence at paragraphs 3.4.4 and 3.4.7, pointing out the mix of commercial uses including retail, entertainment and leisure venues, offices and community services. Furthermore, the existing Supa Centa already manifests most of these elements.

- 3.12 I further note that Mr Osborne's break-down of the 45,000sqm floor-space into retail (28,000), commercial services (7,000) and office-based activities (10,000) would seem to contradict Mr Cullen's assertion about single use.
- 3.13 These statements, taken together with my previous discussion about community facilities and my references to the experience of Botany Town Centre lead me to reject strongly Mr Cullen's single-use assertion.
- 3.14 I conclude that Mr Cullen's repeated assertions about the proposal being "on the edge" and "single use" in character are manifestly inappropriate.
- 3.15 As I noted at paragraph 5.8 in my evidence-in-chief *"My understanding is that the RPS and UDS are meant to be about strategic planning, rather than incrementalism; strategic planning which provides the opportunity to take into account environmental, social and economic considerations at the same time."* PC22 is not a resource consent application, it is a plan change application, aiming to give some certainty to a range of stakeholders, as I discussed in paragraphs 5.9-5.13 of my evidence-in-chief.

4 EMPLOYMENT SELF-SUFFICIENCY IN WAIMAKARIRI DISTRICT

- 4.1 At his paragraph 3.1 Mr Cullen states -

*"PC22 at this scale is a direct challenge to the City's own District Plan as well as a challenge to broader provisions of the RPS and PCI. It also challenges the ability of residents Waimakariri District (sic) **to meet their needs within their district** a goal that is reflected in the provisions of PCI. By this I do not refer to an artificial boundary between TLA areas, rather the principle of self containment is at risk from PC22*

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*(people **will be required to travel further by private motor vehicle** as a consequence)."* (emphases added)

4.2 At paragraph 3.28 Mr Cullen states -

*"Waimakariri District **already struggles with its residents travel load to the City for work and higher order retail facilities**, such as those contained with the CBD. I was informed during my work on Rangiora and Kaiapoi that the District has a self containment level of around 33%. This is very low. In growth strategies for edge communities we aim for 60%."* (emphasis added)

4.3 In making these statements, Mr Cullen is probably referring to information used by Mr Osborne at his paragraph 5.3, which states -

*"Of concern when assessing not only these centres but the entire Waimakariri District is the overall **'retention' level of employment** that is exhibited. For the 31,500 residents that are currently in the labour force there are only 10,500 ECs accommodated here (a net retention rate of 34%). With an unemployment rate of approximately 4% this leaves the **net 'outflow' of jobs at nearly 20,000**. Increased retention of these jobs is crucial in maintaining and improving the wellbeing of the community."* (emphasis added)

4.4 Collectively, these statements beg several questions, which I wish to address in turn:

- which district do people regard as "their district"?
- what is the actual level of worker retention in Waimakariri District?
- how will PC22 require anyone to travel further?

4.5 There is plenty of evidence that the Waimakariri and Selwyn Districts have welcomed many new residents and ratepayers to their districts over the past decade or more. Some of these have been accommodated in new or expanded towns (Rolleston, Pegasus, Rangiora, Lincoln, Prebbleton, Kaiapoi) while others have occupied areas of low-density, rural-residential development familiar in both districts.

4.6 Many have taken up this option with the intent of enjoying the residential amenities of rural living or living in smaller settlements, while expecting to work in the nearby metropolitan centre of Christchurch. Table 2 demonstrates the exceptional extent to which Selwyn and Waimakariri districts experienced growth rates in their resident working populations over the period 1996-2006. Table 3 demonstrates the link between travel distance and level of employment leakage out of district. The pattern in these data reinforce the definition of Study Area selected by Mr Tansley for his retail analysis.

Table 2: Trends in working populations - 1996-2006

	<i>Hurunui</i>	<i>Waimakariri</i>	<i>Christchurch</i>	<i>Selwyn</i>	<i>Ashburton</i>	<i>All NZ</i>
# in 1996	4,665	16,032	146,778	12,639	12,459	1,438,011
# in 2001	5,049	18,438	155,259	15,009	13,317	1,520,190
# in 2006	5,697	22,029	178,092	19,035	15,060	1,745,862
Index: 1996=1.00						
Index in 1996	1.00	1.00	1.00	1.00	1.00	1.00
Index in 2001	1.08	1.15	1.06	1.19	1.07	1.06
Index in 2006	1.22	1.37	1.21	1.51	1.21	1.21

Source: Statistics New Zealand, Census of Population and Dwellings. Individual cells subject to rounding

Table 3: District and Inter-district employment pattern (2006)

<i>Employment location</i>	<i>District of residence</i>					
	<i>Hurunui</i>	<i>Waimakariri</i>	<i>Christchurch</i>	<i>Selwyn</i>	<i>Ashburton</i>	<i>Rest of NZ</i>
Hurunui	4,664	274	216	14	7	207
Waimakariri	325	10,852	1,665	90	14	180
Christchurch	665	10,730	173,073	9,269	353	1,614
Selwyn	33	151	2,870	9,509	178	234
Ashburton	7	22	272	154	14,510	270
Total	5,697	22,029	178,092	19,035	15,060	2,505

Source: Derived from Statistics New Zealand, Census of Population and Dwellings. Individual cells subject to rounding

- 4.7 Many of these people will regard both their district of residence and their district of work as “their district”, even though by convention they pay district rates in only one. These people have chosen the combination afforded by commuting; they do not necessarily wish to be “retained” to work in the district where they live.
- 4.8 I pointed to this phenomenon in my SIA Report at section 3.3.3 (pp.13-14) where I discuss the changing notions of communities of interest. I therefore do not agree with Mr Cullen’s presumption that PC22 will challenge these people to meet their needs within their district. They are already meeting their needs within “their” district.
- 4.9 The second question concerns the evidential basis for suggesting that Waimakariri District has a problem struggling with its residents’ travel load. To some extent, this depends upon how the relevant concept is defined. Mr Osborne has chosen to define the level of employment retention as the ratio of actual jobs in the district to the district’s labour force. Statistics NZ defines labour force to include those in

employment as well as the unemployed. In my opinion, it is inappropriate to include the unemployed because any future location of employment is yet to be determined. I suggest that a more appropriate definition for employment retention is the ratio of actual jobs in the district to the total number of residents in the district who work somewhere, since these two measures relate to actual level and location of employment, not potential.

- 4.10 I have been involved in past social research on labour markets, funded by the New Zealand Foundation for Research, Science and Technology. Against this background, I have carried out an analysis of the extent of employment retention in the four districts closest to Christchurch City - Hurunui, Waimakariri, Selwyn and Ashburton districts. My analysis is based on data provided by Statistics NZ from the Census of Population and Dwellings in 1996, 2001 and 2006. Table 4 below summarises total jobs in each district, total people employed who live in each district, and the corresponding level of employment retention in each district.

Table 4: Trends in employment retention by district - 1996-2006

	<i>1996</i>	<i>2001</i>	<i>2006</i>
<i>Total jobs in district:</i>			
Hurunui	4,340	4,582	5,382
Waimakariri	9,694	10,911	13,126
Selwyn	9,711	11,346	12,975
Ashburton	12,538	13,522	15,235
<i>Total employed residents:</i>			
Hurunui	4,665	5,049	5,697
Waimakariri	16,032	18,438	22,029
Selwyn	12,639	15,009	19,035

Ashburton	12,459	13,317	15,060
% Employment retention:			
Hurunui	93%	91%	95%
Waimakariri	60%	59%	60%
Selwyn	77%	76%	68%
Ashburton	101%	102%	101%

Source: Derived from Statistics New Zealand, Census of Population and Dwellings. Individual cells subject to rounding

- 4.11 The results in Table 4 indicate that the Waimakariri district has, for the past decade or more, maintained an employment retention level of 60%, notwithstanding the exceptional level of inward population migration when compared with the country as a whole or compared with its neighbouring districts. Moreover, the 2006 results will have incorporated the effects of establishing the Supa Centa near Belfast.
- 4.12 I note, independently of my own analysis, that Mr Tansley has reported a similar analysis with almost identical results at his paragraphs 3.2.3-3.2.8. I note also that Mr Tansley has drilled down a little further in detail, examining what the level of employment retention within the retail sector, showing it at paragraph 3.2.7 to be above average (68% for retail jobs, compared with 60% for all jobs).
- 4.13 I conclude therefore that the Waimakariri district is already at the target threshold for employment retention identified by Mr Cullen. Indeed, census data indicate that it has maintained this level of employment retention for the past decade. I therefore do not accept that employment retention in the Waimakariri District is a relevant issue for PC22.
- 4.14 This conclusion does not reflect on any intention that the WDC might have to develop strategies for increasing the level of employment retention within the district. That however is a separate matter.

5 RESPONSIBILITY FOR LOSS OF SOCIAL AMENITY

5.1 At his paragraph 19, when discussing the composition of retail floorspace in the Rangiora Town Centre, Mr Heath states -

*“A significant 22% of the town centre's floorspace is in Department Store activity, the highest represented sector in the town centre. This underlines the importance of this store type to the town centre **in terms of quantity and role /function it plays in the community, as well as the flow-on social amenity in terms of vibrancy and vitality this brings to the town centre through higher shopper volumes.**”*

(emphasis added)

5.2 He appears to be drawing attention, quite rightly in my opinion, to the potential for social amenity effects to be consequent upon retail distribution effects. Having undertaken some research on this topic, which I presented to the Court unchallenged at the Variation 86 hearing in Christchurch several years ago, I agree that the risk needs to be taken seriously.

5.3 However, this relies on robust and transparent assessment. In this regard, I have two issues with Mr Heath's analysis -

- his apparent downplaying of the significance of the WDC's own planning decisions;
and

- details on the map which he presents as Appendix 1 to his evidence.

5.4 Firstly, on the issue of the WDC's own planning decisions, Mr Heath makes an appropriate acknowledgement at paragraph 25, where he states -

*“It is also important to acknowledge that the two new supermarkets in Rangiora, while providing a net benefit to the community and will increase the District's self-sufficiency, **will result in less shopper visits to the Rangiora Town Centre.***

*On top of this, in my opinion one existing supermarket in the Rangiora Town Centre will close as a result of the two new supermarkets further reducing the number of shopping visits to the Town Centre. As such the Rangiora Town Centre is already set to experience a reduction in shoppers visiting the Town Centre and this in my opinion is important to factor in when assessing the potential impacts of PC22. **This also represents an appropriate 'baseline' to adopt,...**”* (emphasis added)

- 5.5 Mr Heath acknowledges that two recent resource consent decisions by the WDC are likely to have significant impacts on future shopper numbers to its own Rangiora Town Centre. He explains this in order to provide a context in which to discuss the risks of flow-on effects to social amenity in terms of reduced vibrancy and vitality resulting from reductions in shopper numbers. By then suggesting that this situation (i.e. with the two consented out-of-centre supermarkets yet to be built) becomes an appropriate 'baseline' for his assessment of the potential effects of PC22 on Rangiora's Town Centre, he is in effect deeming the adverse social amenity effects of the two Rangiora supermarket decisions to be acceptable.
- 5.6 In my opinion, this begs the question: why should the CCC be constrained in its decision making when the WDC does not seek to constrain its own decisions. From my observations, recent trends in WDC policy and planning appear to be resulting in the dilution of retailing activities in the Rangiora Town Centre in favour of several locations on the eastern and southern fringes of the town. In my opinion, the cumulative effects of these decisions are more likely than PC22 to impact on the vibrancy and vitality of the Rangiora Town Centre, about which Mr Heath has expressed such concern.
- 5.7 My second issue with Mr Heath's evidence is related to the first. At paragraph 15, he refers to *"a network of centres in Waimakariri and the location of the proposed Styx centre can be seen in Appendix 1"*.
- 5.8 Reference to Appendix 1 shows two adjacent red dots in the vicinity of Belfast - one labelled 'Northwood Supa Centa' and the other labelled 'Proposed Styx Centre'. These are in fact on adjacent sites and, if PC22 proceeds, will become a single, combined centre, just like the Northlands centre shown further to the south. By contrast, Rangiora has but a single red dot, denoting the Town Centre, with no acknowledgement of the emerging clusters of retail activity to the east of the town (east end of High Street and Kippenberger Avenue) and to the south of the town at Southbrook.

- 5.9 In my opinion, this graphic creates a somewhat misleading impression of the distribution of retailing activity that is being discussed in this hearing.

6 CONCLUSIONS

- 6.1 In this rebuttal statement I have expressed reservations I have about certain aspects of evidence presented by several witnesses on behalf of the WDC.
- 6.2 I believe that the matter of the 1,600sq.m. of 'community facilities' has been clarified. In summary, the commitment by the applicant to providing a minimum of 1,600sq.m. of community facilities enables a specific sub-set of facility types, namely a library and community meeting rooms. Beyond that, I expect the town centre, developed under the PC22 proposal, will ultimately incorporate a much broader range of facilities commonly regarded by residents as community facilities. This has been shown to be the case in Botany Town Centre.
- 6.3 In my view -
- Mr Cullen's references to PC22 as being on the edge and being single-use in character are inappropriate and inaccurate;
 - Mr Cullen's and Mr Osborne's expressed concerns about employment retention in the Waimakariri District are not relevant to PC22, and are based on questionable numerical data/estimates. Nevertheless, I do not dispute WDC's interests in wishing to develop strategies for increasing employment retention;
 - Mr Heath's arguments about social amenity, while conceptually valid, are undermined by recent resource consent decisions of the WDC on two supermarkets as well as other retail re-locations out of the existing town centre.

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6.4 In summary, I have read nothing in the evidence of these witnesses which would cause me to revise the assessment I presented in my evidence-in-chief.

James Talbot BAINES

29 September 2010