

Before an Independent Hearings Panel  
Appointed by Christchurch City Council

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*under:* the Resource Management Act 1991

*in the matter of:* proposed Plan Change 14 to the Christchurch District  
Plan

*and:* **Carter Group Limited**  
(Submitter 824)

Summary Statement of Jeremy Phillips (planning) on behalf of  
Carter Group Limited

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Dated: 16 April 2024

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## SUMMARY STATEMENT OF JEREMY PHILLIPS ON BEHALF OF CARTER GROUP LIMITED

### INTRODUCTION

- 1 My full name is Jeremy Goodson Phillips.
- 2 I prepared evidence in relation to the submission made by Carter Group Limited (*Carter Group*) on Plan Change 14 to the Christchurch District Plan (*PC14*) dated 20 September 2023 (*EiC*). My qualifications, experience and confirmation I will comply with the Code of Conduct for Expert Witnesses (Part 9, Environment Court Practice Note 2023) are set out in my EiC and I do not repeat those here.
- 3 This statement is intended to provide a brief summary of my evidence. This includes updates where relevant in light of the rebuttal evidence filed for Christchurch City Council (*Council*). My summary relates to those parts of my evidence concerning:
  - 3.1 The heritage listing of the 'Blue Cottage' at the former Christchurch Girls' High School site at 32 Armagh Street;
  - 3.2 Historic heritage (items and settings) as a QM and associated provisions;
  - 3.3 Significant trees as a qualifying matter (QM) and associated provisions;
  - 3.4 Tree canopy provisions and associated provisions<sup>1</sup>;
  - 3.5 The Specific Purpose (Schools) zone ('SPSZ') provisions.
- 4 **Attachment 1** of this statement includes an evaluation of my suggested amendments to the provisions recommended by Council against the mandatory objectives and policies in schedule 3A of the Act, the operative Plan's strategic objectives 3.3.1 and 3.3.2, and a s32AA evaluation.
- 5 **Attachment 2** includes further information in response to the request set out in the Panel's minute 29.

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<sup>1</sup> In the subdivision and residential chapters.

## SUMMARY OF EVIDENCE

### HERITAGE LISTING OF THE BLUE COTTAGE

- 6 In my view and accounting for Ms Richmond's s42a report and rebuttal evidence<sup>2</sup>, a key issue and divergence in opinion between Ms Richmond and I (and the evidence on which we both rely) is the extent of repair required to the Blue Cottage. This issue is central to whether de-listing the building is warranted on the basis that:
- 6.1 *'the physical condition of the heritage item, and any restoration, reconstruction, maintenance, repair or upgrade work would result in the heritage values and integrity of the heritage item being compromised to the extent that it would no longer retain its heritage significance'<sup>3</sup>;*
  - 6.2 *There are 'engineering and financial factors related to the physical condition of the heritage item that would make it unreasonable or inappropriate to schedule the heritage item'<sup>4</sup>;*
  - 6.3 de-listing is otherwise justified accounting for s32 of the Act, the provisions in the NPSUD and other relevant plan provisions.
- 7 As to the extent of repair required, paragraph 77 of Ms Richmond's rebuttal considers (with my emphasis added) that a '*conservation **minimum intervention** approach*' to repair should occur with modest repairs and costs in the order of \$297,850<sup>5</sup> per the evidence of Mr Stanley.
- 8 I understand from Mr Fulton, Mr Hill and Mr Chatterton that a conservation repair strategy:
- 8.1 Entails what might be described as 'as little work as possible, but as much as necessary';
  - 8.2 Is generally more expensive than conventional repairs or building works, given the need to work around heritage elements and adopt repair techniques or materials that may not otherwise be required; and
  - 8.3 May entail a 'light touch' in some cases, and in others far more extensive works, noting this will be dependent on the building, its condition and its intended use.

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<sup>2</sup> Refer paragraphs 75-77 of Ms Richmond's rebuttal evidence dated 9/10/2023.

<sup>3</sup> Per policy 9.3.2.2.1(c)(iii).

<sup>4</sup> Per policy 9.3.2.2.1(c)(iv).

<sup>5</sup> Being \$259,000 plus GST.

- 9 Whilst a conservation repair strategy or 'minimum intervention' may be optimal from a heritage perspective, I consider it unrealistic and unlikely in the circumstances of the Blue Cottage noting:
- 9.1 The evidence of Messrs Brookland, Hill and Carter which explains why this would not satisfy compliance, functionality or commercial requirements for a residential or educational building and end-user. Mr Hill describes the far greater extent of repairs and upgrades required, which underpins the \$1.61m (incl GST) repair cost per Mr Chatterton's evidence.
- 9.2 The evidence of Messrs Brookland, Hill, Chatterton and Carter also describes the uncertainty and risks (and unlikelihood) of undertaking any repair or restoration works to the building in its current condition, insofar that the works required will be significant and the full scope and costs of repairs will not be fully understood until works have commenced.
- 9.3 The evidence of Mr Carter, which summarises the cost and value implications of retaining the building in a repaired or unrepaired state, and the clear advantages of comprehensively developing the site as a whole, without the constraints imposed by the Blue Cottage and its setting.
- 10 Based on this evidence, I consider that:
- 10.1 *Physical* heritage values would likely be diminished significantly based on Mr Brookland's and Mr Hill's evidence that the existing building fabric is so deteriorated very little of the original building fabric will be able to be reused and it will be a reconstruction not a restoration. However, it is unclear whether historical/social, cultural/spiritual or contextual heritage values would be compromised in the event that the building was repaired to the extent envisaged by Mr Hill 'to the extent that it would no longer retain its heritage significance'. Accordingly, it is unclear whether the exemption from listing in policy 9.3.2.2.1(c)(iii) would warrant delisting.
- 10.2 The exemption in policy 9.3.2.2.1(c)(iv) would apply and warrant delisting. Specifically, the evidence of Messrs Brookland, Hill, Chatterton and Carter has demonstrated '*engineering and financial factors related to the physical condition of the heritage item that would make it **unreasonable or inappropriate** to schedule the heritage item*'. Accounting for this evidence, I also consider that the circumstances of the Blue Cottage (in terms of proportionate costs and values and the unlikelihood of repair) are comparable to the Harley Chambers example where Ms

Richmond has accepted that financial factors make scheduling unreasonable in that case<sup>6</sup>.

- 10.3 In addition to the exemptions in policy 9.3.2.2.1, I consider a broader evaluation of this submission in the context of section 32, other relevant plan provisions and the NPSUD supports delisting. In particular:
- (a) Mr Carter's evidence has demonstrated that *'the costs to retain the heritage item (particularly as a result of damage) would be unreasonable'*, where that is a matter to have regard to when considering the demolition of a heritage building under policy 9.3.2.2.8.
  - (b) The sole objective for historic heritage (9.3.2.1.1) *'(ii) recognises the condition of buildings... and the effect of engineering and financial factors on the ability to retain, restore, and continue using them; and (iii) acknowledges that in some situations demolition may be justified by reference to the matters in Policy 9.3.2.2.8'*. These objectives are directly relevant and applicable here.
  - (c) Strategic objectives within the plan seeking to enable recovery and foster investment certainty (3.3.1), increase housing supply and choice (3.3.4), recognise and provide for business prosperity (3.3.5), revitalise the central city and increase housing opportunities in the central city (3.3.7 and 3.3.8), and appropriate management of historically important features (3.3.9) would be better achieved by delisting the building and enabling site redevelopment.
  - (d) Objective 13.6.2.1 to enable the efficient use and development of land and buildings in the SPSZ and objective 13.6.2.2 to facilitate the use of surplus education land and buildings by activities compatible with the surrounding area, would be better achieved by delisting and enabling site redevelopment.
  - (e) NPSUD objectives 1, 3 and 4 for well-functioning urban environments, enabling more people to live in centre zones, and development of and change to urban environments in response to changing needs are better achieved by delisting, as opposed to retention.

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<sup>6</sup> Refer to paragraphs 12-16 of Ms Richmond's rebuttal evidence, dated 9/10/2023, which indicated ~\$22-25m repair costs, ~\$13.6m rebuild costs, and a \$13.2m valuation for the repaired building.

- (f) In this case, delisting (and demolition) is not 'inappropriate' in the context of relevant CRPS provisions and section 6f of the Act.
- (g) Not acting will, on Mr Carter's evidence, result in continuation of the status quo where the building (and its heritage value) continues to deteriorate and the benefits of site redevelopment are not realised. Therefore, delisting is the most appropriate option, accounting for costs and benefits, efficiency and effectiveness, and the risks of acting or not acting.

### **HISTORIC HERITAGE QUALIFYING MATTER**

- 11 The status quo provides an effective and appropriate framework for managing heritage items and settings and any development that might affect such historic heritage. Therefore, I consider there is no need for a historic heritage QM that assumes higher or denser forms of development are inherently inappropriate and reduces the density of development that would otherwise be provided for.

### **SIGNIFICANT TREES QUALIFYING MATTER**

- 12 The status quo provides an effective and appropriate framework for managing all works (irrespective of development height or density) in the margins of significant and other (scheduled) trees. Paragraph 8.1.3 of Ms Ratka's section 42a report notes that '*all proposed QM trees are scheduled trees*' therefore I consider there is no need for a specific QM (or additional provisions) for this matter.

### **TREE CANOPY PROVISIONS**

- 13 I have previously addressed these provisions at the residential hearings for PC14 in November 2023. However, in summary and to reiterate, my evidence concludes that the provisions relating to tree canopy cover (including financial contributions) should be deleted in their entirety, primarily on the basis that the Operative District Plan provisions (objectives, policies, rules, and assessment matters) adequately address the problem or issues that the s32 report states the new provisions are intended to address.

### **SPSZ PROVISIONS**

- 14 For the most part, I agree with Ms Piper's recommended amendments to the SPSZ provisions as set out in Appendix B of her s42a report, and her proposed amendments to rule 13.6.4.2.4 (regarding continuous building length) as set out in paragraph 30 of her rebuttal.

15 To the extent that there remain matters outstanding, this concerns:

15.1 The confirmed height limit for 32 Armagh Street;

15.2 Rule 13.6.4.2.6 landscaping; and

15.3 The appropriateness of proposed rule 13.6.4.2(a).

### **Height limits**

16 For SPSZ sites with an underlying zoning of HDR (Central City) the height limit in rule 13.6.4.2.5 is stated as 'Refer to Central City Maximum Building Height Planning Map'. This map is not appended to Ms Piper's s42a report or rebuttal evidence. A building height planning map is appended to Mr Andrew Willis' s42a report and shows an 11m height limit for 32 Armagh Street, however this does not reflect Ms Glenda Dixon's recommendation to exclude the majority of the site from the Inner City West Residential Heritage Area (upon which the 11m height limit is based).

17 Noting the uncertainty above and for the avoidance of doubt, I consider a height limit for 32 Armagh Street consistent with the surrounding HDR(Central City) zone to the east and northeast is appropriate, given the recommended removal of this land from the Residential Heritage Area.

### **Rule 13.6.4.2.6 landscaping**

18 My evidence does not take issue with the merits of this rule, but notes that it will impose further constraints on the status quo and is not consequential on the MDRS or Policy 3. Ms Piper's rebuttal does not address this concern.

### **Rule 13.6.4.2(a)**

19 This proposed rule reads as follows:

#### **13.6.4.2 Built form standards**

a. The built form standards below apply to all school sites, but do not apply to those parts of school sites occupied by heritage items and settings (with the exception of Rule 13.6.4.2.7 Water supply for firefighting, which does apply). Development of heritage items and/or settings is controlled by Chapter 9.3 Historic Heritage.

20 Ms Piper's rebuttal at paragraphs 25-26 states that SPSZ provisions should not apply to heritage items and settings, on the basis that the heritage provisions in Chapter 9.3 'should have primacy' and there are 'sufficient assessment matters in 9.3.6.1' to determine what is appropriate development. On that basis Ms Piper disagrees with my evidence that the rule should be deleted:

- 21 I remain of the view that this rule is inappropriate and should be deleted, because:
- 21.1 The approach taken by the rule is inconsistent with other zones and chapters in the plan and there is no justification for a different approach in the SPSZ. Aside from Ms Piper not proposing equivalent wording for the Specific Purpose (Tertiary Education) Zone built form standards<sup>7</sup>, this rule and approach is not adopted for other zones including the Residential Central City or Residential Suburban zones where heritage items and settings are commonly found.
  - 21.2 Rule 13.6.3 '*How to interpret and apply the rules*', clause (b) makes it clear that '*The activity status tables and standards in [other chapters, including chapter 9] also apply to activities in the Specific Purpose (School) Zone*'. This type of rule, directing readers of the plan to other relevant chapters is found at the introduction to all other zone chapters. Again, I see no justification for a different approach.
  - 21.3 The SPSZ provisions in chapter 13 and heritage provisions in chapter 9 are for different purposes. For example, the SPSZ built form standards concerning building setbacks and height are focused on amenity and interface effects, whereas the heritage provisions in chapter 9 are focused on managing effects on heritage. Noting this, I consider it most appropriate for the SPSZ provisions in chapter 13 to apply and provide direction on the form of development within that zone. Whether such form is appropriate from a heritage perspective can otherwise be determined with reference to chapter 9. The reconciliation and weighting of provisions in chapters 9 and 13 and associated issues can readily occur on a case-by-case basis through the resource consent process.
  - 21.4 In the absence of SPSZ built form standards applying, the provisions in chapter 9 would provide no specific guidance on the appropriate scale or location of built form from a non-heritage perspective (and no discretion for restricted discretionary activities). For example, the assessment matters in 9.3.6.1 do not consider outlook, privacy, and visual dominance for adjacent sites, where these are potential amenity (rather than heritage) related effects associated with new buildings.
- 22 The proposed rule would, for the reasons expressed above, be:
- 22.1 ineffective, inefficient and costly in terms of uncertain plan administration;

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<sup>7</sup> Which includes heritage item and settings within the zone (e.g. Items 303 and 127 at the University of Canterbury).



22.2 risky insofar as omitting the evaluation of matters that the SPSZ built form standards address and the heritage provisions do not; and

22.3 at odds with strategic objective 3.3.2(a)(iii).

23 Given the above, I consider proposed rule 13.6.4.2(a) should be deleted in its entirety.

**Jeremy Phillips**

**16 April 2024**

**Attachment 1: Recommended amendments to s42a provisions**

**(Changes to the s42a report version of provisions are summarised below, and a s32AA evaluation is provided for each proposed change).**

## [Sub-chapter 9.3 Historic Heritage]

### Proposed Amendments to Sub-chapter 9.3:

[Delete the listing of 32 Armagh Street from Appendix 9.3.7.2 Schedule of Significant Historic Heritage]

<b>Evaluation of Proposed Deletion of 32 Armagh Street from Appendix 9.3.7.2 Schedule of Significant Historic Heritage</b>	
<b>Evaluation against Mandatory Objectives &amp; Policies (per Schedule 3A)</b>	<b>Do the proposed amendments better achieve the provision?</b>
<i>Objective 1 a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>	<p>The status quo clearly does not deliver a WFUE, and absent delisting would appear to continue.</p> <p>Delisting &amp; demolition would better achieve a WFUE in terms of enabling development and use of the site.</p>
<i>Objective 2 a relevant residential zone provides for a variety of housing types and sizes that respond to— (i) housing needs and demand; and (ii) the neighbourhood’s planned urban built character, including 3-storey buildings.</i>	<p>To the extent relevant, the status quo clearly does not provide for or enable housing on the site. Therefore delisting &amp; demolition would better achieve this objective.</p>
<i>Policy 1 enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i>	<p>To the extent relevant, the status quo ‘disenables’ housing on the site. Therefore delisting &amp; demolition would better achieve this objective.</p>
<i>Policy 2 apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i>	<p>Whilst historic heritage is clearly relevant for the site, in these circumstances it does not warrant ongoing protection, retention and associated constraint on site development.</p>
<i>Policy 3 encourage development to achieve attractive and safe streets and public open spaces,</i>	<p>The status quo clearly does not align with this objective, insofar as the derelict building</p>

<p><i>including by providing for passive surveillance.</i></p>	<p>being unattractive and unsafe, and not supporting passive surveillance.</p> <p>Delisting &amp; demolition would better achieve this policy in terms of enabling appropriate development and use of the site that better achieves this policy.</p>
<p><i>Policy 4 enable housing to be designed to meet the day-to-day needs of residents.</i></p>	<p>To the extent relevant, the status quo 'disenables' housing on the site. Therefore delisting &amp; demolition would better achieve this policy.</p>
<p><i>Policy 5 provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i></p>	<p>N/A</p>
<p><b>Evaluation against CDP Strategic Objectives 3.3.1 &amp; 3.3.2</b></p>	<p><b>Do the proposed amendments better achieve the provision?</b></p>
<p><b>3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district</b></p> <p><i>a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:</i></p> <p><i>i. Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural wellbeing; and</i></p> <p><i>ii. Fosters investment certainty; and</i></p> <p><i>iii. Sustains the important qualities and values of the natural environment.</i></p>	<p>Yes</p> <p>The status quo clearly does not support 'expedited recovery' or 'future enhancement' in a manner that achieves matters i or ii (iii is N/A).</p> <p>Delisting &amp; demolition would better achieve this objective and clearly foster investment certainty accounting for Mr Carter's evidence.</p>
<p><b>3.3.2 Objective - Clarity of language and efficiency</b></p> <p><i>a. The District Plan, through its preparation, change, interpretation and implementation:</i></p> <p><i>i. Minimises:</i></p> <p><i>A. transaction costs and reliance on resource consent processes; and</i></p> <p><i>B. the number, extent, and prescriptiveness of</i></p>	<p>Yes, insofar that delisting would reduce potentially considerable transaction costs and reliance on resource consents to otherwise seek demolition of the building.</p>

<p><i>development controls and design standards in the rules, in order to encourage innovation and choice; and</i></p> <p><i>C. the requirements for notification and written approval; and</i></p> <p><i>ii. Sets objectives and policies that clearly state the outcomes intended; and</i></p> <p><i>iii. Uses clear, concise language so that the District Plan is easy to understand and use.</i></p>	
<p><b>s.32AA Evaluation</b></p>	<p><b>Evaluation of the changes, relative to that proposed in the s42a report</b></p>
<p><b>Effectiveness &amp; efficiency</b></p>	<p>Yes – clearly and considerably more effective and efficient.</p> <p>The heritage listing is neither effective nor efficient at managing heritage values associated with the Blue Cottage. Per Mr Carter’s evidence, absent delisting the building will continue to deteriorate in a manner that diminishes the heritage values of the item, detracts from amenity values, and inhibits site redevelopment.</p> <p>Conversely, Mr Carter notes that delisting would effectively and efficiently enable demolition of the Blue Cottage and comprehensive redevelopment of the site.</p>
<p><b>Benefits/Costs</b></p>	<p>Per the assessment of effectiveness and efficiency and the evidence of Mr Carter, the current heritage listing imposes multiple and potentially significant costs (financial, amenity, unrealised development, etc), with no notable benefits (in terms of managing heritage).</p> <p>Conversely, delisting imposes no significant costs but provides for the benefits associated with residential development/ intensification of the site.</p>
<p><b>Risk of acting / not acting</b></p>	<p>There is no significant risk of not acting, noting that if the listing remains the building will likely remain unrepaired and unused and continue to deteriorate.</p>

	If the listing is removed, the building will be demolished and the site redeveloped. Accordingly there is no risk of acting.
<b>Decision about more appropriate action</b>	Delisting (rather than the status quo) is concluded to be more appropriate in achieving the purpose of the RMA

# [Historic Heritage as a QM]

## Proposed Amendments:

[Delete the historic heritage QM in their entirety]

<b>Evaluation of Proposed Deletion of references to QM trees</b>	
<b>Evaluation against Mandatory Objectives &amp; Policies (per Schedule 3A)</b>	<b>Do the proposed amendments better achieve the provision?</b>
<i>Objective 1 a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>	Yes, insofar that the status quo includes provisions for managing historic heritage (and inappropriate development) that adequately achieves a WFUE.
<i>Objective 2 a relevant residential zone provides for a variety of housing types and sizes that respond to— (i) housing needs and demand; and (ii) the neighbourhood’s planned urban built character, including 3-storey buildings.</i>	Yes –removal of historic heritage QM and relying instead on the existing heritage provisions to manage this issue better achieves this objective.
<i>Policy 1 enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i>	Yes –removal of historic heritage QM and relying instead on the existing heritage provisions to manage this issue better achieves this objective.
<i>Policy 2 apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i>	Whilst some specific items of historic heritage may warrant limits on density on the basis of this being a relevant qualifying matter, generally, the existing heritage provisions are considered sufficient to manage inappropriate development (MDRS or otherwise) and better achieves this objective.
<i>Policy 3 encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</i>	N/A

<p><i>Policy 4 enable housing to be designed to meet the day-to-day needs of residents.</i></p>	<p>N/A</p>
<p><i>Policy 5 provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i></p>	<p>N/A</p>
<p><b>Evaluation against CDP Strategic Objectives 3.3.1 &amp; 3.3.2</b></p>	<p><b>Do the proposed amendments better achieve the provision?</b></p>
<p><b>3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district</b></p> <p><i>a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:</i></p> <p><i>i. Meets the community’s immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural wellbeing; and</i></p> <p><i>ii. Fosters investment certainty; and</i></p> <p><i>iii. Sustains the important qualities and values of the natural environment.</i></p>	<p>Yes, insofar that reliance on the operative heritage provisions to manage inappropriate development (rather than generally apply historic heritage as a QM) better achieves subclauses (i) and (ii).</p>
<p><b>3.3.2 Objective - Clarity of language and efficiency</b></p> <p><i>a. The District Plan, through its preparation, change, interpretation and implementation:</i></p> <p><i>i. Minimises:</i></p> <p><i>A. transaction costs and reliance on resource consent processes; and</i></p> <p><i>B. the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and</i></p> <p><i>C. the requirements for notification and written approval; and</i></p> <p><i>ii. Sets objectives and policies that clearly state the outcomes intended; and</i></p>	<p>N/A</p>



<i>iii. Uses clear, concise language so that the District Plan is easy to understand and use.</i>	
<b>s.32AA Evaluation</b>	<b>Evaluation of the changes, relative to that proposed in the s42a report</b>
<b>Effectiveness &amp; efficiency</b>	Heritage QM are considered unnecessary given the extent to which operative provisions manage inappropriate use and development. Accordingly, reliance on operative heritage provisions and deletion of heritage related QM is considered the more effective and efficient option.
<b>Benefits/Costs</b>	The reduction in duplication (of heritage based provisions) and the removal of heritage QM related constraints on development density will have some benefits.  There are no significant costs associated with the amendments recommended.
<b>Risk of acting / not acting</b>	There is no significant risk of acting or not acting.
<b>Decision about more appropriate action</b>	The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA

## [Sub-chapter 9.4 Significant and other trees]

### Proposed Amendments to Sub-chapter 9.4:

[Delete the references to QM trees in their entirety]

<b>Evaluation of Proposed Deletion of references to QM trees</b>	
<b>Evaluation against Mandatory Objectives &amp; Policies (per Schedule 3A)</b>	<b>Do the proposed amendments better achieve the provision?</b>
<i>Objective 1 a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>	Yes, insofar that the status quo includes provisions for managing scheduled trees that adequately achieves a WFUE.
<i>Objective 2 a relevant residential zone provides for a variety of housing types and sizes that respond to— (i) housing needs and demand; and (ii) the neighbourhood's planned urban built character, including 3-storey buildings.</i>	Yes –reducing the design prescription and consenting costs and uncertainty imposed by these provisions better 'provides for' the outcomes sought by this provision. The proposed provisions are not otherwise required for the purpose of this policy.
<i>Policy 1 enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i>	Somewhat –reducing the duplication or uncertainty imposed by these provisions better 'enables' the outcomes sought by this policy. The proposed provisions are not otherwise required for the purpose of this policy.
<i>Policy 2 apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i>	Somewhat. The provisions to be deleted are not necessary to apply the MDRS, and a qualifying matter does not warrant their inclusion (given that scheduled trees are adequately managed by the status quo).
<i>Policy 3 encourage development to achieve attractive and safe streets and public open spaces,</i>	Yes, insofar that the status quo includes provisions for managing scheduled trees that adequately achieves this policy.

<i>including by providing for passive surveillance.</i>	
<i>Policy 4 enable housing to be designed to meet the day-to-day needs of residents.</i>	N/A
<i>Policy 5 provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i>	N/A
<b>Evaluation against CDP Strategic Objectives 3.3.1 &amp; 3.3.2</b>	<b>Do the proposed amendments better achieve the provision?</b>
<p><b>3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district</b></p> <p><i>a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:</i></p> <p><i>i. Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural wellbeing; and</i></p> <p><i>ii. Fosters investment certainty; and</i></p> <p><i>iii. Sustains the important qualities and values of the natural environment.</i></p>	Yes, insofar that the proposed provisions diminish investment certainty (insofar as additional regulatory control, development prescription and cost) and are not otherwise necessary for achieving the objective.
<p><b>3.3.2 Objective - Clarity of language and efficiency</b></p> <p><i>a. The District Plan, through its preparation, change, interpretation and implementation:</i></p> <p><i>i. Minimises:</i></p> <p><i>A. transaction costs and reliance on resource consent processes; and</i></p> <p><i>B. the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and</i></p> <p><i>C. the requirements for notification and written approval; and</i></p>	Yes. The changes specifically seek to achieve greater alignment with this objective. Refer to evidence and evaluation of the mandatory objectives and policies above.

<p><i>ii. Sets objectives and policies that clearly state the outcomes intended; and</i></p> <p><i>iii. Uses clear, concise language so that the District Plan is easy to understand and use.</i></p>	
<p><b>s.32AA Evaluation</b></p>	<p><b>Evaluation of the changes, relative to that proposed in the s42a report</b></p>
<p><b>Effectiveness &amp; efficiency</b></p>	<p>The Council’s provisions are unnecessary, lack clarity and duplicate existing provisions. Against that context, deletion of the provisions as proposed will be more efficient.</p> <p>The proposed changes still effectively address the relevant issues (accounting for existing provisions that apply to scheduled trees), but in a more efficient manner than that proposed by Council.</p>
<p><b>Benefits/Costs</b></p>	<p>There are no significant benefits associated with the amendments recommended, albeit the reduction in duplication and uncertainty will have some benefits.</p> <p>There are no significant costs associated with the amendments recommended.</p>
<p><b>Risk of acting / not acting</b></p>	<p>There is no significant risk of acting or not acting.</p>
<p><b>Decision about more appropriate action</b></p>	<p>The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA</p>

## [Sub-chapter 6.10A – Tree Canopy Cover & Financial Contributions]

### Proposed Amendments to Sub-chapter 6.10A:

[Delete these provisions and all associated provisions in their entirety]

<b>Evaluation of Proposed Deletion of Sub-chapter 6.10A – Tree Canopy Cover &amp; Financial Contributions and associated provisions</b>	
<b>Evaluation against Mandatory Objectives &amp; Policies (per Schedule 3A)</b>	<b>Do the proposed amendments better achieve the provision?</b>
<i>Objective 1 a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>	Yes, insofar that the status quo includes requirements for landscaping & tree planting that adequately achieves a WFUE and in being less prescriptive better 'enables' all people etc to provide for their wellbeing in the way that they most prefer/choose.
<i>Objective 2 a relevant residential zone provides for a variety of housing types and sizes that respond to— (i) housing needs and demand; and (ii) the neighbourhood's planned urban built character, including 3-storey buildings.</i>	Yes –reducing the design prescription and consenting costs and uncertainty imposed by these rules better 'provides for' the outcomes sought by this provision. The proposed provisions are not otherwise required for the purpose of this policy.
<i>Policy 1 enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i>	Somewhat –reducing the design prescription and consenting costs and uncertainty imposed by these rules better 'enables' the outcomes sought by this provision. The proposed provisions are not otherwise required for the purpose of this policy.
<i>Policy 2 apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i>	Somewhat. The provisions to be deleted are not necessary to apply the MDRS, and a qualifying matter does not warrant their inclusion.

<p><i>Policy 3 encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</i></p>	<p>Yes, on balance.</p> <p>Proposed tree planting provisions 'require', rather than 'encourage' more attractive streets than the status quo. Street tree planting is largely a matter in the control of Council (as road controlling authority) and the status quo includes provisions that 'encourage' attractive street interfaces (landscaping, frontages, urban design, etc) whilst providing greater design freedom, flexibility and choice.</p> <p>The provisions do not otherwise affect the achievement of safe streets and public open spaces.</p>
<p><i>Policy 4 enable housing to be designed to meet the day-to-day needs of residents.</i></p>	<p>Yes, insofar that the changes seek to limit design prescription and allow for housing to be designed to meet the range of design requirements (needs), rather than being dictated by inflexible requirements.</p> <p>For example, <i>requiring</i> tree planting and canopy may conflict with the day to day needs of some residents (e.g. those needing or wishing to prioritise daylight and sunlight admission, low maintenance or low height gardens, etc).</p>
<p><i>Policy 5 provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i></p>	<p>N/A albeit see above re 'encourage' vs 'require'.</p>
<p><b>Evaluation against CDP Strategic Objectives 3.3.1 &amp; 3.3.2</b></p>	<p><b>Do the proposed amendments better achieve the provision?</b></p>
<p><b>3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district</b></p> <p><i>a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:</i></p> <p><i>i. Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure,</i></p>	<p>Yes, on balance:</p> <p>i. See evaluation of mandatory objectives and policies above re meeting 'needs' by providing choice and flexibility.</p> <p>ii. The proposed provisions diminish investment certainty (insofar as additional regulatory control, development prescription and cost).</p> <p>iii. The provisions proposed by Council better 'sustain' the qualities and values of the</p>

<p><i>transport, and social and cultural wellbeing; and</i></p> <p><i>ii. Fosters investment certainty; and</i></p> <p><i>iii. Sustains the important qualities and values of the natural environment.</i></p>	<p>natural environment (in terms of existing tree canopy retention).</p>
<p><b>3.3.2 Objective - Clarity of language and efficiency</b></p> <p><i>a. The District Plan, through its preparation, change, interpretation and implementation:</i></p> <p><i>i. Minimises:</i></p> <p><i>A. transaction costs and reliance on resource consent processes; and</i></p> <p><i>B. the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and</i></p> <p><i>C. the requirements for notification and written approval; and</i></p> <p><i>ii. Sets objectives and policies that clearly state the outcomes intended; and</i></p> <p><i>iii. Uses clear, concise language so that the District Plan is easy to understand and use.</i></p>	<p>Yes. The changes specifically seek to achieve greater alignment with this objective. Refer to evidence and evaluation of the mandatory objectives and policies above.</p>
<p><b>s.32AA Evaluation</b></p>	<p><b>Evaluation of the changes, relative to that proposed in the s42a report</b></p>
<p><b>Effectiveness &amp; efficiency</b></p>	<p>The Council's provisions are complex, difficult to monitor and enforce, and costly (refer to evidence). Against that context, deletion of the provisions as proposed will be more efficient.</p> <p>The proposed changes still effectively address the relevant issues (accounting for existing/operative and other rules that apply), but in a more efficient (non-prescriptive) manner than that proposed by Council. Refer to evidence for examples of other rules (e.g. minimum landscaping and tree planting requirements).</p> <p>Whilst some sub-optimal (i.e. ineffective) outcomes may eventuate through the changes and reduced design prescription, on balance this is considered preferable to the</p>

	inefficiencies of having inflexible and prescriptive rule requirements.
<b>Benefits/Costs</b>	<p>The changes better support and enable residential development/ intensification and otherwise reduce consenting requirements, design prescription and associated costs.</p> <p>There are no significant costs associated with the amendments recommended.</p>
<b>Risk of acting / not acting</b>	<p>There is no significant risk of acting or not acting. The changes relate to the degree of prescription expressed in the rules and as noted above, other existing/operative rules otherwise provide management (albeit to a less prescriptive degree) of the issues that the Council rules address.</p> <p>The main risk of not acting is that the Council's proposed provisions impose greater development costs and consenting complexity to those seeking to undertake intensification – ultimately discouraging, disabling or adding cost to that activity.</p> <p>To the extent that Council seek more planting in streets, they retain the ability to pursue that given their ownership/management of road corridors.</p>
<b>Decision about more appropriate action</b>	The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA



## [Sub-chapter 13.6 Specific Purpose (School) Zone]

### Proposed Amendments to Sub-chapter 13.6 – SPSZ:

(a) Delete rule 13.6.4.2.6 landscaping

(b) Delete rule 13.6.4.2(a) [re: SPSZ built form standards not applying to heritage]

<b>Evaluation of Proposed Amendments to Sub-chapter 13.6 – SPSZ and associated provisions</b>	
<b>Evaluation against Mandatory Objectives &amp; Policies (per Schedule 3A)</b>	<b>Do the proposed amendments better achieve the provision?</b>
<i>Objective 1 a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>	<p>(a) Yes, insofar that the status quo includes requirements for landscaping &amp; tree planting that adequately achieves a WFUE and in being less prescriptive better 'enables' all people etc to provide for their wellbeing in the way that they most prefer/choose.</p> <p>(b) Deletion of the rule allows for SPSZ built form and heritage provisions (and the corresponding elements of this objective) to be reconciled as required through the resource consent process.</p>
<i>Objective 2 a relevant residential zone provides for a variety of housing types and sizes that respond to— (i) housing needs and demand; and (ii) the neighbourhood's planned urban built character, including 3-storey buildings.</i>	<p>(a) Yes –reducing the design prescription and consenting costs and uncertainty imposed by this rule better 'provides for' the outcomes sought by this provision. The proposed provisions are not otherwise required for the purpose of this policy.</p> <p>(b) N/A</p>
<i>Policy 1 enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i>	<p>(a) Somewhat –reducing the design prescription and consenting costs and uncertainty imposed by this rule better 'enables' the outcomes sought by this provision. The proposed provisions are not otherwise required for the purpose of this policy.</p>

	(b) N/A
<i>Policy 2 apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i>	(a) The provisions to be deleted are not necessary to apply the MDRS, and a qualifying matter does not warrant their inclusion.  (b) N/A
<i>Policy 3 encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</i>	(a) Yes, on balance. Proposed tree planting provisions 'require', rather than 'encourage' more attractive streets than the status quo. Street tree planting is largely a matter in the control of Council (as road controlling authority) and the status quo includes provisions that 'encourage' attractive street interfaces (landscaping, frontages, urban design, etc) whilst providing greater design freedom, flexibility and choice. The provisions do not otherwise affect the achievement of safe streets and public open spaces.  (b) N/A
<i>Policy 4 enable housing to be designed to meet the day-to-day needs of residents.</i>	(a) Yes, insofar that the changes seek to limit design prescription and allow for housing to be designed to meet the range of design requirements (needs), rather than being dictated by inflexible requirements. For example, <i>requiring</i> landscaping may conflict with the day to day needs of some residents (e.g. those needing or wishing to prioritise daylight and sunlight admission, low maintenance or low height gardens, etc).  (b) N/A
<i>Policy 5 provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i>	N/A albeit see above re 'encourage' vs 'require'.

<b>Evaluation against CDP Strategic Objectives 3.3.1 &amp; 3.3.2</b>	<b>Do the proposed amendments better achieve the provision?</b>
<p><b>3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district</b></p> <p><i>a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:</i></p> <p><i>i. Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural wellbeing; and</i></p> <p><i>ii. Fosters investment certainty; and</i></p> <p><i>iii. Sustains the important qualities and values of the natural environment.</i></p>	<p>Yes, on balance:</p> <p>i. See evaluation of mandatory objectives and policies above re meeting 'needs' by providing choice and flexibility.</p> <p>ii. The proposed provisions diminish investment certainty insofar as: (a) additional landscaping rules imposing additional regulatory control, development prescription and cost; and (b) the removal of built form standards and reliance on heritage provisions instead clearly reduce certainty for the reasons set out in the evidence.</p> <p>iii. For (a), the landscaping provision proposed better 'sustains' the qualities and values of the natural environment (in terms of landscaping provision). N/A otherwise for (b).</p>
<p><b>3.3.2 Objective - Clarity of language and efficiency</b></p> <p><i>a. The District Plan, through its preparation, change, interpretation and implementation:</i></p> <p><i>i. Minimises:</i></p> <p><i>A. transaction costs and reliance on resource consent processes; and</i></p> <p><i>B. the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and</i></p> <p><i>C. the requirements for notification and written approval; and</i></p> <p><i>ii. Sets objectives and policies that clearly state the outcomes intended; and</i></p> <p><i>iii. Uses clear, concise language so that the District Plan is easy to understand and use.</i></p>	<p>Yes. The changes specifically seek to achieve greater alignment with this objective. Refer to evidence and evaluation of the mandatory objectives and policies above.</p>

<b>s.32AA Evaluation</b>	<b>Evaluation of the changes, relative to that proposed in the s42a report</b>
<b>Effectiveness &amp; efficiency</b>	<p>For (a), the proposed rule is common to a number of zones in the plan where it has been determined to be effective and efficient. Accordingly, the rule is assessed as being effective and efficient in the SPSZ.</p> <p>For (b), the proposed rule is uncertain and difficult to administer (refer to evidence) and therefore the proposed deletion of the provisions will be more efficient. For (b), the proposed changes still allow for the relevant issues to be addressed (noting both built form and heritage rules would apply), but in a more effective manner.</p>
<b>Benefits/Costs</b>	<p>The changes ((a) and (b)) better support and enable development/ intensification and otherwise reduce consenting requirements, design prescription and associated costs.</p> <p>The changes to (a) may result in diminished landscaping, with consequential amenity effects (costs). However, this is consistent with the status quo.</p> <p>There are no costs associated with (b).</p>
<b>Risk of acting / not acting</b>	<p>There is no significant risk of acting or not acting. For (a), the change (a) reduces the degree of prescription expressed in the rules albeit the rule is typical of that found in most zones. For (b) the heritage rules would continue to apply to built form, so there is no risk associated with the deletion of this rule.</p> <p>The main risk of not acting is that the Council's proposed provisions impose greater development costs and consenting complexity to those seeking to undertake intensification – ultimately discouraging, disabling or adding cost to that activity.</p>
<b>Decision about more appropriate action</b>	<p>For (a), the Council provisions are more appropriate, albeit they are not consequential on Policy 3.</p> <p>For (b), the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA</p>

**ATTACHMENT 2: MINUTE 29 RESPONSE**

Minute 29 requested the following information and a response to this request is set out below:

				criteria.	
25 October 2023	#823 #2044	Catholic Diocese of Christchurch (appearance related to both Carter Group and Diocese)	Jeremy Phillips	Provide clarification regarding section 77 with regard to rezoning.  Related to paragraph 33 of evidence in chief.  Undertaking to combine Attachment 2 and 3 by incorporating Attachment 2 as a fourth column in Attachment 3	

**1. Provide clarification regarding section 77 with regard to rezoning. (Related to paragraph 33 of evidence in chief).**

With the aim of providing the requested clarification I propose that paragraph 33 of my evidence in chief be amended as follows:

33. Ms Piper’s report considers the requested relief as beyond scope, because it goes *‘beyond the requirements for the implementation of the MDRS, NPS-UD Policy 3, and the consequential changes to give effect to this’*. I do not agree, noting that NPS-UD Policy 3 (d) seeks to *‘enable... adjacent to neighbourhood centre zones... building heights and densities of urban form commensurate with the level of commercial activity and community services’*. In this case, the land is *‘adjacent to a neighbourhood centre zone’* and the submission seeks the rezoning in order to better enable *‘community services’* associated with the school. In this regard, the term ‘urban form’ as used in policy 3 is not defined, but in my view includes the full spectrum of land uses found in urban environments (e.g. education, health and recreational facilities, etc) rather than simply housing and business land use. Aside from policy 3 referring to the ‘heights and density of urban form’ (rather than the ‘heights and density of housing and business’ or words to that effect), it would be counterintuitive in my view to intensify housing and business and not consider proposals to intensify or better enable community services. I also consider this interpretation can be readily reconciled with the wording used in clauses (a)-(d) of policy 3.

Acknowledging that the issue of scope is to a large extent a matter of legal interpretation, I otherwise refer to the Memorandum of counsel on behalf of LMM Investments 2012 Limited (and various other clients) regarding scope of Plan Change 14, dated: 21 December 2023.

**2. Combine Attachment 2 and 3 [of Summary statement] by incorporating Attachment 2 as a fourth column in Attachment 3.**

An amended table, as requested, is provided below (with additional text underlined>):

	<b>Status quo</b>	<b>As notified</b>	<b>S42a</b>	<b><u>Alternative framework (per Attachment 2 of summary statement)</u></b>
Max height	28m, then DA	>90m =RDA  >20m building base = DA  Other DA triggers (e.g. New Regent St)  Otherwise RDA	>90m =DA  >20m building base = DA  Other DA triggers (e.g. New Regent St)  Otherwise RDA	>90m =DA  <u>45m-90m =RDA (with assessment matters refined to specifically address the issues relevant to taller buildings – e.g. tower form/treatment, wind, etc).</u>  <u>28m-45m = CA (with new matters of control to manage specific height-related effects of buildings at these moderate heights)</u>  <28m = permitted (per status quo)
Road wall height	21m, then DA	Per status quo (21m and DA), but 28m for corner sites.	(As for s42a)	<u>Per status quo (21m) but with RDA status to focus on road wall related height only and align with the street boundary recession plane rule.</u>
Street boundary recession plane	45 degrees at 21m, then RDA	Per status quo, but limited application to 28m and exemption for street corners	(as for s42a but N/a to towers setback >6m)	<u>Per status quo (45 degrees at 21m, then RDA).</u>

Urban design	CA with certification  RDA with no certification	Per status quo, but CA and certification only available to buildings compliant with street recession plane and road wall height	(As for s42a)	<u>Status quo (CA with certification, RDA with no certification) but refinement of urban design assessment criteria to account for matters that might warrant particular consideration for higher or denser forms of development (e.g. tower form, modulation, avoiding blank facades).</u>
Tower rules	N/A	Tower rules apply (not detailed here)	Tower rules apply (not detailed here)	<u>No rules (addressed instead by urban design rule, matters of discretion for height non-compliance, or general/full discretion for significant height non-compliance)</u>
<u>Policy framework</u>	<u>Not detailed here</u>	<u>Amendments not detailed here</u>	<u>Amendments not detailed here</u>	<u>Generally per the status quo, but modified (particularly the policies under objective 15.2.4 regarding urban form, scale and design outcomes) to recognise and manage the higher and denser form of development enabled. This policy suite currently provides the basis for the urban design and height rules and corresponding assessment matters.</u>