

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
IN CHRISTCHURCH**

**TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

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**STATEMENT OF PRIMARY EVIDENCE OF ANDREW PETER HEWLAND  
WILLIS ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

**CENTRAL CITY**

**DENSITY AND BUILDING HEIGHTS  
COMMERCIAL DISTRIBUTION REQUIREMENTS**

**QUALIFYING MATTERS:  
VICTORIA STREET AND CATHEDRAL SQUARE BUILDING HEIGHTS  
RADIO COMMUNICATIONS BUILDING HEIGHTS**

Dated: 11 August 2023

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## EXECUTIVE SUMMARY

1. My full name is **Andrew Peter Hewland Willis**. I am the Director of Planning Matters Limited, an independent planning consultancy based in Christchurch. I have been engaged by the Christchurch City Council (the **Council**) to provide evidence on Plan Change 14 to the Christchurch District Plan (the **CDP/District Plan; PC14**).
2. I have prepared this statement of evidence on behalf of the Council in respect of Central City commercial zone building heights, including the Qualifying Matters (**QMs**) applying to building heights in Victoria Street and Cathedral Square and in relation to Radio Communications, as well as office distribution matters in the Central City mixed use zones. This statement responds to matters arising from the submissions and further submissions on these topics.
3. NPS-UD Policy 3(a) does not expressly seek to enable unlimited building heights or to maximise development capacity in city centres. Rather, the direction is to realise as much development capacity as possible, to maximise the benefits of intensification. In addition, Policy 3(a) cannot be read in isolation from the other NPS-UD requirements - the intensification outcomes still need to support the achievement of well-functioning urban environments.
4. Under NPS-UD Policy 3(c), development in the Central City Mixed Use Zone (**CCMUZ**) and CCMUZ South Frame (**CCMUZ(SF)**) must be enabled to at least six storeys in height.
5. 'Enablement' does not require a fully permitted activity status for tall / large buildings. Rather, enablement can be achieved through controlled and restricted discretionary status, and potentially discretionary status, as long as the matters of discretion or policies are clear and there is a pathway to provide extra height / scale when the specified requirements are met.
6. There have been different approaches to building heights pre and post-earthquake in Christchurch. The lower rise post-earthquake building heights were informed by the need to consolidate commercial activity and carefully distribute this in a smaller commercial area to avoid large activity gaps. Lowered building heights and restrictions on office scale in the mixed-use zones were employed as tools to achieve this. The lower height limits also assisted in achieving the lower rise aspirations of the community

and avoid adverse effects on the streetscape without compromising economic viability.

7. There were a range of submissions seeking: no height limit; increased height limits; the PC14 limits; lowered height limits (from the PC14 limits); the status quo CDP height limits; and even lower height limits.
8. Building heights affect the achievement of a well-functioning environment. Assessing what constitutes a well-functioning urban environment specific to Ōtautahi Christchurch requires a contextual approach that considers such things as the current built environment, earthquake recovery matters, capacity and demand, development feasibility, urban design guidance and relativity of scale to other Christchurch centres and residential areas nearby.
9. The Central City Zone (**CCZ**) has relatively few tall buildings, is still in an earthquake recovery period and has no identified shortage of supply of commercially zoned land and floor space. The height limits of other centres and surrounding residentially zoned land range from 14 to 39m. Economic evidence supports a 90m building height limit as notified in PC14 while urban design evidence supports requiring buildings over 28m in height to be subject to additional building standards and require a restricted discretionary consent subject to additional matters of discretion relating to urban design quality included as part of a general urban design rule, up to the 90m fully discretionary height limit. Commercial feasibility evidence of Ms Ruth Allen indicates a 60m height limit, together with the other proposed bulk and location rules, is commercially feasible for residential and mixed-use developments, which improves with additional height, while lower heights are feasible for commercial activities alone, in a building base.
10. Based on the assessment undertaken and balancing competing urban design and intensification demands, in my opinion this approach works as additional height is provided to meet the economic evidence, however tall buildings must be well designed. In my opinion this approach achieves the requirements of the NPS-UD for realising the benefits of intensification whilst still supporting the achievement of a well-functioning environment. I note that taller buildings (i.e. taller than 90m) can still be built but this would require a fully discretionary resource consent. I consider that the two tallest buildings currently in Christchurch could be consented under this proposed approach. This approach provides the CCZ with the greatest scale and

density of development in the City and gives effect to the relevant objectives and policies in the CDP, including as amended by PC14.

11. For the mixed-use zones, I support a mixture of building heights as set out in the height map contained in Ms Williams' evidence. These heights are generally in excess of the height limits proposed in PC14 (and in excess of the minimum required in the NPS-UD) as I consider the Central City generally needs to provide more development potential than other Christchurch centres and adjacent residential areas, and these areas can support greater scale than proposed.
12. I support 45m height limits in the Victoria Street and Cathedral Square QM areas (as proposed in PC14) due to the special characteristics of these areas. I support the 40m radio communications QM to protect this important infrastructure, noting the building heights proposed for the mixed-use areas is lower than 40m in any case.
13. I support the retention of the 450m<sup>2</sup> maximum office tenancy rule applying to the mixed-use zones to continue to support the CCZ through the recovery period as the primary location for large scale offices. However, I recommend that this should be amended to 500m<sup>2</sup> for consistency with the provisions applying to centres outside the Central City.

## **INTRODUCTION**

14. My full name is **Andrew Peter Hewland Willis**. I am the Director of Planning Matters Limited, an independent planning consultancy based in Christchurch. I hold the qualifications and have the experience set out in my evidence below.
15. My evidence covers Central City building heights, including the QMs applying to building heights in Victoria Street and Cathedral Square and in relation to Radio Communications as well as commercial distribution matters that were included in PC14.
16. In preparing this evidence I have relied on the following documents and evidence:
  - (a) The Council's draft section 42A report prepared by Holly Gardiner 'Central City non-height related matters';
  - (b) The statement of evidence from Alistair Ray;

- (c) The statement of evidence from Tim Heath;
  - (d) The statement of evidence from Ruth Allen;
  - (e) The statement of evidence of Amanda Ohos;
  - (f) The statement of evidence of Suzanne Richmond;
  - (g) The statement of evidence of Mike Green;
  - (h) The section 32 reports for PC14 relating to urban design<sup>1</sup> including the relevant appendices<sup>2</sup>; and
  - (i) The proposed provisions in sub-chapter 15 of PC14 concerning the Central City building heights and relevant QMs.
17. I have not been involved in the preparation of the Christchurch City Council submission on plan change 14. Nonetheless, I understand that planning evidence will separately be given in respect of that submission. As such, in this statement I will not be considering or commenting on relief sought in the Council submission.
18. I am authorised to provide this evidence on behalf of the Council.

## **QUALIFICATIONS AND EXPERIENCE**

19. I hold the qualifications of Bachelor of Science (in Ecology and Zoology) from the University of Canterbury (1993) and a Masters of Science in Resource Management with honours (Lincoln University 1996). I am an accredited resource management hearings commissioner and have acted in that capacity for the Kaikoura, Selwyn and Mackenzie District Councils.
20. I have over 25 years' experience in planning as a district and regional council planner (in New Zealand and the United Kingdom) and in the private sector, including over 10 years as an independent planning consultant. The majority of my experience has been in policy projects, including preparing plan changes and drafting s32 reports. Of particular relevance to PC14, central city planning, and recovery planning, I was employed by the Council

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<sup>1</sup> Proposed Housing and Business Choice Plan Change (Plan Change 14) section 32 report Part 2 subpart 6.27 [Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-3-15-March.pdf \(ccc.govt.nz\)](https://www.ccc.govt.nz/assets/Documents/Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-3-15-March.pdf) and Part 2 subpart 6.14 [Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf \(ccc.govt.nz\)](https://www.ccc.govt.nz/assets/Documents/Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf) Part 4 [Plan-Change-14-HBC-NOTIFICATION-Section-32-Commercial-and-Industrial.pdf \(ccc.govt.nz\)](https://www.ccc.govt.nz/assets/Documents/Plan-Change-14-HBC-NOTIFICATION-Section-32-Commercial-and-Industrial.pdf).

<sup>2</sup> Section 32 Report Part 2 Appendix 29 [PC14-Qualifying-Matters-Lower-Height-Limits-Victoria-Street-and-Cathedral-Square.PDF \(ccc.govt.nz\)](https://www.ccc.govt.nz/assets/Documents/PC14-Qualifying-Matters-Lower-Height-Limits-Victoria-Street-and-Cathedral-Square.PDF) and section 32 report Part 4 - Appendix 1 "Technical Report – Background to Central City Height and Density Controls" [https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32-Appendices-1/Appendix-1-Commercial-Technical-Report\\_Background-to-Central-City-Height-and-Density-Controls-FINAL.PDF](https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32-Appendices-1/Appendix-1-Commercial-Technical-Report_Background-to-Central-City-Height-and-Density-Controls-FINAL.PDF)

as the central city planner from 2000 – 2005, working on central city revitalisation matters. During this period one of my tasks was to resolve appeals on height limits to the 1995 Christchurch City Plan (the **1995 City Plan**) for the Victoria and Latimer Square areas. After the 2011 and 2012 earthquakes, while working for the Council I helped prepare the draft Central City Recovery Plan and was then seconded into The Canterbury Earthquake Recover Authority (**CERA**) to prepare the Christchurch Central Recovery Plan (**CCRP**) which set out revised planning rules, including bulk and location provisions for the Central City. I also prepared the Ōtākaro Avon River Regeneration Plan (for Regenerate Christchurch).

21. I am a full member of the New Zealand Planning Institute (**NZPI**) and former Deputy Chair of the NZPI national board.

### **CODE OF CONDUCT**

22. While this is a Council hearing, I have read the Code of Conduct for Expert Witnesses (contained in the 2023 Practice Note) and agree to comply with it. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

### **SCOPE OF EVIDENCE**

23. My statement of evidence addresses the following matters:
- (a) Application of the National Policy Statement on Urban Development (**NPS-UD**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**) to building height;
  - (b) Pre PC14 District Plan approaches to building height;
  - (c) Height limits outside of QM areas;
    - (i) Central City Zone (**CCZ**);
    - (ii) Central City Mixed-Use Zone (**CCMUZ**) and Central City South Frame Mixed-Use Zone (**CCMUZ(SF)**);
  - (d) Height limits in the Victoria Street QM area;
  - (e) Height limits in the Cathedral Square QM area;

- (f) Height limits in the Radio Communications QM area; and
  - (g) Office distribution requirements: considered as part of consideration of height limits as set out above, and also for the specific CCMUZ and CCMUZ(SF) rules.
24. I address each of these points in my evidence below.
25. In my evidence where I refer to the commercial areas of the Central City generally, I refer to the 'Central City'. When I am referring to specific zones in the Central City I identify these zones specifically.

## **APPLICATION OF THE NPS-UD / ENABLING HOUSING SUPPLY AMENDMENT ACT TO BUILDING HEIGHT IN CHRISTCHURCH**

### **The Central City Zone (CCZ)**

26. The CCZ is covered by NPS-UD Policy 3(a) which seeks "*in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification;*"
27. NPS-UD Policy 4 also applies and states that district plans applying to tier 1 urban environments are to "*modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.*"
28. I understand that NPS-UD Policy 3(a) cannot be read in isolation from the other NPS-UD requirements. The Ministry for the Environment (**MfE**) guidance<sup>3</sup> (page 28) specifically states that:
- "You should read and consider the other provisions in the NPS-UD together with the intensification requirements. Also, local authorities should continue to ensure the intensification outcomes will support well-functioning urban environments and sensible zoning patterns."*<sup>4</sup>
29. I note that the MfE guidance does not have any legal effect, however it has been developed to assist with implementation and is therefore useful to consider.
30. As such, a directive to enable building heights and density of urban form to realise as much development capacity as possible has to both maximise

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<sup>3</sup> <https://environment.govt.nz/publications/understanding-and-implementing-intensification-provisions-for-the-national-policy-statement-on-urban-development/>

<sup>4</sup> MfE: Understanding and implementing intensification provisions for the NPS-UD



the benefits of intensification and still contribute to a well-functioning urban environment. It is not a requirement in isolation. I note that MfE guidance (page 30) again acknowledges that development standards may limit building height and density where there is evidence that doing so will contribute to a well-functioning urban environment and achieving the objectives of the NPS-UD as a whole. The guidance also states that the intensification requirements do not necessarily mean removing those controls from plans, but carefully reviewing and testing each control to ensure it is balanced to enable intensification and that none of the intensification requirements are intended to override or undermine good quality urban design or quality urban environments (page 28).

31. In relation to QMs, I note that the MfE Guidance states (page 30) that:

*“in some urban environments, there may be circumstances or factors, which are linked to the qualifying matters in the NPS-UD (subpart 6, clause 3.33), that will mean these will need maximum height limits or GFAs in city centre zones. Any such decisions will need to be supported by robust evidence and analysis. Where heights and density within city centres are scaled below maximum levels due to other circumstances or factors, the trade-offs of this approach should be clearly articulated in a section 32 report.”*
32. As such, it is clear that lower height limits are anticipated under the NPS-UD where justified.
33. Based on my own planning experience, I consider that ‘enablement’ does not require a fully permitted activity status for tall / large buildings. Rather, enablement can be achieved through controlled and restricted discretionary status, and potentially discretionary status as long as the matters of discretion are clear and there is a pathway to provide extra height / scale when the specified requirements are met. In my opinion, it is only non-complying and prohibited activity statuses that clearly are not enabling.
34. I note there are a number of submissions that argue that bulk and location controls such as maximum road wall heights, building setbacks, etc are ‘inconsistent’, ‘fundamentally inconsistent’ or ‘at odds’ with Policy 3 as they do not enable building heights and density of built form to realise as much development capacity as possible. In addition to noting the MfE guidance that expressly states height and density controls can be justified under Policy 3, Policy 3 needs to be read in the context of the NPS-UD as a whole

such that none of the intensification requirements are intended to override or undermine good quality urban design or quality urban environments. I also note that these rules are not height or density rules per se. Their application may make no or very little difference to development capacity and would need to be assessed on a case-by-case basis. I note that there is no evidence provided in the submissions quantifying the extent to which these rules reduce development capacity and even if there was, there is no express directive in Policy 3 that says these other rules are discouraged or prohibited. Rather, MfE guidance states the opposite.

35. I also note the evidence of Mr Tim Heath where he states:

*“The need for exogenous intervention into the market is necessitated by the fundamental intent of seeking to maximise community wellbeing either through improvements in equity or an improvement in economic efficiency. The fact that the market will not seek to maximise community wellbeing but pursue individual party interests is key in understanding whether the market requires a balancing mechanism in order to redress the potential imbalance between community interests and individual interests.”*

36. I consider intervention in building scale is justified where it is required to redress the potential imbalance between community interests and individual interests and in order to achieve a well-functioning urban environment.

37. I also note that NPS-UD Policy 3(a) uses the term ‘realise’ as opposed to ‘enable’, i.e., enable building heights and density of urban form to realise as much development capacity as possible. ‘Realise’ requires a consideration of what is actually going to be built, whereas ‘enable’ does not. If buildings are generally only ever going to be built to say 70m or 80m in height due to feasibility considerations, then setting a height limit of 150m or having no height limit at all will have no practical effect on the realisable development capacity.

### **Commercial Central City Mixed-Use Zone (CCMUZ) and Commercial Central City (South Frame) Mixed-Use Zone (CCCMUZ(SF))**

38. The CCMUZ and CCMUZ(SF) are located within a walkable catchment of the CCZ. As such, NPS-UD Policy 3(c) is relevant, which seeks:

*“c) building heights of at least 6 storeys within at least a walkable catchment of the following:*

*(i) existing and planned rapid transit stops*

*(ii) the edge of city centre zones*

*(iii) the edge of metropolitan centre zones; and*

...

39. Based on Policy 3(c), development in the CCMUZ and CCMUZ(SF) must be enabled to at least six storeys in height. The MfE guidance (section 6.4) states that six storeys is the minimum and not a target and, in many cases, local authorities should enable higher than six storeys, especially where there is evidence higher buildings would be appropriate, including when:<sup>5</sup>
- (a) the housing and business development capacity assessment for the urban environment shows there is high demand for residential and commercial space in a walkable catchment;
  - (b) a walkable catchment of a city centre zone also falls within a walkable catchment of a rapid transit stop; and
  - (c) a walkable catchment enables access to planned and existing forms of public transport, especially frequent public transport services.

### **What is a well-functioning urban environment?**

40. The NPS-UD sets out in Policy 1 factors that, as a minimum, contribute to a well-functioning urban environment. In summary, these include environments that have a variety of homes and sites for different business activities, good accessibility between homes, work, community and recreation spaces, limited adverse impacts on the competitive operation of land and development markets, reductions in greenhouse gas emissions and resilience to climate change.
41. In his evidence Mr Ray also identifies matters that contribute to a well-functioning urban environment. Mr Ray identifies that how an urban place performs goes beyond just physical or quantitative elements (form) and is also determined by people's behaviour and needs within a particular place, the importance of placemaking and the need to consider a contextual approach as to what constitutes a well-functioning urban environment specific to Ōtautahi Christchurch. He considers that building form and

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<sup>5</sup> MfE: Understanding and implementing intensification provisions for the NPS-UD

building design directly impact the quality, vitality and enjoyment of the built environment for people occupying and using the city and that observing the principles of good urban design plays a significant role in the creation of well-functioning built urban environments. Mr Ray states that building height, and other specified building aspects, play a significant role in shaping the quality of the built environment and the degree to which it can be described as a well-functioning environment.

42. As stated later in my evidence, I consider that scale and density relativity (of the Central City relative to the remainder of the City), is important to support a well-functioning urban environment. The CCZ should have the greatest scale and density of development relative to other areas to support the increased investment in public transport, civic services and spaces and create the City's identity.
43. I consider the above conclusions, observations and opinions are useful to guide the assessment of the application of the NPS-UD to the proposed building heights in PC14.

### **Pre PC14 district plan approaches to building height**

#### *1995 Christchurch City Plan (the **1995 City Plan**)*

44. In addition to considering the application of the NPS-UD, I consider it also useful to understand the pre-earthquake approaches to building height within the Central City to provide further context.
45. The 1995 City Plan identified different height limits for different areas of the Central City. These were shown on planning map 39D (reproduced in **Appendix A**). The CCZ (in the 1995 City Plan) was divided into the areas identified below, with the corresponding maximum building height limits:
  - a) Core - maximum building height 45m;
  - b) Frame 1 - maximum building height 80m;
  - c) Frame 2 - maximum building height 60m;
  - d) East Fringe - maximum building height 30m (North of Peterborough) and 40m (South of Peterborough);
  - e) City South - maximum building height 20m;
  - f) Latimer Square - maximum building height 25-40m;

- g) Victoria Square – maximum building height 15m to 65m.
46. The explanation and reasons for Policy 4.1.2 stated that with the City's tallest buildings and density of development, the central business area is a prominent focal point in the geographical centre of the City and in its setting on a flat plain. Policy 12.2.2 (Consolidation), anticipated intensification within the Central City. Policy 12.2.3 (Building density), anticipated that development is able to take full advantage of the potential provided in the 1995 City Plan, *“having regard to an appropriate urban shape and form which distributes development within the central city for maximum environmental benefit, and value in terms of city identity”*<sup>6</sup>
47. The ‘appropriate urban shape and form’ is expanded on in Policy 12.4.2 (Character of the Central City), which seeks to *“promote building development in important parts of the central city which respects the natural and historic character of the area.”* The explanation and reasons state that the external appearance of buildings is (a figure was included that identified important amenity areas and their links - see **Appendix A**):
- “an aesthetic element which contributes greatly to environmental quality, amenity values and character of urban streetscapes... Within the central city are a number of areas of particular quality which create a series of distinctive precincts and linked urban spaces. These areas contribute significantly to the sense of identity and historical continuity of the City, particularly central Christchurch.”*
48. Policy 12.4.1 (Public open space), which identifies important public open spaces in the Central City, specifically identified the significant open spaces of Cathedral Square, Victoria Square, the Avon River environs, City Mall and High Street.
49. Thus, the 1995 City Plan specifically identified different parts of the City for their characteristics and imposed maximum building height restrictions based on those characteristics, in order to maintain and enhance these areas for amenity and identity purposes. I understand that the maximum building height figures were also informed by the height of the tallest existing buildings in the area at the time.

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<sup>6</sup> Explanation and reasons to Policy 12.2.3.

## The CCRP and the 2018 operative District Plan

50. The Crown's CCRP, based on the Council's Draft Central City Recovery Plan, was developed in mid-2012 in response to the 2010 and 2011 Canterbury earthquakes. Both recovery plans were informed by significant technical input including market demand assessments and buildability / financial viability assessments for different building heights.<sup>7</sup> The CCRP embraced the need for amenity and identity as well as the need to carefully distribute commercial activity through its bulk and location controls and creation of the East, South and North Frames which removed some former commercially zoned land from commercial activity.
51. It was clear that the CCRP could either facilitate the rebuild by providing for a few tall buildings surrounded by large areas of vacant land, or by spreading the rebuild over a larger area with lower-rise buildings. The lower-rise option was favoured as it provided greater environmental benefits (sunlight access, accessibility, human scale), distributed activation over a wider area, spread the economic benefits over a larger group of landowners, and provided a better return on investment.<sup>8</sup>
52. The CCRP states (pages 103 and 105):

*“Christchurch has traditionally had a geographically expansive CBD which, at times, has struggled to attract and retain workers, residents, shoppers and tourists. The operative District Plan effectively enables traditional CBD activities such as offices, retail activities, travellers’ accommodation and the like to establish throughout a significant portion of the CBD. This has enabled activities to spread across an extended area resulting in pockets of low or no activity, significant ratios of lower grade, semi-occupied buildings and diminished amenity values which have in turn dis-incentivised residential occupation and development.*

*The Recovery Plan seeks to address this issue by creating a consolidated Central City Business Zone. The new Central City Business Zone effectively encompasses an area of approximately 40 hectares as shown on Map 1 in Appendix 1. This compares with more*

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<sup>7</sup> CCRP Technical Appendices Volume 2 – Appendixes E, F, G, I and J

<sup>8</sup> Financial Feasibility of Building Development in the Christchurch CBD, Colliers International for Christchurch City Council, November 2011

*than 90 hectares of Central City zoned land in the operative District Plan.*

...

*An important component in developing the framework for an active and vibrant city centre is determining how best to utilise the available land. Consolidating development opportunities in a central business area and reducing the height of buildings assists with an appropriate distribution of development activities across the available area. Lower buildings are less dominant, making streets more inviting and people friendly. Lower building heights also reduce the adverse effects of tall buildings (shadowing, wind tunnels and the like).*

*Despite these benefits, it is recognised that height limits have potential to affect the viability of development. This is particularly the case where development is required to optimise a small or unusually shaped lot due to the underlying (largely fragmented) ownership structure. It is self-evident that providing for uneconomic development defeats the goal of recovery. Capacity and viability analyses together with urban design considerations have combined to inform new height limits for the Central City Business and Central City Mixed Use Zones as follows:*

- Central City Business Zone (Core) 28m*
- Central City Business Zone (Gateway) 17m*
- Central City Mixed Use Zone 17m*

*These heights provide for 7 storey buildings in the Core and 4 storey buildings in the balance areas. Some exceptions to these height limits exist for particularly sensitive sites including the Mixed Use zones in the north adjacent to Living Zones and in New Regent Street where lower heights are required to ensure sunlight provision and/or reflect existing character.*

....

*The adoption of these height limits will achieve the lower rise aspirations of the community, assist with an appropriate distribution of development on available land and avoid adverse effects on the streetscape without compromising economic viability. ...”*

53. At page 40 the CCRP states that:
- “lower buildings will become a defining central city feature in the medium term ... and that a lower rise city fits in with the community’s wishes and takes into account the economic realities and market demand for property in the core. It recognises the character and sensitivity of certain areas, such as New Regent Street, and reduces wind tunnels and building shade.”*
54. The CCRP does not expressly identify that the plot ratio rules from the 1995 City Plan were removed when the building height limit was lowered, so while buildings could no longer be as tall, they could however now be built out across the entire site to a lower level. This compensated somewhat for loss of height and was still considered acceptable in terms of amenity for these lower rise buildings (28m or less in height). Had the building heights not been lowered, the plot ratio rule would have remained in the CDP.
55. The CCRP therefore carefully considered the issue of building height in the post-earthquake environment and purposefully lowered these from the maximums in the 1995 City Plan. The reduction was to ensure a more even distribution of commercial activity across the recovery period (to avoid significant activity gaps), to reduce adverse effects from tall buildings (e.g., wind tunnelling, shading) and to generally create more inviting and people friendly streets. The CCRP recognised that the Central City needed to be inviting to entice people back. The new urban form would create a lower rise identity for Christchurch and responded to the public’s safety perceptions over tall buildings. The plot ratio restrictions were removed to enable buildings to build out entire sites at this lower height.
56. The CCRP inserted its proposed building heights and other bulk and location changes into the 1995 City Plan. The height limits were tested through the district plan review process, but were ultimately retained in the current CDP for the reasons identified in the CCRP. When the District Plan was reviewed in 2017, the Canterbury Earthquake Recovery Act 2011 required that the District Plan must not be inconsistent with the CCRP. That legislation has since been revoked with the effect that lesser weight is now afforded to the CCRP (PC14 must still have regard to the directions of the CCRP under s74(2)(b)(i) of the RMA). The height limits in the current CDP are shown on the map contained in **Appendix B**.



57. In terms of success of the CCRP approach, in his evidence Mr Ray states that from an urban design perspective, the CCZ has been developing into one of New Zealand's best well-functioning urban environments. He describes it as: a human-scaled city with buildings and streets and spaces in excellent proportions; buildings that define space and create clearly articulated public streets and spaces; well-designed streets that promote active transport modes; a network of high-quality attractive public open spaces and routes; a high-degree of mixed use and diversity; highly activated buildings especially at ground level; and excellent design quality throughout buildings and the public realm. Mr Ray considers that the approach since the 2011 earthquakes of pursuing a lower rise city is instrumental in this success.

### **PC14 Proposed Height limits outside of Qualifying Matter areas**

#### *Central City Zone*

58. In response to the NPS-UD, PC14 has taken a significantly different approach to height limits from the CCRP and CDP. PC14 proposes a height limit of 90m outside of areas subject to QMs (see coverage of these QM areas later in my evidence). This 90m height limit area is set out in **Appendix C** and equates to the 'Core' in the CCRP (see **Appendix B**). Essentially the height limit is increased for this area from 28m under the CCRP / CDP to 90m under PC14.
59. While the 28m height limit (and removal of plot ratio controls) was justified by the CCRP for the post-earthquake environment to manage commercial distribution / vibrancy gaps and amenity (and ultimately contribute to a well-functioning urban environment), the NPS-UD requires the Council to apply a different policy lens over the same set of provisions, and reassess if they would realise as much development capacity as possible, to maximise benefits of intensification, whilst still achieving a well-functioning environment. The Council has set this value at 90m and added additional bulk and location controls to manage site boundary interfaces and amenity for the significantly greater scale of built form now proposed to be enabled.
60. The section 32 Report provides the background to CCZ height and density controls in PC14.<sup>9</sup> It states that a range of building height options for the

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<sup>9</sup> Housing and Business Choice – Commercial and Industrial Sub-Chapters Evaluation Report [Part 4] Appendix 1 [Appendix-1-Commercial-Technical-Report\\_Background-to-Central-City-Height-and-Density-Controls-FINAL.PDF \(ccc.govt.nz\)](#)

CCZ were considered, including 28m, 32m, 50m, 90m and unlimited. 90m was chosen after considering the benefits and costs and efficiency and effectiveness of different approaches.<sup>10</sup> The assessment took into account the following:

- (a) The requirements of the NPS-UD;
- (b) The development capacity enabled;
- (c) The existing built environment and City identity;
- (d) The possibility of activity gaps occurring;
- (e) Adverse impacts such as shading; and
- (f) The proposed district plan provisions accompanying the proposed 90m height limit.

61. Importantly, I note and support the need for CCZ building heights to be considered relative to the building heights being proposed in town and local centres and in the areas on the fringe of the CCZ. I agree with a proposed urban form approach that has the greatest scale and density of development occurring in the CCZ to support its role and efficient use and development of its infrastructure, including investment in public open spaces, civic buildings and transport.

## **RESPONSE TO SUBMISSIONS**

62. The height submissions are very disparate in their requested height limit relief. Specifically, there are submissions seeking:
- (a) No height limit anywhere in the zone e.g. Ceres New Zealand L.L.C. [150.1], Carter Group Ltd [814.205] and L Baker-Gartens [314.13].
  - (b) Greater height limits, e.g. B Hou [429.1], or support PC14's proposed heights in the CCZ, e.g. L Brunner [191.9] and Kāinga Ora [834.296].
  - (c) A lower height limit, e.g. ML Hoskins [670.1], P Troon [422.4] and R Manthei [200.11].
  - (d) Lower heights in identified locations, e.g. M Manthei [273.3] who seeks 60m as far north as Kilmore Street.

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<sup>10</sup> I note this assessment was prepared in advance of the submissions and the expert evidence that I am relying on.

- (e) Lower heights than PC14 everywhere e.g. P Cooper [625.7] who seeks a 60m height limit (with consent), and the Victoria Neighbourhood Association [61.10] who seek 45m.
- (f) The retention of the CDP heights, e.g. P McNoe [171.4], J Van Beynen [309.1], S & J Antill [893.9], S Antill [870.8], R Fraser [26.7], M Steinke [378.3] and The Atlas Quarter Residents [224.17].
- (g) A lower height than the CDP, e.g. J Bennett [367.2] who seeks 26m, K Revell [228.11] and C Neame [339.11] who seek 22m, Dr S Bond [317.1] who seeks buildings limited to 5-6 storeys, P Wing [70.17] and S Burns [276.27] who seek buildings to five storeys, Malaghans Investments Ltd [818.3 and 818.4] who seek three storeys in defined areas and a non-complying status for height breaches.
- (h) There are also submissions on the objectives and policies to support the submitter requested rule changes, for example Kāinga Ora [834] seeking to remove the text "...and limiting the height of buildings to support an intensity of commercial activity across the zone" from Objective 15.2.5 because they consider this restriction is no longer appropriate in the CCZ.
- (i) There are also various further submissions in support or opposition, including one from H Nicholson [2007] supporting the CDP height limits on the basis of the work undertaken to support the CCRP and because of the extent of earthquake damage in Christchurch, and the scale and national significance of the ongoing rebuild of New Zealand's second largest urban area.

63. Generally, it appears that developers / property owners are seeking no height limit, higher height limits or are otherwise supporting the proposed PC14 limits. Residents, community groups and design professionals are generally seeking lower height limits or the retention of the CDP limits. The main arguments presented for no height limits or a higher height limit appear to be based on providing for additional development capacity. Whereas, arguments for lower height limits include reference to earthquakes and earthquake recovery, well-functioning environments and amenity matters.

64. I also note that Policy 3(a) does not expressly seek to enable unlimited building heights or to maximise development capacity. Rather, the direction

is to realise as much development capacity as possible, to maximise the benefits of intensification. In addition, as I indicated earlier in my evidence, NPS-UD Policy 3(a) cannot be read in isolation from the other NPS-UD requirements - the intensification outcomes still need to support the achievement of well-functioning urban environments.

65. The question of which height limit realises as much development capacity as possible, to maximise benefits of intensification, whilst still achieving a well-functioning environment, is very hard to determine as it is difficult to quantify. In my opinion it requires a merits-based judgement which considers more fully the context for height limits. I consider the existing built form environment, earthquake recovery matters, development feasibility, the relativity of scale of the CCZ (and CCMUZ / CCMUZ(SF)) across the whole City and urban design considerations all contribute to the determination of what height limits maximises the benefits of intensification whilst still contributing to a well-functioning urban environment. I address these in turn below. The existing capacity and projected demand are also relevant factors, however these are addressed in detail in Mr Heath's evidence so I will not comment on these here.

*The current built form environment*

66. Christchurch currently has very few tall buildings. As set out in the evidence of Mr Ray, Christchurch had few pre-earthquakes tall buildings, and lost the majority of these as a result of the earthquakes. Specifically, there were only 17 buildings taller than 46m pre-earthquakes, and of these only seven remain post-earthquakes. These seven are as follows, together with their construction year and total building height (i.e. including masts, antennae etc):
- (a) Pacific tower, Gloucester Street – 86.5m – 2010;
  - (b) Crowne Plaza hotel, Armagh Street – 71m – 1989;
  - (c) Former Rydges hotel, Oxford Terrace – 60m – 1975;
  - (d) Waipapa Acute services building, Christchurch hospital – 58.8m – 2018;
  - (e) Novotel hotel, Cathedral Square – 51.6m – 2010;

- (f) Distinction hotel (formerly the Millennium), Cathedral Square – 51.2m – 1974; and
  - (g) University of Otago Medical School – 50m – 1973.
67. Assessing the above, I note that there are only two buildings above 70m – the 2010 Pacific Tower (86.5m total height; 73.6m tall under the District Plan definition of height which excludes associated structures such as antenna, lift shafts and plant rooms) and the 1989 Crown Plaza Hotel (71m, total height including lift shafts / plant rooms). Mr Ray identifies a clear trend for buildings typically below 45m with relatively few buildings over 45m, and that 45m represents an important threshold.

### *Earthquake Recovery*

68. I understand that the CCZ (and CCMUZ / CCMUZ(SF)) has still not fully recovered from the earthquakes. Mr Heath states in his evidence that there has been significant recovery progress, however there is still significant development and business consolidation to occur before it could be considered in a 'recovered state' from an economic perspective. He also states that, based on the key employment metric, the Central City appears still to be in post-earthquake "recovery" mode and that this is not unexpected given the extent of buildings that had to be demolished, and that it is only just over a decade since one of the country's most impactful natural disasters. Mr Heath notes that the recovery and redevelopment of the Central City requires a significant amount of resources and investment over a sustained period. I also note the number of vacant sites still remaining and the Council's vacant site work program supporting Central City recovery.<sup>11</sup>
69. The significance of a recovered Central City for Christchurch is also commented on by Mr Heath. He states that a vibrant and vital Central City offers a unique environment for economic activity that is unlikely to be replicated elsewhere in Greater Christchurch. The timely recovery of the City Centre is fundamental in driving recovery for the rest of Christchurch and Canterbury economies and that given the City Centre has not yet recovered in respect of employment or business activity he considers this should remain a priority. He also states that the commitment from central and local government to invest into the City Centre provides a clear

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<sup>11</sup> See Central City vacant sites information here: <https://ccc.govt.nz/culture-and-community/central-city-christchurch/develop-here/vacantsites>

indication to the market of the objectives sought for the City Centre's role, however the City Centre continues to face significant hurdles. An insufficient supply of B and C grade office space, high rebuild costs, and uncertainty coupled with the current dispersal of its previous tenants combine to place pressure on the timely recovery of the City.

#### *Development feasibility*

70. Ms Allen comments in her evidence on the feasibility of a mixed-use development within the CCZ. She concludes that their modelling demonstrates that a mixed-use development is feasible at a height of 60m. The feasibility of the building increased when a greater proportion of the development was made up of residential apartments. However, up to six floors of commercial development with residential above was feasible under current market conditions.
71. While poor design and distribution issues can affect earthquake recovery and whether a site contributes to a well-functioning urban environment, I also consider that an underdevelopment, i.e. a building of only one, two or three storeys creates a longer term opportunity cost. Buildings with a density of development typical of the suburbs, as opposed to a Central City, results in a site under contributing commercial and residential floor space, and correspondingly workers and residents. These developments could remain in place for 50 years or more and result in a development potential loss. For this reason, I consider it also important that the height limit is not set too low that it drives under investment.

#### *Height relativity assessment*

72. As indicated earlier in my evidence, I agree with the proposed urban form approach that has the greatest scale and density of development occurring in the Central City. A CCZ (and CCMUZ / CCMUZ(SF)) height limit needs to maintain the greatest density in the Central City when compared with the proposed heights in the City's other commercial centres, residential areas and central city fringe areas.
73. Through PC14 and the subsequent analysis of submissions, I understand that the Council's planning team is now proposing the height limits set out below in Table 1. In order to ensure the primacy of the Central City, its building heights should ideally be in excess of these.

**Table 1:** Proposed Height Limits

Area	Height Limit
High Density Residential Zone - Central City immediate surrounds	39m
Large Town Centres - Riccarton, Papanui and Hornby	32
Town Centres - Linwood, Shirley, Belfast, North Halswell	22
Other centres	14-22m
High Density Residential Zone elsewhere	22m

*Urban design considerations*

74. In his evidence Mr Ray assesses the pre and post-earthquake Central City environment and comments on the quality of the environment and how well functioning it is. Mr Ray identifies a number of bulk and location rules that will support achieving quality built outcomes, and considers that, given the potential impact upon the built environment and the need to achieve a well-functioning urban environment, it becomes important to ensure the planning provisions are crafted to ensure high quality outcomes. Mr Ray considers that from an urban design perspective in the Christchurch context, it is important to have appropriate plan provisions to ensure high quality urban design outcomes for taller buildings within the CCZ, noting various issues commonly associated with tall buildings (such as prominence and micro-climates).
75. Mr Ray recommends an approach where building height is assessed through an urban design assessment, with specific restricted discretionary activity assessment criteria that apply for buildings between 28 and 90m in height. Above 90m in height a fully discretionary height standard would apply. This approach is similar to the notified PC14 approach except that the 90m height limit is now proposed to be a fully discretionary activity. This approach still enables tall buildings, but seeks to ensure further assessment of building design and quality above 28m with a series of urban design assessment criteria that apply at different height thresholds.

76. Mr Ray notes that the 28m threshold for when a height assessment would apply is logical as this applies above the current ODP height limit of 28m, with the majority of buildings sitting below this level.
77. Mr Ray stresses that:
- “a building should not be refused solely because of its height, if the overall design quality is otherwise considered acceptable. The height of a building is an intrinsic and integral part of the design, and the overall form and massing will be assessed, and it may be that height could be a contributing factor to a poor design. But if the design is otherwise acceptable it should not be refused simply on building height.”*
78. Mr Ray supports the proposed 90m limit, noting that the tallest building in Christchurch currently is 86.5m – Pacific Tower (including masts / antennae) and that there is a clear threshold in existing CCZ buildings at 45m. A 90m limit would not only support the tallest building in the city, it would also be twice the height of the 45m threshold and three times the height of the 28m building height where most buildings sit below. Mr Ray considers that for this reason, 90m is considered an appropriate point to provide the next level of assessment. I accept his assessment.
79. I also accept his proposed additional matters of discretion for buildings over 28m in height, with these additional matters being added to existing rule 15.14.2.6 matters of discretion for City Centre and Central City Mixed-Use Zones urban design.
80. The quality of design and the configuration of a building becomes an increasingly important factor the taller the building proposed. This is a direct correlation with the fact that the taller a building is within a city, the more prominent it potentially becomes and the more important it is to ensure good design outcomes.
81. I note that Mr Heath also supports the need for maintaining high amenity, stating that high value-added employment requires high amenity.

#### *CCZ General Height Conclusions*

82. Based on my above analysis and the evidence of Mr Ray and Mr Heath, I can support a 90m height limit (as notified in PC14) if coupled with urban design assessment criteria to ensure high quality urban design outcomes



for taller buildings within the CCZ. I accept Mr Ray's opinion that a building should not be refused solely because of its height, if the overall design quality is otherwise considered acceptable.

83. I consider this approach is an enabling approach, providing significantly more density than under the CDP (approximately triple) and more than I understand is required to meet market demand, thereby providing for significant additional development capacity consistent with the NPS-UD. I consider that with the proposed bulk and location rules and urban design requirements, a 90m discretionary height limit can still contribute to a well-functioning urban environment and achieve the objectives of the NPS-UD as a whole.
84. I consider the proposed approach is the most appropriate for implementing the relevant objectives and policies in the CDP, specifically:
- (a) Proposed Objective 3.3.7 (well-functioning urban environment);
  - (b) Objective 3.3.8 (revitalising the Central City) which seeks: to revitalise the Central City as the primary community focal point (clause a); to enhance the amenity values, function and economic, social and cultural viability of the (clause b); a Central City with a unique identity and sense of place (clause d);
  - (c) Objective 15.2.1 which covers the recovery of commercial centres;
  - (d) Objective 15.2.2 which applies a centres-based framework for commercial activities and:
    - (i) enables the efficient use and success and vitality of centres (clause ii);
    - (ii) gives primacy to the city centre (clause iv);
    - (iii) supports the recovery of the city centre (clause vii); and
    - (iv) enhances centres vitality and amenity (clause viii);
  - (e) Policy 15.2.2.1 (role of centres) which gives primacy to the City Centre over other centres (clause i);
  - (f) Policy 15.2.2.4 (accommodating growth) which seeks to accommodate growth through intensification (clause (a)(iv)(A)) and revitalising the City Centre as the primary community focal point (clause (a)(iv)(B));

- (g) Objective 15.2.4 (urban form scale and design outcomes) which:
  - (i) seeks an urban environment that is visually attractive and responds positively to anticipated local character and context (clause (a)(ii));
  - (ii) recognises the functional and operational requirements of activities and anticipated built form (clause (a)(iii)); and
  - (iii) manages adverse effects on the surrounding environment (clause (a)(iv));
- (h) Policy 15.2.4.1 (scale and form of development) which seeks to provide for development of a scale and massing that reinforces the City's distinctive sense of place and a legible urban form by setting a height limit and clustering Central City high rise buildings, to avoid dominating the skyline and to retain the prominence of Te Poho-o-Tamatea/the Port Hills, as the city backdrop within the wider city context (clause a(i));
- (i) Objective 15.2.5 (diversity and distribution of activities in the Central City) which seeks to limit the height of buildings to support an intensity of commercial activity across the zone;
- (j) Objective 15.2.6 (role of the City Centre Zone) which seeks a CCZ as the principal commercial centre for Christchurch and which is attractive for a range of activities;
- (k) Policy 15.2.6.1 (diversity of activities and concentration of built development) which seeks the CCZ has the widest range of listed activities and the greatest concentration and overall scale of built development in Christchurch; and
- (l) Policy 15.2.6.3 (amenity) which seeks design standards to manage access to sunlight, reduce adverse effects from wind, ensure a high-quality street interface and avoid the impact of overly dominant buildings on the street and other public spaces (clause (a)(ii)).

### **Section 32AA evaluation of proposed changes**

85. A Section 32AA evaluation for my recommendations to enable building height to be assessed through an urban design assessment for height

above 28m and to change the restricted discretionary activity status for buildings over 90m in height to fully discretionary status is outlined below.<sup>12</sup>

#### Effectiveness and Efficiency

86. The recommended approach simply expands the existing urban design approach for buildings in the CCZ Core to better enable the consideration of tall buildings, including its extent to consider tall buildings in Victoria Street and that portion of the CCZ east of Manchester Street (i.e. outside of the CDP 'Core' area). The existing urban design rule has generally been effective to date in supporting high quality built form outcomes for lower scale buildings and the additions and extended geographical area should function similarly. The change from restricted discretionary to fully discretionary status for buildings exceeding 90m in height enables a wider assessment of the impacts of taller buildings, which, applying beyond 90m, is significantly in excess of the CDP 28m height limit. These changes are an efficient and effective way to enable consideration of tall buildings, which has been justified on urban design and economic grounds.

#### Benefits/Costs

87. Adding matters of discretion for taller buildings into Rule 15.14.2.6 and enabling a wider consideration of the effects of buildings 90m or more in height will help achieve a well-functioning environment, as set out in the evidence of Mr Ray.
88. The costs from adding these additional matters of discretion is low because the existing urban design rule already applies to buildings in excess of 28m in the CCZ Core. Relative to the operative CDP with its 28m height limit, a 90m discretionary height limit is very enabling, but adverse effects from height can still be considered.

#### Risk of acting or not acting

89. There is sufficient information to act on the submissions and therefore little risk.

#### Decision about most appropriate option

90. The recommended amendments are considered more appropriate for achieving the purpose of the RMA, (including the intensification and well-

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<sup>12</sup> This requires adding additional matters of discretion (in 15.14.2.6) for the existing urban design rule (15.11.1.3 RD1 in PC14) and adding a reference to new buildings over 90m into Rule 15.11.1.4 in PC14.

functioning urban environment requirements of the NPS-UD) than PC14 and the CDP.

### **Site specific building height submissions**

91. The New Zealand Institute of Architects Canterbury Branch [762.47] and the Canterbury / Westland Branch of Architectural Designers NZ [685.80] seek that an additional height limit area (such as through a QM) is placed around the Te Papa Ōtākaro within the CCZ to limit the development and impact of solar access to this culturally significant corridor and public amenity route throughout the City. The necessity for this was considered as part of the CCRP but was considered unnecessary due to the lower building heights chosen. Whilst the building heights are proposed to be increased as part of PC14, I note the presence of the roads on either side of the corridor (Durham and Oxford Terraces), Victoria Square and the Margaret Mahy Family Playground which provide additional setbacks from the corridors. I also note that the urban design assessment can consider impacts on important public open spaces such as Te Papa Ōtākaro. Given these additional setbacks from the corridors, the NPS-UD policy direction and the proposed urban design approach, I consider that lowered height limits around the Ōtākaro River are not justified and these submissions are recommended to be rejected.
  
92. The New Zealand Institute of Architects Canterbury Branch [762.40] consider the 90m overlay will be reduced to a hand-full of sporadic sites when overlaid with recent developments, Council owned facilities, open space, and historic buildings and that this will potentially result in an undesirable and inconsistent skyline. They ask how this is being controlled and addressed to ensure a desirable outcome, and how this relates to the objectives of the post-earthquake city Blueprint that was prepared through considerable consultation and by experienced professionals. They request that the height limits and controls be reconsidered. I agree with the submitter regarding an inconsistent skyline, however the NPS-UD has required the Council to re-assess the CCRP / CDP approach to heights through a new lens. Based on the evidence of Mr Ray and Mr Heath, I consider that the approach proposed is a good compromise between achieving quality outcomes, whilst still enabling greater development capacity.

93. The New Zealand Institute of Architects Canterbury Branch [762.33] seek the addition of a minimum height requirement to aid in producing larger scale buildings within the CCZ and restrict the development of unfittingly small-scale developments. I agree with the submitter in-so-far as smaller buildings should be avoided, but note that there is already a minimum building floor rule in the CCZ of two stories which in my opinion would achieve this.<sup>13</sup> I also note that the issue of applying a minimum building height, or rather a minimum number of floors, was carefully considered as part of developing the CCRP. It was concluded that requiring a greater minimum number of floors could result in a site remaining vacant and this was considered to be a poorer outcome than an undersized building.
94. J Adams [784.2] seeks to add a QM to take account of geology in relation to ground strength and liquefaction risk, stating that the geology of Christchurch is not identified as a QM and it should be as the ground strength is important in terms of the structures and intensification that can be sustained and that Christchurch is different geologically to many other areas and will continue to be earthquake prone. J Adams considers there has been no consideration of this in PC14. St John [909.8] note the dangers of earthquakes (especially the alpine fault) and also seek a QM apply to the CBD, as they consider intensification is dangerous for the City as was demonstrated by the impact of the city closing in 2011/2012.
95. I accept that taller buildings have larger fall areas should they need to be demolished after an earthquake event. However, I understand that the building regulations were amended after the Christchurch Earthquake sequence to better take into account the City's seismicity and geomorphology and that it is therefore not certain that Christchurch will experience the same level of damage from future events.<sup>14</sup> In addition, the likely extent of a 'fall area' (should it occur through shaking or through demolition) and the adverse effects from it occurring need to be weighed against the intensification directives of the NPS-UD. As such, while I have sympathy for these submissions, I consider these should be rejected.
96. J Carr [519.8] seeks to amend the height limits to allow exemptions for spires, domes, sculptural caphouses or other architectural features [etc.] that add visual interest to the skyline without adding bulk or significant

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<sup>13</sup> Rule 15.10.2.4 Minimum numbers of floors

<sup>14</sup> Nwadike, Amarachukwu Wilkinson, Suzanne Chang-Richards, Alice (2018) Rebuilding Christchurch: Amended Building Codes and their Impacts in NZ

shading. I note that the CDP already excludes such things as spires and towers of spiritual activities, finials and similar architectural features from the calculation of height. As such, I consider the relief sought is already generally provided for and I therefore recommend this submission is accepted in part.

### **Central City Mixed Use Zone and Central City Mixed Use Zone (South Frame)**

97. PC14 increased the District Plan's height limits from 17m to either 21 metres (six storeys) or 32 metres (10 storeys) depending on location. The map included in **Appendix C** shows the CCMUZ and CCMUZ(SF) areas, together with PC14's proposed building heights. These heights are consistent with the minimum height required in Policy 3(c) of the NPS-UD. The Council has chosen to provide more than the minimum building heights in areas where there is more demand (e.g. north of Cathedral Square) and in areas where extra height can be more easily absorbed given the presence of the Metro Sports facility Parakiore (south west corner of the CCZ) and the Stadium Te Kaha (south east corner of the CCZ).
98. In her evidence Ms Williams considers that the CCMUZ provides an important buffer zone around the CCZ, by providing the secondary services that support the key retail and entertainment activities, agglomeration of new and existing corporate offices, arts and cultural amenities as well as the important re-emergence of inner city living. She notes the number of currently vacant, under-developed or surface carpark sites, the numerous 2-3 storey terraces throughout and the presence of some large city blocks with impermeable areas (e.g. further west towards Parakiore and the City South Area).
99. Ms Williams recommends that all CCMUZ areas (with the exception of the small few close to Bealey Ave) remain at 32 metres for the following reasons:
- (a) Generally larger plot sizes – often above 1 hectare – which provides for a significantly larger development envelope than more fine grain sites in the HDZ;
  - (b) The general absence of amenity afforded in the southern half of the central city as opposed to those higher amenity residential sites in the north with access to the Ōtākaro Avon River Corridor, Latimer and Cranmer Square and other pocket parks such as Moa Reserve;

- (c) Areas such as South City include large block perimeters (including dead-end streets), and narrower east-west streets which are more sensitive to solar access,
  - (d) In mediating the height of the CCMUZ(SF) and offering a distinctive step change up to the higher heights in the CCZ.
100. With regard to the CCMUZ(SF), Ms Williams notes the area includes a highly walkable network of 6-7-metre-wide laneways, four great yards (Kahikatea, Mollett, Evolution and Innovation), which were designed post- quakes as part of the Blueprint to secure solar access for most of the year and a cultural narrative and associated theming of the areas (including native planting, rain gardens) to showcase the significance of each area.
101. Ms Williams notes the CCMUZ(SF) also provides an open space which is important for the southern parts of the Central City which often do not have good access to green space or high-quality public space. She strongly recommends that the South Frame between Tuam and St Asaph Streets be maintained at its Notified PC14 height of 21 metres (six storeys). The exception to this is a 32 metre height limit for the sites within the block bound by Manchester, Lichfield, Madras and Tuam Streets, which do not front High Street as their legal street address, which currently have a 28- metre height limit. Ms Williams considers elevating these to 32m is negligible and appropriate, given the proximity to Te Kaha.
102. In terms of submissions, as with the submission for the CCZ, there are a range of submissions seeking more and less height than proposed in PC14.
- (a) L Baker-Gartens [314.14 and 314.15] seeks unlimited height in these zones;
  - (b) A number of submitters seek additional height than proposed in PC14, e.g. M Darbyshire [768.6] who seeks 90m;
  - (c) Waka Kotahi [805.2 and 805.3], Kāinga Ora [834.319 and 834.308], the Carter Group Ltd [814.219], the Catholic Diocese of Christchurch [823.185] and A Hill [582.1] all seek a height limit of 32m across the entire area;
  - (d) Other submitters support PC14's proposed height limits, e.g. Regulus Property Investments Limited [910.14 and 810.15];

- (e) Other submitters have sought to reduce height limits, e.g. P Troon [422.9], R Manthei [200.12], and K Revell [228.12 and 228.13] and C Neame [339.12 and 339.13] who seek 22m;
  - (f) Other submitters seek to reduce or maintain heights to the CDP levels, e.g. The Atlas Quarter Residents [224.18 and 224.19], P NcNoe [171.5 and 171.6] S & J Antill [893.10 and 893.11], S Antill [870.9 and 870.10], R Fraser [26.8 and 26.9] and M Steinke [378.3 and 378.4];
  - (g) A Melling [337.21 and 337.23] seeks lowered heights to account for lower sun height further south; and
  - (h) Kate Z [297.33 and 297.25] seeks that resource consent to be required for buildings greater than two stories.
103. These submissions are responded to collectively below in the discussion on heights.

#### **Site specific building height submissions**

104. New Zealand Institute of Architects Canterbury Branch [762.34] seek to add a minimum height restriction to aid in producing larger scale buildings and restrict the development of unfittingly small-scale developments. I note PC14 proposed a minimum of two floors (rule 15.12.2.9), as such I recommend their submission is accepted.
105. Oyster Management Ltd [872.20] seeks a 90m or 32m height limit depending on the zoning of their site at 229 Tuam Street. Essentially, they do not wish PC14's proposed 21m height limit to apply. I consider that the location of this block close to the CCZ and the Stadium Te Kaha justifies a 32m height limit and I note Ms Williams considers this too. I therefore recommend that this submission is accepted. Given the small scale of this change (from 28m in the CDP to 32m and limited in geographical area) I do not consider this requires a s32AA evaluation.
106. M Manthei [237.4] seeks a maximum height up to 40m from Kilmore to Salisbury St in the CCMUZ. In her evidence Ms Williams considers the consistency in heights alongside the adjacent High Density Residential areas, as well as some neighbourhoods which are considered more sensitive to higher heights e.g. Moa Place. Overall she therefore supports 32m in this location. I accept Ms Williams advice and therefore reject this submission.



107. Kāinga Ora [834.252] seeks to amend Policy 15.2.7.1(viii) to broaden the area where taller buildings can occur. Kāinga Ora's requested amendment is as follows:

*"15.2.7.1 Policy - Diversity of activities*

*a. Enhance and revitalise the Commercial Central City Mixed Use Zone by enabling:*

*...*

*viii. opportunities for taller buildings to accommodate residential activity and visitor accommodation, to support the vibrancy of the City Centre Zone, ~~where co-located with the large-scale~~ and the nearby community facilities, Te Kaha and Parakiore."*

108. In my opinion, this relief sought changes the meaning quite significantly from a policy that supports taller buildings where collocated with Te Kaha and Parakiore, to one that supports taller buildings generally and also to support Te Kaha and Parakiore. I do not agree with this change in meaning. The intent of the policy is to recognise that the large public facilities of Te Kaha and Parakiore already modify the environment in their locations and that taller collocated buildings, i.e. taller than the 32m height limit I am recommending, may be appropriate near these facilities through a consent pathway. I consider the notified intent of Policy 15.2.7.1 is appropriate.

### **CCMUZ and CCMUZ(SF) General Height Conclusions**

109. Overall, in my opinion the proposed height limits for the CCMUZ and CCMUZ(SF) in PC14 are consistent with the NPS-UD's required height limits within walkable catchment of the CCZ. However, I support raising the height limit to 32m in identified locations in the CCMUZ as set out in Ms Williams evidence. I also accept Ms Williams' advice on retaining the 21m height limit in the CCMUZ(SF) (with the exception of the block covered at paragraph 99 of my evidence). I note the importance of the south frame laneway and the impact taller heights can have on this.
110. I consider that with the proposed bulk and location rules and urban design requirements supported by Ms Williams, the amended maximum height limits can still contribute to a well-functioning urban environment and achieve the objectives of the NPS-UD as a whole.

111. I consider the revised height limits are the most appropriate for implementing the relevant objectives and policies in the CDP, specifically:
- (a) The relevant general provisions referred to for the CCZ;
  - (b) Objective 15.2.7 (role of the CCMUZ) which seeks vibrant, high quality urban areas where a diverse and compatible mix of activities can coexist in support of the CCZ;
  - (c) Policy 15.2.7.1 (diversity of activities) which seeks opportunities for taller buildings to accommodate residential activity and visitor accommodation, to support the vibrancy of the CCZ, where co-located with the large-scale community facilities, Te Kaha and Parakiore (clause a(viii));
  - (d) Objective 15.2.8 (built form and amenity in the CCMUZ) which seeks to ensure a form of built development that contributes positively to the evolving amenity values of the area, including people's health and safety, and to the quality and enjoyment of the environment for those living, working within or visiting the area;
  - (e) Objective 15.2.9 (Role of the CCMUZ(SF)) which seeks the zone provides a clear delineation between the CCZ and the CCMUZ that enables a range of activities that do not compromise consolidation of the CCZ;
  - (f) Objective 15.2.10 (built form and amenity in the South Frame) which seeks a form of built development within the CCMUZ(SF) that improves the safety, amenity, vibrancy, accessibility and attractiveness of the CCMUZ(SF), the South Frame Pedestrian Precinct and the Central City;
  - (g) Policy 15.2.10.1 (amenity) which seeks to promote a high standard of amenity in the CCMUZ(SF) by ensuring protection of sunlight in open space areas (clause a(v)).

### **Height Limits within Qualifying Matters Areas**

112. I have set out my recommendations for height limits in different QM areas below. Some submissions supported the application of QMs to building heights, such as Kāinga Ora [834.107]. However, there are a number of general submissions that seek to remove all QMs that do not support the

intensification of urban form to provide for additional development capacity. These submissions include J Barbour [812.18, 812.19 and 812.20] and Regulus Property Investments Ltd [810.20, 810.21 and 810.22].

#### **PC14 Height limits in the Victoria Street Qualifying Matter area**

113. In addition to the general submissions seeking increased and lowered heights for the CCZ, M Manthei [273.3] seeks to reduce the Victoria Street height limit from 45m to 20m between Salisbury Street and Bealey Avenue. Ceres NZ [150.8] seeks to remove 87-93 Victoria Street from the Victoria Street QM area stating that a 90m high limit will enable an economical redevelopment. The New Zealand Institute of Architects Canterbury Branch [762.39 & 762.45] seeks to extend the Victoria Street [Height] overlay to include the section between Kilmore Street and Chester Street West to maintain the continuation of the historic route of Victoria Street to Victoria Square as one of the Cities key historic and cultural routes into the City.
114. The consideration of the submissions for Victoria Street need to be considered within the context of the proposed QM for Victoria Street in PC14.
115. PC14 proposes a height limit of 45m for Victoria Street as a QM. I note this area had a height limit of 17m in the CCRP / CDP and 30m and 40m in the 1995 City Plan (see **Appendices A and B**). The CCRP, CDP and 1995 City Plan recognised the specific identity of Victoria Street as being separate to the core area of the CBD. The s32 Report provides background and analysis on the rationale for the proposed 45m limit.<sup>15</sup> In paragraphs 4.1.2 and 4.1.3 it states:

*“The Victoria Street precinct is distinct from the rest of the commercial core. It is a relatively narrow strip of Commercial Core zoning which projects to the north west of the core and is surrounded by residential uses. It has an established history of lower height limit provisions than the rest of the Commercial Core area and can be considered significantly separate from the main concentration of development in the City Core.*

*Given the Victoria Street precinct’s ribbon form it will continue to have lower scale buildings on either side (even with higher density*

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<sup>15</sup> PC 14 Section 32: Lower height Limits: Victoria Street & Cathedral Square – Qualifying Matters Technical Report

*enablement) and therefore the visual impact of any tower developments within it needs to be considered, given their potential not to be absorbed into the City Centre cluster. In addition the shading and visual impact of any towers in this location must be considered, in terms of their effects on the adjacent residential zones.”*

116. The s32 evaluation tested alternative height scenarios for Victoria Street (90m, 60m and 45m), including considering development capacity and the NPS-UD requirements, and considered 45m is appropriate, stating in paragraph 5.1.5 that “*a lower height limit would be more appropriate in this location, providing better outcomes in terms of visual impact, shading and built form.*”
117. I agree with this assessment. Whilst a lower height limit would be more consistent with the CCRP, I note the NPS-UD requirement to reassess this approach and increase intensification opportunities. I therefore consider 45m is acceptable for this fringe part for the CCZ, in part reflecting its long-standing lower height limit and different character and as it is a more proportionate height response (than higher heights) both in relation to the surrounding residential context and in terms transitioning to the 60m consolidated Central City core. I also note the proposed increase in residential building heights adjacent to the Victoria Street commercial area as set out in my **Table 1**.
118. Regarding the specific submissions, for the reasons identified above, I recommend that the Ceres NZ [150.8] submission seeking the removal of 87-93 Victoria Street from the Victoria Street QM area and applying a 90m height limit be rejected and the submission of M Manthei [273.3] seeking a 20m height limit between Salisbury Street and Bealey Avenue be rejected.
119. Regarding extending the Victoria Street QM to include the section between Kilmore Street and Chester Street West (The New Zealand Institute of Architects Canterbury Branch [762.39 & 762.45]), whilst the area is near to Victoria Street and Victoria Square, it is also at the point of transition to the ‘core’ area of the CBD. Whilst I note Ms Ohs conclusions on this matter, I recommend this submission is rejected, noting that I am recommending an urban design approach that can consider building bulk and dominance. Should the Panel not support the proposed urban design approach, then I would support this area being 45m in preference to 90m for the reasons

provided by the submitter, and noting the importance of Victoria Square as a public open space.

120. I note Mr Ray supports a 45m height limit stating, “*given the narrowness of this strip and the height limit of the adjacent zone, it would create a visually incoherent transition between the two zones if buildings up to 90m in height were allowed along this section of the CCZ along Victoria Street.*”

### **Height limits in the Cathedral Square Qualifying Matter area**

121. I note the range of submissions seeking increased and lower height limits for the CCZ, which contains Cathedral Square. I also note the submissions in support of the Cathedral Square QM, such as from Kāinga Ora [834.107]. PC14 proposes a height limit of 45m for identified sites in Cathedral Square. I note this area had a height limit of 28m in the CCRP / CDP and 45m in the 1995 City Plan (see **Appendices A and B**). In addition to the height limit, the 1995 City Plan contained a rule (Rule 2.2.3) managing sunlight admission to Cathedral Square. This rule was not required when the CCRP lowered the height limit to 28m.
122. Both the CCRP and 1995 City Plan recognised the specific identity of Cathedral Square as well as its role and importance as a key civic space that has heritage setting status in the District Plan. The 2018 document Whiti-Reia Cathedral Square – Our Long Term Vision, (Regenerate Christchurch) noted that the square is ‘a premium gathering place, fulfilling the descriptor of ‘the city’s living room, the streets leading to it the hallways’. It notes that Cathedral Square occupies and defines the physical, social and historical centre of Christchurch and remains critical to the CCZ and indeed Christchurch. Cathedral Square has also been identified as being the pre-eminent open space in the Central City, with high overall significance to the City, more so than any other individual urban public space within Ōtautahi Christchurch.<sup>16</sup>
123. I understand that over the years there has been considerable investment in the physical quality of the space, to maximise its value to city residents and reflect its importance and the changes in use surrounding it. This emphasis continues, as expressed in a commitment to ongoing improvements in the

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<sup>16</sup> Section 3.3.2 Plan Change 14 Technical Report - Urban Design Design for Increased Building Height and Density – Commercial Zones August 2022

Square in the Council's budget (which has \$9 million committed in the Long Term Plan) and strategies.

124. Access to sunlight for most of the year is an important component of the functionality of the Square. It allows for year round use of the space both for public events and is a factor in attracting activation to the edges of the Square through spill out uses such as cafes, particularly at the south and east interfaces.
125. The s32 Report provides background and analysis on the rationale for the proposed 45m limit on the specified sites.<sup>17</sup> In particular, I note the sunlight study in Appendix 3 of the s32 report which modelled shading across four scenarios with heights ranging from 30 to 90m and considered the change in capacity. The s32 states (paragraph 4.1.11) that the value (socially and economically) of Cathedral Square will be compromised by a lack of restrictions on the height of adjacent buildings and that it is appropriate that some carefully considered provisions are incorporated in order to ensure that the adjacent built form does not provide for unduly high levels of shading in the square such that its role as an important community gathering and socialising space is compromised.
126. Based on my experience working at the Council as the central city planner, I am aware that the Council has repeatedly sought to activate the Square, often less successfully than hoped. The Council's efforts have been constrained by such things as the activities fronting it (e.g. banks), negative perceptions of public safety, but also due in part to pre earthquake shading that principally occurred on the north side of the Square.
127. I agree that Cathedral Square requires bespoke provisions to manage sunlight to this very important open civic space to facilitate activation and I accept the assessment contained in the s32. Whilst I note the CCRP height limit of 28m for this area, I also note the NPS-UD requirement to reassess this provision for intensification opportunities. I therefore consider 45m is an acceptable increase for the identified sites as proposed in PC14 and note this is consistent with the 1995 City Plan.

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<sup>17</sup> PC 14 Section 32: Lower height Limits: Victoria Street & Cathedral Square – Qualifying Matters Technical Report

128. I note Mr Ray also supports a 45m height limit in Cathedral Square to protect the amenity of the square, both in terms of shading and visual impact.

### **Height limits in the Radio Communications Qualifying Matter area**

129. I understand that PC14 includes a QM requiring reduced building heights to avoid adverse impacts on radio communications between the Justice and Emergency Services Precinct and the Port Hills Sugarloaf facility as part of ensuring the safe and efficient operation of nationally significant infrastructure. I note that the Justice and Emergency Precinct forms a critical piece in the emergency response and justice infrastructure for the City and that radio communications are an essential part of the operations within the precinct.
130. The QM applies to sites zoned CCMU, CCMU(SF) and Specific Purpose (Tertiary Education) in the area between Tuam Street and Moorhouse Avenue as shown on the figure below (**Figure 1**). Within the identified radio communications paths, the erection of new buildings, additions or alterations which have a building height of between 40 – 79m (the height varies depending on site location and distance from the Justice and Emergency Precinct) is a non-complying activity.
131. Submissions were received in support of this QM from St John [909.8], the Ministry of Justice [910.8], the Department of Corrections [911.8], the NZ Police [2005.7] and the Canterbury Civil Defence and Emergency Management Group [912.8]. As indicated earlier, there were also a number of submissions seeking both increased heights and lower height limits in general for the CCMUZ and CCMUZ(SF).

**Figure 1: Proposed Radio Communications Qualifying Matter Area**



132. Based on my earlier assessment, which is based on the evidence of Ms Williams and the NPS-UD requirements to provide at least six stories within a walkable catchment of the City Centre<sup>18</sup>, I am comfortable with recommended height limits for the areas under the radio communications paths being below 40m, which aligns with the radio communications QM. The height limits proposed in these locations were discussed earlier in my evidence and are set out in a map in the evidence of Ms Williams.
133. I consider a non-complying activity status for buildings which breach this height limit within the radio communications pathways is reasonable for the reasons provided in the s32 and supporting information which confirmed the benefits of this approach.<sup>19</sup> Consent can still be obtained, but a non-complying status clearly signals heights in excess of 40m are not anticipated by the plan in these locations.

#### **Office distribution restrictions in the Mixed-Use Zones**

134. Some submitters opposed entirely the restrictions on office activities (contained in 15.11.1.1 P6 and 125.12.1.1 P3) in the CCMUZ and CCMUZ(SF), e.g. K Arscott [195.1]. Other submitters such as the Carter Group Ltd [814.224] supported the 450m<sup>2</sup> restriction on individual

<sup>18</sup> NPS-UD Policy 3(c)

<sup>19</sup> Formative 2022 Christchurch Justice & Emergency Services Precinct Radio Communication



tenancies, but sought to delete the clause limiting the total area of office floor area on a site, considering this requirement was counter to the purpose of PC14 and the individual tenancy restriction was sufficient to support and not compromise the intended role of the CCZ.

135. I note that these provisions are existing and are not proposed to be changed as part of PC14. As such, arguably these submissions are not on PC14. However, the NPS-UD seeks to enable greater building heights and densities and these floor area restrictions directly restrict density of office development. As such, while it is unchanged within PC14, I will consider the merits of the proposal as it is potentially in scope.
136. In his evidence Mr Heath considers that in order to achieve the economic benefits of a centralised city and facilitate the recovery of the City Centre it is necessary to continue with the existing office tenancy limits on the basis of a commercial hierarchy. He considers that businesses over 500m<sup>2</sup> GFA are crucial to the CCZ and enabling office tenancies greater than 500m<sup>2</sup> as a permitted activity outside the CCZ is likely to have significant impacts on the competitive advantage afforded to the CCZ.
137. I accept Mr Heath's evidence on tenancy size, but recommend that the office limits in the CCMUZ and CCMUZ(SF) are increased from 450m<sup>2</sup> to 500m<sup>2</sup> to achieve consistency with the limits imposed on the centres outside of the Central City. Regarding the total area of office floor space on a site, rule 15.12.1.1 P6(b)(ii) seeks to encourage mixed-use development and enables consideration of site size. I support mixed-use developments in this location and therefore would support the retention of this part of the rule. However, I am open to considering any evidence the submitters provide regarding this rule on economic matters to inform whether it is more appropriate for this rule to be deleted or amended. I therefore recommend that these submissions are accepted in part.
138. I do not consider that a s32AA evaluation of this change is required as it is a minor change.

## **CONCLUSION**

139. I consider that the proposed approach to heights and office distribution in the CCZ, CCMUZ and CCMUZ(SF) and QM Areas represents an

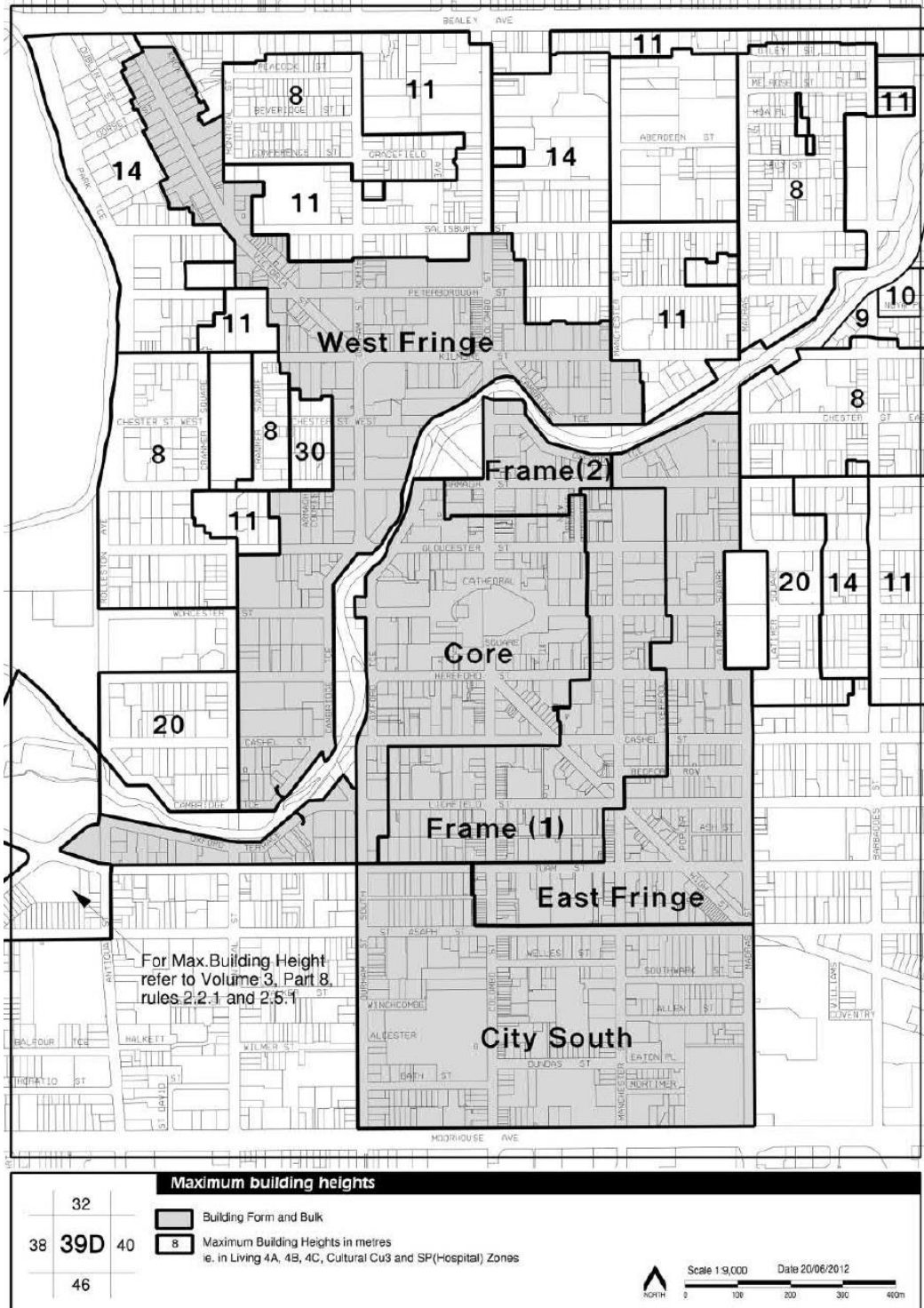
appropriate balance between maximising the benefits of intensification,  
whilst still achieving a well-functioning environment.

Date: 10.09.23

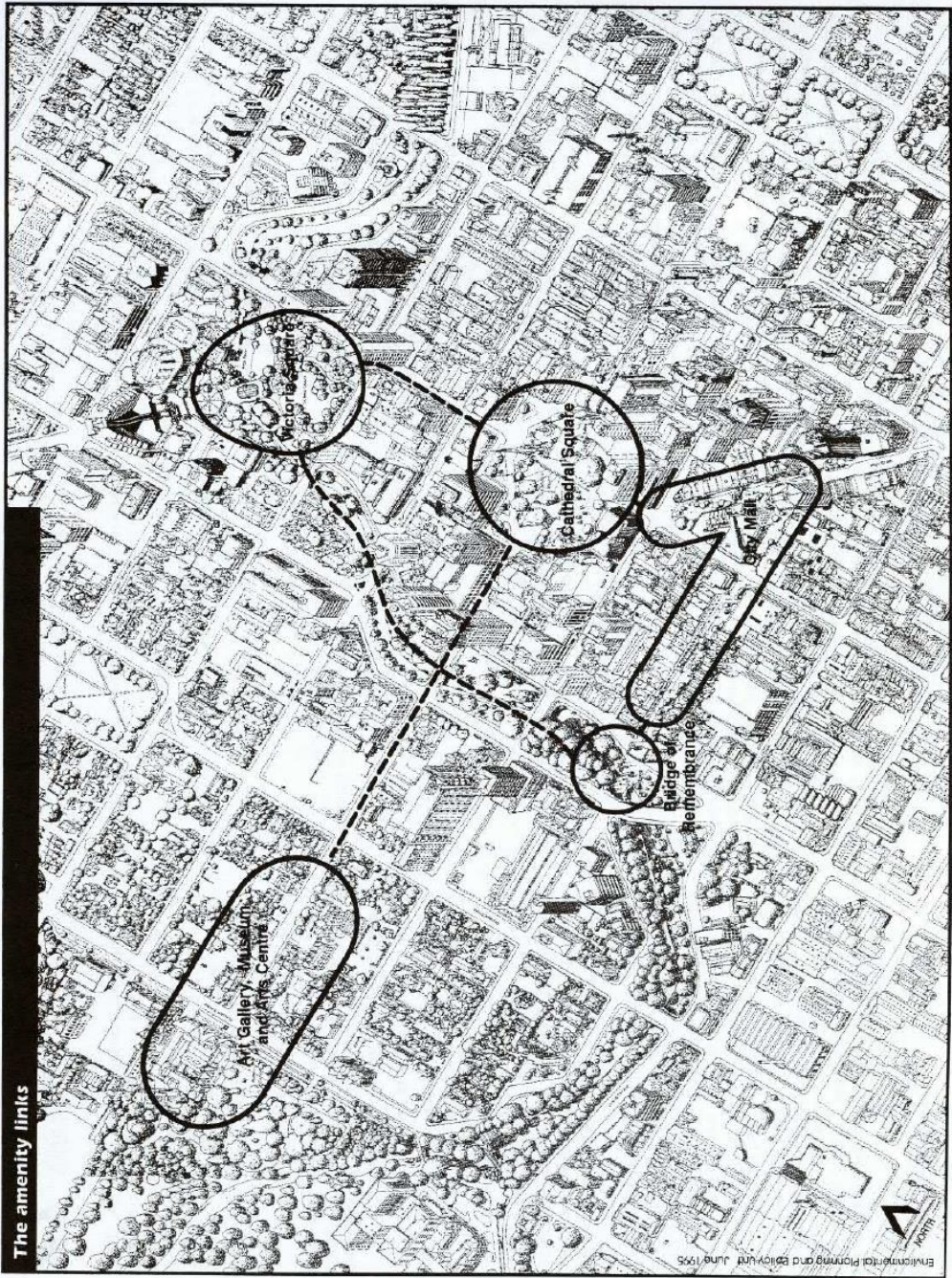
A handwritten signature in blue ink, appearing to read 'Andrew Willis', with a stylized flourish at the end.

Andrew Willis

**APPENDIX A – 1995 CITY PLAN BUILDING HEIGHTS, DISTINCT AREAS OF THE CORE (PLANNING MAP) AND AMENITY LINKS**



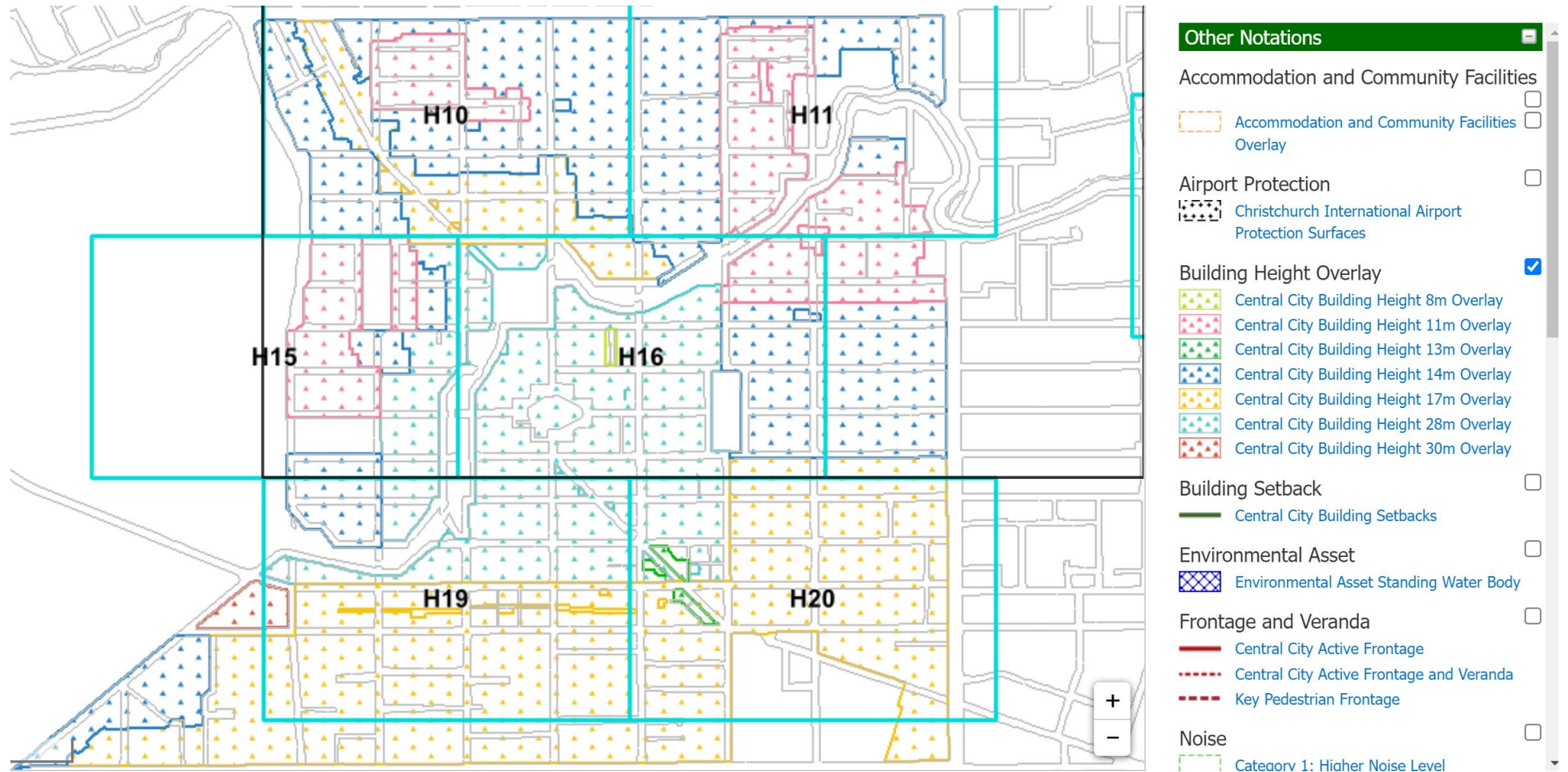




The amenity links

Environmental Planning and Design June 1995

# APPENDIX B – OPERATIVE DISTRICT PLAN HEIGHT LIMITS



# APPENDIX C – PC14 PROPOSED BUILDING HEIGHT LIMITS

