

Before an Independent Hearings Panel
Appointed by Christchurch City Council

under: the Resource Management Act 1991

in the matter of: Proposed Plan Changes 13 and 14 to the Christchurch
District Plan

and: **Christ's College**
(Submitter 699)

Statement of evidence of Catherine Boulton (planning) on Christ's
College

Dated: 20 September 2023

STATEMENT OF EVIDENCE OF CATHERINE BOULTON ON BEHALF OF CHRIST'S COLLEGE

INTRODUCTION

- 1 My full name is Catherine Mary Louise Boulton.
- 2 I am a Planner employed by Planz Consultants Limited.
- 3 I hold a Bachelor of Science (Geography), Bachelor of Arts (Honours) from Canterbury University and a Master of Resource and Environmental Planning from Massey University. I am an Associate member of the New Zealand Planning Institute.
- 4 I have over sixteen years' experience working as a planner, with this work including preparing the submission on behalf of Christ's College on Plan Change 13 and 14. My other work experience includes a wide range of resource management work for private consultancies and local authorities in both the United Kingdom and New Zealand. This work has included resource consent preparation and processing, plan change preparation and policy development and providing section 42A reports on district plan reviews. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.

CODE OF CONDUCT

- 5 Although this is not an Environment Court hearing, in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where I state that I am relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 6 I have prepared this evidence on behalf of Christ's College (submitter number 699).
- 7 My evidence:
 - 7.1 Seeks the deletion of the Inner West Residential Heritage Area (HA6) introduced in PC13 as Appendix 9.3.7.7.5 and to the Central City Planning Map as it relates to Christ's College land.
 - 7.2 Seeks the deletion of changes introduced in PC13/14 to **Policy 9.3.2.2.8 – Demolition of heritage items** as these changes subject buildings in heritage areas to the same policy tests as listed items.

- 7.3 Seeks the rezoning of Christ's College land at 21 Gloucester Street to Specific Purpose School Zone.
 - 7.4 Seeks the retention of the alternate zoning of Christ's College land which falls within the Specific Purpose (Schools) Zone on the eastern side of Rolleston Avenue as High Density Residential Zone as set out in Sub-chapter 13.6 SP School Appendix 13.6.6.3 of PC14.
- 8 In have reviewed, amongst others, the following documents:
- 8.1 The submission by Christ's College
 - 8.2 The further submissions by Christchurch Civic Trust, Heritage New Zealand and Christian Jordan
 - 8.3 Plan Changes 13 and 14 as notified; and
- 9 In preparing my evidence, I have reviewed the following evidence prepared on behalf of the Christchurch City Council:
- 9.1 Ms G Dixon – Qualifying Matters, Residential Heritage Areas
 - 9.2 Dr A McEwan -Qualifying Matters: Heritage and Residential Heritage Areas
 - 9.3 Ms C Piper – Specific Purpose – School, Tertiary and Hospital – Zones
 - 9.4 Ms A Mackay – Urban Design – Specific Purpose (Schools) Zone
 - 9.5 The relevant part of the Council's Section 42A Report by Glenda Dixon, Clare Piper and Dr Ann McEwan which addresses Christ's College submission;

BACKGROUND

- 10 Christ's College own land on both sides of Rolleston Avenue within the Central City. Their land on the western side of Rolleston Avenue (at 33 Rolleston Avenue) is the main school campus, it contains a collection of significant heritage buildings and the Main Quadrangle which is the College's principal open space. These heritage features along with waterway setbacks from the Avon River heavily constrain the main campus for future expansion.
- 11 Christ's College's landholdings on the eastern side of Rolleston Avenue are located within the block bound by Armagh Street to the North, Gloucester Street to the South and Montreal Street to the East. The College also owns a property on the South-western side of Gloucester Street. These properties are shown in **Figure 1** below. Due to the significant development constraints at the main campus the eastern block is where future expansion of the school facilities

such as functional learning spaces, warm and safe residential accommodation for boarders and school administrative buildings is planned.



Figure 1: Aerial Image of Christ’s College and Crown Owned Land (Identified in Red)

- 12 On this eastern block, Christ’s College owned land is zoned Specific Purpose (School) Zone (SPS) except for 21 Gloucester Street which is zoned Residential Central City under the Operative District Plan with a proposed change to this zoning under PC14 to Medium Density Residential Zone.
- 13 PC13 has introduced the Inner West Residential Heritage Area qualifying matter overlay across Christ’s College land on this eastern block. This introduced heritage overlay is shown in **Figure 2** below.

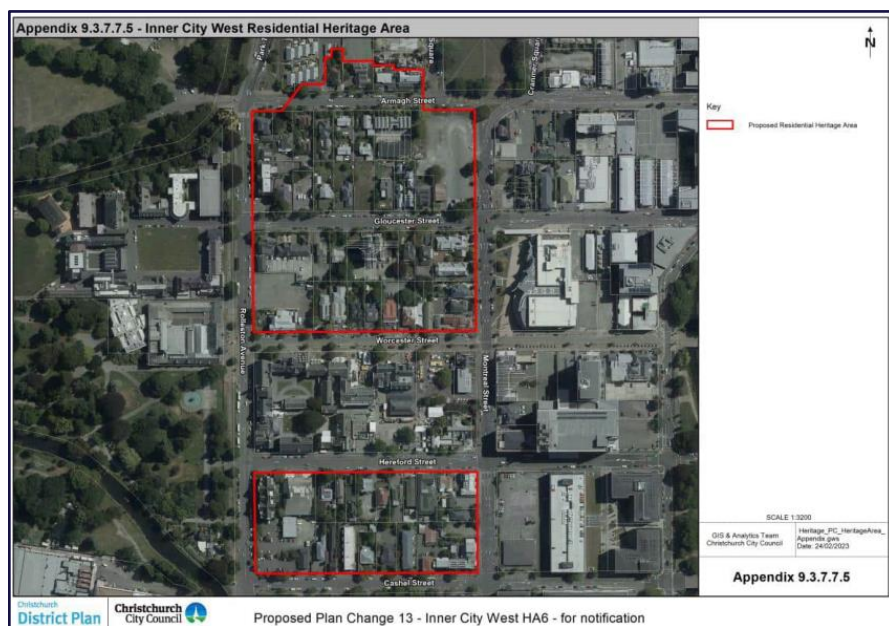


Figure 2: Proposed Inner City West Heritage Area (HA6)

- 14 In **Figure 3** below I have identified the approximate area of the Proposed Residential Heritage Area over the Operative District Plan zoning. Note that under the changes introduced through PC14 the Operative Residential Central City Zone is now proposed to be rezoned to Medium Density Residential Zone. For Christ's College, this only applies to their property at 21 Gloucester Street.

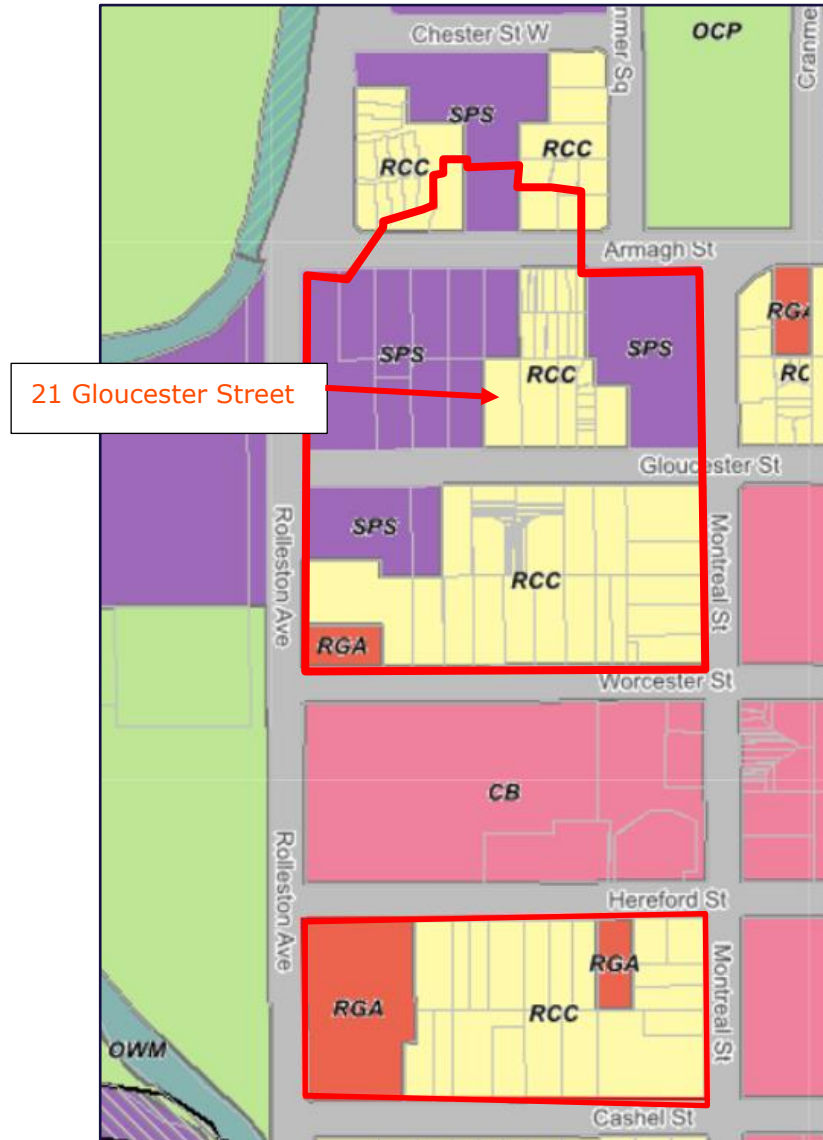


Figure 3: Proposed Inner City West Heritage Area (HA6) over Operative District Plan Zone Map

- 15 The Christ's College submission opposed the imposition of this RHA overlay being applied across their land. The primary basis for this opposition, is that this RHA overlay is proposed over SPS zoned land rather than residential zoned land (except at 21 Gloucester Street).

- 16 While a deletion of the RHA over Christ's College zoned land was sought as the primary relief, it was also submitted that the changes introduced in PC13/14 to **Policy 9.3.2.2.8 – Demolition of heritage items** should be deleted. For Christ's College the changes to this Policy hold particular importance if the RHA was to be retained. This policy subjects defining and contributory buildings within RHA's to the same policy tests as listed heritage items.
- 17 The submission also sought the rezoning of 21 Gloucester Street from Medium Density Residential Zone as notified under PC14 to Specific Purpose (School) Zone. This is the only property owned by Christ's College within the block bound by Armagh, Montreal and Gloucester Streets and Rolleston Avenue that does not already fall within the SPS Zone. Furthermore, the submission was in support of the notified alternative zoning across this SPS zone as High Density Residential zone.

PLANNING ASSESSMENT

Deletion of Inner West Residential Heritage Area over Christ's College land

- 18 The purpose of Specific Purpose (School) Zone's is to enable education providers to efficiently use and develop their land and buildings for education activities (which include land and/or buildings for regular instruction or training but also offices and boarding and residential accommodation). As a private school, having this zoning is especially important for enabling future development of the school as private schools are unable to rely on a designation and outline plan process for future development enablement like public schools are able to.
- 19 School buildings and spaces need to deliver a functional educational environment. They have a different function and form to residential dwellings and their built form inevitably reflects their internal function. The Ministry of Education have compiled the 'Designing Schools in Aotearoa New Zealand – School Property Design Standards, V2.0 June 2022' which includes design principles for school property and site planning guidance. While Christ's College as an independent school is not bound by this, the standards provide a useful insight into school design principals which seek to ensure quality school property outcomes benefitting of learners, staff and the wider school community. The overall school design principles are that schools must be¹:
- **Functional:** This speaks to schools as primarily being places for teaching and learning. Functional schools support students on their educational journey through maximising facilities and spaces for learners and learning activities, being well

¹ The Ministry of Education 'Designing Schools in Aotearoa New Zealand – School Property Design Standards, V2.0 June 2022'

connected both physically and visually, being coherent through purposeful, well-organised and usable spaces and by being easy to operate in their day to day use with easy and simple maintenance.

- **Responsive:** This includes fit-for purpose buildings designed to facilitate quality teaching and learning and which also provide for flexibility in their use. Responsive buildings are designed to support inclusive and barrier-free access for a diverse range of users, they are to support wellbeing and promote a sense of support and safety for all users and that are consistent with the Principles of Te Tiriti o Waitangi.
- **Sustainable:** This recognises that schools are long-term social assets which need to change and adapt to support changes in practices with minimal impact on the environment. Sustainable schools are environmentally conscious are designed to optimise footprint, be resilient and durable, to be adaptable through catering for possible future changes in roll and use where they can be repurposed or reconfigured and reasonably support future changes in curriculum delivery or teaching practices.

20 Christ's College's school buildings located within the proposed RHA largely consist of buildings with a higher density residential appearance and are set upon their own individual lots. Due to their layout the existing buildings on this land will not support or be suitable for the expansion of classroom facilities and ancillary school activities such as boarding facilities. As a of this the school have already obtained a Certificate of Compliance (RMA/2022/3077) for the demolition of:

- Armagh Street – Numbers 6, 14, 16, 20 and 22
- Gloucester Street – Numbers 4, 6, 8, 13, 14 and 19
- Rolleston Avenue – Numbers 54, 64 and 72 (excluding the Heritage Items and Setting 267 at 64 Rolleston Avenue).

21 Dr McEwan and Ms Dixon both agree that the properties in question make a significant contribution to the heritage values of the area and the exclusion of these properties from the RHA would be inconsistent with the heritage methodology and criteria applied by the Council.

22 I do not wish to step into providing an opinion on the heritage values or heritage methodology and criteria by the Council. However, I note that the Inner-City West Residential Heritage Area Record Form outlines that,

"the area embodies historic, architectural and contextual values relating to its central city location, underlying development pattern and proximity to major cultural and educational facilities, which

*include Canterbury Museum, Christ's College, the Botanic Gardens and the Arts Centre of Christchurch*².

It also goes on to state:




"In comparison with other residential areas within close proximity to the city centre, the Inner-City West Residential HA retains a high degree of historic authenticity...Although many of the larger dwellings have been converted into apartments, flats and commercial premises, the residential character of the area has been maintained".

- 23 I note that the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act, provides a pathway under s770 for territorial authorities to apply a qualifying matter to urban non-residential areas where there is a matter of national importance that decision makers are required to recognise, and provide for, under section 6. However, for the following reasons I consider it is inappropriate to impose this RHA over Christ's College land because:
- a) The land does not have a residential zoning rather it is zoned as SPS and such an overlay is inconsistent to the purpose of the SPS zone which is to efficiently enable education activities and facilities;
 - b) While enabling of development the SPS zone built form standards are already less enabling than the NPS UD Policy 3 which requires building heights of at least 6 metres in Metropolitan City Centre Zones or within a walkable catchment of metropolitan and city centre zones; and
 - c) The Certificate of Compliance enables the demolition of several buildings (not listed heritage buildings) within the College's land. This forms the permitted baseline/existing environment and should not be disregarded. Given that these buildings can be demolished without the need for any resource consent I consider that these sites should be classified as 'Neutral' in terms of the RHA categories.
- 24 In light of this, I consider that there is justification to reconsider the boundaries of this RHA so that the Christ's College owned land is excluded from the RHA.
- 25 With the authorised demolition of these buildings and the removal of the land at 32 Armagh Street (being the vacant/intrusive lot) from the RHA as provided for in Dr McEwan's and Ms Dixon's evidence, the RHA is in my view somewhat compromised. **Figure 4** below shows the areas of the RHA where there are intrusive and neutral buildings and sites and the Christ's College properties where demolition is provided for by the Certificate of Compliance (in blue). It also shows

² Residential Heritage Area – Heritage Report and Site Record Forms – HA6 Inner City West (CCC Website – Proposed Heritage Plan Change (PC13))

the remain heritage items identified by CCC as being contributory, defining or scheduled heritage items (in red). The Christ's College owned land is defined by the yellow border.



	Christ College owned land
	Land where there is a Certificate of Compliance for demolition or where the land has been identified by CCC as being 'intrusive' or 'neutral'
	'Contributory, defining or scheduled heritage items

- 26 Ms Dixon notes in her evidence that Christ's College have to date been able to adequately accommodate their spillover functions in their properties on the eastern side of Rolleston Avenue without significant modification but she does acknowledge that there may be a need at some point for some larger school buildings in this area. While I agree with both points, I consider that with the imposition of the RHA overlay, new buildings will require resource consent for a restricted discretionary activity and will be assessed against a range of assessment matters under **9.3.6.4 Residential Heritage Areas – new buildings, fences and walls, and exterior alterations to buildings** (shown below). The majority of these assessment matters are particularly limiting for school buildings which generally require a greater scale and form than residential dwellings along with other measures such as security which is likely to be somewhat at odds with "maintaining or enhancing primarily the collective heritage values and significance of the heritage area".

9.3.6.4 Residential Heritage Areas (excluding Akaroa Township Heritage Area) – new buildings, fences and walls, and exterior alterations to buildings

- a) Whether the proposal is consistent with maintaining or enhancing ~~the heritage values of the building, fence or wall,~~ and primarily the collective heritage values and significance of the heritage area, and secondarily the heritage values of the building, fence or wall, in particular having regard to the following matters of discretion where applicable:
- i. The scale, form, mass, rooflines, materials, colour, design, and detailing of the defining buildings and contributory buildings within the heritage area;
 - ii. The relationship between elements in the heritage area including the existing pattern of subdivision, pattern of buildings and fencing including height, materials and permeability of fencing and walls, layout and orientation on sites, and setbacks from streets;
 - iii. The purpose and extent of earthworks necessary as part of the proposal;
 - iv. The extent and scale of vegetation removed, retaining or provided;
 - v. The impact on public places and the street scene, including avoiding the location of parking areas and garaging within the road boundary setback;
 - vi. The impact of the proposal on views to and from the Residential Heritage Area.
 - vii. The provision of access and use or adaptive reuse of defining buildings and contributory buildings³.

Deletion of changes introduced in PC13/14 to **Policy 9.3.2.2.8 – Demolition of heritage items**

- 27 For Christ's College, the concerns with regard to this Policy particularly relate to the demolition of identified contributory and defining buildings within a RHA. Given the Christ's College submission seeks the removal of the RHA over its land and that all their existing buildings on the eastern side of Rolleston Avenue (which are not scheduled heritage items) have a Certificate of Compliance for their removal I will not go into the changes sought in detail. However, I note that as notified and as recommended to be amended by Ms Dixon that contributory and defining buildings have the same policy tests as scheduled heritage items. In my opinion this is problematic given the different activity status between the two.
- 28 If the Hearing Panel were to decide that the RHA as notified is to remain across Christ's College's land then I refer to my colleague Mr Joll's evidence on the Kāinga Ora (submitter #834), qualifying matters submission [para 6.3-6.12] which instead recommends a bespoke two-tier policy for the demolition of defining or contributory buildings in a RHA. I am in agreement that a bespoke policy, which

³ Section 42A Amended Version – Residential Heritage Areas and Residential Heritage Areas Interface Overlay

has been drafted as a starting point for discussions is more appropriate.

Rezoning of 21 Gloucester Street to Specific Purpose (School) Zone

- 29 Christ's College submission sought to rezone 21 Gloucester Street to Specific Purpose (School) Zone from Residential Central City Zone under the Operative District Plan and Medium Density Residential Zone as notified under Plan Change 14. Christ's College also supported the notified alternate zoning of the land as High Density Residential Zone.
- 30 Ms Piper's evidence is that this relief should be rejected because it falls outside the scope of PC14 as it seeks to go beyond the requirements for the implementation of the MDRS, NPS-UD Policy 3 and because full consideration of the scale and significance of the effects of changes on the surrounding neighbours, community and environment was not provided.
- 31 Questions of scope are a mixture of fact and law. In my view the relief sought by Christ's College falls within the scope of PC14. This is because PC14 notified a change in zone of this land from Residential Central City to Medium Density Residential Zone and with the Inner West RHA under PC13, these changes have provided an opportunity to participate in the process via submission. I do not agree with Ms Piper that this goes beyond the scope of implementation of the MDRS and I note that s77N of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act states that specified territorial authorities may create new urban non-residential zones or amend existing urban non-residential zones:

77N Duty of specified territorial authorities to give effect to policy 3 or policy 5 in non-residential zones

- (1) *When changing its district plan for the first time to give effect to policy 3 or policy 5, and to meet its obligations under section 80F, a specified territorial authority must use and IPI and the ISPP.*
- (2) ...
- (3) *In carrying out its functions under subsection (1), a specified territorial authority-*
- a) *May create new urban non-residential zones or amend existing urban non-residential zones:*
- b) ...

- 32 Plan changes of the breadth sought by PC13 and 14 will not always get it perfect when notified. The submission process is available to test the changes proposed and to put forward alternatives. This standard process enables the merit-based outcomes sought in

submissions to be considered, and the provisions/zone boundaries refined, without incurring considerable costs and delays through a s293 process (on appeal) or a private plan change. This is especially so where the breadth of the plan change(s) is wide as these are. Indeed, its arguable that PC13 and 14 are effectively a partial district plan review given their scale and breadth.

- 33 In terms of the scale of significance of this change, the rezone request is limited to one property of 1022m² in land. The site is currently identified as being 'intrusive' under the Schedule of Individual Items to be included in the Heritage Area due to it being a current vacant lot. The rezoning of the lot would form a contiguous school zone boundary for Christ's College land.

Alternate Zoning

- 34 The notified PC14 provisions listed the alternate zoning for the SPS Zone at Christ's College as being High Density Residential Zone. Christs College submitted in support of this zoning, given the central city location of the school. I consider such intensification to be consistent with Policy 3 of the NPS UD and consistent with the existing Operative alternate zone of Residential Central City Zone.
- 35 In note in Ms Piper's evidence, she considers that this alternate zoning was notified in error and instead it was meant to be Medium Density Residential Zone. Considering the compromised area of the RHA once the Certificate of Compliance and remaining intrusive and neutral properties are taken into account and because of it being consistent with Policy 3, I maintain the opinion that this alternative zone is appropriate.

CONCLUSION

- 36 SPS Zones enable educational buildings and facilities. The zoning is especially important for private schools who are unable to rely on designations to enable their development.
- 37 The introduction of the Inner West Residential Heritage Area over Christ's College land to the east of Rolleston Avenue is inconsistent with the purpose of the zone which enables schools to flexibly and efficiently use and develop their land for buildings for education and ancillary purposes.
- 38 The College holds an existing Certificate of Compliance which enables buildings at 6, 14, 16, 20 and 22 Armagh Street to be demolished, 4, 6, 8, 13, 14 and 19 Gloucester Street and 54, 64 and 72 Rolleston Avenue (excluding the heritage Items and Setting at 267 and 64 Rolleston Avenue). This accounts for a significant, contiguous area of the RHA.
- 39 In my opinion, consideration of rezoning for 21 Gloucester Street is not out of scope of the Plan Change. This property forms part of the

College's property portfolio and would create a contiguous zone boundary. s77N of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act provides a pathway for territorial authorities to create or amend existing urban non-residential zones and there has been an opportunity for the public to submit against the relief sought by the College on this matter.

- 40 Lastly, in my opinion the alternate zoning as notified is appropriate for this land.
- 41 I therefore recommend that the relief sought by Christ's College be accepted.

A handwritten signature in blue ink, appearing to read 'C Boulton', is written over a large, light blue oval scribble.

Catherine Boulton
20 September 2023