

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI ŌTAUTAHĪ**

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the hearing of submissions and further submissions on Plan Change 14 to the Operative Christchurch District Plan

**STATEMENT OF EVIDENCE OF JONATHAN CLEAVE ON BEHALF OF
KĀINGA ORA – HOMES AND COMMUNITIES**

PLANNING

CENTRE HIERARCHY AND COMMERCIAL ZONE RULES

20 SEPTEMBER 2023

Instructing solicitor:
C E Kirman
Special Counsel
Kāinga Ora - Homes and Communities
PO Box 14594
Central Auckland 1051
E: claire.kirman@kaingaora.govt.nz

Counsel instructed:
B J Matheson
Richmond Chambers
PO Box 1008
Shortland Street
Auckland 1140
E: matheson@richmondchambers.co.nz

1. EXECUTIVE SUMMARY

- 1.1. My name is Jonathan Clease, and I am a Director at Planz Consultants Limited. I have been engaged by Kāinga Ora-Homes and Communities (**Kāinga Ora**) to provide planning evidence in support of its primary submission (submitter #834) and further submissions (further submitter #2082 & #2099) on Plan Change 14 (**PC14**) to the Operative Christchurch District Plan (**ODP**).
- 1.2. I summarise the strategic direction provided in the NPS-UD, the Enabling Act, the CRPS, and the draft Spatial Plan as setting the framework that PC14 needs to give effect to.
- 1.3. I find that in the City Centre Zone (**CCZ**) that no height limit would be the most effective means of maximising capacity, whilst acknowledging that the proposed 90m limit is also enabling. I identify that the enablement sought through the height rule is then undermined by the combination of other built form rules that are proposed to apply to tall buildings. These rules as a package mean that the functional height of buildings is in practice limited to 28m for all but the largest sites.
- 1.4. I recommend that for the areas adjacent to the CCZ, a consistent height limit of 39m (12 stories) be enabled across the balance of the City Centre (inside the Four Avenues), except where there are clearly identified heritage and character values.
- 1.5. I support the provision of a High Density Residential Zone (**HRZ**) in a walkable catchment of the CCZ, and agree with the recommended height limit of 22m for the parts of the catchment located outside of the Four Avenues. I likewise support a 22m height limit being applied to the Mixed Use Zones (**MUZ**) that are proposed outside the City Centre.
- 1.6. I note that PC14 includes a significant change in outcome for these MUZ areas from their current industrial character and purpose. In order for such areas to successfully transition to predominantly residential environments, a change in zone needs to be accompanied by focussed place-making initiatives supported with the funding necessary for the acquisition of public open space, laneway connections, and the sorts of

facilities that are inherent in good quality residential neighbourhoods. I do not consider the proposed rule package and associated Outline Development Plan to be an effective tool in isolation for delivering the necessary levels of amenity. I therefore recommend that the extent of the MUZ be consolidated around areas of existing amenity, at least in the short-term.

- 1.7. I agree with the Kāinga Ora submission that the proposed commercial centre hierarchy is missing a key level that is anticipated in both the NPS-UD and the National Planning Standards. I recommend that the three large centres of Riccarton, Papanui, and Hornby be zoned as Metropolitan Centres, with an associated 56m height limit applying to the commercial areas. These three centres are the largest suburban centres in the South Island and have a clear sub-regional retail catchment. They are likewise comparable in size to MCZ zoned centres in Auckland.
- 1.8. As directed by Policy 3(b) I recommend that the residential areas adjacent to these three centres have a HRZ zoning and a 36m height limit, stepping down to 22m as distance extends from the centre.
- 1.9. By including these three centres in the MCZ, it enables the Town Centre Zone (**TCZ**) category to be simplified and expanded to cover the 'large Local Centre' category. I agree with Officers that a 22m height limit is appropriate for the TCZ.
- 1.10. I recommend that the extent of the HRZ in Riccarton be expanded given the attributes of this corridor in terms of accessibility and amenity, and the multi-nodal nature of both commercial areas and the University of Canterbury. I recognise that the extent of the HRZ in this area will turn on the Panel's findings regarding Qualifying Matters.
- 1.11. I finish by undertaking a more 'fine-grained' assessment of the policy and rule frameworks for the various commercial zones to ensure that they are effective and efficient in delivering the outcomes discussed above. For completeness I note that I provide a similar policy and rule assessment of the residential zones in a separate brief of evidence.

2. INTRODUCTION

- 2.1. My full name is Jonathan Guy Cleese. I am a Director of planning and resource management consulting firm Planz Consultants Limited and work as a Senior Planner and Urban Designer. I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a full member of the New Zealand Planning Institute and currently sit on the NZPI Board.
- 2.2. I have some twenty-five years' experience working as a planner, with this work including the development of plan changes and associated s32 and s42a reports, and the preparation of a broad spectrum of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
- 2.3. In 2010, I assisted Council in reviewing the policy and rule framework applicable to medium density zones which led to Plan Change 53 (**PC53**) to the old first generation City Plan. The amendments made through PC53 formed the basis of the current Residential Medium Density rule framework which was carried through into the Operative District Plan. Following the Canterbury earthquake sequence, I prepared planning and urban design evidence on the second generation Christchurch District Plan on behalf of submitters on commercial, industrial, urban design, Lyttelton Port, natural hazards, hazardous substances, and signage topics.
- 2.4. I have likewise been recently involved in the development of second-generation Selwyn, Timaru, Waimakariri, Kaipara, and Waikato District Plans. This work has included producing s32 and s42a reports on Rural Lifestyle, Residential, Medium Density, and Future Urban Zones, amongst other topics.
- 2.5. In addition to plan preparation, I have prepared or peer reviewed resource consent applications for numerous residential projects on behalf of Kāinga Ora, other social housing providers, and private developers. In Christchurch, these projects have delivered more than 1,000 residential units across multiple sites. I have likewise prepared or peer reviewed resource consent applications for large-scale commercial and civic projects including the Bus Interchange, Tūranga

Central Library, Otago Medical School, The Tannery in Woolston, several central city hotels, and the Northlands Centre. This extensive coal face experience has helped to inform my understanding of the design and consenting issues associated with significant commercial and civic projects, and medium density forms of housing.

2.6. I was engaged by Kāinga Ora in 2022 to provide planning and urban design advice on the exposure draft version of PC14 which was released for feedback in Mid-2022. I was then asked to assist in reviewing PC14 as notified in order to inform the Kāinga Ora submission on PC14.

2.7. In preparing evidence on the proposed Centre Hierarchy, I have considered the following material:

- Section32 reports applicable to the Centre Hierarchy;
- Section42A reports applicable to the Centre Hierarchy;
- The evidence of Mr Fraser Colgrave (Economics) for Kāinga Ora;
- Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (**'the Enabling Act'**);
- National Policy Statement – Urban Development (**'NPS-UD'**);
- Canterbury Regional Policy Statement (**'CRPS'**), in particular Chapter 6;
- Land Use Recovery Plan 2013 (**'LURP'**);
- The Greater Christchurch Spatial Plan 2023 (**'the Spatial Plan'**).

Code of Conduct

2.8. Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.

- 2.9. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of evidence

- 2.10. The scope of evidence is as set out in the executive summary above. In a nutshell I examine the proposed commercial centre hierarchy and associated height limits, coupled with the treatment of the residential areas surrounding these centres, to determine whether or not pC14 gives effect to the national direction contained in the NPS-UD (and in particular Policy 3), and properly implements MDRS as directed by the Enabling Act.

3. RESPONSE TO THE SECTION 42A REPORT

Urban Form, Centre Hierarchy, and the NPS-UD

- 3.1. As the name suggests, PC14 is focussed on delivering housing and business choice. The scope of PC14 is therefore broad as it seeks to implement both the Medium Density Residential Standards ('**MDRS**') as required through the Enabling Act, and to concurrently give effect to the NPS-UD which post-dates the District Plan having been made operative. Of particular relevance to this topic, in addition to implementing the MDRS, the Enabling Act also requires Council to give effect to Policy 3 of the NPS-UD in relation to non-residential zones¹.
- 3.2. In terms of evidence structure, this brief of evidence focusses on establishing an appropriate urban form and centre hierarchy framework. Discussion of the heights enabled in the various zones is inherent to that framework and therefore occurs in this brief. This evidence is nonetheless set at a high 'helicopter' level and takes a broad look across the City's urban form and centre hierarchy.
- 3.3. I have prepared a separate brief which examines in more detail the policy and rule frameworks applicable to the key commercial and residential zones, with my recommended District Plan text amendments

¹ The Enabling Act, s.77N

set out in that separate brief largely consequential to the higher order urban form discussion discussed below. Where I recommend amendments to height rules below, the text changes to implement those recommendations have been incorporated into my separate brief on the provisions so all recommended Plan text amendments are consolidated into the one appendix.

3.4. The preparation of this evidence has been made challenging as Council's s42A reports have been divided up by zone, and as such no one planner has provided an integrated overview of the urban form outcomes and associated zone heights sought through PC14 across both commercial and residential zones. Given the breadth of the plan change, this distribution of workload is perfectly understandable. Ms Oliver provides a high-level overview of PC14 as a whole and provides references to which s42A report to read by topic. It still however necessitates reading across numerous s42A reports to gain a coherent understanding of the outcomes sought by PC14.

3.5. In summary, from what I can identify, City-wide urban form outcomes are addressed in the following ten Council reports, covering some 2,000 pages of evidence:

- Mr Andrew Willis (planning) – Height of CCZ and mixed use areas inside the Four Avenues;
- Mr Alistair Ray (Urban Design) – City Centre Zone;
- Ms Holly Gardiner (planning) – CCZ and mixed use zone policies and rules;
- Mr Lightbody (planning) - Commercial centres outside the Four Avenues, policies and rules;
- Ms Nicola Williams (Urban Design) – Mixed use zones both inside and outside the Four Avenues and other commercial centres;
- Mr Kleynbos (Planning) – residential zones, policies and rules;
- Mr Hattam (urban design) – residential zones;

- Mr Tim Heath (economics) – City-wide assessment with a focus on height and commercial rezoning;
- Ms Ruth Allen (feasibility) – CCZ and HRZ (over 6 stories);
- Mr John Scanlon (feasibility) – Commercial and residential areas (under 6 stories)

3.6. Given the volume of evidence, it is easy to lose sight of the wood for the trees. I therefore first step back and set out the key national policy direction in order to then assess PC14 provisions against this direction.

3.7. In a nutshell, the NPS-UD seeks two key outcomes, namely to first ensure that sufficient capacity for housing and business land is made available²; and secondly to ensure that such provision occurs in the right locations i.e. that a ‘well-functioning urban environment’ results³.

3.8. Decisions to achieve these two outcomes need to be cognisant of the following principles:

- Support competitive land and development markets⁴;
- Recognise that urban environments and amenity values develop and change over time⁵;
- Take into account the principles of Te Tiriti⁶;
- Be integrated with infrastructure planning and funding decisions⁷;
- Be strategic over the medium to long term i.e. be based not just on what the current urban form is, but what it should be over a 10-30 year time horizon⁸;

² NPS-UD Objective 1 & 2, Policy 1(d), Policy 2

³ Ibid, Objective 1 & 3

⁴ Ibid, Objective 2

⁵ Ibid, Objective 4, Policy 6(b)

⁶ Ibid, Objective 5

⁷ Ibid, Objective 6(a)

⁸ Ibid, Objective 6(b)

3.9. Taking these principles into account, decisions to achieve these two outcomes need to enable growth in the right locations in order to deliver a well-functioning urban environment. Namely locations that:

- Support reductions in greenhouse gas emissions i.e. enable people to live close to where they work and shop⁹;
- Be resilient to current and future effects of climate change i.e. not in areas exposed to unacceptable risks from natural hazards¹⁰;
- Be in or near a centre zone or other area with many employment opportunities¹¹;
- Be well serviced by existing *or planned* Public Transport¹²;
- Be in urban areas experiencing high demand¹³;
- Deliver a variety of homes in terms of typology and price¹⁴;
- Enable Māori to express cultural traditions and norms¹⁵;
- For business - enable a variety of sites that are suitable for different sectors¹⁶.

3.10. To help clarify what the above enablement looks like, as part of delivering a well-functioning urban environment, Policy 3 sets out the following:

⁹ Ibid, Objective 8(a), policy 1(e)

¹⁰ Ibid, Objective 8(b), Policy 1(f), Policy 6(e)

¹¹ Ibid, Objective 3(a), Policy 1(c)

¹² Ibid, Objective 3(b), policy 1(c). Note this direction is for Public Transport not just as it is currently, but as it is planned to be over a strategic (10-30 year) time period. This includes the significant improvement in PT anticipated in the Strategic Plan along the northern and western corridors in particular.

¹³ Ibid, Objective 3(c). In my experience, this strategic direction is often overlooked or down-played in planning assessments. 'In demand' areas include market-attractive locations which tend to be those locations close to high levels of amenity (coastline, waterways, large parks), larger commercial centres, or activity hubs such as the University of Canterbury.

¹⁴ Ibid, Policy 1(a)(i)

¹⁵ Ibid, Policy 1(a)(ii)

¹⁶ Ibid, Policy 1(b)

- In city centres, height and density is to realise as much capacity as possible, in order to maximise the benefits of intensification¹⁷;
- In metropolitan centres, to reflect demand and in all case to be at least 6 storeys¹⁸;
- *At least 6 stories within at least a walkable catchment of existing and planned rapid transit stops; the edge of city centre zones, or the edge of metropolitan centre zones*¹⁹ (Policy 3(c)).
- It is important to note that both the 6 storey and walkable catchment criteria are minimums with no policy barrier to development being both taller and/or covering a wider area.
- In all other locations (neighbourhood centres, local centres, and town centres), heights and density commensurate with the level of commercial activity and community services²⁰.
- Policy 4 provides a limited pathway to provide less than these heights if a Qualifying Matter ('QM') applies.
- It is important to note that the tests for these QMs are different from those set out in the Enabling Act and pertaining to the implementation of MDRS.
- In order for a QM to qualify under the NPS-UD, the QM must be a matter set out in 3.32, noting that this clause includes the 'catch-all' (h) 'any other matter'. Clause 3.33(3) sets out the evidential base if this 'any other matter' pathway is to be used. The required evidential base is substantial, showing that use of Policy 4 should be used sparingly and only with significant justification.

¹⁷ Ibid, Policy 3(a)

¹⁸ Ibid, Policy 3(b)

¹⁹ Ibid, Policy 3(c)

²⁰ Ibid, Policy 3(d), as amended by Cl.77S(2) of the Enabling Act

- 3.11. In summary, national direction in the form of the Enabling Act is seeking to 'lift the base', whereby MDRS essentially forms the starting point for residential urban environments in terms of heights and densities. Such provision does not need to be close to services, employment, or public transport as it is simply the new base condition. As directed by Policy 3 of the NPS-UD, greater height and density over and above that required through MDRS is then to be provided in and around commercial centres and high-frequency PT, with both the density of development and its geographic extent enabled in a manner that is commensurate with the level of services and employment opportunities available.
- 3.12. The drafters of the NPS-UD were clearly alive to the potential for the 'any other matter' clause being used to frustrate the clear directions in Policy 3. Clause 3.33(3) is worth repeating in full as it forms the tests that PC14 has to meet in order to justify any restriction on height below that required in Policy 3:

A matter is not a qualifying matter under clause 3.32(1)(h) in relation to an area unless the evaluation report also:

(a) Identifies the specific characteristics that make the level of development directed by Policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and

(b) Includes a site-specific analysis that:

- (i) Identifies the site to which the matter relates; and*
- (ii) Evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and*
- (iii) Evaluates an appropriate range of options to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.*

- 3.13. In the context of implementing Policy 3 of the NPS-UD, with MDRS as the base expectation, the clear direction is that the areas in and around

commercial centres should enable greater development opportunities than the baseline MDRS, with those opportunities increasing in line with the size of the centre. In settling on the centre hierarchy, the hierarchy needs to be strategic and forward-looking i.e. it needs to be based on the urban form anticipated or sought over the next 30 years in line with Objective 6(b), rather than based on perpetuating the existing form or size of the centre. My view aligns with that taken by Mr Heath who states that²¹

“PC14 takes a longer term 30-year+ perspective that would facilitate the transition of urban development from what has traditionally been a ‘sprawl and infill’ approach to a more nuanced method to deliver more efficient urban development that results in a more productive use of the scarce land resource”.

- 3.14. To base the hierarchy on the size of centres as they currently exist risks creating a ‘chicken and egg’ situation whereby centres are provided with limited growth opportunities based on their current size and heights, with the subsequent lack of growth then used as the rationale to not enable further opportunities. I acknowledge that such a strategy may be perfectly legitimate for neighbourhood centres and some of the smaller local centres where there is a clear strategy to maintain the place of those centres in terms of the wider centre hierarchy. For larger centres however, their ongoing growth is integral to achieving strategic directions regarding how growth is to be accommodated i.e. through intensification rather than peripheral expansion.

CRPS and the Greater Christchurch Spatial Plan

- 3.15. In addition to the national direction provided through the NPS-UD, strategic growth directions are also provided through both the CRPS, and the recently released Greater Christchurch Spatial Plan²², with both documents providing more localised high level direction as to the future shape and role of centres and how urban growth is to be managed in Christchurch.

²¹ Tim Heath, para. 44

²² <https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch-/Draft-GCSP/Greater-Christchurch-Spatial-Plan.pdf>

- 3.16. The current Operative Plan approach to centre hierarchy has its origins in the need to give effect to the CRPS. Following the Canterbury earthquake sequence a new Chapter 6 was added to the CRPS via the Land Use Recovery Plan to facilitate earthquake recovery. The CRPS establishes a centre hierarchy with the Christchurch city centre at the top, followed by a series of Key Activity Centres ('**KACs**') which apply to the larger suburban malls and retail centres (and the town centres of rural townships such as Rolleston and Rangiora)²³. New commercial activities are to be primarily directed to these existing centres²⁴. Residential intensification in turn *"is to be focussed around the Central City, Key Activity Centres and neighbourhood centres commensurate with their scale and function, core public transport routes, mixed-use areas, and on suitable brownfield land"*²⁵.
- 3.17. The CRPS focuses on accommodating a growing percentage of residential growth through intensification around centres and this has indeed been occurring. CRPS Objective 6.2.2 sought the percentage of growth via infill to lift from 35% averaged over the 2013-16 period to 55% averaged over the 2022-28 period. Mr Colgrave identifies that in Christchurch, townhouses and apartments accounted for over 60% of new dwellings over the last two years (lifting from only 18% ten years ago)²⁶. There has therefore been a marked shift in market preference over the last decade towards medium density forms of housing.
- 3.18. Whilst the CRPS pre-dates the NPS-UD, in my view it is nonetheless broadly aligned with the role of centres as focal points for intensification and the accommodation of growth as sought in the NPS-UD.
- 3.19. Chapter 6 of the CRPS was produced post-earthquake and therefore is now some ten years old. Whilst an update occurred via Change 1, this update was a relatively minor refresh rather than a comprehensive review.

²³ CRPS, Objective 6.2.1(2); Obj 6.2.5; Obj6.2.6

²⁴ CRPS, Policy 6.3.6

²⁵ CRPS Policy 6.3.7(2)

²⁶ Mr Colgrave, para.8.8

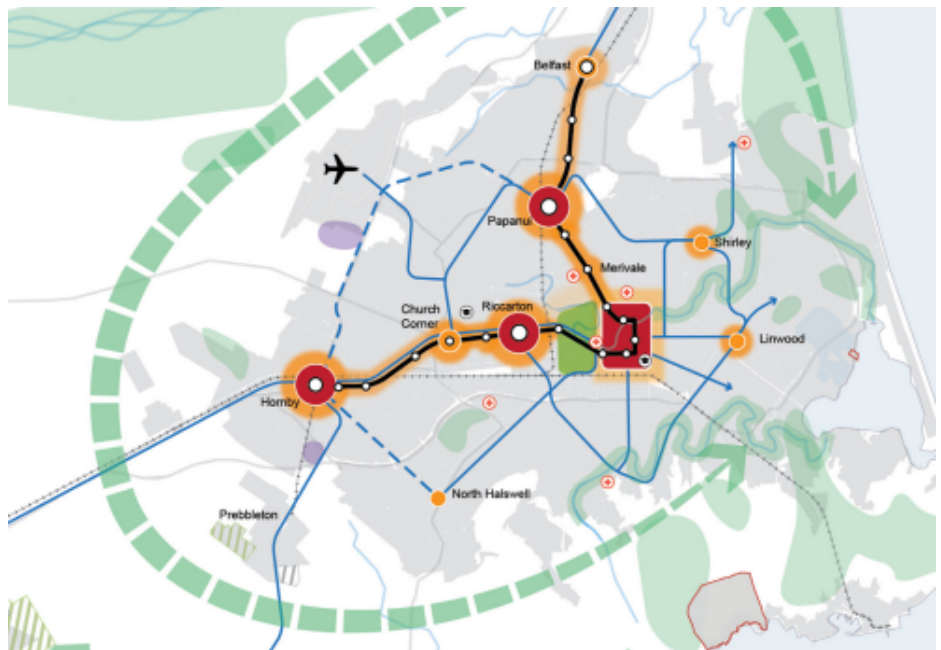
- 3.20. As a precursor to a more fulsome CRPS review, the parties that make up the Greater Christchurch Partnership²⁷ have recently released the draft Greater Christchurch Spatial Plan, which is open for consultation at the time of writing. The draft Spatial Plan provides the key strategic direction for Greater Christchurch over the next 30+ years. Of note, the draft Spatial Plan proposes that no new greenfield land be made available for residential use in Christchurch City, along with no additions to existing greenfield areas in Selwyn and Waimakariri Districts. The draft Spatial Plan concurrently predicts that a further 200,000 people will call Greater Christchurch home over the coming 30 years.
- 3.21. For that significant level of growth to be accommodated within existing urban areas, there must clearly be a marked shift in the character and density of existing residential areas. I readily acknowledge that the Spatial Plan is at a draft stage and therefore remains subject to amendment (and thereafter a change to the Canterbury Regional Policy Statement through a First Schedule RMA process). As an LGA process, hearings are currently programmed for October-November with decisions to be released in December. The Panel will therefore have the benefit of the Spatial Plan being finalised prior to making recommendations on PC14. Despite its draft status, the Spatial Plan at this point in time nonetheless provides the most current thinking of Council regarding urban form and centre hierarchy outcomes.
- 3.22. Figure 1 below shows an extract of the preferred Spatial Plan outcomes for Christchurch²⁸, and the preferred approach to accommodating an increase in population of 200,000 people over the next 30 years. The City Centre is prioritised, along with the three suburban centres of Papanui, Riccarton and Hornby which are shown as being 'major urban centres'. These major urban centres are shown as being linked via a planned Mass Transit Network, with significant intensification anticipated along these corridors. The University of Canterbury is likewise noted as a significant activity focal point on the western corridor.

²⁷ The GCP is made up of Christchurch, Selwyn, and Waimakariri Councils, Canterbury Regional Council, Waka Kotahi, and mana whenua

²⁸Ibid, pg. 79

- 3.23. A business case for light rail along these corridors is underway. Given the challenges with establishing light rail in New Zealand metro areas, I recognise that timing and certainty of delivery of this element of the Spatial Plan is speculative at present. It is however reasonable to anticipate that at a minimum high frequency bus services would be capable of being delivered along these corridors.

Figure 1 Spatial Plan extract



- 3.24. As an observation, the lack of integration between the experts who have provided evidence for Council and the outcomes sought in Council's Spatial Plan is concerning. Few experts reference the Spatial Plan, yet it represents the culmination of a significant Council work programme over the last four or more years. As a 'Future Development Strategy' it is likewise a key tool in implementing the NPS-UD. I would therefore expect the forward-looking urban form outcomes sought in PC14 to be aligned with the Spatial Plan.
- 3.25. The lack of any apparent integration between the PC14, Spatial Plan, and Long Term Plan ('LTP') processes is likewise concerning. Ms Williams as an example rightly identifies a number of issues with the current urban fabric and localised pedestrian connections in Hornby²⁹ and then goes on to note that there is currently no area plan or

²⁹ Ms Williams, s42a, Figure 36, pg. 54

streetscape enhancement programme planned or budgeted, despite this area being a key component of Council's strategy for managing urban growth. The lack of localised connectivity and the lack of any programme to rectify these issues then leads directly to her recommendation that Hornby have a relatively low height limit and not be identified as a Metropolitan Centre. Mr Lightbody similarly notes the lack of any budgeted funding to acquire the strategic connections necessary to deliver a well-functioning urban environment in the proposed new Mixed Use Zone in Sydenham, yet such laneways are integral to the overall delivery of a successful transition for this area.

- 3.26. In short, the NPS-UD expects planning to be strategic, and to be integrated with the necessary infrastructure to support that growth. I am concerned that Council's PC14, Spatial Plan, and LTP processes are seemingly disconnected. Fundamentally, you cannot concurrently have a growth management strategy that is founded on accommodation through intensification, combined with limited LTP support for the key priority areas where growth is to be directed, and implemented via a plan change that seeks to limit enablement in these priority areas due in large part to the lack of LTP funding to support that growth.

Summary of strategic direction

- 3.27. In summary, the urban form, centre hierarchy, and associated rules controlling height and density need to be assessed against the national policy direction provided through the NPS-UD (with any restriction in heights anticipated in Policy 3 subject to the tests of 3.33(3)). The framework likewise needs to be set in a manner that gives effect to the CRPS, aligns with the zone descriptions set out in the NPS, and is consistent with the Council's draft Spatial Plan, insofar as that draft strategy is itself aligned with the NPS-UD.
- 3.28. In assessing the urban form delivered through PC14, I will start at the geographic centre of the City (and also at the top of the centre hierarchy), and work my way geographically out and thematically down the hierarchy.

City Centre Zone Role and Outcomes

- 3.29. City Centre Zone = *Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region*³⁰.
- 3.30. PC14 limits the extent of the City Centre Zone to just the commercial CBD core, rather than the whole of the area inside the Four Avenues which is often colloquially referred to as the 'city centre'. I agree with the decision to maintain a fine-grained approach to zoning within the Four Avenues. This area covers some 4km² and includes significant differences in land uses and building scales/functions such that a one-size-fits-all zoning approach across this area would not be appropriate.
- 3.31. For the City Centre Zone, as applied to the CBD commercial core, NPS Policy 3(a) applies, namely:
- "in the city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification".*
- 3.32. The NPS-UD is an internally consistent document, and therefore implementation of the very clear Policy 3(a) direction can be deemed to deliver the well-functioning urban environment envisaged in Objective 1. This is an important difference from the manner in which Mr Willis has understood the NPS-UD³¹. He appears to interpret it as being internally inconsistent, whereby Policy 3(a) direction may in effect be wrong and therefore requires testing in case implementation in the manner directed by the Policy would not result in a well-functioning urban environment. In my view the ability to take into account contextual nuance is provided through Policy 4 and the associated cl.3.33 tests. Absent an area triggering the need to restrict heights through cl.3.33, enablement as much as possible is the directed method for achieving a well-functioning urban environment. Conversely, proposed PC14 provisions that seek to restrict height, absent passing a cl.3.33 test, would not achieve a well-functioning urban environment as directed by the NPS-UD.

³⁰ NPS, pg. 37

³¹ Andrew Willis s42A, paras. 30 and 64

- 3.33. Over the last decade the recovery of the central city has steadily progressed, with the rebuilt buildings and associated public spaces in the main delivering an attractive and functional urban environment. In my view well-designed taller buildings being inserted into the City Centre will not make it less functional. Character will change, but function will not. Indeed, increased capacity and resultant activity if anything will make the city centre more functional in terms of fulfilling its role in the centre hierarchy. Conversely Mr Ray is clear that he considers the ideal built form³² for the CCZ to be one that is aligned with the post-earthquake response and as such³³ *“raising building heights in the CCZ is not an appropriate response in the Christchurch context in the absence of appropriate plan provisions for ensuring high quality urban design outcomes for taller buildings within the CCZ”*.
- 3.34. In essence, the difference between myself and Council’s experts is one of interpretation. Council experts read Policy 3 as being separate from, and a potential threat to, the delivery of a well-functioning urban environment. I conversely read the NPS-UD as saying that the delivery of Policy 3 outcomes is a necessary tool to deliver, and intrinsic part of, a well-functioning urban environment. In short, absent specific sites passing the stringent cl.3.33 tests, the NPS-UD is clear that a well-functioning urban environment is one that has tall buildings enabled at the heart of New Zealand’s major cities. If my interpretation of the NPS is correct – this difference is a key theme that ripples through council evidence i.e. policy 3 and a WFUE are different and competing outcomes and therefore you can justify not doing policy 3 if you think a lower height is necessary for delivering a WFUE.
- 3.35. The capacity enabled in the CCZ is therefore to be as much as possible. The NPS-UD has no issue with excess capacity being provided, so long as a well-functioning urban environment still results. A more restrictive rule framework or lower height limits should not therefore be justified on the basis that there is currently a surplus of capacity, as the policy direction is simply that zoned capacity in City Centres is to be maximised. In my view this means that as a general proposition there should be no control on height limits as a built form standard.

³² Alistair Ray, para.121

³³ Ibid, para.55

- 3.36. I agree with Mr Willis that delivering an ‘enabling’ approach does not necessarily require activities to be fully permitted by the rule framework³⁴. For example, rules that require a qualitative urban design assessment are now common in District Plans for zones that enable intensive development. The Enabling Act likewise includes an urban design rule for developments containing more than 3 residential units. I therefore agree with Mr Willis and Mr Ray that the ability to assess the urban design merit of larger buildings in the CCZ through a restricted discretionary rule is both necessary and not unduly disabling. Importantly, urban design rules do not limit or restrict capacity, rather they simply provide the opportunity to ensure that new buildings are well-designed.
- 3.37. In my view, urban design rules can be readily differentiated from the limits imposed through built form rules, or rules with a fully discretionary activity status. I therefore do not agree with Mr Willis’ view that *“it is only non-complying or prohibited activity statuses that clearly are not enabling”*.
- 3.38. In practice, consent planners and decision-makers place considerable weight on built form rules and the associated building envelope anticipated by the zone in question. My recent experience aligns with the observations of Mr Ray who, in reference to developers seeking consent to exceed height limits as a fully discretionary activity³⁵, notes that *“in my experience this is not a particularly attractive route to developers as the outcome is less certain than other activity statuses, as it is not clear what criteria the building will be assessed against”*.
- 3.39. Mr Ray then references a recent hotel on the corner of Cashel and Manchester Street as an example that it is still possible to obtain consent for a building over the current 28m height limit. I helped prepare the resource consent for this project and can confirm that the process was indeed lengthy, and uncertain – it took more than six months to consent a ten storey hotel located within 100m of Cathedral Square. This was despite the proposed design being assessed as producing acceptable urban design outcomes by Council’s urban design team. As

³⁴ Ibid, Para. 33

³⁵ Alistair Ray, para.75

an aside, the proposed design would be completely unachievable under the proposed suite of built form rules recommended by Mr Ray and discussed below given the relatively small size of the site and the associated loss of buildable space once his recommended internal boundary tower setbacks are provided.

- 3.40. As a second example, my colleagues at Planz prepared the recent resource consent for the Otago Medical School building that is currently under construction on Oxford Terrace (adjacent to the Pegasus Arms heritage bar). Despite being only some 5m above the permitted height limit, obtaining consent for this key medical research facility in the heart of the health Precinct took over six months, primarily due to concerns over the potential effects of shading on a nearby car yard generated by the height breach.
- 3.41. Restricted Discretionary height and built form rules therefore very much establish an anticipated envelope. Whilst a consenting pathway remains available under the proposed Restricted Discretionary rule framework in PC14, the existence of such a pathway is quite different in practice to having an enabling planning framework.
- 3.42. The Christchurch CBD is the centre of the second largest city in New Zealand, and the largest city in the South Island by some distance. The draft Spatial Plan states that the purpose of the Central City includes³⁶:

“incentivising, enabling and supporting as a focal point for business attraction with significant increases in employment density, high-rise commercial developments, flagship retail, head offices and knowledge intensive services. Redevelopment for the highest residential densities (ranging from 100-200 households per hectare), including multi-storey townhouses, apartments and mixed-use developments”.

- 3.43. In terms of tall buildings, if not here then where? Clearly the NPS-UD anticipates no restrictions on capacity in such locations and the draft Spatial Plan considers significant increases in employment and household density being accommodated within high-rise commercial

³⁶ Spatial Plan, pg. 36

and apartment towers as being integral to the City Centre purpose and function. The NPS-UD cl. 3.33 tests provide for more limited heights where justified on a strong evidential base following site-by-site analysis. I do not consider that such a case has been made out for the City Centre Zone in general.

- 3.44. I accept that for discrete parts of the City Centre Zone, namely those areas with recognised heritage values such as New Regent Street (8m and 28m surrounds), the Arts Centre (16m), and Cathedral Square and surrounds (45m) that a more nuanced approach to height is justifiable in recognition of the s 6 RMA values of these areas and their ability to meet the cl.3.32 and 3.33 tests, as set out in the evidence of Mr Willis³⁷. The Kāinga Ora submission likewise recognised the validity of lower height limits in these areas, subject to the requisite evidential base being provided.
- 3.45. I agree with Mr Willis³⁸ and Mr Ray³⁹ that a 45m height limit is appropriate along the Victoria Street commercial corridor given that this area is formed as a narrow linear extension out from the CBD core, noting that at 45m it will still remain proportionally higher than the adjacent HRZ areas. I also agree with Mr Willis' recommendation⁴⁰ that a lower height limit should not be applied to the Ōtākaro/Avon River corridor as sought by the NZIA Canterbury Branch, for the reasons set out in Mr Willis' evidence.
- 3.46. In determining what an appropriate height limit might be (if any) for the balance of the City Centre Zone, it is helpful to briefly summarise the evolution of Christchurch's built form to date, building on the background provided by Mr Willis⁴¹.
- 3.47. Prior to the earthquakes there were some 54 buildings that were greater than 35m⁴². The highest buildings pre-quake were Pacific Tower⁴³ (86.5m to the top of the spire), followed by the Hotel Grand Chancellor⁴⁴

³⁷ Ibid, paras. 121-128

³⁸ Ibid, para. 117

³⁹ Alistair ray, paras. 160-170

⁴⁰ Ibid, para.92

⁴¹ Ibid, paras. 44-57

⁴² [List of tallest buildings in Christchurch - Wikipedia](#)

⁴³ 166 Gloucester St

⁴⁴ 161 Cashel St

(85m) and the PWC building⁴⁵ (79m), with the Civic Offices⁴⁶ and adjacent Anthony Harper building⁴⁷ both 45m. Pre-quake the City Centre did not therefore have a low-rise form, but instead had been characterised for several decades by a significant number of taller buildings distributed reasonably evenly throughout the area. This high-rise built form reflected market demand, rather than the full extent of what was permitted under the District Plan of the time.

- 3.48. Following the Canterbury earthquake sequence, 36 of these towers have been demolished, with 18 remaining. Of these, the Pacific Tower building remains the City's tallest building, with the Waipapa building⁴⁸ (59m) at the hospital the tallest new building constructed post-quake.
- 3.49. **Figure 2** shows graphically the pre-quake buildings over 35m. Those remaining are shown in green and those removed are shown in red. Whilst I have not produced this image, I confirm that the buildings shown as being removed and extant are correct.

Figure 2. Change in buildings 35m+ following the Canterbury earthquakes⁴⁹



⁴⁵ 118 Armagh St

⁴⁶ 53 Hereford St

⁴⁷ 62 Worcester Blvd

⁴⁸ 2 Riccarton Ave

⁴⁹

https://en.wikipedia.org/wiki/List_of_tallest_buildings_in_Christchurch#:~:text=Of%20the%2054%20buildings%20in,36%20have%20already%20been%20demolished

- 3.50. Post-earthquake, a Central City Recovery Plan ('CCRP') was developed under the Canterbury Earthquake Recovery Act. The CCRP amended the old City Plan, with the amendments then being rolled over into the current Operative Plan. The development of the city centre zone framework imposed limits of a 21m road wall height, followed by a 45⁰ recession plane up to a 28m overall height limit, with the intent of limiting new buildings to no more than 6 stories on the road frontage and 8-9 stories overall. This was in part to achieve urban design outcomes of a uniform, relatively low-rise urban centre, following public feedback regarding post-quake nervousness about tall structures. I agree with Mr Willis⁵⁰ that a second key reason for the height limits concerned commercial distribution. Post-quake there were concerns that there were both a lot of vacant spaces and limited demand to fill them. There was therefore an intentional strategy to reduce enabled capacity to force more, lower, buildings and thereby more quickly fill up the vacant space, rather than having what was seen to be a limited quantum of demand being used up in a lesser number of tall buildings. Operative Plan Policy 15.2.6.3(a)(ii) gives one of the reasons for setting height limits as being to support "an intensity of commercial activity distributed across the zone".
- 3.51. I accept that the Operative Plan framework was an understandable response to the immediate earthquake aftermath. Whilst PC14 needs to have regard to⁵¹ the Central City Recovery Plan ('CCRP'), the CCRP is now over a decade old and has been overtaken by the higher order NPS-UD which PC14 needs to give effect to. PC14 therefore needs to be forward and consistent with more recent national direction that capacity is to be maximised in city centre locations, especially the centre of one of New Zealand's biggest cities.
- 3.52. Whilst significant progress has been made on the recovery of the central city, I accept that there is more work still to be done. The ongoing nature of recovery is identified in Mr Tim Heath's economic evidence⁵². That said, saying the city centre is not yet fully recovered is very different from saying that there are clear economic reasons to further

⁵⁰ Andrew Willis, paras. 6 and 50

⁵¹ S.74(2)(b)(i) RMA

⁵² Tim Heath, para. 4

limit capacity or to impose new built form standards. Indeed, the key competition for activity is not within the city centre, but between the city centre and other suburban locations (or other New Zealand cities). As Mr Heath notes⁵³, a height limit of 90m is necessary in order to

“improve the City Centre’s profile domestically and internationally, with an unnecessary restriction on height within the City Centre potentially impacting on the City’s profile, competitiveness and ability to attract larger higher value businesses to the City”.

- 3.53. I consider that a height limit of 90m achieves little as opposed to not having a height limit at all. In my view there is little material difference in either strategic or urban design outcomes between a hotel, office, or apartment building that is say 35 stories in height rather than 30 stories. From the street level where these buildings are experienced, they simply read as a tall building with pedestrian attention and views focussed on the bottom couple of levels and the immediate streetscape. Mr Willis sets out a useful summary of the relevant District Plan objectives and policies relating to the form, role, and outcomes anticipated for the City Centre⁵⁴. I agree with his summary and note that removing the maximum height limit (combined with an urban design rule and associated comprehensive set of assessment matters) would equally achieve the outcomes within this policy suite.
- 3.54. That said, I also acknowledge that a 90m limit is set at a sufficiently high level that considerable capacity is enabled. It is also consistent with the extent of the tallest buildings that existed prior to the earthquakes. I note that a height limit of 90m was strongly supported by Mr Heath on economic grounds⁵⁵, with the reasons for Mr Heath’s support reinforced in the evidence of Mr Colgrave.
- 3.55. I therefore conclude that whilst not being particularly necessary in terms of mitigating effects, the 90m height limit also does little harm as it still enables considerable capacity and development opportunity to be realised i.e. both the costs and the benefits of the rule are low. If the

⁵³ Ibid, para. 13

⁵⁴ Andrew Willis, para. 84

⁵⁵ Tim Heath, para. 13

height limit is retained, then I consider that a restricted discretionary activity status is appropriate as the range of matters that need to be assessed are able to be identified. Urban design, wind, and traffic effects are already able to be assessed through separate rules. The urban design assessment matters recommended by Mr Ray for buildings between 28-90m are comprehensive and I am unsure what other matters beyond more general urban form and distribution effects (which could be the matters of discretion for exceeding the 90m built form standard) would need to be considered such as would warrant the fully discretionary status recommended by Mr Willis. Mr Willis alludes to the need for a 'wider assessment'⁵⁶ but nowhere does he articulate what these additional matters or effects might be.

3.56. The height rule is not however the only built form control proposed in PC14. The plan change also includes a complex set of rules that directly impact on built form and achievable height and capacity as follows:

- Retains the Operative Plan 21m street wall limit (with the ability to increase that by 50% for corner sites);
- Retains a road wall height limit with a 45⁰ recession plane that angles into the site between 21-28m (with Mr Ray recommending that the recession plane is replaced with a 6m setback);
- Introduces a maximum tower dimension of 40m (as a diagonal);
- Introduces a maximum tower site coverage limit;
- Introduces a tower separation of 12m between towers on the same site;
- Introduces a tower internal boundary setback with the distance equivalent to 10% of the total building height (so a 90m high building needs the tower above 28m to be setback by 9m from all internal boundaries);
- Introduces a wind modelling requirement;

⁵⁶ Andrew Willis, para.86

- Introduces a suite of additional urban design assessment matters.

- 3.57. Of this suite of rules, I agree that the road wall height and associated setback requirement have some merit in maintaining a consistent built form as experienced at street level. I agree with Mr Ray⁵⁷ that with the increase in heights above 28m a more effective rule would simply be to require buildings above six stories to be setback 6m from the road edge to avoid 'wedding cake' design outcomes. I also agree that the rule should not apply to the first 30m of frontage on corner sites to enable more prominent buildings to be built on corners and to recognise that such sites would otherwise need to be set-in from two boundaries rather than just one.
- 3.58. Where Mr Ray and I differ is in regard to the need for internal boundary setbacks for towers above 28m and the associated rules that limit the size of tower footprints. I have two key concerns with this suite of rules, namely that first by limiting the floor footprint they limit both the number of sites capable of accommodating a tall building and the ability to functionally achieve heights above 28m, and that secondly by limiting the floorplate of buildings, the functional use of such buildings is only suited to residential and hotel uses.

Functional limitation on heights, capacity, and competitive advantage

- 3.59. These proposed rules in combination significantly restrict the design options and ability to functionally achieve taller buildings, especially for smaller sites which are common in the CCZ. Mr Ray's evidence includes a model of a hypothetical building that complies with rule package⁵⁸. The hypothetical building is located on a site that is much larger than any of the surrounding sites in the image, illustrating that the proposed rule package only works on large sites and thereby placing significant limitations on the built form that is potentially realisable on many sites in the CCZ.

⁵⁷ Alister Ray s.42a, Paras.95-110

⁵⁸ Ibid, para.123

Figure 3. Hypothetical tower that is compliant with proposed rule package.

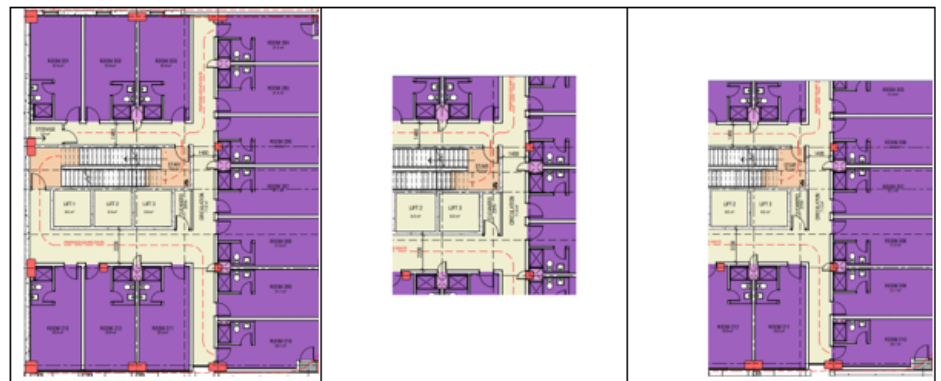


- 3.60. As an alternative, the below **Figure 4** shows the permitted built form when applied to a smaller (but not untypical) sized site in the CCZ. The below example is 90m in height and therefore the tower is set in 9m from internal boundaries and 6m from road boundaries. In my opinion, the permitted built form is functionally unusable – for smaller sites the rules functionally limit the building envelope to 28m.
- 3.61. I have used as an example the hotel on the corner of Cashel and Manchester Streets referred to above. The tower setback requirements when applied to smaller sites are simply unworkable in terms of the resultant form being functional. Figure 4a shows a tower with no setbacks on the left, the application of the PC14 rule package in the middle *if this was a mid-block site*, and the outcome as a corner site with the PC14 exemption from the road boundary setback applied.

Figure 4a. Proposed rule package applied to a smaller site.



Figure 4b. Effect on floor plate



- 3.62. **Figure 4b** above shows the impact on floor area for this site for no setbacks, under PC14 in a mid-block location with a 6m setback from the road boundary and 4.5m setbacks from the other three boundaries (10% of 45m). Even as a corner site (right-hand image) with the road wall setback exemption applied, the loss of usable floor area on the norther and western internal boundaries would still render any upper levels unviable.
- 3.63. In addition to the tower footprint control, PC14 proposes that towers be set back from internal boundaries by a distance equal to 10% of their height. In my view, this rule is the most impactful on capacity of any of the built form standards, with the implications shown in **Figure 4** above.

It significantly limits design and development options on smaller sites. The risk of tall blank side walls is able to be controlled through the urban design assessment matters, and in practice is unlikely given that most tall buildings include windows (and therefore the towers are set in by at least 1m from the site boundaries to avoid the need for fire rating).

- 3.64. In assessing the impact of the package of proposed built form rules Mr Ray concludes that:

“This approach would result in the majority of the building form of the CCZ to be 28m or less, consistent with the existing built form that gives Ōtautahi Christchurch its distinctive and unique character compared to other New Zealand cities”⁵⁹.

- 3.65. I agree with Mr Ray that the proposed rule package is in practice extremely limiting – whilst the rules provide enablement through the height rule, they significantly curtail enablement through the other provisions. As a package, the proposed CCZ built form standards by Council’s own evidence do not result in as much development capacity as possible, but instead are intentionally designed to perpetuate the Operative Plan urban form outcomes of a post-disaster low-rise CBD.
- 3.66. Both Mr Colgrave and Mr Heath provides strong economic evidence in support of the need of the rule package to enable buildings up to 90m in height. It appears that Mr Heath’s brief⁶⁰ was to only look at height limits rather than how the suite of proposed rules work as a package. Council’s economic evidence therefore provides no specific commentary on Mr Ray’s evidence that the rule package has been intentionally designed to keep the majority of built form below 28m.
- 3.67. Mr Heath does however make the following general observations regarding CBD heights⁶¹:

“a lower limit would reduce the development potential and City Centre capacity. This would result in a significantly reduced level of development enablement (relative to 90m)

⁵⁹ Mr Ray, para.184

⁶⁰ Mr Heath, para. 25

⁶¹ Mr Heath, paras. 149 & 152

and could reduce the economic efficiency and productivity of the City Centre long term. This would generate long term economic costs to the community relative to the 90m. As such this is considered an economically inferior height enablement to PC14's notified position".

"A zone wide cap on height enablement of 28m as currently in the operative district plan introduces significant economic costs that could compromise the future development of the City Centre. By enabling areas of higher built form and more efficient land use Council would signal to the market that these areas are intended for this purpose and are the most efficient locations for highest density developments".

- 3.68. Given the clear evidence from Mr Ray that the rule package is intentionally designed to limit most buildings to under 28m, and the equally clear economic evidence that such disablement will generate long-term economic costs to the community, I am unclear how Council's planners have come to a recommendation that the proposed tower-related rules should be retained.
- 3.69. The only reason why Christchurch currently has the unique low-rise character compared to other New Zealand cities identified by Mr Ray is that it alone has suffered a major earthquake. As set out above, prior to the earthquakes there were some 54 buildings that were over 35m in height. The current low-rise character is not therefore something intrinsic to the City's history or geography, but is simply a recent, short-term consequence of the significant loss of building stock, followed thereafter by the introduction of a relatively restrictive planning framework.
- 3.70. Mr Willis comments that these rules are not height or density rules *per se* and that no evidence was provided in submissions quantifying the extent to which these rules reduce development capacity⁶². Such evidence is not necessary as Council's own urban design evidence clearly states that the rules in combination functionally limit building heights to no more than 28m. In my opinion, it is artificial to say on the

⁶² Mr Willis, s.42a, para. 34

one hand the Plan is enabling because it provides for a generous height limit, and on the other that it is concurrently acceptable for the other built form rules to effectively restrict development to no more than a third of the permitted height because they are not height controls *per se*.

3.71. As Mr Kleynbos⁶³ correctly observes:

Policy 3 requires relevant district plans to "enable" certain development. The meaning of this word is important within areas affected by the NPS-UD; I interpret it as requiring a suitably enabling consenting framework to be created. This is beyond just applying no greater than a restricted discretionary activity status, in my view, but is instead about creating a consenting pathway whereby developments that accord with the NPS-UD are reasonably able to obtain resource consent.... Care must therefore be taken to ensure that the suite of provisions applicable seek to both define the limits of what building form is expected under the NPS-UD and enable such building forms."

3.72. In terms of feasibility and market desire for such built forms, I simply note that none of the 54 tall buildings that existed pre-earthquake delivered the sort of high podium and setback tower arrangement sought in the proposed rule package. The fact that no previous building owners or architects sought a built form that came close to that directed by the proposed rules within PC14 clearly demonstrates that the proposed built form has no precedence in Christchurch and is completely unrelated to any functional needs, vernacular architectural styles, or unique circumstances that might justify such an intervention limiting the potential built outcome as proposed by the suite of rules within PC14.

3.73. The economic evidence of both Mr Colgrave and Mr Heath clearly support a 90m height limit, with the commercial viability testing of Ms

⁶³ Mr Kleynbos, para.6.1.37

Allen indicating that a height of 60m is commercially feasible⁶⁴. If such is feasible, then built form rules that effectively limit height to no more than 28m clearly place significant restrictions on the feasible capacity that might otherwise be realised, which is directly contrary to the very clear direction in Policy 3.

- 3.74. Mr Heath is explicit that amongst other barriers to recovery are ‘high rebuild costs and uncertainty’⁶⁵. The proposed combination of road wall height, road recession plane, tower footprint, and tower setbacks do nothing to either lower build costs or increase certainty. The proposed rule package therefore reinforces, rather than mitigates, two of the key economic barriers to recovery identified by Council’s own economic expert.

Limitation of tall buildings to hotel and apartment uses only

- 3.75. Mr Ray correctly notes that the rule suite, where any built form is possible, will still only enable hotel or residential uses as the resultant tower form will not be suited to the functional needs of commercial office use⁶⁶. He also cites the distributional outcomes discussed above of wanting to ration the take-up of office activity and distribute what is seen to be a limited pool of demand. Whilst an understandable response to the immediate earthquake aftermath, I do not consider that this aligns with the forward-looking need to design a framework of the next 10-30 years.
- 3.76. Mr Ray’s views that the rule package will largely facilitate only residential and hotel development is at odds with the economic evidence of Mr Heath who states that⁶⁷

“there is a clear need for provisions that actively seek to redirect this activity [commercial offices] into the City Centre” and that “it is now, more than ever, crucial that the economic environment within the City Centre is as competitively and efficiently managed as possible. Business location and the

⁶⁴ I note that Ms Allen’s feasibility modelling was based on a large site. Had the model been run on a more common smaller site then the rule package would not have enabled a functional 60m building.

⁶⁵ Mr Heath, para. 150

⁶⁶ Ibid, para. 120 and 123

⁶⁷ Ibid, paras.7-12

consolidation of commercial activity is key in the creation of this environment”.

- 3.77. I agree with Mr Heath.
- 3.78. In my view, the significant limitations on height by the other built form rules, combined with the significant reduction in the resulting number of sites being capable of functionally accommodating taller buildings, along with limitations on the types of activities taller buildings can cater for, all collectively contribute to making the City Centre less competitive. Whilst Mr Ray advances the proposed rule suite as a tool for facilitating recovery, in practice I consider that there is a very real risk that it will achieve the opposite, consequently subverting the outcome directed within Policy 3 of the NPS-UD.
- 3.79. In my view, the proposed rules as a package do not align with national direction and seek to perpetuate the current short-term post-disaster built form, rather than looking to the future and properly enabling the CCZ to fulfil its role as the focal point for commercial and residential activity in the centre of New Zealand’s second largest city.
- 3.80. In summary, I consider that the height rule of 90m should be deleted, although if retained it does little harm (or benefit). I consider that the 21m road wall height and recommended 6m setback could be retained, and that the rules controlling tower footprint and internal boundary setbacks should all be deleted.

Residential catchment adjacent to the City Centre Zone

- 3.81. The area surrounding the City Centre Zone is required to have building heights of at least 6 stories, within at least a walkable catchment (NPS-UD Policy 3(c)(ii)). In the case of Christchurch’s CCZ, this catchment it is bounded to the north and west by residential areas and to the east and south by mixed use and light industrial areas. I discuss each of these ‘edges’ in turn, starting with residential.
- 3.82. The s42A recommendations in the areas surrounding the CCZ are split across a number of authors, which makes gaining a coherent understanding of the recommended approaches challenging. Mr Willis

and Ms Williams (urban design) address the mixed use areas within the Four Avenues. Mr Kleynbos and Mr Hattam (urban design) address the residential areas, Mr Lightbody addresses the proposed mixed use zones outside the Four Avenues, while Mr Heath (economics) provides an overview across the authors from an economic perspective. Ms William's evidence contains a map of the area inside the Four Avenues which shows different height limits, from the heights shown on the separate Map provided as Appendix 3 to Mr Willis' report.

- 3.83. The national direction for 'edge of centre' locations turns on two criteria, namely at least a walkable catchment, and at least 6 stories. Any proposals to reduce heights below 6 stories need to be justified on a site-by-site basis against the cl. 3.33 tests. I start by briefly discussing what each of these criteria mean in terms of distances and height in metres.
- 3.84. Six stories equates to roughly 22m (3m per floor, plus some allowance for above ground foundations, a higher ground floor internal stud height, and a finished roof form).
- 3.85. Walkable catchments are typically determined by walking speed (4-5km per hour), which equates approximately to 400m within 5 minutes, 800m within 10 minutes, and 1km within 12 minutes. This rule of thumb is then modified in terms of 'on-the-ground' walkability which is influenced by barriers to pedestrian movement (such as rail corridors or rivers), gradient, and the safety and visual interest of the route. In essence people are willing to walk further on a flat, safe route past interesting buildings and parks, than through areas that are perceived as being unsafe and/or uninteresting. Pedestrians are also willing to walk further when the destination offers more services and activities (and also where parking at the destination is expensive or constrained). As an example, people are generally more willing to walk 1.2km (15 minutes) to work in the CBD (where parking is expensive and constrained and where there are options for going out in the evening, lunchtime shopping etc), but will be much less willing to walk 1.2km to the dairy to buy some milk, where destination parking is free and convenient.

- 3.86. I agree with rationale set out by Mr Kleynbos⁶⁸ regarding the geographic extent of the HRZ zone around the edge of the CCZ, which has been set at 1.2km. I consider that a 1.2km catchment is appropriate given the NPS-UD direction that such enablement should be *at least* a walkable catchment. Mobility options at this distance readily include e-scooters and cycling, and also reflect both the wide range of employment and services available in the CBD, and the cost of parking which makes the use of non-car modes of transport more attractive. I likewise agree with Mr Kleynbos⁶⁹ that there is merit in extending the outer edges of the CCZ 1.2km pedestrian catchment where it is in close proximity to large areas of open space and/or has some overlap with the catchments of Merivale and Riccarton Centres i.e. whilst you might be 1.2km from the CCZ, you are only 500m from Merivale mall.
- 3.87. The NPS-UD requires the Council to enable development of *at least* 6 storey buildings around the City Centre Zone and Metropolitan Centre Zones. This is not a maximum, but a minimum, and the NPS-UD anticipates that additional building height may be appropriate.
- 3.88. I support the Kāinga Ora submission that seeks a 36m (10-12 storey) height limit for areas within 400m of the CCZ (and the large Metropolitan Centres discussed below), with a 22m limit for the balance of the HRZ catchments i.e. between 400m-1.2km. I consider this to be a simpler, more enabling, and more commensurate approach to managing height in these areas than the approach recommended by Mr Kleynbos of a mix of fine-grained height limits across the residential areas within the Four Avenues which range from 11m to 22, and 39m⁷⁰. I acknowledge that the 11m height limit recommendations reflect the proposed Heritage Area QMs proposed for parts of the residential area inside the Four Avenues. I rely on and defer to the separate evidence of my colleague Mr Joll who opposes a QM for these areas. For the balance of the residential areas, a height of 22m is just 6 stories, rather than 'at least' 6 stories. It is also the same level of enablement

⁶⁸ Mr Kleynbos, paras.6.1.39-42

⁶⁹ Ibid, para.6.1.44

⁷⁰ I note that Table 3 of Mr Heath's evidence provides a 39m HRZ limit for the areas adjacent to the CCZ, however this appears to be an error, with 32m being the recommended height.

as that provided in the areas adjacent to the mid-sized suburban centres. Given that these other centres are all materially smaller than the city centre, the approach recommended by Council officers is not commensurate.

- 3.89. Mr Heath supports a 22m limit for the parts of the residential areas inside the Four Avenues on the grounds that greater enablement would compete with residential demand even closer to CCZ⁷¹. In short, an apartment tower located 400m from the edge of the CCZ would compete with an apartment tower 200m from the edge. In terms of access to services for residents, the difference in accessibility is less than a 2-minute walk. As noted above, the Spatial Plan seeks to accommodate an additional 200,000 people through intensification over the next 30 years. In this context, the City Centre (inside the Four Avenues) is not competing within itself, but is competing with other lifestyle options and locations. The old Christchurch Women's Hospital site referred to by Mr Heath⁷² is a prime example of a large 2ha vacant site inside the Four Avenues where I can see no urban form or growth management merit in limiting the yield to 400 units (under a 22m limit) when the site could accommodate 640 units if the height was increased to 32m (or some 750 units at 36m as sought by Kāinga Ora).
- 3.90. I further note that the height limits sought by Kāinga Ora are lower than the height limits sought for residential areas adjacent to the city centres of Wellington and Auckland and match those sought (and approved by IPI Panels) for the lower order city centres in Hutt Valley, Porirua and Paraparaumu. I support improving national consistency in terms of how Policy 3(c)(ii) is applied across the main centres of the country.
- 3.91. Importantly, the appropriateness of a 36m limit is reinforced by the evidence of Ms Allen for Council. Ms Allen identifies that:

*"in and around the city centre, where development can reach heights of 12 storey and above under the proposed controls, the feasibility of high density residential development improves"*⁷³.

⁷¹ Mr Heath, paras. 204-208

⁷² 380 Durham Street North

⁷³ Ms Allen s.42a, para.6

Ms Allen goes on to identify that whilst developer profit of 20.16% is plausible for a 12 storey building, this profit nearly halves to 11.71% for a 10 storey building⁷⁴. Ms Allen concludes that:

“based on this assessment, I consider that allowing a height of up to 12 storeys is more likely to provide a feasible development outcome, in current market conditions, than provision for lower heights”⁷⁵.

- 3.92. Mr Kleynbos⁷⁶ recommends that “enabled building height limits are increased to support the development of 12-storey residential buildings around the CCZ”. I agree that a height limit of 39m is sufficient to ensure that 12 stories is able to be readily achieved (approximately 3m per floor including inter-floor structure, and with some allowance of above ground foundations and a shallow pitched roof). I note that in the recently concluded Wellington region IPI process 36m limits were considered to enable 10 stories.
- 3.93. The area inside the Four Avenues is extremely well placed for accommodating residential growth, and, in urban form terms, is the ideal location for including taller buildings. Coming back again to forward-looking strategic outcomes in terms of centre roles, hierarchy, and population growth management, I consider taller apartments within a short walk of the CCZ to be entirely appropriate.
- 3.94. In short, Mr Kleynbos and I agree that residential buildings of 12 stories/ 39m should be enabled adjacent to the CCZ. Where we differ is that I consider that such buildings should be enabled everywhere within the Four Avenues given all of this area is walkable (within 800m) to the CCZ, rather than a much narrower band immediately adjacent to the CCZ. I therefore recommend that all of the HRZ within the Four Avenues simply has a 39m height limit. The only exception to this is if the Panel determine that the proposed heritage areas are legitimate QMs, in which case a lower height limit for these discrete areas is likely to meet the tests of cl. 3.32(1)(a) as a matter of national importance i.e. a s 6 RMA matter.

⁷⁴ Ibid, para.36

⁷⁵ Ibid. para.36(b)

⁷⁶ Mr Kleynbos, para.6.1.52

- 3.95. For the HRZ outside the Four Avenues i.e. north of Bealey Avenue and east of Fitzgerald Avenue, I support the limit of 22m as recommended by Mr Kleynbos.
- 3.96. As a practical matter of Plan implementation, I agree with Mr Kleynbos⁷⁷ (and the Kāinga Ora submission) that the planning tools used to control height limits across the HRZ would benefit from simplification. Given Mr Kleynbos' separate recommendations that sees a 22m height limit applied across the majority of the HRZ, I agree that this can simply be controlled as the base rule. For the more discrete parts of the HRZ where a 39m height limit is sought (within the City Centre/ Four Avenues) or 36m (adjacent to the big three suburban centres - discussed below), then a 'greater height precinct' can be applied to define the geographic extent of the increased height limit.

Commercial Mixed Use Zones within the Four Avenues

- 3.97. As noted above, the CCZ is bounded to the east and south by a Commercial Central City Mixed Use Zone ('CCMUZ'), with several smaller pockets of CCMUZ located south of Bealey Avenue. The mixed-use areas are further subdivided into different sub-zones such as the South Frame, and with a different mixed use zone proposed outside the Four Avenues in Sydenham and Philipstown. The key differences with these sub-zones turn on the mix of activities that are permitted, along with nuanced differences in urban design and built form rules.
- 3.98. I agree with Ms Williams⁷⁸ that this area should be prioritised by Council for area funding to undertake localised place-making and streetscape enhancements, including the provision of public mid-block links through some of the larger blocks to improve walkability. I also agree with Mr Willis⁷⁹ that Policy 3(c)(ii) provides the relevant direction for the CCMUZ, namely buildings of at least 6 stories within at least a walkable catchment of the CCZ.
- 3.99. The Operative Plan has a 21m height limit, as does PC14 as notified. Mr Willis⁸⁰ and Ms Williams both recommend a 32m height limit across

⁷⁷ Mr Kleynbos, paras. 6.1.54-56

⁷⁸ Ms Williams, para. 7(b)

⁷⁹ Mr Willis, para. 38

⁸⁰ Ibid, para.109

portions of the CCMUZ, and either a 21m height limit (Ms Williams) or 22m limit (Mr Willis) for the South Frame area, along with the pockets of CCMUZ located close to Bealey Avenue. Kāinga Ora sought a 32m height limit across the full extent of the CCMUZ (including the South Frame).

- 3.100. Given the above discussion on HRZ and the merit in providing a 39m height limit, there is merit in the heights for the HRZ and the CCMUZ areas within the Four Avenues to be aligned. From urban form and urban design perspectives, it makes no sense to me why lower buildings are a necessary outcome in these mixed use areas compared with the heights anticipated in established residential areas. The mixed use zones within the Four Avenues are all within an easy 5-10 minute walk of the CCZ, along with major activity hubs such as Te Pūkenga (Christchurch polytechnic), the hospital, and the metro sports anchor project. They are also generally larger sites than those found in the HRZ which in my view makes development of taller buildings more feasible. I therefore generally agree with the reasons advanced by Mr Willis⁸¹ and Ms Williams⁸² in support of increasing height limits in the CCMUZ, albeit with a 36m rather than 32m height. A height limit of 36m does not threaten the Radio Communications QM which places separate restrictions on building heights between 40m-79m along narrow pathways emanating from the Justice and Emergency Precinct⁸³. A height of 39m likewise aligns with the relevant policy direction for the CCMUZ as summarised by Mr Willis⁸⁴, the feasibility modelling undertaken by Ms Allen, and the HRZ inside the Four Avenues discussed above.
- 3.101. An exception to this consistent and commensurate approach is in the South Frame mixed use area. As identified by Ms Williams, this precinct has been purpose-designed as a post-earthquake anchor project, and contains an inter-connected network of pedestrian laneways and pocket parks. Activation and daylight access to the laneways is a key part of the established planning framework for this specific part of the

⁸¹ Ibid, paras. 109-111

⁸² Ms Williams, para. 63

⁸³ Ibid, para. 131

⁸⁴ Mr Willis s.42a, para.111

wider mixed use area. With the benefit of Ms William's careful assessment of this discrete area I agree that a lower height limit for this area is justifiable. I prefer the 22m (6 storey) height limit recommended by Mr Willis rather than the 21m limit recommended by Ms Williams⁸⁵. I note that 22m is the height that has been applied consistently by Council Officers across other parts to the City where 6 storey enablement is sought and agree with the rationale for this consistency set out by Mr Kleynbos⁸⁶.

- 3.102. Like Ms Williams, I consider that this lower limit should only apply to the area that is currently identified as the South Frame in the Operative Plan, namely the blocks between Tuam and St Asaph Streets stretching from Hagley Park in the west to Madras Street in the east. I also agree with Ms Williams that a higher limit should apply to the South Frame block bounded by Manchester, Litchfield, Tuam and Madras Streets. I note that the height map in Appendix 3 to Mr Willis' evidence does not align with Ms William's recommendations regarding the above block, with Mr Willis' appendix also showing a 22m height limit extending all the way south to Moorhouse Avenue. It likewise does not align with the separate Council officer recommendations regarding a 39m height limit in the HRZ immediately adjacent to the CCZ.
- 3.103. As with the above discussion on the CCZ rules, in the CCMUZ height is not the only rule that impacts capacity and built form. Ms Williams recommends⁸⁷ that the zone framework perpetuates the Operative Plan rule requiring a 17m road wall height with a 45° recession plane back into the site. Given the recommended increase in height to 36m, Ms Williams' recommendation has the potential to significantly constrain development potential.
- 3.104. As set out above, I have some sympathy with the road wall approach recommended by Mr Ray i.e. a 21m road wall with a 6m setback thereafter. This is a simple rule that avoids wedding cake forms and helps to generate a consistent streetscape as viewed from pavement level. If the Panel determines that a road wall control is necessary, then

⁸⁵ Ms Williams, para.183

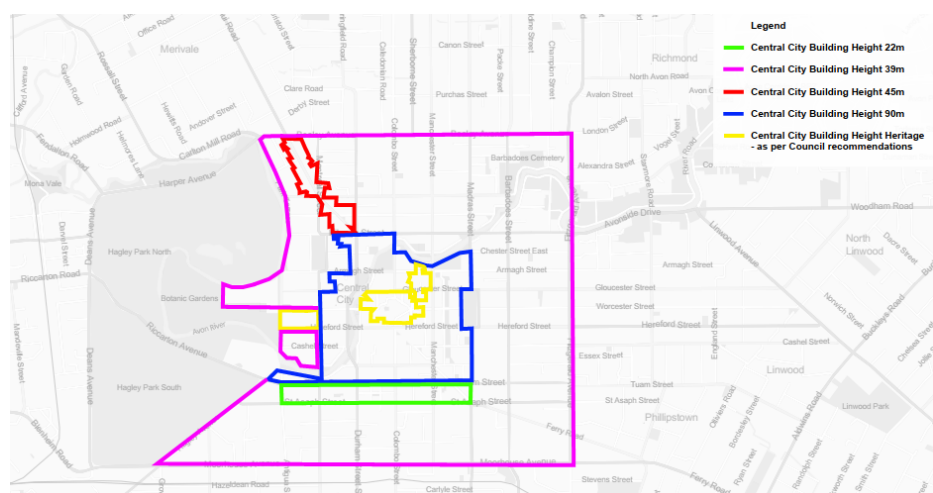
⁸⁶ Mr Kleynbos, paras.6.1.57-58

⁸⁷ Ibid, para. 7

I recommend that the same CCZ approach is carried through to the CCMUZ, namely a 21m road wall with a 6m setback. From an urban form perspective, there is no reason why there needs to be a marked reduction in road wall height for commercial areas located within the Four Avenues.

- 3.105. As a package, my recommendations provide a consistent treatment in terms of heights and urban form across the HRZ and mixed use areas within the Four Avenues (36m) and outside the Four Avenues within the 1.2km catchment (22m).
- 3.106. The approach enables the central city height map attached as Appendix 3 to Mr Willis' evidence to be simplified with the CCZ heights as shown (or with a nil height limit for what are currently recommended as 90m areas), and the balance of the area inside the Four Avenues having a 36m height limit, with the only exceptions being the South Frame area with a 22m limit, the Arts Centre with a 16m limit, and lower limits for the discrete heritage Area QMs in the event that the Panel are minded to confirm this QM.
- 3.107. The simplified height framework recommended for the Central City is shown in **Figure 5** below and is also attached as **Appendix 1**.

Figure 5. Recommended Central City height limits



Commercial Mixed Use Zones outside the Four Avenues

- 3.108. One of the most significant changes to urban form proposed in PC14 is the rezoning of what are currently Industrial General zoned areas in Sydenham and Philipstown to a Commercial Mixed Use Zone. The areas sought to be rezoned encompass some 100ha of land, so PC14 establishes a framework for a significant shift in anticipated outcomes.
- 3.109. I confirm at the outset that I support the proposed 22m height limit for these areas as recommended by Mr Lightbody. A 22m limit aligns with the similar urban form outcomes anticipated in the HRZ north of Bealey Avenue i.e. the areas within a 1.2km catchment of the CCZ. Given a height limit of just 22m, in my view there is no need for a separate road wall control.
- 3.110. The one exception to this is in regard to the height limit applying the Operative Mixed Use Zone in the Mandeville Street area in Riccarton. I discuss heights and urban form in the Riccarton area in more detail and as such simply note there that a 36m height limit would be appropriate for this area given its close proximity to both Riccarton Mall and Hagley Park. I note that Kāinga Ora did not seek a change in height for this MUZ specifically, but such an amendment would be efficient in terms of urban form given Kāinga Ora sought 36m heights in the residential areas surrounding this MUZ. Mr Lightbody recommends that the Mandeville Street MUZ be included in Policy 15.2.3.2(b) direction to “support mixed use zones located in Sydenham, Philipstown and Mandeville Street to transition into high quality residential neighbourhoods”.
- 3.111. Turning now to the change from industrial to MUZ in the Sydenham area, I agree with the general proposition that, as the City grows, it makes sense for light/small-scale industry located close to the City Centre to over time transition out to more peripheral locations and to be replaced with higher value residential and commercial activities. Such a shift in zone framework reflects natural market tendencies to seek out highest and best use.
- 3.112. That said, I share the concerns expressed in the Kāinga Ora submission as to whether such change would be better focused on

more discrete locations to enable the change in zoning to be accompanied by the area planning, streetscape enhancements, and open space acquisition necessary to support such a shift in activity mix.

- 3.113. In considering the change in zone, it is important to first understand the history of these areas. These inner-urban areas were once predominantly residential back when the city was first founded. Through the 1940s-1970s the original houses were redeveloped in an *ad hoc* manner for industrial activities prior to town planning restrictions being in place. These residential origins are reflected in the fine-grained size of property titles throughout this area. The small site sizes mean that land use has long been comprised of predominantly small-scale workshop-based businesses rather than large warehouse and distribution centres or heavy industrial factory complexes. The first generation District Plan produced under the RMA had these areas zoned Business 3 (**B3**). The B3 zone provided solely for industrial activities.
- 3.114. The B3 zoning differed from the Business 4 (**B4**) zone which was the zoning applied to locations where there was an industrial-residential interface. The key outcome sought in the B4 zone was to enable industrial activities to over time transition to more benign activities and thereby provide an improvement in residential amenity. The B4 zone was largely successful in achieving this aim – as evidenced by what are now Industrial General zones opposite/adjacent to residential areas being comprised largely of trade and yard supply activities rather than industrial. This transition in edge activities is discussed in more detail in the evidence of my colleague Mr Tim Joll in relation to the industrial interface QM.
- 3.115. A downside of the B4 transition was that stand-alone office activities were also permitted. This tool was effective in improving residential amenity (which was the zone's primary focus) but had the side-effect of facilitating decentralisation of office space from the CBD and the establishment of large suburban office parks in Addington.
- 3.116. Post-earthquake, priorities changed. Because the B4 zones had already transitioned, residential amenity issues were already resolved.

The priority issue for the B4 zone therefore shifted away from providing adequate residential amenity and instead the priority became the need to facilitate the regeneration of the CBD, which saw stand-alone office use removed from these industrial zones as a permitted activity. The industrial zone framework was concurrently simplified to an Industrial General Zone (all the B4 zones plus the small-lot B3 areas), and a Heavy Industrial Zone which are what are now thought of as the core industrial areas and that provide for large sites/ warehousing.

- 3.117. What all this means is that because of the B3 origins, the industrial areas that are now being proposed as a MUZ have not transitioned nearly as much as the ex-B4 zones i.e. they are still predominantly industrial in nature. Which makes their transition to a genuine mixed use zone more challenging as the starting point in terms of the level of industrial rather than more benign activities is further back.
- 3.118. As an aside, and as covered in more detail in the evidence of my colleague Mr Joll, it is surprising that Council experts on the one hand support the ability to introduce residential activities throughout a large intact industrial area on the basis that there is ample industrial land capacity elsewhere in the City, yet on the other hand consider that the Industrial Interface QM is necessary to constrain residential development due to concerns about reverse sensitivity effects generated by enabling more people to live in close proximity to industrial areas. This disconnect between experts is especially pronounced where the interface areas have already largely transitioned to relatively benign trade supply and light industrial activities.
- 3.119. In short, I fail to see how the proposed MUZ zoning can be promoted at the same time as the Industrial Interface QM – either residential activities in both contexts should be enabled, or residential activities in both contexts should be restricted.
- 3.120. Given that the amenity starting point for these areas is currently quite poor, in order for them to transition well will require significant public investment in streetscape upgrades, new public open space (which is not needed by industry but very much is for residential), and community facilities. Whilst funding of public works is primarily a LGA/LTP process

rather than RMA process, in my experience plan changes of this scale need to work hand in glove with Council budget processes in order for the transition to be successful. I therefore note with concern Ms Williams' comments that "Council has limited funds for land acquisition of key parcels, even given their strategic merit"⁸⁸. I appreciate that the Panel cannot direct changes to the LTP, however the lack of any existing budgeted spending or clear place-making strategy by Council for this area is material to the extent of the area proposed to be rezoned.

- 3.121. The lack of a clear place-making plan may in part be because Council officers are relying on the proposed laneway rule and associated Outline Development Plan ('ODP') tool. In my view this tool will prove to be ineffective in delivering a coherent network of mid-block laneways. The highly fragmented ownership pattern means that it will be challenging for developers to buy up a contiguous through-block area. A partially formed laneway is simply an unsafe dead-end. The mid-block laneways are generally oriented north-south, given the long blocks are oriented east-west. In order to create a north-south laneway, the lane needs to run along the side of any future apartment blocks rather than to the rear of them as directed by the rule. The full cost of providing the land for the laneway also falls directly on the "unlucky" landowner concerned. By only being able to redevelop a much smaller part of their site for housing, the rule creates a perverse disincentive whereby it is less economic to redevelop the very sites where the connections are most sought. A more equitable arrangement would be for Council to fund and undertake site acquisition, compensate the owner in question, and then recoup the costs through a localised Development Contribution payable as other sites in the wider area redevelop over time.
- 3.122. The South Frame area in the City Centre is a good example of the sort of public investment and proactive site acquisition necessary to successfully implement a new laneway/public space network. Such projects are however neither cheap nor straight forward, especially as South Frame land acquisition was able to be undertaken using earthquake recovery legislation.

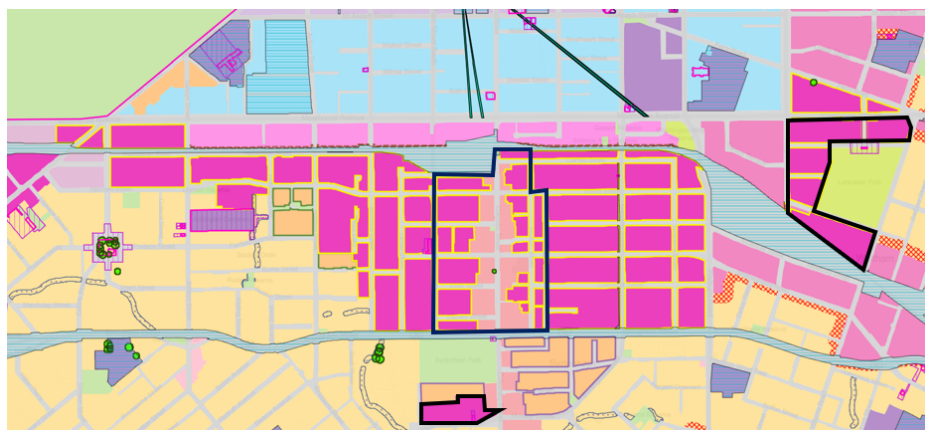
⁸⁸ Ibid. para.114

- 3.123. I agree with Ms Williams⁸⁹ that perimeter block forms with apartments around the street edge and courtyard parks in the centre can be a very successful typology in terms of both efficient land use and residential amenity. The international examples tend to exclude the provision of on-site carparking (unless provided in a basement as part of a comprehensive development). The international examples that are often quoted in the literature are also invariably developed as perimeter blocks at the outset i.e. the starting point was a large empty block under single ownership.
- 3.124. The creation of an intact perimeter block is challenging where the starting point is one of highly fragmented ownership and where the existing activity mix is non-residential. I am not aware of any examples in New Zealand where an existing industrial area under multiple ownership has successfully transitioned to a perimeter block residential form, although Council Officers may be able to provide the Panel with examples if they are aware of such. Ms Williams' evidence provides a number of images showing the successful *end-state* of a perimeter block. The challenge is the level of amenity and commercial viability in selling apartments in a partially transitioned context where instead of a central landscaped park there is simply a view of adjacent industrial activities. I support the end outcome, but have significant reservations about the workability of delivering that outcome given the existing starting point and without significant public sector intervention in the form of facilitating site acquisition and agglomeration.
- 3.125. In the absence of a clear commitment to an extensive public realm place-making strategy to support the transition to a high quality mixed use zone, it may be more effective to limit the extent of the MUZ so that it covers the blocks either side of Colombo Street, the blocks surrounding Lancaster Park, and the Mandeville Street area (which is existing MUZ but would benefit from an increased height limit). These locations already have ready access to public open space and in the case of the Colombo and Mandeville Street areas a wide range of commercial services and facilities give proximity to Sydenham and Riccarton commercial centres respectively. The ability for these areas

⁸⁹ Ibid, para.92

to successfully transition can then be monitored, and if the rule package can be shown to be effective in successfully delivering permitted blocks, then the MUZ can then be rolled out at a later date when there has been sufficient time to accompany the plan change with a more comprehensive package of place-making initiatives. **Figure 6** shows the preferred extent of MUZ in Sydenham (black outline and is provided as **Appendix 2**).

Figure 6. Preferred MUZ extent



- 3.126. Regardless of the geographic extent of the MUZ, the mix of activities enabled by the rule package needs careful revision. I agree with the Kāinga Ora submission that what is proposed is not really a mixed use zone – it is an industrial zone where you can undertake residential. The activity framework for the MUZ carries with it the post-quake legacy of wanting to prioritise the CBD for commercial activity and therefore represents a deep caution about enabling further commercial activity outside of existing centres. Whilst this concern is understandable, it comes at the cost of enabling the development of a genuine mixed use zone. The approach also directly contradicts the Spatial Plan (and associated capacity modelling) which shows a 100ha+ shortfall in commercial land over the next couple of decades and therefore the need for additional commercial opportunities in locations close to where residential intensification is sought.
- 3.127. In examining the activity mix it is helpful to first identify some relevant definitions as follows:

NPS - Mixed Use: *“Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities”.*

District Plan – Mixed Use: *“means development which combines, within a building, buildings or development area, a range of activities, including residential activity, commercial activities and/or community facilities”.*

Spatial Plan: *“Mixed-use refers to the variety of activities permitted by planning regulations to occur either within a location (such as within a town centre) or on a site. Mixed-use planning regulations permit a variety of residential, commercial or community activities to occur, rather than restricting activities to a single use, such as residential only”.*

- 3.128. All of these definitions anticipate that a mixed use activity or zone is one that includes a mix of residential, commercial, and community uses. It is noticeable that only one of the definitions anticipates light industrial activities as being part of the mix.
- 3.129. If the key issue preventing greater enablement of commercial and community activities is a fear of opening the door to large scale office parks then the simple solution would be to cap the tenancy size of commercial activities in a similar manner to that set out in the CCMUZ.
- 3.130. In my experience community facilities do not result in distributional effects on centres. Community facilities likewise cannot generate a reverse sensitivity issue in a zone that is separately promoting residential activities as residential activities are more sensitive to the loss of amenity than community activities.
- 3.131. Ms Williams’ perimeter block examples⁹⁰ rely on the ability to utilise the road-adjacent ground floors for a mix of non-residential activities. Such patterns are common in many cities with shops on the ground floor and apartment above. Under the zoning as proposed, the ground floor use is limited to industrial activities and a very small range of other activities, few of which are particularly compatible with residential neighbours on the floors above.

⁹⁰ Ibid, Figure 17, pg. 30

- 3.132. In summary, the proposed rezoning of over 100ha of Industrial General land to MUZ is a significant shift in outcome. I agree that enabling a greater range of activities within 1.2km of the CCZ is supportable in terms of wider urban form and growth outcomes. Given the very intact industrial nature of these areas it is however vital that a shift in activity of this magnitude is done well if the outcome is to ultimately be successful.
- 3.133. In order for a successful outcome to eventuate, it is critical that the change in zoning is accompanied by a clear commitment and associated funding to support place-making initiatives. These initiatives should include the proactive acquisition and development of the mid-block laneway/ green space network as in my view this network will not be delivered through reliance on the proposed rules and ODP.
- 3.134. In the absence of a clear commitment to implement the necessary suite of public realm upgrades, I consider it will be more effective to focus the change in zone on more discrete areas that already have a good level of access to amenities, namely the blocks either side of Colombo Street and the blocks surrounding Lancaster Park, with the balance of the proposed MUZ retaining its operative General Industrial Zoning. Conversely Council officers may be able to provide the Panel with reassurance that an appropriately scaled and budgeted package of public works is programmed for this area, in which case I would support a wider MUZ extent.
- 3.135. Regardless of geographic extent, the zone activity framework needs to enable the area to redevelop into a genuinely mixed-use zone, rather than an industrial zone with residential apartments dotted through it. A wide range of commercial and community facilities should therefore also be permitted, with caps on the size of commercial office and retail tenancies similar to those in place for the CCMUZ to ensure large scale office and retail developments are directed into existing commercial centres.

Metropolitan Centre Outcomes

- 3.136. NPS = *“Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments”*.
- 3.137. Draft Spatial Plan = *“significant urban centres focussing employment and service functions in a small number of integrated, significant employment centres and major towns to improve the productivity and growth of economic activity, attract additional business investment, support a vibrant and viable Central City, and better leverage and integrate economic assets”*.
- 3.138. PC14 as notified (and as recommended by Mr Lightbody⁹¹) does not include any Metropolitan Centre Zones (‘MCZ’). Kāinga Ora has sought that a MCZ be applied to the Town Centre Zoned areas of Riccarton, Papanui, and Hornby, with an associated height limit of 52m. Such an outcome is consistent with the outcomes sought in the MCZ in other large urban centres in New Zealand.
- 3.139. Mr Lightbody considers the key test of whether a centre qualifies as a metropolitan centre is to look at the existing zone description⁹². I consider this is an incorrect test. Zone ‘fit’ with the NPS must necessarily compare centre role and function with the zone descriptions in the NPS. As set out in the evidence of Mr Colgrave⁹³, the key difference in the NPS zone descriptions between the Town Centre Zone and the MCZ is in the size of the catchment – ‘immediate and neighbouring suburbs for TCZ and ‘sub-regional urban catchments’ for MCZ. Mr Lightbody equates having a sub-regional Christchurch to the area covered by ‘Greater Christchurch’ in Map A to the CRPS⁹⁴. I consider that such a definition is unduly broad and instead consider ‘sub-regional’ to necessarily be the next step above the catchments for the Town Centre Zone i.e. catchments that are larger than the immediate and neighbouring suburbs. To interpret otherwise would be to create a void of centre catchment for centres that draw on a customer

⁹¹ Mr Lightbody, para. 6.2.3

⁹² Ibid. para. 6.2.3

⁹³ Mr Colgrave, paras. 5.11-5.23

⁹⁴ Mr Lightbody, paras.6.2.7-8

base that is larger than neighbouring suburbs but not as large as the entire metro area.

- 3.140. Mr Colgrave identifies that all three centres draw on residential catchments that extend well beyond their neighbouring suburbs. He then 'sense-checks' the catchment size by also comparing these three centres with other centres in terms of the degree of retail spend, and geographic extent. He finds that all three centres' capture of retail spend is clearly below the CBD, and concurrently is clearly above any other centre⁹⁵. He likewise identifies that, in terms of size (zoned land extent), all three centres fit comfortably within the MCZ categorisation when compared with MCZ zoned areas in Auckland.
- 3.141. The three centres therefore already meet the tests for MCZ in terms of NPS zone description. Zoning fit is not however simply about the current state of the centres, but must necessarily be a tool to enable the delivery of the centre role as sought over the next 30 years.
- 3.142. As set out above, the draft Spatial Plan, and the locations for accommodating 200,000 people over the next 30 years, is anchored on growth being directed to these three centres along with the City Centre. **Appendix 3** sets out the outcomes sought for these three areas and the adjacent corridors in the Spatial Plan. In summary, the Spatial Plan clearly anticipates considerable growth through intensification and associated increases in built form and the range of activities occurring in these areas.
- 3.143. Council's s32 assessment of centre hierarchy includes a useful report prepared by Boffa Miskell Ltd⁹⁶. This report provides the criteria for transposing Operative Plan zone labelling to the suite of zone choices set out in the National Planning Standards. I have also included in **Appendix 3** the criteria and outcomes anticipated for Metropolitan Centres in the Boffa Miskell Report.
- 3.144. In my view the built form and range of services expected to be delivered by these centres in the future aligns with the outcomes and roles

⁹⁵ Mr Colgrave, para. 5.15

⁹⁶ PC14 s.32, Commercial Centres NPS-UD, Boffa Miskell, 28 July 2022 [Commercial Centres NPS-UD \(ccc.govt.nz\)](https://www.commercialcentres.govt.nz/)

anticipated for Metropolitan Centres. I readily accept that, as the centres currently stand, not every centre meets every criteria in terms of the full suite of services and activities anticipated. As an example, none of the centres currently contain high-rise apartment buildings or large-scale community facilities. The NPS-UD is however a forward-looking document. It anticipates the provision of such matters as New Zealand's largest cities intensify.

- 3.145. In my view, centre zoning, its place in the hierarchy, and the degree of enablement provided, must look forward to the anticipated role of these centre over the coming decade and beyond. To base the level of enablement and centre role on the level of existing development in a centre is to design your forward-looking planning framework through the rearview mirror. As such I consider that Ms Williams bases her assessment on the wrong question⁹⁷. The question is not “what does the centre currently deliver”, but rather is “what should the centre be enabled to deliver over the coming years in order to achieve wider urban form and growth outcomes”.
- 3.146. In summary, Metropolitan Centre Zoning is appropriate in terms of the zoning hierarchy and descriptions provided in the NPS, the hierarchy anticipated in the NPS-UD for Tier 1 Cities, the existing CRPS framework, and the proposed strategic Spatial Plan framework which forms the FDS for the sub-region. In addition to the strategic planning framework, MCZ is also appropriate in terms of all three centres having clear sub-regional catchments that extend well beyond their immediate suburbs, their retail spend, and their geographic extent. These three major suburban centres are the largest non-CBD centres in the second biggest city in New Zealand.
- 3.147. In terms of heights, zoning these three major suburban activity hubs as MCZ means that they become subject to NPS-UD Policy 3(b) in terms of the built form to be enabled, namely “to reflect demand for housing and businesses in those locations, and in all cases building heights of at least 6 stories”.

⁹⁷ Ms Williams, Appendix 4

- 3.148. PC14 as notified proposed a height limit of 22m in these centres. In response to submissions, Ms Williams and Mr Lightbody have recommended that the height limit be increased to 32m (equivalent to 10 stories) for the Riccarton and Papanui centres and 26m for Hornby⁹⁸. I acknowledge that a height of 32m meets the directive to be 'at least 6 storeys'. That said, I consider MCZ functions and roles are better enabled with the height limit increased to 52m. The increased limit facilitates the lengthy list of the benefits of taller buildings in such locations set out Mr Heath⁹⁹. Such a limit also maintains relativity with other comparative centres in New Zealand's main cities. Such a height is just over half the height permitted in the CCZ, whilst concurrently being a clearly distinguishable greater height than that proposed for other medium-sized suburban centres. In short, a height of 56m is close to the mid-point between the heights indicated in the City Centre, and the heights anticipated in the medium-sized suburban centres (90m compared to 56m compared to 22m). As such the 52m MCZ height limit sought in the submission by Kāinga Ora readily gives effect to the NPS-UD policy directions regarding the centre hierarchy being commensurate across centre roles and functions.
- 3.149. Mr Heath raises concerns that a further increase in height (beyond his 32m recommendation) would reduce the competitive advantage of the City Centre in attracting larger office-based businesses¹⁰⁰. If the Panel is concerned about the potential for greater height in the three proposed MCZ areas to detract from the CBD, then an easy solution is to make the MCZ subject to a similar tenancy cap that is currently in place in the Operative Plan and that is recommended to be retained by Mr Heath¹⁰¹. The use of such a cap would help ensure that any taller buildings in these centres are going to be used primarily for residential apartments. Increased provision of residential accommodation within and immediately adjacent to these centres does not create any retail or office distribution effects and instead simply enables more people to live in areas that are ideally located in terms of easy access to services,

⁹⁸ Ms Williams, paras.19-25

⁹⁹ Mr Heath, para.154

¹⁰⁰ Ibid. para.181

¹⁰¹ Tim Heath, para.137

employment, and modal choice. I however consider that the cap should increase from the operative rule of 500m² to a more reasonable 1000m².

- 3.150. As per my above discussion on the CCZ, I do not consider that there needs to be any additional built form rules controlling tower footprints, or the need for a 45⁰ recession plane extending across the site from a 20m road wall as proposed by Ms Williams¹⁰². A setback of 6m above a road wall height of 21m is consistent with outcomes recommended in the CCZ by both myself and Mr Ray for Council and is equally applicable to MCZ contexts. The rule as recommended by Ms Williams conversely both encourages wedding cake built forms and would make achieving a 52m height functionally challenging.
- 3.151. Ms Williams' key concern with increased heights in Riccarton and Papanui appears to be centred on the shading of pedestrian areas¹⁰³. In my view shading is a minor criterion when it comes to establishing centre roles and hierarchies across a City. The District Plan urban design assessment matters strongly encourage verandas to be provided over footpaths in these centres to explicitly provide shade and weather protection to pedestrians. With respect, no one decides to not go shopping at Riccarton Mall because the adjacent footpath or shop frontages might be in shade. As a pedestrian, large commercial centres are experienced as a continual transition between shady and sunny parts of the street depending on street orientation, time of year, extent of veranda cover, and the spaces between adjacent buildings.
- 3.152. From a shading perspective, both 32m buildings and 52m buildings generate shade at ground level for significant parts of the year, with shady streets intrinsic to such centres. For Riccarton Road, the northern side of the road is already in near permanent shade due to predominantly two storey buildings and verandas. This lack of sunlight access does not however appear to be a major determinant of retail success – on site visits I did not identify higher numbers of vacant shops on the northern side of Riccarton Road compared with the southern side.

¹⁰² Ibid. par. 148

¹⁰³ Ibid, paras. 20-21

- 3.153. In practice, if sunlight access to footpaths for much of the year was a key priority then you would need a rule framework that prevented verandas and that either limited building heights to no more than 1-2 stories or that required significant building setbacks from the road edge. Such outcomes would be clearly contrary to both good urban design practice and the NPS-UD direction and associated expectations as to how urban growth is to be accommodated. The NPS-UD is clear that significant heights are to be delivered in large centres, that amenity will change, and that nowhere mentions the need to maintain sunlight access to footpaths and shop fronts as a key strategic outcome.
- 3.154. In terms of the appropriate heights for Hornby, I agree with Ms Williams¹⁰⁴ that this centre currently provides a less attractive urban environment, reflective of the light industrial history of much of the surrounding area and its bisection by arterial road and rail corridors. For Hornby, its role, zoning, and height need to be based on the desired outcome for what the centre should become, rather than what its current state is. If its strategic role is to grow to be one of the 'big three' centres outside the CBD, then its zoning and rule package should reflect this purpose. Otherwise, there is a strong risk of a chicken and egg situation developing whereby a restrictive zone framework is set to reflect current conditions, but those current conditions cannot then change through the delivery of taller buildings due to the restrictive zone framework.
- 3.155. The same is true regarding the resolution of any existing urban design issues associated with current localised form and fabric. Whilst I agree with Ms William's assessment that all three centres have urban design shortcomings, in my view the fact that such sub-optimal conditions currently exist is not a reason to disenable the future form and role of these centres. On the contrary, the ability to intensify areas creates the incentive to commit capital to redevelop underperforming sites. The consenting process then creates the opportunity to ensure that any existing sub-optimal conditions such as a lack of mid-block pedestrian permeability are resolved, with these consent processes invariably providing the scope for robust urban design assessments.

¹⁰⁴ Ibid, para.22

- 3.156. Ms Williams seeks a lower height limit in Hornby as a higher one “could limit future good master-planning or re-structuring opportunities to accommodate successive waves of growth in the future”¹⁰⁵. I am unsure how a new 26m building maintains such opportunities, but a taller building excludes them. A far more effective method for accommodating successive waves of growth is to set the starting point high so that land can be efficiently utilised. Regeneration opportunities are enabled just as much (if not more) by a 15 storey apartment building as they are by an 8 storey apartment building.
- 3.157. I therefore agree with the Kāinga Ora submission that a MCZ and associated 52m height limit is appropriate for Hornby, whilst acknowledging that it may well be a number of years before those opportunities are taken up by the market. As a final note on Hornby, I agree with Ms Williams that Council should direct major funding and area planning to this centre in order to help realise its strategic potential as sought by Council through the Spatial Plan.
- 3.158. As a new zone, the introduction of MCZ requires a new policy and rule framework to also be introduced. Kāinga Ora included a comprehensive MCZ policy and rule framework in their submission. The activity and built form standards draw on those in the Town Centre Zone, with the key differences being in the policy outcomes/ place in the centre hierarchy, along with the increased height limit. I confirm that the policy and rule package put forward by Kāinga Ora for the MCZ is appropriate, albeit that I recommend that a 1000m² cap on commercial office tenancies be carried through to the MCZ provisions to ensure the greater height enabled in the MCZ does not come at the cost of reducing the competitive advantage of the City Centre for attracting large corporate office-based businesses.

Town Centre Zones

- 3.159. NPS Town Centre = “Areas used predominantly for:
- in smaller urban areas, a range of commercial, community, recreational and residential activities.*

¹⁰⁵ Ibid, para. 23

in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs”.

- 3.160. I agree with Ms Williams¹⁰⁶ that the next tier of centres should appropriately have a Town Centre Zoning and an associated 22m height limit. These centres currently take in the commercial areas of Linwood (Eastgate Mall), Shirley (Palms), Belfast (Northwood), and North Halswell (greenfield consented). All four of these centres are identified as Key Activity Centres in the CRPS and as ‘locally important urban centres and towns’ in the Spatial Plan. I do note that the Linwood and Shirley centres have both suffered following the earthquakes and associated red zoning of part of their residential catchments. The Belfast Centre conversely has seen some 9ha of commercially zoned land be consented for a large Ryman retirement village which is currently under construction. North Haswell is a greenfield site which has been consented (in part) but has yet to be constructed.
- 3.161. These existing four Town Centre Zones have therefore either experienced some reduction in centre size or catchment, or in the case of North Halswell is yet to be developed and therefore is currently simply empty paddocks (albeit with a consented ‘existing environment’ baseline). As such, arguably none of these centres is fulfilling the full range of roles and mix of activities anticipated in the NPS zone description or the criteria in the Boffa Miskell Report in terms of their current condition. I agree with Council Officers that the zoning of these centres should necessarily be forward looking and should be designed to enable the desired outcomes, rather than focussed simply on matching zone to current state.
- 3.162. As an aside, I note there is some uncertainty regarding how the Belfast/Northwood centre should be treated in the centre hierarchy. It is currently a KAC in the CRPS and in terms of current commercial zone extent is a large centre. The uptake of a large part of this centre for a retirement village, combined with the Large Format Retail zoning of much of the remaining area, means that the ability for this centre to

¹⁰⁶ Ibid, para. 177

deliver on its anticipated role is currently limited. For this reason Mr Kleynbos¹⁰⁷ recommends that the adjacent residential catchment has a MRZ zoning with permitted heights of only 14m within 400m of the centre. I note that issues with the distribution of retail activity in the Belfast area was a matter that was raised in the recent PC5 plan change process¹⁰⁸. The Panel on PC5 noted that¹⁰⁹:

“it is very clear that issue of the planning for the North Christchurch KAC is one that needs to be addressed through a separate plan change and we recommend to the Council that this be given priority in their near future work program and the timing and process involved be communicated to the parties and wider public. It is possible that this may need to be undertaken in conjunction with changes to the Regional Policy Statement as well as the District Plan”.

- 3.163. I simply note here that I agree that the commercial zoning in the wider Belfast area requires more detailed consideration than I am able to provide in this evidence. The Kāinga Ora submission did not raise any particular interest in Belfast centre hierarchies.
- 3.164. By notating the largest three suburban centres as MCZ, the remainder of the hierarchy can be simplified with the above four town centres joined by the other ‘large local centres’. PC14 introduces a new centre concept that is not found in the NPS, namely a ‘Large Local Centre’. This naming is not a zone *per se* (as the centres simply have a Local Centre zoning), but rather is a policy tool for differentiating these centres from other LCZ areas. PC14 proposes that the Large Local Centre tool be applied to Merivale, Sydenham, Church Corner, and Ferrymead.
- 3.165. I consider that these ‘Large Local centres’ should also have a Town Centre Zoning to more clearly communicate the place of these centres in the wider hierarchy i.e. below the three MCZ and above small-medium sized commercial areas which should have a Local Centre

¹⁰⁷ Mr Kleynbos, para.6.1.100 (table)

¹⁰⁸ I note that I presented evidence on behalf of Belfast Village Ltd at the PC5 hearing. Belfast Village own a Commercial development in northwest Belfast which is separate to the Belfast/Northwood centre.

¹⁰⁹ PC5 decision, para. 127

zoning. I am not recommending a change in heights – I agree with Officers that a 22m limit is appropriate for these centres. I consider however that the Plan zone framework will be better aligned with NPS if the centres where greater heights are anticipated have a TCZ rather than a LCZ zoning.

- 3.166. Merivale and Church Corner are well-established centres that are both located within the strategic northern and western transport corridors and just like the above four town centres are identified in the Spatial Plan as being ‘locally important urban centres and towns’. Both have substantial residential catchments and in the case of Church Corner is also well-located relative to the University. Sydenham is on an important transport route that is shown in the Spatial Plan extending south from the CBD, and is the key centre to support the proposed transition of the surrounding industrial area to a high quality mixed use environment.
- 3.167. I am more cautious about the zoning and associated heights/levels of growth sought in Ferrymead (or New Brighton). The amount of intensification sought in these centres should necessarily turn on the Panel’s findings on natural hazard QMs which cover both these centres. If the natural hazard QMs are considered to be sufficiently constraining that very limited growth is sought in the surrounding catchments for both these centres then that would suggest to me that these centres may be more appropriately Local Centres (or in the case of Ferrymead a mix of Large Format and Local Centre). To this end I note that neither centre is shown as a focus for growth in the Spatial Plan, primarily because of the natural hazard risks to these areas.

Local Centre Zone and Neighbourhood Centre Zone

- 3.168. NPS Local Centre Zone = “*Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment*”.
- 3.169. NPS Neighbourhood Centre Zone = “*Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood*”.

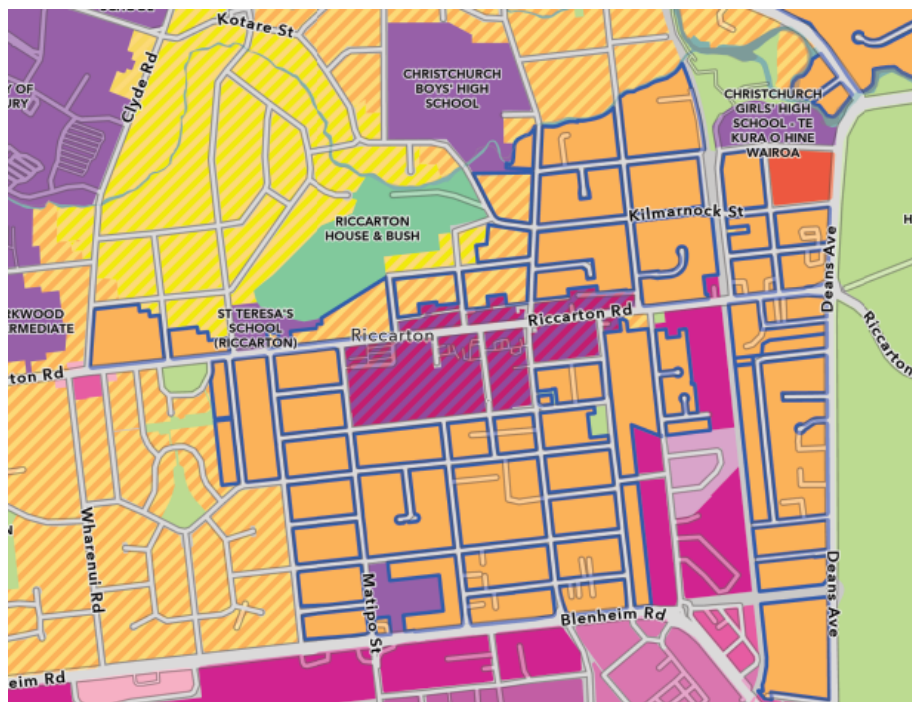
- 3.170. I agree with the Officer recommendations regarding the LCZ and Neighbourhood Centre Zoning ('NCZ') of the remaining medium to small commercial centres. I also agree with both the Kāinga Ora submission and Ms William's subsequent recommendation that a 14m height limit is appropriate for both the LCZ and the NCZ.

Residential catchment of MCZ and TCZ

- 3.171. As set out above, the centre hierarchy is not just about commercial focal points. It also has a direct bearing on the locations and extent of residential intensification i.e. that the Policy 3(c) and (d) tests are met.
- 3.172. In amending the zoning of the big three centres to MCZ, it also shifts the policy tests from Policy 3(d) to 3(c) for how the adjacent residential catchment is to be treated. Policy 3(c) requires built form to reflect housing demand and to be at least 6 stories within at least a walkable catchment for areas adjacent to MCZ.
- 3.173. Turning to heights first, I consider that with the increase in heights recommended for the MCZ itself, the heights enabled in the adjacent residential zones should also be increased. In line with my above recommendations on the HRZ within the Four Avenues, I consider that the 36m limit sought by Kāinga Ora is more appropriate for the 400m catchment immediately around the three MCZ centres (geographically shown in **Figure 7** below¹¹⁰), stepping down thereafter to a 22m limit. An exception is the area between Riccarton Mall and Hagley Park which should all be 36m reflecting both the amenity provided by Hagley Park and the proximity to the City Centre. All the adjacent catchment area should have a HRZ zoning, with the difference in heights controlled via the precinct tool discussed above.

¹¹⁰ Extract from Appendix 3 of the Kāinga Ora submission

Figure 7. HRZ 36m height limit area (in blue outline).



- 3.174. I appreciate that Mr Kleynbos has considered geographic extent based on Mr Lightbody's recommendations that the big three centres are not rezoned to MCZ, and that he has therefore assessed catchments through a Policy 3(d) lens rather than Policy 3(c). That said, I consider that Mr Kleynbos has undertaken a careful assessment of centre catchments with the result that he has identified that there is merit in extending the geographic extent of the HRZ from 600m to 800m around the big three centres, and from 400m to 600m around the next three largest TCZ areas (Shirley, Linwood, North Halswell).
- 3.175. With the exception of the Riccarton area (discussed below) I agree with the increases in HRZ extent recommended by Mr Kleynbos and note that for the Papanui and Hornby centres they are somewhat smaller than that sought by Kāinga Ora (800m cf. 1.2km). I consider this to be appropriate given that both of these MCZs are smaller than Riccarton and the City Centre in terms of both existing condition and more importantly zoned extent which means their future potential is also less.

The extent of the catchment therefore remains commensurate. It also remains consistent with Policy 3(c) direction to be at least walkable (which as set out in the evidence of Mr Kleynbos is commonly regarded as being 800m for all but the very largest centres).

- 3.176. In simplifying the centre hierarchy by lifting the remaining Large Local Centres to being Town Centres, I confirm that HRZ should be applied on a consistent basis to the residential areas surrounding all the TCZ areas as a commensurate response in accordance with Policy 3(d)¹¹¹. It is important to emphasise that the heights recommended for these surrounding areas do not change – I agree with Council Officers that a 22m height limit is appropriate.
- 3.177. Mr Kleynbos provides a careful assessment of the residential catchments of these centres in order to identify the geographic area where further intensification should be enabled i.e. a commensurate response under Policy 3(d). He recommends an increase in the geographic extent of the 22m height area from 400m to 600m around the Shirley, Linwood, and North Halswell Centres and conversely recommends a 400m catchment for Church Corner, Merivale, and Sydenham (noting that Ferrymead does not have an immediate residential catchment and the residential area adjacent to New Brighton is subject to natural hazard QMs).
- 3.178. I agree with the geographic extent of these intensification areas – the geographic extent of the 22m height areas is commensurate with the size of the centre in question, with larger catchments for the larger centres. In short, my views on both the height limit and geographic extent of where that height limit applies are aligned with Officer recommendations for these centres. All that changes in the relief sought by Kāinga Ora and recommended by me is that the applicable zone framework shifts for some of the current ‘large local centres’ to TCZ, with the result that all TCZ centres are then surrounded by HRZ residential catchments (and consequently no Local Centre Zones have a HRZ adjacent zoning).

¹¹¹ With a possible exception being Belfast/Northwood and dependent on the Panel’s findings with how this centre sits in the wider hierarchy

- 3.179. For the medium-sized Local Centre Zones, I agree with Mr Kleynbos that their immediate residential catchment should have a MRZ zoning. I likewise agree that a small uplift in permitted height to 14m is appropriate for these areas, with the extent of the increased 14m area larger for the bigger medium-sized Local Centres – 400m for Bishopdale, Barrington, Belfast (Northwood), and Halswell, compared with a 200m intensification area for Prestons, North West Belfast, Richmond, Wigram, and Sydenham South. The increased height can again be shown geographically on the planning maps as an ‘intensification precinct’.
- 3.180. In more suburban locations, MDRS has ‘lifted the base’ in terms of built form expectations for all residential areas that are not adjacent to larger centres or where QMs otherwise moderate the density and/or built form outcomes. As Mr Heath notes¹¹² *“The MDRS has shifted the height baseline in which to consider relative competitiveness up to 12m. In effect 12m represents the new ground level when considering the relativity of heights between zones. This is important to setting a suite of heights that proactively guide the geospatial distribution of intensive development, and increasing the propensity for intensive development to occur, in the most efficient locations”*. Mr Kleynbos¹¹³ likewise recognises that MDRS ‘lifts the base’ and becomes the normative expectation.
- 3.181. I agree with Mr Kleynbos that the standard MDRS 12m limits should apply in the areas around both the smaller Local Centre Zones and all of the Neighbourhood Centre Zones. MDRS limits of 12m are commensurate with the 14m height limit recommended within these smaller commercial centres.

MRZ and HRZ height rules

- 3.182. As with the above discussion on the CCZ height rules, in the MRZ and HRZ 14.5.2.3) is relatively straight forward. It implements the legislated MDRS provision and provides an additional 2m of height (14m cf. 12m) for sites located within the ‘Local Centre Intensification Precinct’¹¹⁴. I am

¹¹² Mr Heath, para. 185

¹¹³ Mr Kleynbos, para.6.1.6

¹¹⁴ The rule also includes several site or activity-specific height limits for discrete areas

comfortable with the MRZ height rule as recommended by Mr Kleynbos and Mr Hattam.

- 3.183. The complexity arises with the height rule (Rule 14.6.2.1) and associated provisions recommended by Officers for the HRZ. Clause (a) of the rule simply states the permitted heights recommended by Officers (22m or 39m adjacent to the CCZ). In my view Clause (a) is appropriate (subject to my above recommendations) and is where the rule should stop.
- 3.184. Clause (b) introduces the following additional controls which apply to any building in the HRZ over 14m:
- Any part of a building over 14m is to be set back at least 4m from the road boundary;
 - A ground level communal outdoor living space is to be provided at a ratio of 50m² per 10 units located on the 4th floor or above;
 - Any part of a building above 19m is to be set back a minimum of 2m from each façade (increasing to a setback between 2-5m for buildings over 36m); OR
 - The roof shall have a pitch of less than 45°;
 - building shall be a minimum of 7m/ 2 stories in height.
- 3.185. These provisions are in addition to both the urban design assessment matters, and a separate rule requiring a wind assessment for buildings over 22m.
- 3.186. The Kāinga Ora submission opposed these additional height restrictions. I agree with Kāinga Ora that these additional standards add an unnecessary level of complexity to the rule framework. As set out in the above discussion on the CCZ provisions, I consider that there is merit in the creation of a consistent road wall height of 22m, with the portion of buildings above this height required to be set back 6m. Given that the majority of HRZ areas have a 22m height limit, this road wall recommendation is only in play for the areas of the HRZ located within 400m of the three MCZ centres and the CCZ. I do not consider that a

separate setback requirement is necessary on internal boundaries, with the height in relation to boundary rule controlling amenity-related effects and the urban design assessment matters controlling any desired visual interest/ variation in the design and form of the upper floors and/or roof.

- 3.187. Outdoor living space outcomes are directed by the legislation¹¹⁵. The proposed requirement for an additional communal living space for taller buildings adds an additional layer of regulation to a mandated standard. In any event, the separate 50% site coverage limit ensures that for taller buildings there will invariably be a reasonable portion of the site that is available for landscaping and open space. HRZ zones are inherently well located proximate to large areas of public open space and the wide range of amenities provided in a large commercial centre. As such, mandated additional on-site communal open space is simply not necessary, and especially not as part of a *height* rule.
- 3.188. Finally, I note that the proposed rule includes a *minimum* height requirement that all new buildings achieve at least 2 stories when developing 3 or more units. I understand the desire to ensure that HRZ zoned locations are used efficiently and deliver a reasonable residential yield. In my view the best tool for delivering higher yield outcomes is to not unduly constrain the ability of the market to deliver taller buildings. I consider the 7m/ 2 storey rule is likely to be inefficient by limiting unit typologies and by capturing small single storey additions or elements to units i.e. it introduces unnecessary consenting complexity (costs) with little benefit.

Summary of hierarchy and height amendments sought

- 3.189. In summary, I consider that the above recommendations provide a simpler approach that better aligns with NPS zone descriptions whilst maintaining a clear centre hierarchy with the City Centre at the top, followed by the three main suburban hubs as Metropolitan Centres, and then reducing in hierarchy through Local Centres to Neighbourhood Centres.

¹¹⁵ Clause 15, Schedule 3A, Enabling Act

3.190. The recommendations have been carefully crafted to ensure that the overall hierarchy remains intact through ensuring that height differences between centres remain commensurate with the place of those centres in the overall hierarchy. Greater enablement in the City Centre and the three largest suburban hubs in particular ensures that the greatest opportunity is provided in the locations where the greatest number of people and commercial businesses are sought to be located in terms of minimising travel-related carbon emissions and enhancing the vibrancy and vitality of existing centres.

3.191. The approach recommended above is summarised as follows:

- **City Centre Zone (CCZ):** Zone boundary as per Officer recommendations. Height limit either nil (ie unlimited) (preferred) or 90m (accepted), with the suite of tower footprint and internal boundary setback rules deleted;
- **CCMUZ:** Zone boundary as per Officer recommendations. Height limit of 39m height (22m for South Frame);
- **HRZ within 1.2km of the CCZ:** Zone boundaries as per Officer recommendations. Height limit of 39m inside the Four Avenues (subject to Panel findings on heritage QMs), with this area identified on the planning maps as the 'Central City Intensification Precinct. Height limits of 22m outside the Four Avenues.
- **Mixed Use Zone:** Zone boundary as recommended in **Figure 6** above (blocks adjacent to Colombo Street and surrounding Lancaster Park), unless Officers can demonstrate clear strategies for properly resourcing the necessary area planning and public works necessary to successfully transition industrial zones to residential areas. Height limit of 22m (36m Mandeville Street MUZ).
- **Metropolitan Centre Zone:** Riccarton, Papanui, and Hornby (current TCZ zoned areas). Height limit of 52m.
- **HRZ surrounding MCZ:** Zone boundaries as per Officer reports (with the exception of Riccarton discussed below). Height limit of

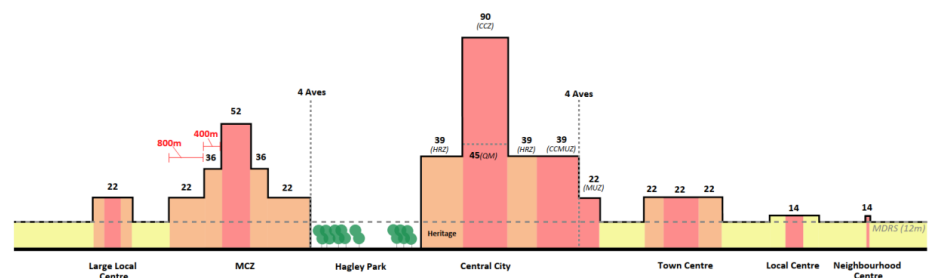
36m within 400m of the MCZ, with this area identified on the planning maps as the 'Metropolitan Centre Intensification Precinct'. Height limit of 22m for the HRZ thereafter.

- **Town Centre Zone:** Linwood, Shirley, North Halswell, plus elevating to TCZ the centres of Merivale, Sydenham, and Church Corner. Ferrymead and New Brighton could also be included, depending on Panel findings re hazard QMs, and Belfast/ Northwood depending on Panel findings re Belfast issues. Height limit of 22m.
- **HRZ surrounding TCZ:** Zone boundaries as per Officer recommendations with all areas within 400-600m (depending on centre) having a HRZ zoning. Height limit of 22m.
- **Local Centre Zone:** Zone boundaries as per Officer recommendations for small-medium centres¹¹⁶. Height limit of 14m.
- **MRZ surrounding LCZ:** All LCZ areas bounded by MRZ. Height limit of 12m for MRZ adjacent to smaller centres and 14m for MRZ adjacent to medium sized centres as per Officer recommendations.
- **Neighbourhood Centre Zone:** Zone boundaries as per Officer recommendations. Height limit of 14m.
- **Medium Density Residential Zone:** All relevant residential zones (subject to QMs). Height Limit of 12m.

3.192. To assist the Panel, I have prepared a cross-section (**Figure 8**) to illustrate the centre hierarchy and associated heights (red = commercial, orange = HRZ, yellow = MRZ). This cross-section is based on a similar cross-section included as Figure 5 to Ms William's evidence. A larger sized copy of this cross-section is also attached as **Appendix 4**.

¹¹⁶ I note that agreement re zone boundaries is in terms of overall centre hierarchy. I have not considered the merit of any site specific changes to individual centre boundaries sought by other submitters.

Figure 8. City-wide height cross-section



- 3.193. In addition to the cross-section, I have distilled the above evidence into a table, based on a similar table in Mr Heath's evidence for Council¹¹⁷, with the summary table attached as **Appendix 5**.

Amendments to HRZ Zone boundaries in Riccarton

- 3.194. As set out above, I am in broad agreement with Mr Kleynbos' recommendations regarding the geographic extent of the high density catchments around the larger centres. The one exception to zone boundaries is in regard to the extent of the HRZ along the Riccarton Road corridor between Hagley Park to the east and Church Corner and the University of Canterbury in the west. Kāinga Ora has sought an extension to the HRZ in this area (see **Figure 9** below).
- 3.195. As previously noted, the draft Spatial Plan's strategic approach to growth management is for that growth to be focused along two corridors, namely CBD to Papanui, and CBD to Church Corner and thereafter to Hornby. The zone pattern proposed in PC14 does not put the foundations in place to enable this strategic direction to be recognised. The role of this corridor to accommodate growth in my view remains valid even if the status of the Spatial Plan is reduced given that it is currently a draft, as the thinking behind the corridor is sound.

¹¹⁷ Tim Heath, Figure 3

3.196. Working east to west, the corridor has the following features:

- The CBD is located immediately east of Hagley Park and therefore the eastern end of the Riccarton corridor is within a 1.2km walkable catchment of the City Centre;
- The eastern end is anchored by Hagley Park, the largest urban open space in the City at over 400ha. Hagley Park is complemented by Riccarton Bush which is a significant publicly accessible open space and native bush remnant, and Mona Vale gardens. Middleton Park and the University grounds/Ilam fields provide complementary open space experiences, in addition to a number of smaller local parks distributed across the wider area;
- Tower Junction on the southern side of Blenheim Rd is the City's biggest large format retail centre and as such contains a wide range of retail stores including hospitality and fresh food offerings. Further west on Blenheim Rd 'The Warehouse' and other large format stores provide diverse product offerings.
- Westfield Riccarton and the adjacent Riccarton Road 'mainstreet' retail environment is the largest commercial centre in the City after the CBD;
- The University of Canterbury is a significant activity hub. Some 30,000 students and staff are on campus on a regular basis, with an associated demand for both student accommodation and significant scale in teaching and research spaces. The scale of activity being undertaken in the University is second only to the CBD. The University is looking to further increase its role and scale by partnering with private industry to realise synergies in research and product development. The recently consented film and digital learning hub at the Dovedale campus a good example of such partnerships;
- Church Corner is a significant suburban retail centre in its own right with a full-service supermarket, extensive food/ hospitality offering, and an extensive range of international food and service

businesses which cater to the City's increasingly diverse ethnic communities.

- These features are supported by easy walking or cycling distance to eleven schools (Wharenui Primary, Ilam Primary, Riccarton Primary, St Teresa's Primary, Kirkwood Intermediate, St Thomas', Christchurch Girls High School, Christchurch Boys High School, Middle Grange (year 0-13), Villa Maria, and Riccarton High School);
- Alternative transport modes are readily available with the corridor containing four major cycleways (Uni-cycle, Nor' West Arc, Southern Express, and Northern Line), along with high frequency bus routes;

3.197. These features, along with walkable catchments from centres or activity nodes, are shown in **Appendix 6**. The corridor is a prime candidate to support significant intensification and thereby enable larger numbers of people to live in close proximity to a wide range of services, employment, and study activities in a manner that is supported by easy access to a diverse range of open spaces and modal transport choices. I therefore consider that the majority of the residential zones along this corridor should have a HRZ rather than MRZ zoning. Mr Kleynbos has likewise identified that there is¹¹⁸ "a strong case for further development being enabled throughout the corridor".

3.198. I accept that the extent of the HRZ zone along this corridor will be subject to the Panel's findings on a number of QMs that are proposed in this area. The most significant QMs for this corridor are the Piko/Shands heritage area and the Air Noise QM. Lesser QMs (in terms of geographic extent) include the QMs relating to views of Riccarton Bush, spine road setbacks, waterways, and industrial interface (in relation to the Ilam Toyota vehicle dealership). The appropriateness of these QMs is addressed by other experts in response to the Kāinga Ora submission.

¹¹⁸ Mr Kleynbos, para.6.1.87

- 3.199. In the event that some or all of the QMs are found to not meet the necessary statutory tests, then in my opinion, the residential areas that are currently subject to those QMs should have a HRZ rather than MRZ zoning given their proximity to the above major activity nodes.
- 3.200. I note that in assessing the merit of increased density in this area, Mr Kleynbos has been particularly mindful of the submission by CIAL (#852) seeking a significant expansion of the Airport Noise QM over the Riccarton area that goes well beyond the QM as notified. The relief sought in the CIAL submission is addressed in separate brief of evidence of Mr Lindenberg, which I rely on.
- 3.201. Mr Kleynbos concludes that if the Airport Noise QM as sought by CIAL is confirmed, then compensatory enablement needs to occur through up-zoning the areas immediately west of Hagley Park and separately around the Church Corner centre¹¹⁹. His recommendations include both an expansion of the HRZ boundary, and an increase in height limits from 22m to 28m for the Hagley Park-adjacent areas. He conversely recommends that if the CIAL submission is not accepted, then the only change should be a small increase in HRZ to 800m centred on Riccarton Mall, and with no increase in the standard HRZ 22m height limit¹²⁰.
- 3.202. I agree with Mr Kleynbos' separate recommendations that submissions seeking new QMs in this area be rejected¹²¹.
- 3.203. I consider that the wider Riccarton Corridor is ideally suited for further intensification. I agree with Mr Kleynbos that this should necessarily include both the Hagley Park-adjacent areas and an expanded catchment around Church Corner. Where I differ from Mr Kleynbos is that I also consider that all the area between Riccarton Mall and Church Corner should be HRZ. If the Panel confirm the Airport Noise QM as sought by CIAL, then that simply results in a gap in the middle of the HRZ between the Riccarton and Church Corner centres, however if the Panel reject the expanded Airport Noise QM, then rezoning all of the

¹¹⁹ Mr Kleynbos, para 6.1.92

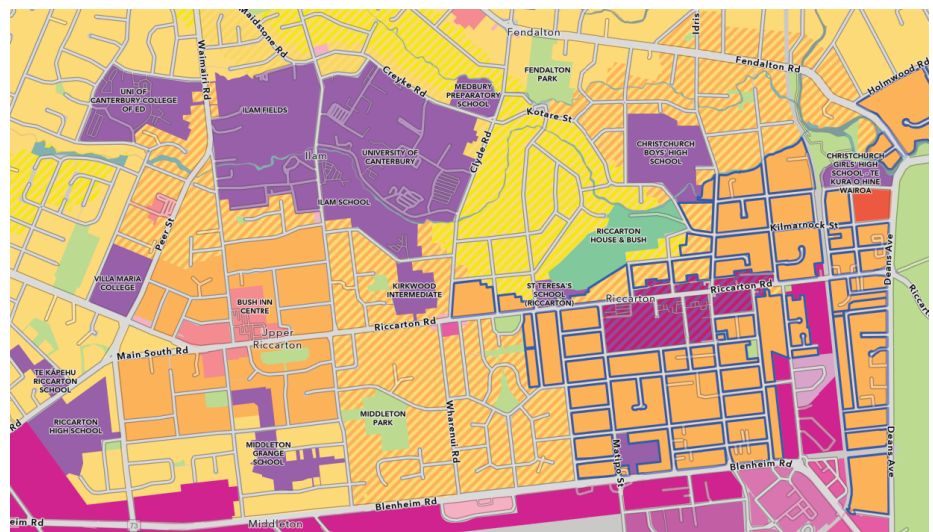
¹²⁰ Ibid, para. 6.1.99

¹²¹ Ibid, paras. 7.1.133-155

corridor still aligns with Policy 3(c) and (d) outcomes for Riccarton Mall and Church Corner centre catchments respectively.

- 3.204. **Figure 9** below shows the extent of HRZ sought in Appendix 3 of the submission by Kāinga Ora. Notified HRZ is orange, with the expanded HRZ area shown as orange hatch. The 36m increased height area adjacent to the proposed MCZ is shown in blue outline.

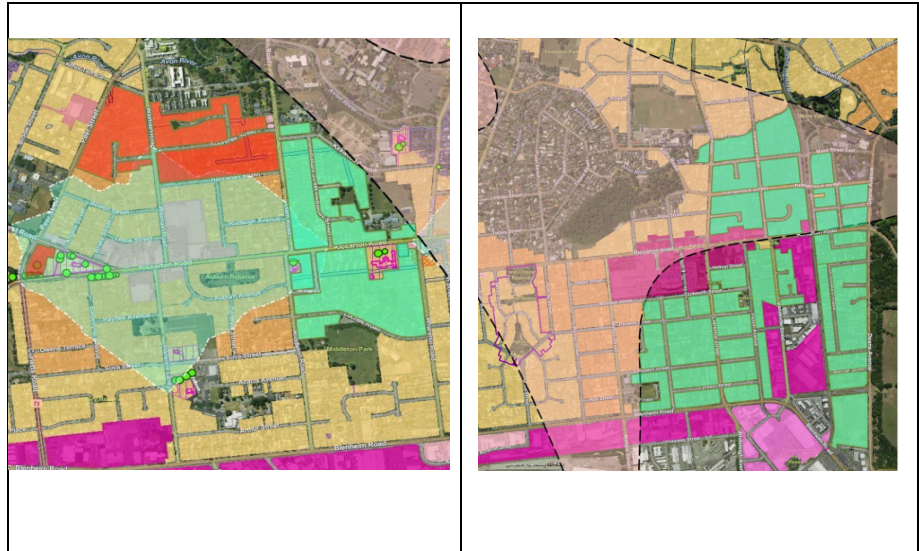
Figure 9. Recommended HRZ extent (orange), and as sought by Kāinga Ora submission (orange hatch)



- 3.205. **Figure 10** below shows the areas recommended to be rezoned by Mr Kleynbos¹²² (red and teal areas). His recommendations are made via two separate maps which I have sought to align in order to provide an easier comparison.

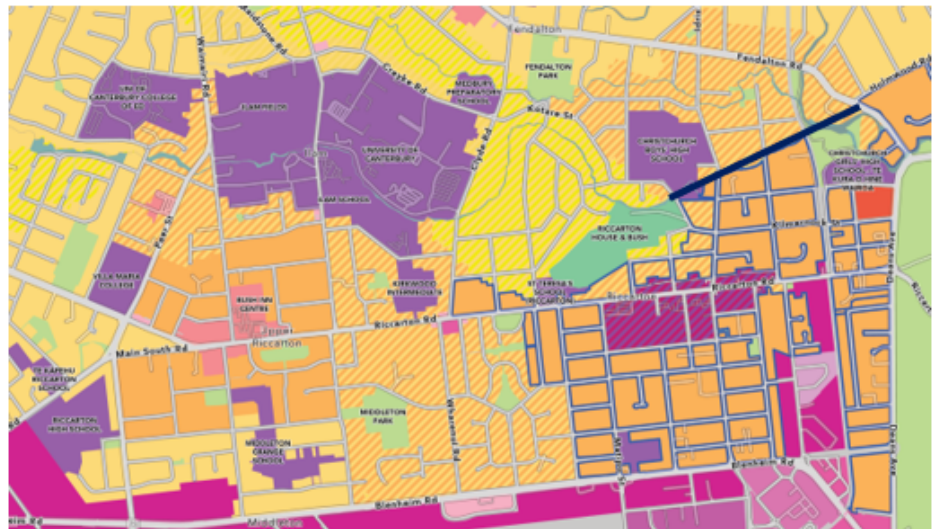
Figure 10. Recommended HRZ extent by Mr Kleynbos

¹²² Mr Kleynbos, maps on pages 52 & 53



- 3.206. In comparing the two maps I note that there are three key areas of difference which I address in turn. At the eastern (Hagley Park) end the Mr Kleynbos' teal area aligns with the 36m area sought by Kāinga Ora. I agree with Mr Kleynbos that the area to the north of the teal area should retain a MRZ zoning (area north of the dark blue line shown in **Figure 11** below). The area to the north of this line is bisected by numerous waterways with associated s6 values, does not overlap with any other centre catchment, has a clear physical boundary formed on an angle by Riccarton Bush, Christchurch Boys High School and Okeover Stream, and is largely beyond 1.2km when measured from the centre of Riccarton Mall (rather than from the edge of the Commercial Zone). Riccarton Mall is the focal point for services and retail and as such is an appropriate starting point for measuring walkable catchment extent.

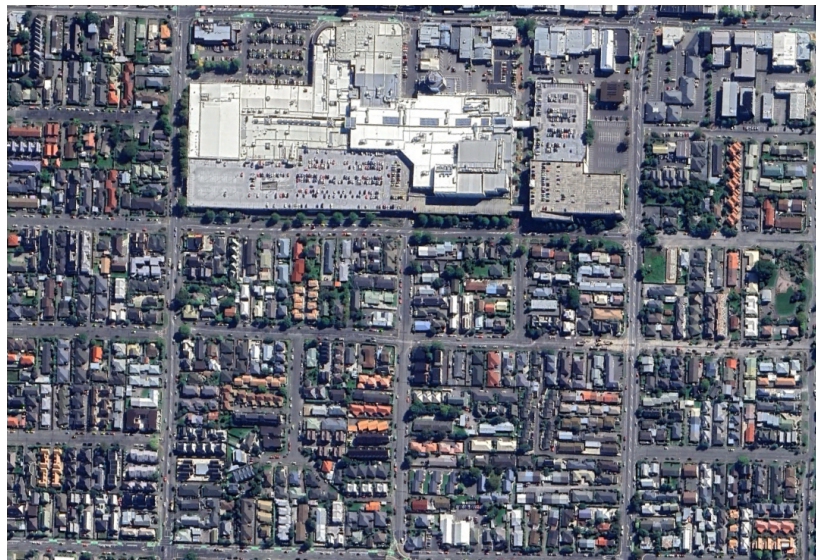
Figure 11. Recommended HRZ extent, including 36m height area (blue outline).



- 3.207. As an aside, I note the Mandeville Street MUZ area referred to in an earlier section of evidence is shown in bright pink to the south east of Riccarton Mall where it is wholly surrounded by the HRZ where I have a recommended 36m height limit.
- 3.208. In the centre of the area, the key difference is that Mr Kleynbos defers to the CIAL submission (and the Piko/Shands heritage area). The zoning of this area turns on the Panel's findings regarding QMs. The Kāinga Ora submission seeks that the HRZ extends out to Blenheim Rd for the area south of Middleton Park. I consider inclusion of this area makes sense if the QMs are not implemented and note that it is very close to the Warehouse-anchored retail precinct on the southern side of Blenheim Road. Whilst not a commercial centre in terms of zoning, it is very much a commercial centre in terms of function and activity mix given that it contains a large department store along with numerous other retailers.
- 3.209. At the western end of the study area, the HRZ extent is largely aligned with the Kāinga Ora submission. I consider that as sought by Kāinga Ora, Brodie Street forms a more appropriate western boundary than Peer Street as recommended by Mr Kleynbos. The blocks between Peer Street and Bordie Street include a large high school (Villa Maria), a New World supermarket, a recently developed multi-storey retirement village, and is clearly bounded to the north by the University of Canterbury Dovedale campus. I discuss the criteria used for confirming appropriate zone edges in more detail below.

- 3.210. As a final point on the broad question of whether a greater HRZ extent is appropriate and/or necessary, I note that the areas immediately west of Hagley Park and south of Westfield Riccarton mall have long been zoned for medium density, extending back some 40 years. As such, they have experienced a high rate of transition whereby the vast majority of sites have already been redeveloped for multi-unit housing, typically as 1-2 storey townhouse complexes.

Figure 12. Aerial image showing intensification to the south of Riccarton Mall¹²³



- 3.211. This high level of existing development and associated fragmentation of ownership means that whilst the large extent of HRZ proposed in PC14 immediately around the mall looks at first glance to provide substantial opportunities for intensification, in practice the potential uplift is likely to be quite limited. This is not to say that these areas should not be rezoned to HRZ – if sites are able to be agglomerated then this is a very appropriate location for higher density. But it does mean that the ability to deliver the strategic outcome of accommodating significant amounts of future demand along this corridor is likely to be muted. The feasible development potential of this area is a key reason why I have recommended a combination of rezoning the commercial centre to MCZ with a significant height enablement in the commercial area, and rezoning what are currently low density areas to HRZ

¹²³ Image source: Google Earth

between Riccarton Mall and Church Corner so as to maximise feasible potential.

- 3.212. In determining appropriate HRZ boundaries in detail, the following tests have been utilised:

Positive Criteria (to support more intensive rezoning)

- Walkable catchments set out above, namely 400m from medium centres, 800m from larger centres, 1.2km from metropolitan centres. Note for large mall-based centres with multiple customer entrances, it is important to measure from the edge of the centre e.g. Westfield Riccarton occupies a block that is 0.5km long;
- Given the scale of activity undertaken at the University, a 1.2km catchment is also considered appropriate, especially where this overlaps with access to a broad range of other services i.e. the southern side of the University rather than its northern side;
- Walkability has then been ground-truthed against barriers to walkability e.g. rivers, rail corridors, high speed arterial roads, steep hills, long cul-de-sacs.
- Proximity to other key services e.g. schools, large community centres/ sports facilities, large public open space, medical facilities to be noted;
- Proximity to public transport stops (especially on higher frequency/ 15 minute routes) and major cycle ways to be noted;
- High amenity natural features e.g. significant public open space to be noted;
- Large land holdings in single ownership (which makes comprehensive redevelopment more plausible) to be noted.

Negative criteria (that would count against a more intensive zoning)

- Significant natural hazard risks (none present in the study area);

- Other s6 matters e.g. cultural, ecological sites, heritage areas (to be resolved by the Panel's findings on QMs);
- Industrial zones, quarries, strategic infrastructure or other activities where more intensive housing would generate reverse sensitivity/ interface issues that can't be easily managed (to be resolved by the Panel's findings on QMs re air noise, industrial interface, and arterial road and rail corridor interfaces);

Zone edges defined by the following:

- Linear transport routes - Roads & Rail corridors;
- Rivers, or large areas of open space/ reserves, or public social infrastructure e.g. schools or hospitals;
- Match to cadastral i.e. minimise split-zoned sites;
- Minimise mid-block changes in zone to facilitate a coherent streetscape in terms of built form.

3.213. I have reviewed the geographic extent of the HRZ sought in the Kāinga Ora submission. Pending the Panel's findings on the validity (or not) of the various QMs in play, I consider that the amended zone boundary sought by Kāinga Ora is appropriate and aligns with the above criteria for determining zone edges subject to utilising Okeover Stream/ Christchurch Boys High School as its northern edge (as shown in Figure 11 above).

3.214. As a final point on urban form, because of various activity nodes along Riccarton and Papanui Roads, both these roads in essence form a high density corridor (especially with the above changes to the HRZ zone in Riccarton discussed below). The depth of the zone varies along the length, but the urban form outcome of higher density from the CBD to Northlands and Church Corner/ UC respectively is largely achieved. This aligns with the proposed direction of the Spatial Plan. Because the Main South Rd corridor from church corner to Hornby is largely

industrial in nature, this section of the corridor is not as suited to HRZ (apart from the immediate Hornby centre walkable catchment).

4. COMMERCIAL PROVISIONS

4.1. This section looks in more detail at specific text changes sought in the Kāinga Ora submission in order to implement the proposed centre hierarchy. I begin by discussing each objective and associated set of policies in turn, in the order that they appear in the District Plan.

4.2. **Strategic Directions:** PC14 as notified sought to introduce a new strategic direction Objective 3.3.7 that sought to describe what a ‘well-functioning urban environment’ looked like for Christchurch. The Kāinga Ora submission raised concerns with the detailed wording of this proposed new objective. I agree with the Officer recommendations to delete this new provision in its entirety. I note that this deletion has necessitated a number of amendments to the existing (and now renumbered) Objective 3.3.7 on urban growth, form and design. I agree with all of the recommended amendments to this Objective and consider that they align with the national direction set out in the NPS-UD. There is a minor amendment necessary to clause (a)(iii)(C) to add a reference to Metropolitan Centres as follows:

Objective 3.3.7(a)(iii)(C) – urban growth, form and design

The largest scale and density of development outside the city centre, is provided within and around metropolitan centres and town centres, and lessening in scale for centres lower in the hierarchy; and...

4.3. **Objective 15.2.2 – Centres-based framework for commercial activities and Policies 15.2.2.1 – 15.2.2.7:** I consider that the Objective is generally fit for purpose. It requires some minor amendments so that it includes reference to Metropolitan Centres as follows:

Objective 15.2.2

Commercial activity is focussed within a network of centres (comprising the City Centre, Metropolitan Centres, Town Centres, Local Centres, Neighbourhood centres, and Large Format Centres) to meet the wider community’s and businesses’ needs in way and at a rate that:...

- iii. Supports the function of Metropolitan Centres and Town Centres as major focal points for commercial activities, entertainment activities, visitor accommodation, employment, transport, and community activities, and Local Centres as a focal point for primarily small-scale commercial activities with a focus on convenience shopping, community activities and guest accommodation;
- iv. Gives primacy to the City Centre, followed by Metropolitan Centres, Town centres and Local centres identified as Key Activity Centres;

4.4. Policy 15.2.2.1 is the key commercial policy for providing direction as to where specific centres sit within the hierarchy and the general role and function of each level of the hierarchy. Given that the District Plan does not include zone descriptions, Policy 15.2.2.1 is the closest we get to a clear articulation of the outcomes anticipated for each centre/level of the hierarchy.

4.5. The Kāinga Ora submission was generally supportive of the qualitative description of the outcomes sought at each level of the hierarchy. The key amendments sought were in relation to the inclusion of Metropolitan Centres, the removal of the 'large Local centre' category and the reallocation of centres between zones/ hierarchy levels. The Metropolitan Centre description recommended below utilises the zone description in the NPS, along with consistent use of some of the descriptive outcomes for the Town Centres. I discuss the merit of this simplification and reallocation in my centre hierarchy evidence. Given the length of Table 15.1 and the discrete nature of the amendments sought, I provide a summary of the key amendments sought as follows, noting that no amendments are sought to Large Format or Neighbourhood Centre categories:

Table 15.1

	<i>Role</i>	<i>Centre and size</i>
A	<p><i>Central Business District</i></p> <p><i>No amendments sought to the description</i></p>	<i>City Centre Zone</i>
B	<p><u>Metropolitan Centres – Key Activity Centre</u></p> <p><u>Areas used predominantly for a broad range of commercial, community, recreational and residential</u></p>	<p><u>Centres: Riccarton, Hornby, Papanui/ Northlands</u></p> <p><u>Size: Greater than 50,000m²</u></p>

	<p><u>activities. The zone is a focal point for sub-regional urban catchments.</u></p> <p><u>High density housing is anticipated in and around the centre. Accessible by a range of modes of transport, including multiple bus routes. Public transport facilities, including an interchange, may be incorporated.</u></p> <p><u>The extent of the Centre is the Metropolitan Centre Zone</u></p>	
<u>C-B</u>	<p>Town Centre – Key Activity centre</p> <p>No amendment sought to the description</p>	<p>Centres: Riccarton, Hornby, Papanui/ Northlands, Shirley/ Palms, Linwood/ Eastgate, Belfast/ Northwood, North Halswell (emerging), <u>Church Corner/ Bush Inn, Merivale, and Sydenham North (Colombo Street between Brougham Street and Moorhouse Avenue)¹²⁴</u></p> <p>Size: Greater than 30,000m²</p>
<u>D-G</u>	<p>Local Centre</p> <p>No amendments sought to the description</p>	<p>Local Centres (Large): Church Corner/ Bush Inn, Merivale, Sydenham North (Colombo Street between Brougham Street and Moorhouse Avenue),</p> <p>Local Centres:....</p> <p>Size: 3,000 to 30,000m² GFA</p>

4.6. The Kāinga Ora submission sought minor amendments to Policy 15.2.2.7 relating to the enablement of residential activity in centres, and in particular the need for the policy to recognise that residential activity

¹²⁴ Depending on the Panel's findings regarding Ferrymead and New Brighton centres re natural hazards and Belfast re rezoning, these centres may also be appropriately located in the 'Town centre' category

is an anticipated component of Local and Neighbourhood Centres (as per the associated rules for these centres which permit residential activity). Mr Lightbody has recommended that this submission point be accepted. I agree with the amendments recommended by Mr Lightbody, subject to the consequential inclusion of reference to Metropolitan Centres as follows:

Policy 15.2.2.7

Residential activity in Metropolitan Centres, Town Centres, Local Centres and Neighbourhood Centres is encouraged above ground floor level, and is provided for at ground floor level where:....

- 4.7. **Objective 15.2.3 – Office parks and mixed use areas outside the central city and policies 15.2.3.1 – 15.2.3.2:** The Kāinga Ora submission raised concerns with ambiguity in the geographic extent of the areas subject to Objective 15.2.3. The objective title referred to areas outside the ‘central city’ but the body of the objective referred to mixed use zones located close to the ‘City Centre Zone’ which could lead to confusion as to whether the Mixed Use zones located inside the Four Avenues were subject to the objective or not. I agree with Mr Lightbody that the ‘Mixed Use Zone’ is a separate zone from the ‘Central City Mixed Use Zone’ and therefore by zone label the objective only refers to the former rather than the later. I still consider that for lay users of the Plan there remains the potential for confusion, which can be readily resolved by the amendment recommended below. I agree with the Kāinga Ora submission that the reference to supporting a reduction in greenhouse gas emissions is redundant as it is inherent in the choice to zone these industrial areas to mixed use. It is also one of a number of reasons underpinning the locational distribution of mixed use zones and reference to just one of these reasons gives the impression that it is the only reason. I therefore recommend that this reference be deleted.

Objective 15.2.3

a....

- a. Mixed use zones located outside the Four Avenues and within a walking catchment to the City Centre Zone, Metropolitan Centre Zone, and Town Centre*

Zone transition into high density walkable residential neighbourhoods that contribute to an improved diversity of housing type, tenure and affordability-and support a reduction in greenhouse gas emissions.

- 4.8. The Kāinga Ora submission sought a number of amendments to Policy 15.2.3.2. I agree with the amendments recommended by Mr Lightbody to clarify the geographic extent of which mixed use areas the policy applies to in clause (a) and (b).
- 4.9. I also agree with the insertion of new clause (b)(v) to promote 'a network of safe, convenient and attractive pedestrian and cycle connections within the zone and to adjoining neighbourhoods. The location of the Mixed Use zone has been chosen precisely because these areas are within a walkable catchment of large commercial centres. As discussed above, I do not consider the reference to the form and layout of development reducing greenhouse gas emissions is necessary or helpful. The zone itself is the key tool for reducing emissions i.e. enabling people to live close to large centres of employment and services.
- 4.10. I also support the submission concerns regarding the use of the word 'high' when describing the quality of the outcomes sought. As with my views above regarding the use of this term as applied to medium and high density residential areas, in my experience this subjective term is simply used as a reason to oppose developments and can be an unnecessary high policy bar to categorically demonstrate achievement with. I prefer the replacement of this term with 'good' which still signals a clear expectation as to development quality, without setting an unrealistic threshold, especially in the context of an area that is transitioning from industrial use and where the conversion of existing industrial buildings is anticipated in Clause (iv) of the same policy.
- 4.11. My discussion on the MUZ in my centre hierarchy evidence raised concerns with the proposed tool for securing pedestrian and cycle laneways through the Sydenham mixed use zone. I consider the rule and associated ODP to be complex, challenging to implement given fragmented ownership, and therefore uncertain in terms of its ability to deliver the amenity outcomes on which the Mixed Use Zone relies. I would prefer that the formation of these laneways was a product of

comprehensive areas planning complemented by dedicated funding in the Long Term Plan and, if need be, recouped through amendments to the Council's Development Contributions Policy. This would in my view be a far more effective and certain method of delivering these key greenspaces and connections than a reliance on ad hoc, incremental development that would voluntarily deliver them over time.

4.12. I have separately recommended that these rules and funding strategy be revisited and that, in the absence of the requisite certainty being provided, an alternative is to scale back the geographic extent of the proposed Mixed Use Zone in Sydenham. It would then only cover the areas in close proximity to centres and existing public open space where there is no reliance on the formation of new greenways to deliver the necessary amenity outcomes for a successful transition from an industrial to a primarily residential neighbourhood.

4.13. I recommend that the Policy (and associated laneway rule) be deleted and replaced with either a reduced zone extent which makes the laneways irrelevant, or a clear funding commitment from Council. In the event that the Panel wishes to pursue the notified approach then I am happy to engage with Council Officers and other experts in conferencing to see if these provisions can be improved.

4.14. I therefore recommend that Policy 15.2.3.2(b) be amended as follows:

(b) Support mixed use zones located in Sydenham, Phillipstown and Mandeville Street to transition into ~~high~~ good quality residential neighbourhoods by:

i. enabling comprehensively designed ~~high~~ good quality, high-density residential activity;

ii. ensuring that the location, form and layout of residential development supports the provision of ~~objective of reducing greenhouse gas emissions and provides for~~ greater housing diversity including alternative housing models;

iii. requiring developments to achieve a ~~high~~ good standard of on-site residential amenity to offset and improve the current low amenity industrial environment and mitigate potential conflicts between uses;

iv. encourage small-scale building conversions to residential use where they support sustainable re-use, provide ~~high~~ good quality living space and contribute to the visual interest of the area.

v. promoting a network of safe, convenient and attractive pedestrian and cycle connections within the zone and to adjoining neighbourhoods.

~~*(c) Avoid Restrict Comprehensive Residential Development of sites within the Comprehensive Housing Precinct that are identified in Appendix 15.15.12 and 15.15.13 unless the relevant shared pedestrian/cycleway, greenway or road connection is provided.*~~

~~*(d) For sites identified within Appendix 15.15.12 and 15.15.13 encourage the connection to facilitate convenient and accessible through block connectivity.*~~

4.15. **Objective 15.2.4 – Urban form, scale and design outcomes, and Policies 15.2.4.1 – 15.2.4.6:** The Kāinga Ora submission supported the objective as notified. I agree with the minor amendments to the objective recommended by Officers, and in particular I support the addition to clause (a)(ii) to explicitly recognise that ‘urban environments develop and change over time’.

4.16. Policy 15.2.4.1 is the key policy for describing the urban form outcomes sought across the various centres. I agree with the submission that the foundation of this policy is found within Policy 3 of the NPS – UD. Policy 3(a) requires that within city centre zones, building heights and density of urban form to realise as much development capacity as possible. Accordingly, the current wording of clause 15.2.4.1(a)(i) to (v) is not appropriate as it has an overriding emphasis on limiting building heights and as such does not accurately capture the outcomes required by national direction for City Centre Zones. I support the rationalisation of clauses (a) and (b) into a single section that steps through the urban form outcomes that are anticipated. The below recommended replacement policy retains and repackages elements of clauses (a) and (b) but for simplicity is shown in plain text:

Policy 15.2.4.1(a)

Provide for development of a scale and massing that reinforces the City’s distinctive sense of place and a legible urban form by:

- i. providing for the tallest buildings and greatest scale of development in the city centre to reinforce its primacy for Greater Christchurch and enable as much development capacity as possible to maximise the benefits of intensification;*

- ii. *managing building heights adjoining Cathedral Square, Victoria Street, New Regent High Street and the Arts Centre to account for recognised heritage and character values.*
- iii. *providing for building heights and densities within metropolitan, town, local and neighbourhood centres commensurate with their role and level of commercial and community activities;*
- iv. *for Key Activity Centres and Large Format Centres, enable larger floor plates while maintaining a high level of amenity in the centre;*
- v. *enabling comprehensive residential development in the Mixed Use Zone, to achieve a high density scale of development that contributes to a perimeter block urban form; and*
- vi. *managing adverse effects on the surrounding environment, particularly at the interface with residential areas, sites of Ngāi Tahu cultural significance identified in Appendix 9.5.6 and natural waterways.*

- 4.17. The Kāinga Ora submission opposed the notified amendments to Policy 15.2.4.2 relating to the design of new development as being unnecessary and disenabling. With the benefit of reviewing the Officer recommendations I am generally comfortable with much of the recommended text, with the exception of clauses (xii) and (xiv). I address the rule package controlling heights in the CCZ in detail in my centre hierarchy evidence, where I recommend the deletion of a number of height-constraining rules and tower setback requirements. As a consequential amendment I recommend that clause (xii) is deleted and replaced so that tower design is a matter that is carefully assessed through the urban design rule, but where modulation and articulation are not appropriate to be 'ensured', as such outcomes will not always be an acceptable design response. There are multiple architectural design solutions to the delivery of attractive tall buildings – clean simple facades, especially above the first two floors, can often deliver a better design outcome than overly 'fussy' or stepped higher level forms.

Policy 15.2.4.2(xii)

Ensure the upper floors of tall buildings are well designed to provide an attractive façade that is appropriate to its context and where roof plant is screened from view.

- 4.18. As per the above discussion of the use of 'high' versus 'good' quality outcomes, I recommend that Clause (xiv) be amended as follows:

Policy 15.2.4.2 (xiv)

recognising that mixed use zones are in transition and require a ~~high~~ good quality of residential development to be achieved to mitigate and offset the industrial nature and potential conflicts between uses within the zone; and...

- 4.19. I note that Policy 15.2.4.5 on Greenfield development and strategic infrastructure is recommended by Officers to be split into two policies whereby clause (a) relates to greenfield design and integration with network infrastructure, and a new Policy 15.2.4.6 is introduced to address strategic infrastructure. I agree with this split as the two matters are clearly distinct topics. The new Policy 15.2.4.6 includes reference to avoiding sensitive activities within the 50 dB Ldn Air Noise Contour. Whether this element of the policy is retained will be dependent on the Panel's findings regarding the Air Noise QM.
- 4.20. **Objective 15.2.5 – Diversity and distribution of activities in the Central City, and Policy 15.2.5.1:** The Kāinga Ora submission sought to amend the objective by deleting reference to the need to limit heights in order to manage the distribution of actives in the CCZ. I agree that the policy reference is no longer appropriate given the clear higher order direction regarding CBD outcomes in the NPS-UD. I therefore recommend that clause (a)(i) be amended as follows:

Objective 15.2.5

- a. *A range of commercial activities, community activities, cultural activities, residential activities and visitor accommodation are supported in the Central City to enhance its viability, vitality and the efficiency of resources, while encouraging activities in specific areas by:*
- i. *Defining the Commercial Central City Business City Centre Zone as the focus of retail activities and offices ~~and limiting the height of buildings to support an intensity of commercial activity across the zone;~~...*
- 4.21. **Objective 15.2.6 – Role of the City Centre Zone, and Policies 15.2.6.1- 15.2.6.7:** The Kāinga Ora submission did not raise any concerns with the objective or the first two policies. It supported the deletion of Operative Plan Policy 15.2.6.3(a)(ii) relating to amenity, however the submission also sought the deletion of the replacement clause proposed in PC14. I agree with the submission that the proposed

replacement clause is unnecessarily prescriptive. There is no need to manage sunlight access in a CBD context, wind effects are separately addressed in the wind-related policies in Chapter 6, a 'high quality street interface' is specifically addressed in Policy 15.2.6.5, and reference to the 'impact of overly dominant buildings in the street' is ambiguous and inappropriate in a zone where development capacity is to be enabled as much as possible.

- 4.22. I therefore agree that Policy 15.2.6.3(a)(ii) should be deleted.
- 4.23. As per the above discussion, I agree with the submission that the reference to 'high quality' outcomes in Policy 15.2.6.4 should be replaced with 'good quality' outcomes.

Policy 15.2.6.4(a)

Encourage the intensification of residential activity within the City Centre Zone by enabling ~~high~~ good quality residential development that supports a range of residential typologies, tenures and prices, with an appropriate level of amenity including:...

- 4.24. **Objective 15.2.7 and Policy 15.2.7.1, Objective 15.2.8 and Policy 15.2.8.1-3, Objective 15.2.9 and Policy 15.2.9.1, and Objective 15.2.10 and Policy 15.2.10.1-4 – Central City Mixed Use and South Frame Zones:** As per above discussion, I recommend Objective 15.2.7 be amended as follows:

Objective 15.2.7

The development of vibrant, ~~high~~ good quality urban areas where a diverse and compatible mix of activities can coexist in support of the City Centre Zone and other areas within the Central City.

- 4.25. Policy 15.2.7.1(a)(viii) limits the policy direction for where taller buildings are anticipated in the Central City MUZ to locations co-located with Te Kaha area and Parakiore Metro Sports centre. I agree with the submission that the Central City MUZ is well located within easy walking and cycling distance of the wide range of services and facilities on offer. As such the height policy sought to reflect this more general proximity and not be tagged or limited to co-location with large facilities, as the whole of the zone is well-located in close proximity to these facilities. I recommend that the policy be amended as follows:

Policy 15.2.7.1(a)(viii)

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

- 4.26. The submission raised concerns with the level of policy detail included in Policy 15.2.8.2 relating to amenity outcomes in the Central City MUZ. Having carefully reviewed the amendments proposed in PC14 and the assessment provided by Officers, I am comfortable that the amendments as notified are appropriate and reflect the outcomes sought in the associated rule package. I do not therefore recommend any further amendment to this policy.
- 4.27. The submission likewise raised concerns with the proposed new reference in Policy 15.2.8.3 relating to residential development in the MUZ that states that outdoor living space is necessary to ‘compensate for the predominantly commercial nature of the area’. The Central City MUZ is located within walking distance of Hagley Park, the largest open space in the City, along with ready access to the Otākaro Avon River corridor, the new laneways, pocket parks, and greenspaces developed in the South Frame and East Frame, and existing public open spaces in the City Centre. As such the Central City MUZ is some of the best located areas in the entire City for access to a range of outdoor recreational opportunities and open spaces. The wording sends an incorrect message that the City Centre is lacking in amenity in a way that requires compensation, which in my view is simply not correct. The deletion of this clause aligns the approach to open space with the more appropriate wording on this matter in Policy 15.2.10.2 which relates to residential development in the South Frame MUZ and which the submission supported. I therefore recommend that Policy 15.2.8.3(b) be amended as follows:

Policy 15,2,8.3(b)

Require a level of private amenity space for residents that is proportionate to the extent of residential activity proposed, ~~and which compensates for the predominantly commercial nature of the area, including through:~~...

5. COMMERCIAL ZONE RULES

Central City Commercial Zone

- 5.1. **Rule 15.11.1.1 (P13):** This rule applies to residential activities in the CCZ. PC14 sought to add the MDRS outlook space requirements. The Kāinga Ora submission opposed this addition (via opposing Rule 15.11.1.3 (RD4)(c)). I am comfortable that the rule does not impose any undue restrictions on residential development and that a minimum amount of outlook from living rooms and bedrooms is not unreasonable, even in a CCZ context.
- 5.2. **Rule 15.11.1.1 (P18):** The Kāinga Ora submission supported the introduction of a permitted pathway for small buildings in this zone (without triggering the need for an urban design assessment and associated resource consent). I agree that provision of this permitted pathway is an effective and efficient tool and that the proposed activity standards are adequate for delivering acceptable urban design outcomes.
- 5.3. **Rule 15.11.1.2 (C1):** The ODP provides a controlled activity pathway for new buildings in the CCZ, where the design of the building has been certified as meeting the relevant urban design assessment matters by an urban designer on a Council-approved list. PC14 as notified seeks to limit this certification pathway to only those buildings that are less than 28m in height and that comply with road wall and recession plane requirements. The submission opposed this restriction in how the certification pathway operates.
- 5.4. I agree with the submission. The certification pathway was a matter that was examined in considerable detail by the IHP panel on the ODP. The IHP gave careful consideration as to whether an urban design rule was necessary at all. Certification as a controlled activity was a key element in their finding that the costs and benefits of the rule were able to be justified. I acknowledge that under the Operative Plan, the height limit of 28m means that taller buildings are subject to a discretionary consent process and therefore removal of the controlled activity certification route for taller buildings does not constitute a reduction in current levels of enablement. That said, I consider the certification pathway remains a valid and appropriate tool for taller buildings, especially given that the

increase in heights is in response to specific national direction as to appropriate urban form outcomes for CBD environments. Buildings that breach the separate road wall and recession plane/ setback rules are subject to a restricted discretionary consent in relation to those matters and therefore there is not needed for specific reference to them being made as triggers in the certification rule.

- 5.5. I therefore recommend that the rule wording simply revert to the Operative Plan provision.
- 5.6. **Rule 15.11.2.3 – Sunlight and outlook for the street and Rule 15.11.2.12 Road wall height:** These rules dovetail with each other and function as a package. The Kāinga Ora submission opposed these two rules as parts of a wider package of rules that in combination significantly restrict the functional height of buildings. I discuss this wider package in detail in my centre hierarchy evidence. Having carefully considered the evidence of Mr Alistair Ray, I agree that there is merit in retaining these two rules, subject to the amendments recommended by Mr Ray. These amendments replace the recession plane requirement with a simple 6m setback once buildings are taller than 28m. This avoids ‘wedding cake’ forms and prevents the recession plane extending right across a deep site. It also means that over time a uniform 6 storey road wall height will be delivered with attendant streetscape benefits. Mr Ray’s recommended amendments also enable taller buildings on street corners where the impact of a setback would otherwise be greater on development potential (as the setback would apply on two sides rather than just one), and enable prominent buildings on corners as a positive way-finding and urban form outcome.
- 5.7. Importantly, these two rules in isolation do not in my view unduly restrict the enablement of tall buildings and therefore do not threaten the wider urban form and capacity outcomes directed in the NPS-UD.
- 5.8. I therefore recommend that these two rules be retained as notified. Given that the rules are so closely inter-linked, it would make sense if the road wall rule was located immediately after the sunlight and outlook rule (or included as a separate clause), so that the interlinked rules are read together.

- 5.9. **Rule 15.11.2.11 – Building Height:** This rule is inextricably linked to centre hierarchy outcomes and therefore has been assessed in my other evidence. In terms of rule drafting, I recommended that my first preference was that there be no height limit in the CCZ (apart from identified heritage and character areas). I do however acknowledge that the proposed 90m limit is set sufficiently high that it is not unduly constraining. I oppose the rule controlling building bases and towers (discussed in more detail below). I therefore recommend that Rule 15.11.2.11(a)(i) be amended as follows, with the balance of the rule recommended to be retained:

Rule 15.11.2.11(a)(i)

<i>i.</i>	<i>All building, except as provided for in ii, iii and iv below...</i>	<p>A. <i>Nil The maximum height shall be 90 metres.</i></p> <p>B. <i>The maximum height of the building base shall be 28 metres.</i></p>
-----------	--	--

- 5.10. **15.14.2.6 – Urban Design and height-related assessment matters:** The Operative Plan assessment matters for the urban design rule were not proposed to be amended through PC14. A new section of additional assessment matters for buildings over 30m in height is recommended for inclusion by Mr Ray and Ms Gardiner. I agree with Mr Ray that tall buildings generate different design considerations to lower structures and that it is therefore appropriate for there to be height-related urban design assessment matters. I have reviewed the new assessment matters recommended by Mr Ray and am in general agreement with them. They provide a key tool for ensuring that good quality design outcomes result from taller buildings, without the significant effects on capacity and loss of design flexibility generated by the suite of additional built form rules discussed below.
- 5.11. Whilst being in general agreement, I do note that the proposed assessment matters include matter (viii) and an associated advice note which requires the effects of wind to be considered. The separate assessment matters that are generated by a height non-compliance

likewise contain a specific clause relating to wind effects (15.14.3.1(b)(iv)). There is a separate wind rule (now consolidated into Chapter 6) that is specifically designed to managed wind-related effects on pedestrians and public open spaces, and that has its own assessment matters for proposals that do not meet the permitted standards. Inclusion of wind-related assessment matters in this urban design rule are not therefore necessary or efficient as they result in duplication with separate provisions that deal specifically with this matter.

- 5.12. I therefore recommend that 15.14.2.6(a)(viii) and the associated advice note, along with 15.14.3.1(b)(iv), be deleted.
- 5.13. **15.11.2.14 – Tower setbacks, 15.11.2.15 – Tower dimensions and coverage, 15.11.2.16 – Tower separation:** These rules are all new rules proposed through PC14. The Kāinga Ora submission opposed these rules as a package, along with the associated definitions of 'Building Tower' and 'Building Base'. I address the significant impacts that these rules collectively have on the functional ability to deliver taller buildings in my centre hierarchy evidence where I conclude that as a package they do not give effect to the NPS-UD.
- 5.14. For the reasons set out in my centre hierarchy evidence I recommend that these three rules and the two definitions all be deleted, along with the associated assessment matters (Rule 15.14.3.35).

Central City Mixed Use and South Frame rules

- 5.15. These are existing zones located within the Four Avenues. They are subject to a rule package that was carefully considered through the Central City Recovery Plan and subsequent IHP District Plan Review processes. Apart from the recommended increase in height to 36m for the CCMUZ¹²⁵ (and associated 21m road wall height and 6m setback) in response to the directions in the NPS-UD for the treatment of CCZ-edge locations, very little else has changed for these areas. PC14 seeks however to add a plethora of additional rules relating to detailed

¹²⁵ The South Frame area currently has a 21m height limit. This is recommended to be substantively retained, subject to a minor increase to 22m to enable alignment with the 22m metric as a standard tool for enabling 6 storey development

design matters. The Kāinga Ora submission provided a detailed critique of the proposed amendments to the established rule package for these two mixed use zones. Rather than repeat the submission here, I simply note that I agree with the issues identified, the reasons given for opposing the changes sought, and the text solutions (which in essence are to simply retain the Operative Plan provisions). In a nutshell the PC14 amendments constitute a completely unnecessary level of detail and regulatory intervention that is not justified in terms of s 32. They go well beyond the level of regulatory intervention sought in any other commercial zone, and in my view, there is nothing to suggest that these specific mixed use zones are more vulnerable to poor outcomes or contain any distinct values that would justify a more restrictive approach.

- 5.16. I therefore recommend that the Operative Plan provisions for these two zones be retained, apart from amendments to the height and road wall rules discussed above.

Metropolitan Centre Zone Rules

- 5.17. Kāinga Ora provided a comprehensive set of MCZ provisions as an appendix to their submission. I have reviewed these rules and confirm that they are appropriate. In essence they reflect the TCZ rules, with greater enablement in terms of building heights. They are formatted in line with NPS requirements, and therefore will require repackaging to align with the formatting of the Operative Plan which was prepared prior to the NPS coming into force.
- 5.18. I recommend two amendments to the rule package proposed by Kāinga Ora. The first is that the maximum size of any office tenancy is capped at 1000m² GLFA. This rule mirrors the Activity Specific Standard for offices in the TCZ (Rule 15.4.1.1 (P11)), with an increase in size to allow for medium sized office spaces. The second rule is that a road wall height and setback requirement be added to the Built Form rules, with a restricted discretionary activity status for any proposals that breach the permitted standard. The matters of discretion can be the same matters triggered by the equivalent rule in the CCZ and TCZ (Rule 15.4.2.11), as follows:

Px	Office	a. The maximum tenancy size shall be 1000m ² GLFA
----	--------	--

Rule xx - Road wall and setbacks

- i. The maximum height of the road wall of any buildings shall be 21m.
- ii. Buildings shall not project beyond a 45 degree recession plane measured from the maximum road wall height of 21m and angling into the site. This clause applies only until the upper floors of the building are set back a minimum of 6m from the road wall.

Mixed Use Zone Rules

- 5.19. The MUZ applies to mixed use areas outside of the Four Avenues. It covers areas that have a MUZ in the Operative Plan, and also includes extensive new areas in Sydenham and Philipstown which are proposed to rezoned through PC14 from General Industrial to MUZ. The new MUZ areas, along with the existing Mandeville Street MUZ, are proposed to be included within a 'Comprehensive Housing Precinct'. Within this precinct a 22m height limit applies, along with a requirement than residential development can only occur if it is located on a site of at least 2,000m² (Rule 15.10.2.9), and as a restricted discretionary rather than permitted activity (Rule 15.10.1.3 (RD3)). Smaller sites are a fully discretionary activity. Unfortunately, the rules rely on a definition for 'comprehensive housing development', with the amended definitions released as part of Council evidence having this definition only applying to Future Urban Zoned areas:

"comprehensive housing development means in relation to the Residential Future Urban Zone, a development of three or more residential units which have been, or will be, designed, consented and constructed in an integrated manner (staged development is not precluded). It may include a concurrent or subsequent subdivision component".

- 5.20. I discuss the MUZ in my centre hierarchy evidence. I raise concerns with the challenges of successfully transitioning an intact industrial area into a good quality residential environment, especially given what appears to be a lack of Council funding being available to undertake the streetscape and open space investments necessary to support intensification. I raise concerns about the complexity of the proposed restricted discretionary rule package, assessment matters, and built form standards and I am therefore cautious about how effective they will be in successfully delivering the outcomes sought.
- 5.21. I have therefore separately recommended that a more measured approach may be to focus the areas for new MUZ around the Sydenham commercial centre and existing areas of open space. This would enable the effectiveness of the rule package to be tested in a discrete area where it is easier to focus the limited Council funds that might be available.
- 5.22. Setting aside concerns regarding MUZ zone extent, and the complexity of the comprehensive housing rules, the other key amendments sought are first in regard to an increase in height to 36m for the Mandeville Street MUZ given its proximity to Riccarton Mall and Hagley Park (and my separate recommendations to increase height in the surrounding HRZ to 36m).
- 5.23. The second key change was to expand the permitted activity mix in the MUZ areas covered by the comprehensive housing precinct to enable them to genuinely function as mixed use areas, rather than as industrial areas with some housing. The following amendments are recommended:

Rule 15.10.2.1 – Height

- a. *The maximum height of any building shall be 15 metres, unless specified below.*
- b. *The maximum height of any Comprehensive Residential Development located within the Comprehensive Housing precinct (shown on the planning maps) shall be 36 metres in the Mandeville Street area, or 22 metres in other areas, for buildings located adjacent to the street, or 12 metres for buildings located at the rear of the site.*

- 5.24. The Central City MUZ permitted activity framework (Rule 15.12.1.1) is considered to be a useful template i.e. (P1)(b) for retail, (P5 & P6) for offices and commercial services, and (P7 -P15) for a range of community and recreation facilities and should be utilised to extend the list of permitted activities within the Comprehensive Housing Precinct.

Town Centre, Local Centre, and Neighbourhood Centre Zone Rules

- 5.25. In the main, PC14 made few changes to these established zone frameworks. The key amendments sought by the Kāinga Ora submission were focussed on the need to align the height limits (and listed centres where these limits apply) with the strategic outcomes sought by Kāinga Ora for the zone hierarchy. The shift of the big three centres to MCZ means that separate reference to these three centres in the TCZ height rule is no longer necessary. It also means that the height and zone framework can be rationalised so that all TCZ centres have a height limit of 22m. As a consequential amendment, Rule 15.4.2.2(a) should be amended as follows:

Rule 15.4.2.2 – Height (TCZ)

	<i>Applicable to</i>	<i>Standard</i>
<i>i.</i>	<i>All sites in a Town Centre (other than specified below)</i>	<i>22 metres</i>
<i>ii.</i>	<i>All sites in a Town Centre at Riccarton, Hornby or Papanui</i>	<i>32 metres</i>

- 5.26. As the height limit across all TCZ centres is now 22m, there is no need for the built form rules that control road wall heights, as any building over 22m becomes a restricted discretionary activity under 15.4.1.3 (RD2) with matters of discretion that address streetscape and massing. I have separately recommended that the rules controlling tower dimension and separation are not appropriate across the CCZ, MCZ, and TCZ.
- 5.27. I therefore recommend that rules 15.4.2.11 (tower setbacks and wall height) and 15.4.2.12 (tower dimensions and separation), and

associated restricted discretionary rule references and matters of discretion, be deleted.

- 5.28. As with the TCZ, the submission on the LCZ provisions again focussed on aligning heights with centre hierarchy. My separate recommendations mean that just as all TCZ centres have a consistent 22m height limit, so too do all LCZ have 14m limit. Because what were the 'large' local centres are now TCZ, there is no need for the rule to refer back to the centre hierarchy in Table 15.1. This means that a consequential amendment is needed to Rule 15.5.2.2 as follows:

Rule 15.5.2.2 – Height (LCZ)

	<i>Applicable to</i>	<i>Standard</i>
<i>i.</i>	<i>All sites in a Local Centre as identified in Table 15.1 of Policy 15.2.2.1</i>	<i>14 metres</i>
<i>ii.</i>	<i>All sites in a Local Centre (large) as identified in Table 15.1 of Policy 15.2.2.1</i>	<i>22 metres</i>

- 5.29. For completeness, I note that because the LCZ rules did not permit any building over 22m, this zone does not contain any rules relating to road wall heights, tower setbacks, or tower dimensions.
- 5.30. No amendments are sought to the Neighbourhood Centre Zone provisions for sites located outside of the Four Avenues. I support the recommendation of Mr Lightbody that the height for the NCZ should have a modest increase from 12m to 14m as a commensurate response that enables a modest increase in built form of these smaller centres relative to their adjacent MRZ catchment.
- 5.31. For NCZ sites located inside the Four Avenues, consistent with my recommendations on the HRZ and MUZ in the City Centre, it is recommended as a consequential change that the heights in the discrete central city NCZ sites be increased to 36m to enable a consistent urban form for all areas within the Four Avenues apart from the CCZ. I therefore recommend that rule 15.6.2.1 be amended as follows:

Rule 15.6.2.1 – Height (NCZ)

	<i>Applicable to</i>	<i>Standard</i>
<i>i.</i>	<i>All sites unless specified below</i>	<i>14 metres</i>
<i>ii.</i>	<i>For sites within the Central City located:</i>	<u><i>36 metres</i></u>
	<i>To the east of Barbadoes Street</i>	<i>20 metres</i>
	<i>To the west of Barbadoes Street</i>	<i>32 metres</i>

6. CONCLUSION

- 6.1. The strategic direction of the Enabling Act, the NPS-UD, the CRPS, and the Spatial Plan, is to enable the management of urban growth through intensification. The District Plan rule framework needs to be integrated with this strategic direction.
- 6.2. NPS-UD Policy 3 sets out the minimum height expectations for different parts of the centre hierarchy. It is important to emphasise that the NPS-UD is an internally consistent document. Various Council experts raise concerns that meeting Policy 3 directions would not result in a well-functioning urban environment i.e. by implementing Policy 3, the resultant outcome would damage or degrade urban outcomes. My reading of the NPS-UD is the opposite – namely delivery of Policy 3 outcomes is integral to the delivery of a well-functioning urban environment – the policies are the tools to achieve the objectives.
- 6.3. I appreciate that from an urban design perspective Policy 3 does result in a significant increase in heights and change in built form relative to the status quo. Current status quo outcomes are by their nature outcomes that have been built up over the years as a result of earlier planning processes. The NPS-UD, and the Enabling Act MDRS requirements, are specifically designed to facilitate a step-change from the status quo.
- 6.4. In facilitating this step change, the NPD-UD is inherently a forward-looking document. It seeks to establish a planning framework that enables the future outcomes sought as the key tool for ensuring

sufficient housing and business capacity is delivered. It looks to what the urban environment could and should be, rather than seeking to perpetuate what it has been.

- 6.5. The introduction of MDRS standards 'lifts the base' for what suburbia looks like. There is an expectation that medium density housing is able to be delivered right across urban areas, unless there are well-proven QMs that would preclude such an outcome for specific sites.
- 6.6. Beyond the base established through MDRS, the NPS-UD requires higher densities to be enabled in locations that are well-suited for accommodating such densities. Having the right density in the right place is a key contributor to a well-functioning urban environment. Christchurch is the largest city in the South Island and the second largest in New Zealand. As such the heights directed in Policy 3 should be readily deliverable. In short, if the CBD is not an appropriate location for very tall buildings, then where is? Likewise, if the three largest suburban commercial centres in the South Island (ie Hornby, Riccarton and Papanui) are not metropolitan centres, then where would be?
- 6.7. In delivering these heights, it is important that the zone rules function as a package so that the height and capacity opportunities are genuinely enabled. The proposed suite of built form rules in the CCZ in particular are challenging as a package as they place significant restrictions on the ability of the zone to fulfil its purpose as anticipated in both the NPS-UD and the Spatial Plan.
- 6.8. I therefore support the Kāinga Ora submission that seeks greater heights in the city centre, stepping down to heights in the three metropolitan centres that are mid-way between those enabled in the CBD and those enabled in medium-sized suburban centres. The hierarchy and heights can be simplified so it is a simple progression with 90m in the centre, 39m inside the Four Avenues, 22m immediately beyond the Four Avenues and through the Commercial Mixed Use zones, with three discrete suburban focal points that are 52m, again stepping down to 36m and then 22m in the immediate centre catchments. Town Centres are rationalised with the non-NPS 'Large Local Centre' category removed and these areas grouped with the

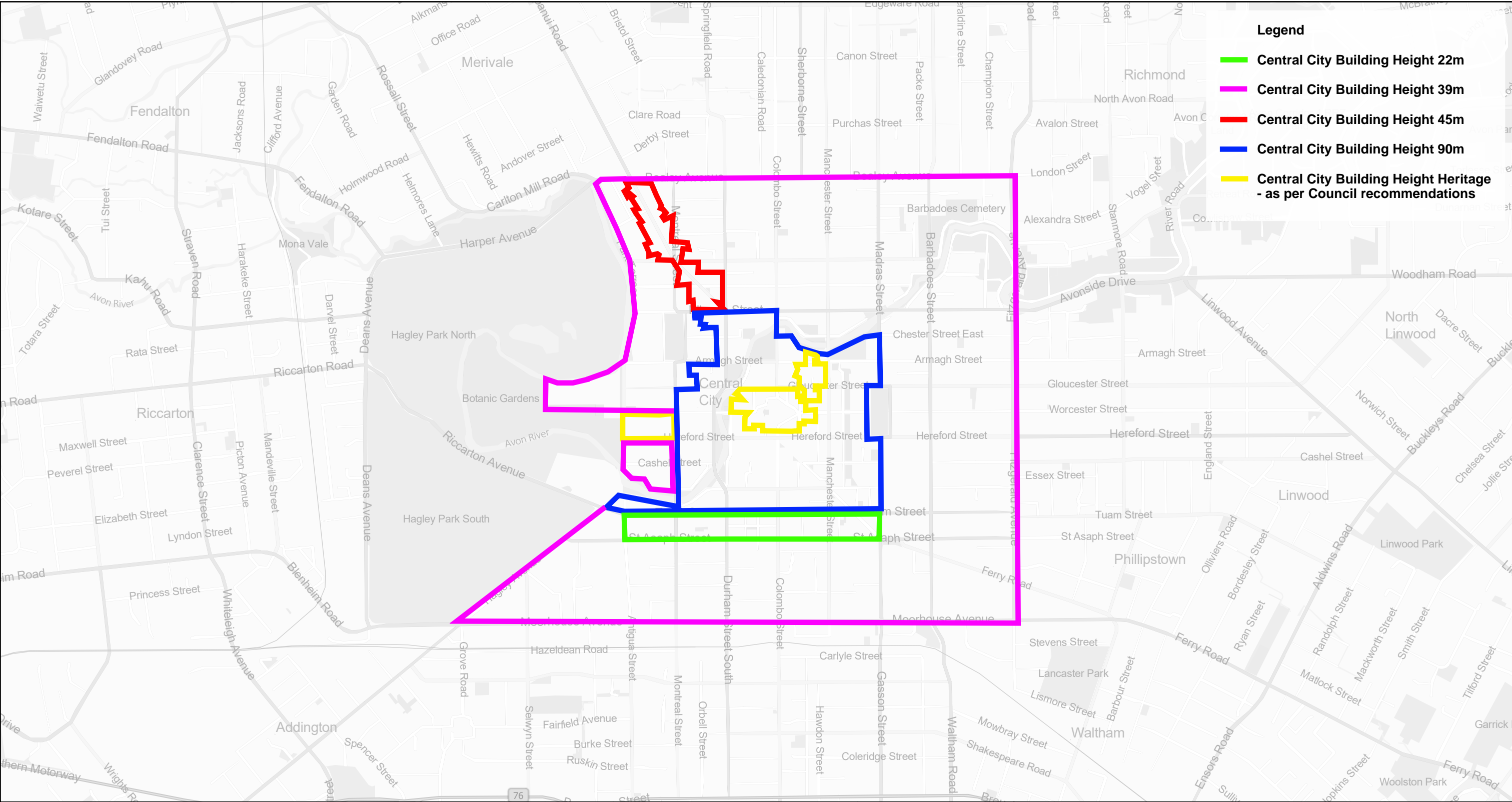
Town centre Zone. The Town Centres are surrounded by HRZ with a 22m height limit, with the geographic extent of the HRZ commensurate with the size of the centre. Finally smaller Local Centre Zones and Neighbourhood Centres Zones have a 14m height limit and are either surrounded by MRZ with a 14m limit (for the medium sized centres) or a 12m limit for the smaller centre catchments.

- 6.9. In conclusion, PC14 represents a step-change in how urban growth is to be managed and provided for. The above recommendations in my view better enable the District Plan to give effect to the national direction provided by the NPS-UD and the Enabling Act to ensure there is substantial capacity and diversity of housing along with commercial opportunities across the City to meet the future needs of the community in a manner that delivers a well-functioning urban environment as envisaged by Policy 3.

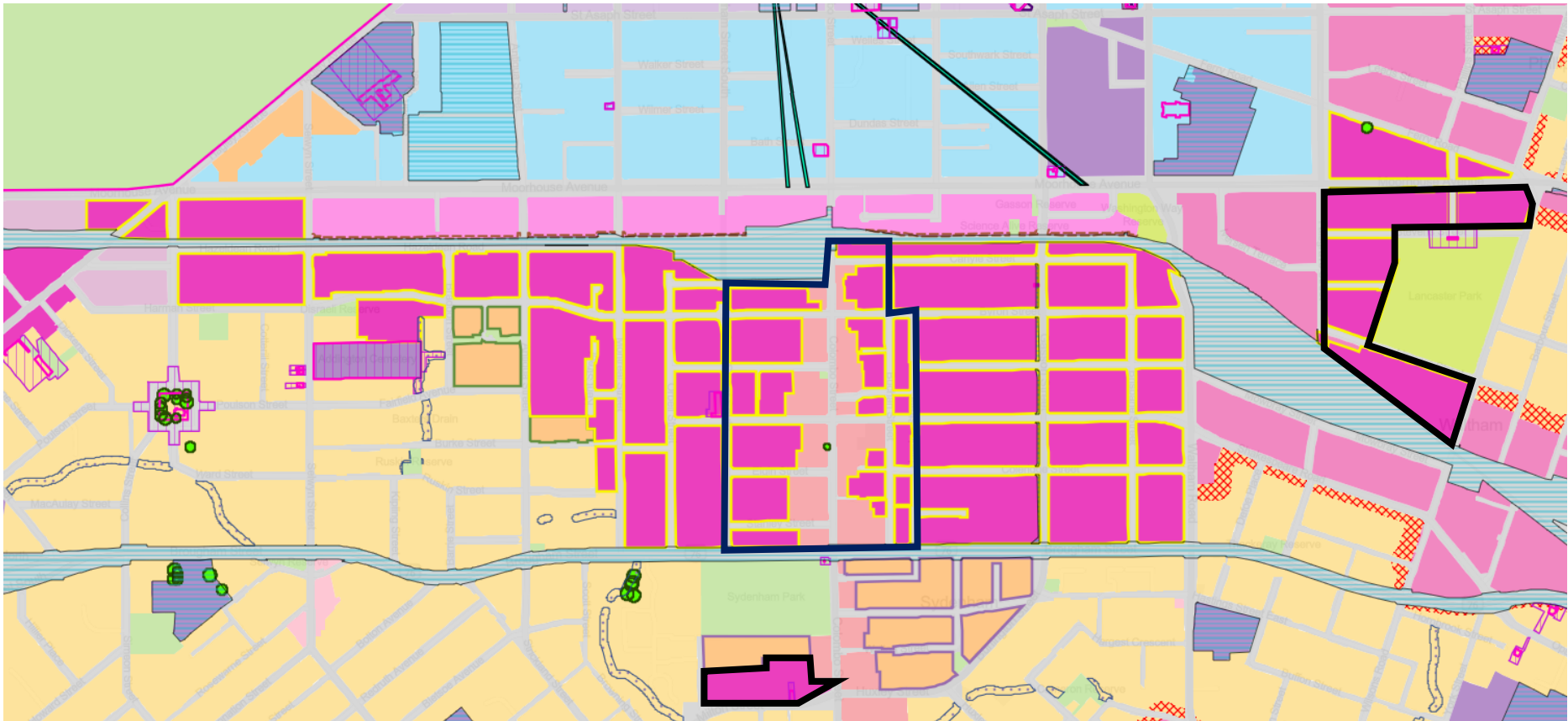


Dated 20 September 2023

Appendix 1 - Recommended Central City Heights



Appendix 2. Consolidated Mixed Use Zone adjacent to existing open space and/or retail centres



Appendix 3 – Spatial Plan outcomes for Major Urban Centres¹

Riccarton Corridor: *The opportunity is to develop the currently retail orientated areas of the Riccarton corridor for commercial development and business investment. There is the opportunity to extend knowledge-intensive services, high value jobs and innovative activity from the Central City, linking with the University of Canterbury, along the corridor; supported by high frequency public transport, and over time, mass rapid transit. There is also the opportunity to incentivise and provide for multi-storey townhouses and apartments, achieving average density yields ranging between 70 and 150 households per hectare.*

Papanui Corridor and centre: *The opportunity is to build on the existing strong retail, hospital / health sector and tourism accommodation provision to provide an intensified corridor connecting through Merivale to the Central City; noting that the Papanui / Merivale corridor is primarily focused on residential (50 to 100 households per hectare), with limited commercial. There is the opportunity to leverage this potential mass rapid transit route.*

The opportunity is to build on this existing retail and service centre for north Christchurch to provide higher density residential (70 to 100 households per hectare), and address poor quality urban form through regeneration and significant brownfield redevelopment opportunities. The opportunity is to provide a stronger, higher quality northern service centre in Papanui, with high density housing linked by high frequency public transport.

Hornby: *The opportunity is to transition the current poor quality urban form of Hornby, which has a wide mix of business and industrial activities, low density and poor quality residential, and low tree cover, into the second sub-regional service centre after the Central City. Hornby is strategically positioned in relation to Christchurch Airport and the western areas of Greater Christchurch.*

There is the opportunity for regeneration and significant brownfield redevelopment to enhance its urban form, support community integration, and provide a stronger and more integrated centre core with the transition of surrounding areas from industrial to high density residential (50 to 100 households per hectare).

¹ The Spatial Plan, pg. 36-37

Boffa Miskell s32 report – centre hierarchy criteria²

Metropolitan Centres are located to serve sub-regional catchments of Greater Christchurch and are second only to the City Centre in overall scale and intensity. They are focal points or destinations providing retail, commercial, community, recreational and residential activities and amenities. These include department stores, supermarkets, food and beverage locations, entertainment, and guest accommodation. The centres are typically located in association with a main street, with good connectivity, a range of retail opportunities both large and small and supported by a wide array of service and community activities.

Metropolitan Centres provide for a range of residential living options. A wide range of services and activities reflect the needs of the wider community and includes unique offerings from those offered in other Centres. The Centres offer high density living in the form of mixed-use towers and apartment buildings. The Metropolitan Centres have significant capacity for intensification providing the opportunity for more people to live and work in areas of high demand and good access, serviced by public transport, both existing and/or planned. Growth and intensification are supported by a comprehensive range of activities present, from larger corporate businesses to local eateries, theatre, galleries and retail. Public transit stops and corridors provide a well-integrated public transport hub for users.

The urban form of the Metropolitan Centre's is compact in extent and focused on public transport infrastructure. Building heights and densities of urban form that reflects demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys are enabled. Mixed-use buildings are encouraged to support the vitality of the Centre. Buildings are anticipated to reduce in scale as accessibility decreases, with taller buildings located more centrally within the Centre aligning with the frequent transit network. Shopping malls and anchor stores are integrated within the urban fabric with a range of building typologies to reflect the range of land uses within the Centre. Transit facilities are integrated with active modes through quality walking and cycling connections.

The Centre has a high urban amenity with buildings that are well articulated and with a focus on contributing to a high-quality pedestrian environment. The built character reinforces human scaled elements, architectural quality and form as defined by the walkable streets and blocks. The Centre incorporates open space and recreation

² S32, Commercial Centres NPS-UD, pg. 10-11, Boffa Miskell

which adds to its identity and serves the wellbeing of residents and visitors. High amenity street networks of slow speeds support active modes of transport, create lively streets and improve pedestrian safety. Servicing and parking are located internally within the blocks ensuring a pedestrian friendly environment.

Appendix 4 – City Wide Height Cross Section

Figure 1 Plan Change 14 Height Limits as recommended by Council Officers (Figure 5 Ms Williams report, para. 43)

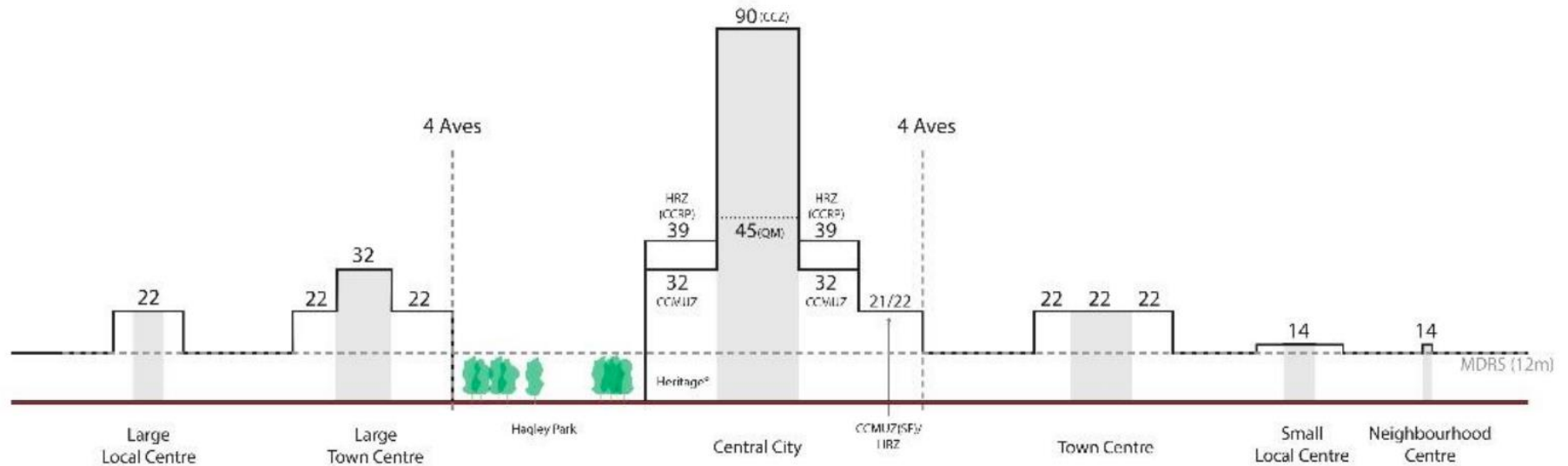
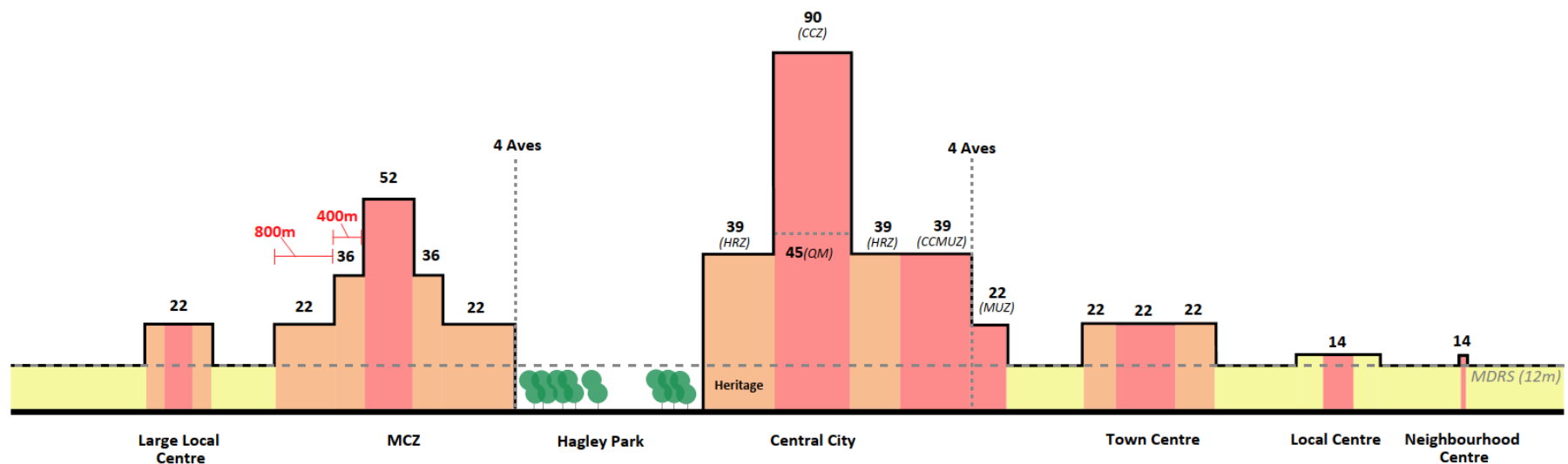


Figure 2 Recommended Height Limits. Red = Commercial, Orange = HRZ, yellow = MRZ



Appendix 5. Summary of height and zone recommendations

City Centre Zoning	centre	Operative plan (m)	Notified PC (m)	S42a recommend (m)	Cleas recommended heights (m)	Cleas recommended changes in Zone
City Centre Zone	CBD	28	90	90	Nil (or 90m as secondary relief)	
CC Mixed use	Four Avenues	21	32	32	39	
CC Mixed Use South Frame	South of CBD inside Four Avenues	21	22	22 ¹	22	
Commercial Mixed use	Sydenham, Philipstown	Nil (20m if within 15m of residential)	21	22	22 36 Mandeville St	Reduce extent
City Centre Residential Catchment						
High Density Residential	CCZ adjacent	14	32	39	39 Within 4 Aves	
High Density Residential	Within 4 Avenues	14	20	22		
High Density Residential	Outside 4 Aves, within 1.2km	11 ²	20	22	22	
Major suburban centre Zoning	centre	Operative plan (m)	Notified PC (m)	S42a	Cleas recommended heights (m)	Cleas recommended changes in Zone

¹ I note Ms Williams recommends a 21m limit

² 11m is for Residential Medium Density Zone. A number of Operative Plan residential catchments in this table will be 8m (RS/ RSDT zones)


Town Centre	Riccarton, Papanui, Hornby	20	22	32	56	Metropolitan Centre
Metropolitan Centre Residential Catchment						
High Density Residential	0-400m of centre	11	20	22	36	
High Density Residential	400m+	11	20	22	22	
Large suburban centre Zoning	centre	Operative plan (m)	Notified PC (m)	S42a	Cleese recommended heights (m)	Cleese recommended changes in Zone
Town Centre	Linwood, Shirley, Belfast (Northwood), North Halswell	20	20	22	22	Town Centre (Local centre for Ferrymead and New Brighton if hazard QMs in play and Belfast if panel review Belfast issues)
Local Centre (large)	Merivale, Sydenham, Church Corner, Ferrymead, New Brighton	12	20 (14m New Brighton)	22		
Local Centre	Prestons, Bishopdale, Barrington	12	14	14	14	
Local Centre	Lyttelton, Wigram, Woolston, Avonhead, Sydenham South, Cranford, Edgeware, Halswell, all other LCZ	12	12	14	14	

Small Suburban Centre Zoning						
Neighbourhood Centre	All small retail areas zoned NCZ	8	12	14	14	
Suburban Centre Residential Catchment						
HRZ and MRZ + Precinct.	Adjacent to: Linwood, Shirley, Belfast (Northwood), North Halswell, Merivale, Sydenham, Church Corner, Ferrymead, New Brighton	11 (RMD)	20	22	22	HRZ
MRZ Local Centre Intensification Precinct	Adjacent to: Bishopdale, Barrington, Halswell, Prestons, NW Belfast, Richmond, Wigram, Sydenham South	11 (RMD)	12	14	14	
MRZ	Adjacent to all other small - medium sized LCZ and NCZ centres	8 (RS/ RSDT) 11 (RMD)	12	12	12	

Appendix 6. Riccarton Context map



Walkable catchments from activity nodes

Green = 400m; **Yellow** = 600m; **Red** = 1.2km. **Orange** = major cycleway; **blue** = high frequency bus route;  = School.

Note: Riccarton commercial centre and core university areas are 0.5km in length, therefore a 1.2km radius from the middle equates to a less than 800m walk to one end of the centre.