

22 September 2023

By Email: info@chch2023.ihp.govt.nz

Attention: Independent Hearing Panel for Plan Change 14

Christchurch City Council
53 Hereford Street
Christchurch, 8013

Letter in support of the recommendations made in the Section 42A Report and Council's evidence for Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

Introduction

- 1.1 Oyster Management Limited (**Oyster**) made a submission on Plan Change 14 – Housing and Business Choice (**PC 14**) on 29 September 2022. The Section 42A Report for PC 14 (**Section 42A Report**) was released on 11 August 2023 and the hearing for PC 14 has been set down to begin on 10 October 2023 and conclude in early 2024.
- 1.2 Oyster has opted not to appear at the hearing for PC 14 but wishes to provide written feedback to the Independent Hearing Panel in support of the Council Officer's recommendations in the Section 42A Report relating to proposed increases to the height limits in the Central City Mixed Use (South Frame) (**CCMUZ(SF)**) zone.
- 1.3 For completeness, Oyster could not gain an advantage in trade competition through this feedback.

Background to Oyster

- 2.1 Oyster is a commercial property and fund manager that manages a portfolio of office, retail, large format retail, and industrial properties throughout New Zealand. Oyster manages approximately \$1.9 billion in assets.
- 2.2 Oyster's office assets comprise of commercial business parks and CBD offices. Its retail assets include regional shopping centres, outlet centres, suburban convenience centres, large format retail, and supermarkets, and its industrial assets comprise of logistic, manufacturing, and warehouse facilities in established industrial areas.
- 2.3 In Christchurch, Oyster's portfolio includes 229 Tuam Street, which is occupied by Kathmandu (**Site**). The Site sits within a block (bordered by Tuam Street, Madras Street, Lichfield Street, and Manchester Street) (**Block**) within the CCMUZ(SF) zone.

Support for recommended changes in the Section 42A Report in relation to height

- 3.1 PC14 as notified proposed that the height of buildings in the CCMUZ(SF) zone would be reduced from 28m to 21m.

3.2 In the Section 42A report,¹ the Council Officer:

- (a) supports retaining the current CCMUZ(SF) zone for the Site; and
- (b) recommends an increase (from 21m up to 32m) in the CCMUZ(SF) zone.

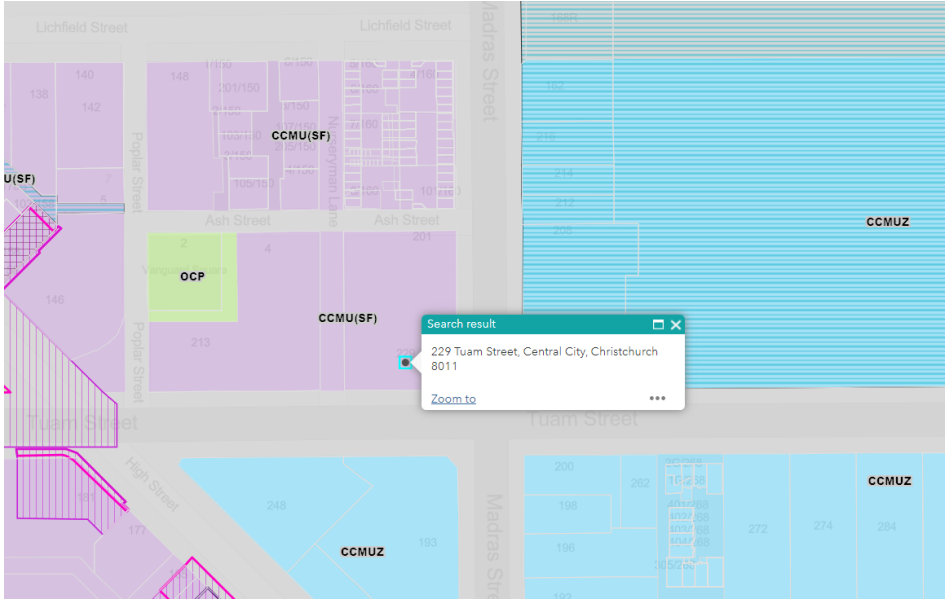


Figure 1: Proposed zoning of the Site and surrounding areas

3.3 Oyster supports the recommendation for the increase in height, as noted in 4(b) above and outlined in the supporting Statement of Evidence of Mr Andrew Willis on behalf the Council because:

- (a) Plan Change 14 must give effect to the National Policy Statement on Urban Development 2020 (NPS-UD). The CCMUZ(SF) zone is within the City Centre. Under policy 3(a) of the NPS:UD the Christchurch District Plan is required to enable building heights and density of urban form to realise as much development capacity as possible, to maximise the benefits of intensification.
- (b) Oyster agrees with the Statement of Evidence of Mr Andrew Willis where he explains that increasing the height limits will be most appropriate for implementing the relevant objectives and policies in the Christchurch District Plan. Specifically:
 - i. the role of the CCMUZ which seeks vibrant, high quality urban areas;
 - ii. ensuring a form of built development that contributes positively to the evolving amenity values of the area, including people’s health and safety, and to the quality and enjoyment of the environment for those living, working within or visiting the area;
 - iii. seeking a form of built development within the CCMUZ(SF) that improves the safety, amenity, vibrancy, accessibility and attractiveness of the

¹ Statement of Primary Evidence of Andrew Willis - Section 42A report, dated 11 August 2023 at [105].

² At [111] (a) to (g).

CCMUZ(SF), the South Frame Pedestrian Precinct and the Central City;
and

- iv. promotion of a high standard of amenity in the CCMUZ(SF) by ensuring protection of sunlight in open space areas.

Feedback on additional submissions

- 3.4 Oyster accepts the retention of the CCMUZ(SF) zone. However, for completeness, we note that Oyster also sought rezoning of the Block to the City Centre Zone (**CCZ**) or Central City Mixed Use Zone (**CCMUZ**), and greater height through the Central City Maximum Building Height overlay.
- 3.5 The submissions in relation to zoning have not been accepted and Oyster is of the view that these submissions should be reconsidered for the following reasons:
 - (a) the Block is contiguous with those zones; and
 - (b) it will better give effect to the direction in the NPS-UD to provide sufficient development capacity to meet the expected increase in demand for business land in Christchurch.
- 3.6 Other recommendations sought by Oyster related to changes sought to the development controls and to avoid triggering a discretionary activity consent. In particular, where matters of discretion are able to be articulated it is appropriate to provide for the activity as restricted discretionary.
- 3.7 Oyster opposes Rule 15.13.1.4 D2 that provides that any building that does not meet standard 15.13.2.1(a)(i)(b) is a discretionary activity. Building height standard 15.13.2.1(a)(i)(b) requires all buildings to have a maximum height of the building base of 17m. The Council should specify the matters to be considered for any breach of this standard, and provide for any breach as a restricted discretionary activity, rather than triggering a full effects assessment, which will add time, cost and uncertainty.
- 3.8 In order to give effect to the NPS:UD it is important that the Christchurch District Plan enable development, while imposing appropriate controls to achieve a well-functioning urban environment.
- 3.9 We request that the Independent Hearing Panel takes this letter into consideration when making their decision on the plan change.

Yours faithfully

MinterEllisonRuddWatts



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