

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and
Business Choice pursuant to Part 5, subpart
5A and Part 6 of Schedule 1 of the Resource
Management Act 1991

**ADDENDUM 2 TO PART 3 OF RECOMMENDATIONS REPORT IN RELATION TO CITY
CENTRE ZONE CLARIFICATIONS**

Introduction

- [1] This second addendum to Part 3 of the Recommendations Report is issued by the Independent Hearings Panel (the Panel) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded, pursuant to Part 5, subpart 5A and Part 6 of Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] The purpose of this addendum is to correct and clarify parts of the Recommendations Report in response to matters of clarification requested by the Council in accordance with RMA Schedule 1, clause 101(4)(c) as set out in the Memorandum of Counsel filed on 3 September 2024 (the Council's Memorandum).¹
- [3] The Council's Memorandum details a number of requests for clarifications relating to the City Centre Zone (CCZ), arising from three issues raised in a letter by counsel for Carter Group Limited #814 #824 #2045, and additional issues related to the CCZ identified by Council officers.
- [4] The Panel has separately issued Minute 54², and an updated Chapter 15 set of provisions which makes corrections to Chapter 15.11 and 15.14.2.6 (a)(ix).
- [5] This second addendum relates to corrections to Part 3 of the Recommendations Report.³ The amendments to the paragraphs identified below are deletions shown as ~~strike through~~ and additions underlined.

Reference

- [6] In considering the matters raised in the Council's Memorandum, the Panel has also identified an omission in a reference to paragraph 49 of Part 3 of its Recommendations Report. The addition is shown below:
- [49] This statement is consistent with the evaluation required of QMs in RMA s77O, which requires that qualifying matters allows the Policy 3 response to be less enabling of development 'only to the extent necessary to accommodate one or

¹ [Memorandum of Counsel for Christchurch City Council - 3 September 2024 - Regarding-City Centre Zone clarifications raised by Submitter](#)

² [IHP Minute 54: Response to City Centre Zone Clarifications - 11 September 2024](#)

³ [IHP Recommendations Report - Part 3 - 29 July 2024](#)

more qualifying matters that are present'. Further, the evaluation required in section 77P(3) involves an assessment of whether the qualifying matter is incompatible with the intensification response and s77R(3) requires consideration of whether the 'other' qualifying matter characteristics makes the level of urban development inappropriate considering the national significance of urban development and the objectives of the NPS-UD. The above statement is therefore consistent with our interpretation in Part 1 at [181] of what is required by the Housing Supply Amendment Act; namely that we first apply the enablement, and then calibrate its effect through the application of appropriately evaluated QMs and related provisions.

Rule 15.14.3.1(b) and Rule 15.14.2.6 in relation to a Heritage matter of discretion

[7] The Council Memorandum sought clarification regarding several points detailed in paragraph [175] of Part 3 of the Recommendations Report as detailed below:

- (a) Whether there should be a deletion of rule 15.14.3.1(b) as detailed in paragraph [175](e) of Part 3 of the Recommendations Report.
- (b) Whether paragraph [175](d) of Part 3 of the Recommendations Report, intended a wider application of the matter of control and discretion beyond that recommended in Rule 15.14.2.6.

[8] The Panel confirms in Minute 54 that the provisions related to these points are correctly drafted, however there are editing errors in paragraph [175] which we have corrected below:

[175] Having considered the s32 Report, s42A recommendations of Mr Willis and Ms Gardiner, the evidence of Mr Phillips and Mr Clease and Mr Ray (including his supplementary evidence on a revised tiered approach), along with the outcome of joint witness conferencing, and the submissions on the issue of central city building height and urban design matters, we find that:

- (a) Buildings up to 28m, with a 21m road wall height are more appropriate as permitted activities, if all other activity and built form standards are met across all 76 Joint Witness Statement on definitions of Building Base and Building Tower, 1 December 2023 49 Independent Hearings Panel - Plan Change 14 Housing and Business Choice Recommendations Report – Part 3 of 8 of the CCZ. That is because PC 14 dispenses with the differentiation

between Central City Core area CA certification pathway and the balance of the CCZ. Applying a CA activity status outside the Central City Core area would remove status quo development rights.⁷⁷

- (b) Buildings between the heights of 28m and 45m in the CCZ, should be CA – subject to rule C1 and assessed against the matters of control in 15.14.2.6 or if not certified under C1, then they are appropriately RDA. The matters of control and discretion in rule 15.14.2.6 and built form standards in our Recommendations version should apply as set out in Part 8, Appendix G.
- (c) The 90m maximum height threshold should be deleted and all buildings above 45m should be RDA subject to urban design matters of control and discretion in rule 15.14.2.6 (as amended by us) and the following additional restriction of discretion:
 - a. maximising the use of development capacity on the site along the street frontages below 45m in height.

We recommend that the additional matter relating to maximising development capacity along street frontages because of the evidence we heard that for post-recovery Christchurch the most important aspect in maximising development opportunity is to horizontally fill-in the gaps along streets and between sites before extending very high vertically. It also responds to our own findings that due to practical horizontal limits on tower dimensions (and relatively modest development capacity per storey that this form of building delivers), that the optimum use of sites in realising real-world development capacity is likely via larger-scale footprints in low-to-medium rise building 'base' elements.

- (d) That the matters of control and discretion in Rule 15.14.2.6 and 15.14.3.1 should be amended to include an additional matter of assessment for the effects of buildings in excess of 28m on the heritage values of the scheduled heritage items and settings, of New Regent Street and the Christchurch Arts Centre. We have also recommended additional drafting changes for clarity and consistency.
- ~~(e) The notified amendments to Rule 15.14.3.1b for Central City should be deleted as they are already addressed in Rule 15.14.2.6.~~

- (f)(e) The Central City Heritage Interface QM should be deleted from provisions and maps.
- (f) The Cathedral Square Interface and Victoria Street height QM, and standard should also be deleted because the relevant assessment matters are already addressed in Rule 15.14.2.6 and proposed in the Reply version of Rule 15.14.3.1 matters of control and discretion, and consequential changes to maps.
- (g) Rule RD 11 is recommended to be amended to delete reference to the Central City Heritage Interface QM, as it is no longer required, and the relevant matters are addressed in Rule 15.14.2.6. For the avoidance of doubt RD 11 shall only apply to heights of buildings within the heritage settings of the Christchurch Arts Centre and New Regent Street.
- (h) Amendments recommended in the Panel Recommendations version include drafting changes that support or consequential on the rules relating to height.

[9] The clarifications and corrections are to be read as part of and supplementary to the original Part 3 Recommendations Report.⁴

Cindy Robinson – Chair

David McMahon – Deputy Chair

Karen Coutts

Alan Matheson

Ian Munro

11 September 2024

⁴ [IHP Recommendations Report - Part 3 - 29 July 2024](#)