
**RECOMMENDATIONS REPORT: PART 3 - CENTRAL CITY, COMMERCIAL, MIXED USE
AND INDUSTRIAL ZONES**

Table of Contents

1.	Scope and Organisation of this Part.....	5
	Scope of this Part.....	5
	Organisation of this Part.....	6
2.	Centres Hierarchy	7
	PC 14 Notified Provisions	7
	Submissions and Section 42A Report Recommendations.....	11
	Findings and Evaluation on Centre Hierarchy	13
3.	NPS-UD Policy3(a) response: CCZ.....	13
	Statutory Requirements	13
	Height and density of urban form within the CCZ	16
	PC 14 as Notified: building heights and density of urban form within CCZ	18
	Submissions and s42A Report Recommendations: CCZ building height and density of urban form	20
	Building Heights.....	20
	Density of Urban Form.....	28
	CCZ Qualifying Matters.....	30
	Summary of Recommendations	31
	CCZ Height Precincts	32
	Central City Heritage Interface QM	34
	Other CCZ Qualifying Matters.....	44
	Matters of control and discretion: Height and Density of Urban Form.....	46
	Findings and evaluation of central city building heights and urban form	48
	Objectives and Policies in the CCZ.....	53
	Summary of Recommendations	53
	PC 14 as Notified.....	54
	Policy 15.2.6.3 Amenity.....	54
	Submissions and Section 42 Report Recommendations Objectives and Policies.....	54
	Findings and Evaluation Objectives and Policies	55
	Policy 15.2.6.4 Residential Intensification	56
	Policy 15.2.6.5 Pedestrian Focus.....	57
	Policy 15.2.4.1 – Scale and form of development - Central city matters	58
	Policy 15.2.4.2 – Design of new development – Central city matters.....	58
	Policy 15.5.2.1 Cathedrals in the Central City	58
4.	NPS-UD Policy 3(c)(ii) response: walkable catchment of the edge of the CCZ	63
	Statutory Requirements	63
	Submissions and Section 42A Recommendations in response to NPS-UD Policy 3(c)(ii).	65

Findings and Evaluation of walkable catchment in response to NPS-UD Policy 3(c)(ii)	66
NPS-UD Policy 3(c)(ii): Response: Central City Mixed Use zones	70
Summary of Recommendations	71
PC 14 as Notified	72
Submissions and Section 42A Report Recommendations on CCMUZ	73
Rules regarding amenity, and urban design outcomes	74
Changes in zoning boundaries of CCMUZ and CCMUZ-SF	75
Findings and Evaluation on CCMUZ and CCMUZ (SF)	76
Building heights	76
Rules regarding amenity and urban design outcomes	77
5. NPS-UD Policy 3(d) Response: Building height and densities of urban form within and adjacent to centres	77
Commensurate Response for Intensification within and adjacent to Commercial Zones	78
NPS-UD Policy 3(d) Response: within Town Centre Zones	83
PC 14 as Notified	84
Submissions and Section 42A Recommendations on TCZ	84
Metropolitan Centres or Large TCZ	84
TCZ or LCZ (or NCZ)	88
Heights in Town Centres	89
Findings and Evaluation Town Centres	91
Metropolitan Centres	91
Heights in TCZ	92
6. NPS-UD s3(d) Response: Local Centres	93
PC 14 as Notified	93
Submissions and s42A Recommendations on Local Centres	93
Findings and Evaluations on Local Centres	94
NPD-UD Policy 3(d) response: Neighbourhood Centres	94
NPS-UD Policy 3(d) Residential Intensification within the Industrial General Zone and Mixed Use Zones	95
Summary of Recommendations	95
Rezoning of Industrial General zone areas within a walkable distance of the City Centre zone to Mixed Use Zone PC 14 as Notified	95
Provisions recommended to be removed from PC 14:	98
Brownfield Overlay	100
Submissions and Section 42A Report Recommendations on Industrial General Zone Change	101
Findings and Evaluation on Industrial General Zone Change	101
7. Statutory Evaluation	102

Section 74, 75 and 76 Requirements	102
Section 32AA Evaluation of Recommended Changes.....	102

1. SCOPE AND ORGANISATION OF THIS PART

Scope of this Part

- [1] This Part (Part 3) of the Report addresses submissions on Central City and Commercial zone provisions, including adjacent industrial and mixed-use zones that give effect to NPS-UD Policy 3 and 4, and related provisions.
- [2] In particular, Part 3 of the Report is in response to, and organised in respect of, the following specific provisions of National Policy Statement on Urban Development 2020 (NPS-UD) Policy 3 and 4:
- (a) NPS-UD Policy 3(a) requires the Council in City Centre Zone (CCZ), to enable building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification (Section 3 of this part of the Report).
 - (b) NPS-UD Policy 3(c)(ii) requires the Council to enable building heights of at least six storeys within at least a walkable catchment of the edge of city centre zones. The Independent Hearings Panel (the Panel) has defined the walkable catchment as measured from the edge of the CCZ to be the area within the 'Four Avenues' (section 4 of this part of the Report). In section 4 we also address the Central City Mixed Use Zone (CCMUZ) within the 'Four Avenues' and the High Density Residential Zone (HRZ) is addressed in Parts 4 and 5 of the Report.
 - (c) NPS-UD Policy 3(d) requires the Council within and adjacent to neighbourhood centre zones, local centre zones and town centre zones (or equivalent), to enable building heights and densities of urban form commensurate with the level of commercial activity and community services. (Section 5 of this part of the report addresses 'within centres' and 'adjacent to' those centres.)
 - (d) The Panel has addressed in Section 5 of this part of the report the Council's notified proposal to rezone industrial areas that were within the Council's notified walkable catchment of the City Centre Zone (CCZ) to Mixed Use Zones (MUZ) and Industrial Zones adjacent to other centres.
- [3] NPS-UD Policy 4 allows the Council to modify the relevant building height or density requirement under NPS-UD Policy 3 only to the extent necessary to accommodate a Qualifying Matter (QM) in that area. This part of the report considers the various

qualifying matters proposed by Council and submitters affecting the CCZ and for the commercial centres at Lyttelton and North Belfast in Sections 3 and 5 of this part of the Report where relevant. All other qualifying matters affecting other zones are canvased in Parts 4 and 5 of the Report.

[4] For completeness, we have tested the submissions that requested changes to the centre's hierarchy, including the rezoning (or relabelling) of the Large Town Centre Zone (TCZ) of Riccarton, Papanui and Hornby to Metropolitan Centre Zones (MCZ) and recommended that they be rejected. We address the reasons for rejecting those submissions in our discussion of the TCZ in Section 5 of this part of the Report. Aside from that reasoning, the Report does not assess the following NPS-UD policies:

- (a) NPS-UD Policy 3(b) that requires the council in metropolitan centre zones to enable building heights and density of urban to reflect demand for housing and business use in those locations, and in all cases building heights of at least six storeys
- (b) NPS-UD Policy 3(c) (i) and (iii) that requires the Council to enable building heights of at least six storeys within at least a walkable catchment of existing and planned rapid transit stops and the edge of metropolitan centre zones.

[5] Submissions requesting changes to the spatial extent and or category of zone, are addressed in Part 7 of the Report.

Organisation of this Part

[6] Part 3 is divided into six sections that address the required Policy 3(a), (c)(ii) and (d) intensification response, as modified by Policy 4 only to the extent necessary to accommodate a qualifying matter as follows:

- (a) Section 1: Introductory matters (above)
- (b) Section 2: Centre's Hierarchy.
- (c) Section 3: NPS-UD Policy 3(a) response.
- (d) Section 4: NPS-UD Policy 3(c)(ii) response.
- (e) Section 5: NPS-UD Policy 3(d) response.

(f) Section 6: Statutory evaluation.

[7] The Panel has addressed the meaning of Policy 3 and 4, and the statutory tests to evaluate the provisions proposed by PC 14, and submissions requesting alternative outcomes in Part 1 of the Report which is to be read in conjunction with this part.

2. CENTRES HIERARCHY

[8] Prior to evaluating the Council response to Policy 3 and 4 it is helpful to set out the centres hierarchy as it exists in the Operative District Plan (ODP) and to which it is adapted in Plan Change 14 (PC 14) as notified.

[9] Such a context provides a factual basis under which to evaluate the nature of the changes requested by submitters to understand the Councils Section 42A report (s42A) response and ultimately to rationalise the Panel's recommendations on these matters.

[10] In summary we recommend that the existing Centre's hierarchy and zone classifications are retained with the required changes to the zone names in accordance with the NPS.

PC 14 Notified Provisions

[11] PC 14 confirmed the continued appropriateness of the ODP centres-based hierarchy and name changes of the existing Central City and suburban commercial zones in response to the National Planning Standards 2019 (NPS).¹

[12] The relevant name changes are as follows:²

National Planning Standards/NPS-UD Centre Zone – adopted in PC 14	Equivalent ODP Zone
City Centre Zone	Commercial Central City Business Zone
Town Centre Zone ³	Commercial Core Zones (District Centres)

¹ National Planning Standard Part 8, Mandatory directions 1 provides that a district plan ...must only contain the zones listed in Table 13 consistent with the description of those zones ... Mandatory direction 2 provides that if the existing zone in a plan is consistent of the description of the zone in Table 13, that existing zone must use that zone name in Table 13...."

² [s32 Report, Part 4](#) at 2.3.2

³ PC 14 proposes a Large Town Centre and Town Centre category.

Local Centre Zone ⁴	Commercial Core (Neighbourhood Centre)
Commercial Local Zone (Lyttelton)	Banks Peninsula Commercial Zone
Neighbourhood Centre Zone	Commercial Local Zone
Large Format Retail Zone	Commercial Large Format Centre Zone

[13] The Council did not propose a Metropolitan Centre Zone, on the basis there was no nearest equivalent zone in the ODP.⁵

[14] NPS Table 13 includes reference to a Metropolitan centre, which is described as:

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.

[15] Some submissions requested that the Large Town Centres of Riccarton, Hornby and Papanui be renamed as ‘Metropolitan Centres’, due to their role and function.⁶ The Panel address those submissions in Section 5 of this part of the Report below.

[16] The notified version of PC 14 proposed a range of building heights and densities in response to NPS-UD Policy 3 and 4, within the CCZ and commercial zones, with taller buildings provided for within the CCZ in a way that retained the existing hierarchy of centres. In doing so PC 14 proposed the following centre descriptions and maximum heights in the notified version:

⁴ PC 14 as notified proposed a Large, Medium and Small Local Centre. The [s42A Report of Kirk Lightbody](#) recommended the deletion of the medium centre

⁵ Ibid at 2.3.3

⁶ For example Kāinga Ora – Homes and Communities #834 Lendlease Limited #855 and Scentre (New Zealand Limited) #260

Commercial Centres – Floorspace and Classification ⁷

Classification/Zone	Centre	Operative District Plan	PC 14 Height	Recommended Height
Large Town Centres	Riccarton	20	22	32
	Papanui	20	22	32
	Hornby	20	22	32
Town Centres	Linwood	20	20	22
	Shirley	20	20	22
	Belfast	20	20	22
	North Halswell	20	20	22
Large Local Centres	Merivale	12	20	22
	Sydenham	12	20	22
	Church Corner	12	20	22
	Ferrymead	12	20	14
	New Brighton	12	14	14
Local Centres	Barrington	12	14	14
	Prestons	12	14	14
	Bishopdale	12	14	14
	Lyttleton	12	12	12
	Wigram	12	12	14
	Woolston	12	12	14
	Avonhead	12	12	14
	Addington	12	12	14
	Sydenham South	12	12	14
	Cranford	12	12	14
	Edgeware	12	12	14
	Halswell	12	12	14
	Aranui	12	12	14
	Beckenham	12	12	14
	Colombo/Beaumont	12	12	14
	Fendalton	12	12	14
	Ilam/Clyde	12	12	14
	North West Belfast	12	12	14
	Parklands	12	12	14
	Redcliffs	12	12	14
	Richmond	12	12	14
	St Martins	12	12	14
	Linwood Village	12	12	14
	Sumner	12	12	14
Wairakei – Greers	12	12	14	
Hilmorton	12	12	14 [sic]	
Yaldhurst	12	12	14	
Neighbourhood Centre	Neighbourhood	8	12	14

⁷ [s42A Report of Kirk Lightbody, 10 August 2024](#) extract from Appendix 5

- [17] The Council, with the Centres Hierarchy in mind responded to the requirements of NPS-UD Policy 3(c)(ii) and (d) through the application of mixed-use zoning and high-density residential zones within walkable catchments from the edge of the CCZ, and higher density residential zones or more lenient heights in residential medium density residential zones adjacent to other commercial zones, measured in terms of a smaller walkable catchment. This was proposed in a way to retain the relativity in heights across those zones, in the form of a pyramid, with the CCZ at the top.
- [18] When designing the 'catchments' in response to the requirements of Policy 3(c)(ii), which required building heights of at least six stories within a walkable catchment of the CCZ, PC 14 as notified identified a walkable catchment of 1.2km from the edge of the CCZ. Within that walkable catchment the Council, proposed HRZ (formerly the Residential Central City Zones (RCC) and some Medium Density Residential Zones (MRZ), and the continued use of CCMUZ. The Council also proposed changes to some Industrial Zones, to mixed use (including residential developments) where those zones are in a 1.2km walkable catchment of the CCZ; for example in areas of Sydenham, Addington and Phillipstown.
- [19] Continuing on the theme of maintaining relativities within the hierarchy and in response to the requirements of Policy 3(d) the Council proposed a range of building heights and densities in areas adjacent to Town Centre Zone (TCZ), Local Centre Zone (LCZ), Neighbourhood Centre Zone (NCZ) through HRZ, or a more lenient MRZ, and mixed-use zoning. All of the heights and density of urban form were calibrated to maintain the prominence of the CCZ. The Council extended the methodology of identifying 'walkable catchments' to other commercial centres, which we do not find was required for reasons which we address further below at [279] - [299].
- [20] In all cases, some areas within a walkable catchment of the CCZ, or adjacent to other commercial zones were subject to further QMs which are addressed in Sections 4 and 5 of this Report.
- [21] The Council proposed a range of QMs that either limited in whole or in part the mandatory intensification response within the CCZ and in other commercial zones, including:
- (a) Heritage items, sites

- (b) Residential Heritage Areas⁸ and Residential Heritage Interface Areas
- (c) Residential Character Areas⁹
- (d) Reduced height overlays for Cathedral Square and Victoria Street
- (e) Radio communication pathway.

Submissions and Section 42A Report Recommendations

[22] Submissions on the CCZ and on other commercial, mixed use and industrial zones sought a full range of relief including upzoning, increased building heights and densities¹⁰, down zoning and reduced heights and densities¹¹, and a range of changes in height, including unlimited heights within the CCZ.¹² Submitters also requested changes to the proposed QMs, which ranged from their removal in whole or in part, or spatial extension and also the addition of new QM's.

[23] In addition to changes to the CCZ and commercial zones, submitters requested changes to the zones adjacent to the CCZ, and other commercial zones, seeking more or less height and building density. Submissions also sought increases and decreases to the distance calculations for 'walkable catchments', both in relation to Policy 3(c)(ii) and to the response required for Policy 3(d).¹³

[24] Central City and Commercial centre submissions were addressed in s42A reports authored by:

- (a) Mr Andrew Willis in relation to the CCZ heights and density, commercial distribution and QMs applying to Cathedral Square, Victoria Street and the Radio Communication pathway.
- (b) Ms Suzanne Richmond in relation to Heritage items and Heritage interface QMs

⁸ Addressed in Part 5 of the Report

⁹ Addressed in Part 5 of the Report

¹⁰ For example Kāinga Ora #834, LendLease #855 and Scentre #260

¹¹ Various resident associations and groups, including Central Riccarton Residents' Association Inc #638, Ilam and Upper Riccarton Residents' Association Inc #39, Riccarton Bush-Kilmarnock Residents' Association #188, Victoria Neighbourhood Association #61 and Papanui Heritage Group # 150 #151

¹² For example, Luke Baker-Gartens #344

¹³ Although Policy 3(d) does not use the term 'walkable catchment' the council used walkable catchment calculations as a proxy for adjacency commensurate with the role of the relevant centre.

- (c) Ms Holly Gardiner in relation to CCZ and CCMUZ and (City Centre Mixed Use Zone South Frame) CCMUZ-SF, including matters related to urban design and rezoning requests.
- (d) Mr Kirk Lightbody in relation to commercial and industrial zones outside of the CCZ. The Lyttleton Building Height, Belfast Commercial Centre and Styx River QM and rezoning requests.
- (e) Mr Ian Bayliss addressed related rezoning requests which we have addressed in Part 7 of the Report.

[25] Underpinning the Council's response to NPS-UD Policy 3 was the maintenance of the long-established centres-based hierarchy within Christchurch and in the Canterbury Regional Policy Statement (CRPS).¹⁴ This centres-based hierarchy was summarised in the opening legal submissions for the Central City and Commercial hearing and in Mr Willis' s42A Report.¹⁵

[26] PC 14 retained the hierarchy of centres in Chapter 15 of the ODP and updated the zone names in accordance with the NPS with increased building heights and densities as required by NPS-UD, Policy 3 and 4. Within the renamed commercial zones, changes were proposed to increase maximum building heights.

[27] There was general agreement amongst economic and market expert witnesses that the high-level centres-based hierarchy remained appropriate, with PC 14 enabling higher density and intensification of development in areas that are economically efficient, layered throughout the centres hierarchy.¹⁶

[28] Although some submitters requested the up zoning of Large TCZ's to Metropolitan centres, a number of submitters also requested various down zoning of the Large TCZ within the hierarchy to avoid the NPS-UD Policy 3 directed enablement. However, overall it was not suggested by submitters that the existing hierarchy of centres that gave the central city primacy was no longer appropriate.¹⁷

¹⁴ ODP, Objectives (chapters 3 and in 15 and policies) CRPS, Chapter 6

¹⁵ [Legal Submissions of Council, Central City and Commercial Zones, 17 October 2023](#) at 1.14 and [s42A Report of Andrew Willis, 11 August 2023](#)

¹⁶ [Joint Expert Witness Statement of Economics Experts, 21 and 22 September 2023](#) in Annexure A, first row

¹⁷ See for example Riccarton Bush-Kilmarnock Residents' Association #188, Waipuna Halswell-Hornby-Riccarton Community Board #902 #1090, #2027

[29] Some submitters such as Woolworths #740 and Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited #705 sought changes within the hierarchy to support proposed and existing developments for supermarket activities. The Council recommended that the Panel reject those submissions on the basis that they were out of scope. We address requested zone changes in Part 7 of the Report.

Findings and Evaluation on Centre Hierarchy

[30] The Panel find that the existing centres-based hierarchy, with primacy given to the CCZ, remains appropriate for Christchurch in the context of giving effect to NPS-UD Policy 3 and 4 and the CRPS. We have found support in the Council's Section 32 Report, Part 4 and expert economic, planning, and urban design evidence that supports a hierarchy of intensification responses with the primacy of the CCZ as Christchurch continues along the journey of post-earthquake recovery.¹⁸

[31] The Centres Hierarchy with the changes we propose to the objectives, policies and rules and other methods gives effect to the CRPS, Chapter 6 and to the NPS-UD.

[32] Unless otherwise stated in this report we have accepted the amendments to Chapter 15, of the District Plan as set out in the Reply version and adopted them as the Panel's recommendations.

[33] We address our recommendations to the appropriate intensification responses (in terms of heights and densities) for each commercial centre within the hierarchy and the appropriateness of adding in a Metropolitan Centre in the following sections of our report.

3. NPS-UD POLICY3(a) RESPONSE: CCZ

Statutory Requirements

[34] NPS-UD Policy 3 (a) and (c) (ii) requires two responses from the Council in relation to the CCZ:

¹⁸ [s32 Report, Part 1 Overview and High Level District Issue, s42A Report of Sarah Oliver, 10 October 2023](#) and [Statement of Evidence of Tim Heath, 11 August 2023](#)

- (a) In City Centre Zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.
- (b) Building heights of at least six storeys within at least a walkable catchment of the edge of City Centre Zones.

[35] The Council has interpreted the reference to ‘City Centre Zones’ to apply to the CCZ for the purposes of NPS-UD Policy 3(a) response. The Panel accept that is correct and has relied on that as the basis for evaluating the requirements of NPS-UD Policy 3(a) and has calculated the walkable catchment from the edge of the CCZ for the purposes of NPS-UD Policy 3(c)(ii).

[36] NPS-UD Policy 4 allows the Council to modify the relevant building height or density requirement under NPS-UD Policy 3 only to the extent necessary to accommodate a qualifying matter in that area. We consider the various QMs affecting the CCZ, and the Local Centres of Lyttleton and North Belfast as proposed by Council and submitters further below. Other qualifying matters affecting zones other than the CCZ are canvassed in Parts 4 and 5 of this report.

[37] The CCZ as proposed in the notified version is surrounded by CCMUZ, CCMUZ-SF and HDZ residential zones (unless modified by a QM).

[38] It is worth pausing here to note that in the Operative District Plan (ODP), the equivalent zone is the Central City Commercial Business Zone (CCCBZ), but there were different height limits across that zone.¹⁹ Within the operative CCCBZ, there is an area identified on the Central City planning map titled ‘Central City Core, Frame, Large Format Retail, and Health, Innovation, Retail and South Frame Pedestrian Precincts planning map’, as Central City Core area. This area is the inner-city blocks bounded by Kilmore Street, Oxford Terrace, Manchester Street, Tuam Street, Cambridge Terrace, Montreal Street as far as Gloucester Street and then a dogleg around the Residential Central City Zone (RCC) back to Kilmore Street. The relevance of this ‘Central City Core’ area, is that the ODP provided separate rules for managing the built form of buildings within the Central City Core including a requirement for an urban design assessment for all buildings within the Core that are visible from publicly owned or accessible spaces. An alternative ‘certification’ pathway was included as a Controlled Activity (CA) if the building was

¹⁹ ODP Planning Map Central City Building Heights

certified by an appropriately qualified expert as meeting the urban design matters of control and discretion in rule 15.13.2.6 (PC 14, Rule 15.14.2.6) ('certification pathway'). Buildings within the Central City Core, that did not take up the certification pathway, default to Restricted Discretionary Activity (RDA) rule RD1, with the Council's discretion limited to the matters in rule 15.13.2.6 (PC 14, Rule 15.14.2.6). The ODP also provided for minimum building height of 2 storeys in the Central City Core (and in the Central City Mixed Use – South Frame) only.

[39] Within the ODP, buildings outside the Core, but zoned CCCBZ, are permitted up to 28m in height, with maximum road wall height of 21m, with some exceptions, including building heights of 17m in Victoria Street, 8m within New Regent Street and 16m within the Arts Centre. Buildings exceeding those heights are Discretionary Activity (DA). Where buildings in the CCCBZ did not meet any other built form standards (except height), they are assessed as an RDA with the relevant matter of discretion being the built form standard not met.

[40] The 28m maximum height and certification pathway for urban design matters was incorporated in the ODP, to support the recovery of the central city and give effect to the objectives of the Central City Recovery Plan to rebuild a lower rise city on a smaller city footprint, both to accord with the communities' aspirations, but also in terms of economic efficiency and to encourage building distribution across all core of the city. This included a site coverage 'continuity' of built form, with 100% site coverage and buildings built up to the road frontage in the Core, compared to 65% outside the Core.²⁰

[41] This distinction between the Core and wider CCCBZ is relevant when we come to address the appropriate consenting framework for buildings in the renamed CCZ and our approach to the *Waikanae* scope issue as it applies to the CCZ. This is because PC 14 proposes a CA status for all buildings up to 28m within the entirety of the CCZ (with the certification pathway) where as in the ODP, it is only the Core area that is CA for all buildings up to 28m. Outside the Core buildings were permitted up to 28m. PC 14 proposes to extend:

- (a) CA activity status to land where previously no resource consent was required if all other built form standards were met. As we have recorded in our findings in Part

²⁰ ODP 15.10.2.1

1, this would infringe status quo development enablements, and is therefore outside of the scope of Resource Management Act 1991 (RMA) s80E.

- (b) the 2-storey minimum height for the 'Core' and CCMUZ-SF to the whole of CCZ and all of the CCMUZ. We do not consider that the 2 storey minimum height constrains development rights, but rather supports and is consequential upon the increased intensification response applied to the CCZ and its walkable catchment area.

[42] Before the Panel consider the submissions on this topic we firstly consider the meaning of NPS-UD Policy 3(a).

Height and density of urban form within the CCZ

[43] The Panel begin by considering what, in relation to NPS-UD Policy 3(a), does "heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification" mean.

[44] NPS-UD Policy 3(a) is an enabling provision. The Council must provide the planning framework that will enable intensification to occur. The Panel interpret the use of the term "to realise" to introduce a reality check, that the provisions must be realistic in light of the circumstances of the district. "Realise" is not separately defined in the NPS-UD, but ordinarily means to "make real or realistic; convert into actuality."²¹ "Development capacity" is defined to mean:²²

the capacity of land to be developed for housing or for business use, based on:

- (a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and
- (b) the provision of adequate development infrastructure to support the development of land for housing or business use

[45] Our interpretation of NPS-UD Policy 3(a) is that there is a need for both the planning provisions or framework (including zoning) and adequate development infrastructure²³ to support the development of land for housing and business use.

²¹ Shorter Oxford Dictionary online application.

²² NPS-UD at 1.4

²³ Ibid **development infrastructure** means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002): (a) network infrastructure for water supply, wastewater or stormwater (b) land transport (as defined in section 5 of the Land Transport Management Act 2003)

[46] Policy 3(a) means that the required planning response has to be a realistic one, supported both by the relevant planning provisions and available infrastructure.

[47] The meaning of “maximise the benefits of intensification” was not immediately clear to us. There appeared to be two available interpretations based on the drafting of Policy 3(a). The first was that by providing a planning framework that provided as much development capacity as possible the benefits of intensification could be assumed to occur or, alternatively it was necessary to find the ‘sweet spot’ or that there was an inevitable tipping point at which point the benefits of intensification may be disabled or reduced. The Council framed this as asking the question “is there a point at which realising development beyond a certain amount starts to cause disbenefits so that the benefits of intensification are no longer maximised?”²⁴

[48] Mr Willis quoted extensively from the Ministry for the Environment (MfE) guidelines for implementation of the NPS-UD prepared in 2020.²⁵ Although we are not bound by the guidelines, we do note that MfE appears to have assumed the first of the above interpretations of ‘to maximise the benefits of intensification: in providing as much development capacity as possible the benefits of intensification are maximised. According to MfE, the real focus is on “as much as possible”.

In city centre zones, tier 1 local authorities are required to enable building heights and density of urban form to support as much development capacity as possible. This is to maximise the benefits of intensification. In practice, ‘as much as possible’ means removing unnecessary and unreasonable barriers to accommodate the maximum amount of development capacity that can be realised. Removing these barriers will help to enable greater up-zoning in city centres where intensification will have the greatest benefits.

[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 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 [XX] of what is

²⁴ [Legal Submissions of Council, Central City and Commercial Zones, 17 October 2023](#) at 3.11.

²⁵ [Understanding and implementing intensification provisions for the National Policy Statement on Urban Development | Ministry for the Environment](#)

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.

[50] For completeness we record that we also considered in some detail the alternative interpretation - that there might be a 'sweet spot' of enabled development capacity within the CCZ beyond which inappropriate disbenefits (i.e., disbenefits sufficient to outweigh any benefits) might accrue. Although several of the Council's witnesses cautioned us against the effects of over-enablement in general terms, no robust evidential position was advanced seeking to specifically identify when such a tipping point would be arrived at, nor explain how that might be measured or what specific disbenefits would accrue and why those would be unacceptable or unmanageable. Without such a solid factual framework to rely on, we found this potential policy interpretation unable to take us anywhere helpful, including even testing whether in fact the Council's own approach might have been "too much". Had we found that the alternative interpretation was the correct reading of NPS-UD policy 3(a), we would have arrived at the same recommendations for the District Plan simply because of a lack of sufficient evidence to demonstrate that any notional "tipping point" had been arrived at.

[51] For the forgoing reasons, we have approached our evaluation on the basis that the starting point is to enable as much development as possible. What is 'possible' necessarily includes consideration of the existence of qualifying matters listed in s77O, that might make the intensification response inappropriate in some areas. We then account for these with the least possible regulatory intervention supported by the required s32/s32AA evaluation.

[52] We now return to our consideration on building heights and density of urban form within the CCZ.

PC 14 as Notified: building heights and density of urban form within CCZ

[53] As notified PC 14, built form standard 15.11.2.11 provided for the maximum building height of 90m, although all buildings (including those above 90m) default to RDA based on the combined effect of a number of built form standards within the CCZ.

[54] Exceptions to the 90m height maximum included, New Regent Street within the heritage setting, 8m, The Arts Centre of Christchurch precinct 16m and Victoria Street and Cathedral Square precincts 45m.

[55] The Council also proposed a Central City Heritage Interface QM, which limited the maximum height to 28m in the following areas:

- (a) Land on the east side of Montreal Street between Worcester Boulevard and Hereford Street
- (b) 145 Gloucester Street and 156 Armagh Street to the west of New Regent Street
- (c) All sites in the block bounded by Armagh Street, Manchester Street, Gloucester Street and New Regent Street (but excluding New Regent Street)
- (d) Sites with road boundaries on the north side of Armagh Street at 129, 131, 133, 137 and 143 Armagh Street, and
- (e) Sites with road boundaries on the south side of Gloucester Street at 158, 160, and 162 Gloucester Street, 113C Worcester Street, and the units at 166 Gloucester Street

[56] In addition to the maximum over all building height of 90m, rule 15.11.2.11 provided a new 'building base' maximum height of 28m, applying to all buildings except within New Regent Street and the Arts Centre. PC 14 retained the maximum road wall height of 21m (except within 30m of a street corner where the road wall height was 28m) in Rule 15.11.2.12.

[57] PC 14 provided that buildings that exceed the maximum permitted heights specified above, are RDA, and subject to assessment against the matters of control and discretion for urban design and height.

[58] Irrespective of height, PC 14 proposed all buildings in the CCZ would require resource consent as either a CA (up to 28m) if subject to urban design certification, or as an RDA with a separate set of matters of control and discretion in relation to urban design.

[59] PC 14 proposed new built form standards for building tower setbacks²⁶ and the maximum building tower dimension and building tower coverage and building tower separation.²⁷

²⁶ Built Form Standard 15.11.2.14

²⁷ Built Form Standard 15.11.2.15 and 16

[60] PC 14 included new RD 11 to include additional matters of control and discretion for buildings that do not meet Rule 15.11.2.11 (a)(ii), (iii) and (iv) on New Regent Street, within the Arts Centre and in the Central City Heritage Interface QM:

- (a) The impact on the heritage values of the Arts Centre or New Regent Street heritage items and heritage setting, and the extent to which the increase in building height would be mitigated by the building's form, design, or location on the site.
- (b) Whether the proposed building would visually dominate the Arts Centre or New Regent Street heritage items and heritage setting or reduce views of those sites to or from a road or other public space.
- (c) The Matters of Discretion for maximum building height – Rule 15.14.3.1

[61] In terms of the urban design matters in Rule 15.14.2.6, as notified PC 14 did not propose any new matters of control and discretion beyond those in the ODP, apart from the introduction of new matter RDA 11 above, for specific sites. New matters of discretion and control were included for height exceedances in the CCZ in Rule 15.14.2.11.

[62] PC 14 also proposed a number of changes to Objectives and Policies to support or as a consequence of increased heights and density of urban form, and QMs.

Submissions and s42A Report Recommendations: CCZ building height and density of urban form

Building Heights

[63] Mr Willis explained in his s42A Report and summary statement that the Council considered a range of heights and density controls in the central city including 28m, 32m, 50m, 90m and no height limit. He explained that a maximum 90m height limit, and maximum height of a building base of 28m was arrived at following a thorough s32 evaluation of the options.²⁸ The Section 32 Report, also evaluated the appropriateness of a number of height related QMs in the central city.²⁹ Providing no height limit, was dismissed as an option because Mr Willis said that even before the earthquakes there were few very tall buildings in Christchurch, and that there was some risk in providing

²⁸ [s32 Report, Part 4 - Commercial \(District Plan Change 15 and Industrial Chapter 16\)](#) and appendices

²⁹ [s32 Report, Part 2, Appendix 31](#) and [s32 Report, Part 2, Appendix 32](#)

no height limit because this may 'soak up' market demand and lead to a poor functioning urban environment.

[64] The Section 32 Report Part 4 described building heights pre and post-earthquake as follows:³⁰

- (a) 1.1.1 Prior to the Christchurch Central Recovery Plan (CCRP), building heights in the Central City provided for heights of 60-80m in the 'frame' (the area around the inner edge of the Central City), 45m in the 'core' (to provide openness and sunlight for Cathedral Square), whilst the east and west fringes enabled 30-40m. A lower height limit of 20m applied to City South.
- (b) 1.1.2 The pre-earthquake landscape included a number of tall buildings. Approximately 50 buildings exceeded 30m in height and approximately 29 buildings had heights between 21m and 29m in the Central City. The tallest building was the 'Pacific Tower' on Gloucester Street at 86.5 metres (23 storeys), which still stands today. Approximately, 10-15 of the pre-quake buildings exceeded the current District Plan permitted height limit of 28 metres.
- (c) 1.1.3 The February 2011 earthquake damaged many of the City's tall buildings, leaving approximately 20 buildings above 35m in height.

[65] Mr Willis explained that the ODP maximum building height of 28m implemented a preference for lower rise post-earthquake building heights because of the need to consolidate commercial activity and carefully distribute this in a smaller commercial area to avoid large activity gaps. Lowered building heights and restrictions on office scale in the mixed-use zones were employed as tools to achieve this. The lower height limits also assisted in achieving the lower rise aspirations of the community and avoid adverse effects on the streetscape without compromising economic viability.

[66] Mr Willis had not been involved in the preparation of the original Section 32 Report, however, having considered the urban design evidence of Mr Ray³¹, economic evidence of Mr Heath³² and feasibility evidence of Ms Allen³³, he recommended some changes to the CCZ provisions, including a change in status for buildings over 90m to be DA, instead

³⁰ [s32 Report, Part 4 - Commercial \(District Plan Change 15 and Industrial Chapter 16\)](#) at 1.1.1-1.1.3

³¹ [Statement of Evidence of Alistair Ray, 11 August 2023](#)

³² [Statement of Evidence of Tim Heath, 11 August 2023](#)

³³ [Statement of Evidence of Ruth Allen, 11 August 2023](#)

of the notified RDA. He concluded the proposed framework struck the appropriate balance between realising as much development capacity as possible to maximise benefits of intensification whilst still achieving a well-functioning urban environment.

[67] During the Central City and Commercial Zone hearing, the Panel asked Mr Willis to further explain his rationale and identify what other matters, beyond those in Rules 15.14.3.1 and Rule 15.14.3.35, might justify increasing the activity status to a fully discretionary activity. Mr Willis listed the following matters, Traffic (both vehicular and pedestrian), additional urban form considerations depending on the location of the proposed taller building within the central city. He considered that taller buildings on the edge of the CCZ, may have greater impact on urban form than those located in a more central position. Mr Willis also mentioned possible distribution effects in the event a tall building soaked up demand, thereby reducing development opportunities on other sites (which in turn had an effect on urban form and efficiency of land use). Mr Willis was not confident he could list all possible matters. In any event Mr Willis was of the opinion that, provided there was an appropriate policy framework to support the use of discretionary activities, they too could be considered enabling. We do not agree with his interpretation given the NPS-UD interprets 'enabling' to be Permitted Activity (PA), Controlled Activity CA and Restricted Discretionary RDA only.

[68] Ms Holly Gardiner also provided a s42A Report focused on the urban design aspects of the height rule package. Ms Gardiner, having considered submissions and the evidence the Council's urban design expert Mr Ray suggested further modifications to the matters of control and discretion to address urban design matters.³⁴ Mr Ray recommended the shift of the maximum height of 90m to a fully discretionary activity and recommended a number of new built form standards in relation to wind effects and additional matters of control and discretion.

[69] On the issue of heights within the CCZ there are a broad range of submissions seeking lower and higher building heights. Mr Willis summarised these as follows:

- (a) No height limit anywhere in the zone e.g. Ceres New Zealand LLC. #150, Carter Group Limited #814 #824 (Carter Group) and Luke Baker-Gartens #314

³⁴ [Supplementary Statement of Evidence-of Alistair Ray, 14 December 2023](#)

- (b) Greater height limits, e.g. Bob Hou #429, or support PC 14's proposed heights in the CCZ, e.g. Logan Brunner #191 and Kāinga Ora – Homes and Communities #834 (Kāinga Ora).
- (c) A lower height limit, e.g. Mary-Louise Hoskins #670, Peter Troon #422 and Robert Manthei #200.
- (d) Lower heights in identified locations, e.g. Marjorie Manthei #273 who seeks 60m as far north as Kilmore Street.
- (e) Lower heights than PC 14 everywhere e.g. Pamela-Jayne Cooper #625 who seeks a 60m height limit (with consent), and the Victoria Neighbourhood Association #61 who seek 45m.
- (f) The retention of the ODP heights, e.g. Paul McNoe #171, Jack van Beynen #309, Suzanne and Janice Antill #893, Susanne Antill #870, Rosemary Fraser #26, Marina Steinke #378 and the Atlas Quarter Residents Group #224.
- (g) A lower height than the ODP, e.g. John Bennett #367 who seeks 26m, Kate Revell #228 and Chris Neame #339 who seek 22m, Dr Sandy Bond #317 who seeks buildings limited to 5-6 storeys, Paul Wing #70 and Steve Burns #276 who seek buildings to five storeys, Malaghans Investments Ltd #818 who seek three storeys in defined areas and a non-complying status for height breaches.

[70] There were also submissions on the objectives and policies to support the submitter requested rule changes, for example Kāinga Ora seeking to remove the text “...*and limiting the height of buildings to support an intensity of commercial activity across the zone*” from Objective 15.2.5 because they consider this restriction is no longer appropriate in the CCZ.

[71] There are also various further submissions in support or opposition, for example from Hugh Nicholson #2007 supported the ODP height limits on the basis of the work undertaken to support the CCRP and because of the extent of earthquake damage in Christchurch, and the scale and national significance of the ongoing rebuild of New Zealand's second largest urban area. Mr Nicholson's evidence was also supported by submitter Mr Richard Ball, a resident of the Atlas Quarter in the Centre City Zone.³⁵

³⁵ Richard Ball, Atlas Quarter Residents Group #224

[72] Some submissions that requested lower height limits, or retention of the status quo raised concerns about the potential safety risk of earthquakes. The Panel accept that may have been a commonly held belief post-earthquake that this was the main rationale for the low to mid rise city. However, the evidence before us is that the objective was wider than this to encourage a more even distribution of development across the new smaller city footprint to address street scape and urban design matters and to encourage as much development as possible to the central city for economic efficiency reasons.³⁶

[73] Of the submitters seeking more liberal activity status for greater height limits the Panel heard expert planning evidence from Mr Phillips for Carter Group Limited #814 #824. Carter Group had particular concerns regarding a proposed 28m height limit at 129-143 Armagh Street as part of the Central City Heritage Interface qualifying matter associated with New Regent Street (compared to 90m for the majority of the Central City Zone) – this remained in contention as between the planners and Council heritage planning witnesses. We address the Central City Heritage Interface qualifying matter below.

[74] Mr Phillips proposed changes to the rule framework for addressing the height response to give effect to NPS-UD Policy 3. His proposal was set out in Attachment 2 to his summary statement³⁷ as follows:

1. Modification of the existing policy framework (particularly the policies under objective 15.2.4 regarding urban form, scale and design outcomes) to recognise and manage the higher and denser form of development enabled. This policy suite currently provides the basis for the urban design and height rules and corresponding assessment matters.
2. The existing urban design rules largely unchanged, with
 - (a) Controlled activity status for applications certified by an independent urban designer (status quo);
 - (b) Restricted discretionary activity status for applications that are not certified (status quo);
 - (c) Urban design assessment criteria similar to the status quo, but with refinement to account for matters that might warrant particular consideration for higher or denser forms of development.
3. A tiered approach to maximum building height rules, with:
 - (a) Permitted activity status for buildings up to 28m (status quo);
 - (b) Controlled activity status for buildings above 28m and up to a moderate height (e.g. 45m) with new matters of control to allow for conditions to be imposed to manage specific height-related effects of buildings at these moderate heights;

³⁶ As we have explained in Part 1 at paragraph [272]

³⁷ [Summary Statement of Jeremy-Phillips, 25 October 2023](#)

- (c) Restricted discretionary activity status for buildings above that moderate height with either no further threshold (i.e. any building above that height is a restricted discretionary activity), or with a further (fully discretionary) threshold for buildings above 90m as is proposed.
- (d) Assessment matters refined to specifically address the issues relevant to taller buildings.

[75] In relation to building heights the following issues remained in contention in submissions and evidence:

- (a) Is a maximum building height appropriate to enable the district plan to realise as much development capacity as possible in the central city, to maximise benefits of intensification, and if so what is the most appropriate maximum height?
- (b) Is it necessary to include modified building heights in and adjacent to Victoria Street, Cathedral Square, New Regent Street, and the Arts Centre to accommodate the identified qualifying matters, or can the issues be addressed through appropriately worded matters of control or discretion?

[76] In order to support, or as a consequence of the enabling as much development capacity as possible to be realised in the central city zone, to maximise benefits of intensification:

- (a) Should there be a minimum building height in the central city?
- (b) Should buildings, at varying height thresholds be permitted, controlled, restricted discretionary or fully discretionary activities?
- (c) Should the ODP alternative CA consenting pathway for design certification be extended beyond the 28m height threshold and if so to what extent?
- (d) What amendments are needed to zones, objectives, policies, and other methods to give effect to NPS-UD, Policy 3 and 4.

[77] The Panel asked expert planning witnesses for the Council and submitters to attend expert witness conferencing to consider these issues which they did.³⁸ Urban Design Experts, including Mr Ray, Mr Nicholson Mr Compton-Moen, Mr Clease, and Ms Williams also attended a separate conference on urban design matters more generally. They produced a Joint Witness Statement (JWS) for our consideration.³⁹

³⁸ [IHP Minute 20, 30 October 2023](#)

³⁹ [Joint Witness Statement of Urban Design and Architecture Experts, 5 October 2023](#)

- [78] The JWS recorded that the planning witnesses discussed and generally agreed to the proposed framework for buildings up to 28m, which in effect reflected the ODP status quo and retained the controlled activity, urban design certification approach.⁴⁰
- [79] For building heights and density between 28m and 45m a number of changes were agreed to the rules framework regarding building towers and setbacks, along with amended definitions to building tower and base.
- [80] In terms of the 90m height threshold, it was accepted by the planners that even if this was not found to be providing for as much development as possible, due to the circumstances in Christchurch it was generally accepted buildings beyond 90m were unlikely, therefore there was little consequence of the 90m nominated threshold.
- [81] The planning witnesses focused their attention on whether the activity status should be an RDA or DA beyond 90m. It appeared to us that the planners were largely agnostic on this matter, as they accepted that if it were possible to identify all potentially relevant considerations then an RDA was most appropriate, and if not, then a DA is the appropriate default activity status. The planners did not have time to identify all potentially relevant RDA matters of control and discretion. There was general agreement that good design outcomes were important and that was provided in the ODP with the certification or RDA pathway. They agreed that there was increased risk of poor design outcomes for taller or bigger buildings.
- [82] There was agreement that the certification consenting pathway was novel and had not yet been applied to significant central city developments. There was an acknowledgement of the potential application of the certification pathway for buildings up to 45m, with perhaps the addition of more than one certifier.
- [83] The JWS included a note that currently the Council has received 19 applications since October 2017 for certification pathway consent in the central city and further 28 applications in the central city, including the South Frame mixed use zone that potentially met the criteria but did not choose this pathway.
- [84] Mr Cleese and Mr Phillips favoured an extension of the certification pathway, while Ms Gardiner and Mr Willis considered that the RDA process which involved a range of urban

⁴⁰ However, as noted above at [41] when referring to 'status quo' the planners did not distinguish between ODP Central City Core provisions and those applying to the wider CCCBZ

designers rather than a single certifier was more robust. Ms Gardiner and Mr Willis considered that the certification process should not be extended until it was reviewed for its effectiveness. Mr Cleese and Mr Phillips considered the certification process provided more certainty for developers and Mr Willis and Ms Gardiner preferred the RDA consenting pathway.

[85] The planning witnesses also discussed whether there should be a change to the minimum height of two storeys provided in the ODP and proposed to be retained by PC 14. The planners agreed that the inclusion of a minimum height threshold involved a trade-off between short term urban form gains that enables sites to be built on, even of only two storeys, versus a long-term opportunity cost of under development. It appeared the merits of this matter were not really resolved, except that it was noted that currently the 2-storey minimum was focused on urban design outcomes, rather than an economic or capacity evaluation. We note that Mr Osborne had also supported the 2 storey minimum, as the appropriate point at which development would still be encouraged across the central city, whereas at 3 or 4 storeys the cost of development would likely be a disincentive, and result in continued vacant land.⁴¹

[86] The planners agreed that in general terms the objectives and policies were appropriate, with Mr Phillips suggesting a change to the ordering of the matters a) and b) in Policy 15.2.4.1. As a consequence of our recommendations in relation to other parts of that Policy, the change is now moot.

[87] In addition to the planning witness conference, urban designers also met to discuss appropriate assessment matters at the various height thresholds. The Urban Design JWS⁴² addressed height and urban design matters in the CCZ, and generally agreed on the three-tiered approach of all buildings needing a resource consent up to 28m, a more enabling framework between 28 and 45m, but controls to avoid excessive massing, and provide a high-quality design. There was general agreement that above 45m a more stringent assessment would be required with rules to encourage a podium and tower arrangements (slender towers) and fully discretionary above 90m. Mr Compton-Moen favoured greater reliance on assessment matters rather than prescriptive rules around podium and tower heights.

⁴¹ Mr Osborne, answer to questions from Panel on 11 October 2023, morning session 2

⁴² [Joint Witness Statement of Urban Design and Architecture Experts, 5 October 2023](#)

Density of Urban Form

- [88] The Panel identified an issue about the relationship between heights and CCRP policy preference to support full development of sites within the core of the central city. That was because one of the strong drivers for the low-to-mid-rise-built form post-earthquake was to encourage the full development of sites in the inner city and to fill in the gaps along street frontages. Ms Olliver, Mr Heath and Ms Allan all commented on this in their evidence.
- [89] Mr Nicholson also presented a statement on the rationale for a low, midrise city and the importance of encouraging vacant land to be developed.⁴³ It occurred to the Panel that one way to achieve the Policy 3(a) mandatory increase in development capacity was to enable as much development capacity as possible, to maximise benefits of intensification at a more modest increase in height, say 45m, rather than relying on tall (and inherently low-GFA with a small-footprint per-storey) towers, which might not provide suitable floor plates for all residential and business activity. That is not to say that taller towers are inappropriate, but the evidence demonstrated that it was not realistic to assume that significant development capacity would be achieved beyond 60, 70 or 90m. The evidence was that even pre-earthquake, there were only a few tall towers. We explored these options with Mr Ray, and Mr Heath during the hearing.
- [90] Mr Ray filed a supplementary brief of evidence and set out his views on an alternative approach.⁴⁴ He considered that the appropriate threshold for this alternative was 45m because above 45m there are only a few buildings. He remained concerned that there was still a ‘massing’ or potential dominance of urban form at 45m and he referred to the Civic offices on Hereford Street and the former IRD building on Cashel Street as examples where 45m high buildings, had the potential to adversely impact on amenity and urban form. He explained that whilst both buildings sat quite comfortably within the city form from a height perspective, they both have relatively large building massing (combination of height and width and length) which can dominate streetscape.
- [91] In response he considered, buildings above 45m should be more slender towers and even at 28 to 45m it was still appropriate to have some degree of control around the size

⁴³ [Statement of Evidence of Hugh Nicholson, 22 September 2023](#)

⁴⁴ [Supplementary Statement of Evidence of Alistair Ray, 14 December 2023](#)

of the footprint and therefore a control on 'massing'. He recommended the following approach:

- (a) Buildings up to 28m – Mr Ray did not recommend any change from the ODP and PC 14 as notified. An RDA consent will be required, unless the CA urban design certification process is followed. We note here that this is the rule framework for the ODP Central City Core area, whereas outside that area 28m is permitted provided the built form standards are met.
- (b) Buildings between 28m to 45m – Mr Ray could support buildings in this range subject to design quality (additional assessment criteria apply). He proposed that buildings would still need a Restricted Discretionary (RD) consent. Mr Ray did not support urban design certification because his view is that Council officers would provide a much greater degree of independent scrutiny as well as holding knowledge of the strategic / wider physical and policy context is required as buildings project above the current 28m ceiling. In addition, he recommended buildings would require a 6m setback from the street above 21m, and a setback from the side/rear boundary as per PC 14 as notified. However, he now recommended that any part of the building above 28m can have a floorplate up to a maximum of 1,200m² so long as the building overall is not higher than 45m. That was on the basis of his experience that 1,000m² represents the typical minimum expected by commercial developers (although recognising there are still exceptions below this figure), in his view 1,200m² represents a typical figure. A breach of this standard will still only require RD consent, and in some cases the figure could be breached if the overall design approach is well designed.
- (c) Buildings above 45m – would be subject to design quality (additional assessment criteria apply) as per PC 14 as notified. Buildings would still need RD consent and proposed tower dimensions, and setbacks apply, effectively limiting floorplates to approximately 750m² encourages slim, residential and hotel towers (although his view was that this does not necessarily exclude commercial buildings). He did not support urban design certification process for buildings above 45m, as a much greater degree of independent scrutiny is required as buildings project above the current ceiling. In his view buildings would require a 6m setback from the street above 21m, and a setback from the side/rear boundary as per PC 14 as notified. However, to avoid a building that is 1,200m² floorplate between 28m and 45m and then another slender tower protruding above this he proposed these tower

dimensions and setbacks apply for any part of the building above 28m if the overall building height is above 45m.

[92] We have also considered whether the 90m height threshold provides for realistic development capacity, for residential and business uses. Mr Heath had not considered the effect that other urban form provisions regarding tower dimensions may have on yield. However, he accepted that provisions that enabled more of a site to be developed across a lower height could deliver more development capacity than a taller building with a limited floor plate.⁴⁵

[93] We have concluded that the 90m maximum height limit is an arbitrary threshold which is not appropriate or necessary in the Christchurch context. We prefer a tiered approach that enables as much development capacity as possible to be realised between 28m and 45m, and whilst not discouraging taller buildings, the RDA assessment matters are appropriately targeted to include urban design matters to support a well-functioning urban environment.

[94] We further evaluate this tiered approach, following our consideration of a number of proposed heights related Central City QMs.

CCZ Qualifying Matters

[95] As notified PC 14 proposed modified height limits and urban design to address the following identified qualifying matters:

- (a) Cathedral Square Interface – 45m
- (b) Victoria Street building height – 45m
- (c) Arts Centre heritage setting – 16m
- (d) Central City Heritage Interface: Sites on Montreal Street adjacent to the Arts Centre – 28m
- (e) New Regent Street heritage setting – 8m
- (f) Central City Heritage Interface: Armagh Street opposite New Regent Street – 28m

⁴⁵ Hearing, 25 October 2023, Morning session 1

- (g) Radio Communications QM

Summary of Recommendations

[96] The Panel recommends that:

- (a) the Cathedral Square Interface be deleted and replaced with appropriately drafted matters of control and discretion.
- (b) the Victoria Street height QM be deleted.
- (c) In relation to the Arts Centre:
 - i The height limit of 16m be retained for the Montreal, Cashel, Rolleston Avenue and Worcester Boulevard block where the Arts Centre is located.
 - ii Central City Heritage Interface precinct be deleted and replaced by a matter of control and discretion applicable to this location.
- (d) In relation to New Regent Street:
 - i the 8m height limit within the setting from the ODP be retained subject to removing the setting from the footpath on the north side of Armagh Street.⁴⁶
 - ii the Central City Heritage Interface QM proposed for sites adjacent to New Regent Street be deleted and replaced by a matter of control and discretion applicable to this location.
- (e) the Radio Communications QM be deleted.
- (f) That the submissions in support of the PC 14 notified CCZ qualifying matters be rejected and those opposing them be accepted in part.

⁴⁶ Agreed between Mr Phillips, Mr Willis and Ms Richmond, [Rebuttal Evidence of Suzanne Richmond, 9 October 2023](#) at 73

CCZ Height Precincts

*Cathedral Square Interface*⁴⁷

- [97] In relation to Cathedral Square, PC 14 proposes 45m height limit for identified sites adjacent to Cathedral Square. The height limit is 28m in the ODP, and prior to the CCRP/ODP the height limit had been 45m with a rule managing sunlight admission to Cathedral Square. It was not disputed that Cathedral Square is a key civic space with a protected heritage setting in the ODP, which qualifies as an existing QM for its heritage and open space status.⁴⁸ The section 32 Report⁴⁹ provided analysis of the impact of 90m height buildings on sunlight access to Cathedral Square. Mr Ray supported the increased height from 28m in the ODP to 45m in response to NPS-UD Policy 3 and 4.
- [98] Carter Group raised site-specific opposition to the proposed qualifying matter in relation to a property at 184 Oxford Terrace. Following discussion between Mr Willis and Mr Phillips, they agreed that 184 Oxford Terrace should be removed from the Central City Heritage Interface height overlay, as it appeared to be a mapping error due to a lack of certainty around the cadastral boundaries for that property.
- [99] Ms Ohs referred us to the Whiti-reia Cathedral Square Conservation Management Plan, prepared by WSP, 14 November 2021 which provides the guidance as to development adjacent to Cathedral Square.⁵⁰

Policy 7: Setting - Cathedral Square should not be considered in isolation but within its wider context. Every effort must be made to ensure the setting is a compatible one. Any adjacent land use or development must complement the Square in terms of design, proportions, scale, and materials and must not undermine its integrity or setting, or negatively affect the heritage significance and acquired aesthetic qualities.

Policy 7: Setting - Implementation - Development on adjoining boundaries that has the potential to negatively impact the heritage values and acquired experiential qualities of Cathedral Square and Setting must be carefully monitored and every effort made to mitigate or minimise any adverse effects caused by the development activity. These effects may include the unsympathetic scale and form of buildings and/or obtrusive signage, lighting, utility services, overhanging structures or segments of structures into the Square space, and other objects inside or bordering the Square which have the potential to dominate, clutter and distract, thereby threatening the visual and experiential integrity of the Square and Setting.

⁴⁷ Commissioner McMahon, recused himself from hearing this matter due to a conflict of interest.

⁴⁸ RMA, s77O, (a) and (f). Note the evaluation undertaken by the Council included 77O(j) and evaluated this QM under s77R, notwithstanding elements could have been included under the alternative evaluation required by 77Q

⁴⁹ [s32 Report, Part 2, Appendix 29](#)

⁵⁰ [Statement of evidence of Amanda Ohs, 11 August 2023](#) at 125

[100] We have concluded that the height issues affecting Cathedral Square are the impact on the heritage item and setting and shading effects on this significant open space, but these issues do not need to be addressed via a reduced height overlay.

[101] To the extent that they are issues that should qualify building heights that they can be addressed via appropriately worded matters for control and discretion targeted at the values of Cathedral Square applicable to both CA and RDA activity status. We have concluded that the use of matters of control and discretion are more appropriate and efficient way to address the identified qualifying matter. We also note that ODP Rule 15.13.2.6, now 15.14.2.6 and ODP Rule 15.13.3.1, now 15.14.3.1 already addresses these issues.

Victoria Street Heights

[102] PC 14 proposes a height limit of 45m in the Victoria Street precinct as a QM. The height limit is 17m in the ODP, and previously had been 30 and 40m in the 1995 City Plan. The historical height limits have recognised Victoria Street as having a different urban form to the core of the central city. It is described in the Section 32 Report as being a narrow strip of commercial core zoning surrounded by residential uses. The assessment identifies the areas as being more sensitive to shading and visual effects of tall buildings and the reduced height is more appropriate. The Section 32 Report, Part 2 acknowledges the surrounding residential scale neighbourhood, albeit that area is also required to provide for additional intensification, of at least 6 storeys given its proximity to the central city.

[103] Although heritage values not referenced in the Section 32 Report for the Victoria Street QM, Ms Ohs supported the reduced height limit given the number of heritage items in the locality.⁵¹

[104] Submissions sought both lower and higher heights in Victoria Street.⁵²

⁵¹ [Statement of Evidence of Amanda Ohs, 11 August 2023](#) at 134-135

⁵² Marjorie Manthei #273 sought a 20m height limit for Victoria Street between Salisbury Street and Bealey Avenue. Ceres NZ #150 sought the removal of 87-93 Victoria Street QM to enable 90m. The New Zealand Institute of Architects Canterbury Branch #762 sought to extend the Victoria Street [Height] overlay to include the section between Kilmore Street and Chester Street West to maintain the continuation of the historic route of Victoria Street to Victoria Square as one of the Cities key historic and cultural routes into the City

[105] We have considered Mr Willis' assessment, the evidence of Mr Ray, and the evaluation undertaken under s77R and s32 in the Section 32 Report, Part 2, Appendix 29, which considered and evaluated the impact of heights at 90m, 60m and 45m.

[106] Although Appendix 29 is more comprehensive in its evaluation than the assessments undertaken for the Arts Centre and New Regent Street, it does not justify why the QM is appropriate in light of the national significance of urban development and the objectives of the NPS-UD, as a whole.

[107] Concerns expressed by Mr Ray, and some submitters seeking reduced heights in Victoria Street, in terms of effects on adjoining residential areas is already addressed in rule 15.14.2.6, and 15.14.3.1 matters of control and discretion.

[108] For the above reasons, no additional height threshold is justified considering the NPS-UD objectives as required by Section 77R.

Central City Heritage Interface QM

[109] PC 14 introduces a new concept of a Central City Heritage Interface QM, to protect listed heritage items and their settings from potentially adverse impacts on the heritage values, and the use and enjoyment of those values from the impact of tall buildings on adjacent sites. This new control is primarily in response to concerns about the impact of buildings up to 90m overshadowing or dominating the scheduled heritage items and settings.

[110] Before turning to the application of this QM to the Arts Centre and New Regent Street, we have addressed the issue of the adequacy of the Section 32 evaluation to support this QM.

[111] We have reviewed the Section 32 Report for PC 14, although we note Ms Richmond references the Section 32 Report for PC 13, Appendix 16, which is not in front of us.⁵³ She then referred us to PC 14 Section 32, Part 2, pages 76-82 and Appendix 31 and 32. Appendix 31 is a joint statement from Ms Richmond and Ms Ohs, from 18 August 2022, which applies both to New Regent Street and the Arts Centre which are subject to the Central City Heritage Interface QM. Appendix 32 is a set of sun study diagrams 3D assessment of visual dominance. The joint statement simply asserts visual dominance from a comparison of a three dimensional 'black box' representation of building heights

at 28, 45 and 90m.⁵⁴ The statement notes the protected heritage values of the Arts Centre and New Regent Street and their settings (which is not disputed).

[112] The Panel also found reference to the evaluation the Central City Heritage Interface QM in Section 32, Part 2, Section 6.13 pages 104-107. In this section of the Section 32 Report, the Heritage Interface areas are explained as having been designed to protect the settings of valued heritage features and items.⁵⁵ The issue being addressed is the potential for areas (we assume land uses), detracting or adding to the heritage values sought to be protected under RMA s6(f) and leverages off item (iv) in definition of historic heritage which provides:

historic heritage—

- (a)** means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - (i)** archaeological:
 - (ii)** architectural:
 - (iii)** cultural:
 - (iv)** historic:
 - (v)** scientific:
 - (vi)** technological; and
- (b)** includes—
 - (i)** historic sites, structures, places, and areas; and
 - (ii)** archaeological sites; and
 - (iii)** sites of significance to Māori, including wāhi tapu; and
 - (iv)** surroundings associated with the natural and physical resources

[Panel emphasis underlined]

[113] The Section 32 authors recorded that:

In a narrow sense the surroundings are the defined settings of the items, however the wider surroundings associated with New Regent Street (because of the scale of possible development) and the residential heritage areas are particularly influential over these protected (or proposed protected) areas and therefore need to be regulated so as to accomplish the effective protection of historic heritage under section 6(f).⁵⁶

[114] When assessing the reason the CCZ is subject to a qualifying matter (s77J 3 (a)(i) and s77P 3 (a)(i)) and reason the qualifying matter is incompatible with the level of

⁵⁴ Modified to depict the built form proposed in PC 14, including setbacks and tower dimensions.

⁵⁵ [s32 Report, Part 2](#) at 6.13.1

⁵⁶ *Ibid* at 6.13.2 page 104

development permitted (s77J 3 (a)(ii) and s77P 3 (a)(ii)) the Section 32 authors concluded that:

These areas should be subject to a qualifying matter because they are part of the wider surroundings of the historic heritage which is sought to be protected. Historic heritage is noted in the RMA S6 as a matter of national importance. The qualifying matter is incompatible with permitted development specified in the MDRS and policy 3 of the NPSUD because it is necessary to control development affecting sites of historic heritage to ensure that the historic value of these sites is protected. The limits proposed are likely to result in some limitation on development. The estimate of this is included in Tables 6 and 7.

[115] Table 21 of Part 2 then sets out the 'Options evaluation of Residential Heritage Interface Areas height restrictions', but given the content of the table, it's clear it also applies to the Central City Heritage Interface. Only two options are considered; no interface QM and use of the interface overlay QM.

[116] In terms of Option 1 - the 'no QM' option - there is an analysis of 'efficiency' – which appears to be a conflation of the 'costs and benefits', asserts 'significant environmental costs for the Arts Centre and New Regent Street impacting on their architectural and contextual values as a result of visual dominance effects/inappropriate contrasts of scale, impact on views, draught and shading effects of enabling heights up to 90m in the Central City Zone. Reference is also made to potential for significant shading impacts on the use of these key heritage precincts, with the potential for 'flow on' economic costs in terms of negative impact on heritage tourism and to lead to a decrease in property values. The cost of lost development opportunity is acknowledged but it is concluded that "*Environmental and economic costs to heritage are likely to significantly outweigh overall economic benefits which affect only a limited number of owners in the Central City zone.*"

[117] Option 2 – the interface Overlay - then evaluates the 'efficiency' with reference to allowing the council to ensure that the surrounds of a heritage area are sympathetic to that area thereby protecting it from inappropriate use and development, while still allowing some development. The costs and benefits are then addressed separately. The benefits relate to development of a 'more appropriate scale' which are otherwise vulnerable from visual dominance from buildings up to 90m and a reduction in shading and draught effects which "enhances the amenity and use of these key heritage precincts and is likely to have associated economic benefits. De facto benefits for the Canterbury Museum and residential heritage areas are also referenced.

[118] Table 21 appears to rely on the Property Economics Report in Appenix 4 to Section 32 Report Part 2. That report supports PC13, and addresses Residential Heritage Areas, not the Central City Interface. It is not directed at the costs and benefits relative to the NPS-UD Policy 3(a). The Section 32 Authors appear to have extrapolated the general findings of economic costs of effects on heritage values to the Central City Heritage Height Interface QM.

[119] In terms of the 'costs' of the QM, the authors acknowledge these but go on to say

This is mitigated as far as possible by targeting the rule to a limited number of sites that have the greatest potential for significant adverse effects thereby minimising environmental costs on historic heritage.”

[120] There is also reference to Lower High Street having been excluded from the interface QM for other reasons.

[121] The authors assess the risk of acting/not acting and conclude:

Not implementing a reduced height limit for the Arts Centre and New Regent Street, and specific sites in the vicinity of these sites, would compromise the architectural and contextual heritage values which support the scheduling of these items as Highly Significant and would be contrary to heritage objective 9.3.2.1.1 in the Plan. Not implementing these reduced height limits would forego the opportunity provided by NPSUD to support appropriate management of heritage as a Qualifying Matter by limiting intensification affecting historic heritage, and would not protect historic heritage as a matter of national importance under section 6f of the RMA.

[122] Our observation is that the two options address the issues in general terms but there is a paucity of analysis to support the conclusion that buildings on Montreal Street, across the road from the Arts Centre or Armagh Street across the road from New Regent Street at 28m, 45m or 90m have any adverse impact on the protected heritage values, nor indeed on the 'amenity considerations' experience of visitors to the site.

[123] A number of submissions were received both in support and opposition to the interface overlay for the sites adjacent to the overlay.⁵⁷

[124] Ms Richmond noted in her s42A Report at 8.1.161 that:

Note that the proposed interface height limit does not preclude taller buildings from being consented. It provides a consent threshold for assessing the level of effects buildings could have on heritage values, and an opportunity to attach conditions where the level of effects can be mitigated.

⁵⁷ [s42A Report of Suzanne Richmond, 11 August 2023](#) at 7.1.12, Table item 7 and at page 96 -106 and paras 8.1.141-146 in relation to the heritage items and settings. Paragraphs 8.1.147-164 for the interface.

[125] Ms Richmond has also recommended the additional wording in policy 15.2.4.1 a. v to provide:

Limiting building heights on sites identified within the Arts Centre Height Qualifying Matter and Precinct and east of Montreal Street within the Central City Heritage Qualifying Matter and Precinct, to manage potential impact of visual dominance on the Arts Centre.

[126] Further a new rule 15.11.2.11 vi (RD 11) was recommended by Ms Richmond to be included as set out above at [20].

[127] During the hearing the Panel asked Ms Richmond if consideration had been given to the option of adding heritage matters to Rule 15.14.2.6, urban design matters of control and discretion.⁵⁸ She confirmed that no consideration had been given to this option in the Section 32 Report or in preparing evidence.

[128] We now consider the QMs as they apply to the Arts Centre and New Regent Street.

Arts Centre

[129] In relation to the Christchurch Arts Centre, PC 14 proposes to retain the ODP 16m height limit within the Arts Centre setting (which is the whole block (Montreal, Cashel, Rolleston Avenue and Worcester Boulevard). In the ODP the height limit to the east of the Arts Centre is 28m (the maximum central city height in the ODP).

[130] The Council proposed that the ODP 28m height limit be retained as a Central City Heritage Interface QM for sites with boundaries on the east side of Montreal Street (sites in the Worcester Boulevard/Hereford Street block only, which is directly opposite the Arts Centre).

[131] The reason given for the additional interface, is that visual dominance effects on the Arts Centre could result from developments on Montreal Street.⁵⁹ The Council undertook three-dimensional modelling and sun studies as part of the Section 32 Report.⁶⁰ Ms Richmond accepted that the sun studies did not show significant reductions in height between the proposed interface height of 28m and heights up to 90m due to the location of the interface east of the Arts Centre. The key issue of concern was visual dominance.

⁵⁸ Although PC 13 is not before us, the Section 32 evaluation for PC 13 was referred to us in the evidence of Ms Richmond. That report also does not consider the option of amending the assessment matters or matters of discretion that apply to all buildings in the central city to address impacts of adjacent heritage items.

⁵⁹ [s42A Report of Suzanne Richmond, 11 August 2023](#) at 6.1.21

⁶⁰ [s32 Report, Part 2, Appendix 32](#)

[132] To the extent that there may be visual dominance effects from any scale of building adjacent to the Arts Centre, which have the potential to impact on the heritage values of the Arts Centre, we consider that the planning framework for heights and urban design assessment generally in the central city also provides an appropriate assessment opportunity to consider visual dominance effects. Ms Richmond, in answer to questions from the Panel accepted that the impacts on heritage items and setting, could also be a matter of control for a CA or discretion for an RDA.

[133] The evidence of Ms Oh and Ms Richmond does not support the conclusion that the level of development contemplated by NPS-UD Policy 3, outside of the heritage setting of the Arts Centre Site is incompatible with the heritage values of the Arts Centre. The evidence does not support the conclusion that there is an adverse effect on the identified 'heritage values'. Simply stating that there may be such effects is not sufficient to justify a broad height limitation. To the extent that the 'visual dominance' affects the amenity and enjoyment of potential visitors to the Arts Centre, is an amenity issue, not a section 6(f) matter and as such it falls to be assessed as an 'other matter' and ought to have been assessed under s77R, the Council has not provided a s77R evaluation for this QM.⁶¹

[134] For the above reasons we find that the proposed QM goes beyond the requirement in s77O and NPS-UD Policy 4 to provide for the qualifying matter only to the extent necessary to accommodate the qualifying matter. We find that that effects on heritage values can be assessed through an appropriately drafted matter of control or discretion rather than a new category of resource consent.

[135] Utilising a targeted assessment matter for urban design better enables as much development as possible, whilst providing the appropriate evaluation of effects on a listed heritage item only to the extent it is necessary to account for the identified and properly evaluated QM. The provision is both effective in addressing the issue of visual dominance and more efficient, to consider this issue alongside the full range of identified urban design matters. The risk to heritage values of this approach is low, particularly given Ms Richmond also considers that the alternative 28m height threshold does not preclude higher buildings. Pre earthquake buildings were permitted to a height of 40m in this location.⁶² There is no evidence before us of any adverse impact from adjacent taller buildings on the Arts Centre heritage values pre-earthquake.

⁶¹ [Memorandum of Counsel for Council, 11 April 2024](#) at Appendix 1 (Table G)

⁶² [s32 Report, Part 4, Appendix 1](#) Figure 1, page 3

[136] Accordingly, we recommend the Central City Heritage Interface precinct be deleted and replaced by an appropriately drafted matter of discretion applicable to this location.

New Regent Street and interface

[137] The Panel recommends that:

- (a) In relation New Regent Street and setting, we accept that this is an appropriate existing qualifying matter under s77O(a) and that the appropriate response is to retain the 8m height limit from the ODP as a QM for the listed setting,

[138] PC 14 as notified also proposes that the maximum height of buildings be 28m, which retains the status quo under the ODP, for sites adjacent to New Regent Street. The purpose of the QM is intended to protect New Regent Street and its setting from visual dominance and shading effects. The Council has assessed the QM as a new QM pursuant to s77O(a), subject to the further evaluation required by s77P(3).

[139] The inclusion of Central City Heritage Interface overlay was opposed by the Carter Group who have an interest in the undeveloped city block bounded by Colombo, Armagh, Manchester Streets and Oxford Terrace. This land includes the properties at 129-143 Armagh Street, which are subject to the proposed 28m maximum building height in rule 15.11.2.11.

[140] The opposition to the reduced height limit was on the basis that it had not been justified as a qualifying matter in an evidential sense. It is not disputed that New Regent Street (its buildings and setting), are a listed heritage item of significance. The objection is to an extension of heritage protection beyond values identified in the heritage listing to extend to what the submitters says are largely amenity values.

[141] The heritage advice underpinning the s32 evaluation of this proposed height limit states⁶³:

urban development enablement involving buildings up to 90m high (as per the proposed City Centre zone height limit) in and adjacent to New Regent Street would be inappropriate. Continuation of the operative 28m height limit for sites to the east, west, north and south of New Regent Street will provide sufficient protection of this Heritage item from development of an inappropriate height, which could cause inappropriate contrasts of scale, and downdraughts, as well as impacting the architectural and contextual heritage values. Sun studies have shown that while there is some reduction in shading effects from continuing to

⁶³ [PC-13-14-Central-City-Heritage-Height-Limits-S32-Heritage-Advice-final.pdf \(ccc.govt.nz\)](#)

reduce permitted height to 28 metres on sites surrounding New Regent Street, modelling demonstrates that the greater benefit from the lower 28 metre height limit is a reduction in visual dominance effects from those anticipated by permitted zone heights of 45 to 90 metres on these sites.

[142] Mr Phillips, a planning witness for the Carter Group accepted that the sun studies that formed part of the s32 evaluation did show some reduction in sunlight from a 90m height building at 129-143 Armagh Street but argued that there was a lack of evaluation of the effects of other structures, such as verandas and other adjacent existing buildings that diminished sunlight also.

[143] During the cross examination by Ms Appleyard of Ms Richmond, who co-authored the heritage assessment that accompanied the Section 32 Report, it appeared that there was an assumption that because the QM related to an existing heritage item or setting, even though it was outside the boundaries of the listed item and its setting, this was sufficient justification in of itself for the QM.

[144] It remained unclear to us who made the s32 and s77P evaluative judgement as to the appropriateness of the QM. There is no evaluation under s77R. Ms Richmond said she had relied on the heritage evidence of Ms Ohs in preparing her planning evaluation. Ms Ohs, had relied on Ms Richmond's evaluation of the appropriate height. However, Ms Ohs had also made the similar leap to Ms Richmond that just because an adjoining building had an identified effect on a heritage site or setting, in this case shade or visual dominance, this in of itself justified the conclusion that adjacent development was inappropriate to the extent that the required development capacity ought to be qualified by a reduction in height to 28m.

[145] Mr Compton-Moen, and urban design expert for Carter Group Limited was of the opinion that contrasts in scale of urban form is common in urban areas with retained heritage buildings.⁶⁴ Ms Ohs acknowledged that was so but considered that "inappropriate or incompatible contrasts in scale can negatively impact on heritage values of a place and these should be avoided as per guidance in ICOMOS New Zealand Charter, 2010 (21) Adaptation".⁶⁵

[146] We have reviewed the reference from the ICOMOS New Zealand Charter 2010, and find that the provision quoted is unrelated to the issues in front of us. Adaptation relates to

⁶⁴ [Statement of Evidence for David Compton-Moen for Carter Group Limited, 20 September 2023](#)

⁶⁵ [Rebuttal Evidence of Amanda Ohs, 9 October 2023](#) at 48

use and change of use, additions and alterations of a heritage place or value, rather than the effect of activities outside of that place on the heritage item or place.

[147] It is clear from both Ms Ohs and Ms Richmond that the significance of the height limit was simply to trigger an appropriate evaluation of a new development, but both considered the built form of buildings of 45m and 90m would be inappropriate. The 28m height limit was arrived at because it is the height limit in the ODP, and the sun studies, showed the least impact. The ODP permitted height of 28m was not arrived at following an evaluation of effects on heritage values, it was a default given potential *Waikanae* related scope issues.

[148] Ms Ohs drew on the significance of New Regent Street as an early example of a shopping mall and the fact that in recent years seating to support growing hospitality use has been established along the street, which is also part of the setting. This appeared to us to blend aspects of heritage values (the early example of a shopping mall) with amenity which supported new hospitality business. In terms of the latter, much of the city can be characterised as such, and other locations also desirable for hospitality is not offered protection from shading from tall buildings across the road. It is in our view simply a fact of doing business in a central city environment where taller buildings are anticipated.

[149] We find that the Council's Section 32 evaluation, and evidence supporting the use of the Central City Heritage Interface QM, which addressed both section s6 matters and 'other' amenity values to be deficient. To the extent the QM is directed at the amenity values, as distinct from the identified heritage values supporting the listed item, place or setting, is an 'other matter' no section 77R evaluation has been undertaken.

[150] The sun studies undertaken by the Council showed that shading from buildings up to 45m, adjacent to the northern end of New Regent Street to be modest and confined through the middle of the day. We are unable to draw any evaluative conclusions about visual dominance from the 3D diagrams, which represent a black box depiction of a building. Urban design witnesses agreed that the acceptability of a taller building is as much about its design and response to the context of the location, as it is overall height.

[151] We accept in general that the degree of shading increases as the building height increases, and a taller building will be more visible, as is the case anywhere in the city. We did not find the sun studies, nor the s32 evaluation justified the loss of opportunity for a taller building above 28m and did not demonstrate that shading or visual dominance

outweighed the benefits of intensification in this central city location. To the extent that an adverse effect on the identified heritage values of New Regent Street from a particular proposed building can be identified and assessed, then the most appropriate method is to include impacts on heritage values as a matter of control or discretion.

[152] We find that the proposed QM goes beyond the requirement in s77O and NPS-UD Policy 4 to provide for the qualifying matter only to the extent necessary to accommodate the qualifying matter. We find that that matter can be assessed through an appropriately drafted matter of control or discretion rather than a new category of resource consent.

[153] Utilising a targeted assessment matter for urban design better enables as much development as possible, whilst providing the appropriate evaluation of effects on a listed heritage item only to the extent it is necessary to account for the identified and properly evaluated QM. The provision is both effective in addressing the issue of visual dominance and shading and more efficient, to consider this issue alongside the full range of identified urban design matters. The risk to heritage values of this approach is low, particularly given Ms Richmond also considers that the alternative 28m height threshold does not preclude higher buildings. Pre earthquake buildings were permitted to a height of 60m in this location.⁶⁶ There is no evidence before us of any adverse impact on the heritage values of New Regent Street from adjacent taller buildings on New Regent Street pre-earthquake.⁶⁷

[154] For the above reasons, our recommendation is that the QM be deleted and replaced by an additional matter of control and discretion to consider the effects of a new building on the heritage values of New Regent Street. In doing so we wish to make it clear that the evidential basis for demonstrating an adverse effect of a building adjacent to a heritage item or setting, would need to be far more detailed than the general approach that was offered in Appendix 31 of the Section 32A Report, Part 2.

⁶⁶ [s32 Report, Part 4, Appendix 1](#) at Figure 1

⁶⁷ Ms Ohs presented a photograph of the former BNZ building, directly opposite New Regent Street. Mr Phillips provided further information from Council records that this building was 5 storeys in height as Appendix 3 to his Summary Statement on 25 October 2023. While the urban design was plain in its appearance we didn't receive any evidence as to how it impacted on heritage values or the use and enjoyment of New Regent Street at the time.

Other CCZ Qualifying Matters

Radio Communications

[155] The Panel recommends the Radio Communications QM be deleted.

[156] PC 14 includes a QM requiring reduced building heights to avoid adverse impacts on radio communications between the Justice and Emergency Services Precinct and the Port Hills Sugarloaf facility as part of ensuring the safe and efficient operation of nationally significant infrastructure. The Justice and Emergency Precinct forms a critical piece in the emergency response and justice infrastructure for the city and that radio communications are an essential part of the operations within the precinct.

[157] The QM applies to sites zoned CCMU, CCMU(SF) and Specific Purpose (Tertiary Education) in the area between Tuam Street and Moorhouse Avenue as shown on the figure below.⁶⁸

Figure 1: Proposed Radio Communications Qualifying Matter Area



⁶⁸ [s42A Report of Andrew Willis, 11 August 2023](#) at 131

[158] The QM proposes that within the identified radio communications paths, the erection of new buildings, additions or alterations which have a building height of between 40 – 79m (the height varies depending on site location and distance from the Justice and Emergency Precinct) is a non-complying activity.

[159] Submissions were received in support of this QM from St John #909, the Ministry of Justice #910, the Department of Corrections #911, the New Zealand Police #2005 and the Canterbury Civil Defence and Emergency Management Group #912.

[160] Council s42A Report Author, Ms Gardiner and Ms Small for the justice and emergency precinct submitters attended a joint witness conference and produced a JWS.⁶⁹

[161] The outcome of the JWS was an agreement to a revised set of provisions in Chapter 6 to address the consenting requirements for new buildings under the radio communication pathways.

[162] In the Councils Reply, it was noted that this QM has at least a theoretical impact on status quo development rights insofar as it would apply a more restrictive activity status for buildings encroaching the pathway. In reality, other zone provisions would operate so as to restrict building heights.

[163] In accordance with our findings in Part 1 at [210], and in light of the High Court findings in *Waikanae*, we find that despite the obvious merit of including provisions in the plan to identify the pathway, this is not a matter we can accommodate via an IPI, in this way, that is because it affects status quo development rights. To the extent that it may be able to be accommodated without affecting such rights is moot, because it was not clear that in a real-world sense a development enabled in response to Policy 3(a), (c)(ii) or (d) would breach the radio communication signal plane in any event.

[164] We recommend that this QM be rejected for those reasons and pursued through a Standard Schedule 1 process or a proposed airspace designation similar to previous radio corridors in the 1995 District Plan.

⁶⁹ [Joint Witness Statement - Radio Communication Pathway Protection Corridors, 14 November 2023](#)

Other height matters

[165] Mr Willis referred to other submissions that requested reduced heights in and around the central city at specific locations at his paragraphs 91-96.⁷⁰ He recommended those submissions be rejected. We concur for the reasons he provided in his Report.

[166] As foreshadowed, we now return to the evaluation of heights and urban form within the CCZ. In doing so we pick up the recommendations above to replace the various height related QMs with appropriately drafted matters of control and discretion.

Matters of control and discretion: Height and Density of Urban Form

[167] Mr Ray and Mr Willis set out in their evidence the justification for the consenting thresholds of up to 28m (CA for urban design matters), 28-90m RDA, with 'rigorous design quality assessment criteria' and a slender tower approach (building base and tower requirements) above 28m, and a fully discretionary activity above 90m. They also drew on the technical evidence in the Section 32 Report.⁷¹

[168] During the hearing we asked Mr Ray to consider whether an alternative tiered 'design led' approach to the evaluation of urban design matters was possible to provide a more targeted evaluation of urban design for mid height buildings (taller than the 28m threshold for RDA) which might be more suited to larger floorplate towers, which he did and provided further supplementary evidence on.⁷²

[169] Having considered his alternatives along with the outcomes of the joint witness conferring between planning witnesses and the urban designers conference we have concluded that in relation to the DA threshold of 90m, it is largely an arbitrary figure based on the tallest building constructed in Christchurch pre earthquake. The evidence of the urban design experts demonstrated that the design of the building is the important factor which determines its appropriateness in achieving the requirements of NPS-UD Policy 3 and 4, and a well-functioning urban environment. Mr Ray accepted that buildings should not be refused consent solely on the issue of height.⁷³ His recommended DA threshold was prefaced on the fact that it sent a strong signal to the market that 90m was an upper limit, even if not absolute. This appeared contrary to Mr

⁷⁰ Above at [69]

⁷¹ [s32 Report, Part 4, Appendix 1](#)

⁷² [Supplementary Statement of Evidence of Alistair Ray, 14 December 2023](#)

⁷³ [Statement of Evidence of Alistair Ray, 11 August 2023](#) at 87

Willis' conclusion that the DA, was simply a catch all in case an assessment matter was missed, and that DA was equally enabling if supported by an appropriate policy framework. Ms Richmond was also of the view that the City Centre Height Interface QM did not operate to exclude taller buildings but was a trigger for closer assessment.⁷⁴

[170] We think this highlights a problem with the approach recommended by Mr Willis and Mr Ray in their primary evidence in that it sends mixed messages as to what the driving force for the control is and consequentially what is the appropriate height and urban density for the CCZ. The more important matter is when providing as much development capacity as possible, as directed by the NPS—UD Policy 3 is to ensure that there is an appropriate assessment criterion to achieve a well-functioning environment. We accept that includes matters of urban form and design.

[171] Mr Ray considered the following urban design factors contribute to a well-functioning urban environment:⁷⁵

- (a) A human-scaled city with buildings and streets and spaces in excellent proportions, with a high-degree of building continuity to provide a sense of enclosure;
- (b) Buildings that define space and create clearly articulated public streets and spaces;
- (c) Well-designed streets that promote street-life and the use of active transport modes;
- (d) A network of high-quality attractive public open spaces and routes;
- (e) A high-degree of mixed use and diversity of uses, appealing to a broad cross-section of the population;
- (f) Highly activated buildings especially at ground level to assist in providing an attractive and vibrant public realm; and
- (g) Excellent architectural and landscape design quality throughout buildings and the public realm.

[172] In terms of the above urban design factors, there are a number of interrelated built form standards proposed by PC 14 that manage the scale and effects of buildings at street level or a more human scale. They are:

- (a) 15.11.2.3 Sunlight and outlook for the street
- (a) 15.11.2.9 Sunlight and outlook at boundary with a residential zone

⁷⁴ Ibid at 135

⁷⁵ [Supplementary Statement of Evidence of Alistair Ray, 14 December 2023](#) at 34

- (b) 15.11.2.12 Maximum road wall height
- (c) 15.11.2.14 Building Tower internal boundary setbacks.
- (d) 15.11.2.15 Maximum building tower dimension and building tower coverage
- (e) 15.11.2.16 Maximum Gross floor area

[173] Mr Clease for Kāinga Ora and Mr Phillips for Carter Group raised concerns that the above rules, were a de facto limit on overall height. However, we accept Mr Ray's proposition that those standards (along with our recommended changes) work collectively to ensure a well-functioning urban environment and are more targeted in their application than an overall maximum height. We find that the interrelated assessment matters are more appropriate than an artificial height limit of 90m.

[174] Height limits aside, the proposed provisions also incorporate the principles of a 'base' element and a 'tower' element. In summary a base is a larger-footprint section at the bottom of a building generally capable of being built to site boundaries without creating potentially inappropriate adverse effects relating to building dominance or shadowing. A 'tower' element is intended to mitigate the potential adverse effects of taller buildings by limiting their width. We are not persuaded that there is any inherent aesthetic necessity to a base plus tower-built form, but we do accept that having a consent requirement and assessment related to the massing of tall buildings is appropriate. Accordingly, we accept the recommendations provided to us in December 2023 in a Joint Witness Statement that reported back on the definitions of these elements.⁷⁶

Findings and evaluation of central city building heights and urban form

[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](#)

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 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 scheduled heritage items and settings, New Regent Street and the Christchurch Arts Centre. We have also recommended additional drafting changes for clarity and consistency.

⁷⁷ See Part 1 at [210]

- (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) The Central City Heritage Interface QM should be deleted from provisions and maps.
- (g) 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.
- (h) 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 RD11 shall only apply to heights of buildings within the heritage settings of the Christchurch Arts Centre and New Regent Street.
- (i) Amendments recommended in the Panel Recommendations version include drafting changes that support or consequential on the rules relating to height.

[176] From a s32AA perspective we have concluded that:

- (a) including a maximum height of 90m is not the most appropriate method to enable as much development capacity as possible, to maximise the benefits of intensification and nor is it the most appropriate method to qualify height to ensure a well-functioning urban environment. The 90m (or any other maximum height for that matter) is somewhat arbitrary and is not necessary to trigger an appropriate assessment of urban design matters. We favour a tiered approach which permits buildings up to 28m that meet all built form standards, provides for buildings not meeting built form standards or between the heights of 28 and 45m as controlled or restricted discretionary activities, subject to urban design controls and matters of discretion, and those buildings greater than 45m, should be restricted discretionary activities, subject to urban design matters of discretion.
- (b) In the Christchurch context, it is more likely that more buildings up to 45m, with larger floor plates, will enable the most development capacity, and implement the strategic directives of the district plan, including a well-functioning urban environment. Whilst buildings taller than 45m are also enabled, we find it is

appropriate that they subject to greater scrutiny in terms of urban design outcomes and should be restricted discretionary activities.

- (c) It is appropriate to increase the height at which Rule 15.11.1.2 C1 urban design certification pathway to include buildings up to 45m in height. This mid-tier building height, reflects existing taller built form within the city, and many taller buildings between 30 and 50m pre-earthquake on a range of sites. At 45m, there is acceptance by the planners and urban design experts who attended the conferencing that buildings can and are able to be designed to address urban design matters identified by Mr Ray. The only difference of opinion appeared to be the confidence in the certification process and the experience of Mr Willis that an RDA process resulting is superior design outcomes.

[177] In support of the above conclusions, we make the following two observations about the efficacy of the Council evidence presented to us on this topic:

- (a) Mr Willis did not provide us with any tangible examples or data which supports that view that the RDA pathway provided a superior qualitative outcome to that of the CA certified approach. Mr Willis did note that some developers preferred the RDA pathway rather than the urban design certification pathway and that it is still early days to determine whether the novel CA certification pathway remained appropriate. The choice of using the RDA pathway remains available for developers not wishing to take advantage of the CA pathway.
- (b) Mr Ray raised some scepticism about the independence of a single certifiers on the Council's list of appropriately qualified experts chosen by applicants as compared to Council urban design staff as a reason for not supporting an extension of the CA pathway beyond 28m height buildings. We found this suggestion to be unfounded, and contrary to the accepted presumption about the professional obligations of experts, regardless of the source of remuneration. There is certainly no evidential basis to suggest that a Council or privately engaged expert is any more or less competent than a privately engaged expert by virtue of their employment alone.

[178] We have given careful consideration to the range of alternative views expressed by submitters who favoured the retention of the ODP maximum height, or lower, across the whole of the city due to concerns about earthquakes, and also their experience and preferences of the amenity offered by a lower rise city. We have found, that in light of

the clear directives of the NPS-UD Policy 3 that such an outcome is not appropriate as it does not enable as much development capacity as possible, to maximise the benefits of intensification.

[179] Overall, we found that extending the CA certification pathway to buildings up to 45m to be more efficient and would improve certainty of investment and is consistent with Strategic Objective 3.3.2. It will aid in enabling as much development capacity as possible to be realised in the central city. It will also support the competitive advantage of the central city which Mr Heath considered to be important to retain the primacy of the CCZ in the centre's hierarchy. The CA certification pathway is an appropriate method to achieve a well-functioning urban environment for the following reasons:

- (a) The risk of a CA compared to an RDA consenting regime up to 45m producing an inferior urban design outcome is low. We do not accept that a certification pathway will lead to an inferior outcome for buildings up to 45m in height. The effects of buildings up to 45m appeared to well understand by the urban design experts and was canvassed in the s32 Report.⁷⁸
- (b) For buildings taller than 45m we find there is no persuasive evidential basis to differentiate the activity status of buildings up to and over 90m, and in doing so only serves to duplicate the required assessments.⁷⁹ Our recommendation is all buildings over 45m be a RDA and subject to a rigorous evaluation of the effects of urban design and form, which incorporates the matters as the Council proposed to be added to the matters of discretion for height in the Central City. We note that as notified, PC 14 provided that all buildings over and above 28m would be a RD Activity, and this activity status was considered to be appropriate in the section 32 Report.

[180] Our recommendation is to lift that threshold to 45m, but otherwise all buildings above that would be RDA, as was the case when PC 14 was notified, albeit without the addition of the maximum building height provision

[181] As a consequence of our findings on height we also recommend changes to the matters of control and discretion related to height and urban design, these are shown in the Panels Recommended provisions in Part 8, Appendix G.

⁷⁸ [s32 Report, Part 4](#)

⁷⁹ Compare the Council's Reply version of provisions for 15.14.2.6 and 15.14.3.1b

Objectives and Policies in the CCZ

Summary of Recommendations

[182] PC 14 proposed minor changes Objective 15.2.4, and no changes to Objectives 15.2.5 and 15.2.6 but proposed changes to various policies to address matters of amenity, urban design and the effects of increased height and density of urban form. The Catholic Dioceses requested a change to Policy 15.2.5.1 to provide for Cathedrals anywhere in the city centre.

[183] The Panel recommends that:

- (a) The changes to Objective 15.2.4, proposed in the Reply version are accepted.
- (b) The changes to Policies 15.2.4.1 are accepted in part, with changes propose in the Panel recommendation version to align with our findings on height and density of urban form discussed above.
- (c) The changes to Policy15.2.4.2 are accepted in part, with consequential changes recommended by the Panel to remove reference to MUZ within the central city.
- (d) The submission of the Catholic Diocese seeking changes to Policy 15.2.5.1 be rejected.
- (e) the word 'evolving' is deleted from the chapeau to Policy 15.2.6.3 and that a new clause ix is added that provides:

Recognising that amenity values develop and change over time to meet the changing needs of people and communities including increased and varied housing densities and types which may detract from the amenity of some, but enhance the amenity of others. Those changes are not of themselves an adverse effect.
- (f) the 'high quality' qualifier in the chapeau to the Policy 15.2.6.4 be retained.
- (g) Policy 15.2.6.5 be retained with the addition of the word 'wind generation.'
- (h) Submissions opposed to the changes to CCZ Policies 15.2.6.1 and 15.2.6.3 are rejected and those in support are accepted.

PC 14 as Notified

[184] As notified, minor changes were proposed CCZ Objective 15.2.4 and no substantive changes were proposed to the 15.2.5 in relation to the range of activities in the CCZ and Objective 15.2.6 which retains the objective that CCZ redevelops as the principal commercial centre for Christchurch and is attractive for business, residents, workers and visitors consistent with the Strategic Directions outcomes for the built environment.

[185] The Council proposed drafting changes to the CCZ Policies 15.2.4.1 *Scale and form of development*, 15.2.4.2, *Design of new development*, 15.2.6.3 *Amenity*, 15.2.6.4 *Residential Intensification* and 15.2.6.5 *Pedestrian Focus*. Unless stated otherwise elsewhere, our findings on the drafting and recommended changes to these CCZ policies, also apply to the equivalent policies in other commercial and mixed-use zones.

[186] The changes to the policies in the notified version had been proposed to align with the requirements of NPS-UD and integrate the Council's 'density done well' approach.

Policy 15.2.6.3 Amenity

[187] As notified, Policy 15.2.6.3 inserted the word 'evolving' before amenity values, primarily to reflect NPS-UD Objective 4 and Policy 6. Our interpretation of NPS-UD Policy 6 is that it is relevant to consideration of future planning decisions, to reflect changes to the amenity values brought about by intensification. Policy 6 clarifies, that going forward changes brought about through intensification incorporated into a district plan are not of themselves considered to be an adverse effect. The Council explained that the addition of the word 'evolving' to Policy 15.2.6.3 was endeavouring to encapsulate the concept that amenity values are anticipated to change over time.

Submissions and Section 42 Report Recommendations Objectives and Policies

[188] The Retirement Villages Association sought changes to the wording of Policy 15.2.6.3 to replace the word 'evolving' with 'developing and changing'.⁸⁰

[189] Ms Gardiner's opinion was that although the words proposed hold a similar meaning to the word 'evolving', the word 'evolving' both captures that amenity values will change

⁸⁰ Retirement Villages Association #811

over time and is more concise. Ms Gardiner referred to the Oxford dictionary which defines these three words as:

- (a) Evolving: To be transformed from one form into another by a process of gradual modification, esp. from a more rudimentary to a more highly...
- (b) Developing: Verb - transitive. To bring (something) to a fuller or more advanced state; to improve, extend. Adjective - That develops or is being developed (in various senses of the verb); esp. growing, maturing.
- (c) Changing: To alter, modify, or transform (a thing); to make or render different.

[190] In the interests of providing for the clarity of the District Plan wording and ease of use, as sought by Objective 3.3.2, Ms Gardiner's view was that the wording of Policy 15.2.6.3 as notified is clearer and provides for a concise policy. Further, she considered the alternate meanings of 'developing' could weaken the strength of the policy and cause confusion.

[191] The notified version of Policy 15.2.6.3 also included a replacement clause (ii), that provided:

- (a) Setting design standards to manage access to sunlight, reduce adverse effects from wind, ensure a high-quality street interface and avoid the impact of overly dominant buildings on the street and other public spaces.

[192] A further small addition to matter (iv) cross referenced 'activity and zones'.

[193] Submitters sought to retain the notified version Policy 15.2.6.3 or delete the additions to the notified version where they would constrain intensification.⁸¹

[194] Ms Gardiner recommended no change to Policy 15.2.6.3 from the notified version.

Findings and Evaluation Objectives and Policies

[195] We have considered the submissions and the recommendations of Ms Gardiner. We are concerned that the addition of the word 'evolving' to Policy 15.2.6.3 does not accurately encapsulate the intent of NPS-UD Objective 4 and Policy 6 as we have

⁸¹ Carter Group Limited #814 #824, The Catholic Diocese of Christchurch #823, and Kāinga Ora #834

interpreted those provisions in Part 1 [294] of our Report. We have considered the wording suggested by the Retirement Villages Association, and find it too is not quite reflective of the intent. In the interests of ensuring that PC 14 gives effect to the NPS-UD we prefer a wording that mirrors the higher order document.

[196] Accordingly, we recommend the word 'evolving' is deleted from the chapeau to Policy 15.2.6.3 and that a new clause ix is added that provides:

Recognising that amenity values develop and change over time to meet the changing needs of people and communities including increased and varied housing densities and types which may detract from the amenity of some, but enhance the amenity of others. Those changes are not of themselves an adverse effect.

[197] In all other respects we find that the changes to Policy 15.2.6.3 are appropriate and support the changes we have recommended to the rules and matters of control and discretion for the CCZ.

Policy 15.2.6.4 Residential Intensification

[198] The notified version amended Policy 15.2.6.4 to add reference to support existing and proposed provisions relating to sunlight access, communal amenity space and outlook spaces and amendments to reference the intention for residential development to be high quality and supporting a range of residential typologies, tenures and prices.

[199] Six submissions were received on this policy, three submitters supported the changes to this policy as notified. Carter Group Limited #814 and The Catholic Diocese of Christchurch #823 oppose the notified amendments and sought that they are deleted, whilst Kainga Ora sought that the wording is amended to moderate the qualifier 'high quality' with either 'good' or 'positively contributes'.

[200] Ms Gardiner recommended retention of the notified version of Policy 15.2.6.4 and rejection of the submissions who sought changes or deletions. Ms Gardiner found support in the Objective 15.2.6, that seeks that the CCZ is "attractive for businesses, residents, workers and visitors" and that a "high standard of amenity" is promoted (Policy 15.2.6.3). Ms Gardiner noted that the CCZ is primarily a commercial environment with a built form that contributes positively to the evolving amenity values, and to the quality and enjoyment of the environment for the business community, residents, and visitors to the central city in accordance with Objective 15.2.8.

[201] As the principal centre for Christchurch and the sub-region, Ms Gardiners view as that it is important that a high quality of design is achieved to attracting business and visitors alike. It is a destination with significant investment in spaces and buildings in a post-earthquake environment e.g. Ōtākaro Avon River corridor, as well as spaces that are valued for their historical significance e.g. Cathedral Square. She agreed with Mr Hattam’s view that it is important to ensure high quality design, and in turn amenity, for the residential activities in the CCZ particularly when it “*has the potential to have greater impacts on daylight and outlook as the result of the potential for much higher-rise buildings.*”⁸² She recommended retention of the requirement for a high-quality design in this context. Further she considered that the policy framework requires updating to ensure it reflects the level of amenity sought by the Plan for residential activity in the CCZ, commensurate with the predominately commercial nature of the environment.

[202] On the issue of the ‘high quality’ qualifier in the chapeau to the Policy 15.2.6.4 we spent some time considering whether this could be better defined to aid the clarity for users of the plan. In the end we have not been able to find a suitable description that could be applied universally. We note the phrase ‘high quality’ is used in other areas of the plan, so that presents a drafting challenge when other parts of the plan are not proposed to be changed through this process. In the end we rest on the fact that whilst the issue of whether design may be high quality or not will be the subject of debate amongst urban design and architects, the debate in itself may lead to improved outcomes. We recommend the words ‘high quality’ be retained.

[203] In terms of the additions referencing ‘sufficient access to daylight and sunlight’, where required, communal space including interior and exterior space’ and outlook for every residential unit. We find these to be appropriate and supportive of the recommendation we have made to the rules and matters of control and discretion.

Policy 15.2.6.5 Pedestrian Focus

[204] As notified PC 14 included a reference to wind generation to reflect potential new effects of tall buildings on pedestrians.

[205] Six submissions were received on these provisions, with Canterbury Regional Council / Environment Canterbury #689 #2034 (Environment Canterbury) and ChristchurchNZ

⁸² [s32 Report, Part 4, Appendix 9](#)

#760 #2048 supporting the provisions as notified, whilst the Retirement Villages Association of New Zealand Inc #811, Carter Group Limited #814, The Catholic Diocese of Christchurch #823 and Kāinga Ora #834 seek the removal of 'wind generation' from the rule, matter of discretion, and amendments to Policy 15.2.6.5 accordingly. Ms Gardiner noted that the policy linked to new rule 15.11.2.17 and considered that the provisions are appropriate, recommending that the submissions opposing the provisions be rejected.

[206] During the course of the hearing and following further planning and urban design conferencing, the Council recommended changes in the Reply to the rule framework for addressing the effects of wind. The rule is proposed to be replaced by an addition to the matters of control and discretion in rule 15.14.2.6, in lieu of an additional rule. It therefore falls to us to consider, in light of the new rule, whether Policy 15.2.6.5 is appropriate or whether changes to it are required.

[207] We agree with the Reply version for the rule framework to consider wind effects as a matter of control and discretion for only for buildings in the CCZ, over 28m in height.

[208] We find that when considering those changes the amendment, as notified, to Policy 15.2.6.5 remains appropriate.

Policy 15.2.4.1 – Scale and form of development - Central city matters

[209] We have recommended consequential change to this Policy as a consequence of our findings on CCZ height and urban form above at [48]. The changes include removing particular emphasis to Cathedral Square, Victoria Street, and New Regent Street and the Arts Centre Heritage Height Interface.

Policy 15.2.4.2 – Design of new development – Central city matters

[210] We find the changes proposed in the Reply version to be appropriate and support the changes that have been made to matters of control and discretion.

Policy 15.5.2.1 Cathedrals in the Central City

[211] The Catholic Diocese of Christchurch #823 requested that the Council expand the application of the bespoke ODP provisions that apply to 136 Barbadoes Street (the

previous location of the Christchurch (Catholic) Cathedral), to provide for a replacement cathedral anywhere in the central city.

[212] The request raised an issue as to whether such changes are within the scope of PC 14. In particular, whether the request gives effect to the mandatory requirements of NPS-UD Policy 3 or is a related provision in terms of s80E(1)(b)(iii). If there is scope to consider the submission, then we evaluate the appropriateness of the changes requested appropriate on their merits.

[213] For completeness, we note that Ms Richmond in her s42A Report recommended the deletion of the heritage listing of the former Cathedral of the Blessed Sacrament and its setting at 136 Barbadoes Street from the planning maps and the aerial maps respectively, on the basis that this building is no longer present on the site. This is purely an administrative amendment and could be progressed by the Council pursuant to RMA, Schedule 1, clause 16(2) in any event.

Findings and Evaluation on scope

[214] We have found that the submission to request that the bespoke ODP provisions applying to 136 Barbados Street to other areas of the city, is not within the scope of PC 14. The evidence does not satisfy us that it is required to enable as much development capacity as possible to maximise benefits of intensification, nor has the evidence satisfied us that it is a matter required to 'support' or consequential on giving effect to NPS-UD Policy 3 and 4.

[215] The first step is to determine whether providing for Cathedrals in the CCZ, gives effect to enabling building heights and urban form to realise as much development capacity as possible, to maximise benefits of intensification. Ms Appleyard, Counsel for the Catholic Diocese, provided legal submissions on scope.⁸³ She focused on whether extending (or amending) the planning framework developed to support the Catholic Cathedral at 136 Barbados Street in the ODP could be extended to Cathedrals anywhere in the City was 'consistent' with realising as much development capacity as possible and the overall policy intent of the NPS-UD.

⁸³ [Legal Submissions for The Catholic-Diocese, 24 October 2023](#), [Memorandum of Counsel for LMM Investments and Ors, 21 December 2023](#) and [Memorandum of Counsel for Various Submitters, 1 May 2024](#) on issues as to scope.

[216] In Ms Appleyard’s memorandum of 1 May 2024 she cast aside the scope issue on the basis that:⁸⁴

it is clear that the relief sought by the Catholic Diocese is consistent with “realising as much development capacity as possible” and the overall policy intent of the NPS-UD, including in particular Objective 1 (cultural well-being) and Policy 1 (well-functioning urban environments and good accessibility to community services). The enablement of residential intensification cannot occur in isolation from the necessary support by community services and other components that contribute to well-functioning urban environments. If that was Parliament’s intention, the Amendment Act would simply have required the implementation of the MDRS, without the other, equally important, aspects of section 80E and the broader imperatives of the Amendment Act and NPS-UD.

[217] We disagree with the argument. It conflates the issue of whether providing for Cathedrals fall within the definition of ‘development capacity’ or whether providing for Cathedrals (in the way in which the submitter requests) is a ‘related provision’ required to support or consequential on implementing NPS-UD Policy 3.

[218] In terms of the ‘development capacity’ matter, during the hearing Ms Appleyard advanced a number of arguments to tie Cathedrals back to the definitions of ‘business use’ referred to in the definition of ‘Development Capacity’ in the NPS-UD. There is no definition of business use, but there is of ‘business land’ which refers to business uses in urban environments within specific zones.

[219] Ms Appleyard emphasised that a modern Cathedral is a form of commercial development. The definition of ‘Community Services’ in the NPS-UD which includes “those commercial activities which serve the needs of the community’. Ms Appleyard cautioned about concluding a ‘spiritual activity’ in the ODP was not a commercial activity and hence a business use. ‘Spiritual activity’ is defined in the ODP as:

Spiritual activity

means the use of land and/or buildings primarily for worship and spiritual meditation and deliberation purposes. It includes:

1. ancillary social and community support services associated with the spiritual activity; and
2. ancillary hire/use of church buildings for community groups and activities.

It excludes funeral homes, but includes funeral services held in memory of the deceased.

[220] Ms Appleyard argued that the replacement Catholic Cathedral was a ‘use in its own right’ and should not be lumped in with Spiritual Activities, as it likely included a number of other commercial activities.

⁸⁴ [Memorandum of Counsel for Various Submitters, 1 May 2024](#) at 37.4

[221] We don't think it assists to try and shoehorn the Catholic Cathedral, or indeed other spiritual or cultural facilities into the definition of business use. The term business use clearly encapsulates a range of commercial activities and services, of which elements of a modern-day Cathedral may include. We accept that the Council could have made provision in PC 14 for a number of recreational, spiritual and cultural activities, as related provisions which were 'supportive' or 'consequential' upon increasing housing density, but it did not do so. Provision has been made for educational facilities elsewhere, with changes proposed to Specific Purpose (School) zones to support or as a consequential of increased residential development.

[222] In terms of Ms Appleyard's 'related provisions' argument', the Catholic Diocese did not provide evidence as to how providing for a Cathedral anywhere in the City supported or was consequential upon providing increased heights and density of urban form to maximise development capacity.

[223] Notwithstanding our conclusion we have also considered the merits of what is proposed.

Findings and Evaluation on merit

[224] Even if we are wrong on the issue of scope, we recommend the submission be rejected on its merits.

[225] The evidential basis for the submission is weak and predicated on the transferability of the bespoke planning provisions for 136 Barbadoes Street to any other site. The written submissions focused on making changes to the existing planning provisions to replace the reference to 136 Barbadoes Street with 'a new Catholic Cathedral within the city block bounded by Colombo, Armagh, Manchester Streets and Oxford Terrace', although at the hearing we were advised no decision had been made in relation to an alternative site.

[226] Mr Phillips, The Catholic Diocese planning witness couched the request in the following terms:⁸⁵

My evidence supports the Diocese's submission seeking that the operative Plan provisions that recognise and provide for a new Catholic Cathedral at 136 Barbadoes Street be amended to extend that recognition and provision to other unspecified central city locations. My evidence has explained some of the unique design, form and functional requirements of a Cathedral which do not sit comfortably with the planning

⁸⁵ [Summary Statement of Jeremy Phillips for The Catholic Diocese, 25 October 2023](#) at 5

framework which is directed towards more conventional buildings. Accounting for those relatively unique attributes and that a Cathedral is envisaged to establish within the central city and is presumably an outcome to be encouraged in terms of a well-functioning urban environment and central city, I consider this amendment to be appropriate.

[227] Notably the submission does not seek any other changes to support the Cathedral being redeveloped on another site to overcome those challenges, rather the submission seeks to leverage the significance of the Cathedral as recognised in Policy 15.2.5.1, to accommodate a Cathedral anywhere in the City.

[228] In his evidence Mr Phillips identified the drafting amendments that would be required to support that change. His evidence acknowledged that the CA rule 15.12.1.2 C2, developed for 136 Barbados Street may not be appropriate on other sites, and requested that we provide the necessary policy framework and assessment matter for a Cathedral on another site as a new RDA. Mr Phillips concluded that this would be an efficient, effective and appropriate amendment, in so far as it supports the enablement of cultural well being in NPS-UD Objective 1 and a well-functioning urban environment in NPS-UD Policy 1.

[229] The Council's s32 Report is understandably silent on the issue, as it is not a provision that was proposed in PC 14. Mr Phillips has presented a narrow assessment, based on a modest change to a policy, and a new rule.

[230] In terms of the change proposed to Policy 15.2.5.1 which provides (additions underlined and deletions shown in ~~strike through~~):

15.2.5.1 Policy - Cathedrals in the Central City

1. Provide for the individual design, form and function of new spiritual facilities and associated buildings at 100 Cathedral Square and 136 Barbadoes Street or elsewhere as a replacement for the Catholic Cathedral buildings at 136 Barbadoes Street that:
 1. supports their function as a focal point for cultural activities, spiritual activities, and social activities serving the immediate and wider communities;
 2. recognises their contribution to the recovery of the Central City and the City as a whole; and
 3. recognises the place that a spiritual facility at 100 Cathedral Square plays in the overall identity of the City and the community's sense of place.

[231] Our first observation is that despite Ms Appleyard's submissions that a modern Cathedral is a business activity (for the purposes of arguing scope the policy framework for Cathedrals in the City Centre), and her submission that a modern-day Cathedral is

not just a spiritual facility, this bespoke policy is very much focused on the Cathedral's cultural, spiritual and social activities serving the immediate and wider community. This may well reflect a more traditional scope of activities associated with Cathedrals, but it also reinforces the fact that the policy framework is focused on the site where the Cathedral existed and did not contemplate a more general application to anywhere in the City.

[232] There may well be other relevant alternatives that need to be evaluated in a s32 sense. As Mr Phillips said, the ODP built form standards do not necessarily suit the type of built form envisaged for a Cathedral. The simple fact is that has there is no comprehensive s32 evaluation because the planning evidence simply tries to retrofit the submitters redevelopment aspirations to anywhere in the City. We do not find the changes to Policy 15.2.5.1 fit for purpose at another site. That then creates a problem when we come to evaluate the appropriateness of the method proposed by Mr Phillips.

[233] The matters of discretion in rule 15.13.5.2 when considered in isolation could be transferable to another site, but again there is no evaluation as to their appropriateness at other possible locations, or how they relate to other CCZ built form standards, or what other changes are appropriate to support the distinctive urban form required for a Cathedral, as noted by Mr Phillips in his summary statement.

[234] We find that the s32AA justification for the changes proposed are insufficient, and Cathedrals, if proposed at alternative locations should be subject to the general planning framework.

[235] Accordingly, we recommend that the submission be declined both on scope and merit.

4. NPS-UD POLICY 3(c)(ii) RESPONSE: WALKABLE CATCHMENT OF THE EDGE OF THE CCZ

Statutory Requirements

[236] NPS-UD Policy 3(c)(ii) requires that the district plan enable building heights of at least 6 storeys within at least a walkable catchment of the edge of city centre zones. As with our factual outline of the centres hierarchy, we begin with a factual depiction of how the Council approached the topic of walkable catchments. PC 14 was notified on the basis

that the CCZ is the 'city centre zone' for the purpose of Policy 3(c)(ii) and the walkable catchment is measured from the edge of the CCZ. We accept that is correct.

[237] PC 14, as notified identified a walkable catchment of 1.2km from the edge of the CCZ which includes the entirety of the four avenues and extends to the Industrial areas of Sydenham, Addington and Philipstown and to the residential zones north of Bealey Avenue and east of Fitzgerald Avenue. Within the notified walkable catchment, are the following zones:

- (a) Residential zones comprising, HRZ (previously the Residential Central City zone (RCC)), where 32m height (10 storeys) is proposed, and thereafter 20m (6 storeys), unless subject to a QM, where MRZ applies in some locations. These matters are addressed further in Parts 4 and 5 of the report.
- (b) Mixed use zones comprising:
 - i Central City Mixed Use Zones (CCMUZ), in two locations, one to the north of the CCZ between Durham Street and Fitzgerald Avenue, in various locations amidst the HRZ areas, and to the south and east of the CCZ, between Hagley Avenue, and Fitzgerald Avenue as far south as Moorhouse Avenue, and
 - ii Central City Mixed Use Zone – South Frame (CCMUZ) which lies between the south and eastern CCMUZ and the CCZ, and
- (c) Industrial Zones, of Sydenham, Addington and Philipstown, proposed to be rezoned as MUZ, and
- (d) Other zones including Residential Guest Accommodation (RGA) and various open space and Specific Purpose zones.

[238] Mr Kleynbos summarised the methodology applied by the Council in arriving at the 1.2km walkable catchment in his s42A Report and recorded that the Council's approach for PC 14 has been to apply at least a 1.2km walking catchment around the edge of the CCZ, extending this based on accessibility to services and facilities of greatest interest. The Council relied in part on the Waikato University New Zealand Household Travel

Survey⁸⁶ that shows that in Christchurch walking propensity increases based on accessibility to the following (in order of preference):

- (a) Nature, parks and gardens
- (b) Local shops and services
- (c) Larger shopping complexes

[239] Mr Kleynbos reported that the above list of priorities is strongly correlated to Council's own survey⁸⁷, which showed that the following local amenities had the greatest walking propensity, when located within 15 minutes from residence:

- (a) Nature, parks and gardens
- (b) Local shops and services
- (c) Entertainment and cultural amenities

[240] The Council then has applied extended walking catchments in the vicinity of the CCZ (beyond 1.2km) where there is proximity to other local centres which has resulted in the CCZ 'walkable catchment' ballooning in areas located close to other local centres.⁸⁸

[241] We return to this issue further below, but we found this approach to have conflated the directives that apply to NPS-UD Policy 3(c)(ii) with Policy 3(d) and created difficulties with identifying what in fact was the required commensurate response for non CCZ centres. It led to overlaps between the catchments. We have found it necessary to go back a step and consider what is required in response to NPS-UD Policy 3(c)(ii). We address the Policy 3(d) 'commensurate' catchments for other centres below in Section 5 of this Part of the Report.

Submissions and Section 42A Recommendations in response to NPS-UD Policy 3(c)(ii).

[242] Submitters requested a range of different catchments for HRZ intensification around the CCZ, from being only within the Four Avenues⁸⁹ (or lesser) to a 2km or greater walking

⁸⁶ [s42A Report of Ike Kleynbos, 11 August 2023](#) at footnote 32

⁸⁷ Ibid at footnote 33

⁸⁸ Ibid at 6.144

⁸⁹ Bealey Avenue to the north, Fitzgerald Avenue to the east, Moorhouse Avenue to the South and Rolleston Avenue to the west.

catchment. Related to those submissions were submissions seeking increased residential intensification opportunities within the CCMUZ, MUZ and adjacent operative Industrial Zones.

[243] A submission by Mrs M Manthei is representative of those submitters concerned about the extent of the walkable catchment. She had ‘truth tested’ the walkability of the Council’s proposed catchment and noted the distance between the Victoria Street neighbourhood, and supermarkets in the CCZ, and considered that the distance was too great to practically undertake shopping and allow for the return trip.

[244] We heard from submitters who owned land and apartments within the CCMUZ who spoke of the amenities in the central city and the benefits of intensification.⁹⁰

Findings and Evaluation of walkable catchment in response to NPS-UD Policy 3(c)(ii)

[245] We considered this matter at length. Prior to the NPS-UD, we are aware that the normative urban planning approach was to use walkable catchments in association with centres-based intensification policies, and that walkable catchments were often indexed against various versions of a convenient walk (on the assumption that if a walk was seen by a traveller as more convenient, they would be more likely to take up that option in preference to alternative mode options). We are familiar with the various concepts of 5, 10, 15 and 20 minute walking distances. They are a part of the resource management toolbox. But a nuance is that where they are used generally apply from within the real world ‘core’ of a centre zone, not the external perimeter of a centre zone as the NPS-UD directs.

[246] The CCZ is flat and possess a very walkable grid-pattern. We accept that there is a good chance that promoting opportunities for people to walk could be taken up in a majority of cases and that this is a valid aspect of a well-functioning urban environment. The CCZ is also a large zone, with a diagonal (as the crow flies) dimension of approximately 1.8km, between Bealey Avenue in the north and Tuam Street to the south. It struck us that there would be a superficiality in advancing a walkable catchment (which must inherently be in recognition of the opportunity for people to walk), on the basis that people might only wish to walk to the outer edge of the zone and then transfer to a

⁹⁰ For example Kevin Arscott #195 in relation to office space and Richard Ball for Atlas Quarter Residents Group #224 in relation to residential use

different transportation mode to actually venture inside that zone. We find that the more real-world likelihood is that people wishing to walk to the CCZ are likely to be aiming for destinations well-inside the zone too and when considering what walkable catchment should be applied, enabling an outcome that is most likely to reflect the real-world situation should be favoured.

[247] We find it overly simplistic to assume that persons looking to live within a walkable distance of the edge of the CCZ (so that they can walk as a regular or primary travel mode) will always have the choice of choosing to live adjacent to that specific part of the zone they are intending to travel to. Notwithstanding issues of product and price available at the time, there are practicalities of multiple wage-earners and other household members that may simultaneously have regular business in the zone – but not in the exact same part of the zone. This could include schools as well as work.

[248] Although we received no evidence to suggest that people will on balance typically just stop walking beyond a distance of 1,200m, we similarly received no evidence to suggest that even beyond 1,000m from the zone edge people would still be likely to choose to walk when their destination was well inside the zone perimeter. We find that the walkable catchment, although it must be applied as a dimension measured from the outer edge of the CCZ, should take into account the reality of the CCZ's shape and size. It also follows, that the extent of the walkable catchment need not be uniform in all directions, there is nothing in NPS-UD Policy 3(c)(ii) that dictates that outcome. There may be good reason to increase or decrease the baseline approach based on geographic features, configuration of available routes, or the real world-built form or potential for intensification.

[249] We have approached the discipline of mapping walkable and commensurate catchments from a real-world planning approach, considering the on the ground perspective whilst giving effect to the NPS-UD requirements and Strategic objectives of the ODP. We have endeavoured, wherever possible to follow street boundaries, natural features and only resort to cadastral boundaries where it is more difficult to align with streets or natural features.

[250] We have in the context of identifying the most appropriate walkable catchment from the edge of the CCZ paid close attention to the strategic earthquake recovery objectives in the ODP, having regard to the CCRP to direct the primary intensification response to

support the CCZ, and to that extent, we have paid close attention to the existing pattern of enablement within the Four Avenues.

[251] We have also had regard to the Council's detailed evaluation of alternative walkable catchments in the Section 32 Report, Part 3.⁹¹

[252] The spatial outcome of the above approach and evaluation is as follows.

[253] Beginning to the north of the CCZ, we have considered the narrow 'Victoria Street' CCZ area to the north of the Core of the CCZ, and find that an extension of 1.2km from that location, and further in some instances, such that the walkable catchment extends well beyond Bealey Avenue, is not justified, and as we have said above, overlaps with the commensurate responses required under Policy 3(d) of the NPSD-UD for other centres north of the Four Avenues. From our site visit, we find that the neighbourhoods to the west and east of Victoria Street are eminently walkable with good accessibility to the CCZ. The Victoria Street narrow strip of CCZ comprises a mix of newly constructed office buildings, hospitality, and some retail activity. It does not offer the same breadth of cultural and community services offered in the core of the CCZ. On that basis we consider that the walkable catchment north of the CCZ should not extend beyond Bealey Avenue. We address the appropriate intensification response north of Bealey Avenue in Part 4 of our report. We recommend that Bealey Avenue form the northern most extent of the CCZ walkable catchment area.

[254] To the east of the CCZ, we find that Fitzgerald Avenue is an appropriate boundary, as within that area it provides for a mix of residential and non-residential activity, through both the operative RCC and CCMUZ. We separately consider the industrial areas of Philipstown beyond Fitzgerald Avenue below.

[255] To the south of the CCZ, we find that Moorhouse Avenue should be the southern extent of the CCZ walkable catchment, leaving the appropriate zoning of Sydenham and Addington to be considered on the basis of what is 'commensurate' with the role of those centres under Policy 3(d) of the NPS-UD. We extend the southern boundary of the catchment to Hagley Avenue at the edge of Hagley Park.

[256] To the west of the CCZ we find that Rolleston Avenue and Park Terrace should form the boundary of the walkable catchment.

⁹¹ [s32A Report, Part 3](#) from page 55, including appendices.

[257] On this basis we do not agree that a 1.2km walkable catchment distance measured from the outer-edge of the CCZ as proposed by the Council is an appropriate outcome for Christchurch because it overstates the real world extent of land that is more likely than not to facilitate walkable access within the CCZ. The nuance in our recommended approach is that although the NPS-UD requires the walkable catchment to be measured from the edge of the CCZ zone, it does not say that the purpose of the walkable catchment or its real-world purpose is to only provide access to the edge of the CCZ zone. In setting our recommended CCZ-edge catchment distance we have therefore accounted for reasonable walkable access into the CCZ beyond that measurement point.

[258] In reaching the above view we emphasise that we undertook several walking trips across the course of our CCZ-based PC 14 hearings to test our thinking, including spending time at the CCZ zone edge and observing the activities that were occurring there. For completeness, we also acknowledge that we did consider the MfE guidance note for the NPS-UD as it was referred to us in evidence. It promoted a 'uniform catchment' approach as had been proposed by the Council. This is a non-binding document that does not have the effect of becoming a de-facto part of the NPS-UD. Although we found it helpful, we find our preferred real-world approach to be the superior outcome for Christchurch.

[259] We note that the Council had, as part of its s32 Report mapped and considered an 800m walkable catchment. As it happens, this aligns reasonably well with the Four Avenues, and with some 'tweaking' we find this aligns well with our preference to adopt best fit approach to streets and natural features.

[260] We have considered the Council evidence on the use of intensification precincts as a basis for adding height to areas within the CCZ walkable catchment, as shown on Planning Map 39 'Central City Maximum Building Height Planning Map' and as discussed in Part 4 of our report and conclude that for all relevant residential zones within the Four Avenues, they should be zoned HRZ, with the height intensification precinct with a maximum height of 39m (12 storeys) for some areas, and 22m or 6 storeys in all other relevant residential zones within the walkable catchment.

[261] We recommend that the heights enabled in the CCMUZ and CCMUZ-SF be amended as recommended in the Reply version.

[262] Overall, we are satisfied, having considered the Council's s32 evaluation, real world evidence of submitters and the Council's evidence about the sufficiency of supply, the

economic feasibility of residential building towers, that our recommended alternative approach is the most appropriate response and gives effect to the, CRPS, NPS-UD and the ODP and PC 14 strategic objectives.

[263] We recommend that the Council revise the PC 14 planning maps so as to reduce the CCZ walkable catchment to only the area bounded by Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue and Hagley Avenue, Rolleston Avenue and Park Terrace ('walkable catchment area'). We also recommend that:

- (a) The proposed HRZ between the notified 1.2km catchment area and the Panel's recommended walkable catchment area should be zoned MRZ except that where any land has an ODP residential zone enabling greater building height or density than the MRZ in which case the pre-existing enablements must be retained as per our approach to Waikanae issues;
- (b) The PC 14 notified MUZ between the notified 1.2km catchment area and the Panel's recommended walkable catchment area should be retained as the ODP Industrial zones, for the reasons we discuss below in Section 5.
- (c) The PC 14 notified Industrial Zones, of Sydenham, Addington and Philipstown, should remain IG zoned, in accordance with our findings for commensurate response to the function and role of those centres. The residential zones revert to the MRZ for that land is outside of the revised 400m commensurate catchment of those centres as we discuss further below, except that where any land has an ODP residential zone enabling greater building height or density than the MRZ in which case the pre-existing enablements must be retained as per our approach to Waikanae issues.

[264] We now address the CCMUZ and CCMUZ (SF), as the mixed use zones within the Panels recommended walkable catchment (inside the Four Avenues).

NPS-UD Policy 3(c)(ii): Response: Central City Mixed Use zones

[265] The Councils response to NPS-UD Policy 3(c)(ii) was, in relation to the central city (Four Avenues) to upzone a number of Residential City Centre Zones within the Four Avenues. This consisted of the following:

- (a) with HRZ overlayed with a Central City height precinct overlay and rely on additional changes to the existing CCMUZ and CCMUZ-SF; and

- (b) then because the Council calculated the walkable catchment to extend for 1.2 km from the edge of the CCZ, the Council proposed additional HRZ zoning outside of the Four Avenues and the changing of the IG zones within the walkable catchments to MUZ.

[266] Our discussion of the HRZ zoning is found in Part 4 and 5 of the Report, and we address the Industrial/MUZ zone change below in Section 5. In this section we addressed the CCMUZ and CMMUZ (SF) as they apply within the Four Avenues because we have found the walkable catchment to only apply within the Four Avenues.

Summary of Recommendations

[267] We have generally accepted the Reply version of objectives, policies and rules as appropriate, except to the extent we have recommended consequential changes for reasons of consistency with other CCZ and centre objectives policies and rules. The Panel recommends that:

- (a) Objective 15.2.7 Role of CCMUZ includes the qualifier 'high' quality. Our recommendations above apply here.
- (b) Objective 15.2.8 Built form and amenity in the CCMUZ and Policy 15.2.8 Amenity and effects includes the word 'evolving', our recommendations above apply here also.
- (c) Rule 15.14.2.6 Urban Design matters for control and discretion are also applicable to the CCMUZ. Our recommendations set out above at [48] also apply to the CCMUZ.
- (d) We have recommended that the Council reject submissions seeking changes to office sizes as part of PC 14. In relation to the change to maximum office size from 450m² GLFA to 500m², we have recommended that the Council does not change office sizes minimums as part of this IPI.
- (e) We recommend the Council accept in part submissions in support of the CCMUZ provisions, and reject those that are opposed, except to the extent we have addressed those matters for consistency reasons elsewhere.

[268] Submissions seeking to rezone areas to CCMUZ, or to rezone CCMUZ areas to other zones are addressed in Part 7 of the Report.

PC 14 as Notified

[269] The CCMUZ, provides for a mix of commercial and residential uses on the edge of the CCZ. PC 14, proposes that the maximum height of buildings in the CCMUZ be 32m with a maximum building base requirement of 17m. No changes are proposed to the range of land uses within those zones. PC 14 also extends the 2-storey minimum building height to the CCMUZ.

[270] The rule framework for building heights otherwise generally reflects the ODP, including:

- (a) For the CCMUZ, where a site shares boundary with residential zone, buildings must comply with recession plane (Appendix 15.15.9) as though both sides were the same residential zone, measured at 2.3m above internal boundary. Minimum distance between ground and first floor slab of 3m. Maximum building heights: 17m across most of zone with 14m at corner of Moorhouse and Hagley Avenues, and sites to the northeast of Forte Health
- (b) the ODP sets a maximum height limit of 17m in most places. If buildings exceed the maximum building height, then resource consent is required as a restricted discretionary activity under RD2, and discretion is limited to the matters outlined in Rule 15.13.3.26 *Commercial Central City Mixed Use Zone - Maximum building height*. Applications cannot be limited or publicly notified.
- (c) For the CCMUZ (South Frame) Zone, a 33° recession plane applies at 8m above boundaries with South Frame Pedestrian Precinct or Open Space Community Parks Zone. Where a site adjoins northern boundary of south frame a minimum distance is required between ground and first floor slab of 3m. The zone includes street scene, landscaping and screening requirements. The maximum building height is 17m, except it is 30m at Hagley Avenue; 28m opposite Avon River and at corner of Manchester St and Tuam Street; 13m along High Street; and 28m at northern end of Innovation Precinct.

[271] The ODP provides a controlled activity pathway for the Commercial Central City (South Frame) Mixed Use Zone (but not in the CCMUZ), for buildings if they are certified by a Council approved Urban Designer. A non-notification clause applies. Where not certified, buildings fall to be assessed as a restricted discretionary activity under RD1, and such applications also cannot be notified. If a building does not comply with the maximum height limit of 17m, it falls to be a restricted discretionary activity under RD5,

and the application cannot be notified. Discretion is limited to the matters outlined in Rule 15.13.2.11 Urban design in the Commercial Central City (South Frame) Mixed Use Zone.

[272] PC 14 proposed changes to the objectives and policies and rules for the CCMUZ, which generally add or add emphasis to amenity and urban design outcomes for the CCMUZ, and support or are consequential on greater residential activity enablement. We recommend that those changes be accepted, except for the following provisions which we address in this section of the report.

[273] Objective 15.2.7 Role of CCMUZ includes the qualifier 'high' quality. Our recommendations above apply here.

[274] Objective 15.2.8 Built form and amenity in the CCMUZ and Policy 15.2.8 Amenity and effects includes the word 'evolving', our recommendations above apply here also.

[275] Rule 15.14.2.6 Urban Design matters for control and discretion are also applicable to the CCMUZ. Our recommendations set out above at [48] also apply to the CCMUZ.

[276] In relation to the change to maximum office size from 450m² GLFA to 500m², we have recommended that the Council does not change office sizes minimums as part of this IPI. Rather, as the submissions on the issue office size in other centres, which we discuss below, demonstrates this is a city-wide issue and may have implications for the Centres Hierarchy and would be better addressed through a more comprehensive plan change.

Submissions and Section 42A Report Recommendations on CCMUZ

[277] Ms Gardiner summarised the submissions on the objectives, policies and rules for the CCMUZ in her s42A Report.⁹² We do not repeat all of those submissions here but focus on the issues that remained contested in evidence during the hearing of submissions.

[278] The matters of contention between submitters, and the issues raised by the Panel are the appropriateness of:

- (a) inclusion of 'high quality' in Objective 15.2.7

⁹² [s42A of Holly Gardiner, 11 August 2023](#) pages 46 – 50, 72-78 and 90 - 94

- (b) the use of the qualifier 'evolving' amenity values.
- (c) proposed building heights on CCMUZ and building base height
- (d) rules regarding amenity and urban design outcomes
- (e) changes to CCMUZ zone boundaries

[279] In relation to 'High Quality' and 'evolving' qualifiers we have addressed these at 55] and [57] above.

[280] On the topic of building heights in the CCMUZ, Ms. Williams provided evidence on the urban design provisions relating to the CCMUZ and CCMUZ (SF) zones and recommended the PC 14 notified building height of 32m (except for a few small areas close to Bealey Ave as shown on the map in her evidence).⁹³ Ms Williams recommendation is subject to amendments to the built form standards to manage the potential adverse effects of the additional building height on ensuring a well-functioning urban environment. For the CCMUZ (SF) zone Ms Williams recommended the retention of the PC 14 notified height limit of 21m, with an exception to this for the block bound by Manchester, Lichfield, Madras and Tuam Streets, which do not front High Street as their legal street address where Ms. Williams considers elevating to 32m is appropriate, particularly given the proximity of this area to Te Kaha. Ms Gardiner has adopted those recommendations.

[281] In relation to the building base and tower requirements for the CCZU, a number of submissions sought their removal.

Rules regarding amenity, and urban design outcomes

[282] Submissions sought a range of outcomes, from supporting the notified version⁹⁴ to seeking amendments to provisions to remove the requirements for urban design assessments, or a modified form of them.⁹⁵ Ms Gardiner considered that the framework as notified sets appropriate triggers for assessment and remains enabling as required by the NPS-UD.

⁹³ [Statement of Evidence of Nicola Williams, 11 August 2023](#)

⁹⁴ For example, 1 B. Love #799, J Schroder #780, Regulus Property Investments Limited #810 and J Barbour #812

⁹⁵ For example Carter Group Limited, #814; Catholic Diocese of Christchurch, #823 and Kainga Ora #834

[283] In terms of the residential activity standards CCMUZ (Rule 15.12.1.1 P16) and CCMUZ(SF) (Rule 15.13.1.1 P13), The Catholic Diocese of Christchurch #823 and Carter Group Limited #814 have submitted opposing the changes to these provisions and seek that the status quo is retained for both zones. They also seek that the matter of discretion Rule 15.14.3.38 *Outlook Spaces* is deleted in its entirety because the changes are not necessary or appropriate for the purposes of promoting intensification and will add additional consenting requirements and complexity to the process.

[284] Kāinga Ora have also submitted on these provisions, seeking that activity specific standards for both CCMU (Rule 15.12.1.1 P16) and CCMU(SF) (Rule 15.13.1.1 P13) are amended to remove requirements relating to communal outdoor living spaces (where the communal space needs to be in addition to the landscaping requirements for the site), outdoor service spaces (because they consider this is appropriately managed through the Rule 15.12.2.5 – *Screening*), and that the ODP wording for internal boundary setbacks should be retained and the proposed wording in g) and j) should be deleted. In addition, they oppose the new clause j) that permits a maximum site coverage of 50% if more than 50% of the GFA of a building is used for residential activity.

[285] Ms. Williams provided an assessment of the submission points on these matters. She is of the view that the provisions relating to street setbacks, glazing, and outlook space requirements need to be retained to ensure adequate access to sunlight for the streets and lower floors of developments to support their liveability, walkability, and good urban design outcomes. Further with the intensification of residential activities in these environments, she notes that outlook spaces ensure good onsite amenity, achieving basic liveability standards. Ms Gardiner agreed with Kainga Ora regarding the duplication in Rule 15.12.1.1 P16 a) iii) as this clause is captured by Rule 15.12.2.5. Further, she agreed with Ms. Williams that the site coverage of 50% in Rule 15.12.1.1 P16 j) should be amended to 55% to accommodate the requirements for accessible parking within the Transport chapter. Ms Gardiner recommended a minor amendment to amend these clauses in Rule 15.12.1.1 P16 and recommend these submission points be accepted and accepted in part.

Changes in zoning boundaries of CCMUZ and CCMUZ-SF

[286] A number of submissions sought to rezone properties on the edge of the central city zone and the Council recommended that they be rejected for reasons of scope and on their merits. This included:

- (a) NHL Properties Limited #817 rezone the site and adjoining HDRZ land to Central City Mixed Use (CCMU).
- (b) Wigram Lodge (2001) Limited #716, and Elizabeth Harris and John Harris #1067 requested that the submitters site at 850-862 Colombo Street and 139 Salisbury Street be rezoned from High Density Residential to Central City Mixed Use.
- (c) Wigram Lodge (2001) Limited, Elizabeth Harris and John Harris request to rezone the submitters site at 152-158 Peterborough Street and 327-333 Manchester Street from High Density Residential to Central City Mixed Use.
- (d) Oyster Management Limited #872 seek to rezone the block Tuam Street, Madras Street, Lichfield Street and Manchester Street from the proposed Central City Mixed Use (South Frame) zone to City Centre Zone. Alternatively, they requested to rezone the block to Central City Mixed Use Zone.
- (e) Luke Baker-Garters #344 amend plan change 14 to zone all of the central city to mixed use zoning.
- (f) Victoria Neighbourhood Association #61 redraw the CCZ zone boundary to be the southern side of Victoria Square to be consistent with other CCZ boundary locations which do not include the park areas around the River Avon.
- (g) Rohan Collet #147 that all of the CBD is rezoned Mixed Use.
- (h) Christchurch Casinos Limited seek to rezone its site at 72 Salisbury Street & 373 Durham Street North from High Density Residential to enable mixed use development, such as the CCZ.

[287] We have addressed the above submissions requesting a change to the CCMUZ boundaries and rezonings in Part 7 of the Report and the Tables 1-4 in Part 8 Appendix H.

Findings and Evaluation on CCMUZ and CCMUZ (SF)

Building heights

[288] We accept that the changes recommended in the Reply version that provide for a maximum height of 32m with building base 17m in the CCMUZ (unless otherwise

identified on the central City Maximum Building height planning map) and find these to be appropriate.

[289] We accept that the changes recommended in the Reply version that provide for a maximum height of 21m with building base 17m in the CCMUZ (SF).

[290] We note here that we have addressed building base and tower requirements above in relation to the CCZ at [48]. As a consequence of our findings there, we have also considered that consequential changes are needed to rule 15.12.1.3 RD 2 and RD5 for consistency reasons to provide that buildings up to 17m in height are PA.

[291] We accept and find appropriate the Reply version recommendation to include a minimum number of floors above ground level of two.

Rules regarding amenity and urban design outcomes

[292] We have evaluated these matters and find them to be appropriate and reflect the mixed-use nature of the CCMUZ environment.

[293] We now move on to consider the centres outside of the four avenues and the NPS-UD Policy 3(d) response.

5. NPS-UD POLICY 3(d) RESPONSE: BUILDING HEIGHT AND DENSITIES OF URBAN FORM WITHIN AND ADJACENT TO CENTRES

[294] We begin here by setting out our interpretation of what NPS-UD Policy 3(d) means. Policy 3 (d) provides that District Plans are to enable within and adjacent to neighbourhood centre zones, local centre zones and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services⁹⁶.

[295] The main issues that arise relate to NPS-UD Policy 3(d) are:

- (a) Within and adjacent to each of the zones subject to NPSUD Policy 3 (d), what is the commensurate building height and densities of urban form? We note at the

⁹⁶ NPS-UD section 1.4 defines **Community services** to mean, community facilities, educational facilities and those commercial activities that service the needs of the community

outset that the Council used ‘walkable catchments’ as a proxy for commensurate height and density of urban form adjacent to the centres.

- (b) What is the appropriate hierarchy of zones, in particular whether the Large TCZ of Riccarton, Hornby and Papanui are properly described as Town Centres, or Metropolitan Centres?
- (c) Is the PC 14 notified proposal to rezone industrial zones in Sydenham, Phillipstown and Addington to mixed use zones, or enable more residential capacity through brownfields overlays within the scope of an IPI?
- (d) What changes if any are required to the objectives, policies, and rules to support and consequential upon giving effect to NPS-UD Policy 3(d) for those zones?
- (e) What if any other zone changes are appropriate?

Commensurate Response for Intensification within and adjacent to Commercial Zones

[296] Before we turn to the heights and density of urban form within each centre, we wish to set out our approach to defining the extent of intensification adjacent to the centres for the purposes of NPS-UD Policy 3(d). In addition to Part 1 this sub part of the report should also be read in conjunction with Part 4, as it applies to MRZ and HRZ, Part 5, relating to QMs and Part 7 for rezoning requests.

[297] We note that the Council has approached the intensification response to Policy 3(d) on the basis of a walkable catchment from the edge of each centre, adapting the approach to the CCZ walkable catchment, adjusting the size of the catchment proportionate to the extent of commercial activity and community services within each centre.⁹⁷

[298] Strictly speaking that need not have been the approach, as Policy 3(d) does not require the identification of a walkable catchment measured from the edge of the centre zone as being ‘commensurate’. The ordinary meaning of commensurate simply means ‘proportionate to or with’.⁹⁸ Rather, we recommend that the approach to Policy 3(d) should focus on the height and density of urban form of land within and adjacent to the centre. There could well have been alternative approaches to consider, including measurements from the central point of a centre zone (which we find to be more

⁹⁷ As explained in the [s32 Report, Part 3, Residential \(District Plan Chapter 14\)](#) and [s32 Report, Part 4, Appendix 10](#)

⁹⁸ Shorter Oxford Dictionary on line application.

appropriate below), or identification of a spatial ratio between the geographic size and the area of the centre zone and adjacent areas.

[299] We are concerned that measuring a walkable catchment for centres other than the CCZ, has led to some anomalies, and appears to have driven the need for the Council to create subcategories of TCZ and LCZ, to justify smaller catchments or alternatively has led to unnecessarily large catchments to justify distinctions within the centres hierarchy, which in turn adds unnecessary complexity to the exercise. We do not think Policy 3(d) required that level of complexity, and that it has a deliberately very different statutory purpose (“commensurate”) to policy 3(a) and the CCZ zone (“as much development capacity as possible”).

[300] Our approach to identifying the commensurate response adjacent to centres has been to identify, (based on our site visits, submitter evidence both in support and in opposition to the extent of walkable catchments and the Council’s s32 Reports and evidence presented at the hearing), the centre or core of each centre and apply a walkable distance, starting in 200m increments from the central point, proportionate to the role and function of that centre.

[301] In doing so we have considered the extent of commercial activity and community services with each centre.⁹⁹ We have followed the same discipline of identifying street boundaries, natural features, and where necessary cadastral boundaries to provide a ‘best fit’ recommended commensurate catchments for each centre zone. It is not necessary for the final ‘best fit’ solution for the adjacent area of any centre to be spatially uniform on all sides, symmetrical in shape, or otherwise of a nature other than whatever reflects the most practical and real-world commensurate response.

[302] The outcome of our evaluation is to recommend the commensurate catchments for centres as follows:

[303] For Large Town Centres of Riccarton, Hornby and Papanui, a baseline 800m commensurate catchment measured as follows:

- (a) For Riccarton, a distance of 800m from the intersection of Clarence Street, Riccarton and Straven Roads, extending to the north to Riccarton Bush and following Avon River to Deans Avenue to the east, along Deans Avenue to the

⁹⁹ This detail was provided in the [s42A Report of Kirk Lightbody](#) at Appendix 6.

cycleway on Deans Avenue that connects Deans Avenue to Blenheim Road, along Blenheim Road to Wainui Street to Riccarton Road and then along the boundary of St Teresas School to rejoin the edge of Riccarton Bush.

- (b) For Hornby, generally a distance of 800m from the intersection of Main South Road and Carmen Road, extending to the north to Waterloo Road and then in an easterly direction of 800m, to the nearest cadastral boundary (that area is zoned Heavy Industrial (IH), and includes a Large Format Retail Zone, so changes to heights and density of urban form are not required there). We recommend HRZ zoning South of Main South Road at the intersection with Neil Street, following the boundary of the PC 14 notified HRZ to the south and west to the intersection with Seymour Street and Main South Road, Parker Street and following the boundary of the PC notified HRZ to Hornby High School.
- (c) For Papanui, generally a distance of 800m from the intersection of Main North Road and Langdons Road, extending to the north to the point the railway line intersects with Vagues Road, then along Vagues Road to Main North Road to Grasmere Street following the HRZ boundary as notified to Grants Road to Papanui Road, then to Blighs Road to the railway line and there after following the boundary of the PC 14 notified HRZ back to Langdons Road and stopping at the boundary of the IG and LFRZ.

[304] For Town Centres, excluding North Halswell, we started with a baseline 600m catchment measured from the core or centre point of those zones. We have reviewed each of these and find that for:

- (a) Shirley/Palms, the commensurate catchment is appropriately represented by the zones shown on PC 14 notified Planning Maps and we recommend they be adopted.
- (b) Eastgate/Linwood, is appropriately represented by the zones shown on PC 14 notified Planning Maps and we recommend they be adopted,
- (c) Belfast/Northwood, the commensurate catchment is appropriately represented by the zones shown on PC 14 notified Planning Maps and we recommend they be adopted.

[305] For North Halswell Town Centre we recommend that the submission from Danne Mora Limited and Milns Park Limited is accepted in part, and that incorporation of MDRS and

into the residential areas of the ODP, and to the extent the ODP enables greater height and density of urban form than the MDRS, that they be retained and are commensurate for the role and function of that centre for the reasons set out in Part 7 of the Report.

[306] For Local Centres [Large], we found that a catchment of approximately 400m measured from the centre point of each centre to the nearest street boundary, natural feature or if necessary using cadastral boundaries to be appropriate.

- (a) For Merivale, 400m measured from the intersection of Papanui Avenue and Mansfield Avenue. The catchment extends to the area bounded by Innes Road, then Browns Road to St Albans Street, to Gordon Avenue and to Bristol Street and Webb Street back to Papanui Road, then on to Merivale Lane, to Winchester Street, and then in a line following the cadastral title boundaries to Leinster Road to the edge of Elmwood Normal School as far as Alistair Avenue and to Heaton Street, reconnecting with Papanui Road.
- (b) For Church Corner, 400m measured from the intersection of Waimairi Road and Riccarton Road. The catchment extends to the area bounded by Hanrahan Street to the North, then to Riccarton Road, Middleton Road, Suva Street, Ballantyne Avenue, Angela Street to Bowen Avenue, Reading Street and following the cadastral boundaries as per the HRZ boundary as notified back to Waimarie Road.
- (c) For Sydenham, 400m measured from the intersection of Colombo Street and Wordsworth Street. The catchment extends north to Carlyle Street, to Gasson Street, Burleigh Street, to Johnsons Street and to Orbell Street and back to the Railway corridor. For clarity we note there is also a small pocket of HRZ in the vicinity of Fairfield and Disraeli Street, which we find that the MRZ is more appropriate as it is outside of our identified catchment.

[307] For other Local Centres we have not found it necessary to define a catchment for HRZ as such, because the MRZ within 200m of the centre point of each of those zones is an appropriate response, commensurate with the function of those centres. We refer also to Part 4 of our report, as this recommendation has the effect of removing the need for Council's proposed MRZ Intensification Precinct (which we recommend be deleted).

[308] For Sydenham North and Sydenham South, we have previously commented on the effect of the overlapping CCZ 1.2km walkable catchment recommended by Council. A 'commensurate' catchment for the Local Centre of Sydenham and the Neighbourhood

Centre at Sydenham South, also overlapped in the notified version. We have recommended that the change to the IG zone to MUZ for Sydenham be rejected for the reasons outlined below. We find, however, that given the proximity of Sydenham to the CCZ zone and the main bus route along Columbo Street through to bus station in the central city, that it is appropriate to provide for increased building height and density of urban form, through the upzoning of residential zones to HRZ as proposed in PC 14 for these two centres. We recommend the retention of the HRZ for Sydenham and Sydenham South be accepted as notified.

[309] For Neighbourhood Centres we have found the commensurate response to be the MRZ, adjacent to those centres, with no need to provide for HRZ adjacent to those zones.

[310] For the Lyttelton Local Centre, we find the zoning proposed, and the Lyttelton Height QM, to be an appropriate commensurate response for that centre for the reasons stated in Mr Lightbody's s42A Report¹⁰⁰ and recommended they be accepted.

[311] Part 4 of our report addresses the appropriate residential zone response to our approach to identifying the commensurate catchments and address the Sunlight Access, Low Public Transport and Airport Noise QMs. In Part 5 we then make recommendations on QMs and in Part 7 we address submissions requesting zone changes.

[312] We invite the Council to map the zone boundaries for all MRZ and HRZ catchments for our consideration in accordance with our mapping directions in Part 8, Appendix I, following the best fit of roads, natural features and cadastral boundaries where appropriate.

[313] In the remainder of this Report we address the required NPS-UD Policy 3(d) response within each commercial zone category and the PC 14 proposal to rezone industrial zones to mixed use zones.

[314] We record the Council considered that the submissions seeking that the Large Town Centres of Riccarton, Hornby and Papanui should be re classified as Metropolitan Centres, was in effect a zone change. We have considered the issues in the context of our discussion on Town Centre Zones below.

¹⁰⁰ [s42A Report of Kirk Lightbody, 11 August 2023](#) at 6.3

NPS-UD Policy 3(d) Response: within Town Centre Zones

[315] The ODP identifies District Centres in Policy 15.2.2.1, being Riccarton, Hornby, Papanui/Northlands, Shirley/Palms, Eastgate/Linwood, Belfast/Northwood and North Halswell (emerging).

[316] Table 15.1 of the ODP describes the centres as follows: -

Major retail destination for comparison and convenience shopping and a focal point for employment (including offices), community activities and community facilities (including libraries, meeting places), entertainment activities, food and beverage and visitor accommodation. Medium density housing is contemplated above ground floor level and around the centre and the centre is anchored by large retailers including department store(s) and supermarket(s). The centres serve the needs of a wide primary catchment extending over several suburb and are accessible by a range of modes of transport including multiple bus routes.

[317] The National Planning Standard (NPS) zoning descriptions to choose from are: -
Metropolitan Centre Zone –

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.

[318] Town Centre Zone –

Areas used predominantly for: in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.

[319] The Council elected to split the District Centres into Town Centre [Large] and other Town Centre zones, and did not consider it appropriate to adopt the Metropolitan Centre Zone description.¹⁰¹

[320] Mr Lightbody also explained that there was good alignment between the NPS descriptions of Neighbourhood Centres with the ODP Local Centres, NPS Local Centre with ODP Neighbourhood Centres, and with Large Format Retail Zone with the ODP Commercial Retail Park Zone. Lyttleton is aligned with the Local Centre descriptor.¹⁰² Mr Lightbody included in Appendix 6 to his s42A Report a summary of the range of activities enabled in the centres across the hierarchy.

¹⁰¹ [s42A Report of Kirk Lightbody, 11 August 2023](#) at 6.2.4 - 6.2.8 and [s32 Report, Part A, Appendix 2](#)

¹⁰² Ibid at 6.2.10 -6.2.12

PC 14 as Notified

[321] PC 14 as notified identifies Riccarton, Hornby and Papanui as Large Town Centres and proposed an increase in height from 20m in the ODP to 22m.

[322] PC 14 as notified identifies the centres at Linwood, Shirley, Belfast and North Halswell as Town Centres and proposed no increase in height from the ODP 20m maximum.

[323] A number of changes are proposed to objectives, policies and rules applicable to Town Centre Zones:

Submissions and Section 42A Recommendations on TCZ

Metropolitan Centres or Large TCZ

[324] Submitters Kāinga Ora #834, Scentre #260 and Lendlease #855 sought the introduction of a Metropolitan Centre Zone (MCZ) for the Riccarton, Papanui and Hornby commercial centres. Submitters, Riccarton Bush – Kilmarnock Residents Association #188, Alan Ogle (#876, Robyn Thomson #686, Central Riccarton Residents' Association Inc #638, Colin McGavin #104, and Maureen McGavin #156 have sought the centres are zoned either a Local or Neighbourhood Centre. Submitters, Canterbury Regional Council #689 and Ara Poutama Aotearoa #259 have supported the zoning as notified.

[325] Lendlease sought amendments to the objectives and policies of Chapter 15 and a new zone rule framework in their submission to introduce an MCZ. Kāinga Ora have also provided an entirely new chapter to consider within their submission.

[326] The Panel received legal submissions and planning and economic evidence from both Lendlease, Scentre and Kāinga Ora.¹⁰³

[327] Planning witnesses, Mr Cleese, for Kāinga Ora, Mr Arbuthnot, for Lendlease and Mr Smith for Scentre shared the view that the Council had incorrectly compared the NPS

¹⁰³ [Legal Submissions for Scentre \(New Zealand\) Limited, 17 October 2023](#), [Legal Submissions for Lendlease New Zealand Limited, 24 October 2023](#) and [Legal Submissions for Kāinga Ora, 6 October 2023](#) Planning and economic evidence referred below.

zone descriptions with the ODP descriptions and considered the correct test was to compare the role and function of the centre, both now and in the future.¹⁰⁴

[328] Mr Clease also considered that Mr Lightbody had incorrectly looked to the CRPS, Map A for the ‘sub regional’ catchment. Instead, Mr Clease’s opinion was that the correct approach is that ‘sub regional’ was the next step above the catchment for a Town Centre Zone. He said that catchments that are larger than the immediate and neighbouring suburbs. Mr Clease’s view was to interpret otherwise would be to create a void of centre catchment for centres that draw on a customer base that is larger than neighbouring suburbs but not as large as the entire metro area.¹⁰⁵

[329] Mr Colegrave identified that Riccarton, Hornby and Papanui all drew on residential catchments that extended well beyond their neighbouring suburbs. He tested these against the degree of retail spend, and geographical extent. Mr Cosgrave’s evidence was that all three centres’ capture of retail spend is below the CBD, and above any other centre. 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.¹⁰⁶

[330] Mr Clease concluded that the centre zoning, its place in the hierarchy, and the degree of enablement provided, must look forward to the anticipated role of these centres over the coming decade and beyond. He said that *“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”*. He said that Ms Williams bases her assessment on the wrong question.¹⁰⁷ 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”. Overall, he considered a Metropolitan Centre was the most appropriate zone for Riccarton, Hornby and Papanui because they have catchments that extend well below their immediate suburbs, their retail spend and geographical extent and are the largest non CBD centres in the second biggest city in New Zealand.¹⁰⁸

¹⁰⁴ [Statement of Evidence of Jonathan Clease for Kāinga Ora, 20 September 2023](#) at 3.139, [Statement of Evidence of Mark Arbuthnot for Lendlease New Zealand Limited, 20 September 2023](#) at 4.7 [Statement of Evidence of Vaughan Smith for Scentre \(New Zealand\) Limited, 20 September 2023](#) at 1.8

¹⁰⁵ [Statement of Evidence of Jonathan Clease for Kāinga Ora, 20 September 2023](#)

¹⁰⁶ [Statement of Evidence of Fraser Colegrave for Kāinga Ora, 15 September 2023](#) at 5.15

¹⁰⁷ [Statement of Evidence of Nicola Williams, 11 August 2023](#) Appendix 4

¹⁰⁸ [Statement of Evidence of Jonathan Clease for Kāinga Ora, 20 September 2023](#) at 3.146

[331] Mr Arbuthnot, considered it essential to have regard to the existing and future function of Hornby, including whether it services a sub-regional catchment, in determining the appropriate equivalent zone. This is more likely to provide a more accurate and beneficial classification that is in line with the intent of the National Planning Standards and the intensification outcomes of the NPS-UD.¹⁰⁹

[332] Mr Smith considered that Riccarton meets the criteria for Metropolitan Centres in the NPS, given its size, function and the catchment it serves. It was appropriate for Riccarton to be identified as a Metropolitan Centre as that status recognises the centre's important role in the centres' hierarchy, anticipates and enables ongoing growth and intensification both within and adjacent to the centre, enables the improvement of public transport services, and supports an increased height limit.¹¹⁰

[333] Dr Fairgray provided economic evidence for Scentre. He had examined the status of Riccarton centre and Riccarton Mall in the Christchurch urban economy, which included the nature of economic activity in the centre, how the centre serves the needs of the Christchurch community, including the catchment areas where Riccarton is the closest major centre. He also considered Riccarton's role in relation to the CBD's role in the economy and the roles of Northlands (Papanui) and Hornby. Dr Fairgray has drawn on his research and analysis of Auckland Metropolitan Centres in regard to their size and roles within the Auckland economy and relationship to the Central City and other centres in the network. Key findings have been their significant role in accommodating Auckland's employment growth relative to smaller centres lower in the urban structure, the progressive expansion of their roles including to provide for office-based activities, and expansion upward to higher built levels.

[334] Dr Fairgray was of the opinion that it is important to ensure there is sufficient opportunity for centres to develop at all levels of the hierarchy, especially those which develop to the 'metropolitan centre' level.¹¹¹ The submission of Scentre focuses on providing plan-enabled opportunity for the Riccarton centre to fulfil and expand its role.

[335] Dr Fairgray illustrated in Figure 1 of his brief of evidence that Riccarton has consistently measured second in size to the Central City over a 10-year period and a visitor catchment across the whole of Christchurch City and south of the City into Selwyn

¹⁰⁹ [Statement of Evidence of Mark Arbuthnot for Lendlease New Zealand Limited, 20 September 2023](#) at 4.7

¹¹⁰ [Statement of Evidence of Vaughan Smith for Scentre \(New Zealand\) Limited, 20 September 2023](#) at 1.8

¹¹¹ [Statement of Evidence of James Fairgray for Scentre \(New Zealand\) Limited, 21 September 2023](#) at 3.15

District (Figures 2 and 3). Dr Fairgray examined the range of roles in Riccarton and other major centres within Christchurch and compared those with the Metropolitan centres in the Auckland economy. His evidence was that Auckland currently has 10 such centres with one (Drury) to be added in the short term. He compared the scale and range of activities of Auckland's metropolitan centres, with those in Riccarton, Northlands and Hornby.¹¹² Although Auckland centres are on average larger, the three Christchurch centres are in line by size with the smaller of the Auckland centres. More importantly, they are in line in terms of the range of goods and services offered, and especially with regard to their roles within the Christchurch economy.

[336] Dr Fairgray acknowledged that there was considerable common ground between his and Mr Heath's evidence on the recovery path of the central city and their importance of the centres network and a strong CBD. Where they differed most was on the readiness for centres outside of the CBD to grow. Dr Fairgray's opinion was that it is very important to get the timing right, especially as to how long the protection of the central city should be the highest priority, and at what point that should be relaxed to enable the urban economy to perform more efficiently into the long term.¹¹³

[337] Mr Lightbody disagreed, and referenced the NPS clause 8(2) *Zone Framework Standard* which provides:

If an existing zone in a plan is consistent with the description of a zone in table 13, that existing zone must use that zone name in table 13, and the associated zone colour in 13. Mapping Standard table 19.

[338] Mr Lightbody evaluated the package of changes proposed by both Lendlease and Kāinga Ora, as against the CRPS, Chapter 6 and considered that to the extent that they elevated the status of Riccarton, Hornby and Papanui, they posed a threat to the hierarchy of centres.

[339] Mr Lightbody considered that introduction of a MCZ would create a new role/ function for Riccarton, Papanui and Hornby that would be inconsistent with both ODP Objective 15.2.2 and CRPS Objective 6.2.5 and Policy 6.3.1(8) as it creates inconsistencies with the hierarchy of centres. He also considered the description of a MCZ in the NPS is "*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.*"

¹¹² Ibid at 4.7 and in Figure 4

¹¹³ Ibid at 6.3

He said that while the District Plan enables a broad range of activities consistent with limb 1 of the definition, the three centres do not serve a sub-regional catchment having regard to his interpretation of a sub-regional catchment.

[340] Mr Lightbody explained that the differences in rule provisions between a MCZ and TCZ is height and office tenancy limits. He concluded that the introduction of a new zone for Riccarton, Papanui and Hornby to be an inefficient planning framework when the same outcomes can be achieved within the TCZ. He also referenced Objective 3.2.2 of the CDP that directs to minimize the number, extent and prescriptiveness of development controls, along with ensuring the plan is concise to ensure the District Plan is easy to understand and use.

TCZ or LCZ (or NCZ)

[341] In relation to the request by submitters to down zone Riccarton, Hornby and Papanui¹¹⁴ Mr Lightbody noted that Local Centres are intended as a focal point for primarily small-scale commercial activities with a focus on convenience shopping, and community activities and guest accommodation in Objective 15.2.2. The NPS describes Local Centres as “*Areas used predominately for a range of commercial and community activities that service the needs of the residential catchment.*” Local Centres have retail and office tenancy size limits and Policy 15.2.2.1 – Role of centres seeks to maintain the role of Local Centres and ensure they maintain primacy for KACs. Riccarton, Papanui and Hornby are already recognised as District Centres in the operative CDP and Key Activity Centres in the CRPS and he considered that a move down the centres hierarchy would not be the most efficient outcome in terms of the CRPS, CDP nor the NPS-UD.

[342] In response to submissions seeking an NCZ, he concluded that moving the three largest centres in the hierarchy down to the bottom of the hierarchy would not be the most appropriate zoning outcome. The Neighbourhood Centre zone is described in the National Planning Standards as “*...predominately for small-scale commercial and community activities that serve the needs of the immediate residential neighbourhood*”. This does not reflect the range of activities existing and provided for in each of the centres nor the catchments they serve.

¹¹⁴ Riccarton Bush Kilmarnock Residents' Association #188, Alan Ogle #876, Robyn Thomson #686, Central Riccarton Residents' Association Inc #638, Colin McGavin #104, and Maureen McGavin #156 and Tony Rider #74 in relation to Church Corner.

[343] Other submissions sought changes to specific local areas to be upzoned to Town Centre, for example along Lincoln Road in Addington¹¹⁵, land on Main North Road and Johns Road from a FUZ, to Town Centre Zone¹¹⁶. These were recommended to be rejected by Mr Lightbody.

[344] Submissions also requested a consolidation of the distinction of Large and other centres for TCZ and LCZ.¹¹⁷ Mr Lightbody did not recommend a change for Town Centres but recommended the removal of the Medium Local Centre.

[345] The Section 42A recommendation was to retain the Town Centre Zoning, and reject the request to upzone Riccarton, Hornby and Papanui to a Metropolitan Centre, or down zone those Centres on the basis that the Town Centre Zoning was the nearest equivalent to the existing District Centres.

[346] We evaluate the requested changes to the hierarchy of zones following our consideration of height and density provisions for the TCZ.

Heights in Town Centres

Riccarton, Hornby and Papanui

[347] In terms of building heights in the TCZ 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 Hornby.¹¹⁸ Lendlease seeks a 45m height limit. Kainga Ora, 52m and Scentre 50m.

[348] At 56m height, Mr Clease considered this to be 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).¹¹⁹ He acknowledged Mr Heath's concern about the impact on the competitive advantage of the CCZ and suggested that the answer would be to retain the office tenancy cap that applied in the ODP.

[349] Dr Fairgray supported an increase in height for Riccarton and considered that 12-13 storeys was appropriate to enable mixed use development.

¹¹⁵ Logan Clarke #678

¹¹⁶ Belfast Village Centre Limited #917

¹¹⁷ Waipuna Halswell-Hornby-Riccarton Community Board #902 and Kāinga Ora #834

¹¹⁸ [Statement of Evidence of Nicola Williams, 11 August 2023](#), paragraphs.19-25

¹¹⁹ [Statement of Evidence of Jonathan Clease for Kāinga Ora, 20 September 2023](#) at 3.148

Other Town Centres

[350] A number of submitters opposed increases in height as notified, and the increases sought by other submitters.¹²⁰ Submitters also supported the notified heights.¹²¹

[351] Mr Lightbody relied on the evidence of Ms Williams in relation to potential urban design effects (noting that these are potential costs if not properly addressed) arising from the increased height and recommend the built form standards contained in Appendix 4 to his report as the most appropriate way to mitigate any adverse effects that would arise from the increased heights in the Large Town Centres.

[352] Kāinga Ora has also requested height increases for buildings in Town Centres, Large Local, Local, and Neighbourhood Centres. Relying on the evidence of Ms Williams who is supportive of the request as this provides greater flexibility to develop more functional commercial ceiling heights, Mr Lightbody recommended that heights sought by Kāinga Ora for the TCZ, LCZ and NCZ centres be accepted. He did not accept the upzoning of Riccarton, Hornby and Papanui to Metropolitan Centres, or the associated increases in height requested by Lendlease, Scentre and Kainga Ora for Metropolitan centres. His recommendation was as follows:

- (a) Large Town Centre (Riccarton, Hornby and Papanui): 32m
- (b) Town Centre (Linwood, Shirley, Belfast, North Halswell): 22m
- (c) Large Local (Church Corner, Merivale, Sydenham, Ferrymead): 22m
- (d) Medium Local: Deleted
- (e) Small Local: 14m
- (f) Neighbourhood: 14m

Office floor space

[353] Scentre requested that the ODP maximum Gross Leasable Floor Area for offices in TCZ be removed, to support growth in those centres. Dr Fairgray supported this in his

¹²⁰ For example Helen Broughton #886, Susanne Antill #870, Waipuna Halswell-Hornby-Riccarton Community Board #902

¹²¹ Carter Group Limited #814 #824, The Catholic Diocese of Christchurch #823

evidence and considered that it was no longer necessary to provide this protection for the competitive advantage of the CCZ. Mr Clease however suggested that if the Council was concerned about the vulnerability of the CCZ, then this standard could be retained.

[354] Mr Lightbody considered that the direction in the policy framework of the ODP, CRPS and NPS-UD provide that the City Centre Zone is the primary commercial centre in the district, and the evidence of Mr Heath notes the adverse effects that enabling unlimited office tenancy sizes in centres could cause. He concluded that maintaining the operative provision would be the most appropriate way to give effect to the Objectives of the CDP.

Findings and Evaluation Town Centres

[355] that the Panel recommends that:

- (a) submissions seeking the upzoning of Large Town Centres of Riccarton, Hornby and Papanui to Metropolitan Centre should be rejected, on the basis that there is insufficient evidence to justify a departure from the notified zoning for those centres, and the carefully calibrated region-wide planning response to the overall network of centres.
- (b) the heights of the Large Town Centre Zones should be increased to 32m as recommended by Mr Lightbody and Ms Williams.
- (c) the maximum office tenancy of 500m² should be retained as notified.
- (d) the requests to down zone the Large Town Centres and Town Centres should be rejected on the basis there is insufficient evidence to justify a departure from the notified version.
- (e) the changes recommended in the Reply version should be accepted, except to the extent that we have made changes for consistency of recommendations made to the CCZ objectives, policies and provisions and those of other centres, and for reasons of clarity.

Metropolitan Centres

[356] In relation to the request for the upzoning of Riccarton, Hornby and Papanui to Metropolitan centres, we accept that the application of the NPS only requires the change of name to reflect the current zoning descriptions, it does not of itself require a re-

evaluation of the role and function of centres. The argument advanced by the planning witness for Scentre, Lendlease and Kāinga Ora that the identification of centres within the hierarchy should be forward looking, highlights that to change from a Town Centre to a Metropolitan Centre requires an in-depth, and comprehensive analysis of the role and function of each centre, and the consequences for other centres within the Centres Hierarchy. Clearly this was not included in the Council's section 32 Report, as this was not the approach they adopted. We also did not find that depth of analysis in the evidence presented in PC 14 from submitters. There was strong consensus from the economic experts, and planners that the ODP centres hierarchy is appropriate in the Christchurch context, and there is support for that in the CRPS, and in the objectives and policies of the ODP.

[357] The alternative provisions offered by Mr Cleese and Mr Arbutnot appeared to us to be superficial, and simply edited the planning provisions for Town Centres. None of the planning witnesses offered a s32 or s32AA evaluation as part of their primary evidence. The approach to the submissions lacked the rigor we would expect for such a significant challenge to the zoning of the three largest centres.

[358] On that basis we recommend that the request by Submitters to upzone Riccarton, Hornby and Papanui to Metropolitan Centre is rejected.

[359] Similarly, the requests from a number of submitters to down zone the Large Town Centres and Town Centres, was not supported by expert planning or economic analysis and we recommend they also be rejected.

Heights in TCZ

[360] On the issue of heights within Large Town Centres, and Town Centres, we have considered the further analysis undertaken by Ms Williams as part of her report contained in Appendix 4 to the s42A Report.

[361] We have also considered the submissions from the Waipuna Halswell-Hornby-Riccarton Community Board, RBKRA and individual residents regarding the fairness of the changes recommended by s42A Report authors to increase heights within and surrounding the centres. As can be seen from the discussion above, increased and decreased heights are a matter well within our discretion to consider, due to the range of submissions on PC 14. We do not agree this raises an issue of fairness. We have evaluated all evidence and submissions we received on the height issue. We find that

the proposed increase in height within each TCZ, in conjunction with the urban design provisions to be appropriate and we recommend that the Reply version be accepted.

[362] We recommend that submissions seeking changes to office size be rejected.

[363] We have reviewed the changes to the objectives and policies and associated rules for the Town Centre and have made changes to these as follows for reasons of clarity, consistency with the findings on related issues in the CCZ and other zones.

6. NPS-UD S3(d) RESPONSE: LOCAL CENTRES

PC 14 as Notified

[364] PC 14 as notified identified Merivale, Sydenham, Church Corner, Ferrymead and New Brighton as Large Local Centres and proposed an increase in height for Merivale, Sydenham, Church Corner and Ferrymead from 12m in the ODP to 20m, except New Brighton was only increased to 14m.

[365] PC 14 as notified identified the centres of Barrington, Prestons, Bishopdale, Lyttleton, Wigram, Woolston, Avonhead, Addington, Sydenham South, Cranford, Edgeware, Halswell, Aranui, Beckenham, Columbo/Beaumont, Fendalton, Ilam/Clyde, Northwest Belfast, Parklands, Redcliffs, Richmond, St Martins, Linwood Village Sumner, Wairakei – Greers, Hillmorton and Yaldhurst as Local Centres and retained the height limit at 12m in accordance with the ODP.

Submissions and s42A Recommendations on Local Centres

[366] A number of submissions sought changes to the Local Centre zones, either to upzone them to Town Centres, in the case of Church Corner, Sydenham and Merivale,¹²² or down zone to smaller centres.

[367] Mr Lightbody and Ms Williams, after considering submissions and the package of urban design related provisions recommended a small increase in heights from 20m to 22m for Large Local Centres and 12m to 14m for smaller local centres (having merged the medium and small Local Centre categories).

¹²² Kāinga Ora #834

Findings and Evaluations on Local Centres

[368] Having considered the evidence and submissions on the issue of commensurate heights and density of urban form in response to NPS-UD Policy 3(d) we accept the recommendations of Mr Lightbody and Ms Williams for heights within LCZ.

[369] There are no substantive changes to the remaining provisions in Chapter 15 as they apply to the LCZ. We recommend they be accepted with consequential changes we have made for clarity and consistency with other provisions recommended to be amended.

[370] We have addressed the commensurate response for LCZ above at [80] and [81]. We find that the incorporation of the HRZ to areas within 400m of the centre point of each Large Local zone, subject only to the extent necessary for appropriately evaluated QMs, as identified in Part 4 and 5 of the Report, to be the most appropriate method to achieve the objective of PC 14 and give effect to the CRPs and NPS-UD. We find that MRZ, within a 200m distance of the small LCZ provides the most appropriate commensurate response. The MRZ and HRZ zone provisions are addressed in Parts 4 and 5 of the Report.

NPD-UD Policy 3(d) response: Neighbourhood Centres

[371] PC 14 as notified increased the height of buildings in neighbourhood centres from 8m to 12m.

[372] Having considered the evidence and submissions on the issue of commensurate heights and density of urban form in response to NPS-UD Policy 3(d) we accept the recommendations of Mr Lightbody and Ms Williams within NCZ.

[373] There are no substantive changes to the remaining provisions in Chapter 15 as they apply to the NCZ. We recommend they be accepted with consequential changes we have made for clarity and consistency with other provisions we have recommended be amended.

[374] We now address the Councils proposal to change the Industrial General zones to MUZ, where they are located within the Councils PC 14 notified walkable catchment of 1.2km from the edge of the CCZ, in the Sydenham, Addington and Phillipstown area. We also discuss submissions seeking to extend the use of brownfield overlays and 'comprehensive housing precincts and forms of development.

NPS-UD Policy 3(d) Residential Intensification within the Industrial General Zone and Mixed Use Zones

Summary of Recommendations

[375] As notified PC 14 proposed to provide for residential intensification within Industrial and MUZ within the Council's 'walkable' catchment of the CCZ, and adjacent to other centres. We note here that Council relied on NPS-UD Policy 3(c)(ii) for this approach. However, as we have found above, by reducing the catchment to the Four Avenues, we have considered the rezoning proposal as a Policy 3(d) matter.

[376] The Panel recommends that

- (a) rezoning Industrial General Zones to MUZ are outside the scope of Policy 3(c)(ii) and 3(d) and s80E of the RMA. Accordingly, they are not considered the merits any further in this report. We have, however provided commentary on each area and set out our reasons why we find them to be outside of the scope of an IPI.
- (b) the proposed application of the Brownfields Overlay to Industrial General zoned areas at Woolston, Hornby, Cranford and Papanui and the proposed associated changes to objective, policy and rules not be accepted;
- (c) as a consequence, the proposed amendments are to be returned to their Operative District Plan status, subject to 'cosmetic' changes (such as zone names and numbering); and
- (d) the submissions in support of the changes are rejected and those opposed are accepted.

Rezoning of Industrial General zone areas within a walkable distance of the City Centre zone to Mixed Use Zone PC 14 as Notified

[377] As notified PC 14 proposed to rezone the industrial zoned areas in Sydenham, Phillipstown and Addington to mixed use zones, on the basis that they were within a walkable catchment of the CCZ, or another centre, and were required in response to the NPS-UD Policy 3 (a), (c)(ii) and (d) directives.

[378] Mr Lightbody (in his s42A report¹²³) addressed the proposed rezoning of Industrial General zone areas to a commercial Mixed-Use zone and the consequential introduction of the Comprehensive Housing Precinct ('CHP') and activity rules for Comprehensive Residential Development ('CRD') (Mixed Use zone rule 15.10.1.3 RD3 and RD4, and Industrial General zone rule 16.4.1.3 RD8) to provide for residential development. He relied on the evidence of Mr Kleynbos (Planning – Residential) and Ms Williams (Urban Design) to support the application of the Mixed-Use zone and its provisions to include Phillipstown (Cashel Street, Nursery Road, Lismore Street and Fitzgerald Avenue general vicinity), and Sydenham (Waltham Road, Brougham Street, South Island Main Trunk Railway eastwards towards the existing Addington Mixed Use zone). Subsequently conferencing between Ms Williams and Mr Cleese (Kāinga Ora) supported the application of the CHP in Sydenham and Lancaster Park.¹²⁴ Mr Lightbody accepted the application of the Mixed-Use zone as agreed between the two experts.¹²⁵

[379] One of the main reasons advanced in Mr Lightbody's s42A report to support the rezoning, included the existence of a "...significant quantum of industrial land and level of demand in the long term..."¹²⁶. Given the Council's theme presented throughout the hearing that there was more than a sufficient plan enabled and feasible residential zoned land to meet more than 30 years of demand, it struck the Panel as curious as to why the Council saw the need to propose to rezone industrial land to enable comprehensive residential development. Although Mr Lightbody provided an analysis of the industrial land supply sufficiency, he notes that the evaluation is at a city-wide level and no analysis had been undertaken on the demand for industrial land at a local level.¹²⁷

[380] The Panel notes that some technical level of analysis has been undertaken of this areas suitability as an 'Industrial Transition Area.'¹²⁸ However, because the Council approached the problem definition on the basis that giving effect to NPS-UD Policy 3(c)(ii) and Policy 3(d) requires housing intensification of industrial zones near to commercial centres (generally interpreted as requiring more intensive and efficient uses

¹²³ [s42A Report of Kirk Lightbody, 11 August 2023](#) e.g. paragraph 6.4.6 and paragraph 8.5.25

¹²⁴ [Joint Witness Statement of Urban Design and Architecture Experts, 5 October 2023](#) pages 6 – 8

¹²⁵ [Rebuttal Evidence of Kirk Lightbody, 9 October 2023](#) paragraphs 28 - 31

¹²⁶ [s42A Report of Kirk Lightbody, 11 August 2023](#) at section 6.4 and specifically paragraph 6.4.1

¹²⁷ *Ibid* at paragraph 6.4.8

¹²⁸ [s32 Report, Part 4, Appendix 4](#) at pages 18 - 20

to replace existing activities and that those activities should be residential¹²⁹), there was a consequential lack of critical analysis, in relation to costs and benefits for the areas proposed to be rezoned. Essentially the s32 analysis was already biased towards the outcome of rezoning industrial land. This was a significant failing in terms of s32 analysis.

[381] Subsequently, Mr Lightbody provided a summary statement that focused on justification for the proposed rezoning from Industrial General to Mixed Use and the proposed provisions (such as the CHP).¹³⁰

[382] The Panel, having reflected on our findings with regard to identifying the scope of an IPI in Part 1 at [210] finds that there is no justifiable link between the directives in NPS-UD Policy 3(c)(ii) to enable building heights of at least 6 storeys within a walkable catchment of the edge of the city centre zone, or NPS-UD Policy 3(d) to enable building heights and densities of urban form commensurate with the level of commercial activity and community services provided in local centre zones (Sydenham North) that support the rezoning of industrial land to mixed use zoning.

[383] In fact, Mr Lightbody's evidence supports the Panel's finding that the Industrial General zone already provides the height and densities of urban form for the industrial and other business activities required by the NPS-UD Policy 3(c)(ii) and 3(d).¹³¹

[384] Furthermore, Mr Lightbody's evidence appears to have selectively focussed on one aspect of NPS-UD Objective 3, being to enable more people to live in close proximity to a centre zone or area with many employment opportunities.¹³² However, Mr Lightbody's evidence does not consider other aspects of NPS-UD Objective 3, being to enable more businesses (which includes industrial activities) to be located in an urban environment with many employment opportunities, public transport or high demand for business land in the area.

[385] The Panel finds that the Council interpretation of NPS-UD Objective 3 as elaborated on in relevant Policy 1 (well-functioning urban environments), Policy 2 (sufficient development capacity) and Policy 3 (building heights and density of urban form) that

¹²⁹ For example: [s32 Report, Part 4, Commercial and Industrial](#) at Issue 4, New Mixed-Use Zone page 76, first bullet point under "Effectiveness" heading

¹³⁰ [Summary Statement of Kirk Lightbody, 21 November 2023](#)

¹³¹ [Summary Statement of Kirk Lightbody, 21 November 2023](#) at paragraph 2.2

¹³² Ibid at paragraph 5.2

promotes residential development ahead of or above business development is incorrect. Rather, those objectives and policies promote an integrated and comprehensive mixture of residential, business, community, open space and other activities in order to create a well-functioning urban environment, that is relevant and applicable to the city or town that it is being applied to.

[386] Unfortunately, in an endeavour to create opportunities for more housing, in what is a diverse business and industrial environment, has the consequence of undermining or removing status quo development rights of landowners within those areas, which is outside of the scope of an IPI, on a *Waikanae* analysis.

[387] The following provisions of the MUZ do not retain the status quo of the Industrial General zone:

- (a) Mixed Use zone rule 15.10.1.1 P12 that excludes some permitted industrial activities, and
- (b) ODP Industrial General rule 16.4.1 P20 that provides for community corrections facilities that is not included in the Mixed Use zone.

[388] As a consequence of the Panel's above findings the amendments and/or additions to the proposed in PC 14 to the objectives, policies and rules below are not required. Accordingly, the Panel recommends that all these provisions be returned to their Operative District Plan status, other than for 'cosmetic' changes to names of zones and numbering as proposed.

[389] Regarding the definition of 'Comprehensive Residential Development', on the basis that the definition is no longer required for the Residential New Neighbourhood Zone (as that zone is to be replaced with Medium and High Residential zones) and that the definition is not used elsewhere in the District Plan, the Panel recommends that the definition be deleted.

Provisions recommended to be removed from PC 14:

Objective 15.2.3 (b) – *Mixed use zone close to City Centre*

Policy 15.2.3.2 – *Mixed use areas outside the central city*

Rule 15.10.1.1 P12 - *Industrial activity in the Mixed Use zone at Sydenham, Waltham and Phillipstown*

Rule 15.10.1.1 P27 – *Residential activity*

Rule 15.10.1.3 RD3 – *Comprehensive Residential Development*

Rule 15.10.1.3 RD4 – *Comprehensive Residential Development*

Rule 15.10.1.5 NC3 – *Comprehensive Residential Development*

Rule 15.10.2.1 – *Maximum building height*

Rule 15.10.2.1 – *Minimum building setback from residential zones and internal boundaries* (in relation to ‘c’)

Rule 15.10.2.4 – *Sunlight and outlook at boundary with a residential zone* (in relation to ‘d’)

Rule 15.10.2.5 – *Screening of outdoor storage areas, service areas/spaces and carparking* (in relation to ‘a’)

Rule 15.10.2.9 – *Minimum standards for Comprehensive Residential Development*

Definition of ‘*Comprehensive Residential Development*’

[390] For the above reasons, the Panel finds:

- (a) that the existing Industrial General zone and its provisions provide the building height and density requirements adjacent to the Local Centre zone in Sydenham (North) that are commensurate with the level of commercial and community services provided within the Local Centre zone; and
- (b) that the proposed rezoning of Industrial General zone areas to Mixed Use zone with the associated ‘Comprehensive Housing Precinct’, is not a ‘related provision’ that supports or is consequential on giving effect to NPDS-UD Policy 3(d).

[391] In addition to the above matters relevant to Sydenham, the Panel has found that the walkable catchment from the edge of the city centre zones (NPD-UD Policy 3(c)(ii)) only

extends as far south as Moorhouse Avenue and as far east as Fitzgerald Avenue.¹³³ Accordingly, the justification for including Phillipstown, Lancaster Park and areas towards Addington within the Mixed Use zone because they are within the walkable catchment does not apply.

Brownfield Overlay

[392] Council approached the consideration as to the necessity and suitability of the existing brownfield overlay provisions to new areas within the Industrial General zone near the city centre zones and local centre zones, in a similar manner to that adopted to the rezoning of Industrial General zone areas to Mixed Use zone.

[393] In his s42A report, Mr Lightbody sets out that the Industrial General zone already includes an enabling policy pathway for brownfield redevelopment and accordingly Council is already achieving the NPS-UD Policy 3(c) direction. However, he considers that by identifying specific brownfield areas at Hornby, Papanui, Cranford and Woolston, and providing for the comprehensive housing precinct this will give effect to NPS-UD Policy 1 by enabling a full transition of the area to residential activity while still enabling the heights and density directed by the NPS-UD.¹³⁴

[394] Again, the Panel comes to the finding that as there is no imperative in either NPS-UD Policy 3(c)(ii) or 3(d) that supports the application of the brownfield overlay to the industrial areas to assist in the transition of industrial activities to residential activities, there are no related provisions required to support or are consequential.

[395] In both Mr Lightbody's s42A report¹³⁵ and in the Council Reply¹³⁶ the requests by submitters to apply the brownfield overlay to their properties were recommended to be rejected on the basis that the requests were not 'on' the plan change and hence out of scope. The Panel concurs with those assessments. There appears to be confusion as to the Council position with regard to Submission 823 – The Catholic Diocese of Christchurch (2 Lydia Street) with the site shown on the Council Reply maps as still being covered by the brownfield overlay. The Panel confirms that the submission is out of scope and recommends that the brownfield overlay be deleted.

¹³³ Refer to paragraphs [253] – [256]

¹³⁴ [s42A Report of Kirk Lightbody, 11 August 2023](#) at section 8.5 and specifically paragraph 8.5.35

¹³⁵ Ibid at Appendix 1 – Table of Rezoning Requests

¹³⁶ [Council Reply, 17 May 2024](#) at 11.22 and 11.23

Submissions and Section 42A Report Recommendations on Industrial General Zone Change

[396] Mr Lightbody in his s42A report discusses the issue of scope and sets out those submission points that are considered to be out of scope. The Panel concurs that the submissions relevant to the Mixed Use zoning and the Brownfield Overlay matters as set out in the table in his report are out of scope, although not necessarily for the reasons stated.¹³⁷

[397] We note that there were no submissions directly opposing the change from IGZ to MUZ, although some submissions more broadly raised concerns about effects on existing businesses due to residential intensification in Industrial areas. XXX.

[398] Representative of submissions that supported the change, Kāinga Ora #834 and Christchurch NZ #760 provided legal submissions and planning evidence and as noted previously, the planners participated in caucusing and producing joint witness statements. None of the submissions (and legal submissions and supporting evidence) outright opposed either the Mixed Use rezoning or brownfield overlays. However, caution regarding the Mixed Use rezoning was found in the evidence of Mr Cleese in support of Kāinga Ora, where in his opinion *"...a consolidation of the proposed Mixed Use zoning [was required] until such time as the necessary place making and urban design exercises had been undertaken to ensure that the necessary amenities for mixed use living are available to residents in those locations."*¹³⁸

[399] While there may have been merit in the positions and provisions agreed by the Council and submitters, the Panel's findings as set out below, meant that those merits did not need to be considered further.

Findings and Evaluation on Industrial General Zone Change

[400] For the above reasons, the Panel finds that the Mixed Use rezoning and the amendments to the Brownfield Overlays were not required to give effect to NPS-UD Policy 3 (s80E(1)(a)(ii)(A) of the RMA), nor are they related provisions that support or are consequential on NPS-UD Policy 3 (s80E(1)(b)(iii)(B) of the RMA).

¹³⁷ [s42A Report of Kirk Lightbody, 11 August 2023](#) at section 7.2 particularly the table in paragraph 7.2.4

¹³⁸ Legal submissions on behalf of Kāinga Ora – Homes and Communities, 6 October 2023, Paragraph 9.1 [Legal Submissions of Kainga-Ora, 6 October 2023](#) at 9.1

[401] For the above reasons and findings, the Panel recommends that:

- (a) the proposed rezoning of Industrial General areas to Mixed Use and the proposed associated changes to objective, policy, rules and definition not be accepted;
- (b) the proposed application of the Brownfields Overlay to Industrial General zoned areas at Woolston, Hornby, Cranford and Papanui and the proposed associated changes to objective, policy and rules not be accepted;
- (c) as a consequence the proposed amendments are to be returned to their Operative District Plan status, subject to 'cosmetic' changes (such as zone names and numbering); and
- (d) the submissions in support of the changes are rejected and those opposed are accepted.

7. STATUTORY EVALUATION

Section 74, 75 and 76 Requirements

[402] We have applied the required statutory evaluation tests as set out in Part 1 of the Report and satisfied ourselves that the changes we recommend address each of those matters appropriately, and significantly for this process gives effect to the NPS-UD.

Section 32AA Evaluation of Recommended Changes.

[403] We have considered each of our recommended changes as against the required statutory evaluation required by s32 of the Act, as modified by the additional requirements of s 77I-L and 77O-S as summarised in Part 8 Appendix E of the Report. We have been informed by the s32 Reports, further s32AA evaluations undertaken by Council and Submitter witnesses, and all evidence received during the hearing. We find that the Panel recommended provisions in Part 8 Appendix G are the most appropriate having regard to the objective of PC 14 as we have found it to be in Part 1 at [102]. We find that the provisions are both efficient in effective by reducing consenting requirements and addressing matters through appropriate consideration of matters and control and discretion. The provisions give effect to the requirements of NPS-UD Policy 3(a), c(ii) and (d) for the reasons set out above.

