

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS  
IN CHRISTCHURCH**

**TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI**

**IN THE MATTER OF** Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions on Plan Change 14  
(Housing and Business Choice) to the Christchurch  
District Plan

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**JOINT WITNESS CONFERENCING STATEMENT OF PLANNERS ON CITY  
CENTRE ZONE HEIGHTS & DENSITIES**

4 December 2023

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## INTRODUCTION

1. This memorandum records the minutes of discussions between the planners on the topic of **the City Centre Zone Heights & Densities**.
2. A meeting was held on **Monday 20 November 2023** and email correspondence following the meeting with all parties was held between 20 - 4 December 2023 to complete this joint witness statement.
3. Attendees at the meeting and parties to the correspondence were:
  - (a) **Holly Gardiner**, for Christchurch City Council. Holly Gardiner is the author of **the s42A report on Other Central City provisions including urban design and rezoning requests**, and rebuttal dated 9 October.
  - (b) **Andrew Willis**, for Christchurch City Council. Andrew Willis is the author of **the s42A Report on building heights and distribution of activities in the Central City**.
  - (c) **Jonathan Clease**, for Kainga Ora #834, #2082 and #2099; is the author of planning submitter evidence filed with the Independent Hearings Panel dated 20<sup>th</sup> September 2023.
  - (d) **Marcus Langman**, for Christchurch City Council #751; is the author of the planning submitter evidence filed with the Independent Hearings Panel dated 20<sup>th</sup> September 2023. Relevant to this conferencing are paragraphs 125 – 128 on the building base and building tower definitions and Mr. Langman's involvement in this conferencing pertains only to these matters.
  - (e) **Jeremy Phillips**, for Carter Group Limited #814, #824, and #2045; and Catholic Diocese of Christchurch #823 and #2044; is the author of the planning submitter evidence filed with the Independent Hearings Panel dated 20<sup>th</sup> September 2023.
4. We note that Richard Turner was invited to the conferencing but did not attend nor participate in any communications following the conferencing.

## CODE OF CONDUCT

5. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

**PURPOSE AND SCOPE OF CONFERENCING**

- 6. The purpose of the discussions were to identify, discuss, and highlight points of agreement and disagreement on issues relevant to Plan Change 14 provisions for the City Centre Zone heights and density.
- 7. All attendees reviewed the s42A report and evidence described above in advance of the meeting.
- 8. **Annexure A** records the agreed issues, areas of disagreement and the reasons, along with any reservations.

Date: 4 December 2023



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**Holly Gardiner**



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**Andrew Willis**



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**Jonathan Clease**



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**Marcus Langman**



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**Jeremy Phillips**

**ANNEXURE A – EXPERT CONFERENCING ON AREAS OF AGREEMENT AND DISAGREEMENT ON CITY CENTRE ZONE HEIGHTS & DENSITIES**

**Participants: Holly Gardiner, Andrew Willis, Jonathan Clease, Marcus Langman & Jeremy Phillips**

Issue	Agreed Position	Disagreements or reservations, with reasons
<p>Meaning and intent of Policy 3 (a) of the NPS-UD</p>	<p>That the policy seeks to “enable” capacity, and therefore development, rather than “requiring” that intensified development occurs. The controlled and restricted discretionary activity statuses are enabling.</p> <p>It was generally agreed that even if the proposed 90m height limit (with Discretionary Activity status above that) is ultimately determined to not fully give effect to the NPS-UD this does not create any ‘mischief’ as buildings taller than 90m are unlikely and discretionary activity status is a more pragmatic means of enabling assessment of particularly tall buildings than attempting to address all potential effects through assessment matters and Restricted Discretionary Activity status. This latter issue is addressed in further detail below.</p>	<p>Mr. Willis and Ms. Gardiner consider that Policy 3(a) does not seek unlimited height full stop, but rather this enablement is tempered by the need to maximise the benefits of intensification whilst still achieving a well-functioning environment.</p> <p>Mr. Willis and Ms. Gardiner consider that the discretionary activity status can be enabling provided that the policies are limited and clear on the outcomes being sought, and conversely note that restricted discretionary activities can be disabling where there are many or very broad assessment matters which require subjective judgements to be made. Under both statuses, proposals are considered on their merits and can be declined by Council.</p>

<p>Built form standards relating to building heights and density.</p> <p>Building height – no height limit, three level approach (e.g., 0-28m, 28m – 45m, 45m – 90m), or current proposed approach.</p> <p>Building shaping provisions – e.g., tower dimension, tower setbacks, maximum road wall heights.</p>	<p>Different considerations become relevant depending on the various heights and bulk of buildings proposed.</p> <p>No changes were proposed for buildings up to 28m in height.</p> <p>In respect of buildings 28 – 45m high, it was agreed in principle to replace:</p> <ol style="list-style-type: none"> <li>1) Rule 15.11.2.14 regarding building tower internal boundary setbacks; and</li> <li>2) Rule 15.11.2.15 regarding the tower dimension and Rule 15.11.2.16 regarding tower separation rules</li> </ol> <p>with a new floor plate rule which would set a maximum floor plate size, potentially in the order of 1,200m<sup>2</sup>.</p> <p>It was also agreed to retain the remaining built form standards (road wall height and sunlight &amp; outlook); with the urban design rules managing internal boundary issues.</p> <p>In respect of buildings 45 – 90m high, it was agreed to retain:</p> <ul style="list-style-type: none"> <li>• Rule 15.11.2.3 Sunlight and outlook for the street</li> <li>• Rule 15.11.2.12 Maximum road wall height</li> </ul>	
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	<ul style="list-style-type: none"> <li>• Rule 15.11.2.14 Building tower setbacks – regarding internal boundary setbacks for building towers.</li> <li>• Rule 15.11.2.15 Maximum tower dimension and coverage</li> </ul> <p>And delete:</p> <ul style="list-style-type: none"> <li>• Rule 15.11.2.16 Minimum building tower separation (between towers)</li> </ul> <p>Consequential amendments to the building base and building tower definitions will be required to align with the revised rule package, noting that reference to these terms is made in other parts of the commercial zone provisions.</p>	
<p>Activity status for new buildings – e.g., currently controlled, restricted discretionary and discretionary.</p>	<p>There was general agreement that buildings above 90m could be restricted discretionary activities if the matters of discretion are able to be accurately and comprehensively identified, however if they could not then a fully discretionary status was warranted. It was accepted that there may be matters that could arise with a very tall building (however unlikely to be built) that were not identified – in essence if all of the relevant matters can be identified then Restricted Discretionary is appropriate, and conversely Discretionary is appropriate if they cannot be. Note: in the time available the attendees did not attempt to identify all potentially relevant matters of discretion</p>	

<p>Urban design rules and certification</p>	<p>It was agreed that the Plan provisions should enable the design of buildings to be managed so that good design outcomes are delivered. The Operative Plan currently provides for this through either a controlled certified route, or through a Restricted Discretionary Activity route with the associated ability for Council to be able to decline poorly designed buildings in the CCZ.</p> <p>It was agreed that the adverse effects from poor design would likely be more significant on taller, bigger buildings.</p> <p>Regarding the certification pathway, it was agreed that this pathway has been utilised and is preferred by commercial developers for a number of significant central city projects. However, it has also not been used for other significant central city developments.</p> <p>It was agreed that the certification approach was novel in NZ and that it had not been comprehensively reviewed as to its merits.</p> <p>It was noted that the certification pathway could be amended in the future (especially for tall buildings over 45m in height), for example by requiring certification from two rather than one independent urban designer, or other changes to increase robustness of the certification pathway in the Plan framework.</p>	<p>Mr. Cleese and Mr. Phillips consider the two existing Operative Plan pathways are appropriate for buildings under 28m in height and that the certification pathway could be extended to also be available to buildings over 28m in height. They consider that the process to be on the Council's approved list of certifiers is robust and if poor designs result then Council has the ability to remove the certifiers from the list following due process.</p> <p>Ms. Gardiner and Mr. Willis consider that the Council design assessment process under a Restricted Discretionary Activity rule involves assessment and moderation by a team of designers, as opposed to a single certifier, and that this approach supports greater consistency and robustness in assessment and is therefore more likely to deliver a more robust outcome than a single certifier as is the case with the current certification process. They prefer not extending the certification pathway to buildings over 28m until the certification pathway has been fully reviewed as to its effectiveness. Mr. Phillips disagrees with this view, noting that the Council design assessment process under a RDA rule is undertaken by a single urban designer (rather than by way of a team assessment assessment) and to the extent that they may seek the views of colleagues in undertaking that assessment a certifier can also seek the views of their colleagues and peers. On this point, Mr. Phillips notes that in his</p>
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	<p>Note: Post conferencing Council clarified that currently Council has received 19 applications since 1 October 2017 for the certification, controlled activity pathway in the Commercial Central City Business Zone (proposed to be CCZ in PC14), noting that one of these applications did not proceed to a decision as it was withdrawn. A further three applications were made in the Commercial Central City South Frame Mixed Use Zone.</p> <p>In total across both the Commercial Central City Business Zone and Commercial Central City South Frame Mixed Use Zone a further 28 land use applications were processed between 1 October 2017 and 24 November 2023 which could meet the criteria to apply for the urban design certification but did not use this pathway. It is acknowledged that the reasons for applicants not using the certification pathway are unknown.</p>	<p>experience, urban design certifiers have accounted for Council staff and Urban Design Panel pre-application feedback, and design input from urban design colleagues, and landscape architects and architects on the project team.</p> <p>Mr. Phillips and Mr. Clease consider that the certification pathway offers greater certainty to developers (in terms of urban design matters) earlier in the design process, in comparison to reliance on pre-application and consenting processes as the alternative. Ms. Gardiner is of the view that the pathway can provided certainty, in that consents for controlled activities cannot be declined thereby reducing uncertainty in this regard. Mr. Willis notes he has not used this pathway however he agrees with Ms. Gardiner.</p>
<p>Urban design assessment matters</p>	<p>Add to the end of proposed Rule 15.14.2.6, subclause iii) “., including the consideration of the visual impact of car parking <u>and blank facades</u>”.</p> <p>Add to proposed Rule 15.14.2.6 a new sub-clause along the lines of “For parts of buildings over 28m high, and particularly over 45m high, whether they result in slim and elegant/landmark buildings and avoid large slab-like buildings, taking context into account...”.</p>	



	<p>Amend proposed Rule 15.14.2.6, subclause viii) d) by replacing “avoid” with the less absolute wording “manage”.</p> <p>In respect of wind effects, there was general agreement regarding the preference to have off-the-shelf solutions as a rule, so buildings between 28 and 45m high do not need a wind assessment, or that the Council procure a model that can be used to assess wind effects to reduce the costs of the rule. Council will investigate this further as to whether these options can be done.</p>	
<p>Views on setting minimum heights and density standards.</p>	<p>As indicated above, Policy 3 (a) of the NPS-UD seeks to “enable” capacity, and therefore development, rather than to require that intensified development occurs. No other policy or provision in the Act contains such a direction.</p> <p>In essence the inclusion of ‘minimum’ requirements involve a trade-off between short term urban form gains by having an enabling approach that sees vacant sites redeveloped for 2 storey buildings versus the long-term opportunity cost of under development.</p> <p>There are economic opportunity costs associated with both underdevelopment and sites remaining vacant due to not being economic to develop taller but complying buildings. The capital investment in two storey buildings (noting that this is currently operative in the CCZ and CCMU South Frame zones and</p>	<p>Disagreement as to whether the minimum number of floors provision is appropriate in the CCMU zone noting the wide range of activities that are permitted, including service stations which could not meet the minimum for practical reasons.</p> <p>Mr. Willis concedes that the CDP does not propose to assess economic / capacity arguments for breaches of the minimum building height rule and therefore does not seek to manage underdevelopments under the NPS-UD. However, on balance Mr. Willis prefers the notified rules requiring a 2-storey minimum building in the CCMUZ, considering this is more aligned with the urban form outcomes sought for the zone, to support intensification and vibrancy within the zone and the Central City and noting that consent can be sought for outlier activities.</p>

	<p>proposed to be implemented in the CCMU zone) was not considered to be sufficiently significant such that it would prevent the site being redeveloped later i.e., it enabled short -term benefits of vacant site development occurring, without precluding long-term redevelopment for taller buildings. As such there was agreement that requiring minimum development beyond the current two storey requirement was not preferred.</p> <p>It was noted that the relevant matters of discretion do not cover economic/ capacity arguments, rather they address urban design considerations only.</p>	<p>Mr. Cleese &amp; Mr. Phillips considered that a minimum road wall height of say 8m would address urban form outcomes of having buildings that are the equivalent of 2 stories in height, whilst enabling the wide range of permitted activities in the CCMUZ that functionally prefer single storey buildings e.g. supermarkets, auto-sales, light manufacturing etc.</p>
<p>Based on our conclusions re rules and assessment matters, are any changes required to District Plan Objectives and Policies?</p>	<p>Agreed that the objectives and policies are generally appropriate.</p>	<p>Mr. Phillips suggested that the matters in Policy 15.2.4.1 b) should be listed first as overarching direction, with the matters in a) coming after and providing location specific direction where that is necessary/appropriate.</p>