

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

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

UNDER the Resource Management Act 1991 (the **RMA**)

AND

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

**STATEMENT OF REBUTTAL EVIDENCE OF HOLLY ELIZABETH GARDINER
ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

CENTRAL CITY MATTERS

Dated: 9 October 2023

TABLE OF CONTENTS	
EXECUTIVE SUMMARY	1
INTRODUCTION	1
SCOPE OF REBUTTAL EVIDENCE	2
MINOR FACTUAL INACCURACIES, CORRECTIONS AND AMENDMENTS TO DEFINITIONS	3
RADIOCOMMUNICATIONS PATHWAYS	5
BUILT FORM STANDARDS AND MATTERS OF DISCRETION FOR CITY CENTRE ZONE	6
BUILT FORM STANDARDS AND MATTERS OF DISCRETION FOR CMU AND CCMU(SF) ZONES	9
CATHEDRALS IN THE CENTRAL CITY	14
RETIREMENT VILLAGES	15

EXECUTIVE SUMMARY

1. I have considered submitters' evidence provided on the Christchurch City Centre Zone (**CCZ**); Central City Mixed Use Zone (**CCMU**); and Central City Mixed Use (South Frame) Zone (**CCMU(SF)**).
2. This rebuttal evidence responds to issues relating to the following topics:
 - (a) Minor corrections and amendments to definitions;
 - (b) Radiocommunications pathways;
 - (c) Building tower provisions for tall buildings;
 - (d) Rezoning requests;
 - (e) Cathedrals in the central city; and
 - (f) Retirement villages.
3. For the reasons discussed below I maintain my position as set out in my section 42A report in respect of each of the above issues, except that I agree with:
 - (a) minor amendments and recommendations made by Mr Marcus Langman;
 - (b) changes sought relating to the Radiocommunications pathway provisions;
 - (c) amendments to Rule 15.14.2.6 (urban design matters of discretion) to ensure clarity for plan users.

INTRODUCTION

4. My name is **Holly Elizabeth Gardiner**. I am employed as a policy planner in the City Planning team at the Christchurch City Council (**Council**).
5. I prepared a planning officer's report pursuant to section 42A of the Resource Management Act 1991 (the **Act / RMA**) dated 11 August 2023 (**Section 42A Report**). My Section 42A Report considered the issues raised by submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**), and made recommendations in response to the issues that emerged from those submissions, as they applied to:
 - (a) the role of urban design and amenity in enabling a well-functioning urban environment in the central city;

- (b) requests from submitters for changes to the zoning of areas or specific sites in the central city;
 - (c) requests for changes to other objectives and policies relating to the central city commercial zones; and
 - (d) other matters including amendments to other provisions not captured elsewhere, including those for flexibility in building design for future uses, water supply for firefighting, and Cathedrals in the central city.
6. I have the qualifications and experience set out at paragraphs 2.1.1 to 2.1.4 of my Section 42A Report, and I repeat the confirmation that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

7. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my Section 42A Report including the evidence of:
- (a) Mr Jonathan Cleese for Kāinga Ora;
 - (b) Mr Marcus Langman for the Council as submitter;
 - (c) Ms Fiona Small for the Ministry of Justice, Fire and Emergency NZ, NZ Police, Hato Hone St John, Canterbury Civil Defence and Emergency Management Group;
 - (d) Mr Richard Smart for the Ministry of Justice, Fire and Emergency NZ, NZ Police, Hato Hone St John, Canterbury Civil Defence and Emergency Management Group;
 - (e) Mr Jeremy Phillips for both Carter Group Limited and the Catholic Diocese of Christchurch;
 - (f) Ms Anita Collie for NHL Developments (**NHL Developments**), Wigram Lodge (2001) Limited and Elizabeth Harris and John Harris (**Wigram Lodge**), and Christchurch Casino Limited;
 - (g) Mr Dave Compton-Moen for NHL Developments, Wigram Lodge, and Christchurch Casino Limited;
 - (h) Mr Richard Turner for Retirement Villages Association (**RVA**) of New Zealand Incorporated and Ryman Healthcare.

8. In this evidence I respond to the issues raised by these witnesses relating to the topics listed above, in my executive summary.
9. Where I am relying on the primary evidence or rebuttal evidence of technical witnesses for the Council, I make that clear in this rebuttal evidence.

MINOR FACTUAL INACCURACIES, CORRECTIONS AND AMENDMENTS TO DEFINITIONS

10. I note that in evidence for Kāinga Ora at paragraph 3.99, Mr Cleese refers to Mr Andrew Willis as having recommended a maximum building height of 22m for the CCMU(SF) zone. Mr Willis instead agreed with the maximum building height recommended by Ms Nicola Williams of 21m as set out in paragraph 109 of his section 42A report (except a block bound by Manchester, Lichfield, Tuam and Madras Streets which is proposed to have a height limit of 32m).
11. The Council has sought a number of minor corrections and amendments in its submission on PC14. Mr Langman gives evidence on the changes sought and makes recommendations as to whether the relief sought should be accepted or rejected.
12. In relation to the City Centre and Mixed Use zones, Mr Langman recommends that the following changes to improve consistency, clarity and to correct errors or omissions within the District Plan:
 - (a) Amend the title of Rule 15.12.2.1 to the correct name "**Landscaping and trees**".
 - (b) Amend Rule 15.13.1 to insert "**human scale**" before the new defined term shown in green bold and underlined.
 - (c) Amend Rule 15.13.2.4 to insert "**maturity**" before the new defined term.
 - (d) Amend Rule 15.11.2.5 to show title amendments proposed by PC14 as underlined in bold "**and car parking**".
 - (e) Inclusion of a diagram to assist with interpretation of distances from a street intersection for Rules 15.11.2.3 and 5.11.2.12 iii).
13. I agree with the minor amendments and recommendations made by Mr Langman and therefore recommend that these changes be accepted.

Definitions for 'building base' and 'building tower'

14. Kāinga Ora, the Catholic Diocese of Christchurch, and Carter Group Limited seek deletion of the definitions due to their general opposition to controls on aspects in the central city. In my Section 42A Report¹ I considered this relief and recommended changes to the definitions of both building base and building tower.
15. Mr Langman² discusses changes sought by the Council (as submitter) to both definitions, including because in PC14 as notified 'building tower' is defined as the part of the building above the permitted height for that zone. Mr Langman is of the view that an alternative definition specified in the Council's submission is more concise and removes the risk of the heights being amended through the submission process but not being changed in the associated definitions. Mr Langman therefore recommends the removal of the specified heights in the definitions but the retention of the reference to the CCMU(SF) zone for clarity.
16. I agree with Mr Langman's comments that definitions ought to be concise and there is a risk that if permitted building heights change through the process they may not be updated in the subsequent definitions. However, rather than the changes to the definitions Mr Langman has suggested, I recommend a different option that does not require a plan user to go back to the rules to understand the definition.
17. A further change is required to the definition of building tower proposed by Mr Langman so it does not refer to the "*maximum permitted height for that type of building in the zone*", which for the CCZ is between 45m and 90m, for the CCMU in most areas is 32m, and in the CCMU(SF) the maximum height is 21m. These heights are not the intended building base heights, which instead is 28m for CCZ and 17m for CCMU and CCMU(SF), the building tower being the part of the building that is above this height.
18. I agree there is some risk that changes through the process could result in inconsistency between the definitions and rules, however it is my view that this can be managed with careful tracking and updating of changes. For these reasons I prefer the wording I have recommended but would be open to discussion on alternative wording if the Panel considers it appropriate.

¹ Section 42A Report, Ms. Holly Gardiner, Paragraph 8.1.47 – 8.1.50.

² Christchurch City Council #751 – Evidence Marcus Langman, from paragraph 125.

RADIOCOMMUNICATIONS PATHWAYS

19. I have read and agree with the evidence of both Ms Small and Mr Smart on behalf of the Ministry of Justice (submission #910), Fire and Emergency NZ (842.1-10), NZ Police (2005), Hato Hone St John (909), Canterbury Civil Defence and Emergency Management (912) in relation to radiocommunications pathways in Sub-chapter 6.12 and the associated planning maps.
20. Ms Small has recommended changes to the provisions in Chapter 6.12 to remove reference to the appendices 6.12.17.1 – 6.12.17.3 as these appendices show maps that are already shown in Planning Map 39 and the interactive maps. I agree with this approach as this will avoid duplication of maps and diagrams within the District Plan.
21. Mr Langman has also provided evidence relating to the appendices in Chapter 6.12. He recommends the acceptance of the Council request to replace the reference to the appendices with reference to the planning maps instead. I agree with this change and consider this amendment is appropriate to improve clarity and ensure plan users know where to look in the District Plan to see where the pathways are located.
22. In addition, Ms Small outlines in her evidence (from paragraph 37) that there is potential for confusion regarding where the maximum heights are measured from, for buildings within the pathways. Whilst the maximum building heights in the central city are measured from existing ground level, the maximum heights for buildings that fall within the pathways is measured from above mean sea level. To make this clearer, Ms Small recommends adding a footnote reference to the column heading in the tables in Chapter 6.12 and approximate heights above existing ground level in the property search function in the District Plan. I agree that these two changes will assist to make the applicability of the provisions clearer and provide an indication of where heights are measured from for plan users and developers.
23. In conclusion, I recommend that the relief sought by both Ms Small and Mr Langman be accepted.

BUILT FORM STANDARDS AND MATTERS OF DISCRETION FOR CITY CENTRE ZONE

24. A key theme throughout submitter evidence is the need for plan provisions to enable as much development capacity as possible to fully give effect to the National Policy Statement on Urban Development (**NPS-UD**) and specifically Policy 3(a) for the CCZ context.
25. Mr Clease for Kāinga Ora outlines (at paragraph 3.33) his view that adding well-designed taller buildings to the City Centre may make function better as the pre-eminent centre in the hierarchy. Further, he considers that *“Council experts have read Policy 3 as being separate from, and a potential threat to, the delivery of a well-functioning urban environment.”*
26. I disagree with these points, and consider it is important to read the provisions of the NPS-UD together as a whole. I agree that enabling height is a key part of a well-functioning urban environment (**WFUE**). However, as the wording of Policy 1 demonstrates, height is not the **only** aspect of a WFUE in the central city. I consider that, as described by both Mr Alistair Ray and Mr Mike Green, another important part of a WFUE in the central city is amenity in the streetscape, and a key factor that influences this is access to sunlight and detrimental wind effects; tall buildings can limit access to sunlight and increase wind effects due to their scale.
27. At paragraph 3.39 Mr Clease gives an example of a hotel at the corner of Cashel and Manchester Street (173 Cashel Street) and the *“lengthy and uncertain”* process to obtain resource consent for that development. Having spoken to the Council’s resource consents team, I understand that the proposal was a discretionary activity due to the non-compliance with the maximum building height (28m permitted, 44.4m proposed) and road wall height (21m permitted, 41m proposed) and further information was requested regarding the shading diagrams, the supplying of wind assessment, a missing west elevation, and questions relating to signage on the building. A follow-up request was also made regarding the need for engagement with Ngai Tūāhuriri. The application was processed on a limited notified basis and no submissions on the application were received.
28. Whilst I can see that the consent applicant may have experienced uncertainty in that process, I understand that a high number of consent applications were being processed at the time and, given the gaps in the

application that required clarification, the six-month processing timeframe was reasonable. I consider that under the PC14 framework some of these gaps, namely the need to supply a wind assessment and signage details, would be identified and addressed by applicants at the outset, potentially reducing the Council processing time.

29. I agree in part with Mr Clease's comments at paragraph 3.43 noting that if the tallest buildings are not appropriate in the CCZ, then they would not be appropriate anywhere else. I agree with his comments that the draft Spatial Plan, and indeed the operative District Plan provisions, anticipate the tallest buildings, namely high-rise commercial and apartment towers with significant increases in employed and household density, in the CCZ. I am of the view that the framework provides for this and effectively allows unlimited building heights, subject to an urban design assessment that demonstrates how the building contributes to urban form and streetscape.

Building tower provisions

30. On the building tower and road wall height provisions, Mr Philips for Carter Group Limited (at paragraph 166 and 168) and Mr. Clease for Kainga Ora (from paragraph 3.55), consider) that they are overly prescriptive and inappropriate, and that the operative provisions and matters of discretion provide sufficient scope to assess and manage these activities.
31. As set out in my Section 42A Report, it is my view that the provisions work together as a package to avoid the creation of unpleasant environments due to tall, large, block buildings that prevent sunlight and daylight access to the street below and internally to other buildings. I do not agree that such provisions are inappropriate for the purposes of promoting intensification and as noted by Mr. Ray, such provisions are commonplace in Auckland, Wellington and further afield in the likes of Melbourne and Vancouver where the density of development and presence of tower buildings is significantly greater.
32. I acknowledge that the package of provisions may not provide for every scenario, such as the construction of a tall building at 90m high on smaller sites which Mr. Clease refers to in paragraph 3.59, however none of the District Plan provisions can cater for every scenario that will eventuate. In my view this is why we have a resource consent pathway, to allow for the assessment of proposals that do not fit all built form criteria. In the case of

the CCZ, consent is required for new buildings due to their potential to both contribute to, and impact on, the streetscape.

33. On the residential provisions in the CCZ, Mr Phillips for Carter Group Limited considers that the provisions are disenabling relative to the status quo. I disagree as it is my view that these provisions seek to ensure adequate residential amenity in a central city environment where the density of activity is significantly greater than that currently existing and provided for by the operative District Plan provisions.
34. At paragraph 181 of Mr Phillips' evidence, he agrees with the relief sought by Carter Group Limited to delete the matters of discretion for upper floor setbacks, tower dimension and site coverage, glazing and outlook spaces. He considers that the urban design rule and matters of discretion would otherwise apply and address these matters. I consider that these matters of discretion provide a pathway for assessment of specific aspects where proposals do not comply with key built form standards. I therefore consider it is inappropriate to delete these provisions.

Matter of discretion – Urban Design Rule – 15.14.2.6

35. Several submitters have provided evidence seeking amendments to the matters of discretion in Rule 15.14.2.6 and consider they are generally overly prescriptive and subjective. I agree that amendments are appropriate to ensure better clarity for plan users.
36. I disagree with the suggestion from Mr Phillips that the wind clause should only apply to buildings that are "*particularly tall*", firstly because it may be difficult to define that term and also for the reasons set out in my Section 42A Report at paragraphs 8.1.83 and 8.1.84. I note the comments from Mr. Cleese that the wind effects can be managed through separate rules at paragraph 3.55.
37. I consider an option to simplify Rule 15.14.2.6 could be to remove clause vii) and the advice note, and simply refer to Chapter 6.13 and relevant matters of discretion in that chapter. However, my intention with containing the wind assessment matter in Rule 15.14.2.6 was to have all matters relevant to tall buildings in one place for ease of reference for plan users.
38. I will develop amended wording to propose for the Panel's consideration.

BUILT FORM STANDARDS AND MATTERS OF DISCRETION FOR CMU AND CCMU(SF) ZONES

39. Mr Phillips provided planning evidence on behalf of Carter Group Limited and the Catholic Diocese of Christchurch relating to the provisions for the CCMU and CCMU(SF) zones.
40. Mr. Cleese at paragraphs 5.15 and 5.16 agrees with the relief sought by Kainga Ora that all amendments to the CCMU and CCMU(SF) zones be deleted, and the operative Plan provisions be retained.
41. On the wider provisions for Catholic Diocese of Christchurch, at paragraphs 45 to 54 Mr Phillips seeks deletions or amendments to the provisions regarding residential activity, urban design for more than three residential units, landscaping and trees, minimum number of floors, building setbacks and glazing. Reasons for this include that the amendments go beyond the scope of an intensification planning instrument, that they are inconsistent with Strategic Directions 3.3.1 and 3.3.2, and/or that they duplicate operative provisions covered elsewhere.
42. I note that it was proposed to amend *Rule 15.12.2.7 Minimum setback from the boundary with a residential zone or internal boundary* to include a landscaping requirement for any building setback required by clause a) i). I note that this requirement is also included in Rule 15.12.2.1 clause v) i). I consider that it is appropriate to remove clause a) i) from Rule 15.12.2.7 to avoid duplication and instead recommend an advice note and hyperlink to Rule 15.12.2.1 is included in Rule 15.12.2.7 to ensure clarity and ease of use.
43. For the reasons discussed in my Section 42A Report it is my view that the amendments sought are appropriate to manage the intensity and scale of development that is proposed to be enabled to give effect to the NPS-UD. I consider that the scale and intensity proposed is significantly greater than that anticipated by the operative District Plan provisions and the changes broadly seek to continue to provide a WFUE in the central city context.

REZONING REQUESTS

NHL Developments Limited: 132-136 Peterborough St + 137 – 151 Kilmore Street (NHL Forte Health site carpark) & Wigram Lodge: 152 – 158 Peterborough + 237 – 333 Manchester Street

44. Ms Collie and Mr Compton-Moen have provided planning and urban design evidence respectively on the rezoning requests made by NHL Developments and Wigram Lodge. As outlined in Appendix B of my Section 42A Report, NHL Developments seeks that 132 to 136 Peterborough Street and 137 to 151 Kilmore Street is rezoned from High Density Residential (**HRZ**) to CCMU; whilst Wigram Lodge seeks that its site at 152 to 158 Peterborough Street and 237 to 333 Manchester Street is also rezoned from HRZ to CCMU. I note that the NHL Developments site at 137 to 151 Kilmore Street is already zoned CCMU, therefore the rezoning request relates only to the northern part of the site.
45. I broadly agree with the assessment of the existing environment outlined by Ms Collie, however I note that her paragraph 17(a) refers to residential development being north and west of the site, when in my view it is predominately located to the north and east of both NHL Developments sites.
46. Ms Collie correctly notes³ that no changes to spatial boundaries have been proposed and the zoning extents remain the same as that in the operative District Plan, and then goes on to state (at paragraph 52) that there are "*substantial*" changes to all zone-specific provisions such that re-zoning is essentially occurring through PC14.
47. I disagree with this view for the reasons set out in Appendix B of my Section 42A Report. I consider the changes relate only to zone names and provisions to provide for the additional building height and increased level of development capacity. I do not consider these changes open the door for spatial changes to the zoning to be made unless there is a clear need to make such changes to increase capacity.
48. At paragraph 23, Ms Collie outlines her view that the subject sites fit within the CCZ definition and therefore concludes that Policy 3(a) applies to both sites. I disagree that the sites are CCZ (because they are not zoned as such). I agree with her assessment that Policy 3(c) of the NPS-UD applies to

³ Paragraph 19.

both sites because they are within the walkable catchment of the edge of CCZ and therefore require building heights of at least 6 storeys. I consider that the proposed building height limits of 39m for HRZ and 32m for CCMU will meet this requirement.

49. Having considered the capacity assessments that have been completed as a part of PC14 including the Council's Future Development Strategy 'Our Space 2018-2048' which identified that *"commercial capacity is only met over the medium term"*, Ms Collie considers that the Policy 2 requirement for *"at least"* sufficient capacity is not met.
50. In my view, it is important to consider that the capacity assessments do not take into account the significant vertical capacity that is enabled by the increased building heights proposed by PC14. I am of the view that the proposed package of provisions enables at least sufficient development capacity and in fact provides ample capacity given that the enabled vertical capacity has not been included in these calculations. Given the ample capacity provided I do not consider the rezoning of land is required to fulfil the directions set out in Policy 3.
51. On the merits of rezoning the land and in response to my assessment in Appendix B, Ms Collie outlines (from paragraph 56) her view that the separation of commercial and residential land by a road is not unusual; that the rezoning would not interrupt the zoning pattern for CCMU land when both sites are considered together; and that while there is a large area of HRZ land to the north and east that the zoning pattern is not interrupted.
52. I agree in part with the comments made by Ms Collie and consider that a CCMU zoning for the site could be appropriate when considering the zoning pattern from a commercial perspective. However, whilst rezoning the site to CCMU would provide a contiguous area for redevelopment with the whole block zoned CCMU, in my view such a rezoning would interrupt the existing and future neighbourhood coherence that the HRZ zoning currently provides, particularly for the existing well-established residential activity in both Peterborough and Manchester Streets where intensive residential development exists on the opposite side of each road.
53. Whilst the effects of different activities can be managed by the existing provisions at the zone interface, I agree with the comments made by Ms Williams that managing zone interface effects is generally easier to design for on internal site boundaries where mitigating measures such as boundary

setbacks, landscaping and noise insulation can be provided. In addition, such a change may reduce opportunities for residential coherence in this mid-block section of Peterborough Street.

54. Further, as articulated in Strategic Direction 3.3.7(iv), the NPS-UD requires a future-looking perspective and consideration of the changing amenity values over time. Therefore, I consider it is short-sighted to rezone a site based on the activity that currently exists on the site particularly when the residential activity in the immediate area is reflective of the existing zoning, and capacity modelling for the central city demonstrates that there is no need for further development capacity to be enabled via rezoning.
55. In addition, I consider that the rezoning of both sites would contravene Objective 3.3.9 which seeks to revitalize the central city and provide for a range of housing opportunities that support at least 5,000 households in the Central City. Whilst the CCMU zone also enables residential activity, I consider that allowing for greater commercial activity in this area would impact on the neighbourhood coherence that has developed to the north and west, particularly as this zoning permits a wide range of commercial activities including trade suppliers, retail, and industrial activities which existing and future residents in this area are not likely to anticipate given the existing HRZ zone which permits residential with non-residential activities including education activities, preschools, and visitor accommodation.
56. Given the above, it remains my view that the rezoning requests should not be accepted. First, they are not 'on' the plan change and are outside scope. Secondly, even if they are considered within scope I do not agree that such rezoning is necessary to enable greater development capacity. Lastly, I consider that the rezoning of both sites from HRZ to CCMU is not appropriate because it would interrupt the broader pattern of residential development and affect existing and future neighbourhood coherence.

850-862 Colombo Street and 139 Salisbury Street and 56 – 72 Salisbury Street & 373 Durham Street North

57. Ms Collie provides planning evidence on behalf of Wigram Lodge (817) and Christchurch Casino Limited (2077) for their rezoning requests for:
 - (a) 850 to 862 Colombo Street and 139 Salisbury Street, sought to be rezoned from HRZ to CCMU (**Wigram Lodge**); and

(b) 56 to 72 Salisbury Street and 373 Durham Street North (**Christchurch Casino Limited**), sought to be rezoned from HRZ to CCZ.

58. Overall, as discussed in my Section 42A Report and above, I remain of the view that these rezoning requests are not 'on' the plan change as it pertains to the central city, and my concerns remain as to potentially affected submitters not having had the opportunity to submit on this rezoning and therefore that the request is neither fair nor 'just'.
59. From paragraph 29 in her evidence for both parties Ms Collie discusses the capacity assessments that have been completed in relation to both commercial and residential supply.
60. I am of the view that the rezonings are not required from a land capacity perspective for the reasons outlined above.
61. I agree with the conclusions reached by both Ms Collie and Mr Compton-Moen that the existing plan provisions adequately manage the interface effects of diverse activities at the zone interface between CCMU and HRZ and between CCZ and HRZ.
62. With respect to the Colombo Street rezoning, I disagree with Ms Collie's assessment at paragraph 55 that the zoning pattern would not be interrupted. I consider that such a zoning change would dilute the residential coherence of the existing residential area, particularly for those to the north of the site who are surrounded by Special Purpose School zoning. Further, whilst there is a mix of activity in the immediate area, notably the Maryland Retirement Village, the Salvation Army community facility, motels and a medical practice, all of these activities are anticipated within the HRZ as permitted activities because such activities are considered to be generally compatible within a typical residential neighbourhood. For these reasons (as well as those already discussed in my Section 42A Report) I maintain my position that this re-zoning request should be rejected.
63. With respect to the merits of the Salisbury Street rezoning, Ms Collie outlines from paragraph 39 that the proposed rezoning is a *"logical extension of the existing CCZ surrounding Victoria Street and will maintain consistency with the hierarchy of commercial centres."* Ms Collie states that the rezoning would enable a comprehensive development of the Site and adjoining land.
64. Whilst I agree that there is some merit in providing a logical extension to the CCZ in this area from a 'contiguous block' perspective, and that the

substantially large site would enable a comprehensive development, I do not consider that a rezoning is appropriate in this case. As noted above, an internal boundary transition between zones is generally preferable as this allows for mitigating measures at the zone interface such as boundary setbacks to separate buildings, landscaping, and noise insulation.

65. Further, I am of the view that the well-established activities to the north and east of the site are of a strong residential character, with the motel and church being non-residential activities that are permitted in the HRZ. Rezoning the site to CCZ would impose upon the existing and future residential coherence of this area. I note that the land to the west of the site is zoned CCZ and the commercial land uses in this area are anticipated in that area. For these reasons as well as those already discussed in my Section 42A Report I maintain my position that this rezoning request should be rejected.

CATHEDRALS IN THE CENTRAL CITY

66. Mr Phillips provides planning evidence on behalf of the Catholic Diocese of Christchurch which has sought numerous changes across a wide range of District Plan provisions relating to the City Centre and Mixed Use zones. My position on these changes, as set out in my Section 42A Report, remains unchanged unless discussed elsewhere in this rebuttal.
67. Regarding the Cathedrals in the Central City provisions (namely Policy 15.2.5.1, Rules 15.12.1.2 C1, Matter of discretion 15.14.5.2), Mr Phillips considers that changes are required to provide for a replacement cathedral “*on any central city site that is selected for a new Cathedral*”. He outlines at paragraph 25 that accommodating a unique design for a replacement cathedral on a new site in the central city is challenging within the bounds of the existing planning framework and seeks that a new restricted discretionary activity status be added for all central city commercial zones.
68. For the reasons outlined in my Section 42A Report (at paragraphs 8.4.14 to 8.4.16) I disagree with this change. I do not consider that the alternative wording proposed by Mr Phillips addresses the concerns I raised.
69. Further, I consider that as discussed in section 8.4.10 of my section 42A Report the changes are outside the scope of what can be considered by PC14. Specifically, that as required by the NPS-UD PC14 **relates to the intensification of housing and commercial development across the city**

to increase development capacity, not activity or site-specific changes to the District Plan.

70. In any case, my position remains that spiritual activities are permitted by the District Plan and in the case that such buildings cannot be constructed to comply with built form standards they become a restricted discretionary activity, which is the status that Mr Phillips has sought. I acknowledge that if a building is proposed that is higher than 90m then under the proposed PC14 provisions the building would become a discretionary activity.

RETIREMENT VILLAGES

71. RVA seeks amendments to policies and provisions that relate to the City Centre and Mixed Use zones and have provided expert planning evidence from Mr Turner.
72. The existing rule framework in the District Plan permits retirement villages in the City Centre and Mixed Use zones as follows:
- (a) CCZ: Rule 15.11.1.1 – P15 Retirement villages located outside the Core.
 - (b) CCZ: Rule 15.11.1.3 – RD6 Retirement villages where located in the core, with discretion limited to Rule 15.14.2.14 Retirement villages and Rule 15.14.2.6 related to urban design for buildings in CCZ.
 - (c) CCZ: Rule 15.11.2.3 – RD7 Retirement villages that do not meet any one or more of the built form standards, including where located outside the core.
 - (d) CCMU: Rule 15.12.1.1 – P21 Retirement villages.
 - (e) CCMU: Rule 15.12.1.3 – RD3 Retirement villages that do not meet any one or more of the built form standards.
 - (f) Matters of discretion for retirement villages in Rule 15.13.2.14.
73. I note that the summary of provisions provided at paragraph 38.3 of the evidence by Mr Turner omits the provisions that relate to the CCMU zone.
74. At paragraph 110 Mr Turner refers to built form standards for the City Centre and Commercial Zones and does not comment further on the relief sought or reasons in the following paragraphs 111 and 112; rather these sections only comment on residential activity. Appendix A of Mr Turner's evidence contains

track changed provisions showing the changes sought to the PC14 provisions related to the CCZ and CCMU zones.

75. I note that the submitter seeks a change to Policy 15.2.7.1 regarding additional building height for buildings co-located near Te Kaha and Parakiore. Mr Willis has discussed alterations to this policy wording regarding Te Kaha and Parakiore at paragraph 108 of his Section 42A Report.
76. In my Section 42A Report I have considered the relief sought regarding the objectives and policies by RVA and other submitters and, for the reasons outlined at paragraphs 8.1.38 and 8.1.100 of my Section 42A Report, I maintain my position that the relief sought be rejected. I have discussed the relief sought by RVA on Policy 15.2.4.2 separately above.
77. At paragraphs 8.4.20 and 8.4.21 of my Section 42A Report I discuss the changes to the restricted discretionary activity rules sought by RVA. I have considered the evidence provided by Mr Turner and I agree with his comments that retirement villages have an important role in providing alternative housing solutions and choice for the community.
78. In my view, the PC14 provisions as notified seek to ensure that buildings proposed for retirement villages in the central city can be assessed against the relevant provisions for urban design and any corresponding built form non-compliances. This consideration is particularly important in the central city where the impact buildings have on the public interface and street scene is crucial to consider.
79. Notwithstanding the above, I do not consider that there is scope for changes to be made to activity-specific provisions through the PC14 process. It is my view that the NPS-UD Policy 3 and MDRS are seeking to enable greater development in residential and commercial areas via increasing building heights and density of development across the city and urban form scale.

Holly Gardiner

9 October 2023

