

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

**STATEMENT OF REBUTTAL EVIDENCE OF GLENDA MARGARET DIXON ON
BEHALF OF CHRISTCHURCH CITY COUNCIL**

RESIDENTIAL HERITAGE AREAS – PLANNING

Dated: 9 October 2023

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INTRODUCTION

1. In this rebuttal evidence I respond to matters raised in submitter evidence regarding Residential Heritage Areas (**RHAs**), including that of:
 - (a) Mr Tim Joll and Mr John Brown for Kāinga Ora concerning Certificates of Compliance (**CoC**); and
 - (b) other witnesses on a number of specific RHA provisions or issues.
2. My full name is **Glenda Margaret Dixon**. I am a Senior Policy Planner for the Christchurch City Council (**Council**) in the City Planning team.
3. I prepared a planning officer's report pursuant to section 42A of the Resource Management Act 1991 (the **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**) as they applied to:
 - (a) RHAs, in terms of their background and planning context; and
 - (b) the proposed provisions for RHAs and the RHA Interface Overlay.
4. I have the qualifications and experience set out at paragraphs 2.1.2 and 2.1.3 of my Section 42A Report. I repeat the confirmation given in my Section 42A Report 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

5. In preparing this rebuttal statement, I have read and considered the evidence filed by submitters as it relates to my Section 42A Report, including that of:
 - (a) Mr Tim Joll, Mr John Brown, and Mr Brendan Liggett on behalf of Kāinga Ora;
 - (b) Mr Jeremy Phillips and Mr David Compton-Moen on behalf of Carter Group Limited; and
 - (c) Ms Catherine Boulton on behalf of Christ's College.

CERTIFICATES OF COMPLIANCE TO DEMOLISH BUILDINGS

6. Mr Joll and Mr Brown advise that Kāinga Ora holds a CoC from Council to demolish, to ground level, all of the 20 or so buildings in the Piko/Shand

RHA.¹ They suggest that these CoCs mean that the relevant properties should be downgraded from 'Defining' or 'Contributory' ratings (in most cases) to 'Neutral', in consideration of a future planning environment. A similar point is made by Ms Catherine Boulton on behalf of Christ's College.

7. Kāinga Ora's CoC was applied for (and subsequently issued) in November 2022, after pre-notification consultation on Plan Change 13 (**PC13**) and PC14 earlier in 2022 had indicated that this area was proposed to be included in an RHA and be subject to RHA provisions. I note that Christ's College also applied for and obtained such a CoC in October 2022.
8. With regard to the Piko/Shand RHA, if all of the Kāinga Ora buildings were demolished, this would remove 15 buildings from the defining category and one from the contributory category, reducing the percentage of defining and contributory buildings from 77.9% to 62.5%, i.e. there would still be a majority of buildings in the area in those categories, but the overall quality and coherence of the RHA would be significantly reduced.
9. With regard to the Inner City West RHA within which Christ's College owns properties, based on the revised RHA boundary with the shrinking in of two corners of the RHA that Dr McEwan and I have recommended, and if all the Christ's College buildings were demolished, this would reduce the percentage of defining and contributory buildings from 67.1% to 56.1%, i.e. a bare majority of buildings would be left in those categories. Again the overall quality of the RHA would be significantly reduced. The Inner City West RHA would then become one of the least intact RHA areas.
10. I accept that these CoCs have the effect of resource consents and protect their holders from the need to apply for resource consents to demolish their buildings within RHAs. I also accept that these CoCs form part of the 'permitted baseline' at the resource consent stage.
11. However, PC14/13 is a plan change process. My view remains, despite the CoCs, that the identification of RHAs on the basis of collective heritage values and the assessment/ratings of buildings within them has little to do with the need for resource consents per se. Those apply at a later stage if District Plan provisions are implemented based on those values. In other words, I consider that existing buildings are either of sufficient heritage value

¹ Statement of Evidence of Tim Joll on behalf of Kāinga Ora – Homes and Communities, 20 September 2023, para 6.7 and Statement of Evidence of John Brown on behalf of Kāinga Ora – Homes and Communities, 20 September 2023, para 7.7.

to be rated as defining or contributory within a proposed RHA or they are not. If they are, then their contribution to the heritage values of the area cannot legitimately be founded on the existence or otherwise of CoCs or consents.

12. That is because consents to demolish (just as with rules permitting demolition) may or may not be implemented across all or part of the RHAs. Even if implemented, demolition of individual buildings may be some years into the future. In the meantime the sites and buildings in question continue to contribute to the collective heritage values and identity of these areas.

SPECIFIC ISSUES RAISED IN EVIDENCE

Introduction

13. I respond to specific issues below which, while within the scope of high-level, all-encompassing submissions on PC14 (eg "*oppose, seek that the provision(s) is/are deleted*"), were not explicitly raised in submissions but were subsequently elaborated on in planning evidence for the submitters.
14. There are three matters that are a focus of submitters' planning evidence but not addressed below.
15. One is the assertion that RHAs do not meet the requirement of section 6(f) of the RMA to be of "*national significance*".² I disagree that historic heritage needs to be of national significance to warrant protection under a district plan, for the reasons set out at paragraph 8.13.2 of my Section 42A Report, so will not elaborate further in rebuttal.
16. Further, the planning evidence for both Carter Group Limited and Christ's College asserts that the RHAs do not meet the requirements of s77I, s77J, s77K or s77L of RMA. These matters are the subject of legal submission.
17. Lastly, some submitter witnesses express confusion about the interrelationship between PC14 and PC13,³ which again is the subject of legal submissions, and was explained in a memorandum of counsel for the Council dated 28 July 2023.

² Heritage evidence for Kāinga Ora and planning evidence for Carter Group Limited.

³ Mr Joll for Kāinga Ora states at his paragraph 6.3- 6.4 that RHA built form standards were notified under PC14, with RHA heritage area policies and rules notified under PC13. These statements are incorrect, as since heritage is a qualifying matter, all PC13 provisions were duplicated in PC14, albeit that a few specific provisions and scheduled items were identified in yellow highlight as relating to PC13 only.

RHAs (and in particular Piko/Shand) will place a significant constraint on or preclude urban development (Brendon Liggett for Kāinga Ora)

18. I disagree with the above statement in the corporate evidence of Mr Liggett. In my opinion RHAs will not necessarily be a significant constraint on, and will certainly not preclude urban development in their respective areas, including in the Piko/Shand RHA. I will not revisit my Section 42A Report on this matter (Issue 7 and Issue 10) other than to point out that very few applications for consent for restricted discretionary activities are declined by Council.⁴
19. Further, no evidence has been provided by Kāinga Ora to support the view that *"the identified areas do not represent historic heritage"*,⁵ although criticisms of methodology and identification of RHAs are made by Mr Brown.⁶
20. As discussed above, Kāinga Ora has sought and obtained a CoC to demolish all the buildings it owns in this area, meaning that the Piko/Shand RHA provisions cannot now be described as *"a significant constraint"* on Kāinga Ora's development in this area. Even if that were not the case, I do not agree with this statement. In regard to new development, Kāinga Ora has (in 2015 and 2021) navigated its way through consent processes for restricted discretionary activities (albeit these consents were not required for heritage reasons) and completed two large developments in the immediate vicinity of this RHA. Dr McEwan has stated in her overall heritage report for this RHA that the southern development is largely in sympathy with the typology of the original state flats in the area. I note that the other development, on Riccarton Road, has only been completed very recently.

RHAs are not needed because current urban design rules and assessment matters cover heritage (Jeremy Phillips for Carter Group Limited)

21. In paragraph 43, Mr Phillips states that, in residential zones, the operative urban design rules and assessment matters applying to developments of four or more units, e.g. in the Residential Central City (**RCC**) and Residential Medium Density (**RMD**) zones, require consideration of *"whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant*

⁴ As noted in Footnote 2 on p18 of my evidence.

⁵ Page 15 of Mr Liggett's evidence.

⁶ I also note that the Policy for Government Management of Cultural Heritage Places (2023) sets expectations for state sector agencies (including Kāinga Ora), to ensure that cultural heritage is identified and considered at key points during the property management *"life cycle"*.

significant natural, heritage and cultural features" (operative rule 14.15.1).⁷

He also references the residential design principles in that rule as noting the relevance of heritage items which may be adjacent to the development site.

22. These matters do not address the collective heritage values of an area as a whole. They apply only to the context of a proposal for three or more units (which may become four units or more), whereas many proposals in RHAs, especially outside of the central city and its surrounds, will be for redevelopment of one unit only. Further, the PC14 proposed revision of 14.15.1 deletes the sentence quoted by Mr Phillips from 14.5.1.(c) beginning "*whether the design of the development (...)*"
23. I disagree with the view that current or proposed urban design rules adequately cover the collective heritage characteristics or attributes of wider areas. That is not the focus of those provisions.

No apparent collaboration with Ngāi Tahu in statements of significance for RHAs (John Brown for Kāinga Ora)

24. There was pre-notification consultation with Ngāi Tahu representatives, at which the representatives did not express any concerns about the process of identifying RHAs. There was also significant consultation post-notification on RHA provisions and how they might affect a potential papakāinga site within the Lyttelton RHA.
25. Dr McEwan notes that she made reference to the Ngāi Tahu cultural mapping atlas in preparing each RHA report, and so each Statement of Significance includes known Ngāi Tahu history.
26. I also note that there is a matter of discretion in RHAs relating to whether sites where change is proposed have cultural or spiritual significance to mana whenua,⁸ and there are separate provisions in the District Plan in Chapter 9.5 for sites of Ngāi Tahu cultural significance.

Policy 9.3.2.2.2 does not provide guidance on how buildings will be assessed as defining or contributory (Jeremy Phillips for Carter Group)

27. The focus of this policy is on the identification and assessment of areas, not assessment of individual buildings. The proposed new wording of the policy refers to Appendix 9.3.7.1 which sets out how the heritage values of the area

⁷ I note this threshold is currently three or more units, although this is proposed to be amended to four in PC14.

⁸ Rule 9.3.6.4.(d).

are assessed. Further, I do not believe it is necessary, and indeed it would be difficult, to classify whole areas as significant or highly significant.

28. How individual buildings are classified within an RHA is a matter for the relevant heritage expert(s), taking into account the specific characteristics and history of the building, as well as the overall context of the values of the RHA (e.g. what are the defining features of the buildings in that area) and the contribution of the building to that context. To some extent this is a relative (i.e. within each RHA) rather than absolute classification, as Dr McEwan explains more fully in her primary evidence.⁹

Policy 9.3.2.2.8 – Demolition – this policy should have a title that also refers to RHAs (Tim Joll for Kāinga Ora)

29. The operative District Plan title of this policy is "*demolition of heritage items*". To reflect the broadening of the policy to also cover RHAs, this is proposed to be changed to "*demolition of scheduled historic heritage*". RHAs are scheduled in Appendix 9.3.7.3, so the title proposed also covers RHAs. The amended title is included in the PC13 rules package, but not in the PC14 version of Chapter 9.3. The PC14 version should be amended to match.

Policy 9.3.2.2.8 – Demolition – the same policy tests in this policy apply to activities with several different use activity statuses (Tim Joll for Kāinga Ora, Jeremy Phillips for Carter Group Limited and Catherine Boulton for Christ's College)

30. Demolition of a highly significant heritage item is a non-complying activity and demolition of a significant heritage item is a discretionary activity. Demolition of a defining or contributory building in an RHA is proposed, under PC14, to be a restricted discretionary activity. The policy on demolition does not vary between scheduled and unscheduled buildings, and I agree with the submitter evidence that there should be some distinction between these two in the policy.
31. However, I do not agree with the wording proposed by Mr Joll, as it would be difficult to argue on an individual basis that the demolition of any building in an RHA would significantly compromise the collective heritage values of the whole area, unless that building was or should be a scheduled building.

⁹ At paragraph 20.

Making demolition easy would result in a cumulative effects problem, in that the values of the RHA could easily be progressively degraded over time.

32. In my opinion some of the matters currently in Policy 9.3.2.2.8 should still apply to a policy regarding demolition of a defining or contributory building within an RHA, such as the extent of the work required to retain or repair the building, and whether the costs to retain the building would be unreasonable. I also consider there should be a criterion relating to the level of significance of the building in the RHA, e.g. whether it has been classified as defining or contributory. The new matters of discretion for demolition in Rule 9.3.6.5 provide a lead on these matters. In a similar way to the amendment I proposed in my Section 42A Report to the matters of discretion for building in RHAs, I would reverse the order and slightly reword the policy test(s), so that the effect on overall integrity and coherence of the heritage area is given more prominence.
33. I will consider this matter further and draft proposed wording for discussion with other planners in conferencing.

Promote combined applications to demolish and rebuild with a new matter of discretion for applications for demolition (Tim Joll for Kāinga Ora)

34. In his paragraph 6.21, Mr Joll proposes a new matter of discretion for demolition, "*Whether the proposed replacement building(s) will maintain or enhance the collective heritage values and significance of the heritage area*". This will apply only for defining or contributory buildings since there will be no need for a consent for demolition of neutral or intrusive buildings.
35. In my opinion, this does not solve the problem I identified in my paragraphs 8.22.3 and 8.22.4 of my Section 42A Report when considering whether these consents could or should be combined. My view remains that demolition consents and new build consents need to be assessed separately. Also, new builds clearly need to be considered against further matters of discretion, e.g. those in Rule 9.3.6.4.

There should be more enabling pathways for change in RHAs (John Brown for Kāinga Ora)

36. In paragraph 5.6, Mr Brown suggests there should be a more enabling pathway for change where sites or features in RHAs are identified as 'Neutral' or 'Intrusive'. In my view the pathway is already sufficiently enabling, in that demolition of buildings which are rated as 'Neutral' or 'Intrusive' is

already a permitted activity in RHAs (Rule 9.3.4.1.1. P12), and alterations to exteriors of 'Neutral' or 'Intrusive' buildings are exempt from the proposed RD6 consent requirement where the alteration is not visible from the street.¹⁰

37. In paragraph 5.13, Mr Brown suggests that replacement of existing paving and hardstanding should be a permitted activity. The District Plan does not currently have rules restricting impervious surfaces in residential zones, except in waterway setbacks, so they and their replacement are for the most part already a permitted activity. The same applies to the removal of freestanding intrusive "*elements*", although I am unclear to which "*elements*" Mr Brown is referring. Although the overall heritage reports for PC14/13 identify and classify some features as having heritage value of various levels, only fences and walls are currently covered by RHA rules and then only on the road boundary and in respect of fences or walls of over 1.5m in height.
38. Also in paragraph 5.13, Mr Brown seeks to incorporate design guidelines as standards for determining activity status. Mr Brown proposes permitted and controlled activity rules, with distinctions in activity status beyond this based on whether the proposal is "*demonstrably in keeping with [unspecified] design guidelines*". While such guidelines could be given statutory weight by their inclusion in District Plans, in many cases they are not, and sit outside such plans e.g. Christchurch City's current residential design guidelines for Character Areas.
39. In his paragraph 6.3 in relation to interface areas, and his comparison between these and the settings of heritage items, Mr Brown states that there is a "*generally accepted hierarchy of significance established by the operative District Plan in relation to Historic Heritage and Character Overlays*". In my view this is an overstatement. Rather than being less significant than one individually scheduled item, I consider that an area of collective heritage value (RHA) containing numerous buildings, and potentially including some individually scheduled buildings e.g. Lyttelton, could be equally or even more significant as a whole, than an individually scheduled item. Therefore I disagree with Mr Brown that interface areas are "*highly counter-intuitive*".

¹⁰ See also paragraph 43 of this rebuttal where I recommend deleting the words "*where the alteration is not visible from the street*".

Oppose activity standards for repairs e.g. providing a scope of works to Council for comment 10 days prior to work commencing (for items and defining / contributory buildings in RHAs) (Tim Joll for Kāinga Ora)

40. Mr Joll states that this rule could mean that owners or occupiers requiring repairs such as for leaks or replacement heating would have to wait weeks for the matter to be addressed by Council.
41. I disagree, because repair of leaks (which may in any case qualify as maintenance under P1) and installation of replacement heating on a 'like for like' basis are unlikely to involve (additional) modification to the exterior of the building. This activity standard has been proposed to encourage owners to discuss their proposals and to assist Council to better distinguish repairs from alterations. Council can provide free specialist advice on repair options and best practice conservation where appropriate. Proposals which are clearly only repairs should be able to be processed quickly, for example the information required could be contained in a simple email to confirm scope, which can be replied to within a few days.

Alterations to neutral and intrusive buildings should not require consent if it is permitted to demolish them (Mr Joll and Mr Brown for Kāinga Ora)

42. I agree with Mr Joll for Kāinga Ora in paragraph 6.17 of his evidence, when he implies that since it is permitted to demolish neutral and intrusive buildings, this creates a permitted baseline problem for alterations to these buildings, such that consent should not be required for the latter either.
43. I suggest that the relevant exemption to Rule 9.3.4.1.3 RD6 as currently worded be amended by deleting the words "*where the alteration is not visible from the street*" so that it reads:

c.ii. alteration to exteriors of neutral buildings or intrusive buildings
~~*where the alteration is not visible from the street*~~

44. This amendment should satisfy paragraph 5.6 of Mr Brown's evidence, seeking a more enabling pathway for change where sites or features are neutral or intrusive. I do not consider that the amendment he proposes to Policy 9.3.2.2.3 is appropriate or necessary.

Alterations to defining and contributory buildings should be controlled rather than restricted discretionary (John Brown and Tim Joll for Kāinga Ora)

45. I discussed the issue of consents for demolition of defining and contributory buildings in my Section 42A Report at Issue 10. At that time there was no specific request to downgrade the activity status for alterations to these buildings to controlled rather than restricted discretionary status. Some of the same considerations apply here, however, and as noted in my paragraph 6.2.6 of my Section 42A Report, I do not consider that controlled activity status is adequate to protect or conserve heritage. This would not provide any ability for Council to require changes to the design of alterations so that they are more compatible with heritage values, or to refuse the consent sought as a worst-case scenario.

Built form standards in RHAs are not necessary if there is a restricted discretionary pathway. The built form standards proposed are too restrictive (John Brown and Tim Joll for Kāinga Ora, Jeremy Phillips for Carter Group Limited)

46. Mr Phillips for Carter Group compares the constraints on building height and density in the Inner City West RHA with a possible HRZ alternate zoning for the submitter's land at 32 Armagh Street if there was no RHA overlay. The Carter's site is zoned Special Purpose School (**SPS**) zone (which was a result of the land being previously owned by Christ's College), although this zoning is no longer appropriate and I consider it should be amended. The alternate zoning of the whole Christ's College SPS zone area in the amended Chapter 13.6 in PC14 was intended to be MRZ, as shown in the Central City Planning Map for the remainder of the non-school zoned sites in this RHA. This is also the zoning proposed for all the other RHA sites in other locations. I recommend that the bulk of the submitter's land should be excluded from the RHA, which would mean the built form standards applying at this time would depend only on whether the alternate zoning for the land is MRZ or HRZ.
47. No provision has been made for RHA built form standards within HRZ zoning because HRZ zoning has not been considered appropriate for heritage areas, since it would likely promote redevelopment of a scale which is likely to hasten loss of heritage values.
48. Given the recommended removal of the RHA overlay over the bulk of the submitter's land, the question is therefore not whether the built form standards for RHAs are more restrictive than they should be, but what should be the zoning (or alternate zoning if it remains SPS zone for the foreseeable

future) for the bulk of the Carter Group land. I leave this to the Panel, in considering Mr Langman's evidence on the Council submission.

49. Mr Brown for Kāinga Ora states essentially that it is not necessary to have built form standards as well as a restricted discretionary pathway for developments in RHAs, and Mr Joll agrees with him. I do not agree with this proposition. This is because an unmitigated MRZ zoning, also including built form standards, would be likely to compromise RHA heritage values to some degree (albeit to a lesser extent than HRZ zoning). This is particularly so in terms of density where only two units are provided for in the RHA overlay parts of the MRZ zone, while three units or more could be constructed elsewhere. Setbacks and outdoor living space are also somewhat greater in areas with an RHA overlay, and heights lower, providing for the more spacious feel which is a feature of some areas of historic heritage.

An RHA overlay is not appropriate for the Special Purpose School zoned land owned by Christ's College east of Rolleston Avenue (Catherine Boulton for Christ's College)

50. Ms Boulton's evidence states that the matters of discretion for RHAs are too limiting for school buildings, which require greater scale and form, and that the built form standards for the current SPS zoning are less enabling than Policy 3 intensification would require.
51. The SPS zone has an alternate residential zoning if land is not being used for education activities (MRZ or HRZ in this location depending on the Panel decision on this matter), and SPS rules themselves are proposed to be modified in PC14 (e.g. heights increased), to reflect the planned intensity of their surrounds.
52. If new development is proposed on Christ's College-owned land with an RHA overlay, there could be both (revised) SPS built form rules and RHA restricted discretionary (RD) rules to consider. The note at the start of the SPS built form standards in PC14 as notified, proposed to remove this double-up and rely only on heritage RD rules for items and settings. There is a Council submission point seeking to add wording on RHAs into this note, so that they would also rely only on heritage RD rules, with a further submission from Carter Group opposing this. Mr Langman has reported on both.

53. I consider that this note and its effect would work well for parts of school sites occupied by heritage items. It could also work well for residential uses or even administrative uses on the school's properties east of Rolleston Avenue, which are within an RHA. However, I accept that the restricted discretionary activity on heritage grounds does not provide any guidance on built form, if Christ's College wishes to redevelop across several sites on a large scale (e.g. for educational use).
54. I do not agree that Christ's College's landholdings east of Rolleston Avenue should be removed from the Inner City West RHA overlay, as stated in my Section 42A Report, since they make a significant contribution to the heritage values of the area. Even with a CoC to demolish all these buildings, the RHA overlay draws attention to the heritage values of this area.
55. There are no other schools within RHAs other than Christ's College and a small portion of the Cathedral Grammar site north of Armagh Street. In my view one pragmatic option in light of Christ's College's concerns about the RHA would be to not amend the note at the start of the SPS built form rules to add mention of RHAs, i.e to reject Council submission point S751.54, so that SPS zone built form rules continue to provide some guidance. I acknowledge that this contradicts the recommendation that Mr Langman has made that Council point S751.54 be accepted.

Inner City West RHA would not meet the 50% criteria of defining or contributory buildings, when its boundaries are shrunk as recommended (Jeremy Phillips for Carter Group Limited and Catherine Boulton for Christ's College)

56. Mr Phillips for Carter Group makes this comment (at paragraph 114), especially in relation to northern section of this RHA. He also states that the boundaries of this RHA could be shrunk in further, since scheduled buildings like the 'Blue Cottage' are already protected. Ms Boulton for Christ's College says at her paragraph 25 that the RHA is "*somewhat compromised*" by Christ's College's CoC, meaning that all their buildings should be disregarded, as well as all neutral and intrusive buildings within the RHA.
57. Neutral and intrusive buildings in and of themselves make no difference to the criteria for defining an RHA, as this criterion includes having a majority of defining and contributory sites and buildings. In my view it would make no sense to leave out scheduled buildings as they also contribute to the heritage values of an RHA.

58. Not meeting "*the 50% criteria*" is incorrect both at the wider RHA and part RHA level. The latter is in any case not a criterion used, as this RHA has similar values across both the northern and southern sections. I have already explained why I disagree that Christ's College buildings should be left out of this RHA.
59. At the wider RHA level, the boundary shrinkage that Dr McEwan and I have recommended would only reduce the proportion of defining and contributory sites and buildings in the Inner City West RHA from 67.1% within the revised boundaries, to 64.5%. These figures still include Christ's College buildings. As noted in paragraph 9, this proportion would drop further to 56.1% if Christ's buildings were excluded. Counts are done on properties and in some specific circumstances parts of properties, e.g. parts of the Carter Group land, rather than how many hectares are assessed as being in each category.

Interface area restrictions are not justifiable – they are to manage amenity outcomes. More onerous than managing effects for scheduled items through settings (Tim Joll for Kāinga Ora, Jeremy Phillips and David Compton-Moen for Carter Group Limited)

60. Other points made by Mr Joll for Kāinga Ora are that it is not efficient to limit intensification opportunities in the most desirable locations where intensification has been directed by Policy 3; and that site-by-site analysis has not been undertaken (paragraphs 6.25 and 6.26). Mr Phillips for Carter Group Limited asserts that interface areas should not bound sites or buildings that have no particular heritage value, and that it is not fair to apply interface areas if there is a large site adjoining an RHA like the bulk of the Carter Group site at 32 Armagh St, where development further away from the RHA would have no direct effect on those sites.
61. The primary point made about the justification or otherwise for interface areas have been covered in my Section 42A Report at Issue 14. I do not agree that the interface RD8 rule proposed for HRZ sites sharing a boundary with RHAs, with very limited matters of discretion, is an attempt to manage amenity outcomes. In my view it is legitimate to consider visual dominance as an effect on its own, irrespective of matters such as potential shading. Despite the wording of Policy 6 of the National Policy Statement on Urban Development, there are a number of references to both amenity and visual dominance in the revised 14.15.1 Matters of Discretion for residential zones,

albeit that these only apply to development requiring a resource consent in the HRZ zone (e.g. 14.15.30, 14.15.31 and 14.15.33).

62. The potential contrasts in scale between the predominant one and two storey residential development in the RHAs and development provided for in HRZ zones will make it difficult to attract and keep residents in these areas, to ensure that RHAs continue to be viable, unless that interface is further considered in terms of heritage values. Rather than being onerous, the proposed interface rule has very limited matters of discretion and does not of itself modify the built form standards that apply in the HRZ zone. I accept that there may be architectural techniques that ensure sympathy with identified values being protected but note that Mr Joll's example of this is the recent three-storey Kāinga Ora development on Riccarton Road, rather than a potentially 10-storey (or even 12-storey) building, which would be quite a different situation.
63. Mr Compton-Moen makes effectively the same point when discussing the Blue Cottage on the Carter Group site. He says that, as highlighted by Gloucester Tower, it is possible for taller buildings to be built in this area without creating adverse effects. However, his Figure 1 photo is taken from an angle where a tree blocks the view of Gloucester Tower, which is otherwise prominent in this area. Dr McEwan has classified this building as "*intrusive*" in the context of this RHA, i.e. it is her view that it detracts from and is inconsistent with the heritage values and significance of this heritage area. This building has around 10 storeys.
64. I agree that Rule 9.3.4.1.3 RD8, the proposed interface rule, appears to be more onerous than the setting rules that apply to heritage items, but note that the interface rule could well be weaker in practice than the setting rules, because as noted the matters of discretion for interface areas are much more constrained and targeted than those for settings.
65. I have considered what would happen if the proposed interface rules only bounded defining and contributory buildings. While I do not have a strong view about this, I consider that on balance this is likely to undermine the public's understanding of RHAs as whole areas with collective heritage values. Also neutral and intrusive sites, especially vacant ones, have the potential to be redeveloped in the future in a way which is more in keeping with the heritage values of the RHA.

66. The situation of large sites within interface areas is unfortunate, but on the whole these are not common. I do not see a fair way of dividing properties for the purposes of this rule if they are not already held in separate titles. An arbitrary distance for the application of the rule would not, in my opinion, represent potential effects appropriately, nor facilitate integrated planning across these adjoining sites.

Glenda Margaret Dixon

9 October 2023