

**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

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**STATEMENT OF REBUTTAL EVIDENCE OF SUZANNE AMANDA RICHMOND  
ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

**HERITAGE ITEMS AND QUALIFYING MATTER – HERITAGE ITEMS**

**Dated: 9 October 2023**

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## EXECUTIVE SUMMARY

1. In this evidence I respond to the planning evidence of submitters in relation to a number of heritage-related topics listed below.
2. For the reasons discussed below, I remain of the views I expressed in my primary statement of evidence, except where my position has changed as follows:
  - (a) Recommending removal of Harley Chambers from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2.
  - (b) Agreeing to amend the proposed definition of heritage setting to replace the words: “heritage settings have not been assessed as meeting the significance threshold for scheduling as individual heritage items” with: “heritage settings are not in themselves part of the scheduled item”.
  - (c) Agreeing to reduce the northern extent of the New Regent Street setting to exclude the footpath on the north side of Armagh Street.

## INTRODUCTION

3. My name is **Suzanne Amanda Richmond**. I am a Heritage Advisor (Planning) in the Heritage team, Christchurch City Council.
4. 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 Heritage Items proposed provisions.
5. I have the qualifications and experience set out at paragraphs 2.1.2 – 2.1.4 of my Section 42A Report.
6. 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

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. In this evidence I respond to the following issues / witnesses:

- (a) Planning evidence of Matthew Bonis for Cambridge 137 Limited in relation to:
  - i. Removal of Harley Chambers from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2.
- (b) Planning evidence of Jonathan Clease for Daresbury Limited and Church Property Trustees in relation to:
  - i. Removal of Daresbury, 9 Daresbury Lane, and St James' Church, 65 Riccarton Road, from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2;
  - ii. Policy 9.3.2.2.3 Management of scheduled historic heritage;
  - iii. Policy 9.3.2.2.8 Demolition of heritage items;
  - iv. Definition of Alteration;
  - v. Definition of Demolition;
  - vi. Definition of Heritage Setting;
  - vii. Definition of Relocation;
  - viii. Provisions for Significantly Damaged Heritage Items;
- (c) Planning evidence of Jeremy Phillips for Carter Group Limited in relation to:
  - i. Cathedral Square height overlay;
  - ii. Central City Heritage Qualifying Matter - Arts Centre and New Regent Street height overlay and interface;
  - iii. New Regent Street Heritage Setting;
  - iv. Removal of 32 Armagh Street from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2;

- v. Policy 9.3.2.2.8 Demolition;
  - vi. Appendix 9.3.7.4 – Heritage item and heritage setting exemptions from zone rules;
- (d) Planning evidence of Marcus Langman for Christchurch City Council in relation to:
- i. Proposed addition of Spreydon Lodge, 2 Monsaraz Boulevard, to the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2;
  - ii. Proposed corrections to Appendix 9.3.7.2 Schedule of Significant Historic Heritage Items and heritage aerial maps; and
  - iii. Spot zoning of some heritage items and settings.
8. 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.
9. As is made clear in this rebuttal evidence, I am recommending amendments to the provisions of PC14 that were attached to my Section 42A Report. I have undertaken a further evaluation under section 32AA of the RMA in respect of those amendments, and include that evaluation in the relevant parts of this rebuttal evidence.

#### **PLANNING EVIDENCE OF MATTHEW BONIS, FOR CAMBRIDGE 137 LIMITED**

##### **Removal of Harley Chambers, 137 Cambridge Terrace from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2**

10. The focus of my rebuttal evidence in relation to this heritage item is on my conclusion as to the appropriateness of retaining the building on the district plan heritage schedule. Responses to specific aspects of technical evidence of submitters are provided in the rebuttal evidence of Amanda Ohs, David Pearson, Stephen Hogg, and Gavin Stanley.
11. I agree with Council's primary technical evidence and rebuttal technical evidence in response to the submitter's evidence, that Harley Chambers continues to meet the threshold for scheduling in clause b.i. of the scheduling policy 9.3.2.2.1 in its current condition, and the building or façade alone would meet this threshold for scheduling following reinstatement works, so

that the scheduling exception in clause c.iii. is not met. I also agree with Council's primary and rebuttal technical evidence that there are options for reuse of the repaired and upgraded building or the repaired and upgraded façade with a new building constructed behind.

12. However, having considered the submitter's cost evidence, presented at paragraph 21(a) and 49 of the planning evidence of Matthew Bonis, I accept in relation to clause c.iv. of the scheduling policy, that there are "*financial factors related to the physical condition of the heritage item*" that could make it "*unreasonable or inappropriate to schedule the heritage item*".
13. The submitter's quantity surveyor, Keeley Pomeroy, has estimated the cost of repair of the whole building to 67%NBS (New Building Standard) at \$25.4 million (excluding GST), which compares with Gavin Stanley's figure of \$21.9 million (excluding GST) in his rebuttal evidence for Council, having reviewed the submitter's cost evidence.
14. Mr Bonis references the submitter's cost estimate for façade only retention and a new build behind to 100%NBS at \$20.8 million, similar to Council's revised cost estimate of \$20.127 million in Mr Stanley's rebuttal evidence. The submitter's cost estimate for a new build is \$13.6 million. Council's cost estimate is again similar at \$13.754 million for a new build.
15. At paragraph 50, Mr Bonis quotes the valuation figure provided by Hayden Doody for the submitter as \$13.2 million if the building is repaired to 67%NBS. Council has not engaged a valuer to provide its own valuation estimate, however even if this figure is conservative, my observation on the evidence before the panel is that it appears very likely that the investment required to reinstate the building would exceed the valuation of the repaired building by a significant margin.
16. The submitters purchased the scheduled heritage property in its current condition, and this brings with it a duty of care to fully consider alternatives to demolition. However, given the unwillingness of the owners to proceed with repairs in light of the quantum of the repair costs (on which Council and the submitter are in broad agreement), and the very low probability of finding an alternative owner able or willing to take on a repair project for a Christchurch building with a cost of this scale, as a heritage planner, I *reluctantly* accept that this is an exceptional case where I would consider financial factors in c.iv. of the policy make it unreasonable to schedule the building with the

associated expectation that the owner will repair the building. Therefore, weighing the costs of scheduling against the benefits, I agree with Mr Bonis' conclusion at paragraph 30 of his evidence, that it is not efficient or effective in terms of sustainable management to retain Harley Chambers on the schedule of heritage items.

## **PLANNING EVIDENCE OF JONATHAN CLEASE FOR DARESBURY LIMITED AND CHURCH PROPERTY TRUSTEES**

### **Removal of Daresbury, 9 Daresbury Lane, and St James' Church, 65 Riccarton Road, from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2**

17. Throughout his evidence Mr Clease (see paragraphs 35, 42.3, 45, and 119) refers to there being no identified uses for either Daresbury or St James' Church, and what he considers to be the "*remote*" possibility of selling the properties or generating sufficient revenue from an alternative use to justify the restoration costs. At paragraph 40.4 he states costs will exceed the market value of both buildings if repaired by a significant margin, however no valuation evidence has been provided for St James's Church.
18. Chessa Stevens (Council's conservation architect for St James' Church) and William Fulton (Council's conservation architect for Daresbury) have identified that there are opportunities for repair and reuse by future owners in their primary evidence. Stephen Hogg (Council's engineer for Daresbury) and Clara Caponi (Council's engineer for St James' Church) in their primary and rebuttal evidence disagree with the submitters' engineers on the extent of deconstruction likely to be required for a conservation-based repair methodology and therefore this is reflected in Council's cost estimates.
19. As Mr Clease puts it at paragraph 41, retaining these buildings on the heritage schedule "*preserves the opportunity*" of repair by a future owner, but that this benefit has to be balanced against the costs to the building owners.
20. Gavin Stanley's updated cost estimate in his rebuttal evidence for Council for repair of Daresbury to 67%NBS is \$7.6 million (excluding GST), which compares with Stewart Harrison's cost estimate for the submitter of \$8.128 million (excluding GST).

21. These figures need to be considered against the estimated cost of an equivalent new build with a high standard of finish. Mr Stanley agrees in his rebuttal evidence for Council that his estimate for an equivalent new build now aligns with the submitter's quantity surveyor's estimate, and is between \$7.6 and \$10.89 million.
22. Mark Shalders, in his evidence for Daresbury Limited, has valued Daresbury at \$4.9 million. This excludes land value, which the valuer considers would be negatively impacted by the heritage protection of the heritage setting. Council has not engaged a valuer to review this figure.
23. Mr Shalders suggests that subdivision may be prevented by the heritage protection. This is not the case. Resource consent has already been granted to subdivide the land to the north side of the waterway from the heritage setting.
24. The repair cost of Daresbury has been estimated at more than the submitter's valuation estimate for the building, but at similar to an equivalent new build, therefore I do not consider that it is "*unreasonable*" to retain this building on the schedule in relation to financial factors (clause c.iv. of the scheduling policy in 9.3.2.2.1).
25. In relation to St James' Church, Peter Eggleton's repair estimate for the submitter of \$5.889 million (excluding GST) is of a similar scale to Philip Griffiths' estimate in his primary evidence for Council of \$5.274 million (excluding GST). Mr Griffiths discusses the differences in his rebuttal evidence. Mr Griffiths has estimated a new build of equivalent floor area at \$1.465 million (excluding GST).
26. On this evidence, repair is significantly more expensive than a new church building. However while I accept the market for a new owner prepared to take on this repair project is likely to be limited in the Christchurch context, in my view, the scale of investment required may not be considered financially "*unreasonable*" (in relation to clause c.iv. of the scheduling policy) by a potential purchaser who sees an opportunity to recuperate the investment via an adaptive reuse project.
27. Council's primary and rebuttal technical evidence from Amanda Ohs and conservation architects Chessa Stevens and William Fulton concludes that both buildings meet the threshold for scheduling in 9.3.2.2.1 b.ii. of the



scheduling policy at a Highly Significant level in their current condition, and would continue to do so following reinstatement works, therefore the scheduling exception in clause c.iii. of policy would not be met.

28. Engineers for Council do not consider that there are engineering factors in clause c.iv. that would preclude the buildings remaining on the schedule. There are opportunities for repair and reuse by future owners, and these are both Highly Significant heritage items. I consider that wider community benefits outweigh the costs to the current owners, and that retaining these buildings on the schedule safeguards against demolition (without resource consent), and therefore preserves the opportunity of selling the buildings for future owners to retain.
29. At paragraph 42.2 Mr Cleese states that if the owners were to make a resource consent for demolition of a Highly Significant heritage building, which is a Non-Complying activity, it is “certain” to be publicly notified. While I would anticipate, based on the information at hand, that demolition applications would be publicly notified for these two buildings, I would like to clarify that this is not certain in every case, and is not automatic for Highly Significant buildings. The notification decision is based on considering the specific building’s condition and repair options available for a given building against the Demolition policy and is guided by the matters of discretion. It is conceivable that the situation could arise where a demolition application for a Highly Significant building could be approved on a non-notified basis where Council’s Heritage staff agree that there is no repair strategy that would retain the significance of the building so it could remain on the schedule, and effects of demolition are deemed to be not more than minor.

#### **Policy 9.3.2.2.3 Management of scheduled historic heritage**

30. At paragraph 52-53 Mr Cleese considers that retention of wording in b.i. of the Management policy: *Significant heritage items are potentially capable of accommodating a greater degree of change* is justified by the wording in subclause ii. *conserve, and wherever possible, enhance the authenticity and integrity...particularly in the case of Highly Significant items and heritage settings.*
31. While the priority signalled in b.ii. is to protect the authenticity and integrity of Highly Significant items, as discussed in Amanda Ohs’ rebuttal evidence, it does not automatically follow that all Significant items have greater ability to

accommodate change. The statement is a generalisation (see paragraph 8.1.123 of my evidence) as it depends more on factors particular to each building such as the extent of previous change and therefore how physically intact the building is. Substantial change could result in a Significant building falling below the threshold for scheduling.

#### **Policy 9.3.2.2.8 Demolition of heritage items**

32. Paragraph 65 of Mr Clease's evidence refers to the wording of Policy 9.3.2.2.1. This appears to be a reference to the wording of Policy 9.3.2.2.8 in relation to policy 9.3.2.2.1.

#### **Definition of Alteration**

33. In paragraph 69 Mr Clease states that changes to the definition of Alteration mean that any change, modification or addition to a heritage item, heritage setting or heritage fabric would constitute Alteration and would trigger corresponding rules and resource consent requirements. This is not the case. The new reference to "*heritage settings*" in the definition is to support the proposed new permitted rule in 9.3.4.1.1 P8 which clarifies the status quo (on which the heritage rules are currently silent) that Alteration, Relocation or Demolition in a heritage setting are Permitted activities.
34. The removal of the words "*which impacts on heritage fabric*" in the first part of the Alteration definition is in fact intended to have minimal impact on consenting. I do not agree that this change will "*add considerable costs for little benefit*" (Mr Clease's evidence, paragraph 72). The intention of this change is to better provide for the assessment of additions or additional fabric, already contained in operative clause d. of the definition, which may affect the form of the building and/or have adverse effects on heritage values, but may not necessarily physically affect heritage fabric. Ms Ohs also responds to this matter in her technical rebuttal evidence.
35. I consider that this wording gives more certainty than introducing the words "*heritage values*" to the definition. The change is also intended to avoid quasi-assessments occurring outside of the consent process which conclude that heritage fabric is not physically impacted and therefore resource consent is not required. I consider that this assessment should properly occur via the resource consent process to fully consider and document the effects on a consistent basis.

## Definition of Demolition

36. At paragraph 75 Mr Clease states that *“the amended wording makes no reference to effects on heritage values, rather it retains the existing reference to fabric. The loss of a small piece of fabric that has significant heritage value continues to be exempt from the definition”*.
37. I do not agree. Ms Ohs also discusses this in her rebuttal evidence. I consider this scenario is captured both in the loss of *“heritage fabric”* which makes the heritage item significant (a *“significant loss”*) and in the loss of *“form”* which makes the heritage item significant. The word *“or”* has been introduced to recognise that it may not always be a significant loss of both fabric and form, it could be one but not the other.
38. As mentioned above in relation to the Alteration definition, I have deliberately avoided the use of the term *“heritage values”* which I consider would make the definition less certain than the use of *“heritage fabric or form”*. Loss of form is a physical change which may be assessed as having a significant effect on heritage values).
39. The intention of the change is to capture exactly the scenario Mr Clease is referencing, for example, where the principal façade, which represents a relatively small proportion of the physical material of the building as a whole, is proposed for demolition, this would be likely to result in the building no longer meeting the threshold for scheduling. The operative use of the word *“substantial part”* gives the unintended impression that the threshold for meeting the Demolition definition is tied to the quantity of fabric being removed. I consider the demolition of a principle façade of a building should be caught by the Demolition definition rather than the Partial Demolition definition as it *“results in the ...significant loss of the heritage fabric or form”* which could lead to the heritage item no longer remaining on the schedule, and Partial Demolition is considered under the Alteration definition.

## Definition of Heritage Setting

40. Mr Clease, in paragraph 81 of his evidence, suggests that the proposed sentence: *“heritage settings have not been assessed as meeting the significance threshold for scheduling as individual heritage items”* should be replaced with: *“heritage settings are not in themselves part of the listed item”*. I accept that this new wording is simpler and would achieve a similar intent. I

agree to this change with the amendment of “*listed*” to “*scheduled*” to reflect the District Plan terminology.

### **Definition of Relocation**

41. In relation to the proposed deletion of exclusions from the Relocation definition, Mr Cleese notes at paragraph 85 that he could not find a definition of “*building code works*”. My evidence (paragraph 8.1.119) should read “***Heritage Building Code works definition***” as the definition is renamed in the notified proposal.<sup>1</sup> As temporary lifting or moving and permanent realignment of foundations fall within the operative “*Heritage Building Code works*” definition, I consider it is duplication to specify these activities as exclusions from the Relocation definition, and that deletion would improve clarity.

### **Provisions for Significantly Damaged Heritage Items**

#### *Deletion of Matter of Discretion 9.3.6.1a. (earthquake damage)*

42. At paragraph 88-95, Mr Cleese opposes the proposed deletion of matter of discretion 9.3.6.1.a: *the nature and extent of damage incurred as a result of the Canterbury earthquakes of 2010 and 2011 including the costs of repair and reconstruction*. He quotes my evidence at paragraph 8.1.103 - footnote 4, where I explain that : “*There are approximately 32 scheduled heritage buildings on Christchurch City Council’s Earthquake Prone Buildings register of the 679 scheduled heritage items in the operative district plan.*”
43. At paragraph 94 of his evidence Mr Cleese questions how many other earthquake damaged buildings (in the district) are not classified as Earthquake Prone Buildings (**EPB**). Council’s EPB register captures approximately half of the scheduled heritage items which are damaged and unrepaired. A review of the district plan heritage schedule identifies that there are 28 other buildings or structures on the schedule which Council Heritage staff know have unrepaired earthquake damage<sup>2</sup>.
44. A further analysis of the number of heritage buildings on the EPB register I quoted in my primary evidence reveals that of those 32, 1 is not a scheduled heritage item, 2 are demolished/demolition is pending and 3 have been repaired, which would take this number back to 26. I have not deducted the

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<sup>1</sup> For the panel’s reference in locating the definition in Chapter 2 of the proposal, I note that this definition is included after the “*Heritage setting*” definition as the name for the definition in the operative plan is “*Heritage upgrade works*”

<sup>2</sup> Excludes buildings which have been demolished or where demolition is pending.

further 10 buildings on this register which are currently under repair, which illustrates that this is a constantly evolving number.

45. Therefore the revised percentage of unrepaired heritage items, to which matter of discretion 9.3.6.1a (proposed for deletion) could be applied currently is in the order of 8%. Note that this discussion is also relevant for the next sub-section on Identification of significantly damaged heritage items which responds to points made in the section of Mr Clease's evidence at paragraph 96-109.
46. As stated in my primary evidence, I consider that matter 9.3.6.1a is generally covered within operative matter f. However, if the panel prefers to retain a separate matter specific to earthquake damage, I could accept the retention of matter 9.3.6.1a. with an amendment to replace the specific reference to the Canterbury Earthquakes of 2010-11 with a generic reference to "*earthquake damage*" which would also cover damage from future earthquakes.

#### *Identification of significantly damaged heritage items*

47. Paragraph 96 of Mr Clease's evidence proposes an alternative solution for providing for significantly damaged scheduled buildings by adding a column to the existing heritage schedule, rather than creating a separate schedule identified in submission point S150.16 by Ceres New Zealand (supported by Daresbury Limited FS2053.5 and Church Property Trustees FS2043.5). Appendix 1 in Mr Clease's evidence suggests the addition of a clause to the Demolition policy: "*vi. Whether the heritage item is scheduled in Appendix 9.3.7.2a*" which I understand to be a reference to the column in the schedule referred to in his paragraph 96.
48. I do not support either approach to identifying "*significantly damaged buildings*" for a number of reasons. In paragraph 8.1.105 – 8.1.106 of my primary evidence I noted that Council's Heritage staff are aware of the buildings which remain unrepaired from the Canterbury Earthquakes, and I consider that these are adequately provided for under the operative and proposed provisions.
49. To explain this further, a building's current state (including how it has been affected by previous alterations and the current condition of fabric) is the starting point for assessing the impact of changes to heritage fabric, form

and values via resource consent applications. Where this information is not already known by Council's Heritage staff from information on file or previous knowledge of the building, this information can be obtained during the resource consent application process to assess the impact on heritage values.

50. In addition, I consider that compiling such a list would also be problematic as it would require establishing a threshold of what constitutes "*significantly damaged*", and I suggest this would not be a useful term to use given the existing interpretation by Council's Heritage staff of "*significantly compromised*" in the Demolition policy, which is tied to the significance/scheduling threshold (discussed below in response to Jeremy Phillips evidence).
51. Even if this exercise were instead conceived as identifying "*earthquake damaged*" heritage items which could continue to meet the threshold for scheduling in their current state, this would involve an up-front quasi-resource consent assessment including consideration of detailed engineering assessments to be provided to Council's Heritage staff in each case to determine which buildings should appear on the list and which should not. This is unnecessary, as an understanding of the status quo situation for the building is part and parcel of the resource consent process, which may include pre-application discussions with applicants.
52. I do not support "*tagging*" individual buildings in this way. This "*name and shame*" approach tends to send the wrong message that these buildings are permanently unrepaired or unrepairable, when in fact they may be able to be repaired by the current owner or sold and repaired by another owner, which would also then make the schedule out of date. Many of these buildings are already published on Council's EPB register, which I would expect can be updated more readily than the District Plan which requires a plan change to do so.
53. I do not support the addition of the clause to the Demolition policy referencing damaged buildings (identified in Appendix 1 of Mr Clease's evidence). I consider that the condition of the building and the ability to repair the building is already considered in clauses ii. and iii of the policy.
54. At paragraph 102 Mr Clease argues that the heritage schedule can become out of date for other reasons. I agree, and "*other reasons*" could include

significant damage to other buildings in future earthquakes, demolition or partial demolition requiring changes to the heritage schedule. Therefore, I do not agree that it is necessary or appropriate to provide an additional basis for the schedule to become out of date by annotating the schedule with the status of buildings in relation to earthquakes damage incurred in 2010-11.

*Demolition rule and matters of discretion for significantly damaged heritage items*

55. At paragraph 105 Mr Clease questions what I mean by “*non-heritage factors specific to each building*”. What I am referring to, as described in my evidence at paragraph 8.1.108, are factors relating to the personal circumstances of the owner, such as insurance status, funding options, and intentions in relation to the future development of the site including whether on-selling or subdivision of the property is a realistic possibility.
56. Mr Clease has suggested a Restricted Discretionary rule for “*significantly damaged*” heritage items, which appears to be based on the Christ Church Cathedral Restricted Discretionary rule. That rule was developed through the 2015-16 hearings process for the Christchurch Replacement District Plan in response to the site specific legislation making certain activities Controlled activities, and Demolition otherwise Restricted Discretionary.
57. I generally do not support adding rules which provide for customised exceptions for certain sites, where I consider they have been, and can continue to be, accommodated adequately in the rules framework applying to all sites. The resource consent process and operative and proposed matters of discretion provide for site by site consideration of existing building condition, so this consideration will be factored in regardless of whether the building appears on a discrete list of “*tagged*” sites.
58. Appendix 1 in of Mr Clease’s evidence provides a set of matters of discretion which are similar to the matters for Christ Church Cathedral which were developed as a particular response to the specific building and circumstances. In my view they would need redrafting to have broader reference should the panel prefer to accept a site specific demolition rule against my recommendation. I consider that matter c. in Appendix 1: *Where demolition of the whole or a substantial part of a building is proposed is redundant as this quotes the definition of Demolition. Matter d. The methodology for demolition, including the phasing of the works, heritage fabric to be retained, and how any heritage fabric to be retained is to be*

stored, could also include how the fabric could be reused. Ms Ohs discusses this briefly in her rebuttal evidence.

59. At paragraph 108 Mr Clease claims that the provisions “*treat all listed items as if they are wholly intact*”. I disagree. As discussed above, the starting point for Council Heritage Advisors when assessing a resource consent for demolition is to understand the status quo circumstances of the building including its current condition. Assessments are conducted on a case by case basis applying the policy and rules framework approved by the IHP for the Christchurch Replacement District Plan, which was developed with an earthquake recovery focus, and using the matters of discretion as a guide. As I discuss at paragraph 8.1.105 of my primary evidence, I consider that the operative framework (with some proposed amendments) generally provides for the consideration of the condition of individual buildings.

## **PLANNING EVIDENCE OF JEREMY PHILLIPS FOR CARTER GROUP LIMITED**

### **Cathedral Square height overlay**

60. Paragraph 17.1 and 34.4 of Jeremy Phillips’ evidence for Carter Group Limited incorrectly identifies 184 Oxford Terrace as being within the Central City Heritage Interface (which applies to specific sites adjoining the Arts Centre and New Regent Street). The overlay which applies to this site is the Cathedral Square height precinct/overlay (correctly identified at paragraph 71) which has a proposed height limit of 45 metres as stated.

### **Central City Heritage Qualifying Matter - Arts Centre and New Regent Street height overlay and interface**

61. At paragraph 36, Mr Phillips considers that a height qualifying matter for sites with scheduled historic heritage items and settings is not required as the operative heritage provisions in subchapter 9.3 of the District Plan offer sufficient protection for new developments. As stated in my evidence at paragraph 8.1.145, a reduced height limit supports the heritage rule 9.3.4.1.3 RD2 for new buildings in heritage settings by managing expectations as to the scale of appropriate development on heritage sites. A reduced height limit of 28 metres for the sites in the Arts Centre and New Regent Street height interfaces recognises that a reduced scale of development is appropriate on these sites as they adjoin two key Highly Significant heritage precincts.



62. The proposed height limits within these heritage settings seek to maintain the operative height limits of 16 metres on the Arts Centre site and 8 metres in New Regent Street. Without the reduced height limits there is no signal that an enabled zone height of 90 metres is completely inappropriate within these heritage settings and on sites in close proximity to these heritage items. The operative heritage rules offer no protection from the potential for visual dominance and shading effects from tall buildings on adjoining sites including the sites in the New Regent Street height interface at 129-143 Armagh Street. Any such buildings would have the potential to impact on views to and from New Regent Street and affect the use and experience of the New Regent Street heritage setting by occupants, visitors and customers.
63. At paragraphs 76-81 of his evidence<sup>3</sup>, Mr Phillips suggests that:
- (a) there is insufficient evidence to support applying the 28 metre height limit to the New Regent Street height interface sites at 129-143 Armagh Street based on shading effects; and
  - (b) the sun studies provided by Council<sup>4</sup> do not show shading from existing New Regent Street buildings, or for sites beyond the extent of the proposed interface to the west/east of 129-143 Armagh Street.
64. The reasons for the New Regent Street height interface are discussed in paragraphs 8.1.153 - 8.1.164 of my primary evidence, and in the primary technical evidence of Amanda Ohs.
65. The proposed 28 metre height limit on the New Regent Street height interface sites is based on the potential for visual dominance effects, *in combination with* potential shading effects on New Regent Street of tall buildings on these interface sites, not solely on shading effects alone. The interface sites are the nearest adjoining sites which have been identified as having the greatest potential for visual dominance and shading effects on New Regent Street.
66. The shading of existing buildings in the street is shown in the “*Existing Indicative*” illustrations in Council’s shading diagrams (referred to above) for

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<sup>3</sup> See also paragraph 30-31 of Jeremy Phillips planning evidence for Catholic Diocese of Christchurch, in which he states that he relies on his evidence for Carter Group in relation to the Central City Heritage Qualifying Matter and the heritage setting for New Regent Street.

<sup>4</sup> Appendix 16 to the Heritage Section 32 report for Plan Change 13 (link): [Appendix 16 - Qualifying Matter Central City Heritage Interface – Arts Centre and New Regent Street - Modelling and Sun Studies](https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/proposed-changes-to-the-district-plan/pc13/)  
Source: <https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/proposed-changes-to-the-district-plan/pc13/>

both the spring equinox and winter solstice. The two storey existing buildings in New Regent Street appear to cause shading in the morning and from mid-afternoon at the spring equinox. However, minimal existing shading is observed in the middle of the day over the street between the heritage buildings (which forms part of the heritage setting and contains the outdoor seating area). Similarly at the winter solstice, while there is significant existing shading apparent in the street in the morning and from mid-afternoon, the shading diagrams indicate that the outdoor seating area in the street currently enjoys sun in the middle of the day.

67. The sun studies at spring equinox indicate that buildings at 129-143 Armagh Street, if constructed to 45 metres, would shade the northernmost end of New Regent Street from the middle of the day, and the northern half of the street in the middle of the day if built to 90 metres. The spring equinox sun diagrams also show that buildings at heights of 28 metres on these sites would not appear to noticeably shade the street at any time of day. Buildings constructed to heights of 28 metres and greater on these sites are shown to shade Armagh Street at the northern extent of the setting throughout the day at both spring equinox and winter solstice. The winter solstice shading diagrams indicate that buildings on these sites at 45 or 90 metres would generate greater shading than buildings of 28 metres, particularly in the middle of the day into mid-afternoon.
68. The height interface is proposed to be applied to the nearest adjoining sites to the New Regent Street heritage setting that have the greatest potential for visual and shading impact on New Regent Street. The CCZ height proposed to be enabled to 90 metres is therefore reduced only to the extent necessary to accommodate the qualifying matter (provided by s77I and s77O of the RMA).
69. At paragraph 80 Mr Phillips states that Council's Section 32 report does not elaborate on the significance of visual dominance effects or why tall buildings will affect New Regent Street values. Mr Phillips' evidence at paragraph 77 quotes Appendix 31 - Central City Heritage Height Limits heritage evidence in the Section 32 report to Plan Change 14, which references inappropriate heights of adjoining development causing inappropriate contrasts of scale, downdraughts, shading, as well as impacting on architectural and contextual values.

70. Potential effects of tall buildings on New Regent Street's high architectural/aesthetic and contextual values are considered in the primary evidence of Amanda Ohs at paragraph 108-112 where she notes that:

*“closely located large scale buildings visible from within [New Regent Street] could create inappropriate contrasts of scale. New development of significant height could visually dominate the heritage street. ...Views to and from the street are important aspects of its contextual heritage value and enable its architectural values to be viewed and appreciated.”*

71. Ms Ohs considers that the proposed reduced height limit will assist in retaining the visual prominence of New Regent Street. She responds to David Compton-Moen's evidence in relation to construction of tall buildings on New Regent Street height interface sites in her rebuttal evidence.

#### **New Regent Street Heritage Setting**

72. At paragraph 83-86, Mr Phillips questions the need for the northern extent of the operative New Regent Street heritage setting to encompass the road reserve in front of 129-143 Armagh Street. This part of the heritage setting is intended to protect the space adjoining the north of the heritage item and views to/from the heritage item.
73. I agree with Mr Phillips that the structures to be built over the footpath associated with developments on those sites are likely to be limited to verandahs and signage, which Amanda Ohs accepts in her rebuttal evidence are not likely to have adverse effects on the heritage item. Signage could equally be located on or near the road boundary of the site, and if it breached the signage rules in the district plan would be assessed via resource consent against the matters of discretion in 6.8.5.1 which includes heritage values (matter a.iv). Therefore I recommend that the heritage setting of the New Regent Street heritage item is amended to exclude the footpath.

#### **Removal of 32 Armagh Street from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2**

74. The subclause of the policy Mr Phillips quotes at paragraph 103 of his evidence (when discussing the appropriateness of the ongoing protection of 32 Armagh Street) is in fact c.iii. of the scheduling policy which considers the

condition of the building and whether reinstatement works would affect its ability to be scheduled.

75. Paragraph 107 of Mr Phillip's evidence highlights the significant disparity between the cost estimates for reinstatement works to the cottage at 32 Armagh Street of Tom Chatterton for Carter Group Limited (\$1.452 million), and Gavin Stanley for Council (\$259,000). I note that Carter Group Limited's cost estimate is based on the worst-case scenario that full replacement of materials is assumed.
76. Rebuttal evidence from heritage engineer Clara Caponi for Council describes that a reduced level of replacement is warranted in line with conservation best practice, including retention of areas of weatherboards which appear to be in sound condition. She notes that the original tile roof does not need to be reinstated.
77. The rebuttal evidence of Timothy Holmes, Conservation Architect for Council, also explains that Council's cost estimate follows a conservation minimum intervention approach where fabric is retained and repaired wherever possible. In his rebuttal evidence for Council, Mr Stanley notes that Mr Chatterton's cost estimate for the submitter has allowed a substantial amount for replacement of fabric, whereas Mr Fulton (Conservation Architect for the submitter) supports a conservation approach for the building where fabric is repaired in preference to replacement, and this would have a substantial cost implication.

#### **Policy 9.3.2.2.8 Demolition**

78. At paragraph 135-136 Mr Phillips contends that the proposed additional wording in subclause a.ii. of the Demolition policy qualifying "significantly compromised" by referencing the threshold for scheduling adds a new test which may preclude demolition of significantly compromised buildings on the basis that they still meet the intangible criteria of Historical/Social or Cultural/Spiritual significance. I have explained at paragraph 8.1.125-8.1.126 of my primary evidence that the additional wording seeks to better explain the existing threshold test which Council Heritage Advisors apply to determine if the reinstatement works would affect the significance of the heritage item. Amanda Ohs discusses this further in her rebuttal in relation to heritage assessments.

79. Mr Phillips also states that change to this policy is beyond the scope of the Intensification Planning Instrument which Plan Change 14 is implementing. In response I comment that changes proposed to the heritage rules framework have been included in PC14 as they apply to all heritage items including those subject to PC14.

**Appendix 9.3.7.4 – Heritage item and heritage setting exemptions from zone rules**

80. In response to Mr Phillips' difficulty (paragraph 137) in locating the appendix which sets out amendments to rule exemptions applying to heritage items and settings, I clarify that this appendix was included in the notified proposal and has not been amended in response to submissions.

**PLANNING EVIDENCE OF MARCUS LANGMAN FOR CHRISTCHURCH CITY COUNCIL**

**Proposed addition of Spreydon Lodge, 2 Monsaraz Boulevard, to the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2**

81. At paragraph 82 of his evidence on Council's submission in relation to the proposed scheduling of Spreydon Lodge, Marcus Langman refers to "with an amended surround". These words should be deleted. I understand this to be a reference to the heritage setting in Council's submission S751.39, which refers to the "change to the setting and shape" (para 81(a) of his evidence). The draft heritage setting was amended during discussions with the owner around the time of notification *prior* to including the agreed extent in Attachment 6 of Council's submission. This is clarified at paragraph 8.1.16 of my primary evidence in relation to Danne Mora Limited S903.46 and FS2066.10.

**Proposed corrections to Appendix 9.3.7.2 Schedule of Significant Historic Heritage Items and heritage aerial maps**

82. At paragraph 83, Mr Langman states that Council has not provided any expert evidence on changes to heritage settings. As I understand it he is referring to changes to heritage settings described in Council's submission S751.40 for five heritage items which trigger changes to the schedule and the linked heritage aerial maps. These are minor changes prepared by Council's Heritage staff to reflect changes in property boundaries due to

subdivisions and to align with a Heritage New Zealand listing. Council planners are not reporting on Council submissions. No additional heritage technical advice was considered necessary.

### **Spot zoning of some heritage items and settings**

83. At paragraph 104, Mr Langman notes that some sites have now been proposed to be upzoned compared to the zoning that was proposed at notification. This includes reference to S751.143, although further detail is not given. For the Panel's understanding, this submission relates to approximately 16 sites containing heritage items and settings which were zoned MRZ in error on a spot zone basis rather than HRZ, which was the zoning of the surrounding sites. The reason for the requested "upzoning" is to apply the zoning approach consistent with the treatment of other heritage sites which adopt the surrounding zoning.

**Suzanne Richmond**

9 October 2023