

**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 ALISTAIR RAY ON BEHALF OF
CHRISTCHURCH CITY COUNCIL**

URBAN DESIGN – CITY CENTRE ZONE

Dated: 10 October 2023

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EXECUTIVE SUMMARY

1. This rebuttal evidence responds to submitter evidence on the height limits and standards that are part of PC14 for the City Centre Zone (**CCZ**).
2. Mr David Compton-Moen for Carter Group Ltd and the Catholic Diocese of Christchurch and LLM Investments Ltd specifically addresses 184 Oxford Terrace. I am open to that site being included in the 90m height limit zone, as opposed to being covered by the 45m Qualifying Matter area, noting that effects on shading of Cathedral Square would be assessed for any development over 28m in height.
3. In response to Mr Hugh Nicholson for Atlas Quarter, who suggests any increased height limits are required in the CCZ, I emphasise the importance of sufficient planning and design controls to ensure excellent design outcomes.
4. Mr Johnathan Cleese for Kāinga Ora is concerned with the built form standards that are part of PC14 for the CCZ and how they are applied. His overall concern is essentially that the standards are too restrictive. In response, I consider that the built form standards are appropriate quality control mechanisms to ensure high-quality built form outcomes. In my opinion this is not unnecessarily restricting development, but rather ensuring that any development that is proposed meets a sufficiently good standard of design. The PC14 provisions will provide for departures from the standards to be considered on a case-by-case basis.

INTRODUCTION

5. My name is **Alistair Ray**. I am employed as a Principal and Senior Urban Designer at Jasmax.
6. I prepared a statement of primary evidence on behalf of Christchurch City Council (**Council**) dated 11 August 2023. My primary evidence addressed urban design issues in the CCZ, focussed specifically on building heights in the CCZ, arising from the submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**).
7. I have the qualifications and experience set out at paragraphs 12-15 of my primary evidence dated 11 August 2023.

8. I repeat the confirmation given in my primary evidence 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

9. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my primary evidence. In this evidence I respond to the following witnesses:
 - (a) David Compton-Moen for Carter Group Ltd and the Catholic Diocese of Christchurch and LLM Investments Ltd;
 - (b) Hugh Nicholson for Atlas Quarter; and
 - (c) Jonathan Clease for Kāinga Ora.

MR COMPTON-MOEN FOR CARTER GROUP LTD AND THE CATHOLIC DIOCESE OF CHRISTCHURCH AND LLM INVESTMENTS LTD

10. Mr Compton-Moen questions the proposed height limits placed on 184 Oxford Terrace and 129-143 Armagh Street, noting that adjacent sites have a height limit of 90m. The Armagh Street site is a heritage area interface issue and not within my area of expertise.
11. With respect to 184 Oxford Terrace, the reason for the 45m height limit was due to the proposed Qualifying Matter of controlling shading to Cathedral Square. Sites adjacent to Cathedral Square have a 45m height restriction to avoid excessive shading to this important public space. This matter has not been challenged by Mr Compton-Moen.
12. The site in question was deemed to be part of a larger site that bordered the square. However, it appears that it is a separate title and should not therefore automatically be restricted by the same 45m height limit. I would be open to considering an increased height limit of 90m on the subject site, although the shading diagrams provided by Mr Compton-Moen still show some shading of the square with a 90m building at the equinox. With respect to the issue of shading only, this points to a potentially appropriate outcome of a building less than 90m, but more than the 45m Qualifying Matter height

limit. However, I do not consider it practical to have site specific height limits, as this becomes difficult to determine and administer.

13. Restricted discretionary consents are required for all buildings in the CCZ over 28m in height (as per the current Operative District Plan).
14. PC14 proposes additional matters of discretion for buildings over the “base building height” of 28m and these apply regardless of whether all the built form standards are met. It is noted that the illustrative building used for these shading studies also does not comply with a number of the built form standards (including tower setback standards).
15. The additional criteria include an assessment of their impact on shading on important public spaces including Cathedral Square. I consider that this matter of discretion is sufficient to be able to control the height of the building on the subject site and encourage a good design outcome that balances maximum height with high-quality design outcomes. This may mean that the full 90m may not be able to be achieved.

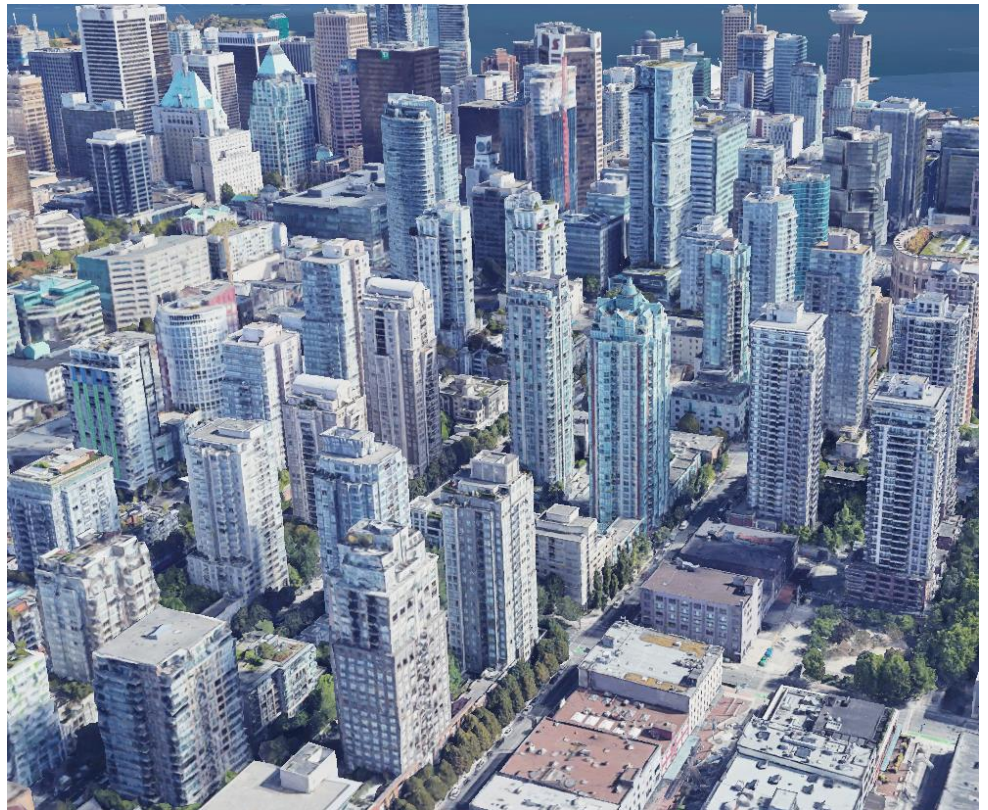
MR HUGH NICHOLSON FOR ATLAS QUARTER

16. Mr Nicholson does not agree that any increase in the height limits in the central city is required given that there is adequate capacity under the existing rules to meet expected demand.
17. Mr Nicholson raises valid points regarding the degree of existing capacity and the benefits from spreading development around the city centre to help remove vacant lots, as opposed to concentrating development in just a few larger developments. I also agree that Christchurch, particularly in the city centre, is still in many ways in recovery mode from the major earthquakes of 2010/11 which gives Christchurch a different set of circumstances than other major New Zealand cities.
18. However, the NPS-UD is clear in its mandate to enable development capacity. It is with this mandate in mind that additional height has been provided for in the CCZ. However, I do consider it important that any additional height is on the basis that there are sufficient planning and design controls to ensure excellent design outcomes, thus further enhancing the quality of the built environment of the city centre.

Uncontrolled development, resulting in poor design outcomes must be avoided as this will harm the city in the long term.

MR JONATHAN CLEASE FOR KĀINGA ORA.

19. Mr Clease raises a number of issues with the overall height strategy in the CCZ and the need for built form rules and assessment criteria.
20. Under the operative District Plan, all buildings in the CCZ above 14m require a restricted discretionary consent and are assessed against generic urban design matters of discretion. In addition, in PC14 it is proposed that buildings over 28m in height are subject to some additional matters of discretion, recognising the importance of control of the design outcomes of building that project above the general base building height. These additional matters of discretion are focussed on the architectural design elements of the proposal including, massing and building form, architectural composition, materials and colours etc.
21. I understand that Mr Clease agrees and recognises the importance of these additional matters of discretion.
22. However, Mr Clease is concerned with the built form standards that are part of PC14 for the CCZ and how they are applied. His overall concern is essentially that the built form standards are too restrictive.
23. As discussed above, the approach taken by the Council in PC14 is to retain the base building form of 21m (street-wall) and 28m overall building height, but to allow buildings to project above this base building height in the form of towers.
24. I endorse that approach, as explained in my primary evidence. I add that Vancouver is a good example of an urban centre where rules around design and form of towers have had positive design outcomes, as shown in the figure below:



25. Accordingly, PC14 includes a number of proposed built form standards to guide the placement, size and form of these towers. Sites that can easily accommodate taller buildings should be able to comply with the standards. Sites that are smaller or constrained in some way may not be able to meet the standards . A restricted discretionary consent is required in any case: and consent can be sought for sites that cannot comply with the built form standards and any breaches of the standards will be assessed along with the other matters of discretion.
26. Not all sites will be suitable for taller buildings. While the NPS-UD mandates enabling development capacity, in my view it does not require that all sites, regardless of their size and location, should be able to build tall buildings. There still has to be a reasonable test of good urban design and development outcomes.
27. Mr Clease argues that the built form standards are unfair to smaller sites, and that few sites will be able to meet the standards as proposed in PC14. However, it is not possible to write standards to cover every situation otherwise they become overly complex and hard to understand. If the standards are written to allow taller buildings on even small sites, then this risks allowing poor design outcomes on larger sites. For example, if the

tower setback standards are deleted along with the tower dimension standard, this might mean that a tower can be provided on a small site, but it also means that a very large, overly-dominant tower could be provided on a large site.

28. I consider it a better approach to:
 - (a) write standards that present a starting point or baseline and that work for the larger sites to avoid allowing large, monolithic dominant building forms; and
 - (b) recognise that specific consideration will be given to sites that cannot quite meet the standards.
29. Mr Cleese also considers that submitting restricted discretionary consents results in uncertainty and unnecessary delays for the applicant, as the planning officers dealing with consents often resist proposals that do not comply with the standards.
30. I do not think that concern warrants watering down the built form standards to effectively allow development on all sites (at the risk of allowing poor design outcomes on the larger sites)
31. Under the CCRP and the operative District Plan, the general approach in the city centre has been to restrict buildings to a maximum 28m building height.
32. Consequently, planning officers are understandably more resistant to proposals above this height. However, under the NPS-UD and PC14 there is a new paradigm, where buildings are encouraged over the 28m height provided they demonstrate good design outcomes. This change of approach needs to be communicated both externally (to the development community) and internally to consenting officers.
33. Mr Cleese recommends that the built form standards could be removed completely, so that the matters of discretion are relied on to control and assess all building proposals (above the 28m base building height).
34. I do not consider this a suitable approach. I believe that some standards are required to provide a baseline or starting point to guide developers. They effectively provide guidance for both the developers and the

consenting officers. That is not to say they should be applied rigidly, but they do offer a useful starting point.

35. I therefore consider maintaining the standards as a better approach than removing them completely, or by trying to find a set of standards that work for all different size of sites, or creating a complex set of different standards that apply depending on the size of the site.
36. As discussed in my primary evidence I recommend that a city centre built form design guide is produced to help illustrate the new design approach taken in the city centre with specific design guidance around how to design successful taller buildings.
37. Mr Cleese considers that the tower setbacks and tower dimension standards effectively preclude commercial buildings over 28m – his view is that they effectively only allow taller residential or hotel buildings.
38. As per the earlier discussion, I consider that standards have to be drawn at some point to define a baseline, but applications to depart from the standards can be made and assessed. If the maximum tower dimension standard is removed or increased, then it will be a lot harder to encourage taller buildings to be elegant / slim towers. Bulky, overly-dominant tower buildings would be harder to resist.
39. The maximum tower dimension as proposed is 40m. This could allow a floorplate of up to 750m². Such a floorplate would not necessarily preclude a commercial building, and as per the discussion above any developer / applicant is able to make the case for a departure from the standards. Whether a larger floorplate tower is appropriate will depend on the precise location, the height of the building and the overall design approach to the tower.
40. I conclude that:
 - (a) A base building height of 28m (21m to top of street-wall) with building forms above this height being in the form of towers is an appropriate built form strategy for Christchurch CCZ.
 - (b) Built form standards are important to provide a baseline or starting point for discussions around the appropriate design of taller buildings.

- (c) Maximum tower dimensions and setbacks from the street and internal boundaries are an important part of these built form standards to define this baseline / starting point.
- (d) The (restricted discretionary) consenting process should allow for circumstances where a breach of the standards is appropriate, providing high-quality design outcomes can still be maintained.

Alistair Ray

10 October 2023