

Oral Presentation

By

Christchurch Civic Trust

To

Independent Hearings Panel

Christchurch City Council Plan Change 14

November 16, 2023

1 **INTRODUCTION**

2 Presenting on behalf of the Christchurch Civic Trust are:

3 **Anne Dingwall**, Board Member, Convenor of the Hagley Park and Open Spaces Sub-Committee,
4 and

5 **Chris Kissling**, Board Member, Acting Convenor of the Heritage, Urban Design and Resource
6 Management Sub-Committee

7 Our Chairman, Ross Gray, apologises for his absence for personal reasons. He has authorized
8 Anne and Chris to speak on behalf of the Christchurch Civic Trust.

9

10

11 **HAGLEY PARK'S HISTORIC HERITAGE – Buffer Area Overlay**

12 The Christchurch Civic Trust (the Trust) continues to advocate tirelessly for Hagley Park, the city's
13 premier – and arguably the nation's most significant – central city recreational open space and cultural
14 heritage site.

15 The Trust's written submission on the Council's (CCC) proposed Plan Change 14 (PC14) recommended
16 that Hagley Park be included in PC14 as a Qualifying Matter. However, the Trust understands that
17 according to s77K(3) Resource Management Act 1991(RMA), Hagley Park's historic heritage is an existing
18 Qualifying Matter. Also, under s77I(a) RMA, '*a matter of national importance that decision makers are*
19 *required to recognise and provide for under section 6*' is a Qualifying Matter.

20 In 2013, for the purposes of section 6(f)RMA, the Environment Court found Hagley Park to be an area of
21 historic and cultural heritage derived from its landscape design. (Refer below)

22 Accordingly, under s77I ***Qualifying matters in applying medium density residential standards and***
23 ***policy 3 to relevant residential zones*** - '*only to the extent necessary to accommodate*' the protection of
24 Hagley Park's historic heritage from inappropriate development, the CCC '*may make the MDRS and the*
25 *relevant building height or density requirements under policy 3 less enabling of development in relation*
26 *to an area within a relevant residential zone.*

27 Also, under s77O ***Qualifying matters in application of intensification policies to urban non-residential***
28 ***areas*** - '*A specified territorial authority may modify the requirements of policy 3 in an urban non-*
29 *residential zone to be less enabling of development than provided in those policies only to the extent*
30 *necessary to accommodate 1 or more of the following qualifying matters that are present.* This includes:

31 (a) a matter of national importance that decision makers are required to recognise and provide for under
32 section 6.

33 Therefore, now through the process of the CCC's proposed PC14 and in accordance with s6(f)RMA, the
34 Trust seeks the inclusion of a **Buffer Area Overlay** in respect of Hagley Park (North Hagley Park, South
35 Hagley Park and Little Hagley Park) in the Christchurch District Plan.

36 The 2007 Hagley Park Management Plan (HPMP) is the operative statutory management plan for Hagley
37 Park (a recreation reserve) under the Reserves Act 1977. It sets out '*STRATEGIC OBJECTIVES*' '*to achieve*
38 *outcomes for Hagley Park over the next five to ten years that support and meet the Vision for the Park...*',
39 including the following:

- 40 • *To investigate the potential provision in the City of Christchurch City Plan of a special*
41 *conservation zone around Hagley Park to protect the integrity of the visual landscape*
42 *character of the park.* (emphasis added) Pg 3 HPMP

43 The HPMP warns:

44 *With the change and growth in society, including the increasing development of the*
45 *residential and commercial/industrial areas around Hagley Park..., there are increasing*
46 *negative effects on the Park environment that need to be avoided, remedied or mitigated. It is*
47 *crucial that these are managed effectively to achieve the ongoing protection of the values that*
48 *the Park provides to the community...* (emphasis added) Pg2 HPMP

49 S41(11) Reserves Act requires the CCC, as the administering body of Hagley Park, '*in the exercise of its*
50 *functions*' to '*comply with the management plan for the reserve and any amendment thereof...*'

51 However, since the CCC's adoption of the HPMP in 2007, the Trust is unaware of any steps undertaken
52 to date by the CCC to consider implementation of the special conservation zone proposal in the HPMP;
53 notwithstanding the subsequent recognition of Hagley Park's historic heritage in terms of s6(f)RMA by
54 the Environment Court and consequent listing of Hagley Park as a Group 1 Highly Significant historic
55 heritage item in the Christchurch District Plan.

56 The Environment Court's 2013 Decision records at [348]:

57 *For the purposes of section 6(f) RMA we find Hagley Park is an area of historic and cultural*
58 *heritage derived from its landscape design.*

59 Environment Court Decision No. [2013] NZEnvC 184

60 <https://www.aeservices.co.nz/wp-content/uploads/2015/07/Hagley-Oval-Decision.pdf>

61 In 2016, the Independent Hearings Panel for the post-earthquake Christchurch Replacement District
62 Plan considered whether Hagley Park should be given a heritage listing. The Panel included Hagley Park
63 in Appendix 9.3.7.2 **Schedule of Significant Historic Heritage** as a Group 1 Highly Significant historic
64 heritage item. (Heritage Item Number 1395 in the Christchurch District Plan)

65 Refer DECISION 46 CHAPTER 9: NATURAL AND CULTURAL HERITAGE (PART) Chapter 9.3: Historic

66 Heritage — Hagley Park (including Botanic Gardens)
67 [https://proposeddistrictplan1.ccc.govt.nz/assets/Documents/proposed-Christchurch-Replacement-](https://proposeddistrictplan1.ccc.govt.nz/assets/Documents/proposed-Christchurch-Replacement-District-Plan/Decsion-46-Chapter-9-Natural-and-Cultural-Heritage-Part-Topic-9-3-Historic-Heritage-Hagley-Park-including-Botanic-Gardens.pdf)
68 [District-Plan/Decsion-46-Chapter-9-Natural-and-Cultural-Heritage-Part-Topic-9-3-Historic-Heritage-](https://proposeddistrictplan1.ccc.govt.nz/assets/Documents/proposed-Christchurch-Replacement-District-Plan/Decsion-46-Chapter-9-Natural-and-Cultural-Heritage-Part-Topic-9-3-Historic-Heritage-Hagley-Park-including-Botanic-Gardens.pdf)
69 [Hagley-Park-including-Botanic-Gardens.pdf](https://proposeddistrictplan1.ccc.govt.nz/assets/Documents/proposed-Christchurch-Replacement-District-Plan/Decsion-46-Chapter-9-Natural-and-Cultural-Heritage-Part-Topic-9-3-Historic-Heritage-Hagley-Park-including-Botanic-Gardens.pdf)

70 In each case, the Trust's evidence was accepted in the name of the umbrella organisation, Hands Off
71 Hagley Inc.(HOH). Incidentally, both HOH and the Trust are appointed members of the CCC's Hagley Park
72 Reference Group.

73 Thus, in response to the Trust's written submission, the Trust welcomes the Statement of Primary
74 Evidence **HERITAGE QUALIFYING MATTER: HERITAGE (LISTED HERITAGE ITEMS)** of Amanda Ohs, Senior
75 Heritage Advisor, CCC, on behalf of the CCC (dated 11 August 2023), expressing support for
76 consideration of protection for Heritage Item Hagley Park from surrounding inappropriate development
77 that could impact its heritage values. *'I support consideration of protection for Heritage Items Hagley*
78 *Park, Cranmer and Latimer Squares from surrounding inappropriate development that could impact their*
79 *heritage values.'* Refer *Hagley Park* Paras 148-150 and *CONCLUSION* Para 273. (j)
80 [https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/45-Amanda-Ohs-Statement-of-](https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/45-Amanda-Ohs-Statement-of-evidence-final.PDF)
81 [evidence-final.PDF](https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/45-Amanda-Ohs-Statement-of-evidence-final.PDF)

82 Amanda Ohs' Statement of Primary Evidence cites the Hagley Park Conservation Plan:

83 ***Hagley Park***

84 *148. Hagley Park is a Highly Significant Heritage Item which contains three scheduled*
85 *Heritage Items, and I concur with the Statement of Significance, 18 which includes the*
86 *following statements: Hagley Park is one of the oldest and most extensively used public parks*
87 *of its kind in New Zealand...The Park has its genesis in the Canterbury Association's 1850*
88 *settlement plan for the City of Christchurch, although it's European associations extend back*
89 *to the Deans brothers who leased it from Ngāi Tūāhuriri as part of their greater landholding*
90 *from 1843. It is of cultural and spiritual significance for tangata whenua who trace their*
91 *association with the landscape back to the first Māori inhabitants of up to 1000 years ago.*
92 *Hagley Park has high architectural and aesthetic significance as an important functional,*
93 *ornamental and compositional feature of the Canterbury Association's 1850 plan for the city*
94 *of Christchurch. It is significant for its planned and cohesive spatial organisation as laid down*
95 *through the second half of the 19th century which continues to shape its visual identity. Other*
96 *facets of the Park's aesthetic value are derived from the rhythm, scale and maturation of*
97 *much of its planting, the high degree of seasonal interest, vistas, focal points, sight lines and*
98 *visual axes that extend through the Park and the experiential qualities manifested by these.*
99 *Hagley Park is an iconic feature of Christchurch's urban landscape with high landmark status*
100 *by virtue of its size, location and the maturity of its vegetation. It is a prominent backdrop to*
101 *the lives of numerous city residents who connect with it daily, either physically or visually. It is*
102 *one of a small group of parks of city-wide significance which help provide the city with its*

103 *unique scenery and character and plays a significant role in promoting and maintaining*
104 *Christchurch's identity as a Garden City*

105 *149. The Hagley Park Conservation Plan¹⁹ addresses the sensitivity of the Park to*
106 *unsympathetic development on its edges, and identifies protection measures for the wider*
107 *setting of the Park:*

108 *Policy 4.4. Setting. There is a need to protect Hagley Park from a potential loss of integrity*
109 *and definition. This can occur through the introduction of inappropriate or incongruous*
110 *intrusions as well as obtrusive developments on the Park's margins.*

111 *Policy 4.4.4. Development on Hagley Park's adjoining boundaries which has the potential to*
112 *negatively impact on the heritage values and experiential qualities of the Park should be*
113 *carefully monitored. Every effort should be made to mitigate at best, or minimise where*
114 *mitigation is not possible, any adverse effects on the heritage values and essential character*
115 *of the Park.*

116 *Policy Implementation: 5. Consideration should be given to the creation of a buffer or*
117 *conservation zone around Hagley Park with associated planning rules to protect the*
118 *landscape and landmark values of the Park from obtrusive developments.*

119 *150. This indicates that regulations such as a lowered height limit may warrant consideration*
120 *in order to adequately protect the heritage values of Hagley Park*

121 Suzanne Richmond, Heritage Advisor (planning), CCC, in her Section 42A Report, adopts Amanda Ohs'
122 technical evidence in relation to the Trust's submission. She supports amending the schedule entry for
123 the Hagley Park heritage item in Appendix 9.3.7.2 to better specify the extent of protection.

124 [https://chch2023.ihp.govt.nz/assets/Uploads/documents/07%20-%20Suzanne%20Richmond%20-](https://chch2023.ihp.govt.nz/assets/Uploads/documents/07%20-%20Suzanne%20Richmond%20-%20Section%2042A%20Report%20-%20final.PDF)
125 [%20Section%2042A%20Report%20-%20final.PDF](https://chch2023.ihp.govt.nz/assets/Uploads/documents/07%20-%20Suzanne%20Richmond%20-%20Section%2042A%20Report%20-%20final.PDF)

126 In 1855, the Canterbury Association Reserves Ordinance declared that Hagley Park '*shall be reserved for*
127 *ever as a public park, and shall be open for the recreation and enjoyment of the public*'. A legacy of
128 pioneer foresight, Hagley Park remains a place of public ownership, an open space where every citizen
129 has a right to be. The Trust contends that it is the Council's role to maximise that public benefit. Indeed,
130 the HPMP (Pg2) states:

131 *The Council's prime focus for its management of Hagley Park is to achieve the optimum outcome*
132 *for all members of the public using it and to protect the park's environment and character for*
133 *future generations to come.*

134 Given the Environment Court's 2013 finding in respect of Hagley Park's historic heritage, all persons now
135 exercising functions and powers under the RMA have a **mandatory duty** under s6(f)RMA to provide for
136 the protection of Hagley Park's historic heritage from inappropriate development.

137 The CCC's public consultation document on the CCC's proposed PC14 acknowledges that whilst needing
138 to provide for the growth of housing,

139 *...we also need to ensure development remains restricted in areas where there's good reason, or*
140 *limited where we need to protect and maintain areas of value. Pg5*

141 The proposed PC14, with provision for Qualifying Matters, provides the opportunity for a **Buffer Area**
142 **Overlay** in respect of Hagley Park (North Hagley Park, South Hagley Park and Little Hagley Park) to be
143 included in the Christchurch District Plan. The overlay would balance the need to support residential and
144 commercial intensification with the statutory requirement to protect Hagley Park's historic heritage, a
145 matter of national importance. It would provide a level of protection appropriate to Hagley Park's
146 national and local importance.

147 The land within the Buffer Area around Hagley Park would need to be readily identifiable in the District
148 Plan. It would set out distances that applied to land uses with potential adverse off-site impacts. It
149 would require developments to be graded in height; thus 'weaving' Hagley Park into the urban fabric
150 beyond and protecting the quality of the vistas and views of the skyline currently experienced at ground
151 level within the park. Through inclusion in the Buffer Area, these views and vistas would be protected
152 from developments which might obstruct, intrude on or detract from them. Given the national
153 significance of Hagley Park's historic heritage, there would be a strong presumption against tall or very
154 large buildings within Hagley Park's visual setting, lest its significance be harmed. The Trust expects that
155 the associated responsibilities and decision-making criteria would be clearly set out in the regulatory
156 framework.

157 Tall buildings are the most prominent part of the Christchurch urban landscape, long since dwarfing
158 Christchurch Cathedral. Unless controlled, the development of even taller and inappropriately sited
159 buildings, by virtue of their size and visibility, will significantly have an adverse impact on the views of
160 the urban skyline from within Hagley Park and correspondingly citizens' sense of pleasantness.

161 The inclusion of a Hagley Park Buffer Area Overlay, together with an appropriate policy framework, in
162 the Christchurch District Plan would help ensure that planning decisions around Hagley Park fully
163 considered the potential impact upon those elements which contribute to Hagley Park's historic
164 heritage. A Buffer Area Overlay would help to ensure that important views and vistas from within Hagley
165 Park were appropriately managed.

166 Furthermore, a Buffer Area Overlay would provide a simple visual indication for both decision-makers
167 and developers of the areas where the impact of new development upon Hagley Park might be an issue.

168 The public need certainty regarding the protection of their Hagley Park experience if it is not to be lost
169 forever to the interests of developers leveraging off this public heritage asset for maximum commercial
170 yield - their tall buildings claiming the skyline beyond Hagley Park, visually intruding into the park above
171 the tree tops, all the while ignoring the historic context of the park. High-quality design will not
172 overcome such adverse impacts.

173 *Despite resource management laws to protect historic heritage from inappropriate use and*
174 *development, wider appreciation of heritage values has been slow to take hold.*

175 *One way to see progress – and to avoid a perpetual standoff between vested interests – might*
176 *be through greater appreciation of international best practice. The principles of the International*
177 *Council on Sites and Monuments (ICOMOS) provide a useful guide...*

178 **3. Protection requires a wide lens**

179 *Urban heritage protection... is about managing the relationship of the built environment to its*
180 *surroundings, both natural and constructed.*

181 *...Planners should...avoid sharp divisions between protected and unprotected areas by creating*
182 *buffer zones.*

183 *These intermediate areas help enhance what is protected, rather than allow inappropriate*
184 *bordering developments that can directly overshadow the conserved areas...*

185 *[https://theconversation.com/housing-and-heritage-arent-mutually-exclusive-a-few-basic-rules-](https://theconversation.com/housing-and-heritage-arent-mutually-exclusive-a-few-basic-rules-can-help-get-the-balance-right-206291)*
186 *[can-help-get-the-balance-right-206291](https://theconversation.com/housing-and-heritage-arent-mutually-exclusive-a-few-basic-rules-can-help-get-the-balance-right-206291)*

187 *Alexander Gillespie, Professor of Law, University of Waikato Published 6 June 2023*

188 *Just as the proposal 'To investigate the potential provision in the City of Christchurch City Plan of a*
189 *special conservation zone around Hagley Park to protect the integrity of the visual landscape character*
190 *of the park' was adopted by the Council in 2007 following a democratic process (under the Reserves*
191 *Act), so the parameters for a Hagley Park Buffer Area Overlay can now be established and included in*
192 *PC14 by means of this democratic process (under the RMA), delivering an outcome consistent with both*
193 *Objective 1(a) in Schedule3A RMA:*

194 *a well-functioning urban environment that enables all people and communities to provide for*
195 *their social, economic, and cultural wellbeing, and for their health and safety, now and into the*
196 *future:*

197 *and the overarching Purpose of the RMA (s5).*

198

199 **HERITAGE**

200 **Scheduling of heritage buildings**

201 *The Trust's submission 1089.5 sought inclusion of the Princess Margaret Hospital buildings and site in*
202 *the Schedule of Heritage buildings. This was rejected by Ms Richmond.*

203 *Ms Richmond refers to Amanda Oh's evidence on Princess Margaret Hospital, 97 Cashmere Road, that*
204 *while a Statement of Significance has not been prepared, The Princess Margaret Hospital building at 97*
205 *Cashmere Road, in her opinion based on current information is likely to meet the significance threshold in*

206 *Policy 9.3.2.2.1 c.i. The owners, when contacted, indicated there may be engineering and financial*
207 *factors related to the physical condition of the item that could make it unreasonable or inappropriate to*
208 *schedule, in line with the ‘exemption’ clauses of the scheduling policy – 9.3.2.2.1 c. iii, iv.*

209 Consequently, the lack of available financial and engineering information, precludes scheduling at this
210 time.

211 There **may be** engineering and financial factors related to the physical condition of the item that could
212 lead to demolition. Those are, however, not the only costs that need to be considered. The Trust quotes
213 Ms Richmond below:

214 *8.1.132 Historic Places Canterbury S835.19 and Christchurch Civic Trust S1089.9 are concerned that*
215 *demolition consents do not currently factor in waste generated through demolition, the effect of*
216 *demolition on climate change, or the carbon retention benefits of embodied energy within heritage*
217 *buildings, and that **owners should be required to provide information on the true costs of demolition to***
218 *allow a fairer assessment of the costs and benefits to them and to the environment of retaining or*
219 *demolishing a scheduled building. Christchurch Civic Trust would like to see a “whole of life” audit for*
220 *building projects to establish costs to the environment of energy consumption and CO2*
221 *emissions.[emphasis added]*

222 *8.1.133 I strongly agree that the environmental costs of demolition and the environmental benefits of*
223 *the embodied energy of existing buildings should be significant environmental considerations for*
224 *building owners, and also that **Council is required to consider these matters** under the current resource*
225 *management statutory and non-statutory framework, via the RMA and Ōtautahi Christchurch Climate*
226 *Resilience Strategy 2021 for example. [emphasis added]*

227 *8.1.134 Demolition of scheduled heritage buildings is a Non-Complying activity for Highly Significant*
228 *heritage items (rule 9.3.4.1.5 NC1) and a Discretionary activity for Significant heritage items (rule*
229 *9.3.4.1.4 D2) in the district plan.*

230 *8.1.135 Therefore, in response to the submitter, I note that due to the activity status being higher than*
231 *Restricted Discretionary, there are no recorded specific matters of discretion for Demolition as there are*
232 *for the lower Restricted Discretionary activity status. This means the resource consent assessment can*
233 *use the relevant matters of discretion in 9.3.6.1 which apply to Restricted Discretionary activities as a*
234 *guide, but is not limited to those, so can also take into account such wider resource management*
235 *considerations, and must apply the heritage Demolition policy in 9.3.2.2.8, which as discussed in Issue 3,*
236 *contains a clause (a.iii) which allows consideration of whether the costs to retain the heritage item would*
237 *be unreasonable.*

238 *8.1.136 In my view, in the assessment of demolition resource consents for heritage items, **Council***
239 *therefore has discretion already* through the operative policy and rules framework to require the
240 applicant to provide costs for a range of alternatives so that applicants and Council can compare costs of
241 repair options against costs of demolition and rebuild. It is current practice for Council Heritage staff and
242 consent planners to seek itemised costs from applicants, and for these to be peer reviewed on behalf of

243 Council. So while in my experience, it has not generally been the case that costs provided to Council have
244 explicitly considered these energy-related resource costs and foregone energy benefits in retaining the
245 existing building, in my view **this could, and should, occur in the future**, and the opportunity exists within
246 the existing policy and rules framework for Council Heritage staff to recommend to consent planners in
247 Requests for Information (or at pre-application stage) that applicants recognise these costs and foregone
248 benefits in itemised quantity surveying cost estimates. In addition, quantity surveyor peer reviews of
249 these cost estimates for Council can be asked to explicitly take these into account. Therefore I support
250 the intent of the submitter's relief sought, but consider that no changes are required through PC14 to
251 enable this to occur. [emphasis added]

252 The last sentence above suggests no changes are required to achieve the Trust's intent and the relief
253 sought. Technically that may be true. Past experience suggests the information necessary to inform
254 decision-making rarely included assessment of foregone benefits when applying *the heritage Demolition*
255 *policy in 9.3.2.2.8, which as discussed in Issue 3, contains a clause (a.iii) which allows consideration of*
256 *whether the costs to retain the heritage item would be unreasonable do not explicitly considered these*
257 *energy-related resource costs and foregone energy benefits in retaining the existing building.*

258 **Requesting** this information is not the same as **requiring** this information. Applications for demolition of
259 heritage items should recognize these costs and foregone benefits in itemised quantity surveying cost
260 estimates. Clause 3 (a.iii) which allows consideration of whether the costs to retain the heritage item
261 would be unreasonable, seems to be interpreted narrowly dating from the Canterbury earthquakes.
262 Consequently, Christchurch suffered the demolition of many scheduled heritage scheduled buildings as
263 owners took the opportunity to unshackle themselves from heritage restrictions.

264 The antidote that might foster retention and repurposing of heritage buildings, is a workable incentive
265 scheme involving rates relief.

266 **Incentives for the protection, restoration and maintenance of historic buildings**

267 [https://www.designingbuildings.co.uk/wiki/Incentives_for_the_protection,_restoration_and_maintena](https://www.designingbuildings.co.uk/wiki/Incentives_for_the_protection,_restoration_and_maintenance_of_historic_buildings)
268 [nce_of_historic_buildings](https://www.designingbuildings.co.uk/wiki/Incentives_for_the_protection,_restoration_and_maintenance_of_historic_buildings)

269 You think there are *heritage buildings* out there that need saving, right? So how can that be done?
270 Fortunately, years ago at a symposium in Austria, Mark Schuster and colleagues... made a finite list. They
271 concluded that there were only five *tools* to save historic resources:
272 *ownership and operation, regulation, information, property rights, and incentives.* Schuster subsequently
273 told his students at MIT that he'd give them an automatic A in his course if they could come up with a
274 sixth. They never did.

275 For "historic buildings" we could substitute other valued heritage items such as significant trees in urban
276 landscapes.

277 In our main submission we raised the possibility of **incentives** to save heritage scheduled buildings from
278 being demolished to make way for other developments. We also considered incentives for retaining
279 mature trees on private property.

280 Here we outline possible incentive schemes we believe should be considered as a means for preserving
281 heritage, man-made and living.

282 **Rates relief**

283 Where a heritage item has been assessed as meeting the criteria for heritage scheduling and protection,
284 the owner of that item should be able to apply for rates relief as an incentive to retain and maintain that
285 asset in the interests of the whole community. That is the carrot to encourage adoption of binding
286 agreements noted on the title deeds of the property.

287 The rates relief would be considered as rates deferred, accumulating over time.

288 Deferred rates would only become payable if the heritage listed item is demolished to free the land for
289 alternative development. The longer the period of deferment, the greater the disincentive to demolish
290 by whoever holds the title to the property. That is the stick.

291 Any payment of deferred rates would pass to a managed heritage fund for the purpose of making grants
292 to assist property owners to repair and maintain heritage assets, especially those that contribute
293 significantly to the character of the city.

294 Rates relief could be very enticing and might lead to a scramble to obtain the necessary heritage
295 classification scheduling in the District Plan. The criteria need to be exacting.

296 Owners of property already protected through heritage scheduling, but not party to a rates relief
297 scheme, could apply to have the scheduling uplifted for reasons in force under current legislation.

298 However, removal from the schedule, in order to reap substantial benefit from subsequent
299 developments on the property, should require a substantial contribution to the heritage fund
300 proportionate to say 1.5% of the value of the replacement development.

301 Such a requirement would ensure that permitting a heritage asset to be demolished following a period
302 of deliberate neglect, to enable increased profit from sale and alternative development, would be
303 lessened as payment to the heritage fund would need to be added to the demolition costs in the
304 developer's business plan.

305 **Land parcel size and development**

306
307 Prior to the Christchurch earthquakes, a Civic Trust team (comprising a planner with major urban design
308 credentials, an architect, and an academic geographer), researched the relationships between land
309 titles, valuations and redevelopment potential in the central city.

310
311 They identified contiguous parcels of land that if merged would provide the spaces necessary for
312 intensified development, both commercial and residential, such as the now completed Convention
313 Centre and the Multi-purpose stadium currently under construction.

314

315 The earthquakes opened the opportunity for amalgamation of titles in the central city by compulsion
316 where government led projects were identified.

317
318 Apart from the parks and river margins, green space and canopy cover were largely missing in the
319 central city.

320
321 Historically, inner city residential buildings morphed into commercial use with car parking in what were
322 once front gardens, and were subsequently demolished as new construction replaced them. Remnants
323 still exist.

324
325 In the suburbs, land title amalgamations were in the hands and minds of developers. Old buildings on
326 adjacent sites were demolished and trees felled to clear the amalgamated space for intensification
327 projects.

328
329 With Plan Change 14, if adopted unchanged or minus qualifying matters, the necessity to amalgamate
330 land titles in order to build higher and more densely would no longer be a prerequisite. That has
331 consequences for shading, green space and tree canopy.

332
333 The need for incentives and regulations (two of the five tools) to help retain tree canopy and green
334 space on private property in the suburbs in keeping with the garden city image of Christchurch, is of
335 critical importance.

336
337 - **Regulation**
338 Mandate a ratio of height to land area in new construction. The larger the land area, the higher
339 the allowable build. Uniform height is not a necessary target.

340 -
341 Ensure position of construction on the land area, which allows for green space, and minimises
342 shading of adjacent properties in keeping with the latitude of Christchurch.

343 -
344 Through good design, create shared green space for groups of residences that can support tree
345 canopy, i.e. housing around a common green rather than many fenced off mini gardens. Small
346 plots of land would be excluded from individual high density developments. Neighbourhoods
347 would emerge that have distinctive architectural features.

348
349 - **Incentive**
350 Apply the rates relief model for heritage buildings mentioned above to significant listed trees.
351 Owners of the trees could seek deferred rates status for as long as the listed trees remained
352 healthy. If they were felled for any reason other than they had reached the end of their life or
353 had created a safety hazard that could not be mitigated, then the deferred rates would become
354 payable into the heritage tree retention and enhancement fund. As well, offset tree planting
355 would still be required, not necessarily on the same site.

356

357 As a listed and protected tree ages, its value in terms of retention increases. Felling such a tree
358 or group of trees, would impose a significant financial penalty that owners and developers
359 would have to factor into their calculations. As trees are likely to have a life span longer than the
360 owner, the rates relief benefit would become substantial.

361
362 It appears that the possibility of postponement of rates as outlined in this submission may fit existing
363 legislation. The relevant section of the Local Government (Rating) Act 2002 is included below. The local
364 authority has to have adopted a rates postponement policy.

365
366 The existing policy for Christchurch will need amendment to allow for the incentive scheme outlined
367 above. It is within the powers of the CCC to amend their policy appropriately to provide the proposed
368 incentives for maintaining highest category scheduled heritage buildings, and for the long-term
369 protection of significant trees either individually or in groves. We suggest the Council does amend its
370 policy.

371 **Local Government (Rating) Act 2002**
372 **87 Postponement of requirement to pay rates**

- 373 (1) A local authority must postpone the requirement to pay all or part of the rates on a rating unit
374 (including penalties for unpaid rates) if—
375 (a) the local authority has adopted a rates postponement policy under [section 110](#) of the Local
376 Government Act 2002; and
377 (b) the ratepayer has applied in writing for a postponement; and
378 (c) the local authority is satisfied that the conditions and criteria in the policy are met.
379 (2) The local authority must give notice to the ratepayer—
380 (a) identifying the postponed rates; and
381 (b) stating when, or in which circumstances, the rates will become payable.

382 Compare: 1988 No 97 Parts 12, 12A, 12B

383 Section 87(1)(a): substituted, on 1 July 2003, by [section 262](#) of the Local Government Act 2002 (2002
384 No 84).

385

386 **Transport & Planning**

387 The Trust notes Prof Kissling's presentation to the GCDSP and only highlights here the following issues:

- 388 1. Use of Airspace over transport corridors to help concentrate activities in conjunction with good
389 public transport accessibility. This is not radical thinking. It can apply to existing urban and
390 future urban development. The airspace has value waiting to be captured by the controlling
391 authority.
392 2. Where possible, minimise on street MRT public transport when access controlled transport
393 corridors exist that can provide swifter and safer services.
394 3. Ensure rail based MRT uses the same gauge rail as mainline rail to enable integrated operations
395 over expanded settlement areas. This also applies to trackless tram options that enable
396 temporary and test route deviations without recourse to expensive infrastructure adjustments.

397 4. Connectivity between buildings need not be at or below ground level. Transport planning
398 includes the three dimensions and encourages consideration of options for modal separation.

399

400

401 Relevant also to the CCC's proposed PC14 are significant matters, which the Trust raised on
402 2 November 2023 with the Greater Christchurch Hearings Panel in respect of the Draft Greater
403 Christchurch Spatial Plan. They relate to **Climate Change** and **Infrastructure**. The Trust notes
404 that the Greater Christchurch Spatial Plan, when adopted, will inform the Christchurch District
405 plan. Time constraints preclude oral re-presentation at this hearing.

406 The Trust refers the Panel to the Trust's *Supplementary presentation notes for 2nd November 2023*
407 presented to the Hearing Panel in respect of the Draft Greater Christchurch Spatial Plan. Should this
408 Independent Hearings Panel require hard copy of that presentation, the Trust will oblige.