

## **RESIDENTIAL PROVISIONS AND RELATED QUALIFYING MATTERS**

### **SUMMARY STATEMENT**

**29 NOVEMBER 2023**

1. Tēnā koutou katou, my name is Tim Joll and I am Partner at Planz Consultants Limited. My qualifications and experience are outlined in paragraphs 2.1.to 2.6 of my evidence.
2. Today I will focus on what I see as the remaining key differences between my evidence and that of Council experts in relation to the following Qualifying Matters (QM)
  - a. Residential Heritage Areas (RHA);
  - b. Residential Heritage Areas Interface (RHA Interface);
  - c. Residential Character Areas (RCA);
  - d. Residential Industrial Interface (RIF);
  - e. Low Public Transport Accessibility (LPTA); and
  - f. Riccarton Bush Interface (RBI).

#### **Residential Heritage Areas**

3. I support the protection of areas of historic heritage as required by Section 6(f) of the Resource Management Act 1991.
4. Notwithstanding the concerns raised in paragraph 6.3 and 6.4 of my evidence, that the introduction of heritage components across two plan changes (PC13 and PC14) creates inefficiencies in the Plan, I consider the key questions to consider in relation to RHA are:
  - i. Is the methodology for identifying and assessing RHA appropriate, and do they meet the requirements of Section 6 of the RMA?
  - ii. Are the RHA provisions appropriate?
5. In considering the first question, I understand that there is agreement between the heritage experts regarding the assessment criteria and methodology for the RHA. There also appears to be agreement that where Certificates of Compliance (CoC)

providing for the demolition of buildings in RHA exist this is a matter that also requires consideration by planning experts<sup>1</sup>. My consideration of the impact of CoC on the methodology for identifying RHA is outlined in paragraphs 6.7 and 6.8 of my evidence. This point is further outlined in paragraphs 5.3 to 5.7 of the Legal Submissions presented earlier.

6. The Piko/Shands RHA in particular would be substantially impacted by the implementation of the CoC (RMA/2022/3444 approved 21 November 2022). The CoC includes 15 defining buildings and a contributory building. This is acknowledged by Ms Dixon in paragraph 8 of her rebuttal evidence.
7. Appendix 1 to this summary contains a plan identifying the properties in Piko/Shands subject to the CoC. I agree with Ms Dixon's comments on the impact on the overall quality and coherence of the RHA if these buildings are demolished. Given that these buildings can be demolished without the need for any further resource consent, I consider that these sites should be classified as 'Neutral'. However, I also note that "vacant lots are also included as intrusive within the streetscape of the heritage area", as per the definition of 'intrusive building or site'.
8. If the Panel is minded to retain the RHA QM, then I consider that amendments are required to the proposed provisions. These are set out in paragraphs 6.9 to 6.21 of my evidence. I have sought to narrow the matters of disagreement with Ms Dixon for the Council and the planners for Carter Group and Christ's College, particularly as they related to the wording of the demolition policy, however, there remains differences of opinion with Ms Dixon.
9. I remain concerned with the mechanics of the proposed provisions and how these will be implemented. In looking specifically at demolitions, the wording in Policy 9.3.2.2.8 – Demolition of scheduled historic heritage remains very directive with terms such as 'strongly discouraged' being proposed. I am aware of resource consent applications to demolish buildings in the new RHA currently being prepared and/or submitted to Council. The feedback from Council Heritage Staff indicates that any demolition of a defining or contributory building is likely to be considered to have effects that are more than minor. This is reflected in the recent s.95 decision on 33 Dublin Street (RMA/2023/2046 – dated 22 November 2023), where the demolition of a contributory

---

<sup>1</sup> Expert Conferencing of Heritage – Page 2

building was considered to have more than minor effects and the s.95A decision is that the application is to be publicly notified.

10. This initial interpretation and implementation highlights to me that there are issues with the provisions as notified. I have concerns about the ability to obtain consents for demolitions within RHA when Council staff consider the loss of these items has more than minor effects and the policy framework is so directive. I therefore consider amendments are required to the proposed provisions to enable a balanced decision on the actual impacts of the RHA to be considered through a resource consent process. This would include consideration of replacement developments as part of the resource consent process.

### **Residential Heritage Areas Interface (RHA Interface QM)**

11. As outlined in paragraph 6.24 of my evidence, it appears that the key driver of the proposed RHA interface QM is a desire to manage amenity outcomes rather than to maintain heritage values. Having read Ms Dixon's rebuttal evidence, and in particular paragraphs 61 and 62, and noting that I have not seen any evidence from Council heritage experts on the need for this QM to maintain heritage values in adjoining RHA, I remain of this view. In contrast Mr Brown's evidence notes in paragraph 6.2 that, as a general principle, the application of additional controls outside of the spatially defined heritage overlay is not appropriate.
12. In paragraph 6.26 of my evidence, I raised concerns that an appropriate site by site analysis was not undertaken by Council and I have not seen any additional information that changes my view on this matter.
13. In the absence of any effects-based justification, or site-specific analysis under s 77L, it is my opinion that the RHA Interface QM should be deleted.

### **Residential Character Areas**

14. The Operative District Plan contains Character Areas with associated provisions. My evidence identifies two key issues, which essentially mirror that of the RHA outlined in paragraph 4 above.
15. My concerns regarding the methodology for identifying RCAs has been outlined in paragraphs 9.21 and 9.22 of the Legal Submissions presented earlier.

16. In considering the proposed provisions, Ms Rennie notes in paragraph 8 of her evidence that the existing zones within the District Plan provide for a scale and form of development that is broadly consistent with the majority of the Character Area values, albeit the appearance of buildings may be different. Despite this, the Council seeks to introduce substantially more restrictive built form standards in the QM areas than the status quo in the Operative Plan. The table attached as Appendix 2 to this summary illustrates the more restrictive nature of the proposed provisions.
17. Notwithstanding the legal question of scope, I consider that a restricted discretionary pathway for new buildings within a RCA and the associated matters discretion would appropriately manage the specific characteristics of the Character Area. I do not consider it necessary to also have a series of specific built form standards per RCA.
18. I consider this amendment to the proposed provisions are more efficient and effective and would promote the greatest heights and densities permitted by the MDRS subject to a design assessment, which is otherwise already required under the proposed provisions.

### **Residential Industrial Interface**

19. The Industrial Interface QM proposes a building height and storey limit on residential development enabled under MDRS and Policy 3. Those limits would apply within 40m of the interface of residential zones with industrial zones.
20. As noted in paragraph 8.9 of my evidence, in reviewing the locations where this QM applies, it is important to emphasise that these zone interfaces are existing. I also note that the Operative District Plan (ODP) already contains specific noise limits for activities within the industrial zones, and at the zone interface it is the residential noise limits that must be complied with.
21. Despite the ODP currently providing, in places, for 11m high buildings adjacent to Industrial General Zones, I have not seen any evidence from Council of complaints from neighbouring residents related to noise generated from adjoining industrial activities that would lead me to consider that any special characteristics exist that makes the level of development provided by the MDRS inappropriate.

22. The Council has considered this QM under s771(i) and s770(i) of the Act. Based on the quantum of vacant industrial land identified by Council<sup>2</sup>, I do not consider that this proposed QM meets the requirements of 771 of the RMA.

### **Low Public Transport Accessibility**

23. The LPTA QM affects an extensive area, approximately 12,096 hectares of land and more than 17,000 properties.

24. Mr Kleynbos succinctly outlines the Council's reasoning for the QM at paragraph 23 of his rebuttal evidence, where he states:

*“Justification for the QM draws on a full consideration of NPS-UD objectives, by virtue of s77L(b); the LPTAA QM is strategic in nature and considers public transport accessibility as the primary means to address those objectives”.*

25. It is my opinion that when considered against the lens of the MDRS forming the starting point for suburban areas in terms of heights and densities, the Council's position is flawed. The Enabling Act has directed that every relevant residential zone must have the MDRS incorporated into that zone. Introducing a qualifying matter that seeks to ensure intensification is *“delivered in the most efficient means possible”* by restricting the location in which this level of development is enabled is, in my opinion inconsistent with this higher order direction.

26. Notwithstanding the above point, at a first principles level, I also consider that public transport services follow density / customers, not the other way round. If you enable greater density, then more people can justify an improved service.

27. I also have concerns that Council has sought to justify in part this QM because of potential issues with the capacity of sewer and stormwater and the future demand planning for these services. My concerns with this approach are outlined in paragraphs 9.45 and 9.46 of my evidence and these concerns remain. I therefore remain of the opinion that the necessary evidence has not been prepared by Council to justify a stormwater network constraints QM.

28. I do not consider that this proposed QM meets the requirements of 771 of the RMA.

---

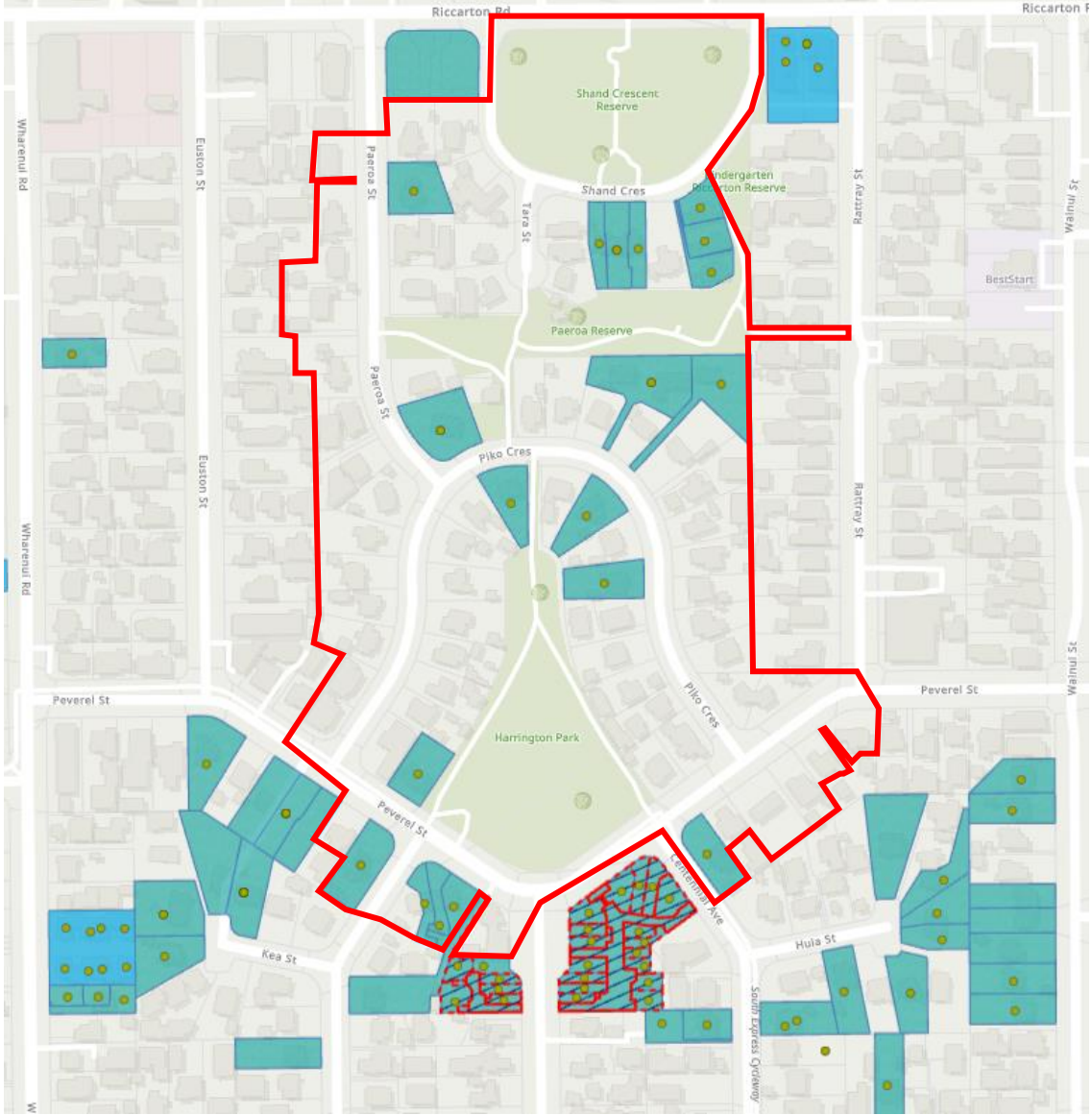
<sup>2</sup> Mr Lightbody's S.42A on Intensification within Commercial and Industrial Zones outside the Central City - Table 4 'Vacant Industrial Land by Zone in Christchurch City' identifies 208 hectares of vacant Industrial General land in Christchurch City.

## **Pūtarikamotu Riccarton Bush Interface**

29. In my evidence I noted concerns that this QM did not meet the tests required of s77L(c)(iii). On reflection, I consider it is not appropriate to consider the wider views of Riccarton Bush in a vacuum, and therefore I agree with Mr Kleynbos that this QM is most appropriately evaluated under s77I(a) and s77J.
30. I understand that the only outstanding matter of difference between the landscape experts is the appropriateness of the proposed side boundary setbacks. I agree with Ms Strachan the proposed internal boundary setback provisions are not necessary for all properties within the Riccarton Bush Interface QM, noting that not all sections are orientated in a way that their driveways are aligned with views towards Riccarton Bush.
31. I also accept Ms Strachan's opinion that the proposed 8m height control adequately addresses the issue of maintaining views to Riccarton Bush from surrounding streets and properties.
32. In reflecting on the difference in opinion between the landscape experts, I have considered three potential planning options that cover what I understand to be the key difference.
  - i. Applying a height limit only within the QM area.
  - ii. Applying a height limit, plus setback requirements for identified sites.
  - iii. Applying a height limit, plus setback requirements under a generic overlay.
33. My s.32AA assessment of these options is contained in Appendix 3. I consider the first option outlined above is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction while providing an appropriate level of protection for Pūtarikamotu Riccarton Bush.

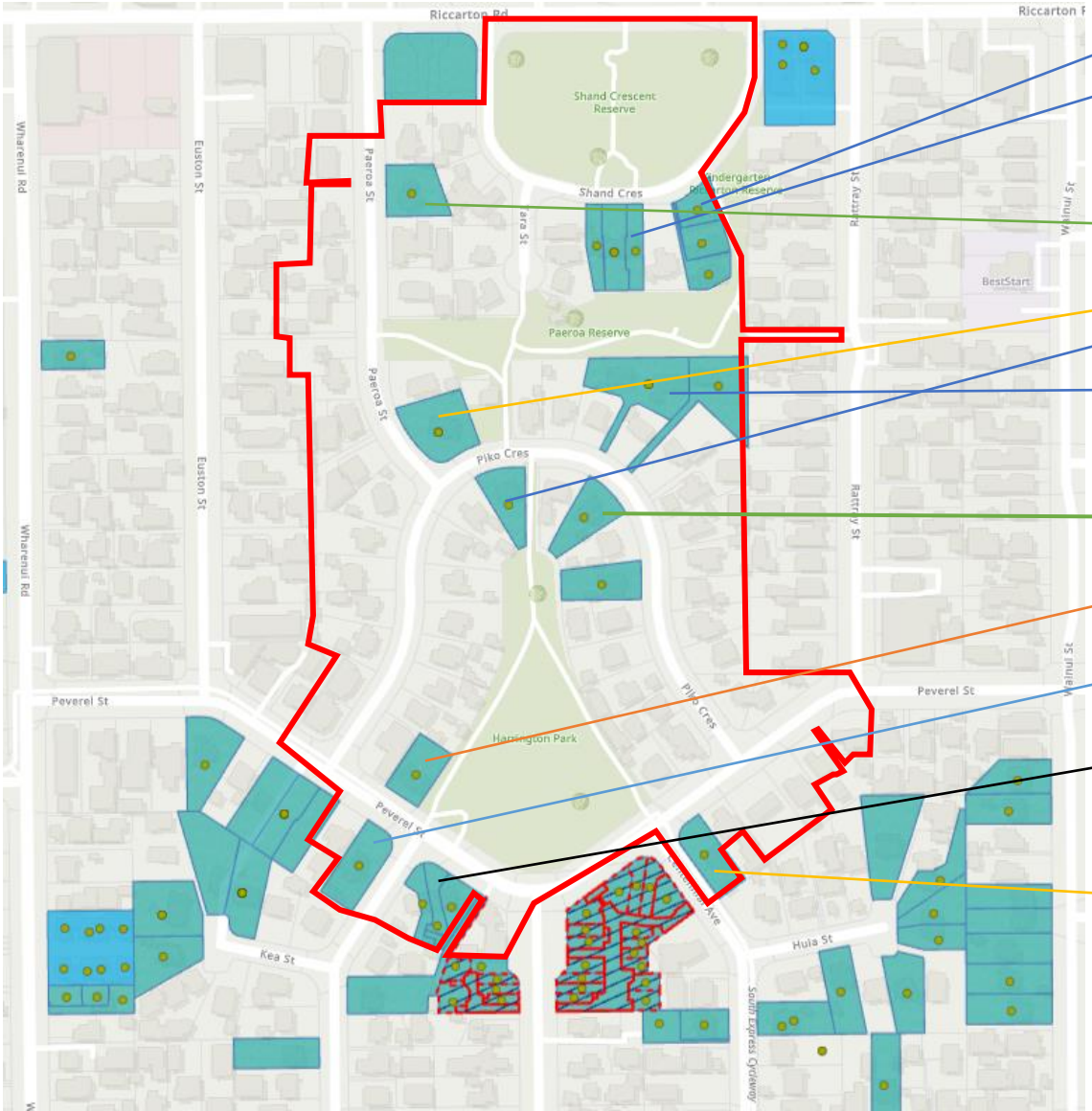
**APPENDIX 1: PLAN IDENTIFYING THE PROPERTIES IN PIKO/SHANDS SUBJECT TO THE COC**

# Piko/Shand (Riccarton Block) State Housing Residential Heritage Area





# Piko/Shand (Riccarton Block) State Housing Residential Heritage Area



- 6, 6a, & 8 Shand Cres, Riccarton Build Year: 1999
- 12 Shand Cres, Riccarton Build Year: 1943
- 16 Shand Cres, Riccarton Build Year: 1943
- 18 Shand Cres, Riccarton Build Year: 1940
  
- 12 Paeroa St, Riccarton Build Year: 1941
  
- 28 Piko Cres, Riccarton Build Year: 1940
- 19 Piko Cres, Riccarton Build Year: 1940
- 20b Piko Cres, Riccarton Build Year: 1988
- 18a Piko Cres, Riccarton Build Year: 1952
  
- 15 Piko Cres, Riccarton Build Year: 1940
- 11 Piko Cres, Riccarton Build Year: 1940
  
- 148 Peverel St, Riccarton Build Year: 1940
  
- 72 Centennial Ave, Riccarton Build Year: 1940
  
- 75 Centennial Ave, Riccarton Build Year: 1942
- 145 Peverel St, Riccarton Build Year: 1942
- 143 Peverel St, Riccarton Build Year: 1942
  
- 2 Centennial Ave, Riccarton Build Year: 1940

**APPENDIX 2: COMPARISON OF BUILT FORM STANDARDS IN PIKO / SHANDS RHA AND RCA**

<b>Table 1: Comparison of built form standards in Piko / Shands</b>			
<b>Built Form Standards</b>	<b>Operative District Plan RSDT Zone including Character Area provisions</b>	<b>PC14 RHA - s42A positions</b>	<b>PC14 RCA - s42A positions</b>
Demolition	Permitted	Restricted Discretionary (for defining and contributory buildings)	Restricted Discretionary
New buildings	Controlled	Restricted Discretionary	Restricted Discretionary or Controlled if less than 5m and to the rear of a unit on the same site
Density	600m <sup>2</sup> (subdivision provisions)	700m <sup>2</sup> (subdivision provisions)	700m <sup>2</sup> (subdivision provisions)
Number of units	4 (for multi unit housing complexes)	2	2
Site coverage	35% or 40% for multi-unit complexes...	40%	40%
Height	8m	5.5m	6.5m
Internal boundary setback	1m	2m on one side 3m on the other and 3m from the rear.	2m on one side 3m on the other and 3m from the rear.
Road boundary setback	4.5m	8m	8m
Outdoor living space	90m <sup>2</sup> or 30m <sup>2</sup> for multi-unit developments	50m <sup>2</sup>	N/A
Fence heights	1.8m	N/A	1m
Front entrances and facades	N/A	N/A	Residential unit shall be built across a minimum of 60% of the allotment width.  Maximum paved access with 3.6m or 4.8m if it includes a minimum 1.2m wide pedestrian access
Landscape strip	N/A	N/A	Landscaping strip comprising a combination of tree and garden planting, with a minimum width of 3m along the length of the road boundary.

## **APPENDIX 3: SECTION 32AA ASSESSMENTS**

## SECTION 32 / 32AA CONSIDERATIONS

In respect of a Section 32 / 32AA evaluation of the issued raised in my evidence, along with the proposed amendments to provisions which I have recommended, I provide the following assessment and commentary:

### 1. RESIDENTIAL CHARACTER AREAS

Effectiveness and efficiency	<ul style="list-style-type: none"><li>• The recommended changes to the QM provisions provide an effective approach to managing character values within the identified Residential Character Areas across the city.</li><li>• The recommended provisions give effect to the relevant Objectives and Policies of the NPS-UD (particularly Objectives 1, 2, 3 and 4 and Policies 1, 2 and 6) by providing for increased development opportunities balanced against managing character values to reflect amenity values will change over time and this in itself is not an adverse effect.</li></ul>
Costs/Benefits	<ul style="list-style-type: none"><li>• The recommended changes to the QM provisions do not present any increased consenting costs compared to the notified provisions but provide greater clarity for Plan users.</li><li>• The benefits allow for greater consideration of developments within the context of individual residential character areas, particularly where the scale of new development, including height, is a particularly relevant consideration.</li></ul>
Risk of acting or not acting	<ul style="list-style-type: none"><li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up in a way which provides for well functioning urban environments.</li></ul>

Decision about more appropriate action.	<ul style="list-style-type: none"> <li>The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Plan Change or the proposed changes set out in the section 42A report.</li> </ul>
---	--

## 2. RESIDENTIAL HERITAGE AREAS

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>The recommended changes to the QM provisions provide an effective approach to managing heritage values within the identified Residential Heritage Areas across the city.</li> <li>The recommended provisions give effect to the relevant Objectives and Policies of the NPS-UD (particularly Objectives 1, 2, 3 and 4 and Policies 1, 2 and 6) by providing for increased development opportunities balanced against managing heritage values.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>The recommended changes to the QM provisions do not present any increased consenting costs compared to the notified provisions but provide greater clarity for Plan users.</li> <li>The benefits allow for greater consideration of developments within the context of individual residential heritage areas, particularly where the scale of new development, including height, is a particularly relevant consideration.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>The risk of not acting is that intensification or redevelopment opportunities are not taken up in a way which provides for well functioning urban environments.</li> </ul>

<p>Decision about more appropriate action.</p>	<ul style="list-style-type: none"><li>• The recommended amendments as set out in my evidence are considered to be more appropriate in achieving the purpose of the RMA than the notified version of Plan Change or the proposed changes set out in the section 42A report.</li></ul>
--	--

### 3. RICCARTON BUSH INTERFACE

Option evaluation for Riccarton Bush built form restrictions		
Option 1 – Apply the notified height restriction within the QM area	Option 2 – Apply height restrictions and internal boundary setbacks for identified properties	Option 3 – Apply height restrictions and internal boundary setbacks for all properties in the QM area
<p><b>Efficiency</b> - This approach will result in positive environmental effects by ensuring that Riccarton Bush is protected from the effects of medium density development which could see the loss and degradation of the values associated with it. The views and setting of Riccarton Bush from neighbouring streets will be maintained, ensuring that the potential for loss of visual connectivity for residents and passers-by between these streets and Riccarton Bush will not eventuate.</p>	<p><b>Efficiency</b> – Option 2 is considered less efficient than Option 1. The application of ‘horizontal controls’ such as setbacks to the QM area creates a greater level of complexity for any potential development without creating an appropriate increase in protection beyond Option 1. Identifying viewshafts is challenging and would likely result in overly detailed mapping and additional complexity for Plan users.</p>	<p><b>Efficiency</b> – Option 3 is considered less efficient than the other two options. The application of ‘horizontal controls’ such as setbacks to the QM area creates a greater level of complexity for any potential development and would likely have varying limits of influence although principally supporting the goal of maintaining views.</p>
<p><b>Effectiveness</b> - This approach is highly effective in addressing the identified issue. The QM and associated height limit will result in protection of the values of Riccarton Bush and still enable residential development.</p>	<p><b>Effectiveness</b> - This approach is highly effective in addressing the identified issue. The QM and associated built form standards would protect the values of Riccarton Bush and still enable residential development.</p>	<p><b>Effectiveness</b> - This approach is highly effective in protecting the views and setting of Riccarton Bush from neighbouring streets, however it would result in unnecessary development restrictions and potential associated consenting costs for those</p>

		properties where sections are orientated in a way that their driveways are not aligned with views towards Riccarton Bush.
<p><b>Costs/Benefits</b></p> <p>Option 1 does not present any increased consenting costs compared to the notified provisions but provide greater clarity for Plan users while providing an appropriate level of protection for the identified issues.</p>	<p><b>Costs/Benefits</b></p> <p>The introduction of the internal boundary setback provisions to the QM could result in increased consenting costs compared to the notified provisions.</p> <p>The benefits allow for a greater level of protection for the identified issues.</p>	<p><b>Costs/Benefits</b></p> <p>The introduction of the internal boundary setback provisions to the QM could result in increased consenting costs compared to the notified provisions.</p> <p>Option 3 provides for less consideration of developments within the context of individual heritage areas and unnecessarily restricts some development potential for properties where sections are orientated in a way that their driveways are not aligned with views towards Riccarton Bush.</p>
<p><b>Risk of acting or not acting</b> - The risk of not acting is that some viewshafts of Riccarton Bush may be affected, however not to an extent that is greater than currently provided for in the Operative Plan.</p>	<p><b>Risk of acting or not acting</b> - Not acting may create additional consenting costs for properties with limited additional protection for the identified issues.</p>	<p><b>Risk of acting or not acting</b> - Not acting is likely to mean unnecessary development restrictions and potential associated consenting costs for some properties.</p>
<p>Decision about more appropriate action.</p>	<p>Option 1 - Provides an acceptable compromise between enabling an appropriate NPS UD Policy 3 response to their greatest extent and protecting the values Riccarton Bush. Carrying over existing rules is efficient and provides a level of clarity and consistency to potential developers. Option 1 is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction while providing an appropriate level of protection for Riccarton Bush.</p>	