

**BEFORE HEARING COMMISSIONERS
FOR CHRISTCHURCH CITY COUNCIL**

UNDER the Resource Management
Act 1991

IN THE MATTER of Christchurch City Council
Plan Change 14 (PC14)

AND

IN THE MATTER Height Limits in the Central City

STATEMENT OF EVIDENCE OF HUGH ANTHONY NICHOLSON

URBAN DESIGN

22 SEPTEMBER 2023

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1. INTRODUCTION

- 1.1 My full name is Hugh Anthony Nicholson. I am a Director at UrbanShift which is an independent consultancy that provides urban design and landscape architecture advice to local authorities and private clients.
- 1.2 I hold a Post-Graduate Diploma of Landscape Architecture from Lincoln University and a Post-Graduate Certificate in Urban Design from the University of Sydney. I have more than twenty years' experience in both the public and private sectors. I am a registered member of the New Zealand Institute of Landscape Architects (NZILA).
- 1.3 Prior to my current role, I worked as the Design Lead for the *Ōtākaro Avon River Regeneration Plan* for Regenerate Christchurch for two years, and as a Principal Urban Designer for Christchurch City Council for ten years. Before this I worked as an Urban Designer for the Wellington City Council for seven years.
- 1.4 I am a chair / member of the Nelson City / Tasman District Urban Design Panel and the Akaroa Design Review Panel. I was a member of the advisory panel for the development of the National Guidelines for Crime Prevention through Environmental Design (CPTED) for the Ministry of Justice, and a member of the Technical Advisory Group for the Wellington Waterfront.
- 1.5 My experience includes:
 - a. Project leader for the establishment of the Christchurch Urban Design Panel which reviews significant resource consent applications and significant Council public space projects (2008);
 - b. Project leader for *Public Space Public Life Studies* in Wellington (2004) and Christchurch (2009) in association with Gehl Architects which surveyed how people used different public spaces around the city centre, and how the quality of these public spaces could be improved;

- c. Steering group and design lead for *Share an Idea* and the Draft *Christchurch Central Recovery Plan* including associated draft district plan amendments to the central city zones which were subsequently reviewed and incorporated into the *Christchurch Central Recovery Plan*;
- d. Expert urban design witness for Christchurch City Council to the Independent Hearings Panel for the Christchurch Replacement District Plan on the Strategic Directions and Central City chapters;
- e. Design reviewer for more than fifty resource consent applications for major central city rebuilds for the Christchurch City Council including the Justice & Emergency Precinct, the Central Library, the Bus Interchange and the Christchurch Hospital Outpatients and Acute Services Buildings.
- f. Urban design and landscape peer reviewer and expert witness at hearings for private plan changes¹, submissions on the Proposed Selwyn District Plan (SDP) and submissions on Variation 1 to the Proposed SDP, for the Selwyn District Council. I have been an expert witness in Environment Court mediations for two of the plan changes.
- g. Urban design peer reviewer and expert witness for the signs and residential chapters of the Proposed Waimakariri District Plan, and for Private Plan Change 31 to the Operative Waimakariri District Plan.

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

¹ Private Plan Changes 67, 69, 71, 72, 73, 74, 79, 81 and 82

3. SCOPE

3.1 I am providing this evidence to support my further submission in support of Submission 224 from Richard Ball and a group of unit owners from the Atlas Quarter, 36 Welles Street, Christchurch Central.

3.2 In carrying out this assessment I have referred to:

- a. Proposed changes in PC14 to the District Plan and in particular height limits in the central city²
- b. Section 32 Evaluation for PC14 (Part 4) – Commercial and Industrial sub-chapters;
- c. *Christchurch Central Recovery Plan, 2012*³;
- d. *Draft Central City Recovery Plan and Appendices, 2011*⁴;
- e. CERA Christchurch Central City Commercial Property Market Study, Ernst & Young, May 2012⁵.

3.3 I have undertaken a number of site visits in the Christchurch Central City to review the current environment.

4. STRATEGIC DIRECTIONS

4.1 In providing evidence I have relied upon the objectives and policies in the National Policy Statement on Urban Development 2020 (NPS-UD)⁶.

4.2 In particular I note that Objective 1 of the NPS-UD seeks that New Zealand has well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being, and for their health and safety⁷.

² <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Provisions/Plan-Change-14-HBC-NOTIFICATION-Chapter-15-Commercial2.pdf>

³ <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/central-city/christchurch-central-recovery-plan-march-2014.PDF>

⁴ https://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/central-city-recovery-plan?gclid=EAlalQobChMI9sqrX9K9gQMVhqeWCh2i8A4BEAAYASAAEgJpPPD_BwE

⁵ <https://collections.archives.govt.nz/en/web/arena/search/?q=CERA+Christchurch+Central+City+Commercial+Property+Market+Study>

⁶ <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf>

⁷ NPS-UD 2020, Objective 1, page 10

- 4.3 Objective 3 of the NPS-UD directs regional and district plans to enable more people, businesses and community services to be located in or near to urban centres, and in areas that are well serviced by existing or planned public transport⁸.
- 4.4 Objective 4 seeks urban environments that develop and change over time in response to the diverse and changing needs of people, communities, and future generations⁹.
- 4.5 Objective 4 directs local authorities to make decisions about urban development that are strategic in the medium and long term, and responsive to proposals that would add significant development capacity.
- 4.6 Objective 7 requires local authorities to have accurate and frequently updated information about urban environments and to use this to inform their decision making.
- 4.7 Policy 1 seeks planning decisions that contribute to well-functioning urban environments that provide for a variety of types, prices and locations of households, and have good accessibility (including active or public transport) between housing, jobs, community services, and natural and open spaces¹⁰.
- 4.8 Policy 2 seeks that local authorities provide sufficient development capacity to meet the expected demand for housing and business land over the short, medium and long term.
- 4.9 Policy 3 directs that height and density in metropolitan city centre zones is maximised to increase the benefits of intensification, and Policy 4 requires local authorities to only modify these height or density requirements to accommodate a specified qualifying matter.

⁸ NPS-UD 2020, Objective 3, page 10

⁹ NPS-UD 2020, Objective 4, page 10

¹⁰ NPS-UD, Policy 1, pages 10-11

- 4.10 Drawing on the strategic directions outlined above I have reviewed the central city height limits proposed in PC14 in terms of:
- a. The extent to which they contribute to a well-functioning urban environment that provides for the social, economic and cultural well-being of people, and for their health and safety;
 - b. The extent to which they are strategic planning decisions based on accurate and timely information regarding urban environments;
 - c. The extent to which they provide sufficient development capacity to meet expected demand and to maximise capacity in the central city except where a specified qualifying matter applies.

5. QUALIFYING MATTERS

- 5.1 The height and density directions in the NPS-UD and the RMA (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**) can only be varied to accommodate a specified qualifying matter.
- 5.2 In my opinion the extent of earthquake damage to Christchurch and the subsequent vision for rebuilding and recovery established in the *Christchurch Central Recovery Plan* constitute “qualifying matters in the application of intensification policies” under Sections 77O(j) and 77R of the Amendment Act.
- 5.3 Approximately 80% of the buildings within the Christchurch CBD were demolished after the Canterbury earthquakes¹¹. I consider that the extent of earthquake damage in Christchurch, and the scale and national significance of the ongoing rebuild of New Zealand’s second largest urban area, constitutes an appropriate qualifying matter under Section 77O(j) of the Amendment Act to modify the requirements of Policy 3 of the NPS-UD.

¹¹ <https://www.theguardian.com/world/2021/feb/22/before-and-after-how-the-2011-earthquake-changed-christchurch>

- 5.4 In particular the potential adverse effects of allowing taller buildings in Christchurch's central city constitute a "*specific characteristic that makes the level of development required*" inappropriate under Section 77R of the Amendment Act.
- 5.5 The adverse effects of raising the height limits include the concentration of future development in a small number of tall buildings while leaving existing derelict buildings and vacant sites empty, and undermining the integrated vision for the recovery of Christchurch incorporated in the *Christchurch Central Recovery Plan*, developed by the Crown (through the Canterbury Earthquake Recovery Authority) and the Christchurch City Council with widespread community support. They would also undermine existing investments in the rebuild of Christchurch made on the basis of an attractive, liveable, consolidated central city.
- 5.6 In my opinion the provision of a few tall buildings in an urban environment characterised by derelict buildings, temporary carparks and vacant land would not contribute to a well-functioning urban environment. The continued presence of derelict buildings, carparks and vacant sites would not support a high-quality street environment with passive surveillance which would encourage walking or cycling.
- 5.7 Vacant sites are likely to continue to be used for temporary at-grade carparking which would encourage the use of private vehicles, and compromise attempts to manage effects associated with the supply and demand of car parking under Policy 11 of the NPS-UD.

6. VACANT SITES IN CHRISTCHURCH'S CENTRAL CITY

- 6.1 Objectives 6 and 7 of the NPS-UD require local authorities to make strategic decisions about urban environments that are based on robust and frequently updated information. Policy 2 requires local authorities to provide sufficient development capacity to meet expected demand for housing and business land.

- 6.2 I consider that the extensive recovery planning and technical reports that underpinned the development of the *Christchurch Central Recovery Plan* provided strategic decisions based on robust information, and that the outcomes of this process (including height limits) which were incorporated into the Operative District Plan through the Christchurch Replacement District Plan Independent Hearings Panel constitute an appropriate evaluation under Section 77R of the Amendment Act.
- 6.3 In particular the *Christchurch Central Recovery Plan* sought to consolidate the commercial core of the central city and to increase the number of residents living in the central city. A commercial property study by Ernst & Young¹² evaluated likely future development scenarios for Christchurch and concluded that Christchurch could either facilitate the rebuild by providing for a few tall buildings surrounded by large swathes of vacant land, or by spreading the rebuild over a larger area with mid-rise buildings. It was considered that the mid-rise option provided greater environmental benefits (sunlight access, accessibility, human scale), spread the economic benefits over a larger group of landowners, and provided a better return on investment¹³.
- 6.4 I am not aware of any work updating these studies, however, the number of derelict buildings and vacant sites in Christchurch's central city supports the ongoing relevance of their conclusions. The Council webpage on vacant sites¹⁴ includes a plan updated in 2023 (see Figure 1) showing 36.9ha of vacant land in the central city.
- 6.5 I have reviewed the vacant sites based on my knowledge of the central city and prepared an alternative version (see Figure 2) which identifies approximately 45 hectares of vacant land in the central city. The differences between the Council's plan and the alternative plan result primarily from the inclusion of Council owned properties including the former convention centre

¹² CERA Christchurch Central City Commercial Property Market Study, Ernst & Young, May 2012
<https://collections.archives.govt.nz/en/web/arena/search#/?q=CERA+Christchurch+Central+City+Commercial+Property+Market+Study>

¹³ Financial Feasibility of Building Development in the Christchurch CBD, Report by Colliers International for Christchurch City Council, November 2011

¹⁴ <https://ccc.govt.nz/culture-and-community/central-city-christchurch/develop-here/vacantsites>

site between Peterborough and Kilmore Streets, and the balance of the performing arts precinct where I consider that commercial development would make further development feasible. I have also included the site of the former PWC Tower as well as part of the ECan carpark and more extensive areas of the South Frame.

- 6.6 Neither plan makes any allowance for further commercial spaces that could be provided within the new convention centre, stadium or Metrosports facilities, or vacancies within existing buildings.
- 6.7 The Council webpage notes that the area of vacant land has fallen by about 13 hectares between 2020 and 2023, however, this is largely due to the commencement of construction in the new stadium and the corresponding removal of this site from the plans. Subsequently the webpage notes that *“about four hectares of Commercial Core vacant land has been / is being developed over the last 2 years including numerous residential schemes along the South Frame”*. The South Frame is not part of the Commercial Core, however, this figure is probably a more accurate indication of the likely uptake of vacant sites in the central city.
- 6.8 Assuming a consistent uptake of 2.5 hectares of vacant land per year over the central city, the Council estimate of 36.9ha could provide for a further 15 years of growth without redevelopment or intensification. The alternative estimate of 45 ha could provide for a further 18 years of growth.
- 6.9 In my opinion there are significant areas of vacant land in the central city remaining from the Canterbury earthquakes, and there is no evidence that providing additional development capacity through increased height limits is necessary in the next ten to fifteen years. Conversely I consider that allowing future development to be concentrated in a few tall buildings is would not support a high quality street environment with passive surveillance which would support active and public transport, or the rebuilding of derelict buildings or vacant sites.

7. DENSITY AND HEIGHT

- 7.1 Population density and building height are not intrinsically linked. A recent study¹⁵ suggests that cities such as Beijing, Sao Paulo, Mexico, Mumbai, Cairo and Dhaka have similar populations to New York (c. 19 million), however, their tall buildings are between 59-90% shorter and they use between 63-97% less land. The study found that cities in richer countries use more floor space per capita and correspondingly build taller buildings. Cities in poorer countries have less interior space and people are disproportionately crowded *in*. In my opinion neither density nor height are desirable per se, but are dependent on the quality of their delivery .
- 7.2 Height limits in the City of Paris range from 25-37 metres (see Figure 3 below) and the department has a gross population density of more than 200 people per hectare¹⁶.

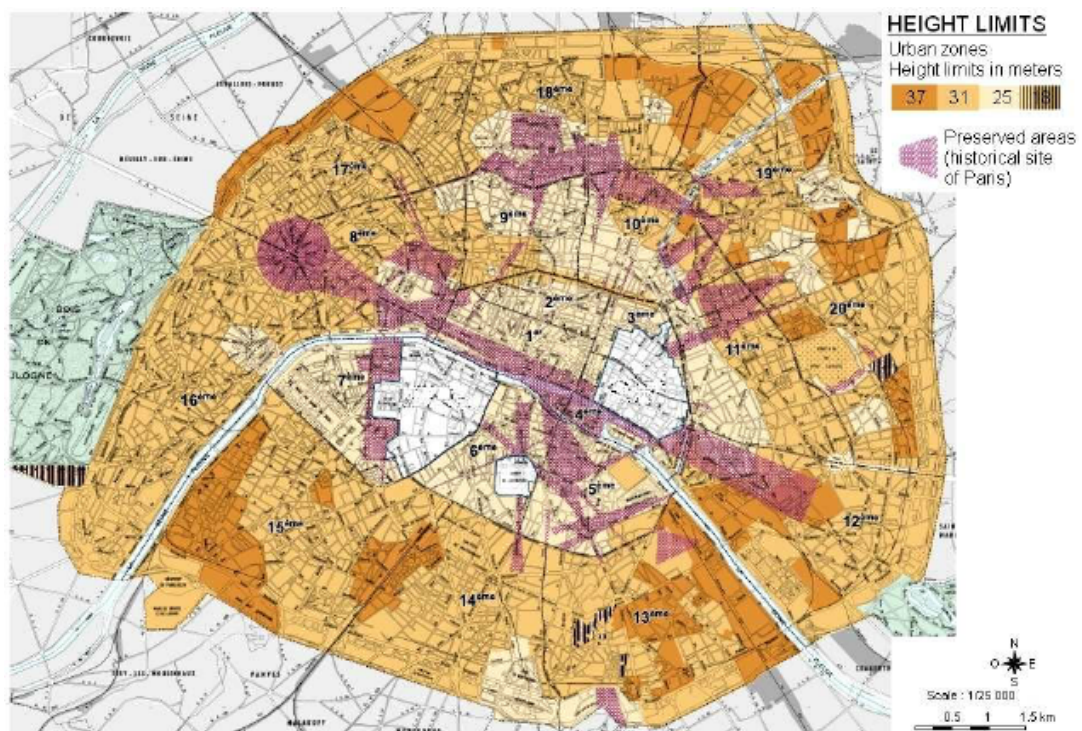


Figure 3: Height limits in the City of Paris¹⁷

¹⁵ <https://www.sciencedirect.com/science/article/abs/pii/S0166046220302945>

¹⁶ <https://www.statista.com/statistics/1047176/population-density-ile-de-france-paris-region-by-department-france/>

¹⁷ https://www.researchgate.net/figure/Height-limits-map-of-Paris-4_fig1_233781771

- 7.3 Washington DC has height limits ranging from 28-40 metres depending on the width of associated streets. While the overall density of the state is around 43 people per hectare, the denser neighbourhoods house between 225 and 270 people per hectare¹⁸. It is clear that relatively low-rise cities can have residential and commercial densities significantly in excess of those anticipated in Christchurch.
- 7.4 While I support the objectives of the NPS-UD to promote greater intensification and to provide a greater range of houses in terms of type, location and affordability, increasing height limits is a blunt and ineffective method of achieving this. In my opinion it would be more pertinent to consider how much capacity Christchurch needs, and what is the best combination of planning methods and rules to provide this capacity while continuing to ensure the communities' social, economic, and cultural wellbeing, and their health and safety.

8. CHRISTCHURCH CENTRAL RECOVERY PLAN

- 8.1 The *Christchurch Central Recovery Plan* provides a compelling and integrated vision for the rebuilding of Christchurch in the wake of the Canterbury earthquakes. The draft plan was developed by the Christchurch City Council and based on 106,000 ideas received from the Christchurch community as part of the *Share an Idea* campaign. After extensive consultation across a range of sectors the final draft was passed nearly unanimously by the Council (with one abstention) and received widespread public support.
- 8.2 After further design and analysis by a team of experts coordinated by the Canterbury Earthquake Recovery Authority (CERA), the final Recovery Plan was approved by the Crown in 2012 and has guided the rebuild of Christchurch subsequently. A number of the outcomes from the Recovery Plan (including height limits) were incorporated into the Operative District Plan through the Christchurch Replacement District Plan Independent Hearings Panel.

¹⁸ <https://ggwash.org/view/82262/greater-washington-has-a-new-densest-neighborhood-and-its-not-in-dc>

- 8.3 Many of the key concepts in the Recovery Plan, including the height limits, can be traced directly to the public vision expressed in *Share an Idea*. There was extensive discussion and analysis of the rationale for a low-rise city. As well as strong public support for a low-rise city, a key driver was an analysis of the likely demand for commercial and residential space in the central city against the available land, and a decision to build lower over more land rather than building higher and leaving larger areas of vacant land.
- 8.4 In my opinion the rebuild of Christchurch is still progressing and is likely to continue for at least another ten to twenty years. While the legislative status of the Recovery Plan has lapsed a number of Plan's projects are still running, and the vision expressed in the Plan is still shaping the central city.
- 8.5 While there was a net loss of 21,000 people after the earthquakes, the population of Christchurch has recovered to pre-earthquake levels and is forecast to continue to grow. Canterbury and Lincoln Universities have increased student numbers in contrast with most universities around New Zealand, and anecdotal evidence from young people suggests that Christchurch is perceived as a more desirable place to be.
- 8.6 I consider that the successful rebuild of New Zealand's second largest city is a matter of national significance, and that the consistent implementation of the vision established through the Christchurch Central Recovery Plan constitutes an appropriate qualifying matter under Section 77O(j) of the Amendment Act, provided that there is sufficient development capacity to meet the expected demand for residential or business land.

9. ACTIVITY STATUS OF HEIGHT LIMITS

- 9.1 The activity status of height limits in the operative and proposed district plans is restricted discretionary. Maintaining the current height limits does not prevent applications for resource consents for taller buildings. The height limit acts as a trigger to ensure that more significant buildings receive an appropriate level of assessment.

9.2 In my opinion maintaining the current height limits and assessing applications for taller buildings using the matters of discretion for maximum building heights (15.14.3.1) provides an appropriate pathway to consider functional or economic incentives for taller buildings. I consider that the matters of discretion would be improved by the addition of an assessment matter requiring buildings that exceed the height limit to demonstrate design excellence.

A small, square, hand-drawn box containing the letters 'HN' in a simple, handwritten style.

Hugh Nicholson

24 September 2023

Figure 1: Vacant Sites Programme

Central City Vacant Sites – June 2023(excluding sites under construction)

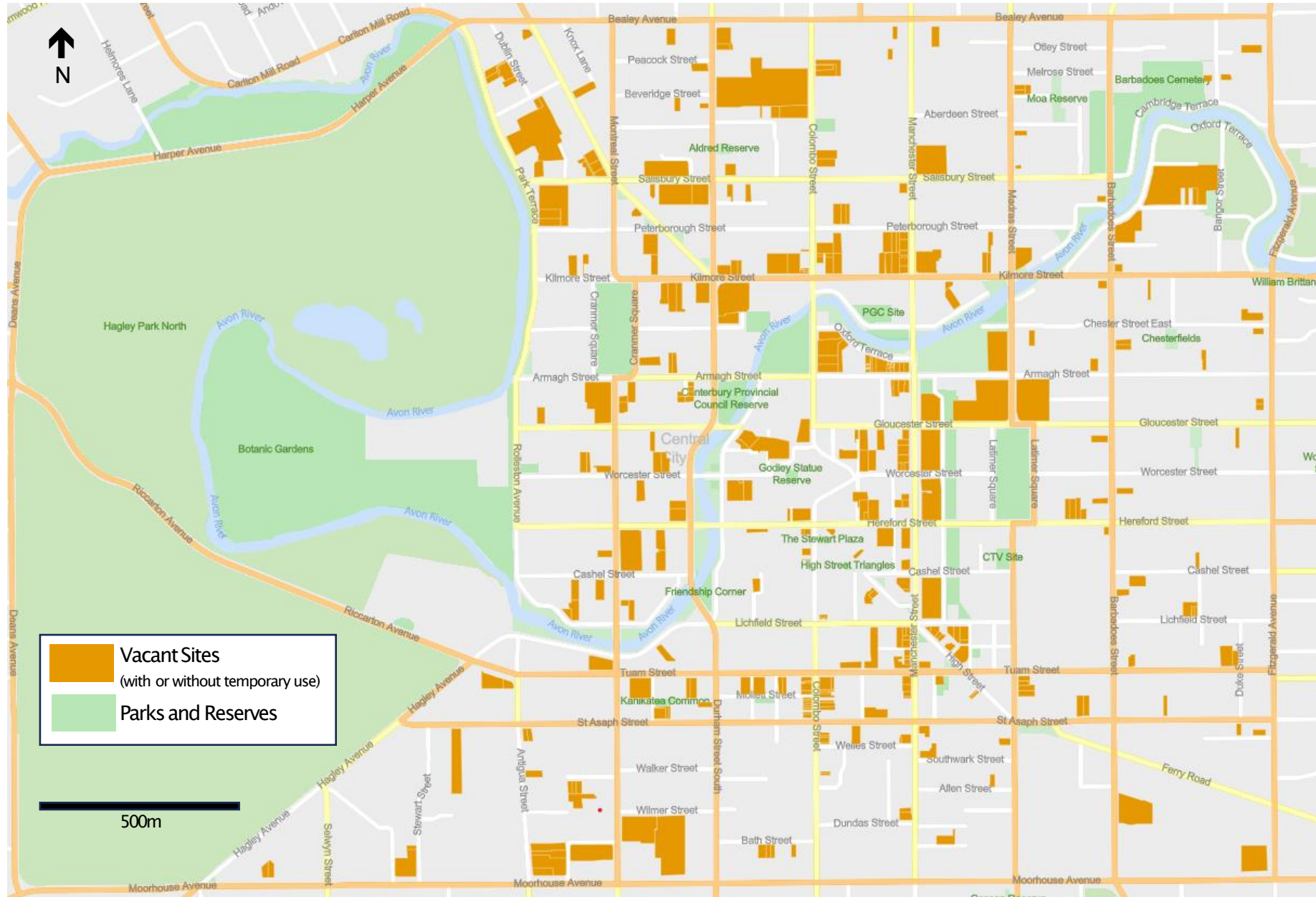


Figure 2: Central City Vacant / Undeveloped Sites - September 2023

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