

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the hearing of submissions and further submissions on the Plan Change 14 (Housing and Business Choice) to the Operative Christchurch District Plan
HEARING TOPIC:	Residential

**SUMMARY STATEMENT OF CLARE DALE
ON BEHALF OF WINTON LAND LIMITED**

PLANNING

14 NOVEMBER 2023

1. SUMMARY STATEMENT

- 1.1 My name is Clare Elizabeth Dale, and I am a Senior Planner at Novo Group Limited. I have provided written evidence for Winton Land Limited for this hearing.
- 1.2 A separate appendix containing a S32AA assessment was not included with my primary evidence, and this is now provided in **Appendix 1** to this summary statement. Further **Appendix 2** now separately contains the amended text provisions from paragraph 36 of my evidence.
- 1.3 I have not taken part in the planning expert conferencing on retirement villages that occurred yesterday. After checking with Mr Kleynbos it was apparent that this was focused on the MRZ and not the HRZ to which Winton's submission relates. No changes are proposed to the relevant HRZ retirement village provisions.
- 1.4 Winton are a publicly listed developer with many large-scale projects across New Zealand and Australia. They specialise in developing integrated and fully master-planned communities, more recently including retirement villages under their "Northbrook" portfolio.
- 1.5 Winton's interest in PC14 is specific to the 1.47-hectare site at 356 Oxford Terrace, where it has resource consent for developing 'Northbrook Avon Loop' as its first Christchurch site. Northbrook Avon Loop is a comprehensive high density retirement village complex consisting of five multi-storey buildings with a maximum height of 24.3m (six stories). As well as independent living accommodation (over 180 apartments), it includes high care rooms, resident amenity facilities, wellness facilities and multi-level car parking.
- 1.6 The site is zoned Residential Guest Accommodation (RGA) and Residential Central City (RCC) in the Operative District Plan. Under PC14 the majority of the site is proposed to remain RGA with the northwest corner changing to the HRZ. When the RGA is not used for 'visitor accommodation' activities, the HRZ zone standards apply instead.
- 1.7 Winton's focus on PC14 has been reduced following the S42A reports, to the HRZ provisions and in particular the building height rule. Winton are currently considering potential changes to the Northbrook Avon Loop design and want to ensure that the permitted height limit in the HRZ is equivalent or very similar to its

consented six storey (24.3m) building heights and as required by Policy 3 (c) of the NPS-UD.

- 1.8 A number of Winton's HRZ and height related submission points have been accepted or accepted in part in the S42A Reports and there is now agreement on overall building height limits. In my view, the amended provisions more appropriately implement Policy 3 (c) of the NPS-UD by enabling or providing for building heights of at least 6 stories in the HRZ. The provisions set the framework for a permitted activity pathway for 6 storey buildings within a 1.2km walkable catchment of the City Centre Zone and a restricted discretionary path above that. However, there continues to be disagreement over the necessity for the other elements of the building height rules that relate to street setbacks and communal outdoor living areas.
- 1.9 I consider that the 4m setback above 14m high is not necessary as it creates duplication of other rules and matters of discretion (noting that this is inconsistent with Objective 3.3.2 clarity of language and efficiency). The effects that the rule is intended to cover can already be considered under 14.6.1.3 RD2 and its relevant matters of discretion in 14.15.1 - Residential design principals for developments of more than four residential units and in matter of discretion 14.15.10 Retirement villages. There is no analysis provided in the S42A on the loss of development capacity the 4m setback imposes. By way of example the 4m setback would impinge on or result in the reconfiguration and possible loss of 16 units in Winton's consented village.
- 1.10 The requirement for communal outdoor living space within the 'building height' rule is in my view illogical and results in unnecessary duplication within the HRZ when 'Outdoor Living Space' is separately addressed in its own rule 14.6.2.10 which also covers provision of communal spaces, as well as in the residential design principle matters of discretion in 14.15.1 f. ii. D. At paragraph 101 of his rebuttal evidence Mr. Kleynbos has justified the need for the 'outdoor living' component of the height rule by stating: *"it has been recognised that increased height has the potential to exacerbate negative social effects in terms of social isolation and reduced social capital"*. I can't find can't find evidence in Ms Foy's statement in terms of the social effects of intensification/ height or any reasons why this social effect occurs above the 4th floor of a building.

- 1.11 Further, if there is concern about buildings exceeding 14m high being located too close together, then I note that this is covered in rule 14.2.6.5 Building separation which requires buildings on the same site be separated by 12m. Again, this appears to be unnecessary duplication within the proposed height rule and inconsistent with Objective 3.2.2.
- 1.12 The S32 Report and S42A response seem to protect existing levels of residential amenity experienced in the RCC/HRZ by introducing additional rules over above those specified in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Housing Supply Act). In my view this fails to appropriately take into account that the NPS-UD enables 6 storey buildings which will cause shading/ access to sunlight effects. Policy 6 of the NPS-UD acknowledges that the planned urban built form may result in significant changes and that intensification in accordance with the NPS-UD will result in a reduction in existing amenity values for some.
- 1.13 In addition to my earlier evidence, while writing this summary statement, I have identified another small error in Rule 14.6.2.1 a. where it references subclause 'b. v.'. There is no subclause 'b.v'. and amended text removing this reference is provided in **Appendix 2**.
- 1.14 To summarise, I consider the amendments sought by Winton, as outlined in my evidence, will be efficient and effective in achieving the purpose of the RMA, the other relevant statutory documents including the NPS-UD and the relevant objectives and policies of the District Plan/ PC14. In my opinion, the proposed changes set out in the Winton submissions and evidence will better align the District Plan with the NPS-UD and the purpose, principles and provisions of the RMA as amended by the Amendment Act.

Clare Dale
14 November 2023

Appendix 1: Text Changes to PC14 S42A Amended Text

14.6.2.1 Building height (S42A text drafting)

~~a. Other than where b.v. applies, b~~ Buildings must not exceed the following height above ground level:

- ~~i. 22 metres; or~~
- ~~ii. 39 metres within the Central City Residential Precinct.~~

b. The following standards also apply:

~~i. For any building exceeding 14 metres in height above ground level:~~

~~A. any part of the building above 14 metres is set back at least 4 metres from the road boundary.~~

~~B. A ground level communal outdoor living space shall be provided at a ratio of 50m² per 10 residential units. The number of units shall be rounded to the nearest 10, in accordance with the Swedish rounding system. This ratio shall be calculated on the number of residential units on the 4th floor of the building and any subsequent floors above, with the maximum required area being 20% of the site area. Any communal outdoor living space shall have a minimum dimension of no less than 8 metres.~~

~~ii. For any building between 19-22 metres height above ground level (except in the Central City Residential Precinct):~~

~~A. That part of the building above 19 metres shall be set back a minimum of 2 metres from the highest part of each façade (including balustrades or similar architectural features) at or below 19 metres; or~~

~~B. the roof shall have a pitch of less than 45 degrees measured from the external walls of the building (excluding eaves and gutters to a maximum combined width of 650mm per wall);~~

~~iii. For any building between 36-39 metres within the Central City Residential Precinct:~~

~~A. That part of the building above 36 metres in height above ground level shall be set back between 2 and 5 metres from the highest part of each façade (including balustrades or similar architectural features) at or below 36 metres in height above ground level; or~~

~~B. the roof shall have a pitch of less than 45 degrees measured from the external walls of the building (excluding eaves and gutters to a maximum combined width of 650mm per wall);~~

~~c. Other than where d. applies, residential units shall not be less than be a minimum of 7 metres in height above ground level or two storeys (not including mezzanine floors), whichever is lesser, when developing three or more residential units.~~

Appendix 2: 32AA Assessment

Amendments to Rule 14.6.2.1 Building Height (S42A text version):

<p>Evaluation against relevant Mandatory Objectives & Policies (per Schedule 3A) – Do the proposed amendments better achieve the provision?</p>	<ul style="list-style-type: none"> • Objective 1 a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. <i>Yes, to the extent relevant to the small changes requested, and for the reasons set out in evidence the Winton requested changes better achieve the provision.</i> • Policy 3 encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance. <i>Yes, the changes better achieve the provision as attractive and safe streets will still be achieved without the need for additional built form controls on building height.</i> • Policy 4 enable housing to be designed to meet the day-to-day needs of residents. <i>Yes, the text changes sought better achieve the provision as the changes seek to limit design prescription and allow for housing to be designed to meet the range of design requirements (needs), rather than being dictated by prescriptive rules.</i> • Policy 5 provide for developments not meeting permitted activity status, while encouraging high-quality developments. <i>The proposed Winton changes allow for development that does not meet permitted activity status while encouraging high quality developments.</i>
<p>Evaluation against CDP Strategic Objectives 3.3.1 & 3.3.2 – Do the proposed</p>	<ul style="list-style-type: none"> • 3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district: <i>Yes, the proposed Winton amendments better achieve the provision as per Objective 1 and Policy 4 above regarding</i>

<p>amendments better achieve the provision?</p>	<p><i>meeting 'needs' by providing choice and flexibility. The proposed provisions provide investment certainty by reducing additional regulatory control, development prescription and cost.</i></p> <ul style="list-style-type: none"> • 3.3.2 Objective - Clarity of language and efficiency: <i>Yes, the proposed Winton amendments better achieve the provision by minimising the number of prescriptive development controls and making rules clear and easy to interpret.</i>
<p>Effectiveness and efficiency</p>	<ul style="list-style-type: none"> • The S42A provisions are complex, provisions addressing the same matter are duplicated multiple times within different rules, they add consenting costs and reduce yields or capacity. Against that context, deletion of the provisions as proposed will be more efficient. • The design-based outcomes in 14.15.1 and 14.15.10 are an effective way to ensure the built form provides for a liveable and safe well-functioning urban environment.
<p>Benefits and costs</p>	<ul style="list-style-type: none"> • The changes are consistent with the direction provided by the NPS-UD, and will clearly signal the planned urban built form and future character of the HRZ. • The revised provisions reduce duplication and complexity. • There are no costs associated with the amendment recommended and will improve implementation.
<p>Risk of acting or not acting</p>	<ul style="list-style-type: none"> • The appropriateness of the Winton relief sought must be evaluated in the context of the direction set out in higher order policy documents and in particular the NPS-UD. • The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Winton will be more in line with outcomes expressed in the NPS-UD.

Decision about more appropriate action	<ul style="list-style-type: none">• The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA.
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