

Regenerate Christchurch

DISTRICT PLAN PROVISIONS & PLANNING
TOOLS IMPACTING ON REGENERATION OF
THE CENTRAL CITY



December 2016

Document Status: Final

Planz Consultants

Quality Assurance Statement:

Application Prepared By:

Planz Consultants Ltd 124 Peterborough Street, PO Box 1845, Christchurch 8140



Jonathan Clease (Senior Planner & Urban designer) DDI: 03 964-4630

E: jonathan@planzconsultants.co.nz

The information contained in this document produced by Planz Consultants Ltd is solely for the use of the Client for the purpose for which it has been prepared and Planz Consultants Ltd undertakes no duty to or accepts any responsibility to any third party who may rely upon this document.

All rights reserved. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of Planz Consultants Ltd.

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	2
2.0	INTRODUCTION AND SCOPE.....	5
2.1	PROJECT SCOPE	6
2.2	SCOPE LIMITATIONS & CONFLICTS OF INTEREST	6
3.0	METHODOLOGY	7
4.0	REVIEW OF EFFECTIVENESS OF DISTRICT PLAN PROVISIONS	7
4.1	DISTRICT PLAN OVERVIEW	7
4.2	DISTRICT PLAN REVIEW DECISION-MAKING FRAMEWORK	9
4.3	SUMMARY OF KEY DISTRICT PLAN PROVISIONS.....	11
4.4	URBAN DESIGN CONTROLS AND THE ROLE OF THE URBAN DESIGN PANEL.....	14
4.5	ROLE OF THE JOINT MANAGEMENT BOARD.....	16
4.6	DESIGNATIONS AND THE OUTLINE PLAN PROCESS.....	17
4.7	CHRIST CHURCH CATHEDRAL REGULATORY FRAMEWORK.....	19
4.8	EASE OF OBTAINING RESOURCE CONSENTS	22
4.9	NON-REGULATORY TOOLS.....	23
4.9.1	Development Contributions:	23
4.9.2	Coordination between Council departments	24
4.9.3	Clear and ongoing communication on Anchor Project progress.....	25
4.9.4	Increased emphasis on transitional use of vacant spaces.....	26
5.0	CONCLUSION.....	28

REVIEW OF DISTRICT PLAN PROVISIONS & PLANNING TOOLS IMPACTING ON THE CENTRAL CITY

1.0 Executive Summary

Background

This report considers the extent to which the Christchurch District Plan and associated resource consent processes are potentially slowing or hindering the regeneration of the Central City. The report also has a specific focus on a study area centred on Cathedral Square to align with the priority area identified by Regenerate Christchurch.

The planning framework put in place through the new District Plan has been the subject of considerable scrutiny following the Canterbury earthquake sequence. This is to ensure that it is fit for purpose in enabling the recovery of the Central City.

District Plan Development

In summary the development of the current District Plan provisions:

- (a) Began with the Christchurch Central Recovery Plan ('CCRP') that established a blueprint for the Central City. The CCRP included substantial amendments to the pre-earthquake City Plan provisions, with these amendments designed to ensure that the regulatory framework enabled recovery, regeneration, and the implementation of the blueprint;
- (b) The revised provisions introduced through the CCRP have in turn been subject to a recent review as part of the wider redrafting of the City Plan as it applies across the whole of the City and Banks Peninsula. This wider review therefore enabled any ambiguities or problematic rules introduced through the CCRP to be identified and resolved, within the statutory restriction that the new District Plan could not be inconsistent with any earlier Recovery Plans;
- (c) The Independent Hearings Panel undertaking the District Plan Review was required to make its decisions with reference to a Statement of Expectations from the Ministers for both Canterbury Earthquake Recovery and the Environment. This Statement of Expectations sought that the new District Plan would significantly reduce the number of rules, their complexity, and would place limits on public notification;
- (d) One of the first decisions issued on the new District Plan set out the Strategic Objectives for the City. The first two preeminent objectives sought to expedite recovery and minimize consenting costs and complexity, and thereby formed the lens through which all subsequent decisions and drafting was undertaken;
- (e) The Central City provisions were available for public submissions and evidence (as was the balance of the District Plan), thereby enabling input from Central City landowners on the proposed planning framework. Overall relatively few submissions and evidence were received

on the Central City provisions. No appeals have been received on the Central City provisions and as such these provisions are now beyond legal challenge.

Findings

The Central City District Plan provisions have been the subject of considerable scrutiny and amendment over the last five years. This is to ensure that they strike an appropriate balance between enabling recovery and regeneration and facilitating an attractive and functional City Centre. In our (that of Planz Consultants Ltd) 'coal face' experience, obtaining resource consents for developments within the Central City has not been especially problematic, with consents generally being processed in a timely manner and on a non-notified basis. Whilst the District Plan rules warrant ongoing monitoring to ensure that they remain fit-for-purpose, overall they do not appear to be unduly impeding the recovery of the Central City.

Anchor Projects

The anchor projects identified in the CCRP have a key role to play in establishing both investor confidence and in providing valued public facilities in the Central City. These projects are all subject to designations, which as a planning tool provides an alternative consenting pathway that is not subject to District Plan provisions. As such the District Plan does not present a barrier to the consenting of the anchor projects.

Cathedral Rule Framework

The recent decisions on the District Plan Review have created a bespoke regulatory framework for the Cathedral. This rule package is reasonably enabling, especially considering the building's prominence in the Central City and its significance as a heritage building. Demolition is permitted where such is necessary for public safety reasons pursuant to a s.38 notice issued under the Canterbury Earthquake Recovery Act.

The rule framework provides an easier consenting route for a restoration solution, with such consents unable to be declined as a 'controlled' activity, and likewise unable to be publicly notified. Conversely the rule framework for a new contemporary design faces a more challenging consenting pathway given that both the demolition and the design of the new building are open to an assessment as to notification, and the demolition component is able to be declined.

Other non-regulatory tools

In addition to the District Plan framework, there are also a number of non-regulatory planning tools that have an impact on facilitating regeneration. In combination with the right regulatory mechanisms, these various tools can make a valuable contribution towards increasing investor certainty. The report identifies the following tools that should be continued and/or strengthened for use in the Central City:

- (a) Council's remission of Development Contributions in the Central City;
- (b) Retaining the voluntary advice role of the Council's Urban Design Panel;
- (c) Within the Cathedral Square study area facilitating clear communication between landowners, Church Property Trustees, Council, and Crown agencies, so that all parties are

aware of development plans and timeframes in the study area and to improve the ability to integrate development outcomes;

- (d) Within the study area in particular having an increased focus on transitional uses and treatment of vacant spaces to provide an appropriate level of amenity and activity as permanent uses become reestablished;
- (e) Council facilitating a 'one stop shop' or internal project management service to coordinate responses and inputs from various Council departments. Such cross-unit communication has occurred in the past to varying degrees but could be made easier to access and better publicised within the development community, especially with the 'rebuild central' office behind Ballantynes being reintegrated back into the main Civic Offices.

2.0 Introduction and Scope

Planz have been asked by Regenerate Christchurch to provide a planning perspective on the effectiveness of the City Plan provisions controlling development within the Central City¹. Whilst considering the whole of the Central City, this report will also have a specific focus on a study area around Cathedral Square. The study area is within the demarcated red line of Figure 1 below and is bounded by Hereford, Manchester, Kilmore, and Durham Streets.

Figure 1. Cathedral Square Study Area



Recovery and regeneration within the study area has been relatively slow compared with much of the Central City. Regenerate Christchurch have therefore sought feedback on the effectiveness of the City Plan provisions controlling development in both the wider Central City area and the study area to better understand whether there are any regulatory hurdles that are hindering redevelopment and whether the planning provisions could be made more effective. This review builds on an earlier review undertaken by Planz for the Canterbury Earthquake Recovery Authority ('CERA') in April 2015 that considered the City Plan provisions and the wider outcomes sought through the Christchurch Central Recovery Plan ('CCRP').

In addition to a review of the planning provisions, Planz have also been asked to provide commentary on our 'coal face' experiences obtaining resource consents for various development projects within the Central City. This section of the report will focus more on Council practice, the role and function

¹ The 'Four Avenues' area comprised of Moorhouse, Fitzgerald, Bealey and Deans Avenues

of the Urban Design Panel, and the replacement of the Joint Management Board ('JMB') with more conventional decision-making processes.

This review will also provide a brief discussion on non-regulatory tools available to the Council, Regenerate Christchurch, and partner organisations, and concludes with some practice observations regarding other hurdles and possible approaches available to facilitate regeneration within the study area.

2.1 Project Scope

The study scope is summarised as follows:

- 1) Identify and summarise the background to the development of the District Plan provisions for the Central City;
- 2) Provide commentary on the effectiveness of the District Plan provisions (objectives, policies and rules) to ensure they sufficiently address the outcomes sought in the CCRP for the study area;
- 3) Provide commentary from a 'coal-face' users perspective, including commentary on the use of an Urban Design Panel and the decision-making process;
- 4) Provide commentary on the use of other tools to facilitate regeneration, including the use of Development Contributions;
- 5) Provide commentary on other non-regulatory methods available to facilitate regeneration within the study area.

2.2 Scope limitations & conflicts of interest

In undertaking this review, the following limitations to the project scope have been identified:

- 1) The review has not sought to revisit the merit of the outcomes sought in the CCRP or the merit of the various anchor projects located within the study area. It is instead simply an examination of the extent to which the District Plan provisions effectively achieve or enable the stated outcomes.
- 2) This review is from a planning/consenting practitioner perspective. The ease of consenting projects is only one element in determining the amount of on-the-ground development that actually occurs. As such this review does not assess matters such as market demand, the financial feasibility of developments, or the ease with which development finance can be secured.
- 3) Planz have represented a number of clients in the Central City, namely CERA, and the City Council (both as applicants for anchor projects or heritage building restoration). Planz have provided planning advice and evidence on behalf of the Church Property Trustees regarding the proposed District Plan heritage provisions relating specifically to the Anglican Cathedral. Planz have also helped to prepare a number of resource consent applications for discrete projects relating to medium density residential developments and commercial projects within the Central City. This 'coal face' experience with the CCRP on real life projects has assisted in

being able to critically evaluate the effectiveness and usability of the CCRP provisions. The findings and recommendations in this report are not considered to benefit any existing clients.

3.0 Methodology

The review methodology was as follows:

- 1) Review of the broad CCRP outcomes sought for the Central City in general and the study area in particular;
- 2) Consider the provisions contained in the District Plan against the CCRP objectives taking into account the information obtained and identify any areas where changes or improvements could be made.
- 3) Review recent decisions on the Central City and heritage provisions made by the Independent Hearings Panel that is tasked with making decisions on submissions to the District Plan Review;
- 4) Liaise with Council consent planners and urban design staff with experience of Central City projects;² and
- 5) Draw on Planz' 'coal face' experience with using the Central City rule package, the role of the Urban Design Panel, and the ease with which resource consents can be obtained.
- 6) Prepare report and provide draft to Regenerate Christchurch for comment.
- 7) Finalise report.

4.0 Review of effectiveness of District Plan provisions

4.1 District Plan overview

The Christchurch Central Recovery Plan ('CCRP') consists of two parts. The front section sets out the vision, outcomes, and anchor projects anticipated to occur within the Central City as part of a successful recovery. This front section and associated map is commonly referred to as the 'Blueprint'. The front section of the CCRP is descriptive in nature, with a heavy reliance on images, maps, and diagrams to communicate the outcomes that the CCRP is seeking to achieve.

The second part is comprised of changes to the District Plan, with these amendments being set out in 'Appendix 1' to the CCRP. The Plan amendments introduced revised zone boundaries, building height

² Pers Coms with Sean Ward (Principal Resource Consent Planner), John Meeker (Principal Urban Regeneration Planner), and Hugh Nicholson (Principal Urban Designer). Whilst Council officers identified a couple of resource consent applications that had been problematic, the issues identified were relatively discrete and site-specific rather than reflecting more systemic concerns with how the Plan's rule package was operating. As a result of this feedback a detailed review of individual resource consent applications was not considered to be necessary for informing the findings of this review.

limits and building bulk and location rules, lists of permitted activities, and designations of the proposed Anchor Projects. A copy of the Appendix 1 maps showing zone boundaries, heights, and designations is included as Attachment 1 to this report.

Subsequent to the CCRP being gazetted, a series of addendum chapters were developed separately to address in more detail specific geographic areas of the Central City or topical themes. These addendums included:

- A Residential Chapter (entitled 'A Livable City');
- A Transport Chapter ('an Accessible City');
- A chapter focusing on the South Frame area that is generally located between Tuam and St Asaph Streets and includes both the Innovation and Health Precincts; and
- A chapter addressing noise and entertainment provisions.

It is important to emphasize that the City Plan amendments introduced through Appendix 1 were focused on ensuring an enabling regulatory framework was in place in order to facilitate the timely recovery of the Central City. Appendix 1 therefore comprised a significant revision and rationalization of the City Plan regulatory framework that existed prior to the earthquakes. These extensive amendments were considered and subsequently confirmed by the Minister for Canterbury Earthquake Recovery as an integral component of the CCRP.

The CCRP was created by CERA, under the provisions of the Canterbury Earthquake Recovery Act (CER) 2011. This Act ceased in April 2016. The replacement legislation is the Greater Christchurch Regeneration Act 2016 ('GCRA'). This new legislation provides the ability for the preparation of Regeneration Plans, and these plans can include amendments to statutory planning documents such as the District Plan and Recovery Plans including the CCRP. The CCRP remains as a Recovery Plan, and any new regeneration plans prepared under the GCRA cannot be inconsistent with³ a Recovery Plan.

In summary, a Regeneration Plan can only amend the District Plan in isolation to the extent that such amendments are not inconsistent with the provisions developed through the CCRP. The legislation does however also enable the CCRP to be amended through a Regeneration Plan. In essence any substantive amendments to the District Plan will therefore also require an amendment to the CCRP.

The Christchurch City Council is currently reviewing the City Plan⁴, with this process to be concluded by the end of 2016. This is the first comprehensive review of the Plan since it was originally notified in 1995, and includes consideration of the amendments to the City Plan that were introduced through Appendix 1 to the CCRP and subsequent addendum chapters. Of significance, the District Plan Review cannot result in any provisions that are 'inconsistent with' the CCRP.

³ s124

⁴ This review is being undertaken through the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, rather than the usual Resource Management Act framework for reviewing District Plans. The Order qualifies how the RMA applies. The GCRA s148 provides that the 2014 order continues to apply for the purpose of completing the District Plan Review.

The review has been broken into three stages for logistical purposes, with the first stage incorporating the strategic policy direction, and residential, commercial, industrial, transport, subdivision, and natural hazards chapters (for those areas outside of the Central City⁵). The Central City provisions formed part of the third stage, and focused on incorporating into the proposed Replacement District Plan the provisions relating to the Central City i.e. the notified District Plan largely rolled over the rules introduced through the CCRP, reflecting the statutory mandate to not be inconsistent with the CCRP.

CERA was an active participant in the District Plan Review process via a whole of Government submission process which it led. The 2015 Planz review referred to above helped to inform the Crown submission on the Central City provisions, and in particular enable a consideration of the extent of any amendments that could ensure that the District Plan continued to provide an effective tool for achieving the outcomes sought in the CCRP. In short, the District Plan Review provided an opportunity to reflect on the effectiveness of the enabling regulatory framework put in place through the CCRP, with the Appendix 1 framework having been operative for a couple of years. The amendments sought by the Crown in their submission could broadly be described as tweaks to the CCRP statutory framework to reduce ambiguity and to provide clarity of direction. Limited substantive changes were identified as being necessary, with the framework considered by the Crown to be generally effective.

The submissions on the proposed District Plan were considered by an Independent Hearings Panel, with the Panel membership including a retired High Court Judge, an Environment Court Judge, experienced planning commissioners, and an Iwi representative.

4.2 District Plan Review decision-making framework

The Panel, in forming their decisions, are to have particular regard to a Statement of Expectations contained within the Fourth Schedule to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 that sets the statutory framework for the District Plan Review. The Statement of Expectations sets out the outcomes sought to be achieved by the Minister for Canterbury Earthquake Recovery and the Minister for the Environment through the District Plan Review. Of particular relevance, the Statement of Expectations seeks that the replacement District Plan:

Clearly articulates how decisions about resource use and value will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans)-

- (i) Reliance on resource consent processes; and*
- (ii) The number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
- (iii) The requirements for notification and written approval.*

The Panel were mindful of these expectations in their early decision on the objectives that set the 'Strategic Direction' for the District. This early decision sets the high level objectives for the District Plan review, with all subsequent decisions (and Plan provisions) needing to support and be consistent

⁵ The area inside the Four Avenues of Moorhouse, Deans, Bealey, and Fitzgerald.

with this strategic framework. The Strategic Directions chapter begins with an ‘interpretation’ clause that states:

For the purposes of preparing, changing, interpreting and implementing this District Plan:

- (a) All other objectives within this chapter are to be expressed and achieved in a manner consistent with Objectives 3.3.1 and 3.3.2; and*
- (b) The objectives and policies of all other Chapters of the District Plan are to be expressed and achieved in a manner consistent with the objectives of this Chapter.*

The Strategic Directions objectives start with two key objectives that set the scene for all subsequent provisions. Given their critical importance these two provisions are set out in full as follows:

Objective 3.3.1 – Enabling recovery and facilitating the future enhancement of the District

The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:

- (a) Meets the community’s immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural wellbeing; and*
- (b) Fosters investment certainty; and*
- (c) Sustains the important qualities and values of the natural environment.*

Objective 3.3.2 – Clarity of language and efficiency

The District Plan, through its preparation, change, interpretation and implementation:

- (a) Minimises:*
 - (i) Transaction costs and reliance on resource consent processes; and*
 - (ii) The number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
 - (iii) the requirements for notification and written approval and*
- (b) Sets objectives and policies that clearly state the outcomes intended; and*
- (c) Uses clear, concise language so that the District Plan is easy to understand and use.*

The Panel is therefore considering the merit of submissions and making its determination on the Central City policy and rule package within a statutory framework that:

1. Began with the CCRP that established a blueprint for the Central City and included substantive amendments to the pre-earthquake City Plan provisions to ensure that the regulatory framework enabled recovery and the implementation of the blueprint;

2. Enables the rule framework introduced through Appendix 1 to the CCRP to be reviewed as part of the wider District Plan review a couple of years after it first had effect, thereby enabling any ambiguities or problematic rules to be identified and resolved;
3. Requires any amendments to not be inconsistent with the CCRP;
4. Undertakes this review through the lens established by the Ministers' Statement of Expectations that the new District Plan will significantly reduce the number of rules, their complexity, and will place limits on public notification; and
5. Undertakes the decision on the Central City provisions through the framework established through the early decision that established the Strategic Directions for the District and in particular included two pre-eminent objectives that seek to expedite recovery and minimize consenting costs and complexity.

4.3 Summary of key District Plan provisions

Decisions on the Central City provisions⁶ were recently notified on 27th September, with the appeal period⁷ closing on 27th October. No appeals were received on the Central City provisions. This decision provides a detailed commentary on the evidence before the Panel and the need for various rules. It is important to note that apart from evidence presented by the Carter Group, there were very few other commercial property owners or developers that raised any concerns or provided any evidence regarding problems with the proposed rule framework for the Commercial Central City Business Zone. The Carter Group evidence likewise had a reasonably narrow focus that was primarily on the implementation of the proposed urban design rule and 'active frontage' provisions. As noted above, the Crown's submission sought only minor amendments to the rule package, reflecting both an assessment that the rules were generally appropriate and effective, and the statutory requirement that any changes be not inconsistent with the CCRP.

Commercial Central City Business Zoning

The majority of the study area has a Commercial Central City Business Zoning ('CCCB zone'), along with areas of Open Space zoning (Victoria Square and the Avon River corridor) and transport zoning (the road network including New Regent Street and portions of Cathedral Square). The CCCB Zoning rule package controls the following matters:

- 1) A list of permitted activities⁸. This list is broad-based and permits a wide range of activities that are typically found within Central City areas. It includes office, retail, hospitality, guest accommodation, community facilities, and residential activities. Retirement villages and

⁶ Separate decisions were issued on historic heritage, open space, and general city rules controlling matters such as noise, signage, glare, sale of alcohol etc.

⁷ To the High Court on points of law only

⁸ Rule 15.10.1.1

parking lots/ parking buildings⁹ require a resource consent as restricted discretionary activities. All other activities that are not permitted require a resource consent as fully discretionary activities¹⁰;

- 2) Residential units need to meet standards relating to unit size, and the provision of balconies/ courtyards and storage areas;
- 3) A 'catch-all' urban design rule that requires a resource consent to be obtained for any new building or alterations to existing buildings within the Central Core area¹¹. The urban design controls are discussed in more detail later in this report;
- 4) Height limits requiring new buildings be at least two stories in height, with a maximum road wall height of 21m, a maximum total height of 28m (8m limit for New Regent St), and with a recession plane applying from the maximum road wall height¹²;
- 5) A series of 'active frontage' provisions that collectively require buildings to be built to the site's road boundaries, a minimum of 3.5m ground floor internal stud height, verandas, and controls on the location of carparking (if provided)¹³;
- 6) Transport provisions that are reasonably enabling, with no on-site parking required for permitted activities.

All of the above rules, with the exception of those relating to building height, are explicitly to be processed on a 'non-notified' basis. This means that neither neighbours nor the wider public can make submissions on the resource consent application. The extensive use of a 'non-notified' clause reflects the above enabling framework within which the Panel made their decision. It also provides considerable certainty to applicants regarding consenting timeframes and risk.

In reaching their decision on the need for rules, the Panel gave careful consideration to the balance to be struck between facilitating recovery and concurrently ensuring adequate levels of amenity and a high quality urban environment are achieved. The decision includes extensive commentary and testing of the need for regulation and the effect that might have on dis-incentivising development and recovery. The Panel likewise gave careful consideration to whether the rule framework for the Central City was more onerous than that applied to the suburban commercial centres, to ensure that the District Plan provisions did not act as a driver for pushing development into the suburbs.

Mixed Use zones

The Commercial Central City Business zoning is bounded to the north, east, and south by a Commercial Mixed Use zone ('CMU'). The areas covered by the CMU zone generally contained light industry and car yard activities prior to the earthquakes, along with some large format retailing and supermarkets

⁹ Rule 15.10.1.3, RD6 & RD8

¹⁰ Rule 15.10.1.4, D2

¹¹ The 'Core' is the Commercially zoned land that is generally bounded by Manchester, Kilmore, Montreal, and Tuam Streets.

¹² Rules 15.10.2.3, 4, 11, 12

¹³ Rules 15.10.2.1-5

adjacent to Moorhouse Avenue. As the name suggests, the CMU zoning provides for a mix of activities, including residential. The zoning enables a transition away from light industry towards activities more in keeping with a city centre location. The rule package limits building height to 17m, and also places limits on the extent of office and retail that can locate to encourage these activities to concentrate in the CCB zone. The CMU also includes specific provisions to enable the development of the South Frame including the Health and Innovation Precincts, and recognises the continuation of large format retailing along sections of Moorhouse Avenue. The only part of the CMU that is subject to urban design controls is the South Frame.

In terms of fulfilling their role, there has been extremely limited take-up of residential in the CMU, including the South Frame area. An apartment complex currently under construction in Welles Street and additional student accommodation on St Asaph Street adjacent to Ara are notable exceptions. This lack of development is considered to have more to do with property economics and the lack of sufficient amenity to support residential activities than overly restrictive District Plan provisions. As a general observation, residential development follows amenity rather than leads it. That said, if residential uptake is limited, and the District Plan places limits on commercial and retail in the CMU, with industrial also being discouraged, then the question to be posed is whether the Plan is limiting redevelopment of this area. There are examples of smaller-scale office and permitted categories of retail developments being constructed in the CMU's, especially in locations that have a degree of amenity or proximity to existing activity nodes such as Ara or the South City retail area. Development within the South Frame may also be encouraged now that uncertainty regarding the designation has been resolved with significant portions of the designation uplifted, plans for the central greenway under development, and the health, innovation, and nearby justice and emergency, and metro sports facility precincts all progressing. On balance, it is considered premature to revise the CMU and South Frame provisions given the transitional nature of these areas and the fact that various nearby anchor projects and public realm parks and laneways are still being developed. The CMU area is however considered to be a part of the Central City that warrants ongoing monitoring to ensure that the outcomes sought in the zone are being achieved and it may be that in the medium term the provisions will need to be revisited if development and regeneration (especially residential) remains limited even after the anchor projects and public realm parks and laneways have been established.

Residential zones

The District Plan provides a strong, consistent policy framework that is supportive of residential development throughout the Central City. As noted above, residential development tends to follow the provision of high public amenity, rather than lead such provision. Accordingly residential development to date has tended to be concentrated in those parts of the Central City that already display high levels of amenity such as the western Residential zones¹⁴ that are in close proximity to Hagley Park and the Arts Centre precinct. As public realm amenity becomes established through the Avon River Corridor, North, East, and South Frames, and the anchor projects are completed, it is anticipated that residential development will become more market-attractive.

¹⁴ The Residential zones include four discrete blocks of land that have a Guest Accommodation Zoning that recognises long-established hotels in the residential parts of the Central City.

There has been steady rebuilding of two and three storey townhouse typologies throughout the Residential Zones, with consenting in Planz' experience being relatively straight forward. The key District Plan issue with the Residential zones has not been so much on the rule package controlling residential development, but rather the adequacy of the rules in managing ongoing pressure for non-residential activities to become established. The new District Plan rule package provides for small 'work from home' activities and makes limited provision for community facilities, whilst limiting other types of non-residential activity. As with the CMU Zone above, the effectiveness of the rule package in limiting non-residential development is a matter that would benefit from ongoing monitoring by the Council to ensure that the District Plan is effective in retaining these areas primarily for residential activities.

In summary, the District Plan provisions are considered to be relatively enabling of residential development, with limited take-up outside of the residential zones due to wider factors influencing development economics.

4.4 Urban design controls and the role of the Urban Design Panel

The CCRP Appendix 1 rule framework established the need for all new buildings, alterations, or use of a site not undertaken in a building within the Central City Core area and where visible from a publicly owned and accessible space to obtain a resource consent based on a qualitative urban design assessment. Similar urban design rules existed in the South Frame Mixed Use Zone and for developments comprised of three or more residential units in the Residential Zones. These consents had a restricted discretionary activity status, which means that the matters that Council can consider are limited to those set out in six assessment matters. The restricted discretionary activity status means that Council has the ability to decline a consent. All such applications were explicitly to be processed on a non-notified basis.

Such applications typically include an urban design assessment prepared by either the applicant's project architect or planner. For medium and large scale projects, the proposal is generally presented to the Council's Urban Design Panel ('UDP'). Such presentations can occur either at a pre-application stage before the application is lodged, or once it has been lodged. The UDP is comprised of experienced design professionals with qualifications and experience in architecture, urban design, landscape architecture or property development (with the latter category being somewhat underrepresented¹⁵). The UDP makes recommendations on proposals, which applicants are then able to respond to. It is important to emphasise that whilst presenting to the UDP is voluntary, in practice Council routinely puts applications to the UDP for their assessment and applicants are generally loathe to object as it is simply quicker and easier to go to the Panel than to seek to avoid it. The applicant is not charged for the UDP's time. The UDP does not have any decision-making or reporting functions, rather it provides an independent design review to help inform development decisions.

¹⁵ The Council has recently completed an Expressions of Interest ('Eoi') process for new members of the UDP. The Eoi in particular sought experts with experience in assessing development finance and commercial viability.

Whilst the UDP does not have any formal reporting functions, the recommendations of the UDP are nonetheless referred to by Council processing planners and urban designers when making their recommendations to the decision maker. As a consequence, receiving a positive set of recommendations from the UDP is generally seen by applicants as being of considerable assistance, and conversely negative recommendations can be challenging in terms of the consent being granted. Provided the quality of recommendation from the UDP is robust (and in Planz experience this can be somewhat variable depending on the make-up of the individual panel), the UDP has an important role to play in first collaboratively assisting applicants in achieving a better design outcome for their development by providing an independent set of eyes on their design, and secondly in assisting Council officers in forming their recommendations on poorly designed proposals that will not contribute towards the CCRP outcomes of a vibrant, attractive Central City.

The Panel's decision has retained the need for an urban design assessment, however has made some fundamental changes as to how it can be undertaken. The Panel have introduced a new controlled activity¹⁶ for the CCB and CMU zones that enables the applicant to have their design certified by a design expert as meeting a list of outcomes set out in the Plan and based on the six assessment matters for the old urban design rule in the CCRP. Council's control is then limited to ensuring that the development occurs in accordance with the certified design i.e. that the Building Consent and subsequent construction matches the resource consent plans. Such consents are to be explicitly processed on a non-notified basis. The proposed regulatory approach to urban design matters is generally consistent with that proposed in earlier Panel decisions on the suburban commercial zones, with the only difference being the threshold at which such an assessment is required¹⁷. The lower threshold for the Central City was considered to be justified by the Panel on the basis of the much more intensely urban and pedestrian-focussed context, along with the much greater heights and scale of buildings permitted.

The new controlled activity rule has two key advantages for applicants over the abovementioned restricted discretionary activity rule. Firstly controlled activities cannot be declined, providing certainty that resource consent will be achieved. Secondly, it is the applicant's expert who is certifying the design, which avoids the need for negotiation with Council staff and the potential uncertainty that may result. In essence, the rule simply ensures that the design of new developments is assessed by an expert as achieving the desired outcomes set out in the District Plan, but essentially avoids the need for any further assessment or merit-based consideration by the Council.

It may be that the new certification approach will see a decline in the use of the UDP as applicants will no longer feel they need the UDP's 'tick of approval' for advancing their resource consent applications and Council Officers do not have the scope to consider matters of design merit. Conversely, if the independent design review function of the UDP is truly valued then there is nothing to prevent developers from continuing to make use of the UDP.

¹⁶ Rule 15.10.1.2, C1. It should be noted that the Controlled route does not apply to the Residential Zones.

¹⁷ The threshold for assessment is 4,000m² gross Leasable floor area for District Centres and 1,000m² gross leasable floor area for the smaller neighbourhood centres.

In order to certify an application, the expert has to first be included on a Council approved list. Development of this list is potentially challenging as unlike engineering or architecture professions there is no urban design industry body or registration process. The Council will therefore need to develop criteria for assessing what a 'qualified expert' is in terms of qualifications and experience, the process for being included on the list, and potentially the process for being taken off the list to guard against 'rogue' certifiers. Submitters expressed concern to the Panel that there was a risk of the Council only adding a small number of 'tame' experts to the list of whom the Council could be confident would support a Council view. The Panel were not convinced that this was a significant risk, however the process by which the list is derived will be closely watched by the Central City development community to ensure it is fair and transparent. Timeliness in Council producing the list is also important, especially given that the suburban commercial centre decision was issued in December 2015 with a similar rule and Council has yet to produce a list or release the selection criteria.

The Panel's decision has retained the previous restricted discretionary¹⁸ resource consent route for applications that are not certified (or that are applied for in the coming months before Council has produced a list of approved certifiers). This alternative route enables the urban design merits of the proposal to be assessed by Council and the application declined if the design is not appropriate. As with the CCRP rule, the proposed restricted discretionary rule is to be explicitly processed on a non-notified basis.

In addition to the urban design rules, there are several non-regulatory design guides available to assist in guiding designers and developers as to appropriate outcomes. These documents include a guide produced by Matapopore on how to reflect Ngai Tahu values in contemporary designs, and the award winning 'Streets and Spaces Design Guide' that has a particular focus on public sector-led developments and works within the public realm.

4.5 Role of the Joint Management Board

The CCRP directed the establishment of a Christchurch Central Joint Design Approvals Board ('JMB') as an independent hearings panel appointed under the Council's delegations manual to make decisions on urban design-related resource consent applications for the Core area of the Central City Business Zone within 5 working days. The Board comprised of three members with one member appointed by each of CERA, CCC, and Ngai Tahu.

Whilst the JMB was established for considering resource consents triggered by the urban design rule, where applications triggered both the urban design rule and other more general built form rules, then the JMB also considered those other consenting matters i.e. the JMB considered the application holistically at a single hearing. Where this circumstance arose, the Council appointed the JMB as independent commissioners (as it does for a wide range of other resource consents that would benefit from consideration by an independent commissioner).

Feedback from both the JMB Chair and Council Planners sought as part of the 2015 Planz review was that the development community valued having decisions made by an independent panel, especially for larger projects where the costs of the panel were a very small component of the overall project. It

¹⁸ Rule 15.10.1.3, RD1

was considered by both Council planners and the Chair that the process could be refined such that smaller applications and minor changes of condition made under s.127 of the Resource Management Act 1991 could be efficiently processed and considered by Council officers under delegation. This alternative route for minor applications was felt to both reduce costs for applicants, reduce workload for the JMB, and concurrently still ensure that larger schemes benefited from independent consideration.

The earlier feedback from the Chair and Council Officers noted that whilst the JMB (as decision maker) had a separate role and different membership to the Urban Design Panel (advisory function), that the distinct roles of the two panels were complementary. There was significant benefit to the JMB for proposals to have been previously considered by the Urban Design Panel and schemes amended in response to feedback. This meant that by the time applications came before the JMB for a decision, the majority of design issues had already been resolved which made decision-making easier and more efficient.

It is important to emphasise that the JMB was only in existence due to the need for such a panel being directed in the CCRP. When this direction ceased in 2016 with the end of the CER Act, the JMB ceased to have any statutory mandate and likewise Council was no longer under any direction to use such a panel. The JMB is therefore no longer in existence. It has been replaced by Council Officers making decisions under delegation on smaller resource consent applications (as is typical throughout the City). For larger resource consent applications in the Central City, the Council typically chooses to appoint independent commissioners to make the decisions on a case-by-case basis under the existing delegation powers that are used to appoint commissioners more generally.

In Planz experience, this two-step approach with Officers determining smaller applications and commissioners determining larger applications works well and is efficient for both applicants and Council staff. It is also a route that is very familiar to the development community and is consistent with how resource consents are determined City-wide.

4.6 Designations and the Outline Plan process

A key component of the planning framework for the study area is the number of designated anchor project sites introduced through the CCRP for which the Minister for Canterbury Earthquake Recovery was the Requiring Authority. Within the study area, designated anchor projects include:

- Convention Centre Precinct (recently transferred to Otakaro Ltd);
- Performing Arts Precinct (recently transferred to Otakaro Ltd);
- Central Library (recently transferred to the Council);
- North Frame (recently transferred to Otakaro Ltd)¹⁹;

¹⁹ The study area is also directly west of the East Frame which is now held by Otakaro Ltd

The CCRP designations are not subject to any conditions. The study area also includes designations for Justice (the existing law court precinct) and telecommunications (Spark building at 91 Hereford St).

For designations generally, the Requiring Authority (the organisation that imposed the designation) is seeking to acquire land for a public work that the Requiring Authority will then continue to own and manage into the future e.g. a new school, motorway extension, electricity transmission corridor etc. The designation process has been designed to facilitate the development and ongoing operation of key social and physical infrastructure. The CCRP designations are therefore somewhat untypical as the Requiring Authority does not in all cases intend to be the long term owner and manager of the asset. The Crown has largely completed the land acquisition process for the Anchor Projects located within the study area. The Crown are therefore significant landowners in the study area.

Once a designation is established in the District Plan, subsequent works undertaken by the Requiring Authority which are within the purposes of the designation are approved using an 'Outline Plan of Works' process. In essence, the designation provides the 'in principle' recognition that the infrastructure is appropriate in the given location, and then the subsequent Outline Plan provides the design detail of a specific infrastructure project.

It is important to emphasise that provided the proposed works are in accordance with the purpose of the designation, then the proposal is not subject to the underlying zone rules. The Outline Plan procedural route is therefore completely separate from the alternative resource consent process²⁰.

Once an Outline Plan is submitted to the Council, the Council has 20 working days to request changes to the Plan, which the Requiring Authority can choose to accept or reject. If the Requiring Authority does not accept the request for amendments, then the onus falls on Council to appeal to the Environment Court. It is extremely uncommon for a Territorial Authority to exercise such rights of appeal.

The Outline Plan process has a number of fundamental differences from resource consents, and consequently has a lower consenting risk profile:

- 1) The District Plan rules do not apply, rather an Outline Plan application simply has to describe what is proposed, and how effects will be managed;
- 2) Council cannot decline an Outline Plan but instead is limited to seeking amendments to the plans which the Requiring Authority can choose to accept or reject;
- 3) Outline Plans cannot be publicly notified, therefore no third parties can get involved or have any subsequent Environment Court appeal rights;
- 4) The Council cannot place the application on 'hold' for further information, therefore there is certainty regarding the 20 working day processing timeframe;

²⁰ It should be noted that the Outline Plan process does not override the need for Regional Council consents, or consents required under National Environmental Standards.

- 5) Council cannot place any conditions on the application.

Planz have prepared the Outline Plan for the Bus Interchange and the resource consent for the Central Library. Whilst the library site was designated, the enabling District Plan rules framework meant that there was little material difference in timeframes or risk associated with progressing the application via the standard resource consent route rather than as an outline plan. Both the library and the bus interchange applications were processed in a timely manner.

The extent of designated land means that a significant proportion of the study area is not subject to District Plan rules for works that are in accordance with the purposes of the designations.

4.7 Christ Church Cathedral Regulatory Framework

Resolution of the future of Christ Church Cathedral ('the Cathedral') is a critical element in the use and appearance of Cathedral Square. The Church Property Trustees ('CPT')²¹ hold a s.38 notice²² issued under the CER Act that provides for the demolition of the Cathedral to the extent necessary to remove hazards.

The wider upgrade of Cathedral Square itself was identified as a project in the CCRP, however it is understood that the Council is reluctant to commit to an upgrade design for the public open space prior to the future of the Cathedral being confirmed. It is understood from Council officer feedback that landowners around the edges of the Square are in turn reluctant to commit to projects without some certainty regarding the future design and use of both the Cathedral and the Square itself.

The demolition, restoration, and future designs of any replacement Cathedral have been the subject of ongoing public interest and litigation. In an effort to progress a decision on the Cathedral, the Crown commissioned an independent review undertaken by Ms Miriam Dean QC in November 2015 ('the Dean report'). This report was prepared with input from both the Church Property Trustees and the Great Christchurch Buildings Trust regarding the engineering feasibility and costs of restoration.

The Dean report has concluded that:

- (a) It is feasible, from an engineering perspective, to reinstate the Christchurch Cathedral (through a combination of repair, restoration, reconstruction, and seismic strengthening), or to replace it entirely;
- (b) The costs of reinstatement are in the order of \$105m;
- (c) A new Cathedral of a similar size and scale could be constructed for \$63-67m, noting that it would be possible to reduce the size and scale so that the design met the funds on hand;
- (d) That these cost estimates will increase the longer a decision is delayed.

²¹ CPT are the Anglican body responsible for the management of the Cathedral

²² S.38 enabled a notice to be issued enabling the demolition of a building that was posing a safety hazard to the point that the safety hazard was removed.

Following receipt of the Dean report, the Crown has established a working group to further explore issues relating to the cost, safety, and funding of the reinstatement option. This working group is anticipated to report back on its preliminary findings by the end of 2016.

The regulatory framework controlling demolition, repair, and replacement of the Cathedral has been the subject of considerable evidence through the District Plan Review. This evidence, and the Panel's subsequent decisions on the Central City proposal and historic heritage provisions of the Natural and Cultural Heritage proposal, recognised the key role the Cathedral plays in the City and the need for a timely decision on its future in terms of achieving wider recovery and regeneration outcomes. The Panel confirmed the Cathedral as a Group 1 heritage building of 'High Significance'. The Panel carefully considered the need for certainty and timely decision making whilst balancing the need for public input and interest in this key building. In charting a course through these potentially competing interests, the Panel has decided on a regulatory framework that provides for a number of different scenarios:

Scenario 1 – Demolition necessary to remove a hazard under s.38:

Demolition that occurs within the scope of the s.38 notice is permitted²³. It is important to note that the CPT sought this rule to provide certainty in the event that the replacement legislation did not provide a 'roll-over' framework for s.38 notices once the CER Act's jurisdiction finished in April 2016. The Panel noted that there is a degree of subjectivity in determining the extent of demolition that might be necessary to remove hazards, however they determined that should such a matter arise then it would need to be considered by the High Court and that the ambiguity lay with the framing of s.38 rather than the proposed District Plan rule.

Scenario 2 – Reconstruction and restoration:

Demolition that occurs as an integral component of restoration and/or reconstruction is a controlled activity, and the rule is explicit that any application is to be processed on a 'non-notified' basis²⁴. In order to be processed as a controlled activity, such a consent for demolition is required to be "made in conjunction with a resource consent application for restoration and/or reconstruction".

Interestingly, restoration or reconstruction is a permitted activity under rule P11 of Chapter 9 Natural and Cultural Heritage, and therefore does not require a consent, provided that the works are undertaken in accordance with a certified heritage works plan prepared by a recognised heritage professional²⁵. Where the works are not certified then restoration will require a consent as a controlled activity²⁶.

In essence, the proposed rule framework provides for restoration works to be undertaken as a controlled activity, provided both the acts of demolition and the subsequent restoration are undertaken as an integrated works package. Controlled activity status means that consent cannot be

²³ Rule 9.3.4.1 (P8)

²⁴ Rule 9.3.4.2 (C3b)

²⁵ Such heritage works plans need to address an extensive number of matters set out in Appendix 9.3.7.5

²⁶ Rule 9.3.4.2 (C2)

declined, however conditions can be placed on the consent. The rule is explicit that applications are to be processed on a non-notified basis.

Scenario 3 – Demolition and a replacement Cathedral or church of a contemporary design:

Demolition that occurs as a precursor to a new build option is a Restricted Discretionary activity²⁷. This activity status means that consent can be declined. Public notification is left open to the normal assessment and decision making on notification under s.95 RMA.

The regulatory framework guiding the design of a replacement building is addressed in the Panel’s separate decision on the Central City provisions, on the basis that once the building is demolished it is no longer such a heritage matter, but instead sits more appropriately within the Central City provisions.

The design of a new building for a spiritual facility is a controlled activity²⁸, provided the design is certified by a qualified expert on a Council approved list as meeting each of the urban design provisions/ outcomes for buildings at 100 Cathedral Square. These outcomes are set out in clause 15.13.4.1. As noted above, the Council has yet to produce a list of approved urban designers. The rule package is silent on how an application for a new spiritual facility is to be processed in the event that the design is not certified, and therefore such a scenario is likely to be subject to a catch-all fully discretionary assessment under rule 15.10.1.4 (D2) as an activity ‘not otherwise provided for’.

Whilst controlled activity status means that the application cannot be declined, the rule is silent on notification and therefore the potential effects of the new design and the consequent need for notification will be subject to the standard s.95 RMA assessment.

It is important to emphasise that the controlled activity rule also includes an explicit statement that “the built form standards in Rule 15.10.2 shall not apply to this activity”. This exemption means that a new spiritual facility is not subject to the standard built form rule package that covers matters such as glazing, height, verandas, minimum ground floor heights etc in recognition by the Panel that the built form rule package has been designed for a commercial building context and as such would be inappropriate for a replacement cathedral.

Scenario 4 – Demolition and new buildings that are not spiritual facilities:

Under this scenario, the demolition of the Cathedral is a restricted discretionary activity under the same rule as set out above in Scenario 3. The design of the replacement building and the use of any part of the site not occupied by a building is a restricted discretionary activity²⁹. The standard Central City Commercial Zone rule package applies to built form. This activity status means that consent can be declined, and a decision on notification is subject to s.95 assessment.

Summary

²⁷ Rule 9.3.4.3 (RD8)

²⁸ Rule 15.10.1.2 (C2)

²⁹ Rule 15.10.1.3 (RD9)

The rule package managing the future of the Cathedral is reasonably enabling, especially considering the building's prominence in the Central City and its significance as a heritage building. The rule framework provides an easier consenting route for a restoration solution, with such consents unable to be declined, and likewise unable to be publicly notified. Conversely the rule framework for a new contemporary design faces a more challenging consenting pathway given that both the demolition and the design of the new building are open to a s.95 assessment as to notification, and the demolition component is able to be declined. Given the heritage significance of the Cathedral it would be surprising if a s.95 assessment was able to conclude that effects on the wider environment were unlikely to be more than minor i.e. there is considered to be a strong likelihood that such an application would be publicly notified, with the attendant rights of appeal to the Environment Court from submitters.

A restoration solution is therefore likely to result in a timelier and certain consenting decision than a new build scenario.

4.8 Ease of obtaining resource consents

The regulatory framework established through the CCRP was expressly developed to facilitate the recovery of the Central City. This framework has in turn been recently reviewed by an Independent Hearings Panel operating within a Statement of Expectations that the District Plan provisions will be clear and easy to use, and minimise the need for resource consents and public notification. That review included submissions from the Crown identifying minor amendments to improve the usability and effectiveness of the rule framework. As such, the resultant regulatory framework is generally enabling.

Planz have been involved in obtaining numerous resource consents in the Central City since the earthquakes. These projects have ranged from the new Central Library referred to above, restoration of a number of heritage buildings³⁰, and a range of commercial and medium density residential developments. Planz have also found that the straight forward regulatory framework has resulted in numerous consents being prepared by project architects or applicants without the need for specialist planning input. Apart from several signage (billboard) applications, all the resource consents that Planz have been involved with have been processed on a non-notified basis. Processing has generally occurred in a timely manner, with the only topical areas where delays have been experienced being in relation to heritage buildings and urban design (and more so with residential than commercial projects).

The ease of consenting within the Central City is a product of both the enabling planning framework and Council's consenting team having dedicated planners who specialise in the Central City and who have the requisite interpersonal communication skills to handle large high profile proposals. This approach has enabled consistent processing and rule interpretation, and a degree of trust and

³⁰ Town Hall, Theatre Royal, Provincial Chambers, Christchurch Club, Curators House, Nurses Memorial Chapel and Hagley band rotunda, and the Edmunds and Victoria clock towers.

understanding to be developed between the development community and Council's processing arm for developments within the Central City.

4.9 Non-regulatory tools

The District Plan is simply one tool amongst a package of approaches that in combination implement the CCRP aspirations. This is best illustrated through the 'context' diagram on page 7 of the CCRP that sets out the wide range of tools and approaches necessary for the successful implementation of the CCRP. For example, the delivery of anchor projects will be achieved through a mix of funding agencies, with the District Plan provisions simply providing an enabling regulatory context. A number of the aspirations and outcomes sought in the CCRP will therefore be matters that cannot be delivered through regulation, as they will rely on the successful use of other tools.

4.9.1 Development Contributions:

The Council is able to take Development Contributions ('DCs') in accordance with a Development Contributions Policy developed under the Local Government Act. DCs are taken at the time of subdivision or development as a monetary contribution towards the costs of providing capacity of Council infrastructure and as such will vary across the City reflecting the differing costs of providing infrastructure to different suburbs. DCs are generally required to be paid prior to receiving a Code Compliance Certificate for buildings or a s.224 certificate for subdivisions.

The Council has agreed to two separate rebate schemes in the Central City as a tool for supporting recovery. These rebates are only confirmed once building commitment has occurred, with this commitment generally considered to be the building inspection of the foundations. The reason for this is that numerous projects receive resource consent, but then for a variety of reasons do not progress to construction. Both schemes run until 2020, or until the money runs out, whichever occurs first. The schemes therefore have an element of 'first in – first served'. Both rebate schemes are capped at a maximum rebate of \$1m per development, with any rebates above this level to be considered by Council's Strategy and Finance Committee on a case-by-case basis.

The two rebate schemes available in the Central City are as follows:

- 1) **Commercial rebate**³¹: The first rebate scheme relates to any non-residential development where this is located within the Central City Commercial zone (but not the Mixed Use zones). This rebate covers a broad range of activities including commercial, community, hospitality, or guest accommodation developments. This is a \$5m fund of which \$1m has been spent and another \$700k tagged to developments that are working their way through the system i.e. have been granted either resource or building consent but construction has not advanced to the point of foundation inspection;

³¹<https://ccc.govt.nz/assets/Documents/Consents-and-Licences/development-contributions/CentralcityBusinessZoneNonResidentialRebateCriteria.pdf>

- 2) **Residential rebate**³²: The second rebate scheme is for residential development across the Central City i.e. it is available for residential development that occurs within both the Residential and Commercial Zones. This scheme replaced a similar earlier DC rebate scheme that ended in July 2015. This scheme has a \$10m fund of which only approximately \$550k has been spent, however there is another \$4m tagged to developments that have either received resource or building consent but are yet to be built.

The residential rebate is also conditional on the project having resolved any 'fundamental' urban design issues identified through an urban design review.

Both schemes make a helpful contribution towards the business case for developments in the Central City and provide a small competitive advantage to development occurring within the Central City rather than the suburbs. The schemes also assist in generating an element of good will in the development community as a tangible example of Council 'putting its money where its mouth is' and proactively looking to assist with Central City regeneration.

4.9.2 Coordination between Council departments

In order to obtain the required approvals, large scale development proposals frequently need to interact with a wide range of Council departments. For example, a large commercial development with hospitality on the ground floor will require interaction with the following:

- Urban Design team;
- Resource consent team;
- Building consent team;
- Liquor licensing;
- Health certification;
- Roading asset team for both construction phase and end design³³;
- Stormwater asset team;
- Heritage and open space teams if adjacent to parks or heritage buildings;
- Teams promoting accessibility, green building standards, Crime Prevention Through Environmental Design ('CPTED') outcomes, public art etc;
- Events and use of transitional spaces teams.

³²<https://ccc.govt.nz/assets/Documents/Consents-and-Licences/development-contributions/CentralCityResidentialRebateCriteria.pdf>

³³ For both built elements such as verandas and signage that project into the road reserve, and ground level occupation of the road reserve for features such as outdoor seating, along with project-specific changes to road surfacing, paving, kerb cuts for access etc.

Council staff in these various teams necessarily have their own specialist focus and functions. Coordination across these functions to achieve a good built outcome can be challenging for applicants particularly given that specialist interests within Council sometimes conflict.

Resource consent officers do endeavour to pull together representatives of various council teams at pre-application meetings, and the Building Consent team likewise endeavours to adopt more of a project management approach to larger proposals. Such pre-application meetings can tend towards simply being an opportunity for various departments to raise problems relating to their own topic area, rather than any attempt to collectively reach solutions or balance the at times competing purposes of different specialisations. Pre-application meetings do nonetheless have value as a starting point for flagging potential issues that will need to be resolved through the consenting process.

Since 2015 the Council has developed a more focussed case management service³⁴ for large developments, and with a particular focus on the Central City. For large, complex, or high profile proposals that Council will provide a dedicated case manager who will provide a single point of contact for applicants and will assist in navigating through the various Council departments and approvals that may be necessary. Applicants pay for this service, however for large projects the gains in achieving a smooth consenting process within reasonable timeframes generally more than outweigh any project management costs. In addition to the case management service, Council has also had a dedicated team located within the 'Rebuild Central' office space behind Ballantynes. This team have provided a more accessible point of contact for Central City projects and are staffed by planning, urban design, and regeneration teams. It is understood that this team is soon to be incorporated back into the main Civic Offices in Hereford Street. Regardless of where it is located, the presence of a cross-issue team that is focussed on the Central City geographic area and that can provide a 'one stop shop' would be of assistance in facilitating development.

In Planz's experience, applicants genuinely appreciate assistance with receiving a coordinated Council response to proposals, especially when this response goes beyond simply collating a list of problems and instead involves ongoing focussed effort at resolving those issues and streamlining the necessary consents and licenses. The relatively new case management service in particular is an important non-regulatory method for assisting in navigating through the various regulatory approvals and consents that are necessary for large projects, as well as coordinating development with connection to Council network infrastructure and on-street works adjacent to the site. This service, due in part to it having been recently established, is not well known. There would therefore be benefit in better publicising its availability with landowners and developers in the Central City, and especially within the study area.

4.9.3 Clear and ongoing communication on Anchor Project progress

As noted above, a significant proportion of the Cathedral Square study area is identified for various Anchor Projects. A number of these projects are underway in terms of physical works, including the

³⁴ <http://ccc.govt.nz/consents-and-licences/building-consents/before-you-build/partnership-approvals-service-for-developers/>

Avon River Precinct, North Frame, and the Performing Arts Precinct. Foundation construction has likewise recently begun for the Central Library, and ground preparation and rerouting of services is underway for the Convention Centre site. The balance of the Performing Arts Precinct, the Convention Centre site, and resolution of the Cathedral (and then subsequent resolution of Cathedral Square open space) are key areas where there is still considerable uncertainty within the development community, especially regarding timeframes.

It is acknowledged that projects of these scales take time to get right in terms of design, funding, and construction contracts. This complexity is well understood within the development community. The issue is not so much the delays per se (although obvious physical progress would be positive), but rather the uncertainty around timeframes and the lack of ongoing communication as to what stage these projects are at. There is a perception that communication tends to take the form of sporadic press releases with timeframes that subsequently slip with no real narrative as to why. There would be benefit in Regenerate Christchurch playing a facilitation role in bringing the various landowners in the study area together, along with Council and Government organisations in order to strengthen interpersonal relationships and to provide a forum for regular updates on how the various projects (both public and private) are progressing. As an example, the Council's urban design team are aware that CERA assisted in facilitating landowners in the southeast corner of Cathedral Square and Hereford Street meeting to discuss their development plans and as a consequence several of these landowners engaged the same architect to ensure that their separate developments integrated with each other.

4.9.4 Increased emphasis on transitional use of vacant spaces

The City Centre in general, and the study area in particular, includes a considerable amount of vacant or open space. Some of this is Council-held land as public parks or road reserve (Victoria Square, Cathedral Square, Avon River corridor), whilst the majority of the vacant space is privately held (or Crown held as part of the anchor projects) and is comprised of loose gravel lots that are either vacant with construction fencing, or are let on a short-term basis for car parking³⁵. Such vacancy is inevitable as a result of the significant amount of demolition required to remove earthquake prone or damaged buildings and was accepted by the community as an unavoidable consequence of the earthquakes. As the recovery progresses, these vacant spaces are gradually reducing in number, concurrent with an increase in office workers, tourists, residents, and visitors in the City Centre. As the working and resident population of the City Centre increases, and as sites are progressively rebuilt, tolerance for ongoing derelict buildings and poorly managed vacant sites is likely to decrease. The approach to managing vacant sites over the last five years is not therefore necessarily the right approach for managing the issue over the coming five years as the City context moves from one of emergency response and demolition, through construction phases, and on to a post-construction environment.

³⁵ A number of the managed surface carparks are established under the enabling rule framework for activities displaced as a result of the earthquakes. These provisions were intended to facilitate businesses re-establishing, but are also able to be used where pre-earthquake surface carparks were lost and therefore are able to be temporarily re-established as a permitted activity on different sites.

The transitional management of these vacant spaces is an important component of the street scape and urban experience in the City Centre. There have been ongoing initiatives by the Council³⁶, community organisations, and trusts to utilise these spaces for short-term events or installations. These groups include the following:

- Gap Filler – focus on events and installations;
- Greening the Rubble – focus on small parks;
- Oi You & Spectrum – focus on public art, especially street art and murals;
- SCAPE - focus on public art, both transitional and permanent;
- FESTA – annual transitional architecture event;
- Life in Vacant Spaces ('LIVS') – focus on facilitating transitional uses of sites and buildings.

LIVS in particular plays an important enabling role for the other transitional groups by brokering access to sites and managing leases, liability, insurance, and service connections. The Council provides a rates rebate of up to \$5,000 p.a. for sites where temporary uses are enabled, with LIVS assisting landowners with the application process as part of their brokering and facilitation role.

Examples of such initiatives in the study area include the Friday night food trucks in the Square over summer, various temporary events, the dance-o-mat in the Performing Arts Precinct, and various artworks comprised of sculptures, installations, or street art, and wayfinding signage towers. The importance of these transitional initiatives is considered to be increasing rather than decreasing as the City Centre becomes repopulated with a corresponding need to provide an attractive, stimulating, and safe urban environment.

Relatively simple responses such as grassing vacant sites rather than leaving them as empty gravel lots provides a cost-effective increase in amenity for relatively little cost. An example of such a strategy is with the balance land of the Bus Interchange site along Tuam Street and the eastern laneway which has been grassed and currently features a picnic table and rock climbing/ bouldering installation. Ongoing use of vacant spaces as carparking could likewise be continued, although these sites would benefit from better management of gravel surfacing and sealed entranceways to avoid gravel spill onto the adjacent footpath areas.

Taking the study area as an example, there would be benefit in further exploration and facilitation of the following matters:

- Working with partner organisations and the above trusts to examine what transitional uses look like over the coming five years as the Centre transitions from a demolition and construction phase to a permanently rebuilt environment;

³⁶ In addition to undertaking temporary activities directly, the Council also provides funding to a number of the organisations and trusts engaged with transitional initiatives.

- Liaison with private landowners and Otakaro regarding the transitional use and treatment of vacant spaces;
- Examination of tools to require sites be managed in a safe and tidy state – both carrots and sticks;
- Case management approach for specific vacant sites in high profile locations such as the Cathedral Square entry corners.

5.0 Conclusion

Overall, the District Plan provisions are considered to be enabling of regeneration and are not creating barriers or unduly constraining redevelopment, as evidenced by the significant number of resource consents that have been granted in the City Centre in the last five years. These provisions were initially developed through the CCRP process to facilitate recovery and as an enabling tool for the implementation of the CCRP. These already enabling rules have in turn been subject to further consideration through the District Plan Review process. The Crown was an active participant in this process to ensure that the rules package remained appropriate for enabling the implementation of the CCRP. Of significance, very few submissions and evidence was led by private property owners in the Central City Business Zone. The well-qualified Independent Hearings Panel considered submissions to amend the rules through the lens of the Ministers' Statement of Expectations that the District Plan Review would deliver a user friendly framework that minimised the need for consents and public notification.

The Panel has recently released its decisions on both the Central City and historic heritage provisions. The CCRP rule framework has been largely adopted, reflecting the statutory requirement for the District Plan to 'not be inconsistent with' the CCRP. The urban design requirements have been amended to enable new buildings in the Central City Commercial Zone to be considered as a non-notified controlled activity (at a minimum), provided the design has been certified by an urban designer on a Council-approved list. In Planz' experience, the Central City rule package is relatively enabling and obtaining resource consents for developments has not been particularly difficult.

The District Plan Review has also provided an enabling regulatory framework for the restoration of the Cathedral, and provides for deconstruction and restoration as a non-notified controlled activity. Demolition is permitted if it is necessary to remove a hazard in accordance with the existing s.38 notice. The rules framework is more rigorous for demolition that is unrelated to restoration i.e. a scenario seeking to replace the Cathedral with a new building of a contemporary design. Demolition in such a scenario is a restricted discretionary activity and can be declined, and is also open to the normal assessment regarding notification to be made under s.95. As such, the regulatory framework provides a much more certain consenting pathway for a restoration solution.

The study area contains a number of anchor projects that are designated sites. The use of designations as a planning tool mean that these anchor projects are able to be approved following the submission of an Outline Plan of Works to the Council, as a separate consenting pathway to the normal resource consent route. Outline Plans cannot be declined or notified, and neither can they have conditions placed on them, although the Council can request changes to the Plan which the requiring authority

can either accept or decline. As such, for a number of the key projects within the study area, the District Plan rule package has little material effect.

Given the careful assessment of the existing regulatory framework and evidence through the District Plan Review process, it is not recommended that any amendments are necessary at this point in time to the District Plan framework through a Regeneration Plan.

In addition to the regulatory framework, there are a number of other non-regulatory factors that can have a significant bearing on the ease of doing business in the Central City. These tools include:

- The remission of development contributions, with such remission in place for another couple of years, depending on take-up;
- The recent provision at Council of a user friendly 'one stop shop' for central city projects in terms of navigating the at times competing interests and processes within Council is of significant benefit. As such, it is important that this service is continued and is better advertised so that landowners are aware of its availability;
- There is considered to be merit in creating a forum for clear and ongoing communication and relationship building for landowners and partner organisations in the study area to facilitate better integration between adjacent developments and to foster investment certainty regarding timeframes;
- As the City Centre moves from a construction phase to a rebuilt environment, there is a need for the renewed and focussed management of the use and management of vacant spaces to ensure an adequate level of amenity and safety is provided for returning workers, residents, and visitors.

From a planning perspective, the need in the study area is not so much for a Regeneration Plan and associated amendments to the District Plan, but rather a 'soft skills' facilitation programme to coordinate the various non-regulatory tools set out above and that improves communication, site management, and interaction across Council departments to build a 'place-making' focus. All the ingredients are already in the mix through the planning provisions introduced through the CCRP and subsequent addendums and review through the District Plan, anchor projects, Cathedral working parties, and Council ownership of key public open spaces, with private sector interests filling in the spaces. The key gaps are not so much with the District Plan regulatory framework but with the absence of certainty regarding the delivery of key projects, the timing and design of public open spaces, and the delivery of an acceptable level of amenity during the transition period as these long-term projects are delivered. Market demand and development finance and viability are of course the other key drivers in enabling development, and are outside the scope of this paper.