

**BEFORE THE CHRISTCHURCH REPLACEMENT DISTRICT PLAN
INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource Management Act and the
Canterbury Earthquake (Christchurch
Replacement District Plan) Order 2014

AND

IN THE MATTER of Proposed Christchurch Replacement Plan:
Chapter 13: Central City Zones

STATEMENT OF EVIDENCE OF JONATHAN GUY CLEAVE

On behalf of RHOAD Limited (Submitter #3276)

**Submission on the Proposed Christchurch Replacement District
Plan**

**Clause 6 of Schedule 1, Canterbury Earthquake (Christchurch
Replacement District Plan) Order 2014**

Dated 14 January 2016

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Qualifications and Experience

- 1 My name is Jonathan Guy Clease. I am an Associate with Planz Consultants Limited, a planning consultancy based in Christchurch. My urban design and planning qualifications and experience are set out in full in an earlier brief of evidence I prepared on the Commercial Chapter on behalf of Progressive Enterprises and Ors, dated 24th April 2015.

- 2 In preparing my evidence I have reviewed:
 - 2.1 The evidence of City Council planning experts Scott Blair and Hugh Nicholson; and
 - 2.2 The evidence of Susan Wakefield and Dean Chrystal on behalf of RHOAD Limited;
 - 2.3 I have visited the RHOAD site and the surrounding area.
 - 2.4 I have set out the strategic policy framework in relation to urban design established through the Land Use Recovery Plan, Canterbury Regional Policy Statement, and Strategic Directions chapter in my earlier brief of evidence on the Commercial Chapter.

- 3 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (updated 1 December 2014) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 4 The scope of my evidence is relatively narrow. It relates only to the site located at 52 Rolleston Avenue (the 'RHOAD site')¹ in relation to the proposed establishment on this site of a house museum. I have been asked by the submitter to provide my expert urban design opinion on first the need for an

¹ As shown in Figure 1, pg.29 of Mr Blair's evidence for Council.

urban design control; secondly on the approach to public notification; and thirdly on the appropriateness of the proposed urban design assessment matters as set out by Mr Blair for the Council².

- 5 Mr Chrystal has prepared a separate brief of evidence on planning matters and Mrs Wakefield has prepared a brief setting out the background to the proposed house museum and the separate agreement with Council has landowner.

Summary of evidence

- 6 I have found that:
- a. I agree with Council that a restricted discretionary urban design control is appropriate and is consistent with the broader approach to managing urban design issues in higher density residential contexts as set out in the Stage 1 Residential Chapter decision and as proposed in the Central City Residential Zone;
 - b. I consider that the appropriateness of the use of the RHOAD site for a house museum is a matter to be resolved through this hearing process. The remaining matter for a future resource consent is therefore limited to a consideration of urban design which is a matter that is best undertaken by qualified experts. Non-notification is consistent with the approach taken to qualitative urban design rules in the Stage 1 residential decision and the Christchurch Central Recovery Plan ('CCRP');
 - c. I consider that the generic urban design assessment matters proposed for the Central City Residential Zone (and that are a roll-over of the CCRP provisions) are more appropriate for considering the relevant urban design matters than the bespoke set of matters proposed by Mr Blair. Reliance on the generic assessment matters will also in a small way assist in a simpler, briefer District Plan.

Urban design assessment of the site

² Mr Blair's 'red line' version of the Chapter 13 provisions dated 16th December 2015, Clause 14.16.4.14

- 7 The RHOAD site is comprised of an L-shaped parcel of land that wraps around the two storey heritage-listed Youth Hostel Association building on the corner of Rolleston Avenue and Worcester Boulevard. The site is currently formed as an asphalt public 'pay and display' carpark with several mature trees located within the site and along the site boundaries and a public toilet facility. In its current use as a surface carpark and public toilet the site has a functional use but does little to add to the urban quality or amenity of the surrounding area.
- 8 The surrounding area contains a considerable diversity of building scales, uses, and designs. Immediately to the north is a two storey residential hostel used by boarders of Christ's College. To the east the site is bordered by a two storey weatherboard building that was originally a dwelling and is currently in use as professional offices. On the far western side of Rolleston Avenue is the Canterbury Museum, and on the southern side of Worcester Boulevard is the Arts Centre. Images of the proposed development are appended as Attachment 2 to Mrs Wakefield's statement.
- 9 Of particular note is that a number of the nearby buildings are heritage-listed. The sensitive areas around these buildings are proposed to be identified in the District Plan through the use of 'settings' which are areas specifically identified on aerial photographs. Chapter 9 is currently before the Panel for consideration, and therefore I simply note that the extent of the settings identified in Council's red-line version of Chapter 9 do not extend over the RHOAD site. The collection of nearby heritage buildings and their mix of activities comprise a precinct of cultural and visitor attractions and facilities. I consider that the proposed house museum activity with basement rather than surface parking, is consistent with the mixed use and cultural focus of the surrounding area. In design terms it would also be a significant improvement over the current use of the site as an asphalt carpark and public toilet. Application of the CCRZ built form standards will ensure the scale and massing of the building is consistent with the built outcomes anticipated in the zone.

Need for an urban design control

- 10 The approach to enabling the development of a house museum on the site as proposed by Council is discussed in Mr Chrystal's evidence.
- 11 In essence the only site-specific amendments proposed by Council to the generic District Plan provisions are the introduction of RD3 and the associated set of bespoke urban design assessment matters. I note that Mr Chrystal has proposed some amendments to these provisions, with these amendments incorporating my recommendations.
- 12 In their original submission, RHOAD Ltd sought that provision be made for a cultural facility on the site, and accepted that any future building should be subject to an urban design assessment.
- 13 I consider that the need for a qualitative urban design assessment is generally consistent with the wider approach to urban design controls proposed for the Central City Residential Zone. Residential development of three or more residential units are proposed by Council to be subject to an urban design assessment (Rule 14.16.2.3 RD2). All new buildings in the nearby Commercial Central City (Core) Zone are likewise proposed to be subject to a restricted discretionary urban design control³. Such an approach is consistent with the currently operative provisions of the Central City Recovery Plan ('CCRP')⁴. It is also consistent with the recent decision on the Residential Medium Density Zone (outside the Central City), whereby residential developments of three or more units are subject to a restricted discretionary urban design assessment⁵.
- 14 Neither the operative CCRP residential provisions, nor those proposed by Council in the CCRZ, require non-residential buildings to be subject to an urban design assessment. The key reason being that beyond small-scale community-related facilities, non-residential activities in the residential zones are generally subject to either a fully discretionary or non-complying resource consent. This

³ Mark Stevenson 'red-line' version, clause 15.8.2.3 (RD1)

⁴ 'A liveable City' residential chapter, rule 4a.2.11

⁵ Residential Medium Density Zone, clause 14.3.2.3 (RD1)

unrestricted activity status therefore enables urban design matters to be considered as part of a broad assessment of the merits and effects of a proposal.

- 15 As set out in the evidence of Mr Chrystal, the 'in principle' appropriateness of the use of the site for a specific cultural facility is a matter to be determined through this hearing process, and has already been considered by Council via a separate Local Government Act process with Council in its role as landowner. I note that no further submissions have been received opposing RHOAD's submission regarding the use of the site.
- 16 If the proposed house museum was provided for as a permitted activity with no additional controls, then the resultant regulatory framework would contain a 'gap' whereby a new non-residential activity on the site would be able to occur without the need for consideration of urban design matters that would normally accompany a fully discretionary activity. I agree with Mr Blair that an urban design assessment is appropriate to ensure that a new non-residential building is compatible with the surrounding context of the site. I likewise agree that restricted discretionary status for the urban design assessment is appropriate as it enables Council to retain the ability to decline a proposal in the admittedly very unlikely event that the design was fundamentally incompatible with the site's surroundings. Finally the proposed rule maintains consistency with the District Plan approach of restricted discretionary activity status for urban design rules in the higher density residential zones.
- 17 I therefore agree with Mr Blair insofar as he proposes any new building on the site to be assessed in terms of its urban design.

Urban Design and Notification

- 18 I support the use of an explicit 'shall not be publicly or limited notified' approach to qualitative urban design rules, as urban design matters are best assessed by qualified professionals and the use and scale of buildings (and attendant effects on neighbours and the wider public) are managed through separate provisions. Such an approach is consistent with the Panel's recent decision on the

Residential Medium Density Zone⁶ and with both the existing operative provisions of the CCRP and proposed Chapter 13 provisions in relation to the qualitative urban design controls for both the CCRZ⁷, Central City Business (Core)⁸ and South Frame Zones⁹.

19 I acknowledge that the RMD and CCRZ ‘non-notified’ provisions are in relation to the urban design rules as they relate to residential development. As set out above, the ‘in principle’ appropriateness of the use of the RHOAD site for a house museum is a matter to be determined in this hearing. In the event that the Panel accept the suitability of the site for this specific activity, then the only remaining matter for consideration through a future consent is limited to the design of the building rather than the principle of the activity.

20 It is noted that the recent Commercial decision provides alternative controlled (with certification), or restricted discretionary (with s.95 assessment on affected parties) routes for new buildings over certain scales in the Commercial Core Zone. If such an alternative approach is adopted for the CCRZ, then for consistency that approach should also apply to the RHOAD site. In short, the approach to notification for the site should be the same as that adopted for the balance of the CCRZ.

21 I note from Mr Blair’s evidence at para. 10.10 that his reason for keeping notification open to a s.95 assessment is to provide consistency with Council’s proposed approach in Chapter 9 relating to heritage items. As set out in the site description above, there are no identified heritage settings over the RHOAD site. Rather than seek consistency with the approach proposed to be taken in Chapter 9 in regards to historic heritage (a s.6 matter of national importance), I consider that it is more appropriate to achieve consistency with the approach taken in the District Plan to qualitative urban design assessments.

⁶ Residential Medium Density Zone, clause 14.3.2.3 (RD1)

⁷ CCRP ‘A Liveable City’ Chapter, Clause 4a.1.2 & Mr Blair red line version Clause 14.16.2.3 (RD2)

⁸ CCRP Central City Business Zone, Clause 2.1.2 & Mr Stevenson red-line version, Clause 15.8.2.3 (RD1)

⁹ CCRP Central City (South Frame) Mixed Use Zone, Clause 2b.1.2 & Mr Stevenson red-line version, Clause 15.10.2.3 (RD1)

- 22 Finally, I note that no changes are proposed to the CCRZ built form standards for the RHOAD site and therefore the bulk and location (and potential effects on neighbours) of any future building should remain subject to compliance with the generic zone standards, and in some cases an assessment under s.95 of the Resource Management Act in the event that any such standards are exceeded.
- 23 I therefore consider that an assessment of detailed design, façade treatment, and compatibility with the surrounding site context is a matter that is best undertaken by qualified experts. The use of a ‘non-notified’ clause is likewise consistent with the Statement of Expectations to reduce notification where possible.

Assessment Matters

- 24 Mr Blair has proposed a specific ‘bespoke’ set of urban design assessment matters for the site¹⁰, although there is no discussion in his evidence as to why the specific matters have been selected. The assessment matters proposed by Mr Blair appear to derive largely from the matters proposed for the commercial Central City Business and Mixed Use Zones. These zones have a fundamentally different set of built form standards and built outcomes, and provide for a wide range of activities. As such the scale and nature of buildings, the uses they contain, and the urban design outcomes that are appropriate are quite different to the outcomes anticipated for the RHOAD site where use is limited to a specific activity and the site is located in a residential zone.
- 25 In my view the generic urban design assessment matters proposed for the CCRZ address the necessary urban design issues and avoid the need for a separate set of site-specific provisions in the Plan. The generic residential zone matters are also better tailored to reflect that zone’s built form standards (low height limits, required setbacks from boundaries, provision of landscaping etc) and relevant qualitative matters relating to the residential amenity and privacy of neighbours. The CCRZ assessment matters area as follows:

¹⁰ Clause 14.16.4.14

- (a) Engages with and contributes to adjacent streets, lanes, and public open spaces;*
- (b) Integrates access, car parking and garaging in a way that is safe for pedestrians and cyclists, and that does not dominate the development;*
- (c) Has appropriate regard to:*
 - (i) Residential amenity for occupants, neighbours and the public, in respect of outlook, privacy, and incorporation of Crime Prevention Through Environmental Design principles; and*
 - (ii) Existing design styles and established landscape features on the site or adjacent sites.*
- (d) Provides for human scale and creates sufficient visual quality and interest.*

26 These matters cover the ambit of how the proposed building design relates to the street and neighbours, where parking is located, that the design is safe for users and the public, that it is compatible with the surrounding built forms, and that the façade treatment is appropriately scaled and has visual interest.

27 In my view these are the relevant matters, noting that the design also remains subject to the CCRZ built form standards.

28 The assessment matters proposed by Mr Blair raise a number of practical difficulties and in places specify a singular method for achieving an outcome, rather than focusing simply on the outcome and leaving it to the designer to resolve how best that outcome is to be achieved.

29 Museums generally need to limit the amount of external glazing given the need to both maximise internal display space and more importantly to carefully manage light levels to ensure the collection is not damaged. As such a highly glazed street façade¹¹ may not be the most appropriate method of the building

¹¹ As required in assessment matter (b)

engaging with the street. Likewise the application of the CCRZ built form standards require buildings to be setback from the street which limits the use or relevance of verandas for shade and weather protection which are the only practical alternative to landscaping¹². The significant diversity in surrounding building forms and cladding materials makes these matters difficult to 'take account of' in a design¹³.

- 30 In short, the generic CCRZ assessment matters are considered to provide a more appropriate set of provisions that provide the necessary scope to ensure that the future building design is compatible with the site's context. It also avoids the need for including a bespoke set of assessment matters in the Plan for a relatively small 'one-off' site and enables the easy inclusion of the site within rule RD2, as set out in the evidence of Mr Chrystal.

Conclusion

- 31 In conclusion, I agree with Mr Blair that future building on the site for a community facility should be subject to a qualitative urban design assessment.
- 32 I agree that restricted discretionary is an appropriate activity status for such an assessment and is consistent with that proposed in the District Plan for the balance of the higher density residential zones;
- 33 I consider that such an assessment should explicitly be 'not publicly or limited notified', as it is a matter that is best assessed by qualified experts. Limiting notification where appropriate is also consistent with the Statement of Expectations and with the approach generally proposed in the District Plan for urban design rules;
- 34 I consider that the general CCRZ assessment matters that are set out in the operative CCRP and are proposed to be rolled over into the CCRZ adequately address the relevant urban design matters and assist in providing a simple,

¹² Assessment matter (e)

¹³ Assessment matter (c)

useable Plan where site-specific provisions are minimised, particularly in situations where the generic zone provisions can be relied upon.

A handwritten signature in blue ink, appearing to read 'Jonathan Cleese', with a long horizontal flourish extending to the right.

Jonathan Cleese

14 January 2016