

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

**IN THE MATTER:** of the Resource Management Act  
1991 and the Canterbury  
Earthquake (Christchurch  
Replacement District Plan) Order  
2014

**AND**

**IN THE MATTER:** of the Proposed Christchurch  
Replacement District Plan  
(Proposal 14: Residential)

**SUMBISSION** Church Property Trustees  
(Submitter 793)

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**STATEMENT OF EVIDENCE OF ROCHELLE KIM HARDY**

20 MARCH 2015

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## **1. INTRODUCTION AND QUALIFICATIONS**

1. My name is Rochelle Kim Hardy. I hold the qualifications of a Bachelor Arts (Art History) from Canterbury University and a Master of Science (Integrated Environmental Management) from Bath University. I am an associate member of the New Zealand Planning Institute.
2. I have been employed by Aurecon New Zealand Limited since 2013 and hold the position of Senior Environmental Planner.
3. I have sixteen years' experience in the field of resource management both in the public and private sector. During this time I have undertaken consenting work and completed assessment of environmental effects for large and small-scale projects for a range of activities and clients. I have provided advice on regional and district plan reviews for the private and public sector. I have also worked in recovery planning in a previous role with the Canterbury Earthquake Recovery Authority and provided strategic advice on integrated land use and transport planning here and in Australia.
4. I have been by engaged by Church Property Trustees (CPT) to assist in its review of the Christchurch Replacement District Plan (the Replacement Plan) Proposals. In this capacity I have:
  - a. assisted with the preparation of CPTs submission;
  - b. engaged with the Canterbury Recovery Authority (CERA) on relief sought;
  - c. attended mediation with CCC on 18 March 2015.
5. I am familiar with CPTs roles and responsibilities, having provided planning advice to their property manager regarding the redevelopment and rebuilding of its existing sites.

## **2. CODE OF CONDUCT**

6. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's 2014 Practice Note. I have complied with the Practice Note when preparing my written statement of evidence and will do so when I give oral evidence before the hearings panel.
7. My evidence is within my area of expertise except where I state otherwise. I have not knowingly omitted to consider material facts of information that might alter or detract from the opinions that I express.

### 3. SCOPE OF EVIDENCE

8. I have been asked to present planning evidence on behalf of the Church Property Trustees (herewith referred to as “CPT”) on its submission to Chapter 14 – Residential (“the Chapter”) of the Proposed Christchurch Replacement District Plan (“the Plan”).
9. I provide the planning background for CPTs submissions in relation to the Dioceses portfolio; the community services provided by its facilities; and the impacts of the Canterbury Earthquakes on its facilities and future redevelopment.
10. My evidence then addresses CPTs submissions on Proposal 14: Residential Chapter of and subsequent track changes provided by CCC, with specific reference to:
  - a. *Objective 14.1.7 – Non-Residential activities*
  - b. *Policy 14.1.7.2 – Local community facilities and services*
  - c. *Policy 14.1.7.2A – (New Clause)*
  - d. *Policy 14.1.7.3 – Existing non-residential activities*
  - e. Rules in Residential Zones – Permitted Activities and associated standards
11. In preparing this evidence I have reviewed the following:
  - a. Land Use Recovery Plan (LURP);
  - b. Resource Management Act 1991 (RMA);
  - c. Canterbury Earthquake (Christchurch Replacement District Plan) Order in Council 2014;
  - d. Hearing Panel's decision on the Strategic Directions Chapter; and
  - e. A number of submissions, particularly those related to community activities and spiritual facilities;
  - f. Parts of the Section 32 Evaluations;
  - g. Residential Proposal (as notified) and the track-change version dated 9 March 2015.
12. I have read the Proposal 14 evidence of
  - a. Adam Blair, for Christchurch City Council, and
  - b. Andrew MacLeod, for Christchurch City Council, and

## **4. EXECUTIVE SUMMARY**

13. CPT is responsible for the ownership and management of properties owned by the Anglican Diocese of Christchurch. CPT is responsible for 136 properties throughout Christchurch and Banks Peninsula. All of the Dioceses buildings have varying degrees of earthquake damage and a number have been demolished.
14. Churches and associated facilities provide a wide variety of functions and play an active role in community activities.
15. A key aspect of CPT's submission was its request that spiritual facilities be removed from the Places of Assembly definition and activity standard, and inclusion of a standalone activity standard for spiritual activities. The inclusion of spiritual facilities under Places of Assembly would limit the redevelopment and ongoing operation of these facilities and CPT's activities.
16. The proposed changes included in the Residential Chapter (9 March 2015) go some way to addressing the issues raised in CPT's submission. CPT remains concerned with proposed height restrictions and seeks a specific standard for spiritual activities consistent with existing scheduling rules.
17. During mediation it was agreed that a distinction between certain community facilities - which are generally expected and needed in residential areas – be made in the Residential objectives and policies. I consider this an appropriate approach. I conclude that the amendments to the objectives and policies discussed during mediation, and those set out in this evidence, would address the concerns raised in CPT's submission.

## **5. RESIDENTIAL PROPOSAL**

### **5.1. Background to the Submission by CPT**

18. CPT is the body responsible for the ownership and management of properties owned by the Anglican Diocese of Christchurch. CPT was first formed in 1854. The role and powers of CPT are governed by an Act of Parliament. Its role is to hold and administer property assets on behalf of the Diocese, which covers Canterbury/Westland and the Chatham Islands.
19. The Diocese comprises 68 parishes of which 33 are within Christchurch City boundaries and 2 straddle the Christchurch/Selwyn District territorial authority boundary. CPT is responsible for 136 properties throughout Christchurch and Banks Peninsula.

20. Its churches and facilities represent a significant resource in terms of land and physical resources and form an integral part of the city's residential areas. A full list of CPT's assets / sites is attached to CPT's submission. Sites outside of the Central City and Banks Peninsula are scheduled under the operative Christchurch City District Plan.
21. All of the Dioceses buildings have varying degrees of earthquake damage. To date six churches and halls have been demolished with a further two still to be demolished. In addition, All Saints, in Sumner has been acquired by CERA as it is in the rockfall protection area.
22. The majority of facilities will remain on existing sites. However, CPT is considering the possible development of new facilities in some residential areas. New sites may be applicable for facilities on red-zoned land or flood prone sites. CPT also needs to cater for population shifts and changing community needs. At this stage the nature and location of these is not confirmed, but any new development would be used as a community facility.

## **5.2. The Role of Community Facilities**

23. The provision of community facilities and services to meet the community's immediate and longer term needs is a key issue in the Strategic Directions Chapter. I consider the facilities provided by the Diocese contribute to the wellbeing of its residents through the multitude of functions these facilities support.
24. Churches and associated facilities provide a wide variety of functions and play an active role in community activities, including, but not limited to:
  - Worship services;
  - Counselling services;
  - Meeting space for church groups and community groups;
  - Community Outreach;
  - Office space for vicar, administrator, counsellor, community and youth workers;
  - Brownie and girl guide activities,
  - Food banks;
  - Fairs and stalls;
  - Cemeteries
  - Play groups and after school programmes;

- Meeting spaces for Non-Governmental Organisations and;
  - Default community based emergency response hubs.
25. This role is defined in the Operative City Plan, which provides a useful overview of spiritual facilities:
- Spiritual facilities provide a diverse range of services to a wide range of people within the community and are an activity that is typically accepted within living environments. Spiritual facilities are also well established facilities representing significant investment in building and site development, and are a type of activity which provide a service to the community and its visitors which require distribution around the city.*
26. The services provided by these facilities are one of the few that have continued and even strengthened following the Canterbury Earthquakes. In addition, the facilities of churches and church halls are extensively used by community groups due to damage to other community facilities in Christchurch.
27. In my opinion, for the Strategic Directions Chapter to be achieved insofar as the provision of community facilities and services, it is critical to allow spiritual facilities to continue to operate and respond to changing community needs. To ensure this, the relevant chapters of the Proposal need to enable redevelopment and rebuilding of these facilities where appropriate.

## **6. Residential Proposal – Chapter 14**

### **6.1. Objectives and Policies**

28. The revitalisation and provision of community facilities is a recurring issue for Canterbury's recovery, and long term redevelopment, as articulated in the Recovery Strategy and the LURP. There is a clear direction to support social and cultural activities by enabling the establishment of facilities that meet the needs of the community as provided by the Regional Policy Statement (in particular Objective 6.2.1 6.2.3 and Policy 6.3.2).
29. The Recovery Strategy and Land Use Recovery Plan also include expectations to rebuild and revitalise communities. The LURP includes an agreed action to ensure the CCC's district plan includes measure to enable community facilities within key activity centres and neighbourhood centres. I acknowledge that these issues were addressed in evidence presented at the Strategic Directions hearing and in subsequent decisions on the same.

30. The decision version of the Strategic Directions and Strategic Outcomes proposal includes clear objectives relating to community activities (in particular, Objectives 3.3.1 and 3.3.11). Objective 3.3.11 explicitly supports the recovery and re-establishment of community and education activities in existing and planned areas to meet community needs.
31. In my opinion these strategic objectives are not reflected in the Residential Chapter (notified and proposed changes version).
32. These concerns were raised at mediation with the CCC on 18 March 2015. We discussed with Mr Blair (for CCC), Mr Nixon (acting for the Catholic and Methodist Diocese work), and Church Property Trustees to formulate objectives and policies to address this concern.

**Objective 14.1.7 – Non-Residential activities**

33. It was agreed during mediation that community activities – which are generally expected and needed in residential areas – should be distinguished from other non-residential activities with more substantial effects.
34. CPT supports this approach and has provided a draft Objective as follows:

***Objective 14.1.7 Non-Residential and Community activities***

***Residential activities remain the dominant activity in residential zones and ~~any non-residential activities meet only local community needs and are compatible with, and can be accommodated within, residential areas while providing for:~~***

- a. Providing for community facilities non-residential activities\_ which by their nature and character are anticipated within residential zones,***
- b. Ensuring that the level of amenity that exists in residential areas is retained by avoiding, remedying or mitigating the adverse effects of more intensive non-residential activities.***

35. Unfortunately, due to time constraints this could not be finalised with the parties. We expect to continue to work with CCC, the Crown and other submitters to agree an appropriate and effective Objective.

**Policy 14.1.7.2 – Local community facilities and services**

36. I consider the amendments to Policy 14.1.7.2 go some way to addressing the need to enable and relocate community facilities and services in residential areas. However, I



uphold that the term 'local' should be removed from the policy title, as this is inconsistent with the Policy itself which includes local and wider community needs.

**Policy 14.1.7.2A – (New Clause)**

37. It is my understanding that the aim of proposed new policy 14.1.7.2A is to recognise the appropriateness of certain non-residential activities.
38. I consider the Policy somewhat negative in that it focuses on adverse effects and not the activities that it is attempting to enable. Further, the term “community support activities” is confusing. From my understanding a definition of “community support activities” is not included in the Proposal.
39. Based on the dialogue during mediation it would seem appropriate that Policy 14.1.7.2A remain focussed on enabling community facilities rather than listing adverse effects.
40. For clarity and consistency I also consider it more appropriate to include the term “community facilities”, as follows:

**14.1.7.2A**

***Recognise that schools, community facilities ~~support activities, and emergency services, which may have adverse effects including traffic generation, car parking and noise, typically need to be located in residential areas.~~***

41. Any potential adverse effects from new developments would be identified through various rules, standards and links to related objectives and policies in this Proposal and other Chapters of the Plan.

**Policy 14.1.7.3 – Existing non-residential activities**

42. I consider Policy 14.1.7.3 less enabling; there is also potential for conflict between this and the preceding objective and policies - which are more enabling.
43. The first part of the policy is to enable existing non-residential activities to continue. I consider this part of the policy has limited purpose, given that existing activities can occur as of right, or Existing Use Rights may be sought under Section 10 of the RMA if necessary. The second part of policy 14.1.7.3 aims to limit “further onsite redevelopment”.
44. In its submission, CPT sought the deletion of Policy 14.1.7.3 on the basis that the Policy provides little certainty on what aspects of redevelopment will be limited. The

rules supporting this policy address new activities and there is no clear line of sight how this Policy will be implemented.

45. In light of mediation on 18 March, I believe there is some merit in retaining this policy to support the revised Objective 14.1.7, and, more specifically, to provide for the redevelopment of community facilities such as spiritual facilities that were damaged or demolished following the Canterbury Earthquakes. As follows:

**1414.1.7.3 Policy – Existing non-residential and community activities**

***Enable existing non-residential and community activities to continue and enable ~~limit further onsite redevelopment of non-residential activities and expansion provided the effects on residential coherence, character and amenity are avoided, remedied or mitigated.~~***

## **6.2. Residential Rules**

46. Two key issues that influenced CPT's submission on the notified Residential Chapter:
- a. Uncertainty regarding existing Schedules, which provide a form of protection for existing spiritual activities in residential zones, and
  - b. Inclusion of spiritual activities under the definition of "Places of Assembly", which are subject to a number of bulk and location rules.
47. While I understand that Scheduling is a matter for Phase 2, I consider it relevant to inform the Panel that CPT discussed the provisions of Scheduling with the CCC prior to the notification of the Proposals. I also discussed the Scheduling provisions on behalf of other clients covered by the Schedule – namely the New Zealand Fire Service.
48. At that time, CCC indicated that it was unlikely to retain the Schedules in the Plan. This would have a significant impact on CPT given the extent of its sites requiring redevelopment or repair.
49. CCC indicated that the Dioceses existing sites could apply for existing use rights, or address existing use rights as part of resource consent applications where necessary.
50. CPT is responsible for 136 properties across Christchurch. The requirement to apply for existing use rights, or resource consents for activities that were permitted under existing Schedules, would be costly and likely result in delays in the recovery of these facilities.
51. As such, the removal of Schedules, coupled with the inclusion of spiritual facilities, had a significant bearing on CPT's submission to the Residential Proposal.

52. As notified, Spiritual Facilities would fall under the definition of “Places of Assembly”. The definition is a broad catch all for public and private non-residential activities. It too has significant ramifications for CPT’s existing community facilities.
53. Under the notified Residential Proposal, new or redeveloped spiritual activities would breach activity standards as Places of Assembly.
54. Of particular concern were permitted activity standards for Places of Assembly, including restrictions on hours of operation (Closed Sundays) and a gross floor area (200m<sup>2</sup>). By way of example, facilities that have been demolished have the following gross floor areas:

<b>Facility</b>	<b>Church</b>	<b>Hall</b>	<b>Ancillary</b>	<b>Total m<sup>2</sup></b>
St Marys. Merivale	826.87 m <sup>2</sup>	716 m <sup>2</sup>	250.30 m <sup>2</sup>	1793.17 m <sup>2</sup>
St Stephens, Shirley	401 m <sup>2</sup>	666 m <sup>2</sup>	n/a	1067 m <sup>2</sup>
Holy Trinity, Avonside	630.38 m <sup>2</sup>	810 m <sup>2</sup>	n/a	1440.8m <sup>2</sup>

Sunday is also a key day of activity at Anglican Churches with numerous services traditionally occurring on this day.

55. Accordingly, CPT noted concern with notified Rule 14.2.2.1 and the proposed activity specific standards. In addition, the hours of operation would severely restrict the broad range of activities and community facilities provided by churches and church halls.
56. Some relief has been provided in the track change version, released on 9 March 2014. Mr Blair explains in his evidence that CCC propose changes in response to submissions from Church organisations that spiritual activities have not been adequately provided for through the place of assembly provisions in non-residential activities.
57. I support his proposed amendments to include a new permitted activity for ‘spiritual facilities’.
58. The proposed changes include a number of amendments to the rules that reflect the relief sought by CPT. The proposed changes to the Residential Chapter go some way to addressing CPT’s submission.
59. I consider the amendments better reflect the importance of community facilities as part of community fabric. It assists in providing consistency with the Strategic Directions chapter which states that opportunities need to be available to allow appropriate and accessible facilities to be provided.

60. Specifically:

- a. CPT agree to the amendment of the definition for public assembly of people insofar as it excludes Spiritual Facilities.
- b. CPT agree to the inclusion of Spiritual Activities as a permitted activity in the residential zones introduced in the track change proposals.

61. I have also considered the evidence of Mr Macleod. I agree with his comments that the changes from the notified version of the chapter with the listing of various non-residential activities as permitted activities across the chapter are more enabling.

62. I tend to agree that, in general, the proposed limits on the scale and intensity of the activities are set at reasonable thresholds for the majority of non-residential activities. However, the limits of height and site coverage may unnecessarily impact on CPT's facilities that need to relocate due to displacement following the red-zoning of land, compulsory acquisition, or cost associated with land remediation on existing sites. Modifications required for some existing facilities – either as modernisation or to achieve relevant building compliance – may also trigger the need for resource consent.

63. I agree that non-residential activities require appropriate controls in order to avoid adverse effects on residential activities, and primacy is given to residential activities in these zones. However, a community comprises of, and relies on a much finer grain and diversity of activities to be a community and ensure resilience and revisitation.

64. I note that further relief will be subject to the notified version of Chapter 6 (General Rules) and treatment of Schedules, to be addressed in Phase 2. The amendments sought to the Objectives and Policies in the Residential Proposal will also be relevant to the Scheduled Activities.

65. One area that was not discussed during mediation is the matter of height for spiritual facilities.

66. In its submission CPT sought an exemption for churches, bell towers and spires. I consider it appropriate to include an activity-specific height limit under the residential building height standards for spiritual as follows:

*The maximum height of any building shall be:*

	<b>Activity</b>	<b>Standard</b>
<u>7</u>	<u>Spiritual facilities – buildings</u>	<u>9m</u>
	<u>Spiritual facilities – bell towers, spires or crosses</u>	<u>12m</u>

67. I consider a specific height limit appropriate as it is consistent with the existing height standards set out in the Operative Plan Schedules. Spires and bell towers are synonymous with church architecture and these features have less bulk compared to other building elements given the relatively 'slimline' nature.

## **7. CONCLUSION**

68. There is clear direction to enable and provide community facilities in the Replacement Plan. In my opinion, the Residential Proposal needs to better provide for the community facilities that align with post-quake requirements and the longer term community changes seen in Christchurch.

69. I consider a distinction between community facilities and other, more intensive non-residential activities will provide greater certainty in the Plan.

70. The proposed changes included in the Residential Chapter (9 March 2015) go some way to addressing the issues raised in CPT's submission.

71. In my view, the amendments discussed during mediation, and those set out in this evidence would address the concerns raised in CPT's submission and better provide for spiritual facilities in residential areas.



**Rochelle Kim Hardy**

**20 March 2015**