

BEFORE AN INDEPENDENT HEARING PANEL ON BEHALF OF THE  
CHRISTCHURCH CITY COUNCIL

UNDER

the Resource Management Act 1991

IN THE MATTER OF

The hearing of further submissions by  
**CERES New Zealand** (S1064<sup>1</sup> and FS103)  
on Plan Change 13 to the Operative  
Christchurch District Plan

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STATEMENT OF EVIDENCE OF TIM JOLL ON BEHALF OF CERES

Planning

6 June 2025

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<sup>1</sup> It is noted that the submission number 150 is used in other Council documents on Plan Change 13 i.e.  
[https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/PC13/Further-Submissions\\_RED.pdf](https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/PC13/Further-Submissions_RED.pdf)

## STATEMENT OF EVIDENCE OF TIM JOLL ON BEHAL OF CERES NEW ZEALAND

### Introduction

1. My full name is Timothy (Tim) James Joll. I am a Partner and Planning Consultant at Planz Consultants Ltd. I hold the qualifications of a Bachelor of Resource Studies and a Master of Applied Science from Lincoln University. I am a full member of the New Zealand Planning Institute. I am also an Affiliate Member of ICOMOS New Zealand<sup>2</sup>.
2. I have more than 20 years' experience as a planner working in New Zealand and the United Kingdom with much of my work experience relating to the preparation and processing of resource consent applications.
3. I have extensive experience in the consenting and assessment of heritage projects both in New Zealand and the United Kingdom. I have been involved in numerous projects seeking to undertake stabilisation, repair, strengthening and reconstruction works to high profile heritage buildings and monuments that were damaged during the Canterbury earthquakes, including the Christ Church Cathedral, Victoria Mansions, the Canterbury Provincial Council Buildings, Riccarton House, Mona Vale Homestead, Meadowbank Homestead and Sign of the Takahe.
4. I have prepared resource consents for the demolition of heritage listed buildings for private clients, territorial authorities and central government agencies, including the demolition of the Grand National Stand at Riccarton Racecourse. I have also processed resource consent applications involving works, including demolitions to individually listed heritage items for Christchurch City, Selwyn District, Timaru, and Invercargill City Councils. I have also consented several residential developments within Special Amenity Areas / Character Areas. My experience has helped to inform my understanding of the consenting issues associated with works to both heritage items and dwellings within areas subject to heritage/ character overlays.
5. My experience also includes policy development, formation of plan changes and associated s.32 assessments; s.42A report preparation and associated evidence. This experience also includes involvement in District Plan review processes, including in recent years the Christchurch City Council's Plan Change 14, which included undertaking conferencing with Ms Dixon and other planners in advance of presenting evidence on the RHA Qualifying Matters, and the Christchurch, Selwyn and Te Tai o Poutini Plan reviews.

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<sup>2</sup> ICOMOS New Zealand is the New Zealand national committee of ICOMOS, the International Council on Monuments and Sites. ICOMOS is an international non-governmental organisation of heritage professionals engaged in the conservation of places of cultural heritage value and dedicated to the conservation of the world's historic monuments and sites.

6. I have been engaged by CERES New Zealand (**Ceres**) to provide evidence in support of its submission and further submission (further submitter #1064 and #103) on Plan Change 13 (**PC13**) to the Operative Christchurch District Plan (**ODP**).

#### **Code of Conduct**

7. Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.
8. Except where I state that I am relying on the evidence of another person, this written evidence is 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 in this evidence.

#### **Scope of Evidence**

9. My evidence will address the amendments to the heritage policy and rule framework sought by Ceres.
10. In preparing my evidence, I have reviewed:
  - 10.1 The submission and further submission by Ceres.
  - 10.2 The relevant parts of the Council's Section 42A Reports by Ms Suzanne Richmond (planning) which address Ceres submission and further submission.
  - 10.3 The Section 32AA further evaluation by Ms Glenda Dixon.
  - 10.4 The evidence of Mr Jonathan Cleese (planning) on behalf of Daresbury Limited and Church Property Trustees dated 20 September 2023.

#### **Matters of Scope**

11. In paragraph 7.1.7 of Ms Richmond's s42A Report she advises that because Ceres' further submission seeks to add a Controlled activity status where a s124 notice has been served under the Building Act 2004 that this is out of scope.
12. The decision on scope is one for the Panel. I note however that the original submission from Ceres specifically raised concerns with:

*“how several significantly damaged heritage buildings in Christchurch which remain in a state of disrepair will be managed from a planning perspective<sup>3</sup>”.*

13. Given the broad ambit of ‘how best to manage damaged buildings’ in the original submission, I consider that the further submission regarding a controlled activity status is within scope as a refinement of the original relief sought. That said, to avoid scope issues, my evidence will focus solely on the principal relief sought, which is to provide a tailored response to ensuring that the schedule of heritage items appropriately reflects the on-the-ground reality that there are a discrete number of known badly damaged heritage buildings.

### **Summary of Evidence**

14. I consider it is appropriate to provide alternative approaches to managing the discrete number of known scheduled heritage items that remain vacant and badly damaged more than 14 years after the Canterbury earthquakes. It is my opinion that the alternative approaches sought by Ceres enables the District Plan to more appropriately respond to known ‘on-the-ground’ conditions and thereby better meet the section 32, Resource Management Act 1991 (RMA) tests than the status quo and proposed provisions.

### **Background and Context**

15. More than 14 years on from the Canterbury earthquakes, there remain a discrete number of scheduled heritage buildings that remain significantly damaged and face substantial challenges to their ongoing restoration and economic reuse.
16. Ceres owns two such scheduled heritage buildings, the Victoria Mansions building at 91 Victoria Street in the Central City, for which they have recently obtained resource consent RMA/2024/3506. The consented development includes the renovation and alteration of Victoria Mansions, an earthquake damaged Heritage item, to provide visitor accommodation, a restaurant and bar with associated car parking. They also own the nearby Peterborough Apartments at 25 Peterborough Street, which is a substantially damaged, earthquake prone building.
17. The submission by Ceres seeks an additional column be added to the schedule of listed heritage items to identify those items that have sustained significant earthquake damage and remain in a state of disrepair. This proposed approach simply enables the District Plan to appropriately recognise that the City has experienced a significant earthquake event with the consequence that a ‘status quo’ approach to scheduling is not appropriate for a discrete number of heritage items that are not intact but instead are in a precarious condition that it is completely artificial to ignore or to pretend is not the case.

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<sup>3</sup> Page 3, Point 2 Submission 1064

18. As acknowledged by Ms Richmond<sup>4</sup>, “Council’s Heritage team is aware of the buildings which remain unrepaired and/or are included on the Council’s Earthquake Prone Buildings register”. The identification of heritage items to be included on the suggested schedule would therefore, in my opinion, be a straightforward proposition.
19. Accompanying the schedule would be policy recognition for this situation along with a Restricted Discretionary demolition rule, and customised matters of discretion. The proposed package of provisions is contained in **Appendix 1**.

### **Merits of the Proposed Schedule / Response to Section 42A Report**

20. The relative merits of the proposed schedule were considered by both Ms Richmond for Council and Mr Clease, who was the planner acting for Daresbury, during the Plan Change 14 (PC14) hearings. Many of the responses below reflect the thinking of Mr Clease<sup>5</sup> whose evidence I agree with.
21. Ms Richmond considers<sup>6</sup> *“that a separate schedule and rules for these significantly damaged buildings is not required, and such a schedule would become out of date, particularly in the event of a future earthquake”*. Given that existing heritage items, trees etc are already scheduled in the District Plan I do not agree with this statement. These schedules are equally as exposed to changes in circumstances for specific items that could see them become out of date, especially were another natural event to occur. I therefore do not follow Ms Richmond’s logic on this point.
22. Ms Richmond raises a further concern that the suggested schedule *“would flag these buildings as prospects for demolition, this could undermine efforts to find workable repair and reuse solutions”*<sup>7</sup>.
23. The suggested schedule would be focused on a small number of known buildings that have remained in a state of disrepair for over 14 years. I therefore do not agree with Ms Richmond that the schedule would flag these buildings as prospects for demolition. The existing condition of these buildings and where known, the costs and engineering factors relevant to retaining and restoring or repurposing these buildings are more likely, in my opinion, to be the determining factors for deciding on whether to pursue a resource consent to demolish a building than a schedule in the District Plan.
24. Similarly, I do not follow Ms Richmond’s logic that this schedule could undermine efforts to find a workable repair and reuse solution. For many of these buildings, I would suggest that

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<sup>4</sup> Ms Richmond’s s.42A Report , Paragraph 8.1.107

<sup>5</sup> Mr Clease Statement of Evidence PC14 Daresbury, Paragraphs 100-108.

<sup>6</sup> Ms Richmond’s s.42A Report , Paragraph 8.1.107

<sup>7</sup> Ms Richmond’s s.42A Report , Paragraph 8.1.107

if such a solution was available it would have already been actioned. If viable solutions remain available, such as in the case of the recently consented Victoria Mansions, then the same opportunity remains to consent and action these solutions as opposed to applying to demolish the subject building. I therefore do not agree with Ms Richmond's concern on this matter.

25. Ms Richmond does not consider the converse – that retention of the status quo subjects badly damaged buildings to the same regulatory tests as intact buildings and makes it substantively harder for owners to deconstruct buildings that are beyond plausible/ reasonable repair with the consequent significant costs on both the building owner and the perpetuation of derelict buildings and associated barriers that they present to regeneration.
26. I consider a specific schedule, policy and associated rule, which focuses on a discrete and known number of heritage items that have remained in a state of disrepair since the Canterbury earthquakes would better give effect to Objective 9.3.2.1.1, which "*recognises the condition of buildings, particularly those that have suffered earthquake damage, and the effect of engineering and financial factors on the ability to retain, restore, and continue using them*" and the overarching Strategic Directions in Chapter 3.
27. In considering an appropriate activity status, Ms Richmond states that<sup>8</sup> "*Discretionary and Non-Complying activity status appropriate to allow the broadest possible assessment of relevant heritage and non-heritage factors specific to each building...*". I am unclear what 'non-heritage' factors are relevant for a proposal to remove a significantly damaged heritage building. The District Plan already provides a restricted discretionary activity status for the demolition of the Christ Church Cathedral, which reflects the known factors associated with this building. Furthermore, Council staff are proposing a permitted activity status for the demolition of scheduled heritage baches at Boulder Bay or Taylors Mistake Bay, where the licence to occupy is cancelled (Rule 9.3.4.1.1 P7).
28. As the co-author of the notified heritage provisions for PC 13 and PC14 and a contributing author to the overall Plan Change 13 - Update of Historic Heritage Provisions – Section 32 Evaluation (PC13 s32 report) prepared by Glenda Dixon, I struggle to understand how Ms Richmond can view a restricted discretionary activity status associated with the proposed schedule to be inappropriate but co-author provisions that provide a permitted activity status for the demolition of other scheduled heritage items, where the substantive issue of known significant damage is the same.
29. This also seems to be at odds with Ms Richmond's conclusions that"<sup>9</sup>:

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<sup>8</sup> Ms Richmond's s.42A Report , Paragraph 8.1.110

<sup>9</sup> Ms Richmond's s.42A Report , Paragraph 8.1.115

*“a customised rule or matters of discretion are necessary for demolition of significantly damaged buildings. In my view the approach of Council Heritage staff to seek amendments to ensure effects of alteration proposals are no more than minor, in preference to notification, coupled with the strong existing policy framework for demolition, discourages applications for demolition.*

30. Notwithstanding the above, it is my opinion that Ms Richmond's position does not reflect the s.32 tests, which focuses on the most appropriate way to achieve the purpose of the RMA. When considered against the s.32 tests, I consider that the proposed amended schedule and associated provisions provides the most appropriate mechanism for responding to the specific circumstances of those known heritage items that have been significantly damaged by the Canterbury earthquakes and which remain in a state of disrepair.

31. My s.32AA assessment is contained in **Appendix 2**.

32. I do agree with Ms Richmond's statement in paragraph 8.1.116 that *“conditions have successfully been applied to demolition consents under the operative Noncomplying and Discretionary activity status for photographic recording and salvage as relevant to the particular building”*. I consider that these same conditions could be applied to applications for the demolition of scheduled heritage items with the proposed restricted discretionary activity status.

### **Policy Amendments**

33. I have significant concerns with the proposed amendments sought by Council to the operative Policy 9.3.2.2.8, which now state that *“The demolition of a heritage item scheduled in Appendix 9.3.7.2, is to be **avoided wherever possible** (my emphasis), particularly in the case of Highly Significant heritage items...”* I consider this to be a significant shift from the operative wording of *“**when considering the appropriateness** (my emphasis) of the demolition of a heritage item scheduled in Appendix 9.2.7.2 have regard to the following...”* It is my opinion that the proposed shift in wording is particularly problematic given the s.104D threshold test for non-complying activities. Given that the effects of the loss of heritage that arise through the demolition of a heritage item would, in my experience, always be more than minor, and a term such as ‘avoided wherever possible’ is so subjective, I consider applications to demolish even significantly damaged ‘Highly Significant’ heritage items that are uneconomical to repair and reuse would in all likelihood have to be declined because of the requirements of s.104D of the RMA and the particular restrictions it imposes for non-complying activities. I further consider that the proposed wording is inconsistent with the Objective 3.3.2 – Clarity of language and efficiency.

34. Despite the significance in my view of the proposed change in wording, Ms Richmond s.42A report provides no assessment of the implications of this change with only a cursory reference to some of the changes to this policy made in paragraph 6.1.9 of her evidence. Similarly, I could find no reference in MS Dixon's s.32AA evaluations that reference the proposed changes. In my opinion, this lack of robust analysis is a significant flaw with the Council's assessment.
35. I consider the status quo wording of Policy 9.3.2.2.8 more appropriately meets the s.32, Resource Management Act 1991 (RMA) tests.

### **Conclusions**

36. When the District Plan was prepared following the Canterbury earthquakes, the condition of a significant number of heritage buildings was unknown. With the passage of time much better information is now available as to the specific heritage buildings that remain vacant and in a state of disrepair as a result of earthquake damage. It is artificial to pretend that these buildings are no different to fully intact buildings for the purpose of designing an appropriate policy and rule framework.
37. I consider it is appropriate to provide alternative approaches to managing the discrete number of known scheduled heritage items that remain vacant and badly damaged more than 14 years after the Canterbury earthquakes. It is my opinion that the alternative approaches sought by Ceres enables the District Plan to more appropriately respond to known 'on-the-ground' conditions and thereby better meet the section 32, Resource Management Act 1991 (RMA) tests than the status quo and proposed provisions.
38. The proposed approach is consistent with the approach found to be appropriate for other badly damaged buildings ranging from the Christ Church Cathedral at one end of the spectrum to baches at the other. In my view Ms Richmond has not clearly articulated why a more bespoke approach is appropriate for cathedrals and baches but not for others that are similarly derelict.
39. The proposed approach does not open the flood gates or give rise to any wider precedent effects, as the list of applicable buildings is narrow and is based solely on damage arising from a significant earthquake event. It simply enables the rule framework to efficiently and effectively implement the policy direction regarding the recognition of building damage, whilst striking a better balance between the costs and benefits of that regulation. The proposed approach still requires building owners to obtain a resource consent to enable appropriate conditions regarding salvage and recording to be in place.
40. As set out in my S32AA, the proposed amendments sought by Ceres are considered to better meet the s32 tests than the status quo approach recommended by Ms Richmond.



# APPENDIX 1

Recommended text amendments (shown in red and bold)

## **9.3.2.2.8 Policy – Demolition of heritage items**

- a. When considering the appropriateness of the **demolition** of a heritage item scheduled in Appendix 9.3.7.2, **or Appendix 9.3.7.2a** have regard to the following matters:
- i. whether there is a threat to life and/or property for which interim protection measures would not remove that threat; i
  - ii. whether the extent of the work required to retain and/or repair the heritage item or building is of such a scale that the heritage values and integrity of the heritage item or building would be significantly compromised,
  - iii. whether the costs to retain the heritage item or building (particularly as a result of damage) would be unreasonable; i
  - iv. the ability to retain the overall heritage values and significance of the heritage item or building through a reduced degree of demolition; **and**
  - v. the level of significance of the heritage item; and
  - vi. **whether the heritage item is scheduled in Appendix 9.3.7.2a.**

## **9.3.4.1.3 Restricted discretionary activities**

**RD8 Demolition of a heritage item scheduled in Appendix 9.3.7.2a.**

**The Council's discretion shall be limited to the following matters:**

- a. Matters of discretion for demolition of items scheduled in Appendix 9.3.7.2a**

### **9.3.6.7 Demolition of items scheduled in Appendix 9.3.7.2a**

- a. Whether the engineering requirements and associated costs of retaining the heritage item in whole or in part are unreasonable.**
- b. Whether there is a threat to life and/or property as a result of the condition of the building**
- c. Where demolition of the whole or a substantial part of building is proposed, whether resource consent has been applied for and/or has been granted for a replacement building.**

- d. Whether a Dangerous and Insanitary Building Notice has been issued under Section 124 of the Building Act 2004 in respect of the heritage item.
- e. The methodology for demolition including the phasing of the works, heritage fabric to be retained, and how any heritage fabric to be retained is to be stored.
- f. Any mitigation measures, such as installation of interpretative panels on the site that identify the history and significance of the heritage item, and may include. photographs, text and architectural plans of the building.

# APPENDIX 2

Section 32AA Assessment

## SECTION 32 / 32AA CONSIDERATIONS

In respect of a Section 32 / 32AA evaluation of the issued raised in my evidence, along with the proposed amendments to provisions which I have recommended, I provide the following assessment and commentary:

### RESIDENTIAL HERITAGE AREAS

Effectiveness and efficiency	<ul style="list-style-type: none"><li>• The recommended changes to the heritage provisions provide a more effective and efficient approach to managing a discrete number of known scheduled heritage items that remain vacant and badly damaged more than 14 years after the Canterbury earthquakes.</li><li>• The recommended changes enable the rule framework to efficiently and effectively implement the policy direction regarding the recognition of building damage.</li></ul>
Costs/Benefits	<ul style="list-style-type: none"><li>• The proposed amendments are considered to strike a better balance between the costs and benefits of the regulations as they more appropriately respond to known 'on-the-ground' conditions.</li><li>• The recommended changes to the heritage provisions do not present any increased consenting costs compared to the notified provisions, but they will provide greater clarity for Plan users.</li></ul>
Risk of acting or not acting	<ul style="list-style-type: none"><li>• The risk of not acting is that the consenting requirements linked to the demolition of Highly Significant heritage items may present an impossible consenting hurdle when considered against the requirements of s.104D of the RMA.</li><li>• The retention of the status quo subjects badly damaged buildings to the same regulatory tests as intact buildings and makes it substantively harder for owners to deconstruct buildings that are beyond plausible/ reasonable repair with the consequent significant costs on both the building owner and the perpetuation of derelict buildings and associated barriers that they present to regeneration.</li></ul>
Decision about more appropriate action.	<ul style="list-style-type: none"><li>• The recommended amendments as set out in my evidence, including the changes to Policy 9.3.2.2.8 are more appropriate in achieving the purpose of the RMA than either the notified version of Plan Change 13 or the proposed changes set out in the section 42A report.</li></ul>