

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 13 (Heritage)
to the Christchurch District Plan

**STATEMENT OF PRIMARY EVIDENCE OF MARCUS HAYDEN LANGMAN ON
BEHALF OF CHRISTCHURCH CITY COUNCIL AS SUBMITTER (S751, S1058)**

Dated: 6 June 2025

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INTRODUCTION

1. My full name is Marcus Hayden Langman. I hold the degree of Bachelor of Resource Studies from Lincoln University (1998). I am an independent planning consultant engaged by Christchurch City Council (**CCC** or **Council**) to provide expert evidence on the Council's submission¹ on Plan Changes 13 (**PC13**) to the Christchurch District Plan (**CDP**), and related further submissions.
2. I was not involved in the preparation of either of the submissions for CCC, however leading up to the finalisation of the section 42A reports and other evidence of the Council, I was engaged by CCC to assist with project management and review of that evidence and the reports. As such, I am familiar with PC13 and PC14.
3. I have 24 years' experience in planning, of which 23 have been in New Zealand. For the last eleven years I have been a sole practitioner, working for a range of private developers, local authorities and non-governmental organisations on consenting and policy matters in the Canterbury, Otago, and Auckland regions. I am currently the lead author for a number of proposed chapters for the district plan review process for Waitaki District Council, and led the development of the Residential and Subdivision chapters for Waimakariri District Council through to notification. I was Otago Regional Council's section 42A reporting officer for the Energy Infrastructure and Transport on the proposed Otago Regional Policy Statement.
4. I have appeared as an expert planning witness on a range of plan changes to the operative Selwyn District Plan, jointly on behalf of both CCC and Canterbury Regional Council (**CRC**) as submitters. I have assisted Queenstown Lakes District Council (**QLDC**) with rezoning requests in the Wakatipu Basin as part of the district plan review. I was the section 42A reporting officer on those matters, and further assisted QLDC as an expert in the Environment Court on a number of the related rezoning request appeals.
5. I assisted the Hearing Panel as part of the Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga process, which constituted the future development strategy (**FDS**) for Greater Christchurch prepared under the National Policy Statement on Urban Development Capacity (**NPS-UDC**).

¹ Submission #751 and #1058

6. I was contracted as the Principal Planning Advisor to the Independent Hearings Panel for the Christchurch Replacement District Plan, between 2016 and 2018, and assisted the Panel with procedural matters, drafting and review. I have been engaged by a number of district councils on subdivision and rural residential plan change matters, as both reporting officer and planning expert. I have also served as an independent planning commissioner on resource consent matters for the Kaikōura District Council.
7. Prior to becoming a consultant, I was a contracted Senior Advisor for the Canterbury Earthquake Recovery Authority, and Principal Planner and Team Leader – Policy at Environment Canterbury. I led the review of the Canterbury Regional Policy Statement (**CRPS**) from 2008 until the CRPS was made operative in January 2013, as well as Chapter 6 of the CRPS that was included with the Land Use Recovery Plan (**LURP**), having re-written the residential component of Proposed Change 1 for inclusion in the LURP to respond to the Canterbury Earthquakes. I was also the project manager for, and provided planning input into, the Canterbury Regional Landscape Study Review 2010 (prepared by Boffa Miskell).
8. I also have experience preparing a number of district plan changes for the Auckland City District Plan, and presenting evidence as a planning witness at numerous plan change and resource consent hearings in Auckland on behalf of the former Auckland Regional Council.
9. I have appeared in the Environment Court as an expert planning witness, including appeals on the proposed Queenstown Lakes District Plan as an expert witness for QLDC, the Partially Operative Otago Regional Policy Statement 2019 on behalf of the Environmental Defence Society and the Royal Forest and Bird Protection Society in relation to Port-related Activities, and the Auckland Regional Council on the Rodney District Plan.

Code of conduct

10. While this is a Council hearing, I have read the Code of Conduct for Expert Witnesses (contained in the Environment Court Practice Note 2023) and agree to comply with it. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

11. Of particular relevance in relation to the preparation of this evidence regarding the submission of Council, I am aware of my role to assist the Panel as an independent planning expert. As such, the recommendations made in this evidence are my own, based on my expertise.
12. In preparing this evidence I have reviewed the following documents:
- (a) the Resource Management Act 1991 (**RMA, the Act**);
 - (b) the CRPS 2013;
 - (c) the CDP;
 - (d) PC13, including the section 32 RMA analysis and supporting information;
 - (e) the Council's submissions on PC13;²
 - (f) the Council's submission on PC 14;³
 - (g) the Council's summary of decisions requested on PC13 and Plan Change 14 (and where relevant, the submissions themselves);
 - (h) the Council's s42A reports on submissions for Plan Change 14 (2023);
 - (i) the expert evidence of witnesses for the Council where relevant to the Council's submissions prepared for Plan Change 14 (2023);
 - (j) my evidence in chief presented as part of PC14, and associated summary documents;
 - (k) rebuttal evidence of Council witnesses prepared for Plan Change 14 hearing (2023);
 - (l) the Council's legal submissions on PC14 (Heritage Items Qualifying Matter);⁴
 - (m) Part 1 of the Recommendation Report of the Independent Hearing Panel on PC14;⁵ and

² Submission #1058

³ Submission #751

⁴ <https://chch2023.ihp.govt.nz/assets/Legal-submissions/Christchurch-City-Council-Legal-Submissions-Historic-Heritage-Hearing-week-7-23-November-2023.pdf>

⁵ <https://chch2023.ihp.govt.nz/assets/IHP-Report/IHP-Recommendations-Report-Part-1-29-July-2024.pdf>

- (n) the Council's expert evidence and s42A reports on heritage for PC13 (2025).

SCOPE OF EVIDENCE

- 13. The purpose of my evidence is to address matters that were set out in Council's submissions on PC13 (and where relevant, matters that were considered out of scope of PC14 but are relevant to heritage), on behalf of Council as a submitter. This differs from the role of s42A report authors, who have assumed responsibility for evaluation of all other submissions except for those of the Council. The reason for this is to provide independent planning evidence on the submissions, given that I was not involved in the preparation of submissions for the Council.
- 14. My evidence sets out my understanding of the legislative context for the plan changes, including the statutory tests for determining the most appropriate provisions in a district plan.
- 15. My assessment then considers the relief sought in the Council's submissions, and incorporates in the body of my evidence a further section 32AA evaluation of those provisions where my recommendations are to amend the Council's recommended version of PC13 (i.e. the provisions filed with the section 42A reports). I note that while I provided evidence on heritage matters at the first stage hearing on PC14, this evidence replaces my previous brief, having also had the benefit of considering rebuttal evidence filed in the PC14 hearings, as well as the s42A reports released by Council for PC13 on 28 May 2025.
- 16. My statement of evidence generally addresses the following matters:
 - (a) PC13 Submission
 - (i) Clarification of the application of the rules
 - (ii) Proposed new scheduled cemeteries and reference to the heritage schedules
 - (iii) References to the Akaroa Design Review Panel
 - (b) PC14 Submission
 - (i) Earthworks near heritage items and reference to exemption
 - (ii) Spreydon Lodge

- (iii) Heritage setting revisions for Scheduled Items
 - (iv) Inner City West Heritage Area mapping
 - (v) Heritage item exemptions from zone rules
 - (vi) Buildings in heritage areas that are not a heritage item
17. I address each of these points in my evidence below. In addition to this, there are a number of matters in the Council's submission that are no longer being pursued. These are addressed in my evidence at paragraphs 33-35.
18. To assist the Panel with terms used in my evidence, I refer to the following abbreviations when referencing provisions:
- ODP** – Operative District Plan (e.g. ODP Objective 3.6.1);
- NV** – Notified Version (e.g. NV Objective 3.6.1);
- OV** – Officer's s42A Version (e.g. OV Objective 3.6.1); and
- RV** – Recommended Version as proposed in this evidence (e.g. RV Objective 3.6.1).

STATUTORY TESTS

19. The statutory tests to be applied for determining the most appropriate provisions in a district plan are:⁶
- (a) whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);
 - (b) whether the provisions accord with Part 2 of the Act (section 74(1)(b));
 - (c) whether the provisions give effect to the regional policy statement (section 75(3)(c));
 - (d) whether the provisions give effect to a national policy statement (section 75(3)(a));
 - (e) whether the territorial authority has had regard to the actual or potential effects on the environment of activities, including, in particular, any adverse effect (section 76(3));

⁶ Adapted from *R Adams and Ors v Auckland Council* [2018] NZEnvC 008.

- (f) the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (section 32(1)(a));
 - (g) whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (section 32(1)(b)) and taking into account (under section 32(2)):
 - (i) the benefits and costs of the proposed policies and methods; and
 - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.
20. I have incorporated the evaluation set out at (a)-(g) above into my discussion of the various topics below, in particular noting additional matters for consideration under section 32AA where my recommendation proposes to modify or expand on the section 32AA evaluations set out in the section 42A reports already filed on PC13.

PC13 SUBMISSION

21. CCC's submission #1058 seeks five changes to the provisions notified under PC13. The submission seeks:
- (a) clarification to the application of the rules;⁷
 - (b) to ensure consistency with the provisions notified as part of Plan Change 14 by adding cross-references to Appendix 9.3.7.2 Schedule of Significant Historic Heritage in the listings for Linwood, Sydenham, and Akaroa French cemeteries;⁸ and
 - (c) correction of names applying to heritage assessments for Akaroa.⁹
22. The Heritage chapter was originally addressed in the section 42A reports of Ms Dixon (Residential Heritage Areas)¹⁰, Mrs Richmond (Heritage Items)¹¹, and Ms Amanda Ohs (Heritage Items).¹² Ms Dixon did not report on the

⁷ Submission #1058.1.

⁸ Submissions #1058.2 and #1058.3

⁹ Submissions #1058.4 and #1058.5.

¹⁰ section 42A report Ms G Dixon <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/06-Glenda-Dixon-Section-42A-Report-FINAL.PDF>

¹¹ section 42A report Mrs S Richmond <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/07-Suzanne-Richmond-Section-42A-Report-final.PDF>

¹² Section 42A report Ms A Ohs <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/45-Amanda-Ohs-Statement-of-evidence-final.PDF>

Council's submission. Mrs Richmond and Ms Ohs address matters related to heritage value in their reports, which I respond to below.

Clarification of the application of the rules

23. CCC seeks changes to NV 9.3.3, which describes how to interpret and apply the rules in the heritage section. PC13 noted under 9.3.3(g) that "*These rules do not apply to the Akaroa Township Heritage Area (HA1) (...)*" which was an incorrect statement of how the rules apply. The Council seeks a clarification that the **heritage area** rules do not apply to the Akaroa Township Heritage Area, because heritage area rules are addressed through specific provisions under 9.3.6.3, rather than all of the rules in 9.3.4.1.1 to 9.3.4.1.6 (which also include rules relating to **heritage items** and **heritage settings**). However, as sought by the Council, it could be interpreted that none of the rules applying to items and settings that are within the Akaroa Heritage Area apply. This would be inconsistent with the need to protect heritage items and settings from inappropriate subdivision, use and development. As such, the following alternative drafting is recommended:

9.3.3 How to interpret and apply the rules

g.

~~e-~~The rules that apply to **heritage items** and **heritage settings** scheduled in **Appendix 9.3.7.2** and **heritage areas** scheduled in **Appendix 9.3.7.3** are contained in the activity status tables (including activity specific standards) in Rules **9.3.4.1.1** to **9.3.4.1.6**. **These Hheritage area rules do not apply to Akaroa Township Heritage Area (HA1). The matters of discretion for the Akaroa Township Heritage Area in Rule 9.3.6.3 apply when a rule in the Plan is breached.**

24. There are three consequential changes required to Rule 6.8.5.1 matters of discretion in relation to signs, Rule 9.3.4.1.1.a. Permitted activities, and Rule 9.3.4.1.3.a. Permitted activities to ensure consistency with the above changes. Those changes are recommended below:

6.8.5.1 All signs and ancillary support structures

- a. Whether the scale, design, colour, location and nature of the signage will have impacts on the architectural integrity, amenity values, character, visual coherence, and heritage values of:

[...]

- j. **Where the sign is located on or in a heritage item or in a heritage setting or heritage area, ~~excluding Akaroa Township Heritage Area,~~ the relevant matters set out in Rule 9.3.6.1n also apply. Rules and matters of discretion for heritage areas do not apply to the Akaroa Township Heritage Area. The matters of discretion for the Akaroa Township Heritage Area in Rule 9.3.6.3 apply when a rule in the Plan is breached.**

9.3.4.1.1.a. Permitted activities

- a. The following rules apply to heritage items, and heritage settings, and heritage areas scheduled in Appendix 9.3.7.2 or Appendix 9.3.7.3, ~~(excluding the Akaroa Township Heritage Area)~~; and identified on the Planning Maps. **Rules for heritage areas do not apply to the Akaroa Township Heritage Area.**

9.3.4.1.3.a. Permitted activities

- a. The following rules apply to heritage items, and heritage settings, and heritage areas scheduled in Appendix 9.3.7.2 or Appendix 9.3.7.3, ~~(excluding the Akaroa Township Heritage Area)~~; and identified on the Planning Maps. **Rules for heritage areas do not apply to the Akaroa Township Heritage Area.**

25. The changes above are important to ensure that the items and settings rules apply within the Akaroa Heritage Area, so that scheduled items and settings are protected. I consider the changes to better implement the objectives of the Heritage chapter, in particular ODP Objective 9.3.2.1.1, which seeks to protect and conserve significant historic heritage across Christchurch District. No costs are identified given that the items and settings are already protected, however I consider there are significant benefits in terms of protection of historic heritage, as well as ensuring that the provisions as recommended to be amended are effective in achieving the objectives of the plan.

Proposed new scheduled cemeteries and reference to the heritage schedules

26. CCC sought that in relation to PC13, that the Special Purpose (Cemetery) Zone appendices be amended to insert cross references in ODP Appendices 13.2.6.1 and 13.2.6.2 to Appendix 9.3.7.2 (Schedule of Significant Historic Heritage) as it relates to the listings for Linwood, Sydenham and Akaroa

French Cemeteries.¹³ The additions are to insert cross references to the Heritage Schedule, in a similar manner as is currently done for Harewood Memorial Gardens and Crematorium, among other listed cemeteries. The reason for the addition is that the Sydenham, Linwood and Akaroa French Cemeteries are all new proposed Scheduled Items in PC13.

27. While the notified version of PC14 included the amendments to include cross references in Chapter 13.2, the notified version of PC13 did not.
28. I recommend Appendix 13.2.6.1 is changed as follows:

12	Linwood Cemetery (see also Appendix 9.3.7.2 Schedule of Significant Historic Heritage)	25 Butterfield Avenue	Bromley	Pt Lot 1 DP 8756 CT 414/6 Sec 2 SO 18385 CT 34D/572	6.4933 1.3120	33/40
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21	Sydenham Cemetery (see also Appendix 9.3.7.2 Schedule of Significant Historic Heritage)	34 Roker Street	Spreydon	Pt RS 154 (A 9187) CT 23F/695 Pt RS 154 (BM 313) CT 591/38	6.4218 0.1950	45/46
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29. I recommend Appendix 13.2.6.2 is changed as follows:

1	Akaroa French Cemetery (see also Appendix 9.3.7.2 Schedule of Significant Historic Heritage)	7 Rue Pompallier	Akaroa	Pt RES 108 (BM 289)	0.1012	77, R5
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30. The change is considered minor, and is consistent with the changes sought as notified as part of PC14. They provide clarity to the plan, by providing an appropriate cross reference to make users aware of the Schedule. There is no overall change in effect, given that the merits of the new listings are addressed elsewhere. No costs are identified, and I recommend the changes are accepted.

References to the Akaroa Design Review Panel

31. CCC's submission seeks corrections to "Appendix 15.15.7.c.iv" and Matter of Discretion 9.3.6.3 in order to provide the correct names of the Panel

¹³ Submission #1058.2 and #1058.3

responsible for design input into applications for consent in Akaroa.¹⁴ I note that the correct name of the Panel is the Akaroa Design Review Panel, and that this submission point should be accepted (noting that the relief in submission point #1058.5 should have referred to the “Akaroa Design Review Panel”). The changes sought are of minor effect,¹⁵ and can be undertaken without analysis under section 32AA, and I recommend that the changes be made.

PC14 SUBMISSION

32. There are a number of matters that were addressed in the Council’s submission #751 on PC13 and PC14, which related to Heritage matters but that were deferred and considered out of scope of PC14 as it related to the Intensification Planning Instrument. These submission points remain live.
33. Notwithstanding this, a number of provisions were withdrawn from PC13 as a result of a decision from the Council on 11 December 2024 as they relate to Residential Heritage Areas. These submissions points¹⁶ include:
 - (a) 751.34
 - (b) 751.35
 - (c) 751.42
 - (d) 751.43
 - (e) 751.44
 - (f) 751.45
 - (g) 751.54
 - (h) 751.72
 - (i) 751.73
34. Given that these matters have been withdrawn from the plan change, I recommend that the submission points are rejected as they are no longer in the scope of the plan change.

¹⁴ Submission #1058.4 and #1058.5

¹⁵ RMA Schedule 1 Clause 16(2)

¹⁶ Refer to the summary of decisions requested <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/PC14/Submissions-by-Submitter-04-August-2023.pdf>

35. A number of heritage related matters in Council's submission have already been decided as part of PC14 decisions. Given that they have been decided, they fall outside of the scope of this hearing. Those submission points are:
- (a) 751.53, FS2037.875
 - (b) 751.105
 - (c) 751.106
 - (d) 751.143
36. The remaining matters are set out below.

Earthworks near heritage items and reference to exemption

37. CCC sought to amend Rule NV 8.9.2.1 P1 to provide clarity around the provisions applying to earthworks where they occur within 5 metres of a heritage item, or above the volumes in Table 9 within a scheduled heritage setting.¹⁷ In addition, it sought an amendment to the exemptions in 8.9.3.a.iv and 8.9.3.a.xii to note that the permitted standards in 8.9.2.1 P1 apply.
38. In relation to NV 8.9.2.1 P1, as sought in its submission, the grammar in the drafting was not quite correct so that it clearly stated a permitted standard (Council's submission sought the deletion of the word "Where" at the beginning of the sentence, and that strikethrough was incorrect). The key substance of the submission was to delete the notified insertion of a cross reference to the exemption for earthworks within the permitted standard, as the intended change can be more clearly and simply made in the exemption text only.
39. Council's submission sought the following:
- (a) Amend Rule 8.9.2.1.P1 to read "~~Where~~ Earthworks shall not occur within 5 metres of a heritage item, ~~or within the footprint of a heritage item which is otherwise subject to exemption 8.9.3.a.iv.~~, or above the volumes contained in Table 9 within a heritage setting listed in Appendix 9.3.7.2, details of temporary protection measures to be put in place to mitigate potential physical effects on the heritage item must be provided to Council's Heritage team for comment at least 5 working days prior to the works commencing.";

¹⁷ Submission #751.37, FS2037.859

40. I agree that the deletion of the exemption is appropriate, given that it is not intended to provide an exemption under NV 8.9.3.a.iv. It is intended that Council parks and reserves which are otherwise exempt from earthworks standards are subject to the requirement to notify Council's Heritage team for comment prior to works commencing. This will ensure that heritage items are appropriately protected from inappropriate earthworks activities. However taking into account the grammatical correction above, I recommend that the following change is made, ensuring that the word "Where" is not struck through, and the notified bold underlined wording is retained. As such, I recommend the submission is accepted in part. This would amend the notified text as follows:

8.9.2.1 Permitted activities – earthworks

P1 Activity Standard

Where Earthworks shall not occur within 5 metres of a heritage item, or within the footprint of a heritage item which is otherwise subject to exemption 8.9.3.a.iv., or above the volumes contained in Table 9 within a heritage setting listed in Appendix 9.3.7.2, details of temporary protection measures to be put in place to mitigate potential physical effects on the heritage item must be provided to Council's Heritage team for comment at least 5 working days prior to the works commencing.

41. In relation to the submission points seeking changes to 8.9.3.a.iv and 8.9.3.a.xii, the Council sought the following changes in its submission:

- (i) 8.9.3.a.iv to "Where the building is a heritage item, or earthworks occur within 5 metres of a heritage item, the activity standard in 8.9.2.1 P1 i. applies."
- (ii) 8.9.3.a.xii to "~~This exemption does not apply to~~ Where earthworks in public spaces occur within 5 metres of a heritage item or above the volumes contained in Table 9 in a heritage setting which are subject to the activity standard in 8.9.2.1 P1 i. applies.¹⁸

42. As noted above, it was intended that the activity standards in 8.9.2.1 P1 apply. I note that in relation to 8.9.3.a.xii, the submission should not have struck out the text in relation to heritage settings, and that the intention is that such earthworks in heritage settings are still subject to the heritage earthworks permitted standards. As such, I recommend that the submission is accepted in part, and that the following amendments are made to the notified provisions:

¹⁸ Submission #751.38, FS2037.860, FS2051.38.

8.9.3 Exemptions

a.

iv. Any earthworks subject to an approved building consent where they occur wholly within the footprint of the building. For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the wall. This exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the principal building on the site or adjoining site. Where the building is a heritage item, or earthworks occur within 5 metres of a heritage item, the activity standard in 8.9.2.1 P1 j, applies.

8.9.3 Exemptions

xii. Earthworks undertaken by Council or Canterbury Regional Council to maintain or upgrade their own parks and reserves. This exemption does not apply to Where earthworks in public spaces occur within 5 metres of a heritage item or above the volumes contained in Table 9 in a heritage setting which are subject to the activity standard in 8.9.2.1 P1 j, applies.

43. I consider the changes set out above to be the most appropriate for ensuring that historic heritage values are protected, in particular through appropriate consideration of mitigation measures as they relate to earthworks within close proximity to heritage items or within heritage settings. Costs are minimised given that they are related to a permitted activity standard, and only required to the extent they protect heritage features through discussion with Council's heritage team. The amendments as recommended provide clarity of drafting and are both efficient and effective, and I consider them the most appropriate methods for implementing Objective 9.3.2.1.1.

Spreydon Lodge

44. CCC seeks that Spreydon Lodge is added to Schedule 9.3.7.2 as a significant heritage item, with scheduled interior (limited to interior staircase and ground floor marble fire surround), as shown on the heritage aerial map.¹⁹ In her section 42A report on PC14,²⁰ Mrs Richmond addressed the related submission and further submission from Danne Mora Limited²¹ supporting the proposed extent of the heritage item and setting as set out in Council's submission. I understand this was agreed between Council and the owner prior to notification. In my initial evidence at the PC14 hearing, I had incorrectly noted a change to the heritage setting and shape in my evidence. Mrs Richmond notes that correction in her rebuttal evidence for the PC14 hearing.²²

¹⁹ Submission #751.39, FS2037.861, FS2066.10.

²⁰ At para 8.1.16 section 42A report – Heritage Items and Qualifying Matter – Heritage Items <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/07-Suzanne-Richmond-Section-42A-Report-final.PDF>.

²¹ Submission #903.46 and #FS2066.10.

²² At para 81 Rebuttal Evidence Suzanne Richmond for CCC, <https://chch2023.ihp.govt.nz/assets/Rebuttal-Council/07.-Rebuttal-Evidence-Suzanne-Richmond.pdf>

45. The submission regarding Spreydon Lodge is supported in expert evidence by Ms Amanda Ohs for the Council in relation to PC14.²³ Ms Ohs agreed with the amendments sought by Danne Mora Limited in relation to the Statement of Significance for the heritage item. I rely on Ms Ohs' expertise in relation to heritage matters, and consider that the addition of the site, with amendments as sought by Danne Mora Limited to be the most appropriate for implementing the objectives of the ODP, in particular ODP Objective 9.3.2.1.1 which seeks to protect and conserve historic heritage across the district, as well as giving effect to CRPS Policy 13.3.1 which seeks to protect the historic and cultural heritage resource of the region from inappropriate subdivision use and development. It is relevant to record that neither Mrs Richmond, or Ms Ohs, have addressed Spreydon Lodge in their s42A reports for PC13, and as such I rely on their evidence previously filed on this topic for PC14.
46. I recommend that both the Council submission and Danne Mora Limited's further submission be accepted. This would result in the following addition to Schedule 9.3.7.2:

1	Monsaraz Boulevard		Halswell	Former Dwelling and Setting, Spreydon Lodge	1461	687	Yes - limited to interior staircase and ground floor marble fire surround	Significant		862	45C
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Heritage setting revisions for Scheduled Items

47. CCC sought in its submission that the heritage settings for four sites are amended as set out in its submission in relation to Schedule 9.3.7.2.²⁴ In the Council's submission, those changes sought to revise the settings as follows:
- (a) 364 Riccarton Road, item # 464, map 23 – now 350 Riccarton Road – subdivided 2020 – revise setting as per attached map and address update on schedule [ATTACHMENTS 7 & 8 to Council's submission];
 - (b) 20 Mona Vale Avenue, item # 384, map 66 - subdivided and house moved forward on section – revised item and setting as per attached map [ATTACHMENTS 9 & 10];

²³ At para 60-63 EIC Amanda Ohs for CCC, including statement of significance at Appendix 8 <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/45-Amanda-Ohs-Statement-of-evidence-final.PDF>.

²⁴ Submission #751.40, FS2037.862.

- (c) 2 items – 106 Papanui Road, item # 422, map 113 and 110 Papanui Road, item # 423, map 112 – property boundaries redrawn - alter settings to reflect new property boundary - revise as per attached map [ATTACHMENTS 11, 12, 13 & 14]; and
- (d) 29 Major Aitken Drive, item # 1456 - map 858 - revised setting as per attached map and revised name of item in schedule to align with recent Heritage New Zealand Pouhere Taonga listing. [ATTACHMENTS 15 & 16].
48. I note that in relation to the requests above, the mapping attached the Council's submission in relation to 350 Riccarton Road and 20 Mona Vale Avenue have now been superseded. This matter is addressed below.
49. The first three changes address boundaries changes to the sites as a result of subdivision or boundary adjustments. Heritage settings generally align with site boundaries. 364 Riccarton Road (now 350 Riccarton Road), was subdivided in 2020, and again in 2023. The setting is proposed to be updated as set out in the most recent subdivision consent, with a corresponding update to the new address in the Schedule.²⁵ A copy of the amended heritage setting is attached as **Appendix 1**. An update to reflect the changes is required to Schedule 9.3.7.2 as set out below:

364_350	Riccarton Road		Upper Riccarton	Bush Inn Hotel and Setting	464	197	No - not yet assessed	Significant		23	30C; H18
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50. The dwelling at 20 Mona Vale Avenue was moved forward on the section in 2017 and the site subsequently subdivided, with a further subdivision in 2023. As such, the setting, and location of the dwelling, is sought to be amended, to reflect the most recent subdivision, along with an amended heritage assessment reflecting the changes.²⁶ A copy of the amended heritage setting reflecting the most recent subdivision is attached as **Appendix 2**.
51. In relation to 106 and 110 Papanui Road, the boundaries of the sites reflect boundary adjustments that have taken place. The proposed new boundaries reflect the updated boundaries as set out in Council's submission, with amended heritage assessments.²⁷ An update to reflect the changes is required to Schedule 9.3.7.2 as set out below:

²⁵ Submission #751 Attachment 7 and Attachment 8, FS2037.862.

²⁶ Submission #751 Attachment 9 and Attachment 10, FS2037.862.

²⁷ Submission #751 Attachment 11, Attachment 12, Attachment 13 and Attachment 14, FS2037.862.

106_110	Papanui Road	108 Papanui Road	St Albans	Former Dwelling and Setting	422	451	No - not yet assessed	Significant		113	31C; H7
110	Papanui Road		St Albans	Former Dwelling/ School and Setting, Former Rangī Ruru/Roseneath House	423	450	No - not yet assessed	Significant		112	31C; H7

52. The final change to heritage settings is in relation to 29 Major Aitken Drive. This change reflects alignment with the relatively recent Pouhere Taonga/Heritage New Zealand listing, and includes a revised name of the scheduled item in the schedule. I consider that the changes represent logical changes to settings for the various heritage items, given the change in circumstances as a result of approved subdivision and landuse consents, and in the case of the Major Aitken Drive property, alignment of the area and name consistent with the Pouhere Taonga/Heritage New Zealand listing.
53. I consider the changes to be the most appropriate for protecting historic heritage, in particular ODP Objective 9.3.2.1.1, and giving effect to CRPS Policy 13.3.1.

Inner City West Residential Heritage Area mapping

54. CCC seeks amendment to two sites in the Inner City West Residential Heritage Areas, in relation to the Site Contributions Maps.²⁸ These include change the colour of 31 Worcester Street from green (contributory) to orange (intrusive) given that the building on the site has been demolished, and change of colour for 1 Armagh Street from blue (defining) to green (contributory), as this is noted as a mapping error.²⁹
55. I note that Hughes Developments Limited seeks a change to Appendix 9.3.7.3 to remove reference to 31 Worcester Street containing buildings on the site. This matter is addressed in Ms Dixon's evidence in relation to the submission from Hughes Development,³⁰ and in response she agrees that the contribution rating for the site be changed from contributory to intrusive.
56. I concur on both submission points, and with Ms Dixon's recommendation in relation to the Hughes Development submission. I recommend the changes are accepted, as they accurately reflect the current historic heritage values and contributions to the heritage areas, and as such, the changes are more

²⁸ Submission #751.41, FS2037.863, FS2065.1.

²⁹ Submission #751,41, Attachment 17 and Attachment 18, FS2037.863, FS2065.1.

³⁰ At para 11.4.1 S42A Report of Glenda Dixon <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/PC13/S42A-Reports-and-Evidence/1.0-SOE-FINAL-s42A-report-Glenda-Dixon-RHA.pdf>

appropriate for implementing ODP Objective 9.3.2.1.1, and giving effect to CRPS Policy 13.3.1 which I have outlined previously.

Heritage item exemptions from zone rules

57. Council sought a range of amendments³¹ to Appendix 9.3.7.4 which sets out heritage item exemptions from zone rules, to amend text in the Appendix to:
- (a) Reinstate text/remove strikeouts: Residential Suburban zone and Residential Density Transition zone (17 changes);
 - (b) Strike out: Low Density Residential Airport Influence Zone and Airport Influence Density Precinct (13 changes);
 - (c) Reinstate text/remove strikeouts: Residential Hills zone (3 changes) and reorder in table to DP order of subchapters; and
 - (d) Change Residential New Neighbourhood zone to Future Urban Zone (1 change) Buildings in heritage areas.
58. I note that this matter was not addressed in my original evidence prepared for PC14.
59. The changes sought were to reflect, at the time, consequential changes to text as a result of the notified version of PC14. A consequential change is now required to accurately reflect decisions on PC14. There were three principles involved in the changes that were sought in the Council's submission (as well as through the notified version of the appendix). They were:
- (a) Consequential name and numbering amendments relating to PC14 changes;
 - (b) Exemptions for new rules in PC14; and
 - (c) Exemptions omitted from the notified version which relate to consequential changes in other chapters during, or since, the District Plan Review.

³¹ Submission #751.46 FS2037.868

60. The task of including the changes is particularly complicated, given the varying, and at this stage, uncertain status of decisions on PC14. However, the changes are largely administrative, and will be more easily incorporated upon finalisation of decisions on PC14.
61. The changes seek to consistently apply the same types of exemptions (from scale of activity, residential coherence and retail standards and rules) across the same type of activities which have been applied in the operative plan to relax some rules, in order to support reuse of heritage buildings. Mrs Richmond addressed the notified changes to the Appendix in her PC14 evidence-in-chief³² (but has not addressed the subsequent changes sought through the Council's submission). Mrs Richmond explained in her evidence that the purpose was not to reduce exemptions in the Appendix, but to improve consistency and fairness to applicants by adding exemptions from various rules (thus providing a more flexible planning framework).
62. I concur with Mrs Richmond's position in her PC14 evidence. Enabling more flexible use of heritage sites will better enable adaptive re-use where there are greater exemptions from particular rules in the plan. I consider that any increased ability to re-use buildings is more likely to lead to protection of historic heritage, and therefore implement the objectives of the plan, in particular ODP Objective 9.3.2.1.1, which specifically seeks protect and conserve significant historic heritage in a way which enables its ongoing retention, use and adaptive re-use.
63. However, as noted above, the task of inserting those changes when, at this stage the decisions on PC14 are uncertain, is difficult. As such, I have not included a tracked change version of the Appendix. Given the raft of changes required, it is my recommendation that the Hearing Panel direct the Council that changes are made to NV Appendix 9.3.7.4 in accordance with the principles set out in paragraph 53 (a)-(c) above.

Buildings in heritage areas that are not a heritage item

64. The Council has sought an amendment to NV Rule 9.3.4.1.3 RD1 to include a new provision that notes that where a building is in a heritage area, but is not a heritage item, that Rule 9.3.4.1.3 RD6 will apply instead.³³ The reason for the change is that, as notified, there is an overlap between RD1 and RD6

³² At para 8.1.139 EIC Suzanne Richmond in response to submissions by Carter Group Limited, The Catholic Diocese of Christchurch, and Church Property Trustees <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/07-Suzanne-Richmond-Section-42A-Report-final.PDF>

³³ Submission #751.47, FS2037.869 (Support), FS2044.5 (Oppose), FS2045.5 (Oppose)

because the definition of alteration will now include alterations to buildings in a heritage area, whereas RD1 is intended to apply to heritage items only.

65. This change was opposed by the Catholic Diocese and Carter Group Limited, however the opposition from the Catholic Diocese appears to be for the same reason as it opposes the Residential Heritage Areas. Ms Dixon also addresses this in her s42A report for this hearing in response to submission 1003.5.³⁴
66. I concur with Ms Dixon's amendment, which reflects Council's submission. It removes an overlap between the rules, and better clarifies the application of activities RD1 (heritage items and heritage fabric) and RD6 (new buildings and alteration to building exteriors in a Residential Heritage Area). Removing the duplication is an effective means of ensuring that assessment is only required under one rule, and will continue to provide for protection of significant historic heritage as sought in ODP Objective 9.3.2.1.1.

CONCLUSION

67. I consider that:
- (a) the changes as recommended in my evidence will assist the Council with carrying out its functions and achieve the purpose of the Act, and that the provisions as expressed in my evidence will accord with Part 2;
 - (b) the amendments as proposed will implement the higher order documents that are relevant to PC13;
 - (c) includes having regard to the actual or potential effects of the activities (as recommended to be amended), in particular any adverse effects;
 - (d) the changes are the most appropriate for achieving the objectives of the CDP, taking into account the costs and benefits associated with the changes, which supplement the analysis already undertaken by the Council as part of its s 32 reports;

³⁴ At para 11.3.1 s42A report Ms Glenda Dixon <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/PC13/S42A-Reports-and-Evidence/1.0-SOE-FINAL-s42A-report-Glenda-Dixon-RHA.pdf>

(e) there is not any uncertain or insufficient information that warrants an evaluation of the risk of acting or not acting in response to the submissions;

68. As such, I have made the recommendations to the Panel to accept, accept in part, or reject submissions, as set out in my evidence.

A handwritten signature in blue ink, appearing to read "Marcus Hayden Langman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marcus Hayden Langman

Date: 6 June 2025

APPENDIX 1 - HERITAGE SETTING FOR 350 RICCARTON ROAD



