

**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 **Canterbury Rugby
Football Union** (late further submission accepted by the
Panel and FS101) on Plan Change 13 to the Operative
Christchurch District Plan

**STATEMENT OF EVIDENCE OF TIM JOLL ON BEHALF OF CANTERBURY
RUGBY FOOTBALL UNION**

Planning

10 June 2025

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STATEMENT OF EVIDENCE OF TIM JOLL

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 Zealand¹.
- 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 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. My experience also includes consenting 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 and/or 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.
- 6 I have been engaged by Canterbury Rugby Football Union (**CRFU**) to provide evidence in support of its further submissions (further submitter - #late further submission accepted by

¹ 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.

the Panel on 23 May 2025, and #101²) on Plan Change 13 (**PC13**) to the Operative Christchurch District Plan (**ODP**). I understand that Kainga Ora (**KO**) withdrew its remaining submission points under submission #1093 on 4 June 2025. CRFU can therefore no longer support those KO submission points identified in CRFU's further submission #98.

- 7 My evidence specifically addresses the planning merits of including Rugby Park within the St Albans Residential Heritage Area (**RHA**) overlay. My evidence does not provide conclusions on the merits, or otherwise of including the dwellings at 6 and 12 Malvern Street in this RHA.

Code of Conduct

- 8 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.
- 9 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.

Executive Summary

- 10 In my evidence, I assess the merit of including Rugby Park in the RHA, scheduled in Appendix 9.3.7.3 in the ODP. Many of the conclusions I reach are equally applicable to the adjoining Malvern Park, however the focus of my evidence is on Rugby Park.
- 11 I agree with the concerns raised by Mr John Brown³ (CRFU's heritage consultant) regarding the inappropriateness of the methodology selected to assess Rugby Park which is within the Open Space Metropolitan Facilities Zone (**OSMFZ**) under the ODP. I also consider that based on the conclusions reached by Mr Brown,⁴ that Rugby Park is not integral to the history and significance of the RHA and should therefore be removed.
- 12 I am also of the opinion that the s.32 report prepared by the Council fails to provide an adequate (any) assessment of the cost(s) and benefit(s) of applying an RHA over Rugby Park. This is considered of even greater importance given the Site is zoned OSMFZ, where the majority of the RHA applies to land zoned for residential purposes.

² Relating to specific submission points by Carter Group Limited as supported by CRFU in its further submission.

³ Mr Brown, statement of evidence on behalf of CRFU, dated 10 June 2025, at [19] to [23].

⁴ At [24] to [32].

- 13 It is my opinion that a s.32 assessment does not start and end with a 'tick box' exercise that heritage values are present. "Section 32 evaluation should be fully integrated into decision-making throughout the planning process, and should not be seen as merely a reporting requirement"⁵. "Strong supporting evidence and a well-scoped and organised evaluation approach is critical to a good quality s.32 evaluation"⁶. I could not find any assessment in the Council's s.32 report of how the application of an RHA to an OSMFZ site properly meets the requirements for Councils when completing a s.32 analysis.
- 14 The RHA provisions, including the rules and matters of discretion are clearly framed with a residential context in mind. They are inconsistent and conflict with the existing site (Rugby Park) and zoning and therefore are inappropriate.
- 15 As identified in the s.32AA attached as **Appendix 1** to my evidence, the removal of Rugby Park from the RHA is more appropriate in achieving the purpose of the RMA, when compared to accepting the notified version of PC13, including the proposed changes (either full or in part) to the RHA provisions set out in the s.42A report.

Scope of Evidence

- 16 I understand CRFU supports Melissa MacFarlane's (the **Submitter**) submission (No. 1003) points in part. In particular, it supports the entire removal of the RHA by the Submitter and changes to the relevant provisions as requested by the Submitter.
- 17 However, my evidence is confined to assessing and addressing CRFU's specific concern, being the removal of the RHA applying over Rugby Park. My evidence covers the following matters:
- 17.1 Background and context to Rugby Park;
 - 17.2 whether the methodology for identifying and assessing the RHA is appropriate, including whether it meets the requirements of s.6 of the RMA?
 - 17.3 Matters addressed in Council's s.32 Report;
 - 17.4 Are the RHA provisions appropriate? and
 - 17.5 Response to Council's s.42A Report.
- 18 In preparing this evidence I have read the:
- 18.1 S.32 Report including appendices 12 to 15, prepared by Glenda Dixon;
 - 18.2 S.42A Report including appendices 1.1 to 1.6, prepared by Glenda Dixon;

⁵ Ministry for the Environment – A guide to section 32 of the Resource Management Act 1991 - Section 4.1

⁶ –At Section 4.1

- 18.3 Statement of Evidence of Dr Anne McEwan dated 28 May 2025, including appendix 5 'St Albans CPT subdivision RHA May 2025';
- 18.4 Statement of Evidence of Philip Osborne (economics) dated 28 May 2025; and
- 18.5 Statement of Evidence of Mr Brown on behalf of the CRFU, dated 10 June 2025.

Background and Context

Site and Operative Zoning

- 19 Rugby Park is located at 178 Innes Road. It is legally described as Part Rural Section 324, held in title CB420/226. It is owned by CRFU and is located within the ODP - OSMFZ.
- 20 Policy 18.2.2.1 identifies the role of the OSMFZ is key and notes (my emphasis added in **bold**):

*These spaces accommodate **public and private major sports facilities, larger recreation facilities**, marine recreation facilities, and motorised sports facilities on sites that provide:*

Sufficient land area to accommodate large scale buildings and structures, car and cycle parking areas and, where necessary, buffer areas to minimise reverse sensitivity;...

Capacity for multifunctional use, co-location of complementary or compatible activities and for hosting city, regional, national and international events which provide entertainment to residents and visitors

- 21 The OSMFZ built form rules implement the OSMFZ objectives and policies (including this key policy) by likewise enabling large-scale sports facilities and grandstands, in keeping with the zone purpose but also by requiring significantly increased setbacks from road and internal boundaries that are not consistent with residential zoned properties⁷. The photos contained in **Appendix 2**, highlight the scale and character of the existing buildings and boundary treatment on the Rugby Park site.
- 22 Policy 18.2.1.3 of the ODP provides for activities, buildings and structures that are of a scale, form and design which is "compatible with the role and anticipated use of the open space, acknowledging that metropolitan facilities may contain large scale-built development". This is balanced with the acknowledgement that development in open space zones should "minimise adverse effects on adjoining land uses and the surrounding environment's ecological, landscape and natural values, historic heritage values and amenity values, both within and outside the open space". It is considered that the existing scale and nature of development at Rugby Park achieves this without adversely impacting on the adjoining Character Area and its inclusion in the RHA is not needed to

⁷ Built form standard 18.5.2, OSMFZ.

minimise adverse effects on any historic heritage values that may apply to the remainder of the RHA.

- 23 Malvern Park to the east of Rugby Park is within an Open Space Community Park Zone. Policy 18.2.2.1 identifies the role of the OCPZ and notes:

These spaces enable formal and informal recreation activities, while complementing and enhancing neighbourhood and Central City amenity value...

- 24 The remainder of the RHA is within a Residential Suburban Density Transition Zone. This zone provides principally for low to medium density residential housing.
- 25 The underlying zoning, and the anticipated scale and nature of activities and development that are anticipated by the ODP to occur across the open space and residential zones is clearly distinct. It is my opinion that this is not reflected in the RHA provisions, which as the name suggests, is focussed on the need to maintain residential heritage outcomes.
- 26 In keeping with the purpose of the RHA⁸, it is no surprise the RHA rules and matters of discretion are clearly framed with a residential context in mind. As such, rules that are designed to maintain built form and heritage values compatible with villas and Californian bungalows do not work/are inconsistent with CRFU's Metropolitan Sports Facility at Rugby Park comprised of a suite of large-scale buildings and grandstands that have a fundamentally different form and function, as reflected and envisioned by the provisions included within the ODP – OSMFZ. The compatibility of the RHA rules, with Rugby Park are illuminated further in paragraphs 39-48 below.

Is the methodology for identifying and assessing RHA appropriate, does it meet the requirements of s 6 RMA?

- 27 Dr McEwan outlines the methodology for the RHA⁹ and the 'road testing' that she has undertaken.¹⁰ Mr Brown in his evidence identifies concerns over the consistency and robustness of data in some instances.¹¹ He identifies specific concerns that the subdivision of the open space sites and their historical development is connected specifically to the 1923 Residential subdivision¹². This raises significant concerns about the validity of the site-specific assessment prepared by the Council and the associated inclusion of these properties.

⁸ Policy 9.3.2.2.2 Identification, assessment and scheduling of heritage areas.

⁹ Dr McEwan Statement of Evidence, at [19].

¹⁰ At [30]-[31].

¹¹ At [19]-[22].

¹² Mr Brown Statement of Evidence, at [33-36]

- 28 Mr Brown raises concerns with the justification for the inclusion of the open space zoned properties within the RHA in paragraphs 24-29 of his evidence.
- 29 I agree with the concerns raised by Mr Brown regarding the appropriateness of the methodology that has been used in assessing the open space zoned sites. I also consider that based on the evidence of Mr Brown that the open space sites as a whole are not integral to the history and significance of the RHA.

Matters Addressed in Section 32 Report

- 30 I note the robustness of the s.32 report has previously been considered and dismissed by the Independent Hearings Panel (**IHP**), which was based on virtually identical evidence to that currently being put forward by Council staff¹³. In their PC14 recommendations, the IHP Panel noted:

that the merits of the proposed provisions, even if they were justified on grounds of scope under an IPI (which they are not), are not appropriate in the context of the required RMA s32 evaluation¹⁴.

- 31 More specifically, having reviewed Ms Dixon's s.32 report, which evaluates the costs and benefits of the proposed RHA provisions, primarily in paragraph 6.3.3 to 6.3.12, I was unable to find any analysis of the costs and benefits of including non-residential zoned properties within the RHA such as Rugby Park (another example is Malvern Park). This is a significant flaw in the s.32 report which it, in of itself, is sufficient reason for the Panel to reject the proposal to include Rugby Park within the RHA. Likewise, I could not find economic evidence from Mr Osborne of the economic costs and benefits of subjecting a metropolitan sports facility to the RHA policy and rule framework. In my opinion, this lack of robust analysis by Mr Osborne is also a significant flaw with the Council's assessment.
- 32 In summary, my opinion is the s.32 report fails generally to provide any evaluation of costs and benefits of applying an RHA over Open Space zones. As identified in the s.32AA attached as **Appendix 1** to my evidence, the removal of Rugby Park from the RHA is more appropriate in achieving the purpose of the RMA when compared to accepting the notified version of Plan Change or the proposed changes (in full, or in part) as set out in the s. 42A report.
- 33 I do not intend to comment on Dr McEwan's responses to the Plan Change 14 Recommendations in respect of RHAs outlined in paragraphs 46 and 47 of her Statement of Evidence. I do however note that the conclusions from the IHP highlighted above are based on the planning evaluation prepared by Council staff, rather than an evaluation by a Heritage Professional.

¹³ The s.32 Evaluation available on the Council website remains – PC13-Section-32-report-for-notification-March-2003

¹⁴ IHP-Recommendations-PC14-Provisions-Chapter-9.3-Historic-Heritage-29-July-2024

Are the RHA Provisions Appropriate?

Objectives and Policies

- 34 The proposed provisions for RHAs reference 'heritage values' in numerous places. This includes in Chapter 9, Policy 9.3.2.2.8 – 'Demolition of scheduled historic heritage'. As I previously stated in my evidence for Plan Change 14, 'heritage values' only apply to a 'heritage item and its heritage setting'. 'Defining' or 'contributory' buildings do not meet the ODP definition of 'heritage items' as they are not scheduled in Appendix 9.3.7.2¹⁵. By definition they therefore do not have heritage values. If I am correct, this error undermines the foundations that the Council are relying on justifying the RHA provisions and numerous corrections would be required to the provisions to address this matter. Some key examples are provided in the following paragraphs.
- 35 My concerns with the inclusion of the term 'heritage values' is also applicable to the wording of Policy 9.3.2.2.2' Identification, assessment and scheduling of heritage areas' and in particular the reference in 9.3.2.2.2 a. ii to 'heritage values'.
- 36 I consider that reference needs to be made in Policy 9.3.2.2.5 a. iv 'Ongoing use of scheduled historic heritage'; to 'defining buildings' and 'contributory buildings' as this part of the policy only includes 'heritage items' and therefore does not currently apply to buildings in RHAs.
- 37 I also have concerns with the amended wording of Policy 9.3.2.2.8 – 'Demolition of scheduled historic heritage' proposed by Ms Dixon as they relate to RHAs¹⁶. I consider that terms such as 'strongly discouraged' when combined with a requirement to consider "whether options for retention and repair have been thoroughly considered and have been shown to be feasible or otherwise..." sets a challenging bar to meet for items that would not meet the threshold for individually scheduling. If for example someone was seeking to redevelop their site, then I consider it would be hard to demonstrate that retention and repair of a single building would be unfeasible.
- 38 For an undamaged 'defining' or 'contributory' building, this would very likely require economic analysis, and I consider it would be very difficult to justify that the costs to retain the building, in the majority of applications, would be unreasonable.

¹⁵ RHA are scheduled in Appendix 9.3.7.3 whereas 'Heritage Items' are scheduled in Appendix 9.3.7.1.

¹⁶ Paragraphs 33-35 of my planning evidence filed on behalf of Ceres provides commentary on my concerns with the wording as it relates to scheduled heritage items.

Rules and Matters of Discretion

- 39 My concerns with the inclusion of the term 'heritage values' discussed above is also applicable to the matters of discretion contained in amended Rule 9.3.6.4 and Rule 9.3.6.5, which includes several references to 'heritage values'. In my opinion, RHAs cannot have 'collective heritage values' as they do not by definition have any 'heritage values' as defined by the ODP.
- 40 Further concerns in relation to the RHA rules that would apply to Rugby Park are set out in the next section below.

Response to Section 42A Report

- 41 In paragraph 8.4.7 of Ms Dixon's s.42 report, she states that:

The rules for RHAs have no effect on parks within their identified boundaries, unless there is a proposal to put a new building on the park."

- 42 I disagree with the above conclusion. The Individual Site Record Form for the open space sites, provides a 'Defining' rating over the entirety of both Rugby Park (as well as Malvern Park). There are no buildings identified as being 'Neutral' or 'Intrusive'. Therefore, the demolition of any building on these sites would require resource consent under Rule 9.3.4.1.3 RD7. By comparison, the OSMFZ does not restrict demolition of buildings on the site. This presents CRFU with a far higher consenting burden. To further illustrate the inappropriateness of this provision as it applies to Rugby Park, the existing 2.4m high corrugated iron fencing along the Innes Road frontage and parts of the Rutland Street and Malvern Street frontages¹⁷ would require consent to be removed (demolished), as the fencing would meet the definition of building discussed below. The fencing has not been identified as 'Neutral' or 'Intrusive' in the 'site-specific assessment' prepared by the Council.
- 43 Similarly, Rule 9.3.4.1.3 RD6 would require a resource consent to construct any new *building*, or to undertake any alterations to *building* exteriors. The erection of boundary fences over 1.5m in height and *the alteration to road boundary fences over 1.5m in height* would also require resource consent. Because of the nature of Rugby Park, none of the exemptions outlined in 9.3.4.1.3, RD6 (c) – applying to the RHA areas would be readily applicable as they either reference positioning relative to residential units, or alterations to exteriors of neutral or intrusive buildings.

¹⁷ Refer to Appendix 2 for photos of the fencing

44 It is important to note the definition of 'building' in the ODP¹⁸, means, as the context requires:

g. any structure or part of a structure, whether permanent, moveable or immoveable; and/or

h. any erection, reconstruction, placement, alteration or demolition of any structure or part of any structure within, on, under or over the land; and...

45 For Rugby Park, this definition is of particular relevance and the scale and nature of buildings is entirely different to a typical residential zoned property. Critically, I consider that the implications of proposed RHA, Rules 9.3.4.1.3 RD6 and 9.3.4.1.3 RD7 in Chapter 9, could have considerable consenting implications for the ongoing maintenance and adaptation of the facilities at Rugby Park.

46 A strict interpretation of the definition of 'building' could see features such as rugby posts captured by these rules, as these are by definition, "structures". Even applying a more 'pragmatic lens', my opinion is that features essential to the operation of the Site including the provision of new lighting towers, commentary boxes, storage facilities, training facilities (as some examples) would be captured, and require resource consent.

47 As noted above the existing 2.4m high iron fencing along the Innes Road frontage and part of the Malvern and Rutland Street frontages, meets the definition of a 'building' and would require consent to be removed (demolished) or altered. This fencing is utilitarian with no redeeming character features in my opinion. The fencing outcomes for the RHA are focused on low-rise picket fencing and pool fencing, which is entirely inconsistent for a metropolitan sports ground where paid entry events and training sessions for professional rugby teams are common and as such clear views from 'free' publicly accessible locations need to be prevented.

48 Overall, I consider Ms Dixon in her planning assessment has failed to consider how unworkable and inappropriate the RHA provisions are when applied to Rugby Park. As noted above, I consider that the merits of including such open spaces and particularly Rugby Park in the RHA as not being appropriate, especially in the absence of a robust s.32 RMA evaluation justifying its application. The operative OSMFZ provisions are more appropriate without an additional RHA overlay, as it recognises and avoids those issues identified above, by providing a specific framework that is most appropriate for Rugby Park.

¹⁸ Within the [Medium Density Residential zone](#) and [High Density Residential Zone](#) there is a differing definition of 'building', however this does not apply to any of the St Albans RHA sites.

Conclusions

- 49 I agree with the concerns raised by Mr Brown regarding the inappropriateness of the methodology used in assessing the open space zoned sites, including over Rugby Park. I also consider, based on the evidence of Mr Brown, that the open space of Rugby Park is not integral to the history and significance of the RHA, and should be removed from the RHA. In my opinion, this is sufficient reason in itself for Council to reject the application of the RHA over Rugby Park.
- 50 If the Panel were to reach a different conclusion on the heritage merits of including Rugby Park in the RHA, it remains my opinion that the s.32A fails to demonstrate/justify that:
- The proposed RHA provisions have been well tested against the purpose of the RMA, and are appropriate to apply to Rugby Park; and
 - the anticipated benefits of introducing new regulations (the RHA provisions) outweigh the anticipated costs and risks, particularly as they apply to Rugby Park and other Open Space Zones – (like Malvern Park).
- 51 As identified in the s.32AA attached as Appendix 1 to my evidence, the removal of Rugby Park from the RHA is more appropriate in achieving the purpose of the RMA, when compared to the notified version of Plan Change or the proposed changes set out in the s.42A report.

Tim Joll

10 June 2025

APPENDIX 1

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:

INCLUSION OF RESIDENTIAL HERITAGE AREA OVER RUGBY PARK

Effectiveness and efficiency	<ul style="list-style-type: none">• The Residential Heritage Area (RHA) provisions are clearly framed with a residential context in mind and the provisions do not respond to the context of a Metropolitan sports facility, Recreation Reserve or Community Park. Nor does it reflect the role of Open Space zones in the District Plan.• The recommended changes to remove Rugby Park from the St Albans RHA will provide a more effective and efficient approach to managing the values of the St Albans RHA, and will ensure that the Open Space zoned parcels can continue to serve their role anticipated by their zonings.• Removing the open space zoned sites from a RHA improves the clarity of language used and will make this aspect of the District Plan easier to understand.
Costs/Benefits	<p>The removal of Rugby Park, in particular, from the St Albans RHA will remove the potential for substantially increased consenting costs for the Canterbury Rugby Football Union. This would include requiring consents for new buildings, exterior alterations to existing buildings – which will be ongoing as part of maintaining and adapting a metropolitan sports facility to meet changing needs. It will also include requiring consents for anticipated structures such as rugby posts, lighting towers, commentary boxes, training facilities etc.</p> <p>The recommended changes to the RHA boundaries would significantly reduce consenting costs A compared to the notified provisions.</p>

	<p>The benefits of removing Rugby Park from the RHA is that it will allow for the ongoing operation of Rugby Park as a metropolitan sports facility, which would otherwise be compromised by the requirements of the proposed RHA provisions.</p> <p>The costs of further regulating Rugby Park by applying the RHA considered too far outweigh any potential benefits (especially when accounting for the evidence of Mr Brown who concludes that Rugby Park and Malvern Park (either together, or by themselves) are not integral to the history and significance of the RHA.</p>
Risk of acting or not acting	The risk of not acting is that the consenting requirements associated with the RHA place an inappropriate cost and risk burden on the ongoing use of Rugby Park as a metropolitan sports facility and the facilities cease to be fit for purpose.
Decision about more appropriate action.	The recommended amendments as set out in my evidence, including the removal of Rugby Park from the St Albans RHA are more appropriate in achieving the purpose of the RMA.

APPENDIX 2

Photos showing the scale and nature of buildings and boundary treatment on Rugby Park¹⁹

¹⁹ All photos taken by T Joll on 9 June 2025 on an iPhone camera.

Image 1: Photos of existing buildings on Rugby Park fronting Malvern Street



Image 2: Photos of existing buildings on Rugby Park fronting Malvern Street



Image 3: Photo showing existing boundary fencing along part of Malvern Street



Image 4: Photo showing buildings on the Rugby Park site fronting the intersection of Rutland Street and Malvern Street



Image 5: Photos of existing buildings on Rugby Park fronting Rutland Street



Image 6: Photo showing the scale of buildings, hardstand areas and boundary fencing fronting Rutland Street



Image 7: Photo showing the nature of boundary fencing and lighting fronting Innes Road

