

**Decision of Hearing Commissioner David Caldwell
on Publicly Notified Resource Consent Application**

(Sections 104 and 104B)

Application number:	RMA/2024/576
Applicant:	Cambridge 137 Limited
Site address:	137 Cambridge Terrace
Legal description:	Pt Lot 1 DP6773
Proposal:	Demolition of heritage building (Harley Chambers) and construction of a hotel
Zone:	
District Plan:	City Centre Zone
Overlays and map notations:	
District Plan:	Downstream waterway setback 30m Ngā Tūranga Tūpuna – abutting Ngā Wai – adjacent Significant Feature – adjacent Site of Ecological Significance – adjacent Flood Management Area Central City Core Overlay Central City Inner Zone Liquefaction Management Area
Activity status:	Discretionary Activity
Submissions:	28 in support 3 in opposition 2 neutral / does not oppose
Date of Hearing:	17 October 2024

AttendancesApplicant**Ms Lucy de Latour** and **Ms Emma Pairman** – Counsel for Applicant**Mr Jonathan Lyttle** and **Mr Michael Doig** – Applicant representatives**Mr Andrew Leckie** – Transportation Engineer**Mr John Brown** – Heritage**Mr Grant Armstrong** – Architect**Mr Jonathan Clease** – Urban Design**Mr Matthew Bonis** – Planning

Reporting Officers

Mr Scott Blair – Senior Planner

Ms Ekin Sakin – Principal Adviser, Urban Design

Mr Mike Green – Engineering Meteorologist

Submitters

Mr Maurice Dale, Senior Principal and Planner – Boffa Miskell Limited

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Introduction and Background

1. This is the decision of Independent Hearing Commissioner David Caldwell. I have been appointed by the Christchurch City Council (**CCC**) under s34A(1) of the Resource Management Act 1991 (**RMA**) to hear and decide this application.
2. The application was received by CCC in May of 2024. It was publicly notified on 24 May 2024. 33 submissions were received with 28 in support, 3 in opposition, and 2 which could be said to be neutral. Mr Blair summarised the submissions in support at paragraph [25] of his report. Those in support identified matters such as the dangerous state of the building and its impact on the area and potential development, and the benefits of the hotel and the redevelopment of the area, including support for the new stadium and convention centre. Those supporting but seeking changes were summarised in paragraph [26] of Mr Blair's report.
3. Those in opposition were addressed in paragraphs [27] – [29]. The submitters in opposition raised various issues including carparking, shading, wind flow, scale, loss of Harley Chambers and similar. Finally, Boffa Miskell Limited lodged a neutral submission seeking conditions in relation to demolition and construction.
4. I confirm that I have been provided with, and read, the application and accompanying documents, the submissions lodged, the evidence given at the hearing, legal submissions and the officer's report in reaching my decision. While I do not necessarily address each and every issue identified in the submissions and the documents provided, the matters raised have all been considered, particularly to the degree that they remain relevant.

Procedural Matters

5. Following my appointment, I issued a Minute on 11 July 2024¹ in relation to hearing and making directions in relation to timing for the officer's report, Applicant's evidence, and submitter expert evidence.
6. I received a Joint Memorandum of Counsel seeking change of the hearing which was dated 7 August 2024.² This addressed Plan Change 14 (**PC14**), being the CCC's intensification planning instrument. It recorded that the Applicant had made a submission seeking that Harley Chambers be removed from Appendix 9.3.7.2. It noted that the IHP had released its recommendation report on 30 July 2024 which recommended that Harley Chambers be so removed.
7. It advised that the CCC was due to make a final decision on 4 September 2024 and stated that the question of whether or not Harley Chambers was removed from the heritage schedule would directly affect whether resource consent was required to demolish the building.
8. Having carefully considered those matters, I issued a Minute dated 8 August 2024³ with amended timetabling directions and rescheduling the hearing to a date after 2 October 2024. I directed that the

¹ Minute No 1 of Hearing Commissioner David Caldwell Addressing Hearing Related Matters, 11 July 2024.

² Joint Memorandum of Counsel Seeking Change of Hearing Date, 7 August 2024.

³ Minute No 2 of Hearing Commissioner David Caldwell Addressing Hearing Related Matters and Particularly Change of Date, 8 August 2024.

minute be served on all submitters immediately and reserved leave to any submitter who had concerns with that approach to raise those in writing.

9. I subsequently received a further Joint Memorandum of Counsel dated 6 September 2024⁴ which advised that CCC was now intending to make its decision on or before 18 September 2024 and seeking that the hearing be rescheduled to 17 and 18 October 2024 with amended timetabling directions. I confirmed that change of hearing date and subsequent amendments to the directions by Minute No 3 dated 9 September 2024.⁵
10. I subsequently received a Memorandum of Counsel dated 7 October 2024⁶ seeking an amendment in terms of the directions relating to legal submissions and seeking clarification of which of the witnesses could be excused. Again I responded to that by Minute dated 8 October 2024⁷ amending the timetable in relation to the Applicant's legal submissions. In that Minute I advised that I did not need to hear from Mr Petterson, a witness for the Applicant. I further advised that I would consider whether Mr Leckie could be excused following receipt of submitter evidence, and that in terms of Mr Brown's appearance, that evidence could be provided by AVL appearance.
11. Following the hearing, I received a Memorandum of Counsel dated 21 October 2024⁸ raising concerns in relation to the hearing presentation by Ms Sakin.
12. I responded to that memorandum in my Minute No 5.⁹ That minute discussed a potential site visit, recording my view that I did not consider that was now necessary. In order to avoid unnecessary delays in addressing the concerns addressed by the Applicant, I directed Ms Sakin provide a copy of the pdf, excluding any additions that were made following the hearing. For clarity, I confirm that was to be the pdf that was prepared for and spoken to at the hearing. I also identified in that minute the additional memorandum that had been prepared by Ike Kleynbos (Principal Advisor, Planning) and Holly Gardiner (Policy Planner) regarding clarification of the CCZ corner site building height rules. I advised that I was minded to consider the contents of that memorandum to the degree that it is relevant.
13. I received a response to that Minute by Memorandum of Counsel dated 25 October 2024.¹⁰
14. I then issued a Minute on 5 November 2024¹¹ addressing matters in relation to that evidence and suggesting seven days from the date of that minute for the Applicant to provide its response/reply. The Applicant's reply was received on 6 November 2024 and I formally closed the hearing on 15 November 2024.

⁴ Joint Memorandum of Counsel Seeking Change of Hearing Date, 6 September 2024.

⁵ Minute No 3 of Hearing Commissioner David Caldwell Regarding Joint Memorandum of Counsel Seeking Further Change of Hearing Date, 9 September 2024.

⁶ Memorandum of Counsel Timetabling Amendment and Matters Related to Hearing, 7 October 2024.

⁷ Minute No 4 of Hearing Commissioner David Caldwell In Response to Applicant's 7 October 2024 Memorandum Seeking Timetabling Amendment and Other Matters, 8 October 2024.

⁸ Memorandum of Counsel Regarding Further Evidence From the Council, 21 October 2024.

⁹ Minute No 5 of Hearing Commissioner David Caldwell Relating to Applicant's Right of Reply and Addressing Issues Raised by the Applicant in its Memorandum of Counsel dated 21 October 2024, 22 October 2024.

¹⁰ Memorandum of Counsel in Response to CCZ Memorandum, 25 October 2024.

¹¹ Minute No 6 of Hearing Commissioner David Caldwell Addressing Applicant's Right of Reply and Matters Raised in Counsel's Memorandum of 25 October 2024, 5 November 2024.

15. As a result of the requests for deferral of the hearing, the application has taken longer to process, hear and assess than one would normally expect. For the avoidance of doubt, I record that the deferrals of the hearing were sought jointly.

The Application

16. The proposal was described in Section 3 of the application document. This was summarised by both Mr Blair and Mr Bonis.¹² In essence the proposal involves:
- The demolition of Harley Chambers, removal of on-site fuel tank and ground works;
 - Construction and operation of a 200 bedroom hotel complex consisting of:
 - 11 floors;
 - 200 hotel room, 20 rooms per level above the ground level;
 - Reception, restaurant, back of house and fitness centre located at ground level;
 - No carparking, including no onsite mobility parking;
 - Drive-through loading and drop-off facility which accommodates buses and cars with an entrance off Cambridge Terrace and an exit onto Worcester Boulevard;
 - A maximum height of 42 metres and an overall gross floor area of 6,778m².
17. The demolition and removal of the Harley Chambers building, including onsite fuel tank and groundwork, is estimated, or assumed, to be 8 weeks.
18. The proposal is assessed as a discretionary activity under the District Plan. This is as a result of the road wall height associated with the hotel which was identified as being triggered by the 5.12m of the building along the eastern elevation.
19. It also requires consent under the NES Contaminants as it is identified as HAIL (Category A17 – Storage Tanks and Category E1 – Presence of deteriorated ACM) and breaches of Regulation 8(1) in terms of removal of the fuel storage system.

The Site and Existing Environment

20. The application site was described in the application. It noted that it currently contains Harley Chambers which, at the time of the application, was notated as a significant (group 2, listing No. 78) heritage building, along with its setting. The building is also listed as a Category 2 building in the Heritage New Zealand Pouhere Taonga list – No 3111. It is located on the north-western corner of Worcester Street and

¹² Officer Report, para [5], and Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [43].

Cambridge Terrace. Harley Chambers suffered significant and substantial damage and presents as a significantly decayed building.

21. In terms of the surrounding site, the application notes that Worcester Chambers is located west of the application site at 69 Worcester Street. This is notated as a highly significant (group 1) heritage item in Appendix 9.3.7.2 of the District Plan (again along with its setting). It is further listed as Category 2 by Heritage New Zealand Pouhere Taonga.
22. Opposite is the Canterbury Club building which is also identified as a significant (group 2) heritage item in the District Plan and is classified as historic place Category 2 in the Historic Places Register.
23. Opposite the site is the Anthony Harper building. This is an approximately 43m high commercial building. Next door to the Anthony Harper building is the CCC building (44m). The Worcester Street bridge located between Cambridge and Oxford Terrace is also recorded as being identified within the District Plan as a highly significant (group 1) item. And again for completeness, on the corner of Worcester Street and Oxford Terrace, the old Municipal Chambers sits. This is a highly significant (group 1) heritage building and setting.
24. The Ōtākaro Avon River is located to the east of the application site, across Cambridge Terrace and approximately 27m at its closest point. The Ōtākaro Avon River is classified as a downstream waterway in the District Plan. It is Ngā Wai and is located within the Ngā Tūranga Tūpuna overlay. To the north of the site is the Lane Neave building and north along Cambridge Terrace there are reasonably recent (post-earthquake) commercial developments including the Deloitte building on the corner of Gloucester and Durham Street North. Worcester Boulevard is a one-way road which continues down towards the Canterbury Museum, passed the Art Gallery and the Arts Centre. Cambridge Terrace itself is identified as a main distributor network.
25. The AEE addressed the existing environment, detailing *Hawthorn*. It described the existing environment as containing a vacant and derelict listed heritage building that is deemed to be earthquake prone which makes a “poor” visual contribution to the city centre, does not provide any street activation or amenity, makes a negative contribution towards vibrancy and function of the city centre. The application acknowledged its heritage values but recorded that those values were significantly compromised.

The Hearing

26. The hearing was held in the CCC Committee Room No 2 on 17 October 2024.

Appearances for the Applicant

27. **Ms de Latour** and **Ms Pairman** appeared as counsel for the Applicant. Ms de Latour spoke to her written submissions which had been filed on 11 October 2024. Ms de Latour provided an overview of the application and context, identified that Harley Chambers had for a number of years been identified by CCC as a “barrier site” and has been included on the CCC’s list of ‘Dirty 30’ buildings, being those identified as a barrier to the regeneration of the central city. She submitted this application provides an opportunity to

remove one of those barriers and assist in the regeneration of Christchurch and private investment in the city centre.

28. She identified that the design responds to context, noting that the façade had been designed to reference the Harley Chambers façade and that it responded to the heritage listed Worcester Chambers and Canterbury Club and also the Ōtākaro Avon River corridor. She identified that the proposed hotel was set back from the neighbouring Worcester Chambers allowing brickwork on the side of the Worcester Chambers to be seen and provided “breathing room” for that historic building.
29. She discussed the PC14 decision and its effect on the application of the planning context. She identified Policies 3 and 4 of the National Policy Statement for Urban Development (**NPS-UD**) which encourage increasing the building height and intensification in urban centres and addressed the effect of the PC14 changes. She considered these to be twofold:
- PC14 delisted Harley Chambers as a group 2 heritage building and no longer requires resource consent for demolition; and
 - That PC14 incorporated changes that represented “a material shift” in direction towards intensification of urban centres and enabling large scale development within the City Centre Zone, particularly on street corners. She submitted this to be a shift from a “recovery and regeneration mindset” to a “growth and provision of future needs mindset”.¹³
30. Ms de Latour spent some time discussing the effect of the delisting. She noted that the Applicant had not formally amended the application. She submitted that it was not within my discretion to consider the effects of the demolition (beyond the groundworks triggered by the NES) or to impose conditions on the demolition components of the application.¹⁴ Ms de Latour addressed s88A and identified and discussed case law which had clarified that if the activity status changes to make the rule more lenient, then the applicant receives the benefit of that change.¹⁵ Ms de Latour cited two High Court decisions which she submitted make it clear that a local authority is not able, as of right, to grant a resource consent with conditions in respect of aspects of the consent which constitute permitted activities¹⁶ citing *Marlborough District Council v Zindia Ltd* and *Haines House Haulage Northland Ltd v Whangarei District Council*. She submitted that there is agreement that conditions related to demolition, including in relation to heritage matters, could not be imposed but a number were proffered under the *Augier* principles.
31. Ms de Latour addressed matters raised in the officer’s report and submissions. Ms de Latour spent some time on the objectives and policies and areas of disagreement between Mr Blair and Mr Bonis.
32. Ms de Latour discussed Supreme Court decisions in *King Salmon*, *Port Otago* and *East-West Link*.¹⁷ She submitted that there are a range of directive policies that must be reconciled in reaching a decision on the

¹³ Legal Submissions on Behalf of Cambridge 137 Limited, 11 October 2024, paras [24] – [26].

¹⁴ Legal Submissions on Behalf of Cambridge 137 Limited, 11 October 2024, para [35].

¹⁵ Legal Submissions on Behalf of Cambridge 137 Limited, 11 October 2024, para [36].

¹⁶ Legal Submissions on Behalf of Cambridge 137 Limited, 11 October 2024, para [38].

¹⁷ *Royal Forest and Bird Protection Society of New Zealand Incorporated v New Zealand Transport Agency* [2024] NZSC 26.

application and the matters in dispute and emphasised a number of objectives and policies before submitting that there is no impediment to granting consent for the unamended proposal.¹⁸

33. **Mr Jonathan Lyttle and Mr Michael Doig**, the directors of the Applicant, spoke. They outlined their involvement in the development and restoration in Christchurch and discussed the purchase process of the Harley site in mid 2023 during which they had “in mind” the potential for a hotel development, although at that time were interested in repairing the building if feasible.¹⁹ Their evidence discussed an approach to Mr Armstrong in terms of architectural design and identified that they were in commercial discussions with several international operators who were looking to take on the hotel. They noted that interest was predicated on a 200 room hotel that was consistent with international industry standards and operational requirements. They expressed a concern about the recommendations in the officer’s report and the impact they would have on the operation and functionality of the building, and consequently whether they would still be able to attract an operator.
34. **Mr Matt Bonis** provided expert planning evidence for the Applicant. He provided some initial comments from a planning perspective in terms of what he saw to be the key issues particularly relating to the height of the building base and its application on a corner site as well as discussing context and character. He also provided an initial discussion in relation to the relevant objective and policies. He provided further substantive evidence in relation to various matters.
35. **Mr Andrew Leckie**, a transportation engineer, provided expert evidence on behalf of the Applicant. He discussed the ITA which had been prepared and subsequent discussions which had been undertaken. He addressed some queries I had in relation to the tracking, the lack of mobility access, the lack of parking on site, and he confirmed his opinion it was appropriate from a transportation perspective, noting the inclusion of a condition in relation to a judder bar and matters relating to vehicles leaving the site.
36. **Mr Grant Armstrong** provided architectural evidence. He advised that he had been involved in the planning and design of over 25 hotels of which approximately 10 had been built. He discussed his experience in incorporating industry requirements into the architectural design of a hotel.
37. He discussed the need to address and consider the functional requirements, established industry requirements and expectations, as well as ensuring that the building responds properly to the cultural, historical and urban environment it is proposed to sit in. He considered that the proposed building was suitable for a high-quality 4 star standard that sought to maximise the guest room count with the 42m height by providing 20 standard rooms per level over 10 upper levels for a total of 200 rooms. He advised that this was considered to be a medium to large hotel in the New Zealand context. He advised that 20 guest rooms per level was generally identified as a minimum number acceptable to hotel operators to ensure efficient cleaning and servicing. He discussed the “double loaded corridor” and the guest room tower floor layout noting that configuration enables a high degree of repetition in the construction, functional and operational aspects of the hotel, and is seen as best practice in the hotel industry as it allows a greater

¹⁸ Legal Submissions on Behalf of Cambridge 137 Limited, 11 October 2024, para [114].

¹⁹ Summary of Evidence of Jonathan Lyttle and Michael Doig, 17 October 2024, para [3].

degree of useability for hotel visitors and efficiency for management of staff as well as construction efficiencies. He then discussed the impact of the setbacks recommended by CCC officers.

38. **Mr John Brown** provided heritage evidence on behalf of the Applicant. He advised that he had previously provided evidence in relation to the PC14 process in support of the submission seeking the removal of the building from Appendix 9.3.7.2 of the Christchurch District Plan. I have carefully considered Mr Brown's evidence. Ultimately I did not require Mr Brown to attend the hearing but I did speak to him briefly (by remote attendance) to seek some clarification in relation to heritage values, and particularly in relation to a potential condition relating to the recording of those.
39. **Mr Jonathan Clease**, a planner with some 30 years of experience, together with 12 years experience as an urban designer, provided the urban design evidence, including addressing the urban design framework. He noted the broad agreement with the majority of submitters that the replacement of Harley Chambers with the proposed hotel was a positive outcome for the city centre and also noted the broad agreement with CCC officers that the proposal would result in replacement of a vacant and derelict building with a new one which would add vibrancy.
40. He identified the differences in opinion in relation to urban design matters, ultimately considering that the hotel design responded carefully to the competing demands of a relatively small site, the need to deliver functional internal footplates and the need to respond with sensitivity to the adjacent Worcester Chambers heritage building, as well as the need to effectively mitigate flood risk through a raised ground floor level. Overall he considered the application would result in a positive urban design outcome consistent with the outcomes anticipated by PC14 and reflective of the enablement sought in the NPS-UD for intensification and vibrancy.
41. As noted, contaminated land evidence was provided by **Mr Jared Pettersson**. I have considered his evidence and report. I had no questions for him and did not require him to appear.

Submitters

42. **Mr Maurice Dale** appeared for the submitter Boffa Miskell. He noted that he was an employee of Boffa Miskell but his evidence had been prepared on the basis that Boffa Miskell and the Applicant had reached an agreement on conditions that were volunteered and consequently there were no remaining points of contention. He recorded that his evidence did not rely on his own expert opinion and recorded that subject to the agreed outcome, Boffa Miskell's position was essentially one of qualified support. He noted there had been discussions and helpfully discussed the amendments to the noise and vibration conditions that had been agreed between Mr Blair, Mr Bonis and himself. These provided greater assurance that the effects of noise and vibration were appropriately managed to ensure they were reasonable. He advised that if those were to form part of the consent in granting the application, Boffa Miskell would be satisfied with the issues raised in its submission.

Reporting Officers

43. **Ms Ekin Sakin**, Principal Advisor, Urban Design at CCC provided a memo of 23 September 2024 which formed part of the officer's report. Ms Sakin spoke to her report and provided a document and illustrations

by way of clarifying statements. Ms Sakin addressed what she saw as the remaining matters of difference between her and Mr Cleese, noting that she did not support the proposal in its unmodified form as in her view it fell short on a number of matters of discretion, including impact at short and medium ranges.

44. She recorded that there was agreement in terms of the long range. She addressed prominence in terms of corner sites and addressed the anticipated built form and context. She queried whether it was appropriate to have a setback from Worcester Chambers, and addressed matters of discretion. In summary, she considered that the visual interest provided by the façade treatment was not sufficient to result in a “dominant form” being avoided for the 35m long, 42m high building on Cambridge Terrace.
45. She considered at close range, the proposal was also challenged in respect of the low level of active engagement with the street and reduced human scale. In terms of prominence of corners, she was concerned in relation to the proposed corner road wall being “twice as high as mid-block road wall height”. The third matter she addressed was whether an entrance on Cambridge Terrace was required and possible. In her view it was.
46. **Mr Scott Blair** provided a comprehensive s42A report which he spoke to. He agreed with Mr Bonis that it can be assumed, at least in terms of the objectives, policies and rules under consideration as they relate to the central city, the Plan gives effect to the NPS-UD. He agreed with the overall conditions. He addressed the permitted anticipated environment, and noted that beyond the permitted anticipated environment the assessment is contextual within the parameters of the matters of discretion.
47. Mr Blair spent some time discussing the IHP’s recommendation. His overall recommendation noted that he had recommended changes designed to address the dominance/urban scale aspects of the development but advised that if I was not minded to impose the condition, after balancing objectives and policies addressing dominance/human scale and functional requirements, he would still recommend that the consent be granted, but subject to the agreed recommended conditions.

Right of Reply

48. The Applicant exercised its right of reply on 6 November 2024. This identified the residual differences of opinion as relating to the magnitude of the changes to the objectives and policies brought about by PC14, the application of the rules to this application (in particular, the building height rule 15.11.2.11 and the road wall height rule 15.11.1.4) and the anticipated built form. Ms de Latour discussed interpretation matters. She cautioned about looking behind the provisions as they stand and cited the principles of plan interpretation she considered to be well established. She submitted that I should interpret the District Plan as it stands. She provided a memorandum from Mr Bonis which clarified his interpretation in light of the matters which were raised in the memorandum prepared by Mr Kleynbos and Ms Gardiner. She noted Mr Bonis’ view in response to questions that commercial objectives and policies are to be read from the top down not the bottom up, and submitted that the CCC’s interpretation created considerable uncertainty and would nullify the purpose of PC14.
49. She identified that irrespective of the differences in opinion between Mr Blair and Mr Bonis, the proposal remained to be assessed as a discretionary activity and also noted that Mr Blair appears to now agree that

the proposal in its original form can be granted (even if Mr Blair prefers a slight alteration to the design). Ms de Latour submitted that the reporting officers have taken a narrow focus relating “assiduously” to the Cambridge Terrace context.²⁰ She submitted that the narrow focus, rather than on the wider context within which the building is set, was inappropriate.

Principal Matters in Contention

50. Ultimately, I accept Ms de Latour’s submission that the issues in contention between the Applicant and CCC officers are narrow and were extensively explored at the hearing. I also agree with Ms de Latour’s submission that the key unresolved matter relates to setbacks proposed by Ms Sakin which were, to a degree, incorporated by Mr Blair.²¹
51. In essence, the principal issues in contention related to urban design matters, including the context of Cambridge Terrace, and the application of the relevant objectives and policies.

Section 104(1)(a) – Effects on the Environment

52. In assessing effects, I am to disregard the effects on any person who has given written approval – s104(3)(a)(ii).
53. I note that written approvals of the owner and occupier have been provided by the Canterbury Club at 129 Cambridge Terrace and Worcester Chambers at 69 Worcester Street. I also record that the occupier (Lane Neave) on Level 5 of the Lane Neave building adjacent to the south has also provided written approval. I disregard effects on those who have provided written approvals. I note Canterbury Chambers – Barristers, who had initially filed a submission relating to the height of the proposed building, advised that they were now in essence satisfied and would no longer be attending the hearing. While that does not constitute a written approval as such, it is relevant to the assessment of the effects.
54. Section 104(2) provides a discretion to disregard any effect of an activity on the environment if, relevantly, the plan permits an activity with that effect. Mr Blair noted that the permitted building base height limit is 28m, buildings up to 28m that meet all built form standards are permitted, a maximum road wall height of 21m is required where more than 30m from an intersection and that a recession plane applies from the road wall height more than 30m from an intersection.²²
55. Mr Blair considered it appropriate to disregard the effects on the environment of the demolition of the Chambers because it could now be removed without the need for a land use consent. He acknowledged that Harley Chambers still had an HPT Category 2 listing, but there was no District Plan rule framework that prevents demolition of the building. He considered there to be no reason not to apply the permitted baseline and recommended that the adverse effects created from a permitted built form is disregarded for the purposes of the assessment.²³

²⁰ Right of Reply on Behalf of the Applicant, 6 November 2024, para [25].

²¹ Right of Reply on Behalf of the Applicant, 6 November 2024, paras [3] and [4].

²² Officer Report, para [40].

²³ Officer Report, paras [42] and [43].

56. Mr Bonis agreed with Mr Blair that the District Plan provides for buildings up to 28m in height that meet the built form standard and that small buildings being less than 21m in height and with appropriate proportions of glazing are permitted. He also identified that the District Plan contemplates the demolition of the existing Harley Chambers to grade, including any associated construction and vibration effects. He considered there to be no reason why the discretion to apply the permitted baseline should not be undertaken to disregard those permitted effects associated with the proposal.
57. Overall I accept the evidence of Mr Blair and Mr Bonis and agree there is no reason why the permitted effects associated with the proposal should not be disregarded.

Anticipated built form outcome

58. Mr Blair addressed the concept of an anticipated built form outcome. While noting that it is not a permitted baseline, he confirmed, in discussions during the hearing, that there is an anticipated built form outcome and that the District Plan's objective, policy and rules framework for the Central City Zone effectively anticipates a building on a frontage that is not more than 30m from an intersection and between 28m to 45m as a controlled activity with urban design certification. Mr Blair noted the consent could not be declined but urban design related effects can be addressed.²⁴
59. Mr Bonis agreed, noting that the Plan provides a series of built form standards which contemplate the massing and scale of buildings but retain discretion to the CCC for massing above a height of 28m.²⁵ Mr Bonis advised that as a matter of strict statutory interpretation, built form standards provide useful guidance for considering the effects associated with building bulk, shading and height, but do not, of themselves, extend to permitted effects in terms of s104(2) or strictly form part of the existing environment.²⁶
60. Again, I accept Mr Bonis' evidence in that regard. I discussed this issue with Mr Bonis and Mr Blair at the hearing. They both made it abundantly clear in those discussions, that they were not suggesting that the built form standards formed some kind of a de facto permitted baseline.
61. As identified by Mr Bonis, the anticipated built form and consequential effects do however extend to the policy framework and consideration of assessment matters.²⁷
62. In the circumstances of this particular application, and noting that the Plan itself refers to the anticipated built form at a policy level and in terms of assessment matters, the planners' approach is appropriate.²⁸

²⁴ Officer Report, para [44].

²⁵ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [66].

²⁶ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [67].

²⁷ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [68].

²⁸ Policy 15.2.4.2 Design of new development

b. *Recognise the scale, form and design of the anticipated built form within a site and the immediately surrounding area and the functional and operational requirements of activities.*

Assessment Matters 15.14.3.1 Maximum Building Height provide:

a. *The extent to which an increase in height of the building:*

viii. *Is visually dominant within the streetscape and public realm, and in the context of the anticipated built form;*

xiii. *Detracts from the anticipated urban form of the centre and city;*

xiii. *Causes adverse effects on the anticipated amenity of adjoining sites and activities, particularly where they are subject to lower maximum height controls*

Acoustic Attenuation – Hotel

63. Mr Blair identified there is potential for normal operational road noise to adversely affect guests and staff and that the Applicant had offered a condition to provide an acoustic design report with the building consent application.²⁹ He obtained advice from Ms van der Erf, the Environmental Health Officer for CCC, and recommended a condition in that regard. He concluded that the direct and reverse sensitivity effects associated with road noise would be acceptable.³⁰ Mr Bonis agreed.³¹ I accept that evidence. I agree that direct and reverse sensitivity effects associated with road noise will be acceptable.

Soil Contamination and Effects on Human Health

64. Mr Blair again obtained advice from Ms van der Erf. With recommended conditions, he considered the adverse contamination and related effects to be acceptable.
65. Mr Bonis noted that a PSI exists acknowledging the HAIL land and identifying that further investigation is reliant on the removal of the building. He also noted Mr Pettersson's evidence that deteriorating asbestos is present on the site and warrants that the entire site be deemed a HAIL site.³² On the basis of Mr Pettersson's evidence, Mr Bonis proposed amendments to the conditions and on that basis considered any related adverse effects would be less than minor.³³
66. I have considered the evidence, including that of Mr Pettersson, and the conditions proposed (primarily 20 – 25 of the recommended conditions) and I agree that any related adverse effects are acceptable and less than minor.

Construction and Demolition Effects Including Vibration and Noise

67. Boffa Miskell Limited in its submission sought a number of conditions and changes to conditions regarding protection of the adjacent sites while the works were being undertaken. The recommended conditions attached to Mr Bonis' evidence (Attachment D) included provision for various management plans including a Traffic Management Plan for both the demolition works and hotel development, Contaminated Site Management Plan, and Construction Management Plan with the objective of ensuring any potential effects arising from construction activities on the site are effectively managed. A Construction Noise and Vibration Management Plan is required for works associated with the hotel development with the objective of that being to ensure noise and vibration are effectively managed in accordance with best practicable options having regard to the construction period associated with a hotel development.
68. Mr Dale provided a statement of evidence which explained Boffa Miskell's concerns. He accepted that imposing noise and vibration conditions on the demolition would no longer be reasonable in terms of s108 and 108AA RMA given the permitted activity status³⁴ and noted that further amendments to noise and vibration conditions had been discussed and agreed by Mr Blair, Mr Bonis and himself to provide greater

²⁹ Officer Report, para [55].

³⁰ Officer Report, para [56].

³¹ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [85].

³² Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [84].

³³ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [85].

³⁴ Statement of Evidence of Maurice Richard Dale on Behalf of Boffa Miskell Limited, 9 October 2024, para [6.3].

assurance that the effects of the noise and vibration are appropriately managed to ensure they are reasonable. He helpfully attended the hearing and confirmed that position, noting that there was an expectation that there would be some degree of engagement. I note that is reflected in the proposed conditions which includes a communication strategy for occupiers of neighbouring sites.

69. I am comfortable the issues have been appropriately addressed and the proposed conditions, including the management plan conditions, will ensure that the construction, and to the degree appropriate, demolition effects, will be appropriate.

Transport

70. Mr Blair advised that prior to the formal lodgement of the application draft plans were forwarded to Mr Chen, Transport Planner with the CCC, for initial comment and he noted some concerns in relation to bus access, tracking, need to limit bus exit from the site, access for mobility impaired visitors, mobility parking, location and adequacy of cycle parking, removal of street trees, and provision of transport management plan.
71. Mr Blair advised that a meeting was held with the Applicant to discuss requests made for further information. Mr Chen also provided comments in relation to matters raised by submitter 06 Jack Halliday in terms of pedestrian priority and footpath level at the entry and exit. Mr Blair accepted Mr Chen's comments in regard to that submission and concluded that the recommended conditions would address the concerns of this submitter. I agree they are appropriate and note these matters were discussed with Mr Leckie during the hearing.
72. Mr Blair also identified submitter 28 Derek Phelps opposed the application because of the lack of car parking and proposed that underground car parking be provided. Mr Blair advised that provision of car parking was not required and that provision of car parking has, strategically, been made entirely the prerogative of the landowner/developer in an effort to discourage the provision of parking for private vehicles. He noted commercial car parking was provided where land is available or where it is demonstrated it is needed, but considered there was no need to either encourage or require the construction of an underground car park to service the needs of the proposed hotel.
73. Mr Bonis addressed this in paragraphs [106] – [118] of his evidence concluding that transport effects for the proposal will be less than minor.³⁵
74. I am satisfied, following discussions with Mr Leckie, in terms of the appropriateness of the proposed vehicle access and how traffic is managed on site. In terms of the mobility impaired, as identified in the application and in Mr Bonis' evidence at paragraph [111], the proposed hotel provides a drop off location within the porte-cochere and accessible entrance via the reception. He noted that orthodox valet parking would be available and pedestrian mobility access is provided via a lift from the Worcester Boulevard entrance. I note the conditions recommended by Mr Chen and Mr Leckie have been appropriately addressed. Overall

³⁵ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [118].

I consider transportation and traffic effects are appropriately addressed, are acceptable and less than minor.

Flood Management

75. Both Mr Blair and Mr Bonis agreed that the adverse effects associated with the potential risk from flood hazard were addressed through compliance in design with the associated flood floor certificate. Mr Bonis did note, that in an urban design context, this results in the ground floor level and associated activation at the interface with Cambridge Terrace being displaced by some 1m.³⁶ I accept that evidence.

Cultural Effects

76. I note that a cultural advice report from Mahaanui Kurataiao Limited on behalf of Ngāi Tūāhuriri Rūnanga had assessed the proposal against the relevant provisions of the Mahaanui Iwi Management Plan and concluded that subject to conditions, they did not consider themselves to be an affected party. Overall, I accept that with the conditions and advice notes provided, the effects on cultural values are acceptable and less than minor.

Waterway Setbacks

77. Again there was agreement between Mr Blair and Mr Bonis that the combination of the distance of the site from the Ōtākaro Avon River, the extent of the site contained within the setback (1m), and the intervening road corridor, that the effects of the proposal on the values and attributes associated with the classified 'downstream waterway' will be appropriate and less than minor. I accept that.

Shading and Height

78. I have considered this issue. I record that there was a level of agreement between Mr Blair and Mr Bonis in relation to the anticipated built form outcomes for buildings at 45m and that the shading effects from the proposal on the sense of openness and admission of sunlight to the street, or the dominance of the building on the street environment, is less than that associated with the anticipated built form. As noted, shading effects on Worcester Chambers and Canterbury Club are to be disregarded given their written approval.
79. Overall I agree that the extent of the shading and dominance effects from the breach of the provisions is acceptable and less than minor.³⁷

Wind Effects

80. Submitter 29 – Amanda Jane Nelson identified issues in relation to potential wind tunnel noting that the hotel would channel east west wind flow. I note Assessment Matter 15.14.2.6(d) identifies the mitigation of adverse impacts of wind caused by tall buildings on the safety and comfort of people including at street level and in public spaces. Mr Green provided evidence on this issue. He advised that he had provided a

³⁶ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [120].

³⁷ Officer Report, para [146], and Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [131].

computer model utilising computational fluid dynamics to identify wind currents and provided his opinion on their degree of effects on persons and the environment. His report included a number of conclusions in relation to wind conditions. He noted there was no unacceptable pedestrian safety adverse issues with the new building and noted there would be some decrease in comfort levels in some places and in particular in relation to public seating on the Worcester Boulevard.

81. I have carefully considered this advice and I agree with Mr Blair's conclusion that any adverse effects will be limited and no more than minor. I note Mr Bonis reached a similar view. I do not consider that any particular conditions are necessary in relation to the public seating on Worcester Boulevard.

Heritage Effects

82. Given the timing of the notification and for submissions to be lodged, heritage was identified as an issue in a number of submissions. I attach as **Appendix A** to this decision Appendix A to Mr Blair's report which records the submitters who raised heritage as an issue. While I do not address each of those submissions, I have considered them all.
83. Unusually, for an application of this kind, there were only two submissions in opposition that being Submitter 28 Derek Phelps and Submitter 29 Amanda Jane Nelson. There were 27 submissions in support. A number of the submitters identified the present state of Harley Chambers and that it was an impediment or barrier to development and, in essence, was impacting on the environment in a negative way.
84. Heritage New Zealand Pouhere Taonga did not oppose the application. Its submission summarised the history of 137 Cambridge Terrace noting it was entered into the NZ Heritage List Rārangī Kōrero in 1981 as a Category 2 historic building. It noted that the building was constructed in 1929 and extended in 1934, noted its prominent position and that the building has social and historical value as purpose-built professional rooms for dentists and doctors, architectural values as an example of a design by architect G T Lucas, and technological value for its electrical installation and regulated heating system which was innovative for the time.
85. It identified two other buildings of note are in the immediate vicinity being Worcester Chambers at 69 Worcester Street and the Canterbury Club at 129 Worcester Street, which are both listed as Category 2 historic places in the list.
86. Its submission confirmed that it had reviewed the structural report and discussed Mr Brown's heritage impact assessment and discussions which had been held with him. The submission noted the options which had been examined including retaining the façade. It recorded that much of its social and historical values would still be lost through the deconstruction of its interior. Salvage of items (particularly of technological relevance) and interpretation to inform future generations was raised, while noting that those matters did not compensate for the loss of the heritage building.
87. Overall, while recording it did not support demolition, it understood the circumstances that had resulted in the proposal, and acknowledged the efforts that had been made by the Applicant to ensure that the new

design still reflects some elements of Harley Chambers and is appropriate to its setting. As such it did not oppose the application.

88. As I have noted earlier, the hearing was adjourned due to the imminent decisions of CCC on PC14 and the recommendation from the Hearings Panel that Harley Chambers be removed from the schedule in the District Plan.
89. At the hearing I had a number of questions in relation to the relevance of heritage values, noting the duties in s6(f) in particular. This was particularly in light of the fact that it remained listed with Heritage New Zealand Pouhere Taonga and my understanding that the delisting was primarily driven by the state of the building and the costs of repair, rather than lack of heritage values as such.
90. Ms de Latour addressed this issue in her reply, and in discussions at the hearing. Ms de Latour summarised the position as:
- (a) There is no jurisdiction to impose conditions on a permitted activity; and
 - (b) Acknowledgement that even if not scheduled in the District Plan, there were circumstances where s6(f) would apply.³⁸
91. I found Ms de Latour's further submissions in relation to this issue helpful.
92. Ms de Latour advised that the Applicant had reflected on this, on Heritage New Zealand's submission, and the matters that I had raised during our discussions. She advised that the Applicant had decided to volunteer the provision of an external recording condition as an *Augier* condition. She advised that to date the salvage and recording advice note had not been offered as an *Augier* condition as there are health and safety concerns related to the retrieval of the items and advised that it had proved difficult to draft a condition that recognises the need to address these risks. She submitted that internal recording and similar is better to remain as an advice note although she recorded that the Applicant intends to comply with it if possible.
93. Ms de Latour identified Mr Brown's evidence that the most interesting aspects of the building were its technological features, and that most of the material in Harley Chambers which may still retain heritage value was internal and may not be salvageable. She also identified that the internal fabric of the building was not listed, even prior to notification and adoption of PC14.³⁹ She advised that the Applicant now volunteers a certain and enforceable *Augier* condition regarding exterior recording. For internal salvaging and recording, and noting matters associated with safe access and the absence of internal fabric being listed in the Plan, they wish to have those matters remaining within an advice note which was provided.
94. Advice notes in this context do not offer any certainty. I also note in general terms, health and safety is a matter which can be considered separately under the relevant legislation. However, in the particular circumstances of this building, in this location, and given the clear evidence in relation to its current state,

³⁸ Right of Reply on Behalf of the Applicant 6 November 2024, para [85].

³⁹ Right of Reply on Behalf of the Applicant 6 November 2024, paras [88] and [89].

I accept that the condition and advice note are an appropriate method of addressing the heritage matters. For completeness, I also note the advice note in relation to archaeology.

Urban Design and Amenity

95. This aspect was one which was the subject of debate and considerable evidence during the hearing. As identified by Mr Blair, there are differences of opinion between Ms Sakin and Mr Clease as to the urban design and amenity related effects. Mr Blair considered that at the heart of these differences was the scope of the context and observed consistency and coherence of existing development nearby the site. He noted these differences in turn lead to differences of opinion on whether a maximum road wall height below that proposed by the Applicant should be included in the design.⁴⁰
96. Mr Clease prepared the urban design assessment lodged in support of the application. He acknowledged that as a fully discretionary activity, all potential effects both positive and negative are in play but he noted that the District Plan includes a comprehensive set of matters of discretion in relation to urban design and built form outcomes which provides a useful framework for considering the likely and potential effects. He provided in Appendix A to his evidence a summary of the key urban design related matters of discretion. He addressed the assessment framework noting that he agreed with Mr Bonis' assessment in terms of the policy framework and considered it important to emphasise that the PC14 rule package results in a material change to the built form outcomes that are anticipated in the City Centre Zone.⁴¹
97. He considered the pre-PC14 policy and rule framework was developed in response to the aftermath of the Canterbury earthquake sequence and the rules were developed through the Central City Recovery Plan process. He noted the key concern in the city at that time was that there was a limited quantum of demand to be spread over a large number of vacant sites and a relatively low height limit of 28m was introduced as a fully discretionary activity as a key method for spreading limited demand across numerous sites.⁴² He considered that demand management approach was then combined with the post-quake community concerns regarding the perceived risks associated with tall buildings and a resultant desire for a mid-rise city scape.
98. He noted that the development that had occurred in the last decade understandably reflected the regulatory framework and recent buildings therefore tend to be lower than 28m and generally have a step in at the 21m road wall height.⁴³
99. Mr Clease addressed PC14. He recorded it was CCC's response to the implementation of the change in direction required through the NPS-UD. He described it as a paradigm shift in the outcome anticipated in the city centre. There was a clear shift away from a framework that set a hard height limit at 28m as a fully discretionary activity and required all new buildings to have a qualitative urban design assessment. He noted the new framework has no height limit and no urban design requirement for small buildings (less than 21m in height) and all buildings that are less than 28m in height subject to compliance with built form

⁴⁰ Officer Report, para [99].

⁴¹ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [27].

⁴² Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [28].

⁴³ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [29].

standards.⁴⁴ He identified that all built form rules applicable to corner sites (within 30m) have a restricted discretionary activity status. He advised that in effect this just added matters of discretion to the urban design rule triggered by buildings over 28m in height.⁴⁵ He stated that the built form rules were therefore not hard lines with avoid policies and a non-complying activity status, but rather are simply triggers for additional matters of assessment as part of the qualitative design assessment for buildings over 28m in height.⁴⁶ He considered this to be consistent with the NPS-UD Policy 3 direction to realise as much development capacity as possible.⁴⁷

100. He considered it to be significant that outcomes for corner sites in particular have shifted materially in terms of the associated rule package noting that within 30m of the corner there are no road wall setbacks and noted the diagram accompanying Rule 15.11.2.3(a) clearly showing the anticipated built form outcome for typical corner sites. He considered there was a clear intent for taller buildings to be located on street corners without the need for upper level setbacks.⁴⁸
101. He considered the material change in outcomes anticipated, and therefore whether or not new development should reflect the built form outcomes established under the old rules, explains much of the difference in view between himself and Ms Sakin.⁴⁹
102. Mr Clease helpfully summarised where he considered there to be a broad agreement on urban design related matters, including:⁵⁰
 - That the site in its current state with a damaged and vacant building does not provide amenity or activation of the street frontage or promote the revitalisation and recovery of the city centre;
 - The site is an appropriate location for a hotel, and the use of the ground floor for reception and restaurant facilities is an appropriate internal activity adjacent to a street frontage;
 - Tall buildings are appropriate in a city centre context;
 - Visual and urban form effects of the proposal are acceptable for long-range views;
 - There is limited existing coherent built form along Worcester Boulevard;
 - The proposal responds appropriately to the Worcester Boulevard frontage and maintains an appropriate response to the adjacent Worcester Chambers heritage building; and
 - Wind-related effects on the street environment are generally acceptable.

⁴⁴ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [31].

⁴⁵ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [32].

⁴⁶ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [32].

⁴⁷ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [32].

⁴⁸ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [33].

⁴⁹ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [34].

⁵⁰ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [38].

103. The key remaining differences in opinion related to mid-range views of the building's massing and consistency or not with the established character and built form along Cambridge Terrace and the outcomes experienced by pedestrians immediately adjacent to the site's Cambridge Terrace frontage.
104. In his Summary, Mr Clease identified that the differences in opinion in essence "boiled down to":
- (a) The medium-range views of the building and the tension between delivering a prominent building on a corner site versus maintaining consistency with the existing built form on Cambridge Terrace;
 - (b) The quality of the pedestrian experience adjacent to the site relating to the lack of steps-in-plan at upper levels (particularly Cambridge Terrace frontage); and
 - (c) The need for a pedestrian entrance on the Cambridge Terrace frontage. This was described as a sub-set of the factors influencing the quality of the pedestrian experience.
105. Overall he considered that the hotel design responds carefully to the competing demands of a relatively small site, the need to deliver functional internal floorplates, the need to respond with sensitivity to the adjacent Worcester Chambers heritage building, and the need to effectively mitigate flood risk through raised ground floor levels.⁵¹ He considered the proposed design provided an appropriate pedestrian experience in the immediate environment through providing clear differentiation between the first three floors and the upper levels with the lower levels having a richness in detailing, glazing, cladding and fenestration that breaks the mass of the building into light, visually permeable lower floors with strong and direct connection between the internal use (restaurant and reception) and the external streetscape.⁵²
106. From further away, he noted the upper levels are more readily visible but that for the wider views, individual buildings are but one element in a complex visual experience. He noted the upper levels had been carefully designed to deliver both efficient and cost-effective internal layouts, structure and function, and the need for a responsible approach to be taken to the site's corner location and proximity to both adjacent heritage buildings and the Ōtākaro Avon River corridor. He identified the "generous" setback from the western internal boundary to enable the adjacent Worcester Chamber building to breathe and be viewed and appreciated in its own right and this limited the ability to respond to competing outcomes such as setbacks to the northern and eastern boundaries.⁵³
107. In terms of the tower, he noted the high proportion of glazing which enables a sense of depth, reflection and lighting during the evening periods, inter-floor bands which assist in breaking down the mass from a single rectangle, and vertical fenestration provided through detailed edges to the glazing panels. He also identified a curved corner treatment extended for the full height of the building on the apex of the Worcester Boulevard/Cambridge Terrace corner to visually link the two street-facing elevations together and to provide a reference to the art deco styling references of the lower three levels. These all assisted in providing a human scale through the avoidance of large blank walls.⁵⁴

⁵¹ Summary of Evidence of Jonathan Clease, 17 October 2024, para [8].

⁵² Summary of Evidence of Jonathan Clease, 17 October 2024, para [9].

⁵³ Summary of Evidence of Jonathan Clease, 17 October 2024, para [10].

⁵⁴ Summary of Evidence of Jonathan Clease, 17 October 2024, para [11].

108. Ms Sakin's memo of 23 September 2024 again summarised the key areas of disagreement. She considered there to be a distinct street scene context for this application site for both the streets it faces and that the design did not adequately recognise or reinforce that context. In particular in relation to Cambridge Terrace, she emphasised the consistent street wall height and ground floor relationships with the street through frequent entry and that this proposal presented a sudden jump in height from the existing street edge.
109. She considered the building to be overly dominant on Cambridge Terrace with an impact on pedestrians, lacking human scale and sufficient activation at the street level. She considered this to be due to the lack of moderation of the height at the street level well past the corner and an uninterrupted 42m façade height. She considered the combination of lack of entrances and the 1m ground level height also limits the level of activation possible on the Cambridge Terrace footpath. Ms Sakin confirmed agreement in terms of the long range effects, noting that the overall height and long range views were not in dispute, and she recorded the building was appropriate for the City Centre and for the proposed hotel function.
110. At the mid range, Ms Sakin considered Mr Cleese largely relied on his interpretation of the anticipated built form in the Plan, including for corners, in assessing the massing as appropriate for mid range views. She interpreted Mr Cleese to suggest that the proposed building will be visible but not dominant in the mid range whereas she took a "more specific context view" and assessed that the proposal does not recognise and reinforce the context of its site in the mid range, including not taking into account the nearby buildings.
111. Again in the short range, while Ms Sakin agreed with the visual interest being provided, her assessment that it is a dominant form is not avoided and challenged the low level of active engagement with the street and reduced human scale. She clarified that there were two options to address this. She stated that they were alternatives in terms of the setback or what was described as the bite where the building abuts the Lane Neave building.
112. Ms Sakin addressed the need for the setback from Worcester Chambers noting that "increased side setback" brought a number of challenges in its relationship with the full context, especially in its relationship with the public realm, including lack of base definition, issues with road wall height coherence and lack of entries or eye level visual interaction along the public edge of Cambridge Terrace.
113. While not an urban designer as such, as noted earlier in this decision, Mr Armstrong provided comprehensive architectural evidence. He addressed the urban design response and site context. He addressed the cultural context noting the importance of the Ōtākaro Avon River and Ihutai Avon Heathcote Estuary and its vital importance to mana whenua.⁵⁵
114. He addressed the historical context noting the building sits within view of the Worcester Chambers, the Municipal Chambers and Canterbury Club and further away but still proximate, Cathedral Square with the Cathedral and the Arts Centre. In terms of the design elements responding to the context, he advised in terms of the Ōtākaro river corridor, the upper levels of the eastern façade of the proposed building present a well-proportioned, but respectful, glazed curtain wall to acknowledge and connect to the cultural primacy

⁵⁵ Statement of Evidence of Grant Armstrong on Behalf of Cambridge 137 Limited, 2 October 2024, para [29].

of the Ōtākaro river corridor.⁵⁶ In terms of the heritage podium, he noted the heritage podium of the proposed building creates a reference back to Harley Chambers. He advised the façade in the proposed hotel has been designed to be the same height as Harley Chambers. It maintains a curve around the corner of Cambridge Terrace into Worcester Boulevard reflective of how Harley Chambers linked the two streets. He noted the wider metal columns in the hotel's façade mimic the columns of the Harley Chamber façade, and finally noted the hotel façade reflects the separation between the bottom third and top two thirds of the vertical access of the Harley Chamber façade, with all of these features helping to link the two buildings to one another.⁵⁷

115. He also identified the connection to the outside with a refined detail on the lower levels of the building which invite and engage guests and the public to the public amenity spaces within the hotel. He considered the use of high-quality materials, depth in the façade, and carefully considered proportions establish a connection with the street which is where the human connection is most important. He noted that in contrast, the upper 8 levels adopt a more uniform curtain wall system, tying in with the grid pattern below.⁵⁸
116. In terms of the relationship to Worcester Chambers, he advised that in acknowledging the significance of that building the design opens up the western façade on the ground levels rather than using the full footprint of the site which allows the eastern side of Worcester Chambers to be seen. He advised this "architectural gesture" is a deliberate strategy to establish a visual connection and dialogue with the adjacent heritage structure which would previously have been hidden.⁵⁹
117. He identified other matters which are relevant to the overall urban design effects including addressing street level/human connectivity, and again discussed the lower three levels having a distinct and highly detailed façade treatment, in comparison with the rest of the tower, to provide a human scale feel and visual interest to the bottom level focusing the viewer's eye on the lower three floors.
118. He also advised that the northern façade had been designed to establish a harmonious relationship with the neighbouring Lane Neave building including a grooved relief pattern incorporated into the precast concrete panels of the northern façade, mimicking the panels of the Lane Neave building to create a sense of continuity between the two structures.
119. Mr Armstrong's evidence also focused on the functional requirements of the hotel with the functional and operational requirements of the hotel and the need to balance that so as to create human scale, cultural connection and fit of the historical context of its surrounds.

Assessment

120. In undertaking my assessment I have considered the relevant submissions, all of the evidence, the application, the officer's report and the relevant objectives and policies of the District Plan.

⁵⁶ Statement of Evidence of Grant Armstrong on Behalf of Cambridge 137 Limited, 2 October 2024, para [32](a).

⁵⁷ Statement of Evidence of Grant Armstrong on Behalf of Cambridge 137 Limited, 2 October 2024, para [32](b).

⁵⁸ Statement of Evidence of Grant Armstrong on Behalf of Cambridge 137 Limited, 2 October 2024, para [32](c).

⁵⁹ Statement of Evidence of Grant Armstrong on Behalf of Cambridge 137 Limited, 2 October 2024, para [32](d).

121. The objectives and policies of the District Plan assumed some significance during the course of the hearing, given CCC's recent decision on PC14. The NPS-UD, and particularly Policy 3, were also addressed by a number of witnesses, both urban design, and of course, planning witnesses.

122. In this part of my decision I have considered Objective 15.2.1 – Recovery of commercial centres. I agree with Mr Blair that the proposed hotel will support the long term growth of the city and central city by enabling the accommodation of visitors to the city in facilities close to central city attractions.⁶⁰ Perhaps more directly relevant in terms of this part of the decision, I have had regard to Objective 15.2.4 – Urban form, scale and design outcomes, and its supporting policies 15.2.4.1 (scale and form of development) and 15.2.4.2 (design of new development).

123. 15.2.4.1 provides:

- a. *Provide for development of a significant scale and form in the core of District Centres and Neighbourhood Centres, and of a lesser scale and form on the fringe of these centres.*
- b. *The scale and form of development in centres shall:*
 - i. *reflect the context, character and the anticipated scale of the zone and centre's function;*
 - ii. *increase the prominence of buildings on street corners;*
 - iii. *...*

124. Policy 15.2.4.2 – Design of new development, is important. I note the core of that policy requires new development to be well designed and laid out by, relevantly:

- a. *...*
 - i. *encouraging pedestrian and amenity along streets and in adjoining public spaces, to a degree that is appropriate to the location and function of the street;*
 - ii. *providing a principal street facing façade, or facades (where located on a corner site), of visual interest that contributes to the character and coherence of a centre;*
 - ...
 - iv. *enabling visitors to a centre to orientate themselves and to find their way with strong visual and physical connections with the surrounding area;*
 - ...
 - viii. *achieving a visually attractive setting when viewed from the street and other public spaces, that embodies a human scale and fine grain while managing effects on adjoining environments;*
 - ...
 - x. *increasing the prominence of buildings on street corners;*
 - ...

⁶⁰ Officer Report, para [167].

xiii. recognising the importance of significant public open space by maintaining sunlight access to, and managing visual dominance effects, on these spaces;

b. Recognise the scale, form and design of the anticipated built form within a site and the immediately surrounding area and the functional and operational requirements of activities.

125. Policy 15.2.6.3 – Amenity is concerned with promoting a high standard of amenity and discouraging activities from establishing where they will have an adverse effect on the amenity values of the Central City by:

i. requiring an urban design assessment for development within the City Centre Zone;

ii. setting design standards to manage access to sunlight, reduce adverse effects from wind, ensure a high quality street interface and avoid the impact of overly dominant buildings on the street and other public spaces; and

viii. recognising that amenity values develop and change over time to meet the changing needs of people and communities, including increased and varied housing densities and types, which may detract from the amenity of some, but enhance the amenity of others. Those changes are not of themselves an adverse effect.

126. I will return to the overall assessment of the relevant objectives and policies subsequently, but I consider the policies I have identified above, provide a helpful guide for the overall assessment of the urban design issues and associated effects.

Site Context

127. As I have recorded earlier, Mr Armstrong provided evidence from an architectural perspective in terms of the site context.

128. Ms Sakin, in her report of 23 September 2024, discussed the context and fit to context at some length. She addressed the wider context in the nearby environment including Worcester Street. Her focus was on Cambridge Terrace street scene. She considered this to be one of the most well established post earthquake urban edges of a key public space (the Ōtākaro promenade) in the Central City. She described the edge as being characterised by building heights in the vicinity of 25-28m, with elevations with high quality architectural articulation and active ground floors including frequent entry. She considered this edge provides a built demonstration of the relationship with the recently built buildings (adopting the post earthquake height limits) with the river corridor, the tree canopy heights and the low height heritage buildings where they are across the road.

129. She considered contemporary and taller Cambridge Terrace buildings form a “comfortable relationship” with the lower height and historical detailing of heritage buildings they face. Overall she considered that the proposed building design did not appear to sufficiently recognise this medium range for Cambridge Terrace and considered that a consequence of the design of this building would be an uninterrupted block without a base or tower (as defined in the Plan) being an “abrupt conflict” with the “remarkable coherence” of the street edge that exists along Cambridge Terrace. She noted the consistent heights and buildings displaying the physical outcome of the mid rise central city height vision of the earthquake regeneration

plan. She considered that while the architectural detailing of the proposal is generally consistent with the cohort in terms of materials, the form is not.⁶¹

130. Ms Sakin discussed this issue again in her presentation at the hearing noting that in the context of Cambridge Terrace, which she described as a recently established, high quality public space edge, there is not a large difference between existing and anticipated form. She considered it to be unlikely that the “existing coherent and complete edge” transitions to a different form in the foreseeable future. Overall she considered that built context to be stable and provided examples of ways of resolving different scale juxtapositions, including local examples.⁶²
131. Mr Clease addressed the pre PC14 policy and rule framework, noting that it was developed in response to the aftermath of the devastating Canterbury earthquake sequence and summarised the rules and “demand management approach” which, combined with post quake community concerns regarding the perceived risk associated with tall buildings, resulted in a desire for a mid rise cityscape.⁶³ At paragraph [29] he noted that the development that had occurred in the last decade “understandably” reflected the regulatory framework and agreed with Ms Sakin that the western side of Cambridge Terrace had a generally consistent built form reflective of that framework.⁶⁴
132. Ms de Latour, in her reply, spent time on site context and which she described as the focus of the Council officers’ concerns relating “assiduously” to the Cambridge Terrace context and, as noted, in particular the views of buildings from the Ōtākaro Avon River corridor.
133. Ms de Latour acknowledged that in terms of any need to reflect the Cambridge Terrace context, they must be guided by the District Plan provisions including:
- (a) Recognising existing built form (and the functional and operational requirements of the activities); and
 - (b) Taking account of nearby buildings in respect of the exterior design, materials, architectural form, scale, and detailing of the building.⁶⁵
134. Ms de Latour cited Mr Armstrong’s explanation that while the proposal does not reflect the existing heights along Cambridge Terrace, the existing context has been reflected in some of the architectural details.

Assessment

135. I have carefully considered all of the evidence and submissions on this issue. I acknowledge that the building by its height, clearly does not replicate the existing context in this part of Cambridge Terrace. I accept however that this is largely a symptom of the previous planning framework, and the changes to the planning framework which have been implemented through PC14 in particular. I acknowledge Ms Sakin’s

⁶¹ Memo Ekin Sakin 23 September 2024, page 10.

⁶² Ekin Sakin Clarifying Statements 16 October 2024, pages 16-19.

⁶³ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [28].

⁶⁴ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [29].

⁶⁵ Right of Reply on Behalf of the Applicant, 6 November 2024, para [29]

view that the buildings presently existing along that part of Cambridge Terrace will be enduring but in my view there are sufficient references to those buildings, and in particular to the Lane Neave building, to address the issue of the contextual coherence. Ms Sakin's concern was not with height as such.

Setbacks

136. Mr Blair confirmed his recommendation that there should be either a 1.2m setback at 28m on the Cambridge Terrace elevation or a 5m setback on the northern elevation.
137. The graphic aids produced by both Ms Sakin and through Mr Armstrong on a with and without setback basis, were helpful. While it may have some benefits in potential blending, by creating a step, I find such benefits are limited. I understand Ms Sakin's rationale that by introducing an intermediate height between the 6-7 storey high road wall and the 11 storey proposed hotel building removes the abruptness, or what she described as a "likely abruptness of the height jump".
138. As noted, Mr Armstrong noted that the northern façade of the hotel had been designed to establish a harmonious relationship with the neighbouring Lane Neave building. His graphics (both provided separately and as part of his evidence), particularly Figure 8 relating to the view from Cambridge Terrace, illustrate the architectural concerns raised. Overall I consider that 5m setback on the northern façade is neither necessary or appropriate. I agree with Mr Armstrong's evidence that it appears as a missing piece and impacts on the form considerably.
139. I do not consider any setback on the Cambridge Terrace frontage is appropriate or necessary. Again I have found the graphics particularly helpful. I consider it is difficult to see any real benefits of such a setback in terms of this particular building in this particular location, and when considering the functionality and operational requirements, which I address subsequently.
140. Ms Sakin's memorandum of 23 September 2024 identified this setback as a recommended option 1, noting that it appeared to be possible to include a relatively shallow setback of a few metres at the three storey level where the material differentiation is proposed. Ms Sakin went on to state that that could be achieved by shifting the west half of the ground floor towards the west while still retaining vehicle access, albeit narrower adjacent to the building. At the hearing, Ms Sakin outlined her view that the appropriate wall height for the proposed site is between 25m and 29m which represents a +-1 floor variance which at this site could be visually absorbed without disrupting coherence.
141. In discussions at the hearing, I understood Ms Sakin was recommending, in essence, a moving of the western wall of the building by approximately 3m closer to Worcester Chambers which would enable the Cambridge Terrace frontage to be set back by around 3m from the fourth storey. As I understood her evidence and report, she has no concerns with the three storeys being set right on the road boundaries and indeed considers that appropriate. It is the mass above that height I understand to be her concern, and her opinion that that could be addressed by a setback above wall height along Cambridge Terrace. She considered that there were no other solutions to managing the "dominance" offered by the proposal other than the suggestion of the finer detail at the lower levels being a mitigating measure. She did not consider that sufficient to manage the overall bulk of the building when seen at close range.

142. While I acknowledge the concerns that Ms Sakin has properly raised, I find, on balance, that the proposed setback is neither necessary nor appropriate. This is particularly in light of the clear differentiation at the lower floors of the building. Ms Sakin agreed that the building had a relatively small footprint and an approximate “tower” dimension of 39m, had clean lines, a restrained material palette and softly rounded corners. In terms of the longer ranges, she considered this would likely give the building an elegant silhouette from distant views and likely to be considered as a high quality building by distant viewers, and she noted the approach had efficiency benefits due to ability to replicate floor plans without variation in structure.
143. Ultimately I prefer Mr Clease’s urban design evidence in this regard. He notes the desired outcome sought in the District Plan to emphasise corners to assist in way-finding and to provide visual interest, and I accept his view that that enabled outcome is one that does overtly promote contrast rather than consistency for corner sites, as compared with the different priority sought for the mid block contexts.⁶⁶ I also agree with Mr Clease’s caution that it is important to emphasise that the greater enablement for corner sites is not open-ended and is limited to the first 30m of length.⁶⁷
144. I also note Mr Clease’s evidence that the 30m length limit is combined with the rules controlling tower size (footprint) regardless of whether it is located on a corner or a mid block location and that for a tower 45m in height the maximum plan dimension is limited to 40m pursuant to Rule 15.11.2.15. Towers above 45m are required to be set back from internal boundaries. Mr Clease notes that for towers above 28m the maximum size per floor is 1,200m² gross floor area, and at paragraph [55] he records that the proposed building has a per floor GFA of only 631m² with an internal dimension of 38.3m. He considered the tower mass to be therefore comfortably within the District Plan parameters for ensuring that taller building elements are slim. He also noted Ms Sakin’s agreement that the tower has a slender profile.⁶⁸
145. Again as identified by Mr Clease, for this site there are competing outcomes in terms of the need to deliver an appropriate interface with the adjacent Worcester Chambers heritage building to the west. He notes that this has been prioritised through providing a generous 8.5m setback from the site’s internal boundary. He also identifies that the setback provides both a functional porte-cochere at ground level and facilitates the inclusion of extensive glazing in the western façade.⁶⁹
146. Overall, having carefully considered all of the evidence, I consider that the methods adopted by the Applicant’s experts in terms of the differentiation and the referencing of Harley Chambers at the lower levels, combined with the approach taken to the upper levels, are sufficient to avoid dominance. It will certainly be a change from the existing, and from the existing context of Cambridge Terrace to the north. On this particular site, and with this particular design, setbacks are not required.
147. To be clear, I do not accept that in essence doing away with, or minimising, the setback from Worcester Chambers is a realistic option, nor an appropriate one. That would likely require a complete redesign of the overall proposal including traffic access and similar. It is also likely that would call firmly into question

⁶⁶ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [52].

⁶⁷ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [53].

⁶⁸ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [55].

⁶⁹ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [56].

the written approval given by the owners and occupiers of Worcester Chambers, and would undermine the positive effects the opening up of the views to Worcester Chambers provide.

Potential Entrance Cambridge Terrace – Activation

148. Ms Sakin noted the proposed hospitality activity on the ground floor and it is likely to be able to provide a level of street activation which has been missing from the site for over a decade and is welcomed. She also noted that the ground floor height was close to 1m above street level, hence the activation is more likely to contribute to the pedestrian activity along the river corridor across the road than the footpath on Cambridge Terrace. She considered that on the footpath, the eye level of a pedestrian at about 1.4m is unlikely to find the visual connection to the restaurant activity, particularly in the context of the narrow footpath in this section and that overall that would result in a shortfall of street engagement and vibrancy. She also considered the wide vehicle access was detrimental to the street experience.
149. It was her strong recommendation that a separate entry for Cambridge Terrace to provide a point of interest be included and to contribute to a softer and more active edge to the street which she considered to be possible to accommodate steps and/or a ramp where a long table is shown on the ground floor plan. She considered the Cambridge Terrace elevation being longer, with the footpath being narrower, it would greatly benefit from relief in the form of an entranceway which she considered to be more consistent with the remainder of the Cambridge Terrace street edge where there are frequent entries adding vibrancy.⁷⁰
150. Ms Sakin addressed this in her presentation. She stated there were three buildings in the approximately 100m block between Worcester and Gloucester Street and at 35m the Cambridge Terrace elevation is one-third of that frontage. In her opinion it was not acceptable for it to provide no doors. She advised that there are currently seven doors in this section of Cambridge Terrace and that without a contribution from the proposed building this frontage would remain at the low end level of active frontage.⁷¹
151. Mr Clease addressed the pedestrian entrance noting that the ground floor design is challenged by the District Plan requirement for any buildings to meet a minimum internal finished floor level to mitigate flood risk such that the sill level for glazing is approximately 1m above ground level. He agreed with Ms Sakin that the elevated ground level will reduce the quality of the pedestrian experience on the footpath on the western side of Cambridge Terrace, but the high sill height would be a requirement of any new building. He identified that raised internal seating areas conversely improve overlooking and a visual connection with the pedestrians on the eastern far side of Cambridge Terrace.
152. He also agreed with Ms Sakin that in an ideal world, there would be a pedestrian entrance in the Cambridge Terrace frontage to add visual interest. He noted that the change in levels, combined with the narrowness of the footpath, made provision of such an entrance challenging as it is not simply a doorway but would also require a flight of stairs extending some way into the building. He also agreed with Mr Blair that the insertion of a second entrance and associated stairwell had functional implications for the operation of the restaurant.

⁷⁰ Memo Ekin Sakin 23 September 2024, page 10.

⁷¹ Ekin Sakin Clarifying Statements, page 5.

153. Ultimately Mr Clease agreed with Mr Blair that on balance a pedestrian entrance in the Cambridge Terrace façade is not necessary for what is a relatively small corner site and where the required change in levels creates a challenging design constraint.

Findings

154. Overall I agree with Ms Sakin and Mr Clease that ideally a pedestrian entrance in the Cambridge Terrace frontage would provide visual interest and perhaps a greater degree of activation. However, given the particular Plan requirements applicable to this site, I agree that it is neither necessary nor appropriate. I note the evidence it would also have issues in relation to the overall use of the site, and the ground floor in particular.

Human Scale

155. In Ms Sakin's report she provided additional references from urban design literature relating to height and human scale and height and walkability. This was addressed in her urban design memo. She noted that in terms of the fine detailing proposed, it was "claimed" that that would reduce the impact of the bulk and the application. She noted that while detailing at lower levels adds interest at a human scale, increases the sense of amenity and high quality and may contribute to activation, unfortunately in her view it did not offer relief from the impact of the large mass that remains. She considered that with the narrow viewing distance, the footpath was particularly narrow, and there would not be much escape from the bulk of the building.
156. Mr Clease described how pedestrian journeys are actually experienced, noting that when walking through urban environments the focus is predominantly on the pavement in front of you and the shop fronts beside you. He advised that while you can see the wider environment, the wider field of vision simply forms the visual backdrop rather than the focus. He advised that was why urban design principles place such emphasis on the design and quality of the first 1-3 floors and these are part of the adjacent buildings that are most in focus and the key determinant of the quality of the pedestrian journey or experience.⁷²
157. He also noted in the context of pedestrian experience, it was also fine grained or heavily "pixelated" given that in a 10 minute walk you will go past numerous buildings and typically a stimulating and highly complex visual environment where there are significant levels of traffic, pedestrian activity and diversity of buildings and frontage treatment. He spoke of the limited dwell time for such a journey and that individual buildings are encountered as a passing 10-20 second experience. He considered that the impact on the quality and amenity of pedestrian journeys can be overstated for individual buildings, especially when they are relatively modest in length.⁷³
158. Mr Clease addressed "human scale" and referred to the District Plan definition which is: *"incorporating dimensions that result in smaller built components and lower building heights, with attention to the human experience from eye level, relative to the physical size of a person"*. He considered that human scale was

⁷² Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [63].

⁷³ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [65].

about buildings delivering a richness in detailing and design that avoids long, blank walls or overly repetitive treatments that are experienced at eye level. Mr Clease provided examples including Rebel Sports, or indeed any side walls of many large format retailers.

159. Mr Clease discussed the clear difference in design treatment between the first three floors and upper tower with all lower levels having a “richness” in detailing, glazing and cladding and fenestration that breaks the mass of the building into a light, visually permeable floor with a strong and direct connection between the internal use (restaurant and reception) and the external streetscape. He noted that at higher levels, there is a very high proportion of glazing to solid cladding which provides lightness to the tower relative to visually impermeable materials. He further addressed the inter-floor bands which are visible assisting in breaking down the mass, the vertical fenestration provided through detailed edges in the glazing panels, and a curved corner treatment extending to the full height of the building on the apex of the Worcester/Cambridge corner.⁷⁴
160. It was his opinion that immediately adjacent to a tall building as a pedestrian, there is actually very little sense of height as the focus is primarily around what is at ground level. In that context, he considered a setback or not at 21m, 28m or 32m makes little material difference to the immediate pedestrian experience. Overall he considered the proposed building delivered a high quality design outcome that readily differentiates between the first three storeys and the simple clean lines of the upper levels.

Finding

161. Overall I accept Mr Clease’s evidence on this issue. Ms Sakin provided some helpful illustrations and evidence on this issue but overall I consider that the human scale has been appropriately addressed.

Positive Effects

162. I agree that there are a number of positive effects associated with this proposal. These were identified in a number of submissions. We discussed the issue of double counting of positive effects at the hearing, given that the demolition to the ground is now permitted. Even putting that issue to one side, in my view it is clear that the hotel will have real and potentially significant positive effects in terms of the development of that site for visitor accommodation and the reactivation that will bring.

Relevant Objectives, Policies and Other Provisions of a Plan or a Proposed Plan (s104)(1)(b))

163. Mr Blair’s report addressed the objectives and policies relating to Chapter 4 Contaminated land, Chapter 5 Hazards, Chapter 6.6. Waterbody setbacks, Chapter 7 Transport, and Chapter 8 Earthworks, concluding that the application was consistent with all of those objectives and policies.⁷⁵
164. Mr Blair provided the relevant objectives and policies and provided a focused assessment on the key matters. In terms of Policy 15.2.6.3, he noted that an urban design assessment had been undertaken, that the overall height of the proposed building was appropriate (also taking into account other design outcomes

⁷⁴ Statement of Evidence of Jonathan Clease on Behalf of Cambridge 137 Limited, 2 October 2024, para [67].

⁷⁵ Officer Report, page 34.

relating to emphasising corner site) with recommended conditions providing for a balcony setback or a step in the northern side, the building would not be overly dominant, the wind effects had been assessed and found to be acceptable, and that the transport assessment showed that the efficiency and safety of the adjacent network would be protected by the conditions.

165. In his presentation at the hearing, he undertook a further assessment of relevant objectives and policies. In terms of Policy 15.2.6.3(a)(i) he referred to Mr Bonis' evidence where he had addressed his understanding of dominant as meaning "*more important, powerful and noticeable than other things*" whereas prominent means "*standing out from its surroundings or noticeable*", and consider the proposal is characterised as the latter as is appropriate in achieving the design standards for buildings on street corners.⁷⁶
166. Mr Blair considered that Mr Bonis' evidence did not reflect the way in which prominence and dominance are used in the objective and policy framework. He noted the difference between "prominence" as it is used in 15.2.4.1.b.ii. and 5.2.4.2.a.x. and "dominance" as it is used in 15.2.4.2.a.x.iii. His view is the meaning that the building should be 'prominent' but not 'dominate' the context. He identified Policy 15.2.4.21.a.x.iii. which refers to managing dominance which he considered reinforced the implied adverse effect of dominating an area. Prominence he saw as having a positive association and dominance a negative association. He considered the dominance concept had particular relevance with regard to 15.2.4.2.a.xiii. which recognises the importance of significant public open space by maintaining sunlight access to and managing visual dominance effects on those spaces. He considered this to be relevant to the Ōtākaro Avon River.
167. In his overall recommendation he noted that whilst he had recommended changes in design to address the dominance/human scale aspect of the development, his recommendation is that if I am not minded to impose conditions after balancing (his emphasis) the objectives and policies relating to addressing dominance/human scale and functional requirements, he would still recommend that the consent be granted subject to the agreed conditions. He noted that the application would still meet the other wider objectives and policies, including those related to growth and recovery.
168. Mr Bonis recorded that Mr Blair agreed that the proposal was consistent with the relevant provisions of the operative District Plan, albeit acknowledging Mr Blair's conclusion relates to his specific urban design recommendations.⁷⁷ He summarised the agreement in relation to consistency with Chapters 4, 5, 6, 7 and 8.⁷⁸ Mr Bonis also considered that the proposal as unamended was consistent with Chapter 3 Strategic directions and the unamended proposal revitalises an important part of the Central City after 13 years of diminished values and vitality associated with the existing Harley Chambers building and that it commensurately contributes to reinforcing the Central City as a primary community focal point and enhances amenity values, and function and economic viability through private sector investment.⁷⁹

⁷⁶ Reply Notes – Mr Blair, Senior Planner at page 7.

⁷⁷ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [153].

⁷⁸ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [155].

⁷⁹ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [156].

169. Mr Bonis considered that the only departure was in relation to the commercial objectives and policies albeit only as those relate to design recommendations for the elevation fronting Cambridge Terrace and adjoining the Lane Neave building.⁸⁰
170. Mr Bonis addressed the commercial centre policy framework including Objective 15.2.1, Objective 15.2.4, associated Policy 15.2.4.1 and Policy 15.2.4.2, and what they seek. He noted the reflection of the centre hierarchy, scale and form and design of development, the increase of prominence of buildings on street corners (Policy 15.2.4.1) and the requirement for new development to be well designed and laid out including by increasing the prominence of buildings on street corners and achieving visually attractive settings that embodies a human scale and fine grain. He identified 15.2.4.2 in particular.
171. Mr Bonis then identified the relevant objectives and policies for the Central City including Objective 15.2.6 seeking that the zone redevelops as the principal commercial centre that is attractive for visitors and Policy 15.2.6.1 which seeks to ensure the Central City Zone provides the greatest concentration and overall scale of built development and associated Policy 15.2.6.3 in relation to amenity seeking a high standard of amenity, through setting design standards to avoid the impact of overly dominant buildings.
172. In terms of the scale and form, including requested setback, Mr Bonis recorded that both he and Mr Blair considered the proposed hotel responds positively to those provisions in the Plan that seek to reinforce a form and function as consistent with the role of the centre, which is to be afforded primacy in the Plan in terms of the range of activities (including visitor accommodation) and the overall scale, before concluding that the proposal, as unamended, is consistent with the Chapter 15 objectives and policies associated with a commercial development. Mr Bonis also addressed the NPS-UD (s104(1)(b)(iii)) noting that the Plan as amended by PC14 embedded the requirements of the NPS-UD for Christchurch City.⁸¹
173. Having considered all of the objectives and policies and the other relevant Plan provisions, and the submissions relating to those, I agree that ultimately the proposal is consistent with the Chapter 15 objectives and policies, and the objectives and policies as a whole when read in an overall manner. In terms of the more directive policies, I am comfortable that those are not offended.
174. Having carefully considered the urban design evidence in particular, Mr Armstrong's evidence, and the helpful assessments by Mr Blair and Mr Bonis, I am satisfied that the potential dominance has been appropriately considered and addressed to the degree that dominance effects are properly addressed. While I agree entirely that the building will undoubtedly be prominent, in my view, taking into account all of the urban design evidence and the evidence of Mr Armstrong in relation to key matters of design, I do not consider it will be dominant, nor give rise to the negative connotations that wording entails.

Functionality and Operational Requirements

175. As identified by Mr Blair, Policy 15.2.4.2.b. provides:

⁸⁰ Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [157].

⁸¹ I note that in discussions with Mr Bonis and other witnesses and Counsel, there was general agreement that the Plan as amended by PC14 in essence gave effect to the relevant provisions of the NPS-UD.

176. I received considerable evidence on the functional and operational aspects of the proposal. Mr Armstrong provided significant evidence in terms of the structural consequences of the setbacks. He identified that introducing setbacks⁸² would cause significant practical build complexities and costs and they were at odds with the efficiency and legibility of the stacked repetition of the hotel tower typology. Mr Armstrong's evidence was compelling in terms of the impact a 1.2m setback on the eastern façade would have with the need for an intersecting double curved geometry and a bespoke curtain wall mullion design. It would require fully flashed vertical movement joint and saddle flashings and the resulting façade would be unsatisfying and conflicts with the sleek and simple curtain wall design. Mr Armstrong also noted that the junction would be designed out in the normal architectural design development as it creates a façade weather tightness risk, increased costs and is visually inconsistent.
177. Mr Armstrong, who as I have noted earlier, has considerable experience in the design of hotels, raised significant concerns in relation to the functionality and operation of the hotel. Firstly, it would result in a reduction of guest room numbers. There would be four rooms lost for every floor in the 5m setback proposed (8 rooms in total). He advised that a further 4 rooms would be lost on every floor if the 1.2m setback was imposed as a resulting reduction in room size would bring the rooms on the eastern side below industry standard and require the combining of rooms. He considered the 1.2m setback would result in the loss of a further 16 rooms and if both were in place (which is not intended), a total of 24 rooms would be lost representing 12% of the operational capacity of the building.⁸³
178. Additionally, Mr Armstrong advised that the setbacks would introduce significant inefficiencies. It would affect the design of the plumbing services, which are designed to be mirrored on each floor to ensure operational and construction efficiency. He advised that hotel staff rely on a 20 rooms per floor and mirroring floor layouts to ensure efficiency of servicing the rooms. The proposed setbacks and the resulting effect on the configuration of the rooms would reduce the ability for the building to provide operational functionality.
179. Based on his experience with hotels, Mr Armstrong advised that a 20 guest room per level is generally identified as a minimum number acceptable to hotel operators.
180. Mr Armstrong also agreed with Mr Blair in relation to the inclusion of a doorway directly from Cambridge Terrace to the restaurant would not meet the functional and operational requirements of a four star hotel for reasons which he expanded on. These included the elimination of staff and security efficiency of having a single point of entry; exposing internal ground floor to prevailing easterly winds which would require wind pressure mitigation to be installed; and requiring alterations to the footprint to enable a stair and landing from the street level to internal ground floor level which would impinge upon the internal functional restaurant space.

⁸² I note it was clarified during the hearing that only one setback is suggested.

⁸³ Statement of Evidence of Grant Armstrong on Behalf of Cambridge 137 Limited, 2 October 2024, para [77].

181. I also heard from the directors of Cambridge 137 Limited in relation to the international requirements for hotel design and operation and the brief to Mr Armstrong in that regard. They noted that they are currently in commercial discussions with several international operators who are looking at it, but their interest is predicated on a 200 room hotel that is consistent with international industry standards and operational requirements (such as a replicated floor layout and there being 20 rooms per floor). In addition to those requirements, their evidence was that the commercial viability of the project would also be significantly affected by additional construction costs associated with the setback recommendations.

182. Having considered all of the objectives and policies and other relevant Plan provisions, I consider this proposal, subject to conditions, meets the intent of the objective and policy framework.

Canterbury Regional Policy Statement – s104(1)(b)(v)

183. There was agreement between Mr Bonis and Mr Blair that the operative District Plan gives effect to and implements the relevant provisions of the Canterbury Regional Policy Statement.⁸⁴

184. In terms of other relevant matters, Mr Bonis and Mr Blair noted the recommendations of the Cultural Advice Report.

Interpretation Issues

185. As identified earlier in this decision,⁸⁵ a memorandum had been prepared by Ike Kleynbos and Holly Gardiner regarding clarification of the CCZ corner site building height rules. Ms de Latour responded to that in her Memorandum of Counsel of 25 October 2024. Ultimately, in my view, that issue is not one which I need to resolve in the context of this particular application. I have received clear evidence from Mr Clease and Ms Sakin in relation to their positions on the urban design effects of the proposal, and I note that Mr Blair's now ultimate recommendation is that the resource consent can be granted, with or without the setbacks.

186. In the circumstances, and having considered all of the evidence, the particular question in relation to the application of the building base height rule at corner sites does not alter the outcomes in terms of either effects or the application of the objectives and policies. I accept Ms de Latour's reply submissions that the memorandum is not of great assistance. The issue regarding what amounts to the building base was not relied on by the Applicant at the hearing. The fully discretionary activity status enabled all of those issues to be addressed and considered. Ultimately I accept Ms de Latour's reply submissions in that regard.⁸⁶

Overall Finding on Part 2

187. Overall, having considered all of the evidence, submissions, planning documents and the other matters identified and discussed above, I consider that Part 2, and ultimately as expressed in the Plan, the purpose of the Resource Management Act 1991 is met by the granting of this consent on the conditions attached.

⁸⁴ Officer Report, para [175], and Statement of Evidence of Matthew Bonis on Behalf of Cambridge 137 Limited, 2 October 2024, para [166].

⁸⁵ Paragraph 12.

⁸⁶ Right of Reply on Behalf of the Applicant 6 November 2024, para [58].

Section 108 and Section 108AA Conditions

188. A comprehensive set of conditions was provided as Appendix 1 to Mr Blair's report. Again a comprehensive set was Attachment D to Mr Bonis' evidence and a final draft of proposed conditions and advice notes was provided as Attachment D to Ms de Latour's closing submissions. Overall I consider the conditions are appropriate. They address all of the relevant matters, and in my view do so in a comprehensive manner.

Overall Decision

189. Having carefully considered the application in some detail, having considered all the submissions, the officer reports, the evidence and all other relevant matters, I determine that the application be **granted** pursuant to ss104, 104B and 108 of the Resource Management Act 1991 and subject to the conditions attached in **Appendix B**. For the avoidance of doubt, this includes the consents required under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

A handwritten signature in blue ink, appearing to read 'D Caldwell', is written over a horizontal line.

David Caldwell
Hearing Commissioner

Dated: 6 December 2024

APPENDIX A: Officer Report Appendix A – Submitters

Appendix A Submitters

	Forename	Surname	Company	Oppose/Support	Wish to be heard
1	Peter	Dwan	Lane Neave	Support	No
2	Annabel	Black		Support	No
3	Pip	Andrews		Support	No
4	Tom	Rose		Support	No
5			Elmbias Health	Support	No
6	Jack	Halliday		Support with changes	No
7	Sarah	Harrison		Support	Yes
8	Adam	Nicewonger		Support	No
9	Tracy	Olson		Support	No
10	Philippa	Curtis		Support	No
11	Caroline	Easting		Support	No
12	Krista	Fletcher		Support	No
13	Penny	Siegrist		Support	No
14	Maxine	Thomas		Support	No
15	Teresa	Lawry		Support	No
16	Danielle			Support	No
17	Jacqui	Craw		Support	No
18	Nicola	Clark		Support	No
19	Alice	Talbot		Support	No
20	Henry	Risk		Support	No
21	Penny	Hoogerwerf		Support	No
22	Geoff	Walker		Support	No
23	Leigh	Smith		Support	No
24	Lindsay	Smith		Support	No
25	Nicholas	Martin		Support	No
26	Nicholas	O'Connor		Support	No
27	Andrew	Nicol		Support	Yes
28	Derek	Phelps		Oppose	No
29	Amanda Jane	Nelson		Oppose	Yes
30			Canterbury Chambers	Oppose in part	Yes
31			Heritage New Zealand Pouhere Taonga	Does not oppose	No
32	Mark	Duff		Support	No
33			Boffa Miskell Limited	Neutral	Yes

Submissions raising points relating to heritage matters:

- Submission 1 Peter Dawn;
- Submission 2 Annabel Black;
- Submission 3 Pip Andrews;

- Submission 4 Tom Rose;
- Submission 7 Sarah Harrison;
- Submission 9 Tracey Olson;
- Submission 10 Philippa Curtis;
- Submission 11 Caroline Easting;
- Submission 12 Krista Fletcher;
- Submission 13 Penny Seigrist;
- Submission 15 Teresa Lawry;
- Submission 16 Danielle McCallum;
- Submission 17 Jacqui Craw;
- Submission 18 Nicola Clark;
- Submission 19 Alice Talbot;
- Submission 20 Henry Risk;
- Submission 21 Penny Hoogerwerf;
- Submission 22 Geoff Walker;
- Submission 23 Leigh Smith;
- Submission 24 Lindsay Smith;
- Submission 25 Nicholas Martin;
- Submission 26 John O'Connor; and
- Submitter 29 Amanda Jane Nelson **opposes** the demolition of the Harley Chambers on adverse heritage effects grounds.
- Submitter 31 Heritage New Zealand Pouhere Taonga
- Submission 32 Marc Duff.

APPENDIX B: Conditions

CONDITIONS OF CONSENT

General

1. Except where varied by the conditions of this consent, the development must proceed in accordance with the information and plans submitted with the application and the Citadel drawings titled Structure Over Boundary provided in the RFI response attachment 2. If there are any inconsistencies between the documents submitted with the application, the plans titled Structure Over Boundary shall prevail.

Management Plans

2. The following Management Plans are required to be prepared, submitted and implemented as associated with the following works:
 - i. Traffic Management Plan (TMP).
 - a. Pursuant to Conditions 3 and 4 below individual TMPs are required for **both** the Demolition works and Hotel development.
 - b. The **objective** of the TMP is to reference the combination of measures necessary during construction works to minimise as far as is reasonably practicable impacts on traffic capacity and road users; and maintain the security, safety and reliability of the adjoining transport network, including identification and provision of safe pedestrian access during works.
 - ii. Contamination Site Management Plan (CSMP)
 - a. Pursuant to Condition 20 below a CSMP is required for any Demolition works which disturb the soil on the site.
 - b. The **objective** of the CSMP is to reference the combination of measures necessary when undertaking the proposed works to establish and manage actual or potential contamination risks to the following, and associated land and ground water contamination are adequately managed:
 - (i). The health of workers;
 - (ii). The on-site environment; and
 - (iii). The off-site environment.
 - iii. Construction Management Plan (CMP).
 - a. Pursuant to Condition 8 below individual CMPs are required for **both** the Demolition works and Hotel development.
 - b. The **objective** of the CMP is to ensure that any potential effects arising from construction activities on the site are effectively managed.
 - iv. Erosion and Sediment Control Plan (ESCP)
 - a. Pursuant to Condition 9 below individual ESCPs are required for **both** the Demolition works and Hotel development.
 - b. The **objective** of the ESCP is to identify the measures that will be implemented to minimise erosion and subsequent sediment loss from the site as a result of soil disturbing activities.
 - v. Construction Noise and Vibration Management Plan (CNVMP)
 - a. Pursuant to Condition 19 below a CNVMP is required for works associated with the Hotel development.

- b. The **objective** of the CNVMP is to ensure noise and vibration are effectively managed in accordance with the best practicable options, having regard to the construction period associated with the Hotel development.

Traffic Management Plan

3. Pursuant to Condition 2(i) works on site must be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of demolition on the site. No works are to commence until the TMP has been accepted and installed.

The TMP must be submitted to the relevant Road Controlling Authority via the web portal www.myworksites.co.nz. To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR must be supplied to the Council's resource consent monitoring team (via email to rcmon@ccc.govt.nz) at least 3 working days prior to the commencement of works under this consent.

Note: Please refer to <https://ccc.govt.nz/transport/legal-road/traffic-management-news-and-information> for more information.

4. The TMP the subject of condition 3 must include, but is not limited to, provision of safe pedestrian routes.

Site Management

5. Should building consent for the hotel not be lodged with the Christchurch City Council within nine months of demolition being completed, the site must be retained with a stable and compacted surface, which provides effective dust control, through either of the following:

- Site contouring and grassed; or
- Compacted gravel.

Access / Egress signage

6. Prior to operation of the hotel the consent holder must install and permanently maintain:
- a. a sign on site adjoining the Cambridge Terrace entry to the porte-cochere which is clearly visible to, and readable, by heavy vehicle drivers (including bus drivers) setting out the limit on the length of vehicle that can safely navigate into the access in one right turn manoeuvre from Cambridge Terrace. The sign must clearly state that larger vehicles beyond that limit are prohibited from entry.
 - b. A painted stopline and a judder bar (in advance of the stopline) at the site boundary as associated with the egress from the porte-cochere exiting onto Worcester Terrace.

Light pole

7. Prior to commencement of work on the site as associated with the construction of the hotel the consent holder must agree with Council:
- a. the location of a replacement light pole for the light pole located in the legal road at the north western corner of the intersection with Worcester Street and Cambridge Terrace; and
 - b. All fair and reasonable costs associated with the relocation of the light pole must be met by the consent holder.

Earthworks / Construction

8. Pursuant to Condition 2(iii) proposed works must be carried out in accordance with an accepted Construction Management Plan (CMP). The CMP must be prepared by a suitably qualified and experienced practitioner.

The CMP must include, but not be limited to the following:

- a. Site description, topography, vegetation, soils and other reference information;
- b. Details of proposed works;
- c. Roles and responsibilities, including contact details for the site manager appointed by the Consent Holder;
- d. Site establishment;
- e. Programme and timing of works (including any staging required);
- f. Reference to the TMP prepared under Condition 3 and explicit reference of the provision of safe pedestrian routes.
- g. Storage of fuel and/or lubricants and any handling procedures;
- h. Contingency plans (including use of spill kits);
- i. Environmental compliance monitoring and reporting.
- j. All works being under the control of a nominated and suitably qualified engineer.
- k. Actions to be undertaken in the event that soils are unexpectedly found to have visible staining, odours and/or other conditions that indicate soil contamination. Including but not limited to ceasing works until a SQEP on land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils.

The consent holder must submit this CMP to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction works associated with this consent as set out in Condition 2(iii). This CMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 8 prior to the commencement of any construction work and, once certified, the CMP will thereafter form part of the Approved Consent Document.

NOTE: The Team Leader (or their nominee) will either certify, or refuse to certify, the CMP within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the CMP, then they will provide a letter outlining why certification is refused based on the parameters contained in this condition.

Should the Team Leader (or their nominee) refuse to certify the CMP, the consent holder must submit a revised CMP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 8.

The CMP may be amended at any time by the Consent Holder. Any amendments to the CMP must be submitted by the Consent Holder to the Council for certification. Any amendments to the CMP must be:

- a. for the purposes of improving the measures outlined in the CMP for achieving the CMP purpose (see condition 2(iii)(b)); and
- b. consistent with the conditions of this resource consent.

If the amended CMP is certified, then it becomes the certified CMP for the purposes of condition 8 and will thereafter form part of the Approved Consent Document.

- 9. Pursuant to Condition 2(iv) earthworks must be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP) prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://esc.canterbury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.

10. The consent holder must notify Christchurch City Council no less than three working days prior to works as set out in Condition 2(iv)(a) to which the ESCP relates commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The consent holder **must** at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 9 above.
11. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.

Note: For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.
12. Pursuant to Condition 2(iv)(a) earthworks must not commence until the relevant ESCP has been implemented on site. The ESCP measures must be maintained over the period of the relevant construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled **and** vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
13. Dust emissions must be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
14. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
15. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
16. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, must be reinstated as specified in the [Construction Standard Specifications](#) (CSS) at the expense of the consent holder and to the satisfaction of the Council.
17. The earthworks must be under the control of a nominated and suitably qualified engineer.

Vibration and construction noise

18. Construction works associated with the hotel development which create vibration must be undertaken in accordance with ISO4866:2010 as monitored by the applicant with compliance with any vibration levels to be monitored and assessed as set out in the Construction Noise and Vibration Management Plan (CNVMP) as required by Condition 19(d).
19. Pursuant to Condition 2(v) all construction works undertaken in conjunction with the hotel development must occur in accordance with an accepted Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified practitioner which addresses the requirements of NZS6803:1999 Acoustics - Construction Noise and ISO4866:2010 Vibration of fixed structures. Noise from construction works must where practicable comply with the recommended noise limits for long term duration construction outlined in NZS6803:1999, and where compliance is not practicable be undertaken in accordance with the measures outlined in the CNVMP. The CNVMP must be submitted to rcmon@ccc.govt.nz at least 10 days prior to commencing the relevant works on site and include at a minimum:
 - a. Assessment of proposed machinery and equipment to be used;
 - b. Days and hours of work;

- c. Management measures for noise and vibration, including specific triggers or thresholds for implementing them, including regard being had to measures developed following consultation with the occupiers of the following buildings:
 - 69 Worcester Boulevard;
 - 129 Cambridge Terrace; and
 - 141 Cambridge Terrace.
- d. Procedures for noise and vibration monitoring and reporting.

Vibration levels must be monitored and assessed as follows:

 - (i). Vibration monitoring must be conducted by a suitably qualified and experienced person (e.g., Member of the Acoustical Society of New Zealand or equivalent).
 - (ii). Measurements are to be undertaken to enable assessment against the relevant vibration triggers or thresholds, using metrics taken from ISO4866:2010.
 - (iii). Select measurement positions to be representative of the receiver location of interest, including:
 - 69 Worcester Boulevard;
 - 129 Cambridge Terrace; and
 - 141 Cambridge Terrace, Level 1.
- e. Communication strategy for occupiers of neighbouring sites; and
- f. Procedures for managing and responding to any complaints received about noise and vibration.

The consent holder must submit this CNVMP to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction work associated with this consent. This CNVMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 19. prior to the commencement of any construction work and, once certified, the CNVMP will thereafter form part of the Approved Consent Document.

NOTE: The Team Leader (or their nominee) will either certify, or refuse to certify, the CNVMP within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the CNVMP, then they will provide a letter outlining why certification is refused based on the parameters contained in this condition.

Should the Team Leader (or their nominee) refuse to certify the CNVMP, the consent holder must submit a revised CMP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition 19.

The CNVMP may be amended at any time by the Consent Holder. Any amendments to the CNVMP must be submitted by the Consent Holder to the Council for certification. Any amendments to the CNVMP must be:

- 1. for the purposes of improving the measures outlined in the CNVMP for achieving the CNVMP purpose (see condition 2(v)(b)); and
- 2. consistent with the conditions of this resource consent.

If the amended CNVMP is certified, then it becomes the certified CNVMP for the purposes of condition 19 and will thereafter form part of the Approved Consent Document.

Contamination

- 20. A Contaminated Site Management Plan (CSMP) must be prepared by a Suitably Qualified and Experienced Practitioner and provided to Council by email to rcmon@ccc.govt.nz no later than 10 working days prior to the commencement of the development works (including demolition of the existing buildings). The CSMP must include:

- a. A site investigation plan to be undertaken post demolition of the existing buildings, the objective of this investigation must be:
 - To determine if the former underground storage tank resulted in the contamination of the surrounding soils
 - To determine if the existing soils on site are suitable for the proposed land use, taking into account the relevant human health exposure pathways
 - To determine if asbestos contamination exists in the sites soils, and to what degree
 - To identify if remedial actions are required for soil contamination that may exist on site.
 - To determine the appropriate disposal location/facility for soil that may need to be removed offsite
 - b. Stockpiling procedures and controls
 - c. The process for the handling and disposal of contaminated soil.
 - d. Environmental controls to prevent the discharge of contaminants from the site
 - e. Documentation requirements to verify the soil has been handled and disposed of correctly.
21. All areas identified in the site investigation report (undertaken pursuant to Condition 20(i)) that exceed the relevant human health soil contaminant standards for commercial/industrial land use, the soil in identified areas must be remediated or managed in accordance with the MfE Contaminated Land Management Guidelines and the NZ Guidelines for Assessing and Managing Asbestos in Soil (GAMAS, 2017).
22. All contaminated soils removed from the site will not be suitable to be disposed of at a cleanfill facility and must be disposed of at a facility whose waste acceptance criteria permit the disposal.
23. The consent holder must submit evidence (i.e. weighbridge receipts or waste manifest) of the disposal of surplus soils from the site to an authorised facility to the Council, by email to rcmon@ccc.govt.nz, no later than 20 working days following the completion of earthworks on site.
24. Should remediation works be required to manage human health risks, a Site Validation Report (SVR) must be prepared and submitted to Council within three (3) months of the completion of the earthworks. Delivery of the SVR may be by way of email to rcmon@ccc.govt.nz. The SVR must be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (revised 2021). The SVR must include as a minimum:
- a. Details of any variations to the proposed work plan;
 - b. Details of any discharges or contingency measures employed during the earthworks;
 - c. Photographic evidence of the site works;
 - d. Evidence the objectives of the final site remediation have been met with regard to commercial land use; and
 - e. Evidence of the disposal of any soils off site to an authorised facility.
25. Should soil above the relevant human health soil contaminant standards be retained and managed on the site, a Long-Term Site Management Plan (LTSMP) must be prepared and submitted to Council within three (3) months of the completion of the earthworks. Delivery of the LTSMP may be by way of email to rcmon@ccc.govt.nz. The LTSMP must be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (revised 2021). The LTSMP must include as a minimum:
- a. A plan showing the location of the contaminated soils and the required management measures
 - b. Details of the maintenance and inspections necessary to ensure the long-term effectiveness of the management measures

- c. Contingency measures should future maintenance and excavation works need to disturb the contaminated soils. These measures should include health and safety controls as well as procedures for the handling and disposal of contaminated soil.

Acoustic insulation

26. At the time of the lodgement of building consent, the consent holder must demonstrate **compliance with an acceptable solution** listed in Appendix 6.11.4 Noise Attenuation Construction Requirements or provide a **design report prepared by a suitably qualified acoustics specialist** stating that the design is capable of achieving compliance with District Plan Rule 6.1.7.2.3 Sensitive activities near roads in the Central City. The development must be constructed in accordance with this information.

If design changes are required to meet the requirements of rule 6.1.7.2.3, and are outside the scope of this consent, an application under s127 for a change of conditions will need to be lodged and processed at the consent holder's expense.

Fire fighting

27. Fire sprinkler system design parameters (flow and pressure) that are supported by hydraulic tests must be submitted to Christchurch City Council Three Waters Unit to enable the confirmation of the water supply network adequacy for the sprinkler system proposed, prior to the lodgement of the building consent application, via email to WaterCapacity@ccc.govt.nz. Any required changes to design flows or pressures identified by the Three Waters Unit must be incorporated into the final design of the sprinkler system and included in the building consent application.

Heritage

28. Prior to the commencement of the demolition of the existing building at 137 Cambridge Terrace, being Harley Chambers the consent holder shall undertake an **external** building photographic record in accordance with the following:
- a. Photographs should be submitted of each external elevation showing as much of the elevation in each image as possible, at the closest distance possible which also allows for general identification of architectural features. Short range photographs showing details of building features should also be submitted.
 - b. Photos should be labelled with a brief description of what is being photographed, position on site or in relation to the site, date and photographer's name, and submitted as individual image files, with a plan showing photograph locations.
 - c. Photos should be submitted to the Council's nominated Heritage team contact electronically, either by email (noting that Council's email data transfer limit is 20MB per email), or via a file transfer website such as wettransfer.com or dropbox.com to rcmon@ccc.govt.nz will be lodged with the Council within three months of the completion of the demolition work.

Advice Notes:

Lapse of consent

This resource consent will **lapse five years from the date it is issued** unless it is given effect to (i.e. the activity is established) before then. Application may be made under Section 125 of the Resource Management Act 1991 to extend the period for giving effect to the resource consent, and this must be submitted prior to the consent lapsing.

Monitoring

Monitoring will be carried out to ensure the **conditions are complied with** and that the development proceeds in accordance with the plans and details which were submitted with the application.

The Council will require payment of its **administrative charges** in relation to monitoring, under section 36 of the Resource Management Act 1991. The monitoring programme administration fee and initial inspection fee will be charged to the applicant with the consent processing costs. If more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required, the additional time will be invoiced to the consent holder when the monitoring is carried out, at the applicable hourly rate. The current monitoring charges are outlined on the [Resource Management Fee Schedule](#).

Other consents

This resource consent has been processed under the Resource Management Act 1991 and relates to **district planning matters only**. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Canterbury Regional Plans, health licence, liquor licence, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).

Vehicle crossing

As the proposal involves the construction or alteration of a **vehicle crossing**, a Vehicle Crossing Application to the Council's Transport Unit is required. Please refer to our webpage for more information: <https://ccc.govt.nz/transport/legal-road/vehiclecrossing>

Advice Note Heritage

- (a) Prior to the commencement of demolition of the existing building at 137 Cambridge Terrace, being Harley Chambers, the consent holder will make reasonable endeavours to undertake **interior** photographic and salvage of the following features and materials.

Photographic record:

- i. Marble lined entrance foyer from Cambridge Terrace;
- ii. The Worcester Boulevard entrance foyer; and
- iii. The ground floor bathroom.

Salvage:

- iv. Bronze vent cover grille/s;
- v. An example of an Apricot/yellow sheet marble panel from Cambridge Terrace entrance foyer; and
- vi. Section of stair landing metal balustrade.

If there are any health and safety issues unacceptable to the consent holder with regard to entry to the building under the Building Act 2004 and / or any other relevant regulations or safety standards that would otherwise prevent entry by a member of the public for the purpose of undertaking salvage and photographic record the Council will be notified and salvage and photographic recording will not be undertaken.

The photographic record, where undertaken shall be in accordance with the matters specified in Condition 28(a), (b) and (c) as applicable to the internal features listed above.

- (b) Following demolition, the consent holder shall use reasonable endeavours in reusing the salvaged material within the hotel development and/or including installation of interpretive panels on site displaying the history and story of the Harley Chambers.

Archaeology

There may be archaeology on this site as protected under the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the Act as any place where there is physical evidence of pre-1900 occupation, regardless of whether the site is known or recorded or not. Authority from Heritage New Zealand Pouhere Taonga (HNZPT) is required for any work that affects or may affect an archaeological site. Please contact the regional archaeologist at Heritage New Zealand Pouhere Taonga (HNZPT): archaeologistcw@heritage.org.nz or 03 363 1880 before commencing any work on the land. For more information visit <http://archaeology.nz>.

Cultural

Te Ngāi Tūāhuriri Rūnanga do not support discharge of contaminants, such as flocculants to water or land where contaminants may enter water. This should be considered in the stormwater system design (operational and construction phase) and for dewatering activity.

Operational procedures for special needs guests

The hotel operator should have internal operational procedures and practical experience to handle various special requests, such as mobility parking demands and the arrival of large coach loads of customers. These can be managed through parking management, valet services, and efficient service vehicle arrangements.

Transport

The consent holder is advised to install and maintain a right-turn-only sign on the access to Worcester Boulevard.

Development Contributions

This proposal has been assessed for development contributions under the provisions of the [Christchurch City Council's Development Contributions Policy](#). The proposal has been found to create additional demand on network and community infrastructure or reserves.

The Local Government Act 2002 enables a council to charge development contributions if the effect of a development requires the Council to provide new or upgraded infrastructure. This ensures developers pay a fair share of the cost of providing infrastructure to service growth development. The Council's approach to development contributions is included in the Council's Development Contributions Policy, available on the Council website ccc.govt.nz.

This Notice informs you of the development contributions required for the development but it is not a request for payment.

Development Contributions Assessment Summary

Development Contributions Summary					Application Ref:		RMA/2024/576	
							Assessment	
Customer Name		Cambridge 137 Limited						
Project Address		137 Cambridge Terrace						
Assessment Date		19/03/2024						
		Existing HUE	Proposed HUE	Net Increase to HUE Demand	Discount	Chargeable HUE	HUE Rate (incl GST)	DC Charge (incl GST)
Activity	Catchment	A	B	C	D	E	F	G
Network Infrastructure								
Water Supply	Central North	2.00	54.98	52.98	0.00%	52.98	\$1,340.85	\$71,041.99
Wastewater Collection	City	2.00	61.77	59.77	0.00%	59.77	\$300.85	\$17,982.05
Wastewater Treatment & Disposal	Christchurch	2.00	61.77	59.77	0.00%	59.77	\$1,075.65	\$64,292.46
Stormwater & Flood Protection	Avon	3.56	3.56	0.00	0.00%	0.00	\$954.01	\$0.00
Road Network	Central City	2.00	72.63	70.63	0.00%	70.63	\$1,131.61	\$79,927.42
Active Travel	Metro Zone	2.00	72.63	70.63	0.00%	70.63	\$979.46	\$69,180.83
Public Transport	Metro Zone	2.00	72.63	70.63	0.00%	70.63	\$553.63	\$39,103.77
Community Infrastructure	District Wide	2.00	1.00	0.00	0.00%	0.00	\$988.43	\$0.00
Total Network & Community Infrastructure								\$341,528.52
Reserves								
Regional Parks	District Wide	2.00	1.00	0.00	0.00%	0.00		\$0.00
Garden & Heritage Parks	District Wide	2.00	1.00	0.00	0.00%	0.00		\$0.00
Sports Parks	District Wide	2.00	1.00	0.00	0.00%	0.00		\$0.00
Neighbourhood Parks	Central	2.00	1.00	0.00	0.00%	0.00		\$0.00
Total Reserves								\$0.00
					GST 15%		\$44,547.20	
					Total Development Contribution		\$341,528.52	
Inputs*								
Existing								
Gross Floor Area	0.00 m²							
Impervious Surface Area	938.00 m²							
Proposed								
Gross Floor Area	6,788.00 m²							
Impervious Surface Area	938.00 m²							
*Refer to Table 3, A.4.2 & A.4.4 of the Development Contributions Policy 2021 for non-residential HUE equivalences								

If you require both a resource consent and building consent for your development, a development contribution assessment will be undertaken for each consent. The Council will only invoice for whichever is the lower of the two assessments (after any corrections or reassessments undertaken in accordance with its Development Contributions Policy).

Invoicing and Payment

An invoice will be sent to you when payment of the development contributions is required shortly before issue of a code compliance certificate for a building consent, commencement of the resource consent activity, issue of a section 224(c) certificate for a subdivision consent or authorisation of a service connection, whichever is first.

You can request that the invoice is issued early if you wish.

The Council may issue an invoice earlier, at its discretion, if it considers your development is already utilising Council infrastructure for which development contributions are required.

Once an invoice is issued, payment is required within 30 days.

Reconsiderations and Objections

Under section 199A of the Local Government Act 2002 you can request that the Council reconsider the required development contributions on the following grounds:

- the development contributions were incorrectly calculated or assessed under the Council's Development Contributions Policy; or
- the Council incorrectly applied its Development Contributions Policy; or
- the information used to assess your development against the Development Contributions Policy, or the way the Council has recorded or used it when requiring development contributions, was incomplete or contained errors.

A completed Request for Reconsideration form must be lodged with the Council within 10 working days of you receiving this Notice.

Under section 199C of the Local Government Act 2002 you can object to the assessed development contributions required on the following grounds:

- the development contributions were incorrectly calculated or assessed under the Development Contributions Policy; or
- the Council incorrectly applied its Development Contributions Policy; or
- the information used to assess your development against the Development Contributions Policy, or the way the Council has recorded or used it when requiring a development contributions, was incomplete or contained errors.

A completed Objection to Development Contributions form must be lodged with the Council within 15 working days of you receiving this Notice or a reconsidered assessment.

You will need to pay a deposit of \$1,000 at the time you lodge an objection.

A form to request a reconsideration or lodge an objection can be found on the Council website ccc.govt.nz.

Contact

For further information or to request an invoice please contact our Development Contributions team.

Phone: 03 941-8999

Email: developmentcontributions@ccc.govt.nz

Please quote your project number with all correspondence.