

Before Hearing Commissioners  
at Christchurch

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*under:* the Resource Management Act 1991

*in the matter of:* application RMA/2021/3921 for consents to demolish  
the heritage-listed Grand National Stand at Riccarton  
Racecourse

*and:* **Canterbury Jockey Club**  
*Applicant*

Evidence of Tim Joll (planning)

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Dated: 17 August 2022

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## **EVIDENCE OF TIM JOLL**

### **INTRODUCTION**

- 1 My full name is Timothy James Joll.
- 2 I am a Partner at the planning and resource management consulting firm Planz Consultants Limited. I have more than sixteen years' experience working as a planner, with this work including the preparation and processing of resource consent applications and the preparation of evidence as expert witness for Council hearings and public enquiries. I have worked in both the private and public sectors, in the United Kingdom and New Zealand.
- 3 I hold the qualifications of a Bachelor of Resource Studies and a Master of Applied Science from Lincoln University. I am a full member of the New Zealand Planning Institute and an Associate Member of ICOMOS NZ.
- 4 I have prepared and processed numerous resource consent applications involving works to heritage buildings and/or archaeological sites both in New Zealand and the United Kingdom. These projects have included the restoration, reuse, repair, and seismic strengthening of heritage buildings. I have likewise prepared or processed several consents for the demolition of heritage buildings.
- 5 Recent heritage related projects I have prepared the resource consent applications for include, but are not limited to, the Anglican Cathedral in Cathedral Square, Riccarton House, Mona Vale Lodge, the Rose Chapel, the Canterbury Provincial Chambers, the Nurses Memorial Chapel, Sign of the Takahe, and Lancaster Park Gates.
- 6 I am familiar with the Canterbury Jockey Club's (*CJC*) application to demolish the heritage-listed Grand National Stand (*GNS*) at Riccarton Racecourse (the *Application*). I am authorised to give evidence on behalf of CJC.

### **CODE OF CONDUCT**

- 7 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **SCOPE OF EVIDENCE**

- 8 In preparing my evidence, I have reviewed:
  - 8.1 The Application;

- 8.2 Responses to Council's further information requests;
  - 8.3 Submissions on the Application;
  - 8.4 The Officer's Report and associated appendices; and
  - 8.5 The evidence of other witnesses for CJC.
- 9 This evidence is divided as follows:
- 9.1 a summary of the key points of my evidence;
  - 9.2 a brief comment on the site and surrounding environment;
  - 9.3 a brief description of the proposal;
  - 9.4 a comment on the relevant planning instruments and consent status;
  - 9.5 a summary of the environmental effects of the proposal;
  - 9.6 a summary of the proposal against the relevant objectives and policies of the Christchurch District Plan and Canterbury Regional Policy Statement;
  - 9.7 an assessment of relevant 'other matters'; and
  - 9.8 a brief comment on submissions as they relate to planning matters.

### **SUMMARY OF EVIDENCE**

- 10 In summary, resource consent is sought to demolish the heritage listed Grandstand at Riccarton Racecourse. The cleared site of the Grandstand will be re-grassed to a simple embankment until a decision is made on any long-term replacement facilities (if any).
- 11 That the GNS contains heritage values is undisputed. Against these values is the lack of any financially plausible reuse of the building, with the ongoing economic burden of retention needing to be met by the CJC as the lessee of the land alone. Retention also produces an economic opportunity cost through the inability to develop the site in the manner anticipated by the zoning and the reduction in amenity over the balance of the racecourse whilst the building remains.
- 12 If the continued retention of the GNS inevitably leads to its continued degradation as an empty building, I consider that sustainable management in the sense of providing for the cultural, social, and economic well-being of the community would not be provided for. A drawn-out deterioration of the building would likewise result in a similar reduction in the heritage values currently held by the GNS as demolition. I consider a judgment therefore has to be made as to whether the purpose of the Act would be better achieved by the

retention of the GNS in its current and deteriorating condition or its demolition and associated increase in amenity on the wider site.

- 13 For the reasons set out in the resource consent application and evidence, in the circumstances of this case, the environmental effects of the proposal are considered to be acceptable, and the demolition of the GNS is not considered to be "inappropriate", subject to the agreed conditions of consent.
- 14 The proposal overall is considered to be consistent with the objectives and policies of the Christchurch District Plan.
- 15 The proposal will not create a precedent or threaten the integrity of the District Plan.
- 16 Consequently, it is concluded that allowing demolition better achieves the purpose of the Act than retaining the building in its current state.
- 17 The s42A report recommends that resource consent be granted, subject to conditions which are broadly consistent with those proposed in the application. I am in general agreement with the conclusions contained in the report, with the exception of the level of effects.
- 18 Regardless of the conclusions reached under s104D, I agree with Ms White that the proposal is not contrary to the District Plan objectives and policy framework (discussed in more detail below), and that the proposal therefore passes at least one leg of the s104D test and is capable of grant, being able to proceed to the more 'in the round' assessment under s104(1).
- 19 I am in agreement with the proposed conditions contained in Ms White's section 42A report.

#### **THE SITE AND SURROUNDS**

- 20 The application site and surrounds are described in section 2.1 of the AEE. In summary, the wider application site is known as Riccarton Park Racecourse and is home to the Canterbury Jockey Club although they do not actually own the land. The site is legally described as Section 2 Survey Office Plan 534960 and occupies an area of 82.3566 hectares. The site is generally flat. The main racecourse buildings and access roads and carparking are clustered towards the southern boundary. The racetrack, which has a circumference of 2,400m, is located centrally on the site. The site contains 48 significant individual trees which are scheduled in the District Plan. These are also clustered towards the southern boundary.
- 21 Riccarton Racecourse has two heritage buildings scheduled in the District Plan: The Tea House (1903) and the Grand National Stand (GNS) which was built between 1920-23 (and is sometimes referred to as the 'Public Grandstand').

- 22 The GNS is a protected heritage item, scheduled in the Christchurch City Council as a Highly Significant heritage item (item #453) and part of a Heritage setting (#183). It is not registered under the Heritage New Zealand Pouhere Taonga Act 2014.
- 23 As set out in the application, the GNS incurred substantial damage during the Canterbury Earthquake sequence of 2010-2011. This damage built upon existing shortcomings in the building structure (relative to current Building Act requirements). The evidence of **Mr George** sets out the structural condition of the building and the extent of works necessary to restore the building to either 34% or 67% NBS. The GNS is considered to be 'earthquake prone' and cannot be used. As such it has stood vacant since 2018.
- 24 The applicant's engineering assessment has been reviewed by Mr Hogg for the Council (Appendix 3 to the s42A report), with general agreement between engineers as to the building's condition and the concept design of the works necessary to bring it up to Code. The current state of the building and the nature of the works necessary to repair and strengthen are not therefore disputed.
- 25 The site is bounded to the east by Racecourse Road, with the northern boundary of the site partially bounded by State Highway 73. In the last decade, land that previously formed part of the racecourse has been developed by Ngāi Tahu Property. Riccarton Park Golf Complex and a new retirement complex occupy the adjoining land to the west. Low density residential housing occupies the adjoining land to the south and is the dominant housing typology in the surrounding area.

### **THE PROPOSAL**

- 26 The proposed development is described in section 3 of the AEE. In summary, resource consent is sought to demolish the heritage listed Grandstand at Riccarton Racecourse. The cleared site of the Grandstand will be re-grassed to a simple embankment until a decision is made on any long-term replacement facilities (if any).
- 27 To remove the existing foundations, excavation to a depth of 2m is anticipated. Conservatively, it is also anticipated that up to 6,800m<sup>3</sup> of belowground material may need to be removed as part of the proposed works.
- 28 Demolition activities will be managed to ensure any environmental effects on surrounding properties and the environment are avoided or mitigated. Management methods will be detailed in a Demolition Management Plan to be prepared by the selected contractors, and certified by the Council, prior to any work commencing. These will include management measures for site safety, traffic management, noise and vibration management, protection of significant trees, erosion and sediment control, and the management of any soil contamination (if applicable). The Management Plan will also specify the steps necessary to ensure the adjacent Tea House and setting are adequately protected whilst demolition is undertaken.

- 29 Salvage of heritage fabric, photographic recording and heritage interpretation are proposed and offered as conditions of consent.

### **RELEVANT PLANNING INSTRUMENTS**

- 30 The proposed development is subject to the provisions of the Christchurch District Plan.
- 31 The entire site is zoned Open Space Metropolitan Facilities Zone and within the following District Plan Overlays and Notations:
- 31.1 Heritage Items - Heritage Item H452 (Riccarton Racecourse Tea House);
  - 31.2 Heritage Item H453 (Riccarton Racecourse Public Grandstand);
  - 31.3 Heritage Setting H183;
  - 31.4 Significant Individual Trees - The site contains 48 scheduled significant trees;
  - 31.5 Christchurch International Airport Protection Surfaces (which given the nature of the proposed works are not triggered by the application);
  - 31.6 Environmental Asset Waterway (located parallel to the site's southern boundary, some distance from the Grandstand).
- 32 The proposal required resource consent under Rule 9.3.4.1.5 NC1. The identification of the relevant rule in paragraph 15 of Ms White's s42A report on behalf of Council (the s42A report) is consistent with that identified in the AEE. We are therefore in agreement that consent is required as a **non-complying** activity.
- 33 As a result of HAIL activities being identified at the site, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulation 2011 (*NES-SC*) must be considered when disturbance activities are being carried out in those areas identified. Based on the expected level of soil disturbance/removal and the types of potential contaminants present, the soil disturbance activity would require resource consent.
- 34 As the area to be excavated is currently covered with an existing building, subsurface investigation is currently not possible. In the absence of a Detailed Site Investigation, resource consent has also been sought for a **discretionary** activity, pursuant to clause 11 of the NES-SC.
- 35 The statutory framework is set out in both the application, and in paragraphs 25-29 of the s42A report.

## ENVIRONMENTAL EFFECTS

- 36 As a non-complying activity, Council's assessment of the effects of the activity (both positive and negative), is unrestricted. It is likewise accepted that there is no 'permitted baseline' that is of relevance to this application.
- 37 Whilst Council's discretion is unlimited, I generally agree with Ms White's summary of the type of effects that are of relevance to this proposal. These fall into three topics, namely effects on heritage values, amenity and environmental effects associated with demolition activity, and effects on human health under the NES-SC. I would also add positive effects associated with the removal of an unsafe and dilapidated structure and the associated enablement of the ongoing use of Riccarton Racecourse as a major metropolitan facility.
- 38 I agree with Ms White's assessment of demolition-related amenity/environmental effects, and effects on human health<sup>1</sup>. Ms White's findings on these matters are consistent with the findings set out in the application and as such are not repeated in detail here. Suffice to say that we are in agreement that these effects are able to be managed to acceptable levels via conditions of consent.
- 39 By far the most important effect, and the matter that forms the crux of this application, is the potential effects on heritage values. My evidence therefore focusses on this key matter.
- 40 The evidence of both Mr Fulton, and Mr Wright for Council, sets out the history of the GNS. It is a highly significant building in the District Plan, albeit that it is not registered with *Pouhere Taonga Heritage New Zealand*. Both heritage experts conclude that in the event that the necessary repair and strengthening works were undertaken, and despite their intrusiveness and associated loss of heritage fabric, that the GNS post-repair would still retain sufficient heritage value to justify its ongoing listing in the District Plan.
- 41 Section 6(f) RMA requires decision makers to protect historic heritage from inappropriate subdivision, use, or development, subject to Part 2. It is therefore acknowledged that the removal of the building is not something to be undertaken lightly, and that likewise its removal must inevitably result in at least some loss of heritage value.
- 42 In considering whether the removal of the heritage item constitutes 'inappropriate use' under s 6(f) RMA the following approach has been undertaken in evidence:
- 42.1 The heritage value of the building is recognised and acknowledged through the District Plan listing, is set out in the evidence of Mr Fulton, and has been confirmed in the evidence of Mr Wright;

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<sup>1</sup> S42A, paragraphs 44-53.

- 42.2 The project engineers have undertaken a condition assessment of the building for health and safety purposes and also assessed the building in terms of its structural integrity and the percentage of New Building Standard (*NBS*) that it is achieving. It has been found to be 'earthquake prone' and as such is less than 33% *NBS*;
- 42.3 The engineering works necessary to effectively repair and strengthen the *GNS* have been explored, and are set out in the evidence of Mr George. The repair strategy has been reviewed by Mr Hogg for Council and has been found to be necessary and plausible;
- 42.4 The engineering works have then been costed by a quantity surveyor (*QS*), with the cost estimates summarised in the evidence of Mr Lang;
- 42.5 The *QS* estimate to undertake the works is substantially greater than the available insurance settlement proceeds. As set out in the evidence of Mr Mills, the insurance settlement was a 'global' settlement that covered all buildings held by the *CJC* on the site, and was not 'tagged' to the repair of specific individual buildings;
- 42.6 The availability of grants has been explored to ascertain whether funding was potentially available from third parties to bridge the financial gap. The review of potential grant sources confirmed that no grants were available of sufficient magnitude to bridge the cost gap. Applying for the grants was not considered to be necessary as the review determined that even if successful, repair would remain financially unviable. Mr Wright has confirmed that this review correctly identified the grant funding sources available;
- 42.7 The *CJC* reviewed the 'right size' of facilities necessary for meeting the needs of race goers. As set out in the evidence of Mr Mills, there has been a fundamental shift in the racing industry over the ninety or so years since the *GNS* was originally built. The *GNS* would only be used for a single day per year, and even then, peak race day crowds could still be suitably accommodated through the use of temporary structures such as marques and temporary stands;
- 42.8 Unlike other heritage buildings in city centre locations, there is no plausible reuse/ non-racing option available for the *GNS*. This lack of alternative options is caused by a combination of the building's location in the middle of an actively used racecourse, its specific design as a grandstand, and the lease terms and associated Act of Parliament that the *CJC* and the racecourse trustees operate under – namely that the racecourse and associated buildings are only to be used to support horse racing;



- 42.9 The findings of the above reports and evidence were then considered by Mr Fulton from a heritage perspective. Mr Fulton concluded that in this instance, repair and strengthening of the building was unreasonable and that therefore the loss of this building and associated heritage values would not be 'inappropriate'. Mr Wright for Council reaches a similar conclusion.
- 43 Section 6(f) requires decision makers to protect historic heritage from "..... *inappropriate subdivision, use and development*", not simply development (or demolition) per se. The assessment then turns on what is 'inappropriate', with reference to the objectives and policies of the District Plan (discussed in more detail below), and the wider sustainable management outcomes sought in section 5 of the RMA.
- 44 It is acknowledged that demolition of heritage buildings should only be considered in circumstances where practical alternative uses have been explored and retention is either not financially plausible or where the works necessary to ensure retention are so intrusive as to diminish heritage values to the point where the heritage values no longer meet the threshold for listing.
- 45 An ongoing, financially plausible, use is fundamental to ensuring the long-term protection and retention of heritage buildings, for the benefits this brings to both the individual building owner and to the wider community. This is particularly the case with this proposal where the site is located in a prominent position in the middle of Canterbury's premier racecourse. The building's poor condition, and its ongoing vacancy, currently results in a significant negative amenity effect on the race meeting experience for race goers.
- 46 Removal of the GNS is considered to be appropriate for the following reasons:
- 46.1 The building has been damaged for over a decade and unoccupied and fenced off for some five years, is in a dilapidated state, and poses risks to occupant health and safety in an earthquake event. The building's structural strength has been assessed as being significantly less than 34% NBS and therefore the building is categorised as being earthquake prone. As such it cannot be occupied for any purpose without significant repair and strengthening works.
- 46.2 The structural strengthening solution involves intrusive works to the building's fabric, albeit that it is acknowledged that post-works, sufficient heritage values would remain to justify ongoing listing of the building.
- 46.3 The costs of these works are substantial, and are significantly more than the CJC's global insurance settlement. As a global settlement the CJC has had to prioritise the spending of these funds for ensuring current facilities meet race goer needs. There are no funds allocated for the repair of the building.

- 46.4 There are no heritage grant funds available from either Council, *Pouhere Taonga Heritage New Zealand*, or other third-party organisations that are sufficient to enable the significant financial gap to be meaningfully bridged.
- 46.5 Even if the funds could be sourced, there is simply no ongoing functional need for a grandstand of this size. As such any grants would be 'wasted' on restoring a building with no functional use, at the cost of that limited pool of funds not being able to be used on other more worthy buildings, thereby resulting in adverse heritage effects from these other buildings not being repaired or revitalised.
- 46.6 Whilst no longer needed as a grandstand, there are likewise no other plausible economic uses of the building. The location of the building on a racecourse, its purpose-built design as a grandstand, and the restrictive lease / Act of Parliament conditions under which the site operates, and discussed in the legal submissions, means that there are no plausible reuse options for activities that are unrelated to spectator viewing i.e. conversion to office, hotel, or apartment uses.
- 46.7 Submitters have raised concerns regarding the loss of a heritage building. The simple reality is that where a building cannot be safely occupied or used, and where the works necessary to enable reoccupation are both extensive and so expensive as to not be financially plausible, that ongoing retention of the building serves little value or benefit to the community. The future environment scenario is not therefore a choice of demolition vs. repair and reuse, but rather demolition vs. ongoing vacancy and dilapidation.
- 46.8 Simply opposing demolition in the hope that another owner will at some point in the future be able to 'make the finances work' does not to my mind achieve the sustainable management purpose of the Act. Leaving a heritage building in its current vacant and dilapidated state with no prospect of repair and reoccupation is considered to be more of an 'inappropriate use' than removing the building and in so doing helping to ensure the ongoing viability of Riccarton Racecourse as a metropolitan sports facility and the associated provision of right-sized facilities for race goers in a high-amenity setting.
- 47 Ms White has concluded that because the GNS would retain significant heritage value (post-repair) the loss of this building would therefore result in significant adverse effects on heritage values and thereby not pass the first of the threshold tests of s104D<sup>2</sup>. For completeness she goes on to conclude that on balance the effects are acceptable once a wider assessment has been undertaken under s104(1)<sup>3</sup>.

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<sup>2</sup> S42A Report, paragraph 68.

<sup>3</sup> S42A Report, Paragraph 54

- 48 This is the key area where Ms White and I reach different conclusions. Whilst it is acknowledged that the building has significant heritage value, it is not as simple as then extrapolating this assessment of heritage value to say that the effect of the loss of that value must also be significant. In short the significance of the values and the significance of the effects are not the same thing. An assessment of the level of effects resulting from demolition should not be based upon the loss of heritage values that would result from a properly repaired and strengthened building. As set out in the evidence of Mr Mills, this simply is not an option as no responsible entity would spend millions of dollars repairing a building that is only used once per year, even were the funding available. The test of effects is instead the loss of the building in its current damaged condition, versus the alternative of the building remaining in a derelict and unoccupied state.
- 49 Seen through this alternative lens which I consider is more reflective of the choices available, the loss of the building is considered to result in no more than minor effects on heritage value when measured against the residual heritage values contained in an extant but derelict alternative.
- 50 Regardless of the conclusions reached under s104D, I agree with Ms White that the proposal is not contrary to the District Plan objectives and policy framework (discussed in more detail below), and that the proposal therefore passes at least one leg of the s104D test and can proceed to more of an 'in the round' assessment under s104(1).
- 51 Under a s104(1) assessment of both the positive and negative effects of the proposal, the lack of plausible alternative uses, and the unreasonableness of the financial costs associated with retention, leads me to consider that the effects overall are acceptable.

### **OBJECTIVES AND POLICIES**

- 52 A detailed assessment of the proposal against the suite of applicable District Plan objectives and policies is contained in Section 7 of the application. The policy framework is likewise discussed in some detail by Ms White<sup>4</sup>. We are largely in agreement as to which provisions are relevant, and also in terms of our findings on how the proposal sits against the outcomes sought in the District Plan.
- 53 For context, it is important to recognise that the District Plan's heritage provisions in particular were prepared with an explicit focus on post-earthquake recovery. In making their decision, the Independent Hearings Panel was particularly mindful that Christchurch faced a unique position of having both lost a large number of heritage buildings, and also having a large number of heritage buildings that had experienced varying levels of damage.
- 54 There was likewise much greater public awareness of the need to ensure buildings are designed and strengthened to mitigate seismic

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<sup>4</sup> S42A Report, paragraphs 56-67

risk, especially where they are capable of accommodating large crowds.

- 55 The Panel were likewise mindful that there were a large number of heritage buildings where the owners were in the process of having insurance claims settled and engineering assessments undertaken, and that decisions on demolition, repair, and future use were therefore 'live' and would not be settled for a number of years.
- 56 The resultant heritage policy framework is therefore untypical of the provisions that are commonly found in District Plans, which often have a simple 'avoid' policy for the demolition of heritage buildings. The Christchurch Plan is context-specific and nuanced in its approach to heritage and is overt in its recognition of the post-earthquake environment and the implications that this has for how heritage buildings are to be managed.
- 57 As the proposal seeks to demolish a listed heritage item, my evidence focuses on the objective and policy that address demolition.
- 58 The single heritage Objective 9.3.2.1.1 'Historic heritage', recognises:
- a. *The overall contribution of historic heritage to the Christchurch District's character and identity is maintained through the protection and conservation of significant historic heritage across the Christchurch District in a way which:*
    - i. *enables and supports:*
      - A. *the ongoing retention, use and adaptive re-use; and*
      - B. *the maintenance, repair, upgrade, restoration and reconstruction;*

*of historic heritage; and*
    - ii. *recognises the condition of buildings, particularly those that have suffered earthquake damage, and the effect of engineering and financial factors on the ability to retain, restore, and continue using them; and*
    - iii. *acknowledges that in some situations demolition may be justified by reference to the matters in Policy 9.3.2.2.8.*
- 59 The associated Policy 9.3.2.2.8 'Demolition of heritage items', referenced in the objective notes:
- a. *When considering the appropriateness of the demolition of a heritage item scheduled in Appendix 9.3.7.2 have regard to the following matters:*
    - i. *whether there is a threat to life and/or property for which interim protection measures would not remove that threat;*

- ii. *whether the extent of the work required to retain and/or repair the heritage item is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;*
  - iii. *whether the costs to retain the heritage item (particularly as a result of damage) would be unreasonable;*
  - iv. *the ability to retain the overall heritage values and significance of the heritage item through a reduced degree of demolition; and*
  - v. *the level of significance of the heritage item.*
- 60 There is agreement that the Grandstand is a significant part of the built landscape of Riccarton Racecourse. It has however suffered substantial damage, as a result of the Canterbury earthquakes, and has not been used for more than a decade. The proposed demolition works recognise the current condition of the building, and the effect of engineering, financial and safety factors on the ability to retain and use the Grandstand in the future.
- 61 The building is earthquake prone and is fenced off to remove the threat the building could pose in the event it collapsed. The building is therefore not able to be used and as such has remained fenced off for more than a decade.
- 62 Mr Fulton's evidence considers the impact of the structural upgrade works required to achieve an acceptable NBS<sup>5</sup>, and considers that the proposed structural changes will compromise the existing heritage values of the GNS, but not to the point that the Heritage item would warrant being removed from the Heritage schedule.
- 63 Significantly, the cost analysis undertaken by Mr Lang has identified the cost to retain the building with strengthening to 67% NBS, to address earthquake damage, are substantial, with the cost estimated at \$18.06 million. This is unreasonable, and not commercially tenable given the limited number of times per year that the Club hosts events that would require the use of the stand.
- 64 The damage sustained and the extent of works required to bring the structure up to the recommended minimum of 67%NBS; combined with the nature of the structure and its position and function as a trackside viewing grandstand means that a reduced degree of deconstruction is not a viable consideration.
- 65 Given the aforementioned factors, it is considered that the current situation is one where demolition is justified. The proposal is therefore

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<sup>5</sup> Mr Fulton's evidence, paragraphs 37-39

considered to be consistent with the objectives and policies of the District Plan.

### **OTHER MATTERS**

- 66 The District Plan was prepared after the development of the Canterbury Regional Policy Statement (CRPS). The Independent Hearings Panel were careful in their decision to ensure that the heritage outcomes and post-earthquake nuanced approach in the District Plan correctly gave effect to the higher order CRPS directions on heritage matters.
- 67 Given the above finding that the proposal is consistent with the District Plan policy framework, a separate assessment of, or recourse to, the higher order CRPS is not considered to be necessary.
- 68 For completeness there are no 'other matters' considered to be of relevance to this proposal.

### **SUBMISSIONS**

- 69 A total of 11 submissions were received during this period – 6 in support and 5 in opposition. Copies of the submissions received are contained in Appendix 1 of Ms White's s42A report. The reasons for the submissions are summarised in paragraphs 22 to 24 of Ms White's s.42a report. I agree with Ms White's summary of points raised by the submitters and where planning matters are raised, I consider these as part of the assessment above. Similarly, Mr Fulton's evidence also responds to matters raised by submitters in paragraphs 47-50 of his evidence. I agree with the responses provided in Mr Fulton's evidence.

### **PART 2 ASSESSMENT**

- 70 Decisions under s104 are subject to the overall purpose and principles of the Act as set out in Part 2. There are no s 8 matters considered to be impacted by the proposal.

#### **Section 7 'Other Matters'**

- 71 Of relevance to this proposal, and in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *The ethic of stewardship;*
- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment;*

*(g) Any finite characteristics of natural and physical resources.*

- 72 With regard to Section 7(a), the ethic of stewardship, as exercised by the Council, extends to the identification of heritage items in the Plan, and the encouragement of their retention. The Plan itself does not however require protection in all instances, as evidenced by the above assessment of the policy framework.
- 73 In terms of a property owner, the principle of stewardship is not considered to impose an obligation to maintain a heritage building for community benefit in any or all circumstances. The applicant's evidence demonstrates that genuine efforts have been made to investigate whether the retention of the GNS is both technically and financially viable. The building is presently not able to be occupied without extensive engineering works, the costs of which are prohibitive.
- 74 Sections 7(b) and 7(g) matters are to a large extent intertwined as they relate to this proposal. Section 7(b) introduces the principle of efficient use. In this case there is no need for, or use of, the building, and therefore the investment of millions of dollars to maintain a building that has no ongoing use is not efficient. The retention of the building as a large derelict structure likewise constrains the efficient use of the site as a high-quality racecourse. Where the heritage values associated with the GNS are degraded and the productive use associated with the physical resource of both the building and the underlying site is undermined, then the principle of Section 7(b) would be better met through redevelopment.
- 75 As set out above, the location, specific functional design, and underlying lease provisions, mean that economic reuse or adaption of the building is not feasible. Retention is therefore likely to result in the continued degradation of an empty building, and associated limitations on the ongoing use of the wider site. If such a future is the inevitable outcome for the GNS, it is difficult to conclude that a drawn out decline is in any way less offensive to Section 7(b) than its more imminent demolition. Section 7(b) in this instance is considered to be better achieved through the reuse of the site for modern, right-sized spectator facilities in a manner that retains the site's historical association and role as the location of Canterbury's premier racecourse.
- 76 In terms of Sections 7(c) and 7(f), the character of the immediate area will change markedly from its current appearance. As noted above the site does not currently display high amenity values comprising as it does a vacant building and associated security fencing. The demolition of the current vacant building is considered to enhance amenity values and the quality of the environment than continuation of the status quo.
- Section 6 'Matters of National Importance'**
- 77 Section 6 requires all persons exercising functions and powers under the Act, to recognise and provide for the following matters of national importance...

*"(f) the protection of historic heritage from inappropriate subdivision, use, and development."*

- 78 Demolition is generally considered to be an 'inappropriate use' as it necessarily results in the loss of heritage values. The District Plan, in setting the framework for giving effect to Part 2, makes specific provision for the demolition of heritage buildings where the costs of repair and strengthening works are unreasonable. The District Plan policy framework therefore contemplates an assessment of demolition on a case-by-case basis.
- 79 In this instance it appears to be common ground with the Council Officers that:
- 79.1 the extensive repair and strengthening works are necessary to return the building to public use;
  - 79.2 the cost of those works is high;
  - 79.3 there is no ongoing functional need for a building of this scale for horse racing; and
  - 79.4 there is no realistic reuse scenario for non-racing activities.
- 80 In essence the ongoing retention and reuse of the building is implausible and as such the loss of the building is not inappropriate.
- 81 It is acknowledged that despite the engineering and financial viability evidence, whilst the building still stands there remains the chance of a future owner or community organisation with different profit drivers being able to undertake restoration in a context where the works making a significant financial loss is acceptable (and assuming the current owner is willing to sell).
- 82 It can therefore be tempting to seek retention in the hope that a solution might be found at some point in the future. In essence the proposition then becomes one of the community accepting the costs of ongoing vacancy and low amenity in return for the hope of long-term retention, and disregarding effects on the owner of limiting development options.
- 83 The question which it is then appropriate to ask is how long is it reasonable for a property owner to endure those 'short term costs' in the hope of a solution being found. To date the building has been vacant for a decade, underutilised for several decades before that, and has no plausible reuse options given its specific design and location. As such it is considered that the costs have already been borne by the owners (and to a lesser extent the wider racing community) for a considerable period of time, that no solutions or philanthropic funding have been forthcoming for over a decade, and that the evidence is that such solutions are not particularly plausible in the future given the significant financial viability challenges that have been identified. As such the loss of the building is able to be



contemplated under s 6(f), and subject to the broad assessment required under s 5.

### **Section 5 'Purpose'**

- 84 That the GNS contains heritage values is undisputed. Against these values is the lack of any financially plausible reuse of the building, with the ongoing economic burden of retention needing to be met by the landowner alone. Retention also produces an economic opportunity cost through the inability to develop the site in the manner anticipated by the zoning and the reduction in amenity over the balance of the racecourse whilst the building remains.
- 85 If the continued retention of the GNS inevitably leads to its continued degradation as an empty building, it is considered that sustainable management in the sense of providing for the cultural, social, and economic well-being of the community would not be provided for. A drawn-out deterioration of the building would likewise result in a similar reduction in the heritage values currently held by the GNS as demolition. A judgment therefore has to be made as to whether the purpose of the Act would be better achieved by the retention of the GNS in its current and deteriorating condition or its demolition and associated increase in amenity and enjoyment of the use of the wider site.
- 86 For the reasons set out above, in the circumstances of this case, redeveloping the site is not considered to be "inappropriate" and would enhance the amenity values and the quality of the environment, as well as making a more efficient use of the land resource available on the development site as a whole. Consequently, it is concluded that allowing demolition better achieves the purpose of the Act than retaining the building in its current state.

**CONCLUSION**

- 87 Overall, I consider based on the technical assessments and evidence that:
- 87.1 The environmental effects of the proposal will be acceptable given the proposed measures to avoid or mitigate adverse effects (s104(1)(a), (b) RMA).
  - 87.2 The proposal overall will be consistent with the objectives and policies of the Proposed District Plan and CRPS (s104(1)(b) RMA).
  - 87.3 The proposal will not create a precedent or threaten the integrity of the District Plan.
  - 87.4 The proposal will achieve the purpose and principles of Part II the RMA.
- 88 I have addressed submissions relevant to planning matters, and the s42A report, and have concluded that there are no reasons why the proposal could not or should not be approved.

Dated: 17 August 2022

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Tim Joll