

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL
REGARDING PANEL REQUESTS FOR FURTHER INFORMATION**

Dated 20 December 2023

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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

1. The Independent Hearings Panel has made various requests for further information from the Christchurch City Council (the **Council**) during the course of the hearing.
2. **Annexure 1** contains a table recording the Panel's requests to date and, where the information has been provided, the relevant details. The information highlighted in the table is new. **Appendices A to N** contain information in response to various requests.
3. In response to a request by the Panel, the table now also includes the author of the relevant document (including noting where it is a 'council response' rather than attributable to a particular witness).
4. The Council acknowledges the Panel's minute 29 of 14 December 2023, and has recorded the additional requests recorded in paragraphs 14 and 15 of that minute as requests 81 and 82 in Annexure 1 below.
5. Subject to a response from the Minister for the Environment on the Council's request to pause the Plan Change 14 process, the Council will continue working to respond to the balance of the requests as quickly as possible.

Date: 20 December 2023



D G Randal / C O Carranceja
Counsel for Christchurch City Council

ANNEXURE 1 – INFORMATION REQUESTS AND RESPONSES

Version as at 20 December 2023

No.	Panel information request	Document containing response
1.	Advise of specific submission(s) seeking 'full intensification outcome'	Memorandum of counsel dated 26 October 2023. ¹ The submissions seeking removal of all qualifying matters include that of Hamish West (submission #500). Author: Council response.
2.	Provide updated Colonial Vineyard tests reflecting later amendments to the RMA	Appendix to the legal submissions for the Council for the Residential zone hearing dated 26 October 2023. ²
3.	Classification of Residential Hills Zone as a "relevant residential zone"—explain approach, including by reference to Hutt City	Paragraphs 3.5 to 3.8 of the legal submissions for Residential zone hearing dated 26 October 2023. ³
4.	Advise whether other local authorities have joined the Waikanae High Court proceedings	Memorandum of counsel dated 26 October 2023; ⁴ the answer is no (Kāpiti Coast District Council is the appellant in the High Court). Author: Council response.
5.	Update and supplement 'Strategic and Mechanics of PC14' document.	Appendix 1 to memorandum of counsel dated 31 October 2023. ⁵ Author: Council response.
6.	Provide a table showing how the mandatory objectives 1 and 2 and policies 1 to 5 of Schedule 3A are proposed to be incorporated (notified and amended versions of PC14)	Appendix 2 to memorandum of counsel dated 31 October 2023. ⁶ Author: Council response.

¹ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-Panel-information-requests-26-October-2023.pdf>

² <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/Christchurch-City-Council-Legal-submissions-Residential-Zones-Weeks-4-7-hearing-25-October-2023-31-October-2023-.pdf>

³ <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/Christchurch-City-Council-Legal-submissions-Residential-Zones-Weeks-4-7-hearing-25-October-2023-31-October-2023-.pdf>

⁴ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-Panel-information-requests-26-October-2023.pdf>

⁵ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

⁶ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

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7.	Qualifying matters relating to coastal hazards — provide table showing pre-existing development rights under operative zones, to be retained by operation of these QMs	Appendix 3 to memorandum of counsel dated 31 October 2023. ⁷ Author: Council response.
8.	Explain the qualifying matter for sites of cultural significance	Explained by Ms Hansbury at hearing on Wednesday, 18 October 2023.
9.	Model with more precision the effect of the sunlight access qualifying matter on plan-enabled and feasible capacity, potentially (the Panel is reflecting on this and will advise if it is required). If done, this analysis should include the assumed dimensions of houses (compared with the dimensions assumed by Parliament in enacting the Amendment Act)	This potential task is no longer required as it has been superseded by a subsequent request of David Hattam (item 49 below).
10.	Policy and/or method options for encouraging minimum levels of development	Appendix 4 to memorandum of counsel dated 31 October 2023. ⁸ More broadly, to be addressed in the Council's reply. Author: Response prepared by Mr Kleynbos, Ms Gardiner and Ms Blair.
11.	Advise: <ul style="list-style-type: none"> • how the Operative District Plan enables non-housing activities in areas where intensification would be more appropriate, with such activities, than it is currently; and • whether providing additional enablement has been considered through PC14. 	Appendix 5 to memorandum of counsel dated 31 October 2023. ⁹ Author: Council response.
12.	Provide data held by Council on travel behaviour for different household cohorts, including the proportion of household trips undertaken by public transport. Advise what proportion of trips by an average family in Christchurch is not readily able to be catered for by public transport.	Appendix 6 to memorandum of counsel dated 31 October 2023. ¹⁰ Author: Council response.

⁷ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

⁸ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

⁹ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

¹⁰ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

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13.	Life in Christchurch surveys — please provide the survey questions / methodology and breakdown of data	Appendix 7 to memorandum of counsel dated 31 October 2023. ¹¹ Author: Council response.
14.	Advise of matters of discretion applying for exceedance of height limits in central city in operative District Plan, including whether the need for building height was a relevant consideration	Memorandum of counsel dated 26 October 2023; ¹² under both the operative Plan and the PC14 framework (as notified), exceeding height limits triggers a consent for a discretionary activity. Author: Council response.
15.	Advise on the influence of the National Policy Statement for Indigenous Biodiversity (NPS-IB) on this IPI process, including in respect of the following matters: <ul style="list-style-type: none"> • In particular, is there an opportunity proactively to implement the NPS-IB by bolstering SES protection through this process? • If a submitter presents evidence that an additional site should be protected as an SES (and therefore be part of the QM), does the Panel have jurisdiction to assess / implement that relief? For a site not currently listed as a SES, would this be a new QM or an existing QM? • Would a 'buffer' added to an existing SES or other existing overlay QM be a new QM as opposed to an existing QM? Alternatively, could it be implemented by the Panel via a matter of discretion that could be considered as part of any relevant non-permitted activity resource consent? 	Provided as Appendix B to memorandum of counsel dated 29 November 2023. Author: Council response.
16.	Advise on the appropriate approach to QMs proposed to be carried over from the operative District Plan via existing overlays, in particular in relation to otherwise enabled sites that are largely or totally covered by QM overlays. In particular, the Council is to provide direction on the following matters: <ul style="list-style-type: none"> • Identify relevant properties that are entirely within a QM overlay – at a high-level only as opposed to every title. • For those identified properties, advise on whether the activity status proposed by the QM is appropriate and whether there is a realistic consenting pathway for residential development, taking into account the overlay provisions. • If there are properties entirely within a QM overlay and there is no realistic consenting pathway, the Council will advise on whether these properties should be 'downzoned' to give 	Preliminary information provided in Table G in Appendix 1 to memorandum of counsel dated 31 October 2023. ¹³ Author: Response prepared by Ms Hansbury, Ms Ratka and Ms Oliver. Further planning analysis to be provided separately, and the issues will otherwise be addressed in the Council reply.

¹¹ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

¹² <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-Panel-information-requests-26-October-2023.pdf>

¹³ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-31-October-2023-Providing-documents-in-response-to-requests-for-further-information.pdf>

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	<p>effect to the QM and make clear that the intention not to intensify.</p> <ul style="list-style-type: none"> • If, following this assessment, the Council wishes to maintain its current overlay approach, Council will direct the Panel to the relevant section 32 analysis and/or supplement that analysis if required. 	
17.	<p>With respect to the provisions of the operative District Plan that could restrict residential development that would otherwise be enabled through PC14, and are intended to carry on post-PC14 coming into effect but which are not identified as QMs, the Council will:</p> <ul style="list-style-type: none"> • provide a list of these provisions; • explain the Council's position on these provisions, either: <ul style="list-style-type: none"> ○ explaining why they were not identified as QMs; or ○ confirming that, on reflection, they should have been identified as QMs; • for any matters in the latter category, advise on the implications, considering (for example): <ul style="list-style-type: none"> ○ whether those matters been factored into the capacity analysis; and ○ what scope does the Panel have to retrospectively identify and retain QMs. 	<p>Response provided as Appendix C to memorandum of counsel dated 29 November 2023.</p> <p>Author: Council response.</p>
18.	<p>Ms Ratka to provide s32AA analysis to support inclusion of the Mass Movement Management Area 1 as a QM</p>	<p>Provided as Appendix D to memorandum of counsel dated 29 November 2023.</p> <p>Author: Ms Ratka.</p>
19.	<p>Advise whether earthquake recovery is relevant to consider in giving effect to policy 3, and whether it can be a QM</p>	<p>The expert planners' conferencing on strategic objectives and other matters, directed by minute 20, is relevant to this query insofar as it will address how to integrate MDRS objectives and policies into the District Plan, which contains provisions relating to Christchurch's recovery.</p> <p>Counsel understand the Panel will advise subsequently if there are any legal matters requiring input.</p>
20.	<p>Advise where the section 32 evaluation considers an option of having unlimited building heights in the city centre</p>	<p>Memorandum of counsel dated 26 October 2023.¹⁴</p>

¹⁴ <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-counsel-for-Christchurch-City-Council-Panel-information-requests-26-October-2023.pdf>

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		<p>The relevant part of the section 32 evaluation is Part 4, which can be found here. Options 2 and 3 evaluated in the report had unlimited building heights in the city centre; the evaluation begins on page 59 of the PDF. Part 4 of the section 32 report has 11 appendices, almost all of which are relevant to the central city. They include economic cost/benefit analysis and a comprehensive urban design assessment.</p> <p>Author: Response prepared by Ms Gardiner and Mr Willis.</p>
21.	<p>Could Mr Willis:</p> <ul style="list-style-type: none"> advise what he considers to be the relevant factors of a "well-functioning urban environment" (see also item 29 below); and explain the evaluation of building heights in the city centre, particularly in relation to quantifying the benefits and disbenefits of intensification as a tool to identify a height limit above which benefits would not be "maximised". 	<p>Planning analysis is provided in a supplementary brief of evidence of Mr Willis provided as APPENDIX A to this memorandum.</p> <p>The issues will otherwise be addressed in the Council's reply.</p> <p>Author: Response prepared by Mr Willis.</p>
22.	<p>Please explain how the heritage rules in PC14 work, including by reference to:</p> <ul style="list-style-type: none"> the operative rule framework for management and the use of discretionary and non-complying activity status (in light of the <i>Forest & Bird</i> decision encouraging less restrictive status to be applied) – Ms Richmond; and activity status in the context of Residential Heritage Areas, and any implications of the <i>Waikanae</i> decision – Ms Dixon. 	<p>Initial explanation provided by Ms Dixon on 1 November 2023 (note follow-up requests below, particularly item 42).</p> <p>Ms Dixon's supplementary statement addressing this request was provided as Appendix E to memorandum of counsel dated 29 November 2023.</p> <p>Further explanation was provided by Ms Richmond at the hearing on 28 November 2023 relating to heritage – a link to her summary statement is here.</p>

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23.	Advise of the status of the development at 432 Sparks Road (owned by submitter #915, 25 KBR Limited), referred to at paragraph 8.1.62 of Mr Lightbody's section 42A report.	Ms Harte (on behalf of 25 KBR Limited) advised, during her appearance on 9 November 2023, that the relevant resource consent application was lodged in the week of 30 October 2023.
24.	Advise of the Waikanae implications of a landowner agreeing to a reduced development height, less than the status quo	If a landowner agrees to relief that imposes a restriction on <i>status quo</i> rights, no <i>Waikanae</i> issue likely arises. Potential prejudice to landowners was central to the Environment Court's reasoning in that case, and would likely not be at issue if the landowner agrees to development restrictions.
25.	Reconsider definitions of "building base" and "building tower" (including to consider associated rules)	The definitions were considered through expert conferencing of Council planners as recorded in a Joint Witness Statement dated 1 December 2023 (available here).
26.	Explain the residential heritage areas methodology and the 'Site Contributions Maps'	Explained by Ms Dixon when she appeared at the hearing on Wednesday, 1 November 2023. See also paragraphs 5 to 10 of Ms Dixon's hearing summary (here) and paragraphs 6.1 and 6.2 of Ms Dixon's section 42A report (here).
27.	Discuss the potential practical implications of the proposed PC14 provisions regarding wind assessments for tall buildings, including to comment on: <ul style="list-style-type: none"> • how the issue could be addressed of a developer providing a wind effects assessment and intervening changes – such as the Council subsequently requesting design changes, or a new building nearby obtaining resource consent – which may alter that assessment; • the implications of a consented building assumed in that analysis not being built; • sequencing of work, such as the Council obtaining its own assessment, then the applicant disagreeing with that and obtaining its own assessment; 	Technical and planning information to be supplied, and otherwise to be addressed in Council's reply.

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	<ul style="list-style-type: none"> whether the Council intends to develop its own city- or CBD-wide tool to guide wind assessments; whether a certification process linked with a permitted activity standard is a feasible option, and other pros and cons of certification. 	
28.	<p>Explain the extent of proposed controls requiring wind effects assessments for buildings above 20m in "residential urban environments": just residential zones or also centres?</p> <p>Should the height be 22m (or another height) instead of 21m in the Central City Mixed Use South Frame?</p> <p>Should the height for wind assessments in the city centre be 28m (or another height) instead of 30m?</p>	<p>Addressed by Ms Gardiner (centres) and Mr Kleynbos (residential urban environments) when they appeared at the hearing on 31 October and 1 November 2023 respectively.</p> <p>Updated provisions to be provided in due course will reflect those recommended changes.</p>
29.	<p>Council witnesses to provide updated analysis regarding:</p> <ul style="list-style-type: none"> A bullet point list of objective elements contributing to an "exemplary" building (Alistair Ray) The meaning, from an urban design perspective, of "high quality" and "good quality" (Alistair Ray) A list of factors understood to contribute to a "well-functioning urban environment" (Alistair Ray, Holly Gardiner, and Nicola Williams, in addition to Andrew Willis (noted at 21 above)) A potential tiered rule framework for assessing tall buildings, with certain criteria (including mass) being applicable between heights of 28m and (say) 45m, and others applying up to a higher height 	<p>Responses are in the following appendices to this memorandum:</p> <p>APPENDIX A (Mr Willis' supplementary evidence).</p> <p>APPENDIX B (Ms Gardiner supplementary evidence).</p> <p>APPENDIX C (Mr Ray supplementary evidence).</p> <p>APPENDIX D (Ms Williams supplementary evidence).</p>
30.	<p>Tall buildings in CCZ — please explain whether a design-led approach has been assessed in the section 32 analysis.</p>	<p>Addressed by Ms Gardiner when she appeared at the hearing on Tuesday, 31 October 2023.</p> <p>Her summary statement (here) notes that: <i>"within the s32 report of relevance to the central city are pages 57 - 66 of the s32 report that considers the options regarding an intensification response for the City Centre Zone, including Option 2 which considers the option of having no upper height limit, classifying all development as restricted discretionary"</i>.</p>

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31.	Please provide housing research paper referred to by Nicola Williams	Appendix 8 to memorandum of counsel dated 31 October 2023 ¹⁵
32.	Planners to conference regarding provisions for the radiocommunications pathway qualifying matter	The joint witness statement dated 14 November 2023 is here .
33.	Kirk Lightbody to provide rebuttal statement confirming whether or not he agrees with the merits of rezoning requests sought through Foodstuffs' submission	Rebuttal statement supplied to the Panel Secretariat on 9 November 2023 (available here).
34.	Provide a table explaining the Council's position on rezoning requests by submitters	Counsel have outlined the Council's position on rezoning requests, including in presenting legal submissions on the residential topic, and will reiterate this in future legal submissions. Detailed table to be provided with the Council's reply.
35.	Advise of any issues with qualifying matter flow charts provided by Kāinga Ora	By email on 27 November 2023, counsel proposed minor clarifications to counsel for Kāinga Ora.
36.	Provide information held by the Council on demand and feasible development capacity for different housing typologies	To be provided.
37.	Explain the operation of the multiple restricted discretionary activities (RD7 and RD8) in rule 14.6.1.3 in Plan Change 14 as notified	A response to requests 37 to 40 was provided as Appendix F to the memorandum of counsel dated 29 November 2023. Responses prepared by Mr Kleynbos and Ms Blair.
38.	Advise whether the rules in the residential chapter requiring limited or non-notification are likely to lead to those outcomes, notwithstanding other activities requiring consent (such as earthworks).	
39.	Confirm whether various references in the residential chapter to "sunlight" and "daylight" deliberately refer to different things.	
40.	Regarding the sunlight access qualifying matter, advise whether potential health effects associated with sunlight were factored into the Council's section 32 evaluation	

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41.	<p>Regarding the Pūtarīngamotu Riccarton Bush qualifying matter, provide a table of submitters opposing the qualifying matter who own a site within the qualifying matter area</p>	<p>This document was provided as Appendix G to memorandum of counsel dated 29 November 2023.</p> <p>Response prepared by Mr Kleynbos.</p>
42.	<p>Provide a table and commentary describing the Residential Heritage Areas (RHAs) and Residential Character Areas (RCAs), to address:</p> <ul style="list-style-type: none"> • The proposed zoning within each area and what the proposed zoning would have been, but for the qualifying matter • The RHAs where an interface area is proposed to apply • The number of properties in each area • Where the RHAs and RCAs overlap • Where officers now recommend a different outcome to the notified version of Plan Change 14 (including any properties proposed to be removed from the RHA interface area) • Any listed heritage sites falling within the RHAs and RCAs • Which provisions in Plan Change 14 are equivalent to or more enabling of development than the status quo, and which are more restrictive (in a <i>Waikanae</i> sense) • Which RCAs were identified as SAMs in the 1995 District Plan [addressed in response to request 50 below] <p>Provide associated mapping showing the different site types (defining, contributory, etc) for each RHA and RCA, including both sets of values where RHAs and RCAs overlap, and including recommended changes.</p> <p>Also address the lawfulness of proposed rules controlling demolition of buildings within RHAs (and associated interface areas) and RCAs.</p>	<p>An initial response was provided as Appendix H to the memorandum of counsel dated 29 November 2023.</p> <p>That appendix comprises:</p> <ul style="list-style-type: none"> • H1: An updated summary table of the RHAs and RCAs (updating the previous version provided to the Panel on 7 November 2023), addressing the first six bullets – prepared by Ms Dixon and Ms White • H2: A table comparing the criteria for identifying RCAs and RHAs – prepared by Ms Dixon • H3: A table of the RHA provisions that are equivalent to or more enabling of development than the status quo, and which are more restrictive - prepared by Ms Dixon • H4: The equivalent table for the RCA provisions - prepared Ms White • H5: Appendix 9.3.7.8 – RHA contributions maps – prepared by Ms Dixon and Council's GIS team • H6: Appendix 9.3.7.9 – RHA and RCA overlap (and RHA interface) maps on aerial bases • H7: maps showing changes to RHAs recommended in s42A

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		<p>report of Ms Dixon. - prepared by Ms Dixon and Council's GIS team</p> <ul style="list-style-type: none"> • H8: RCA site contributions maps, and 6 contributions maps for the areas where RHAs and RCAs overlap – prepared by Ms Dixon and Council's GIS team <p>A replacement for Appendix H to the memorandum of counsel dated 29 November 2023 is provided as APPENDIX H to this memorandum, which includes a replacement cover page that explains what the appendix comprises and some further amendments.</p> <p>A response regarding the lawfulness of demolition rules will be provided in the Council reply.</p>
43.	<p>In respect of Rule 9.3.6.4, proposed matter of discretion (e) (<i>"whether the site has cultural or spiritual significance to mana whenua or is to be used for Papakainga/Kainga Nohoanga and the outcome of any consultation undertaken with Papatipu Rūnanga"</i>), clarify policy and rule linkage and consider splitting into two separate matters.</p>	<p>This document was provided as Appendix I to memorandum of counsel dated 29 November 2023.</p> <p>Response prepared by Ms Dixon.</p>
44.	<p>Provide a table listing the localities subject to operative Residential New Neighbourhood zoning that is proposed to be amended through Plan Change 14. Note which parts of which areas are proposed to be rezoned Medium Density Residential and which are to be renamed Future Urban Zone.</p>	<p>This document was provided as Appendix J to the memorandum of counsel dated 29 November 2023.</p> <p>A corrected version is provided as APPENDIX E to this memorandum.</p> <p>Author: Council response.</p>
45.	<p>For RCAs, provide a diagram showing the linkage between the policies (including any direction such as avoid / manage / etc), rule triggers (including exceedances of built form standards) and activity status for relevant activities, for both the notified and current recommended versions of Plan Change 14.</p>	<p>This document was provided as Appendix K to memorandum of counsel dated 29 November 2023, which comprises K1 to K3, being diagrams showing the linkages for the</p>

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	<p>In the context of Ms Dysart's submission supporting the Beckenham RCA (which excludes backyard areas), explain whether this exclusion:</p> <ul style="list-style-type: none"> • is particular to Beckenham or common to all RCAs; • is given effect through mapping, rules, or both— including to demonstrate whether the RCAs predominantly reflect streetscape matters or broader values. <p>On this latter query, the Council's response is as follows:</p> <p>The exclusion of back sections is context dependant. The general rule of thumb has been to retain them given they are often visible from the street and development within these sections can impact on (either positively or negatively) the character values of the area. However, where there were large clusters of rear sections that cannot be seen from the street some have been removed, unless they are considered to be part of a consistent, coherent streetscape or sensible grouping overall.</p> <p>In relation to the Beckenham RCA two clusters of back sections have been recommended to be removed, because of the size and shape of this area, noting that many back sections are not visible from the road due to back sections being located off long driveways, and due to the higher proportion of back sections currently included in the RCA (as compared to other RCAs). Because of this context, back sections have been classified as Neutral and do not contribute to the character values of the Area. Removal of the back sections in Beckenham is considered to result in a more cohesive area that has greater integrity. This reflects that within RCAs, greater emphasis is placed on those values that are experienced from public areas (e.g. streets), rather than internally by a site's occupants (as reflected in the policy direction in 14.2.5.9, particularly a. ii. and v.)</p> <p>The exclusion of back sections has been given effect to in the Beckenham RCA (and also in the Tainui and Francis RCAs where this is also applicable) through mapping— with these sections being removed from the RCA. As such the RCA rules will not apply to those sites no longer included in the RCA.</p>	<p>operative, PC14 as notified, and recommended s42A provisions.</p> <p>The response in respect of backyard areas is in the previous cell.</p> <p>Responses prepared by Ms White and Ms Dixon.</p>
46.	<p>Liz White and Kirk Lightbody to liaise and advise of discussions with mana whenua regarding papakāinga housing in Lyttelton.</p> <p>Response: The discussions held with mana whenua (Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga) regarding papakāinga housing in Lyttelton were attended by Mr Kleynbos, Ms Dixon and Ms White, and related to the request by the submitter to vary the RHA and RCA provisions applying within Lyttelton to better enable Rāpaki Rūnanga to develop housing for mana whenua.</p> <p>With respect to RCAs (and noting other changes have been recommended in response to this submission by Mr Kleynbos and Ms Dixon), this resulted in amendment being recommended to the RCA assessment matters in Rule 14.15.27. This is the matter Ms White was referring to when questioned by the Panel.</p> <p>Mr Lightbody was not part of that meeting, and during the meeting the matters on which Mr Lightbody was reporting were</p>	<p>Memorandum of counsel dated 10 November 2023 (here) and this document: see response in previous cell.</p> <p>Response prepared by Ms White, Mr Lightbody and Mr Kleynbos.</p>

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	<p>not discussed. In response to questions around commercial centres, Mr Lightbody referred to the meeting held with Ngāti Wheke by other reporting officers, but only insofar as noting this had occurred, and not with respect to the meeting traversing the matters on which he was reporting.</p>	
47.	<p>Carry out further expert planners' conferencing on the most efficient and effective mechanism to give effect to a low public transport accessibility and / or stormwater-related qualifying matter (as noted in Mr Langman's summary at the residential hearing)</p>	<p>Conferencing has occurred and a joint witness statement dated 11 December 2023 is available here.</p>
48.	<p>In relation to the Pūtaringamotu / Riccarton Bush qualifying matter, provide a table explaining the key operative provisions, the provisions proposed through Plan Change 14 as notified (including the error regarding St Teresa's School, noted in Mr Langman's summary for the residential hearing), and the current proposal.</p>	<p>This document was provided as Appendix L to the memorandum of counsel dated 29 November 2023.</p> <p>See also item 41 above, regarding submitters opposing the qualifying matter whose properties are within the qualifying matter area.</p> <p>Response prepared by Mr Kleynbos.</p>
49.	<p>Provide updated sunlight access modelling demonstrating the effect of the proposed qualifying matter planes (compared to MDRS) during lower sun angles in the early morning and late afternoon/evening</p>	<p>This document was initially provided as Appendix M, to the memorandum of counsel dated 29 November 2023.</p> <p>Initial response prepared by Mr Hattam, supported by Mr Liley and Mr Kleynbos.</p> <p>A further supplementary answer to this question will be provided.</p>
50.	<p>In respect of RCAs:</p> <ul style="list-style-type: none"> • Advise on potential merits of a certification pathway • Provide clarity on whether the school site in Lyttelton was part of the character assessment for Lyttelton • Provide 2015 Beca study • What is the history of the arrival of Special Amenity Areas (SAMs)? How many SAMs were there in the previous 1995 District Plan? How did they transition into the Replacement District Plan, how did it get to that point? • Whether the RCA policy was developed specifically in relation to the Beca work in the identification of RCAs, or whether that policy existed in relation to SAMs and had evolved? 	<p>A supplementary statement from Ms Rennie was provided as Appendix N to the memorandum of counsel dated 29 November 2023.</p> <p>Following discussion with the Panel, a further related request is recorded as request 80 below.</p>

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	<ul style="list-style-type: none"> ● Produce information from GIS system to show, as an example, how the list of attributes created were evaluated on the ground ● Advise which provisions in the Plan enable consideration of effects of a proposed building / development on a nearby RCA ● Advise whether any further information provided through the submission and presentation by Ms Susanne Schade (#241), seeking that Scott Street be recognised as an RCA, leads Ms Rennie (and Ms White) to change her view as to the relief sought. <p>Commissioner McMahon also sought an explanation of why the Englefield RCA (CA15) is not recommended to be removed, notwithstanding that it is surrounded by land proposed to be zoned High Density Residential. That explanation is set out in Ms White's section 42A report (here), at paragraphs 8.2.26 to 8.2.35, and at paragraph 5 of Ms White's summary statement (here). When questioned by the Panel on 1 November 2023, Ms White confirmed that, if the Englefield RCA had not also substantially overlapped with the Englefield Avonville RHA, she would have recommended removal of the RCA.</p>	
51.	Mr Langman to prepare a table outlining key points raised in Christchurch City Council's submission (#751) addressed in his summary statement, where the relief sought may be contested by other submitters	<p>Provided to Panel Secretariat on 7 November 2023 (available here).</p> <p>Response prepared by Mr Langman.</p>
52.	Ms Blair to consider matters of discretion for design principles and whether the word "includes" should be replaced by "are", and whether it needs to be clearer that some parts are intended to be a guide only	Response provided in a supplementary brief of evidence of Ms Blair provided in APPENDIX F to this memorandum.
53.	Council planners to prepare updated set of proposed provisions to accompany the Council's reply (and keep track of drafting queries/suggestions of the Panel and origin of any suggested changes (eg witness name, date of questioning, etc))	Updated provisions to be provided with the Council's reply.
54.	Provide link to Greater Christchurch Public Transport Futures Combined Business Case document	The relevant document is here .
55.	Advise on potential refinements to matters of discretion for 4+ unit MDRS developments when located near to centres and/or core public transport routes.	To be provided.
56.	In the context of objectives 4 and 5 of the NPS-UD, advise how Plan Change 14 supports equitable outcomes, particularly in relation to the housing needs of urban Māori living in Ōtautahi	<p>This document was provided as Appendix O to memorandum of counsel dated 29 November 2023.</p> <p>Author: Council response.</p>
57.	Consider whether there are any areas within the airport noise influence area that might warrant a different management	To be discussed by Ms Oliver at the hearing

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	approach, due to the suitability of the area otherwise for intensification	regarding the airport noise influence area QM.
58.	Arrange expert planners' conferencing (involving Mr Chilton as necessary) regarding the relief sought by Ravensdown	Conferencing being arranged.
59.	Advise of the Council's urban design experts' availability to conference with architect submitters	Conferencing occurred and a joint witness statement is being prepared.
60.	Advise of Council consultation with and notice given, in the context of PC14, to landowners whose properties are within the proposed RHAs and RCAs.	This response is provided in a supplementary brief of evidence of Ms Dixon provided as APPENDIX G to this memorandum.
61.	Advise of what the driver is in either the NPS-UD or the RMA (as amended) for rezoning industrial areas to MUZ (within a walkable distance of the City Centre Zone).	The key driver is policy 3 of the NPS-UD, supported by various other provisions supporting more people living close to centres, including objective 1, objective 3, and policy 1.
62.	Confirm whether Christ College's submission seeking to rezone the alternative zone underlying their specific purpose school zone to HRZ is within scope given the site was inadvertently notified as HRZ and later re-notified as MRZ	This response is provided in APPENDIX I to this memorandum, authored by Ms Piper.
63.	Confirm whether any of the relief sought by submitters in relation to the Industrial Zone, such as additional landscaping requirements, fall within section 80E as being consequential on intensification in adjoining zones	This response is provided as APPENDIX J to this memorandum. Author: Council response.
64.	Clarify the driver/scope for the proposed changes to vehicle crossing provisions in PC14 as notified. Is it a consequential change?	The answer is yes, the vehicle crossing provisions are proposed to be amended as a consequence of intensification enabled through PC14.
65.	Confirm why relief sought by submitters to rezone areas to an SPZ are not considered to be in scope.	Where the Council opposes rezoning requests on scope grounds this is generally based on the <i>Clearwater</i> and <i>Motor Machinists</i> principles. Details will be provided as part of the response to request 34 above.
66.	Clarify the driver/scope for the proposed new 60% site coverage rule for the Former Christchurch Women's Hospital site. If 'contextual fit' has been a key consideration, please confirm	This response is provided in APPENDIX I to this

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	whether this approach been taken in other instances to limit the application of the MDRS.	memorandum, authored by Ms Piper.
67.	<p>A proposed standard may offend against <i>Waikanae</i> that provision but could be redrafted as a matter of discretion or an assessment matter to avoid that potential issue.</p> <p>Can Council suggest to the Panel a process by which provisions identified as potentially offending against <i>Waikanae</i> are redrafted in accordance with the 'cascade'.</p>	On hold pending further consideration of the Panel request (recorded below as request 81) in its minute of 14 December 2023.
68.	Confirm whether or not the Council considered rezoning Sydenham as a residential zone as opposed to MUZ with the Comprehensive Housing Precinct.	This response is provided in APPENDIX K to this memorandum, authored by Mr Lightbody.
69.	Confirm the activity status and consent pathway for developing car parking on a vacant site.	This response is provided in APPENDIX K to this memorandum, authored by Mr Lightbody.
70.	Confirm whether, when subdividing 1 lot with an existing house, there is a minimum lot size requirement for the site with the existing dwelling.	This response is provided as APPENDIX L to this memorandum, authored by Mr Kleynbos and Mr Bayliss.
71.	Advise of possible parameters or thresholds that could be drafted into the earthworks chapter to address potential adverse effects and therefore avoid the need for development that would otherwise be non-notified or limited notified under the plan requiring notification for any earthworks consents required.	To be provided
72.	Advise whether a less restrictive controlled activity status involving management plans to control nuisance effects and a certification process would be appropriate rather than a restricted discretionary activity status and a greater risk of notification.	To be provided
73.	Confirm the activity status if the earthworks standards are exceeded.	Generally restricted discretionary – see rule 8.9.2.3 RD1
74.	With respect to Riccarton Bush, the Council is to consider and advise of the option of the 10m setback being a non-prescribed setback, that is, rather than a standard, a matter of discretion for four or more units.	On hold pending clarification from the Panel (as discussed at the hearing on 30 November 2023).
75.	Confirm whether there are any permitted activities in the North Halswell town centres and, if so, whether this a point of difference with other town centres.	This response is provided in APPENDIX K to this memorandum, authored by Mr Lightbody.

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76.	Provide the results of the upcoming survey concerning emobility device ownership once available (data expected in February 2024)	To be provided
77.	Mr Langman to provide larger images of those in his table of relief sought through the Council submission, previously provided to the Panel.	This document was provided as Appendix P to memorandum of counsel dated 29 November 2023.
78.	Ms Blair to provide working resource consenting scenarios for an area with a RHA only, RCA only, and both RCA and RHA. Activities for scenario analysis for these areas should be common (e.g. a demolition example for each of these areas, a new addition/dwelling in each of these areas).	Response provided in a supplementary brief of evidence of Ms Blair provided in APPENDIX F to this memorandum.
79.	For RHAs, provide a diagram showing the linkage between the policies (including any direction such as avoid / manage / etc), rule triggers (including exceedances of built form standards) and activity status for relevant activities, for both the notified and current recommended versions of Plan Change 14.	Response provided in APPENDIX M to this memorandum. Response prepared by Ms Dixon.
80.	Ms Rennie to consider presentation by Submitter 1054 (Ms Nikolau) and confirm if this changes Ms Rennie's recommendations in relation to the Cashmere View Residential Character Area.	Response provided in APPENDIX N to this memorandum. Updated district plan mapping to be provided in Council reply. Updated summary table of RCAs/RHAs (Appendix H1) to be provided in Council reply.
81.	<p>Include in Table G (Sarah Oliver Strategic overview and mechanics document) updated in Appendix 1 to Council Memorandum of 31 October 2023, the following additional matters:</p> <p>(a) Identify any plan provisions proposed in PC 14 as notified, and separately reference any recommended changes in s42A Reports, rebuttal evidence and summaries, of any kind (if any) that have the effect of removing an enablement in the operative district plan or has the effect of making an activity less enabling than it currently is. This includes:</p> <p>(i) any additions or changes to existing plan activity status and built form standards, or definitions that would limit what may be undertaken by way of permitted activity or require higher activity status or additional resource consent(s) to be obtained over and above that required in the operative district plan;</p> <p>(ii) any change in applicable resource consent activity status that could be less enabling than at present (including changes from permitted to controlled; permitted and controlled to restricted discretionary; or permitted, controlled or restricted discretionary</p>	<p>Additional request from Panel Minute 29 dated 14 December 2023.</p> <p>To be provided in the Council's reply.</p>

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	<p>to discretionary; or permitted, controlled, restricted discretionary, discretionary to non-complying; and/or</p> <p>(iii) any additional reservations of control or matters of discretion that could limit or prevent matters that are not currently within the purview of the Council to reserve, limit or prevent.</p>	
82.	<p>Can the Council please clarify and review the second column of Table G, to ensure that the references to 'existing' are references to qualifying matters in s77I(a) to (i) which are subject to s77K evaluations, and do not refer to a proposed s77I(j) QM, which are required to be assessed under either s77J or s77L. For example, Residential Character Areas which, may be existing Operative District Plan planning constructs, are proposed under s77I(j) which would seem to be correct.</p>	<p>Additional request from Panel Minute 29 dated 14 December 2023.</p> <p>To be provided in the Council's reply.</p>