

**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 29 November 2023

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

Solicitors Acting: **Dave Randal / Cedric Carranceja**
Email: david.randal@buddlefindlay.com / cedric.carranceja@buddlefindlay.com
Tel 64 4 462 0450 / 64 3 371 3532
Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

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. **Appendix A** 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 B to O** contain information in response to various requests.
3. The Council is working to respond to the balance of the requests as quickly as possible.

Date: 29 November 2023



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

APPENDIX A – INFORMATION REQUESTS AND RESPONSES

Version as at 29 November 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).
2.	Provide updated <i>Colonial Vineyard</i> 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 " <i>relevant residential zone</i> "— 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 <i>Waikanae</i> 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).
5.	Update and supplement 'Strategic and Mechanics of PC14' document.	Appendix 1 to memorandum of counsel dated 31 October 2023. ⁵
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
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

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>

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>

No.	Panel information request	Document containing 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.
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
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
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
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.

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>

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>

No.	Panel information request	Document containing response
15.	<p>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:</p> <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? 	<p>This document – see APPENDIX B.</p>
16.	<p>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:</p> <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 effect to the QM and make clear that the intention not to intensify. • 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. 	<p>Preliminary information provided in Table G in Appendix 1 to memorandum of counsel dated 31 October 2023.¹³</p> <p>Further planning analysis to be provided separately, and the issues will otherwise be addressed in legal submissions for City-wide Qualifying and Other Matters hearing.</p>
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 those provisions, either: <ul style="list-style-type: none"> ○ explaining why they were not identified as QMs; or 	<p>This document – see APPENDIX C.</p>

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>

No.	Panel information request	Document containing response
	<ul style="list-style-type: none"> ○ 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. 	
18.	Ms Ratka to provide s32AA analysis to support inclusion of the Mass Movement Management Area 1 as a QM	This document: supplementary statement and s32AA analysis annexed as APPENDIX D.
19.	Advise whether earthquake recovery is relevant to consider in giving effect to policy 3, and whether it can be a QM	<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.	Advise where the section 32 evaluation considers an option of having unlimited building heights in the city centre	<p>Memorandum of counsel dated 26 October 2023.¹⁴</p> <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>

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

No.	Panel information request	Document containing response
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 to be provided separately.</p> <p>The issues will otherwise be addressed in the Council's reply.</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 is annexed as APPENDIX E to this memorandum.</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 will be added to this table once available.</p>
23.	<p>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.</p>	<p>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.</p>
24.	<p>Advise of the <i>Waikanae</i> implications of a landowner agreeing to a reduced development height, less than the <i>status quo</i></p>	<p>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.</p>
25.	<p>Reconsider definitions of "building base" and "building tower" (including to consider associated rules)</p>	<p>The definitions are being considered by the Council planners (including in light of expert planners'</p>

No.	Panel information request	Document containing response
		conferencing on central city issues); update to be provided.
26.	<p>Explain the residential heritage areas methodology and the 'Site Contributions Maps'</p>	<p>Explained by Ms Dixon when she appeared at the hearing on Wednesday, 1 November 2023.</p> <p>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).</p>
27.	<p>Discuss the potential practical implications of the proposed PC14 provisions regarding wind assessments for tall buildings, including to comment on:</p> <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; • 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. 	<p>Technical and planning information to be supplied, and otherwise to be addressed in Council's reply.</p>
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) 	<p>Analysis to be provided separately.</p>

No.	Panel information request	Document containing response
	<ul style="list-style-type: none"> • 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 	
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: "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".</p>
31.	<p>Please provide housing research paper referred to by Nicola Williams</p>	<p>Appendix 8 to memorandum of counsel dated 31 October 2023¹⁵</p>
32.	<p>Planners to conference regarding provisions for the radiocommunications pathway qualifying matter</p>	<p>The joint witness statement dated 14 November 2023 is here.</p>
33.	<p>Kirk Lightbody to provide rebuttal statement confirming whether or not he agrees with the merits of rezoning requests sought through Foodstuffs' submission</p>	<p>Rebuttal statement supplied to the Panel Secretariat on 9 November 2023 (link to be added to this task list in due course).</p>
34.	<p>Provide a table explaining the Council's position on rezoning requests by submitters</p>	<p>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.</p> <p>Detailed table to be provided with the Council's reply.</p>

¹⁵ <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>

No.	Panel information request	Document containing response
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	This document – a response to requests 37 to 40 is APPENDIX F .
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	
41.	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	This document – see APPENDIX G .
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>This document – see APPENDIX H.</p> <p>The 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 • H2: A table comparing the criteria for identifying RCAs and RHAs • 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 • H4: The equivalent table for the RCA provisions

No.	Panel information request	Document containing response
	<p>Also address the lawfulness of proposed rules controlling demolition of buildings within RHAs (and associated interface areas) and RCAs.</p>	<ul style="list-style-type: none"> • H5: Appendix 9.3.7.8 – RHA contributions maps • 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 report of Ms Dixon • H8: RCA site contributions maps, and 6 contributions maps for the areas where RHAs and RCAs overlap
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 Papakāinga/Kāinga 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 – see APPENDIX I.</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 – see APPENDIX J.</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>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</p>	<p>This document – see APPENDIX K, which comprises K1 to K3, being diagrams showing the linkages for the operative, PC14 as notified, and recommended s42A provisions.</p> <p>The response in respect of backyard areas is in the previous cell.</p>

No.	Panel information request	Document containing response
	<p>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>	
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 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>	<p>Memorandum of counsel dated 10 November 2023 (here) and this document: see response in previous cell.</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 been arranged; joint witness statement to be provided.</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</p>	<p>This document – see APPENDIX L.</p> <p>See also item 41 above, regarding submitters opposing the qualifying</p>

No.	Panel information request	Document containing response
	Langman's summary for the residential hearing), and the current proposal.	matter whose properties are within the qualifying matter area.
49.	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	This document – see APPENDIX M , which is additional analysis prepared by David Hattam
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? • 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>	This document – see APPENDIX N , which is a supplementary statement from Ms Rennie
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	Provided to Panel Secretariat on 7 November 2023 (link to be added to this table once available).
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	To be provided.

No.	Panel information request	Document containing response
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	This document – see APPENDIX O .
57.	Consider whether there are any areas within the airport noise influence area that might warrant a different management approach, due to the suitability of the area otherwise for intensification	To be discussed by Ms Oliver at the hearing 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 being arranged.
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.	To be provided.
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	To be provided.
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	To be provided.
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

No.	Panel information request	Document containing response
		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 whether this approach been taken in other instances to limit the application of the MDRS.	To be provided
67.	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. 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'.	To be provided
68.	Confirm whether or not the Council considered rezoning Sydenham as a residential zone as opposed to MUZ with the CHP.	To be provided
69.	Confirm the activity status and consent pathway for developing car parking on a vacant site.	To be provided
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.	To be provided
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	To be provided

No.	Panel information request	Document containing response
	setback, that is, rather than a standard, a matter of discretion for four or more units.	
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.	To be provided
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 – see APPENDIX P.

APPENDIX B – RESPONSE TO REQUEST 15

1. The Panel asked:

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:

Q1. What is the influence of the NPS-IB on this IPI process, and in particular is there an opportunity to proactively implement the NPS-IB by bolstering SES protection through this process?

2. The NPS-IB requires specified effects to be avoided on a Significant Natural Area (or Site of Ecological Significance as described in the District Plan)¹⁶ beyond which adverse effects on an SNA¹⁷ are to be managed in accordance with an Effects Management hierarchy. Significant adverse effects of subdivision, use and development on indigenous biodiversity outside SNAs is also to be managed in accordance with the hierarchy¹⁸.
3. Clause 4.1 sets out requirements in relation to when a local authority must give effect to the NPS-IB. In general, this must be done "as soon as reasonably practicable", but specifically within five years after commencement for planning provisions for SNAs and for information requirements for resource consent applications, and within eight years for other provisions.
4. Further, clause 3.6(6) requires that, if a territorial authority becomes aware that an area "may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA", the territorial authority must conduct an assessment of the area "as soon as practicable" and if a new SNA is identified as a result, include it in "the next appropriate plan or plan change notified by the territorial authority." The Council has not become aware of a potential SNA that would trigger the assessment requirement under this clause.
5. In summary, while the Council is obliged to give effect to the NPS-IB and will undertake the necessary preparations in due course, it is not considered reasonably practicable in the time available to give effect to the NPS-IB through PC14.
6. Further, in implementing requirements for the identification and protection of SNAs/ SESs, the provisions of the NPS-IB (s3.2(1)(c) and 3.8(2)) require that the Council "must engage with tangata whenua, people and communities (including landowners)". Such engagement with tangata whenua and others has not occurred in respect of PC14.

Q2. 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 /

¹⁶ Section 3.10(2) of the NPS-IB

¹⁷ Section 3.10(3) of the NPS-IB

¹⁸ Section 3.16(1) of the NPS-IB

implement that relief? For a site not currently listed as a SES, would this be a new QM or an existing QM?

7. While there is some ambiguity, the Council prefers the interpretation that a proposal to extend an existing SES by adding an adjacent site or proposing a new site that is not related to/not an extension of an existing SES, would be considered as a new QM.
8. The Council considers submitters are entitled to request in the context of an Intensification Planning Instrument that a QM applies to a site. However, any such request would still need to satisfy the usual case law requirements relating to scope. That consideration will be fact specific, particularly in considering whether there is potential prejudice to persons who may be denied an effective opportunity to participate.
9. In the case of SESs, the Council has not proposed making changes to the sites subject to SESs through PC14. If it did so, the Council would undertake specific consultation, including to meet the requirements of the NPS-IB to engage with “*tangata whenua, people and communities*”, as discussed above.
10. In this context, the Council does not consider that persons could reasonably have anticipated that additional SES might be added through submissions on PC14, and therefore considers that any such requests would be out-of-scope.

Q3. 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?

11. Consistent with the above answer to Q2, the Council prefers the interpretation that adding a 'buffer' overlay around an existing SES QM site would be considered a new QM.
12. Adding to matters of discretion for relevant non-permitted activities in the “buffer zone” would not solve the issue of permitted activities being able to carry on and potentially adversely affect the SES. It would also require either an overlay on the planning maps to show the extent of a buffer or for the matter of discretion to state the width/extent of a buffer within which the matters would need to be considered. Either way, it would not solve the problem of potential adverse effects from permitted activities within the “buffer zone”.

APPENDIX C – RESPONSE TO REQUEST 17

1. The Panel's request is:

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:

- *provide a list of these provisions;*
- *explain the Council's position on those provisions, either:*
 - *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):*
 - *whether those matters been factored into the capacity analysis; and*
 - *what scope does the Panel have to retrospectively identify and retain QMs.*

2. The Council's response is **overleaf**.

APPENDIX D – RESPONSE TO REQUEST 18

1. The Panel's request is:

Ms Ratka to provide s32AA analysis to support inclusion of the Mass Movement Management Area 1 as a QM

2. Ms Ratka's summary statement, appending her s32AA analysis, is **overleaf**.

APPENDIX E – RESPONSE TO REQUEST 22

3. The Panel's request is:

Please explain how the heritage rules in PC14 work, including by reference to:

- *the operative rule framework for management and the use of discretionary and non-complying activity status (in light of the Forest & Bird 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 Waikanae decision – Ms Dixon.*

4. As recorded in the table in Appendix A, an initial explanation was provided by Ms Dixon on 1 November 2023, and a further explanation was provided by Ms Richmond at the hearing on 28 November 2023 relating to heritage – a link to her summary statement will be added to the table once available.

5. Otherwise, Ms Dixon's supplementary statement is **overleaf**.

APPENDIX F – RESPONSE TO REQUESTS 37 TO 40

1. The Panel's requests 37 to 40 are:
 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*
 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*
2. The Council's response is **overleaf**.

APPENDIX G – RESPONSE TO REQUEST 41

1. The Panel's request 41 is:
 41. *Regarding the Pūtaringamotu Riccarton Bush qualifying matter, provide a table of submitters opposing the qualifying matter who own a site within the qualifying matter area*
2. The Council's response is **overleaf**.

APPENDIX H – RESPONSE TO REQUEST 42

1. The Panel's request 42 is:

42. *Provide a table and commentary describing the Residential Heritage Areas (RHAs) and Residential Character Areas (RCAs), to address:*

- *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 Waikanae sense)*
- *Which RCAs were identified as SAMs in the 1995 District Plan*

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.

Also address the lawfulness of proposed rules controlling demolition of buildings within RHAs (and associated interface areas) and RCAs.

2. The Council's response is **overleaf**, comprising:

- **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 above
- **H2:** A table comparing the criteria for identifying RCAs and RHAs
- **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
- **H4:** The equivalent table for the RCA provisions
- **H5:** Appendix 9.3.7.8 – RHA contributions maps
- **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 report of Ms Dixon
- **H8:** RCA site contributions maps and 6 contributions maps for the areas where RHAs and RCAs overlap

APPENDIX I – RESPONSE TO REQUEST 43

1. The Panel's request was:

In respect of Rule 9.3.6.4, proposed matter of discretion (e) ("*whether the site has cultural or spiritual significance to mana whenua or is to be used for Papakāinga/Kāinga Nohoanga and the outcome of any consultation undertaken with Papatipu Rūnanga*"), clarify policy and rule linkage and consider splitting into two separate matters.

2. The Council responds as follows:

9.3.6.4 Residential Heritage Areas (excluding Akaroa Township Heritage Area) – new buildings, fences and walls and alterations to buildings.

Wording of e. (from updated provisions on IHP website)

- e. Whether the site has cultural or spiritual significance to mana whenua or is to be used for Papakāinga/Kāinga Nohoanga and the outcome of any consultation undertaken with Papatipu Rūnanga

Proposed rewording:

- e. Whether the site has cultural or spiritual significance to mana whenua and the outcome of any consultation undertaken with Papatipu Rūnanga (ie return to notified wording)
- f. If the site is to be used for Papakāinga/Kāinga Nohoanga, the extent to which the matters listed above are not compatible with providing for the housing needs of Ngāi Tahu whānui, and the outcome of any consultation undertaken with Papatipu Rūnanga.

Explanation – not to be part of District Plan wording:

The proposed new matter of discretion f. derives from Objective 14.2.1.a.i (Housing supply), Policy 14.2.1.3 (Needs of Ngai Tahu whānui), Objective 14.2.3.a.i (MDRS Objective 2) and Objective 14.2.5 (High quality residential environments).

The wording is consistent with a new matter of discretion proposed for the Lyttelton Character Area under Matters of Discretion 14.15.27 Character Area Overlay. These amendments to RCA and RHA provisions were proposed following the discussion with Rāpaki Rūnanga representatives on facilitating papakāinga housing in Lyttelton, described in the Council response on Request 46.

APPENDIX J – RESPONSE TO REQUEST 44

1. The Panel's request 44 is:
 44. *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.*
2. The table is **overleaf**.

APPENDIX K – RESPONSE TO REQUEST 45

1. The Panel's request 45 is:

45. *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.*

In the context of Ms Dysart's submission supporting the Beckenham RCA (which excludes backyard areas), explain whether this exclusion:

- *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.*

2. The diagrams are **overleaf**; they comprise **K1 to K3**, being diagrams showing the linkages for the operative, PC14 as notified, and recommended s42A provisions.

APPENDIX L – RESPONSE TO REQUEST 48

1. The Panel's request 48 is:

48. 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.

2. The table is **overleaf**.

APPENDIX M – RESPONSE TO REQUEST 49

1. The Panel's request 49 is:
 49. *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*
2. This analysis, prepared by David Hattam, is **overleaf**.

APPENDIX N – RESPONSE TO REQUEST 50

1. The Panel's request 50 is:

50. *In respect of RCAs:*

- *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?*
- *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.*

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.

2. Ms Rennie's supplementary statement addressing these matters is **overleaf**.

APPENDIX O – RESPONSE TO REQUEST 77

1. The Panel's request 77 is:

77. Mr Langman to provide larger images of those in his table of relief sought through the Council submission, previously provided to the Panel.

2. The larger images are **overleaf**.