

**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 FINAL CLARIFICATIONS SOUGHT**

20 September 2024

---

**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:**

### **Introduction and overview**

1. This memorandum of counsel for Christchurch City Council (**Council**):
  - (a) provides a brief update to the Panel and submitters on the initial decisions on Plan Change 14 (**PC14**) made by the Council at its meeting on 18 September 2024;
  - (b) briefly outlines the next steps in the timetable, until the end of the year, that Council officers are working to regarding PC14;
  - (c) updates the Panel on a number of mapping changes requested by the Panel, which have been actioned by Council staff; and
  - (d) sets out what Council staff intend to be the final clarifications sought regarding the Panel's recommendations.

### **Initial Council decision on PC14**

2. The Council's initial decisions on PC14 were, by way of a broad summary, to accept the Panel's recommendations:
  - (a) for part of the City Centre Zone, and related provisions regarding subdivision, earthworks, transport, noise, light spill, and signs;
  - (b) on the following qualifying matters relevant to the City Centre Zone:
    - (i) Avon River Precinct (Te Papa Ōtākaro) Zone and Open Space Community Parks;
    - (ii) waterbody setbacks (all provisions);
    - (iii) heritage items and settings (mapping only); and
    - (iv) significant trees (all provisions) as they relate to the City Centre Zone;
  - (c) on some heritage items and settings, namely:
    - (i) to change the location of the listing for the Citizens' War Memorial within Cathedral Square; and
    - (ii) to remove the following heritage items and settings from protection in the District Plan:

- (1) 471 Ferry Road;
- (2) 137 Cambridge Terrace – Harley Chambers;
- (3) 40 Norwich Quay (demolished);
- (4) 36 Barbadoes Street – Cathedral of the Blessed Sacrament (demolished);
- (5) 32 Armagh Street – Blue Cottage; and
- (6) 65 Riccarton Road – St James' Church.

### **Timetable for next steps regarding PC14**

3. The timetable for the next steps in relation to PC14, up to the 20 December 2024 deadline by which the Council must make decisions to give effect to policies 3 and 4 of the National Policy Statement on Urban Development (**NPS-UD**), is set out in **Appendix 1**.

### **Mapping changes**

4. In its Minute 53 (dated 30 August 2024) the Panel identified a number of further mapping changes required. Council officers have actioned those and made a number of consequential changes, which for completeness and transparency are described in **Appendix 2**.
5. The changes have been made to the online webmap system previously shared with the Panel. This has resulted in an updated weblink, which is [here](#).

### **Further clarifications sought by the Council**

6. **Appendix 3** sets out what Council staff intend to be the final clarifications sought regarding the Panel's recommendations.<sup>1</sup> The Council is grateful for the clarifications already provided by the Panel through its minutes 50 to 54.
7. In addition to the table in **Appendix 3**, the Council seeks a further clarification in relation to the Residential Character Areas (**RCAs**). This stems from:
  - (a) paragraph 9(b) of Minute 53, which recorded that:

*"The mapping tool incorrectly shows the retention of the Residential Suburban Zone for existing RCA areas in the ODP, which should be rezoned MRZ (or HRZ as the case may be), with*

---

<sup>1</sup> Item 7 in **Appendix 3** refers to a further table relating to airport noise, which is in **Appendix 4**.

*the ODP provisions being retained as the recommended qualifying matter, in the revised Chapter 14"; and*

- (b) the table in Appendix 3 to Minute 53, in which the Panel:

*"(...) invites Council to identify which of the Panel recommendation(s) it is relying on to change the zoning of areas within the Character Area Overlay to the Operative District Plan zones. The Panel notes for example that for the Beckenham RCA it was zoned as RMZ in the notified PC14, retained as RMZ in the Council Reply, but is now shown as RS in the IHP Recommendation Draft Council Mapping version."*

8. How Council staff understood the Panel's recommendations in this regard is explained below.
9. Minute 53 correctly notes that the Council's recommendations regarding RCAs, including in the Council's reply, sought to apply MRZ as the underlying zone within RCAs (apart from in Lyttelton, where the underlying zone was proposed to remain as Residential Banks Peninsula due to the proposed Low Public Transport Accessibility Qualifying Matter). The Council's position also included area-specific controls adjusting the base MRZ provisions, in light of the RCA qualifying matter, to reflect local residential characteristics.
10. As such, the Council's updated mapping showing the RCAs retaining their operative District Plan zoning was indeed due to how the Council interpreted the Panel's recommendations, as follows:
  - (a) **Part 5, paragraph [393]** records that *"the Panel recommends that the ODP provisions relating to existing RCA are retained"*, subject to spatial changes (including to delete some RCAs entirely). Council staff interpreted this to mean that all related provisions for each RCA, in accordance with their current zoning under the operative District Plan, should be retained. The underlying Residential Suburban (**RS**) or Density Transition variant (**RSDT**) zoning provides the base starting-point for the operative District Plan provisions within each RCA, with area-specific controls providing a further layer of nuance to the specific zone provisions as relevant to local residential characteristics. The Panel's recommendation to retain the operative District Plan provisions was therefore understood as retaining that zoning, as a starting-point.

- (b) **Part 5, paragraph [432]** notes the Panel's evaluation under s32AA of the Resource Management Act 1991 and reiterates the Panel's position that "(...) the retention of ODP provisions relating to existing RCA subject only to the deletion of four existing RCA and reductions in the spatial extent of nine others" is the preferred approach. Council staff interpreted this as being consistent with paragraph [393], noted above.
- (c) Further, **paragraph [432]** also recorded *"that arriving at this finding we are rejecting the s32 evaluation prepared by the Council to support this candidate for QM status"*, seeming emphasising the Panel taking a different approach to that recommended by the Council planners.
- (d) **Part 5, paragraph [427]** appears to be the only reference made by the Panel to alternative zoning: *"the objectives of the NPS-UD and CRPS would be better served in realising the benefits of increased density (i.e. rezoning to either HRZ and MRZ) in **the adjoining** Beverley and Ranfurly locations (...)"* (emphasis added). The Council planners interpreted this as a reference to applying MRZ or HRZ **outside of** the RCA area, rather than applying MRZ / HRZ **within** the RCA.
- (e) **Part 8, Appendix I, Table 1 (mapping directions), page 3 (section 19)**: the direction is that operative RCAs be retained, except where the Panel recommends the removal of RCAs or a reduction in their extent. Again, Council officers interpreted this as being a consistent with the recommendations summarised above.
- (f) **Part 8, Appendix G, 14.5.3**: the Panel's recommended changes to the MRZ area-specific rules do not provide clarity on this issue. There are a number of Panel strike-throughs and additions (in purple font) in respect of area-specific standards relevant to RCAs for permitted, controlled, and restricted discretionary activities. Further overt Panel strike-throughs are in the introduction to the area-specific built form standards, and all such standards relating to RCAs. There are a number of relevant departures from the Council officers' recommended position, however, which are not clearly formatted as being a different recommendation by the Panel, namely in:
  - (i) 14.5.3.1.2 C1, where bolded black text was shown as struck-through in the Council proposals but is not formatted to show a different Panel recommendation;

- (ii) 14.5.3.2.6.a.ii.A, likewise; and
  - (iii) 14.5.3.2.7.a [new]: new text is correctly identified in bold purple font, but relates to Residential Heritage Areas which the Panel recommends be rejected as a qualifying matter.
11. The conclusion drawn by the Council planners from the above materials was that the Panel was recommending retaining the operative zoning within RCAs.
  12. The Panel has now clarified though Minute 53 that sites within the RCAs *"should be rezoned MRZ (or HRZ as the case may be), with the ODP provisions being retained as the recommended qualifying matter, in the revised Chapter 14"*. However, if the Panel expects the Council staff to account for these provisions in the redrafting of Chapter 14 (which drafting is to be validated by the Panel in due course), staff would appreciate further clarification regarding the approach to take to the provisions, in light of the discrepancies in Part 8, Appendix G identified above.
  13. Alternatively, noting the Panel's intention to retain the operative District Plan framework within the RCAs, the Council would be grateful for the Panel to clarify whether retaining the operative Plan framework in its entirety, including the zoning, might be another available means of achieving the same end.

**Dated:** 20 September 2024



---

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

## APPENDIX 1 – MILESTONE DATES FOR PC14 TO END OF 2024


Milestone / Task	Anticipated date
Letters to submitters / public notice regarding Council's initial decision on PC14	26 September 2024
Required updates to ePlan following Council's initial decision on PC14	3 October 2024
<b>Operative date</b> of provisions decided on 18 September	<b>3 October 2024</b>
Required mapping updates	By end of September 2024
Redraft of Chapter 14 submitted to Panel for review	By 16 October 2024
Completion of the Panel's review of redraft Chapter 14 and any other clarifications	By Wednesday 6 November 2024
Final report to Council authorised regarding the decision on the balance of the Panel's recommendations to give effect to policies 3 and 4 of the NPS-UD	(TBC) Tues 19 November 2024 (unless staff apply to provide the report late)
<b>Council meeting</b> for decision on the balance of the Panel's recommendations to give effect to policies 3 and 4 of the NPS-UD	<b>Mon 2, Tues 3, and Wed 4 December 2024</b>
Public notice and letters to submitters regarding Council's decision	Wed 11 December
Required updates to ePlan following Council's decision	Wed 18 December 2024
<b>Operative date</b> of provisions decided on 2, 3, 4 December	<b>18 December 2024</b>
Deadline for the Council to notify decisions (on Policy 3 and 4 matters)	<b>20 December 2024</b>

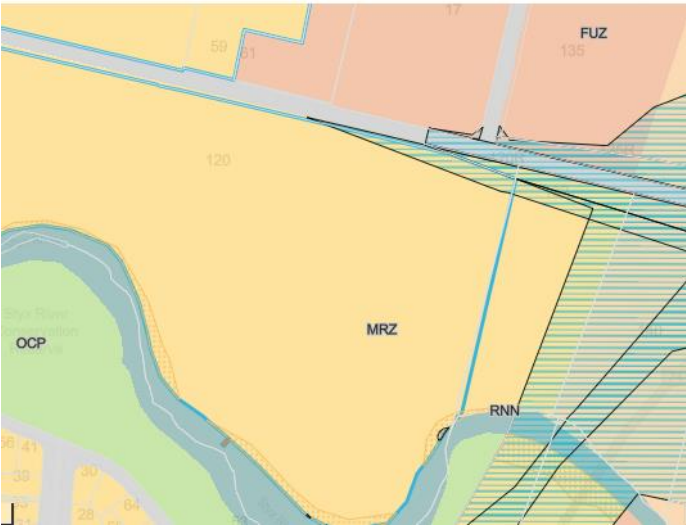
Key:



	Council tasks and deliverables
	Meetings and decisions
	External Deliverables
	Panel


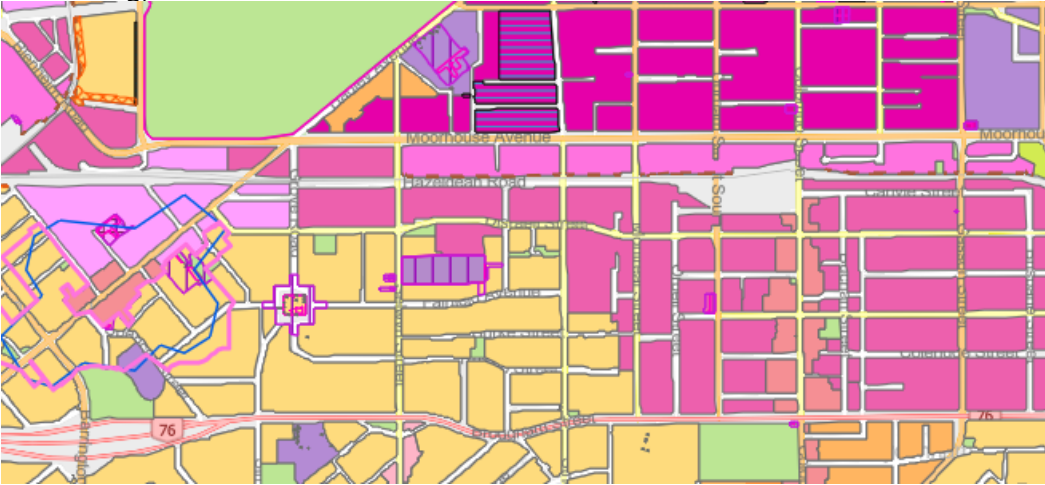


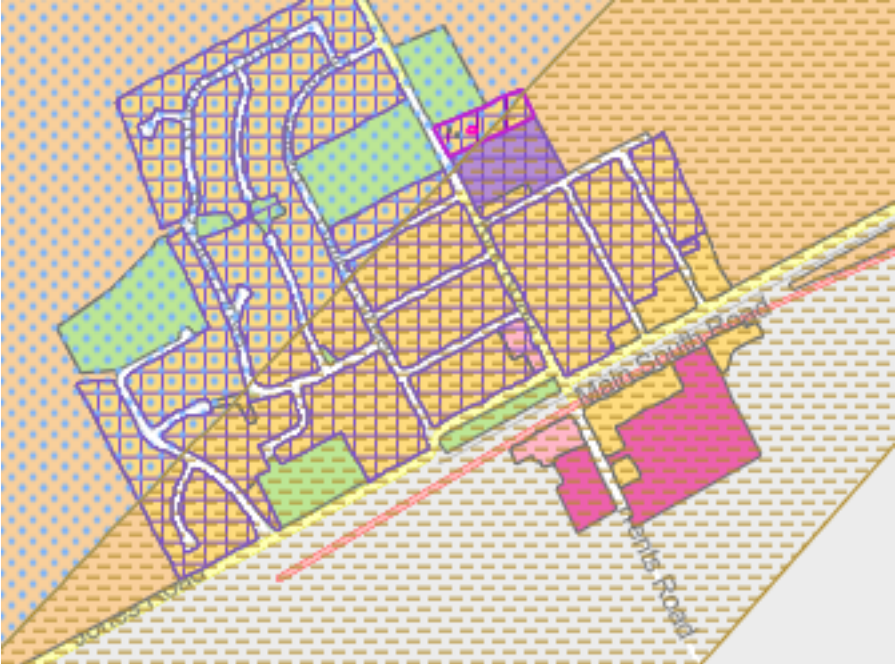
**APPENDIX 2 – MAPPING CHANGES**


#	Area / Feature	Change required	Source / consequential change
1.	HRZ around Belfast / Northwood	Reduce the HRZ extent between Beechwood Drive and Mahlet Street to reflect the extent of LCIP, as displayed in Council RoR mapping:  	Response to Minute 53
2.	HRZ around Belfast / Northwood	HRZ zoning along Radcliffe Road should stop at 120 Radcliffe Road, as per the RoR LCIP boundary:	Additional response to Minute 53

#	Area / Feature	Change required	Source / consequential change
		<p style="text-align: center;"><b>Council Reply</b></p> 	
3.	159 Main Road	<ol style="list-style-type: none"> <li>1. Re-zone 159 Main Road from LCZ to Industrial General Zone.</li> <li>2. Sites either side shown MRZ sites should also be zoned Industrial General Zone – to the same extent as the operative zone (i.e retain operative IG zone).</li> <li>3. The Industrial Interface QM should be removed from any non-residential zone accordingly.</li> </ol>	Response to Minute 53

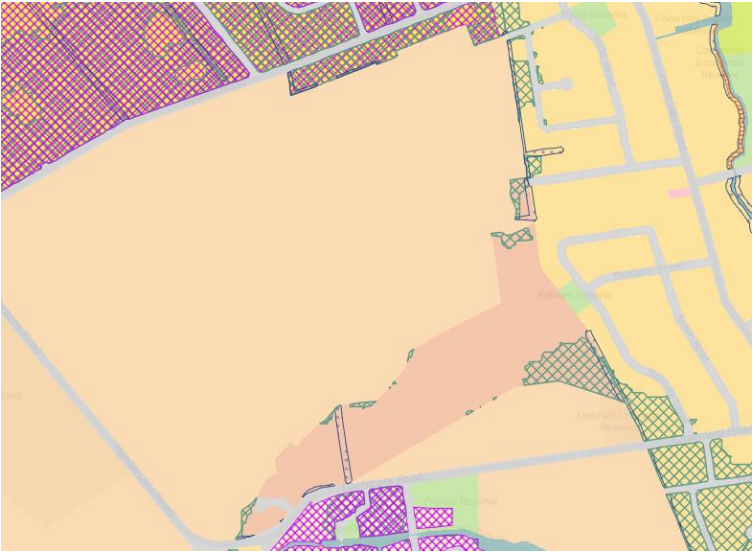
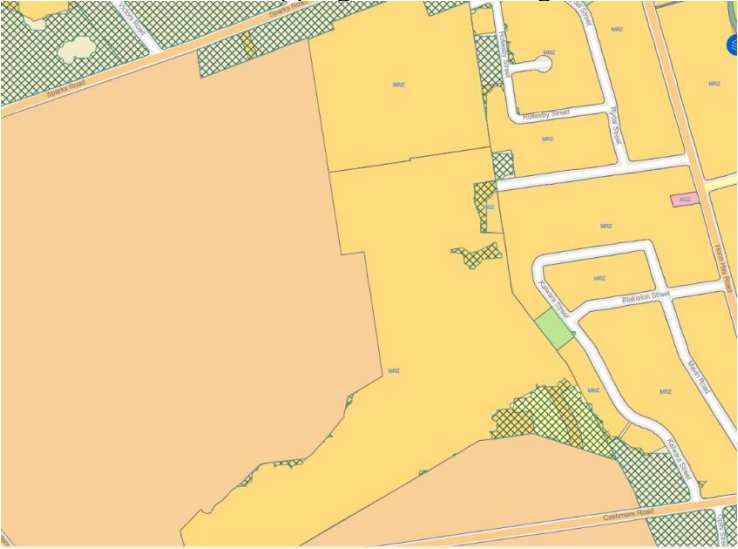
#	Area / Feature	Change required	Source / consequential change
		 <p>A map showing a street layout. A vertical road is labeled 'Main North Road' and a horizontal road is labeled 'Winters Road'. Several parcels are colored yellow and labeled 'MRZ'. One parcel is colored pink and labeled 'L2Z'. A red rectangle highlights the 'MRZ' parcel immediately north of the 'L2Z' parcel.</p>	
4.	180 and 178 Riccarton Road	<p>180 and 178 Riccarton Road should be re-zoned as HRZ.</p>  <p>A map showing a street layout. A vertical road is labeled 'Puri Street' and a horizontal road is labeled 'Riccarton Road'. Several parcels are colored purple and labeled 'SPS'. One parcel is colored yellow and labeled 'MRZ'. A red rectangle highlights the 'MRZ' parcel.</p>	Further consequential change
5.	Slope Instability QM – Sumner	<p>The residential portions of the properties at 21 and 25 Finnsarby Place in Sumner should be zoned Residential Hills not MRZ given that they are fully within the Rockfall Management Area 1.</p>	Further consequential change

#	Area / Feature	Change required	Source / consequential change
			
6.	Industrial Interface QM – Sydenham	<p>Apply the 40m Industrial Interface QM buffer to the residential areas adjoining the Sydenham Industrial General Zone (given the recommendation to retain this zoning).</p> 	Further consequential change

#	Area / Feature	Change required	Source / consequential change
7.	Industrial Interface QM – Templeton	<p>Apply the 40m Industrial Interface QM buffer to the residential areas adjoining the Industrial General Zone in Templeton – this aligns with the notified mapping.</p> 	Further consequential change
8.	Industrial Interface QM – Maces Road	<p>Apply the 40m Industrial Interface QM buffer to the residential areas zoned MRZ adjoining the Industrial General and Industrial Heavy Zone along Maces Road – this aligns with the notified mapping.</p>	Further consequential change

#	Area / Feature	Change required	Source / consequential change
			
9.	Hendersons Basin	<p>The Rural Urban Fringe Zone in Hendersons Basin should not be rezoned MRZ.  Notified showing Rural Urban Fringe below:</p>	Response to Minute 53



#	Area / Feature	Change required	Source / consequential change
		 <p data-bbox="409 786 1361 818">Recommendation mapping below showing residential over the rural zone:</p>  <p data-bbox="409 1401 1034 1433">Only proposed FUZ should be rezoned as MRZ.</p>	

#	Area / Feature	Change required	Source / consequential change
10.	RSDT zoning	Parcel ID 66538 is still showing at RSDT and should be zoned MRZ accordingly.	Further consequential change
11.	Layering of Airport Contours & Naming	<p>What is currently shown “Airport Influence Area” should be renamed “2023 Remodelled 50dB Ldn Outer Envelope Contour”.</p> <p>The layer should be <b>removed</b> where there are already operative air noise contours showing, being:</p> <ul style="list-style-type: none"> <li>• 55 dB Ldn Air Noise Contour</li> <li>• 50 dB Ldn Air Noise Contour</li> <li>• 65 dB Ldn Air Noise Compliance Contour (Note: the Council is seeking further clarification from the Panel regarding the naming of this layer)</li> </ul>	Response to Minute 53 and further consequential change



## APPENDIX 3 – CLARIFICATIONS SOUGHT BY THE COUNCIL

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
<b>QUALIFYING MATTERS</b>					
1.	Central City Heritage Interface QM (adjoining The Arts Centre and New Regent Street)	15.11.2.1 1 a.vi.	Central city	Part 3 [96] (c) and (d), and drafting recommendations 15.14.2.6 x.e.	<p>Paragraph 96 (d)(ii) recommends that the Central City Heritage Interface QM for sites adjacent to New Regent Street and The Arts Centre be deleted and replaced by a matter of control and discretion. However, the drafting recommendation in Appendix G to the Recommendation Report, for a matter of control and discretion in 15.14.2.6 x.e., refers to buildings <u>only to the east of New Regent Street</u> and The Arts Centre.</p> <p>The heritage interface in rule 15.11.2.11 a.vi. was proposed to apply to sites <u>adjoining New Regent Street to the north, south and west, as well as east</u> (and also to the sites adjoining the Arts Centre on the east side of Montreal Street). The interface included sites separated by a road, which are 'adjoining' sites in accordance with the District Plan definition.</p> <p><b>Please clarify if, in relation to the New Regent Street heritage item and setting, the matter of control and discretion in 15.14.2.6 x.e. should be amended to relate to all sites within the full extent of the interface as it was proposed in rule 15.11.2.11 a.vi. (Council's reply version).</b></p> <p><b>Please indicate whether the following wording would be appropriate to reflect this: "For buildings adjoining New Regent Street to the north, south, west and east, and adjoining The Arts Centre to the east, how the building manages the individual or cumulative effects of shading and visual dominance on those heritage items and settings in Appendix 9.3.7.2."</b></p>
2.	Industrial Interface	Ch 14		Part 5, s16, para 275	<p>The Panel's Minute 51 (from page 5) explains that the <i>"intention is to apply the 8m height to both the MRZ and HRZ, with the permitted activity exceptions and restrictions for contravening the rules as summarised in the Council's Memorandum"</i>. <b>Please confirm the following:</b></p> <p><b>Does the MRZ and HRZ 8m building height only apply where the new built form standard is not achieved</b> (i.e. 14.5.2.20 (MRZ) and 14.6.2.19 (HRZ) Residential units within the industrial interface overlay)?</p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
					<b>Given that the MRZ and HRZ building height assessment matters only relate to 'impacts on neighbouring property' should the 8m building height be included in RD32 (MRZ) and RD26 (HRZ) (with the relevant assessment matters in 14.5.2.20 applying)?</b>
3.	Central City New Regent Street and Arts Centre	Ch 15 15.11.1.3 RD11  15.11.1.4 D1		Part 3 [175]	<p>The Panel Recommendation in Part 3 [175] h) outlined that 15.11.1.3 RD11 applies where buildings do not meet clauses (a)(ii) and (iii), which sets the building height limit for New Regent Street (ii), and the Arts Centre (iii). However, this is duplicated in 15.11.1.4 D1 as these are also among the clauses listed in that rule.</p> <p>Ms Gardiner issued a clarification in her summary statement (at paragraph 9) that this was an error and that clauses (a)(ii) and (iii) should be struck out from the list in 15.11.1.4 D1. <a href="https://chch2023.ihp.govt.nz/assets/Council-Evidence-Statements-from-11-August-2023/03-Holly-Gardiner-Summary-Statement-Hearing-31-October-2023.pdf">https://chch2023.ihp.govt.nz/assets/Council-Evidence-Statements-from-11-August-2023/03-Holly-Gardiner-Summary-Statement-Hearing-31-October-2023.pdf</a></p> <p><b>Can the Panel please clarify if its recommendation is also that the clauses in 15.11.1.4 D1 should be deleted to remove this duplication? D1 therefore would only apply to non-compliances with the maximum road wall height Rule 15.11.2.12.</b></p>
<b>RECOMMENDATIONS</b>					
4.	Styx River Setback	Ch 15	-	Part 7 [180]	<p>The Panel's recommendation is to rezone 20 Radcliffe Road, Belfast to HRZ. The Council's reply recommended retaining the Styx River Setback QM to this site, which is tied to Chapter 15, as the site is currently commercially zoned and was notified as TCZ (see 15.4.3.2.2, 15.4.3.2.3, 15.14.4.1.1, 15.14.4.1.2, 15.14.4.1.3). The Panel's recommendation report appears to be silent on this QM, while the mark-up version of Chapter 15 has not modified associated provisions.</p> <p><b>Please confirm the Panel's recommendation for the Styx River Setback QM and if it is applicable to the rezoned HRZ. If accepted, this will require a consequential change to apply the rules within the HRZ sub-chapter as the Panel has recommended the site is no longer commercially zoned.</b></p>
5.	HRZ outside of Panel recommended catchment			Part 4 [69](b)	<p>The Panel recommendation is to zone those areas that were proposed by the Council to be HRZ to MRZ where these areas fall outside of the centre catchments recommended by the Panel. However, the recommendation notes that where the operative residential zone is more enabling of height or density than the MRZ the</p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
					<p>operative zone should be retained. For example, 1/48 Carlton Mill Road is in the ODP Medium Density Higher Height Limit overlay which permits a 30m height limit in this location and applies a specific recession plane diagram (Appendix 14.15.2 E if the height exceeds 11m). Other than that, the ODP rules are as for the RMD zone, i.e. consent required for 3 or more residential units, setbacks etc. The only additional enablement in the ODP is height, in all other respects the MRZ is more enabling.</p> <p><b>Please confirm if rezoning these areas to MRZ but applying an overlay with area-specific rules to provide for the ODP level of enablement would meet the intent of the Panel for these areas.</b></p>
6.	Airport noise recommendations	Ch 6.1	Yes	Part 4 [214], [217], [220], [244], {247}, [268], [273], [329 (b)], [347]	<p>In these paragraphs the Panel uses the term '65dB Ldn contour' in regard to operative District Plan rules, when the intention is likely to refer to the 'Air Noise Boundary', as used in the ODP [Evidence of Laurel Smith, para 40]; see the ODP definition of 'Air Noise Boundary'. Since 1999, the Air Noise Boundary in Christchurch has been the composite line formed by the outer extremity of the 65dB Ldn noise contour and the 95dB LAE contour. This is to make allowance in noise modelling for occasional landings over the City onto the cross-runway, with the 95dB LAE contour measuring the energy in single loud noise events, i.e. an aircraft flyover. The Air Noise Boundary as defined in Christchurch extends that contour over slightly more of Avonhead and Ilam than would be covered by the 65 dB Ldn contour on its own, but this makes no material difference to the debate on the 50dB Ldn contour. The 65dB Ldn noise contour itself is only used in the Christchurch ODP for noise monitoring (Rule 6.1.6.2.5.(a) (i)), where it is termed the 'Air Noise Compliance Contour'.</p> <p><b>Can the Panel please confirm that for all references in Part 4 to the 65dB Ldn contour, it intended to refer to the 'Air Noise Boundary' as defined in the ODP?</b></p> <p>Further, there appears to be an error in paragraph [329 (b)] which states: “...<i>use of noise contours to identify areas most exposed to noise, prohibiting new noise sensitive activities within the 65dB Ldn engine testing contour</i>”. While this statement is correct, in the context of the PC14 hearing, it is likely that the Panel intended to refer to noise from use of the airport’s runways, and prohibiting new noise sensitive activities within the Air Noise Boundary. Noise from on-aircraft engine testing is a separate issue with separate contours around the testing facility at Orchard Road.</p> <p><b>Can the Panel please confirm that paragraph [329(b)] should read "use of noise contours to identify areas most exposed to noise, prohibiting new noise</b></p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
					<p><b>sensitive activities within the <u>Air Noise Boundary</u>"? Policy 6.1.2.1.5.b of the ODP, for example, uses these terms correctly.</b></p> <p><b>Further, can the Panel please confirm that Chapter 6 noise rules will be retained in respect of both the Air Noise Boundary and the "65 dB Ldn engine testing contour"?</b></p>
7.	Airport noise framework	Ch 6 / 14	No	See <b>Appendix 4</b> to this memorandum of counsel	<p>Council has sought to summarise its understanding of the Panel's recommendations regarding the intended approach for each of the contours. <b>Appendix 4</b> to this memorandum provides a brief summary which Council would be grateful to have verified by the Panel. This includes the verification of the ODP provisions that would apply within operative 55 dB areas or greater, which Council notes is only in relation to the Residential Suburban Zone.</p> <p>In relation to this document, Council seeks further clarification regarding the intended approach for residential activities within operative 55 dB areas or greater. The 15 August 2024 Addendum to Part 4 stated in [22](b) that the recommendation was to apply MRZ whilst also stating that "(...) <i>the ODP rules and standards applying to residential units and density are retained.</i>"</p> <p><b>As MRZ is intended to apply as the underlying zone, is the Panel's intention that all related MRZ provisions (other than those relating to residential units and density) would also apply, except where the ODP is more restrictive, or where a Pathway A approach is available?</b></p> <p><b>Council presumes that the Panel expect that ODP definitions would continue to apply to ODP provisions. Please clarify.</b></p>
8.	Radiocommunication pathways	Ch 6	Yes	Part 1 [256] Part 3 [158]	<p>In Part 3, at paragraph [158], the Panel refers to the Council's proposal for new buildings, additions or alterations within the radiocommunication pathways which have a building height of between 40 and 79m to be a non-complying activity.</p> <p>This statement is correct if the 'building heights' are taken as being <b>above mean sea level at the Lyttleton Datum</b>; however, it is not correct if building heights are taken from existing ground levels. This was explained in the evidence of Ms Small at paragraphs 30-36).<sup>2</sup> Figure 1 in Ms Small's evidence shows the heights of the proposed radiocommunication pathways above existing ground levels, which range (in the image) between 28 and 48 metres high.</p>

<sup>2</sup> <https://chch2023.ihp.govt.nz/assets/Submitter-evidence/The-Ministry-of-Justice-Fire-and-Emergency-NZ-NZ-Police-Hato-Hone-St-John-Canterbury-Civil-Defence-and-Emergency-Management-Group-Evidence-of-Fiona-Small-19-September-2023.pdf>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
					<p>The Panel has observed that: <i>"it is not clear that in a real-world sense a development enabled in response to Policy 3(a), (c)(ii) or (d) would breach the radio communication signal plane in any event"</i>. It is unclear whether, in making that observation, the Panel has understood that the proposed qualifying matter could apply to buildings of heights as low as 28m.</p> <p>Because a building within CCMUZ <b>could</b> breach the enabled building height of the zone, any height restriction must be justified as a qualifying matter under Policy 4 of the NPS-UD.</p> <p><b>Can the Panel clarify how it has considered this aspect of the Radiocommunications Pathway QM?</b></p>
9.	Approach to two QMs	Ch 6 & Ch 14		Minute 52 Part 1 [16] Part 1 [167](d) Part 3 [163] Part 4[434](c)	<p>In Minute 52, the Panel clarified that its direction for officers to redraft Chapter 14 had not <i>"been arrived at simply by extrapolating the factual circumstances [in Waikanae]"</i> to PC14 and instead the Panel had applied the Act to the various issues before it.</p> <p>The Council seeks further clarification regarding the proposed Radiocommunication Pathways and Riccarton Bush Interface Area Qualifying Matters (<b>QMs</b>).</p> <p>These clarifications are sought because the Council is unclear from the Recommendation Reports why the Panel considers the qualifying matters to constrain activity permitted by the District Plan.</p> <p>In respect of both QMs, the permitted standards provided by both QMs are no more restrictive than the <i>status quo</i> permitted development standards in the ODP. The Council understands the Panel's finding to be that controls proposed through an IPI should be no more restrictive than what is enabled as a permitted or controlled activity – i.e. what <i>status quo</i> development rights are guaranteed through operative controls.</p> <p>These proposed QMs involve changes to activity classes beyond permitted or controlled, i.e. to restricted discretionary or greater activities for which consent may be declined. The specific detail of how the Panel has applied the Act to these QMs was not provided by the Panel in Minute 52; the Council understands that in part this was because the Panel was awaiting the final requests for clarification now contained in this table.</p> <p><b>Council requests that the Panel clarify how it has applied the Act to the proposed qualifying matters of Radiocommunication Pathways QM and the</b></p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
					<b>Riccarton Bush Interface Area QM and detail any changes required to its recommendations.</b>
10.	Response to Low Public Transport Accessibility QM – Matters of Discretion	14.15.2.a.vii		Part 4 [82] And [197]	<p>The Panel's recommendations on this topic discuss the potential for an additional matter of discretion for areas located within 800m of bus stops – i.e. the inverse of the proposed QM approach.</p> <p>The relevant recommendation report states: "(...) we find that the most appropriate reflection of this opportunity would be within the Matters of Discretion where <u>4 or more dwellings</u> are proposed and otherwise where standards are proposed to be infringed, to make it clear that one (but not a determining) factor relevant to such applications is <u>whether the Site is within an 800m walkable distance of at least a high-frequency bus stop</u> and if the proposal is maximising the efficient use of the Site to provide housing. Accordingly, we have slightly amended the restrictions to accommodate this (the Council's reply version recognised building height infringements would be relevant but we find that building coverage also is)."</p> <p>At [197] the recommendation refers to matters of discretion 14.15.2(a)(vii) (proposals that infringe site density and site coverage standards), and 14.15.3(c)(i) (proposals that infringe the building height standard), but the relevant matter is only proximity to public transport corridors, not high frequency and not 800m (10min) walking catchment. Further, the two matters of discretion are not associated with 4 or more units, nor make any reference to walkable distances or high-frequency bus stops.</p> <p>The recommended wording of these matters of discretion appears ambiguous and could be difficult to associate with the nature of the non-compliance.</p> <p><b>Can the Panel please clarify whether it intended:</b></p> <ul style="list-style-type: none"> <li>- for 14.15.2(a)(vii) and 14.15.3(c)(i) to apply as relevant to non-compliances associated with building coverage, site density, building height, and building setbacks; or</li> <li>- to modify Residential Design principles (associated with 4+ units) accordingly; or</li> <li>- that a new matter of discretion was added specifically addressing the walkable distance to high frequency bus stops and whether site efficiency was maximised?</li> </ul>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
11.	Consideration of Rural Hamlet Precinct				<p>The Panel has recommended the rejection of the Council's proposal to introduce Residential Large Lot Zone over select parts of the operative Residential Hills Zone, instead favouring the retention of all operative controls within areas that contain an operative overlay or are subject to an ODP (Part 4 [68]). While the recommendations consider the Council-proposed Redmund Spur and Bridal Path precincts, it remains unclear what the recommendation is regarding the Rural Hamlet Precinct.</p> <p>As detailed in the Residential s32 evaluation report, the operative zoning for the PC14 proposed Rural Hamlet Precinct is Residential Suburban Zone with the Rural Hamlet Overlay. The operative overlay applies specific density, coverage, and noise insulation requirements, largely as a function of its dislocation from suburban areas and the influence of the 50 db Ldn Air Noise Contour. The Council proposal was (as per the recommendation logic of RHZ by the Panel) to see the collective controls not as a relevant residential zone and therefore sought to 're-house' this in accordance with National Planning Standards zone standards.</p> <p>Officers note that the current webmap planning maps for Panel validation still show this area (sites in the vicinity of Stella Close, Smacks Close, Springvale Gardens, and Haddon Lane) as Residential Large Lot with the Rural Hamlet Precinct.</p> <p>Considering the broader Panel recommendations, Council officers presume that the Panel intends that the recommendations for the Rural Hamlet Precinct are either:</p> <ul style="list-style-type: none"> <li>a) Rejected, with operative RSZ and associated Overlay retained (as per RHZ response); or</li> <li>b) Rejected, with MRZ applying alongside new ventilation standard and insulation standard (as per Airport Noise response); or</li> <li>c) An alternative approach.</li> </ul> <p><b>Please clarify.</b></p>
<b>MAPPING</b>					
12.	North Halswell Outline Development Plan	Appendix 15.15.3  Appendix 8.10.4		Part 7 [73]  Minute 53	<p>There appears to be an inconsistency in the Panel's recommendations between the residential Appendix 8.10.4 and the commercial Appendix 15.15.3 regarding the North Halswell Outline Development Plan and the commercial zoning. The Panel has accepted the change to modify the commercial-zoned extent of North Halswell, as per Minute 53, however has not consistently reflected this in the relief as sought by Woolworths NZ Limited (#740 – <a href="#">see page 511</a>).</p> <p><b>Please clarify.</b></p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
13.	Alternative Zones for SP (Schools)			Chapter mark-up	<p>The Council requests that the Panel clarify what the alternative zone should be in the following circumstances (which is premised on the application of ODP zones as part of the RCA response):</p> <ol style="list-style-type: none"> <li>1. Appendix 13.6.6.1, # 11 Beckenham School on Sandwich Rd: mainly RS zoning, but also some MRZ. If RSZ remains recommended, Council suggests RSZ despite there being no QM on the site, but fronts onto a street and adjoins a site that are part of a Character Area which has retained the ODP RS zoning. This would adopt the approach in the RCAs to zoning street-frontage sites. In this case the only MRZ site to adjoin the school site is a rear section. <b>Please confirm appropriate zoning.</b></li> <li>2. Appendix 13.6.6.1, #21 Cashmere Primary School: has mainly MRZ surrounding the school site but adjoins RH zoning in a Character Area. As with Beckenham School above, the school site partly adjoins a Character Area and fronts onto a street that is part of the Character Area. <b>Please confirm appropriate zoning.</b></li> <li>3. Appendix 13.6.6.1, #57 Linwood College and Linwood College Playing Fields: there appears to be an error showing Linwood College Playing Fields at Ferry Road as struck through when this site is shown on the planning maps as an operative Specific Purpose (School) Zone. Council suggests that Linwood College Playing Fields at Ferry Road should be not shown as struck through from the list. <b>Please clarify.</b></li> </ol>
14.	Alternative Zones for SP (Tertiary) Zone (SPTZ)	Appendix 13.7.6.1		Chapter mark-up	<p>The Panel recommendations on PC14 for MRZ zoning to be retained as proposed in PC 14 as the Underlying Alternative zone for the UC Christchurch campuses does not appear to be reflected in Appendix 13.7.6.1 of the SPTZ. The marked-up version of the appendix has struck out MRZ and retained RS and RSDT, with a caveat regarding the airport noise contour.</p> <p><b>In line with the response to the above question about airport noise contours, can the Panel please clarify what the alternative zone framework should be?</b></p> <p>The Council had understood that MRZ is fully enabled in any 50 dBA area (operative and remodelled), subject to specific insulation and ventilation requirements and additional matter of discretion for 4 or more units, which addresses reverse sensitivity on the airport.</p>
<b>REFERENCE CORRECTION</b>					



#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
15.	Submitter reference - Specific Purpose (Ōtākaro Avon River Corridor) Zone	-	-	Heading before para [103], p29, Glenara Family Trust	<p>The heading before para 103 refers to Glenara Family Trust but the submission reference quoted is #671, which is incorrect. Glenara Family Trust submission number is #91.</p> <p>Submission #671 was lodged by Larrisa Lilley and discusses areas suitable for intensification.</p> <p><b>Can the Panel please confirm that the submission reference number should be corrected to #91?</b></p>
<b>DISTRICT PLAN CHAPTERS</b>					
16.	Residential Design Principles	14.15.1	-	Chapter mark-up for 14.15.1.d	<p>Additional text has been recommended to be added under d. There is potential that the term "<i>all directly relevant</i>" in relation to effects is open to interpretation as to the extent of the restriction of discretion.</p> <p><b>Can the Panel please clarify where it intends for "directly relevant" to mean the matters of discretion listed under 14.15.1 as Principles 1 to Principles 7, and whether the following alternative wording may be a suitable alternative?</b></p> <p><i>To avoid doubt, when evaluating the principles the applicable reservation of control or discretion includes the actual or potential adverse or positive effects of the proposal as directly relevant to the principle/s under consideration.</i></p>
17.	Cross references to now deleted Financial Contributions Matters of discretion	Chapter 8, Rule 8.5.1.2 C8, C9 Matters of Control	-	Part 8, Appendix G – Chapter 8 mark-up, Rule 8.5.1.2 C8, C9 Matters of Control	<p>Cross-references to the now deleted matters of discretion for Financial Contributions and Tree Canopy Cover in Rule 8.7.12 are not shown as struck through.</p> <p><b>Can the Panel please confirm that these cross-references to Rule 8.7.12 in the Matters of control column should be deleted as shown below?</b></p> <p><b>Rule 8.5.1.2</b> <b>C8 – Matters of control</b> <u>a. Rule 8.7.4 and,</u> <u>b. Where relevant, Rules 8.7.7-8.7.11 and 8.7.13;</u> <u>and</u> <u>c. Rule 8.7.12</u></p> <p><b>C9 – Matters of control</b> <u>a. Rule 8.7.4 and,</u> <u>b. Where relevant, Rules 8.7.7-8.7.11 and 8.7.13;</u> <u>c. Rule 8.7.12</u></p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendation Part #	Matter for Panel clarification
					<a href="#">d. If an application is (...)</a>
18.	Rule for Character Area Overlays and Residential Heritage Areas – number of residential units per site	Chapter 14, Rule 14.5.3.2.7; Chapter 14 Rule 14.5.3.1.3. RD6		Part 5, paragraph 348; and Part 5, paragraph 393	<p>The proposed Residential Heritage Areas, and new and extended Residential Character Areas have been recommended to be deleted from the Plan Change. There is an orphan provision “a” remaining in this rule for RHAs which is not shown as struck through. <b>Can the Panel confirm that this should also be struck through, as for the remainder of the RHA-specific provisions?</b></p> <p>Moreover, rule 14.5.3.2.7 RD6 has been inserted by the Panel, but in fact it is not required since the base Rule 14.5.3.2.7 has been deleted for Site Density in Character Area Overlays. The view of Council staff is that the operative DP site density rule for existing Character Areas at either 14.4.2.1 i, for the RS zoning or 14.4.2.1.ii for the RSdT zoning applies.</p> <p><b>Can the Panel please confirm that is the case, and therefore that 14.5.3.1.3 RD6 should be deleted, as the remainder of the RCA provisions in the MRZ zone have been?</b></p>
19.	Reference to the now deleted Tree canopy cover / Financial contribution rules	Chapter 14.9, Rule 14.9.2.13 – Tree and garden planting	-	Part 8, Appendix G – Chapter 14.9 mark-up in Rule 14.9.2.13	<p>Cross-reference to the now deleted rules for Financial Contributions and Tree Canopy Cover in Chapter 6.10A are not all shown as struck through.</p> <p><b>Can the Panel please confirm that these cross-references to Rule 14.9.2.13, clause (b) in the advice note should be deleted and shown in strikethrough?</b></p>

**APPENDIX 4 – AIRPORT NOISE OVERVIEW (REFERRED TO IN ITEM 7 IN  
APPENDIX 3)**

Contour	Controls	Recommendation
2023 remodelled 50dB L <sub>dn</sub>	PA: 1-3 units <ul style="list-style-type: none"> <li>• New units must comply with insulation (6.1.7.2.2) and ventilation standard as per 6.1.7.2.1(a.v and vi), plus Mr Selkirk's other changes(Addendum to Part 4)</li> </ul> RDA: 4+ units <ul style="list-style-type: none"> <li>• Applicable MRZ / HRZ &gt;4 units, with matter of discretion under 15.14.1</li> <li>• New RD activity for &gt;4 units, with matters of discretion focused on reverse sensitivity to Christchurch International Airport, similar to operative RD34 (14.4.1.3) and RD26 (14.12.12)</li> </ul>	Addendum Part 4  Part 4 [291]  Part 4 [214] (f)
Operative 50dB L <sub>dn</sub> ( <u>within</u> remodelled contour)	<i>As per above 2023 remodelled 50dB L<sub>dn</sub> approach.</i>	Part 4 [214] (d) & (e) and [291]
Operative 50dB L <sub>dn</sub> ( <u>outside</u> remodelled contour)	MRZ rules / pathway A rules apply; excluded from ventilation & insulation standards.	Part 4 [291]
Operative 55dB L <sub>dn</sub>	Zoned MRZ, but operative residential unit activity rule and standards apply and associated density.	Part 4 [214](g) and Addendum

	<ul style="list-style-type: none"> <li>New units must comply with existing insulation plus ventilation standard as per 6.1.7.2.1(a.v and vi), plus Mr Selkirk's other changes (Addendum to Part 4)</li> </ul> <p><i>See ODP standards to verify below.</i></p>	
Operative 65dB L <sub>dn</sub> / ANB	<p>Zoned MRZ, but operative residential unit activity rule and standards apply and associated density. Noting that in the ODP new sensitive activities are prohibited.</p> <p><i>See ODP standards to verify below.</i></p>	Part 4 [214](h) and Addendum

Residential Suburban residential activity standards to verify:

- a. P1 – Residential Activity, including specific standards
- b. P2 – Minor residential units, including specific standards
- c. P5 – Social housing complexes, including specific standards
- d. P6 – Older person's housing unit, including specific standards
- e. P7 – Retirement villages, including specific standards
- f. P9 – Conversion of a family flat, including specific standards
- g. P10 – Conversion of a residential unit, including specific standards
- h. P11 – Replacement of a residential unit with two residential units, including specific standards
- i. P12 – Construction of two residential units (previously vacant), including specific standards

Residential Suburban residential built form standards to verify\*:

- a. 14.4.2.1 Site density (except a.ii. and iv.)
- b. 14.4.2.2 Tree and garden planting (social housing only)

- c. 14.4.2.3 Building height (except a.iii.)
- d. 14.4.2.4 Site coverage (except a.iii.)
- e. 14.4.2.5 Outdoor living space (except a.ii.)
- f. 14.4.2.6 Daylight recession planes (only as applicable to Residential Suburban Zone)  
(note FMA exemptions too)
- g. 14.4.2.7 Minimum building setbacks from internal boundaries and railway lines (except  
a.vii. and a.viii.)
- h. 14.4.2.8 Minimum setback for balconies and living space windows from internal  
boundaries
- i. 14.4.2.9 Road boundary building setback (including Figure 3 and Figure 4 and associated  
Chapter 7 setback requirements)
- j. 14.4.2.11 Water supply for fire fighting
- k. 14.4.2.12 Service, storage and waste management spaces (for social housing only)

*\*Noting multi units are fully discretionary in RSZ so built form standards do not apply.*