

**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 son Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL

28 July 2023

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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

Introduction

1. This memorandum of counsel for Christchurch City Council (the **Council**) responds to the Panel's Minute 3 (dated 10 July 2023) and provides information sought by the Panel in advance of the pre-hearing meeting on 1 August 2023.
2. In Minute 3 the Panel asked the Council to advise on the following matters:
 - (a) how the Council proposes to present the strategic overview (incorporating an explanation of the mechanics and technical aspects of Plan Change 14 (**PC14**)) at the commencement of the hearing, including who would present this and how long the Council would need;
 - (b) identification of any preliminary legal issues as to the scope of PC14 and/or submissions;
 - (c) where known, the names of the witnesses that the Council intends to call throughout the hearing and their respective roles and expertise;
 - (d) how the Council proposes to separate the roles of section 42A reporting functions and witnesses for the Council in support of its submission on PC14;
 - (e) a proposed detailed breakdown of sub-topics within each zone category in the table set out at paragraph 19 of Minute 3, with the number of submitters who have indicated that they wish to be heard that fall into these categories; and
 - (f) information about the relationship between Plan Change 13 (Heritage) (**PC13**) and PC14, the identification of any overlap between PC13 and PC14, and the Council's suggestions as to how the Panel might address these matters.
3. In addition, the Panel has invited comment on its draft hearing procedures.
4. The Council is grateful for the opportunity to address the Panel on these matters, which are discussed in turn below.

Presentation of strategic overview

5. The Council proposes to introduce PC14 at the commencement of the hearing by providing a high-level explanation of the mechanics of the plan change. This will commence with opening legal submissions to set the 'big-picture scene' of PC14, having regard to the legal context and mechanisms. Council planner, Sarah Oliver, will then provide a high-level strategic overview of PC14, including commentary on the strategic objectives proposed in PC14.
6. The Council considers it may also assist for the Panel to receive a brief overview of key technical evidence relevant to PC14 as a whole, given by:
 - (a) Tim Heath (economics);
 - (b) John Scallan (development capacity up to three storeys);
 - (c) Ruth Allen (development capacity above three storeys);
 - (d) Ian Mitchell (housing market); and
 - (e) Rebecca Foy (social impacts).
7. Collectively these witnesses could usefully address, at a high level, the approach taken by the Council in respect of:
 - (a) development capacity enabled by the operative District Plan and additional capacity enabled by PC14 (as notified), including the model used to assess capacity, and economic feasibility of development;
 - (b) the extent and degree of influence of PC14, addressing matters such as what are "*relevant residential zones*" in the Christchurch context,¹ the level of enablement provided and thresholds (i.e. consent trigger points) for managing activities;
 - (c) qualifying matters, highlighting those with the greatest influence on urban form and development capacity;
 - (d) how the Council is working to meet community aspirations for a well-functioning urban environment and good quality development outcomes through the Plan (including PC14) and other processes;

¹ As that term is defined in section 2 of the Resource Management Act 1991 (RMA).

- (e) the Council's approach to the central city and the centres hierarchy reflected in Policy 3 of the National Policy Statement on Urban Development 2020 (**NPS-UD**); and
 - (f) the criticality of infrastructure for future development.
8. The Council appreciates that hearing time is at a premium so would aim to complete its overview in one to two days, on the understanding that the section 42A reports of Ms Oliver and statements of evidence of the other experts will be taken as read, per the Panel's draft hearing procedures. That period should be achievable, depending on the extent of any questioning from the Panel.
9. As discussed below, the Council proposes that some specific sub-topics be heard by the Panel during the first two weeks of the hearing, and these Council witnesses (and some others) will also be providing evidence relevant to those sub-topics. If the Panel has questions of the Council witnesses (or legal counsel) about the sub-topics, the Panel could address those during the introduction as well (or opt to hear from those witnesses more than once during that hearing fortnight).
10. If the Panel or submitters would be assisted by the Council witnesses covering other topics as part of their high-level explanation of PC14, counsel would be grateful for that to be signalled at the pre-hearing meeting (or later, but preferably well in advance of the hearings commencing).

Preliminary scope / legal issues

Introduction

11. The Panel has asked the Council to identify any preliminary legal issues as to the scope of PC14 and/or submissions.
12. There are certainly a number of legal issues for the Panel to consider in respect of both the scope of PC14 and whether submissions are "on" PC14 (and can therefore be considered by the Panel).² However, the Council does not seek that any such issues be considered by the Panel on a preliminary basis, for a number of reasons that are summarised below.

² A legal issue may also arise in due course regarding the Panel's ability, when making recommendations on PC14, to make recommendations outside the scope of submissions made on PC14; clause 99(2) of Schedule 1 to the RMA.

Scope of PC14 – section 80E

13. As the Panel will be aware, section 80E of the RMA sets out what must and what may be included in an intensification planning instrument (**IPI**). That section:
- (a) requires the Council, through PC14, to incorporate the medium density residential standards (**MDRS**) and give effect to Policies 3 and 4 of the NPS-UD; and
 - (b) allows the Council to amend or include, through PC14:
 - (i) provisions relating to financial contributions;
 - (ii) provisions to enable papakāinga housing in the Christchurch district; and
 - (iii) related provisions,³ including objectives, policies, rules, standards, and zones that support or are consequential on the MDRS or Policies 3 and 4 of the NPS-UD.
14. PC14 contains a number of provisions that fall into the second, discretionary category above, to ensure that the provisions enabling MDRS and other intensification are properly integrated into the District Plan.
15. However, section 80E is open to interpretation, and the breadth of the Council's discretion under that provision has not yet been ruled on conclusively by the Courts. In the meantime, several submitters have asserted that the Council may have exceeded its statutory powers in some of its proposed changes included in PC14.
16. The Environment Court considered section 80E in one recent decision, *Waikanae Land Company v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056 (**Waikanae**).
17. While the Court in *Waikanae* was not ruling directly on Kāpiti Coast District Council's (**KCDC**) IPI, and instead made its decision in the context of a direct referral to the Court and an appeal relating to an archaeological authority, the Court was nonetheless considering the breadth of KCDC's powers under section 80E. KCDC's IPI includes a new wāhi tapu listing that would, as well as limit the newly enabled MDRS and other

³ Per section 80E(2), "related provisions also includes provisions that relate to any of the following (without limitation)" (...). The listed matters include district-wide matters, earthworks, fencing, infrastructure, qualifying matters, stormwater management, and subdivision.

intensification, also restrict development previously enabled under KCDC's District Plan.

18. The question the Environment Court considered was whether KCDC had the statutory power, as part of the IPI process, to introduce the new wāhi tapu site in a way that would also limit development that was previously permitted. The Environment Court found:

[31] For the reasons we have endeavoured to articulate we find that the purpose of the IPI process inserted into RMA by the [Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021] was to impose on Residential zoned land more permissive standards for permitted activities addressing the nine matters identified in the definition section and Schedule 3A. Changing the status of activities that are permitted on the Site in the manner identified in para 55 of WLC's submissions goes well beyond just making the MDRS and relevant building height or density requirements less enabling as contemplated by s 77I. By including the Site in Schedule 9, PC2 "disenables" or removes the rights which WLC presently has under the District Plan to undertake various activities identified in para 55 as permitted activities at all, by changing the status of activities commonly associated with residential development from permitted to either restricted discretionary or non-complying.

[32] We find that amending the District Plan in the manner which the Council has purported to do is ultra vires. The Council is, of course, entitled to make a change to the District Plan to include the new Schedule 9 area, using the usual RMA Schedule 1 process.

19. Counsel understand that KCDC has appealed the *Waikanae* decision to the High Court, and that a fixture is unlikely before November 2023.
20. The Panel will no doubt have regard to the *Waikanae* decision but is not strictly bound to apply its reasoning to PC14 (because the legal doctrine of precedent only applies to the Courts).
21. For its part, the Council considers that PC14 can validly include provisions that affect pre-existing development rights, where those provisions "*support or are consequential on*" the MDRS or Policies 3 and 4 of the NPS-UD. To

assist the Panel, the section 42A reports will identify such provisions (including submissions that seek such relief) and counsel and submitters can address the Panel on them in detail in due course.

22. However, the Council does not consider that the Panel should hear and determine these issues as a preliminary matter. The legal position, which is currently unsettled, may well be clarified by the High Court part-way through the PC14 process. This gives rise to a risk that any early determination made by the Panel setting a course for the hearing may need correction once the High Court's decision is released.
23. As well as the section 42A reports highlighting provisions in PC14 that limit or otherwise alter pre-existing development rights, the Council will be able to provide the Panel with further guidance in relation to *Waikanae* (including any other relevant commentary provided by the Courts or other sources) in due course.

Scope of submissions

24. Likewise, in the usual way the Panel will have to consider whether submission points are within scope by reference to the standard principles, such as those set out by the High Court in *Clearwater Resort Limited v Christchurch City Council*⁴ and *Palmerston North City Council v Motor Machinists Limited*.⁵ The Panel will be well familiar with the two interconnected limbs to be considered in determining whether a submission is "on" a plan change:
 - (a) the submission must reasonably fall within the ambit of the plan change by addressing the extent to which that instrument changes the pre-existing *status quo*;⁶ and
 - (b) consideration should be given to whether there is a real risk that persons directly or potentially directly affected by changes sought in a submission have been denied an effective opportunity to respond to those changes and participate in the decision-making process.⁷

⁴ *Clearwater Resort Ltd v Christchurch City Council* AP 34/02, 14 March 2013, Young J.

⁵ [2013] NZHC 1290 at [80] to [83].

⁶ *Ibid* at [69](a).

⁷ *Albany North Landowners v Auckland Council* [2016] NZHC 138 at [119] to [128]; *Palmerston North Industrial and Residential Developments Limited v Palmerston North City Council* [2014] NZEnvC 17 at [34] to [36]; *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290 at [90]; *Clearwater Resort Limited v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

25. There are a number of submission points on PC14 that the Council considers to be outside scope, and it intends to identify these in Council's reports and evidence.
26. Again, however, the Council does not seek strike-out of any submission points on scope grounds or wish the Panel to determine any scope matters as a preliminary step. Instead, the Council recommends that the Panel consider scope as part of the substantive hearing of submissions.
27. That is because the time available to hear PC14 is relatively limited and, as found by the Independent Hearings Panel into Auckland's intensification planning instrument (following a preliminary hearing),⁸ it can be difficult to make final determinations on scope without looking into matters of substance. As such, there would be a risk of the Panel dedicating hearing time to preliminary matters that prove incapable of early and efficient determination.

The Council's intended witnesses

28. The Council's intended witnesses (as known) are listed in **Appendix 1**.

The Council's submission and the role of section 42A report authors

29. The Council has made a detailed submission on PC14, numbered 751, which is signed by Mary Richardson (the Acting General Manager for Infrastructure, Planning & Regulatory Services) on the Council's behalf.⁹
30. The Panel has asked the Council to explain how it intends to separate the roles of section 42A reporting functions and witnesses for the Council in support of its submission on PC14. The Panel's draft hearing procedures note, among other related matters, that *"the s42A report writers must not be the same Council staff and / or consultants who have provided advice or will give evidence in relation to the Council submission on PC14"*.
31. Counsel acknowledge and, with respect, generally agree with the Panel regarding the desirability of separating the functions of drafting and presenting section 42A reports from those of preparing a submission made by a council on a plan change. That is because:

⁸ See the 'interim guidance' on scope issued by that Panel, here: <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/types-of-hearings/npsud-independent-hearings/LegalGuidelinesAndProcedure/pc78-interim-guidance-2023-06-12.pdf> and a related minute declining to strike out submission points, here: <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/types-of-hearings/npsud-independent-hearings/LegalGuidelinesAndProcedure/npsud-minute-2023-06-12.pdf>.

⁹ The Council has also made a very short submission on PC13, submission 1058, relating to some provisions that are outside the scope of PC14.

- (a) The authors of section 42A reports (as is the case in respect of PC14) are typically experts in planning or other fields and prepare their reports in compliance with the Environment Court's code of conduct for expert witnesses, as set out in the Court's Practice Note 2023. The key driver for section 42A report authors being distinct from the persons advising a council as submitter is to ensure that the former can comply with their overriding duty, as experts, to assist a hearing panel impartially on the matters within their expertise.
- (b) Submissions by a council on its own plan change can vary in nature, and sometimes include submission points:
 - (i) made by the council in its capacity as an owner and operator of infrastructure, for example, seeking an advantageous planning framework to deliver such infrastructure; and/or
 - (ii) that are essentially political in nature, advocating an outcome that is not necessarily well aligned with higher-order and other planning instruments or supported by expert planners.

When a person is involved in developing a submission promoting particular outcomes in those circumstances, it can be difficult for that person to act impartially in evaluating and making recommendations on that and other submissions relating to those same matters.

- 32. Counsel are instructed, however, that the Council's submission on PC14 is not of that nature. Rather, it is a 'staff submission' made not to advocate for a particular outcome, but rather to highlight various technical errors and omissions in PC14 identified by the Council planning team – i.e. those planners who were themselves involved in preparing PC14 – after PC14 was notified, and to ensure that there is scope for the Panel to make recommendations correcting those errors and omissions. The submission was equally intended to give the Panel and submitters an early indication of these technical matters requiring correction, in the interests of transparency, rather than leaving it to correction as part of the section 42A reporting process.
- 33. The errors and omissions are technical in nature, in the sense that they relate to PC14 provisions and maps that do not match the outcomes clearly promoted and assessed in the section 32 documents describing and evaluating PC14.

34. This is apparent on the face of the submission itself, which signals various mismatches / errors relating to terminology and mapping (including of zones, overlays, and land parcels), and some updates to align with recent changes to the District Plan made by the Environment Court as a result of Plan Changes 5B and 5F.
35. As such, various members of the Council's planning team were indeed involved in preparing the submission, and those same planners are currently drafting section 42A reports for the Panel (making clear their involvement in preparing the Councils' submissions).
36. In that context, counsel submit that it is possible for the section 42A report authors to adhere to the code of conduct in preparing and presenting those reports, even when making recommendations:
 - (a) regarding relief sought in the Council's submission; and
 - (b) on submissions by other parties seeking different relief in respect of the same matters addressed in the Council's submission.
37. Again, that is because of the technical nature of the errors and proposed corrections identified.
38. Moreover, this IPI process has posed particular timing and resourcing challenges for the Council, such that it has not been practicable either to notify a variation of PC14 to make the necessary technical corrections or to use separate planners to prepare its submission.
39. In terms of timing, the Council planners have taken the approach of 'correcting by submission' rather than notifying a variation because of the highly constrained (and still uncertain) timeframes applying to PC14.
40. That is, the relevant direction of the Minister for the Environment under section 80L(1) of the RMA currently requires the Council to issue a decision on PC14 by 20 August 2023. Due to a delay in notifying PC14 because of Council and community concerns with the draft proposal, it is now impossible for the Council to comply with that direction. The Council has therefore asked the Minister to extend the date by which the Council must decide on PC14 to 12 September 2024, but no extension has yet been granted; in the meantime, the Council is reluctant to add, without good reason, further steps to the process and thereby put further timing pressure on the process as a whole (including the consideration by the Panel).

41. Had corrections been done by variation, then it is not unusual for Council planners involved in writing section 32 reports and drafting the variation to then subsequently be the section 42A report writers applying their expertise in response to submissions lodged on the variation.
42. In terms of resourcing, it has been a mammoth task – involving more than 40 planners – for the Council to prepare PC14 and summarise over 1,000 submissions (including over 70 further submissions) on the plan change. The PC14 process is coinciding with many other IPI and other planning processes taking place around the country. In this context, a significant shortage of available planners has made it impractical for the Council to instruct a separate team in relation to its submissions.
43. Counsel trust that this explanation provides comfort that the Council planning team is able to prepare section 42A reports in accordance with the code of conduct for experts, on which the Panel can rely.

Proposed detailed breakdown of sub-topics

44. The Council is grateful to the Panel for providing, in Minute 3, an indicative hearing schedule broken down by topic.
45. The Panel has asked the Council to propose a detailed breakdown of sub-topics within each category, and advise of the number of submitters who have indicated that they wish to be heard that fall into these categories. Counsel understand that this request is driven by a need for a more detailed hearings schedule.
46. The Council's proposed breakdown of sub-topics is set out in **Appendix 2**.
47. The exercise of identifying the number of submitters wishing to be heard per sub-topic – on an indicative basis, noting that finalising those allocations will also be subject to the views of the Panel and submitters – is ongoing. The Council will provide accurate indicative numbers as soon as possible.
48. Numbers are provided in Appendix 2 but are subject to various limitations such that they cannot currently be relied on for scheduling purposes. To explain:
 - (a) The Council has coded submissions by reference to **each provision** in PC14, and the numbers in Appendix 2 currently **aggregate** the submission points on all provisions relating to the sub-topic. This

presents an inflated picture of the true number of submitters wishing to be heard in relation to each sub-topic. To give an example, Appendix 2 shows 51 submitters wishing to be heard in relation to the radiocommunication pathways qualifying matter, when the true number of submitters is closer to 10.

(b) Moreover, further submissions are still in the course of being coded and summarised (prior to being provided to the Panel next Friday, 4 August 2023), and are not reflected in the numbers in Appendix 2.

49. Again, the Council is continuing to do the necessary work (involving analysis of the submission of each person wishing to be heard) to be able to provide more accurate numbers for scheduling purposes, and will keep the Panel updated.
50. Ultimately, allocating each submission to one or more sub-topics involves judgement and may not reflect the preference of a submitter; counsel will be able to work through with the Panel and submitters, at the pre-hearing meeting and afterwards (as necessary), an appropriate process to finalise the allocations.

Relationship between PC13 and PC14

51. The Panel has also sought clarification from the Council regarding the relationship between PC13 (Heritage) and PC14 (Housing and Business Choice).
52. As the Panel is aware, PC14 is an IPI being progressed pursuant to the intensification streamlined planning process under the RMA. PC13 is a plan change being progressed pursuant to the standard process under Schedule 1 to the RMA.
53. The Panel has been delegated to hear and make recommendations on PC14 only, not PC13. After the further submission process, it is intended that PC13 will be put on hold and will not be heard until after Council's decision on PC14.
54. There is a large degree of overlap between the heritage provisions in PC14 and those in PC13. This is due to:
 - (a) the need to provide for various heritage matters to 'qualify' MDRS and other development otherwise enabled through PC14 (and the

requirement in section 80E for PC14 to give effect to Policy 4 of the NPS-UD);

- (b) the Council's ability, again under section 80E, to include in PC14 related provisions that are consequential on the MDRS or Policies 3 and 4 of the NPS-UD;
- (c) the Council's preference for the bulk of the proposed amendments to the heritage provisions to be considered by this Panel in an integrated way, because of the risks to the heritage fabric of Christchurch that could arise if significant intensification were being considered without heritage matters being appropriately central in the process; and
- (d) the current uncertainty regarding the permissible scope of IPIs under section 80E, discussed above.

55. As such, the heritage provisions of PC13 are largely duplicated in PC14, including in respect of Residential Heritage Areas and changes to the schedule of Heritage items. Some changes that are clearly outside the ambit of section 80E (such as because they are in areas of the district otherwise unaffected by PC14) are part of PC13 only, and are highlighted in yellow in the notified provisions.¹⁰
56. However, the Council intends that heritage provisions will only be considered and heard once, whether by the Panel as part of PC14 or subsequently by a hearings panel as part of PC13.
57. If the Panel hears and makes recommendations that the heritage provisions of PC14 are within the scope of an IPI, then it is intended that those heritage provisions will not be reconsidered again as part of PC13. This would likely be achieved by the Council notifying a variation to, or withdrawing parts of, PC13.
58. If the Panel hears and makes recommendations that any heritage provisions in PC14 are outside the scope of an IPI, then the Council intends that those heritage provisions would be considered later as part of PC13.
59. Because PC13 and PC14 were notified at the same time, a common submission form was used, with submitters able to specify whether their submission related to PC13, PC14, or both.

¹⁰ The relevant note reads: "*Text highlighted in yellow* relates to proposed changes in areas of Banks Peninsula outside of Lyttelton which are out of the scope of consideration for PC14 but will be considered in PC13."

60. To guard against the risk of submitters making a submission on one of the plan changes but the relevant provisions being considered in the other process, the Council has subsequently sought confirmation by submitters on the heritage provisions of PC13 or PC14 that they are happy to have their submissions treated as being on **both** PC13 and PC14 (with the exception of submissions on PC13 that are clearly outside of scope of PC14, such as submissions on Banks Peninsula heritage matters).
61. While most submitters have expressly provided that confirmation, some have not responded so the Council has decided to treat submissions on the heritage provisions of PC13 or PC14 to be submissions on both PC13 and PC14 (again with the exception of submissions on PC13 that are clearly outside of scope of PC14). The Council has also received express requests from some submitters to treat their submissions on PC13 as being only on PC13, not on both PC13 and PC14.
62. In the Council's summary of submissions, submissions coded as "*PC14*" are intended to capture submissions on heritage provisions that are, or deemed to be, both on PC13 and PC14. Submissions coded as "*PC13*" are intended to capture only those submissions on heritage provisions that are clearly outside of scope of PC14 (and thus on PC13 only), such as submissions on Banks Peninsula heritage matters, or where submitters have expressly requested that their submission be treated as a submission on PC13 only.

Comments on draft hearing procedures

63. As noted above, the Council respectfully disagrees, in the context of the Council's submission on PC14 in this case, that section 42A report authors cannot have been involved in preparing the submission. The Council therefore asks that the Panel delete or amend paragraph 30 of the draft hearing procedures.
64. Because the Council does not intend to be separately represented in respect of its submission, paragraph 31 of the draft hearing procedures can likewise be deleted.
65. With regards to the 10-page limit on legal submissions specified in paragraph 89, counsel understand this relates to lawyers engaged by submitters (as mentioned in paragraph 88), and thus would not be a page limit on the Council's opening legal submissions. If this understanding is

incorrect, counsel respectfully request an exemption for Council's opening legal submissions, as 10 pages will be insufficient to provide an adequate opening and overview of PC14.

66. Otherwise, the Council considers, with respect, that the draft hearing procedures are appropriate.
67. On a related matter, however, a number of submitters have raised with the Council that the draft indicative timeline does not provide for any rebuttal evidence, either in terms of giving submitters an ability to file evidence responding to the evidence of other submitters, or in terms of allowing the Council to file evidence rebutting that of submitters.
68. Counsel consider that the Panel and its process would be well served by making specific provision for rebuttal evidence. While the positions of some experts will be set out in joint witness statements following expert conferencing, unless the Panel formally allows rebuttal evidence it is likely that significant hearing time will be spent by parties leading evidence from witnesses in response to other evidence.¹¹
69. The formal pre-exchange of rebuttal evidence will therefore likely lead to a more efficient hearing process.
70. There are various potential timing options for rebuttal, which counsel can address with the Panel at the pre-hearing meeting.

¹¹ The parties appearing later in time would be advantaged in this respect.

Conclusion

71. Counsel trust that these explanations assist the Panel and submitters, and will be able to address the Panel on these matters at the pre-hearing meeting as necessary.

Date: 28 July 2023



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Counsel for Christchurch City Council

APPENDIX 1 – COUNCIL WITNESSES

Witness name	Topic(s)
Section 42A report authors / planners	
1. Sarah Oliver	Strategic overview of PC14 including Strategic Direction Objectives Qualifying Matters impacting across zones: <ul style="list-style-type: none"> • Coastal hazard management areas • Tsunami risk management area • Electricity transmission corridors and infrastructure • Lyttelton Port influence overlay • NZ Rail network interface sites • Airport Noise Influence Area • Wastewater constraint areas • City Spine
2. Andrew Willis	Central city (density and building heights) Office distribution effects within the central city Qualifying Matters: <ul style="list-style-type: none"> • Heritage precincts (Arts Centre, New Regent Street, and Cathedral Square) building heights • Radio communications pathway
3. Holly Gardiner	Central city (Urban form and other matters) including requests for rezoning
4. Kirk Lightbody	Commercial zones including requests for rezoning Industrial and Mixed-use zones Qualifying Matters: <ul style="list-style-type: none"> • Lyttelton building height qualifying matter • Belfast Community Centre and Styx River
5. Ike Kleynbos	Residential zones including requests for rezoning Qualifying Matters: <ul style="list-style-type: none"> • Sunlight access qualifying matter • Riccarton Bush interface qualifying matter • Low public transport accessibility qualifying matter
6. Glenda Dixon	Qualifying Matters: <ul style="list-style-type: none"> • Residential Heritage Areas (RHA) • Interface of RHAs
7. Suzanne Richmond	Heritage items and Heritage trees Qualifying Matters: <ul style="list-style-type: none"> • Heritage precincts (Arts Centre, New Regent Street, and Cathedral Square) building height qualifying matters
8. Liz White	Qualifying Matter: Residential Character Areas

9. Brittany Ratka	Qualifying Matters: <ul style="list-style-type: none"> • Slope Hazard Areas • Flooding incl. High Flood Hazard Management Areas and Flood Ponding Management Areas • Heritage, Significant, notable, and other trees • Residential / industrial interface
10. Clare Piper	Transport chapter Qualifying Matters: <ul style="list-style-type: none"> • Specific purpose zones – tertiary, schools, cemetery, hospital
11. Anita Hansbury	Financial Contributions Qualifying Matters: <ul style="list-style-type: none"> • Outstanding and Significant Natural Features • Sites of Ecological Significance • Sites of cultural significance (Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tūpuna, Ngā Wai and Belfast Silent File) • Waterbodies setback • Ōtākaro Avon River Corridor, including Fitzgerald Avenue geotechnical constraint • Public open space areas
12. Ian Bayliss	Subdivision Qualifying Matters: Residential future urban zone and outline development plans
Other technical experts	
13. Tim Heath	Economics
14. Phil Osborne	Economics
15. John Scallan	Housing feasibility and capacity (up to 6 storeys)
16. Ruth Allen	Commercial feasibility (High Density Residential)
17. Nicola Williams	Urban design (commercial zones in and around centres)
18. Derek Todd	Qualifying Matter: Coastal erosion
19. Damian Debski	Qualifying Matter: Coastal inundation
20. Rebecca Foy	Social impacts (intensification and coastal hazards)
21. Emily Lane	Qualifying Matter: Tsunami risk
22. Michele McDonald	Wastewater and water supply infrastructure Qualifying Matters: <ul style="list-style-type: none"> • Wastewater Constraint Areas • Low Public Transport Accessibility Area Qualifying Matter

23. Brian Norton	<p>Flooding, water quality and planning for future stormwater infrastructure to support growth</p> <p>Qualifying Matters:</p> <ul style="list-style-type: none"> • Flood Hazard Management Areas • Low Public Transport Accessibility
24. Dave Hattam	<p>Urban design - medium and high-density (urban design monitoring, heights and building envelopes)</p> <p>Qualifying Matter: Sunlight Access Qualifying Matter</p>
25. Alistair Ray	<p>Urban design - City Centre (development capacity, building heights, design)</p>
26. Amanda Ohs	<p>Qualifying Matter: Heritage (listed heritage items)</p>
27. William Fulton	<p>Conservation architect - Qualifying Matter: Heritage (heritage sites)</p>
28. Tim Holmes	<p>Conservation architect - Qualifying Matter: Heritage (heritage sites)</p>
29. Dave Pearson	<p>Conservation architect - Qualifying Matter: Heritage (heritage sites)</p>
30. Chessa Stevens	<p>Conservation architect - Qualifying Matter: Heritage (heritage sites)</p>
31. Steven Hogg	<p>Engineering - Qualifying Matter: Heritage (heritage sites)</p>
32. Gavin Stanley	<p>Quantity surveyor - Qualifying Matter: Heritage (heritage sites)</p>
33. Phil Griffiths	<p>Quantity surveyor - Qualifying Matter: Heritage (heritage sites)</p>
34. Claire Caponi	<p>Engineering - Qualifying Matter: Heritage (heritage sites)</p>
35. Hermione Blair	<p>Residential Resource Consents (application of built form standards, rule provisions (HRZ) and degree of enablement (MRZ and HRZ), assessment matters for restricted discretionary activities)</p>
36. Mike Green	<p>Meteorology / wind effects</p>
37. Ben Liley	<p>Atmospheric science – Qualifying Matter: Sunlight Access</p>
38. Dr Ann McEwan	<p>Qualifying Matter: Heritage Residential Heritage Areas</p>
39. Dr Wendy Hoddinott	<p>Heritage landscape Qualifying Matter: Riccarton Bush</p>
40. Jane Rennie	<p>Urban design and values assessment Qualifying Matter: Residential Character Areas</p>
41. Dr Jeremy Trevathan	<p>Acoustics Qualifying Matter: Residential / industrial interface</p>

42. Chris Morahan	Transport (including public transport) Qualifying Matters: <ul style="list-style-type: none"> • City Spine • Low Public Transport Accessibility • Airport Noise Influence Area
43. Chris Rossiter	Transport engineering - Private ways and vehicle access
44. Anne Heins	Cycle parking requirements (residential developments)
45. Jesse Dykstra	Geotechnical engineering (Slope Hazard Areas and Liquefaction hazards)
46. William Field	Transport <ul style="list-style-type: none"> • Urban design Specific Purpose (Hospital) Zone • Qualifying Matter City Spine Transport Corridor
47. Amanda Mackay	Urban design - Specific Purpose (Schools) Zone
48. Dr Andrew Benson	Urban Tree Ecophysiology <ul style="list-style-type: none"> • Setbacks and protection zones around significant and Qualifying Matter trees
49. Toby Chapman	Arboriculture Qualifying Matters <ul style="list-style-type: none"> • Significant, notable and other Trees • Financial Contributions (Trees)
50. Nicholas Head	Ecology (Sites of Ecological Significance)
51. Hilary Riordan	Landscape Architecture Qualifying Matters <ul style="list-style-type: none"> • Scheduled Significant Trees • Riccarton bush boundary
52. Colin Meurk	Biodiversity - Qualifying Matter: Tree Canopy cover values
53. Justin Morgenroth	Qualifying Matter: Urban Tree Canopy Cover/ Ecosystem service of urban trees, development impacts
54. Dave Little	Council red zone management Qualifying Matter: Ōtākaro Avon River Corridor
55. Marie-Claude Hebert	Geotechnical engineering (Qualifying Matter: Ōtākaro Avon River Corridor, including Fitzgerald Avenue geotechnical constraint)
56. Kirdan Lees	Economic demand (Commercial and Industrial chapters)
57. Ian Mitchell	Strategic Overview - Housing demand including specific typologies and affordable housing

**APPENDIX 2 – INDICATIVE HEARING SCHEDULE – SUGGESTED
BREAKDOWN OF SUB-TOPICS**

Hearing week	Topic and suggested sub-topics	Number of submitters¹²
1 (10-13/10/23)	Strategic overview and commence general submissions on whole of plan change	
	<i>Strategic overview</i>	74
	<i>Strategic directions objectives – proposed changes</i>	65
	<i>Whole of plan change submissions</i>	75
2 (18-19/10/23)	General submissions on whole of plan change (continued)	(As above)
3 (24-26/10/23)	Central City and Commercial Zones	542
	<i>Centres approach</i>	26
	<i>Central city (including Victoria St) specific building height limits</i>	31
	<i>Central city heritage matters – Arts Centre, New Regent St, Cathedral Square precincts</i>	3
	<i>Radio communications pathways qualifying matter</i>	51
	<i>Centres approach beyond the central city</i>	33
4 (31/10, 1-2/11/23)	Central City and Commercial (continued) and commencement of Residential Zones	(As above re central city and below re residential)
5 (7-9/11/23)	Residential Zones	460
	<i>MRZ and HRZ</i>	887
	<i>Sunlight access qualifying matter</i>	131
	<i>Residential heritage areas</i>	37
	<i>Riccarton Bush interface qualifying matter</i>	TBC
	<i>Residential character areas</i>	37
	<i>Residential – industrial interface qualifying matter</i>	11
	<i>Low public transport accessibility qualifying matter</i>	35
	<i>Residential future urban zone and outline development plans</i>	56
6 (14-16/11/23)	Residential Zones	(As above)

¹² Number of submitters wishing to be heard by relevant submission point (approximate).

7 (21-23/11/23)	Residential Zones and commencement of other zones	(As above re residential and below re other)
8 (28-30/11/23)	Other Zones	
	<i>Industrial and mixed-use zones</i>	71
	<i>Brownfield overlay</i>	7
	<i>Special purpose zones – tertiary education; schools; cemetery; hospital (increased height limits)</i>	89
9 (30-31/1, 1/2/24)	City-wide qualifying and other matters	
	<i>Airport noise qualifying matter</i>	22
	<i>Outstanding and significant natural features</i>	2
	<i>Sites of ecological significance / significant indigenous vegetation</i>	3
	<i>Sites of cultural significance (Wāhi Tapu / Wāhi Taonga, Ngā Tūranga Tupuna, Ngā Wai and Belfast Silent File)</i>	TBC
	<i>Waterbodies setbacks</i>	4
	<i>Ōtākaro Avon River Corridor, including Fitzgerald Avenue geotechnical constraint</i>	TBC
	<i>Public open space areas</i>	9
	<i>Slope hazard areas</i>	4
	<i>High flood hazard areas</i>	9
	<i>Coastal hazards (including tsunami)</i>	77
	<i>Historic heritage (other than residential heritage areas qualifying matter)</i>	177
	<i>Trees – heritage trees, significant, notable, and other tree qualifying matters</i>	29
	<i>Financial contributions</i>	148
	<i>Infrastructure reverse sensitivity – (1) electricity transmission corridors and infrastructure</i>	10
	<i>Lyttelton Port overlay</i>	4
	<i>NZ Rail network interface sites</i>	15
<i>Vacuum sewer qualifying matter</i>	TBC	
<i>Key transport corridors – city spine</i>	19	
10 (13-15/2/24)	City-wide qualifying and other matters and conclusion of hearings	
	<i>Subdivision</i>	TBC
	<i>Wash-up / other matters</i>	TBC