

**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 26 October 2023

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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

1. The Independent Hearings Panel has requested various 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 and indicating the Council's intended format and timing for providing the information sought.
3. The Council is working to provide that information to the Panel as quickly as possible. Counsel will keep this table updated and can provide it to the Panel periodically.
4. The Council is aiming to provide a number of documents to the Panel on 31 October 2023. Ms Oliver can be available to table those documents and speak to them if that would assist the Panel.

Date: 26 October 2023



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

Appendix A – Panel's information requests and Council responses

Version as at 26 October 2023

No.	Panel information request	Document containing response
1.	Advise of specific submission(s) seeking 'full intensification outcome'	This document: 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	Legal submissions for Residential zone hearing (Week 4).
3.	Classification of Residential Hills Zone as a " <i>relevant residential zone</i> " – explain approach, including by reference to Hutt City	Legal submissions for Residential zone hearing (Week 4).
4.	Advise whether other local authorities have joined the <i>Waikanae</i> High Court proceedings	This document: counsel for one of the parties has advised that no local authorities have joined the appeal (brought by Kāpiti Coast District Council)
5.	<p>Update and supplement 'Strategic and Mechanics of PC14' document, including to:</p> <ul style="list-style-type: none"> • Amend table 1 on page 5 to fix header of final column – Amended PC14 Feasible (conservative) – net totals (less existing dwellings) • In section [3](c) on page 9 – tabulate this information • Page 16 – diagram of heights – provide as a standalone document in landscape A4 format, with precincts added • Expand table on page 16 to include HRZ and MRZ information (ie put the information in (ii) in the same format as the table in (iii)) • Also produce the height diagram and table beginning on page 16 in standalone documents, in landscape format • Section D, question [6](b) – 'qualifying matter basis' table (beginning on page 19) – record required statutory basis for evaluation in one column and actual evaluation undertaken in another column • Update table 6 (beginning on page 30) to include information relevant to the amended PC14 proposal (drawing on table 4 to John Scallan's evidence) 	To be provided by 31 October 2023
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 into chapter 3 and the residential chapter of the District Plan (showing both the notified and amended versions of PC14)	To be provided by 31 October 2023

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7.	Qualifying matters relating to coastal hazards – provide table showing pre-existing development rights under operative zones, to be retained by operation of these QMs	To be provided by 31 October 2023
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 on hold pending confirmation from the Panel that the information would assist
10.	<p>Policy and/or method options for encouraging minimum levels of development:</p> <ul style="list-style-type: none"> • How much weight should the Panel give to claimed benefits of intensification? Planners to reflect on likelihood of intensification occurring as a result of proposed provisions (noting concerns about lack of feasibility). • Minimum heights are one potential mechanism to give effect to claimed benefits – what other options are there? • Section 32AA analysis required in due course. 	<p>The Council has prepared a table of the methods in the District Plan that exist (ie are operative) or are proposed through PC14 (as recommended in the section 42A reports) to encourage minimum levels of development. That table will be provided by 31 October 2023.</p> <p>More broadly:</p> <ul style="list-style-type: none"> • to assist the Panel, witnesses for the Council can continue to answer related questions and, in due course, will provide any necessary section 32AA analysis; and • the Council's position on these issues will be addressed in the Council's reply.
11.	<p>Advise:</p> <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. 	To be provided separately by 31 October 2023
12.	<p>Provide data held by Council on travel behaviour for different household cohorts, including the proportion of household trips undertaken by public transport.</p> <p>Advise what proportion of trips by an average family in Christchurch is not readily able to be catered for by public transport.</p>	To be provided separately by 31 October 2023, and can be addressed by Chris Morahan, who is a principal advisor in the strategic transport team at the Council, when he gives

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		evidence on Thursday, 2 November 2023
13.	Life in Christchurch surveys – please provide the survey questions / methodology and breakdown of data	<p>The Council has prepared two documents in response to this request, which will be provided by 31 October 2023. They are:</p> <ul style="list-style-type: none"> • A document summarising the Life in Christchurch surveys and setting out the questions; and • A document providing survey results by suburb.
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	<p>This document: under both the operative and proposed framework, exceeding height limits triggers a consent for a discretionary activity.</p> <p>Council witnesses (including Ms Gardiner) can explain further as necessary.</p>
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"> • 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? • 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? 	Legal submissions for City-wide Qualifying and Other Matters hearing (Weeks 8 or 9).
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. 	Planning analysis to be provided separately, by a date that is to be confirmed – the Council aims to provide preliminary information by 31 October 2023.

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	<ul style="list-style-type: none"> • 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 provide direction to the Panel to the relevant section 32 analysis and/or supplement that analysis if required. 	<p>The issues will otherwise be addressed in legal submissions for City-wide Qualifying and Other Matters hearing (Weeks 8 or 9).</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 ○ confirming that, on reflection, they should have been identified as QMs; • for any matters in the latter category, advise on the implications, considering (for example): <ul style="list-style-type: none"> ○ whether those matters been factored into the capacity analysis; and ○ what scope does the Panel have to retrospectively identify and retain QMs. 	<p>Planning analysis to be provided separately, by a date that is to be confirmed.</p> <p>The issues will otherwise be addressed in legal submissions for City-wide Qualifying and Other Matters hearing (Weeks 8 or 9).</p>
18.	<p>Ms Ratka to provide s32AA analysis to support inclusion of the Mass Movement Management Area 1 as a QM</p>	<p>Planning analysis to be provided separately before Ms Ratka gives evidence at the City-wide Qualifying and Other Matters hearing (Weeks 8 or 9).</p>
19.	<p>Advise whether earthquake recovery is relevant to consider in giving effect to policy 3, and whether it can be a QM</p>	<p>Counsel can speak to this topic as need be but otherwise will address it in the Council's reply</p>
20.	<p>Advise where the section 32 evaluation considers an option of having unlimited building heights in the city centre</p>	<p>This document: 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</p>

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		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 .
21.	<p>Could Mr Willis:</p> <ul style="list-style-type: none"> advise what he considers to be the relevant factors of a "<i>well-functioning urban environment</i>" (as that term is defined in policy 1 of the NPS-UD); 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 "<i>maximised</i>". 	<p>Planning analysis to be provided separately, by a date that is to be confirmed.</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 Waikanae decision – Ms Dixon. 	Explanation to be provided when Ms Dixon and Ms Richmond appear at the hearing relating to heritage.
23.	Advise of the status of the development at 432 Sparks Road (owned by submitter #915, 25 KBR Limited), referred to at paragraph 8.1.62 of Mr Lightbody's section 42A report.	To be addressed in Council's reply (unless the submitter appears and is able to advise beforehand)
24.	Advise of the <i>Waikanae</i> implications of a landowner agreeing to a reduced development height, less than the <i>status quo</i>	To be addressed in Council's reply
25.	Reconsider definitions of " <i>building base</i> " and " <i>building tower</i> "	To be considered by the Council planners and an update provided as soon as possible
26.	Explain the residential heritage areas methodology and the 'Site Contributions Maps'	To be explained by Ms Dixon when she appears at the hearing on Wednesday, 1 November 2023
27.	Explain how the issue could be addressed of a developer providing a wind effects assessment and the Council subsequently requesting design changes which may alter that assessment.	To be addressed in Council's reply

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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>To be addressed by Ms Gardiner (centres) and Mr Kleynbos (residential urban environments) when they appear at the hearing in the week of 30 October 2023</p>
29.	<p>Alistair Ray to provide updated analysis regarding:</p> <ul style="list-style-type: none"> • A bullet point list of objective elements contributing to an "exemplary" building • The meaning, from an urban design perspective, of "high quality" and "good quality" • A list of factors understood to contribute to a "well-functioning urban environment" • A potential tiered rule framework for assessing tall buildings, with certain criteria (including mass) being applicable between heights of 28m and (say) 45m, and others applying up to a higher height 	<p>Analysis to be provided separately, by a date that is to be confirmed.</p>
30.	<p>Tall buildings in CCZ – please explain whether a design-led approach has been assessed in the section 32 analysis.</p>	<p>To be addressed by Ms Gardiner when she appears at the hearing on Tuesday, 31 October 2023</p>
31.	<p>Please provide housing research paper referred to by Nicola Williams</p>	<p>To be provided separately by 31 October 2023</p>
32.	<p>Planners to conference regarding provisions for the radiocommunications pathway qualifying matter</p>	<p>To be undertaken as soon as possible, with a joint witness statement provided to the Panel</p>