

**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

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**STATEMENT OF PRIMARY EVIDENCE OF MARCUS HAYDEN LANGMAN ON  
BEHALF OF CHRISTCHURCH CITY COUNCIL AS SUBMITTER (S751)**

Dated: 20 September 2023

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## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b>	<b>1</b>
<b>INTRODUCTION</b>	<b>1</b>
<b>Code of conduct</b>	<b>2</b>
<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>SCOPE OF EVIDENCE</b>	<b>4</b>
<b>STATUTORY TESTS</b>	<b>6</b>
<b>PC13 ISSUES</b>	<b>7</b>
<b>SPATIAL ISSUES</b>	<b>9</b>
<b>TSUNAMI MANAGEMENT AREA QUALIFYING MATTER</b>	<b>9</b>
<b>AREAS WITHIN THE LOW PUBLIC TRANSPORT ACCESSIBILITY AREA QUALIFYING MATTER</b>	<b>14</b>
<b>FUTURE URBAN ZONING</b>	<b>16</b>
<b>RICCARTON BUSH - PŪTARINGAMOTU</b>	<b>17</b>
<b>WATERBODY SETBACK</b>	<b>20</b>
<b>CHANGES TO TREE CANOPY PROVISIONS</b>	<b>21</b>
<b>CYCLE PARKING</b>	<b>22</b>
<b>AMENDMENTS TO VARIOUS POLICIES</b>	<b>23</b>
<b>ADDITIONAL HERITAGE ITEMS OR AMENDMENT TO HERITAGE SETTINGS</b>	<b>25</b>
<b>DRAFTING AMENDMENTS FOR CONSISTENCY, CLARITY, AND TO CORRECT ERRORS OR OMISSIONS</b>	<b>28</b>
<b>DEFINITIONS</b>	<b>41</b>
<b>CONCLUSION</b>	<b>46</b>

## INTRODUCTION

1. My full name is Marcus Hayden Langman. I hold the degree of Bachelor of Resource Studies from Lincoln University (1998). I am an independent planning consultant engaged by Christchurch City Council (**CCC** or **Council**) to provide expert evidence on the Council's submission on Plan Changes 13 and 14 (**PC13, PC14**) to the Christchurch District Plan (**CDP**), and related further submissions.
2. I was not involved in the preparation of either of the submissions for CCC, however leading up to the finalisation of the section 42A reports and other evidence of the Council, I was engaged by CCC to assist with project management and review of that evidence and the reports. As such, I am familiar with PC13 and PC14.
3. I have 22 years' experience in planning, of which 21 have been in New Zealand. For the last nine years I have been a sole practitioner, working for a range of private developers, local authorities and non-governmental organisations on consenting and policy matters in the Canterbury, Otago, and Auckland regions. I am currently the lead author for a number of proposed chapters for the district plan review process for Waitaki District Council, and led the development of the Residential and Subdivision chapters for Waimakariri District Council through to notification. I was Otago Regional Council's section 42A reporting officer for the Energy Infrastructure and Transport on the proposed Otago Regional Policy Statement.
4. I have appeared as an expert planning witness on a range of plan changes to the operative Selwyn District Plan, jointly on behalf of both CCC and Canterbury Regional Council (**CRC**) as submitters. I have assisted Queenstown Lakes District Council (**QLDC**) with rezoning requests in the Wakatipu Basin as part of the district plan review. I was the section 42A reporting officer on those matters, and further assisted QLDC as an expert in the Environment Court on a number of the related rezoning request appeals.
5. I assisted the Hearing Panel as part of the Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga process, which constituted the future development strategy (**FDS**) for Greater Christchurch prepared under the National Policy Statement on Urban Development Capacity (**NPS-UDC**).

6. I was contracted as the Principal Planning Advisor to the Independent Hearings Panel for the Christchurch Replacement District Plan, between 2016 and 2018, and assisted the Panel with procedural matters, drafting and review. I have been engaged by a number of district councils on subdivision and rural residential plan change matters, as both reporting officer and planning expert. I have also served as an independent planning commissioner on resource consent matters for the Kaikōura District Council.
7. Prior to becoming a consultant, I was a Senior Advisor for the Canterbury Earthquake Recovery Authority, and Principal Planner and Team Leader – Policy at Environment Canterbury. I led the review of the Canterbury Regional Policy Statement (**CRPS**) from 2008 until the CRPS was made operative in January 2013, as well as Chapter 6 of the CRPS that was included with the Land Use Recovery Plan (**LURP**), having re-written the residential component of Proposed Change 1 for inclusion in the LURP to respond to the Canterbury Earthquakes. I was also the project manager for, and provided planning input into, the Canterbury Regional Landscape Study Review 2010 (prepared by Boffa Miskell).
8. I also have experience preparing a number of district plan changes for the Auckland City District Plan, and presenting evidence as a planning witness at numerous plan change and resource consent hearings in Auckland on behalf of the former Auckland Regional Council.
9. I have appeared in the Environment Court as an expert planning witness, including appeals on the proposed Queenstown Lakes District Plan as an expert witness for QLDC, the Partially Operative Otago Regional Policy Statement 2019 on behalf of the Environmental Defence Society and the Royal Forest and Bird Protection Society in relation to Port-related Activities, and the Auckland Regional Council on the Rodney District Plan.

#### **Code of conduct**

10. While this is a Council hearing, I have read the Code of Conduct for Expert Witnesses (contained in the Environment Court Practice Note 2023) and agree to comply with it. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

11. Of particular relevance in relation to the preparation of this evidence regarding the submission of Council, I am aware of my role to assist the Panel as an independent planning expert. As such, the recommendations made in this evidence are my own, based on my expertise.
12. In preparing this evidence I have reviewed the following documents:
- (a) the Resource Management Act 1991 (**RMA, the Act**);
  - (b) the National Policy Statement on Urban Development 2020 (**NPS-UD**);
  - (c) the New Zealand Coastal Policy Statement 2010 (**NZCPS**);
  - (d) the CRPS 2013;
  - (e) the CDP;
  - (f) PC13/PC14, including the section 32 RMA analysis and supporting information;
  - (g) the Council's summary of decisions requested on PC14 (and where relevant, the submissions themselves);
  - (h) the expert evidence of witnesses for the Council where relevant to the Council's submission (summary attached as **Appendix 1**);
  - (i) the Council's s42A reports on submissions; and
  - (j) the Council's submissions on PC13<sup>1</sup> and PC14<sup>2</sup>.

## **EXECUTIVE SUMMARY**

13. The key matters I note that are proposed by Council officers (through the Council's s 42A reports) and are relevant to my evidence in relation to PC14 are as follows:
- (a) The operative Residential Hills and Residential New Neighbourhood Zones (**RNN**) are recommended to be removed;
  - (b) The Residential Medium Density Zone (**RMD**) is recommended to be replaced with the Medium-density Residential Zone (**MRZ**); and
  - (c) Areas within the Tsunami Management Area Qualifying Matter (**TMA QM**) should retain their operative zoning, except that High Density

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<sup>1</sup> Submission #1058

<sup>2</sup> Submission #751

Residential Zone (**HRZ**) and MRZ are recommended to be replaced by Residential Suburban Density Transition Zone (**RSDT**), and Residential Hills Zone by MRZ Suburban Hill Density Precinct.

14. Without derogating from the detailed recommendations in my evidence, the key conclusions of my evidence are:
- (a) For the most part, I recommend that the submissions of the Council are accepted;
  - (b) However, I recommend that the following requests are rejected:
    - (i) Requests for reference to the Residential Hills Zone in various submission points;
    - (ii) Downzoning of Residential Medium Density Zone (**RMD**) in the TMA QM to RSDT; and
    - (iii) Requests to amend references to Residential Visitor Accommodation to Residential Guest Accommodation;
  - (c) In addition, I recommend that the following requests are accepted in part:
    - (i) Amendments to Policy 5.2.2.5.2;
    - (ii) Any references in the submission to the Residential Hills Precinct should refer to the standard wording "*Suburban Hills Density Precinct*"; and
    - (iii) The request to amend the definition of "*residential intensification*".

#### **SCOPE OF EVIDENCE**

15. My evidence sets out my understanding of the legislative context for the plan changes, including the statutory tests for determining the most appropriate provisions in a district plan. My assessment then considers the relief sought in the Council's submissions, and incorporates in the body of my evidence a further section 32AA evaluation of those provisions where my recommendations are to amend the Council's recommended version of PC14 (i.e. the provisions filed with the section 42A reports).
16. In relation to the changes sought through the Council's submission on PC13, these are commented on to the extent that they are relevant to the Integrated

Planning Instrument (**IP**, namely PC14), and I do not address matters that extend outside of this (i.e. where they relate to Banks Peninsula, excluding Lyttelton).

17. My statement of evidence generally addresses the following matters as headlined in Council's submissions:
  - (a) PC13 Issues;
  - (b) spatial issues;
  - (c) the TMA QM;
  - (d) areas within the Low Public Transport Accessibility Area Qualifying Matter (**LPTAA**);
  - (e) Future Urban Zoning (**FUZ**);
  - (f) Riccarton Bush – Pūtarīngamotu;
  - (g) waterbody setbacks;
  - (h) changes to tree canopy cover provisions;
  - (i) cycle parking;
  - (j) amendments to various policies;
  - (k) additional heritage items or amendment to heritage settings;
  - (l) drafting amendments for consistency and clarity and to correct errors or omissions, including in respect of:
    - (i) amendments to text;
    - (ii) numbering corrections;
    - (iii) Outline Development Plan changes;
    - (iv) diagrams to assist with interpretation; and
    - (v) amendments to mapping; and
  - (m) definitions, relating to:
    - (i) *"comprehensive residential development"*;
    - (ii) *"residential intensification"*;

(iii) reference to the Meadowlands Exemplar; and

(iv) "*building base*" and "*building tower*".

18. I address each of these points in my evidence below. I also note that one of the matters in the summary of decisions requested related to the Council's cover letter.<sup>3</sup> A number of further submitters addressed this, however the substance of the submission point is covered by other amendments as set out in my evidence.

19. To assist the Panel with terms used in my evidence, I refer to the following abbreviations when referencing provisions:

**ODP** – Operative District Plan (e.g. ODP Objective 3.6.1);

**NV** – Notified Version (e.g. NV Objective 3.6.1);

**OV** – Officer's s42A Version (e.g. OV Objective 3.6.1); and

**RV** – Recommended Version as proposed in this evidence (e.g. RV Objective 3.6.1).

## STATUTORY TESTS

20. The statutory tests are outlined in the section 42A report of Ms Sarah Oliver, and I adopt Ms Oliver's summary of those tests.<sup>4</sup> In summary, the tests and to be applied for determining the most appropriate provisions in a district plan are:<sup>5</sup>

(a) whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);

(b) whether the provisions accord with Part 2 of the Act (section 74(1)(b));

(c) whether the provisions give effect to the regional policy statement (section 75(3)(c));

(d) whether the provisions give effect to a national policy statement (section 75(3)(a));

<sup>3</sup> Submission #751.1, further submissions FS2037.823, FS2054.2, FS2082.500, FS2033.2.

<sup>4</sup> Para 5.3, section 42A Report – Strategic Overview <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/01-Sarah-Oliver-Section-42A-report-final.PDF>.

<sup>5</sup> Adapted from *R Adams and Ors v Auckland Council* [2018] NZEnvC 008.



- (e) whether the territorial authority has had regard to the actual or potential effects on the environment of activities, including, in particular, any adverse effect (section 76(3));
- (f) the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (section 32(1)(a));
- (g) whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (section 32(1)(b)) and taking into account (under section 32(2)):
  - (i) the benefits and costs of the proposed policies and methods; and
  - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.

21. In addition to the matters above, there are relevant tests under the RMA for IPIs, including for QMs, which are set out in Ms Oliver's evidence.<sup>6</sup>
22. I have incorporated the evaluation set out at (a)-(g) above into my discussion of the various topics below, in particular noting additional matters for consideration under section 32AA where my recommendation proposes to modify or expand on the section 32AA evaluations set out in the section 42A reports already filed on PC14.

### **PC13 ISSUES**

23. CCC's submission seeks five changes to the provisions notified under PC13. The submission seeks:
  - (a) clarification to the application of the rules;<sup>7</sup>
  - (b) correction of names applying to heritage assessments for Akaroa;<sup>8</sup> and
  - (c) to ensure consistency with the provisions notified as part of Plan Change 14 by adding cross-references to Appendix 9.3.7.2 Schedule of

<sup>6</sup> Para 5.4-5.8, section 42A Report Strategic Overview <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/01-Sarah-Oliver-Section-42A-report-final.PDF>.

<sup>7</sup> Submission #1058.1.

<sup>8</sup> Submissions #1058.4 and #1058.5.

Significant Historic Heritage in the listings for Linwood, Sydenham, and Akaroa French cemeteries.<sup>9</sup>

24. The Heritage chapter was addressed in the section 42A report of Ms Dixon.<sup>10</sup> None of the matters above were addressed in the section 42A report, nor were there any submissions on those matters by others.
25. CCC seeks changes to NV 9.3.3, which describes how to interpret and apply the rules in the heritage section. PC13 noted under 9.3.3(g) that "*These rules do not apply to the Akaroa Township Heritage Area (HA1) (...)*" which was an incorrect statement of how the rules apply. The Council seeks a clarification that the **heritage area** rules do not apply to the Akaroa Township Heritage Area, because heritage area rules are addressed through specific provisions under 9.3.5.3, rather than all of the rules in 9.3.4.1.1 to 9.3.4.1.6 (which also include rules relating to **heritage items** and **heritage settings**). I agree that the change sought by CCC is appropriate, and better implements the objectives of the Heritage chapter, in particular ODP Objective 9.3.2.1.1, which seeks to protect and conserve significant historic heritage across Christchurch District. As noted above, there were no other submissions on 9.3.3.
26. CCC's submission seeks corrections to "*Appendix 15.15.7.c.iv*" and Matter of Discretion 9.3.6.3 in order to provide the correct names of the Panels responsible for design input into applications for consent in Akaroa. I note that there appears to be an error in the Council's submission, such that the rule to be amended is 15.15.7.c.v (rather than iv). In any event, the changes sought are of minor effect,<sup>11</sup> and can be undertaken without analysis under section 32AA, and I recommend that the changes be made.
27. I note the cross-references to Appendix 9.3.7.2 for the cemeteries have been included in PC14, and are provided as part of the NV 13.2.6.1 and NV 13.2.6.2. These Appendices have not been included in the OV documents, as no amendments were recommended to this chapter by reporting officers. CCC was the only submitter on these appendices. Given the minor nature of the changes, I consider they will make for a more efficient Plan by providing clearer cross-referencing within the document, and will assist with plan

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<sup>9</sup> Submissions #1058.2 and #1058.3

<sup>10</sup> section 42A report Qualifying Matters Residential Heritage Areas <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/06-Glenda-Dixon-Section-42A-Report-FINAL.PDF>

<sup>11</sup> RMA Schedule 1 Clause 16(2)

administration. No costs are identified, and I recommend the changes are accepted.

## **SPATIAL ISSUES**

### *Qualifying matters*

28. The Council has sought that the QMs are able to be amended to the extent needed to ensure that they are within the scope authorised for an IPI, having regard to case law which might be applicable at the time of consideration.<sup>12</sup> This is a general request to provide scope to decision-makers to make changes to the general nature and extent of QMs as part of the IPI. I recommend that this submission point is accepted, along with any consequential amendments to the QMs based on the legal position at the time of consideration of the plan change.

## **TSUNAMI MANAGEMENT AREA QUALIFYING MATTER**

29. CCC's submission notes that there are extensive errors throughout PC14 in relation to the TMA QM. These include:
- (a) Clarifying that the TMA QM extends over properties zoned Residential Hills (to be rezoned MRZ Suburban Hill Density Precinct);<sup>13</sup>
  - (b) Zoning of Smith Street/Mackworth Street amended from HRZ to RSDT due to being affected by the TMA QM;<sup>14</sup>
  - (c) Within the TMA QM, retain the zoning where it is ODP Residential Suburban (**RS**) or RSDT Zone, or where it is RMD Zone, change this to RSDT;<sup>15</sup>
  - (d) Remove any HRZ zoning within the TMA QM;<sup>16</sup>
  - (e) Remove any MRZ zoning within the TMA QM and retain operative/RSDT zoning;<sup>17</sup>
  - (f) Clarification that the TMA QM only applies in residential zones for the purpose of NV Policy 5.2.2.5.2;<sup>18</sup>

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<sup>12</sup> Submission #751.18, FS2037.840, FS2049.1, FS2044.1, FS2045.1.

<sup>13</sup> Submission #751.15, FS2037.837, FS2033.1, FS2006.1.

<sup>14</sup> Submission #751.111, FS2037.933, FS2082.511, Submission #751.112, FS2037.934, FS2082.512.

<sup>15</sup> Submission #751.108, FS 2037.930, FS2082.510, FS2049.4, FS2044.12, FS2045.10, FS2086.1.

<sup>16</sup> Submission #751.109, FS2037.931, FS2049.5, FS2044.13, FS2045.11.

<sup>17</sup> Submission #751.110, FS 2037.932, FS2049.6, FS2021.1.

<sup>18</sup> Submission #751.17, FS2037.839, FS2014.4.

- (g) Amendment to Rule 5.4A.5 NC3 so that it applies only to residential zones;<sup>19</sup> and
- (h) Amendments to text relating to the TMA QM.<sup>20</sup>

*Zoning of areas within the TMA QM*

- 30. CCC seeks a number of changes to zoning within areas affected by the TMA QM. These include:
  - (a) clarification that the TMA QM extended over properties within the operative Residential Hills Zone;<sup>21</sup>
  - (b) to correct the zoning of Smith Street and Mackworth Street from HRZ to RSDT;<sup>22</sup>
  - (c) to retain the ODP zoning where a site falls within the TMA QM and where the operative zone is RMD rezone to RSDT;<sup>23</sup>
  - (d) removal of any HRZ zoning within the TMA QM;<sup>24</sup> and
  - (e) removal of any MRZ zoning within the TMA QM and instead retain the operative/RSDT zoning.
- 31. I note that the request regarding recognition of the Residential Hills Zone as being subject to the TMA QM is now redundant, if the Panel accepts CCC officers' recommendations, because they include removing the Residential Hills Zone and replacing it with a RMZ Suburban Hill Density Precinct. As such, I recommend that that submission point is rejected. I address the amended policies and rules relating to the TMA later in my evidence.
- 32. The ODP RMD Zone is proposed to be amended by PC14, so that it becomes the MRZ. In effect, this means that RMD will no longer be a zone as proposed by PC14. Mr Kleynbos has provided a comparison of the ODP zonings in his evidence,<sup>25</sup> comparing building heights and site density within the various zones. The Council, through its submission, seeks that all areas that are zoned RMD in the ODP, that are also within the TMA QM, are

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<sup>19</sup> Submission #751.16, FS2037.938, FS2082.514.

<sup>20</sup> Submission #751.66, FS2037.888, FS2082.505, FS2049.3, FS2044.7, FS2045.7, FS2085.29.

<sup>21</sup> Submission #751.15, FS2037.837, FS2033.1, FS2006.1.

<sup>22</sup> Submission #751.111, FS2037.933, FS2082.511, Submission #751.112, FS2037.934, FS2082.512.

<sup>23</sup> Submission #751.108, FS 2037.930, FS2082.510, FS2049.4, FS2044.12, FS2045.10, FS2086.1.

<sup>24</sup> Submission #751.109, FS2037.931, FS2049.5, FS2044.13, FS2045.11.

<sup>25</sup> At para 5.1.19 section 42A Report – Residential <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/05-Ike-Kleynbos-Section-42A-Report-final.PDF>.

effectively downzoned to RSDT. On balance I consider this to be a 'downzoning' because:

- (a) the maximum height is reduced from 11m (RMD) to 8m (RSDT);
- (b) there is no density limit in the RMD, but there is in the RSDT Zone of one unit per 330m;<sup>2</sup> and
- (c) freehold subdivision standards under ODP Rule 8.6.1 differ between RMD (200m<sup>2</sup>) and RSDT (330m<sup>2</sup>).

33. That said, I acknowledge that the question of whether or not the zoning change hinders development is complex when considering the objectives and policies of the respective zones as well as, for example, the fact that social housing complexes, older persons' housing, and multi-unit complexes are permitted in RSDT with no density limit. Further, there are differences between the RMD and MRZ provisions, such that a change from RMD to MRZ is more enabling of some kinds of development – specifically, there is no minimum allotment size under MRZ and the recession planes are more stringent for RMD. This may be a matter that the Panel wishes to explore further.
34. A related legal question is whether an IPI can result in downzoning, noting that the primary purpose of PC14 is to introduce provisions that increase density throughout Christchurch City, rather than remove existing rights for development. Unlike a number of other examples where changes are consequential to intensification provisions (by ensuring upzoning beyond the *status quo* does not occur in 'sensitive' areas), a change from RMD to RSDT would be consequential to the identification of natural hazards. While I consider that it is generally appropriate for development to be directed away from areas subject to hazard risk, I would signal that there is a legal question as to whether the IPI is the correct process to downzone land from the ODP provisions. Depending on the answer to that legal question, it may be that rezoning of any areas subject to existing RMD zoning to RSDT, as requested by the Council, is not appropriate.
35. If so, it is my opinion that the appropriate zoning in the interim (i.e. pending a standard plan change to effect any further restrictions on development) for sites that were RMD in the TMA QM would be MRZ, which in my view is the most similar zone to RMD. In this case there would be an option to include a

minimum allotment size of 200m<sup>2</sup> in these locations to align better with the operative RMD level of enablement.

36. These issues have implications in terms of specific height limits in Sumner, New Brighton and North Beach, which are all subject to the TMA QM, and which are proposed to be deleted.<sup>26</sup> In my opinion, if the changes sought through CCC's submission are beyond what is legally permissible, these rules should be re-instated in the framework of the proposed MRZ. This would result in a 9.5m height limit for Sumner (to be re-titled Sumner MRZ), and retention of the 14m and 20m height limits in the RMD Higher Height Limit Overlay at New Brighton and North Beach (to be retitled MRZ Higher Height Limited Overlay at New Brighton and North Beach).
37. I note that when comparing the notified plan change with the operative planning maps for Sumner, that there also appeared to be a mapping error which resulted in land fronting the Esplanade and Nayland Street, between Stoke Street and Heberden Avenue, being proposed to be rezoned from RSDT to RMD. I consider in this confined example, that the RSDT zoning in the ODP is more appropriate, as it provides for a lower level of development, but does not downzone the land from what is in the ODP.
38. I generally agree that, where the mapping of the TMA QM is amended (for example, extending the TMA), notified HRZ zones should be removed. This is consistent with ensuring that areas that are subject to tsunami risk are not subject to higher levels of density, that potentially place more people, and increased value of assets (both public and private which require investment to service higher levels of development), at risk.
39. Otherwise, subject to the legal questions flagged above, I consider retention of the ODP levels of development as the most appropriate means of ensuring that the QM, which seeks to limit the impact of coastal hazards on higher densities sought by the IPI, from resulting in the potential for heightened hazard risk. Where the zone was RMD in the ODP, I recommend that it is zoned MRZ. Including a minimum allotment size of 200m<sup>2</sup> in these locations would have merit, in my view.
40. In relation to the area of Mackworth Street and Smith Street in Linwood,<sup>27</sup> I consider that any areas of HRZ that are outside of the TMA QM are appropriately zoned HRZ and I do not recommend any change. Where sites

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<sup>26</sup> Refer OV Rule 14.5.2.3.

<sup>27</sup> Refer Attachment 23 of Council's submission.

are located within the TMA QM, again subject to the legal issues discussed above, I recommend that they are zoned MRZ where they were previously RMD in the ODP, or RSDT, where they were zoned as such in the ODP. I consider that the options outlined above would be appropriate in ensuring that opportunity costs are not lost in the interim, until such time as existing RMD areas are downzoned as part of a future plan change regarding coastal hazards. While there may be potential for costs in terms of potential for increased risk from natural hazards, I consider there are two matters which mitigate this risk:

- (a) Redevelopment of existing sites will ensure that any new buildings are subject to appropriate floor levels that respond to flooding and inundation risk, potentially reducing natural hazard risk from other sources; and
- (b) Subdivision is subject to a general requirement under section 106(1) RMA that notes that a consent authority may refuse subdivision consent if it considers there is a significant risk from natural hazards.

41. Taking these matters into account, I consider MRZ would be an appropriate zone within the TMA QM where a site is zoned RMD in the ODP. In all other instances, I recommend that the operative zoning remain (except where the site is currently Residential Hills, where I recommend that the appropriate zoning is MRZ, with the Suburban Hill Density Precinct).

*Policy 5.2.2.5.2 and Rule 5.4A.5 Non-complying activities*

42. CCC seeks an amendment to Policy 5.2.2.5.2<sup>28</sup> and Rule 5.4A.5 NC3<sup>29</sup> so that they apply only to residential zones. I note that the change sought now incorrectly refers to the Residential Hills Zone, which is proposed to be removed. Ms Oliver addresses both Policy 5.2.2.5.2 and Rule 5.4A.5 in her evidence.<sup>30</sup> I agree with Ms Oliver's analysis. In addition to the matters she has set out, I also consider that the Department of Conservation guidance on the implementation of the NZCPS is also relevant.<sup>31</sup> In relation to tsunami hazards, this states that while not all risks can be avoided, policies and methods that optimise preserving life and sustaining necessary lifeline services includes taking a risk-based approach to land use planning, and

<sup>28</sup> Submission #751.17, FS2037.839, FS2014.4.

<sup>29</sup> Submission #751.16, FS2037.838, FS2008.1.

<sup>30</sup> At para 13.28-13.44 section 42A report – Strategic Issues <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/01-Sarah-Oliver-Section-42A-report-final.PDF>.

<sup>31</sup> Box 26 Page 58 <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/guidance/policy-24-to-27.pdf>.

uses the example of restricting some types of development in high tsunami risk zones where development will be highly vulnerable to tsunami damage or will substantially increase life safety risks.

43. The amended policy has been included as OV Policy 5.2.2.5.2 and the amended rule has been re-numbered to OV Rule 5.4A.5 NC1. I consider both changes as recommended by officers in the section 42A reports in response to other submissions address the substance of the Council. As such, I consider that no changes further to the rules as recommended by Ms Oliver are required.

*Amendment to specific Environment Canterbury reports on Tsunami*

44. The Council seeks that Rule 14.4.1.1 P10, P11, and P12 are amended to remove reference to the specific report regarding tsunami inundation areas, prepared by Environment Canterbury, and instead replacing this with a reference to "*The Qualifying Matter Tsunami Management Area*". I understand this represents the most up-to-date modelling, and as a result, I recommend that the rules be amended as requested. This will ensure that the tsunami hazard risk is appropriately managed, resulting in a rule framework that is both efficient, and effective, and reflects the boundaries that have been identified to focus intensification within Christchurch City.

**AREAS WITHIN THE LOW PUBLIC TRANSPORT ACCESSIBILITY AREA  
QUALIFYING MATTER**

45. CCC's submission<sup>32</sup> seeks to remove some areas that are subject to the LPTAA where they are within 800m of the Orbiter bus stops, including areas where the route is planned to be changed, and rezoning these areas to MRZ. It also seeks to change areas currently zoned Residential Hills, to change this to Suburban Hill Density Precinct when changing the zoning to MRZ as result of the above changes.
46. Mr Kleynbos addresses the LPTAA and Residential Hills Zone in the section 42A report for the Residential Zone.<sup>33</sup> He recommends that the LPTAA overlay is to be removed, and that the spatial extent is to be updated to reflect incorporation of other bus routes and to rationalise the overall extent of the overlay. He also recommends that two new Precincts would be

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<sup>32</sup> Submission #751.99, Attachment 3 and updated planning maps, FS2037.921, FS2082.508, FS2047.11.

<sup>33</sup> At paras 9.1.3, 9.1.119-9.1.122, 10.1.331-10.1.426 section 42A Residential

<https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/05-Ike-Kleynbos-Section-42A-Report-final.PDF>.



introduced over the MRZ, with a Suburban Hill Density Precinct over areas within the current Residential Hills Zone where the QM applies. A large number of submitters have submitted on the matters related to the LPTAA as outlined in Mr Kleynbos' report and as such, I have not addressed these submissions.

47. I agree that, if the Panel considers that the LPTAA is appropriate, the additional areas identified in the Council submission are the most appropriate means of achieving the greatest densities possible, while managing the specific characteristics of the QM.<sup>34</sup> I consider the implementation of the LPTAA is supportable in terms of ensuring that development happens in locations with good public transport accessibility, and that this will assist the Council with achieving the objectives in the NPS-UD<sup>35</sup>, in particular Objective 8, which seeks that New Zealand's Urban Environments support reductions in greenhouse gas emissions. I note that implementation of the QM (in combination with all other proposed QMs) does not impact on the Council's obligations to provide for sufficient development capacity as required by the NPS-UD.<sup>36</sup> Addition of the areas proposed by the Council's submission as set out above have, I understand, been taken into account in terms of the evidence of Mr Scallan.<sup>37</sup>
48. The additional development capacity is considered a benefit of the proposed amendments to the LPTAA, as well as there being direct benefits to landowners who are able to develop the sites within the areas zoned MRZ. Some costs may arise, if the changes to amenity are seen as a disbenefit. However, in my view, the changes are more in line with determining appropriate locations for the application of the MDRS, and will be effective in delivering those changes, and giving effect to the higher order policies and the NPS-UD.
49. As such, I recommend that the areas identified as being within the LPTAA QM as identified in Council's submission be rezoned to MRZ, given that they have access to appropriate public transport routes. In addition, where areas are zoned Residential Hills, I recommend that when changing to MRZ, these areas are also rezoned with the Suburban Hill Density Precinct overlay.

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<sup>34</sup> Section 77L(c)(iii) RMA.

<sup>35</sup> Section 77L(b) RMA.

<sup>36</sup> Paras 10.17-10.31, 10.37-10.43 Diagram 2.1 Appendix A section 42A report – Strategic Overview <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/01a-Sarah-Oliver-Section-42A-report-Appendices-A-to-H.PDF>.

<sup>37</sup> Evidence of J Scallan <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/52-John-Scallan-Statement-of-evidence-final.PDF>.

## FUTURE URBAN ZONING

50. A number of the Council's submission points address zoning which should have been notified as FUZ, but were incorrectly notified as other zones, or had a Residential Hills Precinct overlay. The submission points seek:
- (a) Undeveloped NV RNN zoned land at Sir John McKenzie Avenue to be changed to FUZ;<sup>38</sup>
  - (b) Removal of Residential Hills Precinct from FUZ zoned land on land marked "A" and "C" on the submission, and removal of FUZ zoning from land marked "B" and "D", with the Residential Hills Precinct to apply there;<sup>39</sup>
  - (c) Undeveloped NV RNN-zoned land at Sutherland/Cashmere Road to be changed to FUZ;<sup>40</sup>
  - (d) Undeveloped NV RNN-zoned land on Cashmere Road/Kanika Lane to be changed to FUZ on land marked "A", and that the land marked "B" be changed to Residential Suburban, with the LPTAA applying;<sup>41</sup> and
  - (e) Undeveloped NV MRZ-zoned land at Hendersons Road/Cashmere Road to be changed to FUZ;<sup>42</sup>
51. There are also a number of submission points where areas were notified as FUZ, but are now developed and should be zoned MRZ (with some including the Suburban Hills Density Precinct). These submission points seek:
- (a) Highsted Road NV FUZ to be changed to MRZ;<sup>43</sup>
  - (b) Bill Harvey Drive, Quaifes/Sabys Road, Glovers Road, and Leistrella Road NV FUZ to be changed to MRZ;<sup>44</sup>
  - (c) Steve Askin Drive/Carex Rise and Roundhill Rise NV FUZ to be changed to MRZ with Suburban Hill Density Precinct;<sup>45</sup> and
  - (d) Mt Pleasant Road/2 Crest Lane NV FUZ to apply the LPTAA and zone the land Residential Hills (noting that Residential Hills is no longer

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<sup>38</sup> Submission #751.100, FS2037.922.

<sup>39</sup> Submission #751.121, Attachment 30, FS2037.943.

<sup>40</sup> Submission #751.122, Attachment 31, FS2037.944, FS2082.519.

<sup>41</sup> Submission #751.123, #751.124, #751.125 Attachment 32, FS2037.945, FS2082.520, FS2037.946, FS2082.521, FS2037.947.

<sup>42</sup> Submission #751.126, #751.127, Attachment 33, FS2037.948, FS2037.949.

<sup>43</sup> Submission #751.115, Attachment 25, FS2037.937, FS2082.513.

<sup>44</sup> Submission #751.117, #751.118, Attachments 26, 27, 28 and 29, FS2037.939, FS2066.2, FS2082.515, FS2009.2, FS2037.940, FS2066.3, FS2082.516.

<sup>45</sup> Submission #751.119, #751.120 Attachment 30, FS2037.941, FS2082.517, FS2037.942, FS2082.518.

proposed to be a zone and the correct zone should be MRZ with the Suburban Hill Density Precinct).<sup>46</sup>

52. The FUZ is addressed in the section 42 report by Mr Bayliss.<sup>47</sup> Mr Bayliss concludes that the FUZ should be preferred over the MRZ, given the suite of policies and methods which guide the build-out of greenfield areas. I agree with Mr Bayliss' analysis.
53. Given this, I consider that it is appropriate that where areas have not been developed, that the appropriate planning framework is FUZ, rather than MRZ, or RNN (which the FUZ replaces). Similarly, the Suburban Hill Density Precinct Zone is proposed as an overlay to the MRZ, and addresses areas that were previously Residential Hills site in the ODP but are subject to the LPTAA. As such, it is not an appropriate overlay for the FUZ.
54. Given the above matters, I consider that the changes set out above as sought by the Council provide clear guidance as to the appropriate planning framework for the subject land. This is consistent with achieving the yields sought by CRPS Policy 6.3.7, which are reflected in the OV FUZ framework. It is the most efficient means of doing so, and ensure that appropriate yields are achieved for development of greenfield land. As such, I recommend that the changes sought by the Council are accepted.
55. In relation to areas of RNN which are now developed, as set out in earlier in my evidence. I consider the zones as noted in the CCC submission to be appropriate, as they recognise the form of development that has taken place, while remaining consistent with the implementation of the MDRS provisions across the city. This includes rezoning the areas to MRZ, while recognising, where appropriate, the implementation of Suburban Hill Density Precinct where sites are within the LPTAA.
56. Given the above, I recommend that Council's submission points are accepted, noting the amendment to 'Suburban Hill Density Precinct' rather than Residential Hills as requested in relation to submission #751.129.

## **RICCARTON BUSH - PŪTARINGAMOTU**

57. CCC seeks four changes in relation to the Significant and Other Trees QM, and the Riccarton Bush Interface Area QM. The first of these seeks to

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<sup>46</sup> Submission #751.128, #751.129, Attachment 34, FS2037.951, FS2082.523, FS2037.950, 2082.522.

<sup>47</sup> At para 8.2.1-8.2.5 section 42A Report - <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/12-Ian-Bayliss-Section-42A-Final.PDF>.

change the Rule 9.4.4.1.3 RD6, seeking that the change inserting a tree protection zone radius be deleted, and the 10m setback control retained.<sup>48</sup> The second change seeks Riccarton Bush Interface Area controls as an area-specific subsection in 14.5.3, incorporating an 8m height limit, providing for site density of 1 dwelling per 450m<sup>2</sup>, restricting the number of residential units limited to two, providing site coverage of 35%, and building setbacks of 4.5m from the front boundary and 3m from the side boundary, as well as consequential amendments to the subdivision standards for sites within the Riccarton Bush Interface Area.<sup>49</sup> CCC also seeks the deletion of the height rule in 14.5.2.3, given that the height is to be managed through the areas specific provisions in 14.5.3.<sup>50</sup> Lastly, the Council seeks to limit building height for St Teresa's School to 8 metres.<sup>51</sup>

58. The first matter is addressed in the section 42A report of Ms Ratka in response to submissions on point.<sup>52</sup> I have reviewed Ms Ratka's response to other submissions, and I agree with and adopt her analysis. Ms Ratka's main recommendation is effectively to adopt the drafting as set out in Council's submission, and as such I recommend that the submission is accepted. I also agree with Ms Ratka's recommendation should the Panel decide not to accept the setback rule, in which case the tree zone radius is used. This will ensure that tree protection is provided for.
59. Similarly, Mr Kleynbos has addressed the additional rules sought in relation to the Riccarton Bush Interface Area in terms of the built form standards in 14.5.3 as a result of other submissions.<sup>53</sup> I agree with Mr Kleynbos' recommendations. I acknowledge that there is an opportunity cost in terms of development potential in relation to those sites affected, however I consider this is outweighed by need for protection of the values of Riccarton Bush as an Outstanding Natural Feature (**ONF**)<sup>54</sup>, and protection of the natural character and biodiversity values of the Riccarton Bush ecosystem, which is a site of ecological significance,<sup>55</sup> as well as its cultural values. The

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<sup>48</sup> Submission #751.48, FS2037.870, FS2085.28.

<sup>49</sup> Submissions #751.67, #751.68, #751.69, Attachment 46, FS2037.889, FS2052.29, FS2083.4, FS2082.506, FS2062.1, FS2037.890, FS2052.30, FS2083.5, FS2062.2, FS2037.891, FS2052.31, FS2083.6, FS2062.3.

<sup>50</sup> Submission #751.68, FS2037.890, FS2052.30, FS2083.5, FS2062.2.

<sup>51</sup> Submission #751.70, #751.71, Attachment 46, FS2037.892, FS2083.7, FS2044.8, FS2062.4, FS2037.893, FS2083.8, FS2044.9, FS2062.5.

<sup>52</sup> At para 8.4.32-8.4.50 section 42A Report – QM relating to Industrial Interface, Significant and Other Trees, and Natural Hazards <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/09-Brittany-Ratka-Section-42A-report-final.PDF>.

<sup>53</sup> At para 9.1.50-9.1.55, 10.1.427-10.1.438 section 42A Report – Residential <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/05-Ike-Kleynbos-Section-42A-Report-final.PDF>.

<sup>54</sup> ONF 35.

<sup>55</sup> SES/LP/5.

[https://districtplan.ccc.govt.nz/Images/DistrictPlanImages/Site%20of%20Ecological%20Significance/SES%20LP%](https://districtplan.ccc.govt.nz/Images/DistrictPlanImages/Site%20of%20Ecological%20Significance/SES%20LP%20)

combination of built form standards will provide a lower level of development than is otherwise provided in the MRZ, which I consider to be appropriate in proximity to Riccarton Bush, both in terms of amenity, but also providing for potential of view shafts along site boundaries and from public spaces, as well as enabling greater levels of stormwater recharge through lower building coverages.

60. The interface area and associated rules are consistent with implementing the objectives of the Plan, in particular ODP Objective 9.2.2.1.1 (ONFs), and ODP Objective 9.1.2.1.1 (significant indigenous vegetation and significant habitats of indigenous fauna). These in turn give effect to the provisions of the CRPS, in particular CRPS Policy 12.3.2 Management methods for outstanding natural features and landscape, and CRPS Policy 9.3.1 Protecting significant natural areas. As a result, I consider the methods to control development in the Riccarton Bush Interface to be both efficient and effective in terms of implementing the higher order objectives of the CDP and giving effect to the CRPS.
61. However, no consequential changes have been recommended in relation to minimum site size in the subdivision chapter. For the reasons given above, I recommend Table 8.6.1 is amended, with an additional provision for a minimum site size of 450m<sup>2</sup> within the MRZ (Riccarton Bush Interface Area). This reflects the density provided for in the Riccarton Bush Interface Area QM, and I consider is the most appropriate means of achieving the higher order objectives and policies of the CDP, and giving effect to the CRPS.
62. In relation to reducing the height limit for St Teresa's School, a heritage landscape review (and addendum) undertaken by Wendy Hoddinott for WSP is included with the Council's submission as Attachment 46. Ms Hoddinott has also provided expert evidence in relation to the height limits.<sup>56</sup> She notes that the operative height control for the school is 8m, while the proposed MDRS provisions provide for a height limit of 12m. It is her opinion that the purpose of the proposed 8m height limit is to achieve the same outcome for the surrounding residential area in order to protect viewsheds of Riccarton Bush. I note that the Catholic Diocese of Christchurch opposed the 8 metre height limit in its further submission, instead seeking HRZ. I consider that evidence is required to justify the move from the currently operative 8m

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[204.pdf](#).

<sup>56</sup> At para 7 and 33, EIC Wendy Hoddinott for CCC <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/30-Wendy-Hoddinott-Statement-of-evidence-final.PDF>.

height limit, to ensure that the visual and cultural values, including viewsheds, would be protected by any increase to the height limit for the St Teresa's School site, to ensure that the heritage values of Riccarton Bush are protected from inappropriate use and development. I rely on Ms Hoddinott's expert opinion on heritage landscape matters, and as such, I recommend that the Council's submission is accepted.

## **WATERBODY SETBACK**

63. CCC's submission seeks to delete the "Waterbody Setback – Existing" spatial layer from the Series D planning maps.<sup>57</sup> The Waterbody Setback QM sets distances that are required for buildings and earthworks to be setback from waterways. These are addressed by ODP Subchapter 6.6. The reason CCC seeks deletion of the Waterbody Setback – Existing spatial layer is that in some cases the mapped waterways do not reflect the current position of waterways on the land. This can be due to a number of matters, including land development, or erosion/accretion, resulting in the movement of the location of water courses. Instead of mapping the spatial extent of the waterways, it is proposed to rely on the waterway setbacks expressed in subchapter 6.6, noting that the definition of water body setback means an area running parallel to the bank of a waterbody, as shown in Appendix 6.11.5.3.
64. Ms Hansbury addresses this in her section 42A report.<sup>58</sup> She addresses a number of submissions seeking deletion of the spatial layer or requesting that the spatial layer be considered indicative only.<sup>59</sup>
65. I agree with Ms Hansbury's assessment and recommendation that the spatial layer be removed. I consider this to be appropriate, as it avoids confusion as to whether the rules apply to a proposed building or not. I consider the change to be effective, and it supports the higher level ODP Objective 6.6.2.1, which seeks to protect waterbodies and their margins from inappropriate use and development, by providing a clear and easily interpreted planning framework.
66. As such, I recommend that the Council's submission be accepted.

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<sup>57</sup> Submission #751.21, FS 2037.843, FS2082.503, FS2022.1, FS2022.3.

<sup>58</sup> At para 6.19.1-6.19.6 section 42 Report <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/11-Anita-Hansbury-Section-42A-Report-FINAL.PDF>.

<sup>59</sup> Submissions #914.18 and #916.12.

## CHANGES TO TREE CANOPY PROVISIONS

67. In relation to the notified tree canopy provisions proposed for Rule 6.10A.4.2.1, CCC seeks that additional provision is made for a minimum dimension for planting areas to be added to Table 1.<sup>60</sup> The amended Table 1 is set out below with additions in red:

**Table 1 - Tree size classes with their corresponding height and projected canopy size:**

Tree size classes	Tree height (m)	Projected tree canopy cover at maturity (m <sup>2</sup> )	Land area (m <sup>2</sup> ) and soil volume (m <sup>3</sup> ) required*	Minimum dimension of planting area/ berm
Small	0-5	10	3.8 *	1.5m
Medium	6-12	67	25.5 *	2m
Large	13-20	186	70.8 *	2.5m
Very Large	20+	250	95.4 *	3m
Average tree size	:	130	50.0 *	n/a

\* Soil volume required for a tree/tree roots (m<sup>3</sup>) equals the land area (m<sup>2</sup>) x 1m depth.

68. Table 1 provides the requirements for heights, canopy cover, land area and soil volume required for each tree size class (from small to very large). However to ensure that sufficient land is provided for trees to grow with sufficient access to water and nutrients while at the same time avoiding damage to infrastructure, the minimum dimension of the planting area/berm is sought. Ms Hansbury addresses tree canopy cover in her section 42A report,<sup>61</sup> but has not addressed the specific dimension addition sought by CCC. However Mr Toby Chapman has addressed the relief as an expert in his expert evidence.<sup>62</sup> Mr Chapman states that minimum width dimensions recognise that as trees grow, so do trunks and basal root systems. He notes that without a minimum width, a planting space could be very narrow and long and extend beyond the distance that a tree's roots could grow. It is his opinion that the minimum dimensions should be included in the tree canopy provisions for PC14.
69. I rely on Mr Chapman's expert arboricultural advice. I consider that specific provisions to ensure appropriate planting areas and locations to be the most appropriate means of achieving OV Objective 6.10A.2.1, which seeks that

<sup>60</sup> Submission #751.19, FS2037.841, FS2082.502.

<sup>61</sup> At para 5.2.1-5.2.24, 6.2.1-6.17.4 section 42A Report Part A Tree Canopy Cover and Financial Contributions <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/11-Anita-Hansbury-Section-42A-Report-FINAL.PDF>.

<sup>62</sup> At para 82-85 EIC of Mr Toby Chapman <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/17-Toby-Chapman-Statement-of-Evidence-final.PDF>.

tree canopy cover in areas of residential activities is enhanced through planting of new residential development, in order to sequester carbon, reduce stormwater runoff, mitigate heat island effects, and improve the city's biodiversity and amenity. I consider that this option is better than not including a minimum dimension, which risks placing both public and private assets at risk from damage from tree rootballs, or stifling inappropriate plantings, through the use of poorly located plantings that result in the wrong tree being planted in the wrong location.

70. As such, if the IHP is minded to include provisions regarding tree canopy cover (the merits of which are addressed by Ms Hansbury), it is my recommendation that Council's submission is accepted.

### **CYCLE PARKING**

71. CCC seeks amendments to Appendix 7.5.2 – cycle parking facilities.<sup>63</sup> The changes seeks to remove the reference to “residents” in clause b, and introduction of a new clause e “Cycle parking facilities for residential activities shall be provided for as follows:...” followed by the detailed requirements for residents’ cycle parking facilities. A new figure is recommended showing minimum parking cycle dimensions for resident cycle parks, as well as amendments to the minimum number of cycle parks required in Table 7.5.2.1.
72. A number of other submitters also seek amendments to the cycle parking provisions, either supporting<sup>64</sup>, seeking amendment to<sup>65</sup>, or seeking deletion of<sup>66</sup>, the provisions. These submissions are addressed in the section 42A report of Ms Piper for the Transport chapter.<sup>67</sup> Ms Piper notes that she has not proposed specific amendments to the provisions for cycle parking, given that the Panel will need to consider the submission of the Council alongside other related relief.<sup>68</sup>
73. I consider the rules for bicycle parking are ‘consequential on’<sup>69</sup> the introduction of the MDRS, as well as NPS-UD Policy 3 and Policy 5 as they affect higher density areas for Tier 1 local authorities for both residential and

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<sup>63</sup> Submission #751.26, Attachment 47, FS2037.848, FS2016.2, FS2016.3, FS2082.504, FS2049.2, FS2044.2, FS2045.2.

<sup>64</sup> Submission #312.2.

<sup>65</sup> Submissions #768.1, #764.1, #396.1, #396.2, #396.3, #170.2, #170.4, #367.6, #72.4, #72.5, #219.1, #312.2, #362.11, #325.3, #80.1, #676.3, #762.41.

<sup>66</sup> Submissions #814.72, #823.65.

<sup>67</sup> At para 8.1.12-8.1.23 <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/10A-Clare-Piper-Section-42A-Report-final.PDF>.

<sup>68</sup> Ibid at para 8.1.17.

<sup>69</sup> Section 80E(1)(b)(ii) RMA.



business activities. They are of heightened importance given the potential for greater density being introduced into urban and suburban areas, particularly so given the recent removal of minimum carparking requirements through the NPS-UD. In addition, provision for active transport (including cycling) contributes to a well-functioning urban environment, by having good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport,<sup>70</sup> and supporting reductions in greenhouse gas emissions.<sup>71</sup>

74. I have reviewed the relief sought by the submitters, and agree with Ms Piper as to her assessment. I note that the subject matter sought to be included through amendments to the text are all addressed by the matters set out in the CCC submission. The amended provisions, in combination with ODP Policy 7.2.1.6(a)(ii) (which is not sought to be amended), are the most appropriate means of implementing ODP Objectives 7.2.1 and 7.2.2, which seek to reduce dependency on private motor vehicles and promote the use of public and active transport, and enable Christchurch's transport system to provide for the transportation needs of people and freight while managing adverse effects from the transport system. It will do this by ensuring that appropriate levels of cycle parking are provided as parts of new residential and business development, and ensures that the spaces provided are useable for cycle owners, thereby supporting and promoting the uptake of active transport modes, particularly in the context of removal of carparking requirements, where private garaging may not exist for dwellings.
75. As such, I recommend that changes to the chapter incorporating the matters set out in CCC's submission are accepted.

## **AMENDMENTS TO VARIOUS POLICIES**

76. CCC seeks a number of changes to various policies in its submission. Some of these are a minor nature (e.g. titles) while some are more substantial. Changes are sought as follows:
- (a) Addition of a policy heading for the Coastal Hazard Management Area QM and TMA QM policies at 5.2.2.5;<sup>72</sup>

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<sup>70</sup> NPS-UD Policy 1(c).

<sup>71</sup> NPS-UD Policy 1(e).

<sup>72</sup> Submission #751.7, FS2037.829.

- (b) Amendment of NV Policy 5.2.2.5.2 to only include residential zones in relation to the TMA QM (and therefore exclude commercial and other zones);<sup>73</sup>
  - (c) Amendment of NV Policy 7.2.1.6 to insert the deleted strikethrough word “district” so that the proposed amended policy refers to “District Town Centres”;<sup>74</sup> and
  - (d) Removal of the passage “(above ground floor level)” from Row C in Table 15.1 under Policy 15.2.2.1, so that high density housing is enabled at ground floor.<sup>75</sup>
77. In relation to the Policy heading for 5.2.2.5, no title was include for the overall suite of policies for management of risk for the Coastal Hazard Management Qualifying Areas QM and the TMA QM. This was an error, and is essentially of a minor nature, not requiring any analysis. I recommend that the title as sought by the Council is added in so that it reads “5.2.2.5 Policies for managing risk within Qualifying Matter Coastal Hazard Management Areas and Qualifying Matter Tsunami Management Area”, with this title being inserted before OV Policy 5.2.2.5.1.
78. Ms Oliver has addressed Policy NV 5.2.2.5.2 in her section 42A report, and significantly restructured the policy in response to submissions.<sup>76</sup> The changes address the substance of the CCC’s submission on the matters, although in a different format. I agree with the changes recommended by Ms Oliver. As such, I consider the submissions should be accepted in part, to the extent that they are incorporated into the revised OV Policy 5.2.2.5.2 as recommended by Ms Oliver.
79. NV Policy 7.2.1.6.a.iv was notified and omitted the tracked change deleted word “~~District~~” prior to the insertion of “Town Centres”. This is a minor addition to show the correct deletion in the text, and I recommend the change to the text is included in the final plan change, with the deletion being made.
80. CCC seeks an amendment to Table 1 Row C in Policy 15.2.2.1 remove the reference to “(above ground level)”. The reason for the removal sought by CCC is that, following notification of PC14, PC5B was settled by consent order and the Council has agreed to remove “above ground level” in Rows B

<sup>73</sup> Submission #751.17, FS2037.839, FS2014.4.

<sup>74</sup> Submission #751.23, FS2037.845, FS2052.26.

<sup>75</sup> Submission #751.88, FS2037.910, FS2082.507.

<sup>76</sup> At para 13.28-13.44 section 42A report - Strategic Overview <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/01-Sarah-Oliver-Section-42A-report-final.PDF>.

and C of Table 1. The rationale behind the agreement between Council and the appellant is the introduction of Policy 15.2.2.7 by PC 5B. Policy 15.2.2.7 enables residential activity on the ground floor in certain circumstances, and as Policy 15.2.2.7 applies specifically to district and neighbourhood centres the "above ground level" wording has been removed. Council seeks that PC14 is amended to be consistent with the agreed consent order. Given this is a minor change that reflects the implementation of the consent order, I do not consider any analysis is necessary and recommend that the submission point is accepted.

## **ADDITIONAL HERITAGE ITEMS OR AMENDMENT TO HERITAGE SETTINGS**

81. CCC seeks a number of changes related to heritage items as part of PC14. These include:

- (a) Addition of Spreydon Lodge to Appendix 9.3.7.2 Schedule of Historic Heritage, including it in the 'Significant' category, and scheduling the interior staircase and marble fireplace, as well as a statement of significance and change to the setting and shape, and amendment of planning map 45D;<sup>77</sup>
- (b) Revision of settings for 364 Riccarton Road, 20 Mona Vale Avenue, 106 and 110 Papanui Road, and 29 Major Aitken Drive;<sup>78</sup>
- (c) Amend the Residential Heritage Areas Site Contributions Maps for 31 Worcester Street (from green – contributory to orange – intrusive), and 1 Armagh Street (from blue – defining to green – contributory);<sup>79</sup>
- (d) Amendment of the key to all 11 Residential Heritage Area Interface maps to refer to Residential Guest Accommodation Zone, rather than Residential Visitor Accommodation Zone, and replacement of "adjoining" with "sharing a boundary with";<sup>80</sup>
- (e) Deletion of the following areas from the Residential Heritage Areas Interface Area:
  - (i) 327 Barbadoes Street and 281 Armagh Street from Chester Street East Interface Area;

<sup>77</sup> Submission #751.39, Attachment 6, FS2037.861, FS2066.10.

<sup>78</sup> Submission #751.40, Attachment 7, Attachment 8, Attachment 9, Attachment 10, Attachment 11, Attachment 12, Attachment 13, Attachment 14, Attachment 15, and Attachment 16, FS2037.862.

<sup>79</sup> Submission #751.41, Attachment 17 and Attachment 18, FS2037.863, FS2065.1.

<sup>80</sup> Submission #751.42, Attachment 19, FS2037.864.

- (ii) 202 Fitzgerald Avenue and 32 Avonside Road from the Engelfield Interface Area; and
- (iii) 109 Rattray Street and 2R Shand Crescent from the Piko Street Interface Area.<sup>81</sup>

82. CCC seeks that Spreydon Lodge is added to Schedule 9.3.7.2 as a Significant heritage items, with scheduled interior (limited to interior staircase and ground floor marble fire surround), with an amended surround.<sup>82</sup> In her section 42A report,<sup>83</sup> Ms Richmond addresses the related submission and further submission from Danne Mora Limited<sup>84</sup> supporting the proposed extent of the heritage item and setting as set out in Council's submission. This is supported in expert evidence by Ms Amanda Ohs for the Council.<sup>85</sup> Ms Ohs agrees with the amendments sought by Danne Mora Limited in relation to the Statement of Significance for the heritage item. I rely on Ms Ohs' expertise in relation to heritage matters, and consider that the addition of the site, with amendments as sought by Danne Mora Limited to be the most appropriate for implementing the objectives of the ODP, in particular ODP Objective 9.3.2.1.1 which seeks to protect and conserve historic heritage across the district, as well as giving effect to CRPS Policy 13.3.1 which seeks to protect the historic and cultural heritage resource of the region from inappropriate subdivision use and development. I recommend that both the Council submission and Danne Mora Limited's further submission be accepted.
83. CCC seeks that the heritage settings for four sites are amended as set out in its submission in relation to Schedule 9.3.7.2.<sup>86</sup> The first three changes address boundaries changes to the sites as a result of subdivision or boundary adjustments. Heritage settings generally align with site boundaries. 364 Riccarton Road (now 350 Riccarton Road), was subdivided in 2020. The setting is proposed to be updated as set out in the Council's submission, with a corresponding update to the new address in the Schedule.<sup>87</sup> The dwelling at 20 Mona Vale Avenue was moved forward on

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<sup>81</sup> Submission #751.45, Attachment 20, Attachment 21, and Attachment 22, FS2037.867.

<sup>82</sup> Submission #751.39, FS2037.861, FS2066.10.

<sup>83</sup> At para 8.1.16 section 42A report – Heritage Items and Qualifying Matter – Heritage Items <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/07-Suzanne-Richmond-Section-42A-Report-final.PDF>.

<sup>84</sup> Submission #903.46 and #FS2066.10.

<sup>85</sup> At para 60-63 EIC Amanda Ohs for CCC, including statement of significance at Appendix 8 <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/45-Amanda-Ohs-Statement-of-evidence-final.PDF>.

<sup>86</sup> Submission #751.40, FS2037.862.

<sup>87</sup> Submission #751 Attachment 7 and Attachment 8, FS2037.862.

the section in 2017 and the site subsequently subdivided. As such, the setting, and location of the dwelling, is sought to be amended, as reflected in Council's submission, along with an amended heritage assessment reflecting the changes.<sup>88</sup> In relation to 106 and 110 Papanui Road, the boundaries of the sites reflect boundary adjustments that have taken place. The proposed new boundaries reflect the updated boundaries as set out in Council's submission, with amended heritage assessments.<sup>89</sup> The final change to heritage settings is in relation to 29 Major Aitken Drive. This change reflects alignment with the recent Pouhere Taonga/Heritage New Zealand listing, and includes a revised name of the scheduled item in the schedule. CCC has not provided any expert evidence on these changes, however I consider that the changes represent logical changes to settings for the various heritage items, given the change in circumstances. I consider the changes to be the most appropriate for protecting historic heritage, in particular ODP Objective 9.3.2.1.1, and giving effect to CRPS Policy 13.3.1 which I have outlined previously.

84. CCC seeks amendment to two sites in the Inner City West Residential Heritage Areas, in relation to the Site Contributions Maps.<sup>90</sup> These include change the colour of 31 Worcester Street from green (contributory) to orange (intrusive) given that the building on the site has been demolished, and change of colour for 1 Armagh Street from blue (defining) to green (contributory), as this is noted as a mapping error.<sup>91</sup> I note that Hughes Developments Limited seek a change to Appendix 9.3.7.3 to remove reference to 31 Worcester Street containing buildings on the site. No expert evidence has been filed by the Council in relation to these submissions, including the request from Hughes Developments Limited. However, I recommend all of the changes are accepted, as they accurately reflect the current historic heritage values and contributions to the heritage areas, and as such, the changes are more appropriate for implementing ODP Objective 9.3.2.1.1, and giving effect to CRPS Policy 13.3.1 which I have outlined previously.
85. CCC seeks that changes are made to the key for all of the RHA interface maps, to reflect the correct name from the Residential Visitor Accommodation Zone, to Residential Guest Accommodation Zone, which is

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<sup>88</sup> Submission #751 Attachment 9 and Attachment 10, FS2037.862.

<sup>89</sup> Submission #751 Attachment 11, Attachment 12, Attachment 13 and Attachment 14, FS2037.862.

<sup>90</sup> Submission #751.41, 2037.863, FS2065.1.

<sup>91</sup> Submission #751.41, Attachment 17 and Attachment 18, FS2037.863, FS2065.1.

the name in the operative plan. This part of the submission point has now been overtaken by events, as Plan Change 4, which was the subject of an Environment Court appeal, is now the subject of a consent order and will be formally approved by the Council in October 2023, before being made operative. The correct name will remain Residential Visitor Accommodation Zone, as originally notified in PC14. The submission point also seeks to replace “adjoining” with “sharing a boundary with”.<sup>92</sup> This change is of a minor nature and I do not consider they require any analysis, and I recommend this part of the submission is accepted.

86. CCC identified that a number of changes are required to residential heritage areas to remove a number of sites from the interface area.<sup>93</sup> The Council’s reason for doing so are that there was some inconsistency with how HRZ sites which only border a corner of a residential heritage area, or are across a street, are identified. The mapping attached to the submission shows the sites to be removed in blue hashing. I consider this a minor amendment for consistency, providing for effective management of the residential heritage areas without compromising their heritage qualities, and recommend the changes be accepted.

## **DRAFTING AMENDMENTS FOR CONSISTENCY, CLARITY, AND TO CORRECT ERRORS OR OMISSIONS**

### *Amendments to text*

87. CCC seeks a number of changes to various text provisions throughout the plan change. Those submissions are outlined below:

### *Amendments to rule references and planning maps*

- (a) Change to NV Rule 5.4A.5 NC3 to include reference to Rule 14.7.1 so that the rule includes reference to the Residential Hills Zone provisions;<sup>94</sup>
- (b) Replace all references to ODP Appendices 6.12.17.1 to 6.12.17.3 with references to the planning maps for radiocommunications pathways (impacts NV 6.12.1, 6.12.2, 6.12.4.1.1, 6.12.4.1.5 and 6.12.4.2);<sup>95</sup>

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<sup>92</sup> Submission #751.42, Attachment 19, FS2037.864.

<sup>93</sup> Submission #751.45 and Attachment 20, Attachment 21 and Attachment 22, FS2037.867.

<sup>94</sup> Submission #751.6, FS2037.828, FS2082.501.

<sup>95</sup> Submission #751.20, FS2012.1, FS2012.7, FS2037.842.

- (c) Amend NV Rule 8.5.1.3 RD2 by deleting the reference to 8.7.15 and replacing with rule reference 8.7.13;<sup>96</sup>

*Errors in notified wording that do not reflect operative provisions*

- (d) Amend NV Rule 6.8.4.1.4 to remove incorrect operative plan provisions in relation to signs;<sup>97</sup>
- (e) Re-include operative text in relation to Designation M1 – Christchurch Hospital – Acute Services Building that was inadvertently omitted from the notified provisions;<sup>98</sup>
- (f) Delete last two lines of the table at Appendix 13.14.6.2 as the first two lines of the table were incorrectly duplicated at the end of the table;<sup>99</sup>
- (g) Amend Rule 15.12.2.1 title to correct name “Landscaping and trees”;<sup>100</sup>
- (h) Amend 15.4.4.2.2 to remove strikethrough title “Landscaping – Minimum width of landscaping strip”, and show the proposed title “Intersection upgrades” as operative and not underlined;<sup>101</sup>
- (i) Amend Rule 14.4.2.9 to insert the word “~~maturity~~” shown as bold strikethrough before the new defined term shown in bold green and underlined;<sup>102</sup>
- (j) Amend Rule 15.13.1 to insert “~~human scale~~” before the new defined term show in green bold and underlined;<sup>103</sup>
- (k) Amend Rules 15.15.2.7, 15.10.2.10, 15.13.2.4 and 16.6.3.2.2 by inserting the word “~~maturity~~” shown as bold strikethrough before the proposed new defined term shown in bold green and underlined.<sup>104</sup>
- (l) Amend Rule 14.8.3.2.1 to insert “~~habitable room~~” shown as bold struck-through text before the new proposed defined term shown in bold green and underlined;<sup>105</sup>

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<sup>96</sup> Submission #751.33, FS2037.855.

<sup>97</sup> Submission #751.22, FS2037.844.

<sup>98</sup> Submission #751.50, FS2037.872.

<sup>99</sup> Submission #751.52, FS2037.874.

<sup>100</sup> Submission #751.81, FS2037.903.

<sup>101</sup> Submission #751.89, FS2037.911.

<sup>102</sup> Submission #751.55, FS2037.877.

<sup>103</sup> Submission #751.85, FS2037.907.

<sup>104</sup> Submission #751.90, FS2037.912, Submission #751.91, FS2037.913, Submission #791.92, FS2037.914, Submission #751.93, FS2037.915.

<sup>105</sup> Submission #751.78, FS2037.900.

- (m) Amend Rule 8.5.1.3 RD2 column 4 to say “where the site is in the (...), not “where the site is (...);<sup>106</sup>
- (n) Amend 9.3.4.1.3 RD8 and 9.3.6.6 to replace “Residential Visitor Accommodation” with “Residential Guest Accommodation”;<sup>107</sup>
- (o) Amend heading of 14.8.3.1.2 to “Area-specific controlled activities” as it relates to controlled activities, not discretionary activities;<sup>108</sup>

*Amendments to reflect changes that are consequential to PC14 changes*

- (p) Amend Rule 7.4.2.1 P18 by deleting “Greenfield Precinct” text and instead replacing the reference from RNN as notified to FUZ;<sup>109</sup>
- (q) Amend the title for 8.8.15 – Future Urban Zone Outline Development Plans – East Papanui to refer to “Plan”, not “Plans”;<sup>110</sup>
- (r) Remove references to Low Density Residential Airport Influence Zone and the Low Density Airport Influence Zone and ensure correct references to RS, RSDT and the Airport Noise Influence Area in rules 6.1.9.1, 8.6.1 and 8.6.2;<sup>111</sup>
- (s) Amend activity standards in 8.6.1(c) – Minimum net site area and dimension to state “Within the Residential Hills Precinct in the Medium Density Residential Zone, the allotment shall (...)”;<sup>112</sup>
- (t) Remove the advice note in 14.12 – Rules – Future Urban Zone that references Meadowlands;<sup>113</sup>
- (u) Amend location of Designation A17 in the designation schedule in Chapter 10 from 237 Memorial Avenue to 241 Memorial Avenue;<sup>114</sup>
- (v) Amend Rule 14.3.1.3 RD15 so that:
  - (i) a. reads “Matters of discretion for the applicable specifically relevant built form standards in Rule 14.15;

<sup>106</sup> Submission #751.32, FS2037.854.

<sup>107</sup> Submission #751.43, FS2037.865, Submission #751.44, FS2037.866.

<sup>108</sup> Submission #751.80, FS2037.902.

<sup>109</sup> Submission #751.24, FS2037.846.

<sup>110</sup> Submission #751.36, FS2037.858.

<sup>111</sup> Submission #751.27, FS2037.849, FS2052.27, Submission #751.28, FS2037.850, FS2052.28, Submission #751.29, FS2037.851.

<sup>112</sup> Submission #751.30, FS2037.852.

<sup>113</sup> Submission #751.62, FS2037.884.

<sup>114</sup> Submission #751.49, FS2037.871.



- (ii) c. reads “Matters of Discretion for new buildings and alterations to buildings in Residential Heritage Areas.”
- (iii) matter of discretion c. becomes a., and vice versa;<sup>115</sup>
- (w) Amend Rule 8.5.1.3 RD2 a.a.i – for breach of Rules 8.6.1 – minimum site area and dimension: Rule 8.8.11, add “and Rule 8.8.12.b for Residential Heritage Areas where Table 1 a.c and f.a standards are not met.”;<sup>116</sup>
- (x) Amend Rule 8.8.12b to include reference to heritage areas, with a change to the expression of (iii) from the requirement for a conservation plan to requirement for an expert heritage report that provides for the ongoing retention, use, or adaptive re-use conservation and maintenance of the heritage item, heritage setting or heritage area;<sup>117</sup>
- (y) Amend Rule 15.11.2.5 to show text in title that was added by PC14 by underlining in bold “**and car parking**”;<sup>118</sup>
- (z) Add to 9.3.4.1.3 RD1 b. “Where the building is in a heritage area but is not a heritage item, Rule 9.3.4.1.3 RD6 will apply instead.”;<sup>119</sup>
- (aa) Amend Rule 13.6.4.2.a so that the built form standards, apart from Rule 13.6.4.2.7, do not apply to Residential Heritage Areas, as they are controlled by the area-specific built form standards for the MRZ or Residential Banks Peninsula Zone;<sup>120</sup>

*Other changes*

- (bb) Amend Rule 8.9.2.1.P1 to read “~~Where Earthworks shall not occur within 5 metres of a heritage item, or within the footprint of a heritage item which is otherwise subject to exemption 8.9.3.a.iv.,~~ or above the volumes contained in Table 9 within a heritage setting listed in Appendix 9.3.7.2, details of temporary protection measures to be put in place to mitigate potential physical effects on the heritage item must be provided to Council’s Heritage team for comment at least 5 working days prior to the works commencing.”;<sup>121</sup>

<sup>115</sup> Submission #751.72, FS2037.894.

<sup>116</sup> Submission #751.34, FS2037.856, FS2044.3, FS2045.3.

<sup>117</sup> Submission #751.35, FS2037.857, FS2044.4, FS2045.4, FS2051.37.

<sup>118</sup> Submission #751.82, FS2037.904.

<sup>119</sup> Submission #751.47, FS2037.869, FS2044.5, FS2045.5.

<sup>120</sup> Submission #751.54, FS2037.876, FS2044.6, FS2045.6.

<sup>121</sup> Submission #751.37, FS2037.859.

- (cc) Amend 8.9.3 as notified follows:
- (i) 8.9.3.a.iv to “Where the building is a heritage item, or earthworks occur within 5 metres of a heritage item, the activity standard in 8.9.2.1 P1 i. applies.”
  - (ii) 8.9.3.a.xii to “~~This exemption does not apply to~~ Where earthworks in public spaces occur within 5 metres of a heritage item or above the volumes contained in Table 9 in a heritage setting which are subject to the activity standard in 8.9.2.1 P1 i. applies.”<sup>122</sup>
- (dd) Amend Appendix 13.6.6.3 Private Schools, so that the alternate zones for Christ’s College east of Rolleston Avenue, and Cathedral Grammar in respect of 17 Armagh Street, refers to MRZ, as they are in Residential Heritage Areas;<sup>123</sup>
- (ee) Amend Rule 14.5.3.2.8.b.i by changing the wording to “8 metres, or 6 metres where existing house or garage is proposed to be relocated forward on the site”;<sup>124</sup>
- (ff) Amend Rule 14.5.3.2.3 to remove sub-points under “a” and use the table to direct height control;<sup>125</sup> and
- (gg) Amend the key of Appendix 15.15.12 and 15.15.13, to include the words *“Sites subject to (...)”* so that it reads *“Sites subject to shared pedestrian/cycleway 8m wide connection”* and *“Sites subject to greenway 12m wide connection”*.<sup>126</sup>

88. A number of the changes result from inclusion in PC14 of additional rules, changes to numbering, or in the case of radiocommunication pathways, inclusion of the pathways in the planning maps.<sup>127</sup> I note that in relation to the request to change the reference to the Residential Hills Zone, that this reference is no longer valid, as the Residential Hills Zone is now (mostly) MRZ with a Suburban Hills Density Precinct overlay. As such, I recommend that this submission is rejected.<sup>128</sup> In relation to the other submissions,<sup>129</sup> the

<sup>122</sup> Submission #751.38, FS2037.860, FS2051.38.

<sup>123</sup> Submission #751.53, FS2037.875.

<sup>124</sup> Submission #751.73, FS2037.895.

<sup>125</sup> Submission #751.74, FS2037.896.

<sup>126</sup> Submission #751.86, FS2037.908, FS2048.19, Submission 751.87, FS2037.909, FS2048.20.

<sup>127</sup> Submission #751.6, FS2037.828, FS2082.501, Submission #751.20, FS2012.1, FS2012.7, FS2037.842, Submission #751.33, FS2037.855.

<sup>128</sup> Submission #751.6, FS2037.828, FS2082.501.

<sup>129</sup> Submission #751.20, FS2012.1, FS2012.7, FS2037.842, Submission #751.33, FS2037.855.

changes are of a minor nature, and improve the clarity and workability of the plan. I recommend these submissions are accepted.

89. CCC's submission seeks a number of corrections to errors in the notified wording that do not reflect the operative provisions in the plan, and therefore require correction so that the plan change properly reflects the amendments notified as part of PC14. This also includes notified words that were replaced by new hyperlinked definitions, but the deleted non-hyperlinked words were not shown as deleted. These changes as sought by the Council are of a minor technical nature, and it is recommended they are accepted.<sup>130</sup> Included in this category was a request to amend the references in Rules 9.3.4.1.3 RD8 and 9.3.6.6 from Residential Visitor Accommodation to Residential Guest Accommodation.<sup>131</sup> As noted earlier in this report, Plan Change 4 will become operative in October 2023, with the new correct term being Residential Visitor Accommodation. As such, the plan change as notified will be correct, and it is recommended that this submission point is rejected.
90. A number of changes sought by CCC seek to make consequential changes as a result of the implementation of PC14.<sup>132</sup> The changes reflect deletions or changes that have occurred from the revised PC14 text, or inclusion of matters that are not part of PC14 that have been incorrectly carried over. I note that CIAL has made further submissions opposing removal of reference to the Low Density Airport Influence Zone, but note that they have commented that they will address this through the hearing. In the interim, I recommend that this change is accepted. In relation to the reference for 8.6.1(c) in relation to the Residential Hills Precinct, I recommend this is accepted in part, but instead it should refer to the "*Suburban Hills Density Precinct in the Medium Density Residential Zone(...)*". In a number of changes that amend the provisions relating to residential heritage areas, these are not supported by further submitters, who oppose the Residential

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<sup>130</sup> Submission #751.22, FS2037.844, Submission #751.50, FS2037.872, Submission #751.52, FS2037.874, Submission #751.81, FS2037.903, Submission #751.89, FS2037.911, Submission #751.55, FS2037.877, Submission #751.85, FS2037.907, Submission #751.90, FS2037.912, Submission #751.91, FS2037.913, Submission #791.92, FS2037.914, Submission #791.93, FS2037.915, Submission #751.32, FS2037.854, Submission #751.24, FS2037.846, Submission #751.36, FS2037.858, Submission #751.27, FS2037.849, FS2052.27, Submission #751.28, FS2037.850, FS2052.28, Submission #751.29, FS2037.851, Submission #751.80, FS2037.902, Submission #751.78, FS2037.900.

<sup>131</sup> Submission #751.43, FS2037.865, Submission #751.44, FS2037.866.

<sup>132</sup> Submission #751.24, FS2037.846, Submission #751.36, FS2037.858, #751.27, FS2037.849, FS2052.27, Submission #751.28, FS2037.850, FS2052.28, Submission #751.29, FS2037.851, Submission #751.30, FS2037.852, Submission #751.62, FS2037.884, Submission #751.49, FS2037.871, Submission #751.72, FS2037.894, Submission #751.34, FS2037.856, FS2044.3, FS2045.3, #751.35, FS2037.857, FS2044.4, FS2045.4, FS2051.37, Submission #751.47, FS2037.869, FS2044.5, FS2045.5, Submission #751.82, FS2037.904.

Heritage Areas generally. I consider the changes provide clarity for the implementation of the heritage provisions, and recommend accepting the Council's submissions on these points (and consequently rejecting the further submissions). The remaining changes that are consequential on the changes to PC14 improve the workability, clarity and consistency within the plan, and improve its efficiency and effectiveness. As such, I recommend these are accepted.

91. The remaining changes sought by CCC address miscellaneous changes to PC14. This includes changes to 8.9.2.1 P1, 8.9.3.a.iv, and 8.9.3.a.xii relating to earthworks. The changes proposed to these provisions correct wording for consistency with other provisions, including ensuring consistency around the expression of temporary protection measures. By ensuring consistency in the provisions, the changes sought ensure that the plan is both efficient and effective, and ensures consistent interpretation of plan provisions, and I recommend these changes are accepted.<sup>133</sup>
92. CCC seeks that the alternate zone in relation to specified sites for Christ's College and Cathedral Grammar is specified as MRZ, rather than HRZ. This is consistent with the application of the zone for Residential Heritage Areas, within which the sites are located, and I recommend this change is accepted.
93. In relation to Rule 14.5.3.2.8.b.i, CCC seeks that an amendment is made to the setback rule, as the road boundary setback rules within a Residential Heritage Area do not cover the situation where a garage is relocated within the site. This amendment is shown in the OV Rule 14.5.3.2.8. The proposed amendment provides for flexibility for the relocation an existing garage, but continues to provide an 8m setback for other buildings that are not a relocated dwelling or garage. I consider that this will benefit the heritage values of the area, by encouraging retention of existing built development. I recommend the change is accepted.
94. CCC seeks an amendment to 14.5.3.2.3 to remove reference to the various zones under "a.", as it notes that the zones are already addressed through the table. I agree with the change, which removes unnecessary duplication and complexity. This is a minor change, which I consider does not require any analysis, and I recommend that the change is accepted, with a consequential re-numbering of "b." to "a.". A consequential amendments

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<sup>133</sup> Submission #751.37, FS2037.859

resulting from accepting this change is required for OV Rule 14.5.3.1.3 RD17.

95. The final miscellaneous change sought by CCC seeks to amend the key of Appendix 15.15.12 and 15.15.13 to amend the key to these appendices to reflect that the areas indicated are “Sites subject to...” the shared pedestrian/cycleways and greenways. I consider this a minor change and it better describes the Appendices, and I recommend that these submissions are accepted.

#### *Numbering corrections*

96. 11 submission points in the Council’s submission related to the correction of numbering in various provisions.<sup>134</sup> A number of these relate to assessment of activities where the numbering of the assessment matters in 14.15 have changed. As they are consequential changes, no analysis is required, however I note that correct referencing does make the plan effective and ensures that the rules are workable. These have been checked against the OV 14.15, and it is recommended that all the changes requested be accepted.

#### *Outline Development Plan changes*

97. Three corrections are sought to outline development plans and associated rules by CCC. The first of these seeks removal of a note for the North Halswell Outline Development Plan to Plan Change 10 and Meadowlands.<sup>135</sup> The second correction is the removal of Rule 14.12.2.18 in relation to the North Halswell Outline Development Plan.<sup>136</sup> Thirdly, a consequential change as a result of the removal of the Rule is the removal of 14.12.1.3 RD28.<sup>137</sup>
98. The removal of the reference to Plan Change 10 and Meadowlands is supported, as Plan Change 10 is now operative and Meadowlands is no longer relevant (I also refer to this later in my evidence in relation to the removal of reference to Meadowlands in definitions).
99. In relation to the removal of Rule 14.12.2.18 and Rule 14.12.1.3 RD28, this refers to Area 1, which is the Meadowlands Exemplar in Appendix 8.10.4. As

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<sup>134</sup> Submission points #751.56, #751.57, #751.58, #751.59, #751.60, #751.61, #751.65, #751.76, #751.77, #751.79, #751.81, FS2037.878, FS2037.879, FS2037.880, FS2037.881, FS2037.882, FS2037.883, FS2037.887, FS2016.1, FS2037.898, FS2037.899, FS2037.901, FS2037.903, FS2016.4.

<sup>135</sup> Submission #751.31, FS2037.853.

<sup>136</sup> Submission #751.63, F2037.885.

<sup>137</sup> Submission #751.64, FS2037.886.

such, the changes are considered to be a consequence of Plan Change 10 becoming operative, and no analysis is considered necessary. The changes provide for an accurate and consistent application of the rules applying to North Halswell. It is recommended that these submissions are accepted.

*Diagrams to assist with interpretation*

100. CCC seeks that a number of diagrams are added into the district plan to assist with interpretation of rules. These include:
- (a) A diagram showing how the distance is to be measured to a main entrance for a dwelling;<sup>138</sup>
  - (b) A diagram to assist with determining distances from a street intersection for the interpretation of Rules 15.11.2.3 and 15.11.2.12.iii;<sup>139</sup> and
  - (c) Re-inclusion of the Otakaro Avon River Corridor Development Plan with a strikethrough, and replace it with a new plan with an amended title and new Edge Housing Area Overlay over 254 Fitzgerald Avenue.<sup>140</sup>
101. The first two diagrams (a) and (b) aid with interpretation of rules – as such I consider them a visual representation of existing wording and are therefore of a minor nature, not requiring additional analysis. Similarly, a strikethrough version of Appendix 13.14.6.1 was included in the notified PC14 documents. This was incorrect and should have been shown with the title as a purple underline, and an addition of an Edge Housing Area Overlay over 254 Fitzgerald Avenue, reflecting proposed Plan Change 11. This is also a minor correction of the notified PC14, and I do not consider that it requires any additional analysis. As such, I recommend that all of the Council's submissions on the diagrams be accepted.

*Amendments to mapping*

102. A number of Council's submission points relate to incorrect mapping notified as part of PC14, and amendments to the planning maps to aid interpretation. These are set out in the list below:

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<sup>138</sup> Submission #751.25, FS2037.847

<sup>139</sup> Submissions #751.83, #751.84, FS2037.905, FS2044.10, FS2045.8, FS2037.906, FS2044.11, FS2045.9

<sup>140</sup> Submission #751.51, FS2070.8, FS2037.873

- (a) Insertion of relevant Residential Character Area names on the planning maps to ease reference to applicable rules;<sup>141</sup>
- (b) Change of zoning for 35 Hanmer Street from HRZ to MRZ, as the site is within a character area;<sup>142</sup>
- (c) Removal of the Meadowlands Exemplar Overlay from Planning Map 45 and from the legend to the map;<sup>143</sup>
- (d) Change of zoning for 65-51 Shortland Street on Map 33 from Residential Suburban to MRZ;<sup>144</sup>
- (e) Application of Large Format Retail Zone across all of the site at 229 Marshlands Road subject to Private Plan Change 6;<sup>145</sup>
- (f) Change of mapping legend for Map 19 referring to Brownfield Precinct to Brownfield Overlay;<sup>146</sup>
- (g) Remove the Heaton Character Area where it is on top of the SP Hospital Zone (St Georges Hospital) and remove the St Georges-Heaton Overlay entirely;<sup>147</sup>
- (h) On the A series legend, remove the cross-out of the Residential Hills Zone;<sup>148</sup>
- (i) Change the notification date on Series D maps to match Series A, B and C maps – 17/3/2023;<sup>149</sup>
- (j) Change the titles of the C series maps, both the PC13 and PC14 set to “Proposed Plan Change 13 and 14”;<sup>150</sup>
- (k) Change notation on Map Series A for Accommodation and Community Facilities Overlay to ACF or similar;<sup>151</sup>
- (l) Remove cross out from Residential Hills and Residential Suburban Density Transition Zone on the Map A legend;<sup>152</sup>

<sup>141</sup> Submission #751.75, FS2037.897.

<sup>142</sup> Submissions #751.94, #751.95, FS2037.916, FS2037.917.

<sup>143</sup> Submission #751.96, FS2037.918, FS2009.3.

<sup>144</sup> Submission #751.97, #751.98, and Attachment 2, FS2037.919, FS2037.920.

<sup>145</sup> Submission #751.101 and Attachment 4, FS2037.923.

<sup>146</sup> Submission #751.102, FS2037.924.

<sup>147</sup> Submission #751.103 and Attachment 5, FS2037.925, FS2082.509.

<sup>148</sup> Submission #751.104, FS2037.926.

<sup>149</sup> Submission #751.105, FS2037.927.

<sup>150</sup> Submission #751.106, FS2037.928.

<sup>151</sup> Submission #751.107, FS2037.929, FS2059.1.

<sup>152</sup> Submission #751.113, FS2037.935.

- (m) Change Industrial Zoning at 4, 6 and 8 Lismore Street on Map 39 to Mixed Use Zone with Comprehensive Housing Precinct;<sup>153</sup>
- (n) Apply all zoning changes, as relevant, that Plan Change 5F has made operative to Plan Change 14 planning maps;<sup>154</sup>
- (o) At Mathers Road/Hoon Hay Road on planning map 45, change RS Zoning to MRZ;<sup>155</sup>
- (p) Apply the LPTAA to the entirety of 55 Kennedys Bush Road on planning map 49;<sup>156</sup>
- (q) Change RS Zoning to MRZ at the following sites:<sup>157</sup>
  - (i) Harrowdale Drive/Nortons Road, Map 30;
  - (ii) Queenswood Gardens, Map 25;
- (r) Apply the LPTAA over the site at 25 Belfield Street, Map 32 (noting that this does not change the RS zoning as notified for PC14);<sup>158</sup>
- (s) Across all areas on Map 45 that have the operative zoning of RNN and proposed to be either MRZ or HRZ, introduce the North Halswell Outline Development Plan Connections Qualifying Matter, in accordance with the section 32 Evaluation;<sup>159</sup>
- (t) Remove Town Centre Intensification Precinct from the following MRZ sites (the Precinct is only intended to apply to HRZ land):<sup>160</sup>
  - (i) 32 and 34 Shirley Road, Map 25;
  - (ii) 399 Papanui Road, Map 24;
  - (iii) 283 Papanui Road, Maps 24 and 31;
  - (iv) 51 Browns Road, Map 31;
  - (v) Yaldhurst Road/Main South Road, Map 30;

<sup>153</sup> Submission #751.114 and Attachment 24, FS2037.936, FS2048.21.

<sup>154</sup> Submission #751.130, FS2037.952, FS2027.14, FS2061.1.

<sup>155</sup> Submission #751.131, #751.132, Attachment 35, FS2037.953, FS2082.524, FS2037.954, FS2082.525.

<sup>156</sup> Submission #751.133, Attachment 36, FS2037.955, FS2082.526.

<sup>157</sup> Submission #751.134, #751.135, Attachment 37 and Attachment 38, FS2037.956, F2037.957, FS2082.527, FS2082.528.

<sup>158</sup> Submission #751.136, Attachment 39, FS2037.958, FS2082.529.

<sup>159</sup> Submission #751.137, Attachment 40, FS2073.1, FS2037.959.

<sup>160</sup> Submission #751.138, Attachment 41, Attachment 43 and Attachment 44, FS2037.960.



- (u) Over MRZ area at 160 Langdons Road, change zoning to HRZ and apply the Town Centre Intensification Precinct, Map 24;<sup>161</sup>
- (v) Remove Large Local Centre Intensification Precinct from MRZ sites at Beverley Street/Papanui Road, Map 31, and apply the Large Local Centre Intensification Precinct to the HRZ site within;<sup>162</sup>
- (w) Remove spot zoning as MRZ of heritage item sites where this would otherwise be zoned HRZ in line with their surroundings, Map Series A and interactive map;<sup>163 164</sup>
- (x) Amend the Series D planning maps to:<sup>165</sup>
  - (i) move all Historic Heritage layers to Series C;
  - (ii) improve legibility of the LPTAA symbology;
  - (iii) move all coastal hazard layers to Series B (including Tsunami Management Area);
  - (iv) remove all designations from Series D (already captured in Series A);
  - (v) rename the Series D maps to “Qualifying Matter Overlays” or similar; and
  - (vi) where required, conduct any required consequential changes to sub-chapter 6.1A; and
- (y) Change the Zone of Buchan Park from notified PC14 Proposed Mixed Use Zone to Operative Open Space Community Parks Zone.<sup>166</sup>

103. While some down-zoning is proposed compared to the zoning that was notified (Submission points #751.94, #751.95, #751.133, #751.38, #751.141, #751.142), this ensures that the integrity of the plan is maintained. While it will result in an opportunity cost compared to the notified provisions, the benefit is that the integrity of the heritage and character areas will be preserved, and protected from inappropriate subdivision use and development in some of the circumstances. For others, it provides a

<sup>161</sup> Submission #751.139 and #751.40, FS2037.961, FS2037.962.

<sup>162</sup> Submission #751.141, #751.142 and Attachment 43, FS2037.963, FS2037.964.

<sup>163</sup> Submission #751.143, FS2037.965.

<sup>164</sup> This impacts the following sites: 122 Papanui Road, 283 Papanui Road, 399 Papanui Road, 1 Harewood Road, 51 Browns Road, 41 and 45 Ranfurly Street, 153 Holly Road, 2 and 16 Helmores Lane, 20 Mona Vale Avenue, 65 Riccarton Road, 59 Hansons Lane, 24 Main South Road, 25 Yaldhurst Road, 25A Yaldhurst Road.

<sup>165</sup> Submission #751.144, FS2037.966.

<sup>166</sup> Submission #751.145, #751.146, FS2037.967, FS2048.22, FS2037.968.

consistent application of the zoning for sites based on their characteristics. By ensuring consistent application of zoning, the changes are both efficient, and effective, and maintain the integrity of the plan. I recommend that these changes are accepted.

104. In other situations, areas have been up-zoned compared to what was notified (Submission points #751.97, #751.98, #751.131, #751.132, #751.134, #751.135, #751.139, #75.140, #751.141, #751.143). In these circumstances, property owners will benefit from additional development capacity within their sites. I recommend that these changes are accepted.
105. CCC's submission seeks the introduction of the North Halswell Outline Development Plan Connections Qualifying Matter across the MRZ and HRZ zoned land at North Halswell on Map 45 Map Series D.<sup>167</sup> This was omitted, and is already addressed in the section 32 material.<sup>168</sup> The inclusion of the map is consequential and I recommend the submission is accepted.
106. CCC seeks that all zoning changes as a result of Plan Change 5F becoming operative are made to the Plan Change 14 Maps (Submission #751.130). This is a minor administrative change and does not require any assessment. I recommend the submission is accepted.
107. In relation to 4, 6 and 8 Lismore Street (Submission #751.114), the notified zoning is Industrial, while the surrounding sites area is zoned Mixed Use Zone with Comprehensive Housing Precinct. This remains a zone, and Precinct, in the officers' recommended version of Chapter 15. Given the location of the sites in this area being zoned Mixed Use, I consider that the change to the site provides for consistent zoning of both the sites and the adjacent area, and recommend that the submission is accepted.
108. CCC seeks to remove the Heaton Character Area where it is on the Special Purpose Hospital Zone (St Georges Hospital) and remove the St Georges-Heaton Overlay in its entirety. This is addressed in Ms Piper's section 42A report regarding submissions from St George's Hospital<sup>169</sup>, seeking the same outcomes. The reason given for removing the overlay is that the St Georges-Heaton Overlay is superfluous to requirements, and that the Heaton Character Area is proposed to be reduced in extent, and should be removed

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<sup>167</sup> Submission 751.137 and Attachment 40, FS2073.1.

<sup>168</sup> At para 6.24 section 32 Report Part 2 Qualifying Matters <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf>.

<sup>169</sup> Submission #194.

from the site. Given agreement between the Council and the submitter, I recommend that the submission is accepted.

109. A number of other changes either correct the terminology for the used in the mapping, improve its functionality and clarity for readers, or incorporate plan changes that have become operative (Submission points #751.25, #751.102, #751.105, #751.106, #751.107, #751.130). These are considered minor changes and I do not consider that additional analysis is required. I recommend that these changes are accepted.
110. In relation to the removal of the strikeout for the Residential Hills Zone (Submission points #751.104 and #751.113) I recommend accepting this in part, noting that the Residential Hills Zone is being replaced by the MRZ Suburban Hills Density Precinct. I recommend that legend is updated to reflect the Suburban Hills Density Precinct.

## DEFINITIONS

111. Council's submission identifies a number of amendments to definitions that are consequential to matters addressed by PC14. Those submissions are:
- (a) Amendment to definition of "Comprehensive Residential Development" to remove reference to RNN Zone, and amendment of the threshold from three residential units to four residential units;<sup>170</sup>
  - (b) Addition of a definition of "intensification" in relation to Policies 5.2.2.5.1 and 5.2.2.5.2 meaning development that results in a net increase of residential units and/or potential for increased occupancy within a site;<sup>171</sup>
  - (c) Removal of all definitions related to the Meadowlands Exemplar Overlay including "context and site analysis (Meadowlands)", "future development allotment (Meadowlands)" and neighbourhood plan (Meadowlands);<sup>172</sup> and
  - (d) Amendment of the definition of "building base" and "building tower" through the inclusion of a reference to building base in relation to both definitions.<sup>173</sup>

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<sup>170</sup> Submission point #751.2, FS2037.824, FS2048.1.

<sup>171</sup> Submission point #751.3, FS2037.825, FS2054.1.

<sup>172</sup> Submission point #751.4, FS2037.826, FS2066.1.

<sup>173</sup> Submission points #751.5, ##751.8, #751.9, #751.10, #751.11, #751.12, #751.13, #751.14, FS2037.827, FS2037.830, FS2037.831, FS2037.832, FS2044.14, FS2045.12, FS2037.833, FS2037.834, FS2037.835, FS2037.936.

### *Comprehensive residential development*

112. Under PC14, the RNN Zone is recommended to be replaced with new zones reflecting the National Planning Standard zones.<sup>174</sup> For existing developed RNNZ areas, these are proposed to be rezoned to MRZ, or where appropriate, HRZ. For undeveloped, but zoned RNNZ areas, these would be re-zoned to FUZ. The consequence of the rezoning is that reference to RNNZ in definitions is now redundant. While the NV definition referred to replacement of RNNZ with FUZ, the Council's submission seeks that the reference to zones be deleted altogether, so that 'comprehensive residential development' could be applied across all zones. This picks up the recommended introduction of comprehensive residential development as a new activity in NV Rule 15.10.1.3 that provides for comprehensive residential development in the Comprehensive Housing Precinct within the Mixed Use Zone. As such, it can be applied as a general term.
113. In keeping with the MDRS, which provides for up to three houses as a permitted activity in terms of density, it is proposed to amend the threshold in the definition of comprehensive residential development from three to four. This is on the basis that the development of four houses now provides the threshold where a restricted discretionary assessment can take place (rather than three as provided for in the ODP).
114. ChristchurchNZ<sup>175</sup> also seeks a similar change, seeking deletion of the reference to the RNNZ, and requesting that staged development may not be precluded, rather than 'is not precluded' as set out in definition.
115. I consider that the amended provision as recommended in the CCC submission provides better clarity in relation to the application of the definition, and as such, is more efficient. The amendment of the definition in relation to the number of residential units is more appropriate, as it implements Clause 10 and Clause 2(1) of Schedule 3A of the Act. This is likely to reduce administration costs, and provide greater certainty in relation to opportunities for development. While there is potential for adverse effects on amenity (due to a reduced threshold for urban design input), I consider the effects to be minor, and to amend the provision in any other manner would not implement the provisions of the Act.

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<sup>174</sup> Residential section 32 at para 3.3.2 <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Residential.pdf>.

<sup>175</sup> Submission #760.32.

116. I do not agree with the change sought by ChristchurchNZ, seeking change to that part of the definition that staged development *may* not be precluded. I consider the change sought lacks the clarity that the existing wording provides, and that the existing wording in relation to that part of the definition is certain, and therefore more efficient.
117. As such, it is recommended that the definition of comprehensive residential development is amended as set out in Council's submission as set out below:

*Comprehensive residential development*

*in relation to the Residential New Neighbourhood Zone, means a development of ~~three~~ four or more residential units which have been, or will be, designed, consented and constructed in an integrated manner (staged development is not precluded). It may include a concurrent or subsequent subdivision component.*

*Intensification*

118. The CCC submission<sup>176</sup> seeks to include a definition of intensification for the purpose of application of the Coastal Hazards Management Area QM and TMA QM, as CCC considers that in the context of NV Policies 5.2.2.5.1 and 5.2.2.5.2, what constitutes intensification is uncertain and can be made clearer through a definition. South Shore Residents Association also sought that 'development' and 'intensification' also have robust definitions<sup>177</sup> (noting that I do not address the request for a definition of 'development').
119. The topic of coastal hazards is addressed in the section 42A report of Ms Oliver.<sup>178</sup> Ms Oliver recommends amending both Policy 5.2.2.5.1 and 5.2.2.5.2 and in response to submissions in the context of those policies, also recommends a definition of "*residential intensification*".<sup>179</sup> This is, in essence, the same matter addressed by the CCC submission. I have reviewed Ms Oliver's recommendation, and consider that her recommendation better addresses the issue of the type of activities that are considered intensification, over and above CCC's submission. In particular, I consider that the reference to activities that address occupancy in CCC's submission would undermine the workability of the rules, and also place significant

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<sup>176</sup> Submission #751.3, FS2037.825, FS2054.1.

<sup>177</sup> Submission #380.5.

<sup>178</sup> At para 13.1-13.26 section 42A Report – Strategic issues <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/01-Sarah-Oliver-Section-42A-report-final.PDF>.

<sup>179</sup> Ibid at para 13.26.

opportunity costs on homeowners, with no clarity as to how such a policy would be implemented.

120. While I note that the OV definition of 'residential intensification' does not address increased density through provision of minor residential units (which are permitted in the zones, subject to standards), I consider that any change to this status as part of the IPI would not be consequential on the plan change, and should be addressed separately through future coastal hazard plan changes.
121. As such, I recommend that the definition as set out by Ms Oliver in the section 42A report is accepted, as follows:

*Residential intensification*

*means for the purpose of Coastal Hazard Management Areas and Tsunami Risk Management Area Qualifying Matters, increasing the number of residential units (including on a site beyond that either:*

*a. lawfully established as at [operative date of PC14];*

*b. provided for as a permitted activity in the activity status table for the Residential Suburban and Residential Suburban Density Transition Zone and complying with the zone density standards; or*

*c. permitted via a resource consent granted prior to [operative date of PC14]. For the avoidance of doubt, c. includes vacant lots created by subdivision approved prior to [operative date of PC14] where these are to be developed in accordance with a. or b.*

*Reference to Meadowlands Exemplar*

122. A number of definitions in the CDP relate to the Meadowlands Exemplar development, which was part of the North Halswell ODP area. This is addressed in the section 32 background material.<sup>180</sup> PC14 proposes removing the remainder of the Meadowlands Exemplar Overlay (with the exception of a rule requiring residential lots facing the Green Corridor with vehicle access at the rear). A majority of the provisions for the Meadowlands Exemplar were previously removed through Plan Change 10. This is

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<sup>180</sup> At para 3.5.3-3.5.6 section 32 Subdivision Development and Earthworks.  
<https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Subdivision-Development-and-Earthworks.pdf>.

addressed in the section 42A report of Mr Bayliss,<sup>181</sup> noting that the areas within the RNNZ at North Halswell have been replaced by MRZ and HRZ.

123. As a result of Mr Bayliss's recommendations, and that PC14 recommends deleting remaining provisions for the exemplar, the deletion of the definitions that refer to the Meadowlands is considered to be appropriate, providing clarity and consistency to the plan, in an efficient manner.
124. As such, I recommend that the following definitions are deleted:
- (a) Context and site analysis (Meadowlands);
  - (b) Future development allotment (Meadowlands); and
  - (c) Neighbourhood plan (Meadowlands).

*Building base and building tower*

125. CCC seeks that the definition of 'building base' and 'building tower' are amended to refer to the maximum height for each component, rather than for the height permitted in the zone. It was intended that the building base would be the part of the building below the base height (either 17 or 28 metres as notified) and that the tower would be the part above it. As notified, the tower is defined as that part of the building above the permitted height. These definitions impact the NV City Centre Zone, Central City Mixed Use Zone, and Central City Mixed Use South Frame Zone.
126. The definitions are sought to be deleted by Kāinga Ora,<sup>182</sup> Carter Group Limited<sup>183</sup> and The Catholic Diocese of Christchurch<sup>184</sup>, on the basis that they generally oppose controls on these aspects of central city buildings. This is addressed in the section 42A report by Ms Gardiner for the Central City Commercial Zones.<sup>185</sup> Ms Gardiner has made recommendations on the definitions in response to the submissions.
127. Ms Gardiner's recommendations are more specific than those changes specified in the CCC submission, and refer to the specific permitted heights in each zone, as well as specifically referencing the Central City Mixed Use Zone (South Frame). I consider that the option specified in Council's

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<sup>181</sup> At para 6.1.6, 8.4.39-8.4.42 <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/12-lan-Bayliss-Section-42A-Final.PDF>.

<sup>182</sup> Submission #834.296.

<sup>183</sup> Submission #814.5, #815.6.

<sup>184</sup> Submission #823.5, #823.6.

<sup>185</sup> At para 8.1.41-8.1.55 section 42A report City Centre Zone, Central City Mixed Use Zone; Central City Mixed Use (South Frame) Zone <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/03-Holly-Gardiner-Section-42A-Report-final.PDF>.

submission is more concise, and removes the risk of the heights being amended through the submission process, but not subsequently being changed in the definition. However I agree with Ms Gardiner that the definition should specifically reference the Central City Mixed Use Zone (South Frame). I consider this to be more efficient and succinct than the option outlined in the section 42A report, making it clearer for plan readers.

128. I therefore recommend that the following definitions are included in the plan for building base and building tower, amend the NV definitions, as follows:

*Building Base*

*In respect to the ~~City Centre Zone, and Central City Mixed Use Zones, and Central City Mixed Use Zone (South Frame)~~, means any part of any building that is below the maximum permitted height for the building base for that type of building in the zone.*

*Building Tower*

*In respect to the ~~City Centre Zone, and Central City Mixed Use Zones, and Central City Mixed Use Zone (South Frame)~~, means the part of any building that is above the maximum permitted height for that type of building in the zone. A tower comprises the upper levels of a tall building that are set back from the property boundaries.*

## **CONCLUSION**

129. I consider that:

- (a) the changes as recommended in my evidence will assist the Council with carrying out its functions and achieve the purpose of the Act, and that the provisions as expressed in my evidence will accord with Part 2;
- (b) the amendments as proposed will implement the higher order documents that are relevant to PC14, including the CRPS, NPSUD and NZCPS;
- (c) includes having regard to the actual or potential effects of the activities (as recommended to be amended), in particular any adverse effects;
- (d) the changes are the most appropriate for achieving the objectives of the CDP, taking into account the costs and benefits associated with the changes, which supplement the analysis already undertaken by the Council as part of its s 32 reports;



(e) there is not any uncertain or insufficient information that warrants an evaluation of the risk of acting or not acting in response to the submissions;

130. As such, I have made the recommendations to the Panel to accept, accept in part, or reject submissions, as set out in my evidence.

Marcus Hayden Langman

Date: 20 September 2023