

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and
Business Choice pursuant to Part 5, subpart
5A and Part 6 of Schedule 1 of the Resource
Management Act 1991

MINUTE 36:

IHP RESPONSE TO COUNCIL MEMORANDA OF 25 AND 27 MARCH 2024

- [1] This is the thirty sixth (36) procedural Minute to be issued by the Independent Hearings Panel (IHP) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded, pursuant to Part 5, subpart 5A and Part 6 of Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] The purpose of this Minute is to:
- (a) Respond to the Memorandum of Counsel for the Council dated 25 March 2024¹ regarding Council suggestions to address the possible staged Council decision making on Policy 3 and 4 and MDRS provisions; and
 - (b) Acknowledge the Memorandum of Counsel for the Council dated 27 March 2024² enclosing a copy of correspondence from the Minister for Resource Management Reform and the Minister for Housing (the Minister) granting the Council an extension to make decisions on provisions in PC 14, other than those required by Policy 3 and 4 of the NPS-UD.

Background

- [3] By memorandum of 25 March 2024 Counsel for the Council outlined a number of suggestions to the IHP as to the structuring of our recommendations report, and possible further information the Council could provide the IHP should the IHP request. We understand the intent of those suggestions was to expedite the Council's internal reporting and decision-making process on PC 14, particularly meeting the timeline for decisions on provisions that give effect to Policy 3 and 4 of the NPS-UD.
- [4] We have also received a memorandum from Counsel for the Council updating the IHP on the further directions from the Minister providing an extension to the Council as follows:
- "(...) [extend] the timeframe for Christchurch City Council to notify decisions on the Independent Hearings Panel's recommendations relating to parts not subject to Policy 3 and Policy 4 of the NPS-UD to **12 December 2025**. The notification of decisions on the remainder of Plan Change 14 is still required by **12 September 2024**."*

¹ [Memorandum-of-Counsel-for-Christchurch-City-Council-25-March-2024.pdf \(ihp.govt.nz\)](#)

² [Memorandum-of-Counsel-for-Christchurch-City-Council-27-March-2024-Update.pdf \(ihp.govt.nz\)](#)

- [5] The IHP has reflected on our comments in Minute 34 (where we signalled our intention to issue a recommendation report on all of PC 14) in light of the Minister's letter as set out above. The IHP confirms that it will issue our recommendations report on all of PC 14 in time for the 12 September 2024 decision deadline.
- [6] We remain concerned that whilst the separation of the decision timeframes may be of assistance to the Council when making its decisions, the split dates for final decision by Council is of no assistance to the IHP. That is because it is artificial and too difficult at this late stage for us to unpick all of those aspects of the evidence and submissions, and associated provisions that are not subject to Policy 3 and Policy 4 of the NPS-UD from those associated with the MDRS. To that end while we see some merit in the Council offering its suggested colour coding of provisions as a means of identifying what the Council officers consider to be solely Policy 3 and 4, and solely MDRS, or both, we wish to make it clear, that it will be a matter for the IHP to determine, where the line falls based on all of the evidence and submissions before us. We leave it to the Council to consider how it best presents its right of reply, subject to the directions below, bearing in mind the task the IHP has ahead of it.

Directions

- [7] Our expectation is that the Council will adhere to the usual requirements of a right of reply and not seek to introduce any new evidence.
- [8] We expect that the Council will, as part of its right of reply, provide the IHP with a set of updated provisions and mapping (final reply version) that reflect the final position of Council officers in response to the hearing of evidence, submissions and any joint witness statements. Except as set out in [9] and [10] below we leave it to the Council as to how it wishes to present that material to us.
- [9] In relation to the final reply version we direct that where revisions or changes are proposed that differ from the notified version then these are to be separately identified and accompanied by notations and references to the origins of those changes in the evidence and/or submissions and are to be supported by cross references to the relevant s32 and 32AA evaluations as are applicable.
- [10] The IHP would be assisted by an updated Council officer recommended 'accept/reject' table as part of the right of reply.

Dated 2 April 2024

A handwritten signature in black ink, appearing to read 'Cindy Robinson', with a long, sweeping flourish extending to the right.

Cindy Robinson

Chair

for Independent Hearings Panel