

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 50: RESPONSE TO COUNCIL REQUEST FOR INITIAL CLARIFICATION

- [1] This is the fiftieth (50) procedural Minute to be issued by the Independent Hearings Panel (the Panel) 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 respond to the Memorandum of Counsel for Christchurch City Council filed on 2 August 2024¹ (the Council's Memorandum) regarding initial clarifications of the Panel's Recommendation Report pursuant to RMA, Schedule 1, clause 101(4)(c).
- [3] The Council's Memorandum seeks initial clarification relating to the Council's understanding of the direction by the IHP in its Recommendations Report regarding the drafting of the provisions in Chapter 14 of the district plan.

Clarification of intended outcomes revised Chapter 14 and associated mapping

- [4] The Panel confirms that the summation provided in paragraph 5 of the Council's Memorandum is a correct summation of the recommendations we have made with respect to PC 14 as it applies to the 'three consent pathways'.
- [5] The Panel confirms the proposed approach to the redrafting achieves the outcomes sought.
- [6] As requested in paragraph 12 of the Council's Memorandum, the Panel confirms that it will be available over the next two months to review the Council's redrafting of Chapter 14 and provide any further clarification if requested by the Council.

Clarification of intent for orange and purple text in recommended provisions

- [7] In summary, the only orange and purple text that has not been amended to be accepted or rejected is in respect of the redrafting required for the 'three consent pathways' recommendation by the Panel. Comment on each of the instances Council seeks clarification on are set out in the following table.
- [8] The Panel notes that there are a number of other provisions not included in the list in paragraph 8 of the Council's Memorandum, that also have not been amended by a Panel

¹[Memorandum of Counsel for Christchurch City Council - Regarding initial clarifications, 2 August 2024](#)

recommendation. These can be clarified if the Council's seeks clarification of the officers' redrafted Chapter 14 in due course.

Provision	Panel Clarification
14.4.1.3 RD34	The Panel recommendation is that all of the RS and RST zone under the Airport Noise contours is rezoned MRZ or HRZ. Rule 14.4.1.3 RD 34 is no longer required and is to be deleted in the sub chapter but is to be reassigned and redrafted in accordance with the recommendations and drafting instructions in Part 4, Section 6 of the Report to the MRZ and HRZ zones.
14.5.1.3 RD1	To be redrafted in accordance with the 'three consent pathways'.
14.5.1.3 RD2, RD14, RD23, RD26, RD32	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.4 – Building Coverage	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.6 – Height in relation to boundary	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.7.a.i – Minimum building setbacks	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.9 – Fencing and screening	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.10.e.iii – Windows to street	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.5.2.13.c – Service, storage and waste management spaces	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.15 – Garaging and carport building location	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.17 – Location of outdoor mechanical ventilation	To be redrafted in accordance with the 'three consent pathways'.
14.5.2.19 – Building length	To be redrafted in accordance with the 'three consent pathways'.
14.5.3.1.1 P3	To be redrafted in accordance with the 'three consent pathways'.
14.6.1.1 P7, P8, P9, P17-P25	To be redrafted in accordance with the 'three consent pathways', particularly in relation to differentiating between where the RCC zone applies within and outside the Central City.
14.6.1.2 C1	To be redrafted in accordance with the 'three consent pathways', particularly in relation to differentiating between where the RCC zone applies within and outside the Central City.
14.6.1.3 – Restricted discretionary activities	To be redrafted in accordance with the 'three consent pathways', particularly in relation to differentiating between where the RCC zone applies within and outside the Central City.

Provision	Panel Clarification
14.6.1.4 D1-D2	To be redrafted in accordance with the 'three consent pathways', particularly in relation to differentiating between where the RCC zone applies within and outside the Central City.
14.6.1.5 – Non-complying activities	To be redrafted in accordance with the 'three consent pathways', particularly in relation to differentiating between where the RCC zone applies within and outside the Central City.
14.6.2.4.i.i – Outlook space	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.5 – Building separation	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.6 – Fencing and screening	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.8 – Windows to street	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.9 – Ground floor habitable space	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.11 – Service, storage and waster management	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.12 – Building coverage	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.14 – Garaging and carpark location	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.15 – Location of outdoor mechanical ventilation	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.18 – Building length	To be redrafted in accordance with the 'three consent pathways'.
14.6.2.20 – Minimum building setbacks from railway lines	To be redrafted in accordance with the 'three consent pathways'.
14.6.3 – Area-specific rules – High Density Residential Zone	To be redrafted in accordance with the 'three consent pathways'.
14.15.29 - Wind	To be redrafted in accordance with the 'three consent pathways'.

Clarification regarding use of defined terms in recommended provisions

[9] The Panel confirms the Council's understanding as set out in paragraph 10 of the Council's Memorandum.

Process matters

[10] As set out in paragraphs [6] and [8] of this Minute, the Panel will make itself available to review the redrafted Chapter 14 and respond to any other matters of clarification over the next two months.

[11] In its Minute 46² issued on 22 April 2024 the IHP detailed the process for the Council to seek confirmation of mapping directions and any clarification required. These are to be communicated to the IHP via memoranda and will be responded to by Minute. This is a technical process, undertaken under RMA Schedule 1, clause 101(4) and memoranda and Minutes will be published on the IHP website.

Dated 6 August 2024



Cindy Robinson
Chair
for Independent Hearings Panel

² [IHP-Minute-46-Christchurch-City-Council-Right-of-Reply-22-April-2024.pdf](#) paragraphs [9] and [10]