

**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

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**MINUTE 57: RESPONSE TO COUNCIL FURTHER FINAL CLARIFICATIONS**

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- [1] This is the fifty seventh (57) 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 25 October 2024<sup>1</sup> regarding further final clarifications (the Memorandum).
- [3] Under the RMA, Schedule 1, clause 101(4)(c) the Council may seek clarification from the independent hearings panel on a recommendation in order to assist the specified territorial authority to make a decision.

### **Council Memorandum**

- [4] The Council's Memorandum seeks clarification on several final aspects of its recommendations on PC 14.
- [5] The Memorandum attaches as Appendix 2 correspondence to the Council from Counsel for the Ministry of Justice, Te Tāhū o te Ture<sup>2</sup> (the Ministry) raising errors and oversights identified with respect to the Panel's recommendations on the radio communication pathway.

### **Panel Response**

- [6] The Panel's response to the clarifications sought are detailed below and in the attached appendices.
- (a) Appendix 1 is the Panel's response and comments to the Memorandum, Appendix 1 – Final clarifications sought.
- (b) Appendix 2 is the height comparison for the SPZ Hospital zones.
- (c) Appendix 3 is the height and activity status for buildings affected by the Radio Communication Pathway QM.

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<sup>1</sup> [Memorandum of Counsel for Christchurch City Council - 25 October 2024 - Regarding further final clarifications](#)

<sup>2</sup> Ministry of Justice, Te Tāhū o te Ture #910 #2012

### Radio Communication Pathway

[7] In addition to the responses to the clarifications sought in Appendix 1, item 4, the Panel has issued a third addendum to Part 3 of the Recommendations Report<sup>3</sup>, and recommends that the Radio Communication Pathway QM be accepted, with modification to the activity status for structures that infringe the pathway.

### Special Purpose Zone (Hospital) heights

[8] In addition to the response to the clarifications sought in Appendix 1, item 1, the Panel has issued an addendum to correct Part 7 of the Recommendations Report<sup>4</sup> to align with Part 3 heights for the former Pegasus Health 24-hour clinic and the Southern Cross Hospital to be commensurate with the surrounding zone.

### **General comment on clarifications process**

[9] The Panel acknowledges that Council officers have referred some late and unexpected clarification requests to the Panel.

[10] The Panel remains available to review the Council's redraft of Chapter 14 as previously indicated. However, it is becoming more difficult to respond in the time remaining before Council is required to make decisions, due to the time required to revisit the evidence, submissions, legal submissions and hearing transcripts on the issues raised and unavailability of commissioners.

Dated 8 November 2024



Cindy Robinson  
Chair  
for Independent Hearings Panel

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<sup>3</sup> [Addendum 3 to Part 3 of the Recommendations Report - 8 November 2024.](#)

<sup>4</sup> [Addendum to Part 7 of the Recommendations Report - 8 November 2024.](#)

**APPENDIX 1 – Final clarifications sought**

#	Key Theme	Chapter/ Provision	Previous Minute (s)	Panel Recom menda tion Part #	Matter for Panel clarification	IHP Response / Comment
1.	Specific Purpose (Hospitals) Zone provisions	13.5.4.2.3 and 13.5.4.2.4	Minute 51	Part 7, paragraph 227.	<p>The Southern Cross Hospital and the former Pegasus Health 24-hour site are located on the north side of Bealey Avenue and were identified these health facilities as a “Larger inner urban site” and a “Smaller inner urban site” respectively.</p> <p>PC14 had sought to apply the Policy 3 catchment to land north of Bealey Ave, including HRZ around both of these sites. PC14 proposed that the height of buildings be increased from 11m to 14m at a distance of 10m from a boundary. Subsequent Council evidence recommended increasing that height to 22m (at 10m from a boundary) for both larger and smaller inner urban hospital sites, to provide for development at a more HRZ-comparable level of intensification. That increased height in the provisions, along with other changes to the proposed provisions, were accepted in Part 7 of the Panel recommendations. However, the Part 3 recommendations from the Panel have recommended a significantly smaller walking catchment around CCZ, extending only to the south side of Bealey Ave. This resulted in the Southern Cross Hospital and former Pegasus</p>	<p>The Panel notes that Part 8 Appendix 1 ‘Technical Review of Specific Purpose Hospital Provisions’ of the Council s32 Report in support of changes to the built form standards in the SP (Hospital) Zone with respect to the Southern Cross and Pegasus Health 24-hour sites (including maximum height), was based <b>primarily</b> on the notified proposed re-zoning of the residential areas around these sites as HRZ. This primary reason was supported by Operative District Plan Objective 13.5.2.1 and Policy 13.5.2.1.1, in their direction to support the efficient development of hospital sites by encouraging intensification within the sites. The proposed changes in built form standards were also assessed as supporting Policy 3 of the NPS-UD to give greater flexibility of building form for business and community services (in this instance health care).</p> <p>The s42A Report and Council Reply adopted that approach in reaching support for the 22m permitted maximum height provisions.</p> <p>The Panel confirms that the provisions for the Southern Cross and Pegasus Health 24-hour</p>

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					<p>Health 24-hour sites no longer being within the Policy 3 catchment and being instead surrounded by MRZ. The height limit of 22m now no longer appears to be commensurate with the development potential of the surrounding residential zone.</p> <p><b>Can the Panel please confirm its recommendations for the Southern Cross and the former Pegasus Health 24-hour sites as to whether a height of 14m or 22m, at 10m from a boundary, is recommended given the changes to Policy 3 catchments? Should provisions instead apply as per their MRZ counterparts (such as those captured as ‘Smaller inner urban sites’ in 13.5.4.2.4)?</b></p>	<p>sites should revert to the Operative District Plan standards subject to amendment to reflect the maximum height standards for the MRZ (refer to Rule 14.5.2.3 a.i.) as a consequence of the Panel Recommendation to exclude the northern side of Bealey Avenue from the NPS-UD Policy 3(a) walkable HRZ catchment from the edge of the CCZ.</p> <p>The Panel has prepared a Table in Appendix 2 setting out the differences between the ODP and PC 14, as notified and recommended by the s42A Author and Panel.</p> <p>Furthermore, the Panel notes that other provisions in the SP (Hospital) Zone will require amendment to complement the change to the maximum height built form standard. This would include reviewing the sites to be included in the ‘Larger’ and ‘Smaller’ Inner Urban Sites, and recession plane provision (particularly Rule d.ii.), amongst other matters.</p> <p>The Panel has separately issued an addendum correction to Part 7 of the Recommendations Report.</p>


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2.	Coastal Hazards – Residential Intensification definition	Chapter 5.2 and Chapter 14	Minute 53, Appendix 1 (#3)	Part 5, section 9	<p>Council sought clarification on how the Tsunami Risk Management Area (TRMA) should apply to Commercial and Industrial zones via its 23 August memorandum, which the Panel responded to in Minute 53. Council has interpreted the practical application of this response to be that the TRMA has no rule influence in commercial or industrial zones, and that commercial and industrial zones are renamed in accordance with recommendations for Chapter 15.</p> <p>Part 5, section 9, of the Panel's recommendations details recommendations for Coastal Hazards and TRMA. The recommendations support the approach whereby if &gt;30% of a site is covered by the relevant overlay, the operative zoning should hold. The Panel also recommended the acceptance of the 'Residential Intensification' definition to manage development within overlays. The definition makes a direct link to 14.4 – Residential Suburban Zone (RS) and Residential Suburban Density Transition Zone (RSDT). However, the overlays approach also retains other operative residential zones, such as Residential Medium Density (RMD) and Residential Hills (RH). This appears to be an omission in the definition and rule framework associated with overlays.</p>	<p>The Panel confirms that the 'Residential intensification' definition was only intended to apply to the Tsunami Risk Management Area (TRMA) and only in relation to the Residential Suburban (RS) and Residential Suburban Density Transition (RSDT) zones. Policy 5.2.2.5.2.b and Rule 5.4A (particularly Rule 5.4A.1 Permitted activities and Rule 5.4A.5 Non-complying activities) set out that the rules only apply in the RS and RSDT zones.</p> <p>The Coastal Hazards and TRMA overlays will apply to other zones (such as RMD, commercial and industrial), but there are no rules applicable to those zones. Rather, the relevant objective and policy framework in section 5.2 would be considered as part of any resource consent application, assessment and decision-making.</p> <p>Accordingly, the Panel confirms the following in response to the matters raised and specific queries:</p> <ol style="list-style-type: none"> <li>a. there is no omission in the definition of 'residential intensification' and the rule framework associated with the overlays (refer to top of Page 5 of Appendix 1);</li> <li>b. the use of the term 'residential intensification' in Policy 5.2.2.5.2 b.ii.</li> </ol>

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					<p>If the Panel did intend for the residential intensification definition to apply to RMD, then the Council has the following queries:</p> <ul style="list-style-type: none"> <li>i. <b>How does the coastal hazard (5.2.2.5.1 b.) policy work for RMD given the “residential intensification” definition is limited to RS/RSDT zones?</b></li> <li>ii. The TRMA policy 5.2.2.5.2 b. refers to sites in the MDR and/or RH precinct (noting that the name “precinct” needs to be struck through as the recommendation is to reject the precinct). For sites zoned RMD prior to the operative date of PC14, residential intensification is provided for in accordance with the MDR zone. This does not appear to consider sites that have retained their RMD zoning as a result of the Panel’s recommendations on this QM (and, as noted above, the definition of residential intensification does not currently refer to RMD). <b>Please could this be clarified.</b></li> <li>iii. <b>How do the coastal hazard rules work for RMD, given the rule is limited to RS/RSDT zones?</b> If the intent is that these be permitted in accordance with 5.4A1, then Council considers that the policy needs to be changed to avoid confusion and issues with discretionary or non-complying activities (or even RD</li> </ul>	<p>produces an unintended conflict between the policy and the rules, as identified by Council. The Panel recommends that the term ‘residential intensification’ be replaced with ‘residential development’ in Policy 5.2.2.5.2 b.ii. in order to remove the link to the definition (refer to Council query i.);</p> <ul style="list-style-type: none"> <li>c. the term ‘precinct’ should be deleted and replaced with ‘zone’ in Policy 5.2.2.5.2 (refer to Council query ii.);</li> <li>d. the replacement of ‘residential intensification’ with ‘residential development’ addresses the concern with respect to sites that have retained their RMD zoning under the overlay (refer to Council query ii.);</li> <li>e. the coastal hazard rules do not apply for the retained RMD zone where the overlay applies (refer to Council query iii.);</li> <li>f. Policy 5.2.2.5.2 b.ii. could be clarified by splitting the subclause to reflect the management of both zone outcomes, as follows (refer to top of Page 6 of Appendix 1): <ul style="list-style-type: none"> <li>ii. For sites located within the Medium Density Residential Zone and/or Residential Hills Precinct, where the Tsunami Risk Management Area overlay</li> </ul> </li> </ul>

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					<p>activities where the hazard is a relevant matter of discretion).</p> <p>Subject to the above, the recommended policy 5.2.2.5.2.b.ii appears unclear as to what the Panel intends the management of development should be within MRZ or RMD zoned sites. This could be further clarified by splitting the subclause to manage both zone outcomes, noting the Panel’s confirmation in Minute 53 of the zone clarifications within the TRMA impacted areas. <b>Please clarify.</b></p> <p>In relation to the response provided in Minute 53 regarding commercial and industrial zones, what changes are required for the commercial and industrial areas impacted by the TRMA? Council’s interpretation is that there is, in effect, no impact of the TRMA on the rules for commercial and industrial zones. An overview of Chapter 15 is that residential activity/intensification is restricted to above ground floor in commercial zones as per the Operative District Plan. The only aspects of PC14 providing for residential intensification in commercial zones relate to increases to the permitted height standards. The table below shows the difference between the Part 3 Commercial Recommendation and the Panel’s response contained in Minute 53. The Minute 53 response outlined that the TRMA and residential</p>	<p>applies to any part of the site, any residential unit shall be located outside of the Tsunami Risk Management Area, <del>except that for sites zoned Residential Medium Density prior to [operative date of PC14] residential intensification is provided for in accordance with the Medium Density Residential Zone.</del></p> <p><b><u>iii. For sites located within the Residential Medium Density zone prior to [operative date of PC14] residential development is provided for in accordance with the Medium Density Residential Zone.</u></b></p> <p>g. no change to the commercial and industrial zone provisions are required, for the reasons set out by Council in Appendix 1, and the Panel confirms that the Operative District Plan heights of the commercial and industrial zones are not to apply to residential development within those zones (i.e., the ‘IHP Part 3 Commercial Recommendation’ heights set out in the table are to apply (refer to Pages 6 and 7 of Appendix 1).</p> <p>The Panel notes that the ‘IHP Response’ to this matter in Minute 53 is as follows:</p>




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					<p>intensification restrictions apply to Commercial and Industrial Zones.</p> <table border="1" data-bbox="880 419 1518 1393"> <thead> <tr> <th data-bbox="880 419 1086 828">Centre</th> <th data-bbox="1086 419 1314 828">IHP Part 3 Commercial Recommendation</th> <th data-bbox="1314 419 1518 828">IHP Minute 53 Response to Mapping Clarifications Appendices 30 August 2024. Point 3 (Apply TRMA, apply Operative District Plan Heights to restrict Residential Intensification)</th> </tr> </thead> <tbody> <tr> <td data-bbox="880 828 1086 874">Ferrymead</td> <td data-bbox="1086 828 1314 874">22m</td> <td data-bbox="1314 828 1518 874">20m</td> </tr> <tr> <td data-bbox="880 874 1086 920">New Brighton</td> <td data-bbox="1086 874 1314 920">14m</td> <td data-bbox="1314 874 1518 920">12m</td> </tr> <tr> <td data-bbox="880 920 1086 967">Sumner</td> <td data-bbox="1086 920 1314 967">14m</td> <td data-bbox="1314 920 1518 967">12m</td> </tr> <tr> <td data-bbox="880 967 1086 1013">Redcliffs</td> <td data-bbox="1086 967 1314 1013">14m</td> <td data-bbox="1314 967 1518 1013">12m</td> </tr> <tr> <td data-bbox="880 1013 1086 1059">Woolston</td> <td data-bbox="1086 1013 1314 1059">14m</td> <td data-bbox="1314 1013 1518 1059">12m</td> </tr> <tr> <td data-bbox="880 1059 1086 1217">Neighbourhood Centres in North New Brighton and South New Brighton</td> <td data-bbox="1086 1059 1314 1217">14m</td> <td data-bbox="1314 1059 1518 1217">8m</td> </tr> <tr> <td data-bbox="880 1217 1086 1319">Mixed Use Zone (in New Brighton)</td> <td data-bbox="1086 1217 1314 1319">15m</td> <td data-bbox="1314 1217 1518 1319">15m</td> </tr> <tr> <td data-bbox="880 1319 1086 1393">Industrial General</td> <td data-bbox="1086 1319 1314 1393">Unlimited (Discretionary)</td> <td data-bbox="1314 1319 1518 1393">Unlimited (Discretionary)</td> </tr> </tbody> </table>	Centre	IHP Part 3 Commercial Recommendation	IHP Minute 53 Response to Mapping Clarifications Appendices 30 August 2024. Point 3 (Apply TRMA, apply Operative District Plan Heights to restrict Residential Intensification)	Ferrymead	22m	20m	New Brighton	14m	12m	Sumner	14m	12m	Redcliffs	14m	12m	Woolston	14m	12m	Neighbourhood Centres in North New Brighton and South New Brighton	14m	8m	Mixed Use Zone (in New Brighton)	15m	15m	Industrial General	Unlimited (Discretionary)	Unlimited (Discretionary)	<p>The Panel clarifies that the commercial and industrial zones within the TRMA are renamed as for all commercial and industrial zones in PC 14 and the TRMA applies to all residential intensification within those zones.</p> <p>The Panel confirms that there was no intent that the Operative District Plan commercial and industrial zones would apply. The Panel clarifies that the commercial and industrial zones as renamed and amended by its recommendations to PC14 apply to residential development within those zones.</p>
Centre	IHP Part 3 Commercial Recommendation	IHP Minute 53 Response to Mapping Clarifications Appendices 30 August 2024. Point 3 (Apply TRMA, apply Operative District Plan Heights to restrict Residential Intensification)																															
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					<p><b>Please confirm the Panel's recommendations on the above.</b></p>	
3.	Central City Building Heights Map	Chapters 15.12, 15.13, Central City Mixed Use (South Frame) Zone and Health Precinct area	Minute 51	Part 3	<p>Council sought clarification from the Panel regarding the Central City building heights map in Minute 51 – item 21.</p> <p>Within the Panel's Recommendations it is unclear what the recommendation is for the Central City Mixed Use (South Frame) (CCMU(SF)) zoned sites in the area shown as the 'Health Precinct' on the <i>Central City Core, Frame, Large Format Retail, Innovation, Retail and South Frame Pedestrian Precincts Planning Map</i><sup>5</sup> in the operative Plan as shown in the snip below.</p> 	<p>The application of heights within the Health Precinct was not addressed by the Panel, nor was it supported by a s32 evaluation by the Council. It appears to have been a complete omission by the Council and the Panel, save a reference on a planning map.</p> <p>The Panel's Recommendations in Part 3 of our Report was structured on the basis of the Zone that applied in the context of the NPS-UD Policy 3(a), (c)(ii) and (d) required enablements, i.e. the heights for CCZ is a Policy 3(a) response whereas the heights in the CCMUZ(SF) is a Policy 3(c)(ii) response (addressed in Part 3, section 4 of the Recommendation Report see [236] and at [253]-[256]). We note that in [260] the Panel addressed residential intensification precincts, but did not refer to the Health Precinct in [261].</p> <p>The Council did not address the effect of the Health Precinct on the requirements of Policy 3(c)(ii) in evidence before the Panel.</p>

<sup>5</sup> [https://districtplan.ccc.govt.nz/linkedcontent/planningmaps/PlanningMaps\\_CC.pdf](https://districtplan.ccc.govt.nz/linkedcontent/planningmaps/PlanningMaps_CC.pdf)

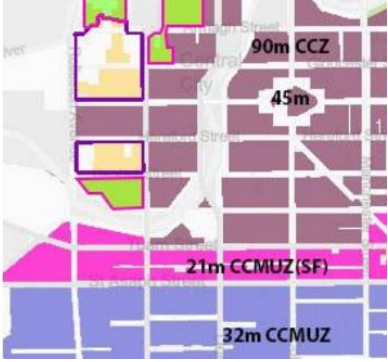
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					<p>The area outlined in blue is the 'Health Precinct' in the block of St Asaph Street, Hagley Avenue, Cambridge Terrace and Montreal Street.</p> <p>The blocks highlighted in green and orange are the areas subject to this matter for the Panel's clarification.</p> <p>In the operative Plan, the area in green has a height limit of 28m and the area in orange has a 30m height limit. Therefore, a building height limit of 21m for these areas, if the broad CCMU(SF) zone height limit recommendation is applied, <b>would be less enabling than the operative Plan.</b></p> <p>The remaining unhighlighted block within the blue area has a height limit of 17m in the operative Plan, and the Council does not have concerns regarding the recommended CCMU(SF) height limit of 21m.</p> <p>These areas were shown in the notified Central City Building Height Map with height limits as noted below.</p> <p>Purple being the 90m height overlay, yellow being the 32m overlay, and pink being the 21m overlay.</p>	<p>The Panel did not consider the appropriateness of a 90m height proposed in the green and orange area within the Health Precinct as part of its evaluation, nor does it appear that the Council did in its preparation of PC 14 as there is no accompanying s32 evaluation or appended technical reports to support the change as notified.</p> <p>The Panel does not recall having raised the matter of the Health Precinct at the hearing nor it being raised by any other person.</p> <p>The Panel did not intend or envisage that there would be any 'spot' height of 90m/or no height limit in this location. Had the issue been brought to our attention we would have made further comment or sought a response from Council witnesses as to how and why this was an appropriate method to give effect to Policy 3, or how it otherwise met the requirements of s32.</p> <p>The issue of whether the height should be different in the CCMUZ(SF) within the Health Precinct overlay as a consequence of PC 14 was not brought to the attention to the Panel by Council s42A Report authors.</p>

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					 <p data-bbox="880 600 1509 863">In the s42A Report of Mr Andrew Willis<sup>6</sup>, no specific reference is made to the recommended building height limit for the Health Precinct area. Mr. Willis does show the PC14 notified Central City Maximum Building Height Planning Map<sup>7</sup> as Appendix C of his evidence which shows the correct overlay for this area and the 90m height limit.</p> <p data-bbox="880 887 1509 1118">The evidence of Ms. Nicola Williams<sup>8</sup> also remains silent on the specific building height for the Health Precinct area. However, she includes a map of the Central City at page 2. This map shows the zoning for the area as CCMU(SF) but does not show a 'spot height' for this specific area.</p>	<p data-bbox="1541 339 2159 448">Mr Willis the s42A Report author for the Central City also focused solely on the zones in the central city.</p> <p data-bbox="1541 472 2159 735">Ms Gardiner, who provided the s42A Report for the CCMUZ(SF) zones also did not refer to the heights in the Health Precinct. Her Table 3 summarises the built form standards for the CCMUZ(SF) and does not reference the Health Precinct but does reference the Innovation Precinct.</p> <p data-bbox="1541 759 2159 868">As the Council has noted Ms Williams' evaluation was on the basis of the zone not the precinct.</p> <p data-bbox="1541 892 2159 1275">The Council notes an absence of submissions on this issue. The Panel observes however that there were a number of submissions opposed to the 90m height limit or any change from the ODP (referenced in Mr Willis' s42A Report). Given the complexities of PC 14, and noting the Panel's observations in Part 1 of the Recommendations Report at [185] to [187], we respectfully urge caution when interpreting the scope of submissions.</p>

<sup>6</sup> [s42A Report of Andrew Willis, 11 August 2023.](#)

<sup>7</sup> [CCBuildingHeights\\_2023.jpg.](#)

<sup>8</sup> [Statement of Evidence of Nicola Williams, 11 August 2023.](#)

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					 <p>The Council position is that the 90m building height overlay shown in the notified Central City Building Height Map is correct. No submissions on the building height for the Health Precinct or for sites within this specific area were received.</p> <p>As the Panel recommended no height limit for the 90m building height overlay area, Council understands that the part of the Health Precinct area subject to the 90m notified overlay should now have no building height limit, whilst the other parts of the Health Precinct would retain their 32m and 21m building height limits as shown in the notified Central City Building Height Map.</p> <p>The Council position is that all other rules for the CCMU(SF) area would apply, including a 17m building base height. No changes would be needed to the rule framework, only an update to</p>	<p>The Panel has not been able to find any reference in the Council’s s32 Report or evaluation in the appendices to Part 4 of the s32 Report of the height limits in the Health Precinct. The Council s32 Report appears to have rejected a 90m height or unlimited height as an option for the CCMUZ(SF) in Part 4 of the Section 32 Report.</p> <p>The Panel refers the Council to Table 9, Issue 2 NPS-UD Policy 3(ii).</p> <p>In discussing option 3 the report notes:</p> <p><i>Various other height limit options have also been considered for the CCMU and CCMU(SF) Zones. Property Economics state that whilst a lower height limit may be more appropriate for giving primacy to the City Centre Zone, a 32m limit with tenancy controls would not detract significantly from the outcomes sought for the city’s principal centre. However they strongly advise against any additional height enablement in the CCMU/CCMUSF on the basis that it could diminish the role and function of the CCB/City Centre Zone.<sup>40</sup></i></p> <p>40. Property Economics Limited (2022), Christchurch Central City and Suburban Centres (PC14) Economic Cost Benefit Analysis</p>

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					<p>include the height for these specific areas on the Central City Building Heights Planning Map.</p> <p><b>Can the Panel please clarify its recommendations on this matter?</b></p> <p>Further to the above, it is noted that at Part 3, paragraph [290] the Panel recommended consequential changes to Rules 15.12.1.3 RD2 and 15.12.1.3 RD5, for consistency reasons, to provide that buildings up to 17m in height are permitted. However, these rule references relate to the Central City Mixed Use Zone where buildings up to 17m are already provided for as permitted activities.</p> <p>Did the Panel mean for these rules to be those at 15.13.1.3 RD2 and 15.13.1.3 RD5 for the Central City Mixed Use Zone (South Frame)?</p> <p><b>Could the Panel please clarify what was meant by these consequential changes?</b></p>	<p>The Property Economics Report referenced in the footnote appears in Appendix 3 to Part 4 of the Section 32. That report is silent on the costs and benefits or appropriateness of additional height in the Health Precinct and firmly rejects additional height beyond that proposed more generally for in the CCMUZ(SF) zone.</p> <p>In light of the above quote from the s32 Report, the Panel wonders if the 90m height limit shown on the notified PC 14 'Maximum Building Height Planning Map' for this location was an error or had been mistaken for a CCZ zoned area in the production of the PC 14 planning maps and in the s32 evaluation?</p> <p>Applying the same enabled heights as in the CCZ in response to the NPS-UD Policy 3(c)(ii) at this location appears inconsistent with the recommendations of Property Economics, the centres hierarchy and the approach that the Council took to submitter requests to increase heights in other commercial centres due to the impact on the centres hierarchy and the importance accorded to the CCZ. It is also contrary to the Panel's recommendations in Part 3 of the Recommendation Report where the Panel rejected submissions where those</p>

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						<p>submissions were found to potentially disrupt the centres hierarchy.</p> <p>The Panel is not now able to consider whether an exception is appropriate in this location in accordance with RMA s32/32AA. There is no evidential basis to support an evaluation of the change in height to match the same heights enabled in the CCZ in accordance with NPS UD Policy 3(a) as suggested by the Council in its requested clarification.</p> <p>The Panel agrees that to the extent that PC 14 recommendations would be less enabling than the operative height limit, the operative height limit (as provided by the operative Health Precinct) should prevail as is the case in the Panel's recommendations for other zones where an operative provision is more enabling. There was no intention of the Panel to remove existing height entitlements in the operative plan and these must be preserved in the same way we recommended for the relevant residential zones in the Four Avenues at [260].</p> <p>To answer the Council's request for clarification, noting that the Panel did not have any evidence to support the notified height limit, the Panel can only conclude that there is no evidential basis to</p>



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						<p>support an exception to the CCMUZ(SF) beyond the Panel's recommendations for the CCMUZ(SF) zone in Part 3 of the Recommendation Report, which includes retaining any status quo operative plan entitlements.</p> <p>In these circumstances, had the matter been raised in the hearing, the Panel would have recommended that the update to the Central City Heights Planning Maps should therefore reflect the PC 14 enabled heights for that zone as is the case for or recommendations with the relevant residential zones, except where the operative plan enabled greater heights. See the Panel's response to the clarification requested in Minute 51, item 21. This clarification and Panel response did not refer to the Health Precinct.</p> <p>Yes these should have referred to 15.13 version of the rules.</p>
4.	Radiocommuni cation pathways	Chapter 6.13	Minute 52  Minute 55	Part 3, section 3	Council has considered the clarifications provided by the Panel in various minutes regarding this proposed qualifying matter. Council has further received correspondence from the Ministry of Justice regarding this matter, as <b>attached</b> .	The Panel is unclear as to how the clarifications (i - iv) requested by Council assist in responding to the correspondence from Wynn Williams (Counsel for the Ministry of Justice (the Ministry)) dated 25 October 2024 (the letter). Accordingly, the Panel has responded specifically to Council clarifications i. to v. within



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					<p>The letter affirms the serious concerns that the Ministry has, which are shared by the Council, regarding the Panel's recommendations regarding this qualifying matter.</p> <p><b>By reference to the Ministry's letter, can the Panel please further clarify how it has considered:</b></p> <ul style="list-style-type: none"> <li>i. <b>the NPS-UD, specifically clause 3.4(2) regarding direction on activity status - i.e. whether enabling greater building heights is likely to lead to larger developments that might infringe on the radiocommunication pathways;</b></li> <li>ii. <b>likewise the influence of the NPS-UD objectives and policies on the intensification direction recommended for the CCMUZ and South Frame equivalent;</b></li> <li>iii. <b>Policy 4 of the NPS-UD;</b></li> <li>iv. <b>the comparable differences between the operative and recommended rule frameworks, specifically regarding building height for the area affected by the proposed qualifying matter</b></li> <li>v. <b>conversely, the application of matters of discretion to consider effects on emergency communications within the radiocommunication pathway?</b></li> </ul>	<p>the limited scope the clarification process provided in Schedule 1 clause 101.</p> <p>(i) It is unclear to the Panel how the Council reference to clause 3.4(2) is relevant to the specific direction in Policy 3 and the IPI, as opposed to the broader application of providing development capacity (refer to Part 3, sub-parts 1 &amp; 5 of the NPS-UD). The Panel addressed the meaning of 'plan enablement' in NPS-UD (see Part 1, page 38 footnote 65) The Panel and the Council accepted that 'plan enabled' incorporated, permitted, controlled and restricted discretionary activities in the context of Policy 3 enablements, see Part 3 of the Panel Recommendations Report at [67]. This is consistent with the enabling nature of the MDRS requirements in RMA schedule 3A.</p> <p>(ii) The CCMUZ and CCMUZ SF are within the scope of NPS-UD Policy 3(c)(ii) as addressed in Part 3, section 4 of the Recommendations Report.</p>

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					Both Council and the Ministry remain concerned that the Panel may have misconstrued aspects of the evidence before it regarding this qualifying matter.	<p>(iii) NPS UD Policy 4 is addressed in Part 1 of the Panel's Recommendation Report at [220] and [221].</p> <p>(iv) The Panel has set out in Appendix 3 the comparative differences between the ODP and PC 14 Heights and rule framework.</p> <p>(v) Also addressed in Appendix 3</p> <p>The Panel has reviewed the letter to try and understand the issues and identify where the Panel can assist the Council further within the limitations of the clarifications process provided in Schedule 1 clause 101.</p> <p>We have reviewed the evidence and legal submissions available to the Panel in the hearing process in response to the Councils requested clarification. We observe the following:</p> <p>The letter summary of the Council's position does not refer to the Council Reply at 3.20 – 3.22 and also 9.23 - 9.25 are not referenced in the letter summary of the Council position. The Council addressed the effect of the Radio</p>

#	Key Theme	Chapter/ Provision	Previous Minute (s)	Panel Recom menda tion Part #	Matter for Panel clarification	IHP Response / Comment
						<p>Communication Pathway QM on status quo enablement at 3.20 and 3.21 acknowledging that the Council Reply version would provide for a more restrictive consent status than the status quo.</p> <p>The Panel's recommendation to delete the QM did not take account the single CCMUZ site where the Radio Communications Signal Plane intruded upon. The Panel has separately issued an addendum to Part 3 of the Recommendations Report.</p>

**APPENDIX 2 - Table: Permitted Heights for Southern Cross and Pegasus Health 24-hour Sites**

<b>Site</b>	<b>Operative District Plan</b>	<b>PC14 as Notified</b>	<b>S42A Report Recommendation</b>	<b>Council Reply</b>	<b>Panel Recommendation</b>	<b>Panel Clarification and Correction.</b>
Southern Cross	11m at 10m from the boundary, except along an arterial road is 11m at 4m from boundary; and 18m at 16m from the boundary	<del>11</del> <b>14m</b> at 10m from the <del>a</del> boundary, except <del>along an arterial road for Papanui Road and Bealey Avenue</del> is <del>11</del> <b>14m</b> at 4m from boundary; and <del>18m</del> at 16m from the boundary	<del>11</del> <del>14m</del> <b>22m</b> at 10m from the <del>a</del> boundary, except <del>along an arterial road for Papanui Road and Bealey Avenue</del> is <del>11</del> <b>14m</b> at 4m from boundary; and <del>18m</del> at 16m from the boundary	<del>11</del> <del>14m</del> <b>22m</b> at 10m from the <del>a</del> boundary, except <del>along an arterial road for Papanui Road and Bealey Avenue</del> is <del>11</del> <b>14m</b> at 4m from boundary; and <del>18m</del> at 16m from the boundary	<del>11</del> <del>14m</del> <b>22m</b> at 10m from the <del>a</del> boundary, except <del>along an arterial road for Papanui Road and Bealey Avenue</del> is <del>11</del> <b>14m</b> at 4m from boundary; and <del>18m</del> at 16m from the boundary	Apply Operative District Plan provisions as amended to incorporate MRZ 11m building height (refer to Rule 14.5.2.3 a.i.)
Pegasus Health 24-hour	11m at 10m from the boundary, except along an arterial road is 11m at 4m from boundary; and 18m at 16m from the boundary	<del>11</del> <b>14m</b> at 10m from the <del>either a road boundary or an internal</del> boundary, except <del>along an arterial road</del> is <del>11m</del> at 4m from boundary; and <del>18m</del> at 16m from the boundary	<del>11</del> <del>14m</del> <b>22m</b> at 10m from the <del>either a road boundary or an internal</del> boundary, except <del>along an arterial road</del> is <del>11m</del> at 4m from boundary; and <del>18m</del> at 16m from the boundary	<del>11</del> <del>14m</del> <b>22m</b> at 10m from the <del>either a road boundary or an internal</del> boundary, except <del>along an arterial road</del> is <del>11m</del> at 4m from boundary; and <del>18m</del> at 16m from the boundary	<del>11</del> <del>14m</del> <b>22m</b> at 10m from the <del>either a road boundary or an internal</del> boundary, except <del>along an arterial road</del> is <del>11m</del> at 4m from boundary; and <del>18m</del> at 16m from the boundary	Apply Operative District Plan provisions as amended to incorporate MRZ 11m building height (refer to Rule 14.5.2.3 a.i.)

**APPENDIX 3 - Table: Permitted Heights and Activity Status for CCMU, CCMU(SF) and SP(T) Zones within Radio Communication Pathway**

Zone CCMU	Operative District Plan	PC14 as Notified	S42A Report Recommendation	Council Reply	Panel Recommendation
Permitted height	<p>Rule 15.11.2.2 As per the Central City Maximum Building Height Planning Map</p> <p><b>17m</b> for nearly all the zone</p> <p><b>14m</b> for the small area on the corner of Moorehouse Ave and Hagley Ave and discrete areas to the north generally to the west of Madras St</p>	<p>Rule 15.12.2.2 a. <b>32m</b> unless shown on the Central City Maximum Building Height Planning Map</p> <p><b>21m</b> for all the zone shown for the block Moorhouse Ave, Antigua St, St Asaph St &amp; Madras St</p> <p>b. <b>17m</b> for building base</p>	<p>Rule 15.12.2.2 a. <b>32m</b> unless shown on the Central City Maximum Building Height Planning Map</p> <p>b. <b>17m</b> for building base</p> <p>The above is based on the zone chapter. No updated version of the Maximum Building Height Planning Map was provided in evidence. Mr Willis attached the notified version of the map as Appendix C, but does not refer to CCMU in his evidence.</p> <p>Table 3 of Ms Holly Gardiner s42A report states:</p>	<p>Para 9.27 of Reply states: <b>32m</b> CCMUZ</p> <p>However, Rule 15.12.2.2 in the supporting Chapter states: a. <b>32m</b> unless shown on the Central City Maximum Building Height Planning Map</p> <p>b. <b>17m</b> for building base</p> <p>The above is based on the zone chapter. No updated version of the Maximum Building Height Planning Map was provided. The electronic version of the Planning Map states:</p> <p>This zone generally allows buildings up to 32m in height.</p>	<p>Part 3 at [261] recommends as per the Council Reply version.</p> <p>Rule 15.12.2.2 in the supporting Chapter: a. <b>32m</b> unless shown on the Central City Maximum Building Height Planning Map</p> <p>b. <b>17m</b> for building base</p> <p>The above is based on the zone chapter. No updated version or directions to update the Maximum Building Height Planning Map was provided.</p>

			<p>Maximum building heights:  <b>17m</b> across most of zone  <b>14m</b> at corner of Moorhouse and Hagley Avenues, and sites to the northeast of Forte Health</p> <p>Para 6. and Figure 2 of Ms Nicola Williams evidence recommended:  <b>32m</b> for CCMU except for Bealey Ave properties</p>		
Activity status for non compliance with built form height standards	15.11.1.3 RD2	<p>15.12.1.3 RD2  Any activity that does not meet building form standards, except 15.12.2.2(b) (i.e., 17m building base)</p> <p>15.12.2.3 RD5  Any new building or any external</p>	<p>15.12.1.3 RD2  Any activity that does not meet building form standards, except 15.12.2.2(b) (i.e., 17m building base)</p> <p>15.12.2.3 RD5  Any new building or any external alteration more than <b>17m</b></p> <p>15.12.1.4 D2</p>	<p>15.12.1.3 RD2  Any activity that does not meet building form standards, except 15.12.2.2(b) (i.e., 17m building base)</p> <p>15.12.2.3 RD5  Any new building or any external alteration more than <b>17m</b></p> <p>15.12.1.4 D2  Any building not meeting Rule 15.12.2.2</p>	<p>15.12.1.3 RD2  Any activity that does not meet building form standards, except 15.12.2.2(b) (i.e., 17m building base)</p> <p>15.12.2.3 RD5  Any new building or any external alteration more than <b>17m</b></p> <p>15.12.1.4 D2  Any building not meeting Rule 15.12.2.2 (b) (i.e., 17m building base height)</p>

		alteration more than <b>17m</b>  15.12.1.4 D2 Any building not meeting Rule 15.12.2.2 (b) (i.e., 17m building base height)	Any building not meeting Rule 15.12.2.2 (b) (i.e., 17m building base height)	(b) (i.e., 17m building base height)	
<b>Zone CCMUZ(SF)</b>	<b>Operative District Plan</b>	<b>PC14 as Notified</b>	<b>S42A Report Recommendation</b>	<b>Council Reply</b>	<b>Panel Recommendation</b>
Permitted height	Rule 15.12.2.1 As per the Central City Maximum Building Height Planning Map; and <b>21m</b> maximum road wall height  <b>17m</b> for nearly all the zone  <b>28m</b> for the following areas:	Rule 15.13.2.1 a. <b>32m</b> unless shown on the Central City Maximum Building Height Planning Map  <b>21m</b> shown for most of the zone in the block Tuam St, Antigua St, St Asaph St & Madras St  <b>90m</b> shown for Tuam St, Oxford Tce, Montreal St	Rule 15.13.2.1 a. <b>21m</b> unless shown on the Central City Maximum Building Height Planning Map  <b>21m</b> shown for the block Tuam St, Antigua St, St Asaph St & Madras St  <b>There is no recommendation in relation to the 90m</b> shown for Tuam St, Oxford Tce, Montreal St ( <b>note Panel</b>	Para 9.27 of Reply states: <b>21m CCMUZ(SF)</b>  However, Rule 15.12.2.2 in the supporting Chapter states:  Rule 15.13.2.1 a. <b>21m</b> unless shown on the Central City Maximum Building Height Planning Map  b. <b>17m</b> for building base  The above is based on the zone chapter. No updated version of the	Part 3 at [261] recommends as per the Council Reply version.  Rule 15.13.2.1 b. <b>21m</b> unless shown on the Central City Maximum Building Height Planning Map  c. <b>17m</b> for building base  The above is based on the zone chapter. No updated version or directions to update the Maximum Building Height Planning Map was provided.  <b>There is no recommendation in relation to the 90m</b> shown for Tuam St, Oxford Tce, Montreal St ( <b>note Panel response to Item #3 in Appendix 1</b> )

	<p>Tuam St, Oxford Tce &amp; Montreal St</p> <p>Tuam St, High St, Lichfield St &amp; Madras St</p> <p><b>30m</b> for the area St Asaph St, Hagley Ave, Tuam St &amp; Antigua St</p>	<p><b>(note Panel response to Item #3 in Appendix 1)</b></p> <p>b. <b>17m</b> for building base</p>	<p><b>response to Item #3 in Appendix 1)</b></p> <p>b. <b>17m</b> for building base</p> <p>The above is based on the zone chapter. No updated version of the Maximum Building Height Planning Map was provided in evidence.</p> <p>Table 3 of Ms Holly Gardiner s42A report states:</p> <p><b>17m</b> Except <b>30m</b> at Hagley Avenue; <b>28m</b> opposite Avon River and at corner of Manchester St and Tuam St; <b>13m</b> along High Street; <b>28m</b> at northern end of Innovation Precinct.</p>	<p>Maximum Building Height Planning Map was provided. The electronic version of the Planning Map states:</p> <p>This zone allows for building heights to increase height from the current <b>17m</b> limit to <b>21m</b>.</p> <p><b>There is no recommendation in relation to the 90m</b> shown for Tuam St, Oxford Tce, Montreal St <b>(note Panel response to Item #3 in Appendix 1)</b></p>	
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			Para 6. and Figure 2 of Ms Nicola Williams evidence recommended:  <b>21m</b> for CCMUZ(SF)		
Activity status for non compliance	Rule 15.12.1 RD5	Rule 15.13.1.3 RD5 Any activity that does not meet Rule 15.13.2 <b>21m</b> unless shown on the Central City Building Height Map  Rule 15.13.1.4 D2 Any building that does not meet 15.13.2.1 (a)(i) (b) 17m building base height	Rule 15.13.1.3 RD5 Any activity that does not meet Rule 15.13.2  Rule 15.13.1.4 D2 Any building that does not meeting 15.13.2.1 (a)(i) (b) 17m building base height	Rule 15.13.1.3 RD5 Any activity that does not meet Rule 15.13.2 (  Rule 15.13.1.4 D2 Any building that does not meeting 15.13.2.1 (a)(i) (b) 17m building base height	Rule 15.13.1.3 RD5 Any activity that does not meet Rule 15.13.2  Rule 15.13.1.4 D2 Any building that does not meeting 15.13.2.1 (a)(i)(b) 17m building base height
<b>Zone SPZ (Tertiary)</b>	<b>Operative District Plan</b>	<b>PC14 as Notified</b>	<b>S42A Report Recommendation</b>	<b>Council Reply</b>	<b>Panel Recommendation</b>
Permitted height	Rule 13.7.4.2.5 a.iv <b>30m</b>	Rule 13.7.4.2.5 a.iv <b>30m</b>	No submissions and no consideration	Not addressed other than noting at Para 9.25 that the radiocommunications	Rule 13.7.4.2.5 a.iv <b>30m</b>

	Note that the Central City Maximum Building Height Planning Map does not include the SPZ(T) site	Note that the Central City Maximum Building Height Planning Map now includes the SPZ(T) site within the <b>32m</b> height limit (this would only apply where the alternate zone was used)		pathway overlaps the SPZ(T)	(Note: Part 3 Recommendation Report at [199] recommends deletion of the 75m setback standard)
Activity status for non compliance	Rule 13.7.4.1.3 RD5	Rule 13.7.4.1.3 RD5	Rule 13.7.4.1.3 RD5	Rule 13.7.4.1.3 RD5	Rule 13.7.4.1.3 RD5