

**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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**ADDENDUM 2 TO PART 5 OF RECOMMENDATIONS REPORT IN RELATION TO  
BELFAST COMMERCIAL CENTRE AND STYX RIVER SETBACK QUALIFYING MATTER  
AND RICCARTON BUSH INTERFACE AREA QUALIFYING MATTER**

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## Introduction

- [1] This second addendum to Part 5 of the Recommendations Report is 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 addendum is to:
- (a) Add to Part 5 of the Recommendations Report <sup>1</sup>the Panel's recommendation in relation to the Belfast Commercial Centre and Styx River Setback Qualifying matter (QM) which was inadvertently omitted from this part of the Recommendations Report (the Report), and
  - (b) Delete paragraph [434](e) in relation to the Panel's recommendations for the Riccarton Bush Interface Area QM and amend paragraph [468] to further clarify the ODP provisions that relate to Riccarton Bush.

Both amendments are made in response to matters of clarification requested by the Council in accordance with RMA Schedule 1, clause 101(4)(c) as set out in the Memorandum of Counsel filed on 20 September 2024 (the Council's Memorandum).<sup>2</sup>

- [3] The Panel has separately issued Minute 55 which addresses all of the matters raised in the Council's Memorandum.
- [4] This second addendum to Part 5 relates to two matters raised in Appendix 2 to the Council's Memorandum, Item #4 Styx River Setback and item #10 in relation to Riccarton Bush.

### Belfast Commercial Centre and Styx River Setback QM

- [5] The Council sought clarification regarding the consequential amendments required to the Belfast Commercial Centre and Styx River Setback QM arising from the rezoning of the site to HRZ being:

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<sup>1</sup> [IHP Recommendations Report Part 5 - 29 July 2024](#)

<sup>2</sup> [Memorandum of Counsel for Christchurch City Council - 20 September 2024 – Regarding Final Clarifications Sought](#)

- (a) Deletion of the provisions relating to the Belfast/Northwood Outline Development Plan in Chapter 15.4 Town Centre Zone (specifically at rule 15.4.3); and
- (b) Relocation and amendment of the provisions relating to the Belfast/Northwood Outline Development Plan to Chapter 14.6 – High Density Residential Zone (specifically as a new set of provisions under new rule 14.6.4).

[6] The Panel inadvertently omitted to address the Belfast Commercial Centre and Styx River Setback QM separately from matters relating to waterbody setbacks and matters of cultural significance in Part 5 of the Report. This addendum is to be read as amending and adding to Part 5 of the Recommendations Report but should also be read in conjunction with Part 7 of the Recommendations Report where the Panel rezoned 20 Radcliffe Road from TCZ to HRZ.

## **25. BELFAST COMMERCIAL CENTRE AND STYX RIVER SETBACK QUALIFYING MATTER**

### **Summary of Recommendations**

[7] The Panel recommends that:

- (a) The Belfast Commercial Centre and Styx River Setback provisions in the ODP be retained as a QM subject to
- (b) Renaming to ‘Styx River Setback QM’ and consequential changes to provide for this QM in the HRZ instead of the Northwood/Belfast TCZ, as a consequence of the Panel decision to rezone 20 Radcliffe Road as HRZ in Part 7 of the Recommendation Report<sup>3</sup> as part of the surrounding Policy 3(d) catchment for Northwood/Belfast TCZ as recommended in Part 3 of the Recommendations Report.<sup>4</sup>

### **Notified Provisions**

[8] The Belfast Commercial Centre Styx River Setback is provided for in the ODP in response to matters of national importance in s6(a) and (e) of the RMA. The ODP currently provides for lower building heights within the Belfast/Northwood Commercial

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<sup>3</sup> [IHP Recommendations Report Part 7 - 29 July 2024](#) at [177] - [181]

<sup>4</sup> [IHP Recommendations Report Part 3 - 29 July 2024](#) at [304] and [Addendum to Part 3 of the Recommendations Report -15 August 2024](#) at [11] - [13].

Centre immediately adjoining the Styx River. It is proposed to carryover the ODP controls on building heights. This is set out in 15.4.3.2 Area-specific built form standards - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area. Land within area identified as 'Special Area A' on the outline development plan in Appendix 15.15.1 has a required height of 12 metres. Land within area identified as 'Special Area B' on the outline development plan in Appendix 15.15.1 has required height of 5 metres.

## Submissions and s42A Recommendations

- [9] The Panel notes that the Belfast Commercial Centre and Styx River Setback QM was addressed originally in the s32 report<sup>5</sup> and subsequently in the s42A report prepared by Mr Lightbody, who noted that there were no submissions on this matter and that in his opinion "...the proposed qualifying matter to be the most appropriate way to achieve the purpose of the Act and the objectives of the CDP."<sup>6</sup>
- [10] However, related to this QM is a submission by Ryman Health Care Limited, submission #749. Mr Turner on behalf of Ryman Health Care Limited addressed the applicability of the outline development plan, concluding *...I support the deletion of the plan and its associated rules in Section 15.3.4 of the District Plan*.<sup>7</sup> However, the Panel notes that in his recommended amendments to Chapter 15, attached to his evidence he did not show the associated rules as being deleted.
- [11] The Panel has addressed the Ryman Health Care Limited submission #749 at paragraphs [177] – [181] Part 7 of its Recommendation Report<sup>8</sup> and accepted the submitters request to rezone 20 Radcliffe Road to HRZ. The site is affected by the proposed QM.
- [12] While accepting the requested rezoning as being appropriate, the Panel did not turn its attention to the relevance and suitability of the outline development plan provisions within the proposed HRZ.

## Findings and Evaluation

- [13] The Panel accepts the evidence of Mr Lightbody that the Belfast Commercial Centre and Styx River Setback QM is an existing qualifying matter in the Operative District Plan

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<sup>5</sup> [s32 Part 2 Qualifying matters \(Part 2\)](#) at section 6.4, pages 74 and 75

<sup>6</sup> [s42A Report of Kirk Lightbody, 11 August 2023](#), at paragraph 3.1.1 and 6.5.2

<sup>7</sup> [Statement of Evidence of Richard Turner for Retirement Villages Association of New Zealand Incorporated and Ryman Healthcare - 20 September 2023](#) at 120 and 121

<sup>8</sup> [IHP Recommendations Report - Part 7 - 29 July 2024](#)

that responds to matters of national importance 6(a) and (e) of the RMA. To the extent that the QM now applies to land now recommended by the Panel to be HRZ, the QM should be renamed 'Styx River Setback'. The Panel notes that although a recent resource consent has been granted to Ryman Northwood for development of the site, the matters of national importance are still relevant for any further development of the site through changes to the existing resource consent or through application for new resource consents. For that reason, the Panel disagrees (in part) with Mr Turner that "...the retention of the Town Centre Zone (Belfast / Northwood) Outline Development Plan to be unnecessary and confusing." However, the Panel notes that there is confusion created by the recommended rezoning of the site to HRZ and the provisions need to be tailored to be suitable for incorporation into the HRZ.

[14] Detailed instructions on the amendments to IHP Recommended PC 14 Provisions Chapter 14 and Chapter 15 are attached in the table to this Addendum.

#### Riccarton Bush Interface QM

[15] The Council requested clarifications in relation to the Panel's application of s80E of the Act when recommending to reject the proposed Riccarton Bush Interface Area QM. When considering the Council's request the Panel identified a drafting error in Part 5 of the Recommendation Report, as explained in Minute 55. As a consequence Part 5 of the Recommendation Report is amended to delete paragraph [434](e).

#### Summary of Recommendations

[434] We find that the Riccarton Bush Interface Area should not proceed as a QM for the following reasons:

- (a) the Council has not offered a sufficient case in accordance with the requirements of s77J, 77L, 77P and/or 77R of the RMA that the values associated with the Bush would be adversely impacted by more intensive development in the Interface Area otherwise enabled by PC 14 to the extent that they would compromise a matter (or matters) of national importance in terms of s6;
- (b) accordingly, in our view, the matter does not therefore constitute a 'listed' QM under s77I(a) and s77O(a) of the RMA;
- (c) further, the provisions proposed to be introduced via PC 14 to limit development capacity in the area concerned (as notified and as amended during the course of the hearings) would introduce restrictions or limitations on the status quo under the ODP beyond the mandatory requirements of an IPI; and
- (d) that the merits of the proposed provisions, even if they were justified on grounds of scope under an IPI (which they are not), are not

appropriate in the context of the required RMA s32 evaluation, ~~and that~~

~~(e) — the ODP provisions, including that relating to height, minimum site area, minimum density, permitted site coverage and building setback (including from the boundary with the Riccarton Bush), should be retained in preference to the proposed provisions.~~

[16] Additionally, the Panel had made a correction to paragraph [468] in Addendum 1 to Part 5 to clarify that the intention was that the only ODP provisions that were to apply were those that related to Riccarton Bush. That is correct, but our review of that paragraph is that as a consequence of having deleted paragraph [434](e) is that it remains unclear which provisions the Panel intended to refer to. The Panel wishes to clarify that we only intended to refer to the Significant and Other Tree Rule 9.4.4.1.3 RD6 (i.e. 10m buffer). This is in accordance with the Panel's recording at [450] and [455] that the 10m boundary setback buffer would protect the values of Riccarton Bush from residential intensification.

[17] In hindsight, it would have been clearer had our response in Minute 51 and Addendum 1 referred specifically to Rule 9.4.4.1.3 RD6, and the amendment now made to [434](e). The Panel amends paragraph [468] accordingly.

[468] Following on from our finding that the case for the Riccarton Bush Interface Area as a QM has not been made, we further find that the retention of the ODP provisions that related to Riccarton Bush being Rule 9.4.4.1.3 RD6 (i.e. 10m buffer), which we recommend, represents a more effective and efficient means of ensuring that the objectives of the Housing Supply Amendment Act, NPS-UD Policy 3 and PC 14 are achieved. It is our position that no further justification or evaluation under s32AA is required.

[18] This amendment is to be read in conjunction with Part 5 of the Recommendation Report, Addendum 1 to Part 5 and Minute 55.



Cindy Robinson – Chair



David McMahon – Deputy Chair



Karen Coutts



Alan Matheson



Ian Munro

7 October 2024

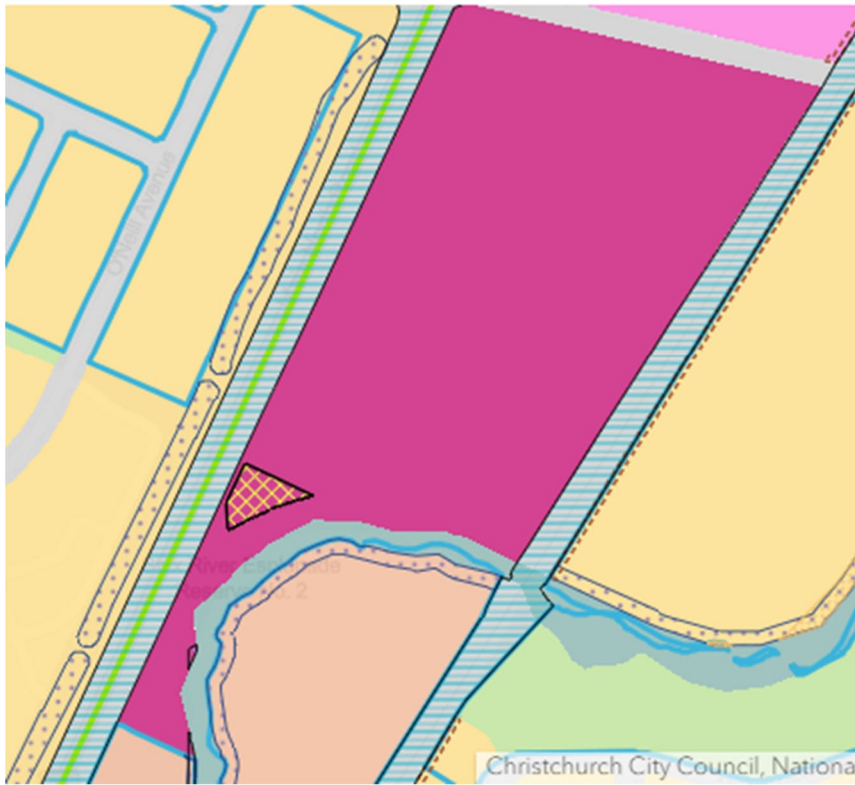
## Detailed instructions on the amendments to Chapter 14 and Chapter 15

Chapter 15 - Commercial	Chapter 14 - Residential
15.4.3 – Area specific rules heading and ‘a.’ (delete)	<ul style="list-style-type: none"> <li>Amend 15.4.3 to read: 14.6.4Area specific rules – Residential High Zone (Belfast/Northwood) Outline Development Plan area</li> <li>Amend ‘a.’ to refer to the relevant Residential High Zone rules.</li> </ul>
15.4.3.1 – Area specific activities heading (delete) 15.4.3.1.1 – Area specific permitted activities (delete) 15.4.3.1.2 – Area specific controlled activities (delete)	<ul style="list-style-type: none"> <li>Relocate the three rules to be renumbered: 14.6.4.1 14.6.1.4.1 14.6.1.4.2</li> </ul>
15.4.3.1.3 – Area specific restricted discretionary activities heading and ‘a.’, ‘b.’ and table (delete)	<ul style="list-style-type: none"> <li>Relocate the rule to be renumbered: 14.6.1.4.3</li> <li>Amend the matters of discretion rule references to be those that are equivalent within 14.15 Matters of control and discretion and/or add any equivalent matter of discretion</li> <li>Amend RD1 and RD2 to reference the relevant residential appendix and matters of discretion</li> </ul>
15.4.3.1.4 – Area specific discretionary activities (delete)	<ul style="list-style-type: none"> <li>Relocate to be renumbered and change the wording to be as follows: 14.6.4.1.4 Area specific discretionary activities a. There are no discretionary activities</li> </ul>
15.4.3.1.5 – Area specific non-complying activities (delete)	<ul style="list-style-type: none"> <li>Relocate to be renumbered as ‘14.6.4.1.5’ and change the rule references in NC1 and NC2 to the equivalent residential rule references</li> </ul>
15.4.3.1.6 – Area specific prohibited activities	<ul style="list-style-type: none"> <li>Relocate the rule to be renumbered as ‘14.6.4.1.6’</li> </ul>
15.4.3.2 – Area specific built form standards and advice note (delete)	<ul style="list-style-type: none"> <li>Relocate the rule to be renumbered ‘14.6.4.2’</li> <li>Relocate the advice note</li> </ul>
15.4.3.2.1 – Maximum building height (delete the entire rule)	<ul style="list-style-type: none"> <li>Relocate the entire rule to be renumbered ‘14.6.4.2.1’</li> <li>Amend the Appendix reference to be ‘Appendix 14.16.12’</li> </ul>



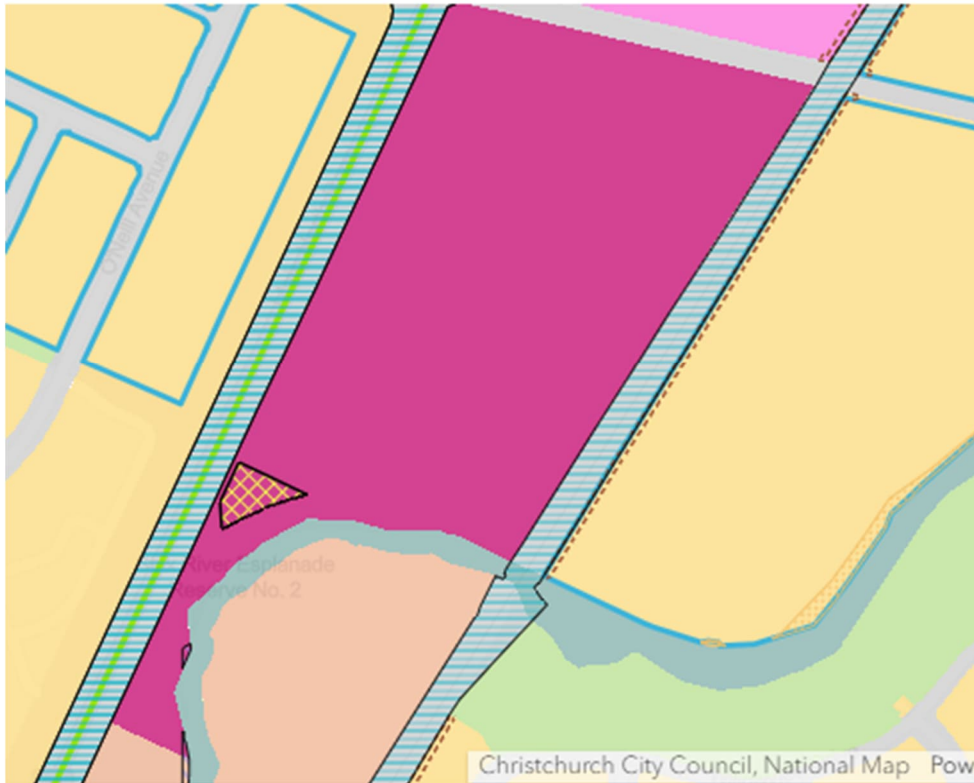
15.4.3.2.2 – Building setback and size (delete the entire rule)	<ul style="list-style-type: none"> <li>Relocate the entire rule to be renumbered '14.6.4.2.2'</li> </ul>
15.4.3.2.3 – Landscaping (delete the entire rule)	<ul style="list-style-type: none"> <li>Do not relocate this rule as the provision relates to 'retail activities' which is not relevant to the HRZ</li> </ul>
15.4.3.2.4 – Roading, access and parking (delete)	<ul style="list-style-type: none"> <li>Relocate the entire rule to be renumbered '14.6.4.2.3'</li> </ul>
15.4.3.2.5 – Maximum total number of vehicles exiting the site (delete)	<ul style="list-style-type: none"> <li>Do not relocate this rule as the provisions are no longer relevant following the opening of the Northern Arterial</li> </ul>
15.4.3.2.6 – Maximum thresholds for offices (delete)	<ul style="list-style-type: none"> <li>Do not relocate this rule as the provision relates to 'offices' which is not relevant to the HRZ</li> </ul>
15.4.3.2.7 – Maximum thresholds for retailing activity (delete)	<ul style="list-style-type: none"> <li>Do not relocate this rule as the provision relates to 'retailing' which is not relevant to the HRZ</li> </ul>
15.4.3.2.8 – Maximum threshold for non-residential activities (delete)	<ul style="list-style-type: none"> <li>Do not relocate this rule as the provision relates to 'non-residential activities' which is not relevant to the HRZ</li> </ul>
Appendix 15.15.1 (delete)	<ul style="list-style-type: none"> <li>Relocate Appendix 15.15.1 to be Appendix 14.16.12</li> <li>Amend the heading of new Appendix 14.16.12 to read as follows: 'Residential High Zone (Belfast Northwood) Outline Development Plan'</li> </ul>
<b>Planning Map</b>	
The zoning of 20 Radcliffe Road, Belfast was shown as Town Centre and the Styx River Setback QM was shown as a triangle shape with cross hatching on the Planning Map accompanying PC 14 as shown below:	

## As Notified



In the Council Reply version of the Planning Map the zone and QM was shown as follows:

## Council Reply



The PC14 IHP Recommendation – Draft Council Mapping (20 September 2024) shows the site as now zoned HRZ in accordance with the IHP Recommendation Report, with the Styx River Setback QM still shown as a triangle shape with cross hatching, as shown below:

### PC14 IHP Recommendation - Draft Council Mapping (20 September 2024)



However, the extent of the Styx River Setback QM as described in the s32 report is to cover the following areas:

- Building restriction area;
- Special Area A;
- Special Area B; and
- Styx River setback.

These areas are shown on the Belfast Northwood Outline Development Plan as shown below.

These areas are a different and larger shape and are located in a different location.

The Council is to review and confirm that the mapping of the Styx River Setback QM is correct.

