

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

**ADDENDUM TO PART 5 OF THE RECOMMENDATIONS REPORT IN RELATION TO
RICCARTON BUSH INTERFACE AREA AND RESIDENTIAL CHARACTER AREAS**

Introduction

- [1] This 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 correct and clarify Part 5 of the Recommendations Report 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 8 August 2024 (the Councils Memorandum).¹
- [3] The Council's requests are detailed in a table attached to the Council's Memorandum. The Panel has separately responded to matters of clarification in Minute 51 and further addenda to Part 3 and Part 4 of the Recommendations Report. This addendum relates only to consequential corrections in response to requests for clarification arising from clarification of matters **14. Riccarton Bush Interface Area** and **29. High Court decision in *Waikanae*** in the Table attached to the Council's Memorandum.
- [4] Corrections to the paragraphs identified below are deletions shown as ~~strike through~~ and additions underlined.

General points of clarification

- [5] In response to the request for clarification to matter 14 and 29 the Panel records that the outcome of our evaluation for each QM is a recommendation that the QM is either:
- (a) Confirmed with or without modification (including alterations to the spatial area of the QM and /or height and density standards introduced by the QM); or
 - (b) Rejected due to issues of scope and/or merit.
- [6] Where the Panel's recommendation is that a matter should not proceed as either **a new QM** (e.g. Residential Heritage Areas and Riccarton Bush Interface Area) or **an extension of an existing QM** (e.g. Residential Character Areas), the Panel recommends that the zoning and associated height and density provisions for those

¹ [Memorandum of Counsel for Christchurch City Council - Regarding further clarifications, 8 August 2024](#)

sites, which otherwise would be subject to the notified QM, is as per the NPS-UD Policy 3 approach recommended by the Panel in Part 3 (Central City, Commercial, Mixed Use and Industrial Zones) and Part 4 (Relevant Residential Zones) of this Report.

- [7] Where the Panel's recommendation is that a matter subject to an **existing QM** in the ODP should be retained without the additional controls on height or density proposed as part of notified PC 14 (e.g. existing Residential Character Areas and setbacks from Significant and Other Trees) the Panel has recommended that the relevant ODP provisions are suitable as a QM. Under that scenario, the ODP provisions continue to apply as they do currently. The zoning of that land affected by the retention the ODP QM will be as set out above regarding the NPS-UD Policy 3 approach.
- [8] Following consideration of the Council's request for clarification the Panel has identified some minor corrections to Part 5 of the Recommendations Report, to clarify the recommendations made, and these are recorded below.

Residential Character Areas

Paragraph [398](a)

[398] The purpose of modifying these provisions via PC 14, according to the Council, is to enable residential activity while maintaining and enhancing the special character values of these areas. The nature of those amendments can be summarised as follows:

- (a) changes to the areas subject to the provisions to:
 - (i) remove the existing Esplanade and Clifton RCAs;
 - (ii) reduce the extent of the existing Cashmere, Beckenham, Piko, Heaton, Malvern, Francis, Dudley and Englefield RCAs;
 - (iii) add three new areas RCA centered on the Bewdley, Roker and Ryan neighbourhoods; and
 - (iv) expand the existing Beckenham and Lyttelton RCAs; ...

Paragraph [405](a) - (c)

[405] In her s42A Report, Ms Liz White recommended a series of amendments to the RCA provisions, relying as she did to a considerable extent on the technical evidence of Ms Rennie. These amendments can be summarised as follows:

- (a) Removal of the existing Beverley and Ranfurly RCAs and associated provisions and apply a HRZ zoning to these areas, in response to a submission by Waka Kotahi;
- (b) Reduction in the extent of the existing Dudley RCA in response to a submission from Waka Kotahi;
- (c) Amendment to, and in doing so slightly reduce, the boundaries of the existing Heaton RCA to reflect the outcomes of Ms Rennie's technical assessment;...

Paragraphs [414], [429] and [431]

[414] While in the Council's view the impact may not be significant at a City scale, our view of those effects, in terms of potential consenting and investment uncertainty, would only be too apparent to individual property owners subject to new or expanded existing (ODP) RCA and ratcheted-up development controls. In that regard, the Council has itself acknowledged that these proposals would have '*some effect on status quo development rights*². With regard to proposed demolition controls, the Council has further acknowledged that they are more restrictive than the equivalent provisions in the ODP.³ With respect to RCA, however, and unlike the situation with RHA, the Council is not in a position to advance an argument that the operative and hence *status quo* provisions were in any case altered by duplicating provisions simultaneously introduced by Plan Change 13⁴ (they are limited in their application to heritage-related provisions).

[429] In closing, we note that the s42A Report author had earlier recommended a series of changes to the RCA provisions, including those we summarised at paragraph [404][405](e) - (h) above. During the course of deliberations, we gave careful consideration as to whether it might be possible to identify amendments which

² [Council Reply, 17 May 2024](#) at 3.18

³ *Ibid* at 10.61

⁴ *Ibid* at 10.62

facilitate some further enablement of development (albeit limited) in existing, retained RCA. However, having undertaken a forensic review of the proposed amendments recommended by the s42A Report author, we concluded that matter is not as straightforward as we had hoped, in that it is problematic attempting to unstitch and progress enablement 'gains' from the amendments as notified and recommended by Ms White. ...

[431] Given the level of complexity involved and briefly touched on above, we have not attempted to take the exercise further and therefore conclude that no changes to operative RCA provisions (rules and standards) as notified or as subsequently recommended by the s42A Report author should proceed (beyond the spatial changes to the RCA themselves identified above). However, we would note that the Council has the facility to pursue improvements to the provisions applying to the RCA that survive through a Schedule 1 process.

Riccarton Bush Interface Area

Paragraph [468]

[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, 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.

[9] The above corrections are to be read as a correction to and supplementary to the original Part 5 Recommendations Report.⁵

⁵ [IHP Recommendations Report - Part 5 - 29 July 2024](#)



Cindy Robinson – Chair



David McMahon – Deputy Chair



Karen Coutts



Alan Matheson



Ian Munro

15 August 2024