

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**LEGAL SUBMISSIONS FOR THE CHRISTCHURCH CITY COUNCIL ON
PROPOSED PLAN CHANGE 14:**

**OTHER ZONES
SUBDIVISION, DEVELOPMENT AND EARTHWORKS
OTHER MATTERS (TRANSPORT)**

Dated: 16 November 2023

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MAY IT PLEASE THE PANEL:

1. INTRODUCTION

- 1.1 These legal submissions on behalf of the Christchurch City Council (**Council**) have been prepared for the hearing, during hearing week 7, on:
- (a) the 'other zones', namely the School, Tertiary, and Hospital Specific Purpose Zones (**SPZs**); Industrial General Zone (including Brownfield Overlay); and Mixed Use Zone (**MUZ**).
 - (b) subdivision, development and earthworks; and
 - (c) 'other matters', namely transport (not including transport-related matters that have been or will be addressed in other hearings).
- 1.2 These submissions provide an overview of:
- (a) the relevant changes proposed through PC14;
 - (b) the key issues that have been identified by submitters; and
 - (c) the Council's position on the key issues, in terms of substance and (where relevant) scope.

2. WITNESSES FOR THE COUNCIL

Other zones

SPZs

- 2.1 The Specific Purpose School Zone (**School Zone**), Specific Purpose Hospital Zone (**Hospital Zone**) and specific purpose tertiary zone (**Tertiary Zone**) are addressed in the section 42A report prepared by Ms Clare Piper (Report 10B).¹ Ms Piper also addresses issues related to these zones in her rebuttal evidence.²

¹ All paragraphs in Ms Piper's Transport and 'Other zones' section 42A reports are relevant to this hearing.

² All paragraphs of Ms Piper's rebuttal evidence on special purposes zones is relevant.

2.2 William Field (urban design for Hospital Zone)³ and Amanda Mackay (urban design for School Zone)⁴ filed expert evidence and will appear at this hearing.

MUZ, Industrial zone and Brownfield overlays

2.3 The MUZ, Industrial Zone and Brownfield overlays are addressed in the section 42A report prepared by Mr Kirk Lightbody.⁵ Mr Lightbody also prepared rebuttal evidence.⁶

2.4 Nicola Williams (urban design for MUZ) is the relevant technical expert.⁷

Subdivision, development and earthworks

2.5 Subdivision, development and earthworks are addressed in the section 42A report prepared by Ian Bayliss.⁸ Mr Bayliss also prepared rebuttal evidence.⁹ There are no relevant technical witnesses.

Other matters (transport)

2.6 Transport matters are addressed in a separate section 42A report prepared by Ms Piper (Report 10A), and in Ms Piper's rebuttal evidence.

2.7 Three technical experts address relevant transport matters:

- (a) William Field (urban design);
- (b) Anne Heins (cycle parking requirements for residential developments);¹⁰ and
- (c) Chris Rossiter (transport engineering).¹¹

³ All paragraphs in Mr Field's evidence, excluding those concerning the City Spine Transport Corridor are relevant to this hearing. The following paragraphs are particularly relevant: 1-3;12- 36;106-200. All paragraphs in Mr Field's rebuttal are relevant to this hearing.

⁴ All paragraphs of Ms Mackay's evidence and rebuttal evidence are relevant to this hearing.

⁵ All paragraphs in Mr Lightbody's section 42A report excluding those concerning centres, residential, and qualifying matters are relevant to this hearing. The following paragraphs are particularly relevant: 1.1.1 – 5.5.1; 6.4.1 – 6.4.8; 7.1.1 – 7.3.9; 8.4.34 – 8.4.60; 8.4.83 – 8.4.100; 8.5.26 – 8.5.38; 8.5.44 – 10.1.5.

⁶ Only paragraphs 22-31 of Mr Lightbody's rebuttal evidence are relevant for this hearing.

⁷ All paragraphs in Ms William's evidence, excluding those concerning centres and central city zones, are relevant to this hearing. The following paragraphs are particularly relevant: 1-4; 14-18; 26 – 41; 79-118.

All paragraphs in Ms William's rebuttal evidence are relevant to this hearing.

⁸ All paragraphs in Mr Bayliss' section 42A report, excluding those concerning the Future Urban Zone, Outline Development Plans and related Qualifying Matters, are relevant to this hearing. The following paragraphs are particularly relevant: 1.1.1 – 8.1.1; 8.3.1 – 8.6.5.

⁹ Only paragraphs 8 –12 and 13 – 18 of Mr Bayliss' rebuttal evidence are relevant to this hearing.

¹⁰ All paragraphs in Ms Heins' evidence and rebuttal evidence are relevant to this hearing.

¹¹ All paragraphs in Mr Rossiter's evidence and rebuttal evidence are relevant to this hearing.

3. OVERVIEW AND PROPOSED APPROACH IN PC14

3.1 This section provides a high-level overview of the relevant zones / matters, and the approach proposed to those matters in PC14.

Other zones

3.2 There are several SPZs identified in Chapter 13 of the District Plan. The Otakaro Avon River Corridor and Cemetery SPZs were addressed in hearing week 2; and the Lyttelton Port SPZ will be addressed in later hearings.¹² Other SPZs are not proposed to be amended by PC14.¹³ These submissions therefore focus on the Hospital, School and Tertiary SPZs.

Hospital, School, Tertiary SPZs

3.3 Chapter 13 seeks to encourage the efficient use of sites and future intensification; while enabling the development of community (including health) and education facilities to meet current and future needs.

3.4 The SPZ provisions apply in so far as the sites zoned specific purpose are used for that specified purpose. Otherwise, the alternative (or 'underlying') zones listed in the relevant SPZ appendices apply.

3.5 PC14 proposes changes to the School Zone,¹⁴ Tertiary Zone¹⁵ and Hospital Zone¹⁶ provisions. In summary, the proposed changes as notified are:

- (a) consequential changes to all three SPZs, because of proposed residential zone changes:
 - (i) to the alternative zones in the Appendices; and
 - (ii) the naming of existing residential zones referenced within School zone provisions; and
- (b) substantive changes to the School and Hospital SPZs in terms of the activity status tables, built form standards and matters of discretion.

¹² In terms of the influence of the Lyttelton Port SPZ on residential activity in the adjoining residential zones.

¹³ A submission was received on the Golf Resort SPZ. That submission is addressed in the 'scope' section of these submissions, as the Council has not proposed to amend the Golf Resort SPZ provisions.

¹⁴ Sub-chapter 13.6.

¹⁵ Sub-chapter 13.7.

¹⁶ Sub-chapter 13.5.

- 3.6 The changes are primarily focused on ensuring a commensurate planning response to the SPZ sites, consistent with the surrounding High Density Residential Zones (**HRZ**). Given the changes in height for the HRZ there is a need to ensure development on sites within the SPZs are of a scale that positively contributes to the overall urban form of the City, and to enable future growth of community and educational facilities for the City.

Industrial and Mixed Use Zones and Brownfield overlays

- 3.7 This hearing week addresses Industrial Zones within a walkable distance of centres, including those where a Brownfield Overlay¹⁷ is proposed; as well as the proposed rezoning of industrial areas to MUZ (within a walkable distance of the City Centre Zone).¹⁸
- 3.8 This hearing week does not address:
- (a) Industrial Zones and MUZs beyond walkable catchments, which are beyond the scope of PC14; or
 - (b) the separate Central City Mixed Use Zone or Central City Mixed Use South Frame Zone, which were addressed in the earlier Central Centre and Commercial Zones hearing.
- 3.9 The Industrial Zone and Brownfield Overlay provisions are located in Chapter 16 of the District Plan. These provisions seek to support the recovery and economic growth of the district's industry while managing adverse effects and ensuring the focus of commercial activities away is not pulled away from the Central City and commercial centres.¹⁹
- 3.10 The heights/densities in the Industrial Zones are not proposed to increase. Within the walking catchment area of the Central City, the operative Industrial General Zone (**IGZ**) permits an unlimited building height (except within 20 metres of a residential zone where a height limit of 15 metres applies), and also includes an enabling policy pathway for brownfield redevelopment.²⁰

¹⁷ A brownfield is defined as an "abandoned or underutilised commercial or industrial land, or land no longer required by a requiring authority for a designated purpose." Brownfield overlays seek to enable development as a restricted discretionary activity so long as the focus of commercial activities remains in the central city and commercial centres. Examples include Brownfield Overlays at Hornby, Papanui, Cranford and Woolston.

¹⁸ Policy 3 (c)(ii) and (d) of the NPS-UD apply to these zones.

¹⁹ See Operative Plan, Objectives 16.2.1, 16.2.2 and 16.2.3.

²⁰ See Operative Plan, Policy 16.2.2.2.

- 3.11 The provisions for the MUZ are located in Chapter 15 (Commercial). The provisions recognise the existing nature, scale and extent of commercial activity within the MUZs and seek to transition to HRZ neighbourhoods.
- 3.12 It is proposed to rezone the existing IGZ in Sydenham, Addington, Phillipstown and around Lancaster Park to MUZ, with a precinct and associated provisions to enable and guide the establishment of comprehensively designed high-density housing and manage new non-residential activities.
- 3.13 Having regard to the significant quantum of available industrial land (long-term sufficiency of 543ha of land) and level of demand in the long term (119ha), PC14 seeks to rezone land within a walkable catchment of the City Centre zone from Industrial Zone to MUZ, and apply Brownfield Overlays for residential or non-industrial uses within a walkable catchment of larger suburban centres.

Transport

- 3.14 The Transport provisions are located in Chapter 7. These provisions promote an integrated transport system that is safe, efficient, responsive to need and reduces dependency on private vehicles.²¹
- 3.15 PC14 seeks to update Chapter 7 to give effect to the MDRS and Policy 3. In summary, the proposed notified changes to Chapter 7 are:²²
- (a) new definition, policy, and provisions for 'Pedestrian Access';
 - (b) amendment to the High Trip Generation Activities policy (7.2.1.9) and matters of discretion to consider reduction of greenhouse gas emissions;
 - (c) new standards for co-location of vehicle crossings, cycle parking in residential developments, loading bay for residential developments;
 - (d) amendments to existing standards relating to:
 - (i) vehicle access design where on the same side of the road as a Major Cycle Route and/or Key Pedestrian Frontages;

²¹ See Operative Plan, Objective 7.2.1.

²² See paragraph 6.1 of Ms Piper's Transport section 42A report.

- (ii) cycle parking and loading bay provision in residential developments; and
- (iii) widths of access ways.

3.16 The proposed amendments aim to:

- (a) provide access for emergency services vehicles as well as the demand associated with service vehicles/loading and accessible parking;
- (b) reduce greenhouse gas emissions from High Trip Generating Activities and provide for alternative modes of transport; and
- (c) manage the potential pedestrian safety and streetscape impacts from additional vehicle crossings onto a site;

Subdivision, development and earthworks

3.17 Chapter 8 of the Plan addresses subdivision, development and earthworks.

3.18 To give effect to the MDRS, Schedule 3A of the RMA, and the NPS-UD, PC14 as notified includes the following proposed general changes:²³

- (a) modifying the activity status of subdivision activities for sites subject to the MDRS so that subdivision rules do not constrain the ability to build according to the MDRS;
- (b) removing limitations on the size, shape or other site-related requirements for subdivision, as required by Clause 8, Schedule 3A.
- (c) ensuring that the subdivision rules provide for the same (or greater) level of development as the MDRS; and
- (d) changes to align with National Planning Standards zoning references.

3.19 Changes to Chapter 8 in relation to outline development plans and the Future Urban Zone have been addressed in the earlier residential hearing. Changes in relation to the tree canopy cover and financial contributions will be addressed in a later hearing week.

²³ See paragraph 6.1 of Mr Bayliss' s42A report.

4. SUBMISSIONS AND KEY ISSUES FOR OTHER ZONES, SUBDIVISION AND TRANSPORT

- 4.1 This section presents an overview of the key issues raised in submissions concerning the proposed changes to the 'other zones' provisions and summarises Council's position on those issues.

Other zones: Specific Purpose Zones

- 4.2 26 submissions were received on PC14 in relation to the SPZs Chapter in PC14.²⁴ Only one submission supporting the provisions with amendments was received in relation to the Tertiary SPZ, so the discussion below focuses on the School and Hospital SPZs
- 4.3 The main issues raised by the submitters are discussed in the section 42A report (Report 10B) and rebuttal evidence of Ms Piper. These submissions provide a brief summary.

School and Tertiary SPZ

- 4.4 Submitters have sought to amend the alternate zones for specific sites to enable greater development to occur. For example, submitters seek to rezone the Christ's College School site from Medium Density Residential Zone (**MRZ**) to HRZ.²⁵
- 4.5 As discussed below, these site specific rezonings were not proposed in PC14 as notified and so are beyond scope. With respect to the merits, as explained in her section 42A report Ms Piper considers the rezonings would not be appropriate due to, for example, inconsistent application of development enablement with the surrounding residential zones.²⁶
- 4.6 Heights for school zone sites within HRZ are proposed to increase from 16 metres permitted to 22 metres. Some submitters²⁷ seek to retain the existing less restrictive provisions in the District Plan relating to activity status and built form standards.
- 4.7 Ms Piper's response is detailed in her section 42A report²⁸ but in summary:

²⁴ 2 submitters support the provisions, 10 support with amendments to the provisions, 14 oppose the provisions.

²⁵ See section 7.5 of Ms Piper's specific purpose section 42A report.

²⁶ See section 8.3 of Ms Piper's specific purpose section 42A report.

²⁷ See for example submissions of Carter Group and the Catholic Diocese of Christchurch.

²⁸ See sections 8.9 and 8.10 of Ms Piper's specific purpose section 42A report.

- (a) Activity status – a controlled activity status for exceedances of the height standards would remove the ability to decline consent for such breaches, and would not appropriately manage the effects of increased heights in the school zone.
- (b) Built form standards – Ms Piper has adopted some changes, but considers that the boundary/recession planes, building setbacks, maximum building length, heritage²⁹ and landscaping standards are required to appropriately mitigate the effects of increased heights.³⁰ This position is supported by technical evidence of Ms Mackay.

Hospital SPZ

- 4.8 Submitters seek changes to the provisions applicable to the former Christchurch Women’s Hospital site to support future hospital uses and redevelopment.³¹
- 4.9 Ms Piper discusses her concerns with the changes sought in her section 42A report³² which include (in summary):
 - (a) Alternate zone – Ms Piper remains of the view that the alternate zone for this site should be HRZ.³³ Given the significant land area and its proximity to the Central City, retaining the ability for future development opportunities of this site is considered most appropriate.
 - (b) Activity status, built form standards and matters of discretion – Ms Piper has considered these submissions and issues and accepted some minor changes. With those changes made, Ms Piper considers the provisions will most efficiently and effectively give effect to the NPS-UD while mitigating potential effects of intensification on this site. Ms Piper does not support a less enabling activity status nor built form standards for development.

²⁹ Carter Group seeks to amend the heritage built form standards so that school sites containing heritage items and settings would need to comply with both Chapter 9.3 built form standards, and the Chapter 13.6.4.2 built form standards. Ms Piper considers this is unnecessary because the heritage provisions alone would sufficiently control development.

³⁰ See section 8.9 of Ms Piper’s specific purpose section 42A report.

³¹ Submitters in relation to the Former Christchurch Women’s Hospital site include for example, Marjorie Manthei and the Victoria Neighborhood Association.

³² See sections 8.5, 8.13 – 8.15 of Ms Piper’s SPZ section 42A report

³³ Within the lower height precinct of 22m.

Other Zones: Industrial zone

- 4.10 A number of submitters³⁴ seek various changes to the Industrial Zone rules to impose additional requirements, for example, landscaping and height restrictions.
- 4.11 Aside from the scope issues discussed below, Mr Lightbody's view³⁵ is that the existing rules respond appropriately to the anticipated effects in the Industrial Zones.
- 4.12 Nor does Mr Lightbody support submissions seeking:³⁶
- (a) requirements for solar panels and carbon footprint calculations; or
 - (b) dispersing industrial activities - concentrating industrial activities in one area is considered more appropriate.
- 4.13 The evidence of Ms Ratka addressed the response to industrial activities at the industrial / residential interface at the Residential hearing.³⁷
- 4.14 There are specific requests to rezone sites / areas as Industrial. The scope issues associated with these requests are discussed below. Mr Lightbody has however, provided a comprehensive analysis of each of these re-zoning requests and detailed reasoning as to why he does not support these re-zonings.³⁸ In essence Mr Lightbody does not support the rezonings because no shortfall in industrial land has been demonstrated and the rezonings would give rise to adverse effects.
- 4.15 880 Main North Road seeks a new Brownfield Overlay on an area of land in North Belfast which is currently undeveloped.³⁹ That would require an amendment to the Brownfield Objective 16.2.2 and policy 16.2.2.2. Aside from scope issues (addressed below), having considered the relevant objectives and policies and given that the land in question is currently not under-utilised or abandoned industrial land, and not located within a walking catchment of a centre, Mr Lightbody does not support that request.⁴⁰

³⁴ Submitters are listed in section 8.5.44 of Mr Lightbody's report.

³⁵ See paragraphs 8.5.44 – 8.5.50 of Mr Lightbody's section 42A report.

³⁶ See paragraphs 8.5.48 and 8.4.83 of Mr Lightbody's section 42A report.

³⁷ See section 7 of Ms Ratka's section 42A report.

³⁸ See section 8.6 and Appendix 1 of Mr Lightbody's section 42A report.

³⁹ See paragraph 8.4.86 of Mr Lightbody's section 42A report.

⁴⁰ See paragraph 8.4.99 of Mr Lightbody's section 42A report.

Other Zones - MUZ

- 4.16 Objective 15.2.3 and Policy 15.2.3.2 seek to recognise the existing nature, scale and extent of commercial activity within the MUZs outside of the central city while limiting growth in these areas to ensure commercial activity is focused in the Central City and commercial centres.
- 4.17 PC14 proposes to amend the objective and policy and rezone industrial land to MUZ close to the Central City (15 minute walking distance) to transition into high density residential neighbourhoods.
- 4.18 Some submitters seek further changes to Objective 15.2.3 and Policy 15.2.3.3 while others support the provisions as notified.⁴¹ Although Mr Lightbody supports some of the relief sought by submitters (for example the insertion of 'walkable' into the objective as sought by ChristchurchNZ), he explained in his section 42A report that he does not support other amendments proposed by Kāinga Ora and ChristchurchNZ.⁴² Counsel understand Mr Lightbody may be able to update the Panel at the hearing in respect of the ChristchurchNZ submission.
- 4.19 Amendments, for example,⁴³ removing references to supporting reductions in greenhouse gas emissions in the Objective and Policy (as sought by Kāinga Ora) are not supported because these amendments either:⁴⁴
- (a) are not as aligned with the NPS-UD direction to contribute to well-functioning urban environments compared with the notified provisions; or
 - (b) may hinder the readability of the provisions and/or result in a convoluted and unclear District Plan framework.

Transport

- 4.20 68 submissions were received on PC14 in relation to the Transport Chapter.⁴⁵ Again, the issues raised by the submitters are discussed in

⁴¹ See paragraphs 8.4.34 and 8.4.43 of Mr Lightbody's section 42A report.

⁴² See paragraphs 8.4.43 – 8.4.60 of Mr Lightbody's section 42A report.

⁴³ Other amendments sought in relation to this objective and policy by Kāinga Ora include, replacement of the reference "outside the central city" in Policy 15.2.3.2 with the specific MUZs; replacement of the reference to "high" quality development with "good" quality in Policy 15.2.3.2 because "high" and deletion of Policy 15.2.3.2(c) and (d) concerning greenways and other connections. ChristchurchNZ seeks for example seeks amendments to limit new HTG activities in the CHP within MUZs by, for example, limiting the location of service stations to arterial roads in the MUZ and limit car parking spaces for permitted retail activities.

⁴⁴ See for example, paragraphs 8.4.40 and 8.4.48 of Mr Lightbody's section 42A report.

⁴⁵ See paragraph 7.1.2 of Ms Piper's Transport section 42A report.

detail in the section 42A report (Report 10B) and rebuttal evidence of Ms Piper. These submissions provide a brief summary.

Car parking, including loading spaces and accessible parking in residential developments

- 4.21 A number of submitters have raised concerns about a lack of car parking capacity in light of increased intensification.⁴⁶ As explained by Ms Piper,⁴⁷ the NPS-UD requires the Council to remove minimum car parking requirements. Furthermore, the Council removed those requirements without a Schedule 1 process as per the NPS-UD: granting the relief sought would not only breach the NPS-UD but would also likely be beyond the scope of the plan change.⁴⁸
- 4.22 Some submitters⁴⁹ oppose the loading space requirements on the basis that they are prescriptive and inflexible. Other submitters⁵⁰ seek additional requirements for loading spaces. Mr Rossiter's position is that there is a need to provide for deliveries.
- 4.23 Having considered submissions, the Transport joint witness statement and rebuttal evidence, Ms Piper's position⁵¹ is that a loading bay requirement:
- (a) is not appropriate for smaller developments; but
 - (b) is appropriate for larger developments (20 or more residential units) to provide for increased demand for courier deliveries, pick-up and drop-off activity at larger sites induced by increased density.
- 4.24 Submitters⁵² seek the insertion of new provisions for accessible mobility parking. Mr Rossiter's position is that because the Building Act standard for mobility parking does not reflect current population demands for accessible parking, accessible parking should be provided via the District Plan.⁵³ Ms Piper supports this position and recommends the inclusion of a requirement for accessible parking within medium density residential developments.⁵⁴

⁴⁶ See paragraphs 8.1.1-8.1.6 of Ms Piper's Transport section 42A report.

⁴⁷ See paragraphs 8.1.3 of Ms Piper's Transport section 42A report.

⁴⁸ See paragraph 8.1.4 of Ms Piper's Transport section 42A report.

⁴⁹ For example, the submission of the Carter Group.

⁵⁰ For example the submission of the Addington Neighbourhood Association.

⁵¹ See section 8.6 of Ms Piper's Transport section 42A report and paragraphs 43 to 48 of her rebuttal evidence.

⁵² For example, the submission of Sally Wihone.

⁵³ See paragraph 23 of Mr Rossiter's rebuttal evidence.

⁵⁴ See section 8.7 of Ms Piper's Transport section 42A report.

EV and cycle charging and cycle parking provision

- 4.25 Submitters have raised concerns about the lack of provision for EV and E-bike charging in new residential developments:
- (a) With respect to vehicle charging:⁵⁵ Ms Piper concludes that although the provision of EV charging contributes to a well-functioning environment, a requirement for EV charging would cut across policy 11 of the NPS-UD which requires the removal of car parking requirements.⁵⁶
 - (b) With respect to bike charging: Ms Piper proposed including an advice note encouraging the installation of standard 240V electrical power points in cycle parking facilities on a 1 power point to 5 cycle parking spaces basis.⁵⁷ On the advice of Ms Heins, Ms Piper recommends an amendment to the advice note to encourage 1 power point per cycle parking space.⁵⁸
- 4.26 Submitters have also raised concerns about the lack of provision for cycle parking and facilities in residential developments.⁵⁹ Most matters concerning the design of the cycle parking facilities were agreed at conferencing with the following two exceptions:
- (a) Ms Piper will update the Panel in respect of encouraging a more specific type of cycle parking stand to accommodate a wide range of micromobility devices.
 - (b) Ms Piper agrees with Ms Heins that it is not necessary to require such cycling parking facilities to be integrated within the building, in all cases and included as a rule/provision. This decision is best made by the developer to consider how to operationalise the provision of cycle parking for residents.

Pedestrian access

- 4.27 Some submitters have raised concerns with the proposed minimum requirements for private ways and vehicle access, arguing that a minimum of 3m for a vehicle pedestrian access or pedestrian access is not

⁵⁵ See submissions of Mark Darbyshire, John Bennet, Joyce Fraser, Nikki Smetham, and David Hood

⁵⁶ See paragraphs 8.1.7 – 8.1.11 of Ms Piper's Transport section 42A report.

⁵⁷ See paragraph 8.1.18 of Ms Piper's Transport section 42A report.

⁵⁸ See paragraphs 8.1.12 – 8.1.23 of Ms Piper's Transport section 42A report.

⁵⁹ See paragraph 8.1.12 of Ms Piper's Transport section 42A report.

appropriate or practicable in all cases.⁶⁰ Others support the changes proposed in PC14.⁶¹

- 4.28 At conferencing Mr Rossiter agreed that from a transport engineering design perspective, the 3m width requirement in rule 7.5.7(c) is not necessary, supporting instead 1.5m.⁶² However, following consideration of the evidence and the transport joint witness statement, Mr Field continues to support the minimum 3m width for safety, privacy and amenity reasons as discussed in his rebuttal evidence.⁶³
- 4.29 For the reasons discussed in her rebuttal evidence, Ms Piper agrees that the rule should be retained.⁶⁴ Ms Piper will update the Panel at the hearing in respect of her proposed rewording of the rule.

Vehicle crossings provisions

- 4.30 Carter Group and the Catholic Diocese of Christchurch have raised concerns about the proposed 13m separation distance for vehicle crossings.
- 4.31 Mr Rossiter's position is that 3m is a sufficient minimum distance between a shared vehicle crossing and any other vehicle crossing from a transport perspective, but that 8.1m would reduce the number of potential conflict points along a footpath, ensure that some on-street parking can be provided, and support the street amenity outcomes sought by Mr Field.⁶⁵
- 4.32 Considering the above, Ms Piper's updated position is that the minimum distance should be 8.1m to reflect the minimum expectations for both safety and on-street design.⁶⁶ Counsel understand that Mr Field supports this amendment from an urban design perspective.⁶⁷

Subdivision, earthworks and development

- 4.33 The main issues raised by the submitters relevant to subdivision, earthworks and development are summarised below. Mr Bayliss considers the issues raised in detail in his section 42A report and rebuttal evidence.

⁶⁰ See paragraphs 8.3.1 to 8.3.4 of Ms Piper's Transport section 42A report.

⁶¹ See paragraphs 8.3.2 to 8.3.4 of Ms Piper's Transport section 42A report.

⁶² See paragraph 12 of Mr Field's rebuttal evidence.

⁶³ See paragraphs 12 to 15 of Mr Field's rebuttal evidence.

⁶⁴ See paragraphs 25 to 36 of Ms Piper's rebuttal evidence on transport.

⁶⁵ See paragraph 11 of Mr Rossiter's rebuttal evidence.

⁶⁶ Ms Piper can address the Panel on that updated position.

⁶⁷ Again, Mr Field can address the Panel on that.

Density and urban yield

- 4.34 There are submissions addressing Policy 8.2.2.7, which addresses urban density. For example, Danne Mora Limited supports the use of the term "net yield" in Policy 8.2.2.7 but seeks the insertion of a new definition for this term. As Mr Bayliss explains in his section 42A report however, the balance of the words in 8.2.2.7 provide helpful guidance as to interpretation and application of the policy and potential available definitions would not be appropriate for both large and small subdivisions and reiterates that this policy is encouraging rather than imposing requirements.⁶⁸

Minimum allotment size and shape requirements

- 4.35 Submitters seek to amend the requirements for minimum net site areas and dimensions to either increase the minimum site area thresholds for subdividing, or conversely to reduce or remove the minimum thresholds.⁶⁹
- 4.36 Mr Bayliss considers that the minimum site area dimensions will enable development as prescribed in the MDRS while ensuring amenity outcomes (for example) can be achieved and provide for an efficient use of land resource.⁷⁰
- 4.37 Kāinga Ora seeks the use of a 8m x 15m shape factor rule replacing the use of minimum allotment sizes. Mr Bayliss acknowledges there are some benefits from such an approach, but for the reasons set out in his section 42A report⁷¹ Mr Bayliss prefers the tested minimum threshold approach.

Earthworks and infrastructure Rules

- 4.38 Even though no substantive changes to the earthworks rules are proposed under PC14, submitters seek increases in the permitted earthworks volumes and to reduce earthworks control.⁷²
- 4.39 These requests raise scope issues which are discussed below. In terms of the merits, Mr Bayliss does not support the changes sought.⁷³ Even if there is an issue with the current earthworks controls, further investigation and specialist expertise is needed to inform any potential changes. Overall, this

⁶⁸ See paragraphs 8.3.12 – 8.3.18 of Mr Bayliss' section 42A report.

⁶⁹ As set out in section 8.4 of Mr Bayliss' section 42A report.

⁷⁰ See sections 8.4.1 – 8.4.13 of Mr Bayliss' section 42A report.

⁷¹ See paragraphs 8.4.5 – 8.4.6 of Mr Bayliss' section 42A report.

⁷² As set out in section 8.5 of Mr Bayliss' section 42A report.

⁷³ See paragraph 8.5.9 of Mr Bayliss' section 42A report.

issue would be more appropriate to progress through a standalone plan change rather than through this process.⁷⁴

Unit title subdivisions and conversion of tenure

- 4.40 Some submitters seek a new requirement to have all residential units which are attached (touching in some way) to be subdivided under Unit Title (or some memorandum of agreement) and not Fee Simple.⁷⁵
- 4.41 As explained in his section 42A report Mr Bayliss does not support this relief primarily for the reason that such a change is beyond the ambit of the District Plan.⁷⁶

5. SCOPE ISSUES

- 5.1 This section outlines the potential scope issues with relief sought by submitters.

Other zones – School, Tertiary, Hospital and Golf Resort SPZs

- 5.2 There are a number of submissions seeking rezoning in respect of the SPZs that the Council considers to be out of scope. Those include the requests:
- (a) to rezone sites to a SPZ;⁷⁷
 - (b) to rezone the alternate zones for an SPZ site⁷⁸ (where the Council has not proposed that rezoning); and
 - (c) to rezone the Whisper Creek Golf Resort land zoned Specific Purpose (Golf Resort) Zone to MRZ⁷⁹ or alternatively to apply the appropriate MDRS provisions (but not MRZ zoning).⁸⁰
- 5.3 These submissions do not address the extent of any proposed re-zoning in PC14 as notified, but rather seek to introduce an entirely new matter. Such re-zonings would introduce a significant change not reasonably foreseen by those potentially affected. This creates issues of procedural fairness as

⁷⁴ See paragraphs 8.5.1 – 8.5.4 of Mr Bayliss' section 42A report.

⁷⁵ For example, the submission of the Canterbury / Westland Branch of Architectural Designers NZ

⁷⁶ See paragraphs 8.4.25 – 8.4.34 of Mr Bayliss' section 42A report.

⁷⁷ Christs College and the Catholic Diocese of Christchurch seek to rezone specific sites to specific purpose school zone.

⁷⁸ As discussed in section 8.3 of Ms Piper's specific purpose section 42A report.

⁷⁹ Submission of LMM Investments Limited on PC14 dated 12 May 2023 at [7] sought that whilst the site was not "strictly a residential zone (as defined by the National Planning Standards)", it should nonetheless be rezoned. While no changes were proposed to the specific purpose Golf Resort zone, Mr Kirk Lightbody responds to relevant submissions in his section 42A report.

⁸⁰ Evidence of Jonathan Cleave for LMM Investments Limited dated 20 September 2023 at paragraph 11.

those potentially affected have been denied an opportunity to respond to the change through a submission.

- 5.4 Moreover, the Whisper Creek Golf Resort in particular is not within a relevant residential zone or a Policy 3 NPS-UD catchment; rezoning that site is therefore outside the scope of an IPI.

Transport

- 5.5 The Council considers that a number of submissions concerning the transport provisions, which seek to amend provisions that were not proposed to be amended in the notified PC14, are out of scope.
- 5.6 These submissions are addressed in detail by Ms Piper in her Transport section 42A report (Report 10A).⁸¹ They relate to matters including car-parking requirements; strategic transport documents; and District Plan requirements that have been established by reference to external standards.

Subdivision, development and earthworks

- 5.7 A number of submissions on the subdivision, development and earthworks provisions are considered to be out of scope, on the basis that they seek to:⁸²
- (a) amend provisions not proposed to be amended in the notified version of PC14; and / or
 - (b) seek changes though go beyond the permissible spatial extent of an IPI.
- 5.8 These submissions are discussed in detail by Mr Bayliss in his section 42A report. They include submissions seeking:⁸³
- (a) to mandate rainwater harvesting with all development;
 - (b) the retention of greenspace and adequate three waters infrastructure;
 - (c) limitations on the number of allotments to be created through subdivision on specific sites; and

⁸¹ As set out in section 7.2 of Ms Piper's transport section 42A report.

⁸² As set out in section 7.2 of Mr Bayliss' section 42A report.

⁸³ See paragraphs 7.2.1 to 7.2.3 of Mr Bayliss' section 42A report.

- (d) increases in the volumes for permitted earthworks on the basis that the limits cut across intensification as required by the MDRS.

Potential implications of *Waikanae Land Company* decision

- 5.9 The implications of *Waikanae Land Company v Heritage New Zealand Pouhere Taonga*,⁸⁴ are discussed in the strategic submissions. In short, the Council's position is that the Environment Court's reading of section 80E is unduly narrow, and PC14 is able to change the *status quo* where that supports or is consequential on implementation of the MDRS and policies 3 and 4.
- 5.10 The following provisions are potentially affected by *Waikanae* because they impose additional controls or restrictions that affect pre-existing development rights. The merits of these changes are assessed in the relevant section 42A reports:
 - (a) The proposed bicycle parking facility rate requirements for social housing complexes and other residential activities would place additional controls/restrictions that affect status quo development rights (see discussion of merits in Ms Piper's section 42A Report 10A).
 - (b) New loading space requirements requiring large developments of 20 or more units to provide one loading bay. The intent of the proposed requirement for developments is to provide for increased demand for courier deliveries, pick-up and drop-off activity at larger sites induced by increased density (see discussion of merits in Ms Piper's section 42A Report 10A).
 - (c) Amendments proposed in relation to pedestrian access and vehicle access. The proposed changes to pedestrian and vehicle access width might impose additional restrictions to status quo development rights as there might be less space for residential units (see discussion of merits in Ms Piper's section 42A Report 10A).
 - (d) The proposed new site coverage standard for the former Christchurch Women's Hospital site of 60% is more restrictive than currently permitted (the current District Plan provides for no maximum building percentage coverage). Ms Piper however considers that having a more restrictive approach than the existing Plan is appropriate to manage the

⁸⁴ [2023] NZEnvC 056.

impacts of the considerable development opportunities which may be out of scale with the surrounding HRZ environment in relation to site coverage due to the height enablement (see discussion of merits in Ms Piper's section 42A Report 10B).

DATED 16 November 2023

A handwritten signature in blue ink, appearing to read 'T J Ryan' followed by a long horizontal flourish.

.....
T J Ryan / V C Brunton
Counsel for the Christchurch City Council