

Before the Independent Hearings Panel
in Christchurch

under: the Resource Management Act 1991

in the matter of: the hearing of submissions on Plan Change 14 (Housing
and Business Choice) to the Christchurch District Plan

and: **Various submitters represented by Chapman
Tripp**

Memorandum of counsel on behalf of various submitters
represented by Chapman Tripp

Dated: 1 August 2023

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**MEMORANDUM OF COUNSEL ON BEHALF OF VARIOUS SUBMITTERS
REPRESENTED BY CHAPMAN TRIPP**

1 This memorandum of counsel is filed on behalf of the following submitters on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (*PC14*):

1.1 Carter Group Limited (submitter 814 and 824);

1.2 The Catholic Diocese of Christchurch (submitter 823);

1.3 Church Property Trustees (submitter 825);

1.4 Daresbury Limited (submitter 874);

1.5 LMM Investments 2012 Limited (submitter 826);

1.6 Malcolm Hollis (further submitter);

1.7 Ross Clarke (submitter 691); and

1.8 Crichton Development Group Limited (submitter 850).

(collectively the *Submitters*)

2 This memorandum addresses matters raised in Minute 3 of the Independent Hearing Panel (*IHP*). We also respond to the memorandum filed by Christchurch City Council (*CCC*) on 28 July 2023 (the *CCC memo*).

3 A separate memorandum has been filed on behalf of Chapman Tripp's Significant Infrastructure Submitter clients, dated 1 August 2023. To avoid repetition, the Submitters adopt the contents of that memorandum. This memorandum provides more detail on two relevant procedural matters and sets out the disciplines on which the Submitters intend to call expert witnesses.

Requests for rezoning

3 Section 77G(4) of the Resource Management Act (Enabling Housing and Other Matters) Amendment Act 2021 (*Enabling Housing Act*) allows specified territorial authorities to amend existing residential zones *and* to create new residential zones.

4 Counsel note that CCC's proposed list of sub-topics does not appear to indicate when requests for new residential land (for example, a request to rezone industrial or rural land to residential) will be heard. Several of the Submitters have made such requests. As set out in the table below, evidence will be required from a number of witnesses to support such requests, with sufficient time allocated to

hear them. The issue of scope will of course also be relevant and will be required to be addressed at the hearing.

- 5 We note from experience with similar requests for rezoning of new land in the Selwyn District that the amount of evidence to support rezoning means that a lot of additional hearing time will need to be allowed.
- 6 We therefore suggest that these requests are most appropriately grouped and heard as a separate topic, as has occurred (or will occur) in the recent Selwyn and Waimakariri processes. Ideally this separate topic should also be after the hearings for the city-wide qualifying matters, so that the extent of qualifying matters over these particular pieces of land does not need to be addressed again in the hearing considering the request for rezoning as this would have already occurred.
- 7 As an alternative, they could be heard as part of the *Other Zones* topic, with more time allowed. Counsel do not consider that they sit comfortably within the *Residential Zones* topic, which addresses relief sought to the Residential Zone provisions, rather than the underlying zoning of land.

Relationship between PC13 and PC14

- 8 Counsel wish to express concerns on behalf of the Submitters as to the interplay between PC14 and Plan Change 13 (Heritage) (*PC13*). There are a number of heritage related matters that may well be outside the scope of PC14. However, indications from CCC are that they will primarily be dealt with through PC14 and, if so, will be removed from PC13 via a variation.
- 9 While this is a scope issue that will necessarily be dealt with through the course of the hearings, many of the Submitters had understood that their submission on PC13 (for example, in relation to de-listings) would be dealt with through the PC13 process. The Submitters therefore wish to preserve their positions to be able to sufficiently address their submissions at the relevant stage. The timing and availability of witnesses for doing so through PC14 may provide some challenges.

Witnesses

- 10 The Submitters are seeking to engage a number of witnesses to present evidence in support of their submissions on PC14. The table below indicates the evidence that each of the submitters currently intend to provide, and is subject to change, particularly once the Section 42A Reports are received:

<i>Carter Group Limited</i>	Full suite of evidence to support various rezoning requests including economics, urban design, heritage, engineering, quantity surveying, planning, infrastructure
<i>The Catholic Diocese of Christchurch</i>	Economics, urban design, heritage, planning
<i>Church Property Trustees</i>	Economics, urban design, heritage, planning, engineering, quantity surveying
<i>Daresbury Limited</i>	Heritage, planning, engineering, quantity surveying
<i>Malcolm Hollis</i>	Planning
<i>LMM Investments 2012 Limited</i>	Full suite of evidence to support rezoning from Specific Purpose (Golf Resort) Zone to Medium Density Residential Zone including economics, urban design, landscape, transport, infrastructure, flooding, ecology and planning
<i>Ross Clarke</i>	Full suite of evidence to support rezoning from Rural Urban Fringe Zone to General Industrial
<i>Crichton Development Group Limited</i>	Full suite of evidence to support rezoning from Rural Urban Fringe Zone to Medium Density Residential Zone

- 11 This list further emphasises the likely resourcing constraints that will be faced by all submitters and expert witnesses in this process with all of the evidence currently falling due on the same day. Experts across the country are already stretched in terms of workload with the various other similarly complex planning processes occurring across the country.

- 12 It might also give the Panel a general idea of the likely volume of witnesses required for rezoning requests, and the need for a separate hearing for these.

Dated: 1 August 2023

A handwritten signature in blue ink, appearing to read 'Jo Appleyard', is centered on the page.

Jo Appleyard / Annabel Hawkins / Lucy Forrester
Counsel for the Submitters