

BEFORE THE INDEPENDENT HEARING COMMISSIONERS IN CHRISTCHURCH

IN THE MATTER of the Resource Management Act

AND

IN THE MATTER of Pan Change 14 (Housing and Business Choice) to the CCC Plan

SUBMISSIONS FOR MEBO FAMILY TRUST

1. The Council has indicated that it seeks additional restrictive matters for the Riccarton Bush qualifying matter after notification of PC 14. What was a height restriction on (relevantly) 18 Kauri Street (to effectively two stories) has become an area zoned medium density that is subject to almost all of the low density Plan controls. The Trust does not submit against the height restriction, but questions the additional controls.
2. It relies on Riccarton Bush being a section 6 matter of national importance and thus a s771 qualifying matter and that is not challenged.
3. Riccarton Bush is in outstanding natural landscape and section 6 of the RMA is directed towards protecting that landscape. There is a body of case law relating to what is necessary to protect the visual aspect of an outstanding natural landscape. That starts with the fact that you would not build within that landscape unless you obtain consent. That is not relevant here.
4. There is some case law which suggests that a structure in front of an outstanding natural landscape might impinge upon the values of that landscape so as to warrant some control, but it is to be noted that since s.6 was enacted this has never been suggested as appropriate given the Bush is surrounded by residential housing. Why now?
5. But the real problem here is that the landscape expert for the Council seems to rely on view shafts on or from private land as justifying controls on the private land. I can find no case law to support such a proposition. The height of the Bush is such that it can be clearly seen from properties on Kauri Street, but that private view should not be guaranteed by legislation. Clearly the Bush is able to be seen from the public areas of Kauri Street irrespective of what is built on a site, and putting aside the height issue, there is nothing in the other proposed restrictions that would impinge on this view.