

Submitter #599, David Townshend, to attend pre-hearing meeting in person.

I raise the following two matters relating to scope:

- 1. Council have created a city-wide qualifying matter applied to every residentially zoned site in Christchurch resulting in less enablement of intensification than 'MDRS'¹ allows.**

I consider Councils Sunlight Qualifying Matter, which they have referred to as a “creative solution not envisaged by the Act”, nullifies the very intent of the legislation, is not legal and therefore outside of the scope of what Council can legally implement by IPI.

I propose the IHP obtain or provide a legal determination on this matter as soon as possible, so that all stalled residential development in the city can proceed with some certainty without further delay. A timely legal determination on this matter would be efficient, prudent and in the public interest.

- 2. Council has created a qualifying matter applied to every High Density Zoned site which restricts activities that 'MDRS' would otherwise permit.**

I consider this is specifically precluded by the wording of s77H of the RMA², is illegal and therefore outside of the scope of what Council can legally implement by IPI.

I propose the IHP obtain or provide a legal determination on this matter as soon as possible, so that all stalled residential development in the city can proceed with some certainty without further delay. A timely legal determination on this matter would be efficient, prudent and in the public interest.

¹ <https://www.legislation.govt.nz/act/public/1991/0069/latest/LMS634505.html>

² <https://www.legislation.govt.nz/act/public/1991/0069/latest/LMS633677.html>