



PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	RMA Reform
Name of package	BRF-6504 Christchurch City Council intensification planning instrument: Referred recommendation on Piko Residential Character Area	Date to be published	02 October 2026

List of documents that have been proactively released

Date	Title	Author
10 December 2025	BRF-6504 Christchurch City Council intensification planning instrument: Referred recommendation on Piko Residential Character Area	Ministry for the Environment
	Signed letter from Minister Bishop to Mayor Phil Mauer regarding decisions on referred recommendations	Hon Chris Bishop, Minister Responsible for RMA Reform

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld under Section 9(2)(a) of the Official Information Act 1982 to protect the privacy of natural persons, including that of deceased natural persons.

Some information has been withheld under Section 9(2)(h) of the Official Information Act 1982 for the reason of maintaining legal professional privilege.



BRIEFING

Christchurch City Council intensification planning instrument: Referred recommendation on Piko Residential Character Area

Date:	10 December 2025	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	BRF-6504

	Action sought	Response by
Hon Chris Bishop Minister Responsible for RMA Reform	Please record your decisions on the recommendations within this briefing. Please review and sign the letter in Appendix 1 .	19 December 2025
Hon Chris Bishop Minister of Housing Hon Penny Simmonds Minister for the Environment	Copy for your information.	N/A

Actions for Minister's office staff

Return the signed briefing to the Ministry for the Environment **S 9(2)(a)**

Appendices and attachments

Appendix 1:	Draft letter to the Mayor of Christchurch on your decision
Appendix 2:	Letter from Christchurch City Council referring rejected Independent Hearings Panel recommendations
Appendix 2A:	Addendum to letter from Christchurch City Council referring rejected Independent Hearings Panel recommendations
Appendix 3:	Email from Christchurch City Council about its decision on the zoning for the Piko Residential Character Area
Appendix 4:	Summary timeline of Christchurch City Council's Plan Change 14
Appendix 5:	Summary of key documents in the Intensification Streamlined Planning Process
Appendix 6:	Detailed analysis and recommendation for decision under clause 105 of Schedule 1 of the Resource Management Act 1991
Appendix 7:	Excerpts from the Independent Hearings Panel's recommendations report and addendum to its report
Appendix 8:	Excerpts from the Council's Plan Change 14 notification documents
Appendix 9:	Excerpts from submissions and hearings evidence
Appendix 10:	Excerpts from selected IHP minutes

Appendix 11:	Correspondence between Ministry for the Environment officials and Christchurch City Council staff
Appendix 12:	Map and images of the Piko Residential Character Area

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Jessica Ranger	General Manager	S 9(2)(a)	
Stephanie Gard'ner	Responsible Manager	S 9(2)(a)	✓

The following departments/agencies have been consulted

N/A.

Minister's office to complete:

- | | |
|---|---------------------------------------|
| ☐ Approved | ☐ Declined |
| ☐ Noted | ☐ Needs change |
| ☐ Overtaken by Events | ☐ Seen |
| ☐ See Minister's Notes | ☐ Withdrawn |

Minister's Comments

BRIEFING

Christchurch City Council intensification planning instrument: Referred recommendation on Piko Residential Character Area

Date:	10 December 2025	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	BRF-6504

Purpose

1. This briefing seeks your decision on recommendations relating to the Piko Residential Character Area (RCA) referred to you by Christchurch City Council (the Council) on its Intensification Planning Instrument, Plan Change 14 (PC14).

Key points

2. Your decision is about applying a qualifying matter to protect special character around Piko Crescent in Riccarton, Christchurch.
3. The Council first referred the Independent Hearings Panel's (IHP) recommendation along with its own alternative recommendation for the Piko RCA to you on 24 February 2025, but it had not decided on the underlying zoning for the area. You deferred your decision until the zoning was confirmed.
4. On 19 September 2025, the Council made the underlying medium density residential zoning for the Piko RCA operative.
5. You must now decide to accept or reject the IHP's recommendation. If you reject the IHP's recommendation you must decide whether to accept or reject the Council's alternative recommendation.¹
6. The IHP recommended retaining the provisions from the operative district plan² for the Piko RCA but reducing the extent of the RCA. The Council's alternative recommendation is to remove the Piko RCA.
7. We recommend you reject the IHP's recommendation and accept the Council's alternative recommendation. We consider the Council's alternative recommendation to remove the Piko RCA is more consistent with the requirements of the Resource Management Act 1991 (RMA) to apply the medium density residential standards.
8. If you agree with our recommendations, we recommend you send Christchurch Mayor, Phil Mauger, the letter in **Appendix 1** to notify the Council of your decision and the reason for your decision.

¹ As required by clause 105 of Schedule 1 of the Resource Management Act 1991.

² References to the operative district plan refer to Christchurch City Council's operative district plan when Plan Change 14 was notified.

Recommended action

The Ministry for the Environment recommends you:

1. **Agree to:**

Agree / Disagree

- a. reject the Independent Hearings Panel's recommendation;
- b. accept Christchurch City Council's alternative recommendation;
- c. the following reason for your decision:

I consider the Council's alternative recommendation to remove the Piko Residential Character Area is more consistent with the requirements of the Resource Management Act 1991 to apply the medium density residential standards.

2. **Sign** the letter to the Mayor of Christchurch included in **Appendix 1** notifying the Christchurch City Council of your decision and the reason for your decision

Agree / Disagree

3. **Note** officials will provide additional material relevant to your decision (such as submissions and hearings evidence) on request

Noted

4. **Agree** this briefing and appendices will be released proactively on the Ministry for the Environment's website within the next eight weeks

Agree / Disagree

If you would like to make different decisions from those recommended by officials, or would like to discuss the recommendations:

5. **Meet** with officials for further discussion.

Agree / Disagree

Stephanie Gard'ner
Manager, Urban Policy
Ministry for the Environment

Hon Chris Bishop
Minister Responsible for RMA Reform

10 / 12 / 2025

___ / ___ / 2025

Background

1. On 24 February 2025, the Council wrote to you (**Appendix 2**) to refer 20 rejected Independent Hearings Panel (IHP) recommendations along with its own alternative recommendations, to you for a final decision.
2. Three of these recommendations were incomplete, as the Council had yet to decide on the zoning of the affected areas. On 5 June 2025, you wrote to the Council informing it that you had made decisions on 17 referred recommendations, and that it could refer the remaining three decisions on the Piko Residential Character Area (RCA), and two heritage sites (Daresbury and Antonio Hall) to you once the zoning had been decided.
3. On 7 November 2025, you approved the Council's request to withdraw the remaining parts of Plan Change 14 (PC14) [BRF-7019/HUD2025-007800 refers].
4. On 20 November 2025, the Council gave public notice that it was withdrawing all the undecided parts of PC14 except for the provisions relating to the three remaining recommendations: Piko RCA, Daresbury and Antonio Hall.
5. The Council is still seeking your decision on the Piko RCA. On 3 September 2025, it decided the underlying zoning of the Piko RCA would be Medium Density Residential (**Appendix 3**). This means you can now decide on the application of a qualifying matter for the Piko RCA.
6. A separate plan change process, Plan Change 13 – Heritage, removes Daresbury and Antonio Hall from the Christchurch heritage schedule. On 10 December 2025, the Council agreed to make Plan Change 13 operative and to revoke its decision (made as part of the PC14 process) to refer the recommendations on Daresbury and Antonio Hall to you for final decisions. Council staff will write to you to confirm this decision, which will mean no further decisions will be required on PC14.
7. A summary of the timeline of PC14 is provided in **Appendix 4**.

Intensification planning instruments and Ministerial statutory functions

8. The RMA required the Council to prepare PC14 and use the Intensification Streamlined Planning Process (ISPP) to give effect to the intensification requirements of the National Policy Statement on Urban Development 2020 (NPS-UD) and implement the medium density residential standards (MDRS).
9. In August 2025, the Resource Management Act 1991 (RMA) was amended to allow the Council to withdraw PC14 in full or in part if it meets certain requirements.³ If the Council chooses not to withdraw PC14 from certain areas, it must still complete the ISPP process and, per section 77G of the RMA, implement the MDRS in these areas.

³ Schedule 3C inserted by the Resource Management (Consenting and Other System Changes) Amendment Act 2025.

10. An IHP heard submissions and made recommendations on PC14. The Council is required to decide on the IHP's recommendations. The recommendations the Council has accepted are now operative. The Council is required to refer all the recommendations it rejects along with reasons for rejecting them to you⁴ for a decision. The Council may also refer alternative recommendations to you.
11. **Appendix 5** provides a diagram showing at which stages of the ISPP the different documents were produced and a glossary explaining the function of key documents.
12. Clause 105(2) of Schedule 1 of the RMA sets out the matters the Minister may take into account and may have regard to when making a decision on referred recommendations⁵ which include:
 - a. considerations the IHP could have taken into account when making its decision, including the submissions and evidence before it (new evidence cannot be commissioned to inform decisions on the recommendations referred to you)
 - b. the Council's compliance with procedural requirements
 - c. how the Council had regard to any statement of expectations (if issued)
 - d. whether the Council has withdrawn its Intensification Planning Instrument or is intending to.
13. You must decide whether to accept or reject the IHP recommendation referred to you. If you decide to reject the IHP's recommendation, you must decide whether to accept or reject the Council's alternative recommendation.

⁴ As you are the relevant Minister with appropriate delegations or transfer of powers under section 7 of the Constitution Act 1986.

⁵ Clause 105(2), Schedule 1, provides that in making a decision under subclause (1), the Minister—

- (a) may take into account only those considerations that the independent hearings panel could have taken into account when making its recommendation; but
- (b) may have regard to—
 - (i) whether the specified territorial authority has complied with the procedural requirements, including time frames, required by the direction made under section 80L; and
 - (ii) whether and, if so, how the independent hearings panel has had regard to that direction; and
 - (iii) whether and, if so, how the specified territorial authority and the independent hearings panel have had regard to the statement of expectations (if any) included in that direction.
- (iv) if the specified territorial authority is Auckland Council or Christchurch City Council,—
 - (A) whether that territorial authority has withdrawn any part of its IPI in accordance with Schedule 3C; and
 - (B) any advice from that territorial authority that it intends to withdraw, or seek approval to withdraw, any part of its IPI in accordance with Schedule 3C.

Analysis and advice

Matters to support decision-making – procedural requirements and information considered

14. The Direction⁶ to the Council sets out the procedural requirements for PC14. The Council and the IHP have broadly met the procedural requirements.
15. We note the Direction includes a requirement for the Council to “*provide a report to the Ministry for the Environment every two months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 14*”. The Council provided a combination of written and verbal reports to Ministry officials through our regular engagement with Council staff. We have a constructive working relationship with Council staff and consider our regular engagement with Council staff fulfils the intent of this requirement.
16. The Council was not required to have regard to a ‘statement of expectations’ because no statement was issued.
17. The Council has withdrawn the majority of PC14, but is still seeking your decisions on the referred recommendations for the Piko RCA. We therefore consider the obligation in RMA section 77G on the Council to apply the medium density residential standards in this area is still relevant to your decision.
18. **Appendix 6** sets out our detailed analysis and advice with references to evidence provided throughout the plan change process to support your decision.
19. Officials have prepared advice for this briefing by referring to the material listed below (these documents have been appended to this briefing to support your decision):
 - a. the Council’s referral letter and addendum to its letter, including the Council’s reason for rejecting the IHP’s recommendation and the Council’s alternative recommendation (**Appendix 2** and **Appendix 2A**)
 - b. excerpts from the IHP’s recommendations report and addendum to its report (**Appendix 7**)
 - c. excerpts from the Council’s PC14 notification documents (**Appendix 8**)
 - d. excerpts from submissions and hearings evidence (**Appendix 9**)
 - e. excerpts from selected IHP minutes (**Appendix 10**).
20. If you wish to see additional evidence or submissions considered by the IHP, officials will provide you with these documents. Full copies of the section 32 (evaluation report that accompanied the notified version of PC14) and the section 42A report (provided before a hearing to support the IHP) can also be provided.

⁶ The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022, Notice no. 2022-21159, <https://environment.govt.nz/acts-and-regulations/acts/intensification-streamlined-planning-process/#christchurch-city-council>

21. Officials sought clarification from Council staff to confirm the detail of the IHP's recommendation. In response, the Council provided clarification and reference to an addendum to the IHP's report, selected IHP minutes, and a Council memorandum (**Appendix 11**).

Recommendation referred to you by Christchurch City Council

22. The recommendations before you relate to the Piko RCA in Riccarton, Christchurch. The area was a state housing development established in the 1930s and 1940s. **Appendix 12** provides a map of the Piko RCA and images from the Piko RCA design guide showing examples of houses in the area.
23. PC14 proposed Piko RCA as a qualifying matter, with underlying Medium Density Residential Zoning. PC14 proposed rules and standards to protect the character of the area around Piko Cres that were generally more restrictive than the operative district plan, but covered a slightly smaller area.
24. There was significant complexity in the matters covered in submissions and hearings in relation to the Piko RCA and RCAs more generally. Key issues include whether:
- a. the provisions of the RCAs were in scope of an Intensification Planning Instrument (section 80E of the RMA)
 - b. all the features of the existing environment were considered when deciding if character protection was warranted (eg, there were existing consents and certificates of compliance to demolish buildings in the Piko RCA)
 - c. overlaps of heritage and character protection were justified
 - d. the provisions proposed for RCAs were appropriate in the context of protecting character compared to the operative district plan.
25. The IHP considered that the RCA qualifying matter as notified by the Council should not proceed and tried to determine if there were any options to be more enabling of development in these areas. However, it concluded that exercise was problematic and abandoned the exercise.
26. The IHP instead recommended retaining the provisions from the operative district plan for the Piko RCA, but reducing the extent of the RCA. The IHP also states in the recommendations report that further changes to character provisions should be made through a separate plan change.
27. After the IHP issued its recommendations, the Council asked the IHP to clarify the underlying zoning for RCAs and how the operative provisions to protect character should apply. At the end of the clarification process, the Council determined the IHP's recommendation was for the medium density residential zone to apply with the operative provisions applying the RCA as a qualifying matter. The IHP confirmed the Council's drafting of the proposed changes reflected their intent.

28. However, section 77L⁷ of the RMA requires certain evidence to be provided to use unlisted qualifying matters such as special character. The IHP did not provide evidence to meet these requirements.
29. The Council's alternative recommendation is to remove the Piko RCA. The reasons it gave for this was that housing within the Piko RCA had deteriorated and the area is better placed to deliver new housing given its highly accessible location.
30. This position is different than that presented by Council staff during the hearings. However, evidence was provided in submissions and during hearings on existing permissions to demolish buildings in the Piko RCA and the appropriateness of provisions to protect character in locations with good access to transport and services.
31. We recommend you reject the IHP's recommendation and accept the Council's alternative recommendation to remove the Piko RCA. We consider the Council's alternative recommendation is more consistent with the requirements of the RMA to apply the medium density residential standards.
32. You must also provide the Council with a reason for your decision. The reason officials recommend you give for your decision is: *I consider the Council's alternative recommendation to remove the Piko Residential Character Area is more consistent with the requirements of the Resource Management Act 1991 to apply the medium density residential standards.*
33. If you do not wish to accept either the IHP's recommendation or the Council's alternative recommendation, officials will provide you with further advice.

Te Tiriti analysis

34. No Treaty of Waitangi/Te Tiriti o Waitangi issues are associated with the proposals in this briefing.

Other considerations

Risks and mitigations

35. There has been some ambiguity in the exact detail of the IHP's recommendation. Officials clarified this with the Council to help mitigate risks to your decision-making to ensure the detail of the IHP's recommendation, and its implications in practice, are as clear as possible.
36. We consider the information provided by the Council has provided sufficient clarity to support your decision-making. A copy of officials' correspondence with the Council is provided in **Appendix 11**.

⁷ Section 77L of the RMA includes evaluation requires for unlisted qualifying matters, including site-specific analysis of the application of the qualifying matter.

S 9(2)(h)

37. S 9(2)(h)
38. S 9(2)(h)
39. S 9(2)(h)
40. S 9(2)(h)

Financial, regulatory and legislative implications

41. No financial, regulatory, or legislative implications are associated with the proposals in this briefing.

Next steps

42. If you agree to the recommendations in this briefing, please review and send Christchurch Mayor, Phil Mauger, the letter in **Appendix 1** to notify the Council of your decision.
43. The Council will publish your letter and incorporate your accepted recommendation into its District Plan and publicly notify that change, including the reason for your decision. After this is carried out the provisions become operative (clause 106 of Schedule 1 of the RMA).
44. If you would like to make different decisions from those recommended in this briefing, officials suggest a meeting for discussion.

S 9(2)(h)

S 9(2)(h)

Appendix 1: Draft letter to the Mayor of Christchurch on your decision

Phil Mauger
Mayor of Christchurch
Christchurch City Council

cc John Higgins
General Manager Strategy, Planning and Regulatory Services
Christchurch City Council

S 9(2)(a)

cc Mark Stevenson
Head of Planning and Consents, Christchurch City Council

S 9(2)(a)

Dear Phil

On 24 February 2025 I received a letter from you on behalf of the Christchurch City Council (the Council) referring 20 rejected Independent Hearings Panel recommendations and the Council's alternative recommendations to me for final decision. When I made decisions on 17 of those recommendations on 5 June 2025, I noted I would consider the remaining three referred recommendations on Daresbury House, Antonio Hall and the Piko Residential Character Area once the Council had decided on the zoning of these areas.

I understand the Council has since decided on the zoning for these areas and is still seeking my decision on the Piko Residential Character Area.

This letter confirms my decision on the Piko Residential Character Area. I reject the Independent Hearings Panel's recommendation and accept the Council's alternative recommendation. I consider the Council's alternative recommendation to remove the Piko Residential Character Area is more consistent with the requirements of the Resource Management Act 1991 to apply the medium density residential standards.

My decision has been made in accordance with Schedule 1, clause 105 of the Resource Management Act 1991.

I want to thank you, the Councillors, the Independent Hearings Panel and Council staff for the work undertaken on the Intensification Streamlined Planning Process.

My officials have contacted the Council's staff to inform them of my decisions.

Yours sincerely

Hon Chris Bishop
Minister Responsible for RMA Reform

Appendix 2: Letter from Christchurch City Council referring rejected Independent Hearings Panel recommendations

[Attached to cover email].

Christchurch City Council report for referred recommendations on Plan Change 14 (IPI) to the Minister for the Environment

24 February 2025

Minister of Housing, Hon Chris Bishop

C/- Rebecca Scannell

S9(2)(a)

C/- Sarah McCarthy

S9(2)(a)

C/- David Falconer

S9(2)(a)

03 941 8999

53 Hereford Street
Christchurch 8013

PO Box 73012
Christchurch 8154

ccc.govt.nz

Tēnā koe Minister,

On 2 December 2024, Christchurch City Council (Council) made decisions on part of its Intensification Planning Instrument (IPI), Plan Change 14 (PC14). The decision is in accordance with the Gazette Notice of 16 September 2024¹ and responds to your letter of 10 September 2024, which outlined an amended timeframe requiring Council to decide only on recommendations related to Policies 3 and 4 of the National Policy Statement on Urban Development (NPS-UD) by 20 December 2024.

The decisions mark the beginning of a significant shift for Christchurch. They accelerate development opportunities within the City Centre and enable high-density development in and around 10 commercial centres, with areas in and around approximately 40 additional commercial centres enabled for medium-density development. While Council adopted the majority of recommendations of the Independent Hearings Panel (IHP), 20 recommendations from the IHP have been rejected, with alternative recommendations proposed.

The following report outlines these alternatives and provides supporting materials. We are grateful to the Ministry's staff for their engagement and support to date and look forward to working collaboratively to explain these matters further, if necessary.

Summary of Plan Change 14 – Housing and Business Choice (IPI)

- PC14 is the IPI notified by the Council on 17 March 2023. PC14 sought to also amend or include related provisions under s80E and provisions relating to financial contributions (for tree canopy cover) under s77E of the Resource Management Act 1991 (RMA). An IHP was established in mid-2022, with members appointed taking into account the views of Te Rūnanga o Ngāi Tahu, and it first convened on 2 September 2022, with hearings beginning on 10 October 2023 and ending on 24 April 2024. The IHP issued its recommendation report on 29 July 2024 on all aspects of PC14 to implement both Schedule 3A of the RMA and give effect to Policies 3 and 4 of the NPS-UD. Council made decisions on only Policies 3 and 4 of

¹ <https://gazette.govt.nz/notice/id/2024-sl4625>

the NPS-UD and financial contributions on 18 September and 2 December 2024, accepting all recommendations of the IHP except for 20 matters which were rejected and for which alternative recommendations are made, as described below.

- Decisions on Policies 3 and 4 of the NPS-UD and other matters were publicly notified on 30 September² and 12 December³ 2024.
- The Council is not required to make a decision on the balance of PC14 (i.e. relevant residential zones outside of a Policy 3 area) until 12 December 2025 at the latest.

Referred alternative recommendations

- While the Council accepted the vast majority of the IHP's recommendations (as relevant to its decisions), the Council has rejected a number of the IHP's recommendations. In each case the Council has made an alternative recommendation for the Minister to consider.
- These matters are summarised below, either in table format or, in respect of one matter (concerning 'pathways' for development in certain residential zones), in a separate section of the report that follows the table.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
Riccarton Bush Interface Area qualifying matter (QM). <i>Please see Attachment 1.</i>	Reject the Riccarton Bush Interface Area QM and zoning of surrounding residential areas (which were proposed to be subject to the QM) as Medium or High Density Residential Zone (Part 5, section 20 (including Addendum 2 of Recommendation Report)). Anticipated zoning: If accepted, the IHP recommendation would result in HRZ within the Policy 3 catchment, leaving the balance of the QM area outside of the Policy 3 area as per	Council supports the QM and considers it is necessary to recognise and provide for the matters set out sections 6(b), 6(e), and 6(f) of the RMA.	Council recommends that the QM is provided for, with Medium Density Residential Zoning (MRZ) applied accordingly (as per 14.5.3 provisions in Council Reply). Anticipated zoning: If accepted, this alternative would result in MRZ applying throughout the QM area, which is beyond the Policy 3 catchment. This zoning would be nuanced by the 'Riccarton Bush	This better protects the cultural and historic heritage of Christchurch and the significant value Pūtarikamotu [Riccarton Bush] has to Ngāi Tūāhūiri Rūnanga ⁵ . The Policy 4 / QM response is considered appropriate given the strong section 6 RMA directives and the agreement of experts at the conclusion of the hearing.

² See the 30 September 2024 public notice on the CCC webpage here: <https://ccc.govt.nz/news-and-events/public-notice/show/1255>

³ See the 12 December 2024 public notice on the CCC webpage here: <https://ccc.govt.nz/news-and-events/public-notice/show/1275>

⁵ Mahaanui Kurataiao statement of Riccarton Bush cultural values, Appendix G (page 780 of s42A report PDF)

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
	operative zoning until a decision is made on the balance of PC14.		Interface Area' overlay, as indicated in Right of Reply mapping ⁴ . This leaves some of the QM area unaffected by the overlay, being MRZ instead of HRZ. See Attachment 2 for an overview map.	
Papanui War Memorial Avenues. <i>The s42A report of Suzanne Richmond considered this topic (see pages 121 to 131) with expert arboricultural evidence of Matthew Stobbart.</i>	For jurisdictional (rather than merits) reasons, not accept the Papanui War Memorial Avenues as a new heritage item and therefore not include rules associated with the QM (Parts 4 (section 3) and 8 (Appendix H) of Recommendation Report). Anticipated zoning: this does not modify zoning.	Council accepts the limits of an IPI as explained by the High Court in <i>Waikanae</i>⁶, but believes that an IPI can validly provide for the heritage values of a site not previously listed in the District Plan to be considered as a part of a resource consent application via new matters of discretion. The Council considers this aligns with section 80E of the RMA, the restricted discretionary activity status required by Schedule 3A and the NPS-UD regulations.	The Papanui War Memorial Avenues are considered as a matter of discretion for breaches of building height, building setback, and building coverage rules. Anticipated zoning: this does not modify zoning. <i>See the updated matters of discretion provisions 14A.11.</i>	The alternative better recognises and provides for the heritage values of the Memorial Avenues (as required by section 6(f) of the RMA).
Policy 3(d) High Density Residential Zone (HRZ) catchment around the Town Centre Zone of Riccarton. <i>Please see Attachment 3.</i>	Use an 800-metre walking catchment as an input to the HRZ catchment around the Town Centre Zone of Riccarton as the Policy 3(d) response. This applies HRZ over parts of what would otherwise be subject to the Riccarton Bush Interface Area, rejected by the IHP – see previous page (Part	The HRZ catchment should exclude sites accessed via Matai Street West because of its unique character, and 25 Deans Avenue should be rezoned to Mixed Use Zone (MUZ) to enable a wider range of activities on the site.	The Policy 3(d) response surrounding the Town Centre Zone of Riccarton is modified to end where sites are accessed via Matai Street West, and HRZ does not apply within the Riccarton Bush Interface. Apply	The modified HRZ extent integrates with the Riccarton Bush Interface Area alternative (refer to previous page) and better reflects the suburban characteristics of the area, better achieving a high density response. 25 Deans Avenue is mostly bordered by industrial or commercial MUZ zoning with a large transition area to the residential area to the

⁴ Note the ability to filter qualifying matter layers in the webmap so that specific layers are more easily seen.

⁶ *Waikanae Land Company Limited v Heritage New Zealand Pouhere Tāonga* [2023] NZEnvC 56.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
	3, Section 5 of Recommendation Report). Anticipated zoning: if accepted, the IHP recommendation would result in HRZ being applied within the Policy 3 catchment specified. 25 Deans Avenue would retain operative zoning until a decision is made on the balance of PC14.		MUZ over 25 Deans Avenue. Anticipated zoning: If accepted, this alternative recommendation would reduce the Policy 3 catchment north of the Riccarton Town Centre Zone, thereby retaining operative zoning in the area identified where sites are accessed via Matai Street West until a decision is made on the balance of PC14. 25 Deans Avenue would be rezoned MUZ. See Attachment 2 for an overview map of Riccarton. <i>See mapping of the alternative recommendation on the CCC Policy 3 Decision webmap.</i>	north where Blenheim Road was once located, better supporting a rezoning to MUZ.
25 Deans Avenue increased height precinct. <i>Please see Attachment 3.</i>	Zone the site Medium Density Residential Zone (MRZ) (Part 3, Section 5 of Recommendation Report). Anticipated zoning: if accepted, the IHP recommendation would result in 25 Deans Avenue retaining operative zoning until a decision is made on the balance of PC14.	Council considers that the site should be part of the Policy 3(d) response for the Town Centre Zone of Riccarton. MUZ with further increased building height best reflects the setting of the site and provides for the most development opportunities, given its vacant nature and the context of its surrounds.	25 Deans Avenue has a building height precinct applied that permits a building height of 36m. Anticipated zoning: if accepted, this alternative would apply an overlay over any operative or new zoning to permit a building height of 36m.	The Operative District Plan also contains a specific greater building height overlay for the site, reflecting the strong potential of the site for greater built form. The proposal seeks a continuation of this, expanding on this proportional to the greater building height direction PC14 proposes.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
Policy 3(d) catchment for Peer Street Local Centre Zone. <i>Please see Attachment 3.</i>	Use a 200 metre walking catchment measured from a central point of Local Centre Zones to define the Policy 3(d) residential response, being Medium Density Residential Zone (Part 3, Section 6 of Recommendation Report). Anticipated zoning: if accepted, the IHP recommendation would result in MRZ within the identified Policy 3 catchment surrounding the centre.	Council does not consider the centre is of a sufficient scale to warrant the IHP Recommended Policy 3(d) response. No change to the operative zoning is required to enable building heights and densities of urban form commensurate with the level of commercial activity and community services in this location.	No decision is made – i.e. retain pre-PC14 operative zoning for surrounding residential areas. Anticipated zoning: if accepted, this alternative would retain operative zoning surrounding the commercial centre until a decision has been made on the balance of PC14.	Excluding a walking catchment around the Peer Street Local Centre Zone from the Policy 3 decision better reflects (and is commensurate with) the scale of the commercial centre.
City Spine QM. <i>The s42A report of Sarah Oliver considered this matter on pages 112 to 116, with supporting evidence of William Field (including in the Hearing Statement).</i>	Reject the City Spine QM; apply applicable MDRS density standard (Part 5, Section 17 of Recommendation Report). Anticipated zoning: this does not modify zoning.	Council seeks the protection of this highly significant public transport corridor for future investment, and not foreclosing the future expansion into the road reserve to accommodate the expansion of public transport infrastructure and development as a sub-regional greenway.	Retain the City Spine QM, but only controls which seek to retain pre-PC14 residential road boundary setbacks along the corridor. Anticipated zoning: this does not modify zoning, only associated rules. <i>See mapping⁷ of the alternative recommendation on the CCC Policy 3 Decision webmap. Alternative recommendation provisions are included under 14A.5.3.2.2 (page 38).</i>	The alternative recommendation addresses the <i>Waikanae</i> issues with the QM as notified, only restricting development to a degree that is no more restrictive than prior to PC14. These controls better protect the corridor from any future expansion to more adequately provide for public transport along this highly strategic corridor.

⁷ Mapping was also detailed in the [Hearing Statement](#) of Sarah Oliver and in [Appendix J](#) (from page 10) of the s42A report.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
Sunlight Access QM. <i>Please see Attachment 4.</i>	Reject the Sunlight Access QM; apply applicable MDRS density standard for height in relation to boundary (Part 4 (section 4) of Recommendation Report, including Addendum). Anticipated zoning: this does not modify zoning.	Council seeks that the height in relation to boundary provisions associated with MDRS developments reflect the fact that Christchurch has latitudinal and climatic characteristics that are different (in some cases, markedly) than where the vast majority of areas (70%, by population) where the MDRS applies.	Apply the Sunlight Access QM as per the Council Reply: reducing the angle origin to 3m and modifying the recession plane angle to between 50-60° depending on orientation. All height in relation to boundary exemptions are retained. Anticipated zoning: this does not modify zoning, only associated rules. <i>See updated provisions of MRZ (14A.5.2.6) and HRZ (14A.6.2.2).</i>	Applying the MDRS unmodified across Christchurch would result in reduced sunlight access for residents who are subject to the MDRS when compared to any district in the North Island. Put simply, the effects of the MDRS would be unequal (i.e. allow less sunlight access) in Christchurch due to the latitudinal variance between northern and southern New Zealand. Exemptions that apply along with the QM are also highly enabling and, in many cases, provide for a building form that is more enabling than the MDRS height in relation to boundary standard (see the Hearings Statement of Ike Kleynbos, pages 16-19). The QM is therefore a pragmatic response within an IPI context, as opposed to a means to retain pre-PC14 levels of sunlight, which it does not provide for.
Policy 3(d) catchment around the Town Centre Zone of Hornby. <i>Please see Attachment 3.</i>	Use an 800-metre walking catchment as an input to the High Density Residential Zone (HRZ) catchment around the Town Centre Zone of Hornby as the Policy 3(d) response (Part 3, Section 5 of Recommendation Report). Anticipated zoning: if accepted, the IHP recommendation would result in HRZ within the identified Policy 3 catchment.	Council considers the modified HRZ extent as per the alternative recommendation better reflects the scale of the Hornby commercial centre, which also reflects the current location of the pre-PC14 operative Residential Medium Density Zone.	Reducing the catchment to reflect the reduced walking catchment around Hornby Town Centre, removing HRZ between Neill and Oakhampton streets, and aligning the HRZ boundary with the operative Residential Medium Density Zone boundary between Blankney and Trevor streets	This small modification better ensures the HRZ is established in areas already enabled for intensification prior to PC14.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
			(along Trevor Reserve). Anticipated zoning: if accepted, the alternative recommendation would apply a reduced Policy 3 catchment, with HRZ within the catchment and the operative zone being retained outside of the catchment until a decision is made on the balance of PC14. <i>See mapping of the alternative recommendation on the CCC Policy 3 Decision webmap.</i>	
Permitted building height within Hornby High Density Residential zoned areas. <i>Please see Attachment 3.</i>	Permit a building height of 14 metres in HRZ (Part 4, Section 3 of Recommendation Report). Anticipated zoning: this does not modify zoning.	Council considers the alternative better reflects a commensurate response under Policy 3(d) for the centre, while better aligning with pre-PC14 operative building height limits, and the alternative proposed Town Centre zone building height limit (see below).	The permitted building height (14.6.2.1.a) within HRZ surrounding the Town Centre Zone of Hornby is 12 metres. Anticipated zoning: this does not modify zoning, only associated rules. <i>See updated provisions of HRZ (14A.6.2.1).</i>	Applying a 12-metre building height limit provides a more commensurate response for the area and aligns with the reduced building height limit that Council has alternatively recommended for the Town Centre Zone of Hornby.
Policy 3(d) Town Centre Zone (TCZ) building height for Hornby. <i>Please see Attachment 3.</i>	Permit a building height of 32 metres for TCZ for Hornby (Part 3, Section 5 of Recommendations Report). Anticipated zoning: this does not modify zoning.	Council considers that the recommended 32 metre building height limit is not commensurate with the commercial centre of Hornby or its surrounds.	A building height standard (15.4.2.2.a.ii) for the Town Centre Zone of Hornby of 22 metres. Anticipated zoning: this does not modify zoning, only associated rules.	The alternative building height aligns with the building height limit of other similar Town Centres.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
			See updated provisions for TCZ in 15.4.	
Policy 3(d) Town Centre Zone (TCZ) building height and form for Linwood. <i>Please see Attachment 3.</i>	Permit a building height of 22 metres for the TCZ at Linwood and apply the MDRS height in relation to boundary control along the boundary with residential zones (Part 3, Section 5 of Recommendations Report). Anticipated zoning: this does not modify zoning.	The pre-PC14 building height limit of 20 metres is sufficient to enable building heights and densities of urban form commensurate with the level of commercial activity and community services in this location. Moreover, retaining a recession plane angle that applies the Sunlight Access QM better supports the wellbeing of neighbouring residents.	A building height limit of 20 metres and a recession plane control along residentially-zoned boundaries that applies the Sunlight Access qualifying matter. Anticipated zoning: this does not modify zoning, only associated rules. See updated provisions for TCZ in 15.4.	The alternative approach better reflects the residential context that the TCZ area lies within.
Policy 3(d) catchment around the Town Centre Zone of Linwood. <i>Please see Attachment 3.</i>	Use an 600-metre walking catchment as an input (the Council Reply position) to the High Density Residential Zone (HRZ) catchment around the Town Centre Zone of Linwood as the Policy 3(d) response (Part 3, Section 5 of Recommendation Report). Anticipated zoning: if accepted, the IHP recommendation would result in HRZ within the identified Policy 3 catchment.	The Council notified position (400-metre catchment) better reflects a commensurate response under Policy 3(d) for the centre and reduces the negative social impacts of local intensification.	Reducing the HRZ catchment to the notified position, using a 400-metre walking catchment as an input. Anticipated zoning: if accepted, the alternative recommendation would apply a reduced Policy 3 catchment, with HRZ within the catchment and the operative zone being retained outside of the catchment until a decision is made on the balance of PC14. See mapping of the alternative recommendation on the CCC Policy 3 Decision webmap.	The IHP recommendation only increases commercial building height in the TCZ to a minor degree, and the alternative recommendation best reflects the pre-PC14 intensification extent and represents a consistent and proportionate response. The 400-metre walking catchment provides for this by aligning with the pre-PC14 extent for intensification (Residential Medium Density Zone).

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
Permitted building height within Linwood High Density Residential zoned areas. <i>Please see Attachment 3.</i>	Permit a building height of 14 metres in HRZ (Part 4, Section 3 of Recommendation Report). Anticipated zoning: this does not modify zoning.	The alternative better aligns with pre-PC14 operative building heights and reduces the negative social impacts of local intensification.	The permitted building height (14.6.2.1.a) within the High Density Residential Zone surrounding the Town Centre Zone of Linwood is 12 metres. Anticipated zoning: this does not modify zoning, only associated rules. <i>See updated provisions of HRZ (14A.6.2.1).</i>	As above, the overarching response in Linwood is not dissimilar in nature to pre-PC14 enablement, and this alternative seeks to ensure that the permitted building height better aligns with the 11 metre permitted building height of pre-PC14 Residential Medium Density zoning.
Airport Noise Influence Area QM. <i>Please see Attachment 5. Note that the Hearings Statement of Sarah Oliver provides an overview of the QM, with the evidence of Laural Smith detailing the acoustic contours and the evidence from Marshall Day reporting on updated noise contours.</i>	Apply a QM response to reflect both the operative airport noise contours (as annual average) and the 2023 remodelled noise contours (as outer envelope) (Part 4, Section 6 of Recommendation Report). Within the 50 dB noise contour (both operative and remodelled extents), apply a restricted discretionary activity rule for any development of four units or more (instead of a threshold of three units, as per the operative Plan), specifically requiring consideration of effects on Christchurch International Airport and limited notification to Christchurch International Airport Limited (CIAL), absent its written approval.	The threshold of the number of permitted units does not align with the pre-PC14 operative residential controls within medium density areas (despite adopting operative contours), and Council considers it more appropriate to leave the notification decision for only Council to consider under the RMA. Stating a party for limited notification within the Plan presupposes that the relevant effects threshold is met, which may or may not be the case.	The restricted discretionary activity trigger is modified to instead apply from three or more residential units (i.e. 2 units are permitted rather than 3), with the same matter of discretion applying as recommended by the IHP (reverse sensitivity). The limited notification clause requiring approval from CIAL within any 50 dB air noise contour is removed. Anticipated zoning: this does not modify zoning. <i>See updated provisions of MRZ (14A.5.1.3 RD33) and HRZ (14A.6.1.3 RD 30).</i>	The alternative provides an approach which is more consistent with the pre-PC14 operative threshold and with the application of notification decisions under s95 of the Act. It is unclear why the IHP recommended increasing the consent threshold from 3 to 4 or more units in the IHP recommendation, notwithstanding its acceptance of the QM. Further, Council questions the appropriateness of applying a more restrictive notification regime over an area where none existed prior to PC14 (i.e. within the new 2023 remodelled extent and outside the operative contour), considering the High Court's decision on <i>Waikanae</i>.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
	Anticipated zoning: this does not modify zoning.			
High Density Residential zoning (HRZ) for 231 Milton Street and 12 Johnson Street. <i>The s42A report of Ike Kleynbos considered this matter on page 718 of PDF (noted as 2 Barnett Ave and 14 Johnston Street).</i>	Apply HRZ in accordance with the notified position, which reflects parcel boundaries prior to the boundary adjustment between lots (Part 3, Section 5 of Recommendation Report and Minute 51, Item #27 in Appendix A). Anticipated zoning: if accepted, the IHP recommendation would result in a split zone for 31 Milton Street and 12 Johnson Street, where each of these parcels have both HRZ and IG (industrial general) zoning on some of each parcel.	The HRZ extent no longer reflects the parcel boundary between lots, given the boundary adjustment that occurred after notification and was addressed in the submission from the site owner, ChristchurchNZ.	Modify the HRZ extent to a minor degree to reflect the current parcel configuration. Anticipated zoning: if accepted, the alternative recommendation would retain HRZ solely to the 12 Johnstone Street Site and IG zoning solely to the 231 Milton Street site. Zoning would conform to current parcel boundaries. <i>See mapping of the alternative recommendation on the CCC Policy 3 Decision webmap.</i>	This applies best practice to apply a zoning extent along a legal parcel boundary. The approach delivers a far more effective application of HRZ, rather than triggering the need for additional consents as two zones would be in effect for any development along the parcel boundary.
Local Centre Intensification Precinct (LCIP). <i>Please see Attachment 3.</i>	Remove the LCIP from Medium Density Residential zones around select Local Centre Zones (Part 4, Section 3 of Recommendation Report). Anticipated zoning: this does not modify zoning.	The recommendation is not responsive to the scale of respective commercial centres under NPS-UD Policy 3(d).	The LCIP is applied to Medium Density Residential zones surrounding the centres of Bishopdale, Barrington, Northwest Belfast, Halswell, Prestons, Wigram, Sydenham South, Richmond, but aligned to the 200m NPS-UD Policy 3 catchment recommended by the IHP for Local Centres. It is recommended that Council Reply provisions are adopted while being altered to align with the 12-	LCIP better enables perimeter block development around centres as a commensurate response under Policy 3(d), whilst reflecting the reduced height limit as recommended by the IHP. This weighting under Policy 3(d) is actively considered in the s42A report of Ike Kleynbos (pages 40 to 46).

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
			metre building height control of the zone (for both permitted height standards and height in relation to boundary exemption). Anticipated zoning: this does not modify zoning, only associated rules. <i>See mapping of the alternative recommendation on the CCC Policy 3 Decision webmap. See updated provisions of MRZ (14A.5.2.3.a.vii [building height] and 14A.5.2.6.b.v [recession plane exemption]).</i>	
Daresbury heritage listing QM⁸. <i>Please see Attachment 6.</i>	Retain the heritage item and associated heritage setting for Daresbury (9 Daresbury Lane, Fendalton). Anticipated zoning: if accepted, the IHP recommendation would result in MRZ being applied to the relevant site as a consequence of deciding on the QM.	Council considers that the house has been damaged to an extent where it is uneconomic to repair, as reflected in the evidence of the landowner.	Daresbury heritage listing (Item 185) and associated heritage setting (Item 602) are removed. Anticipated zoning: if accepted, the alternative recommendation would retain operative zoning as this lies outside of an identified Policy 3 area. The zoning would be subject to	As per column 3.

⁸ Council's position in evidence for the retention of Daresbury on the heritage schedule, which was accepted by the IHP, was that the "unreasonable" costs test in the heritage scheduling policy was not met and relied on [quantity surveyor evidence](#) that repair costs were similar or less than combined costs of demolition and construction of a new building to equivalent floor area. [Conservation architect evidence](#) for Council noted that the repair cost was proportionate to the scale of the project and the level of heritage significance of the building. [Council's planning evidence](#) also argued that the owner had recently subdivided the heritage setting and suggested that the return from this could assist in funding repairs. See [Policy 9.3.2.2.1 c.ii](#) for the 'reasonableness' direction provided for delisting a heritage item or setting.

IHP provisions / recommendation rejected by the Council	Description of IHP recommendation	Reasons why the Council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
			the decision on the balance of PC14.	
Antonio Hall heritage listing QM. <i>Please see Attachment 7.</i>	Retain the heritage item and associated heritage setting (with modification) of 265 Riccarton Road [Antonio Hall], Upper Riccarton. Anticipated zoning: if accepted, the IHP recommendation would result in MRZ being applied to the relevant site as a consequence of deciding on the QM.	Council considers that the building is significantly compromised and the site is better placed to deliver housing given its highly accessible location.	Antonio Hall heritage listing (Item 463) and associated heritage setting (Item 203) is removed. Anticipated zoning: if accepted, the alternative recommendation would retain operative zoning as this lies outside of an identified Policy 3 area. The zoning would be subject to the decision on the balance of PC14.	As per column 3.
Piko Residential Character Area QM. <i>The s42A report of Liz White considered Residential Character Areas (see pages 24 to 36).</i>	Retain the Residential Character Area (with modification) as a QM. Anticipated zoning: if accepted, the IHP recommendation would retain operative zoning as this lies outside of an identified Policy 3 area. The zoning would be subject to the decision on the balance of PC14.	Council considers that housing has deteriorated in this area and is better placed to deliver new housing given its highly accessible location.	Remove the Piko Residential Character Area. Anticipated zoning: if accepted, the alternative recommendation would result in MRZ being applied to the relevant site as a consequence of deciding on the QM. <i>See mapping of the alternative recommendation on the CCC Policy 3 Decision webmap.</i>	As per column 3.

Residential Pathways Alternative Recommendations

In PC14 as notified, the Council sought to introduce the MDRS into all relevant residential zones by adapting the existing Residential Medium Density Zone (RMD) provisions in the operative Plan to create a new Medium Density Residential Zone (MRZ) and extending that zoning across relevant residential zones. The existing Residential Central City Zone (RCC) was used as the base to apply both the MDRS and the Policy 3 response to create the High Density Residential Zone (HRZ).

While this had the effect of incorporating the MDRS and significantly increasing development capacity across the relevant residential zones, this standardisation process of replacing existing zoning with MRZ/HRZ gave rise to some instances where it might be somewhat more onerous to obtain resource consent for a specific activity under the new provisions, compared with the old (lower-density) zoning. This is because of the naturally wide variety of provisions in the various operative residential zones being standardised into one set of MRZ provisions.

This situation is markedly different from the facts in Waikanae, involving the introduction of a new site-specific protection, removing permitted activity status for a residential activity.

Nonetheless, the IHP's recommendations reflect its desire to ensure that all existing 'enablements' are preserved through PC14.

This led the IHP to recommend that multiple development 'pathways' be provided through the District Plan, one being based on the (pre-PC14) operative rules applying in any particular location, and one based on the MDRS and new MRZ zoning.

In its decisions, the Council has largely accepted the IHP's 'pathways' approach but has rejected a number of specific provisions that would have allowed development to be undertaken on a site under both pathways. The Council considers it important to ensure that the residential pathways in the Plan are independent from one another, to avoid the adverse consequences of mis-matched development.

The Council has made an alternative recommendation accordingly.

These matters are explained in more detail below.

IHP provisions / recommendation rejected by Christchurch City Council

The Council has rejected a number of provisions recommended by the IHP relating to the Residential Pathways controls within Chapter 14, which the Council considers would remove the independence of each pathway. The rejected provisions, by reference to the chapter version in [Minute 58](#), are as follows:

Page 21 (of the PDF linked above):

- Advice note #7 (from the introduction to the Definitions List in the Plan) – that is, the IHP recommended that the advice note be included, and the Council has rejected that provision.

From page 106 of the PDF:

- 14.2.d (the last sentence).
- Additions to 14.2.e, to add i. and ii. that allow for resource consent to be applied against both pathways.
- 14.2.g.v (the last line following "Chapter 14B Pathway").
- Consequential changes to numbering throughout.

Page 117:

- Rule reference of 14A.5.1.a to apply consequential rule reference changes to 14.2.

Page 152:

- The rule reference of 14A.6.1.a (consequential rule reference changes to 14.2).

Page 195:

- Rule reference of 14B.4.1.a (apply consequential rule reference changes to 14.2).
 - a. As noted in Minute 58, this change would apply to the beginning of all Activity status tables for the other overlay chapters in 14B.

Description of IHP recommendation

The Residential Pathways are the IHP's response to the High Court's determination on *Waikanae*, in the context of Chapter 14: Residential of the District Plan.

As briefly summarised above, in developing PC14 the Council sought to apply MRZ zoning to relevant residential zones across the city, in order to incorporate the MDRS. Section 80E of the RMA envisages zoning as a valid mechanism for introducing MDRS (section 80E(1)(b)(iii): an IPI may also amend or include related provisions, including zones, that support the MDRS).

Specific to the *Waikanae* decision, Council's case throughout PC14 was that the Environment Court had erred in its decision regarding s80E and accordingly did not seek to specifically modify the proposal, however, did seek to illustrate to the IHP throughout the hearing where controls removed pre-PC14 status quo enablements.

The High Court decision was issued after Council submitted its Council Reply, with Council noting the decision via memo to the IHP⁹. However, the IHP did not seek to invite further legal submissions on interpretation "given that the interpretation was squarely on the table throughout the hearing" and had therefore already concluded their interpretation¹⁰.

The IHP considered that the 'residential pathways' summarised above were the simplest means, in the time available, of retaining pre-existing development enablements while also introducing the MDRS. However, the specific issue the IHP had with PC14 as it was recommended by Council officers, requiring (in the IHP's view) the retention of the operative 'pathway', is unclear to Council. For example:

- [Part 1](#) [173] states: "...the Council's approach to drafting PC14, which essentially took the opposite direction to *Waikanae*, has left the Panel with considerable difficulty in separating out matters that are related to the mandatory requirements of the MDRS and Policy 3 response, and those which remove existing enablements."
- [Part 4](#) [6] states: "...the Panel found that the Council approached the drafting of changes to the notified PC 14 version and Reply version of Chapter 14, from the starting position that *Waikanae* was wrongly decided, and that the Council was entitled "without limitation" to amend provisions in Chapter 14 so as to achieve a well-functioning urban environment. This included amendments that affected the consenting status and matters of control and discretion for existing land uses. This has resulted in a set of provisions that the Panel is unable to unpick so that they meet the legal requirements of s80E and s77G, as we have interpreted them to be in Part 1 of the Report, and as they have been interpreted by the High Court in *Waikanae*."

⁹ Council Memorandum 26 June 2024, paragraph 7.

¹⁰ See [IHP Recommendation Report Part 1](#) [158] page 49.

- **Part 4 [59]** states: “...an amended or new restriction of discretion giving the Council greater opportunities to refuse consent than it previously held could be seen as a reduction in enablement to the extent that the Council could now take into account matters that it had previously excluded itself from. We find that this would only be the case if the relevant underlying ODP enablements in terms of activity status and applicable standards had also not changed. However, PC 14 does change, in both the MRZ and HRZ, the status quo in all instances so as to allow more development including as a permitted activity than previously.”
- **Part 4 [60]** states: We are satisfied that where a permitted level of development has been increased from the status quo, amended or additional restrictions of discretion (or assessment matters) may be able to be added in a manner that still satisfies the boundary of not removing status-quo levels of enablement.
- **Part 4 [65]** states: “...we prefer the Council’s assessment of foreseeable development issues, relevant effects to be managed, and extent and depth of s32 analysis (and s32AA analysis) of the overall package of zone provisions in each of the MRZ and HRZ.”

The above does not clarify which specific parts of Chapter 14 (as recommended by officers) the IHP considered would breach *Waikanae*, with the only direction in Part 4 [6] being “the consenting status and matters of control and discretion for existing land uses”. As above, Council was not offered the opportunity to state its position on the High Court’s determination on *Waikanae*, and therefore provides the following commentary for the assistance of the Ministry:

- **Consenting status:** both the Act¹¹ and the NPS-UD¹² specifically limit what is deemed to be enabled to activities that are permitted, controlled and restricted discretionary under these respective instruments. This has been applied throughout. In doing so, this has meant that in select instances, a less stringent activity status (such as controlled) provided by the operative Plan has increased, through PC14 (as recommended by officers), to a restricted discretionary activity, i.e. it has become more stringent. In Council’s view, this still seeks to reflect the direction of Schedule 3A for residential activities, however there may be some instances where the activity status change relates to non-Schedule 3A matter, such as ancillary controls that are consequential on the application of the MDRS and Policy 3.
- **Matters of control and discretion:** the matters to be considered for any non-compliance were reviewed and modified in accordance with the new permitted level of activity enabled through the MDRS and Policy 3 of the NPS-UD. This resulted in several matters being expanded or modified in a way that requires greater evaluation from applicants subject to these matters, proportionate to the increase in enablements. However, the wholesale application of matters of discretion across the Chapter means that some of these modified matters are linked to standards that are out of scope for the IPI, such as non-residential activities or residential zone standards associated with zones not considered ‘relevant residential zones’ under the Act.
- **Ancillary standards:** while not specifically discussed by the IHP, it is worth noting that PC14 has introduced a number of ancillary standards that are consequential on the application of the MDRS and Policy 3 of the NPS-UD. This includes, for example, the location of mechanical ventilation, indoor storage volumetric requirements, location of parking / garaging, building length, and minimum floor area. Existing controls such as fencing have also been modified to respond to the street-engagement direction of the MDRS density standards, with front boundary fencing controls being more prescriptive. These ancillary controls are, in Councils view, the application of s80E(1)(b)(iii) that are consequential on the application of the MDRS and Policy 3 of the NPS-UD.

In conclusion, it remains unclear to Council how the IHP specifically considers that Chapter 14 does not conform with its interpretation of *Waikanae*.

¹¹ Clause 4, Schedule 3A.

¹² Clause 3.4(2) of the NPS-UD (updated May 2022).

[Part 4](#) [7] of the IHP Recommendation report recommended that Council redraft Chapter 14 Residential to provide for the 'pathways' described above – ie under the operative Plan provisions, and by reference to MDRS. The following memos from Council and subsequent Minutes detail the clarification sought on how the pathways should apply and their drafting into the Chapter:

- Council Memorandum [2 August 2024](#) – Initial clarification on Residential Pathways
- IHP Minute 50 on [6 August 2024](#) – Response to 2 August memo
- Council Memorandum [19 August 2024](#) – Clarification on IHP's interpretation of Waikanae
- IHP Minute 52 on [27 August 2024](#) – Response to 19 August memo
- Council Memorandum [18 October 2024](#) – First memo detailing drafting of residential redraft to apply Residential Pathways, including the criteria used and limitations of the framework.
- IHP Minute 56 on [31 October 2024](#) – Responding to first redraft (18 October memo)
- Council Memorandum [11 November 2024](#) – Final residential redraft applying Residential Pathways
- IHP Minute 58 on [30 November 2024](#) – Response to 11 November memo
- Council Memorandum [3 December 2024](#) – Recording correspondence received from the IHP regarding the Council Decision Report's summation of the Residential Redraft

Of critical importance are the changes recommended by the IHP in **Minute 58**, aspects of which the Council has rejected and which are the subject of this alternative recommendation. Council details in its Decision Report¹³ how these changes would compromise the independence of the Residential Pathways and how the final Minute from the IHP contradicts earlier recommendations, as well as other provisions that changes are intended to work alongside with. Reference should be made to Council's 18 October 2024 memo, which details the importance of retaining the independence of the pathways.

Council notes that the IHP was critical of the conclusions reached by Council in the Decision report relating to the recommendations made by the IHP in Minute 58. Please see the linked memo above from 3 December 2024.

Do the IHP's Residential Pathways align with the requirements of the Act?

One specific consideration is whether what the IHP has recommended is supported by the Act, specifically, whether it conflicts with the requirements of Clause 2(2) of Schedule 3A. This reads:

There must be no other density standards included in a district plan additional to those set out in [Part 2](#) of this schedule relating to a permitted activity for a residential unit or building.

Council considers that providing two 'pathways' in the Plan – one based on MDRS and the other on the operative Plan provisions (including density standards) – complies with clause 2(2) of Schedule 3A because the operative provisions are an *alternative* development pathway, rather than providing an *additional* set of density standards to regulate development. Taking a purposive and contextual approach to interpretation (consistent with section 10 of the Legislation Act 2019 and related case law), clause 2(2) is concerned to ensure that permitted activities are not constrained by density standards other than MDRS. Clause 2(2) is fulfilled as the MDRS applies by default with no "additional" standards. The pathways provide *alternative* standards that only apply if an applicant chooses not to

¹³ [Council 2 December 2024 Decision on Plan Change 14](#) (see from paragraph 4.9).

apply the MDRS-derived controls of PC14, i.e. it is only if an applicant elects to follow an operative pathway different to MDRS.

Reasons why the Council does not support aspects of the IHP's recommendation regarding pathways

As noted above, Council's 18 October 2024 memo¹⁴ details the importance of retaining the independence of the pathways and the criteria used when completing the redraft. This was as follows:

- **Hybridisation:** in a number of important respects, the built form and other environmental outcomes anticipated by new MRZ / HRZ are at odds with those anticipated by the previous residential zones. As such, allowing a developer to use, interchangeably, those two permitted activity or consent pathways would likely lead to disjointed, mismatched developments and poor outcomes. The provisions form a package to manage the effects of development in an integrated way and to 'pick and choose' runs the risk of a lack of integrated planning.
- **Project Information Memoranda:** section 37 of the Building Act 2004 requires the Council to issue a certificate if a resource consent is required that materially affects certain building work. Determining this may require an understanding of which permitted pathway is relied upon by the developer.
- **Permitted baseline:** given that two different forms of permitted development would be enabled, the permitted baseline may be difficult to identify and apply. For example, if a person applies for consent under Chapter 14B (Pathway A) for a dwelling exceeding the permitted height in the operative Plan (say, a 9m building in the RS zone), would the permitted building height under Chapter 14A (Pathway B), of 11m plus 1m in MRZ, be relevant to consider?
- **Notification tests:** rules associated with each pathway contain various notification exemptions that apply under specific conditions. The Council must otherwise apply the standard notification tests, considering effects thresholds in light of what is enabled by the Plan. As with the permitted baseline, this exercise would be made more complex and ambiguous if the two permitted pathways are not made fully independent of each other.

The 'How to' section of the Chapter in 14.2 (as per pages 10-12 in Council's 11 November 2024 memo) provides the framework for how the Residential Pathways are intended to be administered. The provisions are summarised as follows:

- a. Chapter 14A represents what is enabled by Plan Change 14 and Chapter 14B represents the pathway to apply pre-PC14 enablements (defined as the 'Chapter 14B Pathway').
- b. Chapter 14B details all pre-PC14 residential zones that are relevant residential zones, though these are expressed as overlays that sit over MRZ and HRZ areas.
- c. All objectives, policies and methods contained in each sub-chapter are considered independently.
- d. The alternative Chapter 14B Pathway only applies if an applicant states their intention to apply it - failure to do so means that the 'standard' Chapter 14A zone approach enabled via PC14 applies.
- e. Given the permitted status of some activities, regulations state that applicants must also elect to state which rules are intended to apply for building consent applications.
- f. Enacting whichever pathway means that the opportunity to use the alternative pathway is foreclosed – i.e. if an applicant elects to use the Chapter 14B Pathway, then Chapter 14A is not available at a later date.
- g. The above 'in perpetuity principle' does not apply if a new vacant allotment is created. This acts as a reset, whereby an applicant can decide whichever pathway to apply.

¹⁴ See paragraphs 9 to 14.

- h. The independence of pathways is further protected, by stating the confined limitations of applying a permitted baseline, assessment of effects, and evaluation for the purposes of notification is confined to each pathway in isolation.

Council has found the exercise of creating the Residential Pathways framework in a way that avoids applying a pathway 'in perpetuity' challenging. Its sole purpose is to ensure that the so called 'pick and mix' scenario of provisions is avoided. As reiterated in Council's 11 November 2024 memo, there are a number of perverse outcomes that could arise if a hybrid of pre-PC14 provisions and PC14-enabled provisions operate together.

A simple example is what is currently enabled in the Residential Suburban Density Transition Zone (RSDT). This permits up to four residential units per site at 8m, or at about two storeys. If rules were to be blended, an applicant could use this to establish four units as a permitted activity, and subsequently seek to apply the MDRS-derived rules to add a third storey due to the 11+1m building height control in MRZ, or double the number of storeys if HRZ applies. Staged in this way, each of these activities could be achieved without resource consent as each stage compartmentalises the proposal to match the most enabling parts of each framework. The key issue being that such an approach circumnavigates any resource consent requirement, which would otherwise be required if applied for comprehensively through either pathway. This would not achieve the objectives of each respective zone. The example described could occur in quick succession or over a longer period of time and would permanently apply successive development rights.

Council's memorandum [18 October 2024](#) further details additional examples of the adverse outcomes of hybridisation of Residential Pathways (see paragraph 13).

Alternative recommendation

The Council alternative is not a rejection of the Pathways themselves, but rather a rejection of the recommendations made in Minute 58 to further modify how these are governed. As such, the following changes have been recommended (with *italicised text* adding commentary, as needed):

Chapter 2 – Definitions:

- Remove advice note #7, stating that all previously operative definitions apply.
 - *This increases complexity and confusion of the framework. Definitions themselves have already been annotated accordingly.*

Chapter 14.2 – How to interpret and apply the rules:

- 14.2.c.xi – to be reinstated as the operative overlay must apply as part of the Chapter 14B approach, as noted by the IHP in subsequent sections.
- 14.2.d – reinstate the Council proposed text:
 - The Chapter 14B pathway only applies if eligible applicants state their intention to apply the Chapter 14B pathway, otherwise the provisions of sub-chapter 14A shall apply.
- 14.2.e – remove all IHP recommended changes, except the change from “sub-chapter” to “Chapter” at the start of the clause.
 - *This is critical to retaining independence, as reflected by subsequent sub-clauses in g., h., and i.*

- 14.2.g.v – reinstate the latter of the clause as per Council recommendation, with modification:
 - “..., with any such decision subject to the conditions under **g.i** to **g.iv.** above and **h.** and **i.** below.”

Chapter 14A.5 – Medium Density Residential Zone

- 14A.5.1.a – Reinstate the IHP amended text at the latter of the provision to read:
 - “...Chapter 14B Pathway, **as per Rules 14.2 d. to i.**.”

Chapter 14A.6 – High Density Residential Zone

- 14A.6.1.a – Reinstate the IHP amended text at the latter of the provision to read:
 - “...Chapter 14B Pathway, **as per Rules 14.2 d. to i.**.”

Chapter 14B.4 – Residential Suburban Overlay and Residential Suburban Density Transition Overlay

- 14B.4.1.a – Reinstate the IHP amended text at the latter of the provision to read:
 - “...Chapter 14B Pathway, **as per Rules 14.2 d. to i.**.”
 - *As noted in Minute 58, this change would apply to the beginning of all Activity status tables for all other overlay chapters in 14B.*

Council staff have discussed the administration of the Residential Pathways, given their current operative effect and the number of applicants who are choosing to apply the Chapter 14B Pathway. Council is currently choosing to annotate this on internal property records, however this annotation would be shown on any LIM purchased for the property or any other public enquiry for the property. There is no consent notice or annotation on a record of title.

Why is the alternative recommendation preferred?

The alternative recommendation is preferred, as Council considers the framework recommended by the IHP to be unworkable. As outlined in this report, the IHP’s recommendation appears contradictory—both in relation to previous recommendations and within its most recent recommendations in Minute 58. This inconsistency is evident in the amendments to section 14.2, which allow an applicant to seek consent under both pathways. However, provisions inserted before the activity rule tables in relevant zone chapters still state that rules should be applied independently. Council considers this omission a critical flaw that must be addressed for the Residential Pathways to remain functional.

It is important to reiterate that, given Council’s inability to state its position on the High Court’s determination regarding *Waikanae*, and the IHP’s approach in directing the Residential Pathways, Council has had little choice but to determine the best way to implement the IHP’s direction. An alternative approach that specifically addresses any restriction of status quo enablements is likely to result in a more effective, less administratively burdensome, and less litigious outcome for both Council and the community.

Relevant information to support alternative recommendations

- Relevant s42A material and evidence associated with specific matters has been referenced and linked to for each alternative, as applicable.
- Decision material has also been referenced within specific matters, including links to mapping of the 2 December 2024 Policy 3 Decision, which includes Alternative Recommendations that are spatial in nature.
- A table showing the acceptance and rejection of specific submission points relative to the Council Alternative Recommendations was prepared as part of the [Decision Report to Council](#) (see Attachment B).
- The following summaries of evidence via referenced links have also been attached:
 - **Attachment 1** – Summary of IHP Information on the Riccarton Bush Interface Area
 - **Attachment 2** – Overview maps of zoning outcome of Riccarton alternative recommendations.
 - **Attachment 3** – Summary of IHP Information on walking catchments and residential intensification under Policy 3(d)
 - **Attachment 4** – Summary of IHP Information on Sunlight Access qualifying matter
 - **Attachment 5** – Summary of IHP Information on Airport Noise qualifying matter
 - **Attachment 6** – Summary of IHP Information on Daresbury heritage listing
 - **Attachment 7** – Summary of IHP Information on Heritage Items and Settings

Please contact the underwriter for any further information, or contact the Christchurch City Council City Planning unit directly at planchange@ccc.govt.nz.

Ngā mihi nui,



Mark Stevenson, Acting Head of Planning and Consents
Christchurch City Council
Mark.Stevenson@ccc.govt.nz

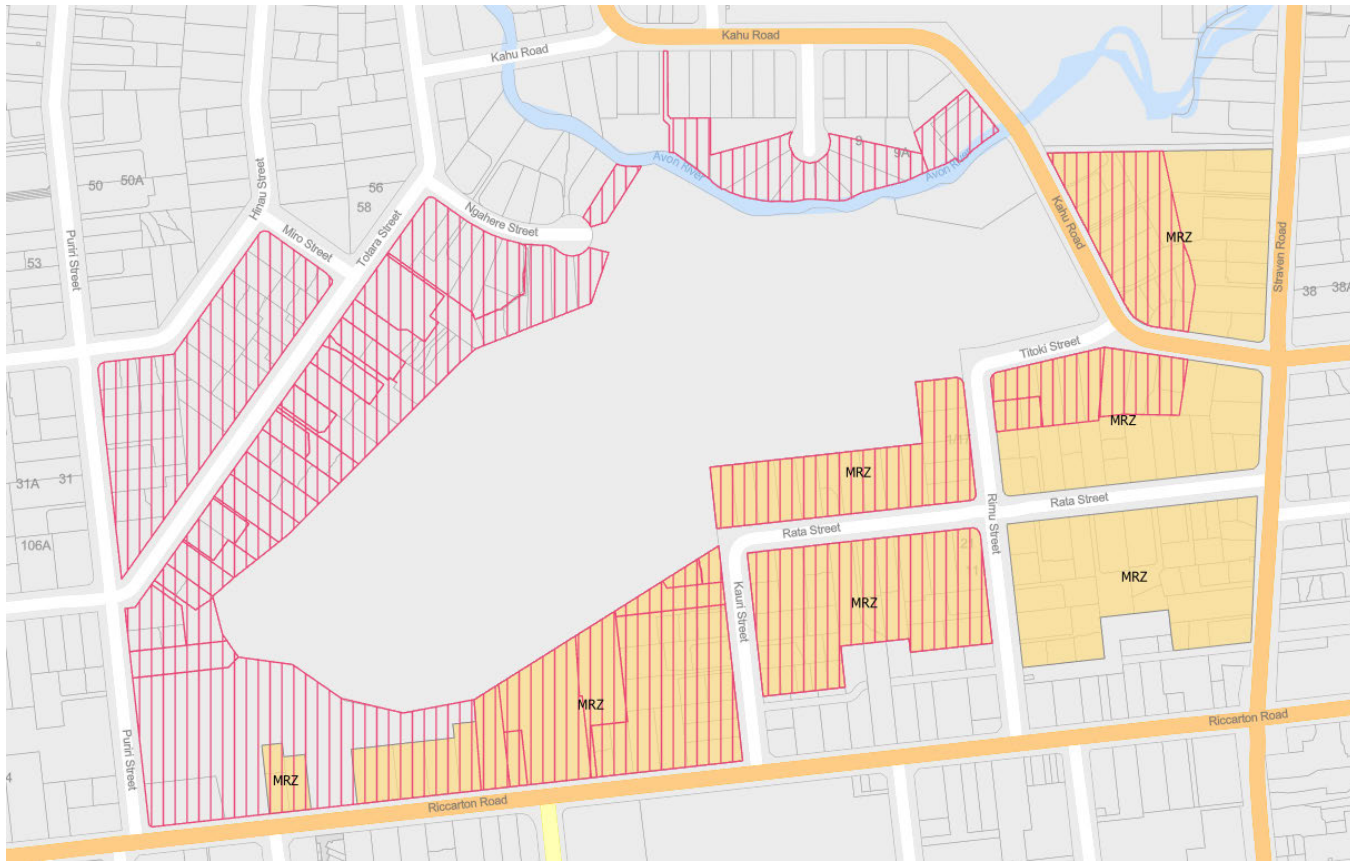
Attachment 1 – PC14 evidence summary – Riccarton Bush Interface QM

Source	Links / Detail
Notified provisions	• RS/RSDT Rules: Building height – 14.4.2.3 • MRZ Rules: Building height and maximum number of storeys – 14.5.2.3
S32 Evaluation Report	Qualifying Matters – Part 2, section 6.11 (page 95, or 31 of PDF): • Appendix 43 – Pūtaringamotu Riccarton Bush Heritage Landscape Review
Submission search	Search submissions and further submissions on the Consult24 webpage. <i>Please refer to relevant submitters detailed in s42A reporting, as per below.</i>
S42A Officer Recommendations report	S42A Report of Ike Kleynbos, 11 August 2023: • Pages 67-75 – Overall consideration • Pages 238-241 – Submission consideration • Page 780 – Appendix G Themes of submissions considered: • Seek modification • Support with modification • General support for QM • Oppose, remove QM S42A Updated Residential Provisions: • RS/RSDT Rules: Building height – 14.4.2.3 • MRZ Rules: Building height and maximum number of storeys – 14.5.2.3, Area-specific Discretionary Activities – 14.5.3.1.4 D3, Area-specific built form standards – 14.5.3.2, Building height – 14.5.3.2.3, Setbacks – 14.5.3.2.8.d, Building coverage – 14.5.3.2.9.e, Site density – 14.5.3.2.15.b
Council pre-hearing evidence (incl. Rebuttal)	Rebuttal Evidence – Ike Kleynbos, 16 October 2023 (paras 13-20, 72-74) Riccarton Bush Heritage Landscape Evidence – Wendy Hoddinott, 11 August 2023
Submitter pre-hearing evidence	Expert evidence on behalf of Riccarton Bush Trust (#44, #2085) – David Norton, 20 September 2023 Planning evidence on behalf of Kāinga Ora (#834, FS2082) – Tim Joll, 20 September 2023 (paras 6.1 and 6.2)

Source	Links / Detail
	Landscape evidence on behalf of Kāinga Ora (#834, FS2082) – Sophie Strachan , 20 September 2023 (paras 1.2, 3.1 – 3.14, and Appendix A)
Council legal submission(s)	Dave Randal / Cedric Carranceja (paras 4.19-4.23, 6.14), 26 October 2023
Submitter legal submission(s)	Riccarton Bush Trust (#44, #2085) – Andrew Schulte , 15 November 2023 Kāinga Ora (#834, FS2082) – Bal Matheson (paras 8.1 and 8.2), 22 November 2023
Council hearing summary statement(s) & associated material	Ike Kleynbos – Hearing Summary Statement (page 10), 1 November 2023 Wendy Hoddinott – Hearing Summary Statement, 1 November 2023 (IHP took this as read)
Submitter hearing summary statement(s) & associated material	Shona Willis , Riccarton Bush Trust (#44, #2085), 22 November 2023 Helen Broughton , Waipuna Halswell - Hornby - Riccarton Community Board (#902 #1090 #2027), 18 October 2023 Helen Broughton , Waipuna Halswell - Hornby - Riccarton Community Board (#902 #1090 #2027), 8 November 2023 Helen Broughton (#886 #2046), 22 November 2023 (including attachment) Tony Simons , Riccarton Bush Kilmarnock Residents' Association (#188 #2062), 8 November 2023 (pages 3-4) Brendon Liggett , Kāinga Ora - Homes and Communities (#834 #2082 #2099) (pages 9-10), 29 November 2023 Tim Joll , Kāinga Ora - Homes and Communities (#834 #2082 #2099) (pages 6, 15-16), 29 November 2023 Sophie Strachan , Kāinga Ora - Homes and Communities (#834 #2082 #2099), 29 November 2023 Marcus Langman , Christchurch City Council Submission (#751), 2 November 2023
Hearing appearances	<i>Please see the following relevant schedules:</i>

Source	Links / Detail
	Hearing Proceedings – Week 1 (10-12 Oct 2023) Hearing Proceedings – Week 4 (31 Oct, 1-2 Nov 2023) Hearing Proceedings – Week 7 (21-23 Nov 2023) Hearing Proceedings – Week 8 (28-30 Nov 2023) <i>Please see all hearing recording links on the IHP webpage (right-hand column):</i> https://chch2023.ihp.govt.nz/hearings/
IHP information request(s) & response(s)	On 1 November 2023, during the Council hearing presentation, the IHP requested a table showing all submitters and whether they were located within the proposed overlay. • Council Memo to IHP, 23 November 2023 (outlines that the response is provided in Appendix G) • Appendix G, separately provided on IHP webpage
Any relevant Council or IHP Memos not otherwise covered above	N/A
Council Right of Reply	Reply by CCC to matters arising during the hearing of submissions on proposed plan change 14 (Pages 105 and 106), 17 May 2024 Right of Reply Updated Residential Provisions: • RS/RSDT Rules: Discretionary Activities – 14.4.1.4 D11, Building height – 14.4.2.3. • MRZ Rules: Building height and maximum number of storeys – 14.5.2.3, Area-specific Discretionary Activities – 14.5.3.1.4 D3, Area-specific built form standards – 14.5.3.2, Building height – 14.5.3.2.3, Setbacks – 14.5.3.2.8.d, Building coverage – 14.5.3.2.9.e, Site density – 14.5.3.2.15.b
IHP Recommendation(s) reference	Part 5 – City wide qualifying matters (pages 107 – 116) Addendum to Part 5 (page 5) Addendum 2 to Part 5 (pages 5-6)

Attachment 2 – Overview maps of zoning outcome pf Riccarton alternative recommendations

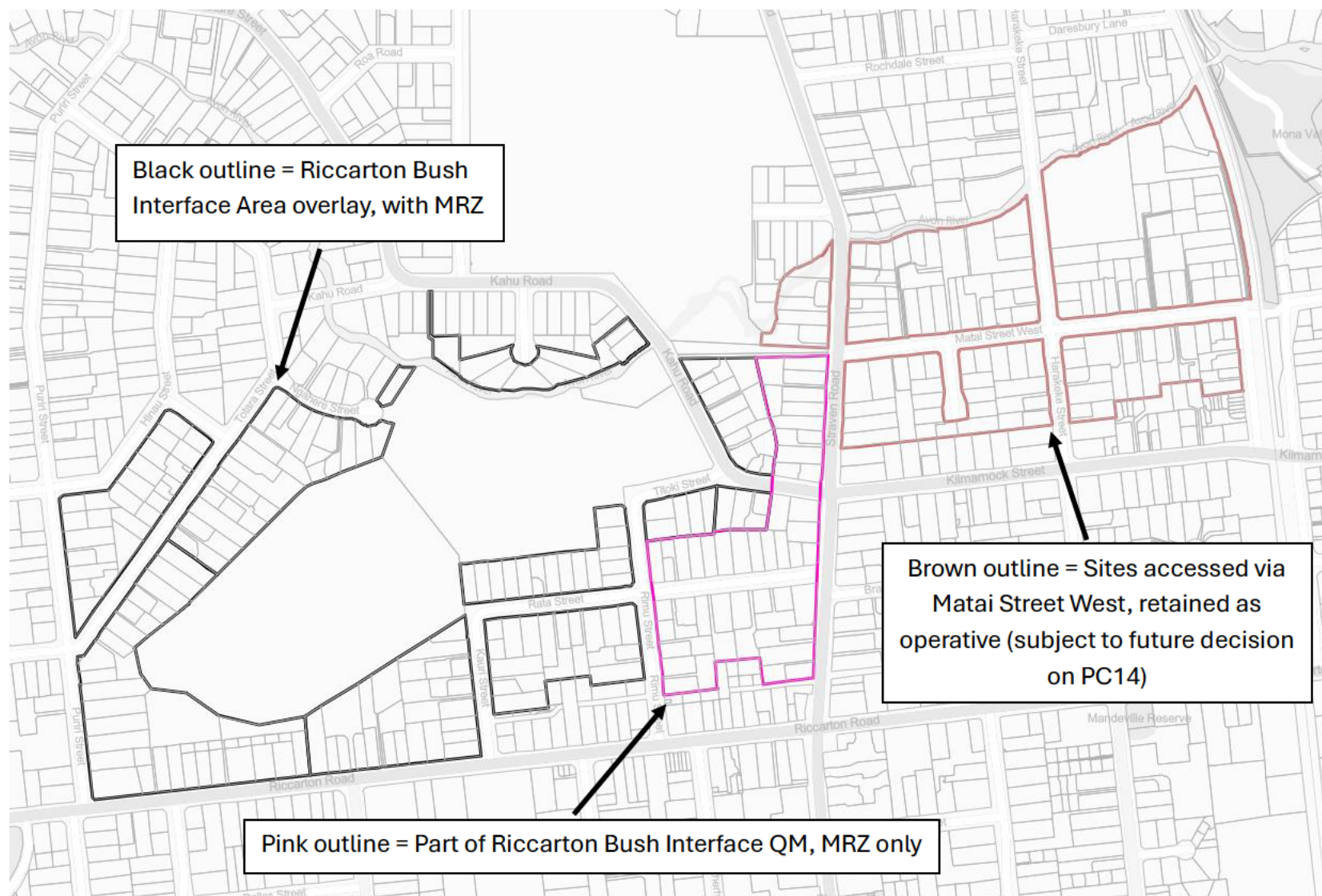


In the above:

Red hatch: represents the Riccarton Bush Interface Area, which represents the area where housing would be limited to two storeys (with associated built form controls), except for those areas that were Residential Medium Density Zone prior to PC14 (see MRZ area-specific rules under 14A.5.3). In the scenario where the Minister supports the alternative recommendation, he would be making a decision on both the zone and the restrictions to it (the qualifying matter), and therefore all of the hatched area would be zoned MRZ.

MRZ area (Shaded brown fill): represents the zoning response due to the Riccarton Bush Interface Area, within the Policy 3 catchment area. While most of this is covered by the overlay, a large part near Straven Road is not subject to the overlay. Here, the qualifying matter response is simply to limit zoning to MRZ (unencumbered), rather than the HRZ response that would otherwise apply within the Policy 3 catchment. If the Minister supports the alternative recommendation, both this MRZ area and all of the area beneath the red hatch would be MRZ. If the Minister supports the IHP recommendation, then only the displayed MRZ would change to HRZ.

Overview of Riccarton zoning via alternative recommendations:



Attachment 3 – PC14 evidence summary – Walking catchments and residential intensification

Source	Links / Detail
Notified provisions	• Interactive PC13/PC14 planning map • MRZ Rules, Building height and maximum number of storeys (14.5.2.3, pages 23-25) • HRZ Rules, Building height (14.6.2.1, pages 16-17)
S32 Evaluation Report	Residential S32 Evaluation Report: • Pages 13-14 – Issue 2 • Page 14 – Issue 3 • Pages 49-64 – Issues 2 costs and benefits • Pages 65-72 – Issues 3 costs and benefits • Pages 98-102 – Evaluation of provisions • Pages 109-112 – Costs and benefits of provisions • Appendix 7 – A Summary of a National Survey on Living Locally in Aotearoa, New Zealand - University of Waikato • Appendix 9 – Economic cost benefit assessment of Christchurch City residential zones & intensification precincts • Appendix 10 – Aotearoa Urban Street Planning & Design Guide, Waka Kotahi • Appendix 11 – Understanding and implementing intensification provisions for the National Policy Statement on Urban Development, MfE & MHUD • Appendix 12 – Spatial overview of walking catchments and accessibility
Submission search	Search submissions and further submissions on the Consult24 webpage. <i>Please refer to relevant submitters detailed in s42A reporting, as per below.</i>
S42A Officer Recommendations report	S42A Report of Ike Kleynbos, 11 August 2023: • Pages 37-40 – Policy 3(c) • Pages 40-57 – Policy 3(d) • Pages 57-64 – General mapping themes (incl. walking catchment mapping) • Page 108 – Out of scope submissions, Re Policy 3(c) • Pages 193-196 – Submission on: HRZ spatial application of walking catchment • Pages 146-179 – Submissions on: Level of enablement under NPS-UD

Source	Links / Detail
	• Appendix C – Recommended mapping changes to around Commercial Centres (pages 524-535). Updated mapping: • Interactive PC14 planning map of s42A recommendations • Interactive map – Commercial Centre Walking Catchments s42A Recommendations Updated provisions: • MRZ Rules, Building height and maximum number of storeys (14.5.2.3, pages 25-27) • HRZ Rules, Building height (14.6.2.1, pages 19-20)
Council pre-hearing evidence (incl. Rebuttal)	Rebuttal Evidence – Ike Kleynbos, 16 October 2023: • Accommodation and Community facilities Overlay – Scenic Hotels Group (#809) – page 14 • North Halswell HRZ – Danne Mora Limited (#903) & Milns Park Limited (#916) – page 17 • Kāinga Ora (#334) – pages 18-23 Brian Norton – Stormwater Engineering Evidence (paras 21-40, 83-89), dated 11 August 2023 Michele McDonald – Water and Wastewater Engineering Evidence (paras 16-33, Appendix A), dated 11 August 2023
Submitter pre-hearing evidence	Planning Evidence for Christchurch Casinos Limited (#2077) – Anita Collie, 20 September 2023 Planning Evidence for Danne Mora Limited (#903) and Milns Park Limited (#916) – Andrew Mactier, 20 September 2023 Civil Engineering Evidence for Danne Mora Limited (#903) and Milns Park Limited (#916) – Jamie Verstappen, 20 September 2023 Planning Evidence for Canterbury Regional Council (#689) – Meg Buddle (para 21, 22, 89-110), 20 September 2023 • Appendix 1 and 2, 20 September 2023

Source	Links / Detail
	Stormwater Engineering Evidence for Canterbury Regional Council (#689) – Mathew Surman, 20 September 2023 Planning Evidence for Glenara Family Trust (#91) – David Mountford (paras 25-35), 20 September 2023 Planning Evidence (Centre Hierarchy and Commercial Zone Rules) for Kāinga Ora (#834) – Jonathan Cleese (paras 3.1-3.107, 3.136-3.214, section 6, Appendix 1, Appendix 3-6), 20 September 2023 Planning Evidence (Residential Zones) for Kāinga Ora (#834) – Jonathan Cleese, 20 September 2023 Economic Evidence for Kāinga Ora (#834) – Fraser Colegrave, (sections 1, 3, 4, 5 (Items 1-3), 15 September 2023 Corporate Evidence for Kāinga Ora (#834) – Brendan Liggett, (Sections 7, 8), 20 September 2023 Corporate Evidence (Residential Matters) for Kāinga Ora (#834) – Brendan Liggett, (Section 2), 20 September 2023 Planning Evidence for Lendlease New Zealand Limited (#855) – Mark Arbuthnot (paras 4.19-4.32), 20 September 2023 Planning Evidence for University of Canterbury (#184) – Caroline Hutchison (paras 5.6-5.8, 8.1-9.3), 20 September 2024 [note updated evidence presented] Planning Evidence for Winton land Limited (#556) – Clare Dale, 20 September 2023
Council legal submission(s)	Dave Randal / Cedric Carranceja – Residential Zones (para 1.3-3.14), 26 October 2023 Dave Randal / Cedric Carranceja – Central City and Commercial Zones (sections 4-5), 17 October 2023 Dave Randal / Cedric Carranceja – Opening Legal Submission (para 2.26-2.33, 3.22-3.29), 3 October 2023
Submitter legal submission(s)	Canterbury Regional Council (#689) – Michelle Mehlhopt (paras 29-48, Appendix 3), 17 April 2024

Source	Links / Detail
	Kāinga Ora (#834) – Bal Matheson (section 3), 22 November 2023 Kāinga Ora (#834) – Bal Matheson (section 8), 6 October 2023 Christchurch Casinos Limited (#2077) / NHL Developments Limited (#706) – J Appleyard / A Hawkins / A Lee, 27 October 2023 Lendlease Management Limited (#855) – Bianca Tree / Amy Colebourn, 24 October 2023 Glenara Family Trust (#91) – David Caldwell (para 10), 12 October 2023
Council hearing summary statement(s) & associated material	Ike Kleynbos – Hearing Summary Statement (pages 1-7), 1 November 2023 Brian Norton – Hearing Summary Statement, 18 October 2023 Brian Norton – Hearing Summary Statement, 2 November 2023 Michele McDonald – Hearing Summary Statement, 2 November 2023
Submitter hearing summary statement(s) & associated material	Kāinga Ora (#834) – Jonathan Cleese, 26 October 2023 Christchurch Casinos Limited (#2077) / NHL Developments Limited (#706) – Anita Collie, 30 October 2023 Lendlease Management Limited (#855) – Mark Arbuthnot, 31 October 2023 Victoria Residents Association (VNZ) – Geoff Banks (pages 13-14), 7 November 2023 Deans Avenue Precinct Society Incorporated (#222) – Claire Mulcock and Grant Read, 8 November 2023 • Powerpoint Presentation, 8 November 2023 Waipuna Halswell-Hornby-Riccarton Community Board (#902) – Helen Broughton, 8 November 2023 Bruce Taylor and Diana Taylor (#328), 8 November 2023

Source	Links / Detail
	Ilam and Upper Riccarton Residents' Association (#39) - Lynette Hardie Willis, 8 November 2023 Riccarton Bush Kilburn Residents' Association (#188) – Tony Simons (page 6-11), 8 November 2023 • Associated hearing presentation material, 8 November 2023 • Member Ray Sleeman, 8 November 2023 • Member Tim Preston, 8 November 2023 Winton Land Limited (#556) – Clare Dale, 14 November 2023 Marjorie Manthei (pages 3-4, 6-12) (#237), 14 November 2023 Dr Christina Stachurski (#763), 15 November 2023 Tim Priddy and John Hudson (#895), 22 November 2023 Geoff Banks (#918), 22 November 2023 Kāinga Ora - Homes and Communities (#834) – Jonathan Cleave, 29 November 2023 Architecture Designers New Zealand (ADNZ) (#685) – Glen Murdoch (presentation material), 17 April 2024 Central Riccarton Residents' Association (#638) – Joscelyne Silcock and Kay Risdon, 18 April 2024 Canterbury Regional Council (#689) – Matthew Surman, 24 April 2024 Riccarton Bush Kilburn Residents' Association (#188) - Catherine Shipton, 24 April 2024
Hearing appearances (please detail if there is any cross-examination and include links to video(s))	<i>Please see the following relevant schedules:</i> Hearing Proceedings – Week 3 (24-26 Oct 2023) Hearing Proceedings – Week 4 (31 Oct, 1-2 Nov 2023) Hearing Proceedings – Week 5 (7-9 Nov 2023) Hearing Proceedings – Week 6 (14-16 Nov 2023) Hearing Proceedings – Week 7 (21-23 Nov 2023) Hearing Proceedings – Week 8 (28-30 Nov 2023) Hearing Proceedings – Week 9 (15-18 Apr 2024) Hearing Proceedings – Week 10 (23-24 Apr 2024)

Source	Links / Detail
	Please see all hearing recording links on the IHP webpage (right-hand column): https://chch2023.ihp.govt.nz/hearings/
IHP information request response(s)	IHP Minute 4 – 1 August 2023: [para 50]: “On behalf of the Panel, at the hearing Commissioner McMahon set out a range of ‘strategic’ and ‘mechanics of how PC 14 works’ [Appendix 3] information matters that he requested Council provide and speak to at the commencement of the hearing in order that all parties have a common bundle of information that can be readily referenced (and potentially added to).” • Council Memo, 1 August 2023, noting that the information was provided in the 28 July 2023 memo to the IHP: • Supplementary response: Council Memo, 31 October 2023 (pages 9 and 10) IHP Minute 39 – 9 April 2024: “The Council is to provide an update on the legal status of the Spatial Plan by way of a memorandum by 3pm on Monday 15 April 2024” • Council Memo, 15 April 2024
Any relevant Council or IHP Memos not otherwise covered above	-
Council Right of Reply	Reply by CCC to matters arising during the hearing of submissions on proposed plan change 14 (Pages 84-94), 17 May 2024 Right of Reply Updated Residential Provisions: • MRZ Rules, Building height and maximum number of storeys (14.5.2.3, pages 25-27) • HRZ Rules, Building height (14.6.2.1, pages 22-23) • Interactive Planning Maps for Right of Reply
IHP Recommendation(s) reference	Part 3 – Part 3 – Central city, Commercial, Mixed Use and Industrial Zones (page 93 – 101) Part 4 – Relevant residential zones including medium density residential zone and high density residential zone [and associated QMs] (page 9 – 35)

Attachment 4 – PC14 evidence summary – Sunlight Access QM

Source	Links / Detail
Notified provisions	• MRZ Rules, Height in relation to boundary – 14.5.2.6 • HRZ Rules, Height in relation to boundary – 14.6.2.2 • Residential Appendices, Recession planes – 14.16.2
S32 Evaluation Report	Qualifying Matters – Part 3, section 6.30 (page 354, or 163 of PDF): • Appendix 35 – Technical Report – Recession Planes in Christchurch
Submission search	Search submissions and further submissions on the Consult24 webpage. <i>Please refer to relevant submitters detailed in s42A reporting, as per below.</i>
S42A Officer Recommendations report	S42A Report of Ike Kleynbos, 11 August 2023: • Pages 75-83 – Overall consideration • Pages 203-216 – Submission consideration • Pages 299-305 – MRZ Height in Relation to Boundary rule submissions (Sunlight Access QM approach) • Pages 348-353 – HRZ Height in Relation to Boundary rule submissions (Sunlight Access QM approach) Themes of submissions considered: • Support Sunlight Access approach • Support the approach, with greater restrictions • Support, with use of alternate metric • Support, with interface transition • Further MDRS modification • Modification of proposed rule • MRZ exemptions • Oppose, remove the qualifying matter • General opposition to intensification S42A Updated Residential Provisions: • MRZ Rules, Height in relation to boundary – 14.5.2.6 • HRZ Rules, Height in relation to boundary – 14.6.2.2 • Residential Appendices, Recession planes – 14.16.2

Source	Links / Detail
Council pre-hearing evidence (incl. Rebuttal)	David Anthony Hattam – Urban Design Evidence (pages 11-17, 47-55) – 11 August 2023 John Benjamin (Ben) Liley – Atmospheric Science Evidence – 11 August 2023 Supplementary Evidence – Ike Kleynbos, 15 September 2023 (pages 2-4, 6, Appendix 1) Appendix 1 – List of Submissions and Further Submissions on Sunlight Access QM Rebuttal Evidence – Ike Kleynbos, 16 October 2023 (para 138-139)
Submitter pre-hearing evidence	Planning Evidence for Andrew McCarthy (#681, FS2081) – Helen Bealey (page 10), 20 September 2023 Corporate Evidence for Kāinga Ora (#834, FS2082) – Brendon Liggett (pages 16-17), 22 September 2023 Corporate Evidence for Kāinga Ora (#834, FS2082) – Brendon Liggett (pages 8-9), 29 November 2023
Council legal submission(s)	Dave Randal / Cedric Carranceja (pages 9 & 21), 26 October 2023
Submitter legal submission(s)	Kāinga Ora (#834, FS2082) – Bal Matheson (pages 14-16), 22 November 2023
Council hearing summary statement(s) & associated material	Ike Kleynbos – Hearing Summary Statement (pages 9-10, 16-19), 1 November 2023 David Anthony Hattam – Hearing Summary Statement (pages 1-2), 2 November 2023 John Benjamin (Ben) Liley – Hearing Summary Statement, 2 November 2023
Submitter hearing summary statement(s) & associated material	Victoria Residents Association (VNA) (#61) – Geoff Banks Hearings Statement (Pages 5-9), 7 November 2023 Victoria Residents Association (VNA) (#61) – Tabled documents (Pages 15-18), 7 November 2023 Deans Avenue Precinct Society Inc. (#222) – Claire Mulcock and Grant Read Hearing Statement (page 4), Presentation Material, 8 November 2023

Source	Links / Detail
	Waipuna Halswell, Hornby, Riccarton Community Board (#902) – Helen Broughton Hearing Statement (page 4), 8 November 2023 Marjorie Manthei (#237) – Hearing Statement (page 5), 14 November 2023 David Townshend (#599) – Lay evidence statement, 31 October 2023 Andrew McCarthy (#681, FS2081) – Hearing statement (pages 2-3), 16 November 2023 Terry Sissons (#636) – Hearings statement, 29 November 2023 Philippa Rutledge (#875) – Lay evidence statement (page 1), 30 November 2023 Christian Paul Jordan (#737) – Hearing statement (pages 4, 12, 22-23 [of PDF]), 15 April 2024 Tony Dale (#679) – Hearing statement (page 2), 24 April 2024.
Hearing appearances	<i>Please see the following relevant schedules:</i> Hearing Proceedings – Week 4 (31 Oct, 1-2 Nov 2023) Hearing Proceedings – Week 5 (7-9 Nov 2023) Hearing Proceedings – Week 6 (14-16 Nov 2023) Hearing Proceedings – Week 8 (28-30 Nov 2023) Hearing Proceedings – Week 9 (15-18 Apr 2024) Hearing Proceedings – Week 10 (23-24 Apr 2024) <i>Please see all hearing recording links on the IHP webpage (right-hand column):</i> https://chch2023.ihp.govt.nz/hearings/
IHP information request(s) & response(s)	IHP Minute 4 – 1 August 2023: [para 50]: “On behalf of the Panel, at the hearing Commissioner McMahon set out a range of ‘strategic’ and ‘mechanics of how PC 14 works’ [Appendix 3] information matters that he requested Council provide and speak to at the commencement of the hearing in order that all parties have a common bundle of information that can be readily referenced (and potentially added to).”

Source	Links / Detail
	• Council Memo, 1 August 2023, noting that the information was provided in the 28 July 2023 memo to the IHP: ○ Paras 44-50 and Appendix 2. • Supplementary response: Council Memo, 31 October 2023 IHP Minute 7 – 28 August 2023: <i>IHP acknowledges concern raised by submitter David Townshend (#599) regarding s42A reporting of Ike Kleynbos concerning the Sunlight Access QM and requesting the disclosure of Council legal advice on the matter. IHP invited Council to respond by 4 September 2023.</i> • Council Memo, 4 September 2023 IHP Minute 9 – 11 September 2023: [para 10] “...It would, however, assist the IHP if the s42A Reporting Officer Mr Kleynbos could extract a list of all submissions and further submissions summaries on the sunlight access Qualifying Matter and identify these by submitter name and submission point number and group them into those supportive of the sunlight access qualifying matter, those opposed to it and those seeking an alternative outcome.” • Response provided within Supplementary Evidence of Ike Kleynbos, dated 15 September 2023 (see above under ‘Council pre-hearing evidence’). IHP Request #49: “Provide updated sunlight access modelling demonstrating the effect of the proposed qualifying matter planes (compared to MDRS) during lower sun angles in the early morning and late afternoon/evening.” • Initial Council response – Memorandum of Counsel, 29 November 2023 (Appendix M) • Final Council response – Memorandum of Counsel, 11 April 2024 (Appendix E, pages 81-103 [of PDF])
Any relevant Council or IHP Memos not otherwise covered above	IHP Minute 4 – 11 August 2023: • Preliminary legal issues – para 9 • Access to sunlight qualifying matter – paras 12-15

Source	Links / Detail
	Council Memo – 15 September 2023: - Regarding Minute 9 (page 3) IHP Minute 19 – 19 October 2023: - Regarding submission of evidence by Ike Kleynbos (page 2) IHP Minute 29 – 14 December 2023: - Recommendation for submitter #762 to speak to Mr Kleynbos regarding whether s42A report addresses outstanding matters (page 9). <i>See Minute 51 below correcting an omission made by the IHP regarding the evaluation of evidence.</i>
Council Right of Reply	Reply by CCC to matters arising during the hearing of submissions on proposed plan change 14 (Pages 98-100), 17 May 2024 Right of Reply Updated Residential Provisions: MRZ Rules, Height in relation to boundary – 14.5.2.6 HRZ Rules, Height in relation to boundary – 14.6.2.2 Residential Appendices, Recession planes – 14.16.2
IHP Recommendation(s) reference	Part 4 – Relevant residential zones including medium density residential zone and high density residential zone [and associated QMs] (page 37 – 50) Minute 51 (pages 3, 20) Addendum to Part 4 (up to page 8)

Attachment 5 – PC14 evidence summary – Airport Noise QM

Source	Links / Detail
Notified provisions	Chapter 14 - Residential • RS and RSDT Rules ○ 14.4.1.1 P16-P20 Activity specific standard ix ○ 14.4.1.3 RD30, RD34 Chapter 15 – Commercial • 15.2.4.6 Policy – Strategic Infrastructure • 15.4.1.1 P21 Activity specific standard g • 15.4.1.5 NC2 • 15.5.1.1 P21 Activity specific standard g • 15.5.1.5 NC2 • 15.6.1.1 P19 Activity specific standard a.ii • 15.6.1.5 NC2 • 15.10.1.1 P27 Activity specific standard e • 15.10.1.5 NC1
S32 Evaluation Report	Qualifying Matters – Part 2, section 6.20 (pp 70-71, or pp 134-135 of PDF): • Appendix 10 – Airport Related Qualifying matters in the Christchurch District Plan • Appendix 11 – Airport Contour s77K Appendix One: AAOCB Contour • Appendix 12 – Airport Contour s77K Appendix Two: Airbiz Report – Airport Operations and Safeguarding • Appendix 13 - Airport Contour s77K Appendix Three: International and Domestic Airfreight Assessment Paling Consultants • Appendix 14 - Airport Contour s77K Appendix Four: CIAL Operational Constraints Economic Assessment • Appendix 15 - Airport Contour s77K Appendix Five: Assessment of Noise Effects: Annual Average Contour • Appendix 16 - Airport Contour s77K Appendix Six: Land Use Planning 50-55dB Ldn • Appendix 17 - Airport Contour s77K Appendix Seven: Caselaw extracts • Appendix 18 - Airport Contour s77K Appendix Eight: Section 32 Evaluation

Source	Links / Detail
	• Appendix 19 - Airport Contour s77K Appendix Nine: Housing Capacity in Greater Christchurch in relation to airport noise impacted areas only
Submission search	Search submissions and further submissions on the Consult24 webpage. Submissions on this topic – Refer to pages 42 - 54
S42A Officer Recommendations report	S42A Report of Sarah Oliver (pg 79-105), 11 August 2023 updated 10 October 2023
Council pre-hearing evidence (incl. Rebuttal)	Sarah Oliver – Planning Evidence (pages 79-103) – 11 August 2023 Rebuttal Evidence – Sarah Oliver 9 October 2023 (para 14-30)
Submitter pre-hearing evidence	Darryl Millar – Planning Evidence for Christchurch International Airport Limited – 20 September 2023 Garry Sellars - Housing Capacity Evidence for Christchurch International Airport Limited – 20 September 2023 Laurel Smith – Acoustic Evidence for Christchurch International Airport Limited – 20 September 2023 Christopher Day – Acoustic Evidence for Christchurch International Airport Limited – 20 September 2023 Sebastian Hawken – Aviation Evidence for Christchurch International Airport Limited – 20 September 2023 Natalie Hampson - Economic Evidence for Christchurch International Airport Limited – 20 September 2023 Meg Buddle – Planning Evidence for Canterbury Regional Council – 20 September 2023 Matthew Lindenburg – Planning Evidence for Kainga Ora – 20 September 2023

Source	Links / Detail
	Jonathan Selkirk – Ventilation Evidence for Kainga Ora – 20 September 2023 Jon Styles – Noise Evidence for Kainga Ora – 20 September 2023 Fiona Aston – Planning Evidence for Miles Premises Limited and Equus Trust – 20 September 2023 John-Paul Clarke – Aviation Evidence for Miles Premises Limited and Equus Trust – 20 September 2023
Joint Witness Statements	Joint Witness Statement – Economics – 5 October 2023 Joint Witness Statement – Airport Noise – 7 November 2023
Council legal submission(s)	Dave Randal / Cedric Carranceja pg 8-10
Submitter legal submission(s)	Miles Premises Limited and Equus Trust – Sarah Eveleigh 16 April 2024 Kainga Ora – Nick Whittington 16 April 2024 Canterbury Regional Council – M A Mehlhopt 16 April 2024 pg 12-17 Christchurch International Airport Limited – Jo Appleyard 16 April 2024 New Zealand Airports Association - A A Arthur-Young / N K Dally 16 April 2024
Council hearing summary statement(s) & associated material	Sarah Oliver – Hearing Summary Statement, 23 April 2024
Submitter hearing summary statement(s) & associated material	John Kyle Planning Statement – Christchurch International Airport Limited – 8 April 2024 Felicity Hayman Company Statement - Christchurch International Airport Limited – 16 April 2024 Sebastian Hawken Aviation Statement – Christchurch International Airport Limited – 23 April 2024

Source	Links / Detail
	Gary Sellars Housing Capacity Statement - Christchurch International Airport Limited – 23 April 2024 Natalie Hampson Economics Statement - Christchurch International Airport Limited – 23 April 2024 Christopher Day Acoustics Statement - Christchurch International Airport Limited – 23 April 2024 David Compton-Moen Urban Design Statement – Christchurch International Airport Limited – 23 April 2024 Billie Moore Corporate Statement – New Zealand Airports Association – 24 April 2024 Brendon Leggett Corporate Statement – Kainga Ora – 24 April 2024 Matthew Lindenberg Planning Statement – Kainga Ora – 24 April 2024 Jonathan Selkirk Ventilation Statement – Kainga Ora – 24 April 2024 Meg Buddle Planning Statement – Canterbury Regional Council – 24 April 2024 Helen Broughton summary statement– Waipuna Hornby Halswell Riccarton Community Board – 24 April 2024 Tony Dale summary statement – 24 April 2024
Hearing appearances	<i>Please see the following relevant schedules:</i> Hearing Proceedings – Week 10 (23-24 Apr 2024) <i>Please see all hearing recording links on the IHP webpage (right-hand column):</i> https://chch2023.ihp.govt.nz/hearings/

Source	Links / Detail
IHP information request(s) & response(s)	None requested
Any relevant Council or IHP Memos not otherwise covered above	None provided
Council Right of Reply	Reply by CCC to matters arising during the hearing of submissions on proposed plan change 14 (Pages 144-155), 17 May 2024 Right of Reply Updated Airport Qualifying Matter Provisions: Chapter 14 – Residential • 14.4.1.1 P16-P20 Activity specific standard ix • 14.4.1.3 RD30, RD34 Chapter 15 – Commercial • 15.4.1.1 P21 Activity specific standard g • 15.4.1.5 NC2 • 15.5.1.1 P21 Activity specific standard g • 15.5.1.5 NC2 • 15.6.1.1 P19 Activity specific standard a.ii • 15.6.1.5 NC2 • 15.10.1.1 P27 Activity specific standard e • 15.10.1.5 NC1
IHP Recommendation(s) reference	RECOMMENDATIONS REPORT: PART 4 – pages 70-118 Addendum to Part 4 – from page 8

**Attachment 6 – PC14 evidence summary – Daresbury heritage item and setting,
9 Daresbury Lane**

Source	Links / Detail
Notified provisions	N/A. The property at 9 Daresbury Lane was included on the heritage schedule notified in Plan Changes 13 and 14 as an existing Highly Significant heritage item in 9.3.7.2 of the district plan, and identified on the schedule as a Category 1 Historic Place with Heritage New Zealand Pouhere Taonga. No changes were proposed to the heritage item or setting.
S32 Evaluation Report	Plan Change 13 Heritage - Section 32 Evaluation , page 38, paragraph 3.5.14. During pre-notification consultation the building owner sought the removal of Daresbury from the heritage schedule. Insufficient information was provided in the timeframe to enable staff to determine whether it was appropriate to remove the heritage item from the schedule prior to the plan change being notified.
Submission search	6. PC14 Reply Accept and Reject Table - Suzanne Richmond (Heritage Items), page 63: Daresbury Limited S874.14 Historic Places Canterbury S835.25 Christchurch Civic Trust S1089.6, FS2037.626 Heritage New Zealand Pouhere Taonga, FS2051.96 Christian Jordan FS2084.5 Search submissions and further submissions on the Consult24 webpage. <i>Please refer to relevant submitters detailed in s42A reporting, as per below.</i>
S42A Officer Recommendations report	S42A Report of Suzanne Richmond, 11 August 2023: • Pages 51-54, paragraphs 8.1.24-8.1.33, and pages 57-58 paragraphs 8.1.44-8.1.47. Submissions considered: • Daresbury Limited sought the removal of the heritage item and setting from the heritage schedule. • Submissions and further submissions by Historic Places Canterbury, Christchurch Civic Trust, Heritage New Zealand Pouhere Taonga and Christian Jordan supported the retention of the heritage item and setting on the heritage schedule.

Source	Links / Detail
	Council's planning evidence (linked above) and specialist evidence in relation to this heritage item (linked below) concluded that the building could be repaired and could continue to meet the criteria for scheduling, and that engineering and financial factors under the district plan scheduling policy <i>did not</i> make it unreasonable or inappropriate to continue to schedule the heritage building: • 45 Amanda Ohs Statement of evidence final (Heritage values evidence, paragraphs 215-232) • 22 William Fulton Statement of Evidence final (Conservation Architect evidence) • 31 Stephen Hogg Statement of evidence final (Heritage engineering evidence, paragraphs 32-44) • 53 Gavin Stanley Statement of evidence final (Quantity Surveyor evidence, paragraphs 28-33).
Council pre-hearing evidence (incl. Rebuttal)	• 07. Rebuttal Evidence Suzanne Richmond (planning evidence, paragraphs 17-29) • 45. Rebuttal Evidence Amanda Ohs (Heritage values evidence, paragraphs 36-39) • 31. Rebuttal Evidence Stephen Hogg (Heritage engineering evidence, paragraphs 26-35) • 53. Rebuttal Evidence - Gavin Stanley - updated appendices 13 October 2023 (Quantity Surveyor evidence, paragraphs 9-18). Note: no rebuttal evidence required from Council's conservation architect.
Submitter pre-hearing evidence	The submitter's planning and specialist evidence (linked below) concluded that the building could be repaired and could continue to meet the criteria for scheduling, but that there were financial factors which made it unreasonable or inappropriate to continue to schedule the heritage building: • Daresbury Limited #874 #2053 - Evidence of Jonathan Cleese - Planning • Daresbury Limited #874 #2053 - Evidence of Mark Shalders - Valuation • Daresbury Limited #874 #2053 - Evidence of Stewart Harrison - Quantity Surveying • Daresbury Limited #874 #2053 - Evidence Brett Gilmore - Engineering • Daresbury Limited #874 #2053 - Evidence David Pearson - Heritage

Source	Links / Detail
	Daresbury Limited #874 #2053 - Mark Shalders (Valuation) Summary Statement - 17 April 2024
Council legal submission(s)	Christchurch City Council - Legal Submissions - Historic Heritage - Hearing week 7 - 23 November 2023 (paragraphs 6.10-6.13)
Submitter legal submission(s)	Daresbury Limited #825 #2043 - Legal Submissions - Heritage QM - Hearing week 9 - 12 April 2024
Council hearing summary statement(s) & associated material	07 Suzanne Richmond - Summary Statement with Addendum - Hearings 28 November 2023 (planning evidence, Addendum paragraphs 5-6) 45 Amanda Ohs - Summary Statement - Hearings 28 November 2023 (Heritage values evidence, paragraph 16) 22 William Fulton - Summary Statement - Hearings 23 November 2023 (Conservation Architect evidence) 31 Stephen Hogg - Summary Statement - Hearings 28 November 2023 (Heritage engineering evidence, paragraph 8) 53 Gavin Stanley - Summary Statement - Hearings 28 November 2023 (Quantity Surveyor evidence, paragraph 4.2)
Submitter hearing summary statement(s) & associated material	Daresbury Limited #874 #2053 - Stewart Harrison (QS) Summary Statement - 17 April 2024 Daresbury Limited #874 #2053 - Brett Gilmore (Structural Engineer) Summary Statement - 17 April 2024 Daresbury Limited #874 #2053 - David Alan Pearson (Heritage) Summary Statement - 17 April 2024 Daresbury Limited #874 #2053 - Statement of Evidence - James Milne (Company) - Hearing 17 April 2024 Daresbury Limited #874 #2053 & Church Property Trustees #825 #2043 - Jonathan Clease - Heritage Key Points (Summary of Statement) - 18 April 2024 Daresbury Limited #874 #2053 & Church Property Trustees #825 #2043 - Jonathan Clease (Planning) Summary Statement - 17 April 2024

Source	Links / Detail
Hearing appearances	<i>Please see the following relevant schedules:</i> • Hearing proceedings for week 8: 28, 29 and 30 November 2023 (Council evidence for 9 Daresbury Lane presented) • Hearing proceedings for week 9: 15, 16, 17 and 18 April 2024 (Submitter evidence for 9 Daresbury Lane presented) <i>Please see all hearing recording links on the IHP webpage (right-hand column):</i> https://chch2023.ihp.govt.nz/hearings/
IHP information request(s) & response(s)	N/A
Any relevant Council or IHP Memos not otherwise covered above	N/A
Council Right of Reply	Reply by CCC to matters arising during the hearing of submissions on proposed plan change 14 (Pages 126-127, para. 12.7-12.11, and page 131, para.12.13-12.15).
IHP Recommendation(s) reference	Part 5, section 10 Heritage Items - page 26, para. 87(e)(ii), and pages 48-49, para. 188-193. The IHP recommended the <i>rejection</i> of the Daresbury Limited submission seeking the removal of the heritage protection for 9 Daresbury Lane.

Attachment 7 – PC14 evidence summary – Residential Heritage Areas and Heritage Items Provisions QMs

Source	Links / Detail
Notified provisions	• Sub-chapter-9.3-Historic-Heritage • Statements-of-Significance-New-Items • Heritage-Aerial-Maps-New-Items • HA-2-RHA-Report-and-Record-Forms • HA-3-Report-and-Record-Forms-Final-for-Notification • HA-4-RHA-Report-and-Record-forms • HA-5-RHA-Report-and-Record-Forms • HA-6-RHA-Report-and-Record-Forms • HA-7-Lyttelton-Township-RHA-final-report • HA-7-2-Lyttelton-Township-RHA-final-report • HA-8-RHA-Report-and-Record-Forms • HA-9-RHA-Report-and-Record-Forms • HA-10-RHA-Report-and-Record-Forms • HA-11-RHA-Report-and-Record-Forms • HA-12-RHA-Report-and-Record-Forms • Chapter 2 - Abbreviations and Definitions • Sub-chapter-6.8-Signs • Sub-chapters-8.1-8.6 • Sub-chapters-8.7-8.9 • Sub-chapter-13.2-Cemetery • Sub-chapter-14.5-Rules-RMD-Zone-MRZ2 • Sub-chapter-14.8-Rules-RBP-Zone • Chapter-15-Commercial2 • Sub-chapter-15.15-Appendices • Appendix-9.3.7.7-RHA-Aerial-Maps-combined • Appendix-9.3.7.8-RHA-Contributions-Maps-Combined • Appendix-9.3.7.9-RHA-interface-overlap-maps-combined • Heritage-Planning-Maps
S32 Evaluation Report	• PC14-Section-32-Qualifying-Matters-Part-2.pdf, sections 6.6, 6.12 and 6.13 • PC14/Section-32-Appendices-1/PC13-Section-32-Appendix-14-Heritage-Cost-Benefit-Analysis-December-2022 • PC14/Section-32-Appendices-1/PC-13-s32-Appendix-16-Qualifying-Matter-Central-City-Heritage-Interface-Arts-Centre-and-New-Regent-Street • PC14/Section-32-Appendices-1/PC-13-14-Central-City-Heritage-Height-Limits-S32-Heritage

Source	Links / Detail
	• PC13-Section-32-report Relevant PC13 Section 32 appendices not also notified under PC14: • PC13 -Reasons-for-Rule-Amendments-for-notification • PC-13-Section-32-Appendix-10-RHA-review-criteria-template • PC-13-S32-Appendix-15-QM-RHA-Interface-Modelling-Chester-Street-East
Submission search	Search submissions and further submissions on the Consult24 webpage. <i>Please refer to relevant submitters detailed in s42A reporting, as below.</i>
S42A Officer Recommendations report	Residential Heritage Areas: Glenda-Dixon-Section-42A-Report, 11 August 2023: Themes of submissions considered: • Chester St/Dawson St RHA • Macmillan Avenue RHA • Inner City West RHA • Heaton Street RHA • Church Property Trustees/North St Albans RHA • Shelley/Forbes RHA • Piko/Shand State Housing RHA • Lyttelton RHA • Requested additional RHAs • Opposition to Concept of RHAs, or to the Number of RHAs • Support RHAs/Seek More RHAs • Amend RHA rules to be less restrictive • Clarify how RHA rules will work/make minor amendments so they work better • Oppose or support RHA interface overlays • Question/Oppose zoning in and around RHAs • Other Miscellaneous RHA submissions Other Heritage Provisions: Suzanne-Richmond-Section-42A-Report, 11 August 2023 S42A Updated Provisions: Re RHAs:

Source	Links / Detail
	• PC14 for s42A - Sub-Chapter 9.3 Historic Heritage: repairs to a defining or contributory building – Rule 9.3.4.1.1.P2; clarification note Rule 9.3.4.1.3 RD1.b; installation of sustainability measures - Rule 9.3.4.1.3 RD6.iv; amendments to matters of discretion in RHAs – Rule 9.3.6.4. All these in purple font. • Sub-Chapter-14.5-Rules-RMD-Zone-MRZ 18 Aug; Shift of Lyttelton RHA provisions into MRZ zone, at 14.5.3.1.1 P5, 14.5.3.1.3 RD21, 14.5.3.2.2.d, 14.5.3.2.3.vi, 14.5.3.2.7.c & d., 14.5.3.2.8.b. & c, 14.5.3.2.9.c.and d., 14.5.3.2.15.a. All these in purple font.
Council hearing evidence (incl. Rebuttal)	RHAs: • Dr Ann McEwan Statement of evidence final • Glenda Dixon - Supplementary Statement of Evidence - 29 November 2023 – explanation of how RHA rules work • Glenda Dixon - Supplementary Statement of Evidence - 14 December 2023- consultation on RHAs and RCAs • Rebuttal Evidence Glenda Dixon
Submitter hearing evidence (incl rebuttal)	RHAs: Planning Evidence for Carter Group Limited #814 #824 #2045 - Evidence of Jeremy Phillips - Planning, eg p9-14, p22-23, p28-31, p33- 35. Carter Group Limited #814 #824 #2045 - Evidence of Dave Compton-Moen - Urban Design, p4-7 Christs College #699 - Evidence Catherine Boulton - Planning Kainga Ora Homes and Communities #834 #2082 #2099 - Evidence John Brown - Heritage Kainga Ora Homes and Communities #834 #2082 32099 - Evidence Brendan Liggett - Corporate, p16-17 Kainga Ora Homes and Communities #834 #2082 32099 - Evidence Brendan Liggett - Corporate - Statement 2 (p3-4)

Source	Links / Detail
	Kainga Ora Homes and Communities #834 #2082 #2099 - Evidence Tim Joll - Planning, p8-16
Council legal submission(s)	RHAs: Christchurch City Council - Legal Submissions - Residential Zones - (Weeks 4-7 hearing) (25 October 2023) - 31 October 2023, p10-11
Submitter legal submission(s)	RHAs: Carter Group #814 #824 - Legal Submissions for Residential Zones - Hearing week 6 - 16 November 2023, p3-6 Kainga Ora Homes and Communities #834 #2082 #2099 - Legal Submissions - Hearing week 8 - 29 November 2023, p11-12
Council hearing summary statement(s) & associated material	Glenda Dixon - Summary Statement - Hearing 1 November 2023 Dr Ann McEwan - Summary Statement - Hearing 2 November 2023
Submitter hearing summary statement(s) & associated material	RHAs: N/A
Hearing appearances	<i>Please see the following relevant schedules:</i> Hearing Proceedings - Week 4 (1 & 2 Nov 2023) Hearing Proceedings - Week 5 (8 Nov 2023) Hearing Proceedings - Week 6 (16 Nov 2023) Hearing Proceedings - Week 8 (29 Nov 2023) Hearing Proceedings - Week 9 (18 Apr 2024) <i>Please see all hearing recording links on the IHP webpage (right-hand column):</i> https://chch2023.ihp.govt.nz/hearings/
IHP information request(s) & response(s)	Memorandum of Counsel for Christchurch City Council - 20 December 2023 - updated list of information requests and providing information. This memo lists IHP information requests and Council responses with the following relating to RHAs: <u>Request No. 22:</u>

Source	Links / Detail
	Please explain how the heritage rules in PC14 work, including by reference to: • activity status in the context of Residential Heritage Areas, and any implications of the Waikanae decision – Ms Dixon. Answer: • Initial explanation provided by Ms Dixon on 1 November 2023. (in s42A report and summary statement.) • Ms Dixon's supplementary statement addressing this request was provided as Appendix E to Council memo dated 29 November 2023. Glenda Dixon - Supplementary Statement of Evidence - 29 November 2023 <u>Request No.26:</u> Explain the residential heritage areas methodology and the 'Site Contributions Maps'. Answer: Explained by Ms Dixon when she appeared at the hearing on Wednesday, 1 November 2023 – summary statement. See also paragraphs 5 to 10 of Ms Dixon's hearing summary and paragraphs 6.1 and 6.2 of Ms Dixon's section 42A report . <u>Request No. 42:</u> Multiple RHA and RCA information requests. Answer: Appendix H to Council memo of 29 November includes 8 sets of information and maps. H1- summary table of RHAs and RCAs H2- table comparing criteria for identifying RHAs and RCAs. H3- table of RHA provisions that are equivalent to, more enabling or more restrictive than the status quo. H5 – RHA contributions maps already notified H6- RHA and RCA overlap (and RHA interface) maps on aerial bases H7 – Changes to RHAs recommended in S42a report by Ms Dixon H8 – RCA site contributions maps (not notified) and 6 contributions maps for areas where RHAs and RCAs overlap. <u>Request No. 60:</u>

Source	Links / Detail
	Advise of Council consultation with and notice given, in the context of PC14, to landowners whose properties are within the proposed RHAs and RCAs. Answer: Response is provided in a supplementary brief of evidence of Ms Dixon. Glenda Dixon - Supplementary Statement of Evidence - 14 December 2023 <u>Request No. 79:</u> For RHAs, provide a diagram showing the linkage between the policies (including any direction such as avoid / manage / etc), rule triggers (including exceedances of built form standards) and activity status for relevant activities, for both the notified and current recommended versions of Plan Change 14. Answer: Response provided in Appendix M to Council's 20 December 2023 memo. Appendix M - Response to question 79 - Diagrams 1 and 2 RHAs - 1 - 20 December 2023
Any relevant Council or IHP Memos not otherwise covered above	• N/A
Council Right of Reply	Reply by CCC to matters arising during the hearing of submissions on proposed plan change 14 (Pages 100-103), 17 May 2024 Right of Reply Updated Residential Heritage Area Provisions: • Chapter-9.3-Historic-Heritage • Chapter-14.5-Rules-RMD-Zone-MRZ, eg 14.5.3- area specific rules- Medium Density Residential zone For amendments to other chapters, consult list of notified provisions.
IHP Recommendation(s) reference	Recommendations Report - Part 5 City Wide Qualifying Matters

Appendix 2A: Addendum to letter from Christchurch City Council referring rejected Independent Hearings Panel recommendations

[Attached to cover email].

Christchurch City Council report for referred recommendations on Plan Change 14 (IPI) to the Minister for the Environment – Addendum Report

2 April 2025

Minister of Housing, Hon Chris Bishop

C/- Rebecca Scannell

S 9(2)(a)

C/- Sarah McCarthy

S 9(2)(a)

C/- David Falconer

S 9(2)(a)

03 941 8999

53 Hereford Street
Christchurch 8013

PO Box 73012
Christchurch 8154

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Tēnā koe Minister,

Addendum Report to 24 February 2025 report on Alternative Recommendations

On 24 February 2025, Christchurch City Council (Council) submitted a report referring to the Minister under cl.101(2) of Schedule 1 of the Resource Management Act 1991 the 20 Independent Hearings Panel recommendations that Council rejected, and its alternative recommendations, on its IPI – Plan Change 14.

Ministry for Environment staff in early March 2025 requested Council to provide more detail on specific parts of evidence that supported the alternative recommendations put forward, to detail the s77I and s77O alignment for qualifying matters, and address any errors or omissions in the original report.

The following is a verbatim list of the alternative recommendations in the original report, providing the additional information requested, as relevant. Council notes that the IHP recommended and the Council accepted the introduction of a new [sub-chapter 6.1A – Qualifying Matters](#) – which Council proposed in response to the evaluative requirements of sections 77J and 77P of the Act.

Council Alternative Recommendation Summary	Any additional details on evidence, s77I/s77O alignment, or other relevant information
Have a Riccarton Bush Interface Area qualifying matter (QM).	This was proposed as a QM under s77I(a) – section 6 matter of national importance. The Alternative Recommendation seeks to apply the Council Reply position, and therefore all associated materials referenced in the 24 February 2025 report are applicable.

Council Alternative Recommendation Summary	Any additional details on evidence, s77I/s77O alignment, or other relevant information
Add to matters of discretion to consider Papanui War Memorial Avenues.	This is not a QM as it does not restrict development enabled by MDRS or any building height or density enabled under Policy 3 of the NPS-UD, therefore making s77I unapplicable. There is no specific evidence on this alternative in the IHP records because the Council was seeking to protect these values as a QM. The alternative is to protect the values without being a QM and without changing the consenting threshold. This alternative reflects the IHP's interpretation on the High Court precedent. All relevant material is contained in the 24 February 2025 report.
Reduce the Policy 3(d) High Density Residential Zone (HRZ) catchment around the Town Centre zone of Riccarton.	This is not a QM but is the Council's recommendation on achieving Policy 3(d) surrounding the Town Centre zone of Riccarton in a way that the Council considers preferable to the recommendation of the IHP. Please refer to 24 February 2025 report for all other relevant information.
Increase the height overlay for 25 Deans Avenue from 20m to 36m.	This is not a QM but rather a different interpretation of the required application of Policy 3(d) from the Town Centre zone of Riccarton. The Alternative Recommendation for a 36m building height overlay originates from the Kāinga Ora (#834) submission on PC14 regarding Riccarton¹. This was later supported by the planning evidence of Mr Jonathan Clease², though this site appears to be beyond the 400m catchment boundary where 36m should be limited to, as recommended by Mr Clease (see Appendix 6 of associated evidence). Planning conclusions are further supported by economic evidence of Mr Fraser Colgrave³.
Remove the Policy 3(d) catchment for Peer Street Local Centre Zone.	This is not a QM but is the Council's recommendation on achieving Policy 3(d) surrounding the Local Centre zone of Peer Street in a way that the Council considers preferable to the recommendation of the IHP. The Alternative Recommendation seeks to apply the Council position throughout Plan Change 14 that only select Local Centre zoned areas were at a scale where a proportionate response under Policy 3(d) was justified. This is reflected in the larger Local Centre surrounds that were proposed as High Density Residential Zone and the lesser category where the 'Local Centre

¹ See page 700 of [submission content](#) on PC14, noting the reference to "Height Variation Control – 36m".

² Planning evidence of [Jonathan Clease](#) on Centre Hierarchy and Commercial Provisions, 20 September 2023, specifically pages 59-60.

³ Economic evidence of [Fraser Colgrave](#), 15 September 2023.

Council Alternative Recommendation Summary	Any additional details on evidence, s77I/s77O alignment, or other relevant information
	Intensification Precinct' (LCIP) was proposed to apply. The applicable evidence is contained in the notified Residential section 32 evaluation report and the s42A report of Mr Ike Kleynbos (see referenced evidence for Alternative Recommendation for LCIP).
Have a City Spine QM.	This was proposed as a QM under s77I(j) – other matter. It is noted that the aforementioned Chapter 6.1A incorrectly lists this as a matter under “s77J” while the section 32 evaluation report⁴ correctly describes this as an ‘other matter’. Please refer to 24 February 2025 report for all other relevant information.
Have a Sunlight Access QM.	This was proposed as a QM under s77I(j) – other matter. The Alternative Recommendation seeks to apply the Council Reply position, and therefore all associated materials referenced in the 24 February 2025 report are applicable.
Reduce the Policy 3(d) catchment around the Town Centre Zone of Hornby.	This is not a QM but is the Council’s recommendation on achieving Policy 3(d) surrounding the Town Centre zone of Hornby in a way that the Council considers preferable to the recommendation of the IHP. Please refer to 24 February 2025 report for all other relevant information.
Reduce the permitted building height within Hornby High Density Residential zoned areas.	This is not a QM but is the Council’s recommendation on achieving Policy 3(d) surrounding the Town Centre zone of Hornby in a way that the Council considers preferable to the recommendation of the IHP. Please refer to 24 February 2025 report for all other relevant information.
Reduce the Policy 3(d) Town Centre Zone (TCZ) building height for Hornby.	This is not a QM but is the Council’s recommendation on achieving Policy 3(d) for the Town Centre zone of Hornby in a way that the Council considers preferable to the recommendation of the IHP. Please refer to 24 February 2025 report for all other relevant information.
Reduce the Policy 3(d) Town Centre Zone (TCZ) building height and form for Linwood.	This is not a QM but is the Council’s recommendation on achieving Policy 3(d) for the Town Centre zone of Linwood in a way that the Council considers preferable to the recommendation of the IHP.

⁴ Qualifying Matters section 32 evaluation report ([Part 3](#)), paragraph 6.31.9, page 396 (or 205 of PDF).

Council Alternative Recommendation Summary	Any additional details on evidence, s77I/s77O alignment, or other relevant information
	This Alternative Recommendation seeks alignment with Council's Alternative Recommendation for the Sunlight Access qualifying matter, however such a change in approach to recession planes along residential boundaries is not considered a qualifying matter as the Policy 3(d) response is still provided for. Please refer to 24 February 2025 report for all other relevant information.
Reduce the Policy 3(d) catchment around the Town Centre Zone of Linwood.	This is not a QM but is the Council's recommendation on achieving Policy 3(d) surrounding the Town Centre zone of Linwood in a way that the Council considers preferable to the recommendation of the IHP. The Alternative Recommendation applies Council's notified position captured in the Residential section 32 evaluation report⁵.
Reduce the permitted building height within Linwood High Density Residential zoned areas.	This is not a QM but is the Council's recommendation on achieving Policy 3(d) surrounding the Town Centre zone of Linwood in a way that the Council considers preferable to the recommendation of the IHP. The Alternative Recommendation report notes the negative social implications of intensification, which is reflected in various submissions, including material presented⁶ to the IHP during the PC14 hearing. Please refer to 24 February 2025 report for all other relevant information.
Modify the Airport Noise Influence Area QM.	This was proposed as a QM under s77I(e) – Safe or efficient operation of nationally significant infrastructure. Council's 24 February 2025 report provides links to all relevant information. The following specific key pieces of evidence are noted as they relate to the Alternative Recommendation: • Council's alternative recommendation largely relies on the evidence of CIAL (Christchurch International Airport Limited), as noted in the s32 report on qualifying matters⁷ and the s42A report of Ms Sarah Oliver⁸. Other options were also briefly discussed in paragraph 6.20.6 of the s32 evaluation report.

⁵ Part 3 of Plan Change 14 evaluation report: [Residential](#). See 'Issue 3' pages 65-72 and associated evidence.

⁶ For example, Te Whare Roimata #105 presented to the IHP on 22 November 2023 and were subsequently requested to provide additional material. The results of a [Participatory Research Study](#) were later provided to the IHP outlining the negative social implications experienced in the eastern suburbs of Christchurch.

⁷ Part 2 of the [s32 evaluation report](#) on Qualifying Matters, paragraph 6.20.5.

⁸ S42A Report of [Sarah Oliver](#), 11 August 2023, paragraph 12.41.

Council Alternative Recommendation Summary	Any additional details on evidence, s77I/s77O alignment, or other relevant information
	• The CIAL s32 report evidence⁹ states that the operative rules should apply. • Council further considered the revised airport noise contours and options available in the s42A report of Ms Oliver¹⁰. Section 12 of this report also discusses the proposal of retaining HRZ (High Density Residential zone) over an area north of Riccarton Road, within the contour.
Modify the High Density Residential zoning (HRZ) for 231 Milton Street and 12 Johnson Street.	This is not a QM, but rather a correction of zone boundaries to reflect the change in boundary configuration between the dates of notification of the plan change and s42A report publication. It is acknowledged that the referenced address of '12 Johnson Street' is also described as 14 Johnson Street and 2 Barnett Ave in other reports or evidence. Please refer to 24 February 2025 report for relevant information and the Planning evidence of Adele Radburnd¹¹.
Have a Local Centre Intensification Precinct (LCIP).	This is not a QM but rather a different interpretation of required application of Policy 3(d) for Local Centre Zones. The Alternative Recommendation seeks to apply the Council Reply position (modified to align with the balance of the IHP Recommendation), and therefore all associated materials referenced in the 24 February 2025 report are applicable. The key evidence is contained in the s32 report on residential matters¹² and the s42A report of Mr Ike Kleynbos¹³.
Remove the Daresbury heritage listing QM.	This was proposed as a QM under s77I(a) – section 6 matter of national importance. Specific evidence that relates to the heritage significance of Daresbury has been summarised as follows. Please refer to 24 February 2025 report for all other relevant information, specifically, Attachment 6 to the 24 February report. For the submitter:

⁹ Section 32 Evaluation Report: [Airport Relation Qualifying Matters in the Christchurch District Plan](#), CIAL, 8 July 2022. Specifically, paragraph 2.7.3 and pages 22 to 25.

¹⁰ S42A Report of [Sarah Oliver](#), 11 August 2023. Specifically, paragraphs 12.21 to 12.23 and 12.34.

¹¹ Planning Evidence of [Adele Radburnd](#), ChistchurchNZ Limited, 19 September 2023. See pages 22-22 and Appendix 2.

¹² Part 3 of Plan Change 14 evaluation report: [Residential](#).

¹³ S42A report of [Ike Kleynbos](#), specifically, paragraphs 6.1.70 to 6.1.75, and 6.1.100.

Council Alternative Recommendation Summary	Any additional details on evidence, s77I/s77O alignment, or other relevant information
	- Mr David Pearson¹⁴ provided heritage evidence stating that heritage values and integrity have been compromised as a result of the Canterbury Earthquakes. He is silent on whether he considers the building in its current state to be ‘significant’ rather than ‘highly significant’ as a result of those compromised heritage values and integrity. He considers that after the repair works, the building may be assessed as significant rather than highly significant due to a reduced level of integrity and authenticity caused by the required works. - Mr Pearson’s Hearing Statement¹⁵ suggests that a further assessment of Daresbury in its present condition could result in it being assessed as a ‘significant’ rather than a ‘highly significant’ heritage item and that this may continue to be the situation if ever the building were to be restored. He notes that a further assessment of Daresbury may determine that it is now a “Significant” historic heritage place, which, in his opinion, would be an appropriate outcome. - Mr Jonathan Clease¹⁶ provided Planning evidence that Daresbury is likely to still retain heritage values, albeit degraded as a result of damage to fabric. Mr Clease notes Mr Pearson’s conclusions, where he considers that after repair, the building would be considered Significant rather than Highly Significant in terms of heritage values. For Council: - Mr William Fulton¹⁷ provided heritage evidence that the heritage categorisation of Daresbury remains ‘Highly Significant’ and should therefore remain identified as such in the schedule. He states that the proposed works will not compromise the heritage significance of Daresbury. - Ms Amanda Ohs¹⁸ provided further heritage evidence and considered that the heritage item and setting meet the policy for scheduling as a ‘Highly Significant’ heritage item.

¹⁴ Heritage evidence of [David Pearson](#), Daresbury Limited, 20 September 2023. Specifically, paragraphs 18, 19, 43, 57, 58, 61, and 64.

¹⁵ Hearing Statement of [David Pearson](#), Daresbury Limited, 17 April 2024. Specifically, paragraphs 20 and 23.

¹⁶ Planning evidence of Jonathan Clease, Daresbury Limited, 20 September 2023. Specifically, paragraphs 27 and 40.2.

¹⁷ Heritage evidence of [William Fulton](#), Christchurch City Council, 11 August 2023. Specifically, paragraphs 60 and 70.

¹⁸ Heritage evidence of [Amanda Ohs](#), Christchurch City Council, 11 August 2023. Specifically, paragraphs 215 to 222.

Council Alternative Recommendation Summary	Any additional details on evidence, s77I/s77O alignment, or other relevant information
	Ms Suzanne Richmond¹⁹ provides Planning evidence that adopts the technical evidence of Ms Ohs and considers that the dwelling is nationally significant, and continues to meet the significance threshold for a heritage item in c.i. of the scheduling policy 9.3.2.2.1 in its current condition.
Remove Antonio Hall heritage listing QM.	This was proposed as a QM under s77I(a) – section 6 matter of national importance. Council’s 24 February 2025 report contains all other relevant information for heritage items and settings.
Remove the Piko Residential Character Area.	This was proposed as a QM under s77I(j) – other matter, in accordance with the definition of ‘existing qualifying matter’ under s77K(3) of the Act, as the area was already a character area prior to the IPI. The 24 February 2025 report contains an error on page 12 when describing the anticipated zoning for either decision on the Piko Residential Character Area. This should instead describe that the anticipated zoning under the scenario of the Council’s adoption of the IHP Recommendation (to retain the Character Area in a reduced form) would be Medium Density Residential Zone (MRZ), while the anticipated zoning under adoption of the Council Alternative Recommendation (to remove the Character Area) would be to retain operative zoning of Residential Suburban Density Transition zone (RSDT). It is further noted that this area intersects with the Airport Noise QM and, if the Minister accepts the IHP recommendation to retain the Character Area QM (thereby re-zoning the area MRZ), the Airport Noise QM would also apply here, the details of which are also part of an Alternative Recommendation. Please refer to 24 February 2025 report for all other relevant information.
Modify Residential Pathways.	This is not a qualifying matter but rather a product of the IHP’s interpretation of the High Court precedent on s80E. Please refer to 24 February 2025 report for all other relevant information.

¹⁹ S42A report of [Suzanne Richmond](#), Christchurch City Council, 11 August 2023. Specifically, paragraphs 8.1.44 and 8.1.47.

Lastly, it is noted that the evidence summaries included in the 24 February report made reference to the Consult24 webpage to search submissions. This webpage is no longer available and all submission materials are now instead available on the [PC14 webpage](#) under the 'Submissions' heading at the end of the page.

Please do not hesitate to contact Council should you require any further information.

Ngā mihi nui,

A handwritten signature in blue ink that reads "Mark Stevenson". The signature is written in a cursive style with a horizontal line across the middle of the name.

Mark Stevenson, Acting Head of Planning and Consents
Christchurch City Council

S 9(2)(a)

Appendix 3: Email from Christchurch City Council about its decision on the zoning for the Piko Residential Character Area

[Attached to cover email].

Fleur Rodway

From: Stevenson, Mark S 9(2)(a)
Sent: Wednesday, 17 September 2025 5:40 pm
To: Christopher Bishop (MIN)
Cc: Fleur Rodway; Stephanie Gard'ner; Higgins, John
Subject: Plan Change 14 Further decisions

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Good afternoon,

Further to my email below, Council made decisions on 3 September on additional areas being rezoned to Medium Density in order to provide sufficient feasible housing capacity for 30 years. It will publicly notify those decisions on 19 September at which time, the zoning and associated provisions for those areas will be made operative. In doing so, the Council also resolved to apply under Schedule 3C (Part 2) of the Resource Management Act for approval to withdraw the undecided remainder of Plan Change 14. An application will follow at the earliest opportunity.

In making decisions to rezone additional areas as Medium Density Residential, Council made a decision on the zoning of land subject to the Piko Residential Character Area. As per your 5 June letter on alternative recommendations, the alternative recommendation to remove the Piko Residential Character Area was deferred as the zoning decision had not yet been completed.

Council's decision on the zoning now enables you to complete decision making for the alternative recommendations referred to you on 24 February 2025.

Council staff remain available to answer any outstanding queries Ministry officials may have.

Thanks
Ngā mihi nui

Mark Stevenson

Head of Planning and Consents



S 9(2)(a)



S 9(2)(a)



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73012, Christchurch 8154



ccc.govt.nz

Appendix 4: Summary timeline of Christchurch City Council's Plan Change 14

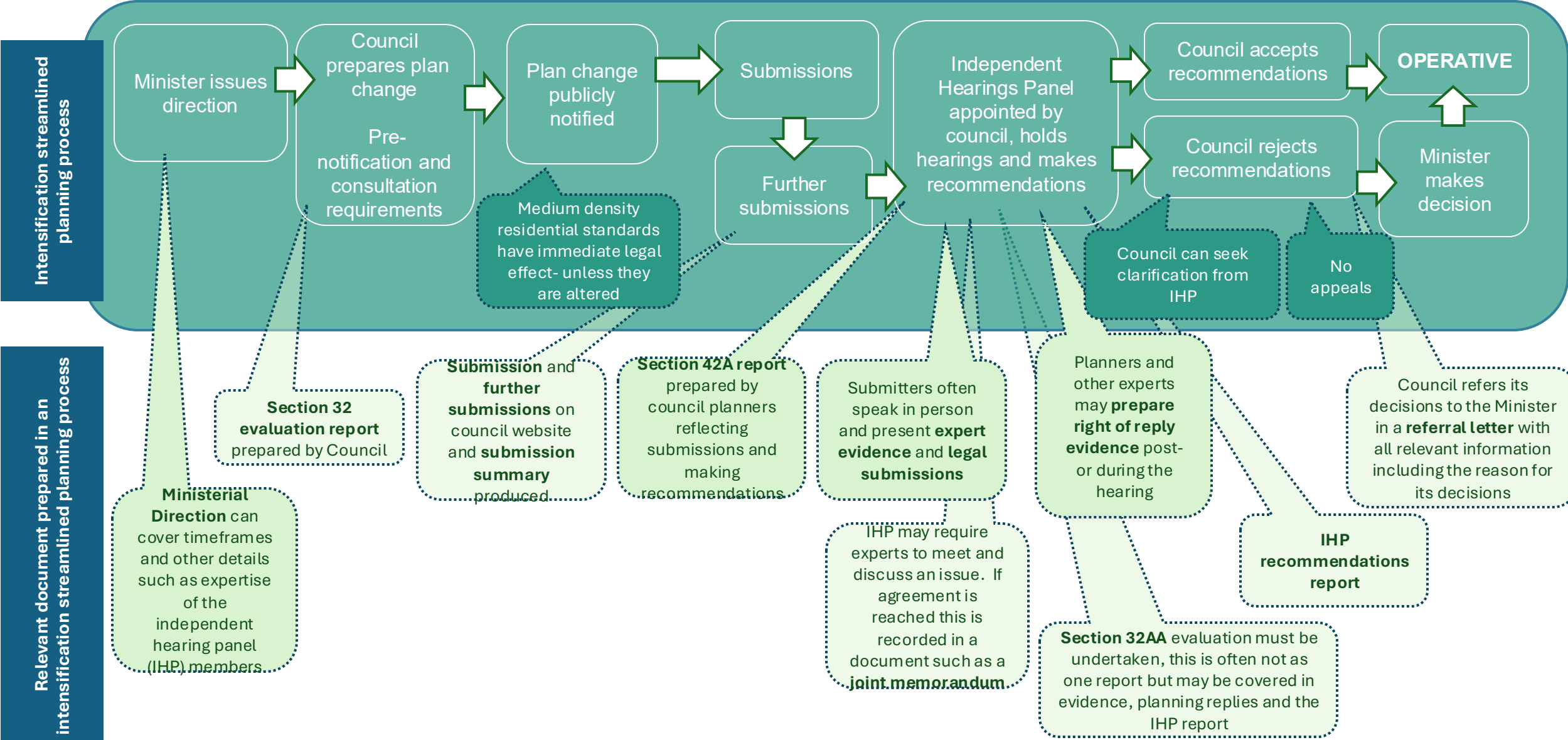
Summary timeline of Christchurch City Council's Plan Change 14	
Date	Step
2022	
11 April 2022	Council directed to notify its decisions on the IHP's recommendations by 20 August 2023.
13 September 2022	Council voted not to notify its intensification plan change.
2023	
November 2022 to April 2023	Section 24A investigation undertaken.
17 March 2023	Council notified its Intensification Planning Instrument, Plan Change 14.
7 June 2023	Council requested 13-month extension to complete ISPP. Former Minister of the Environment granted extension until 12 September 2024.
8 December 2023	Council requested further extension in response to the release of the Government's proposed Going for Housing Growth policy.
2024	
13 February 2024	You met with the Minister for the Environment and the Mayor of Christchurch to discuss the Council's extension request.
26 March 2024	You granted a partial extension of 15 months to notify decisions on the IHP's recommendations on the parts of PC14 not subject to Policies 3 and 4 of the NPS-UD by 12 December 2025 [BRF-4432 refers].
29 July 2024	IHP provided its recommendations to the Council on Plan Change 14.
22 August 2024	Council requested a three-month extension to complete the ISPP for those parts of PC14 subject to Policies 3 and 4 of the NPS-UD, until 20 December 2024, which you granted [BRF-5249 refers].
18 September 2024	Council made its first decisions on the IHP's recommendations (accepted recommendations for part of the City Centre zone, related qualifying matters and the delisting of six heritage items). The relevant provisions were made operative on 3 October 2024 and are now part of the District Plan.
2 December 2024	Council made decisions on those parts of PC14 subject to Policies 3 and 4 of the NPS-UD. The Council accepted 58 IHP recommendations and rejected 20 IHP recommendations.
2025	
24 February 2025	Council referred the 20 rejected recommendations to you for final decisions.
8 April 2025	Council requested an additional nine months to complete the ISPP for those parts of PC14 not subject to Policies 3 and 4 of the NPS-UD until 30 September 2026 (from 12 December 2025). You declined this request [BRF-6127 refers].
5 June 2025	You issued your decisions on the 17 recommendations that were referred to you on 24 February 2025 [BRF-5720 refers].

19 September 2025	The Council made the underlying medium density residential zoning of the Piko Residential Character Area (RCA) operative.
14 October 2025	The Council requested your approval to withdraw PC14 under clause 11 of Schedule 3C of the RMA.
7 November 2025	You approved the Council's request to withdraw the remaining parts of PC14 [BRF-7019/HUD2025-007800 refers].
20 November 2025	The Council gave public notice that it was withdrawing all the undecided parts of PC14 except for the provisions relating to the three remaining recommendations: Piko RCA, Daresbury and Antonio Hall.

Appendix 5: Summary of key documents in the Intensification Streamlined Planning Process

[Attached to cover email].

Stages at which key documents in the Intensification Streamlined Planning Process are produced



Glossary of key Intensification Streamlined Planning Process documents

Document	Description
Operative district plan	An operative district plan contains the provisions including objectives, policies and rules that direct decisions about subdivision and land use in a district. An operative plan has been through the full plan making process (submissions, further submissions, decisions and appeals). Once the appeal period has passed or appeals have been resolved the plan will be operative.
Proposed district plan	This is a district plan that has been publicly notified and goes through a plan making process under the Resource Management Act 1991 (RMA) before becoming operative. The RMA sets out where certain provisions in a proposed district plan can have immediate legal effect (such as the protection of historic heritage) otherwise provisions need to have gone through the full plan making processes to have full effect.
Section 32 evaluation report	Section 32 of the RMA is integral to ensuring transparent, robust decision-making on RMA plans and policy statements (proposals). The section requires: • new proposals be examined for their appropriateness in achieving the purpose of the RMA • the benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed • all advice received from iwi authorities and the response to the advice needs to be summarised • the analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices; this documentation is called the section 32 evaluation report.
Submission	Anyone can make a submission on an RMA provided that submission does not seek to gain an advantage in trade competition.
Summary of submissions	The summary of submissions is produced after the initial submission period has closed. The council must summarise and publicly notify all the decisions requested by submitters.
Further submission	A further submission is a submission made in support of, or opposition to, an original submission. Under Schedule 1, clause 8 of the RMA, further submissions can only be made by: • persons who are representing a relevant aspect of the public interest • persons who have an interest in the proposed policy statement or plan that is greater than the interest the general public has (including persons who made an original submission) • the council itself.

	A person who makes a further submission must serve a copy of it on the person who made the original submission.
Section 42A report	The section 42A report is prepared by or on behalf of a council to help support hearings. They include reasons for accepting or rejecting submissions made on all the plan provisions.
Right of reply evidence	These documents allow hearing participants, including council officers, to reply to additional points raised by submitters during the hearings. These are often requested by the IHP.
Section 32AA evaluation	Section 32AA aims to ensure any changes to plan provisions during the hearings process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. Section 32AA outlines the requirements for further evaluation. A further evaluation must include all matters in the original section 32, but only in relation to the changes that have been made to a proposal since the section 32 evaluation report was completed. A section 32 AA evaluation may be carried out by producing an evaluation report, or it may be documented as part of the overall decision-making record.

Appendix 6: Detailed analysis and recommendation for decision under clause 105 of Schedule 1 of the Resource Management Act 1991

[Attached to cover email].

Appendix 6: Detailed analysis and recommendations for decisions under clause 105 of Schedule 1 of the Resource Management Act 1991

Piko Residential Character Area

Summary of the Independent Hearings Panel's recommendation

Retain the provisions from the operative district plan¹ (ODP) for the Piko Residential Character Area, but reducing the extent of the RCA.

Summary of the Council's alternative recommendation

Remove the Piko RCA.

Ministry for the Environment officials' advice

Context

The Piko Residential Character Area (RCA) is located along parts of Piko Crescent, Shand Crescent and Tara Street in Riccarton, Christchurch (approximately 4.5 kilometres west of the city centre). It was a state housing development established in the 1930s and 1940s.² Your decision on the RCA provisions affects 54 sites.³ See **Appendix 1A** for a map of the Piko RCA and the surrounding area.

Prior to notification of Plan Change 14 (PC14), the Piko RCA was zoned Residential Suburban Density Transition Zone in the operative district plan (ODP), with rules to protect character values.⁴ The Council's decisions on PC14 mean the area is now zoned for medium density development with a qualifying matter for airport noise covering the area.⁵

Notified provisions

PC14 proposed Piko RCA as a qualifying matter, with underlying Medium Density Residential Zoning. PC14 proposed rules and standards to protect the character of the area around Piko Cres that were generally more restrictive than the ODP, but covered a slightly smaller area.⁶

¹ References to the operative district plan in this appendix relates to Christchurch City Council's operative district plan when Plan Change 14 was notified.

² [Section 32 report: Part 2 – Qualifying matters \(district plan chapters 6, 8, 9, 13, 14, 18\) \(Part 3\)](#). March 2023. Page 307.

³ [Section 32 report: Part 2 – Qualifying matters \(district plan chapters 6, 8, 9, 13, 14, 18\) \(Part 3\)](#). March 2023. Page 309.

⁴ [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Para 396.

⁵ The Airport Noise Influence Area qualifying matter includes a requirements for resource consent applications to be limited notified to the Christchurch International Airport Limited, unless the Airport's written approval is obtained. Limited notification means serving notice of a resource consent application on all persons identified as being adversely affected and allowing only those persons to lodge a submission. However, where affected parties have provided their written approval, they are not served notice and cannot lodge a submission. See section 2AA of the Resource Management Act 1991.

⁶ [Section 32 Report: Part 2 - Qualifying matters \(district plan chapters 6, 8, 9, 13, 14, 18\) \(Part 3\)](#). March 2023. Page 310.

Ministry for the Environment officials' advice

The notified version of PC14 also included a proposed Residential Heritage Area qualifying matter over the Piko RCA. This was removed through the PC14 process.

Submissions, hearings and evidence

One submitter directly referenced Piko RCA⁷. They opposed the Piko RCA because it limited the number of people that could live close to the Riccarton Road public transport corridor and the surrounding green spaces.⁸

The Council received 183 submissions on RCAs more generally. These include submissions from New Zealand Transport Agency (NZTA) and Kāinga Ora. Key points from these submitters include:

- locating RCAs in areas highly accessible to active and public transport is contrary to the intent of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHA) and National Policy Statement on Urban Development 2020 (NPS-UD)⁹
- RCAs should not be a qualifying matter, and further consideration should be given to removing the RCA overlay altogether¹⁰
- the Council conflated protection of historic heritage values under RMA section 6(f)¹¹ and amenity values in RMA section 7¹²
- questions about the method and assessment the Council took to determine the proposed RCA provisions.¹³

In response to submissions, the Council recommended retaining the Piko RCA provisions

The Council's character expert, Ms Liz White, recommended retaining the Piko RCA provisions. She stated removing the provisions would have limited impact on enabling development because the Piko RCA is entirely within a Residential Heritage Area, which restricts development.¹⁴ She noted this reasoning also applies if the IHP recommend accepting the request to extend the Airport Noise Contour.¹⁵

Expert evidence presented by Kāinga Ora and the Council debated the appropriateness of the Council's approach to RCAs

Kāinga Ora and the Council debated the appropriateness of the Council's approach to RCAs. Expert evidence presented during hearings covered four main themes:

- The scope of the RCA as a qualifying matter.

⁷ [Submission number S1053](#). Page 89 (page 1 of the submission).

⁸ [Planning officer's report of Elizabeth \(Liz\) Jane White under section 42A of the Resource Management Act 1991](#). 11 August 2023. Para 8.2.8.

⁹ [Submission number S805](#). Page 49 (page 3 of the submission).

¹⁰ Waka Kotahi submission number S805. Page 49 (page 3 of submission).

¹¹ Section 6 requires all persons exercising functions and powers under the RMA to "recognise and provide for" matters of national importance set out in section 6, including the protection of historic heritage from inappropriate subdivision, use, and development (section 6(f)).

¹² Section 7 of the RMA sets out "other matters" which persons exercising functions and powers under the RMA must "have particular regard to", including the maintenance and enhancement of amenity values (section 7(c)).

¹³ [Submission number S834](#). Page 535 (pages 27-29 of the submission).

¹⁴ [Planning officer's report of Elizabeth \(Liz\) Jane White under section 42A of the Resource Management Act 1991](#). 11 August 2023. Paras 8.2.26, 8.2.27 and 8.2.30.

¹⁵ [Planning officer's report of Elizabeth \(Liz\) Jane White under section 42A of the Resource Management Act 1991](#). 11 August 2023. Para 8.2.27.

Ministry for the Environment officials' advice

- The Council considered *Waikanae v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056 (*Waikanae*)¹⁶ was inappropriately decided. It argued its intensification plan change, PC14, could be used to apply the Piko RCA provisions (even though they were more restrictive of development than its ODP).¹⁷
- Kāinga Ora considered because the notified provisions were more restrictive than the ODP, the arguments put forward in *Waikanae* were relevant to RCAs, and the RCA provisions should not be in scope of PC14.¹⁸
- The appropriateness of the methodology the Council used for RCAs:
 - Kāinga Ora considered buildings in RCAs should not count as contributing to the character of the RCA if a resource consent has been granted or a certificate of compliance has been issued to demolish it.¹⁹
 - The Council disagreed with this point noting that if the buildings haven't been demolished, they can still contribute to the RCA.²⁰
 - Kāinga Ora countered the Council's view that there was little value in removing RCAs where these overlapped with Residential Heritage Areas.²¹ Kāinga Ora said heritage (RMA section 6 matter) and character (RMA

¹⁶ *Waikanae Land Company Limited v Heritage New Zealand Pouhere Tangata (Waikanae)* revolved around whether the Council had the statutory power to list a new area of significance to Māori in the district plan through its IPI process. *Waikanae Land Company* argued the Kāpiti Coast District Council (KCDC) exceeded its statutory power by adding the site through the IPI process. The Environment Court found that the inclusion of the site did not support the medium density residential standards (MDRS) and was not consequential on them. Instead, it precluded the operation of the MDRS and exceeded KCDC's power. KCDC appealed this decision to the High Court. The High Court upheld the decision, dismissing KCDC's appeal.

¹⁷ The Council's position on *Waikanae* was stated in the following documents:

- [Opening legal submissions for Christchurch City Council. Strategic overview hearing](#). 3 October 2023. Para 2.64.
- [Legal submissions for the Christchurch City Council on proposed Plan Change 14: Residential zones](#). 26 October 2023. Paras 6.13, 6.14 and 6.15.
- [Memorandum of counsel for Christchurch City Council regarding matter arising at the hearing on 15 April 2024](#). 17 April 2024. Paras 7-13.
- [Reply by the Christchurch City Council to matters arising during the hearing of submissions on proposed plan change 14](#). 17 May 2024. Paras 10.61 and 10.62.

¹⁸ [Legal submissions on behalf of Kāinga Ora – Home and Communities. Residential provisions and related qualifying matters](#). 22 November 2023. Para 5.11, and [Supplementary legal submissions on behalf of Kāinga Ora – Homes and Communities. Residential provisions and related qualifying matters](#). 4 December 2023. Para 1.4(c).

¹⁹ [Statement of evidence of Tim Joll on behalf of Kāinga Ora – Homes and Communities. Planning. qualifying matters](#). 20 September 2023. Paras 9.20-9.23, and [Legal submissions on behalf of Kāinga Ora – Home and Communities. Residential provisions and related qualifying matters](#). 22 November 2023. Paras 5.2-5.9.

²⁰ [Statement of rebuttal evidence of Elizabeth Jane White on behalf of Christchurch City Council. Residential character areas qualifying matters](#). 9 October 2023. Para 2, and [Statement of rebuttal evidence of Dr Ann McEwan on behalf of Christchurch City Council. Qualifying matters: Heritage and residential heritage areas](#). 9 October 2023. Para 26.

²¹ [Statement of rebuttal evidence of Elizabeth Jane White on behalf of Christchurch City Council. Residential character areas qualifying matters](#). 9 October 2023. Paras 3 and 13.

Ministry for the Environment officials' advice

section 7 matter) are different, manage different effects and require different justification as qualifying matters.²²

- The appropriateness of the RCA provisions themselves:
 - Kāinga Ora questioned whether provisions that were more restrictive than the ODP were required to protect the character of the area.²³ The Council maintained its position that the provisions were required.²⁴

Reasons for the Independent Hearings Panel's recommendation

The detail of the IHP's recommendation had to be clarified through an addendum to its report, two IHP Minutes and a Council memo, as outlined in the footnote below and in our correspondence with Council staff (**Appendix 2C**).²⁵

IHP's recommendation report and reasons

The IHP recommended retaining the provisions from the operative district plan²⁶ for the Piko RCA but reducing the extent of the RCA.²⁷

The IHP concluded the:

- Council did not offer a sufficient case that the RCA provisions constitute a qualifying matter²⁸

²² [Statement of evidence of John Brown on behalf of Kāinga Ora – Homes and Communities. Heritage](#). 20 September 2023. Para 3.2(c).

²³ [Statement of evidence of Tim Joll on behalf of Kāinga Ora – Homes and Communities. Planning, qualifying matters](#). 20 September 2023. Para 9.28.

²⁴ [Reply by the Christchurch City Council to matters arising during the hearing of submissions on proposed plan change 14](#). 17 May 2024. Para 10.70-10.71.

²⁵ Those documents include:

- Addendum to the IHP report – The IHP's addendum to its report clarified the operative RCA rules and standards should apply to the Piko RCA, and not the operative zoning prior to notification of PC14. [Addendum to Part 5 of the recommendations report in relation to Riccarton bush Interface area and residential character areas](#). 15 August 2024. Para 431.
- IHP Minute 55 – The IHP's Minute 55 clarified the IHP intended to apply MRZ zoning to the Piko RCA, with any qualifying matters applying only to the extent necessary to accommodate the qualifying matter. [Minute 55: Response to Council regarding final clarifications sought](#). 7 October 2024. Paras 17-18, and page 34.
- Council memorandum – A Council memorandum (which included amended drafting of relevant provisions) clarified that Council officers interpreted the IHP's relevant direction in Minute 55 to mean that the underlying zoning should be MRZ, and 'area-specific rules' are to be carried over and integrated into the MRZ (as a qualifying matter). [Memorandum of counsel for Christchurch City Council regarding redraft of chapter 14: Residential](#). 11 November 2024. Para 13.
- Minute 58 – The IHP's Minute 58 confirmed the Council's drafting in the abovementioned memo correctly reflected the IHP's recommendation. This was to apply MRZ zoning and include area-specific rules that capture specific RCA standards as a qualifying matter. [Minute 58: Response to Council regarding Chapter 14 redraft and miscellaneous matters](#). 20 November 2024. Para 27 and page 115 (page 5 of Appendix 2).

²⁶ References to the operative district plan refer to Christchurch City Council's operative district plan when Plan Change 14 was notified.

²⁷ [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Para 393.

²⁸ In accordance with the requirements in sections 77J and 77L of the RMA.

Ministry for the Environment officials' advice

- merits of the proposed provisions are not appropriate when assessed under section 32.²⁹

The IHP acknowledged the discussion about whether the Council used the appropriate methodology to develop the character provisions in PC14³⁰. However, it agreed with Kāinga Ora that introducing more restrictive character controls was not in scope and it was not logical to assess the character of properties likely to be demolished.³¹

The IHP accepted the point from council staff that removing RCAs wouldn't have much impact on enabling development in places where development was also limited by Residential Heritage Area provision. However, since the IHP recommended removing heritage areas too, it noted that point was no longer relevant.³²

The IHP concluded the Piko state housing area was built to meet the needs of families at the time. It recognised those homes, along with others across Christchurch, may need to be replaced to meet the needs of today's families. It noted this is fundamentally the purpose of PC14, not the maintenance of character, and considered the more restrictive RCA provisions inconsistent with national priorities for housing.³³

The IHP reviewed both the notified RCA provisions and the section 42A report to see if any proposals could be retained to facilitate development. However, it concluded that exercise was problematic and instead recommended retaining operative plan provisions, reducing the spatial extent of the Piko RCA and noting further changes to character provisions should be made through a separate plan change.³⁴

Reasons for the Council's alternative recommendation

The Council's alternative recommendation is to remove the Piko RCA. The reason the Council provided for its alternative recommendation was that housing within the Piko RCA has deteriorated and is better placed to deliver new housing given its highly accessible location.³⁵

Advice

We recommend you **reject the IHP's recommendation and accept the Council's alternative recommendation.**

We consider the Council's alternative recommendation to remove the Piko RCA is more consistent with the requirements of the RMA to apply the medium density residential standards.

²⁹ [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Para 392.

³⁰ [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Para 420, and [Independent Hearings Panel Report: Part 1 – Introduction, legislative requirements and scope issues, general themes and submissions](#). 29 July 2024. Para 251.

³¹ [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Paras 410, 415 and 419.

³² [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Para 421.

³³ [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Para 422.

³⁴ [Independent Hearings Panel Recommendations Report: Part 5 – City wide qualifying matters](#). 29 July 2024. Paras 429 and 432.

³⁵ Christchurch City Council report for referred recommendations on Plan Change 14 (IPI) to the Minister for the Environment. 24 February 2025. Page 12.

Ministry for the Environment officials' advice

We note this position is different than that presented by Council staff during the hearings. However, evidence was provided during hearings on existing permissions to demolish buildings in the Piko RCA and the appropriateness of provisions to protect character in locations with good access to transport and services.

We acknowledge IHP's position that:

- the RCA provisions as notified in PC14 were inappropriate
- it rejected the evaluation prepared by the Council to support a qualifying matter for RCAs
- it considered the purpose of PC14 is to meet the needs of today's families, not to protect character.

We also acknowledge that the IHP tried to come up a solution that would enable more development in the area, but was unable to do this, so recommended reverting to the ODP controls for character.

However, the IHPs recommendation to retain the ODP for the Piko RCA still operates as a qualifying matter and limits development that would otherwise be enabled in that area.

Section 77L of the RMA states a matter is not a qualifying matter under section 77I(j) unless the evaluation report meets certain requirements, including site-specific analysis.

The IHP did not provide analysis in its section 32AA assessment to support retention of the Piko RCA as a qualifying matter as required by section 77L of the RMA.

Appendix 7: Excerpts from the Independent Hearings Panel's recommendations report and addendum to its report

[Attached to cover email].

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

**RECOMMENDATIONS REPORT: PART 1 - INTRODUCTION, LEGISLATIVE
REQUIREMENTS AND SCOPE ISSUES, GENERAL THEMES AND SUBMISSIONS**

matters', were also evaluated under sections 77J and O, and 'other qualifying matters' were subject to more detailed evaluation under sections 77L and R.

[250] The Council s32 and s77 evaluations were published on the Council's website. The format of the Report was, while adopting a general overall standard approach, flexible in the approach of the analysis. Some evaluations were narratives with cross reference to appended technical reports and evaluations, for example in Part 4 of our Report for the Airport Noise QM, and others adopted a more tabular form identifying each of the relevant statutory considerations as applied against a range of options, for example Part 3 of our Report for CCZ and Commercial zones.

[251] It appeared to us that there was no integrated and coordinated approach to the evaluation of QMs, and each subject matter leader was largely left to undertake their own evaluations. This 'siloesd' approach, led some evaluations down the wrong path, focusing first on the appropriateness of the QM under s32, tested against a broader objective of a well-functioning urban environment, or the objective of protecting the QM, rather than starting from the position of first applying the MDRS or NPS-UD Policy 3 response and then evaluating the necessity or appropriateness of the identified potential QMs making the MDRS or NPS-UD Policy 3 response less enabling only to the extent necessary to accommodate QMs. For example, we have found that the Council's approach to Residential Character Areas, Residential Heritage Areas, the Riccarton Bush Interface Area and to Airport Noise suffered from this approach. We also found this to be a problem with the Council's proposed Tree Coverage and Financial Contribution rules as discussed in Part 6 of the Report.

[252] This led in some cases to rather self-fulfilling or self-limiting identification of options because the assumption was that the identified potential QM was a non-negotiable, rather than something to be tested against the stated objective of the plan change.

[253] It also appeared that none of the Council witnesses had considered whether the ODP already delivered a well-functioning urban environment.¹²⁹ This further highlighted the problems with the siloesd assessment approach. We note there was no overall s32 analysis of PC 14, undertaken by any one or combination of Council planning witness(es).

[254] Where required by the Act the Council has evaluated the effect of individual QMs on development capacity, to illustrate that even with the proposed QM, overall, the Council

¹²⁹ We refer to our discussion at [105] above.

RECOMMENDATIONS REPORT: PART 5 – CITY WIDE QUALIFYING MATTERS

[389] Overall, we remain unconvinced about the merits of the RHA and Interface Overlay approach, given issues with:

- (a) the formulation and application of Council's methodology that we have been alerted to by expert witnesses,
- (b) the apparent conflation or 'standing in' of character for heritage,
- (c) the not insignificant impost of the provisions on property owners and developers, and
- (d) our conclusion that, to the extent that character is something to be maintained and enhanced, the role that existing, ODP provisions will continue to play in that regard¹⁵⁶.

[390] As we propose no substitute for the RHA and the Interface Overlay provisions in the ODP, we are not obliged to undertake a s32AA evaluation. We simply record for completeness that we reject the Council's own s32 evaluation and findings regarding the supposed 'effectiveness' and 'efficiency' of the proposed provisions.

Observation - Process

[391] The Panel observes, that to the extent that the proposed controls (or similar) relating to RHA are relevant resource management issues for the protection of heritage values, then PC 13 contains mirroring provisions relating to same, and these will be tested in due course through the initiated Schedule 1 process.

19. RESIDENTIAL CHARACTER AREAS

Summary of Recommendations

[392] We find that the RCA as proposed in PC 14 should not proceed as a QM for the following reasons:

- (a) the Council has not offered a sufficient case in accordance with the requirements of s77J and 77L of the RMA that the RCA provisions constitute a QM under s77I(j); and

¹⁵⁶ [Statement of Evidence of Jeremy Phillips on behalf of Carter Group Limited, 20 September 2023](#) at 47

- (b) that the merits of the proposed provisions, even if they were justified on grounds of scope under an IPI (which we have found they are not), are not appropriate in the context of the required RMA s32 evaluation.

[393] Accordingly, the Panel recommends that the ODP provisions relating to existing RCA are retained, subject only to:

- (a) the acceptance of amendments to them proposed under the notified version of PC 14 to delete two existing RCA (Esplanade and Clifton) and reduce the spatial extent of eight others (Cashmere, Beckenham, Piko, Heaton, Malvern, Francis, Dudley and Englefield); and
- (b) the acceptance of recommendations by Ms White to delete two existing RCA (Beverley and Ranfurly) and further reduce the spatial extent of two others (Dudley and Heaton).

[394] Our findings and recommendations with respect to RCA as a QM, in terms of available scope, align with the broader conclusions we have reached in relation to a range of proposed QMs, as set out in Part 1 of our Recommendation Report. We have reached the above findings and recommendations in this respect, with reference to separate evaluations on both 'scope' and 'merits' as follows. We conclude with some comments relating to 'process' and a section 32AA evaluation for our recommended changes.

PC 14 as Notified

[395] The ODP identifies fifteen Residential Character Areas (RCA) as neighbourhoods that are distinctive from their wider surroundings, and which are considered to have a special character that, on the whole, the Council considers worthy of retention. Under the ODP, Policy 14.2.4.7 provides direction in relation to RCA, seeking that the identified special character values of these areas, which arise from those elements which are listed in the policy, are maintained or enhanced.

[396] The ODP provisions pertaining to RCA are contained in area-specific rules included in each relevant residential zone. In broad terms, these rules:

- (a) require relocations, new buildings, alterations and additions to existing buildings, accessory buildings, and fences and walls associated with the previous buildings, (hereafter referred to as 'building works') to obtain consent as a controlled

activity¹⁵⁷, where visible from the street, located between the road boundary and the main residential unit on the site or involves changes to the front façade of the main residential unit, and subject to also meeting site density standards;

- (b) set site density standards of 600m² where the RCA is within the Residential Suburban Zone; 400m² where within the Residential Suburban Density Transition Zone or Residential Medium Density Zone; and 500m² within the Beverley Character Area;
- (c) require the planting of a landscape strip along the length of the road boundary (excluding access areas); and
- (d) establishes a restricted discretionary activity status for residential units that do not comply with the site density standard and a controlled activity status for activities that do not comply with the landscaping requirements.

[397] In all other respects, the ODP provisions pertaining to RCA apply the built form standards and requirements of the residential zone within which the RCA is located, such as building heights, setbacks, site coverage, daylight recession planes, requirements for outdoor living spaces, and so on.

[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 Esplanade and Clifton RCAs;
 - (ii) reduce the extent of the Cashmere, Beckenham, Piko, Heaton, Malvern, Francis, Dudley and Englefield RCAs;
 - (iii) add three new areas centered on the Bewdley, Roker and Ryan neighbourhoods; and
 - (iv) expand the Beckenham and Lyttelton RCAs;
- (b) provide a permitted activity status for interior conversions of an existing residential unit into two residential units or in the Lyttelton RCA, for a minor residential unit;

¹⁵⁷ With the exception of the Lyttelton and Akaroa Character Areas, where a restricted discretionary activity status applies.

- (c) apply a controlled activity status for the erection of a new residential unit to the rear of an existing residential unit on the same site, where it is less than 5m in height and the built form standards (refer (f) below) are met;
- (d) require building works, as well as demolitions or removal of buildings above 30m², to obtain consent as a restricted discretionary activity;
- (e) impose a restricted discretionary activity status for residential units that do not comply with the number of residential units per site, or activities that do not comply with the landscaping requirements or, in the Lyttelton RCA, non-compliance with various built form standards;
- (f) introduce a suite of built form standards specific to each character area, including height, front entrances and facades, landscaping, number of residential units per site, setbacks, building coverage, outdoor living space, glazing, fencing, location of garages and carports, and internal separation; and
- (g) apply minimum net site areas for subdivision within each RCA.

[399] As set out in the s32 Report, the Council considered the areas represented by RCA to be those that are special and unique enough to warrant specific management and therefore related to s7(c) of the RMA (i.e., a matter to have particular regard to with respect to the maintenance and enhancement of amenity values). The Council saw these values in the areas concerned to be at risk from intensification, thereby undermining the 'integrity and coherence' of each area.

[400] As such, while the Council noted that the ODP does contain RCA and associated provisions, given the scale of the amendments proposed, it determined that the RCA provisions constituted an 'other' QM under s77I of the RMA and, as such needed to be subject to the evaluations required under both s77J(3) and s77L (inclusive of site-specific analysis).

[401] These evaluations were informed by an Investigation of *Qualifying Matters – Ōtautahi Christchurch Suburban Character Areas* and a *Technical Analysis of Proposed Character Area Provisions* undertaken by Ms Jane Rennie, urban designer (and others) at Boffa Miskell on behalf of the Council during the development of PC 14. Taking into account the various changes in spatial extent proposed, the Council determined that a total of 3,039 individual properties would be affected.

[402] The s32 Report outlined the methodology used to conduct the evaluations. It also determined that the 'impacted development capacity' or theoretical effect of all the RCA as notified in 'suppressing' development that might otherwise occur absent the provisions amounted to 9,846 dwellings.

[403] Notwithstanding this, the s32 Report concluded that the provisions as proposed represented the most effective option for achieving all outcomes sought by PC 14 including providing an appropriate means to manage the features of the areas subject to RCA.

Submissions and Section 42A Recommendations

[404] The RCA provisions as notified attracted a total of 183 submission points that can be grouped into three broad categories:

- (a) those expressing their support for the provisions and seeking their retention;
- (b) those requesting amendments to the general approach taken and/or to specific provisions; and
- (c) those opposed to the general approach taken and/or to specific provisions and seeking their deletion.

[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 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 Dudley RCA in response to a submission from Waka Kotahi;
- (c) Amendment to, and in doing so slightly reduce, the boundaries of the Heaton RCA to reflect the outcomes of Ms Rennie's technical assessment;
- (d) the identification of Cashmere View as an additional, new RCA in response to a request from individual submitters¹⁵⁸;

¹⁵⁸ Namely Martin Jones #15, Christine Parkes #25, Steve Parkes #27, Andrew Lawrie #92, Ros Pheloung #101, Deborah Brown #124, Simon Brown #125, Chris Wells #126, Sean Walsh #179, Alex Prince #227, Joanne Nikolaou #581, Jaimita de Jongh #583.

- (e) amendment of Rule 14.5.3.1.2 C1 to also apply to additions which are less than 30m² in area and 5m in height, are not visible from the street or involve the front façade and meet the applicable built form standards, in response to a request from Melissa Macfarlane;
- (f) amendment of Rule 14.5.3.1.3 RD14 to increase the permitted size for demolition of buildings, provision of an additional exemption for alterations to an existing building which are not visible from the street or made to the front façade, and explicitly require compliance with built form standards, again in response to a request from Ms Macfarlane;
- (g) amendment of Rules 14.5.3.2.3, 14.5.3.2.8, 14.5.3.2.9, 14.5.3.2.10, 14.5.3.2.11, 14.5.3.2.14 and 14.8.3.2.4 in relation to building height, setbacks, building coverage, outdoor living space per unit, windows to street, internal separation and site coverage, to ease the level of constraints somewhat, in response to submissions by the New Zealand Institute of Architects Canterbury Branch #762 and others; and
- (h) amendment of Rule 14.15.27 to add specific reference to Papakāinga/Kāinga Nohoanga in response to a request by Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga #695.

[406] Ms White otherwise recommended the rejection of requests by submitters; notably the broad request from Kāinga Ora that all new or extended RCA not be proceeded with; again, reliant on the technical advice of Ms Rennie in doing so.

Issues

[407] Those issues remaining in contention during the course of the hearing as highlighted in evidence presented to us can be summarised as follows:

- (a) whether the Panel has scope under the Housing Supply Amendment Act to impose the QMs in the manner proposed and, in doing so, accept notified or submitter-prompted new RCA or extensions to existing RCA; and
- (b) somewhat independent of any finding we may reach with respect to (a) above, whether the notified proposals or submitter requests to entirely remove or further reduce the footprint of certain, existing RCA should be entertained; and

- (c) also independent of any finding we may reach with respect to (a) above, whether changes to the provisions proposed via the notified PC 14 or by the s42A Report author in response to submissions should be proceeded with on the basis of a merits assessment.

[408] Aside from Ms White and Ms Rennie for the Council, we also heard from planning witness Mr Tim Joll and counsel Mr Bal Matheson on behalf of Kāinga Ora on matters of scope and from Mr Joll on the matter of ‘merits’ of the provisions as proposed.

[409] As for other QMs then, the issues remaining in contention relate to scope, in the first instance, and the merits of the provisions, in the second. These are the topics we turn our minds to in the sub-section below.

Findings and Evaluation

Evaluation - Scope

[410] Mr Matheson, for Kāinga Ora, initially addressed the matter of scope specifically in relation to RCA in his opening legal submissions on residential provisions and related QMs¹⁵⁹. We accept his view that *‘the various options considered by the Council (which could include restricted discretionary status) would make consenting new buildings more onerous than what is currently provided for under the Operative District Plan.’*

[411] In supplementary legal submissions, Mr Matheson returned to the example of RCA (and incidentally RHA) in concluding that:

A change in an overlay (e.g., RCA or RHA) that restricts residential development would be within scope of PC14 if it made that residential development easier (i.e., if it removed an overlay from a residential lot), but it would not be within scope if it made residential development harder (i.e., if it added an overlay onto a residential lot that was not previously subject to that overlay).¹⁶⁰

[412] This position then went to two key submissions that Kāinga Ora were at pains to stress during the hearing:

- (a) It is difficult to understand how changes made under PC14 that make the provision of housing more difficult (or even more stringent than currently exists in the operative plan), could be said to “support or be consequential on the MDRS, or Policies 3 and 4 of the NPS-UD” (s 80E(1)(b), RMA)
- (b) Section 80E(1) cannot be applied in the incredibly broad manner seemingly proposed by counsel for the Council – if such a wide interpretation were lawful (i.e.,

¹⁵⁹ [Legal Submissions of behalf of Kāinga Ora - Residential Provisions and Related Qualifying Matters, 22 November 2023](#), at 5.11

¹⁶⁰ [Supplementary Legal Submissions on behalf of Kāinga Ora - Residential Provisions and Related Qualifying Matters, 4 December 2023](#), at 1.4

if one could rely on Objective 1 and a “well-functioning urban environment” to justify any changes under an IPI) there would be no need for any qualifying matters because virtually every restriction could be argued to fall within the scope of that objective.¹⁶¹

[413] At the close of the hearing, the Council remained of the view that the Panel was entitled to consider s7(c) amenity implications through an IPI and should do so in determining the fate of proposed RCA provisions that sought to promote the maintenance and enhancement of those amenity values. The Council also sought to downplay the impact of the provisions that it considered would have a minimal effect on housing capacity given the lack of any issue in that respect in an Ōtautahi Christchurch context¹⁶².

[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 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*’¹⁶³. With regard to proposed demolition controls, the Council has further acknowledged that they are more restrictive than the equivalent provisions in the ODP.¹⁶⁴ 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 13¹⁶⁵ (they are limited in their application to heritage-related provisions).

[415] We cannot fault Kāinga Ora’s position that we outlined previously in this respect. It comes to our finding as to whether the Council has scope to introduce new RCA, expand existing RCA and/or tighten up controls pertaining to both under an IPI mechanism. We conclude that it does not, and that this QM should not proceed on grounds of scope.

Evaluation - Merits

[416] Turning now to the merits of the RCA proposal, Mr Joll, for Kāinga Ora, helpfully identified two key questions, namely:

- (a) whether the methodology for identifying RCA was appropriate; and

¹⁶¹ [Supplementary Legal Submissions on behalf of Kāinga Ora - Residential Provisions and Related Qualifying Matters, 4 December 2023 at 1.6](#)

¹⁶² [Council Reply, 17 May 2024](#), at 10.71

¹⁶³ Ibid at 3.18

¹⁶⁴ Ibid at 10.61

¹⁶⁵ Ibid at 10.62

(b) whether the proposed RCA activity status provisions are appropriate¹⁶⁶.

[417] On the first matter, it was Mr Joll's view that, for the properties Kāinga Ora maintained an interest in, the level of investigation carried out by the Council failed to account for unimplemented resource consents or certificates of compliance (in this case for demolition) and that the relevant properties could not therefore be considered to host 'primary' or 'contributory' dwellings where the relevant RCA were concerned.

[418] This led Mr Joll to a measured view that, at the very least, the boundaries of the RCA (specifically in the case of the Piko RCA) might need to be reconsidered, and if not also provide Council with pause for further reflection about the area's overall integrity and coherence¹⁶⁷.

[419] We find ourselves in agreement with Kāinga Ora's submission that the 'environment', as defined in the RMA, does indeed include resource consents for demolition that are able to be implemented¹⁶⁸, and it logically follows that it *'makes no sense to assess heritage or character against an illusory baseline, where the properties that contribute towards those values are likely to be demolished.'*¹⁶⁹

[420] On the second matter, while Mr Joll indicated that he agreed with Ms White and Ms Rennie that a restricted discretionary pathway for new builds could provide an appropriate basis for managing the specific characteristics of RCA, he continued to question (as do we) the need for greater restrictions on built form standards proposed by the Council in RCA when compared to the ODP¹⁷⁰. He had not seen (and neither have we) convincing evidence from the Council that the continuity and/or coherence of existing character had been adversely affected by the ODP's existing built form standards¹⁷¹.

[421] In response to a request from us, the Council provided further details relating to RCA during the course of the hearing as well as in association with the Reply. This included information regarding the degree of spatial overlap between RCA and RHA. It was Ms White's view, as expressed in her rebuttal evidence, that the inclusion of an area within an RHA did not have any bearing on whether it should also meet RCA criteria for inclusion. She suggested that were an RCA to be removed it would have limited impact

¹⁶⁶ [Statement of Evidence of Tim Joll on behalf of Kāinga Ora, 20 September 2023](#), at 9.20

¹⁶⁷ *Ibid* at 9.21 – 9.22

¹⁶⁸ [Legal Submissions on behalf of Kāinga Ora - Residential Provisions and Related Qualifying Matters, 22 November 2023](#), at 5.2 – 5.9

¹⁶⁹ *Ibid* at 5.7

¹⁷⁰ [Statement of Evidence of Tim Joll on behalf of Kāinga Ora, 20 September 2023](#), at 9.26, 9.28 – 9.29

¹⁷¹ *Ibid* at 9.28

in terms of enabling further intensification given that the RHA restrictions would remain¹⁷². We accept Ms White's point but consider it largely moot given our recommendation in the preceding section that the RHA also not be proceeded with.

[422] To our minds, the Piko state houses are but one example of homes built for a very specific reason, being to cater for the needs for New Zealand families that existed at the time. They, together with private dwellings in areas located across the City, may need to be replaced by new homes catering for the needs of Aotearoa New Zealand families as they exist now. Fundamentally, that is the purpose that PC 14 is obliged to serve; not the maintenance of character. The Council's broad approach to extending the footprint of RCA and (in an overall sense) tightening controls with them tends to upend those nationally-mandated priorities.

[423] It is for these reasons that we consider that the merits of the Council proposal as it now stands, inclusive of the addition of new RCA, extensions to existing RCA and the tightening of controls that would apply in both new and existing RCA, are insufficient in terms of achieving the wider purpose of the RMA to justify their being proceeded with.

[424] The only exceptions to this broad finding on merits are situations where PC 14 as notified proposed to remove existing RCA or reduce the extent of existing RCA, or where the s42A Report author has recommended additional amendments that involve removing or reducing RCA.

[425] The notified amendments in this regard that we recommend the adoption of comprise the removal of two existing RCA (Esplanade and Clifton) and reductions in the spatial extent of eight others (Cashmere, Beckenham, Piko, Heaton, Malvern, Francis, Dudley and Englefield).

[426] The s42A Report author recommendations (that we recommend the adoption of) comprise the removal of two further existing RCA (Beverley and Ranfurly) and further reductions in the spatial extent of two others (Dudley and Heaton).

[427] With respect to the above, we accept Ms White's position that, with reference to Ms Rennie's evidence, and on balance, the objectives of the NPS-UD and CRPS would be better served in realising the benefits of increased density (i.e. rezoning to either HRZ

¹⁷² [Rebuttal Evidence of Elizabeth Jane White on behalf of Council, 9 October 2023](#), at 3

and MRZ) in the adjoining Beverley and Ranfurly locations,¹⁷³ and that for similar or other reasons the Dudley and Heaton RCA should be further reduced in extent¹⁷⁴.

[428] For completeness, we do not recommend the acceptance of requests from submitters to reduce the extent of other existing RCA where these requests are not supported in technical or planning evidence provided on behalf of the Council (the submitters not having fielded comparative evidence of a technical nature themselves).

[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 [101](e) - (h) above. During the course of deliberations, we gave careful consideration as to whether it might be possible to identify amendments which 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.

[430] To illustrate this, we note by way of example, that the amendments proposed to Rule 14.5.3.1.2 C1 would flip the architecture of a previously self-contained controlled activity rule to frame what were exemptions to its application (part b. of the rule) to become the basis for control and hence the potential to default to a higher activity status if not met. By way of explanation, the amendments to this particular rule recommended by the s42A Report author would make activities not meeting the conditions for controlled activity status default to restricted discretionary activity status under Rule 14.5.3.1.3 RD12 whereas under the operative framework any new build activity in RCA under this particular rule would not transit beyond controlled activity status. In other words, under the s42A Report author recommended amendment, any prospect of enablement is likely to be theoretical only given the likely default activity status that would result if the exemptions were not met. In reality there would be additional rather than lesser control in this particular example.

[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 as notified or as subsequently recommended by the s42A Report author should proceed (beyond the spatial changes identified above). However,

¹⁷³ [s42A Report of Elizabeth Jane White, 11 August 2023](#), at 8.2.24 – 8.2.25

¹⁷⁴ Ibid at 8.2.32 and 8.2.36

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.

[432] In s32AA terms, it is our position that the retention of the ODP provisions relating to existing RCA subject only to the deletion of four existing RCA and reductions in the spatial extent of nine others, as summarised above, represents the most efficient and effective means of the achieving the enabling purpose of the Housing Supply Amendment Act, NPS-UD Policy 3 and PC 14. For completeness, we note that arriving at this finding we are rejecting the s32 evaluation prepared by the Council to support this candidate for QM status.

Observation - Process

[433] In the event the Council wished to add to the Operative RCA's the Council would need to initiate a Schedule 1 process.

20. RICCARTON BUSH INTERFACE AREA (INTERFACE AREA)

Summary of Recommendations

[434] We find that the Riccarton Bush Interface Area should not proceed as a QM for the following reasons:

- (a) the Council has not offered a sufficient case in accordance with the requirements of s77J, 77L, 77P and/or 77R of the RMA that the values associated with the Bush would be adversely impacted by more intensive development in the Interface Area otherwise enabled by PC 14 to the extent that they would compromise a matter (or matters) of national importance in terms of s6;
- (b) accordingly, in our view, the matter does not therefore constitute a 'listed' QM under s77I(a) and s77O(a) of the RMA;
- (c) further, the provisions proposed to be introduced via PC 14 to limit development capacity in the area concerned (as notified and as amended during the course of the hearings) would introduce restrictions or limitations on the *status quo* under the ODP beyond the mandatory requirements of an IPI; and

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 [101][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

Appendix 8: Excerpts from the Council's Plan Change 14 notification documents

[Attached to cover email].

6.29.27 Character Area: Piko

Section	Matter addressed	Assessment
77J(3)(a)(i); 77L(a); 77L(c)(i)	Why the area is subject to a qualifying matter.	The following have been identified as the key elements, which in combination contribute to the distinctiveness and sense of place of the Malvern Character Area¹¹²: • Unique street and subdivision pattern with relatively narrow streets. • Consistent style and era of dwellings, primarily consisting of State Housing of the 1930s and 1940s. • Generally single storey on Piko Crescent, and some double storey dwellings of a moderate scale on Shand Crescent. • Simple rectangular buildings with small projections, and hip and gable roofs with ornamentation around doorways and windows, materials and use of porches, entranceways, brick or weatherboard. • Generous front yards with low or no fencing. • Strong relationship between dwellings and the street. • Easy pedestrian access to nearby parks and reserves.
77J(3)(a)(i) & 77L(b)	Why the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area, and in light of the national significance of urban development and the objectives of the NPS-UD.	Technical analysis has identified that the level of development permitted by the MDRS or as provided for by Policy 3 of the NPS-UD, would be inappropriate in this Character Area, as it would not maintain the special characteristics and values attributed to this Character Areas; nor retain its value as a whole.¹¹³ Otherwise progressing with the intensification direction would result in:¹¹⁴ • Loss of the original dwelling. • Scale/dominance of new/additional building.

¹¹² Appendix 21, *Investigation of Qualifying Matters - Ōtautahi Christchurch Suburban Character Areas*, Boffa Miskell, 1 June 2022, p. 41.

¹¹³ Appendix 21, *Investigation of Qualifying Matters - Ōtautahi Christchurch Suburban Character Areas*, Boffa Miskell, 1 June 2022, p. 10.

¹¹⁴ Appendix 21, *Investigation of Qualifying Matters - Ōtautahi Christchurch Suburban Character Areas*, Boffa Miskell, 1 June 2022, p. 8.

		• Garage/manoeuvring area/parking located within the front yard and the associated visual impact, effects on vegetation and loss of connection to the dwelling. • Increase in site coverage, with an associated loss in space and vegetation, including a sense of openness and spaciousness. • Loss of sight lines and view lines to the rear. • Loss of large-scale vegetation. • Front yard open space/privacy conflict and loss of visual connection with the street, with an increase in the height of fencing. • Multiple vehicle accessways from the street impacting on the continuity of the streetscape. <i>Assessment against the relevant NPS-UD objectives</i> Objective 1: - The values associated with the Character Area contribute to the wellbeing of the community and to a well-functioning urban environment. Development permitted by the MDRS or as provided for by Policy 3 of the NPS-UD would compromise these values. Objective 2: - The loss of development capacity resulting from this Character Area being identified as a qualifying matter will have limited impact on the overall opportunities for residential intensification, and therefore will not have a detrimental impact on competitive land and development markets. The degree of loss is offset by the significant amount of further development capacity plan change 14 proposes. Objective 3: - The Piko Character Area is located within close proximity of a Town Centre, which proposes to increase building heights and densities to enable 20m building development. The area fronts into Riccarton Road, a significant public transport corridor, and has been identified as an area with strong development interest. Despite this, the character area remains isolated to 54 sites, which is unlikely to have a discernible impact on development potential within the area and still provides for ready accessible access to local employment and public transport. The proposed controls have been identified as providing for a level of development within the Character Area, to enable more people to live in this part of the urban environment, while
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		ensuring that the special characteristics and values attributed to this Character Area, and its values as a whole, are retained. Objective 4: - There is still a level of development enabled in the Character Area, which will allow for it to develop and change over time in response to the needs of people and the community, while still maintaining those characteristics of value to the community in this area.
77J(3)(b)	The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity.	The Piko Character Area totals 54 residential sites. Proposed Character Area controls will allow for 9 additional residential units. This is compared to a theoretical maximum of 443 units that could be developed under the MDRS provisions, resulting in a total estimated theoretical impacted development capacity of 434 residential units.
77J(3)(c)	The costs and broader impacts of imposing those limits.	The key cost and broader impact of imposing the limits in this Character Area is that it reduces housing choice and availability of land for new development within this area.
77J(4)(b) & 77L(c)(ii)	How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including— • any operative district plan spatial layers; • any new spatial layers proposed for the district plan; and • the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter.	The proposed Character Area controls (set out below), are those which have been determined as being appropriate to allow for some further residential intensification in line with the NPS-UD objectives, while still retaining the integrity of this Character Area. The specific controls also align with the MDRS provisions as far as practicable.¹¹⁵ The Character Area has been spatially defined through a review undertaken by Boffa Miskell. This involved¹¹⁶: • Undertaking a site visit and recording changes to the ranking of the Site (from that undertaken in 2015¹¹⁷.) • Removing any large clusters of rear sections that could not be seen and which are not considered to be part of a consistent, coherent streetscape or sensible grouping overall.

¹¹⁵ Appendix 37, *Technical Analysis of Proposed Character Area Provisions*, Christchurch City Council, 29 July 2022.

¹¹⁶ Appendix 21, *Investigation of Qualifying Matters - Ōtautahi Christchurch Suburban Character Areas*, Boffa Miskell, 1 June 2022, p. 6-7.

¹¹⁷ Appendix 20 of the s32 Report for Residential Chapter 14, notified 2 May 2015. *Christchurch Suburban Character Area Assessments*, Beca Ltd, 9 January 2015.

		Confirming the boundaries of the Character Area generally based on whether at least 80% of sites were ranked either Primary or Contributory (with generally 50% being Primary sites.) The outcome of this is the reduction of the current extent of the Piko Character Area.¹¹⁸ A total of 54 sites will have the following Character Area overlay controls applied to them. <table> <tr> <th>Standard</th><th>MDRS & MRZ Controls</th><th>Piko Character Area</th></tr> <tr> <td>Activity Status (where standards are met) for residential units</td><td>Permitted: up to 3 units per site</td><td>Permitted: interior conversion of an existing residential unit into two residential units Controlled: single residential unit located to the rear of an existing residential unit Restricted Discretionary: any other residential unit</td></tr> <tr> <td>Units per site</td><td>3</td><td>2</td></tr> <tr> <td>Minimum net site size</td><td>400m² [proposed in MRZ vacant allotment size]</td><td>700m²</td></tr> <tr> <td>Height</td><td>11m + 1m (roof)</td><td>5.5m</td></tr> <tr> <td>Height in relation to boundary</td><td>4m & 60°</td><td><i>As per MDRS</i></td></tr> <tr> <td>Road boundary setback</td><td>1.5m</td><td>8m, or 6m, where it is a relocation of an original house was built prior to 1945.</td></tr> <tr> <td>Internal boundary setbacks</td><td>1m</td><td>2m on one side and 3m on the other.</td></tr> <tr> <td>Rear boundary setbacks</td><td>1m</td><td>3m</td></tr> <tr> <td>Minimum building setback to a shared access</td><td>N/A</td><td>1m</td></tr> </table>	Standard	MDRS & MRZ Controls	Piko Character Area	Activity Status (where standards are met) for residential units	Permitted: up to 3 units per site	Permitted: interior conversion of an existing residential unit into two residential units Controlled: single residential unit located to the rear of an existing residential unit Restricted Discretionary: any other residential unit	Units per site	3	2	Minimum net site size	400m ² [proposed in MRZ vacant allotment size]	700m ²	Height	11m + 1m (roof)	5.5m	Height in relation to boundary	4m & 60°	<i>As per MDRS</i>	Road boundary setback	1.5m	8m, or 6m, where it is a relocation of an original house was built prior to 1945.	Internal boundary setbacks	1m	2m on one side and 3m on the other.	Rear boundary setbacks	1m	3m	Minimum building setback to a shared access	N/A	1m
Standard	MDRS & MRZ Controls	Piko Character Area																														
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¹¹⁸ Appendix 21, *Investigation of Qualifying Matters - Ōtautahi Christchurch Suburban Character Areas*, Boffa Miskell, 1 June 2022, p. 43.

		Building coverage	50%	40%
		Minimum building frontage to street	N/A	60%
		Minimum outdoor living space	20m ² 3m minimum dimension	50m ² 5m minimum dimension
		Outlook Space	4m x 4m for principle living room and 1mx1m for all other habitable rooms.	<i>As per MDRS</i>
		Minimum windows to street (glazing)	20%	20% including a front door
		Ground floor habitable room	50% of any ground floor area as habitable rooms [MRZ proposal]	<i>As per proposed zoning</i>
		Minimum landscaped area	20%	20% Plus a 3m landscape strip along front boundary.
		Maximum fencing height (front boundary)	50% to maximum 1.5m [MRZ proposal]	1m
		Garage & carport building location	Detached garage or carport located 1.2m behind front façade of a residential unit [MRZ proposal]	Garages and carports whether separate or integrated to be to the rear of the dwelling, or if at the side to be a minimum of 5m behind the main front façade of the building.
		Max. paved access width per site.	N/A	3.6m, or 4.8m where including a 1.2m pedestrian access.
		Min. building separation on a site (excluding garages)	N/A	5m

77L(c)(iii)	An appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.	The MDRS were used as a baseline for the assessment undertaken of the Character Areas. The initial assessment of Character Areas undertaken by Boffa Miskell identified a potential set of parameters based on individual attributes assessed for each of the Character Area typologies. Consideration was also given as to how to incentivise the retention of values that make a primary contribution to a Character Area, given their importance to the integrity and coherence of the Character Area values. Modelling was then undertaken to consider the combination of built form standards, to determine the combination of these which would allow for an increase in density, without the loss of character values ¹¹⁹ . The results of this are reflected in the proposed controls summarised in the table above.
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¹¹⁹ Appendix 37, *Technical Analysis of Proposed Character Area Provisions*, Christchurch City Council, 19 January 2023.

Appendix 9: Excerpts from submissions and hearings evidence

[Attached to cover email].

Our proposed Heritage Plan Change (PC13)

Submitter Details

Submission Date: 10/05/2023
First name: Jono Last name: De Wit

Consultation Document Submissions

Provision: Chapter 14 Residential

Oppose
I seek the following decision from the Council

If seeking to make changes to a specific site or sites, please provide the address or identify the area:
To completely remove the PIKO/SHAND (RICCARTON BLOCK) STATE HOUSING HERITAGE AREA from PC13 or reduce it in size to something like the 5 most important houses in terms of heritage, and make the area HRZ zone.

My submission is that:
I oppose the PIKO/SHAND (RICCARTON BLOCK) STATE HOUSING HERITAGE AREA because it is very close to the Riccarton road public transport corridor which is one of the most important public transport corridors in the city. It is also the proposed route for the future MRT line so it is very important to allow higher density of homes to be built in this area. I do not believe the heritage value of the state houses in the area comes close to the importance of allowing more people to live close to the Riccarton road public transport corridor. The area is also surrounding a number of green spaces including the great Harrington park. The Piko/Sahnd heritage area would also limit the number of people who can live a short walk from this park which is another reason I oppose it.



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**Submission from Waka Kotahi on the Housing and Business Choice Plan Change 14 by
 Christchurch City Council in response to the National Policy Statement on Urban Development
 2020 and the Resource Management (Enabling Housing Supply and Other Matters) amendment
 Act 2021**

12 May 2023

Christchurch City Council
 PO Box 73012
 Christchurch 8154

Email: engagement@ccc.govt.nz

Name of submitter: The New Zealand Transport Agency (Waka Kotahi)

This is feedback on Christchurch City Council's (**Council**) Plan Change 14 to implement the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Medium Density Residential Standards (**MDRS**) under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**HSAA**).

Waka Kotahi role and responsibilities

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (**LTMA**). The objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

Waka Kotahi interest in this proposal stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.
- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.

Government Policy Statement on Land Transport

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (**GPS**). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. For these reasons, Waka Kotahi seeks full utilisation of the tools available to Council to enable development in the most accessible urban areas.

Waka Kotahi view on the Plan Change

Waka Kotahi supports the intent and content of the National Policy Statement on Urban Development (NPS-UD). This Policy Statement recognises the national significance of having well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. The NPS-UD has a strong focus on ensuring that increased densities are provided in the most accessible parts of urban areas, where communities are able to access jobs, services and recreation by active and public transport modes.

Waka Kotahi also supports the requirements of the HSSA. It seeks the full implementation of these requirements, including the introduction of the Medium Density Residential Standards (MDRS) and related provisions in eligible zones. These standards should only be modified to accommodate qualifying matters and should be modified only to the extent required to accommodate these matters. Qualifying matters must be supported by a strong evidence base to ensure a robust application.

Christchurch City Council is a Tier 1 authority and Waka Kotahi has provided initial feedback during early consultation to the plan change. Waka Kotahi was **generally supportive** of the proposed changes and provisions put forward by the Council, but it is noted that further amendments, including additional qualifying matters, have been included in the proposed plan change as notified.

The view of Waka Kotahi on specific topics are set out in the following paragraphs. These views are supported by the text in Table 1, which outlines the key points of feedback where further clarification or amendments are sought. Waka Kotahi also seeks such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

The application of 'walkable catchment' & application and distribution of densities

Policy 3 of the NPS-UD sets out various requirements in respect of providing for increased densities and heights in the Central City, Metropolitan Centre Zones, and walkable catchments from existing and planned rapid transit stops, the edge of City Centre Zones and the edge of Metropolitan Centre Zones. It also directs councils to amend other residential zones to enable building heights and densities of urban form commensurate with the level of commercial activity and community services in those zones.

Waka Kotahi generally supports the approach of a 200m walkable catchment from the edge of Local Centres (medium), a 400m walkable catchment from the edge of Town Centres and Local Centres (large), and a 600m walkable catchment from the edge of Large Town Centres (Papanui, Hornby and Riccarton). The Centres within a 400 walkable catchment provide for an enabled height of 20m (up to six storeys), while the Large Town Centre enables heights of 20m (up to six storeys) for residential activities and 22m for commercial activities. The Centres within a 200m walkable catchment provide for an enabled height of 14m (up to 4 storeys). It is considered that the density and building heights are appropriate.

However, the extent of the City Centre walkable catchment of 1200m is not sufficient with the level of commercial activity and community services within this centre type. It is recommended that a walkable catchment of 1500m be provided as this will enable the realisation of benefits associated with high densities and will support existing and future public and active transport mode initiatives.

Waka Kotahi considers that Council should take a long-term, enabling view of development of the City Centre that will enable sufficient housing capacity in close proximity to the centre of the South Island's largest city. Increasing the walkable catchment to 1500m can provide for this capacity and it will better utilise the transport system and associated infrastructure. Waka Kotahi also considers that the maximum enabled height of 32m (10 storeys) for residential activities should be applied to the City Centre, rather

than the current proposed approach with two heights (32m in the immediate surrounds, then 20m thereafter).

Assessment of Residential Character Areas

The Council has proposed Residential Character Areas as a qualifying matter, which provides for protection of areas with character values. Some of these areas are highly accessible to active transport modes and public transport, and within walkable catchments of centres. There are also Character Areas proposed in locations that are required by the NPS-UD to enable the most development in these locations. Waka Kotahi does not support the approach taken as it runs counter to the intent of the HSAA and NPS-UD.

The Council proposes to introduce a resource consent requirement as a restricted discretionary activity to protect Residential Character Areas, which provides for a potential pathway to allow some intensification where demolition, the design of a new house or changes to an existing house maintain the requirements for the Residential Character Area. Many of the matters of discretion relate to amenity values within the Residential Character Areas. However, this also allows for the Council to decline a resource consent where this is not met, and the provisions as notified would significantly restrict the ability to utilise the development capacity provided for by the zoning.

Waka Kotahi considers that the extent and nature of Residential Character Area overlays are contrary to the purpose of the NPS-UD, particularly as objective 4 requires that 'New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, including their amenity values', and policy 6 which requires that planning decisions have particular regard to a number of matters including significant changes to an area and that those changes may detract from existing amenity values but such changes are not, in of themselves an adverse effect. The Residential Character Areas do not allow a pathway to develop the site in accordance with the intended outcomes of the HSAA.

Special/residential character is but one aspect of urban development that needs to be carefully weighed up against the benefits of increased densities in these locations, including potential reduction in greenhouse gas emissions and vehicle kilometres travelled. The current s32 evaluations focus primarily on the character and amenity of the specific area. This approach is consistent with a strategic planning approach that considers the benefits and costs of different zoning provisions. Without such an evaluation of other matters that appropriately considers and weighs the extensive benefits of development in such areas, the opportunity cost of retaining Residential Character Areas will not be known.

Waka Kotahi opposes the current approach in relation to including Residential Character Areas as a qualifying matter. It is requested that further consideration is given to removing the Overlay altogether.

Qualifying matters

Waka Kotahi supports the use of qualifying matters where they are appropriate and are focussed to control only to the extent necessary where the level of MDRS intensification may not be appropriate. The Council has included several qualifying matters in addition to the Residential Character Areas that will reduce or limit housing capacity. The following qualifying matters are considered to not currently be suitable for managing housing capacity within Christchurch.

City Spine Transport Corridor

The City Spine Transport Corridor has been included as a qualifying matter, which relates to properties along and adjacent to both Riccarton and Papanui Roads. The intent of this qualifying matter is to ensure there is adequate space along these road corridors to enable amenity related outcomes sought by the draft 'Urban Forest Plan 2023'.

The qualifying matter is associated with rules in both the residential and commercial chapters of the Christchurch District Plan. In the residential chapter it requires that where the city spine corridor is less than 24m wide, then a no build setback of 4m from the road boundary shall apply, with no outdoor living located within 1.5m of this boundary. The commercial chapter requires a 1.5m setback from the road boundary. There is a pathway provided to allow buildings and outdoor living to be within the setback area via a resource consent as a restricted discretionary activity.

The matters of discretion (residential rules 14.15.1.j and commercial rule 15.14.5.3) require consideration of amenity, but also whether it can provide for sufficient opportunity to achieve integrated and multiple land use and infrastructure outcomes. This includes consideration of whether best practice guidelines can be achieved, two traffic lanes, pedestrian, cycle and public transport services; landscape amenity and tree planting; and stormwater retention and treatment facilities, residential street relationships and servicing, and CPTED principles. In addition, it also requires consideration of whether the lesser setback could impede widening of the road reserve through future designation and/or land acquisition.

Waka Kotahi generally supports the integration of land use and transport planning, including future provision of multi modal corridors but questions whether this is the most appropriate method for achieving these aims. Waka Kotahi also considers that this qualifying matter reduces the potential for development capacity along the City Spine Transport Corridor, by requiring consideration of potential road widening through designation and/or land acquisition where there are no confirmed or defined plans.

It is also considered that the City Spine Transport Corridor does not meet the requirements as a qualifying matter in the NPS-UD, as it does not achieve the need to balance the heights, densities and other standards of the MDRS against the need to manage those specific characteristics. Waka Kotahi considers that there are appropriate provisions in the District Plan that already achieve this. Therefore, Waka Kotahi opposes this qualifying matter and seeks that this be deleted.

Low Public Transport Accessibility Area

The Low Public Transport Accessibility Area qualifying matter has been introduced to limit the extent that MDRS would be enabled within Christchurch where residential areas are considered to have poor or limited access to public transport. Plan Change 14 seeks that MDRS only apply to areas where there are high frequency public transport routes and routes that connect commercial centres.

Waka Kotahi does not consider that the approach taken for this qualifying matter is appropriate and does not meet the threshold to be a qualifying matter under s771 in the HSAA. The qualifying matter takes a static approach to a dynamic system. If routes are altered or there is further investment to increase the number of routes and/or frequency of buses, then this would not be recognised within the District Plan and further plan changes would be required to remove the qualifying matter on particular residential properties. By upzoning land and increasing densities as per the HSAA, this would support more public transport opportunities in the future. Waka Kotahi opposes this qualifying matter and seeks that this be deleted.

In addition to above, a brief review of the residential areas that are subject to this qualifying matter was undertaken. It appears that several residential properties have been included within this qualifying matter where in fact they are located along key public transport routes. For example, in Richmond on the eastern side of North Parade, this area has been excluded from the MDRS due to the qualifying matter proposed where the Route 60 and the Orbiter bus routes run along North Parade with bus stops directly outside these properties. These are key routes to connect to the City Centre and to large commercial areas.

Waste Water Constraints Areas Overlay (Vacuum Sewer)

Plan Change 14 seeks to introduce a qualifying matter to restrict development in parts of Shirley, Aranui and Prestons where there are recognised constraints with the vacuum sewer systems. These waste water systems are at capacity and further intensification in these areas could not be supported via this existing infrastructure. An overlay has been included in the district planning maps to identify where these areas are located.

Waka Kotahi is generally comfortable with the approach taken with this qualifying matter given the constraints with the infrastructure. It is noted that the areas subject to this qualifying matter have not been 'down-zoned' and are proposed to be rezoned in accordance with MDRS, which provides for the increased density if any changes are made in the future to this infrastructure. Waka Kotahi supports this approach.

Intensification of the site consistent with the zoning can occur if the new activity or expansion does not discharge waste water to the vacuum sewer system. Where it does discharge to vacuum sewer system this is a restricted discretionary activity with consideration given to the capacity of the sewer system and

effects of the development on the sewer system and adjoining wastewater systems. As long as there is a consenting pathway, which there is as notified, then Waka Kotahi supports this approach.

Safe or Efficient Operation of Nationally Significant Infrastructure (Christchurch Airport)

A qualifying matter has been introduced to restrict intensification of residential properties that are subject to the Air Noise Contour in order to protect the safe or efficient operation of the Christchurch Airport. This is identified on the planning maps as 'Airport Noise Influence Area' overlay. It is noted that the residential properties subject to this qualifying matter have retained their original zoning (Residential Suburban Zone) and have not been updated to a MDRS zone.

Waka Kotahi does not support 'down-zoning' as a response to qualifying matters, as these residential properties should be consistent with the zoning sought by MDRS. The Airport Noise Influence Area overlay, technology or building materials may change overtime, which could reduce the need for restricting residential development. It is recommended that these properties be updated to reflect the MDRS Zoning while remaining subject to this qualifying matter, but provide for a consenting pathway where increased density can occur if they can address effects of noise associated with the operation of the airport.

Noise near state highways

PC 14 does not seek to change the noise provisions for 'sensitive activities near roads and railways' (currently 6.1.7.2.1 of the operative plan). It is also noted that these provisions are subject to a current Plan Change 5E (PC5E). Waka Kotahi made a submission on PC5E and produced evidence largely in support of the amendments to the provisions as the amendments improved clarity of the rule and aligned with Waka Kotahi guidance. The hearing for PC5E occurred in February 2023, and therefore timing wise, the updated provisions as a result of PC5E have not been reflected in PC14. Waka Kotahi is seeking confirmation that the noise chapter will be updated to reflect PC5E once the decision is released and has legal effect. Waka Kotahi supports the noise provisions (as updated by PC5E) remaining in place in PC14 within all zones, including MDRS, as the provisions are design standards to protect the health and amenity of occupants, and do not affect development capacity.

Comments from Waka Kotahi on other matters related to specific policies, objectives and rules not discussed above are included in Table 1 below.

Waka Kotahi thanks Christchurch City Council for the opportunity to make a submission on Plan Change 14. To discuss this submission, please contact Stuart Pearson at the address for service below.

Signature of the person authorised to sign on behalf of the submitter.

Address for service:

Waka Kotahi NZ Transport Agency

PO Box 1479

CHRISTCHURCH 8011

Attention: Stuart Pearson

Phone: (03) 964 2836

Email: stuart.pearson@nzta.govt.nz

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reasons	Relief Sought
		15.4.3.2.1 Maximum building height; Appendix 15.15.1 Town Centre Zone (Belfast/Northwood) Outline Development Plan		to incorporate MDRS into every relevant residential zone (not Open Space Zone). The s77O(f) matter is noted as being relevant for other councils where their District Plan does not include an Open Space zone and instead reserves often have a residential zoning. As with the Open Space Zones, Kāinga Ora note that the Ōtākaro ‘red zone’ area has been subject to detailed place-based assessment, with large-scale residential development not anticipated in this area.	
15.	Residential Character Areas	6.1A Qualifying matters Table 1 - Qualifying Matters - Provisions that may reduce the level of enablement of Medium Density Residential Standards and/or intensification enabled under Policy 3. 14.5.3.1.1 P4 Conversion to two residential units –	Oppose in Part	Kāinga Ora support, in principle, the management of character as a qualifying matter. However, Kāinga Ora does not consider appropriate justification has been provided for the proposed new or extended ‘character areas’ set out in PC13 and PC14 to demonstrate that they contain specific characteristics that	1. Delete all new or extended character areas as qualifying matters and undertake further analysis to determine the exact values of the resources that the Council seeks to manage in the District Plan. 2. For existing character areas retain the controlled activity status for new buildings that exists in the Operative Plan - Rule 14.5.3.1.2 C1.

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reasons	Relief Sought
		Character Area Overlays 14.5.3.1.2 C1 Character Area Overlays – new residential units to rear 14.5.3.1.3, RD6, RD14 Area-specific rules and character overlays. 14.5.3.2.3 Building height – Character Area Overlays. 14.5.3.2.5 – 14.5.3.2.14 Built form rules – Character Area Overlays. 14.15.27 Matters of discretion - Character Area Overlays. 14.8.1.1 P18 – Conversion to two residential units –Lytelton Character Area. 14.8.3.1.1 P5 – Minor residential unit in Lyttelton Character Area or Lyttelton Residential Heritage Area.		make the level of development provided by the MDRS or policy 3 inappropriate in the area. Further, they blur the line between the protection of historic heritage values as set out under s6(f) of the RMA, and amenity values as set out under section 7 of the RMA. This is especially the case where both character and heritage area overlays apply to the same geographic area. Kāinga Ora questions the planning method and assessment undertaken to determine the proposed provisions. Kāinga Ora considers that any such provisions and values identified should be ‘managed’ rather than ‘protected’ in the District Plan. Kāinga Ora seeks the provisions as proposed are deleted and that further analysis is undertaken to determine the exact values of the resources that the Council	14.5.3.2.3 Building height – Character Area Overlays, and 14.5.3.2.5 – 14.5.3.2.14 Built form rules – Character Area Overlays. 3. In the event that the Character Area qualifying matter remains, explicit provision is sought for the ability to develop Papakāinga/Kāinga Nohoanga, noting that local Rūnanga have purchased the former Lyttelton West School Site.

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reasons	Relief Sought
		14.8.3.1.2 C3 – New residential unit to rear Lyttelton Character Area. 14.8.3.1.3 RD3 – Lyttelton Character Overlay – new buildings, alterations etc. 14.8.3.1.3. RD5-RD7, RD9 – not meeting Lyttelton Character Area or Residential Heritage Area built form rules 14.8.3.1.3 RD8, RD10 –not meeting Lyttelton Character Area built form rules. 14.8.3.1.3 RD11 - Lyttelton Character Area or Lyttelton Residential Heritage Area – not meeting minor residential units rules. 14.8.3.2.2 –14.8.3.2.6 Built form rules – Lyttelton Character Area or Lyttelton Residential Heritage Area. 14.8.3.2.7 – 14.8.3.2.12 -Built form rules – Lyttelton Character Area only.		seeks to manage in the District Plan.	

CHRISTCHURCH DISTRICT PLAN

PLAN CHANGE 14

HOUSING AND BUSINESS CHOICE

PLANNING OFFICER'S REPORT OF ELIZABETH (LIZ) JANE WHITE UNDER SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991

Residential Character Areas Qualifying Matter

11 AUGUST 2023

Plan review process, been identified as being outweighed by the benefits of maintaining the values of these areas. I do not consider that this is altered through PC14.

- 8.2.4 Johnny Phelan (S436.1) seeks that Roker Street, west of Selwyn Street is excluded from the Roker Character Area, as while the tree lined part of Roker Street (east of Selwyn Street) has good character, Roker Street west of Selwyn Street is not tree lined and in the submitter's view does not have any special character features whatsoever. The submitter considers that it would be better if more people can live on West Roker Street and be nearby and enjoy the look of tree-lined East Roker Street. I note that the proposed Roker RCA does not extend to the west, beyond Selwyn Street, so it appears that the RCA aligns with what the submitter has requested in any case.
- 8.2.5 With respect to the Cashmere RCA, Cameron Matthews (S121.6) is concerned with not allowing increased density in this location, where public transport service provision is good, and that this might encourage growth in locations that are less suitable in terms of local business and employment, and public and active transport access. The submitter considers that this is contrary to NPS-UD, specifically: Objective 8(a); Policy 1(3); Policy 1(c). They also consider that there is an assumption that applying the MDRS would lead to removal of front gardens or retaining walls at the street, or building materials and features which define the character of the area not being used.
- 8.2.6 With respect to Beckenham RCA, Cameron Matthews (S121.6) considers that there is "*nothing special about the housing in this area*" that is not also found in Somerfield, or other areas built before 1930. The submitter considers that the character is not special enough to warrant retention of low-density housing in an area proximate to the city centre and with good public and active transport provision.
- 8.2.7 In relation to Roker RCA, Cameron Matthews (S121.6) considers that there is nothing special about the character of this area that would be negatively affected by increased housing density. In particular, the submitter considers that the particularly valuable character of these areas is the regular lining of mature street trees rather than the built form, which the proposed Character Area does not propose to protect. They also consider that the proximity of this area to key cycling routes makes the area suited to increased density.
- 8.2.8 Jono De Wit (S1053.2) opposes the RCA for Piko, due to its close proximity to the Riccarton Road public transport corridor and the surrounding areas of green spaces. The submitter notes that this is one of the most important public transport corridors in the city and the proposed route for the future MRT line, and does not consider that the heritage value of the state houses in the area is as

met by removing Beverley and Ranfurly as RCAs, and also rezoning them to HRZ. The latter recommendation reflects that were they not identified as RCAs, this is the zoning that would have otherwise applied, and therefore removal of the RCA goes hand in hand with application of HRZ. I therefore broadly agree with the submission of Waka Kotahi, as while they did not identify specific RCAs to be removed, I agree that when balancing the special character against the benefits of increased density in these locations, removal of the RCA in these two instances is appropriate. In terms of s32AA of the RMA, because I consider that the removal of the Beverley and Ranfurly as RCAs is more consistent with the higher order direction in the NPS-UD and CRPS, I consider that their removal is the most appropriate way to achieve the purpose of the RMA.

- 8.2.26 For Englefield, I note that a large portion of the proposed RCA is also located within an RHA, and Heaton is also almost entirely located within an RHA. Piko RCA is entirely located within a RHA. I also note the request made by CIAL to extend the Airport Noise Contour QM, which would also apply to this RCA, and which I understand would have the effect of retaining the density applying under the current underlying zoning.
- 8.2.27 Because of the RHA, removal of these RCAs would have limited impact in terms of enabling greater built form within those areas, because the provisions applying to RHAs reduce the permitted level of built form in these areas from those of the MDRS. In particular, while removal of the RCA from these areas would remove the requirement for resource consent to be obtained under Rule 14.5.3.1.2 C1 or Rule 14.5.3.1.3 RD14, in any case, the built form would still be limited, and a restricted discretionary consent would be required under the framework applying within RHAs. Similarly, if the IHP recommend accepting the request to extend the Airport Noise Contour, increased density in the Piko RCA would also be otherwise limited by this.
- 8.2.28 Therefore, while in principle I agree with removing the RCA from Englefield for the same reasons as apply to Beverley and Ranfurly, its removal would have limited impact in terms of built form within those areas which are within the RHA. I therefore consider it appropriate to retain the RCA as its removal would not provide for any greater intensification opportunities, and its application would allow for character values as well as heritage values to be considered in any consent process.
- 8.2.29 I have also considered whether it would be more appropriate to reduce the Englefield RCA to align with the boundary of the RHA. I note that Ms Rennie's evidence on this is that those properties which are within the proposed RCA but outside the RHA are predominately classified as Primary sites, and those at the end of Hanmer Street are important in providing a "sense of arrival" and visual transition into the area, and that if the Armagh/Hanmer Street corner properties are

removed they would isolate the properties to the east. Because of this, she considers that retaining the current boundary is important to maintain the integrity of the RCA as a whole. I also note that the additional density that might be enabled from removal of these few properties from the RCA will be limited. On balance, I consider that the benefits of maintaining the integrity of RCA as a whole outweigh the limited intensification that might be enabled if they were removed from the RCA. I further note that other sites in this area adjoining the RHA are included in the Residential Heritage Area Interface. Therefore, if the IHP were minded to reduce the extent of the RCA to align with the RHA, I would recommend that further consideration be given as to whether the Residential Heritage Area Interface should be applied to some of these sites instead.

- 8.2.30 With respect to the Piko and Heaton RCAs, as they are also within the RHA, I see no practical benefit in removing the RCA.³⁹ I therefore recommended that these RCAs are retained as their removal would not provide for any greater intensification opportunities, and their retention would allow for character values as well as heritage values to be considered in any consent process.
- 8.2.31 For completeness, while my recommendation is that these RCAs are retained because of the RHA, if the IHP comes to a different view, then I consider that further thought and assessment would need to be given to what the most appropriate approach to Heaton is, given it would not fall entirely within an area that would otherwise be HRZ. More specifically, reducing the RCA to remove those areas which would otherwise be HRZ would likely undermine the integrity and coherence of the RCA, because it would leave only a few properties within it, making it much smaller than any other RCAs.⁴⁰ I consider that further thought would be required as to whether that provides appropriate justification to remove the RCA entirely, or whether, in order to preserve the character, it would be more appropriate to retain the whole RCA.
- 8.2.32 I understand that changes recommended to the walking catchment from the Shirley Town Centre Zone by Mr Kleynbos mean that the north-eastern part of the Dudley RCA would also, in absence of the RCA, become HRZ. Ms Rennie has considered, in her evidence, the impact that removing the north-eastern portion within the 600m walking catchment would have on the RCA. She notes that removal of these properties does not affect the overall make-up of the RCA, with respect to the percentage of primary and contributory sites, and their removal would not compromise the overall integrity and cohesiveness of the remaining area. Given this, I recommend that if the walking

³⁹ For completeness I note that western-most site in the Heaton RCA is not within the RHA, but I have separately recommended (refer below) that this site is removed from the RCA.

⁴⁰ It is noted that the smallest RCA is 20 sites (Section 32 Report, Part 2 – Qualifying Matters (District Plan Chapters 6, 8, 9, 13, 14, 18): Appendix 21, *Investigation of Qualifying Matters – Ōtautahi Christchurch Suburban Character Areas*, Boffa Miskell Ltd, 1 June 2022, p. 3.)

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

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

**OPENING LEGAL SUBMISSIONS FOR CHRISTCHURCH CITY COUNCIL
STRATEGIC OVERVIEW HEARING**

Dated: 3 October 2023

BUDDLE FINDLAY

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2.61 The Court was not satisfied that inclusion of the site as wāhi tapu supported or was consequential on the MDRS.⁵⁵ The Court stated:⁵⁶

"Changing the status of activities which are permitted on the site [relating to earthworks and fencing] goes well beyond just making the MDRS and relevant building height or density requirements less enabling as contemplated by s 77I. By including the Site in Schedule 9, PC2 "disenables" or removes the rights which WLC presently has under the District Plan to undertake various activities identified in para 55 as permitted activities at all, by changing the status of activities commonly associated with residential development from permitted to either restricted discretionary or non complying."

2.62 It concluded that *"amending the District Plan in the manner which the Council has purported to do is ultra vires"*.⁵⁷

2.63 This decision has been appealed and it is counsel's understanding that this case is to be heard in February 2024. While it is possible that the High Court may have released a decision prior to the Panel's report being released, that seems unlikely.

Council's position on Waikanae

2.64 Council's position is that:

- (a) The Environment Court has taken very narrow reading of section 80E.
- (b) QMs that amend the status quo can and do fall for consideration under section 80E, including where existing development rights are constrained.
- (c) The Panel is not bound to follow the Environment Court decision.

2.65 Under section 80E(1)(a) the IPI must incorporate the MDRS and give effect to both policies 3 and 4.

2.66 QMs are a fundamental component of incorporating the MDRS. MDRS is defined as *"the requirements, conditions, and permissions set out in Schedule 3A"*.⁵⁸ Schedule 3A is more than just the density standards. The MDRS includes the objectives and policies that local authorities are directed to insert into their plans including objective 1 concerning the need for a *"well-functioning environment"* and policy 2 which explicitly provides that the MDRS is to be applied *"except in circumstances where a qualifying matter is relevant"*.

⁵⁵ Ibid, at [30].

⁵⁶ Ibid, at [31].

⁵⁷ Ibid, at [32].

⁵⁸ Section 2 RMA.

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

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:**

RESIDENTIAL ZONES

Dated: 26 October 2023

BUDDLE FINDLAY

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- (b) residential zoning can be applied in policy 3 areas.
- 6.11 As a result, through PC14, extensive areas of RNN Zone are proposed to be zoned MRZ and HRZ and a number of ODP constraints are to be removed.
- 6.12 Some submitters have sought the re-zoning of land from Rural Urban Fringe and FUZ (ie undeveloped greenfield areas) to MRZ. Such requests are not "on" the plan change and not therefore within the scope of PC14. Those areas are not relevant residential zones, nor policy 3 areas, and the Council has not proposed any change (other than the naming of FUZ in those areas). People potentially affected by such upzoning may reasonably have assumed that rural areas would not be subject to change through PC14.

Potential implications of *Waikanae Land Company* decision

- 6.13 The implications of the recent Environment Court decision, *Waikanae Land Company v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056 (***Waikanae***), 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.
- 6.14 The following provisions are potentially affected by *Waikanae*, because they impose additional controls or restrictions that affect pre-existing development rights:
- (a) Riccarton Bush interface QM. As noted above, recommended refinements to this QM would reduce the controls that would otherwise have affected *status quo* development rights. The only proposed control now that is somewhat more stringent than the operative provision relates to a side yard setback, to ensure that viewshafts to the Bush down residential driveways remain possible.¹⁷
 - (b) All new RHAs including their associated rules. These rules change the activity status for building, altering buildings or demolishing in RHAs from permitted in the operative District Plan, to restricted discretionary, and include some building height and density

¹⁷ Similarly, a potential issue regarding St Teresa's school is now proposed to be addressed by retaining the operative zoning of and controls on that site. Likewise, recommendations by Ms Ratka to change the residential / industrial interface QM controls ensure that *status quo* rights are retained.

requirements that are less enabling than the MDRS for the relevant residential zones. The provisions at issue are listed at paragraph 10.1.5 of Ms Glenda Dixon's section 42A report. While the relevant provisions have taken immediate legal effect under both PC13 and PC14,¹⁸ and it would be possible to consider the RHA provisions that are not directly density-related in PC13 rather than PC14, Council's preference is that the RHA provisions are considered by this Panel as an integrated whole.

- (c) Provisions relevant to RCAs including those related to:
 - (i) application of an RCA to new or extended areas to which the current Character Area Overlay does not apply (all of Bewdley, Roker and Ryan RCAs and parts of the Beckenham and Lyttelton RCA);
 - (ii) the activity status applying to building works within all RCAs, which in most cases will change from controlled to restricted discretionary (in particular, amendments to 14.5.3.1.2 C1 and introduction of 14.5.3.1.3 RD14); and
 - (iii) the built form standards proposed, which in several cases are reduced (to be more restrictive) from those applying under the current underlying residential zone, and the addition of new standards (Rules in 14.5.3.2.1).
- (d) Proposed provision 8.6.2 provides 'no minimum net site area for allotments with existing or proposed buildings zoned RNNZ'. PC14 proposes to remove this provision which means that additional controls or restrictions that affect *status quo* / pre-existing development rights (as per the Operative District Plan) will be imposed.

6.15 Again, the Council considers that these provisions properly support or are consequential on implementation of the MDRS and policies 3 and 4, and are thus permissible facets of PC14.

¹⁸ Section 86B(3)(d).

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

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

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL
REGARDING MATTERS ARISING AT THE HEARING ON 15 APRIL 2024**

17 April 2024

BUDDLE FINDLAY

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Lawfulness of proposed demolition rules and related questions

Introduction

7. The Panel explained that the information requests set out above are underpinned by a desire to explore potential 'workarounds' regarding provisions in PC14 that propose to constrain *status quo* development rights currently enabled by the operative District Plan for Christchurch. This is in case the Panel considers the decision in *Waikanae Land Company Limited v Heritage New Zealand Pouhere Tāonga*⁷ (**Waikanae**) to have been correctly decided.

Waikanae was wrongly decided

8. To address first the Panel's specific question regarding the proposed rules controlling demolition of buildings within RHAs (and associated interface areas) and RCAs, those provisions are lawful for a number of reasons set out below. These reasons draw on various relevant principles set out in the opening legal submissions for the Council dated 3 October 2023,⁸ from paragraphs 2.48 to 2.78.
9. The first reason, in summary, is that *Waikanae* was wrongly decided, as considered to be the case by the independent hearing panels considering the intensification planning instruments in Kāpiti⁹ and Wellington¹⁰ (for example).
10. That is, section 80E of the Resource Management Act 1991 (**RMA**) allows a council to amend or include "*related provisions that support or are consequential on*" the medium density residential standards (**MDRS**) or policy 3. "*Related provisions*" may relate, without limitation, to qualifying matters or various other listed matters.
11. Consequential on having identified a matter that makes higher density inappropriate in an area (ie a qualifying matter), a Council is able to include or amend other "*related provisions*" where necessary and appropriate to achieve sensible planning outcomes, further higher-order objectives (including a well-functioning urban environment under objective 1 of the National Policy Statement on Urban Development), and promote the purpose

⁷ [2023] NZEnvC 56.

⁸ <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/00-Opening-Legal-Submissions-for-CCC.pdf>

⁹ As noted at paragraph 2.74 of counsel's opening legal submissions for the Council dated 3 October 2023.

¹⁰ See the discussion from paragraph 105 of Recommendation Report 1A: <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/decision-making-process-on-the-proposed-district-plan/briefing-1/ihp-recommendation-report-1a.pdf>

and principles in Part 2 of the RMA. This includes provisions that constrain *status quo* development rights.

12. Natural justice considerations do not arise where such provisions were clearly included in the plan change and therefore specifically advised to affected landowners.
13. That is a general reason why provisions in PC14 that seek to constrain *status quo* development rights (including the proposed rules controlling demolition of buildings within RCAs) are lawful.

Heritage protections took immediate legal effect on notification of PC13

14. There is an additional reason specific to provisions in PC14 that protect **historic heritage**, such as the proposed rules controlling demolition of buildings within RHAs and associated interface areas. That is, section 86B(3) of the RMA provides that a rule in a proposed plan has immediate legal effect if the rule protects historic heritage.
15. Plan Change 13 (**PC13**) contains provisions duplicating the heritage-related provisions in PC14, including the proposed rules controlling demolition.
16. PC13 was notified at the same time as PC14. At that time, the proposed rules controlling demolition took immediate legal effect, thus altering the previous *status quo* development rights insofar as they related to demolishing buildings in RHAs and associated interface areas.
17. The heritage-related demolition provisions therefore do not give rise to any *Waikanae*-related issue in **PC14**, because the PC14 provisions do not impose any additional restrictions on *status quo* development rights (as those rights were altered on notification of PC13).

Other options for recognising constraints

18. Turning to the Panel's more general questions, in some cases it may well be possible, technically speaking, to redraft proposed provisions seeking to extend qualifying matter protections to impose a (new) firm constraint on development, so that they become a matter of discretion or assessment matter, potentially with additional policy support.
19. In other cases that may be more difficult, such as the proposed provisions requiring consent to demolish a 'primary' or 'contributory' building within an RCA, which is currently a permitted activity under the operative District Plan.

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH
TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHĪ**

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

**REPLY BY THE CHRISTCHURCH CITY COUNCIL TO MATTERS ARISING
DURING THE HEARING OF SUBMISSIONS ON PROPOSED PLAN CHANGE 14**

17 May 2024

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10.57 Various details about the proposed RHAs, including the relationship between RHAs and RCAs, were provided in response to request #42 from the Panel.²⁴² Ms Dixon also submitted two supplementary evidence briefs to the Panel, in response to Panel requests, which respectively explain how the RHA rules work²⁴³ and the consultation process undertaken in respect of landowners whose properties are within the proposed RHAs and RCAs.²⁴⁴

Relevance of certificates of compliance

10.58 The relevance of certificates of compliance to demolish certain buildings within proposed RHAs (and RCAs) was a matter addressed in evidence and discussed at the hearings.

10.59 In legal submissions, Counsel for Kāinga Ora cites *Queenstown Lakes District Council v Hawthorn Estate Ltd*²⁴⁵ (**Hawthorn**) as support for the proposition that the 'environment' encapsulates how a site might develop in the future pursuant to permitted activities or unimplemented resource consents.²⁴⁶ However, *Hawthorn* was decided in the context of resource consents, and the High Court in *Shotover Park Ltd v Queenstown Lakes DC* found that *Hawthorn* can be distinguished in a plan change context.²⁴⁷

10.60 The Council's position remains that such certificates should have no bearing on the identification of an RHA (or RCA), because they do not alter the heritage values of the RHAs (or character values of the RCAs) at the current point in time, and there is no certainty that demolition will occur.

Demolition controls

10.61 The inclusion of demolition controls in PC14 makes the provisions more restrictive than those in the operative District Plan, as it was prior to notification of PC14. These controls are needed, however, because if the Plan does not discourage demolition, the RHAs and RCAs would lose their effectiveness. Any RHA or RCA in a favourable location in respect of proximity to centres, and public transport routes would be at significant risk of its values being compromised. If it was too easy to demolish buildings, especially defining or primary buildings, there would be a considerable

²⁴² The most up-to-date version of this response is attached as **Attachment 10** to this reply.

²⁴³ [Supplementary Statement of Evidence of Glenda Dixon on behalf of Christchurch City Council](#), dated 29 November 2023.

²⁴⁴ [Supplementary Statement of Evidence of Glenda Dixon on behalf of Christchurch City Council](#), dated 14 December 2023.

²⁴⁵ [2006] NZRMA 424 (CA).

²⁴⁶ [Legal submissions for Kāinga Ora – Residential provisions and related qualifying matters](#), 22 November 2023 at 5.5.

²⁴⁷ [2013] NZHC 1712, at [115].

decrease in the overall quality of these areas over time. As Ms Dixon explained in her summary statement, a revised policy is now proposed for demolition in RHAs, which now differs from that for scheduled heritage items.²⁴⁸

10.62 The Panel asked the Council to address the lawfulness of proposed rules controlling demolition of buildings in RHAs and RCAs, particularly in the context of the decision in *Waikanae*. As explained in the memorandum of counsel for the Council of 17 April 2024:

- (a) *Waikanae* was wrongly decided (the reasons why this is the case are reiterated above);
- (b) In respect of RHAs, section 86B(3) of the RMA provides that a rule in a proposed plan has immediate legal effect if the rule protects historic heritage. PC13 contains provisions duplicating the heritage-related provisions in PC14, including the proposed rules controlling demolition. PC13 was notified at the same time as PC14. At that time, the proposed rules controlling demolition took immediate legal effect, thus altering the previous *status quo* development rights insofar as they related to demolishing buildings in RHAs. Section 80E of the RMA allows a council to amend or include "*related provisions that support or are consequential on*" the MDRS or NPS-UD policy 3. "*Related provisions*" may relate, without limitation, to qualifying matters or various other listed matters. Demolition controls are central to maintaining the integrity of RHAs and RCAs and can validly be related provisions.

RHA interface QM

10.63 The Council also proposes an RHA interface QM. This would require consent as a restricted discretionary activity for any new building over 5m on a site zoned HRZ or Residential Visitor Accommodation Zone which shares a boundary with an RHA.

10.64 Kāinga Ora and Carter Group have argued that RHA interface areas and the associated rule are not justified to mitigate the adverse effects of new buildings on the heritage values of sites within the adjoining RHAs. However, as Ms Dixon explained to the Panel, the existing urban design assessment matters will not adequately consider the heritage context of RHA sites. The

²⁴⁸[Glenda Dixon summary statement](#), 1 November 2023, at paragraph 17.

proposed rule is not overly onerous, with proposed matters of discretion being limited to the impact on heritage values and visual domination or effects on views of the sites in the heritage area.

RCAs

10.65 RCAs are neighbourhoods that are distinctive from their wider surroundings, and which are considered to have a special character in the context of Ōtautahi Christchurch that, on the whole, is worthy of retention.

10.66 As part of the development of PC14, a comprehensive review was undertaken to consider carefully if the RCAs contained in the Operative District Plan continued to have a level of integrity and character worthy of retaining.²⁴⁹ Additional areas put forward in public feedback were also investigated. As a result, in summary the Council proposed to remove two of the 15 existing RCAs (Esplanade and Clifton) and reduce the extent of eight others (Cashmere, Beckenham, Piko, Heaton, Malvern, Francis, Dudley, Englefield).

10.67 Three new areas (Bewdley, Roker, and Ryan) are also proposed through PC14, as are expansions to two existing RCAs (Beckenham and Lyttelton).²⁵⁰

10.68 In response to submissions received, a further RCA – Cashmere View – was recommended in the section 42A report to be included.²⁵¹ Based on the updated evidence presented by Ms Nikolau (submitter 1054) and a reassessment of the relevant area by Ms Rennie, the Council now supports an alteration to the boundary of the Cashmere View RCA to also include Fairview Street.

10.69 Conversely, Ms White has recommended the removal of two RCAs (Beverley and Ranfurly), as on balance, she considers the objectives of the NPS-UD and CRPS are better met because of the benefits of increased density in these locations.²⁵²

10.70 Amendments to certain RCA provisions are proposed through PC14. As Ms White explained to the Panel, the retention of the current controlled activity status for most building works will not be sufficient to maintain the character

²⁴⁹ Section 32 Report, Part 2 – Qualifying Matters (District Plan Chapters 6, 8, 9, 13, 14, 18): [Appendix 21, Investigation of Qualifying Matters – Ōtautahi Christchurch Suburban Character Areas](#), Boffa Miskell Ltd, 1 June 2022; [Appendix 22, Investigation of Qualifying Matters – Ōtautahi Christchurch Suburban Character Areas – Stage 2A Addendum Report](#), Boffa Miskell Ltd, 22 July 2022; [Appendix 23, Investigation of Qualifying Matters - Lyttelton Character Area](#), Boffa Miskell Ltd, 22 July 2022.

²⁵⁰ [Liz White Section 42A report](#), 11 August 2023 at 6.1.4.

²⁵¹ [Liz White Section 42A report](#), 11 August 2023 at 8.3.7.

²⁵² [Liz White Section 42A report](#), 11 August 2023 at 8.2.25.

values of these areas and would likely lead to a loss in the integrity and cohesiveness of the RCAs.²⁵³ A change from controlled to restricted discretionary activity status for most building works, along with the inclusion of RCA specific built form standards would be more effective in achieving the relevant objectives of the Plan in relation to RCAs.²⁵⁴

10.71 In summary, the RCA provisions proposed in PC14:

- (a) appropriately support the distinctive and special character values of these areas;
- (b) promote the maintenance and enhancement of amenity values relating to those character values (i.e. which is relevant as a section 7(c) RMA matter to which particular regard must be had) – as explained above, the Panel is entitled to consider amenity implications through an IPI;
- (c) support the relevant CRPS and District Plan objectives and policies;²⁵⁵ and
- (d) limit intensification only to the extent necessary to accommodate the RCA qualifying matter and affect a relatively small proportion of the relevant residential zones and will have a minimal effect on housing capacity given the lack of any particular development capacity issue in Ōtautahi Christchurch, as explained above.

10.72 Some of the issues relating to RCAs discussed through the hearings are the same as for RHAs (namely, in terms of certificates of compliance, consultation, and demolition controls). These matters are addressed in the RHA section above.

10.73 The Panel also had a number of questions regarding the overlap between RCAs and RHAs which, in addition to oral answers, were responded to in the Council's further information responses.²⁵⁶

10.74 In summary, while there is some geographic overlap between RHAs and RCAs in some locations, they have been identified on different criteria and serve a different purpose. Given this, the Council does not consider it is appropriate to combine these two types of areas. However, density and built

²⁵³ Liz White Section 42A report, 11 August 2023 at 8.4.19.

²⁵⁴ Liz White Section 42A report, 11 August 2023 at 8.4.27.

²⁵⁵ In particular, Objectives 6.2.2 and 6.2.3 of the CRPS, and Objectives 3.37 (re-numbered 3.3.8 through PC14), 14.2.3 and 14.2.5 of the District Plan.

²⁵⁶ [Supplementary Statement of Evidence of Glenda Dixon on behalf of Christchurch City Council](#), dated 14 December 2023.

form rules have been aligned between the two types of areas, to jointly support the retention of existing built form and open space values.

Riccarton Bush interface QM

10.75 From the hearing the Panel will have gained a clear appreciation of the special nature and status of Pūtarikamotu / Riccarton Bush. It clearly merits protection from numerous standpoints relevant to section 6 of the RMA, notwithstanding its proximity to the Riccarton centre.

10.76 The Panel has heard from local residents, and from submitters from further afield, regarding this QM. Inevitably, a variety of views have been expressed; notably, most of the submitters (five out of seven) who live within the proposed interface area itself support the QM (or want the protections to be strengthened further).²⁵⁷

10.77 The proposed controls have been refined through the process, including through expert conferencing on landscape matters between Dr Hoddinott for the Council and Ms Strachan for Kāinga Ora,²⁵⁸ to the extent that there is a high degree of consensus between the experts regarding the merits and details of the QM. Dr Hoddinott's rebuttal evidence addressed almost all concerns raised by Ms Strachan,²⁵⁹ including that 50% building site coverage should be allowed on sites zoned Residential Medium Density along Riccarton Road.

10.78 The key residual issue explored at the hearing related to viewshafts to the Bush. While the landscape experts agreed on the need for viewshafts to be protected, the workability of rules requiring at least 3m or 1m setbacks on either side of buildings came into question.

10.79 On reflection, the Council is now comfortable to retain the 1m operative side yard setbacks for the relevant properties. That is because the previously proposed rules would have been unlikely to lead to a uniform response, given that driveway locations along affected sites are inconsistent, with some are already fragmented by other accessory buildings or rear site development.

²⁵⁷ The relevant table of submitters requested by the Panel (request #41) is here:

<https://chch2023.ihp.govt.nz/assets/29-Nov-Council-Memo-Appendices/APPEND2.PDF>.

²⁵⁸ <https://chch2023.ihp.govt.nz/assets/Joint-Witness-Statements/Joint-Expert-Witness-Statement-of-Landscape-Experts-Putarikamotu-Riccarton-Bush-Interface-Area-27-September-2023.pdf>.

²⁵⁹ <https://chch2023.ihp.govt.nz/assets/Rebuttal-Council/30.-Rebuttal-Evidence-Wendy-Hoddinott.pdf>.

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

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

UNDER the Resource Management Act 1991 (the **RMA**)

AND

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

**STATEMENT OF REBUTTAL EVIDENCE OF ELIZABETH JANE WHITE ON
BEHALF OF CHRISTCHURCH CITY COUNCIL**

RESIDENTIAL CHARACTER AREAS QUALIFYING MATTER

Dated: 9 October 2023

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EXECUTIVE SUMMARY

1. This rebuttal evidence addresses two matters raised in relation to the approach taken to Residential Character Areas (**RCAs**) in the evidence of Mr Tim Joll on behalf of Kāinga Ora.
2. The first relates to whether it is appropriate to amend the methodology used for classifying sites in RCAs to re-classify sites for which a Certificate of Compliance (**CoC**) has been issued for demolition. I do not agree with re-classifying sites on the basis of a CoC given that a CoC simply reflects the current permitted activity status for demolition within these areas and would apply to all sites within these areas. Instead, I agree with the classifications being based on the contribution the existing built form makes towards the character values of each area.
3. The second matter relates to clarifying my position in relation to where RCAs and Residential Heritage Areas (**RHAs**) overlap. More specifically, I do not consider that the identification of an area as an RHA has any bearing on the assessment of whether an area meets the criteria for being an RCA. Rather, I consider that where an RHA and RCA overlap, removing a RCA to allow for intensification (despite it meeting the criteria) would have limited impact in terms of enabling further intensification because of the restrictions imposed by virtue of it also being an RHA.

INTRODUCTION

4. My name is **Elizabeth (Liz) Jane White**. I am a self-employed planning consultant.
5. I prepared a planning officer's report pursuant to section 42A of the Resource Management Act 1991 (the **Act / RMA**) dated 11 August 2023 (**Section 42A Report**). My Section 42A Report considered the issues raised by submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**), and made recommendations in response to the issues that emerged from those submissions, as they applied to the RCA Qualifying Matter.
6. I have the qualifications and experience set out at paragraphs [2.1.2] – [2.1.3] of my Section 42A Report dated 11 August 2023.

7. I repeat the confirmation given in my Section 42A Report that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

8. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my Section 42A Report, including the evidence of Mr Joll on behalf of Kāinga Ora.
9. In this evidence I respond to the following issues raised in the evidence of Mr Joll:
 - (a) Whether CoCs should be considered in the assessment of classifying sites within RCAs; and
 - (b) The relevance of RHAs when considering the extent of RCAs.

CONSIDERATION OF CERTIFICATES OF COMPLIANCE

10. In his evidence, Mr Joll states that the methodology applied to assessing RCAs does not take into account unimplemented resource consents or CoCs, noting that Kāinga Ora holds a CoC which provides for the demolition of buildings on approximately 20 sites within RCAs.¹ He considers that as these buildings can be demolished without the need for any resource consent, they should be classified as 'Neutral' rather than 'Primary' or 'Contributory'.² This issue was not raised in the submission of Kāinga Ora.
11. The CoC issued for demolition reflects that in the District Plan, demolition in RCAs is not controlled (i.e. it is permitted). Using Mr Joll's argument, as any building in an RCA could currently be demolished without the need for a resource consent, all sites would be classified as 'Neutral' and as such, there would be no RCAs. I therefore do not agree that the sites for which a CoC has been granted should be re-classified given that currently the buildings remain on-site and have been appropriately assessed as to whether the built form (in combination with landscape elements) define (Primary), or support (Contributory) the character of an area.

¹ Statement of Evidence of Tim Joll on behalf of Kāinga Ora – Homes and Communities, 20 September 2023, at [9.21].

² Ibid.

THE RELEVANCE OF RESIDENTIAL HERITAGE AREAS

12. Mr Joll disagrees with my evidence that “*removing specific Character Areas would have limited impact in terms of enabling greater built form within those areas, because the provisions applying to Residential Heritage Areas reduce the permitted level of built form in these areas from those of the MDRS.*”³ He states that whether an area may appropriately be considered a RHA is irrelevant to whether it is also a RCA, as the two have different methodologies and seek to achieve different purposes.⁴
13. I agree with Mr Joll that the identification of RHAs and RCAs have different methodologies and serve a different purpose. However, the areas where I was considering the appropriateness of removing the RCA overlay are areas that do meet the criteria for being RCAs and could therefore be identified as such. My consideration was about whether the location and suitability of RCAs for intensification outweighed the need to preserve character in those areas, when considering the outcomes sought in the NPS-UD, CRPS and District Plan as a whole. The point I was making was that because an RHA also applies to certain areas where this might otherwise be the case, removing the RCA would not allow for intensification enabled by the aforementioned planning documents to occur and therefore no real benefit (in terms of enabling development) would arise from removing the RCA from these areas.

Liz White

9 October 2023

³ This was in my Section 42A Report at [8.2.27] and [8.2.30].

⁴ Statement of Evidence of Tim Joll on behalf of Kāinga Ora – Homes and Communities, 20 September 2023, at [9.23].

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

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

UNDER the Resource Management Act 1991 (the **RMA**)

AND

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

**STATEMENT OF REBUTTAL EVIDENCE OF DR ANN MCEWAN ON BEHALF
OF CHRISTCHURCH CITY COUNCIL**

QUALIFYING MATTERS: HERITAGE AND RESIDENTIAL HERITAGE AREAS

Dated: 9 October 2023

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EXECUTIVE SUMMARY

1. My rebuttal principally responds to heritage assessment matters raised in the statement of evidence provided by Mr John Brown on behalf of Kāinga Ora. I also touch briefly on the evidence of Mr Tim Joll on behalf of Kāinga Ora, Mr Jeremy Phillips on behalf of Carter Group Limited and Ms Catherine Boulton on behalf of Christ's College.
2. My evidence seeks to provide clarity and address inaccuracies in relation to:
 - (a) The interpretation and application of section 6(f) of the Resource Management Act 1991 (**RMA**). In my view 'the protection of historic heritage resources' provided by this section is not limited to nationally significant resources as stated by Mr Brown and others.
 - (b) The scope of the identification of Heritage Areas (**HAs**). For clarity, HAs are not limited to residential areas, they need not include individual heritage items of significance, and nor must they distinguish between highly significant and significant areas.
 - (c) Mr Brown's and Mr Phillip's assertions of a lack of comparative analysis in identifying HAs, concerns about clarity and consistency in the Residential Heritage Area (**RHA**) assessments and methodology used, and issues about the relevance of Certificates of Compliance (**CoCs**) in assessing heritage values.
 - (d) The meaning of various terms and the processes for assessing and categorising HAs.

INTRODUCTION

3. My name is **Dr Ann Elizabeth McEwan**. I am an independent heritage consultant and the principal of Heritage Consultancy Services.
4. I prepared a statement of primary evidence on behalf of Christchurch City Council (**Council**) dated 11 August 2023. My primary evidence addressed the identification of RHAs arising from the submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**).
5. I have the qualifications and experience set out at paragraphs 6, 7 and 10 to 13 of my primary evidence. I attended the expert conference for heritage on

21 September 2023 and am a signatory to the Joint Witness Statement that was produced following that conference.

6. I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

7. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my primary evidence. I respond to the evidence of the following witnesses, to provide clarity and address inaccuracies:

- (a) Mr Brown for Kāinga Ora;
- (b) Mr Joll for Kāinga Ora;
- (c) Mr Phillips for Carter Group Limited; and
- (d) Ms Boulton for Christ's College.

JOHN BROWN FOR KĀINGA ORA

8. Mr Brown suggests, at paragraphs 3.2(b) and 4.13 of his evidence, that there is a requirement under RMA section 6(f) for scheduled historic heritage resources to be of 'national significance'. In my opinion there is no such requirement and the 'protection of historic heritage resources' instead identifies this aspect of resource management as a matter of national importance. The Canterbury Regional Policy Statement (**CRPS**) and the District Plan provide for this by creating the framework for identifying and protecting historic heritage resources whose significance to the region and the city makes them worthy of protection under the RMA.
9. Mr Brown does not state whether or not he considers any of the 11 HAs proposed for scheduling fail to meet the threshold for scheduling as significant historic HAs.
10. Contrary to the concern expressed by Mr Brown at paragraph 3.3 (c) of his evidence, I do not believe that the Council has limited the identification of HAs to residential areas and, in doing so, has created a sub-category of

HAs. It is correct, however, to say that only residential areas are being proposed for scheduling via PC13/14. Other types of potential HAs, e.g. commercial areas, which may have been considered in the past, have been largely compromised by the Canterbury Earthquakes and post-EQ development.

11. Mr Brown implies, specifically in respect of the Chester Street East RHA, that the Council may have elevated character areas to RHA status.¹ In my opinion this is not the case and the assessment criteria and methodology have been applied with the same rigour that would be expected with a non-residential HA.
12. Mr Brown points to ‘an apparent lack of correlation’ between the Heritage New Zealand Pouhere Taonga (**HNZPT**) list entry for the Lyttelton Township Historic Area (list # 7784) and the Lyttelton RHA. This reflects the substantial impact of the Canterbury Earthquakes on Lyttelton’s commercial area since the area was listed by HNZPT in August 2009. The boundaries of the Lyttelton RHA have been carefully considered in light of recent fieldwork and research and there are a number of scheduled items within the commercial town centre that offer protection to a diverse range of building typologies.
13. At footnote 2 on page 4, Mr Brown states, in respect of Riccarton House and Bush, that some scheduled items within the District Plan ‘might also be viewed as a heritage area’. I agree with this point, in as much as some scheduled items are grouped under umbrella terms, as is the case with Riccarton, the former Halswell Quarry and Victoria Square, for example. I consider that this indicates the somewhat artificial distinction between heritage sites, structures, places and areas identified in the RMA (Interpretation) and CRPS (Policy 13.3.1). Regardless of the way in which a heritage resource has been named, I believe that the essential function of the heritage schedule within a district plan is to protect significant resources that are supported by robust and defensible evidence.
14. While I acknowledge Mr Brown (at paragraph 4.4) supports the use of HAs to meet the direction provided by RMA section 6(f) I would note that a HA need not ‘include numerous individual heritage items of significance’. In fact

¹ At footnote 1 on page 4 of his evidence.

some areas, such as Wayside Avenue, may have no individual items that are scheduled but nevertheless embody significant heritage value.

15. At paragraph 4.8 of his evidence Mr Brown appears to suggest that the Council is proposing to schedule a new, seemingly less broad, type of HA. The use of the term 'Residential Heritage Area' within the name of all 11 of the HAs proposed for scheduling is instead purely descriptive in intent – just as the geographical references in the HA names (Heaton Street, Wayside Avenue etc) are. There is no such typological specificity about the Akaroa HA because it encompasses multiple typologies.
16. Mr Brown considers the heritage assessment statements flawed because they do not identify whether an HA is either 'highly significant' or 'significant' (paragraph 4.12). There is no requirement in the District Plan and nor is it best or common practice to distinguish between 'highly significant' and 'significant' HAs in New Zealand. Agreement between the experts on this point is recorded in the JWS Heritage, dated 21 Sept 2023.
17. At paragraph 4.14 Mr Brown does not specify in subclauses (a) through (d) which reports he believes require more comparative analysis and where, purportedly, inconsistencies arise with individual property ratings. In the absence of a list of identified reports and site records I am unable to address the inconsistencies Mr Brown believes to be present.
18. Mr Brown notes that I did not undertake any direct consultation or engagement with mana whenua in identifying RHAs, but all HA reports were informed by the Ngāi Tahu Atlas (<https://kahurumanu.co.nz/atlas>) and I understand there have been broader processes for the Council to engage with mana whenua on the plan changes as required under the RMA.
19. While I can appreciate that the common use of terms used to categorise individual properties within the RHAs and Character Areas (**CAs**) may be confusing (see paragraph 4.17 and 4.18 of Mr Brown's evidence), this is simply, in my opinion, the result of using the most appropriate terms within two assessment regimes that are closely aligned. Use of the same or similar words does not, I believe, establish that heritage and character values have been conflated in the HA reports.
20. Mr Brown has not provided (at paragraph 4.20 of his evidence) any examples to illustrate his concern about what he describes as the 'de facto'

categorisation of scheduled heritage items as defining elements within an HA. I believe there are two aspects to the categorisation of individual scheduled items as 'defining' HA properties. First, most of the scheduled items that are located within an RHA are residential buildings; their values are therefore directly relevant to those of the area as a whole. Where this is not the case, as at Wigram, Heaton Street or Macmillan Avenue for example, the scheduled buildings or places are nevertheless integral to the heritage values of the area, as shown in each RHA report. Secondly, I consider that the lower categorisation of a scheduled item within an HA could create a conflict between the rules that apply to scheduled items and areas.

21. Mr Brown considers that local, regional or national significance should be addressed to, in his view, clarify the RHA assessment statements (paragraph 4.22 of Mr Brown's evidence). I consider that such a geographic categorisation is contrary to the assessment criteria in both the RPS and the District Plan.
22. I do not agree with Mr Brown's evidence at paragraph 4.25, where he states that 'the majority of individual sites in Chester Street East and Lyttelton appear to be identified as neutral or intrusive'. Council officers can provide further detail on this point.
23. At paragraph 4.26 of his evidence Mr Brown compares the categorisation of sites made by me, in regard to the RHAs, and other Council experts, in relation to the CAs. I can only speak to the categorisation of the former and believe that I have robustly assessed each property in terms of the definition of the ranking terms (Defining, Contributory etc) and the contribution each makes to the heritage values of the area as a whole.
24. At paragraph 4.26a Mr Brown has, understandably on reflection, confused the date of the underlying Deposited Plan provided in the assessment report with the 1936/37 design of the Piko/Shand (Riccarton Block) State Housing RHA. The Department of Housing overlaid their state housing scheme on DP 5888, which was drawn up in May 1921. The caption of the plan within the heritage report could be amended to eliminate this possible source of confusion.

25. With reference to Mr Brown's paragraph 4.26d, the properties at 10 and 10A Paeroa Street have been assessed and mapped as 'neutral', not 'contributory' as Mr Brown states.
26. Finally, at paragraphs 7.5 - 7.6 Mr Brown raises the issue of the CoCs for demolition that have been obtained by Kāinga Ora for the houses they own within the Piko/Shand HA. In my opinion, it is contrary to best and accepted practice to assess heritage values on the basis of what may happen in the future, including, but not limited to, the actioning of CoCs.

TIM JOLL FOR KĀINGA ORA

27. As discussed above, Mr Joll also puts forward (at paragraph 6.8 of his evidence) the position that CoCs diminish heritage values. I do not consider this approach to be correct or consistent with best practice heritage identification and assessment methodologies.

JEREMY PHILLIPS FOR CARTER GROUP LIMITED

28. In paragraphs 40 to 49 of his evidence Mr Phillips seems to be disputing the existence of HAs. I believe this is contrary to the RMA and CRPS, as well as the operative District Plan.
29. At paragraph 46 of his evidence Mr Phillips disputes that a robust evidence base has been provided by the Council in the form of the heritage assessments reports I have prepared, while accepting that he is not, himself, a heritage expert. I stand by the evidence-based assessment process that I undertook for the Council.
30. Mr Phillips (paragraph 111 of his evidence) also appears to consider that section 6(f) of the RMA only applies to nationally important heritage items, which I have commented on above.

CATHERINE BOULTON FOR CHRIST'S COLLEGE

31. At paragraph 23(c) Ms Boulton advances the proposition that CoCs diminish heritage values. As stated above, I do not consider that this is correct, nor is it best practice.

Dr Ann McEwan

9 October 2023

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

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

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL
REGARDING REDRAFT OF CHAPTER 14: RESIDENTIAL**

11 November 2024

BUDDLE FINDLAY

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Pathway Protection Corridors, the exceptions in a. to d. and f. do not apply when assessing the height of buildings against the height limits set out in Tables 6.12.4.2.1 – 6.12.4.2.3." This change has not yet been made in **Appendix 1.**

Chapter 14A.5 - MRZ

10. Various changes have been made to the MRZ sub-chapter, in tracking to make it clear what further additions are proposed. A number of clerical, minor, or consequential changes have also been noted, with comments in the document intended to clarify a number of them.
11. The most recent changes (in response to Minute 56) include provisions relating to the airport noise contours. Officers note that RD35 required further changes to capture operative non-residential activities, as per the current control in RD34 in RS/RSdT. The relevant controls are limited to the operative 50 dB Ldn contour, to ensure they are not more restrictive than the *status quo*. The standard proposed in Council's 18 October 2024 memorandum on the residential redraft has been applied, however officers noted that this did not include the noise insulation standards. Officers have therefore simply applied the operative insulation standards in 6.1.7.2.2, as relevant to residential units, however an alternative could be to simply refer to the operative Appendix 14.16.4. Guidance would be appreciated on this matter from the Panel.
12. The retention of the operative provisions (Chapter 14B.4) to apply to any activity within the 55 dB contour has been noted in 14A.5.3 – Area-specific rules. This is also noted in 14.2, in the 'How to interpret and apply the rules' section of the Chapter.
13. The application of operative Residential Character Area (**RCA**) controls that straddle five different zones has been challenging. Officers have interpreted the Panel's relevant direction in Minute 55 to mean that the underlying zoning should be MRZ (noting that no RCAs are located within HRZ), and operative Character Overlay controls should apply. This is not understood to mean, however, that associated operative zone controls with which development must comply within operative Character Overlays should be carried over. The result is that only 'area-specific rules' for each of the five zones have been carried over and integrated into the MRZ area-specific rules under 14A.5.3.
14. Officers have noted that these changes could have unanticipated effects on character, particularly where the operative zone framework is largely silent on

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI ŌTAUTAHĪ**

IN THE MATTER of the Resource Management Act 1991

AND

**IN THE MATTER of the hearing of submissions and further
submissions on Plan Change 14 to the Operative
Christchurch District Plan**

**LEGAL SUBMISSIONS ON BEHALF OF
KĀINGA ORA – HOMES AND COMMUNITIES**

RESIDENTIAL PROVISIONS AND RELATED QUALIFYING MATTERS

22 NOVEMBER 2023

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- (a) A lack of analysis of “specific characteristics” that make the level of development enabled by the MDRS inappropriate, in light of the new starting point for medium-density residential development mandated by the Amendment Act.
 - (b) A lack of any perceived difference between Christchurch and other Tier 1 local authorities who have not used (current) low public transport accessibility as a limiting factor to MDRS, including a lack of site-specific analysis, or an appropriate s 32 evaluation under s 77L(c).
 - (c) The proposed linking of low public transport accessibility to other, non-public transport-related infrastructure issues, such as wastewater and stormwater concerns.
- 4.7 In our submission, insufficient justification has been provided for the proposed QM under s 77L.

5. RESIDENTIAL CHARACTER AREAS

- 5.1 Mr Joll identifies two key questions in relation to the proposed QM for Residential Character areas, namely whether:
- (a) the methodology for identifying Character Areas is appropriate; and
 - (b) the Council’s proposed activity status provisions are appropriate.

Methodology – effects on the “environment”

- 5.2 In his evidence in relation to both Residential Heritage and Residential Character areas, Mr Joll raises concerns regarding the Council’s methodology, and in particular, whether unimplemented resource consents and certificates of compliance (“CoC”) for demolition of “defining”, “contributory”, or “primary” sites should be taken into account where considering the “intactness” of an area.
- 5.3 Mr Joll disagrees, in particular, with the statement of Dr McEwan for the Council, where he states (at paragraph 75) that *“it is not best practice to anticipate the outcome of unimplemented resource consents, given that such consents may never be actioned”*. Mr Joll concludes that these consents form part of the existing environment, and that the assessment

on individual sites should reflect the future state of the environment (as that test has developed through case law).¹⁷

- 5.4 We agree with Mr Joll. Section 76(3) of the RMA states that when making a rule in a district plan, a territorial authority shall “have regard to the actual or potential effect on the environment of activities including, in particular any adverse effect”.
- 5.5 The “environment”, as that term is defined in s 2 of the RMA, encapsulates not only what is currently present on a particular site or within its surroundings, but how they might develop in the future pursuant to permitted activities or unimplemented resource consents **that are likely to be implemented**.¹⁸
- 5.6 The bolded statement above is crucial to the difference in opinion between Mr Joll and Dr McEwan. Respectfully, Dr McEwan’s statement above is inconsistent with the well-established case law developed since *Hawthorn*. In the present circumstances, it was necessary for the Council to identify whether any sites that might be considered as “defining”, “contributory”, or “primary” sites are subject to a consent (or CoC) for demolition.¹⁹
- 5.7 That conclusion makes logical sense. Kāinga Ora holds a CoC that provides for the demolition of approximately 20 sites within Residential Heritage or Residential Character areas.²⁰ Those sites could be, and most likely will be, demolished by Kāinga Ora to allow a more intensive use of those sites, consistent with its overarching goal to deliver significantly increased numbers of new warm, dry, fit, for purpose, public homes.²¹ As Mr Liggett says, the size of many state houses do not match the changing demand for public housing, with a large proportion of its stock comprising two-three bedroom homes on large lots which are too large for smaller households and too small for larger households.²² It makes no sense to assess heritage or character against an illusory baseline, where the

¹⁷ While it is noted that Mr Brown has some sympathy with Dr McEwan from a historic heritage perspective, he also notes that this requires consideration from a planning perspective, especially in light of the future planning environment; and that if the existence of those CoCs is given significant weighting, it would be harder to justify the retention of RHAs in particular on the basis of their integrity: evidence of John Brown at [7.6]-[7.7].

¹⁸ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 (CA).

¹⁹ We include CoCs within that category, as a certificate which has been granted must be treated “**as if it were an appropriate resource consent that...contains the conditions specified in an applicable plan**”: RMA, s 139(10).

²⁰ Evidence of Tim Joll at [6.7].

²¹ Evidence of Brendon Liggett at [4.4]-4.5].

²² Ibid at [4.4](b).

properties that contribute towards those values are likely to be demolished.

- 5.8 Respectfully, it is not open to you as Commissioners to disregard the potential for demolition of sites subject to an existing unimplemented resource consent or CoC, if that resource consent or CoC is likely to be implemented. Mr Joll's evidence on those matters, and Mr Brown's conclusions (on the basis that unimplemented consents and CoCs are to be considered) should, therefore, be preferred.
- 5.9 In the Piko/Shands area, in particular, which has the largest number of buildings that are subject to potential demolition under CoCs, Mr Joll considers that removal of those buildings could justify reconsideration of the boundaries of the area, and may warrant further reflection on its overall integrity and coherence (at [9.22]).

Has Council identified the correct activity status and provisions?

- 5.10 Mr Joll identifies a number of issues with the proposed activity status and provisions for Residential Character areas:
- (a) First, he notes that the proposed new built form standards are more restrictive than they are in the Operative District Plan, and queries whether this is necessary given the approach generally taken by Council when consenting developments in existing Character Areas.
 - (b) Secondly, he notes the potential limitations of the Court's decision in *Waikanae* (which was addressed in earlier submissions), to the extent that the proposed changes take away rights that already exist under the Operative District Plan.
 - (c) Thirdly, Mr Joll queries the need for additional "specific" area-based built form standards, given that redevelopment of sites would require resource consent as a restricted discretionary activity.
- 5.11 From a legal perspective, there is also a scope issue associated with the proposed changes to Residential Character Areas, arising out of the Environment Court's decision in *Waikanae*. Applications for new buildings are currently controlled activities within Character Areas. The various options considered by the Council (which could include restricted

discretionary status) would make consenting new buildings more onerous than what is currently provided for under the Operative District Plan. While the decision in *Waikanae* was aimed at the erosion of permitted activity rights through the IPI, we submit that it could logically be extended to circumstances where an existing activity status is made more onerous, especially for controlled activities (for which consent must be granted).

- 5.12 In the event that there is scope, Mr Joll concludes that a restricted discretionary pathway, with the proposed matters of discretion and otherwise adopting the heights and densities permitted by the MDRS, would appropriately manage the specific characteristics of the relevant area through a design assessment. From a legal perspective, we support his conclusions.

6. RESIDENTIAL HERITAGE AREAS / INTERFACE AREAS

- 6.1 Kāinga Ora supports the protection of areas of historic heritage where the requirements of s 6 of the RMA are met. However, it notes (and Mr Joll agrees) that the proposed approach to addressing historic heritage across two plan changes (the IPI for built form, and other standards through PC13) has created inefficiencies. Mr Joll also identifies that the approach is inconsistent with Objective 3.2.2 of the Operative District Plan, which seeks to make the Plan easy to understand and use.
- 6.2 Mr Joll and Mr Brown have similar concerns regarding the methodologies applied to establish the Residential Heritage Areas (“**RHAs**”), noting concerns (in addition to those already expressed above) regarding the consistency and robustness of data in some instances.
- 6.3 Mr Joll also has a number of suggested refinements to the proposed provisions for RHAs. In particular, he identifies a need for a more bespoke, or two-tier policy for the demolition of “defining” or “contributory” buildings, as opposed to scheduled heritage items. From Mr Joll’s perspective, it does not make sense to have a less onerous activity status for defining or contributory buildings, and to nevertheless apply the same policy criteria (many of which simply do not apply).
- 6.4 Mr Joll’s suggested policy wording addresses whether the demolition of a defining or contributory building would “significantly compromise the collective heritage values and significance of the heritage area”. In our submission, that would be a more appropriate means of evaluating the

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI ŌTAUTAHĪ**

IN THE MATTER of the Resource Management Act 1991

AND

**IN THE MATTER of the hearing of submissions and further
submissions on Plan Change 14 to the Operative
Christchurch District Plan**

**SUPPLEMENTARY LEGAL SUBMISSIONS ON BEHALF OF
KĀINGA ORA – HOMES AND COMMUNITIES**

RESIDENTIAL PROVISIONS AND RELATED QUALIFYING MATTERS

4 DECEMBER 2023

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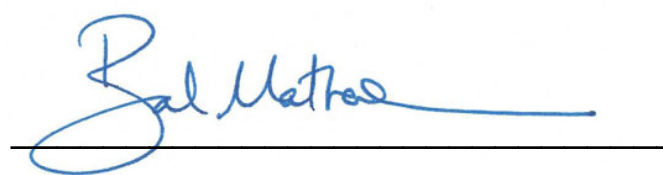
MAY IT PLEASE THE COMMISSIONERS:

1. ANALYSIS OF SCOPE

- 1.1 These supplementary submissions respond to a request from the Commissioners to provide a brief written analysis of how, in our submission, questions of lawful scope of PC14 should be approached in respect of both:
 - (a) The nature of changes to the rules, including changes to the nature of anticipated activities (eg industrial to residential), or status of certain activities (eg controlled to restricted); and
 - (b) The geographical extent of any changes to zones or overlays.
- 1.2 The discussion leading to this request included a submission that PC14 could not lawfully “change the status quo so as to be more restrictive”. As we clarify, the position is slightly more nuanced than that.
- 1.3 In our submission to accommodate the requirements of the IPI process, the *Waikanae* decision, and the general RMA jurisprudence on scope, a two stage process is appropriate.
- 1.4 The step is to ask whether or not a proposed changes falls within s 80E. In that regard, in respect of the scenarios given, we submit that:
 - (a) A change in an activity status that makes the construction and use of housing more restrictive, including the change in a demolition control from permitted to restricted discretionary, cannot be said to give effect to Policy 3 or 4 (s 80E(1)(a)(ii)(A)) or nor could such a rule “support or be consequential on the MDRS or Policies 3, 4” (s 80E(1)(b)(iii)).
 - (b) A change in zoning, eg from industrial to residential, which as a necessary consequence made future industrial activities more restrictive, could fall within the scope of Policy 3 or 4 (s 80E(1)(a)(ii)(A)) and such a rule would also “support or be consequential on the MDRS or Policies 3, 4” (s 80E(1)(b)(iii)). (Refer also discussion below on scope more generally.) As discussed, we submit that a change in zoning from Residential New Neighbourhood to Future Urban Zone is a down-zoning and an effective dis-enablement of potential residential uses, and cannot give effect to or support MDRS or Policy 3.

- (c) A change in an overlay (eg RCA or RHA) that restricts residential development would be within the scope of PC14 if it made that residential development easier (ie if it removed an overlay from a residential lot), but it would not be within scope if it made residential development harder (ie if it added an overlay onto a residential lot that was not previously subject to that overlay).
- 1.5 Assuming that a proposed amendment was within the scope of an IPI, then the second step is to ask whether or not there is scope under broader RMA principles: namely whether a proposed change in a submission is “on” the IPI, and was that proposed change fairly and reasonably raised in an original submission, thereby giving notice to other affected parties who might then lodge a further submission. (Of note here is clause 99 of the First Schedule which does allow Commissioners a discretion to recommend changes beyond what was originally sought in submissions, but any such change must still be within the scope of an IPI.)
- 1.6 Finally, we reiterate two submissions made at the hearing:
- (a) It is difficult to understand how changes made under PC14 that make the provision of housing more difficult (or even more stringent than currently exists in the operative plan), could be said to “support or be consequential on the MDRS, or Policies 3 and 4 of the NPS-UD” (s 80E(1)(b), RMA)
 - (b) Section 80E(1) cannot be applied in the incredibly broad manner seemingly proposed by counsel for the Council – if such a wide interpretation were lawful (ie if one could rely on Objective 1 and a “well-functioning urban environment” to justify any changes under an IPI) there would be no need for any qualifying matters because virtually every restriction could be argued to fall within the scope of that objective.

Dated 4 December 2023



B J Matheson / A Cameron
Counsel for Kāinga Ora – Homes
and Communities

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI ŌTAUTAHĪ**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions and further submissions on
Plan Change 14 to the Operative Christchurch District Plan

**STATEMENT OF EVIDENCE OF TIM JOLL ON BEHALF OF KĀINGA ORA –
HOMES AND COMMUNITIES**

PLANNING

QUALIFYING MATTERS

20 SEPTEMBER 2023

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is amenity focused. I have therefore seen no evidence that leads me to conclude that this QM is needed to achieve Policy 1(c) of the NPS-UP.

9.18 In my opinion and relying on Council's own expert evidence, there is no justifiable need to impose the City Spine Transport Corridor from an infrastructure perspective. There is likewise no need for it from an amenity perspective. It could lead to worse amenity outcomes in commercial zones by forcing ad hoc gaps or recesses in the uniform retail road edge, and it is not needed in the residential zones where MDRS landscaping standards are already in play, in combination with the ability to assess road-facing design outcomes through the urban design rule for 3 or more units.

9.19 In addition to not being necessary for either infrastructure or amenity reasons, it carries with it direct costs to landowners (and the wider community) through the reduction in design flexibility and potential building density / yields. These costs of a potential reduction in yield fall in the very locations where Council's own FDS seeks that the highest density of development be delivered. As such, the QM is not efficient or effective in giving effect to the objectives of the NPS-UD and neither is it considered to meet the robust evidential thresholds required for it to be a QM under the Enabling Act. I therefore recommend that the City Spine QM and all associated provisions be deleted.

Residential Character Areas (existing with amendments, and new).

9.20 In considering the Residential Character Area (Character Area) QM, I consider that the key planning questions are: Is the methodology for identifying and assessing the Character Areas appropriate; and are the Character Area provisions appropriate?

Is the methodology appropriate.

9.21 In my opinion, the further assessment undertaken by the Council, has addressed (in-part) the overall thrust of the Kāinga Ora submission on the Character Area QM. However, in considering the methodology for assessing Character Areas, which is set out from paragraph 31 of Ms Rennie's evidence, I note that it does not take into account unimplmented resource consents or CoC. As noted earlier in my evidence

Kāinga Ora holds a CoC, which provides for the demolition of buildings on approximately 20 sites within Character Areas (RMA/2022/3444). Some of these sites are identified as 'Primary' or 'Contributory' dwellings. Given that these can be demolished without the need for any resource consent, I consider that these sites should be classified as 'Neutral'. In light of the above, I disagree in part with Ms White¹² that the areas have been appropriately investigated.

9.22 Looking at Piko/Shands in particular, which has the largest number of Kāinga Ora buildings that can be demolished, I do not think this changes the overall ratios to the extent that this area no longer meet the threshold to be considered Character Areas but could justify a reconsideration of the boundaries and may warrant further reflection on its overall integrity and coherence. The reclassification of these sites to 'Neutral' would also provide an easier consenting pathway for the future redevelopment of those sites, noting that many of the existing buildings were built in the 1940s and require ongoing alterations or potential redevelopment.

9.23 One further point I wish to make on the proposed methodology, is that I disagree with the premise of Ms White's statements in 8.2.27 and 8.2.30 that removing specific Character Areas would have limited impact in terms of enabling greater built form within those areas, because the provisions applying to Residential Heritage Areas reduce the permitted level of built form in these areas from those of the MDRS. In my opinion, whether an area may appropriately be considered a Heritage Area, is irrelevant to whether it is also a Character Area. These two QM have different methodologies for determining their appropriateness and fundamentally seek to achieve different purposes.

Are the Character Areas activity status provisions appropriate?

9.24 I agree with Ms Rennie's statement in paragraph 30 of her evidence that the Character Area provisions need to be considered in the context of the MDRS, which will define future urban character for a neighbourhood through a set of mandated rules. These in effect provide a new baseline for development.

¹² Paragraph 8.1.8 Ms White S42A

- 9.25 Ms Rennie notes in paragraph 8 of her evidence that the existing zones within the District Plan provide for a scale and form of development that is broadly consistent with the majority of the Character Area values, albeit the appearance of buildings may be different. Ms White also considers this point in paragraph 8.4.13 of her evidence.
- 9.26 I note that the proposed new built form standards are more restrictive than the current provision in terms of density (600m² in RS Zone, 400m² in RSDT Zone), height (8m permitted), internal boundary setbacks (1m) and road boundary setbacks (4.5m). This matter is considered by Ms White from paragraph 8.4.34 onwards. Based on the statements of both Ms Rennie and Ms White, and my own experience preparing resource consent applications for developments in Conservation Areas, I question the need for greater restriction on built form standards proposed by Council in Character Areas when compared to the ODP.
- 9.27 These changes and the implications of the recent Environment Court decision, *Waikanae Land Company v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056 (**Waikanae decision**), which addresses the scope of local authorities' powers in notifying an Intensification Planning Instrument in accordance with section 80E of the RMA, and the potential implications of this decision for PC14 is addressed in legal submissions. However, my understanding from counsel for Kāinga Ora is that the use of the IPI process to expand the Character Areas to additional properties or to accept any new Character Areas promoted by other submitters would be out of scope.
- 9.28 I acknowledge that development enabled under the MDRS will be visibly different in scale and form and could result in an obvious change in the environment, however I question the need for the additional 'specific' area-based built form standards given that the redevelopment of sites would require resource consent as a restricted discretionary activity and that I have seen no evidence from Council that the continuity and/or coherence of existing character has been adversely affected by the existing built form standards. I therefore disagree with Ms White's statement in paragraph 8.4.39 c.

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI ŌTAUTAHĪ**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the hearing of submissions and further
submissions on Plan Change 14 to the Operative
Christchurch District Plan

**STATEMENT OF EVIDENCE OF JOHN BROWN
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

HERITAGE

20 SEPTEMBER 2023

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- (c) The Heritage Area provisions;
- (d) The Heritage Area interface; and
- (e) The section 42A report and evidence of Dr Ann McEwan.

3. THE KĀINGA ORA CONCERNS

3.1. Kāinga Ora in its submission considers that the introduction of heritage components in the ODP across two plan changes (ie PC13 and PC14) will create inefficiencies in the District Plan. Additionally, Kāinga Ora has concerns about the rationale around the identification of the Heritage Areas.

3.2. In that regard:

- (a) Kāinga Ora generally supports the protection of areas of historic heritage where the requirements of s 6 of the RMA are met. However, Kāinga Ora opposes the new proposed Heritage Areas that are sought to be introduced under PC13 and PC14 in their entirety.
- (b) Kāinga Ora does not consider that the proposed Heritage Areas meet the requirements of s 6 of RMA to the extent that they should be accorded 'historic heritage' status of 'national' significance.
- (c) If these areas are considered to manage character rather than protect heritage (i.e. s 7 rather than s 6, RMA), Kāinga Ora considers that a more nuanced assessment of costs and benefits applies to areas with a high proportion of Kāinga Ora housing, such as the proposed Piko/Shands character and heritage areas.
- (d) Kāinga Ora says that imposition (costs) of character controls in locations that would otherwise suit high density housing must therefore be greater than the costs applying to character areas more generally. Furthermore, having some of the Heritage Areas provisions being contained in PC14 and following an IPI process (ie the built form standards), and other Heritage Area provisions being progressed through a separate PC13, and following a First Schedule process (ie Heritage Area policies) has created efficiency issues.

Appendix 10: Excerpts from selected IHP minutes

[Attached to cover email].

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

MINUTE 55: RESPONSE TO COUNCIL REGARDING FINAL CLARIFICATIONS SOUGHT

[434] We find that the Riccarton Bush Interface Area should not proceed as a QM for the following reasons:

...the ODP provisions, including that relating to height, minimum site area, minimum density, permitted site coverage and building setback (including from the boundary with the Riccarton Bush), should be retained in preference to the proposed provisions

[15] That incorrectly summarises the Panel's recommendation in relation to Riccarton Bush because the only ODP 'provisions' that the Panel recommended to qualify the MDRS and Policy 3 enablement's which the Panel considered were necessary to address the values of Pūtaringamotu Riccarton Bush was the setback from the predator proof fence as addressed at [450] and [455] and in the Panel's recommendation on Significant and Other Trees. This also requires a consequential change to [468] (in addition to the amendment in Addendum 1 to Part 5) to reference the specific rule that the Panel intended to apply.

[16] For completeness the Panel notes that it recommended the continued identification of Riccarton Bush as a Site of Ecological Significance or as an Outstanding Natural Feature in the District Plan.

Residential Character Areas

[17] In addition to the requests for clarification in Appendix 3 to the Council's Memorandum, the Council set out a response to the Panel's request for the Council to clarify why it considered that those areas subject to existing RCA's, that have been accepted as a QM, would retain the ODP zone.

[18] The Panel acknowledges the paragraphs outlined by the Council refer to 'provisions' and that the term can be understood to include reference to 'zones'; however the Council appears not to have considered that the Panel clearly set out its approach to incorporation of the MDRS and giving effect to NPS- UD Policy 3 enablement's in relevant residential zones, in Part 4 of the Recommendations Report.

[19] In Part 4 [4](a) the Panel confirmed:

the MRZ and HRZ should both be accepted as the principal zones to deliver the Medium Density Residential Standards (MDRS) and additional height and density of urban form near to the CCZ and other commercial zones (with any qualifying matters applying only to the extent necessary to accommodate the qualifying matter – as recommended later in this part of the Report and in Parts 4 and 5), and subject to our recommendations regarding the restructuring of Chapter 14 in light of our findings on the scope of an IPI, and the effect of the Waikanae decision on status quo enablement.

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
					on the application of ODP zones as part of the RCA response): - Appendix 13.6.6.1, # 11 Beckenham School on Sandwich Rd: mainly RS zoning, but also some MRZ. If RSZ remains recommended, Council suggests RSZ despite there being no QM on the site, but fronts onto a street and adjoins a site that are part of a Character Area which has retained the ODP RS zoning. This would adopt the approach in the RCAs to zoning street-frontage sites. In this case the only MRZ site to adjoin the school site is a rear section. Please confirm appropriate zoning. - Appendix 13.6.6.1, #21 Cashmere Primary School: has mainly MRZ surrounding the school site but adjoins RH zoning in a Character Area. As with Beckenham School above, the school site partly adjoins a Character Area and fronts onto a street that is part of the Character Area. Please confirm appropriate zoning.	The Panel's recommendation is that existing RCA areas are zoned either MRZ or HRZ as the case may be. Accordingly, the Beckenham School should have an alternative zoning of MRZ. The Cashmere Primary School adjoins MRZ zoning to the east, north (apart from one property fronting Dyers Pass Road) and west (corner of Dyers Pass Road and Hackthorne Road). As noted above, the Panel's recommendation is that existing RCA areas are zoned either MRZ or HRZ. The application of the RH zone to the RCA is not in accordance with that recommendation. Accordingly, the Cashmere Primary School should have an alternative zoning of MRZ.

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

**MINUTE 58: RESPONSE TO COUNCIL REGARDING CHAPTER 14 REDRAFT AND
MISCELLANEOUS MATTERS**

Chapter 14A.5.3 Area Specific Rules – MRZ

[27] The Council drafting appropriately reflects the Panel recommendations.

Cashmere RCA

[28] Council Officers have sought endorsement for a modified approach for the Cashmere RCA, because as we understand the issue raised, the ODP does not assign area specific standards to the Cashmere RCA, located in the operative Residential Hills Zone. The Council Officers say that the RCA is reliant on the zone standards. The Council Officers suggest that a workaround would be to provide a link to 14.7.2.1, to retain the status quo density standard of 650m².⁴

[29] The Panel appreciates the issue raised. However, the Panel is mindful that this issue has not been raised with the Panel as it relates to this example in previous clarifications memoranda, and it appears on review of our Recommendations Report, the issue was also not canvassed directly at the hearing. We have endeavoured in the short time we have been provided to review the revised Chapter 14, undertaken a cursory review of the Council's s32 Report, and the analysis in Part 2, 6.29.19, and associated appendices and Ms Rennie's and Ms White's evidence to try and better understand how the issue has come about. We also note that there were submissions seeking the removal of density controls in the Cashmere RCA, as well as submitters seeking retention of the status quo addressed by both Ms Rennie and Ms White. Ms Rennie refers to the retention of the density controls as 'nice to haves' at [116] of her evidence in chief. The 'characteristics' or values, described for the Cashmere RCA in the s32 Report, do not specifically address the role of density in the Residential Hills zone, and reference other features. The Council was proposing an 800m² density standard in the s32 Report, but this would have impacted status quo development rights.

[30] The Panel refers the Council to Part 5 of the Recommendations Report (and associated addendum) where the Panel recorded its reservations regarding amendments to provisions for the RCA's:⁵

[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

⁴ [The Council Memorandum](#) at 13 and 14.

⁵ IHP Recommendations Report [Part 5](#) as amended by Addendum 1 [Addendum 1 to Part 5](#).

- 7 Transport;
- 8 Subdivision, Development and Earthworks;
- 9 Natural and Cultural Heritage;
- 11 Utilities and Energy.

k. There are parts of residential zones where the permitted development, height and/or density directed by the MDRS or Policy 3 of the NPS-UD may be modified by qualifying matters. These are identified in detail in Chapter 6.1A and the Planning Maps, and include the following:

- i. Historic Heritage including heritage items, heritage settings
- ii. Heritage, Significant and other Trees
- iii. Sites of Ecological Significance
- iv. Outstanding Natural Features and Landscapes
- v. Sites of Cultural Significance
- vi. **Residential Character Areas**
- vii. High Flood Hazard Management Area
- viii. Flood Ponding Management Area
- ix. Coastal Hazard High Risk Management Area and Coastal Hazard Medium Risk Management Area
- x. Tsunami Management Area
- xi. Slope Hazard
- xii. Waterbody Setback
- xiii. Railway Building Setback
- xiv. Electricity Transmission Corridor and Infrastructure
- xv. Airport Noise Influence Area
- xvi. Waste Water Constraint Area
- xvii. Lyttelton Port Influence Area
- xviii. Industrial Interface

l. Advice Note:

Refer to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for rules and restrictions on establishing and operating a small owner-operated brothel as a home occupation.

Any activity within the 55 db Ldb Air Noise Contour is to be considered under Chapter Rule 14B.4, with rules relevant to the Residential Suburban Overlay applying instead of Medium Density Residential zone rules.

Appendix 11: Correspondence between Ministry for the Environment officials and Christchurch City Council staff

[Attached to cover email].

Leah Clark

From: Kleybos, Ike **S 9(2)(a)**
Sent: Wednesday, 26 November 2025 9:14 pm
To: Fleur Rodway
Cc: Rhodes, Ben; Stephanie Gard'ner; Leah Clark; Stevenson, Mark
Subject: RE: Plan Change 13 and 14 Daresbury and Antonio Hall

Follow Up Flag: Follow up
Flag Status: Flagged

MFE CYBER SECURITY WARNING

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Kia ora Fleur,

Thanks for your questions. I've sought to answer these below, acknowledging however that the answers are not straightforward (a hallmark of PC14). Welcome any further questions you may have.

Is Schedule 3C, clause 12(2) intended to be used?

No. The circumstances of the removal of these features are a scenario that the Act as not foreseen and is not therefore not applicable. The scenario is that a separate process has sought to remove these features so they will no longer exist in the District Plan; as previous, the Minister's decision is moot as it would have no effect either way. The revocation can therefore be seen as a revocation of a Council LGA decision, following which staff would write to the Minister as a courtesy to inform him that a decision is no longer necessary and he can use his time more efficiently to make a decision on Piko.

Recommendation for Operative RCA rules & MRZ rules with RCA

The IHP Recommendation on Residential Character Areas (RCAs) is hard to follow and was consequently the subject of multiple clarification questions from Council following the publication of the recommendation report. An [Addendum](#) to the report was released on 15 August 2024 that updated the recommendation report and provided *some* additional clarity. In para [431] this concludes that operative RCA rules as recommended by Council should be applied. The recommendation does not distinguish different RCAs as they are all treated the same through the recommendations.

[Minute 55](#) provides some additional clarity that MRZ should apply – see [17], [18], and the page 34 response on zoning of a specific site. The Minute however does also conflate things further by referencing HRZ (despite the IHP agreeing with Council that RCAs should be removed here) and discussing how RCAs may apply in coastal areas (again, despite agreeing that they should not apply here).

Council Memo on [11 November 2024](#) seeks to set out how Council has understood what the IHP has intended to date – see paras 13 and 14. The main purpose of this memo was to resolve the Residential Pathways and show how this would be applied across residential chapters. Pages 52 to 66 show the rules in practice.

[Minute 58](#) response to the Council Memo. Para [27] affirms that the Council drafting correctly reflects the IHP Recommendation, which is to apply MRZ and to have area-specific rules that capture specific RCA standards. These specific standards override related MDRS controls as a QM.

There are already a number of RCAs which have already applied this framework. The Ministry is welcome to look at the operative District Plan to see how this functions in practice – see here: [Christchurch District Plan : Christchurch City Council](#). Should the Piko Character Area be accepted as a QM, then the same framework shall apply as is currently in operative effect.

I hope the above assists your understanding.

Many thanks,

Ike Kleynbos

Principal Advisor – Planning

City Planning (W)



S 9(2)(a)



S 9(2)(a)

From: Fleur Rodway S 9(2)(a)
Sent: Wednesday, 26 November 2025 5:13 pm
To: Kleynbos, Ike S 9(2)(a)
Cc: Rhodes, Ben S 9(2)(a); Stephanie Gard'ner S 9(2)(a); Leah Clark S 9(2)(a); Stevenson, Mark S 9(2)(a)
Subject: RE: Plan Change 13 and 14 Daresbury and Antonio Hall

Kia ora Ike,

Thanks for sending this through.

I just have a few questions (one on your email, and two on Piko).

- Are you intending to propose that those parts of PC14 before the Minister (ie, the recs relating to Daresbury and Antonio Hall) are withdrawn (as provided for by RMA Schedule 3C, clause 12(2)) or use another mechanism? You refer to revoking decisions below.
- Is there a section in the Independent Hearings Panel's recommendation report where the IHP specifically recommends applying the Operative District Plan provisions as a qualifying matter for the Piko Residential Character Area? And is it possible to say what those ODP provisions would be, given the Council has decided to zone this area for medium density?

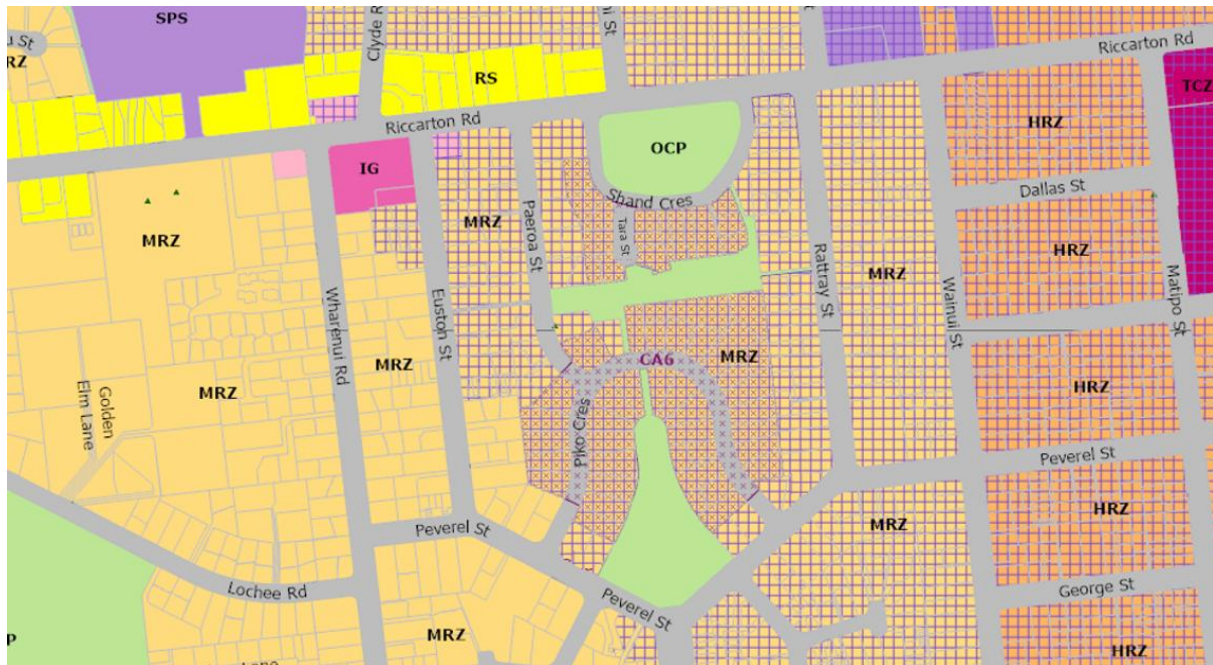
Happy to discuss any of the above.

Thank you,

Fleur

Appendix 12: Map and images of the Piko Residential Character Area

Figure 1 – Map showing Piko Residential Character Area with underlying zoning and proposed overlays for character and airport noise overlays



Key

MRZ	Medium density residential zone
HRZ	High density residential zone
CA6	Piko Residential Character Area (proposed)
	Airport noise overlay
OCP	Open space community parks zone
RS	Residential suburban zone
SPS	Special purpose zone school
IG	Industrial general zone
	Neighbourhood centre zone
TCZ	Town centre zone

Source: Christchurch District Plan, District Plan Viewer.

Figure 2: Images from Christchurch City Council's June 2025 Piko Design Guide showing examples of houses in the area



Example of a row of houses on Shand Crescent



Example of duplex houses on Shand Crescent



Example of a house on Piko Crescent



Example of the attention to front entry detailing

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister of Transport
Leader of the House
Associate Minister of Finance
Associate Minister for Sport and Recreation



CB-COR2469

Phil Mauger
Mayor of Christchurch
Christchurch City Council
By email: mayer@ccc.govt.nz

Cc: John Higgins, General Manager Strategy, Planning and Regulatory Services
By email: [S 9\(2\)\(a\)](#)
Mark Stevenson, Head of Planning and Consents
By email: [S 9\(2\)\(a\)](#)

Dear Phil,

On 24 February 2025 I received a letter from you on behalf of the Christchurch City Council (the Council) referring 20 rejected Independent Hearings Panel recommendations and the Council's alternative recommendations to me for final decisions. On 5 June 2025, I made decisions on 17 of those recommendations and noted that I would consider the remaining three referred recommendations on Daresbury House, Antonio Hall and the Piko Residential Character Area once the Council had decided on the zoning of these areas.

I acknowledge receipt of the 15 December 2025 letter from Council staff confirming the withdrawal of the parts of Plan Change 14 relating to Daresbury House and Antonio Hall. Therefore, the only outstanding decision for me is on the Piko Residential Character Area.

This letter confirms my decision on the Piko Residential Character Area. I reject the Independent Hearings Panel's recommendation and accept the Council's alternative recommendation. I consider the Council's alternative recommendation to remove the Piko Residential Character Area is more consistent with the requirements of the Resource Management Act 1991 to apply the medium density residential standards.

My decision has been made in accordance with Schedule 1, clause 105 of the Resource Management Act 1991.

I want to thank you, the Councillors, the Independent Hearings Panel and Council staff for the work undertaken on the Intensification Streamlined Planning Process.

Yours sincerely

Hon Chris Bishop
Minister Responsible for RMA Reform