

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a Christchurch Replacement District Plan

Date of decision: 17 March 2017

Hearing Panel: Hon Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Ms Sarah Dawson, Ms Jane Huria

**MINOR CORRECTIONS TO DECISIONS AS A RESULT OF
RENUMBERING/RESTRUCTURING UNDERTAKEN BY THE CHRISTCHURCH
CITY COUNCIL**

Outcomes: Proposals changed as set out in Schedule 1

Background

[1] The Hearings Panel ('the Panel') received an application from the Christchurch City Council ('the Council') on 5 December 2016 to align the numbering and structure ('Renumbering Application') of the Christchurch Replacement District Plan ('CRDP'). This application was accepted by the Panel.¹

[2] Subsequently, we received several memoranda from the Council which included the renumbered/restructured chapters and requests for minor corrections as a result of the renumbering/restructuring exercise. These were:

- (a) Memorandum providing the renumbered/restructured CRDP and seeking associated minor corrections, dated 3 March 2017 ('the Council's first memorandum'); and
- (b) Memorandum providing renumbered/restructured Chapters 8 and 14 and seeking associated minor corrections, dated 2 March 2017 ('the Council's second memorandum').

[3] In addition, following discussions with the Secretariat, the Council filed a subsequent memorandum with updated revised chapters on 8 March 2017 ('the Council's third memorandum') addressing some remaining matters relating to consistency and formatting.

[4] The Council's first memorandum included the results of its review of the Meadowlands Exemplar Development (MED) provisions. The Council has been working to remedy inconsistencies arising from the integration of the Meadowlands Exemplar provisions (Decision 4) with the Subdivision and Residential New Neighbourhood provisions (Decisions 28 and 29).² The results of this work were included in the restructured chapters. The Panel's minor corrections decision for Decision 63 sets out the background to this issue.³

[5] The Council's first memorandum also set out the Council's approach to planning maps.

¹ Minor Corrections to Decision 56, 15 December 2016, at paragraph 5.

² Memorandum of Counsel with specific chapter corrections, 9 December 2016, at 5.8-5.16.

³ Decision 63 Supplementary Definitions Decision and Minor Corrections to Decision 58 - Definitions (Decision 63) at paragraph 73.

[6] We address the above matters in turn below.

Jurisdiction to make minor corrections

[7] Clause 16 of Schedule 3 to the Canterbury Earthquake (Replacement District Plan) Order 2014 ('OIC'/the Order') provides that:

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.
- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

[8] The Council has set out in its minor corrections memorandum a summary of the jurisdiction for minor corrections, which we adopt.

Restructured Christchurch Replacement District Plan

[9] The Council's Renumbering Application included its preferred 'template' structure of the CRDP. At [13] of its first memorandum, the Council advises that in a number of instances it has had to diverge from that template. We accept the reasons for divergence, and for ease of reference, we set these out in full below:

- (a) Chapter 2 Definitions – each definition is not and does not need to be numbered;
- (b) Chapter 5 Natural Hazards – as the majority of the rules have been treated as operative for some time, and due to the technical nature of the provisions, and because the consenting team and the public are generally now very familiar with the current structure, the Council considers that little benefit would be gained from strict adherence to the numbering structure, therefore this chapter has not been restructured;
- (c) Chapter 8 Subdivision – the structure of this chapter is tailored and has already undergone significant structural change through the hearing and decision making

process. A further structural change to accommodate the numbering format is not justified; and

- (d) Chapter 10 Designations – the nature of designations means that there are no activities, built form standards etc to apply the numbering format to, and therefore they should remain as decided on by the Panel.

[10] At [14] of its first memorandum the Council confirmed that the following tasks have been completed:

- (a) renumbering of the chapters as set out in paragraph 2.3 of the Renumbering Application and consequential amendments made to cross-references to plan provisions within definitions in Chapter 2 Abbreviations and Definitions;
- (b) reviewing of each chapter for internal consistency. This check began with the chapters that are most often cross-referenced by other chapters (for example Subdivision, Development and Earthworks) and involved:
 - (i) checking that there are no gaps in the internal numbering;
 - (ii) that all internal cross-references to other parts of the chapter are correct;
 - (iii) that the chapter adheres to the numbering template set out in Appendix A of the Renumbering Application;
 - (iv) ensuring that the wording around written approval/public notification has been used in a consistent manner;
- (c) reviewing the chapters for external consistency. This involved ensuring that cross-references to the relevant chapter from other chapters in the CRDP are correct; and
- (d) amending the CRDP accordingly.

[11] In addition, in our Decision 63 we dealt with matters relating to the consistent use of abbreviated terms, numbering, hyperlinking, colour and format of defined terms, and subscript

for noise related technical terms.⁴ The Council has addressed these matters in the revised chapters.

[12] The Council states it is confident that the overall numbering and structure of the chapters is correct, however noting that there may be issues in the lower order numbering of tables.⁵

[13] We do not consider it practically feasible or necessary for us to have undertaken an in-depth analysis of the Council's renumbering and restructuring of the chapters, for example, making sure that all the cross-referencing is correct. We consider that should any numbering inaccuracies be discovered, these can adequately be dealt with through the minor corrections processes while it is still available to us, or following that, the usual RMA processes under clause 20A of Schedule 1.

[14] Finally, in Schedule 5 to Decision 63 we directed a number of corrections. The Council has confirmed that these have been completed in both the restructured chapters, and where relevant, on the planning maps. We do, however, note a number of the outline development plans within Chapter 8 contain incorrect reference numbers in their titles. For example, the outline development plan for North Halswell in Appendix 8.10.4 is titled 'Appendix 8.6.4....' This should be 'Appendix 8.10.4...'. We direct the Council to correct these appendices without unnecessary delay.

[15] Accordingly, subject to the changes directed in this decision, the panel so confirms the restructured CRDP as included in **Schedule 1**.

Decision on corrections sought by the Council

[16] Appendix 2 to of the Council's first memorandum sets out the minor corrections resulting from the Council's renumbering/restructuring exercise. This includes the reasons for each minor correction sought.

⁴ At [50], [47] - [49] and [59] of Decision 63 respectively.

⁵ At [16] of its first memorandum.

[17] Except as specified below, the Panel accepts the corrections for the reasons set out in Appendix 2. These are required as a result of the reformatting and restructuring exercise and for matters of consistency across the CRDP.

[18] On page 72 of Appendix 2 to the Council's first memorandum, the Council seeks to delete various cross references to rules for more specific recreation activities that should not be considered under the umbrella of the more general term of 'recreation activity' in Rule 18.4.1.1 P1. The Council considers that 'the approach taken to such lists in other open space zones is to only list the first instance of that activity occurring in the activity tables i.e. the default restricted discretionary or discretionary statuses'.

[19] However, we reject this change. It is our position that, to avoid ambiguity, Rules 18.4.1.4 D3, D5 and D6 need to be specifically excluded from P1. We also note that Council's renumbering has resulted in the use of incorrect rule references in Rule 18.4.1.1 P1 a. which should refer to RD10, not RD13. Rule 18.4.1.1 P1 shall be amended as follows:

Activity	Activity specific standards:
<p>P1 <u>Recreation activity</u> and/or <u>recreation facility</u>, other than as provided for under the following rules:</p> <ul style="list-style-type: none"> a. Rule 18.4.1.1 P24, Rule 18.4.1.3 RD10 and Rule 18.4.1.4 D5 and D6 (<u>Major sports facility</u>); b. Rule 18.4.1.1 P7 and Rule 18.4.1.4 D3 (Golf course); c. Rule 18.4.1.1 P14 and P24 and Rule 18.4.1.4 D6 (<u>Gymnasium</u>); d. Rule 18.4.1.5 NC2 (<u>Motorised sports facility</u>). 	<ul style="list-style-type: none"> a. On <u>sites</u> less than 5,000 m² in area, <u>parking areas</u> shall be limited to: <ul style="list-style-type: none"> i. One per <u>site</u>; and ii. A maximum of 6 car <u>parking spaces</u> per <u>parking area</u>. b. For Hagley Park, permanent parking areas are restricted to the existing formed car parks.

[20] In addition, we note that in some instances there are discrepancies between Appendix 2 of the Council's first memorandum and the revised chapters provided by the Council. These are largely minor formatting errors within Appendix 2 itself. For avoidance of doubt, the corrections we accept are those set out in the revised chapters attached as Appendix 1 to the Council's third memorandum.

[21] We attach these chapters as **Schedule 1**, unchanged from those provided by the Council, noting that they are still subject to the changes directed elsewhere in this decision including the request for corrections rejected above.

Decision as to provisions relating to the Meadowlands Exemplar Development

[22] We directed the Council to remedy inconsistencies arising from the integration of the MED provisions (Decision 4) with the Subdivision and Residential New Neighbourhood provisions (Decisions 28 and 29).⁶ Our minor corrections decision for Decision 63 sets out the background to this issue in more detail.

[23] Appendix 3 of the Council's first memorandum sets out the reasons for, and specific details, of each correction. The amendments are also shown by the Council as tracked changes in the restructured Chapters 2, 8 and 14.

[24] The Panel accepts the amendments for the reasons set out in Appendix 3 to the Council's first memorandum. However, as with the other minor corrections sought, where there is a discrepancy between Appendix 3 and the restructured chapters, the corrections are accepted as set out in the restructured chapters attached as **Schedule 1** to this decision.

[25] In addition, Council are directed to amend Planning Map 45 as indicated in Appendix 3 (page 5) of its first memorandum:

....to clarify that the underlying zoning of the Meadowlands Exemplar area is the Residential New Neighbourhood Zone, with area specific rules to apply to this area. The specific area is to be identified as a new overlay titled the "Meadowlands Exemplar Overlay".

[26] A consequential amendment is also required to the outline development plan in Appendix 8.10.4 by replacing 'Meadowlands Exemplar Zone' with 'Meadowlands Exemplar Overlay'. Accordingly, we direct this change.

⁶ Memorandum of Counsel with specific chapter corrections, 9 December 2016, at 5.8-5.16.

Planning Maps

[27] The Council provided the panel with a complete set of the Planning Maps on 20 February 2017. The Council has advised that these maps combine all the decision versions of the planning maps into one document.

[28] For the purposes of readability, the Council has split each map into three versions, each of which show the following:

- (a) Zones, designations and other notations;
- (b) Natural Hazards; and
- (c) Natural and Cultural Heritage.

[29] Noting the direction we make above to amend Planning Map 45, for information purposes, we include these maps as **Schedule 2**.

Overall evaluation and conclusions

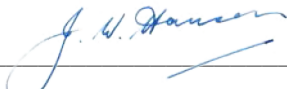
[30] We are satisfied the restructured chapters and associated corrections fall within our jurisdiction. As such, subject to the changes we have directed to Rule 18.4.1.1 P1, Chapter 8 and the Planning Maps, we accept the revised chapters from the Council unchanged, as set out in **Schedule 1**.

Further minor corrections


[31] On 16 February 2017 we advised parties by way of minute that during the period that there are outstanding appeals, the Panel's jurisdiction to consider minor corrections under the order in Council remains in force. We wish to remind parties of this opportunity.

[32] Any such applications for minor corrections should be filed in the normal manner.


For the Hearings Panel:




Hon Sir John Hansen
Chair



Environment Judge John Hassan
Panel Member



Jane Huria
Panel Member



Sarah Dawson
Panel Member

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