

IN THE MATTER OF the Canterbury Earthquake
(Christchurch Replacement District Plan)
Order 2014

AND

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

Minor corrections: 22 November 2016

Hearing Panel: Sir John Hansen (Chair), Mr Stephen Daysh, Mr Alec Neill,
Mr Gerard Willis

**MINOR CORRECTIONS TO DECISION 52 AND DECISION AS TO PLANNING
MAPS**

Coastal Environment and Open Space Coastal Zone

Background

[1] The Hearings Panel ('the Panel') issued its decision on the coastal environment provisions, comprised of a new subchapter 9.6 – Coastal Environment, in Chapter 9 - Natural and Cultural Heritage, and 18.6A – Open Space Coastal Zone, on 21 October 2016.

[2] We have received three applications for minor corrections from Mr Otto Snoep¹, Te Rūnanga o Ngāi Tahu ('Ngāi Tahu') and the Crown² (filed with request for corrections to Decision 51), and the Christchurch City Council³ ('the Council'). We address these in turn below. The Council also filed planning maps and a revised Appendix 18.8.5 as requested by the Panel, along with its memorandum.

¹ Submission on minor corrections to decision 52 by Otto Snoep, 28 October 2016

² Joint memorandum on behalf of Te Rūnanga o Ngāi Tahu and ngā rūnanga and the Crown requesting minor corrections in relation to Decision 51, 31 October 2016

³ Memorandum of counsel for Christchurch City Council requesting corrections to Decision 52 and a further correction to Decision 51 – Coastal Environment and Open Space Coastal Zone, and Ngāi Tahu Values, 7 November 2016

Decision as to minor corrections

[3] 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.

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

Corrections sought by the Council

[5] We have reviewed the corrections sought by the Council, and subject to minor drafting amendment, agree to the changes sought, with one exception.

[6] We do not correct the references to policies and objectives in the text of the decision, as the references in the decision refer to those policies and objectives as they appeared in the Council's revised version.

Corrections sought by the Te Rūnanga o Ngāi Tahu and the Crown

[7] We have reviewed the corrections sought by Ngāi Tahu and the Crown. In keeping with the format of the decisions, although the corrections sought by Ngāi Tahu and the Crown were sought in relation to Topic 9.5 (as they relate to the Open Space Coastal Zone), we address the changes sought in relation to Decision 52.

[8] Ngāi Tahu and the Crown made an application for three corrections relating to the Open Space Coastal Zone provisions.

[9] The first sought that a correction be made in relation to the new controlled activity provision, Rule 18.6A.1.2. As a pre-amble to this rule, it records that controlled activities shall not be limited or publicly notified.

[10] In its application, Ngāi Tahu and the Crown have said that this is not consistent with the remainder of the Open Space chapter. However we note that similar wording is used in Rule 18.3.5.12. The parties also record that they do not consider that the decision justifies the change.

[11] Rule 18.6A.1.2 provides at C1 for baches. This rule replaces the notified RD1 and RD2 provisions, also relating to baches. The notified rules that C1 replaced did not provide for limited or public notification. Similarly, we dispensed with it for the purpose of C1. We did not address the matter of notification in relation to bach activity as no change was made.

[12] As such, we decline to make any changes in relation to Rule 18.6A.1.2.

[13] The second change sought by Ngāi Tahu and the Crown relates to insertion of a decision date in Rule 18.6A.1.3 RD5. We agree to the change.

[14] The last change sought by the Crown relates to incorrect provisions in Rule 18.7.27 – assessment matters relating to baches at Taylors Mistake, Hobson Bay and Boulder Bay. The parties have correctly identified that incorrect assessment criteria were included with the decision. This arose from differing tracked and untracked versions of the provisions submitted with the Council’s closing legal submissions. We agree to the changes sought.

Corrections sought by Mr Otto Snoep

[15] Mr Snoep seeks that the paper road at Taylors Mistake be amended from Open Space Coastal Zone to Transport Zone. He sets out his reasons for doing so in his application.

[16] The Hearings Panel requested a response from the Council, which was duly provided.⁴ Having considered both the application by Mr Snoep, and the response from the Council, we find that the change sought is not minor and does not correct a mistake or defect in the decision. In addition, we note that the deeming provisions provided for in Chapter 7 only apply to new roads.

[17] We decline the change sought.

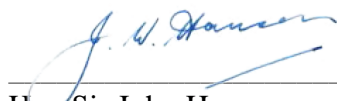
⁴ Memorandum of Counsel for Christchurch City Council responding to Mr Snoep’s submission seeking minor corrections to Decision 52 – Coastal Environment and Residential Bach Zone, 10 November 2016

[18] Accordingly, we direct changes using our powers under cl 16 of Schedule 3 to the OIC as set out in the revised Schedule 1 attached.

Decision as to Planning Maps

[19] We have received a copy of the Planning Maps showing the revised Coastal Environment line and the new Open Space Coastal Zone. The changes accord with our decision, including adjustments agreed by the Council to the Coastal Environment line at Pigeon Bay and Cass Bay, and the change of zoning to land at Southshore to Residential Suburban. We confirm them accordingly as set out in Schedule 2.

For the Hearings Panel:



Hon Sir John Hansen
Chair



Mr Stephen Daysh
Panel Member



Mr Alec Neill
Panel Member



Mr Gerard Willis
Panel Member

SCHEDULE 1**Corrections to Decision 52**

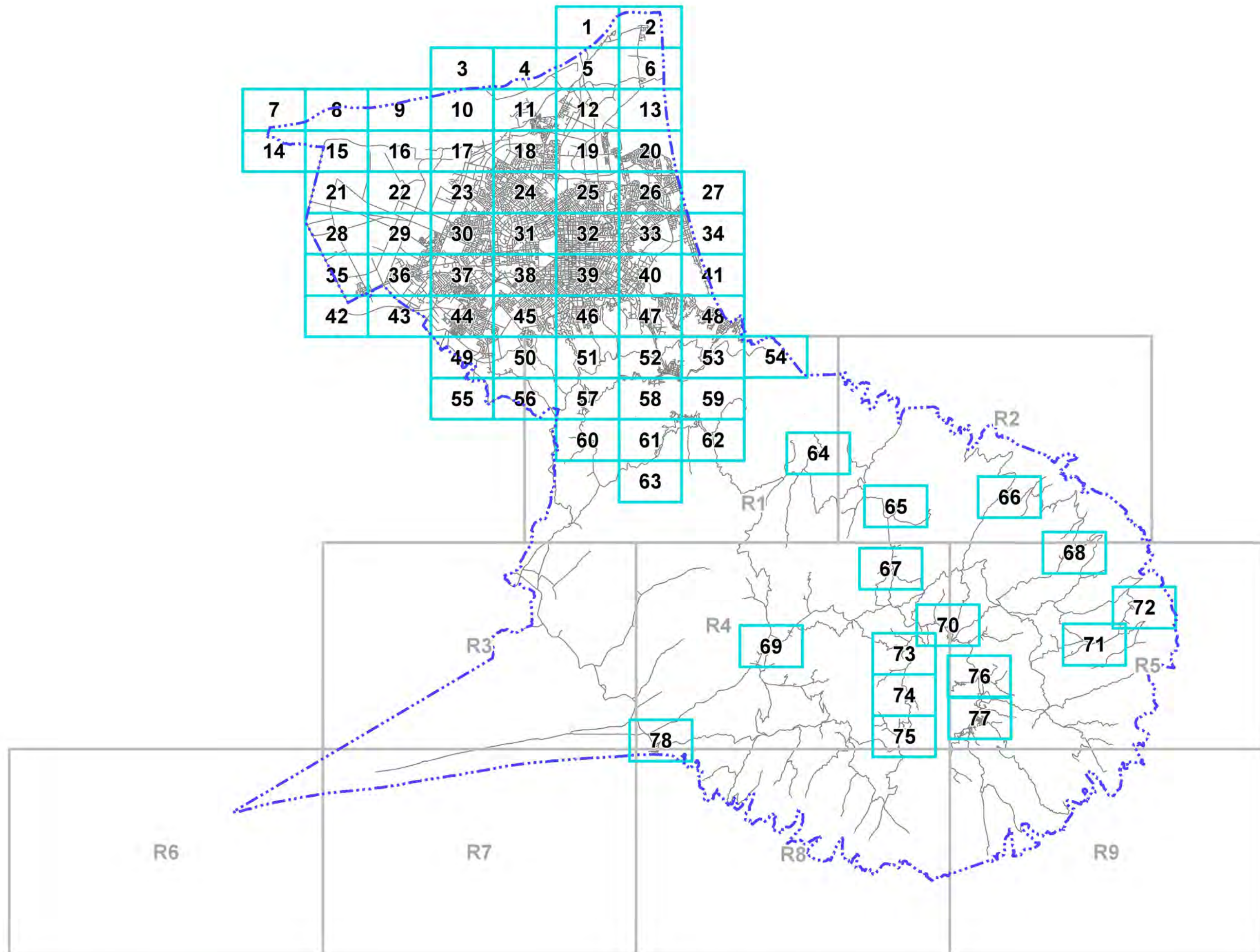
Correction	Reason
<p>Amend para [9] to read:</p> <p><i>We note that sites within the Open Space Coastal Zone will no longer be zoned in the existing plans, when the planning maps have been replaced by the second decision on the Coastal Environment and the Open Space Coastal Zone planning maps.</i></p>	<p>Corrects the text in relation to the timing of decisions.</p>
<p>Amend 9.6.0 Introduction to read:</p> <p><i>It is not an aid to in to interpretation in a legal sense.</i></p>	<p>Typographical error.</p>
<p>Amend Objective 9.6.1.2 to read:</p> <p><i>a. Public access to and along the coastal marine area is maintained and <u>or</u> enhanced by providing access in places and in forms which is <u>are</u> compatible with public health and safety, sensitivity of the receiving environment and protecting the natural, historic and Ngāi Tahu cultural values of the coastal environment.</i></p>	<p>Corrects error and improves expression.</p>
<p>Amend Rule 9.6.3.1 a.iv. to read:</p> <p><i>Ngāi Tahu – mana whenua cultural and traditional associations, ‘Te Tai o Mahaanui’ statutory acknowledgement area and identified Sites of Ngāi Tahu Cultural Significance <u>identified in Appendix 9.5.6, mahinga kai...</u></i></p>	<p>Consistency.</p>
<p>Amend Rule 9.6.3.1 b.ii. to read:</p> <p><i>ii. whether the location of public access has the potential to adversely affect public health and safety, Ngāi Tahu mana whenua, cultural values, including effects on sSites of Ngāi Tahu eCultural sSignificance <u>identified in Appendix 9.5.6, mahinga kai,</u></i></p> <p>....</p>	<p>Consistency.</p>
<p>Amend Rule 9.6.3.1 d. to read:</p>	<p>Typographical error.</p>

<p><i>d. Extent to which the proposed subdivision, use or development is likely to result <u>in</u> adverse cumulative effects on the values of the coastal environment.</i></p>	
<p>Amend Rule 9.6.3.1 to read:</p> <p><i>1. With respect to Ngā Wai Te Tai o Mahaanui reference should be made to Objectives 9.5.2.1 – 9.5.2.3 in Sub-chapter 9.5 <u>Ngāi Tahu</u> values and the natural environment, and Policy 9.5.2.6 Ngā Wai.</i></p>	<p>Clarity.</p>
<p>Amend Rule 18.6A.1.3 RD5 to read:</p> <p><i>One single 2 m2 addition to an existing bach as shown in Appendix 18.8.5 and existing at <u>21 October 2016</u> insert date of decision, provided the addition does not increase the height of the bach beyond the existing roofline. This rule does not apply to any relocated or new bach located within the Coastal Bach Overlay.</i></p>	<p>Insertion of date of decision.</p>
<p>Amend Rule 18.6A.1.6 PR1 to read:</p> <p><i>Any new or relocated bach, that would result in the total number of baches in that part of the Open Space Coastal Zone shown in Appendix 18.8.5 <u>and in, including the Coastal Bach Overlay area, exceeding 45 baches.</u></i></p>	<p>Clarity.</p>
<p>Amend Rule 18.7.27 as follows:</p> <p><i>a. Whether relocation of the building to an approved alternative site in the future is practicable.</i></p> <p><i>b. The extent to which the scale, design and materials are appropriate.</i></p> <p><i>c. The expected operational life of structures, and removal and remediation at the end of its operational life and/or in the event of total failure.</i></p> <p><i>a. <u>The location of the access point and impact on the adjoining Council reserve.</u></i></p>	<p>Incorrect assessment matters included in decision, based on clean, rather than tracked change version submitted with closing Council legal submissions. Corrected.</p>

<p>b. <u>The visual impact of the building addition and its appropriateness in the coastal environment and landscape setting.</u></p> <p>c. <u>Whether the building addition is required to achieve a connection to a reticulated sewer system.</u></p>	
<p>Amend Rule 8.5A.4 by adding the following:</p> <p><u>10. Coastal environment</u></p> <p>a. <u>The relevant matters of discretion in Rule 9.6.3.1 – Effects of activities on the coastal environment.</u></p>	<p>Corrects an omission.</p>

SCHEDULE 2

Planning Maps

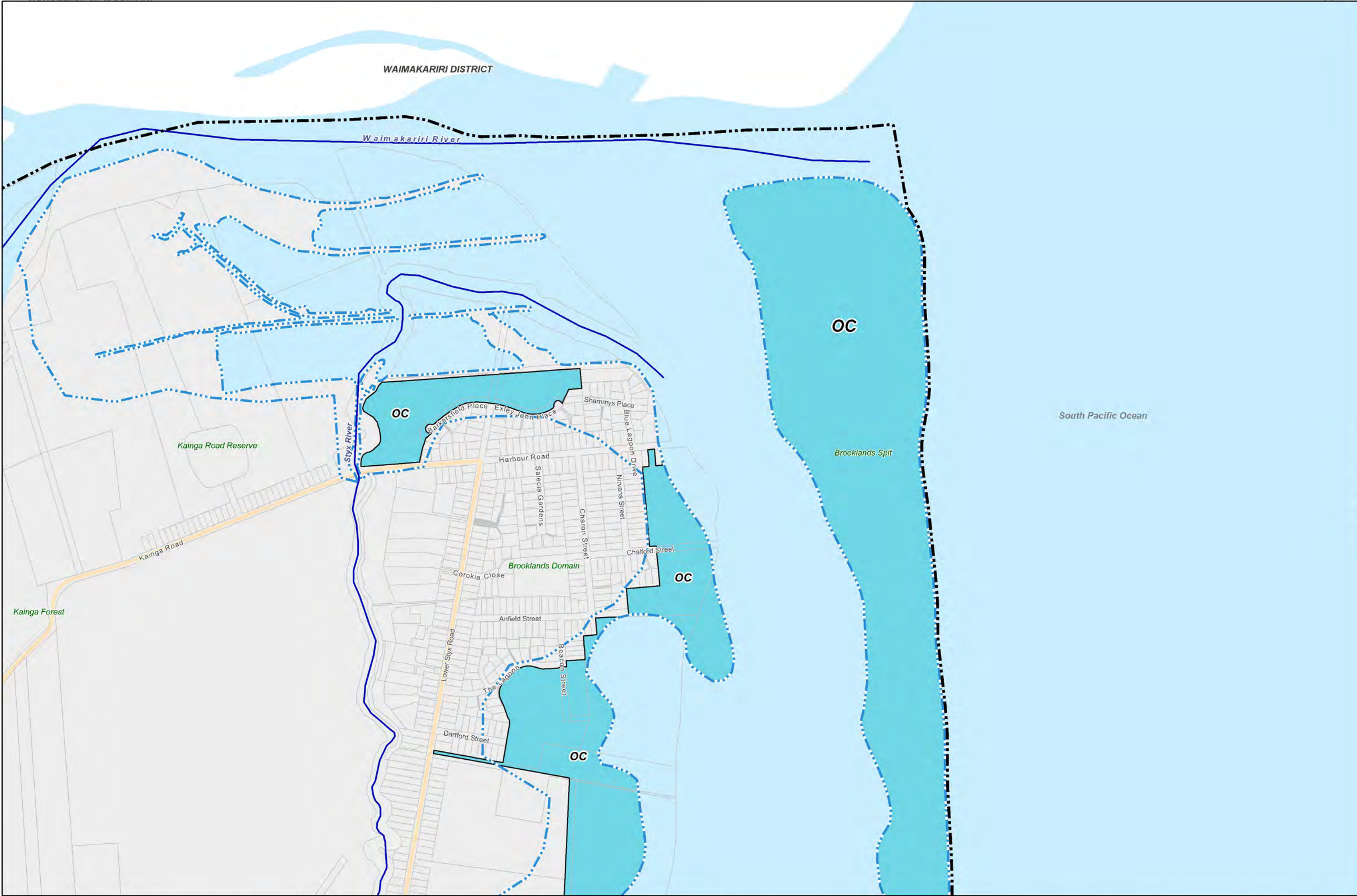




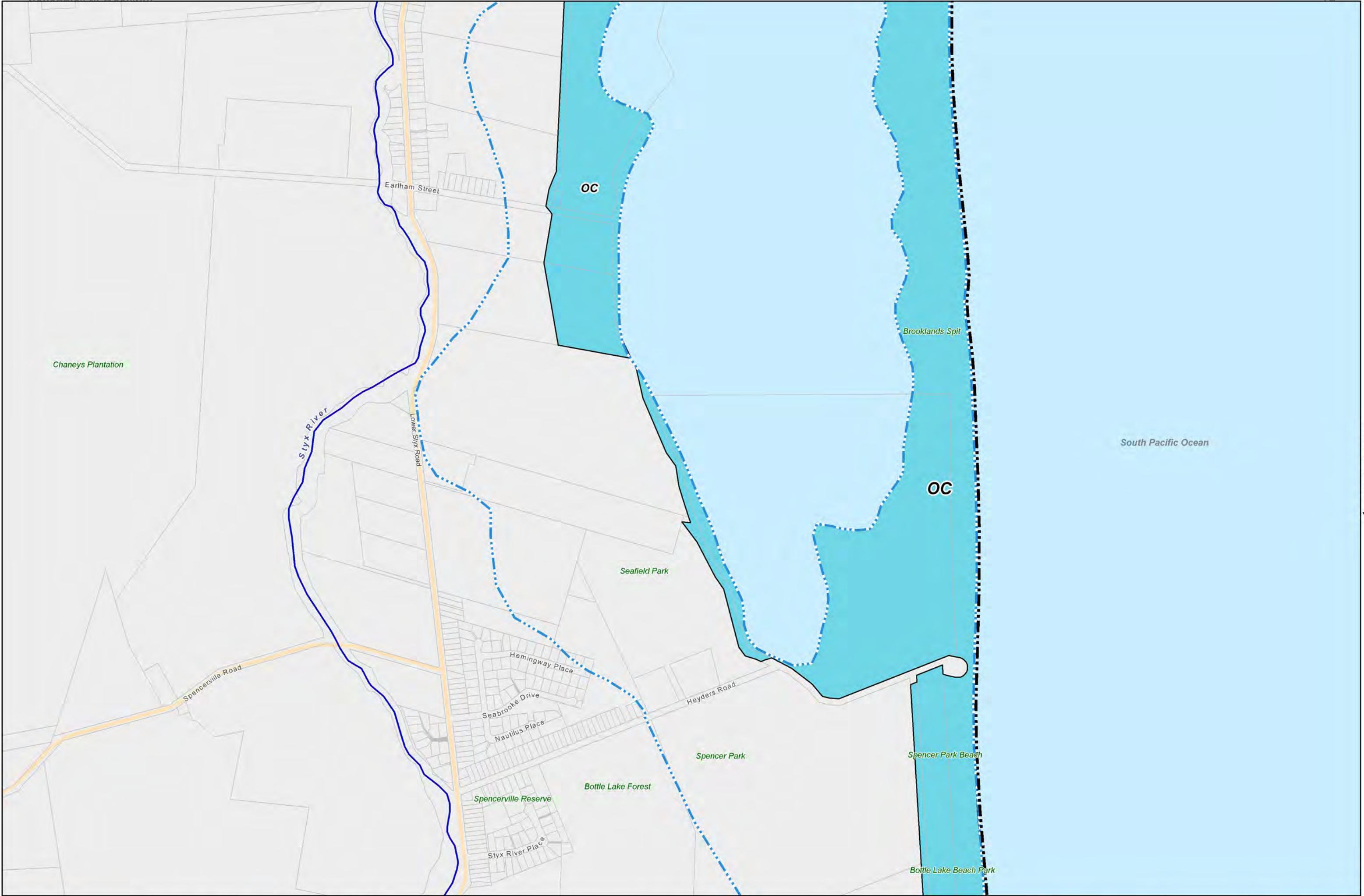
The cadastre and coastline shown on the planning maps is not part of the information in the District Plan. It has been provided on the planning maps as an additional function to enhance navigability and search capability. District Plan rules do not apply for overlays extending into the Coastal Marine Area. The Coastal Marine Area is as defined in the Resource Management Act. The cadastre was based on the most recent information held by the Council at the date the map was produced. Establishing compliance or otherwise with the plan may require a formal survey.

The District boundary is as defined in the Resource Management Act, which uses the definition from the Local Government Act. The line on these maps representing the District boundary is indicative and for information purposes only. The actual boundary is as defined in the legislation. Determining rights and obligations under the District Plan where the District boundary is relevant may require a formal survey.

The District Plan planning maps are at a scale of 1:10000 and 1:50000. Use at any other scale than specified on each map is for information purposes only, and does not form part of the District Plan.

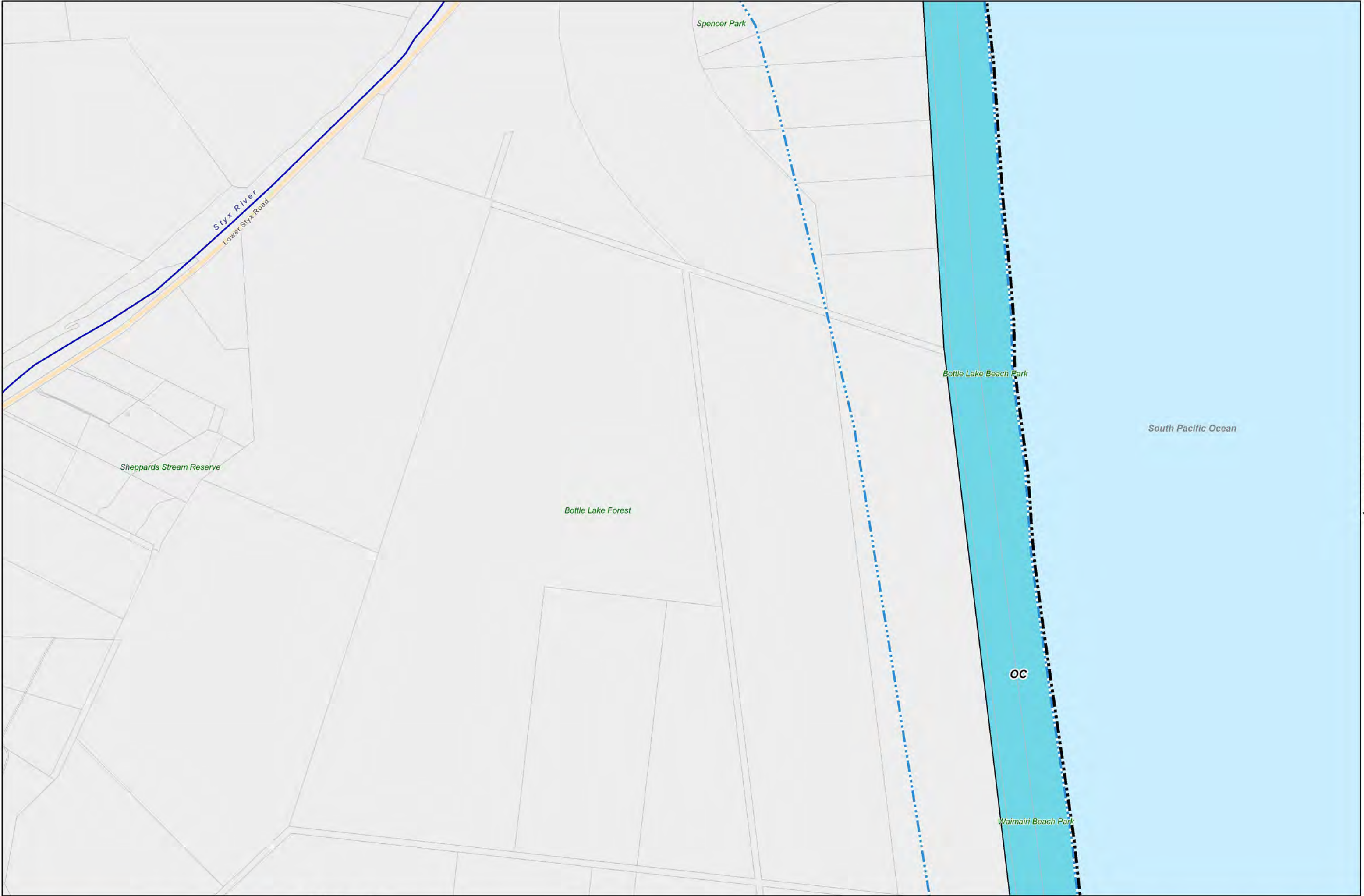


LEGEND BELOW

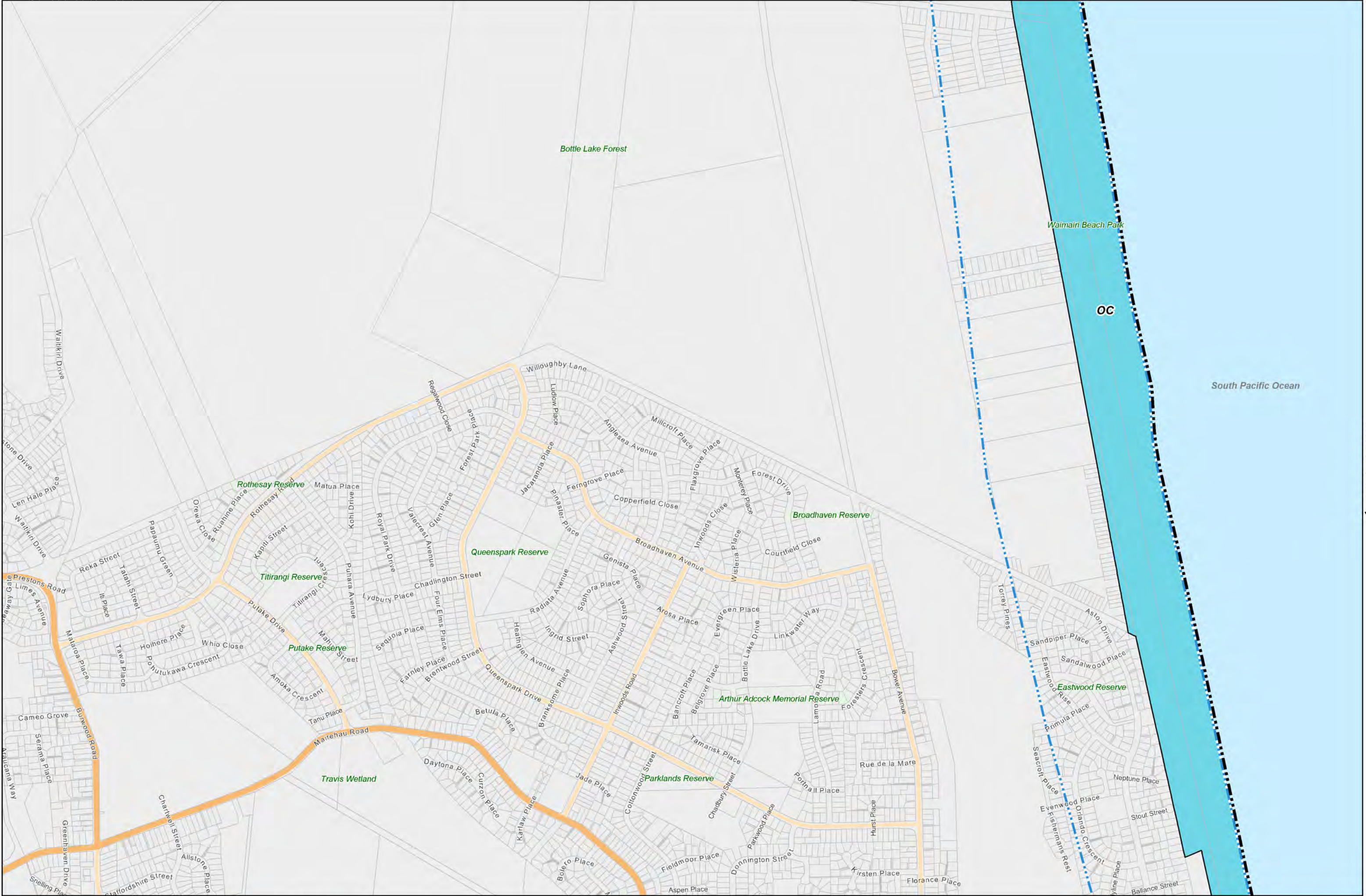


LEGEND BELOW

1	2
5	6
12	13

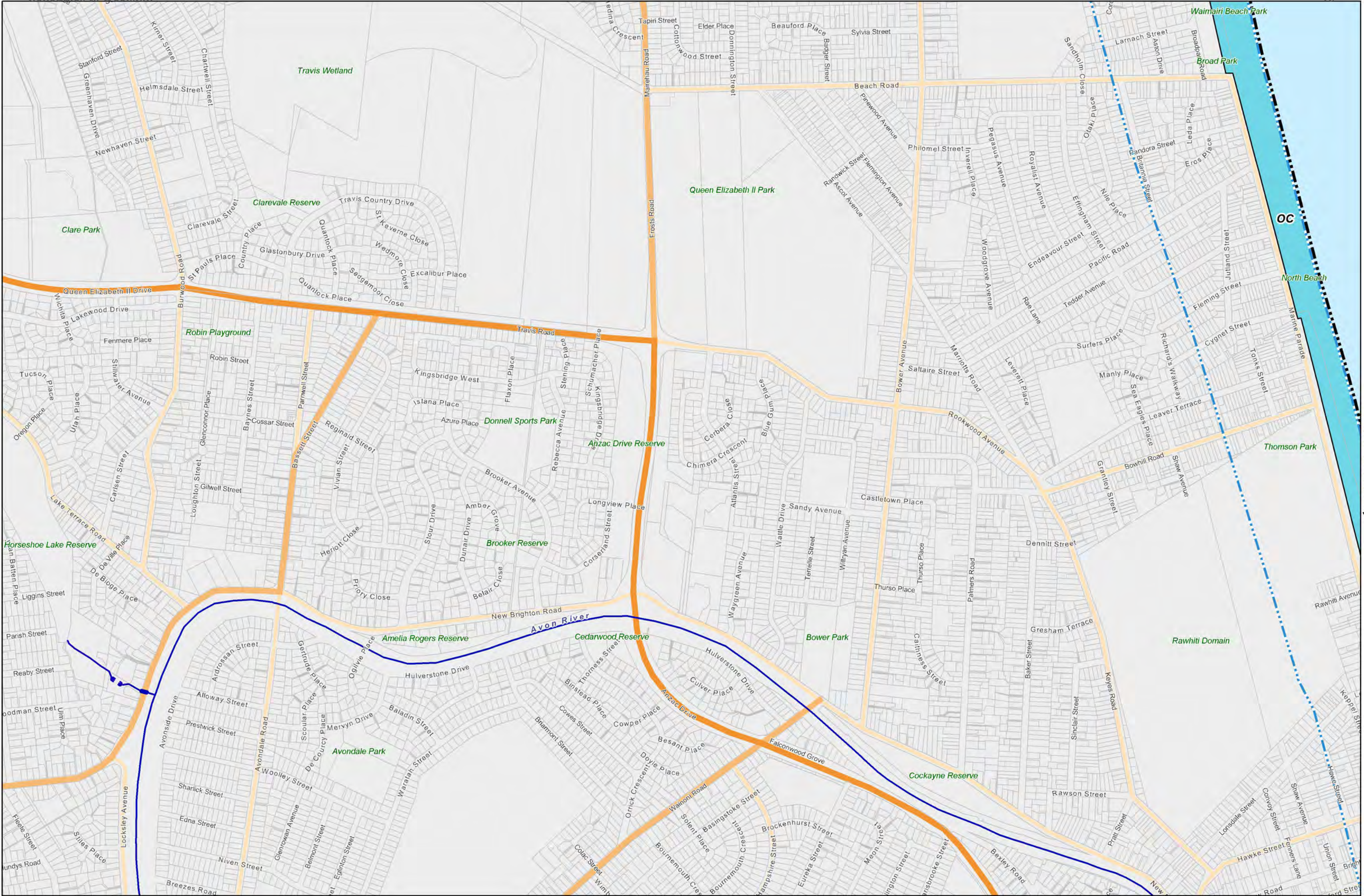


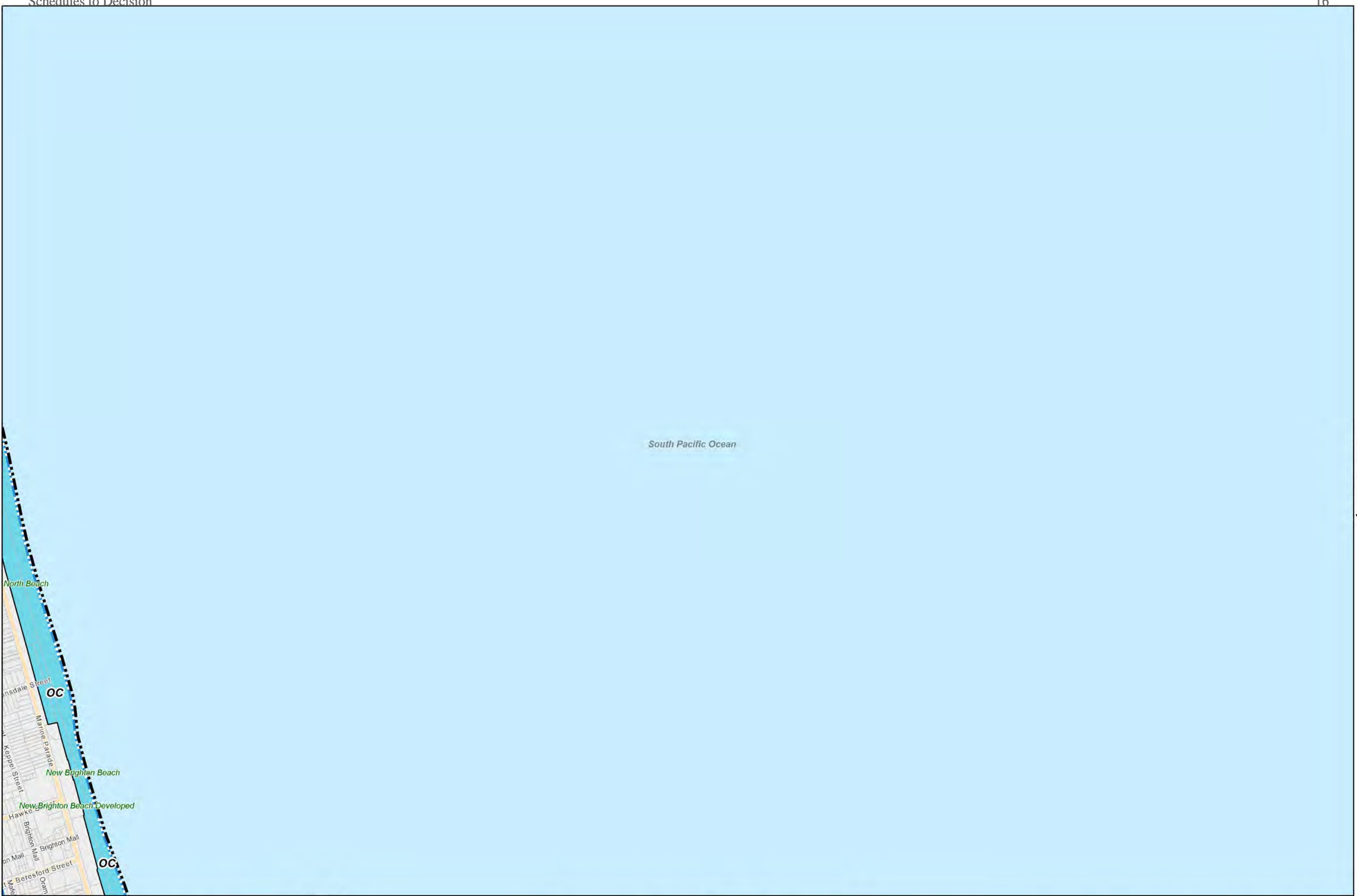
5	6
12	13
19	20



LEGEND BELOW

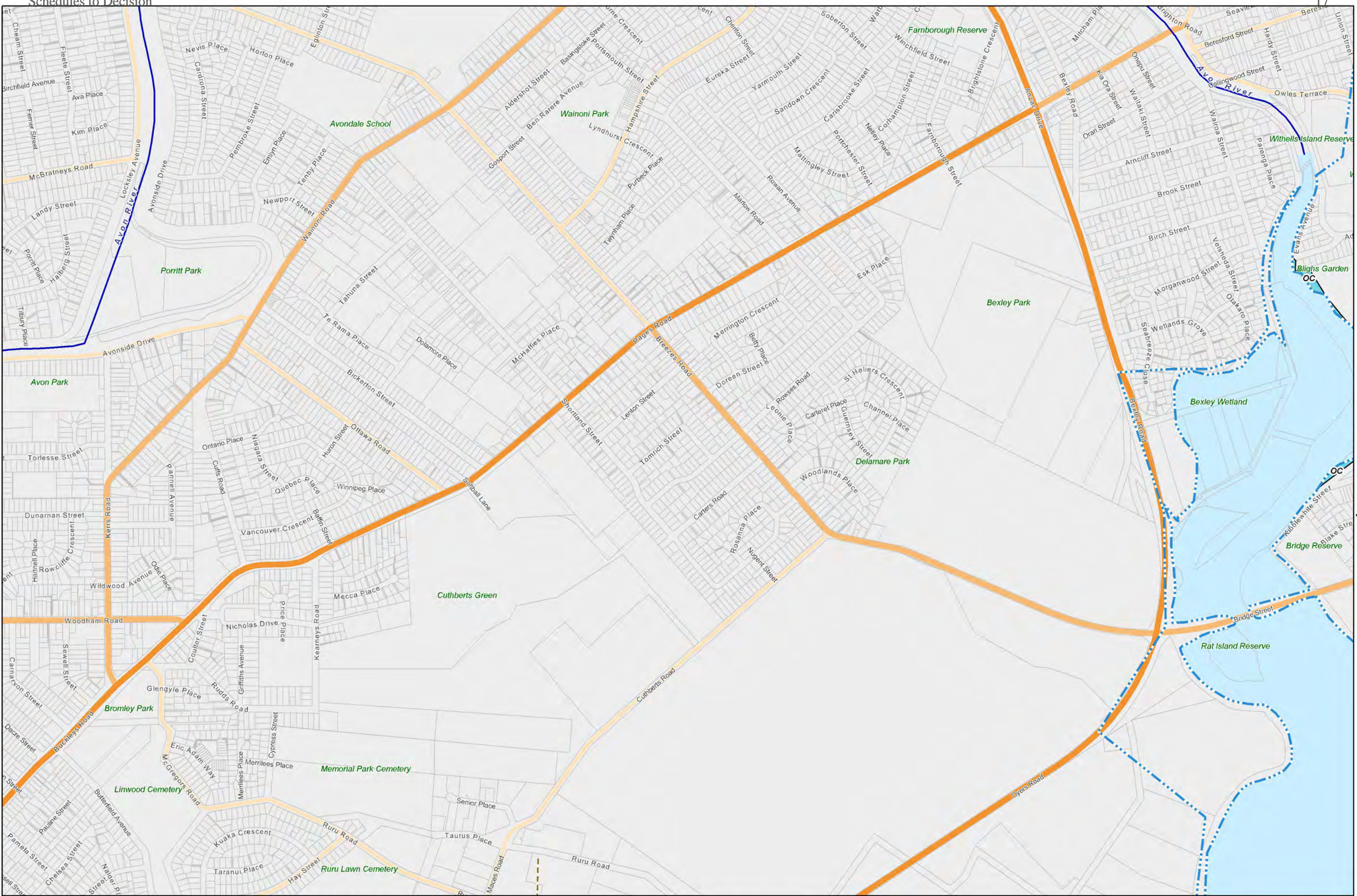
12	13
19	20
25	26

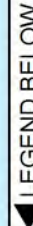


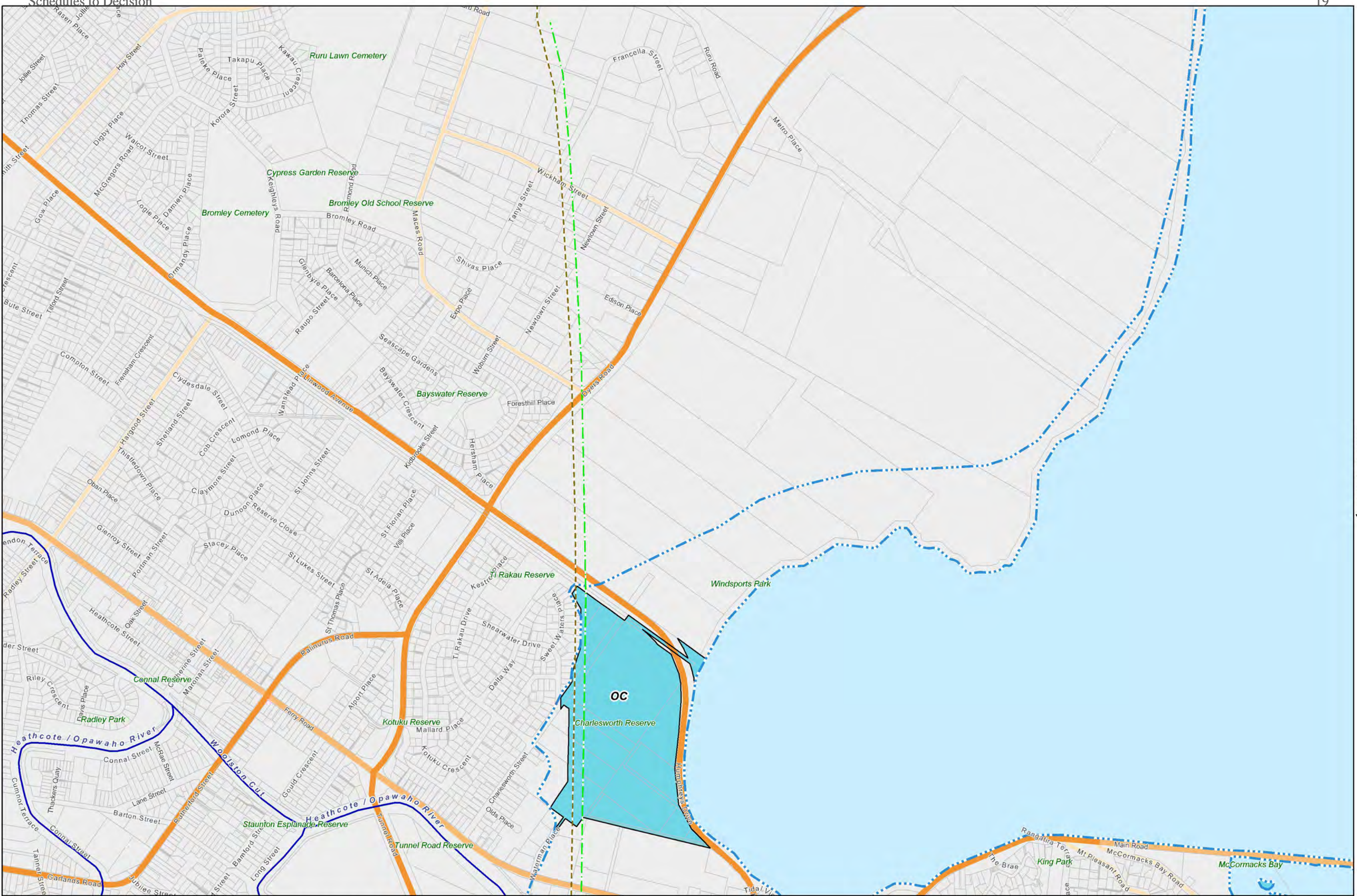


LEGEND BELOW

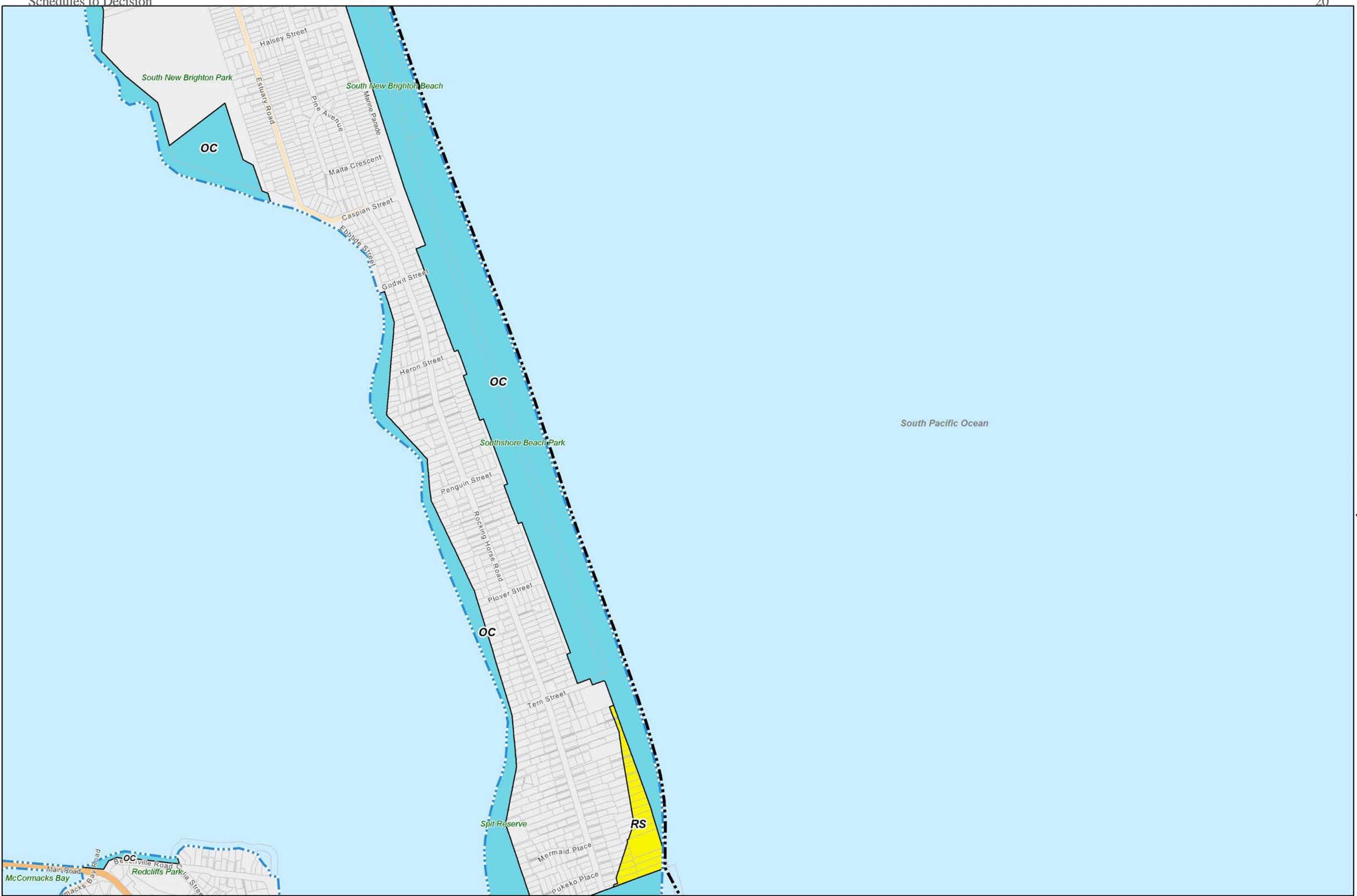
20	
26	27
33	34





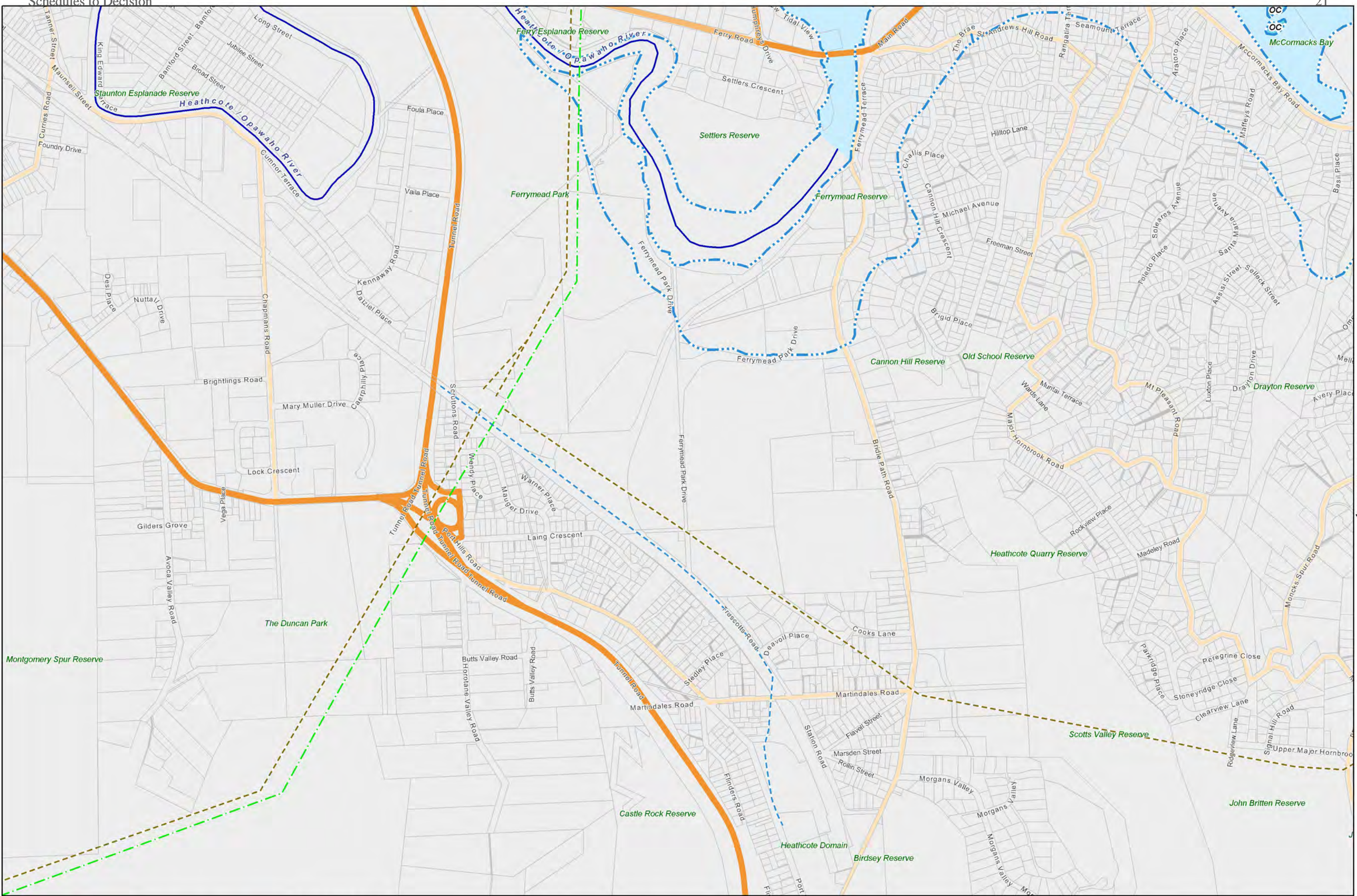


32	33	34
39	40	41
46	47	48

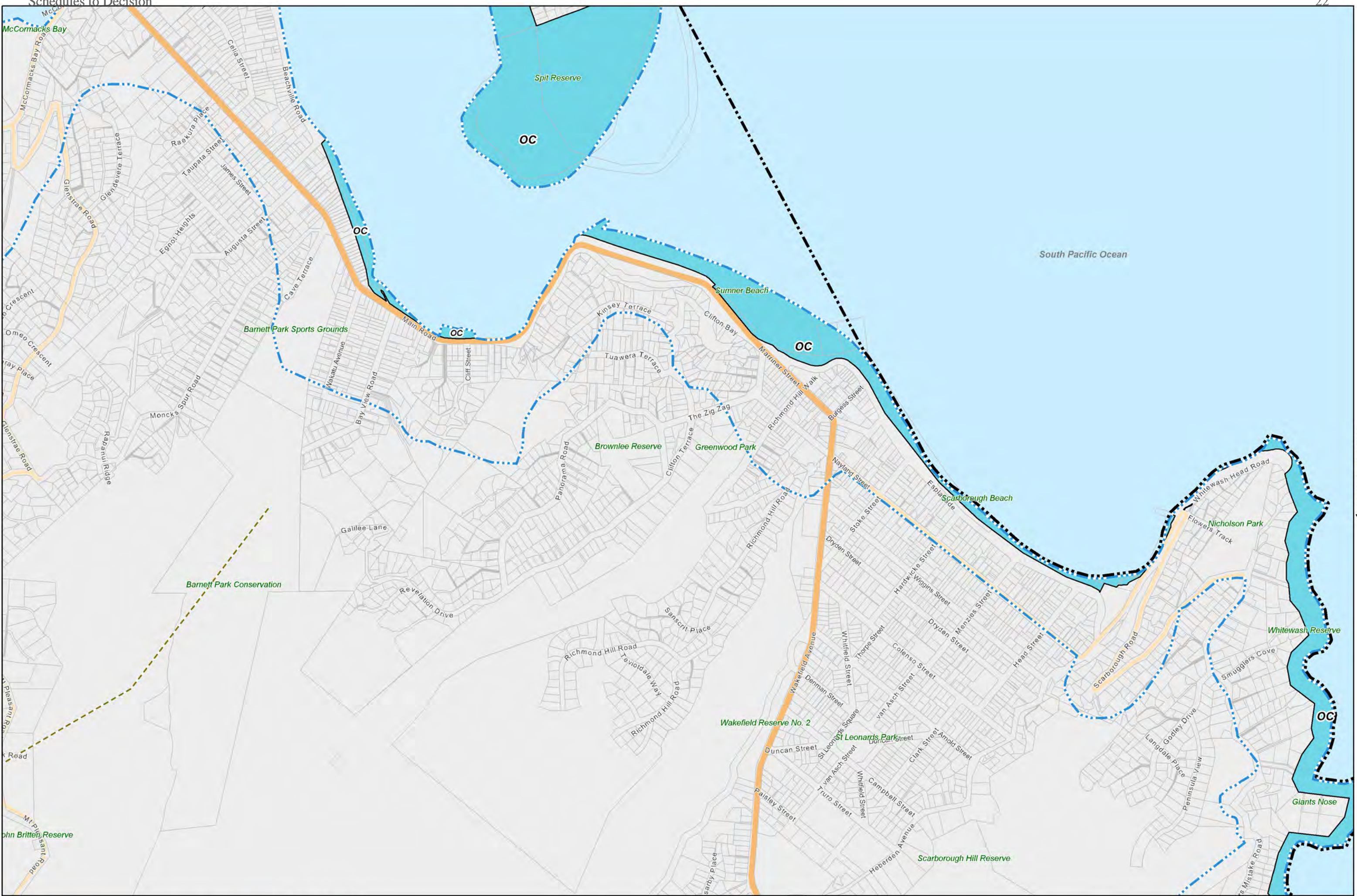


LEGEND BELOW

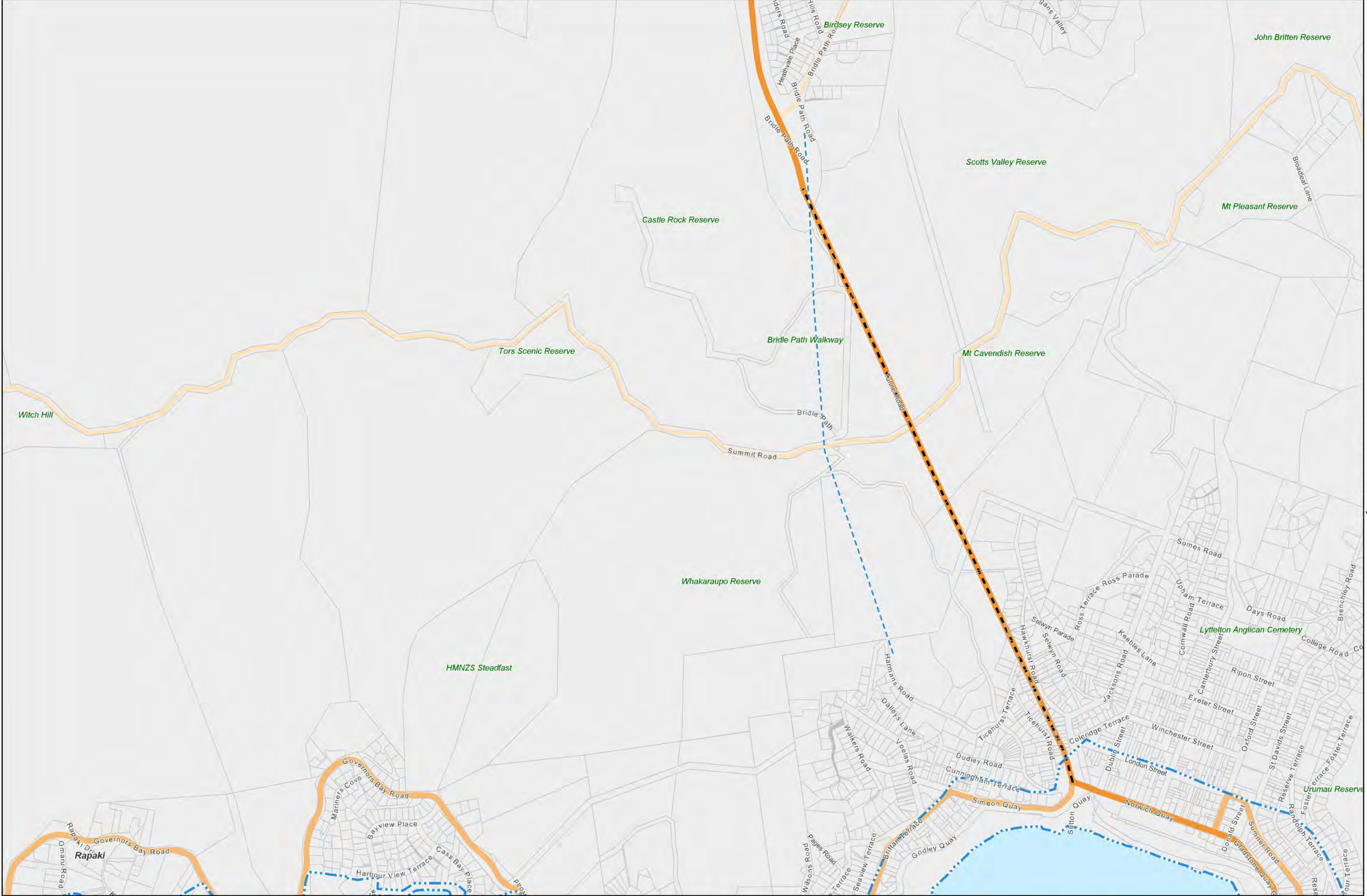
33	34
40	41
47	48



39	40	41
46	47	48
51	52	53



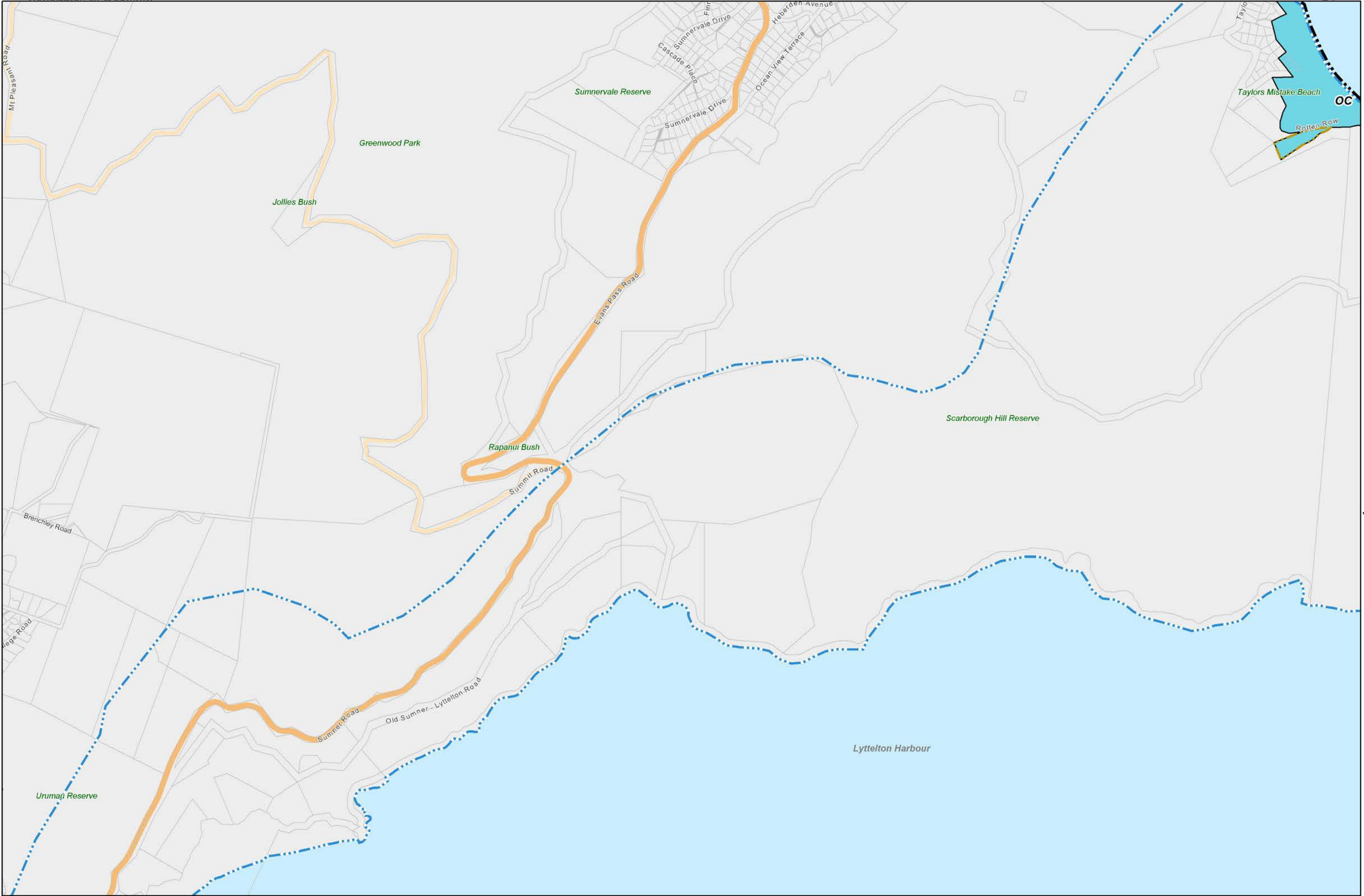
40	41
47	48
52	53



LEGEND BELOW

46	47	48
51	52	53
57	58	59

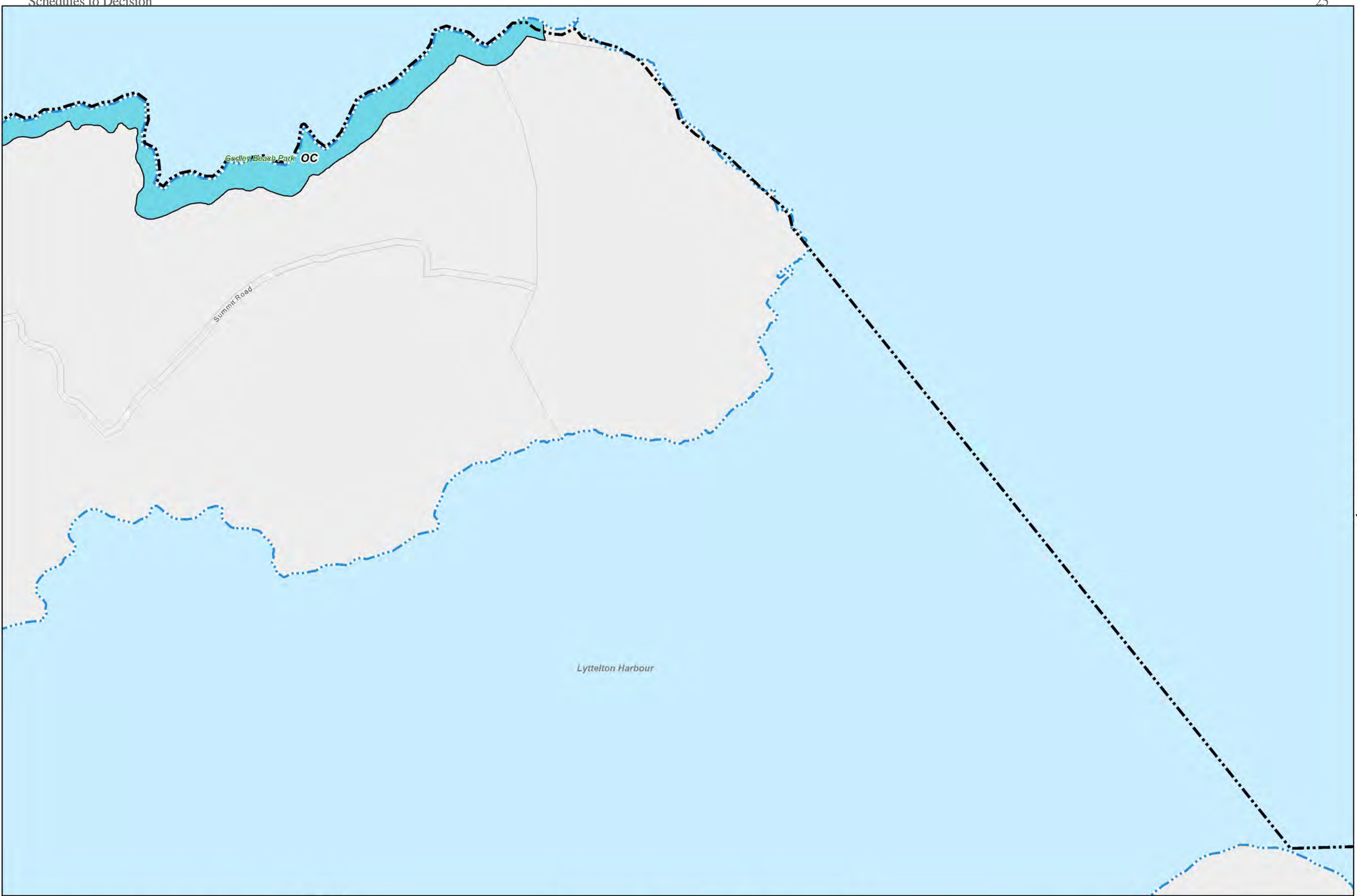




LEGEND BELOW

47	48
52	53
58	59





LEGEND BELOW



LEGEND BELOW

50	51	52
56	57	58
60	61	





LEGEND BELOW

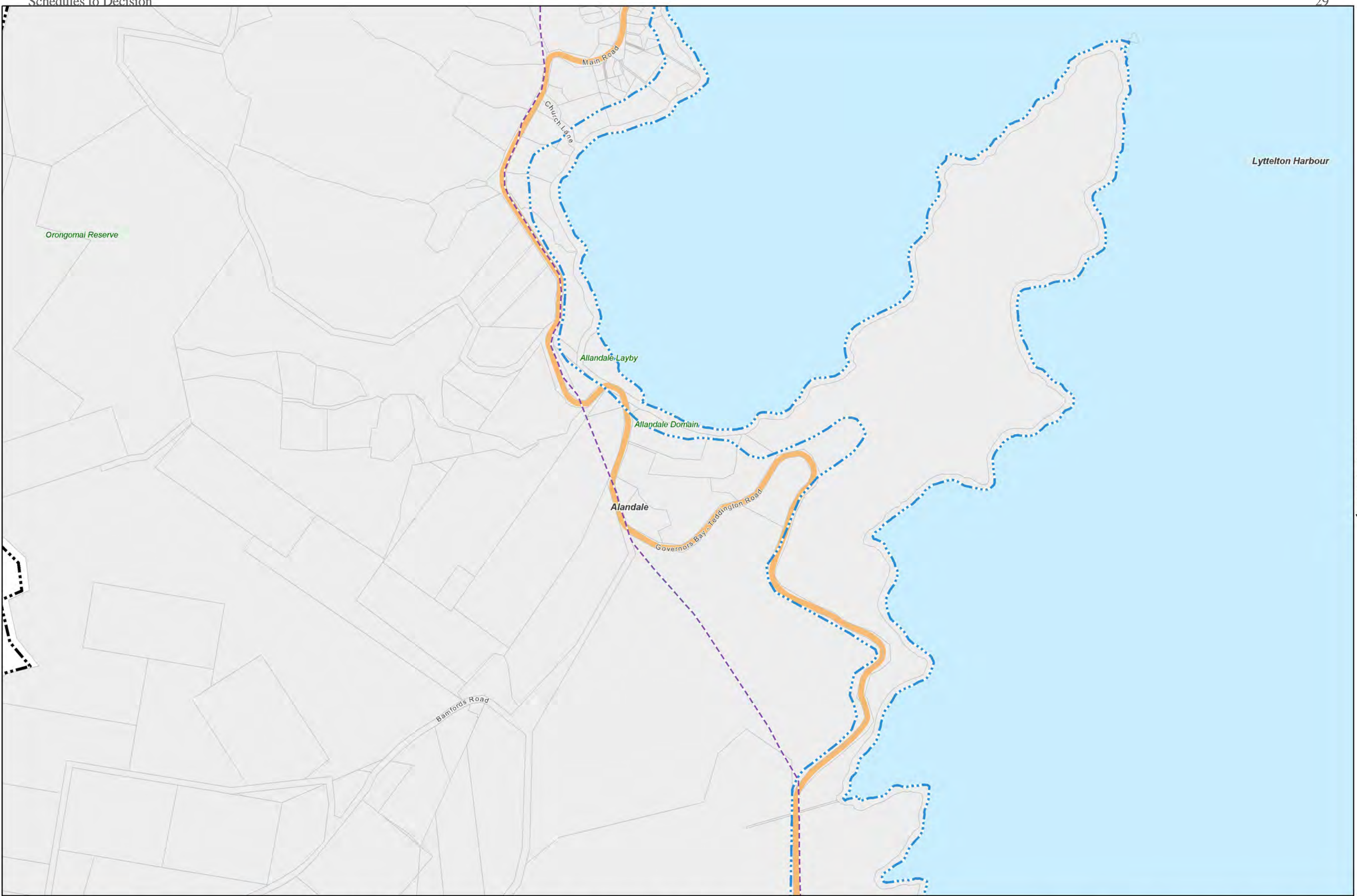
51	52	53
57	58	59
60	61	62



▼ LEGEND BELOW

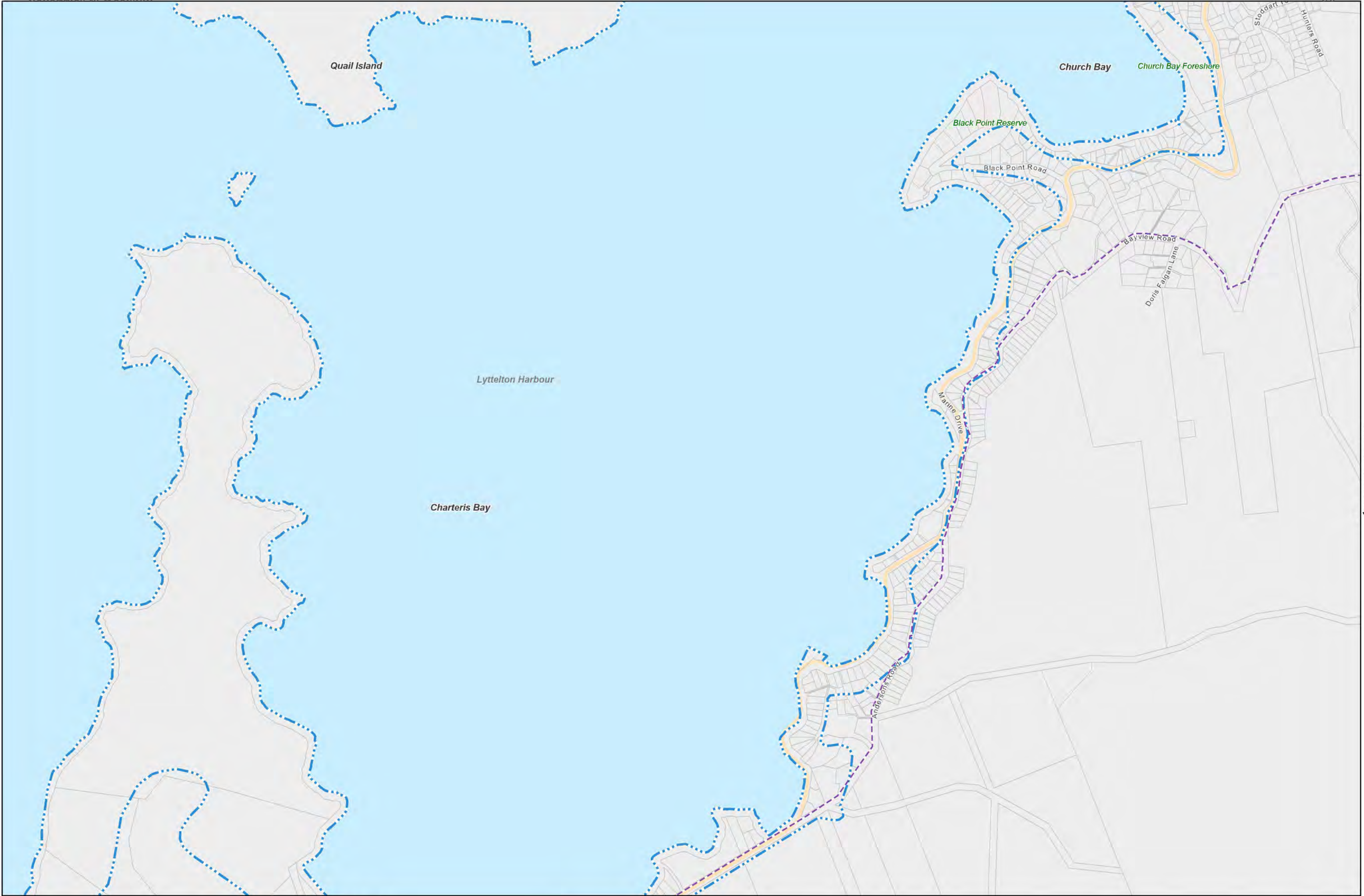
52	53	54
58	59	
61	62	





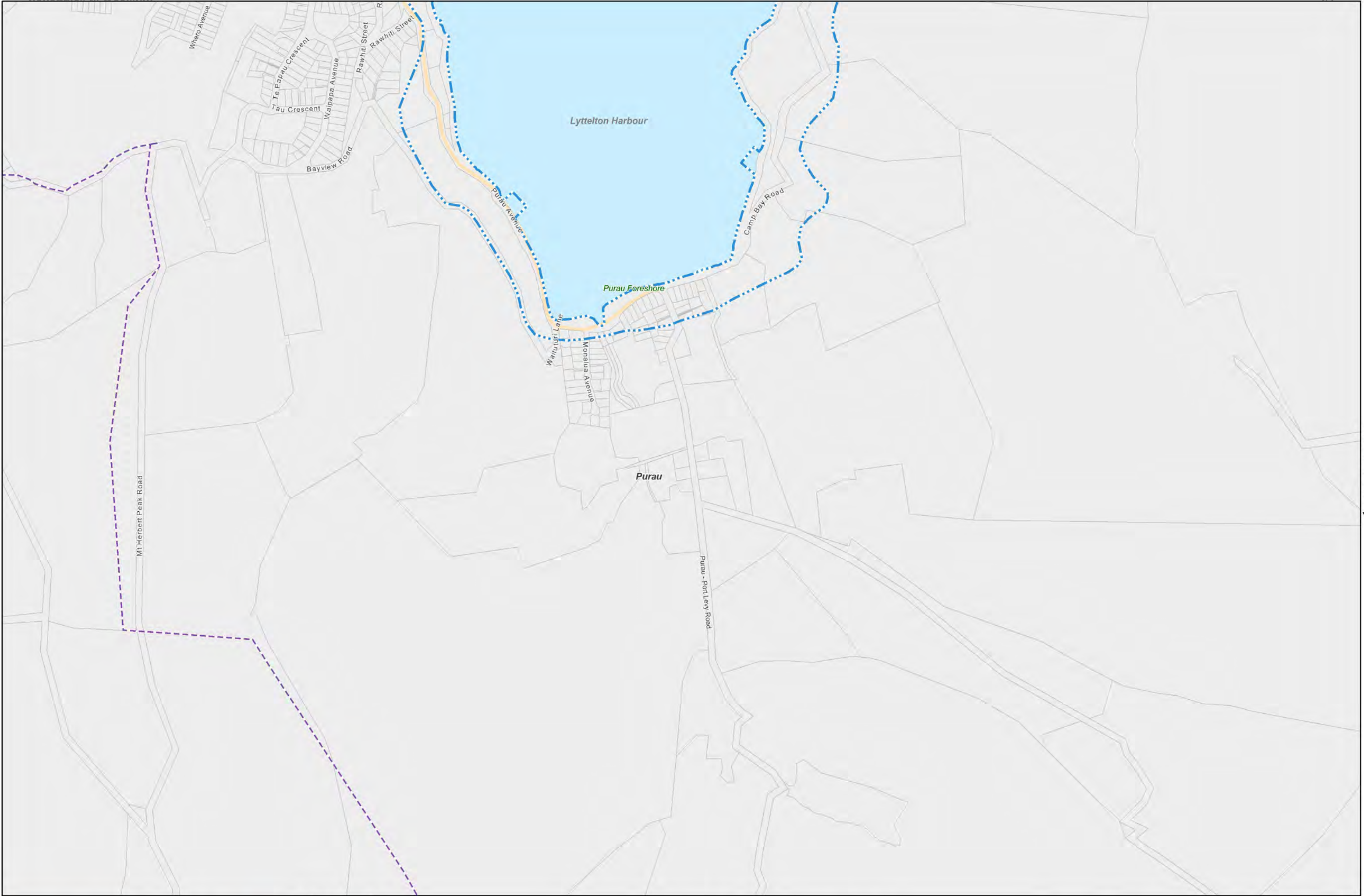
LEGEND BELOW

56	57	58
	60	61
		63



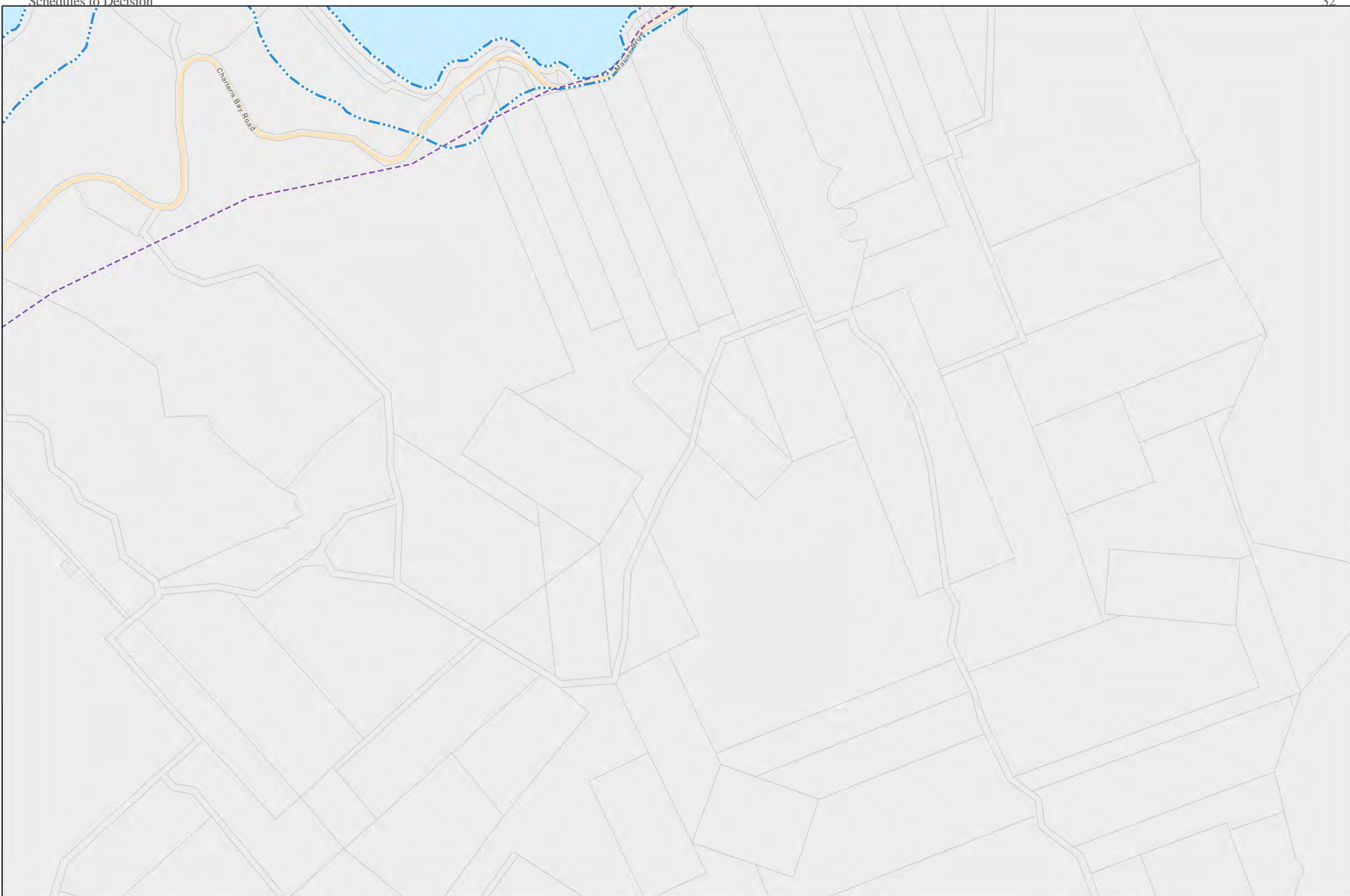
LEGEND BELOW

57	58	59
60	61	62
	63	



LEGEND BELOW

58	59
61	62
63	



LEGEND BELOW

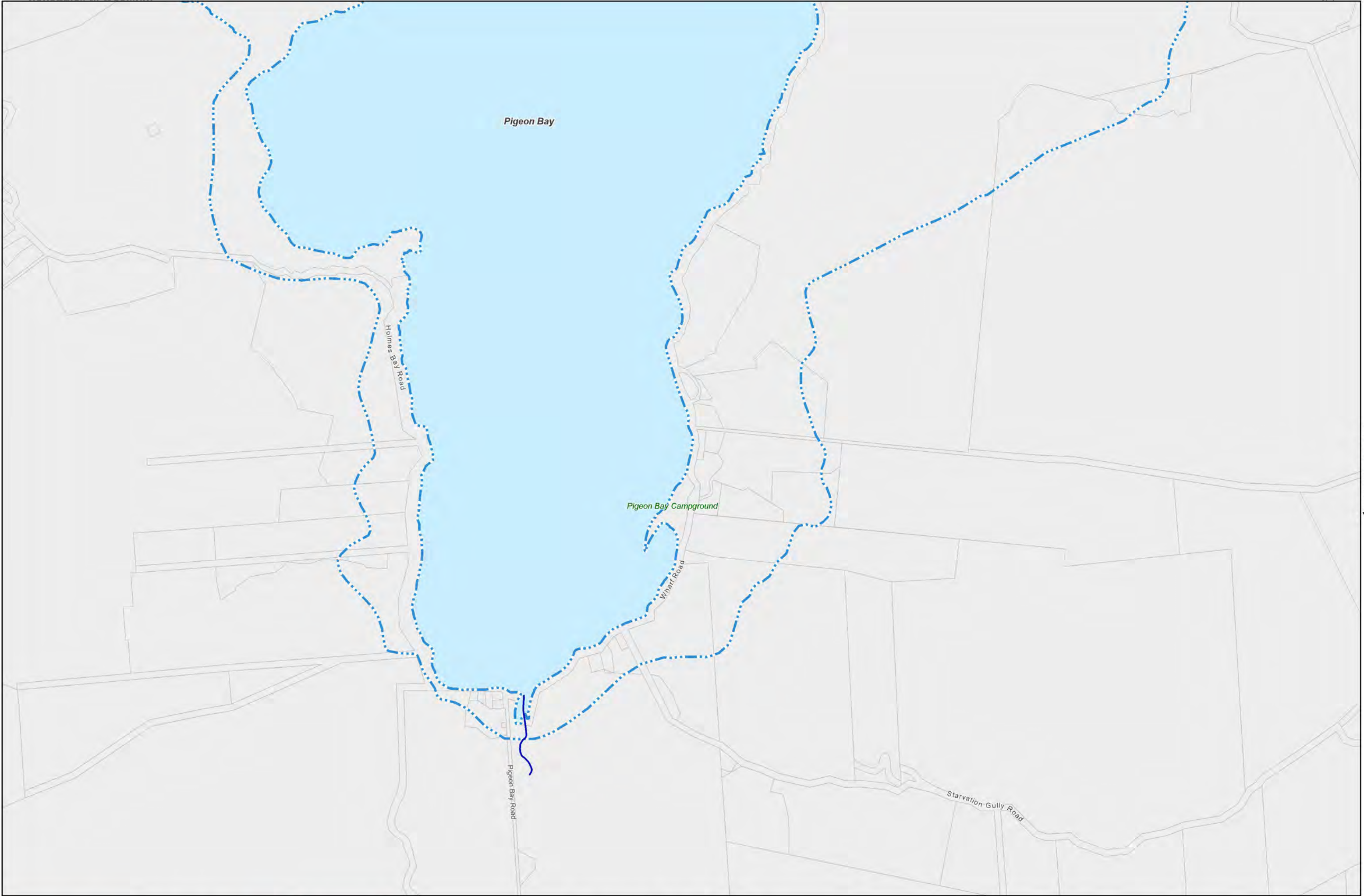


60	61	62
	63	



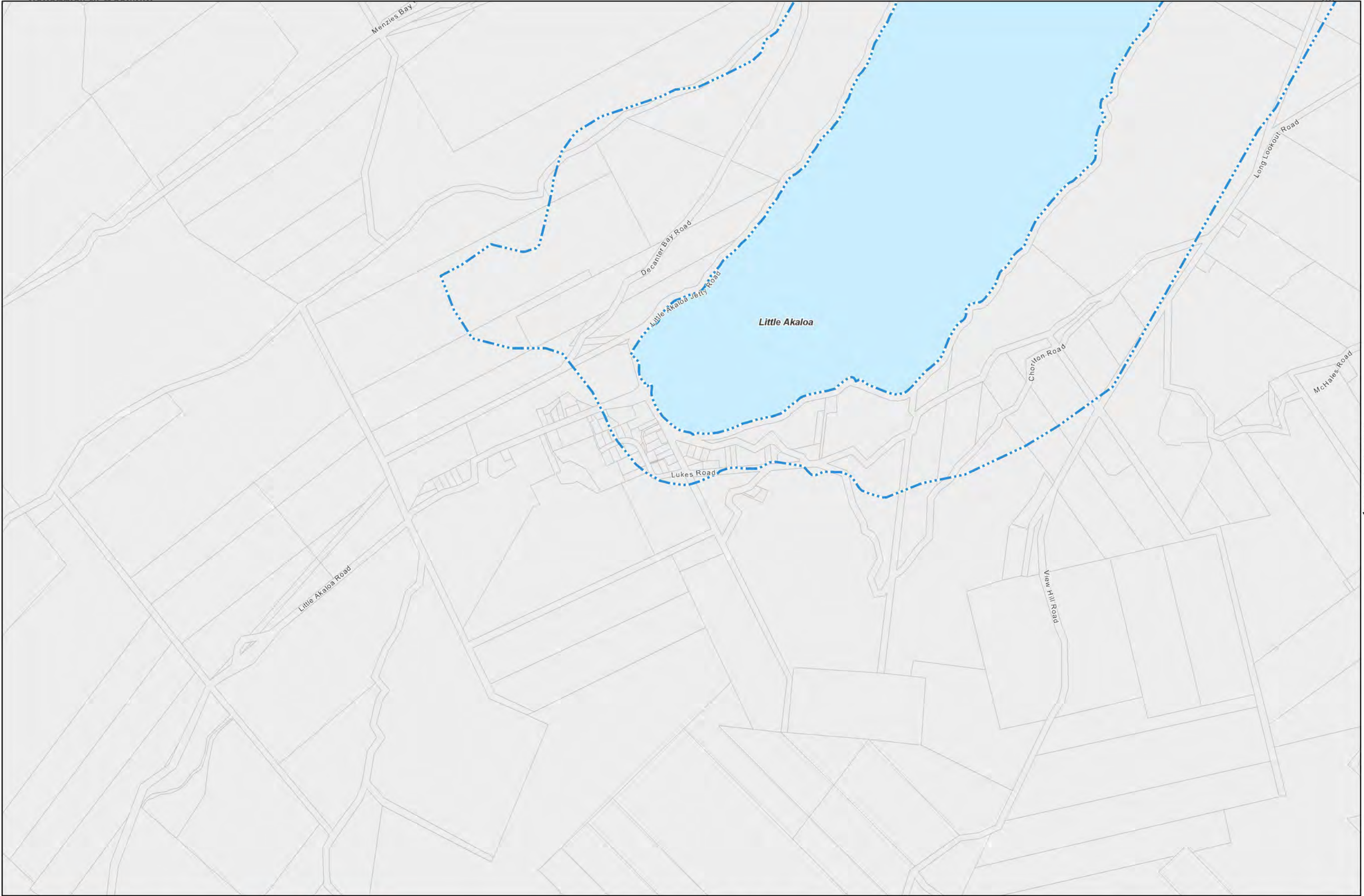
LEGEND BELOW





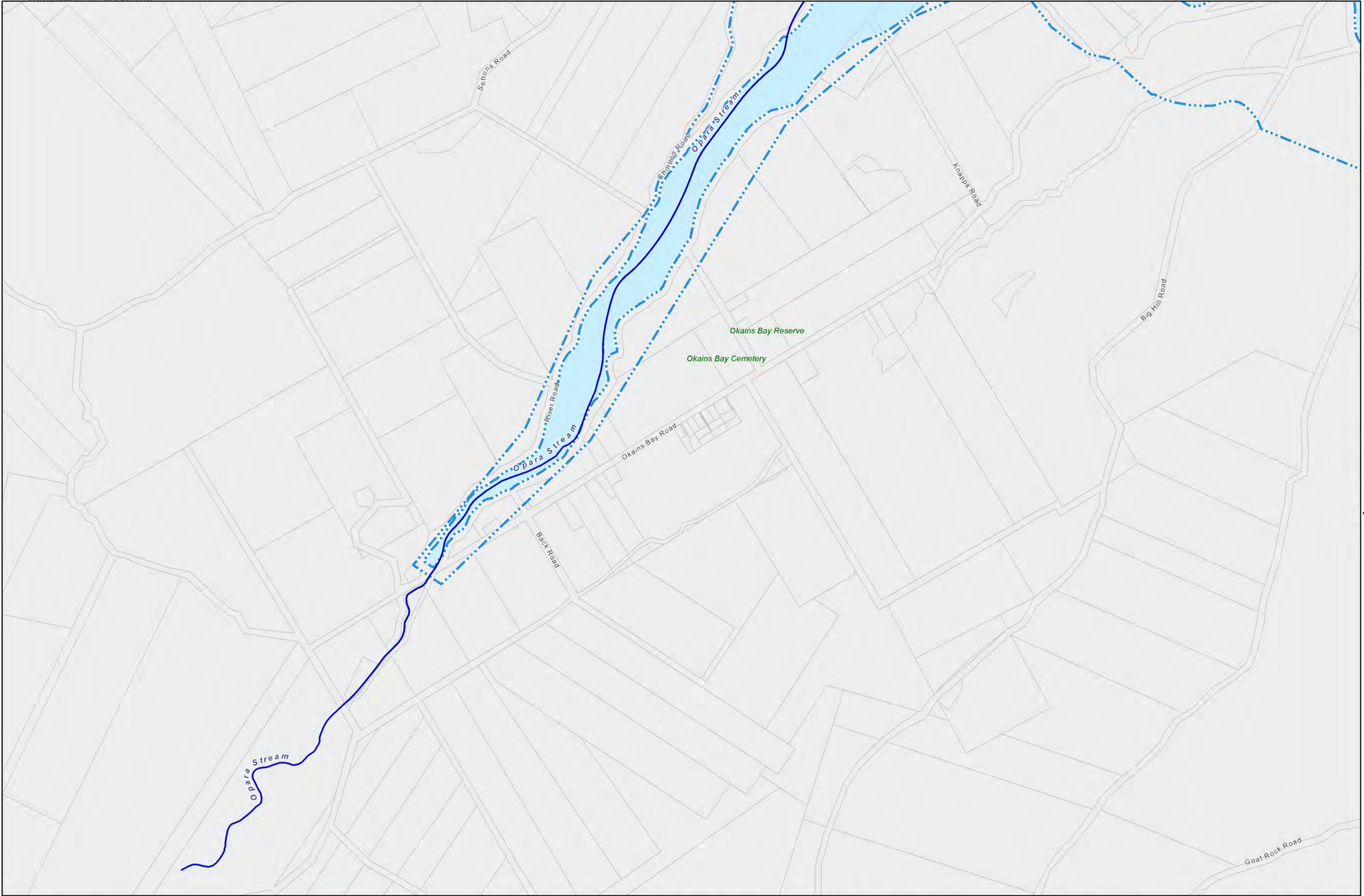
LEGEND BELOW



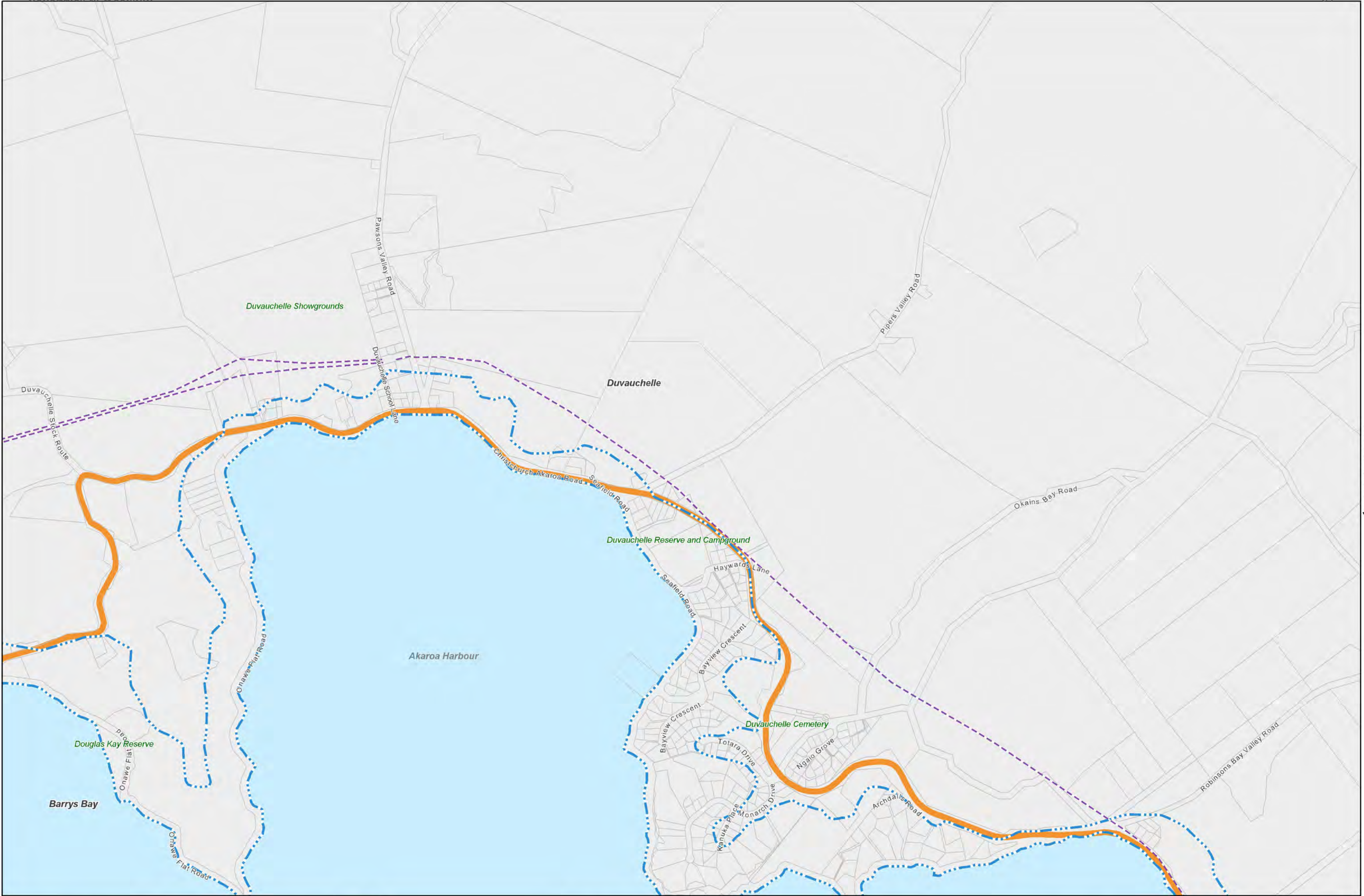


LEGEND BELOW

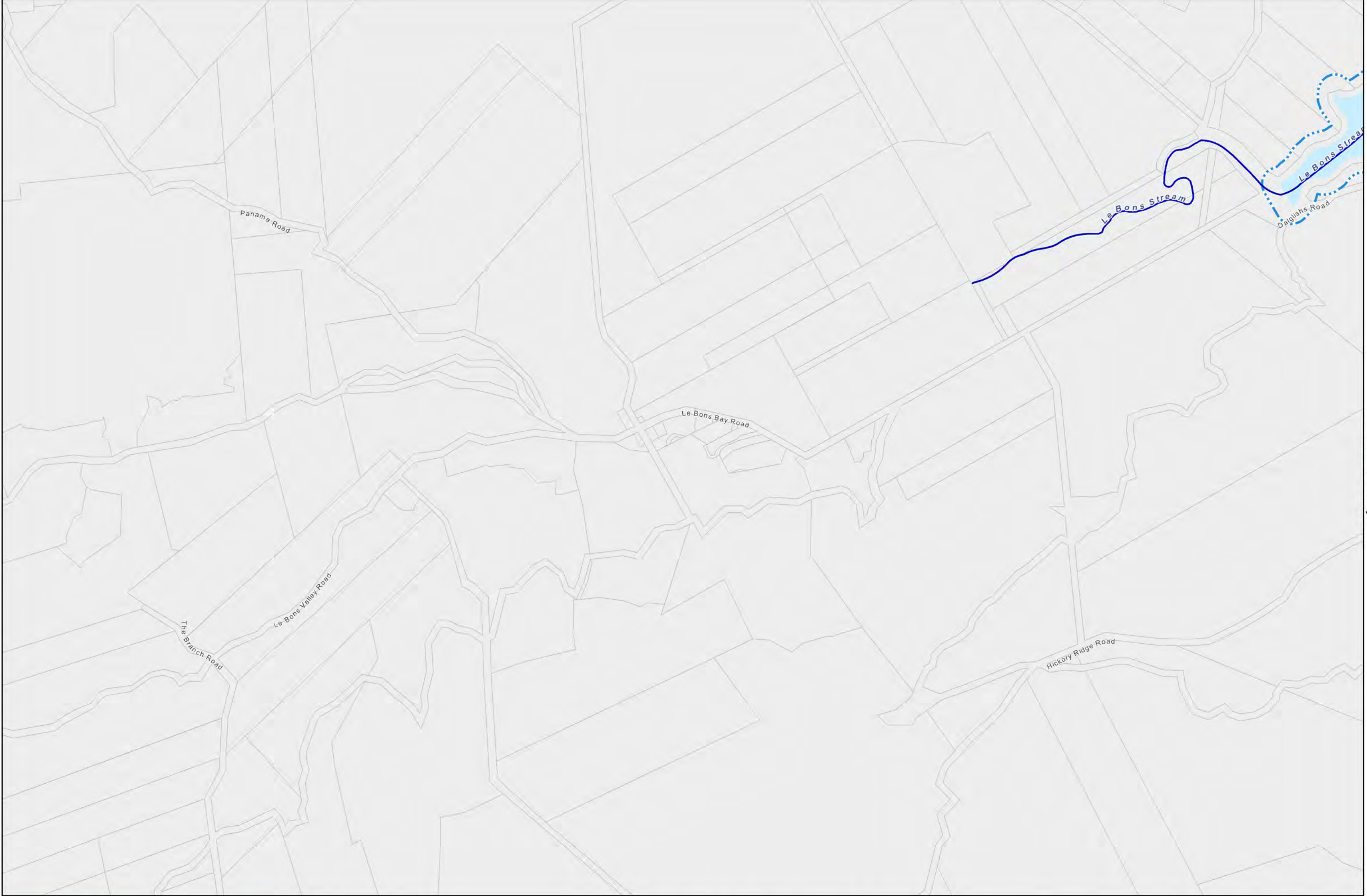




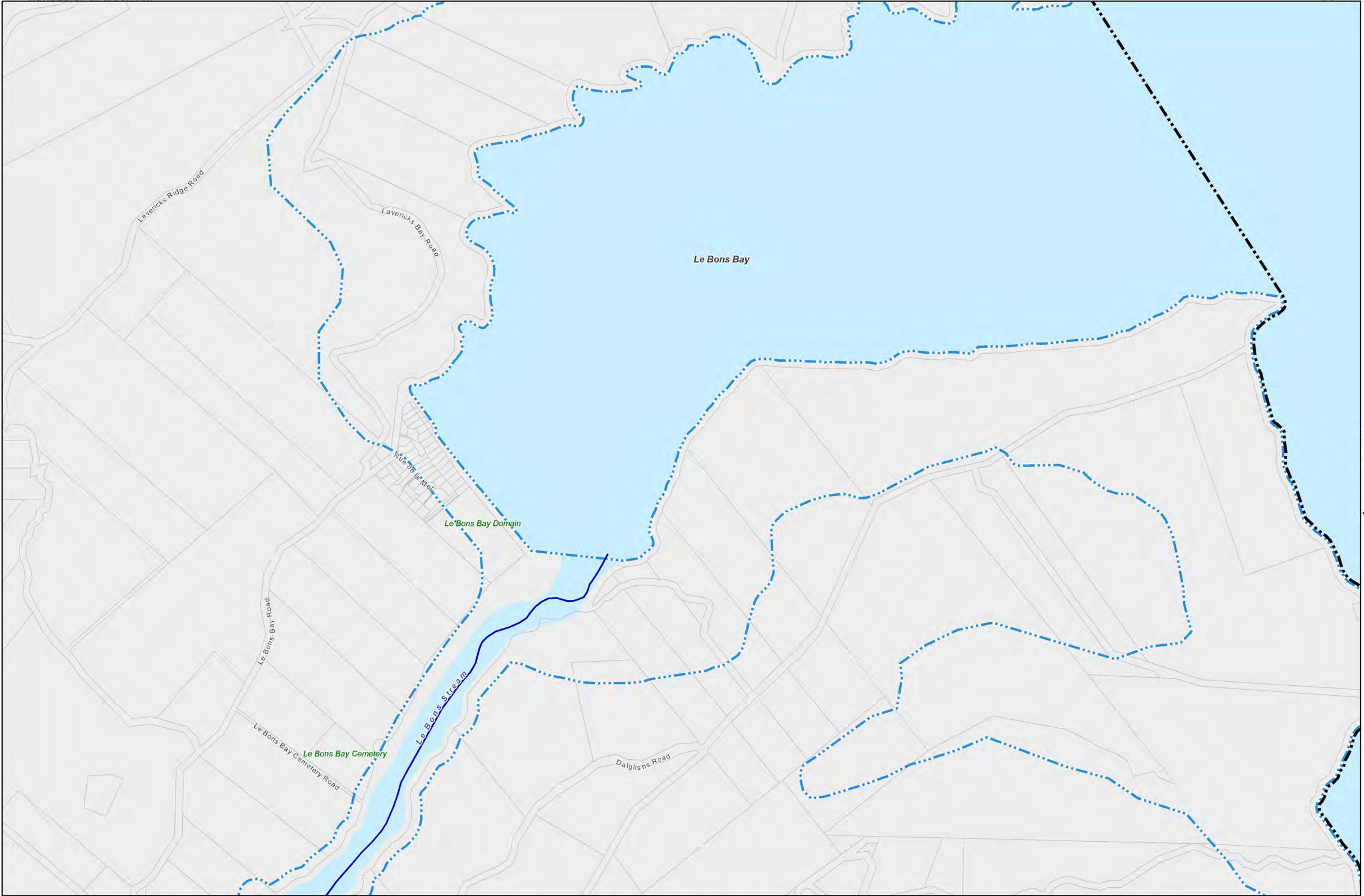
LEGEND BELOW



LEGEND BELOW



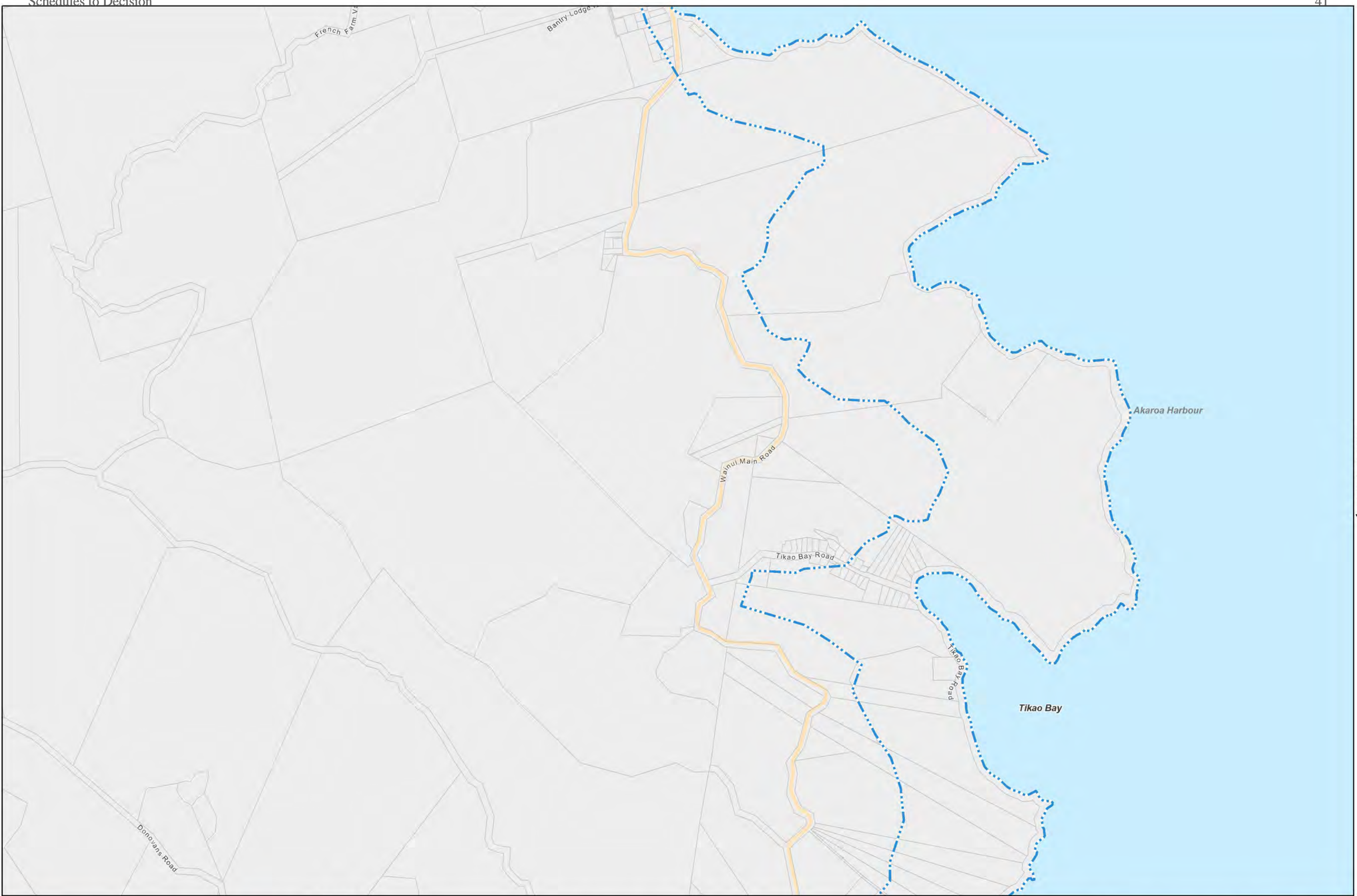
LEGEND BELOW



LEGEND BELOW



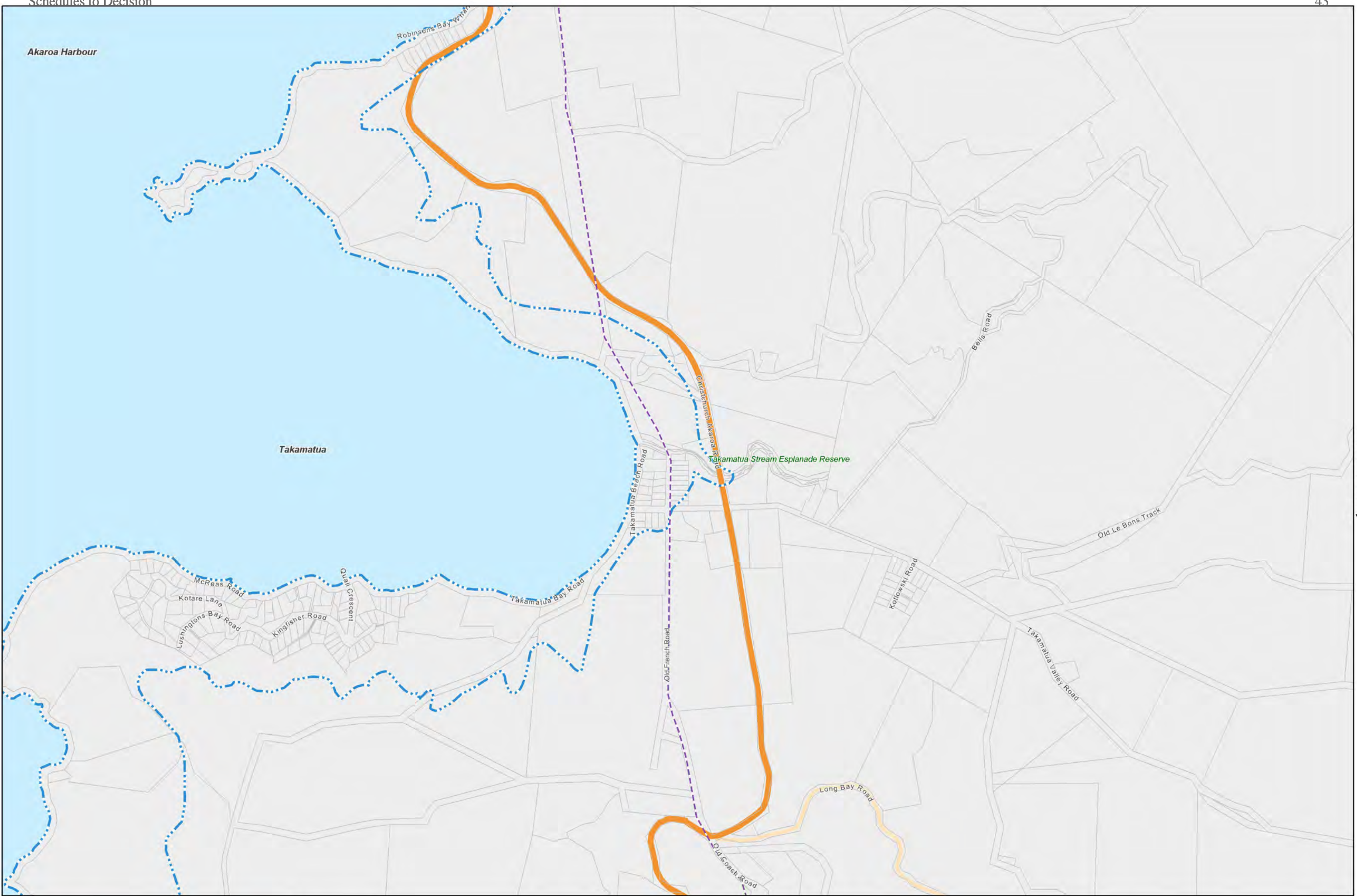
LEGEND BELOW



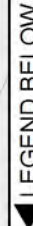
LEGEND BELOW

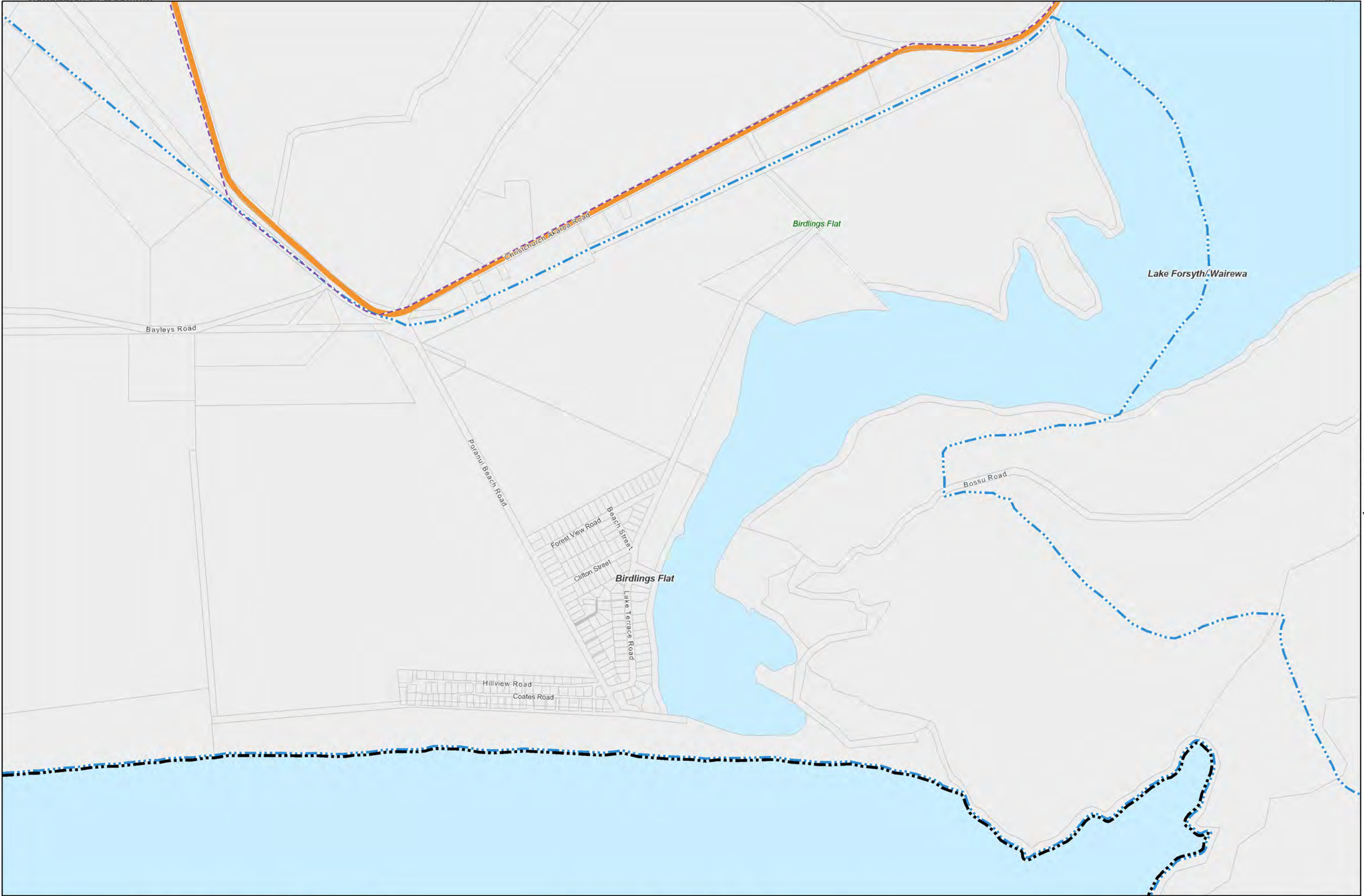


LEGEND BELOW

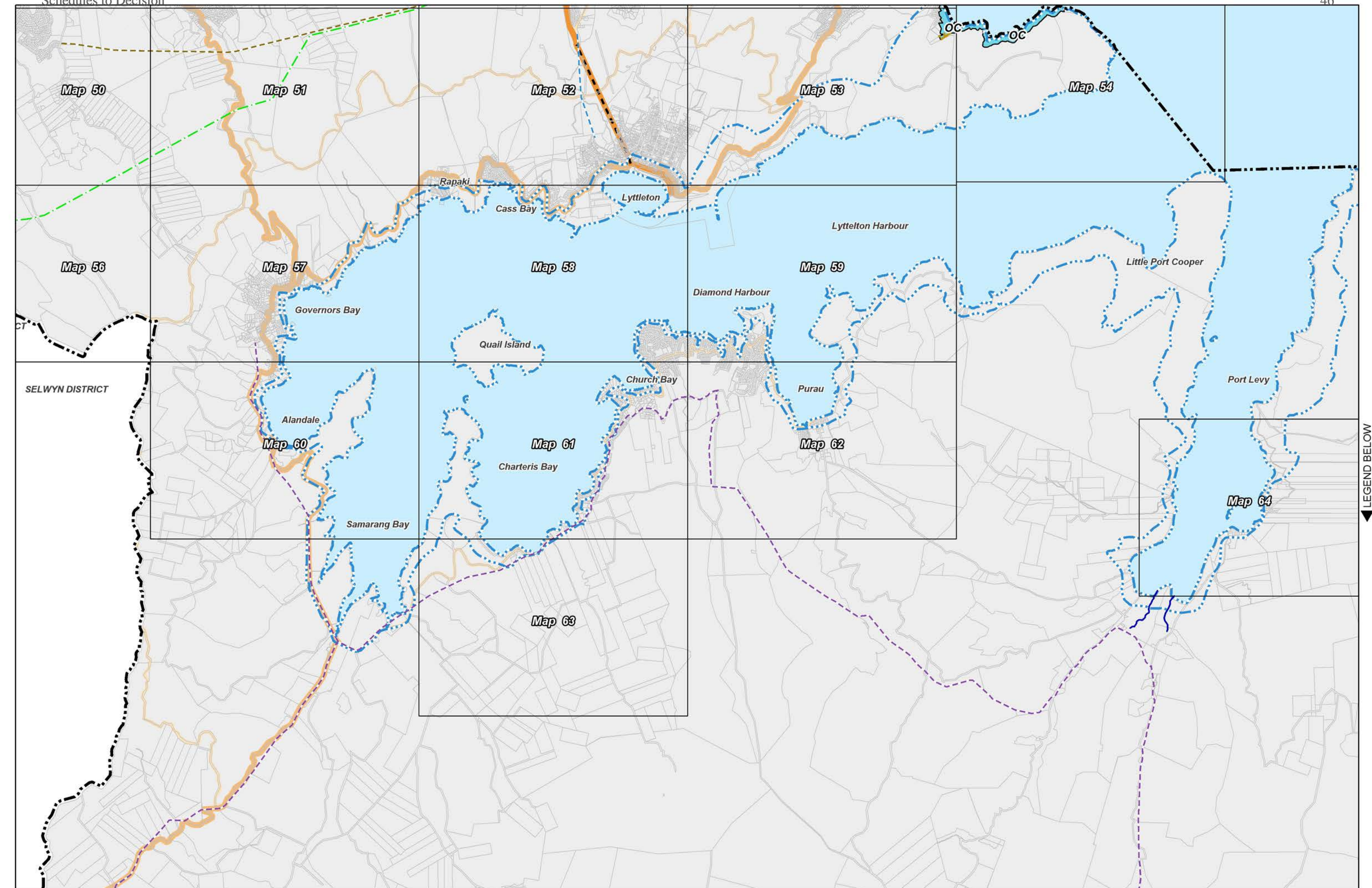


LEGEND BELOW

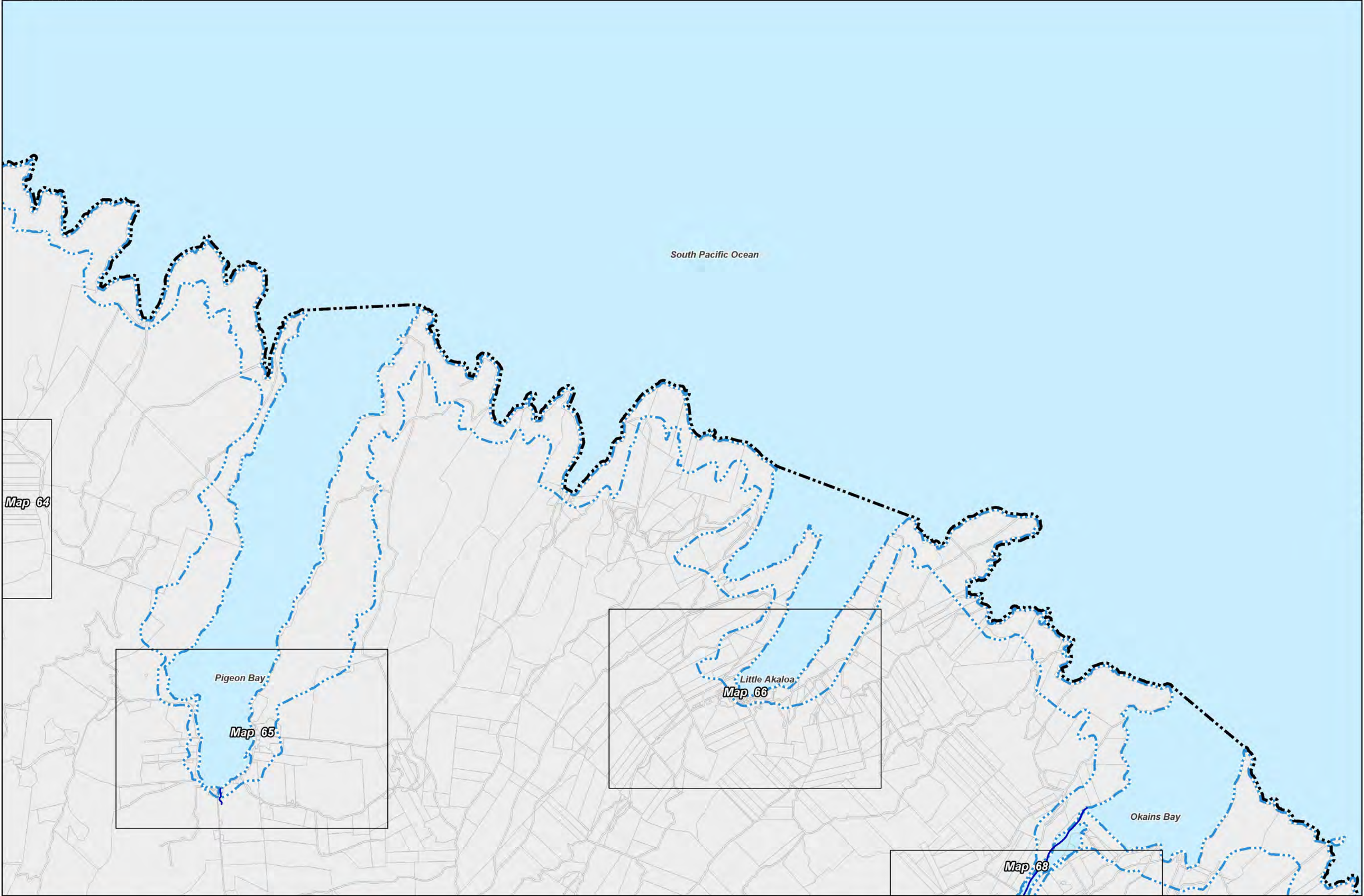




LEGEND BELOW



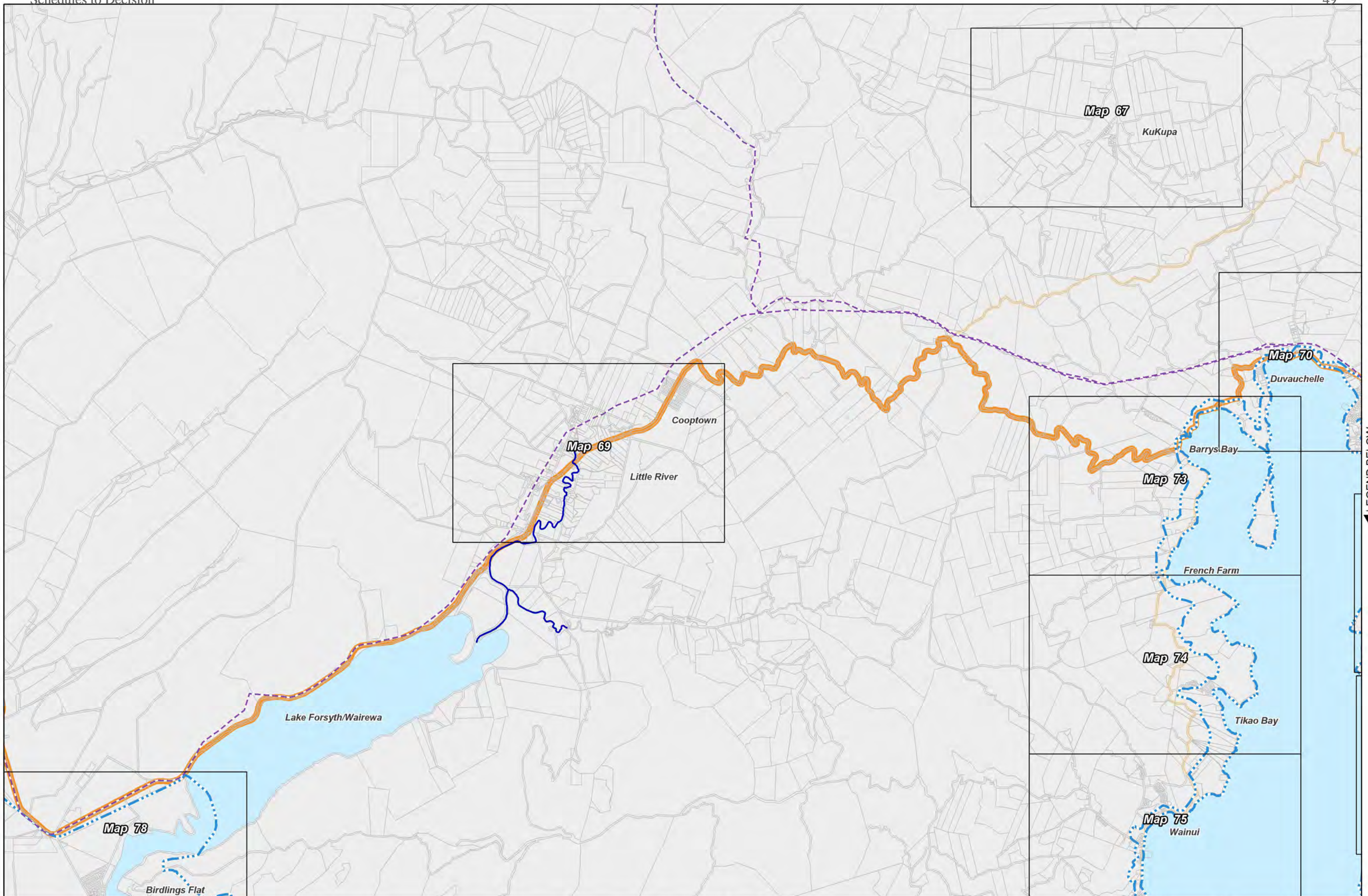
LEGEND BELOW



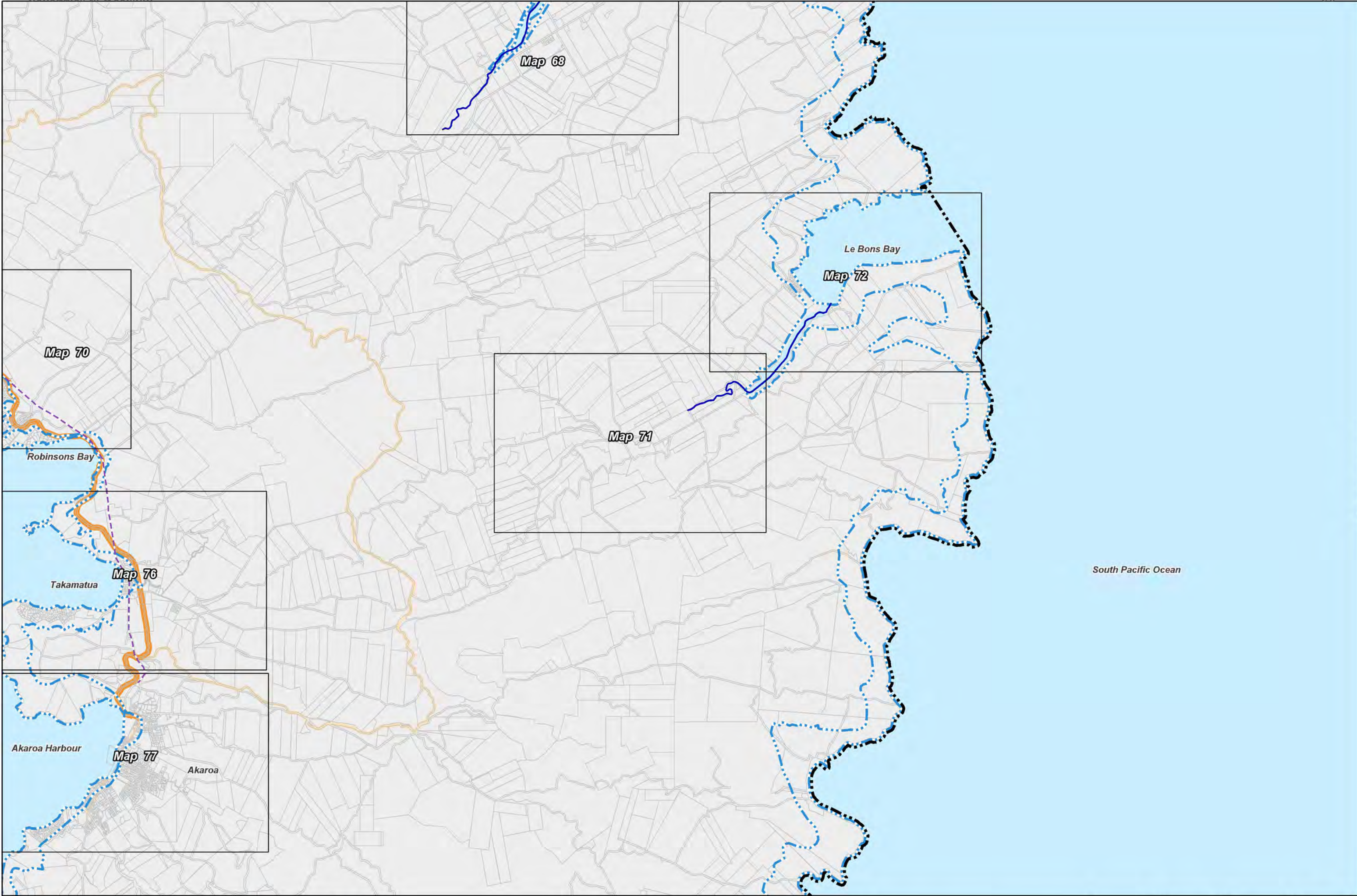
LEGEND BELOW

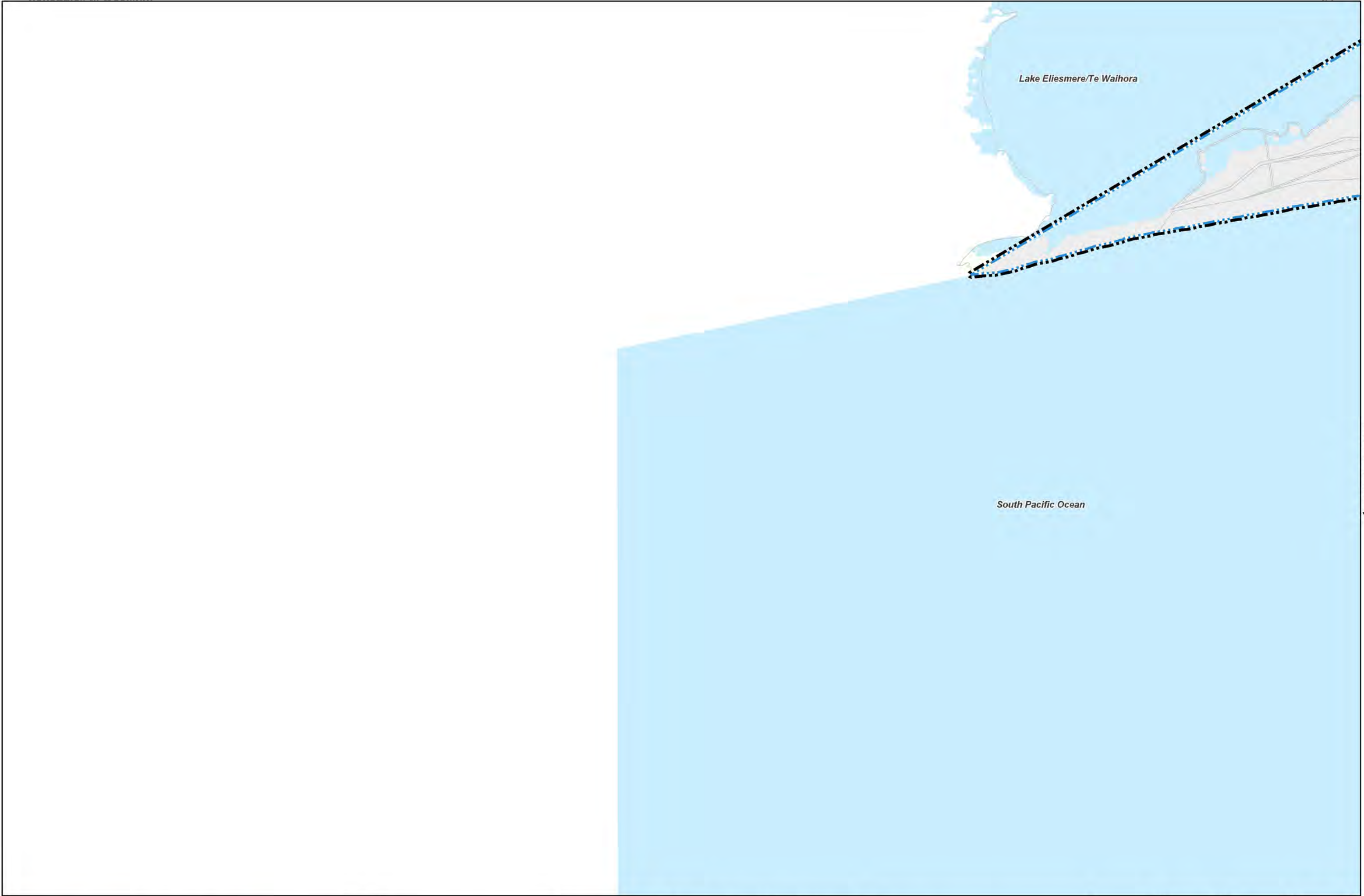


LEGEND BELOW



LEGEND BELOW



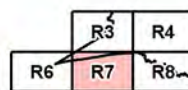


LEGEND BELOW



South Pacific Ocean

LEGEND BELOW



Map 78

Map 75

Akaroa Harbour

Akaroa Harbour

South Pacific Ocean

LEGEND BELOW



▼ LEGEND BELOW