

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER

the Resource Management Act 1991
and the Canterbury Earthquake
(Christchurch Replacement District
Plan) Order 2014

IN THE MATTER OF

**THE PROPOSED CHRISTCHURCH
REPLACEMENT DISTRICT PLAN
STAGE 1**

SUBMITTER

**KAURI LODGE REST HOME
(SUBMITTER 1022)**

MEMORANDUM OF COUNSEL

Dated: 9 March 2015

GREENWOOD ROCHE CHISNALL
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple
(Lauren@grclegal.com)

Submitter's Solicitor
Level 5
83 Victoria Street
P O Box 139
Christchurch
Phone: 03 353 0574

- 1 We act for Kauri Lodge Rest Home (Submitter 1022).
- 2 Kauri Lodge is located on the north side of Riccarton Road, opposite Westfield Mall. The area of land owned by Kauri Lodge stretches from Riccarton Road back to Riccarton Bush and is held on 8 separate titles (collectively referred to as the "property").
- 3 In Phase 1 all of the property is shown on the notified planning maps as Residential Suburban zone.
- 4 Kauri Lodge filed a submission on Phase 1 seeking the rezoning of the property to better reflect its use and the character of the area.
- 5 On 20 February 2015 a draft version of the Phase 2 chapters, including maps, was provided to the Christchurch City Councillors to approve before the Phase 2 chapters go to the Ministers for Earthquake Recovery and the Environment for comment under the Order in Council.
- 6 The maps for the draft Phase 2 provisions show that part of Kauri Lodge's property immediately adjacent to Riccarton Road rezoned (again), as Accommodation and Community Facilities Zone. This equates to approximately 1 third of the area of the property (comprising 4 of the 8 titles).
- 7 Kauri Lodge is satisfied with the Accommodation and Community Facilities Zone that has been applied to the front part of the property and given the property is held and utilised together wishes to submit that the zoning should be applied to the whole property, and not just a portion of it.
- 8 The logistics of this are however somewhat complicated. As part of the Phase 1 hearings the Panel has made an order that properties shown as Phase 2 are not within scope to be heard in Phase 1¹. It is expected that the same applied in Phase 2, that is to say that properties that are shown as Phase 1 will not be able to be addressed in the phase 2 hearings.
- 9 Kauri Lodge are not within scope to seek an extension of the draft Phase 2 zoning in Phase 1 as it was not sought in its submission and

¹ Pre-hearing Report and Directions Residential Proposal, Paragraphs 6 – 8.

that zone was not part of the Phase 1 residential zones notified. It will not be able to seek an extension of the draft Phase 2 zoning as part of the Phase 2 submissions process as only part of the property will be notified as being part of Phase 2 (the rest is shown as white "Phase 1" area).

- 10 The result of the inclusion of Kauri Lodge in both phases is that without leave, it will be precluded from advancing its preferred position in either phase of the District Plan Review.
- 11 In order that the zoning of Kauri Lodge's property can be dealt with in one phase, it is respectfully requested that the Panel order that all of Kauri Lodge's submission with respect to its property can be dealt with as part of Phase 2.

DATED this 9th day of March 2015



L J Semple
Counsel for Kauri Lodge Rest Home