

**BEFORE THE CHRISTCHURCH REPLACEMENT  
DISTRICT PLAN HEARINGS PANEL**

**IN THE MATTER** of the Resource  
Management Act 1991  
and the Canterbury  
Earthquake  
(Christchurch  
Replacement District  
Plan) Order 2014

**AND**

**IN THE MATTER** of the Subdivision  
Proposal (part)

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**JOINT APPLICATION ON BEHALF OF CHRISTCHURCH CITY COUNCIL AND  
MAHAANUI KURATAIAO LIMITED AND TE RUNANGA O NGAI TAHU  
(SUBMITTER #1145) SEEKING DIRECTIONS REGARDING THE SUBMITTER'S  
SUBMISSION RELATING TO SILENT FILES ON THE SUBDIVISION PROPOSAL**

**14 MAY 2015**

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 **Simpson Grierson**  
Barristers & Solicitors

Simpson Grierson  
J G A Winchester / S J Scott  
Telephone: +64-3-968 4018  
Facsimile: +64-3-379 5023  
Email: sarah.scott@simpsongrierson.com  
PO Box 874  
SOLICITORS  
CHRISTCHURCH 8140

## **MAY IT PLEASE THE PANEL:**

1. This application is in relation to the Subdivision Hearing, in particular Mahaanui Kurataiao Limited and Te Runanga O Ngai Tahu's submission #1145 (**MKT / TRoNT**) seeking a new Restricted Dictionary activity in the subdivision chapter relating to silent files, and an associated amendment to a matter of discretion.<sup>1</sup> This application is filed jointly by the Christchurch City Council (**Council**) and MKT / TRoNT, the purpose being to formally record the parties' position and to seek directions from the Hearings Panel.

### **Previous related application**

2. We refer to the Council's application for directions regarding silent files and springs in relation to the Industrial General (North Belfast) Zone, and the Hearing Panels Minute in response, dated 6 May 2015 (**Minute**). That application was filed in the context of the Commercial / Industrial Hearing.
3. The Minute directed that the decisions on "non-cultural" provisions, relating to the Industrial General (North Belfast) Zone, be deferred until the Panel has also heard any evidence on related "cultural" provisions (once notified).

### **The parties agreed position**

4. The Council is scheduled to notify a Natural and Cultural Heritage Proposal (on 27 June 2015) which will identify a number of Silent File areas within the District (located on Stage 2/3 land), and which will also introduce a new suite of objectives, policies and rules relating to the management of those areas.
5. The MKT / TRoNT submission seeks that:
  - (a) a further activity be added to 8.3.7.1 of the Subdivision Proposal, making the subdivision of land within a silent file area a Restricted Discretionary activity; and
  - (b) consequentially, Matter of Discretion 4(a) be amended to refer to "sites within silent file areas".

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<sup>1</sup> Submission #1145, page 27-29.

6. MKT / TRoNT and the Council met yesterday to discuss matters, including the above submission points. The parties have come to a position where they agree that:
- (a) it is appropriate that there be a Restricted Discretionary Activity in 8.3.7.1 (and related matter of discretion) for the subdivision of land within silent file areas;
  - (b) these submission points would most appropriately be considered by the Hearings Panel in Stage 3, when it hears all other issues relating to silent files (alongside the balance of the Natural and Cultural Heritage Chapter).

#### **Direction sought**

7. Given the above agreement, the parties seek the following direction from the Hearings Panel:
- (a) *That the Hearings Panel will defer hearing evidence and making decisions on the following submission points of MKT / TRoNT (relating to silent files), until it has heard evidence on the 'cultural' provisions in Stage 3:*
    - (i) *Rule 8.3.7.1 "new" Restricted Discretionary Activity relating to silent files; and*
    - (ii) *Amendment to 8.3.7.3 Matter of Discretion 4(a).*
8. For completeness:
- (a) the direction sought to defer aligns with the direction given by the Hearings Panel in its earlier Minute to defer similar aspects relating to the Industrial General (North Belfast) Zone (referred to above);
  - (b) this memorandum is filed for the avoidance of doubt, so that the submission points by MKT / TRoNT are not inadvertently missed; and

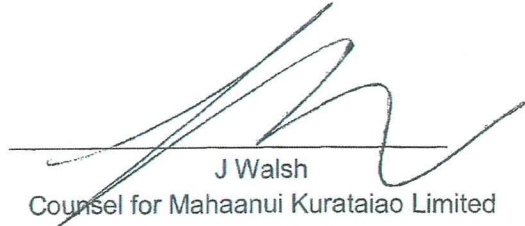
- (c) as the parties have agreed that these submission points are to be considered when evidence on silent files is produced, the new Restricted Discretionary rule and amendment to the assessment matter will not be included in the revised Subdivision proposal (due to be filed by the Council today). Should the above direction not be made, the parties respectfully reserve their position to include the agreed wording in the next version of the Subdivision Proposal and / or in their evidence.

**DATED** this 14<sup>th</sup> day of May 2015



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S J Scott / K E Viskovic  
Counsel for Christchurch City Council



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J Walsh  
Counsel for Mahaanui Kurataiao Limited  
and Te Runanga O Ngai Tahu