

**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 hearing
regarding Proposal 10:
Designations in the
Christchurch
Replacement District
Plan

**MEMORANDUM OF COUNSEL IN RESPONSE TO PRE-HEARING REPORT
AND DIRECTIONS: DESIGNATIONS AND HERITAGE ORDERS**

16 JANUARY 2015

 **Simpson Grierson**
Barristers & Solicitors

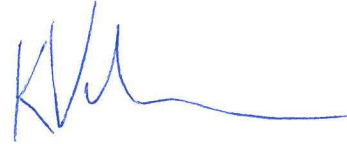
Simpson Grierson
J G A Winchester / K E Viskovic
Telephone: +64-4-924-3430
Facsimile: +64-4-472-6986
Email: katherine.viskovic@simpsongrierson.com
PO Box 2402
SOLICITORS
WELLINGTON 6140

MAY IT PLEASE THE PANEL:

1. This memorandum of counsel is filed on behalf of the Christchurch City Council (**the Council**) in response to the Pre-hearing Report and Directions: Designations and Heritage Orders, dated 13 January 2015 (**Pre-hearing Report**).
2. At page 7 of the Pre-hearing Report, the Chair directed the Council "*to produce a list of relevant definitions that are to be included within the scope of this chapter [Proposal 10] by 17 January 2015; subject to the Council's work on the database being completed.*"
3. In response to that direction, the Council wishes to record its position that it does not consider that the definitions notified in Proposal 2 of the proposed Christchurch Replacement District Plan (**pRDP**) are relevant to interpretation of a designation that has been rolled over and notified as part of Proposal 10.
4. Section 176(2) of the Resource Management Act 1991 provides that the provisions of a district plan only apply to land that is subject to a designation to the extent that the land is used for a purpose *other than* the designated purpose. On that basis, the Council considers that each designation is to be interpreted on its face, and therefore the definitions provided in the pRDP do not directly apply to the interpretation of the designations.

5. Also of relevance is that a number of designations include their own defined terms (for example, within the conditions of the designation). Where a designation includes a definition, it will fall within the scope of the hearing on that specific designation.

DATED this 16th day of January 2015

A handwritten signature in blue ink, appearing to be 'K E Viskovic', written over a horizontal line.

J G A Winchester/K E Viskovic
Counsel for Christchurch City Council