

**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) (Stage 1) and the
Residential Proposal (Part)
(Stage 1)

**MEMORANDUM OF COUNSEL ON BEHALF OF THE CHRISTCHURCH CITY
COUNCIL REGARDING THE DEFINITION OF 'SITE'**

28 AUGUST 2015

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MAY IT PLEASE THE PANEL:

1. This memorandum has been prepared in response to the Minute from the Panel dated 21 August 2015 (**the Minute**) seeking clarification from the Christchurch City Council (**Council**) as to its intended interpretation of the definition of "site" to be included in the proposed Christchurch Replacement District Plan (**pRDP**).

2. At paragraph 12 of the Minute, the Panel seeks clarification from the Council as to:
 1. *the area of land that the Council intends to be encompassed as a "Site" under sub-clauses d. and e. of the definition (i.e. Interpretation i. or ii., or an alternative interpretation); and*
 2. *confirmation (or otherwise) that the wording of the definition accurately reflects the Council's intention; and*
 3. *confirmation (or otherwise) that the reliant definitions, and associated Activity and Built Form Standards are accurately based on the appropriate interpretation.*

3. In response to the above matters, the Council confirms that:
 - 3.1 It intended that the definition of "site" to have the meaning set out in 'Interpretation (ii)' (refer to paragraph [7] of the Minute);
 - 3.2 Given the above, the definition of "site" should not include reference to common areas in sub-paragraph (e); and
 - 3.3 The reliant definitions, and associated activity and built form standards supported by the Council have been based on 'Interpretation (ii)', and are therefore considered to be appropriate. For completeness, the Council records that if a different interpretation of "site" is intended to be used in a specific provision, the provision should include a specific

exemption to the above interpretation. For example, proposed rule 15.5.3.6 note 1 states that:

"Any landscaping required by rule 15.5.3.6 may be located in common areas, where the development comprises land and/or buildings in separate unit titles."

4. In response to paragraph [10] of the Minute the Council records that the term 'site' in rule 14.9.1(4)¹ is intended to refer to the 'original' development/unit title, i.e. what was in existence prior to the consideration of a new consent. The Council considers that rule 14.9.1(4) works as intended if the defined meaning of "site" is 'Interpretation (ii)'.

DATED this 28th day of August 2015



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

¹ This rule reference is to the clean version of the Residential Proposal attached to the Council's closing submissions dated 23 April 2015.