

**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** the Christchurch Replacement District Plan

**SUBMITTER** **CANTERBURY EARTHQUAKE RECOVERY AUTHORITY  
FOR AND ON BEHALF OF THE CROWN**  
(Submitter 495)

---

**MEMORANDUM OF COUNSEL FOR THE CROWN IN RESPONSE TO  
MEMORANDA BY FULTON HOGAN LAND DEVELOPMENT LIMITED AND  
BROMAC LODGE AND OTHERS**

**Subdivision, Development and Earthworks and Residential Proposals**

Dated: 25 February 2015

---

**BUDDLEFINDLAY**  
NEW ZEALAND LAWYERS  
Barristers and Solicitors  
Christchurch

Solicitor Acting: **Cedric Carranceja / Jenna Silcock**  
Email: cedric.carranceja@buddlefindlay.com / jenna.silcock@buddlefindlay.com  
Tel 64 3 3791 747 Fax 64 3 3795 659 PO Box 322 DX WX11135 Christchurch 8140

Counsel Acting: **Paul Radich QC**  
Tel 64 4 974 5951 Fax 64 4 974 5955 PO Box 10731 Wellington

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

1. This memorandum is filed on behalf of the Crown in response to:
  - (a) a memorandum of counsel for Fulton Hogan Land Development Limited ("**Fulton Hogan**") dated 18 February 2015; and
  - (b) a memorandum of counsel for Bromac Lodge Limited, Mercantile Trust, RJ and CB Sissons, Martin Harcourt and Antony Pan and San Tsun Yu ("**Bromac Lodge**") dated 20 February 2015.
2. As advised on 23 February 2015, the Crown is filing this memorandum to provide the hearings panel with some background information given the involvement of the Minister for Canterbury Earthquake Recovery ("**Minister**") with Fulton Hogan's subdivision, known as Halswell West.
3. It is noted that the Minister also took action under the Canterbury Earthquake Recovery Act 2011 ("**CER Act**") in relation to other subdivisions in greater Christchurch, including confirming the zoning for a subdivision development known as Prestons.
4. The Crown acknowledges the direction of the hearings panel (18 February 2015, following the pre-hearing meeting of 16 February) that the areas "greyed out" and referred to as part of "Stage 2 proposals" in the notified Residential Proposal should be dealt with later as they are out of scope of the Proposal as notified. The Crown considers that a "special case" can be made in relation to Fulton Hogan's Halswell West subdivision and that it may be appropriate to deal with this matter in "Stage 1".
5. The Crown will abide by the decision of the hearings panel but wished to bring to the attention of the hearings panel the following information to provide assistance before the panel made a decision on the memoranda referred to in paragraph 1.

## **Background**

6. During 2011 the Minister was anxious to support residential development in greater Christchurch, including to enable a supply of land for residential use so that people had a range of options if they wished to move from badly damaged areas of greater Christchurch but remain in the area. To this end he sought to support residential developments that had already been progressing prior to the Canterbury earthquakes commencing.

7. Fulton Hogan was in the process of seeking a privately initiated plan change under the Resource Management Act 1991 to rezone land at Halswell West. The Plan Change (called Plan Change 60) was notified in June 2011 and a hearing was held in September 2011 before a commissioner. The commissioner recommended that the Plan Change be made and this was agreed to by Christchurch City Council on 27 October 2011.
8. Fulton Hogan also sought subdivision consents and consents for earthworks. The Council considered that it could not proceed to grant such consents on a non-notified basis while the appeal period for the Plan Change zoning was outstanding. This meant that no work could be undertaken on the land until mid-December 2011 at the earliest, which created difficulties for the construction season.
9. The Minister concluded that as the proposal had been through public scrutiny and the delay in granting resource consents was because of what appeared to be a minor risk of an appeal, it would be of assistance to the recovery to rezone the land by incorporating it within the operative district plan by using his powers under section 27 of the CER Act.
10. The significance of this area for residential purposes was later recognised in the Land Use Recovery Plan as a greenfield priority area – residential.
11. As is apparent from the memorandum of Fulton Hogan, the area zoned by the Minister for Halswell West under the CER Act has been altered as a result of negotiations for the benefit of various parties including for a school. Unfortunately there has been some confusion during the notification process for the Christchurch Replacement District Plan with the result that the relevant map and provisions are not aligned.
12. The Crown is concerned that residential development that is supported by the Crown through the actions in 2011 and in the LURP will not proceed as quickly as hoped because it is identified in the “greyed out” area on a planning map. Unlike other “greyed out” areas the public are aware that Halswell West is intended for residential purposes and have already had the opportunity to comment on this through the Plan Change and LURP processes. As is illustrated by the Bromac Lodge submission, it was also open to submissions through this process.

## Conclusion

13. Given the circumstances which surround the Halswell West subdivision, the Crown considers that it would be open to the hearings panel to consider that this area is distinct from other “greyed out” areas and that submissions and decisions could be made on it in “Stage 1”

Dated 25 February 2015

Two handwritten signatures in blue ink are positioned above a horizontal line. The signature on the left is more stylized and elongated, while the one on the right is more compact and circular.

**C Carranceja / J Silcock**  
Counsel for the Crown