

**IN THE MATTER OF** the Canterbury Earthquake  
(Christchurch Replacement District Plan)  
Order 2014

**AND**

**IN THE MATTER OF** Decision 10 Chapter 14 Residential Stage 1

Date: 9 June 2016

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**MINUTE**

**in response to memorandum of Housing New Zealand Corporation (495) relating to  
Planning Map corrections**

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[1] Housing New Zealand Corporation (Housing New Zealand) filed a memorandum on 31 May 2016 seeking confirmation of a matter arising from the Hearings Panel’s decision on the Stage 1 Residential Proposal dated 10 December 2015 (Panel’s decision).<sup>1</sup>

[2] Housing New Zealand note that in the most recent set of planning maps filed by the Christchurch City Council (Council) on 19 May 2016 labelled ‘FINAL’, the planning maps show ‘for the first time’ a “Lower Height Limit Overlay” (overlay/s) applying to all areas of Residential Medium Density zoned land that were previously zoned Living 1 or Living 2 in the Existing Plan. Counsel notes that the overlays were not shown on the notified planning maps or in any maps produced by the Council and Crown at the hearing.

[3] Counsel for Housing New Zealand refers to paragraph [450] of the Panel’s decision which refers only to the ‘Central Riccarton area’ when discussing the overlay. Housing New Zealand seeks confirmation from the Panel that the overlay is not intended to apply to areas of Residential Medium Density zoned land outside of the specified Central Riccarton area, as referred to in Decision 10.

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<sup>1</sup> Memorandum of Counsel for Housing New Zealand Corporation dated 31 May 2016.

[4] The Council responded to the Housing New Zealand memorandum (Council's memorandum), also requesting clarification from the Panel as to the interpretation of paragraph [450] and [451].<sup>2</sup> In the Council's memorandum the Council explains that the addition of an overlay for the previously zoned Living 1 and 2 areas was raised in its submission (310). The Council also refers to the evidence of Mr Scott Blair as having addressed the point.<sup>3</sup> The Council notes that Schedule 1 of the Panel's decision, which removes reference to Riccarton in favour of a generic reference to Residential Medium Density Overlay in rule 14.3.3.3 (building height and maximum number of storeys – table), as supporting its interpretation that the overlay was intended to apply to a wider area.

[5] Housing New Zealand replied to the Council's explanation<sup>4</sup> drawing a number of additional matters to the Hearings Panel's attention. Housing New Zealand does not dispute that the Council requested the imposition of an overlay over the new areas of Residential Medium Density, but notes that the Council did not call evidence in support of this submission point, which was its responsibility to do so, particular given the overlay was not shown on the notified planning maps. Housing New Zealand refers the Panel to the brief reference in Mr Blair's evidence to the additional areas and to Ms Sakin's evidence<sup>5</sup> which Housing New Zealand submits, that presents a different view to Mr Blair.

[6] The Hearings Panel has considered the request for clarification from Housing New Zealand and the Council, and records that the Hearings Panel made a decision limited to the Central Riccarton Medium Density area and we have no ability to change that decision as suggested by the Council. A change as suggested by the Council would not be of minor effect.

[7] We also reiterate that provisions must follow our decisions. In this case the decision is clear at [450] and [451] and was not appealed. The decision must be given effect to in the provisions. For absolute clarity we consider a minor correction needs to be made to the relevant rule 14.3.3.3 so that it is clear beyond peradventure that the rule is giving effect to the decision in limiting the overlay to the central Riccarton Area. We will issue a minor correction decision to this effect in due course.

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<sup>2</sup> Memorandum of Counsel for Christchurch City Council responding to Housing new Zealand Corporation's Memorandum – Relevant to Decision 10 dated 2 June 2016.

<sup>3</sup> (Residential 1) Evidence in chief of Scott Blair at 6.17-6.20

<sup>4</sup> Memorandum of Counsel for Housing New Zealand dated 8 June 2016.

<sup>5</sup> (Residential 1) Evidence in chief of Ekin Sakin, at 7.8-7.9

[8] Accordingly the Council is directed to provide the Hearings Panel with a corrected set of planning maps limiting the overlay to the Central Riccarton area.



The Honourable Sir John Hansen  
Chair