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**To:** Paul Thomas, Executive Director, Independent Secretariat, Christchurch Replacement District Plan Independent Hearings Panel

**From:** Alan Matheson, City Planning Team Leader, Strategy & Planning Group, Christchurch City Council  
Viv Smith, Planning Manager, Strategy and Governance, Canterbury Earthquake Recovery Authority (CERA)

**CC:** Mike Theelen, Brigitte de Ronde, Brent Pizzey, Sarah Scott, Cedric Carranceja

**Date:** 21 November 2014

**Re:** Replacement Christchurch District Plan Stage 1 – Matters of Priority (b) & (c)

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## Background

1. Section 3.1 of the “Terms of Reference Hearings Panel for the Christchurch Replacement District Plan” (8 September) sets out four matters of priority that require first decisions from the Hearings Panel by 28 February 2015.
2. The second and third matters of priority are:
  - (b) *temporary activities related to earthquake recovery, such as house lifting activities*
  - (c) *provisions for repair and rebuilding of multi-unit residential complexes.*

## Matter To Be Addressed

3. The extent of the second and third priority matters is not specified. Hence it is necessary to determine what provisions (objectives, policies, rules and planning maps) of the first draft proposals need to have decisions made. The provisions set out below have been identified to ensure that the matter and the hearing is focussed on the key provisions.

## Temporary Activities Related to Earthquake Recovery

4. The evaluation of the Stage 1 proposal provisions relevant to temporary activities related to earthquake recovery has been undertaken by Council officers and CERA officials, using the following criteria:
  - a) Are the provisions “temporary” in that they relate to providing for earthquake recovery activities, as opposed to activities that have a sunset clause in order that their longer term applicability can be reviewed?
  - b) Are the provisions necessary to enable the temporary activities to be administrated effectively?
  - c) Are the necessary provisions specific to temporary activities or do they have general applicability in other parts of the Proposed Replacement Plan?
5. With respect to Matter a), it was considered that provisions such as the Enhanced Development Mechanism fell into the category of a provision that needed to be reviewed in the future to consider its relevance within the overall range of provisions to provide for housing development. Such provisions are not within the scope of the Terms of Reference priority (b) hearing.

### *Proposal 3 – Strategic Directions*

6. There are provisions within Proposal 3 – Strategic Directions that are relevant to temporary activities, but evidence has been prepared for the Strategic Directions hearing and the Hearings Panel may order its consideration of the Temporary Activity part of Strategic Directions as it sees fit.

### *Proposal 6 – General Rules and Procedures*

7. All of the provisions within Proposal 6 – General Rules and Procedures under Rule 6.4.2 – Temporary earthquake recovery activities **do** fall within the scope of the Terms of Reference priority hearing (b).
8. Rule 6.4.2.1.2 b. requires that temporary activities are subject to the rules in “Chapter 5 – Natural Hazards”. Without the Natural Hazard rules applying to temporary earthquake recovery activities there is potential for perverse outcomes to arise (eg a pre-school facility that has been displaced being a permitted activity in cliff hazard or rockfall management areas). It is considered that the Hearings Panel would not need to make and hear decisions on the merits of **all** submissions to Proposal 5 – Natural Hazards within the 28 February 2015 time period . Rather, the Hearings Panel will need to make decisions on Rule 6.4.2.1.2 b. so that the relevant rules and associated planning maps and hazard overlays of Proposal 5 apply **only** to temporary earthquake recovery activities. Therefore the provisions of Proposal 5 **do not** fall within the scope of the Terms of Reference priority hearing (b).

### *Proposal 7 - Transport*

9. Rules in Proposal 6 refer to standards in the Proposal 7 – Transport (eg Rule 6.4.2.2.1, Activity P1, Activity Specific Standard g., refers to Table 7.2 & 7.3 in Appendix 7.1). These are standards to enable temporary activities to have Permitted Activity status. The following provisions **do** fall within the scope of Terms of Reference priority hearing (b), but only to the extent that they apply to temporary earthquake recovery activities:
  - a) Appendix 1 – Parking space requirements – Table 7.2- Minimum number of car parks required
  - b) Appendix 1 – Parking space requirements – Table 7.3- Minimum number of car parks required for people with disabilities
  - c) Rule 7.2.3.4 Rule 4 – Manoeuvring for parking and loading areas
  - d) Rule 7.2.3.7 Rule 7 – Access design
  - e) Rule 7.2.3.8 Rule 8 – Vehicle crossings
  - f) Rule 7.2.3.10 Rule 10 – High trip generators

### *Proposal 14 - Residential*

10. Proposal 14 – Residential contains provisions (rules and assessment matters) specific to temporary activities within the various residential zones. There is one specific policy being “Policy 14.1.1.8 – Temporary infringement for earthquake repairs” along with specific rules (eg Rule 14.2.2.1, Permitted Activity P23 – Temporary lifting or moving of earthquake damaged buildings). The following provisions enable temporary infringements to have Permitted Activity status and as such **do** fall within the scope of Terms of Reference priority hearing (b):

- a) Policy 14.1.1.8 – Temporary infringement for earthquake repairs
- b) Rule 14.2.2.1 – Permitted Activities – P23 Temporary lifting of earthquake damaged buildings.
- c) Rule 14.2.2.3 – Restricted Discretionary Activities – RD11 Temporary lifting of earthquake damaged buildings that does not meet the standards in Rule 14.2.2.1 P23
- d) Rule 14.3.2.1 – Permitted Activities – P16 Temporary lifting of earthquake damaged buildings.
- e) Rule 14.3.2.3 – Restricted Discretionary Activities – RD9 Temporary lifting of earthquake damaged buildings that does not meet the standards in Rule 14.2.2.1 P16
- f) Rule 14.4.2.1 – Permitted Activities – P13 Temporary lifting of earthquake damaged buildings.
- g) Rule 14.4.2.3 – Restricted Discretionary Activities – RD4 Temporary lifting of earthquake damaged buildings that does not meet the standards in Rule 14.2.2.1 P13
- h) Rule 14.5.2.1 – Permitted Activities – P13 Temporary lifting of earthquake damaged buildings.
- i) Rule 14.5.2.3 – Restricted Discretionary Activities – RD4 Temporary lifting of earthquake damaged buildings that does not meet the standards in Rule 14.2.2.1 P13
- j) 14.9 Matters of Discretion – 14.9.23 – Temporary lifting or moving of earthquake damaged buildings

*Proposal 2 - Definitions*

11. Proposal 2 – Definitions contains primary and reliant definitions. While a number of these definitions apply generally throughout the Replacement Plan, they are also definitions essential to enable the temporary earthquake recovery activities provisions to operate. The following definitions **do** fall within the scope of Terms of Reference priority hearing (b), but only to the extent that they apply to temporary earthquake recovery activities:
- a) Building
  - b) Site
  - c) Height

**Repair and Rebuilding of Multi-Unit Residential Complexes**

12. The evaluation of the Stage 1 proposal provisions relevant to multi-unit residential complexes has been undertaken by Council officers and CERA officials, using the following criteria:
- a) Are the provisions specifically related to “repair and rebuilding” as opposed to new building?
  - b) Are the provisions necessary to enable the repair and rebuild activities to be administered effectively?
  - c) Are the necessary provisions specific to repair and rebuilding or do they have general applicability in other parts of the Proposed Replacement Plan?

*Proposal 8 – Subdivision, Development and Earthworks*

13. The provisions listed below have been specifically included to enable the repair and rebuilding of multi-unit residential complexes arising from technical subdivision requirements for units in cross lease, company

lease or unit title tenure. There are general provisions in Section 8.2.1 and 8.2.2 describing how subdivision activities (including multi-unit) will be administered and Section 8.5 assessment matters as to how they will be considered. These provisions are related to the matters being considered, but also apply more broadly and do not need to be included in the scope.

14. The following provisions **do** fall within the scope of Terms of Reference priority hearing (c) and require Hearings Panel decisions to enable the subdivision related to the repair and rebuilding of multi-unit complexes to be processed:
- a) Rule 8.2.3.1 Restricted Discretionary Activities – general matters – RD1 Conversion of tenure
  - b) Rule 8.2.3.1 Restricted Discretionary Activities – general matters – RD2 Alteration of cross leases, company leases and unit titles
  - c) Rule 8.2.3.2 Discretionary Activities – general matters
  - d) Rule 8.2.3.4 Matters for Discretion – general matters – 3 – Alteration of cross leases, company leases and unit titles
  - e) Rule 8.3.3.4 Exemptions : Minor boundary adjustments (sub-clause 1)

*Proposal 14 – Residential*

15. The following permitted activities have been specifically included to enable repair and rebuild of buildings with cross leases, company leases or unit titles arising from technical subdivision requirements for these forms of tenure.
- a) Rule 14.2.2.1 Permitted Activities P24
  - b) Rule 14.3.2.1 Permitted Activities P17
  - c) Rule 14.4.2.1 Permitted Activities P15

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