

**BEFORE THE CHRISTCHURCH REPLACEMENT  
DISTRICT PLAN INDEPENDENT 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 Definitions (Part)  
Hearing

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**MEMORANDUM OF COUNSEL REGARDING STAGE 1 DEFINITIONS HEARING,  
FOR PRE HEARING MEETING**

**5 MAY 2015**

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**MAY IT PLEASE THE PANEL:**

1. This memorandum of counsel is filed on behalf of the Christchurch City Council (**Council**) in advance of the pre-hearing meeting for the Stage 1 Definitions Hearing, scheduled for 11:30am on 6 May 2015. The purpose of this memorandum is to outline how the Council considers it could most usefully assist the Hearings Panel in advance of the Definitions Hearing, with the intention that this can be discussed between the Hearings Panel and parties at the pre-hearing meeting.
2. Some definitions have been considered and decided upon in the Hearing Panel's decisions on the four priority matters. Statements of Issues have also been filed for other Stage 1 hearings. Those Statements of Issues have included an Appendix that list the definitions that are within the scope of each of those hearings. Not all definitions have been the subject of submissions or specific evidence in each of the topic-specific hearings. Where changes to a definition have been recommended (or where a submitter has requested a new definition, and the Council has agreed with that relief), those changes or new definitions are included in the Revised Chapters provided at the close of each hearing. Some definitions are within the scope of several Stage 1 hearings (and consequently they are listed as definitions, within scope, on more than one Statement of Issues).
3. Notwithstanding that defined terms (and submissions on them) have already been (or currently are) the subject of hearings, Council considers that the "scope of the Definitions Hearing" should include all definitions listed in Chapter 2 but that the Definitions Hearing is likely to focus on some specific matters and definitions (for example those matters set out in paragraph 6).

4. In order to assist the Hearings Panel in coming to a decision on what is the most appropriate definition for each "defined term", the Council is in the process of preparing a table that tracks all of the Stage 1 notified definitions and indicates:
- (a) whether the defined term has been listed as a definition on any Statement of Issues to date, and if so, for what hearing topics;
  - (b) consequentially, whether a Stage 1 defined term has not yet been listed on a Stage 1 Statement of Issues;
  - (c) which Stage 1 defined terms have had a submission made on them;
  - (d) whether a defined term is also used in a Stage 2 or Stage 3 proposal;
  - (e) whether a defined term is being modified through Stages 2 or 3, as per the Council's application for direction dated 16 April 2015 and the Hearing Panel's subsequent minute of 21 April 2015; and
  - (f) whether the defined term has been amended through a decision of the Hearings Panel to date.
5. An example of this table is shown at **Appendix A** to this memorandum. It is the Council's intention to provide this table for the Panel and any relevant submitters by way of affidavit or with any evidence, if that is directed by the Hearings Panel.

### ***Purpose of Definitions Hearing***

6. The merits and appropriateness of some defined terms have been the subject of evidence within topic-specific hearings. The merits of defined terms are also the subject of section 32 evaluation reports. There is however no separate 'definitions chapter section 32 evaluation report'. The Council considers that the Hearings Panel can make decisions on any of the definitions in Chapter 2,<sup>1</sup> however the Council's preliminary view is that the main purpose of the Definitions Hearing should be as follows:

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<sup>1</sup> ie the Council considers the scope of the Definitions Hearing to be all of Chapter 2 as notified.

- 6.1 To allow the Hearings Panel to make a decision on any defined terms that have not been submitted on in Stage 1;
- 6.2 To allow the Hearings Panel to make a decision on any defined terms that have not been the subject of a specific Stage 1 hearing (presumably this will mean the defined term is unnecessary and has no relevance to the pRDP, in terms of Stage 1); and
- 6.3 To allow the Hearings Panel to consider any possible inconsistencies between amendments sought to defined terms, particularly any discrepancies or issues identified between the different hearing topics, and to make decisions on those definitions.<sup>2</sup>

### ***Reliant definitions***

- 7. The right hand column of the definitions chapter lists **Reliant definitions** and **Related definitions**. Advice note 3 in the Proposal states:

*Other definitions on which each definition relied (Reliant definitions) or is related to (Related definitions) are identified for information purposes, to assist their interpretation and to illustrate the interrelationship between some definitions.*

- 8. On reflection, the Council has recognised that the inclusion of **Related definitions** is not necessary for the purposes of interpretation, and as such is open for that information to be removed from the chapter, when the Hearings Panel makes its decision on the Definitions Proposal. The Related definitions were included to assist the plan reader to understand the interrelationship between some definitions. However, the information is not necessary to identify the extended meaning of words and phrases developed specifically for, and as used in the context of the Replacement District Plan. Further, the Council considers that the Related definitions

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<sup>2</sup> For completeness, we note that there may be differences between the Stage 1 notified definition, and that same definition in Stage 2, given that some Stage 1 definitions have been modified as per the Council's application for direction dated 16 April 2015 and the Hearing Panel's subsequent minute of 21 April 2015.

add an unnecessary layer of complexity to the consideration of definitions and submissions on them.

**DATED** this 5<sup>th</sup> day of May 2015



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S J Scott  
Counsel for Christchurch City Council

## Appendix A

## Stage 1 Definitions

<b>Key</b>
Y = yes
Red = Definition not submitted on
Blue = Definition requested by submitter

Definition	Decided on in Priority Decision				Within scope of hearing, as per Statement of Issues							Definition used in Stage 2 or Stage 3	Definition modified through Stage 2 (as outlined in Council's application of 16 April 2015)	Comments (ie whether definition has been modified by decision; in what context the definition was requested by submitter etc)	
	Priority Matter 1: Strategic Directions	Priority Matter 2: Temporary Activities	Priority Matter 3: Multi-unit complexes	Priority Matter 4: Exemplar Housing	Ch 5 - Natural Hazards	Ch 6A, 6B, 6C - Temporary Activities 1B	Ch 7 - Transport	Ch 8 Subdivision	Ch 14 - Residential	Ch 15 - Commercial	Ch 16 - Industrial				
Acceptable level															Definition proposed by submitter as part of Natural Hazards Hearing.
Acceptable risk															Definition proposed by submitter as part of Natural Hazards Hearing.
Access							Y	Y	Y	Y	Y	Y (2 & 3)			Definition decided on as part of Priority Matter 4.
Access M.E.D				Y						Y					Definition decided on as part of Priority Matter 4.
Accessibility						Y									Definition proposed by submitter with respect to the Transport Chapter.
Accessible										Y		Y			
Access lot										Y		Y (2 & 3)			
Accessory building										Y		Y	Y		
Accessory building M.E.D				Y						Y		Y			Definition decided on as part of Priority Matter 4.
Access strip										Y		Y			