

**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 Stage 1 Chapter 2 Definitions
Hearing and of the definition of 'net
site area'

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL IN
RESPONSE TO PANEL'S MINUTE DATED 2 DECEMBER 2015**

7 DECEMBER 2015

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of the Christchurch City Council (**Council**), at the direction of the Panel in its Minute dated 2 December 2015 (**Minute**), to clarify the Council's position regarding the definition of 'net site area' in the proposed Replacement District Plan (**pRDP**).
2. The Council's position, presented at the definitions hearing on the definition of 'net site area' was as follows:¹

In relation to a site or allotment, means the total area of the site or allotment, less any area subject to a designation for any purpose; and/or any entry/exit strip of land 6m or less in width; and/or any area of land where that land is the shared access for more than one site.²

3. The Panel has expressed concern that the reference to 'subject to a designation for any purpose' in the definition of 'net site area' may not accurately reflect the intended application of the definition. As the definition stands, the Panel is concerned that a designation could apply either to an area of land that is intended to be taken under the Public Works Act or land that is designated because it is subject to restrictions on land use, but is not intended to be taken under the Public Works Act.
4. The Panel's Minute in paragraph [4] seeks clarification of the intended meaning and whether the addition of the words 'intended to be taken under the Public Works Act' should be added after the word 'designation' for the sake of clarity.

MEANING OF "NET SITE AREA"

5. The Council accepts that there is the potential for ambiguity and that it is desirable that this is rectified.

¹ For the avoidance of doubt, Council notes that this definition is slightly different to the version set out in the Panel's Minute of 2 December 2015. Council continues to support the version set out in paragraph 2 of this memorandum, but with the addition of the words "intended to be taken under the Public Works Act" after the word "designation".

² Supplementary Evidence of Ivan Thomson, Definitions (Residential) Proposal, 23 July 2015, Section 16.

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6. The Council is of the view that the Panel's suggestion to add the words "intended to be taken under the Public Works Act" after the word "designation" provides clarity and removes the potential for ambiguity.
 7. The suggested addition would leave only that part of the site not likely to be acquired available for development and/or subject to the provisions. It would not then apply to land that was designated for operational purposes (ie land that may be subject to land use constraints but not necessarily such that it would affect all development rights).
 8. Counsel would be happy to attend a telephone conference with the Panel regarding the contents of this Memorandum, if that would be of assistance to the Panel.

DATED this 7th day of December 2015



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