

**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** of the Designations  
(Part) Hearing (Stage 2)

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**MEMORANDUM OF COUNSEL REGARDING PRE-HEARING MEETING  
DESIGNATIONS STAGE 2 (PART) HEARING**

**3 AUGUST 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 2 designations hearing scheduled for Thursday 6 August 2015. The purpose of this memorandum is to:
  - (a) provide details that the Council considers could usefully assist the Hearings Panel and submitters; and
  - (b) provide the Statement of Issues for the hearing (at **Attachment A**),

with the intention that this can be discussed between the Hearings Panel and parties at the pre-hearing meeting.

2. Note that this memorandum does not record the outcomes of informal mediation and / or site visits, as this was not required in respect of Council's role as *territorial authority*. The Council, in its role as *requiring authority* and proponent of Council designations, will separately advise the Panel of the outcomes of informal mediation and site visits (and will provide a redline version of the Stage 2 Designations Proposal).

**3. SCOPE OF HEARING**

- 3.1 The scope of the hearing is limited to the roll-over designations for which the Council is the requiring authority (**Stage 2 Designations**).
- 3.2 Only seven parties submitted on this Proposal and accordingly the matters to be considered by this hearing are limited in nature.
- 3.3 We are advised that Council, as requiring authority, has commenced informal mediation with all submitters and accordingly considers that the matters of contention are limited to:
  - (a) Plan administration matters, including correction of errors;
  - (b) Effects of designation on property values/use, business viability, land use and environmental amenity ("urban blight effects");

- (c) Project uncertainty, deliverability and timescales; and
- (d) Questioning the need for the work/project.

**3.4** The Council notes that where a designation is sought to be rolled over without modification, and there are no submissions on the designation, the Panel is required to confirm the designation without alteration or amended conditions, in accordance with clause 14(3) of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

**3.5** The Council also notes that the Crown has made a submission seeking that the Stage 2 planning maps be amended to show the Minister of Education school designations. These are not shown on the Stage 2 planning maps because they were notified as part of Stage 1. Accordingly, the Council considers that this particular submission point is not within the scope of the Stage 2 designations hearing, and accordingly the Panel cannot make a decision on this particular submission point. For completeness, the Council records that no Stage 1 designations are shown on the Stage 2 planning maps.

#### **4. COUNCIL WITNESSES**

**4.1** The Council, in its role as territorial authority, intends to call:<sup>1</sup>

- (a) Ms Adele Radburnd – Planning Overview

#### **5. PROPOSED TIMETABLE**

**5.1** The following tentative timetable is proposed for discussion at the pre-hearing meeting:

Council's (requiring authority) evidence in chief	17 August 2015
Council (territorial authority) and Submitters' evidence in chief	25 August 2015
Rebuttal evidence	31 August 2015
Notice of cross-examination	1 September 2015
Hearing commences	7 September 2015

<sup>1</sup> This list is indicative only and is subject to change, including in response to issues raised by submitters at the pre hearing meeting.

**6. EXPERT CONFERENCING**

6.1 Expert conferencing is not considered necessary for this hearing.

**7. PROPOSED TIME REQUIRED FOR HEARING**

7.1 We have previously advised the Independent Secretariat that 2 days will be required for the hearing. Having now reviewed the Stage 2 submissions, the Council considers that less time will be required for the hearing, with a total of 1 day being considered sufficient.

**DATED** this 3<sup>rd</sup> day of August 2015



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K E Viskovic / M D Leslie  
Counsel for Christchurch City Council

## ATTACHMENT A

### STATEMENT OF ISSUES – DESIGNATIONS (STAGE 2)

1. The scope of the hearing for this Proposal is limited to the roll-over designations for which the Council is the requiring authority. The Designations proposal does not include any defined terms because designations are not otherwise subject to the rules of the district plan. With this scope in mind, the purpose of this Statement of Issues is to assist the Hearings Panel and submitters by grouping together issues that have been raised through submissions.

#### 2. **Water Supply, Waste Water and Solid Waste Designations**

**Issue 1**                    **Is it appropriate to roll over 29 existing water supply, wastewater and solid waste designations?**

2.1                    No submissions have been received on these rollover designations (C10 – C38).

2.2                    For rollover designations where there have been no modifications and for which no submissions have been received, clause 14(3) of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 directs that the Panel must confirm the designations.

2.3                    As such, the Panel's consideration at the hearing will be limited to the four requirements that have been rolled over with modification (i.e. C13, C29, C36 and C37). The modifications sought by the Council are of a minor nature, amounting to updates designed to improve the relevance and wording of designation conditions. No matters of substance arise from the proposed modifications.

### **3. Transport Designations**

#### **Issue 2 Is it appropriate to roll over nine existing transport designations?**

- 3.1** All nine transport rollover designations have been modified, with those modifications limited to minor amendments to the wording of the purpose and conditions and extensions to lapse dates.
- 3.2** Submissions have been received from seven parties in respect of these designations (as detailed below), including one in support (Hwan Lee #2210, regarding C7 Northcote Road) and one by the Council (#2123, regarding C2 Ferry Road, C4 Hills Road and C7 Northcote Road).
- 3.3** No submissions have been received on C1 Deans Road or C9 Wigram Road / Magdala Place.
- 3.4** No further submissions have been received on any transport designation.
- 3.5** The issues raised by submitters generally focus on:
- (a) Plan administration matters, including correction of errors (Council #2123 (C2 Ferry Road, C4 Hills Road and C7 Northcote Road));
  - (b) Effects of designation on property values, business viability and use and environmental amenity ("urban blight effects") (Lance William Kerr #2066 (C3 Gasson Street), David Lee & David Lee Electrical #2257 (C2 Ferry Road), John William Partridge #2020 (C8 Wigram Road), Patricia Lyons #2001 (C5 Lincoln Road), Brenwyn Anderson #2058 (C6 Moorhouse Road));
  - (c) Project uncertainty, deliverability and timescales (Patricia Lyons #2001 (C5 Lincoln Road), John William Partridge #2020 (C8 Wigram Road)); and

- (d) Questioning the need for the work authorised by the designation (David Lee and David Lee Electrical #2257 (C2 Ferry Road), John William Partridge #2020 (C8 Wigram Road)).