

**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 Specific Purpose  
Zones Hearing (Stage  
2)

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**MEMORANDUM OF COUNSEL REGARDING PRE-HEARING MEETING  
SPECIFIC PURPOSES ZONES - STAGE 2 HEARING**

**3 AUGUST 2015**

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## MAY IT PLEASE THE PANEL:

### 1. INTRODUCTION

1.1 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 Specific Purpose Zones scheduled for 7 August 2015. The purpose of this memorandum is to:

- (a) provide details that the Council considers could usefully assist the Hearings Panel and submitters;
- (b) provide the Statement of Issues for the hearing (at **Attachment A**); and
- (c) provide a record of outcomes of informal mediation and/or site visits (at **Attachment B**),<sup>1</sup>

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

### 2. SCOPE OF HEARING

2.1 The scope of the hearing is all of the following Stage 2 Specific Purpose Zone subsections and the definitions set out at **Attachment C** to this memorandum:

- (a) 21.1 Specific Purpose (Defence Wigram) Zone;
- (b) 21.2 Specific Purpose (Cemetery) Zone;
- (c) 21.4 Specific Purpose (Styx Mill Road Transfer Station) Zone;
- (d) 21.5 Specific Purpose (Hospital) Zone;
- (e) 21.6 Specific Purpose (School) Zone;
- (f) 21.7 Specific Purpose (Tertiary Education) Zone; and
- (g) 21.9 Specific Purpose (Golf Resort) Zone;

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<sup>1</sup> As requested in the Hearing Panel's minute of 28 May 2015.

**2.2** With Regards to the Golf Resort Zone:

- (a) as a preliminary matter to be resolved, whether the part of the submission from Clearwater Land Holdings (submission 2423), which submits that the airport noise contours are not "accurate" and that they impose unnecessary restrictions on the scale of development at Clearwater, is within the scope of the hearing given that:
  - (i) this part of the submission does not include a decision sought on any provision, either in Chapter 21 or Chapter 6; and
  - (ii) the 50 dB Ldn airport noise contour was notified as part of Stage 1 of the proposed Replacement District Plan (pRDP) (only the 55dB Ldn and 65 dB Ldn/95 dB LAE noise contours were notified in Stage 2 of the pRDP); and
- (b) if the answer to (a) is yes, whether the Clearwater Golf Resort portion of the Golf Resort Zone should be deferred to be heard in Stage 3, in association with the Chapter 6 General Rules and Procedures hearing on airport noise provisions.

**2.3** For completeness, the scope for this hearing *excludes* the following:

- (a) 21.3 Specific Purpose (Airport) Zone;
- (b) 21.8 Specific Purpose (Lyttelton) Zone;
- (c) 21.10 Specific Purpose (Ruapuna Motorsport) Zone.

**2.4** The Council has previously filed a memorandum dated 17 June 2015 seeking a direction that decisions on particular parcels of land in Stage 1 be deferred until Stage 2. That memorandum is relevant to the Specific Purpose Zone in that it seeks deferral of decisions on a number of sites notified in Stage 1, but notified again in Stage 2 with a more appropriate Specific Purpose zoning (ie, Schools, Tertiary, and Cemetery zones). The particular sites are listed in the attachments to the 17 June 2015 memorandum. The Hearings Panel granted the direction sought on 26 June 2015, therefore the Council

records that decisions on those sites will be made as part of this Specific Purpose hearing.

### 3. COUNCIL WITNESSES

3.1 The Council intends to call the following witnesses:<sup>2</sup>

- (a) Planner(s) (for the various sub-zones – the particular planner(s) called will differ for each sub-zone);
- (b) Council Operations Manager (for Styx Mill Transfer Station);
- (c) Urban Designer (for Hospital Zone, Schools Zone, Tertiary Zone and Golf Resort Zone);
- (d) Consents Planner (for Golf Resort Zone); and
- (e) Open Space Planner (for Golf Resort Zone).

### 4. PROPOSED TIMETABLE

4.1 The following tentative timetable for the Special Purposes Zones hearing is proposed for discussion at the pre-hearing:

|   |                   |
|---|-------------------|
| Council's revised proposal              | 25 September 2015 |
| Expert witness conferencing             | 1 October 2015    |
| Council's evidence in chief             | 7 October 2015    |
| Facilitated mediation                   | 12 October 2015   |
| Submitters' evidence in chief           | 15 October 2015   |
| Rebuttal evidence of Council/Submitters | 22 October 2015   |
| Notice of cross-examination             | 28 October 2015   |
| Hearing commences                       | 3 November 2015   |

### 5. EXPERT CONFERENCING

5.1 The Council's view is that expert conferencing may be required for this hearing, with topics to be determined as matters progress. We are happy to work with the Secretariat to confirm topics of conferencing as preparation for the hearing advances.

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<sup>2</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. PROPOSED TIME REQUIRED FOR HEARING**

- 6.1** We have previously advised the Independent Secretariat that 4 days will be required for the hearing. The Council continues to be of the view that this amount of time is sufficient.

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



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S J Scott  
Counsel for Christchurch City Council

## ATTACHMENT A

### STATEMENT OF ISSUES – SPECIFIC PURPOSES ZONES (STAGE 2)

1. The scope of the hearing for this Proposal is set out at paragraph 2 above. 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.

#### DEFENCE WIGRAM

**Issue 1** Is there a need for a retail activity standard, that restrict activity to retail that serves the zone and its purpose directly?

**Issue 2** Are the 21.1.2.1 P2 standards 1-3 relating to temporary activities and exhibitions consistent with the general rule provisions in the Replacement District Plan relating to noise?

**Issue 3** Do the objectives and policies provide for the function and operation of the Air Force Museum?

**Issue 4** Should the activity status for 'any activity not provided for' be non-complying or discretionary?

**Issue 5** What content should the 'how to use the rules' section contain?

#### CEMETERY

**Issue 6** Is the Specific Purpose (Cemetery) Zone appropriate for all identified sites?

- 1.1 Some of the land intended to be covered in the Specific Purpose (Cemetery) Zone Proposal in Stage 2 was notified in Stage 1 with a Residential zoning. This was the subject of an application by the Council dated 17 June 2015 and an order by the Hearings Panel dated 26 June 2015, which set aside land from Stage 1 Proposals where the land has been re-notified in Stage 2 Proposals. Those sites will therefore form part of the Stage 2 hearing.

**1.2** Submitters have sought to re-zone land from (1) Rural Banks Peninsula and (2) Open space Community Park to Specific Purpose (Cemetery) Zone.

**Issue 7** Does the term 'comprehensive consent' used in General Provision 21.2.2.1(c), also mean 'joint hearing', and should the term be replaced accordingly in the proposed provisions of the Proposal for better clarity?

**Issue 8** Are the references to, or reliance on, Built Form Standards in P3 and P5 appropriate?

**Issue 9** Should the Specific Purpose (Cemetery) Zones include controls on activities in proximity to a National Grid transmission line?

#### **STYX MILL ROAD TRANSFER STATION**

**Issue 10** Are the permitted activity standards at 21.4.2.2.1 P1 2. and 10. regarding litter outcome focused enough?

**Issue 11** Should the permitted activity standards address trucks parking on land adjoining the zone?

#### **HOSPITAL**

**Issue 12** Is the broad intent of the objectives and policies for this zone appropriate?

**1.3** Consideration should be given to whether:

- (a) the current policy approach is reasonable, in particular Policy 21.5.1.1.2 – Comprehensive development, which outlines the key approaches as to how hospitals should be developed in order to integrate with the surrounding environment; and
- (b) Additional policies should be included to deal with expansion of facilities outside existing boundaries and the use of hospital sites when they are no longer used for healthcare.

**Issue 13** Are the boundaries of the Hospital Zone appropriate?

**1.4** The review of the Hospital Zone has meant that some sites which are zoned Hospital Zone in the Operative Plan have been proposed to be rezoned as Residential. Of these rezoned sites, one owner is seeking a return to Hospital zoning.

**1.5** There are also several submissions seeking that sites which have not been previously zoned as Hospital Zone are rezoned for this purpose.

**Issue 14** Does the Hospital Zone built form standards package provide an appropriate level of regulation in terms of balancing the need to enable intensification of hospital sites, particularly the proposed increase in height, with the need to maintain amenity values and public safety at the interfaces of hospital sites? Specific issues include:

- (a) Are the setback distances and height standards (at Rules 21.5.2.3.1.1 a, b and c, 21.5.2.3.1.2 a, b and c, 21.5.2.3.1.3 a, b and c) appropriate?
- (b) Are the landscaping and fencing provisions (at Rules 21.5.2.3.1.1d and e, 21.5.2.3.1.2 d and e, 21.5.2.3.1.3 d and e, 21.5.2.3.1.4 d and e) reasonable?
- (c) Should additional built form standards regulating matters such as the length of elevations and the size of building footprints (Rules 21.5.2.2.2 RD5 and RD 6) be incorporated?

## **SCHOOL / TERTIARY EDUCATION**

**Issue 15** Is the wording of the Objectives and Policies appropriate to achieve the intended purpose of the zones, while not precluding different types of educational activity which have not yet been anticipated?

**Issue 16** Are the yard setbacks proposed for the School Zone (Built Form Standards 21.6.2.3.3 and 21.6.2.3.4) and Tertiary Zone (Built Form

Standards 21.7.2.3.3 and 21.7.2.3.4) appropriate or can they be reduced?

**Issue 17** Are stepped maximum building heights (Built Form Standard 21.7.2.3.5) an appropriate mechanism for the Specific Purpose (Tertiary Education) Zone University of Canterbury sites? Are the proposed heights appropriate?

**Issue 18** Is it appropriate to encourage retention of trees on education sites even if they are not scheduled in the District Plan for protection?

**Issue 19** Are the landscaping provisions (Built Form Standard 21.7.2.3.6) in the Specific Purpose (Tertiary) zone appropriate?

**Issue 20** Is it appropriate to have a tighter rule controlling sale of alcohol in the Specific Purpose (Tertiary Education) zone for the Dovedale site than in Chapter 6 for residential areas generally?

**Issue 21** What provision should be made for churches in the school zone compared with churches in the residential zones? Should churches on school zoned sites be permitted to have more flexible Built Form Standards than the schools themselves (eg lesser setbacks)?

## **GOLF RESORT**

**Issue 22** Should there be more restriction on intensification in areas of the City under the 50 dB noise contour (NW runway)? While this submission point is on the Specific Purpose Golf Zone it may also have an impact on areas beyond the Specific Purpose Golf Zone, for example the School and Tertiary Education zones which lie within the 50 dB noise contour line.

### ***Clearwater Golf Resort***

**Issue 23** Should there be any distinction between resort hotel bedrooms and residential activities?

**Issue 24** What is the appropriate scale of residential and hotel development in broad terms relative to the recreational function of the golf course? In

particular, is it appropriate for a policy to state that the primary function of the resort is recreational, with residential, resort hotel and commercial development subsidiary to this?

**Issue 25** Should the activity specific standard at P8 (as notified) for residential units be amended to allow for further units?

**Issue 26** Should the notified activity permitted standards for P9 be amended to allow for additional hotel bedrooms with no restriction on location relative to the airport noise contours?

**Issue 27** What provision should be made in the Golf Resort Zone for a proposed (single building) hotel next to the Clearwater clubhouse? In particular, how many hotel bedrooms should be permitted, and is the proposed 11m height limit appropriate and adequate?

**Issue 28** What activity status should the creation of new water bodies have?

**Issue 29** Does Policy 21.9.1.1.4, in so far as it relates to groundwater quality, duplicate the Regional Council's existing responsibilities?

***Whisper Creek Golf Resort (formerly known as Christchurch Golf Resort)***

**Issue 30 Planning Status of Resort Apartments**

**1.6** Is a two tier approach, with additional resort apartments over and above 330 being a discretionary activity, appropriate?

## ATTACHMENT B

### RECORD OF INFORMAL MEDIATION / SITE VISITS – SPECIFIC PURPOSE ZONES

1. This record has been provided in response to the Hearing Panel's minute of 28 May 2015. This record is accurate as at 31 July 2015.

### DEFENCE WIGRAM

| Submitter number | Submitter name                                   | Change sought   | Meeting scheduled / contact (eg e-mail) | Changes required in Revised Proposal?         |
|------------------|--|---|---|---|
| 2387             | Canterbury Earthquake Recovery Authority<br>CERA | Add policy<br>Delete retail activity Permitted activity<br>Amend Temporary activities and exhibition standards<br>Amend<br>Add cultural references, spelling and references to RNZAF Base.<br>Change non-complying to discretionary | Meeting held on 28/7/15                 | Potentially – discussions still taking place. |

## CEMETERY

| Submitter Number | Submitter Name              | Change sought   | Meeting scheduled/contact                                | Changes required in Revised Proposal? |
|------------------|-----------------------------|---|--|---------------------------------------|
| 2387             | Crown/CERA                  | Seeks to remove all unnecessary references to the built form standards in P3.             | Meeting held 20/7/2015                                   | Yes.                                  |
|                  |                             | Seeks to remove all unnecessary references to the built form standards in P5.             | Meeting held 20/7/2015                                   | Yes.                                  |
|                  |                             | Seeks to rezone Little Akaloa Cemetery from Rural Banks Peninsula to SP (Cemetery) Zone.  | Meeting held 20/7/2015<br>Follow up e-mail on 30/07/2015 | No.                                   |
|                  |                             | Seeks to amend wording of 21.2.2.1(b)   | Meeting held 20/7/2015                                   | Yes.                                  |
|                  |                             | Seeks to amend 21.2.2.1(c) by replacing 'comprehensive consent' with 'joint hearing'.     | Meeting held 20/7/2015<br>E-mail on 30/07/2015           | Not at this stage.                    |
| 2340             | Orion New Zealand Limited   | Seeks to insert a new provision requiring setbacks from National Grid transmission lines. | Meeting held 28/7/2015                                   | No.                                   |
| 2249             | Canterbury Regional Council | Seeks to amend wording of 21.3.2.1 General Provisions                                     | Meeting held 27/7/2015<br>E-mail on 27/7/2015            | Yes.                                  |

## STYX MILL ROAD TRANSFER STATION

| Sub # | Submitter name | Change sought                                   | Meeting scheduled / contact (eg e-mail) | Changes required in Revised Proposal?         |
|-------|----------------|---|---|---|
| 2000  | Bennett        | Better litter control<br>No trucks on the berms | Email                                   | Potentially – discussions still taking place. |
| 2443  | EcoCentral Ltd | Reduction in Buffer zone                        | Email and Meeting held on 28/07/15      | Potentially – discussions still taking place. |

## HOSPITAL

1. Mediation meetings for this Specific Purpose sub zone are currently being programmed with the relevant submitters.

## SCHOOL / TERTIARY EDUCATION

2. A number of the meetings for this sub-zone took place on Thursday 30 and Friday 31 July 2015. Given that, the outcomes of the meetings have not been recorded in detail in this mediation record.

| Sub # | Submitter name  | Changes Sought | Meeting Scheduled / contact (eg email)  | Changes required in revised proposal |
|-------|---|----------------|---|--------------------------------------|
| 2087  | Hillview Christian School                               |                | 30/07/2015 1130 am  | Outcome still being determined.      |
| 2089  | Catholic Bishop of Christchurch                         |                | 30/07/2015 1130 am  |                                      |
| 2096  | Mark and Susan Shepherd                                 |                | 28/07 left phone message  |                                      |
| 2147  | Catholic Diocese and Others                             |                | 30/07/2015 1130 am  | Outcome still being determined.      |
| 2180  | Ilam & Upper Riccarton Residents Association            |                | Meeting at CCC 30/07/2015 at 3pm  | Outcome still being determined.      |
| 2211  | Toni Carter   |                | 28/07 HA left phone message   |                                      |
| 2269  | Christchurch Polytechnic Institute of Technology (CPIT) |                | 31/07/2015 9am  | Outcome still being determined.      |
| 2340  | Orion New Zealand Limited                               |                | 31/07/2015 9am  | Outcome still being determined.      |
| 2343  | The Elmwood Club Inc.                                   |                | 31/07/2015 1130am   | Outcome still being determined.      |
| 2351  | . Rangi Ruru Girls' School                              |                | 30/07/2015 1130 am  | Outcome still being determined.      |
| 2464  | The University of Canterbury                            |                | 31/07/2015 9am  | Outcome still being determined.      |
| 2549  | Jennifer Melton   |                | 28/07 left phone message, 29/07 Hamish spoke with submitter and she is hoping to make the 30/07 meeting with Residents and Ratepayers |                                      |

| Sub # | Submitter name       | Changes Sought | Meeting Scheduled / contact (eg email)  | Changes required in revised proposal |
|-------|----------------------|----------------|---|--------------------------------------|
| 2550  | Helen and Allan Cook |                | 28/07 left phone message, 28 and 29/07 email correspondence regarding the submission. |                                      |

### GOLF RESORT

| Submitter number | Submitter name                                 | Meeting scheduled / contact (eg e-mail)                    | Changes required in Revised Proposal?                                      |
|------------------|--|--|--|
| 2015             | Whisper Creek Golf Resort                      | Meeting held 20/7/15 with Tony Herring, Mortlock McCormack | Yes  |
| 2025             | Garry Moore (Board chair Clearwater Golf Club) | Meeting held 20/7/15                                       | Not at present.  |
| 2098             | Andrew Bell for Clearwater Golf Club           | Meeting held 20/7/15                                       | Only if agreed through further discussions/mediation.                      |
| 2186             | Clearwater Resort Owners Society inc           | Invited to meeting 20/7/15 but did not attend              | No   |
| 2235             | Ngai Tahu                                      | Meeting 20/7/15  | No   |
| 2263             | Saunders, Robinson etc & Golf Co (2006) Ltd    | Meeting 20/7/15  | Not at present.  |
| 2274             | Eros Clearwater                                | Meeting 20/7/15  | No.  |
| 2348             | CIAL   | Meeting 20/7/15  | No.  |
| 2387             | CERA   | Meeting 20/7/15  | No. General provisions already notified as part of Stage 2 – Chapter 6.10. |
| 2423             | Clearwater Land Holdings Ltd                   | Meeting 20/7/15.   | Possibly – minor wording amendments still being discussed.                 |
| 2479             | Jane Cameron                                   | Invited to meeting 20/7/15 but did not attend              | No.  |

## ATTACHMENT C

| <b>Proposal number 21</b>   |   |  |
|---|---|--|
| <b>Stage 1 definitions</b>  | <b>Stage 2 definitions</b><br>* = subject to Stage 2 submissions  | <b>Relevant submitter-requested definitions</b>  |
| <b>Specific Purpose (Defence Wigram) Zone</b>   |   |  |
| <ul style="list-style-type: none"> <li>• Boundary</li> <li>• Retail activity</li> <li>• Road boundary</li> </ul>  |   |  |
| <b>Specific Purpose (Cemetery) Zone</b>   |   |  |
| <ul style="list-style-type: none"> <li>• Gross floor area</li> </ul>  | <ul style="list-style-type: none"> <li>• *Building</li> <li>• Burial</li> <li>• Cemetery</li> <li>• Closed cemetery</li> <li>• Cremation</li> <li>• Crematorium/Crematoria</li> <li>• Disinterment</li> <li>• Grave</li> <li>• *Height</li> <li>• Interment</li> <li>• Mausoleum/Mausolea</li> <li>• Monument</li> <li>• Passive cemetery activities</li> <li>• Plot</li> <li>• *Site</li> <li>• Vault</li> </ul> |  |
| <b>Specific Purpose (Styx Mill Road Transfer Station) Zone</b>  |   |  |
| N/A   | N/A   | N/A  |
| <b>Specific Purpose (Hospital) Zone</b>   |   |  |
| <ul style="list-style-type: none"> <li>• Access</li> <li>• Ancillary office activity</li> <li>• Ancillary retail activity</li> <li>• Arterial roads</li> <li>• Articulation</li> <li>• Boundary</li> <li>• Development</li> <li>• Emergency service facilities</li> <li>• Frontage</li> <li>• Gross floor area</li> <li>• Interface</li> <li>• Modulation</li> <li>• Parking area</li> <li>• Road</li> <li>• Road boundary</li> <li>• Setback</li> <li>• Site boundary</li> </ul> | <ul style="list-style-type: none"> <li>• *Building</li> <li>• *Health care facility</li> <li>• *Height</li> <li>• *Hospital</li> <li>• *Site</li> <li>• *Spiritual activity</li> <li>• *Spiritual facility</li> </ul>   | <ul style="list-style-type: none"> <li>• Gross ground floor area</li> <li>• Sustainable</li> <li>• Sustainability</li> </ul> |

|   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>• Vehicle access</li> </ul>  |  |   |
| <b>Specific Purpose (School) Zone</b>   |  |   |
| <ul style="list-style-type: none"> <li>• Accessory building</li> <li>• Boundary</li> <li>• Net site area</li> <li>• Road boundary</li> <li>• Setback</li> </ul>   | <ul style="list-style-type: none"> <li>• *Building</li> <li>• *Community activity</li> <li>• *Education activity</li> <li>• *Education facility</li> <li>• *Height</li> <li>• *Site</li> <li>• *Spiritual activity</li> <li>• *Spiritual facility</li> </ul>         | <ul style="list-style-type: none"> <li>• Early childhood and care centre</li> </ul> |
| <b>Specific Purpose (Tertiary Education) Zone</b>   |  |   |
| <ul style="list-style-type: none"> <li>• Access</li> <li>• Adjoining</li> <li>• Boundary</li> <li>• Impervious surface</li> <li>• Net site area</li> <li>• Road boundary</li> <li>• Setback</li> </ul>  | <ul style="list-style-type: none"> <li>• *Building</li> <li>• *Community activity</li> <li>• *Education activity</li> <li>• *Education facility</li> <li>• *Height</li> <li>• Landscaping</li> <li>• *Site</li> </ul>  |   |
| <b>Specific Purpose (Golf Resort) Zone</b>  |  |   |
| <ul style="list-style-type: none"> <li>• Access</li> <li>• Access lot</li> <li>• Accessory building</li> <li>• Access strip</li> <li>• Boundary</li> <li>• Development</li> <li>• Food and beverage outlet</li> <li>• Freeboard</li> <li>• GFA</li> <li>• GLFA</li> <li>• Ground level</li> <li>• Impervious surface</li> <li>• Office</li> <li>• Outline development plan</li> <li>• Residential activity</li> <li>• Residential unit</li> <li>• Restaurant</li> <li>• Retail activity</li> <li>• Retailing</li> <li>• Right-of-way</li> <li>• Road</li> <li>• Road boundary</li> <li>• Setback</li> <li>• Subdivision</li> <li>• Vehicle access</li> <li>• Water body</li> <li>• Wetland</li> </ul> | <ul style="list-style-type: none"> <li>• *Building</li> <li>• *Earthworks</li> <li>• *Education activity</li> <li>• *Height</li> <li>• *Landscaping</li> <li>• *Recreation activity</li> <li>• Resort apartment</li> <li>• *Resort hotel</li> <li>• *Site</li> </ul> | <ul style="list-style-type: none"> <li>• Resort hotel bedroom</li> </ul>            |