

**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 Natural and Cultural
Heritage Proposal (Stage
3)

**SUPPLEMENTARY MEMORANDUM OF COUNSEL ON BEHALF OF CHRISTCHURCH
CITY COUNCIL FILED IN ADVANCE OF THE PRE-HEARING MEETING FOR THE
NATURAL AND CULTURAL HERITAGE HEARING**

28 October 2015

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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the Christchurch City Council (**Council**) in relation to Proposal 9: Natural and Cultural Heritage (Stage 3) (**Proposal or Proposal 9**). The purpose of this memorandum is to provide an update to some aspects of the memorandum dated 21 October 2015 and filed in advance of the pre-hearing meeting for the Proposal (**Memorandum**).¹
2. A number of updates to the Memorandum have been identified by the Council or communicated to the Council by submitters. The updates that the Council is aware of at this stage are set out in **Appendix A**. Amendments are shown as blue underline text for additions, and ~~red-strikethrough~~ text for deletions.
3. We understand that as a result of Stage 3 Pre-Hearing Meetings held on 27 and 28 October 2015 for Chapter 7: Transport (part), Chapter 17 Rural (part), and Chapter 8: Subdivision (part), a number of provisions from those chapters will be heard alongside the hearing for this Proposal. We have set out these updates to the scope of the hearing in **Appendix B**.
4. We also note the Council considers the Joint Memorandum of Counsel for the Council and Christ's College and G and J McVicar (#3677) dated 28 October 2015 resolves Issue 3(e) of the Statement of Issues for Chapter Topic 9.2 in relation to Worsley's Spur.
5. The Council anticipates there may be further developments regarding the issues to be addressed in this hearing, and would be happy to provide the Panel with any further updates following the Pre-Hearing Meeting if that would assist the Panel.



M G Conway / M J Jagusch
Counsel for Christchurch City Council

¹ Memorandum of counsel filed in advance of the pre-hearing meeting for Natural and Cultural Heritage (stage 3) including deferred stage 1 cultural provisions in Chapter 16 Industrial General (North Belfast) zone, Chapter 8 and Chapter 2 Definitions, dated 21 October 2015.

APPENDIX A: AMENDMENTS TO MEMORANDUM

	Amendment	Reference
1.	<p>Insert an additional witness for overview evidence at paragraph 6.1, as follows:</p> <p style="padding-left: 40px;">(d) Alan Matheson – strategic overview (planning) evidence in relation to Ngai Tahu submission and values.</p>	Page 3, paragraph 6.1.
2.	<p>Insert an additional planning witness at paragraph 6.2, as follows:</p> <p style="padding-left: 40px;">(d) Mark Stevenson – evidence in relation to the Industrial General Zone (North Belfast) and the silent file in this location.</p>	Page 4, paragraph 6.2.
Amendment to Statement of Issues (Attachment A)		
3.	<p>Insert an additional issue (proposed by Ngai Tahu) under the heading 'Ngai Tahu Manawhenua' in the section 'General / All of Chapter Matters', as follows:</p> <p style="padding-left: 40px;">1(da) Do the objectives, policies, rules and matters of discretion proposed by Ngai Tahu appropriately recognise and provide for the protection of sites and practices of Ngai Tahu cultural significance?</p>	Page 8
4.	<p>Insert an additional issue, and issue heading, at the end of the section 'Chapter Topic: 9.3 Historic Heritage' (to reflect submission #4262 Jordan), as follows:</p> <p style="padding-left: 40px;">HERITAGE PROTECTION FOR BUILDINGS WHICH PRE-DATE 1940</p> <p style="padding-left: 40px;">4(u) Should there be a new policy and rules to protect pre 1940s buildings, including to demolish these buildings, or to significantly alter the street scene appearance of a building?</p>	Page 22
5.	<p>Insert an additional issue (proposed by Ngai Tahu) into a new General section, as follows:</p> <p style="padding-left: 40px;"><u>Strategic Directions – do the strategic directions appropriately cover off</u></p>	

	matters relating to water quality including the protection of freshwater features and values and the life supporting capacity of water, or should a new Strategic Direction Objective be added.	
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Amendment to Definitions (Attachment B)

6.	<p>Ngai Tahu has proposed that the definitions below be inserted into the list of definitions provided in Attachment B for consideration at the hearing of this Proposal. The Council reserves its position on this matter. The definitions are:</p> <p style="text-align: center;"> Ngai Tahu/Manawhenua Wahi tapu Wahi taonga </p>	Pages 27-28
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Amendment to Attachment D

7.	<p>Update the details in the 'site of ecological significance' column in Attachment D relating to submitter #3242 Craw, as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="width: 15%;">3242</td> <td style="width: 35%;">Hamish & Annabel craw</td> <td style="width: 50%;"> SES/HA/16 Lower Kaituna River View Hill SES/HA /15 Prices Valley QEII Covenant and Environs RAupo Bay SES/HA /27 Northern side of Holmes Bay Stony Beach </td> </tr> </table>	3242	Hamish & Annabel craw	SES/HA/16 Lower Kaituna River View Hill SES/HA /15 Prices Valley QEII Covenant and Environs RAupo Bay SES/HA /27 Northern side of Holmes Bay Stony Beach	Page 40
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Amendment to Attachment E

8.	<p>Ngai Tahu has sought the changes below to the Statement of Issues for Subdivision, Development and Earthworks (Stage 3) relating to this hearing provided in Attachment E. The Council agrees these changes are appropriate. The changes are:</p> <p style="text-align: center;"> ATTACHMENT A STATEMENT OF ISSUES SUBDIVISION, DEVELOPMENT AND EARTHWORKS, STAGE 3 <u>AND INDUSTRIAL GENERAL (NORTH BELFAST) ZONE</u> ISSUES FOR NATURAL AND CULTURAL HERITAGE, PROPOSAL 9 Issue 1 Should the proposal include provisions to protect trees through subdivision? Issue 2 Should the proposal include policies providing policy direction for </p>	
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	<p>earthworks in outstanding landscapes and features, areas of significant indigenous vegetation, in or near heritage items or near significant trees?</p> <p>Issue 3 Are the following objectives, and policies and rules identified in the memorandum to the Panel dated 5 June 2015 appropriate?</p> <p>(a) The deferred provisions relevant to Proposal 8 identified in the memorandum to the Panel dated 5 June 2015 are Objectives 8.1.1 and 8.1.2(b), Policies 8.1.1.1, 8.1.1.2 and 8.1.1.3, rules at section 8.3.7, assessment matters at 8.5.2 and provisions relating to the Industrial General (North Belfast) Zone at 8.4.1.1 RD4 and 8.4.1.3(18) and identified in the Minute dated 15 May 2015 are inclusion of RD activity 8.3.7.1 and related matter of discretion 8.3.7.3(4)(a)</p> <p>(b) The deferred provisions relevant to Proposal 16 identified in the Minute dated 6 May 2015 are Rule 16.2.7.1.1 P1 (a)(iii) and (iv); Rule 16.2.7.1.2 RD1; Rule 16.2.7.2.4; Matter of Discretion 16.2.7.3.1 (d), (e), (f), (g) and (h) (Outline Development Plan); Matter of Discretion 16.2.7.3.3 (Silent File); and Matter of Discretion 16.2.7.3.4 (Springs)</p>	
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APPENDIX B: UPDATES TO SCOPE OF HEARING

All of the Stage 3 text for the following provisions will be heard alongside the hearing for Proposal 9:

Chapter 7: Transport (part)
Matter of Discretion 7.3.21.4 to 7.3.21.8 Formation of unformed legal roads.
Chapter 8: Subdivision (part)
Rule 8.3.1.1, RD2, restricted discretionary standard 5
Matter for discretion 8.3.1.5, Rural Banks Peninsula sub-paragraph (a) (part)
Matters for discretion 8.3.1.5, Coastal Environment sub-paragraph (i) (part) and (k)-(l)
Rule 8.3.7.1 RD3 - RD5
Matters for discretion 8.3.7.3 (13)-(32)
Objective 8.7.1(2)
Policies 8.7.1.1-8.7.1.4
Rule 8.8.2, P1, activity standards 9-10
Rule 8.8.2, P3
Rule 8.8.2 - Table 1 – Maximum Volumes – earthworks – Overlays
Rule 8.8.2 - Table 1 – Maximum Volumes – earthworks – clarification note (3)
Rule 8.8.3, RD3 and RD8
Rule 8.8.6 (1)(c)(iii)(b)
Matters of discretion 8.8.7(5)(e) – (g) and (6)(b)
Chapter 17: Rural (part)
Rule 17.2.2.3 new matters of discretion added to RD1-RD5
Rule 17.2.2.4 references added to matters of discretion D1-D5
Rule 17.2.3.2 building reflectivity
Rule 17.2.3.3 identified important ridgelines
Rule 17.2.3.4 landscape buffer
Rule 17.2.3.5 new matters of discretion
Rule 17.2.3.6 new matters of discretion
Rule 17.2.3.8 new matters of discretion
Rule 17.2.3.9 new matters of discretion
Rule 17.2.3.12 new matters of discretion
Rule 17.2.3.13 new matters of discretion
Rule 17.4.2.3 new matters of discretion RD1-RD5
Rule 17.4.2.4 new matters of discretion D1-D4

Rules 17.4.3.2 - 17.4.3.5 new matter of discretion
Rule 17.4.3.8 new matter of discretion
Rule 17.5.2.3 new matters of discretion RD1-RD5
Rule 17.5.2.4 new matters of discretion D1-D2
Rules 17.5.3.2 – 17.5.3.5 new matter of discretion
Rule 17.5.3.7 new matters of discretion
Matter of discretion 17.8.1.9 building reflectivity - Rural Banks Peninsula
Matter of discretion 17.8.1.10 important identified ridgelines - Rural Banks Peninsula
Matter of discretion 17.8.3.1 Coastal environment
Matter of discretion 17.8.3.2 Significant landscapes - Rural Banks Peninsula