

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 Christchurch
Replacement District
Plan

APPLICATION TO SET ASIDE LAND FROM STAGE 1 PROPOSALS, WHERE
THE LAND HAS BEEN RE-NOTIFIED IN STAGE 2 PROPOSALS

PROPOSAL 7 – TRANSPORT
PROPOSAL 14 – RESIDENTIAL
PROPOSAL 15 – COMMERCIAL
PROPOSAL 16 – INDUSTRIAL
PROPOSAL 18 – OPEN SPACE
PROPOSAL 21 – SPECIFIC PURPOSES

17 June 2015

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*Order in terms of
this application.
However the panel
would like to
understand better
how an error of
this magnitude
occurred.*

J G A Winchester
26/6/15.

MAY IT PLEASE THE PANEL

Introduction

1. This memorandum of counsel is filed on behalf of the Council. The purpose of the memorandum is to respectfully request that the Panel set aside particular parcels of land from its Stage 1 decisions, as they were inadvertently zoned in Stage 1 and more appropriately fall to be considered under Stage 2. The particular parcels of land relate to:
 - (a) the zoning of roads as shown on the planning maps, which through Stage 1 were shown on the planning maps as assuming the adjacent zoning (i.e., a residential, industrial or commercial zoning), when in Stage 2 roads are zoned on the planning maps as the "Transport Zone";
 - (b) the zoning of open space sites, which through Stage 1 were shown on the planning maps as a residential, industrial or commercial zoning, but were intended to be covered in the Open Space Proposal in Stage 2 (and have been notified in Stage 2 with an Open Space zoning);
 - (c) the zoning of school and tertiary education sites, which through Stage 1 were shown on the planning maps as residential or in one case commercial zoning, but which were intended to be covered in the Specific Purposes Proposal in Stage 2 (and have been notified in Stage 2 with a Specific Purposes (School) or Specific Purposes (Tertiary) zoning); and
 - (d) the zoning of cemetery sites, which through Stage 1 were shown on the planning maps as residential zoning, but were intended to be covered in the Specific Purposes Proposal in Stage 2 (and have been notified in Stage 2 with a Specific Purpose (Cemetery) zoning¹).

Roads / Transport Zone

2. The Stage 1 Transport Proposal (Proposal 7 (part)), covers a number of matters (such as car and cycle parking requirements; access, loading and

¹

With the exception of one site, as discussed in more detail below.

manoeuvring standards; and integrated transport assessments for high traffic generating activities), but does not create or allocate roads to a specific zone. All roads, apart from paper roads, are intended to become part of the Transport Zone under the Stage 2 Transport Proposal (part), and have been re-notified with this zoning on the Stage 2 planning maps, on 2 May 2015. Primary submissions for Stage 2 closed on 15 June 2015.

3. However, in Stage 1, roads were shown on the planning maps to assume the zoning of the adjoining land holding, whether it be residential, commercial or industrial, when they should have been shown as "greyed out". The approach in the operative City Plan for roads was that they were shown as part of the adjoining zone, but were deemed to be part of the Specific Purpose (Road) Zone (although this was not obvious on the face of the Planning Maps). That approach was carried over into Stage 1, because of the time and resources needed to create shapes for and map all roads separately. By way of example, a road within the Residential Suburban Zone was notified in Stage 1 as Residential Suburban Zone, and would therefore be subject to the same rules. Between the notification of Stage 1 and Stage 2, the opportunity was taken to undertake the exercise of outlining and mapping all roads separately, so that they could be clearly shown as part of the Transport Zone in Stage 2. It is respectfully submitted that areas should be zoned according to their true and intended function.

Open Space

4. Open space sites, such as community parks, sports grounds and public gardens, are intended to be covered in the Open Space Proposal (Proposal 18) which was notified on 2 May 2015 as part of Stage 2. Open space sites are intended to be zoned as one of the five Open Space zones. Primary submissions for Stage 2 closed on 15 June 2015.
5. However, through on-going work in preparing the Open Space Stage 2 proposal for notification, the Council has identified that 71 sites have been inadvertently zoned in Stage 1 as one of the following zonings:
 - (a) Commercial Banks Peninsula;
 - (b) Industrial General;

- (c) Industrial Heavy;
 - (d) Residential Conservation;
 - (e) Residential Medium Density;
 - (f) Residential Suburban; or
 - (g) Residential Medium Density Transition.
6. These sites are described in **Attachment A**, and shown on the planning maps in **Attachment B** of this application (refer red hatched areas).
7. During Stage 1 the decision was made to 'grey out' areas that were to be left for review in Stage 2 (this included areas that were expected to be zoned Open Space in Stage 2). The categorisation of sites (as a Stage 1 zone or as 'greyed out') was made based on planners' visual assessments of maps, Outline Development Plans and planners' general knowledge of the areas. In the case of Open Space, this method was not 100% accurate and therefore during Stage 2 a more thorough GIS-based assessment was carried out. That assessment compared land ownership data with the operative City Plan zoning layer and with the Greenspace Unit's park management layer. During this time, there was also a manual check carried out by Greenspace Unit staff to accurately identify land parcels that were Open Space.
8. In addition, waterways and their margins were not mapped in the operative City Plan (but are in the Replacement District Plan, as the Open Space Water and Margins Zone). Therefore waterways were shown on the planning maps as assuming or 'covered' by the adjacent City Plan zoning. The decision to map waterways as Open Space Water and Margins Zone was made during the preparation of the Open Space Stage 2 Proposal. That meant that, during Stage 2, all the major waterways and their margins were re-notified as Open Space Water and Margins Zone.
9. The inappropriateness of the Stage 1 zonings was not identified at the time of notification for submissions on Stage 1, or during the course of hearings. The sites are Council-owned parks and/or esplanade reserves, and it is respectfully submitted that they should be zoned according to their true and

intended function. There have been no Stage 1 primary submissions made on any of the specific sites.²

Schools and Tertiary Education

10. Schools and tertiary education zonings are intended to be covered in the Specific Purposes Proposal (Proposal 21) which was notified on 2 May 2015 as part of Stage 2, with primary submissions for Stage 2 closing on 15 June 2015.
11. During work in preparing the Specific Purposes Proposal for notification, Council identified 19 sites which had been inappropriately zoned in Stage 1 as one of the following zonings:
 - (a) Residential Suburban;
 - (b) Residential Suburban Density Transition;
 - (c) Residential Medium Density;
 - (d) Residential Banks Peninsula;
 - (e) Residential Conservation; or
 - (f) Commercial Banks Peninsula.
12. These sites are described in **Attachment C**, and shown on the Planning Maps in **Attachment D** of this application (refer purple hatched areas).
13. The inappropriateness of these zonings was not identified at the time of notification for submissions on Stage 1, as detailed checking of school and tertiary zoning boundaries had not begun at that stage. Of the 19 sites, the majority (12) represent changed circumstances through expansion of school or university sites since the operative District Plan. Two of the sites were inappropriately zoned for their current or likely future use, and five are Banks Peninsula schools which were not previously specifically zoned. A policy decision has been made in Stage 2 to specifically zone all schools to Specific Purpose (School) Zone. It is respectfully submitted that the sites should be zoned according to their true and intended function.

²

Although submission #22 requests generally that "Planning Map 36 be retained".

Cemeteries

14. Cemetery zonings are intended to be covered in the Specific Purposes Proposal (Proposal 21) which was notified on 2 May 2015 as part of Stage 2.
15. During work in preparing the Specific Purposes Proposal for notification, Council identified 4 sites which had been inappropriately zoned in Stage 1 as Residential Suburban or Residential Banks Peninsula.
16. These sites are described in **Attachment E**, and shown on the Planning Maps in **Attachment F** of this application (refer blue hatched areas).
17. The inappropriateness of these zonings was not identified at the time of notification for submissions on Stage 1, as detailed checking of the cemetery zoning boundaries had not begun at that stage. Of the 4 sites, 3 are owned by the Council and the fourth is owned by Good Shepherd Covenant Trust Board.
18. For completeness, in addition to those sites mentioned above, a strip of land adjoining Addington Cemetery was zoned a combination of Residential Medium Density and Industrial General in Stage 1. In Stage 2 the zone was notified as Open Space. However, the Stage 2 re-zoning was incorrect and the land should have been zoned as part of the Specific Purpose (Cemetery) Zone. The Council has made a submission to this effect in its Stage 2 submission. However, the Council also seeks that decisions on this site are deferred until Stage 2 so that the submission can be considered by the Hearings Panel. This site has also been included in **Attachment E** and **Attachment F**.
19. It is respectfully submitted that all 5 sites should be zoned according to their true and intended function.

Application and directions sought

20. Zoning of the "roads" within the District as having the adjacent zoning rather than being within the Transport Zone, and the zoning of certain

Council-owned parks and/or esplanade reserves with a commercial, industrial or residential zoning, would be undesirable as both roads and public space sites would be more appropriately managed under specific provisions for those areas. Zoning of the scheduled parts of school or university property as residential would be inconsistent with the remainder of the sites that those institutions occupy, which are zoned as School or Tertiary Education. In the case of the Banks Peninsula schools, zoning as residential would be inconsistent with the approach taken to all other schools in the District. Likewise, zoning of cemeteries as residential would be inconsistent with the remainder of the cemetery sites. In addition, it is considered that an incorrectly or inappropriately zoned cemetery would cause unease to the public.

21. When the Council gives public notice of the Hearings Panel's Stage 1 decisions on the residential, commercial and industrial proposals and the appeal period expires, the proposals will be deemed to have been approved (clause 15 of Order in Council). The proposals will then be made operative under clause 16 of the Order in Council and the relevant parts of the operative plan will be replaced. Other than directing Council to prepare and notify new proposals (clause 13(6) of Order in Council), the Hearings Panel will not have a further opportunity to consider the most appropriate zoning for the roads, open space, areas of school and tertiary land, and cemeteries that are the subject of this application.

22. In order to prevent this from occurring, the Council respectfully requests that the Panel excludes from its Stage 1 decisions the following:
 - (a) all legal roads on the Stage 1 planning maps, that will be zoned Transport Zone in Stage 2;
 - (b) all of the open space sites identified in Attachment A to this memorandum (Attachment A sets out the addresses and Stage 1 zones they are currently located in);
 - (c) all of the school and tertiary education sites identified in Attachment C to this memorandum (Attachment C sets out the addresses and Stage 1 zones they are currently located in); and

- (d) all of the cemetery sites identified in Attachment E to this memorandum (Attachment E sets out the addresses and Stage 1 zones they are currently located in).

23. It is suggested that these exclusions could be clarified in the Panel's decisions, as follows:

- (a) all legal roads – specifying in the residential, commercial and industrial decisions that the decision does not apply to any legal roads, that will be zoned Transport Zone in Stage 2, within the relevant zones;
- (b) for the open space sites – specifying that the residential, commercial and industrial decisions do not apply to any of the sites identified in Appendix A to this memorandum;
- (c) for the school and tertiary education sites – specifying that the residential and commercial decisions do not apply to any of the sites identified in Attachment C to this memorandum; and
- (d) for the cemetery sites – specifying that the residential and industrial decisions do not apply to any of the sites identified in Attachment E to this memorandum.

Service of memorandum

24. As mentioned above there are no Stage 1 submissions in regard to legal road and open space sites seeking to rezone the land as suggested in this application. Of the education sites, there were submissions made in Stage 1 in relation to 10 of the sites. Those submissions sought the sites be rezoned from their Stage 1 zone to the anticipated 'Stage 2 schools / education zone' (consistent with this application). The amendments sought in relevant submissions have been discussed with those submitters, and in general those amendments have been made as part of Stage 2. There were no Stage 1 submissions in regard to the cemetery sites.

25. It is considered that a copy of this memorandum should be served on:

- (a) all landowners of the sites listed in the attachments to this memorandum; and

(b) all Stage 1 submitters on the Residential, Commercial and Industrial Proposals.

26. The Council apologises for any inconvenience caused by this request and would be happy to discuss it by way of teleconference if that would assist.

DATED 17th day of June 2015



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

Attachment A

Table showing Open Space sites

Attachment B

Planning Maps - Open Space sites

Attachment C

Table showing School / Tertiary sites

Attachment D

Planning Maps – School / Tertiary sites

Attachment E

Table showing cemetery sites

Attachment F

Planning Maps - Cemetery sites