

**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  
(part) Proposal - Stage  
3

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**UPDATED STATEMENT OF ISSUES FOR THE STAGE 3 SPECIFIC PURPOSE  
ZONES – FLAT LAND RECOVERY AND BURWOOD LANDFILL AND RESOURCE  
RECOVERY PARK**

**1 NOVEMBER 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**) as directed in the pre-hearing report and directions for the Stage 3 Specific Purpose (Ruapuna Motorsport, Flat Land Recovery, and Burwood Landfill and Resource Recovery Park) Proposal<sup>1</sup> issued at 5pm on 30 October 2015.
  
2. The purpose of this memorandum is to provide an updated Statement of Issues (at **Attachment A**). The list of definitions is included in **Attachment B**. Counsel notes that the term "earthworks" was requested to be added to the scope of the hearing by Ms Wyss for Canterbury Regional Council. The Chairperson did not direct that the term be included within the scope of the hearing and therefore Council has not included the term in **Attachment B**. For completeness Council notes that the word 'earthworks' is used in Rule 21.11.2.2.5 NC6 in the Specific Purpose (Flat Land Recovery) Zone, but is not used in its defined form (ie, it is not hyperlinked back to its definition in Chapter 2 of the pRDP).
  
3. The pre-hearing report confirms the direction made by the Chairperson at the pre-hearing meeting regarding the Specific Purpose (Ruapuna Motorsport) Zone, that the timetabling and directions be suspended until further order of the Hearings Panel, due to the related process currently underway in the Environment Court.<sup>2</sup> For that reason the issues relating to the Ruapuna Motorsport Zone are not included in the updated Statement of Issues I **Attachment A**.

**DATED** this 1<sup>st</sup> day of November 2015



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S J Scott / T Fischer  
Counsel for Christchurch City Council

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<sup>1</sup> Direction A.  
<sup>2</sup> Page 2.

## ATTACHMENT A

### UPDATED STATEMENT OF ISSUES FOR SPECIFIC PURPOSE ZONE STAGE 3

The list below sets out the issues identified for the Specific Purpose Zone hearing, with updates following the pre-hearing meeting on 28 October 2015 shaded in grey.

<b>ONE: SPECIFIC PURPOSE (FLAT LAND RECOVERY) ZONE (21.11)</b>
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**Issue 1(a)      Should development and land use opportunities within the "residential red zone" (referred to as the "Recovery Zone") be restricted and to what degree, including due to the existing of multiple natural hazard risks?**

- (a)      A number of submitters who are residents in Recovery Zone are concerned that the proposed provisions remove their ability to renew/rebuild their existing homes and unreasonably restrict the use of their properties, changing it from what is currently permitted under a Residential zoning. Submitters also consider that the Recovery Zone creates ongoing uncertainty and is effectively a regulatory taking of private land.
- (b)      Submitters are concerned that the purpose of this Proposal is to enable the Crown to use the land for the Crown's intended future use of the residential red zone, reduce the value of the land and follow this with compulsory acquisition. One submitter seeks that the objectives for the Recovery Zone be amended to seek to protect peoples wellbeing and property values.
- (c)      Submitters seek deletion of the Recovery Zone and consultation and engagement through normal processes rather than "being rushed through under the CER Act, depriving me of my rights to have such a critical decision duly reviewed and adjudicated".
- (d)      Although no specific alternative zone is sought in any submission on the Recovery Zone, a number do seek other

zonings or consequential amendments and it can be inferred from the submissions as a whole that a residential zoning is sought.

- (e) One submitter considers the land should be protected against increased flood risk vulnerability rather than rezoned to Recovery Zone with the restrictions it includes.
- (f) One submitter seeks that additions to existing buildings exceeding 25m<sup>2</sup>, new residential units, and conversions of residential units are prohibited activities rather than non-complying activities.

**Issue 1(b) Are the following amendments to the Recovery Zone appropriate?**

- (a) Add to Objective 21.11.1.1 that the Recovery Zone be protected from not only activities that "will" compromise future use of the zone or increase hazard risks, but also those activities that have "the potential" to have such consequences.
- (b) Add existing recreation activities as a permitted activity.
- (c) Limit the maintenance of existing drains or ponds, as a permitted activity, to that undertaken or authorised by the Crown, the Regional Council, or Christchurch City Council.
- (d) Add an exemption from the building floor area limit for temporary buildings ancillary to a construction or maintenance project.
- (e) Add as a matter of discretion for hazard mitigation works that are not a permitted activity (RD10), the extent to which the hazard risk may be increased or exacerbated elsewhere.

- (f) Add a new restricted discretionary activity so that non-compliance with specific built form standards are a restricted discretionary activity rather than a non-complying activity.
- (g) Delete NC6 so that coastal hazard mitigation works are not specified as a non-complying activity, but fall within either the permitted activity or restricted discretionary activity provisions for hazard mitigation works generally.

**Issue 1(c) Is the following site specific change appropriate:**

- (a) Exclude access to Avonside Holy Trinity Church and Hall (20 Lychgate Close) from the Recovery Zone.

**Issue 1(d) Should provisions be added to protect historic and culturally significant items and areas?**

It is noted that the Natural and Cultural Heritage provisions of Chapter 9 that propose protection of such items and areas are already proposed to apply to this zone (refer to clause 21.11.2.1.1(b)).

**TWO: SPECIFIC PURPOSE (BURWOOD LANDFILL  
AND RESOURCE RECOVERY PARK) ZONE (21.12)**

**Issue 2(a)**      What areas at Burwood should be available for earthquake waste processing and disposal within the Burwood Landfill Zone and for how long? This involves consideration of the following:

- (a)      Should there be greater recognition of the recovery significance of the disposal and resource recovery activities at Burwood?
- (b)      Should provision be made for continued earthquake waste processing and disposal without a specific closure date?
- (c)      Should additional locations be provided for earthquake waste disposal, stockpiling, and/or processing activities in areas within and outside of the Burwood Landfill Zone as notified? In particular, permitting disposal in the site indicated as "Burwood Resource Recovery Park" and stockpiling on two sites to the west of the "Burwood Landfill" site (one of which is not currently within the Burwood Landfill Zone).
- (d)      Should the Site of Ecological Significance (SES LP/6) be deleted where located within the Burwood Landfill Zone boundaries or should the Natural and Cultural Heritage Chapter provisions apply? This issue will also require consideration in the Chapter 9 hearing on the Natural and Cultural Heritage Proposal through Stage 3, although evidence for the Specific Purpose hearing will be filed first in time.

**Issue 2(b)**      Should the Burwood Landfill Zone be subject to the Natural Hazards, Noise, Transport, and Hazardous Substances and Contaminated Land provisions (Chapters 5, 6, 7 and 12) and, if so, whether every instance of non-compliance with activity specific standards should be a controlled activity, and non-notified?

**Issue 2(c)** What provisions should apply to the burning of earthquake waste and acceptance of hazardous substances, including the activity status of non-compliance with those activity standards?

**Issue 2(d)** Are the proposed activity specific standards appropriate relating to limits on the working surface area of each daily waste cell and to the daily covering of filled areas?

**Issue 2(e)** Should activity specific standards that relate to both P1 and P2 (earthquake waste processing and disposal activities) be placed in three new permitted activities?

**Issue 2(f)** Are amendments required to the permitted activity standards relating to the material that can be disposed of or stockpiled?

**Issue 2(g)** Should public access for recreational use in areas where rehabilitation of land has been completed be included as a permitted activity standard?

## ATTACHMENT B

### Stage 3 Specific Purpose (Flat Land Recovery) Zone Chapter hearing: definitions

<b>Proposal number 21</b>				
<b>Stage 1 definitions</b> * = subject to Stage 1 submissions Council's position on definition per se as at 23/07/15: <b>(NC)</b> = No change <b>(D)</b> = Delete <b>(A)</b> = Amend <b>(ABB)</b> = relocated to Abbreviations <b>(DF2/3)</b> = Defer to Stage 2 or 3	<b>Stage 2 definitions</b> * = subject to Stage 2 submissions	<b>Stage 3 definitions</b> * = subject to Stage 3 submissions	<b>Relevant Stage 3 submitter-requested definitions</b>	<b>Definitions deferred from Stages 1 and 2</b>
<ul style="list-style-type: none"> <li>• *Accessory building <b>(A)</b></li> <li>• Adjoining <b>(NC)</b></li> <li>• *Building <b>(A)</b></li> <li>• Commercial activities <b>(NC)</b></li> <li>• *Community facility <b>(A)</b></li> <li>• *Community infrastructure <b>(A)</b></li> <li>• *Gross floor area <b>(A)</b></li> <li>• *Multi-unit residential complex <b>(A)</b></li> <li>• *Residential activity <b>(A)</b></li> <li>• *Residential unit <b>(A)</b></li> <li>• Road <b>(NC)</b></li> <li>• *Site <b>(A)</b></li> <li>• *Subdivision <b>(NC)</b></li> <li>• *Utility <b>(NC)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Minor residential unit</li> </ul>	<ul style="list-style-type: none"> <li>• Land management activities</li> </ul>	<ul style="list-style-type: none"> <li>• Land management activity</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>



### Stage 3 Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone Chapter hearing: definitions

<b>Proposal number 21</b>				
<b>Stage 1 definitions</b> * = subject to Stage 1 submissions Council's position on definition per se as at 23/07/15: <b>(NC)</b> = No change <b>(D)</b> = Delete <b>(A)</b> = Amend <b>(ABB)</b> = relocated to Abbreviations <b>(DF2/3)</b> = Defer to Stage 2 or 3	<b>Stage 2 definitions</b> * = subject to Stage 2 submissions	<b>Stage 3 definitions</b> * = subject to Stage 3 submissions	<b>Relevant Stage 3 submitter-requested definitions</b>	<b>Definitions deferred from Stages 1 and 2</b>
<ul style="list-style-type: none"> <li>*Gross floor area <b>(A)</b></li> </ul>	<ul style="list-style-type: none"> <li>*Hazardous substance</li> </ul>	<ul style="list-style-type: none"> <li>*Earthquake waste</li> <li>*Earthquake waste processing activities</li> </ul>	<ul style="list-style-type: none"> <li>Earthquake waste<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>

<sup>3</sup> Submission points #3721.100 and 3721.102 by the Crown with respect to Chapter 13's Central City-specific definitions. However, as *Earthquake waste* is not used in the Central City Chapter, these submission points are most appropriately responded to in the evidence on Chapter 21's Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone.