

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 4 and 5 July 2016

Date of decision: 6 September 2016

Hearing Panel: Sir John Hansen (Chair), Environment Judge Hassan, Ms Jane Huria, Ms Sarah Dawson, Dr Phil Mitchell

DECISION 41

**Chapter 14: Additional Residential Medium Density Areas
for Linwood (Eastgate), Hornby and Papanui (Northlands)**

Outcomes: Proposals changed as per Schedule 1

COUNSEL APPEARANCES

Mr J Winchester and Ms S Scott	Christchurch City Council
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INTRODUCTION

[1] This decision (‘decision’) continues the series of decisions made by the Independent Hearings Panel (‘Hearings Panel’/‘Panel’) concerning the formulation of a replacement district plan for Christchurch City (including Banks Peninsula) (‘Replacement Plan’/‘Plan’). It concerns a hearing on additional Residential Medium Density zoned areas in Linwood, Hornby and Papanui, which we directed be notified subsequent to the hearing of the Stage 1 Residential proposal, as part of Decision 10: Residential — Stage 1.¹

[2] In this decision, the phrase ‘Notified Version’ describes the version notified by the Christchurch City Council (‘the Council’/‘CCC’) and to which, subsequent to consideration of submissions and conferencing, a number of changes were made. This was ultimately produced in closing by the CCC as a red-line version (‘Revised Version’), including amended planning maps. The Revised Version included amendment to Rule 14.3.3.3 to reflect the Residential Medium Density Lower Height Limit Overlay (covering those zones that were previously Living 1 or Living 2 on the Christchurch City Plan) and the opportunity to increase maximum height from 8 metres to 11 metres in those areas covered by the overlay where a certain site size threshold, and distance from adjacent zones, is met.² The amendment to this rule is the same as was decided by us in Decision 31: Residential — Stage 1 supplementary maps, however it is proposed to also apply to the newly zoned areas.

[3] This decision follows our hearing of submissions and evidence. A list of submitters and expert witnesses who appeared at the hearing is included as Schedule 2 to this decision. Further background on the review process, pursuant to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘the OIC’/‘the Order’) is set out in the introduction to Decision 1, concerning Strategic Directions and Strategic Outcomes (and relevant definitions) (‘Strategic Directions decision’).³

¹ Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

² Closing submissions for the Council, 22 July 2016, Appendix 1.

³ Strategic directions and strategic outcomes (and relevant definitions), 26 February 2015.

Effect of decision and rights of appeal

[4] Our procedure and the rights of appeal are set out in our earlier decisions.⁴ We concur in those.

Identification of parts of existing district plans to be replaced

[5] The OIC requires that our decision also identifies the parts of the existing district plans that are to be replaced by the Chapter. In this respect, we replace all of the Planning Map zones in the existing Christchurch City Plan that are impacted by our decision.

Conflicts of interest

[6] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.⁵ In the course of the hearing, it was identified on various occasions that submitters were known to members of the Panel either through previous business associations or through current or former personal associations. Those disclosures (and, on some matters, member recusals) were recorded in the transcript, which was again available daily on the Hearings Panel's website. No submitter raised any issue in relation to this.

⁴ Strategic Directions decision at [5]–[9].

⁵ The website address is www.chchplan.ihp.govt.nz.

REASONS

STATUTORY FRAMEWORK

[7] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.⁶ Our Stage 1 Residential decision set out the relevant statutory framework which also applies to this decision.⁷

[8] No issue was taken with any of the Higher Order Documents we must take into account and give effect to.

[9] At paragraph 100 of Decision 10: Residential — Stage 1, the Panel stated:

Importantly, however, Dr Fairgray and Mr Schellekens effectively agreed that RMD zoning is a low yielding and somewhat unpredictable means for delivering on intensification targets. In addition, as we have noted, the high order documents intend that most intensification should occur within Christchurch City. Given those factors, we find on the evidence that it is better to take a prudently generous, rather than a barely sufficient, approach to the provision of RMD zoning.

[10] Following on from that paragraph, the Panel determined that additional areas of potential for RMD should be notified by the CCC. These were areas that were shown on Exhibit 4 in the Stage 1 Residential hearing, which outlined the areas consulted on for possible RMD prior to notification of Stage 1.⁸ They also had to accord with the 800 metre walkable distance from each of the facilities identified in Policy 14.1.1.2(a) and in other respects accord with Policy 14.1.1.2.

⁶ OIC, cl 12(1).

⁷ Decision 10: Residential — Stage 1 at [9]–[10]. Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website. The repeal of the CER Act by the Greater Christchurch Regeneration Act 2016 ('GCRA') does not materially alter that position. That is because s 147 of the GCRA provides that the OIC continues in force. Further, Schedule 1 of the GCRA (setting out transitional, savings and related provisions) specifies, in cl 10, that nothing in that Part affects or limits the application of the Interpretation Act 1999 which, in turn, provides that the OIC continues in force under the now-repealed CER Act (s 20) and preserves our related duties (s 17).

⁸ Stage 1 Residential hearing: Exhibit 4 — Residential Hearing Maps — Medium Density Areas dated 24 March 2015, produced 30 March 2015.

[11] Mr Blair gave us evidence in the Residential — Stage 1 hearing as to why areas were reduced by the Councillors.⁹ We asked counsel for CCC whether it would have been helpful if the CCC had advised us in earlier hearings that some of these areas which were removed from RMD were effectively ‘war memorials’, and why the Council had not adduced evidence to that effect. He informed us that he and his colleagues were not aware of the status, but the evidence would have been presented had it been known to them.¹⁰ Frankly, this was less than helpful and if we had been given more information at that stage at least the area of south Papanui would not have been included in our notification direction.

[12] The areas concerned are adjacent to the Papanui KAC, Eastgate (being the Linwood KAC) and Hornby KAC. Prior to notification, Housing New Zealand Corporation (‘HNZC’) (RMD126) initiated discussions with the CCC regarding the possible inclusion of a block immediately to the south-east of the Linwood KAC. Although the land did not meet the Exhibit 4 criteria (i.e. affected land owners had not been consulted about possible RMD zoning of the land prior to Stage 1 notification) the Panel invited the CCC to include this additional land in the new proposal. The request at that stage did not relate to additional RMD land HNZC is now pursuing in Hornby and Linwood.

[13] In that earlier decision we considered at length the Higher Order Documents. We adopt our earlier findings in that regard and do not repeat them here, except to the extent necessary below.

[14] We also note that in relation to a number of areas, agreement was reached between CCC, HNZC and the Crown. HNZC understood that agreement on the merits of rezoning was reached on the following matters:¹¹

3. Both Housing New Zealand and the Council are agreed that:
 - (a) Papanui North is suitable for RMD zoning;
 - (b) Linwood South is suitable for RMD zoning;
 - (c) Part of Linwood East is suitable for RMD zoning;

⁹ Transcript from Residential Stage 1 hearing, pages 221–224.

¹⁰ Transcript, page 6, lines 8–25.

¹¹ Opening submissions for HNZC at 3.

- (d) Hornby North-West (with the exception of Moffett Street) and parts of Hornby South East (Trevor Street, Amyes Road and Blankney Street) are suitable for RMD zoning;
- (e) The additional areas in North-West Hornby sought to be rezoned by Housing New Zealand (located immediately adjacent to the notified RMD areas along Amuri Street and Gilberthorpes Road) are suitable for rezoning;
- (f) The additional areas in South Linwood sought to be rezoned by Housing New Zealand (6 sites located to the immediate south of the Linwood South area located on Mackworth Street) are suitable for rezoning.

[15] We have found the Council's position on this to be slightly more complex as it relates to Hornby and we address this later in the decision.

[16] HNZN considered its remaining outstanding issues were as follows:¹²

- 4. Housing New Zealand and the Council are not in agreement with respect to the following matters:
 - (a) Housing New Zealand continues to support the RMD zoning as notified by Council in Papanui South-East and Papanui South-West. The Council's experts no longer support rezoning of these areas;
 - (b) Housing New Zealand continues to support the RMD zoning as notified by Council in Linwood North, Linwood East and Linwood West. The Council's experts no longer support rezoning of these areas (with the exception of part of Linwood East);
 - (c) Housing New Zealand opposes the Lower Height Limit Overlay;
 - (d) Housing New Zealand considers the provisions of the Natural Hazards chapter, as set out in Decision 8, are sufficient to ensure that development is appropriately controlled within Flood Management and Fixed Minimum Floor Level areas and as such Housing New Zealand does not support the removal of these areas from the notified RMD areas.

[17] The CCC's position was outlined in its opening as follows:¹³

The Council's position will release additional land for intensified residential development, which was the purpose of the Panel directing notification of further RMD, and will assist in better giving effect to the intensification targets in the CRPS and achieving Strategic Direction 3.3.4. It is however the Council's position that rezoning all of the notified and additional RMD land is not the most appropriate outcome under section 32 of the RMA, and that simply rezoning any land surrounding a KAC that

¹² Ibid at 4.

¹³ Opening submissions for the Council at 1.5.

meets the Policy 14.1.1.2 criteria, in order to take a ‘prudently generous’ approach, is not the correct approach to take under the RMA.

[18] The Council maintained its position in legal submissions that additional areas beyond those notified were potentially subject to natural justice issues. We address this issue later in our decision. However the Council did indicate, both in its evidence and maps filed in the Revised Version with closing submissions, areas identified as ‘accepted addition to RMD’. We understand that this was to assist the Panel, should it decide to agree that additional areas are within the scope of the proposal and supported by evidence.

[19] Where there have been matters of agreement as set out above at [14] (with the exception of Hornby, which we elaborate on further in our decision), we find they are well supported by the evidence of both CCC and HNZN. There was no expert evidence to contradict this rezoning and we rezone them accordingly.

[20] We deal with the disputed areas separately below.

Papanui South

[21] As we have noted, there was agreement relating to Papanui North and we have rezoned it RMD. Papanui South attracted a large number of submitters in opposition. Those submissions gave us a great deal of information that we had not previously received, particularly relating to the four war memorial streets in the area. The full history of these memorial streets, honouring the fallen of World War II, is set out in attachments to the evidence of Mrs Margaret Howley (RMD130) and can be found on our website.¹⁴

[22] Frankly, if we had known of this information it would have been a good reason not to require notification. That is because it at least indicates a potential matter of historic heritage to which the direction as to protection in s 6(f) of the RMA could well apply.

[23] We heard impassioned pleas from a number of submitters living in these areas and received a closing on behalf of a number of them from Mr Cleary, who did not appear on their behalf at the hearing. To a large part Mr Cleary’s closing is accepted by CCC. We are

¹⁴ All documentation received by the Independent Hearings Panel for the RMD hearing can be found at <http://www.chchplan.ihp.govt.nz/hearing/additional-residential-medium-density-areas-linwood-eastgate-hornby-papanui-northlands/>.

concerned that it seems to us in the main to attempt to re-litigate matters that have already been decided by the Panel when we dealt with character overlays as part of the Stage 2 Residential proposal. We are not aware that any of these submitters appeared or submitted on that proposal. The closing seems to be a submission that all these areas, or a large part of them, should attract a character overlay. In the two areas we are concerned with, only part of St James Avenue was covered by the character overlay. We have not had full evidence in this hearing. Despite the indications in the Council's evidence for Decision 10: Residential — Stage 1 as to the potential fit with RMD criteria, it did not provide any evidence such that would support that as an appropriate zoning choice on this occasion. Housing New Zealand's evidence concerning this area was highly generic, and did not disclose any particular need, on its part, for RMD zoning. Nor do we have a satisfactory s 32 analysis, nor do we have scope to revisit the whole issue of character overlay for this area. The CCC submits that, although the character exists, RS zoning is sufficient to protect it. We have already referred to the potential for s 6(f) to be relevant, and RMD rezoning could jeopardise that. In any case, in an evidential sense, we readily conclude that RMD rezoning is unwarranted and, therefore, inappropriate.

[24] There are four streets (St James, Windermere, Dormer and Perry) that are war memorials and could be compared to Memorial Avenue itself. There are plaques recognising this status, and St James Avenue hosts an annual Anzac Day Parade. As such, these streets have special significance and we are satisfied RMD zoning would denigrate that significance.

[25] There are two areas, one to the east and one to the west of the railway line. The two memorial streets, Windermere Road and St James Avenue in the western sector, effectively transect the entire area that was notified. For those east of the railway line the two streets, Dormer Street and Perry Street, transect a considerable part of the notified area.

[26] We are satisfied to attempt to apply RMD to the remaining areas of both south Papanui sectors would lead to “pepper-potting”, potentially poor streetscapes and a fractured urban setting.

[27] Mrs Howley in particular made an impassioned plea, as did others, as to the significant amenities of this area. Undoubtedly, there are amenities enjoyed by residents that are important to them. But we are not persuaded that they are unique. There are a number of other areas in Christchurch with similar urban form.

[28] However, because of the lack of evidential justification and the view we take of the importance of the four memorial streets included in these two sectors, we reaffirm the RS and RSDT zoning of these areas.

Linwood

[29] Ms Oliver gave planning evidence on behalf of the CCC. She had reached agreement, having considered Ms Styles's evidence for HNZC, that some of the notified RMD at Linwood be rezoned in addition to the additional RMD sites sought by HNZC. This was subject to a scope issue which we will return to.

[30] It was Ms Oliver's opinion that for the rest of Linwood Residential Suburban Density Transition (RSDT) zone provisions, together with the application of the enhanced development mechanism (EDM), will ensure housing intensification is achieved around the Eastgate KAC while still maintaining housing choice, particularly affordable family homes, to support the community.

[31] She was also of the view that further assessment of specific housing needs of the Linwood community was required before any further up-zoning to a greater density can be supported. In her Executive Summary she concluded at 3.5 by saying:¹⁵

I however support the [HNZC] proposal and therefore either a RMD zoning for these properties or the application of the Community Housing Development Mechanism is appropriate to facilitate the redevelopment of their properties.

[32] Central to the consideration of Ms Oliver and other evidence is Policy 14.1.1.2 which reads:

- a. Support establishment of new residential medium density zones to meet demand or housing in locations where the following amenities are available within 800 metres walkable distance of the area:
 - i. a bus route;
 - ii. a Key Activity Centre or larger suburban commercial centre;
 - iii. a park or public open space with an area of at least 4000m²; and
 - iv. a public full primary school, or a public primary or intermediate school.

¹⁵ Evidence in chief of Sarah-Jane Oliver on behalf of the Council at 3.5.

- b. Avoid establishment of new residential medium density development in:
 - i. high hazard areas;
 - ii. areas where the adverse environmental effects of land remediation outweigh the benefits; or
 - iii. areas that are not able to be efficiently serviced by Council-owned stormwater, wastewater and water supply networks.
- c. Encourage comprehensively designed, high quality and innovative, medium density residential development within these areas, in accordance with Objective 14.1.4 and its policies.
- d. Provide for medium density residential development in defined arterial locations identified as suitable for larger scale community facilities and guest accommodation.

[33] Ms Oliver’s reading of this policy, and the Higher Order Documents, was to the effect that not all land that fell within the KAC RMD criteria should be automatically rezoned. We take that as a given, but it does appear to us that Ms Oliver has to a significant extent “cherry picked” the parts of the Higher Order Documents that suit her argument.

[34] In answer to Ms Semple, cross-examining for HNZC, she considered the other factors in addition to those criteria that needed to be considered were amenity and character, demographic make-up of the affected community, and the likelihood of redevelopment.¹⁶

[35] She did not think the addition of these matters would be difficult for a lay reader, even though they do not appear in the relevant policy. She was asked:¹⁷

MS SEMPLE: Would you accept that a policy that is specifically entitled “Establishment of New Medium Density Residential Areas,” if those matters that you have identified are important criteria, that it might be useful for that policy to include those?

MS OLIVER: I believe a Strategic Direction in terms of character, amenity and urban form, and I have referenced that in my evidence, I do not think this policy needs to be altered in any way, I believe the Higher Order, the Strategic Directions objectives set out those matters, and they are also matters when considering the Act, sections of the Act, Section 5, 6 and 7.

[36] She also accepted that applying her criteria, two different planners at CCC could well end up with an entirely different outcome.¹⁸

¹⁶ Transcript page 56.

¹⁷ Transcript page 57, lines 7–17.

¹⁸ Transcript, page 59, line 24 to page 60, line 9.

[37] Ms Oliver was questioned by the Panel in relation to the monitoring policy, Policy 14.1.1.8. That included questioning from Dr Mitchell, Judge Hassan and the Chair.¹⁹

[38] The following exchange took place with Dr Mitchell:²⁰

DR MITCHELL: But is it about a better chance, isn't it more than that, don't we have to give very serious attention to establishing enough [RMD] land to ensure that those targets are delivered?

MS OLIVER: Absolutely.

DR MITCHELL: Not to hope that they are delivered and get to the end of the Plan and say – oh, we will now need to do some more because we were too slow off the mark?

MS OLIVER: Absolutely, I fully support that, and that is why I am saying, I just think there are some better areas or more appropriate areas in Papanui, but they did not strictly meet that policy criteria, that is what my evidence states.

[39] She was also questioned by Ms Dawson regarding her statement that there would not be a lot of difference between RSTD and RMD. She answered that in relation to smaller sites there could be one unit in difference,²¹ and stated further:²²

So for Papanui and Hornby I am not against, you know, in the locations that I have suggested at all, I actually support the medium density. Linwood I have found quite complex to look at in terms of – because it does have a very large swathe of transition zoning around it and so my preference is just in terms of the medium density. In a way this is, if it is more focused, I would hope that it acts as a catalyst to focus investment, focus the Council investment into that area directly around the key activity centre as opposed to potentially that large swathe of transition zoning.

And I also hope that it will encourage that site amalgamation, you know, in that more focused area and give some really good outcomes for Linwood that then may in time, you know, I would hope the market would pick it up in those focused areas and then in time look at extending it beyond. But multi-unit development is going to occur right around Linwood and right through into the city, it is already doing that very sporadically but – so there is no[t] much difference. I think they are quite balanced in terms of the transition zoning and the medium density.

[40] Ms Oliver also acknowledged that she was reacting to community concerns of the potential for “ghetto like” development from RMD. But she did go on to say that a lot of her

¹⁹ Transcript, page 61 and onwards.

²⁰ Transcript, page 63, lines 30–43. The transcript incorrectly identifies the questioner as Judge Hassan.

²¹ Transcript, page 66, lines 13–27.

²² Transcript, page 67, line 34 to page 68, line 6.

recommendations were beyond the District Plan. But she felt, and it was her hope, that in a partnership with say HNZC:²³

...same with some other investors looking at urban renewal programmes, that we actually can – there is more chance, in my view of getting public and private investment in a more focused area and then delivering on it.

[41] She also mentioned the difficulty with parts of Linwood accessing the KAC where the present route was generally through Linwood Park.

[42] In answer to Judge Hassan, relating to the demographics of Linwood, she eventually accepted:²⁴

JUDGE HASSAN: And that demographic alone would suggest, proportionately, we should be providing more multi-unit developments in Linwood than elsewhere in the city, doesn't it?

MS OLIVER: Yes.

[43] She was questioned further by Judge Hassan in relation to the question of need and the finding in our Decision 10: Residential — Stage 1 decision that the CCC had been unduly focused on the matter of need. Ms Oliver was questioned in relation to her reliance on Mr Blake and why he was called and in the finish she conceded she was only talking about Papanui and Linwood. The exchange continued:²⁵

JUDGE HASSAN: But you do understand that the specific finding the Panel made based on the evidence we heard from Dr Fairgray and Mr Schellekens and now Mr Blake supports, is effectively that there will be a very low return on RMD across the city anyway, that there is nothing specific to Papanui or Linwood that make them any different in that respect, you agree with that, that is what the evidence is?

MS OLIVER: Yes, broadly, yes.

JUDGE HASSAN: Yes, and that the Panel is concerned that the Council is taking an undue focus on need and in that respect, so is your evidence. Is that a fair comment, perhaps with the word undue out, it is just a theory of your evidence that you focus on need as one of two issues across both Linwood and Papanui?

MS OLIVER: Yes, I recognise there is a community need for additional housing and some smaller household units around these key activity centres, I fully accept that.

²³ Transcript, page 69, lines 27–30.

²⁴ Transcript page 72, lines 26–30.

²⁵ Transcript page 76, lines 11–28.

[44] She also accepted in questioning from Judge Hassan concerning the issue of amenity that Policy 3.3.7(b) of our Strategic Directions was referring to areas identified in those regards by the Plan.

[45] She was questioned by the Chair regarding monitoring.²⁶

SJH: ... Just going back to Dr Mitchell's questions around monitoring, I got the impression that you might get something useful in the latter part of a 10 year period from the monitoring, if that?

MS OLIVER: Yes.

SJH: By which stage we will have almost reached 2028, the target for new housing intensification targets et cetera?

MS OLIVER: Yes.

SJH: So as it stands that not going to help us very much at all?

MS OLIVER: No, I think five years we do – we run our monitoring programme every year so within five years you begin to see something, within 10 years we will have a better idea and – yes.

SJH: But the horse can very well be, given that we know about slow uptake and such like, well and truly bolted?

MS OLIVER: In terms of?

SJH: In terms of meeting intensification targets.

MS OLIVER: Yes, it is a challenge.

[46] In relation to transition zones she was asked, “What is the purpose?”, and answered:²⁷

... It was meant to, from my understanding and it has come from two district previous plan reviews, it was supposed to be a soft transition between the suburban area and the higher density areas.

[47] She was asked had it been successful, and she responded “no”, accepting that if areas were zoned RMD and the transition period would be 10 to 20 years as she had stated, there would be little point in a transition zone. Her final answer to that was “I accept that to an extent.”²⁸

²⁶ Transcript, page 79, line 41 to page 80, line 23.

²⁷ Transcript, page 80, line 30.

²⁸ Transcript, page 81, line 1.

[48] Further questioning followed, and a discussion relating to the social survey she recommended, continuing:²⁹

SJH: Well I accept what you say to varying degrees different centres have different issues. But you will be aware of the evidence that we have heard that the Eastgate Mall in that KAC is in greater need of assistance, if I can put it that way, than any other?

MS OLIVER: I fully support that, and I think it comes down to when you look at the disposable income of this catchment it is quite significantly less than other centres and their catchments.

SJH: And we have established there is a greater need for multi-unit dwellings?

MS OLIVER: There is a greater need for comprehensive developments, developments that are done well, designed well, yes.

SJH: And these will be restricted discretionary activity?

MS OLIVER: Yes.

SJH: Which will allow the Council, because all the other matters of rules will be the same for Merivale as they will be for Linwood, won't they?

MS OLIVER: Yes. Specific to the zoning, yes.

SJH: So that is down to the Council and how they apply it to ensure quality, isn't it?

MS OLIVER: Absolutely. And the developments that come forward.

[49] Ms Schröder gave urban design evidence for CCC. She noted the variation within the notified areas, but in relation to Linwood West, she stated:³⁰

... again I consider that the area is appropriate for an RMDZ but believe that comprehensive redevelopment may be limited due to the existing development pattern.

[50] In relation to Linwood North, she stated:³¹

... I consider that the area does not contain character values that are important and should be maintained. In addition, I believe there is considerable opportunity provided by the development pattern for comprehensive development. However, I am hesitant to recommend rezoning given the intactness and quality of existing housing.

[51] In relation to Linwood East, she accepted that it did not contain character values that were important and required maintenance. She said the sub-area east of Jollie Street,

²⁹ Transcript page 82, line 35 to page 83, line 16.

³⁰ Evidence in chief of Josephine Schröder on behalf of the Council at 3.1(h).

³¹ Evidence in chief of Josephine Schröder at 3.1(i).

containing a predominance of HNZC sites, had the most current potential for comprehensive development. She continued:³²

While comprehensive development could be achieved in the remainder of Linwood East, I am hesitant to recommend it on the basis of the quality and intactness of existing housing, but also the future potential of the area for increased residential capacity when the life of the existing housing diminishes.

[52] Finally, in relation to Linwood South, she did not consider the area appropriate for RMDZ because of the limitation for comprehensive redevelopment in conjunction with the lack of quality pedestrian links to and within the area that provides an appropriate and safe level of pedestrian connectivity.³³

[53] She agreed with the evidence of Mr Edward Jolly,³⁴ that where sites were amalgamated over the rest of the areas for rezoning, the increased height limit of 11 metres was appropriate. She also considered that an increased building setback of 3 metres would assist in off-setting the effects of transitions. She noted it had not been requested by anyone through submissions but she considered it to enable better amenity.

[54] Ms Schröder took as her starting point Policy 14.1.1.2, as had Ms Oliver. But Ms Schröder considered a number of factors should also be taken into account, including character and amenity. She did accept that it was confusing for a lay person in a policy entitled ‘Establishment of New Medium Density Residential Areas’ that these additional matters were not clear. But she considered they were clear in other policies. She referred, in particular, to Policy 14.1.4.2. Although Ms Schröder considered matters of character and amenity were covered in Policy 14.1.1.2(c) by the reference to high quality, she did accept there could be difficulties for a lay reader in that.³⁵

[55] One of Ms Schröder’s concerns expressed to Ms Dawson was that during the transition period, which apparently is quite long in Christchurch, the CCC may not have the ability to put in place the necessary open space infrastructure. She noted that in Riccarton and St Albans, and even Papanui, the CCC have substantive programmes to effect change to make those open

³² Evidence in chief of Josephine Schröder at 3.1(j).

³³ Evidence in chief of Josephine Schröder at 3.1(k).

³⁴ Mr Jolly also gave urban design evidence on behalf of the Council, but it was limited to the matters of height, and Council’s position in relation to HNZC landholdings.

³⁵ Transcript page 30, line 9 to 26

spaces better. Obviously, she is suggesting that would not occur in Linwood, but we have no specific evidence as to why.

[56] Ms Schröder also advised Ms Dawson that she had spoken to the CPTED adviser on the Council,³⁶ who had said there were a number of programmes going on in relation to Linwood Park that would see improvements to that connection between Linwood South and Eastgate. So she said the key issue would be the cross-connectivity to Aldwins Road from the Linwood South area, if Linwood Park was not used for access. In relation to open space amenities, she answered Judge Hassan:³⁷

JUDGE HASSAN: ... Now, as I understand your answers in regard to the public space environment and the importance of that, and then there is a question in my mind at the moment just to test around whether or not that is a dimension that should be in the policy or not. But if we look at, say, let us take Saint Albans or let us take one or two of the other established residential medium density areas around the city. Now, in terms of, say, improvement to this public space environment I would be fair to observe, wouldn't I, that the Council so far at this point in time, given how long those areas have been zoned, has provided for that amenity in some parts of the suburbs and not in others?

MS SCHRÖDER: That is right.

JUDGE HASSAN: So with that in mind, if one was to specify that as a prerequisite in the policy that the public space environment be improved, then in hindsight that would have seen a lot of those areas not being rezoned RMD at this point, wouldn't it?

MS SCHRÖDER: Yes, that is right.

JUDGE HASSAN: So you would not advocate for that being prerequisite to rezoning?

MS SCHRÖDER: No, not in itself, no.

[57] In relation to hesitance of advocating for RMD because of the intactness and quality of much of the housing, she responded to a further question from Judge Hassan:³⁸

JUDGE HASSAN: ... I also had a question on your reference and it appears in various parts of your evidence to this concept of hesitancy, you are "hesitant given the intactness and quality of much of the housing", you make that statement a number of times, and you referred to Mr Blake's evidence in terms of likelihood, do you recall that?

MS SCHRÖDER: Yes.

³⁶ CPTED is the acronym for Crime Prevention Through Environmental Design.

³⁷ Transcript, page 39, line 28 to page 40, line 6.

³⁸ Transcript, page 40, lines 10–27.

JUDGE HASSAN: Have you read the Stage 1 Decision?

MS SCHRÖDER: Yes, I have.

JUDGE HASSAN: So you are familiar with that, that the findings of that informed by the Council's evidence and the Crown's was that actually there is a very low likelihood of conversion to intensification anywhere, do you understand that?

MS SCHRÖDER: Yes, I do.

[58] In re-examination, Mr Winchester took Ms Schröder through Policy 14.1.1.2, which she accepted sat under Objective 14.1.1.³⁹ He also referred her to Objectives 3.3.4(a) and 3.3.7. In particular, in relation to the latter one, he referred her to sub-clauses (b) and (h). She accepted that those matters covered the concerns she had expressed to the Chair.

[59] Mr Blake gave evidence for the CCC. He was a director of Valuations and Research at Knight Frank. Effectively, this evidence was in relation to the established and intact housing existing in some of the areas we are concerned about and essentially the potentially slow uptake for RMD. That had already been well explored in Decision 10: Residential — Stage 1 and accepted by the Panel. He was questioned by Judge Hassan:⁴⁰

JUDGE HASSAN: ... Just in answer to Mr Osborne's evidence you commented before around zoning and you said coupled with demand. I took from your answer that really if one boils it all down you do not really substantially differ from Mr Osborne on that?

MR BLAKE: No, I do not but I just wanted to draw the distinction that by creating a new zone there should be no expectation there is an automatic increase in values.

JUDGE HASSAN: Yes, but zoning, on the other hand, is a factor that can influence demand?

MR BLAKE: Absolutely.

JUDGE HASSAN: And now, you refer to the evidence that the Panel heard in making its findings in Decision 10, and you have read Decision 10 for those findings, which is the Residential Stage 1 decision.

MR BLAKE: Yes, I have read it in part, yes.

JUDGE HASSAN: Well, I take it you read the RMD part?

MR BLAKE: Yes.

³⁹ Transcript, page 42.

⁴⁰ Transcript, page 48, line 30 to page 49, line 19.

JUDGE HASSAN: All right, so in terms of that, of course, the theory of those findings were on the basis of a lot of consensus in the middle of different opinions between the different experts was one consensus being, in effect, the rate of return is very low in terms of RMD, and that is the theory of your evidence here, so am I right to assume that really you are not saying anything different in that regard pertaining to the proposed new areas. Effectively, it is the same?

MR BLAKE: Yes, that is correct.

[60] In answer to the Chair, Mr Blake also accepted that he did not consider the intensification targets in the Higher Order Documents were relevant to his brief.

[61] Mr Blake accepted that in areas where there has been intensification in Christchurch from in-fill smaller units etc., there had been no drop in value. In some areas, such as Merivale or Riccarton, he said there had been an increase in value, in part as a result of the increased density opportunities.

[62] Finally, in answer to the Chair, he stated:⁴¹

SJH: Now, I just spoke to you about RMD and acceptance of it being low yielding and somewhat unpredictable for delivering on intensification and in our decision we referenced that and then said, “Given those factors, we find on the evidence it is better to take a prudently generous rather than a barely sufficient approach to the provision of RMD zoning.” Would you take issue with that?

MR BLAKE: No.

SJH: So, in other words, if Christchurch is to meet its intensification targets we probably need more, not less areas of RMD because of the low yield.

MR BLAKE: Yes.

[63] We also heard from Mr Brian Norton, on behalf of CCC, relating to stormwater. His evidence was to the obvious effect that intensification on residential sites will create more impervious surfaces which will generate more stormwater run-off. Mr Norton said this can adversely affect CCC’s ability to maintain the required level of service by causing more frequent and severe flooding, erosion and contamination of natural water bodies.

[64] He particularly identified some areas of Linwood. He noted that parts of the RMD areas in Linwood, as notified, were within the 200-year flood plain as mapped by the CCC’s current flood modelling results. He considered the cumulative filling and development of properties

⁴¹ Transcript, page 50, lines 24–37.

that have at least 50 per cent of their land affected by flooding will have adverse effects on other low-lying private properties. He therefore opposed a long list of properties being rezoned.⁴²

[65] In his supplementary evidence, Mr Norton set out the process when a resource consent is lodged for development of new residential structures within the FMA. That is something we have already dealt with and are aware of.

[66] In answers to the Panel, Mr Norton accepted that the map he used was based on the most recent flood model and that it may not align exactly with the FMA area maps. We received no evidence of this new modelling and it was unexplained.

[67] Ms Dawson questioned Mr Norton about previous Living 3 Zones rolled over in RMD that seemed to be in a similar situation to the Linwood areas he identified. He stated that the reason was that the flooding “may be confined mostly to roads where may be possibly filling of areas along roading may not actually affect other low lying properties.”⁴³ It was then put to him that from the maps it did not look like that and he responded:⁴⁴

I think there are flooding areas in the originally proposed RMD areas but I feel that they could mitigate the effects of that.

[68] Then, Ms Dawson asked:⁴⁵

MS DAWSON: Do you think there are differences between how the flooding would occur and could be mitigated in these new RMD areas compared with the ones that are - - -

MR NORTON: Just specifically the Linwood area is the only one where I do not believe – I think there is a reasonable chance that there could be recommendations for decline of resource consents in those areas based on the effects of filling.

MS DAWSON: But like right across St Albans, for example, Papanui, where there are clearly areas of dots on the maps you feel that they could be dealt with through mitigation in a way that Linwood could not?

MR NORTON: I think there are areas where there could be requirements that would restrict development. I think anywhere where there is the flood management area there is the potential that development will need to be restricted somehow.

⁴² Evidence in chief of Brian Norton on behalf of the Council at 4.12.

⁴³ Transcript, page 17, line 24.

⁴⁴ Transcript, page 17, line 37.

⁴⁵ Transcript, page 17, line 40 to page 18, line 11.

[69] Then he was questioned by Judge Hassan:⁴⁶

JUDGE HASSAN: I have got a difficulty with your evidence now in terms of whether or not it is inconsistent with your evidence then. Part of that difficulty is in the vagueness of your answers. So in your answer to Ms Dawson around existing areas of RMD and the potential for decline which you acknowledged. Do you think that is a significant potential of that particular RMD zoning or an insignificant proportion of it?

MR NORTON: Significant meaning could it happen at all?

JUDGE HASSAN: Well significant in the sense of the Council being able to deliver on the Regional Policy Statement and the Strategic Objectives around intensification. Do you think it would have a significant consequence for being able to deliver on that?

MR NORTON: Probably not.

JUDGE HASSAN: But you do not know, because you have not done the work, have you?

MR NORTON: It would be quite an undertaking to do flood modelling for the number of scenarios required.

JUDGE HASSAN: And if we take Linwood, your answers indicated that they related to developer expectations, do you recall that answer, that developers, when they see up-zoning would think they could develop?

MR NORTON: Yes.

JUDGE HASSAN: It was not related in any specific sense to your analysis of that particular area and its proclivity for flooding, was it?

MR NORTON: No.

JUDGE HASSAN: And in that sense your analysis there is no more precise than it is for the other areas, is it?

MR NORTON: No.

[70] He was then questioned by the Chair:⁴⁷

SJH: There are a number of notified RMD zones we heard about earlier with flooding overloads?

MR NORTON: Yes.

SJH: Your map differs from the decision map?

MR NORTON: My map is?

⁴⁶ Transcript, page 20, lines 1–41.

⁴⁷ Transcript, page 21, lines 3–40.

SJH: Your map differs from the decision map?

MR NORTON: I have not compared them.

SJH: Should you have compared them?

MR NORTON: If the question were whether or not a property is affected by flooding, I would say no. If there is an importance in a consistency between the FMA map and RMD map, I would say yes.

SJH: In terms of [para 1.5 of your evidence in chief], should you have compared them?

MR NORTON: I suppose.

SJH: Have you done a specific comparison for all of those earlier areas that are RMD with the overlay where no comments like you are making now was made, with the Linwood property by property?

MR NORTON: The scope of my original RMD evidence did not cover the effects of filling in flood areas.

SJH: Have you compared those properties with the Linwood properties?

MR NORTON: Not specifically, no.

SJH: Can you say are they different or not in flooding terms, and the potential for flooding?

MR NORTON: I am specifically aware of ponding areas in Linwood which I believe would be difficult to mitigate.

[71] The first witness for HNZC was Mr Philip Osborne, an economist who had given evidence at previous hearings. By and large, he based his evidence on that earlier evidence but applied it more specifically to the HNZC properties involved in this hearing. He concluded:⁴⁸

- 11.1 The ability for Christchurch to produce an efficient and affordable place to live is based on its ability to intensify residential development into the existing urban area. This objective is a clear direction of the Strategic Directions and other higher order documents and needs to be coupled with a clear message to the market regarding the potential redevelopment capacity that exists in appropriate locations.
- 11.2 The provision of intensified residential activity is not only necessary for residential amenity and accessibility but for the commercial viability and competitiveness of the centres themselves.
- 11.3 When considering the potential shortfall represented, in part, by the provision of RMD in Christchurch it is important to recognise the potential costs of a housing market that does not function well. Increased private costs are coupled with less efficient and effective public infrastructure as well as falling levels of competitiveness.

⁴⁸ Evidence in Chief, Philip Osborne, 11.1 – 11.5.

- 11.4 It is my economic opinion that the provision of greater capacity of RMD, and the removal of the Lower Height Limit Overlay as sought by the Housing New Zealand in Papanui, Linwood and Hornby represents an appropriate means by which to meet the objectives of the plan due to:
- (a) The potential inability for the market to supply sufficient capacity and diversity under the current pRDP provisions;
 - (b) The inappropriate application of, and controls to HNZ properties;
 - (c) The provision of greater residential diversity and density around KACs;
 - (d) Provides increased certainty regarding the long-term urban form outcome;
 - (e) Provides greater confidence and certainty within the market regarding the effectiveness of intensification;
 - (f) Reduces the potential for pressure to development additional greenfield sites; and
 - (g) Increases the provision of a diverse range of affordable and social housing options.
- 11.5 It is my expert opinion that the relief sought by Housing New Zealand will better achieve the objectives of intensified and appropriate residential development.

[72] In his highlights package he stated:⁴⁹

The RMD represents an opportunity for Christchurch to provide sufficient enabled capacity to the market to meet future residential demand in an efficient and effective manner and at a level that provides both resident and development choice at a viable level.

[73] In that package he considered there was sufficient reason for concern, noting that the economist for the CCC in the earlier hearing, Dr Fairgray, considered that between 57 and 70 per cent of the targeted intensification needed to come within Christchurch City. He noted the Crown expert had a higher figure of 90 per cent.

[74] Mr Osborne went on to say:⁵⁰

A further issue of concern is the ability for the Plan to meet long term residential demand requirements. Limiting intensified residential development in appropriate and efficient locations has the potential to undermine the ability for intensification in the future. Low density development around centres has the potential to increase

⁴⁹ Transcript, page 87.

⁵⁰ Transcript, page 89, line 7 - 21

improvements, improvement values, thereby reducing long term development viability still further.

That is to say that by allowing some development in an area it has the potential to take away opportunities for denser developments later on. This coupled with the real potential for an overall shortfall of viable capacity is likely to put increasing pressure on greenfield locations for residential development. **This is likely to have significant infrastructure implications for Christchurch city potentially increasing the cost of living and reducing economic efficiency.** [Our emphasis]

[75] Mr Osborne referred to the evidence of Mr Blake and responded as follows:⁵¹

The evidence presented for Council by Mr William Blake outlines some of the very real issues that relate to enabled versus viable capacity within the market. While I agree with the commercial factors outlined by Mr Blake regarding the development potential I disagree that zoning does not play a fundamental role in this viability.

Zoning essentially changes the value of activity that can occur in a given location thereby changing the value of the land itself and having listened to Mr Blake this morning I would agree that part of that, the relationship between the zoning and the demand is important, however there is, in the market, there is more than simply a recognised demand. There is also a speculative or an expected rise in price. We see a lot of land banking and things like that where the value of land has been pushed up in anticipation of growth rather than the current demand being actually in the market itself.

[76] He was cross-examined extensively by Mr Winchester, but we do not consider that affected his overall conclusions, and it is evidence that we accept.

[77] Mr Osborne was questioned by Dr Mitchell regarding Mr Blake's evidence:⁵²

DR MITCHELL: ... Mr Blake in his paragraphs 4.9 through 4.11 give the example of residential property in Hornby saying it has got a \$450,000 nominal value, \$25,000 to move the house off, 600 square metres of land meaning that the effective cost of development of the land is \$792 per square metre, if you just accept that those numbers are correct. He then says that is the equivalent land cost of land in Fendalton or places like that and as a consequence his conclusion on that is therefore the highest and best use of the land in Hornby would remain – would be remaining as a single family home. Do you have any comment on that?

[MR OSBORNE]: I disagree with that. The highest and best use for the piece of land, if you were to rezone that medium density as we have talked about and I believe that Mr Blake agreed, if there is demand for that type of product then the value of that land will go up, and in terms of the value of the land going up, that would reflect the fact that the use that is now on it is in fact higher and better for that piece of land. So the fact that an activity drives land values is exactly what we are talking about in terms of that, and the better the activity, typically, as long as it is appropriate, it drives those values up and it reflects to have better use.

⁵¹ Transcript, page 89, line 31–46.

⁵² Transcript, page 97, line 2–24.

[78] Ms Dawson questioned him about the difficulties confronting the Eastgate KAC:⁵³

MS DAWSON: ... with the Linwood KAC or Eastgate, it is a relatively confined KAC compared with some of the other bigger ones we have been looking at, and we have had evidence around the socioeconomic profile of that area and as in all areas the low percentage of uptake of more intensive development around about it, but if that wider area was zoned RMD, and at some level of realistic uptake of more intensive development, in that community and for that centre, to what extent would that actually make a difference to the economic viability or the economic strength of Linwood KAC?

[MR OSBORNE]: I think that is a very good question, because it is quite a unique centre in the way that it retains spend especially and I think that has been talked about earlier this morning, that there is a considerable amount of leakage from that and that in itself is a reflection of the quality of the offer that is there. That quality of offer is driven essentially by demand. It is a vicious cycle as it were. Low demand, low quality, and therefore people do choose to shop elsewhere. The propensity for that to actually improve is driven in part not only by decisions that the retailers in the commercial space make in terms of improving that quality, but by the amount of dollars that go into that centre. And even if you are capturing a small amount from a larger pool, you are more likely to get those fundamental shifts. So if you have more population around that area, and even if the same small proportion of that increase is spending there, you are likely to get the quality shift that will in fact entice other people back in, which is what Eastgate essentially needs. It needs the retention of that spend; it needs the retention of the employment to actually fulfil its role in the community.

[79] In relation to the comparison between RMD and RSTD, he accepted that he had not looked at a comparison between the two, but continued:⁵⁴

MR OSBORNE...but I probably could make comment on the fact that some of the things that are hoping to occur are the agglomeration of sites and so forth in order to make medium density actually viable in this. And I believe under the transitory zone those sorts of heights were not facilitated or provided for, and so the restriction of those heights are likely to go beyond simply just the capacity difference between the two zones, but in fact impact on the viability of development itself and impacting on the viability of development itself, it is likely that a proportion of that zoning will not actually occur or is less likely to occur. I mean we have heard already that the chances of medium density are quite small in terms of their percentage, but that would reduce still further for the transitory zone because a lot of those properties would not be viable without the height.

MS DAWSON: And was that similar to the answer I think you gave to Mr Winchester so I think I wrote it down. You were answering there in relation to the height restriction was similarly that it would limit both the capacity but also tipping over to a more viability of the redevelopment.

MR OSBORNE: Absolutely, yes.

⁵³ Transcript, page 97, line 32 to page 98, line 17.

⁵⁴ Transcript, page 98, line 36 to page 99, line 14.

[80] Ms Rennie was an urban designer who gave evidence on behalf of HNZA.

[81] Her evidence was that HNZA sought to ensure sufficient RMD capacity to allow for a range of housing choices, increased density of development and the ability to integrate those developments into the community.

[82] Ms Rennie considered, in relation to Linwood East, that the opportunity for residential intensification and comprehensive redevelopment within walking distance of a commercial centre that is also within 3 kilometres of the central city and a range of public transport options cannot be underestimated, particularly in the context of Objective 3.3.1(a) of the Strategic Directions Chapter.

[83] Overall, she considered the policy and rule framework outlined for RMD is appropriate in addressing both existing neighbourhood character and amenity issues in the context of intensification, and in delivering the quality of development anticipated with respect to Policy 14.1.1.2(c).

[84] In relation to Linwood South and the additional properties sought for inclusion, she appreciated there may be perceived safety concerns in relation to pedestrian connection with Eastgate, but she considered that improvements could be made to the route or alternative connections could be provided to support the wider Linwood South community. She said the additional properties requested on Mackworth Street are consistent with those that have been included in the notified RMD proposal and do not possess any specific characteristics or qualities that would warrant their exclusion.⁵⁵ She repeated her comments around Policy 14.1.1.2(c) that she made in relation to Linwood East.

[85] Finally, she considered the 8 metre limit in the lower height limit overlay would result in very little difference between the RMD and RSTD zones.

[86] When asked a question from Ms Dawson regarding the efficacy of built form standards:⁵⁶

MS DAWSON: How confident are you that the built form standards and the urban consent controls are sufficient to address any moderate to even long term

⁵⁵ Transcript, page 104, lines 9–13.

⁵⁶ Transcript, page 113, lines 7–24.

impacts that there may or may not be on neighbours as a result of the change over that period of time.

MS RENNIE: I am confident that the activity status, the rule package and the assessment matters combined provide a reasonably rigorous package to assess applications that come forward in the RMD zone. I acknowledge that obviously one or two units will not necessarily trigger RDA but they will still be required to consider the built form standards.

The built form standards have been refined over time following the L3/L4 Plan change, and obviously through the Stage 1 hearing there has been consideration of those built form standards. They cover a range of urban design issues from contextual issues through to relationship between properties in relation to the impacts on the street scene, I am confident that the suite of rules in assessment matters enables the ability to achieve a good urban design outcome.

[87] Ms Huria questioned her about the effect of living next to higher properties if you were in a one storey home.⁵⁷

MS HURIA: ... do you factor into your thinking on these matters what it might be like to be living in a one storey home that you raised your family beside an 11 metre high, intensive dwelling?

[MS] RENNIE: Yes, I think about that a lot actually, and one of the challenges we have in many of our areas that we are talking about is the housing stock is often one storey in height. **We need to remember that that is not the baseline situation, but that house can be two storeys. It can be ... two storeys in terms of height, so we need to balance those considerations against other provisions and other considerations in thinking about character and amenity.**

The built form standards are the way that we manage those situations where we do have a contrast between a one storey house on one side of the fence and potentially three storey units on the other side of the fence.

[our emphasis]

[88] Finally Ms Styles, a planner, gave evidence on behalf of HNZC. She identified the resource management issue with reference to this proposal as a need for provision of housing in terms of capacity, intensification and choice. She pointed out this issue is clearly stated in the Higher Order Documents and within Strategic Objective 3.3.1.

[89] She considered the areas notified as additional were required to meet the Higher Order Documents and to meet the needs for residential household growth set out in the CRDP Strategic Objectives.

⁵⁷ Transcript, page 114, lines 23–42.

[90] In the course of cross-examination by Ms Scott, the witness was asked how she had identified that the notified RMD areas and HNZC’s additional RMD areas were consistent with those statutory documents:⁵⁸

MS STYLES: It is my opinion, having read those documents and looked at these areas, that they are consistent with the intent of those provisions.

MS SCOTT: Where are your calculations in terms of the numbers?

MS STYLES: That is not a comment about numbers, that is about the intent of those documents to achieve greater capacity for growth.

[91] In answer to Ms Dawson, Ms Styles confirmed the evidence given by Ms Rennie in relation to built form standards, the rules package, consenting requirements etc., as follows:⁵⁹

MS STYLES: I believe that they are a comprehensive package, not just of rules but also to direct the process so that together the rules as a package provide for effects being sites, so privacy overlooking sunlight et cetera. They deal with the effects of a development on its area in terms of the way it relates to the street and the wider context, and they also through the activity status of being restricted discretionary, allow a level of assessment, possibly negotiation or discussions, and ultimately the ability to decline an application if it was seen to be creating such detrimental impacts on neighbours or the environment.

[92] Judge Hassan asked her questions relating to the strategic directions:⁶⁰

JUDGE HASSAN: So, then if we look at 3.3.7 which is Strategic Objective 3.3.7, it comes into the equation under the objective, does it not? The objective that we referred to, objective 14.1.1 references this objective, in its first Roman numeral where it says “an increased supply of housing that will enable a wide range of housing types, sizes and densities in a manner consistent with two named objectives, one of which is 3.3.7”.

Now, the Council cross-examination on this objective has tended to focus, I think from memory, on B and F, is that right? Is it H? You had a question on H and you had a question on, I think, B. Do you recall those from Ms Scott?

MS STYLES: I recall H, I am not sure that she referred B.

JUDGE HASSAN: So, just looking up a bit from H though, is D relevant?

MS STYLES: Very much so.

JUDGE HASSAN: Why?

⁵⁸ Transcript, page 124, line 37–43.

⁵⁹ Transcript, page 126, lines 30–38.

⁶⁰ Transcript, page 128, lines 1–33.

manner consistent with that in Objective 3.3.2. We also note that all objectives and policies in all chapters of the plan are to be expressed and achieved in a manner consistent with the objectives in Chapter 3: Strategic Directions.

[98] Objective 3.3.4 sets out the targets, while 3.3.7 is an objective relating to urban growth, form and design. We do not consider that the various subheadings within that objective are matters to be read in isolation. They are all important, and where relevant, carry equal weight. The CCC witnesses and Mr Winchester seem to have ignored clauses (d) and (e), which are just as relevant as the matters referred to, that seems to support the position of CCC.

[99] We were somewhat surprised by Ms Oliver’s evidence that a social impact assessment needed to be carried out for Linwood before any rezoning took place. This was slightly contradictory with her recommendation of RMD for other parts of the city in any event. The first reason is we would have expected the CCC to be familiar with the requirements of the residents of the area, particularly as it was described by a number of witnesses as a deprived area. Secondly, there is no evidence to show that Linwood is somehow unique within the Christchurch urban area in regard to demographics. There are undoubtedly other deprived areas as well. Thirdly, Ms Oliver herself accepted that given the demographics of the area there was a need for smaller housing choices. Overall, we consider the approach taken by CCC does not give enough weight to the need set out in 3.3.4(b) for a range of housing opportunities:

... to meet the diverse and changing population and housing needs of Christchurch residents, including:

- (i) a choice in housing types, density and locations; ...

[100] We also do not accept Ms Schröder’s evidence where she identifies areas as appropriate for RMD but is hesitant to support rezoning because of the settled current stock of housing. For that she relied on Mr Blake’s evidence. However, as noted earlier, he did not take issue with our statement, “Given those factors, we find on the evidence that it is better to take a prudently generous, rather than a barely sufficient, approach to the provision of RMD zoning.” He also accepted that if Christchurch was to meet its intensification arguments there was probably a need to zone more RMD rather than less, because of the low yield. Frankly, that undermines Ms Schröder’s evidence and we do not accept the hesitancy she displayed as being justified.

[101] Before concluding this matter, it is appropriate we consider the community submissions we received in relation to Linwood. We note that none of those submitters called expert evidence to support their case.

[102] The first was Mr Davies on behalf of the Hagley/Ferrymead Community Board (RMD104, RMD-FS16). His Board's concern was that it was a sprawling suburb and that there are already some more densely populated areas for a range of reasons, with single young individuals with a lot of house sharing and flatting. This led to social problems. It was his Board's view that increasing the density of housing could see a potential for these social problems to be "enhanced". We presume he meant increased. He stated that there were fears that the intensification of Eastgate could lead to a ghetto-like situation, and because there was little home ownership in the area, developers would have an opportunity to capitalise on the rezoning. He also expressed concerns about infrastructure and referred us to page 33 of our Stage 1 decision (presumably to [102]) relating to what we had been told by Ms O'Brien, that even if an infrastructure upgrade for a certain area was not in the upgrade programme, the CCC would still look to programme it "if the District Plan identified further intensification there" and to "programme the upgrade accordingly to meet those growth pressures".⁶² It appeared he had concerns that the Council would not meet those obligations or, alternatively, if they did other areas may miss out.

[103] In answer to questions from the Panel he accepted that good urban design was an important response to the risk from what he described as a "ghetto". In explaining to Judge Hassan what he meant by that, he stated it was a higher intensity of poverty which would lead to social problems such as drug abuse and domestic abuse.

[104] In answer to the Chair, he accepted that those were issues for his community. He also recognised that his community needs assistance. Finally:⁶³

SJH: Well I understand that but the two go hand in hand because the higher order documents tell us we must give effect to that. I am just wondering though that if this was done properly and the Council would have controls because it is restricted discretionary activity so three units or more, and given what you heard this morning that it is not going to happen overnight it is over a considerable period of time, could it not be a benefit to your community?

⁶² Decision 10: Residential — Stage 1 at [102].

⁶³ Transcript, page 134, line 45 to page 135, line 10.

MR DAVIES: As I stated I think that yes, I think that if the development is [done] well, if there was good urban design, if we saw money put in to cater for that but I also do not hear evidence of that being an essential to development.

[105] Next, Ms Penno gave evidence on behalf of a friend, Ms Beecroft, who was overseas. Ms Beecroft (RMD78) was a freehold homeowner in the suburb, and had been a resident for 20 years. She did not think the suburb was up to absorbing the effects of rezoning and the types of development that would ensue with RMD. She considered it would cause adverse effects in Linwood, although recognising that some development was needed in Linwood. In answer to the Panel Ms Penno, on her behalf, stated:⁶⁴

I do not think I am misrepresenting her to say yes, I think she would agree with that. Her main concern is quality of those multi-unit dwellings.

[106] We are quite satisfied in the evidence we heard in this chapter, and earlier, that the Eastgate KAC is the one that requires the most assistance in Christchurch. The areas that we required to be notified were originally included, but taken out by Councillors. While we have received more information regarding Papanui which would explain the reasoning for this, we do not have that benefit for Linwood. We are well satisfied that not only the KAC, but the surrounding areas, represent a deprived area that requires support from the Plan. It has also been conceded that it requires different housing stock, a greater choice of housing stock, and modernised, warm, insulated and dry houses. These include the need for a greater number of small houses.

[107] We noted above the KAC criteria on its own is not enough, but if one considers the Strategic Directions and the Higher Order Documents that informed and gave rise to those Strategic Directions, we are quite satisfied that they all require that there is additional RMD needed in Christchurch, with a particular need in this area. We are satisfied in this particular area that if it is carried out in accordance with the objectives, policies and rules, and with the height limits we will turn to, it gives a significant opportunity for the rejuvenation of the area. We note that any significant development will be RDA, which will give the Council control to ensure the requisite quality is met. We consider that activity status ought to allay the community concerns expressed by the submitters.⁶⁵

⁶⁴ Transcript, page 140, lines 43–45.

⁶⁵ We also heard from Philip Ma'ama'a Faletanoai-Evalu (RMD124) and Christian Jordan (RMD91), who expressed similar concerns.

[108] We have rejected the evidence of the Council witnesses opposing RMD in this area, and accepted the HNZC evidence. On the basis of the evidence, and for reasons that we set out later in relation to scope at [127]–[140], we rezone all the areas as notified, in addition to those areas also sought by HNZC in its submission (also noting that this decision will amend our Decision 10: Residential — Stage 1, which was to zone the sites Residential Suburban Density Transition).⁶⁶

Hornby

[109] The Council’s opening legal submissions supported RMD zoning for the notified areas, with four exceptions as follows:⁶⁷

- (i) Hornby North West — Moffett Street
- (ii) Hornby West — Parker Street, Foremans Road and Steele Street
- (iii) Hornby South East — Brynley Street
- (iv) Hornby South East — Trevor Street, Amyes Road and Blankney Street

[110] In closing legal submissions, the Council re-confirmed its position in submissions.⁶⁸ However, the revised planning maps attached to the closing legal submissions still continued to show the notified properties on Brynley Street as being retained, as well as additional areas on Brynley Street being proposed.⁶⁹ It also showed the notified areas in Trevor Street and Amyes being retained, but recommended deleting RMD for the sites fronting on to Blankney Street.

[111] Ms Oliver was questioned by Ms Dawson about the inconsistency in the evidence:⁷⁰

MS DAWSON: All right. So now just one other question about the Hornby, the Amyes Road, Brynley Street area where on, I mean, I think on one of your plans you show that you do recommend most of the notified rezoning in that area, plus some more. And although you have commented that it is a bit sporadic, it is just

⁶⁶ 75, 77, 77A, 77B, 77C and 79 Mackworth Street, Linwood

⁶⁷ Opening submissions for the Council at 5.1.

⁶⁸ Closing legal submissions at 3.1

⁶⁹ As sought in submissions from Harrison (10), Sun (72) and Lau (77)

⁷⁰ Transcript, page 71, line 4

separated out from the RSDT, and there could be a lot more there in time, are you still recommending that that be a start as you have shown on your plans?

MS OLIVER: Yes. I admit my evidence might be slightly misleading. I can support both approaches. I could support – I do think they are appropriate but it is the wider block. So you could either rezone them as a catalyst to a way of fixing up the boundary or the urban form in this area.

MS DAWSON: Yes.

MS OLIVER: So that would hopefully encourage a future plan change or urban regeneration plan. I don't know, whatever potential in this area, yes, or don't rezone it and just wait for a future plan change to look at it as a more consolidated block.

[112] We heard evidence from Mr Perry (RMD17) who resided at 524/4 Springston-Rolleston Road. He was a trustee in respect of the ownership of 72 and 72A Amyes Road. He opposed RMD on the grounds of traffic congestion; poor standards of maintenance and low architectural merit of existing multi-unit dwellings in the area or nearby affected areas; and he gave examples of responsible and attractive single-level development in the affected area. He considered there would be loss of amenity and light to existing households. He also considered it would impact on the value of his properties and the rents he received from them.

[113] He also called evidence from a real estate agent, Mr Robert Paton. His evidence was to the effect that RMD zoning would lead to very significant loss of value of Mr Perry's properties. Mr Paton claimed to be an expert witness. He had no expertise in any relevant area. He accepted the views he expressed were essentially a lay opinion. His evidence was of little assistance to the Panel.

[114] We also received evidence from Mr Houlston. He spoke to his submissions, speaking to problems he considered existed where intensification takes place, such as upsurge in crime, alcohol and drug fuelled violence, and graffiti. He also spoke of noise pollution, restrictions of sunlight and increasing difficulties of traffic. He said this was especially so as he was near Hornby Mall. He also expressed concerns as to the effect of climate change.

[115] Turning to the merits of what is proposed, we accept the Council's evidence and agree to deleting the notified areas on Moffett Street, Foremans Road, Steele Street and Parker Street.

[116] We find that the rezoning of the nine sites as notified on Brynley Street, along with most of the sites recommended by Ms Oliver (36, 38, 40, 42, 44, 46, 48, 50, 52 and 56 Brynley Street) will not create an anomalous pocket. This is particularly the case when combined with the additional sites proposed in Amyes Road and Trevor Street which all surround Branston Intermediate School (we will address Blankney Street shortly). For the reasons that we set out later in this decision, we do not consider that there are issues as to scope or natural justice. We do note for those additional sites on Brynley Street that were not notified as RMD, but which we proposed to rezone, this decision amends Decision 10: Residential — Stage 1 which zoned the sites Residential Suburban.

[117] We do not consider that, at this stage, the addition of 60 and 66 Brynley Street is appropriate. This would create an unusual zoning pattern along Brynley Street to the southeast of its intersection with Trevor Street, albeit that the character is one with multi-units. Under the current circumstances we decline the submissions of John Sun (RMD72) and Ki Lung Lau (RMD77). However, that is not to be taken that this area should not come under closer inspection in the future as to appropriateness of zoning RMD along that block.

[118] We agree to re-zoning the sites as notified along Amyes Road. These sites span both sides of the road and we consider their inclusion appropriate. However, as recommended in the planning maps in the Revised Version attached to Council's closing submissions, we agree that rezoning the pocket of RMD proposed along Blankney Street at this stage would create an inconsistent urban form in that area. Similar to our assessment in relation to Brynley Street, this does not mean that a wider review of RMD in that area at a later date might consider that more extensive RMD zoning along Blankney Street is appropriate.

[119] In summary, in relation to the Amyes/Blankney/Brynley/Trevor Street area, we concur with the revised zone maps attached to Council's closing legal submissions, except for the recommended rezoning of 60 and 66 Brynley Street, which we do not agree to.

[120] HNZA sought additional zoning of RMD at 23, 25, 27, and 29 Amuri Street, and 24, 26, 28, 30, 32, 34, 34A, 36, 38, 40, 42, 44, 46, 48, 50, 50A and 52 Gilberthorpes Road. The Council agreed to these areas in principle, and they are included in the Council's revised maps attached to its closing legal submission as an accepted addition to RMD. On the basis of that agreement, we also find RMD to be appropriate. For the reasons that we set out later in this decision, we

do not consider that there are issues as to scope or natural justice. We note that this will require us to replace the zoning maps that were decided in Decision 10: Residential — Stage 1.

[121] In relation to those remaining areas notified in Hornby, we agree that that RMD is appropriate and so rezone them.

Height limits for RMD covering previous Living 1 and 2 zones

[122] This matter arose in the context of an application to the Panel for a supplementary decision to Chapter 14: Residential — Stage 1.

[123] In that hearing the Council had sought a height limit of 8 metres for previous Living 1 and 2 zones, as well as central Riccarton. In this hearing they sought that same provision, but accepted if agglomeration of sites gave rise to a 1500m² site, the height limit could be 11 metres.

[124] In the course of that hearing, discussions took place and those provisions were accepted and agreed between CCC, HNZC and the Crown. It is covered by our supplementary decision.⁷¹

[125] There is no basis to apply different rules for the Papanui North, Linwood and Hornby areas, and those general height limit rules will apply here too. What it means is that there is also a significant incentive for developers to agglomerate land, which everyone agrees leads to a better urban design outcome.

Scope issues

[126] As noted earlier, HNZC before our direction for notification had taken place, approached the Council and then the Panel to add in some additional land for RMD zoning. At that request we did so, and no scope issues arise.

[127] However, in the lead up to, and during the course of the hearing, HNZC requested that we rezone as RMD two small areas in Linwood and in Hornby. The area in Linwood related

⁷¹ Decision 31: Residential — Stage 1: supplementary maps decision.

to six HNZN properties in Mackworth Street. In Hornby it related to 21 properties in Amuri Street and Gilberthorpes Road. Similarly, the same issue arises in relation to 10 sites on Brynley Street sought in the submission of Brett Harrison (RMD10).

[128] The Council raised questions of scope in regard to this, which was not addressed in closing by counsel for HNZN or any other submitter. HNZN has since been granted leave to file a supplementary closing.⁷² This reiterated a number of factors: that they were immediately adjacent to notified areas in Hornby and Linwood; met the criteria of Policy 14.1.1.2; were supported as being appropriate for RMD by the Council; did not possess any specific characteristics from an urban design point of view that prevented rezoning; were confirmed by the Council’s infrastructure experts as not being subject to any impediments in terms of infrastructure; and being confirmed by Mr Norton as appropriate for rezoning from a stormwater perspective.

[129] While the Council supported the rezoning of these properties as RMD on the merits, they questioned whether there was scope for the Panel to consider the matter. They pointed out that HNZN approached the Panel for additional areas to be notified (that did not include these two areas), and this was acceded to and, in due course, notified. The Council took the view that there was a risk that people potentially affected by the proposal could be denied an effective opportunity to participate in the plan change process.

[130] The parties were in agreement that the case offering the most assistance was that of Kós J in *Palmerston North City Council v Motor Machinists Limited*.⁷³ In that decision Kós J endorsed the two-step approach taken by William Young J in *Clearwater Resort Limited v Christchurch City Council*.⁷⁴ There, the Judge stated:⁷⁵

On my preferred approach:-

1. A submission can only fairly be regarded as “on” a variation if it is addressed to the extent to which the variation changes the pre-existing status quo.
2. But if the effect of regarding a submission as “on” a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful

⁷² Memorandum of counsel for the Council, 28 July 2016.

⁷³ *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290.

⁷⁴ *Clearwater Resort Limited v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

⁷⁵ At [66].

consideration against any argument that the submission is truly “on” the variation.

[131] Kós J elaborated on this by suggesting questions that may assist in determining the issue:⁷⁶

- (i) whether the submission raised matters that should have been addressed in the s 32 evaluation (if so then it is not likely to fall within the ambit of the plan change); and
- (ii) whether the management regime for a particular resource (here, a specific lot) is altered by the plan change. If it is not then a submission seeking a new management regime may not be “on” the plan change.

[132] Although the s 32 report specifically listed the sites for evaluation as notified, HNZC submitted that the assessment carried out is equally relevant to some areas directly adjacent to the notified areas, in that:⁷⁷

- (a) Meet the locational criteria set out in Policy 14.1.1.2(a) and (b);
- (b) Are incidental extensions of zoning; and
- (c) Would not require substantial changes to the section 32 evaluation.

[133] HNZC then referred again to *Motor Machinists*, and Kós J’s statement:⁷⁸

... the Clearwater approach does not exclude altogether zoning extension by submission. Incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s 32 analysis is required to inform affected persons of the comparative merits of that change.

[134] We agree with the HNZC submission that the small increase of the RMD zoning covering HNZC properties in Linwood and Hornby would not require substantial further analysis to inform the merits of the change. We are satisfied the contents of the s 32 report apply equally to these HNZC sites which meet all criteria in Policy 14.1.1.2.

⁷⁶ *Motor Machinists* at [81].

⁷⁷ Supplementary closing submissions for HNZC at 11.

⁷⁸ At [81].

[135] We note that the land is immediately adjacent to the notified areas and meet the locational requirements of Policy 14.1.1.2. We are satisfied that this meets the first limb of the test as it addresses the extent to which the pCRDP changes the status quo.

[136] Further, in *Motor Machinists*, Kós J stated:⁷⁹

Plainly, there is less risk of offending the second limb in the event that the further zoning change is merely consequential or incidental...

[137] HNZA submitted that the inclusion of these two small HNZA sites was consequential and incidental. It also noted that there was significant media coverage of RMD hearings, including the front page of the Press for two consecutive days, and also that the Panel has, without exception, accepted late submissions to accommodate the process of this Plan.

[138] HNZA said it was important to address concerns of scope and context. It had already submitted that, under the *Motor Machinists* principles, the matters were within scope, but went on to note that the OIC does not limit the Panel to the notified proposal, and submissions received in terms of the scope of the decision it may make. The OIC allows us to make changes to a proposal that we consider appropriate, unless it is outside the scope of the proposal “in a material way”.⁸⁰ HNZA submitted that the small additional areas could not be said to be outside scope “in a material way”.

[139] For the purpose of rezoning the sites in Hornby that were the subject of Mr Harrison’s submission, although he did not file closing submissions, we consider that the same legal tests apply to that land.

[140] We are satisfied that matters we have decided regarding additional zoning are within scope. Even if they were not, we are satisfied that they are not outside the scope of the notified proposal “in a material way”.

⁷⁹ At [83].

⁸⁰ OIC, cl 13(4).

SECTION 32AA EVALUATION

[141] Except where we have made amendments to the notified proposal after the consideration of evidence that we heard, we consider that the s 32 material and report provided by the Council was sound. We have considered the costs and associated benefits arising from the provision of additional areas, in particular the evidence of Messrs Blake and Osborne. We have had due regard to the efficiency and effectiveness of rezoning additional areas to Residential Medium Density, in particular in relation to achievement of intensification targets as set out in the Higher Order Documents and Strategic Objectives.

[142] We find that the zoning of areas identified in our decision as RMD is the most appropriate for achieving the objectives of the Plan, in particular Strategic Objectives 3.3.1, 3.3.4 and 3.3.7. In addition, the areas are appropriate given the uncontested policies of the plan, in particular Policies 14.1.1.2 and 14.1.4.2.

[143] In relation to the application of rules providing for a lower height limit in upzoned areas, and the ability to increase that from 8 metres to 11 metres where certain criteria are met, we adopt the evaluation set out in Decision 31 at [9]–[18].

[144] We are satisfied that the provisions are appropriate given our duties under s 32AA, and properly give effect to the Higher Order Documents.

CONCLUSION AND DIRECTIONS

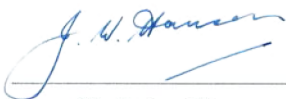
[145] In reaching our conclusion to add further Residential Medium Density areas as set out in Schedule 1, we have considered all submissions and further submissions made on the proposal, and taken into account the further legal submissions of the Council, the Crown and HNZC and the matters traversed at the further hearing. Based on our evidential findings set out in this decision, we are satisfied that the additional areas are the most appropriate for achieving the objectives of the CRDP and Higher Order Documents, and are best suited to enable the recovery of greater Christchurch.

[146] We will issue a separate decision with the planning maps.

[147] We direct the Council as follows:

- (a) The Council is to amend the planning maps in the manner set out in Schedule 1, and file the maps with the Independent Secretariat by *5 p.m., 21 September 2016*.
- (b) Any application for minor corrections is to be made within 10 working days from the date of this decision.

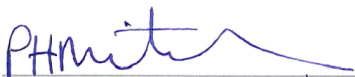
For the Hearings Panel:



Hon Sir John Hansen
Chair



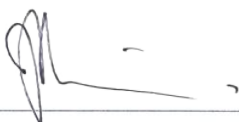
Environment Judge John Hassan
Deputy Chair



Dr Phil Mitchell
Panel Member



Ms Sarah Dawson
Panel Member



Ms Jane Huria
Panel Member

SCHEDULE 1**Decision on zoning**

Map	Description	Notified zoning in additional proposal	Decision on zoning	Submitters
24	Area described as South Papanui	Residential Medium Density	Retain zoning as notified in Residential Stage 1 – Residential Suburban Density Transition in areas bordering St James Park, and Residential Suburban for the remaining sites.	
	Areas described as North Papanui	Residential Medium Density	Residential Medium Density	
32, 33, 39, 40	Area described as Linwood	Residential Medium Density	Residential Medium Density	
	Additional sites sought to be zoned at 75, 77, 77A, 77B, 77C and 79 Mackworth Street, Linwood	n/a	Revisit zoning in Decision 10 and rezone from Residential Suburban Density Transition to Residential Medium Density	RMD126: Housing New Zealand Corporation
36, 37	Areas described as southeast Hornby	Residential Medium Density	Residential Medium Density, except those sites with frontage onto Blankney Street, which retain the zoning as notified in Residential Stage 1 – Residential Suburban	
	Areas described as northwest and west Hornby	Residential Medium Density	Residential Medium Density, except those sites identified on the west side of Parker Street and on Foremans Road and Steele Street; and those sites identified on Moffett Street and the western side of Gilberthorpes Road which retain the zoning as notified in Stage 1 – Residential Suburban.	
	36, 38, 40, 42, 44, 46, 48, 50, 52 and 56 Brynley Street, Hornby	n/a	Revisit zoning in Decision 10 and rezone from Residential Suburban to Residential Medium Density	RMD10: Harrison
	23, 25, 27, and 29 Amuri Street, and 24, 26, 28, 30, 32, 34, 34A, 36, 38, 40, 42, 44, 46, 48, 50, 50A and 52 Gilberthorpes Road, Hornby	n/a	Revisit zoning in Decision 10 and rezone from Residential Suburban to Residential Medium Density	RMD126: Housing New Zealand Corporation

SCHEDULE 2**Table of submitters heard**

This list has been prepared from the index of appearances recorded in the transcript, and from the evidence and submitter statements shown on the Independent Hearing Panel's website.

Submitter Name	No.	Person	Expertise or role if witness	Filed/Appeared
Christchurch City Council		W Blake	Valuer	Filed/Appeared
		TJ Wright	Transport engineer	Filed
		BM O'Brien	Planning engineer	Filed
		E Jolly	Urban designer	Filed/Appeared
		RB Norton	Planning engineer	Filed/Appeared
		JFJ Schroder	Urban designer	Filed/Appeared
		S Oliver	Planner	Filed/Appeared
Housing New Zealand Corporation	RMD126 RMD-FS1	SAL Styles	Planner	Filed/Appeared
		PM Osborne	Economist	Filed/Appeared
		JM Rennie	Urban designer	Filed/Appeared
Robert Perry	RMD17	RJ Perry		Filed/Appeared
		RS Paton		Filed/Appeared
AT&BI Peddie Family Trust	RMD53	B Peddie		Appeared
Shirley/Papanui Community Board	RMD61	M Davidson		Filed/Appeared
Ross Houliston	RMD63	R Houliston		Filed/Appeared
Graeme Keeley	RMD70	GM Keeley		Filed/Appeared
E A McIver-Keeley	RMD71	EA McIver-Keeley		Filed
Cath Christie	RMD76	C Christie		Filed
Gina Beecroft	RMD78	G Beecroft		Filed
		L Penno		Appeared
Rory & Susan Dawber	RMD82	S and R Dawber		Filed
		A and G Hall		Filed
		K M Liddell		Filed/Appeared
Christopher Winefield & Phillipa Tucker	RMD89	PK Tucker		Filed/Appeared
		CS Winefield		Filed
		Dr M Williams		Filed/Appeared
Christian Jordan	RMD-91	C Jordan		Appeared
Rebecca Brinkhurst	RMD-94	R Brinkhurst		Filed
Hagley Ferrymead Community Board	RMD-104	S Templeton		Filed
		J Davies		Appeared
Stephen & Mary Connor	RMD-112	S Connor		Filed
P M Falentanoai	RMD-124	PM Faletanoai		Filed/Appeared
Margaret Howley	RMD-130	MA Howley		Filed/Appeared
K N Hampton	RMD-FS29	KN Hampton		Appeared
Camilla Cockerton	RMD-FS31	Dr C Cockerton		Appeared