

Independent Hearings Panel

Christchurch Replacement District Plan

Te paepae motuhake o te mahere whakahou a rohe o Ōtautahi

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 decision: 8 July 2016

Hearing Panel: Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Ms Jane Huria

DECISION 26

CHAPTER 18: OPEN SPACE and amendment correcting Stage 1 Residential decisions (Decision 10) Residential (Part) and Residential (Part) Planning Maps

Outcome: **Subject Land rezoned Open Space**

Introduction

[1] This preliminary decision in relation to Chapter 18 Open Space is confined to determining the zoning of a number of small areas of land identified on a limited number of planning maps. Two privately-owned residential properties have been identified and our decision deals with those two properties separately. For the purposes of this decision, ‘Subject Land’/‘Land’ refers to the land which the Panel has determined to be rezoned. In each case (excepting the two privately-owned residential properties), for the reasons we explain,¹ our determination is to zone the Land Open Space and to make a consequential change to Decision 10 to the effect of cancelling the Residential zoning which that decision applied to the Land. The substance of the Open Space objectives, policies and rules will be determined in due course, but we are satisfied we can determine the zoning of the Land in advance of that.

[2] By way of brief background:

- (a) Most of the Subject Land is in narrow slivers along riverbanks. There are some other small isolated land parcels. It is non-contentious, in that only two submissions have been made on those areas identified.²
- (b) In its Stage 1 Chapter 14 Residential proposal, the Council inadvertently proposed Residential zoning. In essence, that was due to a slip of a ‘cartographer’s pen’. However, the error was not noticed and, as a non-contentious matter, slipped through to be confirmed by Decision 10.
- (c) In its Stage 2, Chapter 18 Open Space proposal (‘OS Proposal’), the Council proposed for the same Land what it actually wanted: Open Space zoning. That proposed zoning was supported by the Council’s evidence.³
- (d) Meanwhile, the owners of two properties made submissions on the Stage 2 Open Space proposal, opposing Open Space zoning affecting their sites. The sites are at

¹ Panel members for this decision are on the coversheet. No issues of potential conflict or perception arise in regard to the matters in this decision, hence we do not include the usual statement on such matters.

² This was confirmed to the Secretariat by way of email from Adele Radburnd, Senior Planner at the Council, on 8 July 2016.

³ The Council has not brought to our attention whether any submissions have been made at any stage of the hearings process in relation to the zoning of the subject areas.

23 Thornycroft Street and 126 Puriri Street ('the excepted sites').⁴ Both of those properties are within Map 31.

- (e) On 1 July 2016, the Panel supplemented Decision 10 with a further decision correcting some minor errors and confirming related planning maps.⁵ Those included maps, provided to us by the Council, that carried forward the Residential zoning of the Land, at odds with the Council's OS Proposal. Consistent with this, the excepted sites were shown as zoned Residential Suburban.
- (f) The final act in this comedy of errors, following the Council's discovery of its error,⁶ is indicated in its memorandum of 5 July 2016:⁷

4. To assist the Panel, the changes... are as follows:

...

- (e) Land inadvertently zoned in both Stage 1 (as residential) and Stage 2 (Open Space), which was not sought to be deferred to Stage 2 hearings through the 17 June 2015 Deferral Application.
 - (i) By way of explanation, there are instances where land was zoned residential in Stage 1 because it automatically assumed the zoning of the adjoining land. However, in Stage 2 the land was subsequently notified as Open Space Water and Margins zone and in limited circumstances as Open Space Community Parks zone. The Council inadvertently did not include the land in its 17 June 2015 Deferral Application to set aside land from Stage 1 proposals...
 - (ii) ... Council anticipates that a decision on the appropriate zoning of this land will be made through the Panel's decision on the Open Space proposal and associated planning maps. This approach means that the Panel will not need to revisit Decision 10, when it makes its decision on the Open Space zone;
- (f) Land at Bexley Park has been greyed out. The Independent Secretariat queried two sites on 9 June 2016 that had a residential zoning on Map 33..., in an area notified as Open Space Community Park Zone as part of Bexley Park in Stage 2. The Council informed the Secretariat that those two sites, plus two other sites, were notified in Stage 1 with a Residential Suburban zoning and subsequently an Open Space Community Park zoning in Stage 2. These sites are shown as greyed out in the Revised Maps with the zoning to be determined in the Open Space decision...

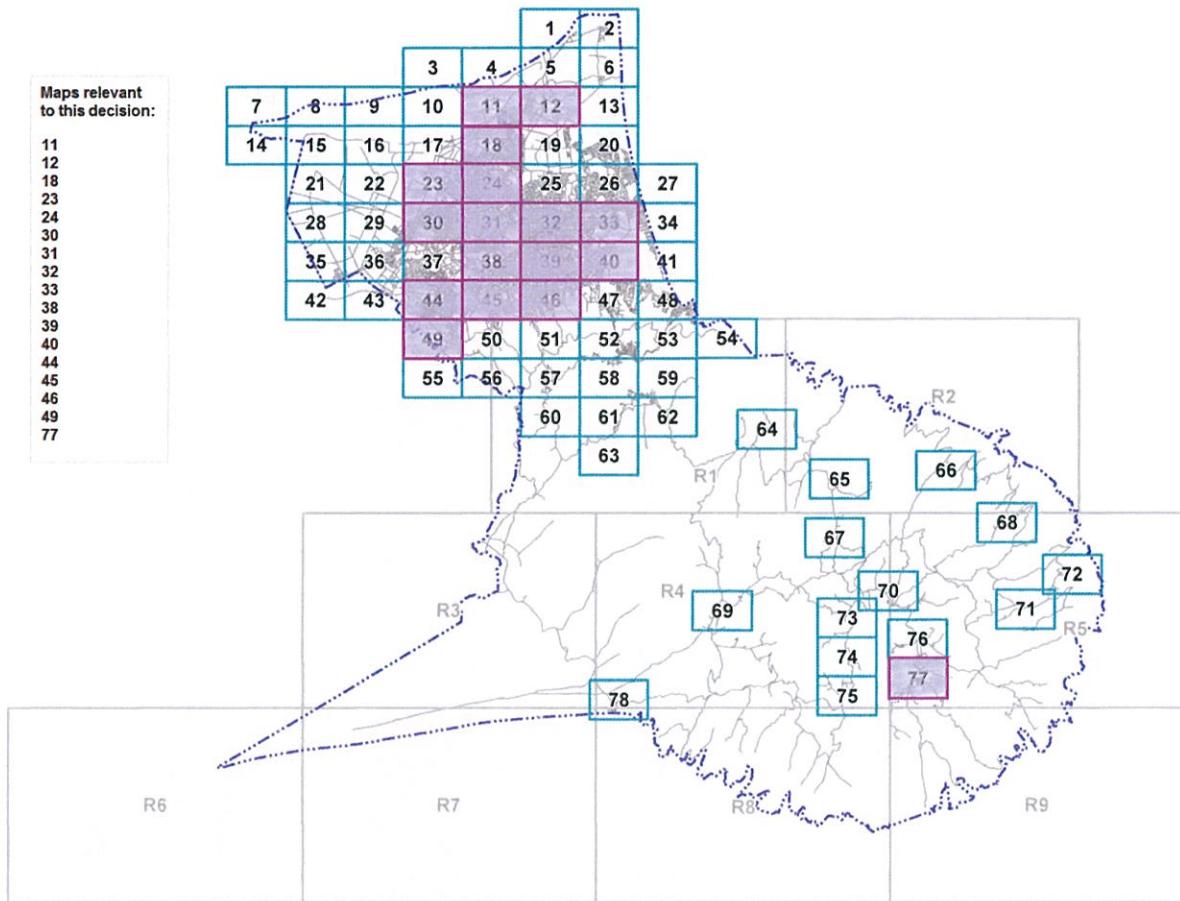
⁴ Julie Anderson (submitter 2030 and 2031); Gill Newman on behalf of the Burrell Family Trust (2101).

⁵ Decision 10 Residential (Part) Planning Maps and Minor Corrections, 1 July 2016.

⁶ See Memorandum of counsel for the Council regarding providing revised Decision 10 Planning Maps, 4 July 2016.

⁷ Memorandum of counsel for the Council filing further updated Decision 10 Planning Maps, 5 July 2016.

[3] The relevant planning maps which are the subject of this preliminary Chapter 18 decision are shown below in purple:



[4] At Schedule 1 to this decision we attach the relevant planning maps as they were provided to us to illustrate the decisions made by our Residential Stage 1 Planning Map decision ('the incorrect maps'). As detailed in the quoted passage from the Council's memorandum of 5 July, the incorrect maps show the Subject Land with a Residential Suburban zoning (i.e. coloured yellow).

[5] At Schedule 2 to this decision, we attach the relevant planning maps showing (by way of red colouring and circling) the Council's identification of the Subject Land for which it intended to request Open Space zoning ('the Open Space zone maps'). Planning map 33 is attached twice, with one instance displaying an area with Open Space Water and Margins zoning, the other displaying a further area with Open Space Community Park zoning.

[6] The resolution of the maps is not such that fine details can be confirmed at a granular level. Confirmation of an individual site's zoning(s) is best achieved using the Property Search function on the Council's website.⁸

A preliminary decision on Chapter 18

[7] We have taken the unusual step of preparing this preliminary decision as we have decided that, rather than deferring determination on the Subject Land, making that determination now is the most expedient way of:

- (a) ensuring the release of our Residential Stage 1 Planning Map decision remains on track (in accordance with cl 12 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (OIC)), and
- (b) assisting the Council to meet its requirements under cl 16 of the OIC.

[8] We are satisfied that the rezoning of the subject areas, apart from the excepted sites, is uncontentious, being not opposed in submissions. For the purposes of s 32AA of the Resource Management Act 1991 ('RMA'), the Higher Order Documents, and other relevant statutory requirements and considerations, we have considered the relevant evidence for the OS Proposal and are satisfied that Open Space zoning is the most appropriate and, as a non-contentious matter, we can grant the Council's request.

[9] Open Space zoning on the excepted sites referred to previously, where residential zoning has already been determined in our Decision 10 supplementary decision, would be inappropriate and is rejected.

[10] We are satisfied that we have the requisite power, under the OIC, to make this preliminary decision. That is, the OIC enables us to decide part of the notified OS Proposal and, in that context, to reconsider and make a minor change to Decision 10⁹ for coherence and consistency purposes (cls 3, 12, and 13(5) and (6)). In view of our findings at [8] and [9], we are satisfied all relevant requirements of those provisions are met and our discretions therein should be

⁸ Which can be found here: <http://proposeddistrictplan.ccc.govt.nz/PropertySearch/DistrictPlanContainer.html>.

⁹ Including the supplement to that decision dated 1 July 2016.

exercised. As it is non-contentious, we are satisfied that this decision can be made by Panel members notwithstanding they were not part of the Panel for the OS Proposal hearing.

[11] Planning Map 31 will need to be updated to reflect our rejection of the Open Space zoning on the excepted sites. However, as noted at [6], the resolution of the Council-supplied maps which accompany our decisions is such that we do not consider it necessary to call for and include a replacement Planning Map 31 with this decision (as the difference from one map to another is likely to be indistinguishable). We instead direct the Council to retain the zoning of the excepted properties decided by our supplementary Decision 10 decision, and confirm that retention by way of memorandum.

Decision

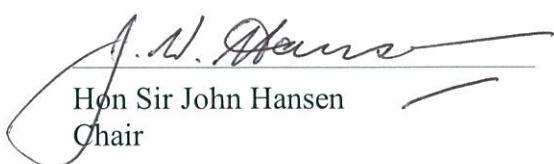
[12] Therefore, we determine that:

- (i) The Subject Land (shown red colouring and circled in Schedule 2) is zoned as per the OS Proposal (i.e. Open Space Water and Margins Zone or Open Space Community Park Zone).
- (ii) The excepted properties, at 23 Thornycroft Street and 126 Puriri Street, both shown on Map 31, retain the Residential zoning confirmed by our supplementary Decision 10 decision. The Council is to file and serve a memorandum verifying this zoning.
- (iii) Our findings herein supersede those in Decision 10¹⁰ pertaining to the Residential zoning of the Subject Land and that Decision is changed by removing that zoning from that Land (including related aspects of the 1 July 2016 supplementary Decision 10 decision) and the associated planning maps.
- (iv) We defer to the determination on the remainder of the OS Proposal all determinations concerning objectives, policies, rules and other provisions of the OS Proposal (other than the zoning maps, as noted).

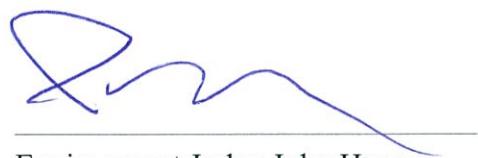
¹⁰ Including the supplement to that decision dated 1 July 2016.

- (v) This decision does not replace any provisions of the existing Christchurch City District Plan or Banks Peninsula District Plan.

For the Hearings Panel:



Hon Sir John Hansen
Chair



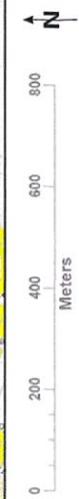
Environment Judge John Hassan
Deputy Chair



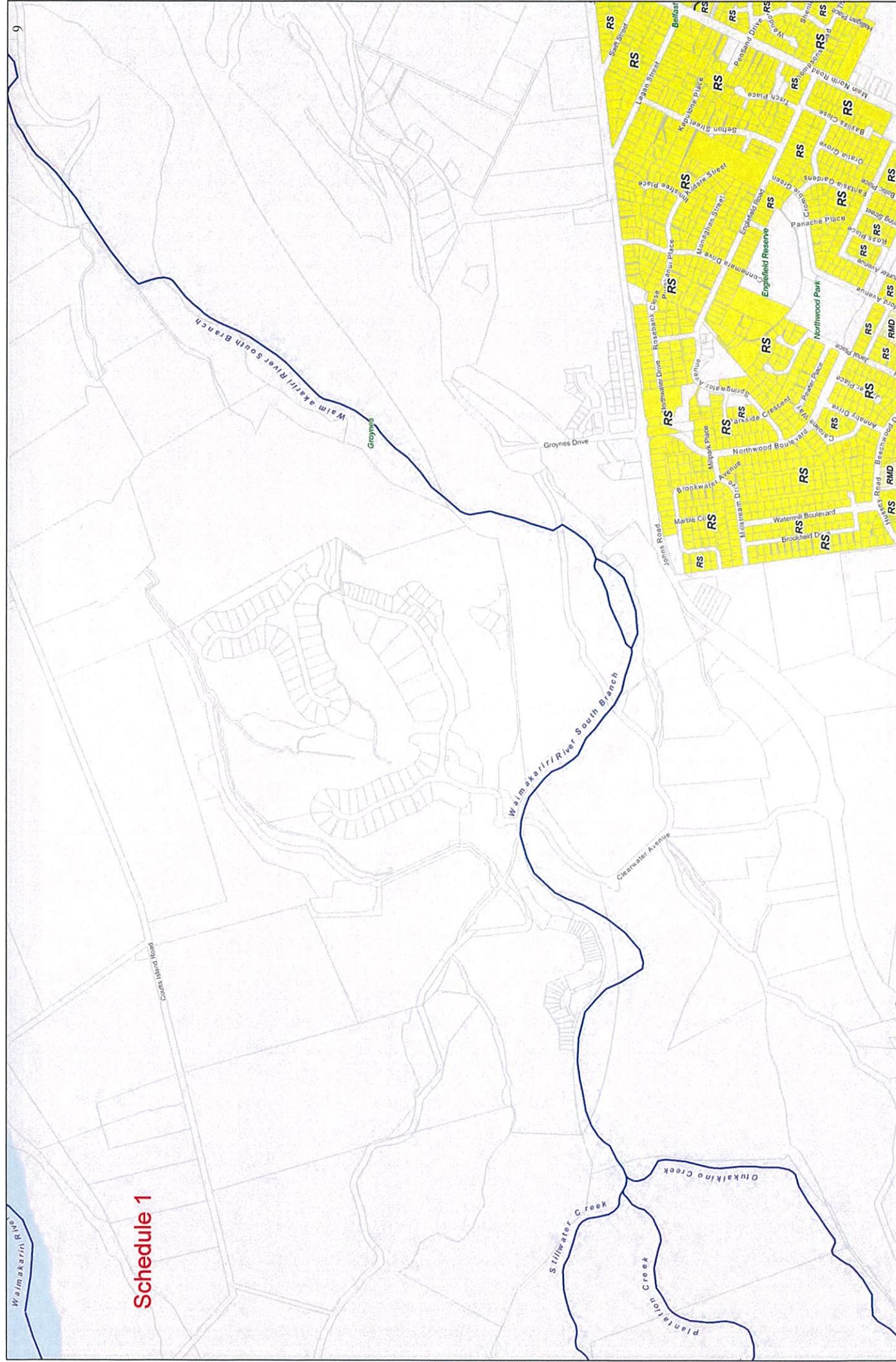
Ms Jane Huria
Panel Member

SCHEDULE 1

The incorrect maps



Planning Map 11
Draft for Decision 10 (subject to final approval from IHP)



Schedule 1

3	4	5
10	11	12
17	18	19





Schedule 1 Parrot Reserve

Christchurch Replacement
District Plan

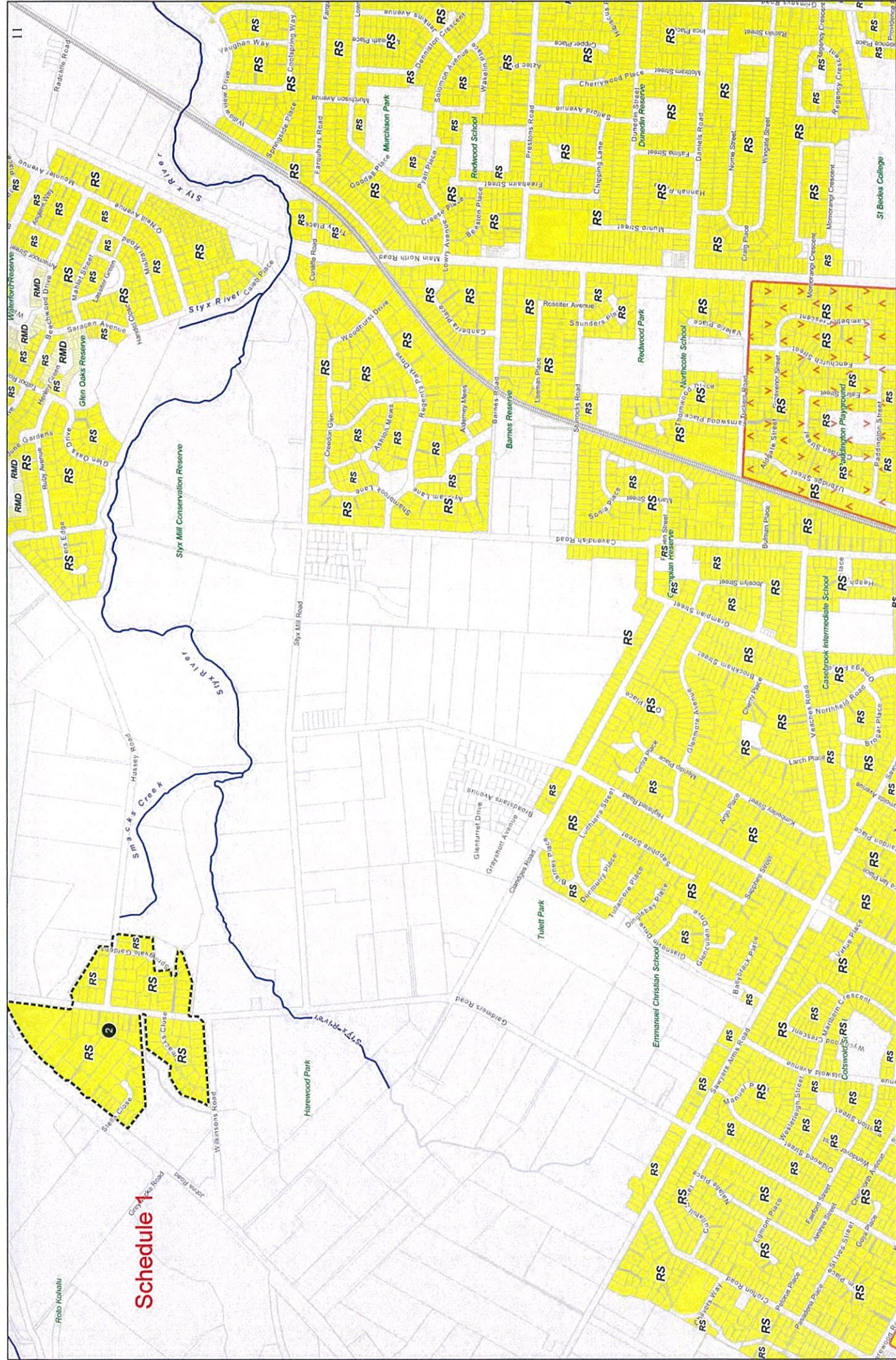
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City Council

4	5	6
11	12	13
18	19	20

Planning Map 12
Draft for Decision 10 (subject to final a

Schedule 1

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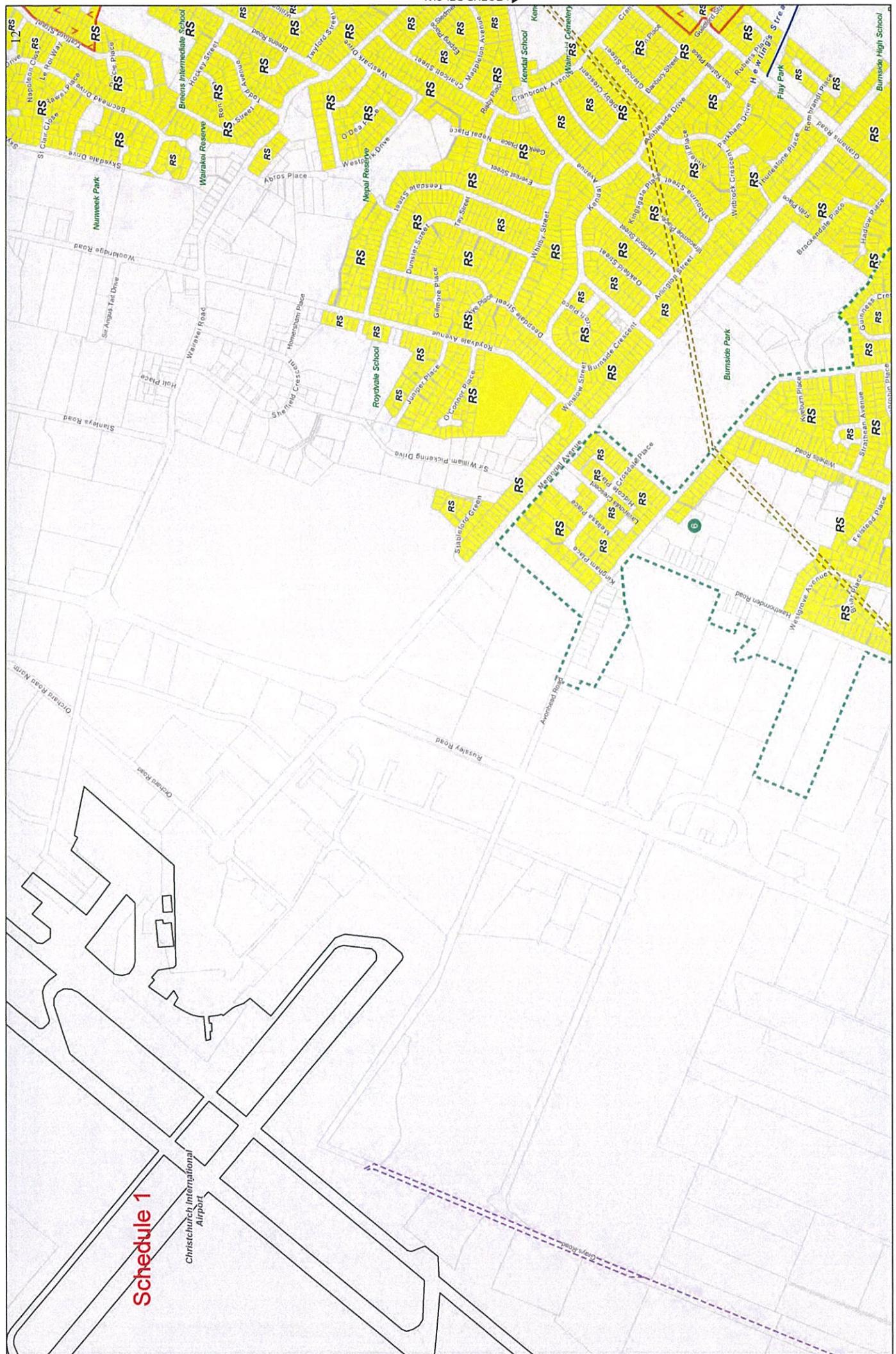


Planning Map 18
Draft for Decision 10 (subject to final approval from IHP)

10	11	12
17	18	19
23	24	25

Schedule 1

Christchurch International
Airport



Planning Map 23
Draft for Decision 10 (subject to final approval from IHP)

Christchurch Replacement
District Plan

 Christchurch
City Council

16	17	18
22	23	24
29	30	31

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Planning Map 24
Draft for Decision 10 (subject to final approval from IHP)

17	18	19
23	24	25
30	31	32

Schedule 1



Planning Map 30
Draft for Decision 10 (subject to final approval from IHP)

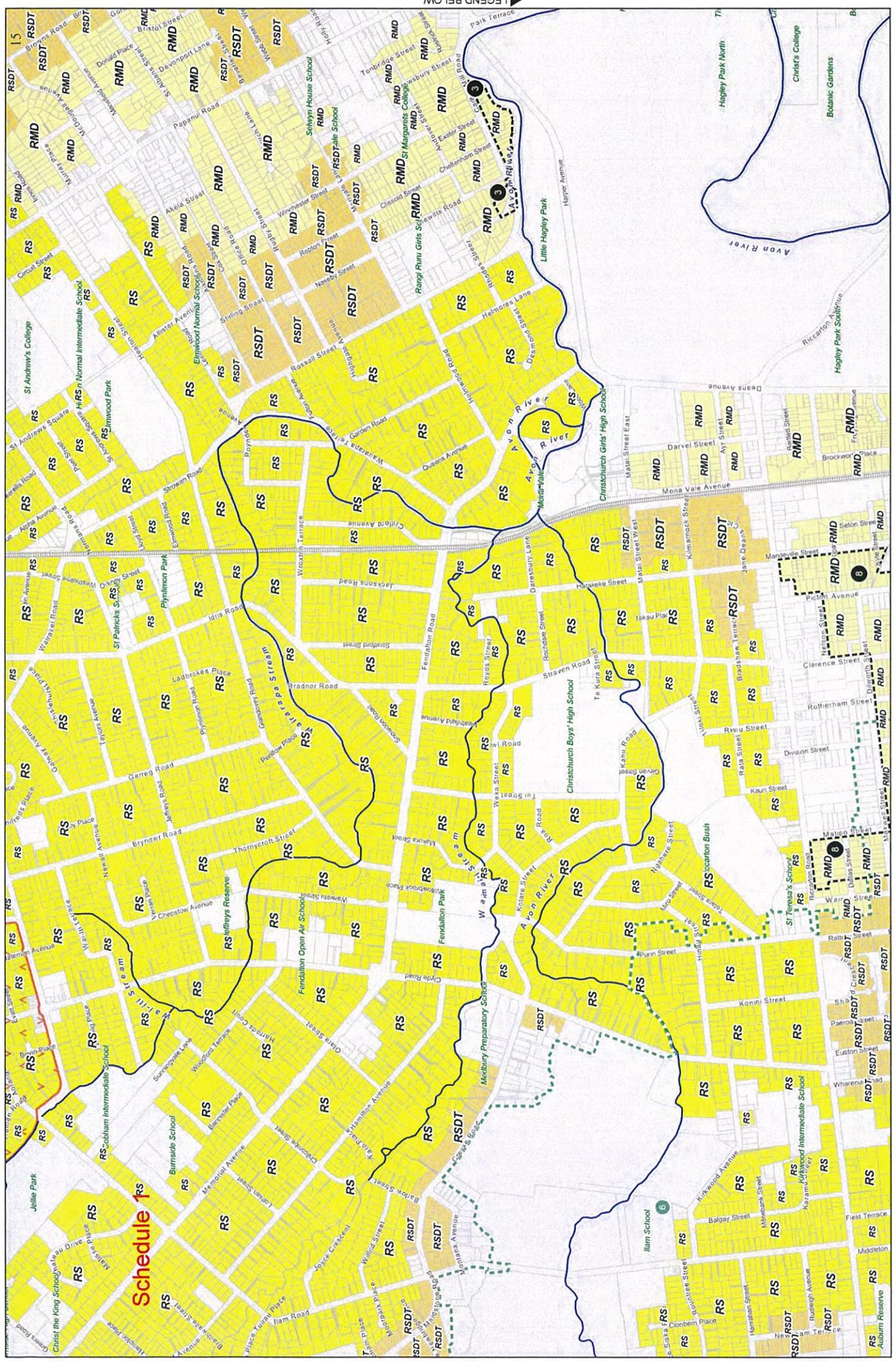
Christchurch Replacement
District Plan

22	23	24
29	30	31
36	37	38

The logo consists of a blue circle containing a white search icon, with the word "Search" in blue and "Council" in grey below it.

Christchurch Replacement
District Plan

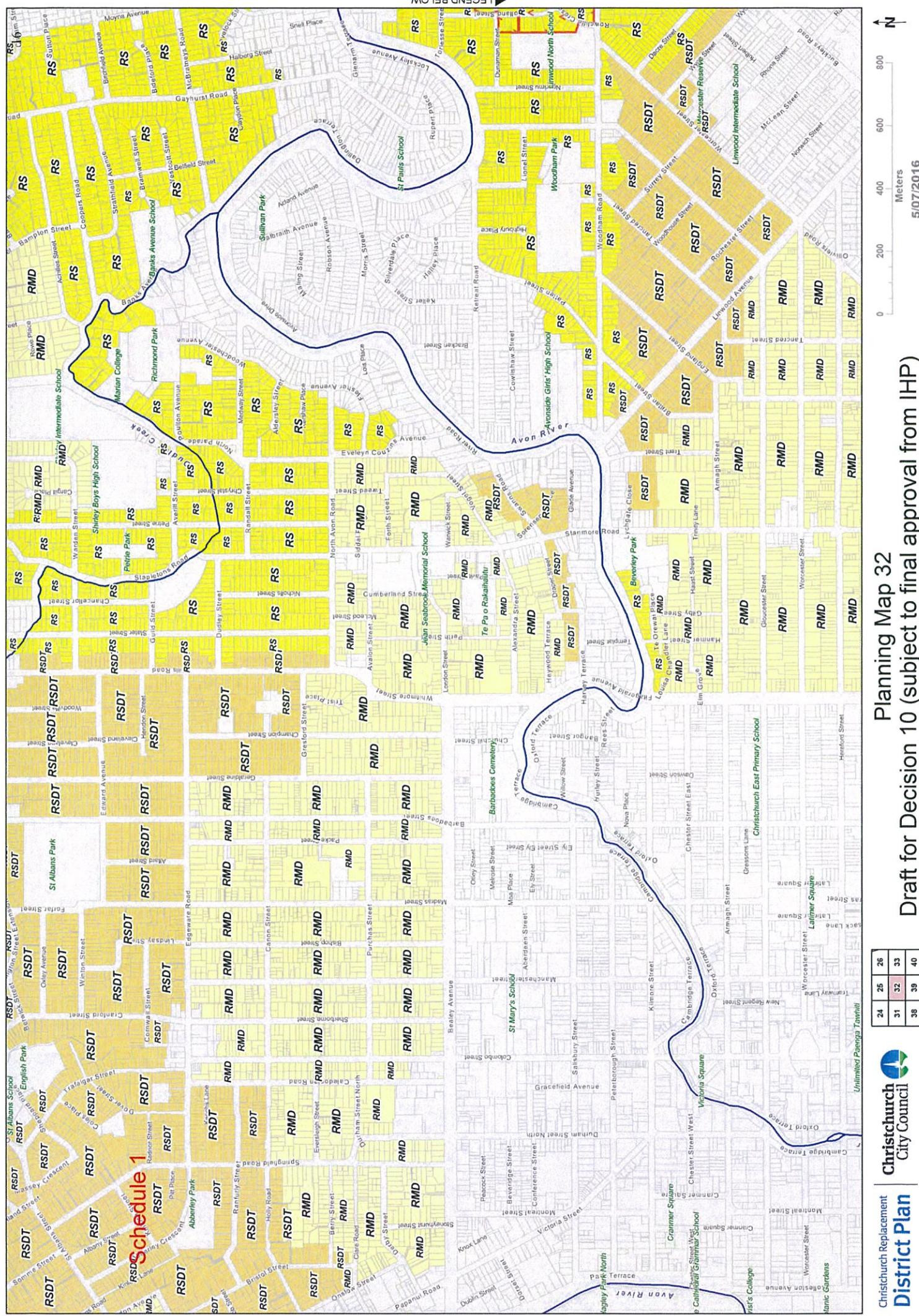
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Planning Map 31
Draft for Decision 10 (subject to final approval from IHP)

23	24	25
30	31	32
37	38	39





Planning Map 32
Draft for Decision 10 (subject to final approval from IHP)



Planning Map 33
Draft for Decision 10 (subject to final approval from IHP)

A small circular logo containing a stylized 'E' shape, divided into blue and green sections.

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Schedule



Planning Map 38
Draft for Decision 10 (subject to final approval from IHP)

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Schedule 1

A detailed map of a residential area, likely in a city like Sydney. The map shows a grid of streets with various building footprints. Key labeled streets include Duke Street running north-south, Alfred Street running east-west, and Mission Avenue running north-south. Other unlabeled streets form a dense network. In the bottom right corner, there is a label for 'Catholic Cathedral College'. The map is oriented with North at the top.

A small map of a street area in Alexandria, Virginia. It shows several streets including Duke Street, Glebe Street, and Glebe Avenue. A specific location is marked with a red circle and labeled 'Proposed Site'.

$A_{vo} = R_f$

The map shows a rectangular area outlined by a thick yellow border labeled "RMD". This area covers parts of Castle Street, Nassau Street, Marlborough Street, and Woodhaven Avenue. The map includes labels for "High Rock Square", "Civic Street", "Wellington Street", "Buckingham Street", "Ergonomics Street", "Southgate Street", "Perry Street", "Savannah Street", "Garrison Street", "Dempsey Street", "Tunstall Street", "Tram Street", "Galvin Street", "Gordon Street", "Regan Street", "Castiel Street", "RMD", and "RSDT". A legend at the bottom right indicates that the yellow shading represents the "RMD" zone.

Schedule 1

Schedule 2

► LEGEND BELOW

Planning Map 39
Draft for Decision 10 (subject to final approval from IHP)

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City Council

Christchurch Replacement
District Plan

5/07/2016

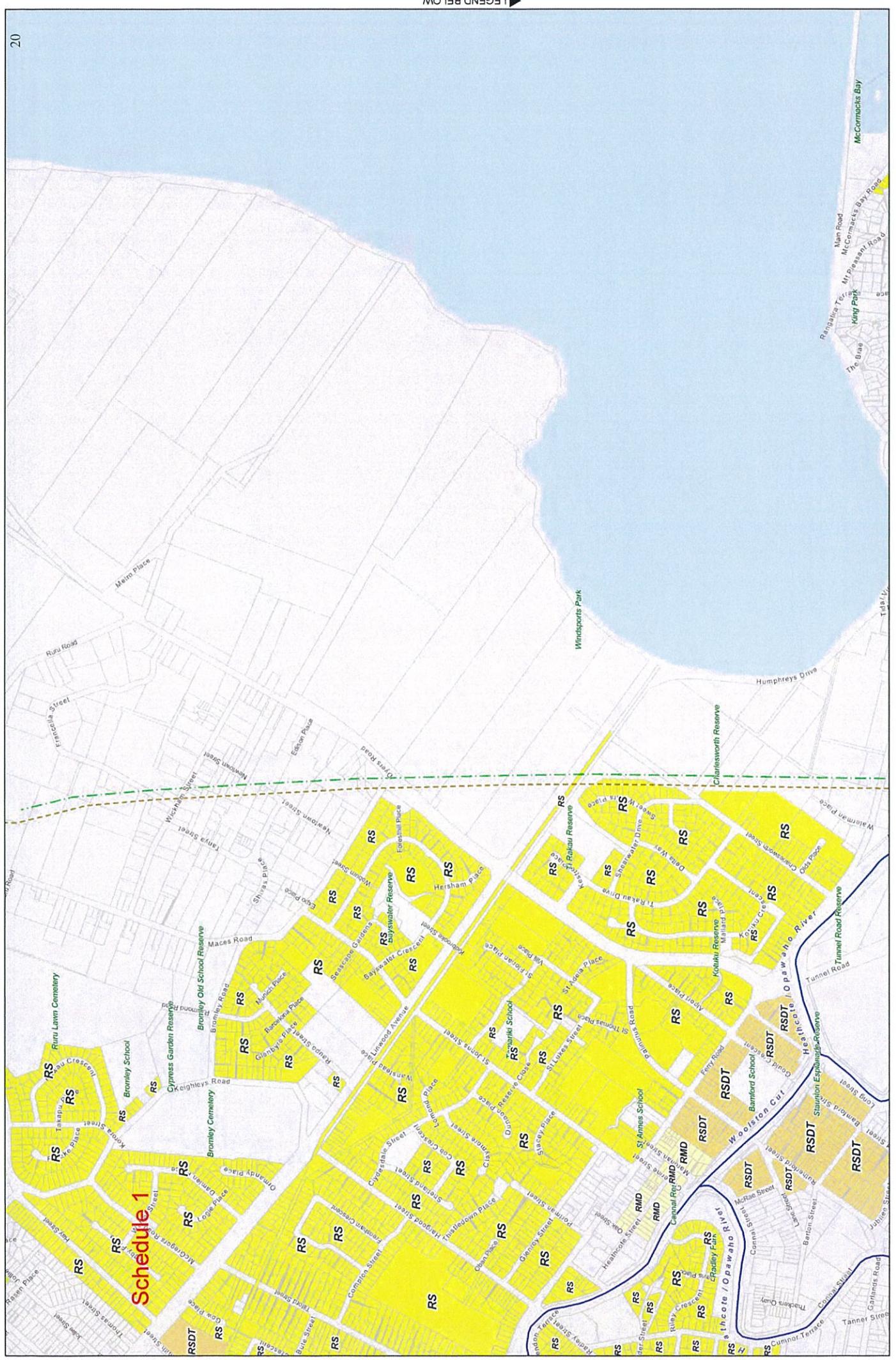
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Planning Map 40
Draft for Decision 10 (subject to final approval from IHP)

32	33	34
39	40	41
46	47	48



**Christchurch
District Plan**



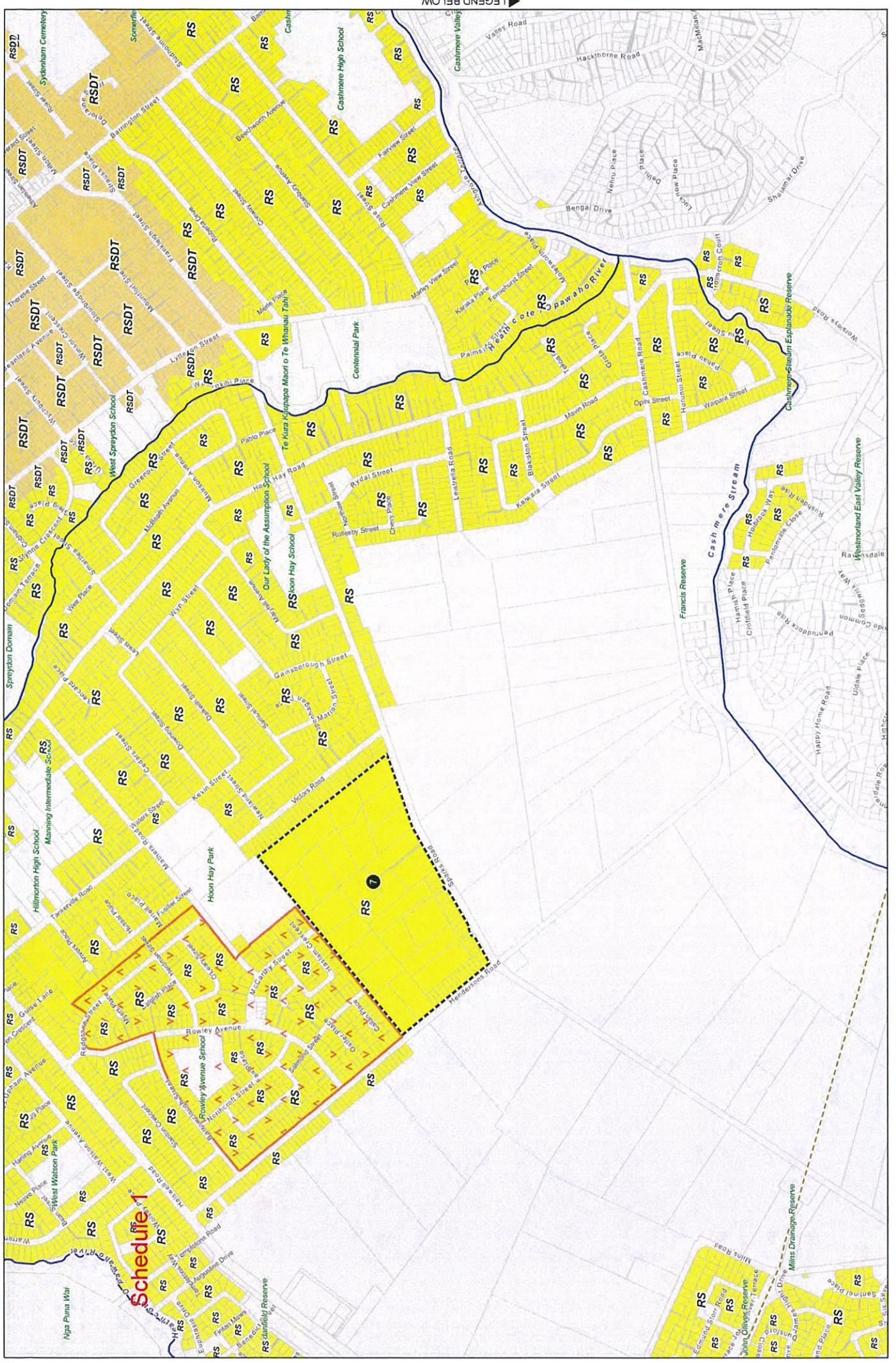
Schedule 1

Planning Map 44
Draft for Decision 10 (subject to final approval from IHP)

36	37	38
43	44	45
49	50	

christchurch
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Christchurch Replacement
District Plan

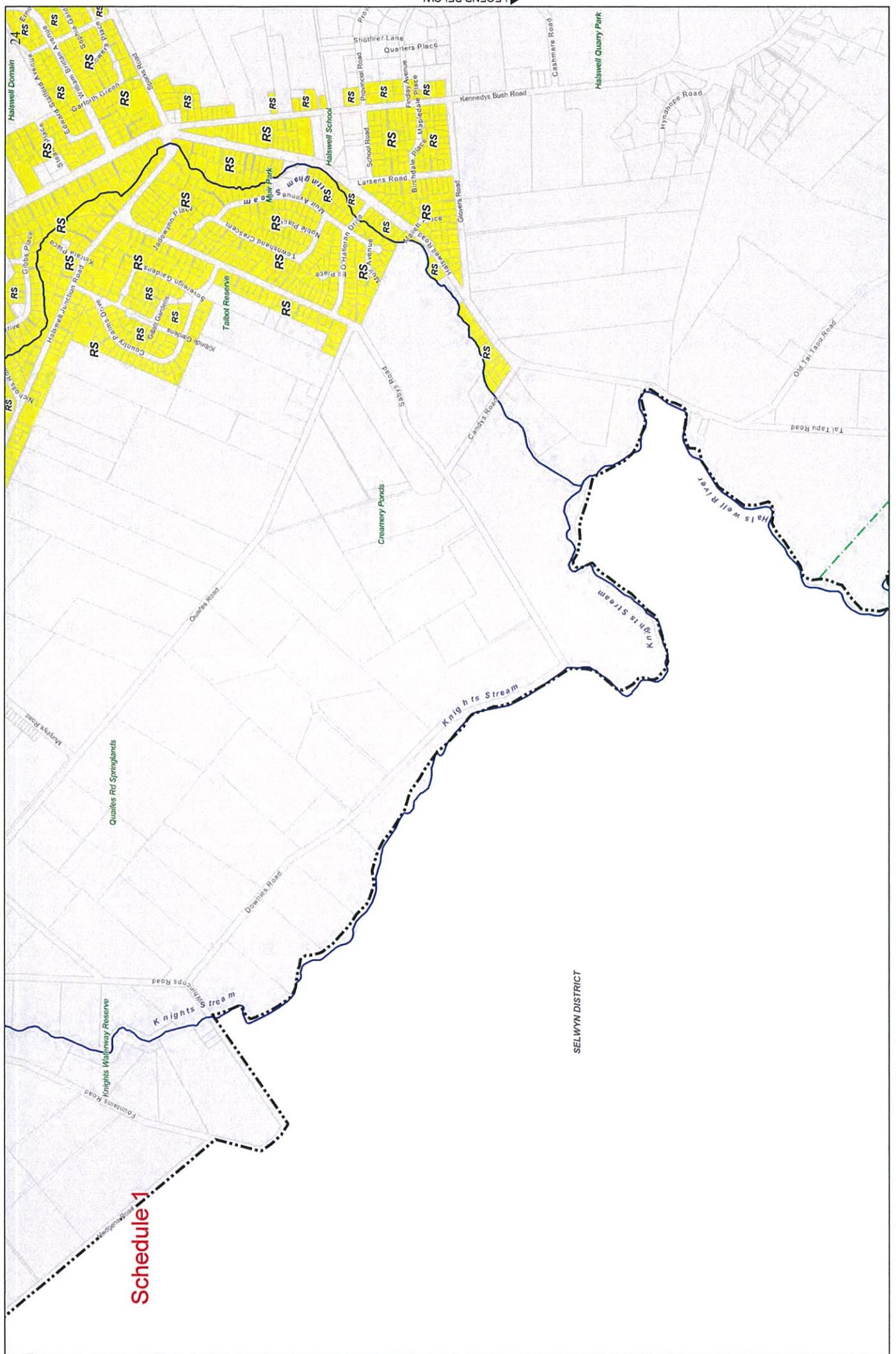


Planning Map 45
Draft for Decision 10 (subject to final approval from IHP)

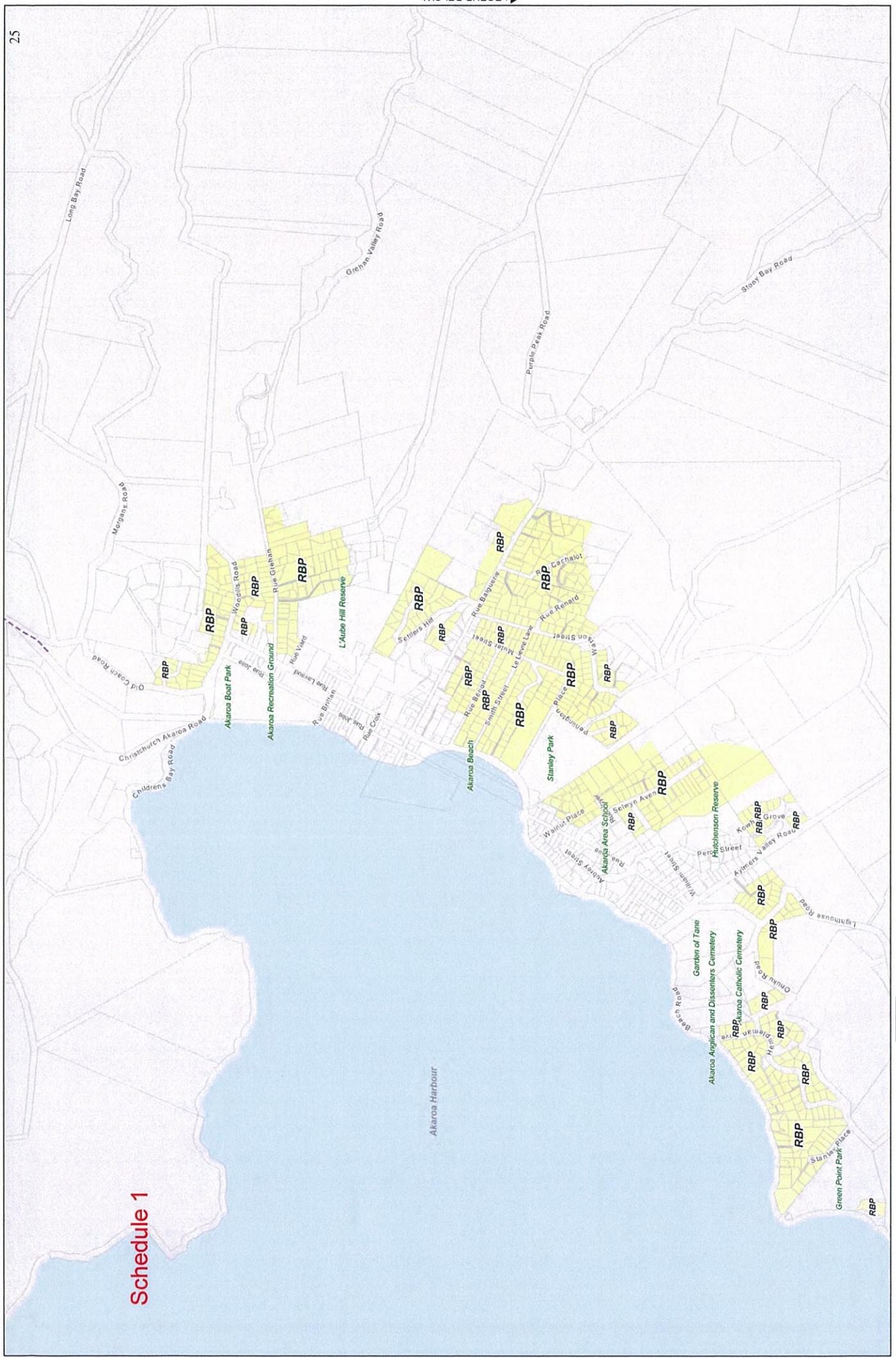
37	38	39
44	45	46
49	50	51







Schedule 1



Planning Map 77
Draft for Decision 10 (subject to final approval from IHP)

77

SCHEDULE 2

The Open Space zone maps

4/07/2016

Planning Map 11

The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

3	4	5
10	11	12
17	18	19



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LEGEND BELOW



Schedule 2

27



Schedule 2



Planning Map 12

The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

4/07/2016
Meters

4	5	12	19
11	18		

Schedule 2

Schedule 2

Planning Map 18

The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

10	11	12
17	18	19
23	24	25

Schedule 2

*Christchurch International
Airport*

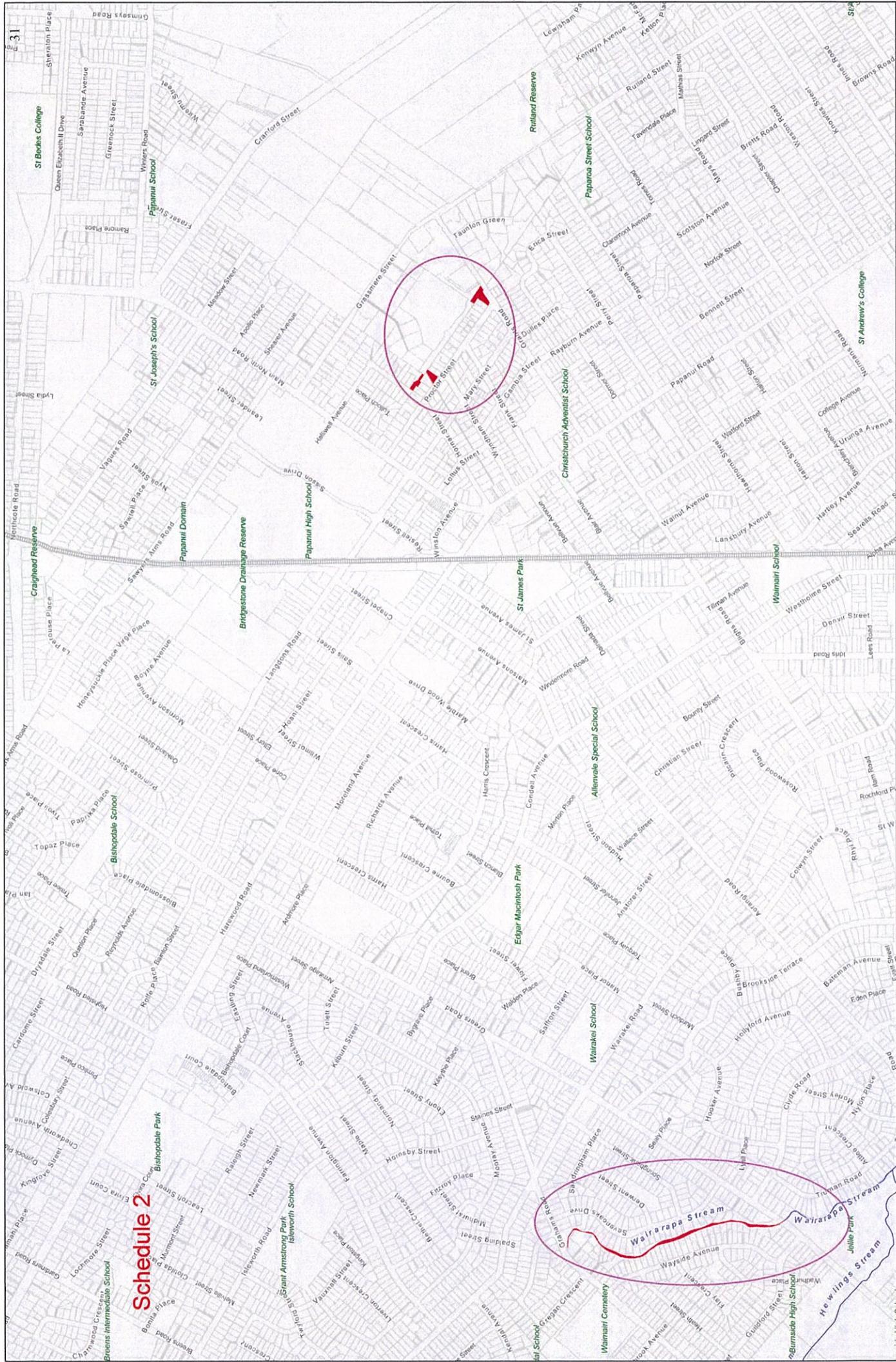


Planning Map 23

The extent of OWM zone areas creved out in []

The extent of OWM zone area

16	17	18
22	23	24
29	30	31

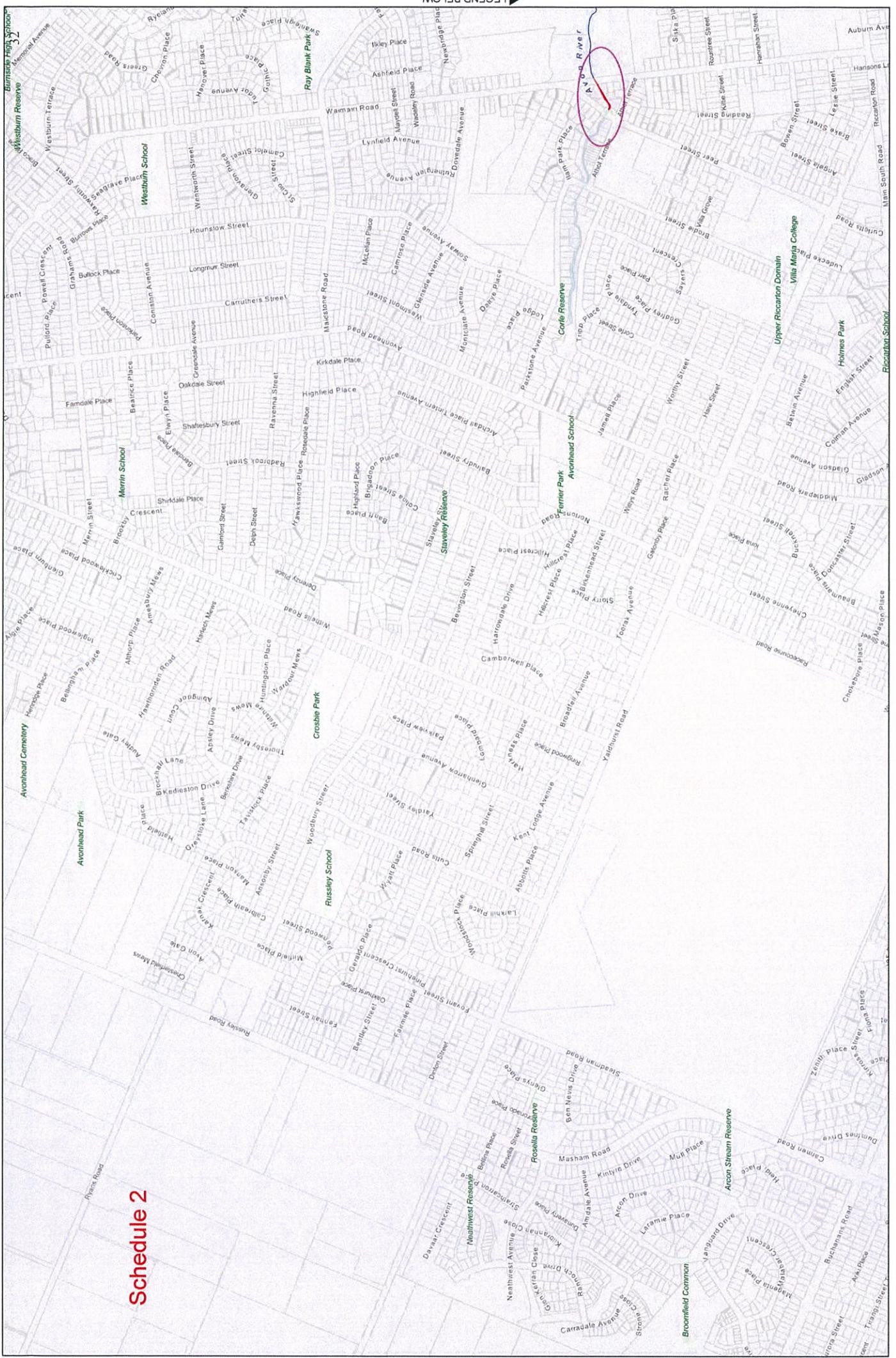


Schedule 2

Planning Map 24

The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

17	18	19
23	24	25
30	31	32



Planning Map 30

The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

22	23	24
29	30	31
36	37	38



Schedule 2

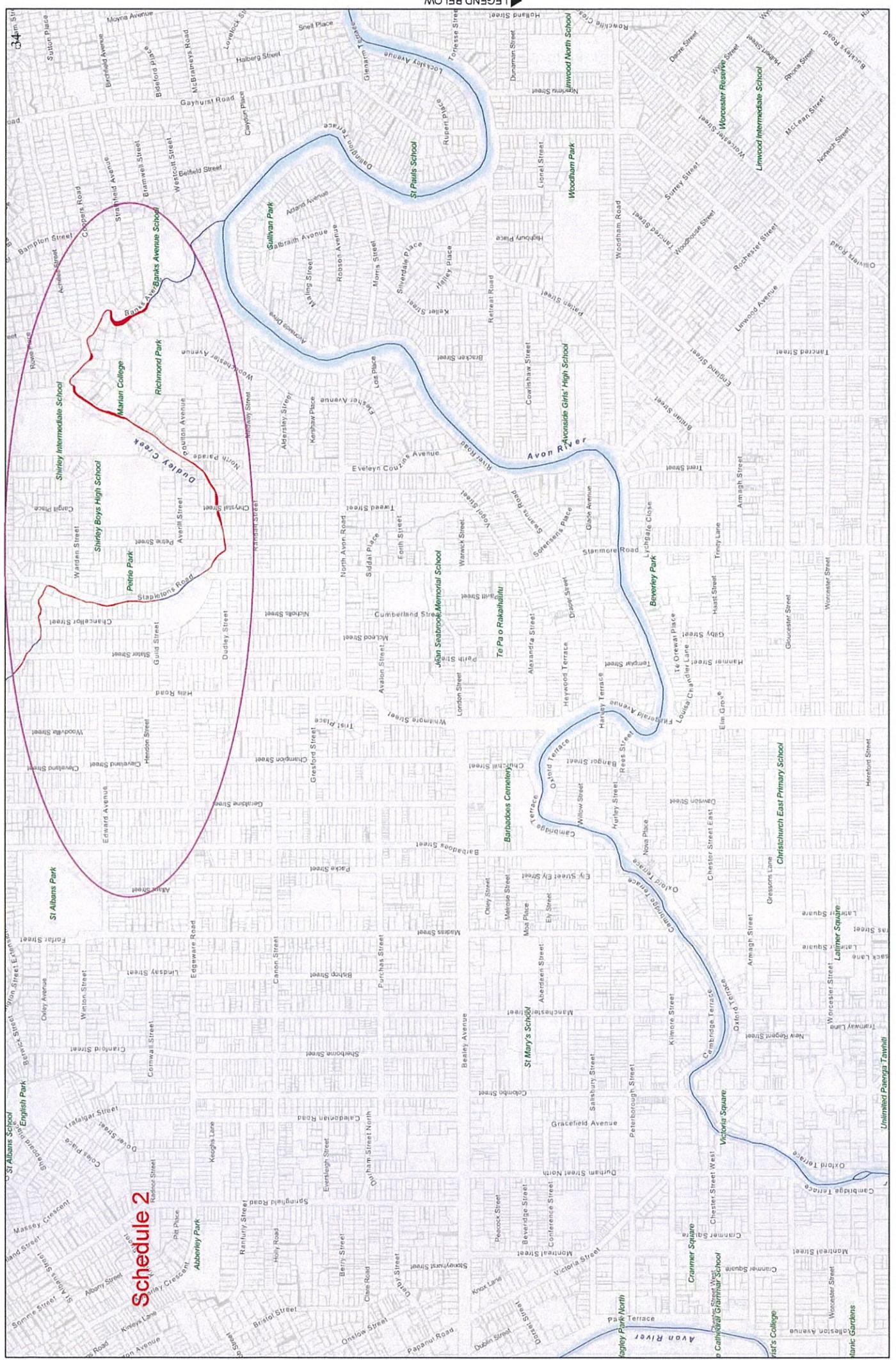


Planning Map 31

The extent of OWM zone areas greyed out in

Meters
4/07/2016





Planning Map 32
The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

	24	26	26
	31	32	33
	38	39	40





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Planning Map 33

The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

25	26	27
32	33	34
39	40	41



Land at Bexley park with zoning notified in stages 1 and 2 (not deferred)



5/7/2016

Schedule 2



Schedule 2

Planning Map 38
The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

 Christchurch
City Council

Christchurch Replacement
District Plan

30	31	32
37	38	39
44	45	46

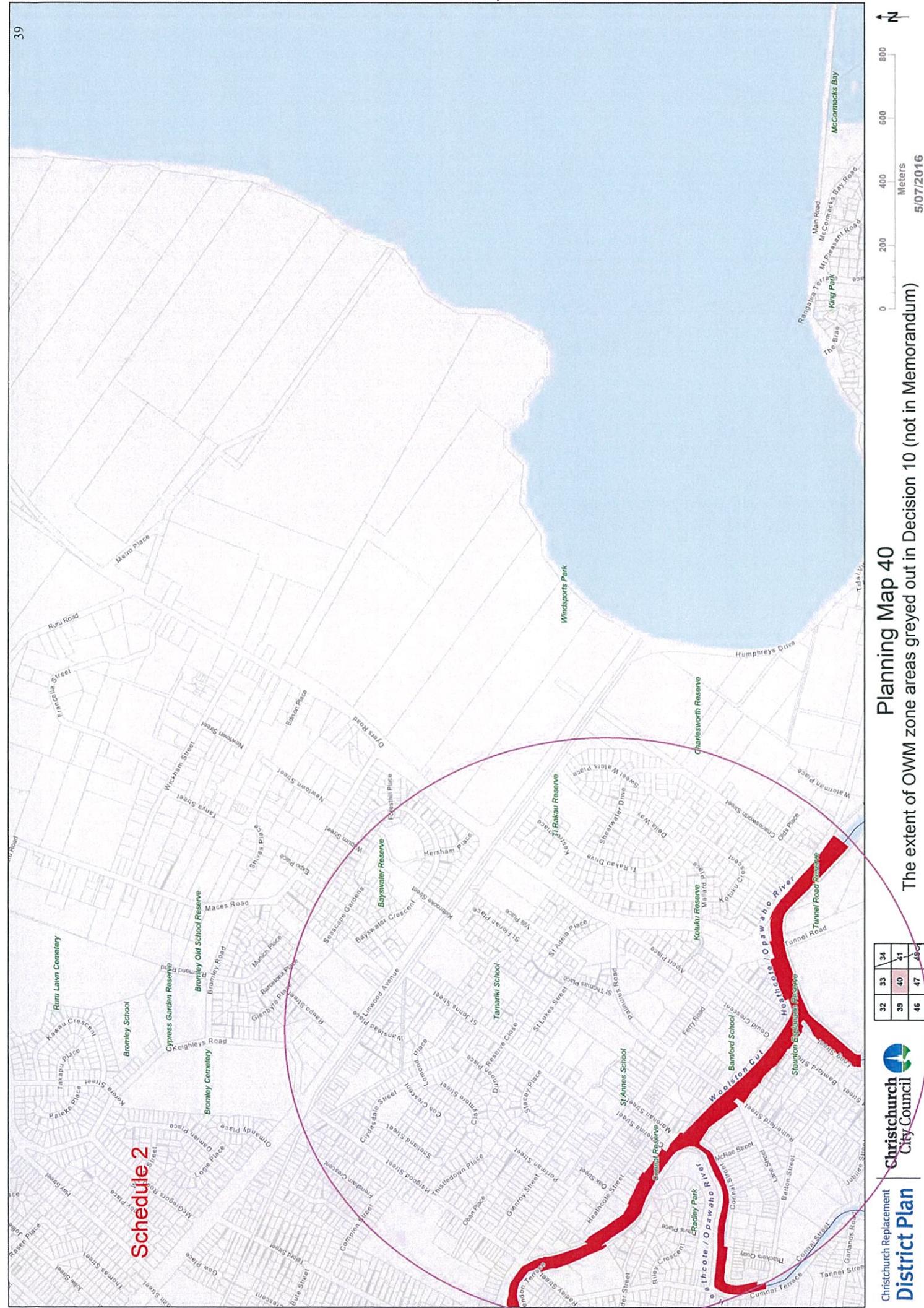
Schedule 2



Planning Map 39

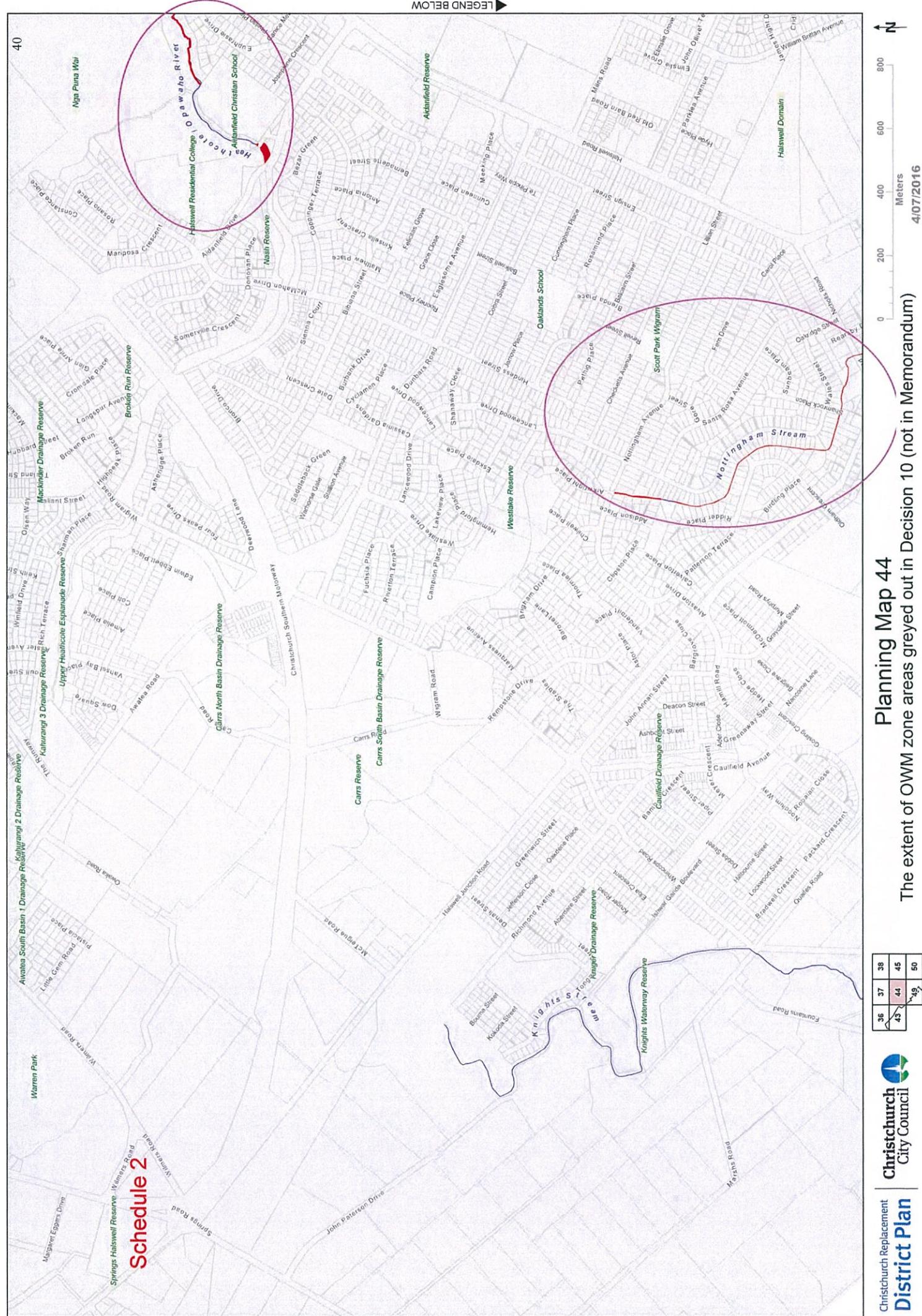
The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

31	32	33
38	39	40
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Schedule 2

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Planning Map 44

The extent of OWM zone areas greyed out in []

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Christchurch
City Council

Schedule 2



Planning Map 45

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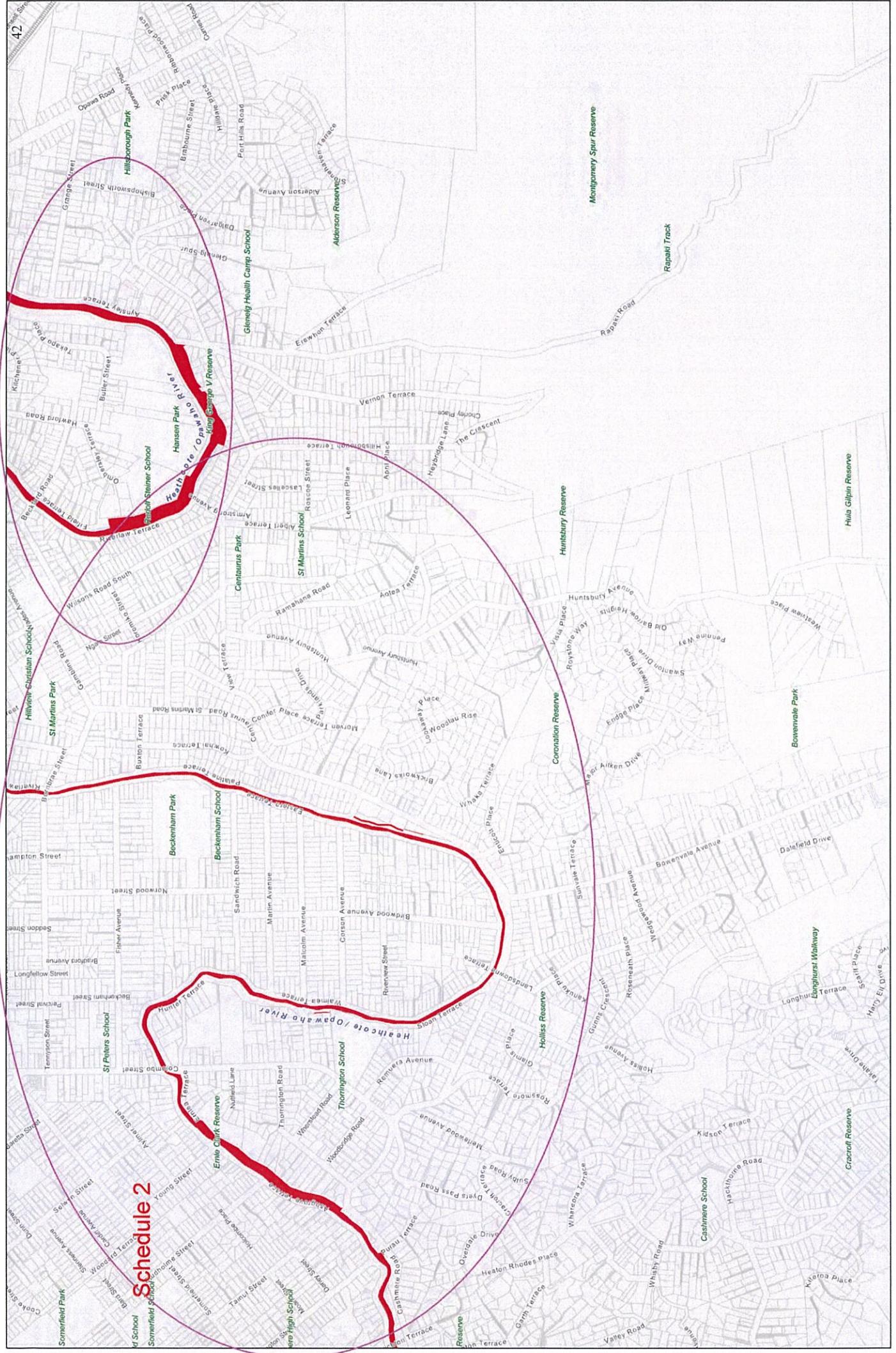
37	38	39
44	45	46
49	50	51





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Schedule 2



Planning Map 46
The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

38	39	40
45	46	47
50	51	52

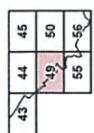


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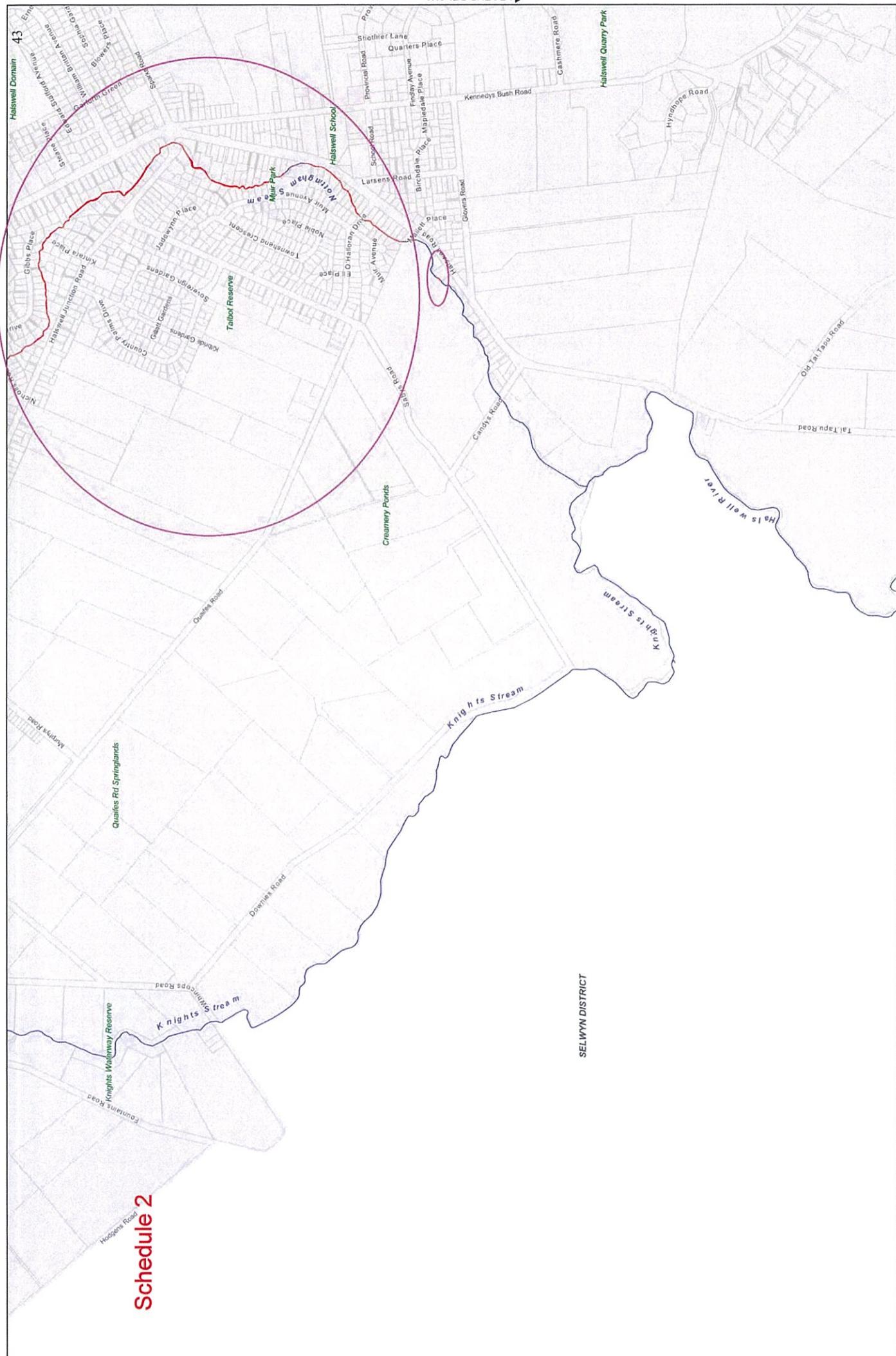
Planning Map 49
The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)



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District Plan

Schedule 2



Schedule 2



Planning Map 77
The extent of OWM zone areas greyed out in Decision 10 (not in Memorandum)

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