

IN THE MATTER OF the Canterbury Earthquake
(Christchurch Replacement District Plan)
Order 2014

AND

IN THE MATTER OF an application to correct a minor error or
defect pursuant to clauses 13(5) and 13(6)
and clause 16 (1) and (2) to Schedule 3 of the
Order

Date of decision: 2 December 2016

MINOR CORRECTIONS TO DECISIONS 10, 11 and 21

Background

[1] The Hearings Panel ('the Panel') issued its decisions 10, 11 and 21 on 10 December 2015, 18 December 2015 and 4 April 2016 (respectively).¹ We received a memorandum ('the memorandum') from the Christchurch City Council ('the Council') regarding further planning map corrections pertaining to those decision and raising a previously unrecognised issue concerning Red Zone Roads in the Central City.²

¹ The Panel for Decisions 10 and 11 was Sir John Hansen, Chair, Judge John Hassan deputy Chair, Ms Sarah Dawson, Dr Phillip Mitchell and Ms Jane Huria. For Decision 21 it was Sir John Hansen Chair, Mr Stephen Daysh, Ms Jane Huria and Mr John Illingsworth.

² Memorandum of counsel for the Christchurch City Council regarding further planning map corrections relevant to Decisions 10, 11 and 21, 25 November 2016.

Minor corrections to Decisions 10, 11 and 21

[2] As noted, the Council sought minor corrections relating to planning maps and also raised an issue, jointly with the Crown, expressing a concern occasioned by the Central City decision.

[3] The power to make minor corrections has been well documented in earlier Minor Corrections decisions and it is unnecessary to repeat it here.

Planning Map 33

[4] Rock Gas Limited (Submitter 397) sought to amend the zoning of their sites that were not already zoned as Industrial Heavy, Industrial General and Commercial Local, to a zoning that recognised and provided for existing service station and the existing activities as permitted activities through Stage 1. In their submission, 173 Wainoni Road and the corner Blighs and Idris Roads were identified as two of the sites subject to the Rock Gas rezoning submission.

[5] 173 Wainoni Road is shown on Planning Map 33 and was notified in Stage 1 as residential suburban. It was, and is occupied by a service station.

[6] The Council's planning witness, Mr Mark Stevenson, accepted the request to rezone the site from Residential Suburban to Commercial Local, and he provided an image in his evidence to support that.

[7] Planning Map 33, as decided by Decision 11, unfortunately showed only the left hand allotment rezoned from Residential Suburban to Commercial Local. The Council advises this occurred as the two lots of land were amalgamated at some point and this left hand parcel of land, when entered into the property search, is denoted at 175 Wainoni Road. The Council further noted that 173 Wainoni Road is included in their memorandum of 30 August 2016 that sought the Panel to confirm that Decision 11 Planning Map Decision zoning of the site over the Decision 10 Planning Map Decision which shows 173 with a Residential zone.

[8] We accept that an error has occurred and it is minor. We correct Planning Map 33 as decided by Decision 11 to show the outlined red area as Commercial Local zone covering both 173 and 175 Wainoni Road as per Schedule 1.

Planning Map 34 – Blighs/Idris Road Corner

[9] A property search for this address denotes it as 64 Blighs Road. It was notified in Stage 1 as Residential Suburban. The site was, and is, occupied by a service station. The Council’s planning witness, Mr Stevenson, accepted the request to rezone the site at the corner of Blighs/Idris Road from Residential Suburban to Commercial Local and provided an image in his evidence-in-chief.

[10] Planning Map 24, which was attached to Mr Stevenson’s rebuttal evidence,³ showed the extent of the rezoning. However, the boundaries of the property as shown on that map did not cover the entire service station on the corner of Blighs and Idris Road, which was the scope of the original submission. As a consequence, the boundary of the Commercial Local Zone, as shown in the Decision 11 Planning Map, has the rezoning cutting across the main building.

[11] Again this has occurred, understandably, because three sites have been amalgamated.

[12] Again we accept this is a minor error and should be corrected. Accordingly, we correct Planning Map 24 as decided by Decision 11, to show the entirety of 64 Blighs Road as Commercial Local zone as per Schedule 2.

Red Zone Central City Roads

[13] In the course of reviewing the Planning Maps Decision of the Panel, the Council has identified an issue that they properly thought should be brought to our attention.

[14] The roads in the Minister’s “Residential Red Zone” located within the central city were notified as Specific Purpose (Flat Land Recovery) Zone in Stage 3. This was the general approach taken with the entire Specific Purpose (Flat Land Recovery) Zone due to future uncertainty of these roads.

[15] Previously the central city roads had been zoned Central City Residential in the “A Liveable City” chapter of the Christchurch Central Recovery Plan (CCRP) as the Operative

³ Rebuttal evidence of M Stevenson for CCC, dated 1 May 2015.

District Plan version of the Special Purpose Road Zone was not mapped on the city planning maps.

[16] In Stage 3 the Crown submitted for consistency with the CCRP the Specific Purpose (Flat Land Recovery) zone located within the central city should be zoned Central City Residential. The Council concurred with that submission, which was accepted by the Panel.

[17] As an unintended consequence of that decision, roads located within that area (Rees Street, Bangor Street – north of Rees Street, and part of Willow Street) had been zoned residential Central City in the CRDP.

[18] Understandably, the Council considers that the Residential Central City zone was not an appropriate zoning for the central city roads. However, the Council and the Crown expressed concerns that there was not a live proposal before the Panel to enable it to exercise its powers under the Order in Council.

[19] It is to be noted that roads now form part of the Transport Zone with a deeming provision being added, ultimately across the entire city, so that if roads were stopped they would attract the adjoining zoning and if two zones, the midline of the road would be the dividing line (or if new roads were dedicated they would automatically be Transport Zone). This was a sensible suggestion put forward by the Crown, adopted by the Council, and included into the CRDP by the Panel.

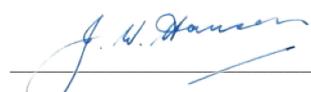
[20] Given the small amount of red zone within the central city, it is understandable how this matter developed as it did. However, we consider it is a minor defect that is within scope and note the Central City Decision is not yet operative. The Panel has power to make the necessary minor corrections for errors or defects in terms of the Order in Council. Accordingly, we correct the Central City Decision by including Rees Street, Bangor Street north of Rees Street, and part of Willow Street as Transport zone as per Schedule 3.

Decision

[21] All panel members concur in this decision.

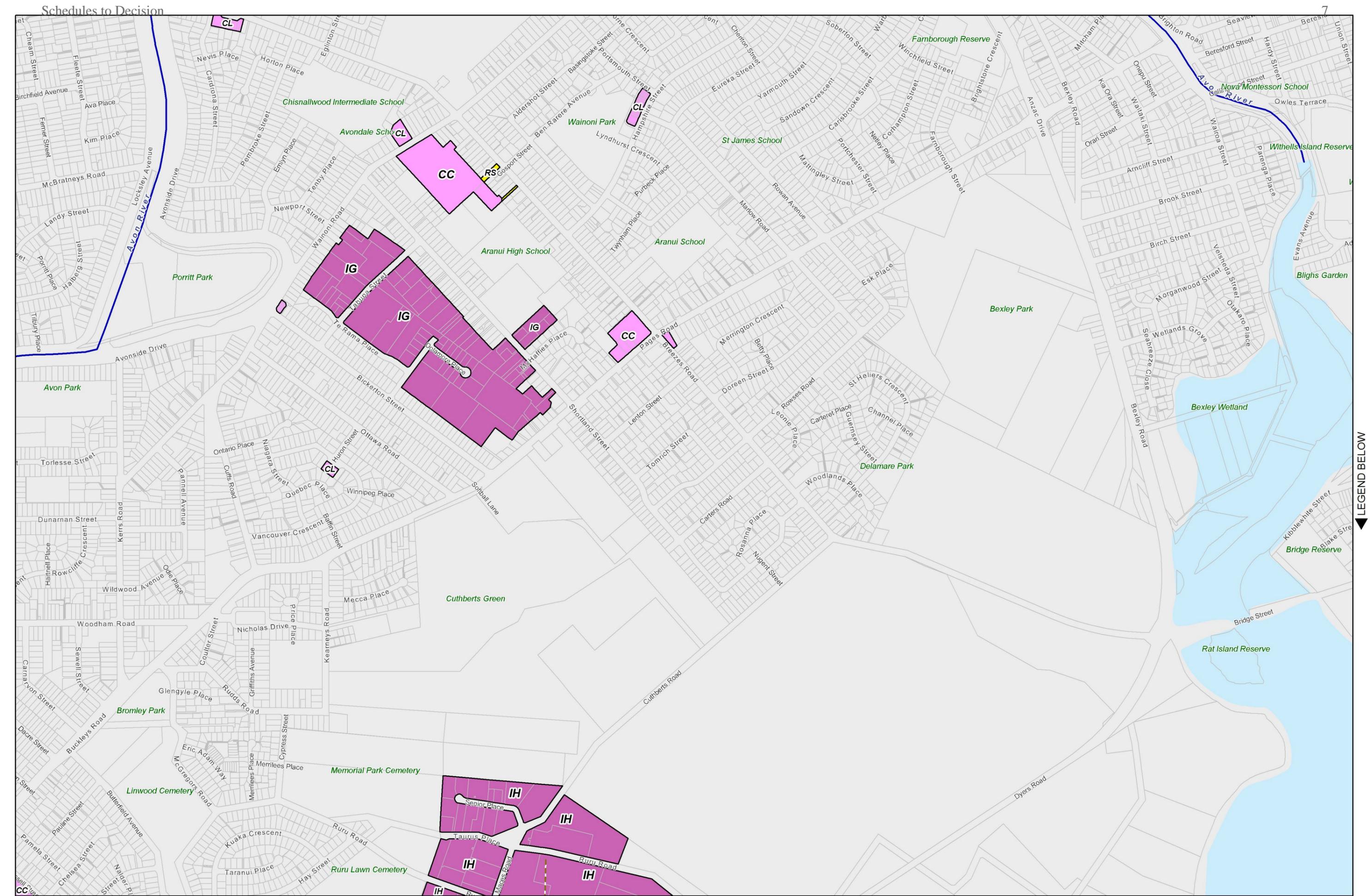
[22] We agree to the corrections sought, and direct the necessary changes to the relevant Planning Maps and the Transport Zone using our powers under Schedule 3 to the OIC. The relevant Decisions 10, 11 and 21 are corrected in accordance with Schedules 1, 2 and 3.

For and on behalf of the Hearings Panel in decision 10, 11 and 21:



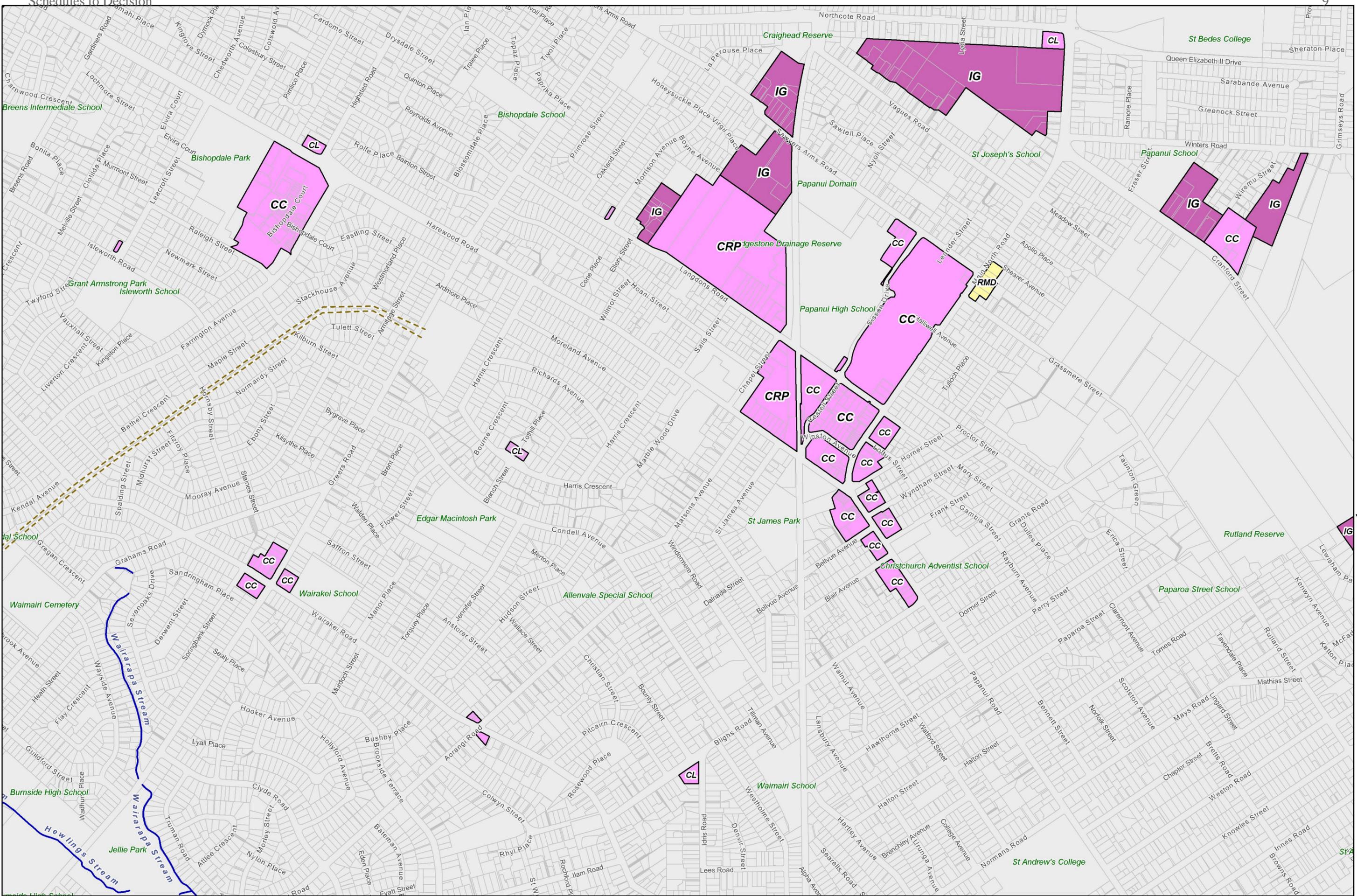
Sir John Hansen
Chair

SCHEDULE 1



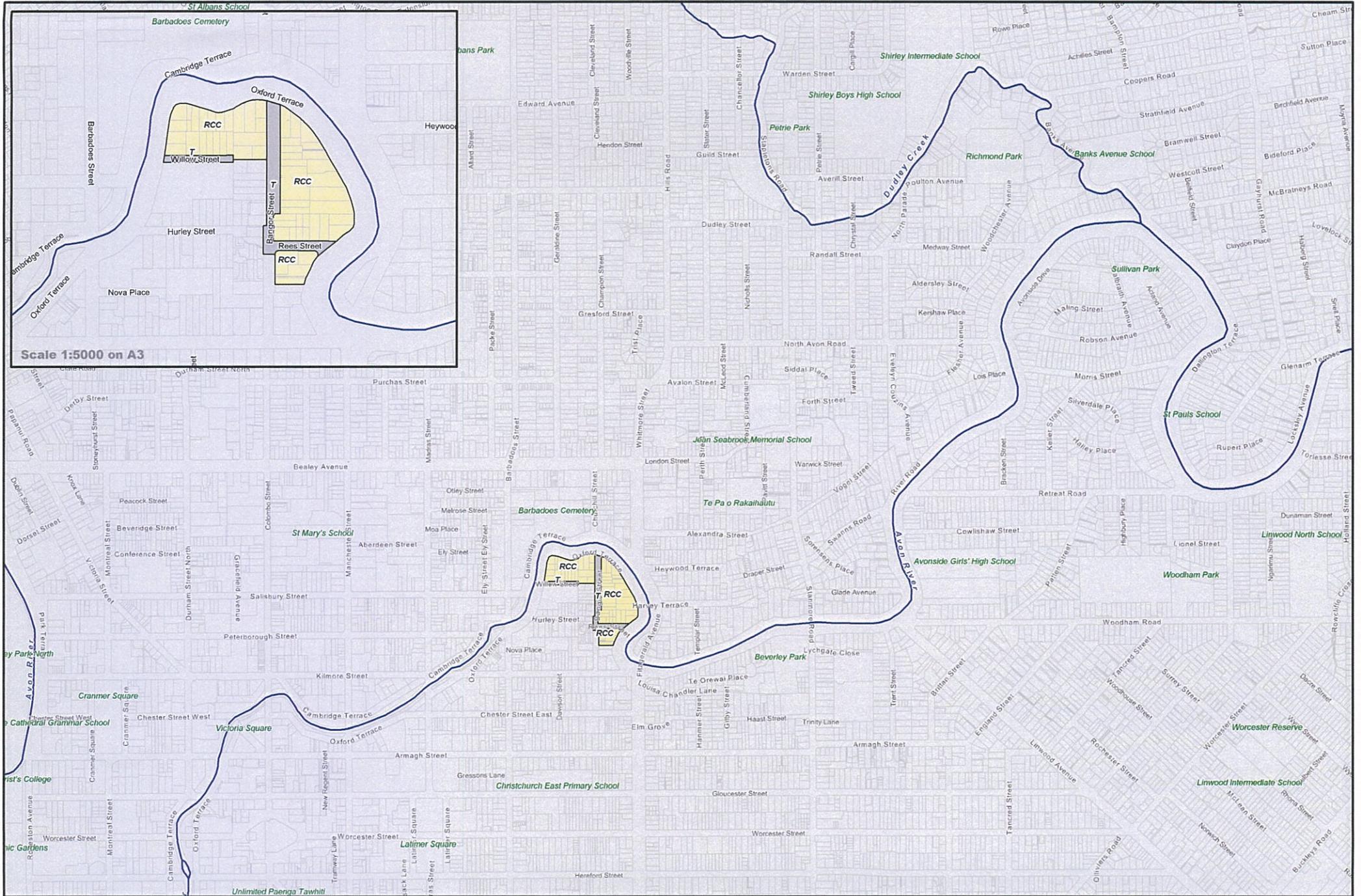
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SCHEDULE 2



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SCHEDULE 3



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