

Hearing Stream 7B

Questions from the Hearing Panel

Having read the Section 42A Report, the Hearing Panel has questions that they would appreciate being answered by the Section 42A Report author at the hearing, both verbally and written.

This is in the interests of running an efficient hearing.

Please note this list of questions is not exhaustive. The Panel members may well ask additional questions during the course of the hearing.

Paragraph or Plan reference	Question
Para 43	Section 6.5 provides recommendations only on PDP 325.240 and PDP 221.7. Please confirm these are the only two submissions not addressed under the PDP. That is, have all submissions discussed in paragraph 38 above now been considered?
Para 77	Since the s32 report, have any PDP District Wide matters been reconsidered as affecting the achievement of the MDRS density requirements?
Para 103	<p>Please identify where these submissions have been addressed, in particular the boundary concerns.</p> <p>In addition, you state in the Table after para 110:</p> <p><i>The Variation provisions ensure that the MDRS standards apply on the boundary of these zones, rather than the non-residential zone provisions.</i></p> <p>Please elaborate on what you mean by this.</p>
Para 105	Please complete your sentence.
Para 120	Which submissions and assessment in paragraphs 110-118 are these amendments to the PDP proposed?
Para 120 Bullet point 2	MRZ-BFS3 already is RDIS as notified under V1 (according to your colour coding system in Appendix A). Do you mean to change MRZ-BFS4?
Para 135	Please explain the difference between sub 80.19 Kainga Ora supporting the flood hazard qualifying matters and 80.57 Kainga Ora opposing the flood hazard qualifying matters.
Para 136	Please explain how the natural character of freshwater setbacks will apply as a qualifying matter.
Para 151	<p>You state:</p> <p style="text-align: center;"><i>I do not consider that a permitted activity rule provides sufficient protection for that historic heritage, so even if it</i></p>

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	<p><i>were possible, as it may be possible in some cases to undertake intensification alongside historic heritage, controls are needed through the resource consent process to ensure sufficient consideration of the historic heritage element occurs. I note the non-complying rules for demolition or significant alteration of historic heritage that have immediate legal effect.</i></p> <p>Would effects on historic heritage not be addressed through the provisions in the Historic Heritage Chapter, in addition to the medium density zone provisions?</p>
Para 160	Do you think the qualifying matter should apply to both subdivision and land use activities or just subdivision?
Para 162	It would be helpful for the Panel if Mr Mclennan can send a memorandum to the Panel to confirm this, so it can be placed on the record for the Panel's deliberations on the E&I Chapter submissions.
Para 163	Have you assessed these submissions and if so, where in your report?
Para 165	Bullet point 4 is incomplete
Para 172	<p>You state:</p> <p><i>Mr Yeoman's memorandum in Appendix G considers that as all demand within the District is for one and two storey buildings, with three-storeys not currently being feasible, and unlikely to be feasible in the medium to long term a qualifying matter limiting permitted activity building height to 8m or two-storeys will not have any effect on commercially feasible or realisable development capacity⁷. Thus, in the context of s77J(3)(b) and (c) there is no impact by limiting height to 8 metres or two storeys, as three storey development is not currently occurring nor is likely to occur. There are no ascertainable costs associated with this.</i></p> <p>Is the converse not true though? If there is no demand for three storey development, what is the economic harm of enabling three-storey development to occur? Our understanding of the height standard is that it permits not requires a maximum height of 12m.</p> <p>Could it also be the case that the apparent lack of demand for 3 storey units is due to the current (operative plan) regulatory rules framework (which Var 1 is seeking to address)?</p>
Para 176	Please explain exactly what circumstances have changed since the Council notified a 12m height under MRZ-BFS4 and you now

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	<p>recommending an 8m height limit? If no circumstances have changed, is it appropriate that the 12m height limit would continue to apply to those areas the Council had recommended be subject to a 12m height limit before the RM Enabling Housing Supply Amendment Act introduced the MDRS? Please also explain how this amendment would give effect to Policy 3(d) of the NPS-UD.</p>
<p>Paras 183 - 190</p>	<p>Please obtain and provide the Panel with legal advice as to whether the Council has scope to introduce a new Qualifying Matter that was not included in Variation 1 as notified? The evaluation you have undertaken relates to the inclusion of QMs to modify the MDRS when the IPI itself is notified, which must be set out in the s32 evaluation accompanying the IPI. The legal advice should also address whether your evaluation meets the relevant tests to be considered a site-specific matter across those parts of the District to which the MDRS apply.</p> <p>In respect of the second bullet point para 193, please provide an assessment against the national significance of urban development and the objectives and relevant policies of the NPS-UD.</p> <p>How does your recommendation align with the recommendations of the IHP in respect of PC14 to the Christchurch City District Plan?</p> <p>Have you also considered that the MDRS are enabling and do not require anyone to build up to their maximums? That is, the inclusion of the MDRS does not require people to build right up to their limits, and if the market does not exist within the MDZs for the type of development enabled by the MDRS, it most likely won't happen.</p>
<p>Para 219 and 224</p>	<p>The IHP is unclear as to whether you have addressed the submitter's point in respect of the change anticipated in the MDRS.</p>
<p>Para 227</p>	<p>Please advise where the RMA enables the MDRS objectives and policies to be amended as you recommend, and if it does allow amendment, what the relevant criteria are for such an amendment to occur. Please also consider whether this amendment is necessary given RESZ-P15. You may wish to seek legal advice in responding to this question.</p> <p>The IHP will be asking the submitter the same question.</p>
<p>Para 235</p>	<p>Do you mean no changes recommended except for changing the activity status to RDIS as per your paragraph 120?</p>
<p>MRZ-BFS3</p>	<p>You have recommended changing the activity status to RDIS. What are the matters of discretion that would then apply to this standard?</p>

Paragraph or Plan reference	Question
MRZ-BFS4	You have recommended changing the activity status to RDIS. What are the matters of discretion that would then apply to this standard?
V139.3 in Appendix B	Please explain what “probably reject” means and identify where you have addressed this point in your assessment.
Appendix E	In preparing your sunlight and shading assessment, did you also consider the s32 evaluation and regulatory impact assessment and any other supporting documentation that accompanied the Resource Management Enabling Housing Supply and Other Matters Amendment Act?
Appendix G	<p>Would amending the 12m MDRS height limit reduce the potential for residential development to this level to be realised, should market conditions change?</p> <p>What are the RMA effects-based reasons for reverting from 12m to 8m height limit in light of the s32 Report’s support for 12m height limit?</p> <p>Can you confirm the Panel’s understanding of your memo that there are no economic reasons for applying the proposed qualifying matter.</p>