

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: 7–14 September 2015

Date of decision: 11 March 2016

Hearing Panel: Hon Sir John Hansen (Chair), Dr Philip Mitchell, Mr Alec Neill and Ms Jane Huria

DECISION 17

**RESIDENTIAL (PART)
(AND RELEVANT DEFINITIONS AND ASSOCIATED PLANNING MAPS)**

Outcomes: Proposals changed as per Schedule 1

COUNSEL APPEARANCES

Mr J Winchester, Ms S Scott and Ms A Sinclair	Christchurch City Council
Mr C Carranceja and Ms Silcock	Crown
Ms P Steven QC	Anthony Pan and San Tsun Yu RJ and CB Sissons Bromac Lodge Limited Martin Harcourt Mercantile Trust
Mr A Schulte	Brent Falvey
Mr B Burke	GA and GY McVicar
Mr E Chapman	University of Canterbury
Mr H van der Wal	JM and MJ van der Wal
Mr L Hinchey	Ryman Healthcare Limited and The Retirement Villages Association of New Zealand Incorporated
Mr P Rogers	Fulton Hogan Land Development Limited
Ms A Dewar	Avoca Valley Limited
Ms H Marks	Kauri Lodge Rest Home
Ms J Appleyard	Orion NZ Limited Christchurch International Airport Limited
Ms J Crawford	Cathedral City Development Limited Castle Rock Limited
Ms J Hands	Bevan Pinnell

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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 the second hearing on Chapter 14, which was notified in Stage 2 of our hearings process.¹

[2] In this decision, the phrase ‘Notified Version’ describes the version notified by the Christchurch City Council (‘the Council’/‘CCC’) (submitter 2123) and to which, subsequent to consideration of submissions and conferencing, a number of changes were made. This was then ultimately produced in closing by the CCC as a red-line version (‘Revised Version’).²

[3] Where we refer to ‘Decision Version’, it is our redrafting of the Revised Version, as set out in Schedule 1, which will become operative upon release of this decision and the expiry of the appeal period.

[4] This decision follows our hearing of submissions and evidence. 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

[5] As this is the second part of the Residential Chapter, wherever relevant, we adopt and concur in our Stage 1 Residential decision.⁴

Effect of decision and rights of appeal

[6] Our procedure and the rights of appeal are set out in our earlier decisions.⁵ We concur in those.

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

² Attachment A to closing legal submissions of Council, 14 September 2015.

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

⁴ Residential (Part) (and relevant definitions and associated planning maps) — Stage 1, 10 December 2015.

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

Identification of parts of existing district plans to be replaced

[7] 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 Banks Peninsula District Plan and existing Christchurch City Plan that are impacted by our decision.

[8] As a matter of precaution, we do not propose to replace the existing provisions in the operative plans until such time as we are sure that those provisions are no longer required. We note that the vast majority of Residential sites will no longer be zoned in the existing plans, as the planning maps will have been replaced by this and our Stage 1 Residential decision.

PRELIMINARY MATTERS

Conflicts of interest

[9] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.⁶ 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.

⁶ The website address is www.chchplan.ihp.govt.nz.

REASONS

STATUTORY FRAMEWORK

[10] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.⁷ Our Stage 1 Residential decision set out the relevant statutory framework which also applies to this decision.⁸

[11] No issue was taken with all but one of the higher order documents we must take into account and give effect to. We address this below.

Issue taken with higher order document

[12] Some submitters took issue with the meaning and effect of part of the Canterbury Regional Policy Statement ('CRPS').

[13] In relation to this one matter, only four submitters took a different view from the Crown (2387, further submitter 2810), CCC and all other represented submitters. This matter related to Map A at page 64 of the CRPS, and the objectives and policies that refer to it. The areas shaded grey on that map show the existing urban area pre-2011 for Greater Christchurch and parts of Banks Peninsula, and the settlements within the territorial districts of the Waimakariri and Selwyn District Councils. Residential Greenfield Priority Areas are marked in green, and Business Greenfield Priority Areas are marked in blue. In relation to the four submitters just referred to, we are concerned only with the Residential Greenfield Priority Areas for Greater Christchurch. We set out those parts of the CRPS relevant to these submissions.

⁷ OIC, cl 12(1).

⁸ 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.

[14] Objective 6.2.1 reads, where relevant:

Objective 6.2.1 – Recovery Framework

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

- (1) identifies priority areas for urban development within Greater Christchurch;
- ...
- (3) *avoids* urban development *outside of existing urban areas or greenfield priority areas* for development, *unless expressly provided for in the CRPS*.

[our emphasis]

[15] A number of policies are then identified to implement the overall objective, and the reader is given principal reasons and explanations. For this objective they read:

Principal reasons and explanation

The purpose of this objective is to provide for an outcome where appropriate urban development is enabled *within specified spatial areas around Greater Christchurch, so that resources can be focused on rebuilding, and delivering growth and recovery to those priority areas*. This provides certainty to all resource users as to locations for development, enabling long-term planning and funding for strategic, network and social infrastructure (such as schooling and healthcare), and protection of Greater Christchurch's natural and physical resources.

The recognition of existing constraints in terms of natural and physical resources is a critical part of successful growth management. This objective identifies the key elements of natural and physical resources in Greater Christchurch that must be protected in order to ensure that harm to the natural environment is minimised.

[our emphasis]

[16] Policy 6.3.1, where relevant, reads:

Policy 6.3.1 – Development within the Greater Christchurch area

In relation to recovery and rebuilding for Greater Christchurch:

- (1) give effect to the urban form identified in Map A, *which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery*;
- ...
- (3) enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;

- (4) *ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS.*

[our emphasis]

[17] Under ‘Methods’, the CRPS states the Canterbury Regional Council (‘CRC’/‘Ecan’):

Will

- (2) *Initiate any changes required to Map A of the CRPS where monitoring indicates a need for further greenfield priority areas to be included to enable the release of new greenfield land, prior to the review of the CRPS.*

[our emphasis]

[18] It continues:

Territorial authorities:

Will

- (3) *Provide for the rebuilding and recovery of Greater Christchurch in accordance with the Land Use Recovery Plan for Greater Christchurch, Policy 6.3.1 and Map A, by including in district plans objectives, policies and rules (if any) to give effect to the policy.*

[our emphasis]

[19] The methods continue:

Local authorities:

Should

- (6) Provide for sequencing, provision and funding of infrastructure that supports the pattern of settlement in Map A, including through changes to the CRPS, provisions in district plans, regional plans, the Regional Land Transport Strategy, Long Term Plans, other infrastructure plans, and any relevant strategic planning documents, whether prepared under the Local Government Act 2002, the Resource Management Act 1991 or the Land Transport Management Act 2003.

[20] Under ‘Principal reasons and explanation’, it states:

Map A shows existing urban areas and priority areas for development for Greater Christchurch. These areas are identified as being required to provide sufficient land zoned for urban purposes to enable recovery and rebuilding through to 2028. The Policy and Map A provide a clear, co-ordinated land use and infrastructure framework for the recovery of Greater Christchurch.

To ensure that recovery resources are managed efficiently and sustainably, the provisions identify where certain types of development can take place, and where they cannot take place. The provisions also recognise that specific activities are provided

for outside of urban areas elsewhere in the CRPS, such as papakāinga housing and marae under Policy 5.3.4 and educational facilities where no other practicable options for locating the facility exist. It is anticipated that established urban activities located outside of the identified urban area will be able to continue to operate their activities, with any expansion considered on a case-by-case basis.

[our emphasis]

[21] The reference to papakāinga housing and marae under Policy 5.3.4 and educational facilities refers back to the last words of sub-paragraph (4) of Policy 6.3.1, “unless they are otherwise expressly provided for in the CRPS”. Those two matters have no relevance to the argument we need to consider.

[22] Of peripheral relevance is Policy 6.3.5 — Integration of land use and infrastructure, sub-paragraph (4), which reads:

- (4) Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A...

[23] Of particular relevance is Policy 6.3.7, which reads, where relevant:

Policy 6.3.7 — Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

- (1) Subject to Policy 5.3.4, residential greenfield priority area development *shall* occur in accordance with Map A. ***These areas are sufficient for both growth and residential relocation through to 2028.*** [our emphasis]

[24] Under methods, the territorial authorities:

Will

- (1) Include in district plans objectives, policies and rules (if any) to give effect to Policy 6.3.7.

[25] Under Policy 6.3.7’s principal reasons and explanation, at page 59, the relevant section can be found in the second paragraph, which reads:

Accommodating the increased demand for households can be achieved... through greenfield expansion into priority areas...

[26] On its face, the provisions of the CRPS mean that residential development should not take place outside of existing urban areas, except for those areas that are identified as Greenfield Priority Areas.

[27] Where, in this decision, we have used the term “greenfield”, we refer to undeveloped urban land that is located in a Greenfield Priority Area for future urban residential or business development on Map A in Chapter 6 of the Canterbury Regional Policy Statement, as is defined in our Stage 1 Introduction and Definitions decision. A significant number of submitters sought relief so that land they owned outside the delineated existing urban area, and not included in Greenfield Priority Areas, could be rezoned Residential, i.e. for greenfield development. As noted above, all but four of the submitters accepted that if the Panel was to give effect to the CRPS, it had to avoid residential development outside the urban areas or not included in the Map A Greenfield Priority Areas. Nonetheless, those submitters asked that we make an indication on the merits in relation to the relief they sought. We will turn to that in due course.

[28] Four of the submitters, Castle Rock Limited (2168, 2169, FS2768), represented by Ms Crawford; Brent Falvey (2250), represented by Mr Schulte; Avoca Valley Limited (2473), represented by Ms Dewar; and Mr van der Wal, a solicitor, but appearing for his own personal interests (JM & MJ van der Wal (2167)), maintained that there was scope and flexibility within the CRPS to give the Panel the ability to rezone to Residential as sought. In relation to a number of submitters, the CCC accepted that, based on the merits, Residential zoning was appropriate. The CCC obviously addressed the merits to assist the Panel in the event we did not accept their submission on the Map A point.

[29] Mr van der Wal, while not accepting the apparent restriction of the CRPS, nonetheless abided by the decision of the Panel.

[30] It is necessary, therefore, to turn and consider the submissions made by Ms Crawford and Mr Schulte, supported by Ms Dewar.

[31] Ms Crawford acknowledged that regional policies can contain mandatory directives to territorial authorities. This is clearly correct. As long ago as *Auckland Regional Council v North Shore City Council*, Cooke J (as he then was) stated at 23:⁹

⁹ *Auckland Regional Council v North Shore City Council* [1995] 3 NZLR 18 (CA).

It is obvious that in ordinary present day speech a policy may be either flexible or inflexible, either broad or narrow. Honesty is said to be the best policy. Most people would prefer to take some discretion in implementing it, but if applied remorselessly it would not cease to be a policy. Counsel for the defendants are on unsound ground in suggesting that, in every day New Zealand speech or in Parliamentary drafting or in etymology, policy cannot include something highly specific...

A well-meant sophistry was advanced to bolster the argument. It was said that the [RMA] in Section 2(1) defines “rule” as a district rule or a regional rule, and that the scheme of the [RMA] is that “rules” may be included in regional plans (Section 68) or district plans (67) but not in Regional Policy Statements. That is true. But it cannot limit the scope of a Regional Policy Statement. The scheme of the [RMA] does not include direct enforcement of Regional Policy Statements against members of the public. As far as now relevant, the authorised contravention procedures relate to breaches of the rules in district plans or proposed district plans (section 9 and part xii generally). Regional Policy Statements may contain rules in the ordinary sense of that term, but they are not rules within the special statutory definition directly binding on individual citizens. Mainly they derive their impact from the stipulation of Parliament that district plans may not be inconsistent with them.

[32] Ms Crawford then submitted, correctly, that to “give effect to” the CRPS simply means to “implement”. She accepted that on its face what we are concerned with is strongly directive, but submitted the implementation of such a directive will be affected by what it relates to and the context in which the underlying policy was developed.

[33] She distinguished the circumstances here from that considered in *King Salmon*.¹⁰ She said the preparation of Map A and the associated regional policies arose out of an exceptional post-earthquake environment, and were imposed in amendments made under ministerial direction. She submitted that this extinguished existing appeal rights and, therefore, the rigour required by Part 2 of the RMA and the First Schedule process had not been applied. She submitted that this raised questions of procedural fairness.

[34] She said in this case, and a number of other cases, the CCC agreed on the merits of the site-specific rezoning request but claimed “its hands are tied”.¹¹ She said this was a case when the higher order policy documents relied on were never properly tested under normal RMA processes, as compared with *King Salmon*.

¹⁰ *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited* [2014] NZSC 38, (2014) 17 ELRNZ 442, [2014] NZRMA 195.

¹¹ Closing submissions for Castle Rock Limited at 3.5.

[35] At 3.6 of her closing legal submissions, she submitted:¹²

... this Panel must surely have the discretion to give effect to the higher order policy document (read as a whole) in a way that achieves sustainable management, without feeling completely bound by the relatively prescriptive wording of a policy within that document in circumstances where the mapping is, quite frankly, suspect and is now under review.

[36] Ms Crawford further submitted that the use of the term ‘avoid’ does not mean ‘prohibit’.¹³

[37] Her submission continued that she did not accept the CCC position of the possible cumulative effects, and that no precedents would be created, because the individual applications were of small scale.

[38] She criticised the, unappealed, Strategic Directions Policy 3.3.7 as mirroring the CRPS. She said because the Land Use Recovery Plan (‘LURP’) was under review, the Panel has fallen into the trap of applying prescriptive policy that may well be found to be redundant in a matter of months. Accordingly, she submitted the Panel had jurisdiction to make the amendments to zoning sought by her clients.

[39] Finally, she submitted that in the event we did not accept that position, it was appropriate to make findings on the merits of the rezoning applications which could provide a factual foundation to enable rezoning of these sites when the LURP review is completed, or at some appropriate future date. Ms Crawford contrasted the process that was undertaken that led to the LURP in Chapter 6 of the CRPS with the New Zealand Coastal Policy Statement (‘NZCPS’) being considered in *King Salmon*. She said in the *King Salmon* case it is clear that substantive investigation and hearings had led to the NZCPS, unlike what occurred in the development of the LURP and Chapter 6 of the CRPS.

[40] Ms Crawford’s submissions were also adopted by Ms Dewar on behalf of Avoca Valley Limited, but there were no additional significant submissions.

¹² Closing submissions for Castle Rock Limited.

¹³ Closing submissions for Castle Rock Limited at 3.10, referring to the view expressed by the Environment Court in *Man O’War Station v Auckland Council* [2013] NZEnvC 233 at [48].

[41] Mr Schulte, on behalf of Mr Falvey, also advanced a similar argument. His submission was encapsulated in paragraph 4 of the written submission as follows:¹⁴

The matter I question is the giving of the urban limit line the character of an environmental bottom line, as that concept is understood from the Supreme Court’s decision in *[King Salmon]*. In particular, must a bottom line be assumed where it cannot be shown that provisions have been assessed “in accordance with” Part 2 of the RMA?

[42] He noted the CCC distanced itself from relying on that decision, and while accepting it may be distinguishable on the facts, it provides authoritative commentary, in his submission, on the application of the purpose, principles and scheme of the RMA that remain relevant to the RDP process. He, therefore, questioned whether the concept of “give effect to” or “not acting inconsistently with” any earthquake recovery plan requires an absolute and rigid adherence to the “urban limit” and Map A lines.¹⁵

[43] He submitted, following the standard Interpretation Act 1999 approach, it is necessary to look at the text and purpose of the relevant provisions, place them in context and ask the question:¹⁶

does “giving effect to”, or “not acting inconsistently with”, the relevant provisions *require* the strict application of the urban limit line in all circumstances?

[44] On behalf of the submitter, he accepted that hurdles existed in respect of the relief, but submitted whether they can be overcome depended on the answers to the following questions:

- (i) whether Chapter 6 of the CRPS was prepared “in accordance with Part 2” of the RMA and therefore subsumes Part 2 considerations;
- (ii) if the answer is “no”, then on a purposive approach to interpretation can the Panel consider the extent to which this relief is consistent with both the CRPS and Part 2 of the RMA?

[45] Mr Schulte submitted that a broad judgment approach is available when considering the application of the CRPS in order to give effect to Part 2 of the RMA, and the relief sought accords with Part 2 of the RMA.

¹⁴ Closing submissions for Brent Falvey.

¹⁵ Mr Schulte referred to the “urban limit” line as the line shown in Map A of Chapter 6 to the CRPS, at paragraph 3.1 of his closing submissions. “Urban limit” is not a term used in the CRPS.

¹⁶ Ibid, para 7.

[46] He submitted that as a regional policy statement would normally be prepared in accordance with the provisions of Part 2 of the RMA, as confirmed in *King Salmon*, further recourse to Part 2 as would occur in a broad judgment approach is unnecessary. But integral to that decision, he submitted, the process by which provisions are promulgated and tested and made operative needs to be considered. He said the NZCPS in that case did not need to be re-examined because of the process that had been undertaken in promulgating the NZCPS.

[47] He contrasted that with the situation with Chapter 6 of the CRPS, which he accepted arose from the necessities following the Canterbury earthquake sequence and the enactment of the Canterbury Earthquake Recovery Act 2011 ('CER Act'). Because of that, the preparation of the LURP, which inserted Chapter 6 of the CRPS, did not follow the process under Schedule 1 of the RMA and was not assessed under s 32 of that Act.

[48] He accepted this was mandated by the CER Act, and the lawfulness of that process was not open to challenge. But he said the Act is silent as to the substantive effect of the provisions in respect of the purpose and principles of Part 2 of the RMA.

[49] He referred to the Environment Court decision in *Canterbury Cricket Association Incorporated*,¹⁷ which, when considering the impact of s 23 of the CER Act, observed:¹⁸

Section 23(1) CER Act has no wider effect as argued by some of the parties. Section 23(1) concerns a decision on an application and not the application per se or its assessment. That is to say section 23(1) does not override the statutory purpose and principles of the RMA. There is nothing in the CER Act or the [central city] recovery plan that indicates this purpose and we consider such an interpretation to be both untenable, and wholly unworkable in practice.

[50] Similarly, it is submitted there is nothing in the CER Act or the LURP that suggests the purpose and principles of the RMA have been overridden. Mr Schulte submitted, therefore, there was no justification for assuming Chapter 6 of the CRPS has been prepared in accordance with Part 2.

[51] He submitted that, while the Replacement Plan must give effect to the RPS, it must also be prepared in accordance with Part 2 of the RMA. He noted an inter-relationship between these requirements, that in "giving effect" it is not necessary for a subsequent decision-maker

¹⁷ *Canterbury Cricket Association Incorporated* [2013] NZEnvC 184.

¹⁸ *Ibid*, at [54].

to revisit Part 2 and perform a further judgment exercise. Again, he stressed the Supreme Court in *King Salmon* identified the elaborate process gone through before the Minister could issue the NZCPS, and the measure of control provided to the Minister by the NZCPS that makes it difficult to see why the RMA would require regional councils to go back to Part 2.

[52] He referred to three caveats in *King Salmon*,¹⁹ concerning himself with the third, “uncertainty as to the meaning of particular policies”. He submitted this third caveat, which must include how policies should be applied, was rejected in the *King Salmon* case only on the basis that the NZCPS gave substance to Part 2 considerations, which was a mixed question of fact and law. But he said here, the presumption cannot be sustained in respect of the meaning and application of the urban limit, because giving effect to Chapter 6 of the CRPS is not in accordance with Part 2, and such a rigid application cannot be said to be justified as an environmental bottom line, particularly when the purpose behind the provision is otherwise implemented.

[53] He submitted if recourse to Part 2 is allowed, then an element of discretion or judgment remains which may allow a solution to what he described as anomalous situations. He said the decision-maker would still need to be satisfied on the merits that the proposed solution does not better achieve the purposes of the Act. He submitted that acting in a way not inconsistent with the LURP/Chapter 6 of the CRPS is still required, but it is arguable that Parliament intended that, when considering recovery plans, the appropriate standard to be applied should go no further than “not inconsistent with”, as indicated by s 23(1) of the CER Act. He submitted Chapter 6 of the CRPS is currently still part of the recovery plan, and all that is required is that any decision is “not inconsistent with” that plan or Chapter 6 of the CRPS. He said that the Environment Court in *Canterbury Cricket* further observed:²⁰

When used in section 23(1) “inconsistent” is a standard (or, if you like, a measure). Whether a decision is inconsistent with the Recovery Plan is a question of scale and degree and is to be judged in the particular circumstances of the case.

[54] He continued that taking “not inconsistent with” as the applicable standard, it is capable of being satisfied on a broad judgment basis without an environmental bottom line giving substance to Part 2 having been created. He submitted that the phrase “not inconsistent with” suggests a broader approach.

¹⁹ Ibid, at [88].

²⁰ *Canterbury Cricket* at [51] (Mr Schulte’s submissions incorrectly ascribed this quotation to [55] of that decision).

[55] Next, Mr Schulte referred to Objective 3.3.7, which he accepted mirrors Chapter 6 of the CRPS, but noted it did not use the term “avoid” itself. Relying on the Interpretation Act 1999 in the Court of Appeal decision in *Powell v Dunedin City Council*,²¹ he submitted that the words must also be viewed “in light of their purpose”.

[56] Accordingly, he said the CRPS must be read as a whole and other relevant documents taken into account.

[57] He noted the mention of certainty, but stressed that it must relate to all resource users, and an interest in land should also be capable of certainty of use that, in the context of the RMA, enables provision for social, economic and cultural wellbeing and the efficient use and development of natural and physical resources.

[58] He submitted the practical effect of rezoning his client’s land Residential will be that all the reasons that inform the need to limit development, including infrastructure constraints, transport efficiency issues, the efficient use of natural and physical resources, the protection of those resources, and the avoidance of hazards will be achieved. In other words, the purpose of avoidance will be given effect to.

[59] He submitted that, even if the Panel reached the view that it found itself bound to apply the “urban limit” line, there was the possibility of using deferred zoning applied in appropriate cases, which would be lifted if the position of the urban limit line was altered.²²

[60] On the merits, he submitted that, based on the evidence, he adduced the land should be rezoned Residential. He pointed out it was subdivided in 1924 as part of an original subdivision scheme for Waimairi Beach, and it is separated from its neighbours by a road, but it adjoins those properties. It is not an anomaly, and the situation of his client’s land can be seen as exceptional. He said the land is not, and has not been for over 90 years, part of Bottlelake Forest, which is relevant to the neighbours’ comments regarding the expectations of no development on the land. He also pointed out that the neighbours complained about possible impact on their views, and submitted that there is “no property in a view”. He rejected Mr Pinnell’s internet petition, as it did not mention the location of the land, the fact that it is

²¹ *Powell v Dunedin City Council* [2004] 3 NZLR 721 (CA).

²² See n 15.

privately owned and only covers 599 m².²³ It had no detail of Mr Falvey's intention of what he hoped to do with the land, including landscaping and an access plan for the paper road.

[61] On Part 2 on the merits he submitted:

59. Given that:

- 59.1 Both planners giving evidence to the Panel tend to the view that the residential zoning could better achieve the purpose of the Act;
- 59.2 The residential zoning would be the most efficient use of the land;
- 59.3 Rezoning the land will not have significant adverse effects on rural or residential amenity; and
- 59.4 Any other adverse effects can be remedied or mitigated (such as reverse sensitivity),

then rezoning the land residential would be the most appropriate outcome to achieve the purpose of objective 3.3.7 and give substance to Part 2 of the RMA.

[62] Ms Scott, on behalf of the CCC, took a more direct approach and submitted that the Panel should simply give the words in the CRPS their plain and obvious meaning in giving effect to the CRPS.²⁴ She submitted the general principle of interpreting plan provisions is that the plain ordinary meaning of words must, where possible, be applied, together with a purposive interpretation having regard to the total context of the words and the purpose of the plan. She submitted such an approach aligns with the Interpretation Act, as Mr Schulte submitted.

[63] She further submitted that none of the authorities referred to by Ms Crawford and Mr Schulte are authority for the Hearings Panel to bypass the clear words of the objective, policy and Map A of Chapter 6 of the CRPS: i.e. development beyond the existing urban areas and Greenfield Priority Areas on Map A is to be avoided. She submitted the position taken by Ms Crawford and Mr Schulte was novel and there was no higher authority to support it.

[64] In relation to Chapter 6 of the CRPS, Ms Scott submitted there were no competing interpretations, nor was there any conflict amongst the various objectives and policies of the chapter when read as a whole. She said there is no need to look behind the wording of Chapter 6 of the CRPS as to how it was prepared.

²³ Bevan Pinnell, further submission 2838.

²⁴ Supplementary closing submissions for the CCC, 18 September 2015.

[65] She said Mr Schulte’s submission appears to change the statutory test of “give effect to”, to “be consistent with” the CRPS. She submitted that s 75(3) of the RMA requires the Panel to “give effect to” the CRPS, this means implement and it must be applied by the Hearings Panel.²⁵

[66] She further submitted that Mr Schulte’s reliance on the third caveat of *King Salmon* was incorrect. She said in this case there was no uncertainty whatsoever as to the meaning of the particular policies, as the meanings are clear by reference to Chapter 6 of the CRPS, particularly Objective 6.2.1, Policy 6.3.1 and Map A. The prescriptive interpretation required by the objectives and policies and map are supported by the explanatory text.

[67] Ms Scott referred to Mr Schulte citing from *Powell v Dunedin City Council* and relying on it as authority for the need to consider how Chapter 6 came into the CRPS. She said this goes further than the ratio of the case, which was simply that, while it was appropriate to seek the plain meaning of a rule from words themselves, it is not appropriate to undertake that exercise in a vacuum. She submitted that case goes only so far as confirming that the immediate context would include other objectives, policies and methods and whether any obscurity or ambiguity arises. In such cases it may be necessary to refer to other sections of the plan and the objectives and policies of the plan itself. It does not give authority, she submitted, for considering how the plan (or statement) came to be operative.

[68] She further submitted that if the history of Chapter 6 of the CRPS is relevant, it supports the prescriptive submission that the CCC relies on. She said the provisions of Chapter 6 are similar to what was proposed in Plan Change 1 to the CRPS (‘PC1’), albeit more prescriptively.²⁶ She said the urban limits policy was assessed in terms of s 32 (albeit the pre-2013 version of s 32), where submitters sought inclusion or exclusion from within the urban limits and they went through a hearing process presided over by experienced independent commissioners who upheld that approach. She said that such limits were not ultimately tested and confirmed by the Environment Court, but she went further and said it could not be denied

²⁵ Closing submissions for the Council; Supplementary closing submissions for the CCC.

²⁶ PC1 was a proposed plan change to the CRPS that was notified prior to the earthquakes in the form of ‘Chapter 12 A Development of Greater Christchurch’. PC1 was revoked by the Minister for Earthquake Recovery pursuant to s 27(1)(a) of the CER Act on 9 December 2013, following the insertion of Chapter 6 to the CRPS in accordance with the LURP (<http://cera.govt.nz/news/2013/public-notice-revocation-of-proposed-change-1-to-the-canterbury-regional-policy-statement-9-december-2013>).

that the substance of the policy had been tested against s 32 and Part 2 of the RMA, contrary to Mr Schulte’s closing submissions.

[69] She further submitted that such history was well known to the Minister when he made the directions in the LURP to insert Chapter 6 into the CRPS and revoke PC1. She said no-one had challenged his decision as being unlawful and unreasonable, and submitted that there was no basis to go behind it. In the CCC’s submission, how the RMA document was “made” should not affect how it was interpreted, where no parties dispute that a plain ordinary meaning, together with a purposive interpretation, is available. She submitted that many higher documents become operative without going to appeal, therefore, without being tested in the manner in which Mr Schulte suggested was necessary.

[70] Ms Scott submitted that this was not a forum for submitters to be appealing or seeking again to challenge or change Chapter 6 of the CRPS. She acknowledged the long history through PC1 and the subsequent Environment Court proceedings, ministerial intervention, litigation,²⁷ and finally through the LURP. She said that there was a review of the LURP underway at the present time, and the rezoning submitters are involved in that process. She said if this shows a recognised need to amend the CRPS, the relief sought by submitters can be entertained in that process.

[71] Finally, she referred to the Strategic Directions Objective 3.3.7, which she said Mr Schulte and Ms Crawford did not address in detail, focusing on the CRPS itself. She submitted that this decision shows that the Panel was mindful of the relatively prescriptive directions given on urban growth and form matters by the CRPS, and the Panel’s decision clearly records that in the development of the Strategic Direction objectives, including 3.3.7, the Panel had undertaken its own s 32AA RMA evaluation, including consideration of whether the objective is the most appropriate for achieving the RMA’s purpose.²⁸

[72] The Crown, and Ms Hands (on behalf of Bevan Pinnell (2838)), supported the CCC’s interpretation and said that Map A was a “hard boundary”. We need not address these submissions further.

²⁷ *Independent Fisheries Limited v Minister for Canterbury Earthquake Recovery* [2012] NZHC 1810; *Canterbury Regional Council v Independent Fisheries Limited* [2012] NZCA 601; *Independent Fisheries Ltd v Minister for Canterbury Earthquake Recovery* [2014] NZHC 2810.

²⁸ Supplementary closing legal submissions for Christchurch City Council on the Residential (Part) Stage 2 Proposal, 18 September 2016, para 2.14.

Discussion

[73] In our view, the starting point is the CER Act. Central Government needed to respond urgently to the devastating effects of the Canterbury earthquake sequence. The exceptional legislative response was the CER Act. It gave the Minister for Canterbury Earthquake Recovery extraordinary powers. But, as noted in the *Independent Fisheries* case,²⁹ these were balanced by the provisions of the Act.

[74] Sections 6 and 7 require input into decision-making by community and cross-party forums. Section 8 sets out the functions of the Minister. Of relevance:

- (b) recommending for approval a Recovery Strategy for greater Christchurch under section 11:
- (c) reviewing the Recovery Strategy and approving any changes to it under section 14:
- (d) directing the development of, and matters to be covered by, Recovery Plans for all or part of greater Christchurch under section 16:
- (e) approving Recovery Plans and the review and changes to them under sections 21 and 22:
- (f) suspending, amending, or revoking the whole or parts of RMA documents, resource consents, and other instruments applying in greater Christchurch in accordance with section 27.

[75] Section 10 requires that the exercise of the Minister’s powers must be in accordance with the purposes of the Act. Sections 12–14 deal with the process, notification and changes to a recovery strategy. Section 15 requires that no RMA document, “...may be interpreted or applied in a way that is inconsistent with the recovery strategy”. Subsection 3 provides that no provision of a recovery strategy incorporated in an RMA document may be reviewed, changed or varied under Schedule 1 of the RMA.

[76] Section 16 deals with recovery plans generally, and reads:

- (1) The Minister may direct 1 or more responsible entities to develop a Recovery Plan for all or part of greater Christchurch for his or her approval.
- (2) The direction must specify the matters to be dealt with by the Recovery Plan, which matters may include provision, on a site-specific or wider geographic basis within greater Christchurch, for—

²⁹ *Canterbury Regional Council v Independent Fisheries Limited* [2012] NZCA 601.

- (a) any social, economic, cultural, or environmental matter:
 - (b) any particular infrastructure, work, or activity.
- (3) A responsible entity may request that the Minister direct it to develop a Recovery Plan.
- (4) Where the Minister directs the development of a Recovery Plan, he or she must ensure that the direction is notified in the *Gazette* together with a list of all other Recovery Plans being developed or in force.

[77] Section 18 requires that a recovery plan must be consistent with a recovery strategy, even though it may be developed and approved before the recovery strategy is approved. Section 19 allows the Minister to determine how recovery plans are to be developed subject to ss 17 and 20, including requirements as to consultation or public hearings. Section 20 requires the public notification of draft recovery plans, and s 21 deals with the approval of recovery plans as follows:

- (1) Following the development and consideration of a draft Recovery Plan, the Minister may—
 - (a) make any changes, or no changes, to the draft Recovery Plan as he or she thinks fit; or
 - (b) withdraw all or part of the draft Recovery Plan.
- (2) The Minister may approve a Recovery Plan having regard to the impact, effect, and funding implications of the Recovery Plan.
- (3) The Minister must give reasons for any action taken under subsection (1) or (2).
- (4) The Minister must, as soon as practicable after deciding to approve a Recovery Plan under subsection (2),—
 - (a) give notice in the Gazette of the issuing of the Recovery Plan and where it can be inspected; and
 - (b) publicly notify the Recovery Plan in whatever form he or she thinks appropriate; and
 - (c) present a copy of the Recovery Plan to the House of Representatives.

[78] Section 23(1) requires that this Panel does not act inconsistently with the recovery plan on and from its notification.³⁰

³⁰ OIC, cl 14(4)(c) extends the application of s 23 of the CER Act to this Panel.

[79] Section 24 requires councils to amend a Resource Management Act document if a recovery plan directs so.

[80] Section 27 gives the Minister power by public notice to suspend, amend or revoke an RMA document so far as it relates to an area within Greater Christchurch. This administrative function would be subject to review. Subject to the limited extent noted later, the only such challenge was unsuccessful.

[81] Before the LURP was developed, Independent Fisheries Limited challenged decisions made by the Minister. The High Court determined that the matters at issue were beyond the scope and the purposes of the CER Act.³¹ The Court of Appeal disagreed, stating:³²

[164] ... we have also concluded that the two decisions were invalid because, in exercising his power under s 27 of the Act, the Minister failed to consider whether it was necessary to proceed by way of s 27 rather than by way of the Recovery Strategy and/or Recovery Plans. We therefore agree with the result in the High Court, but not with all of the Judge's reasons for reaching that result.

[165] We have accepted the submissions for the Minister and the Councils that decisions designed to achieve planning certainty for greater Christchurch may be in accordance with the purposes of the Act. Our decision, however, is based on the absence of evidence that the Minister reasonably considered the alternatives to proceeding in October 2011 by way of his discretionary power under s 27 rather than by way of the mandatory Recovery Strategy and Recovery Plans, which involved public participation and which were likely to overtake the s 27 decisions in any event. In these circumstances it has not been necessary to decide whether all the content of chapter 12A is in accordance with the purposes of the Act.

[166] Whether the Minister wishes to reconsider his decisions in light of this judgment or proceed in a different manner, such as by way of the proposed Land Use Recovery Plan, is for the Minister to decide.

[82] As a consequence of this decision, the Minister instituted the LURP, which came into effect on 6 December 2013. As a consequence of the LURP, Chapter 6 was inserted into the CRPS.

[83] Since then there has been a further challenge by Independent Fisheries, which was unsuccessful.³³ This was a limited challenge in that it related only to the insertion of the airport noise 50 dB contour line. That review failed, and although a notice of appeal was lodged

³¹ *Independent Fisheries Limited v Minister for Canterbury Earthquake Recovery* [2012] NZHC 1810.

³² *Canterbury Regional Council v Independent Fisheries Limited* [2012] NZCA 601.

³³ *Independent Fisheries Ltd v Minister for Canterbury Earthquake Recovery* [2014] NZHC 2810.

against Gendall J’s decision, that has subsequently been abandoned. No other challenges were made to the LURP or to Chapter 6 of the CRPS that we are aware of.

[84] The history of the development of the LURP is more fully set out in Gendall J’s decision.³⁴ We gratefully concur in his analysis.

[85] This review of the Act confirms to us that it was an exceptional response to the extraordinary circumstances of Christchurch.

[86] For the sake of completeness, we also note that paragraph 2.2(a) of the Minister’s direction pursuant to s 16 reads:

Matters to be dealt with:

- (a) Identification of location, type and mix of residential and business activities within specific geographic areas necessary for earthquake recovery...

[87] If the Minister seeks to revoke, suspend or amend any RMA document, he needs to do so in accordance with the CER Act, not the RMA. Similarly, in the development and completion of recovery plans, the requirement is to comply with the CER Act.

[88] Both Ms Crawford and Mr Schulte in their submissions accepted the lawfulness of the LURP and Chapter 6 of the CRPS. They denied any challenge to it. However, it seems to us that the submissions advanced are in fact an indirect attack on the lawfulness of Chapter 6 of the CRPS.

[89] If, for example, their arguments are correct, and submissions and requests such as their clients’ need to be exposed to a Part 2 RMA assessment, the whole purpose of the Act and its focus on recovery is undermined. It is clear one of the requirements is to provide certainty for Christchurch’s recovery.

[90] Further, our OIC requires certainty. We are satisfied that certainty would be removed by adopting the process contended for by Ms Crawford and Mr Schulte.

³⁴ At [33]–[44].

[91] Turning now to the CRPS, the language, as accepted by Ms Crawford and Mr Schulte, is prescriptive. However, it is necessary for us to work through those relevant matters of the CRPS. We have set these out earlier, but will stress again the relevant objectives and policies. Objective 6.2.1, at (1) and (2), requires the identification of priority areas for urban development within Greater Christchurch and also requires the avoidance of urban development outside of existing urban areas or Greenfield Priority Areas for development unless expressly provided for in the CRPS. No-one has suggested that the individual requests for residential rezoning are somehow expressly provided for in the CRPS, and that can be set aside.

[92] The relevant policy is 6.3.1. Sub-clause (1) requires the giving of effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery rebuilding and planning for the future.

[93] Sub-clause (4) requires us to “ensure new urban activities **only** occur within existing urban areas or identified Greenfield Priority Areas as shown on Map A...” [our emphasis].

[94] This is highly directive. As to methods, at (3) it requires territorial authorities to provide for the rebuilding and recovery in accordance with the LURP for Greater Christchurch, this policy and Map A, by including in district plans, objectives, policies and rules, as we are required to give effect to. Local authorities are required to provide for the sequencing provision for the funding of infrastructure to support the pattern of settlement in Map A. The principal reasons and explanations have been set out above which, again, show the prescriptive nature of what is intended by this policy.

[95] Counsel did not mention Policy 6.3.7 of the CRPS, but again it is in strong language and requires that residential Greenfield Priority Area development shall occur in accordance with Map A. It goes on to state that the areas are sufficient for both growth and residential relocation through to 2028. The principal reasons and explanations further support such a view. At 6.4, dealing with anticipated environmental results, sub-clause (2) reads, “Priority areas and existing urban areas identified provide the location for **all** new urban development” [our emphasis].

[96] Urban development limitations are not limited to residential. They extend to commercial and industrial. Priority areas for business development outside of the urban areas are marked in blue on Map A.

[97] Taking a step back, further support for such an approach can be found in the LURP itself.

[98] First, in relation to the submissions relating to the inadequacy of consultation, we are satisfied that consultation in terms of the CER Act has been properly carried out. At 1.4 of the LURP, there is reference to consultations that took place through workshops and open forum meetings in March and April of 2013. The plan was then publicly notified and the Minister considered the written comments and requirements of the CER Act before approving the final LURP. At 3.3 there is a ‘Direction and co-ordination’ section, and (1) reads:

A clear planning framework directs where and how new development should occur so that it integrates efficiently and effectively with infrastructure programmes and avoids key hazards and constraints.

[99] Section 4 is entitled ‘A Plan to Lead Recovery’. At 4.2, the following appears:

Building new communities

...

Certainty about the location and timing of future greenfield development and coordination of infrastructure and land use will ensure:

- investors can commit their funds confidently
- central and local government can use public resources efficiently
- costs for the wider community are minimised.

[100] Section 4.2.1 then deals with the identification of priority areas for greenfield housing development. It reads:

The Land Use Recovery Plan identifies greenfield priority areas for new residential subdivisions... to meet anticipated demand through to 2028. These areas link to existing communities and support efficient expansion of infrastructure networks and services. The need to avoid natural hazards and environmental constraints has also been considered in selecting the areas. ***Limits on the location and area of land made available for greenfield housing development will ensure that recovery resources are managed effectively*** and efficiently and the vitality of the central city and existing suburban areas and centres is supported. [our emphasis]

Some areas at Kaiapoi, Prestons and Halswell have already been zoned for new housing through CER Act powers. Councils will amend district plans to rezone further greenfield priority areas for housing as necessary to meet demand and in alignment with

the provision of essential infrastructure... The Recovery Plan provides immediately... for:

- amendments to district plan provisions and maps to show where rebuilding and development are provided for up to 2028, including the identification of greenfield priority areas
- rezoning of land in Prebbleton, Rangiora, Highfield and the upper Styx area of north-west Christchurch. Infrastructure, geotechnical and planning assessments have been undertaken and the layout of these areas is confirmed in outline development plans
- amendments to the Selwyn District Plan to better align provisions with chapter 6 of the Regional Policy Statement and resolve issues for development of greenfield priority areas at Rolleston and Lincoln.

The Recovery Plan provides a regional policy framework supporting some rural residential development during the recovery period to allow a range of choices of housing types for those needing to relocate. However, provision is limited to avoid inefficient use of land and infrastructure, protect future urban expansion options and manage potential conflict with rural character and rural activities. The supply and uptake of rural residential activity will be monitored.

[101] We agree with the CCC's submission that it is not for us to second guess how the CRPS came into existence when its lawfulness has not been challenged. However, in any event, we are satisfied that it has come into effect lawfully and with the consultation required by the CER Act. We repeat that, if we were to accede with the requests made by the submitters represented by Ms Crawford, Mr Schulte and Ms Dewar, the whole LURP and Chapter 6 of the CRPS would not be given effect to. The whole purpose of the matters we have been dealing with would be severely undermined if, on every request of this sort for rezoning, a Part 2 evaluation relating to the LURP and CRPS had to take place. It would in fact be replacing the Minister's decision with a local authority decision. We do not think this appropriate or allowable in the circumstances of the legislative structure. The language of the CRPS is clear and properly restrictive. Giving those words their ordinary meaning, greenfield residential development is only to occur within the existing urban limits as delineated by Map A at page 64 of the CRPS or in those identified areas as greenfield priority. To do otherwise would not be to give effect to the CRPS and would be a decision that was inconsistent with the LURP and the CRPS. This would contravene the provisions of the CER Act.

[102] There has been reliance on *Powell*. It is sufficient to quote from the headnote:

Interpreting a rule in a district plan was not to be undertaken in a vacuum, although it was appropriate to seek the plain meaning from the words themselves. Regard had to be had to the immediate context (such as the objectives, policies and methods in the

section in which the rule is found) and, where any obscurity or ambiguity arose, it might be necessary to refer to other sections of the plan and the objectives and policies of the plan itself. Interpreting a rule by a rigid adherence to the wording of the particular rule was not consistent with previous Court authority or the requirements of the Interpretation Act 1999...

[103] The plain meaning of the words restricts urban development to the urban area and greenfield areas on Map A. Reading it in the immediate context of the objectives, policies and methods strengthens that plain meaning. We do not see any obscurity or ambiguity, but reading Chapter 6 of the CRPS as a whole again strengthens the plain meaning of the words.

[104] We have no reason to consider that the CRPS and Chapter 6 inserted by the Land Use Recovery Plan does not promote sustainable management or accord with Part 2 of the RMA.

[105] For completeness, we accept Map A is headed “Greenfield Priority Areas”. It does not refer to the existing urban area. We accept it would have been preferable if the heading included reference to the existing urban area. However, reading all of the relevant documents in context satisfies us of one meaning. In any event, the table on the plan clearly refers to the “Existing Urban Area”. Reference back gives, in our view, a directive and unambiguous meaning.

[106] Mr Schulte is broadly correct to observe that we must be satisfied the CRDP will accord with the RMA’s sustainable management purpose. However, it does not follow that we must put aside or read down the plain statutory direction to give effect to the CRPS. We are satisfied, on the evidence, that these obligations are not incompatible.

[107] Finally, in relation to the complaint that there has been no RMA evaluation and this is required, we agreed with Ms Scott’s submission in relation to our Strategic Directions Chapter. This Panel was concerned with the quality of the s 32 report in support of the CCC’s position for the Strategic Directions Chapter. However, having analysed it, we found it adequate. But because of its deficiency, we carried out a full s 32AA evaluation of our own. Considering the evidence presented to us, we were satisfied that our Strategic Directions provisions best gave effect to the requirements of the RMA. That decision was not appealed, and informs all of the rest of the RDP. Objective 3.3.7 mirrors the CRPS provisions, although worded somewhat differently. It requires that provision for urban activity is only within the existing urban areas and within the Greenfield Priority Areas set out in Map A of the CRPS. The only definition of

‘existing urban areas’ can be found in Map A. The approach we have taken in the Strategic Directions chapter is consistent with and gives effect to the CRPS, as is the interpretation we have now applied.

[108] It follows that requests for rezoning outside the area delineated in Map A as the urban areas or as Greenfield Priority Areas, cannot be rezoned by us to Residential, as to do so would be to fail to give effect to the CRPS and would be inconsistent with the LURP and the CER Act. Indeed, to submit to the requests would be the opposite of giving effect to the CRPS; a factor recognised by all but four of the submitters who attended the hearing.

[109] We note also that the relevant higher order documents put in place a system of review which, in part, is specifically aimed at addressing the quantity of residential land required, and by request, the rezoning sought by many submitters.

[110] A number of those submitters requested that we make findings relating to the merits of their requests to assist them with their participation in the LURP process. Indeed, given the recommendation to the Minister that Map A becomes “indicative”, Avoca Valley Limited requested we delay our decision until the Minister’s decision.

[111] In our view, we have no jurisdiction, or indeed any role, to involve ourselves in the LURP process. It would be presumptuous of us to make any comments that were designed to influence that separate statutory process which the submitters are involved in.

[112] It would not be appropriate for us to consider the merits of the rezonings applied for, even if supported by CCC. We did not have sufficient evidence before us that would have allowed us to reach an informed decision. As a non-exclusive example, no evidence was presented to allow us to assess the impact of these requests on a cumulative basis on the residential intensification aims of the CRDP. CCC acknowledged in closing that considering site-specific rezonings, they had called no evidence on this.³⁵ While the evidence of Dr Fairgray on intensification matters in Stage 1 was important,³⁶ it, of course, did not address the specific impact of these cumulative rezonings on intensification.

³⁵ Closing submissions for CCC, 14 September 2015, at 4.2.

³⁶ Closing submissions for CCC, 14 September 2015, at 4.5–4.6.

[113] Also, we do not consider it appropriate to delay our decision. It has been indicated the Minister’s decision is likely by the end of this quarter. Even then, other processes would be required. We must decide on the current state of the statutory documents, not some possible future change.

[114] Overall, we consider these matters should await the Minister’s final decision, and then a normal RMA process.

[115] Finally, we do not read the higher order documents to mean that all areas noted in green or blue on Map A as Greenfield Priority Areas must be zoned accordingly by us. It is clear the existing urban areas and the Greenfield Priority Areas are considered adequate through until 2028 (subject to the monitoring and review process that is in place). Various matters, including the necessary stages of infrastructure, satisfy us that we must be satisfied of all relevant RMA matters before appropriately zoning Greenfield Priority Areas in the CRDP.

The required “s 32” and “s 32AA” RMA evaluation

[116] Again, this is a matter referred to in earlier decisions. We adopt and endorse [48]–[54] of our Natural Hazards decision.³⁷

Issues raised by submissions

[117] We have considered all submissions and further submissions received in relation to Stage 2 Residential. Schedule 2 lists witnesses who gave evidence for various parties, and submitter representatives.³⁸

³⁷ Natural Hazards (Part) (and relevant definitions and associated planning maps), 17 July 2015.

³⁸ Counsel appearances are recorded on page 2 of this decision.

DECISION

[118] The Stage 2 Residential Proposal focuses on the zoning of the remaining residential areas in the CRDP, and the associated zone provisions. The major areas include the Port Hills and Banks Peninsula, including small settlements. The proposal also looks at overlays to recognise areas of special character, and the extent of the Accommodation and Community Facilities Overlay (‘ACFO’), alongside some of Christchurch’s major arterial corridors.

[119] The Notified Version includes four additional residential zones. These were usefully summarised by Ms Scott in her opening, at 2.3, as follows:

- (a) Residential Hills (RH) Zone (14.11), which covers areas in the Port Hills from Kennedys Bush in the west to Scarborough in the east. This zone is equivalent to the Operative City Plan Living Hills zone;
- (b) Residential Large Lot (RLL) Zone (14.12), which covers areas predominantly on the western parts of the Port Hills (Heathcote Valley and Avoca Valley; at the top end of Monks Spur Road on Mt Pleasant and on Worsleys Spur; within Cashmere Worsleys Valley; and on Redmund Spur near Kennedys Bush). This zone provides for a much lower density of development than the RH Zone. This zone is equivalent to the Operative City Plan Living Hills - Boundary zone;
- (c) Residential Small Settlement (RSS) Zone (14.14), which includes the two small rural / coastal settlements of Kainga and Spencerville in Banks Peninsula. Development in this area is restricted to limited infill in the pRDP; and
- (d) Guest Accommodation (GA) Zone (14.15), the consideration of this zone (and associated maps and submissions) has been deferred until the combined Stage 2 and 3 hearing on the General Rules Proposal (in particular, scheduling).

[120] The Notified Version also includes the following overlays:³⁹

- (a) Character Area Overlays (Categories 1 and 2). These overlays seek to preserve character elements in defined areas of the city; and
- (b) Accommodation and Community Facilities Overlay. This overlay provides for residential activities, plus a limited range of non-residential activities in defined arterial corridors (Bealey Avenue, parts of Riccarton Avenue, and parts of Papanui Road).

[121] At Schedule 2, we list those submitters that appeared at the hearing. Some of the submitters were represented, and took the opportunity to both make legal submissions and to present both lay and expert evidence. Other submitters were unrepresented. Some of those adduced evidence to support their submission, while others simply spoke to their submission.

³⁹ Council opening submissions at 2.4.

While we have not mentioned every individual submitter in our decision, we have taken into account all their evidence and submissions in reaching our decision.

[122] We were advised by Ms Scott that the elected representatives were at odds with Council officers on two matters. The first related to Character Area Overlays, the second to life stage, energy and water efficiency. We address these matters in our decision.

[123] We will turn to the relevant submission points shortly, but a fair overview is that there were very limited submissions opposing the objectives and policies, and only a few that addressed the rules. In the main, the submissions received sought site-specific relief. Most of those seeking site-specific relief were outside the urban limit, as delineated on Map A, and not within Greenfield Priority Areas. We have already dealt with that matter, and it is unnecessary to add anything further in relation to those submissions.

[124] Where relevant, we adopt and accept the evidence and the findings in the Stage 1 Residential decision, and the annexed Decision Version. For reasons of efficiency, we have combined our Decision Version with the Stage 1 provisions, and it is annexed to this decision. Those parts relevant to this decision on Stage 2 Residential will be self-evident.

DRAFTING CHANGES TO THE CHAPTER

[125] We are cognisant that the Council did not have the Stage 1 Residential decision prior to filing its Revised Version. A number of changes were made in relation to Stage 1 Residential provision in response to the OIC, and submissions, seeking to provide a clear and concise framework.

[126] In making decisions on the Stage 2 Residential provisions, we have taken that previous decision into account, for the purpose of providing consistency between the chapters, while not slavishly following the provisions. In doing so, we have made changes that we consider to be of minor or less effect, keeping in mind the guidance provided in *Palmerston North City Council v Motor Machinists Limited* as to scope.⁴⁰ We have also recognised that the different zones have different characteristics, meaning that activities are managed in a different manner. We can only assume that is the reason that activities such as places of assembly are treated with

⁴⁰ *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290, [2014] NZRMA 519.

different levels of control, and that was the intention of the drafters of the plan. Where we have considered that a change is warranted, we have made a change.

Notification

[127] In making drafting changes to the provisions, we have considered the matter of limited and public notification. We confirm and adopt our previous reasoning in the Stage 1 Residential decision,⁴¹ and have applied those principles in our Decision Version.

Objectives and Policies

[128] We have added an additional section to Policy 14.1.1.1 regarding the location of new urban residential activities. We are conscious that in making our decision on the Strategic Directions chapter, notified Policy 3.6.2.3 was deleted. It is appropriate that a policy to that effect is re-inserted into the residential chapter, and this is appropriate for implementing Decision 1 and Objective 3.3.7. This accords with our obligations under s 32(1)(b) and, given the clear cut nature of the CRPS Chapter 6 policies, gives effect to the higher order documents. Given the number of submissions we have received seeking urban development outside of the defined areas in Map A, we consider that the policy will assist with certainty for landowners, focusing investment into those areas where development is anticipated and planned for, ensuring an efficient and effective allocation of resources.

[129] Apart from some minor drafting changes to the Council's Revised Version, and inclusion of descriptions of the Stage 2 residential zones in Policy 14.1.1.1, we are satisfied that the objectives and policies provide an appropriate balance of opportunity for enabling development within the residential zones of the city and Banks Peninsula, while controlling the adverse effects of development on the environment. We accept the uncontested evidence of Ms Oliver regarding Policy 14.1.6.7 Guest accommodation (except to the extent modified by our decision).⁴² This policy is required to support the ACFO.

⁴¹ At [81]–[86].

⁴² We note that while Carter Group Limited (2330) filed a submission on Guest accommodation, no evidence was filed in support of the submission, which the Council recommended rejecting. We therefore reject the submission. Matters relating to the Guest Accommodation Zone are deferred in accordance with our minute of 2 September 2015.

[130] Overall, we find that the objectives, combined with those in Decision 1, are the most appropriate for achieving the promotion of sustainable management for the residential zones in the Christchurch District.

Sustainability standards

[131] Turning to the rules, the Revised Proposal noted that the Council’s “position” includes life stage, energy and water efficiency standards for Stage 2 zones.⁴³ We were advised by Ms Scott that these provisions continued to be sought by the Councillors. She said it was not supported by the Council officers, and indeed, the witnesses gave evidence to that effect.⁴⁴ Similarly, the Stage 1 Residential evidence from Council witnesses opposed the standards.⁴⁵

[132] The Council did call Mr Moore to give evidence on these matters. Mr Moore is the Principal Advisor — Sustainability, at the Council.

[133] He gave evidence relating to the Building Research Association of New Zealand (‘BRANZ’) Cost Benefit Analysis for Accessible Design in Energy and Water Efficiency Standards. He accepted this was not a cost benefit analysis for the purposes of s 32 of the RMA, but was a more narrowly-framed analysis of the cost and benefits. Nor did his evidence address the appropriateness of including these standards within the district plan. While we accept the evidence he gave, we note in particular his conclusion:⁴⁶

The proposed dwelling accessibility and energy and water efficiency provisions seek to address important issues. According to the BRANZ report the provisions require refinement to achieve economic efficiencies. The provisions are aimed at providing the best social, environmental and economic outcome for the community. In saying that, I accept that there may be other measures, rather than inclusion of the standards within the pRDP, which could enable the benefits that I have outlined to be achieved.

[134] This evidence falls well short of satisfying us that it is necessary to satisfy s 5 of the RMA by the introduction of these standards. Indeed, the evidence is overwhelmingly the other way. The Council’s own in-house experts, their external experts and the Crown experts, and other submitter evidence, all speak against the introduction of the standard. We accept that evidence. As we noted in our Stage 1 Residential decision, the introduction of the standards goes well

⁴³ Revised proposal prepared by Ms Oliver, page 1.

⁴⁴ Evidence in chief of Andrew Willis on behalf of the Crown at 6.2–6.5.

⁴⁵ Evidence of Messrs McLeod and Blair on behalf of the Council, and Ms McIntyre and Mr Klein on behalf of the Crown.

⁴⁶ Evidence of Tony Moore on behalf of the Council at 6.1.

beyond the requirements of the Building Act 2004. We are also satisfied that the costs associated with the standards are not compatible with the objectives to reduce red tape and compliance costs. Such standards would place further strain on stretched building consent processes, and be difficult to manage and enforce. Indeed, they may even be ultra vires.⁴⁷ It would also be somewhat bizarre to apply the rules to only that part of Greater Christchurch included in Stage 2.

Area-specific overlays

[135] We have inserted provisions for the Residential Hills Zone, the Residential Large Lot Zone, and the Residential Small Settlement Zone. We also provide for the ACFO, and the Character Area Overlay. We also provide for the Residential Hills Mixed Density Overlay, proposed by Rock Hill Limited (2170, FS2770) and supported by the Council. The Character Area Overlay absorbs those areas on Banks Peninsula identified as the notified Residential Conservation Zone (which was deferred from Stage 1). We have decided to treat those areas in Banks Peninsula, however, in a different manner to those in the City, based on the evidence we received, which we will come to.

[136] We understand that the ACFO in the Residential Suburban, Residential Suburban Density Transition, and Residential Medium Density Zones were incorporated into the plan to address areas that, in error in Stage 1, were not notified as Accommodation and Community Facilities Zone, but were meant to be. The Council did not have the ability to withdraw the zone under the OIC, and so notified an alternative overlay. These areas were previously Living 5 in the existing plan, providing primarily for visitor accommodation.

[137] In the Notified Version, the Council provided area-specific provisions for the ACFO. In response to questioning from counsel for the Crown, the Council moved the provisions for the ACFO from area-specific provisions into the general provisions for each zone, which was submitted in the Council's Revised Version.

[138] This was unfortunate. By integrating these into the general provisions, they made the general provisions far more complex than they needed to be for the average plan user who

⁴⁷ Opening submissions for Te Rūnanga o Ngāi Tahu, Ngā Rūnanga and Ngāi Tahu Property Limited on the Stage 1 Residential Proposal, 8 April 2015, at 36–52.

would have no interest in the overlay areas. This does not result in a plan that is accessible and easy to use. We also note that, in doing so, it appears a number of errors were made, possibly due to the short timeframe. We have decided to return the ACFO provisions to the area-specific provisions, and to also include the Character Area Overlay as an area-specific provision. This is a logical location for them, being area-specific, and avoids cluttering the standard zone provisions with exceptions.

Character Area Overlay provisions

[139] The district has areas of special and unique character, which contribute to the district's identity and community wellbeing. Under the existing district plan there are 35 suburban special amenity areas ('SAMs').

[140] We received a number of submissions and heard from some of those submitters in relation to the matter of proposed Character Area Overlays notified as part of the CRDP.

[141] Ms Sarah Oliver, Ms Josephine Schröder and Mr Simon Harris provided expert planning, technical and economic evidence on behalf of the Council in relation to character areas. Mr William Field, Mr Andrew Willis, Ms Helen Anderson, Mr Maurice Dale and Ms Sandra McIntyre provided expert technical and planning evidence on behalf of the Crown.

[142] Mr Christian Jordan (2497) and Ms Helen Lowe (on behalf of Thornspell Trust, 2308) gave evidence or spoke to their submissions, providing a general overview in regard to character areas.⁴⁸ We were assisted by the information provided, which we found helpful.

[143] The overlays as notified sit over the existing residential zoning. Within each zone, there are controls on the type of development that takes place within the overlay, for the purpose of maintaining the special amenity values of that area.

[144] Council officers, and their consultants, Beca Limited ('Beca'), carried out a two-stage review of the 34 extant SAMs,⁴⁹ which was published in the Beca report.⁵⁰ No new areas were considered.

⁴⁸ Christian Jordan (2497); Thornspell Trust (2308).

⁴⁹ A total of 35 SAMs are identified in the operative district plan, however one of these was red zoned.

⁵⁰ Beca Limited, Christchurch suburban character areas assessment, January 2015, June 2015.

[145] Initially, the character areas were divided into Category 1 and Category 2 Character Areas. Category 1 represented those areas where character was considered to be of higher value, while Category 2 areas were considered to be of lower value.

[146] Expert conferencing took place on 13 August 2015. The key outcomes of the conferencing were:⁵¹

Matters of agreement

- (a) The recommended deletion of Category 2 Character Areas;
- (b) The retention of CA29 Auburn (with the exception of the Riccarton Road frontage) and of CA7 Piko (including 219 to 225 Riccarton Road);
- (c) The deletion of CA32 Emmett Street;
- (d) Not to support the area including Rata, Titoki, Kauri and Rimu Streets as a new Character Area;
- (e) The amalgamation of CA2 Beckenham Loop and CA3 Beckenham Central, including limiting the rule (with the exception of site size) to sites with street frontage, and the inclusion of numbers 102 to 154 Tennyson Street in CA2 Beckenham Loop, but not the deletion of 98 Tennyson Street;
- (f) The deletion of 14 Barrington Street and the adjacent sites numbered 12, 20 and 22 from CA4 Tainui;
- (g) The deletion of Gwynfa Avenue from CA20 – Cashmere;
- (h) The retention of the sites located above the intersection of Hackthorne and Dyers Pass Roads within CA20 Cashmere;
- (i) The incorporation in part of CA21 Hackthorne into CA20 – Cashmere;
- (j) The increase of the site density (minimum site size) to 500m² in CA27 Beverley;
- (k) The retention of 130, 132, 138, 140, 142, 144, 146, 150, 154, 158, 162, 166 and 170 Heaton Street from CA13 Heaton;
- (l) Amendments to 14.9.39 as notified to rationalise the matters of discretion; and
- (m) Support the development of non-statutory design guidelines.

Matters where agreement was not reached

- (a) The retention of the sites within CA29 Auburn along the Riccarton Road frontage; and
- (b) The retention of CA19 St James (in part), including numbers 4 to 58 (both sides of the street).

[147] The deletion of the Category 2 Character Areas as recommended by the expert witnesses differed from the position of the Christchurch City Council. The elected representatives considered both category character areas should remain.

⁵¹ Evidence in chief of Josephine Schröder on behalf of the Council at 4.1.

[148] We were informed that Councillors were advised of this and told of their right to call evidence.⁵² No such evidence was adduced by the elected representatives. Closing submissions on behalf of the CCC explained:⁵³

Although Council officers present evidence on behalf of the Council (and at some times consultants are engaged), the Elected Members have been made aware of Council officers views, and have been made aware that a Council officer cannot simply support the Elected Members' position, if it does not represent their professional opinion.

[149] There is consensus from the experts before us that only Category 1 Character Areas be retained (with the exception of the St James area, which we address later in our decision). We accept the expert evidence, and in the absence of any contrary evidence, we cannot uphold the view of the Councillors as it was reported to us, and agree to delete the Category 2 Character Areas.

[150] Except as discussed below, and as set out in discussion on the site and area-specific changes, we accept the matters of agreement and recommendations, and the evidence they are based on, which have resulted in amendments to the Revised Proposal.⁵⁴

[151] We considered the evidence before us regarding the remaining Character Area Overlays in both the City and in the Banks Peninsula settlements of Lyttelton and Akaroa (where it is proposed to supersede the Residential Conservation Zone).

[152] We received evidence from Ms Oliver for the Council that special character is synonymous with amenity, but she set character apart from historic heritage, given that historic heritage is dealt with more stringently under the RMA.⁵⁵ This was reinforced by Ms Schroder for the Council, who sought to further distinguish character from heritage values.⁵⁶ We also heard from submitters on their views of the importance of these areas, including Ms Cook and Ms Dysart.⁵⁷

[153] Neither Ms Oliver nor Ms Schroder took us back to the definition of amenity values or historic heritage in their analysis of their position. This lead to an unusual situation where

⁵² Transcript, page 183, line 39 to page 184, line 23 (Oliver); page 773, lines 3–25.

⁵³ Closing submissions for the CCC at 5.1.

⁵⁴ Closing submissions for the CCC at 2.1

⁵⁵ Evidence in chief (Strategic) of Ms Sarah Oliver on behalf of the Council at 9.5–9.6.

⁵⁶ Evidence in chief of Ms Josie Schröder at 5.1–5.4.

⁵⁷ Jan Cook on behalf of the Akaroa Civic Trust (2285); Marie Dysart (2451).

proposed provisions for the Character Area Overlay for Lyttelton and Akaroa refer to retention of buildings that were “built prior to 1945 and/or that contribute to the architectural traditions and character values”. We find it hard to distinguish how this would not constitute historic heritage within the meaning of the Act as set out below:

historic heritage—

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological; and
- (b) includes—
 - (i) historic sites, structures, places, and areas; and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Māori, including wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources

[154] For completeness, we also set out the definition of amenity values.

amenity values means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

[155] In the provisions and evidence provided to us, the Council did not put forward a case that the built form in the Character Area Overlay in the city constituted historic heritage within the meaning of the Act. The management of these areas is, therefore, based on maintenance and enhancement of amenity values, being a matter to which we must have particular regard under s 7(c).

[156] Albeit indirectly, in relation to Lyttelton and Akaroa we consider there is a case that in those character areas, historic heritage is a component that contributes to the amenity values in

those areas. This is assisted by the differing policy approach of Policy 14.1.4.6 in the Revised Version, and the additional assessment criteria for the Residential Character Area Overlays for Lyttelton and Akaroa. The protection of historic heritage warrants a different approach to areas just identified for their amenity value, given that the protection of them from inappropriate subdivision, use and development is a matter of national importance which we must recognise and provide for.

[157] We consider that the maintenance and enhancement of amenity values can be adequately managed by way of conditions that enable the Council to place appropriate controls on development occurring within the Character Area Overlays in the City (the Residential Suburban, Residential Suburban Density Transition, Residential Medium Density and Residential Hills Zones). Weighing the costs to private property owners against the benefits in relation to amenity values, we consider that to enable certainty, a controlled activity is the most efficient form of management of amenity values in this area.

[158] Given the elements of historic heritage that contribute to the built form character of the Lyttelton and Akaroa Character Areas, and taking into account the evidence of the Council witnesses and submissions from the Akaroa Civic Trust in relation to Akaroa, we consider that there *could* be circumstances where consents might need to be turned down, and where conditions may not be sufficient for avoiding or mitigating adverse effects on the environment. Given this, we find that a restricted discretionary consent status is the most appropriate for implementing the policies and objectives of the plan, and Part 2 of the Act.

Site coverage for retirement villages

[159] As noted in our Stage 1 Residential decision, Dr Mitchell recused himself from considering this matter.

[160] Mr John Kyle, planning witness for Ryman Healthcare Limited ('Ryman') and the Retirement Villages Association of New Zealand Incorporated ('RVA') (together, submitter 2347), appeared before us in support of the submission relating to retirement villages in the Stage 2 zones. We note that Ryman continued to seek a permitted coverage up to 45 per cent in the residential zones for retirement villages, as demand for outdoor living space is less than for typical housing.

[161] We received evidence from Mr Andrew Craig, an expert landscape witness for the Council, who was of the view that it was possible to accommodate increased site coverage, and allied to that large buildings on the Port Hills. It was his evidence that the best means of achieving that is to require at least some degree of intervention to ensure existing character and amenity is maintained. This view was given generally in support of the Council's 35 per cent site coverage provision in the Port Hills.

[162] We record that Ryman and RVA decided not to call expert landscape evidence. In the absence of expert landscape evidence to the contrary, we accept the evidence of Mr Craig, and retain the site coverage as proposed in the Council's Revised Version.

General formatting

[163] A number of changes have been made to our Stage 1 Residential decision text to enable the insertion of new Stage 2 Residential rules or for reasons of consistency. We address a number of those changes below.

[164] We note that the activity of Service Stations in the ACFO was identified as a restricted discretionary activity in the Council's Revised Version, but that there were no matters of discretion. We have corrected this.

[165] Where area-specific provisions are the same as the underlying zone, we have not duplicated these in the area-specific provisions.

[166] The measure of site coverage in the ACFO did not include the exclusions listed for site coverage in the other zones. As part of re-introducing the rules to the area-specific provisions, we have included these exclusions.

[167] Consistent with our decisions on Stage 1, we have deleted built form standards that are considered to give rise to unnecessary consenting requirements, and increased thresholds where we have considered appropriate. We do so having had regard to the OIC Statement of Expectations,⁵⁸ and providing some flexibility for these activities that enable social wellbeing to be improved. We have not included area-specific built form standards in the ACFO where

⁵⁸ OIC Schedule 4, Statement of Expectations.

the underlying zone is more permissive (for example, height in the Residential Medium Density zone).

[168] We have added a number of permitted standards to activities in all of the zones, where these were applied in Stage 1, such as limitation on the stay for guests in a bed and breakfast, and limitation on signage for non-residential activities.

[169] In the Residential Hills Zone, we have deleted any requirements for outdoor living space as an activity-specific standard for permitted activities. This is because in this zone, there are no requirements for any outdoor living space.

[170] We have added an assessment criteria to deal with adverse effects on the Montgomery Spur ridgeline. In the Revised Version and the Notified Version, neither included any tangible assessment matter that would enable the Council to consider this issue as a restricted discretionary activity.

[171] In the Residential Hills Zone, the provisions for daylight recession planes specify that the planes apply to the mid-point of a wall of a building and reference an Appendix that is incorrect and was not notified. The reference to the Appendix is deleted, and the Council is directed to notify an appropriate Appendix for inclusion in the plan, and any relevant text, to assist with the interpretation of the Rule. We do this utilising our power under cl 13(4) of the Order.

[172] We consider that the changes we have made above are the most appropriate for achieving the objectives in the plan, where possible minimising intervention and achieving efficient and effective management of resources within the Stage 2 residential zone provisions.

Design guidelines

[173] There are no existing notified (statutory) design guidelines for Christchurch City. At the hearing there were divergent views as to whether design guidelines should be statutory or non-statutory guidelines.

[174] The Crown (Mr Field) and the Thornspell Trust (Ms Lowe) have suggested that aspects of the Beca Report be included in the Decision Version as a form of guidance on each character

area. On the other hand it is the Council's position that design guidelines prepared outside the Replacement Plan will provide a greater focus level of understanding to users than using the Beca Report.

[175] Ms Schröder in her rebuttal considered that succinct well written and illustrated design guidelines will provide a greater level of understanding to users of the guide, including those people reviewing Resource Consents, than the Beca Report will. Ms Schröder was of the view that having two sets of documentation will prove confusing and onerous on the applicant and not as specific as might be needed for a particular area context.⁵⁹

[176] Mr Jordan, a landlord/developer, was questioned by Dr Mitchell in respect to design guidelines:⁶⁰

DR MITCHELL: ...One of the mechanisms that is proposed is the incorporation of design guidelines to assist in determining what is and is not appropriate in the character areas. They don't exist for the flat parts of Christchurch as yet. Do you have any comment to make on the appropriateness of those guidelines being developed subsequent to the finalisation of the plan?

MR JORDAN: I think they are a good idea to have a design guideline, but it is whether they have to be considered, so if someone can just ignore them, it is not much use to them. But if you have a design guideline.... and there is no way to enforce any implementation of them, for instance you can just go and do whatever you want anyway and ignore the design guidelines, there is not much point in having them. So I think if there are going to be design guidelines, there almost needs to be a rule somewhere in the Plan saying that is part of a restricted discretionary type activity they have to be considered for.

[177] In her closing legal submission for the Council, Ms Scott stated:⁶¹

Exactly what that statutory guidance will look like, has not been provided by either submitter through evidence. The Crown did not address the legal implications of the relief it was seeking in its submission or opening submissions, in terms of incorporating a design guideline by reference. The position of the Crown is submitted to be unclear from the evidence of its witnesses...

[178] Ms Schröder recommended non-statutory guidelines to address residential character and character overlay areas.⁶² The Council accepted the uncertainty that results given that there are no design guidelines for Christchurch City in existence at the present time.⁶³

⁵⁹ Rebuttal evidence of Josephine Schröder at 4.2.

⁶⁰ Transcript, page 472 (Jordan).

⁶¹ Closing legal submissions for the CCC at 5.2.

⁶² Evidence in chief of Josephine Schröder at 3.4.

⁶³ Closing legal submissions for the CCC at 5.4.

[179] We accept that there were no design guidelines which were notified alongside the proposal in Stage 2 and, therefore, there is a question of process as to how such guidelines could be included as part of the Stage 2 Residential Proposal.

[180] The alternative is for non-statutory guidelines to be developed that would sit outside the plan. Ms McIntyre expressed the view that it would be helpful to have policy guidance within the plan as to what the guidelines are meant to achieve.⁶⁴ The Council agrees that such policy guidance would be appropriate and helpful.

[181] The CCC has not developed, or provided to us, any suggested guidelines. We have no idea of what form they may take. Therefore, we are not prepared to include any such provision in the Decision Version. Such guidelines need to be properly developed, including significant public input following a transparent and public process. We urge CCC to initiate such a process to inform an appropriate plan change as soon as possible.

CHANGES TO THE PLANNING MAPS

[182] The Council received many requests for site-specific or area-specific rezoning or amendment to the planning maps, including the character areas. In addition, there were a number of submissions opposing the zoning of land in the Notified Version.

[183] All of the rezoning requests were identified by the Council in the evidence of Ms Oliver, the Council's planning witness.⁶⁵ Ms Oliver provided an overview of each request, and was supported by the following expert witnesses:

- Mr Andrew Craig (Landscape Architecture)
- Mr Simon Harris (Character Areas) (Benefits and Costs)
- Mr Andrew Milne (Transport Planning)
- Mr Tony Moore (Sustainability)
- Mr Robert Norton (Stormwater)

⁶⁴ Transcript, pages 247 and 248 (McIntyre).

⁶⁵ Second statement of evidence of Sarah Oliver, Attachment B.

- Ms Bridget O’Brien (Water and wastewater)
- Ms Josephine Schröder (Character Areas, small settlement zone built form standards)
- Mr Ian Wright (Geotechnical — Natural Hazards)

[184] The Council has recommended accepting, or accepting in part, through submission, mediation, conferencing, evidence or through the course of the hearing, 46 requests for site-specific rezoning.⁶⁶

[185] There were a further eight requests for site-specific rezoning where further information was still to be filed.⁶⁷ Two of those involve site-specific requests to a commercial zoning, which we address below.⁶⁸ The submissions of Mr Mark Shadbolt and Sunny Point Estates, relating to further information on four sites on Banks Peninsula, are addressed below. The remaining two sites at 79 Shalamar Drive (Hobson 2322) and 353 to 363 Worsleys Road (McVicar, 2362), are addressed in our decision regarding the limitations of Map A in Chapter 6 of the CRPS and Strategic Objective 3.3.7.

[186] We have considered the requests for changes to the Planning Maps and requests for rezoning or deletion of Character Area Overlays. We have been assisted by the evidence of the Council, including the “Accept/Reject” tables attached to Ms Oliver’s evidence.

[187] We generally concur in those recommendations on site or area-specific matters (except where noted in our assessment below), and where we consider appropriate, we have expanded on the reasons for our decisions. Where we agree with the Council, our reason for this is based on the evidence we received and accepted, and that it also accords with the higher order documents. This is the most appropriate method for achieving the objectives of the plan, as outlined in the Council’s s 32 report, and we adopt that assessment (as modified having regard to the Council’s changed position through the course of the hearing, where relevant) for the purpose of fulfilling our responsibilities under s 32AA.

⁶⁶ Closing submissions for the Council, Attachment B.

⁶⁷ Closing submissions for the Council, Attachment B, page 5.

⁶⁸ Submissions 2045 and 2052 relating to rezoning of 21 and 23 Beresford Street New Brighton to Commercial Core

Requests for re-zoning for urban activities outside of areas identified on Map A

[188] We have dealt with the substantive reasons for declining requests for rezoning land to a residential zone outside of existing urban areas and Greenfield Priority Areas in the Greater Christchurch area, as identified on Map A of Chapter 6 of the Canterbury Regional Policy Statement in paragraphs [12]–[115] of this decision. Those requests are attached in Schedule 3.

Requests for rezoning where no evidence provided by submitters

[189] We received a number of submissions from individuals or parties seeking that land be rezoned to a residential zone, but who neither filed evidence in support of their submission, or appeared at the hearing.⁶⁹ In the absence of supporting evidence, we agree with the recommendations of the Council experts and decline those submissions.

Provisions relating to Halswell West

Fulton Hogan Land Developments (2097), Antony Pan and San Tsun Yu (2474), RJ and CB Sissons (2475), Bromac Lodge Limited (2476), Martin Harcourt (2477), Mercantile Trust (2478)

[190] We heard evidence on the matter of the Halswell West Outline Development Plan and the impact that would have on neighbouring property owners who currently live on John Paterson Drive. These sites are typically 4 hectares or slightly larger in size. Halswell West is being developed by Fulton Hogan Limited. The neighbouring property owners on John Paterson Drive are seeking urban development, or rural residential development, but maintain if that is not forthcoming, they would like to retain their rural amenity. The key method of achieving this is through the use of a buffer on the urban edge.

[191] The Fulton Hogan development, by the time it came before us, had changed somewhat from the existing outline development plan that was in the existing plan, inserted by Plan Change 60. Previously, residential development ceased at the boundary of Knights Stream. A large park was identified as bordering the surrounding rural land. By the time the ODP was before us, this had been modified and the location of the park changed, with urban residential development extending to the boundary.

⁶⁹ Including requests in the following submissions: Alison Cox (2077), Purau Properties Limited (2461) and Frederick Zwies (2467).

[192] Map A of the CRPS shows the whole of the area as a Greenfield Priority Area, with a “Projected Infrastructure Boundary” shown on Map A. There is no other mention of this element in any of the CRPS policy.

[193] Ms Oliver appeared first on this matter on behalf of the Council. It was her view that a 10-metre planted buffer for an urban edge is the very minimum in terms of depth. She noted that this was a common depth, and used the example of Prestons Road, which has a similar depth. She noted that where a stream boundary might be used one might achieve 15 to 20 metres. Ms Oliver eventually conceded in relation to questions from Ms Steven QC, that a planted area of 15 metres would be appropriate.

[194] Mr Graham Taylor appeared on behalf of the John Paterson Drive landowners. It was his view that 40 metres (bordering the Harcourt property) and 20 metres (bordering the Mercantile Trust property) was more appropriate on the rural edge. He also sought that there be a restriction on access onto the extended portion of John Paterson Drive, that links the Halswell West development with Springs Road.

[195] The planner for Fulton Hogan was Ms Julie Comfort. She continued to seek 10 metres. Ms Comfort was cross-examined by Ms Steven, and acknowledged that edge effects do occur, but that it was the confinement of urban land into Greenfield Priority Areas that enabled retention of rural amenity. Ms Comfort acknowledged the potential for reverse sensitivity effects on the rural landowners. In support of its position, Fulton Hogan also called evidence from Mr Alexander Familton. Mr Familton is a veterinary consultant, and presented us with evidence on the matter of scaring stock. It was his view that the distance between the surrounding land blocks and the presence of fencing and vegetation screening will be of significant benefit in ensuring any noise does not frighten the livestock.

[196] On this matter, we have considered the application of Policy 6.3.1 of the CRPS, and have considered also the efficient use of resources. On the basis of the evidence received, we consider that it is important to retain rural amenity, but that it is a matter of balancing that issue with the efficient use of the land resource. We do not know the use of the land in the longer term (post-2028, or subsequent to any other review based on monitoring of the CRPS that could enable further rural land to be developed). The buffer should be reasonable, but should also provide for an efficient use of the urban land resource. We find, based on the evidence we

have heard and accepted, that 15 metres in this circumstance provides for mitigation of effects between incompatible activities, provides for amenity for the neighbouring property owners, and is appropriate in the context of this development based on the evidence.

[197] On the matter of roading access to John Paterson Drive from the Fulton Hogan site, we note that the area of concern is subject to a notice of requirement by NZTA. The road is located within the urban area identified in Map A, however, the access is to what is very much a small local road in a rural setting, which is outside of the urban area. The John Paterson Drive residents are concerned that enabling residential sites in the Fulton Hogan development to access John Paterson Drive will have a significant impact on their rural amenity.

[198] Having considered this matter, and the evidence presented to us, we agree. Based on the evidence, it is our decision that, in order to protect the rural amenity of those sites, it is necessary to ensure that the sites on the Fulton Hogan Land do not have access to the designated road that extends to John Paterson Drive. Sites within Halswell West will be required to gain access to their sites via Halswell Junction Road. The required 15 metre planted buffer strip is to be measured from the far side of the road abutting 19 John Paterson Drive. This will ensure appropriate screening and depth. Taking into account Policy 14.1.4.1 of the Panel's decision in Stage 1, we find that our decision is the most appropriate for achieving the objectives of the Plan, in particular Objective 14.1.4.

Character Area Overlay — Kauri Cluster/Riccarton Bush

[199] We have considered the joint submission from Mr Broughton, Mr Simon, Ms Souter and Ms Thomas,⁷⁰ seeking a Category 2 Character Area Overlay for what is described as the 'Kauri Cluster/Riccarton Bush Precinct'. This was not supported by the Council's witnesses. Mr Simons appeared on behalf of that group, and both their written submission and his speaking to it were impassioned. The submitters considered that the residences had been woefully represented by the Council, and it would be a mistake to abolish Category 2 Character Areas across the city.

[200] The area concerned is an attractive residential area adjoining the widely-recognised Deans Bush. However, as a streetscape, it does not seem to us to be significantly different

⁷⁰ Submitter 2270.

from large parts of Christchurch. We have no expert evidence that supports the view advanced by the submitter. Indeed, all the expert evidence, which we accept, is to the contrary. The relief sought in the submission is not accepted.

Character Area Overlay — CA7 Piko

[201] CA7 Piko has been identified as a Category 1 Character Area in the Notified Version. It was previously described in the existing plan as ‘SAM 6 – Tika – Piko – Shand’. The area has been identified as a character area due to the symmetrical street and block layout, consistency of style and area of dwellings (consisting primarily of state housing of the 1930s and 1940s), the relatively narrow streets, generous front yards, strong relationship between dwellings and the street, and easy pedestrian access to nearby parks and reserves.⁷¹

[202] Ms Schröder supports CA7 Piko as a Category 1 designation. The Crown opposes the inclusion of CA7 Piko in the Category 1 designation. The Crown was particularly concerned that the houses facing Riccarton Road should not be included. By memorandum dated 7 September 2015,⁷² the Council confirmed that Ms Oliver agreed to remove properties facing Riccarton Road from Character Area CA7 Piko.

[203] Mr Dale, for the Crown, acknowledged that the new operative Strategic Directions objectives of the Replacement Plan included a direction to include high quality urban environment that has areas of special character and amenity.⁷³ He was of the view that there were seemingly competing objectives and that these competing objectives needed to be reconciled in favour of ensuring that the community’s needs for housing are met to provide for social and cultural wellbeing first and foremost.⁷⁴ The Council maintains the view that CA7 (except as amended – Riccarton Road) should remain.

[204] Of the 57 residential sites within CA7 Piko, Mr Dale noted that nine are owned by Housing New Zealand Corporation (‘HNZC’/‘the Corporation’), as identified in Mr Field’s Attachment B. The nine HNZC sites comprise approximately 15 per cent of the sites within

⁷¹ Beca – Christchurch suburban character areas assessment, 9 January 2015 at page 18.

⁷² Memorandum of Counsel for CCC, 7 September 2015, at 3.1.

⁷³ Evidence in chief of Maurice Dale on behalf of the Crown at 7.4.

⁷⁴ Evidence in chief of Maurice Dale on behalf of the Crown at 7.5.

CA7 Piko, with the remaining approximately 85 per cent in private ownership.⁷⁵ No submitter was a private landowner in this area.

[205] Mr Field for the Crown provided guarded support for the retention of CA7 as amended.⁷⁶

[206] On the evidence, we find the retention of CA7 (as amended) in the Character Area Overlay appropriate. We direct that the maps be amended to reflect the agreed boundaries of the Character Area Overlay in regard to CA7.

Character Area Overlay — CA29 Auburn Avenue

[207] CA29 Auburn was shown as a Category 1 Character Area in the Notified Version. It was previously referred to as SAM 34 – Auburn Avenue in the existing district plan. CA29 is predominantly a mature state house area. Auburn Avenue has a gently-curved alignment with relatively narrow carriageway (compared to many streets in Christchurch), a generous lawn berm with mature silver birch street trees, most frontages have low fences, and many gardens are well-vegetated, creating an overall generous balance of planting to built form. Houses are predominantly consistent in scale, location on the sections and materials.⁷⁷

[208] Ms Schröder supports CA29 as a Category 1 Designation:⁷⁸

While I agree with [Mr] Dale that there is a development opportunity in respect to CA29 - Auburn, I again do not agree that this opportunity is of such significance that is [sic] should be at the expense of the loss of a highly intact character area. As such I consider that CA29 - Auburn should be retained as a character area.

[209] By memorandum dated 7 September 2015,⁷⁹ the Council confirmed that Ms Oliver had agreed to remove properties facing Riccarton Road on CA29 Auburn Avenue.

[210] Mr Dale, for the Crown, is of the view that Auburn Avenue should not hold a Category 1 designation, and therefore should not be included in the Character Area Overlay.

⁷⁵ Statement of evidence of William Field on behalf of the Crown at 8.12.

⁷⁶ Transcript, page 212 (Field).

⁷⁷ Statement of evidence of William Field at 8.12.

⁷⁸ Rebuttal evidence of Josephine Schröder at 5.5.

⁷⁹ Memorandum of counsel for CCC, 7 September 2015, at 3.2.

[211] HNZN has 30 houses within CA29 Auburn Avenue. They wish to use their land holdings more efficiently to improve the quality and quantity of social housing that is available to meet changing social needs. The Crown seeks that CA29 Auburn Avenue be removed from Category 1 Character Area, in order that they can properly develop their own lands to meet changing and necessary demand.⁸⁰

[212] Ms Schröder accepted there is a significant opportunity to provide for the needs of the vulnerable people of Christchurch by delivering modern, well-designed, efficient and comfortable homes, and that this would benefit social and community wellbeing, as well as health and safety. Ms Schröder also confirmed that the impact of character area provisions is to restrict the ability of land owners to develop their properties, because it controls new buildings. She also accepted that character areas potentially limit or restrict the Corporation's ability to re-develop its land holdings to provide for social and community housing.⁸¹

[213] Mr Harris conceded that his analysis of costs and benefits had failed to represent the costs to the Corporation, but accepted the character area provisions limited the Corporation's ability to redevelop and intensify. The cost to the Corporation associated with the character area overlay in CA29 is that a four-unit social housing complex that would be permitted by the underlying zone could well have resource consent declined for not complementing the character values. Ms Oliver suggested in cross-examination that the risk is low, and that a four-unit development could be designed to complement the character values. However, on being questioned by the Panel she conceded that it would be difficult for four units, as opposed to a single house, to be designed in a manner that would complement the existing character values of the areas.⁸² This is emphasised by the fact that Mr Dale's evidence confirmed that in CA29 the Corporation's properties primarily comprise three-bedroom houses. This is further confirmed by the BECA assessment.

[214] We do not accept Ms Oliver's assessment of the risk being low. Nor do we accept her conclusion that the additional cost and risk would not be a hindrance to development.

[215] The main cost to the Corporation associated with the character area overlay at CA29 is the real risk that a four-unit social housing complex, that would otherwise be permitted by the

⁸⁰ Second statement of evidence of Maurice Dale on behalf of Crown at 5.1(c).

⁸¹ Closing submissions for the Crown.

⁸² Transcript, page 141, line 37 to page 142, line 14.

underlying zoning, could be declined a resource consent for not complementing the character values of CA29.⁸³

[216] Mr Dale noted that the problem is exacerbated by infrastructure restraints limiting the Corporation's ability to redevelop its major holdings in Christchurch, as detailed in our Stage 1 Residential decision. Added to this was the inability of Council witnesses to advise us of the priority of the necessary infrastructure upgrade, or any reliable timeline.

[217] The Council accepts that the order of importance is housing needs first. It is the Council's position that it would be preferable to retain both of the character areas CA7 Piko and CA29 Auburn Avenue. In retaining both character areas it is the Council's desire to work with HNZC to achieve a positive solution for the redevelopment of their sites.⁸⁴ We note that neither the Council nor the Crown traversed whether it might be possible for HNZC to sell the land and purchase elsewhere. Nor did the Crown provide us with any quantification of the cost of the provisions on them.

[218] We accept the evidence of Mr Dale that infrastructure constraints over other areas of HNZC's land holdings is acting as a significant barrier to a long-term strategic redevelopment programme launched after the earthquake. The Council has been unable to advise us as to when these constraint issues may be resolved.⁸⁵

[219] It is accepted that there are no infrastructural constraints applying to CA29. But overall, the evidence on behalf of the Corporation is that there are wastewater constraints over 972 of its properties.

[220] With regard to the Strategic Directions objectives, Ms Oliver for the Council agreed with Mr Dale's opinion regarding the competing objectives in relation to character and the community's needs for housing. As Mr McMahon put it:⁸⁶

... it is more important that people are housed, if you are going to make a call.

⁸³ Closing submissions for the Crown at 2.12.

⁸⁴ Rebuttal evidence of Josephine Schroder at 3.13.

⁸⁵ Transcript, page 83, line 44, to page 84, line 4.

⁸⁶ Transcript, page 483, line 39.

[221] We accept the evidence that opposes a character overlay, noting the very considerable constraints it would place on the Corporation’s ability to redevelop the area for more social housing, which we have already confirmed is desperately needed in Christchurch.

[222] We accept that a balance must be struck between meeting housing needs of the community and protecting the character and amenity. However, we are satisfied on the evidence, and in the restrained circumstances, that social housing requirements must take precedence over character values.

[223] We have considered the merits of the urban design and planning evidence of the Council and of the Crown. We consider that, on the evidence before us, the inclusion of CA29 Auburn Avenue is, on balance, not the most appropriate means of implementing the competing strategic objectives of the plan.

[224] We therefore direct that CA29 be deleted from Character Area Overlay.

Character Area Overlay — CA19 St James Avenue

[225] The entirety of CA19 St James Avenue was notified as a Category 2 Character Area within the Character Area Overlay. The Phase 2 Beca Report identifies the southern part of CA19 as having character values that support a Category 1 Character Area,⁸⁷ and the northern part as having character values that support a Category 2 classification.

[226] Ms Schröder confirmed in cross-examination that her expert view is that the southern part of St James Avenue should be recognised as a Category 1 Character Area,⁸⁸ and therefore retained within the Character Area Overlay. She acknowledges that it is at the low end of Category 1, but that there are gains to be made within this area in terms of enhancing the amenity of the area.

[227] Mr Field did acknowledge in evidence that he agreed with the methodology used by Beca to assess the character areas, and that the St James area achieves the 20-point threshold level under the Beca assessment.⁸⁹ However, he went on to say:⁹⁰

⁸⁷ Evidence in chief of Josephine Schröder at 7.35.

⁸⁸ Transcript, page 33.

⁸⁹ Closing submissions for the CCC at 5.23.

⁹⁰ Transcript, page 216 (Field).

So my view is that although the Beca report in terms of its methodology and its quantification of thresholds and so forth might include it, my view when I visited it onsite, was that it was not distinguishable enough to actually include as a Category 1, it did not seem to me to justify that level of recognition

[228] Overall, Mr Field does not support the inclusion of St James Avenue as a Category 1 Character Area,⁹¹ or its retention in the Character Area Overlay:

I do not support the inclusion of CA19 St James Avenue as character area in the replacement plan. In my opinion this area does not achieve a level of overall coherence of character to warrant inclusion as a character area in the plan

[229] We have noted that CA19 St James Avenue was included in Category 2 Character Area in the plan as notified. Its inclusion now in Category 1 has occurred as a result of a single submission request.⁹² Ms Schröder confirmed that the impact of character area provisions is to restrict the ability of land owners to develop their properties, because it controls new buildings.

[230] We have considered all of the evidence. That evidence does not satisfy us that there is sufficient justification to elevate CA19 St James Avenue to a Category 1 Character Area. Therefore, we direct that CA19 be deleted from the Category 1 Character Area Schedule.

Character Area Overlay — CA2/3 Beckenham Loop

[231] Ms Dysart (2451) submitted, seeking to amend Planning Map 46 to combine CA2 Beckenham Loop (a Category 1 Character Area) and CA3 Beckenham Central (a Category 2 Category Area).

[232] Ms Dysart also sought to extend that area to include the remaining part of the block that borders the south side of Tennyson Street between Eastern Terrace and Norwood Street, that being the only part of the block that currently remains outside the SAM area in the current plan. This has been identified as 102–154 Tennyson Street.

⁹¹ Transcript, page 212 (Field).

⁹² John and Colleen McGammon (2002).

[233] Ms Schröder supported the submission on amalgamation, and stated in evidence:⁹³

I agree with the submitter that these character areas should be re-amalgamated. My view on this submission point is an exception to my opinion that all Category 2 Character Areas should be deleted.

[234] At expert conferencing, the following was agreed:

The amalgamation of CA2 Beckenham Loop and CA3 Beckenham Central, including limiting the rule (with the exception of site size) to sites with street frontage, and the inclusion of numbers 102 to 154 Tennyson Street in CA2 Beckenham Loop, but not the deletion of 98 Tennyson Street.

[235] Ms Dysart appeared and gave evidence in support of her submission. She acknowledged that other land owners were affected by any change in character classification. She was of the view that adequate notice was given to residents of the Beckenham Loop area of the Stage 2 hearing process and the character categories affecting the area, and that the process may result in possible changes to the boundary lines:⁹⁴

I think it is reasonable to conclude that a person looking at the plan I attached at A, could have anticipated that my submission would be made, and have made their own submission in support of the status quo had they wished.

[236] Ms Dysart was questioned by the Panel in regard to fairness and effect of a boundary change without opportunity to respond, the principles of natural justice and the OIC,⁹⁵ and the following exchange took place:

SJH: Ms Dysart, you understand natural justice, don't you?

MS DYSART: Yes, I do, yes. I suppose

SJH: Well people are entitled to know and be given a fair right of hearing. The Order in Council specifically imposes that duty on us but we have it anyway. If people don't know, how can natural justice be met. It is not enough just to say, surely is it, in a legal sense, oh well, they could have participated and they would have known or the restrictions are not all that much in my view, therefore, it is all right. That is just imposing your views on other people is it not, without them having any rights.

[237] We have considered all of the evidence. With regard to Ms Dysart's first request, the evidence satisfies us to agree to amalgamation of CA2 Beckenham Loop and CA3 Beckenham Central. We direct that the planning maps be amended to reflect the agreed amalgamation of the Character Area Overlay in regard to CA2 and CA3.

⁹³ Evidence in chief of Josephine Schröder at 7.28.

⁹⁴ Transcript, page 400 (Dysart).

⁹⁵ Transcript, page 403 (Dysart).

[238] With regard to Ms Dysart’s second request to include additional property fronting Tennyson Street within the character area, we have concerns as to the scope of the request, being beyond the boundaries of the character areas notified in Stage 2.

[239] Notwithstanding the support for Ms Dysart from Ms Schröder, Mr Field and the expert conferencing process, Ms Scott in her closing legal submissions acknowledged that the inclusion of 102–154 Tennyson Street raised fairness and natural justice concerns and conceded that the extension of the combined Beckenham character area should not include those properties unless a selective re-notifying process was engaged in.⁹⁶

[240] We note the residential zones for the area were identified in the Stage 1 Residential Proposal. Property owners inspecting the Stage 2 Notified Version, in that area, may have noted that a character area was in that locality, but that they were not affected by it and, therefore, may not have pursued looking into submissions on the plan.

[241] We accept CCC’s position from closing, and accept that, consistent with the decision of Kos J in *Palmerston North City Council v Motor Machinists Limited*,⁹⁷ in this instance, issues of procedural fairness arise and “[a] precautionary approach is required to receipt of submissions proposing more than incidental or consequential further changes to a notified proposed plan change”.⁹⁸ The changes sought impact on the property rights of affected owners, and we consider the change to be more than incidental or consequential.

[242] We also consider that the changes sought by Ms Dysart fail the second limb of the *Clearwater* test,⁹⁹ which asks whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective opportunity to respond to those additional changes in the plan change process. Ms Dysart is a resource management lawyer, and will be aware of both the process for the district plan review and implications of it. The general public do not have the benefit of Ms Dysart’s knowledge and experience. We consider that there is a good chance they would not be aware of the presence of the submission, and, therefore, it is likely they would be prejudiced in some manner.

⁹⁶ Closing submissions for the CCC at 5.22.

⁹⁷ *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290, [2014] NZRMA 519.

⁹⁸ *Ibid*, at [91](c).

⁹⁹ *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

[243] We are also conscious of our powers under cl 13(4) of the Order that enable us to deal with matters that are, in a material way, outside the scope of a proposal as notified, and to deal with submissions on it. An application could have been made for us to exercise this power, seeking that the area identified be re-notified so that affected parties could be fairly involved in the process.

[244] In this circumstance, we do not consider that changes are needed. No request was made, and we exercise our discretion not to use the re-notification power. The Council could, in future reviews, undertake a process of assessment and consultation (through the normal Schedule 1, RMA process) with affected parties, and such an extension of the Character Area Overlay could be considered on its merits at that time.

[245] We decline the second part of Ms Dysart’s submission seeking inclusion of numbers 102–154 Tennyson Street in CA2 Beckenham Loop.

Port Hills — McVicar and Christ’s College (2399)

[246] This land was identified in the Notified Version as being included in the Residential Large Lot Density Overlay. Subsequently, the Council and the parties filed a joint memorandum noting that an error had been made, including the Residential Large Lot land identified in the memorandum within the density overlay area.¹⁰⁰

[247] Given the agreement between the parties, we consider that removal of the overlay from the subject land is the most appropriate for achieving the objectives of the plan, and so direct.

Port Hills — Rock Hill Limited

[248] Rock Hill Limited request that land identified in their submission at Redmond Spur be rezoned from Residential Large Lot to a new Residential Hills Mixed Density zone.¹⁰¹ The land is identified in the existing plans as Living Hills deferred, pending the availability of a wastewater connection. Rock Hill Limited initially sought additional areas to be rezoned

¹⁰⁰ Joint memorandum of counsel for Christ’s College and G and J McVicar and the Christchurch City Council, dated 20 August 2015

¹⁰¹ As identified on the map in Ms Stewart’s evidence in chief on behalf of Rock Hill Limited at page 3. We note the site was identified in the Council’s evidence as “685 Cashmere Road”, however this differs from the street address in Terralink and Canterbury Maps.

outside of the Map A Urban Area, however, in her evidence, Ms Elizabeth Stewart, planner for Rock Hill Limited, conceded that for the scope of her evidence, Rock Hill Limited no longer wished to pursue that part of their submission seeking an extension of urban development outside of the Map A area.¹⁰²

[249] To this extent, by the time of the hearing, the submitter and the Council were aligned. Council have accepted in part the land located within the existing urban area can appropriately be rezoned Residential Hills Mixed Density Overlay.¹⁰³

[250] The submitter has indicated that the proposed new zone would result in a similar net yield to the Residential Large Lot.

[251] Mr Cameron appeared in opposition to the request. His concern was primarily with the issue of drainage over his site, as identified on the outline development plan for the Hendersons Basin Area. All parties conceded that this was not a matter for the Panel to decide at this stage.

[252] Mr Jonathan Gillard filed a statement of evidence on behalf of the Kennedys Bush Road Neighbourhood Association (2412, FS2386). Mr Gillard did not appear before us, but his evidence stated that the Association was opposed to the extension of the urban area, but did not contain any discussion with regard to the proposed overlay. As noted above, Rock Hill Limited subsequently abandoned the request to rezone the area outside of Map A.

[253] On the basis of the evidence presented to us, we agree that the change of areas identified in Ms Stewart's map from Residential Large Lot to Residential Hills Mixed Density Overlay is appropriate,¹⁰⁴ and that such changes achieve the objectives and policies of the plan and properly give effect to the higher order documents.

Banks Peninsula — Blue Lady Trust (2355)

[254] This request relates to the site at 84 Park Terrace, Corsair Bay. The site was originally partly zoned Residential Banks Peninsula in the Notified Version, but not to the full extent that reflected either the current zone in the existing plan, nor did it extend to the edge of the area

¹⁰² Evidence in chief of Elizabeth Stewart at page 3, shown as the areas coloured yellow.

¹⁰³ Closing submissions for the Council, Attachment B; Supplementary evidence of Ms Sarah Oliver, 2 September 2015, at 8.1 and 8.2.

¹⁰⁴ Evidence in chief of Elizabeth Stewart at page 3, shown as the areas coloured brown.

identified as the existing urban area identified in Map A of Chapter 6 of the Canterbury Regional Policy Statement.

[255] The Council subsequently filed a joint memorandum with the Blue Lady Trust, agreeing to rezone part of the land, but not to the full extent as sought in the submission.¹⁰⁵ This area is identified in orange in the joint memorandum. We agree to this zoning as reflecting the existing urban area, and the evidence that it achieves the objectives of the plan and the higher order documents.

[256] Mr Rogers, for the Blue Lady Trust, subsequently filed a memorandum noting that it agreed with the smaller area of rezoning, but continued to seek the wider rezoning of the site.¹⁰⁶ Mr Rogers acknowledged that the request was frustrated by the provisions of the CRPS. We deal with this matter at [185].

Banks Peninsula — Mark Shadbolt (2375) and Sunny Point Estates Limited (2406)

[257] Sunny Point Estates Limited and Mark Shadbolt sought that the following sites be rezoned to Residential Small Settlement or Residential Large Lot on Banks Peninsula:

- (a) 5 Tikao Bay Road;
- (b) 283 Wainui Main Road, French Farm;
- (c) 6025 Christchurch Akaroa Road, Duvauchelle (Residential Large Lot);
- (d) 6027 Christchurch Akaroa Road, Duvauchelle; and
- (e) 6528 Christchurch Akaroa Road, Takamatua.

[258] At the point of filing its rebuttal evidence, the Council's issues around these sites (except for 6025 Christchurch Akaroa Road, Duvauchelle) had been narrowed to stormwater

¹⁰⁵ Joint memorandum of counsel on behalf of the Blue Lady Trust and Christchurch City Council recording agreement on the resolution of part of the Blue Lady Trust's submission and on issues relating to 84 Park Terrace, dated 4 September 2015

¹⁰⁶ Memorandum of counsel on behalf of the Blue Lady Trust, dated 10 September 2015.

management issues. In relation to 6025 Christchurch Akaroa Road, the Council also noted concerns as to consolidation of the settlement, its form, and landscape issues.

[259] Mr Norton, for the Council, filed rebuttal evidence on the sites in a general sense, but elaborated on his conclusions in the course of the hearing. Ms Harte, planner for Sunny Point Estates, also elaborated on the stormwater management issues at the hearing. While not an expert on stormwater issues, she noted her experience as a planner and considered that stormwater is “best dealt with at the same time as lot layout and house locations are designed and assessed ... as part of the subdivision process”.¹⁰⁷ She also noted that discharge consents may be required from the regional council.

[260] Following further discussions subsequent to the hearing, the Council filed a memorandum following the closing submissions.¹⁰⁸ That memorandum noted that agreement had been reached on all but 6025 Christchurch Akaroa Road. Given the agreement of the parties, and the evidence we accept, we direct the rezoning of the subject sites.

[261] In relation to 6025 Christchurch Akaroa Road, we were presented with evidence by Mr Peter Rough, an expert landscape witness for Mark Shadbolt, and Mr Andrew Craig, expert landscape witness for the Council. This site was requested to be rezoned Residential Large Lot. It sits on a relatively gentle spur on the northern side of the Christchurch Akaroa Road and to the west of the Duvauchelle Settlement. It would provide for 10 lots, each of which would be approximately 1500m².

[262] Mr Craig’s concern is that the proposal is somewhat separate from the existing Duvauchelle settlement, and that it forms a rural backdrop and is quite prominent when approaching Duvauchelle from Akaroa. Mr Rough’s view is that the pattern of settlement at Duvauchelle is somewhat fragmented and is not continuous.

[263] We are guided in this matter by the higher order documents. Policy 5.3.1 of the CRPS seeks to provide sustainable development patterns which ensure that any urban growth, and limited rural residential growth, occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development.

¹⁰⁷ Transcript, page 659, lines 39–42 (Harte).

¹⁰⁸ Memorandum of counsel on behalf of CCC recording merits of rezoning sought by Mark Shadbolt and Sunny Point Estates Limited, 12 October 2015.

[264] On this matter, we accept the evidence of Mr Craig. Just because the existing settlement is fragmented, that does not mean that we should continue or increase that fragmentation. To do so would not promote a co-ordinated pattern of development that focuses on consolidated, well-designed urban patterns. Rather, it would do the opposite, and promote a fragmented expansion of the settlement at Duvauchelle. On the accepted evidence of Mr Craig, in preference to Mr Rough, we refuse the request. The use of the land for rural purposes is considered to be the most appropriate for achieving the objectives of the district plan and provisions of the higher order documents.

[265] We are also satisfied that our findings give effect to the higher order documents in relation to CRPS Policy 5.3.1, above.

Christchurch City — University of Canterbury, 112 Waimairi Road, Ilam

[266] The University of Canterbury (‘UC’) (2464) sought to rezone 112 Waimairi Road, Ilam, from Residential Suburban Density Transition Zone, to Specific Purpose Tertiary Education Zone. A decision zoning the site Residential Suburban Density Transition Zone was made in Stage 1.

[267] By way of background, Ms Penny Lemon, planner for UC, set out the history of the site. She noted in her evidence that the site was purchased in February 2015. She was of the view that UC submitted on this property at the first opportunity available. Mr Chapman, counsel for UC, made similar submissions.

[268] Mr Chapman also submitted that because the submissions on Stage 2 were notified, that any party would have had the opportunity to have lodged a further submission on UC’s original submission. We disagree. As far as neighbouring property owners would be concerned, it would be fair for them to assume that the unchallenged zone provisions notified in Stage 1 would apply.

[269] With the change of zone, we consider that the rights for development on the site conferred with a Special Purpose Tertiary Education Zone could have a more than minor effect. While we are enabled, under cl 13(5), to make changes and reconsider a decision we have already made, we consider in this circumstance that it is not appropriate to use our powers under

cl 13(6)(a), as we cannot be confident that the changes are of no more than minor effect. Rather, we make a direction under cl 13(6)(b) that the Council notify a new proposal and invite submissions on it so that the matter can be properly considered.

[270] We have made a number of directions for matters to be re-notified under the OIC. We will deal with these as expeditiously as possible.

Christchurch City — Sanderson (2045) and Every Import Limited (2052)

[271] These submissions dealt with a request to rezone 21 and 23 Beresford Street, New Brighton, from Residential Density Transition Zone to Commercial Core. Both of these parcels were notified as Residential Density Transition Zone in Stage 2. The Council revised its position and filed a joint memorandum noting that they now agree to the zoning of the sites.¹⁰⁹

[272] Given agreement to the parties, it is accepted that the Residential Density Transition Zone is not appropriate for achieving the objectives of the plan, and as a result, this zone notation is removed. The rezoning of the site to Commercial Core is deferred and will be addressed in the Stage 2 Commercial Industrial decision.

Accommodation and Community Facilities Overlay — Denis Harwood (2486)

[273] Mr Denis Harwood, submitting on behalf of New Zealand Cashflow Control Limited, sought to include two sites at 58 Marriner Street and 52 The Esplanade in Sumner within the ACFO. Ms Sarah Oliver filed evidence on this matter, recommending that the request be rejected on the basis that the sites were already identified in the Sumner Master Plan as appropriate for Mixed Use, and that the site is not located on an arterial corridor and does not offer frontage onto a core public transport route.¹¹⁰ Ms Oliver noted concern for the integrity of the residential environment and increase in the potential for adverse effects on the residential zone.

¹⁰⁹ Joint Memorandum of Counsel on behalf of Christchurch City Council, Every Import Limited (2052) and Julian Sanderson (2045), dated 15 September 2015.

¹¹⁰ Second statement of evidence of Sarah Oliver, 19 August 2015, Attachment B, page 102.

[274] Mr Harwood filed lay evidence in support of his submission in relation to the deletion of the Category 2 Character Area, but did not appear before us on the matter of the Overlay. Mr Harwood did not call any expert witnesses in support of his submission on this matter.

[275] As such, and in the absence of any evidence to the contrary, we agree with Ms Oliver that the ACFO in this location is not appropriate for achieving the objectives of the district plan, as it does not reflect the locational requirements that the objectives and policies seek.

Accommodation and Community Facilities Overlay — Kauri Lodge Rest Home (2222)

[276] Kauri Lodge's submission on Stage 1, which was deferred to this hearing, sought RMD zoning of the land. Such zoning was clearly within scope.

[277] Ms Oliver, for the CCC, acknowledged the merits of the evidence as to the RMD zoning, but did not agree that the entire property warranted an ACFO.

[278] In Mr Dale's highlights package to his evidence for the submitter, he stated:¹¹¹

... extending the overlay is less necessary to provide for any future redevelopment of Kauri Lodge's existing retirement village and care home facility if the entire site is rezoned RMD. Such uses are enabled by the RMD zone and not extending the overlay would not be to the detriment of any future redevelopment.

Subject to rezoning the entire site RMD I therefore consider that the need for the overlay is less compelling as is the need to provide for retirement villages and care homes as a permitted activity.

[279] The Riccarton Wigram Community Board (2363) expressed concerns about the extension of the ACFO over the site. That was because the purpose and intent of the overlay was to support the concept of achieving a critical mass of activity on arterial routes, including pedestrian use and movement, public transport use and buffers to the residential environment. They also expressed concerns regarding the RMD zoning.

[280] In cross-examination, Mr Dale acknowledged that the RMD zoning better manages the interface between possible future development on the Kauri Lodge site and the adjacent residentially-zoned land.

¹¹¹ Transcript, page 319, lines 13–21 (Dale).

[281] While acknowledging the concerns of the Community Board, no expert evidence was called to address those concerns. We are satisfied that the provisions for RMD zoning properly manage the interface between an RMD zone and the adjoining residentially-zoned land.

[282] Based on the evidence, and Mr Dale's acknowledgement, we zone the Kauri Lodge site RMD in its entirety, but decline to extend the ACFO over the whole site, so that it remains as notified.

Other submissions heard

[283] We heard from a number of other submitters on matters of concern to them with the proposed provisions.

[284] Mr Mark Thomas presented evidence on behalf of the Avonhead Community Group (2164). The Group did not call any expert evidence in support of its position regarding its opposition to the rezoning of land at 77 Hawthornden Road, Avonhead. In the absence of expert evidence to the contrary, we accept the evidence of Ms Oliver and Ms O'Brien that matters relating to capacity can be addressed at subdivision stage.

[285] Mr Sitarz (2010) presented his submission in relation to the provisions for home occupations in relation to the Residential Small Settlement Zone. His particular concerns related to the operation of a Gemstone and Fossil Museum at Birdlings Flat, and visits to it by vehicles. While we are mindful of the impact that such activities can have on residential amenity, we note his submission recorded that consents were sought and gained for the museum. In our Revised Version, we have provided for home occupations with permitted standards as a permitted activity. Where those standards are exceeded, a resource consent is required.

[286] Overall, we consider that, based on the evidence and submissions we received, the proposal as amended is the most appropriate for achieving the objectives of the plan.

Definitions

[287] Definitions associated with the Stage 2 Residential proposal will be addressed at the Stage 2 and 3 Chapter 2 Definitions hearing in due course.¹¹²

Minor correction — schools with Residential zoning in Stage 1

[288] The Crown and Council both agreed on the merits of correcting specific purpose school zone boundaries that were zoned Residential in Stage 1 to allow designated boundaries for Kirkwood Intermediate, Hornby Primary, Hornby High and Harewood Primary. The Crown submits the matter is in scope, but this is challenged by the Council. Subsequent to the hearing of Stage 2 Residential, we have heard the Specific Purpose Zone, where similar requests were made.

[289] Given the sites are designated, there is no issue as to prejudice in relation to amending our previous decision. As a designated activity, there are no effects arising that would not otherwise be provided for under the designation, and for this reason can be differentiated from our decision on the UC site at [266], above. The impact of rezoning them from Residential to Specific Purpose Zone is of no more than minor effect, and we are able to make that amendment using our powers under cl 13(6) of the Order. The Residential zones affecting these sites in Stage 1 is hereby removed, and a decision on the appropriate zone will be issued with the Specific Purpose decision.

OVERALL EVALUATION AND CONCLUSIONS

[290] In reaching our decision, we have considered all submissions and further submissions made on the Notified Version, and had regard to the Council's recommended acceptance or rejection of those submissions, as filed. Except to the extent that those recommendations have been modified by this decision, we accept the Council's "Accept/Accept in Part/Reject Table". Based on our evidential findings, we are satisfied that the Decision Version, as amended from the Revised Version, is the most appropriate for achieving the purpose of the RMA and the

¹¹² A list of relevant Stage 2 Residential definitions is set out in the Council's Updated Statement of Issues dated 11 August 2015, Attachment B.

higher order documents. It is also best suited to enable recovery and meet the long-term requirements of greater Christchurch.

For the Hearings Panel:



Hon Sir John Hansen
Chair



Dr Philip Mitchell
Panel Member



Mr Alec Neill
Panel Member



Ms Jane Huria
Panel Member

SCHEDULE 1

The notified proposal is amended by our decision as follows.

Text that is highlighted grey indicates Stage 1 text and is not the subject of this decision.

Greyed out Stage 1 text does not incorporate requests for minor corrections for which a decision has not yet been issued.

Chapter 14 Residential

14.1 Objectives and policies

14.1.1 Objective - Housing supply

- a. An increased supply of housing that will:
 - i. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7;
 - ii. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and
 - iii. assist in improving housing affordability.

14.1.1.1 Policy - Housing distribution and density

[Further amendment to this Policy will be considered by the Panel as part of considering the Stage 2 Chapter 14 Residential (part) Proposal]

- a. Provide for the following distribution of different areas for residential development, in accordance with the residential zones identified and characterised in Table 14.1.1.1a, in a manner that ensures:
 - i. new urban residential activities only occur in existing urban areas or in greenfield priority areas identified in Map A of the Canterbury Regional Policy Statement;
 - ii. high density residential development in the Central City, that achieves an average net density of at least 50 households per hectare for intensification development;
 - iii. medium density residential development in and near identified commercial centres in existing urban areas where there is ready access to a wide range of facilities, services, public transport, parks and open spaces, that achieves an average net density of at least 30 households per hectare for intensification development;
 - iv. a mix of low and medium residential density development in greenfield neighbourhoods, that achieves a net density (averaged over the Outline Development Plan) of at least 15 households per hectare;
 - v. greenfield land that is available for further residential development up to 2028;
 - vi. low density residential environments in other existing suburban residential areas, in the residential areas of Banks Peninsula, and in small settlements are maintained, but limited opportunities are provided for smaller residential units that are compatible with the low density and township suburban environment; and
 - vii. within Banks Peninsula, limited low density residential development adjacent to existing residential townships and small settlements, that complements the surrounding environment, is able to be efficiently serviced by public infrastructure and in some limited circumstances private infrastructure; and is in locations not subject to significant risks to life safety and property damage from natural hazards.

Table 14.1.1.1a

Residential Suburban Zone	<p>Provides for the traditional type of housing in Christchurch in the form of predominantly single or two storeyed detached or semi-detached houses, with garage, ancillary buildings and provision for gardens and landscaping.</p> <p>The changing demographic needs and increasing demand for housing in Christchurch are provided for through a range of housing opportunities, including better utilisation of the existing housing stock. A wider range of housing options will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons).</p>
Residential Suburban Density Transition Zone	<p>Covers some inner suburban residential areas between the Residential Suburban Zone and the Residential Medium Density Zone, and areas adjoining some commercial centres.</p> <p>The zone provides principally for low to medium density residential development. In most areas there is potential for infill and redevelopment at higher densities than for the Residential Suburban Zone.</p>
Residential Medium Density Zone	<p>Located close to the central city and around other larger commercial centres across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, retailing, entertainment, parks and public transport.</p> <p>The zone provides for medium scale and density of predominantly two or three storey buildings, including semi-detached and terraced housing and low-rise apartments, with innovative approaches to comprehensively designed, high quality, medium density residential development also encouraged.</p> <p>Residential intensification is anticipated through well-designed redevelopments of existing sites, and more particularly through comprehensive development of multiple adjacent sites. Zone standards and urban design assessments provide for new residential development that is attractive, and delivers safe, secure, private, useable and well landscaped buildings and settings.</p>
New Neighbourhood Zone	[deferred to NNZ Hearing]
Residential Banks Peninsula Zone	<p>Includes urban and suburban living, commuter accommodation and the small harbour settlements.</p> <p>The zone includes the settlements of Lyttelton and Akaroa which each have a distinctive urban character. Lyttelton has a more urban atmosphere and a distinct urban-rural boundary. The residential areas are characterised by small lot sizes and narrow streets. Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings and well-treed properties. Akaroa is a focal point for visitors to the region and the district. The character of these two settlements is highly valued and the District Plan provisions seek to retain that character. Opportunities for residential expansion around Lyttelton and Akaroa are constrained by the availability of reticulated services and land suitability.</p> <p>The smaller settlements around Lyttelton harbour provide a variety of residential opportunities. Residential areas at Cass Bay, Corsair Bay, Church Bay and Diamond Harbour offer a lower density residential environment with relatively large lots. Each settlement differs as a reflection of its history, the local topography, the relationship with the coast and the type of residential living offered.</p> <p>Non-residential activities that are not compatible with the character of the Residential Banks Peninsula Zone are controlled in order to mitigate adverse effects on the character and amenity of the area.</p>
Residential Hills Zone	Covers all the living environments that are located on the slopes of the Port Hills from Westmorland in the west to Scarborough in the east. It provides principally for low density residential development that recognises the landscape values of the Port Hills, including opportunities for planting and landscaping, and control of reflectivity of roof

	finishes in order to blend buildings into the landscape. Provision is made for a range of housing options that will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons). Provision is also made for a range of appropriate non-residential activities.
Residential Large Lot Zone	Covers a number of areas on the Port Hills where there is an existing residential settlement that has a predominantly low density or semi-rural character as well as the Akaroa Hillslopes and rural residential areas of Samarang Bay and Allandale on Banks Peninsula.
Residential Small Settlement	Covers the many small settlements on Banks Peninsula, as well as the settlements of Kainga and Spencer Park to the north of Christchurch. Lot sizes within the settlements are typically larger than urban areas reflecting their existing character and providing a lower density semi-rural living environment, with the exception of Kainga, where smaller lots are provided for. New development is consolidated in and around existing settlements. Control of roof reflectivity seeks to blend buildings into the rural landscape. Non-residential activities that are not compatible with the character of the settlements are controlled in order to mitigate adverse effects on amenity and the environment of the settlements.
<i>Residential Bach Zone</i>	<i>Deferred to Coastal Environment Hearing</i>

14.1.1.2 Policy – Establishment of new medium density residential areas

- a. Support establishment of new residential medium density zones to meet demand for 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.
- 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.

Note: This policy also implements Objective 14.1.2.

14.1.1.3 Policy – Residential development in Banks Peninsula

- a. Provide for limited growth and changes to residential townships and small settlements that:
 - i. improves the long term viability of the townships, settlements and their communities;

Residential (Part)
(and relevant definitions and associated planning maps) — Stage 2

- ii. provides new housing opportunities in locations that are not subject to significant risks to life-safety and property damage from natural hazards;
- iii. integrates with the existing residential settlement and maintains a consolidated urban form; and
- iv. does not compromise the dominance of the landscape setting, and avoids ribbon residential development along the coastline, on prominent spurs, ridges and skylines.

14.1.1.4 Policy - Needs of Ngāi Tahu whānui

- a. Enable the housing needs of Ngāi Tahu whānui to be met throughout residential areas and in other locations where there is an ongoing relationship with ancestral lands.

Note: This policy also implements Objective 14.1.2.

14.1.1.5 Policy – Provision of social housing

- a. Enable small scale, medium density social housing developments throughout residential areas as a permitted activity and social housing developments generally throughout residential areas.

Note: This policy also implements Objective 14.1.2

14.1.1.6 Policy – Non-household residential accommodation

- a. Enable sheltered housing, refuges, and student hostels to locate throughout residential areas, provided that the building scale, massing, and layout is compatible with the anticipated character of any surrounding residential environment.

Note: This policy also implements Objective 14.1.2.

14.1.1.7 Policy – Provision of housing for an aging population

- a. Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of older people throughout residential areas.
- b. Provide for comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older people and those requiring care or assisted living, throughout all residential zones.
- c. Recognise that housing for older people can require higher densities than typical residential development, in order to be affordable and, where required, to enable efficient provision of assisted living and care services.

Note: This policy also implements Objective 14.1.2

14.1.1.8 Policy – Monitoring

- a. Evaluate the effectiveness of the District Plan’s residential provisions by monitoring the supply of additional housing through residential intensification, greenfield and brownfield development (including housing types, sizes and densities), and its contribution to:

- i. meeting regional growth targets for greater Christchurch in the Land Use Recovery Plan and the Canterbury Regional Policy Statement;
 - ii. achieving an additional 23,700 dwellings by 2028 (Objective 3.3.4(a));
 - iii. meeting the diverse and changing population and housing needs for Christchurch residents, in the immediate recovery period and longer term;
 - iv. improving housing affordability; and
 - v. meeting the housing intensification targets specified in Objective 3.3.7(d).
- b. Undertake the monitoring and evaluation at such intervals as to inform any other monitoring requirements of other statutory instruments, and make the results publicly available.
 - c. Have regard to the information from this monitoring when determining priority areas for residential intensification and provision for new and upgraded infrastructure.

14.1.2 Objective – Short term residential recovery needs

- a. Short-term residential recovery needs are met by providing opportunities for:
 - i. an increased housing supply throughout the lower and medium density residential areas;
 - ii. higher density comprehensive redevelopment of sites within suitable lower and medium density residential areas;
 - iii. medium density comprehensive redevelopment of community housing environments;
 - iv. new neighbourhood areas in greenfields priority areas; and
 - v. temporary infringement of built form standards as earthquake repairs are undertaken.

Note: Policies 14.1.1.1, 14.1.1.2, 14.1.1.3, 14.1.1.4, 14.1.1.5, 14.1.1.6, and 14.1.1.7 also implement Objective 14.1.2

14.1.2.1 Policy – Short term recovery housing

- a. Provide for and incentivise a range of additional housing opportunities to meet short term residential recovery needs through redevelopment and additions to the existing housing stock and/or vacant land, that:
 - i. are appropriately laid out and designed to meet the needs of current and future residents; and
 - ii. avoid significant adverse effects on the character or amenity of existing residential areas.

14.1.2.2 Policy – Recovery housing - higher density comprehensive redevelopment

- a. Enable and incentivise higher density comprehensive development of suitably sized and located sites within existing residential areas, through an Enhanced Development Mechanism which provides:
 - i. high quality urban design and onsite amenity;
 - ii. appropriate access to local services and facilities;

- iii. development that is integrated with, and sympathetic to, the amenity of existing neighbourhoods and adjoining sites; and
 - iv. a range of housing types;
 - v. and which does not promote land banking, by being completed in accordance with a plan for the staging of the development.
- b. To avoid comprehensive development under the Enhanced Development Mechanism in areas that are not suitable for intensification for reasons of:
- i. vulnerability to natural hazards;
 - ii. inadequate infrastructure capacity;
 - iii. adverse effects on Character Areas ; or
 - iv. reverse sensitivity on existing heavy industrial areas, Christchurch International Airport, arterial traffic routes, and railway lines.

14.1.2.3 Policy – Redevelopment and recovery of community housing environments

- a. Enable and incentivise comprehensive redevelopment of the existing community housing environments, through a Community Housing Redevelopment Mechanism which:
- i. provides high quality urban design and on-site amenity;
 - ii. provides development that is integrated with, and sympathetic to, the amenity of adjacent neighbourhoods;
 - iii. maintains or increases the stock of community housing units;
 - iv. provides for an increased residential density; and
 - v. provides for a range of housing types including housing for lower income groups and those with specific needs.

14.1.2.4 Policy – Temporary infringement for earthquake repairs

- a. Enable temporary infringement of built form standards relating to building height and recession planes to facilitate the timely completion of repairs to earthquake damaged houses and ancillary buildings.

14.1.3 Objective – Strategic infrastructure

- a. Development of sensitive activities does not adversely affect the efficient operation, use, and development of Christchurch International Airport and Port of Lyttelton, the rail network, the National Grid and other strategic transmission lines, the state highway network, and other strategic infrastructure.

14.1.3.1 Policy – Avoidance of adverse effects on strategic infrastructure

- a. Avoid reverse sensitivity effects on strategic infrastructure including:
- i. Christchurch International Airport;

- ii. the rail network;
- iii. the major and minor arterial road network;
- iv. the Port of Lyttelton;
- v. the National Grid and strategic distribution lines identified on the planning maps.

14.1.4 Objective – High quality residential environments

- a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

Note: Policies 14.1.6.1, 14.1.6.2, 14.1.6.3, and 14.1.6.6 also implement Objective 14.1.4.

14.1.4.1 Policy – Neighbourhood character, amenity and safety

- a. Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.1.1.1a), through design:
 - i. reflecting the context, character, and scale of building anticipated in the neighbourhood;
 - ii. contributing to a high quality street scene;
 - iii. providing a high level of on-site amenity;
 - iv. minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;
 - v. providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and
 - vi. incorporating principles of crime prevention through environmental design.

14.1.4.2 Policy – High quality, medium density residential development

- a. Encourage innovative approaches to comprehensively designed, high quality, medium density residential development, which is attractive to residents, responsive to housing demands, and provides a positive contribution to its environment (while acknowledging the need for increased densities and changes in residential character), through:
 - i. consultative planning approaches to identifying particular areas for residential intensification and to defining high quality, built and urban design outcomes for those areas;
 - ii. encouraging and incentivising amalgamation and redevelopment across large-scale residential intensification areas;
 - iii. providing design guidelines to assist developers to achieve high quality, medium density development;
 - iv. considering input from urban design experts into resource consent applications;
 - v. promoting incorporation of low impact urban design elements, energy and water efficiency, and life-stage inclusive and adaptive design; and
 - vi. recognising that built form standards may not always support the best design and efficient use of a site for medium density development, particularly for larger sites.

14.1.4.3 Policy – Scale of home occupations

- a. Ensure home occupation activity is secondary in scale to the residential use of the property.

14.1.4.4 Policy – Character of low and medium density areas

- a. Ensure, consistent with the zone descriptions in Table 14.1.1.1a, that:
- i. low density residential areas are characterised by a low scale open residential environment with predominantly one or two storey detached or semi-detached housing, and significant opportunities for landscaping and good access to sunlight and privacy are maintained; and
 - ii. medium density areas are characterised by medium scale and density of buildings with predominantly two or three storeys, including semi-detached and terraced housing and low rise apartments, and landscaping in publicly visible areas, while accepting that access to sunlight and privacy may be limited by the anticipated density of development and that innovative approaches to comprehensively designed, high quality, medium density residential development are also encouraged in accordance with Policy 14.1.4.2.

14.1.4.5 Policy – Character of residential development on the Port Hills

- a. Ensure that residential development on the Port Hills:
- i. maintains the visual dominance of the Port Hills rural environment as a backdrop to the City;
 - ii. avoids buildings and structures on skylines of significant and outstanding natural landscapes;
 - iii. is of a density that provides opportunity for ample tree and garden planting;
 - iv. integrates with existing residential areas and where possible provides connections to public open space; and
 - v. where practicable, provides access to mahinga kai and sites of Ngai Tahu cultural significance.

14.1.4.6 Policy – Character of residential development in Banks Peninsula

- a. Ensure that residential development in Banks Peninsula:
- i. maintains and complements the rural and coastal character elements that are distinct and unique to the local area and existing residential settlements;
 - ii. maintains the landscape setting and does not visually dominate views from land and water;
 - iii. avoids buildings and structures on skylines of significant and outstanding natural landscapes;
 - iv. encourages innovative design and sustainable land-use development; and
 - v. where practicable, creates and improves connections to recreational, open space, ecological, mahinga kai areas and sites of Ngai Tahu cultural significance.

14.1.4.7 Policy – Residential character areas in Christchurch City, Akaroa and Lyttelton

- a. Maintain and enhance the identified special character values of residential areas arising from the following elements:
 - i. the continuity or coherence of the character;
 - ii. the pattern of subdivision, open space, buildings and streetscape;
 - iii. the landforms or features that contribute to the qualities of the landscape and built form;
 - iv. the scale, form and architectural values of buildings and their landscape setting;
 - v. the qualities of the streetscape; and
- b. Within the Lyttelton and Akaroa Character Areas:
 - i. maintains and enhances the relationship to historic heritage;
 - ii. retains buildings and settings of high character value;
 - iii. retains important views from public places;
 - iv. reflects the existing small scale of development and integration with the landscape.

14.1.4.8 Policy – Best practice for health, building sustainability, energy and water efficiency

- a. Promote new residential buildings that:
 - i. provide for occupants' health, changing physical needs, and life stages; and
 - ii. are energy and water efficient;
 - iii. through non-regulatory methods including incentives.

14.1.4.9 Policy – Landscape and Ngāi Tahu cultural values in residential areas of Banks Peninsula

[deferred to Stage 2 Residential]

14.1.4.10 Policy – Heritage values in residential areas of Lyttelton and Akaroa

[deferred to Stage 2 Residential]

14.1.5 Objective – Comprehensive planning for new neighbourhoods

[deferred to NNZ Hearing]

14.1.5.1 Policy – Comprehensive development

[deferred to NNZ Hearing]

14.1.5.2 Policy – Higher density housing location

[deferred to NNZ Hearing]

14.1.5.3 Policy – Higher density housing to support Papakāinga development

[deferred to NNZ Hearing]

14.1.5.4 Policy – Neighbourhood Centres scale and location

[deferred to NNZ Hearing]

14.1.5.5 Ngā kaupapa / Policy Protection and enhancement of sites, values and other taonga of significance to tangata whenua

[deferred to NNZ Hearing]

14.1.5.6 Policy – Separation of incompatible activities

[deferred to NNZ Hearing]

14.1.5.7 Policy – Protection and enhancement of natural features and amenity

[deferred to NNZ Hearing]

14.1.6 Objective – Non-residential activities

Residential activities remain the dominant activity in residential zones, whilst also recognising the need to:

- i. provide for community facilities and home occupations which by their nature and character typically need to be located in residential zones; and
- ii. restrict other non-residential activities, unless the activity has a strategic or operational need to locate within a residential zone.

Note: this objective and its subsequent policies do not apply to brownfield sites.

14.1.6.1 Policy – Residential coherence character and amenity

- a. Ensure that non-residential activities do not have significant adverse effects on residential coherence, character, and amenity.

Note: This policy also implements Objective 14.1.4

14.1.6.2 Policy - Community activities and facilities

- a. Enable community activities and facilities within residential areas to meet community needs and encourage co-location and shared use of community facilities where practicable.
- b. Enable larger scale community activities and facilities within defined arterial locations that:
- i. are within walking distance of the central city and suburban commercial centres;
 - ii. front onto core public transport routes; and
 - iii. are not dominated by residential development.

Note: This policy also implements Objective 14.1.4

14.1.6.3 Policy – Existing non-residential activities

- a. Enable existing non-residential activities to continue and support their redevelopment and expansion provided they do not:
- i. have a significant adverse effect on the character and amenity of residential zones; or
 - ii. undermine the potential for residential development consistent with the zone descriptions in Table 14.1.1.1a.

Note: This policy also implements Objective 14.1.4

14.1.6.4 Policy – Other non-residential activities

- a. Restrict the establishment of other non-residential activities, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones is insignificant.

14.1.6.5 Policy – Retailing in residential zones

- a. Ensure that small scale retailing, except for retailing permitted as part of a home occupation, is limited in type and location to appropriate corner sites on higher order streets in the road hierarchy.

14.1.6.6 Policy – Memorial Avenue and Fendalton Road

- a. Maintain the war memorial and visitor gateway roles of Memorial Avenue and Fendalton Road and their very high amenity values, by limiting the establishment of non-residential activities and associated outdoor advertising and vehicle parking on sites in residential zones with frontage to these roads.

Note: This policy also implements Objective 14.1.4

14.1.6.7 Policy – Guest accommodation

- a. Provide for guest accommodation within defined arterial locations that:
 - i. are within walking distance of the central city and suburban commercial centres;
 - ii. front onto core public transport routes; and
 - iii. are not dominated by residential development.

14.1.7 Objective – Redevelopment of brownfield sites

- a. On suitable brownfield sites, provide for new mixed use commercial and residential developments that are comprehensively planned so that they are environmentally and socially sustainable over the long term.

14.1.7.1 Policy – Redevelopment of brownfield sites

- a. To support and incentivise the comprehensive redevelopment of brownfield sites for mixed use residential and commercial activities where:
 - i. natural hazards can be mitigated;
 - ii. adequate infrastructure services and capacity are available;
 - iii. reverse sensitivity effects on existing industrial areas are managed;
 - iv. the safety and efficiency of the current and future transport system is not significantly adversely affected;
 - v. there is good walking and cycling access to public transport routes, commercial and community services, and open space;
 - vi. if necessary, contaminated land is remediated in accordance with national and regional standards; and
 - vii. the redevelopment does not impact on the vitality and strategic role of commercial centres.
- b. Ensure the redevelopment is planned and designed to achieve:
 - i. high quality urban design and on-site amenity; and
 - ii. development that is integrated and sympathetic with the amenity of the adjacent neighbourhoods and adjoining sites.

14.2 Rules – Residential Suburban Zone and Residential Suburban Density Transition Zone

14.2.1 How to use the rules

- a. The rules that apply to activities in the Residential Suburban Zone and Residential Suburban Density Transition Zone are contained in:
 - i. the activity status tables (including activity specific standards) in Rule 14.2.2; and
 - ii. built form standards in Rule 14.2.3.
- b. Area specific rules also apply to activities within the following specific areas zoned Residential Suburban Zone or Residential Suburban Density Transition Zone in Rule 14.2.4:
 - i. Wigram, within the area of the diagram shown on Figure 6 (generally bounded by RNZAF Bequest Land, Awatea Road, and the Wigram aerodrome and runway);
 - ii. Peat Ground Condition Constraint Overlay
 - iii. Prestons Road Retirement Village Overlay;
 - iv. adjacent to State Highway 73 (Southern Motorway) between Annex and Curletts Roads;
 - v. adjacent to State Highway 75 (Curletts Road) between the intersection with State Highway 73 and Lincoln Road;
 - vi. Existing Rural Hamlet Overlay;
 - vii. Stormwater Capacity Constraint Overlay;
 - viii. Residential land abutting the western boundary of the Industrial Park Zone at Russley Road / Memorial Avenue;
 - ix. Mairehau final development area shown on Figure 5;
 - x. Accommodation and Community Facilities Overlay; and
 - xi. Character Area Overlay.
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Residential Suburban Zone and Residential Suburban Density Transition Zone.
 - 5 Natural Hazards;
 - 6 General Rules and Procedures;
 - 7 Transport;
 - 8 Subdivision, Development and Earthworks;
 - 9 Heritage and Natural Environment;
 - 11 Utilities, Energy and Infrastructure; and
 - 12 Hazardous Substances and Contaminated Land.
- d. Where the word “facility” is used in the rules (e.g. spiritual facility), it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

14.2.2 Activity status tables

14.2.2.1 Permitted activities

In the Residential Suburban Zone and the Residential Suburban Density Transition Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table, the applicable built form standards in Rule 14.2.3 and the area specific rules in Rule 14.2.4.

Activities may also be permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.2.2.2, 14.2.2.3, 14.2.2.4, 14.2.2.5, and 14.2.2.6, or in the area specific rules in Rule 14.2.4.

Activity		Activity specific standards
P1	Residential activity, except for boarding houses	<ul style="list-style-type: none"> a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.
P2	Minor residential unit where the minor unit is a detached building and the existing site it is to be built on contains only one residential unit	<ul style="list-style-type: none"> a. The existing site containing both units shall have a minimum net site area of 450m². b. The minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area of 80m². c. The parking areas of both units shall be accessed from the same access. d. There shall be a total outdoor living space on the existing site (containing both units) with a minimum area of 90m² and a minimum dimension of 6 metres. This total space can be provided as: <ul style="list-style-type: none"> i. a single continuous area; or ii. be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area. <p>Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.</p>
P3	Student hostels owned or operated by a secondary education activity or tertiary education and research activity	<ul style="list-style-type: none"> a. Nil

Activity		Activity specific standards															
	containing up to 6 bedrooms																
P4	Multi-unit residential complexes within the Residential Suburban Density Transition Zone	<p>a. The complex shall only contain up to and including four residential units.</p> <p>b. The minimum net floor area (including toilets and bathrooms, but excluding carparking, garaging or balconies) for any residential unit in the complex shall be:</p>															
P5	Social housing complexes	<table border="1"> <thead> <tr> <th></th> <th>Number of bedrooms</th> <th>Minimum net floor area</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Studio.</td> <td>35m²</td> </tr> <tr> <td>2.</td> <td>1 Bedroom.</td> <td>45m²</td> </tr> <tr> <td>3.</td> <td>2 Bedrooms.</td> <td>60m²</td> </tr> <tr> <td>4.</td> <td>3 or more Bedrooms.</td> <td>90m²</td> </tr> </tbody> </table> <p>c. Any residential unit fronting a road or public space shall have a habitable space located at the ground level, and at least 50% of all residential units within a complex shall have a habitable space located at the ground level.</p> <p>d. Each of these habitable spaces located at the ground level shall have a minimum floor area of 9m² and a minimum internal dimension of three metres and be internally accessible to the rest of the unit.</p>		Number of bedrooms	Minimum net floor area	1.	Studio.	35m ²	2.	1 Bedroom.	45m ²	3.	2 Bedrooms.	60m ²	4.	3 or more Bedrooms.	90m ²
	Number of bedrooms	Minimum net floor area															
1.	Studio.	35m ²															
2.	1 Bedroom.	45m ²															
3.	2 Bedrooms.	60m ²															
4.	3 or more Bedrooms.	90m ²															
P6	Older person's housing unit	a. Any older person's housing unit shall have a maximum gross floor area of 120m ² .															
P7	Retirement villages	<p>a. Building façade length – there must be a recess in the façade of a building where it faces a side or rear boundary from the point at which a building exceeds a length of 16 metres. The recess must:</p> <ul style="list-style-type: none"> i. be at least 1 metre in depth, for a length of at least 2 metres; ii. be for the full height of the wall; and iii. include a break in the eave line and roof line of the façade. 															

Activity		Activity specific standards
P8	Conversion of an elderly person's housing unit existing at 6 December 2013, into a residential unit that may be occupied by any person(s) and without the need to be encumbered by a bond or other appropriate legal instrument (P8 only applies until 30 April 2018)	<p>a. There shall be no reduction in the areas and dimensions of the lawfully established outdoor living space associated with each unit.</p>
P9	Conversion of a family flat existing at 6 December 2013 into a residential unit that may be occupied by any person(s) and without the need to be encumbered by a legal instrument	<p>a. Each converted flat shall have a minimum gross floor area, excluding terraces, garages, sundecks, and verandahs, of 35m².</p> <p>b. There shall be a total outdoor living space on the existing site (containing the residential unit and the family flat) with a minimum area of 90m² and a minimum dimension of 6m. This total space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.</p> <p>Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.</p>
P10	Conversion of a residential unit (within, or as an extension to, a residential unit) into two residential units	<p>a. Each residential unit shall have a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m².</p> <p>b. There shall be a total outdoor living space on the existing site with a minimum area of 90m² and a minimum dimension of 6m. This total space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.</p> <p>Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.</p> <p>c. The residential unit to be converted shall be outside:</p> <ol style="list-style-type: none"> i. the tsunami inundation area as set out in Environment Canterbury report number R12/38 "Modelling coastal inundation in Christchurch and Kaiapoi from a South American Tsunami using topography from after the 2011 February Earthquake (2012), NIWA"; as shown in Appendix 14.14.5; ii. the Riccarton Wastewater Interceptor Overlay identified on the Planning Maps 38, 37, 31, 30, 23; except after the completion of infrastructure work to enable capacity in the identified lower catchment; and

Activity		Activity specific standards
		<p>iii. any Flood Management Area.</p>
P11	Replacement of a residential unit with two residential units	<p>a. The existing site shall be occupied by one residential unit and that residential unit has been, or will be, demolished because the insurer(s) of that unit have determined that the residential unit was uneconomic to repair because of earthquake damage.</p> <p>b. The existing site shall be outside:</p> <ul style="list-style-type: none"> i. the tsunami inundation area as set out in Environment Canterbury report number R12/38 “Modelling coastal inundation in Christchurch an Kaiapoi from a South American Tsunami using topography from after the 2011 February Earthquake (2012), NIWA”; as shown in Appendix 14.14.5; ii. the Riccarton Wastewater Interceptor Overlay identified on the Planning Maps 38, 37, 31, 30, 23; except after the completion of infrastructure work to enable capacity in the identified lower catchment; and iii. any Flood Management Area. <p>c. There shall be a total outdoor living space on the existing site with a minimum area of 90m² and minimum dimension of 6m. This total space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.</p> <p>Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.</p>
P12	Construction of two residential units on a site that was vacant prior to the Canterbury earthquakes of 2010 and 2011	<p>a. The existing site shall be outside:</p> <ul style="list-style-type: none"> i. the tsunami inundation area as set out in Environment Canterbury report number R12/38 “Modelling coastal inundation in Christchurch an Kaiapoi from a South American Tsunami using topography from after the 2011 February Earthquake (2012), NIWA”; as shown in Appendix 14.14.5; ii. the Riccarton Wastewater Interceptor Overlay identified on the Planning Maps 38, 37, 31, 30, 23; except after the completion of infrastructure work to enable capacity in the identified lower catchment; and iii. any Flood Management Area. <p>b. There shall be a total outdoor living space on the existing site with a minimum area of 90m² and minimum dimension of 6m. This total space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.</p>

Activity		Activity specific standards		
		Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.		
P13	Home occupation	<p>a. The gross floor area of the building, plus the area used for outdoor storage area, occupied by the home occupation shall be less than 40m².</p> <p>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</p> <p>c. Any retailing shall be limited to the sale of goods grown or produced on the site, or internet-based sales where no customer visits occur.</p> <p>d. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of:</p> <p>i. 0700 – 2100 Monday to Friday; and</p> <p>ii. 0800 – 1900 Saturday, Sunday and public holidays.</p> <p>e. Visitor or staff parking areas shall be outside the road boundary setback.</p> <p>f. Outdoor advertising shall be limited to a maximum area of 2m², except that where the activity is located on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.</p>		
P14	Care of non-resident children within a residential unit in return for monetary payment to the carer	<p>There shall be:</p> <p>a. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and</p> <p>b. at least one carer residing permanently within the residential unit.</p>		
P15	Bed and breakfast	<p>There shall be:</p> <p>a. a maximum of six guests accommodated at any one time;</p> <p>b. at least one owner of the residential unit residing permanently on site; and</p> <p>c. no guest given accommodation for more than 90 consecutive days.</p>		
P16	Education activity	<p>The activity shall:</p> <p>a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available;</p> <p>b. only occupy a gross floor area of building of less than 200m², or in the case of a health care facility, less than 300m²;</p> <p>c. limit outdoor advertising to a maximum area of 2m²;</p> <p>d. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of:</p> <table border="1" data-bbox="670 1915 1353 2016"> <tr> <td>Education activity</td> <td>i. 0700 – 2100 Monday to Saturday; and</td> </tr> </table>	Education activity	i. 0700 – 2100 Monday to Saturday; and
Education activity	i. 0700 – 2100 Monday to Saturday; and			
P17	Pre-schools			
P18	Health care facility			
P19	Veterinary care facility			
P20	Places of assembly			

Activity		Activity specific standards								
		<table border="1"> <tr> <td></td> <td>ii. Closed Sunday and public holidays.</td> </tr> <tr> <td>Pre-schools</td> <td>i. 0700 – 2100 Monday to Friday, and ii. 0700 – 1300 Saturday, Sunday and public holidays.</td> </tr> <tr> <td>Health care facility</td> <td rowspan="3">i. 0700 – 2100.</td> </tr> <tr> <td>Veterinary care facility</td> </tr> <tr> <td>Places of assembly</td> </tr> </table> <p>e. in relation to pre-schools, limit outdoor play areas and facilities to those that comply with the Group 1 acoustic standard for residential zones;</p> <p>f. in relation to pre-schools, veterinary care facilities and places of assembly:</p> <p>i. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; and</p> <p>ii. only locate on residential blocks where there are no more than two non-residential activities already within that block;</p> <p>Note: See Figure 1.</p> <p>g. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four;</p> <p>h. in relation to places of assembly, entertainment facilities shall be closed Sunday and public holidays;</p> <p>i. in relation to noise sensitive activities, not be located within the 50 dBA L_{dn} Air Noise Contour as shown on the Planning Maps; and</p> <p>j. not include the storage of more than one heavy vehicle on the site of the activity.</p>		ii. Closed Sunday and public holidays.	Pre-schools	i. 0700 – 2100 Monday to Friday, and ii. 0700 – 1300 Saturday, Sunday and public holidays.	Health care facility	i. 0700 – 2100.	Veterinary care facility	Places of assembly
	ii. Closed Sunday and public holidays.									
Pre-schools	i. 0700 – 2100 Monday to Friday, and ii. 0700 – 1300 Saturday, Sunday and public holidays.									
Health care facility	i. 0700 – 2100.									
Veterinary care facility										
Places of assembly										
P21	Spiritual facilities	<p>The facility shall:</p> <p>a. limit the hours of operation to 0700-2200; and</p> <p>b. not include the storage of more than one heavy vehicle on the site of the activity.</p>								
P22	Community corrections facilities	<p>The facility shall:</p> <p>a. limit the hours of operation when the site is open to clients and deliveries to between the hours of 0700 – 1900; and</p>								
P23	Community welfare facilities	<p>b. limit signage to a maximum area of 2m².</p>								

Activity		Activity specific standards
P24	Emergency services facilities	a. Nil
P25	<p>Repair or rebuild of multi-unit residential complexes damaged by the Canterbury earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes</p> <p><i>[This was the subject of Decision 3, numbering and text referring to multi-unit residential complexes is amended by this decision under Cl 13(5) and (6)(a)]</i></p>	<p>a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not comply with any of the built form standards.</p> <p>b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer:</p> <ul style="list-style-type: none"> i. the only built form standards that shall apply are those specified in Rules 14.2.2.3 – Building height and 14.2.3.6 – Daylight recession planes; ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres; iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes. <p>Clarification: examples of regulatory or legal requirement that may apply include the New Zealand Building Code, Council bylaws, easements, and other rules within this Plan such as the requirements for minimum floor levels in Chapter 5.</p> <p>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</p> <p>Any application arising from non-compliance with standards a. and b.i. will not require written approval except from the affected adjoining landowner(s) and shall not be publicly notified.</p> <p>Any application arising from non-compliance with standard b.ii. (road boundary setbacks), will not require written approval and shall not be publicly or limited notified.</p>
P26	<p>Temporary lifting or moving of earthquake damaged buildings where the activity does not comply with one or more of Rules:</p> <ul style="list-style-type: none"> a. 14.2.3.3 – Building height; b. 14.2.3.4 – Site coverage; c. 14.2.3.5 – Outdoor living space; d. 14.2.3.6 – Daylight recession planes; or e. 14.2.3.7 – Minimum building 	<p>a. Buildings shall not be:</p> <ul style="list-style-type: none"> i. moved to within 1 metre of an internal boundary and/or within 3 metres of any waterbody, scheduled tree, listed heritage item, natural resources and Council owned structure, archaeological site, or the coastal marine area; or ii. lifted to a height exceeding 3 metres above the applicable recession plane or height control. <p>b. The building must be lowered back or moved back to its original position, or a position compliant with the District Plan or consistent with a resource consent, within 12 weeks of the lifting or moving works having first commenced.</p> <p>c. In all cases of a building being moved or lifted, the owners/occupiers of land adjoining the sites shall be informed of the work at least seven days prior to the lift or move of the building occurring. The information provided shall include details</p>

Activity		Activity specific standards
	<p>setbacks from internal boundaries and railway lines.</p> <p><i>[This was the subject of Decision 2, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]</i></p>	<p>of a contact person, details of the lift or move, and the duration of the lift or move.</p> <p>d. The Council's Resource Consents Manager shall be notified of the lifting or moving the building at least seven days prior to the lift or move of the building occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>
P27	Relocation of a building	a. Nil
P28	Temporary military or emergency service training activities	
P29	Market gardens, community gardens, and garden allotments	

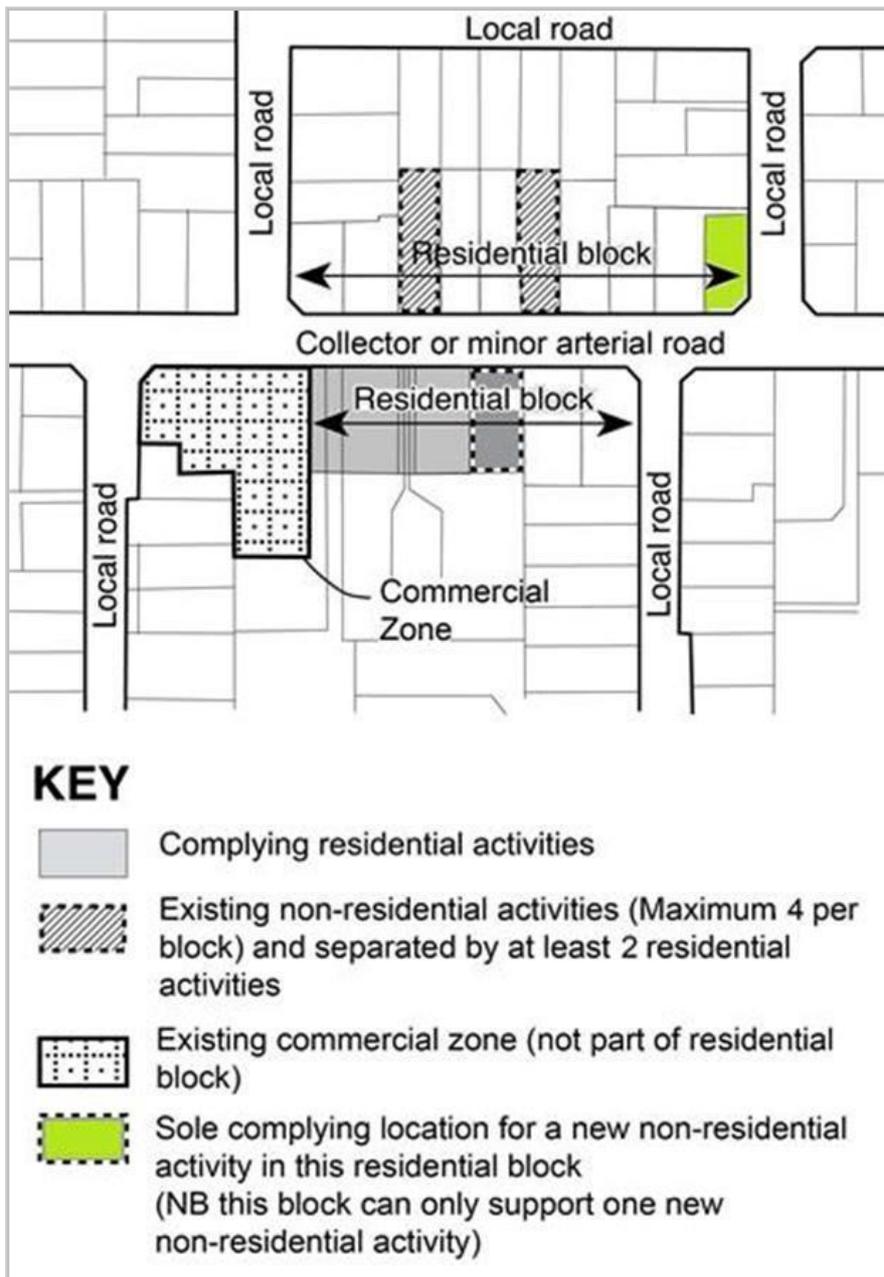


Figure 1: Residential coherence

[Note – this figure needs to be updated to reflect correct terminology and rule references]

14.2.2.2 Controlled activities

The activities listed below are controlled activities.

Unless otherwise specified, controlled activities will not require written approval and shall not be publicly or limited notified.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

		The matters over which Council reserves its control:
C1	Fences that do not comply with Rule 14.2.3.10 – Street scene amenity and safety - fences	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
C2	Residential units (including any sleep-outs) containing more than six bedrooms in total	a. Scale of activity – 14.13.5 b. Traffic generation and access safety – 14.13.6
C3	Multi-unit residential complexes and social housing complexes not complying with Rule 14.2.3.2 – Tree and garden planting	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
C4	Multi-unit residential complexes and social housing complexes not complying with Rule 14.2.3.12 – Service, storage and waste management spaces	a. Service, storage and waste management spaces – 14.13.20
C5	Social housing complexes, where the complex does not comply with any one or more of the activity specific standards in Rule 14.2.2.1 P5 c. or d.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
C6	Multi-unit residential complexes in the Residential Suburban Density Transition Zone, where the complex does not comply with any one or more of the activity specific standards in Rule 14.2.2.1 P4 c. or d.	

14.2.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Residential unit in the Residential Suburban Zone contained within its own separate site with a net site area between 400 and 450m ²	a. Site density and site coverage – 14.13.2
RD2	Residential unit in the Residential Suburban Density Transition Zone contained within its own separate site with a net site area between 300m ² and 330m ²	
RD3	Minor residential unit where the minor unit is a detached building and does not	a. Minor residential units 14.13.23

Residential (Part)
(and relevant definitions and associated planning maps) — Stage 2

Activity	The Council's discretion shall be limited to the following matters:
RD4	
RD5	a. Minimum unit size and unit mix – 14.13.4
RD6	
RD7	a. Residential design principles – 14.13.1
RD8	
RD9	a. Scale of activity - 14.13.5
RD10	a. Retirement villages - 14.13.10
RD11	a. Scale of activity - 14.13.5 b. Traffic generation and access safety - 14.13.6
RD12	a. Scale of activity – 14.13.5

Activity		The Council's discretion shall be limited to the following matters:
RD13	<p>Convenience activities where:</p> <ol style="list-style-type: none"> the site is located on the corner of a minor arterial road that intersects with either a minor arterial road or collector road; the total area occupied by retailing on the site is no more than 50m² public floor area; the activity does not include the sale of alcohol; outdoor advertising is limited to no more than 2m² and shall be within the road boundary setback; the hours of operation when the site is open to business visitors or clients are limited to between the hours of 0700 – 2200 Monday to Sunday and public holidays; and there is no provision of on-site parking area for visitors or service purposes. 	<ol style="list-style-type: none"> Residential design principles - 14.13.1 Scale of activity – 14.13.5 Non-residential hours of operation – 14.13.22 Traffic generation and access safety – 14.13.6
RD14	<p>Integrated family health centres where:</p> <ol style="list-style-type: none"> the centre is located on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal is available; the centre is located on sites adjoining a Neighbourhood, District or Key Activity Centre; the centre occupies a gross floor area of building of between 301m² and 700m²; outdoor advertising signage is limited to a maximum area of 2m²; and the hours of operation when the site is open to patients, or clients, and deliveries is limited to between the hours of 0700 – 2100. 	<ol style="list-style-type: none"> Scale of activity - 14.13.5 Traffic generation and access safety - 14.13.6 Non-residential hours of operation - 14.13.22
RD15	<p>Animal shelter at 14 and 18 Charlesworth Street.</p> <p>Any application arising from this rule shall only require the written approvals of directly abutting landowners and occupiers and shall at most be limited</p>	<ol style="list-style-type: none"> Scale of activity – 14.13.5 Traffic generation and access safety - 14.13.6 Non-residential hours of operation - 14.13.22

Activity		The Council's discretion shall be limited to the following matters:
	notified to those directly abutting landowners.	
RD16	<p>Spiritual facilities that do not comply with the hours of operation in Rule 14.2.2.1 P21.</p> <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to directly abutting land owners and occupiers that have not given their written approval.</p>	<p>a. Non-residential hours of operation – 14.13.22</p>
RD17	<p>Community corrections and community welfare facilities that do not comply with any one or more of the activity specific standards in Rule 14.2.2.1 P22 or P23.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>As relevant to the breached rule:</p> <p>a. Scale of activity – 14.13.5</p> <p>b. Traffic generation and access safety – 14.13.6</p> <p>c. Non-residential hours of operation – 14.13.22</p>
RD18	<p>Temporary lifting or moving of earthquake damaged buildings that does not comply with any one or more of the activity specific standards in Rule 14.2.2.1 P26.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. Relocation of buildings and temporary lifting or moving of earthquake damaged buildings – 14.13.17</p> <p><i>[This was the subject of Decision 2, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]</i></p>
RD19	Buildings that do not comply with Rule 14.2.3.3 – Building height	<p>a. Impacts on neighbouring property – 14.13.3</p>
RD20	Buildings that do not comply with Rule 14.2.3.6 – Daylight recession planes	
RD21	<p>Activities and buildings that do not comply with Rule 14.2.3.4 – Site coverage where the site coverage is between 35% and 40%.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>a. Site density and site coverage – 14.13.2</p>

Activity		The Council's discretion shall be limited to the following matters:
RD22	Multi-unit residential complexes, social housing complexes, and older person's housing units that do not comply with Rule 14.2.3.4 – Site coverage, where the site coverage is between 40-45% (calculated over the net site area of the site of the entire complex or group of units). Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	
RD23	Market gardens where the site coverage exceeds 55%. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	
RD24	Residential units that do not comply with Rule 14.2.3.5 – Outdoor living space. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Outdoor living space – 14.13.21
RD25	Buildings that do not comply with Rule 14.2.3.9 – Road boundary building setback. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
RD26	Buildings that do not comply with Rule 14.2.3.7 – Minimum building setbacks from internal boundaries and railway lines, other than Rule 14.2.3.7(6) (refer to RD28)	a. Impacts on neighbouring properties – 14.13.3 b. Minimum building, window and balcony setbacks – 14.13.19
RD27	Buildings that do not comply with Rule 14.2.3.8 – Minimum setback and distance to living area windows and balconies and living space windows facing internal boundaries	

Activity		The Council's discretion shall be limited to the following matters:
RD28	Buildings that do not comply with Rule 14.2.3.7(6) relating to rail corridor boundary setbacks	a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.
RD29	Residential units that do not comply with Rule 14.2.3.11 – Water supply for firefighting. Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.	a. Water supply for fire fighting – 14.13.8
RD30	Activities and buildings that do not comply with any one or more of the activity specific standards in Rule 14.2.2.1 (except for P16 - P18 activity standard i. relating to noise sensitive activities in the 50 dBA L _{dn} Air Noise Contour, refer to RD33; or P16-P19 activity standard j. relating to storage of heavy vehicles, refer to D2) for: a. P13 Home occupation; b. P16 Education activity c. P17 Pre-schools; d. P18 Health care facility; e. P19 Veterinary care facility. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	As relevant to the breached rule: a. Scale of activity -14.13.5 b. Traffic generation and access safety - 14.13.6 c. Non-residential hours of operation – 14.13.22
RD31	Activities and buildings that do not comply with any one or more of Rule 14.2.2.1 P10 Standard c.iii, or Rule 14.2.2.1 P11 Standard b.iii, or Rule 14.2.2.1 P12 Standard a.iii. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. The setting of the minimum floor level. b. The frequency at which any proposal is predicted to be flooded and the extent of damage likely to occur in such an event. c. Any proposed mitigation measures, and their effectiveness and environmental impact, including any benefits associated with flood management. d. Any adverse effects on the scale and nature of the building and its location in relation to neighbouring buildings, including effects the privacy of neighbouring properties as a result of the difference between minimum and

Activity		The Council's discretion shall be limited to the following matters:
		proposed floor levels, and effects on streetscape.
RD32	<p>Activities and buildings that do not comply with any one or more of Rule 14.2.2.1 P10 standard c.ii, or P11 standard b.ii., or P12 Standard a.ii.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly notified.</p>	<p>a. Whether there is adequate capacity in the wastewater system to provide for the additional residential activity.</p>
RD33	<p>a. Residential activities which are not provided for as a permitted or controlled activity;</p> <p>b. Education activities (P16);</p> <p>c. Pre-schools (P17); or</p> <p>d. Health care facilities (P18);</p> <p>located within the Air Noise Contour (50 dBA L_{dn}) as shown on the Planning Maps.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Christchurch International Airport Limited.</p>	<p>a. The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Christchurch International Airport.</p> <p>b. The extent to which appropriate indoor noise insulation is provided with regard to Appendix 14.14.4.</p>

14.2.2.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity
D2	<p>Activities that do not comply with any one or more of the activity specific standards in Rule 14.2.2.1 for:</p> <p>a. P1 Residential activity;</p> <p>b. P8 Conversion of an elderly person's housing unit into a residential unit;</p> <p>c. P14 Care of non-resident children in a residential unit;</p> <p>d. P15 Bed and breakfast;</p> <p>e. P20 Places of assembly; or</p> <p>f. Storage of more than one heavy vehicle for P16-P19 and P21.</p>
D3	Student hostels owned or operated by a secondary education activity or tertiary education and research activity containing 10 or more bedrooms

Activity	
D4	Show homes
D5	Integrated family health centres which do not comply with any one of more of the requirements specified in Rule 14.2.2.3 RD14
D6	Multi-unit residential complexes in Residential Suburban Zones

14.2.2.5 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Any non-residential activity located on a site with frontage to Memorial Avenue or Fendalton Road
NC2	Residential units in the Residential Suburban Zone that do not comply with Rule 14.2.3.1, where the residential unit is contained within a site with a net site area of less than 400m ² net site area.
NC3	Residential units in the Residential Suburban Density Transition Zone that do not comply with Rule 14.2.3.1, where the residential unit is contained within a site with a net site area of less than 300m ² net site area
NC4	Activities and buildings that do not comply with Rule 14.2.3.4 where the site coverage exceeds 40% (except as provided for in NC5)
NC5	Multi-unit residential complexes, social housing complexes and older person's housing units that do not comply with Rule 14.2.3.4, where the site coverage exceeds 45% (calculated over the net site area of the site of the entire complex or group of units)
NC6	<p>g. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ul style="list-style-type: none"> i. within 12 metres of the centre line of a 110kV or 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure; or ii. within 10 metres of the centre line of a 66kV National Grid transmission line or within 10 metres of a foundation of an associated support structure; or <p>h. Fences within 5 metres of a National Grid transmission line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The National Grid transmission lines are shown on the planning maps. 2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the

	<p>Electricity (Hazards from Trees) Regulations 2003.</p> <p>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activity in the vicinity of National Grid transmission lines must comply with NZECP 34:2001.</p>
<p>NC7</p>	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or ii. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure. <p>b. Fences within 5 metres of a 66kV or 33kV electricity distribution line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The electricity distribution lines are shown on the planning maps. 2. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.

14.2.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

14.2.3 Built form standards

14.2.3.1 Site density

Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

Activity	Standard
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1.	Residential Suburban Zone (excluding residential units established under Rule 14.2.2.1 P8, P9, P10, P11 and P12)	450m ²
2.	Residential Suburban Density Transition Zone (excluding residential units established under Rule 14.2.2.1 P8, P9, P10, P11 and P12)	330m ²
3.	Social housing complexes	There shall be no minimum net site area for any site for any residential unit or older person's housing unit
4.	Multi-unit residential complexes	
5.	Older person's housing units	
6.	Retirement village	

14.2.3.2 Tree and garden planting

For multi-unit residential complexes and social housing complexes only, sites shall include the following minimum tree and garden planting:

- a. a minimum of 20% of the site shall be provided for landscape treatment (which may include private or communal open space), including a minimum of one tree for every 250m² of gross site area (prior to subdivision), or part thereof. At least 1 tree shall be planted adjacent to the street boundary;
- b. all trees required by this rule shall be not less than 1.5 metres high at the time of planting;
- c. all trees and landscaping required by this rule shall be maintained and if dead, diseased or damaged, shall be replaced; and
- d. the minimum tree and garden planting requirements shall be determined over the site of the entire complex.

14.2.3.3 Building height

The maximum height of any building shall be:

	Activity	Standard
1.	All buildings unless specified below	8 metres
2.	Minor dwelling units in the Residential Suburban Zone	5.5 metres and of a single storey only

Note: See the permitted height exceptions contained within the definition of height.

14.2.3.4 Site coverage

The maximum percentage of the net site area covered by buildings excluding:

- a. fences, walls and retaining walls;
- b. eaves and roof overhangs up to 600mm in width from the wall of a building;
- c. uncovered swimming pools up to 800mm in height above ground level; and
- d. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - i. are no more than 800mm above ground level and are uncovered or unroofed; or
 - ii. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site;

shall be as follows:

	Zone/activity	Standard
1.	All zones / activities unless specified below	35%
2.	Multi-unit residential complexes, social housing complexes, and groups of older person's housing units where all the buildings are single storey. The percentage coverage by buildings shall be calculated over the net area of the site of the entire complex or group, rather than over the net area of any part of the complex or group.	40%
3.	Market gardens	55%
4.	Retirement villages	45%

14.2.3.5 Outdoor living space

- a. Each residential unit shall be provided with an outdoor living space in a continuous area, contained within the net site area with a minimum area and dimension as follows:

	Activity/area	Standard	
		Minimum area	Minimum dimension

1.	Residential Suburban Zone	90m ²	6 metres
2.	Residential Suburban Density Transition Zone	50m ²	4 metres
3.	Multi-unit residential complexes, social housing complexes and older person's housing units	30m ²	4 metres

- b. The required minimum area shall be readily accessible from a living area of each residential unit.
- c. The required minimum area shall not be occupied by any building, access, or parking space, other than:
- i. an outdoor swimming pool; or
 - ii. accessory building of less than 8m²; or
 - iii. any buildings or parts of a building without walls (other than a balustrade) on at least a quarter of its perimeter, and occupies no more than 30% of the area of the outdoor living space.

Note: This rule only applies to structures on the same site.

This rule does not apply to residential units in a retirement village.

14.2.3.6 Daylight recession planes

- a. Buildings shall not project beyond a building envelope constructed by recession planes, as shown in Appendix 14.14.2 Diagram A and Diagram B as relevant, from points 2.3 metres above:
- i. ground level at the internal boundaries; or
 - ii. where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or
 - iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.
- b. Where the building is located in an overlay that has a permitted height of more than 11 metres, the recession plane measurement shall commence from points 2.3 metres above ground level at the internal boundaries and continue on the appropriate angle to points 11 metres above ground level, at which point the recession plane becomes vertical.

Refer to Appendix 14.14.2 for permitted intrusions.

- c. Where a site is located within a Flood Management Area, and a breach of the recession planes determined in accordance with standards a. or b. above is created solely by the need to raise the floor level to meet minimum floor levels, the applicable daylight recession plane shall be determined as follows:
- i. within the Fixed Minimum Floor Level Overlay, the daylight recession plane shall be determined as if the ground level at the relevant boundary was the minimum floor level set in the activity specific standards for P1 and P2 in Rule 5.3.1.1, or natural ground level, whichever is higher; or

- ii. outside the Fixed Minimum Floor Level Overlay, the daylight recession plane shall be determined as if the ground level at the relevant boundary was the minimum floor level specified in a Minimum Floor Level Certificate calculated in accordance with Rule 5.3.1.2, or natural ground level, whichever is higher.

14.2.3.7 Minimum building setbacks from internal boundaries and railway lines

The minimum building setback from internal boundaries shall be as follows:

1.	All buildings not listed in table below	1 metre
2.	Accessory buildings where the total length of walls or parts of the accessory building within 1 metre of each internal boundary does not exceed 10.1 metres in length	Nil
3.	Decks and terraces at or below ground floor level	Nil
4.	Buildings that share a common wall along an internal boundary	Nil
5.	All other buildings where the internal boundary of the site adjoins an access or part of an access	1 metre
6.	On sites adjacent or abutting railway lines, buildings, balconies and decks	4 metres from the rail corridor boundary
7.	Except where 14.2.3.7.8 applies, all two storey buildings where the internal boundary of the site adjoins the Avonhead Cemetery (Council landscape buffer)	5m
8.	For two storey buildings adjoining the Avonhead Cemetery (Council landscape buffer) that have high-set windows on the second floor facing the cemetery	3m

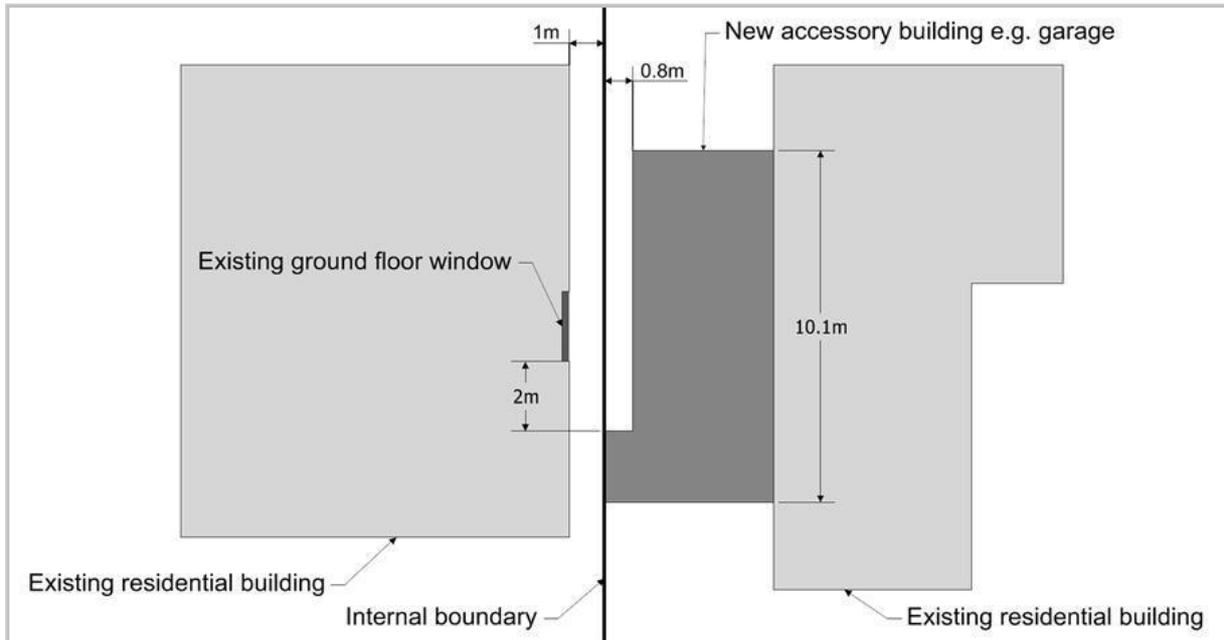


Figure 2: Separation from neighbours

[Note – this figure needs to be updated to reflect amended rules]

14.2.3.8 Minimum setback and distance to living area windows and balconies and living space windows facing internal boundaries

- a. The minimum setback for living area windows and balconies at first floor or above from an internal boundary shall be 4 metres.
- b. At first floor level or above, where a wall of a residential unit is located between 1 metre and 4 metres from an internal boundary, any living space window located on this wall shall only contain glazing that is permanently obscured.
- c. For a retirement village, this rule only applies to the internal boundaries of the site of the entire retirement village.

Note:

- A. This rule shall not apply to a window at an angle of 90 degrees or greater to the boundary.
- B. See sill height in the definition of window.
- C. For the purposes of this rule, permanently obscured glazing does not include glazing obscured by applied means such as film or paint.

14.2.3.9 Road boundary building setback

The minimum road boundary building setback shall be:

1.	All buildings and situations not listed below	4.5 metres
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2.	Where a garage has a vehicle door that generally faces a road or shared access	5.5 metres from the shared access or road kerb
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Except for:

a. A garage where:

- i. the side walls are parallel to the road boundary and no more than 6.5 metres in length;
- ii. the side walls facing the road contain a window with a minimum dimension of at least 0.6 metres (including the window frame);
- iii. the space between the side wall and the road boundary contains a landscaping strip of at least 2 metres in width that includes a minimum of two trees capable of reaching four metres height at maturity; and
- iv. where the access to the garage is located adjacent to a side boundary:
 - A. a landscaping strip of at least 0.6 metres width, planted with species capable of reaching 1.5 metres height at maturity, is located along the side boundary up to the line of the existing residential unit.

Where the planting conflicts with required visibility splays the visibility splay rules will prevail and the planting not be required.

See Figure 3.

b. A garage where:

- i. the garage is a single garage, with the door facing the road boundary, accessed from a local road;
- ii. the garage is a maximum 3.6 metres wide;
- iii. the garage is fitted with a sectional door that does not intrude into the driveway when open and can be operated with an automatic opener. Where the garage is more than 3.5 metres from the road boundary an automatic opener is not required; and
- iv. no part of the garage door when opening or shutting extends beyond the site boundary.

See Figure 4.

a. and b. above do not apply to garages in the Character Area Overlay.

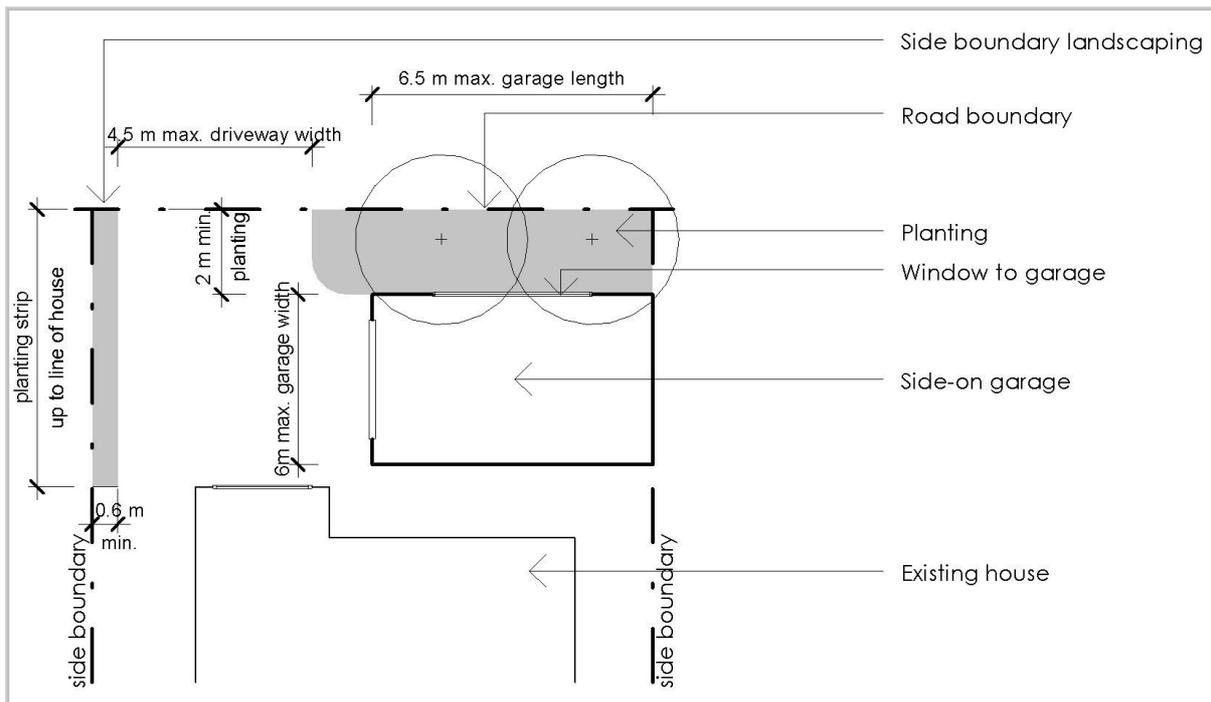


Figure 3: Side extension

[Note – this figure needs to be updated to reflect amended rules]

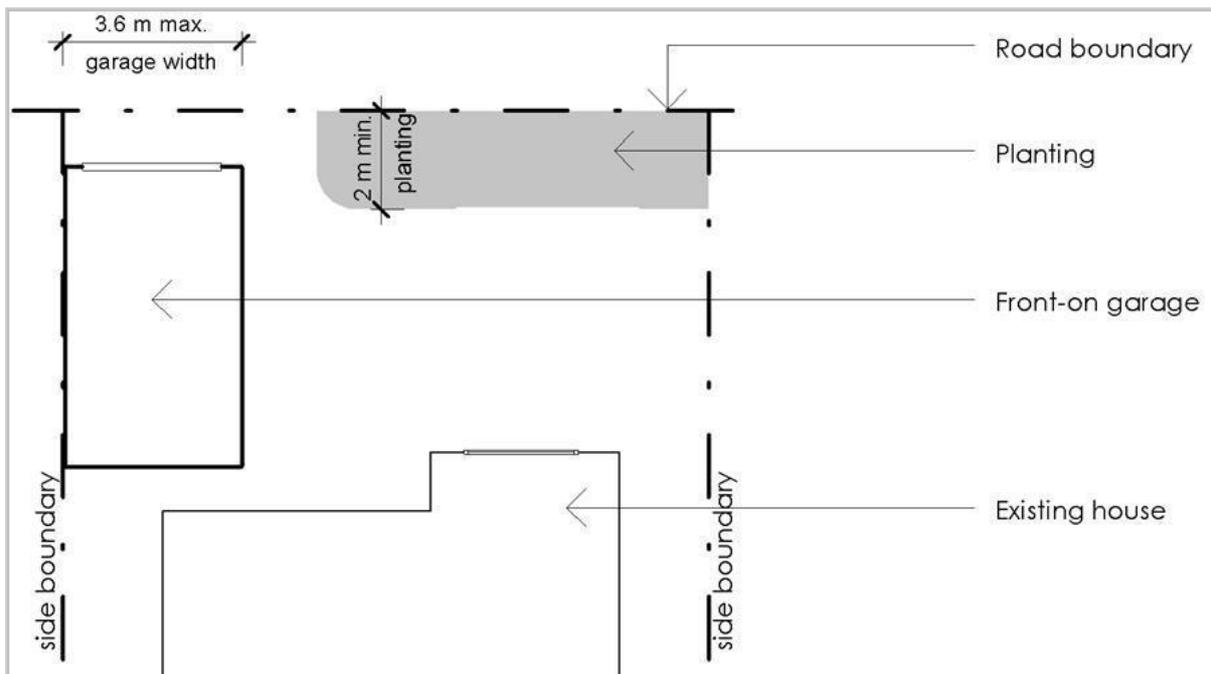


Figure 4: Front extension

[Note – this figure needs to be updated to reflect amended rules]

14.2.3.10 Street scene amenity and safety – fences

- a. The maximum height of any fence in the required building setback from a road boundary shall be 1.8 metres.

- b. This rule shall not apply to fences or other screening structures located on an internal boundary between two properties zoned residential, or residential and commercial or industrial.

Note: For the purposes of this rule, a fence or other screening structure is not the exterior wall of a building or accessory building.

14.2.3.11 Water supply for fire fighting

- a. Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

14.2.3.12 Service, storage and waste management spaces

- a. For multi-unit residential complexes and social housing complexes only:
- i. each residential unit shall be provided with at least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;
 - ii. each residential unit shall be provided with at least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and
 - iii. the required spaces in a. and/or b. for each residential unit shall be provided either individually, or within a dedicated shared communal space.

14.2.4 Area specific rules – Residential Suburban Zone and Residential Suburban Density Transition Zone

The following rules apply to the areas specified. All activities are also subject to the rules in 14.2.2 and 14.2.3 unless specified otherwise.

14.2.4.1 Area specific permitted activities

The activities listed below are permitted activities if they comply with the activity specific standards set out in this table; and the applicable built form standards in Rule 14.2.3, unless specified otherwise in Rule 14.2.4.6.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.2.2.2, 14.2.2.3, 14.2.2.4, 14.2.2.5, and 14.2.2.6 (unless specified otherwise in area specific rules); and Rules 14.2.4.2, 14.2.4.3, 14.2.4.4, or 14.2.4.5.

Activity		Activity specific standards
P1	The following activities in the Accommodation and Community Facilities Overlay:	<ol style="list-style-type: none"> a. The activity specific standards in Rule 14.2.2.1 do not apply. b. The facility or activity shall:

Activity		Activity specific standards
	<ul style="list-style-type: none"> a. Pre-schools; b. Health care facility; c. Veterinary care facility; d. Education activity; e. Place of assembly; f. Spiritual facilities; g. Community corrections facilities; h. Community welfare facilities; i. Care homes. 	<ul style="list-style-type: none"> i. comprise less than 500m² gross leasable floor space; and ii. limit the time when the site is open to visitors, students, patients, clients, and deliveries to between 0700-2100 Monday to Sunday.
P2	Guest accommodation in the Accommodation and Community Facilities Overlay	Nil

14.2.4.2 Area specific controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

	Location	Controlled activity	The matters over which Council reserves its control
C1	Character Area Overlay	<ul style="list-style-type: none"> a. The relocation of a building onto the site, erection of new buildings and alterations or additions to existing buildings, accessory buildings, fences and walls associated with that development, where it is: <ul style="list-style-type: none"> i. visible from the street; ii. located in that part of the site between the road boundary and the main residential unit on the site; or iii. involves changes to the front façade of the main residential unit of the site. b. This rule does not apply to: 	<ul style="list-style-type: none"> a. Character Area Overlay – 14.13.24

	Location	Controlled activity	The matters over which Council reserves its control
		<ul style="list-style-type: none"> i. fences that are 1 metre in height or less ii. accessory buildings that are located to the rear of the main residential unit on the site and are less than 5m in height iii. fences that are located on a side or rear boundary of the site, except where that boundary is adjacent to a public space; or iv. rear sites or those located on private lanes in CA2 – Beckenham Loop. <p>Any application arising from this rule will not require written approvals and shall not be limited or publicly notified.</p>	

14.2.4.3 Area specific restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table:

	Location	Restricted discretionary activity	The Council's discretion shall be limited to the following matters
RD1	Residential area in Wigram as shown on Figure 6	<p>Activities that do not comply with Rule 14.2.4.6.9 – Outdoor living space at West Wigram.</p> <p>Any application arising from this rule will not require the written approval of any entity except the New Zealand Defence Force and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Defence Force.</p>	<ul style="list-style-type: none"> a. Development plans - 14.13.16 b. Special setback provision - Residential Suburban Zone Wigram - 14.13.14
RD2	Mairehau Final Development Area	Any development of land that is not in accordance with the layout shown in the development plan in Figure 5.	<ul style="list-style-type: none"> a. Development plans - 14.13.16

	Location	Restricted discretionary activity	The Council's discretion shall be limited to the following matters
		Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	
RD3	Prestons Road Retirement Village Overlay	Residential units that do not comply with Rule 14.2.4.6.4 - Outdoor living space. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified. This clause shall cease to have effect on 31st December 2018.	a. Outdoor living space - 14.13.21
RD4	a. Peat Ground Condition Constraint Overlay; b. Stormwater Capacity Constraint Overlay; or c. Prestons Road Retirement Village Overlay.	Activities and buildings that do not comply with Rule 14.2.4.6.5 - Minimum building setbacks from internal boundaries. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Minimum building, window and balcony setbacks - 14.13.19
RD5	a. Peat Ground Condition Constraint Overlay; b. Stormwater Capacity Constraint Overlay; c. Existing Rural Hamlet Overlay in the area to the east of the 50 dBA L _{dn} noise contour line shown on Planning Map 18; or d. Existing Rural Hamlet Overlay in the area to the west of the 50 dBA L _{dn} noise contour line shown on Planning Map 18.	Residential units that do not comply with Rule 14.2.4.6.1 - Site density	a. Site density and site coverage – 14.13.2 b. Whether the development design adequately mitigates any adverse effects of the additional building coverage on the environmental condition giving rise to the constraint.
RD6	a. Prestons Road Retirement Village Overlay b. Accommodation and Community Facilities Overlay	Activities and buildings that do not comply with Rule 14.2.4.6.2 - Building height. This clause shall cease to have effect on 31st December 2018 in relation to the Prestons Road Retirement Village.	a. Impacts on neighbouring property – 14.13.3
RD7	a. Peat Ground Condition Constraint Overlay; b. Stormwater Capacity Constraint Overlay;	Activities and buildings that do not comply with Rule 14.2.4.6.3 - Site coverage	a. Site density and site coverage – 14.13.2

	Location	Restricted discretionary activity	The Council's discretion shall be limited to the following matters
	<p>c. Existing Rural Hamlet Overlay;</p> <p>d. Prestons Road Retirement Village Overlay.</p>		<p>b. Whether the development design adequately mitigates any adverse effects of the additional building coverage on the environmental condition giving rise to the constraint.</p>
RD8	Character Area Overlay	Residential units that do not comply with Rule 14.2.4.6.1 – Site density, where the minimum site density is between 400m ² and 600m ²	<p>a. Character Area Overlay – 14.13.24</p>
RD9	Accommodation and Community Facilities Overlay	<p>Service Stations.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. Scale of activity – 14.13.5</p> <p>b. Hours of operation – 14.13.22</p> <p>c. Traffic generation and access safety – 14.13.6</p>
RD10		Activities listed in Rule 14.2.4.1 P1 that do not comply with any one or more of the activity specific standards in Rule 14.2.4.1 P1.	<p>a. Scale of activity – 14.13.5</p> <p>b. Hours of operation – 14.13.22</p> <p>c. Traffic generation and access safety – 14.13.6</p> <p>d. Impacts on neighbouring property</p>
RD11	<p>a. Prestons Road Retirement Village Overlay</p> <p>b. Accommodation and Community Facilities Overlay</p>	Buildings that do not comply with Rule 14.2.4.6.11 – Daylight recession planes	<p>a. Impacts on neighbouring property – 14.13.3</p>
RD12		Activities and buildings that do not comply with Rule 14.2.4.6.3 - Site coverage	<p>a. Site density and site coverage – 14.13.2</p>

	Location	Restricted discretionary activity	The Council's discretion shall be limited to the following matters
RD13	Accommodation and Community Facilities Overlay	Buildings that do not comply with Rule 14.2.4.6.12 – Maximum continuous building length. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Impacts on neighbouring property – 14.13.3 b. Residential design principles – 14.13.1.c only
RD14		Buildings that do not comply with Rule 14.2.4.6.13 – Building setbacks from road boundaries. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
RD15		Buildings that do not comply with Rule 14.2.4.6.14 – Front entrances and facades. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Residential design principles – 14.13.1
RD16		Buildings that do not comply with Rule 14.2.4.6.15 – Building overhangs. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Residential design principles – 14.13.1
RD17		Activities that do not comply with Rule 14.2.4.6.16 – Fences and screening. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
RD18		Activities that do not comply with Rule 14.2.4.6.17 – Landscaped areas Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18

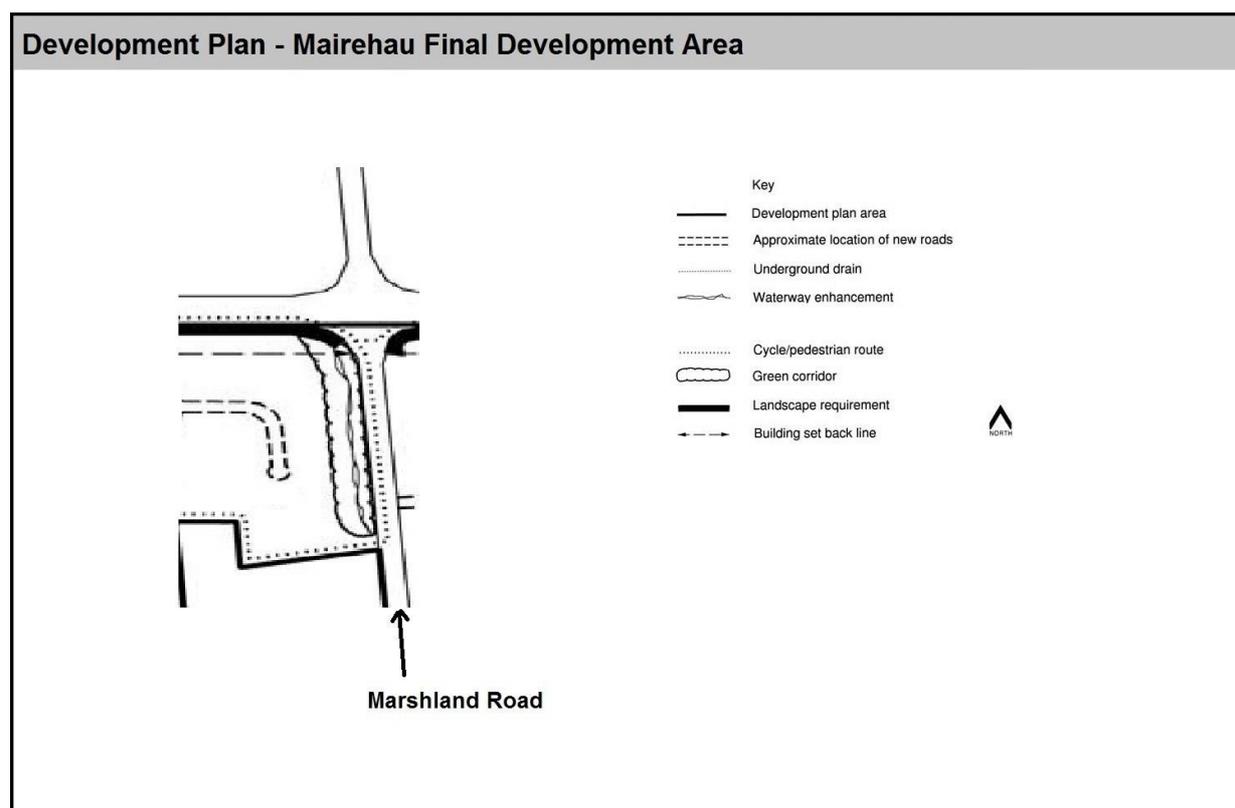


Figure 5: Mairehau final development area

14.2.4.4 Area specific discretionary activities

The activities listed below are discretionary activities.

Activity/area	
D1	Activities and buildings that do not comply with Rule 14.2.4.6.10 - Use of site and buildings Prestons Road Retirement Village Overlay. This clause shall cease to have effect on 31st December 2018.
D2	Activities and buildings that do not comply with Rule 14.2.4.6.6 – Minimum building setback from zone boundary Russley Road/Memorial Avenue
D3	Activities and buildings that do not comply with 14.2.4.6.8 - Building types and limits Prestons Road Retirement Village Overlay
D4	Activities and buildings that do not comply with 14.2.4.6.11 – Daylight recession planes Prestons Road Retirement Village Overlay

14.2.4.5 Area specific non-complying activities

The activities listed below are a non-complying activity.

Activity/area	
NC1	Activities and buildings that do not comply with Rule 14.2.4.6.7 - Noise insulation
NC2	Activities and buildings that do not comply with Rule 14.2.4.6.9 - Outdoor living space West Wigram
NC3	Residential units in the Character Area Overlay that do not comply with Rule 14.2.4.6.1, where the residential unit is contained within a site with a net site area of less than 400m ² .

14.2.4.6 Area specific built form standards

14.2.4.6.1 Site density

a. This applies to:

- i. Peat Ground Condition Constraint Overlay;
- ii. Stormwater Capacity Constraint Overlay; and
- iii. Existing Rural Hamlet Overlay; and
- iv. Character Area Overlay.

b. Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area	Permitted
1.	Peat Ground Condition Constraint Overlay	2000m ²
2.	Stormwater Capacity Constraint Overlay	1 residential unit for each allotment existing at June 1995
3.	Existing Rural Hamlet Overlay	2000m ²
4.	Residential Suburban Zone within the Character Area Overlay	600m ²
5.	Residential Suburban Density Transition Zone and within the Character Area Overlay (except as specified in 6. Below)	400m ²
6.	Character Area Overlay – Character Area 27 - Beverley	500m ²

Note: Refer also to the subdivision rules in Chapter 8.

14.2.4.6.2 Building height

- a. This applies to:
- i. Prestons Road Retirement Village Overlay; and
 - ii. Accommodation and Community Facilities Overlay.
- b. Maximum height of any building shall be:

	Activity/area	Permitted
1.	Prestons Road Retirement Village Overlay. This clause shall cease to have effect on 31st December 2018.	6.5 metres and of a single storey only
2.	Prestons Road Retirement Village Overlay in the area identified as “health facility”. This clause shall cease to have effect on 31st December 2018.	13 metres
3.	Activities that are not residential activities in the Accommodation and Community Facilities Overlay	9 metres, or 12 metres for a building with a pitched roof of at least 22 degrees.

Note:

- A. See the permitted height exceptions contained within the definition of height.
- B. For the purposes of determining building height in the Prestons Road Retirement Village Overlay, ground level shall be taken as the level of ground existing when filling or excavation for new buildings on the land has been completed.
- C. Rule 14.2.3.3 - Building height shall not apply in the Prestons Road Retirement Village Overlay until Rule 14.2.4.6.2 ceases to have effect.

14.2.4.6.3 Site coverage

- a. This applies to:
- i. Peat Ground Condition Constraint Overlay;
 - ii. Stormwater Capacity Constraint Overlay;
 - iii. Existing Rural Hamlet Overlay; and
 - iv. Prestons Road Retirement Village Overlay; and
 - v. Accommodation and Community Facilities Overlay.

Note: Rule 14.2.3.4 - Site coverage shall not apply in the Prestons Road Retirement Village Overlay area until Rule 14.2.4.6.3 ceases to have effect.

- b. The maximum percentage of the net site area covered by buildings excluding:
- i. fences, walls and retaining walls;
 - ii. eaves and roof overhangs up to 600mm in width from the wall of a building;
 - iii. uncovered swimming pools up to 800mm in height above ground level; and
 - iv. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 1. are no more than 800mm above ground level and are uncovered or unroofed; or
 2. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site;

shall be as follows:

	Activity/area	Permitted
1.	Peat Ground Condition Constraint, Stormwater Capacity Constraint, Existing Rural Hamlet and Prestons Road Retirement Village Overlays: residential activities with garages	40% or 300m ² whichever is the lesser
2.	Prestons Road Retirement Village Overlay. This clause shall cease to have effect on 31st December 2018.	40% (calculated over the net site area of the entire complex)
3.	Activities that are not residential activities in the Accommodation and Community Facilities Overlay	45%

14.2.4.6.4 Outdoor living space Prestons Road Retirement Village Overlay

- a. Each residential unit shall be provided with an outdoor living space in a continuous area, contained within the net site area with a minimum area and dimension as follows:

	Activity/area	Permitted	
		Minimum Area	Minimum Dimension
1.	Prestons Road Retirement Village Overlay: for any older person's housing unit This clause shall cease to have effect on 31st December 2018.	30m ²	3 metres

- b. The required minimum area shall be readily accessible from a living area of each residential unit.

Note: this rule only applies to structures on the same site.

- c. The required minimum area shall not be occupied by any building, access or parking space, other than:
- i. an outdoor swimming pool; or
 - ii. accessory building of less than 8m² in area; or
 - iii. any buildings or parts of a building without walls (other than a balustrade) on at least a quarter of its perimeter, which occupies no more than 30% of the area of the outdoor living space.

Note: Rule 14.2.3.5 Outdoor living space shall not apply to any older person's housing unit in the Prestons Road Retirement Village Overlay until Rule 14.2.4.6.4 ceases to have effect.

14.2.4.6.5 Minimum building setbacks from internal boundaries

- a. This applies to:
- i. Peat Ground Condition Constraint Overlay;
 - ii. Stormwater Capacity Constraint Overlay;
 - iii. Prestons Road Retirement Village Overlay.

Note: Rule 14.2.3.7 (other than Rule 14.2.3.7(6)) - Minimum building setbacks to internal boundaries shall not apply in the Prestons Road Retirement Village Overlay areas until Rule 14.2.4.6.5 ceases to have effect.

- b. Minimum building setback from boundaries shall be as follows:

	Area	Standard
1.	Peat Ground Condition Constraint and Stormwater Capacity Constraint Overlays	3 metres
2.	Prestons Road Retirement Village Overlay. This clause shall cease to have effect on 31st December 2018.	From Prestons Road – 15 metres From internal boundaries – 1.8 metres

14.2.4.6.6 Minimum building setback from zone boundary Russley Road/Memorial Avenue

At Russley Road/Memorial Avenue, where the eastern boundary of the Residential Suburban Zone abuts the western boundary of the Industrial Park Zone, the minimum building setback from the eastern boundary of the zone where it abuts the Industrial Park Zone shall be 5 metres.

14.2.4.6.7 Noise insulation

a. This applies to:

- i. the area adjacent to State Highway 73 (Southern Motorway) between Annex and Curletts Roads;
- ii. the area adjacent to State Highway 75 (Curletts Road) between the intersection with State Highway 73 and Lincoln Road;
- iii. Peat Ground Condition Constraint Overlay; and
- iv. Existing Rural Hamlet Overlay.

	Location	Standards
1.	<p>On that land which is:</p> <ol style="list-style-type: none"> a. adjacent to State Highway 73 (Southern Motorway) between Annex and Curletts Roads; and b. adjacent to State Highway 75 (Curletts Road) between the intersection with State Highway 73 and Lincoln Road. 	<p>Building setbacks, or building location, or acoustic barriers, or other means, either singly or in combination shall be used such that the following noise insulation standards are met:</p> <p>Sound levels attributable to traffic from these roads shall not exceed a level of 57 dBA L10 (18 hour) 54 dBA Leq (24 hour) in any outdoor area of the site and a design level of 60 dBA L10 (18 hour) 57 dBA Leq (24 hour) measured 1 metre from the façade of any residential unit. All measured in accordance with NZS 6801:1991 Assessment of Sound.</p>
2.	<p>Mairehau Final Development Area identified in Figure 5 – on land which is on the western side of Marshlands Road between Queen Elizabeth Drive and Briggs Road</p>	<ol style="list-style-type: none"> a. There shall be no minimum building setback where: <ol style="list-style-type: none"> i. mounding or other physical barrier to noise transmission capable of reducing traffic noise intrusion to all parts of any site by at least 10dBA is provided within 20 metres of the road boundary across the entire width of the site; ii. the mounding in i. is screened from the adjoining road by landscaping with a minimum depth of 1.5 metres and a minimum height of 1.8 metres at time of planting; iii. the minimum building setback from a limited access road shall be 40 metres. b. where a.i. and a.ii. are complied with and all external windows and doors of a residential units including those installed in the roof are acoustically treated to achieve a sound transmission loss of at least 25dBA with windows and doors closed the minimum setback shall be 20 metres. c. Where a. and b. do not apply the minimum building setback shall be 80 metres. <p>Note: For the purpose of this rule the minimum building setback shall be measured from the road carriageway to the residential unit.</p>
3.	<p>Peat Ground Condition Constraint Overlay</p>	<p>The minimum building setback from the boundary with the Residential Suburban Zones or the boundary with Lot 1, Lot 2 or Lot 3 DP 49320 shall be 6 metres.</p>

	Location	Standards
4.	Existing Rural Hamlet Overlay	<p>In the Existing Rural Hamlet Overlay west of the 50 dBA L_{dn} Air Noise Contour:</p> <ul style="list-style-type: none"> a. Any new residential units, or additions to existing residential units shall be insulated from aircraft noise so as to comply with the provisions of Appendix 14.14.4; and b. Buildings, other than residential units, shall also be insulated, where applicable, to comply with the provisions of Appendix 14.14.4.

14.2.4.6.8 Building types and limits Prestons Road Retirement Village Overlay

- a. There shall be a maximum of 165 independent older person's housing units.
- b. Where a unit shares a common wall with another unit, there shall be no more than 4 units in any such arrangement.
- c. There shall be a maximum of 45 serviced older person's housing units contained within that part of the overlay identified as a health facility.
- d. There shall be a maximum of one health facility with ground floor area of 2500m².
- e. The maximum floor area for any one residential unit shall be 165m².

14.2.4.6.9 Outdoor living space West Wigram

On the frontage shown in Figure 6, residential units shall have their primary outdoor living space facing away from the aerodrome site. Windows to living areas which directly face the RNZAF Bequest Land shall be double glazed. In addition, a 2 metre wide landscape strip and a close solid and continuous 1.8 metre high fence shall be placed along the boundary of the RNZAF Bequest Land and be completed before any residential units are built.

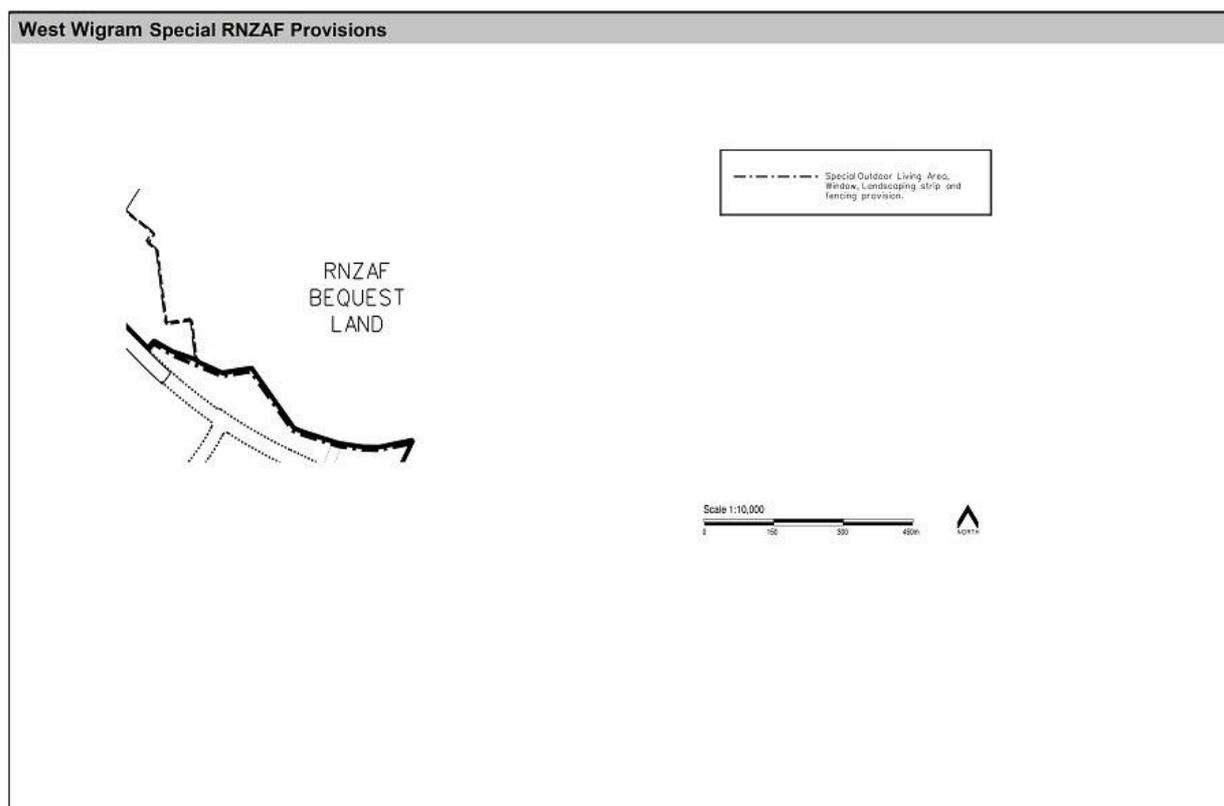


Figure 6: West Wigram Special RNZAF Provisions

14.2.4.6.10 Use of the site and buildings Prestons Road Retirement Village Overlay

Any site or buildings shall only be used for housing for persons over the age of 55 and ancillary health, managerial, administrative, social and professional and retail activities associated with the provision of services to those over the age of 55 residing on site.

14.2.4.6.11 Daylight recession planes

- a. This applies to:
 - i. Prestons Road Retirement Village Overlay; and
 - ii. Accommodation and Community Facilities Overlay.
- b. Buildings shall not project beyond a building envelope constructed by recession planes, using the applicable recession planes in the following table, from-points 2.3 metres above:
 - i. ground level at the internal boundaries; or
 - ii. where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or
 - iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.

	Area	Applicable to	Standards
1.	Prestons Road Retirement Village Overlay	All buildings	Diagram A, Appendix 14.14.2
2.	Accommodation and Community Facilities Overlay	Activities that are not residential activities	Diagram C, Appendix 14.14.2

14.2.4.6.12 Maximum continuous building length

a. The maximum continuous building length shall be:

	Area	Applicable to	Standards
1.	Accommodation and Community Facilities Overlay	Buildings for: a. Guest accommodation; b. Community facility; c. Pre-school; d. Education facility; e. Health care facility; f. Place of assembly; and g. Veterinary care facility.	New buildings up to 15 metres
			Additions up to 10 metres

14.2.4.6.13 Building setback from road boundaries

a. The minimum building setback shall be:

	Area	Applicable to	Standards
1.	Accommodation and Community Facilities Overlay	Activities that are not residential activities	3 metres

14.2.4.6.14 Front entrances and façades

- a. The following front entrance and façade treatment shall be provided:

	Area	Applicable to	Standards
1.	Accommodation and Community Facilities Overlay	Buildings for: a. Guest accommodation; b. Community facility; c. Pre-school; d. Education facility; e. Health care facility; f. Place of assembly; and g. Veterinary care facility.	a. Pedestrian access shall be directly from the road frontage. b. A minimum of 30% glazing on the road frontage on ground floor. c. A minimum of 20% glazing on the road frontage on elevations above ground level.

14.2.4.6.15 Building overhangs

- a. No internal floor area located above ground floor level shall project more than:

	Area	Applicable to	Standards
1.	Accommodation and Community Facilities Overlay	a. Activities that are not residential activities	a. 800mm horizontally beyond the gross floor area at ground level.

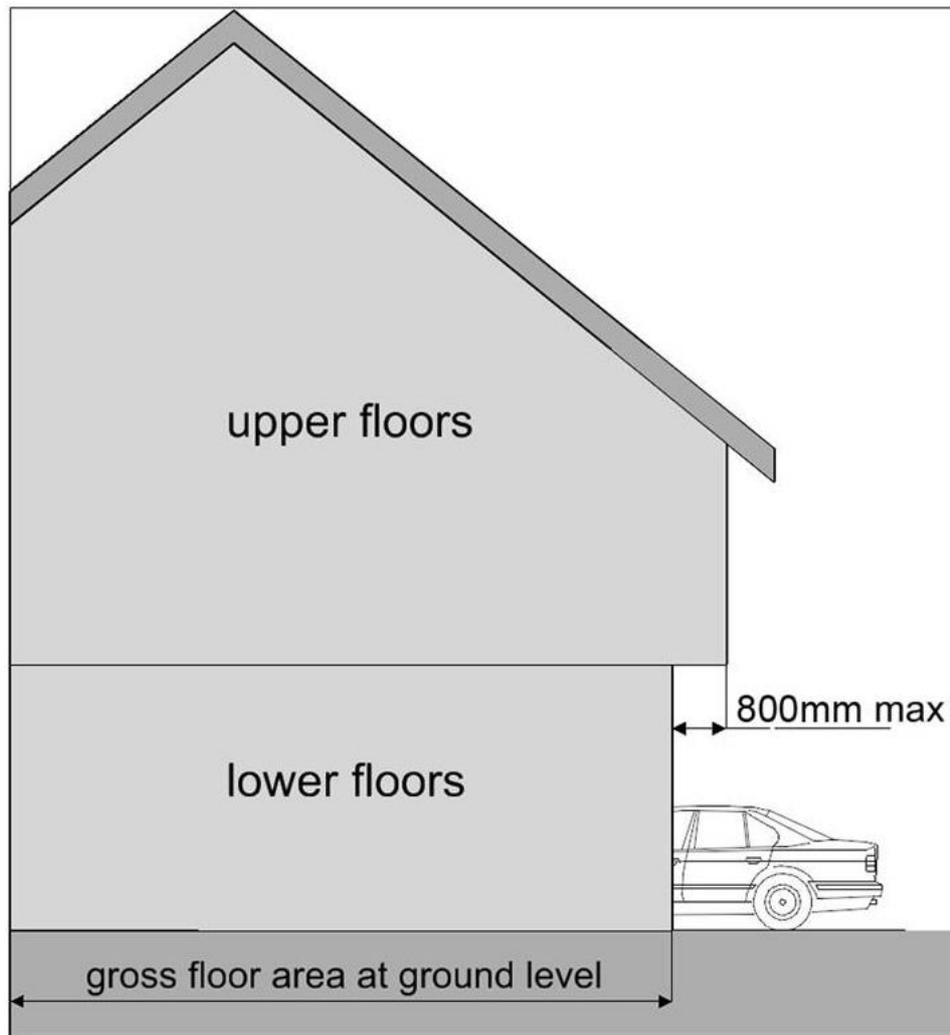


Figure 9: Building overhangs

Note: This diagram is an illustrative example only, showing a way the rule may be applied.

14.2.4.6.16 Fences and screening

a. Fencing and/or screening shall be provided as follows:

	Area	Applicable to	Standards
1.	Accommodation and Community Facilities Overlay	a. Activities that are not residential activities	a. Screening of outdoor storage areas shall ensure that outdoor storage is not visible from 1.8 metres above ground level on any adjoining road or site, and that storage is outside of any required 2 metre strip along the road frontage.

14.2.4.6.17 Landscaped areas

a. Planting shall be provided as follows:

	Area	Applicable to	Standards
1.	Accommodation and Community Facilities Overlay	a. Activities that are not residential activities	<p>a. In areas adjoining the road frontage of all sites:</p> <p>i. a minimum density of 1 tree per every 10 metres of road frontage or part thereof, distributed across the frontage; and</p> <p>ii. a minimum 2 metre planted strip.</p> <p>b. On sites adjoining residential, conservation and open space zones, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p>
2.	Character Area Overlay	a. All activities	<p>a. A landscape strip shall be planted comprising a combination of tree and garden planting, along the length of the road boundary, excluding that part required for a driveway or pedestrian access, for a minimum width of 3 metres.</p>

14.3 Rules – Residential Medium Density Zone

14.3.1 How to use the rules

- a. The rules that apply to activities in the Residential Medium Density Zone are contained in:
 - i. the activity status tables (including activity specific standards) in Rule 14.3.2; and
 - ii. built form standards in Rules 14.3.3.
- b. Area specific rules also apply to activities within the following specific areas zoned Residential Medium Density Zone in Rule 14.3.4:
 - i. Residential Medium Density Zone Higher Height Limit and Site Density Overlay at Deans Avenue Rules;
 - ii. Residential Medium Density Zone Wigram (Figure 6);
 - iii. Sumner Master Plan Overlay (Appendix 14.14.6);
 - iv. Sites with frontage to Bealey Avenue, Fitzgerald Avenue or Deans Avenue (south of Blenheim Road);
 - v. Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline Development Plan shown as Area A in Chapter 15 Appendix 15.10.4;
 - vi. Accommodation and Community Facilities Overlay; and
 - vii. Character Area Overlay.

Note: Area specific rules are also provided for under the built form standards under 14.3.3.

- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Residential Medium Density Zone:

5 Natural Hazards;

6 General Rules and Procedures;

7 Transport;

8 Subdivision, Development and Earthworks;

9 Heritage and Natural Environment;

11 Utilities, Energy and Infrastructure; and

12 Hazardous Substances and Contaminated Land

- d. Where the word “facility” is used in the rules (e.g. spiritual facility), it shall also include the use of a site /building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

14.3.2 Activity status tables

14.3.2.1 Permitted activities

In the Residential Medium Density Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table, the applicable built form standards in Rule 14.3.3 and the area specific rules in Rule 14.3.4.

Activities may also be permitted controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.3.2.2, 14.3.2.3, 14.3.2.4, 14.3.2.5, and 14.3.2.6, or in the area specific rules in Rule 14.3.4.

Activity		Activity specific standards
P1	Residential activity, except for boarding houses	<ul style="list-style-type: none"> a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site. c. On sites located within the Riccarton Wastewater Interceptor Overlay, until (date of completion of infrastructure work): <ul style="list-style-type: none"> i. the minimum site area for any residential unit shall be 330m².
P2	Student hostels owned or operated by a secondary education activity or tertiary education and research activity containing up to 6 bedrooms	<ul style="list-style-type: none"> a. Nil
P3	Conversion of an elderly person's housing unit existing at 6 December 2013, into a residential unit that may be occupied by any person(s) and without the need to be encumbered by a bond or other appropriate legal instrument	<p>Each converted unit shall have:</p> <ul style="list-style-type: none"> a. a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m²; and b. a separate outdoor living space readily accessible from its living area that is at least 30m² with a minimum dimension of 3 metres.
P4	Home occupation	<ul style="list-style-type: none"> a. The gross floor area of the building, plus the area used for outdoor storage area, occupied by the home occupation shall be less than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.

Activity		Activity specific standards
		<p>c. Any retailing shall be limited to the sale of goods grown or produced on the site, or internet-based sales where no customer visits occur.</p> <p>d. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of:</p> <p>i. 0700 – 2100 Monday to Friday; and</p> <p>ii. 0800 – 1900 Saturday, Sunday and public holidays.</p> <p>e. Visitor or staff parking areas shall be outside the road boundary setback.</p> <p>f. Outdoor advertising shall be limited to a maximum area of 2m².</p>
P5	Care of non-resident children within a residential unit in return for monetary payment to the carer	<p>There shall be:</p> <p>a. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and</p> <p>b. at least one carer residing permanently within the residential unit.</p>
P6	Bed and breakfast	<p>There shall be:</p> <p>a. a maximum of six guests accommodated at any one time;</p> <p>b. at least one owner of the residential unit residing permanently on site; and</p> <p>c. no guest given accommodation for more than 90 consecutive days.</p>

Activity		Activity specific standards								
P7	Education activity	The activity shall:								
		a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available;								
		b. only occupy a gross floor area of building of less than 200m ² ; or in the case of a health care facility, less than 300m ² ;								
		c. limit outdoor advertising to a maximum area of 2m ² ;								
		d. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of:								
		<table border="1"> <tr> <td>Education activity</td> <td> i. 0700 – 2100 Monday to Saturday; and ii. Closed Sunday and public holidays. </td> </tr> <tr> <td>Pre-schools</td> <td> i. 0700 – 2100 Monday to Friday, and ii. 0700 – 1300 Saturday, Sunday and public holidays. </td> </tr> <tr> <td>Health care facility</td> <td rowspan="3">i. 0700 – 2100.</td> </tr> <tr> <td>Veterinary care facility</td> </tr> <tr> <td>Places of assembly</td> </tr> </table>	Education activity	i. 0700 – 2100 Monday to Saturday; and ii. Closed Sunday and public holidays.	Pre-schools	i. 0700 – 2100 Monday to Friday, and ii. 0700 – 1300 Saturday, Sunday and public holidays.	Health care facility	i. 0700 – 2100.	Veterinary care facility	Places of assembly
Education activity	i. 0700 – 2100 Monday to Saturday; and ii. Closed Sunday and public holidays.									
Pre-schools	i. 0700 – 2100 Monday to Friday, and ii. 0700 – 1300 Saturday, Sunday and public holidays.									
Health care facility	i. 0700 – 2100.									
Veterinary care facility										
Places of assembly										
		e. in relation to pre-schools, limit outdoor play areas and facilities to those that comply with the Group 1 acoustic standard for residential zones;								
		f. in relation to education activities, pre-schools, veterinary care facilities and places of assembly:								
		i. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; and ii. only locate on residential blocks where there are no more than two non-residential activities already within that block;								
P8	Pre-schools									
P9	Health care facility	Note: See Figure 1.								
P10	Veterinary care facility	g. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four;								
P11	Place of assembly	h. in relation to places of assembly, entertainment facilities shall be closed Sunday and public holidays; and								

Activity		Activity specific standards
		i. not include the storage of more than one heavy vehicle on the site of the activity.
P12	Community corrections facilities	The facilities shall: a. limit the hours of operation when the site is open to clients and deliveries to between the hours of 0700 – 1900; and b. limit signage to a maximum area of 2m ² .
P13	Community welfare facilities	
P14	Spiritual facilities	The facility shall: a. limit the hours of operation to 0700-2200; and b. not include the storage of more than one heavy vehicle on the site of the activity.
P15	Emergency services facilities	a. Nil
P16	<p>Repair or rebuild of multi-unit residential complexes damaged by the Canterbury earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes</p> <p><i>[This was the subject of Decision 3, numbering and text referring to multi-unit residential complexes is amended by this decision under Cl 13(5) and (6)(a)]</i></p>	<p>a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not comply with any of the built form standards.</p> <p>b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer:</p> <p>i. the only built form standards that shall apply are those specified in Rules 14.3.3.3 – Building height and 14.3.3.6 – Daylight recession planes;</p> <p>ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres;</p> <p>iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes.</p> <p>Clarification: examples of regulatory or legal requirement that may apply include the New Zealand Building Code, Council bylaws, easements, and other rules within this Plan such as the requirements for minimum floor levels in Chapter 5.</p> <p>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</p> <p>Any application arising from non-compliance with standards a. and b.i. will not require written approval except from the affected adjoining landowner(s) and shall not be publicly notified.</p> <p>Any application arising from non-compliance with standard b.ii. (road boundary setbacks), will not require written approval and shall not be publicly or limited notified.</p>

Activity		Activity specific standards
P17	<p>Temporary lifting or moving of earthquake damaged buildings where the activity does not comply with one or more of Rules:</p> <p>a. 14.3.3.3 – Building height and maximum number of storeys;</p> <p>b. 14.3.3.4 – Site coverage;</p> <p>c. 14.3.3.5 – Outdoor living space;</p> <p>d. 14.3.3.6 – Daylight recession planes; or</p> <p>e. 14.3.3.7 – Minimum building setback from internal boundaries and railway lines.</p> <p><i>[This was the subject of Decision 2, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]</i></p>	<p>a. Buildings shall not be:</p> <p>i. moved to within 1 metre of an internal boundary and/or within 3 metres of any waterbody, scheduled tree, listed heritage item, natural resources and Council owned structure, archaeological site, or the coastal marine area; or</p> <p>ii. lifted to a height exceeding 3 metres above the applicable recession plane or height control.</p> <p>b. The building must be lowered back or moved back to its original position, or a position compliant with the District Plan or consistent with a resource consent, within 12 weeks of the lifting or moving works having first commenced.</p> <p>c. In all cases of a building being moved or lifted, the owners/occupiers of land adjoining the sites shall be informed of the work at least seven days prior to the lift or move of the building occurring. The information provided shall include details of a contact person, details of the lift or move, and the duration of the lift or move.</p> <p>d. The Council’s Resource Consents Manager shall be notified of the lifting or moving the building at least seven days prior to the lift or move of the building occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>
P18	Salvation Army Addington Overlay	
	P18.1 Family Store	<p>a. The activity shall take place in the existing (20 August 2014) Family Store within the Salvation Army Addington Overlay.</p>
	P18.2 Addiction services	<p>a. The activity shall:</p> <p>i. only locate within the Salvation Army Addington Overlay;</p> <p>ii. provide for a maximum of 19 overnight beds; and</p> <p>iii. take place in the existing (20 August 2014) addiction services buildings, or in upgraded or replacement buildings complying with the built form standards (Rule 14.3.3).</p>
	P18.3 Supportive housing	<p>a. The activity shall:</p> <p>i. only locate within the Salvation Army Addington Overlay;</p> <p>ii. provide for a maximum of 85 residents including those on reintegration programmes, which may be in a mixture of</p>

Activity		Activity specific standards
		<p>individual and shared housing; and</p> <p>iii. take place in the existing (20 August 2014) supportive housing buildings, or in upgraded or replacement buildings complying with the built form standards (Rule 14.3.3).</p>
	<p>P18.4 Offices and meeting rooms for administration, counselling, family meetings, budgeting, education or training and worship services</p> <p>on Salvation Army land in Addington (legally described as Rural Section 39449, Lot 23-24 and Part Lot 25 DP 1024, Lot 22 and Part Lot 25 DP 1024, Part Lot 21 DP 1024, and Part Lot 21 and Part Lot 25 DP 1024).</p>	<p>a. The activity shall take place in the existing (20 August 2014) buildings, or in upgraded or replacement buildings complying with the built form standards (Rule 14.3.3).</p>
P19	<p>The use of the existing control tower buildings (Lot 357 DP 447629) and hangars 4 and 5 (Lot 315 DP 434068) for the following activities:</p> <p>a. Residential activities;</p> <p>b. Pre-schools;</p> <p>c. Health care facility;</p> <p>d. Education activity;</p> <p>e. Place of assembly;</p> <p>f. Retail activity;</p> <p>g. Office activity; or</p> <p>h. Warehouse activity.</p>	<p>a. The maximum gross floor area (GFA) of retail activity shall be 1500m².</p> <p>b. Heavy vehicle movements associated with any warehouse activity shall be limited to the hours of 0700 to 1900.</p>
P20	Relocation of a building	a. Nil
P21	Temporary military or emergency service training activities	
P22	Market gardens, community gardens, and garden allotments	

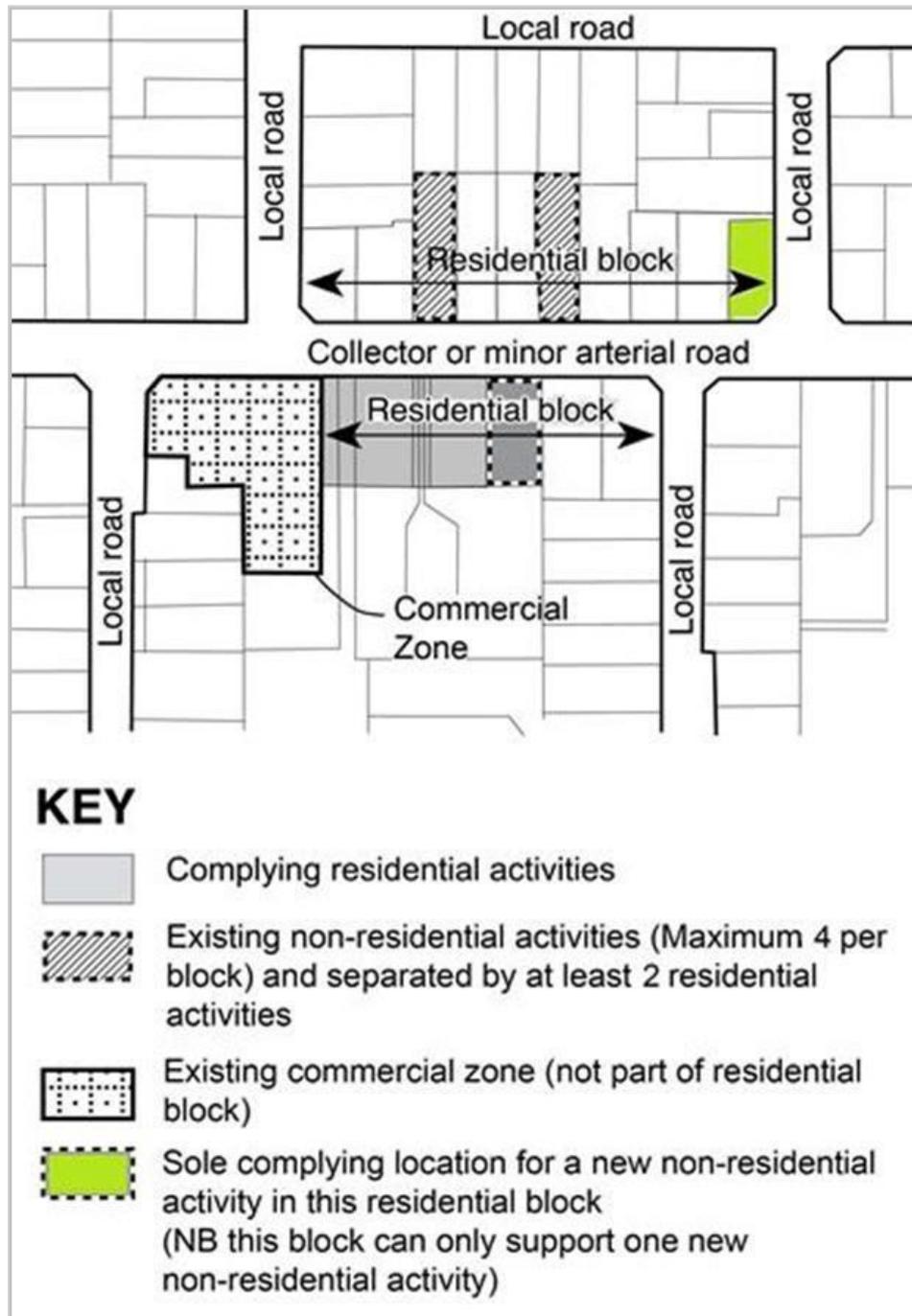


Figure 1: Residential coherence

[Note – this figure needs to be updated to reflect correct terminology and rule references]

14.3.2.2 Controlled activities

The activities listed below are controlled activities.

Unless otherwise specified, controlled activities will not require written approval and shall not be publicly or limited notified.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

Activity		The Council's control is reserved to the following matters:
C1	Residential units (including any sleep-outs) containing more than six bedrooms in total	<ul style="list-style-type: none"> a. Scale of activity – 14.13.5 b. Traffic generation and access safety – 14.13.6
C2	Activities that do not comply with Rule 14.3.3.2 – Tree and garden planting	<ul style="list-style-type: none"> a. Street scene – road boundary building setback, fencing and planting – 14.13.18
C3	Activities and buildings that do not comply with Rule 14.3.3.11 - Building overhangs	<ul style="list-style-type: none"> a. Street scene – road boundary building setback, fencing and planting – 14.13.18
C4	Residential units that do not comply with Rule 14.3.3.13 - Ground floor habitable space	<ul style="list-style-type: none"> a. Street scene – road boundary building setback, fencing and planting – 14.13.18
C5	Residential units that do not comply with Rule 14.3.3.14 – Service, storage and waste management spaces	<ul style="list-style-type: none"> a. Service, storage and waste management spaces – 14.13.20

14.3.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	<p>The erection of new buildings and alterations or additions to existing buildings including all accessory buildings, fences and walls associated with that development, that result in:</p> <ul style="list-style-type: none"> a. three or more residential units; or b. one or two residential units on a site smaller than 300m² gross site area (prior to subdivision); or 	<ul style="list-style-type: none"> a. Residential design principles - 14.13.1 b. Minimum unit size and unit mix - 14.13.4

Activity		The Council's discretion shall be limited to the following matters:
	<p>c. one or two residential units resulting in residential floor area greater than 500m²; or</p> <p>d. over 40m² of a building used for other activities, on a site.</p> <p>Except (until date of completion of the infrastructure work) on any site located within the Riccarton Wastewater Interceptor Overlay.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	
RD2	Retirement villages	a. Retirement villages - 14.13.10
RD3	Boarding house	<p>a. Scale of activity - 14.13.5</p> <p>b. Traffic generation and access safety - 14.13.6</p>
RD4	Student hostels owned or operated by a secondary education activity or tertiary education and research activity containing 7 to 9 bedrooms	a. Scale of activity – 14.13.5
RD5	<p>Convenience activities where:</p> <p>a. the site is located on the corner of a minor arterial road;</p> <p>b. the total area occupied by retailing on the site is no more than 50m² public floor area;</p> <p>c. the activity does not include the sale of alcohol;</p> <p>d. outdoor advertising is limited to no more than 2m² and shall be within the road boundary setback;</p> <p>e. the hours of operation when the site is open to business visitors or clients are limited to between the hours of 0700 – 2200 Monday to Sunday and public holidays; and</p> <p>f. there is no provision of on-site parking area for visitors or service purposes.</p>	<p>a. Residential design principles - 14.13.1</p> <p>b. Scale of activity – 14.13.5</p> <p>c. Non-residential hours of operation – 14.13.22</p> <p>d. Traffic generation and access safety – 14.13.6</p>
RD6	Retail activity with frontage only to public access ways identified in Sumner Master Plan Overlay (Appendix 14.14.6)	a. Urban design - 15.8.1.a.viii only

Activity		The Council's discretion shall be limited to the following matters:
RD7	<p>Integrated Family Health Centres where:</p> <ol style="list-style-type: none"> the centre is located on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal is available; the centre is located on sites adjoining a Neighbourhood, District or Key Activity Centre; the centre occupies a gross floor area of building of between 301m² and 700m²; outdoor advertising signage is limited to a maximum area of 2m²; and the hours of operation when the site is open to patients, or clients, and deliveries is limited to between the hours of 0700 – 2100. 	<ol style="list-style-type: none"> Scale of activity - 14.13.5 Traffic generation and access safety - 14.13.6 Non-residential hours of operation - 14.13.22
RD8	<p>Activities that do not comply with any one or more of the activity specific standards in Rule 14.3.2.1 (except for P7-P10 activity standard i., refer to D2) for:</p> <ol style="list-style-type: none"> P4 Home occupation; P7 Education activity; P8 Pre-schools; P9 Health care facility; or P10 Veterinary care facility. <p>Any application arising from these rules will not require written approval and shall not be publicly or limited notified.</p>	<p>As relevant to the breached rule:</p> <ol style="list-style-type: none"> Scale of activity - 14.13.5 Traffic generation and access safety - 14.13.6 Non-residential hours of operation - 14.13.22
RD9	<p>Community corrections and community welfare facilities that do not comply with any one or more of the activity specific standards in P12 or P13.</p> <p>Any application arising from these rules will not require written approval and shall not be publicly or limited notified.</p>	
RD10	<p>Within the Salvation Army Addington Overlay:</p> <ol style="list-style-type: none"> Provision for overnight beds for addiction services which exceed the maximum number in activity specific standard Rule 14.3.2.1, 	<ol style="list-style-type: none"> Scale of activity - 14.13.5 Traffic generation and access safety - 14.13.6

Activity		The Council's discretion shall be limited to the following matters:
	<p>P18.2 a ii., up to a maximum total of 25 overnight beds.</p> <p>b. Provision for supportive housing which exceeds the maximum number of residents in activity specific standard Rule 14.3.2.1, P18.3 a ii., up to a maximum total of 100 residents.</p> <p>c. Any upgrades (including exterior alterations or additions) to buildings existing on the 20 August 2014, or any replacement buildings for the activities specified in P18.2, P18.3 and P18.4, that do not comply with any one or more of the relevant built form standards Rule 14.3.3.</p>	
RD11	<p>Temporary lifting or moving of earthquake damaged buildings that does not comply with the standards in Rule 14.3.2.1 P17.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. Relocation of buildings and temporary lifting or moving of earthquake damaged buildings – 14.13.17</p> <p><i>[Note that this was the subject of Decision 2 and that minor changes have been made to numbering and format]</i></p>
RD12	<p>Buildings that do not comply with Rule 14.3.3.7(6) relating to rail corridor boundary setbacks</p>	<p>a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.</p>
RD13	<p>Spiritual facilities that do not comply with the hours of operation in Rule 14.3.2.1 P14.</p> <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to directly abutting land owners and occupiers that have not given their written approval</p>	<p>a. Scale of activity - 14.13.22</p>
RD14	<p>Buildings that do not comply with Rule 14.3.3.3 up to a maximum height of 14 metres (unless otherwise provided for in that rule)</p>	<p>a. Impacts on neighbouring property – 14.13.3</p>
RD15	<p>Buildings that do not comply with Rule 14.3.3.6 – Daylight recession planes</p>	

Activity		The Council's discretion shall be limited to the following matters:
RD16	Activities and buildings that do not comply with Rule 14.3.3.4 – Site coverage	a. Site density and site coverage – 14.13.2
RD17	Buildings that do not comply with Rule 14.3.3.7 – Minimum building setback internal boundaries and railway lines (other than 14.3.3.7(6); refer RD12)	a. Impacts on neighbouring property – 14.13.3 b. Minimum building, window and balcony setbacks – 14.13.19
RD18	Buildings that do not comply with Rule 14.3.3.8 – Minimum setback and distance to living area windows	
RD19	Residential units that do not comply with 14.3.3.5 – Outdoor living space Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Outdoor living space – 14.13.21
RD20	Buildings that do not comply with Rule 14.3.3.9 – Road boundary building setback Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
RD21	Buildings that do not comply with Rule 14.3.3.10 – Street scene amenity and safety – fences Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	
RD22	Residential units that do not comply with Rule 14.3.3.12 – Minimum unit size. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Minimum unit size and unit mix – 14.13.4
RD23	Residential units that do not comply with Rule 14.3.3.15 – Water supply for fire fighting. Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification if	a. Water supply for fire fighting – 14.13.8

Activity		The Council's discretion shall be limited to the following matters:
	required shall only be to the New Zealand Fire Service.	
RD24	Care homes	a. Scale of activity - 14.13.5 b. Traffic generation and access safety - 14.13.6

14.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying, or prohibited activity
D2	Activities that do not comply with any one or more of the activity specific standards in Rule 4.3.2.1 for: <ol style="list-style-type: none"> P1 Residential activity; P3 Conversion of an elderly person's housing unit into a residential unit; P5 Care of non-resident children in a residential unit; P6 Bed and breakfast; P11 Place of assembly; or Storage of more than one heavy vehicle for activities for P7-P10 and P14.
D3	Student hostels owned or operated by a secondary education activity or tertiary education and research activity containing 10 or more bedrooms
D4	Show homes
D5	Integrated family health centres which do not comply with any one of more of the requirements specified in Rule 14.3.2.3 RD7
D6	Redevelopment of brownfield areas for mixed commercial and residential activities on the following sites: 25 Deans Avenue (Former Saleyards)

14.3.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
NC1	Activities and buildings that do not comply with Rule 14.3.3.3 where the height is over 14 metres (unless otherwise specified in that rule)
NC2	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> i. within 12 metres of the centre line of a 110kV or 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure; or ii. within 10 metres of the centre line of a 66kV National Grid transmission line or within 10 metres of a foundation of an associated support structure; or <p>b. Fences within 5 metres of a National Grid transmission line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The National Grid transmission lines are shown on the planning maps. 2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activity in the vicinity of National Grid transmission lines must comply with NZECP 34:2001.
NC3	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or ii. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure. <p>b. Fences within 5 metres of a 66kV or 33kV electricity distribution line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The electricity distribution lines are shown on the planning maps. 2. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.

14.3.2.6 Prohibited activities

There are no prohibited activities.

14.3.3 Built form standards

14.3.3.1 Site density

Note: There is no site density standard in the Residential Medium Density Zone.

14.3.3.2 Tree and garden planting

Sites shall include the minimum tree and garden planting as set out in the below table:

	For all activities, except permitted commercial activities in the Sumner Master Plan Overlay
1	<p>a. A minimum of 20% of the site shall be provided for landscape treatment (which may include private or communal open space), including a minimum of 1 tree for every 250m² of gross site area (prior to subdivision), or part thereof. At least 1 tree shall be planted adjacent to the street boundary.</p> <p>b. All trees required by this rule shall be not less than 1.5 metres high at the time of planting.</p> <p>c. All trees and landscaping required by this rule shall be maintained and if dead, diseased or damaged, shall be replaced.</p> <p>d. For multi-unit residential complexes, social housing complexes, retirement villages, and groups of older person's housing, the minimum tree and garden planting requirements shall be determined over the site of the entire complex.</p>
2	In the Salvation Army Addington Overlay – a landscape and planting plan be prepared with a method of implementation and maintenance for the full site area. This plan shall be implemented within two growing seasons of its approval and thereafter maintained. Attention shall be paid to that area 4 metres from the boundary with each road and around the stream to enhance the area, create restful space and encourage bird life.

14.3.3.3 Building height and maximum number of storeys

The maximum height of any building shall be:

	Activity	Standard
1.	All buildings in areas not listed below	11 metres provided there is a maximum of 3 storeys

2.	Residential Medium Density Lower Height Limit Overlay	8 metres
3.	Sumner Residential Medium Density Zone	9.5 metres
4.	Sumner Master Plan Overlay, on the two prominent corners identified in Appendix 14.14.6	13 metres Provided that the area above 9.5 metres is limited to no more than 100m ² in gross floor area and is located at the apex of the street corner.
5.	Within the Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline Development Plan shown as Area A in Chapter 15 Appendix 15.10.4.	14 metres
6.	Residential Medium Density Higher Height Limit Overlay at Deans Avenue	20 metres
7.	Residential Medium Density Higher Height Limit Overlay at Carlton Mill Road	30 metres
8.	Residential Medium Density Higher Height Limit Overlay at New Brighton and North Beach	14 metres North Beach 20 metres Central New Brighton
9.	All Residential Medium Density Height Limit Overlays (other than at Carlton Mill Road)	Any building shall not exceed 5 storeys above ground level
10.	In the Salvation Army Addington Overlay	11 metres

Note: See the permitted height exceptions contained within the definition of height.

14.3.3.4 Site coverage

The maximum percentage of the net site area covered by buildings shall be 50%.

For multi-unit residential complexes, social housing complexes, retirement villages and groups of older person's housing, the percentage coverage by buildings shall be calculated over the net area of the site of the entire complex or group, rather than over the net area of any part of the complex or group.

14.3.3.5 Outdoor living space

- a. For residential units with two more bedrooms outdoor living space shall be provided on site for each residential unit, and shall not be occupied by parking or access. The required outdoor living space shall be within the following dimensions:

Note: the outdoor living space can be in a mix of private or communal areas at the ground level or in balconies.

Minimum total area for each residential unit	Minimum private area	Minimum dimension private area when provided at ground level	Minimum dimension private area when provided by a balcony	Minimum dimension of communal space	Accessibility of communal space	General accessibility for each residential unit	Minimum required outdoor living space at ground level for entire site
30m ²	16m ²	4 metres	1.5 metres	4 metres	Accessible by all units	At least one private outdoor living space shall be accessible from a living area of a residential unit	50%

- b. For one bedroom units or studios on the ground floor outdoor living space shall be provided, and shall not be occupied by parking or access, within the following dimensions:

Minimum total private area for each residential unit	Minimum dimension private area when provided at ground level
16m ²	4 metres

- c. For one bedroom units or studios entirely at an upper level outdoor living space shall be provided within the following dimensions. The required outdoor living space can be in a mix of private and communal areas, at the ground level or in balconies within the following dimensions:

Minimum total private area for each residential unit	Minimum private balcony dimensions
16m ²	6m ² area 1.5 metres dimension

- d. In the Salvation Army Addington Overlay the outdoor living space shall be communal and shall be based on 10m² per residential unit.
- e. This rule does not apply to residential units in a retirement village.

14.3.3.6 Daylight recession planes

- a. Buildings, shall not project beyond a building envelope constructed by recession planes, as shown in, Appendix 14.14.2 diagram C, from points 2.3 metres above:
 - i. ground level at the internal boundaries; or
 - ii. where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or
 - iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.
- b. Where the building is located in an overlay that has a permitted height of 11m or more, the recession plane measurement shall commence from points 2.3 metres above ground level at the internal boundaries and continue on the appropriate angle to points 11m above ground level, at which point the recession plane becomes vertical.

Refer to Appendix 14.14.2 for permitted intrusions.

- c. Where sites are located within a Flood Management Area, and a breach of the recession planes determined in accordance with standards a. or b. above is created solely by the need to raise the floor level to meet minimum floor levels, the applicable daylight recession plane shall be determined as follows:
 - i. within the Fixed Minimum Floor Level Overlay, the daylight recession plane shall be determined as if the ground level at the relevant boundary was the minimum floor level set in the activity specific standards for P1 and P2 in Rule 5.3.1.1, or natural ground level, whichever is higher; or
 - ii. outside the Fixed Minimum Floor Level Overlay, the daylight recession plane shall be determined as if the ground level at the relevant boundary was the minimum floor level specified in a Minimum Floor Level Certificate calculated in accordance with Rule 5.3.1.2, or natural ground level, whichever is higher.
- d. Except that:
 - i. In the Residential Medium Density Zone Higher Height Limit Overlay the recession plane shall be as shown in Appendix 14.14.2 diagram D, unless the building is higher than 11 metres, in which case refer to diagram E.
 - ii. In the Residential Medium Density Lower Height Limit Overlay and Daylight Recession Plane Overlay the recession plane shall be as shown in Appendix 14.14.2 diagram B.
 - iii. In the Residential Medium Density Zone 15 metre Higher Height Limit Overlay the recession plane shall be as shown on Appendix 14.14.2 diagram D, unless the building is higher than 11 metres, in which case refer to diagram E.
 - iv. Except that in the Residential Medium Density Lower Height Limit Overlay the recession plane shall be as shown in Appendix 14.14.2 diagram B.

14.3.3.7 Minimum building setbacks from internal boundaries and railway lines

The minimum building setback from internal boundaries shall be:

1.	All buildings not listed below	1 metre
2.	Where residential buildings on adjoining sites have a ground floor window of a habitable space located within 1m of the common internal boundary	1.8 metres from that neighbouring window for a minimum length of 2 metres either side of the window – refer diagram below. This rule also applies to accessory buildings.
3.	All other accessory buildings where the total length of walls or parts of the accessory building within 1 metre of each internal boundary does not exceed 10.1 metres in length	Nil
4.	Buildings that share a common wall along an internal boundary	Nil
5.	All other buildings where the internal boundary of the site adjoins an access or part of an access	1 metre
6.	On sites adjacent or abutting railway lines, buildings, balconies and decks	4 metres from the rail corridor boundary

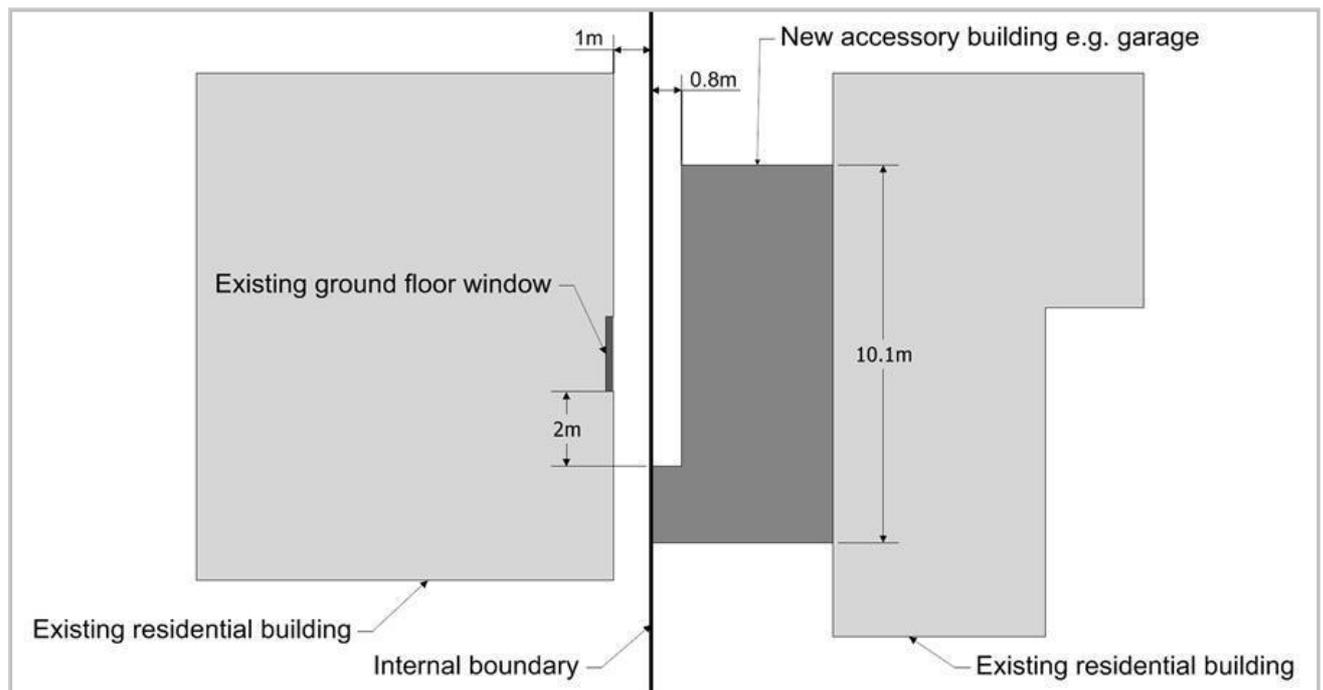


Figure 2: Separation from neighbours

Residential (Part)
(and relevant definitions and associated planning maps) — Stage 2

[Note – this figure needs to be updated to reflect amended rules]

Note: This diagram is an illustrative example only, showing one way the rule may be applied (Refer to full rule for application of 1.8 metre separation).

14.3.3.8 Minimum setback and distance to living area windows and balconies and living space windows facing internal boundaries

- a. The minimum setback for living area windows and balconies at first floor or above from an internal boundary shall be 4 metres.
- b. At first floor level or above, where a wall of a residential unit is located between 1 metre and 4 metres from an internal boundary, any living space window located on this wall shall only contain glazing that is permanently obscured.
- c. For a retirement village, this rule only applies to the internal boundaries of the site of the entire retirement village.

Note:

- A. This rule shall not apply to a window at an angle of 90 degrees or greater to the boundary.
- B. See sill height in the definition of window.
- C. For the purposes of this rule, permanently obscured glazing does not include glazing obscured by applied means such as film or paint.

14.3.3.9 Road boundary building setback

- a. The minimum road boundary garage and building setback shall be:

	Building type and situations	Minimum setback
1.	For all buildings and situations not listed below	2 metres
2.	Where a garage has a vehicle door that does not tilt or swing outwards facing a road	4.5 metres
3.	Where a garage has a vehicle door that tilts or swings outward facing a road	5.5 metres
4.	Where a garage has a vehicle door that does not tilt or swing outward facing a shared access way	7 metres measured from the garage door to the furthest formed edge of the adjacent shared access.
5.	Where a garage has a vehicle door that tilts or swings outward facing a shared access way	8 metres measured from the garage door to the furthest formed edge of the adjacent shared access.

b. Habitable space front façade

For residential units fronting roads; garages, and other accessory buildings (excluding basement car parking and swimming pools) shall be located at least 1.2 metres further from the road boundary than the front façade of any ground level habitable space of that residential unit.

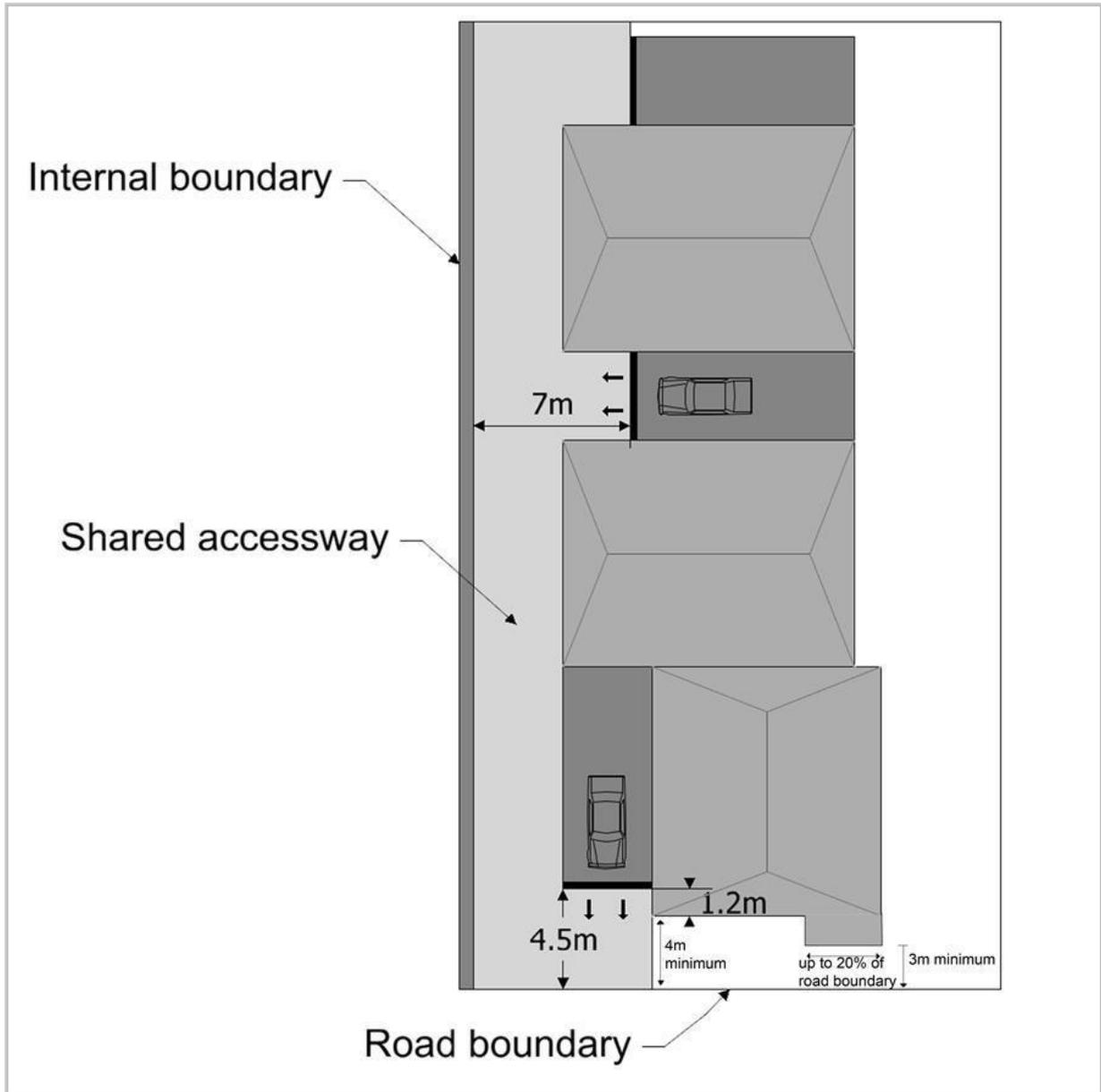


Figure 7: Street scene and access ways

[Note – this figure needs to be updated to reflect amended rules]

Note:

- A. This diagram is an illustrative example only, showing one way the rule may be applied in the Residential Medium Density Zone.
- B. These setback distances apply where garage doors do not tilt or swing outwards.

14.3.3.10 Street scene amenity and safety - fences

a. The maximum height of any fence in the setback from a road boundary on a local road shall be:

1.	Where at least 50% of the fence structure is visually transparent.	1.8 metres
2.	Where less than 50% of the fence structure is visually transparent.	1 metre

b. The maximum height of any fence in the setback from a road boundary on any collector road, or arterial road shall be 1.8 metres.

c. a. and b. shall not apply to fences or other screening structures located on an internal boundary between two properties zoned residential; or residential and commercial or industrial.

Note: For the purposes of this rule, a fence or other screening structure is not the exterior wall of a building or accessory building.

d. Parking areas shall be separated from road boundaries, conservation, open space, or adjoining residentially zoned sites by fencing that meets the requirements in a. above.

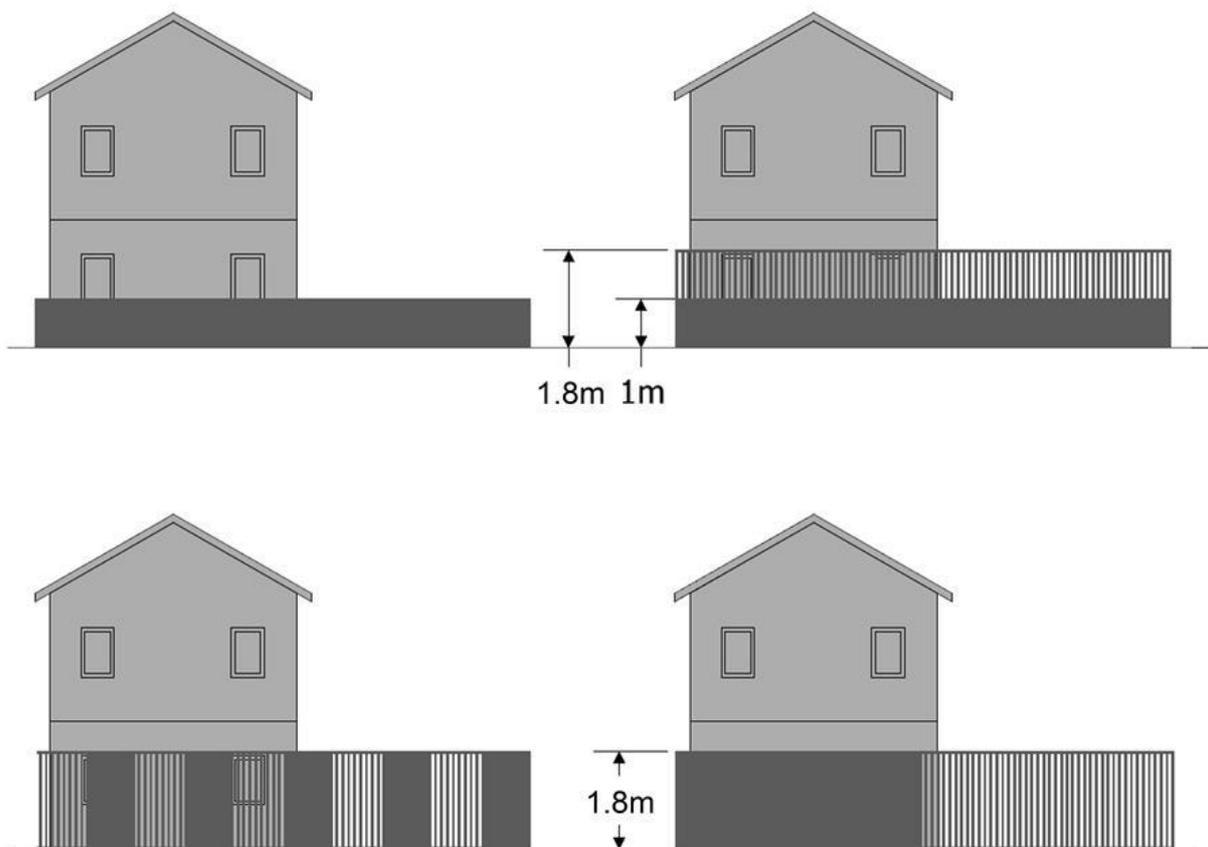


Figure 8: Fencing and screening structures

Residential (Part)
(and relevant definitions and associated planning maps) — Stage 2

14.3.3.11 Building overhangs

No internal floor area located above ground floor level shall project more than 800mm horizontally beyond the gross floor area at ground level.

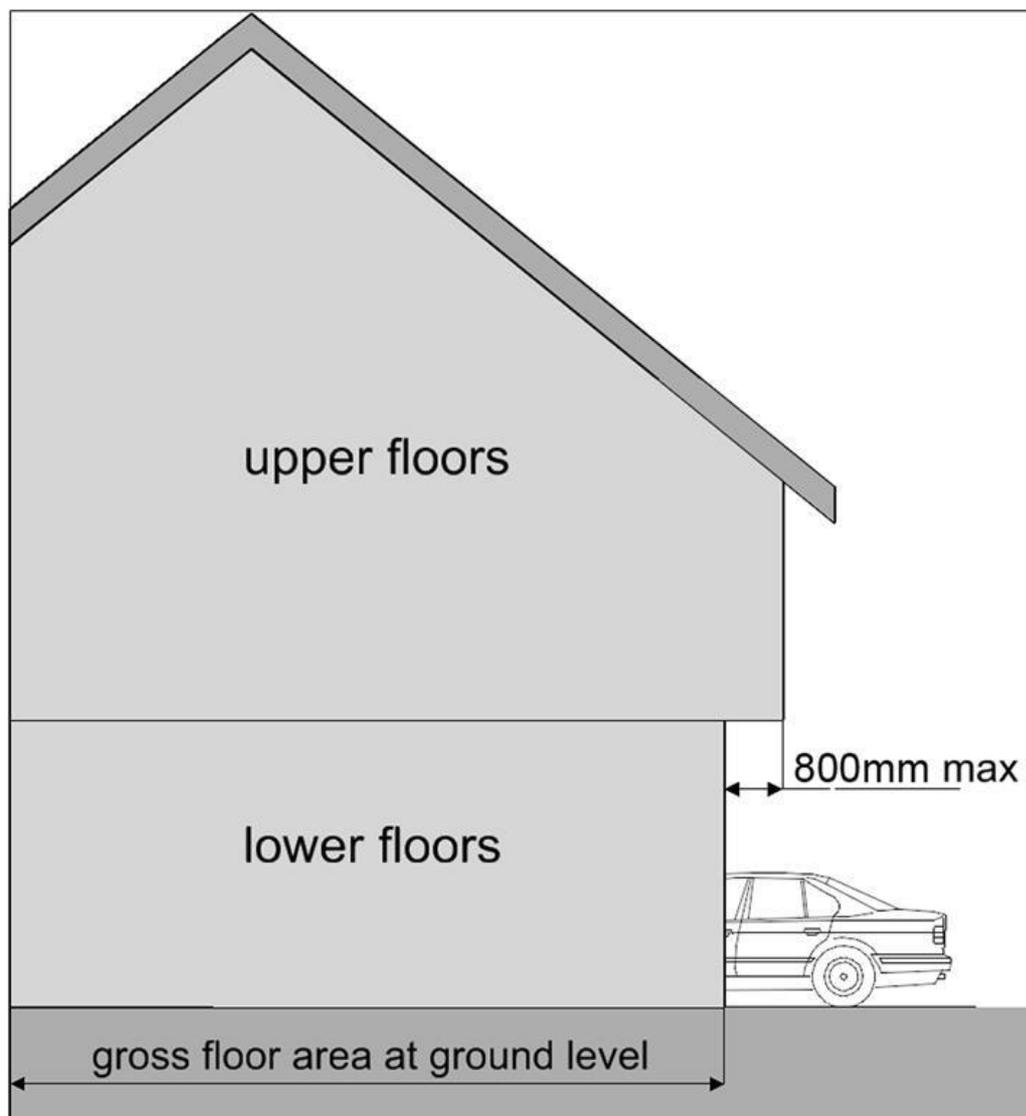


Figure 9: Building overhangs

Note: This diagram is an illustrative example only, showing a way the rule may be applied.

14.3.3.12 Minimum unit size

- a. The minimum net floor area (including toilets and bathrooms, but excluding carparking, garaging or balconies) for any residential unit shall be:

	Number of bedrooms	Minimum net floor area
1.	Studio	35m ²
2.	1 bedroom	45m ²
3.	2 bedrooms	60m ²
4.	3 or more bedrooms	90m ²

b. This rule does not apply to residential units in a retirement village.

14.3.3.13 Ground floor habitable space

a. Where the permitted height limit is 11 metres or less (refer to Rule 14.3.3.3):

- i. any residential unit fronting a road or public space shall have a habitable space located at the ground level; and
- ii. at least 50% of all residential units within a development shall have a habitable space located at the ground level.

b. Each of these habitable spaces located at the ground level shall have a minimum floor area of 12m² and a minimum internal dimension of 3 metres and be internally accessible to the rest of the unit.

c. Where the permitted height limit is over 11 metres (refer to Rule 14.3.3.3), a minimum of 50% of the ground floor area shall be occupied by habitable spaces and/or indoor communal living space. This area may include pedestrian access to lifts, stairs and foyers.

d. This rule does not apply to residential units in a retirement village.

14.3.3.14 Service, storage, and waste management spaces

a. Each residential unit shall be provided with:

- i. an outdoor service space of 3m² and waste management area of 2.25m², with a minimum dimension of 1.5 metres; and
- ii. a single, indoor storage space of four cubic metres with a minimum dimension of 1 metre.

b. Any space designated for waste management, whether private or communal, shall be screened from adjoining sites, conservation or open space zones, roads, and adjoining outdoor living spaces to a height of 1.5 metres.

c. If a communal waste management area is provided within the site, the minimum required outdoor service space is 3m² or each residential unit.

d. If a communal waste management area is provided, it must be demonstrated to be:

- i. of a sufficient size to accommodate the number and dimensions of bins required to meet the predicted volume of waste generated by the residential units;

- ii. accessible and safe for use by all residents; and
 - iii. easily accessible for the collection of bins by waste management contractors.
- e. This rule does not apply to residential units in a retirement village.

14.3.3.15 Water supply for fire fighting

Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

14.3.4 Area specific rules – Residential Medium Density Zone

The following rules apply to the areas specified. All activities are also subject to the rules in 14.3.2 and 14.3.3 unless specified otherwise.

14.3.4.1 Area specific permitted activities

The activities listed below are permitted activities if they comply with the activity specific standards set out in this table; and the applicable built form standards in Rule 14.3.3 unless specified otherwise in Rule 14.3.4.6.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.3.2.2, 14.3.2.3, 14.3.2.4, 14.3.2.5, and 14.3.2.6 (unless specified otherwise in area specific rules); and Rules 14.3.4.2, 14.3.4.3, 14.3.4.4, or 14.3.4.5.

Activity/area		Activity specific standards
P1	<p>The following activities in the Accommodation and Community Facilities Overlay:</p> <ul style="list-style-type: none"> a. Pre-schools; b. Health care facility; c. Veterinary care facility; d. Education activity; e. Place of assembly f. Spiritual facilities; g. Community corrections facilities; h. Community welfare facilities; i. Care homes. 	<ul style="list-style-type: none"> a. The activity specific standards in Rule 14.3.2.1 do not apply. b. The facility or activity shall: <ul style="list-style-type: none"> i. comprise less than 500m² gross leasable floor space; and ii. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of 0700-2100 Monday to Sunday.

Activity/area		Activity specific standards
P2	Guest accommodation in the Accommodation and Community Facilities Overlay	Nil
P3	Retirement villages in the Accommodation and Community Facilities Overlay	<p>a. The activity shall achieve the following built form standards as follows:</p> <ul style="list-style-type: none"> i. 14.3.3.3 Building height ii. 14.3.3.4 Site coverage iii. 14.3.3.6 Daylight recession planes iv. 14.3.3.7 Minimum building setbacks from internal boundaries v. 14.3.3.9 Road boundary building setback vi. 14.3.3.15 Water supply for fire fighting <p>b. Building façade length – there must be a recess in the façade of a building where it faces a side or rear boundary from the point at which a building exceeds a length of 16m. The recess must:</p> <ul style="list-style-type: none"> i. be at least 1m in depth, for a length of at least 2m; ii. be for the full height of the wall; and iii. include a break in the eave line and roof line of the façade.

14.3.4.2 Area specific controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

	Location	Controlled activity	The matters over which Council reserves its control
C1	Character Area Overlay	<p>a. The relocation of a building onto the site, erection of new buildings and alterations or additions to existing buildings, accessory buildings, fences and walls associated with that development, where it is:</p> <ul style="list-style-type: none"> i. visible from the street; ii. located in that part of the site between the road boundary and the main residential unit on the site; or 	c. Character Area Overlay – 14.13.24

	Location	Controlled activity	The matters over which Council reserves its control
		<ul style="list-style-type: none"> iii. involves changes to the front façade of the main residential unit of the site. <p>b. This rule does not apply to:</p> <ul style="list-style-type: none"> i. fences that are 1 metre in height or less; ii. accessory buildings that are located to the rear of the main residential unit on the site and are less than 5m in height; iii. fences that are located on a side or rear boundary of the site, except where that boundary is adjacent to a public space. <p>Any application arising from this rule will not require written approvals and shall not be limited or publicly notified.</p>	

14.3.4.3 Area specific restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table:

Activity/area		The Council's discretion shall be limited to the following matters:
RD1	Retail activity with frontage only to public access ways identified in Sumner Master Plan Overlay in Appendix 14.14.6	a. Urban design - 15.8.1.a.viii
RD2	<p>Activities and buildings that do not comply with Rule 14.3.4.6.2 road boundary garage and building setback, for sites with frontage to Bealey Avenue, Fitzgerald Avenue or Deans Avenue (south of Blenheim Road), and within the Sumner Master Plan Overlay (Appendix 14.14.6)</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	a. Street scene - road boundary building setback, fencing and planting - 14.13.19
RD3	Activities that do not comply with Rule 14.3.4.6.1 - Area specific development plans, Wigram special RNZAF provisions shown in Figure 6.	a. Specific setback provisions - Residential Suburban Zone Wigram - 14.13.14

	Any application arising from this rule will not require the written approval of any entity except the New Zealand Defence Force and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Defence Force.	
RD4	Development in Areas A, B and C of the Commercial Local Zone / Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline Development Plan Chapter 15 Appendix 15.10.4	a. Development plans - 14.13.16
RD5	Activities that do not comply with Rule 14.3.4.6.1 – Area specific development plans, Residential Medium Density Higher Height Limit and Site Density Overlay at Deans Avenue, and Sumner Master Plan Overlay (Appendix 14.14.6)	a. Development plans - 14.13.16
RD6	Residential units in the Character Area Overlay that do not comply with Rule 14.3.4.6.7 – Site density	a. Character Area Overlay – 14.13.24
RD7	Service stations in the Accommodation and Community Facilities Overlay. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Scale of activity – 14.13.5 b. Hours of operation – 14.13.22 c. Traffic generation and access safety – 14.13.6
RD8	Activities in the Accommodation and Community Facilities Overlay listed in Rule 14.3.4.1 P1 that do not comply with any one or more of the activity specific standards in Rule 14.3.4.1 P1.	a. Scale of activity – 14.13.5 b. Hours of operation – 14.13.22 c. Impacts on neighbouring property – 14.13.3 d. Traffic generation and access safety – 14.13.6
RD9	Buildings in the Accommodation and Community Facilities Overlay, and Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline Development Plan area that do not comply with Rule 14.3.4.6.3 – Building height	a. Impacts on neighbouring property – 14.13.3
RD10	Buildings in the Accommodation and Community Facilities Overlay that do not comply with Rule 14.3.4.6.4 – Maximum continuous building length. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Impacts on neighbouring property – 14.13.3 b. Residential design principles – 14.13.1.c only
RD11	Buildings in the Accommodation and Community Facilities Overlay that do not comply with Rule 14.3.4.6.5 – Front entrances and facades.	a. Residential design principles – 14.13.1

	Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	
RD12	Activities in the Accommodation and Community Facilities Overlay that do not comply with Rule 14.3.4.6.6 – Landscaped areas. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18

14.3.4.4 Area specific discretionary activities

The activity listed below is a discretionary activity.

Activity/area	
DI	Retail and commercial activity in the Sumner Master Plan Overlay that does not have frontage to public access ways identified in the Sumner Master Plan Overlay in Appendix 14.14.6

14.3.4.5 Area specific non-complying activities

There are no area specific non-complying activities.

14.3.4.6 Area specific built form standards

14.3.4.6.1 Area specific development plans

- a. This rule applies to:
- i. Residential Medium Density Higher Height Limit and Site Density Overlay at Deans Avenue;
 - ii. Residential Medium Density Zone Wigram shown on Figure 6; and
 - iii. Residential Medium Density Zone in Sumner Master Plan Overlay in Appendix 14.14.6.

	Area	Standard
1.	Residential Medium Density Higher Height Limit and Site Density Overlay at Deans Avenue	Sites shall not have access to Deans Avenue other than via the proposed road to be located between 100m and 110m from the intersection of Moorhouse and Deans Avenue. As shown on Appendix 14.14.3 Development Plan Addington.

<p>2.</p>	<p>Residential Medium Density Zone Wigram shown on Figure 6</p>	<p>Residential units shall have their primary outdoor living area facing away from the aerodrome site. Windows to living areas which directly face the RNZAF Bequest Land shall be doubled glazed. In addition, a 2 metre wide landscape strip and a close, solid and continuous 1.8 metre high fence shall be placed along the boundary of the RNZAF Bequest Land and be completed before any residential units are built.</p>
<p>3.</p>	<p>Sumner Master Plan Overlay (Appendix 14.14.6)</p>	<p>Retail activities and commercial services shall be located along the identified road frontages in accordance with the Sumner Master Plan Overlay (Appendix 14.14.6)</p>

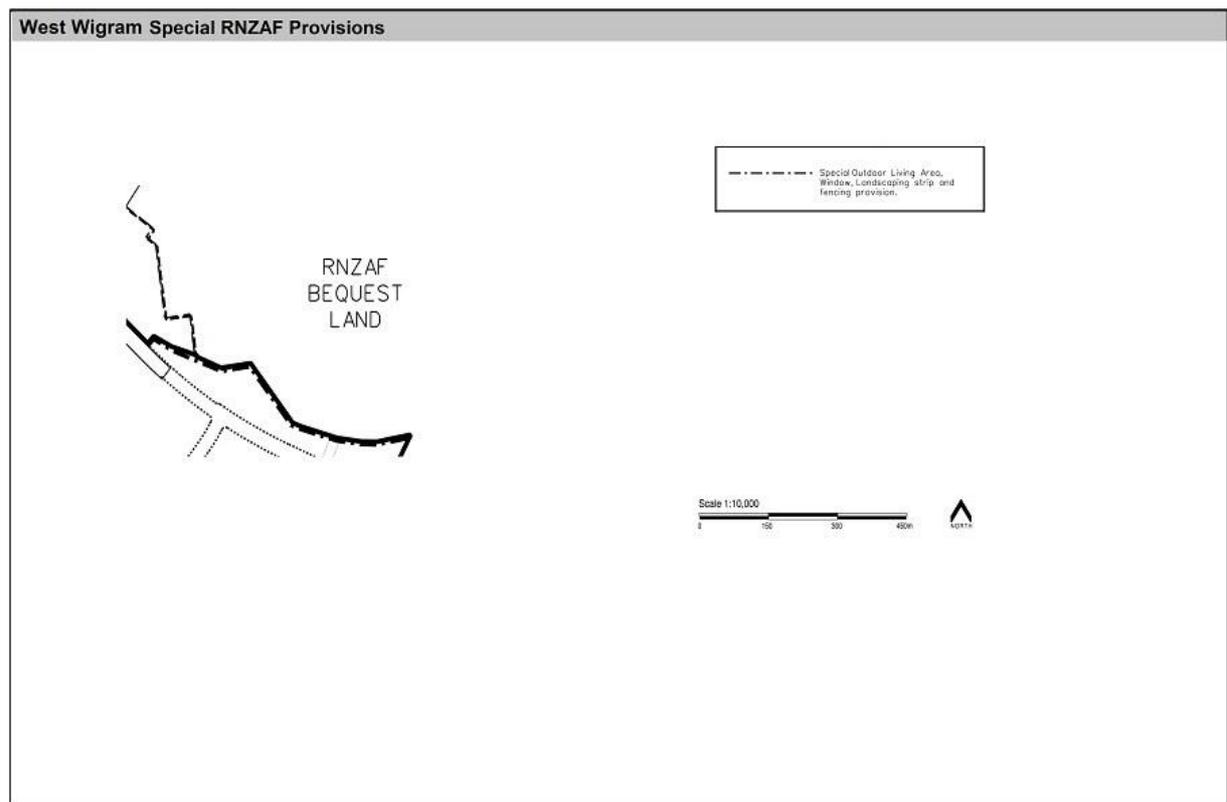


Figure 6: West Wigram Special RNZAF Provisions

14.3.4.6.2 Road boundary garage and building setback

This rule applies to sites with frontage to Bealey Avenue, Fitzgerald Avenue, or Deans Avenue (south of Blenheim Road), and within the Sumner Master Plan Overlay (Appendix 14.14.6).

Rule 14.3.3.8 Road boundary garage and building setback shall not apply on the above sites.

- a. For sites with frontage to Bealey Avenue, Fitzgerald Avenue, or Deans Avenue (south of Blenheim Road), the road boundary setback shall be 6 metres.
- b. Sumner Master Plan Overlay, shown in Appendix 14.14.6; for retail activities and commercial services with road frontage buildings; buildings shall:
 - i. be built up to the road frontage with buildings occupying all frontage not needed for vehicle access to the rear of the site;

- ii. provide a minimum of 60% and a maximum of 90% visually transparent glazing at the ground floor and a minimum of 20% and a maximum of 90% visually transparent glazing at each floor above the ground floor;
 - iii. provide pedestrian access directly from the road boundary; and
 - iv. provide veranda or other means of weather protection along the full width of the building where it has frontage to a road.
- c. Summer Master Plan Overlay, shown in Appendix 14.14.6; for retail and commercial services with frontage only to public access ways; buildings shall:
- i. occupy the full public access way frontage of the site;
 - ii. provide a minimum of 60% and a maximum of 90% of visually transparent glazing at the ground floor and a minimum of 20% and a maximum of 90% visually transparent glazing at each floor above the ground floor; and
 - iii. provide pedestrian access directly from the public access way.

14.3.4.6.3 Building height

- a. This applies to:
 - i. Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline Development Plan shown as Area A in Chapter 15 Appendix 15.10.4; and
 - ii. Accommodation and Community Facilities Overlay.
- b. The maximum height of any building shall be:

	Area	Applicable to	Permitted
1.	Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline Development Plan shown as Area A in Chapter 15 Appendix 15.10.4	a. All buildings	14 metres Rule 14.3.3.3 Building height and maximum number of storeys shall not apply within the above area.
2.	Accommodation and Community Facilities Overlay	a. Activities that are not residential activities	11 metres, or 12 metres for that part of the building where a pitched roof of at least 22 degrees is provided.

14.3.4.6.4 Maximum continuous building length

- a. The maximum continuous building length shall be:

	Area	Applicable to	Standards
		Buildings for:	New buildings up to 15 metres

1.	Accommodation and Community Facilities Overlay	<ul style="list-style-type: none"> a. Guest accommodation; b. Community facility; c. Pre-school; d. Education facility; e. Health care facility; f. Place of assembly; and g. Veterinary care facility. 	Additions up to 10 metres
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14.3.4.6.5 Front entrances and façades

a. The following front entrance and façade treatment shall be provided:

	Area	Applicable to	Standard
1.	Accommodation and Community Facilities Overlay	Buildings for: <ul style="list-style-type: none"> a. Guest accommodation; b. Community facility; c. Pre-school; d. Education facility; e. Health care facility; f. Place of assembly; and g. Veterinary care facility. 	<ul style="list-style-type: none"> a. Pedestrian access shall be directly from the road frontage. b. A minimum of 30% glazing on the road frontage on ground floor. c. A minimum of 20% glazing on the road frontage on elevations above ground level.

14.3.4.6.6 Landscaped areas

a. Planting shall be provided as follows:

	Area	Applicable to	Standards
1.	Accommodation and Community Facilities Overlay	<ul style="list-style-type: none"> a. Activities that are not residential activities 	<ul style="list-style-type: none"> a. In areas adjoining the road frontage of all sites: <ul style="list-style-type: none"> i. a minimum density of 1 tree per every 10 metres of road frontage or part thereof, distributed across the frontage; and ii. a minimum 2 metre planted strip. b. On sites adjoining residential, conservation and open space zones, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.

2.	Character Area Overlay	a. All activities	a. A landscape strip of a minimum width of 2 metres comprising a combination of tree and garden planting shall be planted along the length of the road boundary, excluding that part required for a driveway or pedestrian access.
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14.3.4.6.7 Site density

- a. This applies to:
- i. Character Area Overlay.
- b. Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area	Permitted
1.	Residential Medium Density Zone within the Character Area Overlay	400m ²
2.	Character Area Overlay – Character Area 27 - Beverley	500m ²

14.4 Rules – Residential Banks Peninsula Zone

14.4.1 How to use the rules

- a. The rules that apply to activities in the Residential Banks Peninsula Zone are contained in:
 - i. the activity status tables (including activity specific standards) in Rule 14.4.2; and
 - ii. built form standards in Rules 14.4.3.
- b. Area specific rules also apply to activities within the following specific areas zoned Residential Banks Peninsula Zone in Rule 14.4.4:
 - i. Lyttelton Port Influences Overlay; and
 - ii. Character Area Overlay
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Residential Banks Peninsula Zone:
 - 5 Natural Hazards;
 - 6 General Rules and Procedures;
 - 7 Transport;
 - 8 Subdivision, Development and Earthworks;
 - 9 Heritage and Natural Environment;
 - 11 Utilities, Energy and Infrastructure; and
 - 12 Hazardous Substances and Contaminated Land
- d. Where the word “facility” is used in the rules (e.g. spiritual facility), it shall also include the use of a site /building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

14.4.2 Activity status tables

14.4.2.1 Permitted activities

In the Residential Banks Peninsula Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table, the applicable built form standards in Rule 14.4.3 and area specific rules in Rule 14.4.4.

Activities may also be permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.4.2.2, 14.4.2.3, 14.4.2.4, 14.4.2.5 and 14.4.2.6, or in the area specific rules in Rule 14.4.4.

Activity		Activity specific standards
P1	Residential activity, except for boarding houses	<p>a. No more than one heavy vehicle shall be stored on the site of the residential activity.</p> <p>b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.</p> <p>Note: for residential activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>
P2	Minor residential unit where the minor unit is a detached building and the existing site it is to be built on contains only one residential unit	<p>a. The existing site containing both units shall have a minimum net site area of 450m².</p> <p>b. The minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area 70m².</p> <p>c. The parking areas of both units shall be accessed from the same access.</p> <p>d. There shall be a total outdoor living space on the existing site (containing both units) with a minimum area of 90m² and a minimum dimension of 6 metres. This total space can be provided as:</p> <ol style="list-style-type: none"> i. a single continuous area; or ii. be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area. <p>Note: for minor residential units within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>
P3	Retirement villages	<p>a. Building façade length – there must be a recess in the façade of a building where it faces a side or rear boundary from the point at which a building exceeds a length of 16 metres. The recess must:</p> <ol style="list-style-type: none"> i. be at least 1 metre in depth, for a length of at least 2 metres; ii. be for the full height of the wall; and iii. include a break in the eave line and roof line of the façade. <p>Note: for retirement villages within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>
P4	Conversion of an elderly person's housing unit existing at 6 December 2013, into a residential unit that may be occupied by any person(s) and without the need to be encumbered	<p>Each converted unit shall have:</p> <ol style="list-style-type: none"> a. a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m²; and b. a separate outdoor living space readily accessible from its living area that is at least 30m² with a minimum dimension of 3 metres.

Activity		Activity specific standards
	by a bond or other appropriate legal instrument	
P5	Home occupation	<p>a. The gross floor area of the building, plus the area used for outdoor storage area, occupied by the home occupation shall be less than 40m².</p> <p>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</p> <p>c. Any retailing shall be limited to the sale of goods grown or produced on the site, or internet-based sales where no customer visits occur.</p> <p>d. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of:</p> <p>i. 0700 – 2100 Monday to Friday; and</p> <p>ii. 0800 – 1900 Saturday, Sunday and public holidays.</p> <p>e. Visitor or staff parking areas shall be outside the road boundary setback.</p> <p>f. Outdoor advertising shall be limited to a maximum area of 2m².</p>
P6	Care of non-resident children within a residential unit in return for monetary payment to the carer	<p>There shall be:</p> <p>a. a maximum of 4 non-resident children being cared for in return for monetary payment to the carer at any one time; and</p> <p>b. at least one carer residing permanently within the residential unit.</p> <p>Note: for P6 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>
P7	Bed and breakfast	<p>There shall be:</p> <p>a. a maximum of 6 guests accommodated at any one time;</p> <p>b. at least one owner of the residential unit residing permanently on site ; and</p> <p>c. no guest given accommodation for more than 90 consecutive days.</p> <p>Note: for bed and breakfast within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>
P8	Education activity	<p>The activity shall:</p> <p>a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available;</p> <p>b. only occupy a gross floor area of building of less than 200m²; or in the case of a health care facility, less than 300m²;</p>
P9	Pre-schools	
P10	Health care facility	

Activity		Activity specific standards						
P11	Veterinary care facility	<p>c. limit outdoor advertising to a maximum area of 2m²;</p> <p>d. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of:</p> <table border="1"> <tr> <td>Education activity</td> <td> <p>i. 0700 – 2100 Monday to Saturday; and</p> <p>ii. Closed Sunday and public holidays.</p> </td> </tr> <tr> <td>Pre-schools</td> <td rowspan="3"> <p>i. 0700 – 2100.</p> </td> </tr> <tr> <td>Health care facility</td> </tr> <tr> <td>Veterinary care facility</td> </tr> </table> <p>e. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road;</p> <p>f. only locate on residential blocks where there are no more than two non-residential activities already within that block; Note: See Figure 1.</p> <p>g. in relation to pre-schools, limit outdoor play areas and facilities to those that comply with the Group 1 acoustic standard for residential zones;</p> <p>h. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of 4;</p> <p>i. not include the storage of more than one heavy vehicle on the site of the activity.</p> <p>Note: For P8, P9, P10 and P11 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>	Education activity	<p>i. 0700 – 2100 Monday to Saturday; and</p> <p>ii. Closed Sunday and public holidays.</p>	Pre-schools	<p>i. 0700 – 2100.</p>	Health care facility	Veterinary care facility
Education activity	<p>i. 0700 – 2100 Monday to Saturday; and</p> <p>ii. Closed Sunday and public holidays.</p>							
Pre-schools	<p>i. 0700 – 2100.</p>							
Health care facility								
Veterinary care facility								
P12	Spiritual facilities	<p>The facility shall:</p> <p>a. limit the hours of operation to 0700-2200; and</p> <p>b. not include the storage of more than one heavy vehicle on the site of the activity.</p> <p>Note: for P12 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>						
P13	Community corrections facilities	<p>The facilities shall:</p> <p>a. limit the hours of operation when the site is open to clients and deliveries to between the hours of 0700 – 1900; and</p> <p>b. limit signage to a maximum area of 2m².</p>						
P14	Community welfare facilities							

Activity		Activity specific standards
		Note: for P14 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.
P15	Emergency services facilities	a. Nil
P16	<p>Repair or rebuild of multi-unit residential complexes damaged by the Canterbury earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes</p> <p><i>[This was the subject of Decision 3, numbering and text referring to multi-unit residential complexes is amended by this decision under Cl 13(5) and (6)(a)]</i></p>	<p>a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not comply with any of the built form standards.</p> <p>b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer:</p> <ol style="list-style-type: none"> i. the only built form standards that shall apply are those specified in Rules 14.4.3.2 – Building height and 14.4.3.5 – Daylight recession planes; ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres; iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes. <p>Clarification: examples of regulatory or legal requirement that may apply include the New Zealand Building Code, Council bylaws, easements, and other rules within this Plan such as the requirements for minimum floor levels in Chapter 5.</p> <p>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</p> <p>Any application arising from non-compliance with standards a. and b.i. will not require written approval except from the affected adjoining landowner(s) and shall not be publicly notified.</p> <p>Any application arising from non-compliance with standard b.ii. (road boundary setbacks), will not require written approval and shall not be publicly or limited notified.</p>
P17	<p>Temporary lifting or moving of earthquake damaged buildings where the activity does not comply with one or more of:</p> <ol style="list-style-type: none"> a. 14.4.3.2 – Building height; b. 14.4.3.3 – Site coverage; c. 14.4.3.4 – Minimum building setback from 	<p>a. Buildings shall not be:</p> <ol style="list-style-type: none"> i. moved to within 1 metre of an internal boundary and/or within 3 metres of any waterbody, scheduled tree, listed heritage item, natural resources and Council owned structure, archaeological site, or the coastal marine area; or ii. lifted to a height exceeding 3 metres above the applicable recession plane or height control. <p>b. The building must be lowered back or moved back to its original position, or a position compliant with the District</p>

Activity		Activity specific standards
	<p>side and rear internal boundaries and railway lines; or</p> <p>d. 14.4.3.5 – Daylight recession planes.</p> <p><i>[This was the subject of Decision 2, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]</i></p>	<p>Plan or consistent with a resource consent, within 12 weeks of the lifting or moving works having first commenced.</p> <p>c. In all cases of a building being moved or lifted, the owners/occupiers of land adjoining the sites shall be informed of the work at least seven days prior to the lift or move of the building occurring. The information provided shall include details of a contact person, details of the lift or move, and the duration of the lift or move.</p> <p>d. The Council’s Resource Consents Manager shall be notified of the lifting or moving the building at least 7 days prior to the lift or move of the building occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>
P18	<p>Conversion of a residential unit into two residential units within the Akaroa and Lyttelton Character Area Overlays.</p>	<p>a. Each residential unit shall have a minimum gross floor area, excluding terraces, garages, sundecks and verandah of 35m².</p> <p>b. There shall be a minimum of 90m² of total outdoor living space on the site.</p> <p>c. Each unit shall be provided with an outdoor living space that is directly accessible from that unit and a minimum of 30m² in area.</p> <p>This rule does not provide for any external alterations or extensions to an existing residential unit – refer to Rule RD 14.4.4.2 RD3 and RD4.</p> <p>Note: for P18 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>
P19	<p>Heli-landing areas</p>	<p>a. Sites shall be greater than 3000m² in area.</p> <p>b. The number of flights shall not exceed 12 (24 movements) in any calendar year.</p> <p>c. The flights (movements) shall not take place on more than 5 days in any 1 month period.</p> <p>d. The flights (movements) shall not exceed 3 in any 1 week.</p> <p>e. Any movements shall only occur between 0800 and 1800 hours.</p> <p>f. No movements shall take place within 25 metres of any residential unit unless that residential unit is owned or occupied by the applicant.</p> <p>g. A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council when requested.</p>
P20	<p>Relocation of a building</p>	

Activity		Activity specific standards
P21	Temporary military or emergency service training activities	a. Nil
P22	Market gardens, community gardens, and garden allotments	

14.4.2.2 Controlled activities

The activities listed below are controlled activities.

Unless otherwise specified, controlled activities will not require written approval and shall not be publicly or limited notified.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

Activity		The Council's control is reserved to the following matters:
C1	Residential units (including any sleep-outs) containing more than 6 bedrooms in total	a. Scale of activity - 14.13.5 b. Traffic generation and access safety - 14.13.6

14.4.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RDI	Minor residential unit where the minor unit is a detached building and does not comply with any one or more of the activity specific standards in Rule 14.4.2.1 P2 a, b, c, or d.	a. Minor residential units 14.13.23

Activity		The Council's discretion shall be limited to the following matters:
	Note: for minor residential units within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.	
RD2	Temporary lifting or moving of earthquake damaged buildings that does not comply with any one or more of the activity specific standards in Rule 14.4.2.1 P17. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Relocation of buildings and temporary lifting or moving of earthquake damaged buildings - 14.13.17 <i>[This was the subject of Decision 2, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]</i>
RD3	Buildings that do not comply with Rule 14.4.3.6 – Building setbacks from road boundaries. Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
RD4	Residential units that do not comply with Rule 14.4.3.1 – Site density	a. Site density and site coverage - 14.13.2
RD5	Activities and buildings that do not comply with Rule 14.4.3.3 – Site coverage	
RD6	Buildings that do not comply with Rule 14.4.3.2 – Building height	a. Impacts on neighbouring property - 14.13.3
RD7	Buildings that do not comply with Rule 14.4.3.5 – Daylight recession planes	
RD8	Buildings that do not comply with Rule 14.4.3.4 (other than 14.4.3.4(3); refer to RD16) – Minimum building setback from side and rear internal boundaries and railway lines	a. Impacts on neighbouring property - 14.13.3 b. Minimum building window and balcony setbacks - 14.13.19
RD9	Residential units that do not comply with Rule 14.4.3.7. Any application arising from this rule will only require the written approval of the New Zealand Fire Service to not be limited notified and shall not be fully publicly notified.	a. Water supply for fire fighting - 14.13.8

Activity		The Council's discretion shall be limited to the following matters:
RD10	<p>Multi-unit residential complexes</p> <p>Note: for multi-unit residential complexes within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>	<p>a. Residential design principles — 14.13.1</p>
RD11	<p>Activities that do not comply with any one or more of the activity specific standards in 14.4.2.1 (except for P8-P11 activity standard i., refer to D2) for:</p> <p>a. P5 – Home occupation;</p> <p>b. P8 – Education activity;</p> <p>c. P9 – Pre-schools;</p> <p>d. P10 – Health care facility; or</p> <p>e. P11 – Veterinary care facility.</p> <p>Any application arising from these rules will not require written approval and shall not be publicly or limited notified.</p> <p>Note: for P8 – education activity, P9 – preschools and P10 – health care facility within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>	<p>As relevant to the breached rule:</p> <p>a. Scale of activity — 14.13.5</p> <p>b. Traffic generation and access safety — 14.13.6</p> <p>c. Non-residential hours of operation — 14.13.22</p>
RD12	<p>Integrated family health centres where:</p> <p>a. the centre is located on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal is available;</p> <p>b. the centre is located on sites adjoining a Neighbourhood, District or Key Activity Centre;</p> <p>c. the centre occupies a gross floor area of building of between 301m² and 700m²;</p> <p>d. outdoor advertising is limited to a maximum area of 2m²; and</p> <p>e. the hours of operation when the site is open to patients, or clients, and deliveries, is limited to between the hours of 0700 – 2100.</p>	<p>a. Scale of activity - 14.13.5</p> <p>b. Traffic generation and access safety - 14.13.6</p> <p>c. Non-residential hours of operation - 14.13.22</p>
RD13	<p>Community corrections and community welfare facilities that do not comply with any one or more of the activity specific standards in Rule 14.4.2.1 P13 or P14.</p>	<p>As relevant to the breached rule:</p> <p>a. Scale of activity - 14.13.5</p> <p>b. Traffic generation and access safety - 14.13.6</p>

Activity		The Council's discretion shall be limited to the following matters:
	Any application arising from these rules will not require written approval and shall not be publicly or limited notified.	c. Non-residential hours of operation - 14.13.22
RD14	Retirement villages that do not comply with any one or more of the activity specific standards in Rule 14.4.2.1 P3 Note: for retirement villages within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.	a. Retirement villages 14.13.10
RD15	Boarding house Note: for boarding houses within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.	a. Scale of activity - 14.13.5 b. Traffic generation and access safety - 14.13.6
RD16	Activities and buildings that do not comply with Rule 14.4.3.4(3) relating to rail corridor boundary setbacks.	a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.
RD17	Spiritual facilities that do not comply with the hours of operation in Rule 14.4.2.1 P12. Any application arising from this rule shall not be publicly notified and shall only be limited notified to directly abutting land owners and occupiers that have not given their written approval.	a. Scale of activity - 14.13.22

14.4.2.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity
D2	Activities that do not comply with any one or more of the activity specific standards in Rule 4.4.2.1 for: a. P1 Residential activity;

Activity	
	<ul style="list-style-type: none"> b. P4 Conversion of an older person's housing unit into a residential unit; c. P6 Care of non-resident children in a residential unit; d. P7 Bed and breakfast; or e. Storage of more than one heavy vehicle for activities for P8-P12.
D3	Show homes
D4	Camping grounds
D5	<p>Place of assembly (except for a Lyttelton Port Noise Sensitive Activity within the Lyttelton Port Influences Overlay) where:</p> <ul style="list-style-type: none"> a. the minimum site area is not less than 30m² per person; b. all outdoor areas associated with the activity are screened with a 1.8m high fence or solid planting which ensures privacy for adjoining sites; c. the hours of operation are between 0700 – 2200 hours Monday to Sunday and public holidays; and d. there is no use of heavy vehicles associated with the activity.
D6	<p>Health care facility (except for a Lyttelton Port Noise Sensitive Activity within the Lyttelton Port Influences Overlay) where:</p> <ul style="list-style-type: none"> a. the maximum floor area used for health care activities on any site does not exceed 100m²; and b. there is no use of heavy vehicles associated with the activity.
D7	<p>Retail activity where:</p> <ul style="list-style-type: none"> a. all outdoor areas associated with the activity are screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites; b. the hours of operation are between 0700 – 2200 hours Monday to Sunday and public holidays; c. the maximum floor area used for retail activities on any site does not exceed 50m²; d. the activity does not include trade or yard-based suppliers or service stations; and e. there is no use of heavy vehicles associated with the activity.
D8	All other non-residential activities not otherwise listed in these tables
D9	Integrated family health centres which do not comply with any one of more of the requirements specified in Rule 14.4.2.3 RD12

14.4.2.5 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> i. within 12 metres of the centre line of a 110kV or 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure; or ii. within 10 metres of the centre line of a 66kV National Grid transmission line or within 10 metres of a foundation of an associated support structure; or <p>b. Fences within 5 metres of a National Grid transmission line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The National Grid transmission lines are shown on the planning maps. 2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activity in the vicinity of National Grid transmission lines must comply with NZECP 34:2001.
NC2	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or ii. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure. <p>b. Fences within 5 metres of a 66kV or 33kV electricity distribution line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The electricity distribution lines are shown on the planning maps. 2. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.

14.4.2.6 Prohibited activities

There are no prohibited activities.

14.4.3 Built form standards

14.4.3.1 Site density

- a. Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area/Location	Standard
1.	Residential Banks Peninsula Zone	400m ²
2.	Residential Banks Peninsula Zone – Diamond Harbour Density Overlay	600m ²
3.	10 Pages Road, Lyttelton (described as Lot 2 DP 52500)	5 or fewer residential units in total may be erected on the site
4.	10 Harmans Road, Lyttelton (described as Lot 1 DP 71436)	5000m ²
5.	Multi-unit residential complexes	There shall be no minimum net site area for any site for any residential unit
6.	Retirement villages	

14.4.3.2 Building height

- a. The maximum height of any building shall be 7 metres.
- b. The maximum height of any accessory buildings shall be 4.5 metres.

Note: See the permitted height exceptions contained within the definition of height.

14.4.3.3 Site coverage

The maximum percentage of the net site area of any site covered by buildings shall be 35%, excluding:

- a. fences, walls and retaining walls;
- b. eaves and roof overhangs up to 600mm in width from the wall of a building;

- c. uncovered swimming pools up to 800mm in height above ground level; and
- d. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - i. are no more than 800mm above ground level and are uncovered or unroofed; or
 - ii. where greater than 800mm above ground level and are covered or roofed, are in total no more than 6m² in area for any one site.

14.4.3.4 Minimum building setback from side and rear internal boundaries and railway lines

The minimum building setback from side and rear internal boundaries shall be:

1.	Side internal boundaries	One of 1.5 metres and one of 2 metres
2.	Rear internal boundaries	2 metres
3.	On sites adjacent or abutting railway lines, buildings, balconies and decks	4 metres from the rail corridor boundary

There shall be no minimum setback from internal boundaries for accessory buildings where the length of any wall within the setbacks specified in 1. is less than 6 metres.

14.4.3.5 Daylight recession planes

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2 metres above ground level at any adjoining site boundary, that is not a road boundary.

14.4.3.6 Building setbacks from road boundaries

Minimum building setback from road boundaries shall be:

	Applicable to	Standard
1.	Where a garage contains a vehicle entrance way which generally faces a road	5 metres
2.	All other buildings	3 metres

14.4.3.7 Water supply for fire fighting

Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban reticulated system (where available) in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008). Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008 water supply and access to water supplies for fire fighting that is in compliance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008 must be provided.

14.4.4 Area specific rules – Residential Banks Peninsula Zone

The following rules apply to the areas specified. All activities are also subject to the rules in 14.4.2 and 14.4.3 unless specified otherwise.

14.4.4.1 Area specific permitted activities

The activities listed below are permitted activities if they comply with the activity specific standards set out in this table; and the applicable built form standards in Rule 14.4.3, unless specified otherwise in Rule 14.4.4.5.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.4.2.2, 14.4.2.3, 14.4.2.4, 14.4.2.5, and 14.4.2.6 (unless specified otherwise in area specific rules); and Rule 14.4.4.2, 14.4.4.3, 14.4.4.4, or 14.4.4.5.

	Activity/area	Area specific standards
P1	Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space does not exceed 40m ² within a 10 year continuous period	a. Compliance with Rule 14.4.4.4.1
P2	Replacement for an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space does not exceed the combined gross floor area of the habitable spaces contained in the previous residential unit by more than 40m ² within a 10 year continuous period	a. Compliance with Rule 14.4.4.4.1

14.4.4.2 Area specific restricted discretionary activities

	Activity/area	The Council's discretion shall be

		limited to the following matters
RD1	<p>Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space exceeds 40m² within a 10 year continuous period with a no complaints covenant, provided that the works comply with Rule 14.4.4.4.1.</p> <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to Lyttelton Port Company where it has not given its written approval.</p>	a. Lyttelton Port Influences Overlay - 14.13.15
RD2	<p>Replacement residential unit for an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space exceeds the combined gross floor area of the habitable space contained in the previous residential unit by more than 40m² within a 10 year continuous period with a no complaints covenant, provided that the works comply with Rule 14.4.4.4.1.</p> <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to Lyttelton Port Company where it has not given its written approval.</p>	
RD3	<p>Within the Lyttelton Character Area Overlay;</p> <ol style="list-style-type: none"> external alterations or additions to, or demolition of existing buildings on a site, except for the demolition of accessory buildings; and/or the erection of dwellings and accessory buildings, except for new dwellings within the Lyttelton Port Influences Overlay Area; and/or the relocation of buildings onto the site. 	a. Character Area Overlay – 14.13.24
RD4	<p>Within the Akaroa Character Area Overlay;</p> <ol style="list-style-type: none"> external alterations or additions to, or demolition of existing buildings on a site, except for the demolition of accessory buildings; and/or the erection of dwellings and accessory buildings; and/or the relocation of buildings onto the site. 	a. Character Area Overlay – 14.13.24
RD5	Residential units in the Lyttelton Character Area Overlay that do not comply with Rule 14.4.4.4.2 – Site density	a. Site density and site coverage - 14.13.2
RD6	Buildings in the Lyttelton Character Area Overlay that do not comply with Rule 14.4.4.4.3 – Site coverage	
RD7	Activities in the Akaroa Character Area Overlay that do not comply with Rule 14.4.4.4.6 – Landscaping	a. Street scene – road boundary building

		setback, fencing and planting – 14.13.18
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14.4.4.3 Area specific non-complying activities

	The activities listed below are a non-complying activity
NC1	<p>Extension under Rule 14.4.4.1 (P1) in the Lyttelton Port Influences Overlay that does not comply with Rule 14.4.4.4.1.</p> <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to Lyttelton Port Company where it has not given its written approval.</p>
NC2	<p>Replacement under Rule 14.4.4.1 (P2) in the Lyttelton Port Influences Overlay that does not comply with Rule 14.4.4.4.1.</p> <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to Lyttelton Port Company where it has not given its written approval.</p>
NC3	<p>Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space exceeds 40m² within a 10 year continuous period that:</p> <ol style="list-style-type: none"> does not have a no complaints covenant; and/or does not comply with Rule 14.4.4.4.1. <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to Lyttelton Port Company where it has not given its written approval.</p>
NC4	<p>Replacement residential unit for an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space exceeds the combined gross floor area of the habitable space contained in the previous residential unit by more than 40m² within a 10 year continuous period that:</p> <ol style="list-style-type: none"> does not have a no complaints covenant; and/or does not comply with Rule 14.4.4.4.1. <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to Lyttelton Port Company where it has not given its written approval.</p>
NC5	<p>New noise sensitive activities in the Lyttelton Port Influences Overlay.</p> <p>Any application arising from this rule shall not be publicly notified and shall only be limited notified to Lyttelton Port Company where it has not given its written approval.</p>

14.4.4.4 Area specific built form standards

14.4.4.4.1 Internal sound design level in the Lyttelton Port Influences Overlay

New habitable space or extensions to existing habitable space in the Lyttelton Port Influences Overlay shall have an internal sound design level of 40dBA L^{dn} (5 day) with ventilating windows or with windows and doors closed and mechanical ventilation installed and operating.

For the purposes of this rule, the design shall achieve an internal design sound level of a habitable room, the external noise environment will be the modelled level of port noise taken from the predicted dBA L_{dn} (5 day) contour closest to the habitable room, in accordance with the methodology of NZS 6809:1999 Port Noise Management and Land Use Planning.

Note: There will be a port noise contour map attached to a Port Noise Management Plan, which is to be prepared and regularly updated in accordance with Chapter 6 of this plan. This map will show the dBA L_{dn} (5 day) contour lines, in 1 dBA increments, across Lyttelton Township and would be available for a property owner's acoustic design consultant to use.

14.4.4.4.2 Site density

- a. Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area	Permitted
1.	Character Area Overlay in Lyttelton	250m ²

14.4.4.4.3 Site coverage

- a. The maximum percentage of the net site area covered by buildings excluding:
- i. fences, walls and retaining walls;
 - ii. eaves and roof overhangs up to 600mm in width from the wall of a building;
 - iii. uncovered swimming pools up to 800mm in height above ground level; and
 - iv. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 1. are no more than 800mm above ground level and are uncovered or unroofed; or
 2. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site;

shall be as follows:

	Area	Permitted
1.	Character Area Overlay in Lyttelton	60%

14.4.4.4.4 Minimum building setbacks from internal boundaries

a. Minimum building setbacks from boundaries shall be as follows:

	Area	Permitted
1.	Character Area Overlay	Where written approval has been obtained from the owner and occupier of the site adjoining the boundary, one side internal boundary may be reduced to nil. Otherwise Rule 14.4.3.4 shall apply.

14.4.4.4.5 Minimum building setbacks from road boundaries

a. Minimum building setbacks from road boundaries shall be as follows:

	Area	Permitted
1.	Character Area Overlay	Nil

14.4.4.4.6 Landscaping

a. A landscaping strip comprising a combination of tree and garden planting along the length of the road boundary, excluding that part required for buildings, driveways or pedestrian access shall be provided as follows:

	Area	Permitted
1.	Character Area Overlay in Akaroa	Minimum width of 3 metres

14.5 Rules - Residential Hills Zone

14.5.1 How to use the rules

- a. The rules that apply to activities in the Residential Hills Zone are contained in:
 - i. the activity status tables (including activity specific standards) in Rule 14.5.2; and
 - ii. built form standards in Rule 14.5.3.
- b. Area specific rules also apply to activities within the following specific areas zoned Residential Hills in Rule 14.5.4:
 - i. Character Area Overlay
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Residential Hills Zone.
 - 5 Natural Hazards;
 - 6 General Rules and Procedures;
 - 7 Transport;
 - 8 Subdivision, Development and Earthworks;
 - 9 Heritage and Natural Environment;
 - 11 Utilities, Energy and Infrastructure; and
 - 12 Hazardous Substances and Contaminated Land.
- d. Where the word “facility” is used in the rules (e.g. spiritual facility), it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

14.5.2 Activity status tables

14.5.2.1 Permitted activities

In the Residential Hills Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table and the applicable built form standards in Rule 14.5.3 and the area specific rules in Rule 14.5.4.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.5.2.2, 14.5.2.3, 14.5.2.4, 14.5.2.5, and 14.5.2.6, or in the area specific rules in 14.5.4.

Activity		Activity specific standards															
P1	Residential activity, except for boarding houses	<ol style="list-style-type: none"> No more than one heavy vehicle shall be stored on the site of the residential activity. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site. 															
P2	Minor residential unit where the minor unit is a detached building and the existing site it is to be built on contains only one residential unit	<ol style="list-style-type: none"> The existing site containing both units shall have a minimum net site area of 650m². The minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area of 70m². The parking areas of both units shall be accessed from the same access. 															
P3	Social housing complexes	<ol style="list-style-type: none"> The complex shall only contain up to and including four residential units. The minimum net floor area (including toilets and bathrooms, but excluding carparking, garaging or balconies) for any residential unit in the complex shall be: <table border="1" data-bbox="616 1016 1302 1460"> <thead> <tr> <th></th> <th>Number of bedrooms</th> <th>Minimum net floor area</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Studio.</td> <td>35m²</td> </tr> <tr> <td>2.</td> <td>1 Bedroom.</td> <td>45m²</td> </tr> <tr> <td>3.</td> <td>2 Bedrooms.</td> <td>60m²</td> </tr> <tr> <td>4.</td> <td>3 or more Bedrooms.</td> <td>90m²</td> </tr> </tbody> </table> Any residential unit fronting a road or public space shall have a habitable space located at the ground level, and at least 50% of all residential units within a complex shall have a habitable space located at the ground level. Each of these habitable spaces located at the ground level shall have a minimum floor area of 9m² and a minimum internal dimension of three metres and be internally accessible to the rest of the unit. 		Number of bedrooms	Minimum net floor area	1.	Studio.	35m ²	2.	1 Bedroom.	45m ²	3.	2 Bedrooms.	60m ²	4.	3 or more Bedrooms.	90m ²
	Number of bedrooms	Minimum net floor area															
1.	Studio.	35m ²															
2.	1 Bedroom.	45m ²															
3.	2 Bedrooms.	60m ²															
4.	3 or more Bedrooms.	90m ²															
P4	Older person's housing unit	<ol style="list-style-type: none"> Any older person's housing unit shall have a maximum gross floor area of 120m². 															

Activity		Activity specific standards
P5	Conversion of a family flat existing at 6 December 2013 into a residential unit that may be occupied by any person(s) and without the need to be encumbered by a legal instrument	a. Each converted flat shall have a minimum gross floor area, excluding terraces, garages, sundecks, and verandahs, of 35m ² .
P6	Conversion of a residential unit (within, or as an extension to, a residential unit) into two residential units	a. Each residential unit shall have a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m ² .
P7	Replacement of a residential unit with two residential units	a. The existing site shall be occupied by one residential unit and that residential unit has been, or will be, demolished because the insurer(s) of that unit have determined that the residential unit was uneconomic to repair because of earthquake damage.
P8	Home occupation	<p>a. The gross floor area of the building, plus the area used for outdoor storage area, occupied by the home occupation shall be less than 40m².</p> <p>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</p> <p>c. Any retailing shall be limited to the sale of goods grown or produced on the site, or internet-based sales where no customer visits occur.</p> <p>d. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of:</p> <p>iii. 0700 – 2100 Monday to Friday; and</p> <p>iv. 0800 – 1900 Saturday, Sunday and public holidays.</p> <p>e. Visitor or staff parking areas shall be outside the road boundary setback.</p> <p>f. Outdoor advertising shall be limited to a maximum area of 2m².</p>
P9	Care of non-resident children within a residential unit in return for monetary payment to the carer	<p>There shall be:</p> <p>a. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and</p> <p>b. at least one carer residing permanently within the residential unit.</p>
P10	Bed and breakfast	There shall be:

Activity		Activity specific standards								
		<ul style="list-style-type: none"> a. a maximum of six guests accommodated at any one time; b. at least one owner of the residential unit residing permanently on site; and c. no guest given accommodation for more than 90 consecutive days. 								
P11	Education activity	<p>The activity shall:</p> <ul style="list-style-type: none"> a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available; b. only occupy a gross floor area of building of less than 250m²; c. limit outdoor advertising to a maximum area of 2m²; d. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of: <table border="1" style="margin-left: 20px;"> <tr> <td>Education activity</td> <td> <ul style="list-style-type: none"> i. 0700 – 2100 Monday to Saturday; and ii. Closed Sunday and public holidays. </td> </tr> <tr> <td>Pre-schools</td> <td> <ul style="list-style-type: none"> iii. 0700 – 2100 Monday to Friday, and iv. 0700 – 1300 Saturday, Sunday and public holidays. </td> </tr> <tr> <td>Health care facility</td> <td rowspan="3"> <ul style="list-style-type: none"> v. 0700 – 2100. </td> </tr> <tr> <td>Veterinary care facility</td> </tr> <tr> <td>Places of assembly</td> </tr> </table> 	Education activity	<ul style="list-style-type: none"> i. 0700 – 2100 Monday to Saturday; and ii. Closed Sunday and public holidays. 	Pre-schools	<ul style="list-style-type: none"> iii. 0700 – 2100 Monday to Friday, and iv. 0700 – 1300 Saturday, Sunday and public holidays. 	Health care facility	<ul style="list-style-type: none"> v. 0700 – 2100. 	Veterinary care facility	Places of assembly
Education activity	<ul style="list-style-type: none"> i. 0700 – 2100 Monday to Saturday; and ii. Closed Sunday and public holidays. 									
Pre-schools	<ul style="list-style-type: none"> iii. 0700 – 2100 Monday to Friday, and iv. 0700 – 1300 Saturday, Sunday and public holidays. 									
Health care facility	<ul style="list-style-type: none"> v. 0700 – 2100. 									
Veterinary care facility										
Places of assembly										
P12	Pre-schools									
P13	Health care facility									
P14	Veterinary care facility									
P15	Places of assembly	<ul style="list-style-type: none"> e. in relation to pre-schools, limit outdoor play areas and facilities to those that comply with the Group 1 acoustic standard for residential zones; f. in relation to pre-schools, health care facilities, veterinary care facilities and places of assembly: <ul style="list-style-type: none"> i. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; and ii. only locate on residential blocks where there are no more than two non-residential activities already within that block; <p>Note: See Figure 1.</p> g. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four; h. in relation to places of assembly, entertainment facilities shall be closed Sunday and public holidays; and 								

Activity		Activity specific standards
		<ul style="list-style-type: none"> i. not include the storage of more than one heavy vehicle on the site of the activity.
P16	Spiritual facilities	<p>The facility shall:</p> <ul style="list-style-type: none"> a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available b. only occupy a gross floor area of less than 250m²; c. limit the hours of operation to 0700-2100; and d. not include the storage of more than one heavy vehicle on the site of the activity.
P17	Community welfare facilities	<p>The facility shall:</p> <ul style="list-style-type: none"> a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available b. only occupy a gross floor area of less than 250m²; c. limit the hours of operation to 0700-2100; and d. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road.
P18	Emergency services facilities	<ul style="list-style-type: none"> a. Nil
P19	Repair or rebuild of multi-unit residential complexes damaged by the Canterbury earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes	<ul style="list-style-type: none"> a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not comply with any of the built form standards. b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer: <ul style="list-style-type: none"> i. the only built form standards that shall apply are those specified in Rules 14.5.2.2 – Building height and 14.5.3.4 – Daylight recession planes; ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres; iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes. <p>Clarification: examples of regulatory or legal requirement that may apply include the New Zealand Building Code, Council</p>

Activity		Activity specific standards
		<p>bylaws, easements, and other rules within this Plan such as the requirements for minimum floor levels in Chapter 5.</p> <p>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</p> <p>Any application arising from non-compliance with standards a. and b.i. will not require written approval except from the affected adjoining landowner(s) and shall not be publicly notified.</p> <p>Any application arising from non-compliance with standard b.ii. (road boundary setbacks), will not require written approval and shall not be publicly or limited notified.</p>
P20	Relocation of a building	a. Nil
P21	Temporary military or emergency service training activities	
P22	Market gardens, community gardens, and garden allotments	

14.5.2.2 Controlled activities

The activities listed below are controlled activities.

Unless otherwise specified, controlled activities will not require written approval and shall not be publicly or limited notified.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

Activity		The matters over which Council reserves its control:
C1	Fences that do not comply with Rule 14.5.3.9 – Street scene amenity and safety - fences	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
C2	Residential units (including any sleep-outs) containing more than six bedrooms in total	a. Scale of activity – 14.13.5 b. Traffic generation and access safety – 14.13.6
C3	Social housing complexes not complying with Rule 14.5.3.12 – Service, storage and waste management spaces	a. Service, storage and waste management spaces – 14.13.20
C4	Social housing complexes, where the complex does not comply with any one or more of the activity specific standards in Rule 14.5.2.1 P3 c. or d.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18

14.5.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Residential unit contained within its own separate site with a minimum net site area that does not meet the standard specified in Rule 14.5.3.1 – Site density by up to 10%.	a. Site density and site coverage – 14.13.2
RD2	Minor residential unit where the minor unit is a detached building and does not comply with any one or more of the activity specific standards in Rule 14.5.2.1 P2 a., b., or c.	a. Minor residential units 14.13.23
RD3	Conversion of a residential unit (within or as an extension to a residential unit) into two residential units that does not comply with any one or more of the activity specific standards in Rule 14.5.2.1 P6 a.	
RD4	Conversion of a family flat existing at 6 December 2013 into a residential unit that does not meet activity specific standards in Rule 14.5.2.1 P5.	
RD5	Social housing complexes, where any residential unit in the complex does not comply with the activity specific standard Rule 14.5.2.1 P3 b.	a. Minimum unit size and unit mix – 14.13.4
RD6	Social housing complexes – over four residential units	a. Residential design principles – 14.13.1 b. Scale of activity – 14.13.5 c. Traffic generation and access safety - 14.13.6
RD7	Older person's housing units that do not comply with the activity specific standard in Rule 14.5.2.1 P4 a.	a. Scale of activity - 14.13.5
RD8	Retirement villages	a. Retirement villages - 14.13.10
RD9	Student hostels owned or operated by a secondary education activity or tertiary education and research activity.	a. Residential design principles – 14.13.1

Activity		The Council's discretion shall be limited to the following matters:
		<ul style="list-style-type: none"> b. Scale of activity – 14.13.5 c. Traffic generation and access safety - 14.13.6
RD10	<p>Community welfare facilities that do not comply with any one or more of the activity specific standards in Rule 14.5.2.1 P17.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>As relevant to the breached rule:</p> <ul style="list-style-type: none"> a. Scale of activity – 14.13.5 b. Traffic generation and access safety – 14.13.6 c. Non-residential hours of operation – 14.13.22
RD11	Buildings that do not comply with Rule 14.5.3.2 – Building height up to 9m.	<ul style="list-style-type: none"> a. Impacts on neighbouring property – 14.13.3 b. Residential design principles – 14.13.1.g – Hillside and small settlement areas
RD12	Activities and buildings that do not comply with Rule 14.5.3.3 – Site coverage where the site coverage is exceeded by 10% or less.	<ul style="list-style-type: none"> a. Site density and site coverage – 14.13.2
RD13	Buildings that do not comply with Rule 14.5.3.4 – Daylight recession planes	<ul style="list-style-type: none"> a. Impacts on neighbouring property – 14.13.3
RD14	Buildings that do not comply with Rule 14.5.3.6 – Minimum building setback from ridgeline – Montgomery Spur	<ul style="list-style-type: none"> a. The extent to which the proposal minimises adverse visual effects arising from the development on the Montgomery Spur ridgeline, including consideration of alternative built forms or building platforms, and any proposed mitigation. b. Residential design principles – 14.13.1.g – Hillside and small settlement areas
RD15	Buildings that do not comply with Rule 14.5.3.5 – Minimum building setbacks from internal boundaries	<ul style="list-style-type: none"> a. Impacts on neighbouring properties – 14.13.3 b. Minimum building, window and balcony setbacks – 14.13.19
RD16	Buildings that do not comply with Rule 14.5.3.7 – Minimum setback and distance to living area windows and balconies and living space windows facing internal boundaries	

Activity		The Council's discretion shall be limited to the following matters:
RD17	<p>Buildings that do not comply with Rule 14.5.3.8 – Road boundary building setback.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>a. Street scene – road boundary building setback, fencing and planting – 14.13.18</p>
RD18	<p>Residential units that do not comply with Rule 14.5.3.11 – Water supply for firefighting.</p> <p>Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.</p>	<p>a. Water supply for fire fighting – 14.13.8</p>
RD19	<p>Activities and buildings that do not comply with any one or more of the activity specific standards in Rule 14.5.2.1 (except P11-P15 activity standard i. relating to storage of heavy vehicles, (refer to D2)) for:</p> <p>a. P8 Home occupation;</p> <p>b. P11 Education activity</p> <p>c. P12 Pre-schools;</p> <p>d. P13 Health care facility;</p> <p>e. P14 Veterinary care facility;</p> <p>f. P15 Places of assembly; and</p> <p>g. P16 Spiritual facilities.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>As relevant to the breached rule:</p> <p>a. Scale of activity -14.13.5</p> <p>b. Traffic generation and access safety - 14.13.6</p> <p>c. Non-residential hours of operation – 14.13.22</p>
RD20	<p>Within the Residential Hills Mixed Density Overlay, any activity that does not comply with Rule 14.5.3.2 – Site density.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>a. Scale of activity -14.13.5</p> <p>b. Traffic generation and access safety - 14.13.6</p> <p>c. Residential design principles – 14.13.1.g – Hillside and small settlement areas</p>
RD21	<p>Within the Residential Hills Mixed Density Overlay, the creation of any attached residential units where the total floor area is greater than 500m².</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>a. Residential design principles – 14.13.1</p>

14.5.2.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity
D2	Activities that do not comply with any one or more of the activity specific standards in Rule 14.5.2.1 for: <ol style="list-style-type: none"> a. P1 Residential activity; b. P5 Conversion of an elderly person's housing unit into a residential unit; c. P10 Care of non-resident children in a residential unit; d. P11 Bed and breakfast; or e. Storage of more than one heavy vehicle for P12-P17.
D3	Show homes
D4	Residential unit contained within its own separate site with a minimum net site area that does not meet the standard specified in Rule 14.5.3.1 – Site density by more than 10%
D5	Activities and buildings that do not comply with Rule 14.5.3.3 – Site coverage where the site coverage is exceeded by more than 10%

14.5.2.5 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Buildings over 9m in height
NC2	<ol style="list-style-type: none"> a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity): <ol style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or ii. within 5 metres of the centre line of a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line or within 5 metres of a foundation of an associated support structure. b. Fences within 5m of a 66kV electricity distribution line, a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line. <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The electricity distribution lines are shown on the planning maps. 2. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the

	<p>Electricity (Hazards from Trees) Regulations 2003.</p> <p>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.</p>
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14.5.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

14.5.3 Built form standards

14.5.3.1 Site density

Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Activity	Standard
1.	In all parts of the Residential Hills Zone except as specified below	650m ²
2.	In Moncks Spur/Mt Pleasant Density Overlay, Shalamar Drive Density Overlay, Upper Kennedys Bush Density Overlay.	850m ²
3.	Within the Residential Mixed Density Overlay - Redmund Spur	a. The maximum number of lots shall be 400. b. A minimum of 30% of sites shall have a minimum net area of 1500m ² .
4.	Within the Residential Mixed Density Overlay - 86 Bridle Path Road (Lot 1 DP412440)	The maximum number of lots shall be 9.
5.	Social housing complexes	There shall be no minimum net site area for any site for any residential unit or older person's housing unit
6.	Older person's housing units	
7.	Retirement villages	

14.5.3.2 Building height

The maximum height of any building shall be:

	Activity	Standard
1.	All buildings unless specified below	8 metres
2.	Minor dwelling units in the Residential Hills Zone	5.5 metres and of a single storey only

14.5.3.3 Site coverage

The maximum percentage of the net site area covered by buildings excluding:

- a. fences, walls and retaining walls;
- b. eaves and roof overhangs up to 600mm in width from the wall of a building;
- c. uncovered swimming pools up to 800mm in height above ground level; and
- d. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - i. are no more than 800mm above ground level and are uncovered or unroofed; or
 - ii. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site;

shall be as follows:

	Zone/activity	Standard
1.	All activities in the Residential Hills Zone unless specified below	35%
2.	Social housing complexes, and groups of older person's housing units where all the buildings are single storey. The percentage coverage by buildings shall be calculated over the net area of the site of the entire complex or group, rather than over the net area of any part of the complex or group.	40%
3.	Market gardens	55%
4.	Within the Residential Mixed Density Overlay - Redmund Spur	a. For sites greater than 1000m ² - 25% or 250m ² of ground floor area to a

		<p>maximum of 350m² in total floor area.</p> <p>b. For sites less than 450m² the maximum site coverage shall be 45%</p>
5.	Within the Residential Mixed Density Overlay - 86 Bridle Path Road	For sites greater than 1000m ² - 25% or 250m ² of ground floor area to a maximum of 350m ² in total floor area

14.5.3.4 Daylight recession planes

- a. Buildings shall not project beyond a building envelope constructed by recession planes, as shown in Appendix 14.14.2 Diagram B as relevant, from points 2.3 metres above:
- i. ground level at the internal boundaries; or
 - ii. where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or
 - iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.
- b. The recession plane shall only apply to the midpoint of each section of wall or roof of a building.

Refer to Appendix 14.14.2 for permitted intrusions.

14.5.3.5 Minimum building setbacks from internal boundaries

The minimum building setback from internal boundaries shall be as follows:

1.	All buildings not listed in table below	1.8 metres
2.	Accessory buildings where the total length of walls or parts of the accessory building within 1.8 metres of each internal boundary does not exceed 10.1 metres in length	Nil
3.	Decks and terraces at or below ground floor level	Nil
4.	Buildings that share a common wall along an internal boundary	Nil
5.	All other buildings where the internal boundary of the site adjoins an access or part of an access	1 metre

14.5.3.6 Minimum building setback from ridgeline – Montgomery Spur

No buildings shall be erected on those parts of sites within a 10 metre elevation setback from the ridgeline as identified on Appendix 14.14.7.

14.5.3.7 Minimum setback and distance to living area windows and balconies and living space windows facing internal boundaries

- a. The minimum setback for living area windows at first floor from an internal boundary shall be 4 metres.
- b. Where the window is adjacent to an access way, the setback shall be measured from the far side of the accessway.

14.5.3.8 Road boundary building setback

The minimum road boundary building setback shall be:

1.	All buildings	4 metres
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Except for:

- a. A garage where:
 - i. the side walls are parallel to the road boundary and no more than 6.5 metres in length;
 - ii. the side walls facing the road contain a window with a minimum dimension of at least 0.6 metres (including the window frame);
 - iii. the space between the side wall and the road boundary contains a landscaping strip of at least 2 metres in width that includes a minimum of two trees capable of reaching four metres height at maturity; and
 - iv. where the access to the garage is located adjacent to a side boundary:
 1. a landscaping strip of at least 0.6 metres width, planted with species capable of reaching 1.5 metres height at maturity, is located along the side boundary up to the line of the existing residential unit.

Where the planting conflicts with required visibility splays the visibility splay rules will prevail and the planting not be required.

See Figure 3.

- b. A garage where:
 - i. the garage is a single garage, with the door facing the road boundary, accessed from a local road;
 - ii. the garage is a maximum 3.6 metres wide;
 - iii. the garage is fitted with a sectional door that does not intrude into the driveway when open and can be operated with an automatic opener. Where the garage is more than 3.5 metres from the road boundary an automatic opener is not required; and
 - iv. no part of the garage door when opening or shutting extends beyond the site boundary.

See Figure 4.

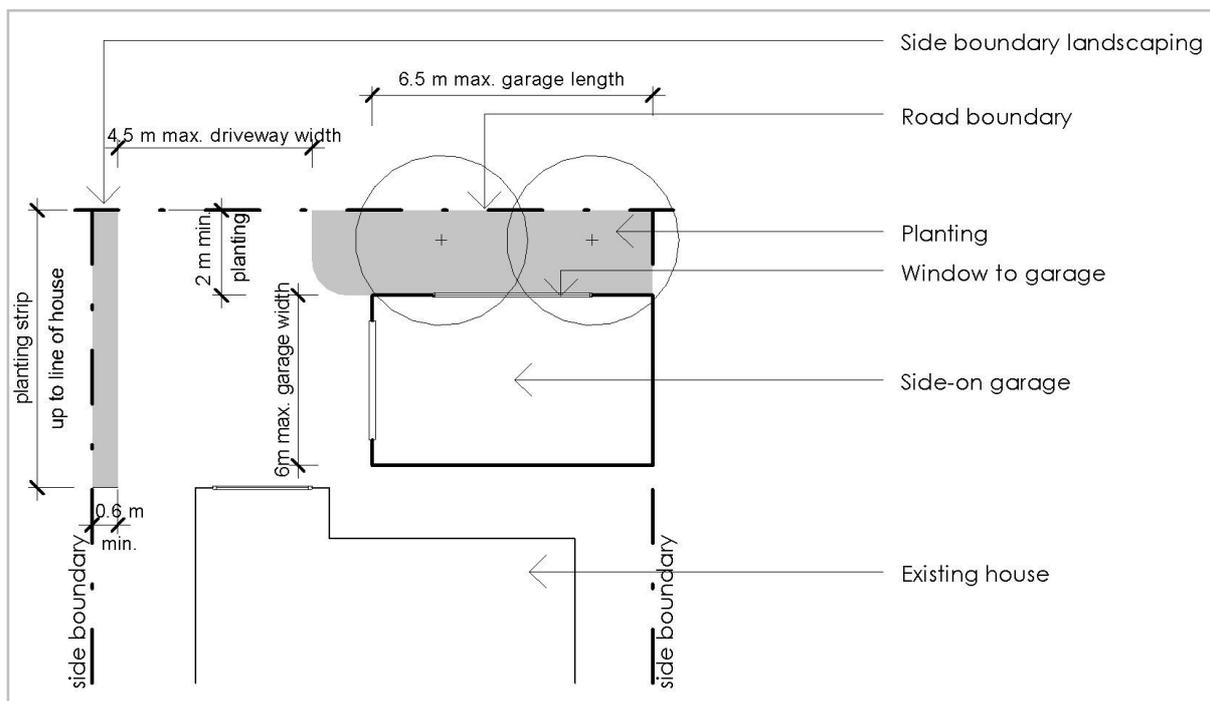


Figure 3: Side extension

[Note – this figure needs to be updated to reflect amended rules]

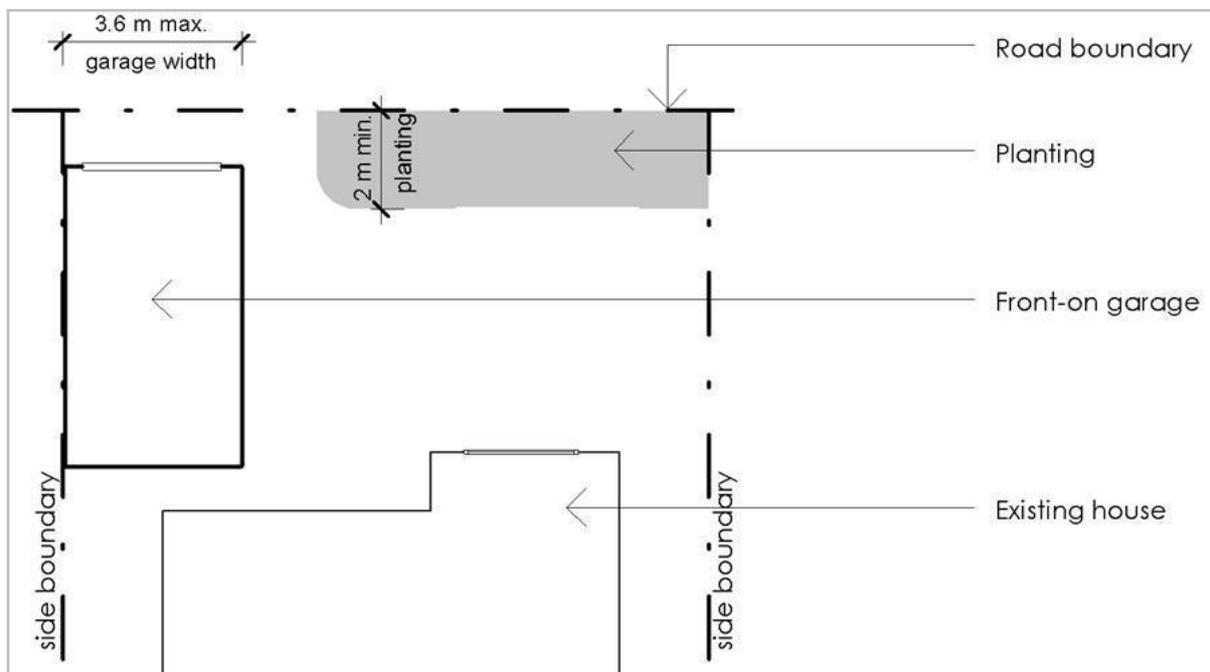


Figure 4: Front extension

[Note – this figure needs to be updated to reflect amended rules]

14.5.3.9 Street scene amenity and safety – fences

- a. The maximum height of any fence in the required building setback from a road boundary shall be 1.8 metres.
- b. This rule shall not apply to fences or other screening structures located on an internal boundary between two properties zoned residential, or residential and commercial or industrial.

Note: For the purposes of this rule, a fence or other screening structure is not the exterior wall of a building or accessory building.

14.5.3.10 Building reflectivity

- a. All roof finishes are not to exceed 30% light reflectance value (LRV).

14.5.3.11 Water supply for fire fighting

- a. Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

14.5.3.12 Service, storage and waste management spaces

- a. For social housing complexes:
 - i. each residential unit shall be provided with at least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;
 - ii. each residential unit shall be provided with at least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and
 - iii. the required spaces in a. and/or b. for each residential unit shall be provided either individually, or within a dedicated shared communal space.

14.5.4 Area specific rules – Residential Hills Zone

The following rules apply to the areas specified. All activities are also subject to the rules in 14.5.2 and 14.5.3 unless specified otherwise.

14.5.4.1 Area specific controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

	Location	Controlled activity	The matters over which Council reserves its control
C1	Character Area Overlay	<p>a. The relocation of a building onto the site, erection of new buildings and alterations or additions to existing buildings, accessory buildings, fences and walls associated with that development, where it is:</p> <ol style="list-style-type: none"> i. visible from the street; ii. located in that part of the site between the road boundary and the main residential unit on the site; or iii. involves changes to the front façade of the main residential unit of the site. <p>b. This rule does not apply to:</p> <ol style="list-style-type: none"> i. fences that are 1 metre in height or less ii. accessory buildings that are located to the rear of the main residential unit on the site and are less than 5m in height iii. fences that are located on a side or rear boundary of the site, except where that boundary is adjacent to a public space. <p>Any application arising from this rule will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. Character Area Overlay – 14.13.24</p>

14.6 Rules - Residential Bach Zone

deferred to Coastal Environment hearing

14.7 Rules - Residential Large Lot Zone

14.7.1 How to use the rules

- a. The rules that apply to activities in the Residential Large Lot Zone are contained in:
 - i. the activity status tables (including activity specific standards) in Rule 14.7.2; and
 - ii. built form standards in Rule 14.7.3.
- b. Any area specific rules are contained within the activity status tables or built form standards.
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Residential Large Lot Zone.
 - 5 Natural Hazards;
 - 6 General Rules and Procedures;
 - 7 Transport;
 - 8 Subdivision, Development and Earthworks;
 - 9 Heritage and Natural Environment;
 - 11 Utilities, Energy and Infrastructure; and
 - 12 Hazardous Substances and Contaminated Land.
- d. Where the word “facility” is used in the rules (e.g. spiritual facility), it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

14.7.2 Activity status tables

14.7.2.1 Permitted activities

In the Residential Large Lot Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table and the applicable built form standards in Rule 14.7.3.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.7.2.2, 14.7.2.3, 14.7.2.4, 14.7.2.5, and 14.7.2.6.

Activity		Activity specific standards
P1	Residential activity, except for boarding houses	<ul style="list-style-type: none"> a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.
P2	Minor residential unit where the existing site it is to be built on contains only one residential unit	<ul style="list-style-type: none"> a. The site containing the unit shall have a minimum net site area as specified in Rule 14.7.3.2 – Site density. b. The minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area of 70m². c. The parking areas of both units shall be accessed from the same access.
P3	The erection of one residential unit on 12A, 12B and 12D Vangioni Lane, Akaroa, as shown in Appendix 14.14.11	<ul style="list-style-type: none"> a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.
P4	Older person's housing unit	<ul style="list-style-type: none"> a. Any older person's housing unit shall have a maximum gross floor area of 120m².
P5	Home occupation	<ul style="list-style-type: none"> a. The gross floor area of the building, plus the area used for outdoor storage area, occupied by the home occupation shall be less than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. c. Any retailing shall be limited to the sale of goods grown or produced on the site, or internet-based sales where no customer visits occur. d. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: <ul style="list-style-type: none"> v. 0700 – 2100 Monday to Friday; and vi. 0800 – 1900 Saturday, Sunday and public holidays. e. Visitor or staff parking areas shall be outside the road boundary setback. f. Outdoor advertising shall be limited to a maximum area of 2m².
P6	Care of non-resident children within a residential unit in return for monetary payment to the carer	<p>There shall be:</p> <ul style="list-style-type: none"> a. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and b. at least one carer residing permanently within the residential unit.

Activity		Activity specific standards								
P7	Bed and breakfast	There shall be: <ol style="list-style-type: none"> a maximum of six guests accommodated at any one time; at least one owner of the residential unit residing permanently on site; and no guest given accommodation for more than 90 consecutive days. 								
P8	Education activity	The activity shall: <ol style="list-style-type: none"> only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available; only occupy a gross floor area of building of less than 250m²; limit outdoor advertising to a maximum area of 2m²; limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of: <table border="1" data-bbox="670 851 1353 1388"> <tbody> <tr> <td>Education activity</td> <td> <ol style="list-style-type: none"> 0700 – 2100 Monday to Saturday; and Closed Sunday and public holidays. </td> </tr> <tr> <td>Pre-schools</td> <td> <ol style="list-style-type: none"> 0700 – 2100 Monday to Friday, and 0700 – 1300 Saturday, Sunday and public holidays. </td> </tr> <tr> <td>Health care facility</td> <td rowspan="3"> <ol style="list-style-type: none"> 0700 – 2100. </td> </tr> <tr> <td>Veterinary care facility</td> </tr> <tr> <td>Places of assembly</td> </tr> </tbody> </table> in relation to pre-schools, limit outdoor play areas and facilities to those that comply with the Group 1 acoustic standard for residential zones; in relation to pre-schools, veterinary care facilities, health care facilities and places of assembly: <ol style="list-style-type: none"> only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; and only locate on residential blocks where there are no more than two non-residential activities already within that block; <p>Note: See Figure 1.</p> in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four; 	Education activity	<ol style="list-style-type: none"> 0700 – 2100 Monday to Saturday; and Closed Sunday and public holidays. 	Pre-schools	<ol style="list-style-type: none"> 0700 – 2100 Monday to Friday, and 0700 – 1300 Saturday, Sunday and public holidays. 	Health care facility	<ol style="list-style-type: none"> 0700 – 2100. 	Veterinary care facility	Places of assembly
Education activity	<ol style="list-style-type: none"> 0700 – 2100 Monday to Saturday; and Closed Sunday and public holidays. 									
Pre-schools	<ol style="list-style-type: none"> 0700 – 2100 Monday to Friday, and 0700 – 1300 Saturday, Sunday and public holidays. 									
Health care facility	<ol style="list-style-type: none"> 0700 – 2100. 									
Veterinary care facility										
Places of assembly										
P9	Pre-schools									
P10	Health care facility									
P11	Veterinary care facility									
P12	Places of assembly									

Activity		Activity specific standards
		<ul style="list-style-type: none"> h. in relation to places of assembly, entertainment facilities shall be closed Sunday and public holidays; and i. not include the storage of more than one heavy vehicle on the site of the activity.
P13	Spiritual facilities	<p>The facility shall:</p> <ul style="list-style-type: none"> a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either formal or informal, is available; b. only occupy a gross floor area of building of less than 250m²; c. limit the hours of operation to 0700-2100; and d. not include the storage of more than one heavy vehicle on the site of the activity.
P14	Community welfare facilities	<p>The facility shall:</p> <ul style="list-style-type: none"> a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either formal or informal, is available; b. only occupy a gross floor area of building of less than 250m²; c. limit the hours of operation when the site is open to patients or clients and deliveries to between the hours of 0700 – 2100; d. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; and e. not include the storage of more than one heavy vehicle on the site of the activity.
P15	Emergency services facilities	a. Nil
P16	Conservation activity	
P17	Farming activity	
P18	Passive recreation activity	
P19	Indigenous vegetation clearance	

Activity		Activity specific standards
		ii. 300m ² where a site is greater than 1 hectare in area.
P20	Repair or rebuild of multi-unit residential complexes damaged by the Canterbury earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes	<p>a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not comply with any of the built form standards.</p> <p>b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer:</p> <p>i. the only built form standards that shall apply are those specified in Rules 14.7.3.2 – Building height and 14.7.3.4 – Daylight recession planes;</p> <p>ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres;</p> <p>iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes.</p> <p>Clarification: examples of regulatory or legal requirement that may apply include the New Zealand Building Code, Council bylaws, easements, and other rules within this Plan such as the requirements for minimum floor levels in Chapter 5.</p> <p>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</p> <p>Any application arising from non-compliance with standards a. and b.i. will not require written approval except from the affected adjoining landowner(s) and shall not be publicly notified.</p> <p>Any application arising from non-compliance with standard b.ii. (road boundary setbacks), will not require written approval and shall not be publicly or limited notified.</p>
P21	Relocation of a building	a. Nil
P22	Temporary military or emergency service training activities	
P23	Market gardens, community gardens, and garden allotments	

14.7.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities

14.7.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Any new building, and associated activity, within the Akaroa Hillslopes Density Overlay with a gross floor area greater than 100m ² .	a. Residential design principles – 14.13.1
RD2	Residential unit contained within its own separate site with a minimum net site area that does not meet the standard specified in Rule 14.7.3.1 – Site density by up to 10%. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Site density and site coverage – 14.13.2
RD3	Minor residential unit where the minor unit does not meet the activity specific standards in Rule 14.7.2.1 P2 a., b., c., or d.	a. Minor residential units 14.13.23
RD4	Older person's housing units that do not comply with the activity specific standard in Rule 14.7.2.1 P4 a.	a. Scale of activity - 14.13.5
RD5	Retirement villages	a. Retirement villages - 14.13.10
RD6	Activities and buildings that do not comply with any one or more of the activity specific standards in Rule 14.7.2.1 (except P8-P12 activity standard i. relating to storage of heavy vehicles, (refer to D2)) for: a. P8 Education activity b. P9 Pre-schools; c. P10 Health care facility; d. P11 Veterinary care facility; e. P12 Places of assembly; f. P13 Spiritual facilities; and	As relevant to the breached rule: a. Scale of activity -14.13.5 b. Traffic generation and access safety - 14.13.6 c. Non-residential hours of operation – 14.13.22

Activity		The Council's discretion shall be limited to the following matters:
	<p>g. P14 Community welfare facilities</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	
RD7	<p>Activities and buildings that do not comply with any one or more of the activity specific standards in Rule 14.7.2.1 for:</p> <p>a. P5 Home occupation</p> <p>b. P6 Care of non-resident children within a residential unit in return for monetary payment to the carer; and</p> <p>c. P7 Bed and breakfast.</p>	<p>As relevant to the breached rule:</p> <p>a. Scale of activity -14.13.5</p> <p>b. Traffic generation and access safety - 14.13.6</p> <p>c. Non-residential hours of operation – 14.13.22</p>
RD8	<p>Clearance of vegetation that does not comply with the activity specific standards in Rule 14.7.2.1 P19</p>	<p>a. Indigenous vegetation clearance in Akaroa Hillslopes Density Overlay – 14.13.25</p>
RD9	<p>Buildings that do not comply with Rule 14.7.3.2 – Building height up to 9m.</p>	<p>a. Impacts on neighbouring property – 14.13.3</p> <p>b. Residential design principles – 14.13.1.g – Hillside and small settlement areas</p>
RD10	<p>Activities and buildings that do not comply with Rule 14.7.3.3 – Site coverage where the site coverage is exceeded by 10% or less.</p>	<p>a. Site density and site coverage – 14.13.2</p>
RD11	<p>Buildings that do not comply with Rule 14.7.3.4 – Daylight recession planes</p>	<p>a. Impacts on neighbouring property – 14.13.3</p>
RD12	<p>Buildings that do not comply with Rule 14.7.3.5 – Minimum building setbacks from internal boundaries</p>	<p>a. Impacts on neighbouring properties – 14.13.3</p> <p>b. Minimum building, window and balcony setbacks – 14.13.19</p>
RD13	<p>Buildings that do not comply with Rule 14.7.3.6 – Road boundary building setback.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>a. Street scene – road boundary building setback, fencing and planting – 14.13.18</p>

Activity		The Council's discretion shall be limited to the following matters:
RD14	Buildings that do not comply with Rule 14.7.3.7 – Building reflectivity and colour. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Residential design principles – 14.13.1.g
RD15	Residential units that do not comply with Rule 14.7.3.8 – Water supply for firefighting. Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.	a. Water supply for fire fighting – 14.13.8
RD16	Activities that do not comply with Rule 14.7.3.9 – Landscaped areas – Worsleys Road. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18

14.7.2.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity
D2	Activities that do not comply with any one or more of the activity specific standards in Rule 14.7.2.1 for: a. P1 Residential activity; b. Storage of more than one heavy vehicle for P8-P12, P13 or P14.
D3	Show homes
D4	Residential unit contained within its own separate site with a minimum net site area that does not meet the standard specified in Rule 14.7.3.1 – Site density by more than 10%
D5	Activities and buildings that do not comply with Rule 14.7.3.3 – Site coverage where the site coverage is exceeded by more than 10%

14.7.2.5 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Buildings over 9m in height
NC2	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <p>iii. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or</p> <p>iv. within 5 metres of the centre line of a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line or within 5 metres of a foundation of an associated support structure.</p> <p>b. Fences within 5m of a 66kV electricity distribution line, a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> The electricity distribution lines are shown on the planning maps. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.

14.7.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities

14.7.3 Built form standards

14.7.3.1 Site density

Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

Residential (Part)
(and relevant definitions and associated planning maps) — Stage 2

	Area	Standard
1.	In all parts of the Residential Large Lot Zone except as specified below	1500m ²
2.	Residential Large Lot Density Overlay	3000m ²
3.	Akaroa Hillslopes Density Overlay	5000m ²
4.	Allandale Density Overlay	In accordance with the Outline Development Plan in Appendix 8.X.X
5.	Samarang Bay Density Overlay	In accordance with the Outline Development Plan in Appendix 8.X.X
6.	Older person's housing units Retirement village	There shall be no minimum net site area for any site for any residential unit or older person's housing unit

14.7.3.2 Building height

The maximum height of any building shall be:

	Activity	Standard
1.	All buildings unless specified below	8 metres
2.	Minor dwelling units in the Residential Large Lot Zone	5.5 metres and of a single storey only

14.7.3.3 Site coverage

The maximum percentage of the net site area covered by buildings excluding:

- a. fences, walls and retaining walls;
- b. eaves and roof overhangs up to 600mm in width from the wall of a building;
- c. uncovered swimming pools up to 800mm in height above ground level; and
- d. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - i. are no more than 800mm above ground level and are uncovered or unroofed; or
 - ii. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site;

shall be as follows:

	Zone/activity	Standard
1.	All activities in the Residential Large Lot Zone unless specified below	40% or 300m ² , whichever is the lesser
2.	All activities in the Akaroa Hillslopes Density Overlay, and Worsleys Road as shown in Appendix 14.14.9	10% or 250m ² whichever is the lesser
3.	All activities in the Samarang Bay Density Overlay	
4.	All activities in the Allandale Density Overlay	10% or 500m ² whichever is the lesser
5.	Market gardens	55%

14.7.3.4 Daylight recession planes

- a. Buildings shall not project beyond a building envelope constructed by recession planes, as shown in Appendix 14.14.2 Diagram F, from points 2.3 metres above:
 - i. ground level at the internal boundaries; or
 - ii. where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or
 - iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.
- b. The recession plane shall only apply to the midpoint of each section of wall or roof of a building.
- c. Except in Worsleys Road where the recession planes shall commence from points 2.3m above a line at ground level 5 metres inside internal boundaries.

Refer to Appendix 14.14.2 for permitted intrusions.

14.7.3.5 Minimum building setbacks from internal boundaries

The minimum building setback from internal boundaries shall be as follows:

1.	All buildings not listed in table below	3 metres
2.	All buildings in the Allandale Density Overlay and Samarang Bay Density Overlay	15 metres
3.	All buildings in the Akaroa Hillslopes Density Overlay, and Worsleys Road as shown in Appendix 14.14.9	5 metres

4.	Accessory buildings where the total length of walls or parts of the accessory building within 1.8 metres of each internal boundary does not exceed 10.1 metres in length	Nil
5.	Decks and terraces at or below ground floor level	Nil
6.	Buildings that share a common wall along an internal boundary	Nil
7.	All other buildings where the internal boundary of the site adjoins an access or part of an access	1 metre

14.7.3.6 Road boundary building setback

The minimum road boundary building setback shall be:

1.	Any buildings with a garage vehicle door facing the road	5.5 metres
2.	Buildings without a garage vehicle door facing the road	5 metres
3.	All buildings in the Akaroa Hillslopes Density Overlay, and Worsleys Road as shown in Appendix 14.14.9	5 metres
4.	All buildings in the Allandale Density Overlay and Samarang Bay Density Overlay	15 metres

14.7.3.7 Building reflectivity and colour

- a. All roof finishes are not to exceed 30% light reflectance value (LRV).
- b. Within the Worsleys Road area as shown in Appendix 14.14.9:
 - i. any building or structure or any addition or alteration to a building or structure (excluding trim which does not exceed 200mm in more than one dimension, doors which do not exceed 1.2 x 2.2m, or guttering), shall be limited to a colour and reflectivity as specified in Appendix 14.14.9; and
 - ii. any trim or guttering not exceeding 200mm in more than one dimension, or door which does not exceed 1.2 x 2.2m is not required to comply with the colour requirements specified in Rule 14.7.3.7.b.i. above provided that its reflectivity is less than 70%.
- c. Within the Samarang Bay Density Overlay and the Allandale Density Overlay, all buildings shall be finished in colours complying with the colour palette described in Appendix 14.14.10.

14.7.3.8 Water supply for fire fighting

- a. Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

14.7.3.9 Landscaped areas - Worsleys Road

- a. A minimum of 6 trees shall be planted within 20m of each residential unit located in the Worsleys Road shown in Appendix 14.14.9.
- b. All landscaping /trees required by this rule shall be in accordance with the provisions in Appendix 6.11.6 (Rules and guidance for landscaping and tree planting)
- c. In addition to 14.7.3.9b. above the following trees shall not be planted:
 - i. *Fraxinus excelsior* 'Aurea' (Golden Ash) (or similar yellow ash species)
 - ii. *Gleditsia tricanthos* 'Sunburst' (Honey Locust) (or similar yellow varieties of the honey locust)
 - iii. *Robinia pseudoacacia* 'Frisia' (Black Locust)(or similar yellow varieties of the black locust)
 - iv. *Ulmus procera* 'Louis van Houtte' (Golden Elm)(or similar yellow elm varieties)
 - v. *Arucaria heterophylla* (Norfolk Pine)
 - vi. Any eucalyptus (gum) species and any conifer species such as *Chamaecyparis spp.*, *Cupressocyparis leylandii spp.* (eg. Golden Macrocarpa), *Pinus spp.*, *Thuja spp.* but conifers which are indigenous to New Zealand (eg. rimu and totara) are not excluded from being planted under this rule.

14.8 Rules - Residential Small Settlement Zone

14.8.1 How to use the rules

- a. The rules that apply to activities in the Residential Small Settlement Zone are contained in:
 - i. the activity status tables (including activity specific standards) in Rule 14.8.2; and
 - ii. built form standards in Rule 14.8.3.
- b. Any area specific rules are contained within the activity status tables or built form standards.
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Residential Small Settlement Zone.
 - 5 Natural Hazards;
 - 6 General Rules and Procedures;
 - 7 Transport;
 - 8 Subdivision, Development and Earthworks;
 - 9 Heritage and Natural Environment;
 - 11 Utilities, Energy and Infrastructure; and
 - 12 Hazardous Substances and Contaminated Land.
- d. Where the word “facility” is used in the rules (e.g. spiritual facility), it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

14.8.2 Activity status tables

14.8.2.1 Permitted activities

In the Residential Small Settlement Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table and the applicable built form standards in Rule 14.7.3.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.8.2.2, 14.8.2.3, 14.8.2.4, 14.8.2.5, and 14.8.2.6.

Activity		Activity specific standards
P1	Residential activity, except for boarding houses	<ul style="list-style-type: none"> a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.
P2	Minor residential unit where the existing site it is to be built on contains only one residential unit	<ul style="list-style-type: none"> a. The site containing the unit shall have a minimum net site area of 1000m². b. The minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area of 70m². c. The parking areas of both units shall be accessed from the same access.
P3	Older person's housing unit	<ul style="list-style-type: none"> b. Any older person's housing unit shall have a maximum gross floor area of 120m².
P4	Home occupation	<ul style="list-style-type: none"> a. The gross floor area of the building, plus the area used for outdoor storage area, occupied by the home occupation shall be less than 40m². b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two. c. Any retailing shall be limited to the sale of goods grown or produced on the site, or internet-based sales where no customer visits occur. d. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: <ul style="list-style-type: none"> vii. 0700 – 2100 Monday to Friday; and viii. 0800 – 1900 Saturday, Sunday and public holidays. e. Visitor or staff parking areas shall be outside the road boundary setback. f. Outdoor advertising shall be limited to a maximum area of 2m².
P5	Care of non-resident children within a residential unit in return for monetary payment to the carer	<p>There shall be:</p> <ul style="list-style-type: none"> a. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and b. at least one carer residing permanently within the residential unit.
P6	Bed and breakfast	<p>There shall be:</p> <ul style="list-style-type: none"> a. a maximum of six guests accommodated at any one time; b. at least one owner of the residential unit residing permanently on site; and c. no guest given accommodation for more than 90 consecutive days.

Activity		Activity specific standards								
P7	Education activity	<p>The activity shall:</p> <p>a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either informal or formal, is available;</p> <p>b. only occupy a gross floor area of building of less than 200m², or in the case of veterinary care facility 250m²;</p> <p>c. limit outdoor advertising to a maximum area of 2m²;</p> <p>d. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of:</p> <table border="1" data-bbox="670 638 1353 1176"> <tbody> <tr> <td>Education activity</td> <td> <p>i. 0700 – 2100 Monday to Saturday; and</p> <p>ii. Closed Sunday and public holidays.</p> </td> </tr> <tr> <td>Pre-schools</td> <td> <p>iii. 0700 – 2100 Monday to Friday, and</p> <p>iv. 0700 – 1300 Saturday, Sunday and public holidays.</p> </td> </tr> <tr> <td>Health care facility</td> <td rowspan="3">v. 0700 – 2100.</td> </tr> <tr> <td>Veterinary care facility</td> </tr> <tr> <td>Places of assembly</td> </tr> </tbody> </table>	Education activity	<p>i. 0700 – 2100 Monday to Saturday; and</p> <p>ii. Closed Sunday and public holidays.</p>	Pre-schools	<p>iii. 0700 – 2100 Monday to Friday, and</p> <p>iv. 0700 – 1300 Saturday, Sunday and public holidays.</p>	Health care facility	v. 0700 – 2100.	Veterinary care facility	Places of assembly
Education activity	<p>i. 0700 – 2100 Monday to Saturday; and</p> <p>ii. Closed Sunday and public holidays.</p>									
Pre-schools	<p>iii. 0700 – 2100 Monday to Friday, and</p> <p>iv. 0700 – 1300 Saturday, Sunday and public holidays.</p>									
Health care facility	v. 0700 – 2100.									
Veterinary care facility										
Places of assembly										
P8	Pre-schools									
P9	Health care facility									
P10	Veterinary care facility									
P11	Places of assembly	<p>e. in relation to pre-schools, limit outdoor play areas and facilities to those that comply with the Group 1 acoustic standard for residential zones;</p> <p>f. in relation to pre-schools, veterinary care facilities, health care facilities and places of assembly:</p> <p>iii. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; and</p> <p>iv. only locate on residential blocks where there are no more than two non-residential activities already within that block;</p> <p>Note: See Figure 1.</p> <p>g. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four;</p> <p>h. in relation to places of assembly, entertainment facilities shall be closed Sunday and public holidays; and</p> <p>i. not include the storage of more than one heavy vehicle on the site of the activity.</p>								
P12	Spiritual facilities	The facility shall:								

Activity		Activity specific standards
		<ul style="list-style-type: none"> a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either formal or informal, is available; b. only occupy a gross floor area of building of less than 250m²; c. limit the hours of operation to 0700-2100; and d. not include the storage of more than one heavy vehicle on the site of the activity.
P13	Community welfare facilities	<p>The facility shall:</p> <ul style="list-style-type: none"> a. only locate on sites with frontage and the primary entrance to a minor arterial or collector road where right turn offset, either formal or informal, is available; b. only occupy a gross floor area of building of less than 250m²; c. limit the hours of operation when the site is open to patients and clients and deliveries to between the hours of 0700 – 2100; d. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; and e. not include the storage of more than one heavy vehicle on the site of the activity.
P14	Emergency services facilities	<ul style="list-style-type: none"> a. Nil
P15	Reserves	
P16	Heli-landing areas	<ul style="list-style-type: none"> a. Sites shall be greater than 3000m² in area. b. The number of flights shall not exceed 12 (24 movements) in any calendar year. c. The flights shall not take place on more than five days in any one month period. d. The flights shall not exceed three in any one week. e. Any movements shall only occur between 0800 and 1800hrs. f. No movements shall take within 25 metres of any residential unit unless that residential unit is owned and occupied by the helicopter user. g. A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Council when requested.
P17	Repair or rebuild of multi-unit residential complexes damaged by the Canterbury	<ul style="list-style-type: none"> a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not comply with any of the built form standards.

Activity		Activity specific standards
	earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes	<p>b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer:</p> <ul style="list-style-type: none"> i. the only built form standards that shall apply are those specified in Rules 14.8.2.2 – Building height and 14.8.3.4 – Daylight recession planes; ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres; iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes. <p>Clarification: examples of regulatory or legal requirement that may apply include the New Zealand Building Code, Council bylaws, easements, and other rules within this Plan such as the requirements for minimum floor levels in Chapter 5.</p> <p>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</p> <p>Any application arising from non-compliance with standards a. and b.i. will not require written approval except from the affected adjoining landowner(s) and shall not be publicly notified.</p> <p>Any application arising from non-compliance with standard b.ii. (road boundary setbacks), will not require written approval and shall not be publicly or limited notified.</p>
P18	Relocation of a building	b. Nil
P19	Temporary military or emergency service training activities	
P20	Market gardens, community gardens, and garden allotments	

14.8.2.2 Controlled activities

The activities listed below are controlled activities.

Unless otherwise specified, controlled activities will not require written approval and shall not be publicly or limited notified.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.13, as set out in the following table.

Activity		The Council's control is reserved to the following matters:
C1	Residential units (including any sleep-outs) containing more than 6 bedrooms in total	a. Scale of activity - 14.13.5 b. Traffic generation and access safety - 14.13.6

14.8.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Residential unit contained within its own separate site with a minimum net site area that does not meet the standard specified in Rule 14.8.3.1 – Site density.	a. Site density and site coverage – 14.13.2
RD2	Minor residential unit that does not comply with any one or more of the activity specific standards in Rule 14.8.2.1 P2 a., b., or c.	a. Minor residential units 14.13.23
RD3	Older person's housing units that do not comply with the activity specific standard in Rule 14.8.2.1 P3 a.	a. Scale of activity - 14.13.5
RD4	Retirement villages able to provide a legal on-site treatment and disposal system or be able to be serviced by the Council's wastewater system while ensuring there is adequate capacity within the Council's system to service the existing zoned land.	a. Retirement villages - 14.13.10 Note: Geriatric hospice and hospital care are subject to health care facility provisions.
RD5	Residential units within the Takamatua Overlay Area and Robinsons Bay Overlay Area. Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	a. Layout in accordance with the development plan in Appendix 8.XX and Appendix 8.XX
RD6	Convenience activities	a. Scale of activity - 14.13.5

Activity		The Council's discretion shall be limited to the following matters:
		<ul style="list-style-type: none"> b. Traffic generation and access safety – 14.13.6 c. Non-residential hours of operation – 14.13.22 d. Residential design principles – 14.13.1
RD7	Camping grounds	<ul style="list-style-type: none"> a. Scale of activity - 14.13.5 b. Traffic generation and access safety – 14.13.6 c. Non-residential hours of operation – 14.13.22
RD8	<p>Activities and buildings that do not comply with any one or more of the activity specific standards in Rule 14.8.2.1 (except P7-P11 activity standard i. relating to storage of heavy vehicles, (refer to D2)) for:</p> <ul style="list-style-type: none"> a. P7 Education activity b. P8 Pre-schools; c. P9 Health care facility; d. P10 Veterinary care facility; e. P11 Places of assembly; f. P12 Spiritual facilities; and g. P13 Community welfare facilities. <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>	<p>As relevant to the breached rule:</p> <ul style="list-style-type: none"> a. Scale of activity -14.13.5 b. Traffic generation and access safety - 14.13.6 c. Non-residential hours of operation – 14.13.22
RD9	<p>Activities and buildings that do not comply with any one or more of the activity specific standards in Rule 14.8.2.1 for:</p> <ul style="list-style-type: none"> a. P4 Home occupation b. P5 Care of non-resident children within a residential unit in return for monetary payment to the carer; and c. P6 Bed and breakfast. <p>Any application arising from this rule shall not be publicly notified but may be limited notified to affected persons.</p>	<p>As relevant to the breached rule:</p> <ul style="list-style-type: none"> a. Scale of activity -14.13.5 b. Traffic generation and access safety - 14.13.6 c. Non-residential hours of operation – 14.13.22
RD10	Buildings that do not comply with Rule 14.8.3.2 – Building height up to 9m.	<ul style="list-style-type: none"> a. Impacts on neighbouring property – 14.13.3 b. Residential design principles – 14.13.1.g – Hillside and small settlement areas

Activity		The Council's discretion shall be limited to the following matters:
RD11	Activities and buildings that do not comply with Rule 14.8.3.3 – Site coverage	a. Site density and site coverage – 14.13.2
RD12	Buildings that do not comply with Rule 14.8.3.4 – Daylight recession planes	a. Impacts on neighbouring property – 14.13.3
RD13	Buildings that do not comply with Rule 14.8.3.5 – Minimum building setbacks from internal boundaries	a. Impacts on neighbouring properties – 14.13.3 b. Minimum building, window and balcony setbacks – 14.13.19
RD14	Buildings that do not comply with Rule 14.8.3.6 – Road boundary building setback. Any application arising from this rule will not require written approval and shall not be publicly or limited notified.	a. Street scene – road boundary building setback, fencing and planting – 14.13.18
RD15	Buildings that do not comply with Rule 14.8.3.7 – Building reflectivity and colour	a. Residential design principles – 14.13.1.g
RD16	Residential units that do not comply with Rule 14.8.3.8 – Water supply for firefighting. Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be fully publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.	a. Water supply for fire fighting – 14.13.8

14.8.2.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity
D2	Activities that do not comply with any one or more of the activity specific standards in Rule 14.8.2.1 for:

Activity	
	<ul style="list-style-type: none"> a. P1 Residential activity; b. Storage of more than one heavy vehicle for P7- P13.
D3	Heli-landing areas that do not comply with the activity specific standards in Rule 14.8.2.1 P16.

14.8.2.5 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Buildings over 9m in height
NC2	<ul style="list-style-type: none"> a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity): <ul style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or ii. within 5 metres of the centre line of a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line or within 5 metres of a foundation of an associated support structure. b. Fences within 5m of a 66kV electricity distribution line, a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line. <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The electricity distribution lines are shown on the planning maps. 2. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.

14.8.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities

14.8.3 Built form standards

14.8.3.1 Site density

Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area	Standard
1.	Residential Small Settlement Zone except as specified below.	1000m ²
2.	Allotments created before October 2014 and less than 1000m ² but greater than 500m ²	No more than 1 residential unit per site
3.	For that part of the Residential Small Settlement Zone identified in Appendix 8.XX Takamatua Outline Development Plan	No more than 1 residential unit per site
4.	For that part of the Residential Small Settlement Zone identified in Appendix 8.XX Takamatua Outline Development Plan on those properties located at 1 Lushingtons Road and 6 Kotare Lane	No more than 1 residential unit per site
5.	Within the Kainga Density Overlay Area 1 and 2	450m ²
6.	Older person's housing units Retirement village	There shall be no minimum net site area for any site for any residential unit or older person's housing unit

14.8.3.2 Building height

The maximum height of any building shall be:

	Activity	Standard
1.	All buildings unless specified below	8 metres
2.	Accessory buildings	4.5 metres
3.	Buildings in the Kainga Overlay Area 2	5 metres

14.8.3.3 Site coverage

The maximum percentage of the net site area covered by buildings excluding:

- a. fences, walls and retaining walls;
- b. eaves and roof overhangs up to 600mm in width from the wall of a building;
- c. uncovered swimming pools up to 800mm in height above ground level; and
- d. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - i. are no more than 800mm above ground level and are uncovered or unroofed; or
 - ii. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site;

shall be as follows:

	Zone/activity	Standard
1.	All activities in the Residential Small Settlement Zone unless specified below	25%, or 250m ² ground floor area to a total maximum of 350m ² total floor areas, whichever is the lesser
2.	Kainga Overlay Area 2	40%

14.8.3.4 Daylight recession planes

- a. No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point above any adjoining site boundary that is not a road boundary.
- b. Within the Kainga Overlay Area 1 and 2 and the Spencerville Overlay Area, buildings shall not project beyond a building envelope constructed by recession planes, as shown in Appendix 14.14.2 Diagram A, from points 2.3 metres above:
 - i. ground level at the internal boundaries; or
 - ii. where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or
 - iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.

14.8.3.5 Minimum building setbacks from internal boundaries

- a. The minimum building setback from internal boundaries shall be as follows:

1.	Side and rear internal boundaries	3 metres
2.	Side and rear internal boundaries in the Kainga Overlay Areas 1 and 2	2 metres

- b. There shall be no minimum setback from internal boundaries for accessory buildings where the length of any wall located within the setbacks specified in clause a. above is less than 6 metres.

14.8.3.6 Road boundary building setback

The minimum road boundary building setback shall be:

1.	Any buildings with a garage vehicle door facing the road	5 metres
2.	Buildings without a garage vehicle door facing the road	4.5 metres
3.	In the Kainga Overlay Area 2	3 metres from the common boundary of the leased land and the internal road

14.8.3.7 Building reflectivity and colour

- a. All roof finishes are not to exceed 30% light reflectance value (LRV).

14.8.3.8 Water supply for fire fighting

- a. Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

14.9 Rules – Residential New Neighbourhood Zone

[deferred to NNZ Hearing]

14.10 Rules - Residential Guest Accommodation Zone

[deferred to General Rules Hearing]

14.11 Rules — Enhanced Development Mechanism

14.11.1 How to use these rules

- a. The rules that define where the Enhanced Development Mechanism can be used are contained in the qualifying standards in Rule 14.11.2.
- b. The following rules determine the activity status of resource consents applications to use the Enhanced Development Mechanism:
 - i. the activity status tables in Rule 14.11.3; and
 - ii. the built form standards in Rule 14.11.4.
- c. The information that is required for resource consent applications is set out in Rule 14.11.5.
- d. On any particular site the provisions of the Enhanced Development Mechanism may apply or the provisions of the zone in which the site is located may apply.
- e. Where the word “facility” is used in the rules (e.g. spiritual facility) it shall also include the use of a site /building for the activity that the facility provides for, unless expressly stated otherwise. Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activities unless stated otherwise in the activity status tables.

14.11.2 Qualifying standards

Qualifying sites shall comply with the following qualifying standards.

14.11.2.1 Zoning qualifying standards

- a. Qualifying sites shall be located in the Residential Suburban Density Transition Zone, or the Residential Medium Density Zone, or the Cultural 3 Zone or the Residential Banks Peninsula Zone.

14.11.2.2 Site size qualifying standards

- a. Qualifying sites shall be:
 - i. of a size greater than 1500m² and less than 10,000m²; and
 - ii. in one continuous block of land.

14.11.2.3 Housing yield qualifying standards

- a. Comprehensive development of a site shall deliver a minimum density of 30 households per hectare (one unit per 330m²), and a maximum density of 65 households per hectare (one unit per 150m²).

14.11.2.4 Location qualifying standards

Accessibility criteria

- a. Qualifying sites shall lie fully within all of the following four criteria:
- i. 800 metres EDM walking distance of:
 - A. A Central City Business Zone, or Central City Mixed Use Zone, or a Commercial Core Zone; or the Commercial Banks Peninsula Zone in Lyttelton; or
 - B. An EDM Qualifying Supermarket - except that B does not apply to EDM in the Residential Banks Peninsula Zone;
 - ii. 800 metres EDM walking distance of either a primary or intermediate school;
 - iii. 400 metres EDM walking distance of an Open Space 2 Zone or an Open Space 1 Zone that has an area greater than 4000m²; and
 - iv. 600 metres EDM walking distance of an EDM core public transport route – except that iv. does not apply to EDM in the Residential Banks Peninsula Zone.

Note: For ii. – iv. above where the walking route is bisected by an arterial road in Chapter 7 Transport Appendix 7.12, the EDM walking distance shall be measured at a formal pedestrian crossing point.

Constraint criteria

- b. No part of a qualifying site shall lie within:
- i. a Special Amenity Area identified in the City Plan as at 6 December 2013; or
 - ii. 400 metres of the boundary of an Industrial – Heavy Zone; or
 - iii. the tsunami inundation area as shown in Appendix 14.14.5; or
 - iv. the Riccarton Wastewater interceptor catchment. In the identified lower catchment this standard only applies until infrastructure work creating capacity has been completed.

14.11.3 Activity status tables

14.11.3.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Until 31 December 2018, resource consent applications in relation to these rules shall not be publicly or limited notified, except as specified in RD3 and RD4 below.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Residential activities utilising the Enhanced Development Mechanism that comply with all qualifying standards in Rule 14.11.2 and are not in breach of the built form standards in Rule 14.11.4.	a. Residential design principles – 14.13.1
RD2	Residential activities utilising the Enhanced Development Mechanism that comply with all qualifying standards in Rule 14.11.2 but do not comply with one or more of the built form standards in Rule 14.11.4 (except 14.11.4.13 and 14.11.4.14; refer to RD3 and RD4 below).	a. Residential design principles – 14.13.1 b. As relevant to the breached built form standard: <ol style="list-style-type: none"> i. Site density and site coverage - 14.13.2 ii. Impacts on neighbouring property - 14.13.3 iii. Street scene – road boundary building setback, fencing and planting – 14.13.18 iv. Minimum building, window and balcony setbacks - 14.13.19 v. Outdoor living space - 14.13.21 vi. Minimum unit size and unit mix - 14.13.4 vii. Service, storage and waste management spaces - 14.13.20 viii. Acoustic insulation - 14.13.9 ix. Traffic generation and access safety - 14.13.6
RD3	Residential activities utilising the Enhanced Development Mechanism that comply with all qualifying standards in Rule 14.11.2 but do not comply with Rule 14.11.4.13. Until 31 December 2018, any application arising from this rule will only require the written approval of the New Zealand Fire Service to not be limited notified and shall not be fully publicly notified.	a. Residential design principles – 14.13.1 b. Water supply for fire fighting - 14.13.8
RD4	Residential activities utilising the Enhanced Development Mechanism that comply with all qualifying standards in Rule 14.11.2 but do not comply with Rule 14.11.4.14 relating to rail corridor boundary setbacks	a. Residential design principles – 14.13.1 b. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.

Activity	The Council's discretion shall be limited to the following matters:
	<p>Until 31 December 2018, any application arising from this rule shall not be publicly notified and shall only be limited notified to KiwiRail where it has not given its written approval.</p>

14.11.3.2 Discretionary activities

The activities listed below are discretionary activities.

Activity	
DI	Residential activities utilising the Enhanced Development Mechanism where part of the site, but not all of the site, complies with all of the location qualifying standards in Rule 14.11.2.4, and complies with all other qualifying standards in Rule 14.11.2

14.11.3.3 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Residential activities utilising the Enhanced Development Mechanism that do not comply with zoning qualifying standards in Rule 14.11.2.1
NC2	Residential activities utilising the Enhanced Development Mechanism that do not comply with site size qualifying standards in Rule 14.11.2.2
NC3	Residential activities utilising the Enhanced Development Mechanism that do not comply with housing yield qualifying standards in Rule 14.11.2.3

14.11.4 Built form standards

For the purpose of this rule, site refers to the entire site area being utilised for the Enhanced Development Mechanism, which may include a number of titles.

14.11.4.1 Building height

Within 15 metres of the site boundary, the maximum height of any building shall be 8 metres where the site adjoins the Residential Suburban Zone. Across the rest of the site area the maximum building height shall be 11 metres.

14.11.4.2 Daylight recession planes

Buildings shall not project beyond a building envelope constructed by recession planes from points 2.3 metres above boundaries with other sites as shown in Appendix 14.14.2, diagram C except that:

- a. where an internal boundary of a site abuts an access lot, access strip, or access to a rear lot, the recession plane may be constructed from points 2.3 metres above the furthest boundary of the access lot, access strip, or access to a rear lot or any combination of these areas;
- b. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.

Note: The level of internal boundaries shall be measured from filled ground level except where the site on the other side of the internal boundary is at a lower level, then that lower level shall be adopted.

14.11.4.3 Street scene

Buildings shall be set back a minimum of 4.5 metres from road boundaries, other than where a site has a road boundary that is subject to another standard in this Plan, except that:

- a. where a garage has a vehicle door facing a road the garage door shall be set back a minimum of 4.5 metres unless the garage door(s) provided tilt or swing outwards, in which case the garage door shall be set back a minimum of 5.5 metres;
- b. where a garage has the vehicle door facing a shared access way, the garage door shall be set back a minimum of seven metres measured from the garage door to the furthest formed edge of the adjacent shared access unless the garage door(s) provided tilt or swing outwards, in which case the garage door shall be set back a minimum of eight metres; and
- c. for residential units fronting the street; garages, and other accessory buildings (excluding basement car parking and swimming pools) shall be located at least 1.2 metres further from the road boundary than the front facade of any ground level habitable space of that unit.

14.11.4.4 Separation from neighbours

- a. Buildings that adjoin an access lot, access strip, or access to a rear site shall be set back a minimum of 1 metre from that part of an internal boundary of a site.
- b. Accessory buildings which face the ground floor window of a habitable space on an adjoining site shall be set back a minimum of 1.8 metres from that neighbouring window for a minimum length of two metres either side of the window.
- c. In all other instances buildings shall be set back a minimum of 1.8 metres from internal boundaries of a site, except that:
 - i. no setback is required from an access lot or access strip on the same site, provided that any windows on the ground floor facing and within one metre of the access lot or access strip are non-opening;

- ii. other than provided in b. above, no setback for accessory buildings is required, provided the total length of walls or parts of accessory buildings facing and located within the setback is less than nine metres;
 - iii. no setback is required along that part of an internal boundary where buildings on adjoining sites have a common wall along the internal boundary; and
 - iv. no setback is required for basements, provided that any part of a basement located within 1.8 metres of an internal boundary is wholly below ground level.
- d. Parts of a balcony or any window of a living area at first floor level or above shall not be located within 4 metres of an internal boundary of a site, except that this shall not apply to a window at an angle of 90 degrees or greater to boundary, or a window or balcony which begins within 1.2 metres of ground level (such as above a garage which is partly below ground level).

14.11.4.5 Minimum unit size, and mix of units

- a. The minimum net floor area (including toilets and bathrooms, but excluding carparking, garaging, or balconies) for any residential unit shall be:

	Number of Bedrooms	Minimum net floor area
1.	Studio	35m ²
2.	1 bedroom	45m ²
3.	2 bedrooms	60m ²
4.	3 or more bedrooms	90m ²

- b. Where the residential activities utilising the Enhanced Development Mechanism include six or more residential units as part of a social housing complex or a multi-unit residential complex, there shall be a mix of at least 2 unit size types ranging across 1, 2, 3 or more bedrooms. No unit size type shall account for more than two thirds of the overall number of units on a site.

14.11.4.6 Ground floor habitable space

- a. Any residential unit facing a road or public space, unless built over an access way, shall have a habitable space located at ground level.
- b. At least 50% of all residential units within a comprehensive development shall have a habitable space located at the ground level.
- c. Each habitable space located at the ground level shall have a minimum floor area of 12m² and a minimum internal dimension of 3 metres.

14.11.4.7 Outdoor living space

- a. For residential units with 2 or more bedrooms a minimum of 30m² of outdoor living space shall be provided on site for each residential unit, and shall not be occupied by parking or access. The required outdoor living space can be in a mix of private and communal areas, at the ground level or in balconies, provided that:
- i. each unit shall have private outdoor living space of at least 16m² in total. The balance of the outdoor living space required for each residential unit may be provided as communal space;
 - ii. private outdoor living space shall have a minimum dimension of 4 metres when provided at ground level and a minimum dimension of 1.5 metres when provided by a balcony;
 - iii. at least one private outdoor living space shall be directly accessible from a living area of that unit;
 - iv. outdoor living space provided as a communal space shall be accessible for use by all units and shall have a minimum dimension of 4 metres; and
 - v. 50% of the outdoor living space required across the entire site shall be provided at ground level.
- b. For one bedroom residential units on the ground floor a minimum of 16m² private outdoor living space with a minimum dimension of 4 metres shall be provided on site for each residential unit, and shall not be occupied by parking or access.
- c. For one bedroom residential units entirely at an upper level at total of 16m² of outdoor living space shall be provided on site for each residential unit provided that:
- i. one space can be a private balcony with a minimum area of 6m² and a minimum dimension of 1.5 metres;
 - ii. the balance 10m² can be provided in a communal space.

14.11.4.8 Service, storage, and waste management spaces

- a. Each residential unit shall be provided with:
- i. an outdoor service space and waste management area of 5m² with a minimum dimension of 1.5 metres; and
 - ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre;
- unless otherwise provided for in c. below.
- b. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any habitable space and shall be screened from sites, conservation or open space zones, roads, and adjoining outdoor living spaces to a height of 1.5 metres.
- c. If a communal waste management area is provided within the site:
- i. the minimum required outdoor service space may be reduced to 3m² for each residential unit; and
 - ii. it must be demonstrated to be:
 - A. of a sufficient size to accommodate the number and dimensions of bins required to meet the predicted volume of waste generated by the residential units;
 - B. accessible and safe for use by all residents; and

- C. easily accessible for the collection of bins by waste management contractors

14.11.4.9 Landscaping and tree planting

- a. A minimum of 20% of the site utilising the Enhanced Development Mechanism shall be provided for landscape treatment (which may include private or communal open space), including a minimum of one tree for every 250m² of gross site area (prior to subdivision), or part thereof. At least one tree shall be planted adjacent to the street boundary.
- b. All trees shall be not less than 1.5 metres high at the time of planting.
- c. All trees and landscaping required by this rule shall be maintained and if dead, diseased or damaged, shall be replaced.

14.11.4.10 Acoustic insulation

Any habitable space within a residential unit which is within:

- a. 40 metres of the edge of the nearest marked traffic lane of an arterial road, or a railway line; or
- b. 20 metres of the edge of the nearest marked traffic lane of a collector road as defined in Chapter 7 Transportation Appendix 7.12;

shall achieve a minimum internal to external noise reduction of 30dBA (Dtr, 2m, nT)

Note:

- A. Compliance with this rule may be achieved by ensuring any construction is in accordance with the acceptable solutions listed in Appendix 14.14.1 Measurement and Assessment of Noise. No alternative ventilation is required in situations where the rule is only met with windows closed. Alternatively, compliance with the rule can be achieved through certification by a qualified acoustic engineer that the design is capable of achieving compliance with the performance standard.
- B. Where no traffic lane is marked, the distances stated shall be measured from 2 metres on the road ward side of the formed kerb.

14.11.4.11 Parking space numbers

- a. A minimum of one car parking space shall be provided for each residential unit.
- b. Parking areas shall be screened on internal boundaries by landscaping, wall(s), fence(s), or a combination of these to a minimum height of 1.5 metres from any adjoining site. Where this screening is by way of landscaping it shall be for a minimum depth of 1.5 metres.
- c. A minimum of one cycle space shall be provided at ground level for each residential unit except where parking for that unit is provided in a garage.

Note: this development standard applies in place of any equivalent minimum or maximum car or cycle parking requirement for the underlying zone in Chapter 7 Transportation of this Plan.

14.11.4.12 Maximum building coverage within Enhanced Development Mechanism areas

The maximum percentage of the gross area covered by buildings within developments using the Enhanced Development Mechanism shall be 40%.

14.11.4.13 Water supply for fire fighting

Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

14.11.4.14 Minimum building setbacks from railway lines

The minimum building setback shall:

1.	On sites adjacent or abutting rail way lines buildings, balconies and decks	4 metres from the rail corridor boundary
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14.11.5 Information requirements for applications

Any application for resource consent using the Enhanced Development Mechanism must include a detailed 'design statement' (prepared by an expert suitably qualified in architecture or urban design).

14.12 Rules - Community Housing Redevelopment Mechanism

14.12.1 How to use the rules

- a. The areas that show where the Community Housing Redevelopment Mechanism (CHRM) can be utilised are shown on Planning Maps 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 37 and 45.
- b. The following rules determine the activity status of resource consent applications to use the Community Housing Redevelopment Mechanism:
 - i. the activity status tables in Rule 14.12.2; and
 - ii. the built form standards in Rule 14.12.3.
- c. The information that is required for resource consent applications is set out in Rule 14.12.4.
- d. On any particular site the provisions of the Community Housing Redevelopment Mechanism may apply or the provisions of the zone in which the site is located may apply.
- e. Where the word “facility” is used in the rules (e.g. spiritual facility) it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise. Similarly, where the word/phrase defined include the word “activity” or “activities”, the definition includes the land and/or buildings for that activities unless stated otherwise in the activity status tables.

14.12.2 Activity status tables

14.12.2.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.13 for each standard, or as specified, as set out in the following table.

Until 31 December 2018, resource consent applications in relation to these rules shall not be publicly or limited notified, except as specified in RD3 and RD4 below.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Residential activities utilising the Community Housing Redevelopment Mechanism on sites located within the CHRM areas shown on Planning Maps 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 37 and 45 that are not in breach of the built form standards in Rules 14.12.3	a. Residential design principles – 14.13.1
RD2	Residential activities utilising the Community Housing Redevelopment Mechanism on sites located within the CHRM areas shown on Planning Maps 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 37 and 45 but do not comply with one or more of the built form standards in 14.12.3 (except 14.12.3.15 and 14.12.3.16.1, refer to RD3 and	a. Residential design principles – 14.13.1 b. As relevant to the breached built form standard: <ol style="list-style-type: none"> i. Site density and site

	<p>RD4 below; and 14.12.3.13 and 14.12.3.14; refer to NC2 and NC3)</p>	<p>coverage - 14.13.2</p> <p>ii. Impacts on neighbouring property – 14.13.3</p> <p>iii. Street scene - road boundary building setback, fencing and planting - 14.13.18</p> <p>iv. Minimum building, window and balcony setbacks - 14.13.19</p> <p>v. Outdoor living space - 14.13.21</p> <p>vi. Minimum unit size and unit mix - 14.13.4</p> <p>vii. Service, storage and waste management spaces - 14.13.20</p> <p>viii. Acoustic insulation - 14.13.9</p> <p>ix. Traffic generation and access safety - 14.13.6</p>
<p>RD3</p>	<p>Residential activities utilising the Community Housing Redevelopment Mechanism on sites located within the CHRM areas shown on Planning Maps 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 37 and 45 that do not comply with Rule 14.12.3.15.</p> <p>Until 31 December 2018, any application arising from this rule will only require the written approval of the New Zealand Fire Service to not be limited notified and shall not be fully publicly notified.</p>	<p>a. Residential design principles – 14.13.1</p> <p>b. Water supply for fire fighting - 14.13.8</p>
<p>RD4</p>	<p>Residential activities utilising the Community Housing Redevelopment Mechanism on sites located within the CHRM areas shown on Planning Maps 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 37 and 45 that do not comply with Rule 14.12.3.16.1 relating to rail corridor boundary setbacks</p> <p>Until 31 December 2018, any application arising from this rule shall not be publicly notified and shall only be limited notified to KiwiRail where it has not given its written approval.</p>	<p>a. Residential design principles – 14.13.1</p> <p>b. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor</p>

14.12.2.2 Non-complying activities

The activities listed below are a non-complying activity.

Activity	
NC1	Residential activities utilising the Community Housing Redevelopment Mechanism on sites not located within the within the CHRM areas shown on the planning maps
NC2	Residential activities utilising the Community Housing Redevelopment Mechanism that do not comply with Rule 14.12.3.13 – Community housing site size
NC3	Residential activities utilising the Community Housing Redevelopment Mechanism that do not comply with Rule 14.12.3.14 - Community housing unit proportion and yield

14.12.3 Built form standards

For the purpose of this rule, site refers to the entire site area being utilised for the Enhanced Development Mechanism, which may include a number of titles.

14.12.3.1 Building height

Within 15 metres of the site boundary, the maximum height of any building shall not exceed 8m where the site adjoins the Residential Suburban Zone and the Residential Suburban Density Transition Zone. Across the rest of the entire site of the Community House Redevelopment Mechanism area the maximum building height shall not exceed 11 metres.

14.12.3.2 Daylight recession planes

Buildings shall not project beyond a building envelope constructed by recession planes from points 2.3 metres above boundaries with other sites as shown in Appendix 14.14.2, diagram C, except that:

- a. where an internal boundary of a site abuts an access lot, access strip, or access to a rear lot, the recession plane may be constructed from points 2.3 metres above the furthest boundary of the access lot, access strip, or access to a rear lot or any combination of these areas; and
- b. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.

Note: The level of internal boundaries shall be measured from filled ground level except where the site on the other side of the internal boundary is at a lower level, then that lower level shall be adopted.

14.12.3.3 Street scene

Buildings shall be set back a minimum of 4.5 metres from road boundaries, other than where a site has a road boundary that is subject to another standard in this Plan, except that:

Residential (Part)
(and relevant definitions and associated planning maps) — Stage 2

- a. where a garage has a vehicle door facing a road the garage door shall be set back a minimum of 4.5 metres unless the garage door(s) provided tilt or swing outwards, in which case the garage door shall be set back a minimum of 5.5 metres;
- b. where a garage has the vehicle door facing a shared access way, the garage door shall be set back a minimum of 7 metres measured from the garage door to the furthest formed edge of the adjacent shared access unless the garage door(s) provided tilt or swing outwards, in which case the garage door shall be set back a minimum of 8 metres;
- c. for residential units fronting the street; garages and other accessory buildings (excluding basement car parking and swimming pools) shall be located at least 1.2 metres further from the road boundary than the front facade of any ground level habitable space of that unit; and
- d. on properties fronting Emmet Street the setback shall be 6.5 metres.

14.12.3.4 Separation from neighbours

- a. Buildings that adjoin an access lot, access strip, or access to a rear site shall be set back a minimum of 1 metre from that part of an internal boundary of a site.
- b. Accessory buildings which face the ground floor window of a habitable space on an adjoining site shall be set back a minimum of 1.8 metres from that neighbouring window for a minimum length of two metres either side of the window.

In all other instances buildings shall be set back a minimum of 1.8 metres from internal boundaries of a site, except that:

- i. no setback is required from an access lot or access strip on the same site, provided that any windows on the ground floor facing and within one metre of the access lot or access strip are non-opening;
- ii. other than provided in b above, no setback for accessory buildings is required, provided the total length of walls or parts of accessory buildings facing and located within the setback is less than 9 metres;
- iii. no setback is required along that part of an internal boundary where buildings on adjoining sites have a common wall along the internal boundary; and
- iv. no setback is required for basements, provided that any part of a basement located within 1.8 metres of an internal boundary is wholly below ground level.

Parts of a balcony or any window of a living area at first floor level or above shall not be located within four metres of an internal boundary of a site, except that this shall not apply to a window at an angle of 90 degrees or greater to the boundary, or a window or balcony which begins within 1.2 metres of ground level (such as above a garage which is partly below ground level).

14.12.3.5 Minimum unit size, and mix of units

The minimum net floor area (including toilets and bathrooms, but excluding car parking, garaging or balconies) for any residential unit shall be:

	Number of bedrooms	Minimum net floor area

1.	Studio	35m ²
2.	1 bedroom	45m ²
3.	2 bedrooms	60m ²
4.	3 or more bedrooms	90m ²

14.12.3.6 Ground floor habitable space

- a. Any residential unit facing a road or public space, unless built over an access way, shall have a habitable space located at ground level.
- b. At least 50% of all residential units within a comprehensive development shall have a habitable space located at the ground level.
- c. Each habitable space located at the ground level shall have a minimum floor area of 12m² and a minimum internal dimension of 3 metres.

14.12.3.7 Outdoor living space

- a. For residential units with two or more bedrooms a minimum of 30m² of outdoor living space shall be provided on site for each residential unit, and shall not be occupied by parking or access. The required outdoor living space can be in a mix of private and communal areas, at the ground level or in balconies provided that:
 - i. each unit shall have private outdoor living space of at least 16m² in total. The balance of the outdoor living space required for each residential unit may be provided as communal space;
 - ii. private outdoor living space shall have a minimum dimension of 4 metres when provided at ground level and a minimum dimension of 1.5 metres when provided by a balcony;
 - iii. at least one private outdoor living space shall be directly accessible from a living area of that unit;
 - iv. outdoor living space provided as a communal space shall be accessible for use by all units and shall have a minimum dimension of 4 metres; and
 - v. 50% of the outdoor living space required across the entire site shall be provided at ground level.
- b. For one bedroom residential units on the ground floor a minimum of 16m² private outdoor living space with a minimum dimension of 4 metres shall be provided on site for each residential unit, and shall not be occupied by parking or access.
- c. For one bedroom residential units entirely at an upper level at total of 16m² of outdoor living space shall be provided on site for each residential unit provided that:
 - i. one space can be a private balcony with a minimum area of 6m² and a minimum dimension of 1.5 metres; and
 - ii. the balance 10m² can be provided in a communal space.

14.12.3.8 Service, storage, and waste management spaces

- a. Each residential unit shall be provided with:
- i. an outdoor service space and waste management area of 5m² with a minimum dimension of 1.5 metres; and
 - ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre;
- unless otherwise provided for in c. below.
- b. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any habitable space and shall be screened from adjoining sites, conservation or open space zones, roads, and adjoining outdoor living spaces to a height of 1.5 metres.
- c. If a communal waste management area is provided within the site:
- i. the minimum required outdoor service space may be reduced to 3m² for each residential unit; and
 - ii. it must be demonstrated to be:
 - A. of a sufficient size to accommodate the number and dimensions of bins required to meet the predicted volume of waste generated by the residential units;
 - B. accessible and safe for use by all residents; and
 - C. easily accessible for the collection of bins by waste management contractors.

14.12.3.9 Landscaping and tree planting

- a. A minimum of 20% of the site shall be provided for landscape treatment (which may include private or communal open space), including a minimum of one tree for every 250m² of gross site area (prior to subdivision), or part thereof. At least one tree shall be planted adjacent to the street boundary.
- b. All trees required by this rule shall be not less than 1.5 metres high at the time of planting.
- c. All trees and landscaping required by this rule shall be maintained and if dead, diseased or damaged, shall be replaced.

14.12.3.10 Acoustic insulation

Any habitable space within a residential unit which is within:

- a. 40 metres of the edge of the nearest marked traffic lane of a minor arterial, or major arterial road, or a railway line; or
- b. 20 metres of the edge of the nearest marked traffic lane of a collector road as defined Chapter 7 Transportation Appendix 7.12 shall achieve a minimum internal to external noise reduction of 30 dBA (Dtr, 2m, nT).

Note: Compliance with this rule may be achieved by ensuring any construction is in accordance with the acceptable solutions listed in Appendix 14.14.1. No alternative ventilation is required in situations where the rule is only met with windows closed. Alternatively, compliance with the rule can be achieved through certification by a qualified acoustic engineer that the design is capable of achieving compliance with the performance standard.

Where no traffic lane is marked, the distances stated shall be measured from 2 metres on the road ward side of the formed kerb.

14.12.3.11 Parking space numbers

- a. A minimum of one car parking space shall be provided for each residential unit.
- b. Parking areas shall be screened on internal boundaries by landscaping, wall(s), fence(s), or a combination of these to a minimum height of 1.5 metres from any adjoining site. Where this screening is by way of landscaping it shall be for a minimum depth of 1.5 metres.
- c. A minimum of one cycle space shall be provided at ground level for each residential unit. Except where parking for that unit is provided in a garage.

Note: this development standard applies in place of any equivalent minimum or maximum car or cycle parking requirement for the underlying zone in Chapter 7 Transportation of this Plan.

14.12.3.12 Maximum building coverage within Community House Redevelopment Mechanism Areas

The maximum percentage of the gross area covered by buildings within developments using the Community Housing Redevelopment Mechanism shall be 40%.

14.12.3.13 Community housing site size

Sites utilising the Community Housing Redevelopment Mechanism shall be:

- a. of a size greater than 1500m² and less than 10,000m²; and
- b. in one continuous block of land.

14.12.3.14 Community housing unit proportion and yield

- a. Residential activity utilising the Community Housing Redevelopment Mechanism shall demonstrate that community housing units will comprise:
 - i. at least one third of the residential unit yield; or
 - ii. a quantity equal to the amount of community housing units on the application site either occupied or unoccupied at 6 December 2013;

whichever is the greater.
- b. Residential activity utilising the Community Housing Redevelopment Mechanism shall deliver a minimum density of 30 households per hectare (one unit per 330m²), and a maximum density of 65 households per hectare (one unit per 150m²).

14.12.3.15 Water supply for fire fighting

Provision shall be made for sufficient water supply and access to water supplies for fire fighting consistent with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008), where by all residential units must be connected to the Council's urban reticulated system that provides sufficient fire fighting water supply.

Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

14.12.3.16 Minimum building setbacks from railway lines

The minimum building setback shall be as follows:

1.	On sites adjacent or abutting rail way lines buildings, balconies and decks	4 metres from the rail corridor boundary
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14.12.4 Information requirements for applications

Any application for resource consent using the Community Housing Redevelopment Mechanism must include a detailed 'design statement' (prepared by an expert suitably qualified in architecture or urban design).

14.13 Controlled and restricted discretionary matters

14.13.1 Residential design principles

New developments shall be assessed against the six residential design principles a.-f. set out below. Each residential design principle is accompanied by relevant considerations which are a guide to applicants and consent officers when considering an application against the residential design principles themselves.

The relevance of the considerations under each residential design principle will vary from site to site and, in some circumstances, some of the considerations may not be relevant at all. For example, a.ii. is likely to be highly relevant to a development adjacent to heritage buildings; whereas a.ii. might be less relevant to a development in an area void of heritage buildings.

City context and character

- a. Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features.

The relevant considerations are the extent to which the development:

- i. includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as building dimensions, forms, setbacks and alignments, and secondarily materials, design features and tree plantings; and
- ii. retains or adapts features of the site that contribute significantly to local neighbourhood character, potentially including existing heritage buildings, site contours and mature trees.

Relationship to the street and public open spaces

- b. Whether the development engages with and contributes to adjacent streets, and any other adjacent public open spaces to contribute to them being lively, safe and attractive.

The relevant considerations are the extent to which the development:

- i. orientates building frontages including entrances and windows to habitable rooms toward the street and adjacent public open spaces;
- ii. designs buildings on corner sites to emphasise the corner; and
- iii. avoids street facades that are blank or dominated by garaging.

Built form and appearance

- c. Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest.

The relevant considerations are the extent to which the development:

- i. subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines;
- ii. utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony;
- iii. avoids blank elevations and facades dominated by garage doors; and
- iv. achieves visual interest and a sense of human scale through the use of architectural detailing, glazing and variation of materials.

Residential amenity

- d. In relation to the built form and residential amenity of the development on the site (i.e. the overall site prior to the development), whether the development provides a high level of internal and external residential amenity for occupants and neighbours.

The relevant considerations are the extent to which the development:

- i. provides for outlook, sunlight and privacy through the site layout, and orientation and internal layout of residential units;
- ii. directly connects private outdoor spaces to the living spaces within the residential units;
- iii. ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units; and
- iv. includes tree and garden planting particularly relating to the street frontage, boundaries, accessways, and car parking.

Access, parking and servicing

- e. Whether the development provides for good access and integration of space for parking and servicing.

The relevant considerations are the extent to which the development:

- i. integrates access in a way that is safe for all users, and offers convenient access for pedestrians to the street, any nearby parks or other public recreation spaces;
- ii. provides for car parking and garaging in a way that does not dominate the development, particularly when viewed from the street or other public open spaces; and
- iii. provides for suitable storage and service spaces which are conveniently accessible, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces.

Safety

- f. Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.

The relevant considerations are the extent to which the development:

- i. provides for views over, and passive surveillance of, adjacent public and publicly accessible private open spaces;
- ii. clearly demarcates boundaries of public and private space;
- iii. makes pedestrian entrances and routes readily recognisable; and

- iv. provides for good visibility with clear sightlines and effective lighting.

Hillside and small settlement areas

- g. Whether the development maintains or enhances the context and amenity of the area.

The relevant considerations are the extent to which the development:

- i. maintains significant and distinctive landforms, geological features, water bodies and courses, indigenous and exotic vegetation, coastal margins and the habitat of indigenous fauna;
- ii. has regard to and protects historic heritage from inappropriate subdivision use and development, and recognizes the relationship of Ngāi Tahu manawhenua with their ancestral lands, water, sites of cultural significance and other taonga, including access to mahinga kai and sites of cultural significance;
- iii. is designed and located in a way that reduces dominance of buildings and structures;
- iv. incorporates environmentally sustainable and low impact subdivision, site and building design;
- v. responds to the qualities that are distinct and unique to each small settlement; and
- vi. where appropriate and possible, maintains views from properties.

14.13.2 Site density and site coverage

- a. Whether the non-compliance is appropriate to its context taking into account:
 - i. whether the balance of open space and buildings will maintain the character anticipated for the zone;
 - ii. any visual dominance of the street resulting from a proposed building's incompatible scale;
 - iii. any loss of opportunities for views in the Residential Banks Peninsula *and Residential Conservation [defer to Stage 2] Zones*; and
 - iv. the proportion of the building scale in relation to the proportion of the site.

14.13.3 Impacts on neighbouring property

- a. Whether the increased height, reduced setbacks, or recession plane intrusion would result in buildings that do not compromise the amenity of adjacent properties taking into account:
 - i. overshadowing of adjoining sites resulting in reduced sunlight and daylight admission to internal and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;
 - ii. any loss of privacy through being overlooked from neighbouring buildings;
 - iii. whether development on the adjoining site, such as large building setbacks, location of outdoor living spaces, or separation by land used for vehicle access, reduces the need for protection of adjoining sites from overshadowing;
 - iv. the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances between the building and adjoining sites, the provision of screening or any other methods; and

- v. within a Flood Management Area, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.

14.13.4 Minimum unit size and unit mix

- a. When considering under sized units, whether the reduced unit size is appropriate taking into account:
 - i. the floorspace available and the internal layout and their ability to support the amenity of current and future occupants;
 - ii. other onsite factors that would compensate for a reduction in unit sizes e.g. communal facilities;
 - iii. scale of adverse effects associated with a minor reduction in size in the context of the overall residential complex on the site; and
 - iv. needs of any social housing tenants.

14.13.5 Scale of activity

- a. Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:
 - i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;
 - ii. the ability for the locality to remain a predominantly residential one; and
 - iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.
- b. The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:
 - i. the character of the surrounding living environment; and
 - ii. noise, disturbance and loss of privacy of nearby residents.
- c. For home occupations, whether the non-compliance is an integral and necessary part of the home occupation.
- d. For residential units with more than 6 bedrooms, whether there should be a limit on the number of bedrooms over 6 bedrooms based on the impact on the surrounding neighbourhood and residential character.
- e. The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.
- f. The opportunity the activity provides to support an existing nearby commercial centre.
- g. The opportunity the activity provides to support and compliment any existing health related or community activities in the surrounding area.

14.13.6 Traffic generation and access safety

- a. Whether the traffic generated is appropriate to the residential character, amenity, safety and efficient functioning of the access and road network taking into account:
 - i. in the case of effects on residential character and amenity:
 - A. any adverse effects in terms of noise and vibration from vehicles entering and leaving the site or adjoining road, and their incompatibility with the noise levels acceptable in the respective living environments;
 - B. any adverse effects in terms of glare from headlights of vehicles entering and leaving the site or adjoining road on residents or occupants of adjoining residential sites;
 - C. any reduction in the availability of on-street parking for residents, occupants or visitors to adjoining residential sites to the point that it becomes a nuisance;
 - D. any adverse effects in terms of fumes from vehicles entering or leaving the site, on residents or occupiers of adjoining residential sites; and
 - E. the ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors that will reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur; and
 - ii. in the case of the safe and efficient functioning of the road network:
 - A. any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity;
 - B. adverse effects of the proposed traffic generation on activities in the surrounding living environment;
 - C. consistency of levels of traffic congestion or reduction in levels of traffic safety with the classification of the adjoining road;
 - D. the variance in the rate of vehicle movements throughout the week and coincidence of peak times with peak traffic movements on the wider network; and
 - E. the location of the proposed access points in terms of road and intersection efficiency and safety, and the adequacy of existing or alternative access points.

14.13.7 Stormwater ponding areas within three kilometres of Christchurch International Airport

[deferred to Stage 2 General Rules]

14.13.8 Water supply for fire fighting

- a. Whether sufficient fire fighting water supply provision to ensure the health and safety of the community, including neighbouring properties, is provided.

14.13.9 Acoustic insulation

- a. Whether a reduction in acoustic insulation is appropriate taking into account:
 - i. a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise impacts through other means, e.g. screening by other structures, or distance from noise sources;
 - ii. there is an ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; and
 - iii. the provision of a report from an acoustic specialist provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site.

14.13.10 Retirement villages

For the avoidance of doubt, this is the only matter of discretion that applies to retirement villages.

- a. Whether the developments, while bringing change to existing environments, is appropriate to its context taking into account:
 - i. engagement with, and contribution to, adjacent streets and public open spaces, with regard to:
 - A. fencing and boundary treatments;
 - B. sightlines;
 - C. building orientation and setback;
 - D. configuration of pedestrian entrances;
 - E. windows and internal living areas within buildings; and
 - F. if on a corner site is designed to emphasise the corner;
 - ii. integration of access, car parking and garaging in a way that is safe for pedestrians and cyclists, and that does not visually dominate the development, particularly when viewed from the street or other public spaces;
 - iii. retention or response to existing character buildings or established landscape features on the site, particularly mature trees, which contribute to the amenity of the area;
 - iv. appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles;
 - v. incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;
 - vi. residential amenity for occupants and neighbours, in respect of outlook, privacy, noise, odour, light spill, weather protection, and access to sunlight, through site design, building, outdoor living and service/storage space location and orientation, internal layouts, landscaping and use of screening;
 - vii. creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour; and

- viii. where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation.

14.13.11 Use of site and buildings - Prestons Road Retirement Village Overlay

- a. Whether the use of site and buildings is appropriate taking into account:
 - i. enhancement of services of value to the older person's housing complex, or assistance in retaining the viability of the complex;
 - ii. the likely effect of any additional activities on traffic generation, and the safety and efficiency of traffic movement within the older person's housing complex and the wider road network; and
 - iii. the effect of additional activities on residential amenities in the vicinity, particularly noise, traffic safety, parking congestion and visual amenity.

14.13.12 Concept plan - Prestons Road Retirement Village Overlay

- a. Whether the concept plan for the whole site is appropriate taking into account:
 - i. coordination and integration of road and pedestrian access with adjoining networks;
 - ii. provision for landscaping, outdoor living space, passive recreational facilities, and stormwater systems, swales for stormwater soakage, wetlands and retention basins. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste for 165 independent units and a multi storey health facility including 45 services apartments;
 - iii. the provision, and design and layout of pedestrian circulation and connectivity of pedestrian access to Snellings Drain reserve;
 - iv. the efficient design and layout of carparking, vehicle manoeuvring, and garaging;
 - v. the incorporation and enhancement of existing landscape and water features;
 - vi. the external appearance of the health facility and how it respects the character and amenity values of the area, including building colours and materials, roof pitch and the effect and form of façade modulation, while recognising the use and functional nature of the health facility;
 - vii. adequacy of provision of planting for amenity and screening, enhancement of ecological and habitat values, and interface with surrounding areas. The incorporation of a minimum of 60% indigenous endemic species into new plantings;
 - viii. the effectiveness, environmental sensitivity of the stormwater management systems; and
 - ix. the integration of the stormwater management systems with the Council's drainage network.

14.13.13 Vehicular access - Prestons Road Retirement Village Overlay

- a. Whether vehicle access for the whole site is appropriate taking into account:

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- i. the actual or potential level of vehicle and pedestrian traffic likely to be generated from the proposed access;
- ii. adverse effects on the traffic use of the access on the traffic function or safety of Prestons Road or both;
- iii. adequate mitigation for the adverse effects of additional vehicle movements on the access; and
- iv. safe ingress and egress in relation to site distances at the access from Prestons Road with reference to the Austroads Guide.

14.13.14 Special setback provision – Residential Suburban Zone Wigram

- a. Whether the location, form and function of the outdoor living area is appropriate taking into account:
 - i. adverse effects on the outdoor living needs of the likely future residents of the site;
 - ii. any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents of the site;
 - iii. adequacy of mitigation of potential adverse reverse sensitivity effects on current Royal New Zealand Air Force functions and operations through the location of outdoor living space, windows and the provision of fencing and/or landscaping;
 - iv. adequacy of mitigation of adverse effects from current Royal New Zealand Air Force functions and operations through the location of outdoor living space, windows and the provision of fencing and/or landscaping; and
 - v. adequacy of glazing, window design and location in mitigating the potential adverse effects from current Royal New Zealand Air Force functions and operations.

14.13.15 Lyttelton Port Influences Overlay

- a. Whether the development is appropriate taking into account:
 - i. increased potential for reverse sensitivity effects, including complaints, on the port activities resulting from residential outdoor living area activities; and
 - ii. any other methods to reduce the potential for reserve sensitivity effects on the port operator, other than the required acoustic insulation, that have been or can be incorporated into the design of the proposal.

14.13.16 Development plans

- a. Whether the development need be in accordance with the development plan taking into account:
 - i. coordination of development, particularly roading access and cycle linkages, with adjoining land;
 - ii. the adequacy and location, of open space areas within the development;
 - iii. any adverse effects on the visual appearance of development in the zone as seen from outside the zone, particularly where the land is highly visible;

- iv. adverse effects on the strength of definition of the rural urban boundary;
- v. any potential adverse effects on the surrounding road network;
- vi. any adverse effects on Christchurch International Airport and its approach path, including any reverse sensitivity complaints;
- vii. any adverse effects on the visual amenity of residents in adjoining areas;
- viii. any adverse effects in terms of the enhancement of waterways within the development; and
- ix. effective, efficient and economically viable provision of services.

14.13.17 Relocation of buildings and temporary lifting or moving of earthquake damaged buildings

- a. Whether the relocation of the building is appropriate taking into account:
 - i. the likely appearance of the building upon restoration or alteration;
 - ii. the compatibility of the building with buildings on adjoining properties and in the vicinity;
 - iii. the exterior materials used, and their condition and quality;
 - iv. the period required for restoration work to be undertaken; and
 - v. any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.
- b. Whether the temporary lifting or moving of the earthquake damaged building is appropriate taking into account:
 - i. the effect of reduced proximity on the amenity and/or operation of any neighbouring sites, water way, coastal marine area, archaeological site, or protected tree;
 - ii. the duration of time that the building will intrude upon the recession plane;
 - iii. any adverse effects on adjoining owners or occupiers relating to shading and building dominance; and
 - iv. occupancy of the neighbouring properties of the duration of the works, the extent to which neighbouring properties are occupied for the duration of the works.

14.13.18 Street scene – road boundary building setback, fencing and planting

- a. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street.
- b. The ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries.
- c. The ability to provide passive surveillance of the street.
- d. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long term-protection of significant trees or natural features on the site.

- e. For fencing, whether solid fencing is appropriate to provide acoustic insulation of living spaces where the road carries high volumes of traffic.
- f. The ability to provide adequate parking and manoeuvring space for vehicles clear of the road or shared access to ensure traffic and pedestrian safety.
- g. The effectiveness of other factors in the surrounding environment in reducing the adverse effects.

14.13.19 Minimum building, window and balcony setbacks

- a. Any effect of proximity of the building on the amenity of neighbouring properties through loss of privacy, outlook, overshadowing or visual dominance of the buildings.
- b. Any adverse on the safe and effective operation of site access.
- c. The ability to provide adequate opportunities for garden and tree plantings around buildings.
- d. The extent to which the intrusion is necessary to enable more efficient cost. Effective and/or practical use of the remainder of the site, or the long term protection of significant trees or natural features on the site.

14.13.20 Service, storage and waste management spaces

- a. The convenience and accessibility of the spaces for building occupiers.
- b. The adequacy of the space to meet the expected requirements of building occupiers.
- c. The adverse effects of the location, or lack of screening, of the space on visual amenity from the street or adjoining sites.

14.13.21 Outdoor living space

- a. The extent to which outdoor living areas provide useable space, contribute to overall on-site spaciousness and enable access to sunlight throughout the year for occupants.
- b. The accessibility and convenience of outdoor living space for occupiers.
- c. Whether the size and quality of communal outdoor living space or other open space amenity compensates for any reduction in private outdoor living space.
- d. The extent to which a reduction in outdoor living space will result in retention of mature on-site vegetation.

14.13.22 Non-residential hours of operation

- a. Whether the hours of operation are appropriate in the context of the surrounding residential environment taking into account:
 - i. traffic or pedestrian movements which are incompatible with the character of the surrounding residential area;

- ii. any adverse effects of pedestrian activity as a result of the extended hours of operation, in terms of noise, disturbance and loss of privacy, which is inconsistent with the respective living environments;
- iii. any adverse effects of the extended hours of operation on the surrounding residential area, in terms of loss of security as a result of people other than residents frequenting the area; and
- iv. the ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.

14.13.23 Minor residential units

- a. Whether the minor residential unit is appropriate to its context taking into account:
 - i. location of the minor residential unit so that it is visually hidden from the road leaving the site with a similar street scene to that of a single residential unit;
 - ii. the adverse visual effects associated with parking and access of any additional driveway to accommodate the minor residential unit on the street-scene;
 - iii. the size and visual appearance of the minor residential unit and its keeping with the existing level of buildings in rear gardens or rear sections surrounding the site;
 - iv. the consistency of the number of bedrooms and level of occupancy with a single large residential unit;
 - v. the convenience of the location of outdoor living space in relation the respective residential units; and
 - vi. the adequacy of size and dimension of the outdoor living space to provide for the amenity needs of future occupants.

14.13.24 Character Area Overlay

Area context

- a. Whether development recognises the distinctive landforms, landscape setting and development patterns of the character area in respect to:
 - i. retaining and enhancing the areas' natural features;
 - ii. integrating with the existing pattern and grain of subdivision and building;
 - iii. the extent and scale of vegetation retained and/or provided;
 - iv. the relationship with adjoining sites and buildings, including any recorded heritage values;
 - v. the visual coherence of the area.

Site character and street interface

- b. Whether the development complements the residential character and enhances the amenity of the character area by:
 - i. providing a balance of open space to buildings across the site consistent with the surrounding sites within the block, and to a lesser extent, the wider area ;

- ii. providing a front yard building setback which is consistent with the overall depth and pattern of the character area, and in particular with other sites within the street;
- iii. retaining the front yard for outdoor living, open space, tree and garden planting
- iv. avoiding the location of vehicle access, parking and garaging within the front yard, or where it visually dominates the streetscene;
- v. having low height or no fencing on the street frontage; and
- vi. orientating the building on the site to face the street.

Built character

- c. Whether the development supports the residential built character values of the character area in regard to:
 - i. the scale and form of the building, including the roof form;
 - ii. architectural detailing including features such as verandas, materials, window and front entry design and placement;
 - iii. complementary and compatible building design;
 - iv. the recognition of recorded heritage values of adjacent buildings.

Akaroa and Lyttelton

- d. In addition to the matters listed above, in respect to Akaroa and Lyttelton character areas, whether the development:
 - i. retains important views from public places;
 - ii. reduces the potential for visual dominance of the development when viewed from elsewhere within the viewing catchment;
 - iii. responding through the use of the landscape at the street interface to the existing informality or formality of the streetscape;
 - iv. retains residential buildings, including accessory buildings, that were built prior to 1945 and/or that contribute to the architectural traditions and character values;
 - v. reflects the small scale and simple forms of residential building; and
 - vi. recognises any recorded heritage values adjacent and opposite to the development.

14.13.25 Indigenous vegetation clearance in Akaroa Hillslopes Density Overlay

- a. Whether it is necessary to remove indigenous vegetation, including whether the vegetation is removed to manage disease or plant pathogens.
- b. The relationship with other areas of vegetation and whether the proposed removal or alteration would negatively impact on that relationship, including in relation to habitat fragmentation and the effectiveness of any ecological corridor.
- c. Whether the vegetation has a positive effect in managing erosion, slope stability or other hazard.
- d. The extent to which existing vegetation will continue to contain and define the edge of Akaroa township, providing it with a distinct edge.
- e. The degree to which alteration or removal of vegetation will adversely affect soil conservation, water quality or the hydrological function of the catchment and the efficacy of mitigating measures.
- f. The extent of any revegetation proposed and its efficacy in mitigating any adverse effects.

14.14 Appendices

14.14.1 Appendix - Measurement and assessment of noise

- a. The measurement of noise shall be in accordance with NZS 6801:1991, 'Measurement of Sound' and assessed in accordance with NZS 6802:1991, 'Assessment of Environmental Sound'.
- b. For the purposes of administering these rules the following meanings shall apply:
 - i. dBA means the A-frequency weighted sound pressure level in decibels relative to a reference sound pressure of 20 micro pascals.
 - ii. L10 means the L10 exceedance level set in A-weighted decibels which is equalled or exceeded 10% of the measurement time.
 - iii. Lmax means the period of time between 10pm and 7am the following day.
 - iv. Night-time means the period of time between 10pm and 7am the next day.
 - v. Long-term average sound level shall be the time-average sound level (day-night level) Ldn and shall be determined from the inverse-logarithmic mean of the measured Ldn level for each day over any five day period in a week.
 - vi. The 'notional boundary' of any boundary shall be 20 metres from the façade of that dwelling, or the legal boundary of the site where this is closer to the boundary.

Minimum construction requirements for all central city zones

	Building Element	Minimum Construction Requirement
1.	External walls of habitable spaces	<p>a. Walls with cladding: Minimum not to be less than 25kg/m¹ being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs).</p> <p>Assumes minimum 100mm wall cavity. Minimum exterior cladding to be 20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 200mm). Fibrous acoustic blanket (Batts or similar) required in cavity for all exterior walls. Interior: One layer of 13mm gypsum plasterboard.</p> <p>Mass walls: 190mm concrete block, strapped and lined internally with 9.5mm gypsum plaster board OR 150mm concrete wall.</p> <p>Note: ¹ (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard. ² Where exterior wall cladding has a mass of greater than 25kg/m.</p>
2.	Windows of habitable spaces	<p>a. Windows of up to 35% of floor area: 10/12/6 double glazing or 14mm laminate glass or glazing systems of equivalent acoustic performance.</p> <p>b. Window areas greater than 35% of floor area will require a specialist acoustic report to show conformance with the insulation rule.</p> <p>c. Frames to be new aluminium window frames with compression seals or equivalent.</p>
3.	Pitched roof	<p>a. Cladding: 0.55mm profiled steel or tiles or 6mm corrugated fibre cement.</p> <p>Frame: Timber truss with 100mm acoustic blanket. Fibrous acoustic blanket (Batts or similar) required for all ceilings with combined mass of less than 25kg/m².</p> <p>Ceiling: 13mm gypsum plaster board.</p> <p>Note: (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.</p>
4.	Skillion roof	<p>a. Cladding: 0.55mm profiled steel or 6mm fibre cement.</p> <p>Sarking: 20mm particle board (no gaps).</p> <p>Frame: 100mm gap with acoustic blanket.</p> <p>Ceiling: two layers of 9.5mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated).</p> <p>Fibrous acoustic blanket (Batts or similar) required for all ceilings with combined mass 25kg/m².</p>

	Building Element	Minimum Construction Requirement
		Note: (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
5.	External Door to habitable spaces	<p>a. Solid core door (min 24kg/m²) with weather seals (where the door is exposed to exterior noise).</p> <p>Note: (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.</p>
<p>Note:</p> <ol style="list-style-type: none"> 1. Compliance with ventilation requirements of any other Act and these District Plan noise insulation requirements shall be concurrent. Ventilation should be provided in accordance with the provisions of the New Zealand Building Code G4 in a manner which does not compromise sound insulation. To this effect, relying on opening windows for ventilation will compromise the sound insulation performance provided by the District Plan standard. Alternative ventilation methods such as mechanical ventilation or passive methods should be considered. Inlets and outlets for passive and mechanical ventilation systems, and ventilation ductwork, are to be designed to incorporate acoustic insulation to ensure that the acoustic performance of the building facade achieves a minimum noise reduction consistent with the relevant rules. 2. In determining the insulation performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing, capping and guttering detail used in normal construction. 		

14.14.2 Appendix - Recession planes

A Applicable to all buildings:

- in the Residential Suburban Zone
- on sites in other non residential zones that adjoin the Residential Suburban Zone

B Applicable to all buildings:

- Residential Suburban Density Transition Zone
- On sites on other non residential zones that adjoin the Residential Suburban Density Transition Zone

C Applicable to all buildings:

- in the Residential Medium Density Zone
- on sites in other non residential zones that adjoin the Residential Medium Density Zone

D Applicable to all buildings:

- in the medium density higher height limit zones
- on sites in other non residential zones that adjoin the medium density higher height limit zones
- in the medium density higher height limit zones (except those buildings over 11 metres in height)
- on sites in other non residential zones that adjoin the medium density (except those buildings over 11 metres in height)

E Applicable to all buildings:

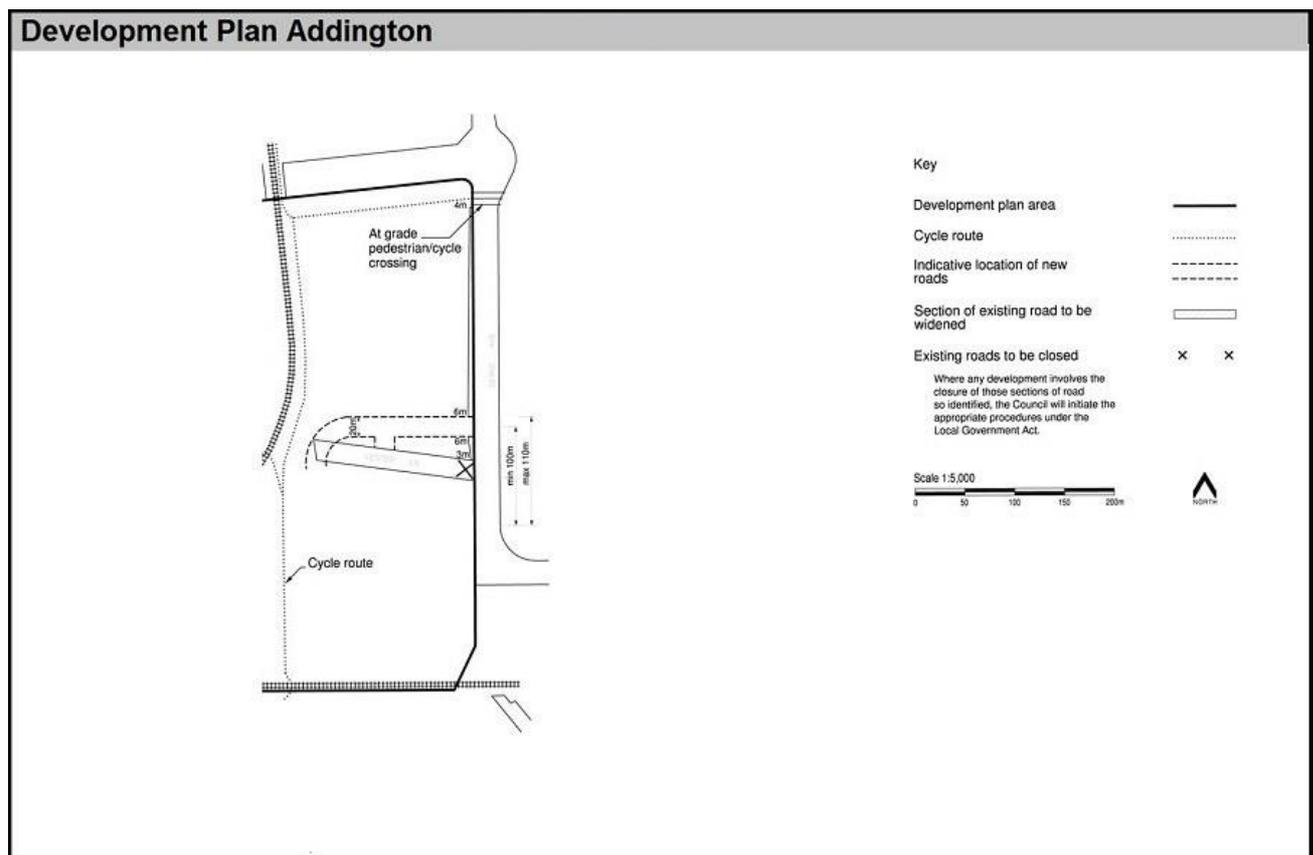
- over 11 metres in height in the medium density higher height limit zones
- over 11 metres in height on sites in other non residential zones that adjoin the medium density higher height limit zones

Note: North is true north

Note: The following intrusions are permitted:

- a. Gutters and eaves by up to 0.2 metres;
- b. Solar panels up to two metres in length per boundary;
- c. Chimneys, ventilation shafts, spires, poles and masts (where poles and masts are less than nine metres above ground level), provided that the maximum dimension thereof parallel to the boundary for each of these structures shall not exceed 1 metre.
- d. Lift shafts, stair shafts, and roof water tanks provided that there is a maximum of one intrusion of a lift shaft or stair shaft or roof water tank (or structure incorporating more than one of these) permitted for every 20 metre length of internal boundary and the maximum dimension thereof parallel to the boundary for this structure shall not be 20 metres, and provided that for buildings over three storeys, such features are contained within or are sited directly against the outside structural walls.
- e. Where a single gable end with a base (excluding eaves) of 7.5 metres or less faces a boundary and a recession plane strikes no lower than half way between the eaves and ridge line, the gable end may intrude through the recession plane.

14.14.3 Appendix - Development plan Addington

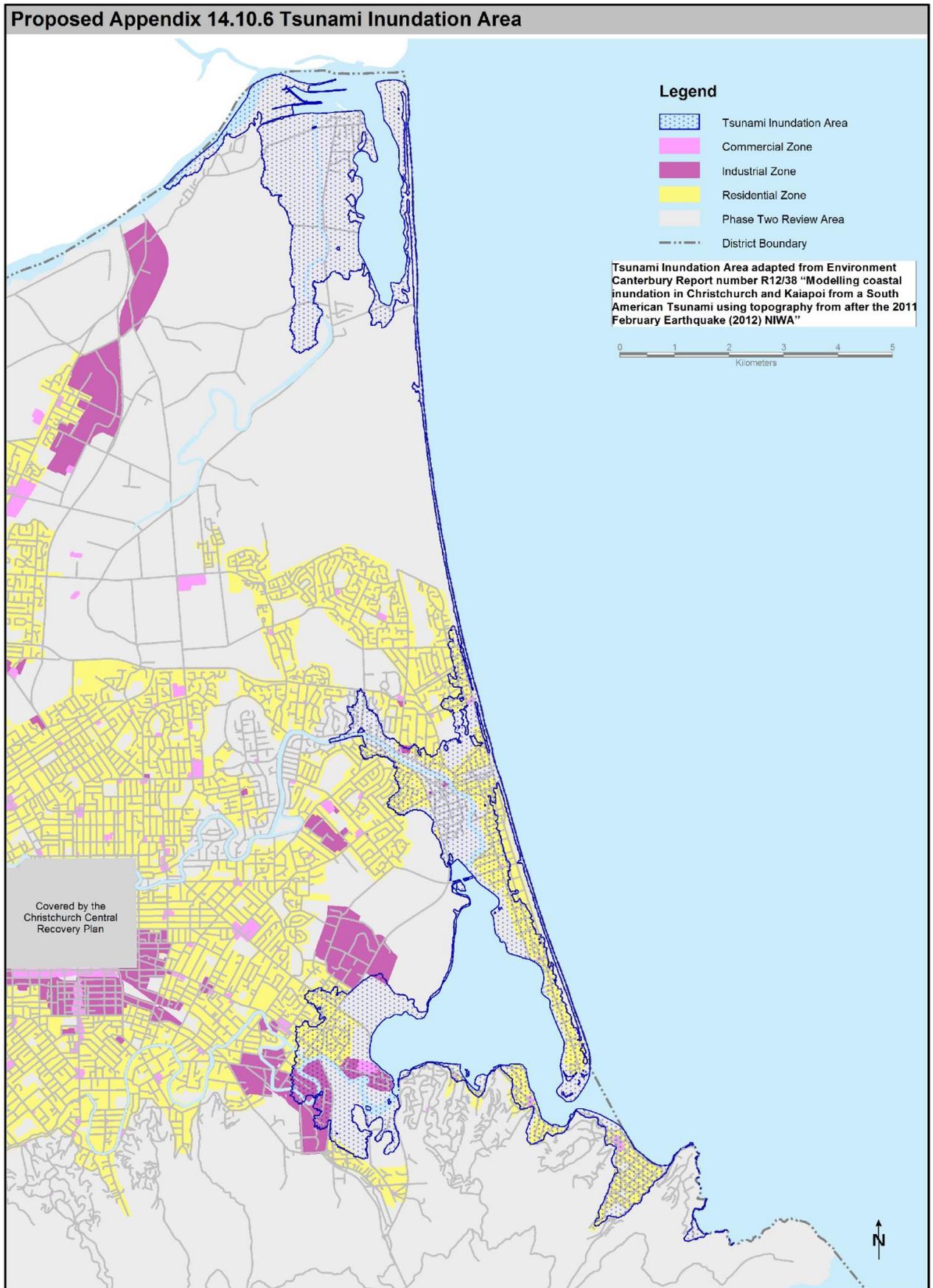


14.14.4 Appendix – Aircraft noise exposure

This appendix derives from Rule 14.2.4.4.7

1.1 Indoor design sound levels		
New buildings and additions to existing buildings located within the 50 dBA L _{dn} line as shown on the planning maps shall be designed to ensure the indoor sound levels stated in the table below, are not exceeded with all windows and doors closed.		
Indoor design sound levels		
Building type and activity	Indoor design and sound levels	
	SEL dBA	dBA L _{dn}
Residential units and older person's housing		
Sleeping areas	65	40
Other habitable areas	75	50
Travellers' accommodation, resort hotels, hospitals and health care facilities		
Relaxing or sleeping	65	40
Conference meeting rooms	65	40
Service activities	75	60
Education activities		
Libraries, study areas	65	40
Teaching areas, assembly areas	65	40
Workshops gymnasias	85	60
Retail activities commercial services and offices		
Conference rooms	65	40
Private offices	70	45
Drafting, open offices, exhibition spaces	75	50
Typing, data processing	80	55
Shops, supermarkets, showrooms	85	60
1.2 Noise insulation calculations and verification		
(a) Building consent applications must contain a report detailing the calculations showing how the required sound insulation and construction methods have been determined.		
(b) For the purpose of sound insulation calculations the external noise levels for a site shall be determined by application of the airport noise contours L _{dn} and SEL. Where a site falls within the contours the calculations shall be determined by linear interpolation between the contours.		
(c) If required as part of the final building inspection, the sound transmission of the facade shall be tested in accordance with ISO 140-5 or ASTM to demonstrate that the required facade sound insulation performance has been achieved. A test report is to be submitted. Should the facade fail to achieve the required standard then it shall be improved to the required standard and re-tested prior to occupation.		

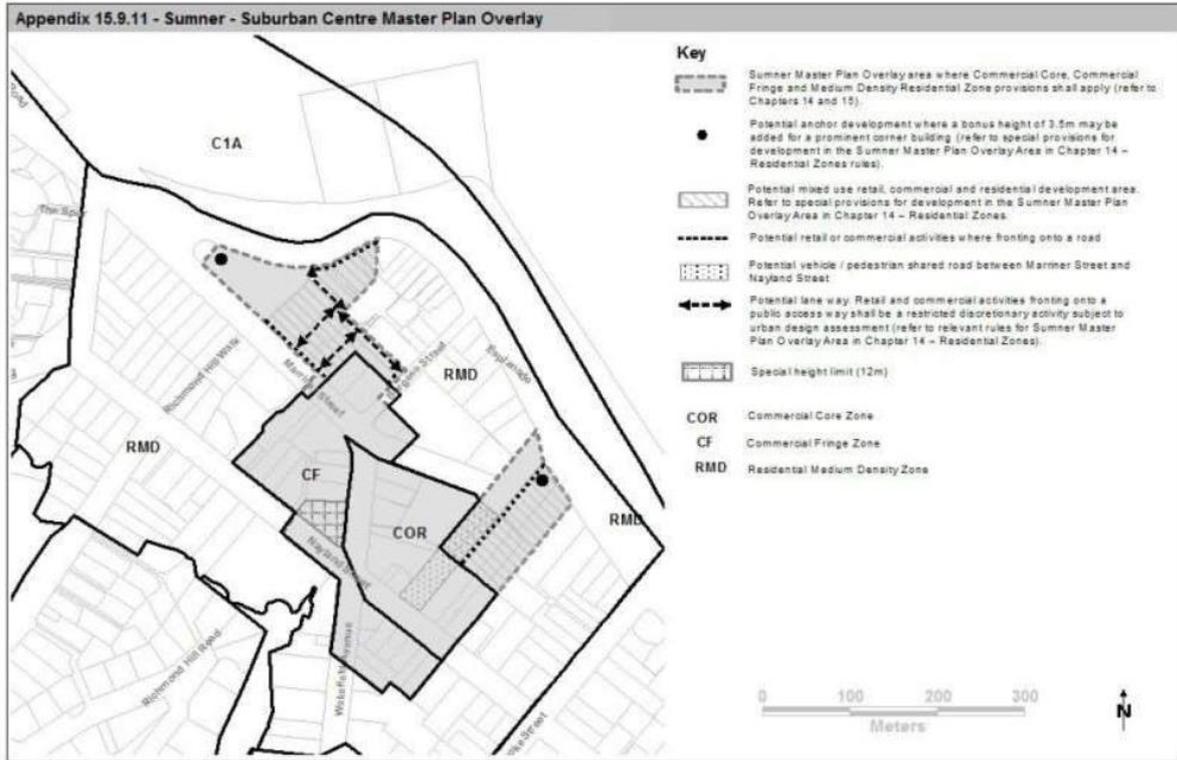
14.14.5 Appendix – Tsunami inundation area



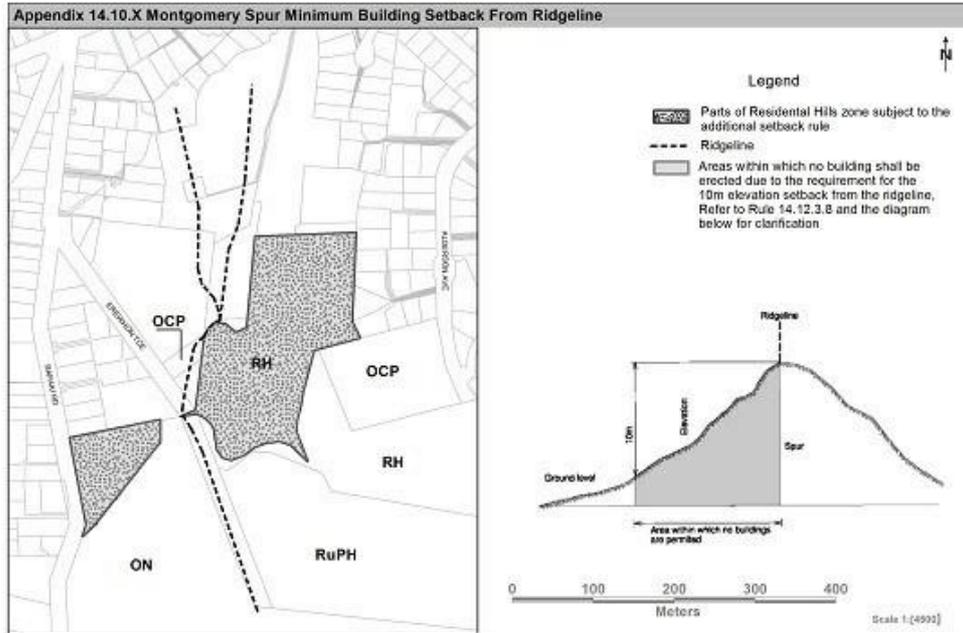
R
(and relevant definitions and associated planning maps) — Stage 2

14.14.6 Appendix – Sumner Master Plan Overlay

Chapter 6 [Image to be updated to amend title and to show Commercial Fringe changing to Commercial Core, refer to Rebuttal Evidence of Mark Stevenson, Map 48. Clearer image required.]

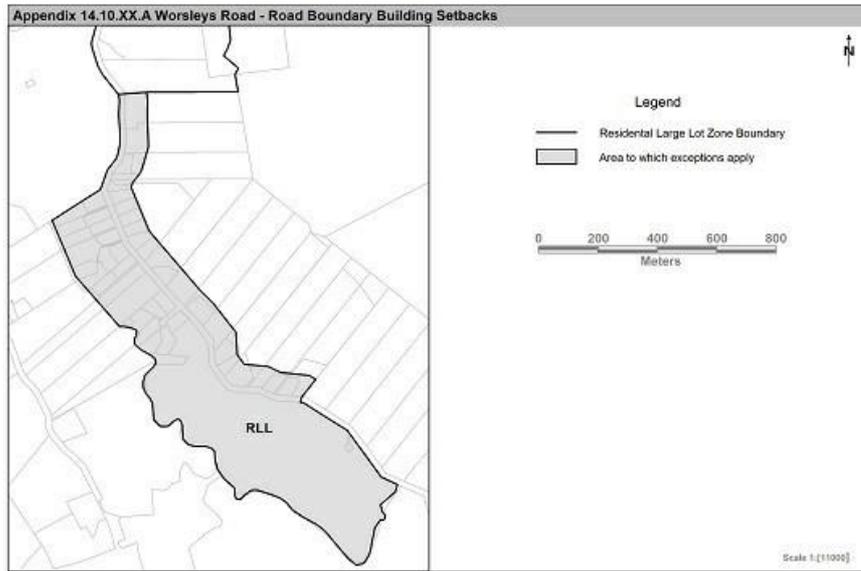


14.14.7 Appendix - Montgomery Spur - minimum building setback from ridgeline



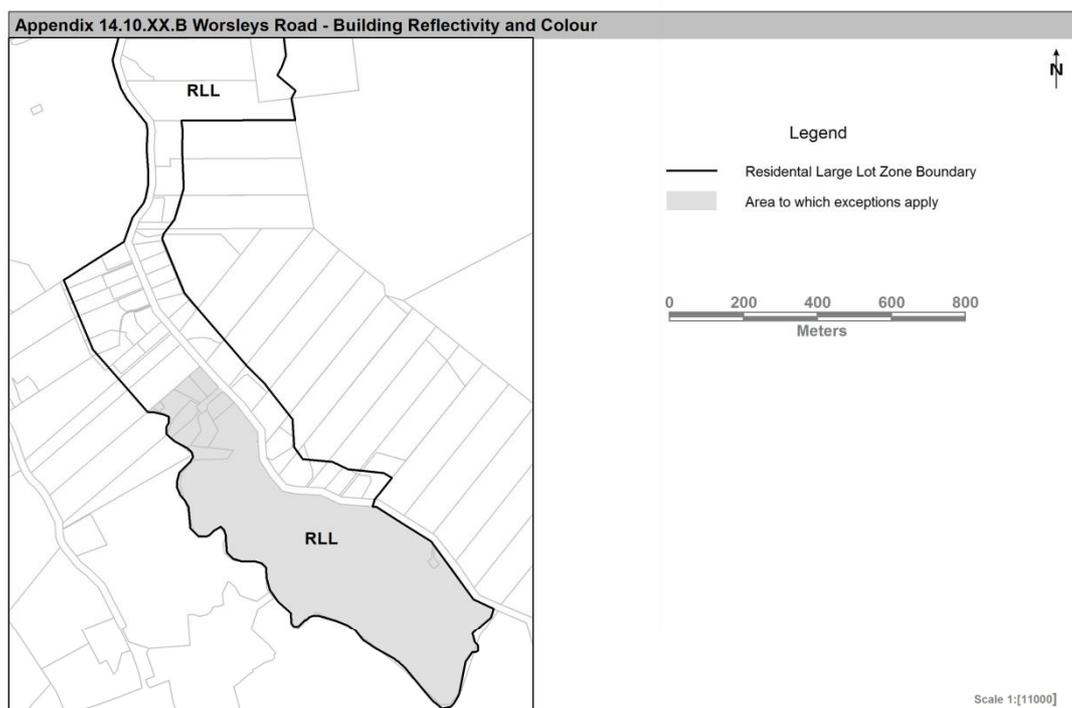
[image to be updated with new rule and provision references]

14.14.8 Appendix - Worsleys Road - area subject to specific building setback and site coverage standards



[image to be updated with new provision references]

14.14.9 Appendix - Worsleys Road - building reflectivity and colour, and landscape areas



[image to be updated with new provision references]

Colour	Reflectivity	Colour	Reflectivity
00 A 13	6%	10 B 29	3%
10 B 27	8%	02 A 11	18%
08 A 14	2%	22 B 25	12%
16 A 07	30%	18 B 23	20%
18 A 14	7%	18 B 21	30%
16 A 11	20%	10 B 23	22%
18 B 27	6%	08 B 23	19%
18 B 29	7%	12 B 29	2%
06 A 07	30%	00 A 09	20%
08 B 25	10%	12 B 27	8%
08 B 29	7%	00 A 11	12%
10 A 11	12%	12 B 23	20%
12 B 21	34%	08 B 21	27%
10 A 07	27%	02 A 07	30%
10 B 21	30%	08 B 27	8%
10 A 09	20%	18 B 25	13%
00 A 07	30%	06 A 11	12%
12 B 25	12%		

14.14.10 Samarang Bay and Allandale colour palette

Roof Colours, Body/Wall and Trim Colours		
Resene Acrylic Roof Chart	Ebony	10 HA-5
	Thunder	11 HA-12
	Storm Dust	14 HA-25
	Mirage	14 HB-11
	Steel Grey	15 HB-13
	Stratos	10 HC-4.5

Roof Colours, Body/Wall and Trim Colours		
	Gulf Blue	11 HC-8
	Cloud Burst	12 HC-14
	Blue Wale0	14 HC-7.5
	Cocoa Brown	10 HD-4
	Clinker	11 HD-7.5
	Rustic Red	10 HF-5
	Jarrah	11 HF-3
	Morocco Brown	10 HE-7
	Hunter Green	10 HH-4
	Green Kelp	11 HH-7.5
	Mikado	12 HH-7.5
	Nordic	10 HI-4
	Seaweed	12 HI-7.5
	Palm Green	12 HI-4
	Gable Green	13 HL-5.5
Stratco Coated Steel Colour Chart	Ironsand	
	Lignite	
	Karaka	
	Permanent Green	
	New Denim Blue	
	Grey Friars	
Resene	Ship Grey	00 A 11
	Baltic Sea	00 A 13
	Cape Cod	16 A 11
	Rangoon Green	12 B 29
	Black Bean	14 C 40
	Charade	18 B 27
	Cinder	18 B 29
	Blue Bark	18 C 40
	Cardin Green	14 E 58
	Haiti	22 B 29

TRIM AND ACCENT COLOURS

The following colours include those colours that are complementary or of a less grey nature than those derived from the landscape background.

They are accent colours and should only be used in small proportions to add visual interest at

Residential (Part)
(and relevant definitions and associated planning maps) — Stage 2

close range. Applications include:

1. Fascia boards
2. Doors and door frames
3. Windows and window frames
4. Window sills
5. Spouting and down pipes

Trim and Accent Colours Only		
Resene	Birch	10 B 27
	Kelp	12 B 25
	Scrub	12 B 27
	Turtle Green	12 C 39
	Pine Tree	12 C 40
	Madras	10 C 39
	Dark Tan	04 C 39
	Chocolate	04 C 40
	Toledo	02 C 40
	Persian Red	04 E 58
	Pirate Gold	08 E 56
	Rich Gold	06 E 56
	St Tropaz	20 D 44
	Catalina Blue	20 D 45
	Biscay	20 C 39
	Outer Space	20 C 40
	Elm	16 D 43
	Blue Stone	16 D 44
	Cyprus	16 D 45
	Hot Chili	04 D 45
	Wistful	22 D 41
	Martinique	22 B 27
	Mardi Gra	24 C 40
	Plum	24 E 58

14.14.11 Akaroa – 12A, 12B and 12D Vangioni Lane

[Insert Appendix diagram as notified]

SCHEDULE 2**Table of submitters**

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	2123	S Blair	Planner	Filed
		A Craig	Landscape Architect	Filed/Appeared
		S Harris	Economist	Filed/Appeared
		A Milne	Transport Planner	Filed/Appeared
		T Moore	Sustainability Advisor	Filed/Appeared
		B Norton	Stormwater Engineer	Filed/Appeared
		B O'Brien	Wastewater Engineer	Filed/Appeared
		S Oliver	Planner	Filed/Appeared
		J Schröder	Urban Designer	Filed/Appeared
		I Thomson	Planner	Filed/Appeared
		I Wright	Geotechnical Engineer	Filed/Appeared
Crown	2387	H Anderson	Planner	Filed/Appeared
		M Dale	Planner	Filed/Appeared
		W Field	Landscape Architect	Filed/Appeared
		S McIntyre	Planner	Filed/Appeared
		A Willis	Planner	Filed/Appeared
Riccarton Bush Kilmarnock Residents' Association	462	G Friend		Appeared
Ken Sitarz	2010	K Sitarz		Appeared
Every Import Limited	2052	M Marshall		Appeared
Virginia Simcock	2053	K Simcock		Filed
D & C Stockman Mark Porter	2056 2139	A Grey	Planner	Filed/Appeared
Harvey Armstrong	2060	H Armstrong		Filed/Appeared
C & W Schacherer	2061	J Cook		Filed/Appeared
Jo-Anne Cook	2068	J Cook		Appeared
Andrea Kiddle Cashmere Residents Association	2074	R Tindall		Filed
	2485	A Kiddle		Appeared
BDF Family Trust JDH Holdings Nº 1 Limited	2088	R Nixon	Planner	Filed/Appeared
	2328			

Submitter Name	No	Person	Expertise or Role if Witness	Filed/ Appeared
Fulton Hogan Land Developments Limited	2097	J Comfort	Planner	Filed/Appeared
		G Dewe	Company Representative	Filed/Appeared
		A Familton	Veterinarian	Filed/Appeared
		A Hall	Engineer	Filed/Appeared
Cathedral City Development Limited	2129	F Aston	Planner	Filed/Appeared
		D Fox	Surveyor	Filed
		J Head	Landscape Architect	Filed/Appeared
		M Neilson	Company Representative	Filed
The Avonhead Community Group Inc	2164	M Thomas		Filed/Appeared
JM and MJ van der Wal	2167	H van der Wal		Filed/Appeared
Rock Hill Limited	2170	D Fox	Surveyor	Filed
		E Stewart	Planner	Filed
		D van Asch		Filed
Shelagh Bassett and Lindsay Talbot	2171	E Stewart	Planner	Filed
Grant Poultney	2190	D Mountfort	Planner	Appeared
		G Poultney		Filed/Appeared
Papanui Club	2219	B O’Fagan		Appeared
Kauri Lodge Rest Home	2222	M Dale	Planner	Filed/Appeared
Survus Consultants	2231	F Aston	Planner	Filed/Appeared
J Hutton and G&L Franks	2238	A Bannock	Engineer	Filed/Appeared
		L Franks		Filed/Appeared
		K McCracken	Planner	Filed/Appeared
Brent Falvey	2250	B Falvey		Filed/Appeared
		T Walsh	Planner	Filed/Appeared
R L Broughton & Ors	2270	T Simons		Appeared
Akaroa Civic Trust	2285	J Cook		Filed/Appeared
Helen Lowe on behalf of Thornspell Trust	2308	H Lowe		Filed/Appeared
Howard Hobson on behalf of S Lawrence	2322	S Lawrence		Filed/Appeared
		T Walsh	Planner	Filed/Appeared
Spreydon Heathcote Community Board	2342	P McMahon		Filed/Appeared
Ryman Healthcare Limited and Retirement Villages Association	2347	J Kyle	Planner	Filed/Appeared
Lyttelton Mt Herbert Community Board	2354	P Smith		Appeared

Submitter Name	No	Person	Expertise or Role if Witness	Filed/ Appeared
G & J McVicar	2362	F Aston	Planner	Filed/Appeared
		G McVicar		Filed/Appeared
		M Smith		Filed/Appeared
Riccarton/Wigram Community Board	2363	H Broughton		Appeared
		M Mora		Filed
Mark Shadbolt	2375	M Shadbolt		Filed/Appeared
Mark Shadbolt Sunny Point Estates	2375	P Harte	Planner	Filed/Appeared
	2406	P Rough	Landscape Architect	Filed/Appeared
Cashmere Park Trust	2380	W Lewis		Filed
Marion Sinclair	2381	M Sinclair		Filed/Appeared
Bridle Path Estates Limited	2415	D Fox	Surveyor	Filed
Susan Piercey	2420	S Piercey		Appeared
Marie Dysart	2451	M Dysart		Filed/Appeared
The University of Canterbury	2464	P Lemon	Planner	Filed/Appeared
The Advanced Holdings Limited	2470	L Williams	Planner	Filed
Avoca Valley Limited	2473	M Foote	Planner	Filed/Appeared
		A Metherell	Traffic Engineer	Filed/Appeared
Denis Harwood	2486	D Harwood		Filed
Christian Jordan	2497	C Jordan		Filed/Appeared
I & R Cameron	2730	I Cameron		Filed/Appeared
Vincent H Burke	2831	V Burke		Filed
Kennedys Bush Road Neighbourhood Association	2836	J Gillard		Filed
S&H Miller	2049	A Hamilton		Appeared
L Glubb and A Hamilton	2320			
L Suckling	2324			
A Bennett	2325			
R Taylor	2326			
Bevan Pinnell	2150, 2838	B Pinnell		Filed/Appeared
Castle Rock Limited	2168, 2169	J Aramowicz	Engineer	Filed/Appeared
		F Aston	Planner	Filed/Appeared
		V Foxton		Filed/Appeared
		J Head	Landscape Architect	Filed/Appeared
		A Metherell	Traffic Engineer	Filed/Appeared

Submitter Name	No	Person	Expertise or Role if Witness	Filed/ Appeared
Antony Pan & San Tsun	2474	G Taylor	Planner	Filed/Appeared
RJ and CB Sissons	2475			
Bromac Lodge Limited	2476			
Martin Harcourt	2477			
Mercantile Trust	2478			

SCHEDULE 3

Rezoning requests which are contrary to Strategic Direction Objective 3.3.7(c). This objective only provides for urban activities within the existing urban area and Greenfield Priority Areas in the Canterbury Regional Policy Statement Chapter 6, Map A.

No	Submitter name	Address of subject property
2018	Michael Tolmay	26 Peninsula View, Port Hills
2028	JA & RV Crooks	25A Greenhaven Drive, Burwood
2049	Stuart and Hazel Miller	138A Richmond Hill Road, Richmond Hill
2051	GD Greenwood Estate	Richmond Hill Road
2056	David & Caroline Stockman	296, 298, 304 Worsleys Road
2060	Harvey Armstrong	75 Alderson Avenue
2061	Christoph and Wendy Schacherer	200 Huntsbury Avenue
2063	Kenneth and Beverly Loader	27B Revelation Drive
2081	Paul and Margaret Larking	28 Morgans Valley
2088	BDF Family Trust	Main South Road
2129	Cathedral City Developments Limited	Harry Ell Drive
2139	Mark Porter	296, 298, 304 Worsleys Road
2167	Hans Van der Wal	8 Glas Brae, Lyttelton
2168	Castle Rock	125 Scruttons Road
2168	Castle Rock	195 Port Hills Road
2170	Rock Hill Limited	685 Cashmere Road ¹
2190	Grant Poultney	353 Worsleys Road
2215	KI Commercial Limited	51 Heberden Avenue
2228	Mason Family Holdings Limited	28 Governors Bay, Teddington
2233	Phil Garing	45 Park Terrace, Lyttelton
2250	Brent Falvey	9021 Rothesay Road, Burwood
2320	Andrew Hamilton	22 Sanscrit Place, Richmond Hill
2322	Howard Hobson on behalf of Sharon Lawrence	79 Shalamar Drive
2324	John Suckling	138 Richmond Hill Road, Richmond Hill
2325	Anthony Bennett	20 Sanscrit Place, Richmond Hill
2326	Robert Taylor	138B Richmond Hill Road, Richmond Hill
2328	JDH Holdings No 1 Limited	899 Main North Road
2355	Blue Lady Trust	84 Park Terrace, Lyttelton
2356	N & J McPhail and J Joseph	116 Allandale Lane, Governor's Bay
2361	Justin and Tracie Purdie	335 Worsleys Road

¹ As identified on the map in Ms Stewart's evidence in chief on behalf of Rock Hill Limited at page 3. We note the site was identified in the Council's evidence as "685 Cashmere Road", however this differs from the street address in Terralink and Canterbury Maps.

No	Submitter name	Address of subject property
2018	Michael Tolmay	26 Peninsula View, Port Hills
2362	Graeme and Joy McVicar	353–363 Worsleys Road
2420	Susan Piercey	201 Bridle Path Road
2433	John Phillips and Troy Stewart	102 and 192 Worsleys Road
2473	Avoca Valley Limited	241 Port Hills Road
2474	Antony Pan & San Tsun Yu	14 John Paterson Drive
2475	RJ & CB Sissons	5 John Paterson Drive
2476	Bromac Lodge Limited	John Paterson Drive