

**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: 30 and 31 March, 1, 2, 8, 10, 14, 16, 17, 20–23 April 2015

Date of decision: 10 December 2015

Hearing Panel: Hon Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Dr Philip Mitchell, Ms Sarah Dawson

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**DECISION 10**

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

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**Outcomes:** **Proposals changed as per Schedule 1**

**Directions to update Planning Maps made as per [452]**

**Clause 13(4) directions made as per [454]**

**APPEARANCES**

|   |   |
|---|---|
| Ms S Scott, Mr H Harwood<br>and Ms A Sinclair       | Christchurch City Council   |
| Mr P Radich QC, Mr C Carranceja<br>and Ms J Silcock | The Crown   |
| Ms L Semple   | Housing New Zealand Corporation   |
| Ms J Walsh  | Ngāi Tahu Property Limited<br>Mahaanui Kurataiao Limited and Te Rūnanga<br>o Ngāi Tahu            |
| Ms J Appleyard and Mr B Williams                    | Christchurch International Airport Limited<br>Lyttelton Port Company<br>Orion New Zealand Limited |
| Mr A Beatson  | Transpower New Zealand Limited  |
| Mr G Cleary   | Danne Mora Holdings Limited<br>Independent Fisheries Limited                                      |
| Ms H Marks  | AMP Capital Palms Proprietary Limited<br>Oakvale Farm Limited<br>Maurice R Carter Limited         |
| Ms K Wyss   | Reefville Properties Limited  |
| Mr J Hardie   | Riccarton Bush-Kilmarnock Residents' Association<br>Mebo Family Trust                             |
| Mr A Prebble  | K Bush Road Limited and Brian Gillman Limited   |
| Mr L Hinchey  | The Retirement Villages Association of New Zealand<br>Incorporated<br>Ryman Healthcare Limited    |
| Ms M Mehlhopt                                       | Canterbury Regional Council   |

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## INTRODUCTION

[1] It can be observed that this decision is issued some eight months after the conclusion of the hearing. Given the direction in cl 12 of the OIC<sup>1</sup> that we deliver decisions as soon as practicable, that delay is regrettable. A significant contributor to that was our need to substantially restructure and rewrite much of the Notified Version such that we could be satisfied that it met a sufficient standard of drafting clarity and coherence, including in relation to other chapters.

[2] This decision concerns part of the notified Stage 1 proposal for Chapter 14 Residential (which part we refer to as the ‘Notified Version’).<sup>2</sup> It does not concern the provisions of the Notified Version set out in Schedule 2, as the hearing and determination of these has been deferred to Stages 2 and 3 of our inquiry.

[3] In its closing submissions, the Council proposed a revised set of provisions in response to issues raised in submissions and evidence (‘Revised Version’). We have made a significant number of substantive and structural changes to the Revised Version, for the reasons we set out. These are set out in Schedule 1 (‘Decision Version’). Our Decision Version will become operative upon release of these decisions and the expiry of the respective appeal periods.

### Effect of decision and rights of appeal

[4] The procedures that will now apply for implementation of this decision as part of the replacement district plan for Christchurch City (including Banks Peninsula) (‘CRDP’) are as set out in our earlier decisions.<sup>3</sup>

[5] Under the OIC, any person who made a submission (and/or further submission) on the Notified Version, the Council, and the Ministers<sup>4</sup> may appeal our decision to the High Court (within the 20-day time limit specified in the OIC) on questions of law (and, in the case of a submitter, only in relation to matters raised in the submission).

<sup>1</sup> Canterbury Earthquake Recovery (Christchurch Replacement District Plan) Order 2014 (‘OIC’).

<sup>2</sup> Further background on the review process, pursuant to the OIC, is set out in the introduction to the Panel’s decision on Strategic directions and strategic outcomes (and relevant definitions) (‘Strategic Directions decision’), 26 February 2015.

<sup>3</sup> See in particular Strategic Directions decision at [5]–[9].

<sup>4</sup> The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

## Identification of parts of existing district plans to be replaced

[6] The OIC requires that our decision also identifies the parts of the existing district plans ('Existing Plan')<sup>5</sup> that are to be replaced by the Chapter. We return to this later.

## Conflicts of interest

[7] We posted notice of any potential conflicts of interest on the Independent Hearings Panel website.<sup>6</sup> In the course of the hearing, it was identified on various occasions that submitters were known to members of the Panel. In some cases, that was through previous business associations. In other cases, it was 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 issue was taken by any submitter. After the hearing, and prior to our deliberations, panel member John Sax was reported in the Christchurch Press (and associated electronic print media) as criticising the Council's performance in the handling of resource management matters. While the comments were made in his personal capacity and were not directly about the matters in issue in the hearing, Mr Sax decided he should recuse himself, and took no part in our deliberation or in the making of this decision.

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<sup>5</sup> Comprising the Christchurch City District Plan and the Banks Peninsula District Plan.

<sup>6</sup> The website address is [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz).

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## REASONS

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### STATUTORY FRAMEWORK

[8] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.<sup>7</sup>

[9] It sets out what we must and may consider in making that decision.<sup>8</sup> It qualifies how the Resource Management Act 1991 ('RMA') is to apply and modifies some of the RMA's provisions, both as to our decision-making criteria and processes.<sup>9</sup> It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 ('CER Act').<sup>10</sup> The OIC also specifies additional matters for our consideration.

[10] Our Strategic Directions decision, which was not appealed, summarised the statutory framework for that decision. As it is materially the same for this decision, we apply the analysis we gave of that framework in that decision as we address the various issues in this decision.<sup>11</sup> On the requirements of ss 32 and 32AA RMA, we endorse and adopt [48]–[54] of our Natural Hazards decision.<sup>12</sup>

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<sup>7</sup> OIC, cl 12(1).

<sup>8</sup> OIC, cl 14(1).

<sup>9</sup> OIC, cl 5.

<sup>10</sup> 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.

<sup>11</sup> At [25]–[28] and [40]–[62].

<sup>12</sup> Natural Hazards (Part) (and relevant definitions and associated planning maps), 17 July 2015, pp 20-21.

## Issues raised by submissions

[11] We have considered all submissions and further submissions received on the Notified Version. The significant number of issues raised make it impractical to address all submissions individually, and the OIC does not require that we do so.<sup>13</sup> Instead, in many cases, we have grouped submissions according to relevant provisions.<sup>14</sup> As the issues raised generally pertain to the substance of the Notified Version and/or how it applies or ought to apply to particular land or other submitter interests, we deal with the issues in the context of our s 32AA evaluation later in this decision.

[12] As directed at the pre-hearing meeting, the Council filed a Statement of Issues for the Residential Proposal.<sup>15</sup> A number of the issues it identified were resolved between the parties prior to, and during the course of, the hearing. We also received and considered various memoranda in relation to those agreed issues. We have also had regard to the Council's recommendations in its filed 'Accept/Accept in Part/Reject Table'. Except where our decision has departed from those recommendations, we have accepted them and find them supported by the evidence. Although we were assisted by those documents, we record that our inquiry is, necessarily, broader. Our function is to hold a hearing on submissions on a proposal, and to make a decision on a proposal.<sup>16</sup> In making a decision on a proposal, we are directed to address those matters we have outlined at [8]–[10] above.

[13] Schedule 3 lists witnesses who gave evidence for various parties, and submitter representatives.<sup>17</sup>

## Statutory documents and our obligations in regard to them

[14] On the matter of the relevant statutory documents ('Higher Order Documents') and our obligations in regard to them, we endorse and adopt [39]–[45] of our Strategic Directions decision.<sup>18</sup>

<sup>13</sup> OIC, Schedule 3, cl 13(3).

<sup>14</sup> OIC, Schedule 3, cl 13(2).

<sup>15</sup> [Updated] Statement of Issues for the Residential Proposal, 23 February 2015 and Memorandum of counsel for the Crown requesting additional matters be added to Christchurch City Council's updated Statement of Issues for the Residential Proposal, 4 March 2015.

<sup>16</sup> OIC, cls 10(1)(a) and (b), 12(1)(a) and 13(1).

<sup>17</sup> Counsel appearances are recorded on page 2.

<sup>18</sup> We note that changes were made to the CRPS and Regional Coastal Environment Coastal Plan to enable the Council to either avoid or mitigate new development in urban areas located within high hazard areas and in relation to the responsibilities for managing coastal hazards which took effect from 12 June 2015. They do not affect this decision.

*Land Use Recovery Plan*

[15] The Land Use Recovery Plan ('LURP') specifies an overall target of 20,742 new households to be provided through infill and intensification across the Greater Christchurch area by 2028. It also specifies related targets for the proportion of intensification growth to total household growth during specified phases through to 2028.

*Canterbury Regional Policy Statement 2013*

[16] The Canterbury Regional Policy Statement 2013 ('CRPS'), which was modified through the LURP, gives related directions, most notably as follows.<sup>19</sup>

[17] Objective 6.2.1 — 'Recovery framework' sets an overall direction that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that delivers 12 specified outcomes. These are about enabling urban development according to specified priorities and attributes.

[18] Objective 6.2.2 — 'Urban form and settlement' has particular bearing on how much provision should be made in district plans in Greater Christchurch for population growth, where intensification should be allowed for, and what choices of housing type should be provided for. Its introductory words express an intended overall outcome, namely that the "... urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas". This is to be "by" the means identified in the following seven subparagraphs. Specific to the consideration of the Notified Version are paragraphs (1) and (2):

- (a) Paragraph (1) addresses "intensification", meaning "an increase in the residential household yield within existing urban areas".<sup>20</sup> It sets intensification percentage targets, as proportions of overall growth, for three specified "recovery" time periods (35 per cent averaged over the period 2013–2016, 45 per cent over the period 2016–2021, 55 per cent over the period 2022–2028). These are soft targets, in that they are aims to be achieved. They do not allocate particular district

<sup>19</sup> Leaving aside those provisions of particular relevance to the NNZ provisions to be heard at a later stage.

<sup>20</sup> CRPS, definitions, page 202.

proportions, but are instead for the Greater Christchurch area as a whole. However, this is further addressed in Policy 6.3.7 below.

- (b) Paragraph (2) concerns an aspect of intensification, i.e. “higher density living environments including mixed use developments and a greater range of housing types”. Notably, it states that these are to be “particularly in and around the Central City, Key Activity Centres and larger neighbourhood centres and in greenfield priority areas, and brownfield sites”.

[19] The explanation to Objective 6.2.2 gives some further indication of the intention. It reads (our highlighting on aspects of greater relevance to intensification):

#### **Principal reasons and explanation**

**The rebuilding and recovery of Greater Christchurch rely on appropriate locations, quantity, types, and mixes of residential and business development to provide for the needs of the community.**

**Consolidation of existing urban settlements is the form of development most likely to minimise the adverse effects of travel for work, education, business and recreation, minimise the costs of new infrastructure and avoid adverse effects of development on sensitive landscapes, natural features and areas of high amenity.** This will enable Greater Christchurch to build back better, and support the recovery of central Christchurch. **Greater intensification within Christchurch’s urban area through infill (particularly in the Central City, and around Key Activity Centres, and neighbourhood centres) and brownfield redevelopment will reduce the need for further expansion of peripheral areas, and some intensification of the centres of smaller towns is also expected to meet changing needs. A significant proportion of intensification will take place in the city rather than Selwyn and Waimakariri;** however, the contribution of these areas to the overall growth pattern is important. **The objective sets targets for the contribution of infill and intensification as a proportion of overall growth, and aligns with the growth management approach in the Greater Christchurch Urban Development Strategy.** Where monitoring indicates that these levels are not being achieved, further policy responses may be required to increase intensification within existing urban areas

**Changing demographic patterns, including an ageing population and smaller households, are expected to increase the desirability of higher density housing. The demolition and ageing of housing stock provides an opportunity for redevelopment at higher densities and an increased range of housing types that provides not only choice for those needing to relocate, but also for future generations. Increased intensification is anticipated to occur over time as rebuild opportunities are realised, requiring appropriately located and designed greenfield development that also provides for medium density housing during the time of transition.**

Following the earthquakes and the subsequent damage and red zoning of properties, a number of Māori have sought to return to and live on the Māori Reserves set aside by the Crown in the 19th century for the then present and future needs of local Ngāi Tahu.

Providing for development opportunities on those reserves will enable the descendants of the original grantees to return and realise the original intent of those reserves...

[20] Policy 6.3.7 — ‘Residential location, yield and intensification’ gives more specific direction on intensification, particularly the following in paragraphs (2), (4) and (6):

- (a) Paragraph (2) states that “Intensification in urban areas of Greater Christchurch is to be focussed around the Central City, Key Activity Centres and neighbourhood centres commensurate with their scale and function, core public transport routes, mixed-use areas, and on suitable brownfield land”; and
- (b) Paragraph (4) specifies that “Intensification development within Christchurch City [is] to achieve an average of: ... 50 household units per hectare ... within the Central City; ... 30 household units per hectare ... elsewhere”;
- (c) Paragraph (6) specifies how “[h]ousing affordability” is to be addressed, including “by providing sufficient intensification and greenfield priority area land to meet housing demand during the recovery period” and “providing for a range of lot sizes, densities and appropriate development controls that support more intensive developments such as mixed use developments, apartments, townhouses and terraced housing”.

[21] Policy 6.3.5 — ‘Integration of land use and infrastructure’ directs that “Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure” and specifies how this is to be achieved. It gives direction relevant to the consideration of ‘new development’ (which we read to encompass both residential greenfield and intensification development). Those directions are given in relation to both the choice of locations for, and the controls that should be applied to, new development so as to assist land use and infrastructure integration. Amongst the directions given are directions as to “avoiding noise sensitive activities within the 50dBA  $L_{dn}$  airport noise contour for Christchurch International Airport”, subject to stated exceptions. We return to the consideration of this policy later in this decision.

[22] Policy 6.3.2 — ‘Development form and urban design’ applies, amongst other things, to residential development. It directs that effect be given to its specified principles of “good urban design” and to the principles of the NZ Urban Design Protocol.

*Strategic Directions objectives and OIC Statement of Expectations*

[23] The Strategic Directions objectives are now part of the CRDP. We must be satisfied that the relevant policies and rules of the Notified Version will implement them: ss 75(1) and 76(1) RMA. Several have some bearing on our consideration of the Notified Version.

[24] Paragraphs (a), (b) and (i) of the Statement of Expectations pertain to the clarity, focus and efficiency of regulation. These matters are also explicitly addressed in Strategic Directions Objective 3.3.2, which has the intended pre-eminence specified in the Interpretation provision of that chapter. As we later discuss in our s 32AA evaluation, the Notified Version was deficient in several respects, in terms of these matters. Also, as we later explain, our Decision Version makes several structural and substantive changes to the Revised Version so as to better implement Objective 3.3.2, and better respond to the Statement of Expectations.

[25] Specifically, on the substance of this decision, we note Objective 3.3.4 concerning housing capacity and choice. It specifies:

- (a) For the period 2012 to 2028, an additional 23,700 dwellings are enabled through a combination of residential intensification, brownfield and greenfield development; and
- (b) There is a range of housing opportunities available to meet the diverse and changing population and housing needs of Christchurch residents, including:
  - (i) a choice of housing types, densities and locations; and
  - (ii) affordable, community and social housing and papakāinga.

[26] The Statement of Expectations in Schedule 4 to the OIC includes paragraphs (c)–(e), on the effective functioning of the urban environment in light of the earthquakes, facilitating an increase in the supply of housing, and ensuring sufficient and suitable development capacity.

We have considered these expectations and are satisfied that they are essentially subsumed by the specific directions in the CRPS and in Objective 3.3.4 of the CRDP as noted above.

## **THE COUNCIL’S S 32 REPORT**

[27] The Council’s s 32 RMA report<sup>21</sup> (‘s 32 Report’/‘Report’) provides an evaluation of the Notified Version, including a summary of the strategic context, a discussion of identified issues, and a description of the “scale and significance” evaluation undertaken and its conclusions. It also includes a summary of consultation undertaken, and an extensive set of appendices including staff and consultant reports relied on for the evaluation. We find it is sufficient to cover the requirements of s 32 RMA.

[28] However, the quality of its evaluation is revealing, especially on two matters where the Council’s ultimate position before us was significantly different from what it proposed in the Notified Version. One matter concerns the absence of any controlled activity class under the Notified Version. The other concerns the inclusion in the Notified Version of rules on “life-stage inclusive and adaptive design for new residential units” (‘Life Stage and Adaption Rules’).

[29] Relevant to these matters, we note that the Report includes a qualification that the “s 32 [evaluation] has not focussed on those provisions that reduce the level of regulatory control unless reducing the level of regulatory control is likely to give rise to adverse effects on the community.” We do not read that qualification as saying that the Council gave no attention to the importance of avoiding unnecessary or undue regulation. Indeed, the OIC Statement of Expectations emphasises the importance of due attention to this. However, the qualification does betray some lack of rigour in this regard, and we consider that this is evident in the way the Report fails to properly examine activity classification options and rules on the Life Stage and Adaption Rules.

[30] There is very little commentary on controlled activity classification in the Report. Instead, it reads as if a philosophical design choice against the use of controlled activity classification within the CRDP had already been made and did not require evaluation.

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<sup>21</sup> “Section 32 Residential Chapter 14”, notified 27 August 2014.

Consistent with that, in questioning by the Panel, one Council witness referred to a “reticence” by the Council towards use of the controlled activity classification.<sup>22</sup>

[31] In particular, nowhere in the Report do we identify any evaluation of the relative costs, benefits and risks of the Council’s election to use restricted discretionary activity, over controlled activity, as the entry classification for resource consents. Rather, the minimal commentary focusses on the relatively greater certainty and focus that restricted discretionary activity classification has over more stringent activity classes (such as discretionary activity).

[32] The unfortunate consequence of this positional stance against the use of the controlled activity class in the design of the Notified Version was that obvious opportunities to minimise cost and uncertainty were missed, leading to a divergence between the Notified Version and the OIC Statement of Expectations. That was noted by a planning peer review witness called by the Council, Mr Andrew Macleod.<sup>23</sup> It was also to be acknowledged by the Council’s planning witness, Mr Blair, who recommended a number of potentially suitable controlled activity re-classifications in his answer to the Panel’s questions early in the hearing.<sup>24</sup> Ultimately, it led to a number of changes from restricted discretionary to controlled activity classifications being recommended in the Revised Version.

[33] The commentary in the Report on the Life Stage and Adaption Rules of the Notified Version also betrays a philosophical mindset that resulted in a failure to robustly scrutinise the costs, benefits and risks of the regulation proposed.

[34] The Report was informed by background analysis, notably a report by consultants Jasmax (‘Jasmax Report’).<sup>25</sup> It also includes an associated quantitative analysis of potential additional building costs, but we did not find any quantitative analysis of the additional transaction costs that the Life Stage and Adaption Rules would impose. The Jasmax Report noted that it did not directly address the impacts of associated construction costs on different market price points, that the additional costs would represent a higher proportion of construction costs for the lower value market segments, and that it would be “worthwhile” to evaluate the implications of the

<sup>22</sup> Transcript, page 268, lines, 8–16 (Mr Blair).

<sup>23</sup> Evidence in chief of Andrew MacLeod on behalf of the Council at para 3.4.

<sup>24</sup> Transcript, page 294, lines 1–45, page 295, lines 1–36 (Mr Blair).

<sup>25</sup> Jasmax, “Homestar Cost-Scoring Appraisal for Christchurch City Council”, December 2013 Revision 0.1.

proposed policy on the affordability of houses. It also included the qualification that there would be a “crossover” with building consent controls and potential impacts on building design, consenting and development processes.<sup>26</sup>

[35] The Jasmax Report expresses the view that the approach of providing good information and incentivising good design in other centres has not been effective in achieving significant change in the approach to building design in those centres. From that starting point, the s 32 Report effectively adopts the position that regulation is the better approach to achieving change and hence that its Life Stage and Adaption Rules are the most appropriate. Several steps of evaluation are noticeably absent, bearing in mind the cautions expressed in the Jasmax Report. This is despite the very significant extent to which the Notified Version would have regulated the fabric of dwelling design across the city. In effect, it proposed to require at least a restricted discretionary activity consent for every new dwelling that failed to comply with a plethora of restrictions on things such as the location and design of door handles, the location of electrical switches, television and computer outputs, the design of window controls, the required space around beds and in laundries, the design of shower spaces and the distance between toilet pans and walls.

[36] As we later discuss, the evidence of Dr Humphrey for the Canterbury District Health Board (‘CDHB’) in particular identifies several benefits for people and communities to be gained from better life stage and energy efficient housing design and construction. However, those benefits do not make any less important the robust testing of the benefits, costs and risks of alternative regulatory and non-regulatory methods according to s 32. The responsibility for that regulatory analysis falls to the Council. In the case of the proposed Life Stage and Adaption Rules, the Council’s inadequacy of effort was shown by the fact that it did not call evidence in support of them.

[37] By contrast to the s 32 Report for the Commercial and Industrial chapters, there is no underpinning economic assessment (other than for the confined purposes just noted). We suspect the lack of Council investment in that discipline was a significant cause of the many disproportionately costly and uncertain provisions of the Notified Version that we have rejected.

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<sup>26</sup> Jasmax Report, page 17.

[38] We make the general observation that robust economic assessment usually will be of assistance to decision makers tasked with s 32 responsibilities.

## SECTION 32AA EVALUATION

### Introduction

[39] The Decision Version differs significantly from both the Notified Version and the Revised Version as finally recommended to us by the Council. Those differences are extensive in both structure and substance. However, we are satisfied that these can be made within the scope of the Notified Version, with two exceptions that we address below. Those relate to additional areas of RMD zoning and the Orion 11kV Heathcote to Lyttelton electricity distribution line ('11kV Lyttelton line'). Those are the only cases that we find to call for notification of a new proposal under cl 13(4), OIC.

[40] As we will elaborate on, the extent of change we have found necessary goes significantly beyond the themes that were the focus of submissions. That is essentially because the interests of submitters are confined, whereas we must also be satisfied that the CRDP will be both coherent and effective, including in giving effect to the CRPS and properly responding to the other Higher Order Documents and our Strategic Directions decision.

[41] In the circumstances, we have determined that the Decision Version meets the applicable RMA requirements. Specifically, in terms of ss 32AA and 32 RMA, we are satisfied that the Decision Version is the "most appropriate". However, that is only in a relative sense. In regard to Objective 3.3.4 — 'Housing capacity and choice', our Strategic Directions decision urges care and attention in the development of the plan "to ensure the right incentives, stimulation and regulation is delivered to best meet this sustainable management priority".<sup>27</sup> As we shortly explain, those observations are pertinent to what the Notified Version did not offer on the matter of intensification tools and incentives. Its lack of creativity and innovation has ultimately been a limiter on what the Decision Version has been able to provide for. Therefore, we specifically reserve our capacity to revisit the Decision Version under our OIC powers.

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<sup>27</sup> Strategic Directions at [171].

[42] Given the complexities we have just discussed, our following evaluation is undertaken according to particular themes and issues, rather than by order of the provisions in the Decision Version.

[43] Our evaluation of the Decision Version primarily focusses on changes we have determined to make from the Council’s Revised Version. That is because we find that the Revised Version effectively supplants the Notified Version in view of the extensive changes it recommended in light of the evidence and submissions that we heard.

### **The choice of zones and their purposes**

[44] The Notified Version provided for the following classes of residential zoning:<sup>28</sup>

- (a) Residential Suburban Zone (‘RS’);
- (b) Residential Suburban Density Transition Zone (‘RSDT’);
- (c) Residential Medium Density Zone (‘RMD’);
- (d) Residential Banks Peninsula Zone (‘RBP’);
- (e) Residential Conservation Zone (‘RC’).

[45] For the reasons we give later in this decision, we have determined that we should make a direction under cl 13(4) of the OIC for the notification of a new proposal for additional RMD zoning. As we also later discuss, we have made some site-specific zoning changes.

[46] In addition to zoning, the Decision Version has confirmed certain mechanisms for intensification. These are the Enhanced Development Mechanism (‘EDM’), which applies in some zones, and the Community Housing Redevelopment Mechanism (‘CHRM’), which applies in specified locations shown on the Planning Maps.

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<sup>28</sup> In addition, it provides for New Neighbourhood zones (‘NNZ’), our hearing and determination of which have been deferred as we have noted.

[47] Subject to our noted qualifications, we are satisfied on the evidence that the zoning classes,<sup>29</sup> and their geographic locations (as depicted on the planning maps), together with the EDM and CHRM, are materially in accordance with the CRPS and other Higher Order Documents. In particular, having zoning classes and mechanisms that explicitly provide for different densities assists to achieve Strategic Objective 3.3.4(b) in that it allows for “... a range of housing opportunities ... including a choice of housing types, densities and locations”. By reflecting the established patterns of residential development across the city, the zoning classes also assist in maintaining and enhancing amenity values (to which we must have particular regard: s 7(c) RMA).

[48] We consider this differential density approach warrants reinforcement in relevant policies, as we next discuss. Subject to that, and our earlier-noted qualifications, we are satisfied that the choice of zoning classes (and their geographic extent and locations), together with the EDM and CHRM, are the most appropriate for achieving the RMA’s purpose (and relevant objectives).

### **The objectives**

[49] Closing submissions demonstrated that there was no material contention amongst parties as to the objectives included in the Revised Version. On the evidence, we are satisfied that they are sufficiently comprehensive and appropriate for achieving the sustainable management purpose of the RMA (leaving aside the question of appropriate objective(s) for the New Neighbourhood zones, as deferred). Our targeted changes are to ensure better clarity. With those changes from the Notified Version, we are satisfied that the following objectives in our Decision Version are the most appropriate for achieving the RMA’s purpose:

14.1.1 — Housing supply;

14.1.2 — Short term residential recovery needs;

14.1.3 — Strategic infrastructure;

14.1.4 — High quality residential environments;

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<sup>29</sup> Excluding the Residential Conservation Zone, for the purposes of this decision, it being a matter which we have deferred to be addressed in our Stage 2 Residential Decision.

14.1.6 — Non-residential activities;

14.1.7 — Redevelopment of brownfield sites.

[50] Those objectives (together with relevant Strategic Directions objectives) are our point of reference for our evaluation of related policies, rules and other provisions under ss 32 and 32AA RMA.

## **The policies**

### *Policy 14.1.1.1 – Housing distribution and density*

[51] We have amended this policy to more precisely reflect the CRPS (particularly its Policy 6.3.7) as to density in regard to intensification. We have also made more explicit the purposes intended to be served by the different residential zones.

[52] We consider these changes will give better effect to related Objective 14.1.1 on housing supply, and Strategic Directions Objective 3.3.4 on housing capacity and choice. Our decision to make these changes is informed by related evidential findings on these matters, discussed later in this decision. For those reasons, we are satisfied that Policy 14.1.1.1, as included in our Decision Version, is the most appropriate for achieving the related Objectives.

### *Policies 14.1.1.2–14.1.1.6*

[53] These policies respectively concern:

- (a) Establishment of new medium density residential areas;
- (b) Needs of Ngāi Tahu whānui;
- (c) Provision of social housing;
- (d) Non-household residential accommodation;
- (e) Provision of housing for an ageing population.

[54] We have made the following substantive changes to equivalent policies in the Revised Version (our other changes being simply for drafting clarity):

- (a) We have added to Policy 14.1.1.2, on the establishment of new medium density residential areas, the following paragraph (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.

- (b) We have added to Policy 14.1.1.6 new paragraphs (a) and (c) as follows:

Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of older people throughout the residential area.

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.

[55] Our related evidential findings that inform our decision to make these changes are discussed under the headings “Intensification and the extent of RMD and RSDT zoning”, “Incentivising amalgamation for high quality comprehensive development”, and “Older persons’ social and affordable housing and student accommodation”. On the basis of those findings, we are satisfied that these changes will mean the specified policies will give better effect to related Objective 14.1.1 on housing supply, Objective 14.1.2 on short-term residential recovery needs, and Strategic Directions Objective 3.3.4 on housing capacity and choice. For those reasons, we are satisfied that the policies are the most appropriate for achieving the related objectives.

#### *New Policy 14.1.1.7 — Monitoring*

[56] New Policy 14.1.1.7 is for the monitoring of the effectiveness of the residential provisions. This monitoring will measure the effectiveness of the provisions for achieving supply, by way of intensification, greenfield and brownfield development (and by housing types, sizes and densities). In this way, Council will be directed to check how effective the residential provisions are over time for meeting relevant LURP and CRPS targets, related Strategic Objectives 3.3.4(a) and 3.3.7(d), and related housing needs, including as to affordability. The Council will be directed to undertake this monitoring according to a

timetable, to publish the results and use the results to inform how the Council determines provision for future residential development and infrastructure priorities.

[57] We have added this monitoring policy to give better effect to Objective 14.1.1 on housing supply, and give effect to Strategic Directions Objectives 3.3.4 on housing capacity and choice and 3.3.7 on urban growth, form and design.

[58] Section 35(2)(b) RMA requires territorial authorities to monitor the efficiency and effectiveness of policies, rules, or other methods in their district plans (and regional councils to monitor their regional policy statement and plans). However, given the priority that the CRPS confers on these matters, for the recovery and rebuilding of Greater Christchurch, we consider that monitoring should be an explicit policy. We note that it parallels CRPS Policy 6.3.11 on monitoring and review. We intend the new policy to assist the Council to work with the Canterbury Regional Council, as intended by that CRPS policy.

[59] For those reasons, we are satisfied that the new policy is most appropriate for giving effect to the relevant objectives.

*Policies 14.1.2.1–14.1.2.4, and Policy 14.1.3.1: short-term recovery and strategic infrastructure*

[60] Policies 14.1.2.1 to 14.1.2.4 are to achieve Objective 14.1.2 on short term residential recovery needs. These policies respectively concern:

- (a) Short term recovery housing;
- (b) Recovery housing – higher density comprehensive redevelopment;
- (c) Redevelopment and recovery of community housing environments; and
- (d) Temporary infringement for earthquake repairs.

[61] Policy 14.1.3.1 concerns avoidance of adverse effects on strategic infrastructure. It is to achieve Objective 14.1.3 on strategic infrastructure.

[62] Closing submissions demonstrated that there was no material contention amongst parties as to the equivalent policies in the Revised Version. We have made only minor drafting clarity changes to them. Subject to those changes, we are satisfied that the policies are the most appropriate for giving effect to the related objectives.

*Policy 14.1.4.1, new Policy 14.1.4.2 and Policies 14.1.4.3–14.1.4.5<sup>30</sup>*

[63] These policies are to achieve Objective 14.1.4 on high quality residential environments. They respectively concern:

- (a) Neighbourhood character, amenity and safety;
- (b) High quality, medium density residential development;
- (c) Scale of home occupations;
- (d) Character of low and medium density areas; and
- (e) Best practice for health, building sustainability, energy and water efficiency.

[64] In most respects, the changes we have made are for greater drafting clarity or are consequential. The exception concerns new Policy 14.1.4.2 as to high quality, medium density residential development (and related changes to Policy 14.1.4.4.a.ii).

[65] Our related evidential findings are discussed under the heading “Incentivising amalgamation for high quality comprehensive development”. On the basis of those findings, we are satisfied that the inclusion of this policy (and related changes) will assist to give better effect to related Objective 14.1.1 on housing supply, Objective 14.1.2 on short term residential recovery needs, and Strategic Directions Objectives 3.3.4 on housing capacity and choice and 3.3.7 on urban growth, form and design.

[66] None of the other policies included in the Revised Version was contentious. We also refer to our related evidential findings on them in this decision. In particular, we refer to discussions under the headings “The choice of zones and their purposes”, “Older persons’

<sup>30</sup> Our determination concerning the proposed policies 14.1.4.6 and 14.1.4.7 has been deferred, as noted.

social and affordable housing and student accommodation” and “Residential design assessment and control”.

[67] For those reasons, we are satisfied that the policies as included in our Decision Version (including with the drafting refinements we have made) are the most appropriate for achieving the related Objectives.

*Policies 14.1.6.1–14.1.6.6 and Policy 14.1.7.1*

[68] Policies 14.1.6.1 to 14.1.6.6 are to give effect to Objective 14.1.6 on non-residential activities. They respectively concern:

- (a) Residential coherence, character and amenity;
- (b) Community activities and facilities;
- (c) Existing non-residential activities;
- (d) Other non-residential activities;
- (e) Retailing in residential zones; and
- (f) Memorial Avenue and Fendalton Road.

[69] Policy 14.1.7.1 is to give effect to Objective 14.1.7 on redevelopment of brownfield sites.

[70] We have amended Policy 14.1.6.3 of the Revised Version, relating to non-residential activities. Our amendment is to acknowledge that, when determining applications for non-residential activities, the concerns may go further than their impact on the character and amenity of residential zones. At a more fundamental level, such non-residential development has the potential to undermine the strategic purpose of the zones.

[71] We consider this amendment better implements the Strategic Directions objectives as to urban form (Objective 3.3.7) and incompatible activities (Objective 3.3.14). We are satisfied that the form of amendment we have made also reflects the balance of promoting business and

economic prosperity (Objective 3.3.5) by providing for business activities in certain locations. We are also satisfied that our amendment means the policy better implements its parent, Objective 14.1.6, in relation to non-residential activities in residential areas. That is in the sense that it assists to ensure that residential activities remain the dominant activities in residential zones.

[72] The remaining points of contention in regard to equivalent policies included in the Revised Version were relatively confined. On those matters, we refer to our related evidential findings in this decision. In particular, we refer to discussions under the headings “Education and health and veterinary care and emergency services and temporary training”, “Community correction and community welfare facilities”, “Places of worship and spiritual facilities”, “Other non-residential activities in the residential zones” and “Residential design assessment and control”.

[73] For those reasons, we are satisfied that the policies as included in our Decision Version (including with the drafting refinements we have made) are the most appropriate for achieving the related Objectives.

### **The range of activity classes including the addition of controlled activities**

[74] We provide for a broadly hierarchical activity classification, for resource consent purposes, in the Residential Chapter.

[75] This is generally as follows:

- (a) Listed permitted activities, determined as suitable for the applicable zones, subject to specified activity-specific and built form standards;
- (b) A controlled activity class for some built form standards and specified land uses;
- (c) Restricted discretionary activities where specified permitted activity or built form standards are not met (and also for some classes of activity not considered as appropriate permitted activities within various zones);

- (d) Discretionary activity classification for certain activities adjudged to require broader scrutiny due to localised environmental sensitivities in specified zones;
- (e) Non-complying activities for specified categories of “sensitive activity” within specified proximity to the centre line of the National Grid and electricity distribution lines;
- (f) Non-complying activity for residential units in the RS and RSMT zones which have a small net site area or high site coverage; and in the RMD zone for buildings over 14m height;
- (g) A residual discretionary activity class for any activity not provided for as a permitted, restricted discretionary, or non-complying activity (there being no prohibited activity class).

[76] As we have noted, while the Notified Version did not include any controlled activities, the Council proposed a list of suitable controlled activities in its closing submissions. The Council clarified that it sought to retain discretion to decline consent for developments only where the effects are greatest and cannot necessarily be managed through conditions. It recorded that use of controlled activity status would not be appropriate for dealing with built form standards as to site density, coverage, building height, daylight recession planes, boundary setbacks, and water supply for firefighting. The Council’s modified position in support of usage of the controlled activity class was also subject to appropriate urban design assessment and on the basis that restricted discretionary activity status would apply if the controlled activity standards were not satisfied.<sup>31</sup>

[77] We agree with the Crown that making appropriate provision for controlled activities better reflects the intentions of the OIC Statement of Expectations. We also agree with the Crown that the Council’s earlier concerns as to the risk of “stalemate” between applicant and the Council were misplaced. The critical ingredient is properly-expressed controls within the rules, for the purposes of enabling the setting of appropriate resource consent conditions. In any event, that is a position the Council has come to acknowledge and accept.

<sup>31</sup> Closing submissions for the Crown at paras 19–22.

[78] Drawing from those submissions (and the related evidence for the Council and the Crown),<sup>32</sup> we have made provision for controlled activities to the following extent (with associated specification of controls for the setting of conditions):

- (a) Fences that do not comply with applicable street scene amenity and safety standards;
- (b) Residential units with more than six bedrooms;
- (c) Multi-unit residential complexes and social housing complexes not complying with applicable standards on tree and garden planting or service, storage and waste management spaces;
- (d) Social housing complexes in the RS or RSDT zones that do not comply with specified activity standards (as to Rule 14.2.2.1 P5 c. or d. as they relate to habitable space at ground level); and
- (e) Multi-unit residential complexes in the RSDT zone that do not comply with specified activity standards (as to Rule 14.2.2.1 P4 c. or d. as they relate to habitable space at ground level).

[79] To an extent, this differs from what the Council recommended in its closing submissions. In part, that reflects significant related changes we have made to the Revised Version. Otherwise, it reflects our overall judgment on the evidence as to what achieves the appropriate balance of enablement and control, having regard to the OIC Statement of Expectations.

[80] We are satisfied that the inclusion of the controlled activity class within the Decision Version makes it more appropriate than the Notified Version and Revised Version, and is most appropriate for achieving the related objectives.

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<sup>32</sup> Christchurch City Council (310); Crown (495).

### **Approach to public and limited notification and non-notification of consent applications**

[81] The RMA provides that rules may be made for the carrying out of a territorial authority's RMA functions and achieving the objectives and policies of the applicable plan (s 76). Those include functions as to the processing of consent applications according to the RMA. The RMA also recognises that rules can be made for the purposes of decisions on the assignment of consent applications to the RMA's public notification, limited notification or non-notification tracks. For those purposes, it allows for rules that require or preclude public notification (s 95A) or preclude limited notification (ss 95A(2), (3), 95B(2)).

[82] Of course, that does not in any sense give licence to arbitrarily dispense with notification. As s 76 makes clear, the rules must ultimately serve the relevant functions and achieve the applicable objectives and policies. As is also directed by s 32 RMA, we must be satisfied that the design of rules that require or preclude public notification, or preclude limited notification, will serve the Council's functions and achieve applicable objectives and policies.

[83] In addition, we must have particular regard to the OIC Statement of Expectations. As noted, it includes that the CRDP:

- (a) clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans)—
  - (i) reliance on resource consent processes; and
  - (ii) the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and
  - (iii) the requirements for notification and written approval.

[84] In its design of notification rules, we are satisfied that the Notified Version properly accords with the RMA requirements we have described, and generally reflects a coherent philosophy that properly accords with the above-noted expectation.

[85] As such, we have included in the Decision Version rules as to notification treatment according to the following design:

- (a) There is a presumption that applications for controlled activities will be processed on a non-notified basis, and that adverse effects can be appropriately managed by way of conditions.
- (b) Where the effects of the activity relate to streetscape or effects on the public realm, applications are identified as being not subject to public notification or limited notification. This is on the basis that adverse effects can be considered wholly at the discretion of the Council in its role as the consent authority.
- (c) Where effects are likely to impact on immediate neighbours, and are of a limited scale, public notification is dispensed with, but limited notification (or a requirement for written approval from affected parties) is provided for.
- (d) Where effects from an activity are of a wider or strategic significance, the determination with regard to notification is according to what is specified in ss 95A–95E of the RMA.

[86] As s 95A(4) of the RMA prescribes, the Council retains a residual discretion to notify an application where special circumstances exist.

### **Intensification and the extent of RMD and RSDT zoning**

[87] For the reasons that follow:

- (a) We have decided to make only one increase to the geographic extent of RMD and RSDT zoning of the Notified Version. This is to include 30 and 34 Trent Street within an adjacent RMD zoning;<sup>33</sup> however,
- (b) We have made directions for the purposes of cl 13(4) OIC for the Council to notify a new proposal for additional RMD zoning in proximity to the Key Activity Centres ('KACs') at Hornby, Linwood and Papanui.

<sup>33</sup> Belgravia Investments Limited (678).

*Related CRPS directions*

[88] On the topic of residential intensification, we observe that, in summary:

- (a) The CRPS specifies intensification development targets for Greater Christchurch as percentages of overall growth, and also Christchurch City (50 households per hectare within the Central City and 30 households per hectare elsewhere) but not for either Selwyn or Waimakariri districts (other than for greenfield areas); however,
- (b) The CRPS is silent as to the proportion of the greater Christchurch intensification target that is to occur within Christchurch City, other than to the extent it indicates an expectation that a “significant proportion of intensification will take place in the city rather than Selwyn and Waimakariri”;<sup>34</sup> and,
- (c) It gives strong direction that intensification in Christchurch is to be focused in the Central City, near KACs and Larger Neighbourhood Centres (‘LNCs’) and on key transport routes; and,
- (d) It gives related direction on the integration of land use and infrastructure (particularly in Policy 6.3.5 and Methods), which extends beyond RMA land use planning to also encompass related infrastructure asset “planning” and “programming” in the wider statutory sense. In particular, the method to Policy 6.3.5 states that local authorities should:

Give consideration to any infrastructure projects that may be needed to give effect to Policy 6.3.5 and include them in their Annual Plans, the Three Year Plan, Long Term Plans, the Regional Land Transport Programme or other infrastructure plans, as appropriate to enable the orderly and efficient development of priority areas.

*The Council’s process for determining the extent of intensification in the Notified Version*

[89] The Council’s planning witness, Mr Blair, explained the approach taken in the Notified Version to give effect to the CRPS and other Higher Order Documents on the matter of residential intensification. In addition to carrying forward as RMD areas zoned “Living 3” in

<sup>34</sup> CRPS Objective 6.22, Principal reasons and explanation.

the Existing Plan (i.e. higher density), the Council undertook analysis and consultation before determining what other land in the Existing Plan’s lower density “Living 1” and “Living 2” zones should be “upzoned” to increase the amount of intensification. An initial analysis was done as to whether KACs and LNCs could provide supporting commercial and social infrastructure for intensification, and what areas would be within a 10-minute walking distance of KACs and LNCs. That initial exercise identified areas at Merivale, Hornby, Papanui, Shirley, Bishopdale, Riccarton, Church Corner, Barrington and Linwood as potential candidates for upzoning to RMD.<sup>35</sup>

[90] Infrastructure capacity issues were tested, consultation with residents in the candidate areas was undertaken and, ultimately, matters were put to the Mayor and Councillors. Those processes resulted in areas being culled, including at Hornby, Eastgate (Linwood) and Papanui KACs and to the north of Riccarton Road.

[91] The Crown challenged both the soundness of the Council’s methodology and the sufficiency of RMD zoning in the Notified Version for meeting intensification targets.

*Competing opinions on how much intensification should be allowed*

[92] How much intensification should be provided for is to be measured by reference to the intensification targets of the Higher Order Documents and Strategic Directions Objective 3.3.4.

[93] On this, the divergent positions of the Council and the Crown reflected the views of their respective experts, Dr Fairgray<sup>36</sup> and Mr Schellekens.<sup>37</sup>

[94] The two experts did not fundamentally disagree on the approach to modelling intensification. However, they disagreed in relation to key inputs to that modelling. One difference concerned the proportion of the Greater Christchurch intensification target that

<sup>35</sup> Evidence in chief of Adam Scott Blair, for the Council, at paras 3.3 and 6.1–6.20; Residential hearing maps, Exhibit 4.

<sup>36</sup> Dr Fairgray has a PhD in geography from the University of Auckland. He is a principal of Market Economics Limited and has 35 years’ consulting and project experience. He specialises in policy and strategy analysis, the geography of urban and rural economies, assessment of demand and markets, and the evaluation of outcomes and effects, in relation to statutory objectives and purposes.

<sup>37</sup> Mr Schellekens is the National Director of Professional Services at CBRE Limited (‘CBRE’). He holds a Bachelor of Commerce (Valuation and Property Management) and a Master of Property Studies (with Distinction) from Lincoln University. He is a Registered Valuer, Fellow of the New Zealand Property Institute, Member of the Royal Institute of Chartered Surveyors, past Chairman of the Valuation Standards Board of New Zealand, and current board member of the New Zealand Green Building Council.

should be assigned to the city. Dr Fairgray assumed 79 per cent or 16,600 additional dwellings; Mr Schellekens assumed 90 per cent or 20,742 additional dwellings.<sup>38</sup> Another difference concerned whether Housing New Zealand Corporation (‘Housing NZ’) and retirement village developments should be excluded from the calculation of the available capacity for intensification within the city. Mr Schellekens excluded them, on the understanding that they were already accounted for in the modelling.<sup>39</sup> Dr Fairgray included them, on the understanding that the modelling had not fully accounted for them.<sup>40</sup> Another difference concerned the extent of “filtering out” that was appropriate to predict how much of the zoned RMD area would realistically result in intensification development. “Filtering out” refers to a process for accounting for land values in calculating intensification capacity. Dr Fairgray filtered out a lower percentage than Mr Schellekens. Their differences essentially concerned how much account should be taken of faster increases in land value compared to built assets.<sup>41</sup>

[95] However, in the following significant respects, the experts were in essential agreement:

- (a) The base model used is a relatively rough tool for the purposes of making decisions on the extent of RMD zoning, being described by Mr Schellekens as “very high level” and “not perfect”,<sup>42</sup> and Dr Fairgray as “a generally appropriate approach for wide scale assessment, to indicate potential capacity according to the assumptions and information applied”.<sup>43</sup> Those concessions bring an associated reliability risk to the accuracy of their respective predictions as to how much RMD zoning would suffice.
- (b) Even when redevelopment is both plan-enabled and economically feasible, there is no guarantee it will occur, and only a small percentage of total zoned land could be expected to be developed.<sup>44</sup>

[96] Those points of agreement make it unnecessary for us to reach any determination of which of their ultimate recommendations we prefer. In essence, we find that the most appropriate plan approach is somewhat in between their respective positions.

<sup>38</sup> Rebuttal evidence of Dr Fairgray on behalf of the Council at 3.6–3.12.

<sup>39</sup> Transcript, page 365, lines 15–45; page 366, lines 1–44; page 367, lines 1–44; page 368, lines 1–16.

<sup>40</sup> Rebuttal evidence of Dr Fairgray at 3.16–3.26; Transcript, page 365, lines 24–39.

<sup>41</sup> Rebuttal evidence of Dr Fairgray at 3.33.

<sup>42</sup> Transcript, page 364, lines 4–8.

<sup>43</sup> Rebuttal evidence of Dr Fairgray at 3.30.

<sup>44</sup> Rebuttal evidence of Dr Fairgray at 3.29.

[97] We observe that Mr Schellekens’ recommendation would appear to have lost sight of an important dimension of the directions in the CRPS. That is in the sense that his recommendation would mean a large part of Christchurch would have to be zoned RMD. When this was pointed out by Panel questioning, Mr Radich QC responsibly accepted that, to give effect to the Higher Order Documents, intensification still needed to occur around KACs, LNCs and in proximity to public transport routes. We also observe that Mr Schellekens’ input assumption that 90 per cent of the total Greater Christchurch intensification target be assigned to Christchurch City appears unrealistically high, for the reasons noted by Dr Fairgray. In particular, we note the evidence that some 80 per cent of new dwelling building consents between 2004–2013 were for stand-alone dwellings.<sup>45</sup>

[98] However, we find that the choices the Council made as to the extent of RMD zoning that should be provided for in the Notified Version (and in its brief to Dr Fairgray) were on an unduly narrow footing. Dr Fairgray himself described his task as one of advising on what was “likely to be adequate”,<sup>46</sup> and whether there is “a sufficient evidence base to support a material change in the areas of RMD zoned land on the basis that it is needed to enable intensification targets.”<sup>47</sup>

[99] We mean no criticism of Dr Fairgray in observing that the questions we are invited to test under the CRPS and Higher Order Documents go further than simply deciding whether more RMD zoned land is “needed”. In its closing, the Crown submitted that “providing just enough is not good enough”.<sup>48</sup> We do not consider it fair to characterise the extent of RMD zoning in the Notified Version as “just enough”. Nor was that the theory of Dr Fairgray’s evidence. Rather, he was careful to record that his focus was on “material” change, and to note the risk was more as to providing RMD zoning in locations that were too remote from centres able to provide the range and scale of goods and services needed by local residents.<sup>49</sup> However, it would not appear that Dr Fairgray was asked to evaluate whether the risk he described would preclude further RMD zoning, beyond what the Council had decided upon. Instead, his brief

<sup>45</sup> Evidence in chief of Mr Schellekens on behalf of the Crown at para 6.6, and Closing submissions for the Crown at para 12.

<sup>46</sup> Evidence in chief of Dr Fairgray on behalf of the Council at para 3.1.

<sup>47</sup> Evidence in chief of Dr Fairgray at para 3.7.

<sup>48</sup> Closing submissions for the Crown at 13.

<sup>49</sup> Evidence in chief of Dr Fairgray at para 8.8.

was limited to defending what the Council had elected to provide. Yet, as noted, the CRPS invites us to consider this issue on a broader footing.

[100] Importantly, however, Dr Fairgray and Mr Schellekens effectively agreed that RMD zoning is a low-yielding and somewhat unpredictable means for delivering on intensification targets.<sup>50</sup> In addition, as we have noted, the Higher Order Documents intend that most intensification should occur within Christchurch City. Given those factors, we find on the evidence that it is better to take a prudently generous, rather than barely sufficient, approach to the provision of RMD zoning.

*The relevance or otherwise of infrastructure constraints*

[101] On the question of the relevance or otherwise of infrastructure constraints, we start by observing that the CRPS does not intend that infrastructure constraints operate to veto upzoning. Rather, it contemplates integration across both RMA and wider statutory infrastructure planning and programming. That can include, for instance, adapting infrastructure programming as needs may require.

[102] We are satisfied from Ms O’Brien’s explanation to us (in the Stage 1 Commercial and Industrial chapters hearing) that the Council’s approach to infrastructure planning and upgrade programming is consistent with the intentions of the CRPS. She explained that, even if an infrastructure upgrade for a certain area is not in the Council’s upgrade programme, the Council would still look to programme it “if the district plan identified further intensification there” and to “programme the upgrade accordingly to meet those growth pressures”.<sup>51</sup> Related to that, the Council’s Asset and Networks Unit Manager, Mr Gregory, informed us (in the same hearing) that the Council’s infrastructure strategy is agile and flexible, and capable of being revisited in response to where actual growth or development may occur.<sup>52</sup> For instance, that could be in response to larger social housing or other such development initiatives from time to time.<sup>53</sup>

[103] One example of where that flexibility and agility could be important is in relation to potential social housing projects under the CHRM provisions. In endorsing those provisions

<sup>50</sup> We return to this theme shortly, in regard to the matter of providing greater incentivisation for amalgamation.

<sup>51</sup> Transcript of Stage 1 Commercial and Industrial hearing, page 200, lines 12–45; page 201, lines 1–11.

<sup>52</sup> Transcript of Stage 1 Commercial and Industrial hearing, page 122, lines 10–39; page 123, lines 7–46; page 124, lines 1–41.

<sup>53</sup> Transcript of Stage 1 Commercial and Industrial hearing, page 128, lines 11–23.

as most appropriate, we have accepted the unchallenged evidence of Mr Commons, of Housing NZ, on those matters. He explained the importance of enabling provision for the necessary renewal of that corporation’s housing assets in order to address changing demographics and provide high-quality, modern social housing. He also explained the importance of supporting Council infrastructure.<sup>54</sup>

[104] Later in this decision, we return to the matter of Council infrastructure constraints in our discussion of social housing, under the heading “Older persons’, social and affordable housing and student accommodation”.

### **Whether Council decisions to reduce originally identified areas of RMD zoning appropriate**

[105] We deal first with the three areas where the Council’s decision to reduce originally identified areas of RMD was not made for infrastructure constraint reasons — Linwood (Eastgate), Hornby and Papanui (Northlands).

[106] As we have noted, the existence of infrastructure constraints does not necessarily preclude consideration of intensification. In particular, as noted, CRPS Policy 6.3.5 on land use and infrastructure integration anticipates that infrastructure planning and programming can adapt and respond to changing land use demands in the manner described by Mr Gregory and Ms O’Brien. However, in terms of Policy 6.3.5, lack of infrastructure constraints and/or a Council programme to address such constraints are factors favouring intensification.

#### *Linwood (Eastgate)*

[107] In the case of Linwood, the Council’s initial investigations identified an extensive area of land zoned Living 3 under the Existing Plan that would potentially be suitable for RMD zoning. An additional area was also investigated, primarily around Eastgate Mall, including two small areas between the Linwood Park’s western edge and Aldwins Road.<sup>55</sup> However, we understand that, except for the two small areas on Aldwins Road, this additional area was eventually excluded by decision of Council members. We were informed that this was partly

<sup>54</sup> Evidence in chief of Paul John Commons on behalf of Housing New Zealand Corporation at paras 14–21.

<sup>55</sup> Exhibit 4.

because it was not considered to be needed to meet intensification targets, and partly because of community opposition expressed in consultation.<sup>56</sup>

[108] NPT Limited (707), the owners of Eastgate Mall, requested that residential areas surrounding the Mall be rezoned to RMD. It did not present evidence in support of this request.

[109] Belgravia Investments Limited (678) sought that its properties at 30 and 34 Trent Street be rezoned from RSDT to RMD.<sup>57</sup> Belgravia's planning witness, Mr Jonathan Clease, expressed the opinion that rezoning the subject sites to RMD would enable a logical squaring up of the notified RMD boundary and a more consistent streetscape should the sites be redeveloped. He concluded that a change in zone boundary would also better reflect the existing density and character of the sites, and assist to enable more efficient use of these sites and the provision of additional housing opportunities in appropriate locations in accordance with the OIC Statement of Expectations and the Strategic Directions Objectives. For the Council, Mr Blair accepted that Belgravia's sites could be rezoned.

[110] On the evidence, we are satisfied that rezoning 30 and 34 Trent Street to RMD is the most appropriate. We make provision for that accordingly.

[111] In addition, we consider the evidence to support the making of a cl 13(4) direction for re-notification, for the reasons and in the terms we set out later in this decision.

### *Papanui (Northlands)*

[112] The Notified Version provided some RMD zoning around Northlands Mall and Papanui High School, and in the areas adjoining the Papanui Road commercial areas between Blighs Road and Harewood/Papanui Road intersection.

[113] This area is significantly smaller than the area of potential RMD upzoning originally identified by the Council by reference to the criteria earlier noted. That area extended north of Shearer Avenue almost as far as the Cranford Street/Main North Road junction, westwards

<sup>56</sup> Transcript, page 222, lines 16-31 (Mr Blair).

<sup>57</sup> In addition, Ms Giles (1093) opposed the notified RSDT zone for her property at Marcroft Street, and requested a 'lower density zone'. However, Ms O'Brien identified that Ms Giles's property is not in the RSDT zone and, therefore there is no need to address her request to change the zoning to a lower density zone and her relief to this effect is, therefore, declined.

along Vagues Road just beyond the boundary of St Joseph's School, south of Harewood Road in a swathe in the general vicinity of St James Park, and to the east and west of Papanui Road as far south as the Papanui Street/Papanui Road intersection and Hawthorne Street.<sup>58</sup>

[114] We were informed that this larger area was scaled back primarily as a result of adverse community feedback. A significant concern was as to impacts that RMD upzoning would have on the amenity values of established residential areas. In particular, that was the case for land in the general vicinity of St James Park.<sup>59</sup> We were informed that further intensification beyond the area of the Notified Version would be able to be accommodated without a need to upgrade wastewater infrastructure.<sup>60</sup>

[115] Some submitters sought an upzoning of land in the general vicinity of Northlands Mall, from RS to RMD. Malcolm Leigh (435) sought this for land to the north and east of the Main Trunk railway. George Murray (47) sought it in relation to Meadow Street, and Gregory Scott (1109) sought it for the north side of Shearer Avenue. None of these submitters attended the hearing.

[116] Other submitters sought downzoning of land south of Northlands Mall at Papanui from the notified RMD zoning to RSDT or RS zoning. Christian Jordan told us that sites fronting Grants and Blighs Road would be better zoned RSDT as this would allow them to operate as a buffer between the RS and RMD zones in that location.<sup>61</sup> Mr Leigh sought downzoning of an area bounded by Blair Avenue and Blighs Road, but, as stated above, did not attend the hearing.

[117] In the absence of any supporting evidence at this time, we do not consider that we should grant the relief sought by submitters seeking upzoning in this area. As to submitter requests for downzoning, we consider the extent of RMD zoning of the Notified Version more appropriate on the weight of evidence. However, as we have found in relation to the Linwood KAC, we consider the evidence to support the making of a cl 13(4) direction for re-notification of more RMD zoning in the vicinity of the Papanui KAC, for the reasons and in the terms we later set out.

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<sup>58</sup> Exhibit 4.

<sup>59</sup> Transcript, page 222, line 44 to page 223, line 5 (Mr Blair).

<sup>60</sup> Evidence-in-chief of Bridget O'Brien on behalf of the Council, 12 March 2015 at para 8.15.

<sup>61</sup> Christian Jordan (1122 and 1098).

*Hornby and Wigram*

[118] The extent of RMD zoning originally identified by the Council, by reference to the criteria earlier noted, encompassed several areas north of Kyle Park, Denton Park, Hornby Mall and in Wigram and Sockburn. These areas were significantly scaled back in the Notified Version. To give a sense of the extent of the reduction, areas north of Kyle Park, Denton Park and Hornby Mall were cut to about one third of the originally-identified area. A large area near Branston Intermediate School between Amyes Road and Neill Street was originally identified but not included in the Notified Version. Cutbacks in Wigram and Sockburn were such as to approximately halve the originally-identified extent of potential RMD.

[119] The Notified Version includes some relatively small pockets of RMD zoning in these various areas. Areas of RSdT zoning are provided around South Hornby School and in the vicinity of Tower Street, near Branston Intermediate School.

[120] As for Papanui, we were informed that further intensification within the area consulted on would not require a wastewater infrastructure upgrade.<sup>62</sup> We were also informed that the area of RMD was reduced on the basis of discussions between Council officers and Council members.<sup>63</sup>

[121] Alan Lee (22) and Meng Yan (23) supported the zoning of the Notified Version. FromNZ Property Limited (6) and Caleb Lau (515) requested that properties at 278 Waterloo Road, 34 Amuri Street, 34 Taurima Street and 66 Brynley Street be ‘upzoned’ to RMD. None attended the hearing.

[122] In the absence of any supporting evidence at this time, we do not consider that we should grant the relief sought by submitters seeking a change to the Notified Version. However, as we have found in relation to the Linwood and Papanui KACs, we consider the evidence to support the making of a cl 13(4) direction for re-notification, for the reasons and in the terms we later set out.

<sup>62</sup> Evidence in chief of Bridget O’Brien at 8.11.

<sup>63</sup> Transcript, page 222, lines 1–8 (Mr Blair).

[123] Next we consider those areas where infrastructure constraints were a factor that influenced the Council to reduce the extent of RMD zoning – Riccarton (near Westfield Mall), Upper Riccarton (near Church Corner), Bishopdale and Barrington.

*Riccarton (near Westfield Mall)*

[124] The Notified Version proposes RMD zoning for the area south of the Westfield Mall. Largely, that aligns with the Living 3 zoning in this area under the Existing Plan (although the Notified Version extends the RMD zoning at the western end of the mall through to Dallas Street). Initially, a significantly larger area of RMD zoning was identified for consultation. It continued past Rattray Street and then north of Riccarton Road took in Kauri Street, Rata Street, Bradshaw Terrace and Jane Deans Close. Consultation identified significant resident concerns as to impacts of this extensive RMD upzoning on the character of the area, and in terms of spill over parking effects from the Mall.

[125] Mr Blair explained that the Council decided against upzoning the area north of Riccarton Road primarily because of the need for an upgrade to the Riccarton wastewater interceptor.<sup>64</sup> Ms O'Brien confirmed her view that the interceptor upgrade would be a necessary prerequisite to ensure sufficient capacity for intensification in the area north of Riccarton Road (the upgrade being planned for completion by 2020). The Crown submitted that the incremental take-up of intensification would likely mean sufficient short-term capacity pending an upgrade. In any case, it argued that this temporary constraint could be addressed through deferred zoning.<sup>65</sup> Ms O'Brien accepted that could well be the case.<sup>66</sup>

[126] We heard from a number of residents of the area north of Riccarton Road who were opposed to any upzoning to RMD in their neighbourhood. A number of these submitters lived in the vicinity of Riccarton Bush.<sup>67</sup> Other submitters in this area were represented by Ms Helen Broughton, a resident of that area and a member of the Riccarton Wigram Community Board.

<sup>64</sup> Transcript, page 221, lines 14–27 (Mr Blair).

<sup>65</sup> Closing submissions for the Crown at para 40.

<sup>66</sup> Transcript, page 49, line 45 to page 50, line 37 (Ms O'Brien).

<sup>67</sup> Blakely (110), Ogle (137), Chick (150), Rayne (151), Spackman (152), Kuiper (166), Webber (171), Spear (252), McKinney (256), Campbell (273), Dale (291), Scott (297), Riccarton Wigram Community Board (254), Wells (300), Simons (308), Telfer (362), Thomson (423), Heffernan-Dale (437), Riccarton Bush-Kilmarnock Residents' Association (462), Cook (773), Hooper (849), Broughton (820), Taylor (475), Souter (540), Broughton (592), Harris (614), Deans (643), Thomas (724), Harris (759).

Generally these residents supported the Notified Version and opposed a submission by the Crown seeking to have this area rezoned RMD.

[127] In principle, we agree with the Crown's position that the present lack of sufficient wastewater infrastructure capacity is not a valid basis for scaling back on intensification in this area. In particular, given the planned upgrade to the Riccarton interceptor (planned for completion by 2020) and the likely incremental take up of intensification, we consider further RMD zoning would align appropriately with CRPS Policy 6.3.5.

[128] However, on balance, we consider we should not make a cl 13(4) direction for notification of more RMD zoning in this locality. Part of what influences us to that view is the need for particular care in ensuring appropriate urban design outcomes, especially given the established amenity values in the vicinity of Riccarton Bush. We couple that with the concerns expressed by residents as to how significant additional RMD zoning would impact on the amenity values of their neighbourhood (although we observe that photographs we were shown indicated that significant in-fill intensification had already occurred in the Riccarton Bush area). An additional factor, although not itself a sufficient one, is the reasonably long delay before the Riccarton interceptor upgrade would be undertaken. Given all these factors, we do not consider it appropriate to revisit the election the Council has made against further intensification in this locality at this time. If, and when, this should occur ought to be left to the Council to determine and initiate. We record, however, that the decision we have reached was a finely balanced one.

#### *Upper Riccarton (Church Corner)*

[129] The Notified Version provides an area of RSDT zoning around Church Corner and in the area of land bounded by Peer Street, Waimairi Road, Riccarton Road and Yaldhurst Road. Mr Blair advised that this was part of a wider area that was initially identified and consulted on for RMD zoning in the Draft Plan.<sup>68</sup> He advised that there was already a Living 2 zone in the Existing Plan. The area was discounted as RMD and part only included as the notified RSDT zone to the north west of the Church Corner Mall, primarily by reason of the inadequacies of the Riccarton wastewater interceptor.<sup>69</sup>

<sup>68</sup> As identified in Exhibit 4.

<sup>69</sup> Transcript, page 221, line 41 to page 222, line 1 (Mr Blair).

[130] The Peerswick Neighbourhood Support Group (555), Fay Jackson (1155) and Helen Warwick (716) (supported by the IURRA (FS1427)) generally supported the zoning of the Notified Version. However, these submitters raised concerns about the impacts of higher density development on the amenity values in the area. Mr Watson (822) (a member of the Peerswick group) and Audrey Smith (854) opposed the RSDT zoning and sought a return to RS zoning.

[131] On this occasion, we accept the Council's evidence about the servicing constraints and are satisfied that the RSDT zone is the most appropriate.

### *Bishopdale*

[132] The Notified Version proposes RMD zoning around Bishopdale Mall. Most of the area is south of Harewood Road and extends as far as Lockmore Street and Veronica Place, Isleworth Road (adjacent to Grant Armstrong Park and Isleworth School) and Maple Street. A smaller area of RMD zoning is north of Harewood Road, in the vicinity of Colesbury Street, Cardome Street and Bishopdale Court.

[133] Initially, significantly more land to the south and north of Harewood Road was also identified as potentially suitable for RMD zoning. We were informed that the decision to significantly reduce this area was made because of infrastructure constraints and community feedback during consultation.<sup>70</sup>

[134] Ms O'Brien considered that the extent of intensification proposed at Bishopdale was appropriate, but no more should be provided, given the wastewater infrastructure constraints.<sup>71</sup> Her evidence was not contested.

[135] A number of submitters sought RS zoning (i.e. the equivalent of the Living 1 zoning of this area under the Existing Plan).<sup>72</sup> Christian Jordan attended the hearing and explained why he considered that RMD zoning of the Notified Version should be downzoned to RSDT. His primary concern was that it was unlikely that there would be a significant uptake of the intensification opportunity RMD zoning provided, with the consequence that established

<sup>70</sup> Exhibit 4.

<sup>71</sup> Transcript, page 48, lines 38–44 (Ms O'Brien), and page 221, lines 8-14 (Mr Blair).

<sup>72</sup> Michael Coe (113), Alison Hardie (1036), A Fletcher (1091) and Joline Oldman (851)

residential areas would become pepper-potted with intensification development to the detriment of residential amenity values. He gave evidence about the relatively high predominance of standalone housing stock built in the 1980s and 1990s on reasonably generous sections. He considered this context, together with relatively few houses with major earthquake damage, would likely make any intensification uptake very slow. For one locality, he noted proximity of the high voltage overhead power lines as a further likely limitation on redevelopment. As matters stood, however, he noted that the area had a cohesive streetscape and expressed concern that this would be impacted by individual site intensification redevelopment.

[136] On the evidence we have heard, we expect that Mr Jordan is correct in his observations as to the likely slow uptake of intensification development by reason of the quality of established housing in this area (and it is likely to also be so for other areas). Mr Jordan's observations generally align with the consensus that Mr Schellekens and Dr Fairgray had on that point. His observations as to slow uptake help reinforce our view as to the importance of both being generous in the provision of RMD zoning, where it is appropriate and also in providing for suitable other planning and non-planning mechanisms for intensification. In addition, as noted, we make policy provision for the monitoring and review of zoning against the relevant Higher Order Documents' directives and intentions.

[137] We acknowledge Mr Jordan's concern that sporadic intensification in this area could detract from the existing streetscape. However, we consider that these matters will be appropriately addressed through the provision we have made for urban design assessment for multi-unit and similar complexes above a certain scale. Even so, we recognise that a trade-off is inevitably involved with enabling and providing for intensification within established residential environments. Those environments can be expected to change, and this will mean some loss of the amenity values existing residents may value. As we have recognised in the wording of Policy 14.1.4.2, increasing densities impacts on residential character, but intensification should be given greater priority. That is in view of the directions set by the CRPS and other Higher Order Documents and the evidence that demonstrates its importance in terms of sustainable management under s 5 RMA.

[138] In addition, on the uncontested evidence of Ms O'Brien that wastewater infrastructure capacity would be sufficient, we accept that the extent of intensification of the Notified Version gives effect to the CRPS, including Policy 6.3.5.

[139] For those reasons, we confirm the zoning as proposed in the Notified Version. Therefore, we decline this aspect of the relief sought by the various submitters we have recorded as seeking a different zoning outcome.<sup>73</sup>

### *Barrington*

[140] Around Barrington Mall, the Notified Version proposes a large area of RSDT zoning to the east and west of Barrington Street. On its eastern flank, it extends as far as Addington Park and Addington School, and along Sydney Street and Bolton Avenue towards Strickland Street. It extends as far as the southern boundary of Somerfield School. On its western flank, it extends north of Lincoln Road, and runs along Lyttelton Street towards and beyond Frankleigh Street.

[141] The Council initially identified much of this area as being suitable for upzoning to RMD. However, the Notified Version did not proceed with this because of concerns about infrastructure constraints and community feedback.

[142] Robert Churcher (850) requested higher density zoning with no minimum lot sizes around Barrington Mall and Centennial Park. Several submitters opposed the amount of RSDT zoning because of issues regarding flooding, traffic congestion and amenity impacts. Those included the Barrington Issues Group (964), Janet Begg (280) and the Spreydon Heathcote Community Board (899). On behalf of the Barrington Issues Group, Mr Curry spoke about stormwater overflows and parking issues. Fredrik Rohs (1051), also a member of the Barrington Issues Group, spoke more generally about the rules that allowed for higher density around Barrington Mall.

[143] Ms O'Brien explained why the significant wastewater infrastructure deficiencies meant any upzoning to RMD zoning would be inappropriate, but she did not go on to explain why the proposed RSDT zoning could be maintained in view of those deficiencies. However, in closing, Ms Scott informed us from the bar that this was because the existing capacity issues

<sup>73</sup> Respectively, submitters Michael Coe (113), Alison Hardie (1036), Alida Fletcher (1091) and Jolene Oldman (851) and Christian Jordan (1122).

in the proposed RSDT zone at Barrington are scheduled to be addressed through the Heathcote River Wet Weather Overflow Reduction Project. She told us that this is a \$27M project due for completion in 2023. Ms Scott also pointed out that Barrington was already extensively zoned as Living 2 in the Existing Plan (a zoning that, in terms of density, provides for very similar development outcomes to the RSDT zone).

[144] We acknowledge the concerns expressed by residents as to the present inadequacies of infrastructure. However, we do not consider that these should result in a downzoning of the amount of RSDT zoning. Firstly, we have taken account of the fact that the extent of RSDT zoning proposed largely reflects existing zoning patterns. We have also taken into account Ms Scott's assurance, on behalf of the Council, that the Council has a programme for addressing present infrastructure inadequacies.

[145] There is, of course, a risk that infrastructure inadequacies will diminish the intensification return that could otherwise result from RSDT zoning. However, we make allowance for that in policy provision we make for the monitoring and review of zoning against the relevant Higher Order Document directives and intentions.

[146] For those reasons, we find the zoning as proposed in the Notified Version the most appropriate. Therefore, we decline this aspect of the relief sought by the various submitters we have recorded as seeking a different zoning outcome.<sup>74</sup>

### *Shirley*

[147] The Shirley KAC is located in the area of The Palms Mall. The Notified Version significantly reduced the amount of RMD that the Council had initially identified for consultation. That initially identified area extended further to the west along Shirley Road and to the north to the northern boundary of Hammersley School. Housing NZ has an interest in redeveloping land in this general vicinity (including land extending significantly beyond the initially identified RMD boundaries). We were informed that wastewater infrastructure constraints significantly limited the potential for further intensification. Mr Blair explained the limitations arising from SCIRT's replacement of the sewer system in the area with the vacuum

<sup>74</sup> Respectively, submitter numbers Churcher (850), Barrington Issues Group (964), Begg (280), Spreydon Heathcote Community Board (899), Rohs (1051).

sewer system.<sup>75</sup> Ms O'Brien explained that this resulted in capacity constraints to the north and west of The Palms Mall. She said those parts of Shirley served by the vacuum sewer system have been excluded from wastewater capacity modelling because there is insufficient information available as to the system's future capacity.<sup>76</sup>

[148] Shane Blair (1025) and P and J McAfee (746) opposed the extent of the RMD zoning in Shirley. Neither submitter attended the hearing. The McAfee submission raised concern about the lack of capacity of wastewater systems in the area.

[149] We are satisfied that the Council's evidence supports the limited provision of RMD zoning of the Notified Version. In particular, we are satisfied that this is the most appropriate response, at this time, to the intensification and land use and infrastructure integration directions given by the CRPS.

*Clause 13(4) direction — Linwood (Eastgate), Hornby and Papanui (Northlands)*

[150] Clause 13(4) of the OIC provides as follows:

If the hearings panel considers that changes are needed to deal with matters that are, in a material way, outside the scope of the proposal as notified and to deal with submissions on it, the panel must direct the council to—

- (a) prepare and notify a new proposal; and
- (b) invite submissions on the new proposal in accordance with Schedule 1.

[151] Our review of the evidence leads us to conclude that, in the case of Linwood (Eastgate), Hornby and Papanui (Northlands), the Council's approach to significantly reducing the amount of potential RMD zoning originally identified was inappropriate.

[152] The Council was unduly focussed on what is sufficient intensification to meet forecast need, rather than on how much intensification should be appropriately allowed for. In that regard, it failed to properly account for the risk associated with the fact that intensification yield from RMD rezoning is low (a matter on which there was essential consensus between Dr Fairgray and Mr Schellekens). It also failed to take proper account of the inherent uncertainty associated within demographic changes and changing market preferences towards smaller

<sup>75</sup> Transcript, page 223, lines 29–45 (Mr Blair). SCIRT is the 'Stronger Christchurch Infrastructure Rebuild Team'.

<sup>76</sup> O'Brien Evidence in Chief at para 6.2.

dwellings. Its unduly narrow focus also appears to have overlooked the relationship between intensification and the commercial recovery and ongoing success of relevant centres, particularly in regard to the Linwood KAC. The relationship is symbiotic. Intensification assists to drive commercial recovery, and a commercially healthy centre enlivens the residential community around it.

[153] Further, the Council would appear to have under-valued the advantage that existing or programmed infrastructure capacity can bring for enabling intensification. We acknowledge the evidence that consultation revealed community concerns about loss of amenity. We have noted various submitters who have raised that before us, at least in relation to Papanui. However, the evidence we have received on this is thin and by no means sufficient for us to be satisfied that the extent of RMD zoning in the Notified Version at Linwood (Eastgate), Hornby and Papanui (Northlands) is appropriate.

[154] Those findings lead us to the view that the extent of RMD zoning at Linwood (Eastgate), Hornby and Papanui (Northlands) may not give adequate effect to the CRPS or properly respond to other Higher Order Documents. Quite apart from that, the evidence satisfies us that intensification is important for ensuring that the CRDP gives effect to the RMA's sustainable management purpose. We make that finding because the evidence demonstrates to us that there is a growing demand for smaller, more affordable, housing in Christchurch, as we set out later in this decision. In that sense, enabling more intensification goes to enabling people and communities to provide for their wellbeing as s 5 specifies.

[155] Our findings on these matters are confined to the extent of the culling of RMD zoning that occurred in relation to Linwood (Eastgate), Hornby and Papanui (Northlands). As we have explained, we are satisfied that the extent of RMD zoning in the Notified Version is appropriate for other areas of the city.

[156] That leads us to conclude that these matters should be properly tested in a process allowing for submissions and further submissions, as cl 13(4) provides.

[157] On the basis of the findings we are satisfied that the prerequisites for a direction under cl 13(4) are made out. We are satisfied that a cl 13(4) direction is more appropriate than leaving these matters to any subsequent plan change process the Council may pursue (or which may be

otherwise instigated by future plan change). That is because it better assists us, through our decisions on proposals, to ensure that the CRDP gives effect to the CRPS and properly responds to the Higher Order Documents.

[158] In due process terms, we consider that areas for potential RMD zoning should be confined to those that were consulted on by the Council. On the evidence we have heard, we understand that those areas would also satisfy the requirements of Policy 14.1.1.2 as provided for in this decision. That is, they would be within an 800 metre walkable distance of each of the facilities identified in Policy 14.1.1.2(a), be able to be efficiently serviced by Council infrastructure, and not be high hazard areas or areas where the adverse effects of land remediation outweigh the benefits of upzoning them. However, those are each matters that we expect the Council would address in its associated s 32 report (and related evidence) for the purposes of the notified new proposals.

[159] Given those findings, we also find that a cl 13(4) direction is necessary to ensure that the CRDP properly gives effect to the CRPS and otherwise appropriately responds to the Higher Order Documents. As a result, we find that the Council did not properly test whether the addition of RMD areas around the Linwood (Eastgate), Hornby and Papanui (Northlands) KACs would be the most appropriate.

[160] However, in reaching the view that a cl 13(4) direction should be made, we accept that the CRDP will only be a tool to encourage intensification and assist to meet targets. While we should ensure that it is the most appropriate tool for these purposes, we acknowledge it is not capable of being the complete answer. For intensification targets to be realised, significant out of plan intensification initiatives are also likely to be needed. Those are matters for which local and central government have wider responsibilities.

### **Incentivising amalgamation for high quality comprehensive development**

[161] Witnesses, including Dr Fairgray and Mr Schellekens, acknowledged that site agglomeration has the strong potential to promote intensification and to achieve much better urban design outcomes. For instance, in challenging Mr Schellekens' modelling, Dr Fairgray

observed that it did not properly account for amalgamation “which could increase the amount of feasible redevelopments and he acknowledges this”.<sup>77</sup>

[162] Plan Change 53 (‘PC53’) became operative as part of the Existing Plan in 2012.<sup>78</sup> It was primarily focussed on facilitating higher standards of urban design in the Living 3 and 4 zones of the Existing Plan (the rough equivalents of the RMD and Central City Residential zones). However, it offers the following explanatory statement (under its Policy 11.1.4 as to densities) on the value of amalgamation as a tool of intensification:

The amalgamation of smaller sites or the comprehensive redevelopment of sites that are significantly larger than those found in the surrounding area offers the potential for development to occur at a higher density than that otherwise achievable through the underlying zoning. This is especially the case in Living 3 and 4 Zones where more intensive use of land is already anticipated. Large sites can enable the opportunity to mitigate any potential effects associated with that higher density through the ability, for example, to concentrate higher density towards the centre or away from boundaries with adjoining residential areas. The extent of the density increase and the manner in which the development is designed to mitigate potential adverse effects will vary according to site specific circumstances and the nature of the surrounding area (including wider areas such as hillside development), and is therefore appropriately assessed through the resource consent process.

[163] Many of the provisions of PC53 were carried forward into the Notified Version (as the Council’s s 32 Report discusses). However, the Notified Version does not include provisions reflecting the intentions of the above-quoted statement.

[164] While we acknowledge the challenges, we were surprised that more had not been done in the Notified Version to encourage agglomeration of land to incentivise intensification. There was clear evidence before us, which we accept, that the agglomeration of sites significantly enhances the ability to intensify, and also results in better urban design outcomes.<sup>79</sup> Given that evidence, the closing submissions for the Council and the Crown were deficient in not assisting us on how these matters could be addressed. In view of that, by Minute following the adjournment of the hearing, we required their assistance on how we could better incentivise agglomeration and thereby intensification.

<sup>77</sup> Transcript, page 158, lines 35–37 (Dr Fairgray).

<sup>78</sup> It was notified in February 2010, and subject to an Environment Court appeal which was settled by consent order in February 2012 (ENV-2011-CHC-0086).

<sup>79</sup> Transcript, page 283, line 40 to page 285, line 2 (Mr Blair); page 352, lines 35–42 (Mr Mitchell); pages 1433–1435 (Mr Evans (1181)).

[165] We provide a website link to the responses we received from the Council and the Crown.<sup>80</sup> These responses, while helping inform the limited provisions we have included (as described below), also highlight a significant problem. That is that the CRDP, on its own, is capable of making only a relatively small contribution towards achieving the greater intensification sought by the Higher Order Documents. A much larger part of the solution lies beyond the parameters of the CRDP. Provision of the right incentives (e.g. rates relief, joint venture or other arrangements for land purchase and so on) is also important to encourage and give confidence for such significant investment.

[166] Policy 14.1.4.2 of the Decision Version is on “High quality, medium density residential development”. It commences:

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:

[167] We have added to the list of means that it then describes at paragraph (ii), which reads:

encouraging and incentivising amalgamation and redevelopment across large-scale residential intensification areas

[168] The evidence demonstrated to us that successful amalgamation relies on suitably located, and large-scale sites. A significant commercial challenge is in how to make a collective redevelopment proposition work in the better financial interests of all concerned, such as to make the risk of such redevelopment worth taking.

[169] We have determined that we are constrained from going further by the jurisdictional scope set by what the Notified Version has proposed and what submissions have sought. We considered whether we should make directions under cl 13(4), OIC, but elected not to do so. Primarily, that is because the initiation of anything further is properly a Council responsibility and function. In terms of the OIC, a Council-initiated notification of a new proposal for this matter under cl 6 of the OIC is the proper course. Further, as we have noted, to truly incentivise effective amalgamation will rely on initiatives beyond the scope of what a plan can enable. Again, it is ultimately Council’s responsibility and function to consider those wider initiatives to meet the intensification targets in the Higher Order Documents.

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<sup>80</sup> Memorandum of Counsel for the Christchurch City Council on incentivising agglomeration, 3 June 2015; Memorandum of Counsel for the Crown on incentivising agglomeration, 2 June 2015.

[170] While we encourage such a wide-ranging, multi-faceted approach, it is beyond the scope of our brief to advise the Council on steps it could consider taking beyond the scope of the CRDP.

[171] The Panel, in an attempt to gain further assistance, commissioned an independent report from a planning expert, Mr Mark Chrisp. Mr Chrisp's report is available by the website link in the footnote.<sup>81</sup> In his report, Mr Chrisp gave consideration to what has occurred in other areas of New Zealand and Australia. However, the overall effect of his report is to confirm the limitations of the planning process in achieving intensification on its own. It further confirmed the contents of the supplementary legal submissions received from the Council and the Crown. For the reasons we have explained, while we were grateful for Mr Chrisp's work, we put his report to one side and did not rely on it in any way whatsoever in reaching our conclusions.

### **Other changes have been made also mindful of assisting intensification**

[172] Later in this evaluation, we explain other changes we have made to various provisions of the Revised Version, particularly in regard to the built form standards for various zones. The purposes in doing so, in terms of reducing unnecessary regulation, are wider but are also intended to further assist in enabling intensification.

### **Constraints of the airport noise contours for sensitive housing and other development**

[173] As recorded on the transcript, Dr Mitchell recused himself from deliberations and decision-making on matters concerning Ryman Healthcare Limited, including the matters we now address.<sup>82</sup>

[174] The issue under this heading concerns those parts of residential zones within the 50 dBA  $L_{dn}$  airport noise contour ('50 contour'). As noted, the CRPS gives directions concerning the inclusion of the 50 contour in the CRDP. The 50 contour is the outermost of a system of airport

<sup>81</sup> Factors that Facilitate High Quality Medium Density Residential Development, a report commissioned by the Independent Hearings Panel for the Christchurch Replacement District Plan, prepared by Environmental Management Services Limited, 28 August 2015: <http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Report-Medium-Density-Residential-Development-28-8-15.pdf>.

<sup>82</sup> Transcript, page 625, lines 9–14. In addition, in the interests of transparency, the Panel Chair, Hon Sir John Hansen, records that he is satisfied that, in this instance, the matters that led to his decision to recuse from determining matters concerning the CIAL Airport designation, as set out in his Minute dated 12 March 2015, and memorandum of 2 April 2015, are sufficiently unrelated to the matters arising here and, therefore, do not call for his recusal on this matter.

noise management contours, shown as overlays on the CRDP planning maps, sitting outside a 55 dBA  $L_{dn}$  noise contour and much more confined inner 65 dB  $L_{dn}$  air noise boundary.<sup>83</sup> As the 50 contour relates to aircraft noise, its shape and geographic extent broadly corresponds to aircraft flight paths to and from the main and cross-wind Airport runways.<sup>84</sup>

[175] The primary issue concerns what additional restrictions, if any, ought to be imposed on intensification within those contours by what are termed “noise sensitive activities”. Those are defined by the CRPS to mean:

- Residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008;
- Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan;
- Travellers’ accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants;
- Hospitals, healthcare facilities and any elderly persons’ housing or complex.

[176] On this issue, submitters presented a spectrum of positions as to the nature and extent of restrictions that ought to be imposed:

- (a) Christchurch International Airport Limited (‘CIAL’) argued for the most restrictive position.<sup>85</sup> In effect, it sought that further intensification (i.e. beyond that allowed for as at that date under the Existing Plan as at December 2013, being the date the LURP effected change to the Existing Plan) be avoided or discouraged. It emphasised that it did not seek to restrict people from exercising the unrealised potential for intensification available to them under the Existing Plan (as modified by the LURP in December 2013). Rather, it sought to maintain that status quo.
- (b) That position was opposed by the Council and the Crown. In a relative sense, the Crown sought proportionately greater intensification enablement on residentially-

<sup>83</sup> CIAL also sought relief in relation to the 55 dBA  $L_{dn}$  noise contour. As noted, we have deferred our consideration of this relief so as to address it as part of Chapter 6, General Rules and Procedures.

<sup>84</sup> To describe that in words, the shape of the 50 contour has some resemblance to an overflying pterodactyl or bird. Its midsection overflies the airport. Its long beak extends northwest across the Waimakariri River and its thin tail extends south-east across parts of Avonhead, Ilam and Riccarton, finishing short of Hagley Park. That corresponds to the airport’s cross-wind runway. The bird’s broad, outstretched gliding wings extend at their tips to Rolleston and Kaiapoi, and they are centred along the line of the airport’s main runway.

<sup>85</sup> Submissions 863 and 1359. We address other CIAL issues, including as to bird strike, later in this decision.

zoned land within the 50 contour than did the Council. However, that was in effect for reasons unrelated to the 50 contour. Both disputed CIAL's interpretation of the CRPS.

- (c) Ryman Healthcare Limited ('Ryman') and the Retirement Villages Association of New Zealand Inc ('RVA') disputed CIAL's position as to reverse sensitivity, seeking not to be subject to any additional restriction on their capacity to develop retirement villages within the 50 contour.<sup>86</sup>

[177] For the following reasons, in relation to noise sensitive activities within the 50 contour, in the RS and RSDT zones, we have modified the approach of the Notified Version in the following material respects:

- (a) For residential activities that are otherwise classed as restricted discretionary activities, we have added assessment matters as to:
- (i) 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; and
  - (ii) The extent to which appropriate indoor noise insulation is provided with regard to Appendix 14.14.4;
- (b) Education activities, pre-school facilities and healthcare facilities that are classified as permitted or controlled activities outside of the 50 contour are instead classified as restricted discretionary activities (with the above assessment criteria applying to them);
- (c) These restricted discretionary activities will be limited notified, with CIAL being the only party to be notified (should it not give written approval).

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<sup>86</sup> Ryman (745); RVA (573).

[178] Our evaluation of the range of alternative approaches starts with CRPS Policy 6.3.5 — ‘Integration of land use and infrastructure’, which relevantly reads as follows (emphasis added):

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

...

- (3) Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;
- (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 ...; and
- (5) Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.

[179] The ‘Principal reasons and explanation’ text following Policy 6.3.5 includes a statement that is relevantly as follows:

Strategic infrastructure represents an important regional and sometimes national asset that should not be compromised by urban growth and intensification... The operation of strategic infrastructure can affect the liveability of residential developments in their vicinity, despite the application of practicable mitigation measures to address effects... It is better to instead select development options where such reverse sensitivity constraints do not exist.

The only exception to the restriction against residential development within the [50 contour] is provided for at Kaiapoi.

... This exception is unique to Kaiapoi...

[180] Relying on the High Court and Court of Appeal decisions in *Powell v Dunedin City Council*,<sup>87</sup> CIAL submitted that it would be contrary to statutory interpretation principles for

<sup>87</sup> *Powell v Dunedin City Council* [2004] NZRMA 49 (HC) at [17]–[35]; *Powell v Dunedin City Council* [2004] 3 NZLR 721 (CA) at [12] and [29]–[49]. CIAL also referred to the Environment Court decision in *Bates v Selwyn District Council* [2014] NZEnvC 32 at [22] and [56], particularly for the point that ‘explanation’ or ‘reasons for rules’ sections provide a direct explanation of the purpose of a rule and should be regarded as providing context and informing interpretation of the rule and *J Rattray & Son Ltd v Christchurch City Council* (1984) 10 NZPTA 59 (CA), page 5, as to underlying principles.

Policy 6.3.5(4) to be read “in a vacuum” without regard to its immediate context of other objectives and policies.

[181] In terms of that context, it referred to the definition of “noise sensitive activities”, related paragraphs of Policy 6.3.5 (including their emphasis on management of the effects of land use and infrastructure) and Objectives 6.2.1 and 6.2.2. It noted the emphasis in those objectives on directing urban development according to its specified pattern and priorities. Those include “[achieving] development that does not adversely affect the efficient operation, use and development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs” and “[optimising] use of existing infrastructure”. It also referred to the above-quoted explanatory statement, submitting that it “makes it clear that the correct interpretation of policy 6.3.5 as a whole is that residential intensification is important to the recovery of Christchurch but ... should occur in locations where reverse sensitivity constraints do not exist and *new* residential development resulting in intensification levels consistent with those introduced at the very same time”.<sup>88</sup>

[182] It submitted that the phrase “avoiding noise sensitive activities... except within an existing residentially zoned urban area” means that:

... new noise sensitive activities must be avoided within the noise contour but actual or current sensitive activities located within residentially zoned urban areas or allowed to locate there as of right as at 6 December 2013 (those provisions being introduced at the same time) should be authorised.<sup>89</sup>

[183] CIAL’s planning witness, Mr Bonis, offered a similar interpretation. He commented that “[w]hat constitutes the ‘existing residentially zoned area’ as an exemption to the avoidance of noise sensitive activities within the 50dBA noise contour for Christchurch International Airport is critical.”<sup>90</sup> On that matter, he observed that “the only proper interpretation is that the ‘existing residentially zoned area’ is as of 6 December 2013”.<sup>91</sup> However, he appeared to treat the concepts of “existing residentially zoned urban area” and existing noise sensitive activities as one and the same. In particular, having made the observations noted above, he concluded that Policy 6.3.5, within the wider CRPS, intends that further intensification within residential areas in the 50 contour be avoided or discouraged.<sup>92</sup>

<sup>88</sup> Opening submissions for CIAL at para 43.

<sup>89</sup> Opening submissions for CIAL at para 44.1.

<sup>90</sup> Evidence in chief of Matthew Bonis on behalf of CIAL at para 31.

<sup>91</sup> Evidence in chief of Matthew Bonis on behalf of CIAL at paras 32.

<sup>92</sup> Evidence in chief of Matthew Bonis at paras 32–33.

[184] CIAL also argued that the context and timing of the making of these changes to the CRPS through the LURP was relevant to how Policy 6.3.5(4) should be interpreted. It emphasised as significant that the LURP changed the CRPS to include Chapter 6 at the same time as it changed the Existing Plan, in December 2013. It referred to the LURP as having dual functions of both replacing housing stock lost through the earthquakes and recognising that well-functioning infrastructure is essential to recovery and to require the effective functioning of that infrastructure to be supported.<sup>93</sup>

[185] The Council and the Crown submitted that Policy 6.3.5(4) should be given its plain ordinary meaning. They interpreted that as not requiring that noise sensitive activities be avoided within the 50 contour.

[186] We agree with CIAL that we should be guided and directed by the Court of Appeal (and High Court) decisions in *Powell* in approaching the interpretation of Policy 6.3.5(4).

[187] We also agree that, in the relevant phrase in Policy 6.3.5(4), “existing” means “existing as at 6 December 2013”. As is directed by s 24 of the CER Act, the LURP specifies that its amendments to the CRPS and to the Existing Plan are to be made “as soon as practicable”. Nothing in the CRPS indicates that Policy 6.3.5 has delayed application. In that context, “existing residentially zoned urban area” means what the Existing Plan has so zoned at the time the change to the CRPS that incorporated Policy 6.3.5 was made operative, i.e. as at 6 December 2013.<sup>94</sup> That is in addition to its enduring directive to only provide for new development that does not have its specified effects on existing strategic infrastructure.

[188] However, unlike Mr Bonis, we read “existing residentially zoned urban area” to mean what it says. It is not shorthand for “existing noise sensitive activities within an existing residentially zoned urban area”. That is plain from the fact that it sits alongside the words “unless the activity is”, which is not qualified by the word “existing”. The true intention of the full phrase “unless the activity is within an existing residentially zoned urban area” is to define an exception from a policy of “avoiding noise sensitive activities within the [50 contour]”. The beneficiary of the exception is “noise sensitive activities”, including new ones. To qualify,

<sup>93</sup> Opening submissions for CIAL at para 37.

<sup>94</sup> As recorded on the inside cover page of the CRPS.

those activities must be within “an existing residentially zoned urban area”, namely an area zoned for those purposes as at 6 December 2013.

[189] We acknowledge that the ‘Principal reasons and explanation’ text for Policy 6.3.5 includes a statement that “The only exception to the restriction against residential development within the [50 contour] is provided for at Kaiapoi. ... This exception is unique to Kaiapoi...”. However, following *Powell*, we do not read this statement in a vacuum. We understand the ‘Principal reasons and explanation’ section serves as an aid to the interpretation and application of the associated Policy 6.3.5. The above-quoted statement is just part of that. We consider it would be to misread and distort the proper meaning of the statement to treat it as changing the plain ordinary meaning of Policy 6.3.5(4). In particular, Policy 6.3.5(4) clearly allows for exceptions other than at Kaiapoi — for example the exception specified for residential greenfield priority areas. One area north of Belfast, which was residentially zoned before Policy 6.3.5 of the CRPS came into effect, is shown as bisected by the 50 contour, and another is shown as having a boundary with it.

[190] To the extent that CIAL has sought to draw from the context in which Policy 6.3.5(4) was included in the CRPS through the LURP, we do not find this to accord with the contextual interpretation approach in *Powell* or in other authorities cited by CIAL. Rather, *Powell* espoused an approach of looking for the meaning of a policy within the context of the statutory instrument in question — in this case, the CRPS — if that meaning was not immediately apparent on a plain reading of the policy itself. We can envisage that, in the case of a subordinate statutory instrument, sometimes there may be a case for ascertaining the meaning of a policy within it in the context of the purpose of the empowering legislation. For instance, that may be called for when the meaning remained opaque even when considered in the wider context of the instrument as a whole. However, we do not consider it valid, in terms of statutory interpretation principles, for CIAL to seek to interpret Policy 6.3.5(4) in light of its understanding of the circumstances that motivated the LURP intervention. In the absence of evidence of those circumstances, it is also speculative.

[191] Therefore, we read this part of Policy 6.3.5(4) as providing that noise sensitive activities (as defined) are to be avoided within the 50 contour, unless one of three exceptions is satisfied, as to the location of the (noise sensitive) activity, i.e., that it is located within:

- (a) An existing residentially zoned urban area, meaning an area so zoned as at 6 December 2013; or
- (b) A residential greenfield area identified for Kaiapoi, or
- (c) A residential greenfield priority area identified in Map A (page 64 of the CRPS).

[192] We find the first of those exceptions to apply in that the noise sensitive activities in issue would be on land zoned for residential purposes under the Existing Plan (as at 6 December 2013).

[193] To that extent, we disagree with CIAL’s interpretation. However, this deals with only one aspect of Policy 6.3.5(4). It sits within a clause that also gives direction to only provide for new development that “does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure”. Related to that direction is the direction in cl (5) of Policy 6.3.5, as to managing the effects of land use activities on infrastructure “including avoiding activities that have the potential to limit the efficient and effective provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs”. The Council did not address cl (5) in its closing submissions. However, the Crown argued that we should regard cl (4) of Policy 6.3.5 as the more specific policy and, hence, overriding the more general cl (5) to the extent the two are inconsistent.<sup>95</sup>

[194] We do not agree with the Crown that there is any material inconsistency between the two clauses of Policy 6.3.5. While the clauses are slightly differently expressed, the relevant aspects of both concern effects on the efficient operation, use, development and upgrade of strategic infrastructure. It is not disputed that the Airport is a form of strategic infrastructure. Clauses (4) and (5) of Policy 6.3.5 are compatible, not in competition. There is no need to read back Policy 6.3.5(5)’s direction on “managing the effects of land use activities on infrastructure” (including the Airport) in order to give proper effect to cl (4)’s direction as to “only providing for development” that does not have the clause’s specified effects on strategic infrastructure.

<sup>95</sup> At paragraph 17, referring to the Planning Tribunal decision in *New Zealand Rail Limited v Marlborough District Council* (1993) 2 NZRMA 449.

[195] In essence, the position we reach is that:

- (a) There is no absolute direction to avoid any further noise sensitive activities in existing residentially zoned land within the 50 contour, but
- (b) There is a need to evaluate whether we should avoid or restrict such activities so as to give proper effect to Policy 6.3.5 and related CRPS objectives and policies.

[196] The expert and other evidence is central to our evaluation of these matters. Ultimately, that is to inform our judgment on the most appropriate planning approach, under ss 32 and 32AA, so as to give proper effect to the CRPS and promote the sustainable management purpose of the RMA.

[197] As we have earlier noted, the evaluation under ss 32 and 32AA centres on the consideration of relative benefits, costs and risks.

[198] On the matter of residential intensification and noise, CIAL called three other witnesses — Mr Rhys Boswell, General Manager, Strategy and Sustainability; Mr Philip Osborne, economist; and Mr Christopher Day, an acoustic engineer with significant experience in airport noise matters.<sup>96</sup> Essentially, their evidence was uncontested.

[199] The evidence of Mr Boswell and Mr Osborne confirmed the basis of our findings, in the Strategic Directions decision, as to the regional and national strategic importance of the Airport. In that decision, we recorded that the uncontested evidence from those witnesses satisfied us that “reverse sensitivity protection for the Airport is warranted”.<sup>97</sup> That underpinned the inclusion in the CRDP of Strategic Directions Objective 3.3.12, which relevantly says:

- (b) Strategic infrastructure, including its role and function, is protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects, by, amongst other things:

...

- (iii) avoiding noise sensitive activities within the [50 contour]... except:

<sup>96</sup> CIAL also called Mr Ken McAnergney and Dr Peter Harper on the topic of bird strike, which is addressed later in this decision.

<sup>97</sup> Strategic Directions at [246].

- within an existing residentially zoned urban area.

[200] Mr Day gave evidence as to the effects on people from exposure to noise from airport operations. His evidence was informed by community noise response studies undertaken both internationally (Bradley (1996);<sup>98</sup> Miedema (1998);<sup>99</sup> Miedema and Oudshoorn (2001)<sup>100</sup> and in the Christchurch-specific context (‘Taylor Baines (2002)’<sup>101</sup>). He explained that New Zealand Standard NZS 6805:1992 ‘Airport Noise Management and Land Use Planning’ (‘NZS 6805’) was promulgated with a view to getting greater consistency in noise planning around New Zealand airports, and has been in use by almost all territorial authorities since 1992. He explained that it is one of the few New Zealand Standards that has not been put up for revision or amendment. It uses a “noise boundary” concept to both establish compatible land use planning around an airport and set noise limits for the management of aircraft noise at airports. This involves fixing an “Outer Control Boundary” (‘OCB’), generally based on the projected 55 dB L<sub>dn</sub> contour and a smaller, much closer, Airnoise Boundary (‘ANB’) based on the projected 65 dB L<sub>dn</sub> contour.<sup>102</sup>

[201] He pointed out that NZS 6805 allows for discretion to be exercised by local authorities in positioning boundaries further from, or closer to, the airport if this is considered more reasonable in the circumstances of the case. In that regard, he explained how, many years ago, the decision was made to use the 50 contour for the location of the OCB for the Christchurch district plan.<sup>103</sup> He also explained the various studies that were undertaken to inform the development, and review, of the district plan regime. In addition to Taylor Baines (2002), that included a further joint experts’ study in 2004 (involving his firm, Marshall Day Acoustics Limited) and an update study, involving an experts’ panel, in 2007.

[202] On the matter of community response to aircraft noise, Mr Day explained that Taylor Baines (2002) and associated work involving his firm showed that the proportion of “highly annoyed” people in the 50–55 dB L<sub>dn</sub> area can be expected to be higher in Christchurch (10–15 per cent) than a synthesis of the international studies shows as typical (3–12 per cent).

<sup>98</sup> “Determining Acceptable Limits for Aviation Noise”, Bradley, *Internoise* 96.

<sup>99</sup> “Revised DNL — annoyance curves for transportation noise”, Miedema, in NL Carter & RFS Job (Eds) *Noise as Public Health Problem (Noise Effects ’98)* Vol 1, pages 491–496.

<sup>100</sup> “Annoyance from Transportation Noise: Relationships with Exposure Metrics DNL and DENL and Their Confidence Intervals”, Miedema and Oudshoorn, *Environmental Health Perspectives*, Vol 109, No. 4, pages 409–416.

<sup>101</sup> Reported by Mr Day as being a study of community response to different types of noise in Christchurch, undertaken by Taylor Baines and Associates, in 2002, on behalf of Christchurch City Council.

<sup>102</sup> Evidence in chief of Christopher William Day on behalf of CIAL at para 4.1–4.2.

<sup>103</sup> Evidence in chief of Christopher William Day at para 4.1–4.2.

[203] The underpinning basis for that opinion is relatively thin. However, it is the only expert evidence we received on this matter. Also, the choice of the 50 contour is already made by the CRPS. Given those matters, we accept Mr Day’s evidence that the proportion of people likely to be highly annoyed by airport noise inside the 50 contour is in the order of 10–15 per cent, and that 12 per cent is a sensible basis for our evaluation.<sup>104</sup>

[204] Mr Day explained why he considers sound insulation, on its own, insufficient mitigation of the risk that sensitive activities posed for the Airport’s operation and development. In essence, he explained that the mitigation measures themselves would be likely to be a source of complaint (as informed by studies and his experience in Auckland) and would not deal with the outdoor noise environment.<sup>105</sup>

[205] Subject to our following comments, we accept Mr Day’s opinion on those matters.

[206] Mr Day concluded that it is not sensible to locate new residential development (or intensification) within the 50 contour “if it can be easily avoided”.<sup>106</sup> He concluded that the “land use planning provisions in the [CRDP] should be maintained to ensure intensification inside the noise contours is not allowed to occur”.<sup>107</sup>

[207] We do not consider we can rely on that ultimate conclusion, as it lacks a sufficiently reliable foundation and is, in any case, beyond the scope of Mr Day’s true expertise.

[208] As to foundation, it is important to bear in mind the policy and environmental purpose of any restriction to be imposed on intensification. Central to that is CRPS Policy 6.3.5. For our purposes, it is relevant to any noise sensitive intensification that would have the potential to limit the efficient and effective provision, operation, maintenance or upgrade of the Airport. Mr Day’s evidence (and related studies) only assists on a limited aspect of that.

[209] A higher relative proportion of people in the Christchurch community likely to be highly annoyed by airport noise is not itself conclusive as to the extent of any associated reverse sensitivity risk for the Airport. In a broad sense, we accept as logical that there will be some

<sup>104</sup> Evidence in chief of Christopher William Day at para 3.7.

<sup>105</sup> Evidence in chief of Christopher William Day at para 8.1–8.8.

<sup>106</sup> Evidence in chief of Christopher William Day at para 6.8.

<sup>107</sup> Evidence in chief of Christopher William Day at para 9.2.

correlation between the proportion in a community “highly annoyed” and the proportion who could take associated action, including opposing the Airport’s further development. We also accept, in broad terms and subject to the limitations as to reliability of the evidence that we have noted, that larger scale developments could increase the proportion of highly annoyed people and, therefore the number who could become Airport opponents. However, that is a very limited basis for determining what, if any, related restrictions should be imposed on residential and non-residential activities in relevant zones.

[210] Mr Day’s evidence also leaves for assumption what, if any, material consequence a modestly higher proportion of active complainants (for instance, opponents of the Airport in future RMA or other processes) would have for the Airport’s efficient and effective provision, operation, maintenance or upgrade. On this, the evidence of Mr Day (and the other evidence for the Airport) leaves us in the realm of speculation.

[211] In any case, it is not a foundation that necessarily supports his ultimate conclusion as to what is “sensible”. For us to determine the “sensible” planning outcome (as Mr Day termed it), we must test the benefits, costs and risks of the different options available to us, in order to determine what is the most appropriate approach to the management of noise sensitive activities. Ultimately, that involves some trade-offs on a range of matters beyond Mr Day’s true expertise.

[212] In that regard, we observe that Mr Day’s ultimate conclusion on the most appropriate planning approach differed subtly, but materially, from the relief advanced by CIAL (and CIAL’s planning witness, Mr Bonis). As CIAL reiterated in closing submissions, it does not “seek to restrict people from exercising the unrealised potential for intensification available to them under the [Existing Plan] that has not been taken up” and it seeks “maintenance of the planning status quo” including the opportunities for intensification introduced by the LURP, on 6 December 2013.<sup>108</sup> In those respects, CIAL advocated for a more benign approach than Mr Day. However, once we put aside what we have determined is CIAL’s invalid interpretation of CRPS Policy 6.3.5(4), we find no substantive evidential support for CIAL’s recommended approach. While we acknowledge it as supported by Mr Bonis, his opinion was strongly premised on his invalid interpretation of Policy 6.3.5(4). When that is left aside, what

<sup>108</sup> Closing submissions on behalf of CIAL at para 13.

is left is essentially his value judgment as CIAL’s planning witness, as to how we should balance competing considerations as between protection of the Airport and the enablement of other community priorities.

[213] For the reasons we next explain, when we consider these competing considerations on the evidence and in light of Part 2, RMA and our findings on the CRPS and other Higher Order Documents, we reach a materially different conclusion on what is the most appropriate planning approach.

[214] To determine the most appropriate regime for both residential and non-residential activities within the 50 contour, we must consider relative costs, benefits and risks for the Airport, other resource users, and the community as a whole.

[215] One helpful design aspect of the Notified Version concerns where its primary intensification tools, the RMD and RSDT zones, are located in relation to the 50 contour. Only a very small area is proposed to be zoned RMD within the 50 contour. This area is part of a comprehensive development, on the north side of Buchanans Road, near Gilberthorpe School. It is zoned “Living G” under the Existing Plan, a zoning allowing for a mix of densities. Similarly, only a small portion of the proposed RSDT zone is within the 50 contour. This is towards the top of the 50 contour along the line of the crosswind runway.<sup>109</sup> It is within the Living 2 zone of the Existing Plan.

[216] On the evidence, we are satisfied that these areas are so small as to be insignificant for our purposes on this matter.

[217] The greatest extent of overlap occurs in the RS zone.<sup>110</sup> This is mostly along the contours for the crosswind runway, but also in a number of other localities along the line of the main runway.

[218] A central focus of our evaluation is on striking an appropriate balance such that enablement of intensification and other residential development would not jeopardise the

<sup>109</sup> Evidence in chief of Matthew Bonis, Figure 2.

<sup>110</sup> Evidence in chief of Matthew Bonis, Figure 3.

Airport’s efficient and effective provision, operation, maintenance or upgrade. To test that, we have evaluated the nature of residential intensification in issue, in both type and scale.

[219] Within the residential zones, the different types of residential intensification include:

- (a) Residential units (including additional minor residential units, older person’s housing units) and boarding houses;
- (b) Multi-unit and social housing complexes;
- (c) Retirement villages; and
- (d) Student hostels and boarding houses.

[220] Our design of residential zone provisions recognises differences in activity scale through its specification of different activity classes (i.e. permitted, controlled, restricted discretionary, discretionary and non-complying).

[221] Mr Bonis presented a tabular comparison of the Notified Version with the Existing Plan (inclusive of the changes made by the LURP on 6 December 2013), on the matter of residential intensification potential.<sup>111</sup> He focussed, in particular, on how the RS and RSDT zones compared with their equivalents under the Existing Plan, the “Living 1” and “Living 2” zones.<sup>112</sup> He also focussed primarily on that type of intensification we have described above as “residential units”.

[222] He explained that the LURP effected changes to the Existing Plan (in conjunction with changes to the CRPS) which expanded on the scope of permissible intensification under the Living 1 and Living 2 zones. This included additional exceptions to residential density standards and in relation to the use of Family Flats, Elderly Persons’ Housing Units, and the replacement of dwellings damaged by the earthquakes or vacant prior to the earthquakes. It also included greater ability to convert an existing residential unit into two. In that sense, the

<sup>111</sup> Evidence in chief of Matthew Bonis, Attachment E.

<sup>112</sup> Mr Bonis did not make comparison with the RMD zone. However, as noted, the extent of RMD zoning within the 50 contour is very small, and the area is within the Living G zone of the Existing Plan, allowing a mix of densities.

Existing Plan’s position on intensification was more generous following the 6 December 2013 change.

[223] Trying to compare this enhanced Existing Plan regime and the RS and RSDT zones of the Notified Version, on the matter of the extent of permissible intensification, is problematic because the two planning documents are designed according to different philosophies. The Existing Plan is known as an “effects” based plan. That refers to the fact that it largely avoids listing activities for regulation, but instead regulates according to the nature and scale of environmental effects. By contrast, the pCRDP is a form of “activity” based plan. Its rules are dominated by lists of activities, categorised as permitted activities or various classes of activity requiring resource consent. Those categorisations are made according to the consideration of effects and compatibility or otherwise with the intentions of particular zones. As such, the fact that the Notified Version specifies permitted activities, but the Existing Plan does not, is not of itself revealing of any significant substantive difference. One must look behind this to consider applicable standards for qualifying permitted activities.

[224] In its closing submissions, CIAL responded to concerns expressed by Mr Hardie and Ms Mullins as to the implications of CIAL’s requested relief for how the Mebo Family Trust could develop its residential property.<sup>113</sup> Again, this example was of the “residential unit” type of intensification. CIAL submitted that its requested relief would still keep available to the Trust its ability to undertake a range of developments including conversion of an existing dwelling, replacement of a residential unit with two new residential units, and subdivision of the land into four titles on which individual units could be built.<sup>114</sup>

[225] Whether or not that is the case, our concerns about CIAL’s relief go much wider than whether or not an individual submitter such as the Trust would be unduly prejudiced. Our wider concern includes how carving out an Existing Plan’s “status quo” position, within the 50 contour, would impact in terms of the coherence and clarity of the CRDP.

[226] Respectfully, we observe that this complexity was well captured by the following statement in CIAL’s closing submissions concerning Mr Bonis’ evidence (with CIAL’s emphasis):<sup>115</sup>

<sup>113</sup> Mebo Family Trust (604).

<sup>114</sup> Closing submissions for CIAL at para 15.

<sup>115</sup> Closing submissions for CIAL at para 25.

The “*cumbersome*” bit of his evidence (Mr Bonis’ own words) stems from the difficulty in articulating the differences between the intensification provisions ... in the [Existing Plan] pre 6 December 2013, the further intensification opportunities introduced on 6 December 2013 which are largely unrealised if Dr Fairgray’s evidence of uptake is adopted, and the change in the level of intensification that would be enabled through the position taken by CCC and the Crown.

[227] We find that a consequence of granting CIAL’s relief would be that the CRDP would be rendered significantly less coherent and clear for plan users. In terms of s 32, that is a cost that goes beyond the individual landowners within the 50 contour and is at odds with the intentions of the OIC Statement of Expectations.

[228] Within the RS and RSDT zones, multi-unit and social housing complexes are another form of residential intensification. In terms of the design of activity classes:

- (a) Multi-units in the RSDT zone are a permitted activity where they do not exceed four units in number. Beyond that limit, they are a restricted discretionary activity. Regardless of the number of units, multi-units are full discretionary activities in the RS zone.
- (b) Social housing in both the RS and RSDT zones are a permitted activity where they do not exceed four units in number. Beyond that limit, they are a restricted discretionary activity.

[229] Retirement villages are another type of residential intensification that can vary significantly in scale. Permitted activities are limited by activity-specific and built form standards. If these are not met, the most benign activity classification is restricted discretionary.

[230] Student hostels in the RS and RSDT zones (where operated by specified educational institutions, such as Canterbury University or CPIT) are:

- (a) A permitted activity if they do not exceed six bedrooms;
- (b) A restricted discretionary activity, where in the 7–9 bedroom range; and
- (c) A full discretionary activity above that bedroom range.

[231] For reasons not only related to scale, boarding houses are also a restricted discretionary activity in these zones.

[232] For each of these types of residential intensification, we refer to our findings under the heading “Older persons’, social and affordable housing and student accommodation”. On the basis of those findings, we are satisfied that appropriately enabling these types of residential intensification properly responds to priorities of the Higher Order Documents (including the CRPS) and will assist to promote the sustainable management purpose of the RMA. In the case of student hostels, the University is seeking opportunities for development in convenient proximity to the University campus. We recognise, by contrast, that we do not have any evidence that any significant social housing, retirement village or other projects are proposed at this time within the 50 contour. Rather, the position we take (especially from the evidence of the Crown, CDHB, Ryman and the RVA) is that it is generally more desirable to enable such projects to occur across residential zones to best meet anticipated demands and needs. For our ageing population, for instance, that is to better enable older persons to age in place, or otherwise maintain their connections to their local neighbourhoods. Therefore, despite the absence of any specific development projects at this time, we consider it important to avoid unduly constraining the opportunity for such projects. That is particularly bearing in mind the importance of these types of intensification for community wellbeing, and the priority accorded to their development in the Higher Order Documents.

[233] Various classes of non-residential activity provided for in the residential zones are within the CRPS definition of “noise sensitive activities”. In terms of the activity descriptions used in the residential zones, these include “education activity” (including schools and tertiary institutions), “pre-school facility” and “health care facility”. These activities generally fall into restricted discretionary or discretionary activity classes under the Existing Plan.<sup>116</sup> These activities are included in residential zones because of their compatibility with the zone intentions. They serve to support residential intensification in providing supporting services for people and communities. We find that enabling them has an associated importance in terms of the s 5 RMA purpose.

<sup>116</sup> As summarised from Attachment D to the evidence in chief of Mr Bonis.

[234] In arriving at an appropriate outcome, we have recognised the strategic importance of the Airport. As we have noted, we find that protection of the Airport’s operation and upgrade, including from reverse sensitivity risks, is of regional and even national significance, for the purposes of s 5. However, the evidence overwhelmingly satisfies us that this can be adequately assured by much less restrictive means than CIAL has pursued. We make that finding in light of both the importance of enablement of the various activities we have described, and in view of our findings as to the tenuous and weak nature of the evidence we have received as to CIAL’s concerns about reverse sensitivity risk.

[235] In light of our interpretation of relevant CRPS directions (and the related Strategic Directions objectives of the CRDP), we find that we should allow for an ongoing capacity to assess relevant reverse sensitivity and noise mitigation matters for residential intensification above a certain scale. This is not on the basis that the present evidence of risk justifies this. Rather, it is to allow for the possibility that new evidence and information concerning risk may come to light that is relevant, having regard to the CRPS policy directions.

[236] In view of our evidential findings, we adjudge that, for residential activities, the cut-off trigger point for these additional restrictions should be at the restricted discretionary activity scale.

[237] We have taken into account the fact that “education activity” (including schools and tertiary institutions), “pre-school facility” and “health care facility”, generally fall into restricted discretionary or discretionary activity classes under the Existing Plan.<sup>117</sup> In light of that, we consider it would be inappropriate to treat these non-residential activities on a basis that denied ability to consider reverse sensitivity and noise mitigation. However, we do not consider the evidence to warrant rigid replication of the activity classifications of the Existing Plan. Outside of the 50 contour, we have provided a mix of permitted and restricted discretionary activity classifications for these activities, in both the RS and RSMT zones. For the various reasons we have traversed, we have determined that the permitted activity class for these various activities should be replaced with a restricted discretionary classification within the 50 contour.

[238] All of those matters lead us to the following conclusions on activity classification:

<sup>117</sup> As summarised from Attachment D to the evidence in chief of Mr Bonis.

- (a) For all classes of residential activity, the activity classifications provided within relevant zones outside of the 50 contour are also the most appropriate within the 50 contour.
- (b) The only adjustment that is warranted, and appropriate, concerns assessment criteria for those residential activities classed as restricted discretionary activities. Those are:
  - (i) 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; and
  - (ii) The extent to which appropriate indoor noise insulation is provided with regard to Appendix 14.14.4;
- (c) For education activities, pre-school facilities and health care facilities, where these would be permitted or controlled activities outside of the 50 contour, the most appropriate activity classification is restricted discretionary (and the above assessment criteria would also be applied).

[239] Consistent with how we have addressed other sensitive activities in relation to strategic infrastructure, we consider it most appropriate that applications for these restricted discretionary activities should be processed on a limited notified basis, with notification confined to CIAL (if CIAL does not give written approval). That is in recognition of the fact that CIAL is the Airport owner and may have relevant information for the purposes of assessment.

[240] We are satisfied that the objectives and policies of the Decision Version are the most appropriate for the consideration of consent applications. In particular, we refer to Policy 14.1.3.1 as to the avoidance of adverse effects on strategic infrastructure (including its reference to reverse sensitivity effects),

[241] We are satisfied that the regime we have provided for is superior to the Notified Version and other alternatives proposed by submitters, in terms of its response to the Higher Order Documents. It properly gives effect to the CRPS (particularly on the matters of intensification and the management of reverse sensitivity risks). It better responds to the OIC Statement of Expectations, particularly in its reduction of unwarranted regulation. On our evaluation of comparative benefits, costs and risks, we are satisfied that our regime is the most appropriate for achieving the relevant objectives. In particular, we refer to Objectives 14.1.1 (Housing supply) and 14.1.4 (High quality residential environments) of the Decision Version, and Strategic Directions Objective 3.3.4. It would not offend Objective 14.1.3 (Strategic infrastructure).

### **National Grid and electricity distribution lines and proximate activities and structures**

[242] As recorded on the transcript, Judge Hassan elected to recuse himself from deliberations and decision-making on this topic.<sup>118</sup>

[243] On the matter of strategic and other infrastructure, we were significantly assisted by the mediation and engagement that occurred between the Council and various infrastructure and other submitters. Most of the provisions we have included in the Decision Version are the product of the consensus reached. We are satisfied that those provisions properly give effect to the CRPS and accord with other Higher Order Documents. Given that, and in light of the consensus reached, we are also satisfied that the provisions are the most appropriate.

[244] The only matter of contention was as between National Grid provider Transpower New Zealand Limited (‘Transpower’)<sup>119</sup> and local lines company Orion New Zealand Limited (‘Orion’).<sup>120</sup> That difference concerned what provision should be made to restrict sensitive activities and buildings from locating within specified proximity to certain electricity distribution lines (‘distribution lines’) of Orion’s network.

[245] In their submissions on the Notified Version, Transpower and Orion each requested rules for corridor protection setback distances for sensitive activities (‘corridor protection setbacks’/‘setbacks’) and the associated activity status for activities and buildings within those

<sup>118</sup> Transcript, page 1012, lines 32–34.

<sup>119</sup> Submitter 832, FS1331.

<sup>120</sup> Submitter 922, FS1339.

setbacks. In the case of Transpower, this was for the National Grid. In the case of Orion, it was for distribution lines. Transpower also requested changes to the Objectives and Policies in Chapter 14 to better protect the National Grid. As we discuss below, Transpower also opposed Orion’s request that corridor protection setbacks also apply to distribution lines. Transpower sought to distinguish between the rationale for corridor protection setbacks required to satisfy the obligations under the National Policy Statement for Electricity Transmission (‘NPSET’) and issues as to whether it was appropriate to provide for corridor protection for other electricity infrastructure.

[246] The Notified Version classified sensitive activities and buildings within 12m and between 12m and 32m of the electricity transmission network corridor as restricted discretionary activities in the zones where the National Grid is located.<sup>121</sup> The Council did not support the inclusion of additional rules for distribution lines, on the basis that distribution lines were not afforded priority in the NPSET.

[247] Initially, Transpower requested a 32m corridor protection setback for the National Grid, and non-complying activity status if this was not complied with. Orion requested similar relief for its distribution lines. An issue of scope arose as to whether Orion’s submission sought relief in relation to its 66kV, 33kV and the ‘11kV Lyttelton line’ or just the 66kV and 33kV distribution lines. We return to this later.

[248] In the Decision Version, we have incorporated:

- (a) The changes included in the Revised Version for corridor protection for the National Grid (12m for the 220kV and 110kV and 10m for the 66kV National Grid);
- (b) The amendments in the Revised Version to the objectives and policies to expressly refer to the National Grid;

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<sup>121</sup> “Electricity Transmission Network” as defined in Notified Version Chapter 2 means the national grid as defined in the NPSET.

- (c) A 10m corridor protection area for the 66kV distribution line which is consistent with that provided for the National Grid and a 5m corridor protection setback for the 33kV distribution line;
- (d) Non-complying activity status for sensitive activities and buildings within the specified corridor protection setbacks.

[249] We have also made directions pursuant to cl 13(4) of the OIC requiring the Council to prepare and notify a new proposal to include corridor protection setback for the 11kV Lyttelton line. We set out our reasons below.

### *National Grid*

[250] Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network (the 'National Grid') that carries electricity across the country. It connects power stations, owned by electricity generating companies, to substations feeding the local networks that distribute electricity to homes and businesses. Within the Christchurch City boundaries, the National Grid includes towers, poles, lines, cables, substations and ancillary infrastructure. The National Grid is critically important infrastructure that is necessary for a reliable, secure supply of electricity.

[251] Transpower recently transferred some of its high voltage 66kV and 33kV electricity distribution lines to Orion. Transpower considered this transfer to be in keeping with its main focus on the interconnected National Grid and national security of supply. We observe that, had this transfer not occurred, at least some of the 66kV and 33kV distribution lines that Orion is requesting corridor protection for (and which Transpower opposes), would have been part of the National Grid, and as such would have required appropriate protection as directed by the NPSET.

[252] In its evidence, Transpower moderated the relief it initially sought for the National Grid, accepting a reduced corridor protection setback. Transpower accepted that most of the benefits from a setback are the same regardless of the width of the protection corridor. That is because the benefits of having a protection corridor accrue so long as there is a minimum level of protection (10m for 66kV and 12m for 110kV). However, the costs are different between a 32m and a 10m or 12m protection corridor. Mr Campbell, Environmental Policy and Planning

Group Manager for Transpower, informed us that 32m is unduly restrictive for existing development and no longer aligns with Transpower’s approach to implementing NPSET.<sup>122</sup>

[253] Transpower sought that sensitive activities within the protection corridor be classed as non-complying, rather than restricted discretionary, activities, as the latter classification may raise expectations unrealistically. In addition, Transpower argued that restricted discretionary activity status would not give effect to NPSET.<sup>123</sup> This is because NPSET Policy 11, in particular seeks “to identify an appropriate buffer corridor within which it can be expected that sensitive activities **will generally not** be provided for in plans and/or given resource consent”. (our emphasis)

[254] Consistent with our findings in Decision 2 Temporary Activities related to Earthquake Recovery (‘Decision 2 Temporary Activities’), we find that the amendments requested by Transpower to the Notified Version, and accepted by the Council in the Revised Version, are the most appropriate to give effect to the requirements of Policies 10 and 11 of NPSET, and CRPS Objective 16.3.4, Objective 5.2.1, Objective 6.2.1 and Policy 6.3.5. The modified approach will also give effect to Objective 3.3.12 of Chapter 3 of the now operative Strategic Directions Chapter as it recognises the potential impact of reverse sensitivity. The amendments provide for permitted activities and buildings in residential zones where the National Grid is located at a greater distance than:

12 metres from the centre line of a 110kV or 220kV National Grid transmission line and 12 metres from a foundation of an associated support structure;

10 metres from the centre line of a 66kV National Grid transmission line and 10 metres from a foundation of an associated support structure;

[255] We find that non-complying activity status for activities and buildings within those setbacks is the most appropriate in the case of residential zones. That is because it signals that, within the corridor protection setbacks, sensitive activities and buildings are generally inappropriate due to the particular safety concerns and potential to interfere with the maintenance of this nationally important strategic infrastructure. We have included these changes in the Decision Version.

<sup>122</sup> Evidence in chief of Dougall Campbell on behalf of Transpower, 20 March 2015.

<sup>123</sup> Closing submissions for Transpower at para 14; Evidence in chief of Ainsley McLeod on behalf of Transpower, 20 March 2015, at paras 65 and 70.

[256] Transpower requested amendments to the Objectives and Policies to expressly refer to the National Grid. The Council and Transpower attended mediation and reached agreement as to those changes, which were then included in the Revised Version. We find those changes are most appropriate and have included them in the Decision Version.

*Electricity distribution network*

[257] The remaining issue is whether there is a sufficient policy and evidential basis to support the inclusion of rules for corridor protection of Orion's distribution lines in the CRDP.

[258] Orion operates the electricity distribution network serving Christchurch City and Lyttelton. This network traverses multiple zones throughout the City, including several residentially zoned areas. Orion sought protection rules for its strategic electricity distribution assets. Orion owns a number of distribution assets, but sought corridor protection for its 33kV and 66kV electricity distribution lines in Christchurch as being the most important to Christchurch as part of its network. During the hearing, Orion clarified that it also sought protection for a small portion of its 11kV Lyttelton line (the 3km of 11kV lines that runs from Heathcote to Lyttelton). This portion of the 11kV lines provides the only electricity connection to Lyttelton and is therefore considered by Orion to be of strategic importance.

[259] Initially, Orion sought rules in the pCRDP which provide a 12m corridor protection setback. In her evidence for Orion, planning witness Ms Buttimore proposed an amended position of a 10m setback from Orion's 66kV identified electricity distribution lines, and 5m from its 33kV lines and 11kV Lyttelton line (assuming there was scope to do so).

[260] Transpower opposed Orion's relief out of concern that extending this protection to Orion's distribution network could generally increase the risk of corridor protections being opposed, and so lead to those protections becoming diluted or more restrictive, to the detriment of the protection of the National Grid. Transpower did not oppose Orion having appropriate corridor protection rules that are tailored to its network. Transpower argued that corridor protection for distribution lines needed to be supported by robust analysis, and benefits to Orion should be tempered in view of the impacts that protection would have for the landowner's ability to use and enjoy their own land.<sup>124</sup>

<sup>124</sup> Transcript, page 1058, lines 8–11 and page 1006, lines 22–30.

[261] In relation to the request for corridor protection for its 11kV Lyttelton line, there is a jurisdictional issue as to whether Orion's submission on the Stage 1 Notified Version requested relief in relation to the 11kV distribution line. Orion submitted that it does, notwithstanding that it is not referenced in the introduction to its submission. It argued that the inclusion of planning maps that showed its distribution lines as marked on them makes it sufficiently clear. Ms Buttimore advised that the exclusion of the 11kV Lyttelton line from the text of the submission was an oversight.<sup>125</sup>

[262] Transpower and the Council took a contrary view, and pointed to the fact that landowners potentially impacted by the provision of a corridor protection setback under the 11kV line would not have been on notice of the request.

[263] We have considered whether the inclusion of the 11kV Lyttelton line protection corridor goes beyond what was reasonably and fairly raised in Orion's submission.<sup>126</sup> Applying *Royal Forest and Bird*, we have approached the question in a realistic and workable fashion rather than from the perspective of legal nicety. We accept that it is a question of degree, having regard to the provisions notified in Stage 1 and in Orion's submission. We accept that Orion's submission did raise the theme of introducing corridor protection for its distribution lines. However, the front page of the submission was explicit in that it referred only to the 66kV and 33kV distribution lines. We find the omission of the 11kV Lyttelton line material, and that it may have influenced a potentially affected landowner in their decision as to whether or not to lodge a further submission. Ultimately, we are guided by issues of fairness and the importance of public participation in the preparation of the CRDP. We have concluded that the inclusion of corridor protection for the 11kV Lyttelton line was not fairly and reasonably raised by Orion's submission on the Stage 1 Notified Version.

[264] Clause 13(2) of the OIC does not limit our consideration to matters within the scope of submissions on the Notified Version. We may make changes that are outside of the scope of submissions. However, if we consider changes are needed to deal with matters that are materially outside the scope of the proposal as notified, and deal with submissions on it, we

<sup>125</sup> Transcript, page 1021, lines 14-16.

<sup>126</sup> *Royal Forest and Bird Protection Society v Southland Regional Council* [1997] NZRMA 408 (HC).

must direct the Council to prepare and notify a new proposal in accordance Schedule 1 of the OIC.<sup>127</sup>

[265] In our ninth decision on proposals 6A, 6B and 6C for Temporary Activities related to Earthquake Recovery, issued on 3 September 2015 (‘Decision 9 Temporary Activities’) we included provisions for corridor protection for both the National Grid and for distribution lines. In that case, Orion’s submission had requested the inclusion of provisions for its 66kV, 33kV and 11kV Lyttelton line. Those provisions were accepted by the Council, Orion and Transpower and formed part of a Joint Memorandum dated 12 June 2015. In its closing submissions, Transpower recommended a refined and simpler non-complying activity classification for sensitive activities and buildings within the corridor.<sup>128</sup>

[266] For Orion, Ms Buttimore was of the opinion that inclusion of corridor protection rules in the CRDP will ensure the plan gives effect to the relevant provisions of the CRPS: in particular, Objective 5.2.1, Objective 6.21 and Policy 6.3.5. She considered that it would also give effect to Strategic Direction Objective 3.3.12.<sup>129</sup> However, she acknowledged that that NPSET provides protection to the National Grid and sets out a requirement for local authorities to give effect to that document. She accepted that NPSET does not apply to the distribution networks like Orion. However, she did not believe NPSET precluded corridor protection at a local level in distribution networks.<sup>130</sup>

[267] We record that Ms Buttimore’s concession is consistent with our findings in Decision 2 Temporary Activities that Orion’s 66kV and 33kV electricity distribution lines do not form part of the National Grid, and do not justify the higher level of protection directed by Policies 10 and 11 of the NPSET.<sup>131</sup>

[268] Transpower remained opposed to the inclusion of a corridor protection regime for distribution lines. This was based on the lack of analysis or evaluation from Orion to support the inclusion of specific rules for the 66kV and 33kV distribution lines and a lack of scope for the inclusion of rules for the protection of the 11kV Lyttelton line. However, Ms McLeod (Transpower’s planning witness) acknowledged in her rebuttal evidence that there was a policy

<sup>127</sup> OIC, Cl 13 (4).

<sup>128</sup> Closing submissions on behalf of Transpower at para 9.

<sup>129</sup> Transcript, page 1016, lines 1–5.

<sup>130</sup> Transcript, page 1016, lines 15–20.

<sup>131</sup> Decision 2, Temporary Earthquake Recovery Activities, 26 February 2015 at [41].

foundation for consideration of rules for corridor protection of the distribution line network in the CRPS and in Objective 3.3.12 Strategic Directions.

[269] We also note that, although distribution lines are not afforded the same priority as the National Grid, the CRPS does recognise the strategic importance of distribution lines on a regional basis (as regionally significant infrastructure). Therefore, we find that they are accordingly deserving of appropriate protection as set out in Objective 3.3.12 of Strategic Directions. We accept that Orion's 66kV, 33kV and the 11kV Lyttelton distribution lines are strategic infrastructure, and that their role and function should be protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects.

[270] The key issue is what form that protection should take, and whether it is the most appropriate in the context of the requirements of the RMA.

[271] In cross-examination, Ms Buttimore conceded that there had been little in the way of s 32 evaluation to support the inclusion of corridor protection rules for the 66kV, 33kV and 11kV Lyttelton distribution lines.<sup>132</sup> Rather, it appears that Orion relied on a general argument that there is little practical difference between the 66kV distribution line managed by Orion and the 66kV transmission lines forming part of the National Grid.

[272] Mr Shane Watson, the Network Assets Manager for Orion, argued that, because the corridor protection sought by Transpower constitutes industry best practice, the Panel can rely on this to impose similar rules to protect Orion's distribution lines.

[273] Transpower disputed Orion's claim that the proposed 12m setback was 'best practice'. It argued that it was instead a pragmatic compromise for existing assets to give effect to NPSET requirements. Mr Roy Noble, Transpower's Asset Engineering (Lines) Manager explained that, if structures and activities are located within the 12m National Grid protection corridor, they will be effectively directly under the conductors under low winds. He said that the protection corridors are based on the existing assets and have not been sized to provide for major rebuilds or new lines. He explained the corridors Transpower has requested are not the ideal, but they are a pragmatic position based on the minimum area necessary to enable Transpower to carry out work on the lines, but also taking account of the reasonable needs of

<sup>132</sup> Transcript, pages 1018–1021 (cross-examination of Ms Buttimore by Ms Scott for the Council).

landowners and occupiers. Mr Noble contrasted this with new build assets, where Transpower would seek to designate a clear corridor that generally coincided with the maximum wind conductor position of the line or a greater area, particularly where there is a risk of trees falling and damaging a line. Recent new build corridors have ranged from 50 to 130 metres.<sup>133</sup>

[274] Although Transpower maintained its position that the NPSET and CRPS draw a distinction between the importance of the National Grid and the regionally focussed distribution lines, Mr Noble conceded that there is a similarity between Orion’s 66kV network and Transpower’s high voltage network. However, he observed that there is very little similarity between the scale of Orion’s 33kV and 11kV network and Transpower’s high voltage network.<sup>134</sup>

[275] We accept that there may well be a difference in terms of the physical extent of the effects arising from the smaller distribution lines. However, there is still a relevant issue to address in terms of Strategic Direction Objective 3.3.12. We also note that Transpower only recently transferred some of the 66kV and 33kV distribution lines to Orion. Had they not done so, these would still have been part of the National Grid. Ms McLeod accepted in her evidence in chief that they remain both critical and strategic infrastructure.<sup>135</sup> Further Mr Blair, the Council’s planning witness, conceded in cross-examination that Orion’s 11kV Lyttelton line is strategic infrastructure.<sup>136</sup>

[276] Federated Farmers of New Zealand (‘FFNZ’) and Horticulture New Zealand (‘HNZ’) opposed Orion’s requested relief.<sup>137</sup> They are concerned with precedent effects and believe that the New Zealand Electrical Code of Practice for Electrical Safe Distances (2001) (‘COP’) provides a corridor protection measure through the required setback distances from overhead lines. In his evidence for Orion, Mr Watson said that the COP is difficult to enforce and a number of instances have previously occurred where the safe distances set out in the COP were not adhered to. Orion favoured provisions in the CRDP. The concerns of FFNZ and HNZ relate to impacts on the Rural zone, and will be considered in that context. Neither called evidence in support of their submission in this Residential hearing.

<sup>133</sup> Transcript, page 1061, lines 29–42.

<sup>134</sup> Rebuttal evidence of Roy Noble, 25 March 2015, at para 13.

<sup>135</sup> Evidence in Chief of Ainsley McLeod, 20 March 2015, at para 56.

<sup>136</sup> Transcript, pages 256–257.

<sup>137</sup> Federated Farmers of New Zealand (FS1291); Horticulture New Zealand (FS1323).

[277] Towards the end of the hearing, counsel informed us that Transpower and Orion had agreed that a 10m corridor protection setback was appropriate for the 66kV distribution line. Mr Noble provided further evidence by way of an affidavit to explain the justification for the 10m setback.<sup>138</sup> Orion sought to rely on that evidence also.<sup>139</sup> On the basis of the submissions and evidence that we received, and in light of the agreement reached between Transpower and Orion, we accept that a 10m setback either side of the centre line of the 66kV distribution line is the most appropriate, having regard to the matters in s 32 of the RMA and the Higher Order Documents.

[278] However, we found Orion's request in relation to the 33kV distribution line and the 11kV Lyttelton line (even if there was scope to include it) to be more problematic. Initially there was a lack of evidence to support an evaluation under s 32AA to include the corridor protection setbacks requested by Orion for the 33kV and 11kV Lyttelton distribution line in the Residential zones notified in Stage 1. Although agreement had been reached between the parties in Decision 9 Temporary Activities, no agreement has been forthcoming in this hearing.

[279] Towards the end of the hearing, Ms Appleyard advised that Orion wished to amend its relief to seek only a 5m setback from the 33kV and 11kV distribution line.<sup>140</sup> Transpower remained neutral in respect of that amendment.<sup>141</sup> Acknowledging the lack of evidence to support the amendment before the Panel, Ms Appleyard sought leave to file further evidence from Mr Watson. We granted leave for Mr Watson to provide an affidavit explaining the rationale for the 5m setback. We reserved leave for the Council to file an affidavit in reply, on the basis that Ms Scott advised the Council was not philosophically opposed to providing a setback, but was concerned about the lack of supporting evidence.<sup>142</sup>

[280] Mr Watson filed an affidavit on 28 April 2015 explaining the rationale for the setback of 5 metres in relation to both the 33kV and 11kV distribution lines. Mr Watson followed the same methodology as Mr Noble to determine the appropriate setback, taking into account the typical structure, estimated line spans and an analysis of conductor locations for typical electrical loadings and weather conditions. The Council did not oppose that evidence. On that

<sup>138</sup> Affidavit of Roy Noble, sworn 22 April 2015.

<sup>139</sup> Transcript, page 1539, lines 42–43.

<sup>140</sup> Transcript, page 1538, lines 33–43.

<sup>141</sup> Closing submissions for Transpower at para 21.

<sup>142</sup> Transcript, page 1539, lines 13–29.

basis, we accept Mr Watson's evidence as supporting the 5m corridor protection setback for the 33kV distribution line. Although his evidence applies to the 11kV Lyttelton line, we have already found that we do not have jurisdiction to include the equivalent setback for the 11kV line, but have directed that this aspect be re-notified.

[281] In light of our findings on the evidence, and for the above reasons:

- (a) We find that the inclusion of a corridor protection setback for the 33kV distribution line is the most appropriate way to achieve Strategic Directions Objective 3.3.12 and to give effect to the CRPS; and
- (b) We have decided to exercise our discretion to direct the Council to prepare and notify a proposal to provide for corridor protection for the 11kV Lyttelton line.

[282] In our Decision Version we have accepted the changes proposed by Transpower insofar as they relate to corridor protection of the National Grid, and accepted in part Orion's submission to include rules for corridor protection in Residential Zones where the distribution lines are currently located, only insofar as it relates to the 66kV and 33kV distribution lines. We also direct that the planning maps be updated to show the location of the 66kV and 33kV distribution lines as set out in Exhibit B of Mr Watson's affidavit.<sup>143</sup>

### **Older persons', social and affordable housing and student accommodation**

[283] We now return to the theme reflected in Strategic Directions Objective 3.3.4(b):

There is a range of housing opportunities available to meet the diverse and changing population and housing needs of Christchurch residents, including:

- (i) a choice in housing types, densities and locations; and
- (ii) affordable, community and social housing and papakāinga.<sup>144</sup>

[284] We have already discussed why we are satisfied that the different residential zones, designed to achieve different density outcomes, assist to achieve this objective (and, in a related sense, assists to give effect to the CRPS). There are a set of other relevant provisions,

<sup>143</sup> Affidavit of Shane Watson, sworn 28 April 2015, Exhibit B.

<sup>144</sup> The topic of papakāinga is to be addressed later in our inquiry.

concerning retirement villages, older persons' housing, student accommodation, and social and affordable housing.

[285] As recorded on the transcript, Dr Mitchell elected to recuse himself from deliberations and decision-making on matters concerning Ryman.<sup>145</sup>

[286] In summary, the main determinations we make on these other provisions are as follows:

- (a) Retirement villages are restricted discretionary activities in the RMD zone (equally with multi-units), rather than permitted activities.<sup>146</sup> In other residential zones, retirement villages are a permitted activity if they meet the specified activity standard (as to building façades) and specified built form standards (and subject to the high traffic generator rule). We have decided against requiring retirement villages to meet an on-site amenity standard.<sup>147</sup>
- (b) “Older Person’s Housing Units” (‘OPHU’) (‘Elderly Person’s Housing Units’, i.e. ‘EPHU’, in the Notified Version) are permitted activities in most residential zones,<sup>148</sup> subject to specified standards. This is a change from the regime, proposed under both the Notified Version and Revised Version, of permitting the conversion of such units into residential units (i.e. not simply for older persons). We have also given greater development flexibility by an increase in the maximum floor area from 80m<sup>2</sup> to 120m<sup>2</sup>.<sup>149</sup>
- (c) Multi-unit residential complexes are permitted activities in the RSdT zone, but not in the RS zone, subject to specified standards. Greater development flexibility is given to such complexes, by:
  - (i) An increase in the maximum number of permitted units in them, from three to four;

<sup>145</sup> Transcript, page 626, lines 9–14.

<sup>146</sup> On this matter, preferring the position of the Council, as stated in its closing submissions, over that of Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Incorporated (through its evidence and in closing submissions).

<sup>147</sup> To this extent, accepting the submissions on this on behalf of Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Incorporated.

<sup>148</sup> We have not accepted the Council’s proposal.

<sup>149</sup> To this extent, granting the relief sought by Residential Construction Limited and Paul de Roo Family Trust (684).

- (ii) A reduction in the minimum floor area of two bedroom units for multi-unit residential complexes and social housing complexes from 70m<sup>2</sup> to 60m<sup>2</sup>.
- (d) Social housing complexes are permitted activities in the RS and RSDT zones subject to specified standards (including those specified for multi-units, above).
- (e) Comprehensive residential developments as provided for under the EDM are a restricted discretionary activity in the RSDT, RMD and RBP zones on contiguous sites of between 1500m<sup>2</sup> and 10,000m<sup>2</sup>. Locational qualifying standards (for example as to distance to business areas, parks, schools and transport routes) and built form standards apply, and there are specified minimum and maximum residential yields.
- (f) Comprehensive residential development containing specified proportions of social housing are also provided for under the CHRM, within areas identified on the Planning Maps, as a restricted discretionary activity. Resulting development must comprise one-third community housing; or be least equal to the number of community housing units (occupied or unoccupied) as at 6 December 2013, in redevelopment areas. A range of built form standards apply, including minimum and maximum residential yields.
- (g) Student hostels owned or operated by a relevant education body are permitted (up to six bedrooms), restricted discretionary (7–9 bedrooms), and discretionary activities (10 or more bedrooms) in RS, RSDT and RMD zones.
- (h) Boarding houses are a restricted discretionary activity in the RS, RSDT and RMD zones, with discretion limited to the scale of activity, its impact on residential character and amenity, and traffic generation and access safety (as provided for under Rule 14.13.5).
- (i) The standards included in the Notified Version on “life-stage inclusive and adaptive design for new residential units”, but deleted in the Revised Version, are deleted.

[287] We note that, in addition, the design of the RMD provisions (as approved by this decision) allows for many forms of multi-unit intensification as above-described.

[288] We now set out our reasons for the determinations we have made on those matters.

[289] We start with the general evidence on demographic trends and the implications of those trends for what the CRDP should provide for, in housing choice.

[290] On this matter, the Crown called property consultant Ian Mitchell,<sup>150</sup> who also gave evidence in our hearing on Strategic Directions. He explained some of the implications of the ageing population of Christchurch. In essence, he noted that household numbers are projected to increase in Christchurch by 23,700 households between 2012 and 2028, and 84 per cent of all growth is anticipated to be in households aged 65 years and older. Other trends he noted were a decline in home ownership and a consequent increase in rental households, with a projection that these will come to account for 53 per cent of total household growth. He expected those demographic trends, if reflected in housing choice, to see a trend towards smaller dwellings with fewer bedrooms and an increased proportion of multi-unit dwellings.<sup>151</sup>

[291] He noted that retirement villages are likely to continue to be an important source of supply of housing for a segment of the ageing population (owner-occupiers 65 years and older), bearing in mind the large percentage of household growth predicted in this age group. However, he noted that the retirement village sector typically targeted owner-occupiers, whereas there is a growing and significant proportion of projected growth in renter households.

[292] Medical Officer of Health for Canterbury, Dr Alistair Humphrey,<sup>152</sup> gave evidence on behalf of CDHB<sup>153</sup> on a range of matters as to the health and wellbeing of people within the communities of Christchurch. Specifically on the matter of making appropriate planning provision for the increasing numbers of older people, he made a number of observations as to

<sup>150</sup> Mr Mitchell has a Master of Business Studies, Diploma in Business Administration, Diploma of Agricultural Science, and a Bachelor of Agricultural Science. He is a director of Livingston and Associates, and a past National Director of Consulting and Research at DTZ Limited.

<sup>151</sup> Evidence in chief of Ian Mitchell on behalf of the Crown at 4.1.

<sup>152</sup> Dr Humphrey did not specifically detail his medical qualifications in his brief. He noted that he holds a Master of Public Health and is a Fellow of the Faculty of Public Health Medicine of the Royal Australasian College of Physicians, a Fellow of the New Zealand College of Public Health Medicine and Fellow of the Royal Australian College of General Practitioners.

<sup>153</sup> Submitter 648, FS1443.

the importance of ensuring proper provision for allowing people to age in place. In particular, to ensure the built environment reflects the future needs of a larger elderly population, dwellings built now “need to be able to function effectively for older residents now and into the future”.<sup>154</sup>

[293] He made a number of observations, supported by World Health Organisation analysis, as to the importance of warmer, drier and healthier homes. The direct health impacts (including for older people) of unhealthy homes also resulted in significant additional costs to the community in terms of visits to doctors and hospitals, and loss of productivity in the workforce. Similarly, more energy efficient homes assisted in reducing energy costs, which was important for low income households on fixed incomes.

[294] Specifically, he noted the following:<sup>155</sup>

36. As Christchurch’s population ages, the economic and social wellbeing of individuals, families and communities will be influenced by the social and economic contributions of older people. The ability to continue in paid employment is impacted by the functionality of people’s homes. Retaining older people in the workforce for longer could, at least until 2031, offset the future cost of New Zealand Superannuation through the PAYE flowback.<sup>156</sup> The value of older people’s unpaid and voluntary work is in the region of \$6 billion for 2011 and could be over \$22 billion in 2051 based on current projections across New Zealand.<sup>157</sup>

...

39. Older people have more sensory and physical limitations than younger people. Tenure uncertainty, unaffordable housing related costs, dilapidation and cold damp conditions have all been found to prompt movement into residential care. Poor housing exacerbates existing health conditions and heighten [sic] the impacts of impairment. This triggers dislocation from their communities, admission to an unnecessarily high level of care and support, and shift [sic] the cost of what is primarily a housing problem onto the health and social services sectors.

[295] In answers to the Panel, Dr Humphrey commented that an ageing population:<sup>158</sup>

<sup>154</sup> Evidence in chief of Dr Alistair Humphrey on behalf of CDHB at paras 35.

<sup>155</sup> Evidence in chief of Dr Alistair Humphrey at paras 36 and 37.

<sup>156</sup> For which his reference was “Ibid, pg 11”, which we took to mean a reference to the article noted in the following footnote.

<sup>157</sup> For which he referenced Savill-Smith, K. & Saville, J., (2012) *Getting Accessible Housing: Practical Approaches to Encourage Industry Take-up and Meeting Need*, Centre for Research, Evaluation and Social Assessment for the Office for Disability Issues and the Ministry of Business, Innovation and Employment, page 2.

<sup>158</sup> Transcript, page 501, lines 35–43 (Dr Humphrey).

... can be a resource to our community, or ... a burden... We want to live in a province where our elderly folk are a resource.

In order to help them to be a resource, they need to have the kind of residential property which accommodates their changing life stages...

[296] He agreed that a very important issue in terms of the health and wellbeing of older people is whether they would have to be alienated from their existing established communities. He commented:<sup>159</sup>

... many elderly people with a larger home want to downsize if they can, and we need to have a plan which accommodates those people in their changing life stage without pushing them away from their communities.

[297] Mediation significantly narrowed differences as between the Council and the retirement village sector submitters. In effect, the parties reached agreement that permitted activity status is appropriate for retirement villages (subject to meeting built form standards), in all residential zones other than the RMD zone.<sup>160</sup>

[298] On behalf of the retirement village sector, we heard from various witnesses employed in or representing this sector. Those included John Collyns, Executive Director for the RVA and Andrew Mitchell, Development Manager for Ryman.<sup>161</sup> John Kyle, a planning witness, gave evidence as to the relief being pursued by the RVA and Ryman.

[299] Mr Collyns explained to us how the retirement village industry is regulated under the Retirement Villages Act 2003 and associated regulations and codes of practice. Those include the Retirement Villages Code of Practice 2008 as to day-to-day management ('Villages Code'), and the Code of Residents' Rights (to ensure residents are respected and consulted). The RVA represents 315 registered retirement villages, or 96 per cent of the total number, throughout New Zealand. It is the sole auditing agency for its members' compliance with the Villages Code and other regulations. Audits by accredited agencies occur triennially. Complaints can be referred to a Disciplinary Tribunal, chaired by a retired High Court Judge. None has been brought to date.<sup>162</sup>

<sup>159</sup> Transcript, page 505, lines 35–38 (Dr Humphrey).

<sup>160</sup> First statement of rebuttal evidence by Adam Scott Blair on behalf of the Council at paras 25.3 and 28.1; Evidence in chief of John Kyle on behalf of Ryman, at paras 40–48.

<sup>161</sup> On behalf of Ryman and the RVA.

<sup>162</sup> Evidence in chief of John Collyns on behalf of RVA at paras 13–18.

[300] Mr Collyns and Mr Mitchell assisted us in understanding the supply and demand dimensions and how this should inform our decision on provision for retirement villages in the CRDP. Mr Collyns explained that the “penetration rate” (i.e. percentage of those aged 75 and over, who choose a retirement village) is lower in Christchurch (9.9 per cent) than the national average (12 per cent). On the basis of national demographic trends and assuming the national average penetration rate of 12 per cent, the RVA predicts that there will be a need for 10 new villages to be built per year over the next 20 years throughout New Zealand. While Mr Collyns did not have specific predictions for Christchurch, he noted that four additional villages were built in Canterbury between December 2013 and December 2014, and significantly more are at the consenting or construction stage. He also explained that the Canterbury earthquakes sequence destroyed four retirement villages and damaged about 80 per cent of them. However, villages were now coming back to where they were before the earthquakes and, by and large, are operational and working.<sup>163</sup>

[301] Andrew Mitchell explained that Ryman has six existing villages (totalling 2000–2500 units) and was actively looking for sites. It has to provide for a planned pipeline of a further 1000–2000 units, 500 of which were imminent.<sup>164</sup> He told us about the demand and supply side pressures on providing accommodation and care for the ageing population in Christchurch, exacerbated by the earthquakes. Part of that is from the fact that modern retirement villages have special functional, operational and locational requirements, including large format and medium to high density. Further, residents seek to live in their local areas, meaning that there is a need for appropriate distributional spread (although we observe that the practicalities of securing sites of sufficient size for retirement villages would likely still mean a degree of dislocation from local areas for a number of residents). This need for distributional spread means there is a scarcity of choice for the development of new retirement villages. Supply side pressures are also increasing through the closures of small and poor quality aged care homes.<sup>165</sup>

[302] In addition to the question of what activity status retirement villages should have in the RMD zone (which we return to shortly), the Panel tested retirement village witnesses on whether or not controls are appropriate for ensuring an appropriate level of internal amenity within villages, for their residents.

<sup>163</sup> Transcript, page 1176, lines 12–34.

<sup>164</sup> Transcript, page 1176, lines 17–34.

<sup>165</sup> Evidence in chief of Andrew Mitchell on behalf of Ryman at paras 12–15, 21–23 and 37–43.

[303] This issue primarily arose from the evidence of John Kyle, planning witness for Ryman and the RVA. In his written evidence, Mr Kyle expressed the view that the CRDP should focus on external effects beyond the site, rather than internal amenity matters. He explained that internal amenity matters “require specialist knowledge” and are best left to village operators. He suggested that it was in the best interests of the operators to have “well-designed buildings and villages that meet the needs of their residents”. He commented that he was “not aware of any internal amenity issues at existing villages” and internal amenity is “typically very high in my experience”. As such, he considered the imposition of internal amenity controls would be “unnecessary regulation”.<sup>166</sup> However, when questioned by the Panel, he commented that, if the Panel were to determine that regulation was necessary, an appropriate method for doing so would be to specify an assessment matter on internal amenities.<sup>167</sup>

[304] We received a somewhat different perspective from Mr Collyns on the matter of the standard of internal amenity of retirement villages. He explained that the RVA did not set any rules, standards or protocols as to the amenity provided to residents, beyond those of the Building Code and such regulations. He noted the broad range of villages, from those of a small not-for-profit group (which may not offer much in the way of amenities) through to those operated by Ryman, Summerset or other such providers offering a full suite of activities and care. In essence he acknowledged that, beyond the requirements of the Building Code and the Retirement Villages Act, what was offered by way of amenity was dependent on what the resident could afford.

[305] However, he expressed caution as to the imposition of minimum standards of internal amenity in terms of the impact this could have on the affordable housing end of the retirement village market. In particular, he referred to those whose homes do not realise sufficient capital to purchase into more than a modest retirement village. He gave as an example the Kate Sheppard Retirement Village, which was destroyed by the earthquakes and which was priced as an “affordable housing development”, with units offered in the range of \$100,000–\$150,000. He emphasised the importance of “building to the market’s requirements” in order to meet the needs of residents.<sup>168</sup>

<sup>166</sup> Evidence in chief of John Kyle on behalf of Ryman and the RVA at para 33.

<sup>167</sup> Transcript, page 1218, lines 4–44.

<sup>168</sup> Transcript, page 1168, lines 34–45; page 1169, lines 3–46; page 1170, lines 1–19.

[306] In answer to questions from the Panel, Mr Andrew Mitchell commented that he would not have a problem with an approach whereby compliance with a good practice protocol could be specified as a prerequisite for permitted activity status. He noted that this would need to be developed as a “minimum standard of what residents should expect in a village”.<sup>169</sup>

[307] However, in their closing submissions, Ryman and the RVA opposed the imposition of internal amenity controls. They submitted that there was no s 32 evidence of an existing problem, and a “very low risk” of a future problem. They submitted that village operators are already highly regulated (under both the Retirement Villages Act and the Building Code), and reputation was also an effective governor of responsible behaviour. They noted that any codification of onsite requirements would need substantial sector input, and industry guidelines could be developed quickly, whether inside or outside the RMA, if the need arose. However, their overarching submission was that there was no current or reasonably anticipated need for anything at this time.<sup>170</sup>

[308] This matter was not pursued by the Council in its closing submissions. Rather, the Council’s closing focussed primarily on the question of the appropriate activity classification for retirement villages in the RMD zone. On the matter of activity classification, the Council acknowledged the appeal of consistency across zones. However, relying on Mr Blair’s evidence, it submitted that there was no basis for differentiating retirement villages from other types of development that already trigger urban design assessment within the RMD zone.

[309] The essence of Mr Blair’s position on this matter was that the higher density RMD environment made it more important to undertake urban design assessment on a consistent basis. He could not identify any valid basis for treating retirement villages differently, in that respect, from multi-unit developments within the RMD zone.<sup>171</sup> Ryman took a different view. Relying on Mr Mitchell and Mr Kyle, it submitted that retirement villages should be treated differently from multi-unit developments, and, in any case, typical urban design principles are not well suited to the specialist nature of retirement villages.<sup>172</sup> Mr Kyle considered that nothing justified any more restrictive treatment of retirement villages within the RMD zone.

<sup>169</sup> Transcript, page 1183, lines 7–41.

<sup>170</sup> Closing submissions on behalf of Ryman and the RVA at paras 8–10.

<sup>171</sup> Rebuttal evidence of Scott Blair at para 25.3.

<sup>172</sup> Closing submissions on behalf of Ryman and the RVA at paras 11–14.

He observed that the RMD zone provides for a range of housing typologies and he considered it as suitable for retirement villages as any other residential zone.<sup>173</sup> In answer to questions from the Panel, he observed that retirement villages are much more comprehensively designed than a conventional medium density residential housing development.<sup>174</sup>

[310] We also heard from submitters involved in the development of housing for the elderly. One was Residential Construction Limited, for whom a director, Paul de Roo, gave evidence (together with planning witness, Ms Aston). Mr de Roo explained that his company has a long history as a specialist provider of affordable single storey elderly persons' housing units in Christchurch. He was not cross-examined.

[311] The company would look for development opportunities to redevelop larger existing sites (typically in the 600–1500m<sup>2</sup> range). We understood from him that a site between 750–800m<sup>2</sup> could yield 3–4 EPHU, depending on unit sizes. He noted that, nowadays very few vendors would accept property purchase offers that were conditional on obtaining resource consents. Typically, he needed to act quickly (“literally overnight”).<sup>175</sup> As such, he argued that development certainty, and no significant delay, were critical for the feasibility of EPHU development.<sup>176</sup>

[312] He explained that, while the Existing Plan specified a maximum gross floor area of 80m<sup>2</sup> for EPHU, his company was routinely being granted consent for non-complying activity EPHUs of around 120-130m<sup>2</sup> in area. He said single bedroom units, typically 80–100m<sup>2</sup>, suited singles, whereas two bedroom units, typically 100–120m<sup>2</sup>, better suited couples. He talked about variability in how resource consent applications to exceed the specified floor areas were dealt with. That has included some frustrating debates with Council consent processing officers concerning internal room configuration and external landscaping requirements. However, in his experience, most EPHU applications that met all relevant Existing Plan standards, apart from the maximum floor area, were processed without a need for affected party approvals.<sup>177</sup>

<sup>173</sup> Transcript, page 1189, lines 5–30.

<sup>174</sup> Transcript, page 1215, lines 19–45; page 1216, lines 1–8.

<sup>175</sup> Evidence in chief of Paul de Roo for Residential Construction Limited at 31.

<sup>176</sup> Evidence in chief of Paul de Roo at 10–20.

<sup>177</sup> Evidence in chief of Paul de Roo at 27–29.

[313] Mr de Roo noted that many elderly are not ready to go into retirement villages but seek to “downsize” from their family homes into smaller low maintenance units. The smaller size of EPHUs, as compared to townhouses, meant they were significantly more affordable for those seeking to move from their family homes. As such, he considered EPHUs meet a critical need for affordable housing for the elderly, enabling them to remain in their existing residential environments with existing family and social networks.<sup>178</sup> He said EPHUs were in very high demand, with owners appreciating their close living in communities with other elderly neighbours. In emphasising that point in answer to questions from the Panel, he observed:<sup>179</sup>

... it is critical to ... have them as over 60s, not a mixed model, as best we can. ... because they have peer groups or they have support groups so if someone is sick they could lean on their neighbour for support and they have that better when there is a group of people of like-minded [sic] age.

[314] He commented that his company was working through Papanui, Harewood and Halswell, and that there was very high demand.

[315] He explained that his company incorporates a range of external and internal design features to make them safe and suitable for older persons. This includes external security lighting, wider wheelchair suitable doorways, wider kitchen galley spaces, and wider wheelchair-suitable shower cubicles, handrails and other safety features.<sup>180</sup>

[316] On the matter of social housing, the Crown called Paul Commons, General Manager, Canterbury Recovery and Redevelopment at Housing NZ (together with planning witness, Maurice Dale, who addressed the Corporation’s requested relief). The Corporation is the largest owner of residential property in Christchurch, and houses approximately 20,000 tenants in approximately 6120 dwellings across the city. These social housing assets are spread across Christchurch, except for the hill suburbs. During the 2010/2011 earthquakes, some 95 per cent of these were damaged.

[317] However, in questioning by the Panel, Mr Commons accepted that the Corporation was now essentially back to its pre-earthquakes position, and current waiting list numbers in Christchurch were not out of line with those elsewhere in New Zealand. As such, he argued

<sup>178</sup> Evidence in chief of Paul de Roo at 16.

<sup>179</sup> Transcript, page 1458, lines 1–27.

<sup>180</sup> Transcript, page 1465, lines 21–45; page 1466, lines 1–23.

that what sets Christchurch apart is in essence the opportunity presented by this plan review to address the present mismatch between the nature of existing housing stock and demographic trends towards smaller households and, therefore, smaller units.<sup>181</sup>

[318] He explained that the Corporation is seeking to respond to a significant mismatch between the present Corporation housing stock (predominantly three bedroom dwellings on large lots) and the Corporation's client needs (increasingly for single bedroom units). The Corporation's asset management strategy includes redevelopment of existing sites to achieve better efficiency of use, and improvements to both the quantity and quality of the housing stock. Apart from repairing and upgrading 5000 earthquake damaged properties, the Corporation is building 700 new units by the end of 2015. This programme extends across many Christchurch suburbs and communities.<sup>182</sup>

[319] On the matter of student accommodation needs, we heard from witnesses for the University of Canterbury ('University'), Christchurch Polytechnic Institute of Technology ('CPIT') and representatives of the Ilam and Upper Riccarton Residents Association ('IURRA').

[320] The University's Director of Learning Resources, Alexandra Hanlon, told us about the significance of the University to the Christchurch economy, and how the University was progressing in its recovery from the significant impacts of the earthquakes. Those events had forced the University to adjust its business operation, but it now considers it is on the road to recovery, and is focussed on the meaningful retention of students. The University was now three years into a 10-year rebuilding programme (having delivered some \$340M of a total programme of \$1.1B by 2015). In terms of student numbers, initial very significant losses (some 22 per cent) have shown healthy recovery. The University has identified that student accommodation has become a critical component of the student experience and a key factor in a student's decision to attend the University. The provision of satisfactory accommodation (qualitative and quantitative) goes hand in hand with the University's drive to recruit students from outside Christchurch.

<sup>181</sup> Transcript, page 465, lines 27–38; page 469, lines 5–24.

<sup>182</sup> Evidence in chief of Paul Commons on behalf of Housing New Zealand Corporation at paras 10–21.

[321] Currently, some 2000 of a community of nearly 14,000 students live on campus in six halls of residence. We understood many of the remaining students live in private homes, boarding and rental properties across the city. A demographic shift of residents to the west of Christchurch has meant a loss of formerly available rental properties. This has contributed to an increasingly tight rental market for students. To encourage and maintain increased student numbers, the University considers it essential to be able to provide suitable, affordable student accommodation, preferably close to the campus. Hence, it aims to increase the amount of managed student accommodation. It envisages, as part of this, to purchase existing dwellings (of up to six bedrooms in size), and convert them into student accommodation. It sought associated permitted activity provision.<sup>183</sup>

[322] On behalf of the University and CPIT, planning witness Laura Buttimore recommended that this relief be coupled with a change to what the Notified Version proposed in relation to student hostels in the RS and RSDT zones. In effect, she sought that student hostels owned and operated by a “secondary or tertiary education and research activity” be given different activity classification depending on bedroom numbers. Where they contained fewer than six bedrooms, she recommended that they be classed as a permitted activity. Above that, she recommended that they be classed as a restricted discretionary activity.

[323] IURRA representative, Richard English, gave evidence that the IURRA supported the University and CPIT position on including a permitted activity rule, subject to certain provisos. The IURRA opposed Ms Buttimore’s proposal for an open-ended restricted discretionary activity status above six bedrooms. If between 7 and 9 bedrooms were specified to be a restricted discretionary activity, the IURRA sought that a broader range of discretionary matters be specified.<sup>184</sup> The IURRA also sought that we specify that bedrooms are “for single occupancy only”. Mr English explained that this last request was on the basis that it was the number of people, rather than bedrooms per se, that ought to be controlled. The IURRA also sought that we distinguish tertiary education student accommodation from that provided for secondary students. This was on the footing that tertiary student accommodation is more “permissive”, involves “the consumption of alcohol”, a different “span of hours” and significantly greater vehicle movements and parking requirements.

<sup>183</sup> Evidence in chief of Alexandra Hanlon on behalf of the University of Canterbury.

<sup>184</sup> Statement of evidence of Richard English on behalf of the IURRA; Transcript, page 1444, lines 36–46; page 1445, lines 1–16 (Mr English).

[324] In its closing submissions, the Council continued to recommend a single restricted discretionary activity rule for student hostels owned by such education institutions, and specified that there must be fewer than 10 bedrooms.

[325] A further concern of IURRA was what it described as an unmanaged increase in the number of boarding houses where loose “rent a room” arrangements were seeing significant numbers of people coming to reside in premises. Mr English observed that, on occasions, this led to living rooms within houses being converted to bedrooms, and “sleep outs” and caravans being brought on to properties for “rent a room” arrangements. He commented that this was putting pressures on neighbourhoods, in terms of increases in traffic, and demand for parking, increases in rubbish removal and a reduction in residential amenity. He emphasised that the IURRA was not seeking controls for “anti-social” behaviour by some tertiary students. Mr English argued that the CRDP should control boarding houses on the basis of their similarity with commercial accommodation such as hotels and motels. The IURRA sought to address this through the inclusion in the CRDP of definitions of “Boarding house” and “Boarding room”, in essence to more clearly distinguish them from ordinary larger family homes and, hence, curtail the trend that the IURRA has observed. The definitions it proposed were:

“Boarding House

means accommodation on a site whose aggregated total:

- (a) contains more than 2 boarding rooms and is
- (b) occupied, or intended by the landlord to be occupied, by at least 6 people at any one time.”

“Boarding Room

means accommodation in a boarding house that is used as sleeping quarters by 1 or more people, and that is for use only by a person or persons whose agreement relates to that room.”

[326] The Notified Version included controls on boarding houses. The issue raised by the IURRA were as to the degree of control that is appropriate. The Council did not express a position on the IURRA’s requested relief in its closing submissions.

### *Findings*

[327] On the matters we have traversed concerning housing for older persons, social housing and affordable housing, and education-related accommodation, we also heard from a range of

other submitters and witnesses. However, the evidence we have summarised has significantly informed the decisions we have made where these significantly differ from the Revised Version.

[328] As to the needs of our increasingly ageing population, the evidence satisfies us that it is important to allow for a range of different housing choices.

[329] That includes making sensible enabling provision for retirement villages, throughout all residential zones. Consistent with the outcome of mediation, except for the RMD zone, we have determined that retirement villages are permitted activities if they meet the specified activity standard (as to building façades) and built form standards (and subject to the high traffic generator rule).

[330] On balance, we agree with Mr Blair and the Council that retirement villages should be a restricted discretionary activity in the RMD zone. In essence, that is because we find that there are heightened receiving environment sensitivities in these zones given their existing intensity and the generally higher intensity of development allowed there. We have noted the evidence of Mr Kyle as to the generally higher quality of comprehensive design of retirement villages, as compared to multi-unit developments. However, we also bear in mind that we need to provide for a range of retirement village developments, from the higher end of quality to the lower end of affordability. That heightens the importance of having in place controls to manage receiving environment effects.

[331] Considering costs, benefits and risks, we have decided against imposing internal amenity controls on retirement villages. On this matter, we accept the position of Ryman and the RVA that there is no evidence at this time that there is a problem requiring intervention. We have also borne in mind the caution expressed by Mr Collyns as to the untested impacts of such regulation on the cost of delivering the affordable housing end of the retirement village market. Having said that, we are also mindful that it is at this “affordable” end of the market where residents have the least market power and hence, greatest vulnerability. However, on the basis of Mr Collyns’ evidence, we have assumed that the RVA’s members would act responsibly. Also, we have noted that the Council did not seek to address this topic in its closing submissions and took from that some concurrence with the retirement village sector position as to the lack

of any need for regulatory intervention at this time. However, we record that this is a matter where the Council, as plan administrator, has an ongoing plan monitoring responsibility.

[332] Dr Humphrey's evidence stressed the clear health and social evidence of people ageing in their own communities. We have also taken particular note of Dr Humphrey's evidence as to the importance of providing choice for ageing in place. That evidence was supported by the evidence of Mr de Roo. We find that ageing in place, whereby older persons have choices to downsize from their family homes yet remain within their familiar neighbourhoods, is important not only for the wellbeing of our older citizens but also for the communities of which they should continue to contribute to and be part of. In addition to providing choice, assisting affordability is also important. Those priorities are also generally reflected in the Statement of Expectations.

[333] We do not accept the Council's evidence that the needs of older people are met when they are essentially left to compete in the market for this relatively special dwelling type (bearing in mind it was originally conceived with the specific needs of the elderly in mind).

[334] Therefore, we have decided to restore what was known as EPHUs (renaming these Older Person's Housing Units), in RS and RSdT zones. In addition, we have increased the maximum floor area for permitted activity OPHUs from 80m<sup>2</sup> to 120m<sup>2</sup>, in line with Mr de Roo's evidence.<sup>185</sup>

[335] Demographic trends towards smaller households with a higher proportion of renters inform our view that greater flexibility than provided under the Revised Version should be allowed, in regard to permissible multi-unit and social housing development. As such, we have provided for social housing and multi-unit complexes as permitted activities in the RSdT and RMD zones, subject to specified standards.

[336] In addition, as noted, we have carried forward from the Notified Version the comprehensive residential development mechanisms known as the EDM and the CHRM. A planning witness for the Crown, Mr Gimblett, explained the genesis of these mechanisms as

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<sup>185</sup> In each case, including garages.

specific LURP interventions.<sup>186</sup> Mr Gimblett assisted with their development as part of a small team of planning and legal advisers to the Minister for Canterbury Earthquake Recovery.

[337] Mr Gimblett explained that, while the immediate housing needs crisis following the earthquakes was a factor leading to the development of the EDM and CHRM mechanisms, it was not the only one. Rather, as part of a package of measures, these mechanisms were also adopted as a means of supporting intensification, allowing for housing choice, and providing for community and social housing, with regard to the city’s immediate and longer term accommodation needs.<sup>187</sup>

[338] The EDM mechanism was conceived as a form of “floating zone”, to acknowledge the importance of flexibility insofar as new or changing support services and facilities could open up new areas for intensification opportunity over time.<sup>188</sup>

[339] By contrast, the CHRM mechanism, as provided for in the LURP, was directed to areas where significant building stock was already owned by social and community housing providers. These providers were seen to be vital in meeting the needs of some of the most vulnerable communities following the earthquakes. Importantly, much of the pre-earthquake stock was acknowledged to be increasingly unsuited to the needs of relevant communities.<sup>189</sup>

[340] In Mr Gimblett’s opinion, the mechanisms should both be included in the CRDP to achieve consistency with the LURP. While he acknowledged that they could be adapted, he urged that they continue to reflect their originally anticipated purposes which, as we have noted, extend beyond addressing the immediate exigencies of earthquake recovery.<sup>190</sup>

[341] Ms Marney Ainsworth, a resident of Brookside Terrace on the edge of a Housing NZ proposed development, spoke as a representative of the Bryndwr Community Group about the Group’s concerns about aspects of the CHRM.<sup>191</sup> She explained that the Group was not incorporated but operates a mailing list of some 83 individuals and a Facebook page and website accessed by some 128 households.

<sup>186</sup> Statement of evidence of Kenneth George Gimblett on behalf of the Crown.

<sup>187</sup> Statement of evidence of Kenneth George Gimblett at para 4.2.

<sup>188</sup> Statement of evidence of Kenneth George Gimblett at para 7.3.

<sup>189</sup> Statement of evidence of Kenneth George Gimblett at para 6.7.

<sup>190</sup> Statement of evidence of Kenneth George Gimblett at paras 9.1–9.3.

<sup>191</sup> In addition, Mr Bligh (865) sought the removal of the CHRM from Planning Maps 23 and 24 of the Notified Version.

[342] Ms Ainsworth told us that the Group was concerned as to the fact that the LURP precluded notification of applications. That concern was driven, in part, by the scale of Housing NZ development proposed in Bryndwr and the present lack of adequate community facilities in that locality.<sup>192</sup>

[343] Consistent with the LURP, the Notified Version provided that restricted discretionary applications under the CHRM would be dealt with on a non-notified basis. However, despite similar directions in the LURP for the EDM, the Notified Version did not carry forward a similar non-notification regime for that mechanism.

[344] We accept the uncontested evidence of Mr Gimblett as to the value of carrying forward both mechanisms.

[345] We agree with Mr Gimblett that the EDM mechanism is an important tool for enabling flexibility over time. As recommended, we have provided for the EDM to the effect of enabling this type of comprehensive development as a restricted discretionary activity, in the RSdT, RMD and RBP zones. As this is a tool for intensification, we have specified minimum and maximum residential yields. We have also specified dimensional standards (i.e. contiguous sites of between 1500m<sup>2</sup> and 10,000m<sup>2</sup>), locational qualifying standards (for example as to distance to business areas, parks, schools and transport routes), and built form standards.

[346] Similarly, we have provided for the CHRM as a tool for its intended purposes in relation to comprehensive residential development containing specified proportions of social housing. As recommended, this mechanism is available for those areas identified on the Planning Maps. In the identified areas, the CHRM classifies qualifying development as a restricted discretionary activity. Resulting development must comprise one-third community housing; or be least equal to the number of community housing units (occupied or unoccupied) as at 6 December 2013, in redevelopment areas. A range of built form standards apply, including minimum and maximum residential yields.

[347] We have provided for both mechanisms beyond the time period specified in the LURP.

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<sup>192</sup> Transcript, page 1403, line 3 to page 1406, line 44.

[348] We acknowledge the concerns Ms Ainsworth has expressed on the matter of notification. Part of our obligation is to ensure that the CRDP is not inconsistent with the LURP. The LURP specifies that, until December 2018, applications under the EDM and CHRM are not to be limited or publicly notified. In view of that, and the related evidence of Mr Gimblett and Mr Commons concerning the importance of social housing renewal and development for social wellbeing, we have carried forward a similar regime for both mechanisms. That is, we have specified that, for all restricted discretionary activity applications under the EDM and CHRM until 31 December 2018, applications must not be publicly notified, and that limited notification be confined to New Zealand Fire Service and KiwiRail (in each case, where there is non-compliance with specific built form standards). Beyond that date, that regime will cease to apply, and notification will be addressed through the applicable RMA notification provisions on that basis.

[349] We have also provided for social housing, as a permitted activity, in the RS zone. We have accepted the Council's recommendation in its Revised Version to increase the maximum number of permitted units from three to four. We have also reduced the minimum floor area of two bedroom units for multi-unit residential complexes and social housing complexes from 70m<sup>2</sup> to 60m<sup>2</sup>.<sup>193</sup>

[350] At this point, we reiterate our earlier observations (under the heading “The relevance or otherwise of infrastructure constraints”) that Policy 6.3.5 of the CRPS does not intend that Council infrastructure constraints operate as a barrier to land use development. The Council's evidence that its infrastructure upgrade programme is agile and able to be responsive to where development may occur, properly reflects the intention of integrated management reflected in the CRPS. We understood that evidence to refer, for example, to any new comprehensive social housing development using the CHRM. In that regard, we also emphasise the priority that enablement of social housing projects has, in terms of the RMA's sustainable management purpose in s 5. It directly serves the enablement of social wellbeing.

[351] We have decided to delete the rules of the Notified Version on “life-stage inclusive and adaptive design for new residential units”.

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<sup>193</sup> In each case, excluding garages.

[352] These proposed standards included (amongst a very long list) specific controls on the location and design of door handles, the location of electrical switches, television and computer outputs, the design of window controls, the required space around beds and in laundries, the design of shower spaces and the distance between toilet pans and walls.

[353] Self-evidently, these would have added significant cost and uncertainty to a range of residential development across the city. On the evidence we have heard, we do not consider there is any sound benefits case for doing so.

[354] We acknowledge the evidence of Dr Humphrey as to the value of healthy, energy efficient and safe dwelling design. We also acknowledge the submissions of Generation Zero in support of such design standards.<sup>194</sup> We expect this will be an increasingly important issue, given demographic trends.

[355] However, despite those acknowledged benefits, we are overwhelmingly satisfied on the evidence that they do not justify the costs and uncertainties that would have been imposed through the rules proposed by the Notified Version. It is notable that the Council elected against calling any evidence in support of these provisions, and the Crown (as well as a number of other submitters) opposed them.

[356] We noted with interest Mr de Roo's evidence as to the age-in-place design specifications his company typically builds older persons' housing to. We consider that demonstrates the value that the market, together with education, can play in this area. In any event, the value of healthy, energy efficient and safe dwelling design is a national one, rather than being Christchurch-specific. While the evidence does not demonstrate to us any value in regulatory intervention, were it called for, we consider the better statutory vehicle would be the Building Act 2004 and its associated codes. While we are overwhelmingly satisfied, on the evidence, that these proposed restrictions of the Notified Version are inappropriate, we also note that the restrictions could well be contrary to s 18 of the Building Act, as Ngāi Tahu Property Limited submitted.<sup>195</sup> However, we do not need to determine that in view of our findings that the proposed restrictions should be rejected on their merits.

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<sup>194</sup> Generation Zero (1149).

<sup>195</sup> Opening Legal Submissions on behalf of Te Rūnanga o Ngāi Tahu Property Limited (840, FS 1375), at paras 36 - 52

[357] However, we consider that it would be valuable to include in the CRDP a policy specifically to promote best practice in this area through non-regulatory methods including incentives. Therefore, we have included Policy 14.1.4.5 which is intended to encourage the Council to be active in incentivising this. That could include provision of information prepared in conjunction with the CDHB and agencies such as the Energy Efficiency and Conservation Authority Te Tari Tiaki Pūngao (or ‘EECA’).

[358] The evidence from the University as to its economic importance to Christchurch was unchallenged, and we accept it. Indeed, the priority that the CRPS and other Higher Order Documents give to recovery further enhances that importance at this time. We have also noted the evidence that the general demographic shift westwards has reduced the supply of student flats in the market and, in addition, students have an increasing expectation of a healthy good standard of accommodation handily located to the University. On these matters, we have taken note of the University’s strategic need to be able to offer healthy and suitable accommodation to students, including increasing numbers from overseas and from other New Zealand centres. We found a need to tighten and clarify both what the Council and the University and CPIT proposed in regard to student hostels. Therefore, we have provided for student hostels owned or operated by a relevant education body as permitted (up to six bedrooms), restricted discretionary (7–9 bedrooms), and discretionary activities (10 or more bedrooms) in RS, RSDT and RMD zones.

[359] On the matter of boarding houses, we agree in principle with the IURRA that there is a need to further tighten and clarify controls, including definitions. We have made boarding houses a restricted discretionary activity in the RS, RSDT and RMD zones with discretion limited to the scale of activity and its impact on residential character and amenity (as provided for under Rule 14.13.5). We have tightened and clarified the related definitions.

[360] We have also included a range of other provisions concerning housing diversity and choice that were included in the Revised Version, but which were not contentious. Those include provisions as to the conversion of various types of existing elderly persons’ housing units and family flats into residential units, replacement of single residential units with two, and construction of residential units on formerly vacant land. In relation to the conversion of elderly persons’ housing, we have introduced a sunset time limit of 30 April 2018, which is consistent with our Temporary Activities rules, and coincides with the conclusion of the

immediate recovery. Related requirements for housing are no longer necessary. Some of these are addressed in the LURP, and we are satisfied that the Decision Version is not inconsistent with the LURP on these matters. Similarly, subject to specified standards, we have made provision for care of non-resident children. We are satisfied on the evidence that all of these provisions are most appropriate for achieving the objectives and policies.

[361] For the reasons we have traversed, having had regard to the Statement of Expectations, we are satisfied that the set of provisions we have included in the Decision Version on these matters better gives effect to the CRPS (and is not inconsistent with the LURP). On the evidence, we find that the several changes we have made to the Revised Version will achieve a better outcome in terms of benefits, costs and risks. For the reasons we have given, we are satisfied that the provisions we have decided upon are the most appropriate for achieving the Strategic Directions objectives, and other objectives and policies.

### **Education and health and veterinary care and emergency services and temporary training**

[362] These are part of a group of non-residential activities whose place within residential zones relates to their contribution to enabling people and communities to provide for their wellbeing and health and safety. The provisions on the following matters ultimately proved non-contentious:<sup>196</sup>

- (a) Education activities and pre-school facilities;
- (b) Health care and veterinary care facilities;
- (c) Emergency services facilities and temporary military or emergency service training activities; and
- (d) Places of assembly.

[363] Some of these are specifically recognised in Strategic Directions objectives:

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<sup>196</sup> Except to the extent CIAL contested intensification of noise sensitive activities within the 50 contour, which we address earlier in this decision.

### **3.3.11 Objective — Community facilities and education activities**

- (a) The expedited recovery and establishment of community facilities and education activities in existing and planned urban areas to meet the needs of the community; and
- (b) The co-location and shared use of facilities between different groups is encouraged.

### **3.3.13 Objective — Emergency services and public safety**

Recovery of, and provision for, comprehensive emergency services throughout the city, including for their necessary access to properties and the water required for firefighting.

[364] On the evidence, we are satisfied that the provisions of the Revised Version on these matters are appropriate.

[365] With the drafting refinements we have made, we are also satisfied that the provisions included in the Decision Version on these matters give proper effect to the CRPS (and are not inconsistent with the LURP), and are the most appropriate for achieving the relevant objectives (including the Strategic Objectives noted).

### **Community correction and community welfare facilities**

[366] These are also activities whose place within residential zones relates to their contribution to enabling people and communities to provide for their wellbeing and health and safety. However, they are more prone to being a source of contention within those environments.

[367] The only parties to call evidence on community corrections facilities were the Crown (as provider of such facilities) and the Council.

[368] For the Crown, we heard from Ms Lisa Taitua, District Manager, Community Probation, Canterbury with the Department of Corrections. In reliance on Ms Taitua, Ms Yvonne Legarth presented planning evidence for that Department.

[369] Ms Taitua explained the role of the Department in enforcing sentences and orders of the Courts and Parole Board. This requires both custodial and non-custodial facilities, and her evidence focussed on the latter (the former intended to be addressed through designations). She explained the important role of such facilities for the community's health, safety and wellbeing why that it is often necessary to locate them in residential areas. She explained that

non-custodial facilities are used by the Department’s Community Corrections staff. On average, these staff manage approximately 3700 sentences and orders in the community at any one time. Currently, there are six Community Corrections facilities in the Greater Christchurch area. As a result of the earthquakes, the Department lost a facility in the east of the city (Pages Road), and has a present gap in this significant catchment.<sup>197</sup>

[370] Ms Taitua explained that the Department is in a “difficult position in that it has to supply an essential public service for the health, safety and wellbeing of our communities when there is often local opposition to the installation of such facilities”. She commented that sites are designed to be unobtrusive and “blend into their surroundings”. She went on to observe that, in her 11 years working for the Department, “there has been initial opposition about the establishment of a Community Corrections site within Christchurch”, but, following establishment, there have been “no further known issues”.<sup>198</sup>

[371] Hagley/Ferrymead Community Board (803) submitted that applications for Periodic Detention Centres and similar facilities must be required to be notified so as to enable potential neighbours and the wider community to have awareness and input. The Board’s submission noted that it was concerned that the location of Periodic Detention Centres can impact on local communities. It commented that “there have been two significant cases in the Hagley/Ferrymead ward, Richmond and Charleston, that have caused enormous community angst.”<sup>199</sup> The Board did not call evidence about these matters. Ms Taitua responded that she was familiar with some of the circumstances of one of the cases the Board mentioned, namely the Corrections’ Ensor Road Service Centre which was established in the Phillipstown area. She was aware that some members of the local community opposed it and appealed the resource consent decision, but the appeal was not upheld. She noted that the Department has been “able to support and assist the local community with community work projects”.<sup>200</sup>

[372] Neither the Board nor any other party sought to cross-examine Ms Taitua or Ms Legarth. Ultimately, there was no disagreement between the Crown and the Council on the most appropriate provision for such facilities.

<sup>197</sup> Evidence in chief of Ms Lisa Taitua on behalf of the Crown at paras 5–9.3.

<sup>198</sup> Evidence in chief of Ms Lisa Taitua at paras 10.1–10.3.

<sup>199</sup> Submission of Hagley/Ferrymead Community Board on the proposed Christchurch Replacement District Plan, page 4.

<sup>200</sup> Evidence in chief of Ms Lisa Taitua at paras 11.1.

[373] Accepting the evidence of Ms Taitua, we find that it is important for the health, safety and wellbeing of people and communities that there is confidence that such non-custodial facilities can be provided in residential zones. As to the Board’s submission, we do not consider “community angst”, as the Board puts it, is a necessarily valid reason for imposing a notified consent process. Such “angst” can simply be a form of localised initial prejudice against such facilities (or NIMBYism) by reason of the service they perform for the community as a whole.<sup>201</sup> We accept Ms Taitua’s evidence to the effect that these facilities do not typically give rise to issues, once they are established. The greater community purposes served by these facilities overwhelmingly favours making positive provision for them.

[374] On the basis of the evidence of Ms Taitua and other witnesses for the Crown and the Council, we are satisfied that what the Crown and the Council resolved is the most appropriate for such facilities. This will provide for such facilities as permitted activities, subject only to the application of the usual built form standards, hours of operation and signage for the applicable zones.

[375] On a related matter, we heard from two witnesses for The Salvation Army concerning its addiction treatment, mental health and residential accommodation facilities in Addington.<sup>202</sup>

[376] Ms Wendy Barney, the Director of Addiction Services at “the Bridge”, in Collins Street, told us about addiction treatment services it offers. Treatment programmes operate continuously for a range of clients, including those from the courts. Typically, a programme involves six weeks of residential care followed by two weeks of day clinics. She also told us about The Salvation Army’s men’s hostel in Poulsen Street. This was first opened in 1898 to serve prisoners on release from Addington Gaol. It now serves primarily as a night shelter and provides support for men suffering mental health problems, as well as some who have been released from prison.<sup>203</sup>

[377] The Salvation Army’s planning witness, Mr Graham Parfitt, told us about a master planning exercise that his client was undertaking for its Addington sites (which he became involved with in August 2014). It was undertaken in view of the poor state of repair and

<sup>201</sup> ‘NIMBY’ stands for “not in my back yard”.

<sup>202</sup> Submission 422.

<sup>203</sup> Evidence of Wendy Barney on behalf of The Salvation Army; Transcript, page 615, lines 27–46; page 616, lines 1–16.

unsuitability of some buildings at the sites and a shift by The Salvation Army nationally towards greater involvement in addiction treatment services (particularly for drugs and alcohol) and supportive housing. He considered that a comprehensive planning approach for the sites was appropriate, given their relatively large size (more than 1.8 hectare) and the particular nature and mix of services that The Salvation Army sought to provide there.<sup>204</sup> His client, therefore, sought a form of spot zoning whereby an overlay of provisions would be applied to the sites.

[378] Mr Parfitt confirmed what Mr Blair for the Council informed us as to the significant progress made in mediation. In terms of the modified provisions Mr Blair recommended in his rebuttal evidence, Mr Parfitt identified only a few points of difference. The most significant was that, in the updated provisions recommended in Mr Blair’s rebuttal evidence, “offices and meeting rooms for administration, counselling, family meetings, budgeting, education or training” remained restricted to existing buildings. Mr Parfitt explained that this would defeat his client’s master plan purposes, given the unsuitable state and condition of a number of these buildings. In answer to the Panel, Mr Parfitt confirmed that he was not seeking any exemption from the usual controls on the construction of new buildings. Rather, his concern was as to what permissible activities could occur within new buildings once constructed. On this matter, counsel for the Council, Ms Scott, conferred with Mr Blair and confirmed that the Council did not have any issue with accommodating Mr Parfitt’s request on this matter.<sup>205</sup>

[379] Mr Parfitt also sought an exemption for the distance between buildings and windows for internal boundaries. This was because the sites were in several certificates of title and he was concerned to avoid the prospect of unnecessary consents having to be obtained for new buildings simply by reason of their intrusion into these internal boundaries. He also sought definitions of “addiction services”, “supportive housing” and “Family Store” (the latter being a brand name used by The Salvation Army for its opportunity shop).

[380] The constructive approach taken by the Council and The Salvation Army has significantly assisted us in determining the most appropriate planning approach for these sites. We have allowed for addiction services and supportive housing for the range of requested services in either existing, upgraded or replacement buildings (other than the Family Store,

<sup>204</sup> Evidence of Graham Parfitt on behalf of the Salvation Army; Transcript, page 606, lines 23–45.

<sup>205</sup> Transcript, page 608, lines 7–45; page 609, lines 1–25; page 611, lines 1–30.

which is allowed within its existing building). We will deal with definitions in our decision on those matters. Finally, we have not provided the exemption requested by Mr Parfitt for internal site boundaries. That is because we consider the more appropriate method for dealing with that matter, should The Salvation Army find it problematic, would be for it to regularise its titles.

### **Places of worship and spiritual facilities**

[381] This was another matter where we were significantly assisted by constructive mediation and engagement between the Council (led by Mr Blair) and various submitters. The net result was that matters in contention were narrowed to only two issues, for two submitters:

- (a) The extent of what is encompassed in permitted activities for spiritual facilities, in addition to worship; and
- (b) Permitted activity hours of operation.

[382] Some submitters noted that the activities they conducted in their facilities extended beyond simply community worship.<sup>206</sup> We expect that is the case across a range of faiths and denominations. However, we consider this is adequately recognised in the definitions of spiritual facilities and spiritual activities, which together refer to “worship, meditation, spiritual deliberation”, “ancillary social and community support services” and “ancillary hire/use of church building for community groups and activities”. As such, we are satisfied that the definition proposed in the Revised Version is sufficiently fit for purpose and most appropriate.

[383] As to hours of operation, John Frizzell and Ken Suckling (jointly giving evidence for the Plymouth Brethren Church<sup>207</sup>) explained that a requirement of the Church’s faith includes starting its regular Sunday meeting with a Holy Communion service commencing at 6.00 a.m. That start time does not accord with the Notified Version’s permitted activity standard hours of operation of 7.00 a.m. to 10.00 p.m. They described their meetings as involving relatively small numbers, their church buildings as also being small and of standard design that complies with “local government requirements”, and local community considerations and concerns, including in ensuring sufficient off street parking and care for the environment. Messrs Frizzell

<sup>206</sup> For example, see Transcript, page 611, lines 42–46, and page 612, lines 1–16.

<sup>207</sup> Submitter 321.

and Suckling commented that applying for resource consent “is an expensive and time consuming exercise”.<sup>208</sup> They gave examples where having to secure written approvals from owners and occupiers of dwellings in the vicinity resulted in additional consultant costs and delays. They observed that they had never failed to secure consent and that their operations had not given rise to subsequent complaints.

[384] The Plymouth Brethren’s sensitive and responsible approach to the planning and provision of its facilities is to be commended. However, on the evidence before us, we do not consider that it justifies any exemption from the usual hours of operation for permitted activities. In essence, we did not receive sufficient evidence to be satisfied that any associated impacts on the amenities of neighbours could be adequately addressed through plan standards and other rules (as opposed to resource consent conditions).

[385] The evidence from the Plymouth Brethren that it has so far been entirely successful in securing resource consents may well point to a potential for suitable permitted activity standards to be developed. However, we cannot draw any safe conclusions on that, on the limited evidence before us. For instance, we cannot adjudge matters such as the numbers attending services, the amount of any off-site parking demand, the levels of noise and whether or not any light spill nuisance issues could arise. Related to that, we were not assisted with any evidence on related suitable standards on these and any other relevant impacts for residential neighbours. That leads us to determine that there is not a sound reason to dispense with resource consent processes as would be required by seeking to operate outside of the standard hours of 7.00 a.m. to 10 p.m. The assessment criteria we have specified ought to align well with the Brethren’s responsible approach to the design and operation of its facilities. However, as the evidence presently stands, we adjudge it to remain appropriate that they continue to engage with potentially affected neighbours, on a limited notified basis. That is so as to ensure fairness of process and compatibility between their facilities and neighbouring residential activities.

### **Other non-residential activities in the residential zones**

[386] The residential zones also host activities that can be commercial in nature. Usually, that is because they are activities that serve the needs of related residential communities.

<sup>208</sup> Evidence in chief of John Frizzell and Ken Suckling on behalf of Plymouth Brethren Church at para 7.1.

Sometimes, it is because they are types of “home occupation”. In any event, they are typically subject to controls to ensure their compatibility with the amenities of immediate neighbours and their predominantly residential neighbourhoods.<sup>209</sup>

[387] This approach was reflected in the Notified Version. What it proposed was not contentious and was also reflected in the Revised Version. The activities provided for, subject to specified controls, include home occupations, the care of non-resident children for monetary payment, and bed and breakfast facilities.<sup>210</sup> On the evidence we have heard, we are satisfied that this provision is the most appropriate. Apart from addressing drafting clarity matters, we have made provision for these activities in the Decision Version.

### **Residential design assessment and control**

[388] On this topic, the Decision Version has made relatively confined changes to the Revised Version. Leaving drafting changes aside, the two versions are essentially consistent in:

- (a) Requiring residential design assessment for multiple units of various classes above specified thresholds; and
- (b) Specifying restricted discretionary activity status for those activities for those purposes.

[389] The most significant changes the Decision Version makes are to tighten and clarify the assessment criteria (14.13.1 Residential Design Principles).

[390] Our starting point for the consideration of this matter is the direction given by the Higher Order Documents, in particular the CRPS. Its Policy 6.3.2 — ‘Development form and urban design’ directs that the CRDP is to give effect to specified principles of “good urban design” and the principles of the NZ Urban Design Protocol 2005. That direction informed our

<sup>209</sup> In the Christchurch context, the disruptions of the earthquakes saw the displacement of a number of commercial activities into a number of residential zones, under the auspice of special temporary exemptions under the CER Act: The Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011. This has resulted in a somewhat atypical further intrusion of commercial activities into predominantly residential environments, but on the assumption that this is time-limited. Our Temporary Activities decision deals with this matter: Decision 2 Temporary Activities.

<sup>210</sup> The Council’s proposals for motels and other such activities are to be considered later in our inquiry.

Strategic Directions decision. That decision records our finding that “good urban design is an essential ingredient not only in the recovery but also in providing for the long-term future of Christchurch”.<sup>211</sup> However, in that decision we went on to caution as to the importance of proper targeting, both in terms of relevant zones and contexts. This was in light of “a high risk that significant costs will be imposed that are not justified by the environmental benefits that could be realised”.<sup>212</sup>

[391] Although the Notified Version’s approach to urban design assessment attracted significant attention in submissions and evidence, the need for effective design assessment was not itself a matter of significant contention. Rather, the primary concerns were as to a lack of proper targeting in the controls and uncertainties about how discretionary judgement would be exercised in consenting processes. As was revealed through testing of the expert witnesses, urban design is a discipline prone to differing subjective perceptions and fashions. Hence, poorly targeted assessment criteria and other plan controls are a recipe for significant uncertainty and unjustified cost. While the extent of rebuilding and urban renewal underway and anticipated in residential areas of Christchurch makes good urban design essential, so also is it imperative that the CRDP gives the lead and direction for how expert judgment is to be applied.

[392] On the matter of managing uncertainty, a matter we tested was the choice of activity class — in particular whether “controlled activity” (where consent is assured) is more appropriate than “restricted discretionary” classification. The Council urban design expert, Mr McIndoe, spoke of his experiences of problems in the application of controlled activity status in the Wellington district plan, leading to a review of the approach it first adopted. While that was of some interest, we do not see it as determinative of the matter. The effectiveness, or otherwise, of controlled activity classification depends very much on the quality and nature of controls imposed by the plan. What is more significant is that Christchurch is dealing with its particular challenges in post-earthquakes recovery. That is the context in which the CRPS gives direction on urban design matters.

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<sup>211</sup> Strategic Directions at [204].

<sup>212</sup> Strategic Directions at [205].

[393] The Council's choice of restricted discretionary classification was not a matter of significant challenge by parties who contested this topic in expert evidence.<sup>213</sup> We have determined that restricted discretionary activity classification is the most appropriate for the particular circumstances in Christchurch at this time. In particular, we consider that context to warrant the capacity to decline consent where a development's design is so deficient that it would significantly derogate from the quality of its residential environment.

[394] In terms of ensuring sufficient certainty and clarity, it is important that restricted discretionary activities are properly targeted, in type and scale, to those requiring residential design assessment. It is also important that the criteria specified to direct discretionary judgment in such assessment are clear and precise.

[395] In terms of what activities must undergo residential design assessment, the focus needs to be on triggers of type and scale. A balance must be struck in deciding on those triggers. That is as to whether the benefits that the community would stand to gain (by way of good urban design outcomes) would outweigh the costs. Those costs are firstly imposed on individual owners and developers of land. However, they can also extend to the community as a whole, in terms of impediments to recovery, loss of certainty and confidence and, ultimately, loss of economic wellbeing.

[396] We did not receive economic or other evidence to enable us to undertake a quantified cost benefit analysis so as to inform our judgment on triggers. Instead, we have had to make a qualitative judgment. Closing submissions indicate that the Council's proposed triggers were not strongly opposed (rather, the primary focus of contention was in regard to assessment criteria).

[397] We have given careful consideration to whether the trigger points as to residential unit numbers are set appropriately. The Notified Version specified the trigger as three residential units for both social housing (in the RS and RSDT zones) and multi-unit residential complexes (in the RSDT zones). The Council later adjusted its recommended trigger to four units (in updated versions attached to the evidence in chief and rebuttal evidence of Mr Blair). The ensuing evidence of Messrs McIntyre (for the Crown) and Dale (for Housing NZ) both work

<sup>213</sup> Evidence of Sandra McIntyre (for the Crown) and Jeremy Phillips (for Oakvale Farm and Maurice Carter) who addressed urban design criteria do not appear to comment on activity status.

from the same adjusted trigger point. None of the associated evidence of these witnesses included any explicit discussion of the rationale for this upwards adjustment, beyond a brief reference by Mr Blair to the Crown’s submission. We presume that refers to the Crown’s general concerns about costs and uncertainties, as the submission does not appear to seek a change to the threshold itself.

[398] In any case, we find the recommended adjustment to the threshold appropriate. In part, that is because we are satisfied that, for smaller scale developments, the CRDP’s usual built form standards, activity classifications, and other rules are sufficient for addressing matters of design. In essence, the relative difference between those smaller scale multi-unit developments and permitted residential activities is relatively marginal, in terms of urban design outcomes. In reaching that view, we have considered the various opinions of the urban design and planning experts on these matters. Further, we consider this adjustment strikes a better balance in terms of costs and benefits, as the Crown’s submission and others seek.

[399] That brings us to the approach to residential design assessment for those activities that trigger this. These were matters given considerable attention by experts during the hearing. A range of opinions was expressed on the relative merits of different approaches. For example, as compared with the Notified Version, some experts favoured a more simplified, reductionist approach focussing on outcomes. Ms McIntyre (for the Crown) and Mr Phillips (for Oakvale Farm Limited and Maurice R Carter Limited) supported such an approach.<sup>214</sup> They perceived this as offering greater certainty, clarity and ease of use. On the other hand, we heard from Mr McIndoe (for the Council) about the relative merits of the more “comprehensive” approach of the Notified Version. He recommended that, if we favour the “outcomes” approach recommended by the other experts, we should ensure that the headlines we select for matters to be addressed are “suitably comprehensive”.<sup>215</sup>

[400] The choice of outcomes for assessment, and what is meant by “suitably comprehensive” assessment are very much in the realm of what the CRDP should direct, rather than what individual experts might prefer. The CRPS allows for the exercise of such discretion, as our Strategic Directions decision indicates. It is a matter for CRDP leadership in that the trade-offs made concern the competing interests of people and communities.

<sup>214</sup> Oakvale Farm Limited (381); Maurice R Carter Limited (377).

<sup>215</sup> Rebuttal evidence of Graeme McIndoe on behalf of the Council at para 3.8.

[401] In its closing submissions, the Council proposed various changes to reduce the scope for subjectivity, and better target the matters for assessment. It cautioned that Ms McIntyre’s recommended approach would open up significant room for discretion and uncertainty. However, with those riders, it adopted some of Ms McIntyre’s recommended wording.

[402] We found this endeavour to remove unnecessary differences helpful and we have found the Revised Version more appropriate than other recommended approaches on this point. In particular, we agree that the assessment criteria should:

- (a) Be exclusive, rather than inclusive of other potential considerations;
- (b) Address a city-wide context as well as the more localised matters of relationship to the street and public open spaces, built form and appearance, residential amenity, access, parking and servicing, and safety.

[403] Therefore, for the reasons we have set out, we differ from the Council’s approach in the Revised Version on the following matters:

- (a) We disagree that the city-wide context should encompass built features. Rather, at this scale, the focus should just be on natural, heritage and cultural features. We go further, in that we add the qualifier “significant” to natural, heritage and cultural features. We define “significant” as identified as significant in the CRDP. That is again on the basis of striking an appropriate balance in terms of costs and benefits. Natural, heritage and cultural features can be arguably present in most receiving environments. Not all warrant response in terms of residential design. Prioritisation is appropriate and can be achieved by identification in the CRDP.
- (b) We consider that the relationship to streets should be qualified by the addition of the word “adjacent”. On the evidence, we find that is the only relevant focus for residential design assessment in regard to streets.
- (c) We do not agree that there should be any requirement for assessment of what the Revised Version terms “environmental design”. The substance of what the Council has proposed here is on “passive solar design principles”, “efficient water use and

management” and “climate appropriate/low input planting”. The Council has not justified those matters being included in the evidence it called. Further, including such matters would be at odds with the Council’s election against pursuing similar “environmental design” matters of house design that were part of the Notified Version. These dimensions impose considerable uncertainty and unquantified costs which we find disproportionate and unjustified.

[404] We have provided that restricted discretionary activity applications would be processed on a non-notified basis. That is because we are satisfied, on the evidence, that the topic of residential design assessment is properly able to be addressed as a matter of technical design assessment, without input from submissions.

[405] We have made a range of other drafting changes, each with a view to ensuring greater clarity and less uncertainty.

[406] For those reasons, we find the Decision Version better gives effect to the CRPS, and better achieves relevant Strategic Directions objectives. Therefore, we also find it better responds to the Statement of Expectations and is the most appropriate.

### **Controls as to the visual transparency of fences**

[407] For the RMD, RSDT and RS zones<sup>216</sup> the Notified Version proposed controls as to the visual transparency of fences that faced the street. Fences between 1 metre and 1.8 metres in height would be required to have at least 50 per cent of the fence structure “visually transparent”. Where less than 50 per cent of the fence structure was visually transparent, it would be limited to a height of 1 metre.

[408] For the reasons that follow, we have decided to delete these controls, except for the RMD zone.

[409] Council architect, Ms Ekin Sakin, explained the Council’s rationale for these proposed controls. She explained how the Existing Plan included similar standards, but only for its Living 3 and Living G zones (the broad equivalent to the RMD and NNZ zones). She explained

<sup>216</sup> We leave aside the NNZ zone, as this is deferred for later hearing.

that these controls were introduced into the Existing Plan through PC53, which we understand became operative in 2012.<sup>217</sup> She referred to Appendix 5 to the s 32 Report<sup>218</sup> by way of background evaluation (‘Appendix 5 Report’).

[410] She noted that there was a relatively low number of submissions on the controls, eight of these being in relation to the RS zone (five of which were from residents) and four in relation to the RMD zone (on the topic of fences generally, one of which is related to this aspect). She contrasted that with the significant number of submissions that were made on PC53. She observed that this drop off in submissions from residents “demonstrates community acceptance, better understanding of the standards over time, as well as little or no community concern in balancing privacy with interaction with the street”.<sup>219</sup> However, she rightly also noted that reduced privacy was the predominant concern expressed in submissions, which we note are primarily related to the proposed imposition of this control in the RS and RSDT zones where it was not previously included in the Existing Plan. She pointed out that the controls would only apply to new fences, and what was proposed was the predominant configuration in low density suburban Christchurch.<sup>220</sup>

[411] In response to Panel questions concerning the rationale for the rule, given its implications for loss of privacy, Ms Sakin explained that this was “one of street safety, both perceived and actual”.<sup>221</sup> Similarly, the Appendix 5 Report briefly records as a rationale for “street scene controls”, that the “location of garages and driveways to the street with houses less connected to the public realm is a threat for street amenity and safety”.

[412] We understand that rationale to be informed, to an extent, by what are known as principles for “crime prevention through environmental design” (or ‘CPTED’), which are enunciated in a set of guidelines that were issued by the Ministry of Justice, in 2005.<sup>222</sup> One of those principles concerns sight lines and casual surveillance. However, examination of those guidelines reveals that they are primarily concerned with those types of public space in our

<sup>217</sup> Evidence in chief of Ekin Sakin on behalf of the Council at para 7.1.

<sup>218</sup> “District Plan Review — Residential Chapter 14, Section 32 — Appendix 5, Design Controls Review of Built Form, Character and Amenity Provisions for the Existing Flat Land Residential Zones”, Sakin, October 2013 – May 2014.

<sup>219</sup> Evidence in chief of Ekin Sakin at para 7.5.

<sup>220</sup> Evidence in chief of Ekin Sakin at paras 7.2–7.5.

<sup>221</sup> Transcript, page 131, lines 12–40 (Ms Sakin).

<sup>222</sup> <http://www.justice.govt.nz/publications/publications-archived/2005/national-guidelines-for-crime-prevention-through-environmental-design-in-nz/part-1-seven-qualities-of-safer-places/the-seven-qualities-for-well-designed-safer-places>.

cities that, without such measures, can be particular attractors of crime. Much of what the Ministry recommends concerns sensible design of public spaces such that they can receive the benefit of low cost, but effective, passive oversight (for instance, through proximity to overlooking commercial buildings, and well-lit and thought-through public accesses and spaces).

[413] We see little, if any, support in those documents for the extent of regulation imposed in the Notified Version.

[414] A further concern is that these proposed controls could work against a long-established amenity value associated with residential environments: privacy. In that sense, particularly in environments where these controls are not established, they do not maintain or enhance amenity values, a matter to which we must have particular regard (s 7(f)). On that, we do not find in the Council's evidence or s 32 Report (including Appendix 5) any robust assessment of the proposed controls against the state of the existing environments in which they would be imposed. The environments of the RSDT and RS zones are well-established, including in how residents have preferred to configure fences to protect the privacy of their indoor and outdoor living areas. Related to that, nor did the Council's evidence (or s 32 Report) provide any robust benefit and cost assessment.

[415] Amongst submissions from residents is one from Ms Sue Wells, in relation to the RS and RSDT zones.<sup>223</sup> Ms Wells, during her time on the Council, chaired the relevant committee dealing with resource management matters. In opposing these proposed controls, she observed that they would come as a surprise to landowners, particularly given that fences would not require building consent. As controls specific to fences, she questioned their practical enforceability. Another, Grant Miles,<sup>224</sup> opposed the proposed controls as being too restrictive for outdoor living space. He made the observation that houses on the southern side of a street would have living areas designed to face north, and thus the street. For these, he noted a concern that the controls would work against establishing private outdoor living spaces with a northern aspect.

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<sup>223</sup> Submission 1185.

<sup>224</sup> Submission 160.

[416] We find that, in substance, those submissions at least raise issues that called for substantive consideration, given the matters we have noted. However, we found that wanting in the Council's evidence and in the s 32 Report (including its Appendix 5).

[417] We acknowledge that the position for an RMD zone is different in view of the greater extent of intensification that exists there and which is encouraged to continue. In those environments, the fence design controls of PC53 are already demonstrated in the configuration of more recent developments.

[418] In the final analysis, we conclude that the proposed controls cannot be justified in terms of RMA principles, other than for the RMD zone. In particular, imposing them more widely would fail to maintain or enhance amenity values, and impose unjustified costs. Related to the last matter, a further factor that we weigh in confining the controls to the RMD zone is the OIC Statement of Expectations. In an overall sense, having considered the evidence before us on costs, benefits and risks in terms of s 32AA, we consider that the most appropriate course is to maintain them in the RMD zone and reject them in the RSDT and RS zones.

### **Built form standards for the various zones**

[419] We have made a range of technical and other changes to the built form standards for the various zones included in the Revised Version (i.e. by way of deletion or amendment). In each case, we have determined on the evidence that the changes reduce unnecessary regulation and cost, and improve clarity and consistency. The changes we have made are therefore the most appropriate for achieving the relevant objectives, including the Strategic Direction objectives.

### **Policy 14.1.5.5 deferred**

[420] By memorandum of counsel, on 11 August 2015, the Council requested that we not make a decision on Policy 14.1.5.5 at this time, but consider whether it ought to be deleted in the context of our Stage 2 Residential hearing. The memorandum explains that the Crown was the only submitter on this policy, and both the Council and the Crown now consider it superfluous in view of the notified Stage 2 provisions. We stop short of determining whether or not that is so, but agree to the Council's request given that Stage 2 is the proper stage to test whether or not it remains an appropriate policy.

### Carlton Mill Road height limits – Richard Batt

[421] Submitter Richard Batt is a property developer and the owner of sites at 21-23 Carlton Mill Road between Rhodes Street and Hewitts Road, Merivale.<sup>225</sup> In his submission, he sought reinstatement of the 30m height limit of the Existing Plan (as opposed to 20m and a five-storey limit of the Notified Version). He also sought a 3m setback (as opposed to 4m) and what he understood to be a restoration of a maximum building coverage of 50 per cent (as opposed to 45 per cent). No submission or further submission opposed the relief he pursued.

[422] Our decisions to provide for a general 2m setback and 50 per cent site coverage in the RMD zone address those aspects of Mr Batt’s requested relief. On the remaining matter of height limits, we have decided to reinstate the 30m height limit, for the following reasons.

[423] Mr Batt did not call evidence, but attended the hearing and spoke to his submission. He explained to us that, prior to the earthquakes, there was an eight-storey 1960s building on the sites. This was demolished by the former owners, shortly after the earthquakes.

[424] Despite a number of other demolitions, several other high rise apartments and other tall buildings remain in this area. Given the site’s location, it enjoys relatively unobstructed views over the Avon River and Hagley Park. This higher than typical built form in the locality was reflected in a more generous 30m height limit under the “Living 4B” zoning of the Existing Plan. The Notified Version continued to recognise the higher built form within this area, with an overlay to its RMD zoning. However, the overlay reduced the height limit to 20m and also set a limit of five storeys.

[425] The rationale for this height reduction was not clearly explained to us by the Council’s witnesses. Mr Batt, in speaking to his submission, told us that he could not “fathom” why the decision to reduce height limits had been made. From his reading of the “reports” on it, he understood the rationale may have been more generically related to the height limits being considered for the Central City.<sup>226</sup> He was concerned that he did not have a secure “existing use rights” basis for building back to the height of the demolished building.<sup>227</sup>

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<sup>225</sup> Richard Batt (937).

<sup>226</sup> Transcript, page 1389, lines 20–45.

<sup>227</sup> Transcript, page 1392, lines 29–46.

[426] Given the lack of clear rationale for this aspect of the Notified Version, we issued a Minute following the hearing.<sup>228</sup> We noted that the lack of evidence from both the Council and Mr Batt, together with the scant s 32 report information, left us concerned that we were not in a position to evaluate the options in a proper manner. We set a timetable for the Council to file supplementary evidence and for Mr Batt to file rebuttal if he so wished.

[427] We received a supplementary statement from Mr Blair, for the Council, changing his position to one of supporting Mr Batt's request for a 30m height limit for the sites. In view of that, it is not surprising that Mr Batt did not file rebuttal evidence.

[428] Mr Blair reported that he visited the sites on 21 October 2015 and noted that the sites were being advertised for a proposed residential building of eight storeys (with plant room), which he equated to being "over 20m but less than 30m". He recorded this as a material factor influencing his change of view.<sup>229</sup> We struggle to see it as having any relevance, on its own. That is, while such an opportunity may be something Mr Batt seeks for the site, this does not bear in any significant way on the appropriate development controls for the site.

[429] More pertinently, however, Mr Blair pointed to the Council's closing submissions seeking restricted discretionary activity status for urban design assessment purposes, and to the surrounding large residential apartment buildings and proximity to Hagley Park. He considered these factors to support greater height limits (and, in his view, greater intensity).<sup>230</sup>

[430] We add to that the lack of any submissions opposing the relief pursued by Mr Batt. In circumstances where a site such as this is close to many neighbouring dwellings (at least to the north, west and east), it can be anticipated that impacts on amenity values (e.g. in terms of shading, privacy and outlook) would be materially greater with a 30m height limit than they would be for a 20m limit. However, in considering these matters, we place significant weight on the historical context of an eight-storey building amongst others in this area, and on the lack of any submissions before us indicating any neighbourhood opposition to what Mr Batt has requested by way of restoration of the status quo. Coupled with that point, on the matter of urban design (or what we term "residential design"), we have provided a restricted

<sup>228</sup> Minute Proposal 14 (Stage 1 Residential) Residential Medium Density Higher Height Limit at Carlton Mill Road, 5 October 2015.

<sup>229</sup> Second Supplementary evidence of Mr Blair on behalf of the Council at 3.6.

<sup>230</sup> Second Supplementary evidence of Mr Blair at 3.7.

discretionary activity regime (in Rules 14.3.2.3 and 14.13.1). This will require specified new developments to be assessed against specified principles, including on built form and appearance and residential amenity. As we have noted, we provide for this to be on a non-notified basis, in that the height is as anticipated for this locality.

[431] Mr Blair also explained that the height and storey limits for the sites were set on the basis of work undertaken on appropriate height limits for Hagley Avenue adjacent to Hagley Park. That work recommended a 14m height limit for the Hagley Avenue locality, out of concern that the higher Living 4B height limits would be illogical given the intention to reduce height limits in the Central City.<sup>231</sup> He explained that the decision was made to provide an uplift from this recommendation of 14m, to a 20m height limit for Mr Batt’s properties, in recognition of the existing taller surviving buildings and the sites’ relationship to Hagley Park.<sup>232</sup> He conceded that it would have been helpful for this to have been made clear in the s 32 Report. While that might be a fair concession, we observe that this explanation of the genesis of the height limits of the Notified Version would tend to confirm the impression Mr Batt had from his reading of the “reports”, namely that they arose from a more generic concern as to the logic of height limits in relation to what is proposed for the Central City. In light of Mr Blair’s final recommendation and our other findings, we are satisfied that this concern can be discounted in this case.

[432] In view of all of these matters, on the matter of height limits, we conclude that the most appropriate outcome is to accept Mr Blair’s final recommendation and so reinstate the 30m height limit.

### **Other rezoning requests and miscellaneous mapping errors corrected**

#### *Merivale*

[433] The extent of RMD zoning included in the Notified Version at Merivale was slightly less than what had been identified by the Council for consultation. The slight reduction was made in the vicinity of Leinster Road. As Mr Blair explained, this was in part because of community

<sup>231</sup> Second Supplementary evidence of Mr Blair at 3.5.

<sup>232</sup> Second Supplementary evidence of Mr Blair at 3.5.

concerns about how RMD upzoning would impact on the residential amenity values of that part of Merivale.<sup>233</sup>

[434] Jan Cook (808) and Nurse Maude (525) supported the zoning pattern of the Notified Version for this area. Other submitters opposed the extent of RMD zoning, in particular, Brigit Andrews (265) and Michael Hughes (1121) objecting to the RMD zone around Mansfield Avenue.

[435] Mr Hughes lives in Murray Place and his property is next door to the Working Style business on Papanui Road. He was concerned about the zoning of the area of land bounded by Innes Road to the south, Papanui Road to the east, Mansfield Avenue to the north and Browns Road to the west. In speaking to his submission, he did not specifically address his concerns about the extent of proposed RMD zoning. However, he explained his concerns about the impacts that increased commercialisation in the vicinity of his dwelling was having on his enjoyment of residential amenity values.

[436] We accept the Council's evidence as demonstrating that the extent of RMD zoning provided under the Notified Version at Merivale is the most appropriate. We note that the Panel's Stage 1 Commercial and Industrial decision also addresses Mr Hughes' submission, to the extent that he was also opposed to commercial rezoning of land in the vicinity of his Mansfield Avenue property.

### *St Albans*

[437] Frank Hill (148) and G & R Taylor (609) opposed the notified RSDT and RMD zones respectively. Mr Hill requested an RS zone and the Taylors requested RSDT. Neither submitter attended the hearing to elaborate on their reasons. In the absence of any further information we accept the zoning of the Notified Version is the most appropriate and properly accords with the Higher Order Documents.

### *Other submissions*

[438] Submissions were also received that generally supported the residential zoning in the Notified Version. Unless otherwise stated we have accepted those submissions. A submission

<sup>233</sup> Transcript, page 223, lines 33–40 (Mr Blair).

was received from Donna Hatcher (543) requesting a change of zoning for Bournemouth Crescent, Wainoni, from RMD to RS. Ms Hatcher did not attend the hearing. We have insufficient evidence to consider her request further, and decline the submission accordingly.

[439] The Council also accepted a number of mapping errors as identified in submissions from Ngāi Tahu Property Limited in relation to areas at Wigram that were zoned Living 3 in the Existing Plan. We accept Mr Blair’s evidence that those areas should have been zoned RMD.<sup>234</sup> In relation to Paul Douglas (815), Mr Blair accepted that part of 17 Royds Street should be zoned RS, rather than left grey. We accept those corrections.

[440] We have considered requests from Mr Stokes (1182) for the removal of the Riccarton Wastewater Catchment. Mr Stokes attended the hearing and addressed other aspects of his submission but did not address this specific request in evidence or submissions. We have no evidential basis to support his request, and reject it accordingly.

*Requests to rezone Residential land to Commercial or Industrial*

[441] Submissions on these matters will be the subject of our Stage 1 Commercial and Industrial decision.

**Amendments to Decision 3 on the Repair and Rebuild of Multi-unit Residential Complexes**

[442] The Panel’s decision on provisions regarding the repair and rebuild of multi-unit residential complexes (‘Decision 3’) made it clear that the provisions approved by that decision only apply in relation to the repair and rebuild of multi-unit residential complexes.<sup>235</sup>

[443] Decision 3 included rules for the Residential Chapter (Chapter 14), in the form recommended by the Council. The Council has now brought to our attention that aspects of their recommended drafting carried into those provisions are unclear. In particular, it is not clear from the provisions that they are to apply to the repair and rebuild of multi-unit residential complexes only, compared to “buildings” more generally. The Council noted that this could

<sup>234</sup> Joint memorandum of Council and NPT, 22 April 2015, in relation to the former Wigram Aircraft Number 4 and 5 Hangars and the Control Tower.

<sup>235</sup> Decision 3 — Repair and Rebuild of Multi-Unit Residential Complexes (and Relevant Definitions), 26 February 2015, at [5].

be reasonably inferred from the rules included in the multi-unit decision. It invited the Panel to revisit Decision 3 to clarify the circumstances where the provisions apply (i.e. the repair and rebuild of multi-unit complexes only).

[444] The Council submitted that the Panel has jurisdiction to do this under cl 13(5) of the OIC, in that it is necessary to do so to ensure that the CRDP is coherent and consistent. The Council suggested remedial amendments to the Chapter 14 provisions that were approved by Decision 3.<sup>236</sup>

[445] The Council also noted that Decision 3 cross-referenced the version of the then applicable Chapter 14 provisions.

[446] During this hearing, amendments to those provisions were proposed (including changes affecting cross-referencing) which render incorrect cross-references to the relevant built form standards. The Council proposed consequential amendments, including to the Decision 3 provisions.<sup>237</sup>

[447] We have considered the requests and made amendments accordingly. We are satisfied, for the purposes of cl 13(6)(a) OIC, that these are of minor effect.

## Definitions

[448] Except to the extent that this decision addresses specific definitions, we defer our determination on definitions to our separate decision on Stage 1 Chapter 1 Introduction and Chapter 2 Definitions.

## Replacement of provisions

[449] Our decision is required to identify those parts of the Existing Plan that are to be replaced. The Council provided us with its recommendations on this in tables that accompanied the Notified Version. For this decision, we have considered those parts of the Council's recommendations relevant to the Stage 1 Residential proposal. As Schedule 2 records, we have deferred a number of provisions of the Notified Version to later stages of our

<sup>236</sup> Closing legal submissions of the Council at paras 8.1–8.4, and Annexure E  
<sup>237</sup> Ibid.

inquiry. Until those remaining provisions are heard and determined, the Existing Plan will continue to apply to the relevant areas of land. Given this staged approach to our inquiry, it is not practical to carve out only those parts of the Existing Plan that are to be replaced by this decision on a provision by provision basis. Therefore, we have determined that the only parts of the Existing Plan that are to be replaced by this decision are the zonings of those areas of land in the Existing Plan (excluding all overlays, designations or other features) that are to be zoned by this decision. This decision does not replace any other parts of the Existing Plan.

### **Directions for consequential changes to Planning Maps and specified Figures and Appendices**

[450] Mr Blair<sup>238</sup> explained a technical error on the Planning Maps which the Council's submission asked be corrected in relation to the Central Riccarton area. In the Notified Version, the residential rules specified a lower 8 metre height limit for this locality, but this was not shown on the applicable Planning Maps. The lower limit ought to have been shown as an overlay. We are satisfied that this is a minor remedial correction and the error is not such as to have prejudiced any party's ability to participate in the planning process. In particular, a reasonable reader of the Notified Version would not have simply scrutinised what the Planning Maps show. Rather, such a reader would have also considered the associated rules, where the restriction was duly specified.

[451] Therefore, we accept the Council's submission and direct that this correction be made to the Planning Maps on the timeframe we have noted below.

[452] We direct the Council to provide to the Panel, by **3 p.m. on Monday 11 January 2016**, an updated set of Planning Maps, Figures and Appendices to give effect to the various zoning and other changes to the Notified Version that we have made by this decision (and to address the above-noted technical error). Leave is reserved to the Council to make application for further or replacement directions.

[453] A second decision will then issue to the effect of further amending the Notified Version by inclusion of updated Planning Maps, Figures and Appendices.

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<sup>238</sup> Evidence in chief of Adam Scott Blair, at paras 6.17 – 6.19

### Timetabling and other cl 13(4) directions

[454] For the reasons given, under cl 13(4), we direct the Council as follows:

- (a) **By 3 p.m. on Monday 11 January 2016**, the Council must lodge for the Panel's approval as being in a form suitable for notification a draft proposal for RMD zoning of areas around each of the Linwood (Eastgate), Hornby and Papanui (Northlands) KACs, each such area being:
  - (i) Within the areas shown in Exhibit 4; and
  - (ii) Within 800 metres walkable distance of each of the facilities identified in Policy 14.1.1.2(a) of the Decision Version; and
  - (iii) In other respects in accordance with Policy 14.1.1.2 of the Decision Version;
- (b) Lodge, by that same time and date, the Council's s 32 evaluation of that draft proposal.
- (c) **By 3 p.m. on Monday 11 January 2016**, the Council must lodge for the Panel's approval as being in a form suitable for notification a proposal to include rules in the Residential Zones for corridor protection setbacks for the 11kV Lyttelton distribution line.
- (d) Lodge, by that same time and date, the Council's s 32 evaluation of that draft proposal.

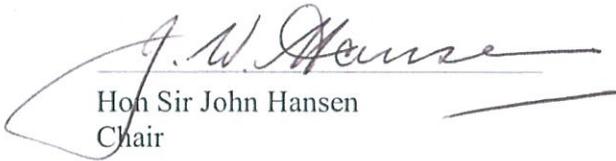
[455] Leave is reserved to the Council to apply for further or replacement directions.

[456] Further timetabling and other directions will follow on receipt of the documents above-described.

### Overall evaluation and conclusions

[457] Based on our evidential findings, we are satisfied that Decision Version, as amended from the Revised Version, best gives effect to the RMA and the 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



Environment Judge John Hassan  
Deputy Chair



Ms Sarah Dawson  
Panel Member



Dr Philip Mitchell  
Panel Member

## **SCHEDULE 1**

Changes that the decision makes to the proposals.

## 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. high density residential development in the Central City, that achieves an average net density of at least 50 households per hectare for intensification development;
  - ii. 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;
  - iii. 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;
  - iv. greenfield land that is available for further residential development up to 2028; and
  - v. low density residential environments in other existing suburban residential areas and in the residential areas of Banks Peninsula are maintained, but limited opportunities are provided for smaller residential units that are compatible with the low density suburban environment.

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>  |
| <i>New Neighbourhood Zone</i>                | <i>[deferred to NNZ Hearing]</i>   |
| 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> |

#### 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 4000m<sup>2</sup>; 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.

Note: This policy also implements Objective 14.1.2.

#### **14.1.1.3 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.

#### **14.1.1.4 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.

#### **14.1.1.5 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.

#### **14.1.1.6 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.

### 14.1.1.7 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 – 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.

#### **14.1.4.6 Policy – Landscape and Ngāi Tahu cultural values in residential areas of Banks Peninsula**

*[deferred to Stage 2 Residential]*

**14.1.4.7 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.

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

### **14.1.7 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 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; and
  - ix. Mairehau final development area shown on Figure 5.
- 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 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.

| Activity  |  | Activity specific standards  |
|-----------|--|--|
| <b>P1</b> | Residential activity, except for boarding houses   | <ul style="list-style-type: none"> <li>a. No more than one heavy vehicle shall be stored on the site of the residential activity.</li> <li>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.</li> </ul>  |
| <b>P2</b> | 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"> <li>a. The existing site containing both units shall have a minimum net site area of 450m<sup>2</sup>.</li> <li>b. The minor residential unit shall have a minimum gross floor area of 35m<sup>2</sup> and a maximum gross floor area of 80m<sup>2</sup>.</li> <li>c. The parking areas of both units shall be accessed from the same access.</li> <li>d. There shall be a total outdoor living space on the existing site (containing both units) with a minimum area of 90m<sup>2</sup> and a minimum dimension of 6 metres. This total space can be provided as: <ul style="list-style-type: none"> <li>i. a single continuous area; or</li> <li>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 30m<sup>2</sup> in area.</li> </ul> </li> </ul> <p>Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.</p> |
| <b>P3</b> | 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"> <li>a. Nil</li> </ul>   |

| Activity  |  | Activity specific standards  |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
|-----------|--|--|------------------------|--------------------|------------------------|----|---------|------------------|----|------------|------------------|----|-------------|------------------|----|---------------------|------------------|
| <b>P4</b> | 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> <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>35m<sup>2</sup></td> </tr> <tr> <td>2.</td> <td>1 Bedroom.</td> <td>45m<sup>2</sup></td> </tr> <tr> <td>3.</td> <td>2 Bedrooms.</td> <td>60m<sup>2</sup></td> </tr> <tr> <td>4.</td> <td>3 or more Bedrooms.</td> <td>90m<sup>2</sup></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 9m<sup>2</sup> 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 <sup>2</sup> | 2. | 1 Bedroom. | 45m <sup>2</sup> | 3. | 2 Bedrooms. | 60m <sup>2</sup> | 4. | 3 or more Bedrooms. | 90m <sup>2</sup> |
|           | Number of bedrooms   |  | Minimum net floor area |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
| 1.        | Studio.  | 35m <sup>2</sup>   |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
| 2.        | 1 Bedroom.   | 45m <sup>2</sup>   |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
| 3.        | 2 Bedrooms.  | 60m <sup>2</sup>   |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
| 4.        | 3 or more Bedrooms.  | 90m <sup>2</sup>   |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
| <b>P5</b> | Social housing complexes   |  |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
| <b>P6</b> | Older person's housing unit  | <p>a. Any older person's housing unit shall have a maximum gross floor area of 120m<sup>2</sup>.</p>   |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |
| <b>P7</b> | 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"> <li>i. be at least 1 metre in depth, for a length of at least 2 metres;</li> <li>ii. be for the full height of the wall; and</li> <li>iii. include a break in the eave line and roof line of the façade.</li> </ol>   |                        |                    |                        |    |         |                  |    |            |                  |    |             |                  |    |                     |                  |

| Activity   |   | Activity specific standards   |
|------------|---|---|
| <b>P8</b>  | 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>   |
| <b>P9</b>  | 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 35m<sup>2</sup>.</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 90m<sup>2</sup> 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 30m<sup>2</sup> in area.</p> <p>Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.</p>   |
| <b>P10</b> | 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 35m<sup>2</sup>.</p> <p>b. There shall be a total outdoor living space on the existing site with a minimum area of 90m<sup>2</sup> 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 30m<sup>2</sup> 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"> <li>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;</li> <li>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</li> </ol> |

| Activity   |  | Activity specific standards  |
|------------|--|--|
|            |  | iii. any Flood Management Area.  |
| <b>P11</b> | 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> <ol style="list-style-type: none"> <li>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;</li> <li>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</li> <li>iii. any Flood Management Area.</li> </ol> <p>c. There shall be a total outdoor living space on the existing site with a minimum area of 90m<sup>2</sup> 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 30m<sup>2</sup> in area.</p> <p>Note: This requirement replaces the general outdoor living space requirements set out in Rule 14.2.3.5.</p> |
| <b>P12</b> | 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> <ol style="list-style-type: none"> <li>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;</li> <li>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</li> <li>iii. any Flood Management Area.</li> </ol> <p>b. There shall be a total outdoor living space on the existing site with a minimum area of 90m<sup>2</sup> 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 30m<sup>2</sup> 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.   |                    |  |
| <b>P13</b>         | Home occupation   | <ul style="list-style-type: none"> <li>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 40m<sup>2</sup>.</li> <li>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</li> <li>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.</li> <li>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"> <li>i. 0700 – 2100 Monday to Friday; and</li> <li>ii. 0800 – 1900 Saturday, Sunday and public holidays.</li> </ul> </li> <li>e. Visitor or staff parking areas shall be outside the road boundary setback.</li> <li>f. Outdoor advertising shall be limited to a maximum area of 2m<sup>2</sup>, except that where the activity is located on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.</li> </ul> |                    |  |
| <b>P14</b>         | 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"> <li>a. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and</li> <li>b. at least one carer residing permanently within the residential unit.</li> </ul>   |                    |  |
| <b>P15</b>         | Bed and breakfast   | <p>There shall be:</p> <ul style="list-style-type: none"> <li>a. a maximum of six guests accommodated at any one time;</li> <li>b. at least one owner of the residential unit residing permanently on site; and</li> <li>c. no guest given accommodation for more than 90 consecutive days.</li> </ul>  |                    |  |
| <b>P16</b>         | Education activity  | <p>The activity shall:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. only occupy a gross floor area of building of less than 200m<sup>2</sup>, or in the case of a health care facility, less than 300m<sup>2</sup>;</li> <li>c. limit outdoor advertising to a maximum area of 2m<sup>2</sup>;</li> <li>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" data-bbox="670 1915 1348 2016"> <tr> <td>Education activity</td> <td> <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Saturday; and</li> </ul> </td> </tr> </table> </li> </ul>  | Education activity | <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Saturday; and</li> </ul> |
| Education activity | <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Saturday; and</li> </ul>            |   |                    |  |
| <b>P17</b>         | Pre-schools   |   |                    |  |
| <b>P18</b>         | Health care facility  |   |                    |  |
| <b>P19</b>         | Veterinary care facility  |   |                    |  |
| <b>P20</b>         | 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<br/>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<sub>dn</sub> 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<br>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<br>ii. 0700 – 1300 Saturday, Sunday and public holidays. |  |  |  |             |   |                      |                 |                          |                    |
| Health care facility     | i. 0700 – 2100.   |  |  |  |             |   |                      |                 |                          |                    |
| Veterinary care facility |   |  |  |  |             |   |                      |                 |                          |                    |
| Places of assembly       |   |  |  |  |             |   |                      |                 |                          |                    |
| <b>P21</b>               | 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>  |  |  |             |   |                      |                 |                          |                    |
| <b>P22</b>               | 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> <p>b. limit signage to a maximum area of 2m<sup>2</sup>.</p>  |  |  |             |   |                      |                 |                          |                    |
| <b>P23</b>               | Community welfare facilities  |  |  |  |             |   |                      |                 |                          |                    |

| Activity   |   | Activity specific standards   |
|------------|---|---|
| <b>P24</b> | Emergency services facilities   | a. Nil  |
| <b>P25</b> | <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"> <li>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;</li> <li>ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres;</li> <li>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.</li> </ol> <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> |
| <b>P26</b> | <p>Temporary lifting or moving of earthquake damaged buildings where the activity does not comply with one or more of Rules:</p> <ol style="list-style-type: none"> <li>a. 14.2.3.3 – Building height;</li> <li>b. 14.2.3.4 – Site coverage;</li> <li>c. 14.2.3.5 – Outdoor living space;</li> <li>d. 14.2.3.6 – Daylight recession planes; or</li> <li>e. 14.2.3.7 – Minimum building</li> </ol> | <p>a. Buildings shall not be:</p> <ol style="list-style-type: none"> <li>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</li> <li>ii. lifted to a height exceeding 3 metres above the applicable recession plane or height control.</li> </ol> <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> |
| <b>P27</b> | Relocation of a building   | a. Nil  |
| <b>P28</b> | Temporary military or emergency service training activities  |   |
| <b>P29</b> | Market gardens, community gardens, and garden allotments   |   |

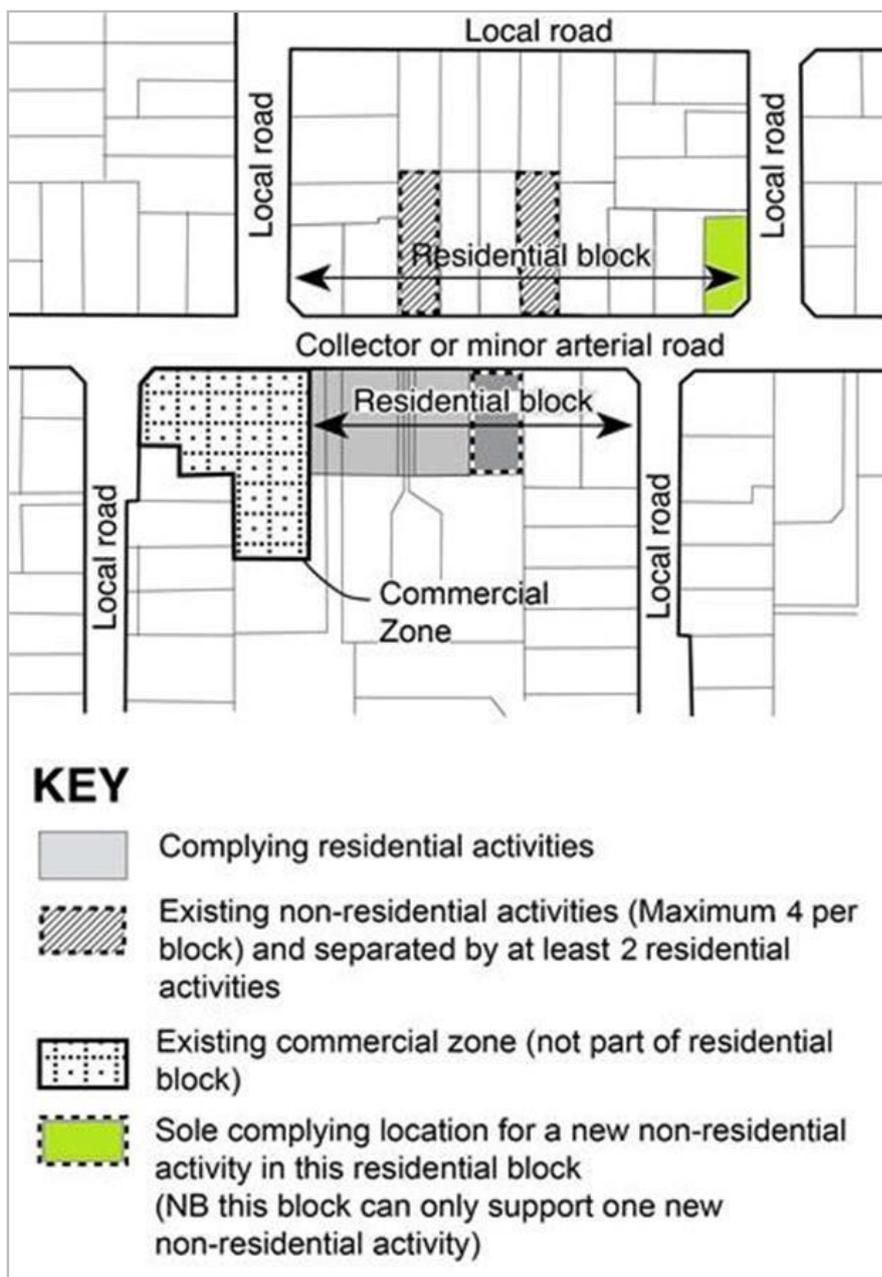


Figure 1: Residential coherence

*[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.

|           |  | <b>The matters over which Council reserves its control:</b>                         |
|-----------|--|---|
| <b>C1</b> | 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   |
| <b>C2</b> | Residential units (including any sleep-outs) containing more than six bedrooms in total  | a. Scale of activity – 14.13.5<br>b. Traffic generation and access safety – 14.13.6 |
| <b>C3</b> | 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   |
| <b>C4</b> | 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                          |
| <b>C5</b> | 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   |
| <b>C6</b> | 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.

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

| Activity    |   | The Council's discretion shall be limited to the following matters:                 |
|-------------|---|---|
|             | comply with any one or more of the activity specific standards in Rule 14.2.2.1 P2 a., b., c., and d.   |   |
| <b>RD4</b>  | 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 14.2.2.1 P10 a. and b. |   |
| <b>RD5</b>  | Social housing complexes, where any residential unit in the complex does not comply with the activity specific standard Rule 14.2.2.1 P5 b.   | a. Minimum unit size and unit mix – 14.13.4   |
| <b>RD6</b>  | Multi-unit residential complexes in the Residential Suburban Density Transition Zone, where any residential unit in the complex does not comply with the activity specific standard Rule 14.2.2.1 P4 b.                   |   |
| <b>RD7</b>  | Social housing complexes – over four residential units  | a. Residential design principles – 14.13.1  |
| <b>RD8</b>  | Multi-unit residential complexes in Residential Suburban Density Transition Zone – over four residential units  |   |
| <b>RD9</b>  | Older person's housing units that do not comply with the activity specific standard in Rule 14.2.2.1 P6 a.  | a. Scale of activity - 14.13.5  |
| <b>RD10</b> | Retirement villages that do not comply with any one or more of the activity specific standards in Rule 14.2.2.1 P7  | a. Retirement villages - 14.13.10   |
| <b>RD11</b> | Boarding house  | a. Scale of activity - 14.13.5<br>b. Traffic generation and access safety - 14.13.6 |
| <b>RD12</b> | 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  |

| Activity    |  | The Council's discretion shall be limited to the following matters:   |
|-------------|--|---|
| <b>RD13</b> | <p>Convenience activities where:</p> <ol style="list-style-type: none"> <li>the site is located on the corner of a minor arterial road that intersects with either a minor arterial road or collector road;</li> <li>the total area occupied by retailing on the site is no more than 50m<sup>2</sup> public floor area;</li> <li>the activity does not include the sale of alcohol;</li> <li>outdoor advertising is limited to no more than 2m<sup>2</sup> and shall be within the road boundary setback;</li> <li>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</li> <li>there is no provision of on-site parking area for visitors or service purposes.</li> </ol> | <ol style="list-style-type: none"> <li>Residential design principles - 14.13.1</li> <li>Scale of activity – 14.13.5</li> <li>Non-residential hours of operation – 14.13.22</li> <li>Traffic generation and access safety – 14.13.6</li> </ol> |
| <b>RD14</b> | <p>Integrated family health centres where:</p> <ol style="list-style-type: none"> <li>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;</li> <li>the centre is located on sites adjoining a Neighbourhood, District or Key Activity Centre;</li> <li>the centre occupies a gross floor area of building of between 301m<sup>2</sup> and 700m<sup>2</sup>;</li> <li>outdoor advertising signage is limited to a maximum area of 2m<sup>2</sup>; and</li> <li>the hours of operation when the site is open to patients, or clients, and deliveries is limited to between the hours of 0700 – 2100.</li> </ol>   | <ol style="list-style-type: none"> <li>Scale of activity - 14.13.5</li> <li>Traffic generation and access safety - 14.13.6</li> <li>Non-residential hours of operation - 14.13.22</li> </ol>  |
| <b>RD15</b> | <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"> <li>Scale of activity – 14.13.5</li> <li>Traffic generation and access safety - 14.13.6</li> <li>Non-residential hours of operation - 14.13.22</li> </ol>  |

| Activity    |   | The Council's discretion shall be limited to the following matters:   |
|-------------|---|---|
|             | notified to those directly abutting landowners.   |   |
| <b>RD16</b> | <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>   |
| <b>RD17</b> | <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>   |
| <b>RD18</b> | <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> |
| <b>RD19</b> | Buildings that do not comply with Rule 14.2.3.3 – Building height   | <p>a. Impacts on neighbouring property – 14.13.3</p>  |
| <b>RD20</b> | Buildings that do not comply with Rule 14.2.3.6 – Daylight recession planes   |   |
| <b>RD21</b> | <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:  |
|-------------|---|--|
| <b>RD22</b> | 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).<br><br>Any application arising from this rule will not require written approval and shall not be publicly or limited notified. |  |
| <b>RD23</b> | Market gardens where the site coverage exceeds 55%.<br><br>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.  |  |
| <b>RD24</b> | Residential units that do not comply with Rule 14.2.3.5 – Outdoor living space.<br><br>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   |
| <b>RD25</b> | Buildings that do not comply with Rule 14.2.3.9 – Road boundary building setback.<br><br>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                              |
| <b>RD26</b> | 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<br>b. Minimum building, window and balcony setbacks – 14.13.19 |
| <b>RD27</b> | 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:  |
|-------------|---|--|
| <b>RD28</b> | 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.  |
| <b>RD29</b> | Residential units that do not comply with Rule 14.2.3.11 – Water supply for firefighting.<br><br>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  |
| <b>RD30</b> | 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 <sub>dn</sub> Air Noise Contour, refer to RD33; or P16-P19 activity standard j. relating to storage of heavy vehicles, refer to D2) for:<br>a. P13 Home occupation;<br>b. P16 Education activity<br>c. P17 Pre-schools;<br>d. P18 Health care facility;<br>e. P19 Veterinary care facility.<br><br>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:<br>a. Scale of activity -14.13.5<br>b. Traffic generation and access safety - 14.13.6<br>c. Non-residential hours of operation – 14.13.22  |
| <b>RD31</b> | 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.<br><br>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.<br>b. The frequency at which any proposal is predicted to be flooded and the extent of damage likely to occur in such an event.<br>c. Any proposed mitigation measures, and their effectiveness and environmental impact, including any benefits associated with flood management.<br>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.   |
| <b>RD32</b> | <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>  |
| <b>RD33</b> | <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<sub>dn</sub>) 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  |   |
|-----------|---|
| <b>D1</b> | Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity  |
| <b>D2</b> | <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> |
| <b>D3</b> | Student hostels owned or operated by a secondary education activity or tertiary education and research activity containing 10 or more bedrooms  |

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

### 14.2.2.5 Non-complying activities

The activities listed below are non-complying activities.

| Activity   |   |
|------------|---|
| <b>NC1</b> | Any non-residential activity located on a site with frontage to Memorial Avenue or Fendalton Road   |
| <b>NC2</b> | 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 <sup>2</sup> net site area.  |
| <b>NC3</b> | 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 <sup>2</sup> net site area  |
| <b>NC4</b> | 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)  |
| <b>NC5</b> | 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)  |
| <b>NC6</b> | <p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> </ol> <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"> <li>1. The National Grid transmission lines are shown on the planning maps.</li> <li>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</li> </ol> |

|     |   |
|-----|---|
|     | <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>  |
| NC7 | <p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <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"> <li>1. The electricity distribution lines are shown on the planning maps.</li> <li>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.</li> <li>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.</li> </ol> |

### 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          |
|----|---------------------------|-------------------|
| 1. | Residential Suburban Zone | 450m <sup>2</sup> |

|    |   |  |
|----|---|--|
|    | (excluding residential units established under Rule 14.2.2.1 P8, P9, P10, P11 and P12)  |  |
| 2. | Residential Suburban Density Transition Zone (excluding residential units established under Rule 14.2.2.1 P8, P9, P10, P11 and P12) | 330m <sup>2</sup>  |
| 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 250m<sup>2</sup> 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 6m<sup>2</sup> in area for any one site;

shall be as follows:

|    | <b>Zone/activity</b>   | <b>Standard</b> |
|----|--|-----------------|
| 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.<br>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:

|    | <b>Activity/area</b>      | <b>Standard</b>     |                          |
|----|---------------------------|---------------------|--------------------------|
|    |                           | <b>Minimum area</b> | <b>Minimum dimension</b> |
| 1. | Residential Suburban Zone | 90m <sup>2</sup>    | 6 metres                 |

|    |   |                  |          |
|----|---|------------------|----------|
| 2. | Residential Suburban Density Transition Zone  | 50m <sup>2</sup> | 4 metres |
| 3. | Multi-unit residential complexes, social housing complexes and older person's housing units | 30m <sup>2</sup> | 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 8m<sup>2</sup>; 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 |

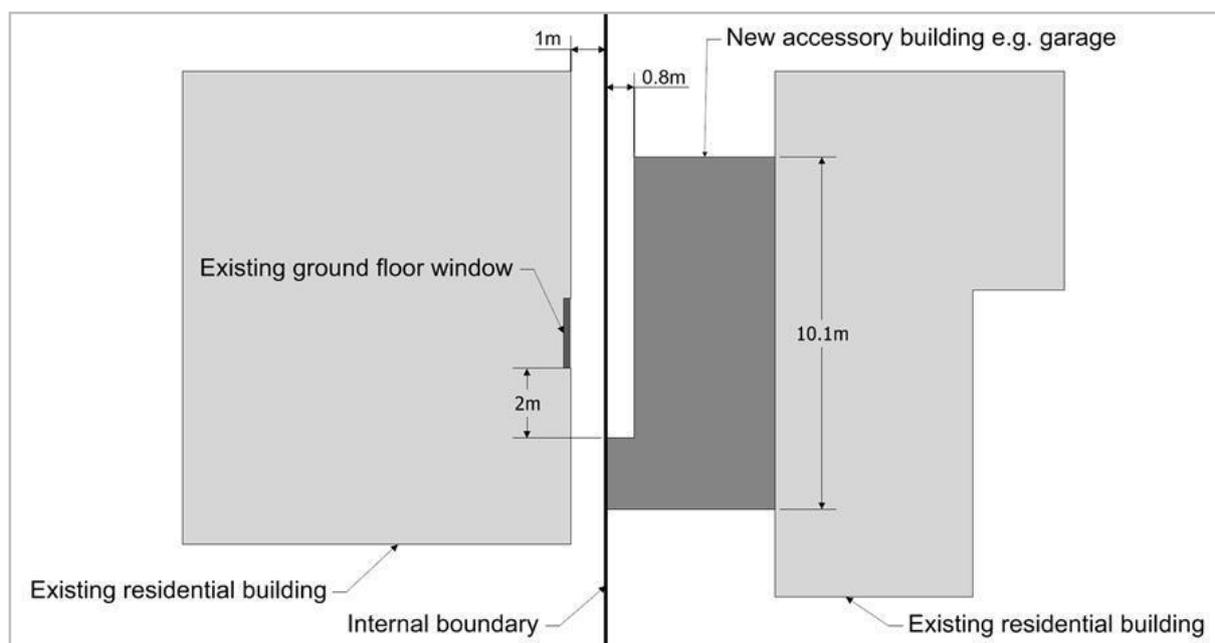


Figure 2: Separation from neighbours

[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                                     |
| 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 |

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.

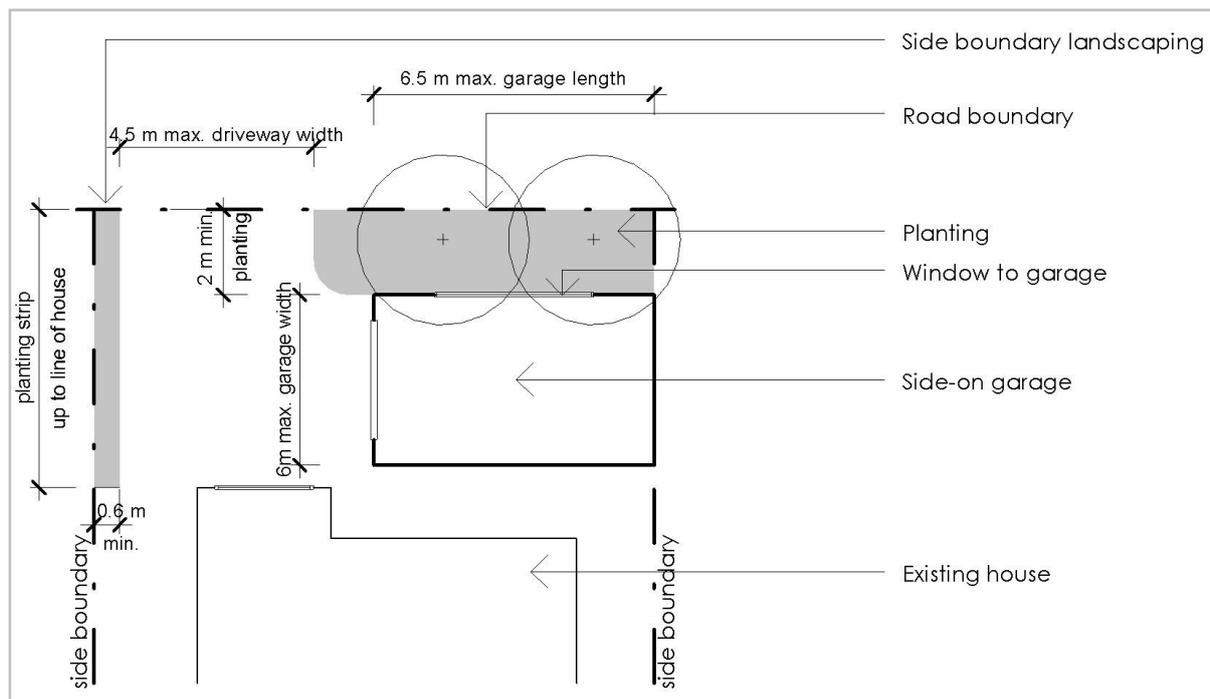


Figure 3: Side extension

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

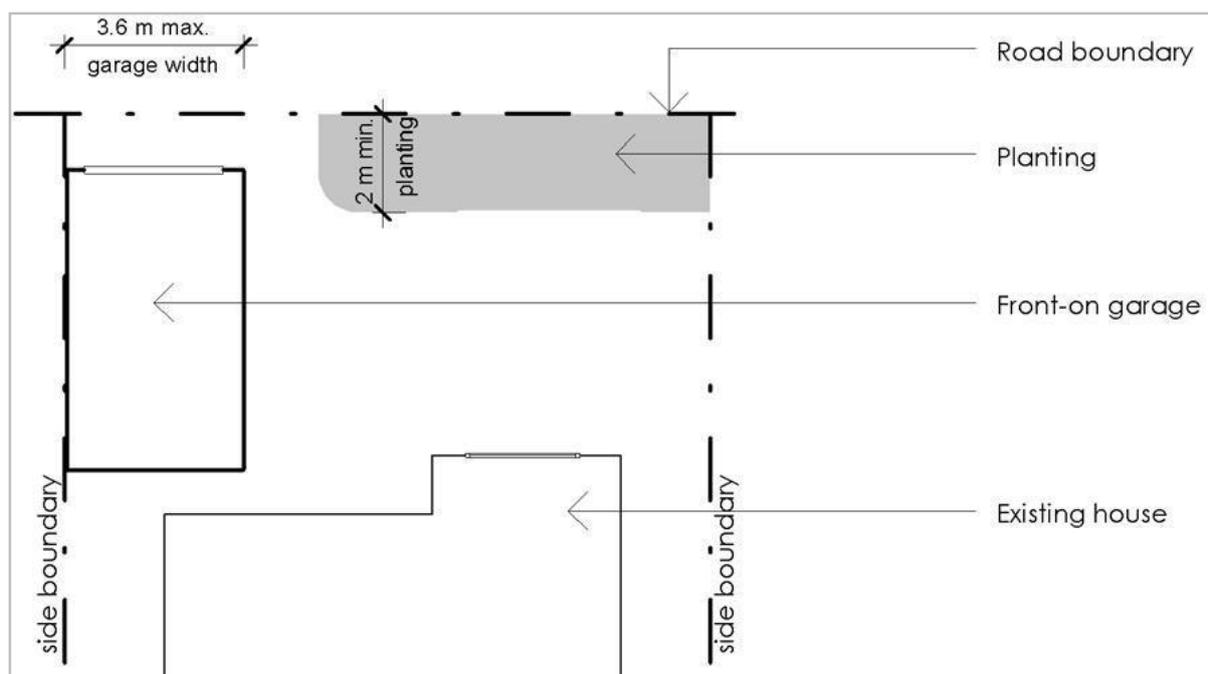


Figure 4: Front extension

[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 2.25m<sup>2</sup> 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 3m<sup>2</sup> 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

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 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   | Matters of discretion  |
|------------|---|--|--|
| <b>RD1</b> | Residential area in Wigram as shown on Figure 6 | <p>Activities that do not comply with Rule 14.2.4.4.9 – 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> | <p>a. Development plans - 14.13.16</p> <p>b. Special setback provision - Residential Suburban Zone Wigram - 14.13.14</p> |
| <b>RD2</b> | Mairehau Final Development Area                 | <p>Any development of land that is not in accordance with the layout shown in the development plan in Figure 5.</p> <p>Any application arising from this rule will not require written approval and shall not be publicly or limited notified.</p>   | <p>a. Development plans - 14.13.16</p>   |
| <b>RD3</b> | Prestons Road Retirement Village Overlay        | <p>Residential units that do not comply with Rule 14.2.4.4.4 - Outdoor living space.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p> <p>This clause shall cease to have effect on 31st December 2018.</p>  | <p>a. Outdoor living space - 14.13.21</p>  |
| <b>RD4</b> | a. Peat Ground Condition Constraint Overlay;    | <p>Activities and buildings that do not comply with Rule 14.2.4.4.5 - Minimum building setbacks from internal boundaries.</p>  | <p>a. Minimum building, window and balcony setbacks - 14.13.19</p>   |

|            | <b>Location</b>   | <b>Restricted discretionary</b>  | <b>Matters of discretion</b>  |
|------------|---|--|---|
|            | <ul style="list-style-type: none"> <li>b. Stormwater Capacity Constraint Overlay; or</li> <li>c. Prestons Road Retirement Village Overlay.</li> </ul>   | Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.   |   |
| <b>RD5</b> | <ul style="list-style-type: none"> <li>a. Peat Ground Condition Constraint Overlay;</li> <li>b. Stormwater Capacity Constraint Overlay;</li> <li>c. Existing Rural Hamlet Overlay in the area to the east of the 50 dBA L<sub>dn</sub> noise contour line shown on Planning Map 18; or</li> <li>d. Existing Rural Hamlet Overlay in the area to the west of the 50 dBA L<sub>dn</sub> noise contour line shown on Planning Map 18.</li> </ul> | Residential units that do not comply with Rule 14.2.4.4.1 - Site density   | <ul style="list-style-type: none"> <li>a. Site density and site coverage – 14.13.2</li> <li>b. Whether the development design adequately mitigates any adverse effects of the additional building coverage on the environmental condition giving rise to the constraint.</li> </ul> |
| <b>RD6</b> | Preston Road Retirement Village Overlay   | <p>Activities and buildings that do not comply with Rule 14.2.4.4.2 - Building height Prestons Road Retirement Village Overlay.</p> <p>This clause shall cease to have effect on 31st December 2018.</p> | <ul style="list-style-type: none"> <li>a. Impacts on neighbouring property – 14.13.3</li> </ul>   |
| <b>RD7</b> | <ul style="list-style-type: none"> <li>a. Peat Ground Condition Constraint Overlay;</li> <li>b. Stormwater Capacity Constraint Overlay;</li> <li>c. Existing Rural Hamlet Overlay; or</li> <li>d. Prestons Road Retirement Village Overlay.</li> </ul>  | Activities and buildings that do not comply with Rule 14.2.4.4.3 - Site coverage   | <ul style="list-style-type: none"> <li>a. Site density and site coverage – 14.13.2</li> <li>b. Whether the development design adequately mitigates any adverse effects of the additional building coverage on the environmental condition giving rise to the constraint.</li> </ul> |

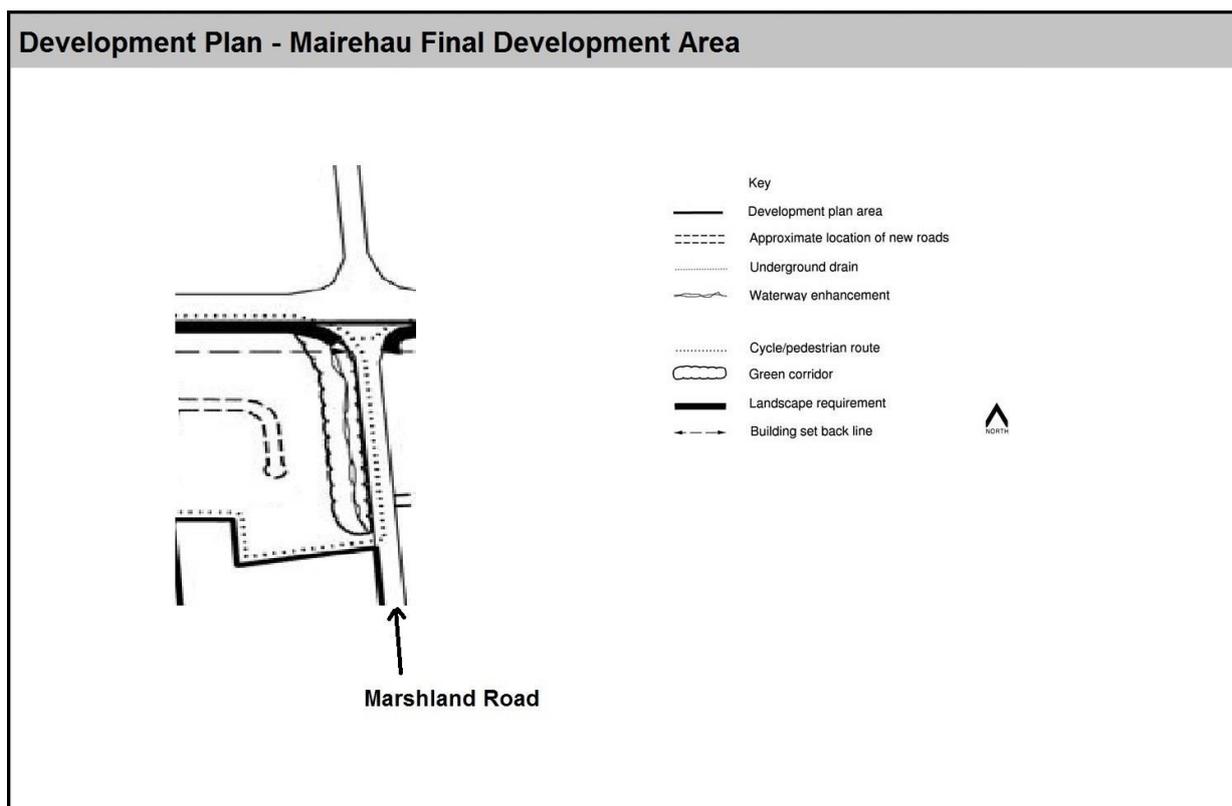


Figure 5: Mairehau final development area

### 14.2.4.2 Area specific discretionary activities

The activities listed below are discretionary activities.

| Activity  |  |
|-----------|--|
| <b>D1</b> | Activities and buildings that do not comply with Rule 14.2.4.4.10 - Use of site and buildings Prestons Road Retirement Village Overlay.<br><br>This clause shall cease to have effect on 31st December 2018. |
| <b>D2</b> | Activities and buildings that do not comply with Rule 14.2.4.4.6 – Minimum building setback from zone boundary Russley Road/Memorial Avenue  |
| <b>D3</b> | Activities and buildings that do not comply with 14.2.4.4.8 - Building types and limits Prestons Road Retirement Village Overlay   |
| <b>D4</b> | Activities and buildings that do not comply with 14.2.4.4.11 – Daylight recession planes Prestons Road Retirement Village Overlay  |

### 14.2.4.3 Area specific non-complying activities

The activities listed below are a non-complying activity.

| Activity |   |
|----------|---|
| NC1      | Activities and buildings that do not comply with Rule 14.2.4.4.7 - Noise insulation                 |
| NC2      | Activities and buildings that do not comply with Rule 14.2.4.4.9 - Outdoor living space West Wigram |

### 14.2.4.4 Area specific built form standards

#### 14.2.4.4.1 Site density

- a. This applies to:
  - i. Peat Ground Condition Constraint Overlay;
  - ii. Stormwater Capacity Constraint Overlay; and
  - iii. Existing Rural Hamlet Overlay.
- b. Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

|    | Activity                                 | Permitted   |
|----|--|---|
| 1. | Peat Ground Condition Constraint Overlay | 2000m <sup>2</sup>  |
| 2. | Stormwater Capacity Constraint Overlay   | 1 residential unit for each allotment existing at June 1995 |
| 3. | Existing Rural Hamlet Overlay            | 2000m <sup>2</sup>  |

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

#### 14.2.4.4.2 Building height Prestons Road Retirement Village Overlay

Maximum height of any building shall be:

|    | Area   | Permitted                              |
|----|--|--|
| 1. | Prestons Road Retirement Village Overlay.<br>This clause shall cease to have effect on 31st December 2018. | 6.5 metres and of a single storey only |

|           |  |           |
|-----------|--|-----------|
| <b>2.</b> | Prestons Road Retirement Village Overlay in the area identified as “health facility”.<br>This clause shall cease to have effect on 31st December 2018. | 13 metres |
|-----------|--|-----------|

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 14.2.4.4.2 ceases to have effect.

#### 14.2.4.4.3 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.

Note: Rule 14.2.3.4 - Site coverage shall not apply in the Prestons Road Retirement Village Overlay area until Rule 14.2.4.4.3 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:
    - A. are no more than 800mm above ground level and are uncovered or unroofed; or
    - B. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m<sup>2</sup> in area for any one site;

shall be as follows:

|           | <b>Zone/Activity/Area</b>  | <b>Permitted</b>  |
|-----------|--|---|
| <b>1.</b> | Peat Ground Condition Constraint, Stormwater Capacity Constraint, Existing Rural Hamlet and Prestons Road Retirement Village Overlays: residential activities with garages | 40% or 300m <sup>2</sup> whichever is the lesser              |
| <b>2.</b> | 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) |

**14.2.4.4.4 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:

|    | Area   | Permitted        |                   |
|----|--|------------------|-------------------|
|    |  | Minimum Area     | Minimum Dimension |
| 1. | Prestons Road Retirement Village Overlay: for any older person's housing unit<br>This clause shall cease to have effect on 31st December 2018. | 30m <sup>2</sup> | 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 8m<sup>2</sup> 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 14.2.4.4.4 ceases to have effect.

**14.2.4.4.5 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 14.2.4.4.5 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.<br>This clause shall cease to have effect on 31st December 2018. | From Prestons Road – 15 metres<br>From internal boundaries – 1.8 metres |

#### 14.2.4.4.6 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.

#### 14.2.4.4.7 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. | On that land which is: <ol style="list-style-type: none"> <li>a. adjacent to State Highway 73 (Southern Motorway) between Annex and Curletts Roads; and</li> <li>b. adjacent to State Highway 75 (Curletts Road) between the intersection with State Highway 73 and Lincoln Road.</li> </ol> | <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. | 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>a. There shall be no minimum building setback where:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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</li> </ol>  |

|    | Location                                 | Standards  |
|----|--|--|
|    |  | <p>of planting;</p> <p>iii. the minimum building setback from a limited access road shall be 40 metres.</p> <p>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.</p> <p>c. Where a. and b. do not apply the minimum building setback shall be 80 metres.</p> <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. | Peat Ground Condition Constraint Overlay | 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.  |
| 4. | Existing Rural Hamlet Overlay            | <p>In the Existing Rural Hamlet Overlay west of the 50 dBA L<sub>dn</sub> Air Noise Contour:</p> <p>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</p> <p>b. Buildings, other than residential units, shall also be insulated, where applicable, to comply with the provisions of Appendix 14.14.4.</p>  |

#### 14.2.4.4.8 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 2500m<sup>2</sup>.
- e. The maximum floor area for any one residential unit shall be 165m<sup>2</sup>.

#### 14.2.4.4.9 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.

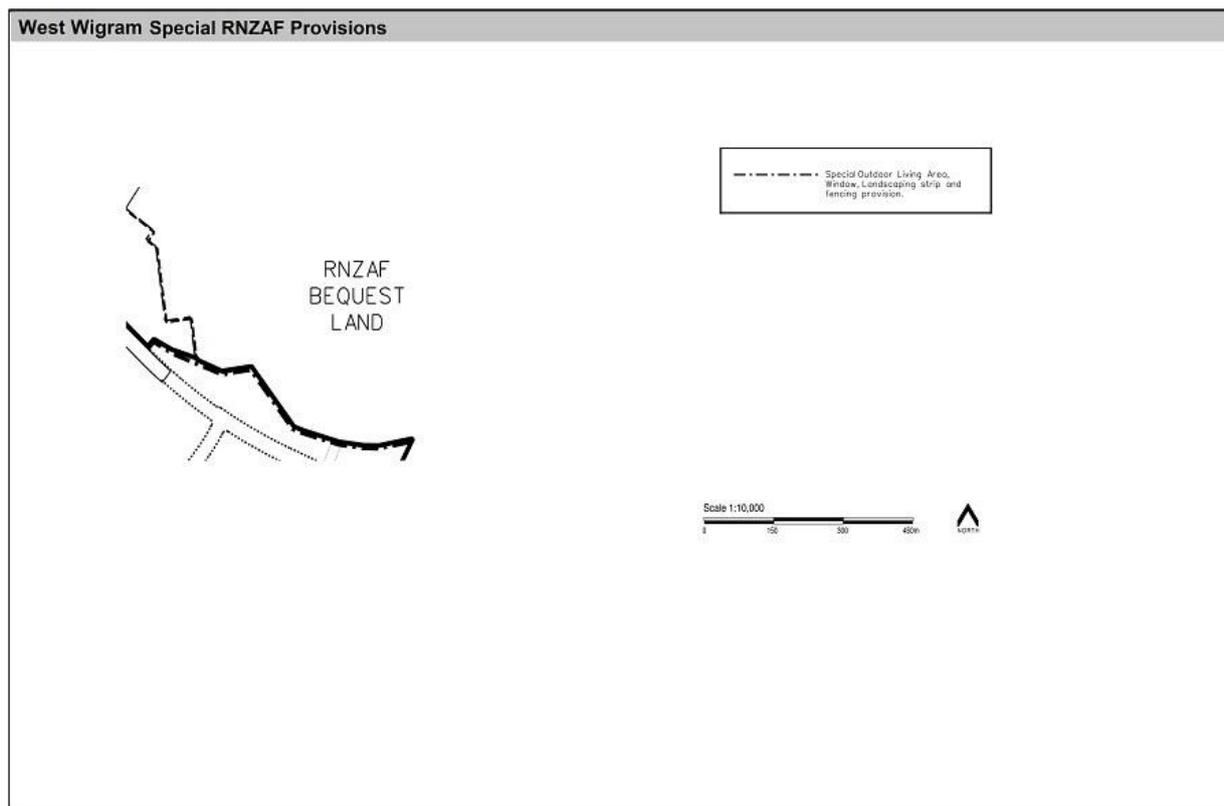


Figure 6: West Wigram Special RNZAF Provisions

#### 14.2.4.4.10 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.

#### 14.2.4.4.11 Daylight recession planes Prestons Road Retirement Village Overlay

- a. 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.

Note: Rule 14.2.3.6 - Daylight recession planes shall not apply in the Prestons Road Retirement Village Overlay.

## 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); and
  - 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.

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 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.

| Activity  |   | Activity specific standards  |
|-----------|---|--|
| <b>P1</b> | Residential activity, except for boarding houses  | <ul style="list-style-type: none"> <li>a. No more than one heavy vehicle shall be stored on the site of the residential activity.</li> <li>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.</li> <li>c. On sites located within the Riccarton Wastewater Interceptor Overlay, until (date of completion of infrastructure work): <ul style="list-style-type: none"> <li>i. the minimum site area for any residential unit shall be 330m<sup>2</sup>.</li> </ul> </li> </ul> |
| <b>P2</b> | 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"> <li>a. Nil</li> </ul>   |
| <b>P3</b> | 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"> <li>a. a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m<sup>2</sup>; and</li> <li>b. a separate outdoor living space readily accessible from its living area that is at least 30m<sup>2</sup> with a minimum dimension of 3 metres.</li> </ul>  |
| <b>P4</b> | Home occupation   | <ul style="list-style-type: none"> <li>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 40m<sup>2</sup>.</li> <li>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</li> </ul>  |

| Activity  |   | Activity specific standards   |
|-----------|---|---|
|           |   | <ul style="list-style-type: none"> <li>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.</li> <li>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"> <li>i. 0700 – 2100 Monday to Friday; and</li> <li>ii. 0800 – 1900 Saturday, Sunday and public holidays.</li> </ul> </li> <li>e. Visitor or staff parking areas shall be outside the road boundary setback.</li> <li>f. Outdoor advertising shall be limited to a maximum area of 2m<sup>2</sup>.</li> </ul> |
| <b>P5</b> | 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"> <li>a. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and</li> <li>b. at least one carer residing permanently within the residential unit.</li> </ul>   |
| <b>P6</b> | Bed and breakfast   | <p>There shall be:</p> <ul style="list-style-type: none"> <li>a. a maximum of six guests accommodated at any one time;</li> <li>b. at least one owner of the residential unit residing permanently on site; and</li> <li>c. no guest given accommodation for more than 90 consecutive days.</li> </ul>  |

| Activity                 |   | Activity specific standards  |                    |  |             |   |                      |   |                          |                    |  |
|--------------------------|---|--|--------------------|--|-------------|---|----------------------|---|--------------------------|--------------------|--|
| <b>P7</b>                | 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 <sup>2</sup> ; or in the case of a health care facility, less than 300m <sup>2</sup> ;   |                    |  |             |   |                      |   |                          |                    |  |
|                          |   | c. limit outdoor advertising to a maximum area of 2m <sup>2</sup> ;  |                    |  |             |   |                      |   |                          |                    |  |
|                          |   | 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> <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Saturday; and</li> <li>ii. Closed Sunday and public holidays.</li> </ul> </td> </tr> <tr> <td>Pre-schools</td> <td> <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Friday, and</li> <li>ii. 0700 – 1300 Saturday, Sunday and public holidays.</li> </ul> </td> </tr> <tr> <td>Health care facility</td> <td rowspan="4"> <ul style="list-style-type: none"> <li>i. 0700 – 2100.</li> </ul> </td> </tr> <tr> <td>Veterinary care facility</td> </tr> <tr> <td>Places of assembly</td> </tr> <tr> <td></td> </tr> </table> | Education activity | <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Saturday; and</li> <li>ii. Closed Sunday and public holidays.</li> </ul> | Pre-schools | <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Friday, and</li> <li>ii. 0700 – 1300 Saturday, Sunday and public holidays.</li> </ul> | Health care facility | <ul style="list-style-type: none"> <li>i. 0700 – 2100.</li> </ul> | Veterinary care facility | Places of assembly |  |
| Education activity       | <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Saturday; and</li> <li>ii. Closed Sunday and public holidays.</li> </ul>              |  |                    |  |             |   |                      |   |                          |                    |  |
| Pre-schools              | <ul style="list-style-type: none"> <li>i. 0700 – 2100 Monday to Friday, and</li> <li>ii. 0700 – 1300 Saturday, Sunday and public holidays.</li> </ul> |  |                    |  |             |   |                      |   |                          |                    |  |
| Health care facility     | <ul style="list-style-type: none"> <li>i. 0700 – 2100.</li> </ul>   |  |                    |  |             |   |                      |   |                          |                    |  |
| 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:  |                    |  |             |   |                      |   |                          |                    |  |
|                          |   | <ul style="list-style-type: none"> <li>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</li> <li>ii. only locate on residential blocks where there are no more than two non-residential activities already within that block;</li> </ul>   |                    |  |             |   |                      |   |                          |                    |  |
| <b>P8</b>                | Pre-schools   |  |                    |  |             |   |                      |   |                          |                    |  |
| <b>P9</b>                | Health care facility  | Note: See Figure 1.  |                    |  |             |   |                      |   |                          |                    |  |
| <b>P10</b>               | Veterinary care facility  | g. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four;  |                    |  |             |   |                      |   |                          |                    |  |
| <b>P11</b>               | Place of assembly   | 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"> <li>i. not include the storage of more than one heavy vehicle on the site of the activity.</li> </ul>  |
| <b>P12</b> | Community corrections facilities  | <p>The facilities shall:</p> <ul style="list-style-type: none"> <li>a. limit the hours of operation when the site is open to clients and deliveries to between the hours of 0700 – 1900; and</li> <li>b. limit signage to a maximum area of 2m<sup>2</sup>.</li> </ul>  |
| <b>P13</b> | Community welfare facilities  |   |
| <b>P14</b> | Spiritual facilities  | <p>The facility shall:</p> <ul style="list-style-type: none"> <li>a. limit the hours of operation to 0700-2200; and</li> <li>b. not include the storage of more than one heavy vehicle on the site of the activity.</li> </ul>  |
| <b>P15</b> | Emergency services facilities   | <ul style="list-style-type: none"> <li>a. Nil</li> </ul>  |
| <b>P16</b> | <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> | <ul style="list-style-type: none"> <li>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.</li> <li>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"> <li>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;</li> <li>ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres;</li> <li>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.</li> </ul> <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> </li> <li>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</li> </ul> <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   |
|------------|---|---|
| <b>P17</b> | <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> |
| <b>P18</b> | Salvation Army Addington Overlay  |   |
|            | P18.1 Family Store  | a. The activity shall take place in the existing (20 August 2014) Family Store within the Salvation Army Addington Overlay.   |
|            | 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 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 1500m<sup>2</sup>.</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  | <p>a. Nil</p>  |
| P21      | Temporary military or emergency service training activities   |  |
| P22      | Market gardens, community gardens, and garden allotments  |  |

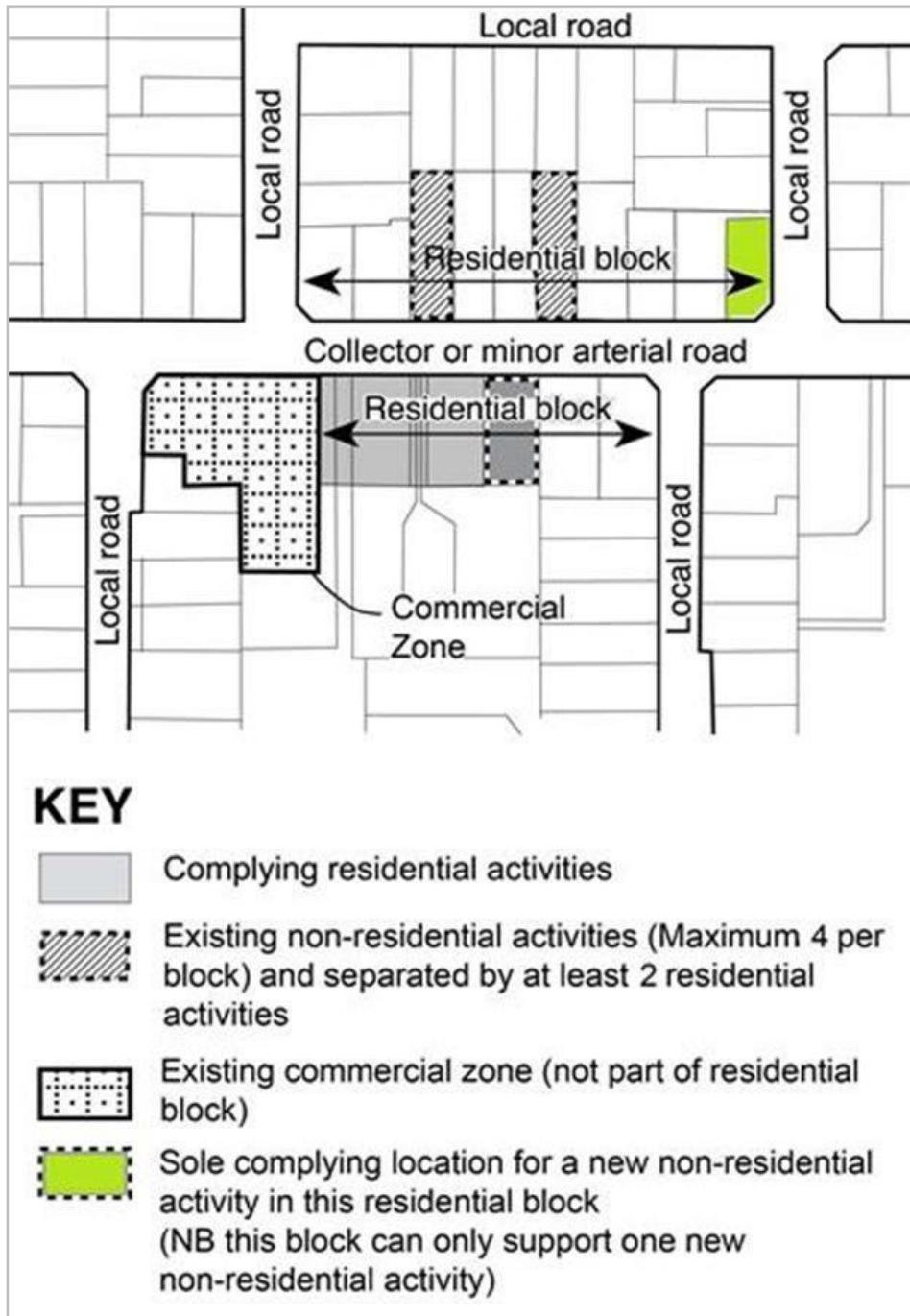


Figure 1: Residential coherence

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

### 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:   |
|------------|--|---|
| <b>RD1</b> | <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"> <li>a. three or more residential units; or</li> <li>b. one or two residential units on a site smaller than 300m<sup>2</sup> gross site area (prior to subdivision); or</li> </ul> | <ul style="list-style-type: none"> <li>a. Residential design principles - 14.13.1</li> <li>b. Minimum unit size and unit mix - 14.13.4</li> </ul> |

| 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 500m<sup>2</sup>; or</p> <p>d. over 40m<sup>2</sup> 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>  |  |
| <b>RD2</b> | Retirement villages   | a. Retirement villages - 14.13.10  |
| <b>RD3</b> | Boarding house  | <p>a. Scale of activity - 14.13.5</p> <p>b. Traffic generation and access safety - 14.13.6</p>   |
| <b>RD4</b> | 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   |
| <b>RD5</b> | <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 50m<sup>2</sup> 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 2m<sup>2</sup> 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> |
| <b>RD6</b> | 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:   |
|-------------|--|---|
| <b>RD7</b>  | <p>Integrated Family Health Centres where:</p> <ol style="list-style-type: none"> <li>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;</li> <li>the centre is located on sites adjoining a Neighbourhood, District or Key Activity Centre;</li> <li>the centre occupies a gross floor area of building of between 301m<sup>2</sup> and 700m<sup>2</sup>;</li> <li>outdoor advertising signage is limited to a maximum area of 2m<sup>2</sup>; and</li> <li>the hours of operation when the site is open to patients, or clients, and deliveries is limited to between the hours of 0700 – 2100.</li> </ol> | <ol style="list-style-type: none"> <li>Scale of activity - 14.13.5</li> <li>Traffic generation and access safety - 14.13.6</li> <li>Non-residential hours of operation - 14.13.22</li> </ol>  |
| <b>RD8</b>  | <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"> <li>P4 Home occupation;</li> <li>P7 Education activity;</li> <li>P8 Pre-schools;</li> <li>P9 Health care facility; or</li> <li>P10 Veterinary care facility.</li> </ol> <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"> <li>Scale of activity - 14.13.5</li> <li>Traffic generation and access safety - 14.13.6</li> <li>Non-residential hours of operation - 14.13.22</li> </ol> |
| <b>RD9</b>  | <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>   |   |
| <b>RD10</b> | <p>Within the Salvation Army Addington Overlay:</p> <ol style="list-style-type: none"> <li>Provision for overnight beds for addiction services which exceed the maximum number in activity specific standard Rule 14.3.2.1,</li> </ol>   | <ol style="list-style-type: none"> <li>Scale of activity - 14.13.5</li> <li>Traffic generation and access safety - 14.13.6</li> </ol>   |

| 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> |   |
| <b>RD11</b> | <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> |
| <b>RD12</b> | <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>  |
| <b>RD13</b> | <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>  |
| <b>RD14</b> | <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>  |
| <b>RD15</b> | <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:  |
|-------------|--|--|
| <b>RD16</b> | Activities and buildings that do not comply with Rule 14.3.3.4 – Site coverage   | a. Site density and site coverage – 14.13.2  |
| <b>RD17</b> | 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<br>b. Minimum building, window and balcony setbacks – 14.13.19 |
| <b>RD18</b> | Buildings that do not comply with Rule 14.3.3.8 – Minimum setback and distance to living area windows  |  |
| <b>RD19</b> | Residential units that do not comply with 14.3.3.5 – Outdoor living space<br><br>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   |
| <b>RD20</b> | Buildings that do not comply with Rule 14.3.3.9 – Road boundary building setback<br><br>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                            |
| <b>RD21</b> | Buildings that do not comply with Rule 14.3.3.10 – Street scene amenity and safety – fences<br><br>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.  |  |
| <b>RD22</b> | Residential units that do not comply with Rule 14.3.3.12 – Minimum unit size.<br><br>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  |
| <b>RD23</b> | Residential units that do not comply with Rule 14.3.3.15 – Water supply for fire fighting.<br><br>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  |

|                 |  |
|-----------------|--|
| <b>Activity</b> | <b>The Council's discretion shall be limited to the following matters:</b> |
|                 | required shall only be to the New Zealand Fire Service.                    |

### 14.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

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

### 14.3.2.5 Non-complying activities

The activities listed below are non-complying activities.

|            | <b>Activity</b>   |
|------------|---|
| <b>NC1</b> | 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) |

|            | Activity  |
|------------|---|
| <b>NC2</b> | <p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> </ol> <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"> <li>1. The National Grid transmission lines are shown on the planning maps.</li> <li>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.</li> <li>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.</li> </ol> |
| <b>NC3</b> | <p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <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"> <li>1. The electricity distribution lines are shown on the planning maps.</li> <li>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.</li> <li>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.</li> </ol>   |

### 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:

| <b>For all activities, except permitted commercial activities in the Sumner Master Plan Overlay</b> |  |
|---|--|
| <b>1</b>  | <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 250m<sup>2</sup> 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> |
| <b>2</b>  | <p>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.</p>  |

#### 14.3.3.3 Building height and maximum number of storeys

The maximum height of any building shall be:

|           | <b>Activity</b>                                       | <b>Standard</b>                                    |
|-----------|---|--|
| <b>1.</b> | All buildings in areas not listed below               | 11 metres provided there is a maximum of 3 storeys |
| <b>2.</b> | Residential Medium Density Lower Height Limit Overlay | 8 metres   |
| <b>3.</b> | 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<br><br>Provided that the area above 9.5 metres is limited to no more than 100m <sup>2</sup> 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<br>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 <sup>2</sup>                             | 16m <sup>2</sup>     | 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 <sup>2</sup>                                     | 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 <sup>2</sup>                                     | 6m <sup>2</sup> area<br>1.5 metres dimension |

- d. In the Salvation Army Addington Overlay the outdoor living space shall be communal and shall be based on 10m<sup>2</sup> 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.<br><br>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   |

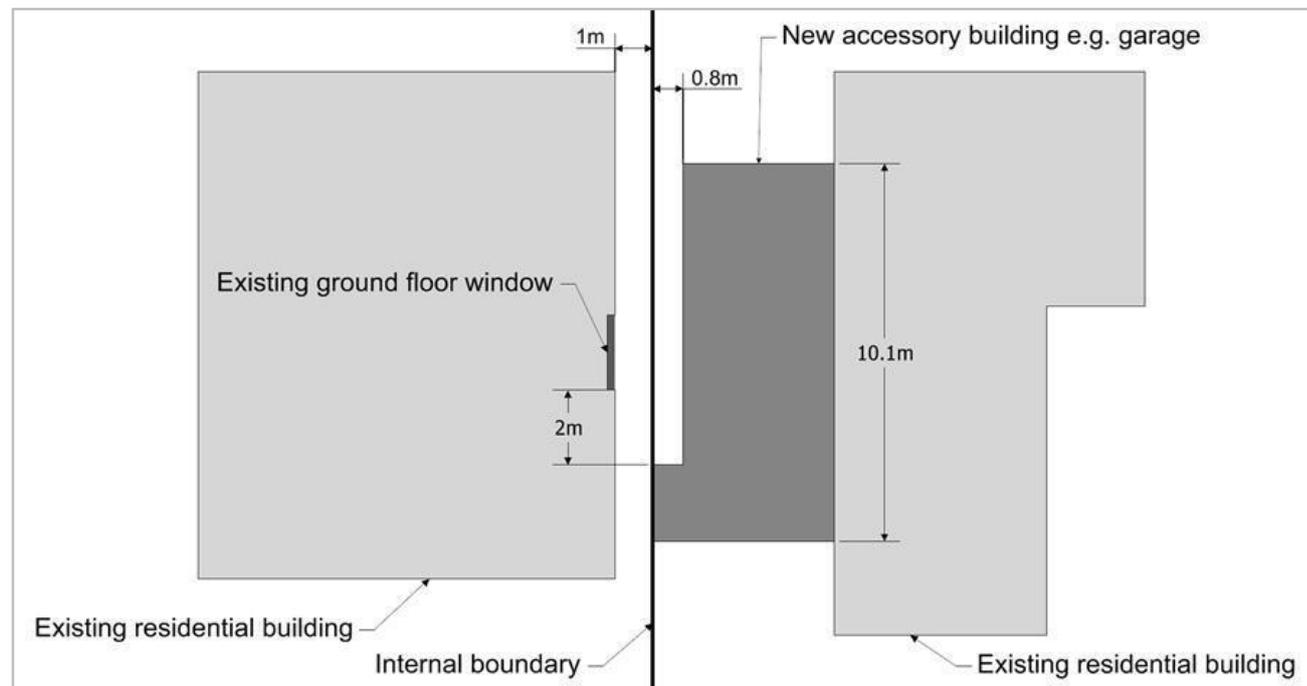


Figure 2: Separation from neighbours

[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:

|           | <b>Building type and situations</b>  | <b>Minimum setback</b>  |
|-----------|--|---|
| <b>1.</b> | For all buildings and situations not listed below  | 2 metres  |
| <b>2.</b> | Where a garage has a vehicle door that does not tilt or swing outwards facing a road             | 4.5 metres  |
| <b>3.</b> | Where a garage has a vehicle door that tilts or swings outward facing a road                     | 5.5 metres  |
| <b>4.</b> | 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. |
| <b>5.</b> | Where a garage has a vehicle door that tilts or swings outward facing a shared access way        | 8 metres measured from the garage door 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.

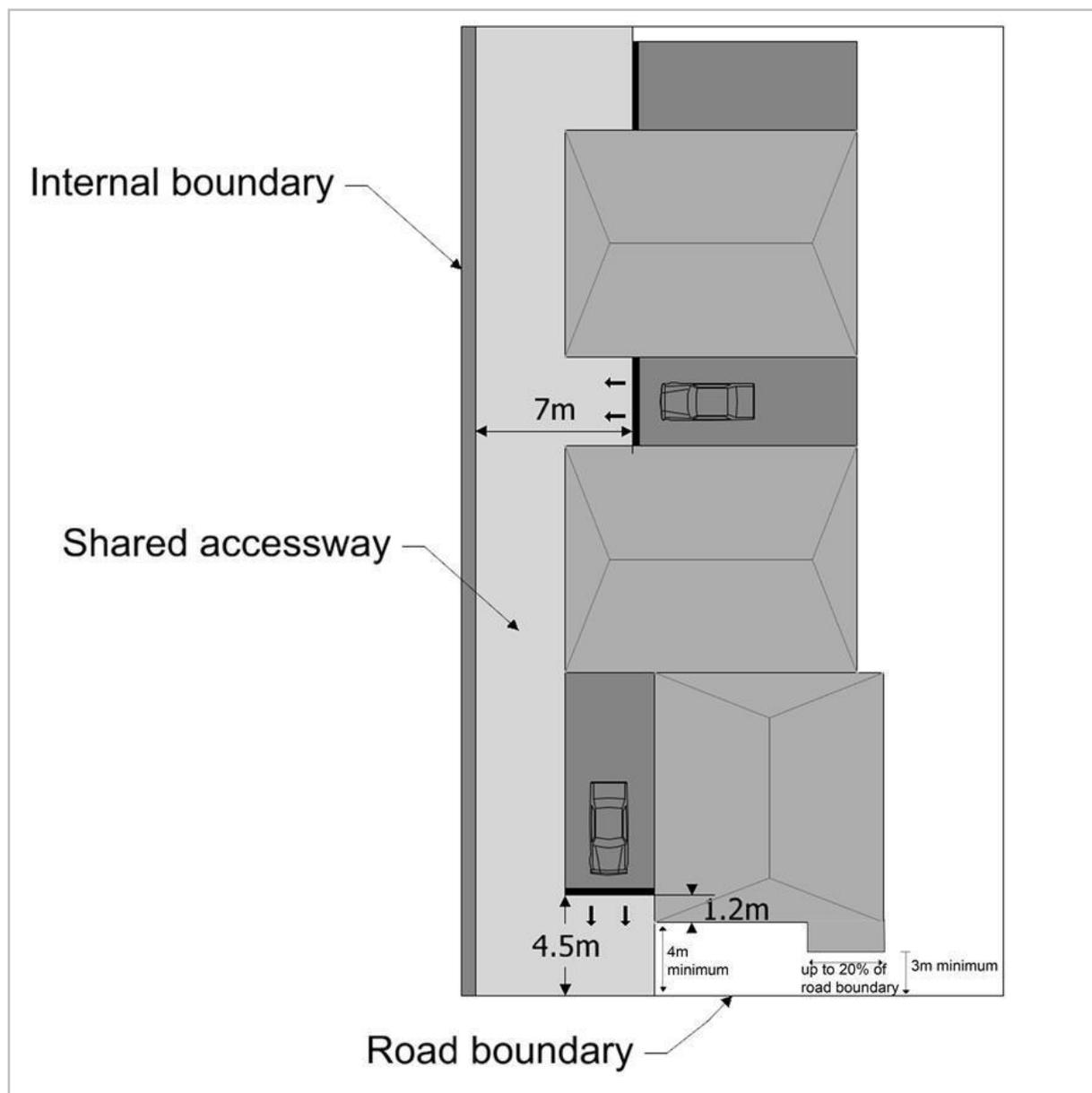


Figure 7: Street scene and access ways

[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.

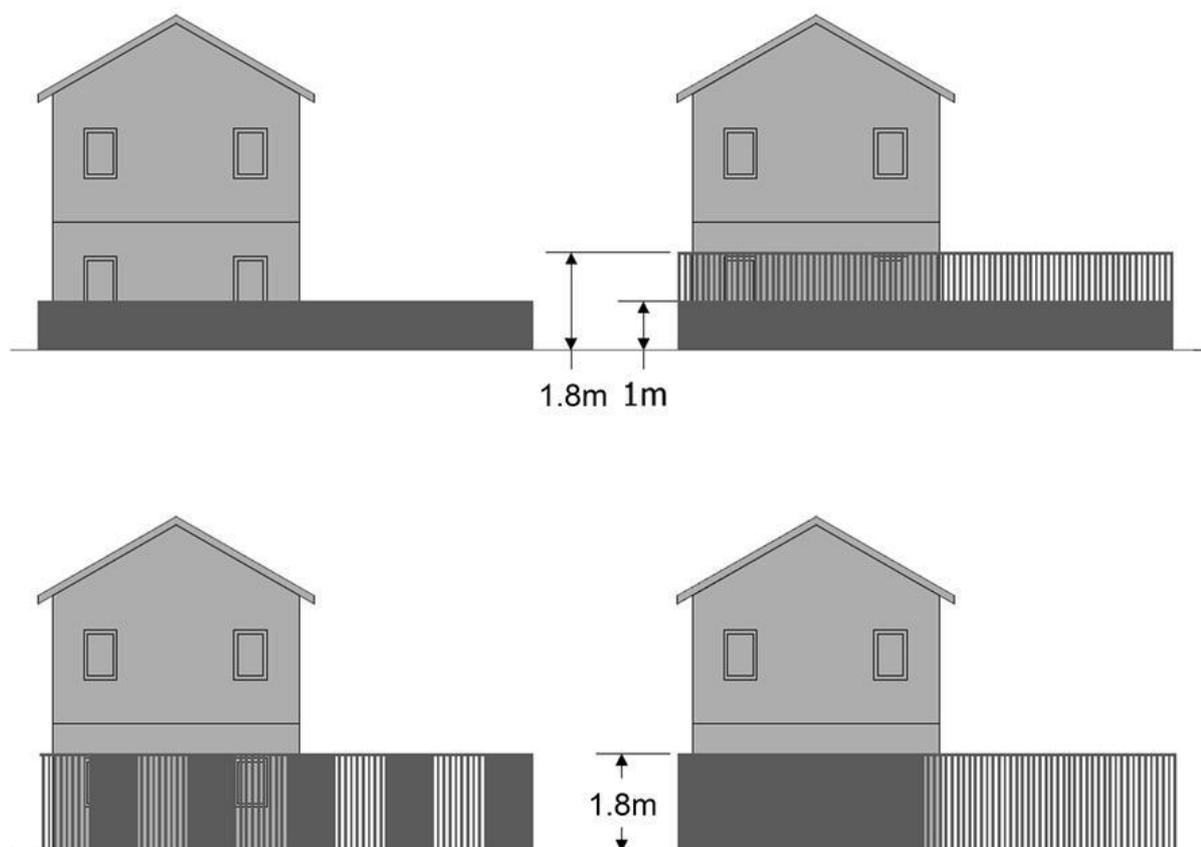


Figure 8: Fencing and screening structures

**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.

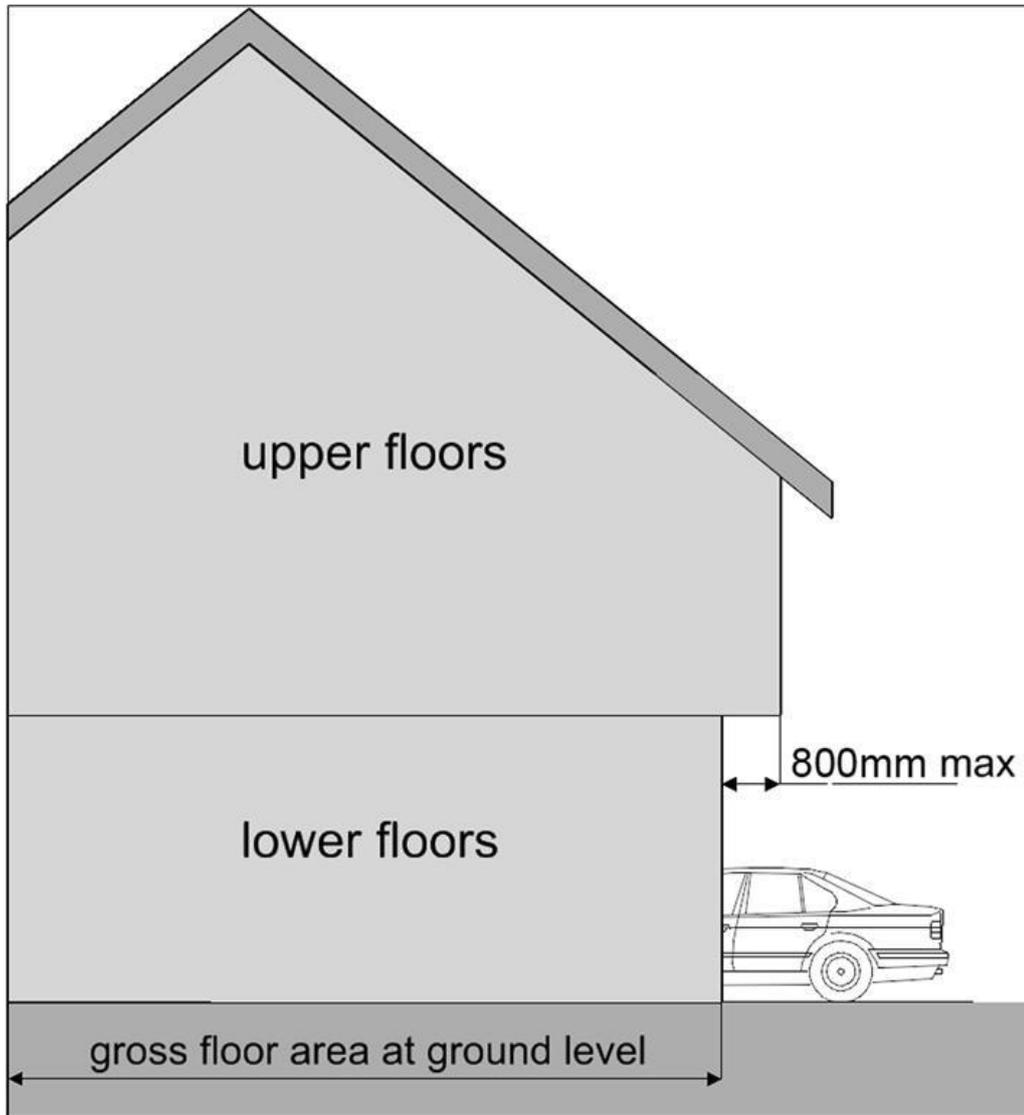


Figure 9: Building overhangs

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 <sup>2</sup> |
| 2. | 1 bedroom          | 45m <sup>2</sup> |
| 3. | 2 bedrooms         | 60m <sup>2</sup> |
| 4. | 3 or more bedrooms | 90m <sup>2</sup> |

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 12m<sup>2</sup> 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 3m<sup>2</sup> and waste management area of 2.25m<sup>2</sup>, 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 3m<sup>2</sup> 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 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:               |
|------------|--|---|
| <b>RD1</b> | 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   |
| <b>RD2</b> | Activities and buildings that do not comply with Rule 14.3.4.3.2 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)<br><br>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 - 14.13.19 |
| <b>RD3</b> | Activities that do not comply with Rule 14.3.4.3.1 - Area specific development plans, Wigram special RNZAF provisions shown in Figure 6.<br><br>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.     | a. Specific setback provisions - Residential Suburban Zone Wigram - 14.13.14      |

|            |  |                                 |
|------------|--|---------------------------------|
| <b>RD4</b> | 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 |
| <b>RD5</b> | Activities that do not comply with Rule 14.3.4.3.1 – 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 |

### 14.3.4.2 Area specific discretionary activities

The activity listed below is a discretionary activity.

| Activity  |   |
|-----------|---|
| <b>D1</b> | 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 |

### 14.3.4.3 Area specific built form standards

#### 14.3.4.3.1 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.   |
| 2. | Residential Medium Density Zone Wigram shown on Figure 6                                | 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. |

|    |   |   |
|----|---|---|
| 3. | Sumner Master Plan Overlay (Appendix 14.14.6) | 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) |
|----|---|---|

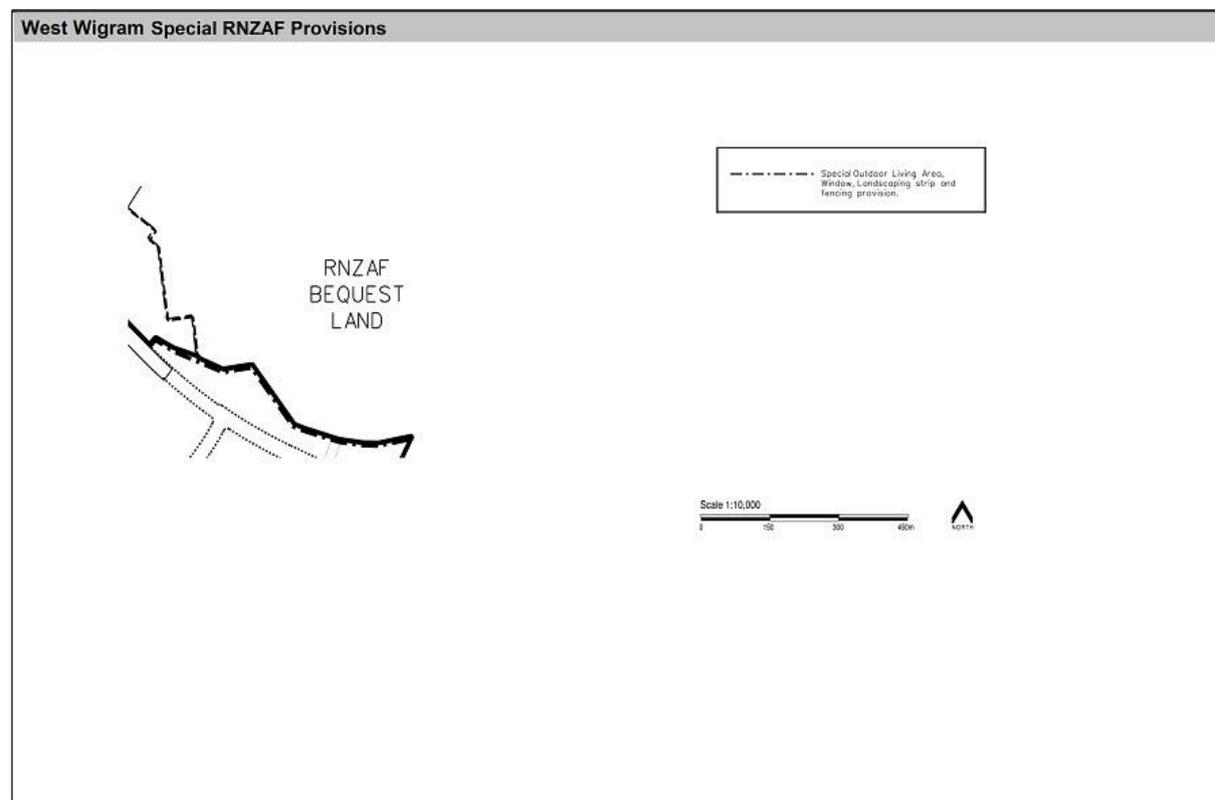


Figure 6: West Wigram Special RNZAF Provisions

#### 14.3.4.3.2 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. Sumner 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.

#### **14.3.4.3.3 Building height**

The maximum height of a building 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 shall be 14 metres.

Rule 14.3.3.3 Building height and maximum number of storeys shall not apply within the above area.

## 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.
- 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 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.

| Activity  |   | Activity specific standards  |
|-----------|---|--|
| <b>P1</b> | 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>  |
| <b>P2</b> | 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 450m<sup>2</sup>.</p> <p>b. The minor residential unit shall have a minimum gross floor area of 35m<sup>2</sup> and a maximum gross floor area 70m<sup>2</sup>.</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 90m<sup>2</sup> and a minimum dimension of 6 metres. This total space can be provided as:</p> <ol style="list-style-type: none"> <li>i. a single continuous area; or</li> <li>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 30m<sup>2</sup> in area.</li> </ol> |
| <b>P3</b> | 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"> <li>i. be at least 1 metre in depth, for a length of at least 2 metres;</li> <li>ii. be for the full height of the wall; and</li> <li>iii. include a break in the eave line and roof line of the façade.</li> </ol>   |
| <b>P4</b> | 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> <ol style="list-style-type: none"> <li>a. a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m<sup>2</sup>; and</li> <li>b. a separate outdoor living space readily accessible from its living area that is at least 30m<sup>2</sup> with a minimum dimension of 3 metres.</li> </ol>  |

| Activity   |   | Activity specific standards  |
|------------|---|--|
| <b>P5</b>  | Home occupation   | <ul style="list-style-type: none"> <li>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 40m<sup>2</sup>.</li> <li>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</li> <li>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.</li> <li>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"> <li>i. 0700 – 2100 Monday to Friday; and</li> <li>ii. 0800 – 1900 Saturday, Sunday and public holidays.</li> </ul> </li> <li>e. Visitor or staff parking areas shall be outside the road boundary setback.</li> <li>f. Outdoor advertising shall be limited to a maximum area of 2m<sup>2</sup>.</li> </ul> |
| <b>P6</b>  | 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"> <li>a. a maximum of 4 non-resident children being cared for in return for monetary payment to the carer at any one time; and</li> <li>b. at least one carer residing permanently within the residential unit.</li> </ul> <p>Note: for P6 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>   |
| <b>P7</b>  | Bed and breakfast   | <p>There shall be:</p> <ul style="list-style-type: none"> <li>a. a maximum of 6 guests accommodated at any one time;</li> <li>b. at least one owner of the residential unit residing permanently on site ; and</li> <li>c. no guest given accommodation for more than 90 consecutive days.</li> </ul> <p>Note: for bed and breakfast within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>  |
| <b>P8</b>  | Education activity  | <p>The activity shall:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. only occupy a gross floor area of building of less than 200m<sup>2</sup>; or in the case of a health care facility, less than 300m<sup>2</sup>;</li> <li>c. limit outdoor advertising to a maximum area of 2m<sup>2</sup>;</li> </ul>   |
| <b>P9</b>  | Pre-schools   |  |
| <b>P10</b> | Health care facility  |  |
| <b>P11</b> | Veterinary care facility  |  |

| Activity                 |   | Activity specific standards   |                    |   |             |                        |                      |                          |
|--------------------------|---|---|--------------------|---|-------------|------------------------|----------------------|--------------------------|
|                          |   | <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;<br/>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 |   |   |                    |   |             |                        |                      |                          |
| <b>P12</b>               | 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>  |                    |   |             |                        |                      |                          |
| <b>P13</b>               | 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 2m<sup>2</sup>.</p> <p>Note: for P14 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.4.4.</p>  |                    |   |             |                        |                      |                          |
| <b>P14</b>               | Community welfare facilities  |   |                    |   |             |                        |                      |                          |

| Activity   |   | Activity specific standards   |
|------------|---|---|
| <b>P15</b> | Emergency services facilities   | a. Nil  |
| <b>P16</b> | <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"> <li>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;</li> <li>ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres;</li> <li>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.</li> </ol> <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> |
| <b>P17</b> | <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"> <li>a. 14.4.3.2 – Building height;</li> <li>b. 14.4.3.3 – Site coverage;</li> <li>c. 14.4.3.4 – Minimum building setback from side and rear internal boundaries and railway lines; or</li> </ol>                                  | <p>a. Buildings shall not be:</p> <ol style="list-style-type: none"> <li>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</li> <li>ii. lifted to a height exceeding 3 metres above the applicable recession plane or height control.</li> </ol> <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</p>  |

| Activity   |  | Activity specific standards   |
|------------|--|---|
|            | <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>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>  |
| <b>P18</b> | Heli-landing areas   | <p>a. Sites shall be greater than 3000m<sup>2</sup> 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> |
| <b>P19</b> | Relocation of a building   | a. Nil  |
| <b>P20</b> | Temporary military or emergency service training activities  |   |
| <b>P21</b> | 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:                         |
|-----------|---|---|
| <b>C1</b> | Residential units (including any sleep-outs) containing more than 6 bedrooms in total | a. Scale of activity - 14.13.5<br>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:  |
|------------|--|--|
| <b>RD1</b> | 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  |
| <b>RD2</b> | 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.<br><br>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<br><br><i>[This was the subject of Decision 2, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]</i> |
| <b>RD3</b> | Buildings that do not comply with Rule 14.4.3.6 – Building setbacks from road boundaries.<br><br>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  |
| <b>RD4</b> | Residential units that do not comply with Rule 14.4.3.1 – Site density   |  |

| Activity    |   | The Council's discretion shall be limited to the following matters:  |
|-------------|---|--|
| <b>RD5</b>  | Activities and buildings that do not comply with Rule 14.4.3.3 – Site coverage  | a. Site density and site coverage - 14.13.2  |
| <b>RD6</b>  | Buildings that do not comply with Rule 14.4.3.2 – Building height   | a. Impacts on neighbouring property - 14.13.3  |
| <b>RD7</b>  | Buildings that do not comply with Rule 14.4.3.5 – Daylight recession planes   |  |
| <b>RD8</b>  | 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<br>b. Minimum building window and balcony setbacks - 14.13.19  |
| <b>RD9</b>  | Residential units that do not comply with Rule 14.4.3.7.<br><br>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  |
| <b>RD10</b> | Multi-unit residential complexes  | a. Residential design principles — 14.13.1   |
| <b>RD11</b> | 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:<br><br>a. P5 – Home occupation;<br>b. P8 – Education activity;<br>c. P9 – Pre-schools;<br>d. P10 – Health care facility; or<br>e. P11 – Veterinary care facility.<br><br>Any application arising from these rules will not require written approval and shall not be publicly or limited notified. | As relevant to the breached rule:<br>a. Scale of activity — 14.13.5<br>b. Traffic generation and access safety — 14.13.6<br>c. Non-residential hours of operation — 14.13.22 |
| <b>RD12</b> | Integrated family health centres where:<br>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;  | a. Scale of activity - 14.13.5<br>b. Traffic generation and access safety - 14.13.6  |

| Activity    |  | The Council's discretion shall be limited to the following matters:  |
|-------------|--|--|
|             | <ul style="list-style-type: none"> <li>b. the centre is located on sites adjoining a Neighbourhood, District or Key Activity Centre;</li> <li>c. the centre occupies a gross floor area of building of between 301m<sup>2</sup> and 700m<sup>2</sup>;</li> <li>d. outdoor advertising is limited to a maximum area of 2m<sup>2</sup>; and</li> <li>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.</li> </ul> | <ul style="list-style-type: none"> <li>c. Non-residential hours of operation - 14.13.22</li> </ul>   |
| <b>RD13</b> | <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>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> <ul style="list-style-type: none"> <li>a. Scale of activity - 14.13.5</li> <li>b. Traffic generation and access safety - 14.13.6</li> <li>c. Non-residential hours of operation - 14.13.22</li> </ul> |
| <b>RD14</b> | <p>Retirement villages that do not comply with any one or more of the activity specific standards in Rule 14.4.2.1 P3</p>  | <ul style="list-style-type: none"> <li>a. Retirement villages 14.13.10</li> </ul>  |
| <b>RD15</b> | <p>Boarding house</p>  | <ul style="list-style-type: none"> <li>a. Scale of activity - 14.13.5</li> <li>b. Traffic generation and access safety - 14.13.6</li> </ul>  |
| <b>RD16</b> | <p>Activities and buildings that do not comply with Rule 14.4.3.4(3) relating to rail corridor boundary setbacks.</p>  | <ul style="list-style-type: none"> <li>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.</li> </ul>                                  |
| <b>RD17</b> | <p>Spiritual facilities that do not comply with the hours of operation in Rule 14.4.2.1 P12.</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>  | <ul style="list-style-type: none"> <li>a. Scale of activity - 14.13.22</li> </ul>  |

#### 14.4.2.4 Discretionary activities

The activities listed below are discretionary activities.

| <b>Activity</b> |   |
|-----------------|---|
| <b>D1</b>       | Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity  |
| <b>D2</b>       | Activities that do not comply with any one or more of the activity specific standards in Rule 4.4.2.1 for: <ul style="list-style-type: none"> <li>a. P1 Residential activity;</li> <li>b. P4 Conversion of an older person's housing unit into a residential unit;</li> <li>c. P6 Care of non-resident children in a residential unit;</li> <li>d. P7 Bed and breakfast; or</li> <li>e. Storage of more than one heavy vehicle for activities for P8-P12.</li> </ul>  |
| <b>D3</b>       | Show homes  |
| <b>D4</b>       | Camping grounds   |
| <b>D5</b>       | Place of assembly (except for a Lyttelton Port Noise Sensitive Activity within the Lyttelton Port Influences Overlay) where: <ul style="list-style-type: none"> <li>a. the minimum site area is not less than 30m<sup>2</sup> per person;</li> <li>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;</li> <li>c. the hours of operation are between 0700 – 2200 hours Monday to Sunday and public holidays; and</li> <li>d. there is no use of heavy vehicles associated with the activity.</li> </ul>                         |
| <b>D6</b>       | Health care facility (except for a Lyttelton Port Noise Sensitive Activity within the Lyttelton Port Influences Overlay) where: <ul style="list-style-type: none"> <li>a. the maximum floor area used for health care activities on any site does not exceed 100m<sup>2</sup>; and</li> <li>b. there is no use of heavy vehicles associated with the activity.</li> </ul>   |
| <b>D7</b>       | Retail activity where: <ul style="list-style-type: none"> <li>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;</li> <li>b. the hours of operation are between 0700 – 2200 hours Monday to Sunday and public holidays;</li> <li>c. the maximum floor area used for retail activities on any site does not exceed 50m<sup>2</sup>;</li> <li>d. the activity does not include trade or yard-based suppliers or service stations; and</li> <li>e. there is no use of heavy vehicles associated with the activity.</li> </ul> |
| <b>D8</b>       | All other non-residential activities not otherwise listed in these tables   |

| Activity  |   |
|-----------|---|
| <b>D9</b> | 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   |   |
|------------|---|
| <b>NC1</b> | <p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> </ol> <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"> <li>1. The National Grid transmission lines are shown on the planning maps.</li> <li>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.</li> <li>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.</li> </ol> |
| <b>NC2</b> | <p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <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"> <li>4. The electricity distribution lines are shown on the planning maps.</li> <li>5. Vegetation to be planted around electricity distribution lines should be selected</li> </ol>   |

|  |  |
|--|--|
|  | <p>and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</p> <p>6. 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> |
|--|--|

### 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 <sup>2</sup>   |
| 2. | Residential Banks Peninsula Zone – Diamond Harbour Density Overlay | 600m <sup>2</sup>   |
| 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 <sup>2</sup>  |
| 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 6m<sup>2</sup> 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 within the Lyttelton Port Influences Overlay. All activities are subject to the rules in 14.4.2 and 14.4.3 unless specified otherwise.

### 14.4.4.1 Area specific permitted activities

|    | Activity   | 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 <sup>2</sup> within a 10 year continuous period                             | a. Compliance with Rule 14.4.4.4. |
| 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 <sup>2</sup> within a 10 year continuous period | a. Compliance with Rule 14.4.4.4. |

### 14.4.4.2 Area specific restricted discretionary activities

|  | Activity | The Council's discretion shall be |
|--|----------|-----------------------------------|
|  |          |                                   |

|            |   |   |
|------------|---|---|
|            |   | <b>limited to the following matters</b>         |
| <b>RD1</b> | <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 40m<sup>2</sup> within a 10 year continuous period with a no complaints covenant, provided that the works comply with Rule 14.4.4.4.</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 |
| <b>RD2</b> | <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 40m<sup>2</sup> within a 10 year continuous period with a no complaints covenant, provided that the works comply with Rule 14.4.4.4.</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> |   |

### 14.4.4.3 Area specific non-complying activities

|            |   |
|------------|---|
|            | <b>The activities listed below are a non-complying activity</b>   |
| <b>NC1</b> | <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.</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>  |
| <b>NC2</b> | <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.</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>  |
| <b>NC3</b> | <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 40m<sup>2</sup> within a 10 year continuous period that:</p> <ul style="list-style-type: none"> <li>a. does not have a no complaints covenant; and/or</li> <li>b. does not comply with Rule 14.4.4.4.</li> </ul> <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> |

|                   |   |
|-------------------|---|
| <p><b>NC4</b></p> | <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 40m<sup>2</sup> within a 10 year continuous period that:</p> <ul style="list-style-type: none"> <li>a. does not have a no complaints covenant; and/or</li> <li>b. does not comply with Rule 14.4.4.4.</li> </ul> <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> |
| <p><b>NC5</b></p> | <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<sup>dn</sup> (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<sub>dn</sub> (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<sub>dn</sub> (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.

## **14.5 Rules - Residential Hills Zone**

*[placeholder]*

## **14.6 Rules - Residential Bach Zone**

*[placeholder]*

## **14.7 Rules - Residential Large Lot Zone**

*[placeholder]*

## **14.8 Rules - Residential Small Settlement Zone**

*[placeholder]*

## **14.9 Rules – Residential New Neighbourhood Zones**

*[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 consent 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 1500m<sup>2</sup> and less than 10,000m<sup>2</sup>; 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 330m<sup>2</sup>), and a maximum density of 65 households per hectare (one unit per 150m<sup>2</sup>).

### 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 4000m<sup>2</sup>; 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:   |
|------------|---|---|
| <b>RD1</b> | 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  |
| <b>RD2</b> | 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<br>b. As relevant to the breached built form standard: <ol style="list-style-type: none"> <li>i. Site density and site coverage - 14.13.2</li> <li>ii. Impacts on neighbouring property - 14.13.3</li> <li>iii. Street scene – road boundary building setback, fencing and planting – 14.13.18</li> <li>iv. Minimum building, window and balcony setbacks - 14.13.19</li> <li>v. Outdoor living space - 14.13.21</li> <li>vi. Minimum unit size and unit mix - 14.13.4</li> <li>vii. Service, storage and waste management spaces - 14.13.20</li> <li>viii. Acoustic insulation - 14.13.9</li> <li>ix. Traffic generation and access safety - 14.13.6</li> </ol> |
| <b>RD3</b> | 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.<br><br>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<br>b. Water supply for fire fighting - 14.13.8   |
| <b>RD4</b> | 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<br>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: |
|---|---|
| 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. |   |

### 14.11.3.2 Discretionary activities

The activities listed below are discretionary activities.

| Activity  |   |
|-----------|---|
| <b>D1</b> | 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   |  |
|------------|--|
| <b>NC1</b> | Residential activities utilising the Enhanced Development Mechanism that do not comply with zoning qualifying standards in Rule 14.11.2.1        |
| <b>NC2</b> | Residential activities utilising the Enhanced Development Mechanism that do not comply with site size qualifying standards in Rule 14.11.2.2     |
| <b>NC3</b> | 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 <sup>2</sup>       |
| 2. | 1 bedroom          | 45m <sup>2</sup>       |
| 3. | 2 bedrooms         | 60m <sup>2</sup>       |
| 4. | 3 or more bedrooms | 90m <sup>2</sup>       |

- 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 12m<sup>2</sup> 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 30m<sup>2</sup> 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 16m<sup>2</sup> 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 16m<sup>2</sup> 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 16m<sup>2</sup> 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 6m<sup>2</sup> and a minimum dimension of 1.5 metres;
  - ii. the balance 10m<sup>2</sup> 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 5m<sup>2</sup> with a minimum dimension of 1.5 metres; and
  - ii. a single, indoor storage space of 4m<sup>3</sup> 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 3m<sup>2</sup> 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 250m<sup>2</sup> 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:

|           |   |  |
|-----------|---|--|
| <b>1.</b> | On sites adjacent or abutting rail way lines buildings, balconies and decks | 4 metres from the rail corridor boundary |
|-----------|---|--|

### **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:  |
|------------|--|--|
| <b>RD1</b> | 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   |
| <b>RD2</b> | 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 RD4 | a. Residential design principles – 14.13.1<br>b. As relevant to the breached built form standard: <ol style="list-style-type: none"> <li>i. Site density and site</li> </ol> |

|            |  |   |
|------------|--|---|
|            | below; and 14.12.3.13 and 14.12.3.14; refer to NC2 and NC3)  | <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> |
| <b>RD3</b> | <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>  |
| <b>RD4</b> | <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:

- 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 <sup>2</sup> |
| 2. | 1 bedroom          | 45m <sup>2</sup> |
| 3. | 2 bedrooms         | 60m <sup>2</sup> |
| 4. | 3 or more bedrooms | 90m <sup>2</sup> |

### 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 12m<sup>2</sup> 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 30m<sup>2</sup> 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 16m<sup>2</sup> 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 16m<sup>2</sup> 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 16m<sup>2</sup> 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 6m<sup>2</sup> and a minimum dimension of 1.5 metres; and
  - ii. the balance 10m<sup>2</sup> 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 5m<sup>2</sup> with a minimum dimension of 1.5 metres; and
  - ii. a single, indoor storage space of 4m<sup>3</sup> 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 3m<sup>2</sup> 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 250m<sup>2</sup> 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 1500m<sup>2</sup> and less than 10,000m<sup>2</sup>; 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 330m<sup>2</sup>), and a maximum density of 65 households per hectare (one unit per 150m<sup>2</sup>).

#### **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:

|           |   |  |
|-----------|---|--|
| <b>1.</b> | On sites adjacent or abutting rail way lines buildings, balconies and decks | 4 metres from the rail corridor boundary |
|-----------|---|--|

#### **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.

### 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:
  - 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 reverse 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.

## 14.14 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.

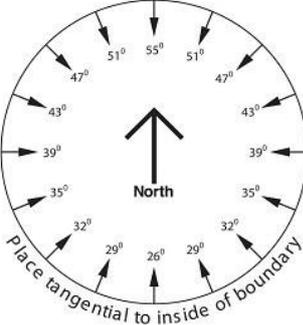
Minimum construction requirements for all central city zones

|           | <b>Building Element</b>            | <b>Minimum Construction Requirement</b>  |
|-----------|------------------------------------|--|
| <b>1.</b> | External walls of habitable spaces | <p>a. Walls with cladding: Minimum not to be less than 25kg/m<sup>1</sup> 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: <sup>1</sup> (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.<br/> <sup>2</sup> Where exterior wall cladding has a mass of greater than 25kg/m.</p> |
| <b>2.</b> | 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>   |

|   | <b>Building Element</b>           | <b>Minimum Construction Requirement</b>   |
|---|-----------------------------------|---|
|   |                                   | <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/m<sup>2</sup>.</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/m<sup>2</sup>.</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> |
| 5.  | External Door to habitable spaces | <p>a. Solid core door (min 24kg/m<sup>2</sup>) 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> <p>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</p> |                                   |   |

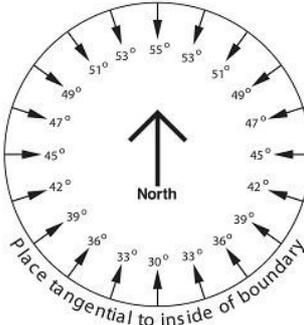
|  | <b>Building Element</b> | <b>Minimum Construction Requirement</b>   |
|--|-------------------------|---|
|  |                         | <p>performance of the building facade achieves a minimum noise reduction consistent with the relevant rules.</p> <p>2. In determining the insulation performance 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.</p> |

### 14.14.2 Appendix - Recession planes



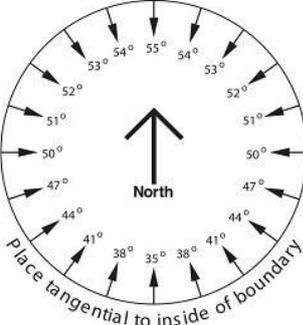
**A** Applicable to all buildings:

- in the Residential Suburban Zone
- on sites in other non residential zones that adjoin the Residential Suburban Zone



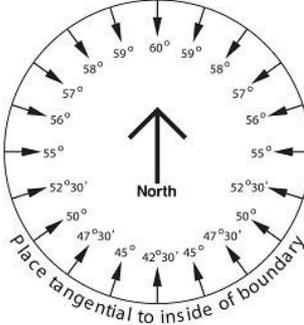
**B** Applicable to all buildings:

- Residential Suburban Density Transition Zone
- On sites on other non residential zones that adjoin the Residential Suburban Density Transition Zone



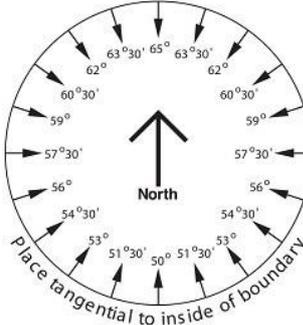
**C** Applicable to all buildings:

- in the Residential Medium Density Zone
- on sites in other non residential zones that adjoin the Residential Medium Density Zone



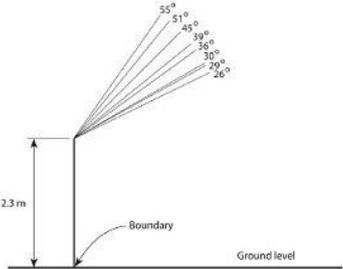
**D** Applicable to all buildings:

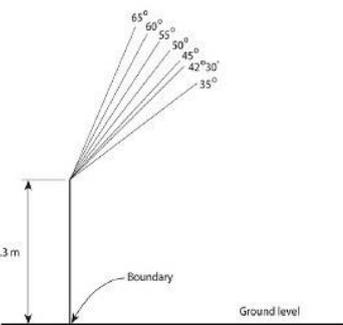
- in the medium density higher height limit zones
- on sites in other non residential zones that adjoin the medium density higher height limit zones
- in the medium density higher height limit zones (except those buildings over 11 metres in height)
- on sites in other non residential zones that adjoin 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



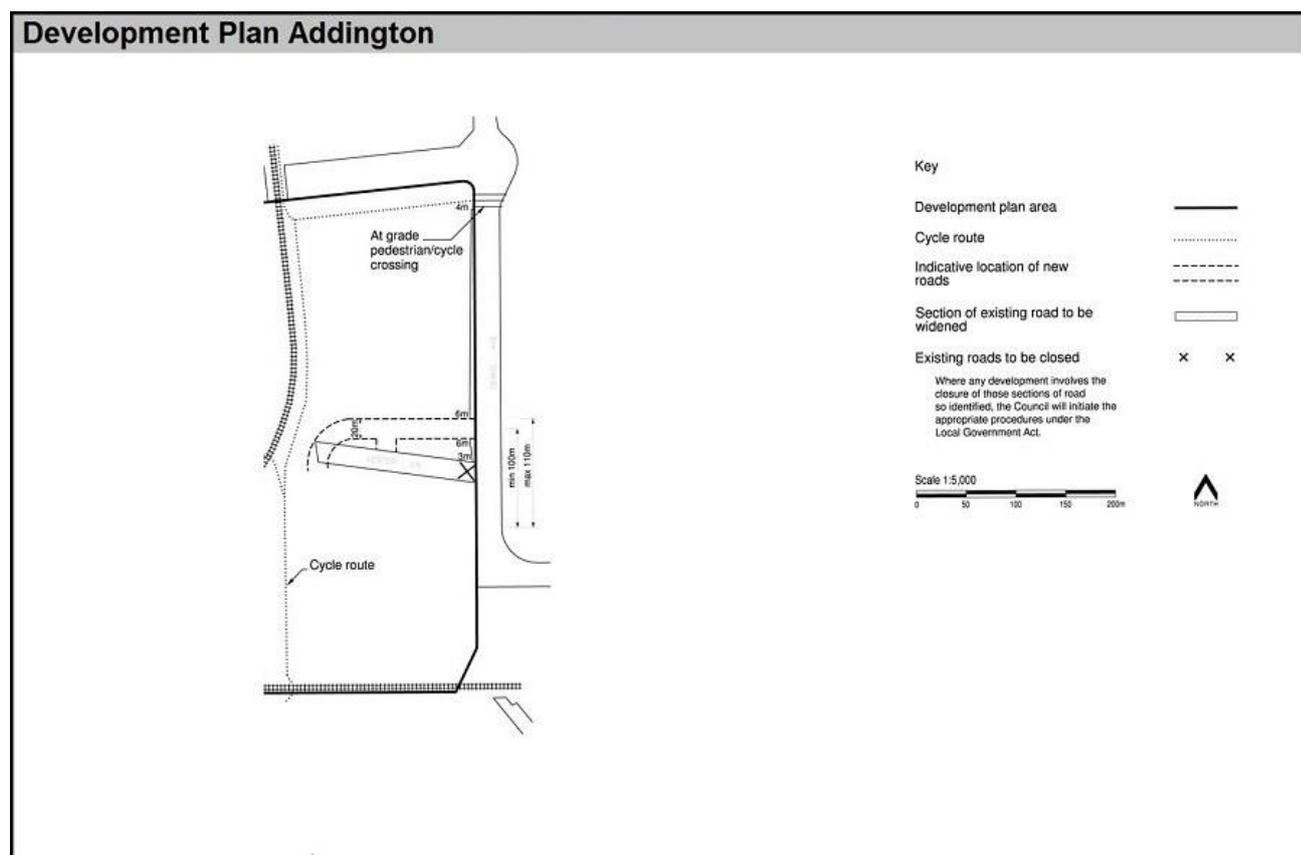


Note: North is true north

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

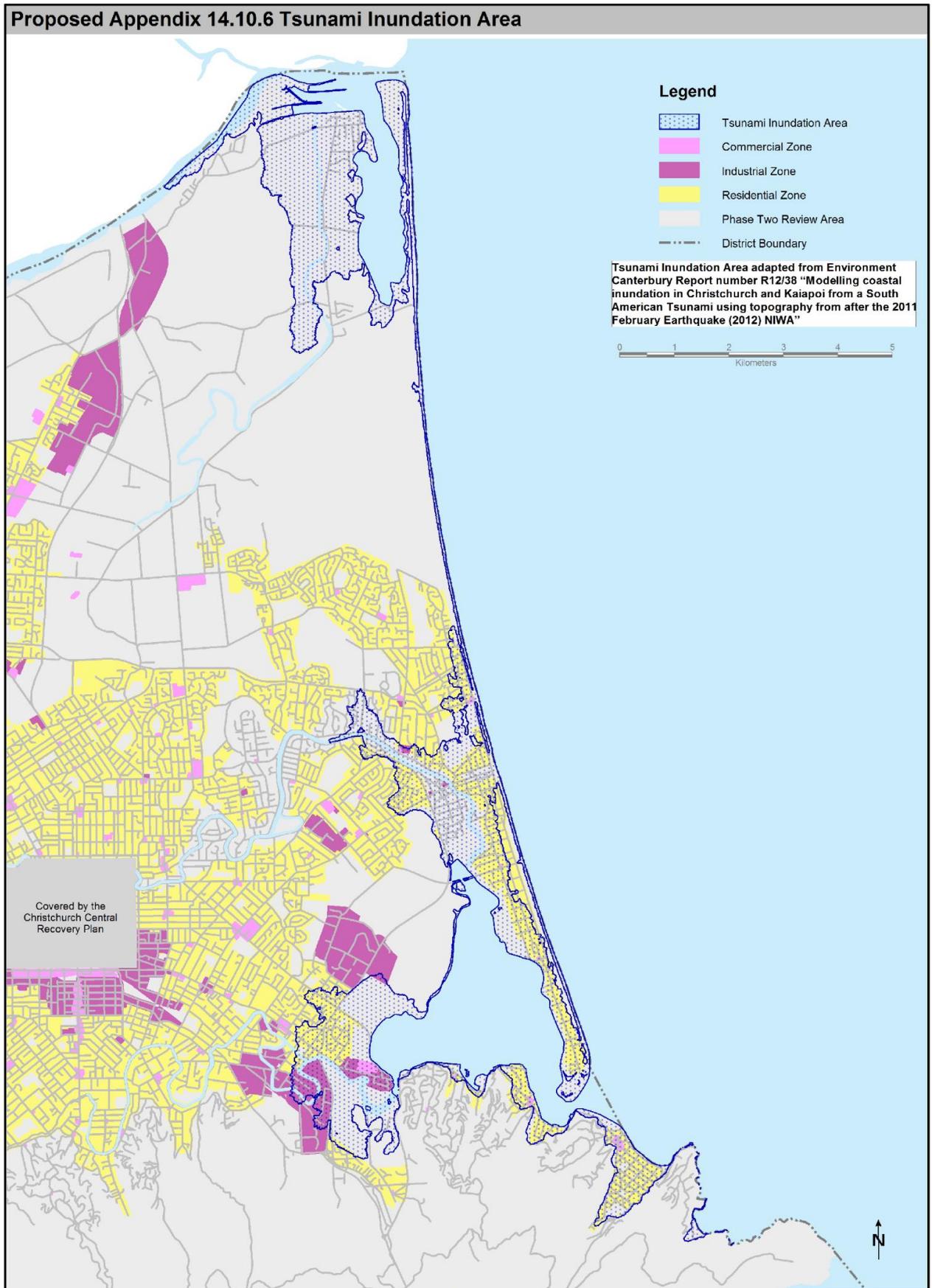


## 14.14.4 Appendix – Aircraft noise exposure

This appendix derives from Rule 14.2.4.4.7

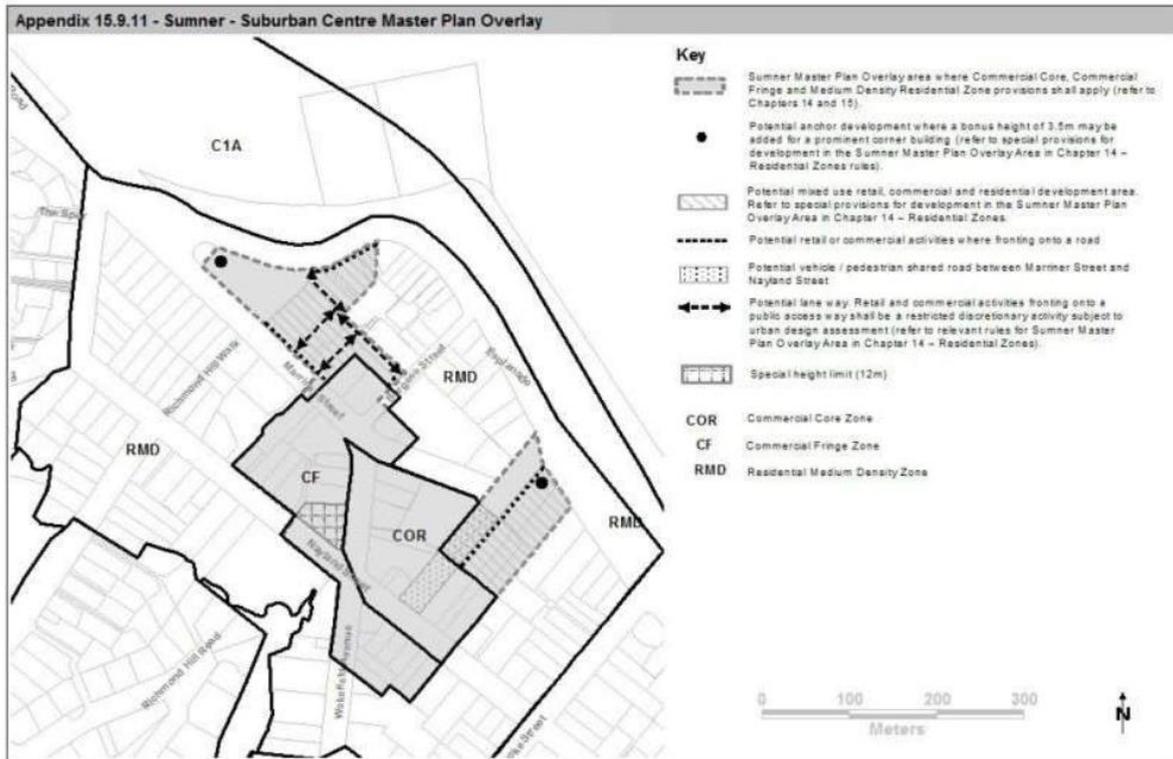
| 1.1 Indoor design sound levels  |                                |                     |
|---|--------------------------------|---------------------|
| New buildings and additions to existing buildings located within the 50 dBA L <sub>dn</sub> line as shown on the planning maps shall be designed to 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 <sub>dn</sub> |
| Residential units and older person's housing  |                                |                     |
| Sleeping areas  | 65                             | 40                  |
| Other habitable areas   | 75                             | 50                  |
| Travellers' accommodation, resort hotels, hospitals and healthcare 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 <sub>dn</sub> 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



### 14.14.6 Appendix – Sumner Master Plan Overlay

*[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.]*



## SCHEDULE 2

Provisions (and related submissions) in respect of which hearing and determination has been deferred to Stages 2 and 3:

- (a) The notified ‘New Neighbourhood zone’ provisions (‘NNZ provisions’);<sup>1</sup>
- (b) Residential Banks Peninsula Conservation Zone,<sup>2</sup> including Policy 14.1.5.6 (Notified Version) Heritage Values in Residential Areas of Lyttelton and Akaroa and Policy 14.1.5.5 (Notified Version) Neighbourhood Character and Residential Amenity in Residential Areas of Banks Peninsula;<sup>3</sup>
- (c) New Brighton Density Overlay;<sup>4</sup>
- (d) Kauri Lodge Rest Home Submission (1022);<sup>5</sup>
- (e) The following provisions that were notified in error by the Christchurch City Council as set out in its Application to set aside land from proposals where the land was re-notified in Stage 2 proposals (‘Application to set aside’):<sup>6</sup>
  - (i) All legal roads on the Stage 1 planning maps that were incorrectly zoned residential and re-notified in Stage 2 as Transport Zone;
  - (ii) All of the open space sites shown on the Stage 1 planning maps identified in Attachment A to Application to set aside that were incorrectly zoned residential and re notified in Stage 2 as Open Space;
  - (iii) All of the school and tertiary education sites shown on the Stage 1 planning maps identified in Attachment C to the Application to set aside that were

<sup>1</sup> Minute dated 16 July 2015 and 20 August 2015, and full list of provisions deferred as set out in the Order confirming allocated provisions dated 3 November 2015.

<sup>2</sup> Opening submission for the Council at para 13.4; Closing submissions for the Council at para 7.2; Transcript, page 1109.

<sup>3</sup> Updated Statement of Issues for Stage 2 Residential Proposal, 11 August 2015, at paras 2.1(a) and 2.2.

<sup>4</sup> Deferred to Stage 2 Commercial and Industrial decision.

<sup>5</sup> Direction of Hearings Panel, 11 February 2015.

<sup>6</sup> Application to set aside land from Stage 1 proposals, where land has been re notified in Stage 2 proposals, 17 June 2015; and application granted on 26 June 2015.

incorrectly zoned residential and re-notified in Stage 2 as Specific Purpose (School) and Specific Purpose (Tertiary Education) Zones;

- (iv) All of the cemetery sites shown on Stage 1 planning maps identified in Attachment E of the Application to set aside that were incorrectly zoned residential.
  
- (f) As set out in our directions dated 3 November 2015, the following Airport-related issues are deferred to be heard in conjunction with Chapter 6, General Rules and Procedures:
  - (i) Bird strike issues; and
  
  - (ii) Airport noise contour issues as to the 50 dBA  $L_{dn}$  and 55 dBA  $L_{dn}$  noise contour (except as to the related land use restrictions determined by this decision).

### SCHEDULE 3

#### Table of submitters heard

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

| Submitter Name  | No  | Person          | Expertise or Role          | Filed/<br>Appeared |
|---|-----|-----------------|----------------------------|--------------------|
| Ken Sitarz  | 13  | Mr K Sitarz     |                            | Filed/Appeared     |
| Ashley Seaford  | 15  | Mr A Seaford    |                            | Filed/Appeared     |
| Fendalton Mall Limited  | 24  | Mr G Dewe       | Planner                    | Filed              |
| Gillian Herrick   | 56  | Ms G Herrick    |                            | Filed/Appeared     |
| James King  | 60  | Mr J King       |                            | Filed/Appeared     |
| Robin Curry   | 88  | Mr R Curry      |                            | Appeared           |
| Nick Blakely  | 110 | Ms H Broughton  |                            | Appeared           |
| Rachel Malloch  | 115 | Ms R Malloch    |                            | Filed              |
| Alan and Robyn Ogle   | 137 | Ms H Broughton  |                            | Appeared           |
| Mike Percasky   | 138 | Mr A Fitzgerald | Planner                    | Filed/Appeared     |
| Brett and Elizabeth Rayne   | 151 | Mr B Rayne      |                            | Appeared           |
| Catherine Spackman  | 152 | Ms H Broughton  |                            | Appeared           |
| Maria Simmonds  | 155 | Ms M Simmonds   |                            | Filed/Appeared     |
| Janet Reeves  | 157 | Ms J Reeves     | Planner and urban designer | Filed/Appeared     |
| Grant Miles   | 160 | Mr G Miles      | Architectural designer     | Filed/Appeared     |
| Richard Jarman  | 164 | Ms H Broughton  |                            | Appeared           |
| Janette Webber  | 171 | Ms H Broughton  |                            | Appeared           |
| Ross Divett   | 181 | Mr R Divett     |                            | Filed              |
| Riccarton Wigram Community Board                                    | 254 | Mr M Mora       |                            | Filed              |
| Marianne and Robin McKinney   | 256 | Ms H Broughton  |                            | Appeared           |
| JD & JE Campbell, Fendall Properties Limited, Campbell Family Trust | 273 | Ms H Broughton  |                            | Appeared           |
| Janet Begg  | 280 | Ms J Begg       |                            | Filed              |
| Cats Protection League  | 287 | Ms A Brown      |                            | Filed              |
|   |     | Ms P Harte      | Planner                    | Appeared           |
| Tony Dale   | 291 | Mr T Dale       |                            | Appeared           |

| Submitter Name                                   | N <sup>o</sup> | Person                | Expertise or Role                                      | Filed/<br>Appeared |
|--|----------------|-----------------------|--|--------------------|
| Denise Bryce                                     | 294            | Ms D Bryce/ Mr Church |  | Filed              |
| Tim & Felicity Scott                             | 297            | Ms H Broughton        |  | Appeared           |
| Jessie Wells                                     | 300            | Ms H Broughton        |  | Appeared           |
| Tony and Christine Simons                        | 308            | Mr T Simons           |  | Appeared           |
| Christchurch City Council                        | 310            | Mr S Blair            | Planner  | Filed/Appeared     |
|  |                | Dr D Fairgray         | Geographer and economist                               | Filed/Appeared     |
|  |                | Mr A MacLeod          | Planner  | Filed/Appeared     |
|  |                | Mr G McIndoe          | Architect and urban designer                           | Filed/Appeared     |
|  |                | Mr R Norton           | Planning engineer                                      | Filed/Appeared     |
|  |                | Ms B O'Brien          | Planning engineer                                      | Filed/Appeared     |
|  |                | Mr N Redekar          | Transportation Planner                                 | Filed/Appeared     |
|  |                | Ms E Sakin            | Architect  | Filed/Appeared     |
|  |                | Mr M Teesdale         | Urban designer   | Filed/Appeared     |
|  |                | Mr C Gregory          | Engineer   | Filed/Appeared     |
| John Frizzell                                    | 321            | Ms E Stewart          | Planner  | Filed/Appeared     |
|  |                | Mr J Frizzell         |  | Filed/Appeared     |
|  |                | Mr K Suckling         |  | Filed/Appeared     |
| DT King & Co Limited                             | 329            | Mr R Edwards          | Traffic engineer                                       | Filed/Appeared     |
| Robert Paton                                     | 336            | Mr R Edwards          | Traffic engineer                                       | Filed/Appeared     |
| Akaroa Civic Trust                               | 340            | Ms J Cook             |  | Filed/Appeared     |
| Maurice R Carter Limited                         | 377            | Mr J Phillips         | Planner  | Filed/Appeared     |
| Oakvale Farm Limited                             | 381            | Mr J Phillips         | Planner  | Filed/Appeared     |
| JC & H McMurdo Family Trust                      | 387            | Ms H McMurdo          |  | Appeared           |
| The Salvation Army                               | 422            | Ms W Barney           |  | Filed/Appeared     |
|  |                | Mr G Parfitt          |  | Filed/Appeared     |
| Robin Shatford                                   | 445            | Mr R Shatford         |  | Appeared           |
| Riccarton Bush-Kilmarnock Residents' Association | 462            | Mr J Hardie           |  | Appeared           |
| Fulton Hogan Land Development Limited            | 473            | Ms J Comfort          | Planner  | Filed/Appeared     |
| Jane Taylor                                      | 475            | Ms H Broughton        |  | Appeared           |
| Siana Fitzjohn                                   | 487            | Mr R Muir             |  | Filed/Appeared     |
| Housing New Zealand Corporation                  | 495            | Mr P Commons          | General Manager, Canterbury Recovery and Redevelopment | Filed/Appeared     |
|  |                | Mr M Dale             | Planner  | Filed/Appeared     |

| Submitter Name  | Nº      | Person              | Expertise or Role   | Filed/<br>Appeared |
|---|---------|---------------------|---|--------------------|
| Crown   | 495     | Ms V Barker         | Planner   | Filed/Appeared     |
|   |         | Ms J Doyle          | Policy Director,<br>Construction and Housing<br>Markets             | Filed/Appeared     |
|   |         | Mr K Gimblett       | Planner   | Filed/Appeared     |
|   |         | Mr B Klein          | Life stage, energy and<br>water efficiency and<br>consenting issues | Filed/Appeared     |
|   |         | Ms Y Legarth        | RMA policy advisor  | Filed/Appeared     |
|   |         | Mr M McCallum-Clark | Planner   | Filed/Appeared     |
|   |         | Ms S McIntyre       | Planner   | Filed/Appeared     |
|   |         | Ms A McLeod         | Planner   | Filed/Appeared     |
|   |         | Mr A Merry          | Manager, Strategic<br>Development                                   | Filed/Appeared     |
|   |         | Mr I Mitchell       | Planner   | Filed/Appeared     |
|   |         | Mr R Rouse          | Asset rebuild manager,<br>horizontal infrastructure                 | Filed/Appeared     |
|   |         | Mr J Schellekens    | Economist   | Filed/Appeared     |
|   |         | Ms L Taitua         | District Manager,<br>Community Probation                            | Filed/Appeared     |
|   |         | Mr M Teesdale       | Urban designer  | Filed/Appeared     |
| Mr T Walsh  | Planner | Filed/Appeared      |   |                    |
| Nurse Maude Association                                 | 525     | Mr R Nixon          | Planner   | Filed/Appeared     |
| Rosalie Souter  | 540     | Mr L Telfer         |   | Appeared           |
| Deans Avenue Precinct<br>Society                        | 549     | Ms C Mulcock        |   | Filed/Appeared     |
| Retirement Village<br>Association of New Zealand<br>Inc | 573     | Mr J Collyns        |   | Filed/Appeared     |
|   |         | Mr J Kyle           | Planner   | Filed/Appeared     |
| Helen Broughton   | 592     | Ms H Broughton      |   | Filed/Appeared     |
| Going Properties Limited                                | 593     | Ms P Harte          | Planner   | Filed/Appeared     |
| Rosalee Jenkin  | 601     | Mr R Muir           |   | Filed/Appeared     |
| Mebo Family Trust                                       | 604     | Ms M Mullins        |   | Filed/Appeared     |
| Catherine Collier                                       | 636     | Mr R Muir           |   | Filed/Appeared     |
| Ruth Deans  | 643     | Ms H Broughton      |   | Appeared           |
| Canterbury District Health<br>Board                     | 648     | Dr A Humphrey       | Medical Officer of Health   | Filed/Appeared     |
| Catholic Diocese of New<br>Zealand                      | 656     | Mr R Nixon          | Planner   | Filed/Appeared     |
| Belgravia Investments<br>Limited                        | 678     | Mr J Clease         | Planner and urban<br>designer                                       | Filed/Appeared     |
| Residential Construction<br>Limited                     | 684     | Ms F Aston          | Planner   | Filed/Appeared     |
|   |         | Mr P de Roo         |   | Filed/Appeared     |

| Submitter Name  | N <sup>o</sup> | Person         | Expertise or Role              | Filed/<br>Appeared |
|---|----------------|----------------|--------------------------------|--------------------|
| Jack Randall  | 688            | Mr R Muir      |                                | Filed/Appeared     |
| Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited            | 705            | Mr D Thorne    |                                | Filed              |
| Matthew Scobie  | 711            | Mr R Muir      |                                | Filed/Appeared     |
| Rowan Muir  | 713            | Mr R Muir      |                                | Filed/Appeared     |
| Bryndwr Community Group   | 715            | Ms M Ainsworth |                                | Appeared           |
| Mobil Oil New Zealand Limited, Z Energy Limited and Banks Peninsula Oil New Zealand Limited | 723            | Ms K Blair     | Planner                        | Filed/Appeared     |
| Ilam and Upper Riccarton Residents' Association   | 738            | Mr R English   |                                | Filed/Appeared     |
| Ryman Healthcare Limited  | 745            | Mr J Kyle      | Planner                        | Filed/Appeared     |
|   |                | Mr A Mitchell  |                                | Filed/Appeared     |
| Bronwyn Williams  | 748            | Ms B Williams  |                                | Appeared           |
| Alpine Presbytery   | 752            | Mr R Nixon     | Planner                        | Filed/Appeared     |
| Christchurch Polytechnic Institute of Technology  | 756            | Ms L Buttimore | Planner                        | Filed/Appeared     |
|   |                | Ms A Hanlon    | Director of Learning Resources | Filed              |
| Methodist Church of New Zealand and Christchurch Methodist Central Mission                  | 763            | Mr R Nixon     | Planner                        | Filed/Appeared     |
| Summerset Group Holdings Limited  | 765            | Ms P Harte     | Planner                        | Filed/Appeared     |
| Gayle Cook  | 773            | Ms H Broughton |                                | Appeared           |
| Jane Murray   | 780            | Ms J Murray    |                                | Filed/Appeared     |
| The Order of St John, South Island Region Trust Board                                       | 785            | Ms R Hardy     | Planner                        | Filed/Appeared     |
| K Bush Road Limited and Brian Gillman Limited   | 788            | Mr W McCall    | Surveyor                       | Filed/Appeared     |
|   |                | Ms K Seaton    | Planner                        | Filed/Appeared     |
|   |                | Mr H Wheelans  |                                | Filed/Appeared     |
| Church Property Trustees  | 793            | Ms R Hardy     | Planner                        | Filed/Appeared     |
| Erfort Properties Limited and Sala Sala Japanese Restaurant Limited                         | 796            | Mr G Ottmann   |                                | Appeared           |
| University of Canterbury  | 797            | Ms L Buttimore | Planner                        | Filed/Appeared     |
|   |                | Ms A Hanlon    | Director of Learning Resources | Filed/Appeared     |
| AMP Capital Palms Pty Limited   | 814            | Mr J Phillips  | Planner                        | Filed/Appeared     |
| R L Broughton   | 820            | Mr R Broughton |                                | Appeared           |

| Submitter Name                                  | N <sup>o</sup> | Person          | Expertise or Role                               | Filed/<br>Appeared |
|---|----------------|-----------------|---|--------------------|
| Transpower New Zealand Limited                  | 832            | Mr D Campbell   | Environmental Policy and Planning group manager | Filed/Appeared     |
|   |                | Mr M Copeland   | Economist                                       | Filed/Appeared     |
|   |                | Ms A McLeod     | Planner   | Filed/Appeared     |
|   |                | Mr R Noble      | Asset engineering manager                       | Filed/Appeared     |
| Groovy Costumes Limited                         | 839            | Mr S Fletcher   | Planner   | Appeared           |
| Ngai Tahu Property Limited                      | 840            | Mr J Jones      | Planner   | Filed/Appeared     |
|   |                | Mr M Timms      | Surveyor  | Filed/Appeared     |
|   |                | Mr T Watt       | Architect                                       | Filed/Appeared     |
| David Philpott & Associates                     | 841            | Mr S Fletcher   | Planner   | Filed/Appeared     |
| Kotare Downs Limited                            | 843            | Mr S Fletcher   | Planner   | Filed/Appeared     |
| Audrey Smith                                    | 854            | Ms A Smith      |   | Appeared           |
| Douglas Horrell                                 | 858            | Mr R Muir       |   | Filed/Appeared     |
| Christchurch International Airport Limited      | 863            | Mr M Bonis      | Planner   | Filed/Appeared     |
|   |                | Mr R Boswell    | Environmental Manager                           | Filed/Appeared     |
|   |                | Mr C Day        | Acoustic Engineer                               | Filed/Appeared     |
|   |                | Dr P Harper     | Ornithologist                                   | Filed/Appeared     |
|   |                | Mr K McAnergney | Manager, Airport Planning                       | Filed/Appeared     |
|   |                | Mr P Osborne    | Economist                                       | Filed/Appeared     |
| Reefville Properties Limited                    | 866            | Mr G Percasky   |   | Filed/Appeared     |
| D&S Grimshaw                                    | 893            | Mr S Fletcher   | Planner   | Filed/Appeared     |
| Kiwirail Holdings Limited                       | 897            | Ms D Hewett     | Senior RMA Advisor                              | Filed              |
| Freyberg Development Limited                    | 907            | Ms J Comfort    | Planner   | Filed/Appeared     |
| Lyttelton Port Company Limited                  | 915            | Mr M Copeland   | Economist                                       | Filed/Appeared     |
|   |                | Mr N Hegley     | Acoustic Engineer                               | Filed/Appeared     |
|   |                | Ms K Kelleher   | Environmental Manager                           | Filed/Appeared     |
|   |                | Mr A Purves     | Planner   | Filed/Appeared     |
| Orion New Zealand Limited                       | 922            | Ms L Buttimore  | Planner   | Filed/Appeared     |
|   |                | Mr S Watson     | Network Assets Manager                          | Filed/Appeared     |
| Milns Road Farm Limited and Blakesfield Limited | 931            | Ms J Comfort    | Planner   | Filed/Appeared     |
| Richard Batt                                    | 937            | Mr R Batt       |   | Appeared           |
| Katia De Lu                                     | 944            | Mr R Muir       |   | Filed/Appeared     |
| Commercial Vehicle Centre Limited               | 961            | Mr R Edwards    | Traffic engineer                                | Filed/Appeared     |
| Barrington Issues Group                         | 964            | Mr R Curry      |   | Filed/Appeared     |
| Davie Lovell-Smith Limited                      | 969            | Ms J Comfort    | Planner   | Filed/Appeared     |

| Submitter Name  | Nº           | Person       | Expertise or Role      | Filed/<br>Appeared |
|---|--------------|--------------|------------------------|--------------------|
| Mobil Oil New Zealand Limited   | 988          | Ms K Blair   | Planner                | Filed/Appeared     |
| John Raso   | 1049         | Mr J Raso    |                        | Filed/Appeared     |
| Fredrik Rohs  | 1051         | Mr F Rohs    |                        | Appeared           |
| R & H Investments, R & H Properties Limited and Sandridge Hotel Limited | 1069         | Mr R Edwards | Traffic engineer       | Filed/Appeared     |
| Beach Road Tyre and Auto Centre Limited                                 | 1077         | Mr T Walsh   | Planner                | Filed/Appeared     |
| Terra Dumont  | 1085         | Mr R Muir    |                        | Filed/Appeared     |
| Christian Jordan  | 1122<br>1098 | Mr C Jordan  |                        | Filed/Appeared     |
| Danne Mora Holdings Limited   | 1134         | Mr M Brown   | Planner                | Filed/Appeared     |
|   |              | Mr A Hall    | Engineer               | Filed/Appeared     |
|   |              | Mr A Penny   | Traffic engineer       | Filed/Appeared     |
| ADNZ Canterbury/Westland Region   | 1142         | Mr G Miles   | Architectural designer | Filed/Appeared     |
| Mahaanui Kurataiao Limited and Te Rūnanga O Ngāi Tahu                   | 1145         | Mr T Vial    | Planner                | Filed/Appeared     |
| Generation Zero   | 1149         | Mr R Muir    |                        | Filed/Appeared     |
| Jeanette Quinn  | 1174         | Ms J Quinn   |                        | Appeared           |
| Andrew Evans  | 1181         | Mr A Evans   |                        | Filed/Appeared     |
| Colin Stokes  | 1182         | Mr C Stokes  |                        | Filed/Appeared     |
| Urbis TPD Limited   | 1207         | Mr R Edwards | Traffic engineer       | Filed              |
| Michael Hughes  | 1241         | Mr M Hughes  |                        | Appeared           |
| Horticulture NZ   | 1323         | Ms L Wharfe  | Planner                | Filed/Appeared     |