

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL
FILING REBUTTAL EVIDENCE OF IKE KLEYNBOS**

16 October 2023

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MAY IT PLEASE THE COURT:

1. Filed together with this memorandum of counsel for Christchurch City Council (**Council**) is the rebuttal evidence of Mr Ike Kleynbos.
2. Counsel's memoranda of 3 and 9 October 2023 foreshadowed that Mr Kleynbos' rebuttal evidence could not be filed by the due date of 9 October 2023, due to illness.
3. Counsel respectfully ask that the Panel waive the timeframe in these circumstances. No party is likely to be prejudiced by such a waiver because:
 - (a) Mr Kleynbos' evidence relates to the residential topic, the hearing in respect of which is not due to commence until 31 October 2023;
 - (b) there is no opportunity or need for parties to respond to Mr Kleynbos' evidence prior to the hearing; and
 - (c) Mr Kleynbos' evidence serves to identify key planning matters at issue in respect of the residential topic, so assists in an efficient hearing process.

DATED this 16th day of October 2023



D G Randal / C O Carranceja

Counsel for Christchurch City Council

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF IKE KLEYNBOS ON BEHALF OF
CHRISTCHURCH CITY COUNCIL**

**RESIDENTIAL CHAPTER
LOW PUBLIC TRANSPORT ACCESSIBILITY QUALIFYING MATTER
RICCARTON BUSH INTERFACE AREA QUALIFYING MATTER**

Dated: 16 October 2023

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ATTACHMENT A – Regional Council mapping of loess soils and Residential Hills zone

ATTACHMENT B - Mahaanui Iwi Management Plan and District Plan Provisions Re Waterways and Sedimentation

ATTACHMENT C – Proposed additional changes to HRZ 14.6 activity tables

ATTACHMENT D – Operative Retirement Villages Framework within MRZ-affected zones

ATTACHMENT E – Prospective retirement villages framework within MRZ

EXECUTIVE SUMMARY

1. This rebuttal evidence responds to submitter expert evidence regarding the residential provisions, including various issues regarding the permissible scope of changes to residential provisions through an intensification planning instrument (**IPI**) such as Plan Change 14 (**PC14**).
2. I provide further clarity regarding the application of the Low Public Transport Accessibility Area (**LPTAA**) qualifying matter (**QM**) and omitted residential provisions / overlays, and offer an alternative approach to addressing retirement villages in MDRS-only affected areas.
3. In addition, I have given further consideration to a proposed Port Hills Stormwater QM sought by the Canterbury Regional Council which, if accepted, could result in consequential changes to the LPTAA.

INTRODUCTION

4. My name is **Ike Kleynbos**. I am a Principal Planning Advisor for Christchurch City Council (**CCC**).
5. I prepared a planning officer's report pursuant to section 42A of the Resource Management Act 1991 (the **Act / RMA**) dated 11 August 2023 (**Section 42A Report**). My Section 42A Report considered the issues raised by submissions and further submissions on PC14 and made recommendations in response to the issues that emerged from those submissions, as they applied to:
 - (a) the Residential Chapter, excluding landscaping provisions and Future Urban Zone controls;
 - (b) the Sunlight Access QM;
 - (c) the LPTAA QM; and
 - (d) the Riccarton Bush Interface Area QM.
6. I have the qualifications and experience set out at paragraphs 2.1.1 – 2.1.4 of my Section 42A Report and I repeat the confirmation given in my Section 42A Report that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

7. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters in relation to my Section 42A Report. I respond below to evidence on the following topics:
- (a) issues raised by Department of Corrections (#259);
 - (b) the Riccarton Bush Interface Area QM (#834 and #2029);
 - (c) the LPTAA QM (#834, #689, and #2080);
 - (d) a proposed Port Hills Stormwater Constraints QM (#689);
 - (e) the Accommodation and Community Facilities Overlay (#809);
 - (f) the Cashmere / Worsley Outline Development Plan (#257);
 - (g) issues raised in Mr Marcus Langman's evidence on relief sought in CCC's submission (#751);
 - (h) the North Halswell HRZ (#903 and #916);
 - (i) Residential provisions (#834);
 - (j) Retirement villages in medium density residential zones (**MRZ**) (#443, #2029, #556, #811, and #749);
 - (k) Whisper Creek Golf Resort Land (#826); and
 - (l) Redmund Spur Residential Large Lot Zoning (#881).
8. Where I am relying on the primary evidence or rebuttal evidence of technical witnesses for CCC, I make that clear in this rebuttal evidence.

DEPARTMENT OF CORRECTIONS (#259) – MAURICE DALE

9. Mr Dale has provided planning evidence in support of the submission made by Ara Poutama Aotearoa (the Department of Corrections).
10. The Department of Corrections seeks to modify definitions associated with Corrections activities (i.e. custodial services, supervised, or detained persons within residential units), to make those accommodations a residential activity, thereby utilising the enablement of MDRS to deliver further Corrections-related services within residential zones.

11. In my Section 42A Report I explained my view that such a change is beyond the scope of an IPI as this does not relate to residential activities. In response to Mr Dale's evidence, I note that my view is supported by a recent CCC decision on a notified resource consent application made by Kāinga Ora on behalf of the Department of Corrections (RMA/2020/173, decision dated 18 January 2022¹). In their decision, commissioners concluded that the aforementioned Corrections activities could not be classed as a residential activities (as defined in the Plan and not proposed to be changed in PC14), as residents could be considered to be detained on the site.
12. The Department can pursue this matter further separate to PC14 as a private plan change or as relevant to any subsequent Council-initiated plan change.

RICCARTON BUSH INTERFACE AREA QM

Introduction

13. Under this topic I address the evidence presented by:
 - (a) Mr Tim Joll (Planning) – Kāinga Ora (#834);
 - (b) Ms Sophie Stachan (Landscape Architectural) – Kāinga Ora (#834); and
 - (c) Ms Kim Seaton (Planning) – Kauri Lodge Rest Home (#2029).

Justification of the QM

14. The evidence of Mr Joll comments on the landscape evidence of Ms Sophie Strachan, who is supportive of the proposed QM and the rationale for its justification. Expert conferencing has occurred between Ms Strachan and CCC's expert Dr Hoddinott, with a number of matters agreed and residual points of disagreement being addressed in the rebuttal statement of Dr Hoddinott.
15. Despite the expert landscape evidence, Mr Joll expresses concern that the QM is unable to meet the tests under s77L(c)(iii) of the Resource Management Act 1991 (**RMA**) as a QM. I do not consider those tests apply to this QM because, as detailed in the s32 and s42A material, it is based on several section 6 matters (including that Riccarton Bush is an outstanding natural

¹ A copy of this decision can be made available upon request.

landscape/feature). The QM is therefore subject to evaluation under s77I(a) and s77J, which has been carried out.

Scope of QM controls

16. In paragraphs 6.1 and 6.2 of Mr Joll's evidence, he questions whether there is a need to introduce controls beyond the 8m building height control and whether such controls were supported through input provided by Ngāi Tūāhuriri Rūnanga, via consultation with Mahaanui Kurataiao Limited.
17. These issues have been addressed in paragraphs 7.1.6 to 7.1.9 of my Section 42A Report and are further detailed in the addendum report produced by Dr Hoddinott. In summary, the original s32 reporting did not specifically detail appropriate provisions in response to the QM, and instead only stated that the zoning outcomes of the operative zone and former SAM analysis should be retained for the area. This was a point addressed by submitters (e.g. Riccarton Kilmarnock Residents Association - #188) who requested that the operative zone was retained. In my Section 42A Report I recommend applying the relevant operative density controls that specifically address the type of control necessary to accommodate the QM.

Further modification of QM provisions

18. Following expert witness conferencing between Dr Hoddinott and Ms Strachan, a number of changes have been proposed by Dr Hoddinott. This is outlined in her rebuttal evidence and is not repeated here. I support the conclusions reached and adopt Dr Hoddinott's recommendation.
19. The corresponding adjustments to the framework address the concerns raised by Ms Seaton, insofar as the further amended provisions apply controls that are not more restrictive than operative Residential Medium Density (**RMD**) zone controls for the Riccarton Road sites affected by the QM.
20. When compared to operative controls, of the further amended provisions, only the side yard setback controls are more restrictive than operative controls. Here, Dr Hoddinott has concluded that a 1 and 3 metre side yard setback (on either side yards) should apply to ensure that viewsheds of the Bush remain possible. This position is based on potential built form changes that may be enabled as a result of the removal of parking standards (Subpart 8 of the National Policy Statement on Urban Development (**NPS-UD**)). However, I note

that changes proposed to Chapter 7 (Transport) by Ms Piper would effectively seek to apply a similar level of control when comprehensive development (three or more units) is undertaken or even greater control when located at a set distance to local fire hydrants.²

LOW PUBLIC TRANSPORT ACCESSIBILITY AREA QM

Introduction

21. In this section of my rebuttal I respond to evidence presented by:

- (a) Mr Tim Joll – Kāinga Ora (#834);
- (b) Ms Meg Buddle – Canterbury Regional Council (#689); and
- (c) Mr Andrew Mactier – NTP Development Holdings (#2080).

Justification and scope of LPTAA QM

22. Mr Joll takes issue with the LPTAA QM, in line with the Kāinga Ora submission, and does not consider that the QM provides sufficient evaluation against s77L as an 'other' matter. I disagree and refer the Panel to reporting provided in the s32³ and my s42A⁴ on this matter.

23. In addition, Mr Joll has questioned the considerations of both public transport and infrastructure constraints as part of the QM response. Ms Buddle has accurately summarised this reasoning in her paragraph 52, by reference to paragraphs 6.32.3 and 6.32.5 of the s32 on the QM. Justification for the QM draws on a full consideration of NPS-UD objectives, by virtue of s77L(b); the LPTAA QM is strategic in nature and considers public transport accessibility as the primary means to address those objectives.

24. I note that Ms Buddle supports the QM, but echoes the concern raised within the Regional Council's submission that the name of the QM could erode public confidence in the provision of public transport. I do not agree with this latter point as I do not consider that the proposed Precinct response either implies such a status, nor that the District Plan naming of overlays is likely to have

² This is captured in Appendix 7.5.7.c in the [amended Chapter 7 provisions](#) (page 65), which sets a legal width of 3.0 metres. Under further controls proposed, access under 7.5.7.h, where located further than 75m from a road frontage with fire hydrants, must have a legal width of 7.5 metres.

³ S77L tests integrated throughout s32 evaluation, beginning on paragraph 6.32.6.

⁴ From paragraphs 7.1.83 to 7.1.104.

such an influence on public transport uptake, but a new name could be adopted if that is considered an issue.

276 Cranford Street - NTP Development Holdings

25. Mr Mactier has provided planning evidence objecting to the recommendation made in my Section 42A Report regarding 276 Cranford Street. Under the notified planning maps, this site was considered to be part of the LPTAA QM response and the overlay and Residential Suburban zoning were proposed to be retained (as per the operative Plan) over the site.
26. My Section 42A Report acknowledged the error made on this matter, which had not properly considered the catchment from the Orbiter bus route, which I agree is a core bus route. The spatial response to this was detailed in Appendix H to my report, which showed that the overlay was recommended to be removed and zoning changed to MRZ.
27. However, despite this, page 10 of Appendix F of my report showed that the relief sought for the site should be rejected. This is an error I wish to correct; I recommend the site at 276 Cranford St should be zoned MRZ without any Precinct applying.

PROPOSED PORT HILLS STORMWATER CONSTRAINTS QM – CANTERBURY REGIONAL COUNCIL (#689)

28. This issue responds to evidence presented by/through:
 - (a) Ms Meg Buddle (Planning) – Regional Council;
 - (b) Ms Jessica Newlands (Stormwater) – Regional Council;
 - (c) Mr Brian Norton (Stormwater) – CCC; and
 - (d) The experts' joint witness statement on stormwater matters, which formed part of the Infrastructure session (dated 5 October 2023).⁵
29. Ms Buddle has provided evidence with expert stormwater input by Ms Newlands in support of a new QM to address stormwater constraints particular to the Port Hills and the potential for development at MDRS densities to

⁵ <https://chch2023.ihp.govt.nz/assets/Joint-Witness-Statements/Joint-Expert-Witness-Statement-of-Infrastructure-Experts-Infrastructure-5-October-2023.pdf>.

exacerbate the sedimentation of waterbodies. I support this proposed QM, as discussed below.

30. The Regional Council also seeks to introduce a new QM regarding the stormwater catchment associated with the Halswell River. CCC's stormwater expert Mr Norton does not agree that a QM response is warranted, as discussed in his rebuttal evidence. I support that position.

Potential new QM: what is the issue?

31. In paragraphs 69-70 Ms Buddle details the evidence presented by both Ms Newlands and Mr Norton regarding stormwater, who both acknowledge that stormwater issues are a likely consequence of intensification enabled through PC14. Expert conferencing has taken place on this topic and the experts agree on the issues associated with intensification on the Port Hills.
32. As detailed in my Section 42A Report (from paragraph 7.1.157), CCC has opted not to progress with a city-wide QM or similar relating to stormwater, due to the ability to manage stormwater through its 2022 Stormwater and Land Drainage Bylaw. The Bylaw seeks to operationalise the Comprehensive Stormwater Network Discharge Consent (**CSNDC**) granted by the Regional Council for CCC to discharge stormwater to waterbodies.
33. Ms Buddle and Ms Newlands dispute the conclusions reached and consider that enforcement powers under the Local Government Act are an improper tool to manage such effects, which are best addressed through the enforcement powers under the RMA. In addition, they seek further changes to provisions to better specify stormwater effects, including cumulative stormwater effects, and seek to extend the influence of LPTAA controls to all Residential Hills areas in response to the proposed Stormwater QM.
34. I agree with the conclusions reached by Ms Buddle and Ms Newlands, insofar as greater consideration is needed to respond to this specific proposed stormwater QM on the Port Hills. Mr Norton and I met with Ms Buddle and Ms Newlands on 5 October 2023 to discuss a potential approach.

Responding to the extent necessary to address the QM – s77I

35. If a QM is to be imposed in response to stormwater-related risks, based on the expert evidence, I consider an important factor would be to ensure that the spatial relationship between any limits on intensification (such as by retaining

Residential Hills zoning) and the location of highly erodible soils aligns, i.e. that controls are in areas of loess soils where the experts consider risks to arise. Ms Newlands has provided CCC with the soil mapping that both the Regional Council and Manaaki Whenua have undertaken, the latter through the S Soils Mapping programme.

36. The areas within the Residential Hills zone where loess soils are located are shown below and included as **Attachment A**.

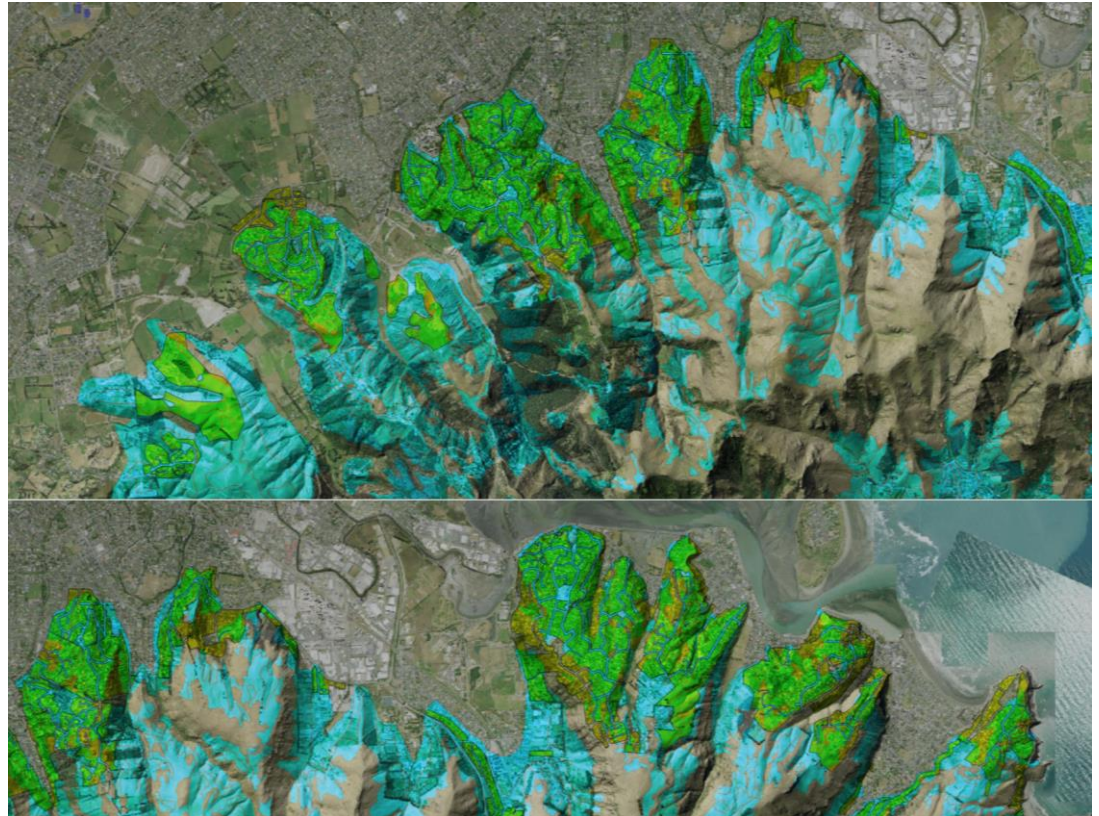


Figure 1 – *Overlap between loess soils and residential hills zone, overlap shown in green. Loess soils are shown in blue, with green areas showing where soils overlap with Residential Hill zones. Brown/yellow colours show where the zone is unaffected by loess soils.*

37. This shows that there is a strong correlation between highly erodible loess soils and the Residential Hills zone.
38. Further, I consider that any controls (including the level of control) would need to be targeted with the nature of the issue, being sedimentation.
39. This was discussed between Mr Norton and Ms Newlands, who agreed that greater disturbance of soil through enabling greater density and site coverage was the most prominent contributing factor. The parties supported simply

restricting development, rather than applying greater erosion and sediment controls due to the unique complexity of managing fine grained loess soils. This is detailed in CCC's 'Waterways, Wetlands and Drainage Guide'⁶ used by staff to advise on erosion and stormwater management practices. In Part B, section 7.3 of the guide, the characteristics of loess soils are discussed:

Loess soils are highly erodible and are an important consideration when dealing with hill waterways and development on the Port Hills. Loess is dispersive when wet and prone to shallow seated landslides or tunnel gullyng (under runners). Studies of this process support a desiccation crack origin due to wet and dry cycling. The control of surface and subsurface water is a key factor in maintaining stability of loess slopes. The problems with loess arise because it tends to be single-sized, and so is open and permeable. The dispersive characteristic of loess is due to electrostatic repulsion of wetted particles caused by the presence of sodium ions.

40. In discussions, Mr Norton sought to distinguish this issue from one of stormwater **quantity**, noting that when managed comprehensively across a site to discharge into the built network, the scale of impervious surfaces on hill sites was less of a concern. The parties agreed that this would likely best be considered as a matter of discretion or control, rather than a built form standard.
41. I further detail an appropriate response to provisions below.

Justification under s77J or s77L

42. The conclusion reached by Ms Buddle is that the QM can be progressed as an 'other matter' under s77L. In assessing the applicability of the proposed QM, I have come to an alternative conclusion: I consider that a QM could qualify under s77L(b) and s77J as a response to give effect to the National Policy Statement for Freshwater Management 2020 (**NPS-FM**).
43. The objective of the NPS-FM is:

(...) to ensure that natural and physical resources are managed in a way that prioritises:

⁶ Available here: https://ccc.govt.nz/environment/water/water-policy-and-strategy/waterways-wetlands-and-drainage-guide?gclid=Cj0KCQjwi5mpBhDJARIsAOVjBdqTkOzPQnIM0Y6lusiYqoRT6hSxZASD_dTM-FecIBVkcZ6O4J3SRegaArPIEALw_wcB

- (a) *first, the health and well-being of water bodies and freshwater ecosystems*
 - (b) *second, the health needs of people (such as drinking water)*
 - (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*
44. Policy 1 of the NPS-FM states that "*freshwater is managed in a way that gives effect to Te Mana o te Wai*". This concept is further detailed in clause 1.3 which, to summarise, seeks to protect the health of freshwater, its mauri, and a specific balance of priorities detailed in clause 1.3 (5). The protections are further ascribed within policies 5, 7, 9, 12 and 13.
45. In addition, Policy 2 builds on the te ao Māori concept articulated in the NPS-FM by requiring that "*Māori freshwater values are identified and provided for*".
46. I therefore regard the Mahaanui Iwi Management Plan (**IMP**) as an important point of reference to consider in order to apply the Māori freshwater values directive captured as part of the NPS-FM.
47. I set out in **Attachment B** an overview of the IMP provisions that are relevant to the protection of waterways and their sedimentation, and a summary of relevant provisions in the operative District Plan.
48. Ms Buddle provides an assessment of applicable Canterbury RPS objectives and policies, which I support.
49. Based on the those provisions, I consider there is a strong alignment between the NPS-FM and the local IMP regarding the issue of sedimentation of waterways and the avoidance of further degradation, as well as the Canterbury RPS and operative District Plan.

Proposed provisions

50. Ms Buddle has proposed that the provisions I recommended in my Section 42A Report to apply within the LPTAA Precinct are utilised to provide greater stormwater management controls. Specifically, she has proposed:
- (a) Suburban Hill Density Precinct is expanded to cover all operative Residential Hills zoned areas; and

- (b) Matters of discretion be further developed with a greater emphasis on stormwater management and cumulative stormwater effects consideration.

Alternative Port Hills Stormwater QM response

- 51. I have discussed proposed provisions with Ms Buddle, Ms Newlands, and Mr Norton. I raised the issue that recommended LPTAA controls seek to provide for a medium density pathway as a restricted discretionary activity, limited to 3 units per site at two storeys, which could have the potential to increase density across residential Port Hill areas.
- 52. I have further tested the scale of prospective medium density development with Mr Scallan in terms of changes to feasible housing yields through this pathway approach. Mr Scallan has confirmed the following:

MRZ yield beneath notified Residential Hills Precinct (no QM)	1,600
MRZ yield beneath notified RH zone covered by LPTAA (should the QM not apply)	6,020

- 53. As noted above, my Section 42A Report recommended that a medium density pathway is provided within the LPTAA under specific conditions, most notably that a site must be located within 400m of a bus stop. I have conducted spatial analysis of the extent of this, comparing this to the extent of residential hilled areas. Based on a visual assessment only, I estimate that close to 50% of the hills may be located within 400m of a bus stop. The framework also requires that sites demonstrate sufficiency of three waters infrastructure. The evidence of Ms McDonald is that residential hilled sites to the east of Ferrymead have restricted wastewater capacity and that medium density development in those areas is unsuitable. Accounting further for this, I would estimate that approximately 25% of accessible areas lie east of Ferrymead, bringing the total proportion of potentially enabled sites down to 25% when applying the full recommended framework for the Suburban Hill Density Precinct.
- 54. The concluding result is that extending the proposed LPTAA Precinct recommendation over the areas of loess soils could enable around 1,500

residential units over residential hill areas – i.e. 25% of 6,020 feasible MRZ developments (assuming that feasibility is static across the spatial extent). The combined level of medium density housing that would be enabled on the hills (factoring in the recommendations in my Section 42A Report) would therefore be in the order of 3,100 residential units, when adding the 1,600 feasible units in the hilled areas outside the LPTAA. This therefore represents the total sum of medium density development that may be reduced with an alternative QM approach.

55. In our meeting, it was agreed that applying an LPTAA Precinct approach to these areas with the addition of a matter of discretion relating to stormwater could establish a fanciful consenting framework – i.e. the prerequisite of adequate stormwater discharge under RD19 may never be achievable. This was due of the conflating direction of requiring provision for stormwater discharges, but also seeking to avoid the sedimentation issues arising from such discharges that have been identified through this process.
56. I therefore sought to consider whether retaining the operative Residential Hills Zone may be a more appropriate response as it does not provide for a medium density pathway (noting development exceeding one unit and one minor unit per 650m² site, other than social housing (P3 – 4 units maximum), older persons housing (P4), and two for one/family flat conversions enabled (under P5-7 as RD or D). This was the response originally recommended through the s32 reporting within the LPTAA, since recommended to be modified as set out in my Section 42A Report. This position was agreed to with Ms Buddle, Ms Newlands, and Mr Norton. Ms Buddle further also stated that if the operative framework were to be retained, the current extra 10% site density and site coverage allowance through 14.7.1 RD1 and RD12 should be removed in response to the QM and risk of sedimentation such a consenting pathway may pose.
57. In addition, I also note a potential issue with the adverse effects enabled by existing earthworks exemptions under 8.9.3 of the District Plan. Of particular concern is exemption 8.9.3a.iv, which states that the following is exempted from the earthworks permitted activity standards P1 and P2:

Any earthworks subject to an approved building consent where they occur wholly within the footprint of the building. For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the

wall. This exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the principal building on the site or adjoining site.

58. Given that the primary issue identified is earthworks associated with construction, I believe that this exemption could be further modified to prevent its application on Residential Hills zoned sites as a direct means to reduce sedimentation. The result of removing this exemption would mean that any dwelling construction or extension would require resource consent for earthworks. While this could be an effective means to ensure appropriate erosion and sediment control, the implications of such an approach would be to restrict status quo development rights and should be evaluated through s32AA, subject to the direction of the Panel.
59. The above approach to the QM would have the following implications:
- (a) remove both the Residential Hills Precinct and Suburban Hill Density Precinct, instead retaining the Residential Hills Zone;
 - (b) remove RD1 and RD12 from the zone rule framework (and in their absence rely on D1);
 - (c) insert a new Policy regarding the risk to water quality posed by increased density in the Port Hills residential areas; and
 - (d) modify earthworks exemption 8.9.3.a.iv to prevent the building consent exclusion from applying within the Residential Hills Zone.

Concluding response and LPTAA QM relationship

60. The above approach would seek to reduce operative earthwork controls and site coverage controls, keeping other standards as per operative zone controls. While the overall response can be seen to reduce existing development rights, the operative District Plan has not been able to consider the NPS-FM. A lesser development envelope may therefore be considered to be an appropriate response to that national direction.
61. As discussed above, while the RD19 standards may be interpreted as a proxy means to prevent medium density development (due to failing to meet the stormwater discharge standard), an alternative approach to the QM could be a modified version of that outlined in the evidence of Ms Buddle. Additional

standards could be more targeted to the sedimentation issue and enable sites that meet these standards on a case-by-case basis.

62. My recommendation is that this topic is discussed further through expert conferencing.
63. Lastly, I note that the retention of Residential Hills zone in response to the Port Hills Stormwater QM would apply restrictions greater than the proposed Suburban Hill Density Precinct (as part of the response to the LPTAA), effectively making this superfluous. I would consequently recommend that proposed Suburban Hill Density Precinct be removed.

ACCOMMODATION AND COMMUNITY FACILITIES OVERLAY – SCENIC HOTEL GROUP LIMITED (#809)

64. Ms Samantha Kealey has highlighted the error made to inadvertently remove the Accommodation and Community Facilities Overlay (**ACF Overlay**), which has been acknowledged in my Section 42A Report (at paragraph 6.1.113) and has been recommended to be re-introduced. In addition, a request was made by Scenic Hotels Group Limited to further extend the ACF Overlay to include all of the existing accommodation site at 88-96 Papanui Road, thereby also applying the overlay to 19 Holly Road.
65. As indicated in my reporting, the purpose of applying HRZ in this area is to give effect to the intensification direction of Policy 3 of the NPS-UD to increase building heights and densities. While I am supportive of such an extension in principle, recognising the efficiencies gained, I question whether such a change can legally be progressed through an IPI.
66. For context to assist the Panel, the ACF Overlay as introduced in the Replacement District Plan (**RDP**) only applied to arterial corridors, or in conjunction with other commercial activities. A key focus was having a frontage that linked to core public active transport routes. Submissions made to the RDP for extensions failing these criteria were rejected on the basis that they could reduce the integrity of residential environment and increase the potential for adverse impact on the residential zone. In this instance, accommodation activities are well established and front a core public transport route for multiple bus routes. I would not anticipate that adverse effects on residential coherence and amenity would be anticipated on Holly Road, given both the established nature of the activity and the large scale HRZ response in

the area that would ultimately redefine residential occupation and amenity throughout the area.

**CASHMERE / WORSLEYS OUTLINE DEVELOPMENT PLAN – CASHMERE
LAND DEVELOPMENTS LIMITED (#257)**

67. Mr Pia Jackson states in his evidence that the concluding recommendation from Mr Bayliss and my Section 42A Report is that that the Cashmere and Worsleys ODP area should be zoned MRZ and have the Residential Hills Precinct applied. I wish to correct the conclusion reached by Mr Jackson.
68. Paragraph 7.1.90 of my Section 42A Report reiterates where the LPTAA QM is proposed to apply, being areas beyond 800m walking distance from the core bus routes identified. I have assessed that the walking distance from the nearest core bus route stop (Orbiter bus stop near Cashmere and Hoon Hay roads) to the Worsley site is between approximately 1,000 and 2,500 metres. Imagery below visualises this, with the Worsley sites shown in grey and the overlay showing the catchment used for core bus routes to support the LPTA QM:

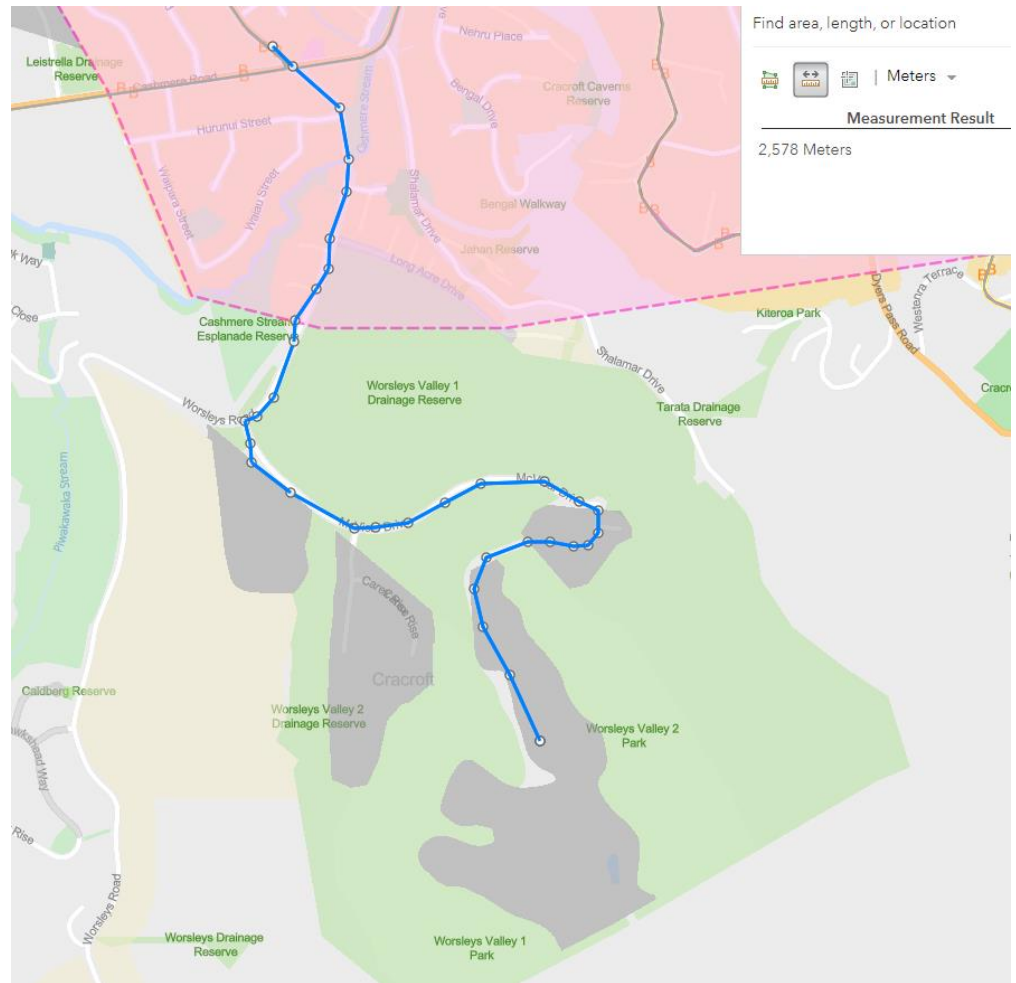


Figure 2 – Worsley ODP area and relationship to core bus route catchments.

69. The 1,000 metre distance quoted represents the distance to the lots fronting the closest block, near the corner of Worsleys Road and McVicar Drive.
70. Considering the recommendations made in my Section 42A Report, the LPTAA QM would apply to the site, applying the proposed Suburban Hill Density Precinct accordingly.
71. However, if the Port Hills Stormwater QM proposed by the Regional Council (#689) is applied, this site would instead default to operative Residential Hills Zone. As such, the two proposed Precincts that would otherwise apply become superfluous and should be removed, subject to the acceptance by the Panel of the Port Hills Stormwater QM response.

CCC SUBMISSION (#751)

72. Mr Marcus Langman has provided an evaluation of the CCC submission on PC14 and makes a number of recommendations regarding the Riccarton Bush Interface Area QM.
73. In paragraph 61, Mr Langman recommends that changes are made to Chapter 8 to give effect to the site density recommendations for the associated overlay. I have discussed this with Mr Bayliss and we are both in agreement with this recommendation.
74. In paragraph 62, Mr Langman asserts that St Teresa's school has an operative building height of 8m. This builds upon an incorrect statement made in CCC reporting regarding this site. In accordance with operative rule 13.6.4.2.5, the maximum building height of the site is 10 metres within 20 metres of an internal boundary, otherwise 14 metres.
75. This is an error that has also been addressed in Dr Hoddinott's rebuttal, who has recommended that the operative building height should be retained for St Teresa's school.

NORTH HALSWELL HRZ – DANNE MORA LIMITED (#903) & MILNS PARK LIMITED (#916)

76. Mr Andrew Mactier has provided planning evidence regarding the definition of the North Halswell commercial centre. In addition, supporting infrastructure evidence has been presented on the sufficiency of the local stormwater and wastewater infrastructure.
77. I disagree with both matters, which I address individually below.
78. Mr Mactier disputes the classification of North Halswell centre as Town Centre Zone (**TCZ**) and that MRZ is provided in its surrounds accordingly. I believe that Mr Mactier has misinterpreted both the direction of the NPS-UD and how this policy direction has been applied in proposed residential policies (see from paragraph 10.1).
79. The NPS-UD is a future-focused document that directs CCC to consider both current and future growth and development (some 100 years of development is enabled through PC14). The process undertaken to determine commercial centre categories has considered both their current policy setting (e.g. KACs,

RPS, Chapter 15 framework), economic expenditure to date, and prospective future growth capacity. I make reference to the evidence of Mr Lightbody on this matter. The fact that the centre is currently undeveloped is not considered material in its classification and I support both the centre classification and the commensurate response provided accordingly.

80. CCC's infrastructure experts, Ms Michele McDonald (water and wastewater) and Mr Brian Norton (stormwater) have participated in Joint Witness Conferencing with relevant experts from the submitter on this matter.
81. While both Ms McDonald and Mr Norton agree with the conclusions reached regarding the limits of three waters sufficiency and their likely inability to provide for HRZ development today, both also believe that this situation is not unique to North Halswell. I have further discussed this matter with Ms McDonald, who has reaffirmed this position, noting that the state of insufficiency does not, for example, compare to the likes of the area covered by the proposed Wastewater Constraints Overlay QM (vacuum sewers).
82. To this end, I support the recommended HRZ response to North Halswell (without the need of an additional QM) and note the future infrastructure delivery that CCC will need to respond to, subject to localised uptake of intensification.

RESIDENTIAL PROVISIONS – KĀINGA ORA (#834)

83. Mr Jonathan Clease has provided both planning and urban design evidence to support the submission made by Kāinga Ora. This includes assessments of both commercial centres and residential provisions, noting that some elements cross the two pieces of evidence.
84. Below I respond to specific sections or provisions commented on by Mr Clease where there remains disagreement or further clarity would be beneficial. I do not further comment where my Section 42A Report position remains unchanged, or where agreement has now been reached. Here I acknowledge that Mr Clease is now supportive of all proposed permitted residential building heights, walking catchments, and intensified centres, save for the spatial extent of 39m enablement around CCZ and the residential response required in light of the MCZ recommendations made.

Residential objectives and policies

85. Mr Clease states that changes recommended to Policy 14.2.3.7(a)(ii) (Management of increased height) now contradict 14.2.9.4 (non-residential activities). I disagree as the purpose of each policy remains distinct: the former relates to potential reverse sensitivity effects associated with increased heights relative to established non-residential activities; while the latter enables the continuance and redevelopment/expansion of existing non-residential activities where this does not have significant adverse effects on residential character and amenity or undermine the potential for residential development.

Activity rules – MRZ and HRZ

86. Mr Clease recommends that the same Controlled Activity development pathways in RMD are also applied within the MRZ framework. I do not support this proposal as it would not align with the MDRS framework, particularly clause 4 of Schedule 3A regarding the breach of density standards.
87. I agree with recommendation to insert the operative date as part of the P3 – Elderly Persons Housing rule response.
88. In paragraphs 5.6 and 5.7 of Mr Clease's evidence he states that the HRZ framework has not accurately transferred over the MRZ non-residential framework (14.5.1.1 P5-P9) as the basis of the zone is based on RCC (Residential central city zone). I agree that non-residential activities should be reflected as per operative controls. I also note that the reference Mr Clease has made to RMD controls is incomplete: there are also spiritual activities, community welfare and corrections facilities that are permitted in RMD that will no longer be permitted as currently drafted (P12-P14 in RMD). In **Attachment C** to this evidence I provide a track-changed copy of further changes needed to HRZ activity tables to address this issue.
89. As a consequence, I note that by virtue of the built form standards applying to permitted activities, including MDRS standards that apply to all buildings (not just residential units), buildings for these permitted non-residential activities will be able to be larger and closer to boundaries than currently enabled under the District Plan (except where floor areas are restricted in the activity specific standards). I have considered whether there need to be further amendments

to the built form standards to address this, noting the effects of non-residential buildings can be different to those of residential.

90. I note that the main differences from the RMD zone would be building height (22m proposed), the additional 0.5m permitted road boundary setback, the lack of a setback for balconies at first floor level and above, and the more generous recession planes. It is not clear how the additional 10% site coverage rule would apply to non-residential buildings. Standards requiring windows to the street and garaging and carpark location which may impact on street scene would not apply, and neither would the minimum building height rule. I consider the omission of these final matters would have the most potential impact in terms of the difference between an anticipated building for residential activity and a building for any of the permitted non-residential activities.
91. I therefore propose a consequential amendment to the built form standards in the HRZ to change the windows to street, garaging and carpark location and minimum building height rules to apply to buildings in general rather than solely residential units. Further consideration may be needed as to whether a similar gap exists in the MRZ framework.
92. I have considered whether the other standards for building separation and site coverage require amendment also, noting it is not clear if a permitted non-residential activity would include two buildings on a site greater than 12m in height. To make the administration of the rules clear, I have also recommended that this rule also refer to buildings in general, and that the bonus 10% site coverage rule be amended to refer to residential units only.
93. As per the Kāinga Ora submission, Mr Cleese has expressed support for the enablement of small-scale ground floor retail across all of HRZ as a permitted activity or restricted discretionary activity. In my Section 42A Report I recommended that this proposal be rejected on the basis that it would not support the centres-based approach to economic activity. In response to the evidence presented by Mr Colegrave, Mr Heath has commented on this issue in his rebuttal.
94. Mr Heath has concluded that *"providing for retail to establish ad hoc across such an extensive zoned area has the potential to dilute centre agglomeration benefits and reduce efficiency of urban form"*. I support this position. I would further note that there is a vast scale of HRZ proposed as part of PC14 (an

over 10-fold increase over operative) and that such a response could have unknown wider effects when applied to apartment buildings.

95. This point is further addressed in the evidence of Mr Hattam, who shares the view that a metric controlling such a proposal is difficult to achieve. Mr Hattam suggests that, given the nature of the Central City Residential Precinct and its relationship to CCZ, the approach put forward by Mr Cleese may only be appropriate in this area, subject to a restricted discretionary activity. I would support this topic being further mediated between respective experts.

MRZ and HRZ

96. In regard to building coverage controls in HRZ, Mr Cleese notes his acceptance of the exemptions recommended (overhangs, eaves, and gutters), whilst stating that the 60% permitted site coverage is no longer being pursued by Kāinga Ora. The proposed framework for HRZ sought to introduce a 60% site coverage pathway, subject to specific sub-standards. It remains unclear what the position of Mr Cleese is on this matter.
97. A large proportion of the evaluation of standards is dedicated to residential fencing. Mr Hattam has sought to address this in his rebuttal, which is to maintain the provision, as recommended. I support the position of Mr Hattam, however note a potential gap in the provision framework whereby fencing controls could be interpreted to only apply when located on a site boundary. I therefore recommend that the provision be amended to refer to 'on the site boundary or within applicable road boundary setback' to address this gap, which would adopt the operative approach within RMD.
98. Mr Cleese is supportive of the changes made to communal waste management provisions where these insert a controlled activity pathway. He notes that an error appears to have been made whereby the same approach has not been applied to MRZ. I agree and recommend that the same provision applies, with both sub-chapter rules being reviewed to ensure there is a suitable distinction in rule capture with the associated RD activity for non-communal waste management areas.
99. Mr Cleese disagrees with the proposed building length control that has been recommended within my Section 42A Report for MRZ and HRZ. He states that the rule originates from the previous City Plan and was removed due to the complexity of interpretation and application. This is incorrect. The

recommended rule adopts an operative District Plan rule (14.5.3.2.4), which applies a simplistic measure of building length with a supporting diagram. As a practitioner under the previous City Plan, I can confirm that the operative rule does not contain the same interpretation issues as the former continuous building length rule, and I believe it is fit for purpose. I note that this was discussed in expert conferencing,⁷ with Mr Clease agreeing that the standards were appropriate in HRZ, but remains an issue in MRZ.

100. In regard to HRZ building height controls, Mr Clease is supportive of the recommended change to permit 22m building height as part of the zone controls. However, he does not support the sub-standards to achieve this under b. that address: building setback above 14m; ground floor communal outdoor living; and form controls for upper floors.⁸
101. Mr Clease highlights a potential mismatch between height and outdoor living controls, stating that such additional controls are beyond the realms of MDRS. To address the first point, it has been recognised that increased height has the potential to exacerbate negative social effects in terms of social isolation and reduced social capital. In an effort to address this, additional outdoor living controls have been proposed. Secondly, such controls only apply when a building is above 14m in height and when developing 5 or more units⁹, which is beyond the purview of MDRS density controls – i.e. it does not reduce the MDRS baseline. One could argue that three units could be contained within a 14m building and that this means that the scope of MDRS is still technically up for consideration. If the Panel is minded to support this latter view, I would recommend that the rule is further refined to only apply from four units or more and could potentially also be extracted to instead be contained as a further sub-standard within outdoor living controls.
102. The HRZ building separation rule has been opposed by Mr Clease. I do not support this position but agree that there may be an opportunity to improve clarity of the drafting. Mr Clease suggests that a diagram could assist with this,

⁷ See the JWS on Urban Design and Architecture, 5 October 2023: <https://chch2023.ihp.govt.nz/assets/Joint-Witness-Statements/Joint-Expert-Witness-Statement-of-Urban-Design-and-Architecture-Experts-Urban-Design-and-Architecture-5-October-2023.pdf>

⁸ For completeness, this is also a position put forward by Ms Clare Dale, acting for Winton Land (#556) – both in terms of agreeing with permitted HRZ building height and the opposition to associated form controls.

⁹ The sub-standard requires that the outdoor living space is required at a ratio of 50m² per 10 residential units, to the nearest 10, in accordance with the Swedish rounding system. This means that minimum would be 50m² for 5 units and only apply from 5 units. The rule also applies a maximum area, being 20% of site area, to align with the MDRS landscaping standard.

if the Panel is minded to retain the standard. I have discussed this with Mr Hattam who has agreed that a diagram could be drafted accordingly.

RETIREMENT VILLAGES IN MRZ

103. The following section relates to evidence presented by:

- (a) Ms Stephanie Styles – Summerset Group Holdings (#443);
- (b) Ms Kim Seaton – Kauri Lodge Rest Home Limited (#2029);
- (c) Ms Clare Dale – Winton Land Limited (#556); and
- (d) Mr Richard Turner – Retirement Villages Association of NZ (RVA) (#811) & Ryman Healthcare Limited (#749).

104. These submitters seek relief on various matters regarding the integration of retirement village controls as part of the MDRS response within PC14. Much of this has focused on the interpretation I have made as to the scope of the IPI and the lack of scope to include retirement villages within MDRS-only affected areas. I have considered this approach further in light of the evidence presented and provide the following assessment, with a particular focus on the position put forward by RVA and discussed by Mr Turner.

Position of scope to consider Retirement Villages

105. I remain of the view that retirement villages, as a complete development, do not meet the definition of residential units and therefore are considered to be outside of the scope of the IPI.

106. This is on the basis that (as per para 6.1.29 to 6.1.33):

- (a) Clause 2(2) of schedule 3A states that the permitted activity enabled for MDRS is for a residential unit or building. I interpret this to be a residential unit or residential building.
- (b) Schedule 3A, Part 2 of Schedule 3A refers consistently to 'residential units' (for example, clause 5 to do with notification is all about 'residential units') – which is defined in both the Act (s2) and National Planning Standards.

(c) NPS-UD Policy 3 is agnostic to land use activities, but rather seeks to enabled building heights and densities for any zone within relevant catchments, subject to QMs (Policy 4).

107. Technically speaking, the units within a retirement village complex can be seen to meet the 'residential unit' definition, but those ancillary activities (care, cafes, servicing, gyms, etc) do not, in my view. Adopting such an interpretation would mean that MDRS could be applied to such units only. Such an approach would result in an unwieldy rule framework, given that it is commonplace for both residential and ancillary activities to be co-located within one building, or at least an adjoining building in a retirement village development.
108. For this reason, I considered that, when viewed as a whole, MDRS cannot be seen to apply to retirement villages in instances where the area is subject to MDRS, only (in contrast, Policy 3 offers a far greater scope in order to best address the objective of the NPS-UD). As such, the recommendation has been made to default to the operative residential sub-chapters regarding retirement villages.

Residential framework

109. Mr Turner has asserted that rather than referring to respective sub-chapters, MRZ should contain all of the standards that relate to activities enabled within the sub-chapter (his paragraph 98) and that MDRS should simply apply to enable retirement villages in accordance with other residential units (subject to specific modifications to be even more enabling for retirement villages).
110. As a point of clarification, in paragraph 29 Mr Turner states that the quoted section of the Replacement District Plan decision discusses how relevant zones provide for retirement villages. However, the paragraphs quoted are in relation to Older Person's Housing units (**OPHs**). The proposal from CCC was to remove these through the RDP, however I understand that submissions subsequently sought to reintroduce these, which is the subject of the quotes reproduced by Mr Turner in his evidence.
111. I agree that a simpler approach is required in order to achieve a functional rule framework. The recommended changes to MRZ make reference to applicable standards for retirement villages under sub-chapter 14.4 (Residential Suburban and Residential Suburban Density Transition) and 14.12 (Future

Urban Zone) in accordance with my concluding approach about the scope of retirement villages in the IPI.

112. Appendix A to the s42A report of Ms Oliver provides a break-down of how operative DP zones have been divided through PC14. It shows that, as notified, MRZ overlaps with the following operative zones (as also stated in the IHP Minute 4 response):
- (a) Residential Suburban (RS) – 59.5% MRZ (3,676ha);
 - (b) Residential Suburban Density Transition (RSDT) – 84.5% MRZ (645ha);
 - (c) Residential Medium density (RMD) – 48.9% MRZ (416ha); and
 - (d) Residential Hills (RH) – 15.4% MRZ (164ha).
113. This highlights that the recommendations made for MRZ to refer only back to RS or FUZ provisions are inadequate and do not address the framework gap for RMD or RH zoned sites, as per operative provisions.
114. Further, while I do not support the position that retirement villages are wholly defined as a residential activity:
- (a) I acknowledge that the majority of activities contained within a retirement village are residential – retirement villages serve residential needs;
 - (b) changes very recently introduced through PC5E via new Policy 15.2.2.8 seek to encapsulate retirement villages within the ‘residential activity’ umbrella; and
 - (c) maintaining the operative residential approach creates an unnecessarily complex framework.
115. To assist the Panel in understanding this last point, I have provided a summary cross analysis of all the operative residential zones and associated standards that would need to be relied upon, in **Attachment D**.
116. This demonstrates that both activity status and built form standards vary (sometimes by a great degree) across zones; activities are permitted, controlled, or restricted discretionary across zones. I note that in the zone most similar to MRZ, the operative RMD zone, retirement villages are captured as an RD activity. In all instances, the matter of discretion defaults to 14.15.9, but in RS/RSDT also includes any matters for built form breaches. Importantly,

it is worthwhile to remember that built form standards are only applied where the activity is permitted or controlled (as per within RS/RSDT and RNN), and where RD is applied the built form standards only act as a guide to consider as a reflection of intended zone outcomes, not standards to be assessed against¹⁰.

117. The table in Attachment D only to reflects operative zones where MDRS is the only intensification influence (i.e. outside of Policy 3 areas). However, for completeness a brief overview of the RCC zone is provided as follows:

Activity status:		Built form standards:	
<i>P12</i>	Retirement villages as an activity are Permitted	<i>Building height</i>	11m / 14m / 20m, only for Ryman Park Terrace site.
<i>RD4</i>	Construction of retirement villages, where compliant with built form standards, MOD is 14.15.9	<i>Daylight recession planes</i>	Taken from 2.3m above boundary: N: 55° E/W: 50° S: 35° <i>Plus degrees between orientations.</i>
<i>RD5</i>	Breach of built form standards, MOD is all matters relevant to each built form standard, plus 14.15.9	<i>Road boundary setback</i>	2m / 4.5-5.5m for garages. Plus areas specific controls of between 4.5-6m.
		<i>Minimum building setbacks from internal boundaries</i>	1.8m or 1m under specific conditions. Nil for access or accessory buildings (<10.1m). 4m: first floor balcony or window from living rooms.
		<i>Water supply for firefighting</i>	Sufficient water available as per SNZ PAS 4509: 2008.

Retirement villages considered within MRZ

118. As above, the conclusion I have reached is that the enablement of retirement villages through MDRS is, strictly speaking, beyond the scope of the IPI.

119. In case the Panel takes a different view, below I provide further assessment of how retirement villages could be considered within the MRZ framework.

120. The below details a comprehensive revision of how retirement villages could be integrated within the MRZ framework. This concept has only been briefly

¹⁰ Refer Ms Blair's evidence for a detailed discussion of this.

discussed with Ms Styles (Summerset Group Holdings – #443) and I would support further expert conferencing between respective submitters on this matter.

121. For the above reasons I would support consolidating how retirement villages are captured in MRZ through a partial application of MDRS while making particular elements more lenient, to reflect the particular characteristics of the activity and the way it is developed.
122. At 4,321ha, almost 90% of MDRS-only affected area is currently considered to be Residential Suburban (**RS**) or Residential Suburban Density Transition (**RSDT**). Operative controls for retirement villages provide for such activities as a permitted activity, subject to a minor urban design control for building façade length (P7) and compliance with relevant built form standards. This is a significant enablement over comparable controls under the RMD zone and is a product of the Replacement District Plan process, which sought more controls over urban design matters in higher density areas, equivalent to those sought for 3 or more residential units in the RMD zone, or for all retirement village buildings (including additions or alterations) in RCC.
123. Given the existing baseline in the current RS/RSDT zones, while recognising the typically larger built form and massing of retirement village buildings, I consider that a pragmatic solution is to apply a permitted building height of 8m for retirement villages in MRZ, subject to associated built form standards. Building heights greater than this, and in accordance with maximum permitted heights provided for in built form standards (12m or 14m within the Local Centre Intensification Precinct), would be an RD activity. The latter would align with the operative approach undertaken for RMD.
124. In terms of built form standards, I consider that the underlying MRZ built form standards should also apply, with the following exemptions or alterations:

Site coverage:

- (a) Measured over whole development site for retirement village. This capitalizes on the proposed 'development site' definition and aligns with the operative approach.

Landscaping:

- (b) For developments <8m in height – no requirement.

- (c) For developments >8m in height – MRZ rules apply.
- (d) The approach seeks to reflect the fact that operative controls do not require landscaping when at a height of 8m, however the building form that is enabled through MRZ above this height is beyond what operative controls anticipate and should better seek to align with MRZ.

Outdoor living space:

- (e) Not applicable to retirement villages. This aligns with the integrated nature of retirement villages and utilisation of communal and community facilities within villages. This approach aligns with the operative standard.

Servicing, Waste Management, and storage:

- (f) Not applicable to retirement villages. Reflects the comprehensive management typical of retirement villages. This approach aligns with the operative standard.

Habitable room:

- (g) Not applicable to retirement villages. Reflects the usually high level of occupation as standard, removing the necessity of such control. This approach aligns with the operative standard.

Minimum unit size:

- (h) Not applicable to retirement villages. Not typically required to be managed for retirement villages due to their comprehensive nature and the level of utility necessary to accommodate occupants. This approach aligns with the operative standard.

125. Despite operative RS/RSDT provisions for retirement villages exempting landscaping controls, this is not the case for the operative RMD provisions as retirement villages as an activity as considered RD, with standards only used as a guiding principle, rather than a specific performance standard to be achieved as standards are not linked to the activity. This same principle is applied within this prospective framework: retirement villages of up to 8m are exempted from landscaping provisions; developments beyond this are treated as an RD activity and are subject to the built form standard for landscaping. I consider that such a response is appropriate given the suburban context of

MRZ and the positive contribution that landscaping has to retain MRZ zone outcomes, which would equally apply to residential development.

126. Given the above potential framework, I have asked Mr Hattam to further consider the suitability of matters of discretion relating to retirement villages. Here, it is important to remember that as the site density rule would not apply to retirement villages, the associated Residential Design Principles would conversely also not apply. Urban design considerations are therefore best considered under 14.15.9 – Retirement villages, and the MODs associated with each built form standard breach, as appropriate.
127. Mr Hattam has provided this assessment as part of his rebuttal evidence, from paragraph 54. I however note that there is an error in the rule reference in paragraph 64 as '14.15.10 i D' which should read 14.15.9.a.i.D and the same parent rule number should be referenced thereafter. Mr Hattam has recommended removal of:
- (a) a.i.D – pedestrian entrances;
 - (b) a.iv – subdivision context; and
 - (c) a.viii – environmental efficient design
128. I support these changes, except for the removal of a.viii as I consider this to be a relevant factor for the wellbeing of older persons.
129. **Attachment E** to this evidence provides a broad summary of the concluding framework for Retirement Villages in MRZ.

Definitions

130. In paragraph 129 of Mr Turner notes that the following definitions have not been addressed in s42A reporting:
- (a) the addition of 'retirement village' as per the National Planning Standards;
 - (b) a new 'retirement village units' definition;
 - (c) refinement of the 'older person's housing unit' definition to exclude retirement villages;

- (d) deletion of 'Care home within a retirement village' definition and 'Hospital within a retirement village'.

131. I address these in turn below.

132. I have not sought to apply the National Planning Standards definition for retirement villages as it has not been considered as an MDRS response; as per clause 1(3), this would otherwise have likely been provided. I have reviewed the appropriateness of the operative definition (as included in Chapter 2 of the operative Plan) and consider that this is still fit-for-purpose: the terms are known and tested by Plan users, the definition includes legislative links that remain relative, and it better defines scale as part of the definition. The definitions for 'Care home within a retirement village' and 'Hospital within a retirement village' are related to this definition. I therefore recommend that these requests are rejected.

133. I do not support the inclusion of a new 'retirement villages units' definition. To my mind, such a sub-definition of a residential unit is only necessary should there be specific provisions that target such uses. It also has the potential to create some confusion with the 'residential unit' definition. No such specific provisions have been proposed or recommended.

134. I agree with the proposed changes sought by Mr Turner to refine the 'older persons housing unit' definition and recommend this is accepted.

Objectives and policies

135. Mr Turner has refuted the position that I have come to regarding RVA's position on objectives and policies. I have reviewed this and make the following observations, making commentary only where this adds to, or differs from, my Section 42A Report recommendations.

136. On page 182 of my s42A I accept the relief sought regarding policy '14.2.1.8' (Provisions of housing for an aging population). Firstly, I note that the rule reference is only relative to the operative policy reference number and is 14.2.1.6 under PC14's approach to sub-chapter 14.2. This is also the case for the acceptance section of the table here, which should read '14.2.1.8' (rather than 14.2.18). Second, I also note that this acceptance was not reflected in the updated sub-chapter, which change should be made in the policy.

137. I do not support the position of RVA or Mr Turner through evidence to remove 14.2.3.7 (Management of increased building heights). The conclusions reached on pages 183 and 184 are still relevant: the NPS-UD and MDRS hold an RD activity status for all prescribed enablement and residential development and it remains of high importance for the policy framework to detail what is considered for beyond such an intensified baseline.

Ryman Park Terrace site

138. In paragraph 126 Mr Turner notes that the proposed HRZ framework has neglected to apply the more enabling controls for the Ryman Park Terrace site (as per 14.6.2.1) that makes 20m building height a permitted activity. Mr Turner considers that, while I have recommended an increased building height of 22m, this is subject to other built form controls that, when read together, make the building height control more restrictive for the site.

139. I agree that this detail has been missed. However, the sum of built form controls are more enabling than the operative RCC controls detailed in 14.6.2.1. I note that the site-specific exemption in the operative Plan only applies in terms of height, and does not include exemptions from recession planes, setbacks, or alike. To make provisions directly comparable, similar caveats would need to be added to more enabling PC14 provisions. I recommend adding exemption to standards under 14.6.2.1.b. (Building height form standards) when building no higher than 20m, and that height in relation to building exemptions (14.6.2.2 b. and c.) do not apply to the site, when constructing no greater than 20m. This is because the recession planes proposed through Sunlight Access QM are considered to equal to that provided within the operative RCC zone, which currently applies to the site, and would therefore provide a directly comparable building envelope.

WHISPER CREEK GOLF RESORT LAND (SPENCERVILLE) – LMM INVESTMENTS 2012 LIMITED (#826)

140. Mr Clease has provided planning evidence regarding revised proposed provisions sought by LMM Investments 2012 Limited for the Whisper Creek Golf Resort (Specific Purpose (Gold Resort) Zone).

141. The sub-zone provides for a variety of activities, including ‘academy dormitory’, resort apartments, and residential activities, and restricts their scale. Mr Clease has outlined the relief sought which is to increase the

permitted scale of housing by increasing the housing cap from 150 to 250, whilst academy dormitory and resort apartments bedroom caps would be halved, from 160 to 80 for the former, and 380 to 190 for the latter.

142. In paragraphs 6.1.112 and 6.1.113, and page 1 of Appendix D of my s42A report I have concluded that any such change to this sub-zone is out of scope of the IPI. Whilst the proposed relief sought differs from the original submission made, I maintain the view held in my Section 42A Report.

REDMUND SPUR RESIDENTIAL LARGE LOT ZONING – RED SPUR LIMITED (#881)

143. Ms Fiona Aston has provided planning evidence in objection to the recommended re-zoning of the Redmund Spur site to Residential Large Lot Zone.
144. Issue 5 of my s32 report on the Residential proposals has outlined considerations of this proposal and reaffirmed on page 241 of my Section 42A Report.
145. I disagree with the conclusions reached by Ms Aston regarding the ‘downzoning’ of the site and refer to my reporting to date. I however wish to respond to the error Ms Aston has highlighted in paragraphs 49 and 50 of her evidence, regarding the transitional nature of the site and surrounding zoning.
146. I wish to correct my description of surrounding zoning and refer to **Figure 3** below, detailing the operative zoning of the site:

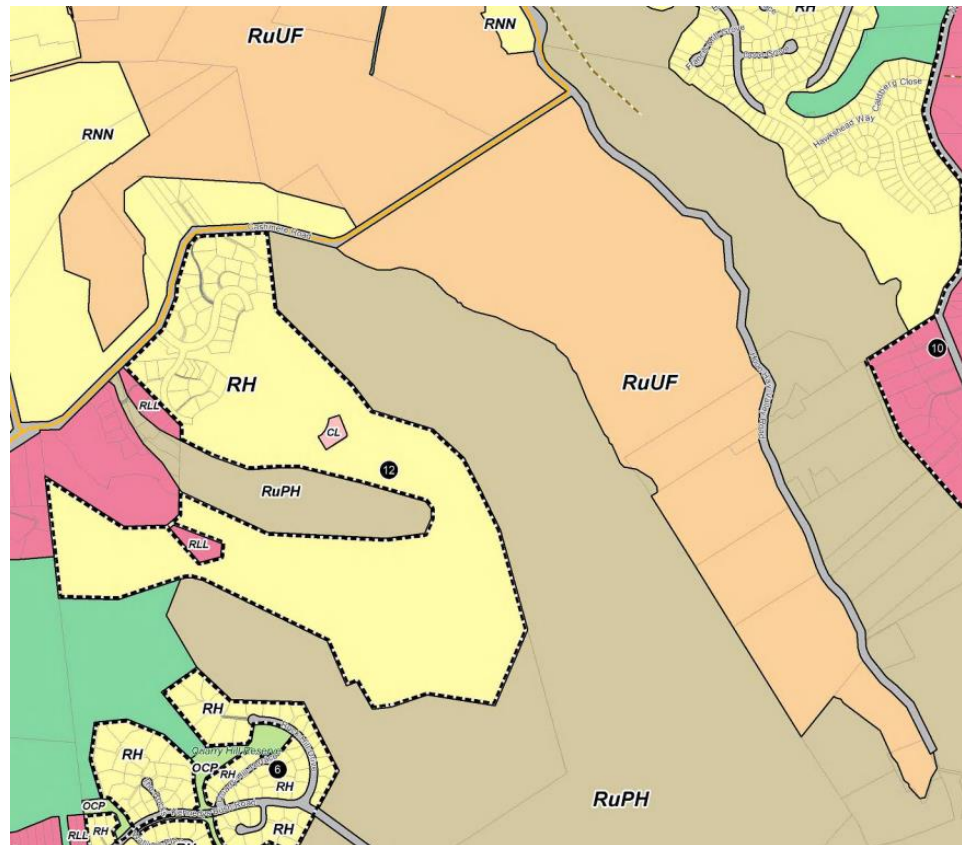


Figure 3 – Excerpt from Planning Map 50A in operative Christchurch District Plan, with Redmund Spur site shown in hatched outline under “12”.

147. The primary transit from the site is to the north west of the site, being either Cashmere Road or Sutherlands Road. The zoning changes from the north west to the south west, including density (minimum lot sizes) is as follows:

- (a) RNN – Residential New Neighbourhood – 330m²;
- (b) RH – Residential Hills (Mixed Density Overlay – Redmund Spur) – at least 650m²;
- (c) RuPH – Rural Port Hills – 100ha; and
- (d) RuUF – Rural Urban Fringe – 4ha.

148. I therefore support the conclusion reached that the site is transitional in nature, acting as a border between urbanised zones between RNN and rural zones of RuPH and RuUF.

149. The objective of the proposal through PC14 for the site is therefore simply to better identify the site in terms of National Planning Standards and does not seek to further modify operative controls as they apply to the site; it is a re-

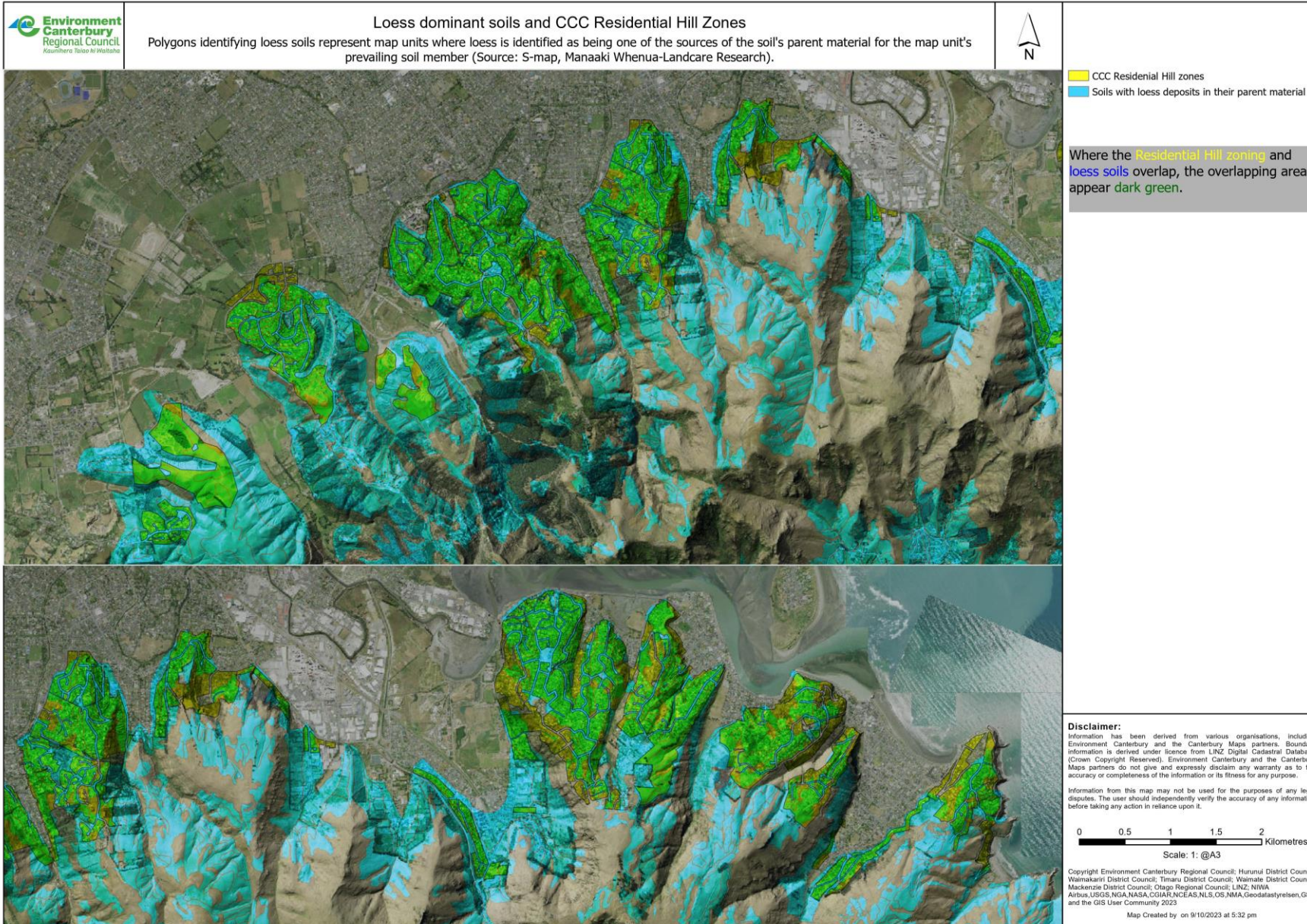
naming exercise. To this end, I support any further modification of provisions to ensure that the PC14 proposal adopts operative controls.

150. Lastly, subject to the acceptance of the proposed Port Hills Stormwater QM from the Regional Council, I would recommend that the site retain its operative zoning and associated controls. The 're-naming' proposal to Residential Large Lot zone would be redundant and the operative Residential Hills zone and associated overlay would apply. For completeness, this would also be the case for the Kennedy's Bush area, which has an operative Residential Hills zoning.

Ike Kleynbos

16 October 2023

ATTACHMENT A – Regional Council mapping of loess soils and Residential Hills zone



APPENDIX B – MAHAANUI IWI MANAGEMENT PLAN AND DISTRICT PLAN PROVISIONS RE WATERWAYS AND SEDIMENTATION

1. The following provides an overview of the IMP provisions that are relevant to the protection of waterways and their sedimentation (with my emphasis added):
 - (a) **Issue WM1** Recognising and providing for Ngāi Tahu rights and interests associated with freshwater resources.
 - (b) **WM2.4** To continue to assert that the responsibility to protect and enhance mauri is collective, and is held by all those who benefit from the use of water; and that the right to take and use water is premised on the responsibility to safeguard and enhance the mauri of that the water.
 - (c) **WM3.1** To advocate for the following order of priority for freshwater resource use, consistent with the Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (1999): (1) That the mauri of freshwater resources (ground and surface) is protected and sustained in order to: (a) Protect instream values and uses (including indigenous flora and fauna); ... (c) Ensure the continuation of customary instream values and uses.
 - (d) **Issue WM6:** The decline in water quality in the takiwā as a result of: (a) The continuation of direct discharges of contaminants to water, including treated sewage, stormwater and industrial waste; ...
 - (e) **WM6.6** Where there are water quality issues, we need to address the source of the problem, and not just dig deeper wells or find new ways to treat water.
 - (f) **WM6.8** To continue to oppose the discharge of contaminants to water, and to land where contaminants may enter water.
 - (g) **WM6.15** To support an effective and strong regulatory and non-regulatory framework to address the effects of rural and urban land use to protect water quality. This framework to include: (a) Incentives to do things right; (b) Controls (i.e. rules) on land use, including prohibiting those activities that will have significant effects on water quality; (c) Compliance monitoring, including a role for tāngata whenua in auditing and as enforcement officers; and (d) Effective and enforceable penalties

for non-compliance, including revoking resource consents and enforced environmental remediation.

- (h) **WM6.16** To require, in the first instance, that all potential contaminants that may enter water (e.g. nutrients, sediments and chemicals) are managed on site and at source rather than discharged off site. This applies to both rural and urban activities.
- (i) **WM6.17** To require the development of stringent and enforceable controls on the following activities given the risk to water quality: ... (b) Subdivision and development adjacent to waterways;
- (j) **Issue P6:** The discharge of stormwater in urban, commercial, industrial and rural environments and can have effects on water quality.
- (k) **Policy P6.1** To require on-site solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi tiered approach to stormwater management: ... (c) Reduce contaminants and sediments entering system - maximising opportunities to reduce contaminants entering stormwater e.g. oil collection pits in carparks, education of residents, treat the water, methods to improve quality; and (d) Discharge to land based methods, including swales, stormwater basins, retention basins, and constructed wetponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.
- (l) **Policy P6.4** To require that the incremental and cumulative effects of stormwater discharge are recognised and provided for in local authority planning and assessments.
- (m) **Issue P11:** Earthworks associated with land use and development need to be managed to avoid damaging or destroying sites of significance, and to avoid or minimise erosion and sedimentation.
- (n) **Policy P11.1** To assess proposals for earthworks with particular regard to: (a) Potential effects on wāhi tapu and wāhi taonga, known and unknown; (b) Potential effects on waterways, wetlands and waipuna; (c) Potential effects on indigenous biodiversity; (d) Potential effects on natural landforms and features, including ridge lines; (e) Proposed

erosion and sediment control measures; and (f) Rehabilitation and remediation plans following earthworks.

- (o) **Policy P11.9** To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to: (a) The use of buffer zones; (b) Minimising the extent of land cleared and left bare at any given time; and (c) Capture of run-off, and sediment control.

2. The operative Christchurch District Plan also contains a number of applicable objectives and policies, which I detail below:

- (a) **Strategic Objective 3.3.3 - Ngāi Tahu mana whenua:** a. A strong and enduring relationship between the Council and Ngāi Tahu mana whenua in the recovery and future development of Ōtautahi (Christchurch City) and the greater Christchurch district, so that: ... iii. Ngāi Tahu mana whenua's culture and identity are incorporated into, and reflected in, the recovery and development of Ōtautahi; and iv. Ngāi Tahu mana whenua's historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga of the district are recognised and provided for...
- (b) **Strategic Objective 3.3.10 – Natural and cultural environment:** a. A natural and cultural environment where: ... ii. Important natural resources are identified and their specifically recognised values are appropriately managed, including: ... B. the natural character of the coastal environment, wetlands, lakes and rivers, springs/puna, lagoons/hapua and their margins; and C. indigenous ecosystems, particularly those supporting significant indigenous vegetation and significant habitats supporting indigenous fauna, and/or supporting Ngāi Tahu mana whenua cultural and spiritual values; and D. the mauri and life-supporting capacity of ecosystems and resources...
- (c) **Strategic Objective 3.3.17 – Wai (water) features and values, and Te Tai o Mahaanui:** a. The critical importance of wai (water) to life in the District, including surface freshwater, groundwater, and Te Tai o Mahaanui (water in the coastal environment) is recognised and provided for by: i. taking an integrated approach to managing land use activities that could adversely affect wāi (water), based on the principle

of 'Ki Uta Ki Tai' (from the mountains to the sea); ii. ensuring that the life supporting and intrinsic natural and cultural values and characteristics associated with water bodies and coastal waters, their catchments and the connections between them are maintained, or improved where they have been degraded; iii. ensuring subdivision, land use and development of land is managed to safeguard the District's potable wai (water) supplies, waipuna (springs), and water bodies and coastal waters and their margins; particularly Ōtākaro (Avon River), Ihutai (Avon-Heathcote Estuary), Whakaraupō (Lyttelton Harbour), Whakaroa (Akaroa Harbour) and Te Tai o Mahaanui; iv. ensuring that Ngāi Tahu values and cultural interests in wai (water) as a taonga are recognised and protected.

- (d) **Objective 8.2.4 – Earthworks:** a. Earthworks facilitate subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district.
- (e) **Policy 8.2.4.1 – Water quality:** a. Ensure earthworks do not result in erosion, inundation or siltation, and do not have an adverse effect on surface water or groundwater quality.
- (f) **Objective 18.2.1.2 – Natural open space, water bodies and their margins:** a. The inherent qualities of natural open spaces and water bodies are protected, maintained and enhanced, including: i. the natural character, biodiversity, mahinga kai values, health and life supporting capacity of water bodies, their margins and the adjacent open spaces; and ii. ecosystems and indigenous biodiversity, including habitats of indigenous fauna. ...

ATTACHMENT C – Proposed additional changes to HRZ 14.6 activity tables

Key:

For the purposes of this plan change, any unchanged text is shown as normal text or in **bold**, any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as **bold strikethrough**.

Text in **bold red underlined** is that from Schedule 3A of the Resource Management Act and must be included.

Text in green font identifies existing terms in Chapter 2 – Definitions. Where the proposed change contains a term defined in Chapter 2 – Definitions, the term is shown as **bold underlined text in green** and that to be deleted as **bold strikethrough in green**. New definition in a proposed rule is **bold green text underlined in black**.

Text in **bold purple underlined** indicates text recommended in the s42A report to be added and text in **bold purple strikethrough** text recommended in the s42A report to be deleted. Text in normal black font with purple underline indicates text that was proposed to be deleted in the notified PC14 and is recommended to be reinstated.

Text in purple is a plan change proposal subject to Council Decision.

Text in purple shaded in grey is a Plan Change Council Decision.

Text in black/green shaded in grey is a Council Decision subject to appeal.

Text in bold light blue strikethrough shaded in grey with a purple underline is a Council decision proposed to be deleted by this Plan Change.

Text in blue font indicates links to other provisions in the district Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Text in dark orange underlined indicates text recommended to be added as a result of submitter evidence and text in dark orange strikethrough is text recommended to be deleted as a result of submitter evidence.

....

Activity		Activity specific standards
P1	Residential activity	<ul style="list-style-type: none"> a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats built, dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site. c. In relation to the building, dismantling, repair or storage of motor vehicles, the vehicles shall be contained in a building, or, if the vehicles are not contained in a building, there shall be no more than three vehicles involved. d. In relation to the building, dismantling, repair or storage of boats, collectively the boats shall occupy no more than 45m². e. <u>There shall be no more than 3 residential units per site.</u>
P2	<p>Bed and breakfast</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>	<ul style="list-style-type: none"> a. There shall be: <ul style="list-style-type: none"> i. a maximum of six guests accommodated at any one time; ii. at least one owner of the residential unit residing

Activity	Activity specific standards
	<p>permanently on site; and</p> <p>iii. no guest given accommodation for more than 90 consecutive days.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>
<p>P32 Relocation of a building</p>	<p>Nil</p>
<p>P4 Development of Lot 1 DP 475662, for the purposes of residential activities.</p> <p>If the activity specific standards are met then no other provisions apply.</p>	<p>b. There shall be not less than 50 residential units and not more than 90 residential units developed on the site.</p> <p>c. The development of these units may proceed in stages of not less than 9 residential units at a time, with the first stage to comprise not less than 10 residential units.</p> <p>d. All residential units shall be completed by 30 June 2020.</p> <p>e. No building shall exceed 15 metres in height.</p> <p>f. The gross floor area of all non-residential activities on the site shall not exceed 525m².</p> <p>g. All non-residential activities shall be situated at ground floor.</p>
<p>P53 Market gardens, community gardens, and garden allotments.</p>	<p>Nil</p>
<p>P64 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>a. Where the repair or rebuild of a building will not alter the footprint of the building, location, or height, the building need not meet the built form standards.</p> <p>b. Where the footprint of the building, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer:</p> <p>i. the only built form standards that shall apply are those specified in Rules 14.6.2.1 – Building height and 14.6.2.2 – Daylight recession planes <u>Height in relation to boundary</u>;</p> <p>ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres;</p> <p>iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes.</p> <p>Advice note:</p>

Activity	Activity specific standards
	<p>1. 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>d. Any application arising from not meeting standards a. and b.i. shall not be publicly notified, and may be limited notified to adjoining property owners, (where the consent authority considers this is required, and absent written approval).</p> <p>e. Any application arising from not meeting standard b.ii. (road boundary setbacks), shall not be publicly or limited notified.</p>
<p>P75 Care of non-resident children within a residential unit in return for monetary payment to the carer</p>	<p>a. There shall be:</p> <ul style="list-style-type: none"> i. a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time; and ii. at least one carer residing permanently within the residential unit.
<p>P86 Outside the Central City Any non-residential activity or home occupation up to 40m² gross in total floor area (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area used for the activity) that is otherwise not provided for under Rule 14.6.1.1 P97 and P108.</p> <p>(Plan Change 5D Council Decision)</p>	<p>b. Only those persons who reside permanently on the site can be employed in the activity.</p> <p>c. The maximum total number of hours the site shall be open to visitors, clients or deliveries for the activity shall be 40 hours per week, and shall be limited to between the hours of:</p> <ul style="list-style-type: none"> i. 0700 – 2100 Monday to Friday, and ii. 0800 – 1900 Saturday, Sunday, and public holidays. <p>d. The maximum number of vehicle movements per site, other than for residential activities, shall be:</p> <ul style="list-style-type: none"> i. heavy vehicles: 2 per week; and ii. other vehicles: 16 per day. <p>e. Boarding animals on a site shall be limited to a maximum of four animals in the care of a registered veterinarian for medical or surgical purposes only.</p> <p>f. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building.</p> <p>(Plan Change 5D Council Decision)</p>

Activity	Activity specific standards
	<p>a. <u>The total floor area of the building or part of the building (measured internally), plus any outdoor storage area, occupied by the home occupation shall be no more than 40m².</u></p> <p>b. <u>The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</u></p> <p>c. <u>Any retail activity shall be limited to:</u></p> <ul style="list-style-type: none"> <u>i. the sale of goods grown or produced on the site;</u> <u>ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or</u> <u>iii. internet-based sales where no customer visits occur;</u> <p><u>and</u></p> <ul style="list-style-type: none"> <u>iv. retail activity shall exclude food and beverage outlets</u> <p>d. <u>Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building.</u></p> <p>e. <u>The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of:</u></p> <ul style="list-style-type: none"> <u>i. 07:00 - 21:00 Monday to Friday; and</u> <u>ii. 08:00 - 19:00 Saturday, Sunday and public holidays.</u> <p>f. <u>Visitor, courier vehicles and staff parking areas shall be within the net site area of the property and outside the road boundary setback.</u></p> <p>g. <u>Vehicle movements associated with the home occupation shall not exceed:</u></p> <ul style="list-style-type: none"> <u>i. heavy vehicles: 2 per week; and</u> <u>ii. other vehicles: 16 per day.</u> <p>h. <u>Signage shall be limited to a maximum area of 0.5m².</u></p>
<p>P97 <u>Within the Central City Any non-residential activity, home occupation, education facility activity, spiritual activity, health care facility, or preschool (other than as provided for in Rule 14.6.1.1</u></p>	<p>a. Only those persons who reside permanently on the site can be employed in the activity.</p> <p>b. The maximum total number of hours the site shall be open to visitors, clients or deliveries for the activity, other than for guest accommodation activities, shall be 40 hours per week, and shall be limited to between the hours of:</p>

Activity	Activity specific standards
<p>P75), or guest accommodation up to 40m² gross-in total floor area (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area used for activities other than residential activities), except those activities provided for in Rule 14.6.1.1 P108.</p> <p>(Plan Change 4 Council Decision subject to appeal) (Plan Change 5D Council Decision)</p>	<p>c. 07:00 – 21:00 Monday to Friday, and</p> <p>d. 08:00 – 19:00 Saturday, Sunday, and public holidays.</p> <p>e. The maximum number of vehicle movements per site, other than for residential activities, shall be:</p> <p>f. heavy vehicles: 2 per week; and</p> <p>g. other vehicles: 16 per day;</p> <p>h. <u>The activity shall not include the storage of more than one heavy vehicle on the site of the activity;</u> and</p> <p><u>in addition, for home occupations and non-residential activities (other than education activity, health care facility or preschool):</u></p> <p>i. <u>Boarding animals on a site shall be limited to a maximum of four animals in the care of a registered veterinarian for medical or surgical purposes only;</u></p> <p>j. <u>Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building.</u></p>
<p>P108</p> <p><u>Within the Central City</u> <u>Any community facility, preschool</u> (other than as provided for in Rule 14.6.1.1 P75), or <u>guest visitor accommodation</u>, on Fitzgerald Avenue, or Bealey Avenue between Durham Street North and Madras Street.</p> <p>(Plan Change 4 Council Decision)</p>	<p>a. The maximum total number of hours the site shall be open to visitors, clients or deliveries for the activity shall be 40 hours per week, and shall be limited to between the hours of:</p> <p>i. 07:00 – 21:00 Monday to Friday, and</p> <p>ii. 08:00 – 19:00 Saturday, Sunday, and public holidays.</p> <p>iii. Except that the hours of operation in Rule 14.6.1.1 P108 a.i. and a.ii. do not apply to <u>guest visitor accommodation</u>.</p> <p>b. The maximum number of vehicle movements per site per day for any activity, other than for residential activities, shall be 200 and:</p> <p>i. Vehicles, other than heavy vehicles associated with any residential activity on the site, shall be included in determining the number of vehicle movements to and from any site. Vehicles parking on the street or on any other site, in order that their occupants can visit the site, shall also be included in determining the number of vehicles trips to and from any site.</p> <p>(Plan Change 4 Council Decision)</p>
<p>...</p>	<p>...</p>
<p>P16</p> <p><u>Spiritual activities outside the Central City</u></p>	<p>a. The activity shall:</p> <p>i. limit the hours of operation to 07:00-22:00; and</p>

Activity		Activity specific standards								
		<p>ii. not include the storage of more than one <u>heavy vehicle</u> on the <u>site</u> of the activity.</p>								
P17	<u>Education activity outside the Central City</u>	<p>a. The activity shall:</p> <p>i. <u>only locate on sites with frontage and the primary entrance to a minor arterial road or collector road where right turn offset, either informal or formal, is available;</u></p> <p>i. <u>only occupy a gross floor area of building of less than 200m²; or in the case of a health care facility, less than 300m²;</u></p> <p>iii. <u>limit outdoor advertising to a maximum area of 2m²;</u></p> <p>iv. <u>limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of:</u></p> <table border="1"> <tbody> <tr> <td><u>A. Education activity</u></td> <td><u>I. 07:00 – 21:00 Monday to Saturday; and</u> <u>II. Closed Sunday and public holidays.</u></td> </tr> <tr> <td><u>B. Preschools</u></td> <td><u>I. 07:00 – 21:00 Monday to Friday, and</u> <u>II. 07:00 – 13:00 Saturday, Sunday and public holidays.</u></td> </tr> <tr> <td><u>C. Health care facility</u></td> <td rowspan="3"><u>I. 07:00 – 21:00.</u></td> </tr> <tr> <td><u>D. Veterinary care facility</u></td> </tr> <tr> <td><u>E. Places of assembly</u></td> </tr> </tbody> </table> <p>v. <u>in relation to preschools, limit outdoor play areas and facilities to those that meet Rule 6.1.5.2.1 Table 1: Zone noise limits outside the Central City;</u></p> <p>vi. <u>in relation to preschools, veterinary care facilities and places of assembly (See Figure 1.):</u></p> <p><u>A. 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</u></p>	<u>A. Education activity</u>	<u>I. 07:00 – 21:00 Monday to Saturday; and</u> <u>II. Closed Sunday and public holidays.</u>	<u>B. Preschools</u>	<u>I. 07:00 – 21:00 Monday to Friday, and</u> <u>II. 07:00 – 13:00 Saturday, Sunday and public holidays.</u>	<u>C. Health care facility</u>	<u>I. 07:00 – 21:00.</u>	<u>D. Veterinary care facility</u>	<u>E. Places of assembly</u>
<u>A. Education activity</u>	<u>I. 07:00 – 21:00 Monday to Saturday; and</u> <u>II. Closed Sunday and public holidays.</u>									
<u>B. Preschools</u>	<u>I. 07:00 – 21:00 Monday to Friday, and</u> <u>II. 07:00 – 13:00 Saturday, Sunday and public holidays.</u>									
<u>C. Health care facility</u>	<u>I. 07:00 – 21:00.</u>									
<u>D. Veterinary care facility</u>										
<u>E. Places of assembly</u>										
P18	<u>Preschool outside the Central City</u>									
P19	<u>Health care facility outside the Central City</u>									
P20	<u>Veterinary care facility outside the Central City</u>									
P21	<u>Place of assembly outside the Central City</u>									

Activity		Activity specific standards
		<p><u>front site separated by an access, and have frontage to the same road; and</u></p> <p><u>B. only locate on residential blocks where there are no more than two non-residential activities already within that block;</u></p> <p><u>vii. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four;</u></p> <p><u>viii in relation to places of assembly, entertainment activities shall be closed Sunday and public holidays;</u></p> <p><u>and</u></p> <p><u>ix not include the storage of more than one heavy vehicle on the site of the activity.</u></p>
<u>P22</u>	<u>Community corrections facilities outside the Central City</u>	<p>a. <u>The facilities shall:</u></p> <p>i. <u>limit the hours of operation when the site is open to clients and deliveries to between the hours of 07:00-19:00; and</u></p> <p>ii. <u>limit signage to a maximum area of 2m²</u></p>
<u>P23</u>	<u>Community welfare facilities outside the Central City</u>	
<u>P24</u>	<u>Emergency services facilities outside the Central City</u>	<u>Nil</u>

14.6.1.3 Restricted Discretionary Activities

RD24	<p>a. <u>Outside the Central City, activities that do not meet one or more of the activity specific standards in Rule 14.6.1.1 (except for P7 standard d., refer to Rule 14.6.1.4 D2) for:</u></p> <ul style="list-style-type: none"> a. P7 Any education activity, spiritual activity, health care facility, or preschool (other than as provided for in Rule 14.6.1.1 P5 and Rule 14.6.1.4 D1); i. P6 <u>Home occupations:</u> <ul style="list-style-type: none"> A. <u>that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings;</u> B. <u>that do not meet one or more of standards b. to h</u> ii. <u>P16 Spiritual activities that do not meet the hours of operation in P16 a. i.</u> iii. <u>P17 Education activities;</u> iv. <u>P18 Preschools, (other than as provided for in Rule 14.6.1.1 P5)</u> v. <u>P19 Health care facilities;</u> vi. <u>P20 Veterinary care facilities;</u> vii. <u>P22 Community corrections facilities; and</u> viii. <u>P23 Community welfare facilities</u> <p>b. <u>Any application arising from these rules shall not be limited or publicly notified.</u></p>	<p>a. <u>As relevant to the activity specific standard that is not met:</u></p> <ul style="list-style-type: none"> i. <u>Scale and nature of activity - Rule 14.15.6</u> ii. <u>Traffic generation and access safety - Rule 14.15.7</u> iii. <u>Non-residential hours of operation - Rule 14.15.25</u>
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14.6.1.4 Discretionary Activities

a. The activities listed below are non-complying activities.

D32	<p>c. Activities that do not meet any one or more of the activity specific standards in Rule 14.6.1.1 for:</p> <ul style="list-style-type: none"> i. P1 <u>Residential activity (except P1.e, which is considered under RD2);</u> ii. <u>P21 Place of assembly outside the Central City;</u> iii. P75 <u>Care of non-resident children in a residential unit; or</u> iv. <u>Storage of more than one heavy vehicle for activities for P7, P16, P17, P18, P19, and P20.</u>
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14.6.1.5 Non-complying activities

a. The activities listed below are non-complying activities.

Activity	
NC1	<p>In the Central City Any non-residential activity or home occupation not otherwise provided for as a permitted, restricted discretionary, discretionary or non-complying activity with a gross total floor area over 40m² (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area used for that activity).</p> <p>(Plan Change 5D Council Decision)</p>
NC2	<p>Any activity listed in Rule 14.6.1.1 P86 that does not meet any one or more of the activity standards in Rule 14.6.1.1 P86 a.-e.</p>
NC3	<p>Any activity listed in Rule 14.6.1.1 P97 that does not meet any one or more of the activity standards in Rule 14.6.1.1 P97 a.-c.</p>
NC4	<p>Any activity listed in Rule 14.6.1.1 P108 that does not meet any one or more of the activity standards in Rule 14.6.1.1 P108 a.-b.</p>
NC5	<p>Within In the city-centre Central City, Any education facility, spiritual activity, health care facility, or preschool (other than as provided for in Rule 14.6.1.1 P75 and Rule 14.6.1.4 D3), or guest accommodation with a gross total floor area over 40m² (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area) with frontage to a local road.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p> <p>(Plan Change 5D Council Decision)</p>
NC6	<p>Within the city-centre Central City, Any education facility, spiritual activity, health care facility, or preschool (other than as provided for in Rule 14.6.1.1 P75 and Rule 14.6.1.4 D3), or guest accommodation that exceeds a gross total floor area of 200m² (including comprising the floor area of the building or part of the building (measured internally) and any area of outdoor storage area) other than on a site with frontage to Fitzgerald Avenue, or Bealey Avenue between Durham Street North and Madras Streets.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p> <p>(Plan Change 5D Council Decision)</p>
NC7	<p>Any activity listed in Rule 14.6.1.4 D21 that does not meet any one or more of the standards in Rule 14.6.1.4 D21 b.i.-ii.</p>
NC8	<p>Visitor accommodation (other than as provided for in Rule 14.6.1.1 P108 and 14.6.1.5 NC4); that is: not hosted visitor accommodation, unhosted visitor accommodation or visitor accommodation in a heritage item;</p> <p>Any application arising from this rule shall not be publicly notified but may be limited notified.</p>

Activity	
	(Plan Change 4 Consent Order)

(Plan Change 4 Council Decision subject to appeal)

(Plan Change 5D Council Decision)

ATTACHMENT D – Operative Retirement Villages Framework within MRZ-affected zones

Rule / Standard	Res Suburban / RSDT	RH	RNN	RMD	MRZ – ALL Zone controls (residential units)
Permitted	P7 activity & development – subject to facade length (16m)	-	-	-	P1 – up to 3 units per site
Controlled	-	-	C1 development – meets all BFS (MOD 14.15.36)	-	-
RD	RD10 – breach of P7 (MOD 14.15.9) RD33 – breach of 45% site coverage (MOD 14.15.9)	RD8 activity & development (MOD 14.15.9)	RD3 – breach of C1 BFS (MOD 14.15.9)	RD2 activity & development, no standards (MOD 14.15.9)	RD1 – greater than 3 units (MOD 14.15.1 [RDPs]) + specific RD rules for BFS breaches
DA / NCA	-	-	-	-	-
Site density	Zero – no minimum net site area for RVs	Zero – no minimum net site area for RVs	15 units per hectare	**No requirement	No requirement
Landscaping	Zero – no requirement		2m LS strip on frontage Specific ODP measures	**20% LS – measured across RV site	20% LS, including 20% tree canopy (subject to FC)
Building height	8m	**8m	11m	**11m	11+1m / 14m
Site coverage	45% - for RVs	**35%	50% Over whole development site	**50% Over whole development	50%
OLS	No requirement		No requirement	**Zero – no requirement	GL = 20m ² @ 3m min

Rule / Standard	Res Suburban / RSDT	RH	RNN	RMD	MRZ – ALL Zone controls (residential units)
					Above = 8m ² @ 1.8m min
Recession planes (ODP also includes increments between compass points)	<p>RS: Taken at 2.3m above boundary: N: 55° E/W: 39° S: 26°</p> <p>RSDT: Taken at 2.3m above boundary: N: 55° E/W: 45° S: 30°</p>	**Taken at 2.3m above boundary: N: 55° E/W: 45° S: 30°	Taken at 2.3m above boundary: N: 55° E/W: 50° S: 35°	**Taken at 2.3m above boundary: N: 55° E/W: 50° S: 35°	Taken at 3.0m above boundary: N: 60° E/W: 55° S: 50°
Internal boundary setbacks	1m. Nil: common walls, accessory buildings (<10.1m). 4m: 1 st floor balcony and living space window – only applies on internal boundaries to entire RV site	**1m Nil: common walls, accessory blds (<10.1m) 4m: living area windows/balcony	1m – only along perimeter units of RV site. 1.8m from neighbouring habitable space window Nil: common walls, accessory buildings (<10.1m). 3m: living area windows/4m first floor+ living area windows and balcony – only along perimeter units of RV site.	**1m Nil: common walls, accessory blds (<10.1m) 4m: balcony – only applies internal to RV site	1m
Road boundary setbacks	4.5m / 5.5m garage w door to access. 2m for side on garage with landscaping	**4m setback Specific garage controls	4m setback. Or 2-3m in specific ODPs.	**2m setback 4.5m / 5.5m garage w door to access	1.5m

Rule / Standard	Res Suburban / RSDT	RH	RNN	RMD	MRZ – ALL Zone controls (residential units)
	Nil* for front on single garage to local road				
Fencing	1.8m at road boundary	**1.8m at road boundary	1.2m at road boundary	**At 50% transparency – 1.8m. At <50% transparency – 1.0m. Or 1.8m at arterial	50% @ 1.8m 50% @ 1.0m
Service, storage and waste management	Zero – only applies to multi units and social housing	**Zero – only applies to social housing	Zero – only applies to multi units and social housing	**Zero – only applies to multi units and social housing	2.25m ² for bin @ 1.2m 3.0m ² for washing line @ 1.5m Internal storage requirements
GF habitable room	No requirement	**No requirement (exempt)	No requirement (exempt)	**No requirement (exempt)	Fronting road or public OS: 3m room at GL. 50% of GL to be habitable rooms, of 30% where \geq quarter of building is \geq fifth floor.
Minimum unit size	No rule	No rule	No requirement (exempt)	**No requirement (exempt)	Studio – 35m ² 1 bed – 45m ² 2 bed – 60m ² 3 bed or more – 90m ²
Mechanical ventilation location	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	Screen units located between façade and street by 1.2m
Building length	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	No greater than 30m
Garaging location	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	1.2m behind street facing facade
Windows to street	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	20% or 15% glazed where standards met;

Rule / Standard	Res Suburban / RSDT	RH	RNN	RMD	MRZ – ALL Zone controls (residential units)
					only within first 12m of parcel depth
Outlook space	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	<i>PC14-only</i>	Clear area of 4x4m from Principle living room. Clear areas of 1x1m from all other habitable rooms.
Fire fighting water supply	<i>To all residential units</i>	<i>**To all residential units</i>	<i>To all residential units</i>	<i>**To all residential units</i>	

* The requirement for a visibility splay on accesses essentially makes this a 2m setback.

** These standards are not applied for retirement villages as the activity is RDA as per the zone; they are only used as a reference in the consideration of applications to help detail intended zone outcomes.

ATTACHMENT E – Prospective retirement villages framework within MRZ

PERMITTED ACTIVITY:

- Retirement villages that comply with the applicable built form standards, up to a building height of 8m
 - Operative P7 building façade length standard.

RESTRICTED DISCRETIONARY ACTIVITY:

- Retirement villages compliant with built form standards above 8m in building height, or where there is a breach of permitted activity standards
 - MoD: 14.15.9
- Retirement villages that breach built form standards:
 - MoDs:
 - 14.15.9 (modified)
 - All associated matters related to built form breach

Notification triggers as per MRZ.

BUILT FORM STANDARDS:

<i>Rule / Standard</i>	MRZ – ALL Zone controls (Resi units)
<i>Site density</i>	No requirement
<i>Landscaping</i>	No requirement when $\leq 8m$, otherwise MRZ rules apply: 20% LS, including 20% tree canopy (subject to FC)
<i>Building height</i>	8m in as a PA, then as per MRZ: 11+1m / 14m
<i>Site coverage</i>	50% Measured across the whole development site
<i>OLS</i>	No requirement
<i>Recession planes (ODP also includes increments between compass points)</i>	Taken at 3.0m above boundary N: 60° E/W: 55° S: 50° Only applicable for perimeter units.
<i>Internal boundary setbacks</i>	1m, only applicable for perimeter units.
<i>Road boundary setbacks</i>	As per MRZ: 1.5m
<i>Fencing</i>	As per MRZ: 50% @ 1.8m 50% @ 1.0m
<i>Service, storage and waste management</i>	No requirement
<i>GF habitable room</i>	No requirement

Rule / Standard	MRZ – ALL Zone controls (Resi units)
Minimum unit size	No requirement
Mechanical ventilation location	As per MRZ: Screen units located between façade and street by 1.2m
Building length	As per MRZ: No greater than 30m
Garaging location	As per MRZ: 1.2m behind street facing facade
Windows to street	As per MRZ: 20% or 15% glazed where standards met; only within first 12m of parcel depth
Outlook space	As per MRZ: Clear area of 4x4m from Principle living room. Clear areas of 1x1m from all other habitable rooms.
Fire fighting water supply	As per MRZ: Sufficient water available as per SNZ PAS 4509: 2008.