

**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

18 August 2023

BUDDLE FINDLAY

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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

Introduction

1. This memorandum of counsel for the Christchurch City Council (**Council**) addresses two matters, namely:
 - (a) the Plan Change 14 (**PC14**) provisions, updated to reflect recommendations made by the Council's section 42A report authors; and
 - (b) further errors identified in the Summary of Submissions received on PC14 dated 30 June 2023 (**Summary**).

Recommended changes to the PC14 provisions as notified

2. The Council's section 42A reports, filed on 11 August 2023, recommend various changes to the PC14 provisions as notified. The recommendations are explained in the section 42A reports and in some (but not all) cases are shown in marked-up provisions appended to those reports.
3. As foreshadowed in counsel's memorandum dated 11 August 2023, the Council has now prepared a consolidated set of the recommended changes by the section 42A report authors to the PC14 provisions, to assist the Panel and submitters.
4. The Plan chapters and sub-chapters in respect of which the section 42A reports recommend changes to PC14 (as notified) are provided together with this memorandum. No changes are currently recommended to the balance of chapters and sub-chapters amended through PC14 (as notified).

Errors in the Summary of Submissions

5. As the Panel will recall, initial errors identified in the Summary were corrected by the Council notifying an addendum on 24 July 2023 (which enabled further submissions regarding the corrections to be received by 7 August 2023).
6. Regrettably, the Council has identified a small number of additional errors in the Summary, which will be the subject of corrections notified next Wednesday, 23 August 2023. Further submissions on those matters will be due by **6 September 2023**.

7. The errors relate to:
 - (a) the submission by Teewah Holdings Limited, which was not included in the Summary or published;
 - (b) the submission by Tobias Meyer (submission #55), which was included in the Summary but incorrectly coded; and
 - (c) the submission by Wigram Lodge (2001) Limited, Elizabeth Harris, and John Harris (submission #817) regarding 152-158 Peterborough Street and 327-333 Manchester Street; the relief sought in that submission was not included in the Summary.
8. The submission of Teewah Holdings Limited is in the **Appendix** to this memorandum.
9. Councils correcting errors in this way has understandably been a feature of various intensification planning processes around the country, given the scale and pace of the processes.
10. The Council nonetheless regrets the errors that have occurred, and counsel will keep the Panel advised of any further submissions received. The Council does not consider there to be a wider issue in respect of PC14 that necessitates further review.
11. The Council is conscious that the Panel will wish steps to be taken to avoid prejudice to any party and Council is happy to assist to the extent required.

Date: 18 August 2023



D G Randal / C O Carranceja
Counsel for Christchurch City Council

APPENDIX – SUBMISSION OF TEEWAH HOLDINGS LIMITED

(Overleaf)

11 May 2023

Christchurch City Council
Engagement Team
engagement@ccc.govt.nz

Our reference: 510206

Attention: Engagement Team

Submission on Proposed Housing and Business Choice Plan Change (PC14)

Purpose of Submission

This letter is a submission on the Housing and Business Choice Plan Change (PC14) proposed by the Christchurch City Council ("Council") prepared by Eliot Sinclair & Partners Limited ("ES") on behalf of Richard Benton ("the submitter") in relation to 22 Red Rock Lane, Moncks Bay ("site").

The submitter will not gain an advantage in trade competition through this submission.

The submitter will not be directly affected by an effect of the subject matter of the submission that:

- a) adversely affects the environment, and
- b) does not relate to the trade competition or the effects of trade competitions.

The submitter wishes to be heard in support of this submission and would agree to consider presenting a joint case with other submitters who make a similar submission.

Submitters details

Submitter: Teewah Holdings Limited

Email: richardbenton@me.com

Phone: 021 669 026

Postal Address: PO Box 41038, Ferrymead, Christchurch

Address for service: Holly Luzak: holly.luzak@eliotsinclair.co.nz

Site location and context

The site is located at 22 Red Rock Lane, Moncks Bay ("site") (refer to Figure 1).

The site is legally described as Lot 6 DP 66394 and is held within the Record of Title CB39A/218 with a land area of 5535m².



Figure 1. Aerial of submission site outlined in red (Source: Canterbury Maps Viewer)

Submission

This submission has been prepared by following the Council's notification of PC14 in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("RMAA") and its Medium Density Residential Standards ("MDRS").

The submitter supports the zoning proposed under PC14 for 22 Red Rock Lane which to be Residential Hills ("RH") however, requests amendment of the RH zone to incorporate amended rules that would provide for some additional housing by inserting "Multi-unit" provisions into the RH zone, consistent with how they are applied elsewhere in the District. This would enable additional housing that is subject to a simpler resource consent process than would be currently provided for, that matches the appropriate built form standards and existing character of the RH zone.

This is on the basis that intensification (additional housing) could be appropriate where a landowner is able to satisfactorily address the cultural significance qualifying matter overlay. The submitter understands the cultural significance qualifying matter overlay will replicate and adopts the existing district plan provisions for the existing Ngā Tūranga Tūpuna. This is shown in Figure 2. This currently relates to earthwork activities on the Port Hills, which allow cultural input into the resource consent applications where earthworks are proposed. The site is not in an existing silent file area.

The submitter does not support the inclusion of the Low Public Transport Accessibility Area Overlay ("LPTAA") which is also shown in Figure 2 as proposed under PC14.

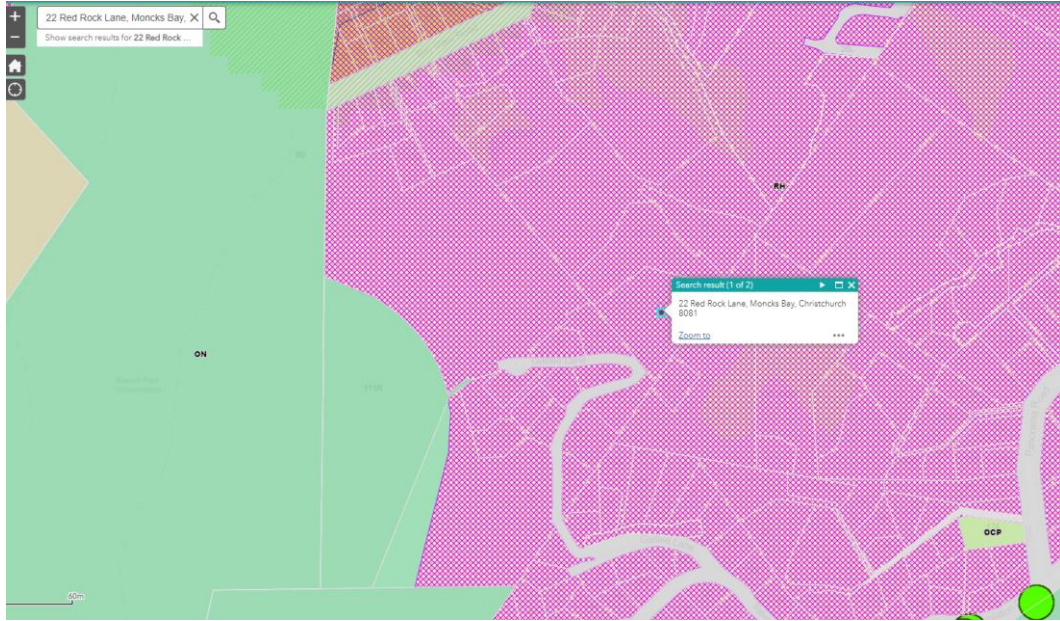


Figure 2. Zoning proposed under PC14, and the Heritage Interface Overlay proposed under PC13 (Source: CCC ArcGIS Maps)

Reasons for the submission

The submitter would prefer medium density zone be applied to the site, however, recognises that it would not be consistent with Matters of National Importance under RMA given the existing Ngā Tūranga Tūpuna rules of the Operative District Plan apply to the site. There is a continued need for cultural input for resource consent for earthwork development, which could be contrary to permitted medium density development.

However, under PC14, and considering the existing RH zoning, neither enable housing choice and affordability options for smaller section sizes or additional housing in the RH zone. There are likely to be residents in the RH zone who may wish for smaller sections or apartment style housing. These options are not currently available, and to propose additional housing on an RH zoned site in relation to minimum density would be a discretionary activity within the RH zone. This would have no certainty of being able to be successful through the resource consent process with no objective and policy plan support in this zone for additional housing. The submitter does not consider that was the Government's intention under the Enabling Amendment Act, and PC14 is an opportunity to provide rules that enable additional housing. The RH zone rules already provide for "Social housing" with allow intensification, but these rules are limited (by the definition of such) to only being able to be used by a social housing provider. This opportunity is not extended to landowners, despite any likely effects being the same. By using the RH zone rules for social housing and amending slightly to include "multi-unit residential development" is a simple and easy mechanism to enable additional housing that fits the current RH zone built form standards. The Multi-unit rules are used successfully elsewhere in the district and can be used as a guide to develop and refine the provisions through the hearing process. This would better achieve the intentions of the Enabling Act and RMA.

The LPTAA overlay is being used to retain existing zonings as is and relies only on public transport frequency and location to determine where suitable intensification may occur. It does not acknowledge other active methods of transport. It does not acknowledge that bus routes (i.e.

public transport) are managed by Environment Canterbury (ECan) and can be amended as demand requires. It is not so easy to change the district plan zone rules under the RMA to enable intensification opportunities at a later date after this process is complete. For this reason, we do not support the LPTAA overlay as it is consistent with our other comments above.

Maps	Support/Oppose	Decision Sought
Planning Map Oppose 30A and any other relevant Planning Maps which identifies the site.	The site is proposed to be located within the RH under PC14. The submitter supports this zoning subject to amendment to enable intensification in some format.	Amend Residential Hills zone rules to provide for housing opportunity by including "Multi Unit residential development" provisions. (See Appendix 1)
Planning Map Oppose 30A and any other relevant Planning Maps which identifies the site.	The site is proposed to be within the Low Public Transport Accessibility Area Overlay under PC14. The submitter opposes this overlay.	Remove Overlay
Planning Map Oppose 30A and any other relevant Planning Maps which identifies the site.	The site is proposed to be within the Sites of Cultural Significance Overlay under PC14. The submitter supports this overlay on the basis that it replicates existing Nga Turanga Tupuna rules.	No change

Table 1. Submission

Summary

Teewah Holdings Limited request that the Council use this opportunity to amend Residential Hills Zone rules to provide for additional housing options as suggested in Appendix 1.

Teewah Holdings support the Cultural Significance overlay qualifying matter on the basis that the proposed overlay adopts existing District plan provisions for the Ngā Tūranga Tūpuna overlay.

Teewah Holdings oppose the Low Public Transport Accessibility Area (LPTAA) qualifying matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Holly Luzak', with a stylized flourish at the end.

Holly Luzak
Resource Management Planner
BSc (Geography)
holly.luzak@eliot-sinclair.co.nz

Appendix 1: PC14 Submission Residential Hills Zone Amendment

Proposed changes are shown **bold and underlined** and ~~struck through~~ in black font

Note: Red text underlined and struck through is existing annotated Christchurch District Plan Change amendments from other plan changes

14.7 Rules - Residential Hills Zone

14.7.1 Activity status tables

14.7.1.1 Permitted activities

1. The activities listed below are permitted activities in the Residential Hills Zone if they meet the activity specific standards set out in this table and the built form standards in Rule 14.7.2 and the area specific rules in Rule 14.7.3.
2. Activities may also be controlled, restricted discretionary, discretionary, or non-complying as specified in Rules 14.7.1.2, 14.7.1.3, 14.7.1.4, 14.7.1.5 and 14.7.1.6, or in the area specific rules in 14.7.3.

Activity	Activity specific standards
P1 Residential activity, except for residential units containing more than six bedrooms and boarding houses	a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.
P2 Minor residential unit where the minor unit is a detached building and the existing site it is to be built on contains only one residential unit	a. The existing site containing both units shall have a minimum net site area of 650m ² . b. The minor residential unit shall have a minimum gross floor area of 35m ² and a maximum gross floor area of 80m ² . c. The parking areas of both units shall be accessed from the same access.
<u>P3 Multi-unit residential complexes within the Residential Hills Zone- up to and including four residential units</u>	a. The minimum net floor area (including toilets and bathrooms, but excluding parking areas, garages or balconies) for any residential unit in the complex shall be:

Activity		Activity specific standards		
<u>P3</u> <u>P4</u>	Social housing complexes - up to and including four residential units		Number of bedrooms	Minimum net floor area
		i.	Studio.	35m ²
		ii.	1 Bedroom.	45m ²
		iii.	2 Bedrooms.	60m ²
		iv.	3 or more Bedrooms.	90m ²
		b. Any residential unit fronting a road or public space shall have a habitable space located at the ground level, and at least 50% of all residential units within a complex shall have a habitable space located at the ground level. c. Each of these habitable spaces located at the ground level shall have a minimum floor area of 9m ² and a minimum internal dimension of three metres and be internally accessible to the rest of the unit.		
<u>P4</u> <u>P5</u>	Older person's housing unit	a. Any older person's housing unit shall have a maximum gross floor area of 120m ² .		
<u>P5</u> <u>P6</u>	Conversion of a family flat existing at 6 December 2013 into a residential unit that may be occupied by any person(s) and without the need to be encumbered by a legal instrument	a. Each converted flat shall have a minimum gross floor area, excluding garages, sun decks, and verandahs, of 35m ² .		
<u>P6</u> <u>P7</u>	Conversion of a residential unit (within, or as an extension to, a residential unit) into two residential units	a. Each residential unit shall have a minimum gross floor area, excluding garages, sun decks and verandahs, of 35m ² .		
<u>P7</u> <u>P8</u>	Replacement of a residential unit with two residential units	a. The existing site shall be occupied by one residential unit and that residential unit has been, or will be, demolished because the insurer(s) of that unit have determined that the residential unit was uneconomic to repair because of earthquake damage.		
<u>P8</u> <u>P9</u>	Home occupation	a. The gross total floor area of the building or part of the building (measured internally), plus the area used for any outdoor storage area, occupied by the home occupation shall be less no more than 40m ² . b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.		

Activity	Activity specific standards
	<ul style="list-style-type: none"> c. Any retailing retail activity shall be limited to: <ul style="list-style-type: none"> i. the sale of goods grown or produced on the site; 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 iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets. d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building. e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: <ul style="list-style-type: none"> i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays. f. Visitor, courier vehicles and er staff parking areas shall be within the net site area of the property and outside the road boundary setback. g. Vehicle movements associated with the home occupation shall not exceed: <ul style="list-style-type: none"> i. heavy vehicles: 2 per week; and ii. other vehicles: 16 per day. h. Outdoor advertising Signage shall be limited to a maximum area of 20.5m². (Plan Change 5D Council Decision)
<p>P9 P10</p> <p>Care of non-resident children within a residential unit in return for monetary payment to the carer</p>	<ul style="list-style-type: none"> a. There shall be: <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>P10 P11</p> <p>Bed and breakfast (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 permanently on site; and iii. no guest given accommodation for more than 90 consecutive days. <p>(Plan Change 4 Council Decision subject to appeal)</p>
<p>P11 P12</p> <p>Education activity</p>	<ul style="list-style-type: none"> a. The activity shall:

Activity	Activity specific standards								
P12 Preschools, other than as provided for in Rule 14.7.1.1 P9. P13	i. 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;								
P13 Health care facility P14	ii. only occupy a gross floor area of building of less than 250m ² ; iii. limit outdoor advertising to a maximum area of 2m ² ;								
P14 Veterinary care facility P15	iv. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of:								
P15 Places of assembly P16	<table border="1" data-bbox="613 475 1319 890"> <tr> <td data-bbox="613 475 824 571">A. Education activity</td> <td data-bbox="824 475 1319 571"> I. 07:00 – 21:00 Monday to Saturday; and II. Closed Sunday and public holidays. </td> </tr> <tr> <td data-bbox="613 571 824 699">B. Preschools</td> <td data-bbox="824 571 1319 699"> I. 07:00 – 21:00 Monday to Friday, and II. 07:00 – 13:00 Saturday, Sunday and public holidays. </td> </tr> <tr> <td data-bbox="613 699 824 762">C. Health care facility</td> <td data-bbox="824 699 1319 762" rowspan="4"> I. 07:00 – 21:00. </td> </tr> <tr> <td data-bbox="613 762 824 826">D. Veterinary care facility</td> </tr> <tr> <td data-bbox="613 826 824 890">E. Places of assembly</td> </tr> </table> <p data-bbox="613 890 1617 1377"> v. 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; vi. in relation to preschools, health care facilities, veterinary care facilities and places of assembly (See Figure 1): 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 front site separated by an access, and have frontage to the same road; and b. only locate on residential blocks where there are no more than two non-residential activities already within that block; vii. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of four; viii. in relation to places of assembly, entertainment activities shall be closed Sunday and public holidays; and </p>	A. Education activity	I. 07:00 – 21:00 Monday to Saturday; and II. Closed Sunday and public holidays.	B. Preschools	I. 07:00 – 21:00 Monday to Friday, and II. 07:00 – 13:00 Saturday, Sunday and public holidays.	C. Health care facility	I. 07:00 – 21:00.	D. Veterinary care facility	E. Places of assembly
A. Education activity	I. 07:00 – 21:00 Monday to Saturday; and II. Closed Sunday and public holidays.								
B. Preschools	I. 07:00 – 21:00 Monday to Friday, and II. 07:00 – 13:00 Saturday, Sunday and public holidays.								
C. Health care facility	I. 07:00 – 21:00.								
D. Veterinary care facility									
E. Places of assembly									

Activity	Activity specific standards
	<ul style="list-style-type: none"> ix. not include the storage of more than one heavy vehicle on the site of the activity.
<p>P16 P17</p> <p>Spiritual activities</p>	<ul style="list-style-type: none"> a. The activity shall: <ul style="list-style-type: none"> i. 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 ii. only occupy a gross floor area of less than 250m²; iii. limit the hours of operation to 07:00-21:00; and iv. not include the storage of more than one heavy vehicle on the site of the activity.
<p>P17 P18</p> <p>Community welfare facilities</p>	<ul style="list-style-type: none"> a. The facility shall: <ul style="list-style-type: none"> i. 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 ii. only occupy a gross floor area of less than 250m²; iii. limit the hours of operation to 07:00-21:00; and iv. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road.
<p>P18 P19</p> <p>Emergency services facilities</p>	<p>Nil</p>
<p>P19 P20</p> <p>Repair or rebuild of multi-unit residential complexes damaged by the Canterbury earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes</p>	<ul style="list-style-type: none"> a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not meet the built form standards. b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer: <ul style="list-style-type: none"> i. the only built form standards that shall apply are those specified in Rules 14.7.2.2 - Building height and 14.7.2.4 - Daylight recession planes; ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres; iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the

Activity	Activity specific standards
	<p>standard(s) compared to the building that existed at the time of the earthquakes.</p> <p>Advice note:</p> <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 only 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 limited or publicly notified.</p>
<p>P20 Relocation of a building</p> <p>P21</p> <p>P24 Market gardens, community gardens, and garden allotments</p> <p>P22</p>	<p>Nil</p>
<p>P22 Hosted visitor accommodation</p> <p>P23</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>	<p>a. A maximum of six guests shall be accommodated at any one time.</p> <p>b. The Council shall be notified in writing prior to commencement.</p> <p>c. The owner of the unit shall keep records of the number of nights booked per year, as commencing on 1 January of that year, and the dates used for hosted visitor accommodation and provide those records to the Council on request.</p> <p>The owner of the unit shall have procedures in place for managing adverse effects on neighbours from guests checking-in between the hours of 22.00pm and 06.00am, and shall provide those procedures to the Council on request.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>
<p>P23 Visitor accommodation in a heritage item</p> <p>P24</p>	<p>a. A permanent resident or manager/supervisor for the property shall be in residence on the site for the duration of any visitors' stays.</p> <p>b. A maximum of ten guests shall be accommodated at any one time.</p> <p>c. The Council shall be notified in writing prior to commencement.</p>

Activity	Activity specific standards
(Plan Change 4 Council Decision subject to appeal)	<p>d. The owner of the unit shall keep records of the number of nights booked per year, as commencing on 1 January of that year, and the dates used for hosted visitor accommodation and provide those records to the Council on request.</p> <p>e. The owner of the unit shall have procedures in place for managing adverse effects on neighbours from guests checking-in between the hours of 22.00pm and 06.00am, and shall provide those procedures to the Council on request.</p>
	(Plan Change 4 Council Decision subject to appeal)

14.7.1.2 Controlled activities

- a. The activities listed below are controlled activities.
- b. Unless otherwise specified, any application arising from the controlled activity rules listed below shall not be limited or publicly notified.
- c. Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 14.15, as set out in the following table.

Activity	The matters over which Council reserves its control:
C1 Fences that do not meet Rule 14.7.2.9 – Street scene amenity and safety - fences	a. Street scene - road boundary building setback, fencing and planting - Rule 14.15.17
C2 Residential units (including any sleep-outs) containing more than six bedrooms in total	<p>a. Scale and nature of activity - Rule 14.15.5</p> <p>b. Traffic generation and access safety - Rule 14.15.6</p> <p>(Plan Change 5D Council Decision)</p>
C3 Multi-unit residential complexes and Social housing complexes that do not meet Rule 14.7.2.12 – Service, storage and waste management spaces	a. Service, storage and waste management spaces - Rule 14.15.19
C4 Social housing complexes, where the complex does not meet one or more of the activity specific standards in Rule 14.7.1.1 P3 c, or d, P4 b, or c.	a. <u>Street scene - road boundary building setback, fencing and planting - Rule 14.15.17</u>
C5 <u>Multi-unit residential complexes in the Residential Hills Zone, where the complex does not meet one or more of the activity specific standards in Rule 14.7.1.1 P3 b, or c.</u>	<u>(Proposed Plan Change 14)</u>

Activity	The matters over which Council reserves its control:
<p>C6 Unhosted visitor accommodation;</p> <p>C5</p> <ol style="list-style-type: none"> 1. for a total per site of 60 nights or fewer per year; 2. for a maximum of six guests at any one time. <p>(Plan Change 4 Council Decision subject to appeal)</p>	<ol style="list-style-type: none"> a. Provision of information for neighbours and guests, including contact information, parking restrictions, and, where appropriate, hazards information b. Record keeping and provision of information to the Council c. Management of outdoor entertainment and recreation facilities d. Management of solid waste disposal e. Number and size of vehicles used by guests including large vehicles f. Building access arrangements and wayfinding g. Controls on the effects and scale of functions or events h. Controls on check-in and check-out times. <p>(Plan Change 4 Council Decision subject to appeal)</p>
<p>C6 Visitor accommodation in a heritage item that does not comply with activity specific standard (a) in Rule 14.7.1.1 P23-P24.</p> <p>C7</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>	<ol style="list-style-type: none"> a. Provision of information for neighbours and guests, including contact information, parking restrictions, and, where appropriate, hazards information b. Record keeping and provision of information to the Council c. Management of outdoor entertainment and recreation facilities d. Management of solid waste disposal e. Number and size of vehicles used by guests including large vehicles f. Building access arrangements and wayfinding g. Controls on the effects and scale of functions or events h. Controls on check-in and check-out times. <p>(Plan Change 4 Council Decision subject to appeal)</p>

14.7.1.3 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 14.15, or as specified, as set out in the following table.

Activity	The Council's discretion shall be limited to the following matters:
RD1 Residential unit contained within its own separate site with a minimum net site area that does not meet the standard specified in Rule 14.7.2.1 - Site density by up to 10%.	a. Site density and site coverage - Rule 14.15.2
RD2 Minor residential unit where the minor unit is a detached building and does not meet one or more of the activity specific standards in Rule 14.7.1.1 P2 a., b., or c.	a. Minor residential units - Rule 14.15.22
RD3 Conversion of a residential unit (within or as an extension to a residential unit) into two residential units that does not meet one or more of the activity specific standards in Rule 14.7.1.1 P6 P7 a.	
RD4 Conversion of a family flat existing at 6 December 2013 into a residential unit that does not meet one or more of the activity specific standards in Rule 14.7.1.1 P5,P6	
RD5 Social housing complexes, where any residential unit in the complex does not meet activity specific standard Rule 14.7.1.1 P3 P4 b.	a. <u>Minimum unit size and unit mix - Rule 14.15.4</u> <u>(Proposed Plan Change 14)</u>
RD6 <u>Multi-unit residential complexes where any residential unit in the complex does not meet activity specific standard Rule 14.7.1.1 P3 a.</u>	
RD6 Social housing complexes - over four residential units	a. Residential design principles - Rule 14.15.1
RD7 <u>Multi-unit residential complexes - over four residential units</u>	b. Scale and nature of activity - Rule 14.15.5 c. Traffic generation and access safety - Rule 14.15.6 <u>(Plan Change 5D Council Decision)</u>
RD7 <u>RD9</u> Older person's housing units that do not meet activity specific standard in Rule 14.7.1.1 P4 P5 a.	a. Scale and nature of activity - Rule 14.15.5 <u>(Plan Change 5D Council Decision)</u>
RD8 <u>RD10</u> Retirement villages	a. Retirement villages - Rule 14.15.9

Activity	The Council's discretion shall be limited to the following matters:
<p>RD9 RD11</p> <p>Student hostels owned or operated by a secondary education activity or tertiary education and research activity.</p>	<p>a. Residential design principles - Rule 14.15.1 b. Scale and nature of activity - Rule 14.15.5 c. Traffic generation and access safety - Rule 14.15.6</p> <p>(Plan Change 5D Council Decision)</p>
<p>RD10 RD12</p> <p>Community welfare facilities that do not meet one or more of the activity specific standards in Rule 14.7.1.1 P17P18. Any application arising from this rule shall not be limited or publicly notified.</p>	<p>a. As relevant to the activity specific standard that is not met:</p> <ul style="list-style-type: none"> i. Scale and nature of activity - Rule 14.15.5 ii. Traffic generation and access safety - Rule 14.15.6 iii. Non-residential hours of operation - Rule 14.15.21 <p>(Plan Change 5D Council Decision)</p>
<p>RD14 RD13</p> <p>Buildings that do not meet Rule 14.7.2.2 - Building height up to 9 metres.</p>	<p>a. Impacts on neighbouring property - Rule 14.15.3 b. Residential design principles - Rule 14.15.1.i - Hillside and small settlement areas</p>
<p>RD12 RD14</p> <p>Activities and buildings that do not meet Rule 14.7.2.3 - Site coverage where the site coverage is exceeded by 10% or less.</p>	<p>a. Site density and site coverage - Rule 14.15.2</p>
<p>RD13 RD15</p> <p>Buildings that do not meet Rule 14.7.2.4 - Daylight recession planes</p>	<p>a. Impacts on neighbouring property - Rule 14.15.3</p>
<p>RD14 RD16</p> <p>Buildings that do not meet Rule 14.7.2.6 - Minimum building setback from ridgeline - Montgomery Spur</p>	<p>a. The extent to which the proposal minimises adverse visual effects arising from the development on the Montgomery Spur ridgeline, including consideration of alternative built forms or building platforms, and any proposed mitigation. b. Residential design principles - Rule 14.15.1.g - Hillside and small settlement areas</p>
<p>RD15 RD17</p> <p>Buildings that do not meet Rule 14.7.2.5 - Minimum building setbacks from internal boundaries</p>	<p>a. Impacts on neighbouring property - Rule 14.15.3 b. Minimum building, window and balcony setbacks - Rule 14.15.18</p>
<p>RD16 RD18</p> <p>Buildings that do not meet Rule 14.7.2.7 - Minimum setback for living area windows and balconies facing internal boundaries</p>	<p>a. Street scene - road boundary building setback, fencing and planting - Rule 14.15.17</p>
<p>RD17 RD19</p> <p>1. Buildings that do not meet Rule 14.7.2.8 - Road boundary building setback.</p>	<p>a. Street scene - road boundary building setback, fencing and planting - Rule 14.15.17</p>

Activity	The Council's discretion shall be limited to the following matters:
<p>2. Any application arising from this rule shall not be limited or publicly notified.</p>	
<p>RD18 RD20</p> <p>1. Residential units that do not meet Rule 14.7.2.11 - Water supply for firefighting.</p> <p>2. Any application arising from this rule shall not be publicly notified and shall be limited notified only to the New Zealand Fire Service (absent its written approval).</p>	<p>a. Water supply for fire fighting - Rule 14.15.7</p>
<p>RD19 RD21</p> <p>1. Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.7.1.1 (except P11-P15 P12-P16 activity standard ix. relating to storage of heavy vehicles, (refer to Rule 14.7.1.4 D2)) for:</p> <ol style="list-style-type: none"> 1. P8P9 Home occupations: <ol style="list-style-type: none"> 1. 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; 2. that do not meet one or more of standards b. to h. 2. P11P12 Education activity 3. P12P13 Preschools, other than as provided for in Rule 14.7.1.1 P9P10 and Rule 14.7.1.4 D2; 4. P13P14 Health care facility; 5. P14P15 Veterinary care facility; 6. P15P16 Places of assembly; and 7. P16P17 Spiritual activities. <p>2. Any application arising from this rule shall not be limited or publicly notified.</p> <p>(Plan Change 5D Council Decision)</p>	<p>a. As relevant to the activity specific standard that is not met:</p> <ol style="list-style-type: none"> i. Scale and nature of activity - Rule 14.15.5 ii. Traffic generation and access safety - Rule 14.15.6 iii. Non-residential hours of operation - Rule 14.15.21 <p>(Plan Change 5D Council Decision)</p>

Activity		The Council's discretion shall be limited to the following matters:
RD20 RD22	<ol style="list-style-type: none"> 1. Within the Residential Hills Mixed Density Overlay, any activity that does not meet Rule 14.7.2.1 - Site density. 2. Any application arising from this rule shall not be limited or publicly notified. 	<ol style="list-style-type: none"> a. Scale and nature of activity - Rule 14.15.5 b. Traffic generation and access safety - Rule 14.15.6 c. Residential design principles - Rule 14.15.1.g - Hillside and small settlement areas <p>(Plan Change 5D Council Decision)</p>
RD24 RD23	<ol style="list-style-type: none"> 1. Within the Residential Hills Mixed Density Overlay, the creation of any attached residential units where the total floor area is greater than 500m². 2. Any application arising from this rule shall not be limited or publicly notified. 	<ol style="list-style-type: none"> a. Residential design principles - Rule 14.15.1
RD22 RD24	Convenience activities	<ol style="list-style-type: none"> a. Residential design principles - Rule 14.15.1; b. Scale and nature of activity - Rule 14.15.5 c. Traffic generation and access safety - Rule 14.15.6 d. Hours of operation - Rule 14.15.21 <p>(Plan Change 5D Council Decision)</p>
RD23 RD25	Buildings that do not meet Rule 14.7.2.10 - Building reflectivity	<ol style="list-style-type: none"> a. Residential design principles - Rule 14.15.1.i - Hillside and small settlement areas

14.7.1.4 Discretionary activities

- a. The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity
D2	<ol style="list-style-type: none"> a. Activities that do not meet one or more of the activity specific standards in Rule 14.7.1.1 for: <ol style="list-style-type: none"> i. P1 Residential activity; ii. P5P6 Conversion of family flat into a residential unit; iii. P9P10 Care of non-resident children in a residential unit; iv. P10P11 Bed and breakfast; or v. Storage of more than one heavy vehicle for P11-P16<u>P12-P17</u>.

Activity	
	(Plan Change 4 Council Decision subject to appeal)
D3	Show homes
D4	Residential unit contained within its own separate site with a minimum net site area that does not meet the standard specified in Rule 14.7.2.1 – Site density by more than 10%
D5	Activities and buildings that do not comply with Rule 14.7.2.3 – Site coverage where the site coverage is exceeded by more than 10%
D6	<p>a. Hosted visitor accommodation that does not comply with activity specific standards in Rule 14.7.1.1 P22P23 and that does not exceed twelve guests per site at any one time.</p> <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>
D7	<p>a. Unhosted visitor accommodation that does not comply with Rule 14.7.1.2 C5C7 and that does not exceed twelve guests per site at any one time.</p> <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>
D8	<p>a. Visitor accommodation in a heritage item that does not comply with activity specific standards (b) - (e) in Rule 14.7.1.1 P23P24 and that does not exceed twenty guests per site at any one time.</p> <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>
D9	<p>Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings.</p> <p>(Plan Change 5D Council Decision)</p>

14.7.1.5 Non-complying activities

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

Activity	
NC1	Buildings over 9 metres in height
NC2	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ol style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or ii. within 5 metres of the centre line of a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line or within 5 metres of a foundation of an associated support structure. <p>b. Fences within 5 metres of a 66kV electricity distribution line, a 33kV electricity distribution line, or the 11kV Heathcote to Lyttelton electricity distribution line.</p> <p>c. Any application made in relation to this rule shall not be publicly notified and shall be limited notified only to Orion New Zealand Limited or other electricity distribution network operator (absent written approval).</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. The electricity distribution lines are shown on the planning maps. 2. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.
NC3	<p>a. Visitor accommodation that is:</p> <ol style="list-style-type: none"> i. not hosted visitor accommodation, unhosted visitor accommodation or visitor accommodation in a heritage item; ii. hosted visitor accommodation that exceeds the maximum number of guests in Rule 14.7.1.4 D6; iii. unhosted visitor accommodation that exceeds the maximum number of guests in Rule 14.7.1.4 D7; or iv. visitor accommodation in a heritage item that exceeds the maximum number of guests in Rule 14.7.1.4 D8. <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p> <p>(Plan Change 4 Council Decision subject to appeal)</p>

14.7.1.6 Prohibited activities

There are no prohibited activities.

14.7.2 Built form standards

14.7.2.1 Site density

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

	Activity / Area	Standard
i.	In all parts of the Residential Hills Zone except as specified below (excluding residential units established under Rule 14.7.1.1 P5, P6 and P7 P6, P7 and P8).	650m ²
ii.	In Moncks Spur/Mt Pleasant Density Overlay, Shalamar Drive Density Overlay, Upper Kennedys Bush Density Overlay (excluding residential units established under Rule 14.7.1.1 P5, P6 and P7 , P6, P7 and P8).	850m ²
iii.	Within the Residential Mixed Density Overlay - Redmund Spur (Proposed Plan Change 14)	1. The maximum number of lots shall be 400. 2. A minimum of 30% of sites shall have a minimum net site area of 1500m ² . (Proposed Plan Change 14)
iv.	Within the Residential Mixed Density Overlay - 86 Bridle Path Road (Lot 1 DP412440) (Proposed Plan Change 14)	The maximum number of lots shall be 9. (Proposed Plan Change 14)
v.	Social housing complexes and Multi-unit residential complexes	There shall be no minimum net site area for any site for any residential unit or older person's housing unit
vi.	Older person's housing units	
vii.	Retirement villages	

14.7.2.2 Building height

a. The maximum height of any building shall be:

	Activity / Area	Standard
i.	All buildings unless specified below	8 metres
ii.	Minor residential units in the Residential Hills Zone	5.5 metres and of a single storey only

14.7.2.3 Site coverage

a. The maximum percentage of the net site area covered by buildings shall be as follows:

	Zone/activity	Standard
i.	All activities in the Residential Hills Zone unless specified below	35%
ii.	Multi-unit residential complexes , Social housing complexes, and groups of older person's housing units where all the buildings are single storey. The percentage coverage by buildings shall be calculated over the net site area of the entire complex or group, rather than over the net site area of any part of the complex or group.	40%
iii.	<u>Market gardens</u>	55%
iv.	Within the Residential Mixed Density Overlay - Redmund Spur (Proposed Plan Change 14)	<ol style="list-style-type: none"> 1. For sites greater than 1000m² - 25% or 250m² of ground floor area to a maximum of 350m² in total floor area. 2. For sites less than 450m² the maximum site coverage shall be 45% (Proposed Plan Change 14)
v.	Within the Residential Mixed Density Overlay - 86 Bridle Path Road (Proposed Plan Change 14)	For sites greater than 1000m ² - 25% or 250m ² of ground floor area to a maximum of 350m ² in total floor area (Proposed Plan Change 14)

b. For the purposes of this rule this excludes:

- i. fences, walls and retaining walls;
- ii. eaves and roof overhangs up to 600mm in width and guttering up to 200mm in width from the wall of a building;
- iii. uncovered swimming pools up to 800mm in height above ground level; and
- iv. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - A. are no more than 800mm above ground level and are uncovered or unroofed; or
 - B. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site.

14.7.2.4 Daylight recession planes

- a. Buildings shall not project beyond a building envelope constructed by recession planes, as shown in Appendix 14.16.2 Diagram B as relevant, from points 2.3 metres above:
 - i. ground level at the internal boundaries; or
 - ii. where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or
 - iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.
- b. The recession plane shall only apply to the midpoint of each section of wall and roof of a building, as shown in Appendix 14.16.2B
- c. Where the building is located in a Flood Management Area, the exemptions in Rule 5.4.1.3 apply (for activities P1-P4 in Table 5.4.1.1b).
- d. For the purpose of this rule, a section of roof means a continuous part of the roof with the same slope.

Advice note:

- 1. Refer to Appendix 14.16.2 for permitted intrusions.

14.7.2.5 Minimum building setback from internal boundaries

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

	Activity / area	Standard
i.	All buildings not listed in table below	1.8 metres
ii.	Accessory buildings where the total length of walls or parts of the accessory buildings within 1.8 metres of each internal boundary does not exceed 10.1 metres in length	Nil
iii.	Decks and terraces at or below ground floor level to a maximum height of 300mm above ground level within 1m of the boundary.	Nil
iv.	Buildings that share a common wall along an internal boundary	Nil
v.	All other buildings where the internal boundary of the site adjoins an access or part of an access	1 metre

- b. For the purposes of this rule this excludes guttering up to 200mm in width from the wall of a building.

14.7.2.6 Minimum building setback from ridgeline – Montgomery Spur

- a. No buildings shall be erected on those parts of sites within a 10 metre elevation setback from the ridgeline as identified on Appendix 14.16.7.

14.7.2.7 Minimum setback for living area windows and balconies facing internal boundaries

- a. The minimum setback for living area windows and balconies at first floor from an internal boundary shall be 4 metres.
- b. Where the window is adjacent to an access way, the setback shall be measured from the far side of the access way.

14.7.2.8 Road boundary building setback

- a. The minimum road boundary building setback shall be 4 metres; except for:
 - i. a garage where (See Figure 3):
 - A. the side walls are parallel to the road boundary and no more than 6.5 metres in length
 - B. the side walls facing the road contain a window with a minimum dimension of at least 0.6 metres (including the window frame);
 - C. the space between the side wall and the road boundary contains a landscaping strip of at least 2 metres in width that includes a minimum of two trees capable of reaching four metres height at maturity; and
 - D. where the access to the garage is located adjacent to a side boundary:
 1. a landscaping strip of at least 0.6 metres width, planted with species capable of reaching 1.5 metres height at maturity, is located along the side boundary up to the line of the residential unit.
 - E. Where the planting conflicts with required visibility splays the visibility splay rules will prevail and the planting not be required.
 - ii. a garage where (See Figure 4.):
 - A. the garage is a single garage, with the door facing the road boundary, accessed from a local road;
 - B. the garage is a maximum 3.6 metres wide;
 - C. the garage is fitted with a sectional door that does not intrude into the driveway when open and can be operated with an automatic opener. Where the garage is more than 3.5 metres from the road boundary an automatic opener is not required; and
 - D. no part of the garage door when opening or shutting extends beyond the site boundary.

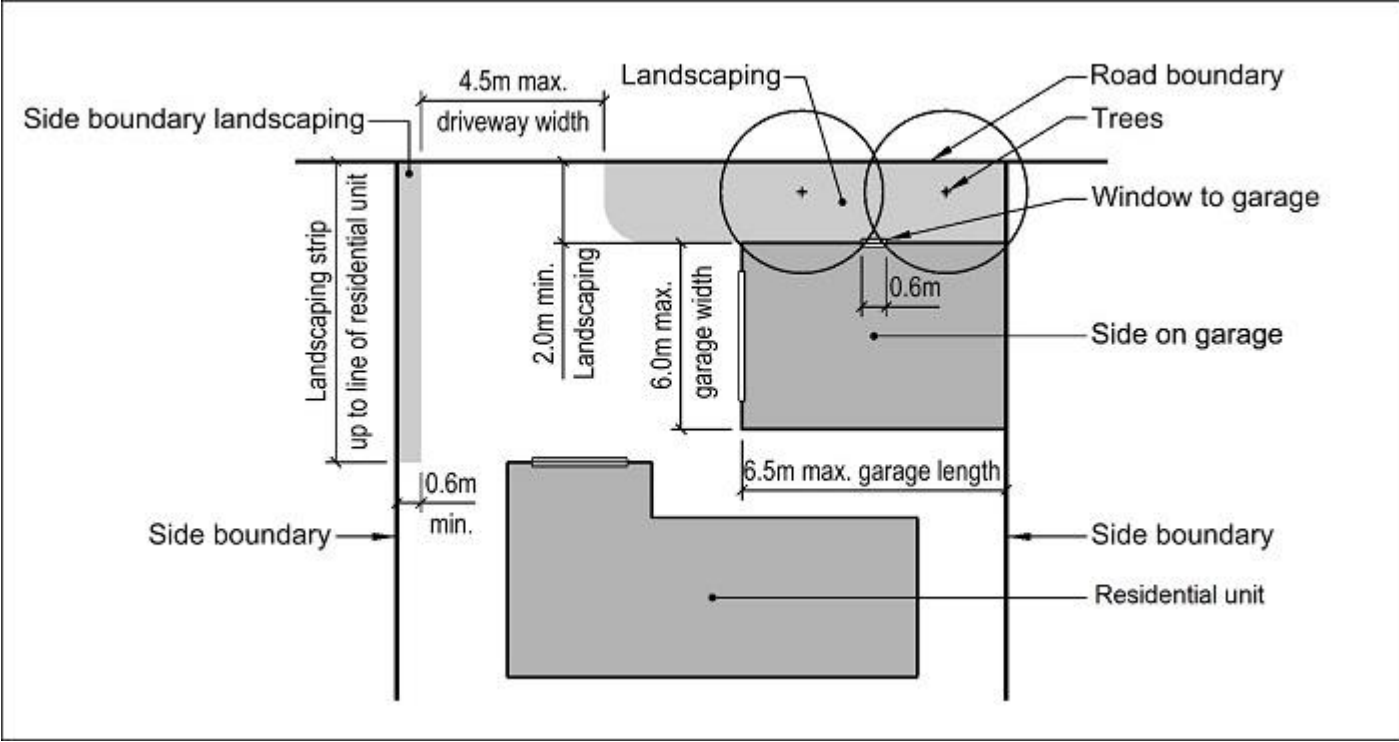


Figure 3: Side extension.
 (Proposed Plan Change 14)

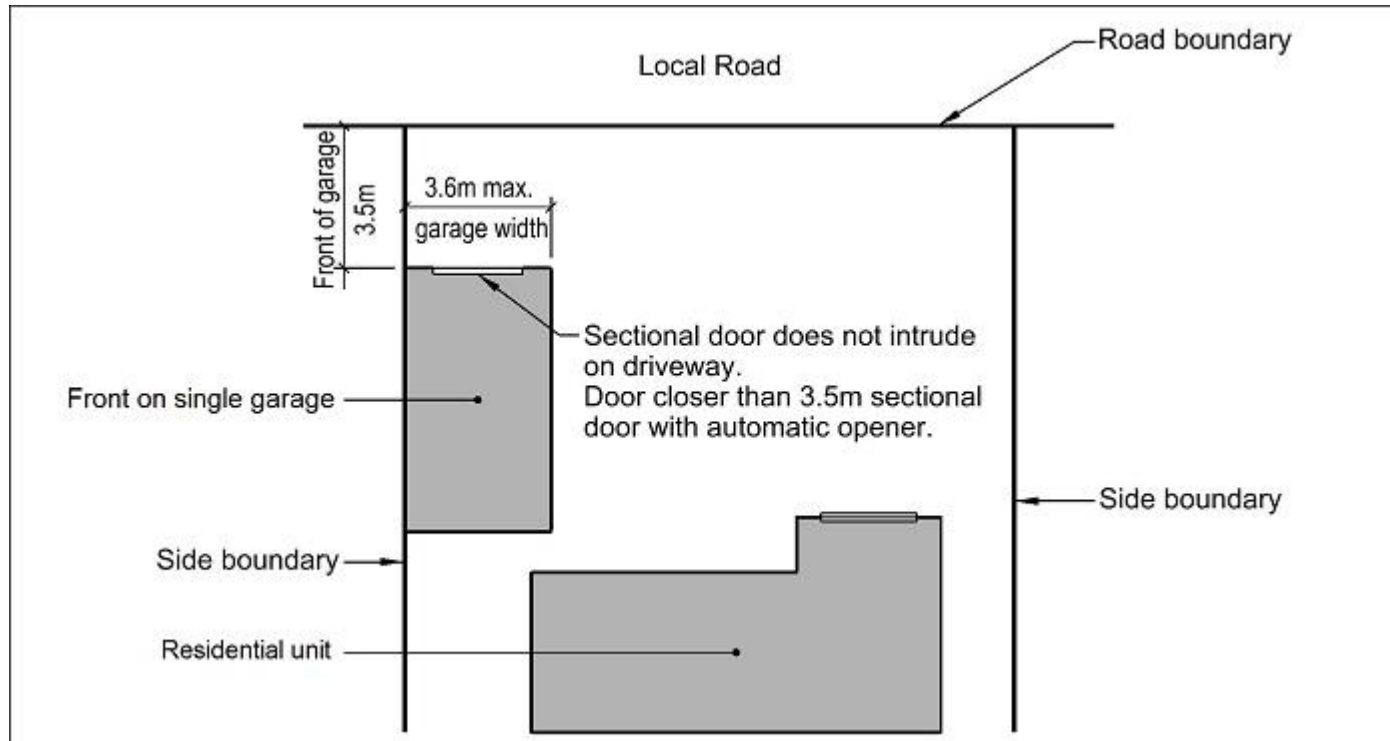


Figure 4: Front extension.
(Proposed Plan Change 14)

14.7.2.9 Street scene amenity and safety – fences

- a. The maximum height of any fence in the required building setback from a road boundary shall be 1.8 metres.
- b. This rule shall not apply to fences or other screening structures located on an internal boundary between two properties zoned residential, or residential and commercial or industrial.
- c. For the purposes of this rule, a fence or other screening structure is not the exterior wall of a building or accessory building

14.7.2.10 Building reflectivity

- a. All roof finishes are not to exceed 30% light reflectance value (LRV).

14.7.2.11-Water supply for fire fighting

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

14.7.2.12 Service, storage and waste management spaces

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

Proposed new 14.7.2.13 Tree canopy cover and financial contributions

[\(Proposed Plan Change 14\)](#)

14.7.3 Area-specific rules - Residential Hills Zone

14.7.3.1 Area-specific activities

- a. The following rules apply to the areas specified. All activities are also subject to the rules in [14.7.1](#) and [14.7.2](#) unless specified otherwise.

14.7.3.1.1 Area-specific permitted activities

There are no permitted activities.

14.7.3.1.2 Area-specific controlled activities

- a. The activities listed below are controlled activities.
- b. Discretion to impose conditions is restricted to the matters over which control is reserved in Rule [14.15](#), as set out in the following table.

	Location	Controlled activity	The matters over which Council reserves its control

C1	Character Area Overlay	<p>a. The <u>relocation of a building</u> onto the <u>site</u>, erection of new <u>buildings</u> and alterations or additions to existing <u>buildings</u>, <u>accessory buildings</u>, fences and walls associated with that development, where it is:</p> <ul style="list-style-type: none"> i. visible from the street; ii. located in that part of the <u>site</u> between the <u>road boundary</u> and the main <u>residential unit</u> on the <u>site</u>; or iii. involves changes to the front façade of the main <u>residential unit</u> of the <u>site</u>. <p>b. This rule does not apply to:</p> <ul style="list-style-type: none"> i. fences that are 1 metre in <u>height</u> or less ii. <u>accessory buildings</u> that are located to the rear of the main <u>residential unit</u> on the <u>site</u> and are less than 5 metres in height iii. fences that are located on a side or rear <u>boundary</u> of the <u>site</u>, except where that <u>boundary</u> is adjacent to a public space. <p>d. Any application arising from this rule shall not be limited or publicly notified.</p>	<p>a. Character Area Overlay - <u>14.15.23</u></p>
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14.7.3.1.3 Area-specific restricted discretionary activities

There are no restricted discretionary activities.

14.7.3.1.4 Area-specific discretionary activities

There are no discretionary activities.

14.7.3.1.5 Area-specific non-complying activities

There are no non-complying activities.

14.7.3.1.6 Area-specific prohibited activities

There are no prohibited activities.