

**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
REGARDING REDRAFT OF CHAPTER 14: RESIDENTIAL**

18 October 2024

MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

Introduction

1. This memorandum relates to the Panel's request that Christchurch City Council (**Council**) redraft Chapter 14 in order to:
 - (a) *"provide landowners or developers with three consent pathways to choose from on residential-zoned land that is subject to PC14";*¹ and
 - (b) implement the Panel's recommendations in other respects, including regarding residential zones affected by airport noise.
2. As the Panel will recall, Council officers identified one potential drafting approach to provide for the three pathways and sought the Panel's endorsement for it,² which the Panel gave in its minute 50.³ The Council officers have sought various other relevant clarifications from the Panel, including regarding the Panel's recommendations regarding airport noise (which were clarified in the Panel's minute 55⁴).
3. Council officers have been working on the redraft of Chapter 14 in line with the approach endorsed in minute 50 and the Panel's recommendations more generally. That work is not yet complete; rather, in undertaking the exercise to date a number of matters have come to light on which officers would be grateful for further clarification / feedback from the Panel before drafting work (which is proving complex and time-consuming) is completed.
4. Against that background, the purpose of this memorandum is to:
 - (a) update the Panel on the redrafting exercise by describing in general terms the approach being taken and the Council's intended next steps and timeframes;
 - (b) highlight for the Panel a number of further matters or queries that have arisen to date; and

¹ The three pathways are described at paragraph [61] of Part 4 of the Panel's Recommendations Report, and the Panel's rationale for the pathways is summarised at paragraphs [59] and [60].

<https://chch2023.ihp.govt.nz/assets/IHP-Report-/IHP-Recommendations-Report-Part-4-29-July-2024.pdf>.

² <https://chch2023.ihp.govt.nz/assets/Council-Memo/Correspondence/Memorandum-of-Counsel-for-Christchurch-City-Council-2-August-2024-Regarding-initial-clarifications.pdf>.

³ <https://chch2023.ihp.govt.nz/assets/IHP-Minutes-Directions-Docs/IHP-Minute-50-Response-to-Council-Memorandum-regarding-initial-clarification-6-August-2024.pdf>.

⁴ <https://chch2023.ihp.govt.nz/assets/IHP-Minutes-Directions-Docs/IHP-Minute-55-Response-to-Final-Clarifications-Sought-7-October-2024.pdf>.

- (c) seek that the Panel confirm its preferred approach in respect of those matters (and thereby clarify its recommendations in relation to Chapter 14).

Update on general drafting approach and next steps

- 5. The general approach being taken by Council officers to redrafting Chapter 14 is described in the memorandum attached as **Appendix 1** to this memorandum. **Appendix 2** contains an incomplete, 'work in progress' draft of parts of Chapter 14 to illustrate a number of the further clarifications sought.
- 6. At a high level, the drafting approach involves the following:
 - (a) Chapter 14 is divided into three sections, comprising:
 - (i) an introduction, a new objective and policy to support the pathways, and the 'how to interpret and apply the rules' section, all of which will apply generally across the chapter;
 - (ii) sub-chapter 14A, setting out the MRZ and HRZ provisions for development that either complies or does not comply with the activity and development standards proposed for MRZ or HRZ, introduced through PC14 (referred to by the Panel as 'Pathways B and C'), along with all other PC14 sub-chapter provisions including objectives and policies as recommended by the Panel; and
 - (iii) sub-chapter 14B, setting out the operative District Plan provisions for the seven relevant residential zones that are retained, per the zoning that existed prior to PC14 (identified by overlays over the underlying MRZ and HRZ zones), as an alternative 'Pathway A'. This sub-chapter will include relevant definitions in the operative District Plan, which have otherwise been amended through PC14 but will have ongoing effect in relation to 'Pathway A'.
 - (b) A number of other changes are proposed to Chapter 14, including to implement the Panel's recommendations regarding airport noise, as described and shown in **Appendices 1 and 2**.
- 7. The Council again thanks the Panel for indicating (in minute 50) that it would be available to review the redrafted Chapter 14. As noted above, that exercise has not yet been completed, but the further clarifications sought in this memorandum (set out below) would greatly assist in that regard.

8. In terms of the process and timeframes from here, Council officers intend:
 - (a) to complete the redraft of Chapter 14 and provide it to the Panel for review / endorsement **by early November 2024**;
 - (b) **at the same time**, to confirm to the Panel whether there are any last clarifications sought; and
 - (c) to brief the Council to allow it to make further decisions on PC14 **on 2 December 2024**.

Matters / queries arising from the drafting exercise to date

Hybridisation

9. As set out in the memorandum in **Appendix 1**, a number of matters have come to light in redrafting Chapter 14, on which officers would be grateful for further feedback from the Panel.
10. The Council wishes to draw one issue in particular to the Panel's attention. Paragraph 5(b)(iv)(3) of Counsel's memorandum of 2 August 2024, confirmed as a correct summation by the Panel,⁵ noted officers' intention that:

*"Plan users would also be advised that Pathway A is a separate and **independent pathway** to Pathways B and C. Thus, a plan user could choose either the consenting path under Pathway A (i.e. assess under previous residential zoning Operative Provisions) or under Pathway C (i.e. assess under the Panel's recommended MRZ / HRZ and other related PC14 chapter 14 provisions such as objectives and policies). In other words, the two different consenting paths would not apply at the same time to the same activity sought to be consented."*
11. As the redraft of Chapter 14 has progressed, officers have identified that a number of issues that would arise, both for Plan users and for Council officers in administering the Plan, if the different pathways could be used interchangeably on a site (or as part of development taking place across multiple sites), rather than being completely independent pathways.
12. The issue is one of '**hybridisation**'; in a number of important respects, the built form and other environmental outcomes anticipated by new MRZ / HRZ are at odds with those anticipated by the previous residential zones. As such, allowing a developer to use, interchangeably, those two permitted activity or

⁵ Paragraph 4 of minute 50.

consent pathways would likely lead to disjointed, mismatched developments and poor outcomes.

13. This issue can be illustrated by a number of examples, as follows:

- (a) **Example 1:** A developer could use the MRZ provisions to build, on a relatively small site, a two-unit development (as a permitted activity under the MDRS, including meeting the windows to street rule) and then utilise the previous operative Residential Suburban (**RS**) zone provisions to locate two garages in the front yard of the development (also as a permitted activity, up to 8m in height). The garage could obscure the front windows and incorporate a large outdoor sealed area, allowing for extra parking. The developer could also construct a 1.8m-high paling fence along the full extent of the road boundary, excluding the access and visibility splay area, in conjunction with the garage, as a permitted activity. This would breach the MRZ garage and parking location and fence height rules, and undermine the street scene and CPTED outcomes sought for MRZ, but hybridisation would make this permitted.

The resulting disjointed development would not reflect the anticipated outcomes of either the previously operative RS zone provisions or the new MRZ zone MDRS provisions; the outcome would be medium-density development, not anticipated in the RS zone, but with significantly diminished passive surveillance over public spaces / CPTED benefits, contrary to the intended outcome under the MDRS.

- (b) **Example 2:** A developer could build a permitted 3-unit development in MRZ (relying on Pathway B/C) then, as a permitted activity under the RS provisions (relying on Pathway A),⁶ convert each 'existing unit' into two units (provided 30m² of outdoor living space is available for each unit, and each unit has a minimum gross floor area of 35m², and noting that there are no applicable site density requirements). This would avoid any opportunity for the Council to consider urban design matters in respect of (effectively) a six-unit development under the MRZ restricted discretionary activity provisions.

14. Moreover, other potential ambiguities or complexities would arise if the different pathways could be used interchangeably on a site. They include in respect of:

⁶ Activity P10; site density requirements do not apply to units enabled under P10, under rule 14.2.2.1.

- (a) **Project Information Memoranda:** section 37 of the Building Act 2004 requires the Council to issue a certificate if a resource consent is required that materially affects certain building work. Determining this may require an understanding of which permitted pathway is relied upon by the developer.
 - (b) **Permitted baseline:** given that two different forms of permitted development would be enabled, the permitted baseline may be difficult to identify and apply. For example, if a person applies for consent under Chapter 14B (Pathway A) for a dwelling exceeding the permitted height in the operative Plan (say, a 9m building in the RS zone), would the permitted building height under Chapter 14A (Pathway B), of 11m plus 1m in MRZ, be relevant to consider?
 - (c) **Notification tests:** rules associated with each pathway contain various notification exemptions that apply under specific conditions. The Council must otherwise apply the standard notification tests, considering effects thresholds in light of what is enabled by the Plan. As with the permitted baseline, this exercise would be made more complex and ambiguous if the two permitted pathways are not made fully independent of each other.
15. As noted in **Appendix 1**, officers have sought to rectify these 'hybridisation' and related issues by providing that the pathways are fully independent, in the sense that if a site is developed under one pathway, **the developer is effectively tied to that pathway** for any future re-development. Officers also propose, however, that any new vacant site created after PC14 becomes operative would effectively provide a 'reset', whereby the pathway used for the parent site does not dictate the pathway for developing the new vacant site, which is free to select a fresh pathway.
16. As acknowledged in **Appendix 1**, officers have found these issues challenging to address and would welcome the Panel's feedback on this approach.

Other matters on which clarification is sought

17. The explanations in **Appendix 1** note a number of other matters on which Council officers would be grateful for clarification. Those matters, in summary table form, are as follows:

	Matter for clarification / confirmation	Appendix 1	Appendix 2
1.	General framework of approach to Chapter 14 redraft	Pages 1-2	Throughout
2.	Proposed independence of pathways (discussed above)	Pages 2-3	
3.	Definitions schedule	Page 3	
4.	Airport noise framework approach	Pages 3-5	
5.	Specific adoption (in part) of RD34 / RD26 regarding limited notification on Christchurch International Airport Limited	Page 4	
6.	How noise-sensitive activities should be considered	Pages 4-5	
7.	Communal waste non-compliance in MRZ	Page 5	
8.	Minimum unit size non-compliance in HRZ	Pages 5-6	
9.	Firefighting water supply non-compliance in HRZ	Page 6	
10.	Windows to street non-compliance	Pages 6-7	
11.	Non-residential controls	Pages 7-8	
12.	Residential Character Areas and operative overlays	Page 8	
13.	Track changes (highlighted) to 14.1 to 14.3		Pages 1-5
14.	Track changes to apply Chapter 14A		Pages 5-9
15.	Track changes to apply Chapter 14B		Pages 9-13
16.	Chapter 2 changes		Page 13
17.	Land inside operative and not within the remodelled 50dB Ldn		Page 14
18.	Rules to apply Pathway B/C for sites within any 50dB extent		Pages 14-19
19.	Rules to apply Pathway B for sites in a 55dB extent or greater		Pages 19-50
20.	Removal of current operative Plan approach to consider tsunami and Riccarton wastewater matters		Pages 22, 23, and 29

Request for clarification

18. As such, the Council would be grateful for the Panel to clarify these matters.



Dated: 18 October 2024

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

APPENDIX 1 – Residential Re-draft General Approach

At a high level, Chapter 14 would be segmented into three parts: the first would be chapter-wide; the second would only be controls as per Panel recommendations to give effect to the MDRS and Policy 3; and the third would apply the operative pathway (referred to by the Panel as “Pathway A”).

The **first part of Chapter 14** would have the following headings:

- 14.1 – Introduction
- 14.2 – Objectives and Policies
- 14.3 – How to interpret and apply the rules

Each of these sections would be modified to add explanatory text on the structure of the chapter and how the pathways are provided. Critically, 14.2 – Objectives and Policies would not seek to replicate or replace any of the MDRS/Policy 3 objectives and policies, or any of the operative objectives and policies, but rather contain a new objective and policy to reinforce the dual, but independent, frameworks that are detailed in the chapter. A section would also be added to 14.3 to specify how each pathway operates and the limitations thereof.

The two remaining parts of the chapter would be split as follows: Sub-chapter 14A would show all objectives and provisions as per the IHP recommendations for Chapter 14; Sub-chapter 14B would be show all the operative residential objectives and provisions that relate only to the seven relevant residential zones, expressed as overlays. The headings for each version would therefore be as follows:

Sub-chapter 14A (the Panel’s Pathway ‘B’ and ‘C’):

- 14A.2 – Objectives and Policies – As per IHP recommendations
- 14A.3 – How to interpret and apply the rules – As per IHP recommendations
- 14A.4 – RSZ / RSDTZ – As a response to the Coastal Hazards QMs and TMA and Rural Hamlet;
- 14A.5 – MRZ – As per the application of the MDRS and Policy 3;
- 14A.6 – HRZ – As per the application of the MDRS and Policy 3;
- 14A.7 – RHZ – As a response to Slope Hazard QMs and TMA, and retained in areas where the Plan is not changed by PC14 (‘outside of PC14 area’, i.e. overlays);
- 14A.8 – RBPZ – Retained in areas outside of PC14 area;
- 14A.9 – RLLZ – Retained in areas outside of PC14 area;
- 14A.10 – RSSZ – Retained in areas outside of PC14 area;
- 14A.11 – RVAZ – As per application of Policy 3;

- 14A.12 – RMDZ – As a response to the Coastal Hazards QMs and TMA;
- 14A.13 – EDM – As a response to the Coastal Hazards QMs and TMA (linked to RSZ);
- 14A.14 – Matters of control and discretion;
- 14A.15 – Appendices.

Sub-chapter 14B (the Panel’s Pathway ‘A’):

- 14B.2 – Objectives and Policies – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’ and **removal** of any objective or policies that specifically do not relate to one of the seven zones or associated overlays;
- 14B.3 – How to interpret and apply the rules – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.4 – RSZ / RSDTZ – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.5 – RMDZ – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.6 – RCCZ – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.7 – RHZ – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.8 – RBPZ – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.9 – RNNZ – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.10 – EDM – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.11 – CHRZ – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.12 – Matters of control and discretion – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’
- 14B.13 – Appendices – As per operative, except replacement of any reference to ‘zone’ to instead be ‘overlay’

A new overlay would be introduced over where MRZ and HRZ are recommended by the Panel, denoting where operative residential zones were located prior to PC14, renaming these as overlays, rather than zones. This provides the link to sub-chapter 14B and associated overlays.

Within sub-chapter 14.3, the application of the pathways have been drafted to best ensure that pathways are considered independently and effectively ties an applicant to that pathway for any future re-redevelopment. However, provision has been added to ensure that any new vacant site created after PC14 becomes operative would effectively be a 'reset' whereby an applicant may choose to apply a pathway for any prospective future development. The original declaration of a pathway would therefore only be tied to the parent site where the development was undertaken.

This has been a challenging aspect to draft and Officers acknowledge that there may be other means to achieve this. One other option is instead to draft the rules to state that Pathway A (Chapter 14B) only applies where the development, and the existing building, would be compliant with Chapter 14B standards, or would not make the site any less compliant with Chapter 14B rules. Officers welcome further feedback on how this is managed.

Definitions:

To date, Council has taken the approach to apply National Planning Standards definitions for terms used in the MDRS by identifying where such duplicated definitions apply only within MRZ and HRZ.

Instead of further modifying these provisions, Council proposes that a new appendix is added to sub-chapter 14B that contains all definitions that apply to this sub-chapter, capturing all operative definitions that apply to the seven residential zones. The appendix ensures that Chapter 2 is not further complicated to include additional exclusions for when sub-chapter 14B is applied, and results in sub-chapter 14B being a relatively self-contained package (noting general rules will still apply). Reference should be made to the strike through example shown in **Appendix 2**.

Airport Noise Pathway

In addition to the residential redraft, the Panel directed that a bespoke pathway is needed in response to the Airport Noise QM. Minute 55 provided further clarity on the different scenarios where such a pathway would apply and by which means. The following details how officers propose this may be achieved in practice:

Pathway A

All operative zone rules apply as an overlay, as detailed in sub-chapter 14B. Applicants may choose to apply operative zone rules, which would apply as they do prior to PC14. Content is unchanged, only that 'zone' is replaced with 'overlay'. An additional exemption would be added for areas inside of the operative 50 dB but outside the 2023

remodelled 50 dB extents – referred to as the **Airport Noise Rule Exclusion Overlay**. No further change is necessary to Chapter 6 as rules do not reference the operative zone; the only reference to MRZ and HRZ is in relation to the Industrial Interface. Reference should be made to the strike through example shown in **Appendix 2**

Pathway B/C

For sites within **operative and remodelled 50 dB extents**, rules are modified in accordance with recommendations and Minute 55. A new built form standard has been added for 1-3 units within MRZ and HRZ that inserts standards detailed in Addendum to Part 4 (15 August). An exclusion is added for areas within the Airport Noise Rule Exclusion Overlay. Two new restricted discretionary activities have been added: the first is to capture non-compliance with insulation and ventilation standards; the second is to capture the development of four or more units within operative and remodelled 50 dB extents. Again, an exclusion is added for areas within the Airport Noise Rule Exclusion Overlay.

The Panel has recommended that the restricted discretionary activity standard for 4 or more units should be similar to the operative controls under RD34 in 14.4 and RD26 in 14.12 (Part 4 [350]). Officers note that each of these operative RD activity standards are identical, and the content captures what the Panel recommends in Part 4 [214](e) and [350], with the addition of insulation and ventilation standard compliance. The activity rule has therefore been copied, except that the second matter of discretion has been modified to add in the requirement for ventilation. The current notification clause requires that Christchurch International Airport Limited is notified absent its written approval. This operative clause has also been modified to remove the presumption of automatic limited notification, noting that this “may” happen as a consequence of an effects assessment under the Act. Officers consider that this best reflects the IHP’s recommendations to apply MRZ and HRZ within the operative and remodelled 50 dB contours.

For sites within the 55 dB extent or greater, rules have been added under the ‘Area-specific rules’ part of MRZ to reflect operative controls. This has copied all Residential Suburban Zone activity rules, standards, and non-compliance pathways as Area-specific MRZ rules. For any instances where consent is required, the specified matter of control or discretion has been modified to state that only operative objectives and policies shall be considered and MRZ objectives and policies shall not apply with the operative objectives and policies set out in sub-chapter 14B. Reference should be made to the text track changes examples in **Appendix 2**, which proposes the use of matters of control and discretion to apply or disapply the application of objectives and policies. Council officers query if the Panel has in mind any simpler and workable method to implement the two pathway approach within the 55db and 65db/ANB contours, including whether Chapter 14B (the Panel’s pathway A) could be referred to and used

for residential and noise sensitive activities proceeding under the pathways B/C, in order to retain the application of all operative provisions to those residential and noise sensitive activities.

By way of example, Council officers note that while new noise sensitive activities are prohibited under operative rules, existing noise sensitive activities are not. Accordingly, there is like a need to provide built form standards for additions to existing buildings, however these could also simply be as per the standard area specific rules. Alternatively, the operative approach would be applied whereby the 65dB/ANB includes anything in the 55 dB extent, so rules simply relating to the 55 dB extent could apply. Further guidance on a preferred approach from the Panel is welcomed.

Other specific changes to MRZ and HRZ

Officers have evaluated the comparative activity status of PC14-recommended provisions and operative rules across the residential chapter. Several anomalies with rules have been found as a result, which are detailed below.

Communal waste – controlled activity pathway:

Rules were proposed through the s42A report to be inserted to provide for a communal waste area as a Controlled activity (Paras 10.1.77 to 10.1.79). This was to reflect the intended compact nature of residential living reflected in PC14 (as proposed) and to avoid scenarios where large areas were needed due to aggregating individual residential waste area requirements across numerous units. The controlled activity status also reflects the rule cascade in the operative Plan.

While a controlled activity for communal waste was inserted in HRZ (C1), this does not appear within the MRZ framework. Instead, rule RD25 would apply, without any clear reason why this should be different.

Officers are seeking clarity from the Panel on whether this is intended in recommendations or whether both zones should share the controlled activity status, and apologise for not bringing this to the Panel's attention earlier.

Minimum unit size non-compliance:

The operative district plan controls apply a restricted discretionary activity status for non-compliance with minimum unit size requirements (only for multi-unit or social housing complexes). This approach was carried over in MRZ through RD20, however it appears that using the RCCZ sub-chapter as the template for HRZ has resulted in the dilution of the former RD1 'catch-all' by splitting this into multiple RDA standards, which has omitted a standard for non-compliance with the minimum unit size requirements.

The result is that non-compliance with the minimum unit size standard in HRZ would bring about fully discretionary activity status under the catchall D4.

Such an approach would appear to contravene the requirements of the NPS-UD and the MDRS to limit non-compliances to a restricted discretionary activity.

Officers are seeking clarity from the Panel on whether this is intended in recommendations; again, officers apologise for not raising this matter earlier.

For reference, the following is how the non-compliance is captured in MRZ:

RD20	<ul style="list-style-type: none"> a. Residential units that do not meet Rule 14.5.2.11 – Minimum unit size. b. Any application arising from this rule shall not be limited or publicly notified. 	<ul style="list-style-type: none"> a. Minimum unit size and unit mix – Rule 14.15.5
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Having HRZ align with MRZ appears to be the most effective means of applying the residential framework.

Firefighting water supply non-compliance:

The operative district plan in all instances states that non-compliance with the water supply for firefighting standard triggers restricted discretionary activity status. It was intended that this would continue, as reflected in MRZ through RD21. However, it appears that this rule has not been captured in HRZ and would also default to the D4 discretionary activity status.

Such an approach would appear to contravene the requirements of the NPS-UD (Clause 3.4 (2)) and the MDRS (clause 4 of Schedule 3A to the RMA) that the construction and use of 1 or more residential units on a site if they do not comply with building density standards is a restricted discretionary activity. Officers are seeking clarity from the Panel on whether this is intended in recommendations, and again apologise for not identifying this discrepancy earlier.

For reference, the following is how the non-compliance is captured in MRZ:

RD21	<ul style="list-style-type: none"> a. Residential units that do not meet Rule 14.5.2.14 – Water supply for fire fighting. b. Any application arising from this rule shall not be publicly notified. 	<ul style="list-style-type: none"> a. Water supply for fire fighting – Rule 14.15.8
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Having HRZ align with MRZ appears to be the most effective means of applying the residential framework.

Breach of windows to street standard

Council added the following text via the Council Reply to the restricted discretionary rule for windows to street in both MRZ and HRZ, as per the **bold underlined**:

- a. The erection of new residential units and alterations or additions to residential units that do not meet Rule 14.5.2.10 – Windows to street, where:
 - i. **The standard only is considered for the alteration or addition to an existing residential unit.**
- b. Any application arising from this rule shall not be limited or publicly notified.

It is unclear whether the Panel have recommended the adoption of the addition. Nonetheless, officers question whether the additional exclusion is superfluous considering the associated prelude noting the application to “new residential units and alterations or additions to residential units”, whilst also potentially unintentionally meaning the rule would not apply to new residential units. The intention of the addition was to ensure that existing dwellings are not captured by the rule when undertaking an extension, as the windows to street rule is intended for MDRS-style of development. Council welcomes any clarity the Panel is able to provide on this matter.

Non-residential controls

The Panel’s rejection of Council’s proposed approach of retaining operative zoning within the Airport Noise Influence Area has prompted officers to evaluate the differences across MRZ and RS/RSDT zone frameworks to ensure the same level of control for other non-residential activities (as per the operative District Plan) continues to apply. That is because the MDRS apply to residential units and building form and policy 3 of the NPD-UD focuses on building heights and densities, so there is no ability for an IPI to control other types of activities.

There are two instances where RS/RSDT zone activity standards for non-residential activities are more restrictive and should consequently be carried through to the MRZ framework.

The **home occupation** activity standards across RS/RSDT (P13) and MRZ are almost identical, except for clause h. in RS/RSDT which adds, “...except that where the activity is located on sites with frontage to Memorial Avenue or Fendalton Road there shall be no signage.”

Similarly, the activity standards for **education activity, preschools, health care facilities, veterinary care facilities, and places of assembly** across RS/RSDT (P16-P20) and MRZ (P7-P11) are almost identical, except:

- i. Clause a.i.B in RS/RSDT contains the standard “a solid median prevents right turns into or out of the primary entrance”
- ii. Clause a.ix restricts noise sensitive activities to outside the 50 dB Ldn Air Noise Contour

- iii. P20 does not apply to Kate Sheppard House (83 Clyde Road), with specific provisions applying instead under 14.4.3.1.1 P3, as area-specific rules.

It is suggested therefore that the home occupation rule in MRZ is updated to add the Fendalton/Memorial signage prohibition, the P7-P11 rules are updated to add the solid median clause and the 50 dB Ldn exclusion for noise sensitive activities, and the rule relating to Kate Sheppard House is added as area-specific rules in the MRZ sub-chapter. Such changes would ensure the rules are equivalent to the operative.

Residential Character Areas and other operative overlays

The Council thanks the Panel for the further clarification provided regarding how RCAs should be detailed as a framework. Council has understood this to mean that all operative RS or RSDT controls relating to RCAs should apply as area-specific controls within MRZ (14.5.3). As the purpose of this memo is primarily to seek endorsement of the application of the residential pathways and Airport Noise pathways, these changes are not yet reflected as tracked changes. Council intends to provide this in the full set of tracked changes to Chapter 14 in the second stage of the residential re-draft once the general approach has been endorsed.

However, officers are seeking clarification of the application of RCAs through the pathways approach. The above has outlined that sub-chapter 14B would contain the operative pathway as an overlay, whereby applicants may choose to apply the operative controls. The IHP has recommended the reduction or removal of some RCAs as a QM to applying the MDRS and Policy 3, whilst also recommending that all operative residential zone controls should be available under a “Pathway A” approach.

Officers would be grateful for the Panel’s confirmation as to whether the intended application of this means that all current operative RCAs (including those recommended to be reduced or removed) should be applied as an overlay under sub-chapter 14B, whereas the reduced or removed extent as recommended by the IHP is applied when Chapter 14A is applied.

The above position is relevant to the other operative overlays that PC14 has removed but would apply under sub-chapter 14B. These include (most notably as per 14.4.3):

- Wigram airfield
- Peat Ground Condition Constraint overlay
- Other Outline Development Plans that have been updated or removed via PC14.

APPENDIX 2 - Prospective Strike-through changes

Chapter 14 Residential

14.1 Introduction

- a. This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. The provisions in this chapter give effect to the [Chapter 3 Strategic Direction Objectives](#).
- c. This chapter relates to [residential activities](#), [community activities](#), and where appropriate, small scale [commercial activities](#) that occur within new and existing residential areas throughout the District. Objectives, policies, rules, standards and assessment criteria provide for these activities in each of the residential zones **and overlays** identified in this chapter.
- d. This chapter seeks to manage the scale and character of new development in the residential areas in accordance with the strategic approach to development in Greater Christchurch, including provision for both greenfields development and intensification, particularly around Key activity centres and the Central City.
- e. **The chapter is divided into two separate sub-parts. Sub-chapter 14A contains the zone objectives, policies, and methods, while sub-chapter 14B provides an alternative to sub-chapter 14A by maintaining pre-existing development rights (i.e. that existed before the Medium Density Residential Standards were introduced to the Plan) for sites in specified locations. The former urban residential zones in these areas are identified as overlays, with the associated objectives, policies, rules and matters of control and discretion applied to the respective overlay areas. Plan users should refer to activity rules for further details and to planning maps for the identification and location of overlays.**

14.2 Objectives and Policies

14.2.1 **Objective – Alternative pathways for development in Medium and High Density Residential zones**

- a. **Within Medium and High Density Residential zones, plan users can choose to either apply the zone provisions, or utilise the alternative residential provisions that predate the Medium Density Residential Standards (the [Chapter 14B pathway](#)) provided that:**

- i. use of the Chapter 14B pathway is declared; and
- ii. depending on the alternative chosen, only the provisions that relate to that alternative shall apply to that development site, including any future development.

14.2.1.1 Policy – Overlay method for alternative development pathways in Medium and High Density Residential zones

- a. Provide a framework for development under the pre-MDRS District Plan to be maintained in the former zones listed in Table 14.2.1.1a, until a site is developed under the MDRS, by:
 - i. identifying these former zones as overlays over areas zoned Medium Density Residential (MRZ) and High Density Residential (HRZ) (as applicable); and
 - ii. including overlay-specific provisions in sub-chapter 14B.

to facilitate development in these overlays under the former zone provisions instead of under the MDRS zone framework, where this method is explicitly stated for a development proposal.

- b. Unless the overlay method is chosen for development proposals, the sub-chapter 14A provisions for the underlying zoning (Medium or High Density Residential zone) shall apply.

c. Where the overlay method is chosen for development proposals:

- i. the provisions in sub-chapter 14A do not apply to the development, or any future developments, including for any of the following purposes:
 - A. for assessment; or
 - B. as a permitted baseline; or
 - C. to set the scope of the anticipated environment for the assessment of effects;

and

- ii. the provisions of sub-chapter 14B shall apply to any developments, including any future developments .

d. Where the overlay method is not requested in development proposals

- i. the overlay provisions in sub-chapter 14B do not apply to the development, or any future developments, including for any of the following purposes:
 - A. for assessment; or
 - B. as a permitted baseline; or

C. to set the scope of the anticipated environment for the assessment of effects;

and

ii. the provisions of sub-chapter 14A shall apply to developments, including any future developments.

e. Avoid the use of both the overlay method (sub-chapter 14B) and the zone provisions (sub-chapter 14A) on a single development site and/or to a single development to ensure the integrity of the District Plan is maintained and the overlay method described in this policy remains a discrete alternative.

Table 14.2.1.1a

Residential Suburban Zone;

Residential Suburban Density Transition Zone;

Residential Medium Density Zone;

Residential Central City Zone;

Residential Hills Zone;

Residential Banks Peninsula Zone;

Residential New Neighbourhood Zone;

14.3 How to interpret and apply the rules

- a. The rules that apply to activities in the various residential zones **and overlays** are contained in the activity status tables (including activity specific standards) and built form standards.
- b. **Sub-chapter 14A contains all residential zone activity rules and built form standards as follows:**
 - i. **Rule 14A.4** – Residential Suburban zones and Residential Suburban Density Transition Zone;
 - ii. **Rule 14A.5** –Medium Density Residential Zone;
 - iii. **Rule 14A.6** –High Density Residential Zone;
 - iv. **Rule 14A.7** – Residential Hills Zone;
 - v. **Rule 14A.8** – Residential Banks Peninsula Zone;
 - vi. **Rule 14A.9** – Residential Large Lot Zone;
 - vii. **Rule 14A.10** – Residential Small Settlement Zone;
 - viii. **Rule 14A.11** – Residential Visitor Accommodation Zone;
 - ix. **Rule 14A.12** – Residential Medium Density Zone;

- x. Rule 14A.13 – Enhanced Development Mechanism
 - xii. Rule 14A.14 – Matters of control and discretion.
 - x. In relation to the Residential Visitor Accommodation Zone, each site has been grouped into Group A, B and C sites in Appendix 14A.15.11, depending on its residential context. For any activities (other than visitor accommodation (P1) and permitted activities on the YMCA site (P3)), the applicable rules for permitted and restricted discretionary activities are those that apply in the zone listed for that site in Appendix 14A.15.11, including activity specific standards, built form standards and matters of discretion.
- c. **Sub-chapter 14B contains the Chapter 14B pathway overlay rules, with activity status tables and built form standards for the overlays identified as follows:**
- i. Rule 14B.4 – Residential Suburban zones **overlay** and Residential Suburban Density Transition **Zone overlay**;
 - ii. Rule 14B.5 – Residential Medium Density **Zone overlay**;
 - iii. Rule 14B.6 – Residential Central **Zone overlay**;
 - iv. Rule 14B.7 – Residential Hills **Zone overlay**;
 - v. Rule 14B.8 – Residential Banks Peninsula **Zone overlay**;
 - vi. ~~Rule 14.9 – Residential Large Lot Zone~~;
 - vii. ~~Rule 14.10 – Residential Small Settlement Zone~~;
 - viii. ~~Rule 14.11 – Residential Visitor Accommodation Zone~~;
 - ix. Rule 14B.129 – Residential New Neighbourhood **Zone overlay**;
 - x. Rule 14B.1310 – Enhanced Development Mechanism
 - xi. Rule 14B.1411 – Community Housing Redevelopment Mechanism
 - x. Rule 14B.1512 – Matters of control and discretion.
- a. **All objectives, policies and methods contained within either sub-chapter 14A or sub-chapter 14B shall apply independently as set out in 14.2. The Chapter 14B pathway only applies if eligible applicants state their intention to apply the Chapter 14B pathway, otherwise the provisions of sub-chapter 14A shall apply. Care should be taken when stating the intention to apply either sub-chapter 14A or sub-chapter 14B rules as they are independent and not able to be applied together.**
- b. **The application of the Chapter 14B pathway is conditional on the following:**
- i. **Any building consent application lodged under section 45 of the Building Act 2004, or any other related building activity under the Act, must state that sub-chapter 14B has been applied; and**

- ii. Any resource consent application lodged under section 88 of the Resource Management Act 1991, or any other related application under the Act, must state that Chapter 14B has been applied; and
- iii. If applied under c. i. or ii., any variation, alteration, or further development of the existing site shall be considered under sub-Chapter 14B; and
- iv. Failure to state the application of sub-chapter 14B by an applicant means that sub-chapter 14A shall instead apply in its entirety and there shall be no application of sub-chapter 14B; and
- v. For any vacant site established after [2 December 2024 – DECISION DATE], an applicant is able choose to apply the rules under either Chapter 14A or under the Chapter 14B pathway, with any such decision subject to the conditions under c.i to c.iv. above.

Chapter 14A Residential

14A.1 Introduction

- a. This introduction is to assist the lay reader to understand how this **sub**-chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. The provisions in this **sub**-chapter give effect to the [Chapter 3 Strategic Direction Objectives](#).
- c. This **sub**-chapter relates to **residential activities**, **community activities**, and where appropriate, small scale **commercial activities** that occur within new and existing residential areas throughout the District. Objectives, policies, rules, standards and assessment criteria provide for these activities in each of the residential zones identified in this chapter.
- d. This **sub**-chapter seeks to manage the scale and character of new development in the residential areas in accordance with the strategic approach to development in Greater Christchurch, including provision for both **greenfields** development and intensification, particularly around **Key activity centres** and the **Central City**.
- e. A number of the provisions in this chapter give effect to the requirements of the Act and the National Policy Statement on Urban Development to provide for intensification in urban areas, including by implementing the Medium Density Residential Standards. However, the Act enables those intensification requirements to be reduced where justified by a “qualifying matter”. In this chapter the reduction in intensification due to qualifying matters has been implemented in two ways: by having the Medium Density Residential or High Density Residential zones, but enabling lesser intensification than the Medium Density Residential Standards require in the areas or sites in those zones where a qualifying matter applies; or by having a lower density residential zone, for example the Residential Suburban or Residential Hills Zone, because the rules for that zone provide the level of density that the

qualifying matter necessitates. Further information on qualifying matters can be found in 14.3, How to interpret and apply the rules, sub-clause f.

- f. **Sub-chapter 14A contains the objectives, policies and methods relating to residential zones. This Chapter is distinct from Chapter 14B, which contains the objectives, policies and methods relating to the Chapter 14B pathway for the identified overlay areas. Reference should be made to 14.1 to 14.3 for an overview of how each Chapter is applied.**

14A.2 Objectives and Policies

As per the Panel's recommendations for 14.2.

14A.3 How to interpret and apply the rules

- a. The rules that apply to activities in the various residential zones are contained in the activity status tables (including activity specific standards) and built form standards that apply to permitted activities and those controlled or restricted discretionary activities where compliance with the built form standards are explicitly referenced in the rule, and/or the activity itself is listed in the permitted activity table for the zone, in:
- i. [Rule 14A.4](#) – Residential Suburban Zone and Residential Suburban Density Transition Zone;
 - ii. [Rule 14A.5](#) – Medium Density Residential Zone;
 - iii. [Rule 14A.6](#) – High Density Residential Zone;
 - iv. **[Rule 14A.7 – Residential Hills Zone;](#)**
 - v. [Rule 14A.8](#) – Residential Banks Peninsula Zone;
 - vi. [Rule 14A.9](#) – Residential Large Lot Zone;
 - vii. [Rule 14A.10](#) – Residential Small Settlement Zone;
 - viii. [Rule 14A.11](#) – Residential Visitor Accommodation Zone;
 - x. [Rule 14A.12](#) – Enhanced Development Mechanism
 - xii. [Rule 14A.1513](#) - Matters of control and discretion.
- b. In relation to the Residential Visitor Accommodation Zone, each site has been grouped into Group A, B and C sites in [Appendix 14A.1614.11](#), depending on its residential context. For any activities (other than visitor accommodation (P1) and permitted activities on the YMCA site (P3)), the applicable rules for permitted and restricted discretionary activities are those that apply in the zone listed for that site in [Appendix 14A.1614.11](#), including activity specific standards, built form standards and matters of discretion.

- c. Rules that apply to the use of the enhanced development mechanism are contained in the activity status tables (including activity specific standards) and built form standards in: [Rule 14A.12](#) – Enhanced development mechanism.
- d. The rules that define where the enhanced development mechanism can be used are contained in the qualifying standards in Rule 14.12.2.
- e. The information that is required for resource consent applications utilising the enhanced development mechanism is set out in Rule [14.12.3.15](#).
- f. **On any particular eligible site, the provisions of the community housing redevelopment mechanism may apply, or the provisions of the zone in which the site is located may apply.**
- g. On any particular eligible site, the provisions of the enhanced development mechanism may apply, or the provisions of the zone in which the site is located may apply.
- h. Area specific rules also apply to activities in the following areas:
 - i. Residential Suburban Zone, Residential Suburban Density Transition Zone, Medium Density Residential Zone, and High Density Residential Zone:
 - A. Prestons Road Retirement Village Overlay;
 - B. adjacent to State Highway 73 (Southern Motorway) between Annex and Curletts Roads;
 - C. adjacent to State Highway 75 (Curletts Road) between the intersection with State Highway 73 and Lincoln Road;
 - D. Existing Rural Hamlet Overlay;**
 - ~~DE.~~ Stormwater Capacity Constraint Overlay;
 - ~~EF.~~ Residential land abutting the western boundary of the Industrial Park Zone at Russley Road / Memorial Avenue;
 - ~~FG.~~ Accommodation and Community Facilities Overlay; **and**
 - ~~JH.~~ Character Area Overlay;
 - I. Sites with frontage to Bealey Avenue, Fitzgerald Avenue or Deans Avenue (south of Blenheim Road);**
 - J. Medium Density Residential Zone in the Commercial Local Zone (St Albans) Outline development plan shown as Area A in Chapter 15 Appendix 15.15.5;**
 - K. Accommodation and Community Facilities Overlay;**
 - L. Lyttelton Port Influences Overlay; and**
 - M. Other areas subject to a qualifying matter**
 - ii. **Residential Medium Density Zone:**
 - ~~GA.~~ Sumner Master Plan Overlay ([Appendix 14.16.6](#));

- iii. Residential Banks Peninsula Zone:
 - A. Character Area Overlay.
- iv. In addition, there may be some areas where area specific rules are provided only under the built form standards.
- i. The rules relevant to Areas 1 - 4 of the East Papanui Outline Development Plan area in [Appendix 8.10.23](#) are contained in Chapter 8, see Rules [8.5.1.3](#) RD17, [8.5.1.4](#) D7. The rules in [14.5](#) of this chapter do apply to Area 5 of the East Papanui Outline Development Plan area in [Appendix 8.10.23](#), in addition to the rules in Chapter 8.
- j. The activity status tables and standards in the following chapters also apply to activities in all residential zones:
 - [4 Hazardous Substances and Contaminated Land](#);
 - [5 Natural Hazards](#);
 - [6 General Rules and Procedures](#);
 - [7 Transport](#);
 - [8 Subdivision, Development and Earthworks](#);
 - [9 Natural and Cultural Heritage](#);
 - [11 Utilities and Energy](#).
- k. There are parts of residential zones where the permitted development, [height](#) and/or density directed by the [MDRS](#) or Policy 3 of the NPS-UD may be modified by qualifying matters. These are identified in detail in [Chapter 6.1A](#) and the Planning Maps, and include the following:
 - i. [Historic Heritage](#) including [heritage items](#), [heritage settings](#)
 - ii. Heritage, Significant and other Trees
 - iii. Sites of Ecological Significance
 - iv. Outstanding Natural Features and Landscapes
 - v. Sites of Cultural Significance
 - vi. **Residential Character Areas**
 - vii. [High Flood Hazard Management Area](#)
 - viii. Flood Ponding Management Area
 - ix. Coastal Hazard High Risk Management Area and Coastal Hazard Medium Risk Management Area
 - x. Tsunami Management Area
 - xi. Slope Hazard
 - xii. Waterbody Setback
 - xiii. Railway Building Setback
 - xiv. Electricity Transmission Corridor and Infrastructure
 - xv. Airport Noise Influence Area
 - xvi. Waste Water Constraint Area
 - xvii. Lyttelton Port Influence Area
 - xviii. Industrial Interface

l. Advice Note:

Refer to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for rules and restrictions on establishing and operating a small owner-operated brothel as a home occupation.

Chapter 14B Residential

14B.1 Introduction

- g. This introduction is to assist the lay reader to understand how this **sub**-chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- h. The provisions in this **sub**-chapter give effect to the [Chapter 3 Strategic Direction Objectives](#).
- i. This **sub**-chapter relates to **residential activities**, **community activities**, and where appropriate, small scale **commercial activities** that occur within new and existing residential areas throughout the District. Objectives, policies, rules, standards and assessment criteria provide for these activities in each of the residential zones identified in this chapter.
- j. This **sub**-chapter seeks to manage the scale and character of new development in the residential areas in accordance with the strategic approach to development in Greater Christchurch, including provision for both **greenfields** development and intensification, particularly around **Key activity centres** and the **Central City**.
- k. **This sub-chapter represents the Chapter 14B pathway. Reference should be made to 14.1 to 14.3 for an overview of how the sub-chapter should be applied and the limitations and conditions of its application.**

14B.2 Objectives and Policies

As per the operative objectives and policies, except that any objective or policy that specifically does not relate to the seven relevant zones is removed and all reference to 'zone' is replaced with 'overlay' where the relevant residential overlays are being referred to.

14B.3 How to interpret and apply the rules

- a. **Rules within sub-chapter 14B represent the Chapter 14B pathway and should be read alongside 14B.2. Reference should be made to 14.1 to 14.3 for an overview of the applicability of rules.**

- b. The rules that apply to activities in the various residential **zones overlays** are contained in the activity status tables (including activity specific standards) and built form standards that apply to permitted activities and those controlled or restricted discretionary activities where compliance with the built form standards are explicitly referenced in the rule, and/or the activity itself is listed in the permitted activity table for the **zones overlays**, in:
 - i. [Rule 14B.4](#) – Residential Suburban **Overlay** and Residential Suburban Density Transition **Overlay** ;
 - ii. [Rule 14B.5](#) – Residential Medium Density **Overlay**;
 - iii. [Rule 14B.6](#) – Residential Central City **Overlay** ;
 - iv. [Rule 14B.7](#) – Residential Hills **Overlay**;
 - v. [Rule 14B.8](#) – Residential Banks Peninsula **Overlay**;
 - vi. [Rule 14B.9](#) – Residential New Neighbourhood **Overlay**;
 - x. [Rule 14B.10](#) – Enhanced Development Mechanism;
 - xi. [Rule 14B.11](#) – Community Housing Redevelopment Mechanism;
 - xii. [Rule 14B.12](#) - Matters of control and discretion.

- b. Rules that apply to the use of the enhanced development mechanism and the community housing redevelopment mechanism are contained in the activity status tables (including activity specific standards) and built form standards in:
 - i. [Rule 14B.10](#) – Enhanced development mechanism; and
 - ii. [Rule 14B.11](#) – Community housing redevelopment mechanism.

- d. The areas that show where the community housing redevelopment mechanism (CHRM) can be utilised are shown on [Planning Maps 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 37](#) and [45](#).

- e. The rules that define where the enhanced development mechanism can be used are contained in the qualifying standards in Rule 14.13.2.

- f. The information that is required for resource consent applications utilising the community housing redevelopment mechanism is set out in Rule [14B.11.2.17](#), and for the enhanced development mechanism, in Rule [14B.10.3.15](#).

- g. On any particular eligible **site**, the provisions of the community housing redevelopment mechanism may apply, or the provisions of the overlay in which the **site** is located may apply.

- h. On any particular eligible **site**, the provisions of the enhanced development mechanism may apply, or the provisions of the overlay in which the **site** is located may apply.

- l. Area specific rules also apply to activities in the following areas:
 - ii. Residential Suburban Overlay and Residential Suburban Density Transition Overlay:

- A. Wigram, within the area of the diagram shown on Figure 6 (generally bounded by RNZAF Bequest Land, Awatea Road, and the Wigram aerodrome and runway);
 - B. Peat Ground Condition Constraint Overlay;
 - C. Prestons Road Retirement Village Overlay;
 - D. adjacent to State Highway 73 (Southern Motorway) between Annex and Curletts Roads;
 - C. adjacent to State Highway 75 (Curletts Road) between the intersection with State Highway 73 and Lincoln Road;
 - F. Existing Rural Hamlet Overlay;
 - G. Stormwater Capacity Constraint Overlay;
 - H. Residential land abutting the western boundary of the Industrial Park Zone at Russley Road / Memorial Avenue;
 - I. Accommodation and Community Facilities Overlay; and
 - J. Character Area Overlay.
- ii. Residential Medium Density Overlay:
 - A. Residential Medium Density Overlay Higher Height Limit and Site Density Overlay at Deans Avenue;
 - B. Residential Medium Density Overlay Wigram (Figure 6);
 - C. Sumner Master Plan Overlay ([Appendix 14B.13.6](#));
 - D. **Sites** with **frontage** to Bealey Avenue, Fitzgerald Avenue or Deans Avenue (south of Blenheim Road);
 - E. Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline development plan shown as Area A in Chapter 15 [Appendix 15.15.5](#);
 - F. Accommodation and Community Facilities Overlay; and
 - G. Character Area Overlays;
 - iii. Residential Banks Peninsula Overlay:
 - A. Lyttelton Port Influences Overlay; and
 - B. Character Area Overlay.
 - iv. Residential Hills Overlay:
 - A. Character Area Overlay.
 - v. In addition, there may be some areas where area specific rules are provided only under the built form standards.

j. **Any objective, policy or method in this sub-chapter 14B is not subject to the definitions in Chapter 2 and instead the schedule of sub-chapter 14B definitions in Appendix 14B.13.X applies.**

k. The Residential New Neighbourhood Overlay rules in [14B.9](#) do not apply to the Meadowlands Exemplar Overlay in the Residential New Neighbourhood (North Halswell) Overlay shown on [Planning Map 45](#). The rules relevant to Meadowlands Exemplar Overlay are contained in Chapter 8, see Rules [8.5.1.3](#) RD15, [8.5.1.4](#) D5 and [8.5.1.5](#) NC8.

The Residential New Neighbourhood Overlay rules in [14.12](#) do not apply to Areas 1 – 4 in the Residential New Neighbourhood (East Papanui) Overlay shown on Planning Maps 24 and 25, other than where specified in Rule 8.5. The rules relevant to Areas 1 - 4 of the East Papanui Outline Development Plan area in [Appendix 8.10.23](#) are contained in Chapter 8, see Rules [8.5.1.3](#) RD17 and RD18, [8.5.1.4](#) D7. The rules in [14.9](#) of this chapter do apply to Area 5 of the East Papanui Outline Development Plan area in [Appendix 8.10.23](#), in addition to the rules in Chapter 8.

l. The activity status tables and standards in the following chapters also apply to activities in all residential overlays:

- 4 [Hazardous Substances and Contaminated Land](#);
- 5 [Natural Hazards](#);
- 6 [General Rules and Procedures](#);
- 7 [Transport](#);
- 8 [Subdivision, Development and Earthworks](#);
- 9 [Natural and Cultural Heritage](#);
- 11 [Utilities and Energy](#).

m. Advice Note:

Refer to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for rules and restrictions on establishing and operating a small owner-operated brothel as a home occupation.

14B.4 Rules - Residential Suburban Zone Overlay and Residential Suburban Density Transition Zone Overlay

14B.4.1 Activity status tables

14B.4.1.1 Permitted activities

a. The activities listed below are permitted activities in the Residential Suburban **Zone Overlay** and Residential Suburban Density Transition **Zone Overlay** if they meet the activity specific standards set out in this table, the built form standards in [Rule 14A.4.2](#), and the area specific rules in [Rule 14A.4.3](#).

- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in [Rules 14A.4.1.2, 14A.4.1.3, 14A.4.1.4, 14A.4.1.5, and 14A.4.1.6](#) or in the area specific rules in [Rule 14A.4.3](#).

The above addition under 14A.4.1A would also be inserted in all other sub-chapters within Chapter 14A.

Chapter 2 Abbreviations and Definitions

The provisions in this chapter give effect to the Chapter 3 Strategic Directions objectives.

This chapter lists, and explains the meaning of, abbreviations and definitions used in the District Plan, **except the application of definitions in sub-chapter 14B. Users should refer to [Appendix 14B.13.X](#) for definitions that apply to sub-chapter 14B.**

The introductions to the Abbreviations and Definitions Lists are to assist the lay reader to understand how this chapter works and what it applies to. They are not an aid to interpretation in a legal sense.

Abbreviations List

This part of the District Plan explains the meaning of abbreviations used in it.

The abbreviations used are identified in ePlan using dotted underline with hyperlinking.

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Chapter 14B pathway

means the application of objectives, policies and methods associated with development in:

- a. Residential Suburban Overlay; or**
- b. Residential Suburban Density Transition Overlay; or**
- c. Residential Medium Density Overlay; or**
- d. Residential Central City Overlay; or**
- e. Residential Hills Overlay; or**
- f. Residential Banks Peninsula Overlay; or**
- g. Residential New Neighbourhood Overlay;**

as nominated by an eligible applicant under [Chapter 14.3.c](#)

Airport Noise QM pathway application

Rules in Chapter 6 are not required to be further modified as rules do not make specific reference to residential zones for airport noise compliance.

Land inside operative and not within the remodelled 50dB Ldn

- **Sub-chapter 14B (operative Pathway A) is updated to exclude the application of airport noise-related rules when located within the “Airport Noise Rule Exclusion Overlay”**
- **Exclusions are made to associated rules in Chapter 14A as per below when located within the “Airport Noise Rule Exclusion Overlay”**

Rules to apply Pathway B/C for sites within any 50 dB extent

14.5.1.1 – MRZ Permitted Activities:

Activity		Activity specific standards
P1	Residential activity, except for 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. c. There must be no more than 3 residential units per site.

14.6.1.1 – HRZ Permitted Activities:

Activity		Activity specific standards
P1	Residential activity	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

		<p>site of the residential activity shall be owned by people who live on the same site.</p> <p>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.</p> <p>d. In relation to the building, dismantling, repair or storage of boats, collectively the boats shall occupy no more than 45m².</p> <p>There shall be no more than 3 residential units per site.</p>
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14A.5.1.3 – MRZ Restricted Discretionary Activities:

<p>RD1</p>	<p>a. Except for retirement villages, the erection of new buildings and alterations or additions to existing buildings including all accessory buildings, fences and walls associated with that development, that result in:</p> <ul style="list-style-type: none"> i. four or more residential units; or ii. over 40m² of a building used for non-residential activities, on a site. <p>b. Any application arising from a.ii. of this rule shall not be limited or publicly notified.</p> <p>c. Any application arising from a.i. of this rule shall not be limited or publicly notified where compliant with the following built form standards:</p> <ul style="list-style-type: none"> i. 14A.5.2.2 – Landscaped area and tree canopy cover ii. 14A.5.2.3 – Building height and maximum number of storeys iii. 14A.5.2.4 – Building coverage 	<p>a. Residential design principles – Rule 14A.14.1</p>
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	<ul style="list-style-type: none"> iv. 14A.5.2.5 – Outdoor living space v. 14A.5.2.6 – Height in relation to boundary vi. 14A.5.2.7 – Minimum building setbacks vii. 14A.5.2.8 – Outlook space per unit viii. 14A.5.2.10 – Windows to street 	
...
RD36	<u>Activities that do not comply with Rule 14A.5.2.X – Development within the 50 dB Airport Noise Contour .</u>	<u>a. Any alternative methods to provide for heating, cooling and ventilation to mitigate the effects of aircraft noise on the occupants of residential units.</u>
RD37	<ul style="list-style-type: none"> <u>a. Four or more residential units located within the 50 dB Ldb Air Noise Contour and 2023 Remodelled 50 dB Ldn Outer Envelope, except where located within the Airport Noise Rule Exclusion Overlay.</u> <u>b. Any application arising from this rule shall not be public notified and may be limited notified to Christchurch International Airport Limited (absent its written approval) as an affected person under section 95E of the Act.</u> 	<ul style="list-style-type: none"> <u>a. The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Christchurch International Airport.</u> <u>b. The extent to which appropriate indoor noise insulation is provided with regard to Appendix 14A.15.4 and the ventilation requirements of the activity specific standards of Rule 14A.5.2.X – Development within the 50 dB Airport Noise Contour.</u>

14A.6.1.3 – HRZ Restricted Discretionary Activities:

RD2	<ul style="list-style-type: none"> a. Except for retirement villages, any activity involving the erection of new buildings and alterations or additions to existing buildings including all accessory buildings, fences and walls 	<ul style="list-style-type: none"> a. For RD2 a.i., residential design principles – Rule 14.15.1 b. For RD2 a.ii. and a.iii., residential design principles – Rule 14.15.1 e., h., and i. only.
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	<p>associated with that development, that result in:</p> <ul style="list-style-type: none"> i. four or more residential units; or ii. Any residential unit that does not meet the garage and carport Rule 14.6.2.14 – Garaging and carpark location; or iii. Any residential unit that does not meet Rule 14.6.2.9 – Ground floor habitable room. <p>b. Any application arising from a.ii or a.iii. of this rule shall not be limited or publicly notified.</p> <p>c. Any application arising from a.i. of this rule shall not be limited or publicly notified where compliant with the following built form standards:</p> <ul style="list-style-type: none"> i. 14.6.2.1 – Building height ii. 14.6.2.2 – Height in relation to boundary iii. 14.6.2.3 – Setbacks iv. 14.6.2.4 – Outlook space v. 14.6.2.7 – Landscaped area and tree canopy cover vi. 14.6.2.8 – Windows to street vii. 14.6.2.10 – Outdoor living space viii. 14.6.2.12 – Building coverage 	
...
RD28	<p><u>Activities that do not comply with one or more of the activity specific standards of Rule 14A.6.2.X – Development within the 50 dB Airport Noise Contour.</u></p>	<p><u>a. Any alternative methods to provide for heating, cooling and ventilation to mitigate the effects of aircraft noise on the occupants of residential units.</u></p>

RD29	<p>c. <u>Four or more residential units located within the 50 dB Ldb Air Noise Contour and 2023 Remodelled 50 dB Ldn Outer Envelope, except where located within the Airport Noise Rule Exclusion Overlay.</u></p> <p>d. <u>Any application arising from this rule shall not be public notified and may be limited notified to Christchurch International Airport Limited (absent its written approval) as an affected person under section 95E of the Act.</u></p>	<p>a. <u>The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Christchurch International Airport.</u></p> <p>b. <u>The extent to which appropriate indoor noise insulation is provided with regard to Appendix 14A.15.4 and the ventilation requirements of the activity specific standards of Rule 14A.6.2.X.</u></p>
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Built form standards for MRZ / HRZ

14A.5/6.2.X Development in the 50 dB Airport Noise Contour

a. Within the 50 dB Ldb Air Noise Contour and 2023 Remodelled 50 dB Ldn Outer Envelope residential units shall provide and maintain:

i. heating and cooling devices that are capable of maintaining the internal habitable space to a temperature of 18-25 degrees Celsius year round with windows and doors closed, and where opening windows are provided mechanical ventilation is provided in compliance with NZBC G4 as if the windows were closed.

ii. Mechanical ventilation systems shall meet the following specifications when running:

A. Satisfy clause G4 of the New Zealand Building Code, or any amendment to or replacement of that clause, as if the windows and external doors cannot be opened; and

B. 35 dB LAEq (30s) at night time in bedrooms when measured 1 metre away from any grille or diffuser; and

C. 40 dB LAEq (30s) in any other space when measured 1 metre away from any grille or diffuser.

iii. Air conditioning units shall meet the following specifications when running:

A. 35 dB LAEq (30s) at night time in bedrooms when measured 1 metre away from any grille or diffuser; and

B. 40 dB LAEq (30s) in any other space when measured 1 metre away from any

grille or diffuser.

b. This rule does not apply within the Airport Noise Rule Exclusion Overlay.

Rules to apply Pathway B for sites in a 55 dB extent or greater are proposed be detailed as follows:

14A.5.3 Area -specific rules - Medium Density Residential Zone

a. The following rules apply to the areas specified. All activities are also subject to Rules [14A.5.1](#) and [14A.5.2](#) unless specified otherwise.

14A.5.3.1 Area- specific activities

14A.5.3.1.1 Area -specific permitted activities

a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table; and the built form standards in Rule [14A.5.2](#) unless specified otherwise in Rule [14A.5.3.2](#).

b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules [14A.5.1.2](#), [14A.5.1.3](#), [14A.5.1.4](#), [14A.5.1.5](#), and [14A.5.1.6](#) (unless specified otherwise in area specific rules); and Rules [14A.5.3.1.2](#), [14A.5.3.1.3](#), [14A.5.3.1.4](#), [14A.5.3.1.5](#) or [14A.5.3.1.6](#).

c. **Please also refer to the Activities Near Christchurch Airport rules in Chapter 6.1.7.1 and standards in 6.1.7.2.2.**

Activity/area	Activity specific standards
...	
P5 [P1] Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary: 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.
P6 [P2] Within the 55 dB Ldn Air Noise Contour: Minor residential unit where the minor unit is a detached building and the existing site it is to be built	a. The existing site containing both units shall have a minimum net site area of 450m 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 .

on contains only one residential unit.

- c. The parking areas of both units shall be accessed from the same access .
- d. This requirement replaces the general outdoor living space requirements set out in Rule [14.4.2.5](#). There shall be a total outdoor living space on the existing site (containing both units) with a minimum area of 90m² and a minimum dimension of 5 metres. This total space can be provided as:
 - 1. a single continuous area; or
 - 2. be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.

P7 Within the 55 dB Ldn Air Noise Contour:
[P5] Social housing complexes - up to and including four residential units

- a. The minimum net floor area (including toilets and bathrooms, but excluding parking area, garages or balconies) for any residential unit in the complex shall be:

	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 open 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 9m² and a minimum internal dimension of three metres and be internally accessible to the rest of the unit.

- P8** Within the 55 dB Ldn Air Noise Contour:
- [P6]** Older person's housing unit
- a. Any older person's housing unit shall have a maximum gross floor area of 120m².
- P9** Within the 55 dB Ldn Air Noise Contour:
- [P7]** Retirement villages
- a. Building façade length - there must be a recess in the façade of a building where it faces a side or rear boundary from the point at which a building exceeds a length of 16 metres. The recess must:
- i. be at least 1 metre in depth, for a length of at least 2 metres;
 - ii. be for the full height of the wall; and
 - iii. include a break in the eave line and roof line of the façade.
- P10** Within the 55 dB Ldn Air Noise Contour:
- [P9]** Conversion of a family flat existing at 6 December 2013 into a residential unit that may be occupied by any person(s) and without the need to be encumbered by a legal instrument
- a. Each converted flat shall have a minimum gross floor area, excluding terraces, garages, sundecks, and verandahs, of 35m².
- b. This requirement replaces the general outdoor living space requirements set out in **Rule 14A.5.3.2.X**. There shall be a total outdoor living space on the existing site (containing the residential unit and the family flat) with a minimum area of 90m² and a minimum dimension of 5 metres. This total space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.
- P11** Within the 55 dB Ldn Air Noise Contour:
- [P10]** Conversion of a residential unit (within, or as an extension to, a residential unit) into two residential units
- a. Each residential unit shall have a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m².
- b. This requirement replaces the general outdoor living space requirements set out in **Rule 14A.5.3.2.X**. There shall be a total outdoor living space on the existing site with a minimum area of 90m² and a minimum dimension of 5 metres. This total

space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.

- c. The residential unit to be converted shall be outside:
 - ~~i. the tsunami inundation area as set out in Environment Canterbury report number R12/38 'Modelling coastal inundation in Christchurch and Kaiapoi from a South American Tsunami using topography from after the 2011 February Earthquake (2012), NIWA'; as shown in Appendix 14.16.5;~~
 - ii. the Riccarton Wastewater Interceptor Overlay identified on the Planning Maps 38, 37, 31, 30, 23; except after the completion of infrastructure work to enable capacity in the identified lower catchment; and
 - iii. any Flood Management Area.

P12 Within the 55 dB Ldn Air Noise Contour
[P11] 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.
- b. The existing site shall be outside:
 - ~~i. the tsunami inundation area as set out in Environment Canterbury report number R12/38 'Modelling coastal inundation in Christchurch and Kaiapoi from a South American Tsunami using topography from after the 2011 February Earthquake (2012), NIWA'; as shown in Appendix 14.16.5;~~
 - ii. the Riccarton Wastewater Interceptor Overlay identified on the Planning

~~Maps 38, 37, 31, 30, 23; except after the completion of infrastructure work to enable capacity in the identified lower catchment; and~~

iii. any Flood Management Area .

c. This requirement replaces the general outdoor living space requirements set out in **Rule 14A.5.3.2.X**. There shall be a total outdoor living space on the existing site with a minimum area of 90m² and minimum dimension of 5 metres. This total space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.

P13 Within the 55 dB Ldn Air Noise Contour

[P12]

Construction of two residential units on a site that was vacant prior to the Canterbury earthquakes of 2010 and 2011

a. The existing site shall be outside:

~~i. the tsunami inundation area as set out in Environment Canterbury report number R12/38 'Modelling coastal inundation in Christchurch and Kaiapoi from a South American Tsunami using topography from after the 2011 February Earthquake (2012), NIWA'; as shown in Appendix 14.16.5;~~

~~ii. the Riccarton Wastewater Interceptor Overlay identified on the Planning Maps 38, 37, 31, 30, 23; except after the completion of infrastructure work to enable capacity in the identified lower catchment; and~~

iii. any Flood Management Area .

b. This requirement replaces the general outdoor living space requirements set out in **Rule 14A.5.3.2.X**. There shall be a total outdoor living space on the existing site with a minimum area of 90m² and minimum dimension of 5 metres. This total

space can be provided as a single contiguous area, or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.

14A.5.3.1.2 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 14A.15](#), as set out in the following table.

	Location	Controlled activity	The matters over which Council reserves its control:
...
C2 [C5]	Within the 55 dB Ldn Air Noise Contour	Social housing complexes, where the complex does not meet one or more of the activity specific standards in Rule 14A.5.3.1 P7 b. or c.	<ul style="list-style-type: none"> a. Street scene – road boundary building setback, fencing and planting – Rule 14B.12.17 b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under

			14A.2 shall not apply.
C3 [C3]	Within the 55 dB Ldn Air Noise Contour	Social housing complexes that do not meet Rule 14A.5.3.2.X – Tree and garden planting.	<ul style="list-style-type: none"> a. Street scene – road boundary building setback, fencing and planting – Rule 14B.12.17 b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.
C4 [C4]	Within the 55 dB Ldn Air Noise Contour	Social housing complexes that do not meet Rule 14A.5.3.2.X – Service, storage and waste management spaces	<ul style="list-style-type: none"> a. Service, storage and waste management spaces – Rule 14B.12.19 b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the

matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.

14A.5.3.1.3 Area- specific 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 **14A.14**, or as specified, as set out in the following table:

Activity/area		The Council’s discretion shall be limited to the following matters:
...
RD13 [RD3]	Minor residential unit in the 55 dB Ldn Air Noise Contour where the minor unit is a detached building and does not meet one or more of the activity specific standards in Rule 14A.5.3.1 P6 a., b., c., and d.	<ul style="list-style-type: none"> a. Minor residential units – Rule 14B.12.22 b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.
RD14 [RD4]	Conversion of a residential unit (within or as an extension to a residential unit) into two residential units in the 55 dB Ldn Air Noise Contour that does not meet one or more of the activity specific standards in Rule 14A.5.3.1 P11 a. and b.	<ul style="list-style-type: none"> a. Minimum unit size and unit mix – Rule 14B.12.4 b. Any application arising from this rule will be
RD15 [RD5]	Social housing complexes in the 55 dB Ldn Air Noise Contour, where any residential unit in the complex does not meet activity specific standard Rule 14A.5.3.1 P7 a.	<ul style="list-style-type: none"> a. Minimum unit size and unit mix – Rule 14B.12.4 b. Any application arising from this rule will be

- RD16** Older person's housing units in the 55 dB Ldn Air Noise Contour that do not meet activity specific standard in Rule **14A.5.3.1 P8** a.
- [RD9]**
- RD17** Retirement villages in the 55 dB Ldn Air Noise Contour that do not meet one or more of the activity specific standards in **Rule 14A.5.3.1 P9**
- [RD10]**
- considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.
- a. Scale and nature of activity - **Rule 14B.12.5**
- b. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.**
- a. Retirement villages - **Rule 14B.12.9**
- b. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the**

objectives and policies under 14A.2 shall not apply.

RD18
[RD31]

- a. Activities and buildings that do not meet one or more of **Rule 14A.5.3.1 P11** standard c.iii, or Rule **14A.5.3.1 P12** standard b.iii, or **Rule 14A.5.3.1 P13** standard a.iii.
 - b. Any application arising from this rule shall not be limited or publicly notified.
- a. The setting of the minimum floor level.
 - b. The frequency at which any proposal is predicted to be flooded and the extent of damage likely to occur in such an event.
 - c. Any proposed mitigation measures, and their effectiveness and environmental impact, including any benefits associated with flood management.
 - d. Any adverse effects on the scale and nature of the building and its location in relation to neighbouring buildings, including effects the privacy of neighbouring properties as a result of the difference between minimum and proposed floor levels, and effects on streetscape.
 - e. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential**

Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.- d) and the objectives and policies under 14A.2 shall not apply.

RD18 *LIKELY REDUNDANT AS ASSOCIATED OVERLAY HAS BEEN REMOVED.*
[RD32]

RD18 Residential unit within the 55 dB Ldn Air Noise Contour contained within its own separate site with a net site area between 400 and 450m²
[RD1]

- a. Site density and site coverage - **Rule 14B.12.2**
- b. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 and the objectives (as relevant to the matters of discretion in a.) and policies under 14A.2 shall not apply.**

RD19 Buildings that do not meet **Rule 14A.5.3.2.X** - Building height
[RD19]

- a. Impacts on neighbouring property - **Rule 14B.12.3**
- b. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and**

		policies under 14A.2 shall not apply.
RD20 [RD21]	<ul style="list-style-type: none"> a. Activities and buildings that do not meet Rule 14A.5.3.2.X - Site coverage where the site coverage is between 35% and 40%. b. Any application arising from this rule shall not be limited or publicly notified. 	<ul style="list-style-type: none"> a. Site density and site coverage - Rule 14B.12.2 b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.
RD21 [RD22]	<ul style="list-style-type: none"> a. Social housing complexes, and older person's housing units, in the 55 dB Ldn Air Noise Contour, that do not meet Rule 14A.5.3.2.X - Site coverage, where the site coverage is between 40-45% (calculated over the net site area of the site of the entire complex or group of units). b. Any application arising from this rule shall not be limited or publicly notified. 	
RD22 [RD24]	<ul style="list-style-type: none"> a. Residential units that do not meet Rule 14A.5.3.2.X - Outdoor living space. b. Any application arising from this rule shall not be limited or publicly notified. 	<ul style="list-style-type: none"> a. Outdoor living space - Rule 14B.12.20 b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.
RD23 [RD20]	<ul style="list-style-type: none"> a. Buildings that do not meet Rule 14A.5.3.2.X - Daylight recession planes 	<ul style="list-style-type: none"> a. Impacts on neighbouring property - Rule 14B.12.3 b. Any application arising from this rule will be considered under objectives and policies relevant to

- RD24**
[RD26]
- a. Buildings that do not meet Rule **14A.5.3.2.X** - Minimum building setbacks from internal boundaries and railway lines, other than Rule **14A.5.3.2.X** (vi) (refer to Rule **14A.5.3.1.3 RD26**)
- RD25**
[RD27]
- a. Buildings that do not meet Rule **14A.5.3.2.X** - Minimum setback and distance to living area windows and balconies and living space windows facing internal boundaries
- RD26**
[RD28]
- a. Buildings that do not meet Rule **14A.5.3.2.X** (vi) relating to rail corridor boundary setbacks
- a. Impacts on neighbouring properties - **Rule 14B.12.3**
- b. Minimum building, window and balcony setbacks - **Rule 14B.12.18**
- c. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a. and b.) and the objectives and policies under 14A.2 shall not apply.**
- a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.
- b. **Any application arising from this rule will be considered under objectives and**

<p>RD27 [RD25]</p>	<p>a. Buildings that do not meet Rule 14A.5.3.2.X - Road boundary building setback.</p> <p>b. Any application arising from this rule shall not be limited or publicly notified.</p>	<p>policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.</p> <p>a. Street scene - road boundary building setback, fencing and planting - Rule 14B.12.17</p> <p>b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the objectives and policies under 14A.2 shall not apply.</p>
<p>RD28 [RD29]</p>	<p>a. Residential units that do not meet Rule 14A.5.3.2.X - Water supply for firefighting.</p> <p>b. 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 14B.12.7</p> <p>b. Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 (as relevant to the matters of discretion in a.) and the</p>

objectives and policies under 14A.2 shall not apply.

14B.5.3.1.4 Area- specific discretionary activities

a. The activities listed below are a discretionary activity.

Activity/area

... ..

- D2** a. Activities that do not meet one or more of the activity specific standards in **Rule 14B.5.3.1** for:
- [D2]**
- i. P1 Residential activity; **and/or**
 - ii. **P10 Conversion of family flat.**
- b. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 and the objectives and policies under 14A.2 shall not apply.**
- D3** a. Residential units that do not meet **Rule 14A.5.3.2.X** – Tree and garden planting.
- [D1]** b. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 and the objectives and policies under 14A.2 shall not apply.**

14A.5.3.1.5 Area- specific non-complying activities

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

Activity/area

- NC1** Activities and buildings that do not meet Rule **14A.5.3.2.X** where
- [NC4]** the site coverage exceeds 40% (except as provided for in **Rule 14A.5.3.1.5 NC2**). **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 and the objectives and policies under 14A.2 shall not apply.**
- NC2** Social housing complexes and older person’s housing units that do not meet Rule
- [NC5]** **14A.5.3.2.X**, where the site coverage exceeds 45% (calculated over the net site area of the site of the entire complex or group of units). **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 and the objectives and policies under 14A.2 shall not apply.**

- NC3 a. Residential unit within its own separate site with a net site area less than 400m².
- [NC2] b. **Any application arising from this rule will be considered under objectives and policies relevant to the Residential Suburban Overlay under 14B.2 and the objectives and policies under 14A.2 shall not apply.**

14A.5.3.1.6 Area- specific prohibited activities

There are no prohibited activities.

14A.5.3.2 Area- specific built form standards

- a. **Any standard included in 14B.5.3.2 shall apply in replacement of any equivalent standards in 14B.5.2. In the event of a conflict between standards in 14B.5.2 and 14B.5.3.2, the specific standards in 14B.5.3.2 shall prevail.**

The following is to be numbered and integrated within the IHP Recommended version of 14.5.3. It is noted the additional work necessary to apply operative rules and standards relating to Residential Character Areas that has not been drafted or presented to date.

14A.5.3.2.X Site Density

Within the 55 dB Ldn Air Noise Contour: Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Activity	Standard
i.	Residential Suburban Zone (excluding residential units established under Rule 14.4.1.1 P8, P9, P10, P11 and P12)	450m²
ii.	Social housing complexes	There shall be no minimum net site area for any site for any residential unit or older person's housing unit
iii.	Older person's housing units	
iv.	Retirement village	

14A.5.3.2.X Tree and garden planting

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary: For social housing complexes only, sites shall include the following minimum tree and garden planting:

- i. **a minimum of 20% of the site shall be provided for landscaping (which may include private or communal open space), where**
 - 1. **at least 50% of the landscaping shall be trees and shrubs, and**
 - 2. **a minimum of one tree for every 250m² of gross site area (prior to subdivision), or part thereof, is included within the landscaping, and**
 - 3. **at least one tree shall be planted adjacent to the road boundary;**
- ii. **all trees required by this rule shall be not less than 1.5 metres high at the time of planting;**
- iii. **all trees and landscaping required by this rule shall be maintained and if dead, diseased or damaged, shall be replaced; and**
- iv. **the minimum tree and garden planting requirements shall be determined over the site of the entire complex.**

14A.5.3.2.X Building height

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary: 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 Suburban Zone.	5.5 metres and of a single storey only.

Advice note:

- 1. **See the permitted height exceptions contained within the definition of height.**

14A.5.3.2.X Site coverage

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary: The maximum percentage of the net site area covered by buildings shall be as follows:

	Zone/activity	Standard
i.	All zones / activities unless specified below.	35%

	Zone/activity	Standard
ii.	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 area of any part of the complex or group	40%
iii.	Retirement villages.	45%

14A.5.3.2.X Outdoor living space

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary:

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

	Activity/area	Standard	
		Minimum area	Minimum dimension
i.	Medium Density Residential Zone.	90m²	6 metres
iii.	Social housing complexes and older person's housing units	30m²	4 metres

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

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

14A.5.3.2.X Daylight recession planes

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary:

- a. **Buildings shall not project beyond a building envelope constructed by recession planes, as shown in Appendix 14B.13.2 Diagram A and Diagram B as relevant, from points 2.3 metres above:**
 - i. **ground level at the internal boundaries; or**
 - ii. **where an internal boundary of a site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or**
 - iii. **where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.**
- b. **Where the building is located in an overlay that has a permitted height of more than 11 metres, the recession plane measurement shall commence from points 2.3 metres above ground level at the internal boundaries and continue on the appropriate angle to points 11 metres above ground level, at which point the recession plane becomes vertical.**
- 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).**

Advice note:

- 1. **Refer to Appendix 14B.13.2 for permitted intrusions.**

14A.5.3.2.X Minimum building setbacks from internal boundaries and railway lines

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary:

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

	<u>Activity / area</u>	<u>Standard</u>
i.	<u>All buildings not listed in table below</u>	<u>1 metre</u>

ii.	Accessory buildings where the total length of walls or parts of the accessory buildings within 1 metre 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
vi.	Buildings, balconies and decks on sites adjacent to or abutting a designated rail corridor.	4 metres from the rail corridor boundary

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

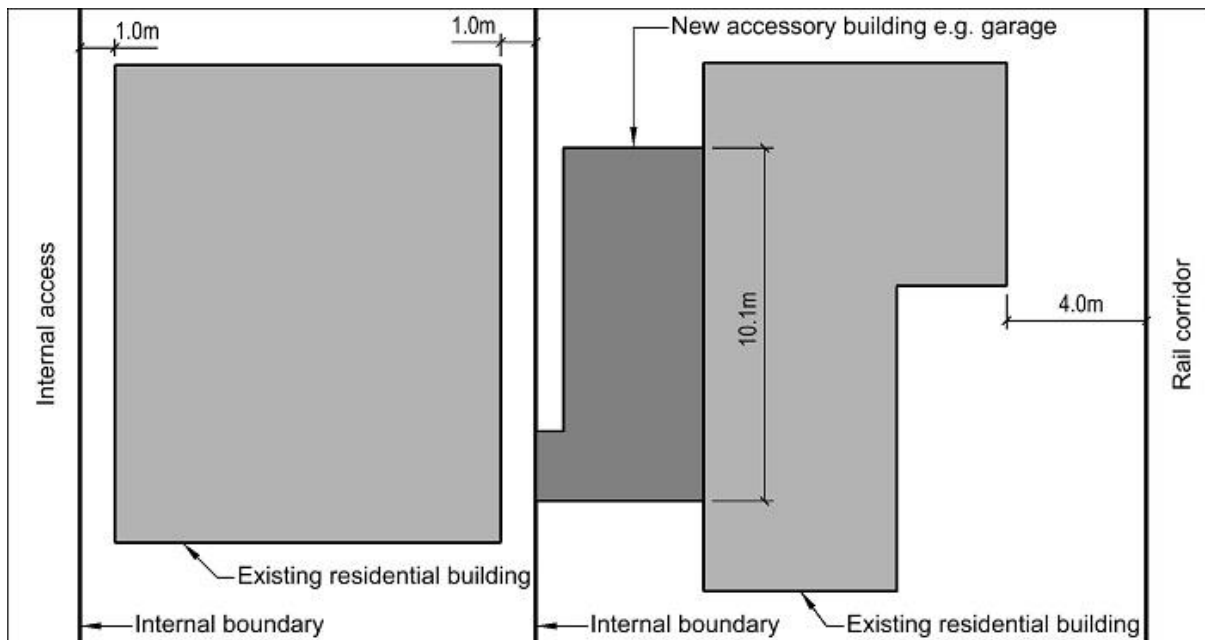


Figure 2: Separation from neighbours

14A.5.3.2.X Minimum setbacks for balconies and living space windows from internal boundaries

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary:

- a. **The minimum setback from an internal boundary for balconies shall be 4 metres.**
- b. **Where a wall of a residential unit is located between 1 metre and 4 metres from an internal boundary, any living space window located on this wall at first floor level and above shall only contain glazing that is permanently obscured.**
- c. **For a retirement village, this rule only applies to the internal boundaries of the site of the entire retirement village.**
- d. **This rule shall not apply to a window at an angle of 90 degrees or greater to the boundary.**
- e. **For the purposes of this rule, permanently obscured glazing does not include glazing obscured by applied means such as film or paint.**

Advice note:

- 1. **See sill height in the definition of window.**

14B.5.3.2.X Road boundary setback

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary:

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

	Activity	Standard
i.	All buildings and situations not listed below	4.5 metres
ii.	Where a garage has a vehicle door that generally faces a road or shared access	5.5 metres from the shared access or road kerb

- b. **Rule 14A.5.3.2.X.a applies except for:**
 - i. **A garage where (See Figure 3):**
 - 1. **the side walls are parallel to the road boundary and no more than 6.5 metres in length;**
 - 2. **the side walls facing the road contain a window with a minimum dimension of at least 0.6 metres (including the window frame);**

3. **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**
4. **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 .**
5. **Where the planting conflicts with required visibility splays the visibility splay rules will prevail and the planting not be required.**

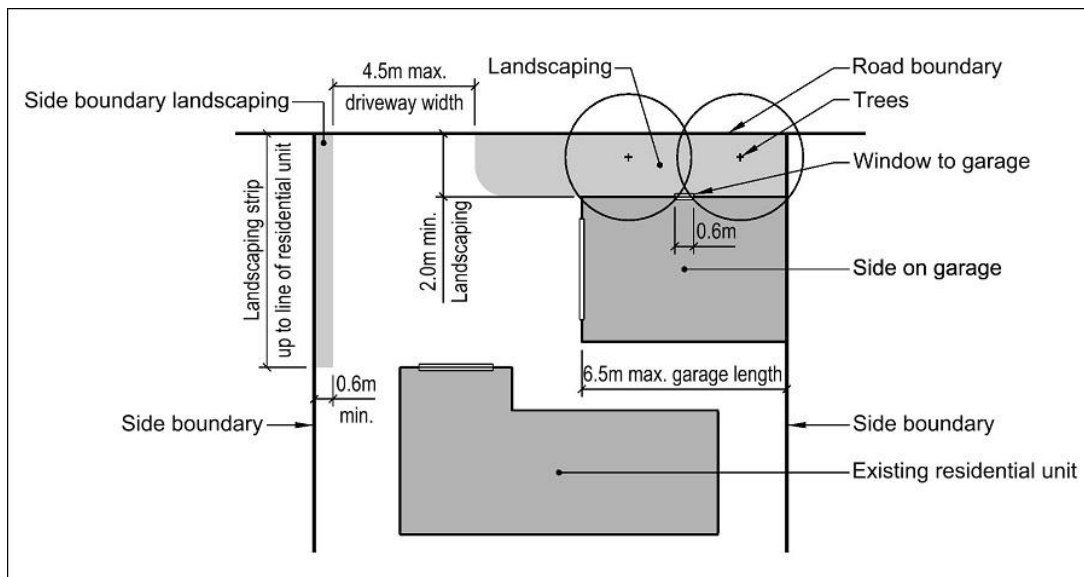


Figure 3: Side extension.

- ii. **A garage where (See Figure 4):**
 1. **the garage is a single garage , with the door facing the road boundary , accessed from a local road ;**
 2. **the garage is a maximum 3.6 metres wide;**
 3. **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**
 4. **no part of the garage door when opening or shutting extends beyond the site boundary.**

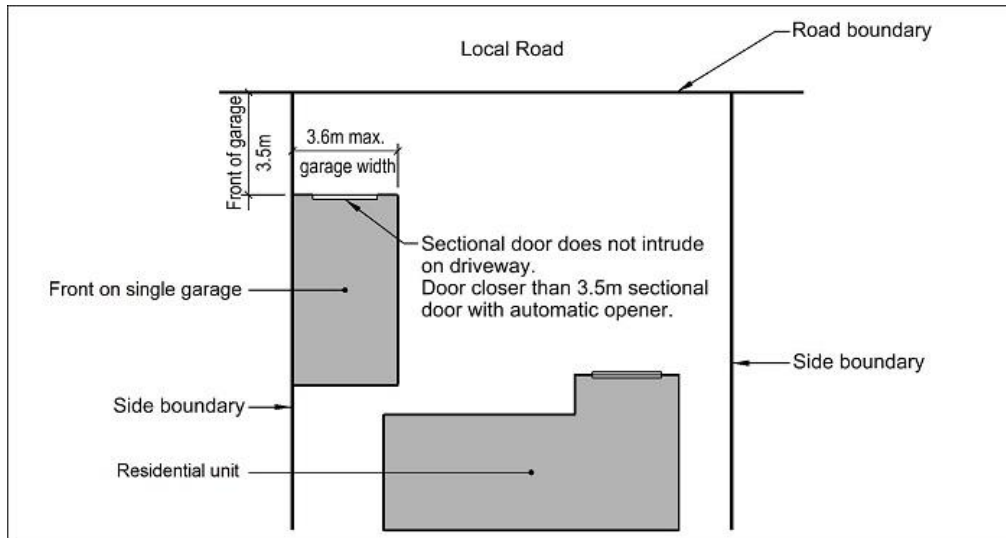


Figure 4: Front extension

14A.5.3.2.X Water supply for fire fighting

Within the 55 dB Ldn Air Noise Contour and/or the Air Noise Boundary:

- 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).**

14A.5.3.2.X Service, storage and waste management spaces

Within the 55 dB Ldn Air Noise Contour

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