

## DISTRICT PLAN TEXT AMENDMENTS

### KEY:

#### 1. Text Amendments as Notified by Council and included in Proposed Plan Change 14

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

Text in **green** font identifies existing terms defined in *Chapter 2 – Definitions*.

Where the proposed plan change contains a term defined in *Chapter 2 – Definitions*, the term is shown as **bold underlined text in green** and the wording to be deleted is shown as ~~**bold strikethrough in green**~~. New definitions in Chapter 2 and within a provision (including a rule) is shown as **bold green text underlined in black**.

Text in **blue** font indicates existing links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan. Where the proposed plan change contains a new link, it is shown as **bold underlined text in blue**. Where a link is proposed to be deleted, it is shown as ~~**bold strikethrough in blue**~~.

#### 2. Text as Recommended in s42A Reports

Text as recommended to be added within s42A reports is shown as **purple bolded and underlined**.

Text as recommended to be deleted within s42A reports is shown as ~~**purple bolded strikethrough**~~.

#### 3. Text Amendments from Expert Conferencing/Joint Witness Statements

Text in **dark orange** font is recommended additional text from expert conferencing/joint witness statements.

Text in ~~**dark orange strikethrough**~~ is recommended deleted text from expert conferencing/joint witness statements.

#### 4. Additional Text Amendments to s42A Reports in Response to Matters Raised During Hearings

Text in **bold dark orange underlined** indicates text recommended to be added.

Text in ~~**bold dark orange strikethrough**~~ indicates text recommended to be deleted.

Text in **bold orange text underlined in black** indicates text that was proposed to be deleted in the s42A report but is now recommended to be reinstated.

## 14.15 Rules – Matters of control and discretion

- a. When considering applications for controlled activities, the Council's power to impose conditions on the consent is restricted to the matters over which control is reserved in the relevant rule and as set out for that matter below.

- b. When considering applications for restricted discretionary activities, the Council's power to decline consent, or to grant consent and impose conditions, is restricted to the matters over which discretion is restricted in the relevant rule and as set out for that matter below.

#### 14.15.1 Residential design principles

- a. New developments shall be assessed against the seven residential design principles ~~e-i~~ (1-6) set out below, or in hillside and small settlement areas principle 7, or for road boundary setback breaches in the Qualifying Matter City Spine Transport Corridor, principle 8. ~~Each residential design principle is accompanied by relevant considerations which are a guide to applicants and consent officers when considering an application against the residential design principles themselves.~~
- b. Guidance for the application of the principles 1-7 is included beneath each principle, for the assistance of Plan users. For the avoidance of doubt the guidance is an aid to interpretation and understanding of the principle but is not itself a matter of discretion. However, developments that incorporate the guidance in their design are more likely to give effect to the principles and require a lower threshold of assessment than developments that do not consider and/or apply the guidance.  
~~The relevance of the considerations under each residential design principle will vary from site to site and, in some circumstances, some of the considerations may not be less relevant at all. For example, c.ii. is likely to be highly relevant to a development adjacent to heritage items; whereas c.ii. might be less relevant to a development in an area void of heritage items.~~
- c. There is no hierarchy to the principles, but appropriately considering the site layout (Principle 1) at the start of the design process makes the other principles easier to achieve.
- d. ~~c.~~ City context and character Principle 1: Site layout and context:
- i. ~~Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features~~ Whether the development achieves high quality design through a ~~logical and coherent~~ well-considered site layout that positively contributes to the adjacent street, orients residential units to face the street and public or shared spaces (external to or within the site) and incorporates ~~prioritises~~ the street interface, a public frontage for each unit, and safe and direct pedestrian access throughout the development.
- ii. ~~The relevant considerations are include the extent to which the development:~~
- Guidance:
- A. ~~includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as building dimensions, forms, setbacks and alignments, and secondarily materials, design features and tree plantings; and~~
- A. prioritises site layout that provides a safe and attractive access to units including entrances to attached dwellings and apartment buildings;
- B. achieves good on-site residential amenity and a positive street interface;

**Commented [K11]:** All recommended changes are in accordance with evidence presented by Hermione Blair through the presentation to the Panel dated 1 November 2023 and subsequently through IHP Information Request #52.

~~C. minimises the need for tall fencing at street and accessway boundaries;~~

~~D. provides space for planting and trees in communal areas, adjacent to accessways and at the street front; and~~

~~1.A. Buildings are designed and positioned to ensure a positive street interface, with ground floor habitable space overlooking the street and a public frontage including front doors and planting.~~

~~1.B. Tree and garden planting is provided in appropriately sized spaces between buildings and the street and accessways, in locations adjacent to units.~~

~~1.C. Private outdoor living spaces are located to the side or rear of units, minimising the requirement for tall privacy fencing in the front yard area.~~

~~1.D. Car parking, loading and service areas and elements are located away from the street front and unit entrances, in positions convenient to occupants that do not compromise the quality of the street edge, entrances and access to units.~~

~~1.E. Pedestrian accessways are located where they can be overlooked by habitable spaces, while still providing for privacy for unit occupants.~~

~~1.F. for development sites Larger development sites (exceeding 4,000m<sup>2</sup>) in total area, provides connections (or are designed not to foreclose potential future connections) through the site for the public; and~~

~~B.F. retains or adapts features of the site that contribute significantly to local neighbourhood character, potentially including heritage items, Sites of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6, and retains or adapts existing site contours and mature trees.~~

e. ~~d.—Principle 2:~~ Relationship to the street and public open spaces;

~~i. Whether the development engages with and contributes to adjacent streets, on-site communal space, and any other adjacent public open spaces to contribute to them being lively, safe and attractive.~~

~~ii.—The relevant considerations are include the extent to which the development:~~

~~Guidance:~~

~~A. 2.A. orientates building frontages including entrances and windows to habitable rooms orientates bBuilding frontages, including public entrances and windows to habitable rooms, are oriented toward the street, and adjacent public open spaces, and on-site shared spaces;~~

~~B. 2.B. designs Bbuildings on corner sites to emphasise the corner and address both streets; and~~

~~C. avoids street facades that are blank or dominated by garages 2.C. locates Hhabitable rooms are located on the ground floor, with windows facing towards, and visible from, the street and accessways.~~

f. ~~e.—Principle 3:~~ Built form and appearance;

i. Whether the development is designed to ~~manage~~ **minimise the visual bulk of the buildings and** provide visual interest, **a sense of human scale, and mitigate the effects of building bulk.**

ii. ~~The relevant considerations are include the extent to which the development:~~

~~Guidance:~~

~~A. subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines~~

~~3.A. Places building bulk at the street front and otherwise limits the continuous lengths of long buildings.;~~

~~B. utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony;~~

~~B. C-3.B. Avoids blank elevations and facades dominated by garage doors or breezeways; and~~

~~C. D. achieves 3.C. Create visual interest and a sense of human scale through the use of varied rooflines, building articulation, architectural detailing, glazing and variation of materials.;~~ ~~and~~

~~D. 3.D. Moderate the massing at the top of buildings higher than 12 metres through upper floor setbacks and roof-form and integrate any rooftop plant and servicing into the roof-form.~~

~~where buildings are higher than 12 metres from ground level:~~

~~1. the massing of the top of the building is moderated through upper floor setbacks and roof-form and any rooftop plant and servicing is integrated into the roof-form; and~~

~~E. buildings that contain four or more residential units have a maximum building length that does not exceed 30 metres in length and are separated from other residential units by at least 3m. 3.E. where more than three units are proposed, these are contained within buildings that are designed to and positioned to avoid extensive façade lengths along side and rear site boundaries, and blocks of units are separated with setbacks to allow access to daylight between buildings and to provide privacy between blocks Separate blocks of units within adequate setbacks that allow access to sunlight and daylight between buildings and provide privacy between blocks.~~

g. ~~f. Principle 4: Liveability and well-being: Residential amenity environment~~

~~i. In relation to the built form and residential amenity of the development on the site (i.e. the overall site prior to the development), whether how the development provides a high level of Whether a good level of internal and external residential amenity for occupants and neighbours is provided.~~

~~ii. The relevant considerations are include the extent to which the development:~~

~~Guidance:~~

~~A. 4.A. provides for Outlook, sunlight and privacy is provided through the site layout,~~

and orientation of buildings, and internal layout of residential units, and the size and positions of windows and balconies.;

~~B. 4.B. directly connects private outdoor spaces are directly connected to the living spaces within the residential units.;~~

~~C. for taller buildings higher than 12 metres from ground level, orients windows and balconies to face the street, public spaces or internally within the site, rather than towards internal site boundaries;~~

~~4.C. Conveniently accessible storage and service spaces for each unit are provided with adverse effects on occupants, neighbours and public spaces minimised in the design and location of these areas.~~

~~C.4.D. ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units; and Where provided, communal outdoor living is provided: centrally located, oriented for good solar access, includes tree planting and is connected and accessible to residential units by pedestrian access that is high quality, safe, sufficiently wide and has a standard of formation to be used by people with differing mobility needs.~~

~~1. has attractive, high quality, safe pedestrian access that directs people from each residential unit or shared lobby, which is of sufficient width and standard of formation to be usable by people with differing mobility needs;~~

~~2. is centrally located in an accessible part of the site; and~~

~~3. is usable and attractive for residents, oriented for good solar access and including tree planting; and~~

~~D.4.E. includes tree and garden planting particularly visible from, and relating to, the street frontage, boundaries, access ways, and parking areas, to offset areas of hard surfacing and provide a threshold space between frontages and accessways.~~

h. ~~g.~~ Principle 5: Integration of access, parking and servicing:

~~Whether the development effectively integrates access for pedestrians, cyclists, and vehicles, provision for cycle and car parking, and the location of service areas, to ensure that these are safe and convenient and do not dominate the development, particularly when viewed from the street or other public open spaces.~~

~~i. Whether the development provides for good, safe access and integration of space for parking and pedestrian movement, cyclist servicing, and parking (where provided).~~

~~ii. The relevant considerations are include the extent to which the development:~~  
Guidance:

~~A. 5.A. integrates access in a way that is safe for all users, and offers Provide direct and convenient access for pedestrians and cyclists to from the street to the front door of each unit, any nearby parks or other public recreation spaces and from any cycle or car parking area.;~~

~~B. provides effective physical separation between vehicles and any dedicated pedestrian access;~~

5.B. Physically separate pedestrian access routes from vehicle accesses, and in parking and manoeuvring area differentiate safe walking paths.

~~B-5.C. Where when provides for parking areas and/or garages where are provided, these are designed and located in a way that does so they do~~ not dominate the development, particularly when viewed from the street or other public open spaces;  
and

~~D. when no on-site car parking is provided, the movement of people and car-free modes of travel are facilitated, including accesses that are of sufficient width and standard of formation to be used by people with differing mobility needs; and~~

5.D. Pedestrian and cycle accesses are of sufficient width for people to pass each other safely and have a standard of formation to enable use by people with different mobility needs.

~~C-5.E. Provides for suitable storage, (including bike storage,) and service spaces which are conveniently accessible for people with differing mobility needs, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces.~~

i. ~~h-~~ Principle 6: Safety:

ii. Whether the development effectively incorporates Crime Prevention Through Environmental Design (CPTED) principles to the extent necessary as required to achieve a safe, secure environment.

ii. ~~The relevant considerations are include the extent to which the development:~~

Guidance:

~~A. provides for views over, and passive surveillance of, adjacent public and publicly accessible private open shared spaces, from ground level living areas, without compromising internal privacy;~~

~~B. clearly demarcates boundaries of public and private space;~~

6.A. Passive surveillance of public and shared spaces is provided from ground level living area windows, without compromising internal privacy.

6.B. Building entrances and pedestrian accesses are legible with good visibility and clear sightlines, and tight bends, blind corners and entrapment spaces are not created.

6.C. Create promotes a sense of ownership of communal areas, and front yards, planting areas and other transition spaces through the location of these in relation to unit entrances and pedestrian accessways.;

~~C-D. makes pedestrian entrances and routes readily recognisable and legible through clear and logical site layout; and~~

~~D-E. provides for good visibility with clear sightlines and effective lighting, avoiding tight bends, blind corners and entrapment spaces.~~

6.D. Lighting is effectively incorporated into the development for wayfinding and safety in the hours of darkness, while avoiding glare and lightspill effects on neighbouring properties.

**Advice note: Refer to NZS1158.3.1:2020 for guidance on effective lighting.**

6.E. There is a clear demarcation of public and private space, while avoiding high fences at the street front and adjacent to accessways.

j. ~~i.~~ Principle 7: Hillside and small settlement areas:

~~i.~~ Whether the development maintains or enhances the context and amenity of the area.

~~ii.~~ **The relevant considerations are the extent to which the development:**

**Guidance:**

~~C.~~ 7.A. ~~M~~aintains significant and distinctive landforms, geological features, water bodies and courses, indigenous and exotic vegetation, coastal margins and the habitat of indigenous fauna;

~~D.~~ 7.B. ~~H~~as regard to and protects historic heritage from inappropriate subdivision use and development, and recognizes the relationship of Ngāi Tahu mana whenua with their ancestral lands, water and other taonga, including Sites of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6 and access to those sites and to mahinga kai;

~~E.~~ 7.C. ~~I~~s designed and located in a way that reduces dominance of buildings and structures;

~~F.~~ 7.D. ~~I~~ncorporates environmentally sustainable and low impact subdivision, site and building design;

~~G.~~ 7.E. ~~R~~esponds to the qualities that are distinct and unique to each small settlement; and

~~H.~~ 7.F. ~~W~~here appropriate and possible, maintains views from properties.

k. Principle 8: Minimum road boundary setback - Qualifying Matter City Spine Transport Corridor

~~i.~~ **Whether the reduced setback, location of an outdoor living space and fencing would provide sufficient space in the front yard to contribute positively to street amenity and provide for the planting of medium to large specimen trees.**

~~ii.~~ **Whether the reduced setback, location of an outdoor living space and fencing would provide sufficient opportunity to achieve well integrated and multiple land use and infrastructure outcomes, including as a minimum and to achieve best practice guidelines, two traffic lanes, pedestrian, cycle and public transport services; landscape amenity and tree planting; and stormwater retention and treatment facilities, residential street relationships and servicing, and CPTED principles.**

~~iii.~~ **Whether buildings, the location of an outdoor living space and fencing enabled through a lesser setback from the road would impede widening of the road reserve through designation and/or land acquisition.**

**Commented [MP2]:** This is an operative "A" - changed from bold orange underlined to black normal text

**Commented [MP3]:** This is an operative "B" - changed from bold orange underlined to black normal text

**Commented [MP4]:** This is an operative "C" - changed from bold orange underlined to black normal text

**Commented [MP5]:** This is an operative "D" - changed from bold orange underlined to black normal text

**Commented [MP6]:** This is an operative "E" - changed from bold orange underlined to black normal text

**Commented [MP7]:** This is an operative "F" - changed from bold orange underlined to black normal text

**Commented [MP8]:** Updated numbering

**Commented [SO9]:** Response to IHP question on Ms Oliver's position on the importance of a rule and matters of discretion relating to futureproofing of the City spine and the location of outdoor living space - Hearing 16<sup>th</sup> April 2024. Ms Oliver confirmed her preference for the notified rules and matters of discretion.

### 14.15.2 Site density and site coverage

- a. Whether the non-compliance is appropriate to its context taking into account:
- i. ~~whether the balance of open space and buildings will maintain the character anticipated for the zone building dominance and privacy effects on surrounding properties;~~
  - ii. ~~any visual dominance of the street resulting from a proposed building's incompatible scale the effect of the additional building bulk on the planned urban built character of the local environment;~~
  - iii. within the Medium Density Residential zone and High Density Residential zone only, whether additional landscaping above the 20% permitted standard is proposed;
  - iv. The ability to practically use onsite space unoccupied by buildings and accessways, including any impacts in terms of usability and amenity on any onsite ground floor outdoor living spaces and opportunities for planting;
  - v. The degree to which site layout and building design encourages a strong connection to the street and provides for a coherent street scene; and
  - iii-vi. Any loss of opportunities for views in the Residential Banks Peninsula Zone; ~~and~~
  - iv. ~~the proportion of the building scale in relation to the proportion of the site.~~
- b. Where the site is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

Commented [MP10]: Numbering fixed

### 14.15.3 Impacts on neighbouring property and planned urban built character

- a. Whether the increased height, or reduced setbacks, or ~~recession plane intrusion~~ would result in buildings that do not compromise the amenity of adjacent properties and/or the planned urban built character, ~~taking into account~~ with particular consideration of:
- i. Building bulk and dominance effects on surrounding neighbours;
  - ii. Privacy and shading effects on surrounding neighbours, including on habitable rooms or outdoor living spaces;
  - iii. The extent to which an increased height the breach is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;
  - iv. Modulation or design features of the roof-form and façade to reduce its visual impact;
  - v. How an increased building form may affect boundary retaining walls or other neighbouring structural building features;
  - vi. Fire risk mitigation incorporated to avoid horizontal spread of fire across boundaries;
  - vii. Reverse sensitivity effects on existing lawfully established non-residential activities;
  - viii. Whether the building is for the purposes of papakāinga / kāinga nohoanga housing;

Commented [K111]: All further changes are in accordance with the evidence statement of Hermione Blair dated 11 August 2023, unless further specified.

Commented [K112]: In contrast to the evidence of Hermione Blair (as above), this consideration is captured higher in the order of matters of discretion to avoid this only being considered for building height breaches. This reflects commentary by Cm Coutts in the hearing appearance of Ike Kleynbos on 1 November 2023.

Commented [K113]: Changes to better align with operative terminology used; improves clarity.



- ix. ~~Whether the majority of the ground floor area is occupied by habitable rooms and/or indoor communal living space (this area may include pedestrian access to lifts, stairs and foyers);~~
- x. ~~Impacts on the heritage values of adjoining properties;~~ and
- xi. ~~In addition, for height breaches only:~~
  - A. ~~the location of the building in relation to existing or planned public transport corridors, community facilities, or commercial activities and the connectivity of the building to these facilities;~~
  - B. ~~The extent to which an increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;~~
- i. ~~overshadowing of adjoining sites resulting in reduced sunlight and daylight admission to internal living spaces and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;~~
- ii. ~~any loss of privacy through being overlooked from neighbouring buildings;~~
- iii. ~~whether development on the adjoining site, such as large building setbacks, location of outdoor living spaces, or separation by land used for vehicle access, reduces the need for protection of adjoining sites from overshadowing;~~
- iv. ~~the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances between the building and adjoining sites, the provision of screening or any other methods; and~~
- v. ~~within a Flood Management Area, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.~~
- b. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3
- c. ~~In addition, for height breaches within the Medium Density Residential zone, for buildings exceeding 14 metres in height, and within the High Density Residential zone, for buildings exceeding 32 metres in height, the matters of discretion are as follows mitigation of the effects of additional height, considering:~~
  - i. ~~the location of the building in relation to existing or planned public transport corridors, community facilities, or commercial activities and the connectivity of the building to these facilities;~~
  - ii. ~~The degree of alignment of the building with the planned urban character of the zone or applicable precinct;~~
  - iii. ~~Building bulk and dominance effects on surrounding neighbours, particularly the effects of building bulk and dominance on the relationship between buildings, public spaces, and views;~~
  - iii. ~~The degree of privacy effects on surrounding neighbours, including on habitable rooms or outdoor living spaces;~~

- ~~iv. The degree of shading effects on surrounding neighbours, including the extent of impact on any habitable rooms or outdoor living spaces;~~
- ~~v. The extent to which the increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;~~
- ~~vi. Any modulation or design features of the roof form and façade to reduce its visual impact;~~

~~Whether a minimum of 30% of the ground floor area is occupied by habitable rooms and/or indoor communal living space (including any shared pedestrian access to lifts, stairs and foyers);~~

~~iv. The extent to which the ground floor area of the building provides adequate, appropriately located and glazed activated indoor space to link the building to the street and to accessways within the development, including through the provision of ground floor habitable space and/or communal living space that provides such activation, and by locating garages or access to internal carparking areas to the rear of such spaces to ensure the ground floor elevation is not dominated by garage/carpark access doors when viewed from the street or site access;~~

~~vii v. The extent to which the development provides for greater housing choice, by typology or price point compared to existing or consented development within the surrounding area;~~

~~viii Whether the building is for the purposes of papakāinga / kāinga housing;~~

~~ix. The location of the development relative to current and planned public transport corridors, community facilities, or commercial activities and the connectivity of the development to these facilities;~~

~~x. vi. How the proposal contributes to or provides for a sense of local identity or place making;~~

~~xi vi. Residential Design Principles listed under Matters in 14.15.1.cd (site layout and context Principle 1: Site layout) and 14.15.1.fg (residential environment Principle 4: Liveability and well-being);~~

~~xii x. In addition, fFor any building greater than 20 14 metres in height within the Medium Density Residential zone, or greater than 22m in the High density residential zone that does not meet the built form standards for additional setbacks from boundaries;~~

~~A. Where any part of the building does not meet the following standards:~~

- ~~i. Minimum of 6 metre setback from side and rear boundaries;~~
- ~~ii. Minimum 3 metre setback from front boundaries;~~

~~Consideration of the effects of building dominance on the immediate and wider neighbourhood, and the loss of opportunities for the outlook between buildings and access to sunlight and daylight.~~

**Commented [K114]:** Consequential changes following modifications to 14.15.1 - Residential Design Principles.

**Commented [K115]:** Further nuance added to the evidence of Hermione Blair (see above), to better reflect zone controls.

~~A. the effects of building dominance on the immediate and wider neighbourhood; and~~

~~B. effects on outlook and access to sun and daylight within the development site; and on neighbouring properties.~~

~~B. Where the development does not provide a communal **outdoor living space**:~~

~~i. at ground level;~~

~~ii. with an area of 5m<sup>2</sup> per residential unit at fourth floor level and above;~~

~~iii. to a maximum of 20% of the development site; and~~

~~iv. with a minimum dimension of 8 metres;~~

~~Consideration of:~~

~~i. For any building greater than 20 metres in height that does not include a complying communal outdoor space:~~

~~A. 1. the nature and extent of outdoor living available on the site;~~

~~B. 2. whether any communal indoor spaces are proposed;~~

~~C. 3. the proximity of the development site to public open space;~~

~~D. 4. the ability for the site to support tree and garden planting;~~

~~E. 5. the effects on occupants of a smaller or no communal space; and~~

~~F. 6. whether the lack of communal space contributes to cumulative dominance of built form in the immediate and wider area and any mitigation offered.~~

~~xiii C. For sites within a 1.2km EDM walking distance of the City Centre zone, any direct or indirect economic effects on the city centre, including the effects of directing investment away from the city centre. Whether the development detracts from the economic opportunities within the city centre and its primacy.~~

~~xi. reverse sensitivity effects on existing lawfully established non-residential activities.~~

Commented [K116]: Further change to use operative walking catchment definition to improve clarity.

#### **14.15.4 Height in relation to boundary breaches**

a. ~~Whether the non-compliance is appropriate to its planned urban built character, taking into account~~The nature and degree of:

i. ~~Building bulk and dominance effects on adjoining neighbours;~~

ii. ~~Privacy effects on neighbours, including the loss of privacy in habitable rooms or outdoor living spaces;~~

iii. ~~Shading effects on adjoining neighbours and including the degree of impact on any internal or outdoor living spaces or windows to habitable rooms; and~~

iv. ~~Any impacts on heritage values of adjoining properties; and~~

- v. Reverse sensitivity effects on existing lawfully established non-residential activities.

#### **14.15.45 Minimum unit size and unit mix**

- a. When considering under-sized ~~units~~ residential units, whether the reduced unit size is appropriate taking into account:
  - i. the floorspace available and the internal layout and their ability to support the amenity of current and future occupants;
  - ii. other on-site factors that would compensate for a reduction in unit sizes e.g. communal facilities;
  - iii. scale of adverse effects associated with a minor reduction in size in the context of the overall residential complex on the site; and
  - iv. needs of any social housing tenants.

#### **14.15.56 Scale and nature of activity**

- a. Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:
  - i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;
  - ii. the ability for the locality to remain a predominantly residential one; and
  - iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.
- b. The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:
  - i. the character of the surrounding living environment; and
  - ii. noise, disturbance and loss of privacy of nearby residents.
- c. For home occupations:
  - i. whether the non-compliance is an integral and necessary part of the home occupation;
  - ii. the extent to which the scale and/or nature of the activity, including signage, has an adverse effect on the anticipated level of amenity and character of the site and the surrounding area; and
  - iii. whether the nature of the activity conflicts with residential activities and the wellbeing of the surrounding residents; and
  - iv. whether retail activity remains small in scale, does not create adverse effects through additional pedestrian and traffic movements, noise, disturbance and loss of privacy, and does not undermine the centres-based framework for commercial activities.
- d. For residential units with more than six bedrooms, whether there should be a limit on the number of bedrooms over six bedrooms based on the impact on the surrounding neighbourhood and residential character.

- e. The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.
- f. The opportunity the activity provides to support an existing nearby **commercial centre**.
- g. The opportunity the activity provides to support and compliment any existing health-related activities and/or **community activities** in the surrounding area.
- h. For Residential Visitor Accommodation Zone sites only, the extent to which any additional bedrooms and quantum of floorspace proposed avoids adverse effects on the function and recovery of the **Central City**.
- i. For the Accommodation and Community Facilities Overlay area, the extent to which any additional quantum of floorspace for activities ancillary to visitor accommodation avoids adverse effects on the function and recovery of other commercial centres.

#### **14.15.67 Traffic generation and access safety**

- a. Whether the traffic generated is appropriate to the residential character, amenity, safety and efficient functioning of the **access** and **road** network taking into account:
  - i. in the case of effects on residential character and amenity:
    - A. any adverse effects in terms of noise and vibration from vehicles entering and leaving the **site** or **adjoining road**, and their incompatibility with the noise levels acceptable in the respective living environments;
    - B. any adverse effects in terms of glare from headlights of vehicles entering and leaving the **site** or **adjoining road** on residents or occupants of **adjoining residential sites**;
    - C. any adverse effects in terms of fumes from vehicles entering or leaving the site, on residents or occupiers of adjoining residential sites; and
    - D. the ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking areas and loading areas or through the provision of screening and other factors that will reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur; and
  - ii. in the case of the safe and efficient functioning of the **road** network:
    - A. any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity;
    - B. adverse effects of the proposed traffic generation on activities in the surrounding living environment;
    - C. consistency of levels of traffic congestion or reduction in levels of traffic safety with the classification of the **adjoining road**;
    - D. the variance in the rate of **vehicle movements** throughout the week and coincidence of peak times with peak traffic movements on the wider network; and

- E. the location of the proposed **access** points in terms of **road** and intersection efficiency and safety, and the adequacy of existing or alternative **access** points.

#### 14.15.78 Water supply for fire fighting

- a. Whether sufficient fire fighting water supply **provision** to ensure the health and safety of the community, including neighbouring properties, is provided.

#### 14.15.89 Acoustic insulation

- a. Whether a reduction in acoustic insulation is appropriate taking into account:
  - i. a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise impacts through other means, e.g. screening by other structures, or distance from noise sources;
  - ii. there is an ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; and
  - iii. the provision of a report from an acoustic specialist provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the **site**.

#### 14.15.910 Retirement villages

- a. Whether the development, while bringing change to existing environments, is appropriate to its context taking into account:
  - i. engagement with, and contribution to, adjacent streets and **public open spaces**, with regard to:
    - A. fencing and boundary treatments;
    - B. sightlines;
    - C. **building** orientation and **setback**;
    - ~~D. configuration of pedestrian entrances;~~
    - DE** windows and internal living areas within buildings; and
    - EF** if on a **corner site** is designed to emphasise the corner;
  - ii. integration of **access**, **parking areas** and **garages** in a way that is safe for pedestrians and cyclists, and that does not visually dominate the development, particularly when viewed from the street or other public spaces;
  - iii. retention or response to existing character **buildings** or established landscape features on the **site**, particularly mature trees, which contribute to the amenity of the area;
  - ~~iv. appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles;~~

**Commented [A17]: NOTE ON ORIGIN:**  
Addressed in Rebuttal evidence of Ike Kleynbos dated 16 October 2023 and from David Hattam dated 9 October 2023, responding to evidence of Mr Tumer (on behalf of RVA and Ryman Healthcare) dated 20 September 2023.

**Commented [MP18]:** Fixed numbering from here

- iv. incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;
- vi. residential amenity for neighbours, in respect of outlook, privacy, noise, odour, light spill, and access to sunlight, through [site](#) design, [building](#), [outdoor living space](#) and service/storage space location and orientation, internal layouts, [landscaping](#) and use of screening;
- vii. creation of visual quality and interest through the separation of [buildings](#), variety in [building](#) form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour; and
- viii. where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation.

Commented [MP19]: Fixed numbering from here

b. Where the site is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#)

c. ~~For the avoidance of doubt, this is the only matter of discretion that applies to retirement villages.~~

Commented [IK20]: This statement is inaccurate in respect of both the operative framework and the proposed PC14 framework. A key example is 14.6.1.3 RD5. The statement does not add anything further to matters of discretion and is recommended to be removed.

#### 14.15.101 Use of site and buildings — Prestons Road Retirement village Overlay

- a. Whether the use of [site](#) and [buildings](#) is appropriate taking into account:
  - i. enhancement of services of value to the [older person's](#) housing complex, or assistance in retaining the viability of the complex;
  - ii. the likely effect of any additional activities on traffic generation, and the safety and efficiency of traffic movement within the [older person's](#) housing complex and the wider [road](#) network; and
  - iii. the effect of additional activities on residential amenities in the vicinity, particularly noise, traffic safety, parking congestion and visual amenity.

#### 14.15.112 Concept plan – Prestons Road Retirement Village Overlay

- a. Whether the concept plan for the whole [site](#) is appropriate taking into account:
  - i. coordination and integration of [road](#) and pedestrian [access](#) with [adjoining road](#) networks;
  - ii. provision for [landscaping](#), [outdoor living space](#), passive recreational facilities, and stormwater systems, swales for stormwater soakage, [wetlands](#) and retention basins. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste for 165 independent units and a multi storey health facility including 45 serviced apartments;
  - iii. the provision, and design and layout of pedestrian circulation and connectivity of pedestrian access to Snellings Drain [reserve](#);
  - iv. the efficient design and layout of [parking areas](#), vehicle [manoeuvring areas](#), and [garages](#);

- v. the incorporation and enhancement of existing landscape and water features;
- vi. the external appearance of the health facility and how it respects the character and amenity values of the area, including **building** colours and materials, roof pitch and the effect and form of façade modulation, while recognising the use and functional nature of the health facility;
- vii. adequacy of provision of planting for amenity and screening, enhancement of ecological and habitat values, and interface with surrounding areas. The incorporation of a minimum of 60% indigenous endemic species into new plantings;
- viii. the effectiveness, environmental sensitivity of the stormwater management systems; and
- ix. the integration of the stormwater management systems with the Council's drainage network.

#### **14.15.123 Vehicular access – Prestons Road Retirement Village Overlay**

- a. Whether **vehicle access** for the whole **site** is appropriate taking into account:
  - i. the actual or potential level of vehicle and pedestrian traffic likely to be generated from the proposed **access**;
  - ii. adverse effects on the traffic use of the **access** on the traffic function or safety of Prestons Road or both;
  - iii. adequate mitigation for the adverse effects of additional **vehicle movements** on the **access**; and
  - iv. safe ingress and egress in relation to sight distances at the **access** from Prestons Road with reference to the Austroads Guide.

#### **14.15.13 Special setback provision – Residential Suburban Zone Wigram**

- ~~a. Whether the location, form and function of the **outdoor living space** is appropriate taking into account:
 
  - ~~i. **adverse effects on the outdoor living needs of the likely future residents of the site;**~~
  - ~~ii. **any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents of the site;**~~
  - ~~iii. **adequacy of mitigation of potential adverse **reverse sensitivity** effects on current Royal New Zealand Air Force functions and operations through the location of **outdoor living space, windows** and the provision of **fencing and/or landscaping;****~~
  - ~~iv. **adequacy of mitigation of adverse effects from current Royal New Zealand Air Force functions and operations through the location of **outdoor living space, windows** and the provision of **fencing and/or landscaping;** and**~~
  - ~~v. **adequacy of glazing, **window** design and location in mitigating the potential adverse effects from current Royal New Zealand Air Force functions and operations.**~~~~



#### **14.15.14 Residential fencing**

- a. Whether taller fencing on the road boundary is necessary to provide acoustic insulation of living spaces or screening for outdoor living space where the road carries high volumes of traffic;**
- b. The extent to which the proposed fence will detract from the openness and coherence of the site and street scene;**
- c. The use of materials or visual permeability to reduce dominance effects;**
- d. The ability to provide passive surveillance of the street; and**
- e. Visual amenity, privacy, dominance, and shading effects on occupants of adjoining sites arising from fences that exceed 2.0 metres in height on side and rear boundaries.**

#### **14.15.145 Lyttelton Port Influences Overlay**

- a. Whether the development is appropriate taking into account:
  - i. increased potential for reverse sensitivity effects, including complaints, on the port activities resulting from residential outdoor living area activities; and
  - ii. any other methods to reduce the potential for reverse sensitivity effects on the port operator, other than the required acoustic insulation, that have been or can be incorporated into the design of the proposal.

#### **14.15.156 Development plans**

- a. Whether the development need be in accordance with the development plan taking into account:
  - i. coordination of development, particularly roading access and cycle linkages, with adjoining land;
  - ii. the adequacy and location, of open space areas within the development;
  - iii. any adverse effects on the visual appearance of development in the zone as seen from outside the zone, particularly where the land is highly visible;
  - iv. adverse effects on the strength of definition of the rural urban boundary;
  - v. any potential adverse effects on the surrounding road network;
  - vi. any adverse effects on Christchurch International Airport and its approach path, including any reverse sensitivity complaints;
  - vii. any adverse effects on the visual amenity of residents in adjoining areas;
  - viii. any adverse effects in terms of the enhancement of waterways within the development;
  - ix. effective, efficient and economically viable provision of services; and
  - x. any adverse effects on Sites of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6.

#### **14.15.167 Relocation of a buildings and temporary lifting or moving of earthquake damaged buildings**

- a. Whether the relocation of the **building** is appropriate taking into account:
  - i. the likely appearance of the **building** upon restoration or alteration;
  - ii. the compatibility of the **building** with **buildings** on **adjoining** properties and in the vicinity;
  - iii. the exterior materials used, and their condition and quality;
  - iv. the period required for restoration work to be undertaken; and
  - v. any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.
- b. Whether the temporary lifting or moving of the earthquake damaged **building** is appropriate taking into account:
  - i. the effect of reduced proximity on the amenity and/or operation of any neighbouring **sites**, water way, coastal marine area, **archaeological site**, or protected tree;
  - ii. the duration of time that the **building** will intrude upon the recession plane;
  - iii. any adverse effects on **adjoining** owners or occupiers relating to shading and **building** dominance; and
  - iv. occupancy of the neighbouring properties of the duration of the works, the extent to which neighbouring properties are occupied for the duration of the works.

#### **14.15.178 Street scene – road boundary building setback, fencing and planting**

- a. The extent to which the proposed **building or heat pump/ventilation unit** will detract from the coherence, openness and attractiveness of the **site** as viewed from the street.
- b. The ability to provided adequate opportunity for garden and tree planting in the vicinity of **road boundaries**.
- c. The ability to provide passive surveillance of the street.
- d. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the **site**, or the long term protection of **Sites of Ngāi Tahu Cultural Significance** identified in **Schedule 9.5.6.1**, significant trees listed in **Appendix 9.4.7.1**, or natural features on the **site**.
- e. For fencing, whether solid fencing is appropriate to provide acoustic insulation of **living spaces** where the **road** carries high volumes of traffic.
- f. The ability to provide adequate **parking areas** and **manoeuvring areas** for vehicles clear of the road or shared **access** to ensure traffic and pedestrian safety.
- ~~g. The effectiveness of other factors in the surrounding environment in reducing the adverse effects.~~

g.h. Where the **site** is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

Commented [MP21]: Fixed numbering

#### **14.15.189** Minimum building, window and balcony setbacks

- a. ~~Any effect of proximity of the **building** on the amenity of neighbouring properties through loss of privacy, outlook, overshadowing or visual dominance of the **buildings**.~~
  - b. ~~Any adverse on the safe and effective operation of **site access**.~~
  - c. ~~The ability to provide adequate opportunities for garden and tree plantings around **buildings**.~~
  - d. ~~The extent to which the intrusion is necessary to enable more efficient cost. Effective and/or practical use of the remainder of the **site**, or the long term protection of significant trees or natural features on the **site**.~~
- e.a. Where the **site** is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

#### **14.15.1920** Service, storage and waste management spaces

- a. The convenience and **accessibility** of the spaces for **building** occupiers.
- b. The adequacy of the space to meet the expected requirements of **building** occupiers.
- c. The adverse effects of the location, or lack of screening, of the space on **visual** amenity from the street or **adjoining sites, and communal outdoor living spaces; and**
- d. The effectiveness of landscaping as screening.

#### **14.15.201** Outdoor living space

- a. The extent to which **outdoor living spaces** provide useable space, contribute to overall on-site spaciousness and ~~enable access to provide~~ sunlight ~~access throughout the year~~ for occupants.
- b. The ~~accessibility and convenience~~ **connection and ease of access to the outdoor living space to from the internal living area** for occupiers ~~of the residential unit(s) the outdoor living space serves.~~
- c. Whether the size, **sunlight access** and quality of **on-site** communal **outdoor living space** or other open space amenity compensates for any reduction in private **outdoor living space**.
- d. The extent to which a reduction in **outdoor living space** will result in retention of mature on-site vegetation;
- e. Whether space for bicycle storage, servicing, washing lines and heat-pump units are located outside of the **outdoor living space**.

#### **14.15.22** Outlook space occupation

- a. Measures to ensure the outlook space remains unobstructed, while providing an open site outlook with access to daylight from the **windows of habitable rooms**;

- b. The contribution of the outlook space to onsite spaciousness and building separation and any effects of a reduction on these;
- c. The nature of occupation within the outlook space and effects on the use of the primary living room or bedroom (as applicable);
- d. The effects on amenity of future occupants from a reduced outlook space dimension; and
- e. Any privacy ~~benefits~~ effects, including positive effects, from a reduced outlook space dimension.

#### **14.15.23 Street-facing glazing**

- a. The extent to which clear street-facing glazing, that is visible from the street, is provided for ground floor **habitable rooms**;
- b. Whether the majority of street-facing glazing is to **habitable rooms** within the unit/s;
- c. The level of passive surveillance from the **residential unit/s** to the street; and
- d. Any other building features such as porches or gables that will add visual interest to the street-facing façade.
- e. The shortfall associated with the need to provide appropriately sized windows to the upper-level bedrooms to maintain privacy while still providing for outlook and access to sun and daylight; and
- f. Whether the non-compliance is attributed to the orientation of the façade and the need for thermal efficiency, including consideration of the affordability of glazing to the reduced level, and any mitigation offered for reduced glazing that ensure visual interest to the façade and passive surveillance to the street.

#### **14.15.24 Residential landscaping**

- a. The onsite amenity provided by the proposed landscaping;
- b. The appropriateness of any planting (including location, extent and species selection) to the local climatic environment;
- c. The need to reduce landscaped areas due to the presence of on-site infrastructure and lack of alternative locations on the site for either the planting or the infrastructure and whether mitigation in the form of planter boxes or similar above ground planting solutions can be accommodated and maintained on the site in appropriate locations;
- d. The extent of tree and garden planting between the **building** and the **road boundary** to soften and integrate the development into the surrounding area;
- e. How proposed landscaping enhances onsite and/or offsite amenity;
- f. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the **site**, or the long term protection of Sites of Ngāi Tahu Cultural Significance identified in [Schedule 9.5.6.1](#), significant trees listed in [Appendix 9.4.7.1](#), or natural or heritage features on the **site**;

- g. Any additional accessibility and safety benefits of providing a reduced landscaped area;**
- h. The effect of any reduction in landscaping on adjoining properties, the street, or other public open spaces; and**
- i. Any maintenance programme proposed for the landscaping, including the replacement of any vegetation that is damaged, diseased, or dies.**

#### **14.15.215 Non-residential hours of operation**

- a. Whether the hours of operation are appropriate in the context of the surrounding residential environment taking into account:
  - i. traffic or pedestrian movements which are incompatible with the character of the surrounding residential area;
  - ii. any adverse effects of pedestrian activity as a result of the extended hours of operation, in terms of noise, disturbance and loss of privacy, which is inconsistent with the respective living environments;
  - iii. any adverse effects of the extended hours of operation on the surrounding residential area, in terms of loss of security as a result of people other than residents frequenting the area; and
  - iv. the ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.

#### **14.15.226 Minor residential units**

- a. Whether the minor **residential unit** is appropriate to its context taking into account:
  - i. location of the minor **residential unit** so that it is visually hidden from the **road** leaving the **site** with a similar street scene to that of a single **residential unit**;
  - ii. the adverse visual effects associated with **parking areas** and **access** of any additional driveway to accommodate the minor **residential unit** on the street-scene;
  - iii. the size and visual appearance of the minor **residential unit** and its keeping with the existing level of **buildings** in rear gardens or rear sections surrounding the **site**;
  - iv. the consistency of the number of bedrooms and level of occupancy with a single large **residential unit**;
  - v. the convenience of the location of **outdoor living space** in relation the respective **residential units**; and
  - vi. the adequacy of size and dimension of the **outdoor living space** to provide for the amenity needs of future occupants.
- b. Where the **site** is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

## 14.15.237 Character Area Overlay

### a. Area context

- i. Whether development recognises the distinctive landforms, landscape setting and development patterns of the character area in respect to:
  - A. retaining and enhancing the areas' natural features;
  - B. integrating with the existing pattern and grain of **subdivision** and **building**;
  - ~~C. the extent and scale of vegetation retained and/or provided;~~
  - ~~D.C.~~ the relationship with **adjoining sites** and **buildings**, including any recorded **historic heritage** values;
  - ~~E.D.~~ the visual coherence of the area.

### b. Street interface

- i. Whether the development contributes to the coherency and character of the street by:
  - A. providing a front yard **building setback** which is consistent with the overall depth and pattern of the character area, and in particular with other **sites** within the street;
  - B. recognising the positive contribution of **buildings** that are representative of the primary characteristics of the area and are proposed to be retained, through a reduction in the front yard **building setback**;
  - C. reducing the extent of paved surface on the **site** and avoiding the location of vehicle **access, manoeuvring, parking areas** and **garaging** within the front yard, or where it visually dominates the streetscene;
  - D. utilising, as a preference, a shared driveway and avoiding co-location of driveways and/or **garages** to minimise the impacts on the quality of the streetscene;
  - E. having low **height** or no fencing on the street frontage or within the front **boundary setback**; and
  - F. orientating the **building** on the **site** to face the street, with sufficient **building frontage** to reinforce the street edge.

### ~~bc.~~ Site character ~~and street interface~~

- i. Whether the development complements the residential character and enhances the amenity of the character area by:
  - A. providing a balance of open space to **buildings** across the **site** consistent with the surrounding **sites** within the block, and to a lesser extent, the wider area;
  - B. maintaining the extent and scale of vegetation, most importantly **trees**;
  - C. separating **buildings** on the **site** with open space and planting between **buildings**;

- D. ~~B. providing a front yard **building setback** which is consistent with the overall depth and pattern of the character area, and in particular with other **sites** within the street;~~
- E. ~~C. retaining the front and rear yards for **outdoor living**, open space, and tree and garden planting; and~~
- F. ensuring paved areas, fencing and **buildings** are visually softened through the provision of adjacent planting.
- G. ~~D. avoiding the location of **vehicle access, parking areas** and garaging within the front yard, or where it visually dominates the streetscene;~~
- H. ~~E. having low **height** or no fencing on the street frontage; and~~
- I. ~~F. orientating the **building** on the **site** to face the street.~~

**ed.** Built character

- i. Whether the development supports the residential built character values of the character area in regard to:
  - A. retaining residential **buildings** built prior to 1945, or in respect to Bewdley, prior to 1970;
  - B. retaining or locating of the primary **building** on the **site** at the street interface, with a lesser scale dwelling to the rear;
  - C. ~~A.~~ the scale and form of the **building**, including the roof form;
  - D. ~~B.~~ architectural detailing including features such as verandas, materials, **window** and front entry design and placement;
  - E. ~~C.~~ complementary and compatible **building** design;
  - F. ~~D.~~ the recognition of recorded **historic heritage** values of adjacent **buildings**.

**ee.** Akaroa and Lyttelton

- i. In addition to the matters listed above, in respect to Akaroa and Lyttelton character areas, whether the development:
  - A. retains important views from public places;
  - B. reduces the potential for visual dominance of the development when viewed from elsewhere within the viewing catchment;
  - C. responding through the use of the landscape at the street interface to the existing informality or formality of the streetscape;
  - D. retains residential **buildings**, including **accessory buildings**, that were built prior to 1945 and/or that contribute to the architectural traditions and character values;
  - E. reflects the small scale and simple forms of residential **building**; and

- F. recognises any recorded **historic heritage** values adjacent and opposite to the development.
- ii. Where the **site** is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

**iii. Where the **site** is within the Lyttelton Character Area, the extent to which the development is consistent with the Lyttelton Character Area Design Guide.**

**iv. Where the development is for Papakāinga/Kāinga Nohoanga and the site is within the Lyttelton Character Area:**

- A. the extent to which the matters listed above are not compatible with providing for the housing needs of Ngāi Tahu whānui; and**
- B. the context of the site and the extent to which the overall integrity and cohesiveness of the Character Area will be retained.**

#### **14.15.248 Indigenous vegetation clearance in Akaroa Hillslopes Density Overlay**

- a. Whether it is necessary to remove **indigenous vegetation**, including whether the vegetation is removed to manage disease or plant pathogens.
- b. The relationship with other areas of vegetation and whether the proposed removal or alteration would negatively impact on that relationship, including in relation to habitat fragmentation and the effectiveness of any ecological corridor.
- c. Whether the vegetation has a positive effect in managing erosion, slope stability or other hazard.
- d. The extent to which existing vegetation will continue to contain and define the edge of Akaroa township, providing it with a distinct edge.
- e. The degree to which alteration or removal of vegetation will adversely affect soil conservation, water quality or the hydrological function of the catchment and the efficacy of mitigating measures.
- f. The extent of any revegetation proposed and its efficacy in mitigating any adverse effects.

#### **14.15.29 Wind**

- ~~a. The effects on the amenity and safety of surrounding properties or users of public or private space from any increases in wind speed resulting from the proposed building;~~
- ~~b. The use of landscaping to mitigate wind effects;~~
- ~~c. The degree of change from the existing wind environment attributable to the proposed building, and any proposed additional mitigation measures.~~

#### **~~14.15.25 Ground floor habitable space in the Residential Central City Zone~~**



- a. ~~The extent to which engagement between residential activity and ground level open space, including the street, is adversely impacted by the loss or reduction of a habitable space at ground level.~~
- b. ~~The ability of an undersized habitable space to continue to be used for functional residential activity.~~

#### **14.15.26 Service space in the Residential Central City Zone**

- a. ~~The convenience and accessibility of the spaces for building occupants.~~
- b. ~~The adequacy of the space to meet the expected requirements of building occupants.~~
- c. ~~The adverse effects of the location, or lack of screening, of the space on visual amenity from the street or adjoining sites.~~

#### **14.15.27<sup>3029</sup> Building height in the Residential Central City Zone High Density Residential zone within the Central City**

- a. Compatibility with the scale of other buildings in the surrounding area, and the extent to which building bulk is out of character with the local environment.
- b. Any effect of increased height on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings.
- c. the extent to which an increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site.

#### **14.15.28<sup>3130</sup> Daylight recession planes in the Residential Central City Zone High Density Residential zone within the Central City**

- a. Any effect on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings.
- b. The extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long term protection of significant trees or natural features on the site.

#### **14.15.29<sup>3231</sup> Street scene and access ways in the Residential Central City Zone High Density Residential zone within the Central City**

- a. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street and adjoining sites, including the ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries;
- b. the extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long-term protection of significant trees or natural features on the site;

- c. the ability to provide adequate parking and manoeuvring space for vehicles clear of the road or shared access to ensure traffic and pedestrian safety;
- d. the effectiveness of other factors in the surrounding environment in reducing the adverse effects, such as existing wide road widths, street plantings and the orientation of existing buildings on adjoining sites.

**14.15.30332 Minimum building setbacks from internal boundaries in the Residential Central City Zone High Density Residential zone within the Central City**

- a. Any effect of proximity of the building on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings.
- b. Any adverse effect on the safe and effective operation of site access.
- c. The ability to provide adequate opportunities for garden and tree plantings around buildings.
- d. The extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long term protection of significant trees or natural features on the site.

**14.15.313433 Fencing and screening in the Residential Central City Zone High Density Residential zone within the Central City**

- a. The extent to which storage facilities and parking areas are visually integrated, screened or otherwise accommodated to minimise adverse amenity or visual impacts on surrounding properties (including units within the same development) or public spaces.
- b. The extent to which a partial screening structure or reduction in visual transparency may be more visually appropriate or suited to the character of the site or area, or is appropriate to provide privacy or security or compromises CPTED principles. The extent to which the screening structure is varied in terms of incorporating steps, changes in height, variety in materials, or incorporates landscaping and avoids presenting blank façades to the street or to an Open Space Community Parks Zone, Open Space Water and Margins Zone and Avon River Precinct/Te Papa Ōtākaro Zone.

**14.15.323534 Landscaping and tree planting in the Residential Central City Zone High Density Residential zone within the Central City**

- a. Any reduction in landscaping on the amenity of the site and for neighbouring properties, including the street or other public open spaces.

**14.15.333635 Urban design in the Residential Central City Zone High Density Residential zone within the Central City**

- a. The extent to which the development, while bringing change to existing environments:
  - i. engages with and contributes to adjacent streets, lanes and public open spaces.
  - ii. integrates access, parking areas and garages in a way that is safe for pedestrians and cyclists, and that does not dominate the development.

- iii. has appropriate regard to:
  - A. residential amenity for occupants, neighbours and the public, in respect of outlook, privacy, and incorporation of Crime Prevention Through Environmental Design principles; and
  - B. neighbourhood context, existing design styles and established landscape features on the site or adjacent sites.
- iv. provides for human scale and creates sufficient visual quality and interest.

**~~14.15.34~~ Minimum site density from development and redevelopment of residential units in the Residential Central City Zone**

- a. ~~In considering the reduction in the number of residential units to be constructed on a site, the extent to which the opportunity for future development of the site, in accordance with the density standard, is maintained, and~~
- b. ~~The extent to which accommodating further residential unit(s) to meet the density standard would adversely affect amenity outcomes for occupants of the residential units and/or the adjacent properties, given the size of the site or its configuration.~~
- c. ~~Whether the minimum development intensification target of an average net density of 50 households per hectare within the Central City is being achieved, and~~
- d. ~~The extent to which residential activity in the Central City is restored and enhanced through a variety of housing types suitable for a range of individual housing needs, while providing for a progressive increase in residential population~~

**14.15.35~~3736~~ Outline development plan**

- a. The appropriateness of the proposal taking into account the outcomes sought by the outline development plan and relevant environmental effects with respect to those outcomes.

**14.15.36~~3837~~ Comprehensive residential development in the Residential New Neighbourhood Future Urban Zone**

For the avoidance of doubt, these are the only matters of discretion that apply to comprehensive residential development in the ~~Residential New Neighbourhood Future Urban~~ Zone.

- a. Whether the comprehensive residential development is consistent with the relevant outline development plan.
- b. Whether the comprehensive residential development demonstrates that every site or residential unit will experience appropriate levels of sunlight, daylight, privacy, outlook and access to outdoor open space and overall a high level of amenity for the development.
- c. Whether sites proposed to exceed the maximum site coverage in Rule 14.12.2.2 are internal to the application site and will not compromise the achievement of a high level of amenity within or beyond the development.

- d. Whether **buildings** proposed to exceed the maximum permitted **height** in **Rule 14.12.2.1** will contribute positively to the overall coherence, design, layout and density of the development and surrounding **sites**.
- e. Whether the development engages with and contributes to adjacent streets, lanes and **public open spaces**, through the **building** orientation and **setback**, **boundary** and landscape treatment, pedestrian entrances, and provision of glazing from **living areas**.
- f. Whether the development, in terms of its built form and design, generates visual interest through the separation of **buildings**, variety in **building** form and in the use of architectural detailing, glazing, materials, and colour;
- g. Whether the development integrates **access**, **parking areas** and **garages** to provide for pedestrian and cyclist safety and the quality of the pedestrian environment, and the **access**, **parking areas** and **garages** do not dominate the development, particularly when viewed from the street or other public spaces;
- h. Whether there is sufficient infrastructure provision to service the development and ensure the health and safety of residents, visitors and neighbouring properties, including water supply for fire fighting purposes; and
- i. In relation to the built form standards that do not apply to **comprehensive residential developments**, consideration of these standards as a flexible guideline to achieve good design and residential amenity.

#### **14.15.37~~3938~~ Tree and garden planting in the Residential Visitor Accommodation Zone**

- a. Whether there is sufficient tree and garden planting to provide a balance between **buildings** and hard surfacing, taking into account:
  - i. the effect of any reduced tree planting in terms of the scale and visual appearance or dominance of the **buildings** on the **site**;
  - ii. visibility of the **site** from **adjoining sites** and the likely effect of any reduction in tree planting standards for the amenity of neighbouring **sites**;
  - iii. any compensating factors for reduced tree planting, including the nature of planting proposed, or the location of activities (including **heritage items**) on the **site**;
  - iv. the use of indigenous species endemic to the area;
  - v. the visual appearance of the **site** in terms of the length of **road boundary** or any unusual characteristics of the **site**;
  - vi. the adverse effect of the reduced tree planting on the Garden City image and the quality of the amenity of the **site** and neighbourhood;
  - vii. the ability to retain large existing trees on the **site** so that overall the **site** provides a visual balance between **buildings** and **landscaping**, despite a reduction in the actual number of trees; and
  - viii. the tree planting provided is evenly distributed across the **site**.

#### **14.15.384039 Retail activity in the Residential Visitor Accommodation Zone**

- a. Whether any **retail activity** would have significant adverse effects on any **adjoining** residential properties, particularly in terms of traffic generation.
- b. Whether the scale of **retail activity** proposed would adversely affect existing suburban **commercial centres** or the **Central City**.
- c. The likely impacts of additional **retail activity** on **access** and the safety and efficiency of the **road** network.
- d. The potential for general **retail activity** to become a dominant activity on the **site**.

#### **14.15.4140 Minimum building height in the High Density Residential Zone**

- a. How the **building form and site development** supports the anticipated urban form and density of the high density residential zone and applicable precinct;
- b. Whether the design of the development does not foreclose future increases in density on the **site**, including through **building design and siting**;
- c. Whether a lower **building height** is needed to better provide for **older persons housing**—the development design reduces private motor vehicle dependence, by:
  - i. limiting or preventing on-site vehicle parking; and
  - ii. enhanced pedestrian access to and through the site.

#### **14.15.4241 Roof reflectivity**

- a. Whether the **proposal will integrate into the landscape and the appropriateness of the scale, form, design, and finish (materials and colours) proposed and mitigation measures such as planting**. This shall include consideration of any adverse effects of reflectivity and glare.
- b. The extent to which natural elements such as landforms and vegetation within the site mitigate the visibility of the roof form.
- c. The extent to which the proposal will result in adverse cumulative effects.

#### **14.15.4342 Medium density within suburban precincts**

- a. Whether the development meets the planned urban character of the Medium Density Residential Zone.
- b. How servicing and accessibility has been managed and provided for over the development site.
- c. Whether the development supports the housing needs of Ngāi Tahu whānui, including whether the development is for Papakāinga/Kāinga Nohoanga.

#### 14.15.43 Industrial Interface

- a. The provision of a report from an acoustic specialist which demonstrates that the residential unit will achieve an internal sound level of 35 dB LAeq(1h) for bedrooms and 40 dB LAeq(1h) for other habitable spaces above 8m in height where there is line of sight to industrial zones. The above internal sound levels shall be based on the noise standards that industrial activities need to achieve in Table 1 clause 'e' of Rule 6.1.5.2.1.
- b. The necessity of acoustic mitigation for habitable rooms and the effects of noise received at balconies, taking into account the adequacy of any screening from existing and anticipated industrial activities generating noise at levels permitted within the relevant industrial zone.
- c. The impact of the residential activity on the ability of existing or future permitted industrial activities to operate or establish without undue constraint.
- d. The degree to which the health, safety and amenity of residential occupants may be adversely affected by permitted industrial noise levels.
- e. The effects of not providing the required mechanical ventilation on the health of occupants.
- f. The effects of noise from mechanical ventilation or air conditioning units on the health, comfort and wellbeing of occupants.

**Commented [BR22]:** New Industrial Interface QM assessment matters as recommended in Planners Joint Witness Statement (JWS) 'Ravensdown Industrial Interface', and associated appendices, dated 18.04.24.

#### 14.15.44 Stormwater from impervious surfaces in residential hill areas

- a. effects, including cumulative effects, of the discharge on flooding and peak discharge increases;
- b. effects, including cumulative effects, of the discharge on water quality, stream erosion and scour;
- c. design, sizing and location of onsite stormwater management devices;
- d. methods to reduce the flow and/or volume of stormwater discharging into the network; and
- e. methods to increase stormwater evapotranspiration.

**Commented [K123]:** In relation to submission #689 (CRC) and JWS on Port Hills Stormwater QM dated 11 December 2023 and 24 April 2024.

#### 14.15.3945 Hosted visitor accommodation, visitor accommodation in a heritage item and unhosted visitor accommodation

- a. The extent to which the scale and/or nature of the activity has an adverse effect on the anticipated level of amenity and residential character of neighbouring sites and the immediate surrounding area.
- b. Whether the traffic generated and vehicle access is appropriate to the residential character and amenity of the neighbourhood and the safety and functioning of the transport network.
- c. The extent to which the operation is managed to minimise disturbance to occupiers of neighbouring sites through noise, functions and events, poor wayfinding information, loss of privacy, use of outdoor areas and recreation facilities at night and the management of complaints.
- d. Whether each residential block retains a high proportion of residential activities and whether each residential activity retains a high proportion of residential neighbours.

**Commented [IK24]:** Please note: This is operative text that PC5 introduced which was omitted from the RoR chapter. This has simply been added at the very end of the sub-chapter to avoid renumbering.