

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI ŌTAUTAHI**

UNDER the Resource Management Act 1991

IN THE MATTER of the hearing of further submissions on Plan Change 14 to the
Operative Christchurch District Plan

AND SUBMITTER #681 - ANDREW GREGORY MCCARTHY

**STATEMENT OF EVIDENCE OF HELEN BEALEY
Dated 20 September 2023**

Christchurch
Solicitor acting: Gerard Cleary
Level 9, Anthony Harper Tower
62 Worcester Boulevard
PO Box 2646, Christchurch 8140
Tel +64 3 379 0920 | Fax +64 3 366
9277
E-mail: gerard.cleary@ah.co.nz



1 EXECUTIVE SUMMARY

- 1.1 My name is Helen Bealey and I am a Consultant Planner at Planz Consultants Limited. I have been engaged by Mr Andrew McCarthy to provide evidence in support of his primary submission (submitter #681) and further submissions (#2081) on Plan Change 14 (PC14) to the Operative Christchurch District Plan.
- 1.2 This evidence focuses on the proposed Low Public Transport Accessibility Area qualifying matter (LPTAA). In my opinion, The LPTAA results in the Council not meeting the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the Council has not adequately demonstrated that the LPTAA is a relevant qualifying matter. The LPTAA overlay does not give effect to the intent of the NPS-UD and is inconsistent with the requirements of Section 77L of the RMA.
- 1.3 The LPTAA qualifying matter has sought to be justified by the Council due to reduced bus services in some areas, however officer reports also states that the capacity of sewer and stormwater and the future demand planning for these services also justify the LPTAA qualifying matter. In my opinion, the Council has not provided sufficient justification regarding stormwater and wastewater capacity issues and therefore I am unable to give these matters any weight with regard to the LPTAA qualifying matter. If there is a 3 waters issue then this should be addressed as a separate QM, similar to the Waste Water Constraint Area QM.

2 INTRODUCTION

- 2.1 My full name is Helen Margaret Bealey. I am a Consultant Planner at Planz Consultants Limited. I hold a MSc in Development Planning, from the University of Reading, UK and a BA (Hons) in Geography from the University of Wales, Swansea, UK. I am an associate member of the New Zealand Planning Institute.
- 2.2 I have 15 years of experience working in the planning and resource management field in both the UK and New Zealand. I worked in consenting at Christchurch City Council for over 10 years. During this time, I processed numerous resource consents within the Residential Hills zone and worked on many medium density residential developments across the City.

3 CODE OF CONDUCT

- 3.1 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.
- 3.2 Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

4 SCOPE OF EVIDENCE

- 4.1 In preparing my evidence I have considered the following material:
- (a) S.32 reports applicable to the Low Public Transport Accessibility Area
 - (b) S.42a reports prepared by Ms Sarah Oliver (planning), Mr Ike Kleynbos (planning), Mr Chris Morahan (transport), Mr Brian Norton (engineering / infrastructure) and Michele McDonald (water and waste).
 - (c) Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021('the Enabling Act').
 - (d) National Policy Statement – Urban Development 2020(NPS-UD).
- 4.2 I have read, and am reliant on, the evidence of Mr David Smith, Technical Director of Transportation Planning at Abley (Transport), prepared on behalf of the Submitter.
- 4.3 I have also read, and am reliant on, the evidence of Mr Tim Joll, Partner at Planz, engaged by Kāinga Ora Homes and Communities to provide evidence on a number of qualifying matters, including the LPTAA.
- 4.4 This evidence will focus on the LPTAA overlay, with particular emphasis on sites in the Residential Hills area of Christchurch.

5 OVERVIEW OF SUBMISSIONS

- 5.1 Mr Andrew McCarthy opposes the retention of the Residential Hills Zone and requests that the MDRZ RHP (Residential Hills Precinct) be applied to the entire Residential Hills zone.
- 5.2 The LPTAA does not give effect to the intent of the National Policy Statement on Urban Development 2020 (NPS-UD) nor does it meet the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (RMAA). The necessity of the LPTAA has not been shown by the Council and the restriction of development based on the frequency of bus services is not the intention of the Act.
- 5.3 The Council's S.32 report has not sufficiently justified that the LPTAA qualifying matter meets the requirements of s77L of the RMA, which requires a site-specific analysis to be undertaken and an appropriate range of options are evaluated.
- 5.4 The 800mm walkability range from bus stops does not take into account multi-mode travel, such as biking or scooting to a bus stop.
- 5.5 The LPTAA removes the option of apartment living for almost all of the Residential Hills Zone, reducing choice of accommodation in these areas.

5.6 Whilst the minimum vacant allotment size has been reduced in the Medium Density Residential zone, it has not been reduced in the Residential Hills zone and is still 650m². Mr McCarthy was also concerned about various rules within the subdivision chapter.

6 SUBURBAN HILL DENSITY PRECINCT

6.1 The Council proposes to remove the Residential Hills zone throughout the residential chapter. The majority of the sites that were proposed to be zoned Residential Hills, are now to be zoned Residential Medium Density with the Suburban Hill Density Precinct overlaying the sites.

6.2 For convenience, I have included as Appendix 1 to my evidence a full set of the proposed provisions that will apply to the Suburban Hills Density Precinct. In summary, the key provisions that impact on the development potential of hill sites within this precinct are:

- (a) Site density requirement of a minimum lot size of 650m². Only one dwelling permitted per lot.
- (b) Maximum building coverage of 35%.
- (c) Reduced permitted height limit of 8m.
- (d) 4.5m building setback from the road boundary.

6.3 A multi-unit development within this precinct of up to three units per site, would be a restricted discretionary activity, but only if the site was within 400m of a bus stop and sufficient three waters infrastructure was available. Any proposal for over 3 residential units, or if site coverage was greater than 50%, three water servicing was not available, or the site was over 400m from a public transport stop, would be a fully discretionary activity.

6.4 This precinct therefore does not allow for full development in accordance with Schedule 3A of the RMA as further discussed in this evidence.

7 RESOURCE MANAGEMENT ACT 1991/ RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT 2021

7.1 S.77G of the RMA details that every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone. S.77I allows for qualifying matters, which may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development but specifies that this can occur only when one or more matters are present.

7.2 The Council has sought to justify the LPTAA as an 'other' qualifying matter, under s77L of the Act. A matter is not a qualifying matter unless the Council evaluation report refers to the following:

- (a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and
- (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- (c) includes a site-specific analysis that—
 - (i) identifies the site to which the matter relates; and
 - (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in *Schedule 3A*) or as provided for by policy 3 while managing the specific characteristics.

7.3 With regards to (a) above, in my opinion the areas that have been identified as within the LPTAA do not have any specific characteristics. The Council's³² report did not give any reasons as to why they considered these areas to have a specific characteristic. The S.42A Report provided slightly more insight, in paragraph 7.1.83, stating that the '*characteristics that this QM reflects is the nature of core public transport infrastructure, but is also strategic in nature*'. This still does not explain the specific characteristics of the LPTAA. The provision of public transport, nor the way it operates in Christchurch, is not unique and it can easily change over time.

7.4 In paragraph 7.1.83 of the S.42A report, Mr Kleynbos continues by stating that the qualifying matter '*seeks to ensure that intensification directed by the Housing Supply Amendment Act is delivered in the most efficient means possible*'. I do not consider this constitutes a specific characteristic. The Housing Supply Amendment Act has already directed that every relevant residential zone must have the MDRS incorporated into that zone, so a qualifying matter solely to further direct the location of housing supply is not necessary and does not constitute a qualifying matter.

7.5 Section b) of s77L requires that justification is provided for why the level of development is inappropriate, in light of the objectives of the NPS-UD, I cover this in more detail in section 8 below.

7.6 Section c) of S77L requires that a site-specific analysis is undertaken. The LPTAA covers around 31% of total parcels in relevant residential zones, according to analysis within the S.32 assessment. Given the total area this qualifying matter covers, it is unlikely that analysis which is site specific has been undertaken. Instead, the options evaluation within the S.32 report considers only two options, either not applying a LPTAA overlay or applying the existing

zoning to areas identified as a Low Public Transport Accessibility qualifying matter. The S.32 report also states that further options that fall somewhere in between Option 1 and Option 2 were not evaluated in detail.

- 7.7 The S.42A takes a new approach to the LPTAA qualifying matter and provides further analysis under s77L(c). Evidence has been provided by Chris Morahan, Principal Advisor within the Council Strategic Transport Team. This analysis however appears to aim to justify the LPTAA as a whole, based on how the transport system in Christchurch currently operates and some predictions and strategies for the future bus network, but does not include any site specific analysis.
- 7.8 Evidence has been provided by Mr Smith, detailing that the hillside suburbs are well suited for medium density. He has considered the bus services that currently serve the hillside suburbs and also notes that the LPTAA QM has not included consideration of future planned services. The qualifying matter has been based on bus routes, which can change over time, and not on site specific analysis.
- 7.9 Christchurch City Council is the only Tier 1 authority that has considered the location and frequency of public transport to be such a significant matter that it justifies a reduction of the MDRS requirements. There are no differences that would make Christchurch more sensitive in this regard. Furthermore, there was no mention of the LPTAA as a qualifying matter in the initial draft of PC14, that was presented to members of the Council in September 2022. Council staff stated that qualifying matters could only apply if there were special reasons and recommended against the Council notifying changes to the District Plan that were unsupported by the evaluation that is required by the RMA.
- 7.10 In conclusion, in my opinion the LPTAA qualifying matter results in the Council not meeting section 77G of the RMA as every relevant residential zone has not had the MDRS incorporated into the zone. The qualifying matter restricts development across approximately a third of the City and across almost all of the sites currently zoned Residential Hills. The Council has not clearly demonstrated that the modifications made by the qualifying matter are necessary nor have they provided a sufficient site-specific analysis which details the specific characteristics of the sites within the qualifying matter.

8 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020 (UPDATED MAY 2022) – (NPS-UD)

- 8.1 In my opinion, the Low Public Transport Accessibility overlay does not give effect to the intent of the NPS-UD. In order for a QM to qualify under the NPS-UD, the QM must be a matter set out in section 3.32 of the NPS-UD, as discussed in Section 8 above. Clause 3.33(3) sets out the evidential base if this 'any other matter' pathway is to be used.

8.2 The NPS-UD includes 8 objectives. Objective 3 states that:

Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(a) *The area is in or near a centre zone or other area with many employment opportunities.*

(b) *The area is well-serviced by existing or planned public transport.*

(c) *There is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

8.3 It appears that the Council's S.32 Report has used this Objective to justify the LPTAA qualifying matter. However, this Objective does not aim to limit development in other parts of Tier 1 local authorities. It is an enabling Objective, detailing where higher density residential should be concentrated. Furthermore, the Objective states that more people should be enabled to live in areas in which one or more of the criteria apply. Therefore, in my opinion, even if an area is not well serviced by public transport, increased development is not precluded by this Objective.

8.4 Policy 3 provides more detail on where intensification should be concentrated. This policy explains that the highest density is expected in city centres and in metropolitan centre zones, buildings of at least 6 storeys are to be enabled. Policy 3 (d) states:

within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

8.5 This Policy does not make any reference to reducing building heights and densities in areas that do not have access to bus services. In addition, a number of the areas that are within the LPTAA are within walking distance of commercial zones. For example, much of Sumner is within the LPTAA, yet Sumner has a commercial zone, including a supermarket, within walking distance of areas within the LPTAA.

8.6 Whilst Policy 4 of the NPS-UD states that tier 1 districts can modify the relevant building height or density requirements under Policy 3 only to the extent necessary to accommodate a qualifying matter in that area, the Council S.32 report states that the LPTAA qualifying matter impacts approximately 25% of plan-enabled capacity where no hills precinct is applied and 21% where the hills precinct does apply. This is a significant amount of the city and, in my opinion, much further reaching than this policy intends, as it extends far wider than is necessary, which is all that is allowed by this policy.

8.7 The NPS UD does not state that the provision of public transport should occur before intensification can happen. In Mr Kleybos's S.42A Report (in paragraph 7.1.86), he states

that, by focusing medium density on core public transport corridors, the potential success of Policy 3 enablement is increased. Having regard to Mr Smith's evidence, I do not agree with this statement. Mr. Smith concludes that, whilst areas with higher residential density development provide a larger catchment for public transport (paragraph 6.14), the removal of the LPTAA QM would support intensification across more of the City, maximising opportunities to achieve a more compact urban form (paragraph 6.15). By allowing the MDRS provisions across the majority of the residential areas, this allows for a greater range of densities and types of residential development.

- 8.8 The Council S.32 assessment refers to Objective 1 of the NPS-UD and considers that enabling medium density residential development in locations with high accessibility to public transport is consistent with the Objective's aim to enable people to provide for their wellbeing. Objective 1 states:

New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

- 8.9 The S.32 report states, 'Objective 1 is open to a range of interpretations'. In my opinion, the LPTAA actually provides less provisions for people to provide for their wellbeing as it limits increased development across a large area of the City. A significant part of people's wellbeing is being provided with good quality housing.

- 8.10 The S.32 report also refers to Policy 1 of the NPS-UD, but considers only c) of this policy, which states that a variety of homes shall be enabled that:

Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.

Allowing the MDRS medium density provisions across a wider area of the city would align with this part of this policy, as allowing medium development in existing residential areas reduces the need for urban sprawl and for low density greenfield subdivisions on the periphery of the city. The S.32 also does not acknowledge the remainder of Policy 1, which outlines other ways that a variety of homes can be enabled. It is also worth noting that the wording of this Policy '*including by way of*' means that good accessibility does not need to be just by public or active transport.

- 8.11 Objective 4 of the NPS-UD acknowledges that New Zealand's urban environments change over time. Mr Smith has detailed in his evidence (paragraph 6.18) that core bus services could change over time and expansions of services could occur throughout the City. Therefore, I consider that the LPTAA would not be consistent with this Objective.

- 8.12 Objective 6 of the NPS-UD states:

Local authority decisions on urban development that affect urban environments are:

- (a) *integrated with infrastructure planning and funding decisions; and*
- (b) *strategic over the medium term and long term; and*
- (c) *responsive, particularly in relation to proposals that would supply significant development capacity.*

8.13 Whilst the S.32 report has used this Objective to justify the LPTAA restricting medium density development, I do not consider that this Objective is relevant to the MDRS provisions. National Government has stipulated every relevant residential zone in tier 1 cities must have the MDRS incorporated into that zone. Local governments can then modify these requirements to enable greater development. I consider that this objective is referring to where local authorities decide to concentrate higher densities, not medium density. Whilst development density can be reduced through qualifying matters, there are a strict set of criteria to meet, which I consider have not been met in this instance.

8.14 Objective 8 of the NPS-UD requires New Zealand's urban environments to support reductions in greenhouse gas emissions and be resilient to climate change effects. The Council, in the expert evidence, provided by Mr Chris Morahan, detail that the transport sector contributes 54% of the greenhouse gas emissions within Christchurch (paragraph 51). Whilst it is accepted that road transport is the biggest single contributor to Christchurch's emission footprint, this is not justification for restricting medium density development to particular areas of an existing and well-established urban environment. As stated by Mr Smith (paragraph 5.10), allowing medium density development in existing residential areas is far better than continued greenfield sprawl on the outskirts of the City.

8.15 Overall, for the reasons above, I do not consider that the LPTAA would give effect to the objectives of the NPS-UD.

9 STORMWATER AND WASTEWATER

9.1 With regard to stormwater and wastewater, I refer to the evidence of Mr Tim Joll, on behalf of Kāinga Ora, in paragraphs 9.43 – 9.44, he explains why no weight can be given to the stormwater and wastewater capacity issues in the consideration of the justification for the LPTAA QM.

10 LPTAA CONCLUSION

10.1 The strategic direction of the Enabling Act, the NPS-UD and the CRPS, is to enable the management of urban growth through intensification. The District Plan rule framework needs to be integrated with this strategic direction.

10.2 The introduction of MDRS standards 'lifts the base' for what suburbia looks like. There is an expectation that medium density housing is able to be delivered right across urban areas, unless there are well-proven Qualifying Matters that would preclude such an outcome for specific sites.

10.3 For the reasons outlined above, I do not consider the proposed LPTAA qualifying matter meets the required tests under section 77L of the RMA and should be deleted in its entirety.

11 SUNLIGHT ACCESS QUALIFYING MATTER

11.1 Mr McCarthy opposed the sunlight access qualifying matter in his further submissions. He supported the submission of Mr Cameron Matthews, submitter #121.

11.2 The Sunlight Access Qualifying Matter applies to the entirety of the medium density residential zones in Christchurch. Paragraph 7.1.40 of Mr Kleynbos's S.42A report explains how the qualifying matter seeks a more stringent recession plane. Instead of the height to boundary control being taken at 4 metres and 60°, the proposed Sunlight Access QM proposes to take the angle at a height of 3 metres and apply a variable angle based on site orientation.

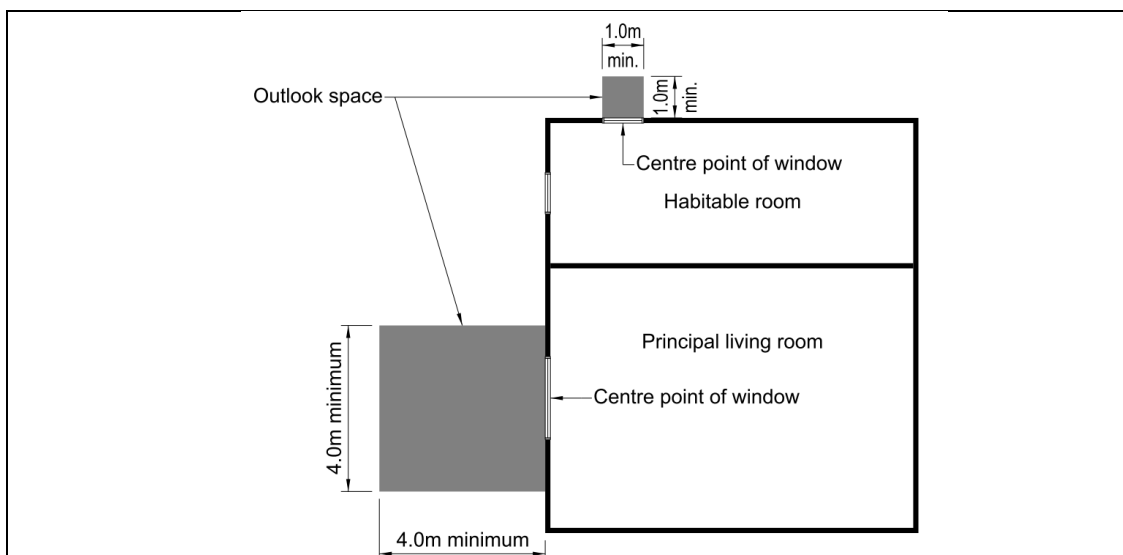
11.3 The Sunlight Access Qualifying Matter has been justified as an 'other matter'. As described in section 8 above in this evidence, the Council is required to identify the specific characteristics that make MDRS development inappropriate in the area, justify why that characteristics makes that level of development inappropriate in light of the NPS-UD and include a site-specific analysis.

11.4 In my opinion, the Council has not sufficiently justified this qualifying matter. As it applies to the whole City, a site-specific analysis cannot have been undertaken. Furthermore, hill sites vary from site to site and no modelling of these sites has been undertaken. Whilst the Council has justified this qualifying matter by saying that the special characteristic is Christchurch's location, the Resource Management Amendment Act 2021, specifically identified Christchurch as a Tier 1 city, where the MDRS was to be incorporated into every residential zone. Therefore, the government intended for the recession planes as detailed in the MDRS to apply to Christchurch.

11.5 It is my opinion that the Council has not sufficiently demonstrated that the sunlight access qualifying matter meets the required tests under section 77L of the RMA.

Helen Bealey
Dated 20 September 2023

Rule
Chapter 14 Residential
14.5.2 Built form standards
<p>14.5.2.2 – Landscaped area and tree canopy cover</p> <p>a) A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</p> <p>b) The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.</p>
<p>14.5.2.5 – Outdoor living space</p> <p>a) A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that,—</p> <p>i) where located at ground level, has no dimension less than 3 metres; and</p> <p>ii) where provided in the form of a balcony, patio or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres and</p> <p>iii) is accessible from the residential unit; and</p> <p>iv) may be</p> <p style="padding-left: 40px;">a. grouped cumulatively by area in 1 communally accessible location; or</p> <p style="padding-left: 40px;">b. located directly adjacent to the unit.</p> <p>v) is free of buildings, parking spaces, and servicing and manoeuvring areas.</p> <p>b) A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—</p> <p>i) is at least 8 square metres and has a minimum dimension of 1.8 metres; and</p> <p>ii) is accessible from the residential unit; and</p> <p>iii) may be</p> <p style="padding-left: 40px;">a. grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or</p> <p style="padding-left: 40px;">b. located directly adjacent to the unit.</p> <p>c) For one bedroom units exceeding 45m² in net floor area or studios exceeding 35m² in net floor area entirely at an upper level, outdoor living space shall be provided within the following dimensions</p> <p>ii) Minimum private balcony dimension</p> <p style="padding-left: 40px;">a. 6m²</p> <p style="padding-left: 40px;">b. 1.5 metres dimension</p>
<p>14.5.2.6 Height in relation to boundary</p> <p>a) No part of any building shall project beyond a building envelope constructed by recession planes shown in Appendix 14.16.2 diagram D from points 3m above ground level along all boundaries where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p> <p>b) This standard does not apply to –</p> <p>i) A boundary with a road</p> <p>ii) existing or proposed internal boundaries within a site:</p> <p>iii) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</p>
<p>14.5.2.8 – Outlook space per unit</p> <p>a) An outlook space must be provided for each residential unit as specified in this clause.</p> <p>b) An outlook space must be provided from habitable room windows as shown in the diagram (Figure 2) below:</p>



- c) The minimum dimensions for a required outlook space are as follows:
- i) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - ii) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- d) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- e) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- f) Outlook spaces may overlap where they are on the same wall plane in the case of a multistorey building.
- g) Outlook spaces may be under or over a balcony.
- h) Outlook spaces required from different rooms within the same building may overlap.
- i) Outlook spaces must—
- i) be clear and unobstructed by buildings (excluding any doors or windows opening into an outlook space from the principal living room or habitable room); and
 - ii) not extend over an outlook space or outdoor living space required by another dwelling.

14.5.2.9 – Street scene amenity and safety – fences

- a) Any fencing provided shall meet the following standards, being the maximum permitted height:

Fence location	Fence height standard
Road boundary – non-arterial road	50% road boundary width (excluding accessways): 1.8m
Road boundary – arterial road	50% road boundary width (excluding accessways): 1.8m Remaining road boundary width: 1.0m.
Side, rear, and internal boundary	2.0m.

- b) Any fencing requirements under 14.5.2.1 shall not be in addition to the above standards.

14.5.2.11 – Minimum unit size

- a) The minimum net floor area (including toilets and bathrooms, but excluding parking area, garages or balconies) for any residential unit 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

14.5.2.12 – Ground floor habitable room

- a) Any building that includes a residential unit shall:
- i) where the residential unit fronts a road or public open space, unless built over a separate ground floor residential unit, have a habitable room located at ground floor level with minimum internal dimension of 3 metres. This rule does not apply to any upper-level residential unit that is built over a ground floor residential unit; and
 - ii) any residential unit shall have at least 50% of any ground floor area as habitable room/s.

14.5.2.13 – Service, storage, and waste management spaces

- a) For any development resulting in four or more residential units on a site:
- i) Each residential unit shall be provided with at least 2.25m² with a minimum dimension of 1.2 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling ins, and where located between a residential unit and the road boundary or pedestrian or vehicle access) bins shall be screened by a solid or slatted fence with a minimum height of 1.2 metres;
 - ii) Each ground floor residential unit shall have at least 3m² of dedicated outdoor space at ground floor level for washing lines. This space shall have a minimum dimension of 1.5 metres; and
 - iii) The required spaces in i. and / or ii. For each residential unit shall be provided either individually, or within a dedicated shared communal space that is the sum of the required individual spaces.
- b) Each residential unit shall have covered and secure storage areas, with a minimum dimension of 600mm, and with a total cumulative volume of:
- i) 6m³ for one-bed units;
 - ii) 8m³ for two-bedroom units; and
 - iii) 10m³ for three-bedroom or greater units;
- With at least 50% of storage provided within the residential unit. The required storage shall be additional to any storage in the kitchen, bathroom/s and/or bedroom/s of the residential unit, and additional to the area dedicated to car parking in any garage which for the purpose of this rule is deemed to be an area 5.5m deep, 3.1m wide and 2.4m high, per garage.

14.5.2.14 – Water supply for fire fighting

- a) Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the [New Zealand Fire Service Fire Fighting Water Supplies Code of Practice \(SNZ PAS:4509:2008\)](#).
- b) Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, water supply and access to water supplies for fire fighting that is in compliance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008 must be provided.

14.5.2.15 – Garaging and carport building location

- a) For residential developments fronting roads: garages, carports, loading bays or car parking areas shall be located at least 1.2 metres further from the road boundary than the street-facing façade of that residential unit.

14.5.2.16 – Building reflectivity

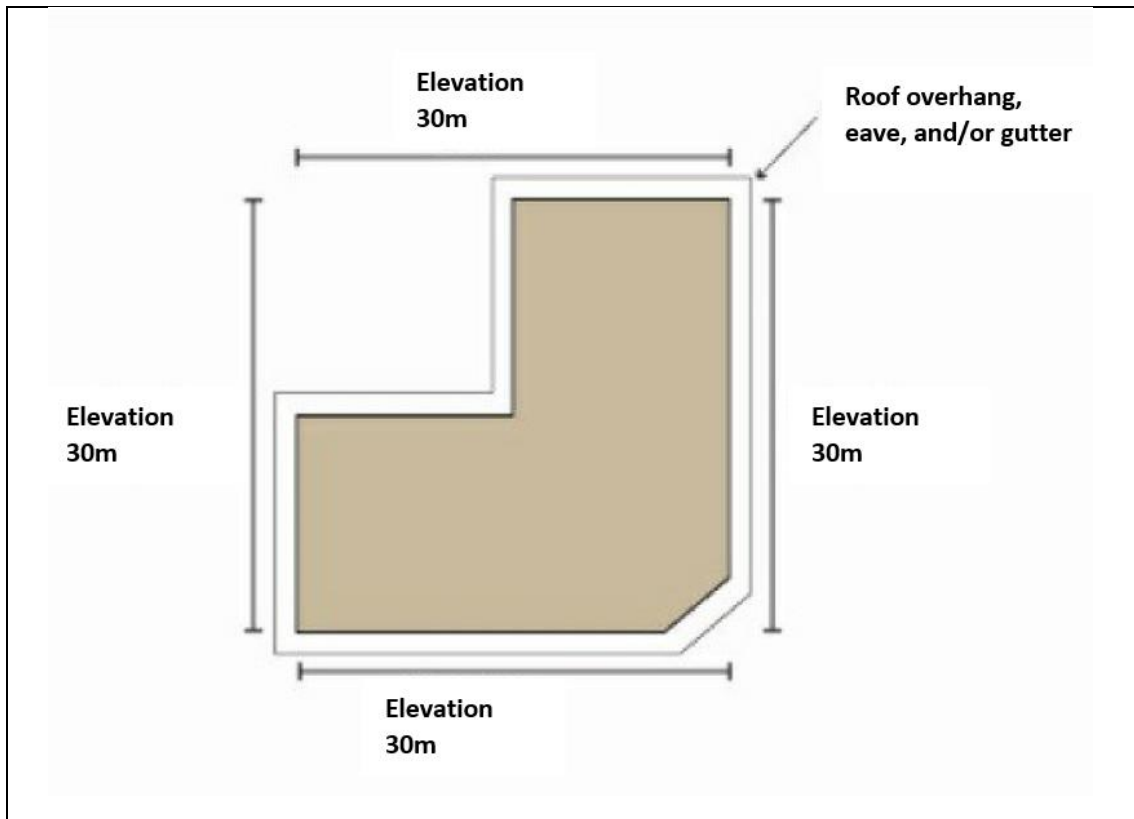
- a) Within the Residential Hills Precinct, all roof finishes are not to exceed 30% light reflectance value (LRV).

14.5.2.17 – Location of outdoor mechanical ventilation

- a) Outdoor heat pump units, or other similar mechanical ventilation units, located at ground level between a street-facing façade and a road boundary shall be screened by a maximum of 50% visually transparent fencing a minimum of 1.2 metres in height above ground level, or the height of the ventilation/ heat pump unit, whichever is higher.

14.5.2.19 – Building length

- a) For new buildings the maximum length of a building elevation shall not exceed 30 metres (see Figure below), measured from the external face of the building.



14.5.1.3 Medium Density Residential Zone – Restricted discretionary activities

RD1 –

- a) 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:
 - i. Four or more residential units; or
- d) Any application arising from a.i. of this rule shall not be limited or publicly notified where compliant with the following built form standards:
 - i. 14.5.2.2 – Landscaped area and tree canopy cover
 - ii. 14.5.2.3 – Building height and maximum number of storeys
 - iii. 14.5.2.4 – Building coverage
 - iv. 14.5.2.5 – Outdoor living space
 - v. 14.5.2.6 – Height in relation to boundary
 - vi. 14.5.2.7 – Minimum building setbacks
 - vii. 14.5.2.8 – Outlook space per unit
 - viii. 14.5.2.10 – Windows to street

- a) Residential design principles –Rule 14.15.1

RD15 –

- a) Buildings that do not meet Rule 14.5.2.6 – Height in Relation to Boundary.
- b) Any application arising from this rule, shall not be publicly notified.

Height in relation to boundary breaches – Rule 14.15.4

<p>RD18 – a) Residential units that do not meet 14.5.2.5 – Outdoor living space. b) Any application arising from this rule shall not be limited or publicly notified.</p>	<p>Outdoor living space – Rule 14.15.21</p>
<p>RD19 – a) Buildings that do not meet Rule 14.5.2.9 –Street scene amenity and safety – fences. b) Any application arising from this rule shall not be limited or publicly notified.</p>	<p>Residential fencing – Rule 14.15.14</p>
<p>RD20 – 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.</p>	<p>Minimum unit size and unit mix – Rule 14.15.5</p>
<p>RD21 – a) Residential units that do not meet Rule 14.5.2.145 – Water supply for fire fighting. b) Any application arising from this rule shall not be publicly notified.</p>	<p>Water supply for fire fighting – Rule 14.15.8</p>
<p>RD24 – a) Activities that do not meet Rule 14.5.2.2 –Landscaped area and tree canopy cover. b) Any application arising from this rule shall not be limited or publicly notified.</p>	<p>Residential landscaping –Rule 14.15.24</p>
<p>RD25 – a) Residential units that do not meet Rule 14.5.2.13 – Service, storage, and waste management spaces b) Any application arising from this rule shall not be publicly notified.</p>	<p>Service, storage and waste management spaces – Rule 14.15.20</p>
<p>RD26 – a) Any garage or carport that does not comply with the garage and carport building location standards under Rule 14.5.2.15 – Garaging and carport building location; or b) Any habitable room that does not comply with Rule 14.5.2.12 – Ground floor habitable room. c) Any application arising from this rule shall not be limited or publicly notified.</p>	<p>Residential design principles– Rule 14.15.1.d, 14.15.1.g, and 14.15.1.h</p>
<p>RD28 – a) Residential units that do not meet Rule 14.5.2.8 – Outlook space per unit. b) Any application arising from this rule, shall not be publicly notified.</p>	<p>Outlook space occupation – Rule 14.15.22</p>
<p>RD29 – Residential units that do not meet Rule 14.5.2.16 – Building reflectivity.</p>	<p>Roof reflectivity – 14.15.42</p>

<p>RD30 –</p> <p>a) Activities that do not meet Rule 14.5.2.17 –Location of outdoor mechanical ventilation.</p> <p>b) Any application arising from this rule shall not be limited or publicly notified.</p>	Residential design principles Rule 14.15.18.a. to d. only
<p>RD32 –</p> <p>a) Buildings that do not comply with 14.5.2.19 –Building length.</p> <p>b) Any application arising from these rules shall not be publicly notified.</p>	Residential design principles –Rule 14.15.1.e.

14.5.1.4 Discretionary activities

D1 – Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

14.5.3 Built form standards (Area specific)

14.5.3.2.2 – Road boundary garage and building setback

d) Within the Suburban Density Precinct and Suburban Hill Density Precinct the front yard setback shall be as follows:

	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 boundary.

14.5.3.2.3 – Building height

- a) This applies to:
- vi) Suburban Hill Density Precinct;
- b) The maximum height of any building shall be:
- vi) Within the Suburban Density Precinct and Suburban Hill Density Precinct – 8 metres.

14.5.3.2.9 – Building coverage

d) Within the Suburban Density Precinct and Suburban Hill Density Precinct, the maximum building coverage must not exceed 35% of the net site area.

14.5.3.2.15 – Site density

- a) Within the Suburban Density Precinct and Suburban Hill Density Precinct, each residential unit shall have a minimum net site area of:
- i) 400m² within the Suburban Density Precinct; or
 - ii) 650m² within the Suburban Hill Density Precinct.

14.5.3.3 Area- specific restricted discretionary activities

Activity / area	The Council's discretion shall be limited to the following matters:
<p>RD16 –</p> <p>a) Buildings that do not meet rule 14.5.3.2.2.d – Road boundary garage and building setback.</p> <p>b) Any application arising from this rule shall not be publicly notified.</p>	<p>b) Impacts on neighbouring property – Rule 14.15.3.a.b.</p> <p>c) Medium density in suburban precincts – 14.15.43.</p>
<p>RD17 –</p> <p>a) Buildings that do not meet rule 14.5.3.2.3.b.iv.b.</p> <p>b) Any application arising from this rule shall not be publicly notified.</p>	<p>a) Impacts on neighbouring property – Rule 14.15.3.b.</p> <p>b) Medium density in suburban precincts – 14.15.43.</p>

<p>RD18 –</p> <p>a) Buildings that do not meet 14.5.3.2.9.d – Building coverage to a maximum of 50% building coverage.</p> <p>b) Any application arising from this rule shall not be publicly notified.</p>	<p>a) Site density and site coverage – Rule 14.15.2b.</p> <p>b) Medium density in suburban precincts – 14.15.43.</p>
<p>RD19 –</p> <p>a) Residential units that do not meet 14.5.2.15 – Site density where no greater than 3 units per site and where:</p> <p style="margin-left: 20px;">a) availability of servicing for water supply, and wastewater and stormwater discharge is demonstrated through evidence of consultation with the utility provider; and</p> <p style="margin-left: 20px;">b) the development site is located within the Suburban density precinct and is within 800m walking distance of a public transport stop; or is located within the Suburban Hill Density Precinct and is within 400m walking distance of a public transport stop.</p> <p>b) Any application arising from this rule shall not be limited or publicly notified.</p>	<p>a) Residential Design Principles – Rule 14.15.1.</p> <p>b) Medium density in suburban precincts – 14.15.43.</p>

<p>14.5.3.4 Area- specific discretionary activities</p>
<p>Activity / area</p>
<p>D2 – Development that does not meet the standards in 14.5.3.1.3 RD18, and RD19.</p>

<p>Rule</p>		
<p>Chapter 8 Subdivision</p>		
<p>8.6.1 – Minimum net site area and dimension</p>	<p>h) Allotments in Suburban Density Precinct and Suburban Hill Density Precinct within the Medium Density Residential Zone shall have a minimum dimension of 15m.</p>	
<p>8.6.1 - Minimum net site area – Medium Density Residential zone – Residential Hills Precinct</p>	<p>650m² for a vacant allotment</p>	<p>a) An identified building area must be shown on the scheme plan of subdivision on every allotment on which a residential unit is anticipated.</p> <p>b) Where the site contains an existing residential unit at the time the subdivision application is made, the identified building area must include the existing residential unit, or it must indicate that the residential unit will be removed from the site altogether or that it will be relocated to an identified building area for that site.</p>

		<p>c) The identified building area must:</p> <ul style="list-style-type: none"> i. Include a single area of land of not less than 100m² and no greater than 2000m² which is capable of containing a residential unit ii. Include curtilage area contiguous to the area identified in (i) of not less than 200m² and no greater than 4000m²; and iii. Be able to be linked by adequate and appropriate vehicle access to a formed public road.
8.6.1 - Minimum net site area – Medium Density Residential zone – Suburban Density Precinct and Suburban Hill Density Precinct	650m ² within the Suburban Hill Density Precinct.	

Chapter 8 Subdivision		
8.5.1.2 – Controlled activities		
C8 –		a)
<p>C9 –</p> <ul style="list-style-type: none"> a) Contains an existing residential unit And/ or b) Is proposed to contain a residential unit, approved as part of a resource consent; And /or c) Is subject to a concurrent resource consent application for a residential unit; Except as otherwise specified in Rule 8.5.1.2 C1A and C2A. 	<ul style="list-style-type: none"> a) Activity standards in Rules 8.6.3-8.6.9,8.6.12, and 8.6.15 apply b) The subdivision shall not result in, or increase the degree of, non-compliance with the built form standards of the applicable zone (14.5.2 and 14.6.2). Note: Land use consent is also required where an applicable built form standard is breached. c) If at the time of lodging the subdivision consent application, the residential unit(s) relied upon under Rule 8.5.1.2 C9.b or C9.c have not yet been constructed to the extent that its exterior is fully closed in, either: <ul style="list-style-type: none"> i. Th residential unit(s) must be constructed to the extent that its exterior is fully closed in before obtaining a certificate under section 224 of the 	<ul style="list-style-type: none"> a) Rule 8.7.4 and, b) Where relevant, Rules 8.7.7-8.7.11 and 8.7.13; c) Rule 8.7.12 d) If an application is made under activity standard c.i of Rule 8.5.1.2 C9, the order in which dwelling construction and subdivision occurs.

	<p>Resource Management Act 1991; OR</p> <p>ii. It must be practicable to construct a residential unit on each allotment within the proposed subdivision, as a permitted activity.</p> <p>d) Within the Suburban Density Precinct and Suburban Hill Density Precinct, this rule shall only apply when in accordance with Rule 14.5.3.1.4 RD19.</p> <p>Note: Where standard (c) is not met, then the lot will be treated as a vacant allotment and Rule 8.5.1.2 C8 shall apply.</p>	
<p>C10 -</p> <p>a) Subdivision in any zone, except as otherwise specified in:</p> <p>i. Rule 8.5.1.2 C1A, C1B, C2A, C2B, C4, C5, C6, C7, C8 and C9</p> <p>ii. Rule 8.5.1.3 RD2, RD4 to RD14</p> <p>iii. Rule 8.5.1.4 D1 to D4; and</p> <p>iv. Rule 8.5.1.5 NC1 to NC7.</p>	<p>Activity standards in Rule 8.6.1 – 8.6.9 and 8.6.12</p>	<p>a) Rule 8.7.4 and, where relevant, Rules 8.7.5 – 8.7.11; and</p> <p>b) Rule 8.7.12</p>

8.5.1.3 Restricted discretionary activities - Subdivision		
Activity	Matters of discretion for the purpose of imposing conditions	Matters of discretion for the purpose of granting or declining consent and imposing conditions
<p>RD2 –</p> <p>a) Subdivision in any zone that does not meet any one or more of the relevant standards in</p> <p>i. Rule 8.5.1.2 C5, C6 or C10 or</p> <p>ii. Rule 8.5.1.3 RD7</p> <p>Except as otherwise specified in;</p> <p>i. Rule 8.5.1.4 D1 to D5 and</p> <p>ii. Rule 8.5.1.5 NC1 to NC7</p> <p>c) Subdivision within the Medium Density and High</p>	<p>a) Rule 8.7.4; and</p> <p>b) where relevant, Rules 8.7.5 - 8.7.11 and 8.7.15</p>	<p>a) As relevant to the activity standard that is not met:</p> <p>i. for Rule 8.6.1 - Minimum net site area and dimension Rule 8.8.11</p> <p>ii. for Rule 8.6.3 – Access: Rule 8.8.2;</p> <p>iii. for Rule 8.6.4 - Roads: Rule 8.8.3;</p> <p>iv. for Rule 8.6.5 – Service lanes, cycle ways and pedestrian access ways: Rule 8.8.4</p> <p>v. for Rule 8.6.6 – Esplanade reserve, strip or additional land – Rule 8.9.5</p>

<p>Density zones that does not meet the following standards:</p> <ul style="list-style-type: none"> i. Rule 8.5.1.2 C8 (a) ii. Rule 8.5.1.2 C9 (a). 		<ul style="list-style-type: none"> vi. for Rule 8.6.7 – Water supply – Rule 8.8.6 vii. for Rule 8.6.8 – Wastewater disposal: Rule 8.8.6
<p>RD2A – Subdivision within the Medium Density Residential and High Density Residential zones that does not meet the following standard: Rule 8.5.1.2 C9 (b)</p>	<ul style="list-style-type: none"> a) Rule 8.7.4 b) b. Where relevant, Rules 8.7.7 8.7.11; 	<p>Rule 8.8.16</p>

8.5.1.4 Discretionary activities

D8 – Any subdivision within the Suburban Density Precinct and Suburban Hill Density Precinct that does not meet Rule 8.5.1.2 C9.