

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and
Business Choice pursuant to Part 5, subpart
5A and Part 6 of Schedule 1 of the Resource
Management Act 1991

MINUTE 51: RESPONSE TO SECOND COUNCIL REQUEST FOR CLARIFICATION

- [1] This is the fifty first (51) procedural Minute to be issued by the Independent Hearings Panel (the Panel) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded, pursuant to Part 5, subpart 5A and Part 6 of Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] The purpose of this Minute is to respond to the Memorandum of Counsel for Christchurch City Council filed on 8 August 2024 (the Council's Memorandum)¹ regarding clarification to various matters in the Recommendations Report, Mapping instructions and Recommended planning provisions.
- [3] Under the RMA, Schedule 1, clause 101(4)(c) the Council may seek clarification from the independent hearings panel on a recommendation in order to assist the specified territorial authority to make a decision.

Panel approach to clarification of intended outcomes and associated mapping

- [4] The Council's requests are set out in a table attached to the Council's Memorandum. The Panel has adapted the Council's table to add an additional column to the right of the Council's table and recorded the Panel's response to the Council's queries in the following manner:
- (a) Where the response is a clarification of a mapping instruction, plan provision to be amended or confirmation of the Council's interpretation of our Recommendations Report we have recorded our response in the right-hand column 'Panel Response'. The table is attached to this Minute as Appendix A.
 - (b) Where the response requires a correction to the Panel's recommended version of a plan provision in Part 8 of the Recommendations Report, Appendix G, we have recorded the correction showing tracked changes in the table right hand column Panel Response in the table at Appendix A. In relation to the correction to clarification of matter 12. Lyttelton RCA (& others), which is a discrete sub-chapter 14.8 we have reissued that sub-chapter as Appendix B to this Minute. Where the correction relates to Chapter 14 and 15, we have not reissued those chapters but recorded the correction in the table at Appendix A. We can reissue Chapter 15, once the Council has confirmed whether or not further clarification is to be sought

¹ [Memorandum of Counsel for Christchurch City Council - Regarding further clarifications, 8 August 2024](#)

on other provisions in Chapter 15. In terms of Chapter 14, we will leave the Council to collate and make the corrections and the Panel can check these if the Council requests. Once Chapter 14 has been restructured in accordance with directions in Part 4 of the Recommendations Report the Panel is available to review those provisions.

- (c) Where there is a need for further clarification or a correction to the Recommendations Report, we have recorded these in a separate Addendum to the relevant part of the Recommendations Report as detailed below, so that they may be read in conjunction with the earlier recommendations. There are three addendums as follows.

Addendum to Part 3 of the Report in relation to the identification of areas adjacent to the North Halswell, Belfast/Northwood, Sydenham LCZ and NCZ and provisions related to wind in large TCZs

- [5] The Panel has clarified and made corrections to matters related to the application of NPS-UD Policy 3(d) to centres and in relation to wind for the TCZs of Riccarton, Hornby and Papanui, and recorded these in an Addendum, which is to be read in conjunction with and to correct Part 3 of the Recommendations Report.²

Addendum to Part 4 of the Report in relation to Sunlight Access and Airport Noise Qualifying Matters

- [6] The Panel has responded to the Council's requested clarifications and made corrections to the Sunlight Access Qualifying Matter (QM) and the Airport Noise QM. These are recorded in an Addendum to be read in conjunction with and to correct Part 4 of the Recommendations Report.³

Addendum to Part 5 of the Report in relation to Residential Character Areas and the Riccarton Bush Interface QMs

- [7] The Panel has responded to the Council's requested clarifications and made corrections to the wording of Part 5 of the Recommendations Report in relation to those matters and recorded these in an Addendum.⁴

² [Addendum to Part 3 of the Recommendations Report - 15 August 2024](#)

³ [Addendum to Part 4 of the Recommendations Report - 15 August 2024](#)

⁴ [Addendum to Part 5 of the Recommendations Report - 15 August 2024](#)

Dated 15 August 2024

A handwritten signature in black ink, appearing to be 'C.R.D.', with a long, sweeping horizontal line extending to the right.

Chair
for Independent Hearings Panel

Appendix A

Table 1 - Matters on which clarification is sought

	Key Theme	Chapter/ Provision	Map/s	IHP Recommendation Part #	Matter for IHP clarification	IHP Response
QUALIFYING MATTERS						
1.	Open Space QM	Ch18, Appendix 18.11.3	-	Part 5, s22, [513(b)], p128 – “no consequential amendments are required to be made”	<p>The Open Space QM was recommended to be accepted by the Panel. The recession planes in Appendix 18.11.3 were amended to reflect changes to recession planes in Ch 14 zones. With the Panel recommendation to reject the Sunlight QM, Ch14 recession planes Appendix 14.16.2 will need to be changed. To reflect that, Ch18 Appendix 18.11.3 will require consequential amendments.</p> <p>Can Panel please confirm that Ch18 Appendix 18.11.3 should be amended accordingly?</p>	<p>The Panel confirms that as set out under the ‘Key’ at part 3 ‘Further Instructions and Explanations for Council’ it states:</p> <p><i>“b. There is one instruction with regard to Appendix 18.11.3 – Recession planes, to update the diagram to show the boundary height as follows 2-3 4.0</i></p>
2.	Industrial Interface QM	Ch14 MRZ and HRZ	-	Part 5, s16, para 275 “The Panel recommends that the Industrial Interface QM is accepted by the Council subject to the following amendments: (a) buildings within 40m	<p>Can the Panel please confirm whether their recommended amendment to the Industrial Interface QM for an 8m building height is referring to the below rules, or whether the building height is instead of, or in addition to, these rules. If the 8m building height is instead of or in addition to these rules, what is the recommended activity status, and (if applicable) assessment matters?</p>	<p>The intention is to apply the 8m height to both the MRZ and HRZ, with the permitted activity exceptions and restrictions for contravening the rules as summarised in the Council’s Memorandum.</p>

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				of an industrial zone to be limited to 8m in height;”	<p>Note paragraph 257 of Part 5 does refer to the below rules (under the Inland Port Influences overlay discussion) and they remain in the Panel’s recommended provisions.</p> <p>Reference to rules (contained in the Right of Reply provisions and Panel recommended provisions): Built form standard 14.5.2.20 (MRZ) and 14.6.2.19 (HRZ) Residential units within the Industrial interface overlay (units above 8m are permitted where they provide mechanical ventilation and air conditioning, and controls on balcony orientation). Restricted discretionary status under 14.5.1.3 RD32 (MRZ) and 14.6.1.3 RD26 (HRZ) where built form standard not achieved. The assessment matters are 14.5.2.20 (MRZ) and 14.6.2.19 (HRZ) Residential units within the Industrial interface overlay.</p> <p>Note – under 14.5.2.3 (MRZ) Building height (iv) Buildings for a residential activity within the Industrial Interface Qualifying Matter Area have height limit of 8m, while the same rule in the HRZ is fully crossed out (14.6.2.1 d). Is the intention to only apply an 8m building height limit in MRZ, or also HRZ?</p>	
3.	Slope Instability Hazard QM	Ch5	-	Part 5, s6	<p>Please can the Panel clarify whether all the slope instability hazard overlays are accepted as QMs?</p> <p>In para 40 the Panel recommends that “the existing slope instability area provisions and mapping in Chapter 5 of the ODP be accepted as a QM”. Para 42 refers only to the Cliff Collapse Management Area 1, Cliff Collapse Management Area 2, Rockfall Management Area 1 and Mass Movement</p>	<p>The Panel clarifies that the following slope instability hazard overlays are accepted as QMs:</p> <ul style="list-style-type: none"> Cliff Collapse Management Area 1,

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					<p>Management Area 1. The discussion on the QM does not specifically name the existing Rockfall Management Area 2, Mass Movement Management Areas 2 and 3 and the Remainder of Port Hills and Banks Peninsula Slope Instability Management Area. The Panel recommended provisions (i.e. the current Plan provisions) include all of these overlays (as does the Right of Reply recommendation and provisions). In Appendix I Table 2 mapping item #20, the Panel recommendation is to “reject the Remainder of Port Hills and Banks Peninsula Slope Instability Management Area as per Part 5 of the report” however Part 5 does not make this explicit.</p>	<ul style="list-style-type: none"> • Cliff Collapse Management Area 2, • Rockfall Management Area 1 • Rockfall Management Area 2; • Mass Movement Management Area 1; • Mass Movement Management Area 2; and • Mass Movement Management Area 3. <p>The Panel clarifies that the Remainder of Port Hills and Banks Peninsula Slope Instability Management Area is rejected as a QM for the reason that it was not clearly included as a QM and as such is not within scope of PC14.</p> <p>The public notice stated at vi. “... <i>Areas at risk of rockfall, cliff collapse and mass movement (Slope Instability Areas);</i>” as matters of national</p>

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						<p>significance. The public notice did not list the 'Remainder of the Port Hills and Banks Peninsula Slope Instability Management Area' which is a clearly separate natural hazard from the others listed. In addition, the mapping tool provided by Council to clearly illustrate which QM's applied to a property did not show 'Slope Hazard' as a QM where only 'Remainder of Port Hills' applied (for example 61 Mt Pleasant Road).</p> <p>This was acknowledged in the supplementary evidence by Ms Ratka (29 November 2023, paragraph 14).</p> <p>Further, the Panel notes that this omission was not addressed in the Christchurch City Council submission (#751) or in the evidence of Mr Langman in</p>

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						support of the Council submission.
4.	Ranfurly Character Area	Ch14	Yes	Part 5 [393]	The Panel has recommended the removal of Ranfurly and Beverley Residential Character Areas, accepting the recommendation from Ms White due to the influence of Policy 3. However, while the Beverley Street RCA lies within the Recommended Merivale Policy 3 catchment, the Ranfurly Street RCA is only partially covered by the 200m catchment the Panel has recommended from the Edgeware LCZ – see below, showing notified zoning with the walking catchment, in red):	Ms White’s s42A Report recommendation (para 8.2.37), which the Panel accepted, was to remove the Ranfurly RCA in its entirety and rezone the area concerned to HRZ. The Panel did not understand from Ms White’s evidence that the recommendation was linked or conditional upon a walkable catchment relating to the Edgeware LCZ. It is a reasonable assumption that the RCA was originally identified on the grounds of its coherence as a whole. To retain part of the RCA for reasons (location outside a walkable catchment) unrelated to considerations of ‘character’ makes no sense

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					 <p>Is the intention to retain the operative RCA for Ranfurly outside of the Edgeware LCZ catchment?</p>	<p>in that context. It is not the intention of the Panel that the operative RCA for Ranfurly be retained outside of the Edgeware LCZ catchment.</p>
5.	Airport Noise	Chapter 6		Part 4 – para 347, 353	<p>In Recommendations Report Part 4 – para 347, the recommendation is <i>(a) Apply MDRS and rezone all relevant residential zones within the 50, 55 and 65 dB Ldn Noise Contours MRZ and HRZ (in accordance with our findings above and Part 3 of the Report) then...(d) the operative rule framework for residential activities within the 55dB Ldn and 65dB Ldn Contour be retained as the QM in respect of those locations i.e. non-complying and prohibited activity respectively.</i></p>	<p>Panel response addressed in Addendum to Part 4 of the Recommendations Report separately issued.</p>

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					<p>Is the operative rule framework to include only those rules contained within Chapter 6 Noise, Rule 6.1.7 Activities near infrastructure?</p> <p>That is, is it the case that none of the operative rules in Chapters 8 (for example a minimum allotment size of 450m² for RS zones within the 55dB Ldn) and 14 that currently apply to the locations within the 55 and 65 dB Ldn Noise Contours are to apply?</p> <p>Moreover, is it the case that within the 55dB Ldn only an insulation rule applies (Rule 6.1.7.2.2 Activities near Christchurch Airport) and if breached Rule 6.1.7.1.5 Non-complying activities applies?</p> <p>Further, is it the case that only Rule 6.1.7.1.6 Prohibited activities which manages sensitive activities within the Air Noise Boundary applies and, as a consequence, that the subdivision of land and its use for residential activity (residential units) is enabled to the medium density standards within the 55dB Ldn noise contour?</p> <p>Furthermore, Part 4 [353] outlines the redrafting exercise required to Chapter 14 to include the recommended approach to the Airport Noise Interface Area. Specifically, (c) directs the application of the evidence of Mr Selkirk's recommendations. Clarity is sought on this matter. With specific reference to the evidence of Mr Selkirk, could the Panel please detail which aspects of the evidence it recommends should be standards (either as a permitted activity or restricted discretionary activity) and what the associated matters of discretion are intended to be.</p>	

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ZONE CONTROLS						
6.	Residential Hills	Ch 14.7	-	Sub-chapter mark-up	<p>The Panel recommends that the Council’s Right of Reply version of this chapter be struck out. The Panel’s recommendation is to retain the zone in areas where there is an operative overlay or Outline Development Plan. Please confirm the intent to retain the zone and aforementioned overlays.</p> <p>There are a number of changes relevant to the apparent direction to retain the Residential Hills Zone that require clarification – relevant to Residential Objectives and Policies:</p> <ol style="list-style-type: none"> 1. Table 14.2.1.1.a shows Residential Hills Zone description as being struck out. 2. Policy 14.2.5.11 has not been shown as struck out, despite the IHP rejecting the re-zoning and Precinct response for these areas, instead retaining the operative RHZ approach. <p>Relevant to Residential Matters of Discretion and Control:</p> <ol style="list-style-type: none"> 3. 14.15.41 – Roof Reflectivity: relates only to the Residential Hills Precinct, carrying over operative controls. <p>Please confirm the recommendations for the above.</p>	<p>The Panel’s recommendation is that the RHZ should be retained in its operative state where the zone is subject to an overlay or Outline Development Plan. All zone provisions relevant to those should be retained. All other parts of the RHZ not subject to an overlay or Outline Development Plan should be re-zoned as set out in the Part 4 of the Panel’s Recommendation Report and any aspects of the RHZ that might apply to those parts and NOT those RHZ parts that are subject to an overlay or Outline Development Plan should be deleted.</p> <p>It is not obvious to the Panel what (if any) provisions from the RHZ would fall into the ‘delete’ category (i.e. it may be</p>

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						<p>that all of the existing zone provisions relate to at least one of the to be retained overlay or outline development plan areas), and to that end request the Council undertake that exercise in the first instance.</p> <p>The Panel would be available to review and comment on any marked-up chapter the Council indicatively arrives at.</p>
7.	Residential objectives and policies	Ch 14.2 Policy 14.2.3.7	-	Sub-chapter mark-up	The Panel recommends retention of operative heritage items and settings (with some minor modifications), operative significant trees schedule, and operative Residential Character Areas (with some modifications). Policy 14.2.3.7.a.iv.B is relevant to all of these aspects, but has been struck out. Please clarify the Panel’s recommendations in this regard.	The Panel confirms that the deletion (strikethrough) of Policy 14.2.3.7 a.iv.B. is an error. The strikethrough should be removed.
8.	Subdivision rules	Ch 8	-	Sub-chapter mark-up	Changes to 8.6.1.a show the “Residential Hills” zone as being struck out. As above, noting the Panel’s intention to retain this zone, should those strike-outs within the associated subdivision rules be reversed?	The Panel confirms that there may be consequences of implementing the recommended approach

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						<p>as set out in the IHP response to Item 6.</p> <p>Should the Residential Hills provisions be retained in some form or another, there may need to be consequential changes to provide for subdivision within the areas subject to outline development plan provisions.</p> <p>Any consequential changes can be confirmed by the Panel as part of the Councils' response to 'Residential Hills recommendations'.</p>
9.	Commercial Central City Zone Rules	Rule 15.11.2.3		Sub-chapter mark-up	<p>A replacement diagram is shown in this provision to convey how the rule package is applied. This diagram is now out of date and needs updating to reflect the Panel's recommendations that:</p> <ul style="list-style-type: none"> • The Cathedral Square/Victoria Street QMs be removed. • The 90m building height limit be removed. <p>Can the IHP please confirm that they recommend that this diagram be updated to reflect the above changes?</p>	The Panel confirms that yes that would be appropriate.

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10.	Commercial Central City Zone Rules	Rules 15.11.2.3; 15.11.2.12; 15.11.2.14		Sub-chapter mark-up	<p>As drafted with the Panel’s recommended changes, buildings on corner sites are exempt from Rules 15.11.2.3 Sunlight and Outlook and Rule 15.11.2.12 Maximum Road Wall Height, and the street boundary setback that applied to building towers above 45m in Rule 15.11.2.14 is deleted.</p> <p>The effect of the collective changes is that there is no minimum setback required for a building tower from the building base and buildings could be constructed to a height of greater than 45m as an RD activity immediately at the street intersection. Can the Panel confirm that that was their intention?</p>	<p>The Panel notes that Rule 15.11.2.11 <i>Building height</i> applies in relation to the maximum height of building base which is set at 28m for all sites (including corner sites). The Panel refers the Council to the recommended definitions of ‘building base’, and ‘building tower’ as a consequence of Council planners joint witness conferencing.^[1] The changes recommended to Rule 15.11.2.14 <i>Building tower internal boundary setbacks</i>, to delete reference to building towers above 45m were recommended by the Council in the Reply version, including limiting</p>

^[1] [Joint Witness Statement - Planners on definitions of Building Base and Building Tower, 1 December 2023](#)

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						<p>the rule to internal and rear boundaries, and those recommended changes were shown as orange text as a consequence of Joint Witness Conferencing. The Panel has recommended those changes are accepted.</p> <p>The Panel’s understanding as to how the recommended rules work is as follows:</p> <ol style="list-style-type: none"> a. all buildings between 28m and 45m in height are a controlled activity where all the built form standards (including the 28m building base in Rule 15.11.2.11) are met and the urban design certification process is undertaken;

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						<p>b. should the 28m building base standard not be met as described in the situation in a. above, the activity status would be RD1 for not being a controlled activity and RD5 for not complying with the 28m building base standard;</p> <p>c. all buildings above 45m in height and complying with all the building form standards (including the 28m building base in Rule 15.11.2.11) are a restricted discretionary activity under RD1; and</p> <p>d. should the 28m building base standard not be met as</p>

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						<p>described in the situation in c. above, the application would continue as a restricted discretionary activity under RD1 and also be a restricted discretionary activity under RD5.</p> <p>As set out above, any building that does not meet the 28m maximum building base limit is subject to RD5 and the associated matters of discretion apply in Rule 15.14.3.1 <i>Maximum building height</i>, which address a number of relevant matters that apply to corner sites. In addition to those requirements, the matters of discretion in Rule 15.14.2.6 <i>City Centre and</i></p>

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						<i>Central City Mixed Use Zones urban design applies as a consequence of RD1.</i>
11.	HRZ Landscaping standard	14.6.2.7		Sub-chapter mark-up	Council has noted that sub-standard c. of HRZ landscaping standard has mistakenly shown a standard as being MDRS-derived, when only a. and b. are an MDRS density standard. Does the Panel intend for this to remain or be struck out?	The Panel confirms that standard c. is to remain as it is more enabling than the MDRS standard.
12.	Lyttelton RCA (& others)	14.8.3		Sub-chapter mark-up	The Panel has recommended the retention of RCAs and associated operative controls. However, marked-up Panel-recommended provisions relative to the RCA for Lyttelton within the Area-specific controls for Residential Banks Peninsula do not reflect ODP controls. Please clarify.	In the marked-up version of the 14.8.3 provisions supplied by the IHP some of the ODP controls relating to the Lyttelton RCA were inadvertently deleted along with their PDP replacements. A new marked-up version of the provisions has been supplied which highlights the ODP provisions that are to be retained. Updated IHP Recommended PC 14 Provisions – Chapter 14.8 Rules – Residential Banks Peninsula Zone provided as Appendix B

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RECOMMENDATIONS						
13.	Sunlight Access	Ch 14	-	Part 4: pages 42-44, para 134, and para 145 (d) on page 48	<p>Para 134 states that the Panel stated to Counsel that “the information received was not what had been asked for” and “We did not receive any further response on the matter”. Further, page 48 states: “Regrettably the information we asked the Council for was not what was provided to us and despite this being communicated to the Council, <u>no further corrections or updates were provided</u>”.</p> <p>However, further information was provided by the Council as follows, accompanied by memoranda published on the Panel’s website:</p> <ul style="list-style-type: none"> • Initial Council response – Memorandum of Counsel, 29 November 2023 (Appendix M) • Final Council response – Memorandum of Counsel, 11 April 2024 (Appendix E, pages 81-103 [of PDF]) <p>The Panel recommendation refers to Appendix M, ie the original response dated 29 November 2023, but not the further response from 11 April.</p> <p>Please could the Panel consider the implications of this additional 11 April information for its recommendations.</p>	Panel response addressed in Addendum to Part 4 of the Recommendations Report separately issued.
14.	Riccarton Bush Interface Area	Ch14.5		Part 5, [468]	The recommendation states “... we further find that the retention of the ODP provisions, which we recommend, represents a more effective and efficient means of ensuring that the objectives of the Housing Supply Amendment Act, NPS-UD Policy 3 and PC 14 are achieved.”	The reference in Part 5 of the Panel’s Recommendation Report to ‘retaining the ODP provisions’ was intended

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					Please confirm whether the Panel recommends for all ODP zoning to be held beneath the area identified within the proposed QM extent, as per the Council Right of Reply.	to apply solely with respect to the bulk and location standards, not the underlying zoning. The Panel has further addressed this in an Addendum to Part 5 of the Recommendations Report separately issued.
15.	SP (School), (Tertiary Education) and (Hospital) Zones – specified alternative zones	Sub-chapters 13.5, 13.6, 13.7		PC14 Provisions Recommendations, Panel instructions, Appendices 13.5.6.1, 13.6.6.1, 13.6.6.2, 13.6.6.3, 13.7.6.1	The PC14 Provisions recommendations include instructions for the appendices listing the alternative zones for the SP (School), (Tertiary Education) and (Hospital Zones) along the lines of the following; [Panel Instruction - not part of the chapter The alternative zones shown in Appendix 13.6.6.1 to be updated to reflect Panel recommendations regarding zonings.] i. Please confirm whether the Panel requires the Council to amend the alternative zones for all sites in those SP zones to reflect the Panel’s rezoning recommendations on the adjoining residential and commercial zones even if: <ul style="list-style-type: none"> • there were no submissions seeking such amended alternative zoning; and • the Panel made a recommendation on a submission for an alternative zoning for a specific SP site that differs from the 	In response to i., the Panel confirms that the alternative zones are to be amended for all sites within the SP zones in accordance with its recommendations on adjoining residential or commercial zones. Should there be any specific site clarifications required, the Panel is available to clarify. In response to ii., the Panel confirms that the instruction to update only Appendix 13.6.6.1 should

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					<p>recommended rezoning of the adjoining zone (should such a situation be identified).</p> <p>ii. Please confirm whether the Panel’s instructions to update the alternative zones for the SP(School) zoned sites are limited to only Appendix 13.6.6.1 (as quoted above), which only covers State schools, or whether it was also intended to apply to the unlisted Appendices 13.6.6.2 and 13.6.6.3 which cover State Integrated and Private schools.</p> <p>Please confirm whether the Panel wishes to check the amended alternative zones as part of checking all rezoning recommended by the Panel.</p>	also apply to Appendices 13.6.6.2 and 13.6.6.3
16.	High trip generators – greenhouse gas emissions	Transport 7.4.4.18		Chapter 7 Provisions Recommendations	<p>The Chapter 7 Provisions Recommendations indicate the Panel’s recommendation to delete the proposed references to greenhouse gas emissions in the matters of control and discretion applying to high trip generators (7.4.4.18 a. under Strategic framework and Greenhouse gas emissions). References to greenhouse gas emissions remain in the table in Advice note 1. as vii.</p> <p>Can the Panel please confirm that the reference to greenhouse gas emissions in the table in Advice note 1. as vii. is also recommended to be deleted.</p>	The Panel confirms that Advice note 1.vii. is also recommended to be deleted.

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17.	Layout of Vehicle Crossings	Transport 7.5.11.4		Part 4, page 33, para. 98, and Chapter 7 Provisions Recommendations.	<p>Part 4 of the Panel’s Recommendations indicate that the proposed new Layout of Vehicle Crossings provisions should be deleted. This is implemented in the Chapter 7 Provisions Recommendations which indicate the deletion of Rules 7.4.3.8 h., 7.4.3.13 and 7.44.28. Rule 7.4.3.13 refers to the diagram in 7.5.11.4 which illustrates those requirements. There were two slightly different diagrams under 7.5.11.4. The Provisions Recommendations show the first, at the bottom of p.76, as being deleted. However, the second, at the top of the following page, is not indicated to be deleted.</p> <p>Can the Panel please confirm that the second diagram is also to be deleted.</p>	The Panel confirms that yes additional diagram should be deleted.
18.	Chapter 6.13 - Wind	6.13		Unknown	<p>The IHP recommendation appears to be silent on this matter. The evidence of Ms Blair (11 August 2023) had detailed the creation of a new sub-chapter specifically dealing with wind effects. This considered wind effects in MRZ, HRZ, TCZ, and LCZ zones.</p> <p>Is it the recommendation of the Panel that 32m commercial buildings may proceed as a permitted activity within Riccarton, Hornby, and Papanui without the consideration of wind effects above 22m?</p>	Panel response addressed in Addendum to Part 3 of the Recommendations Report separately issued.
MAPPING						
19.	North Halswell catchment	-	Yes	Part 3, pages 79-82	Please clarify what the policy 3 catchment around this centre is and from where the catchment should be measured from. The Recommendation states that MRZ adjacent is sufficient.	Panel response addressed in Addendum to Part 3 of

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					Does the Panel intend that this is only adjacent residential parcels or a specific catchment?	the Recommendations Report separately issued.
20.	Neighbourhood centre catchments		Yes	Part 3, pages 79-82	Please clarify what the policy 3 catchment around these centres is and from where the catchment should be measured from. The Recommendation states that MRZ adjacent is sufficient. Does the Panel intend that this is only adjacent residential parcels or a specific catchment?	Panel response addressed in Addendum to Part 3 of the Recommendations Report separately issued.
21.	Central City Building Heights Map			Parts 3, 4, 5	<p>Please clarify what this map should show for the City Centre Zone? As we now have urban design triggers at key building heights (28m – 45m and over 45m) and no maximum building height limit for this zone.</p> <p>An option could be to update the map to remove the rejected qualifying matters, and then only show the ‘spot area building heights’, e.g. Arts Centre; New Regent St; the CCMU zoned sites that are 22m not 32m; and the CCMU(SF) zoned block (Tuam, Manchester, Lichfield, Madras) that is now 32m not 21m.</p> <p>Please clarify the intended approach.</p>	The Panel confirms that yes the Councils suggestion would be an appropriate response.
22.	Residential Hills Precinct	14.5	Yes	Part 4, page 28	There appears to be only one reference to the “Residential Hills Precinct” which is in Part 4. The Precinct was proposed to only manage vacant allotment size via Chapter 8. It further sought to carry over specific operative Residential Hills zone standards, such as Roof Reflectivity. There is no discussion of the Precinct in Part 6. The Precinct has not been justified as, and is not required to be justified as, a QM.	The Panel confirms that as a consequence of the recommended “Three Consent Pathway” for the Residential chapter, the “Residential Hills Precinct”

	Key Theme	Chapter/ Provision	Map/s	IHP Recommendation Part #	Matter for IHP clarification	IHP Response
					Please confirm the recommendation for the Residential Hills Precinct.	is recommended to be deleted. If there is a need to provide for subdivision of vacant allotments within the deleted precinct area as a consequential amendment, that can be included in the bundle of revised provisions that the Panel has invited the Council to submit.
23.	MRZ spot zoning errors	14.5/14.6	Yes	Appendix I - Table 2 – Planning Map Changes – IHP Recommendations #21	<p>Please clarify what is intended by the recommendation: “reject changes except to the extent that the sites are within the Panel’s recommended commensurate catchments as described in Parts 3 and 4 of the Report”. Council’s submission (evidence of Marcus Langman para 102(w)) sought to correct the erroneous “downzoning” of a list of identified sites/parts of sites on the planning maps so that they have the same zoning as the surrounding sites. There is no s32 evaluation to support spot zoning of sites containing heritage items and Council is not proposing to zone these properties on a heritage basis. An option could be that the zoning of these sites is corrected to reflect the zoning of surrounding sites as amended by updated catchment recommendations.</p> <p>Please clarify the intended approach.</p>	<p>The Panel confirms that zoning of sites containing heritage items and/or settings should have the same zoning as those sites surrounding, and these should be corrected accordingly.</p> <p>The Panel has reviewed all of the sites identified in Footnote 164 of Mr Langman’s evidence and confirms that those sites should be zoned HRZ to reflect the surrounding zoning.</p>

	Key Theme	Chapter/ Provision	Map/s	IHP Recommendation Part #	Matter for IHP clarification	IHP Response
						In undertaking this exercise, it was noted that 110 Papanui Road shows a split zoning of HRZ and RSDT for both PC 14 and the Council Reply. It is assumed that the RSDT zoning shown in the Council Reply is an error. For completeness, the Panel confirms that any other sites that were not identified in the Council submission and in Mr Langman's evidence should be zoned to reflect the surrounding zoning.
24.	Commercial Banks Peninsula Zone	Ch 15	Yes	Part 3, pages 79-82	The Panel has recommended that a catchment of 200m be applied from all local centres not otherwise specified as having an HRZ response. The Lyttelton commercial centre was notified as (and is in the Council Reply as) Commercial Banks Peninsula Zone, not LCZ. Is the intention for the same 200m LCZ catchment to apply here, as per the LCZ recommendation?	The Panel confirms that yes that is correct.
25.	LCZ catchments	Ch 14	Yes	Part 3 [307] Part 4 [99](a)	Part 3 of the Panel's recommendation appears to suggest that any local centre not otherwise specified should, within 200m of the centre of each commercial centre, have MRZ applied to residential zones. However, Part 4 of the Panel's	The Panel confirms that Part 4, Paragraph 99(a) should refer to MRZ.

	Key Theme	Chapter/ Provision	Map/s	IHP Recommendation Part #	Matter for IHP clarification	IHP Response
					<p>recommendation states that HRZ should be applied within 200m from such centres.</p> <p>Please confirm what the intended residential response should be surrounding such LCZ centres.</p>	
26.	Belfast / Northwood catchment	Ch 14	Yes	Part 3 [304](c) Part 7 (page 44)	<p>The Panel’s Recommendation states that “the commensurate catchment is appropriately represented by the zones shown on PC 14 notified Planning Maps and we recommend they be adopted.” Council had notified a 400m catchment, only applying the Local Centre Intensification Precinct (LCIP). Page 44 of Part 7 of the Panel’s recommendations recommends that a site adjacent to the Town Centre be zoned HRZ. Part 3 of the Panel’s recommendation recommends that LCIP be deleted.</p> <p>Does the Panel intend that LCIP is retained around the Belfast / Northwood catchment as notified, that 400m of MRZ (only) should apply, or that 400m of HRZ should apply?</p>	Panel response addressed in Addendum to Part 3 of the Recommendations Report separately issued.
27.	Sydenham catchment – ChristchurchNZ site	Ch 14	Yes	Part 3, page 82 Part 3 [306](c)	<p>The Panel recommendation states that the HRZ zoning surrounding Sydenham and Sydenham South should remain “as notified”. However, minor changes to HRZ boundaries were recommended after notification, specifically: 14 Johnstone Street and 231 Milton Street (the ChristchurchNZ site). Part 3 [306](c) of the Panel’s recommendations appears to describe an area that contains this site.</p> <p>Does the Panel intend that these changes are rejected? Also, please clarify whether the HRZ zoning around the Sydenham LCZ and Sydenham South NCZ represent their surrounding policy 3 catchments, and if not, where the</p>	Panel response addressed in Addendum to Part 3 of the Recommendations Report separately issued.

	Key Theme	Chapter/ Provision	Map/s	IHP Recommendation Part #	Matter for IHP clarification	IHP Response
					policy 3 catchments are and from where the catchments should be measured from.	
28.	Sydenham catchment	Ch 14	Yes	Part 3 [306](c)	<p>This paragraph contains roads that do not appear to be located within this catchment, being:</p> <ul style="list-style-type: none"> • “Burleigh Street” • “Johnsons Street” (Council understands this to be Johnson Street, off Milton Street) <p>Please clarify.</p>	Panel response addressed in Addendum to Part 3 of the Recommendations Report separately issued. Noting that ‘Burleigh’ and Johnsons should be ‘Burlington’ and Johnsons should be ‘Johnson’.

LEGAL QUERIES						IHP Response
29.	High Court decision in <i>Waikanae</i>	Ch 6, Ch 14, etc	-	Part 5, from para [470] and others	<p>In a number of examples there is a lack of clarity regarding the implications of the Panel rejecting a QM on <i>Waikanae</i> grounds.</p> <p>See for example:</p> <ul style="list-style-type: none"> • the Panel's findings that the Significant and Other Trees proposal should not proceed as a QM, but the ODP provisions and associated tree schedule should be retained (Part 5, from para [470]) • similar findings in respect of Residential Character Areas • similar findings in respect of the Riccarton Bush QM (ie item 14 above) 	<p>The Panel’s approach to the assessment of QMs is detail in Part 1 [181] and [245]-[247], in summary:</p> <ol style="list-style-type: none"> 1. Apply the MDRS and Mandatory Policy 3 Response. 2. Rename zones accordingly to MRZ and HRZ. 3. Consider the identified QM and whether it qualifies the

					<p>When finding that each of these matters should not proceed as a QM, but the ODP provisions should be retained, is it the intention of the Panel that:</p> <p>a) The ODP provisions continue to apply as they do currently; or</p> <p>b) The ODP provisions apply except if they make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area?</p> <p>If a), does the Panel consider that the ODP provisions do not need to be a QM, or that the ODP provisions are suitable as a QM?</p> <p>If b), how should that be reflected in the drafting?</p>	<p>mandatory requirements, only to the extent necessary to provide for the QM.</p> <p>4. Where an existing QM (i.e. a qualifying matter that is already in the ODP) it is carried over as a qualifying matter (only to the extent necessary to provide for the QM).</p> <p>5. If the QM is a matter that impacts on height and density or qualifies the MDRS standard, it needs to be identified as a QM.</p>
30.	Inland Port Influence Overlay	Ch 14, Ch 15		Part 5, para 256 Part 1 [198](d)(i)	<p>Could the Panel please explain further why it considers the Inland Port Influence Overlay is not 'on' PC14, in light of its finding at Part 1 [198](d)(i) that a submitter has scope to assert that a new QM should apply?</p>	<p>The Panel confirms that a submitter has scope to request a new QM should apply. However, as set out Part 1 of the Recommendations Report, at [188] onwards for the request to be 'on' PC14 it has to meet the same tests as Council as to the scope of matters that can be included in an IPI.</p>

						<p>The Panel at Part 5, paragraph [259] concluded that the matter sought by the submitter was not within s80E(1)(b) as it was not in support or consequential on the MDRS or Policy 3.</p> <p>In addition, the submission did not meet the second limb of <i>Clearwater</i> as no real opportunity for participation by the directly affected owners and occupiers of the affected residential properties had been provided (such as LPC contacting them directly). Furthermore, although not recorded in the Recommendation Report, no analysis was provided by the submitter in terms of the relevant s77 provisions nor was a s32/32AA evaluation provided by the submitter.</p>
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Appendix B

IHP Recommended Provision – Chapter 14.8 Rules Residential Banks Peninsula Zone – 15 August 2024

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. Changes recommended by the Independent Hearings Panel

The changes recommended by the Independent Hearings Panel are based on Council's 'Reply Provisions' version, which include:

- Text recommended to be added/deleted by proposed PC14
- Text recommended to be added/deleted within s42A reports.
- Text recommended to be added/deleted from expert conferencing/joint witness statements.
- Text recommended to be added/deleted within s42A reports in response to matters raised during Hearings.

Where the Independent Hearings Panel recommends that the proposed PC14 provision be accepted the text is changed to **bold underlined** for the added text, and changes to ~~**bold strikethrough**~~ for text to be deleted.

Where the Independent Hearings Panel recommends that **green** definitions or the **blue** links to other provisions and/or external documents are accepted they *remain* unchanged.

Changes recommended by the Independent Hearings Panel (including to proposed PC14 provisions, definitions and links) are shown as **bold underlined** for text in the Council's 'Reply Provisions' that are recommended to be accepted or for additional new text, and ~~**bold deleted**~~ for text to be deleted (ie the purple and orange colours in the Council's 'Reply Provisions' have been removed).

3. Further Instructions and Explanations for Council

- a. It appears that the following rules have been omitted from this version:
 - RD8 Hosted visitor accommodation;
 - RD9 Visitor accommodation; and
 - RD10 Unhosted visitor accommodation

Return Rule 14.8.3.1.3 to the Operative District Plan version

- b. Correct all references within this sub-chapter of the incorrect spelling “Lyttleton” to the correct spelling “Lyttelton”
- c. This is the updated Recommended sub-chapter issued by the Panel on 15 August 2024.
- d. There are no further instructions or explanations.

14.8 Rules - Residential Banks Peninsula Zone

14.8.1 Activity status tables

14.8.1.1 Permitted activities

- a. The activities listed below are permitted activities in the Residential Banks Peninsula Zone if they meet the activity specific standards set out in this table, the built form standards in [Rule 14.8.2](#) and area specific rules in [Rule 14.8.3](#).
- b. Activities may also be controlled, restricted discretionary, discretionary or non-complying or prohibited as specified in [Rules 14.8.1.2](#), [14.8.1.3](#), [14.8.1.4](#), [14.8.1.5](#) or [14.8.1.6](#), or in the area specific rules in [Rule 14.8.3](#).

Activity		Activity specific standards
P1	Residential activity, except for residential units containing more than six bedrooms and boarding houses	<ul style="list-style-type: none"> a. No more than one heavy vehicle shall be stored on the site of the residential activity. b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site. <p>Advice note:</p> <ol style="list-style-type: none"> 1. For residential activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.
P2	Minor residential unit where the minor unit is a detached building and the existing site it is to be built on contains only one residential unit	<ul style="list-style-type: none"> a. The existing site containing both units shall have a minimum net site area of 450m². b. The minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area 80m². c. The parking areas of both units shall be accessed from the same access.

Activity		Activity specific standards
		<p>d. There shall be a total outdoor living space on the existing site (containing both units) with a minimum area of 90m² and a minimum dimension of 5 metres. This total space can be provided as:</p> <ul style="list-style-type: none"> i. a single continuous area; or ii. be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area. <p>Advice note:</p> <ol style="list-style-type: none"> 1. For minor residential units within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.
P3	Retirement villages	<p>a. Building façade length – there must be a recess in the façade of a building where it faces a side or rear boundary from the point at which a building exceeds a length of 16 metres. The recess must:</p> <ul style="list-style-type: none"> i. be at least 1 metre in depth, for a length of at least 2 metres; ii. be for the full height of the wall; and iii. include a break in the eave line and roof line of the façade. <p>Advice note:</p> <ol style="list-style-type: none"> 1. For retirement villages within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.
P4	Conversion of an elderly person's housing unit existing at 6 December 2013, into a residential unit that may be occupied by any person(s) and without the need to be encumbered by a bond or other appropriate legal instrument	<p>a. Each converted unit shall have:</p> <ul style="list-style-type: none"> i. a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m²; and ii. a separate outdoor living space readily accessible from its living area that is at least 30m² with a minimum dimension of 3 metres.
P5	Home occupation	<p>a. The total floor area of the building or part of the building (measured internally), plus any outdoor storage area, occupied by the home occupation shall be no more than 40m².</p> <p>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</p> <p>c. Any retail activity shall be limited to:</p>

Activity		Activity specific standards
		<ul style="list-style-type: none"> i. the sale of goods grown or produced on the site; ii. goods incidental to an on-site service provided by the home occupation where the goods storage and/or display occupies no more than 1m² of floor area; or iii. internet-based sales where no customer visits occur; and iv. retail activity shall exclude food and beverage outlets. d. Manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out in a fully enclosed building. e. The hours of operation, when the site is open to visitors, clients, and deliveries, shall be limited to between the hours of: <ul style="list-style-type: none"> i. 07:00 - 21:00 Monday to Friday; and ii. 08:00 - 19:00 Saturday, Sunday and public holidays. f. Visitor, courier vehicles and staff parking areas shall be within the net site area of the property and outside the road boundary setback. g. Vehicle movements associated with the home occupation shall not exceed: <ul style="list-style-type: none"> i. heavy vehicles: 2 per week; and ii. other vehicles: 16 per day. h. Signage shall be limited to a maximum area of 0.5m².
P6	Care of non-resident children within a residential unit in return for monetary payment to the carer	<ul style="list-style-type: none"> a. There shall be: <ul style="list-style-type: none"> i. a maximum of 4 non-resident children being cared for in return for monetary payment to the carer at any one time; and ii. at least one carer residing permanently within the residential unit. <p>Advice note:</p> <ul style="list-style-type: none"> 1. For P6 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.
P7	(Deleted as part of Plan Change 4 Council Decision dated 31 March 2022)	
P8	Education activity	<ul style="list-style-type: none"> a. The activity shall: <ul style="list-style-type: none"> i. only locate on sites with frontage and the primary entrance to a minor arterial road or collector road where right turn offset, either informal or formal, is available;
P9	Preschools , other than as provided for in Rule 14.8.1.1 P6.	
P10	Health care facility	

Activity	Activity specific standards						
<p>P11 Veterinary care facility</p>	<ul style="list-style-type: none"> ii. only occupy a gross floor area of building of less than 200m²; or in the case of a health care facility, less than 300m²; iii. limit outdoor advertising to a maximum area of 2m²; iv. limit the hours of operation when the site is open to visitors, students, patients, clients, and deliveries to between the hours of: <table border="1" data-bbox="687 551 1353 994"> <tr> <td data-bbox="687 551 971 763"> <p>A. Education activity</p> </td> <td data-bbox="971 551 1353 763"> <p>I. 0700 – 2100 Monday to Saturday; and II. Closed Sunday and public holidays.</p> </td> </tr> <tr> <td data-bbox="687 763 971 819"> <p>B. Preschools</p> </td> <td data-bbox="971 763 1353 994" rowspan="3"> <p>I. 0700 – 2100 hours</p> </td> </tr> <tr> <td data-bbox="687 819 971 909"> <p>C. Health care facility</p> </td> </tr> <tr> <td data-bbox="687 909 971 994"> <p>D. Veterinary care facility</p> </td> </tr> </table> v. in relation to preschools, veterinary care facilities and places of assembly (See Figure 1.): <ul style="list-style-type: none"> A. only locate on sites where any residential activity on an adjoining front site, or front site separated by an access, with frontage to the same road is left with at least one residential neighbour. That neighbour shall be on an adjoining front site, or front site separated by an access, and have frontage to the same road; B. only locate on residential blocks where there are no more than two non-residential activities already within that block; vi. in relation to preschools, limit outdoor play areas and facilities to those that meet Rule 6.1.5.2.1 Table 1: Zone noise limits outside the Central City; vii. in relation to veterinary care facilities, limit the boarding of animals on the site to a maximum of 4; viii. not include the storage of more than one heavy vehicle on the site of the activity. <p>Advice note:</p>	<p>A. Education activity</p>	<p>I. 0700 – 2100 Monday to Saturday; and II. Closed Sunday and public holidays.</p>	<p>B. Preschools</p>	<p>I. 0700 – 2100 hours</p>	<p>C. Health care facility</p>	<p>D. Veterinary care facility</p>
<p>A. Education activity</p>	<p>I. 0700 – 2100 Monday to Saturday; and II. Closed Sunday and public holidays.</p>						
<p>B. Preschools</p>	<p>I. 0700 – 2100 hours</p>						
<p>C. Health care facility</p>							
<p>D. Veterinary care facility</p>							

Activity		Activity specific standards
		<ol style="list-style-type: none"> 1. For P8, P9, P10 and P11 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.
P12	Spiritual activities	<ol style="list-style-type: none"> a. The activity shall: <ol style="list-style-type: none"> i. limit the hours of operation to 07:00-22:00; and ii. not include the storage of more than one heavy vehicle on the site of the activity. <p>Advice note:</p> <ol style="list-style-type: none"> 1. For P12 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3
P13	Community corrections facilities	<ol style="list-style-type: none"> a. The facilities shall: <ol style="list-style-type: none"> i. limit the hours of operation when the site is open to clients and deliveries to between the hours of 07:00 – 19:00; and ii. limit signage to a maximum area of 2m². <p>Advice note:</p> <ol style="list-style-type: none"> 1. For P14 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.
P14	Community welfare facilities	
P15	Emergency services facilities	Nil
P16	Repair or rebuild of multi-unit residential complexes damaged by the Canterbury earthquakes of 2010 and 2011 on properties with cross leases, company leases or unit titles as at the date of the earthquakes	<ol style="list-style-type: none"> a. Where the repair or rebuild of a building will not alter the building footprint, location, or height, the building need not meet the built form standards. b. Where the building footprint, location, or height is to be altered no more than necessary in order to comply with legal or regulatory requirements or the advice of a suitably qualified and experienced chartered engineer: <ol style="list-style-type: none"> i. the only built form standards that shall apply are those specified in Rules 14.8.2.2 – Building height and 14.8.2.5 – Daylight recession planes; ii. in relation to the road boundary setback, the repaired or rebuilt building shall have a setback of at least 3 metres; iii. the standards at (i) and (ii) shall only apply to the extent that the repaired or rebuilt building increases the level of non-compliance with the standard(s) compared to the building that existed at the time of the earthquakes. <p>Advice note:</p> <ol style="list-style-type: none"> 1. Examples of regulatory or legal requirement that may apply include the New Zealand Building Code,

Activity		Activity specific standards
		<p>Council bylaws, easements, and other rules within this Plan such as the requirements for minimum floor levels in Chapter 5.</p> <p>c. If paragraphs a. and b. do not apply, the relevant built form standards apply.</p> <p>d. Any application arising from not meeting standards a. and b.i. shall not be publicly notified, and may be limited notified to only adjoining property owners (where the consent authority considers this is required, and absent written approval).</p> <p>e. Any application arising from not meeting standard b.ii. (road boundary setbacks), shall not be limited or publicly notified.</p>
<p>P17</p>	<p>a. Temporary lifting or moving of earthquake damaged buildings where the activity does not meet one or more of:</p> <p>i. Rule 14.8.2.2 – Building height;</p> <p>ii. Rule 14.8.2.3 – Site coverage;</p> <p>iii. Rule 14.8.2.4 – Minimum building setback from side and rear internal boundaries and railway lines; or</p> <p>iv. Rule 14.8.2.5 – Daylight recession planes.</p>	<p>a. Buildings shall not be:</p> <p>i. moved to within 1 metre of an internal boundary and/or within 3 metres of any water body, scheduled tree, listed heritage item, areas listed as Sites of Ecological Significance (in Sub-chapter 9.1), Natural Landscapes, Features or Character (in Sub-chapter 9.2), or Sites of Ngāi Tahu Cultural Significance (in Sub-chapter 9.5), any Council owned structure, archaeological site, or the coastal marine area; or</p> <p>ii. lifted to a height exceeding 3 metres above the applicable recession plane or height control.</p> <p>b. The building must be lowered back or moved back to its original position, or a position compliant with the District Plan or consistent with a resource consent, within 12 weeks of the lifting or moving works having first commenced.</p> <p>c. In all cases of a building being moved or lifted, the owners/occupiers of land adjoining the sites shall be informed of the work at least seven days prior to the lift or move of the building occurring. The information provided shall include details of a contact person, details of the lift or move, and the duration of the lift or move.</p> <p>d. The Council’s Resource Consents Manager shall be notified of the lifting or moving the building at least 7 days prior to the lift or move of the building occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>

Activity		Activity specific standards
P18	Conversion of a residential unit into two residential units within the Akaroa and Lyttelton Character Area Overlays.	<p>a. Each residential unit shall have a minimum gross floor area, excluding terraces, garages, sundecks and verandah of 35m².</p> <p>b. There shall be a minimum of 90m² of total outdoor living space on the site.</p> <p>c. Each unit shall be provided with an outdoor living space that is directly accessible from that unit and a minimum of 30m² in area.</p> <p>d. This rule does not provide for any external alterations or extensions to an existing residential unit – refer to Rule 14.8.1.3 RD3 and RD4.</p> <p>Advice note:</p> <p>1. For P18 activities within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.</p>
P19	Heli-landing areas	<p>a. Sites shall be greater than 3000m² in area.</p> <p>b. The number of flights shall not exceed 12 (24 movements) in any calendar year.</p> <p>c. The flights (movements) shall not take place on more than 5 days in any 1 month period.</p> <p>d. The flights (movements) shall not exceed 3 in any 1 week.</p> <p>e. Any movements shall only occur between 08:00 and 18:00 hours.</p> <p>f. No movements shall take place within 25 metres of any residential unit unless that residential unit is owned or occupied by the applicant.</p> <p>g. A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Council when requested.</p>
P20	Relocation of a building	Nil
P21	Market gardens, community gardens, and garden allotments	
P22	Hosted visitor accommodation	<p>a. A maximum of eight guests shall be accommodated at any one time.</p> <p>b. The Council shall be notified in writing prior to commencement.</p> <p>c. The owner of the unit shall keep records of the number of nights booked per year, as commencing on 1 January of that year, and the dates used for hosted visitor accommodation and provide those records to the Council on request.</p> <p>Advice note:</p>

Activity		Activity specific standards
		1. For hosted visitor accommodation within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3 .
P23	Unhosted visitor accommodation	a. A maximum of eight guests shall be accommodated at any one time. b. The number of nights a site is used for unhosted visitor accommodation (calculated from when Council are notified of commencement) shall not exceed: <ol style="list-style-type: none"> i. 180 per year in the Akaroa, Duvauchelle and Wainui Residential Banks Peninsula Zones; or ii. 60 per year in other Residential Banks Peninsula Zones. c. The Council shall be notified in writing prior to commencement. d. The owner of the unit shall <ol style="list-style-type: none"> i. keep records of the number of nights it is used for unhosted visitor accommodation and provide those records to the Council on request. ii. provide up-to-date contact information of a local person and/or organisation responsible for managing the property and responding to complaints, to all owners and occupiers of adjoining sites on commencement, and on request or annually if not requested, iii. Ensure guests are provided clear instructions including maps/diagrams/photos/signs for check-in procedures, building access and parking arrangements, constraints on the use of outdoor areas, rubbish and recycling procedures, controls on functions and events, any relevant hazards and safety procedures, prior to arrival, and within the unit. e. There shall be a maximum of 16 vehicle movements per day associated with unhosted visitor accommodation . f. Guests shall not hold functions or events where the number of additional attendees exceed the number of paying guests between 22.00pm and 07:00am. g. Guests activities shall meet daytime and night time noise limits in Rule 6.1.5.2.1 and Rule 6.1.5.2.2 . Advice note: 1. For unhosted visitor accommodation within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3 .
P24	Visitor accommodation in a heritage item where a permanent resident or manager/ supervisor is in	a. A maximum of ten guests shall be accommodated at any one time. b. The Council shall be notified in writing prior to commencement.

Activity	Activity specific standards
residence on the site for the duration of any visitors' stay	<p>c. The owner of the heritage item shall keep records of the number of nights it is used for visitor accommodation and provide those records to the Council on request.</p> <p>Advice Note:</p> <p>1. For visitor accommodation in a heritage item within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.</p>
P25	<p>a. A maximum of 10 guests shall be accommodated at any one time.</p> <p>b. The number of nights a site is used for visitor accommodation shall not exceed 60 per year calculated from when Council are notified of commencement.</p> <p>c. The Council shall be notified in writing prior to commencement.</p> <p>d. The owner of the heritage item shall;</p> <ul style="list-style-type: none"> i. keep records of the number of nights it is used for visitor accommodation and provide those records to the Council on request. ii. provide up-to-date contact information of a local person and/or organisation responsible for managing the property and responding to complaints, to all owners and occupiers of adjoining sites, on commencement, on request, or annually if not requested; and iii. ensure guests are provided clear instructions including maps/diagrams/photos/signs for check-in procedures, building access and parking arrangements, constraints on the use of outdoor areas, rubbish and recycling procedures, controls on functions and events, any relevant hazards and safety procedures, prior to arrival, and within the unit. <p>e. There shall be a maximum of 16 vehicle movements per day associated with visitor accommodation.</p> <p>f. Guests shall not hold functions or events where the number of additional attendees exceed the number of paying guests between 22.00pm and 07:00am.</p> <p>g. Guest activities shall meet daytime and night time noise limits in Rule 6.1.5.2.1 and Rule 6.1.5.2.2.</p>

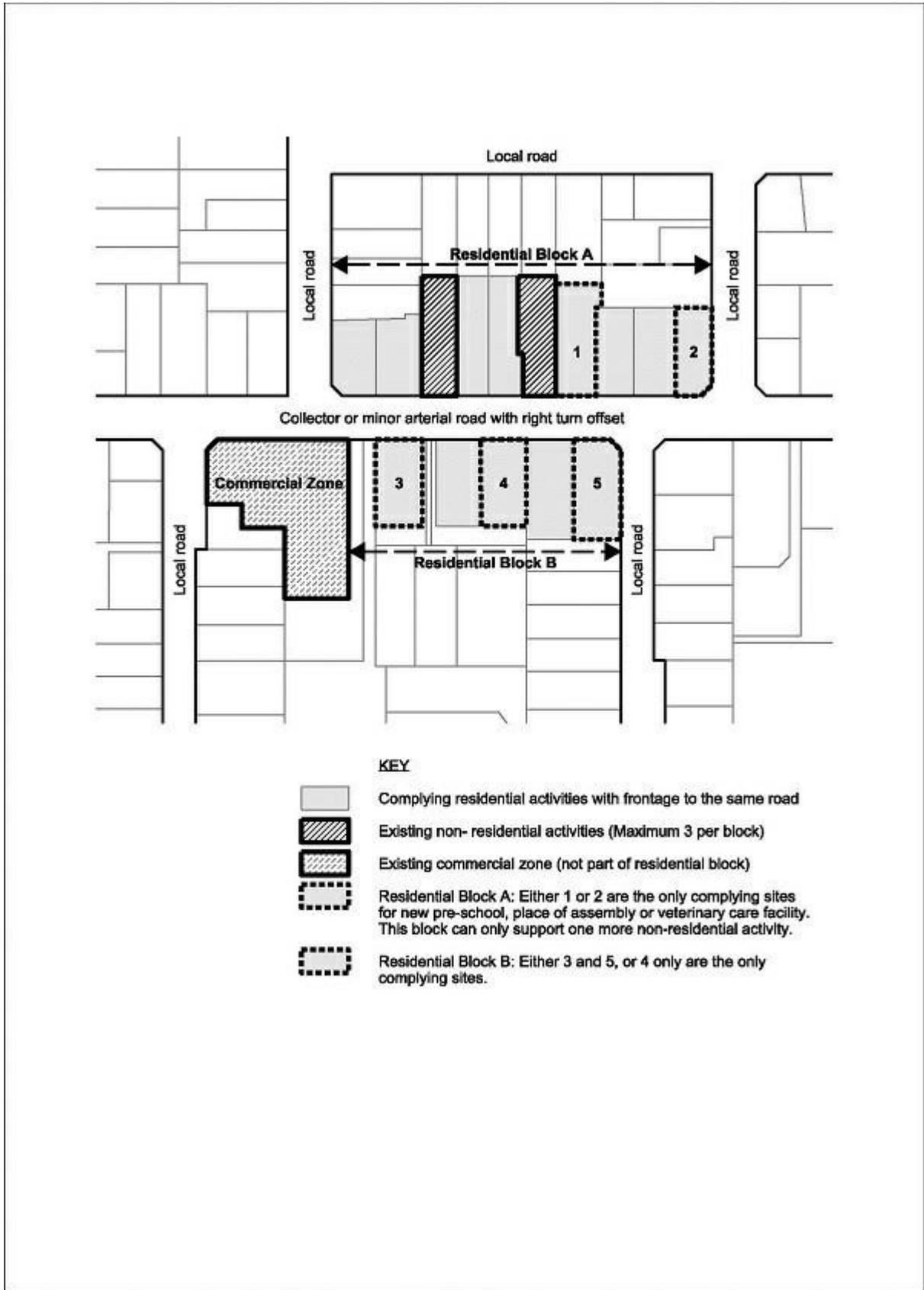


Figure 1: Residential coherence

14.8.1.2 Controlled activities

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

Activity		The matters over which Council reserves its control:
C1	Residential units (including any sleep-outs) containing more than 6 bedrooms in total	<ol style="list-style-type: none"> a. Scale and nature of activity – Rule 14.15.5 b. Traffic generation and access safety - Rule 14.15.6
C2	(deleted under Plan Change 4 Environment Court consent order dated 24 July 2023)	
C3	(deleted under Plan Change 4 Environment Court consent order dated 24 July 2023)	

14.8.1.3 Restricted discretionary activities

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

Activity		The Council's discretion shall be limited to the following matters:
RD1	<p>Minor residential unit where the minor unit is a detached building and does not meet one or more of the activity specific standards in Rule 14.8.1.1 P2 a, b, c, or d.</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. For minor residential units within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3. 	<ol style="list-style-type: none"> a. Minor residential units - Rule 14.15.226
RD2	<ol style="list-style-type: none"> a. Temporary lifting or moving of earthquake damaged buildings that does not meet one or more of the activity specific standards in Rule 14.8.1.1 P17. b. Any application arising from this rule shall not be limited or publicly notified. 	<ol style="list-style-type: none"> a. Relocation of a buildings and temporary lifting or moving of earthquake damaged buildings - Rule 14.15.16

Activity		The Council's discretion shall be limited to the following matters:
RD3	<ul style="list-style-type: none"> a. Buildings that do not meet Rule 14.8.2.6 – Building setbacks from road boundaries. b. Any application arising from this rule shall not be limited or publicly notified. 	<ul style="list-style-type: none"> a. Street scene – road boundary building setback, fencing and planting – Rule 14.15.17
RD4	Residential units that do not meet Rule 14.8.2.1 – Site density	<ul style="list-style-type: none"> a. Site density and site coverage – Rule 14.15.2
RD5	Activities and buildings that do not meet Rule 14.8.2.3 – Site coverage	
RD6	Buildings that do not meet Rule 14.8.2.2 – Building height	<ul style="list-style-type: none"> a. Impacts on neighbouring property – Rule 14.15.3
RD7	Buildings that do not meet Rule 14.8.2.5 – Daylight recession planes, except in the Lyttelton Character Area Overlay or Lyttelton Residential Heritage Area where this rule does not apply.	
RD8	Buildings that do not meet Rule 14.8.2.4 (other than 14.8.2.4(a.iii.); refer to Rule 14.8.1.3 RD16) – Minimum building setback from side and rear internal boundaries and railway lines	<ul style="list-style-type: none"> a. Impacts on neighbouring property – Rule 14.15.3 b. Minimum building window and balcony setbacks – Rule 14.15.18
RD9	<ul style="list-style-type: none"> a. Residential units that do not meet Rule 14.8.2.7. b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to the New Zealand Fire Service (absent written approval). 	<ul style="list-style-type: none"> a. Water supply for fire fighting – Rule 14.15.7
RD10	<p>Multi-unit residential complexes</p> <p>Advice note:</p> <ul style="list-style-type: none"> 1. For multi-unit residential complexes within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3. 	<ul style="list-style-type: none"> a. Residential design principles – Rule 14.15.1
RD11	<ul style="list-style-type: none"> a. Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.8.1.1 (except for P8-P11 standard viii. relating to storage of heavy vehicles, refer to Rule 14.8.1.4 D2) for: <ul style="list-style-type: none"> i. P5 – Home occupations: <ul style="list-style-type: none"> A. that do not meet standard a. and occupy a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor 	<ul style="list-style-type: none"> a. As relevant to the activity specific standard that is not met: <ul style="list-style-type: none"> i. Scale and nature of activity – Rule 14.15.5 ii. Traffic generation and access safety – Rule 14.15.6 iii. Non-residential hours of operation – Rule 14.15.215

Activity	The Council's discretion shall be limited to the following matters:
<p>storage area, no greater than 40% of the GFA of the residential unit, with the GFA calculation excluding detached accessory buildings;</p> <p>B. that do not meet one or more of standards b. to h.</p> <p>ii. P8 – Education activity;</p> <p>iii. P9 – Preschools, other than as provided for in Rule 14.8.1.1 P6 and Rule 14.8.1.4 D2;</p> <p>iv. P10 – Health care facility; or</p> <p>v. P11 – Veterinary care facility.</p> <p>b. Any application arising from these rules shall not be limited or publicly notified.</p> <p>Advice note:</p> <p>1. For Rule 14.8.1.1 P8 – education activity, P9 – preschools and P10 – health care facility within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.</p>	
<p>RD12</p> <p>a. Integrated family health centres where:</p> <p>i. the centre is located on sites with frontage and the primary entrance to a minor arterial road or collector road where right turn offset, either informal or formal is available;</p> <p>ii. the centre is located on sites adjoining a Neighbourhood Local centre, District centre Town centre or Key activity centre;</p> <p>iii. the centre occupies a gross floor area of building of between 301m² and 700m²;</p> <p>iv. outdoor advertising is limited to a maximum area of 2m²; and</p> <p>v. the hours of operation when the site is open to patients, or clients, and deliveries, is limited to between the hours of 07:00 – 21:00.</p>	<p>a. Scale and nature of activity – Rule 14.15.5</p> <p>b. Traffic generation and access safety – Rule 14.15.6</p> <p>c. Non-residential hours of operation – Rule 14.15.245</p>

Activity	The Council's discretion shall be limited to the following matters:
<p>RD13 a. Community corrections facilities and community welfare facilities that do not meet one or more of the activity specific standards in Rule 14.8.1.1 P13 or P14.1</p> <p>b. Any application arising from this rule shall not be limited or publicly notified.</p>	<p>a. As relevant to the activity specific standard that is not met:</p> <ul style="list-style-type: none"> i. Scale and nature of activity – Rule 14.15.5 ii. Traffic generation and access safety – Rule 14.15.6 iii. Non-residential hours of operation - Rule 14.15.245
<p>RD14 Retirement villages that do not meet one or more of the activity specific standards in Rule 14.8.1.1 P3</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. For retirement villages within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3. 	<p>a. Retirement villages - Rule 14.15.9</p>
<p>RD15 Boarding house</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. For boarding houses within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3. 	<p>a. Scale and nature of activity – Rule 14.15.5</p> <p>b. Traffic generation and access safety – Rule 14.15.6</p>
<p>RD16 Activities and buildings that do not meet Rule 14.8.2.4(a.iii.) relating to rail corridor boundary setbacks.</p>	<p>a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.</p>
<p>RD17 a. Spiritual activities that do not meet the hours of operation in Rule 14.8.1.1 P12.</p> <p>b. Any application arising from this rule shall not be publicly notified and shall only be limited notified to directly abutting land owners and occupiers (absent its written approval).</p>	<p>a. Non-residential hours of operation – Rule 14.15.245</p>
<p>RD18 a. Hosted visitor accommodation that does not meet activity specific standards in Rule 14.8.1.1 P22 that does not exceed 12 guests per site at any one time.</p>	<p>a. Hosted visitor accommodation, visitor accommodation in a heritage item, unhosted visitor accommodation - Rule 14.15.39.</p>

Activity		The Council's discretion shall be limited to the following matters:
	b. Any application arising from this rule shall not be publicly notified but may be limited notified	
RD19	<p>a. Unhosted visitor accommodation that does not meet activity specific standards in Rule 14.8.1.1 P23 that does not exceed 12 guests per site at any one time.</p> <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p>	
RD20	<p>a. Visitor accommodation in a heritage item that does not meet activity specific standards in Rule 14.8.1.1. P24 or 25 that does not exceed 20 guests per site at any one time.</p> <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p>	

14.8.1.4 Discretionary activities

B. The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity
D2	<p>a. Activities that do not meet one or more of the activity specific standards in Rule 14.8.1.1 for:</p> <ul style="list-style-type: none"> i. P1 Residential activity; ii. P4 Conversion of an elderly person's housing unit into a residential unit; iii. P6 Care of non-resident children in a residential unit; iv. Storage of more than one heavy vehicle for activities for P8-P12.
D3	Show homes
D4	Camping grounds
D5	a. Place of assembly (except for a Lyttelton Port Noise Sensitive activity within the Lyttelton Port Influences Overlay) where:

Activity	
	<ul style="list-style-type: none"> i. the minimum site area is not less than 30m² per person; ii. all outdoor areas associated with the activity are screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites; iii. the hours of operation are between 07:00 – 22:00 hours Monday to Sunday and public holidays; and iv. there is no use of heavy vehicles associated with the activity.
D6	<ul style="list-style-type: none"> a. Retail activity where: <ul style="list-style-type: none"> i. all outdoor areas associated with the activity are screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites; ii. the hours of operation are between 07:00 – 22:00 hours Monday to Sunday and public holidays; iii. the maximum floor area used for retail activities on any site does not exceed 50m²; iv. the activity does not include trade or yard-based suppliers or service stations; and v. there is no use of heavy vehicles associated with the activity.
D7	All other non-residential activities not otherwise listed in these tables
D8	Integrated family health centres which do not meet one of more of the requirements specified in Rule 14.8.1.3 RD12
D9	<ul style="list-style-type: none"> a. Hosted visitor accommodation that exceeds 12 guests per site at any one time. b. Any application arising from this rule shall not be publicly notified but may be limited notified.
D10	<ul style="list-style-type: none"> a. Unhosted visitor accommodation that exceeds 12 guests per site at any one time. b. Any application arising from this rule shall not be publicly notified but may be limited notified.
D11	<ul style="list-style-type: none"> a. Visitor accommodation in a heritage item that exceeds 12 guests per site at any one time. b. Any application arising from this rule shall not be publicly notified but may be limited notified.
D12	Home occupation with a total area, comprising the floor area of the building or part of the building (measured internally) and any outdoor storage area occupied, greater than 40% of the GFA of the residential unit , with the GFA calculation excluding detached accessory buildings.

14.8.1.5 Non-complying activities

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

Activity	
NC1	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ul style="list-style-type: none"> i. within 12 metres of the centre line of a 110kV or 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure; or ii. within 10 metres of the centre line of a 66kV National Grid transmission line or within 10 metres of a foundation of an associated support structure; or <p>b. Fences within 5 metres of a National Grid transmission line support structure foundation.</p> <p>c. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Transpower New Zealand Limited (absent written approval).</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. The National Grid transmission lines are shown on the planning maps. 2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activity in the vicinity of National Grid transmission lines must comply with NZECP 34:2001.
NC2	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ul style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or ii. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure; or iii. within 5 metres of the centre line of the 11kV Heathcote to Lyttelton electricity distribution line or within 5 metres of a foundation of an associated support structure. <p>b. Fences within 5 metres of a 66kV or 33kV electricity distribution line support structure foundation.</p> <p>c. Fences within 5 metres of an 11kV Heathcote to Lyttelton electricity distribution line support structure foundation.</p> <p>d. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Orion New Zealand Limited or other electricity distribution network operator (absent written approval).</p> <p>Advice note:</p> <ol style="list-style-type: none"> 1. The electricity distribution lines are shown on the planning maps.

Activity	
	<p>2. Vegetation to be planted around electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</p> <p>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activity in the vicinity of electricity distribution lines must comply with NZECP 34:2001.</p>
NC3	<p>a. Visitor accommodation that is not subject to Rule 14.8.1.4 D4, hosted visitor accommodation, unhosted visitor accommodation or visitor accommodation in a heritage item.</p> <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p>

14.8.1.6 Prohibited activities

There are no prohibited activities.

14.8.2 Built form standards

14.8.2.1 Site density

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

	Area/Location	Standard
i.	Residential Banks Peninsula Zone (excluding residential units established under Rule 14.8.1.1 P4 and P18)	400m ²
ii.	Residential Banks Peninsula Zone – Diamond Harbour Density Overlay (excluding residential units established under Rule 14.8.1.1 P4 and P18)	600m ²
iii.	10 Pages Road, Lyttelton (described as Lot 2 DP 52500)	5 or fewer residential units in total may be erected on the site
iv.	10 Harmans Road, Lyttelton (described as Lot 1 DP 71436)	5000m ²
v.	Multi-unit residential complexes	There shall be no minimum net site area for any residential unit
vi.	Retirement villages	

14.8.2.2 Building height

- a. The maximum **height** of any **building** shall be 7 metres.

- b. The maximum height of any accessory buildings shall be 4.5 metres.

Advice note:

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

14.8.2.3 Site coverage

- a. The maximum percentage of the net site area of any site covered by buildings shall be 35%:
- b. For the purposes of this rule this excludes:
 - i. fences, walls and retaining walls;
 - ii. eaves and roof overhangs up to 600mm in width and guttering up to 200mm in width from the wall of a building;
 - iii. uncovered swimming pools up to 800mm in height above ground level; and
 - iv. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - A. are no more than 800mm above ground level and are uncovered or unroofed; or
 - B. where greater than 800mm above ground level and are covered or roofed, are in total no more than 6m² in area for any one site.

14.8.2.4 Minimum building setback from side and rear internal boundaries and railway lines

- a. The minimum building setback from side and rear internal boundaries shall be:

	Applicable to	Standard
i.	Side internal boundaries	One of 1.5 metres and one of 2 metres
ii.	Rear internal boundaries	2 metres
iii.	Buildings, balconies and decks on sites adjacent to or abutting a designated rail corridor	4 metres from the rail corridor boundary

- b. There shall be no minimum setback from internal boundaries for accessory buildings where the length of any wall within the setbacks specified in a. is less than 6 metres.
- c. For the purposes of this rule this excludes guttering up to 200mm in width from the wall of a building.

14.8.2.5 Daylight recession planes

- a. No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2 metres above ground level at any adjoining site

boundary, that is not a road boundary. ~~This rule shall not apply in the Lyttelton Character Area Overlay or in the Lyttelton Residential Heritage Area.~~

- b. Where the building is located in a Flood Management Area, the exemptions in Rule 5.4.1.3 apply (for activities P1-P4 in Table 5.4.1.1b).

14.8.2.6 Building setbacks from road boundaries

- a. Minimum building setback from road boundaries shall be:

	Applicable to	Standard
i.	Where a garage contains a vehicle entrance way which generally faces a road	5 metres
ii.	All other buildings	3 metres

14.8.2.7 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 reticulated system (where available) in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008 water supply and access to water supplies for fire fighting that is in compliance with the alternative firefighting water sources provision`s of SNZ PAS 4509:2008 must be provided.

14.8.3 Area -specific rules - Residential Banks Peninsula Zone

- a. The following rules apply to the areas specified. All activities are also subject to Rules 14.8.1 and 14.8.2, unless specified otherwise.

14.8.3.1 Area- specific activities

14.8.3.1.1 Area- specific permitted activities

- a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table; and the built form standards in Rule 14.8.2, unless specified otherwise.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.8.1.2, 14.8.1.3, 14.8.1.4, 14.8.1.5, or 14.8.1.6 (unless specified otherwise in area specific rules); and Rule 14.8.3.1.2, 14.8.3.1.3, 14.8.3.1.4, 14.8.3.1.5, or 14.8.3.1.6.

	Activity/area	Area specific standards
P1	Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space does not exceed 40m ² within a 10 year continuous period	a. Compliance with Rule 14.8.3.2.1
P2	Replacement for an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space does not exceed the combined gross floor area of the habitable spaces contained in the previous residential unit by more than 40m ² within a 10 year continuous period	a. Compliance with Rule 14.8.3.2.1
P3	Hosted visitor accommodation in the Lyttelton Port Influences Overlay	<ul style="list-style-type: none"> a. Compliance with Rule 14.8.3.2.1. b. A maximum of eight guests shall be accommodated at any one time. c. The Council shall be notified in writing prior to commencement. d. The owner of the unit shall keep records of the number of nights it is used for hosted visitor accommodation per year from the date Council are notified of commencement and provide those records to the Council on request.
P4	Visitor accommodation in a heritage item in the Lyttelton Port Influences Overlay where a permanent resident or manager/ supervisor is in residence on the site for the duration of any visitors' stay	<ul style="list-style-type: none"> a. Compliance with Rule 14.8.3.2.1. b. A maximum of ten guests shall be accommodated at any one time. c. The Council shall be notified in writing prior to commencement. d. The owner of the heritage item shall keep records of the number of nights it is used for hosted visitor accommodation and provide those records to the Council on request.
P5	Minor residential unit in the Lyttelton Character Area Overlay or the Lyttelton Residential Heritage Area where the minor unit is a detached building and the existing site it is to be built on contains only one residential unit	<ul style="list-style-type: none"> a. The existing site containing both units shall have a minimum net site area of 450m². b. The minor residential unit shall have a minimum gross floor area

	Activity/area	Area specific standards
		<p>of 35m² and a maximum gross floor area 80m².</p> <p>c. The parking areas of both units shall be accessed from the same access.</p> <p>d. There shall be a total outdoor living space on the existing site (containing both units) with a minimum area of 50m² and a minimum dimension of 5 metres. This total space can be provided as:</p> <p>i. a single continuous area; or</p> <p>ii. be divided into two separate spaces, provided that each unit has an outdoor living space that is directly accessible from that unit and is a minimum of 20m² in area.</p>
P5	<p>Visitor accommodation in a heritage item in the Lyttleton Port Influences Overlay where a permanent resident or manager/ supervisor is not in residence on the site for the duration of any visitors' stay</p>	<p>a. Compliance with Rule 14.8.3.2.1.</p> <p>b. A maximum of ten guests shall be accommodated at any one time.</p> <p>c. The number of nights a site is used for visitor accommodation shall not exceed 60 per year calculated from when Council are notified of commencement.</p> <p>d. The Council shall be notified in writing prior to commencement.</p> <p>e. The owner of the heritage item shall;</p> <p>i. keep records of the number of nights it is used for visitor accommodation and provide those records to the Council on request.</p> <p>ii. provide up-to-date contact information of a local person and/or organisation responsible for managing the property and responding</p>

	Activity/area	Area specific standards
		<p>to complaints, to all owners and occupiers of adjoining sites, on commencement, on request, or annually if not requested; and</p> <p>iii. ensure guests are provided clear instructions including maps/diagrams/photos/signs for check-in procedures, building access and parking arrangements, constraints on the use of outdoor areas, rubbish and recycling procedures, controls on functions and events, any relevant hazards and safety procedures, prior to arrival, and within the unit.</p> <p>f. There shall be a maximum of 16 vehicle movements per day associated with visitor accommodation.</p> <p>g. Guests shall not hold functions or events where the number of additional attendees exceed the number of paying guests between 22.00pm and 07:00am.</p> <p>h. Guest activities shall meet daytime and night time noise limits in Rule 6.1.5.2.1 and Rule 6.1.5.2.2.</p>
P6	<p>Unhosted visitor accommodation in the Lyttleton Port Influences Overlay</p>	<p>a. Compliance with Rule 14.8.3.2.1</p> <p>b. A maximum of eight guests shall be accommodated at any one time.</p> <p>c. The number of nights a site is used for unhosted visitor accommodation shall not exceed 60 per year calculated from when Council are notified of commencement.</p> <p>d. The Council shall be notified in writing prior to commencement.</p>

	Activity/area	Area specific standards
		<p>e. The owner of the unit shall;</p> <ul style="list-style-type: none"> i. keep records of the number of nights it is used for unhosted visitor accommodation and provide those records to the Council on request. ii. provide up-to-date contact information of a local person and/or organisation responsible for managing the property and responding to complaints, to all owners and occupiers of adjoining sites, on commencement, on request, or annually if not requested; and iii. ensure guests are provided clear instructions including maps/diagrams/photos/signs for check-in procedures, building access and parking arrangements, constraints on the use of outdoor areas, rubbish and recycling procedures, controls on functions and events, any relevant hazards and safety procedures, prior to arrival, and within the unit. <p>f. There shall be a maximum of 16 vehicle movements per day associated with unhosted visitor accommodation.</p> <p>g. Guests shall not hold functions or events where the number of additional attendees exceed the number of paying guests between 22.00pm and 07:00am.</p> <p>h. Guest activities shall meet daytime and night time noise limits in Rule 6.1.5.2.1 and Rule 6.1.5.2.2.</p>

14.8.3.1.2 Area -specific controlled activities

There are no controlled activities.

	Activity	The Councils control is reserved to the following matters:
C3	<p>a. In the Lyttelton Character Area Overlay, the erection of a new residential unit to the rear of an existing residential unit on the same site, where it is:</p> <p>i. Less than 5 metres in height; and</p> <p>ii. Meets the built form standards applicable to this Overlay.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	<p>a. Character Area Overlay – Rule 14.15.27</p>

14.8.3.1.3 Area- specific restricted discretionary activities

PANEL INSTRUCTIONS:

It appears that the following rules have been omitted from this version:

- RD8 Hosted visitor accommodation;
- RD9 Visitor accommodation; and
- RD10 Unhosted visitor accommodation

Return Rule 14.8.3.1.3 to the Operative District Plan version.

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [Rule 14.15.56](#), or as specified, as set out in the following table:

	Activity/area	The Council’s discretion shall be limited to the following matters
RD1	<p>a. Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space exceeds 40m² within a 10 year continuous period with a no complaints covenant, provided that the works meet Rule 14.8.3.2.1</p> <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Lyttelton Port Company (absent its written approval).</p>	<p>a. Lyttelton Port Influences Overlay – Rule 14.15.14</p>
RD2	<p>a. Replacement residential unit for an existing residential unit in the Lyttelton Port Influences Overlay where the combined</p>	

	Activity/area	The Council's discretion shall be limited to the following matters
	<p>gross floor area of the habitable space exceeds the combined gross floor area of the habitable space contained in the previous residential unit by more than 40m² within a 10 year continuous period with a no complaints covenant, provided that the works meet Rule 14.8.3.2.1</p> <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Lyttelton Port Company (absent its written approval).</p>	
RD3	<p>a. Within the Lyttelton Character Area Overlay;</p> <ul style="list-style-type: none"> i. external alterations or additions to, or demolition of existing buildings on a site, except for the demolition of accessory buildings; and/or ii. the erection of a building and accessory buildings, except for new buildings within the Lyttelton Port Influences Overlay Area; and/or iii. the relocation of a buildings onto the site. <p>Within the Lyttelton Character Area Overlay:</p> <p>a. The demolition or removal of a building greater than 30m² on the site, relocation of a building onto the site, erection of new buildings and alterations or additions to existing buildings, accessory buildings, fences and walls associated with that development.</p> <p>b. This rule does not apply:</p> <ul style="list-style-type: none"> i. where 14.8.3.1.2 C3 applies. ii. to fences that meet the built form standard 14.8.3.2.11; iii. to accessory buildings that are less than 30m² and located to the rear of the main residential unit on the site and are less than 5 metres in height; iv. to fences that are located on a side or rear boundary of the site, except where that boundary is adjacent to a public space. <p>c. Activities that do not meet Built Form standard 14.8.3.2.5.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	a. Character Area Overlay – Rule 14.15.237
RD4	<p>a. Within the Akaroa Character Area Overlay;</p> <ul style="list-style-type: none"> i. external alterations or additions to, or demolition of existing buildings on a site, except for the demolition of accessory buildings; and/or ii. the erection of a building and accessory buildings; and/or iii. the relocation of a buildings onto the site. 	a. Character Area Overlay – Rule 14.15.237

	Activity/area	The Council's discretion shall be limited to the following matters
RD5	Residential units in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.2 – Site density	a. Site density and site coverage – Rule 14.15.2
RD6	Residential units in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.3 – Height of buildings	b. Character Area Overlay – Rule 14.15.27
RD67	Buildings in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.34 – Site coverage	c. New buildings in Residential Heritage Area – Rule 9.3.6.4
RD78	Activities in the Lyttelton or Akaroa Character Area Overlay that do not meet Rule 14.8.3.2.67 – Landscaping	a. Street scene – road boundary building setback, fencing and planting – Rule 14.15.17 b. Residential landscaping – Rule 14.15.24
RD9	Activities in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rules 14.8.3.2.5 or 14.8.3.2.6 – Minimum building setbacks or Rule 14.8.3.2.9 – Outdoor living space per unit	a. Street scene – road boundary setback, fencing and planting – Rule 14.15.18 b. Outdoor living space – Rule 14.15.21 c. Character Area Overlay – Rule 14.15.27 d. New buildings in Residential Heritage Area – Rule 9.3.6.4
RD10	Activities in the Lyttelton Character Area Overlay that do not meet Rule 14.8.3.2.8 – Front entrances, Rule 14.8.2.10 – Windows to street, Rule 14.8.3.2.11 – Fencing in character areas or Rule 14.8.3.2.11 – Garaging and carport building location in character areas	a. Residential fencing – Rule 14.15.14 b. Character Area Overlay – Rule 14.15.27 c. Street facing glazing – Rule 14.15.23

	Activity/area	The Council's discretion shall be limited to the following matters
RD11	<p>Minor residential unit in the Lyttelton Character Area Overlay or Lyttelton Residential Heritage Area where the minor unit is a detached building and does not meet one or more of the activity specific standards in Rule 14.8.3.1.1 P5 a, b, c, or d.</p> <p>Advice note:</p> <p>For minor residential units within the Lyttelton Port Influences Overlay refer to area specific Rule 14.8.3.</p>	<p>a. Minor residential units – Rule 14.15.226</p> <p>b. Character Area Overlay – Rule 14.15.27 where relevant.</p> <p>c. New buildings in Residential Heritage Areas – Rule 9.3.6.4 where relevant.</p>

14.8.3.1.4 Area -specific discretionary activities

D1	<p>a. Hosted visitor accommodation in the Lyttelton Port Influences Overlay that:</p> <ul style="list-style-type: none"> i. does not comply with activity specific standards in Rule 14.8.3.1.1 P3 (a); or ii. that exceeds 12 guests per site at any one time. <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p>
D2	<p>a. Visitor accommodation in a heritage item in the Lyttelton Port Influences Overlay that:</p> <ul style="list-style-type: none"> i. does not comply with activity specific standards in Rule 14.8.3.1.1 P4 (a) and P5 (a); or ii. that exceed 20 guests per site at any one time. <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p>
D3	<p>a. Unhosted visitor accommodation in the Lyttelton Port Influences Overlay that:</p> <ul style="list-style-type: none"> i. does not comply with activity specific standards in Rule 14.8.3.1.1 P6 (a) and ii. that exceeds 12 guests per site at any one time. <p>b. Any application arising from this rule shall not be publicly notified but may be limited notified.</p>

14.8.3.1.5 Area- specific non-complying activities

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

NC1	<p>a. Extension under Rule 14.8.3.1.1 (P1) in the Lyttelton Port Influences Overlay that does not meet Rule 14.8.3.2.1.</p> <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Lyttelton Port Company (absent its written approval).</p>
NC2	<p>a. Replacement under Rule 14.8.3.1.1 (P2) in the Lyttelton Port Influences Overlay that does not meet Rule 14.8.3.2.1.</p> <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Lyttelton Port Company (absent its written approval).</p>
NC3	<p>a. Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space exceeds 40m² within a 10 year continuous period that:</p> <ul style="list-style-type: none"> i. does not have a no complaints covenant; and/or ii. does not meet Rule 14.8.3.2.1. <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Lyttelton Port Company (absent its written approval).</p>
NC4	<p>a. Replacement residential unit for an existing residential unit in the Lyttelton Port Influences Overlay where the combined gross floor area of the habitable space exceeds the combined gross floor area of the habitable space contained in the previous residential unit by more than 40m² within a 10 year continuous period that:</p> <ul style="list-style-type: none"> i. does not have a no complaints covenant; and/or ii. does not meet Rule 14.8.3.2.1. <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Lyttelton Port Company (absent its written approval).</p>
NC5	<p>a. New noise sensitive activities in the Lyttelton Port Influences Overlay except for 14.8.3.1.1 P3, P4, P5, P6, 14.8.3.1.3 RD8, RD9, RD10, or and 14.8.3.1.4 D1, D2 or D3.</p> <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified only to Lyttelton Port Company (absent its written approval).</p>
NC6	<p>a. Visitor accommodation that is not hosted visitor accommodation, unhosted visitor accommodation or visitor accommodation in a heritage item.</p> <p>b. Any application arising from this rule shall not be publicly notified and shall be limited notified.</p>

14.8.3.1.6 Area- specific prohibited activities

There are no prohibited activities.

14.8.3.2 Area -specific built form standards

14.8.3.2.1 Internal sound design level in the Lyttelton Port Influences Overlay

- a. New **habitable space** or extensions to existing **habitable space** in the Lyttelton Port Influences Overlay shall have an internal sound design level of 40dB Ldn (5 day) with ventilating **windows** or with **windows** and doors closed and **mechanical ventilation installed** and operating.
- b. For the purposes of this rule, the design shall achieve an internal design sound level of a **habitable room**, the external noise environment will be the modelled level of port noise taken from the predicted dB Ldn (5 day) contour closest to the **habitable room**, in accordance with the methodology of NZS 6809:1999 Port Noise Management and Land Use Planning.

14.8.3.2.2 Site density

- a. Within the Character Area Overlay ~~and/or the Residential Heritage Area~~ in Lyttelton, each residential unit (excluding residential units established under Rule 14.8.1.1 P4 and P18) shall be contained within its own separate site and the site shall have a minimum net site area of 250 ~~450~~m².
- ~~b. Within the Character Area Overlay and/or the Residential Heritage Area in Lyttelton, there must be no more than one residential unit plus one minor residential unit per site.~~

14.8.3.2.3 Building height

- ~~a. Within the Character Area Overlay and/or the Residential Heritage Area in Lyttelton, the maximum building height is 7 metres, except that any accessory building must not exceed 5 metres in height.~~

14.8.3.2.34 Site coverage

- a. Within the Character Area Overlay ~~and/or the Residential Heritage Area~~ in ~~Lyttelton~~ Lyttelton the maximum percentage of the net site area covered by buildings shall be 60%.~~50%~~.
- b. For the purpose of this rule this excludes:
 - i. fences, walls and retaining walls;
 - ii. eaves and roof overhangs up to 600mm in width and guttering up to 200mm in width from the wall of a building;
 - iii. uncovered swimming pools up to 800mm in height above ground level; and
 - iv. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - A. are no more than 800mm above ground level and are uncovered or unroofed; or

- B. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site.

14.8.3.2.4~~5~~ Minimum building setbacks from internal boundaries

- a. Within the Character Area Overlay the minimum building setbacks from boundaries may be reduced to nil on one side internal boundary where written approval has been obtained from the owner and occupier of the site adjoining the boundary, otherwise Rule 14.8.2.4 shall apply.
- ~~a. Within the Character Area Overlay and/or Residential Heritage Area in Lyttelton, the minimum internal boundary setback shall be 1.5 metres on one side and 3 metres on the other, and the minimum rear boundary setback shall be 2 metres.~~
- b. ~~Within the Character Area Overlay in Lyttelton, where the total length of accessory buildings on a side or rear boundary does not exceed 10 metres, no setback shall be required.~~
- c. ~~Within the Character Area Overlay in Lyttelton, any building must be set back from a shared access by a minimum of 1 metre.~~

14.8.3.2.5~~6~~ Minimum building setbacks from road boundaries

- ~~a. Within the Character Area Overlay the minimum building setbacks from road boundaries shall be nil.~~
- ~~b. Within the Character Area Overlay and/or Residential Heritage Area in Lyttelton the minimum building setbacks from road boundaries shall be nil. 3 metres.~~
- b. ~~Within the Character Area Overlay in Lyttelton, up to 300mm in width of eaves and roof overhangs, and guttering up to 200mm in width from the wall of a building may protrude into the front setback.~~

14.8.3.2.6~~7~~ Landscaping

- a. Within the Character Area Overlay in Akaroa a landscaping strip with a minimum width of 3 metres shall be provided and comprise a combination of tree and garden planting along the length of the road boundary, excluding that part required for buildings, driveways or pedestrian access.
- ~~b. Within the Lyttelton Character Area Overlay:~~
- ~~i. A landscaping strip of a minimum width of 3 metres, shall be located along the length of the road boundary excluding that part required for a driveway or pedestrian access.~~
- ~~ii. In addition to i. above, a residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with tree and garden planting.~~

14.8.3.2.8 Front entrances

- ~~a. Within the Lyttelton Character Area Overlay:~~
- ~~i. the maximum paved access width per site is 3.6 metres, or;~~
- ~~ii. 4.8 metres, where it includes a pedestrian access with a minimum width of 1.2 metres.~~

~~14.8.3.2.9 Outdoor living space per unit~~

~~a. Within the Lyttelton Character Area Overlay:~~

- ~~i. a residential unit at ground floor level must have an outdoor living space that is at least 50 square metres at ground floor level and has no dimension less than 5 metres; and~~
- ~~ii. a residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace, of at least 8 square metres and a minimum dimension of 1.8 metres; and~~
- ~~iii. any outdoor living space must be:~~
 - ~~A. accessible from the residential unit;~~
 - ~~B. located directly adjacent to the unit; and~~
 - ~~C. be free of buildings, parking spaces, and servicing and manoeuvring areas.~~

~~b. Within the Lyttelton Residential Heritage Area, each residential unit shall be provided with an outdoor living space contained within the net site area with a minimum area of 50 square metres.~~

~~14.8.3.2.10 Windows to street~~

~~a. Within the Lyttelton Character Area Overlay, any residential unit facing the street must have a minimum of 20% of the street facing façade(s) within the first 6 metres from the road boundary, in transparent glazing, or a combination of transparent glazing and a front door.~~

~~b. For the purpose of this rule, any area of roofspace that is fully enclosed by a gable shall not be included in the area of the street-facing façade.~~

~~14.8.3.2.11 Fencing in character areas~~

~~a. Within the Lyttelton Character Area Overlay, the maximum height of:~~

- ~~i. fencing along the front boundary is 1 metres; and~~
- ~~ii. any retaining wall along the front boundary is 1.5 metres.~~
- ~~iii. And where a fence is proposed on a retaining wall, it must be set back from the front face of the retaining wall by 1.2 metres with the intervening area containing planting.~~

~~b. The maximum height of fencing for all side and rear (internal) boundaries is 2.0 metres.~~

~~14.8.3.2.12 Garaging and carport location in character areas~~

~~a. Within the Lyttelton Character Area Overlay, garages, carports (whether detached or not) and any areas provided for car parking shall be:~~

- ~~i. separate to the residential unit;~~
- ~~ii. located to the side or rear of the residential unit; and~~
- ~~iii. located at least 1.2m behind the front façade of a residential unit, except if a car parking area.~~