

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 55: RESPONSE TO COUNCIL REGARDING FINAL CLARIFICATIONS SOUGHT

- [1] This is the fifty fifth (55) 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 Council for Christchurch City Council filed on 20 September 2024 regarding final clarifications sought.¹
- [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.

Council Memorandum

- [4] The Council's Memorandum provided information on the initial Council decisions on PC 14 made on 18 September 2024 and the Council's timetable for next steps regarding PC 14.
- [5] The Memorandum also detailed the consequential mapping changes made and outlined what are intended to be the Council's final clarifications on the Panel's recommendations. The Panel's comments and responses to these are detailed below and in the appended documents.

Mapping changes

- [6] Appendix 2 to the Council's Memorandum details consequential mapping changes made following the actioning of the mapping changes included in IHP Minute 53.²
- [7] The Panel records that during the process of reviewing the mapping clarifications the Council undertook further technical updates to the online mapping tool provided on 20 September 2024 in order to improve the legibility of the mapping tool. Unfortunately, this resulted in the identification of number of other errors within the online mapping tool which impeded the Panel's ability to rely on the tool. The functionality and accuracy issues appeared to be largely due to technical issues with the Council's online mapping tool, so the Panel asked the IHP Director to liaise directly with Council staff to identify

¹ [Memorandum of Council for Christchurch City Council - 20 September 2024 - Regarding final clarifications sought](#)

² [IHP Minute 53 - Response to Mapping Clarifications - 30 August 2024](#)

and clarify these. The Council identified the issues with the functionality and accuracy of the layers within the mapping tool and these now appear to have been resolved in the last week. The Panel is now able to confirm the accuracy of the consequential changes identified in the Council's Appendix 2, and these are reflected accurately in the mapping tool as of the date of this Minute.

[8] To the extent that the Council seeks to rely on the online mapping tool we note there remain limitations with the speed at which various layers are shown. For the purposes of notifying Council decisions on PC 14, the Council will need to ensure the planning maps accurately reflect those decisions.

[9] The Panel's comment and response to these changes are detailed in the attached Appendix 1.

Further clarifications sought by the Council

[10] The Council's Memorandum, Appendix 3 and Appendix 4 detailed further clarifications sought by Council on the Panel's recommendations, intended to be the final clarifications required.

[11] The Panel's responses to these are set out in the attached Appendix 2, in the right-hand column to Council's Appendix 3. The Panel has also provided an additional table in Appendix 3 to this Minute setting out the Panel's recommended approach to the Airport Influence Qualifying Matter (QM).

Addendum to Part 5

[12] The Panel had inadvertently not addressed the Belfast Commercial Centre and Styx River Setback QM in Part 5 of its Recommendations Report.³ A second addendum to Part 5 has been issued in relation to that matter.⁴

[13] Further in response to the Council request for clarification of the Panel's recommendation to reject the Riccarton Bush Interface Area QM, the Panel has identified that there are drafting errors in Part 5, paragraphs [434] and [468]⁵.

[14] As recommended paragraph [434](e) provides:

³ [IHP Recommendation Report - Part 7 - 29 July 2024](#)

⁴ [Addendum 2 to Part 5 of the Recommendations Report - 7 October 2024](#)

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

[434] We find that the Riccarton Bush Interface Area should not proceed as a QM for the following reasons:

...the ODP provisions, including that relating to height, minimum site area, minimum density, permitted site coverage and building setback (including from the boundary with the Riccarton Bush), should be retained in preference to the proposed provisions

[15] That incorrectly summarises the Panel's recommendation in relation to Riccarton Bush because the only ODP 'provisions' that the Panel recommended to qualify the MDRS and Policy 3 enablement's which the Panel considered were necessary to address the values of Pūtarangamotu Riccarton Bush was the setback from the predator proof fence as addressed at [450] and [455] and in the Panel's recommendation on Significant and Other Trees. This also requires a consequential change to [468] (in addition to the amendment in Addendum 1 to Part 5) to reference the specific rule that the Panel intended to apply.

[16] For completeness the Panel notes that it recommended the continued identification of Riccarton Bush as a Site of Ecological Significance or as an Outstanding Natural Feature in the District Plan.

Residential Character Areas

[17] In addition to the requests for clarification in Appendix 3 to the Council's Memorandum, the Council set out a response to the Panel's request for the Council to clarify why it considered that those areas subject to existing RCA's, that have been accepted as a QM, would retain the ODP zone.

[18] The Panel acknowledges the paragraphs outlined by the Council refer to 'provisions' and that the term can be understood to include reference to 'zones'; however the Council appears not to have considered that the Panel clearly set out its approach to incorporation of the MDRS and giving effect to NPS- UD Policy 3 enablement's in relevant residential zones, in Part 4 of the Recommendations Report.

[19] In Part 4 [4](a) the Panel confirmed:

the MRZ and HRZ should both be accepted as the principal zones to deliver the Medium Density Residential Standards (MDRS) and additional height and density of urban form near to the CCZ and other commercial zones (with any qualifying matters applying only to the extent necessary to accommodate the qualifying matter – as recommended later in this part of the Report and in Parts 4 and 5), and subject to our recommendations regarding the restructuring of Chapter 14 in light of our findings on the scope of an IPI, and the effect of the Waikanae decision on status quo enablement.

[20] The only exceptions to the approach, and where the area was not zoned as 'MRZ' or 'HRZ' were in relation to parts of the operative Rural Hills zone (and the Rural Hamlet Zone) that the Panel found not to be a relevant residential zones for the purposes of an IPI⁶ and in the case of those areas subject to the Coastal Hazards (including Tsunami) QM where the Panel accepted that retaining the operative Residential Suburban Zone was the appropriate method.⁷

[21] As a consequence where an existing RCA QM falls within one of the exceptions, for example at Sumner which is within the Coastal Hazard and Tsunami QM layer, then that RCA would retain its ODP zone for reasons related to the coastal hazard QMs (not simply because it is a RCA). Therefore, as a consequence there will still need to be RS provisions for that RCA in the redrafting of Chapter 14.

[22] The Council has identified what they consider to be 'discrepancies' in the Chapter 14 provisions where the Panel has not shown some provisions as being deleted.⁸ The Panel clarifies those matters below:

14.5.3.1.2 C1, where bolded black text was shown as struck-through in the Council proposals but is not formatted to show a different Panel recommendation;

Panel Clarification

[23] The Panel intended that the ODP provisions would be reinstated. However, this is not correctly shown in C1. The Panel clarifies that all of the text under 'a.' and 'b.' should have been shown as bold underlined (i.e. reversing the Council Reply version of the rule). The balance of C1 is correctly formatted to be shown as deleted.

14.5.3.2.6.a.ii.A;

Panel Clarification

[24] The Panel clarifies that the text under 'ii. A.' should be show as bold underlined (i.e. reversing the Council reply version of the rule). The balance of the rule is correctly formatted to be shown as deleted.

⁶ [IHP Recommendations Report - Part 4 - 29 July 2024](#) at [68]

⁷ [IHP Recommendations Report - Part 5 - 29 July 2024](#) at Section 9

⁸ [Memorandum of Counsel for Christchurch City Council - 20 September 2024 - Regarding final clarifications sought](#) at 10(f)

14.5.3.2.7.a [new]: new text is correctly identified in bold purple font, but relates to Residential Heritage Areas which the Panel recommends be rejected as a qualifying matter.

Panel Clarification

[25] This matter has been clarified in the Panel's response to Item #18 in the Council's Appendix 3.

[26] The Council has further asked whether or not retaining the ODP framework in its entirety, including zoning might be another available means of achieving the same end. That was not the approach the Panel took and therefore does not have a view.

Airport Noise Overview

[27] In relation to the airport noise matters the Panel has considered the Council's request for clarification and verification of the Council's understanding of the Panel's recommended airport noise framework in Appendix 3 Item #7 and in Appendix 4 of the Council's Memorandum. The Panel confirms that the Council has correctly recorded the approach, but the Panel is not clear from the way the Council has summarised the matters in Appendix 4 that the Council correctly understood the Panel's expectations as to how the provisions should translate to the '3 pathway' approach. Therefore, to assist the Council in its decision making the Panel has set out in Appendix 3 to this Minute a table setting out our recommendations as to the approach.


[28] The Panel's response to the remaining airport noise matters are addressed in Appendix 3 to this Minute.

Dated 7 October 2024

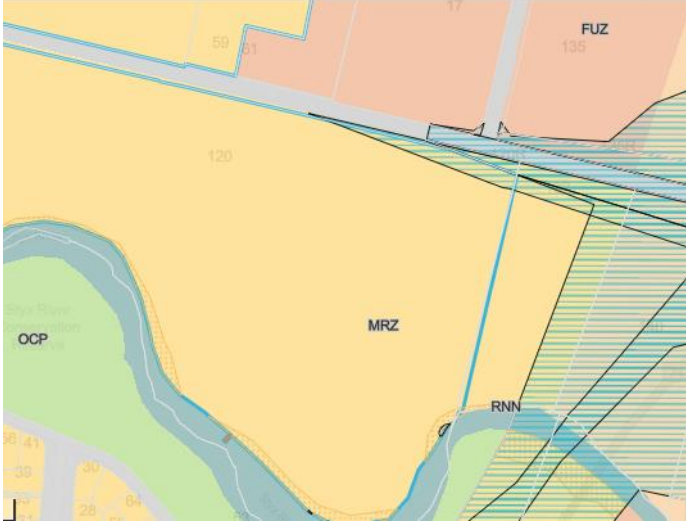




Cindy Robinson
Chair
for Independent Hearings Panel


APPENDIX 1 – Based on Council Memorandum, 20 September 2024, Appendix 2 – MAPPING CHANGES

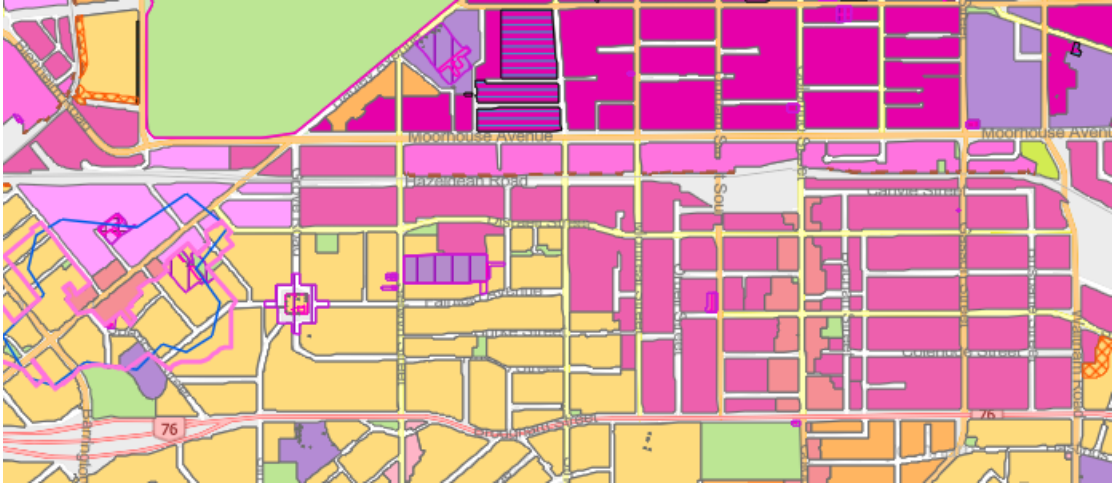
#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
1.	HRZ around Belfast / Northwood	<p>Reduce the HRZ extent between Beechwood Drive and Mahlet Street to reflect the extent of LCIP, as displayed in Council RoR mapping:</p> 	Response to Minute 53	The Panel notes that the zoning is now correctly shown on the webmap. ⁹
2.	HRZ around Belfast / Northwood	HRZ zoning along Radcliffe Road should stop at 120 Radcliffe Road, as per the RoR LCIP boundary:	Additional response to Minute 53	The Panel notes that the zoning is correctly shown on the webmap.

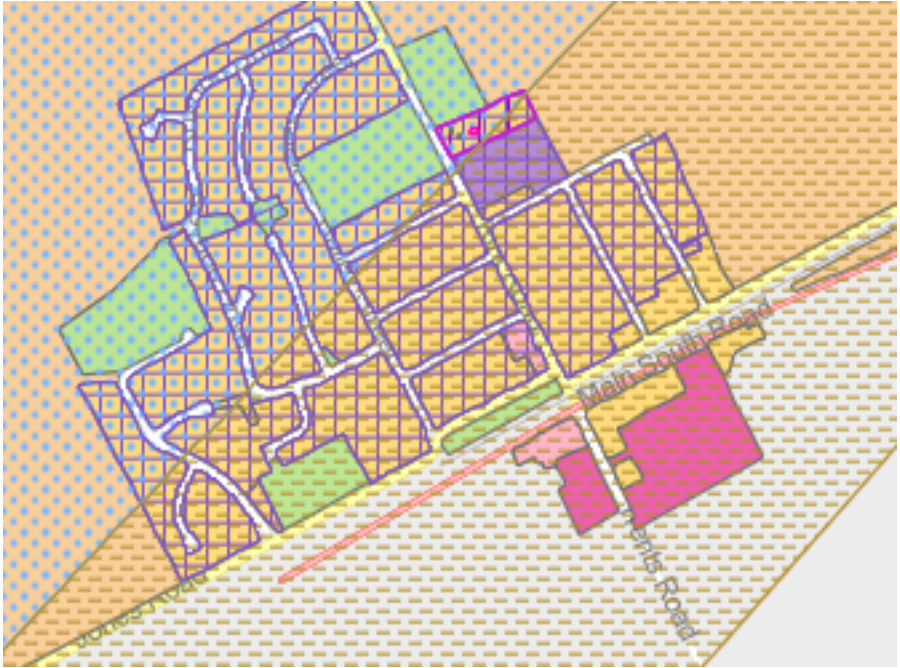
⁹ [PC14 IHP Recommendation – Draft Council Mapping \(20 September 2024\) \(ccc.govt.nz\)](https://ccc.govt.nz)



#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
		<p style="text-align: center;">Council Reply</p> 		
3.	159 Main Road	<ol style="list-style-type: none"> 1. Re-zone 159 Main Road from LCZ to Industrial General Zone. 2. Sites either side shown MRZ sites should also be zoned Industrial General Zone – to the same extent as the operative zone (i.e retain operative IG zone). 3. The Industrial Interface QM should be removed from any non-residential zone accordingly. 	Response to Minute 53	The Panel notes that the zoning is correctly shown on the webmap.

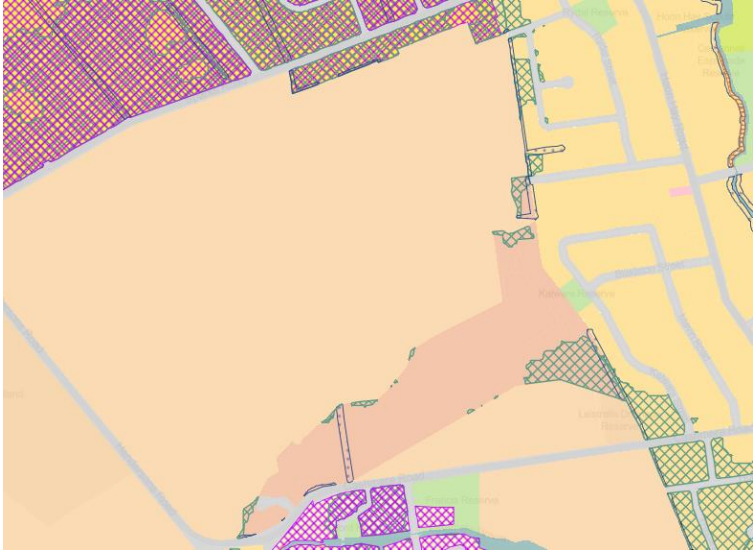
#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
				
4.	180 and 178 Riccarton Road	<p>180 and 178 Riccarton Road should be re-zoned as HRZ.</p> 	Further consequential change	The Panel notes that the zoning is correctly shown on the webmap.
5.	Slope Instability QM – Sumner	The residential portions of the properties at 21 and 25 Finnsarby Place in Sumner should be zoned Residential Hills not MRZ given that they are fully within the Rockfall Management Area 1.	Further consequential change	The Panel notes that the zoning is correctly shown on the webmap.

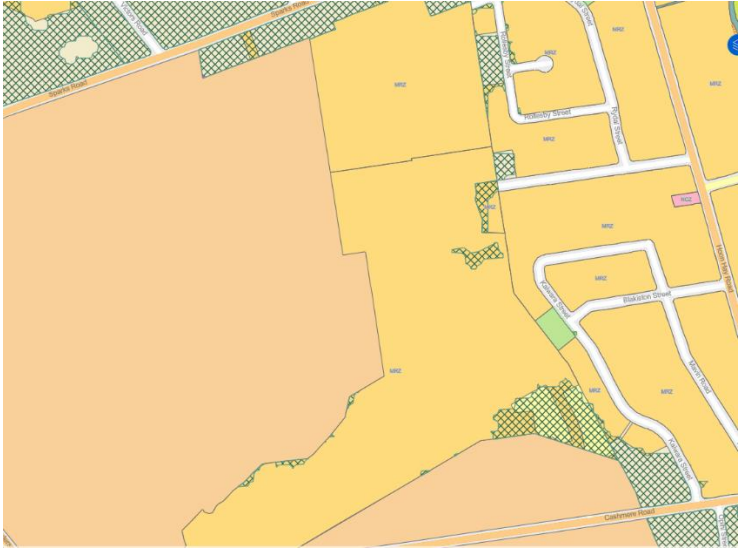
#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
				
6.	Industrial Interface QM – Sydenham	Apply the 40m Industrial Interface QM buffer to the residential areas adjoining the Sydenham Industrial General Zone (given the recommendation to retain this zoning).	Further consequential change	The Panel notes that the zoning is correctly shown on the webmap.

#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
				
7.	Industrial Interface QM – Templeton	Apply the 40m Industrial Interface QM buffer to the residential areas adjoining the Industrial General Zone in Templeton – this aligns with the notified mapping.	Further consequential change	The Panel notes that the zoning is correctly shown on the webmap.

#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
				
8.	Industrial Interface QM – Maces Road	Apply the 40m Industrial Interface QM buffer to the residential areas zoned MRZ adjoining the Industrial General and Industrial Heavy Zone along Maces Road – this aligns with the notified mapping.	Further consequential change	The Panel notes that the zoning is correctly shown on the webmap, as shown in the snip below.

#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
				
9.	Hendersons Basin	The Rural Urban Fringe Zone in Hendersons Basin should not be rezoned MRZ. Notified showing Rural Urban Fringe below:	Response to Minute 53	The Panel notes that the zoning is correctly shown on the webmap.

#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
		 <p data-bbox="369 861 1232 893">Recommendation mapping below showing residential over the rural zone:</p>		

#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
		 <p>Only proposed FUZ should be rezoned as MRZ.</p>		
10.	RSDT zoning	Parcel ID 66538 is still showing at RSDT and should be zoned MRZ accordingly.	Further consequential change	The Panel understands that Parcel ID 66538 applies to the site to the south west of 83 Clyde Road (Kate Sheppard House) and notes that the zoning is correctly shown on the webmap.
11.	Layering of Airport Contours & Naming	<p>What is currently shown “Airport Influence Area” should be renamed “2023 Remodelled 50dB Ldn Outer Envelope Contour”.</p> <p>The layer should be removed where there are already operative air noise contours showing, being:</p> <ul style="list-style-type: none"> • 55 dB Ldn Air Noise Contour • 50 dB Ldn Air Noise Contour 	Response to Minute 53 and further consequential change	The Panel notes that the zoning is correctly shown on the webmap.

#	Area / Feature	Change required	Source / consequential change	IHP Response/Comment
		<ul style="list-style-type: none"> <li data-bbox="421 284 1384 347">65 dB Ldn Air Noise Compliance Contour (Note: the Council is seeking further clarification from the Panel regarding the naming of this layer) 		

APPENDIX 2 – Based on Council Memorandum, 20 September 2024, Appendix 3 – CLARIFICATIONS SOUGHT BY THE COUNCIL

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
QUALIFYING MATTERS						
1.	Central City Heritage Interface QM (adjoining The Arts Centre and New Regent Street)	15.11.2.11 a.vi.	Central city	Part 3 [96] (c) and (d), and drafting recommendations 15.14.2.6 x.e.	<p>Paragraph 96 (d)(ii) recommends that the Central City Heritage Interface QM for sites adjacent to New Regent Street and The Arts Centre be deleted and replaced by a matter of control and discretion. However, the drafting recommendation in Appendix G to the Recommendation Report, for a matter of control and discretion in 15.14.2.6 x.e., refers to buildings <u>only to the east of New Regent Street</u> and The Arts Centre.</p> <p>The heritage interface in rule 15.11.2.11 a.vi. was proposed to apply to sites <u>adjoining New Regent Street to the north, south and west, as well as east</u> (and also to the sites adjoining the Arts Centre on the east side of Montreal Street). The interface included sites separated by a road, which are 'adjoining' sites in accordance with the District Plan definition.</p> <p>Please clarify if, in relation to the New Regent Street heritage item and setting, the matter of control and discretion in 15.14.2.6 x.e. should be amended to relate to all sites within the full extent of</p>	<p>The Panel confirms that in accordance with its evaluation at [151] – [154] of Part 3 to its Recommendation Report, the interface QM was to be replaced with a matter of discretion, meaning that development of sites to the north, south, east and west of New Regent Street were intended to be included in the matter of discretion 15.14.2.6 x. e.</p> <p>The Panel confirms that the Council's amended wording is correct. The amended wording also needs to be included in matter of discretion 15.14.3.1 a. xiv.</p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
					<p>the interface as it was proposed in rule 15.11.2.11 a.vi. (Council's reply version).</p> <p>Please indicate whether the following wording would be appropriate to reflect this: "For buildings adjoining New Regent Street to the north, south, west and east, and adjoining The Arts Centre to the east, how the building manages the individual or cumulative effects of shading and visual dominance on those heritage items and settings in Appendix 9.3.7.2."</p>	
2.	Industrial Interface	Ch 14		Part 5, s16, para 275	<p>The Panel's Minute 51 (from page 5) explains that the <i>"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"</i>. Please confirm the following:</p> <p>Does the MRZ and HRZ 8m building height only apply where the new built form standard is not achieved (i.e. 14.5.2.20 (MRZ) and 14.6.2.19 (HRZ) Residential units within the industrial interface overlay)?</p> <p>Given that the MRZ and HRZ building height assessment matters only relate to 'impacts on neighbouring property'</p>	<p>The Panel understands the clarification sought by Council relates to interplay between the 'Maximum building height' and the 'Residential units within the Industrial Interface overlay' built form standards in both the MRZ and HRZ zones.</p> <p>The Panel notes that specific restricted discretionary activity status and matters of discretion are set out for each situation:</p> <p>'Maximum building height' (i.e. RD14 and matter of discretion Rule 14.15.3); and</p> <p>'Residential units within the Industrial Interface overlay' (i.e. RD32 and matter of discretion Rule 14.15.43).</p> <p>Using the HRZ zone as the example, Rule 14.5.2.3 sets out maximum building heights,</p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
					<p>should the 8m building height be included in RD32 (MRZ) and RD26 (HRZ) (with the relevant assessment matters in 14.5.2.20 applying)?</p>	<p>with Rule 14.5.2.20 setting out specific building height standards for the habitable room windows and balconies of residential units, where located above 8 metres. This rule does not set the '<i>Maximum building height</i>' for the residential unit as that is provided in Rule 14.5.2.3.</p> <p>The Panel clarifies that the specific <u>maximum</u> building height of 8 metres applying to the Industrial Interface Qualifying Matter Area in Rule 14.5.2.3 a. iv. of the MRZ sub-chapter is an error and should be deleted.</p> <p>This error has not been duplicated in the HRZ sub-chapter as the references to the Industrial Interface Qualifying Matter Area have been deleted. It would appear to the Panel that no correction is required to the HRZ sub-chapter.</p>
3.	Central City New Regent Street and Arts Centre	Ch 15 15.11.1.3 RD11 15.11.1.4 D1		Part 3 [175]	<p>The Panel Recommendation in Part 3 [175] h) outlined that 15.11.1.3 RD11 applies where buildings do not meet clauses (a)(ii) and (iii), which sets the building height limit for New Regent Street (ii), and the Arts Centre (iii). However, this is duplicated in 15.11.1.4 D1 as these are also among the clauses listed in that rule.</p> <p>Ms Gardiner issued a clarification in her summary statement (at paragraph 9) that this was an error and that clauses (a)(ii) and (iii) should be struck out from the list in 15.11.1.4 D1.</p> <p>https://chch2023.ihp.govt.nz/assets/Council</p>	<p>The Panel confirms that the first two bullet points listed in Rule 15.11.1.4 D1 are an error and should be deleted.</p> <p>The Panel notes that a consequential change is required to Rule 15.11.1.3 RD11 under the 'Activity' column to remove 'and (vi)', as this standard has been deleted from Rule 15.11.2.11 <i>Building height</i>. The rule should read as follows:</p> <p><i>Any building that does not meet Rule 15.11.2.11(a)(ii) and (iii), and (vi) in respect...</i></p>

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					-Evidence-Statements-from-11-August-2023/03-Holly-Gardiner-Summary-Statement-Hearing-31-October-2023.pdf Can the Panel please clarify if its recommendation is also that the clauses in 15.11.1.4 D1 should be deleted to remove this duplication? D1 therefore would only apply to non-compliances with the maximum road wall height Rule 15.11.2.12.	
RECOMMENDATIONS						
4.	Styx River Setback	Ch 15	-	Part 7 [180]	<p>The Panel's recommendation is to rezone 20 Radcliffe Road, Belfast to HRZ. The Council's reply recommended retaining the Styx River Setback QM to this site, which is tied to Chapter 15, as the site is currently commercially zoned and was notified as TCZ (see 15.4.3.2.2, 15.4.3.2.3, 15.14.4.1.1, 15.14.4.1.2, 15.14.4.1.3). The Panel's recommendation report appears to be silent on this QM, while the mark-up version of Chapter 15 has not modified associated provisions.</p> <p>Please confirm the Panel's recommendation for the Styx River Setback QM and if it is applicable to the rezoned HRZ. If accepted, this will require a consequential change to apply the rules within the HRZ sub-chapter as</p>	<p>The Panel notes that as a consequence of its recommendation to rezone the retirement village site at 20 Radcliffe Road, Belfast to HRZ, all the provisions in Chapter 15 relating to the Styx River Setback QM need to be deleted from the Town Centre Zone (TCZ) sub-chapter and the relevant provisions be relocated into the HRZ sub-chapter, as a new section under the heading:</p> <p>14.6.4 Area specific rules – High Density Residential Zone (Belfast/Northwood) Outline Development Plan area.</p> <p>The relevant provisions that need to be relocated (including consequential amendments) are set out in the table attached to Addendum Report 1 to Part 5 of the Recommendation Report.</p>

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					<p>the Panel has recommended the site is no longer commercially zoned.</p>	<p>The Panel also notes in the table that the extent of the Styx River Setback QM does not coincide with the geographic extent and location of the relevant provisions in Appendix 15.15.1 and the Council is to address this matter also.</p> <p>The above matters are covered in the Addendum Report accompanying the Panel's Minute, and include detailed directions on the amendments required to Chapters 14 and 15 in the table attached to the Addendum.</p>
5.	HRZ outside of Panel recommended catchment			Part 4 [69](b)	<p>The Panel recommendation is to zone those areas that were proposed by the Council to be HRZ to MRZ where these areas fall outside of the centre catchments recommended by the Panel. However, the recommendation notes that where the operative residential zone is more enabling of height or density than the MRZ the operative zone should be retained. For example, 1/48 Carlton Mill Road is in the ODP Medium Density Higher Height Limit overlay which permits a 30m height limit in this location and applies a specific recession plane diagram (Appendix 14.15.2 E if the height exceeds 11m). Other than that, the ODP rules are as for the RMD zone, i.e. consent required for 3 or more residential units, setbacks etc. The only additional enablement in the ODP</p>	<p>The Panel's recommendation is that for the specific areas identified by the Council, the 'three pathways' approach must be applied. Within this, if there are 'ODP' pathway standards that are more enabling of development than the MRZ would normally do, (such as a 30m height limit), then that / those standards should be carried over from the ODP pathway to the PC14 / MRZ pathway. How the Council provides that continuity across the consent pathways is up to it, but it could take the form of an overlay, or site-specific standards, or others - the Panel has no specific preference or recommendation.</p>

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
					<p>is height, in all other respects the MRZ is more enabling.</p> <p>Please confirm if rezoning these areas to MRZ but applying an overlay with area-specific rules to provide for the ODP level of enablement would meet the intent of the Panel for these areas.</p>	
6.	Airport noise recommendations	Ch 6.1	Yes	Part 4 [214], [217], [220], [244], {247}, [268], [273], [329 (b)], [347]	<p>In these paragraphs the Panel uses the term '65dB Ldn contour' in regard to operative District Plan rules, when the intention is likely to refer to the 'Air Noise Boundary', as used in the ODP [Evidence of Laurel Smith, para 40]; see the ODP definition of 'Air Noise Boundary'. Since 1999, the Air Noise Boundary in Christchurch has been the composite line formed by the outer extremity of the 65dB Ldn noise contour and the 95dB LAE contour. This is to make allowance in noise modelling for occasional landings over the City onto the cross-runway, with the 95dB LAE contour measuring the energy in single loud noise events, i.e. an aircraft flyover. The Air Noise Boundary as defined in Christchurch extends that contour over slightly more of Avonhead and Ilam than would be covered by the 65 dB Ldn contour on its own, but this makes no material difference to the debate on the 50dB Ldn contour. The 65dB Ldn noise contour itself is only used in the Christchurch ODP for noise monitoring</p>	<p>Yes the Council has identified some drafting inaccuracies in these paragraphs.</p> <p>The Panel confirms and that it was the Panel's intention for all references in Part 4 to the 65dB Ldn contour, it intended to refer to the 'Air Noise Boundary' as defined in the ODP.</p> <p>The Panel confirms that paragraph [329](b) should read "use of noise contours to identify areas most exposed to noise, prohibiting new noise sensitive activities within the <u>Air Noise Boundary</u>. Policy 6.1.2.1.5.b of the ODP, for example, uses these terms correctly".</p> <p>The Panel confirms that Chapter 6 noise rules will be retained in respect of both the Air Noise Boundary and the "65 dB Ldn engine testing contour".</p>

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					<p>(Rule 6.1.6.2.5.(a) (i)), where it is termed the 'Air Noise Compliance Contour'.</p> <p>Can the Panel please confirm that for all references in Part 4 to the 65dB Ldn contour, it intended to refer to the 'Air Noise Boundary' as defined in the ODP?</p> <p>Further, there appears to be an error in paragraph [329 (b)] which states: “...use of noise contours to identify areas most exposed to noise, prohibiting new noise sensitive activities within the 65dB Ldn engine testing contour”. While this statement is correct, in the context of the PC14 hearing, it is likely that the Panel intended to refer to noise from use of the airport’s runways, and prohibiting new noise sensitive activities within the Air Noise Boundary. Noise from on-aircraft engine testing is a separate issue with separate contours around the testing facility at Orchard Road.</p> <p>Can the Panel please confirm that paragraph [329(b)] should read "use of noise contours to identify areas most exposed to noise, prohibiting new noise sensitive activities within the <u>Air Noise Boundary</u>"? Policy 6.1.2.1.5.b of the ODP, for example, uses these terms correctly.</p> <p>Further, can the Panel please confirm that Chapter 6 noise rules will be retained in respect of both the Air Noise</p>	

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					Boundary and the "65 dB Ldn engine testing contour"?	
7.	Airport noise framework	Ch 6 / 14	No	See Appendix 4 to this memorandum of counsel	<p>Council has sought to summarise its understanding of the Panel's recommendations regarding the intended approach for each of the contours. Appendix 4 to this memorandum provides a brief summary which Council would be grateful to have verified by the Panel. This includes the verification of the ODP provisions that would apply within operative 55 dB areas or greater, which Council notes is only in relation to the Residential Suburban Zone.</p> <p>In relation to this document, Council seeks further clarification regarding the intended approach for residential activities within operative 55 dB areas or greater. The 15 August 2024 Addendum to Part 4 stated in [22](b) that the recommendation was to apply MRZ whilst also stating that "(...) <i>the ODP rules and standards applying to residential units and density are retained.</i>"</p> <p>As MRZ is intended to apply as the underlying zone, is the Panel's intention that all related MRZ provisions (other than those relating to residential units and density) would also apply, except where the ODP is more restrictive, or where a Pathway A approach is available?</p>	<p>See separate Table for airport noise provisions Panel recommended approach.</p> <p>The Panel is not sure what the Council means by 'except where the ODP is more restrictive, or where pathway A approach is available?'</p>

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					Council presumes that the Panel expect that ODP definitions would continue to apply to ODP provisions. Please clarify.	
8.	Radiocommunication pathways	Ch 6	Yes	Part 1 [256] Part 3 [158]	<p>In Part 3, at paragraph [158], the Panel refers to the Council's proposal for new buildings, additions or alterations within the radiocommunication pathways which have a building height of between 40 and 79m to be a non-complying activity.</p> <p>This statement is correct if the 'building heights' are taken as being above mean sea level at the Lyttleton Datum; however, it is not correct if building heights are taken from existing ground levels. This was explained in the evidence of Ms Small at paragraphs 30-36).¹⁰ Figure 1 in Ms Small's evidence shows the heights of the proposed radiocommunication pathways above existing ground levels, which range (in the image) between 28 and 48 metres high.</p> <p>The Panel has observed that: <i>"it is not clear that in a real-word sense a development enabled in response to Policy 3(a), (c)(ii) or (d) would breach the radio communication signal plane in any event"</i>. It is unclear whether, in making that observation, the Panel has understood that the proposed</p>	<p>The Panel records that there was specific discussion with Counsel for the Agencies during the hearing and our understanding is that the Radiocommunications rules wouldn't bite under PC 14, noting Ms Small's evidence at [38] despite the difference in height calculations at [30]-[36] and that the provisions were being requested out of convenience as this was a matter that had been the subject of a proposed plan change (PC 15). This is also addressed in the Council's s32 Report Part 2 at 4.13.</p> <p>The Panel refers the Council to the transcript recording for the morning session 1 on Thursday 26 October 2023 ~ 20mins onwards.</p> <p>In terms of scope the proposed QM was matter brought about by the requirements of Policy 3.</p>

¹⁰ [Evidence of Fiona Small for The Ministry of Justice, Fire and Emergency NZ, NZ Police, Hato Hone St John, Canterbury Civil Defence and Emergency Management Group - 19 September 2023](#)

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
					<p>qualifying matter could apply to buildings of heights as low as 28m.</p> <p>Because a building within CCMUZ could breach the enabled building height of the zone, any height restriction must be justified as a qualifying matter under Policy 4 of the NPS-UD.</p> <p>Can the Panel clarify how it has considered this aspect of the Radiocommunications Pathway QM?</p>	
9.	Approach to two QMs	Ch 6 & Ch 14		<p>Minute 52</p> <p>Part 1 [16]</p> <p>Part 1 [167](d)</p> <p>Part 3 [163]</p> <p>Part 4[434](c)</p>	<p>In Minute 52, the Panel clarified that its direction for officers to redraft Chapter 14 had not <i>"been arrived at simply by extrapolating the factual circumstances [in Waikanae]"</i> to PC14 and instead the Panel had applied the Act to the various issues before it.</p> <p>The Council seeks further clarification regarding the proposed Radiocommunication Pathways and Riccarton Bush Interface Area Qualifying Matters (QMs).</p> <p>These clarifications are sought because the Council is unclear from the Recommendation Reports why the Panel considers the qualifying matters to constrain activity permitted by the District Plan.</p> <p>In respect of both QMs, the permitted standards provided by both QMs are no</p>	<p><u>Radio Communications Pathway QM.</u></p> <p>The Panel understood Counsel for the Agencies to concede that providing for the Radio Communications Pathway was not a QM (as it did not restrict heights proposed by PC 14 as notified, or indeed as recommended by the Panel), however Counsel for the Agencies argued it was a 'related provision'.</p> <p>The Panel did not find that the Radio Communications Pathway provisions were related to the Policy 3 height enablements. Counsel indicated that the issue was an existing deficiency with regard to the ODP and one that they sought to correct using PC 14 instead of a separate plan change (see above comments).</p> <p>The Panel refers to Part 1 [181](f) where we found:</p>

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					<p>more restrictive than the <i>status quo</i> permitted development standards in the ODP. The Council understands the Panel's finding to be that controls proposed through an IPI should be no more restrictive than what is enabled as a permitted or controlled activity – i.e. what <i>status quo</i> development rights are guaranteed through operative controls.</p> <p>These proposed QMs involve changes to activity classes beyond permitted or controlled, i.e. to restricted discretionary or greater activities for which consent may be declined. The specific detail of how the Panel has applied the Act to these QMs was not provided by the Panel in Minute 52; the Council understands that in part this was because the Panel was awaiting the final requests for clarification now contained in this table.</p> <p>Council requests that the Panel clarify how it has applied the Act to the proposed qualifying matters of Radiocommunication Pathways QM and the Riccarton Bush Interface Area QM and detail any changes required to its recommendations.</p>	<p>Notwithstanding that a proposed QM, or amendment to or introduction of, other objectives, policies, rules and standards (provisions) into the operative plan may achieve the wider purpose of the RMA on their own merit, unless those provisions are related to and are supportive and consequential to the mandatory requirements of an IPI, they cannot be subject to the ISPP process and should be pursued through a standard Schedule 1 process.</p> <p><u>Riccarton Bush</u></p> <p>With regard to Riccarton Bush, the Panel found in summary that:</p> <p>(a) the existing provisions that apply within and on the boundary of Riccarton Bush in the ODP served to protect the values of Riccarton Bush and these included:</p> <ul style="list-style-type: none"> • Sites of Ecological Significance; • Outstanding Natural Features; and • Significant and Other Trees (particularly Rule 9.4.4.1.3 RD6 in relation to listed activities within 10 metres of the base of any tree in the Significant Trees area of Riccarton Bush); <p>(b) the MDRS enablements did not require the consequential application of an additional qualifying matter other than the application of</p>

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						<p>the three QMs listed in (a) (especially the Significant and Other Trees QM that includes the existing protection of Riccarton Bush);</p> <p>(c) the proposed change in the <i>status quo</i> activity status from restricted discretionary with prescribed matters of discretion when specific built form standards are not met to fully discretionary within the Riccarton Bush Interface Area (i.e. rules 14.4.1.4 D11 and 14.5.3.1.4 D3), does not support nor is it consequential on either the application of the MDRS or Policy 3 NPS-UD.</p> <p>Accordingly, the Panel has applied s80E(1)(b)(iii) of the Act¹¹ to determine that the proposed Riccarton Bush Interface Area provisions are not within the limited scope of an IPI (refer to [458] of Recommendation Report Part 5 – City Wide Qualifying Matters and to Part 1 [86]-[88], [164], [170], [181](f), also see Waikanae (HC) at [58](a), [61],[62])</p> <p>We note that at [434](e) there are a list of ODP standards that is stated should be retained in preference to the proposed provisions. This statement is repeated at [468].</p> <p>The Panel wishes to clarify that these statements are incorrect and should only refer to the Significant and Other Tree Rule 9.4.4.1.3 RD6 (i.e. 10m buffer). This is in accordance with the Panel's recording at [450] and [455] that the 10m boundary setback</p>

¹¹ Refer to [IHP Recommendations Report - Part 1 - 29 July 2024](#) at [86] - [88], [164], [170] and [181](f))

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						<p>buffer would protect the values of Riccarton Bush from residential intensification.</p> <p>The Panel sought to clarify this matter in its addendum to Part 5 of the Recommendation Report (refer to the amendment to “Paragraph [468]”) by adding the words ‘...<i>that related to Riccarton Bush</i>,...’. In hindsight, it would have been clearer if this amendment had referred specifically to Rule 9.4.4.1.3 RD6, and the amendment made also to [434](e).</p> <p>For the record, we also note that the Panel addressed the matter of a proposed increase in the ODP setback from the predator-proof fence associated with the Riccarton Bush Significant Trees Area in the sub-section Significant and Other Trees later in [470] to [512] of Part 5 of the Recommendation Report. The Panel concluded that the ODP 10m setback should remain.</p>
10.	Response to Low Public Transport Accessibility QM – Matters of Discretion	14.15.2.a.v ii		Part 4 [82] And [197]	<p>The Panel's recommendations on this topic discuss the potential for an additional matter of discretion for areas located within 800m of bus stops – i.e. the inverse of the proposed QM approach.</p> <p>The relevant recommendation report states: <i>"(...) we find that the most appropriate reflection of this opportunity would be within the Matters of Discretion where <u>4 or more dwellings</u> are proposed and otherwise where standards are proposed to be infringed, to make it clear that one (but not</i></p>	<p>The Panel's recommendation is that appropriate restrictions of discretion should apply to relevant applications, allowing the Council to consider the Site's location (800m to at least a high-frequency bus stop). On review of the Council's proposed provisions, the Panel satisfied itself that the Council had already largely provided for this, albeit in a more permissive way than the Panel identified was specifically relevant to the issue of enabling density and intensity where the City's urban form would best-support that (public transport</p>

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					<p><i>a determining) factor relevant to such applications is <u>whether the Site is within an 800m walkable distance of at least a high-frequency bus stop</u> and if the proposal is maximising the efficient use of the Site to provide housing. Accordingly, we have slightly amended the restrictions to accommodate this (the Council's reply infringements would be relevant but we find that building coverage also is)."</i></p> <p>At [197] the recommendation refers to matters of discretion 14.15.2(a)(vii) (proposals that infringe site density and site coverage standards), and 14.15.3(c)(i) (proposals that infringe the building height standard), but the relevant matter is only proximity to public transport corridors, not high frequency and not 800m (10min) walking catchment. Further, the two matters of discretion are not associated with 4 or more units, nor make any reference to walkable distances or high-frequency bus stops.</p> <p>The recommended wording of these matters of discretion appears ambiguous and could be difficult to associate with the nature of the non-compliance.</p> <p>Can the Panel please clarify whether it intended:</p> <ul style="list-style-type: none"> - for 14.15.2(a)(vii) and 14.15.3(c)(i) to apply as relevant to non- 	<p>corridors generally). The Panel found it would be inefficient and ineffective to add another restriction that would be at least duplicative and at worst just confusing for Plan readers, and that it would not be appropriate to narrow the Council's proposed discretion to only land within 800m of a high-frequency service corridor. The Panel's recommendation is that where an applicant seeks to intensify a site beyond the relevant Plan thresholds, proximity to passenger transport corridors (including being within 800m of a high frequency corridors) should be a relevant matter that might justify that. It is not the Panel's recommendation that the Council be given discretion to seek to force or require specific design or intensity outcomes on a Site based on its proximity to passenger transport corridors.</p> <p>The Council is correct that the recommended provisions do not expressly refer to 4+ dwellings or walking distances to high-frequency bus stops. The Panel does not consider that this is necessary; it is implicit in the circumstances that an applicant could credibly seek to use the restrictions to justify additional development scale and intensity on a site based on positive effects and/or otherwise efficiently using the passenger transport corridor (including consideration of what scale and quality of buses are provided on that corridor). In the scenario of a proposal</p>

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					<p>compliances associated with building coverage, site density, building height, and building setbacks; or</p> <ul style="list-style-type: none"> - to modify Residential Design principles (associated with 4+ units) accordingly; or - that a new matter of discretion was added specifically addressing the walkable distance to high frequency bus stops and whether site efficiency was maximised? 	<p>for only 1-3 dwellings but an infringement of the site coverage standard, it is difficult for the Panel to imagine how being close to bus corridors would be materially relevant to the Council's merits decision. It is the combination of 4+ dwellings and the infringement(s), which would allow an applicant to make a case that proximity to bus corridors is what is justifying additional (more efficient) use of land to accommodate housing, and that is turn is what justifies the built form standard infringements.</p> <p>In respect of the above the Panel does not agree that there is ambiguity bearing in mind that the restrictions in question are recommended in an enabling, not restrictive, way.</p> <p>In conclusion, the Panel agrees with the first option of the three set out in the Council's memo. However, the Panel does not consider that the road boundary building setback standard as being relevant to the public transport / additional intensity matter.</p>
11.	Consideration of Rural Hamlet Precinct				The Panel has recommended the rejection of the Council's proposal to introduce Residential Large Lot Zone over select parts of the operative Residential Hills Zone, instead favouring the retention of all operative controls within areas that contain	The Panel clarifies that Option 1 should apply, with the operative RSZ and overlay provisions being retained.

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					<p>an operative overlay or are subject to an ODP (Part 4 [68]). While the recommendations consider the Council-proposed Redmund Spur and Bridal Path precincts, it remains unclear what the recommendation is regarding the Rural Hamlet Precinct.</p> <p>As detailed in the Residential s32 evaluation report, the operative zoning for the PC14 proposed Rural Hamlet Precinct is Residential Suburban Zone with the Rural Hamlet Overlay. The operative overlay applies specific density, coverage, and noise insulation requirements, largely as a function of its dislocation from suburban areas and the influence of the 50 db Ldn Air Noise Contour. The Council proposal was (as per the recommendation logic of RHZ by the Panel) to see the collective controls not as a relevant residential zone and therefore sought to 're-house' this in accordance with National Planning Standards zone standards.</p> <p>Officers note that the current webmap planning maps for Panel validation still show this area (sites in the vicinity of Stella Close, Smacks Close, Springvale Gardens, and Haddon Lane) as Residential Large Lot with the Rural Hamlet Precinct.</p> <p>Considering the broader Panel recommendations, Council officers presume that the Panel intends that the</p>	

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					<p>recommendations for the Rural Hamlet Precinct are either:</p> <ul style="list-style-type: none"> a) Rejected, with operative RSZ and associated Overlay retained (as per RHZ response); or b) Rejected, with MRZ applying alongside new ventilation standard and insulation standard (as per Airport Noise response); or c) An alternative approach. <p>Please clarify.</p>	
MAPPING						
12.	North Halswell Outline Development Plan	Appendix 15.15.3 Appendix 8.10.4		Part 7 [73] Minute 53	<p>There appears to be an inconsistency in the Panel's recommendations between the residential Appendix 8.10.4 and the commercial Appendix 15.15.3 regarding the North Halswell Outline Development Plan and the commercial zoning. The Panel has accepted the change to modify the commercial-zoned extent of North Halswell, as per Minute 53, however has not consistently reflected this in the relief as sought by Woolworths NZ Limited (#740 – see page 511).</p> <p>Please clarify.</p>	<p>The Panel intention is that the North Halswell Outline Development Plan should be consistent with outcome of the Environment Court Consent Order as set out at Part 7 [73]. The Council did not carry across those changes into 15.15.3 in the Reply version. Accordingly, the Council will need to update 15.15.3 so that they give effect to the Environment Court Consent Order.</p>
13.	Alternative Zones for SP (Schools)			Chapter mark-up	<p>The Council requests that the Panel clarify what the alternative zone should be in the following circumstances (which is premised</p>	

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					<p>on the application of ODP zones as part of the RCA response):</p> <ol style="list-style-type: none"> <li data-bbox="1043 419 1518 911">1. Appendix 13.6.6.1, # 11 Beckenham School on Sandwich Rd: mainly RS zoning, but also some MRZ. If RSZ remains recommended, Council suggests RSZ despite there being no QM on the site, but fronts onto a street and adjoins a site that are part of a Character Area which has retained the ODP RS zoning. This would adopt the approach in the RCAs to zoning street-frontage sites. In this case the only MRZ site to adjoin the school site is a rear section. Please confirm appropriate zoning. <li data-bbox="1043 951 1518 1283">2. Appendix 13.6.6.1, #21 Cashmere Primary School: has mainly MRZ surrounding the school site but adjoins RH zoning in a Character Area. As with Beckenham School above, the school site partly adjoins a Character Area and fronts onto a street that is part of the Character Area. Please confirm appropriate zoning. 	<p>The Panel's recommendation is that existing RCA areas are zoned either MRZ or HRZ as the case may be. Accordingly, the Beckenham School should have an alternative zoning of MRZ.</p> <p>The Cashmere Primary School adjoins MRZ zoning to the east, north (apart from one property fronting Dyers Pass Road) and west (corner of Dyers Pass Road and Hackthorne Road). As noted above, the Panel's recommendation is that existing RCA areas are zoned either MRZ or HRZ. The application of the RH zone to the RCA is not in accordance with that recommendation.</p> <p>Accordingly, the Cashmere Primary School should have an alternative zoning of MRZ.</p>

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					<p>3. Appendix 13.6.6.1, #57 Linwood College and Linwood College Playing Fields: there appears to be an error showing Linwood College Playing Fields at Ferry Road as struck through when this site is shown on the planning maps as an operative Specific Purpose (School) Zone. Council suggests that Linwood College Playing Fields at Ferry Road should be not shown as struck through from the list. Please clarify.</p>	<p>The s32 report for the Specific Purpose (Schools) Zone, at paragraph 3.3.4 h. noted that names, location and alternative zones for most schools were updated. The notified version of Sub-Chapter 13.6 included deletions of the “Linwood College Playing Fields” and “Ferry Road”</p> <table border="1" data-bbox="1543 571 2047 632"> <tr> <td data-bbox="1543 571 1570 632">57</td> <td data-bbox="1570 571 1720 632">Linwood College and Linwood College Playing Fields</td> <td data-bbox="1720 571 1910 632">Aldwins Road and Ferry Road, Linwood</td> <td data-bbox="1910 571 1937 632">39</td> <td data-bbox="1937 571 2047 632">RSDT College RS-Playing Fields-MRZ</td> </tr> </table> <p>These changes were included in the copy of Sub-Chapter 13.6 appended to the s42A evidence of Ms Piper and were subsequently included in the version of the sub-chapter included in the Council Reply.</p> <p>The Panel understands that there are no playing fields on Ferry Road associated with Linwood College and it is assumed this is the reason for the Council proposed deletions.</p> <p>It is noted that designation L57 in Chapter 10 of the Operative District Plan still refers to Ferry Road and there is a designation on Ferry Road under L57, but it would appear there are no playing fields.</p> <p>The Panel recommends that Council review its own documentation to determine whether this is a Schedule 1 clause 16 matter that it can address.</p>	57	Linwood College and Linwood College Playing Fields	Aldwins Road and Ferry Road, Linwood	39	RSDT College RS-Playing Fields-MRZ
57	Linwood College and Linwood College Playing Fields	Aldwins Road and Ferry Road, Linwood	39	RSDT College RS-Playing Fields-MRZ							

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14.	Alternative Zones for SP (Tertiary) Zone (SPTZ)	Appendix 13.7.6.1		Chapter mark-up	<p>The Panel recommendations on PC14 for MRZ zoning to be retained as proposed in PC 14 as the Underlying Alternative zone for the UC Christchurch campuses does not appear to be reflected in Appendix 13.7.6.1 of the SPTZ. The marked-up version of the appendix has struck out MRZ and retained RS and RSDT, with a caveat regarding the airport noise contour.</p> <p>In line with the response to the above question about airport noise contours, can the Panel please clarify what the alternative zone framework should be?</p> <p>The Council had understood that MRZ is fully enabled in any 50 dBA area (operative and remodelled), subject to specific insulation and ventilation requirements and additional matter of discretion for 4 or more units, which addresses reverse sensitivity on the airport.</p>	<p>The Panel confirms that the "Alternative Zone" for rows 1 and 2 in Appendix 13.7.6.1 should just be 'MRZ'.</p> <p>The 'RSDT' and 'RS' in black should be deleted and the wording in purple should be deleted.</p>
REFERENCE CORRECTION						
15.	Submitter reference - Specific Purpose (Ōtākaro Avon River Corridor) Zone	-	-	Heading before para [103], p29, Glenara Family Trust	<p>The heading before para 103 refers to Glenara Family Trust but the submission reference quoted is #671, which is incorrect. Glenara Family Trust submission number is #91.</p> <p>Submission #671 was lodged by Larrisa Lilley and discusses areas suitable for intensification.</p>	The reference should be #91.

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
					Can the Panel please confirm that the submission reference number should be corrected to #91?	
DISTRICT PLAN CHAPTERS						
16.	Residential Design Principles	14.15.1	-	Chapter mark-up for 14.15.1.d	<p>Additional text has been recommended to be added under d. There is potential that the term "<i>all directly relevant</i>" in relation to effects is open to interpretation as to the extent of the restriction of discretion.</p> <p>Can the Panel please clarify where it intends for "directly relevant" to mean the matters of discretion listed under 14.15.1 as Principles 1 to Principles 7, and whether the following alternative wording may be a suitable alternative?</p> <p><i>To avoid doubt, when evaluating the principles the applicable reservation of control or discretion includes the actual or potential adverse or positive effects of the proposal as directly relevant to the principle/s under consideration.</i></p>	The Panel does not agree with the Council's concern as to the uncertainty "extent" of restrictions and does not consider any further clarification is required.
17.	Cross references to now deleted Financial Contributions Matters of discretion	Chapter 8, Rule 8.5.1.2 C8, C9 Matters of Control	-	Part 8, Appendix G –Chapter 8 mark-up, Rule 8.5.1.2 C8, C9 Matters of Control	<p>Cross-references to the now deleted matters of discretion for Financial Contributions and Tree Canopy Cover in Rule 8.7.12 are not shown as struck through.</p> <p>Can the Panel please confirm that these cross-references to Rule 8.7.12 in the</p>	The Panel confirms the deletions as shown.

#	Key Theme	Chapter/ Provision	Map/s	Panel Recommendati on Part #	Matter for Panel clarification	IHP Response/Comment
					<p>Matters of control column should be deleted as shown below?</p> <p>Rule 8.5.1.2 C8 – Matters of control a. <u>Rule 8.7.4 and,</u> b. <u>Where relevant, Rules 8.7.7-8.7.11 and 8.7.13;</u> <u>and</u> c. <u>Rule 8.7.12</u></p> <p>C9 – Matters of control a. <u>Rule 8.7.4 and,</u> b. <u>Where relevant, Rules 8.7.7-8.7.11 and 8.7.13;</u> c. <u>Rule 8.7.12</u> d. <u>If an application is (...)</u></p>	
18.	Rule for Character Area Overlays and Residential Heritage Areas – number of residential units per site	Chapter 14, Rule 14.5.3.2.7; Chapter 14 Rule 14.5.3.1.3. RD6		Part 5, paragraph 348; and Part 5, paragraph 393	<p>The proposed Residential Heritage Areas, and new and extended Residential Character Areas have been recommended to be deleted from the Plan Change. There is an orphan provision “a” remaining in this rule for RHAs which is not shown as struck through. Can the Panel confirm that this should also be struck through, as for the remainder of the RHA-specific provisions?</p> <p>Moreover, rule 14.5.3.2.7 RD6 has been inserted by the Panel, but in fact it is not required since the base Rule 14.5.3.2.7 has been deleted for Site Density in</p>	<p>The Panel clarifies that the following should be deleted:</p> <ul style="list-style-type: none"> • heading of “14.5.2-3.2.7 Number of residential units per site”; and • “a. In residential Heritage Areas (excluding Lyttelton) there must be no more than 2 residential units per site” <p>The Panel confirms that 14.5.3.1.3 RD6 should be deleted as the existing site density rules apply.</p> <p>In reviewing the RMZ provisions, the Panel noted that in the RS / RSDT recommended version of the chapter that the following rules were omitted from being shown as deleted:</p>

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					<p>Character Area Overlays. The view of Council staff is that the operative DP site density rule for existing Character Areas at either 14.4.2.1 i, for the RS zoning or 14.4.2.1.ii for the RSDT zoning applies.</p> <p>Can the Panel please confirm that is the case, and therefore that 14.5.3.1.3 RD6 should be deleted, as the remainder of the RCA provisions in the MRZ zone have been?</p>	<ul style="list-style-type: none"> • 14.4.3.1.3 RD8 Character Area Overlay; and • 14.4.3.1.5 NC3 <p>The Panel confirms they should be deleted.</p>
19.	Reference to the now deleted Tree canopy cover / Financial contribution rules	Chapter 14.9, Rule 14.9.2.13 – Tree and garden planting	-	Part 8, Appendix G – Chapter 14.9 mark-up in Rule 14.9.2.13	<p>Cross-reference to the now deleted rules for Financial Contributions and Tree Canopy Cover in Chapter 6.10A are not all shown as struck through.</p> <p>Can the Panel please confirm that these cross-references to Rule 14.9.2.13, clause (b) in the advice note should be deleted and shown in strikethrough?</p>	Yes

APPENDIX 3 – IHP Recommendations regarding Residential Zones affected by Airport Noise

Notes:

1. The Panel’s Recommendations are in relation to residential activity within the affected residential zones. Provisions that related to other sensitive activities within the RSZ would be retained in the new MRZ zone i.e. carried across. See Part 4 of the Recommendations Report¹² at [355].
2. The Panel’s Recommendations also apply to the ‘alternative residential zone’ provisions where these apply (such as Specific Purpose Tertiary).

Pathway	ODP 50dB Ldn	Land between ODP 50 dB Ldn and 2023 remodelled 50dB	Land now outside of operative and not within the remodelled 50dB Ldn	ODP 55dB Ldn Council’s Appendix 3 #7	ODP 65Ldn/ANB Council’s Appendix 3 #7
A Existing enablement that complies with the ODP Development Standards	Zone MRZ but retain ODP RS relevant Objectives, Policies, rules, definitions	Zone MRZ but retain ODP RS relevant Objectives, Policies, rules, definitions	Zone MRZ no ventilation and insulation standards (Part 4 at [291])	Zone MRZ but retain ODP RS relevant Objectives, Policies, rules, definitions	Zone MRZ but retain ODP RS zone relevant Objectives, Policies, rules, definitions
B Development that complies with the Activity and Development standards for the MRZ or HRZ as the case may be	Zone MRZ apply the MDRS which permit 1-3 units subject to meeting standards including all related provisions qualified by new insulation and ventilation requirements (see Addendum to Part	Zone MRZ apply the MDRS which permit 1-3 units subject to meeting standards including all related provisions but no insulation and ventilation requirements 4 plus residential units are RD as per MRZ/HRZ with addition of RD limited to managing reverse sensitivity	Zone MRZ – no ventilation and insulation standards and no airport RD.	Zone MRZ but retain ODP Objectives, Policies, rules, definitions for residential units and density, also for the avoidance of doubt any other ‘noise sensitive activities’ should continue to be regulated as per the ODP	Zone MRZ but retain ODP Objectives, Policies, rules, definitions for residential units and density, also for the avoidance of doubt any other ‘noise sensitive activities’ should continue to be regulated as per the ODP

¹² [IHP Recommendations Report Part 4 -29 July 2024](#)

Pathway	ODP 50dB Ldn	Land between ODP 50 dB Ldn and 2023 remodelled 50dB	Land now outside of operative and not within the remodelled 50dB Ldn	ODP 55dB Ldn Council's Appendix 3 #7	ODP 65Ldn/ANB Council's Appendix 3 #7
	4, 15 August ¹³ at [23]) 4 plus residential units are RD as per MRZ/HRZ with addition of RD limited to managing reverse sensitivity effects on the airport and compliance with insulation and ventilation requirements – subject to meeting all other relevant standards. (see Part 4 at [214] (d) and (e))	effects on the airport and compliance with insulation and ventilation requirements – subject to meeting all other relevant standards. (see Part 4 at [214] (f), unless more restrictive than status quo Part 4 [350])		Part 4, [214] (g) and [347] (d) and addendum and [355]	Part 4, [214] (h) and [347] (d) and addendum and [355]
C Development that does not comply with the Development Standards proposed for the MRZ or HRZ as the case may be	Zone MRZ Where Pathway B not met – in the case of 4 plus residential units these are RD with similar provision to RD 34 applying (i.e. consideration of reverse sensitivity effects and	Zone MRZ Where Pathway B not met – in the case of 4 plus residential units these are RD with similar provision to RD 34 applying (i.e. consideration of reverse sensitivity effects and appropriate insulation requirements)	Zone MRZ - no airport related provisions apply	Zone MRZ – but retain ODP Objectives, Policies, rules, definitions for residential units and density, also for any other 'noise sensitive activities'	Zone MRZ – but retain ODP Objectives, Policies, rules, definitions for residential units and density, also for any other 'noise sensitive activities'

¹³ [Addendum to Part 4 of the Recommendations Report 15 August 2024](#)

Pathway	ODP 50dB Ldn	Land between ODP 50 dB Ldn and 2023 remodelled 50dB	Land now outside of operative and not within the remodelled 50dB Ldn	ODP 55dB Ldn Council's Appendix 3 #7	ODP 65Ldn/ANB Council's Appendix 3 #7
	appropriate insulation requirements)				

ODP Residential Suburban residential activity and density standards to be carried across into MRZ for land within ODP 55dB and above: As per Appendix 4 of the Council Memorandum of 20 September 2024, however, the Panel expects that all other rules related to noise sensitive activities, outside of the scope of PC 14 would be also carried across into the MRZ as per the Recommendations Report Part 4 [355].

Residential Suburban residential activity standards to verify:

- a. P1 – Residential Activity, including specific standards
- b. P2 – Minor residential units, including specific standards
- c. P5 – Social housing complexes, including specific standards
- d. P6 – Older person's housing unit, including specific standards
- e. P7 – Retirement villages, including specific standards
- f. P9 – Conversion of a family flat, including specific standards
- g. P10 – Conversion of a residential unit, including specific standards
- h. P11 – Replacement of a residential unit with two residential units, including specific standards
- i. P12 – Construction of two residential units (previously vacant), including specific standards

Residential Suburban residential built form standards to verify*:

- a. 14.4.2.1 Site density (except a.ii. and iv.)
- b. 14.4.2.2 Tree and garden planting (social housing only)
- c. 14.4.2.3 Building height (except a.iii.)
- d. 14.4.2.4 Site coverage (except a.iii.)
- e. 14.4.2.5 Outdoor living space (except a.ii.)
- f. 14.4.2.6 Daylight recession planes (only as applicable to Residential Suburban Zone) (note FMA exemptions too)
- g. 14.4.2.7 Minimum building setbacks from internal boundaries and railway lines (except a.vii. and a.viii.)
- h. 14.4.2.8 Minimum setback for balconies and living space windows from internal boundaries
- i. 14.4.2.9 Road boundary building setback (including Figure 3 and Figure 4 and associated Chapter 7 setback requirements)
- j. 14.4.2.11 Water supply for fire fighting
- k. 14.4.2.12 Service, storage and waste management spaces (for social housing only)

**Noting multi units are fully discretionary in RSZ so built form standards do not apply.*