

To The Independent Hearings Panel on Change 14 to the Christchurch City Plan

From **David Mountfort, Planning Consultant to the Glenara Trust**

- 1) In its Minute 29 to the parties, the Panel requested the Glenara Trust to “discuss with Council and respond to the Panel regarding references that may not be correct under the ‘restricted discretionary’ criteria”.
- 2) This Minute addresses that request and also reviews certain other matters that were discussed at the hearing of the Glenara Trust’s submission but not specially referred to in Minute 29.
- 3) Discussions have occurred between David Mountfort, planning consultant for the Glenara Trust and Anita Hansbury, Senior Planner for the Christchurch City Council (the planners). As a result, we recommend the following alterations to the provisions of Change 14 sought in the Glenara Trust Submission and recommended in the s42A report by Anita Hansbury.
- 4) Text proposed here by the planners to be deleted is shown in ~~bold orange with orange strike through~~. Text to be inserted is shown in Text in bold orange with bold orange with orange underline. Text in bold purple with purple underline was proposed to be added as part of Proposed Plan Change 11 and proposed to be adopted by PC14. Text in ~~bold purple with purple strikethrough~~ shows text to be deleted.
- 5) A copy of the full text of Chapter 13.14 Specific Purpose Otakaro Avon River Corridor Zone is incorporating these amendments is attached.

Proposed Amendments

1. Clause 13.14.3 How to interpret and apply the rules

Amend as follows

- a. The rules that apply to activities in the Specific Purpose (Ōtākaro Avon River Corridor) Zone are contained in the activity status tables (including any activity specific standards) in [Rule 13.14.4.1](#) and the built form standards in [Rule 13.14.4.2](#). Provided that where ~~Where a site has an alternative zone listed in Appendix 13.14.6.2,~~ only the activity specific standards and built form standards for that zone apply, as set out in the activity status tables in Rule 13.14.4.1, in addition to any applicable the activity and/or built form standards in Rules 13.14.4.1.1 to 13.14.4.1.5 and the built form standards in Rule 13.14.4.2 as specified in Rule 13.14.4.1.1 P23 and P33.

Reason for amendment

This amendment is to make clear where a site has an alternate zone, activities are to be assessed primarily by the provisions of the alternate zone in Chapter 14, and the provisions of the SPOARC zone in Chapter 3 apply only to the extent specified. The original wording is considered by the planners to be confusing.

2. 13.14.4.1.1 Permitted activities

Amend as follows

P23	Any activities or facilities within a residential unit established under Rule 13.14.4.1.3 RD5, located within an Edge Housing Area Overlay shown on the Development Plan in Appendix 13.14.6.1 which would be permitted activities in the Residential Suburban or Residential Suburban Density Transition, or Medium Density Residential Zone under Rules 14.4.1.1 P1, P13 - P14, P25 - P28 or Rule 14.5.1.1 P1, P3 - P4, P14 - P15, P18 - P19.	<p>a. The activity shall meet the activity specific standards of the applicable activity under the Residential Suburban or Residential Suburban Density Transition or Medium Density Residential Zone Rule 14.4 and 14.5.</p> <p>b. <u>The built form standards in Rules 13.14.4.2.1, 13.14.4.2.3, 13.14.4.2.6, 13.14.4.2.7, 13.14.4.2.10 and 13.14.4.2.11.</u></p> <p>c. <u>For any residential activity in the Edge Housing Area at 254 Fitzgerald Avenue, vehicle access to the site shall be limited to Harvey Terrace only.</u></p> <p>(Proposed Private Plan Change 11)</p>
P33	Any activities or facilities on a site listed in Appendix 13.14.6.2 and identified with an Alternative Zone of RMDMRZ , which are permitted activities under Residential Medium Density Residential Zone Rule 14.5.1.1 P1, P3 - P4, P4 - P6, P14 - P15, P18 - P19, P16 - 17, P20 - P21.	<p>a. The built form standards in Rule 13.14.4.2 do not apply.</p> <p>b. The activity shall meet the applicable activity specific standards and built form standards of the Residential Medium Density Residential Zone.</p> <p>c. <u>For any residential activity on the sites at 5 Harvey Terrace listed in Appendix 13.14.6.2, vehicle access to the site shall be limited to Harvey Terrace only.</u></p> <p>(Proposed Private Plan Change 11)</p>

Reason for amendment

This amendment is to make clear that where a site has an alternate zone, the Activity Specific and Built Form Standards to be applied are those of the alternate zone except where specified to include relevant site-specific provisions from the SPOARC zone.

3. Rule 13.14.4.1.3 Restricted Discretionary activities, RD1, RD5 and RD8

Amend as follows.

RD1	a. Any activity listed in Rule 13.14.4.1.1 P1 - P22, P24 - P32, P34 - P43 and Rule 13.14.4.1.3 RD2 -	a. As relevant to the built form standard that is not met:
-----	---	--

	<p>RD7 that does not meet one or more of the built form standards in Rule 13.14.4.2, unless otherwise specified.</p> <p>b. Any application arising from this rule shall not be publicly notified.</p>	<p>i. Road boundary setback – Rule 13.14.5.3</p> <p>ii. Internal boundary setback – Rule 13.14.5.4</p> <p>iii. Outdoor storage areas – Rule 13.14.5.5</p> <p>iv. Fencing – Rule 13.14.5.6</p> <p>v. Recession planes – Rule 13.14.5.7</p> <p>vi. Water supply for firefighting – Rule 13.14.5.8</p> <p>vii. Ecological enhancement planting – Rule 13.14.5.9</p> <p>viii. Onsite car parking and vehicle access – Rule 13.14.5.11</p> <p><i>(Proposed Private Plan Change 11)</i></p>
(...)	(...)	(...)
RD5	<p>a. Residential units located within an Edge Housing Area Overlay shown on the Development Plan in Appendix 13.14.6.1.</p> <p>b. Any application arising from this rule shall not be publicly notified.</p>	<p>a. Onsite car parking and vehicle access – Rule 13.14.5.11</p> <p>b. Edge and Trial Housing residential design principles – Rule 13.14.5.13;</p> <p>c. For the site at 254 Fitzgerald Avenue, the extent to which the design and layout of the activity, including landscaping, would assist to provide a clear visual edge and transition between the sites and the adjacent Green Spine.</p> <p><i>(Proposed Private Plan Change 11)</i></p>
RD6	<p>a. Residential units located within a Trial Housing Area Overlay shown on the Development Plan in Appendix 13.14.6.1, including where these activities occur on the surface of water.</p> <p>b. Any application arising from this rule shall not be publicly notified.</p>	<p>a. Edge and Trial Housing residential design principles – Rule 13.14.5.13</p>
RD7	<p>a. Any earthworks or indigenous vegetation clearance within a Landing Overlay within (...)</p>	<p>a. Green Spine Infrastructure – Rule 13.14.5.2</p> <p>b. Inanga spawning sites – Rule 13.14.5.14</p>

RD8	<p>a. <u>Any activity listed in Rule 13.14.4.1.1 P23 and P33 on a site identified with an alternative zone of Residential Suburban or Residential Suburban Density Transition, or Medium Density Residential Zone, as specified in Appendix 13.14.6.2, that does not meet one or more of the activity specific standards or built form standards of the applicable alternative zone in Rules 14.4.1.1 and 14.4.2 or Rules 14.5.1.1 and 14.5.2, and/or activity specific or built form standards specified in Rule 13.14.4.1.1 P23 and P33, unless otherwise specified.</u></p> <p>b. <u>Any application arising from this rule shall not be publicly notified.</u></p>	<p>a. <u>Matters relevant to the activity specific standard or built form standard that is not met as listed in the applicable Rule 14.4.1.3 or Rule 14.5.1.3; and</u></p> <p>b. <u>Onsite car parking and vehicle access – Rule 13.14.5.11; Matters relevant to the built form standard that is not met as listed in Rule 13.14.4.1.3 RD1; and/or</u></p> <p>c. <u>For a site within an Edge Housing Area Overlay in Appendix 13.14.6.1, matters specified in Rule 13.14.4.1.3 RD5; and</u></p> <p>d. <u>For the sites at 254 Fitzgerald Avenue and 5 Harvey Terrace, the extent to which the design and layout of the activity, including landscaping, would assist to provide a clear visual edge and transition between the site and the adjacent Green Spine.</u></p>
-----	--	--

Reason for amendment

This amendment applies to the sites at 254 Fitzgerald Avenue and 5 Harvey Terrace. Applications for restricted discretionary activities on these sites will not be made under RD1, rather they will be made and assessed under RD5 and the new RD8 proposed in the amended chapter 13 attached to this memorandum. RD1 is for activities on sites other than those listed in Appendix 13.14.6.2.

4. Permitted Building Heights

Amend as follows

13.14.4.2 Built form standards

13.14.4.2.6 Building height

The maximum height of any building shall be as follows, except that this shall not apply to activities specified in Rule 13.14.4.1.1 P30:

	Applicable to	Standard
i.	<u>Buildings</u> within the Green Spine.	8 metres
ii.	<u>A. Residential units</u> located within an Edge Housing Area Overlay or a Trial Housing Area Overlay, <u>except as specified in B.</u>	8 metres
	<u>B. For the site at 254 Fitzgerald Avenue listed in Appendix 13.14.6.2 located within the Edge Housing Area Overlay.</u>	<u>11 metres</u>

	Applicable to	Standard
iii	Buildings located within the Ōtākaro Loop Reach, Horseshoe Lake Reach or Eastern Reaches, except where specified in ii. above.	12 metres

Reason for amendment

This amendment is to provide for the maximum building height at 254 Harvey Tce to be 11 metres. This is consistent with the adjacent sites at 256 Fitzgerald Avenue and 5 Harvey Tce and with the landscape evidence provided at the hearing by the Glenara Trust and the Council.

5. 13.14.5 Rules - Matters of control and discretion

13.14.5.11 Onsite car parking and vehicle access

- a. The extent to which the car **parking area**:
 - i. Will be visually prominent in the surrounding environment;
 - ii. Is of a scale that will detract from the general character of the area within which it is located, as outlined in Policy [13.14.2.1.1](#);
 - iii. Will give rise to nuisance effects;
 - iv. Will be designed and landscaped to mitigate visual effects, including consideration of the General Rules and Procedures, Appendix [6.11.6](#), Part B: Tree species information and guidance only, non-statutory requirements;
 - v. Will promote a safe physical environment and reflect **CPTED** principles; and
 - vi. May impact on cultural considerations including provision for the integrated management of stormwater, impacts on access and extent of indigenous planting and habitats, and the relationship to sites and features that are wāhi tapu and wāhi taonga.
- [b. The extent to which the location of vehicle access to residential properties at 254 Fitzgerald Avenue and 5 Harvey Terrace will affect the safety and efficiency of traffic movements on Fitzgerald Avenue, and impact on the continuity of landscaping treatment along Fitzgerald Avenue.](#)

[\(Proposed Private Plan Change 11\)](#)

Reason for amendment

This amendment is to ensure that traffic and landscaping considerations are taken into effect when restricted discretionary applications for these properties,

6. 13.14.5.13 Edge and Trial Housing residential design principles

- a) The extent to which the design of the development will complement the surrounding natural and cultural environment, including the intended indigenous natural environment of the Ōtākaro Avon River Corridor and any features or sites of significance to Ngāi Tahu.

- b) The extent to which the development contributes to the adjacent street and public open spaces (including the Ōtākaro Avon River) within the Ōtākaro Avon River Corridor being lively, safe and attractive, including:
- i. The extent to which the development orientates building frontages including entrances and windows to **habitable spaces** toward the street and adjacent **public open spaces**;
 - ii. The avoidance of garages or **parking areas** that will dominate the frontage of the development; ~~and~~
 - iii. The extent to which the location of vehicle access to the residential property at 254 Fitzgerald Avenue will impact the continuity of landscaping treatment along Fitzgerald Avenue and affect the safety and efficiency of traffic movements on Fitzgerald Avenue; and
 - iv. The degree to which fencing enables interaction between the house and public space.

(...)

Reason for amendment

The reason for this amendment is to make the residential design principles consistent with the matters for discretion in Amendment 5 above.

Other **Matters arising** from the hearing of the Glenara Family Trust submission.

7. Positive Effects

At the hearing of the Glenara Trust submission there was discussion of the possibility of adding positive effects to the matters for discretion for the relevant restricted discretionary activities. We therefore propose the following additional matters for discretion for restricted discretionary activity RD5 and RD8 in Rule 13.14.4.1.3.

	Activity	The Council's discretion shall be limited to the following matters:
RD5	<ul style="list-style-type: none"> a. Residential units located within an Edge Housing Area Overlay shown on the Development Plan in Appendix 13.14.6.1. b. Any application arising from this rule shall not be publicly notified. 	<ul style="list-style-type: none"> c. <u>For the site at 254 Fitzgerald Avenue, the extent to which the design and layout of the activity, including landscaping, would assist to provide a clear visual edge and transition between the sites and the adjacent Green Spine.</u> <p>(Proposed Private Plan Change 11)</p>
(...)	a. (...)	a. (...)

RD8	<p>a. <u>Any activity listed in Rule 13.14.4.1.1 P23 and P33 on a site identified with an alternative zone of Residential Suburban or Residential Suburban Density Transition, or Medium Density Residential Zone, as specified in Appendix 13.14.6.2, that does not meet one or more of the activity specific standards or built form standards of the applicable alternative zone in Rules 14.4.1.1 and 14.4.2 or Rules 14.5.1.1 and 14.5.2, and/or activity specific or built form standards specified in Rule 13.14.4.1.1 P23 and P33, unless otherwise specified.</u></p> <p>b. <u>Any application arising from this rule shall not be publicly notified.</u></p>	<p>b. <u>For the sites at 254 Fitzgerald Avenue and 5 Harvey Terrace, the extent to which the design and layout of the activity, including landscaping, would assist to provide a clear visual edge and transition between the site and the adjacent Green Spine.</u></p>
-----	--	---

8. Alternative Zoning

At the hearing the Panel asked for clarification of the Trust's preference on whether the alternative zoning of its properties should be Medium Density Residential or High Density Residential. The Trust's clear preference is for Medium Density Residential. The Trust has no view on the alternative zoning of other properties in Appendix 13.14.6.

Signed and submitted on behalf of the Glenara Family Trust



D.L. Mountfort

Date 2 May 2024